



HAWKES BAY
REGIONAL COUNCIL
TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Meeting of the Hawke's Bay Regional Council

Date: Wednesday 24 July 2024
Time: 11.00am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

Item	Title	Page
1.	Welcome/Karakia/Apologies/Notices	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Extraordinary Hawke's Bay Regional Council meeting held on 10 July 2024	
Decision Items		
4.	Review of the performance of all HBRC-owned and operated flood protection, control and drainage schemes during Cyclone Gabrielle - Findings Report	3
5.	Hawke's Bay Regional Land Transport Plan 2024-2034	13
6.	HBRIC Ltd Statement of Intent 2024-2025	17
7.	Recommendation from the Environment & Integrated Catchments Committee	19
8.	Local Government NZ Annual General Meeting - Voting on Remits	21
9.	Affixing of Common Seal	23
Information or Performance Monitoring		
10.	Report from the Māori Committee	25

Subject: Review of the performance of all HBRC-owned and operated flood protection, control and drainage schemes during Cyclone Gabrielle - Findings Report

Reason for report

1. This item provides background on the independent review into the performance of all HBRC-owned and operated flood protection, control and drainage schemes during Cyclone Gabrielle (HBIFR).
2. The HBIFR panel will attend the meeting to formally present the findings and release the report of the independent review to Council.

Staff recommendations

3. Staff recommend that the Council receives the report on the HBIFR from the panel, noting that the range of recommendations from the review will be considered in detail by the Executive Leadership Team in conjunction with flood scheme reviews and mitigation works currently under way.

Executive summary

4. After completing a significant programme of work which included engaging with affected communities and reviewing HBRC documentation and submissions, the work of the HBIFR has now been completed.
5. The HBIFR panel will attend the meeting to present their report and discuss their findings and recommendations with Council.

Background

6. On 26 April 2023, by resolution, the Council agreed to:
 - 6.1. initiate an independent review of the performance of all HBRC-owned and operated flood protection, control and drainage schemes during Cyclone Gabrielle, and
 - 6.2. instructed the Interim Chief Executive, Bill Bayfield, to engage Phil Mitchell as Independent Review Panel Chair and 2-3 suitably qualified independent supporting panelists.
7. The Terms of Reference for the HBIFR (**Attachment 1**) were finalised by the Interim Chief Executive on 5 July 2023 and Bernadette Roka Arapere and Kyle Christensen were engaged to complete the HBIFR Panel.
8. The HBIFR Panel commenced the review in August 2023 and has undertaken a significant work programme of engaging with affected communities and reviewing HBRC documentation and submissions. An overview of the process adopted by the HBIFR panel is provided as **Attachment 2**.
9. In August 2023 and January 2024, pursuant to the Terms of Reference, the Chief Executive approved extensions to the reporting date, ultimately providing for the final draft report to be presented to HBRC for fact checking on 30 June 2024, with a timeline agreed for that process to be completed and the final report to be presented to Council on 24 July 2024. The key drivers of these extensions were:
 - 9.1. the common desire for the panel to ensure good communication with, and feedback from, the regional communities and tāngata whenua, and

- 9.2. the availability of the MBIE-commissioned NIWA extreme value analysis of the flood flows, which was fundamental to the HBIFR Panel’s analysis and was delivered much later than originally anticipated.

Significance and Engagement Policy assessment

10. The recommended decisions for Council have been considered against Council’s Significance and Engagement Policy, and staff consider that the decision is not significant enough to necessitate consultation, for the reasons noted below. In summary, staff consider the scope and decision to receive the report is for Council and is consistent with community feedback already received, including throughout the HBIFR Panel’s significant community engagement process.

Criteria for Significance	Assessment	Comment
The likely level of community interest	High	While interest is high, this review was initiated in response to community feedback. Communities will be anticipating the receipt of the review by Council, as recommended.
The likely impact or consequences for affected individuals and groups in the region	Low	We expect there may be some psychosocial benefits from the reporting of the review. However, few other tangible impacts on individuals or groups are anticipated.
How much a decision or action impacts on the rights and interests of tāngata whenua under the Treaty of Waitangi	Low	The Panel has undertaken significant engagement with tāngata whenua, who will have a particular interest in the report. However, rights and interests of tāngata whenua are unlikely to be affected by Council’s receipt of the report.
How much a decision or action promotes community outcomes or other Council priorities	Low	Findings of the review will likely impact future community outcomes and Council priorities, which themselves will be subject to Significance and Engagement Policy assessment and consultation processes as appropriate. The undertaking of this review aligns with all of our values set in the current Strategic Plan 2020-2025 (Partnership & Collaboration, Accountability, Transparency and Excellence).
The impact on levels of service identified in the current Long Term Plan	Low	Findings of the review will likely inform future Levels of Service, pending to decisions that will themselves be subject to Significance and Engagement Policy assessment and consultation processes for future Long-Term Plans.
The likely impact of climate change factors in the region	Low	As above.
The impact on rates or debt levels	Low	The decision to receive the report will have no impact on rates or debt levels.
The cost and financial implications of the decision to ratepayers	Low	The decision to receive the report will have no cost or financial implications.
The involvement of a strategic asset	Low	The independent review itself will involve assessing Council’s strategic assets – particularly the Heretaunga Plains Flood Control Scheme and Upper Tukituki Catchment Control Scheme. However, the decision to receive the report will not directly involve those, except to inform future decision making about them.

Financial and resource implications

11. The recommended decisions in relation to receiving the HBIFR report have no financial or resource implications.

Decision-making considerations

12. 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:
 - 12.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 12.2. The use of the special consultative procedure is not prescribed by legislation.
 - 12.3. The decisions in relation to receiving the HBIFR report are not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 12.4. The persons affected by the decisions are members of those communities affected, directly and indirectly, by the flooding during Cyclone Gabrielle.
 - 12.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community.

Recommendations

That Hawke's Bay Regional Council:

1. Thanks the Independent Panel for its thorough work including engagement with affected communities.
2. Receives the independent *Review of the performance of all HBRC-owned and operated flood protection, control and drainage schemes during Cyclone Gabrielle - Findings Report*.
3. Notes that Council will need to consider the range of recommendations presented in the report in conjunction with flood scheme reviews currently underway.
4. Notes that engaging with communities will be a significant part of future work given the size and scale of flood mitigation scenarios as our climate changes.
5. 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.

Authored by:

Matt McGrath
Legal Counsel

Approved by:

Nic Peet
Chief Executive

Attachment/s

- 1 [↓](#) Terms of Reference for the Review into the performance of HBRC Flood Scheme Assets and River Management programmes in response to Cyclone Gabrielle
- 2 [↓](#) Overview of the process adopted by the HB Independent Flood Review panel



Terms of Reference for the Review into the performance of Hawke's Bay Regional Council's (HBRC) Flood Scheme Assets and River Management programmes in response to Cyclone Gabrielle

Purpose of the Review

The purpose of this Review is to:

1. understand the circumstances and contributing factors that led to flooding in the Hawke's Bay region during Cyclone Gabrielle
2. report on the performance of HBRC's flood scheme assets and river management programmes during the Cyclone Gabrielle event, and
3. review decision-making regarding catchments where flood scheme assets and river management programmes exist and whether these remain viable.

Audience for the Terms of Reference

The Hawke's Bay Regional Council (HBRC) wishes to record its intentions in relation to the Review.

The Terms of Reference is a public document intended to explain the Review to the Hawke's Bay community, its stakeholders, iwi and the public generally as well as relevant Government ministers.

The Terms of Reference sets out the scope of the Review.

The Review Panel

HBRC has initiated and commissioned the Review. HBRC is the approver of the Terms of Reference.

The Review will be conducted by the following panel of experts (**Review Panel**):

1. Phil Mitchell, Partner at Mitchell Daysh
2. Kyle Christensen, Christensen Consulting Ltd
3. Bernadette Arapere, Barrister

The Review Panel will be led by Phil Mitchell as Chairperson.

The Review Panel is independent to HBRC and impartial. The Review Panel will provide an arms-length assessment of HBRC infrastructure, assets and activities as defined by the Terms of Reference.

The Review Panel may request advice from an independent Legal Advisor and other subject matter experts during the course of the review.

The Review Scope

The scope of the Review will have two interlinked parts:

1. To review the performance of all HBRC-owned and operated flood protection, control and drainage schemes, including associated telemetry and stream monitoring assets, and river management programmes during the Cyclone Gabrielle event, specifically considering:
 - 1.1. The origin and purpose of each scheme and programme, including intended levels of service (LOS)
 - 1.2. The severity of the Cyclone Gabrielle event and any other contributing factors relative to scheme purpose/ LOS and the event itself, and
 - 1.3. Scheme maintenance and operation before, during and in the immediate aftermath of the event.
2. To consider and recommend a wider range of total catchment options using a long-term and holistic vision and having regard to increasing climate change risks.

The Review Panel will report its findings on the circumstances that led to the breaches and will make recommendations it considers fit on matters within the Review scope, including recommendations relating to future actions that HBRC might take.

Exclusions

The Review has been commissioned by the HBRC to cover matters it is responsible for. It is not intended to cover district or city council roles and responsibilities during Cyclone Gabrielle, including but not limited to:

- The effectiveness of the local or Group Civil Defence Emergency Management responses, including the timing and notification of evacuations,
- The establishment and implementation of the recovery phase of the flood event.

Also outside the scope of the Review is the HBRC and Hawke's Bay Civil Defence Emergency Management Group wider operational responses to the event.

The Review Panel may, as it deems appropriate, draw information from any review already taking place, in totality or in part, for this Review.

Public opportunity to provide information, input and feedback

The Review Panel will ensure that all members of the community affected by, and all iwi and stakeholders with an interest in, the flood event from Cyclone Gabrielle are given the reasonable opportunity to provide information, input and feedback. The Review Panel shall accept written input and feedback and will also provide an opportunity for verbal input and feedback to be provided. It will initiate meetings with the Hawke's Bay community, iwi and stakeholder groups that it identifies as well as groups identified by HBRC to the Review Panel.

HBRC will provide full disclosure to the Review Panel of all the relevant information it holds. It will also provide the Review Panel with full access to any relevant staff. In order to be effective, it is expected that the Review Panel will also receive information and hear from organisations outside of HBRC.

Timeframes

The Review Panel should provide its final report to HBRC by or on 31 January 2024.

Reporting Sequence

Prior to its publication, the Review Panel must provide a draft report to the HBRC Chief Executive for a factual check only. The Review Panel shall allow ten working days to undertake this factual check, giving a minimum of five working days' notice of the delivery date of the draft report. An extension may be granted at the discretion of the Review Panel.

The Review Panel is to provide its final report, including its findings and recommendations, to HBRC in writing no later than the date specified in this Terms of Reference. Any delays in meeting this date are to be agreed with the Chief Executive of HBRC.

The Review Panel's report will be made public. HBRC may receive and consider the outputs of the Review in confidence, prior to their public release, to enable it to prepare and provide an initial response to the Review Panel's findings and recommendations.

Enquiries

Any enquires to HBRC should be directed to the Chief Executive, by phone 06 835 9200 or email info@hbrc.govt.nz

Approval

This Terms of Reference was approved by resolution of the Hawke's Bay Regional Council on 26 April 2023, subject to confirmation delegated to the HBRC Chief Executive.

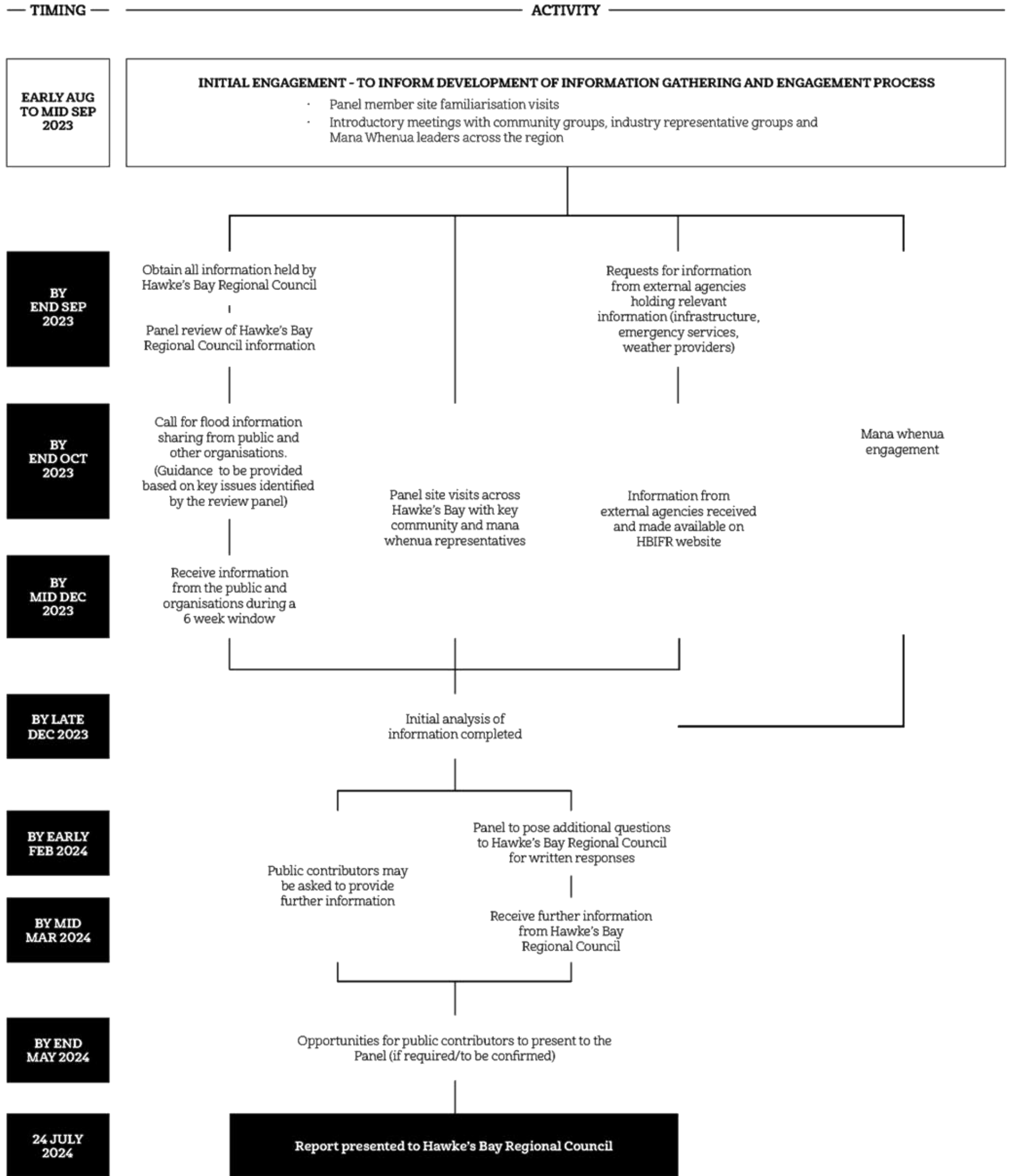
This Terms of Reference were finalised by the HBRC Chief Executive on 5 July 2023.

This Terms of Reference was accepted by the Review Panel on 19 July 2023.



Review Elements and Sequencing

Updated April 2024
(to reflect the volume of information the Panel needs to review)



Subject: Hawke's Bay Regional Land Transport Plan 2024-2034

Reason for report

1. This item provides the means for Council to adopt the Hawke's Bay Regional Land Transport Plan (RLTP) 2024-2034 as recommended by the Regional Transport Committee.

Staff recommendations

2. Council staff recommend that the Council adopts the RLTP 2024 - 2034 as recommended by the Regional Transport Committee after having held public consultation followed by a submissions, public hearings, and deliberations.

Executive Summary

3. The RLTP is a statutory document that must be prepared by the Regional Transport Committee (RTC) as required by the Land Transport Management Act 2003 (LTMA). The current RLTP was adopted in 2021.
4. The RLTP contains the region's proposed transport activities to be funded from the National Land Transport Fund (NLTF) by the NZ Transport Agency (Waka Kotahi) for the three years, in line with the NLTF funding cycles. As a strategic document the RLTP takes a 10-year view. Proposed investments cover both local road and state highways. The RLTP sets out a strong focus on resilience, rebuild, and maintenance across the transport system.
5. The 2024 – 2034 RLTP proposes an investment of \$4.7 billion across our regional transport system.
6. Fifty-seven written submissions were received on the draft RLTP, and 14 submitters' verbal submissions were heard by the RTC on 3 May 2024.

Background

7. The RLTP is a statutory document that must be prepared by the RTC as required by the LTMA.
8. The RLTP contains the region's proposed transport system investments that form part of the National Land Transport Plan (NLTP) to be funded from the NLTF by Waka Kotahi. Funding is split across a range of time horizons, with continuous programmes attracting funding for the 2024 – 2027 NLTP period, and Capital projects vying for long term funding across the next decade.
9. Typically, RLTPs are reviewed on three-year cycles with a re-write commencing at year six of the overall ten-year plan; however, following Cyclone Gabrielle, a full review of the current RLTP was undertaken. Given the scale of damage sustained in Hawke's Bay, a full review and re-write of the RLTP was necessary to reflect the current and future reality of Hawke's Bay.
10. The RLTP proposes \$4.7 billion of transport system investment across local roads and state highways over the next decade. Approximately \$3.8 billion of the proposed investment is focused on the state highway network, including 4-laning the Hawke's Bay expressway.
11. Public consultation on the draft RLTP was carried out from 18 March to 14 April.
12. Staff used several platforms to promote engagement and encourage people to provide feedback. This included: HBRC media releases, print advertisements, digital advertisements (mixture of targeted ads, banners, and promoted posts) with HB App, NZME, Stuff, and Facebook.

- 12.1. HBRC's social media channel (Facebook and Instagram) posts and two adverts resulted in 129,534 impressions (content served), 96,120 reach (content seen), 33 engagements (interactions) and 262 link clicks.
13. The RLTP web page, which housed the full draft Plan, consultation document, and consultation questions, attracted:
 - 13.1. 1,444 total users who viewed the consultation page
 - 13.2. 2,013 total views of both pages (main page and FAQs)
 - 13.3. 451 total downloads – 257 downloads of the full draft RLTP and 194 downloads of the consultation summary.
14. There were 57 submissions received, and 14 submitters presented their submissions to the RTC verbally on Friday 3 May. As the result of submissions, at the 24 May Deliberations meeting the RTC resolved to amend the draft RLTP to include recommendations by the Technical Advisory Group (TAG) by:
 - 14.1. including clear and concise commentary on how the Future Form and Function Review, as well as the East Coast Connectivity Business Case, will help the region plan for transport system resilience, both now and into the future, in both the Executive Summary and the relevant section of the final RLTP.
 - 14.2. including all additions as set out in the Hawke's Bay Airport Ltd submission except for 3.7.1.
 - 14.3. adding commentary in the emissions reduction section (3.3.1) of the RLTP, on the role that modern, efficient buses play in reducing emissions.
 - 14.4. ensuring enhanced resilience across the transport system is highlighted in the final RLTP – including the local road and state highway investments and the need for clearly planned-for and adequately funded network alternatives and redundancy.
 - 14.5. ensuring there is a clear view across both activities and prioritisation, of how proposed investments align with the Government Policy Statement on land transport 2024 (GPS) and deliver on the desired outcomes.
 - 14.6. including commentary about the potential of alternative funding sources for transport system investments across Hawke's Bay, such as tolling and Public-Private Partnerships, within the investment programme in chapter 7 of the RLTP.
 - 14.7. retaining both the Waipawa (with original prioritisation) and Wairoa (as a future capital project) walking and cycling connection projects in the RLTP.
 - 14.8. adding specific reference to the Genesis site at Tuai and its importance to the region as a lifeline piece of infrastructure, to highlight the importance of the State Highway 38 corridor and the need to ensure investments are made to enhance the resilience of the corridor.
 - 14.9. ensuring that all minor changes or refinements needed are made to the *Regional Land Transport Plan 2024-2034* ahead of adoption by the Regional Council, including capital works programmes via the State Highway Improvement Proposal along with Maintenance, Operations and Renewals (MOR) and other investment programmes.
 - 14.10. refining the content of the Regional Land Transport Plan to accurately reflect Napier Port volumes and operations.
 - 14.11. including the Regional Recovery Agency's submission in the final *Regional Land Transport Plan 2024-2034* (RLTP) with:
 - 14.11.1. an overview of the works and funding required across the region is included in chapter 7 of the RLTP. This would identify the need for enhanced Funding Assistance Rates by councils as well as the bespoke funding requirements.

- 14.11.2. a subsection of the RLTP investment programme (chapter 7) is created, which includes the full list of councils’ costed recovery and rebuild projects (as at 30 April 2024), Funding Assistance Rates required, the overall funding shortfall, bespoke funding needs and contextual commentary.
- 14.11.3. the above points built into the Executive Summary to outline and highlight its importance.
- 14.12. including the updated Capital Works Programme as follows.

	Rank	Project	Score
	1	Waikare Gorge Implementation	92.5
	2	Future Form & Function review & PBC	91.3
	3	SH2 4 laning	85.0
Tairāwhiti Wairoa Resilience – Rebuild programme	4	SH2 Devil’s Elbow	82.5
		SH2 Opotiki to Napier – Highest Resilience risk sites	
		SH38 Tuai sub – station to Wairoa and Frasertown bridge	
		SH38 Wairoa to Murupara stage 2	
		SH38 Frasertown bridge EOL replacement	
Hawke’s Bay Resilience rebuild programme	5	SH5 Taupo to Napier – highest resilience risk sites	82.5
		SH5 Lucky Hill Bridge to SH5 / SH2 and Eskdale flood management	
		SH5 Mohaka bridge upgrade	
		SH5 Taupo to Napier priority 2	
		SH2 Napier to Takapau	
	6	Mahia Connectivity	78.8
	7	SH2 Waipawa bridge shared path	76.3
	8	SH5 (incl. safety) programme of work	73.8
	9	Te Mata – Waimarama roundabout	65.0
	10	North Eastern Connector – Hastings	61.3
	11	Safety improvements programme (SIP) SH2 Paki Paki to Napier – median barrier	48.8
	12	SH2 Eskdale commercial vehicle rolling safety centre	40.0

Capital projects for future consideration / future years		
	Project	Comments
	SH2 Waipukurau revocation	Scheduled for 27 – 30 NLTP. Retained for visibility and future programmes
	Wairoa bridge walking / cycling connection	Important to Wairoa residents and forms a key missing link in their transport system. Retain in the programme for future years

- 14.13. including reference to ‘take the lane’ into the Active Transport section of the *Regional Land Transport Plan 2024-2034* and for consideration by Roadsafes Hawke’s Bay.
- 14.14. commencing all references to the Public Transport Plan, including policies 2.1 and 4.2, with ‘subject to funding’.
- 15. Following the 24 May meeting, staff amended the Plan to incorporate amendments agreed at that meeting and then that final version was approved by councillors Martin Williams and Tania Kerr (HDC) for submission to the Council for adoption.

16. The deadline for filing a fully adopted RLTP with NZTA / Waka Kotahi for inclusion in the National Land Transport Plan is 31 July 2024. It is expected the NZTA board will adopt the National Land Transport Plan by 1 September 2024.

Next steps

17. Once the RLTP has been adopted by the Council, a letter of introduction from the Chair of the RTC will be drafted and appended to the final RLTP ahead of submission to NZTA. This letter will detail the investment our region requires and set out the need for a reliable and resilient transport system with the supporting levels of investment to enable it.

Financial and resource implications

18. All costs relating to the development, consultation, and sign-off of the Regional Land Transport Plan are catered for within existing budgets.

Decision-making process

19. 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:
 - 19.1. The consultation process for the Regional Land Transport Plan is prescribed by section 18 of the Land Transport Management Act 2003 and section 82 and 83 of the Local Government Act 2002.
 - 19.2. The decisions required are significant under the criteria contained in Hawke's Bay Regional Council's adopted Significance and Engagement Policy and have been the subject of public consultation between 18 March and 14 April 2024.
 - 19.3. The persons affected by this decision are all those who use or have an interest in Hawke's Bay's transport networks.

Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the *Hawke's Bay Regional Land Transport Plan 2024-2034* staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. Adopts the *Hawke's Bay Regional Land Transport Plan 2024-2034* as recommended by the Regional Transport Committee.
4. Submits the *Hawke's Bay Regional Land Transport Plan 2024-2034* to the New Zealand Transport Agency (Waka Kotahi).


Authored by:

Bryce Cullen
Transport Strategy & Policy Analyst

Approved by:

Katrina Brunton
Group Manager Policy & Regulation

Attachment/s

- 1  HB Regional Land Transport Plan 2024-2034 Under Separate Cover
online only

Subject: HBRIC Ltd Statement of Intent 2024-2025

Reason for report

1. This item presents HBRIC's 2024-2025 Statement of Intent (Sol) for council's adoption.

Staff recommendation

2. Staff recommend that Council adopts the 2024-25 Statement of Intent for the Hawke's Bay Regional Investment Company Limited as approved by the HBRIC Board of Directors.

Discussion

3. Section 64 of the Local Government Act 2002 requires HBRC to adopt a Sol for HBRIC.
4. The purpose of an Sol is to
 - 4.1. state publicly the activities and intentions of HBRIC for the year and the objectives to which those activities will contribute
 - 4.2. provide an opportunity for shareholders to influence the direction of the organisation, and
 - 4.3. provide a basis for the accountability of the directors to their shareholders for the performance of the organisation.
5. Because of the recent changes to HBRIC's mandate resulting from Council's Investment Strategy review and the subsequent directions in Council's Statement of Expectations issued to HBRIC, the Sol was comprehensively re-drafted.
6. In accordance with usual practice, a copy of the draft Sol was delivered to the HBRC CE within the 1 March deadline, and presented to the 27 March 2024 Regional Council meeting for review and feedback.
7. Council's feedback was reviewed by the HBRIC board and substantially incorporated into the final draft. HBRIC sought a one-month extension for final approval from Council as Long Term Plan deliberations continued. The final version of the Sol now presented for approval captures the revised dividend expectations for HBRC's and HBRIC's investment assets, resulting from Council's LTP decisions.

Decision-making considerations

8. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 8.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 8.2. The use of the special consultative procedure is not prescribed by legislation.
 - 8.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 8.4. There are no persons directly affected by this decision.
 - 8.5. Council is required to adopt the Statement of Intent by LGA s.64.
 - 8.6. Given the nature and significance of the issues to be considered and decided, Council can exercise its discretion and make a decision without consulting with the community.

Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the *HBRIC Ltd Statement of Intent 2024-2025* staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without consulting with the community.
3. Adopts the HBRIC Ltd Statement of Intent 2024-2025 in accordance with requirements of the Local Government Act (2002).


Authored by:

Tom Skerman
HBRIC Commercial Manager

Approved by:

Susie Young
Group Manager Corporate Services

Attachment

- 1  HBRIC Statement of Intent 2024-25 Under Separate Cover
online only

Subject: Recommendation from the Environment & Integrated Catchments Committee

Reason for report

1. The following matter was considered by the Environment & Integrated Catchments Committee meeting on 12 June 2024 and the recommendation to Council is now presented for the Council's consideration alongside any additional commentary the Committee Chair wishes to offer.

Council decisions

2. The *Braided Rivers Research Project Results* item presented the findings of the 5-year project aimed at understanding the amount of water exchanged between braided river systems and underlying groundwater resources, which included the Ngaruroro River. To ensure the valuable scientific findings are shared and considered in planning decisions, the Environment and Integrated Catchments Committee resolved the following recommendation, that the Regional Council:
 - 2.1. directs the CE to consider the implications of this research for flood resilience and Kotahi planning with a particular focus on the critical importance of the protection and enhancement of aquifer recharge zones to river systems and the communities reliant on them.

Decision-making process

3. 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:
 - 3.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 3.2. The use of the special consultative procedure is prescribed by legislation. The Council must consult directly with the community or others having an interest in the decision.
 - 3.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 3.4. The item was specifically considered by the Environment and Integrated Catchments Committee on 12 June 2024.

Recommendation

The Hawke's Bay Regional Council:

1. Receives and notes the *Recommendation from the Environment & Integrated Catchments Committee*.
2. Agrees that the decision to be made is not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make this decision without consulting directly with the community.
3. Directs the Chief Executive to consider the implications of the *Braided Rivers Research Project* for flood resilience and Kotahi planning with a particular focus on the critical importance of the protection and enhancement of aquifer recharge zones to river systems and the communities reliant on them.

Authored by:

**Leeanne Hooper
Team Leader Governance**

Approved by:

**Iain Maxwell
Group Manager Integrated Catchment Management**

Attachment/s

There are no attachments for this report.

Subject: Local Government NZ Annual General Meeting - Voting on Remits

Reason for report

1. This item seeks resolutions of Council to:
 - 1.1. Confirm Councillors attending the upcoming 2022 Local Government New Zealand (LGNZ) Annual General Meeting (AGM), and delegated to vote on Council's behalf
 - 1.2. Agree Council's voting position on any remits relating to regional council statutory functions and/or responsibilities.

Delegate

2. All local authorities which are full financial members of LGNZ are entitled to be represented at the LGNZ AGM to be held on Wednesday, 21 August. Representatives may be elected members or staff.
3. Hawke's Bay Regional Council is entitled, as determined by the population of the region, to 3 votes and up to 3 delegates. The Council must appoint one presiding delegate to vote on its behalf in order to participate and may appoint two additional delegates to attend including an alternate for the presiding delegate.
4. The Chair, Hinewai Ormsby, is attending the conference and AGM, and councillors Di Roadley, Sophie Siers and Thompson Hokianga are also attending the conference.
5. Staff recommend that the Chair is registered as our Delegate to exercise Council's voting on the remits, and that an alternate is sought from among the other councillors attending the conference.

Voting on remits

6. As part of the AGM, all councils were invited to submit proposed remits. Proposed remits relate to *issues of the moment*.
7. The remits (8) submitted to LGNZ are attached. Not all relate to activities of regional councils. Staff have not undertaken any analysis on the remits and it is for the Council to decide whether or not to resolve a particular position to be taken in voting at the AGM.
8. In the absence of a resolved Council position, the delegate is able to exercise their own judgement in voting.

Financial and resource implications

9. There are no financial or resource implications resulting from any of the decisions made in relation to the LGNZ remits and AGM.

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. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
- 10.4. Given the nature and significance of the issue to be considered and decided, Council can exercise its discretion and make a decision without consulting with the community.

Recommendations

That Hawke's Bay Regional Council:

1. Receives and considers the *Local Government NZ Annual General Meeting - Voting on Remits* staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community.
3. Confirms that HBRC Chair, Hinewai Ormsby, will attend the LGNZ AGM as HBRC's delegate and exercise Council's votes on the remits as follows.
 - 3.1. *Remit 1 – Representation reviews; Remit 3–* either **Support** or **Oppose**
 - 3.2. *Remit 2 – Community Services Card –* either **Support** or **Oppose**
 - 3.3. *Remit 3 – Local government constituencies & wards should not be subject to referendum –* either **Support** or **Oppose**
 - 3.4. *Remit 4 – Entrenchment of Māori wards seats for local government–* either **Support** or **Oppose**
 - 3.5. *Remit 5 – Graduated driver licensing system –* either **Support** or **Oppose**.
 - 3.6. *Remit 6 – Proactive lever to mitigate the deterioration of unoccupied buildings –* either **Support** or **Oppose**.
 - 3.7. *Remit 7 – Appropriate funding models for central government initiatives –* either **Support** or **Oppose**.
 - 3.8. *Remit 8 – Goods and services tax (GST) revenue sharing with local government –* either **Support** or **Oppose**.
4. Confirms that councillor _____ will attend the LGNZ AGM as HBRC's alternate delegate and exercise Council's votes on the remits as above if required.


Authored by:

Leeanne Hooper
Team Leader Governance

Approved by:

Nic Peet
Chief Executive

Attachment/s

- 1  2024 LGNZ AGM remits Under Separate Cover
online only

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.

		Seal No.	Date
1.1	Staff Warrants		
	1.1.1 D. Hurst <i>(Delegations under Resource Management Act 1991 (Sections 34A(1) and 38(1); Maritime Transport Act 1994 (Section 33G(a); Building Act 2004 (Section 317B); Biosecurity Act 1993 (Sections 103 and 105); Civil Defence Emergency Management Act 2002 (s.86-92) and Local Government Act 2002 (Section 177))</i>	4597	15 July 2024

- 3 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.
- 4 As a result of sales, the current numbers of Leasehold properties owned by Council are:
 - 4.1 No cross lease properties were freeholded, with 60 remaining on Council's books
 - 4.2 No single leasehold property was freeholded, with 74 remaining on Council's books.

Decision-making process

- 5 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:
 - 5.1 Sections 97 and 88 of the Act do not apply.
 - 5.2 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.
 - 5.3 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:

Diane Wisely
Executive Assistant

Vanessa Fauth
Finance Manager

Approved by:

Nic Peet
Chief Executive

Attachment/s

There are no attachments for this report.

Subject: Report from the Māori Committee

Reason for report

1. The following matters were considered by the Māori Committee on 5 June 2024 and now presented for the Council's information alongside any additional commentary the co-chairs or other members present may wish to offer.

Agenda Items

2. The **Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill** item invited the Committee to discuss and provide feedback about potential next steps for the Committee in response to the Bill. Discussion on the day noted:
 - 2.1. support for the Council's submission opposing the Bill as shared via email, noting that Bayden Barber made an oral submission to the select committee on behalf of Ngati Kahungunu
 - 2.2. previous and current Māori Committee members' involvement in the complex process to establish the Māori constituencies in Hawke's Bay
 - 2.3. disappointment that a new government can come into power and overturn or unwind legislation, and that the country's constitutional framework is not strong enough to withstand this
 - 2.4. the importance of the Māori voice at the local government decision-making tables and an acknowledgement, from members, of the evolution of the committee and the regard given to their recommendations by Council
 - 2.5. the Māori Committee will be given the opportunity to make recommendations on any decisions regarding the Hawke's Bay Regional Council's Māori constituencies as the result of the Bill.
3. **Statutory Advocacy update** item provided an update on Resource Management related proposals including Orders in Council made under Severe Weather Emergency Legislation and resource management reforms. Discussions highlighted:
 - 3.1. the Fast Track Approvals Bill (FTAB) – and the Regional Planning Committee submission on the Bill focused on the protection of the taiao and challenges for the community to be able to engage in the process.
4. The standing **Take Ripōata Ā Takiwā – Taiwhenua Representatives' Updates** item provides the committee with local information from each Taiwhenua and highlighted:
 - 4.1. the need for Taiwhenua and PSGEs to focus on working together more strategically
 - 4.2. the success of bringing together the best of everyone at Hui Taumata
 - 4.3. thank you to WDC, HBRC and Waka Kotahi for working with the iwi authority on rebuilding/repairing the roads in the Wairoa area
 - 4.4. the Tamatea Taiwhenua taiao unit involved in significant work in the water security space, including the Managed Aquifer Recharge project which has now been granted consents and mana whenua will be involved in building
 - 4.5. that regeneration of paua in Te Angiangi Reserve has been very successful as evidence of the rahui working, and discussions are under way about the future of the reserve

4.6. some concerns at the pace of TREC work and the ability to monitor the mahi.

Decision-making process

5. 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 *Report from the Māori Committee*.

Authored by:

Leeanne Hooper
Team Leader Governance

Jack Smith-Ballingall
Manager, Central & Internal Relationships

Approved by:

Te Wairama Munro
Te Pou Whakarae

Attachment/s

There are no attachments for this report.