

Meeting of the Hawke's Bay Regional Council

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

Agenda

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1.	Welcome/Karakia/Apologies/Notices	
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3.	Confirmation of Minutes of the Extraordinary Hawke's Bay Regional Council meeting held on 13 November 2024	
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Subject: Public Forum

Reason for report

1. This item provides the means for Council to give members of the public an opportunity to address the Council on matters of interest relating to the Council's functions.

Background

2. The Hawke's Bay Regional Council's Standing Orders provide for public forums as follows:

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.

Requests must be made to the HBRC Governance Team (06 835 9200 or governanceteam@hbrc.govt.nz) at least one clear day before the meeting; however this requirement may be waived by the Chairperson.

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 Regional Council, Corporate & Strategic Committee, Environment & Integrated Catchments Committee and Regional Transport Committee meeting.

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.

Decision-making process

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

Recommendation

That Hawke's Bay Regional Council receives and notes the *Public Forum speakers' verbal presentations*.

Authored by:

Leeanne Hooper
Team Leader Governance

Approved by:

Desiree Cull
Strategy & Governance Manager

Attachment/s

There are no attachments for this report.

HAWKE’S BAY REGIONAL COUNCIL

Wednesday 27 November 2024

Subject: Call for minor items not on the Agenda

Reason for Report

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

Recommendations

That Hawke’s Bay Regional Council accepts the following *minor items not on the agenda* for discussion as item 11.

Topic	Raised by

Subject: Order of candidates' names on voting documents / Appointment of Electoral Officer

Reason for report

1. This item seeks a decision on the order of candidates' names on voting documents for future local body elections and the appointment a new Electoral Officer.

Order of candidates' names on voting documents

Background

2. Regulation 31 of the Local Electoral Regulations 2001 provides the opportunity for Council to choose the order of candidate names appearing on the voting documents from three options – alphabetical, pseudo-random (names drawn out of a hat with all voting documents printed in this order) or random order (names randomly drawn by computer with each voting document different).
3. Council used alphabetical order for all elections prior to 2022. For the 2022 elections all of the region's councils except Wairoa District Council resolved to use random order.
4. The decision on the order of candidate names must be made to enable printing of voting documents. If no decision is made, the order of names defaults to alphabetical.

Options

Alphabetical order

5. Alphabetical order is simply listing candidate last names alphabetically and is the order traditionally used in local authority and parliamentary elections.

Pseudo-random order

6. Under this arrangement, the candidates' names for each issue (election) are placed in a hat (or similar receptacle), mixed together, and then drawn out of the receptacle, with candidates' names being placed for all voting documents for that issue in the order they are drawn.
7. The regulations provide that if a council has determined that pseudo-random order is to be used, the Electoral Officer must state, in the public notice required to be given, the date, time and place in which the order of the candidates' names will be arranged. Any person is then entitled to attend while the draw is in progress.

Random order

8. Under this arrangement, the names of the candidates for each issue (election) are shown in a different order on each and every voting document, utilising software which enables the names of candidates to be printed in a different order on each paper.

Advantages and disadvantages of the options

9. The advantage of alphabetical order is that it is familiar and easier to understand for voters. It is also easier for a voter if the order of names on the voting document follows the order of names in the directory of candidate profile statements accompanying the voting document.
10. Random order (both random and pseudo-random) removes the potential for name order bias, but the pseudo-random order of names simply substitutes a different order for an alphabetical order. Any first-name bias will transfer to the name at the top of the pseudo-random list. Therefore the only effective alternative to eliminate any potential first-name bias is random order.

11. A disadvantage for both the random options is voter confusion as it is not possible for the supporting documents such as the candidate profile statement booklets to follow the order of a random voting paper.

Research on name order bias

12. Research on voting patterns has indicated that candidates with a surname starting at the top end of the alphabet may have a slight advantage over others with a lower alphabetical ranking.
13. A study by Nuri Kim, Jon Krosnick and Daniel Casasanto (**Attachment 1**) found, in an experiment embedded in a large (USA) national Internet survey, participants read about the issue positions of two hypothetical candidates and voted for one of them in a simulated election in which candidate name order was varied. The expected effect of position appeared and was strongest (1) when participants had less information about the candidates on which to base their choices, (2) when participants felt more ambivalent about their choices, (3) among participants with more limited cognitive skills, and (4) among participants who devoted less effort to the candidate evaluation process. The name-order effect was greater among left-handed people when the candidate names were arrayed horizontally, but there was no difference between left- and right-handed people when the names were arrayed vertically. These results reinforce some broad theoretical accounts of the cognitive process that yield name-order effects in elections.
14. In 2021 Auckland Council's Research and Evaluation Unit (RIMU) undertook an analysis of the 2010, 2013, 2016 and 2019 Auckland Council election data (**Attachment 2**) which showed that while there might be a small impact of being listed first, on the percentage share of votes received in local board elections, there is no compelling evidence that candidates being listed first were more likely to be elected.
15. A study conducted by Amy King (Oxford University) and Andrew Leigh (Australian National University) that examined the possibility that a simple average may mask systematic differences in how the ballot order effect varies across candidates and voters (**Attachment 3**) found that being placed first on the ballot increases a candidate's vote share by about 1 percentage point.

National and local context

16. A Government response to the *Report of the Justice and Electoral Committee on its Inquiry into the 2013 local authority elections* stopped short of recommending that the order on **all** ballot papers in local authority elections be completely randomised, but did encourage councils to consider adopting the randomisation of names under the existing provision.
17. Random order for voting papers has been increasingly adopted by local councils. For the 2022 elections all of the region's councils except Wairoa District Council resolved to use random order.

Financial and Resource Implications

18. There is no difference in either cost or quality for the printing of alphabetical or randomised voting papers. Costs are provided for in existing budgets.

HBRC Electoral Officer Appointment

Background

19. Under section 12 of the Local Electoral Act 2001 (LEA) the Council must at all times have an Electoral Officer appointed by the Council to exercise the powers and carry out the duties conferred on the Electoral Officer by the Act. The Electoral Officer may delegate any power or duty under the Act and must appoint a deputy Electoral Officer.
20. The Regional Council's Electoral Officer is solely responsible (assisted by his/her deputy electoral office and other electoral officials) for the management and conduct of every Regional Council election (or poll). The general duties of the Electoral Officer include:

- 20.1. seeking resolutions in respect of local authority options permitted under the Local Electoral Act 2001 (e.g. Electoral Systems)
 - 20.2. publication of any public notice in relation to elections and polls in accordance with legislation and within legislated timelines
 - 20.3. compilation and certification of electoral rolls
 - 20.4. receiving nominations, candidate profile statements and deposits required to be paid
 - 20.5. the declaration of results
 - 20.6. receiving returns of electoral expenses
 - 20.7. investigating possible offences and reporting alleged offences to the police.
21. Electoral Officers exercise their power independently of the Council.

Appointment

22. It is proposed to appoint Warwick Lampp to the role of Hawke's Bay Regional Council Electoral Officer under contract with Electionz.com.
23. For 23 years *electionz.com* has successfully delivered more than 6,000 elections, processing more than 100-million postal votes and online votes. Warwick is Electoral Officer for Greater Wellington, ECAN, West Coast, Otago, Southland and Bay of Plenty regional councils, and Deputy Electoral Officer for Horizons. He is also the Electoral Officer for Central Hawke's Bay, Hastings and Napier councils.
24. Section 13 of the LEA requires the Electoral Officer to appoint a Deputy Electoral Officer. Mrs Leeanne Hooper, Team Leader Governance, will be appointed.
25. At the 2022 election, Mrs Hooper was the Electoral Officer and Peter Martin (ex-Senior Governance Adviser) was the Deputy Officer. Given the Governance Team is in a rebuilding phase, Mr Lampp's experience is valued.

Financial and Resource Implications

26. The costs of engaging an Electoral Officer to manage the election processes is budgeted for as part of the provision for the overall costs of the 2025 elections.
27. The cost provisions for the Deputy Electoral Officer are managed within the Council's overall salary budget.

Decision-making considerations

28. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 28.1. The decision on the order of candidates' names on voting documents is provided for under Regulation 31 of the Local Electoral Regulations 2001.
 - 28.2. Section 12 of the Local Electoral Act 2001 requires that the Council has an Electoral Officer at all times.
 - 28.3. The persons affected by this decision are candidates and voters in the local body elections.
 - 28.4. Given the nature of the issue to be considered and decided Council can exercise its discretion and make the relevant decisions without consulting directly with the community or others having an interest in the decision.

Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the *Order of candidates' names on voting documents / Appointment of Electoral Officer* staff report.
2. Resolves that candidates' names on voting documents for Hawke's Bay Regional Council elections, until such time as a new resolution is made, will be arranged in *random or pseudo-random or alphabetical* order.
3. Appoints Warwick Lampp of Electionz.com as the Electoral Officer for Hawke's Bay Regional Council.

Authored by:

Leeanne Hooper
Team Leader Governance

Approved by:

Desiree Cull
Strategy & Governance Manager

Attachment/s

- | | | |
|----------|--|---|
| 1 | Candidate name order effects - Kim Krosnick Casasanto 2015
⇒ | Under Separate Cover
Available online only |
| 2 | Auckland Council 2021 analysis of order of candidate names on
⇒ election outcomes | Under Separate Cover
Available online only |
| 3 | Ballot Order Effects analysis King-and-Leigh 2009
⇒ | Under Separate Cover
Available online only |

Subject: Graeme Lowe Tannery Resource Consent Hearing – Commissioner Delegation

Reason for report

1. This item seeks the Council's delegation of the decision on a consent application (APP-128357) lodged by Graeme Lowe Tannery Ltd, to an independent commissioner.

Staff recommendations

2. Staff recommend that the independent commissioner Mr Bill Wasley be given the necessary delegations from the Council to consider and decide on resource consent application no. APP-128357.

Executive summary

3. Graeme Lowe Tannery has applied to replace their existing consent that authorises the discharge contaminants to air at their site on Coventry Road, Hastings. Based on potential odour effects, the application was limited notified to residential property owners within 250 m of the tannery and some submitters wish to be heard.
4. Delegation is sought for Mr Bill Wasley, Making Good Decisions (MGD) certified planning practitioner to hear and decide on this application.

Background

5. The application (APP-128357) is to replace an existing consent to discharge contaminants to air from a tannery operating at Coventry Road, Hastings. The tannery is located within an industrial zone, but is located close to a residential area.
6. The application was limited notified to residential properties within 250 m of the tannery: 7 submissions have been received, and 3 submitters wish to be heard. The key issue of contention is the adverse odour effects of the discharge.
7. The hearing is scheduled to be held on Monday 16 December for one day.
8. Mr Bill Wasley has confirmed his availability to act as the commissioner for this hearing. Mr Wasley is a very experienced hearing commissioner, and has previous sat on hearing panels for the Council for resource consent applications including the Te Mata Mushrooms air discharge and the Napier Port expansion.

Financial and resource implications

9. There are no resource or financial implications of this decision as all costs incurred will be charged to the applicant(s) in accordance with the Fees and User Charges Policy

Decision-making process

10. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 10.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 10.2. The use of the special consultative procedure is not prescribed by legislation.
 - 10.3. Given the nature of the decision to be made, Council can exercise its discretion and make that decision without consulting with the community.

Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the *Graeme Lowe Tannery Resource Consent Hearing – Commissioner Delegation* staff report.
2. In relation to hearing of application no. APP-128357, agrees to delegate the following duties, functions and powers to the independent commissioner Mr Bill Wasley:
 - 2.1. directing the hearing and associated matters and procedures under sections 39 – 42 of the RMA
 - 2.2. consideration of an application under section 104 and s104B of the RMA
 - 2.3. decision to grant a resource consent under section 104A(a) of the RMA
 - 2.4. imposition of conditions on a resource consent under s108 of the RMA
 - 2.5. giving of notice of its decision under sections 113 and 114 of the RMA.

Authored by:

Paul Barrett
Manager Consents

Approved by:

Katrina Brunton
Group Manager Policy & Regulation

Attachment/s

There are no attachments for this report.

Subject: Affixing of Common Seal

Reason for report

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

1.1	1.1.1 W. Pegley <i>(Delegations under the Biosecurity Act 1993 (Sections 103 and 105); Civil Defence Emergency Management Act 2002 (s.86-92) and Local Government Act 2002 (s.177))</i>	4601	15 November 2024
	1.1.2 M. Courtnell A. Heays K. Bjarnesen <i>(Delegations under the Maritime Transport Amendment Act 1994 (Section 33G(a)) and under the Local Government Act 2002 (section 177))</i>	4598 4599 4600	29 October 2024 29 October 2024 1 November 2024

2. The Common Seal is used twice during a Leasehold Land Sale, once on the Sale and Purchase Agreement and once on the Land Transfer document. More often than not, there is a delay between the second issue (Land Transfer document) of the Common Seal per property. This delay could result in the second issue of the Seal not appearing until the following month.
3. There was 1 sale. The current numbers of Leasehold properties owned by Council are:
 - 3.1 No cross lease properties were freeholded, with 60 remaining on Council's books
 - 3.2 1 single leasehold property was freeholded, with 73 remaining on Council's books.

Decision-making considerations

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

Recommendations

That Hawke's Bay Regional Council:

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

Authored by:

Vanessa Fauth
Finance Manager

Diane Wisely
Executive Assistant

Approved by:

Nic Peet
Chief Executive

Attachment/s

There are no attachments for this report.

Subject: HB CDEM Group Transformation update

Reason for report

1. This item gives the Joint Committee an update on the HB CDEM Group Transformation programme.

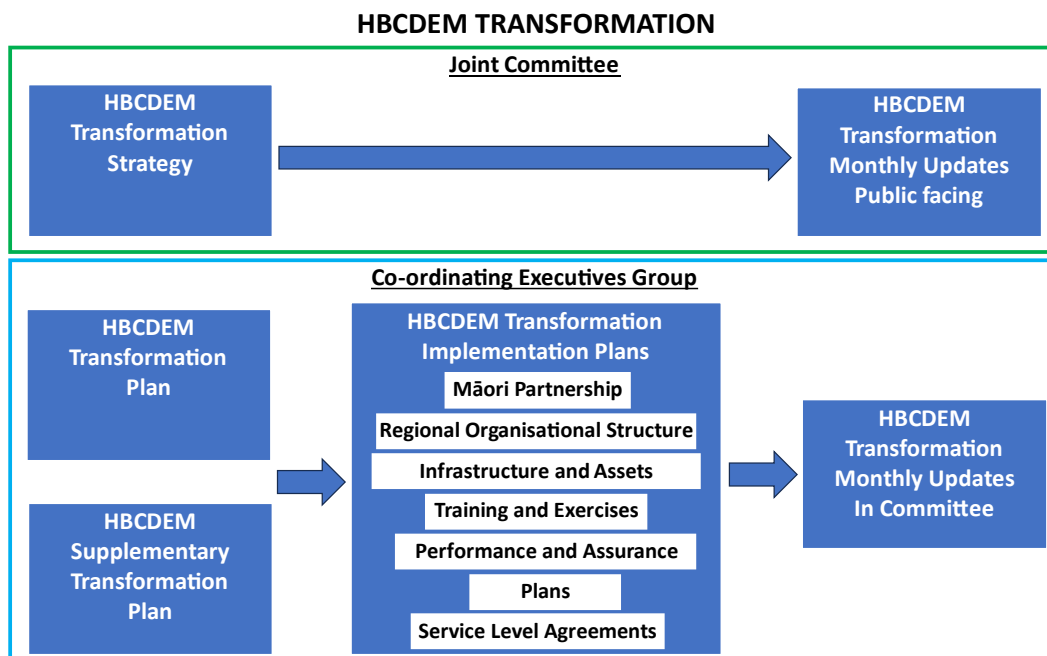
Background

2. The HB CDEM Joint Committee commissioned a review of the response of HB CDEM Group response to Cyclone Gabrielle.
3. The review identified critical shortcomings in the ability of HB CDEM to respond to large scale events.
4. The review made a series of significant recommendations including: empowering communities, integrating mana whenua into HB CDEM at all levels, the structure and function from the Group office, the local role of individual councils and disaster scenario planning.
5. As a result, a HBCDEM Transformation Director was employed in August 2024 on a fixed term contract with the following mandate:
 - 5.1. Produce a clear prioritised action plan to transform the HB CDEM system so that HB CDEM is fit for purpose to deliver on the 4 Rs.
 - 5.2. Lead implementation of the action plan including but not limited to:
 - 5.2.1. establishing clarity of functions and accountabilities for key players in the HB CDEM Group
 - 5.2.2. identifying the structure of HB CDEM Group to deliver on key functions and accountabilities across the spectrum from communities at place, through individual councils, to the Group Office
 - 5.2.3. working with tangata whenua leaders to integrate mana whenua and mātauranga at all levels in HB CDEM
 - 5.2.4. identifying the critical components of a new HB CDEM Group plans and local plans
 - 5.2.5. identifying key risks and mitigations for response to a major event should it occur during the transformation of HB CDEM
 - 5.2.6. providing recommendations on longer term approaches to the 4 Rs
 - 5.2.7. taking a leading role in project teams and steering groups
 - 5.2.8. providing leadership and advice during the implementation phase of different change processes
 - 5.2.9. identifying and evaluate initiatives to ensure projects meet the required goals
 - 5.2.10. Influencing both culture and behaviour changes in the HB CDEM system.

Discussion

6. The HB CDEM Transformation approach is detailed below.
7. A HB CDEM Transformation Strategy has been produced, currently in DRAFT, and aims to provide Governance and Elected members with a vision, a set of guiding transformation principles and an approach to updates to enable programme performance measurement.

8. A HB CDEM Transformation Plan has been produced, currently in DRAFT, and aims to provide Council Executives with operational detail and coordination to enable transformation management to occur.
9. It is envisaged that a HB CDEM Supplementary Transformation Plan will be produced in 2025 that will provide the outline detail required to develop appropriate capital investment business cases for HBCDEM assets and infrastructure.



10. Progress is being made on the seven HB CDEM Transformation implementation plans with further detail provided in early 2025.
11. Of note is the intent to conduct, in 2025, a range of training activities and exercises culminating in a major Hawkes Bay wide emergency management exercise.
12. Each council should be prepared to make staff available for individual training courses in the first half of 2025.
13. Each council should be prepared for a series of emergency management exercises to occur in 2025.
14. The Joint Committee should note that engagement with mana whenua is a major component of the HB CDEM Transformation. The current HB CDEM Transformation Plan exist in DRAFT deliberately to enable sincere and meaningful mana whenua engagement to occur in 2025 and beyond.
15. The Joint Committee should note that as identified there is risk to local and regional emergency management BAU and response over the transformation period.
16. The HB CDEM Transformation initiative will progress through the next steps before the end of 2024:
 - 16.1. Workshop the DRAFT HB CDEM Transformation Strategy with the Joint Committee.
 - 16.2. Engage on the DRAFT HB CDEM Transformation Strategy with TKO, the HB CDEM Group, local councils and Coordinating Executives Group members.
 - 16.3. Re-draft the HB CDEM Transformation Strategy and gain Joint Committee approval, ideally in an extraordinary meeting prior to years end (2024).
17. The first of the HB CDEM Transformation updates will be available in February 2025.
18. The HB CDEM Transformation initiative is considered on track and progressing well with no major unexpected issues encountered.

Decision-making considerations

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

Recommendation

That the HB CDEM Group Joint Committee receives and notes the *HB CDEM Group Transformation update* staff report.

Authored and approved by:

Matt Boggs
Director HB CDEM Transformation

Attachment/s

There are no attachments for this report.