

Meeting of the Hawke's Bay Regional Council

Date: 27 March 2024
Time: 1.30pm
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Attachments excluded from Agenda

Item	Title	Page
5.	Report and recommendations from the Risk and Audit Committee	
	Attachment 2: Ernst and Young Control Findings Report for the year ended 30 June 2023	2
	Attachment 3: Telarc December 2023 QMS Assessment Report	15
	Attachment 4: Crowe October 2023 Internal Audit Data Analytics Report	38
	Attachment 5: March 2024 Assurance Universe	55
8.	Recommendations from the Environment & Integrated Catchments Committee	
	Attachment 1: Proposed policy on dangerous dams, earthquake-prone dams and flood-prone dams 2024	57
	Attachment 2: Statement of proposal - Proposed policy on dangerous dams	64
9.	HBRC Standing Orders - 2024 proposed amendments	
	Attachment 1: 2024 proposed amended HBRC Standing Orders	69
	Attachment 2: 2024 HBRC Workshop Guidelines updated	132
11.	Hawke's Bay Regional Investment Company	
	Attachment 1: Draft HBRIC Statement of Intent 2024-2025	138
13.	Restoring our environment	
	Attachment 1: Restoring our environment - Our recovery journey	149



Hawke's Bay Regional Council

Report on Control Findings for the year ended
30 June 2023



WELCOME

Dear Management Team

We have completed our audit of the financial statements and performance information of Hawke's Bay Regional Council ("Council" or "HBRC") for the year ended 30 June 2023.

This Report on Control Findings includes all control matters and issues arising from our audit findings that we consider appropriate for review by management.

In accordance with Auditor-General's Auditing Standards we have gained an understanding of internal controls, as relevant to the audit, in order to assist in the design of our audit procedures. Our audit does not address all internal control and accounting procedures and is based on selective tests of accounting records and supporting data and is not designed to make detailed recommendations. As a result our procedures would not necessarily disclose all weaknesses in the Council's internal control environment, and you should not assume that there are no additional matters that you should be aware of in meeting your responsibilities. We have provided our comments along with individual risk ratings as assessed by us. We have not considered the impact of risks ratings being combined with either other findings we have raised or other risks identified internally by HBRC.

We wish to express our appreciation for the courtesies and co-operation extended to our team during the course of their work. If you have any questions or comments, please do not hesitate to call me on 021 923 431 or Ahmed Sofe on 021 679 586.

Yours faithfully,



David Borrie
Partner



Ahmed Sofe
Associate Director

CONTENTS

02

Executive Summary

03

Medium Risk Observation

Reconciliation of community loans 03

04 - 10

Low Risks Observation

Service Performance Reporting: Performance measures should be reported against annually 04

Service Performance Reporting: Certain performance measures can be enhanced to focus on outputs and outcomes rather than processes or legislative compliance requirements 05

Enhance internal controls relating to the rates setting process 06

04 - 10

Low Risks Observation (cont'd)

Improve employee entitlement calculations to be more system based 07

Review of earnings multiples used for capitalisation of HBRC management and governance costs 08

Approval of Chair and Chief Executive expense reimbursement 09

Maintain, and regularly reconcile, a fixed asset register for infrastructure assets 10

11

Appendices



EXECUTIVE SUMMARY

Hawke's Bay Regional Council

For the year ended 30 June 2023

The following table provides an overview of the number of observations and our assessment of the associated risk.

	H	M	L	
Open	-	-	8	8
New	-	1	6	7
Closed		-	(7)	(7)
Total Open Observations at 30 June 2023	-	1	7	8

Overview of Risk Rankings

To ensure that you can prioritise the rectification of the control insights, we have categorised the rankings as follows. Though we have rated each insight individually on a stand-alone basis, you should also assess the collective impact of these matters, together with other findings from within your organisation:

H Need substantial improvement
Immediate corrective action is recommended

M Need significant improvement
Corrective action is recommended, generally within 6 months.

L Need some improvement
Corrective action is recommended generally within 6 to 12 months.

Disclaimer: Issues identified are those found within the course of the 30 June 2023 year-end audit. Recommendations are intended solely for the use of the Council's management. We disclaim any assumption of responsibility for any reliance on this report, to any person other than the Council for any purpose other than that for which it was prepared.



EXECUTIVE SUMMARY







MANAGEMENT LETTER

APPENDICES

page 2

EY | Hawke's Bay Regional Council | For the Year ended 30 June 2023








Medium Risk Observations

 Risk Rating	 Area	 Observations	 Risk	 EY Recommendation	 Management's Response
M	Reconciliation of community loans	<p>Hawke's Bay Regional Council has a book of community loans. These loans are primarily granted to rate payers so they can transition to energy efficient homes. The loans are normally repayable via a targeted rate over a 10 year period.</p> <p>The Council utilise the following three systems to manage and maintain the community loans.</p> <ul style="list-style-type: none"> Shimes database records the original loan balance, underlying loan documentation, interest rate, and details of services and supplier records such as quotes and payments made to suppliers on behalf of rate payers. MagiQ rates system records repayments collected through rates, but not the loan balance at the end of each period. TechOne general ledger records the loan balance at the end of each period but in aggregate and not on a loan by loan basis. <p>Each system reflects different components of the relevant information and loan balances are not periodically reconciled to the underlying data.</p> <p>As the data is extracted from various systems to determine the outstanding community loan balances, Council manually calculates the period end balances in an excel document. This process includes using some approximations such as interest rates, expected payment intervals, and at times the loan start and end dates to calculate the present values of loans at balance date. This method is inherently susceptible to human error. The reconciliation was not completed for FY23 until we requested the reconciliation as part of the financial statement audit process and the final reconciliation included an unexplained variance of \$465k between the calculation and the general ledger.</p>	Without a reconciliation for community loans being prepared on a periodic basis there is a risk either financial reporting is incorrect or underlying loan records are incorrect and these inaccuracies aren't identified on a timely basis.	<p>To mitigate the risk identified, management should:</p> <ul style="list-style-type: none"> Manually reconcile individual loan balances to the aggregate loan balance per the general ledger on a periodic basis ensuring all variances are resolved. Individual loan balances used in the reconciliation process should be able to be proved by rolling forward the balance based on the transactions in the period. Review options for how to better integrate the relevant systems to remove the need to complete the reconciliation work manually. 	<p>For each individual loan we are comfortable that our systems and records allow us to show a transaction history and calculate a loan balance at any point in time. However, due to system limitations we are unable to generate a report of the collective total loan balance at a point in time to reconcile to the general ledger balance.</p> <p>In the absence of this we manually prepare a spreadsheet estimating what the total balance should reasonably be, this was not prepared ahead of audits visit this year but we will ensure this is completed and provided to audit earlier going forward.</p> <p>We are currently reviewing the community loans programme as part of the LTP process, following that, a plan and timelines will be put in place.</p> <p>Responsibility: Senior Group Accountant and CFO</p> <p>Timeline: TBD</p>



EY | Hawke's Bay Regional Council | For the Year ended 30 June 2023







Low Risk Observations

 Risk Rating	 Area	 Observations	 Risk	 EY Recommendation	 Management's Response
 Performance measures should be reported against annually		The current performance framework was set during the last Long Term Plan ("LTP") process. Council has an opportunity to revise the performance framework as part of the planning process currently underway. There were several performance measures that were not reported against for the year ended 2023 either because the measures were reliant on externally sourced data that is not available annually or because Council did not plan to undertake the relevant studies for the 2023 year (i.e. stakeholders surveys). The effectiveness of measures is reduced if results cannot be reported annually at a minimum. Given the current pace of change a year is a long time between measurements plus it would take three years for enough data to be available for a reasonable trend analysis. We acknowledge Council has decided not to complete certain surveys due to the impact of Cyclone Gabrielle, but the surveys referred to above aren't not measured due to Cyclone disruptions. For a full list of measures that were not measured in FY23 refer to table 1 in the Appendices.	<ul style="list-style-type: none"> There is a risk that Council isn't meeting its obligations to report to the community on an annual basis. Measurement periods longer than a year make meaningful trend analysis on a timely basis difficult. 	We recommend Council consider adopting measures where results are able to be measured annually.	<p>Staff agree that internal surveys should and can be carried out and reported annually. However, there is an affordability issue to engage resident surveys more than 2-yearly. These surveys are used to help ascertain our resident's attitudes, awareness of the work of HBRC and identify preferred methods of communication. We believe that 2-yearly is adequate for our purposes.</p> <p>Responsibility: Team Leader Strategy and Performance</p> <p>Timeline: Completed</p>



EY | Hawke's Bay Regional Council | For the Year ended 30 June 2023

Low Risk Observations

					
Risk Rating	Area	Observations	Risk	EY Recommendation	Management's Response
<p>L Certain performance measures can be enhanced to focus on outputs and outcomes rather than processes or legislative compliance requirements</p>		<p>A performance measure should relate to outputs or outcomes and be useful, meaningful, and reliable. The Auditor-General's Auditing Standard 4 <i>The Audit of Performance Reports</i> defines outcomes as changes in the state, condition, effects on, or consequences for the community, society, economy, or environment resulting from the existence and operations of the public entity.</p> <p>Some of the HBRC performance measures could be improved through focusing on outputs and outcomes rather than processes and legislative compliance requirements. This allows readers to assess how effectively the Council has delivered services over the course of the year and the impact of those services on the community. For example, the measure "Following a flood event, affected areas are surveyed and repairs are programmed" could be enhanced by focusing on the timeliness or quality of the fix rather than the process. Another example is measures that relate to business as usual activities such as compliance with legislation or conducting meetings in accordance with guidelines.</p> <p>A list of measures that should be considered for improvement are included in table 2 of the appendices.</p>	<p>There is a risk the chosen measures are not comprehensive enough to provide a system wide performance assessment.</p>	<p>We encourage the Council to review performance measures as part of the current planning process and make changes to improve the performance framework.</p>	<p>HBRC has a mix of process, output and outcome measures. Whilst we agree that output and outcomes measures are preferable, given the nature of some services we provide as a regional council we rely on process measures to cover the full range of our services and provide us with a broad platform to tell the story for the relevant year and explain the outcomes for the community. We can always look to improve the commentary with specificity where required. The example of the completion of the planned capital flood protection programme was a good illustration of where additional information (e.g. how much of the programme was completed) improved the commentary. There are some of the measures under Emergency Management that we will look at dropping next LTP - particularly where there is already a legislation requirement. The wording of some of these measures could certainly be improved to provide more clarity and we will undergo a process to review and make changes where we see fit.</p> <p>Responsibility: Team Leader Strategy and Performance</p> <p>Timeline: For the year ended 30 June 2024.</p>



EY | Hawke's Bay Regional Council | For the Year ended 30 June 2023

Low Risk Observations

 Risk Rating	 Area	 Observations	 Risk	 EY Recommendation	 Management's Response
L Enhance internal controls relating to the rates setting process		<p>Our review of the rates set by the Council identified a transposition error in the preparation of the rates resolution for the 2022/23 rating year. The error related to rates factors for the Central Hawke's Bay and Wairoa constituencies being inadvertently transposed in the rates resolution, resulting in the incorrect rates resolution being approved by Council.</p> <p>The amounts invoiced to rating units in these constituencies was the amount intended to be set as the rate factor and would have been, but for the error. The funding impact statement (FIS) in the annual plan 2022/23 also states the correct amount.</p> <p>Council sought legal advice in respect of this matter and the error was corrected by passing a Council resolution to reset the rates prior to 30 June 2023.</p>	<p>Potential risks include:</p> <ul style="list-style-type: none"> Incorrect rates being billed and recorded. Legal disputes relating to the validity of rates strikes. 	We recommend management enhance internal controls for the rates setting process. In particular; checking for consistency between the rates factors determined by Council's internal modelling and the factors included in the Council resolution setting the rates is important.	<p>Management will ensure the rates resolution is reviewed and cross referenced to internal modelling and external reporting to ensure consistency. Management are also looking at some new software for the annual report that will allow for transfer of tables from Excel rather than manual entry to reduce the risk of human error.</p> <p>Responsibility: Finance Manager and Senior Group Accountant</p> <p>Timeline: For the year ended 30 June 2024.</p>



EY | Hawke's Bay Regional Council | For the Year ended 30 June 2023

Low Risk Observations

 Risk Rating	 Area	 Observations	 Risk	 EY Recommendation	 Management's Response
 Improve employee entitlement calculations to be more system based	HBRC is unable to generate employee entitlement position reports directly from TechOne. Instead; a manual calculation is completed in a spreadsheet to determine employee entitlement positions (i.e., annual leave, TOIL, LSL, etc.) at year end.	The manual calculation increases the risk of incorrectly calculating employee entitlements.	The Council should consider opportunities to utilise a system based calculation of employee entitlements or to reduce the level of manual calculations currently required. We understand further configuration of the TechOne system may be beneficial.	Management acknowledge this and are actively reviewing and improving the configuration of the TechOne system to enable the reports to be run out of the system. Responsibility: Senior Group Accountant Timeline: For the year ended 30 June 2024.	



EXECUTIVE SUMMARY

MANAGEMENT LETTER

APPENDICES

page 7

EY | Hawke's Bay Regional Council | For the Year ended 30 June 2023

Low Risk Observations

 Risk Rating	 Area	 Observations	 Risk	 EY Recommendation	 Management's Response
L	Review of earnings multiples used for capitalisation of HBRIC management and governance costs	<p>The valuation of HBRIC Limited was based on the value of its shareholding in NPHL, net assets of FoodEast, value of managed funds and loans, less the value of debt and future management costs.</p> <p>The earnings multiplier used for management costs was based on a CCO valuation completed by a third party in 2019. Costs were capitalised using an earnings multiplier of six.</p>	There is a risk that the multiplier used no longer reflects the best estimate based on current conditions at the valuation date.	<p>We recommend that management continues to assess whether the earnings multiplier used for capitalisation of management and governance costs remains appropriate for each year.</p> <p>Consideration should be given to obtaining an updated third party valuation of the HBRIC group given the time that's passed since the last valuation.</p>	<p>Management will continue to assess whether the earnings multiplier used for capitalisation of management and governance costs remains appropriate for each year.</p> <p>Responsibility: Senior Group Accountant</p> <p>Timeline: Annually</p>



EXECUTIVE SUMMARY







MANAGEMENT LETTER

APPENDICES

page 8

EY | Hawke's Bay Regional Council | For the Year ended 30 June 2023

Low Risk Observations

					
Risk Rating	Area	Observations	Risk	EY Recommendation	Management's Response
<p>L</p> <p>Approval of Chair and Chief Executive expense reimbursement</p>	<p>In our testing of sensitive expenditure, we observed that the Chair and Chief Executive (CE) expense reimbursements were approved by the CFO. The OAG defines sensitive expenditure as any spending by an organisation that could be seen to be giving private benefit to a staff member, their family, or friends.</p> <p>In addition, several SLT expense claims were approved by an Executive Assistant on behalf of the CE.</p> <p>Per the HBRC sensitive expenditure policy, and guidance provided by the OAG re expense claim approvals, an expense claim should be:</p> <ul style="list-style-type: none"> ➤ Made only when budgetary provisions and delegated authority exist. ➤ Approved by a person senior to the individual who will benefit or might be perceived to benefit from the sensitive expenditure (the "the one-up" principle). This principle means that sensitive expenditure incurred by the SLT should be approved by the CE. Sensitive expenditure incurred by the Chief Executive should be approved by a Councillor. A suitable arrangement should be put in place for the Chair's expenditure (i.e. could be approved by the Chair of the Risk and Audit Committee). 		<p>There is a risk that either HBRC funds are spent inappropriately or that there is a perception HBRC controls relating to spend where there is the potential for personal benefit are not rigorous enough.</p>	<p>We recommend that expenses incurred are approved in line with the Council's policies as follows:</p> <ul style="list-style-type: none"> ➤ Sensitive expenditure incurred by SLT is approved by the CE. ➤ Sensitive expenditure incurred by the CE is approved by a Councillor (potentially a specific Councillor if agreed, ie Chair or RAC Chair). ➤ Sensitive expenditure incurred by the Chair is approved by a Councillor where there is a non-reciprocal approval process in place. Consideration should also be given to Council or Committee monitoring of this expenditure. 	<p>Management have taken on board the observation communicated in March 23 in relation to this from the 21/22 audit and implemented a process whereby the Chief executive's expenditure is physically reviewed and signed by the Council chair before being attached in the system and approved in the system by the CFO. The same process was put in place for the Council Chairs transactions but is review and signed by another council member.</p> <p>Currently, SLT transactions are approved within the system inline with delegated authority limits rather than a specific one up process. However, we will review this and see if we can establish an efficient process whereby there is clear evidence of CE approval of SLT expenditure on a regular basis.</p> <p>Responsibility: Finance Manager</p> <p>Timeline: For the year ended 30 June 2024.</p>



EXECUTIVE SUMMARY







MANAGEMENT LETTER

APPENDICES

page 9

EY | Hawke's Bay Regional Council | For the Year ended 30 June 2023

Low Risk Observations

 Risk Rating	 Area	 Observations	 Risk	 EY Recommendation	 Management's Response
L Maintain, and regularly reconcile, a fixed asset register for infrastructure assets		<p>HBRC does not regularly reconcile the fixed asset register for infrastructure assets to the general ledger.</p> <p>The Council records the details of infrastructure assets in an excel document, where access is not limited to particular users, and is not updated regularly. The Infrastructure Team updates the live document manually (i.e., input build rates, size, etc.) but these changes don't flow through to the general ledger and there isn't a periodic process to reconcile the value of infrastructure assets per the general ledger to the Council's underlying detailed records.</p>	Due to the significance of the infrastructure assets, an error in the inputs or unauthorised changes made to the unsecured file may result to incorrect recording in general ledger.	<p>We recommend that the Council actively maintains a fixed asset register covering infrastructure assets and the register is reconciled to the general ledger periodically.</p> <p>A reconciliation detailing and explaining variances between the general ledger and the excel file should be prepared and retained each time a reconciliation exercise is completed.</p> <p>A level of review should also be implemented for these processes.</p>	<p>HBRC's accounting policy is to revalue infrastructure assets every three years. This valuation process involves reconciling the excel infrastructure assets register to the general ledger. In the alternative years, movements in infrastructure assets (additions and disposals) are captured in both the general ledger and the excel asset register. However, asset management also update the register to reflect estimated replacement value for insurance purposes which is not reflected in the general ledger and therefore no reconciliation is completed in these alternative years.</p> <p>We are currently in the process of implementing an infrastructure register in the TechOne system which will ensure there is a detailed infrastructure register than reconciles to the general ledger every year.</p> <p>Responsibility: SEAM Project team/Senior Group Accountant</p> <p>Timeline: Financial year 24/25</p>



EXECUTIVE SUMMARY

MANAGEMENT LETTER

APPENDICES

page 10

EY | Hawke's Bay Regional Council | For the Year ended 30 June 2023

Appendices

1. Performance measures should be reported on annually

Table 1a - No survey planned for FY2023

a. Percentage of tāngata whenua representatives "satisfied or very satisfied" with the Treaty-based partnership approach to engagement and decision making (source: biennial survey of RPC and Māori Committee members)
b. Percentage of surveyed residents that can identify 3 of our top 5 hazards; earthquake, tsunami, volcanic, pandemic or flooding (source: 2-yearly SIL Perception Survey)
c. Percentage of surveyed residents prepared to cope for at least three days or more on their own (source: 2-yearly SIL perception survey)

Table 1b - Reliant on external studies that are not conducted annually

a. Percentage of the Hawke's Bay population that use public or active transport for work or education (source: Statistics NZ, bus patronage, cycleway meters)

2. Performance measures can be enhanced to focus on output and outcomes rather than process.

Measures	Comment
a. Actions from the Regional Water Assessment are identified and implementation is progressing according to the approved plan	Focused on the process
b. HBRC Forests and the Tangoio Soil Conservation Reserve are managed to the standards defined in their respective management plans	Too broad to be easily understandable
c. Following a flood event, affected areas are surveyed and repairs are programmed: 1. Following a major flood event, a flood report will be compiled within 6 months of the event (major event is defined as material impact to property or productivity). 2. Major event report outcomes incorporated into AMP.	Focused on the process
d. Adopted Regional Land Transport Plan (RLTP), Regional Public Transport Plan (RPTP) and Regional Cycling Plan in place	Focused on adoption and not on output
g. Percentage of urban households within 400m of a regular bus route	Output is not clear
h. An operative Group Plan under the CDEM Act 2002 is in place, reported on annually and reviewed within statutory timeframes by the Joint Committee	Legislation requirement (part of the CDEM Act of 2002)
i. A Group Work Programme implementing the Group Plan objectives is approved and reviewed 6 monthly by the Coordinating Executives Group	Legislation requirement (part of the CDEM Act of 2002)
j. HBRC provides support to the Hawke's Bay CDEM Group in accordance with a service level agreement	Compliance with service agreement
k. Long Term Plans and Annual Reports receive "unmodified" audit opinions	Regulatory compliance
l. Council meetings are conducted in compliance with statutory requirements and Standing Orders	Statutory requirements
m. Triennial election processes are undertaken in accordance with the Local Electoral Act 2001	Regulatory compliance
n. Annual reporting on Mātauranga Māori monitoring and reporting activities	Focused on reporting
o. Annual reporting to Council on progress made on coordinated programme of actions	Focused on reporting
p. Compliance with statutory timeframes as set by legislation	Regulatory compliance



EXECUTIVE SUMMARY

MANAGEMENT LETTER

APPENDICES

page 11

EY | Building a better working world

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Management System Assessment Report

Hawkes Bay Regional Council

4 – 6 December 2023





MANAGEMENT SYSTEM ASSESSMENT REPORT

Company:	Hawkes Bay Regional Council	
Address:	159 Dalton Street Napier South Napier 4110 New Zealand	
Type of Assessment:	Review Visit 2	
Management Representative:	Olivia Giraud-Burrell	
Management System Standard:	ISO 9001:2015	
Assessment Due Date & Frequency:	3 November 2023	12 – monthly
Actual Date(s) of Assessment:	4 – 6 December 2023	
Assessment Team:	Billy Little	
Client No:	9378	WPF No: 112512
Registration No:	2578	Expiry: 21/12/2024
Report prepared by:	Billy Little	
Report Technical Review by:		
Non-conformances to be cleared by:	5/1/2024	Cleared on: 13/12/2023
Report issued/version:	13/12/2023 rev 2	

Scope Statement:

The provision of local government services to the Hawkes Bay Regional Council from the following teams: Environmental Science, Environmental Information, Consents, Compliance and Harbourmaster and the activities of the Works Group including Civil Construction, Asset, and Infrastructure Maintenance.

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Hawkes Bay Regional Council

Page: 2 of 23
Template issue 2/11/2022



ASSESSMENT OBJECTIVES

The purpose of this assessment was to determine the capability and effectiveness of your organisation's management system and commitment to ensure continual compliance with customer, statutory and regulatory requirements; meeting its specified objectives; and conformity of the management system to stated criteria. Where applicable the assessment identified areas for potential improvement of the management system.

EXECUTIVE OVERVIEW

Assessment Outcome

This report reflects the findings of a review audit of the Quality Management System for Hawkes Bay Regional Council. There have been no changes to the scope of certification since the last assessment and the assigned ANZSIC codes remain relevant at this time.

The region was greatly affected by Cyclone Gabrielle in February 2023 and the Council has of course, been at the centre of the recovery efforts. There were some concerns earlier in the year that this audit would be affected by reallocation of resources; however, on balance the management system and its processes remain intact and were observed to be operating quite effectively.

Aside from two minor non-conformances, and a small number of opportunities for improvement detailed in this report; the evidence observed and the discussions with management and staff, supported the ongoing maintenance of the management system in line with the requirements of the standard.


Process Manager (Promapp) continues to gain wider acceptance within the Council as the management system structure develops and work has been undertaken to develop the Risk Management Program.

All activities assessed during this audit were observed to be appropriately controlled, with sufficient evidence examined to demonstrate the effectiveness processes sampled.



AREAS THAT REQUIRE ATTENTION

Non-conformances

NC 1.	TELARC Non-Conformance
<p>Type: Minor</p> <p>Observation: Inconsistencies were noted in the completion of Job Checklists at The Works Group. It is accepted that the unit will be moving to the new SEAMS platform, however, there are still a number of live Jobs that will require completion using the manual forms.</p> <p>Non-conformance:</p> <p>Inconsistencies were identified in the retention of documented information required by the organization, with respect to Job Sheet Checklists, to the extent necessary to have confidence that the processes have been carried out as planned</p> <p><i>Clause of the standard</i> ISO 9001:2015 c8.1(e) – Operational Planning & Control</p> <p>Approved action plan:</p> <p>We have reviewed the system and reminded all involved of the process. So the tray of which is marked 'Completed Projects (Walkover required)' are waiting to be signed off by the scheme manager. Once signed off they are passed on to the WG admin, attached to the corresponding Daily Job Report (DJR), and filed. The step in the process of signing off has fallen behind and the Contracts Manager will drive this to ensure this is completed in a more timely manner. We will also ensure that field staff are reminded of their obligations to review and complete the checklist found on the back of the job start sheet, this should firstly be filled in where possible by the manager issuing the job start sheet.</p>  <p>Actions taken:</p> <p>Response Status: Minor NC - Actions to be taken as per approved action plan. Results to be reviewed at the next audit. Certification can be continued.</p>	



NC 2.	TELARC Non-Conformance
Type: Minor Observation: It was noted that whilst non-conformances for the Works Group are captured in the Hazmate System, there is no evidence of evaluation of Corrective Actions or its inclusion in the data reviewed at the MRTM Quarterly Reports. Non-conformance: Non-Conformance and Corrective Action Information captured in the Hazmate System is currently not included in the data analyses for the Quarterly Management Review Meetings. <i>Clause of the standard</i> <i>ISO 9001:2015 c9.3.2 – Management Review Inputs</i>	
Approved action plan: Monthly HAZMATE Reports to be captured by the Quality & Assurance Advisor, who will analyse data and record non-conformances in the MRTM Report. Actions taken:	
Response Status: Minor NC - Actions to be taken as per approved action plan. Results to be reviewed at the next audit. Certification can be continued.	

Opportunities for improvement

- OI 1** It was noted that the documented process governing the issuance of Dive Permits includes options for the Harbourmaster to Audit the activity. Some consideration may be given to maintaining records of any audits of compliance with Dive Permit Conditions.
- OI 2** Recent updates in processes around the approval of events in the regional waterways have yet to be fully tested. The overarching plan appears sound and this will be reviewed in more depth at the next audit.
- OI 3** It was noted that whilst there is a process in place to report and record all Process Improvements and Non-Conformance, there is little evidence of its application, with only 2 identified by the organization from the last two years. It is accepted that internal audit findings are captured as Actions in Process Manager and The Works Group have their own reporting systems in Hazmate, both of which are well used, however, there may be some reluctance to document non-conformance. Consideration may be given to exploring this further, with a view to removing any real or perceived barriers to reporting.
- OI 4** At present the version of the PINC forms and HAZMATE Template Forms used by the Works Group do not prompt the recording of the results of Actions taken following a non-conformance. The central PINC system is structured to ensure this information is collected, however the two systems are operated in isolation of each other.



RECOMMENDATION

The recommendation from this assessment, for the standard and scope detailed on page 2 of this report, is that your certification continues once an action plan has been provided and accepted in regard to the Minor Non-Conformances.

Assessment recommendations are always subject to the Telarc Certification Authority for review and final decision.

AUDIT HISTORY

Actions taken to address issues from the previous assessment

NC 1: Objectives for the Works Group have now been aligned with those of the other teams covered by this certification in support of the Councils LTP and strategic direction.

NC 2: Calibration Records at the Works Group were observed to be complete and current.

Conformance Data

This table summarises the performance of your system using the terminology of the Annex SL system:

Major NC	Minor NC	Compliant
----------	----------	-----------

Aspect\Audit Date	10/2020 RV	09/2021 RA	04/2022 RV & Scope	12/2023 RV
Context of the organisation (interested parties & scope)				
Leadership (commitment, policy, roles & responsibilities);				
Planning (risks & opportunities, objectives, and plans);				
Support (resources, HR – competency, awareness, comms, docs)				
Operations – Product & Services (planning, control & records)				
Performance Evaluation (monitor/measure, audit, review)				
Improvement (including non-conformance & corrective actions)				
Compliance with certification conditions (cert mark, ST&C, etc.)				



SPECIFIC AUDIT INFORMATION

Context of Organisation & Leadership

Whilst there has been significant upheaval in the last ten months due to the effective of Cyclone Gabrielle, the actual context of the organization has not changed appreciably.

The context remains understood in terms of the internal and external forces acting upon it and is outlined in the Quality Manual Overview provided by the organization. Discussions with the management team indicated an awareness of the needs and expectations of interested parties and of the strategies developed to meet them. Ongoing feedback from interested parties continues through various meetings and policy discussion groups.

The management system is well-structured and communicated via Process Manager (Promapp) and the organizations Sharepoint System, Kōwharawhara. Issues have been ongoing with the migration to the cloud-based system when a number of document links were severed. The organization is currently working to reinstate these.

The scope of the management system is document clearly and outlines the services provided and the boundaries of the system. Clause 8.3 of the standard (Design & Development) is deemed not applicable and acceptable justification for this is documented.

The organization continues to experience a high level of staff churn; however, this appears to be settling. The scope of this certification is narrow with respect to the Regional Councils overarching activities; however it is noted that many of the systems and processes adopted by the certified entity are gaining wider acceptance throughout the organization.

The organization utilizes a number of software platforms, (IRIS, Hazmate etc.), however, Process Manager is the central repository of system information. Process Manager is designed to clearly demonstrate the interrelationships between the various processes of the organization.

The commitment of the Leadership Team was demonstrated throughout the assessment through attendance at the open and closing meetings and through their participation in the audit.

There is a quality policy in place and a signed Policy Statement iterating the organizations commitments. The policy is readily available and is posted throughout the organization.

Sources of evidence/audit trails

Discussions with Management

Observations throughout this Assessment

Process Manager Platform – Observed

Context of the Organization v4 – Current

Quality Management Policy (CD0025) – 21/9/2023

Quality Statement – 28/9/2023



Planning

The risk and opportunities management program has continued to evolve and has been developed in line with ISO 31000. The organization has identified 26 Enterprise Risks, referring to them now as "Uncertainties". The application of bowtie methodology has provided significantly greater depth to the analysis of these uncertainties and considers the perception of risk from a number of interested parties, allowing a more structured approach to the development of mitigation plans.

Quality objectives have been documented for each area covered by the scope of this certification and these have been developed to support the HBRC Long Term Plan (LTP). This LTP is publicly available and provides the high-level strategic direction of the organisation. The Quality Objectives are maintained in Process Manager, along with action plans, responsibilities, and timelines for completion. Programmed quarterly reporting actions have been assigned in Process Manager to track progress. It was noted that Consents had yet to enter their final objectives into the tracking system.

Sources of evidence/audit trails

Risk Management Policy (CD0023) - Draft

Risk Management Planning – 21/11/2023

Risk Dashboard – September 2023

Example Analysis of Uncertainty (Effectiveness of Communications & Engagement) – 21/11/2023

HBRC Long Term Plan – 2021 to 2031 (HBRC website)

Quality Objective 2023/2024:

IO 1406 (Catchment Operations) – October 2023

IO 1407 (Quality) – October 2023

IO 1408 (Environmental Science) – October 2023

IO 1409 (Environmental Information) – October 2023

IO 1410 (Consents) – Draft

IO 1411 (Compliance) – October 2023

IO 1412 (Harbourmaster) – December 2023

Support

The use of Process Manager (Promapp) has significantly widened since the last assessment, with comparatively more engagement observed than that of last year. Discussions with staff indicated greater knowledge of the system and its processes and the need for structure.

Internal and external communications were examined throughout this assessment, including meeting minutes at various levels, email, and briefing documents, made available via the organization's website and various information management platforms. The council at large, have a communications department, used by all other areas of the organization to disseminate information to the general public and media as required.

All areas visited during this assessment were observed to be well-maintained and in acceptable order. Equipment was appropriately located and in good order and evidence of the use of E-Roads for the tracking of vehicle servicing and registration was verified at the Guppy Road location for the Works Group. It was indicated that maintenance plans were based on equipment manufacturers recommendations.

Calibration Records for the Works Group were maintained in the Hazmate System and were observed to be current.

On balance, documentation was observed to be appropriately controlled, predominantly via Kōwharawhara and Process Manager. Information presented was date or version controlled and accessible to all staff at point of use. Process ownership is assigned and automated reminder facilities in Process Manager ensures reviews are carried out at appropriate frequencies.



Sources of evidence/audit trails

Discussions with Managers

Discussions with Staff

Observations at Each Location

Software Platforms – Demonstrated

E-Roads – Demonstrated

Asset Alerts (Calibration & Maintenance) Hazmate – Current as of 5/12/2023

Operations – Compliance (Monitoring, Pollution & Enforcement)

Time was spent with members of the Compliance Team discussing both Rural and Urban compliance monitoring activities. The processes employed with respect to consent monitoring were explained and the allocation of work was verified. Consents are assigned to an officer and relevant conditions are communicated. A Regime is set up in IRIS to consolidate consent condition requirements, identifying those requiring officer involvement. This information is used in the development of compliance monitoring plans for the coming year. The processes were demonstrated and the central plan was confirmed.

The identified consent conditions were loaded for each consent and site visits had been planned accordingly. Records of visits and subsequent reports were verified in IRIS. All reports generated are peer reviewed prior to release. A selection of entries was sampled and records verified.

Any issues arising can result in enforcement action, abatement notices etc. and this decision is made by the Enforcement Decision Group.

Power BI is used to monitor work allocation and team meetings are held to discuss workload and performance.

A 24/7 complaints hotline is provided to allow members of the public to report any environmental issues (e.g., unconsented discharges, fires etc.). The Pollution Hotline triggers immediate activity, with on-call responders available at all times.

A request is triggered in IRIS and issued to a Warranted Officer. A number of examples were discussed showing the initial Request for intervention, incident logging, initial scene attendance and investigations, subsequent reporting, and escalation to the Enforcement Decision Group where appropriate. All information was centrally retained within the IRIS System.

Sources of evidence/audit trails

Discussions with Team Members

Consent Allocation Document – Observed

Compliance:

Task Dashboards - Observed

IRIS System & GIS facility – Demonstrated

Seasonal Scheduling – Discussed

AUTH124078-01 (Expiry 1/11/2024) – Conformed

AUTH124075-01:

- Monitoring Action (Site Visit) – 8/2/2023
- REGACT 113275 (OBS 25772020) – Observed

AUTH116980-03:

- OBS 257748 – 29/8/2023
- REGIME 3084, AUTH123601-03:
- OBS25775346 (Reime Activity 113355) – 24/10/2023
- Report – 24/10/2023
- OBS25775346 – 24/10/2023



Identified Non-Compliance (AUTH12541001):

- OBS25775378 – 26/10/2023
- ENF20915 – 27/10/2023

Weekly Team Meetings – 16/10/2023 & 30/10/2023

Pollution & Enforcement:

- REQ-25681 – 20/11/2023
- Previous REQ 25398 – 8/8/2023
- Previous REQ 241843 – 9/7/2022

REQ23533:

- Responded – 25/11/2023.
- Escalated to Enforcement Decision Group – 7/12/2021.
- ENF 20509 – 18/12/2023
- EAC-20751 – 18/12/2023

REQ25706:

- ADG Meeting Minutes – 28/11/2023
- ENF-20929 – Verified

REQ25680:

- ENF-20931 – 28/11/2023
- AUTH128983-01:
- ENF-20961 – 24/11/2023
- EAC-21250 – Verified
- Infringement Notice Issued – 29/11/2023.

Operations – Works Group Activities

Typically, the Business Unit, operates as an internal contractor, carrying out construction and maintenance activities on behalf of the Council with regards to the various Catchment areas in the region. These activities are wide and varied and include (but are not limited to) the following:

Maintenance Work in the various river catchment areas, Mowing Stop banks, Spraying for Plant Pests, clearing waterways of weeds etc. Scrub Barring, Tree Clearing, some chainsaw and tree Felling work, clearing Flood Control Channels, maintaining the 20+ Storm Water Pump Stations in the region, maintaining fences and public access areas of rivers and maintaining Regional Parks.

The Works Group also has a Qualified Drainlayer and Drainage Crew amongst its ranks, operating excavators and replacing culverts and drains and constructing pathways and boardwalks.

As can be expected the Works Group have been greatly utilized in the recovery work following Cyclone Gabrielle. The focus since February's unprecedented event has been one of repair and response. Discussions indicated that there has been some shift in the last 6-weeks to a more "Business As Usual" state.

The activities of the Works Group have now migrated to the Process Manager System and at the time of this assessment there had been little change in the manner in which works was allocated and coordinated. However, discussions indicated that there was an imminent move to be made to the new SEAMS asset management system).

The program of work is contractually agreed each year and an array of spreadsheets developed to aid in the coordination of resources. The Asset Maintenance Contract was verified for 2023/2024 and the schedules of work were verified.



The operational planning and service delivery aspects of the Works Group were verified. Activities are broken down into Committed and Non-Committed work. The former is a contractually agreed work plan between the Hawkes Bay Regional Council Asset Management team and the Works Group. The latter is made up of requests for work from not only the Regional Council but for a number of other external clients in the region (including various District Councils). As indicated earlier, the impact of the Cyclone has had a marked effect on the volume of such reactive work undertaken.

The development of work schedules was verified and the Annual Program observed for the various aspects of work to be undertaken. Daily Job Reports were sampled and verified against their respective work plans. Job Numbers, issued via the Tech 1 system are used to track activities and to ensure these are correctly billed. Inconsistencies were noted in the completion of Job Checklists at The Works Group. It is accepted that the unit will be moving to the new SEAMS platform, however, there are still a number of live Jobs that will require completion using the manual forms. (NC – 1)

The Works Group continue to use the Hasmate system to report all incidents, near misses etc. It is also used to capture Complaints, quality issues, improvement ideas and non-conformances (PINC's). Whilst the process is applied consistently, flaws were noted in the links between its application and the central reporting system of the organization. It was also noted that the Hazmate System does not allow for the recording of the results of any corrective action taken. These issues have been discussed elsewhere in this report.

The Hazmate System is also used to capture maintenance and calibration data. Records were sampled and cross checked against certificates held on file.

Due to the weather and timing of this assessment a site visit was not possible. This will be carried out at the next assessment. However a full tour of the facilities was provided, with no obvious issues noted. Communication boards were observed. Access to IT equipment (Computers) was verified. Screens were also observed displaying schedules of work.

Sources of evidence/audit trails

Discussions with Management Team

Observational Tour of the facilities

Asset Maintenance Contract 2023/2024 – 3/7/2023

Annual Programs 2023/2024:

- Weeding
- Drain Spraying
- Reach Mowing
- Beach Raking
- Program for Hawkes Bay Cycle Trails – 2023 to 2024

Daily Operations Board – Observed

Work Schedules – Observed

Channel Maintenance Haumoana Area 5 – 7/11/2023, 10/11/2023 & 15/11/2023

Drains Flat Mowing 2023/2024 - 24/6/2023, 26/10/2023 & 31/10/2023

Tutaekuri-Waimate Area 8 (Daily Job Report) – 5/10/2023 to 12/10/2023

Works Authority Database - Observed

WP001004 (Large Scour Raupare)

Job No. 1004206

WA No 6206

Sampled Jobs:

- 1004778 – 27/11/2023
- 1001727 – 20/11/2023
- 1004794 – 14/11/2023
- 1004789 – November 2023
- 1004792 – November 2023

E-roads System Observed

Hazmate Platform – Demonstrated



Calibration Records – See Support Section of this report.
PINC Completion – See Improvement section of this report.

Operations – Harbourmaster

The Harbourmaster is responsible for the safe operation of all coastal waters (and most navigable inland waterways) within the Council's area of jurisdiction (from Mahia in the north to Porongahau in the south and all coastal waters between).

The Harbourmaster is charged with working closely with Napier Port and other users of the waterways to ensure all safety standards are maintained and legal obligations are met. Access to software platforms and reporting mechanisms was verified.

All incidents are captured in IRIS and results of investigations are uploaded to support the reports. Noted examples discussed included the issuance of a Harbourmaster's Directive for a vessel for a failed inspection of Steering Gear, following a report from the Marine Manager. Concerns were communicated to the vessel owners and actions for rectification were presented.

A second example was for an incident involving dangerous marine activity, when a small recreational vessel crossed the path of a container ship in the shipping lane. The event was captured on video and logged into IRIS. The Enforcement Decision Group decided that prosecution was in order after obtaining legal counsel.

In addition to the above, the Harbourmaster is responsible for issuing permits for work undertaken within the port. The processes for the issuance of Dive Permits were verified. It was noted that the documented process governing the issuance of Dive Permits includes options for the Harbourmaster to Audit the activity. Some consideration may be given to maintaining records of any audits of compliance with Dive Permit Conditions. (OI – 1)

The Harbourmaster's Office is also responsible for the monitoring of activities on the waterways and is to be informed of any planned activities within their jurisdiction. Responsibilities include the reviewing of impact, assessing risks and verifying that appropriate plans for mitigation are in place. Recent updates in processes around the approval of events in the regional waterways have yet to be fully tested. The overarching plan appears sound and this will be reviewed in more depth at the next audit.

(OI – 2)

Continuous improvement in the accessibility of documentation and records was observed and there is greater application of Process Manager (Promapp).

Sources of evidence/audit trails

Discussions with Deputy Harbourmaster

IRIS System – Observed

REQ25368:

- Incident Occurred 30/7/2023.
- REQ Logged in IRIS – 4/8/2023.

Process for Issuing Permits v5.0 – Observed

SAI 360 System (Napier Port) – Demonstrated

GIS Map Showing Dive Permits Issued – Observed

Dive Permit DP2023-17:

- Permit Request Email – 5/10/2023
- License of Dive Supervisor Confirmed (06432 exp October 2026) – Observed
- Shipping Plan Checked – Confirmed
- Permit Issued for 20/11/2023.

Maritime Events Approval Process v.30.0 – 4/12/2023

Event Online Application – 4/11/2023

Event Management Plan – Observed

Event Safety Plan – Observed



Operations – Environmental Information & Data Management

The EI Team operates under the direction of the ICM Group and comprises of the Field Technical Operations and Data Management and Innovation. This assessment focussed on the collation, quality grading and management of data only. It was noted that this team had developed a Departmental Vision and Mission Statement and were in the process of developing further goals.

The reports and recommendations from Environmental Scientists are used to inform the development of the sampling programs. Field Service technicians are responsible for the practical application of the sampling and testing programs based on National Environmental Standards and scientific recommendations; sampling plans are then developed and initiated. It is the data collected from this sampling and the array of telemetered information which is then uploaded into the various local and national databases at the disposal of the HBRC.

Time was spent in the department reviewing the various activities carried out and verifying the handling of data from a selection of sources. The accuracy of the data is core to any subsequent analyses carried out and all data received is screened and quality assessed based on National Environmental Standard Coding Practices. Each data entry is quality assessed and coded, effectively ranking its “usefulness” in subsequent studies.

Once coded, the data is made available for application by the Environmental Science Teams. It is from this data that the State of the Environment can be determined, future modelling can be developed and policy decisions can be made.

Sources of evidence/audit trails

Discussions with Staff

Project 41501-Site ID9 Esk River:

- Puddle Database – Observed
- Lab XML File Received from Filed Metadata
- Sample Event – 20/4/2023
- Data Verification – 10/5/2023
- Lab-Reports (XML Version) – Filed
- Request for Surface Water & Ground Water Quality Data – 13/9/2023

Telemetered Data Collection:

- Hydrotel Platform – Observed
- Raw Telemetered Data – Presented
- Hilltop System – Demonstrated
- Quality Coding – Demonstrated
- Evidence of Technicians Comments on Data – 25/5/2023 & 30/6/2023
- Outlier Reports to Science Teams – As required.



Operations – Environmental Science (Hydrology & Group Water, Freshwater Quality & Ecology)

Operating within the Integrated Catchment Management (ICM) Group, the role of the Environmental Science Section is central to the organization. Sessions were held with the Section Manager and with representatives from Hydrogeology and Freshwater Ecology to discuss their roles and responsibilities with regards to investigations into the state of environmental resources, and providing information used influence and develop policy in the Hawkes Bay Region. The ES Teams are also actively involved in assessing resource consent applications where required, and in the development of responses following compliance incidents. As might be expected, the ES teams have been heavily involved in Post Cyclone efforts to determine impacts which may take years to manifest.

In each session, examples were present to support the allocation of project specific tasks, the review, analysis and interpretation of data and development of reports, upon which future policy is determined.

Discussions with Hydro/Ground Water Representative centred around a project focussed on developing an updated flow and quality model for the Ruataniwha. The new model will provide live data and is being developed in collaboration with a number of agencies worldwide.

Freshwater Ecology and Marine/Coastal were merged as a department 6-months previous to this audit. An overview of the changes was provided along with the projects currently underway. Focus is on the SOE Reporting on the identification of target species, the development of sampling plans to support the projects developed to meet the Long-Term Plans of the region.

Sources of evidence/audit trails

Discussions with Manager

Discussions with Representatives of each Team

Operational Plans (ES) – July 2023

Role of Section & Structure – Observed

Section Program Aligned with Strategic Plan.

Legislative Drivers - Identified

SOE Published – 2022

Section Meetings – 8/6/2022, 29/8/2022, 13/12/2022 & 4/3/2023

Post Cyclone Project Planning Sampled:

- Estuary – 17/4/2023
- Marine Sediment Quality – 13/4/2023
- Coastal Sediment Quality – 11/4/2023
- Sediment Hydrodynamic Quality – 12/4/2023

Hydro/Groundwater Project 20220210:

- Project Brief (Current) – 10/2/2022
- References (Hyperlinked) – February 2022
- Roles & Responsibilities – Confirmed
- Project Organization Chart – Current
- Status Report (202305) – 29/5/2023
- Status Report (2022306) – 13/6/2023

Meeting Minutes – 23/6/2023

Meeting Minutes FWQE – 30/10/2023, 6/11/2023 & 4/12/2023

Sampling Protocols v21.0 (Process Manager) – Current



Performance Evaluation (Measuring & monitoring/Internal Audit/Management Review)

Quarterly performance reports are captured in Power BI from a range of platforms around the organization. This allows the extraction of information for discussion at the Quarterly Management Review Team Meetings. Outputs from this sessions are captured as Actions in Process Manager, allowing their tracking to completion.

It was noted that whilst non-conformances for the Works Group are captured in the Hazmate System, there is no recorded evidence of the results of Corrective Action or the inclusion in the data reviewed at the MRTM Quarterly meeting or in supporting reports. (NC – 2)

Quality Objectives are captured and tracked in Process Manager with scheduled quarterly review activities calendarized. Again, these are tabled for discussions at the Quarterly MRTM. Management review meeting minutes were sampled and all inputs were appropriately considered.

Internal Audits are carried out to a pre-determined schedule by auditors independent of the processes under examination. The audits are programmed and tracked in Process Manager and all findings are captured as Actions on the platform. The organization has identified 28 processes as high-risk and these are audited at least annually. As of 1/12/2023 only five audits were flagged as overdue. This is exceptional given the time lost over the last ten months. A selection of completed Internal Audits were observed, no concerns were noted.

Sources of evidence/audit trails

Discussions with Management

Power BI Quarterly Report – Q4 2022/2023 & Q1 2023/2024

Management Review Outputs – 28/7/2023 & 31/10/2023

Internal Audit Schedule – Observed

Internal Audit Records – 24/8/2023, 9/10/2023, 16/11/2023 & 24/11/2023

Improvement (Complaints/NC/OI)

Process Improvements and Non-Conformances are captured in the Process Management System and their use is described in the Process Improvement Non-Conformance (PINC) Procedure.

The process is well structured and allows for the recording of issues, actions, and the results of actions in order to ascertain their effectiveness.

It was noted that whilst there is a process in place to report and record all Process Improvements and Non-Conformance, there is little evidence of its application, with only 2 identified by the organization from the last two years. It is accepted that internal audit findings are captured as Actions in Process Manager and The Works Group have their own reporting systems in Hazmate, both of which are well used, however, there may be some reluctance to document non-conformance. Consideration may be given to exploring this further, with a view to removing any real or perceived barriers to reporting. (OI – 3)

Complaints are received direct to a central Council function as "Feedback". Trends are tabled for discussion and MRTM and where necessary, there is the opportunity to escalate these to the PINC system and track actions to completion. However, there are no recent examples available to verify this.

At present the version of the PINC forms and HAZMATE Template Forms used by the Works Group do not prompt the recording of the results of Actions taken following a non-conformance. The central PINC system is structured to ensure this information is collected, however the two systems continue to be operated in isolation of each other. (OI – 4)

Sources of evidence/audit trails

Discussions with Management

Process Manager System – Demonstrated

Hazmate System Report – Observed



PINC:

- QMS003 – 1/11/2023

Works Group PINC (Hazmate):

- 740 – 14/9/2023
- 888 – 14/10/2023
- 892 – 2/11/2023
- 898 – 16/11/2023

ASSESSMENT OPENING & CLOSING MEETING

The assessment commenced with an opening meeting and concluded with a closing meeting. The objectives of the assessment and the subsequent findings were discussed and questions answered.

Attendees

Attendee Name	Role	Opening	Closing
Iain Maxwell	ICM Group Manager	✓	X
Katrina Brunton	Policy & Regulation Group Manager	✓	✓
Olivia Giraud-Burrell	Quality & Assurance Advisor	✓	✓
Helen Marsden	Risk & Corporate Compliance Manager	✓	✓
Chris Dolly	Group Manager AMG	✓	✓
Billy Little	Assessment Coordinator	✓	✓



REPORT CONSIDERATIONS

Have there been any deviation from the original assessment plan or any significant issues impacting the client and its operation?	No	
Have there been any significant changes that affect the management system of the client since the last audit took place?	Yes	Cyclone Gabrielle had some impact on the systems application; however, this is recoverable.
If the audit was more than one programme, was it conducted as a combined or integrated audit?	N/A Single Program	
Was the organization effectively controlling the use of marks and/or any other reference to certification?	Yes	
Does the management system of the organization continue to meet the applicable requirements and meet the expected outcomes?	Yes	
Does the scope of certification continue to be appropriate to the activities/products/services of organization?	Yes	
Were the objectives of the visit as defined in the Audit Programme/Plan fulfilled during the visit?	Yes	
If ISO 45001 Safety standard being audited, management legally responsible for occupational health and safety, are to attend the closing meeting. Justification in case of absence shall be recorded. Ref IAF MD22 G9.4.7.1 Justification for key personnel non-attendance at Audit Closing Meeting	N/A	



NEXT ASSESSMENT

It will be a Revalidation Assessment (RA) during which all elements of your system will be reviewed. Before the date of the assessment you will be sent an audit plan but a level of flexibility can always be accommodated and we can include any specific area, which you would like us to cover in greater detail. This can either be arranged prior or agreed on the day.

ASSESSMENT PLANNING

Primary Processes	Locations	Remote audit Y or N (MD4)	Staff at site (FTE)	Type of Assessment				
				Initial Audit Stage 1	Revalidation Assessment Remote	1st Review Audit Scope extension	2nd Review Audit	Revalidation Assessment
Head Office Functions	Napier HQ		74	N/A	2021 Completed	2022	2023	2024
Regulatory Group					*	*	*	*
Consent					*	*	*	*
Compliance					*	*	*	*
Harbourmaster					*	*	*	*
ICM Group					*	*	*	*
Science (Sample Sections as Req'd)					*	*	*	*
Field Services (Site Visit)					*	*	*	*
Data management					*	*	*	*
Regional Maintenance Contracts & site visits	Taradale facility		10			*	*	*

Location: Hawkes Bay Regional Council			
Day 1	Assessment meetings + functions/process/areas/shifts	Persons	Times
	Entry meeting, changes and confirm assessment plan		
	Actions for previous Non-conformances		
	Changes in organisational context, interested parties, their needs, and expectations		
	Leadership, policies, risks and opportunities, Responsibilities and Authorities		
	Planning and objectives Managing Change		
	Lunch		
	Complaints and Feedback		
	System controls – internal audit, NC & Corrective Action		
	Document Control		
	Summary of day one meeting (~15 minutes)		



Location: Hawkes Bay Regional Council			
Day 2	Assessment meetings + functions/process/areas/shifts	Persons	Times
	Brief Meeting – Discuss Program		
	Regulatory Group Management Meeting - Discuss any changes, improvements etc.		
	Harbourmaster – Site Visit and Review of Documentation		
	Lunch		
	Consent Processing		
	Compliance Monitoring		
	Pollution response		
	Summary of day two meeting (~15 minutes)		

Location: Works Group, Guppy Road & Site Visit			
Day 3	Assessment meetings + functions/process/areas/shifts	Persons	Times
	Brief Meeting – Discuss Program		
	Discuss any changes, improvements etc.		
	Overview of Contract and Planning of Committed Work		
	Operational Site Visit		
	Management of Reactive (Uncommitted) work		
	Observational Tour		
	Training, Awareness & Competence		
	Maintenance and Calibration Activities		
	Management of Non-Conformity & Control of non-conforming Outputs		
	Outsourcing and Contractors Selection & Monitoring		
	Summary of day three meeting (~15 minutes)		



Location: Hawkes Bay Regional Council			
Day 4	Assessment meetings + functions/process/areas/shifts	Persons	Times
	Brief Meeting – Discuss Program		
	Procurement and Supplier Monitoring		
	ICM Group Management Meeting - Discuss any changes, improvements etc.		
	Hydrology/Hydrogeology		
	Lunch		
	Land Science		
	Marine & Coastal		
	Freshwater & Ecology		
	Air Climate		
	Summary of day four meeting (~15 minutes)		

Location: Hawkes Bay Regional Council (0.5 Days)			
Day 5	Assessment meetings + functions/process/areas/shifts	Persons	Times
	Competency training records and appraisals		
	Water Quality and Ecology (WQE) Including Sampling operations and equipment Maintenance		
	Data management and innovation		
	Auditor gathers notes		
	Pre-exit Meeting discussion		
	Exit Meeting (~30 minutes)		
	Auditor departs and completes report off-site		



BACKGROUND INFORMATION

This report relates to the assessment undertaken by Telarc to determine the status and level of compliance of the management system against its internal requirements and those of the nominated Standard/s and scope indicated at the beginning of this Report. Unless stated otherwise this assessment covers a sample only of the management system.

The assessment was carried out in accordance with internationally recognised management system auditing practices defined in ISO 17021 and is subject to Telarc Limited (Telarc) Standard Terms and Conditions available from www.telarc.co.nz. In particular compliance with all legal requirements, including those relating to the Health and Safety at Work Act, is the responsibility of your organisation. Any comment relating to legal requirements, such as Health and Safety, does not represent an exhaustive report on your compliance with such legal requirements.

Please note that this report is subject to independent review and approval. Should changes to the outcomes of this report be necessary as a result of the review, a revised report will be issued and will supersede this report. The report is in two sections:

Executive Overview

This section gives a brief summary of the assessment including comments regarding system compliance (strengths), weaknesses, opportunities for improvement and instances of non-conformance that require correction.

Specific Audit Information (including the detail of any findings that require action)

This section identifies the key aspects of your system; and the operational processes, sites and activities which have been assessed; comments positively on aspects; and summarises any instances of major and minor non-conformance, and any opportunities for improvement that have been identified.

Please read this following section as it includes instructions for responding to this report:

Please note: Follow-up activities may incur additional charges.

Definitions and action required with respect to assessment findings

Major Non-Conformance:

Based on objective evidence, the absence of, or a significant failure to implement and/or maintain conformance to requirements of the applicable standard. Such issues may raise significant doubt as to the capability of the management system to achieve its intended outputs.

NOTE: The "applicable Standard" is the Standard which Telarc is issuing certification against, and may be a Product Standard, a management system Standard, a food safety Standard, or another set of documented criteria.

Action required: This category of findings requires Telarc to issue a formal NC; to receive and approve client's proposed correction and corrective action plans; and formally verify the effective implementation of planned activities. Correction and corrective action plan should be submitted to Telarc as required. Follow-up action by Telarc must 'close out' the NC or reduce it to a lesser category within 30 days or as otherwise agreed with the Assessment Coordinator for recertification assessments.

If significant risk issues (e.g. safety, environmental, food safety, product legality/quality, etc.) are detected during an assessment these shall be reported immediately to the Client and more immediate or instant correction shall be requested. If this is not agreed and cannot be resolved to the satisfaction of Telarc, immediate suspension shall be recommended.

In the case of an already certified client, failure to close out NC within the time limits means that suspension proceedings may be instituted by Telarc. Follow-up activities may incur additional charges.

Minor Non-Conformance:

This is a non-conformity that does not affect the capability of the management system to achieve the intended results.

Action required: Telarc requires the client to formulate a corrective action plan for approval at the time of the assessment and will follow up the client's corrective action at the next planned assessment. Lack of client attention to such issues implies that a corrective action system is not working effectively and could result in a Major NC being raised later.

Opportunity for Improvement (OI):

A documented statement, which may identify areas for improvement however shall not make specific recommendation(s).

Action required: Client may develop and implement solutions in order to add value to operations and management systems. Telarc is not required to follow-up on this category of assessment finding.

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CLIENT CHANGES & CERTIFICATION RECOMMENDATION FORM

COMPANY NAME DIVISION (if Applicable)	Hawkes Bay Regional Council
ACTION AREA:	CHANGES REQUIRED:
SCOPE OF CERTIFICATION Goods or services supplied under the control of the management system constituting the applicant's scope of certification.	No Change
CLIENT DETAILS Contacts, client addresses, site details, etc. updated NB: Accounts need to be advised of changes in client details, contact and address details for updating accounts records.	No Change
COMPETENCY CODES Competency classification code assigned to client. 4121M Road and Bridge Construction 3702M Sewerage and Drainage Services 4113M Non-Residential Building Construction 4251L Landscaping Services 8113M Local Government Administration	No Change
NUMBER OF PERSONNEL Record the number of personnel at each site visited. Update number of personnel in ELK if required:	117
AUDIT FREQUENCY NB: Changes in audit frequency need to be approved by the appropriate Programme Specialist or Management Team.	No Change
AUDIT TIME AND/OR SAMPLING Changes in audit time or site sampling need to be updated in the audit planning calculator and reflected in the Elk fee profile.	No Change
COMPLIANCE STANDARD Advise changes to the standard or opportunities for extending scope or programs.	No Change
OTHER CERTIFICATIONS HELD OR PLANNED	No Change
RECOMMENDATION & DECLARATION To be completed by Assessment Coordinator I confirm that the organisation has been assessed in accordance with Telarc policies and procedures for compliance with the nominated standard(s); that all instances of Non-Conformance reported have been either resolved (Major) or that appropriate action plans (Minor) have been approved and any other registration conditions resolved. I declare that I, and so far, as I am aware, the audit team, have no conflict of interest nor have I or they acted as a consultant for this client in the last two years. I also confirm that I, and so far, as I am aware all members of the audit team, have not been subject to an approach to accept a bribe or other attempt to influence the results of this audit or the contents of this audit report, nor has anyone asked for or solicited any bribe, gift, or other material benefit in order to alter the findings of this audit report. I therefore recommend that registration be continued, granted, or transitioned.	
Assessment Coordinator: Billy Little	Date: 13 December 2023



For IA, RA, scope extensions, and scope reductions, email Manager - Certification to request an Independent Review for the certification or recertification decision. When any major nonconformity has not been resolved and the recommendation is to suspend or the withdrawal of certification, do not sign the above but e mail the Manager-Certification to request an independent review to determine whether certification can be maintained.



Hawke's Bay Regional Council Internal Audit Data Analytics

October 2023

2023 HBRC Data Analytics Report _v_FINAL_AZ

Audit / Tax / Advisory

Smart decisions. Lasting value.

Contents

1. EXECUTIVE SUMMARY	3
1.1. Objectives and scope	3
1.2. Results	3
1.3. Basis and use of report.....	3
1.4. Risk indicators	3
2. RESULTS AND RECOMMENDATIONS	4
2.1. Accounts payable	4
2.2. Matching master data between the accounts payable and payroll systems	8
2.3. Payroll	9
APPENDIX	15
Basis and use of opinion.....	15

1. Executive Summary

1.1. Objectives and scope

The objective of this assignment was to perform the specified tests per the 2023 Scoping Document to detect suspicious transactions and master data. The testing areas were payroll and accounts payable payments and master data.

The transactional data testing included transactions during the period 1 July 2022 to 30 June 2023 with the master data testing as at the date of extraction which was 18 September 2023.

The data analysis work did not include assessment of the respective internal controls within the business processing areas and was limited to factual reporting of identified data anomalies as per the specified tests undertaken.

Completion of the specified tests was subject to the availability of data from the Council's systems. Tests where the data was unavailable are indicated in the results where applicable.

1.2. Results

This report includes a summary of the results of the payroll and finance application data testing. The results are presented in three sections:

- Accounts payable master data and transactions
- Cross matching of data between accounts payable and the payroll system
- Payroll master data and transactions

We have provided management with an Excel workbook containing the results for each area. Each Excel workbook includes a summary results table with risk indicators and recommended actions and the detailed transactions and master data records identified through completion of the specified tests.

1.3. Basis and use of report

This report has been prepared in accordance with our 2023 Scoping Document, subject to the limitations set out in the Appendix - Basis and Use of the Report.

1.4. Risk indicators

Each test result has been given a risk indicator. The risk indicators were determined based on a subjective determination of the likelihood of the results containing fraud or error and the potential materiality of any fraud or error identified. The indicators are as follows:

L = Low

M = Medium

H = High

N/A = No results or no actions required

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4

2. Results and recommendations

2.1. Accounts payable

No	Test	Result	Indicator	Recommended action(s)
1	No bank details in Vendor master data and paid	1 vendor with no bank details was identified as being paid. The vendor was paid twice, totaling \$16,000.	L	Review vendor Masterfile for this supplier to determine their file is correctly updated to include bank account details.
2.1	Duplicate vendor bank account	50 duplicate bank accounts were identified among 102 active vendor accounts. 8 of the duplicate bank accounts were identified in the 2022 data analytics report.	M	Review and block duplicate vendors as required to ensure invoices cannot be posted twice.
2.2a	Duplicate vendor name	6 duplicate names identified across 12 active vendor accounts.	M	Review the records to identify any unknown Vendors and payments not as expected. Block Vendors as required.
2.2b	Duplicate vendor name with different bank account	2 duplicate names with different bank accounts among 4 active vendor accounts identified. Having duplicate vendors with different bank accounts increases the risk of paying a fictitious vendor or the wrong bank account. 1 of the records was identified in the 2022 data analytics report.	M	Review the records to identify any unknown Vendors and payments not as expected. Block Vendors as required.
2.3	Duplicate vendor address	58 duplicate addresses were identified among 124 active vendor accounts. 7 duplicate vendors were identified in the 2022 data analytics report.	M	Review the records to identify any unknown vendors and deactivate any duplicate vendors as required.
3	Vendors with multiple bank account changes (during review period)	10 Vendor account's bank accounts were altered more than once during the review period.	M	Review the records to ensure all bank account changes were legitimate.
4	Word searches for unusual vendor names (searched - Do not use, temp, XX and Duplicate)	No records identified.	N/A	N/A
5	Invoices without purchase orders	742 Invoices without PO	M	Review records to see if any vendors who should have had a PO.

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5

No	Test	Result	Indicator	Recommended action(s)
6	Payments to vendors that are not in the vendor Masterfile or have been deactivated	All payments made to vendors in the transaction file matched with a record in the Masterfile. However, 73 transactions across 25 inactive supplier accounts were identified. An assumption that payments were made prior to deactivation has been made.	L	Review the records to identify any payments not as expected.
7	Invoices posted on a weekend	No records identified.	N/A	N/A
8	Round numbered payments	267 round numbered payments (\$'000) were identified. 32 of these payments relating to 24 supplier numbers were not associated with a purchase order.	M	Review the 32 payments with no purchase order and verify validity.
9	Benfords Law - Graph of expected frequencies for the first 2 digits	As shown in the graph below, Figure 1, the significant spike patterns outside the expected upper range are invoice amounts starting with the two-digit numbers 46, 50, 57, 69, 70 and 80. Summary results of the invoices starting with those digits are below.	L	We recommend management scans the listings for any unexpected amounts.
10	Multiple payment methods used (Duplicate Vendor Number and Gross Amount AND different payment type)	No records identified.	N/A	N/A
11	Top 50 Vendors by amount	As shown in workbook.	L	Scan the list for any vendors that are not known for the services provided.
12	Duplicate payments	24 potential duplicate payments identified over 46 records. No subsequent credits/refunds were identified.	M	Review the listed payments and confirm that no outstanding duplicate payments remain.
13	Vendors with multiple purchase orders on same day that would exceed approver's delegation.	149 cases identified where a Purchase Order for the same supplier was approved on the same day by the same individual and the total value exceeds delegated authority. We note that of these cases, 74 Purchase Orders did not have a requisition approver listed.	H	Review the cases identified to ensure the purchase order approvals were appropriate and did not represent splitting of purchase orders to evade delegation limits.
14	Invoices approved by persons over or on their delegated authorities	622 Cases were identified where Purchase Order approval appeared to exceed delegated authority. Of these, 236 records did not have an approver listed.	H	1. Review the cases and understand the reason for authority being able to be exceeded and if there is a systems issue permitting approvals outside delegated authority.

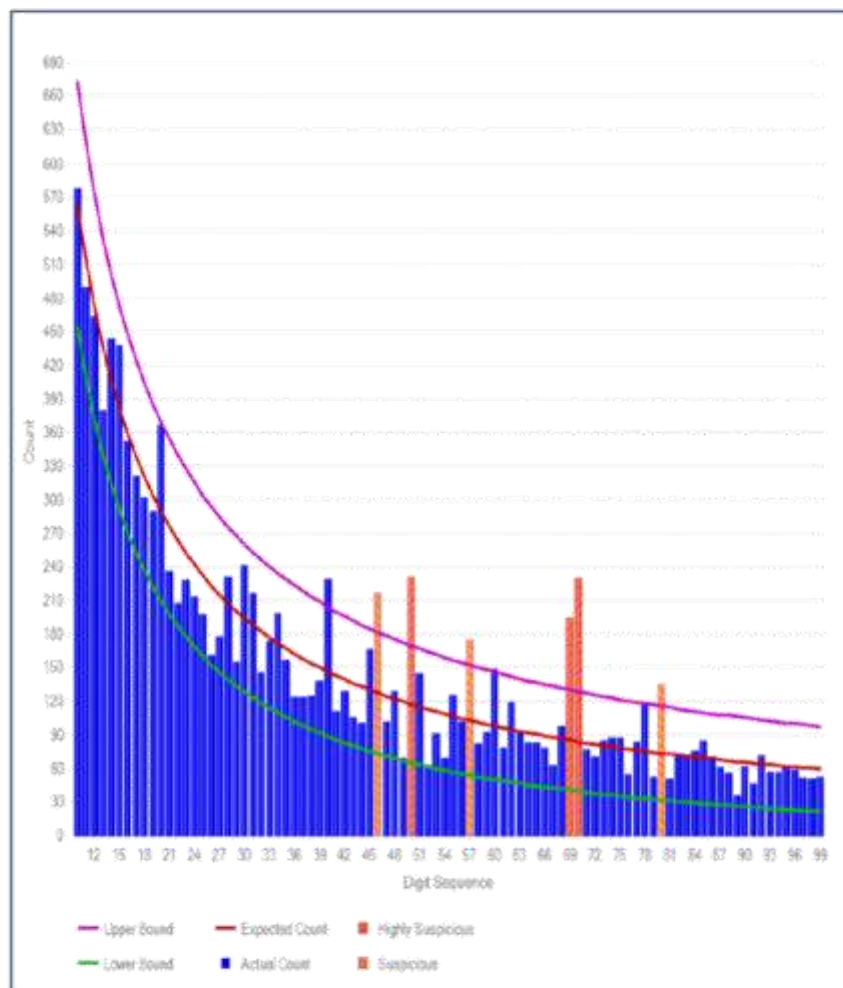
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6

No	Test	Result	Indicator	Recommended action(s)
		<p>We noted 4 approvers whose codes were not listed in the user profile Delegation Limits report as follows:</p> <ul style="list-style-type: none"> • BBAYFIELD01 • KNIMON01 • STULLY01 • TDIACK01 <p>These approvers were listed for 221 of the returned records.</p> <p>For records that had a listed approver that was also identified in the user profile delegations limit report, 165 records returned of PO approval over the individuals financial delegation.</p>		<p>2. Review the Purchase Orders without approval and determine if they are appropriate.</p> <p>3. Review the validity of Purchase Orders that were approved by users not found in the delegations Masterfile.</p>
15	Analysis of purchase orders where the request and authorisation were by the same staff member (profiling by supplier and staff against peers)	245 Purchase Orders were approved created and approved by the same person.	L	Review the List and ensure the approvals were appropriate.
16	Vendors where all purchase orders were created and approved by the same person	<p>28 cases identified where all POs were requisitioned and approved by 1 person.</p> <p>In 23 cases there was only 1 purchase order for the vendor.</p>	M	Review the List and ensure the approvals were appropriate.
17	Credit notes by Vendor, volume, and amount (where amount >\$1,000)	34 Vendors issuing credit notes of more than \$1,000.	L	Scan the list of vendors where total credits were greater than \$1,000 for any unknown vendors or vendors where credits would not be expected.
18	Vendors with transactions with and without GST	53 Vendors identified with both GST and non-GST Payments.	L	Scan the list for vendors where non-GST transactions would not be expected. Individual transaction details for those vendors can be provided by us.

Figure 1 – Benford's analysis



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Benford's Law states that if you randomly select a number from a natural data set of numbers, the value of the first digit(s) in that number will occur at a predictable frequency. For example, the probability that the first digit will be a '1' is approximately 30%, rather than 11.1% as we might expect if all digits were equally likely (1 out of 9). We use Benford's Law to highlight variances from the normal expected occurrences of the first two digits in a transaction.

Anomalies that would appear as spikes and gaps against Benford's expected results could be an indication of payments being split at a certain level to avoid financial delegation limits. For example, a spike before the 5's and a gap after the 5's could indicate payments being split to overcome a financial delegation limit of \$5,000.

By applying the expected results of the Benford's Law theory to the vendor payments tables, the results generally match with the expected probabilities.

As shown in the graph above, the significant spike patterns outside the expected upper range are payments amounts starting with the two-digit numbers 46, 50, 57, 69, 70 and 80.

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8

2.2. Matching master data between the accounts payable and payroll systems

No	Test	Result	Indicator	Recommended action(s)
1	Vendors with a bank account match to the employee master data (excluding employees)	6 matching bank accounts identified.	M	Scan the records to identify any unknown relationships or vendors to ensure vendor is valid.
2	Vendors with an address match to employee master data (excluding employees).	12 vendors were identified with an address match to the employee Masterfile. Fuzzy logic is employed to identify address matches where characters differ within a set tolerance (allows Street and St to be matched for example).	L	Scan the records to identify any unknown relationships or vendors to ensure vendor is valid.
3	Payments to Vendors with an employee master data match created by the employee.	7 records identified relating to 1 employee where the purchase requisition creator is linked to the vendor. A Companies Office search confirmed the employee who approved the purchase requisition is a director and shareholder of the vendor. The transaction value is \$1,710 excl. GST.	H	Ensure the transaction was valid and consider the conflict-of-interest implications of the purchase requisition approval.
4	Employees paid more than \$1,000 through accounts payable (where Vendor is classed as EMPLOYEE in the vendor Masterfile)	28 employees paid more than \$1,000 through AP with 8 employees paid more than \$5,000.	M	Review the 8 employees paid more than \$5,000 through AP for appropriateness.

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9

2.3. Payroll

No	Test	Result	Indicator	Recommended action(s)
1	Master data records with no address recorded	11 employees were identified with no address in the Masterfile.	L	Confirm the employees exist and update master data as required. A physical address should be recorded for each employee (and vendor)
2	Referral address	4 records identified with a referral postal address although 3 of these records have a street address listed.	L	Confirm the employee noted exists.
3	Missing IRD number	All employees with no IRD were Terminated	N/A	N/A
4	Duplicate IRD number in master data	No records identified.	N/A	N/A
5	Employee with no bank account in the master data	No records identified.	N/A	N/A
6	Duplicate bank account	10 duplicate bank accounts identified.	L	Scan the listing for any unknown relationships that could potentially present a segregation of duties or conflict of interest issue.
7	Duplicate name and different IRD numbers	No records identified.	N/A	N/A
8	Employees with no date of birth	No records identified.	N/A	N/A
9a	Employees paid prior to start date	9 Employees in the Payrun data were paid before their Start dates. They could be fixed term and casual employees and potentially previously hired on different contracts.	L	Review the records highlighted and confirm that payments were as expected.
9b	Employees paid after termination date	No employees were paid more than 11 days after their termination date. 69 Employees in the Payrun data were paid after their termination date, however all were paid within 11 days of their end date. Possible timing difference.	L	N/A
10	Short duration of employment (less than 30 days)	5 employees were employed for less than 30 days. An additional employee termination date was listed before the last hired date.	L	Ensure the employees were bona fide.

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10

No	Test	Result	Indicator	Recommended action(s)
11	Duplicate address	10 duplicate addresses among 21 employee records.	L	Scan the listing for any unknown relationships that could potentially present a segregation of duties or conflict of interest issue.
12a	Analysis of allowances by division and / or position description – highest, average, and total transaction values	A list of allowances by Organisation Unit has been provided. The unit with the highest total allowance was 'Regional Projects' with a cumulative allowance of \$64,218.39 over the 22/23 financial year.	L	Review the allowances by unit to ensure they align with Council's budget and strategic goals.
12b	Allowances with organisation unit not listed in the Masterfile	We note that the allowances paid for employees that were not found in the Masterfile total to \$342,763.35 over the financial year. It is worth noting that the Masterfile provided did not include councilors or contractors who may account for some of these allowances.	M	Review the list of employees not assigned to an organisation unit and given allowances to ensure they are valid.
13a	High Allowances by Employee	45 staff received total allowances of over \$5,000 throughout the year.	L	Confirm the 5 highest paid allowances are consistent with contractual arrangements
13b	Negative Allowances	4 Employees have negative total allowances for the financial year.	L	Review the list and validate payment data.
14	Hourly rate paid that is less than minimum wage	No records identified.	N/A	N/A
15	Round numbered payments	No records identified.	N/A	N/A
16	Transactions with no match to the master data	42 Employees identified. May be Councilors or Contractors.	L	Review the list of Names provided and add to the Masterfile as required.
17a	Benchmark total hours and overtime hours between departments (Refer figure 2 and figure 3)	Top 3 overtime by Organisation Units are as follows: • Works Group - \$524,132.04 • Asset Management - \$332,494.81 • People and Capability - \$29,503.41 Significant overtime is identified across the Works Group.	L	Review the overtime values for reasonableness. Consider any potential health and safety risks of catchment staff, mechanics and mower operators undertaking significant overtime.

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11

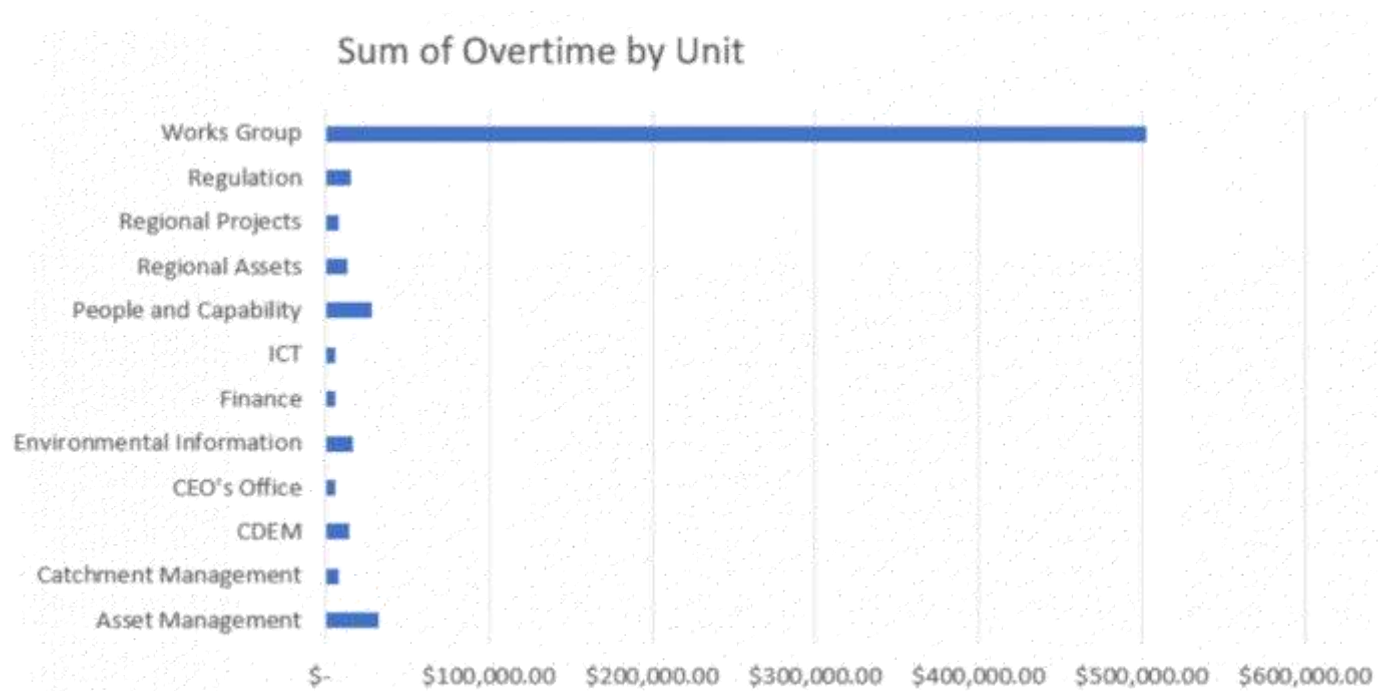
No	Test	Result	Indicator	Recommended action(s)
17b	Identify excessive overtime hours and amounts that could indicate timesheet manipulation, resourcing or health and safety issues. (Refer figure 4)	42 employees with overtime exceeding \$4,000 identified. The highest employee recording \$35,890.67 of overtime.	L	Review the overtime values for reasonableness.

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12

Figure 2 – Total overtime by Unit



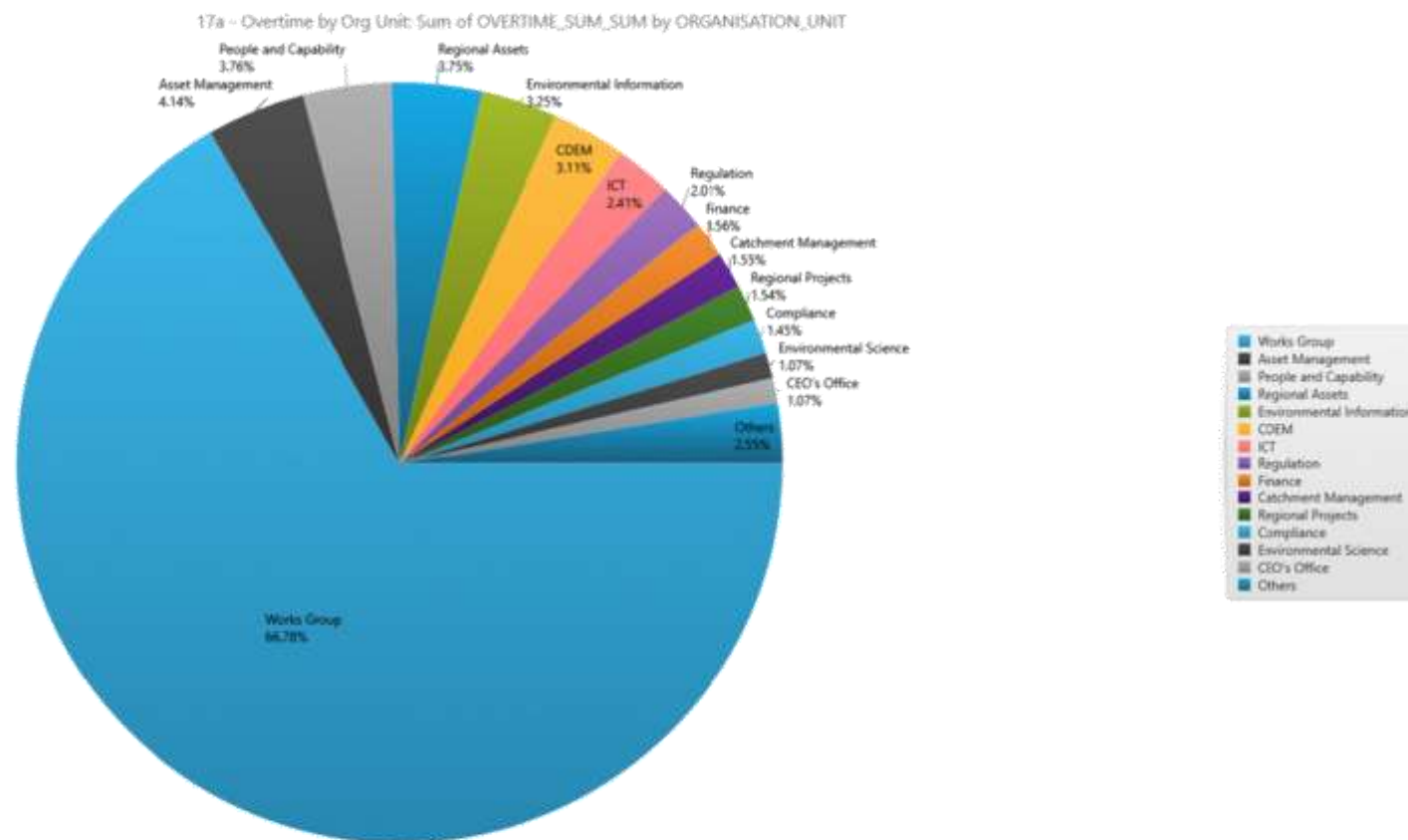
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13

Figure 3 – Overtime statistics - % of overtime per organisation unit)

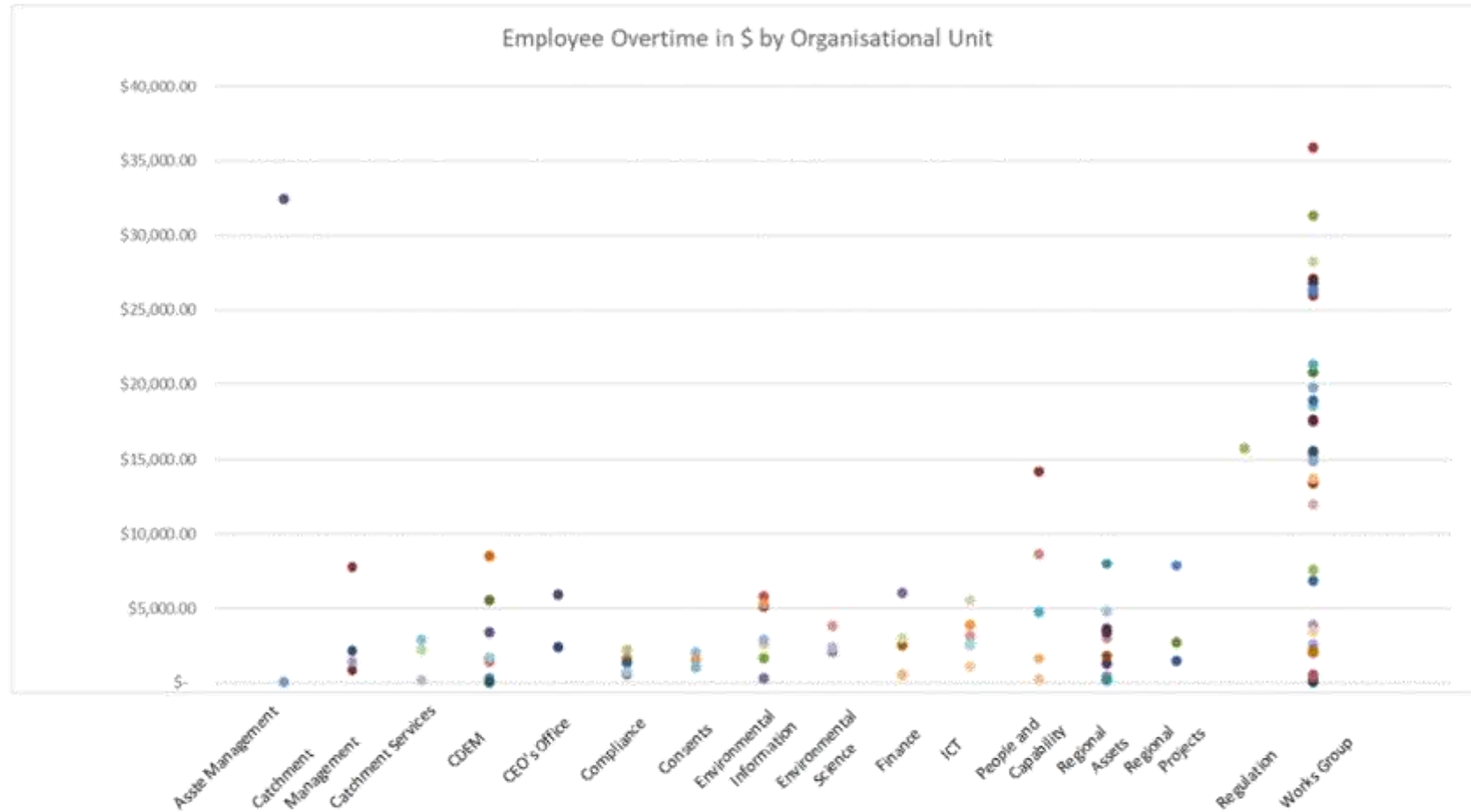


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14

Figure 4 – Overtime statistics –Total overtime per employee claimed (in \$) per organisation unit



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Appendix

Basis and use of opinion

This report is prepared on the basis of the limitations set out below:

- Our procedures were performed according to the standards and guidelines of The Institute of Internal Auditors' International Professional Practices Framework. The procedures were not undertaken in accordance with any auditing, review or assurance standards issued by the External Reporting Board (XRB).
- This report has been prepared pursuant to our terms of engagement. In preparing our report, our primary source of information has been the internal data supplied to us by management and representations made to us by management. We have not, however, sought to establish the reliability of the information sources by reference to other evidence. This report presents the results of our analysis of the information we have relied upon.
- Our report makes reference to 'Data Analysis'. This indicates only that we have (where specified) undertaken certain analytical activities on the underlying data to arrive at the information presented. We do not accept responsibility for the underlying data.
- The statements and findings included in this report are given in good faith, and in the belief that such statements and findings are not false or misleading, but no warranty of accuracy or reliability is given. In accordance with our firm policy, we advise that neither the firm nor any employee of the firm undertakes responsibility arising in any way whatsoever to any persons. Our findings are based solely on the information set out in this report. We reserve the right to amend any findings, if necessary, should any further information become available.
- Because of the inherent limitations of any internal control structure, it is possible that errors or irregularities may occur and not be detected. Our procedures were not designed to detect all weaknesses in control procedures as they were not performed continuously throughout a specified period and any tests performed were on a sample basis.
- Any projection of the evaluation of the control procedures to future periods is subject to the risk that the systems may become inadequate because of changes in conditions, or that the degree of compliance with them may deteriorate.
- The matters raised in this report are only those which came to our attention during the course of performing our procedures and are not necessarily a comprehensive statement of all the weaknesses that exist or improvements that might be made. We cannot, in practice, examine every activity and procedure, nor can we be a substitute for management's responsibility to maintain adequate controls over all levels of operations and their responsibility to prevent and detect irregularities, including fraud. Accordingly, management should not rely on our report to identify all weaknesses that may exist in the systems and procedures under examination, or potential instances of non-compliance that may exist.
- Recommendations for improvement should be assessed by management for their full commercial impact, before they are implemented.
- This Report is not to be used by any other party for any purpose nor should any other party seek to rely on the opinions, advice or any information contained within this Report. In this regard, we recommend that parties seek their own independent advice. Crowe disclaims all liability to any party other than the client for which it was prepared in respect of or in consequence of anything done, or omitted to be done, by any party in reliance, whether whole or partial, upon any information contained in this Report. Any party, other than the client for which it was prepared, who chooses to rely in any way on the contents of this Report, does it so at their own risk.

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	Success statements	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
A	We live our values of collaboration, accountability, transparency, integrity and excellence							
B	We understand the expectations and needs of the community we serve and our plans meet community needs							
C	We deliver on the commitments we make							
D	We keep our community safe							
E	We uphold the principles of Te Tiriti o Waitangi in all that we do							
	UNCERTAINTIES							
1	Effectiveness of Governance and Partnerships including with mana whenua, Councils and the crown			Audit NZ – Consultation Document for the Long-Term Plan				
2	Effectiveness of Policy and Regulation, with compliance by those we regulate							
3	Effectiveness of integrated catchment management		S17a Biosecurity					
4	Effectiveness of asset management		Asset Management Framework					
5	Effectiveness of transport management				S17a Road Safety		Annual Waka Kotahi NZ, Financial & Activity Audit	Annual Waka Kotahi NZ, Financial & Activity Audit
6	Culture, capability and capacity of people			Talent Management				
7	Capability and capacity of service providers and partners		S17a Works Group					
8	Effectiveness of technology		Data Analytics	Data Analytics	Data Analytics	Data Analytics	Data Analytics	Data Analytics
9	Health, safety, resilience and wellbeing of people	Health and Safety Management Maturity					Health, Safety & Wellbeing HSWMS Document Review	
10	Effectiveness of funding and financial management	Audit NZ – External Financial Audit	Audit NZ – External Financial Audit	Audit NZ – External Financial Audit	Audit NZ – External Financial Audit	Audit NZ – External Financial Audit	Ernest & Young – External Financial Audit	Ernest & Young – External Financial Audit
11	Ability to implement change					Organisational Change Consolidation & Prioritisation		
12	Coordination and connectedness of activity and decision making across HBRC		Risk Management Maturity					
13	Legislative and regulatory compliance by HBRC		Privacy Policy Act					
14	Impact of reform							
15	Quality of external stakeholder relationships							
16	Resilience from disruption to operations		Covid-19 Debrief					
17	Effectiveness of investment strategy							
18	Effectiveness of communication, consultation and engagement				Strategic Communications & Engagement Framework			
19	Our impact on the environment							
20	Security, integrity and privacy of information	Cyber Security		Information Management				
21	Effectiveness of Cyclone Gabrielle recovery							
22	Misc	ISO 9001:2015 Revalidation	ISO 9001:2015 Review	ISO 9001:2015 Review NCC MOU	ISO 9001:2015 Revalidation	ISO 9001:2015 Review	ISO 9001:2015 Review	ISO 9001:2015 Revalidation



Hawke's Bay Regional Council
S161 Building Act 2004

Proposed policy on dangerous dams, earthquake-prone dams and flood-prone dams 2024

DRAFT



1. Introduction

This document sets out the policy on dangerous dams, earthquake-prone dams and flood-prone dams adopted by the Hawke's Bay Regional Council ("the Council") in accordance with [sections 161 and 162](#) of the Building Act 2004.

The policy states the approach and priorities the Council will take in performing its functions in relation to dangerous dams, earthquake-prone dams and flood-prone dams in the Hawke's Bay region, and how the policy will apply to heritage dams¹.

The Council will comply with any relevant requirements under Treaty settlement legislation when undertaking its functions in relation to dangerous, earthquake-prone dams and flood-prone dams.

2. Where the policy applies

This policy applies to:

Structures that meet the definition of a dam as defined in section 7 of the Building Act 2004 (the Act); and meet the definition of a classifiable dam defined in regulation 5 of the Building (Dam Safety) Regulations 2022 (the Regulations²)

This policy applies to dams defined in section 7 of the Building Act 2004 ("the Act").

The dam safety provisions in [subpart 7 of Part 2](#) of the Act, including this policy, apply to:

1. Classifiable dams ([defined in regulation 5 of the Building \(Dam Safety\) Regulations 2022 \("the Regulations"\)](#))
2. Referable dams as defined in the Regulations³

Only [section 133B](#)⁴ (height measurement of dams) and [sections 157-159](#) (measures by a regional authority to avoid immediate danger) apply to all other dams.

3. Application of this policy

This policy applies to dams everywhere in the Hawke's Bay region, and irrespective of the age and intended life of the dam. The terms "dangerous dam", "earthquake-prone dam" and "flood-prone dam" have the same meaning as provided in [sections 153 and 153A](#) of the Act.

¹ Refer to the section "Application to heritage dams" for a definition of heritage dams.

² The Regulations were made on 9 May 2022 but do not come into force until 13 May 2024. Terms defined in the Regulations are relevant to the meaning and application of this policy.

³ The current Regulations do not define a referable dam.

⁴ When measuring the height of the dam under this section, the crest of the dam includes any freeboard – refer to section 133B of the Building Act 2004 for the definition.



This policy must be read alongside the Regulations which define terms used in the Act in relation to “dangerous dams”, “earthquake-prone dams” and “flood-prone dams”⁵.

The Regulations and the Act can be accessed at legislation.govt.nz⁶.

This policy does not cover consents required under the Resource Management Act 1991 or the Building Act 2004. Under [section 153AA](#), if a dangerous dam is located in an area that has been affected by an emergency ([subpart 6B](#) of the Act), this policy and other provisions of the Act continue to apply but only in relation to:

- a. action or notices issued under [section 154](#);
- b. work carried out under [section 156](#); or
- c. if a warrant is issued under [section 157](#).

4. Commencement and review

This policy commences 13 May 2024

The Council is required to follow special consultative procedure set out in [section 83](#) of the Local Government Act 2002 when developing and adopting this policy and will have regard to any relevant principles in the Act. This policy will be reviewed every five years or earlier as required. The policy remains in effect even if it is due for review or being reviewed.

5. Principles

The Council will apply the following principles to the exercise of its dangerous dams, earthquake-prone dams and flood-prone dams functions under the Act.

1. Dam owners have the primary responsibility for identifying, monitoring, reviewing and reporting on dangerous, earthquake-prone and flood-prone dams, and for reducing or removing the risk of harm to people, property and the environment in a timely and effective manner.
2. A recognised engineer⁷ engaged (by the dam owner) to provide a certificate for the purposes of sections [135\(1\)\(b\)](#), [142\(1\)\(b\)](#), or [150\(2\)\(f\)](#) must notify the Council and the owner of the dam, in writing and within five working days, if they believe that the dam is dangerous.

⁵ Section 19 of the Regulations defines moderate earthquake, moderate flood, earthquake threshold event and flood threshold event.

⁶ Building (Dam Safety) Regulations 2022 and Building Act 2004.

⁷ A recognised engineer is defined in section 149 of the Act.



3. The state of all dangerous, earthquake-prone and flood-prone dams (as defined in the Act and the Regulations) must be known (noting that other dam safety provisions in the Act apply to all dams) and this information, if known to the Council, will be made readily available by the Council, to all persons potentially affected by the safety risks of a dangerous, earthquake-prone or flood-prone dam.
4. The Council will endeavour to communicate to dam owners about the responsibilities of dam owners under the policy.

6. Council's approach to performing its functions

Information on dam status

The Council will keep a register of dams as required by [section 151](#) of the Act, recording the dangerous, earthquake-prone and flood-prone status of each classifiable dam. The Council will develop a monitoring procedure to maintain the register.

Should the Council receive information about a dangerous, earthquake-prone or flood-prone dam in the region, the Council will notify the chief executive of the Ministry of Business, Innovation and Employment, the relevant territorial authority, the Hawke's Bay Civil Defence and Emergency Management Group, and relevant mana whenua. Equally, the Council will notify operators of critical infrastructure or lifeline utilities downstream of a dangerous, earthquake-prone or flood-prone dam. Heritage New Zealand Pouhere Taonga will be notified by Council if it becomes aware of a dangerous dam that is also a heritage dam. The Council will notify Heritage New Zealand Pouhere Taonga if it becomes aware of a dangerous dam that is also a heritage dam.

Working with dam owners

The Regulations require owners of all classifiable dams to know whether their dam is dangerous, earthquake-prone or flood-prone and to take the necessary steps, in a timely manner, to comply with the Act and the Regulations. The Act requires dam owners to immediately notify the Council if they have reasonable grounds for believing their dam is dangerous. This applies to dams that are either a high potential impact dam or a medium potential impact dam and are likely to fail in the ordinary course of events, or a "moderate earthquake" or "moderate flood" (as defined in the Regulations).

The Act also requires a recognised engineer who provides a certificate for the purposes of sections [135\(1\)\(b\)](#), [142\(1\)\(b\)](#), or [150\(2\)\(f\)](#), to notify the Council and the owner of the dam if they believe that the dam is dangerous. The notice must be provided in writing and be given within five working days after the engineer forms their belief.

The Council will work with the owners of identified dangerous dams and may work with owners of identified earthquake-prone and flood-prone dams, to develop an action plan (with timeframes) with the goals of increasing the safety of the dam and eliminating or reducing the risks of the dam to people, property, infrastructure and the environment. It is not realistic to specify a timeframe in this policy for achieving this goal because timeframes will be dictated by the circumstances of each case.



When setting a timeframe for action, the Council will consider the state of the dam, and the likelihood and consequences of dam failure.

Directing and taking action

The Council may exercise the powers outlined below:

- For dangerous dams
 - if the owner of any dam is not acting in accordance with an agreed action plan; or
 - where there is no agreed action plan; or
 - where it considers that the agreed action plan requires review or amendment; or
 - where ownership is not known or is disputed; or
- For all dams, where there is or is likely to be a risk of immediate danger.

Before exercising any of its powers under sections 154 to 159 of the Act, the Council will, unless the circumstances dictate otherwise (such as where there is immediate danger to the safety of persons, property, or the environment), seek to discuss options for action with the owner of the dam, with a view to obtaining from the owner a mutually acceptable proposal for reducing or removing the danger. Acceptable actions by the owner may include, but are not limited to, one or more of the following:

- operational changes such as reducing the volume of impounded fluid or completely emptying the reservoir;
- reconfiguring an existing spillway or creating a new or supplementary spillway so as to limit the maximum impounded volume and/or to safely route flood flows;
- increasing surveillance and monitoring;
- development of emergency preparedness and response plans;
- review of the dam safety assurance programme;
- requiring the owner to engage a dam specialist to investigate and make recommendations with any report provided to the Council;
- implementing measures to enable controlled, rapid emptying of the impounded fluid;
- measures downstream of the dam to mitigate the impact of dam failure;
- physical works including reconstruction or partial demolition of the dam;
- decommissioning and/or removal of the dam.

The whole or part of any proposal by the dam owner may be incorporated as a requirement in a Notice to Fix issued by the Council under [section 164](#) of the Act. If no action is taken by the owner to address the danger, the Council may exercise any of its statutory powers in [sections 154-159](#) and [164](#) of the Act.

The Council will notify potentially affected communities downstream of dangerous, earthquake-prone or flood-prone dams. The Council will do this by publishing information about any dangerous, earthquake-prone or flood-prone dams in the region. The Council will also work with the Hawke's Bay Civil Defence Emergency Management Group and where relevant, lifeline utilities⁸.

⁸ Lifeline utilities is defined in section 4 of the Civil Defence Emergency Management Act 2002.



The Council may at any time require the dam owner to review a dam safety assurance programme if the dam is an earthquake-prone or flood-prone dam.

In a situation where a dam is dangerous, the Council may (amongst other actions):

- erect a hoarding or fence to prevent people from approaching the dam nearer than is safe.
- attach a notice on or near the dam (or affected downstream areas) that warns people not to approach.
- give written notice to the owner requiring work to be carried out on the dam, and within the time stated in the notice to remove or reduce the danger.

In a situation where the Chief Executive of the Council considers that, because of the state of the dam, immediate danger to the safety of persons, property, or the environment is likely, then the Chief Executive of the Council may:

- cause any action to be taken that is necessary to remove that danger.
- recover the costs of taking any action from the dam owner.

7. Council's priorities in performing these functions

The Council's approach to dangerous, earthquake-prone or flood-prone dams is tailored towards achieving a reduction in the pre-existing risk whilst still being able to deal with risks that emerge in the future.

The priorities will be as follows:

1. to minimise the risk to public safety at all times.
2. to minimise the risk to damage or loss of property.
3. to minimise the risk to the environment.
4. to have regard to cultural and heritage values.

8. Application to heritage dams

For the purposes of this policy, a heritage dam means a dam that is included on:

1. the New Zealand Heritage List/Rārangi Kōrero maintained under [section 65](#) of the Heritage New Zealand Pouhere Taonga Act 2014; or
2. the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under [section 81](#) of the Heritage New Zealand Pouhere Taonga Act 2014.

[Section 4\(2\)\(l\)](#) of the Building Act recognises the "need to facilitate the preservation of buildings of significant cultural, historical, or heritage value".



The Council recognises the need to retain heritage values of the dam itself, but also the need to reduce or remove any risk posed by a heritage dam which has been classified as dangerous, flood prone or earthquake prone. When considering heritage dams under this policy, account will be taken of the need to facilitate the preservation of significant heritage values.

When dealing with heritage dangerous dams, the Council will seek advice from Heritage New Zealand Pouhere Taonga and the relevant territorial authority (if appropriate) before any actions are undertaken by the regional authority under [sections 153 – 160](#) of the Act.

The Council may also engage suitably qualified professionals with engineering expertise and heritage expertise to advise and recommend actions. When considering any recommendations, the Council will have regard to the priorities set out in the previous section of this policy. Copies of all served notices for heritage dangerous dams, earthquake-prone dams and flood-prone dams will be provided to Heritage New Zealand Pouhere Taonga.

The Council will record the heritage listing of all dangerous, earthquake-prone and flood-prone dams it is made aware of in its register of dams and supply this information to the relevant territorial authority for inclusion on any relevant land information memorandum.



Hawke's Bay Regional Council

Statement of proposal

Proposed policy on dangerous dams, earthquake-prone dams and flood-prone dams 2024



1. What are we doing

The Building Act 2004 introduced a regime for managing the safety of existing and new dams in New Zealand. Under this Act, Regional Councils must prepare a policy on how they will deal with dangerous dams, earthquake-prone dams and flood-prone dams in their region, and how the policy will apply to heritage dams. We are updating our policy so that it aligns with the new dam safety requirements created by central government.

Those new requirements include the Building (Dam Safety) Regulations 2022 (**Regulations**) which come into effect in May 2024. From that date, owners of dams that meet the height and volume requirements will need to confirm the potential risk their dam poses, put in place safety plans and undertake regular dam inspections.

This document provides a summary of the proposed Policy on dangerous dams, earthquake-prone dams and flood-prone dams 2024 for your consideration. Your feedback is an important part of the policy drafting process. Once all comments and submissions have been considered, Council will make a decision on whether to adopt the amended policy.

2. Who should read this policy

You should read this policy if you have a dam that is a classifiable dam. A classifiable dam is defined in [regulation 5](#) of the Regulations. Measures by a regional authority to avoid immediate danger also apply to all other dams.

3. What is the policy about?

[Section 161](#) and [162](#) of the Building Act 2004 (**the Act**) requires all regional councils to adopt a policy on dangerous dams, earthquake-prone dams and flood-prone dams.

This policy sets out what Hawke's Bay Regional Council (**the Council**) will do in relation to a dangerous, earthquake-prone or flood-prone dam in the Hawke's Bay region. It is a short policy that covers our regulatory and legislative responsibilities in relation to these dams under the Building Act 2004.

The policy has four key sections:

1. What principles will apply:

Dam owners have the primary responsibility for identifying, monitoring, and reporting on dangerous, earthquake-prone and flood-prone dams and for reducing or removing the risk of harm to people, property and the environment in a timely and effective manner.

A recognised engineer engaged by the owner to provide a certificate must notify the Council and the owner of the dam if he or she believe that the dam is dangerous.



The state of all dangerous, earthquake-prone and flood-prone dams must be known, if this information is known by Council, this will be made readily available to all persons potentially affected by the safety risks.

2. How we will perform our legislative functions in relation to dangerous, earthquake-prone or flood-prone dams:

The Council will keep and monitor a register of all dams as required by [Section 151](#) of the Act, recording the dangerous, earthquake-prone and flood-prone status of each classifiable dam. Should the Council receive information about a dangerous, earthquake-prone or flood-prone dam within its regional boundary, the Council will notify relevant authorities and mana whenua.

It is expected that owners of classifiable dams will know the status of their dams as required under the Regulations and will take the necessary steps to act on it responsibly. The Council will work with the owners of identified dangerous dams, earthquake-prone dams and flood-prone dams to develop an action plan with the goals of increasing the safety of the dam.

Under certain circumstances, the Council may intervene and take action where there is or likely to be a risk of immediate danger. If appropriate, the Council will also notify potentially affected communities downstream of a dangerous, earthquake-prone or flood-prone dam.

If the Council considers there is immediate danger, the Council may put up fencing or hoarding around the dangerous dam to stop people approaching the dam, attach a notice that warns people not to approach, and give written notice to the owner of the dam requiring work to be carried out on the dam within the time stated in the notice to remove or reduce danger.

3. Our priorities when performing these functions:

The policy sets out that we will prioritise public safety at all times. When undertaking our functions, we will also seek to minimise the risk to damage or loss of property, the risk to the environment, and have regard to cultural and heritage values.

4. How the policy will apply to heritage dams:

In this policy, a heritage dam includes all dams included on the New Zealand Heritage List/Rārangī Kōrero maintained under [section 65](#) of the Heritage New Zealand Pouhere Taonga Act 2014, or the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under [section 81](#) of the Heritage New Zealand Pouhere Taonga Act 2014.

If a dangerous dam is also a heritage dam, we will account for the need to facilitate the preservation of significant heritage values. The Council will record the heritage listing of all dangerous, earthquake-prone and flood-prone dams it is made aware of in its register of dams. When dealing with heritage dams on this register, the Council will seek advice from Heritage New Zealand Pouhere Taonga and the relevant territorial authority before any actions are undertaken.



5. What are dangerous, earthquake-prone and flood-prone dams?

These terms are defined in the Building Act 2004.

A dam is **dangerous** for the purposes of the Act if it is a high potential or medium potential impact dam and is likely to fail –

- in the ordinary course of events; or
- in a moderate earthquake (as defined in the Regulations); or
- in a moderate flood (as defined in the Regulations).

A dam is an **earthquake-prone dam** for the purposes of the Act if the dam –

- is a high potential impact dam or a medium potential impact dam; and
- is likely to fail in an earthquake threshold event (as defined in the Regulations).

A dam is a **flood-prone dam** for the purposes of the Act if the dam –

- is a high potential impact dam or a medium potential impact dam; and
- is likely to fail in a threshold event (as defined in the Regulations).

6. What doesn't the policy cover?

The policy does not classify dams. The Regulations require dam owners to assess their dam as either low, medium or high potential impact. Their assessment considers the impact to the community, property, cultural sites, critical and major infrastructure, and the natural environment. If it is a medium or high potential impact dam, the Building Act then requires the owner to prepare a dam safety assurance programme.

The Council does not undertake this assessment nor is it responsible for preparing the dam safety assurance programme—this is the role of the dam owner and their recognised engineer. However, the dam owner must immediately notify the Council if they believe their dam is dangerous. We will then respond in accordance with the policy.

The policy also does not cover consenting matters under the Resource Management Act 1991 or Building Act 2004. **Submissions should relate to the contents of the policy. The Council is not able to change anything in the Act or Regulations.**



7. Where to find information

The statement of proposal and proposed policy are available on our website, visit <https://www.hbrc.govt.nz/> and search #Dam Safety

If you have any questions about this proposal or about how to make a submission, please contact us via email damsafety@hbrc.govt.nz

8. How to make a submission

Consultation is open until 28 April 2024.

Anyone can make a submission on the proposed policy. You can make a submission via our website, visit <https://www.hbrc.govt.nz/> and search #Dam Safety

As part of your submission, please tell us if you would like to attend a public hearing to speak to the Council in support of your submission, including if you wish to use New Zealand Sign Language. If you don't wish to speak, your submission will be provided to a hearings panel for consideration. Please provide your contact details so that we can notify you of the hearing date and arrange a time for you to speak (if you choose to). This will also enable the Council to inform you of the decisions on the policy following the hearing. Please be aware that all submissions will be publicly available on the Council's website.

9. What happens next?

After the hearing, the Council will consider all of the submissions received and make decisions on any amendments to the policy as a result. All submitters will be notified of the Council's decision.



Standing Orders

for ~~16 November 2022~~ 27 March 2024 adoption

Preface

Standing orders contain rules for the conduct of the proceedings of local authorities, committees, sub-committees and subordinate decision-making bodies. Their purpose is to enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive and lawful manner.

In doing so the application of standing orders contributes to greater public confidence in the quality of local governance and democracy in general.

These standing orders have been designed specifically for local authorities, their committees, sub-committees and subordinate decision-making bodies. They fulfil, with regard to the conduct of meetings, the requirements of the Local Government Act 2002 (LGA 2002) and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

Although it is mandatory that local authorities adopt standing order for the conduct of their meetings, it is not necessary that they are adopted every triennium. However, LGNZ recommends that every council, committee and subordinate body review their standing orders within at least their first six months following an election, to ensure that they fully meet the need for effective and inclusive meetings (see LGA 2002, cl. 27, Schedule 7).

For clarity's sake whenever a question about the interpretation or application of these standing orders is raised, particularly where a matter might not be directly provided for, it is the responsibility of the chairperson of each meeting to make a ruling.

All members of a local authority must abide by standing orders.

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Contents

1. Introduction	1
1.1 Principles	1
1.2 Statutory references	1
1.3 Acronyms	2
1.4 Application	2
2. Definitions	2
3. Standing orders	6
3.1 Obligation to adopt standing orders	6
3.2 Process for adoption and alteration of standing orders	6
3.3 Members must obey standing orders	6
3.4 Application of standing orders	6
3.5 Temporary suspension of standing orders	6
3.6 Quasi-judicial proceedings	6
3.7 Physical address of members	6
4. Meetings	7
4.1 Legal requirement to hold meetings	7
4.2 Meeting duration	7
4.3 Language	7
4.4 Webcasting meetings	7
4.5 First meeting (inaugural)	7
4.6 Requirements for the first meeting	7
5. Appointments and elections	8
5.1 Elections of a Chairperson and deputy Chairperson	8
5.2 Voting system for Chairperson and committee chairs	8
6. Delegations	9
6.1 Limits on delegations	9
6.2 Committees may delegate	9
6.3 Use of delegated powers	9
6.4 Decisions made under delegated authority cannot be rescinded or amended	9
6.5 Committees and sub committees subject to the direction of the council	9
7. Committees	9
7.1 Appointment of committees and sub-committees	9
7.2 Discharge or reconstitution of committees and sub-committees	10
7.3 Appointment or discharge of committee members and sub-committee members	10
7.4 Elected members on committees and sub-committees	10
7.5 Local authority may replace members if committee not discharged	10
7.6 Decision not invalid despite irregularity in membership	10
7.7 Appointment of joint committees	10

Hawke's Bay Regional Council Standing Orders
 proposed for adoption ~~16 November 2022~~ 27 March 2024

7.8	Status of joint committees	11
7.9	Power to appoint or discharge individual members of a joint committee	11
8.	Giving notice	11
8.1	Public notice – ordinary meetings	11
8.2	Notice to members - ordinary meetings	11
8.3	Extraordinary meeting may be called	11
8.4	Notice to members - extraordinary meetings	11
8.5	Emergency meetings may be called	12
8.6	Process for calling an emergency meeting	12
8.7	Public notice – emergency and extraordinary meetings	12
8.8	Meetings not invalid	12
8.9	Resolutions passed at an extraordinary meeting	12
8.10	Meeting schedules	12
8.11	Non-receipt of notice to members	13
8.12	Meeting cancellations	13
9.	Meeting agenda	13
9.1	Preparation of the agenda	13
9.2	Process for raising matters for a decision	13
9.3	Chief executive may delay or refuse request	13
9.4	Order of business	13
9.5	Chairperson's recommendation	13
9.6	Chairperson's report	14
9.7	Public availability of the agenda	14
9.8	Public inspection of agenda	14
9.9	Withdrawal of agenda items	14
9.10	Distribution of the agenda	14
9.11	Status of agenda	14
9.12	Items of business not on the agenda which cannot be delayed	14
9.13	Discussion of minor matters not on the agenda	15
9.14	Public excluded business on the agenda	15
9.15	Qualified privilege relating to agenda and minutes	15
10.	Quorum	16
10.1	Councils	16
10.2	Committees and sub-committees	16
10.3	Joint Committees	16
10.4	Requirement for a quorum	16
10.5	Meeting lapses where no quorum	16
10.6	Business from lapsed meetings	16

11. Public access and recording	17
11.1 Meetings open to the public	17
11.2 Grounds for removing the public	17
11.3 Local authority may record meetings	17
11.4 Public may record meetings	17
12. Attendance	17
12.1 Members right to attend meetings	17
12.2 Attendance when a committee is performing judicial or quasi-judicial functions	17
12.3 Leave of absence	17
12.4 Apologies	18
12.5 Recording apologies	18
12.6 Absent without leave	18
12.7 Right to attend by audio or audio-visual link	18
12.8 Member's status: quorum	18
12.9 Member's status: voting	18
12.10 Chairperson's duties	18
12.11 Conditions for attending by audio or audio-visual link	19
12.12 Request to attend by audio or audio-visual link	19
12.13 Chairperson may terminate link	19
12.14 Giving or showing a document	19
12.15 Link failure	19
12.16 Confidentiality	19
13. Chairperson's role in meetings	20
13.1 Council meetings	20
13.2 Committee meetings	20
13.3 Addressing the Chairperson	20
13.4 Chairperson's rulings	20
13.5 Chairperson standing	20
13.6 Member's right to speak	20
13.7 Chairperson may prioritise speakers	20
14. Public Forums	21
14.1 Time limits	21
14.2 Restrictions	21
14.3 Questions at public forums	21
14.4 No resolutions	21
15. Deputations	21
15.1 Time limits	21
15.2 Restrictions	22
15.3 Questions of a deputation	22

15.4	Resolutions	22
16.	Petitions	22
16.1	Form of petitions	22
16.2	Petition presented by petitioner	22
16.3	Petition presented by member	22
17.	Exclusion of public	23
17.1	Motions and resolutions to exclude the public	23
17.2	Specified people may remain	23
17.3	Public excluded items	23
17.4	Non-disclosure of information	23
17.5	Release of information from public excluded session	23
18.	Voting	24
18.1	Decisions by majority vote	24
18.2	Open voting	24
18.3	Chairperson has <i>no</i> /a casting vote	24
18.4	Method of voting	24
18.5	Calling for a division	24
18.6	Request to have votes recorded	24
18.7	Members may abstain	24
19.	Conduct	24
19.1	Calling to order	24
19.2	Disrespect	24
19.3	Retractions and apologies	25
19.4	Disorderly conduct	25
19.5	Contempt	25
19.6	Removal from meeting	25
19.7	Financial conflicts of interests	25
19.8	Non-financial conflicts of interests	25
19.9	Qualified privilege for meeting proceedings	26
19.10	Qualified privilege additional to any other provisions	26
19.11	Electronic devices at meetings	26
20.	General rules of debate	26
20.1	Chairperson may exercise discretion	26
20.2	Time limits on speakers	26
20.3	Questions to staff	26
20.4	Questions of clarification	26
20.5	Members may speak only once	26
20.6	Limits on number of speakers	26
20.7	Seconder may reserve speech	27

20.8	Speaking only to relevant matters	27
20.9	Restating motions	27
20.10	Criticism of resolutions	27
20.11	Objecting to words	27
20.12	Right of reply	27
20.13	No other member may speak	27
20.14	Adjournment motions	27
20.15	Chairperson's acceptance of closure motions	28
21.	General procedures for speaking and moving motions	28
21.1	Options for speaking and moving	28
21.2	Option A	28
21.3	Option B	28
21.4	Option C	29
21.5	Procedure if no resolution reached	29
22.	Motions and amendments	29
22.1	Proposing and seconding motions	29
22.2	Motions in writing	29
22.3	Motions expressed in parts	29
22.4	Substituted motion	29
22.5	Amendments to be relevant and not direct negatives	29
22.6	Foreshadowed amendments	30
22.7	Lost amendments	30
22.8	Carried amendments	30
22.9	Where a motion is lost	30
22.10	Withdrawal of motions and amendments	30
22.11	No speakers after reply or motion has been put	30
23.	Revocation or alteration of resolutions	30
23.1	Member may move revocation of a decision	30
23.2	Revocation must be made by the body responsible for the decision	31
23.3	Requirement to give notice	31
23.4	Restrictions on actions under the affected resolution	31
23.5	Revocation or alteration by resolution at same meeting	31
23.6	Revocation or alteration by recommendation in report	31
24.	Procedural motions	31
24.1	Procedural motions must be taken immediately	31
24.2	Procedural motions to close or adjourn a debate	31
24.3	Voting on procedural motions	32
24.4	Debate on adjourned items	32
24.5	Remaining business at adjourned meetings	32

24.6	Business referred to the relevant committee	32
24.7	Other types of procedural motions	32
25.	Points of order	32
25.1	Members may raise points of order	32
25.2	Subjects for points of order	32
25.3	Contradictions	32
25.4	Point of order during division	33
25.5	Chairperson's decision on points of order	33
26.	Notices of motion	33
26.1	Notice of intended motion to be in writing	33
26.2	Refusal of notice of motion	33
26.3	Mover of notice of motion	33
26.4	Alteration of notice of motion	33
26.5	When notices of motion lapse	33
26.6	Referral of notices of motion	34
26.7	Repeat notices of motion	34
27.	Minutes	34
27.1	Minutes to be evidence of proceedings	34
27.2	Matters recorded in minutes	34
27.3	No discussion on minutes	35
27.4	Minutes of last meeting before election	35
28.	Minute records	35
28.1	Maintaining accurate records	35
28.2	Method for maintaining records	35
28.3	Inspection	35
28.4	Inspection of public excluded matters	35
	Referenced documents	35
	Appendix 1: Grounds to exclude the public	37
	Appendix 2: Sample resolution to exclude the public	38
	Appendix 3: Motions and amendments (Option A)	39
	Appendix 4: Motions and amendments (Option B)	40
	Appendix 5: Motions and amendments (Option C)	41
	Appendix 6: Table of procedural motions	42
	Appendix 7: Webcasting protocols	44
	Appendix 8: Powers of a Chairperson	45
	Appendix 9: Process for removing a regional chairperson from office	49
	Appendix 10: HBRC Workshop Guidelines	50
	Appendix 11: Process for raising matters for a decision	53

[Appendix 11: HBRC Guidelines for petitions](#)

Hawke's Bay Regional Council Standing Orders
proposed for adoption ~~16 November 2022~~ March 2024

Hawke's Bay Regional Council Standing Orders
proposed for adoption ~~16 November 2022~~ 27 March 2024

1. Introduction

These standing orders have been prepared to enable the orderly conduct of local authority meetings. They incorporate the legislative provisions relating to meetings, decision making and transparency. They also include practical guidance on how meetings should operate so that statutory provisions are complied with and the spirit of the legislation fulfilled.

To assist elected members and officials the document is structured in three parts:

- Part 1 deals with general matters.
- Part 2 deals with pre-meeting procedures.
- Part 3 deals with meeting procedures.

The Appendices, which follows Part 3, provides templates and additional guidance for implementing provisions within the standing orders. Please note, the Appendix is an attachment to the standing orders and not part of the standing orders themselves, consequently amendments to the Appendix do not require the agreement of 75% of those present. In addition the 'Guide to Standing Orders' provides additional advice on the application of the standing orders and are also not part of the standing orders.

1.1 Principles

Standing orders are part of the framework of processes and procedures designed to ensure that our system of local democracy and in particular decision-making within local government is transparent and accountable. They are designed to give effect to the principles of good governance, which include that a local authority should:

- Conduct its business in an open, transparent and democratically accountable manner
- Give effect to its identified priorities and desired outcomes in an efficient and effective manner
- Make itself aware of, and have regard to, the views of all of its communities
- Take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well
- Ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the LGA, and
- Ensure that decision-making procedures and practices meet the standards of natural justice.

These principles are reinforced by the requirement that all local authorities act so that "governance structures and processes are effective, open and transparent" (s. 39 LGA 2002).

1.2 Statutory references

The Standing Orders consist of statutory provisions about meetings along with guidance on how those provisions should be applied in practice. Where a statutory provision has been augmented with advice on how it might be implemented the advice (so as not to confuse it with the statutory obligation) is placed below the relevant legislative reference. In some cases the language in the statutory provision has been modernised for ease of interpretation or amended to ensure consistency with more recently enacted statutes.

It is important to note that statutory references in the standing orders apply throughout the period of a meeting, regardless of whether or not parts or all of the Standing Orders have been suspended. These provisions must also be carried through into any amendment of the standing orders that might be made. Please note, where it is employed the word 'must', unless otherwise stated, identifies a mandatory legislative requirement.

1.3 Acronyms

LGA 2002	Local Government Act 2002
LGOIMA	Local Government Official Information and Meetings Act 1987
LAMIA	Local Authority Members' Interests Act 1968

1.4 Application

For the removal of any doubt these standing orders do not apply to workshops or meetings of working parties and advisory groups unless specifically included in their terms of reference.

2. Definitions

Adjournment means a break in the proceedings of a meeting. A meeting, or discussion on a particular business item, may be adjourned for a brief period, or to another date and time.

Advisory group means a group of people convened by a local authority for the purpose of providing advice or information that is not a committee or sub-committee. These standing orders do not apply to such groups. This definition also applies to workshops, working parties, working group, panels, forums, portfolio groups, briefings and other similar bodies.

Agenda means the list of items for consideration at a meeting together with reports and other attachments relating to those items in the order in which they will be considered. It is also referred to as an 'order paper'.

Amendment means any change of proposed change to the original or substantive motion.

Appointed member means a member of a committee, or subsidiary organisation of a council, who is not elected.

Audio link means facilities that enable audio communication between participants at a meeting when one or more of the participants is not physically present at the place of the meeting.

Audio-visual link means facilities that enable audiovisual communication between participants at a meeting when one or more of them is not physically present at the place of the meeting.

Chairperson means the person in a position of authority in a meeting or other gathering, also known as the presiding member.

Chief Executive means the chief executive of a regional council appointed under section 42 of the LGA 2002, and includes, for the purposes of these standing orders, any other officer authorized by the local authority.

Clear working days means the number of working days (business days) prescribed in these standing orders for giving notice and excludes the date of the meeting and date on which the notice is served.

Committee includes, in relation to a local authority:

- (a) A committee comprising all the members of that authority
- (b) A standing committee or special committee appointed by that authority
- (c) A joint committee appointed under clause 30A of Schedule 7 of the LGA 2002, and
- (d) Any sub-committee of a committee described in (a), (b) and (c) of this definition.

Community board means a community board established under s.49 of the LGA 2002.

Conflict of Interest means any pecuniary interest and any interest arising because of that person's position as a trustee, director, officer, employee or member of another body or because of any personal non-pecuniary interest, such as pre-determination or bias.

Contempt means being disobedient to, or disrespectful of, the chair of a meeting, or disrespectful to any members, officers or the public.

Council means, in the context of these standing orders, the Hawke's Bay Regional Council.

Debate means discussion by members that occurs once a motion has been moved/seconded

Deputation means a request from any person or group to make a presentation to the Council which is approved by the Chairperson and which may be made in English, te reo Māori or New Zealand Sign Language.

Division means a formal vote at a Council, committee or sub-committee meeting whereby the names of those members present, including the chair, are formally recorded as voting either for or against. This includes a vote where the names and votes are recorded electronically.

Electronic link means both an audio and audio-visual link.

Emergency meetings has the same meaning as defined in cl. 22A of Schedule 7 of the LGA 2002.

Extraordinary meeting has the same meaning as defined in cl. 22 of Schedule 7 of the LGA 2002.

Foreshadowed motion means a motion that a member indicates their intention to move once the debate on a current motion or amendment is concluded.

Item means a substantive matter for discussion at a meeting.

Joint committee means a committee in which the members are appointed by more than one local authority in accordance with clause 30A of Schedule 7 of the LGA 2002.

Karakia timatanga means an opening prayer.

Karakia whakamutunga means a closing prayer.

Lawfully excluded means a member of a regional council who has been removed from a meeting due to behaviour that a Chairperson has ruled to be contempt.

Leave of the meeting means agreement without a single member present dissenting.

Local authority means, in the context of these standing orders, a regional council as defined in s. 5 of the LGA 2002, which is named in these standing orders, and any subordinate decision-making bodies established by the local authority.

Meeting means any first, inaugural, ordinary, extraordinary, or emergency meeting of a regional council convened under the provisions of LGOIMA.

Member means any person elected or appointed to the local authority.

Member of the Police means a Constable of the New Zealand Police within the definition of s.4 of the Policing Act 2008.

Mihi whakatau means a brief welcome typically delivered by one person without any further formalities.

Minutes means the record of the proceedings of any meeting of the local authority.

Motion means a formal proposal to a meeting.

Mover means the member who initiates a motion.

Newspaper means a periodical publication published (whether in New Zealand or elsewhere) at intervals not exceeding 40 days, or any copy of, or part of any copy of, any such publications; and this includes every publication that at any time accompanies and is distributed along with any newspaper.

Notice of motion means a motion given in writing by a member in advance of a meeting in accordance with, and as provided for, in these standing orders.

Officer means any person employed by the council either full or part time, on a permanent or casual or contract basis.

Open voting means voting that is conducted openly and in a transparent manner (i.e. enables an observer to identify how a member has voted on an issue) and may be conducted by electronic means. The result of the vote must be announced immediately it has concluded. Secret ballots are specifically excluded.

Order paper means the list of items for consideration at a meeting together with reports and other attachments relating to those items set out in the order in which they will be considered. An order paper is also referred to as an agenda.

Ordinary meeting means any meeting, other than the first meeting, of a local authority publicly notified in accordance with sections 46(1) and (2) of LGOIMA.

Pecuniary Interest includes any interest described in sections 3 and 6 of the Local Authorities (Members Interests) Act 1968.

Petition means a request to a local authority which contains at least 20 signatures.

Pōhiri means a formal welcome involving a Karanga from the Tangata Whenua (the home people) followed by formal speech making. A Pōhiri is generally used for formal occasions of the highest significance.

Presiding member means the person chairing a meeting.

Procedural motion means a motion that is used to control the way in which a motion or the meeting is managed as specified in standing orders 24.1 – 24.7.

Public excluded information refers to information which is currently before a public excluded session, is proposed to be considered at a public excluded session, or had previously been considered at a public excluded session and not yet been released as publicly available information. It includes:

- any minutes (or portions of minutes) of public excluded sessions which have not been subsequently released by the local authority
- any other information which has not been released by the local authority as publicly available information.

Public excluded session, also referred to as confidential or in-committee session, refers to those meetings or parts of meetings from which the public is excluded by the local authority as provided for in LGOIMA.

Public forum refers to a period of time set aside, usually at the start of a meeting, for the purpose of public input.

Publicly notified means notified to members of the public by a notice contained in a newspaper circulating in the district of the local authority, or where there is no such newspaper, by notice displayed in a public place. The notice may also be replicated on a council's website.

Qualified privilege means the privilege conferred on member by s. 52 and s. 53 of LGOIMA.

Quasi-judicial means a meeting involving the consideration of issues requiring the evaluation of evidence, the assessment of legal argument and/or the application of legal principles.

Quorum means the minimum number of members required ~~to be present~~ in order to constitute a valid meeting.

Regional Council Chairperson means the member of the governing body of a regional council elected as Chairperson of that regional council under cl.25 Schedule 7 LGA 2002.

Resolution means a motion that has been adopted by the meeting.

Right of reply means the right of the mover of a motion to sum up the debate and reply to those who have spoken against the motion. (The right can also apply to an amendment.)

Second means the member who seconds a motion or amendment.

Sub judice means under judicial consideration and therefore prohibited from public discussion elsewhere.

Subordinate decision-making body means committees, sub-committees, and any other bodies established by a regional council that have decision-making authority, excluding joint committees.

Substantive motion means the original motion. In the case of a motion that is subject to an amendment, the substantive motion is the original motion incorporating any amendments adopted by the meeting.

Substantive resolution means the substantive motion that has been adopted by the meeting or a restatement of a resolution that has been voted on in parts.

Sub-committee means a subordinate decision-making body established by a regional council, or a committee of a regional council.

Working day means any day of the week other than:

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, Matariki, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, then the following Monday, Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, and Labour Day and, if Waitangi Day or Anzac Day falls on a weekend, the following Monday
- (b) The day observed in the appropriate area as the anniversary of the province of which the area forms a part.
- (c) A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

Should a local authority wish to meet between the 20th of December and the 10th of January in the following year any meeting must be notified as an extraordinary meeting unless there is sufficient time to notify an ordinary meeting before the commencement of the period.

Working party means a group set up by a local authority to achieve a specific objective that is not a committee or sub-committee and to which these standing orders do not apply.

Workshop, means in the context of these standing orders, a gathering of elected members for the purpose of considering matters of importance to the local authority Council at which no decisions are made and to which these standing orders do not apply ~~unless required by the local authority~~. Workshops may include non-elected members. ~~Workshops may also be described as briefings.~~

General matters

3. Standing orders

3.1 Obligation to adopt standing orders

A council is required to operate in accordance with standing orders for the conduct of its meetings and the meetings of its committees and sub-committees. Standing orders must not contravene any Act.

cl. 27(1) & (2), Schedule 7, LGA 2002.

3.2 Process for adoption and alteration of standing orders

The adoption of standing orders and any amendment to standing orders must be made by the Council and by a vote of not less than 75 % of the members present.

cl. 27(3) Schedule 7, LGA 2002.

3.3 Members must obey standing orders

All members of the local authority, including members of committees and sub-committees, must obey these standing orders.

cl. 16(1) Schedule 7, LGA 2002.

3.4 Application of standing orders

These standing orders apply to all meetings of the regional council, its committees, sub-committees and subordinate decision-making bodies. This includes meetings and parts of meetings that the public are excluded from.

3.5 Temporary suspension of standing orders

Any member of a council, committee, sub-committee and subordinate body may move a motion to suspend standing orders at a meeting of which they are a member. Any such motion must also include the reason for the suspension. If seconded, the Chairperson must put the motion without debate and at least 75 per cent of the members present and voting must support the motion for it to be carried.

cl. 27(4), Schedule 7, LGA 2002.

A motion to suspend standing orders may be taken before or during a debate. A motion to suspend standing orders must also identify the specific standing orders to be suspended. Please Note: In the event of suspension those standing orders prescribed in statute will continue to apply, such as the quorum requirements.

3.6 Quasi-judicial proceedings

In the case of quasi-judicial proceedings the Council may amend meeting procedures. For example, committees hearing applications under the RMA 1991 have additional powers under the Commissions of Inquiry Act 1908.

3.7 Physical address of members

Every member of the regional council must give to the chief executive a physical residential or business address within the region and an electronic or other address, to which notices and material relating to meetings and local authority business may be sent or delivered. Members are to provide their address within 5 working days of the publication of the declaration of the election results.

4. Meetings

4.1 Legal requirement to hold meetings

The regional council must hold meetings for the good government of its region. Meetings must be called and conducted in accordance with:

- (a) Schedule 7 of the LGA 2002
- (b) Part 7 of LGOIMA, and
- (c) These standing orders.

A meeting can be adjourned to a specified time and day if required, by resolution of the meeting.

4.2 Meeting duration

A meeting cannot continue more than six hours from when it starts (including any adjournments) or after 10.30pm, unless the meeting resolves to continue. If there is no such resolution any business on the agenda that has not been dealt with must be adjourned, transferred to the next meeting or transferred to an extraordinary meeting.

No meeting can sit for more than two hours continuously without a break of at least ten minutes unless the meeting resolves to extend the time before a break.

4.3 Language

A member may address a meeting in English, te reo Māori or New Zealand Sign Language. A Chairperson may require that a speech is translated and printed in English or te reo Māori.

If a member intends to address the meeting in New Zealand Sign Language, or in te reo Māori when the normal business of the meeting is conducted in English, they must give prior notice to the Chairperson not less than 2 working days before the meeting. Where the normal business of the meeting is conducted in te reo Māori then prior notice of the intention to address the meeting in English must also be given to the Chairperson not less than 2 working days before the meeting.

4.4 Webcasting meetings

Webcast meetings should be provided in accordance with the protocols contained in Appendix 7.

4.5 First meeting (inaugural)

The first meeting of a local authority following a local authority triennial general election must be called by the chief executive as soon as practicable after the results of the election are known. The chief executive must give elected members not less than 7 days' notice of the meeting. However in the event of an emergency the chief executive may give notice of the meeting as soon as practicable.

cl. 21(1) - (4), Schedule 7, LGA 2002.

4.6 Requirements for the first meeting

The chief executive (or, in the absence of the chief executive, their nominee) must chair the first meeting until the Chairperson has made an oral declaration and attested the declaration (see cl. 21(4), Schedule 7 (LGA 2002)).

The business to be conducted at the first meeting following a general election must include:

- (a) The making and attesting of any declarations required of members under cl.14, Schedule7, (LGA 2002), and
- (b) The election of the Chairperson (if any) and the making and attesting of the declaration required of the Chairperson under cl. 14 Schedule7, (LGA 2002), and
- (c) A general explanation, given or arranged by the chief executive, of:
 - i. LGOIMA, and
 - ii. Other laws affecting members, including the appropriate provisions of the Local

Authorities (Members Interests) Act 1968, and sections 99, 105, and 105A of the Crimes Act 1961, and the Secret Commissions Act 1910, and the Financial Markets Conduct Act 2013

- (d) The fixing of the date and time of the first meeting of the local authority, or the adoption of a schedule of meetings, and
- (e) the election of the deputy Chairperson in accordance with cl.17 Schedule 7, (LGA 2002).

cl. 21(5), Schedule 7, LGA 2002.

It is common for councils to adopt standing orders at the first meeting; however this is not always required as, if not amended, standing orders will remain in force after each triennial election.

5. Appointments and elections

5.1 Elections of a Chairperson and deputy Chairperson

The council (or a committee responsible for making the appointment) must decide by resolution to use one of two voting systems (see standing order 5.5) when electing people to the following positions:

- the Chairperson and deputy Chairperson
- the Chairperson and deputy Chairperson of a committee, and
- a representative of the regional council.

cl. 25 Schedule 7, LGA 2002.

5.2 Voting system for Chairperson and committee chairs

When electing a Chairperson or committee Chair the Regional Council must resolve to use one of the following two voting systems.

System A

The candidate will be elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee who are present and voting. This system has the following characteristics:

- (a) there is a first round of voting for all candidates
- (b) if no candidate is successful in the first round, there is a second round of voting from which the candidate with the fewest votes in the first round is excluded, and
- (c) if no candidate is successful in the second round, there is a third round, and if necessary subsequent rounds, of voting from which, each time, the candidate with the fewest votes in the previous round is excluded.

In any round of voting, if two or more candidates tie for the lowest number of votes, the person to be excluded from the next round is resolved by lot.

System B

The candidate will be elected or appointed if he or she receives more votes than any other candidate. This system has the following characteristics:

- (a) there is only one round of voting, and
- (b) if two or more candidates tie for the most votes, the tie is resolved by lot.

cl. 25 Schedule 7, LGA 2002.

6. Delegations

6.1 Limits on delegations

Unless clearly stated in the LGA or any other Act, a council may, for the purposes of efficiency and effectiveness, delegate to a committee, sub-committee, subordinate decision-making body, member, or officer of the local authority, any of its responsibilities, duties, or powers except:

- (a) the power to make a rate
- (b) the power to make a bylaw
- (c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan
- (d) the power to adopt a long-term plan, annual plan, or annual report
- (e) the power to appoint a chief executive
- (f) the power to adopt policies required to be adopted and consulted on under the LGA in association with the long-term plan or developed for the purpose of the local governance statement
- (g) *Repealed*
- (h) the power to adopt a remuneration and employment policy.

cl. 32 (1) Schedule 7, LGA 2002.

6.2 Committees may delegate

A committee, sub-committee, subordinate decision-making body, member or officer of the local authority, may delegate any of its responsibilities, duties, or powers to a sub-committee or person, subject to any conditions, limitations, or prohibitions imposed by the body that made the original delegation.

cl. (2) & (3), Schedule 7, LGA 2002.

6.3 Use of delegated powers

The committee, sub-committee, other subordinate decision-making body, community board, or member or officer of the local authority to which or to whom any responsibilities, powers, duties are delegated may, without confirmation by the council, committee or body or person that made the delegation, exercise or perform them in the like manner and with the same effect as the local authority could itself have exercised or performed them.

cl. 32(2) & (3)(4) Schedule 7, LGA 2002.

6.4 Decisions made under delegated authority cannot be rescinded or amended

Nothing in these standing orders allows a council, committee and sub-committee to rescind or amend a lawfully made decision of a subordinate decision-making body carried out under a delegation authorising the making of that decision.

cl. 30 (6), Schedule 7, LGA 2002.

6.5 Committees and sub committees subject to the direction of the council

A committee, sub-committee or other subordinate decision-making body is subject in all things to the control of the council and must carry out all general and special directions given to them by the council.

cl. 30 (3) & (4), Schedule 7, LGA 2002.

7. Committees

7.1 Appointment of committees and sub-committees

A council may appoint the committees, sub-committees, and other subordinate decision-making bodies that it considers appropriate. A committee may appoint the sub-committees that it considers appropriate, unless it is prohibited from doing so by the council.

cl. 30(1) & (2), Schedule 7, LGA 2002.

7.2 Discharge or reconstitution of committees and sub-committees

Unless expressly provided otherwise in legislation or regulation:

- (a) the council may discharge or reconstitute a committee or sub-committee, or other subordinate decision-making body, and
- (b) a committee may discharge or reconstitute a sub-committee.

A committee, sub-committee, or other subordinate decision-making body is, unless a council resolves otherwise, discharged when members elected at a subsequent triennial general election come into office.

cl. 30 (5) & (7), Schedule 7, LGA 2002.

Please note: s.12 (2) of the Civil Defence and Emergency Management Act 2002 states that a Civil Defence and Emergency Management Group is not deemed to be discharged following a triennial election.

7.3 Appointment or discharge of committee members and sub-committee members

The council may appoint or discharge any member of a committee and, if established by the council, a sub-committee. A committee may appoint or discharge any member of a sub-committee appointed by the committee unless directed otherwise by the council.

cl. 31 (1) & (2), Schedule 7, LGA 2002

7.4 Elected members on committees and sub-committees

The members of a committee or sub-committee may be, but are not required to be, elected members of a local authority. A council or committee may appoint a person who is not a member of the local authority to a committee or sub-committee if, in the opinion of the council or committee, the person has the skills, attributes or knowledge to assist the committee or sub-committee.

At least one member of a committee must be an elected member of the council. A staff member of the local authority, in the course of their employment, can be a member of a sub-committee but not a committee.

cl. 31(4) Schedule 7, LGA 2002.

7.5 Local authority may replace members if committee not discharged

If the council resolves that a committee, sub-committee or other subordinate decision-making body is not to be discharged under cl. 30 (7) Schedule 7, LGA 2002, the local authority may replace the members of that committee, sub-committee or subordinate decision-making body after the next triennial general election of members.

cl. 31(5) Schedule 7, LGA 2002.

7.6 Decision not invalid despite irregularity in membership

For the purpose of these standing orders a decision of a local authority, committee, or sub-committee is not invalidated if:

1. there is a vacancy in the membership of the local authority, committee or sub-committee at the time of the decision, or
2. following the decision some defect in the election or appointment process is discovered and/or that the membership of a person on the committee at the time is found to have been ineligible.

cl. 29, Schedule 7, LGA 2002.

7.7 Appointment of joint committees

A local authority may appoint a joint committee with another local authority or other public body if it has reached agreement with each local authority or public body. The agreement must specify:

- (a) the number of members each party may appoint, and
- (b) how the Chairperson and deputy Chairperson are to be appointed, and
- (c) the terms of reference of the committee, and

- (d) what responsibilities, if any, are to be delegated to the committee by each party,; and
- (e) how the agreement may be varied.

The agreement may also specify any other matter relating to the appointment, operation, or responsibilities of the committee agreed by the parties.

cl. 30A (1) & (2), Schedule 7, LGA 2002.

7.8 Status of joint committees

A joint committee is deemed to be both a committee of a council and a committee of each other participating local authority or public body.

cl. 30A (5), Schedule 7, LGA 2002.

7.9 Power to appoint or discharge individual members of a joint committee

The power to discharge any individual member of a joint committee and appoint another member in their stead must be exercised by the council or public body that made the appointment.

cl. 30A (6)(a), Schedule 7, LGA 2002.

Pre-meeting

8. Giving notice

8.1 Public notice – ordinary meetings

All meetings scheduled for the following month must be publicly notified not more than 14 days and not less than 5 days before the end of every month, together with the dates on which and the times and places at which those meetings are to be held. In the case of meetings held on or after the 21st day of the month public notification must be given not more than 10 nor less than 5 working days before the day on which the meeting is to be held.

s. 46, LGOIMA.

8.2 Notice to members - ordinary meetings

The chief executive must give notice in writing to each member of the local authority of the time and place of any meeting. Notice must be given at least 14 days before the meeting unless the council has adopted a schedule of meetings, in which case notice must be given at least 14 days before the first meeting on the schedule.

cl. 19 (5), Schedule 7, LGA 2002.

8.3 Extraordinary meeting may be called

An extraordinary council meeting may be called by:

- (a) resolution of the council, or
- (b) a requisition in writing delivered to the chief executive which is signed by:
 - i. the Chairperson, or
 - ii. no less than one third of the total membership of the council (including vacancies).

cl. 22 (1) Schedule 7, LGA 2002.

8.4 Notice to members - extraordinary meetings

The chief executive must give notice in writing of the time and place of an extraordinary meeting called under standing order 8.3 and of the general nature of business to be considered must be given by the chief executive to each member of the council at least 3 working days before the day appointed for the meeting. If the meeting is called by a resolution then notice must be provided within such lesser period as is specified in the resolution, as long as it is not less than 24 hours.

cl. 22 (3), Schedule 7, LGA 2002.

8.5 Emergency meetings may be called

If the business a council needs to deal with requires a meeting to be held at a time earlier than is allowed by the notice requirements for holding an extraordinary meeting and it is not practicable to call the meeting by resolution, an emergency meeting may be called by:

- (a) The Chairperson; or
- (b) If the Chairperson is unavailable, the Chief Executive.

cl. 22A(1), Schedule 7 LGA 2002.

8.6 Process for calling an emergency meeting

The notice of the time and place of an emergency meeting, and of the matters in respect of which the emergency meeting is being called, must be given by the person calling the meeting or by another person on that person's behalf.

The notice must be given, by whatever means is reasonable in the circumstances, to each member of the local authority, and to the chief executive, at least 24 hours before the time appointed for the meeting.

cl. 22A (2), Schedule 7 LGA 2002.

8.7 Public notice – emergency and extraordinary meetings

Where an emergency or extraordinary meeting of a local authority is called but the notice of the meeting is inconsistent with these standing orders, due to the manner in which it was called, the local authority must cause that meeting and the general nature of business to be transacted at that meeting:

- (a) To be publicly notified as soon as practicable before the meeting is to be held; or
- (b) If it is not practicable to publish a notice in newspapers before the meeting, to be notified as soon as practicable on the local authority's Internet site and in any other manner that is reasonable in the circumstances.

s. 46 (3) LGOIMA.

8.8 Meetings not invalid

The failure to notify a public meeting under these standing orders does not of itself make that meeting invalid. However, where a local authority becomes aware that a meeting has been incorrectly notified it must, as soon as practicable, give public notice stating:

- that the meeting occurred without proper notification
- the general nature of the business transacted, and
- the reasons why the meeting was not properly notified.

s. 46 (6), LGOIMA.

8.9 Resolutions passed at an extraordinary meeting

A local authority must, as soon as practicable, publicly notify any resolution passed at an extraordinary meeting of the local authority unless -

- (a) the resolution was passed at a meeting or part of a meeting from which the public was excluded, or
- (b) the extraordinary meeting was publicly notified at least 5 working days before the day on which the meeting was held.

s. 51A, LGOIMA.

8.10 Meeting schedules

Where the local authority adopts a meeting schedule it may cover any period that the council considers appropriate and may be amended. Notification of the schedule, or an amendment, will constitute notification to members of every meeting on the schedule or the amendment. This does not replace the requirements under LGOIMA to also publicly notify each meeting.

cl. 19 (6) Schedule 7, LGA 2002.

8.11 Non-receipt of notice to members

A meeting of a local authority is not invalid if notice of that meeting was not received, or not received in due time, by a member of the local authority or board unless:

- (a) it is proved that the person responsible for giving notice of the meeting acted in bad faith or without reasonable care, and
- (b) the member concerned did not attend the meeting.

A member of a local authority may waive the need to be given notice of a meeting.

cl. 20 (1) & (2) Schedule 7, LGA 2002.

8.12 Meeting cancellations

The Chairperson of a scheduled meeting may cancel the meeting if, in consultation with the chief executive, they consider this is necessary for reasons that include lack of business, lack of quorum or clash with another event.

The chief executive must make a reasonable effort to notify members and the public as soon as practicable of the cancellation and the reasons behind it.

9. Meeting agenda**9.1 Preparation of the agenda**

It is the chief executive's responsibility, on behalf of the chairperson, to prepare an agenda for each meeting listing and attaching information on the items of business to be brought before the meeting so far as is known, including the names of the relevant members.

When preparing business items for an agenda the chief executive or Group Manager responsible must consult, unless impracticable, such as in the case of the inaugural meeting, the Chairperson, or the person acting as chairperson for the coming meeting.

9.2 Process for raising matters for a decision

Requests for reports may be made by a resolution of the council, committee, sub-committee or subordinate decision-making body and, in the case of all decision-making bodies other than the council, must also fall within the scope of their specific delegations. A process for requesting reports is described in Appendix 10.

9.3 Chief executive may delay or refuse request

The chief executive may delay commissioning any reports that involve significant cost or are beyond the scope of the committee that made the request. In such cases the chief executive will discuss options for meeting the request with the respective Chairperson and report back to a subsequent meeting with an estimate of the cost involved and seek direction on whether the report should still be prepared.

If a member makes a direct request to a chief executive asking that a report is prepared the chief executive may refuse. In such cases an explanation should be provided to the member.

9.4 Order of business

At the meeting the business is to be dealt with in the order in which it stands on the agenda unless the Chairperson, or the meeting, decides otherwise. An example of a default order of business is set out in Appendix 10.

The order of business for an extraordinary meeting must be limited to items that are relevant to the purpose for which the meeting has been called.

9.5 Chairperson's recommendation

A Chairperson, either prior to the start of the meeting and/or at the meeting itself, may include a recommendation regarding any item on the agenda brought before the meeting. Where a Chairperson's

recommendation varies significantly from an officer's recommendation the reason for the variation must be explained.

9.6 Chairperson's report

The Chairperson of a meeting has the right, through a report, to direct the attention of a meeting to any matter which is on the agenda or which falls within the responsibilities of that meeting.

9.7 Public availability of the agenda

All information provided to members at a local authority meeting must be publicly available except where an item included in the agenda refers to a matter reasonably expected to be discussed with the public excluded.

s. 5 & 46A, LGOIMA.

9.8 Public inspection of agenda

Any member of the public may, without payment of a fee, inspect, during normal office hours and within a period of at least 2 working days before a meeting, all agendas and associated reports circulated to members of the local authority and local and community boards relating to that meeting. The agenda:

- (a) must be available for inspection at the public offices of the local authority (including service centres), at public libraries under the authority's control and on the council's website, and
- (b) must be accompanied by either:
 - i. the associated reports, or
 - ii. a notice specifying the places at which the associated reports may be inspected.

s. 46A (1), LGOIMA.

9.9 Withdrawal of agenda items

If justified by circumstances an agenda item may be withdrawn by the chief executive. In the event of an item being withdrawn the chief executive should inform the Chairperson.

9.10 Distribution of the agenda

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting (see Standing Order 8.4).

The chief executive will **provide** the agenda, and other materials relating to the meeting or other Council business, to members by electronic means at least 3 clear working days before the meeting – except in the case of an extraordinary meeting, in which case SO 8.4 applies.

9.11 Status of agenda

No matter on a meeting agenda, including recommendations, may be considered final until determined by formal resolution of that meeting.

9.12 Items of business not on the agenda which cannot be delayed

A meeting may deal with an item of business that is not on the agenda where the meeting resolves to deal with that item and the Chairperson provides the following information during the public part of the meeting:

- (a) the reason the item is not on the agenda, and
- (b) the reason why the discussion of the item cannot be delayed until a subsequent meeting.

s. 46A (7), LGOIMA

Items not on the agenda may be brought before the meeting through a report from either the chief executive or the Chairperson.

Please note that nothing in this standing order removes the requirement to meet the provisions of Part 6, LGA 2002 with regard to consultation and decision-making.

9.13 Discussion of minor matters not on the agenda

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.

s. 46A (7A), LGOIMA.

9.14 Public excluded business on the agenda

Items that are likely to be discussed under public excluded must be indicated on each agenda and state the general subject of the item. The chief executive, however, may exclude public access to any reports, or parts of reports, which are reasonably expected to be discussed with the public excluded.

s. 46A (9), LGOIMA

9.15 Qualified privilege relating to agenda and minutes

Where any meeting is open to the public and a member of the public is supplied with a copy of the agenda, or the minutes of that meeting, the publication of any defamatory matter included in the agenda or in the minutes is privileged. This does not apply if the publication is proved to have been made with ill will or improper advantage has been taken of the publication.

s. 52, LGOIMA

Meeting Procedures

Opening and closing

Local authorities may, at the start of a meeting, choose to recognise the civic importance of the occasion through some form of reflection. This could be an expression of community values, a reminder of the contribution of members who have gone before or a formal welcome, such as a mihi whakatau. Options for opening a meeting could include a karakia timitanga, mihi whakatau, or powhiri as well as a karakia whakamutunga to close a meeting where appropriate.

10. Quorum

10.1 Councils

The quorum for a meeting of the council is:

- (a) a majority of the members physically present.

cl. 23 (3)(a) Schedule 7, LGA 2002.

10.2 Committees and sub-committees

A council sets the quorum for its committees and sub-committees, either by resolution or by stating the quorum in the terms of reference. Committees may set the quorums for their sub-committees by resolution provided that it is not less than two members.

In the case of sub-committees the quorum will be two members unless otherwise stated. In the case of committees at least one member of the quorum must be a member of the council.

cl. 23 (3)(b) Schedule 7, LGA 2002.

10.3 Joint Committees

The quorum at a meeting of a joint committee must be consistent with Standing Order 10.1. Local authorities participating in the joint committee may decide, by agreement, whether or not the quorum includes one or more members appointed by each local authority or any party.

cl. 30A (6)(c) Schedule 7, LGA 2002.

10.4 Requirement for a quorum

A meeting is constituted where a quorum of members is present, whether or not they are all voting or entitled to vote. In order to conduct any business at a meeting, a quorum of members must be present for the whole time that the business is being considered.

cl. 23(1) & (2) Schedule 7, LGA 2002.

10.5 Meeting lapses where no quorum

A meeting must lapse, and the Chairperson vacate the chair, if a quorum is not present within 30 minutes of the advertised start of the meeting. Where members are known to be travelling to the meeting, but are delayed due to extraordinary circumstance, the Chairperson has discretion to wait for a longer period.

No business may be conducted while waiting for the quorum to be reached. Minutes will record when a meeting lapses due to a lack of a quorum, along with the names of the members who attended.

10.6 Business from lapsed meetings

Where meetings lapse the remaining business will be adjourned and be placed at the beginning of the agenda of the next ordinary meeting, unless the Chairperson sets an earlier meeting and this is notified by the chief executive.

11. Public access and recording

11.1 Meetings open to the public

Except as otherwise provided by Part 7 of LGOIMA, every meeting of the local authority and its committees and sub-committees must be open to the public.

s.47 & 49(a), LGOIMA.

11.2 Grounds for removing the public

The Chairperson may require any member of the public whose conduct is disorderly, or who is creating a disturbance, to be removed from the meeting.

s.50(1), LGOIMA

11.3 Local authority may record meetings

Meeting venues should contain clear signage indicating and informing members, officers and the public that proceedings may be recorded by the local authority and may be subject to direction by the Chairperson.

11.4 Public may record meetings

Members of the public may make electronic or digital recordings of meetings which are open to the public. Any recording of meetings must be notified to the Chairperson at the commencement of the meeting to ensure that the recording does not distract the meeting from fulfilling its business.

Where circumstances require the Chairperson may stop the recording for a period of time.

12. Attendance

12.1 Members right to attend meetings

A member of a local authority, or of a committee of a local authority, has, unless lawfully excluded, the right to attend any meeting of the local authority or committee.

cl. 19(2), Schedule 7, LGA 2002.

If the member of the local authority is not an appointed member of the meeting at which they are in attendance they may not vote on any matter at that meeting. However, they may, with the leave of the chair, take part in the meeting's discussions.

A member attending a meeting of which they are not an appointed member is not a member of the public for the purpose of s.48 LGOIMA. Consequently, if the meeting resolves to exclude the public any members of the local authority who are present may remain unless they are lawfully excluded.

Please note: this section does not confer any rights to non-elected members appointed to committees of a local authority.

12.2 Attendance when a committee is performing judicial or quasi-judicial functions

When a committee is performing judicial or quasi-judicial functions members of the local authority who are not members of that committee are not entitled to take part in the proceedings.

12.3 Leave of absence

The **Chairperson**, under delegated authority, will grant a member leave of absence following an application from that member. The Chairperson will advise the Chief Executive and the Governance Lead whenever a member has been granted leave of absence, and the period of that leave, and meeting minutes during the period of leave will record that member as an apology for that meeting.

12.4 Apologies

A member who does not have leave of absence may tender an apology should they be absent from all or part of a meeting. The Chairperson must invite apologies at the beginning of each meeting, including apologies for lateness and early departure. The meeting may accept or decline any apologies.

For clarification, the acceptance of a member's apology constitutes a grant of 'leave of absence' for that meeting.

12.5 Recording apologies

The minutes will record any apologies tendered before or during the meeting, including whether they were accepted or declined and the time of arrival and departure of all members.

12.6 Absent without leave

Where a member is absent from the council for four consecutive meetings without leave of absence (not including extraordinary meetings) then the office held by the member will become vacant. A vacancy created in this way is treated as an extraordinary vacancy.

cl. 5 (d) Schedule 7, LGA 2002.

12.7 Right to attend by audio or audio-visual link

Provided the conditions in these standing orders are met members of the local authority and its committees (and members of the public for the purpose of a deputation approved by the chairperson), have the right to attend meetings by means of an electronic link, unless they have been lawfully excluded.

12.8 Member's status: quorum

Members who attend meetings by electronic link **will not** be counted as present for the purposes of a quorum.

cl. 25A (4), Schedule 7, LGA 2002

amended by the Local Government Electoral Legislation Act 2023.

A member of the local authority or committee who attends a meeting by means of audio link or audiovisual link, in accordance with this clause, is to be counted as present for the purposes of clause 23.

12.9 Member's status: voting

Where a meeting has a quorum, determined by the number ~~physically~~ present, the members attending by electronic link can vote on any matters raised at the meeting.

12.10 Chairperson's duties

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Chairperson must ensure that:

- (a) the technology for the link is available and of suitable quality
- (b) procedures for using the technology in the meeting will ensure that:
 - i. everyone participating in the meeting can hear each other
 - ii. the member's attendance by audio or audio-visual link does not reduce their accountability or accessibility of that person in relation to the meeting
 - iii. the requirements of Part 7 of LGOIMA are met, and
 - iv. the requirements in these standing orders are met.

If the Chairperson is attending by audio or audio-visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

cl. 25A (3) schedule 7, LGA 2002.

12.11 Conditions for attending by audio or audio-visual link

The Chairperson may give approval for a member to attend meetings by electronic link, either generally or for a specific meeting. Examples of situations where approval can be given include:

- (a) where the member is at a place that makes their physical presence at the meeting impracticable or impossible
- (b) where a member is unwell
- (c) where a member is unable to attend due to an emergency.

12.12 Request to attend by audio or audio-visual link

Where possible, a member will give the Chairperson and the chief executive at least 2 working days' notice when they want to attend a meeting by audio or audio-visual link. Should, due to illness or emergency, this not be possible the member may give less notice.

Where such a request is made and the technology is available, the chief executive must take reasonable steps to enable the member to attend by audio or audio-visual link. However, the council has no obligation to make the technology for an audio or audio-visual link available.

If the member's request cannot be accommodated, or there is a technological issue with the link, this will not invalidate any acts or proceedings of the council or its committees.

12.13 Chairperson may terminate link

The Chairperson may direct that an electronic link should be terminated where:

- (a) use of the link is increasing, or may unreasonably increase, the length of the meeting
- (b) the behaviour of the members using the link warrants termination, including the style, degree and extent of interaction between members
- (c) it is distracting to the members who are physically present at the meeting, and
- (d) the quality of the link is no longer suitable.

12.14 Giving or showing a document

A person attending a meeting by audio or audio-visual link may give or show a document by:

- (a) transmitting it electronically
- (b) using the audio-visual link, or
- (c) any other manner that the Chairperson thinks fit.

cl. 25(A) (6) schedule 7, LGA 2002.

12.15 Link failure

Where an audio or audio-visual link fails, or there are other technological issues that prevent a member who is attending by link from participating in a meeting, that member must be deemed to be no longer attending the meeting.

12.16 Confidentiality

A member who is attending a meeting by audio or audio-visual link must ensure that the meeting's proceedings remain confidential during any times that the public are excluded. At such times, the Chairperson may require the member to confirm that no unauthorised people are able to view or hear the proceedings.

13. Chairperson's role in meetings

13.1 Council meetings

The Chairperson of the council must preside at meetings of the council unless they vacate the chair for a part or all of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson must act as Chairperson. If the deputy Chairperson is also absent the local authority members who are present must elect a member to be Chairperson at that meeting. This person may exercise the meeting responsibilities, duties and powers of the Chairperson for that meeting. This provision also applies to committees and sub-committees.

cl. 26(1), (5) & (6) Schedule 7, LGA 2002.

13.2 Committee meetings

The appointed Chairperson of a committee must preside at all committee meetings, unless they vacate the chair for a particular meeting or part of a meeting. If the Chairperson is absent from a meeting or vacates the chair, the deputy Chairperson (if any) will act as Chairperson. If the deputy Chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as Chairperson at that meeting and exercise the meeting responsibilities, duties and powers of the Chairperson.

This standing order also applies to sub-committees and subordinate decision-making bodies.

cl. 26(2), (5) & (6), schedule 7 LGA 2002.

13.3 Addressing the Chairperson

Members will address the Chairperson in a manner that the Chairperson has determined.

13.4 Chairperson's rulings

The Chairperson will decide all procedural questions where insufficient provision is made by these standing orders and with regard to all points of order. Any refusal to obey a Chairperson's ruling or direction constitutes contempt.

13.5 Chairperson standing

Whenever the Chairperson stands during a debate, members are required to sit down and be silent so that they can hear the Chairperson without interruption.

13.6 Member's right to speak

Members are entitled to speak in accordance with these standing orders. Members should address the Chairperson when speaking. They may not leave their place while speaking, unless they have the leave of the Chairperson.

13.7 Chairperson may prioritise speakers

When two or more members want to speak the Chairperson will name the member who may speak first. Other members who wish to speak have precedence where they intend to:

- (a) raise a point of order, including a request to obtain a time extension for the previous speaker, and/or
- (b) move a motion to terminate or adjourn the debate, and/or
- (c) make a point of explanation, and/or
- (d) request the chair to permit the member a special request.

14. Public Forums

Public forums are a defined period of time, usually at the start of a meeting, which, at the discretion of a meeting, is put aside for the purpose of public input. Public forums are designed to enable members of the public to bring matters to the attention of the local authority.

In the case of a committee or sub-committee, any issue, idea or matter raised in a public forum must also fall within the terms of reference of that meeting.

14.1 Time limits

A period of up to 30 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled ~~local authority~~ Regional Council, Corporate & Strategic Committee, Environment & Integrated Catchments Committee and Regional Transport Committee meeting. Requests must be made to the meeting secretary at least one clear day before the meeting; however this requirement may be waived by the Chairperson.

Speakers can speak for up to 5 minutes. No more than two speakers can speak on behalf of an organisation during a public forum. Where the number of speakers presenting in the public forum exceeds 6 in total, the Chairperson has discretion to restrict the speaking time permitted for all presenters.

14.2 Restrictions

The Chairperson has the discretion to decline to hear a speaker or to terminate a presentation at any time where:

- a speaker is repeating views presented by an earlier speaker at the same public forum
- the speaker is criticising elected members and/or staff
- the speaker is being repetitious, disrespectful or offensive
- the speaker has previously spoken on the same issue
- the matter is subject to legal proceedings
- the matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

14.3 Questions at public forums

At the conclusion of the presentation, with the permission of the Chairperson, elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

14.4 No resolutions

Following the public forum no debate or decisions will be made at the meeting on issues raised during the forum unless related to items already on the agenda.

15. Deputations

The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations are approved by the Chairperson or an official with delegated authority.

15.1 Time limits

Speakers can speak for up to **10** minutes, however the Chairperson has the discretion to extend the speaking time with the agreement of the majority of members present. No more than two speakers can speak on behalf of an organisation's deputation.

15.2 Restrictions

The Chairperson has the discretion to decline to hear or terminate a deputation at any time where:

- a speaker is repeating views presented by an earlier speaker at the meeting
- the speaker is criticising elected members and/or staff
- the speaker is being repetitious, disrespectful or offensive
- the speaker has previously spoken on the same issue
- the matter is subject to legal proceedings
- the matter is subject to a hearing, including the hearing of submissions where the local authority or committee sits in a quasi-judicial capacity.

15.3 Questions of a deputation

At the conclusion of the deputation members may, with the permission of the Chairperson, ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

15.4 Resolutions

Any debate on a matter raised in a deputation must occur at the time at which the matter is scheduled to be discussed on the meeting agenda, and once a motion has been moved and seconded.

16. Petitions

16.1 Form of petitions

Petitions may be presented to ~~the Hawke's Bay local authority~~ Regional Council or any of its committees. Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories). They must be received by the chief executive at least 5 working days before the date of the meeting at which they will be presented.

Petitions must not be disrespectful, use offensive language or include malicious statements (see standing order 19.9 on qualified privilege). They may be written in English or te reo Māori. Petitioners planning to make a petition in te reo Māori or sign language should advise the relevant Chairperson at least two working days before the meeting to enable the petition be translated and reprinted, if necessary.

16.2 Petition presented by petitioner

A petitioner who presents a petition to the local authority or any of its committees and sub-committees, may speak for 5 minutes (excluding questions) about the petition, unless the meeting resolves otherwise. The Chairperson must terminate the presentation of the petition if he or she believes the petitioner is being disrespectful, offensive or making malicious statements.

Where a petition is presented as part of a deputation or public forum the speaking time limits relating to deputations or public forums shall apply. The petition must be received by the chief executive at least 5 working days before the date of the meeting concerned.

16.3 Petition presented by member

Members may present petitions on behalf of petitioners. In doing so, members must confine themselves to presenting:

- (a) the petition
- (b) the petitioners' statement, and
- (c) the number of signatures.

17. Exclusion of public

17.1 Motions and resolutions to exclude the public

Members of a meeting may resolve to exclude the public from a meeting. The grounds for exclusion are those specified in section 48 of LGOIMA (see Appendix 1).

Every motion to exclude the public must be put while the meeting is open to the public, and copies of the motion must be available to any member of the public who is present. If the motion is passed the resolution to exclude the public must be in the form set out in schedule 2A of LGOIMA (see Appendix 2).

The resolution must state:

- (a) the general subject of each matter to be excluded
- (b) the reason for passing the resolution in relation to that matter, and
- (c) the grounds on which the resolution is based.

The resolution will form part of the meeting's minutes.

s. 48 LGOIMA.

17.2 Specified people may remain

Where a meeting resolves to exclude the public, the resolution may provide for specified persons to remain if, in the opinion of the meeting, they will assist the meeting to achieve its purpose. Any such resolution must state, in relation to the matter to be discussed, how the knowledge held by the specified people is relevant and be of assistance.

No such resolution is needed for people who are entitled to be at the meeting, such as relevant staff and officials contracted to the council for advice on the matter under consideration.

s.48 (6) LGOIMA.

17.3 Public excluded items

The chief executive must place in the public-excluded section of the agenda any items that he or she reasonably expects the meeting to consider with the public excluded. The public excluded section of the agenda must indicate the subject matter of the item and the reason the public are excluded.

s.46A (8) LGOIMA.

17.4 Non-disclosure of information

No member or officer may disclose to any person, other than another member, officer or person authorised by the chief executive, any information that has been, or will be, presented to any meeting from which the public is excluded, or proposed to be excluded.

This restriction does not apply where a meeting has resolved to make the information publicly available or where the chief executive has advised, in writing, that one or both of the following apply:

- (a) there are no grounds under LGOIMA for withholding the information
- (b) the information is no longer confidential.

17.5 Release of information from public excluded session

A local authority may provide for the release to the public of information which has been considered during the public excluded part of a meeting.

Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition the chief executive may release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist.

18. Voting

18.1 Decisions by majority vote

Unless otherwise provided for in the LGA 2002, other legislation or standing orders, the acts of and questions before a local authority must be decided at a meeting through a vote exercised by the majority of the members that are ~~present and~~ voting.

cl. 24 (1), Schedule 7, LGA 2002.

18.2 Open voting

An act or question coming before the local authority must be done or decided by open voting.

cl. 24 (3) Schedule 7, LGA 2002.

18.3 Chairperson has a casting vote

The Chairperson or any other person presiding at a meeting has a deliberative vote, and in the case of an equality of votes, has a casting vote.

cl. 24 (2) Schedule 7, LGA 2002.

18.4 Method of voting

The method of voting must be as follows:

- (a) the Chairperson in putting the motion must call for an expression of opinion on the voices or take a show of hands, the result of either of which, as announced by the Chairperson, must be conclusive unless such announcement is questioned immediately by any member, in which event the Chairperson will call a division
- (b) the Chairperson or any member may call for a division instead of or after voting on the voices and/or taking a show of hands, and
- (c) where a suitable electronic voting system is available that system may be used instead of a show of hands, vote by voices or division, and the result displayed notified to the Chairperson who must declare the result.

18.5 Calling for a division

When a division is called, the ~~chief executive~~ meeting secretary must record the names of the members voting for and against the motion and abstentions and provide the names to the Chairperson to declare the result. The result of the division must be entered into the minutes and include members' names and the way in which they voted.

The Chairperson may call a second division where there is confusion or error in the original division.

18.6 Request to have votes recorded

If requested by a member immediately after a vote the minutes must record the member's vote or abstention.

18.7 Members may abstain

Any member may abstain from voting.

19. Conduct

19.1 Calling to order

When the Chairperson calls members to order, they must be seated and stop speaking. If the members fail to do so, the Chairperson may direct that they should leave the meeting immediately for a specified time.

19.2 Disrespect

No member may speak or act in a manner which is disrespectful of other members or inconsistent with the local authority's Code of Conduct at any meeting.

19.3 Retractions and apologies

In the event of a member or speaker who has been disrespectful of another member or contravened the council's Code of Conduct, the Chairperson may call upon that member or speaker to withdraw the offending comments and may require them to apologise. If the member refuses to do so the Chairperson may direct that they should leave the meeting immediately for a specified time and/or make a complaint under the Code of Conduct.

19.4 Disorderly conduct

Where the conduct of a member is disorderly or is creating a disturbance the Chairperson may require that member to leave the meeting immediately for a specified time.

If the disorder continues the Chairperson may adjourn the meeting for a specified time. At the end of this time the meeting must resume and decide, without debate, whether the meeting should proceed or be adjourned.

The Chairperson may also adjourn the meeting if other people cause disorder or in the event of an emergency.

19.5 Contempt

Where a member is subject to repeated cautions by the Chairperson for disorderly conduct the meeting may, should it so decide, resolve that the member is in contempt. Any such resolution must be recorded in the meeting's minutes.

19.6 Removal from meeting

A member of the police or authorised security personnel may, at the Chairperson's request, remove or exclude a member from a meeting.

This standing order will apply where the Chairperson has ruled that the member should leave the meeting and the member has refused or failed to do so; or has left the meeting and attempted to re-enter it without the Chairperson's permission.

19.7 Financial conflicts of interests

Every member present at a meeting must declare any direct or indirect financial interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

No member may vote on, or take part in, a discussion about any matter in which they have a direct or indirect financial interest unless an exception set out in s.6 LAMIA applies to them, or the Auditor-General has granted them an exemption or declaration under s.6.

Members with a financial interest should physically withdraw themselves from the table unless the meeting is in public excluded in which case they should leave the room.

Neither the Chairperson nor the meeting may rule on whether a member has a financial interest in the matter being discussed. The minutes must record any declarations of financial interests and the member's abstention from any discussion and voting on the matter.

s. 6 & 7 LAMIA.

19.8 Non-financial conflicts of interests

Non-financial interests always involve questions of judgement and degree about whether the responsibility of a member of a local authority could be affected by some other separate interest or duty of that member in relation to a particular matter. If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter or any subsequent vote.

The member must leave the table when the matter is considered, but does not need to leave the room. The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Neither the Chairperson nor the meeting may rule on whether a member has a non-financial interest in the matter being discussed.

19.9 Qualified privilege for meeting proceedings

Any oral statement made at any meeting of the local authority in accordance with the rules adopted by the local authority for guiding its proceedings is privileged, unless the statement is proved to have been made with ill will or took improper advantage of the occasion of publication.

s. 53, LGOIMA.

19.10 Qualified privilege additional to any other provisions

The privilege referred to above is in addition to any other privilege, whether absolute or qualified, that applies as a result of any other enactment or rule of law applying to any meeting of the local authority.

s. 53, LGOIMA.

19.11 Electronic devices at meetings

Electronic devices and phones can only be used to advance the business of a meeting.

Personal use may only occur at the discretion of the chair. A Chairperson may require that an electronic device is switched off if its use is likely to distract a meeting from achieving its business or a member is found to be receiving information or advice from sources not present at the meeting which may affect the integrity of the proceedings.

20. General rules of debate**20.1 Chairperson may exercise discretion**

The application of any procedural matters in this section of the standing orders, such as the number of times a member may speak, is subject to the discretion of the Chairperson.

20.2 Time limits on speakers

The following time limits apply to members speaking at meetings:

- (a) movers of motions when speaking to the motion – not more than 10 minutes
- (b) movers of motions when exercising their right of reply – not more than 5 minutes
- (c) other members – not more than 5 minutes.

Time limits can be extended if a motion to that effect is moved, seconded and supported by a majority of members present.

20.3 Questions to staff

During a debate members can ask staff questions about the matters being discussed. Questions must be asked through the Chairperson and how the question should be dealt with is at the Chairperson's discretion.

20.4 Questions of clarification

At any point of a debate a member may ask the Chairperson for clarification about the nature and content of the motion which is the subject of the debate and the particular stage the debate has reached.

20.5 Members may speak only once

A member may not speak more than once to a motion at a meeting of a local authority except with permission of the Chairperson.

20.6 Limits on number of speakers

If three speakers have spoken consecutively in support of, or in opposition to, a motion, the Chairperson may call for a speaker to the contrary. If there is no speaker to the contrary, the Chairperson must put the motion after the mover's right of reply.

Members speaking must, if requested by the Chairperson, announce whether they are speaking in support of or opposition to a motion.

20.7 Seconders may reserve speech

A member may second a motion or amendment without speaking to it, reserving the right to speak later in the debate.

20.8 Speaking only to relevant matters

Members may speak to any matter before the meeting; a motion or amendment which they propose; and to raise a point of order arising out of debate, but not otherwise. Members must confine their remarks strictly to the motion or amendment they are speaking to.

The Chairperson's rulings on any matters arising under this standing order are final and not open to challenge.

20.9 Restating motions

At any time during a debate a member may ask, for their information, that the Chairperson restate a motion and any amendments; but not in a manner that interrupts a speaker.

20.10 Criticism of resolutions

A member speaking in a debate may not unduly criticise the validity of any resolution except by a notice of motion to amend or revoke the resolution.

20.11 Objecting to words

When a member objects to any words used by another member in a speech and wants the minutes to record their objection, they must object at the time when the words are used and before any other member has spoken. The Chairperson must order the minutes to record the objection.

20.12 Right of reply

The mover of an original motion has a right of reply. A mover of an amendment to the original motion does not. In their reply, the mover must confine themselves to answering previous speakers and not introduce any new matters.

A mover's right of reply can only be used once. It can be exercised either at the end of the debate on the original, substantive or substituted motion or at the end of the debate on a proposed amendment.

The original mover may speak once to the principal motion and once to each amendment without losing that right of reply. If a closure motion is carried, the mover of the motion may use their right of reply before the motion or amendment is put to the vote. The mover of the original motion may choose to indicate that they wish to reserve their right or reply until the closure motion.

20.13 No other member may speak

In exercising a right of reply, no other member may speak:

- (a) after the mover has started their reply
- (b) after the mover has indicated that they want to forego this right
- (c) where the mover has spoken to an amendment to the original motion and the Chairperson has indicated that he or she intends to put the motion.

20.14 Adjournment motions

The carrying of any motion to adjourn a meeting must supersede other business still remaining to be disposed of. Any such business must be considered at the next meeting. Business referred to, or referred back to, a specified committee or sub-committee, is to be considered at the next ordinary meeting of that committee or board, unless otherwise specified.

20.15 Chairperson's acceptance of closure motions

The Chairperson may only accept a closure motion where there have been at least two speakers for and two speakers against the motion that is proposed to be closed, or the Chairperson considers it reasonable to do so.

However, the Chairperson must put a closure motion if there are no further speakers in the debate. When the meeting is debating an amendment, the closure motion relates to the amendment. If a closure motion is carried, the mover of the motion under debate has the right of reply after which the Chairperson puts the motion or amendment to the vote.

21. General procedures for speaking and moving motions

21.1 Options for speaking and moving

This subsection provides three options for speaking and moving motions and amendments at a meeting of a local authority, its committees and sub-committees.

Option A applies unless, on the recommendation of the Chairperson at the beginning of a meeting, the meeting resolves [by simple majority] to adopt either Option B or Option C for the meeting generally, or for any specified items on the agenda.

21.2 Option A

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Only members who have not spoken to the original or substituted motion may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost cannot move or second a subsequent amendment.
- Members can speak to any amendment and, provided they have not spoken to the motion or moved or seconded an amendment, they can move or second further amendments.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

21.3 Option B

- The mover and seconder of a motion cannot move or second an amendment. (This does not apply when the mover or seconder of a motion to adopt a report of a committee wants to amend an item in the report. In this case the original mover or seconder may also propose or second the suggested amendment).
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment that is carried can move or second a subsequent amendment. A mover or seconder of an amendment which is lost cannot move or second a subsequent amendment.
- Members can speak to any amendment.
- The meeting, by agreement of the majority of members present, may amend a motion with the agreement of the mover and seconder.

21.4 Option C

- The mover and seconder of a motion can move or second an amendment
- Any members, regardless of whether they have spoken to the original or substituted motion, may move or second an amendment to it.
- The mover or seconder of an amendment whether it is carried or lost can move or second further amendments.
- Members can speak to any amendment.
- The meeting by agreement of the majority of members present may amend a motion with the agreement of the mover and seconder.

21.5 Procedure if no resolution reached

If no resolution is reached the Chairperson may accept a new motion to progress the matter under discussion.

22. Motions and amendments**22.1 Proposing and seconding motions**

All motions, and amendments moved during a debate, must be seconded (including notices of motion). The chairperson may then state the motion and propose it for discussion. A motion should be moved and seconded before debate but after questions.

Amendments and motions that are not seconded are not recorded in the minutes.

Note: Members who move or second a motion are not required to be present for the entirety of the debate.

22.2 Motions in writing

The Chairperson may require movers of motions and amendments to provide them in writing, signed by the mover.

22.3 Motions expressed in parts

The Chairperson, or any member, can require a motion that has been expressed in parts to be decided part by part.

22.4 Substituted motion

Where a motion is subject to an amendment the meeting may substitute the motion with the amendment, provided the mover and seconder of the original motion agree to its withdrawal. All members may speak to the substituted motion.

22.5 Amendments to be relevant and not direct negatives

Every proposed amendment must be relevant to the motion under discussion. Proposed amendments cannot be similar to an amendment that has already been lost. An amendment cannot be a direct negative to the motion or the amended motion. Reasons for not accepting an amendment can include:

- a) Not directly relevant
- b) In conflict with a carried amendment
- c) Similar to a lost amendment
- d) Would negate a committee decision if made under delegated authority
- e) In conflict with a motion referred to the governing body by that meeting

- f) Direct negative.

Please note that amendments that are significantly different must comply with the decision-making provisions of the Part 6, LGA 2002.

22.6 Foreshadowed amendments

The meeting must dispose of an existing amendment before a new amendment can be moved. However, members may foreshadow to the Chairperson that they intend to move further amendments as well as the nature of the content of those amendments.

22.7 Lost amendments

Where an amendment is lost, the meeting will resume the debate on the original or substituted motion. Any member who has not spoken to that motion may speak to it, and may move or second a further amendment.

22.8 Carried amendments

Where an amendment is carried the meeting will resume the debate on the original motion as amended. This will now be referred to as the substantive motion. Members who have not spoken to the original motion may speak to the substantive motion, and may move or second a further amendment to it.

22.9 Where a motion is lost

In a situation where a motion that recommends a course of action is lost a new motion, with the consent of the Chairperson, may be proposed to provide direction.

22.10 Withdrawal of motions and amendments

Once a motion or amendment has been seconded the mover cannot withdraw it without the agreement of the majority of the members who are present and voting.

The mover of an original motion, which has been subject to an amendment that has been moved and seconded, cannot withdraw the original motion until the amendment has either been lost or withdrawn by agreement, as above.

22.11 No speakers after reply or motion has been put

A member may not speak to any motion once:

- (a) the mover has started their right of reply in relation to the motion, and
- (b) the Chairperson has started putting the motion.

23. Revocation or alteration of resolutions

23.1 Member may move revocation of a decision

A member may give the chief executive a notice of motion for the revocation or alteration of all or part of a previous resolution of the council, committee or sub-committee. The notice must set out:

- (a) The resolution or part of the resolution which the member proposes to revoke or alter
- (b) The meeting date when the resolution was passed
- (c) The motion, if any, which the member proposes to replace it with, and
- (d) Sufficient information to satisfy the decision-making provisions of sections 77-82 of the LGA 2002.

If the mover of the notice of motion is unable to provide this information, or the decision is likely to be deemed a significant decision, the notice of motion should provide that the proposal is referred to the chief executive for consideration and report.

23.2 Revocation must be made by the body responsible for the decision

If a resolution is made under delegated authority by a committee, sub-committee or subordinate decision-making body, only that body may revoke or amend the resolution, assuming the resolution is legally made.

This provision does not prevent the body that made the delegation from removing or amending a delegation given to a committee, sub-committee or subordinate body.

cl. 32 (2)4 Schedule 7, LGA 2002.

23.3 Requirement to give notice

A member must give notice to the chief executive at least 5 working days before the meeting at which it is proposed to consider the motion. The notice is to be signed by not less than one third of the members of the local authority, including vacancies. Notice can be sent via email and include the **email signatures** of members. If the notice of motion is lost, no similar notice of motion which is substantially the same in purpose and effect may be accepted within the next twelve months.

23.4 Restrictions on actions under the affected resolution

Once a notice of motion to revoke or alter a previous resolution has been received no irreversible action may be taken under the resolution in question until the proposed notice of motion has been dealt with. Exceptions apply where, in the opinion of the Chairperson:

- (a) the practical effect of delaying actions under the resolution would be the same as if the resolution had been revoked
- (b) by reason of repetitive notices, the effect of the notice is an attempt by a minority to frustrate the will of the local authority or the committee that made the previous resolution.

In either of these situations, action may be taken under the resolution as though no notice of motion had been given to the chief executive.

23.5 Revocation or alteration by resolution at same meeting

A meeting may revoke or alter a previous resolution made at the same meeting where, during the course of the meeting, it receives fresh facts or information concerning the resolution. In this situation 75 per cent of the members present and voting must agree to the revocation or alteration.

23.6 Revocation or alteration by recommendation in report

The local authority, on a recommendation in a report by the Chairperson, chief executive, or any committee or sub-committee, may revoke or alter all or part of a resolution passed by a previous meeting. The chief executive must give at least two clear working days' notice of any meeting that will consider a revocation or alteration recommendation.

cl. 30 (6) Schedule 7, LGA 2002.

24. Procedural motions

24.1 Procedural motions must be taken immediately

A procedural motion to close or adjourn a debate will take precedence over other business, except points of order and rights of reply. If the procedural motion is seconded the Chairperson must put it to the vote immediately, without discussion or debate.

24.2 Procedural motions to close or adjourn a debate

Any member who has not spoken on the matter under debate may move any one of the following procedural motions to close or adjourn a debate:

- (a) that the meeting be adjourned to the next ordinary meeting (unless the member states an alternative time and place)
- (b) that the motion under debate should now be put (a closure motion)

- (c) that the item being discussed should be adjourned to a specified time and place and not be further discussed at the meeting
- (d) that the item of business being discussed should lie on the table and not be further discussed at this meeting
- (e) that the item being discussed should be referred (or referred back) to the relevant committee.

A member seeking to move a procedural motion must not interrupt another member already speaking.

24.3 Voting on procedural motions

Procedural motions to close or adjourn a debate must be decided by a majority of all members who are present and voting. If the motion is lost no member may move a further procedural motion to close or adjourn the debate within the next 15 minutes.

24.4 Debate on adjourned items

When debate resumes on items of business that have been previously adjourned all members are entitled to speak on the items.

24.5 Remaining business at adjourned meetings

Where a resolution is made to adjourn a meeting, the remaining business will be considered at the next meeting.

24.6 Business referred to the relevant committee

Where an item of business is referred (or referred back) to a committee the committee will consider the item at its next meeting unless the meeting resolves otherwise.

24.7 Other types of procedural motions

The Chairperson has discretion about whether to allow any other procedural motion that is not contained in these standing orders.

25. Points of order

25.1 Members may raise points of order

Any member may raise a point of order when they believe these standing orders have been breached. When a point of order is raised, the member who was previously speaking must stop speaking and sit down (if standing).

25.2 Subjects for points of order

A member who is raising a point of order must state precisely what its subject is. Points of order may be raised for the following subjects:

- (a) disorder – bringing disorder to the attention of the Chairperson
- (b) language – use of disrespectful, offensive or malicious language
- (c) irrelevance – the topic being discussed is not the matter currently before the meeting
- (d) misrepresentation – misrepresentation of any statement made by a member or by an officer or council employee
- (e) breach of standing order – the breach of any standing order while also specifying which standing order is subject to the breach
- (f) request the recording of words, such as a request that the minutes record words that have been the subject of an objection.

25.3 Contradictions

Expressing a difference of opinion or contradicting a statement by a previous speaker does not constitute a point of order.

25.4 Point of order during division

A member may not raise a point of order during a division, except with the permission of the Chairperson.

25.5 Chairperson's decision on points of order

The Chairperson may decide a point of order immediately after it has been raised, or may choose to hear further argument about the point before deciding. The Chairperson's ruling on any point of order, and any explanation of that ruling, is not open to any discussion and is final.

26. Notices of motion**26.1 Notice of intended motion to be in writing**

Notice of intended motions must be in writing signed by the mover, stating the meeting at which it is proposed that the intended motion be considered, and must be delivered to the chief executive at least 5 clear working days before such meeting. [Notice of an intended motion can be sent via email and include the email signature of the mover.]

Once the motion is received the chief executive must give members notice in writing of the intended motion at least 2 clear working days' notice of the date of the meeting at which it will be considered.

26.2 Refusal of notice of motion

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) is disrespectful or which contains offensive language or statements made with malice, or
- (b) is not related to the role or functions of the local authority or meeting concerned, or
- (c) contains an ambiguity or a statement of fact or opinion which cannot properly form part of an effective resolution, and where the mover has declined to comply with such requirements as the chief executive officer may make, or
- (d) is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned, or
- (e) fails to include sufficient information as to satisfy the decision-making provisions of s.77-82 LGA 2002, or
- (f) concerns a matter where decision-making authority has been delegated to a committee, sub-committee or subordinate body.

Reasons for refusing a notice of motion should be provided to the mover. Where the refusal is due to (f) the notice of motion may be referred to the appropriate committee or board.

26.3 Mover of notice of motion

Notices of motion may not proceed in the absence of the mover unless moved by another member authorised to do so, in writing, by the mover.

26.4 Alteration of notice of motion

Only the mover, at the time the notice of motion is moved and with the agreement of a majority of those present at the meeting, may alter a proposed notice of motion. Once moved and seconded no amendments may be made to a notice of motion.

26.5 When notices of motion lapse

Notices of motion that are not put when called by the Chairperson must lapse.

26.6 Referral of notices of motion

Any notice of motion received that refers to a matter ordinarily dealt with by a committee or sub-committee of the local authority must be referred to that committee or board by the chief executive.

Where notices are referred the proposer of the intended motion must, if not a member of that committee, have the right to move that motion, and have the right of reply, as if a committee member.

26.7 Repeat notices of motion

When a motion has been considered and rejected by the local authority or a committee, no similar notice of motion may be accepted within the next 12 months, unless signed by not less than one third of all members.

Where a notice of motion has been adopted by the local authority no other notice of motion which, in the opinion of the Chairperson has the same effect, may be put while the original motion stands.

27. Minutes

27.1 Minutes to be evidence of proceedings

The local authority, committees, sub-committees and subordinate decision-making bodies must keep minutes of their proceedings. These minutes must be kept in hard copy, signed and included in the council's minute book and, when confirmed by resolution at a subsequent meeting and signed by the Chairperson, will be prima facie evidence of the proceedings they relate to.

cl. 28, Schedule 7, LGA 2002.

27.2 Matters recorded in minutes

The chief executive must keep the minutes of meetings. The minutes must record:

- (a) the date, time and venue of the meeting
- (b) the names of the members present
- (c) the Chairperson
- (d) any apologies or leave of absences
- (e) the arrival and departure times of members
- (f) any failure of a quorum
- (g) a list of any external speakers and the topics they addressed
- (h) a list of the items considered
- (i) Items tabled at the meeting
- (j) the resolutions and amendments related to those items including those that were lost, provided they had been moved and seconded in accordance with these standing orders
- (k) the names of all movers, and seconders
- (l) any objections made to words used
- (m) all divisions taken and, if taken, a record of each members' vote
- (n) the names of any members requesting that votes or abstentions be recorded
- (o) any declarations of financial or non-financial conflicts of interest
- (p) the contempt, censure and removal of any members
- (q) any resolutions to exclude members of the public
- (r) the time at which the meeting concludes or adjourns

(s) the names of people permitted to stay in public excluded.

Please Note: hearings under the RMA may have special requirements for minute taking.

27.3 No discussion on minutes

The only topic that may be discussed at a subsequent meeting, with respect to the minutes, is their correctness.

27.4 Minutes of last meeting before election

The chief executive and the Chairperson must sign the minutes of the last meeting of the local authority before the next election of members.

28. Minute records

28.1 Maintaining accurate records

A local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor. All public records that are in its control must be maintained in an accessible form, so as to be able to be used for subsequent reference.

Section 17 Public Records Act 2005

28.2 Method for maintaining records

Records of minutes may be kept in hard copy (Minute Books) and/or in electronic form. If minutes are stored electronically, the repository in which they are kept must meet the following requirements:

- 28.2.1 The provision of a reliable means of assuring the integrity of the information is maintained, and
- 28.2.2 The information is readily accessible so as to be usable for subsequent reference.

Section 229(1) of the Contract and Commercial Law Act 2017

28.3 Inspection

Whether held in hard copy or in electronic form, minutes must be available for inspection by the public.
s. 51 LGOIMA.

28.4 Inspection of public excluded matters

The Chief Executive must consider any request for the minutes of a meeting, or part of a meeting, from which the public was excluded as if it is a request for official information under the Local Government Official Information and Meetings Act 1987.

Referenced documents

- Commissions of Inquiry Act 1908
- Sale of Alcohol Act 2012
- Crimes Act 1961
- Financial Markets Conduct Act 2013
- Local Authorities (Members' Interests) Act 1968 (LAMIA)
- Local Electoral Act 2001 (LEA)
- Local Government Act 1974 and 2002 (LGA)
- Local Government Official Information and Meetings Act 1987 (LGOIMA)
- Marine Farming Act 1971

- Resource Management Act 1991 (RMA)
- Secret Commissions Act 1910
- Securities Act 1978
- Contract and Commercial Law Act 2017
- Public Records Act 2005
- Local Government Electoral Legislation Act 2023

Appendix 1: Grounds to exclude the public

A local authority may, by resolution, exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

Insert separate Plain English reasons to exclude the public document

- A3** That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information, the public disclosure of which would:
 - (a) Be contrary to the provisions of a specified enactment; or
 - (b) Constitute contempt of Court or of the House of Representatives.
- A4** That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that Council by an Ombudsman under section 30(1) or section 38(3) of this Act (in the case of a Council named or specified in Schedule 1 to this Act).
- A5** That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation in:
 - (a) Any proceedings before a Council where
 - i. A right of appeal lies to any Court or tribunal against the final decision of the Council in those proceedings; or
 - ii. The Council is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
 - (b) Any proceedings of a Council in relation to any application or objection under the Marine Farming Act 1971.

Appendix 2: Sample resolutions to exclude the public

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

• Name of Agenda item

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, 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 as follows:

This resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are:

Resolution:

That Hawke's Bay Regional Council excludes the public from this section of the meeting, being Agenda Item 4 Funding Category 2 Flood Mitigation, with the general subject of the item to be considered while the public is excluded. The reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are:

<u>General subject of the item to be considered</u>	<u>Reason for passing this resolution</u>	<u>Grounds under section 48(1) for the passing of the resolution</u>
<u>Funding Category 2 Flood Mitigation</u>	<p><u>Disclosing the modelling done for comparative purposes could impact on property values in scheme areas. A range of funding scenarios have been modelled for comparative purposes in order to agree a preferred funding model for consultation. Maps of the scheme areas will be provided to show the defined scheme footprints and it will be possible to identify individual houses on those maps.</u></p> <p><u>Rating decisions are subject to strong public interest, in particular the landowners/property owners most likely to be affected by the decisions. However, these may also be the individuals with the most to lose by disclosing the modelling and associated maps.</u></p> <p><u>Scheme ratepayers and the wider community will have an opportunity to provide feedback on the proposed funding scenarios during the public consultation process.</u></p>	<u>s7(2)(e) To protect against material loss by members of the public</u>

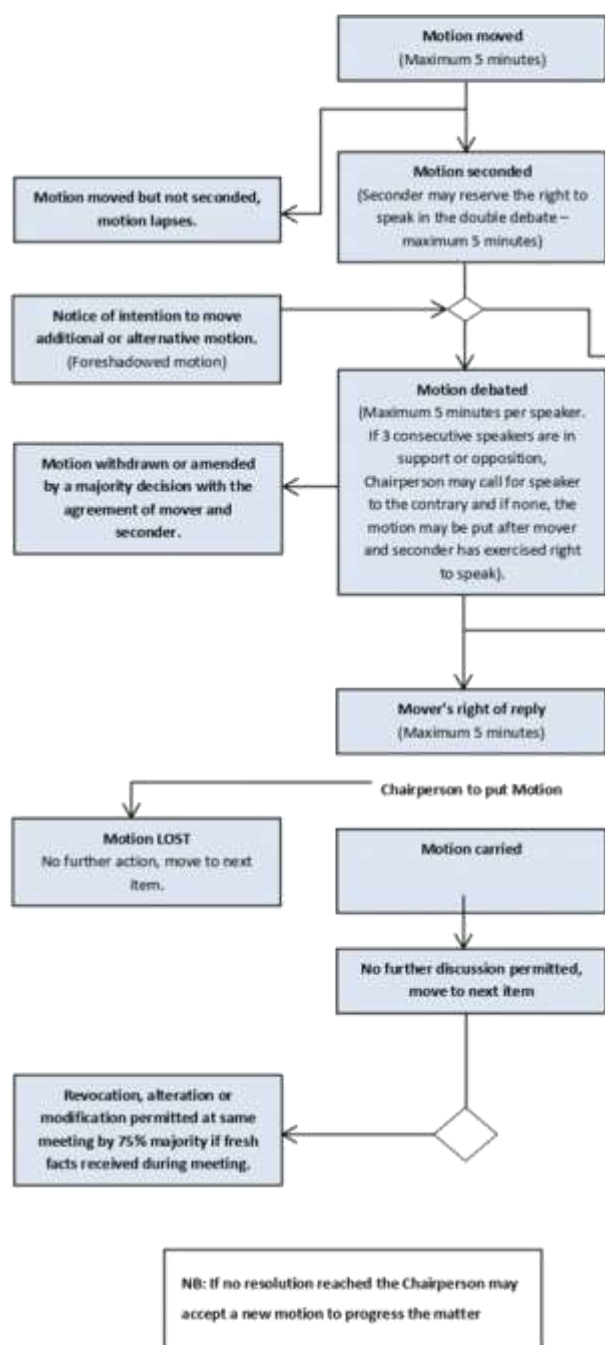
THAT XXXX be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of XXXX. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because XXXX.

Resolution in PE

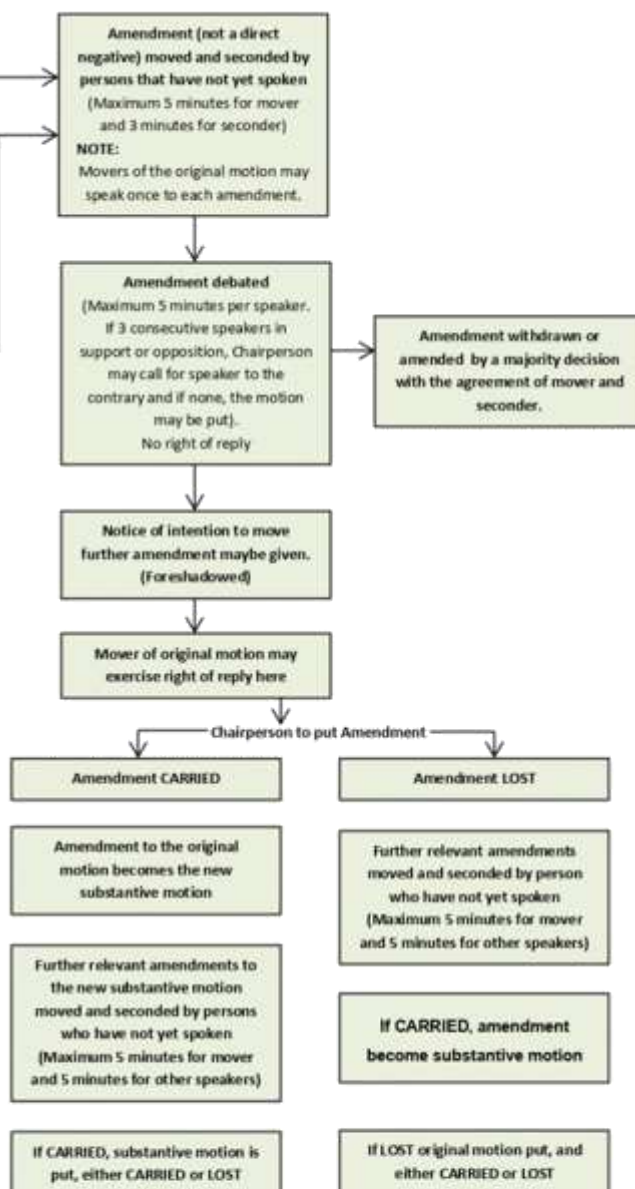
1. Once the meeting has concluded, the Funding Category 2 Flood Mitigation agenda item will be made publicly available except for the following in accordance with s7(2)(e):
 - 1.1. Maps of the scheme areas attached to the agenda
 - 1.2. Table one (to be redacted from the agenda item)
 - 1.3. Comparative Rates modelling examples attached to the Agenda.

Appendix 3: Motions and amendments (Option A)

Motions without amendments

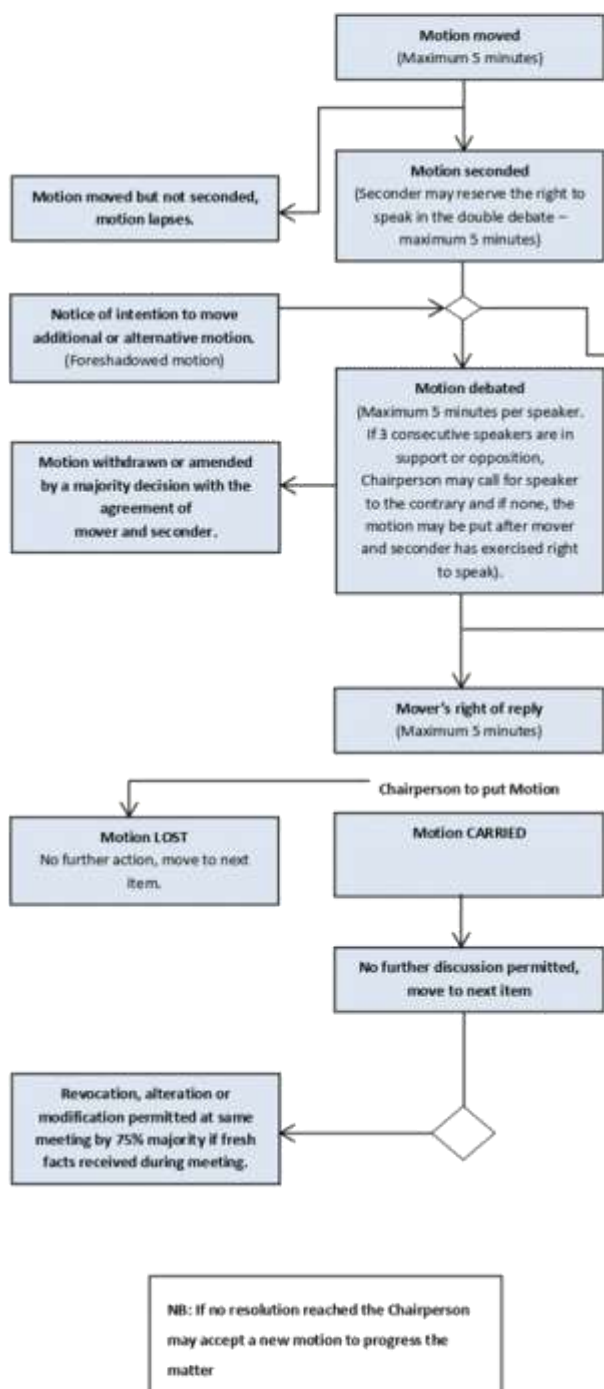


Motions with amendments

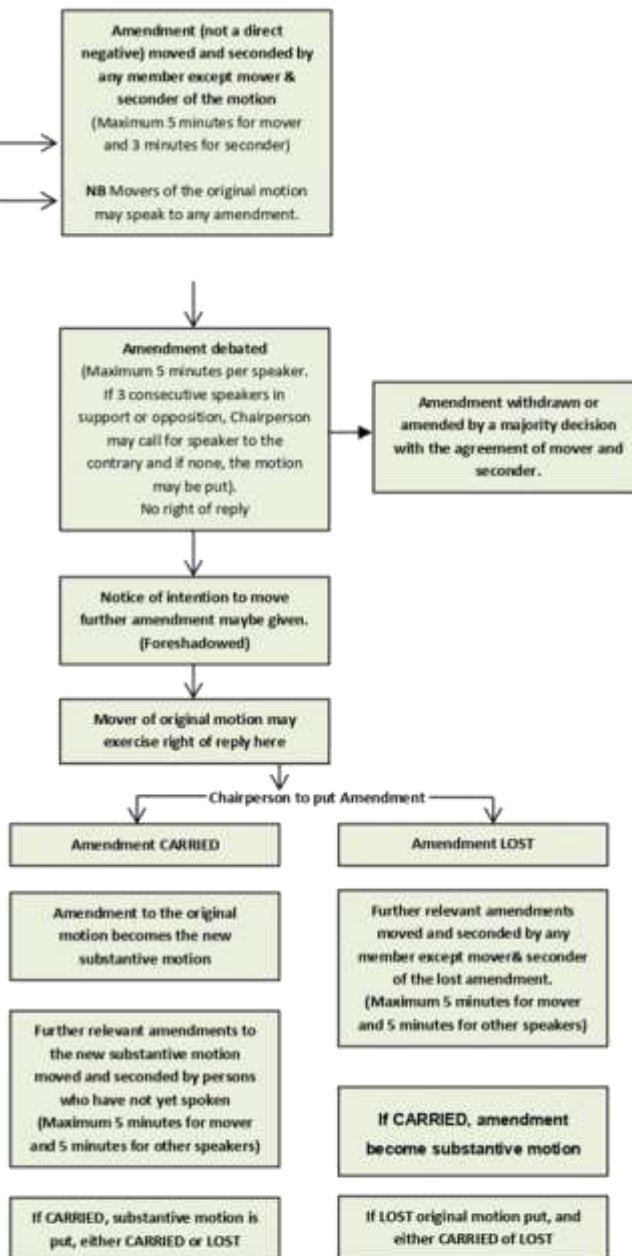


Appendix 4: Motions and amendments (Option B)

Motions without amendments

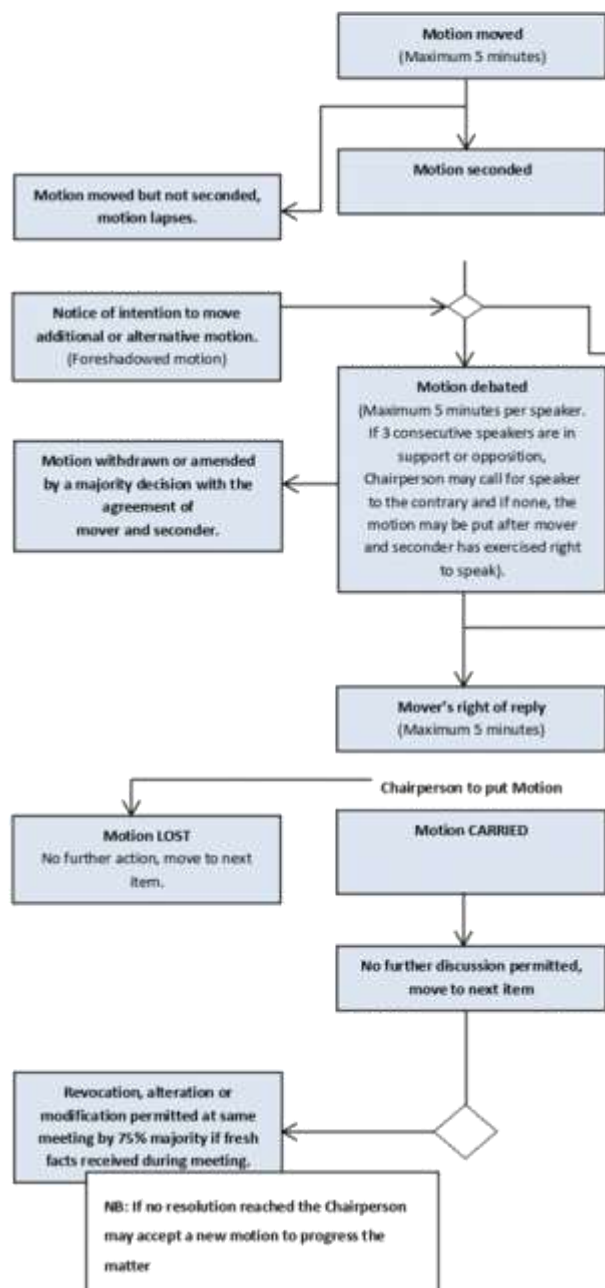


Motions with amendments

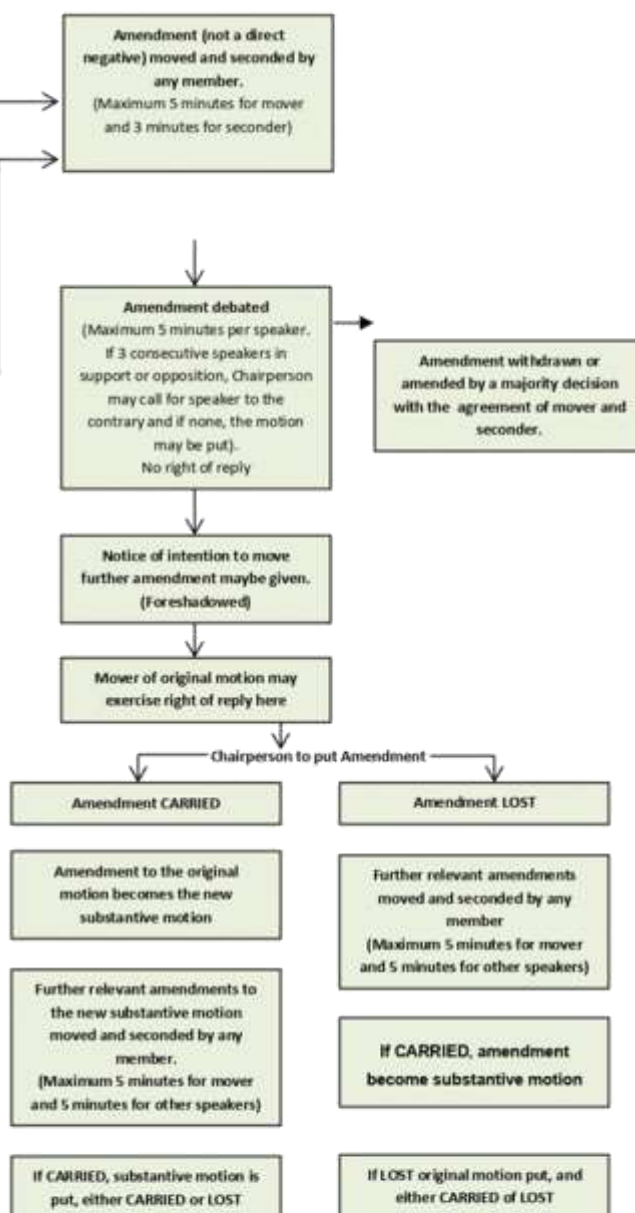


Appendix 5: Motions and amendments (Option C)

Motions without amendments



Motions with amendments



Appendix 6: Table of procedural motions

Motion	Has the Chair discretion to refuse this Motion?	Is second required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(a) "That the meeting be adjourned to the next ordinary meeting, or to a stated time and place"	No	Yes	No	As to time and date only	No	No	No	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	On resumption of debate, the mover of the adjournment speaks first. Members who have spoken in the debate may not speak again
(b) "That the motion under debate be now put (closure motion)"	No	Yes	No	No	No	No	No	Yes – 15 Minutes	If carried, only the amendment is put	If carried, only the procedural motion is put	The mover of the motion under debate is entitled to exercise a right of reply before the motion or amendment under debate is put
(c) "That the item of business being discussed be adjourned to a stated time and place"	No	Yes	No	As to time and date only	No	No	NO	Yes – 15 minutes	If carried, debate on the original motion and amendment are adjourned	If carried, debate on the original motion and procedural motion are adjourned	

Motion	Has the Chair discretion to refuse this Motion?	Is second required?	Is discussion in order?	Are amendments in order?	Is mover of procedural motion entitled to reply?	Are previous participants in debate entitled to move this motion?	Can a speaker be interrupted by the mover of this motion?	If lost, can motion be moved after an interval?	Position if an amendment is already before the Chair	Position if a procedural motion is already before the Chair	Remarks
(d) "That the item of business being discussed does lie on the table and not be discussed at this meeting"	No	Yes	No	No	No	No	No	Yes – 15 minutes	If carried, the original motion and amendment are both laid on the table	Motion not in order	
(e) "That the item of business being discussed be referred (or referred back) to the local authority or to the relevant committee"	No	Yes	No	As to committee, time for reporting back etc only	No	No	No	Yes – 15 minutes	If carried, the original motion and all amendments are referred to the committee	If carried, the procedural motion is deemed disposed of	
(f) "Points of order"	No – but may rule against	No	Yes – at discretion of Chairperson	No	No	Yes	Yes	No	Point of order takes precedence	Point of order takes precedence	See standing order 3.14

Appendix 7: Webcasting protocols

These provisions are intended as a good practice guide to local authorities that are webcasting meetings or planning to do so.

1. The default shot will be on the Chairperson or a wide-angle shot of the meeting room.
2. Cameras will cover a member who is addressing the meeting. Cameras will also cover other key participants in a meeting, including staff when giving advice and members of the public when addressing the meeting during the public ~~input-forum~~ time.
3. Generally interjections from other members or the public are not covered. However if the Chairperson engages with the interjector, the interjector's reaction can be filmed.
4. PowerPoint presentations, recording of votes by division and other matters displayed by overhead projector may be shown.
5. Shots unrelated to the proceedings, or not in the public interest, are not permitted.
6. If there is general disorder or a disturbance from the public gallery, coverage will revert to the Chairperson.
7. Appropriate signage will be displayed both in and outside the meeting room alerting people that the proceedings are being web cast.

Appendix 8: Powers of a Chairperson

This Appendix sets out the specific powers given to the Chairperson contained in various parts of these Standing Orders.

Chairperson to decide all questions

The Chairperson is to decide all questions where these standing orders make no provision or insufficient provision. The Chairperson's ruling is final and not open to debate.

Chairperson to decide points of order (SO 25.5)

The Chairperson is to decide any point of order and may do so immediately after it has been raised or may first hear further argument before deciding. The ruling of the Chairperson upon any point of order is not open to any discussion and is final. No point of order may be raised during a division except by permission of the Chairperson.

Items not on the agenda (SO 9.12)

Major items not on the agenda may be dealt with at that meeting if so resolved by the local authority and the Chairperson explains at the meeting at a time when it is open to the public the reason why the item was not listed on the agenda and the reason why discussion of the item cannot be delayed until a subsequent meeting.

Minor matters not on the agenda relating to the general business of the local authority may be discussed if the Chairperson explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at that meeting, but no resolution, decision or recommendation may be made in respect of that item except to refer it to a subsequent meeting.

Chairperson's report (SO 9.6)

The Chairperson, by report, has the right to direct the attention of the local authority to any matter or subject within the role or function of the local authority.

Chairperson's recommendation (SO 9.5)

The Chairperson of any meeting may include on the agenda for that meeting a Chairperson's recommendation regarding any item brought before the meeting. The purpose of such a recommendation is to focus debate on a suggested motion.

Chairperson's voting (SO 18.3)

The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, has a casting vote where standing orders make such provision.

Motion in writing (SO 22.2)

The Chairperson may require the mover of any motion or amendment to submit it in writing signed by the mover.

Motion in parts (SO 22.3)

The Chairperson may require any motion expressed in parts to be decided part by part.

Notice of motion (SO 26.2)

The Chairperson may direct the chief executive to refuse to accept any notice of motion which:

- (a) Is disrespectful or which contains offensive language or statements made with malice, or
- (b) Is not within the scope of the role or functions of the local authority, or
- (c) Contains an ambiguity or statement of fact or opinion which cannot properly form part of an effective resolution, and the mover has declined to comply with such requirements as the chief executive may have made, or
- (d) Is concerned with matters which are already the subject of reports or recommendations from a committee to the meeting concerned.

Reasons for refusing a notice of motion should be provided to the proposer.

Where a notice of motion has been considered and agreed by the local authority, no notice of any other motion which is, in the opinion of the Chairperson, to the same effect may be put again whilst such original motion stands.

Action on previous resolutions

If, in the opinion of the Chairperson the practical effect of a delay in taking action on a resolution which is subject to a notice of motion, would be equivalent to revocation of the resolution; or if repetitive notices of motion are considered by the Chairperson to be an attempt by a minority to frustrate the will of the meeting, action may be taken as though no such notice of motion had been given.

Repeat notice of motion (SO 26.7)

If in the opinion of the Chairperson, a notice of motion is substantially the same in purport and effect to any previous notice of motion which has been considered and rejected by the local authority, no such notice of motion may be accepted within six months of consideration of the first notice of motion unless signed by not less than one third of the members of the local authority, including vacancies.

Revocation or alteration of previous resolution (SO 23)

A Chairperson may recommend in a report to the local authority the revocation or alteration of all or part of any resolution previously passed, and the local authority meeting may act on such a recommendation in accordance with the provisions in these standing orders.

Chairperson may call a meeting

The Chairperson:

- (a) May call a meeting to dispose of the business to be transacted following the lapsing of a meeting due to failure of a quorum, if such business cannot be delayed until the next meeting
- (b) May requisition an extra meeting to be held at a specified time and place, in order to conduct specified business.

Irrelevant matter and needless repetition (SO 20.8)

The Chairperson's ruling preventing members when speaking to any motion or amendment from introducing irrelevant matters or indulging in needless repetition is final and not open to challenge.

Taking down words (SO 20.11)

The Chairperson may order words used and objected to by any member, to be recorded in the minutes, provided such objection is made at the time the words are used and not after any other members have spoken.

Explanations

The Chairperson may permit members to make a personal explanation in addition to speaking to a motion, and members who have already spoken, to explain some material part of a previous speech in the same debate.

Chairperson rising (SO 13.5)

Whenever the Chairperson rises during a debate any member then speaking or offering to speak is to be seated and members are to be silent so that the Chairperson may be heard without interruption.

Members may leave places (SO 13.6)

The Chairperson may permit members to leave their place while speaking.

Priority of speakers (SO 13.7)

The Chairperson must determine the order in which members may speak when two or more members indicate their wish to speak.

Minutes (SO 27.1)

The Chairperson is to sign the minutes and proceedings of every meeting once confirmed. The Chairperson and chief executive are responsible for confirming the correctness of the minutes of the last meeting of a local authority prior to the next election of members.

Questions of speakers (SO 14.3)

The Chairperson may permit members to ask questions of speakers under public forum or deputations/presentations by appointment, for the purpose of obtaining information or clarification on matters raised by the speaker.

Withdrawal of offensive or malicious expressions (SO 19.3)

The Chairperson may call upon any member to withdraw any offensive or malicious expression and may require the member to apologise for the expression.

Any member who refuses to withdraw the expression or apologise, if required by the Chairperson, can be directed to withdraw from the meeting for a time specified by the Chairperson.

Chairperson's rulings (SO 13.4)

Any member who refuses to accept a ruling of the Chairperson, may be required by the Chairperson to withdraw from the meeting for a specified time.

Disorderly behaviour (SO 19.4)

The Chairperson may:

- (a) Require any member or member of the public whose conduct is disorderly or who is creating a disturbance, to withdraw immediately from the meeting for a time specified by the Chairperson.
- (b) Ask the meeting to hold in contempt, any member whose conduct is grossly disorderly and where the meeting resolves to find the member in contempt, that resolution must be recorded in the minutes.

Failure to leave meeting (SO 19.6)

If a member or member of the public who is required, in accordance with a Chairperson's ruling, to leave the meeting, refuses or fails to do so, or having left the meeting, attempts to re-enter without the permission of the Chairperson, any member of the police or officer or employee of the local authority may, at the Chairperson's request, remove or exclude that person from the meeting.

Audio or audio-visual attendance (SO 12.10)

Where the technology is available and a member is attending a meeting by audio or audio-visual link, the Chairperson must ensure that:

- (a) the technology for the link is available and of suitable quality
- (b) procedures for using the technology in the meeting will ensure that:
 - i. everyone participating in the meeting can hear each other
 - ii. the member's attendance by audio or audio-visual link does not reduce their accountability or accessibility in relation to the meeting
 - iii. the requirements of Part 7 of LGOIMA are met
 - iv. the requirements in these standing orders are met.

If the Chairperson is attending by audio or audio-visual link then chairing duties will be undertaken by the deputy chair or a member who is physically present.

Appendix 9: Process for removing a regional chairperson from office

1. At a meeting that is in accordance with this clause, a regional council may remove its chairperson or deputy chairperson from office.
2. If a chairperson or deputy chairperson is removed from office at that meeting, the regional council may elect a new chairperson or deputy chairperson, at that meeting.
3. A meeting to remove a chairperson or deputy chairperson, may be called by:
 - (a) A resolution of the regional council; or
 - (b) A requisition in writing signed by the majority of the total membership of the regional council (excluding vacancies).
4. A resolution or requisition must:
 - (a) Specify the day, time, and place at which the meeting is to be held and the business to be considered at the meeting; and
 - (b) Indicate whether or not, if the chairperson or deputy chairperson, is removed from office, a new chairperson or deputy chairperson is to be elected at the meeting if a majority of the total membership of the regional council (excluding vacancies) so resolves.
5. A resolution may not be made and a requisition may not be delivered less than 21 days before the day specified in the resolution or requisition for the meeting.
6. The chief executive must give each member notice in writing of the day, time, place, and business of any meeting called under this clause not less than 14 days before the day specified in the resolution or requisition for the meeting.
7. A resolution removing a chairperson or deputy chairperson carries if a majority of the total membership of the regional council (excluding vacancies) votes in favour of the resolution.

cl. 18 Schedule 7, LGA 2002.

Appendix 10: HBRC Workshop Guidelines

Replace with separate updated document.

Workshop Guidelines Addendum 1

Local Government Act

Part 6

Planning, decision-making, and accountability

76 Decision-making

- (1) Every decision made by a local authority must be made in accordance with such of the provisions of sections 77, 78, 80, 81, and 82 as are applicable.
- (2) Subsection (1) is subject, in relation to compliance with sections 77 and 78, to the judgments made by the local authority under section 79.
- (3) A local authority—
 - (a) must ensure that, subject to subsection (2), its decision-making processes promote compliance with subsection (1); and
 - (b) in the case of a significant decision, must ensure, before the decision is made, that subsection (1) has been appropriately observed.
- (4) For the avoidance of doubt, it is declared that, subject to subsection (2), subsection (1) applies to every decision made by or on behalf of a local authority, including a decision not to take any action.
- (5) Where a local authority is authorised or required to make a decision in the exercise of any power, authority, or jurisdiction given to it by this Act or any other enactment or by any bylaws, the provisions of subsections (1) to (4) and the provisions applied by those subsections, unless inconsistent with specific requirements of the Act, enactment, or bylaws under which the decision is to be made, apply in relation to the making of the decision.
- (6) This section and the sections applied by this section do not limit any duty or obligation imposed on a local authority by any other enactment.

77 Requirements in relation to decisions

- (1) A local authority must, in the course of the decision-making process,—
 - (a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - (b) assess the options in terms of their advantages and disadvantages; and
 - (c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.
- (2) This section is subject to [section 79](#).

78 Community views in relation to decisions

- (1) A local authority must, in the course of its decision-making process in relation to a matter, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.

79 Compliance with procedures in relation to decisions

- (1) It is the responsibility of a local authority to make, in its discretion, judgments—
- (a) about how to achieve compliance with [sections 77](#) and [78](#) that is largely in proportion to the significance of the matters affected by the decision as determined in accordance with the policy under [section 76AA](#); and
 - (b) about, in particular,—
 - (i) the extent to which different options are to be identified and assessed; and
 - (ii) the degree to which benefits and costs are to be quantified; and
 - (iii) the extent and detail of the information to be considered; and
 - (iv) the extent and nature of any written record to be kept of the manner in which it has complied with those sections.
- (2) In making judgments under subsection (1), a local authority must have regard to the significance of all relevant matters and, in addition, to—
- (a) the principles set out in [section 14](#); and
 - (b) the extent of the local authority's resources; and
 - (c) the extent to which the nature of a decision, or the circumstances in which a decision is taken, allow the local authority scope and opportunity to consider a range of options or the views and preferences of other persons.
- (3) The nature and circumstances of a decision referred to in subsection (2)(c) include the extent to which the requirements for such decision-making are prescribed in or under any other enactment (for example, the [Resource Management Act 1991](#)).

Appendix 11: Process for raising matters for a decision

Matters requiring a decision may be placed on an agenda of a meeting by a:

- report of chief executive
- report of a Chairperson
- report of a committee
- notice of motion from a member.

Where a matter is urgent and has not been placed on an agenda, it may be brought before a meeting as extraordinary business by a:

- report of chief executive
- report of Chairperson

Although out of time for a notice of motion, a member may bring an urgent matter to the attention of the meeting through the meeting Chair.

Appendix 12: Guidelines for petitions

Preparing a petition

1. Petitions must include a short statement (no more than 150 words), regarding the issue to be addressed.
2. Petitions must state the name, physical address, and signature of the person or organisation who started the petition.
3. The petition must not be disrespectful or use offensive language or statements made with malice.
4. Petitions can be written and presented in English or Te Reo Māori.
5. Petition documents should contain a privacy waiver, advising signatories that the information gathered by the petition may be made publicly available/published, an example of which is:

Privacy Notice: Petitions may become public documents, including the names of the signatories, if released to persons who request a copy from the Council. The contact details (physical or email address) of the signatories will be withheld by the Council unless the Principal Petitioner indicates that they do not object to those contact details being released.

6. The Petitioner must ensure the petition is addressed directly to the Hawke's Bay Regional Council Chief Executive.

For paper petitions:

7. Petitions must include a name, physical address and signature of each person who is in support of the proposal.
8. Each subsequent page of the petition containing signatures should also contain the petition statement.
9. Unless incapacitated, a person must sign the petition personally. A person signing on behalf of an incapacitated person must state this fact beside the signature.
10. Signatures must be original (not photocopied, faxed, scanned, pasted or otherwise transferred onto sheets of the petition).

For electronic petitions:

11. Electronic petitions must include the name and physical or email address of each person (signatory) who is in support of the proposal.
12. Petitions must include a screenshot of the online petition form.

Presenting a petition

13. Principal petitioner sends the petition to the HBRC Chief Executive.
14. HBRC Governance team checks that the petition is in line with the Council's Standing Orders and Guidelines for Petitions.
15. If the principal petitioner wishes to speak to their petition, they will need to seek permission from the Chief Executive at the time of submitting the petition. Otherwise, the petition will be presented by staff to the next relevant Council or Committee meeting and the principal petitioner will be advised of the date and time the petition will be presented.
16. Either Council or the relevant Committee makes decisions on next steps for the petition, for example if further work is needed by staff to investigate the issue(s) raised by the petition. Note that while Council may accept a petition from the public, this does not mean Council is required to make any decisions about or take any action to address the issues raised in the petition.
17. Council notifies the principal petitioner of Council's decisions, if any.

Hawke's Bay Regional Council Workshop Guidelines

~~This document is intended to provide~~ These guidelines with respect to the scheduling and content of Council workshops. ~~in order to are intended to~~ provide clarity and administrative efficiency to the organisation.

Introduction

1. As part of effective council decision-making, elected members and staff need to workshop complex topics from time to time. Workshops are an opportunity for Council staff/management to meet with councillors outside of public decision-making meetings to brief Members, provide information, explain options and obtain feedback.
2. Workshops, however described, provide opportunities for members to discuss particular matters, receive briefings and provide guidance for officials. Workshops are not meetings and cannot be used to either make decisions or come to agreements that are then confirmed without the opportunity for meaningful debate at a formal public meeting.
3. A workshop is a meeting held solely for information and understanding at which **NO** decisions or resolutions are made. It is necessary to carefully consider the level of decision/ consensus that councillors reach in a 'closed door' workshop, to avoid the appearance (to the public specifically) that councillors are reaching conclusions/ decisions without public knowledge or input, and the Council meeting is solely a quick formal approval process without any debate.
4. Once a direction has been provided at a workshop, it then becomes the subject of a decision-making process including report(s) to a future ~~formal~~ Council or Committee meeting, whereby the necessary steps are undertaken to meet LGA decision-making requirements as outlined in Appendix Addendum 1.
5. Workshops contribute to the final decision-making process and as such, certain key information from workshop discussions ~~should will~~ be released to the public as part of the decision-making process and to support our obligations under LGOIMA. Staff and councillors should also be aware that information shared at workshops is discoverable, should there be a judicial review of Council's final decisions.
- ~~6.~~ Workshops should only be held for matters that are of a significant scale or complexity, to provide detailed or complicated information to councillors which, if undertaken at a Council or committee meeting could take a significant amount of time and therefore restrict other business from being transacted.
- ~~6.7.~~ Minor matters should be dealt with in other ways, e.g. an ~~email-MS Teams conversation via the Councillor Q&A Forum~~ or informal briefing at the conclusion of a Council or Committee meeting.

Types of workshops

- ~~7.8.~~ A workshop is not a meeting in terms of the Local Government Official Information and Meetings Act (LGOIMA) 1987: 45(2) "For the avoidance of doubt, it is hereby declared that any meeting of a local authority or of any committee or subcommittee of a local authority, at which no resolutions or decisions are made is not a meeting for the purposes of this Part of this Act."
- ~~8.9.~~ Workshop items will generally fall into one of the following categories.
 - ~~8.1.9.1.~~ **Upskilling** – Provides Members with information regarding a particular topic, especially early in a new Council term. This type of workshop will involve a variety of staff (and sometimes external presenters) to present a coordinated range of presentations to give councillors and/or committee members a better understanding of what the Council is doing and of emerging trends and upcoming issues. Site visits/ tours may form part of these sessions.
 - ~~8.2.9.2.~~ **Policy development** – councillors and/or committee members are provided with opportunities

to discuss draft plan/policy documents. Staff present information and lead a conversation to obtain direction to enable further development of the draft plan/policy.

8-3-9-3 Strategic planning & Plan implementation – to update or refresh Council's strategic plan and build work programmes to achieve the desired outcomes from that into development of the Annual and Long Term plans.

8-4-9-4 Updates/ No surprises – Provides an opportunity to brief or update councillors on significant projects or programmes of work, for example changes to levels of service, funding issues, etc, prior to press releases, or for any issue that may attract public interest. Where the object of a meeting is to provide information, gather ideas, and/or understand options, the benefits of a properly organised, alternative and non-adversarial style of workshop meeting should be considered.

9-10 Show and tell sessions may on occasion fit into one of the above categories but will generally not form part of a Council workshop session.

Workshop process

11 Workshops ~~are not~~will be publicly advertised, ~~no and~~ open to the public and agenda papers ~~are~~will be released only to councillors and/or committee members and relevant staff invited to participate published on the HBRC website for the public to access as soon as they are available and have been distributed to councillors.

12 ~~If it is deemed necessary to hold a workshop in public excluded (PE), the relevant Group Manager will be required to provide the documented rationale to the Chief Executive for approval at the time of scheduling the workshop.~~

10-12-1 ~~If the workshop is to be public excluded, it will be included on the published schedule, along with the topic and reason why the public is excluded. The Agenda and Notes documents for PE workshops will not be made available to the public.~~

11-13 ~~Auditable Notes are~~will be taken to record attendance and capture key points of discussions, ~~and will be published on the HBRC website for the public to access no later than two weeks after a workshop. Notes will not be 'confirmed' by a subsequent workshop (because there may not be one) so the Governance Team will confirm the accuracy of the Notes with the Chief Executive or Group Manager responsible before publishing them to HBRC's website, along with any presentations from staff.~~

12 ~~Workshops are usually chaired by the relevant Council/Committee chairperson.~~

13-14 ~~Workshops can be scheduled preceding or following a Council or Committee meeting if sufficient time is available, or on any other weekday where it adds to the efficiency of the business.~~

14-15 ~~The scheduling of workshops outside of the normal meeting day (Wednesday) must~~will always be done in consultation with the Executive Leadership Team and councillors to ensure maximum participation.

15-16 ~~Standing Orders do not apply at workshops in terms of debate, etc, and because of their informality and nature workshops do not have strict rules, but the procedures set out below will encourage effective understanding and process~~are usually chaired by the relevant Council/ Committee chairperson.

Tangata whenua participation

16-17 ~~In the interests of Council's partnership with tangata whenua, Māori Committee Co-chairs and the RPC tangata whenua representative appointed~~Co-chair to attend the Regional Council meetings will~~are~~be invited to all Council workshops as a matter of course. It is then for the appointee to decide whether to participate and RSVP accordingly.

17-18 ~~Should the appointed RPC tangata whenua~~Co-chair representative be unavailable to attend a

workshop, they may choose to ~~nominate ask an alternate tangata whenua that the RPC tangata whenua deputy Co-chair Committee member is invited~~ to attend in their stead.

- 18.19. For strategic conversations with tangata whenua in relation to statutory documents like the Annual, Strategic and Long Term plans, specific workshops for all tangata whenua appointees may be scheduled in order to offer the opportunity for ~~'free and frank'~~ focussed input into those processes.

Agenda content and preparation

- 19.20. It is important that staff use elected members' time well and as such, these guidelines set out a framework to ensure the effective commissioning and running of workshops.

- 20.21. Staff will, in the first instance, approach their Group Manager to discuss any possible workshop item.

- 21.22. The preparation and distribution of the workshop agenda and supporting information, the timetabling and other meeting processes are the responsibility of the Governance team.

- 22.23. Workshop agenda papers are to be distributed prior to meetings to align with meeting best practice process, if possible, within the same timeframe as Council /Committee meetings – at least 2 clear working days prior to the workshop.

- 23.24. Agendas should, where possible, include supporting information and/or pre-reading material. At the very least the agenda ~~should~~ must include the purpose of the workshop and expectations of attendees.

- 24.25. Workshops do not adhere to Standing Orders, specifically: 9.7 Public availability of the agenda, 10. Quorum, 11.4 Public may record meetings, 18. Voting, 20. General rules of debate, and 21. General procedures for speaking and moving motions but should be properly conducted. Councillors and/or committee members ~~should~~ can assist the Chair in this by:

24.1-25.1. Agreeing, and attempting to keep, to timelines for the workshop items

24.2-25.2. Expressing opinions and discussing but not ~~formally~~ debating for the purpose of making a Council decision

24.3-25.3. Seeking clarification and understanding.

- 25.26. To achieve its purpose, a workshop ~~meeting~~ should not be biased by the presentation of only one point of view.

- 26.27. Consensus on an issue will not be sought at a workshop and it should not be an expectation that consensus will be reached on all issues.

- 27.28. Workshops should not be used as a mechanism to evade the spirit of legislation by determining issues prior to them eventually being referred to a ~~decision-making~~ public Council or Committee meeting.

- 28.29. Outside participants and staff may be involved in workshops only if invited by the Group Manager responsible for leading the workshop.

Workshop items and presentations

- 29.30. Members need to be informed of the topic, timeframe for discussion and expectations.

- 30.31. The item should be clear and indicate whether it is:

30.1-31.1. Leading to development of policy

30.2-31.2. Briefing on a strategic issue

30.3-31.3. Leading to a Council decision, including the expected timing of when the topic may come back to Council or a Committee

30.4-31.4. Transferring information and ideas.

- 31.32. ~~Presentations are not required for workshop items; however, Presentations if used must~~ should be

clear and focussed on the audience's needs. Powerpoint presentations are useful aids – less is more. Electronic copies ~~should will~~ be accessible to members on Stellar – with handouts provided as the exception, to minimise wastage.

32-33. Achieve a balance between ensuring the information is communicated and the messages received, without lengthy repetition.

Role of HBRC Management

33-34. Group Managers have the major role in establishing the Workshop themes and approving the topics for agendas as collated by the Governance Team and presented to an Executive Leadership Team meeting for approval.

34-35. There will generally be no surprises for Group Managers with the proposed workshop items already being part of Group work plans and falling into one of the following categories:

34.1-35.1. Upskilling

34.2-35.2. Policy development

34.3-35.3. Strategic planning and plan implementation

34.4-35.4. Updates/ No Surprises.

35-36. When considering whether a particular item is best considered by a workshop of councillors and/or committee members, the relevant GM first needs to decide whether what's being sought is a clear-cut decision. If the answer is yes, then a workshop is not the means by which to achieve that outcome.

36-37. In the circumstance where information relating to a decision warrants Public Excluded consideration by councillors and/or committee members the only reasons able to be used as a means of doing that are specified under the ~~Local Government Official Information and Meetings Act~~ LGOMA as detailed in Standing Orders Appendix 21.

Addendum 1

Local Government Act

Part 6

Planning, decision-making, and accountability

76 Decision-making

- (1) Every decision made by a local authority must be made in accordance with such of the provisions of sections 77, 78, 80, 81, and 82 as are applicable.
- (2) Subsection (1) is subject, in relation to compliance with sections 77 and 78, to the judgments made by the local authority under section 79.
- (3) A local authority—
 - (a) must ensure that, subject to subsection (2), its decision-making processes promote compliance with subsection (1); and
 - (b) in the case of a significant decision, must ensure, before the decision is made, that subsection (1) has been appropriately observed.
- (4) For the avoidance of doubt, it is declared that, subject to subsection (2), subsection (1) applies to every decision made by or on behalf of a local authority, including a decision not to take any action.
- (5) Where a local authority is authorised or required to make a decision in the exercise of any power, authority, or jurisdiction given to it by this Act or any other enactment or by any bylaws, the provisions of subsections (1) to (4) and the provisions applied by those subsections, unless inconsistent with specific requirements of the Act, enactment, or bylaws under which the decision is to be made, apply in relation to the making of the decision.
- (6) This section and the sections applied by this section do not limit any duty or obligation imposed on a local authority by any other enactment.

77 Requirements in relation to decisions

- (1) A local authority must, in the course of the decision-making process,—
 - (a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - (b) assess the options in terms of their advantages and disadvantages; and
 - (c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.
- (2) This section is subject to [section 79](#).

78 Community views in relation to decisions

- (1) A local authority must, in the course of its decision-making process in relation to a matter, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.

79 Compliance with procedures in relation to decisions

- (1) It is the responsibility of a local authority to make, in its discretion, judgments—
- (a) about how to achieve compliance with [sections 77](#) and [78](#) that is largely in proportion to the significance of the matters affected by the decision as determined in accordance with the policy under [section 76AA](#); and
 - (b) about, in particular,—
 - (i) the extent to which different options are to be identified and assessed; and
 - (ii) the degree to which benefits and costs are to be quantified; and
 - (iii) the extent and detail of the information to be considered; and
 - (iv) the extent and nature of any written record to be kept of the manner in which it has complied with those sections.
- (2) In making judgments under subsection (1), a local authority must have regard to the significance of all relevant matters and, in addition, to—
- (a) the principles set out in [section 14](#); and
 - (b) the extent of the local authority's resources; and
 - (c) the extent to which the nature of a decision, or the circumstances in which a decision is taken, allow the local authority scope and opportunity to consider a range of options or the views and preferences of other persons.
- (3) The nature and circumstances of a decision referred to in subsection (2)(c) include the extent to which the requirements for such decision-making are prescribed in or under any other enactment (for example, the [Resource Management Act 1991](#)).

~~Addendum 2 Reasons to exclude the public~~

~~[Already Appendix 1 to the Standing Orders](#)~~

Draft

HAWKE'S BAY REGIONAL
INVESTMENT COMPANY LTD

Draft Statement of Intent

For the Year Ending 30 June 2025

Draft

Contents

1	About Us	3
2	Our Operating Environment	3
3	Our Group	4
4	Our Mission	4
5	Our Objectives.....	5
6	Our Role	5
7	Our Corporate Governance	5
8	Our Responsibility to Our Shareholder	6
9	Our Shareholders Funds and Valuation.....	7
10	Our Performance Targets	8
11	Our Distributions to Shareholder	9
12	Our Reporting.....	9
13	Our Policy on Acquisition and Divestment	10
14	Our Activities for Which Compensation is Sought.....	10
15	Our Accounting Policies	10
16	Our Directory	11

Draft

1 About Us

Hawkes Bay Regional Investment Company (HBRIC) is the investment management arm of the Hawkes Bay Regional Council (Council).

HBRIC was established in 2012 to provide appropriate separation of Council's investment assets from its core service functions. That establishment started with a shareholding in Napier Port Holdings Limited (the Napier Port).

Today, we operate under an expanded mandate, looking after both the investment assets of both Council and our own assets. HBRIC seeks to apply commercial investment expertise to these assets as a collective, providing the greatest overall benefit to the ratepayers of the Region through Council.

HBRIC is proud to be a majority shareholder in Napier Port, a significant infrastructure asset for our region. We also hold other financial and property investments, applying capital from a partial sale of the Napier Port shares in 2019.

In 2023, Council resolved to use HBRIC more fully, asking HBRIC to provide its investment management expertise across Council's own investment assets. The investment assets of the Council managed by HBRIC include financial, property, and forestry assets.

The combination of both HBRIC and Council investments under one operating entity allows HBRIC to provide scale and a more strategic approach to both asset management and to returns to Council. In supporting this wider mandate, HBRIC has and is continuing to increase its commercial capabilities, including the move to a majority independent Board of Directors and expanded Executive team.

Collectively, HBRIC manages assets of approximately \$500 million.

The Council has determined that the shareholding in HBRIC, our majority holding in Napier Port, and the proceeds from the 2019 Napier Port partial sale are Strategic Assets of the Region.

HBRIC is a wholly owned subsidiary of the Council, and a Council Controlled Trading Organisation (CCTO) and is required to annually produce a Statement of Intent.

2 Our Operating Environment

The social, economic and environmental event of the past three years have altered the risk environment in which HBRIC operates.

Since 2020, our investments have had to cope directly with pandemics (Covid-19), natural disasters (Cyclone Gabrielle), and periods of higher inflation and interest rates that we have not seen for 15 years.

HBRIC's portfolio is not immune to such events, impacting both the current asset values, but also in some cases impacting the level of our cash earnings. Our objective is to provide Council as steadily growing cash flow, so support the ongoing service that Council provides. The events of the last three years have required a reset of expectations in terms of earning provided to Council to ensure that we preserve the assets for all generations.

Our largest investment, the Port of Napier has been impacted by each of these events, and the recovery back to 'normal' market conditions will take time, as the region rebuilds. We watch with interest as significant national entities and Port customers such as Ravensdown and PanPac reinvest back into our region.

Our shareholder, the Council too has been significantly impacted by the events of recent years. Cyclone Gabrielle has added a significant one off and ongoing costs to Council in its role of protecting our environment.

Such event, however tough, also provide the base for new opportunities. HBRIC has been asked to manage the investment such that they manage risk appropriately, but also look to create and take new opportunities that will ultimately benefit the Council and the ratepayers of today and tomorrow. To

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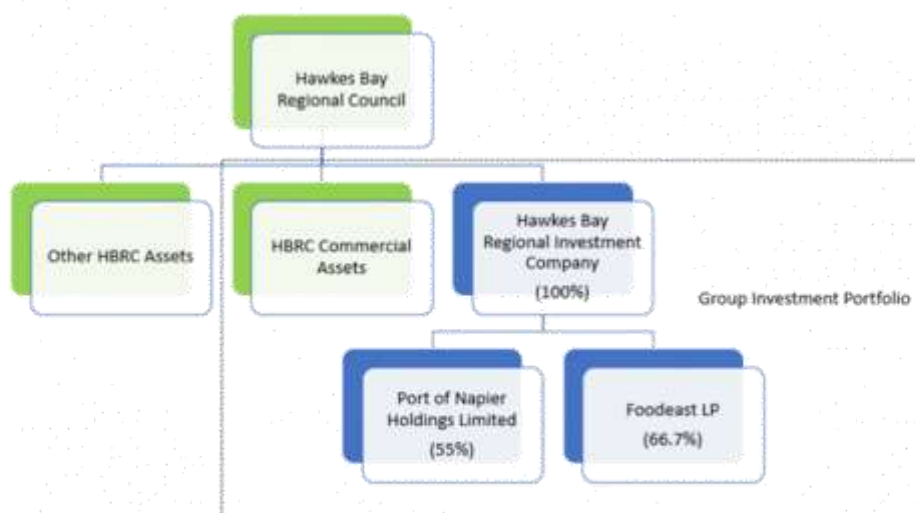
achieve this, the assets that HBRIC has today, may not be the assets of tomorrow, but rather will reflect a portfolio of assets that HBRIC believe will best achieve the Purpose and Objectives outlined in this Draft Statement of Intent.

It is against this operating environment backdrop that HBRIC has prepared its Draft Statement of Intent.

3 Our Group

This Draft Statement of Intent (SOI) is prepared in accordance with Section 64(1) of the Local Government Act 2002 (the Act).

It has been prepared following the consideration by the HBRIC Board of Directors of the Council Statement of Expectations.



The SOI covers the following:

- Hawkes Bay Regional Investment Company Limited and subsidiaries: HBRIC as an asset including its majority shareholding in the Port of Napier and Foodeast, plus other investments of HBRIC. Collectively, this is referred to as the 'HBRIC Group'.
- The Group Investment Portfolio: HBRIC has been appointed manager as Advisor and Investment Manager of Councils Commercial Assets in addition to the commercial assets owned by HBRIC. Collectively, these are referred to as the 'Group Investment Portfolio'.

Foodeast is a Limited Partnership and a CCTO in its own right and produces its own SOI for HBRIC. The Napier Port, while a subsidiary of HBRIC, is not required to produce a SOI given its listing on the New Zealand Exchange (NZX).

4 Our Mission

HBRIC mission is:

To optimise and grow the financial returns to Council from its Group Investment Portfolio.

Draft

5 Our Objectives

The objectives of HBRIC Ltd are to:

- Provide Council with a consistent and growing cash income stream to support their service delivery,
- Manage and grow the Groups Investment Portfolio as a long-term endowment for the regions ratepayers,
- Consider Social and Environmental Responsibility through how we manage our investments and how we deal with others,
- Be a trusted advisor to Council,
- Be a responsible manager of our shareholding in the Napier Port,
- Through prudent investment, manage investment risk and look to diversify the Groups Investment Portfolio,
- Be an employer of choice, attracting the best talent to achieve our objectives.
- Be a respected partner to current and future co-investors, including Tangata Whenua.

6 Our Role

The LGA requires that the Nature and Scope of Activities Undertaken be defined.

Our Collective Role in Management of the Group Investment Portfolio

- Generation of commercial returns and a consistently growing income stream to Council through the holding of a diversified Group Investment Portfolio.
- Manage the Group Investment Portfolio from an intergenerational perspective.
- Demonstrate excellence in Risk and Asset Management through the use of experts in governance and management.
- Management of Managed Funds in accordance with the Group Statement of Investment Policy and Objectives (SIPO).
- Ensure open dialogue exists between Council as shareholder and asset owner and HBRIC.
- Be a trusted advisor to Council in relation of Commercial Assets.

Our Role as owner and manager of HBRIC Investment Assets

- Monitor the financial performance of corporate governance of the Napier Port in away befitting of a majority shareholder.
- Evaluate, develop, and nurture commercial opportunities as they arise.

7 Our Corporate Governance

This section gives readers an overview of the company's main corporate governance policies, practices and processes adopted or followed by the HBRIC Ltd Board.

Role of the Board of Directors

The Board of Directors is responsible to Council for the strategic direction and control of HBRIC Ltd's activities. The Board is to guide and monitor the business and affairs of HBRIC Ltd in accordance with its mission and objectives as set out in this Statement of Intent.

Council has delegated responsibility for its Investment Assets to the HBRIC Board.

Draft

Management has been delegated responsibility for the day-to-day management of the company. HBRIC Ltd may make use of external advisers from time to time.

All directors are required to comply with a formal Code of Conduct, which is based on the New Zealand Institute of Directors' Principles of Best Practice.

Board Composition and Fees

Appointments to the HBRIC Ltd Board are made directly by Council in accordance with Council's Policy on Director Appointments.

Fees for the HBRIC Ltd Board will be set triennially in accordance with this same Council policy. HBRIC Ltd will affect an appropriate directors' and officers' liability insurance cover at the expense of HBRIC Ltd.

The Board meets regularly as required.

Subsidiary Companies

All subsidiary companies (not including Napier Port Holdings or those where HBRIC Ltd owns less than 50%) are required to submit an annual Statement of Intent to HBRIC Ltd, which will evaluate them and suggest changes as considered necessary, before finalisation by the company concerned. In the event of a new subsidiary company being established the first statement of Intent of the subsidiary company will be referred to the Council for comment.

Subsequently, if any material changes are proposed by subsidiaries, HBRIC Ltd will consult with Council on such changes.

Representatives of the subsidiary board and management will meet with HBRIC Ltd at least twice each year, to discuss the company's strategic direction and any significant issues that arise. The Board also receives other reports as are necessary to perform its monitoring function. HBRIC Ltd however, does not involve itself in the operational management of the subsidiary companies.

Board Appointments

All directors of subsidiary companies (and associate companies, if any) are selected in accord with Council Policy on appointment to subsidiaries. We seek an open, professionally managed process, targeting appropriate relevant expertise and aptitude in consultation with Council.

Director appointments of Napier Port are done in accordance with NZX guidelines.

Financial Results

Directors receive and review HBRIC Ltd parent company financial and other reports regularly and provide formal group and parent company financial statements to the shareholder annually – for the year ended 30 June.

Joint Ventures

Joint ventures not established as company entities will adhere to the reporting requirements specified for subsidiary companies above.

8 Our Responsibility to Our Shareholder

Statement of Expectation

Council has in accord with the Act, prepared a Statement of Expectation for HBRIC. This includes the expanded role that this SOI has been prepared in accordance with. Council supplied the Statement of Expectation on 9 November 2023 and is available on the Council website (www.hbric.govt.nz).

Draft

Statement of Intent

In accordance with the Local Government Act 2002, each year by 1 March HBRIC Ltd will submit a draft Statement of Intent for the ensuing year to Council for its consideration. The SOI sets out HBRIC Ltd's overall objectives, intentions, and financial and performance targets. Having considered any comments on the SOI by Council, the final operative Statement of Intent is then delivered to Council (as shareholder) for its approval on or before 30 June each year.

Expense Reimbursement

It is anticipated that there will be instances where Council uses the service of HBRIC, and HBRIC uses the services of Council. Any such expenditure can be charged accordingly where it is agreed reasonable by Council and the Board of Directors. A Management Agreement will be created to outline specific costs that can be recovered as part of the enhanced role of HBRIC.

No Surprises

The relationship between HBRIC and its shareholder is based on Trust and Confidence. The Group therefore operates a "no surprises" policy between HBRIC and Council. Any significant variation from the Statement of Intent or Statement of Expectations will be informed at the soonest practical opportunity.

9 Our Shareholders Funds and Valuation

The estimated figures below reflect the 30 June positions of their respective years and take into account changes to asset values due to revaluations. HBRIC Ltd will keep council informed of performance against targets on a timely basis.

The values below represent the HBRIC Group, including the shareholding in the Napier Port at market value. The Napier Port is NZX listed and its market value may differ from its accounting value under IFRS.

At the time of providing this forecast, HBRIC holds no material debt. The Group has the ability to take on debt to support the ongoing expansion of the Groups objectives.

Parent Company	2025	2026	2027
Shareholder's funds/total assets	>95%	>95%	>95%
Net debt (\$m)	\$0m	\$0m	\$0m
Shareholders' funds (\$m) *	\$300m	\$309m	\$319m

At the time on providing this SOI, HBRIC also managed, on request of Council over \$150m of other investment assets.

Valuation

HBRIC Ltd will monitor its own market value at 30 June in each financial year by undertaking an internal assessment of its ongoing capital value (including valuation of subsidiaries and associates). This will be used to assist the management of capital, debt, revenue, and expenditure streams to achieve the returns set out in Section 10 of this Statement of Intent.

The commercial value of HBRIC at the time of writing is \$300m.

Draft

10 Our Performance Targets

Performance Targets are effective for the year of this Statement of Intent. Targets will be measured and reported on in the Annual Report of HBRIC for the year to 30 June 2025.

The following Performance Targets are applicable to the HBRIC Group only.

Portfolio	Objective	Measure
Port	Maintain a majority holding in the Napier Port.	Hold greater than 50.1% shareholding. Council approval and community consultation through the Special Consultative Procedure set out in Section 93 of the Act and the relevant Council policy must be sought prior to any change to the current shareholding.
	Monitor and report on the performance of the Napier Port.	Two investor presentations by Napier Port representative to the HBRIC Board (or Council) annually.
Managed Funds	Compliance with the Group SIPO.	Compliance with the Group SIPO, or notification to Council in advance of material breaches.
Real Assets	Grow and develop a portfolio of real assets for long term commercial return.	Annual review of each Real Asset investment by the HBRIC Board of asset performance.
Other Investment Assets	Assess, and when active, grow and develop a portfolio of other investment assets for long term commercial return.	Annual review of Other Investment Asset investment by the HBRIC Board of asset performance.

The following Performance Targets are applicable to the Group Investment Portfolio

Portfolio	Objective	Measure
Managed Funds	Ensure Councils Managed Funds are in compliance with the Group SIPO.	Compliance with the Group SIPO, or notification to Council in advance of material breaches.
Real Assets	Monitor, manage, and diversify a portfolio of real assets for long term commercial return.	Annual review of each Real Asset class (Wellington and Napier leasehold property, and forestry) investment by the HBRIC Board..
Governance	Keep Council informed on a 'no surprises' basis through regular presentation to Council.	Quarterly presentation to Council by HBRIC.
	Meet the distribution expectations within the SOI.	Ensure distribution of cash proceeds from the Group Investment Portfolio are made available to Council in accord with the expectations of this SOI.
	Adherence to Health and Safety standards for HBRIC.	Compliance with H & S legislation by and for HBRIC staff.

Draft

Portfolio	Objective	Measure
	Ensure Group policies and procedures are current and appropriate.	All policies and procedures reviewed no less than biennially by the HBRIC Executive.
	Promote and support approaches to responsible investment that align capital with achieving a healthy, sustainable society, environment, and economy.	Maintain a written set of principles for responsible investment which is reviewed no less than biennially.

11 Our Distributions to Shareholder

The Group is conscious of trying to ensure that Council receives a steadily increasing income stream from the Group Investment Portfolio. It is up to the Board of Directors of HBRIC to determine the portion of Distribution that is derived from HBRIC, and the level of cash income derived for Council from its own portfolio under HBRIC management.

HBRIC Ltd will pay dividends to the shareholder after taking into account its profitability, future investment, and cash management requirements. Dividends payable to the shareholder will be determined by the Board after consideration of the company's funding requirements and the requirement to meet the solvency test under the provisions of the Companies Act 1993. Dividends are forecast to be paid in two instalments in December and June of each financial year.

Financial Year	2024	2025	2026
Distribution (\$m) Total to Council from Group Investment Portfolio	\$12.5m	\$13.0m	\$13.5m
Distribution proportion of above coming from HBRIC as a dividend	40% – 80% (\$5m – \$10m)	40% – 80% (\$5.2m to \$10.4m)	40% – 80% (\$5.4m to \$10.8m)

The level of actual distribution paid from HBRIC to Council, as a portion of the total cash earnings to Council from the Group Investment Portfolio, is to be determined by the Directors of HBRIC.

12 Our Reporting

Statutory information requirements

The company will provide an annual Statement of Intent in accordance with Section 64(1) of the Local Government Act 2002. The directors will include any other information they consider appropriate. Where appropriate, revised forecasts will be submitted to the shareholder.

HBRIC Ltd will submit a Consolidated Annual Report to the shareholder. The annual report will include audited financial statements and such other details as are necessary to permit an informed assessment of the company's performance and financial position during the reporting period, and to comply with the requirements of the Companies Act and Financial Reporting Act.

HBRIC Ltd will provide a parent entity quarterly report to the shareholder within two months after the end of the first half of each financial year. The report will provide among other things, an update on the financial performance and investing activities of the company.

Other information to meet the needs of Council

The company will provide regular reports to Council on its activities and the results of its subsidiary companies. It will operate on a timely basis in respect of significant shareholder - related matters, to the fullest extent possible in the context of commercial sensitivity and confidentiality agreements.

Draft

13 Our Policy on Acquisition and Divestment

HBRIC Ltd will comply with Council's Investment Policy as set out in the Long-Term Plan (LTP) 2024-34 (or any successive LTP's) for acquisitions and divestments.

The Group has the ability to enter into new financial investments, or to dispose of existing financial investment, provided it is in accordance with this Statement of Intent and HBRIC working towards the long term objectives of the Group.

HBRIC Ltd will periodically review its investments to ensure that continued ownership represents the best option for HBRIC Ltd and Council and will consult with Council prior to any material divestment or major restructuring of a subsidiary company.

Changes in investment assets such as Managed Funds must be in accordance with the Group SIPO. This includes adherence to the Groups position on Responsible Investment. Any change to the SIPO requires the approval of Council.

14 Our Activities for Which Compensation is Sought

HBRIC Ltd has lent Hawke's Bay Regional Council \$16.63million. The loan is interest bearing with Council making scheduled payments to HBRIC Ltd.

Add line for services

15 Our Accounting Policies

HBRIC Ltd will adopt accounting policies that are consistent with New Zealand International Financial Reporting Standards, generally accepted accounting practice and the policies adopted by the Hawke's Bay Regional Council group.

Draft

16 Our Directory

Postal Address:

Private Bag 6006, Napier 4142

Registered Address:

159 Dalton Street, Napier South, Napier 4110

Board of Directors:

Mr Dan Druzianic	Independent Director and Board Chair
Mrs Debbie Birch	Independent Director
Mr Jonathan Cameron	Independent Director
Mr Will Foley	Director and HBRC Councillor
Mr Neil Kirton	Director and HBRC Councillor

Executive:

Mr Tom Skerman	Commercial Manager
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Contact email – comms@hbric.nz

Restoring our environment

Our Cyclone Gabrielle
recovery journey



HAWKES BAY
REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Restoring our environment
our Cyclone Gabrielle recovery journey
Hawke's Bay | Te Matau a Maui
Hawke's Bay Regional Council
12 March 2024

Prepared by	Julie-Anne McLean Recovery Programme Manager		
Prepared for	Louise McPhail Hawke's Bay Regional Council Recovery Manager		
Approved by	Dr Nic Peet Hawke's Bay Regional Council Chief Executive		
Date	12.03.2024		
Version	V1.0		
Recovery Manager Signature		Chief Executive Signature	

Contents

Section 1: Foreword/ He mihi	3
Section 2: Hawke's Bay Regional Council's role.....	4
Section 3: Regional Recovery Framework.....	5
Section 4: Restoring our environment	8
Section 5: Summary of how Cyclone Gabrielle impacted Hawke's Bay	10
Section 6: Recovery in our catchments.....	12
Section 7: Regional Council-led recovery work.....	26
Section 8: HBRC Recovery Initiatives.....	40
Section 9: Independent Reviews.....	47
Section 10: Looking forward	49
Section 11: Next Steps	50
Appendix	52
Resources	78

Section 1: Foreword/ He mihi

The last year has seen a phenomenal effort by so many in our communities to work positively together with the same goal – to build back Hawke's Bay safer, smarter and more resilient.

There is no doubt that the road to recovery following Cyclone Gabrielle has been and continues to be challenging, yet it's heartening to see and be part of our community's effort to pull together with kindness, courage and commitment.

A disaster, the scale of Cyclone Gabrielle, brought unprecedented volumes of rain and had a significant impact on the community. Recovery from such an event will be complex, and potentially take generations.

This report tells an important story about our mahi and progress to restore the environment over the last 12 months. As the main environmental agency for Hawke's Bay responding to this disaster, we had to be agile, work extremely hard, and stand things up very quickly. We were responsible for restoration of vital flood mitigation infrastructure, land categorisation, removal of silt and woody debris, scientific environmental impact assessments, and research and rural recovery planning.

I'm very proud of the work of the Regional Council staff who worked long hours in the initial aftermath of the cyclone, and then stood up complex and critical recovery programmes in a short timeframe – and this report shows the depth of that work.

We worked alongside the four other councils and tangata whenua in Hawke's Bay to bring funding to the region. Central Government committed a total of \$556 million to the region, including \$203.5 million for flood mitigation work. Our immediate focus for the short term is

building back flood infrastructure in some communities, and mitigating risk in others.

The work of the last 12 months, and engagement with our communities is informing our three-year Long Term Plan, and the delivery of an almost \$250 million Flood Resilience Programme, to construct new flood protection infrastructure for Category 2 areas.

The recommendations from the Hawke's Bay Independent Flood Review, Flood Management Scheme Reviews (Heretaunga Plains and Upper Tukituki) and NIWA's Flood Frequency Analysis will be taken on board for future planning and design of flood schemes.

We now have a more informed view of the significant environmental effects of Gabrielle, and this data will be critical for developing a long term recovery road map. What is also critical is climate change adaptation, water security, erosion control, support of rural communities with long-term recovery and improving our region's biodiversity.

We will continue to work with our community and treaty partners for the long-term recovery of our region. Together, with collaboration and a united vision we will recover.



Hinewai Ormsby

Hawke's Bay Regional Council Chair

Section 2: Hawke's Bay Regional Council's role

After an event, such as Cyclone Gabrielle, one of the core functions of Hawke's Bay Regional Council (HBRC) is to provide for flood control and offer input into catchment management. Regional Council has a unique role in relation to the recovery and resilience building of the region. As the only council that serves the entirety of the region, there is a breadth of connection with communities and tāngata whenua across the whole of Hawke's Bay. The Regional Council has unique obligations under s.30 of the Resource Management Act 1991 (RMA) which requires the management of natural and physical resources in the region in order to promote the sustainable management of the environment. The environment is at the heart of everything the Regional Council undertakes.

In addition to the RMA, Regional Council has other roles and responsibilities prescribed by other legislation such as the Local Government Act, the Soil Conservation and Rivers Control Act, and Land Drainage Act, among a number of other Acts. The Regional Council functions are significant in terms of the breadth and type of activities which it encompasses; we work and engage with a number of treaty partners (PSGE's and Taiwhenua) throughout the region, and there is a duty to undertake this work to serve them and the wider Hawke's Bay community, including stakeholders and industry. This work includes but is not limited to:

- *Managing the current flood control schemes within the region. As well as, developing and implementing flood management plans, providing flood warning systems, and managing river and drainage systems within HBRC managed schemes*
- *Providing advice and support to our communities around sound environmental practices which speak directly to 'working with te taiao' underpinned by regionally relevant science and research*
- *Providing advice and support to farmers and growers on a range of issues related to environmental management, including soil and water quality, nutrient management, and sustainable land use practices, eg. erosion control. This may involve working with individual farmers or growers or with groups such as catchment groups, farming associations and industry bodies*
- *Planning for climate change adaptation and mitigation. Adaptation involves adaptive measures such as managed retreat or seawalls, while mitigation aims to reduce emissions to slow climate change. Successful combination of these strategies can improve our interaction with nature and provide for a resilient environment that supports human well-being*
- *Engaging with the community and providing education and information on environmental issues and risks. It includes working with schools and other organisations to promote environmental awareness and sustainability. Working with local businesses and communities to support economic development within their region. This may include providing advice for sustainable use of natural resources, investing in infrastructure and facilities, and promoting tourism and other economic activities*
- *Transport planning and funding within the region. Regional Council works closely with Waka Kotahi - New Zealand Transport Agency (NZTA) and other stakeholders to develop and implement transport strategies and plans that reflect the needs and priorities of their region. They are also responsible for the provision of public transport*
- *Working with local businesses and communities to support sustainable economic development within their region. This may include providing funding, advice and support to businesses, investing in infrastructure and facilities, and promoting tourism and other economic activities*
- *Regulate and manage the sustainable use of resources across Hawke's Bay and respond to pollution incidents to minimise the impact on our environment.*

Section 3: Regional Recovery Framework

A locally led and regionally coordinated approach to recovery was taken by all five Hawke's Bay councils (Wairoa District Council, Hastings District Council, Napier City Council, Central Hawke's Bay District Council, and the Hawke's Bay Regional Council). A Regional Recovery Working Group was formed by councils and key partners and facilitated by the Regional Recovery Agency (RRA).

The RRA is a government-funded agency that was established by the Matariki Governance Group to coordinate Hawke's Bay's planning and recovery between councils, Iwi leaders and Government. The Recovery Working Group meets regularly to plan and align recovery activities, make collective decisions, determine new processes and policy, share key information, but most importantly deliver consistent information and messaging on recovery matters to the community.

HBRC established a small Recovery Team to interface between the Regional Recovery Working Group and internal teams to coordinate recovery activity. This team worked to keep internal teams informed and connected to region-wide recovery planning, and to provide oversight to the Cyclone Recovery Committee.

A Regional Recovery Framework for Hawke's Bay (see Appendix 1) was set by the RRA. This was made up of six pou (pillars or regional recovery workstreams); Environmental Resilience, Economic Growth, Whanau/Community Wellbeing, Primary Sector, Resilient Infrastructure and Resilient Transition. As the council responsible for environmental protection the Regional Council was appointed as the Environmental Resilience Pou lead and key stakeholder of the Resilient Infrastructure and Primary Sector Pou. This led to the development of the Environmental

Resilience Plan (April 2023). Other councils and partnering agencies were required to produce Locality Plans. The purpose of these plans was to outline immediate recovery needs and priorities, costs of recovery initiatives, and how this short-term recovery work would be delivered. These plans were developed at pace within the first month of the recovery phase. They were also used to signal to the Government the scale of Cyclone Gabrielle's impact on Hawke's Bay and what financial support was needed for the region's immediate recovery.

Hawke's Bay Regional Council's immediate recovery priorities included:

- Rapid rebuild and repair of the region's stopbank network and drainage schemes
- Supporting the removal and disposal of silt and debris
- Assessing the impact that the cyclone had on the region's natural environment and collecting vital scientific data
- Quantifying land damage caused by flood waters, landslips, erosion, and silt
- Ground truthing the impact on biodiversity ecosystems and biosecurity risks
- Repairing telemetric sites and equipment that was damaged to restore environmental monitoring
- Understanding the impact on rural communities and businesses
- Working with central government to obtain regulatory relief for impacted communities to allow them to undertake works quickly, to recover from the impacts of the cyclone, eg. Orders in Council
- Scaling up the organisation's Asset Management team to deliver large-scale/ high-value flood mitigation infrastructure projects
- Administering the Hawke's Bay Disaster Relief Trust, and commercial debris funding used to support impacted individuals and entities across Hawke's Bay.

Government's role

In response to the North Island's extreme weather events a Cyclone Recovery Unit (CRU) was established in March 2023 to support locally led recovery efforts in Auckland (Tāmaki Makaurau), Gisborne (Tairāwhiti), and Hawke's Bay (Te Matau-a-Māui). The CRU leads, coordinates, and monitors recovery of these events across government. They are also responsible for leading engagement and consultation directly with Māori. The CRU reported to the Cyclone Recovery Taskforce, who have since been wound down. The Taskforce was responsible for overseeing each region's recovery plans, connecting this to the work of government and private sector, and reporting into the Extreme Weather Recovery Cabinet Committee.

A general election was held on 14 October 2023, the outcome of which resulted in a change in Government. The impact of this change on the programme for recovery in Hawke's Bay is not yet known. The new Emergency Management and Recovery Minister has visited the region to meet with mayors and leaders to understand what Government support is still needed. The RRA continue to lead regional recovery discussions with Government and will be submitting a new business case for Budget 2024.

Land categorisation framework and FOSAL programme

On 1 May 2023, the Government announced a risk categorisation framework (the Framework), as part of the Future Of Severely Affected Locations (FOSAL) programme. This framework was then used by HBRC to lead the Land Categorisation Process for Hawke's Bay. The Framework outlines three categories (low risk, managed risk, high risk) under which properties in affected areas were to be assessed for future flood and landslide risks by local councils. This was used to guide policy

considerations, and to support consistent decision-making across local and central government. (See Appendix 2 for [FOSAL process](#) guide published by the Cyclone Recovery Unit in July 2023).

Risk categories and definitions used by Hawke's Bay councils:

Category	Definition	Examples
1	Repair [dwelling] to previous state is all that is required to manage future severe weather event risk	Minor flood damage to repair but no need for significant redesign/retrofitting
2C*	The outcome of quality assurance of existing stopbank rebuilds may see the categorisation change to a 1 (category specific to Hawke's Bay only)	As above
2C	Community level interventions are effective in managing future severe weather event risk	Local government repairs and enhances flood protection schemes to adequately manage the risk of future flooding events in the face of climate change effects
2P	Property level interventions are needed to manage future severe weather event risk, including in tandem with community level interventions	Property specific measures are necessary e.g., improved drainage, raising houses are necessary. Benefits accrue to property owners, but some may face affordability issues
2A	Potential to fall within 2C/2P/3 but significant further assessment required	Interventions may be required / possible but insufficient information to provide initial categorisation (these may subsequently move between "2" categories or to categories 1 / 3)
3	Future severe weather event risk cannot be sufficiently mitigated. In some cases, some current land uses may remain acceptable, while for others there is an intolerable risk of injury or death	In the face of enhanced climate risks, the property may face unacceptable risk of future flooding. Other property could be subject to unstable land that poses an ongoing risk

Hawke's Bay Civil Defence Emergency Management Group

Hawke's Bay Civil Defence Emergency Management (HBCDEM) Group is the regional Civil Defence Emergency Management system that is part of a three-tier Emergency Management framework in New Zealand – national, regional and local.

The Group works under the guidance of National Emergency Management Agency (NEMA), who leads or supports response and recovery phases from a national level following a natural emergency event. NEMA are also responsible for providing strategic leadership on risk reduction, readiness, response, and recovery activities, and for building capacity and capability in the use of national emergency management systems.

The HBCDEM Group works in partnership as a joint effort with all five Hawkes Bay councils, emergency services, and key organisations. Their role is to lead the coordination of these agencies in response to disasters. They do this by identifying and understanding risks and hazards, providing training to local councils and partners on emergency management responses, coordinating the response, and prepare Group plans that support risk and hazard management for the region.

All Hawke's Bay councils are responsible for planning and providing for civil defence within their district and ensuring it can operate independently during and after an emergency. They do this by actively supporting HBCDEM Group, deploying staff to assist the Group in an emergency, having an Incident Team that can be stood up to ensure their critical infrastructure is operational as soon as possible, developing

Business Continuity Plans, and delivering welfare support to their communities during and after an event.

Under the Civil Defence Emergency Management Act 2002 the local authorities within a region are required to form a Civil Defence Emergency Management Group as a joint standing committee. The Joint Standing Committee represents Hawke's Bay Regional Council, Napier City Council, Hastings District Council, Wairoa District Council and Central Hawke's Bay, as well as advisory members from Ngāti Kahungunu iwi and PSGE delegates.

The Standing Joint Committee meet regularly for national and scientific updates, and to make joint decisions on HBCDEM Group's work planning, risk and hazard management, regional recovery, district planning needs and preparedness for future events.

They are supported by the Coordinating Executives Group (Council CEOs, emergency service heads and other governmental agencies) who manage the implementation of agreed work programmes.

The Hawke's Bay Regional Council is the administering authority for the Group and as such employs the staff in the CDEM Group office on behalf of the Group.

Section 4: Restoring our environment

The concept of building resilience into both our environment and communities is at the core of the recovery facing Hawke's Bay. Building back or restoring to how things were prior to the arrival of Cyclone Gabrielle would be foolhardy in the face of climate change and the significant increase in severe weather events that we have seen in the last few years.

A year on, we are now in a better position to recount the devastating affects Cyclone Gabrielle had on Hawke's Bay. This document follows on from the Environmental Resilience Plan that was created at the beginning of the recovery phase, but this document is a report not a plan. It is a report designed to summarise what we know of the event and provide a record of the short to medium-term work carried out by HBRC during the Recovery phase. This includes land categorisation, restoration of vital flood protection infrastructure, removal of silt and woody debris, scientific environmental impact assessments and research, rural recovery planning, Crown funding negotiations, and our Council's role in regional recovery.

This report aims to reconcile the recovery priorities outlined in the Environmental Resilience Plan to highlight what immediate recovery initiatives obtained funding. While the Environmental Resilience Plan outlined all the recovery work HBRC considered to be priorities just under 40% of these recovery initiatives received full or partial funding.

The Environmental Resilience Plan was developed in April 2023. This, along with District Council's Locality Plans and community-developed plans, were designed under the Regional Recovery Framework and used to inform the

first Regional Recovery Plan and accompanying Action Plan. This was brought together by the RRA, who used Council's initial plans to signal to Government the scale of the impact Cyclone Gabrielle had on Hawke's Bay and highlight the region's immediate recovery priorities and funding needs.

The original intent for this document was that it would be a 2nd edition of the Environmental Resilience Plan, and that engagement with mana whenua and communities would be sought. This was to understand what environmental resilience means to the people of Hawke's Bay. However, changes in requirements from the RRA meant this was no longer needed.

The intent of this document is to:

- Summarise what is known about the cyclone impact on the region's environment
- Document the work carried out during the early recovery phase
- Reconcile the workstreams and funding requirements identified in the Environmental Resilience Plan with actual funding received to date
- Inform future regional planning and Long-Term Plan priority setting
- Steer conversations on what Hawke's Bay needs, to build environmental resilience against the effects of climate change and natural hazards.

For a more detailed analysis of the impact of Cyclone Gabrielle please refer to the reports and scientific papers listed at the end of this document.

Under the Severe Weather Emergency Legislation Act 2023 (SWERL Act), HBRC was granted temporary changes in the statutory requirement to produce a 10-year Long Term Plan (LTP). Instead, a 3-year LTP was permitted. This will be used as a bridging plan to transition the organisation from recovery back to business as usual (BAU) that will then manage long-term recovery priorities.

How this document was prepared

This document includes high-level summaries of HBRC's operational recovery work, and scientific ground truthing research during the first year of recovery. These accounts help build a picture of the recovery challenges facing the region, the scale of work that lies ahead, and the region's long-term recovery and environmental resilience priorities. For further detail into key topics or studies please see links in the Resource section (p78).

This document was prepared by HBRC's Recovery Team, who worked closely with internal teams to review and update the information presented in the Environmental Resilience Plan relevant to this report. It also provides insights into the Regional Council's responsibilities for regional recovery.

Engagement for this document was not sought. This decision was made following the change in the requirement to submit a 2nd edition of the Environmental Resilience Plan to the RRA. The scope of this document was therefore changed to focus on documenting the impact of Cyclone Gabrielle from an HBRC perspective, key recovery work that was carried out, and what financial support was received.

Iwi and Māori entities continue to work directly with Central Government's Cyclone Recovery Unit (CRU) on the Kaupapa Māori Pathway (see Appendix 3), due to the complexities of land categorisation on Māori land and their obligations to meet Te Tiriti o Waitangi and its principles. HBRC have been working closely with our iwi partners through our Māori Partnerships team and the Te Kupenga Forum, who are Māori relationship holders from across Hawke's Bay.

Preliminary feedback on what environmental resilience means to the community was captured through a Social Pinpoint campaign run by HBRC based on the Environmental Resilience Plan. Social Pinpoint is a map-based

app that allows the public to drop a pin on their area and provide feedback on key environmental topics on how we can build resilience in these areas. Eighty responses were received during the campaign that ran from October until the end of November 2023. Figure 1 shows key words and topics that represent what environmental resilience means to community members who participated in the survey. Biodiversity, sustainable land use, water and flood protection received the highest percentage of comments, followed by community, transport, climate change and coastal hazards. (see survey chart in Appendix 4).

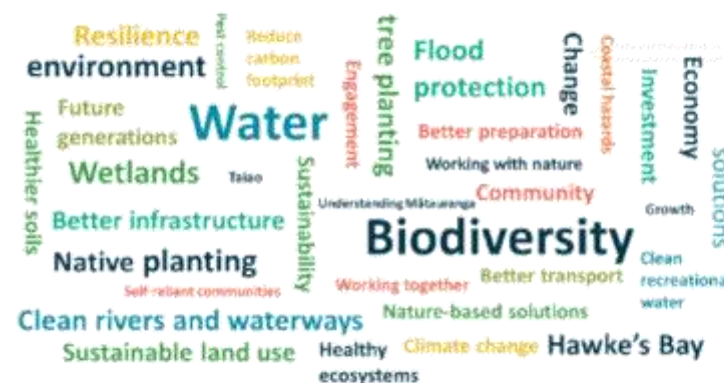


Figure 1: Word cloud of feedback on what environmental resilience means to the community

Further community feedback on the topic of environmental resilience was not pursued. This was to acknowledge the different stages of recovery impacted communities of Hawke's Bay were at. Communities will be able to have their say on medium to longer-term recovery planning when consultation and engagement begins for the next LTP, and subsequent plans.

Section 5: Summary of how Cyclone Gabrielle impacted Hawke's Bay

Cyclone Gabrielle was one of the worst weather events to ever hit Hawke's Bay. Rainfall figures reached 546mm during the storm with intensities of 56mm per hour; most of which was delivered within the first 12-24 hours. Data indicates this was the largest rainfall event ever recorded monitoring sites across the region; exceeding Cyclone Bola in 1988.

The region's river management network became overwhelmed with the deluge. This staggering volume of water was more than the system was designed and constructed to manage. This caused significant damage not only to the stopbank infrastructure, but to properties, lifelines, businesses, crops, and ecosystems.

Landslides from hill country erosion was extensive, with over 300,000 slips estimated along the East Coast of the North Island. On average, each landslide was found to contain 1,000 tonnes of soil (see summary map in Appendix 5). Hill country in Northern Hawke's Bay was found to be the worst-affected area compared to other landslide zones, with the highest record of landslide scars and debris tails.

In the Rapid Assessment of Land Damage (July 2023) report by Manaaki Whenua Landcare Research it was estimated that 300 million tonnes of sediment was deposited in the floodplains from landslips. In the Esk Valley alone, 5.7 million tonnes of silt from soil erosion was estimated.

Productive soils and woody vegetation were stripped from hillsides and plains. Healthy soil is an essential ingredient for resilient ecosystems and land restoration. Recovering from such large-scale loss will take generations. Remaining silt build-up on land poses new threats from

future flooding and dust; making this one of the region's biggest challenges in terms of long-term recovery.

The seabed along the coastline was blanketed with sediment and woody debris that was flushed out to sea; smothering marine ecosystems underneath. Woody debris choked the estuaries and banked up the beaches. Coastal marine life as well as local fisheries were badly affected.

Efforts to improve the region's freshwater and biodiversity outcomes have been set back with much existing protection work lost to cyclone damage. Considerable amounts of riparian margin plantings and fencing - used to control pollution, exclude stock from waterways, and keep pest animals out of protected areas - were destroyed. Thus, increasing the risk to already chronically or acutely threatened ecosystems.

The roading network was severely impacted, especially in rural parts. Many bridges and culverts were destroyed or damaged (See Appendix 6). Landslides buried roads and caused dropouts leading to many sections of the State Highway system to close temporarily. Many communities were isolated for months until temporary bailey bridges were installed.

Research and engagement revealed significant physical, financial, emotional losses by farmers, growers, and landowners in rural areas. Losses included production planting, pastoral fencing, water and irrigation systems, tracks, stock, feed and crops. Severe damage to access, land, and infrastructure was also widespread. Approximately \$1.7b worth of damage to crops and loss of ability to produce during 2023 was reported.

The overall cost of recovery for the region was reported as reaching \$4.918b, when combining all the regional recovery initiatives across councils and Mana Whenua groups. The effects of this event have been significant and widespread and will be felt across Hawke's Bay and its communities for many years to come.



Section 6: Recovery in our catchments

Wairoa and Northern

The Wairoa and Northern Catchments are the largest in the Hawke's Bay region and home to many natural features including rivers, beaches, estuaries, lakes, and coastal lagoons. Indigenous vegetation is also a dominant land cover in the catchments with large areas of native forest in Te Urewera and surrounding ranges.

Cyclone Gabrielle's Impacts

Major flooding occurred when the Wairoa River and numerous tributaries overtopped their banks after receiving over 500mm of rainfall within 12 hours. This caused residential areas to flood and resulted in rural communities becoming cut off.

The area of North Clyde in the Wairoa township and semi-rural areas of Waihirere and Ruataniwha were worst affected. Extensive flooding was also recorded in Awamate, Frasertown, Whakakā, Nuhaka, and Mahia, alongside significant damage to the landscape due to erosion and landslips.

Many forms of land-based industry were impacted by the cyclone, including horticulture, cropping, dairy, sheep and beef, and forestry. Rural landowners experienced limited access both to and within their properties due to rural roads and farm tracks being washed out or impacted by slips.

Over a 100 million tonnes of silt deposition was estimated in Wairoa. Initial assessments show that the Wairoa River alone lost over 100,000 cubic meters of riverbank. An estimated 12,000 tonnes of woody debris stockpiled on the beaches and reserves.

Infrastructure such as roading suffered major damage. At the peak of the event there were up to 30 roads closed isolating whanau, communities, and access to services. Wairoa was effectively cut off from the rest of Hawke's Bay to the south and Gisborne to the north. It was 3 months before the roads fully opened again. Power, communication, and other utilities experienced lifeline failures.

The main concerns for the community are with regards to the resilience of the roading network. State Highway 2 is repeatedly impacted by weather events, isolating the community both from the north and south.

The impact of plantation forestry in the area was investigated through a Ministerial Inquiry into Land Uses (May 2023) associated with the mobilisation of woody debris and sediment-related damage in Gisborne and Wairoa Districts in March and April 2023. The panel published many recommendations which can be found in the report (see Inquiry report in the Resources section below, p78).

Areas of Wairoa township were provisionally categorised 2A in June 2023, affecting 627 properties. WSP was appointed as the engineering pod for the Wairoa category 2A area. The tripartite group, consisting of Wairoa District Council, Tātau Tātau, and HBRC, are working with the community to find a suitable flood mitigation solution that will provide protection to the impacted community. A total of \$70m for flood mitigation in Wairoa was obtained from the Government through the Crown funding negotiations.



Mohaka

The Mohaka catchment includes the Mohaka and Waihua River catchments. The Mohaka River rises in the Kaimanawa Ranges, is bound by the Kaweka and Maungaharuru Ranges to the south and east and flows into Hawke's Bay near the Mohaka settlement. The Waihua is a smaller catchment to the north.

Indigenous forest covers about half of the catchment, along with exotic plantation forestry, manuka/shrubland and exotic grasslands. There are some natural wetlands in forested areas.

There are no towns in the catchment – rather, small rural communities at Taharua, Puketitiri, Te Hāroto, Te Pōhue, Kotemaori, Raupunga and Mohaka. State Highways 2 and 5 bisect the area, connecting Hastings and Napier with Wairoa and Gisborne to the north, and Taupo and Waikato to the west. Pre-cyclone, a recently re-established coastal railway connected Wairoa to Napier and its port.

The main productive land uses are plantation forestry, and sheep and beef pastoral activities. There is a significant area of dairying in the Taharua catchment and orchards near the coast.

Cyclone Gabrielle's Impacts

Approximately 250mm of rain fell during the event at the eastern sites but lesser amounts in the west, with half the rainfall delivered in 12 hours.

This triggered widespread slips which devastated State Highways 2 and 5, as well as the local roading network. There were 32 damaged sites along State Highway 5, ranging from minor dropouts to significant underslips and washouts. State Highway 2 sustained significant damage at the Devil's Elbow south of Tūtira and at the Waikare Gorge, cutting off lower Mohaka communities from the south, while smaller slips isolated them from Wairoa in the north. Communities were not only physically isolated, but they also suffered prolonged power and communication outages.

Fortunately, the vast forest cover in the catchment limited Cyclone Gabrielle's impact on the natural environment. There was also limited damage to people's homes in the catchment, though there has been extensive pasture loss through slips, erosion and silt deposition. Many farms had limited access to and within their properties due to farm tracks being cut off or washed away. Fences and other farming infrastructure was also damaged, with some suffering livestock losses and loss of feed.

The lower parts of the Mohaka River historically experience poor river health due to high sediment and woody debris levels affecting the ecology, freshwater quality, clarity, and recreational qualities. These issues were exasperated by the excessive levels of sediment and debris deposition from slips and erosion from Cyclone Gabrielle. Forestry slash from harvesting operations and other woody debris washed through the river accumulating near the river mouth and along the beach. There was also widespread loss of indigenous vegetation and riparian margin plantings protecting the river from livestock contamination.



Esk and Tangoio

The Esk and Tangoio catchments are the smallest of the six catchments in Hawke's Bay made up of two parts; the Esk Valley which is the northern gateway to the region and Lake Tūtira and surrounds including Tangoio. The major rivers in the catchment include the Waikare, Arapaoanui (Arapawanui), Te Ngarue and Esk running from the Maungaharuru ranges out to the coast.

Eskdale is situated north of Hastings and Napier, slightly inland from the coastal communities of Whirinaki and Bay View, with the critical route of State Highway 5 (Napier-Taupo Road) going through the Esk Valley.

The catchments are prone to flash flooding which has been evidenced by several significant events in the catchment including the 1938 floods and Cyclone Bola in 1988.

Cyclone Gabrielle's Impacts

The Esk catchment recorded the highest measure of all the region's rainfall sites. A recording of 546mm was captured at the Glengarry monitoring site in the early morning of 14 February. This equated to roughly half a year's worth of rain in less than 24 hours. Almost 400mm fell in 12 hours and the area was drilled by a maximum intensity of 56mm/hr.

The Esk River rose at an extraordinary pace during the cyclone with the volume of water causing the river to breach its banks. Esk Valley, Tangoio and Arapaoanui were particularly hard hit. Flood waters rose quickly and were described as a "tsunami of water" with many residents evacuated from their homes during the night as the floodwaters continued to rise.

The community was severely impacted, and many either completely lost or experienced significant damage to their homes and livelihoods. Communities experienced power and communications outages, and road connections to the north and west were cut off.

Once flood waters receded, silt deposits of up to 2 metres across the valley floor became visible. Amongst the silt was wooden debris and other debris picked up by the flood waters.

A number of key infrastructures were significantly affected including the two schools in the catchment (Eskdale School and Hukarere Girls College), wineries, the local campground, luxury accommodation and wedding venues, and the historic church. Tangoio Marae experienced significant devastation. The industrial area around the Pan Pac Forest Products site at Whirinaki was also severely affected, including facilities owned by Trust Power and Contact Energy.

Cyclone Gabrielle caused catastrophic damage to the local horticulture sector when millions of tonnes of silt were deposited throughout the valley. This resulted in a complete loss of field crops, orchards, and the potential for long-term production loss.

Damage extended to local farms, which lost livestock, fencing, forestry, riparian and erosion plantings, sheep and cattle yards, water supplies (including dams) and pasture from widespread landslips. Roads, culverts and bridges were also severely damaged.

Many Esk and Tangoio properties were confirmed as Category 3 during the Land Categorisation risk assessment process. Over 60 properties with dwellings in Category 3 were deemed no longer safe to live in, resulting in many residents needing to leave their homes to find safer places to live.



Heretaunga/ Hastings

The Heretaunga plains are home to the Tūtaekurī, Ngaruroro and Karamū rivers, and the Karamū stream that flow from the Kaweka and upper Ruahine ranges through the Heretaunga Plains, merging just before they enter the sea near Clive. These waterways are intricately connected to the large Heretaunga Plains aquifer, which supplies water to both Hastings and Napier, and supports the local economy.

This catchment is the economic engine of Hawke's Bay, containing thousands of hectares of highly productive farms, orchards and vineyards, and home to 49% of the region's population. Land use is predominately dry stock (sheep and beef) farming in the upper catchment and a mixture of horticulture (apples, stonefruit, vegetables), with urban development in the lower catchment. The Heretaunga Plains is one of New Zealand's most productive horticultural areas due to the rich alluvial soils.

Urban land use in this catchment encompasses a range of industries, transport, flood protection and service infrastructure. Regional Council-owned flood defences (stopbanks) along the main rivers provide flood protection as well as recreational opportunities in the river corridors, including walking and cycle tracks.

Cyclone Gabrielle's Impacts

Being one of the larger catchments covering the Tūtaekurī, Ngaruroro and Karamū rivers the impacts from flooding to the Heretaunga plains were diverse and widespread. Stopbanks were overtopped and breached by floodwater, causing extensive flood damage to many communities.

Water levels recorded on the Irongate and Karamu streams rose to new highs caused by rainfall levels reaching up to 450mm in the western ranges of this catchment during the course of the event. The heaviest downpours brought peak intensities of 45mm/h at some monitoring sites.

Many properties, marae, businesses, orchards, farms, and key infrastructure were submerged. This left unprecedented amounts of silt deposits from landslips and erosion that had been washed down into the waterways; covering vast areas of the Heretaunga Plains and throughout the Tūtaekurī and Ngaruroro valleys. Damage to bridges caused significant impact to the roading and transport network, in particular for rural communities.

The rural farming community suffered significant damage to farmland. Many rural communities became isolated from damage to the roading network, cutting off their access to town centres, and loss of communications. Damage to land, loss of stock and fencing, combined with the extended duration of limited or no access for farmers to move stock caused immense stress and financial hardship.

Pakowhai, Twyford, Ōmāhu, Waiohiki, and Puketapu were some of the worst impacted communities in these catchments, with many residents needing to be rescued or evacuated. All of these communities were included in the FOSAL land categorisation process, with 57 property owners in Pakowhai and 1 in Ōmāhu placed into Category 3, and the others in Categories 2A or 2C. Many in 2C were later released to Category 1, while the others need to wait for a new flood protection infrastructure solution to be agreed before this can happen.



Ahuriri/ Napier

The Ahuriri catchment includes the Te Whanganui-a-Orotū (Ahuriri Estuary), which is a significant conservation area with an abundance of wildlife and high ecological value.

Napier is the region's second largest district with a population of approximately 66,880, making up 36.6% of the region's overall population. The city covers 10,270 hectares of which approximately a third is urban land use and the rest is rural. Sheep and cattle grazing is predominant in the rural pastoral hill country, whereas vineyards and crops are grown in the productive plains; many areas sharing boundaries with the Heretaunga catchment.

Napier geographically is an island, dependant on the airport, port, and roading and rail networks that run through the Hastings District - State Highway 2 running north to south, State Highway 5 running east to northwest, and the railway connecting the region to the south.

The road from Napier to Taupo suffered severe damage during the 1897 Easter Friday Floods and saw every bridge being swept away. There was significant loss of stock, and thousands of acres of pastoral land rendered unfit for use for many months afterwards. More recently, in 2020, Napier city experienced significant flooding, when the district had nine days of flooding, displacing 150 people from their homes.

Cyclone Gabrielle's Impacts

Gabrielle delivered approximately 320mm of rain within the first 24 hours to the western hills of the Ahuriri catchment near Puketapu, which is about one-third of the usual annual rainfall. Stopbanks were overtopped and then breached by floodwater, caused partly by the build-up of debris at structures such as bridges along both the Ngaruroro and Tūtaekuri Rivers.

Napier city became completely isolated after surrounding roads were cut-off and bridges were severely damaged, including the Redclyffe, Brookfields and Puketapu bridges that connects Napier to Hastings. The Waitangi Rail Bridge was completely destroyed. This cut off the rail links between Napier Port and Hastings and Palmerston North for several months. The Ngaruroro and Clive bridges connecting Napier to Clive were the only bridges to withstand the cyclone allowing restricted access after a number of safety checks and strengthening repairs were carried out.

Communities surrounding Napier experienced flood inundation. Many homes in Te Awa, Meeanee, Taradale, and Bay View were severely impacted. The industrial area of Awatoto was completely submerged. This included the Napier wastewater plant, Ravensdown fertilizer plant, animal rendering, and wool scourers that put neighbouring communities on high alert from contaminated floodwater.

Rural areas experienced substantial loss to crops, vineyards, orchards, animals, infrastructure and production, with much land being covered in silt and debris. Woody debris also covered the Napier coastline beaches.

Twenty three properties of Napier were severely affected leading 14 of them to be placed into Category 3 during the FOSAL land categorisation process. Many others were placed in Category 2C* and later released to Category 1 once stopbank and pump station repairs were complete.



Tukituki

The Tukituki Catchment extends from the Ruahine and Wakarara Ranges, across the Ruataniwha Plains and then northwards between the 8 and Silver Ranges before finally reaching Haumoana. The Hawea Stream forms the boundary between Hastings District, to the north, and Central Hawke's Bay District, to the south. The Ruataniwha Aquifer lies beneath the plains, and the Papanui Aquifer near Ōtāne.

Pastoral farming is the dominant land use of this catchment, with more intensive farming and cropping occurring on the plains. The Tukituki River is an important source of water to farmers and orchardists across the catchment. The lower river and estuary have high wildlife values and is an outstanding water body.

The Upper Tukituki Flood Protection Scheme features a series of stopbanks, mainly along the Tukituki and Waipawa rivers, providing protection designed to a 1:100 - year standard to farmland and the townships of Waipukurau and Waipawa.

Cyclone Gabrielle's Impacts

Flood protection works along parts of the Waipawa River and a tributary, the Mangaonuku Stream were breached or weakened. Notably, part of the Waipawa township and parts of Waipukurau's industrial land were flooded, with some properties provisionally categorised as 2C in the FOSAL land categorisation assessment, but later released to Category 1.

The Waipawa River cut through at Walker Road to its old riverbed, joining with the Papanui Stream before discharging back into the Tukituki River by Middle Road. The Waipawa/Ōtāne and Waipukurau wastewater

treatment plants were both extensively damaged and damage to water treatment facilities resulted in severe shortages of potable water across all three towns. Waipawa was on a 'boil water' notice for over one month. Railway abutments at Waipawa were damaged when parts of the town flooded. There was also extensive gravel movement and deposition changing normal river channels.

Extensive flooding of farmland occurred around Ōtāne and there was localised flooding through river valleys including Tamumu, Elsthorpe, and Mangaorapa. Extensive hill country slipping took out fences, bridges, yards, sheds, feed and crops, destroying the functioning of hundreds of farming businesses. Tukituki cycle trails were also damaged.

The rural community was fragmented into many pockets with 110 sections of roads closed across all of Central Hawke's Bay District. Within three months post-cyclone most road access had been restored

The down-river catchment falls within the Southern Zone of Hastings District Council's Locality Plan. While less adversely impacted than other parts of that zone, this area still sustained damage. Notably, the failure of telecommunication systems on Kahuranaki resulted in widespread outages across the region, including of the water monitoring systems. The wastewater treatment plant at East Clive (between Te Awa o Mokotūāraro and the Tukituki River mouths) was affected by loss of power.

Community feedback obtained during community meetings held by Central Hawke's Bay District Council since the Cyclone has reiterated that the main issues of concern for this part of the region are ongoing river management, gravel extraction and management of Chilean needle grass.



Pōrangahau and Southern Coast

From Cape Kidnappers on the Southern Coastline to the township of Pōrangahau in Central Hawke's Bay, this catchment covers 1,359 km² of land. It includes the Pōrangahau River and number of smaller streams including the Huatokitoki, Mangawhero, Mangaorapa and Mangamaire.

Pōrangahau is made up of both hill country and low-lying plains. The land is used extensively for pastoral sheep and beef farming, forestry and cropping. This part of the catchment is subject to drought and flooding which will increase with climate change, the fertile land is also prone to soil erosion.

The Southern Coast part of the catchment features Cape Kidnappers; an 8km peninsula that is home to a colony of gannets. It also includes some of Hawke's Bay's most-visited beaches; Ocean Beach and Waimarama Beach. This part of the catchment is subject to intense winds and rain from the exposure to the Pacific that causes coastal and hill country erosion. This subsequently affects water quality of the Pōrangahau River and estuary.

The Pōrangahau has the largest estuary in Hawke's Bay that spans almost 14kms. Rare fish species inhabit the estuary, including whitebait, muller, kahawai and flounder, which is why it is classified as an outstanding fishery.

Cyclone Gabrielle's Impacts

Flash flooding during the cyclone caused the Pōrangahau River to burst its banks causing widespread flooding to the township of Pōrangahau. This caused significant damage to properties and homes and led to many evacuations, as water levels rose. Both Pōrangahau and Mangaorapa rivers recorded record high levels.

Thirty-three homes were yellow stickered during Building Authority inspections. Community facilities, the Rongomaraeroa Marae and Waipuna Urupa (burial site) were also badly flooded. The Rongomaraeroa Marae still remains closed.

Landslips blocked roads and temporarily isolated the community. This was further compounded with loss of power and communications, and a failure in the drinking water system, putting the community on a boil notice.

Following the FOSAL Land Categorisation Process 138 properties in Pōrangahau were categorised as 2A. A new flood protection scheme to mitigate the risk from future flood events and protections from the Pōrangahau river is being investigated, and community engagement is underway.



Section 7: Regional Council-led recovery work

The below outlines the immediate recovery actions that were undertaken by HBRC in the first year post-cyclone. This is referred to as the **'restoration phase'** in the Regional Recovery Plan. The priorities were to reinstate key infrastructure, assess the impact of Cyclone Gabrielle to the environment and communities, as well as support Hawke's Bay's regional recovery efforts by taking on extra administrative and partnership roles.

Rapid rebuild of Hawke's Bay's stopbank network

Immediately after the cyclone HBRC formed a Rapid Rebuild team that involved local contractors and consultants to urgently repair stopbanks that had been breached or weakened. Approximately 6km of stopbanks across the 248km stopbank network were breached; a total of 30 breaches and 28km weakened. This extraordinary delivery of capital works that would typically take years to design, plan and execute saw repairs completed in the Heretaunga/Hastings within 4 months, and 99% of repairs to the network completed within 8 months (see recovery timeline on p39).

Before repairs took place, bunding (gravel banks) and waterproof plastic wrap was put in place around breaches to give temporary protection. Repairs then got underway to restore the stopbank back to pre-cyclone Levels of Service. Additional work to repair scours was also undertaken to add further resilience to the stopbanks. All stopbanks were returned to previous levels of service; Annual Exceedance Probability (AEP), which in most cases is a 1% (1:100) flood probability average, with the exception of Taradale stopbank which had been upgraded to a 0.2% (1:500-year) flood probability average in 2022.

Pump stations and drainage systems repairs

Quickly restoring flood affected pump stations across the network was a high priority. Drain and culvert cleaning was also carried out across the region, with many drains needing to be dug out multiple times due to the continuation of silt being washed back into them with the ongoing spells of heavy rain. Regional Council carried out flyovers to monitor the network and identify areas where silt near drain edges could be seeded, to stabilise them. Further to this, a review of the worst affected pump stations (Pakowhai, Mission and Brookfields) was undertaken to understand what repairs or upgrades were needed.

Restoring the telemetry network

Restoring the telemetry and communication networks damaged during the cyclone was critical to get sites that monitor rainfall and river levels back up and running quickly. The system was operational by 18 February 2023. The Environmental Monitoring team carried out site surveys, assessed access to compromised sites, and determined what new flood monitoring equipment and systems are needed to increase flood resilience. Two independent reviews were also carried out. Funding for network upgrades worth \$5m was agreed as part of the Crown cost-share agreement.

Environmental monitoring is a key function of the Regional Council. Its purpose is to measure and monitor the state of the environment to ensure it is healthy and safe. The data is analysed and used to monitor changes in the environment that may affect the region's biodiversity or threaten human or animal health. Environmental data is used for planning and mitigating risks, such as flooding. Rainfall, river levels and flows, low flows, groundwater, air quality, climate, and marine ecosystems are all monitored regularly.

Solid waste management (silt and mixed waste)

The Regional Council identified six separate types of waste streams that were generated as a consequence of the floods. They were silt, woody debris, posts and wire, animal (livestock) carcass, hazardous materials/contaminated silt, and chemical waste. All of which had to be retrieved and carefully disposed of to reduce risk to the community and environment.

By March 2023, HBRC together with Hastings District Council (HDC) set up a Silt Recovery Taskforce to manage sediment and debris collection. This was led by HBRC but was a cooperative effort across councils, who were all allocated funding for silt and debris removal. The Silt Taskforce developed a system with six zones across rural Hawke's Bay. Each zone had dedicated contractors to collect silt stockpiled from orchards, farms, roads and residential and commercial properties. Several sites for sediment and debris deposition and processing were operational (4 for silt cleaning, 2 for separating mixed waste, and 2 for woody debris).

Over the course of a year, the Silt Recovery Taskforce managed the collection of an estimated 3.26 million tonnes of silt from private and commercial properties, allowing many growers and farmers to get operations back up and running, and helping communities clean up their land and move forward in their recovery. As of December 2023, an estimated 1.2 million tonnes of uncollected silt waste still remaining on Hawke's Bay land.

At the cleaning sites silt was processed to separate mixed waste and tested for contamination. Clean silt could then be returned to the whenua for landowners to reintegrate into their land. Mixed waste, such as, horticulture fabric, rubber, metal, tanalised timber, concrete and wood was sorted and sent to various recycling plants across New Zealand to reduce the amount of waste going to landfills.

In June 2023 an Order in Council (OIC) was issued under the Severe Weather Emergency Legislation Act 2023 (SWERLA) to temporarily allow outdoor burning from 5 July until 1 November 2023 of items of waste usually prohibited by regional rules and National Environmental Standards for air quality, outside of the local airsheds. This consisted mainly of woody debris where landowners had made concerted efforts to remove contaminants such as plastics and mixed waste. However, this was not always possible due to the complex nature of the waste piles generated by the flood waters. Regional Council supported the OIC by providing landowners with fire management plans and a list of prohibited items excluded from the OIC. Soil testing was also required to manage any contamination to the land caused by burning of waste.

Woody debris

Work was undertaken by the Silt Recovery Taskforce to clear over 155,000 tonnes of woody debris from across the region. Landslips and erosion near rivers swept trees and vegetation into the waterways causing damage to infrastructure, habitats and communities. The Silt Taskforce and supporting teams worked to clear woody debris from rivers, riverbanks and mouths, beaches and from around bridges across the region to prevent further damage and to reduce risk of fire hazards. High-risk areas were identified through aerial surveys and prioritised. Where possible, an environmentally considered disposal option was used to recycle or repurpose woody debris, such as mulching or chipping. Where this wasn't possible Heli-burning was used to safely burn piles of woody debris in controlled areas near rivers and beaches. HBRC's Integrated Catchment Management team also lead a project targeting woody debris in the upper catchment areas where there was a risk of it remobilizing in a future flood event; risking damage to critical infrastructure.

Land Categorisation

Regional Council were responsible for the technical flood modelling and risk assessment of the Land Categorisation process. This work helped to develop hazard maps that were used to identify Hawke's Bay's provisional land categorisation zones. The technical assessment was prepared using the following data:

- Approximate flood extents derived from air photos taken immediately after the cyclone by Skycan Ltd
- Rapid building assessment data (stickered houses) for each District Council
- Contour information derived from LiDAR data collection November 2020
- Photographs of flood extents and flood damage and information supplied during public meetings and discussions with residents
- Information from insurance providers

On 1 June 2023, affected landowners in Hawke's Bay were notified of the initial land category for their property, supported by provisional hazard maps that were published on the landcathb.co.nz website (see final maps in Appendix 7)

The land categorisation process used to develop these maps were independently assured by two environmental and engineering consultants; Paddle Delamore Partners (PDP) and Tonkin and Taylor (T+T). These reviews were commissioned by both Regional Council (for the PDP report) and the Cyclone Recovery Taskforce (for the T+T report - see both reports in Resources below).

Throughout June until the end of September 2023 Hawke's Bay councils held joint engagements with affected communities to provide information

on land categorisation and seek feedback on the categorisation of individual properties. Requests for reassessment and additional supporting evidence from impacted community members were received over this period, and further technical and ground truthing assessments were carried out. During this time over 3,000 properties across all categories were assessed. This led to further refinements of the hazard maps until early October 2023 when PDP was able to complete its final assurance report. This work validated the land categorisation risk assessment process; enabling Category 3 areas to move from a provisional categorisation to a confirmed status. Landowners with dwellings on Category 3 land then qualified for the Voluntary Buyout Process, led by the Territorial Local Authorities (TLAs).

While the land categorisation risk assessment was taking place Councils were undergoing negotiations for Crown funding towards Category 2 flood mitigations, which is essential infrastructure needed to build resilience against future climate change effects.

The Recovery Team worked closely with HBRC's Asset Management Engineering, Geographical Information Systems (GIS), Communication and Engagement, and Legal teams to coordinate the delivery of the FOSAL Land Categorisation process and its outputs.

Although this process was led by HBRC, TLAs supported the communication aspects of this process, helping to notify affected landowners within their districts (see process maps in Appendix 8). This partnership continued throughout, and joint community engagements were held to provide affected communities with information that was available to us at each key step of the process.

HBRC's Recovery Team linked in closely with the Regional Recovery Working Group as well as key agencies, such as the Cyclone Recovery Unit (CRU), Ministry for Social Development (MSD), Insurance Council of New

Zealand (ICNZ) and Building Authorities (from District Councils) in order to present correct and regionally aligned information at community meetings and workshops.

HBRC's Communications and Engagement team were an integral part of the Regional Recovery Working Group; ensuring key information, data and maps on land categorisation was shared appropriately, were accurate and regionally aligned. Their team facilitated Facebook live sessions that were held to communicate the FOSAL Land Categorisation Process to communities and answer any questions.

Crown negotiations

On 14 May 2023, the government announced a North Island Weather Events response and recovery package. Council officers collated information and developed scoping documents in anticipation of potential funding bids and negotiations.

Meetings with the Treasury NZ were undertaken between May and July 2023 until an agreement by all councils and the Crown was reached for the region in August 2023 (fully executed in October 2023). The regional support package was for the restoration of key infrastructure (roading and flood protection) and included support packages for outcomes of the FOSAL Land Categorisation process. This enabled decisions to be made on land categorisation and for communities to have certainty to move on with their lives.

HBRC's allocation was for the delivery of flood mitigations in Category 2 areas. The overall cost for flood mitigation measures were estimated at \$247.7m. The Treasury offered a contribution of 75% towards Category 2 future flood mitigations, except for Wairoa, where 100% Crown funding

was agreed. The cost-share deal amounted to \$203.5m, leaving HBRC with a commitment of \$44.15m left to fund.

Funding was also secured to support Category 3 Voluntary Buyouts. This was a 50/50 cost share between TLAs and the Treasury. Any changes to Category 2A where no viable solution could be found the monies allocated to Category 2 flood mitigations was transferred back to the Crown, who reallocated this to the Category 3 Voluntary Buyouts fund.

The regional recovery package also included support towards the rebuild and restoration of key transport infrastructure (roading and bridges) that was negotiated between the TLAs and the Treasury.

Capital Works Programme

The Local Government Act 2002 (LGA) requires local authorities to have an Infrastructure Strategy covering 10 years in detail and forecasts of significant issues out to 30 years for infrastructure assets including stormwater, flood protection and control works. The regional council manages drainage, flood protection and control schemes in the Hawke's Bay region.

Similarly, to the 3-year LTP, the Infrastructure Strategy 2024-2027 is being developed with this new SWERL Act scope which is to:

- develop a one off 3-year recovery focussed long-term plan, instead of the normal 10-year plan with forecasts to 30 years.
- outline any significant infrastructure issues and the principal options for managing those, and the implications of those options.
- outline a description of the major infrastructure capital projects that HBRC are proposing or implementing, including any to facilitate

recovery, the likely funding options for those, and the implications of those options for rates and debt.

Flood Resilience Programme

As part of the Capital Works Programme the Flood Resilience Programme will manage the large-scale flood mitigation and drainage infrastructure projects worth \$250m that was set out in the cost-share agreement with the Government.

A new Programme Management Office (PMO) is being established under HBRC's Asset Management Group to manage this large-scale infrastructure programme. The PMO will have a large team of project managers, engineers, and communications and engagement specialists dedicated to leading this work. Close engagement with communities and key stakeholders to keep them updated on progress and involved in the process will be led by the PMO.

Crown Infrastructure Partners (CIP) will oversee this programme. They are responsible for approving business cases and granting funding on behalf of the Government at each key stage for these projects.

In June 2023 an Engineering Pod project team was set up to lead the investigation and implementation of flood mitigation solutions in affected Category 2 areas.

Partnering with key consultants (WSP, T&T, PDP) to deliver these large-scale projects within the four-year funding timeframe, three pods were created to lead the work in northern, central, and southern parts of the region.

Each pod investigated solutions through an optioneering process. This assessed the critical criteria that would allow for a pathway from Category 2 to Category 1. Solution requirements included:

- Cultural values assessment
- Ecology assessment
- 3rd party infrastructure
- Industrial area resilience plans
- Financing
- Land access negotiations
- Building consents.

Only once a sound concept that has a consenting pathway, a legal interest in the relevant land in favour of HBRC (for access to the site), and available funding, can be gained through a Government approved business case, can the detailed design of these flood mitigations begin.

Long and short lists of options were presented to communities at joint meetings led by HBRC and supported by TLAs. Community feedback into the options are key considerations used to identify a preferred and viable solution.

When the preferred solution is agreed the concept can be developed further and detailed in the business case to CIP to release funding. The concept then undergoes the technical design phase and consenting applications before construction commences.

Also included in the Flood Resilience Programme is the update of pump stations. Further improvement work to existing flood protection infrastructure following the independent Schemes Review will be undertaken, as agreed in the Crown Cost-Share Agreement for Hawke's Bay.

Māori Partnerships

The Māori Partnerships Team played a key role in the HBRC's recovery efforts in the aftermath of the cyclone. The team acted as liaisons between Māori partners and HBRC to make connections with mana whenua for input on important projects such as the rapid rebuild of Hawke's Bay's stopbank network; ensuring their values and tikanga (cultural practices) were honoured throughout the swift repair process.

The team helped to facilitate community engagements, offering HBRC teams advice on approach, manner and content of information provided to Māori communities across Hawke's Bay. This ensures communications were effective, respectful, and received well by these communities.

They supported whanau living in severely flood-affected areas by helping with the clean-up of marae and homes, and accompanying residents when engineers came to carry out site visits for technical risk assessment of their properties during the land categorisation process. This helped facilitate discussions around reassessment of properties that were placed in provisional categories.

Relationship managers positioned in northern, central, and southern parts of the region have been working closely with communities to support their recovery. For example, Wairoa's relationship manager crossed over to work with Wairoa District Council to support its Recovery Manager with the development of their recovery plans, as well as using their established relationships to support community engagement and discussions with impacted landowners. Similarly in the South, hands-on help was offered to the Pōrangahau community, which was badly impacted by the floods.

The team's connections and relationships played a crucial role in advising the Department of the Prime Minister and Cabinet (DPMC) on engaging

with Māori entities in Hawke's Bay, ultimately leading to the development of bespoke policies that support Māori equitably in ongoing recovery efforts.

The role of Māori Partnerships at HBRC is to provide the organisation with insights into effective methods of engaging with Māori partners, maintain close relationships with iwi and mana whenua in order to strengthen partnerships between them and Regional Council. Thus, allowing for better and more meaningful engagement on ongoing environmental protection and enhancement work of the Council.

Rural Recovery

A Rural Recovery team was established to work closely with the Ministry for Primary Industries (MPI) and other key sector groups to support affected rural and semi-rural communities, who have been the worst affected in terms of the scale of damage and loss to homes, land, access, fencing, farming infrastructure, and production.

The team's role was to act a connector for landowners to access experts for advice on land recovery, funding, consenting, regulatory changes, future sustainable land management and resilience planning, as well as health and wellbeing support.

The team actively engaged with rural communities and businesses. In the first year of recovery, its members attended a wide range of events, workshops, and meetings; totalling 370 and interacted with over 4,200 participants. They regularly participate in community meetings, catchment groups, catchment collectives, and sector group meetings to offer leadership and input into the long-term recovery of rural areas across the region.

To understand the economic affects that Cyclone Gabrielle had across the sector, a number of surveys were carried out. HBRC's Rural Recovery team focused on assessing the impact on pastoral farming, in particular, scale and prevalence of damage to land, infrastructure, stock and crops, as well as access, water, feed, planting and animal health. In a survey carried out in April 2023, over 400 respondents from across Hawke's Bay provided feedback on the key issues they were facing (see Appendix 9). The majority of participants owned sheep, beef, or lifestyle block farms. Across all farm types and locations, the most common impacts felt related to fencing, tracks, water supply, and irrigation damage. The results showed a staggering 2,000kms of fencing and 500km of track damage of those surveyed.

A second survey was carried out in January to February 2024 to gain an updated picture of the context and degree of recovery remaining for landowners. This will be used to inform business continuity and long-term plan inputs for HBRC and associated agencies, and guide discussions on rural recovery and resilience with Central Government.

Erosion Control

The Erosion Control Scheme (ECS), Hill Country Erosion Fund (HCEF) and Soil Conservation Nursery are our key work programmes for managing erosion challenges across large areas of Hawke's Bay. This work includes the space-planting of soil conservation trees on pastoral hill country, the planting and/or retirement of land with a severe or extreme erosion risk, and, in some cases, earthworks or engineering solutions to address erosion and sediment issues.

Cyclone Gabrielle, on top of an unseasonably wet 2022 winter, spring, and summer, saw some landowners abandon or defer projects, reprioritising

their spending on recovery. Some landscapes have entirely changed due to the cyclone, and fencing labour and materials have been in short supply, compounding the challenges these work programmes face. Catchment teams had to work quickly to review existing ECS and HCEF project work to assess damage and cyclone impacts where possible. Work plans had to be reprioritised to support those impacted by the cyclone.

The soil conservation poplar and willow tree nursery, based in Pakowhai, experienced extensive flooding, causing widespread damage to the plant and infrastructure, with repair costs reaching \$650k. Remarkably, both mature and immature poplar and willow poles fared well, and the annual pole harvest went as planned.

Fencing works have come with challenges heading into summer due to the hardships being felt by the rural community. Large portions of capital investment and cash flow were used to re-fence areas of farmland that were damaged by Cyclone Gabrielle, which in turn has left little available money to put towards the protection of vulnerable eroding land. This is combined with the challenges of limited cash flow due to rising costs and decreased revenue on farms.

Unlike others, landowners live and work in the same place. Every day, they face the damage that the cyclone has done to their property. HBRC field staff are seeing the effects of the mental stress that adverse weather events have on landowners, with farmers being nervous and hesitant about re-fencing or completing new fencing projects due to the emotional and financial loss that will potentially happen with an ever-changing climate.

Environmental Science

HBRC's Science team is involved in leading and supporting a broad number of research studies and key recovery initiatives following Cyclone Gabrielle. It was important for critical data to be collected as quickly as possible, and for environmental monitoring to be increased to understand the cyclone impacts on Hawke's Bay's natural environment and its possible long-term effects.

Understanding land damage caused by landslips and silt deposition is vital to inform our recovery, and understand where efforts for support, erosion control and information need to be focused. Data was collected straight after the event by the National Institute of Water and Atmospheric Research (NIWA) and Canterbury University using light detection and ranging (LiDAR) technology that produces high-resolution 3D mapping of parts of the affected landscape. Manaaki Whenua Landcare Research (MWLR) undertook a rapid assessment of land damage on behalf of Ministry for the Environment (MfE) using satellite imagery, and GNS Science continue to work on an exhaustive map of each slip generated by Cyclone Gabrielle. These data sets will be used to map changes to the landscape and will inform further research, future planning for resilience against climate change (spatial planning), and economic development.

Council hydrologists and flood modellers worked with National Institute of Water and Atmospheric Research (NIWA), as part of the MBIE-funded Extreme Weather Response study. This was an extreme value analysis of the flood flows comparing flood level data with historical data to determine new flood statistics. This will characterise the scale and magnitude of Cyclone Gabrielle, and this data can help to inform the design of future or existing infrastructure to make them more resilient against future flood events. This study combined with recommendations made in the independent reviews of HBRCs existing flood protection

schemes will be used to decide if changes are required to the present levels of service.

HBRC Science team is also investigating the quality and quantity of surface and groundwater with support from MBIE and MfE. These projects include the impact of Cyclone Gabrielle on the region's lakes, rivers and estuaries, how these systems are responding and the likely trajectory for recovery. Increased monitoring and analyses have been crucial to provide enough sample resolution to understand the impacts of the cyclone. However, it is likely that these impacts will continue for some time.

Habitat assessments are also being carried out to understand the state of the environment and changes to marine and terrestrial ecosystems. Significant changes are expected based on the volume of water, sediment and debris that washed through water channels out to sea. HBRC Scientist have been looking at changes to the sediment composition of coastal sites, and NIWA is measuring changes to the ocean's seabed ecosystems and marine life health along the eastern coastline as part of a Fisheries New Zealand project.

HBRC terrestrial ecologists have been working with MWLR to understand the impacts of Cyclone Gabrielle on wetlands and forest systems, as part of a larger MBIE funded Integrated Ecological Assessment. They have also teamed up with the woody debris project team while they are working to clear debris from the rivers, streams, and coastlines to ensure bird habitats were not destroyed in the process, and to assess damage to habitats. A coastal bird survey was carried out along the Tūtaekurī, Ngaruroro and Tukituki River catchments over the summer months to assess the impact on their habitats and the birds' ability to nest.

Air quality monitoring was stepped up post-cyclone across the region in a MBIE funded project with NIWA. This project aimed to assess air quality associated with dust from exposed sediment, with more than 30 various

types of monitors in flood-affected areas. Escalated risk around windblown dust and contaminants from drying silt, especially through dry summer months, was raised as a public health concern. These levels are being monitored by Te Whatu Ora – Health New Zealand.

The feasibility for nature-based solutions for managing future hazard management and climate risks in natural systems are being investigated. Restoring wetlands is an example of this, due to their ability to retain water across a landscape, manage peak flows and peak droughts, and keep water in the catchments. They also sequester carbon and enhance biodiversity outcomes.

Biodiversity

While the HBRC Science team leads programmes to assess biodiversity, the Catchment Operations team leads two Regional Council biodiversity programmes where areas that had restoration assistance had been badly impacted due to the cyclone. The Priority Ecosystem and Environmental Protection and Enhancement programmes are major biodiversity projects designed to protect biodiversity in Hawke's Bay.

The Priority Ecosystem Programme protects and enhances the remaining 700 priority ecosystem sites across the region. This involves a partnership with internal and external stakeholders alongside land occupiers. The main actions are deer fencing, pest plant and animal control and enhancement planting.

Of the 19 sites currently managed under this programme, six (31%) of these were badly impacted by Cyclone Gabrielle. The cyclone caused slips, loss of trees, silt build-up, landscape changes, and high fencing loss. This threatens HBRC's investment in this programme and sets back the

protection measures for these highly endangered ecosystem sites. It also highlights the scale of potential damage and risk to the remaining 681 identified sites that are not yet under HBRC's management.

Prior to this event, Hawke's Bay had lost approximately 70% of its indigenous biodiversity area, with most ecosystem types remaining classified as acutely or chronically threatened. Impacts from this event increases the threat to the region's biodiversity; placing a higher value on what is intrinsic to the long-term health of the region's biodiversity, climate resilience, local economy, and New Zealander's quality of life.

The project team set out to accelerate the ground truthing of the other 681 sites to guide future work. The study will collect empirical data for each site: size, quality, ecosystem types, threat status and intactness. This will identify the highest quality and most at-risk priority ecosystem sites across the region and allow HBRC to prioritise and accelerate work to secure their protection.

The Protection and Enhancement Programme seeks to develop targeted environmental work plans to deliver high-value environmental outcomes on a catchment/sub-catchment scale for areas within Hawke's Bay that do not meet the criteria within our other funding programmes (eg. the Erosion Control Scheme or the Priority Ecosystem Programmes).

Following the environmental damage brought by the cyclone there is a need to design and implement a new delivery model for these programmes. This includes strategic advice on wetland management, riparian management/restoration, reestablishment of inanga habitat, resilient ecosystems, land retirement, indigenous reversion, and native planting, which are critical to post-cyclone recovery actions.

Biosecurity

Biosecurity risk has significantly increased following the cyclone due to the loss of fencing used to keep stock, pests and predators away from protected rivers, streams and biodiversity areas. Thousands of kilometres of fencing were destroyed. Working with landowners, HBRC along with MPI and industry partners have been working to assess the damage.

The spread of Chilean needle grass and other pest plants across the region has been difficult to confirm because of the extensive movement of water, silt, mud, and gravel during and post-event. This was further exasperated by the movement of thousands of trucks, machines, and materials used to restore key infrastructure and clearing silt and waste across the region.

Chilean needle grass threatens productive land across Hawke's Bay. This pest plant displaces desirable pasture, causing a loss in productive pasture and crop yields. The needle-like seed can also penetrate the skin and muscle of stock, causing risk to animal health and welfare and diminishing the stock's economic value.

HBRC's Biosecurity and Catchment Management teams continued their existing work programme to prioritise supporting landowners to control the risk of Chilean needle grass spreading by offering subsidised contractor control and conducting some control operations in certain areas. In conjunction with Asset Management, the Biosecurity team implemented a Controlled Area Notice in the Tukituki catchment to allow regulated access to gravel contaminated with Chilean needle grass seed for cyclone recovery works at a local level.

Policy and legislative input by HBRC

To help with the recovery effort, the SWERL Act came into force on 13 April 2023 (Severe Weather Emergency Legislation Act 2023 No 4, Public Act Contents – New Zealand Legislation). The SWERL Act enables the Governor-General to make Orders in Council (OICs) to modify other statutes to provide those affected by the severe weather with relief from legislative requirements that are overly burdensome. Modifications are also permitted where necessary to enable prompt action for an efficient and timely recovery.

HBRC staff from the Policy and Regulation Group worked with Central Government ministry staff to identify areas where policy or regulatory legislation could be amended to allow for recovery activities to be accelerated or where impacted communities would be unfairly disadvantaged if they were required to meet legislative deadlines while focussing on recovering from the impact of the cyclone. The overview table lists the OICs that were made under the SWERL Act.

In summary, the main impacts for HBRC from these changes were:

- The ability to have an interim three-year Long Term Plan from 2024 to 2027, focussed on recovery, rather than the usual 10-year plan.
- Temporarily allow outdoor burning from 5 July until 1 November 2023 of items of waste usually prohibited by regional rules and National Environmental Standards for air quality, outside of the local airsheds. This consisted of mainly woody debris where landowners had made concerted efforts to remove contaminants such as plastics and mixed waste but where it was impossible to remove all the contaminants due to the nature of the waste piles generated by the flood waters.

- Provisions to allow NZTA and Kiwi Rail to make necessary repairs and improvements to impacted state highways and rail links in severely impacted regions, including amendments to expediate consenting requirements.
- Provide additional time for HBRC to publicly notify the required Freshwater Planning instrument under the NPS for Freshwater Management from 31 December 2024 to 31 December 2027 (this may be subject to further change from the recently appointed new government).
- Extend the deadline for all stock exclusion requirements to 1 July 2025.
- Extend the 'section 124' period for replacement water consents in the TANK catchments to give impacted water consent holders more time to apply if renewing their consent.

Overview of Severe Weather Recovery-related Orders in Council:

1. *Hastings District Rating Valuations*
2. *Local Government Act amendments*
3. *Climate Change – Forestry*
4. *Income Tax Accommodation Expenditure for North Island Flooding Events*
5. *Outdoor burning of cyclone waste on rural land that would otherwise be prohibited under rules or national regulations*
6. *Waste Minimisation Act*
7. *Waste management for landfills and temporary waste sorting facilities*
8. *Temporary accommodation under RMA*
9. *NZTA repair works under RMA*
10. *KiwiRail repair works under RMA*
11. *Extend statutory timeframe for Gisborne DC and HBRC to take enforcement/prosecution action (from 12 months to 24 months) under RMA*
12. *Extend timeframe for water permit replacement applications in the TANK catchment area*
13. *Provide additional time to comply with the following national direction timeframes:*
 - *NPS for Freshwater Management timeframe to notify freshwater planning instruments in Gisborne and Hawke's Bay*
 - *National Stock Exclusion Regulation timeframes to exclude stock from waterways in Gisborne and Hawke's Bay*
 - *National Planning Standards implementation timeframes for Hastings District Council*
14. *Faster RMA plan changes enabling permanent housing and papakāinga*
15. *Replace the 2024 Long Term Plan with a three-year plan under LGA and no requirement for LTP audit.*

Transport

Immediately following the Cyclone, the transport team were focused on assisting the organisational response and reinstating public transport services.

The Cyclone greatly impacted our transport system, along with other infrastructure, and has effectively required a full re-write of the Regional Land Transport Plan (RLTP). RLTP's are a 10 year transport system investment plans that are reviewed every 3 years. The RLTP covers all elements of the land transport system, including local roads and state highways, and is the primary means to secure co-investment from the National Land Transport Fund. The RLTP 2024 cycle was meant to be a simple 'review' round. However, the transport team, along with key stakeholders from NZTA and the TLA's have conducted a fulsome review, resulting in a full rewrite, including a new strategic direction and policies.

There is significant work to be carried out across the local road and state highway network over the next decade. The 10 year transport forecast sat at \$6.3b at the end of 2023. It is anticipated this will change in line with the new Governments' policy direction and investment desire. Irrespective, the cyclone showed that our transport system is at the limit of its durability and significant investment is now required to not only reinstate, but to build in system resilience to future events and risk.

Regional Recovery Agency Administration

HBRC took over the responsibility for managing the Regional Recovery Agency's back office functions, such as finance, HR, Health and Safety, and ICT. This is because the RRA is not a registered legal entity, therefore has no legal status as a stand-alone entity, does not have a bank account,

registration, financials or ability to execute agreements. This will continue until June 2025 when the agreement with Government is due to end.

The RRA received \$1.5m funding from the Department of Internal Affairs (DIA) to support the setup of the agency and their role of planning and coordinating regional recovery initiatives. A grant of a further \$7.3m was made to HBRC by the Department of the Prime Minister to cover the recovery agency's staffing costs, iwi liaison engagement, running costs of the recovery office and overheads for the next two fiscal years.

Lead Agency for Funding

To meet the government's desire and public calls for funding and given the absence of a legal status for the RRA, HBRC took a lead role with the support of all Hawke's Bay councils, to assist with coordination of immediate funding coming to our region.

HBRC signed a funding agreement with DIA for severe weather event recovery activities including the set up and the management of the Sediment and Debris Funding for the Hawke's Bay region. To date, HBRC has administered \$102.6m of Local Authority funding for Sediment and Debris clean up with a further \$40m expected soon to assist with the remaining clean up required on behalf of other councils. A further \$40m has been paid to Commercial Sediment and Debris Fund recipients.

The Hawke's Bay Disaster Relief Trust Fund was established; made up of donations from the public and larger organisations. HBRC helped to administer two rounds of payments on behalf of the fund's trustees to affected Hawke's Bay ratepayers and landowners, who were eligible for this hardship grant. A total number of 5,773 applications were approved; with a total of \$8,811,641.64 in grants being paid out.

Hawke's Bay Civil Defence Emergency Management

Following the transition from Response to Recovery the HBCDEM Group office worked to identify priority areas and opportunities to improve community preparedness and engagement and operational systems.

One of the key learnings of the HBCDEM Group following the response to Cyclone Gabrielle was that there were a broad range of key agencies and organisation all working in the community preparedness space, and there needed to be a more coordinated and aligned approach taken to prepare communities for emergencies.

A Community Resilience Working Group was formed in early July 2023. This was made up of council representatives, emergency services, iwi, hapū, Crown and community organisations. It was coordinated by the CDEM Group office to ensure best practice in supporting community-led emergency preparedness planning. It was agreed that the intention of the Group would be to support Councils, Māori and Pacifica with their locality plans.

The Working Group identified 54 priority communities that had been impacted during Cyclone Gabrielle that needed immediate support to build their resilience. Given the need to deliver emergency preparedness plans to these communities and with limited staff capacity, the Working Group needed to collaboratively develop a framework which would effectively address community needs and could also be delivered at pace.

CDEM Group office identified that the Wellington Regional Emergency Management Office (WREMO) hub model could be adapted to provide a framework to support the existing community hubs and further develop this across Hawke's Bay. WREMO's hub model had proved a success since its launch in 2017. With the support of WREMO, this model was adjusted

for the Hawke's Bay situation. This saved an extensive amount of time developing a regional framework from scratch.

The Hawke's Bay Community Resilience framework is based on two tools which help build community resilience through readiness:

1. The Community Emergency Hub Guide provides a guideline to setting up a hub and establishes a place of safety for the community. Existing hubs are able to adopt guidelines to enhance their current hub setup. Further to the setup of the hub the CDEM Group will provide regular workshops to connect communities and better prepare them for future events.
2. A Community Resilience Plan (CRP) template which enables a community to identify their resources and assets, hazards and risks collectively during a workshop. The CRP is agreed on by the community and collated by CDEM team for use as a source of reference during an emergency event. The plan provides an opportunity for communities to think of other preparedness initiatives such as phone trees or establishing a neighbourhood support network. This process is supported by CDEM staff and local councils.

In order to consolidate delivery of community resilience workshops, the Working Group members have agreed to combine staffing resources. CDEM teams, Council and emergency service representatives received hub workshop training in October 2023 followed by an immediate rollout of community training workshops.

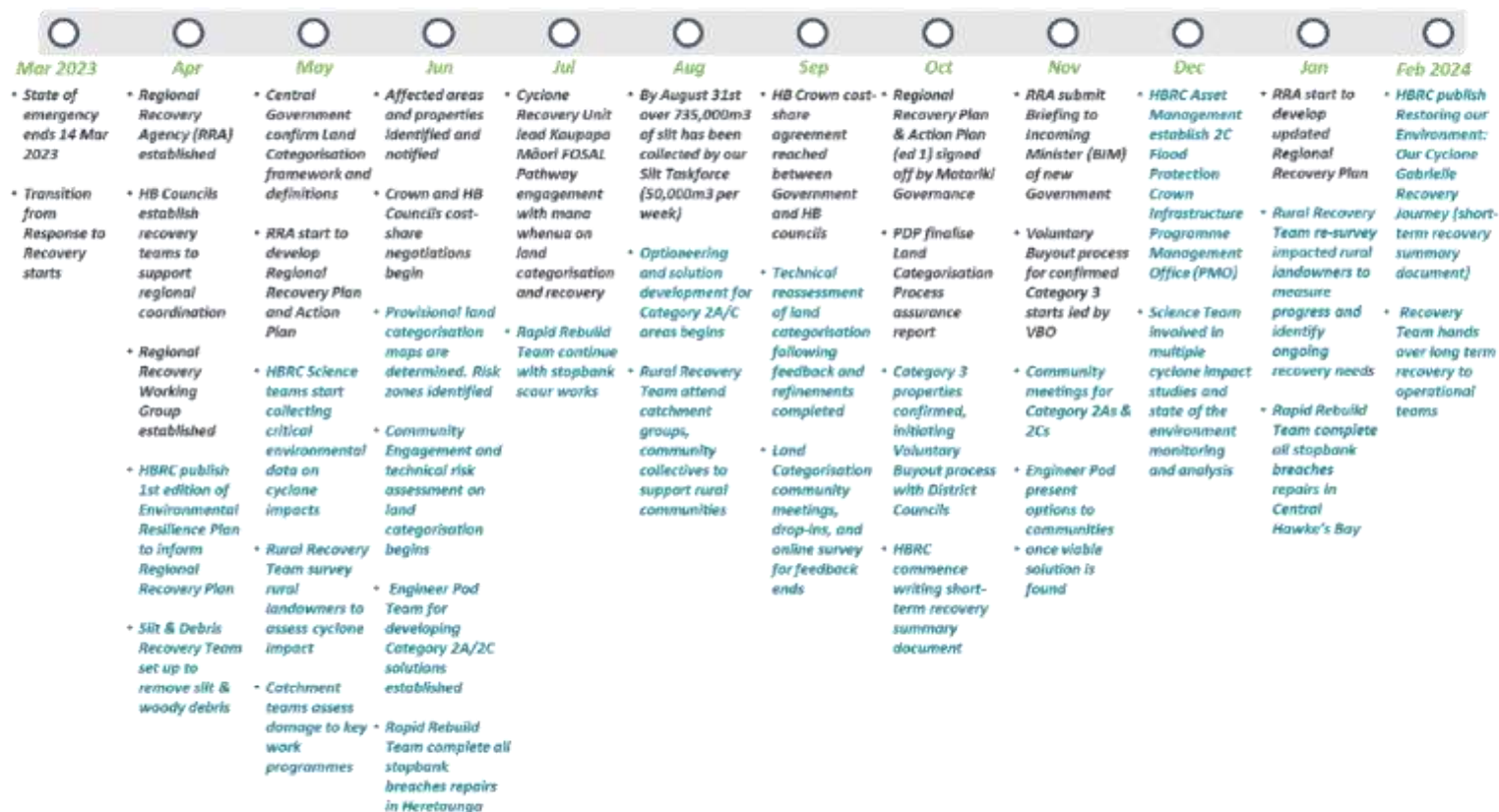
Communities have been highly supportive of the community resilience framework which acknowledges and seeks to improve on the success of community-led hubs during the Cyclone Gabrielle response.

Regional Recovery Timeline

The below timeline shows some of the key work and milestones carried out by HBRC and key partners in the first year of recovery:

CYCLONE GABRIELLE RECOVERY – YEAR 1: TIMELINE

- GOVERNMENT AND REGIONAL RECOVERY MILESTONES
- HBRC RECOVERY MILESTONES



Section 8: HBRC Recovery Initiatives

Funded Recovery Initiatives

In the Environmental Resilience Plan a list of short to medium-term recovery initiatives were presented. This along with a separate funding bid was submitted to the RRA to support regional recovery planning and conversations with Government on relief funding ahead of Budget 2023. Additionally, funding for key recovery projects were also sought through other avenues, such as science and research-based funds. The below table is a reconciliation of what projects and initiatives received funding, their timeline for delivery, cost and expected outcomes. The total of cost of these initiatives sits at approximately \$473m, although, some initiatives are only partially funded. Restoring existing and building new flood protection resilience against future flood events, understanding the impact and risks the impact of the cyclone has had on the natural environment, and the clean-up of silt and woody debris were prioritised for funding.

Flood Protection and Drainage

	Recovery Initiative	Description	Status	Timeline	Estimated Cost	Funding Status
1	Rapid Rebuild of Stopbanks	Repair damaged stopbanks to existing standards (Heretaunga Plains & Upper Tukituki). This is to restore the level of service to what we had pre-cyclone. Further cyclone repairs to Flood Control Schemes	In progress. Repair work 99% complete.	1 year Feb 2023-Mar 2024	\$35m	NEMA \$19m, Insurance \$13m, HBRC \$3m
2	Rapid Rebuild of other flood protection assets	Repair of damaged flood protection assets, such as drains, culverts, edge protection, etc.	In progress	2 years	\$40m	NEMA \$22m, Insurance \$14, HBRC \$4m
3	Provision for additional work to rapid repair sites following technical review	Further repair work following the technical review. This will include repairs to drains and culverts, Akmon groins, and tree plantings, as a result of Cyclone Gabrielle. This is to restore back to what we had pre-cyclone.	Not started	3 years (starting FY24/25)	\$30m	Funded under the Government cost-share agreement. (Crown 75%, HBRC 25%)

4	Specific Areas Land Category 2 Solutions (Excluding Wairoa)	To provide flood protection to a 1:100 year protection to Category 2C affected communities: Omaha, Pakowhai, Whirinaki, Pohutukawa Drive/ North Shore Road, Waiohiki, Porangahau.	In progress. Engineer consulting pods are working across the region to consult with communities on identified solutions. Confirmed options are in the design phase in some areas.	2-3 years (2023-2026)	\$104m (Beach Rd \$5.6m moved to Cat 3 – was \$109,650,000)	Funded under the Government cost-share agreement. (Crown 75%, HBRC 25%)
5	Wairoa Land Category 2 Solutions	To provide flood protection to a 1:100 year protection to residents of North Clyde, Wairoa	In progress. Tripartite are consulting with engineer pod and community on identified potential solutions.	4 years (2023-2027)	\$70m	Fully Crown funded
6	Flood Protection and Drainage Schemes Review	The review will help to reconfigure and build resilience against future floods. Schemes include Heretaunga, Upper Tukituki, Wairoa and Northern Schemes, Upper Makara, Heretaunga drainage, Ohuia, and Opoho.	In progress. Heretaunga and Upper Tukituki commencing in Jan 2024. Ohuia and Opoho commencing in Mar 2024.	3 year (2024-2027)	\$3m	Funded under the Government cost-share agreement. (Crown 75%, HBRC 25%)
7	Replace and Improve Drainage Pumpstations	Replace and improve pump stations. This includes undertaking review and consultation costs, consenting and seismic costs too.	In progress	3 years (2023-2026)	\$30m	Funded under the Government cost-share agreement. (Crown 75%, HBRC 25%)
Total Estimated Cost \$312m						

Environmental Science and Information

	Recovery Initiative	Description	Status	Timeline	Estimated Cost	Funding Status
8	Telemetry Network Repairs & Upgrades	Repair and upgrade of telemetry equipment used to capture environmental data that was damaged during the cyclone.	In progress. Telemetry is in planning and business case stage	2 years (2024-2026)	\$5m	Funded under the Government cost-share agreement. (Crown 75%, HBRC 25%)
9	LiDAR capture	LiDAR capture of the region to quantify land damage caused by landslips and flooding and understand changes to land	In progress	6 months (2023)	\$2.42m	MfE funded

		contours and impact on land use caused by sediment disposition.				
10	Assess impacts on air quality	Air quality monitoring and source apportionment to understand the impacts on air quality following the Cyclone.	Complete	6 months (2023)	\$150k	MBIE funded
11	Flood Frequency Analysis	Flood analysis and modelling is required in order to understand the magnitude of Cyclone Gabrielle, and to provide guidance on flood warning systems going forward. This will provide integral information on the recurrence interval of hydrological extremes in the Hawke's Bay region.	Complete	10 months (2023-2024)	\$550k	MBIE funded (NIWA-led)
12	Groundwater Quality	Monitoring groundwater quality and bores to understand impact on quality from floodwaters.	Complete	1 year (2023-2024)	\$120k	MBIE funded
13	Natural attenuation potential	Calculation of nature based solutions potential to dampen high flows and hold water during periods of drought. Assessment of flow statistics with natural attenuation systems. The aim is to reduce peak flows in the upper catchment	In progress	1 year (2024)	\$600k	MfE funded
14	Cyclone impact assessment on natural environment	Assess cyclone impact on freshwater, lakes, marine and coast, and terrestrial ecosystems. This is to understand what impacts the cyclone has had on our state of the environment - 4-7 year recovery period. To assist with tracking our protectory to recovery.	In progress	2 years (2023-2025)	\$2.36m	Partially funded - (\$342.5k NIWA, Envirolink, GNS and Otago University, Victoria University, and Canterbury University research funded, \$250k MfE funding.
15	Orthophotography	High resolution/high quality satellite acquisition to aid the quantification of the impact of Cyclone Gabrielle over the full region we recommend the tasking of a new high quality and resolution (0.5m or finer) satellite dataset.	In progress	2-4 months	\$640k	LINZ funded
Total Estimated Cost \$11.84m						

Silt and Woody Debris Management

	Recovery Initiative	Description	Status	Timeline	Estimated Cost	Funding Status
16	Silt (including mixed waste) management	Safe removal and disposal/ storage of silt to allow communities to rebuild. Separation of mixed waste from properties and orchards (posts & wires, PVC irrigation piping, netting, household waste). Mulching and repurposing where possible.	In progress	16 months (Mar 2023 -Dec 2024)	\$142.6m	<p>Phase 1: \$70.6m Local Authorities Fund allocated from Government's \$133.2m funding package.</p> <p>Phase 2: \$12m was allocated from the Commercial Fund in Sept 2023.</p> <p>Phase 3: \$10m was allocated further from Government for Silt Taskforce in October 2023 and a further \$10m was allocated for the same in November 2023.</p> <p>Phase 4: \$40m was approved and allocated for Silt Taskforce with \$3m of the \$40m designated for Silt Taskforce operations in Wairoa. This was announced in February 2024.</p>
17	Upper Catchment Woody Debris management	Removal of woody debris in the upper catchment areas where there is a risk of it remobilizing in a future flood event; risking damage to critical infrastructure.	In progress	16 months (Mar 2023 to July 2024)	\$4.07m	Te Uru Rakau (New Zealand Forest Service) and MPI funded (Joint funding partnership)
						Total Estimated Cost \$146.67m

Other

	Recovery Initiative	Description	Status	Timeline	Estimated Cost	Funding Status
18	Regional Climate Change vulnerabilities/risk assessment	Spatial based regional climate change risk assessment (updated under range of climate scenarios and completing data gaps).	Not yet started	2 years (2024/25)	\$500k	Funding has been requested in LTP by the Joint Committee for Climate Action
19	Cycleway repairs	Short term immediate repairs to open sections of the HB Trails network caused as a result of Cyclone Gabrielle, eg. grading of debris or replacement of scoured sections, signage repairs.	In progress	1 year – 18 months	\$2.2m	MBIE funded
						Total Estimated Cost \$2.7m

Unfunded Recovery Initiatives

Other recovery priorities highlighted in Environmental Resilience Plan were unsuccessful at acquiring external funding. Cyclone Gabrielle disrupted and set back much of the Regional Council’s work programmes and projects. For example, the destruction of many fences used to control pest animals and keep stock out of waterways, the loss of erosion control trees and shrubs plantings from hillsides and rivers, flood damage to HBRC’s pole nursery, and the need for unplanned science research and monitoring to understand the threat to endangered ecosystems. It was important that damage was assessed and any remediation work that could be carried out to prevent further impact on the progress of this work was done quickly. In many cases, budgets had to be reallocated to recovery efforts, while other work was put on hold. The below shows the status of some of these key recovery initiatives.

Catchment Management

	Recovery Initiative	Description	Status	Timeline	Estimated Cost
20	Erosion Control Scheme (post-cyclone project audit)	Where possible, review existing pole planting to assess the impact and identify the scale of remedial actions to understand immediate priorities around pole planting.	Complete	1 year (2023)	\$130k
21	Erosion Control Scheme Re-establishment	Re-establishing fencing and protection of previously planted schemes to re-instate to pre-cyclone standards. Complete gap analysis and develop tools and a resilient system to support the growth in the Erosion Control Scheme due to recovery.	In progress	Ongoing	\$470k

22	Increasing Soil Conservation Nursery Capacity	HBRC's Pakowhai Soil Conservation Nursery is the main source for the region's poplar and willow poles. Annual demand outweighs supply, and the cyclone has exasperated this demand. We must increase our capacity to meet this additional demand and spread risk across the region by establishing more nurseries in various locations. Building nursery capacity enables farmer/landowner access to regional erosion protection poles.	In progress	3 years (2023-2026)	\$1.8m
23	Biosecurity post Cyclone Auditing	Full monitoring and audit of flood-affected properties for Chilean Needle Grass, Woolly Nightshade, Saffron Thistle, and Old Mans Beard. This will help develop an understanding of the potential impact of flood-affected properties that have pest plants.	In progress	1 year (2023-2024)	\$130k
Total Estimated Cost \$2.53m					

Rural Recovery

	Recovery Initiative	Description	Status	Timeline	Estimated Cost
24	HBRC Rural Recovery Team Establishment	The primary function of this team is to be connectors and facilitators to information, knowledge, resources, and technical expertise to assist in recovery actions.	In progress	2 years (2023-2024)	\$1.15m
25	Engaged Rural communities	Supporting rural communities by having HBRC specialist attending catchment groups and collectives, community workshops and meetings, and sector groups and forums.	In progress	1-2 years	\$495k
26	HBRC Rural Recovery Strategy Development	Carry out rural landowner impact assessment to understand the economic impact and recovery needs of rural communities, landowners, and businesses across Hawke's Bay. Develop a strategy and framework that enhances HBRC's Catchment Services delivery model.	On hold	1 year (2023-2024)	\$495k
Total Estimated Cost \$2.14m					

Biodiversity

	Recovery Initiative	Description	Status	Timeline	Estimated Cost
27	Biodiversity post-cyclone audit and modelling	Understand what impacts Cyclone Gabrielle has had on our priority ecosystems by auditing our project sites to understand the scale of degradation in terms of lost or damaged and then develop the design of a more robust recovery model.	In progress	2 years (2023-2024)	\$300k
28	Biodiversity Protection and Enhancement programme	Design and implement a recovery model for the Protection and Enhancement programme on a catchment scale. This would include	On hold	2 years	\$1.85m

	recovery design and implementation	wetland management, floodplain management, resilient ecosystems, retirement, reversion, and native planting.			
29	Priority Ecosystem sites ground-truthing	Completing ground truthing of the 700+ priority ecosystem sites across the region to collect important baseline information on each site, such as key threats, the ability to fence the site and the landowner's willingness. Establish a new recovery model, including the impact assessment results from both the Science and Primary Sector teams. This will drive a targeted and accelerated approach to the operational delivery of on-ground works through the Priority Ecosystem Programme.	On hold	3 years	\$2.15m
					Total Estimated Cost \$4.3m

Other

	Recovery Initiative	Description	Status	Timeline	Estimated Cost
30	Re-assessment of low flows	Re-assessment of low flows due to river morphological changes and environmental flow setting. Reset our baseline for the assessment of low flows.	In progress	1 year	\$200k
31	HBRC Recovery Team	New function that is the Conduit between RRA & HBRC. Oversees Recovery Work at HBRC. Supports regional recovery planning and community communications and engagement led by RRA. Oversees recovery initiatives. Supports the scoping and planning of recovery initiatives. Manages the development of Environmental Resilience Plan. Recovery reporting function. Supporting Central Govt & TLAs with Managed Retreat negotiations by providing key information to support the land categorisation process. Recovery comms & engagement to ensure ensuring consistency of messages, engagement plans and media is all managed succinctly and professionally for overall effectiveness and aligns with RRA & TLAs.	Complete	1 year	\$600k
					Total Estimated Cost \$800k

Section 9: Independent Reviews

Independent reviews aimed at gaining valuable lessons learned from Cyclone Gabrielle are being undertaken. These will influence future decision-making on investment to make Hawke's Bay more resilient against climate change and natural hazards, and how these events are managed.

Hawke's Bay Independent Flood Review

An independent review was commissioned by HBRC to investigate the circumstance and contributing factors that led to the Hawke's Bay floods during Cyclone Gabrielle. It is being led by Dr Phil Mitchell, along with an expert panel who specialise in resource management, engineering, and law.

The scope of the review will cover the performance of all Regional Council-owned and operated flood protection, control and drainage schemes during Cyclone Gabrielle, addressing: the origin and purpose of each scheme, including intended levels of service (LOS), the severity of the Cyclone Gabrielle event relative to scheme purpose and thirdly, the scheme maintenance and operation before, during and in the immediate aftermath of cyclone Gabrielle; and recommend improvements to scheme levels of service and maintenance or operational requirements for future events, having regard to climate change.

The final report of the review is expected to be presented the Council by the end of June 2024.

Flood Management Schemes Reviews

A further impartial and independent review of the Hawke's bay flood management schemes undertaken by T+T and PDP were also commissioned by HBRC.

The reviews will help to reconfigure and build resilience against future floods. Schemes include Heretaunga, Upper Tukituki, Heretaunga drainage, Upper Makara, Ohuia, and Opoho. Elements of the Karamu will be reviewed as part of the Heretaunga Plains Flood Control scheme review.

The reviews of the Heretaunga Plains and the Upper Tukituki schemes will be undertaken first as flood control will be prioritised. These reviews will look to assess how the schemes are meeting the levels of service (post Cyclone Gabrielle), make suggestions for capital improvements where the scheme cannot meet the level of service and will produce plans for how the scheme will manage events which exceed the level of service – which is most important for predicting outcomes of exceedance events.

Reviews of other key schemes will be undertaken in order of priority following the completion of the flood control scheme reviews.

The final report for the flood control scheme reviews is expected to be delivered in June 2024. The other reviews will be received over a 3 year period by the end of 2027.

Independent Review into the Hawke's Bay Civil Defence Emergency Management Response into Cyclone Gabrielle

This Independent Review has been commissioned by the Hawke's Bay Civil Defence Emergency Management Group Joint Standing Committee.

The purpose of this Independent Review is to assess the operational performance of the Hawke's Bay Civil Defence Emergency Management Group's immediate response to Cyclone Gabrielle, with a particular emphasis on the systems and processes, and roles and responsibilities of Group members and partners.

This Review will be focused on the lessons and opportunities that can be drawn from a really targeted period of time, including the days immediately leading into the event and the immediate emergency response stage, prior to the region's move toward recovery. The review will also look at how much the implementation of pre-existing arrangements contributed to an effective management of the response for mana whenua and Hawke's Bay communities.

This Review will be future focused, with outcomes used to identify learnings, improve resilience, and ensure the Hawke's Bay Civil Defence Emergency Management Group has robust emergency management capability and capacity to support better emergency management outcomes for Hawke's Bay communities.

Interim recommendations were submitted to the Minister for Emergency Management and Recovery on 7 Dec 2023. However, these will not be publicly released until deliberations are finished.

Government Inquiry into the Response to North Island Severe Weather Events

The Government has established this inquiry to identify lessons from the three severe North Island weather events in early 2023. The inquiry's recommendations will ensure New Zealand's emergency management system is appropriate to support preparedness for, and responses to, future natural emergencies.

The purpose of the inquiry is to ensure that the design of New Zealand's emergency management system is appropriate to support readiness for, and responses to, future emergency events (landslides, tsunamis, earthquake, volcanic activity, floods, and storms) by identifying lessons from the 2023 North Island severe weather events. The final report for this inquiry is due on 26 March 2024.

Section 10: Looking forward

During 2023 an unprecedented amount of extreme weather events were reported across the world. Many countries are experiencing catastrophic effects from increased hazards under climate change. Climate change increases the probability and severity of flooding, landslips, heatwaves, wildfires, and drought. Coastal inundation and erosion are also risks due to sea level rise. These severe weather events have resulted in tragic loss of life, extinction of species, destruction of crops, threatened livelihoods, and economic uncertainty.

Climate change projections for the Hawke's Bay catchments include warming temperatures, fewer frost days, and a change in rainfall patterns with periods of higher rainfall and periods of low rainfall. Changes to the region's environmental risks will bring new challenges as climate change continues to accelerate.

The effects of Cyclone Gabrielle will take years to fully understand and recover from. Looking forward to the next stage of recovery, HBRC will focus on medium-term recovery issues. The key focus areas for the Council in the next LTP are:

- Resilient flood infrastructure: Living with rivers & flooding risk. This includes a substantial \$250 million programme for Category 2 flood mitigation (Flood Resilience Programme).
- A resilient community: Responding when needed. This includes \$880k for HBCDEM.

These priorities have been influenced by the funding received and the cost-share agreement HBRC has committed to with the Crown. The outcomes of

the Independent Reviews and key research will also guide decision making for these priority areas.

As these commitments get underway, collective thinking into resilience planning against climate change risks and long-term recovery needs of the region will begin for the next Long Term Plan (2027-2037).

Based on key issues identified in this report the below areas will be long-term recovery considerations.

- Climate change adaptation and mitigation
- Water storage and managing water resources
- Erosion control and regenerating of productive soils
- Supporting rural communities with long-term recovery
- Remediation to worst affected natural environment areas and improving biodiversity outcomes

Longer-term recovery for the region will look to develop greater resilience in the face of a changing climate. This will mean HBRC working with partners across risk and hazard identification and management. Long-term resilience for land use, particularly in hill country, will need to be a key focus to keep soils in place and reduce the amount of sediment entering our waterways. Building new, or modifying existing flood protection infrastructure, to provide an agreed level of community protection from future events will continue to be a significant workstream of the Regional Council, along with ongoing maintenance of existing schemes.

The council will continue to be a key disseminator of environmental information and maintaining monitoring systems to ensure vital information is gathered to assist with ongoing investigations into the state of our environment and risk during significant weather events. Together with all the councils involved in civil defence there will need to be a focus on clarity of roles, functions and service deliver

Section 11: Next Steps

As we move into the next phase of recovery and start to work on medium-term recovery priorities, the Regional Council will return to a BAU operational model that integrates medium to long-term recovery work into the work programmes set by the next LTP (2024-2027). The Recovery Team will transition out and handover ongoing recovery work to the responsible operational teams.

Public consultation for the LTP (2024-2027) will seek to understand how these key work programmes will be funded. Consultation will be held from 12 April-12 May 2024.

The Cyclone Recovery Committee that was temporarily established to provide governance to HBRC's recovery work has since reverted back to the Environmental Integrated Catchment Committee, under Clause 30 of Schedule 7 of the Local Government Act 2002. Recovery reporting will be incorporated into BAU work programme reporting to their appropriate committees.

The Flood Resilience Programme and set up of the Programme Management Office (PMO) is underway. Recruitment for this programme is ongoing. The PMO will oversee the construction of the new flood protection infrastructure for Category 2 areas, ongoing repair and upgrades to existing flood schemes, and the replacement and renewals of impacted pump stations and drainage systems.

Community communications and engagement on Category 2 infrastructure projects will be led by the PMO to keep impacted communities closely involved and updated on progress. Project dashboards will be available on HBRC's website for communities to access the latest information, and community meetings will continue, as needed.

Recommendations from the Hawke's Bay Independent Flood Review, Flood Management Schemes Review, and NIWA's Flood Frequency Analysis will all be taken on board in the future resilience planning and design of Hawke's Bay's new and existing flood and drainage schemes and their management.

HBRC's Regional Water Security programme is underway and will inform a more accurate understanding of the current regional pattern of water takes and use. It will look to future water demands in the context of a changing climate and identify future water management options.

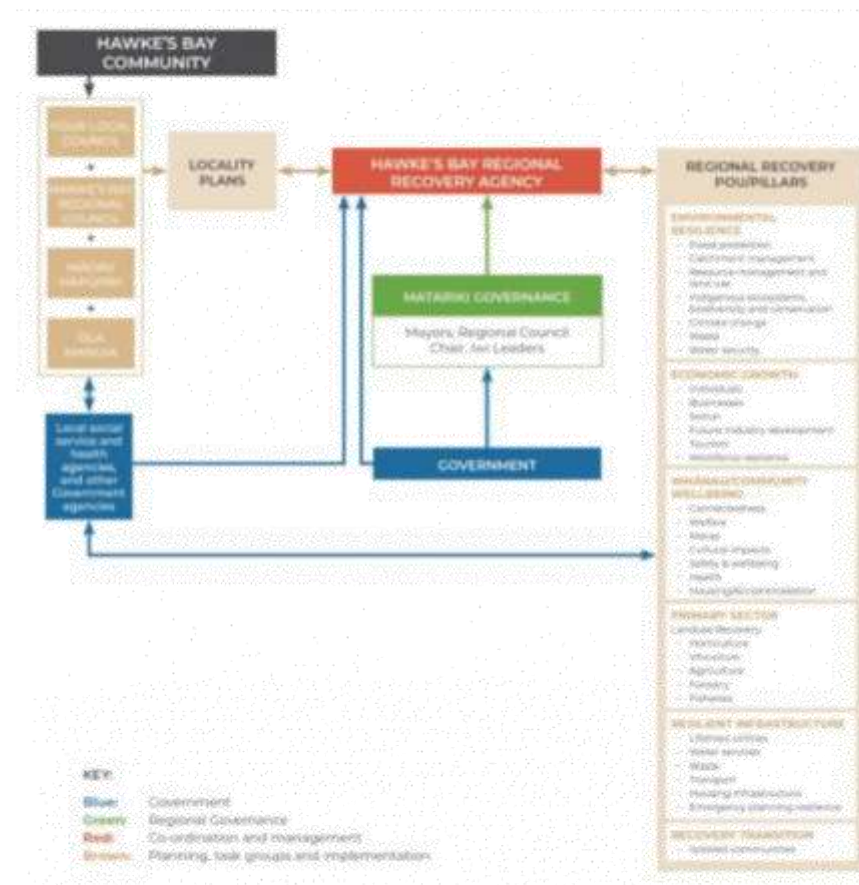
HBRC's Policy team have transitioned back into business as usual including the Kotahi related planning work (find link to the Kotahi Plan in Resources, p78). This work will progress an update to the Regional Policy Statement (RPS) as the team embark on addressing region-wide issues. Through this project issues in the catchments will be identified including any new issues brought about by Cyclone Gabrielle so they can be addressed through the relevant planning mechanisms.

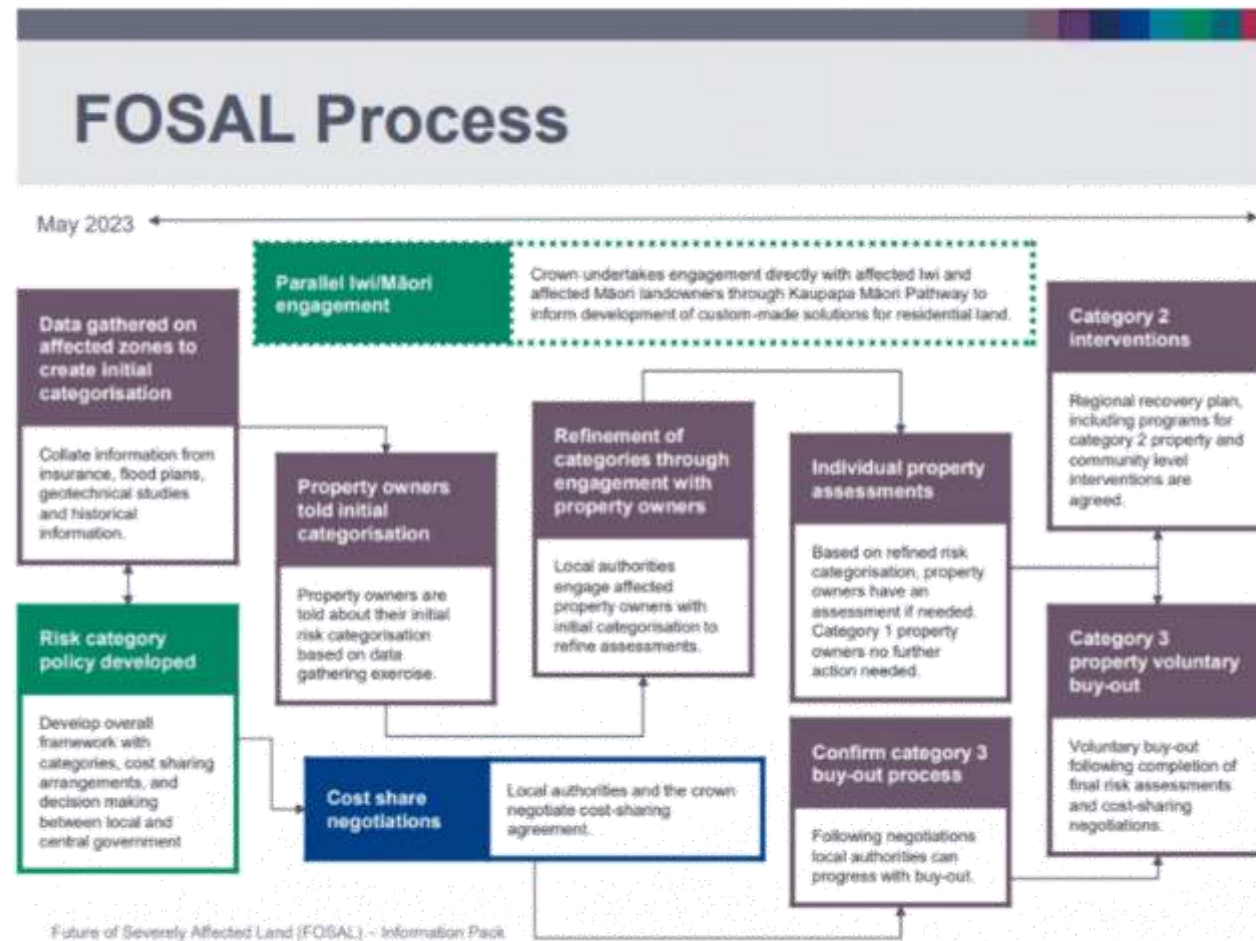
HBRC will continue to partner with the RRA, councils and key agencies on the regionally led recovery efforts and joined up communications and community engagements. The Regional Council supports the work of the RRA in their efforts to work with the new Government to seek future relief funding for the region and are dedicated to deliver a united approach to regional recovery to achieve the best outcomes for our communities.

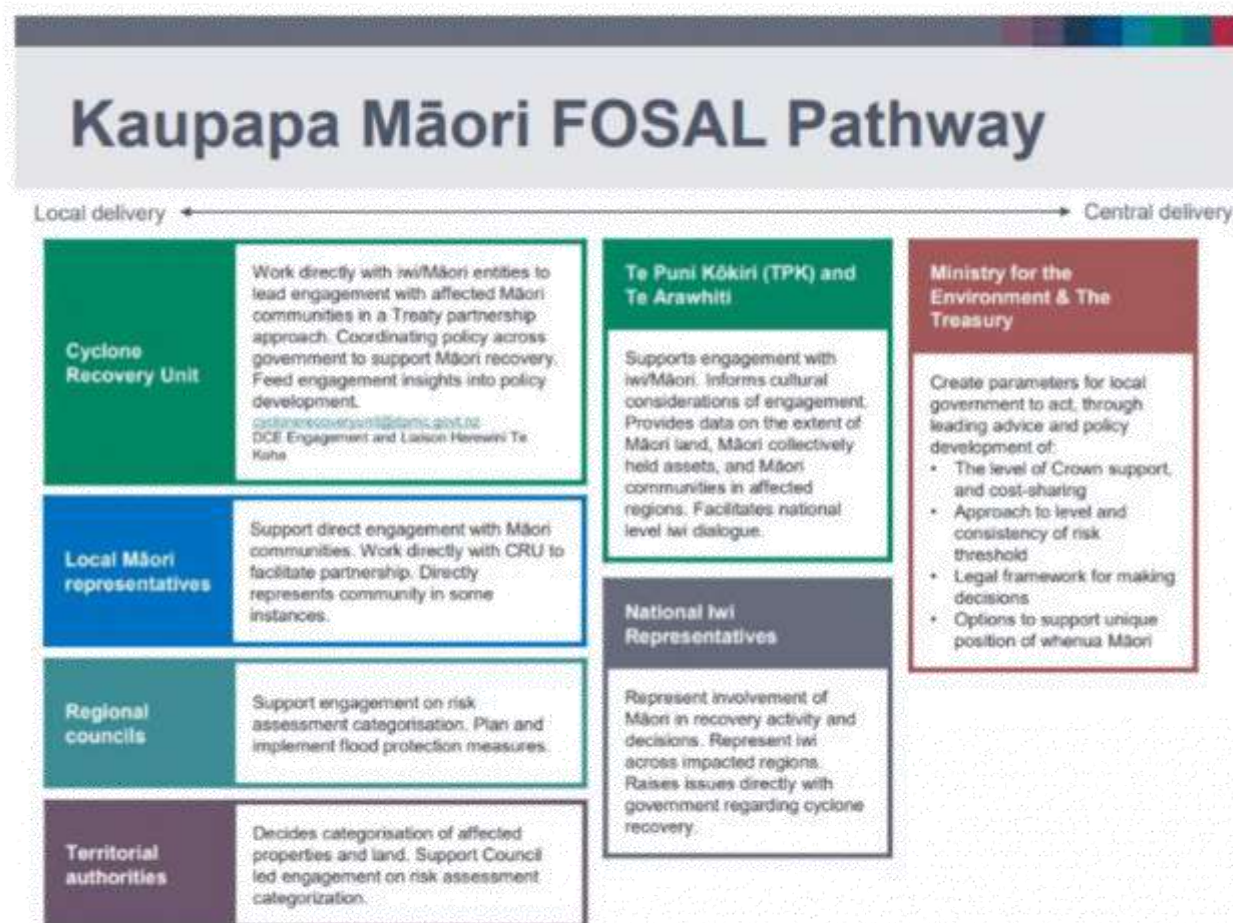


Appendix

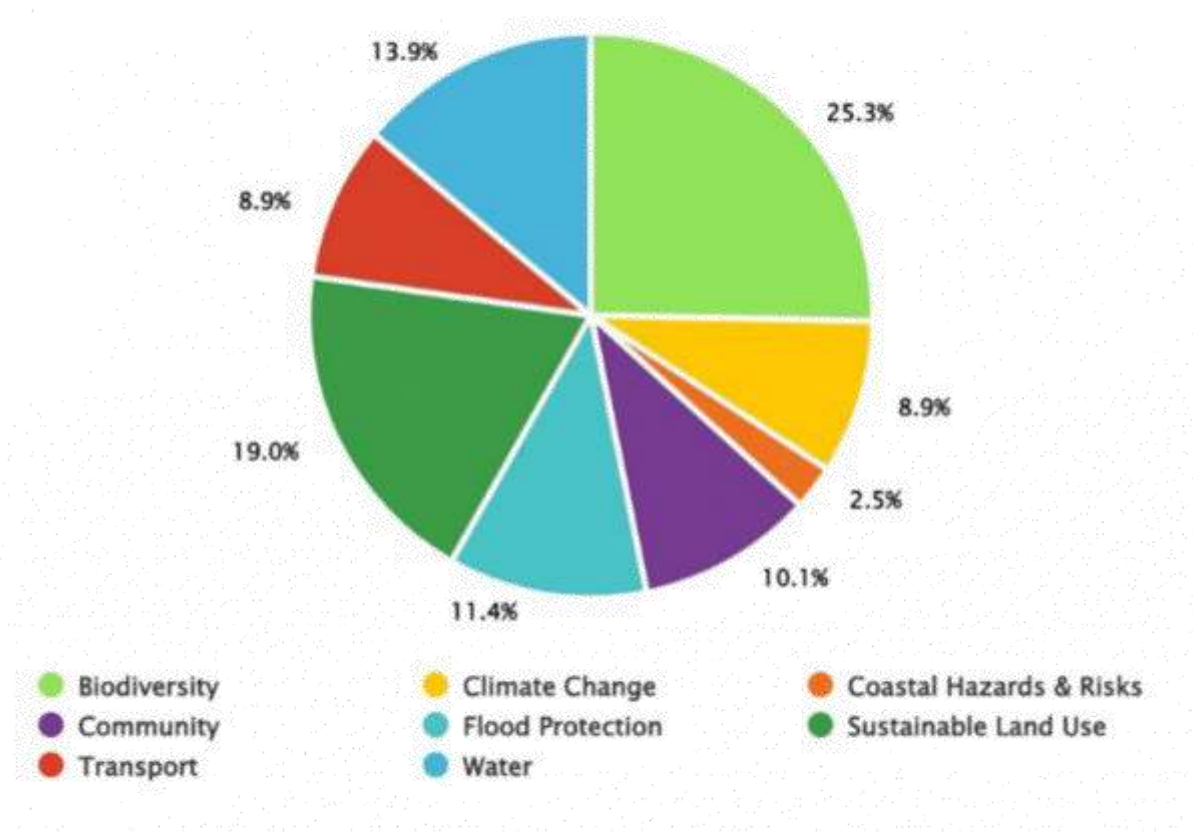
1. Hawke's Bay Recovery Framework by Hawke's Bay Regional Recovery Agency (taken from the RRA website, <https://www.hawkesbayrecovery.nz>)



2. Future of Severely Affected Land (FOSAL) Process (taken from the DMPC website, www.dpmc.govt.nz)

3. Kaupapa Māori FOSAL Pathway (taken from the DMPC website, www.dpmc.govt.nz)

4. Community feedback: What does Environmental Resilience mean to you? The below chart shows the number of comments received for each environmental topic.



5. Ministry for the Environment summary map of landslides

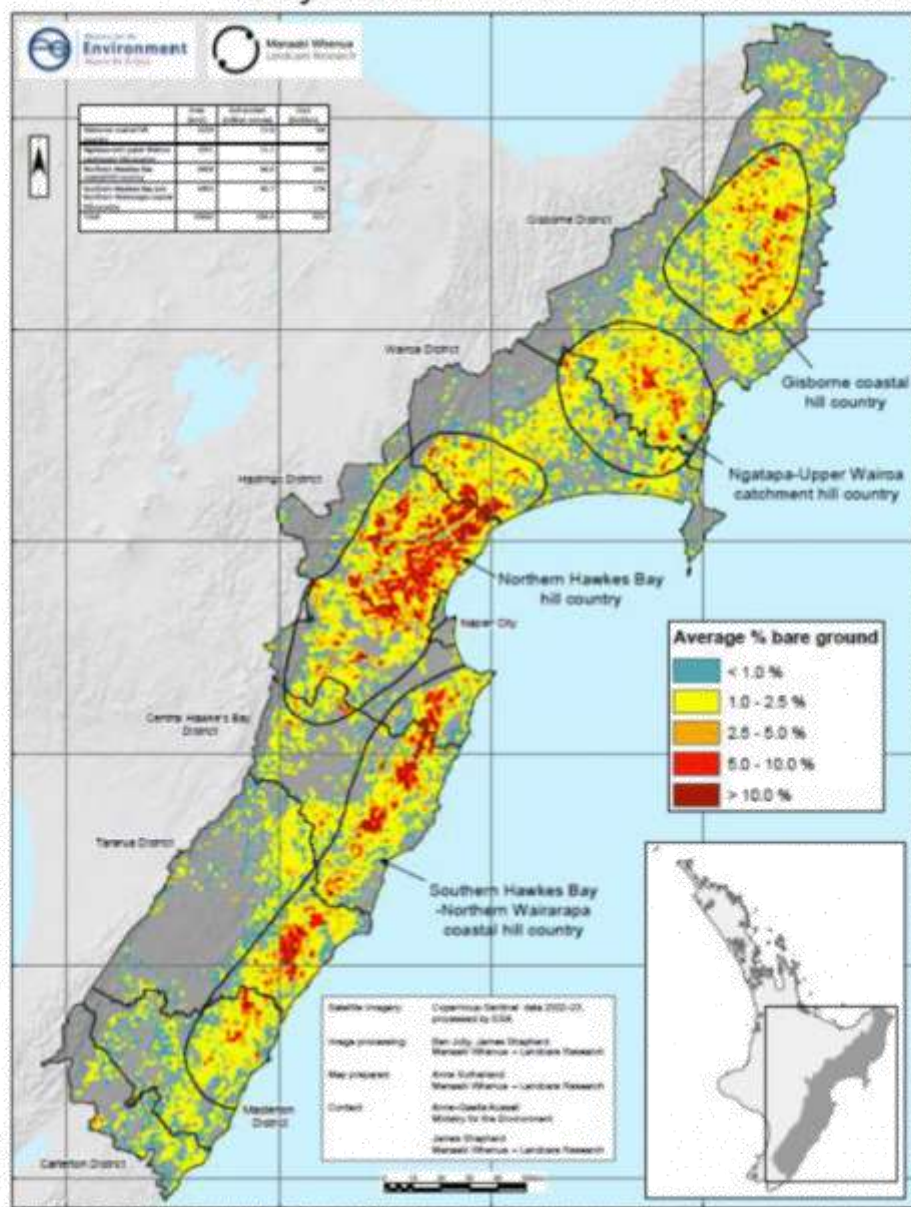
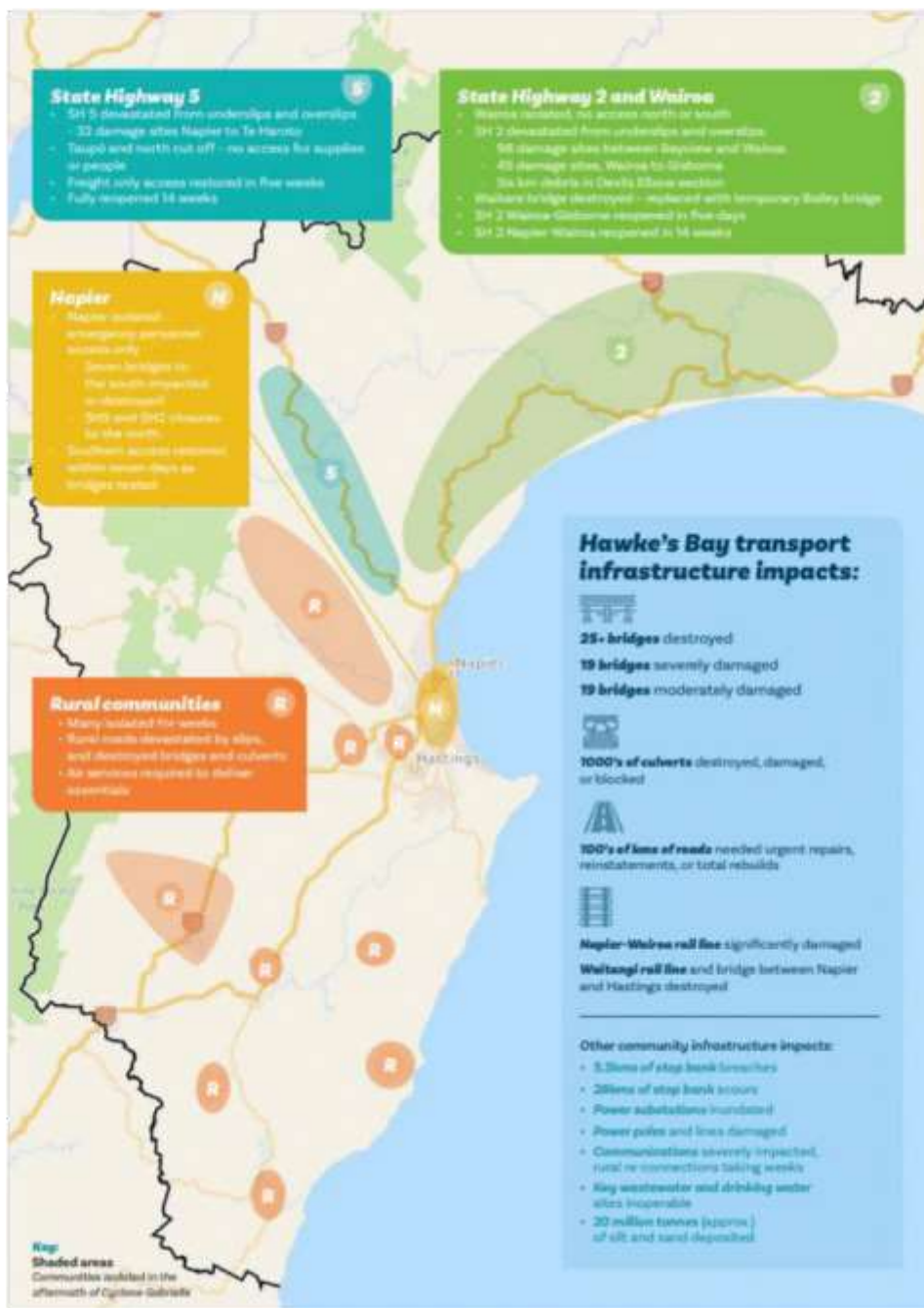
Summary map of landsliding
in cyclone Gabrielle 2023

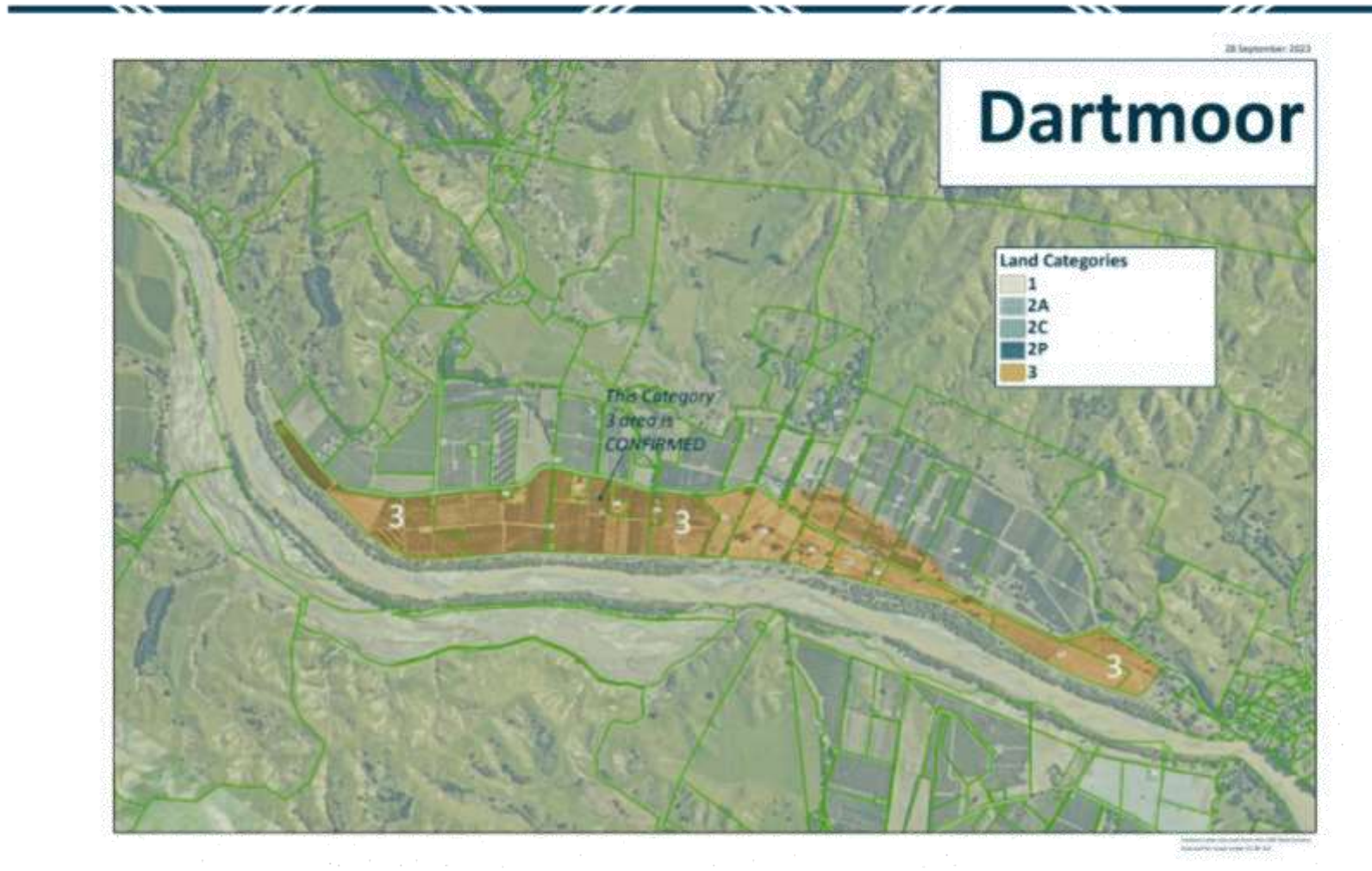
Figure 2. Summary map of landsliding. Colours show the proportion of land in each square kilometre mapped as bare (either landslide scar or debris tail).

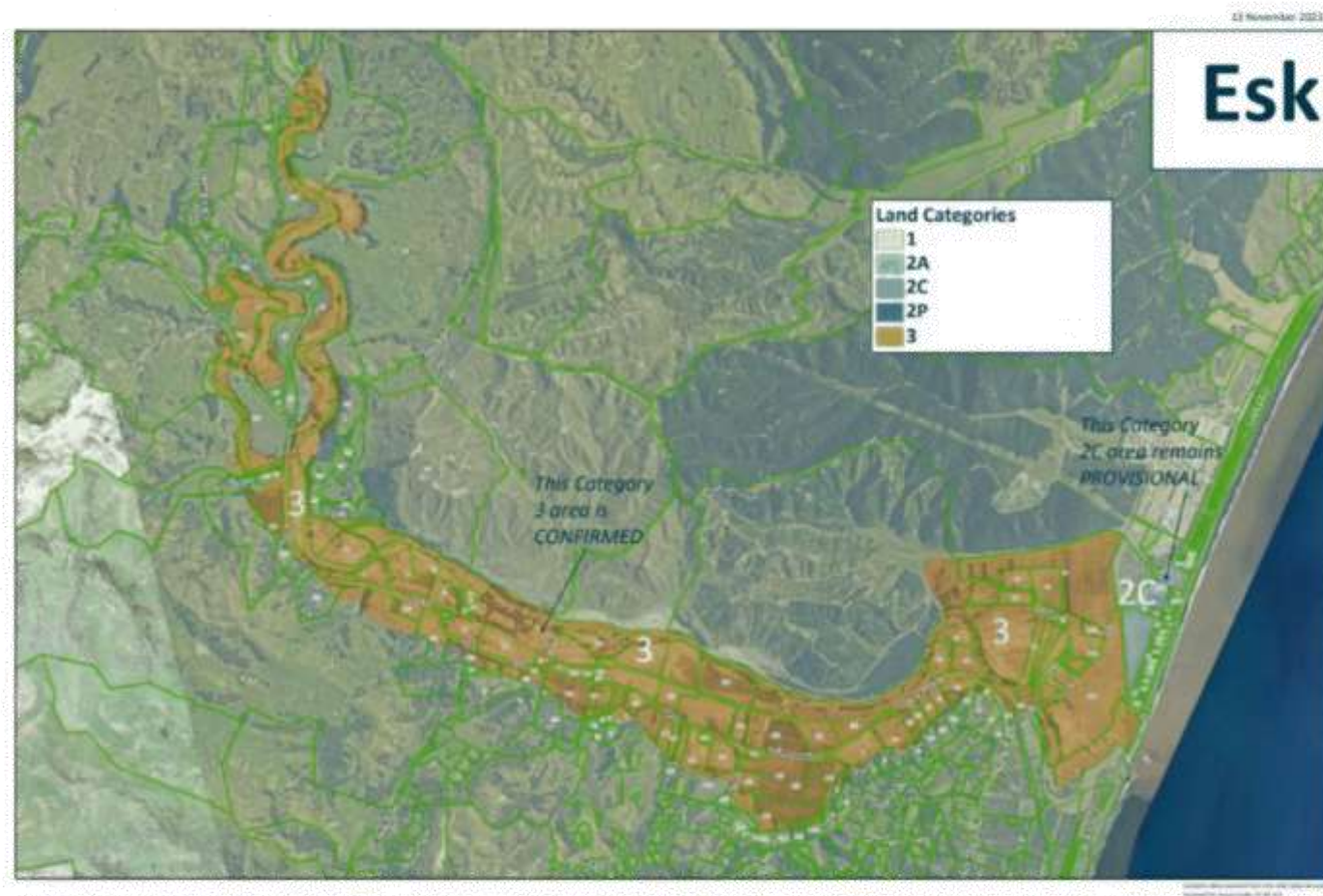
6. Hawke's Bay DRAFT Transport Infrastructure Impacts summary

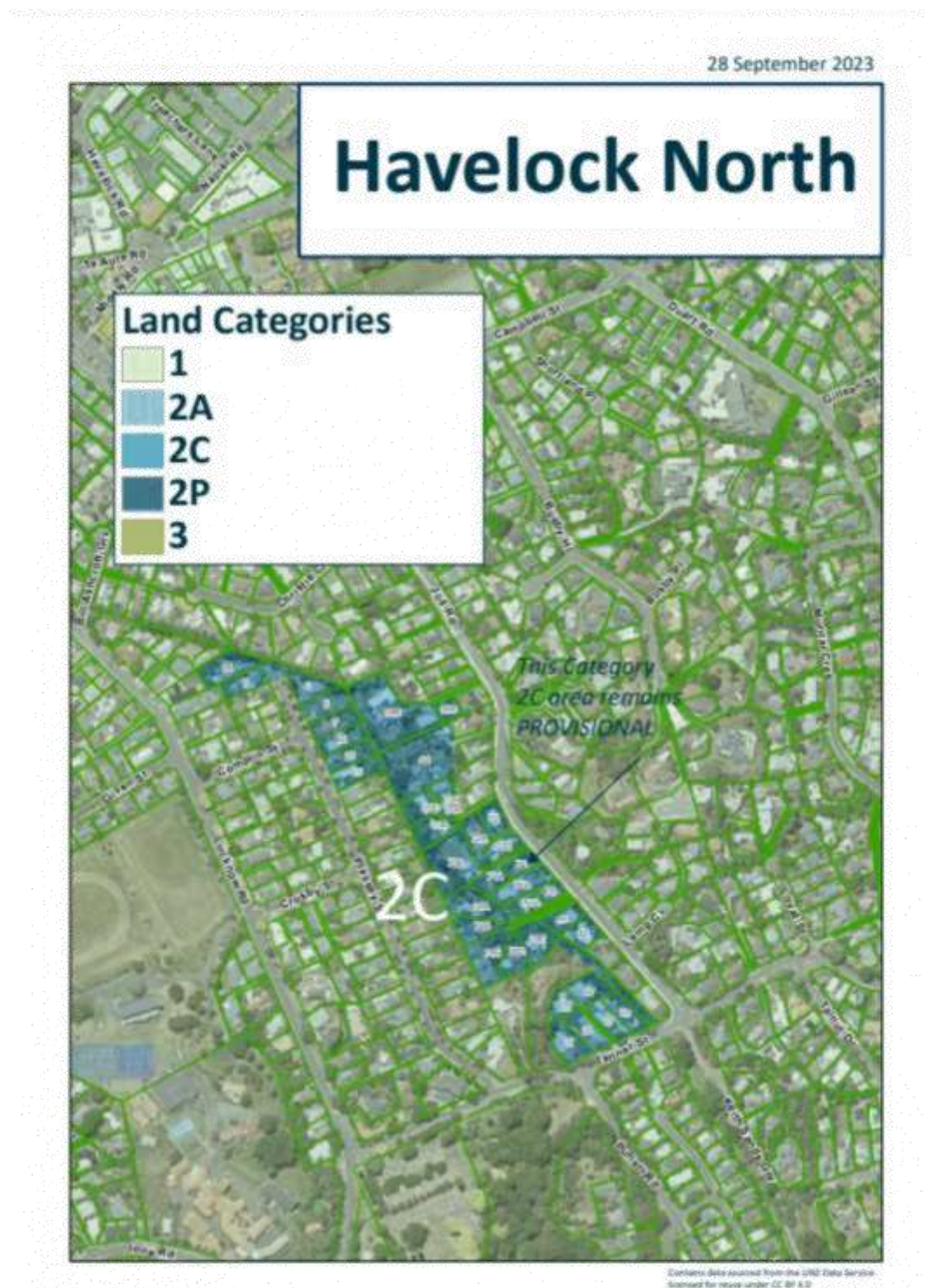


7. Final Hazard Maps published on hlandcat.co.nz website.

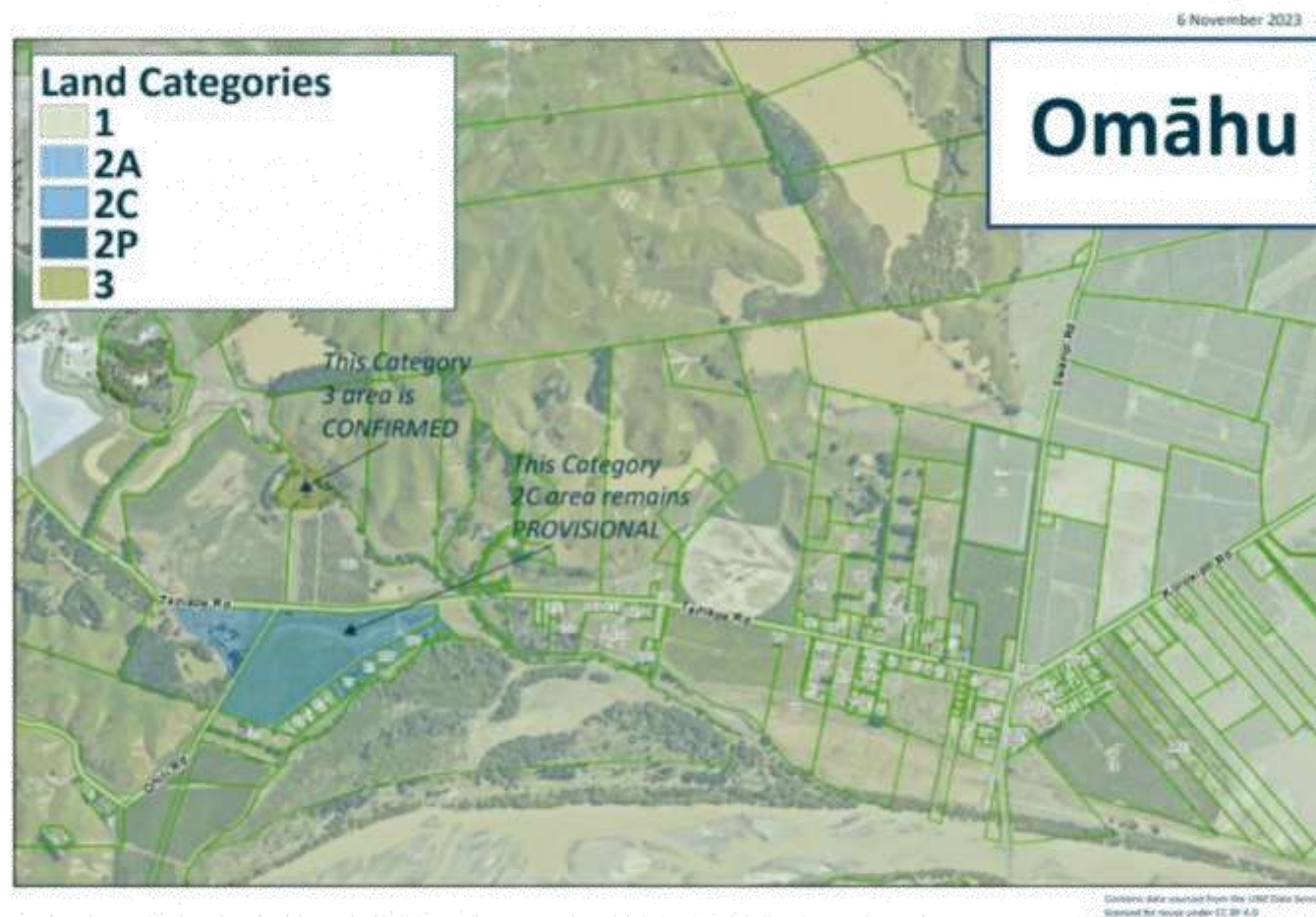


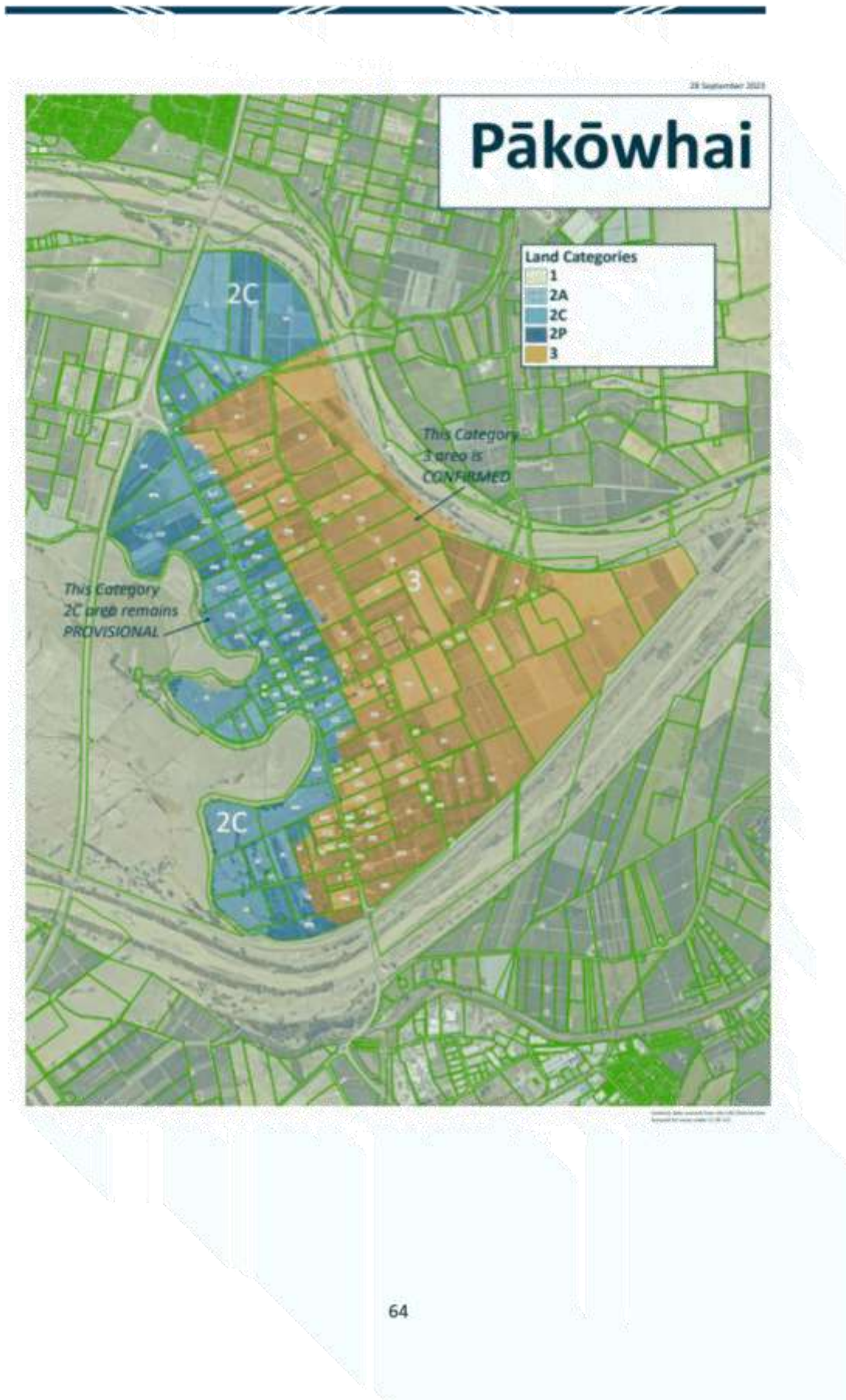


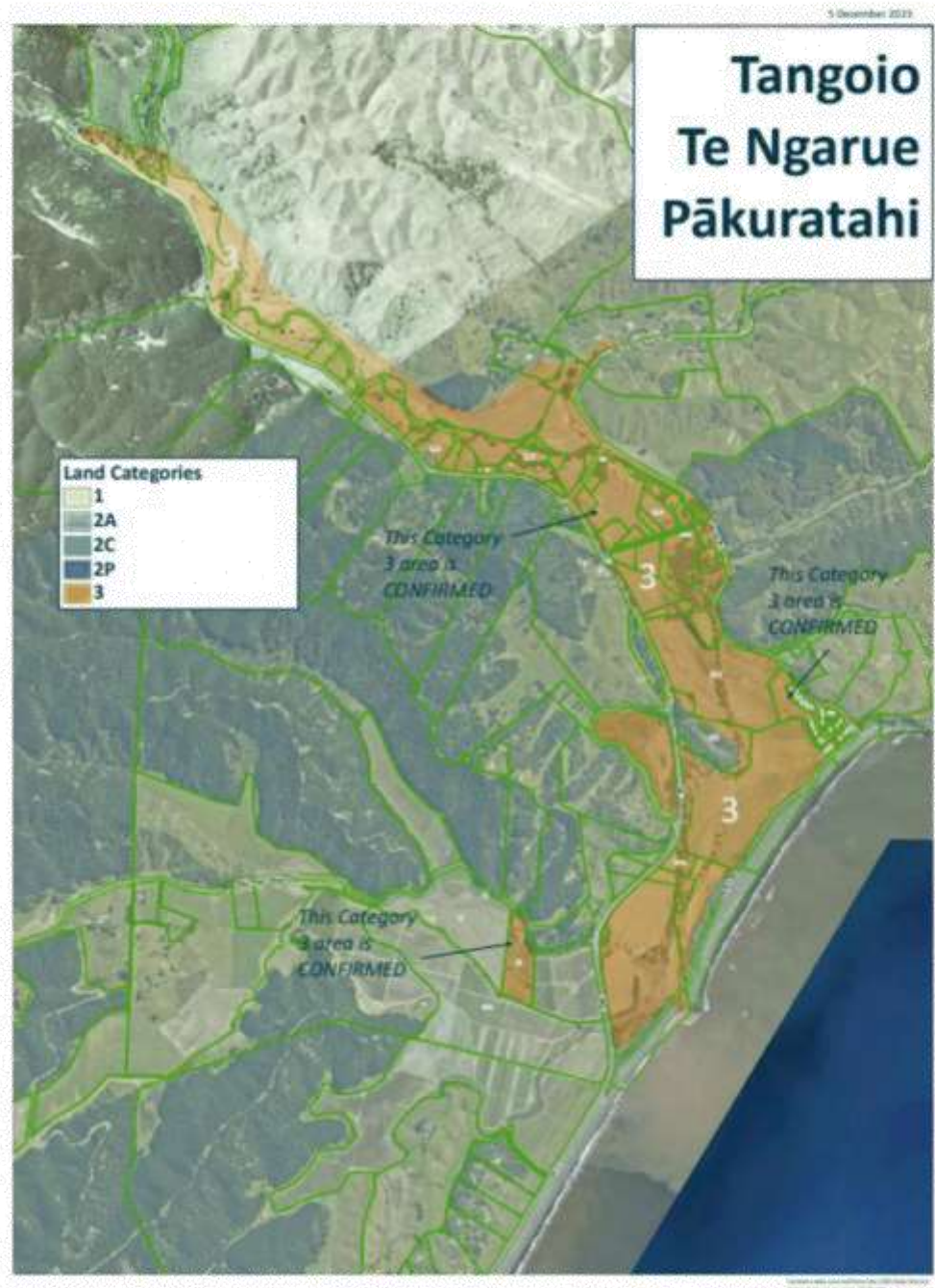


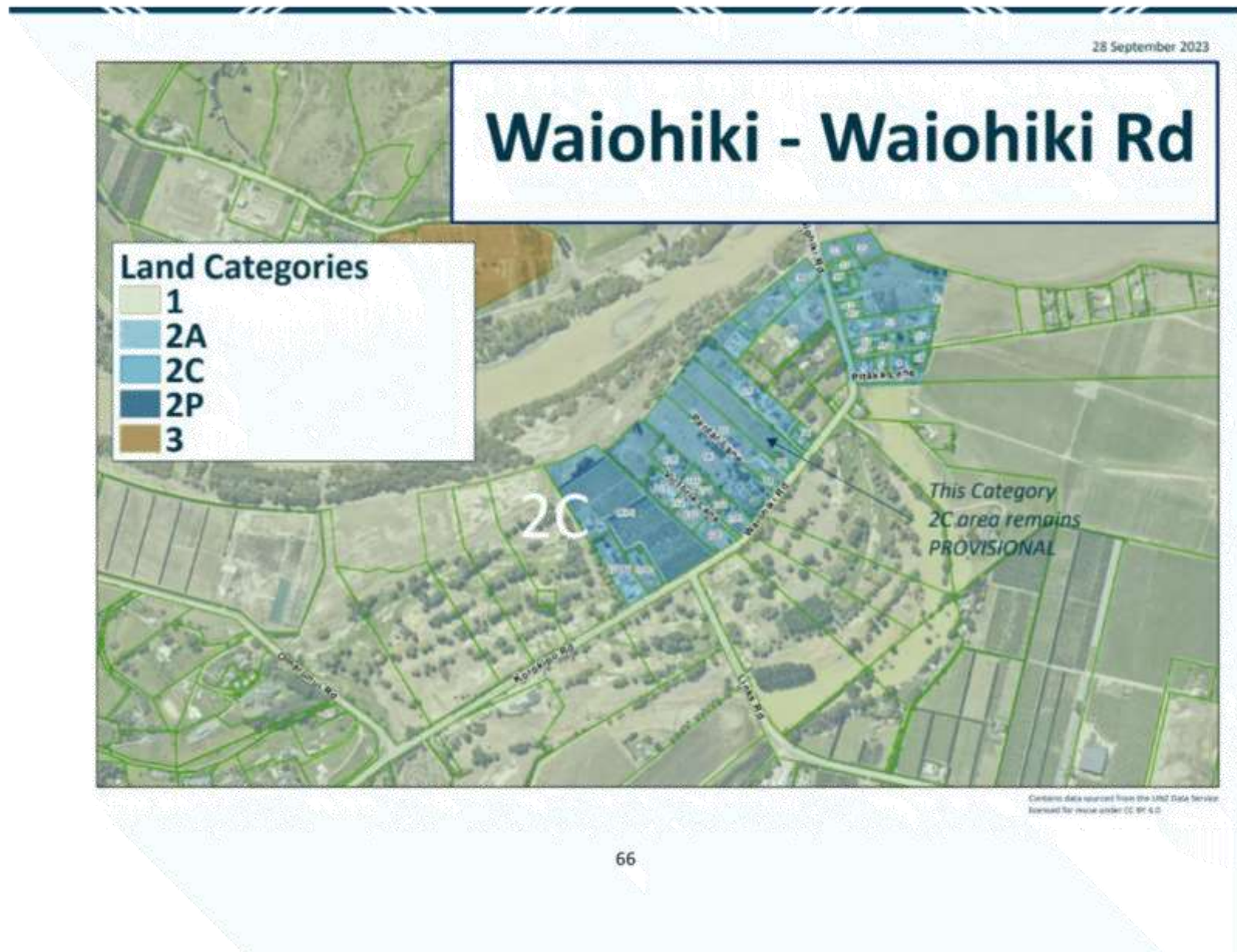


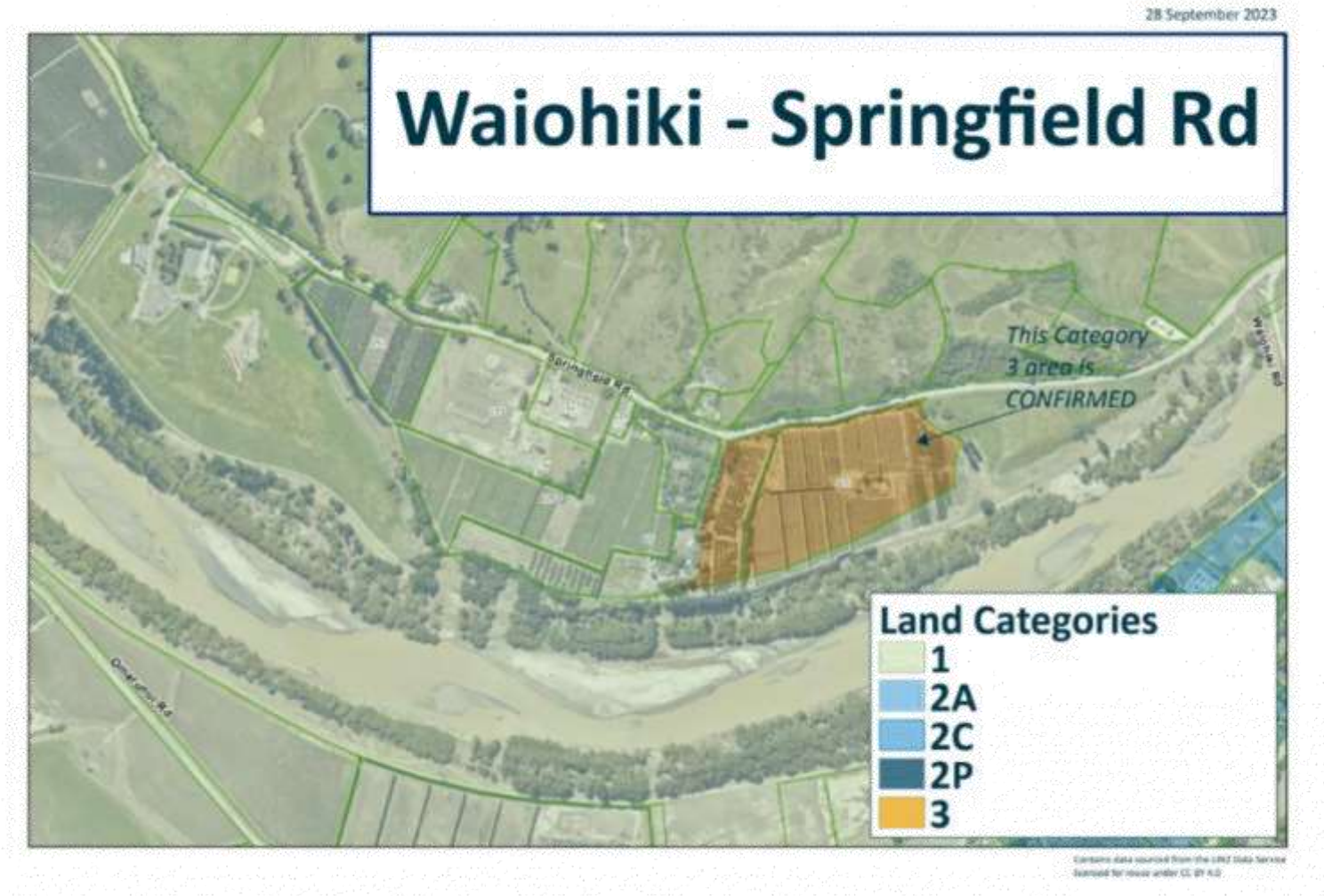


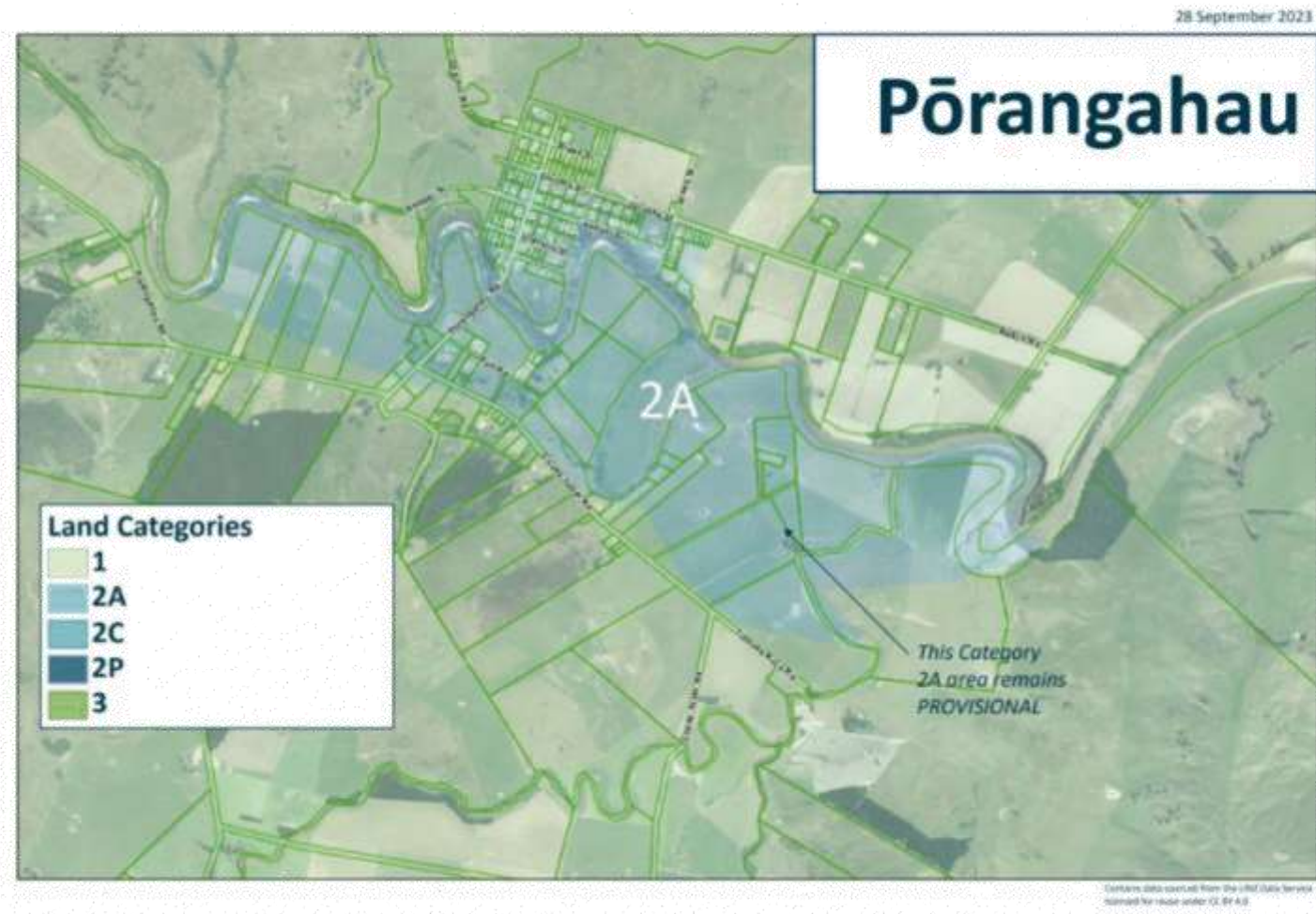










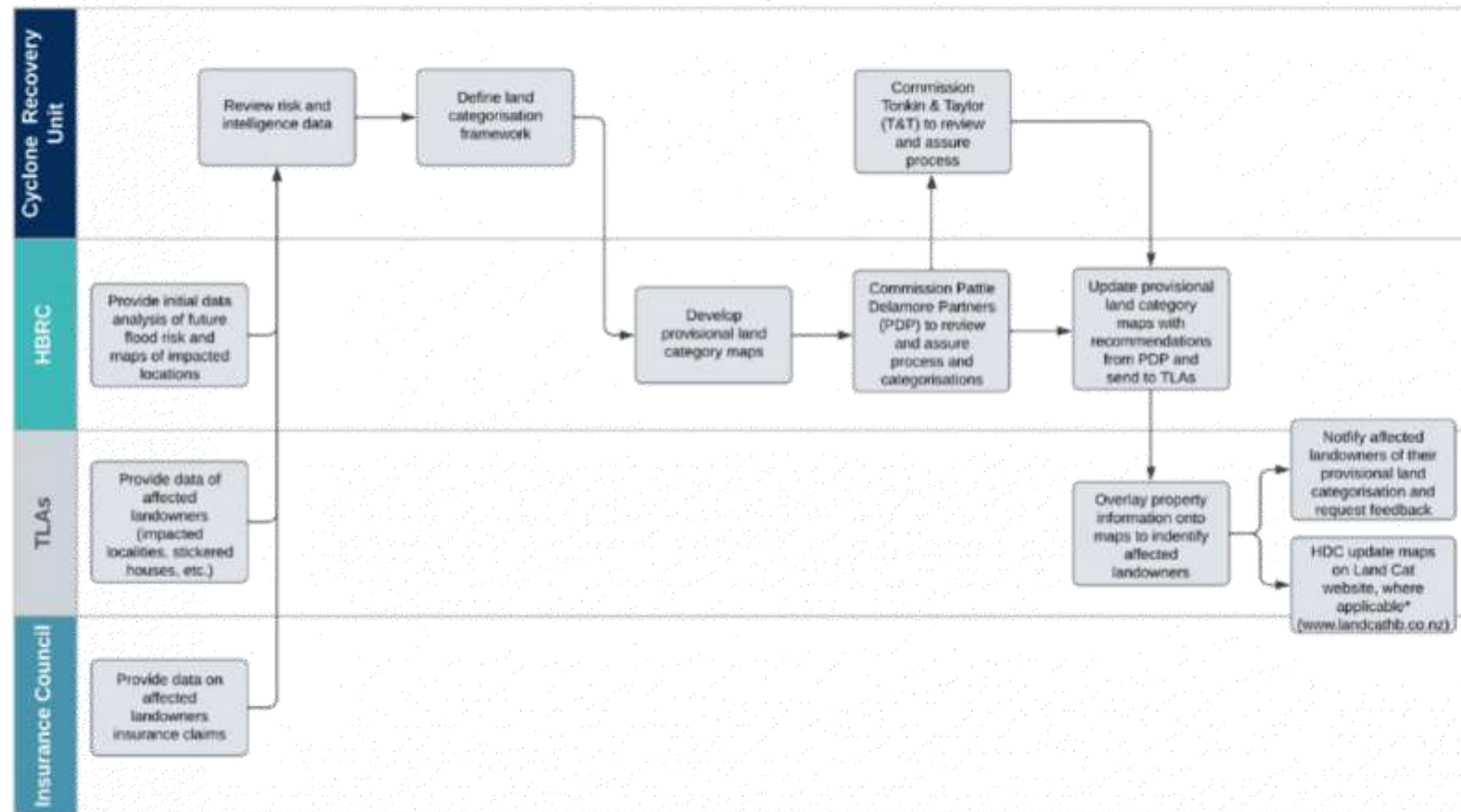




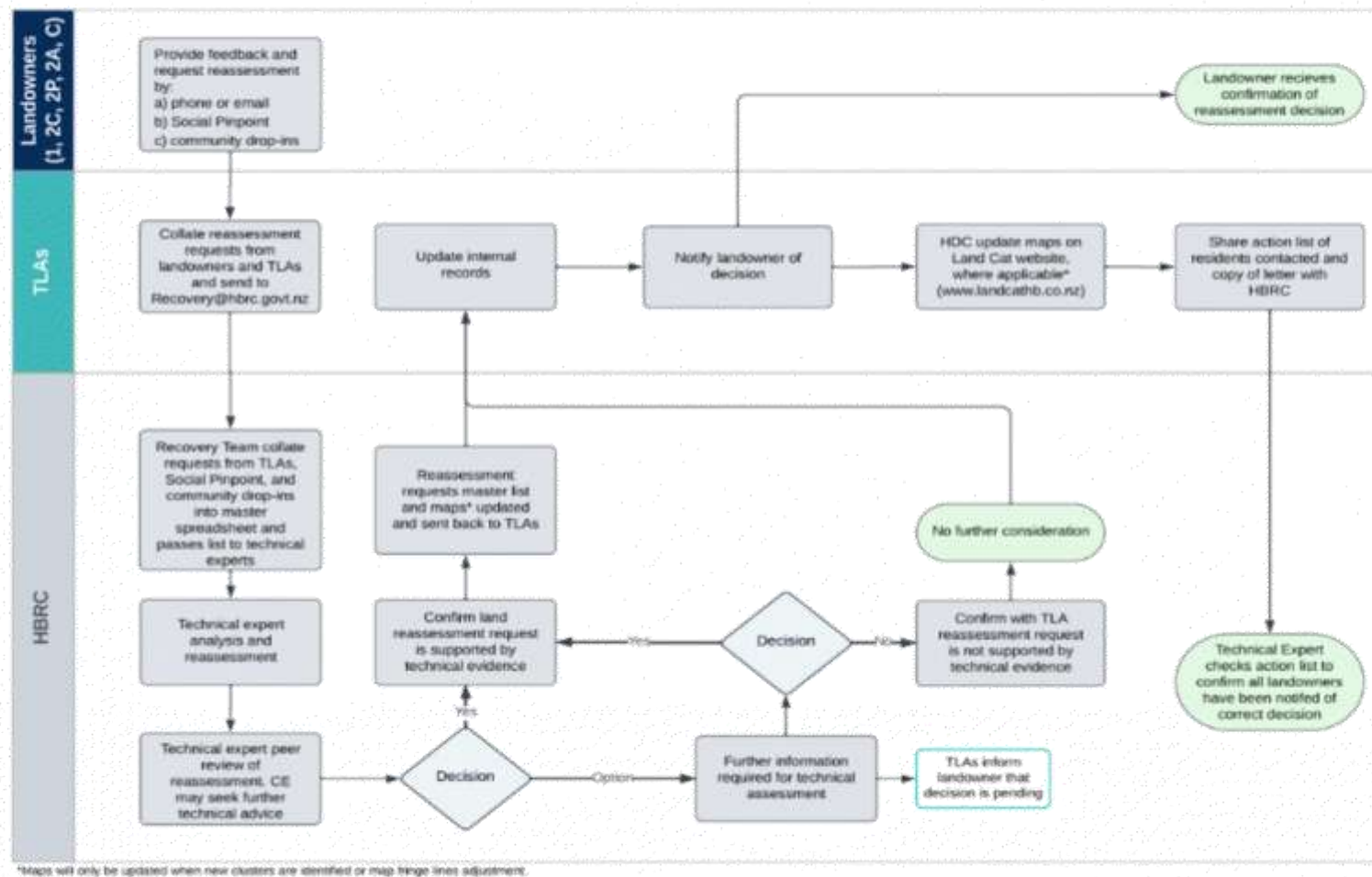
8. Land Categorisation Process Mapping (internal use only).

Land Categorisation Process

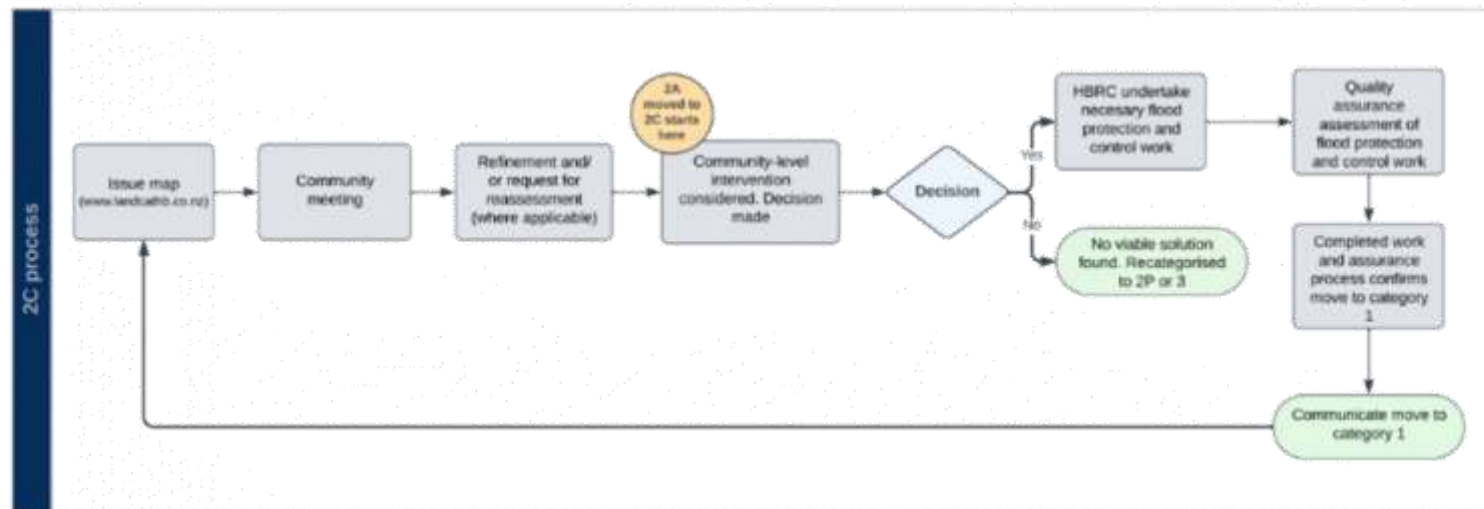
Process 1: Identification of Impacted Properties



Land Categorisation Process Process 2: Reassessment Process

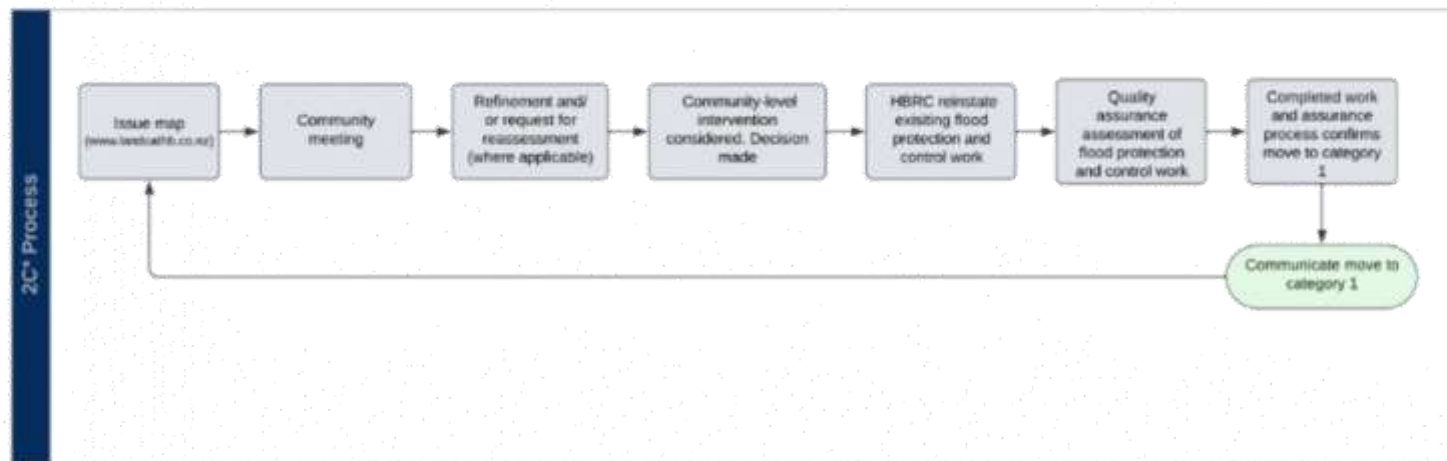


Land Categorisation Process
Process 3a: Recategorisation of category 2C

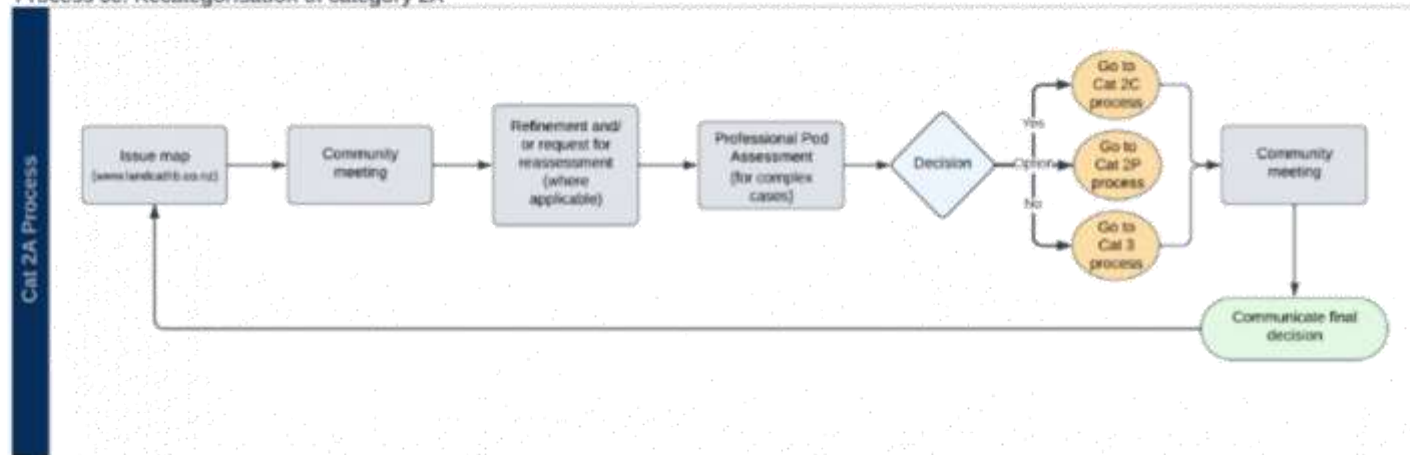


Land Categorisation Process

Process 3b: Recategorisation of category 2C*

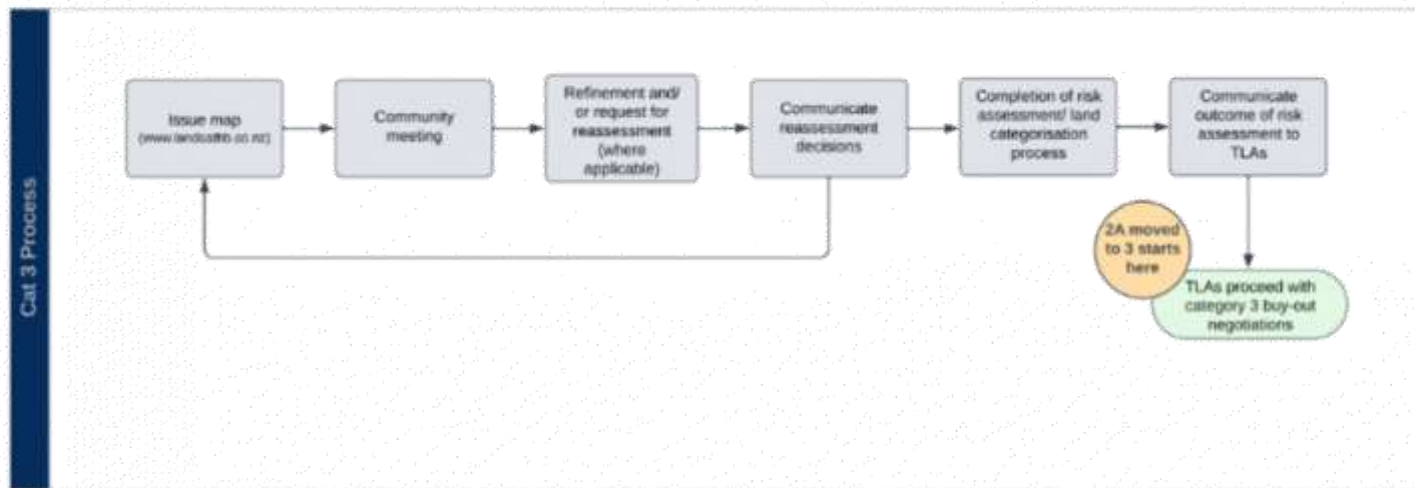


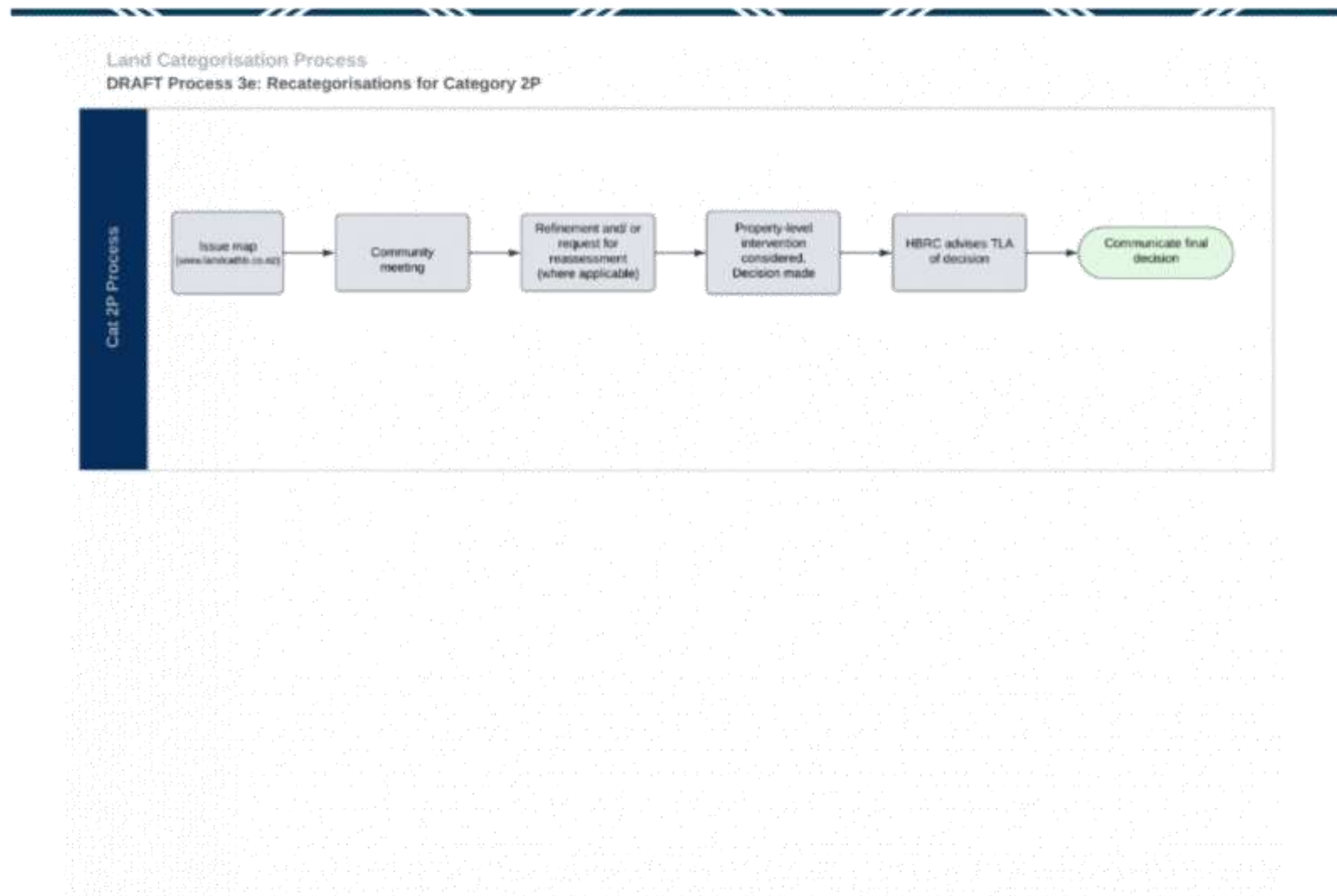
Land Categorisation Process
Process 3c: Recategorisation of category 2A



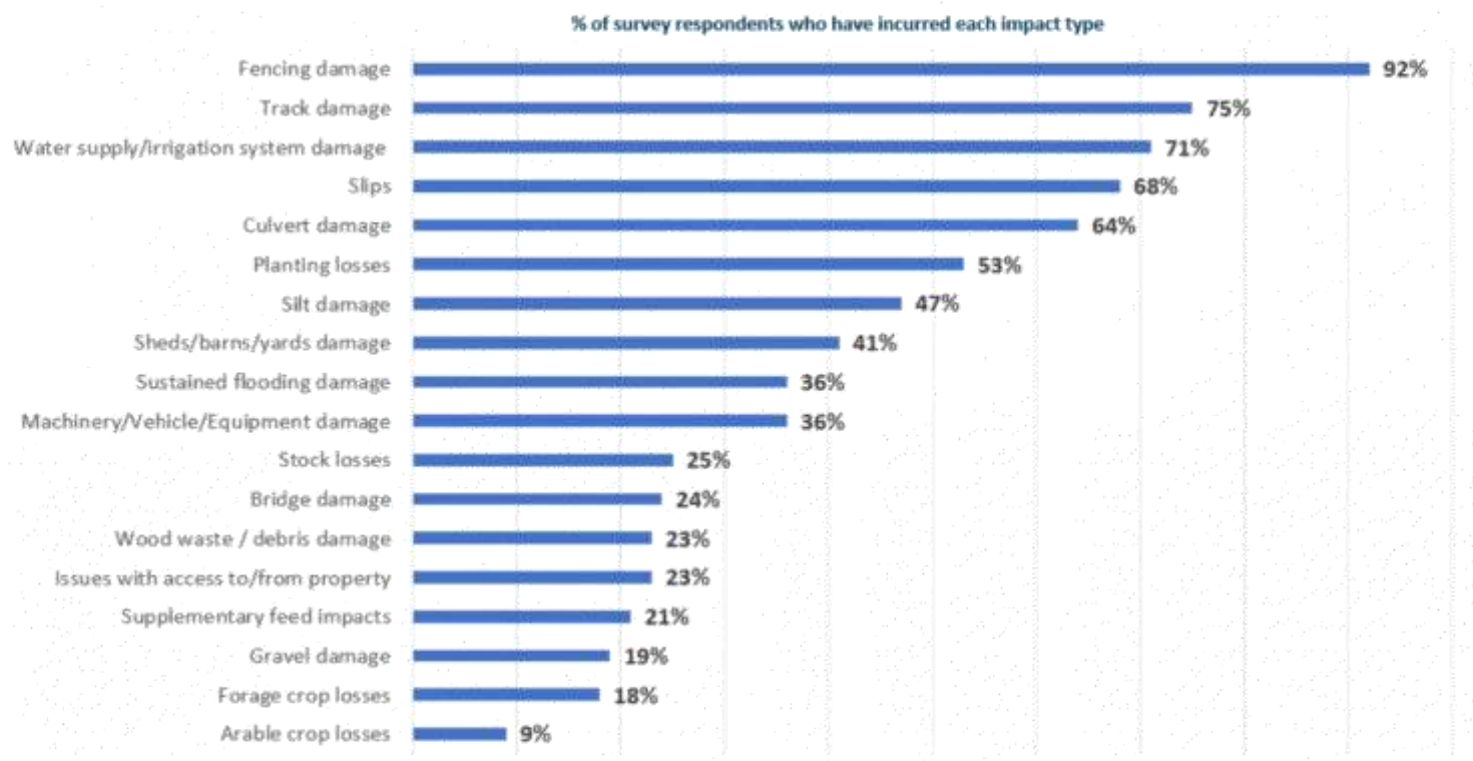
Land Categorisation Process

Process 3d: Land categorisation for category 3





9. Rural Recovery Cyclone Impact Assessment feedback analysis on impact types.



Resources

1. Regional Recovery Plan by Regional Recovery Agency
<https://www.hawkesbayrecovery.nz/assets/Uploads/FINAL-Hawkes-Bay-Regional-Recovery-Plan.pdf>
2. The Cyclone Recovery Unit
<https://www.dpmc.govt.nz/our-business-units/cyclone-recovery-unit>
3. DPMC's Future of Severely Impacted Areas (FOSAL) Information Pack
<https://www.dpmc.govt.nz/sites/default/files/2023-07/Future-of-Severely-Affected-Land-FOSAL-Information-Pack.pdf>
4. Outrage to Optimism: Report of the Ministerial Inquiry into land uses
<https://environment.govt.nz/assets/Outrage-to-Optimism-CORRECTED-17.05.pdf>
5. Rapid assessment of land damage – Cyclone Gabrielle by Manaaki Whenua Landcare Research
<https://environment.govt.nz/assets/Rapid-assessment-of-land-damage-Cyclone-Gabrielle-Manaaki-Whenua-Landcare-Research-report.pdf>
6. GNS landslide mapping
<https://www.gns.cri.nz/news/cyclone-gabrielle-induced-landslide-mapping-project/>
7. Land Categorisation Process methodology and framework
<https://www.hastingsdc.govt.nz/assets/Document-Library/Cyclone-Land-Categorisation-Documents/HBRC/1.-FINAL-HBRC-Land-Categorisation-Methodology-and-Framework.pdf>
8. PDP and Tonkin & Taylor Land Categorisation Technical Process Assurance reports
<https://www.hastingsdc.govt.nz/land-categorisation-hb/land-category-info/>
9. Hawke's Bay Independent Flood Review by Dr Phil Mitchell
<https://www.hbifr.nz/>
10. Kotahi Plan
<https://www.hbrc.govt.nz/services/policy-and-planning/kotahi/>