

Thursday, 3 November 2022

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council

Council Meeting

Kaupapataka

Agenda

First meeting following the 2022 Triennial Elections

Te Rā Hui:
Meeting date: **Thursday, 3 November 2022**

Te Wā:
Time: **1.00pm**

Te Wāhi:
Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Te Hoapā:
Contact: **Democracy and Governance Services
P: 06 871 5000 | E: democracy@hdc.govt.nz**

Te Āpiha Matua:
Responsible Officer: **Chief Executive - Nigel Bickle**

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HASTINGS DISTRICT COUNCIL
207 Lyndon Road East, Hastings 4122 | Private Bag 9002, Hastings 4156
Phone **06 871 5000** | www.hastingsdc.govt.nz
TE KAUNIHERA Ā-ROHE O HERETAUNGA

Thursday, 3 November 2022

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council

Council Meeting

Kaupapataka

Agenda

Tiamana

Chair: Mayor Sandra Hazlehurst

Mematanga:

Membership:

Ngā KaiKaunihera

Councillors: Ana Apatu, Marcus Buddo, Alwyn Corban, Malcolm Dixon, Michael Fowler, Damon Harvey, Henry Heke, Kellie Jessup, Tania Kerr, Eileen Lawson, Renata Nepe, Simon Nixon, Ann Redstone, Wendy Schollum, and Kevin Watkins

Tokamatua:

Quorum:

8 members

Apiha Matua

Officer Responsible:

Chief Executive – Nigel Bickle

*Te Rōpū Manapori me te
Kāwanatanga*

Democracy and

Governance Services:

Louise Stettner (Extn 5018)

Te Rārangi Take

Order of Business

1.0 Karanga - Whakatau

1.1 Karakia Whakatūwheratanga

2.0 Apologies & Leave of Absence – *Ngā Whakapāhatanga me te Wehenga ā-Hui*

An apology from Councillor Harvey has been received.

At the close of the agenda no requests for leave of absence had been received.

3.0 Conflict of Interest – *He Ngākau Kōnatunatu*

Members need to be vigilant to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to scan the agenda and assess their own private interests and identify where they may have a pecuniary or other conflict of interest, or where there may be perceptions of conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the relevant item of business and withdraw from participating in the meeting. If a Member thinks they may have a conflict of interest, they can seek advice from the General Counsel or the Manager: Democracy and Governance (preferably before the meeting).

It is noted that while Members can seek advice and discuss these matters, the final decision as to whether a conflict exists rests with the member.

4.0 Confirmation of Minutes – *Te Whakamana i Ngā Minitī*

No previous minutes to confirm.

5.0 Making and Attesting of Declaration of the Mayor

7

6.0 Making and Attesting of Declarations of Elected Members

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7.0 Appointment of Deputy Mayor Following 2022 Local Government Triennial Elections

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8.0	Interim Appointment and Delegation Arrangements Pending the Introduction of the 2022-2025 Committee Structure and Proposed Schedule of Meetings for November/December 2022	17
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12.0	Minor Items – <i>Ngā Take Iti</i>	
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13.0	Urgent Items – <i>Ngā Take Whakahihiri</i>	
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Thursday, 3 November 2022

Item 5

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council: Council Meeting

Te Rārangi Take

Report to Council

Nā:
From: Louise Stettner, Manager, Democracy & Governance Services

Te Take:
Subject: Making and Attesting of Declaration of the Mayor

1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to describe the process for receiving the declarations of the Mayor and Councillors.
- 1.2 This first meeting of the Council following the 2022 triennial elections will be opened by the Chief Executive, Mr Nigel Bickle, in the Chair. The Chief Executive will receive and witness the oral declaration of the Mayor. **(Attachment 1)**
- 1.3 Mayor Hazlehurst will then assume the Chair and receive the oral declarations of the Councillors which will be witnessed by the Mayor and the Chief Executive.

2.0 Recommendations - *Ngā Tūtohunga*

That the Council receive the report titled Making and Attesting of Declaration of the Mayor dated 3 November 2022.

3.0 Background

3.1 Schedule 7, Part 1, clause 21 of the Local Government Act 2002 states:

“The chief executive (or, in the absence of the chief executive, a nominee of that officer) must chair the meeting until the chairperson has made and attested the declaration required under clause 14”

3.2 Schedule 7, Part 1, clause 14 of the Local Government Act 2002 states:

“(1) A person may not act as a member of a local authority until –

(a) That person has, at a meeting of the local authority following the election of that person, made an oral declaration in the form set out in subclause (3); and

(b) A written version of the declaration has been attested as provided under subclause (2)

(2) The written declaration must be signed by the member and witnessed by:

(b) the mayor; or ...

(d) the chief executive of the local authority.”

Attachments:



Declaration of Mayor

CG-16-2-01229

a) Declaration by the Mayor

*"I, _____, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the Hastings District, the powers, authorities, and duties vested in, or imposed upon, me as **Mayor** of the Hastings District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act".*

*"Ko ahau, ko _____, e oati ana ka whai ahau i te pono me te tōkeke, i runga hoki i te mutunga kē mai nei o āku pūkenga, o āku whakatau hoki kia whakatutuki, kia mahi anō hoki i te mana whakahaere, te mana whakatau me ngā momo mahi kua uhia ki runga i a au kia whiwhi painga mō te takiwā o Heretaunga, hei **Koromatua** o te Kaunihera ā-Rohe o Heretaunga e ai hoki ki te Ture Kāwanatanga ā-Taiao 2002, ki te Ture Kāwanatanga ā-Taiao Whakapae me te Hui 1987, me ētahi Ture anō rānei".*

Thursday, 3 November 2022

Item 6

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council: Council Meeting

Te Rārangi Take

Report to Council

Nā:
From: Louise Stettner, Manager, Democracy & Governance Services

Te Take:
Subject: Making and Attesting of Declarations of Elected Members

1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to describe the process for receiving the declarations of the Councillors.
- 1.2 The Chief Executive having received and witnessed the oral declaration of the Mayor, Mayor Hazlehurst will then assume the Chair and receive the oral declarations of the Councillors (**Attachment 1**) which will be witnessed by the Mayor and Chief Executive.

2.0 Recommendations - *Ngā Tūtohunga*

That the Council receive the report titled Making and Attesting of Declarations of Elected Members dated 3 November 2022.

3.0 Background – *Te Horopaki*

- 3.1 Schedule 7, Part 1, clause 21 of the Local Government Act 2002 states:

“The chief executive (or, in the absence of the chief executive, a nominee of that officer) must chair the meeting until the chairperson has made and attested the declaration required under clause 14”

- 3.2 Schedule 7, Part 1, clause 14 of the Local Government Act 2002 states:

“(1) A person may not act as a member of a local authority until –

- (a) *That person has, at a meeting of the local authority following the election of that person, made an oral declaration in the form set out in subclause (3); and*
 - (b) *A written version of the declaration has been attested as provided under subclause (2)*
- (2) *The written declaration must be signed by the member and witnessed by:-*
 - (b) *the mayor; or ...*
 - (d) *the chief executive of the local authority.”*

Attachments:



Declaration for Councillors

CG-16-2-01228

a) Declaration by Members

*"I, (Full name), declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the Hastings District, the powers, authorities, and duties vested in, or imposed upon, me as **Member** of the Hastings District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act".*

*"Ko ahau, ko _____, e oati ana ka whai ahau i te pono me te tōkeke, i runga hoki i te mutunga kē mai nei o āku pūkenga, o āku whakatau hoki kia whakatutuki, kia mahi anō hoki i te mana whakahaere, te mana whakatau me ngā momo mahi kua uhia ki runga i a au kia whiwhi painga mō te takiwā o Heretaunga, hei **Mema** o te Kaunihera ā-Rohe o Heretaunga e ai hoki ki te Ture Kāwanatanga ā-Taiao 2002, ki te Ture Kāwanatanga ā-Taiao Whakapae me te Hui 1987, me ētahi Ture anō rānei".*

Thursday, 3 November 2022

Item 7

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council: Council Meeting

Te Rārangi Take

Report to Council

Nā:
From: Louise Stettner, Manager, Democracy & Governance Services

Te Take: Appointment of Deputy Mayor Following 2022 Local Government
Subject: Triennial Elections

1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 In accordance with section 21 of the Local Government Act 2002, at its first meeting of the triennium the Council is required to elect a Deputy Mayor under clause 17 of schedule 7 of the Local Government Act 2002.
- 1.2 “(3) The deputy mayor or deputy chairperson must perform all the responsibilities and duties, and may exercise all the powers, of the mayor or chairperson,-
- (a) With the consent of the mayor or chairperson, at any time during the temporary absence of the mayor or chairperson,
 - (b) Without that consent, at any time while the mayor or chairperson is prevented by illness or other cause from performing the responsibilities and duties, or exercising the powers, or his or her office,
 - (c) While there is a vacancy in the office of the mayor or chairperson.
- (4) In the absence of proof to the contrary, a deputy mayor or deputy chairperson acting as mayor or chairperson is presumed to have the authority to do so.
- (5) A deputy mayor or deputy chairperson continues to hold his or her office as deputy mayor or deputy chairperson, so long as he or she continues to be a member of the territorial authority or regional council, until the election of his or her successor.
- 1.3 Section 41A of the Local Government Act 2002 empowers the Mayor among other things to appoint a Deputy Mayor.

Section 41A provides in part:

41A Role and powers of mayors

- (1) *The role of a mayor is to provide leadership to—*

- (a) *the other members of the territorial authority; and*
 - (b) *the people in the district of the territorial authority.*
- (2) *Without limiting subsection (1), it is the role of a mayor to lead the development of the territorial authority's plans (including the long-term plan and the annual plan), policies, and budgets for consideration by the members of the territorial authority.*
- (3) *For the purposes of subsections (1) and (2), a mayor has the following powers:*
 - (a) *to appoint the deputy mayor:*
 - (b) *to establish committees of the territorial authority:*
 - (c) *to appoint the chairperson of each committee established under paragraph (b), and, for that purpose, a mayor—*
 - (i) *may make the appointment before the other members of the committee are determined; and*
 - (ii) *may appoint himself or herself*

1.4 In accordance with the provisions of Section 41A (3) (a) of the Local Government Act 2002 Mayor Hazlehurst has indicated that she will appoint a Deputy Mayor.

1.5 Clause 5.1 of the Council's Standing Orders require that the name of any appointment is tabled at the first meeting after the appointment.

2.0 Recommendations - Ngā Tūtohunga

- A) That the Council receive the report titled Appointment of Deputy Mayor Following 2022 Local Government Triennial Elections dated 3 November 2022.
- B) That Councillor be appointed as Deputy Mayor.

Attachments:

There are no attachments for this report.

Thursday, 3 November 2022

Item 8

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council: Council Meeting

Te Rārangi Take

Report to Council

Nā:
From: Louise Stettner, Manager, Democracy & Governance Services

Te Take:
Subject: Interim Appointment and Delegation Arrangements Pending the Introduction of the 2022-2025 Committee Structure and Proposed Schedule of Meetings for November/December 2022

1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to obtain a decision from the Council on the adoption of the proposed Meeting Schedule for November / December 2022. The report also proposes interim Council decisions regards representation on outside bodies until the end of the year, which are required to convene before the next Council meeting.
- 1.2 **Interim Appointments and Delegation Arrangements**
- 1.3 The Local Government Act 2002 provides that all existing elected members vacate their positions when the members elected at the triennial election come into office, which is the day after the public notice officially declaring the result of the election is published. Thus even if a member is re-elected they actually leave and then come back into office as a new member.
- 1.4 In addition, any existing committee is deemed to be discharged on the coming into office of the members elected at that election. As a result of these provisions all Committees and appointments need to be re-made.
- 1.5 Some appointments and delegation arrangements need to “roll over” into this triennium to ensure that decision making can continue in the interim which is compliant with relevant legislation.
- 1.6 **Civic and Administration Subcommittee**
- 1.7 Decision making on Temporary Road Closure applications is one of the fields of activity of the Civic and Administration Subcommittee. The lead up to Christmas and the summer season is a busy time for events. While at the time of writing this report there are no applications for road closures for decision making it is proposed that this Subcommittee and its delegations should continue until the new committee structure is adopted. This will ensure that any matters that require decision-making within this Subcommittee’s delegations can be addressed in a timely manner.

- 1.8 Prior to the 2022 elections, the membership of the Subcommittee was Councillor Dixon (Chair) Nixon, Harvey, Lawson, Schollum, Watkins and Councillors O’Keefe and Travers. As Councillors O’Keefe and Travers retired prior to the election it is proposed that Council appoint Councillors Dixon, Nixon, Harvey, Lawson, Schollum, Watkins and two other Councillors to this Committee in the interim.
- 1.9 **Joint Waste Futures Projects Steering Committee**
- 1.10 The Joint Waste Futures Projects Steering Committee is a Joint Committee of Hastings District and Napier City Council comprising three Councillors from each Council. It is proposed that this Joint Committee and membership should continue. This Committee is required to make decisions related to the Joint Waste Minimisation Contestable Fund on the 2nd of December 2022.
- 1.11 The membership of the Joint Waste Futures Projects Steering Committee for the 2019-2022 triennium was Councillor Redstone (Chair), Nixon and Siers. As, Councillor Siers retired prior to the election it is proposed that Council appoint Councillor Redstone, Nixon and one other Councillor to this Committee in the interim.
- 1.12 **Ōmarunui Refuse Landfill Joint Committee**
- The Ōmarunui Refuse Landfill Joint Committee is a Joint Committee of Hastings District and Napier City Councils and it is scheduled to meet on 2 December 2022 to review the Landfill Fees and Charges. Hastings District Council has 4 members and one alternate. The Council’s appointees on the Landfill Committee were previously Councillors Redstone and Nixon, and retired Councillors O’Keefe and Siers, with Councillor Lawson as alternate. It is proposed that Council appoint Councillors Redstone, Nixon, Lawson and one other Councillor to this Committee in the interim.
- 1.13 **Hastings District Council: Tangata Whenua Wastewater Joint Committee**
- 1.14 The Hastings District Council: Tangata Whenua Wastewater Joint Committee is established between Hastings District Council and representation of Tangata Whenua. It is proposed that this Joint Committee and membership should continue. This Committee is scheduled to meet on 5 December 2022 to ensure progress with the Nine Year Review Report, of the existing consent which is required by the East Clive Wastewater Treatment Plant. Hastings District Council is the consent holder of this consent. Membership of this Joint Committee includes 5 Councillors and one Councillor (Alternate) and 5 Tangata Whenua representatives, appointed by Council.
- 1.15 The membership of the Hastings District Council: Tangata Whenua Wastewater Joint Committee for the 2019-2022 triennium included Councillors Nixon, O’Keefe, Oli, Siers, Watkins and Travers. As, Councillors O’Keefe, Oli, Siers and Travers retired prior to the election it is proposed that Council appoint Councillors Nixon and Watkins and four other Councillors to this Committee in the interim.
- 1.16 The Tangata Whenua appointees to the Committee just prior to the end of last triennium were Beverley Te Huia, Evelyn Ratima and Marei Apatu (Chair). It is proposed that these appointments be “rolled over” in the interim also. The Tangata Whenua appointees have indicated that they are happy with this interim arrangement.
- 1.17 For your information, **Attachment 1** includes the Terms of Reference for the Civic and Administration Subcommittee; the Joint Waste Futures Projects Steering Committee; the Ōmarunui Refuse Landfill Joint Committee and the Hastings District Council: Tangata Whenua Wastewater Joint Committee.
- 1.18 **Local Government New Zealand (LGNZ) Zone 3 meeting**
- 1.19 LGNZ has organised a Zone 3 meeting (a meeting of all the councils in the lower North Island (Zone 3) on 24/25 November 2022 in Whanganui. The Council’s representatives on Zone 3 were previously Councillor Dixon as lead and a pool of all councillors.
- 1.20 It is recommended that the Council appoint Councillor Dixon and two other Councillors to represent Council at the Zone 3 meeting in Whanganui on 24/25 November 2022.

1.21 Draft Reserve Management Plan – Hearing of Submissions

- 1.22 The Strategy and Policy Committee at its meeting held on Thursday 23 June 2022 recommended that Council hear and consider all submissions in respect of the Eskdale Park, Frimley Park, (Tainui, Tanner, Tauroa, Hikanui Reserves and Keith Sands Grove), Draft Reserve Management Plans (RMP's)
- 1.23 A substantial number of submissions have been received in response to the RMP's. It is recommended that submissions for the draft Frimley Park Reserve Management Plan be heard on 28 November 2022. It is recommended that dates for hearing the remaining two Draft Reserve Management Plans are set for February and March 2023 with specific dates to be set in the December Council meeting.

Meetings

- 1.24 Schedule 7, part 1, section 21(5) (d) of the Local Government Act 2002 requires the Council to set a date and time for its first ordinary meeting following the triennial local authority elections. The first ordinary meeting of the Council is proposed to be held on 8 December 2022 commencing at 1.00pm.
- 1.25 It is recommended that the following meeting schedule for November/December 2022 be approved.

Council / Committee	Date	Time	Venue
Council (Frimley Park Reserve Management Plan submissions commence)	28 November 2022	9.00 am	Council Chamber
Joint Waste Futures Project Steering Committee	2 December 2022	10:30am	Council Chamber
Ōmarunui Refuse Landfill Joint Committee	2 December 2022	1.00 pm	Council Chamber
Hastings District Council: Tangata Whenua Wastewater Joint Committee	5 December 2022	10 am	Council Chamber
Council	8 December 2022	1.00 pm	Council Chamber

2.0 Recommendations - Ngā Tūtohunga

- A) That the Council receive the report titled Interim Appointment and Delegation Arrangements Pending the Introduction of the 2022-2025 Committee Structure and Proposed Schedule of Meetings for November/December 2022 dated 3 November 2022.
- B) That the rollover of the 2019-2022 delegations and membership of the Civic and Administration Subcommittee be approved and Council appoint Councillors Dixon, Nixon, Harvey, Lawson, Schollum, Watkins and two other Councillors to this Committee in the interim.

- C) That the rollover of the 2019-2022 delegations and membership of the Joint Waste Futures Project Steering Committee be approved and Council appoint Councillor Redstone, Councillor Nixon and one other Councillor to this Committee in the interim.
- D) That the rollover of the 2019-2022 Heads of Agreement for the Ōmarunui Refuse Landfill Joint Committee be approved and Council appoint Councillors Redstone, Nixon, Lawson and one other Councillor to this Committee in the interim.
- E) That the rollover of the 2019-2022 delegations and membership of the Hastings District Council: Tangata Whenua Wastewater Joint Committee be approved and Council appoint Councillors Nixon and Watkins and 4 other Councillors to this Committee in the interim. That the Council appoint the Tangata Whenua representatives Beverly Te Huia, Evelyn Ratima and Marei Apatu in the interim.
- F) That Council appoint Councillor Dixon and two other Councillors to attend the Zone 3 Meeting in Whanganui on 24/25 November 2022.
- G) That the first ordinary meeting of the Council is 8 December 2022 at 1pm.
- H) That the Council approve the following meetings for November / December 2022:

Council / Committee	Date	Time	Venue
Council (Frimley Park Reserve Management Plan submissions commence)	28 November 2022	9.00 am	Council Chamber
Joint Waste Futures Project Steering Committee	2 December 2022	10:30am	Council Chamber
Ōmarunui Refuse Landfill Joint Committee	2 December 2022	1.00 pm	Council Chamber
Hastings District Council: Tangata Whenua Wastewater Joint Committee	5 December 2022	10 am	Council Chamber
Council	8 December 2022	1.00 pm	Council Chamber

Attachments:

- 1↓ Terms of Reference: Civic & Administration, Joint Waste; Ōmarunui Landfill; Tangata Whenua Wastewater CG-17-1-00004

5. Civic and Administration Subcommittee

A Subcommittee of the Operations and Monitoring Committee.

Fields of Activity

The Civic and Administration Subcommittee is responsible for making delegated decisions and advising the Operations and Monitoring Committee by;

- Assisting Council in the allocation of Community Grants by;
 - Reviewing applications for Community Grants.
 - Setting appropriate performance measures to assist in the measurement of delivery of activities funded from Grants.
 - Allocation of grant funding within the budget allocation.
- Assisting Council in its general overview of procurement and tender activity by accepting tenders which exceed the Chief Executive's delegated authority to approve, for projects previously approved by Council or a Standing Committee within the delegated authority.
- Assisting Council by reviewing and considering submissions and deciding applications for temporary closure of roads.
- Recommending to Council the appointment of trustees to Te Mata Park Trust Board.
- Recommending to Council the appointment of directors to Hastings District Holdings Limited.
- Recommending to Council the appointment of List Members to the District Licencing Committee.
- Assisting Council by reviewing, considering nominations and recommending recipients of Civic Awards.

Membership

- 8 Councillors.
- 1 Heretaunga Takoto Noa: Maori Standing Committee Member appointed by Council.
- Group Manager Planning and Regulatory Services to be a member only when the Subcommittee is recommending the appointment of List Members to The Hastings District Licencing Committee.
- The Chief Executive to be a member only when the Committee is making a decision on tendering and procurement matters.
- The Group Manager: Asset Management to be a member only when the Subcommittee is making a decision on tendering and procurement matters.
- The Transportation Manager to be a member only when the Committee is making a decision on applications for temporary closure of roads.
- The Environmental Consents Manager to be a member only when the Committee is making a decision on applications for temporary closure of roads.
- The Chair of the Te Mata Park Trust Board to be a member only when the Committee is making a decision on appointments to the Te Mata Park Trust Board.
- The Chief Financial Officer to be a member only when the Committee is making a decision on appointments to the boards of any Council Controlled Organisations.
- Chair appointed by Council.
- Deputy Chair appointed by Council.
- 2 Youth Council Members appointed by Council (non-voting)

Quorum

- a) A minimum of three members.

DELEGATED POWERS

- 1) Authority to exercise all Council's powers, functions and authorities (except where prohibited by law or otherwise delegated) in relation to the allocation of grant funding within the budget allocation.
- 2) Authority to accept tenders for individual projects previously approved by the Council or a Standing Committee of the Council up to a value of \$10,000,000.
- 3) Responsibility to provide oversight and direction on tendering processes in general and/or specific issues relating to a particular project.
- 4) All the Council's powers and functions in respect to temporary prohibition of traffic under Section 342(1)(b) and clause 11(e) of Schedule 10 of the Local Government Act 1974.
- 5) Recommend to Council the appointment of Trustees to Te Mata Park Trust Board in accordance with the policy on Appointment of Trustees for Te Mata Park Trust Board, and the provisions of section 57 of the Local Government Act 2002.
- 6) Recommend to Council the appointment of director positions for Hastings District Holdings Limited in accordance with the Council's Policy on Appointment and Remuneration of Directors for Council Organisations.
- 7) Recommend to Council the recipients of Civic Awards.
- 8) Recommend to Council the appointment of List Members to the Hastings District Licensing Committee in accordance with the policy on the appointment of members for the District Licensing Committee, and the provisions of Sections 192 – 194 of the Sale and Supply of Alcohol Act 2012.

3. Joint Waste Futures Projects Steering Committee

Background

Section 43 of the Waste Minimisation Act 2008 states that a territorial authority must adopt a Waste Management and Minimisation Plan (WMMP) which provides:

- Objectives, policies and methods for effective and efficient waste management and minimisation.
- Collection, recovery, recycling, treatment and disposal services.
- Facilities for waste management.
- Waste minimisation activities including education and public awareness; and
- A framework for funding implementation, grants and advances of money.

In 2014 the Joint Council Waste Futures Project Steering Committee was established to oversee and manage a range of programmes and interventions to achieve effective and efficient waste management and minimisation within the Omarunui Landfill catchment.

The WMMP must be reviewed every 5 years. Council adopted the WMMP in 2019.

Purpose

- To be responsible for overseeing, supporting, monitoring and reporting progress toward achieving the intent of WMMP.
- To represent the interests of Council in the WMMP.
- To review the Joint Waste Management and Minimisation Plan at least every six years to meet the requirements of the Waste Management Act 2008.

Members (6 Councillors)

- Chair – Councillor from one Council elected by Group.
- Deputy Chair – Councillor from the other Council elected by Group.
- 2 other HDC Councillors.
- 2 other NCC Councillors.

Status

By agreement of the local authority member, the Joint Waste Futures Joint Project Steering Committee has been established as a Joint Committee under clause 30A of Schedule 7 of the Local Government Act 2002.

DELEGATED AUTHORITY

The Joint Committee will have responsibility and authority to:

- 1) Accept and hear submissions on the joint Waste Management and Minimisation Plan 2017-2023, and report back to the individual Council on an as required basis.
- 2) To make recommendations to each participant Council on the Waste Management and Minimisation Plan.
- 3) To monitor performance and progress to give effect to the purpose of the WMMP and to make recommendations to the constituent Councils accordingly.

Administering Authority and Servicing

Hastings District Council shall administer the Joint Committee meetings.

Meetings

The Hastings District Council's Standing Orders will be used to conduct the Joint Committee meetings.

The Joint Committee shall meet as and when required as agreed for the achievement of the purpose of the joint committee.

Quorum

The quorum at any meeting shall be not less than four (4) including not less than two representatives of each of the member bodies.

Voting

- The members shall strive at all times to reach a consensus.
- Each representative shall be entitled to one vote at any meeting.
- There shall be no casting vote.

Variations

Any member may propose an amendment (including additions or deletions) to the Terms of Reference which may be agreed to by the Joint Committee.

Variations to the Terms of Reference must be referred to the constituent Councils for ratification.

Term of Office

The primary purpose of this Joint Committee is the approval and adoption, by both Councils, of the Waste Management and Minimisation Plan 2018. However the Joint Committee will continue to meet as and when required to oversee performance of the WMMP in operation.

4. Omarunui Refuse Landfill Joint Committee

The Heads of Agreement for the Omarunui Refuse Landfill Joint Committee have been adopted by Council for the 2019-2022 Triennium and are incorporated into the Committee & Rural Community Board Register of Delegations.

1. Parties	Hastings District Council and Napier City Council (the Councils)
2. Nature of Relationship	A Joint Committee between the Councils who already own a property at Omarunui as tenants in common in the following shareholding percentages for refuse disposal purposes: Hastings District Council: 63.68% Napier City Council: 36.32%
3. Objectives	To jointly develop and operate generally for the benefit of the Councils a refuse disposal facility (including any ancillary activities) in compliance with resource and regulatory consents.
4. Participation of each Council	Each Council shall participate on the basis of the following shareholding percentage: Hastings District Council: 63.68% Napier City Council: 36.32% (subject to any specific provisions following)
5. Joint Committee	
5.1 Omarunui Refuse Landfill Joint Committee (Joint Committee):	This Committee shall comprise four elected members of the Hastings District Council and two elected members of the Napier City Council or the alternates of those elected members and an alternate when acting in the place of an elected member shall be deemed to be an elected member. The functions of this Joint Committee shall be to determine policies to ensure the objectives are achieved and to monitor the implementation of those policies by obtaining reports from the Facility Manager or any other persons involved in the refuse disposal operation.
5.2 Administering Authority	The Hastings District Council shall be the Administering Authority. It shall provide technical, financial and secretarial services and shall be the employing authority for staff required in the administration and conduct of the refuse disposal operation. The Administering Authority shall make any information required by the Joint Committee available to that Committee.
6. Joint Committee General Powers	<p>1.1 Subject to Clause 6.2 the general powers of the Joint Committee shall be:</p> <ol style="list-style-type: none"> Except as provided in Clause 6.3 all such powers as shall be necessary to develop and operate the refuse disposal facility in compliance with the resource and regulatory consents already obtained including, if necessary, the power to seek further resource and regulatory consents. To construct buildings, purchase and dispose of plant, equipment and materials. Arrange insurance cover to ensure that there is comprehensive insurance in respect of the establishment and operation of the refuse disposal facility. To indemnify any Council or Council representative acting on behalf of the Councils pursuant to this agreement in connection with the development or operation of the refuse disposal operation after the execution hereof. To fix and recover fees and charges payable by landfill users. The licensing of users. To recommend to the Councils the raising of loans. For the purpose of loan raising the 'Administering Authority' shall undertake all loan raising on behalf of the Councils. To enter into contracts within the estimates it being acknowledged by each of the Councils for the purposes of the Local Government Act 2002 that the Joint Committee shall be delegated power to enter into any contract limited to such an amount as may be fixed by the Councils from time to time unless the prior written approval of each Council shall have been obtained. To use any part of the Omarunui property not required for refuse disposal for any lawful purpose including leasing thereof. Such further specific powers as may be delegated to it as agreed by the Councils. <p>1.2 The Joint Committee shall operate within budgets approved by the Councils. In the event that over expenditure is anticipated or incurred the Joint Committee shall immediately report that fact to the Councils.</p> <p>1.3 The powers delegated to the Joint Committee shall not entitle that Committee to sell or otherwise dispose of on behalf of any Council any asset owned by that individual Council or to sell the Omarunui land or any other land administered by the Joint Committee for refuse disposal purposes.</p> <p>1.4 Subject to Clause 6.2 and 6.3 all decisions made by the Joint Committee pursuant to its delegated powers shall without confirmation of the Councils bind each of the Councils as if it had been done in the name of each Council.</p>
7. Joint Committee Procedural Matters	<p>7.1 Each elected member or the alternate of such member shall have one vote.</p> <p>7.2 The elected members shall elect a Chair and Deputy Chair.</p>

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COMMITTEES AND RURAL COMMUNITY BOARD REGISTER OF DELEGATIONS // PAGE 30 OF 43

Item 8 Interim Appointment and Delegation Arrangements Pending the Introduction of the 2022-2025 Committee Structure and Proposed Schedule of Meetings for November/December 2022

Terms of Reference: Civic & Administration, Joint Waste; Ōmarunui Landfill; Tangata

Attachment 1

Whenua Wastewater

	7.3	Quorum at meetings shall be four elected members including at least one elected member from each Council. The parties note that this conflicts with the provisions in clause 30 (9) (b) of schedule 7 of the Local Government Act 2002. To avoid any possible doubt the parties shall operate the committee based on the specific requirements in this agreement at all times.
	7.4	All meetings may be attended by officers of the Councils but officers shall not be entitled to vote.
	7.5	Meetings may be requisitioned by any two elected members who shall state the nature of the business and the Administering Authority shall convene a meeting (giving notice of the business) and Councils shall ensure that at least one of their elected members attends.
	7.6	Annual meetings shall be held within three months of the end of the financial year and the business of such meeting shall include the financial accounts for the previous year.
	7.7	Budget estimates for the following financial year shall be prepared and supplied to the Councils no later than 31 January in each year for their approval.
	7.8	Meeting procedures shall be in accordance with NZS 9202: 2003, or such other version of standing orders as mutually agreed between the parties, except to the extent that specific provision is contained herein and is not contrary to law.
8. Joint Committee Financial Provisions	8.1	The Joint Committee shall provide financial and management accounting records and reports which provide sufficient detail to enable the committee and the Councils to assess performance of each separate business activity within the Landfill.
	8.2	The administering authority shall circulate a draft budget prior to the meeting at which the Joint Committee is to consider the estimates for recommendation to the Councils.
	8.3	Surpluses and deficits shall be received and borne by the Councils in the following shareholding percentage: Hastings District Council: 63.68% Napier City Council: 36.32%
	8.4	All amounts payable by each Council shall be paid within one calendar month of notification of the amount payable. If any Council shall consistently fail to make payments as required by this clause the Joint Committee may impose a penalty on the defaulting Council which shall be met by such Council.
9. Duties of the Individual Councils	9.1	To comply with the resource and regulatory consents relating to the operation.
	9.2	The Councils shall make bylaws to ensure the efficient operation of the refuse disposal facility and set and adopt fees and charges and licensing procedures.
	9.3	To establish and operate transfer stations and to adopt charges in relation to such transfer stations.
10. Changes in Participation	1.1	The establishment and operating costs of the Councils up to the time of any Change in Participation shall be safeguarded as far as possible.
	1.2	The addition or withdrawal of any party shall require agreement of the Councils.
11. Staff Appointments	11.1	Where any Council is involved in the provision of staff or services, such Council shall be reimbursed for the cost of such persons or services.
	11.2	It is recognised that it will be desirable for the staff required to be employed by one of the Councils.
12. Facility Manager	12.1	The Facility Manager appointed by the Administering Authority shall be a suitably qualified person who shall report to the Joint Committee and attend its meetings and will be responsible for the day to day operations at the landfill site.
	12.2	During any further development the Facility Manager, as appointed by the Administering Authority, shall be considered to be the officer responsible for all development activities unless otherwise directed by the Joint Committee.
13. Secretarial Services	13.1	Secretarial and Accounting services shall be provided by the Administering Authority.
	13.2	The functions to be fulfilled shall include: a) Convening of meetings. b) Keeping of minutes. c) Preparation of estimates and accounts. d) Keeping the Joint Committee informed. e) The recovery of fees and charges. f) Such further specific powers as may be delegated by agreement of the Councils.
	13.3	All documents to be signed on behalf of the Joint Committee shall be signed by the Chair (or in his absence one elected member of that Committee) together with such other person authorised by the Administering Authority.
14. Commencement and Duration	14.1	This Joint Committee shall commence from the date of this agreement and shall continue thereafter until terminated by agreement of the Councils.
	14.2	On termination of this agreement the assets shall be applied, first, in the repayment of all debts, second, in the repayment of any capital contributions, advances or sums of money that may have been made or may be due to any of the Councils, third, the surplus, if any, shall be distributed between the Councils in the following shareholding percentage: Hastings District Council: 63.68% Napier City Council: 36.32%

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COMMITTEES AND RURAL COMMUNITY BOARD REGISTER OF DELEGATIONS // PAGE 31 OF 43

**Item 8 Interim Appointment and Delegation Arrangements Pending the Introduction of the 2022-2025
Committee Structure and Proposed Schedule of Meetings for November/December 2022**

Terms of Reference: Civic & Administration, Joint Waste; Ōmarunui Landfill; Tangata

Attachment 1

Whenua Wastewater

	14.3	In the event of a short-fall on the termination of this agreement the Councils shall contribute in the following shareholding percentage: Hastings District Council: 63.68% Napier City Council: 36.32% To such short-fall, with any necessary adjustments being made to reflect any amounts due by or to any individual Council at termination.
15. Arbitration	15.1	In the event of any dispute relating to this agreement the same shall be referred to arbitration pursuant to the Arbitration Act 1996 and each Council who is a party to the dispute shall be entitled to appoint an Arbitrator.
	15.2	The Arbitrators before embarking on the Arbitration shall appoint an umpire whose decision shall be final in the event that the Arbitrators are unable to agree.

1. Hastings District Council : Tangata Whenua Wastewater Joint Committee

This Joint Committee is established between Hastings District Council and representation of Tangata Whenua.

Fields of Activity

To be actively involved in developing and monitoring Council's;

- Wastewater treatment and disposal system policies.
- Receiving, reviewing and recommending action on reports concerning the operation and performance of the Council's wastewater disposal system.
- Ocean discharge including alternative treatment and disposal options.
- Provision of advice in regard to the Trends, Technology, Discharge, Environmental and Monitoring Nine Yearly Review, in accordance with the Resource Management Act 1991 and Policies and Plans under the Act.
- To recognise and respect the role of Tangata Whenua as Kaitiaki, and, to satisfy their cultural concerns.

To receive, review and recommend action on wastewater reports.

To recommend the commissioning of reports and future Council actions on wastewater issues including;

- Options for further treatments.
- Options for methods of disposal.
- Monitoring effects on the environment.

To co-ordinate and oversee education of the community on wastewater issues.

Membership (10 Members)

- Chair appointed annually by the Joint Committee from its members. The Chair position is to alternate annually between the Council and Tangata Whenua representatives.
- 5 Councillors and one Councillor Member (Alternate).
- 5 Tangata Whenua representatives, appointed by Council.

Quorum – 6 members including not less than 3 Councillor representatives

DELEGATED POWERS

Recommendation to Operations & Monitoring Committee on matters within the Fields of Activity.

The Chair shall not have a casting vote.

Thursday, 3 November 2022

Item 9

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council: Council Meeting

Te Rārangi Take

Report to Council

Nā:
From: Scott Smith, General Counsel

Te Take:
Subject: Conflicts of Interest

1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to inform members about the following Conflicts of Interest statement that appears on order papers for council and committee meetings.
- 1.2 An explanation of the Local Authorities (Members' Interests) Act 1968 (LAMIA) appears in the General Counsel's report titled 'Legislation Affecting Members'.
- 1.3 However, members may also have non-financial conflicts of interest. The Conflict of Interest statement serves as a reminder to members to scan the agenda and assess their own private interests and identify where they may have a pecuniary or other conflict of interest, or where there may be perceptions of conflict of interest.

Clauses 20.7 and 20.8 of the Hastings District Council Standing Orders provides as follows:

"20.7 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.

“20.8 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 (or local or community board) 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”.

2.0 Recommendations - Ngā Tūtohunga

That the Council receive the report titled Conflicts of Interest dated 3 November 2022.

Attachments:

There are no attachments for this report.

Thursday, 3 November 2022

Item 10

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council: Council Meeting

Te Rārangi Take

Report to Council

Nā:
From: Scott Smith, General Counsel

Te Take:
Subject: Legislation Affecting Members

1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The Chief Executive has asked for a report for Councillors and Community Board members summarising legislation affecting elected members. Such a paper is attached to fulfil the requirements of Schedule 7, Clause 21 of the Local Government Act 2002 (**Attachment 1**).
- 1.2 The paper refers specifically to Councillors rather than “members”. Members of the Rural Community Board are similarly bound by the same provisions in respect of the operations of the Board.
- 1.3 The Chief Executive arranged for a more detailed briefing of Councillors during their induction.

2.0 Recommendations - *Ngā Tūtohunga*

That the Council receive the report titled Legislation Affecting Members dated 3 November 2022.

Attachments:

- | | | |
|----|--|---------------|
| 1↓ | Key Legislation Affecting Elected Members -
Inaugural Council Meeting 3 November 2022 | CG-17-1-00003 |
|----|--|---------------|

CG-17-1-00003

KEY LEGISLATION AFFECTING COUNCILLORS IN THEIR DUTIES

A) Local Government Act 2002

This is the main piece of legislation setting out the role and functions of councils.

It covers a huge range of council functions. Key areas include:

- Purpose of Local Government and Role and Powers of Local Authorities
- Structure and Reorganisation of Local Government
- Local Government Commission
- Governance and Management of Local Authorities, Local Boards and Community Boards
- Council-controlled Organisations and Council Organisations
- Decision-making
- Consultation
- Community Outcomes
- Planning - The Long-Term Plan
- Infrastructure Strategy
- Annual Report
- Financial Management
- Borrowing & Security
- Water Services
- Bylaws
- Enforcement Powers
- Development Contributions
- Offences and Legal Proceedings
- Reorganisation of Local Authorities
- Minister's Powers in relation to Local Authorities
- Constitution of Communities
- Provisions regarding members & meetings & employment matters

B) Local Government Act 1974

The provisions of the Local Government Act 1974 remain in relation to roading and some drainage provisions.

C) Secret Commissions Act 1910

This makes it an offence for a councillor to accept (or attempt to obtain) for the councillor or any other person a gift, inducement or reward for doing or not doing something. The maximum penalty is seven years imprisonment.

There are similar provisions against bribery in the Crimes Act (also a maximum penalty of 7 years imprisonment)

D) Local Authorities (Members' Interests) Act 1968

This is a very important Act.

CG-17-1-00003

It is designed to maintain *natural justice*, to ensure that councillors' decisions are not affected by any personal motive.

Pecuniary Interest

A councillor must not discuss or vote on any matter in which the councillor or his/her spouse has a direct or indirect pecuniary (i.e. monetary) interest.

A failure to abide by the pecuniary interest prohibition is an offence and is likely to lead to prosecution and removal from office.

If you believe you have a pecuniary interest, you need to declare your interest to the meeting (you do not need to give details). You need to ensure that the minutes of the meeting subsequently record your declaration and abstention from discussion and voting.

The Council maintains a register of councillors' interests to assist staff in giving councillors help with this area. It is, however, your responsibility as a councillor to declare a potential interest, not the staff's responsibility to police it.

Non-pecuniary interest

Non-pecuniary interest is any interest the member may have in an issue that does not involve money. A common term for this is "bias". Rules about bias operate not only to ensure that there is no actual bias, but also so there is no appearance or possibility of bias. The principle is that justice should not only be done, but it should be seen to be done. Bias may be exhibited where: -

- By their statements or conduct a member may indicate that they have predetermined the matter before hearing or considering all of the relevant information on it; or
- The member has a close relationship with an individual or organisation affected by the matter.

Non-pecuniary interest is a difficult issue as it often involves matters of perception and degree. The question you need to consider, drawn from case law, is:

Is there, to a reasonable, fair minded and informed observer, a real indication of bias on the part of a member of the decision making body, in the sense that they might unfairly regard with favour (or disfavour) the case of a party to the issue under consideration?"

If there is, the member should declare their interest and withdraw from the debate. The law about bias does not put you at risk of personal liability. Instead, the validity of the Council's decision could be at risk. The need for public confidence in the decision-making process is paramount and perception can be an important factor.

Contracts

A councillor cannot be involved in contracts with a council for which total payments exceed \$25,000 in a financial year. This includes contracts made by the councillor, or their spouse, or contracts with any company in which the councillor or the councillor's spouse has ten percent or more of the issued capital or of which either the councillor or spouse is the managing director or general manager (however named).

It may be possible to obtain **prior** Audit New Zealand approval for contracts greater than \$25,000.

An example of a pecuniary interest

A member who voted on a roading proposal affecting a shopping centre in which he had a shop was held to have a pecuniary interest.

The moral of the story is:

“When in doubt, don’t discuss it or vote on it and make sure your abstention is recorded.”

E) Local Government Official Information and Meetings Act 1987

The principal purposes of this Act are:

- To make official information held by local authorities more freely available.
- To provide for proper access by each person to official information relating to that person.
- To provide for the admission of the public to meetings of local authorities.
- To protect official information held by local authorities and the deliberations of local authorities to the extent consistent with the public interest and the protection of personal privacy.

The fundamental principle of the Act is that information should be made available unless there is good reason for withholding it. A number of procedures are set out under the Act for the achievement of this principle and these purposes. The Council's Standing Orders are in many respects a combination of parts of the Local Government Act 2002 and the requirements of the Local Government Official Information and Meetings Act 1987.

F) Crimes Act 1961

Sections 105 and 105A of the Crimes Act 1961 prescribe a maximum penalty of seven years' imprisonment for any member or officer found guilty of bribery and corruption as well as any member or officer of the Council who corruptly uses information to obtain a pecuniary gain for that person or any other person. Section 99 defines bribery and makes it clear that both staff and councillors are covered by the provisions.

CG-17-1-00003

G) Resource Management Act 1991

Members of the Council on the Hearings Committee and members of the District Planning and Bylaws Subcommittee will have extensive involvement with this Act. The purpose of the Act is to promote the sustainable management of natural and physical resources.

H) Local Electoral Act 2001

This Act and its subordinate regulations control the running of council elections.

I) Local Government (Rating) Act 2002

This Act provides a code for the setting and collection rates.

J) Protected Disclosures (Protection of Whistleblowers) Act 2022

Protection under the Act applies where an employee has information about a serious wrongdoing; a reasonable belief that the information is true or likely to be true; the employee wishes to have the matter investigated; and desires protection under the Act.

The employee may come to you in the first instance, but the Act requires disclosure by an employee to follow the internal procedures to address the receipt of and dealing with information about serious wrongdoing in or by the Council.

K) Public Records Act 2005

This Act sets out obligations on local authorities over how they create, maintain, transfer and dispose of records.

Thursday, 3 November 2022

Item 11

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council: Council Meeting

Te Rārangi Take

Report to Council

Nā:
From: Louise Stettner, Manager, Democracy & Governance Services

Te Take:
Subject: Appointment of Councillors to Hastings District Rural Community Board

1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to obtain a decision from Council to appoint 3 members of the Council to the Hastings District Rural Community Board.
- 1.2 The Local Government Commission Determination (dated 4 April 2022) for the general election of the Hastings District Council held on 8 October 2022, requires that the membership of the Hastings District Rural Community Board will be as follows:
 - 1.3 (i) 1 member elected by the electors of the Tūtira Subdivision
 - (ii) 1 member elected by the electors of the Kaweka Subdivision
 - (iii) 1 member elected by the electors of the Maraekākaho Subdivision
 - (iv) 1 member elected by the electors of the Poukawa Subdivision
 - (v) 3 members of the Council representing the Mōhaka General, Kahurānaki General, and Takitimu Māori Wards and appointed to the Community Board by the Council.**
- 1.4 The inaugural meeting of the Rural Community Board will take place after the Inaugural Council Meeting on 3 November 2022. At that meeting, the elected Community Board Members and the three Council appointees will make their declarations as Members of the Hastings District Rural Community Board.

2.0 Background

- 2.1 The Rural Community Board is not a committee of Council. It is a separately elected body.
- 2.2 Prior to the 2022 Determination, the Council appointees to the Rural Community Board were the Councillors for the Mōhaka and Kahurānaki General Wards.

- 2.3 Following its decision in May 2021 to establish Māori Ward/s, the Council was required to undertake a review of its representation arrangements prior to the next elections in October 2022. The Council undertook the representation review process in 2021 and its final proposal was forwarded to the Local Government Commission for consideration in November 2021.
- 2.4 The Local Government Commission conducted a hearing in early 2022 and released its decision (Determination) in April 2022.

3.0 Recommendations - *Ngā Tūtohunga*

- A) That Council receive the report titled Appointment of Councillors to Hastings District Rural Community Board dated 3 November 2022.
- B) That the Council appoint the following Councillors to the Hastings District Rural Community Board:
- | | |
|--|-------------------------|
| Councillor for the Kahurānaki General Ward | Councillor Marcus Buddo |
| Councillor for the Mōhaka General Ward | Councillor Tania Kerr |
| Councillor for the Takitimu Māori Ward | Councillor |

Attachments:

There are no attachments for this report.