

Thursday, 8 December 2022

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

Kaupapataka

Agenda

Te Rā Hui:
Meeting date: **Thursday, 8 December 2022**

Te Wā:
Time: **10.00am**

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
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Phone **06 871 5000** | www.hastingsdc.govt.nz
TE KAUNIHERA Ā-ROHE O HERETAUNGA

Thursday, 8 December 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 Opening Prayer – *Karakia Whakatūwheratanga*

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

At the close of the agenda no apologies had 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*

There are no minutes to confirm.

5.0 Hawke's Bay Airport Ltd Annual Report for the year ended 30 June 2022 9

6.0 Horse of the Year (Hawkes Bay) Ltd Annual Report for the year ended 31 May 2022 11

7.0 Hawke's Bay Museums Trust Annual Report for the year ended 30 June 2022 13

8.0	Clifton to Tangoio Coastal Hazards Joint Committee - Summary Notes of Meetings Held on 15th August and 23rd September 2022	15
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12.0	Adoption of the Annual Report and Summary 2021/22 - Report and attachments to be circulated separately	47
13.0	Adoption of Register of Delegations & Councillor Appointments to Committees, Subcommittees and External Organisations	49
14.0	Elected Members' Remuneration Update and Expenses and Allowances Policy	57
15.0	External Appointments to Committees and Subcommittees	69
16.0	Review of Standing Orders	73
17.0	Code of Conduct	79
18.0	Proposed Amendment to Council Meeting Schedule for December 2022 and Adoption of Meeting Schedule for January to March 2023	85

19.0 Minor Items – *Ngā Take Iti*

20.0 Urgent Items – *Ngā Take Whakahihiri*

21.0 Recommendation to Exclude the Public from Items 22, 23 and 24 87

22.0 Hawke's Bay Airport Ltd Director Remuneration

23.0 Office Building Lease

24.0 Lease Arrangement for Hawkes Bay Regional Economic Development Agency

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Item 5

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

Te Rārangi Take

Report to Council

Nā:
From: Bruce Allan, Group Manager: Corporate

Te Take: Hawke's Bay Airport Ltd Annual Report for the year ended 30 June
Subject: 2022

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

- 1.1 The purpose of this report is to present to Council the Annual Report from the Hawke's Bay Airport Limited (HBAL) for the year ended 30 June 2022. The information contained in the Annual Report (**Attachment 1**) has been used for this report. The Chair of the Board and the Chief Executive Officer of the Board will be present at this meeting to speak to the report.

2.0 Background

- 2.1 The HBAL company was formed in July 2009 following the acquisition of the assets of the Hawke's Bay Airport Authority. The company is owned 50% Crown, 26% Napier City Council (NCC) and 24% Hastings District Council (HDC).
- 2.2 The Board of HBAL consists of four directors – Sarah Park and Jon Nichols appointed by Hastings and Napier councils jointly, Wendie Harvey (Chair) and Craig Barrett appointed by the Crown.
- 2.3 The Board also has Jonathon Norman as a Future Director utilising the Institute of Directors' Future Directors (IOD) programme which aims to develop the next generation of directors. The programme provides people with governance potential and ambition the opportunity to participate on a board. It also provides boards with exposure to new talent, ideas and experiences. Future Directors was founded by Sir Stephen Tindall (The Warehouse/Tindall Foundation), Michael Stiasny (past IOD President) and Des Hunt (NZ Shareholders Association) in 2013.
- 2.4 The Statement of Intent requires that an Annual Report including audited financial statements be provided to shareholders. A six monthly report is also required to be delivered to shareholders.

3.0 Summary

- 3.1 HBAL made an operating loss after tax and before revaluations of \$609k compared to last year's reported profit of \$555k. During 2022 the HBAL Board restated the fair value of investment

property which saw an uplift in 2021/22 of \$1.41m which had the effect of creating an after tax profit of \$801k.

- 3.2 The financial result was once again impacted by COVID with the nationwide level 4 lockdown in August 2021 and the continued level 3 lockdown for Auckland through September impacting on passenger numbers. Total passenger numbers were 394,000, 25% down on that projected in the adopted Statement of Intent.
- 3.3 Revenue was generally in line with last year with increased revenue from aeronautical services due to the improved contract with Air New Zealand and a corresponding reduction in Ground Transport revenue off the back of the lower passenger numbers.
- 3.4 Operating costs increased to \$3.8m compared to \$2.9m in the previous year. Increased expenditure was driven by increase personnel expenditure and spend on consultants.
- 3.5 Additions to Property, Plant and Equipment were \$3.5m with total assets increasing to \$65.6m. The additions were funded by new debt of \$3.0m with the balance being paid by operating cash flows.
- 3.6 Total debt as at 30 June 2022 was \$25.8m (2020: \$23.0m). In addition, HBAL has capital commitments of \$0.8m relating to the terminal expansion and forecourt project (2021: \$1.7m).
- 3.7 On pages 44-47 of the HBAL Annual Report is the statement of service performance against the KPIs set down in the Statement of Intent. A number of the KPI's were not achieved during the year with the COVID restrictions impacting the business.
- 3.8 The Annual Report from HBAL provides some very good commentary on the past year and while it has been another challenging year, the Board have positioned the company well for 2022/23 and beyond.

4.0 Recommendations - Ngā Tūtohunga

That Council receive the report titled Hawke's Bay Airport Ltd Annual Report for the year ended 30 June 2022 dated 8 December 2022.

Attachments:

1⇒ HBAL Annual Report 2022

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Item 6

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

Te Rārangi Take

Report to Council

Nā:
From: Bruce Allan, Group Manager: Corporate

Te Take: **Horse of the Year (Hawkes Bay) Ltd Annual Report for the year**
Subject: **ended 31 May 2022**

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

- 1.1 The purpose of this report is to update Council on the performance of the Horse of the Year (Hawke's Bay) Limited (HOYHB) for the year ended 31 May 2022, **Attachment 1**, and present to Council the Company's draft Statement of Intent for 2022/23, **Attachment 2**.

2022 Financial Result

- 1.2 HOYHB was once again prepared to deliver a very successful 2022 event, the first since bringing the event management in-house but unfortunately had to make the very difficult decision to cancel the show for the second straight year with COVID Level restrictions making the delivery of the event untenable.
- 1.3 The Chair of HOYHB and the Hastings District Council appointed director, Mr Tim Aitken, will be in attendance at the meeting to present the Statement of Intent and year end result and answer any questions.
- 1.4 Despite the cancellation of the 2022 show, HOYHB has continued to experience significant goodwill from competitors, trade exhibitors and sponsors. The governments Domestic Events Fund, established to support the events sector which were significantly impacted by the Covid-19 pandemic was applied for following the cancellation of the 2022 event and \$765k was received which has covered costs incurred prior to the decision being made to cancel the 2022 show.
- 1.5 The Domestic Events Fund has enabled HOYHB to post a \$26k surplus despite the show being cancelled.
- 1.6 Despite the last two years' shows being cancelled, HOYHB has managed to build its equity up to \$237k which will provide the necessary to provide the financial resilience required for future years and help manage financial losses should they be incurred.

2021/22 Statement of Intent

- 1.7 After two cancelled shows over the past two years, the Statement of Intent (SOI) for 2023/24 represents the outcome of the first show to be delivered in-house and forecasts an improved financial result primarily due to reduced operational costs. The draft SOI meets the needs as set out in the Shareholders Agreement. Attached as **Attachment 2** is the 2022/23 Statement of Intent.

2.0 Recommendations - Ngā Tūtohunga

- A) That Council receives the report titled Horse of the Year (Hawkes Bay) Ltd Annual Report for the year ended 31 May 2022 dated 8 December 2022.
- B) That Council receives the Horse of the Year (Hawkes Bay) Ltd draft 2022/23 Statement of Intent.

Attachments:

1⇒	HOY Financial Report for year ended 31 May 2022	EXT-10-20-22-122	Vol 1
2⇒	HOY Statement of Intent 2022-23	EXT-10-20-22-123	Vol 1

Thursday, 8 December 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: Bruce Allan, Group Manager: Corporate

Te Take: **Hawke's Bay Museums Trust Annual Report for the year ended 30**
Subject: **June 2022**

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

- 1.1 The purpose of this report is to present to Council the Annual Report from the Hawke's Bay Museums Trust (HBMT) for the year ended 30 June 2022.
- 1.2 The HBMT's annual report shows a surplus for the year of \$46,402. The surplus is almost entirely due to the receipt of donations worth \$46,620.
- 1.3 The Trust has net worth of \$30.478m of which \$29.887m is its Artworks and Collection.
- 1.4 The Hawke's Bay Museums Trust (HBMT) is a Council Controlled Organisation with three of the five Trustees appointed by Napier City Council (NCC) and Hastings District Council (HDC), and with the almost all of its operational funding provided jointly by those Councils. The HBMT Board is responsible for a management agreement between the HBMT and NCC with the management agreement providing for the operations of the Museum, Art Gallery and associated activities which are operated by NCC.
- 1.5 HBMT has four main goals:
 - To protect the regional collection
 - To maintain and enhance the quality of the collection
 - To maximise access to the collection
 - To further develop the collection
- 1.6 The HBMT (Incorporated) is registered as a charitable entity under the Charities Act 2005 and the Board is constituted to have five members appointed as follows:
 - One appointed by Napier City Council
 - One appointed by Hastings District Council

- One appointed by the Hawke's Bay Museums Foundation Charitable Trust
- One appointed by Ngāti Kahungunu Iwi (Incorporated)
- The Chairperson who shall be appointed by Napier City and Hastings District Councils jointly.

1.7 The Trustees as at 30 June 2022 were as follows:

Dr Richard Grant (Chairperson)

Councillor Tania Wright (NCC appointment)

Mr George Lyons (HDC appointment)

Ms Johanna Mouat (Hawke's Bay Museums Foundation Charitable Trust)

Mr Nigel How (Ngāti Kahungunu Iwi Incorporated)

1.8 Dr Grant will be in attendance at the meeting to present the Annual Report and answer any questions that Council may have.

1.9 **Attachment 1** is a copy of the Hawke's Bay Museums Trust's Annual Report, including signed and audited accounts, for the year ended 30 June 2022.

1.10 The HBMT received grants of \$1.187m in aggregate from NCC and HDC compared to \$1.192m received in the 2021 financial year.

1.11 The grants cover the contracted costs to NCC to provide administrative and management services for the management of the collection. The costs of the regional collection are met equally by HDC and NCC with HDC contributing \$601,117 which was slightly less than last year.

1.12 The HDC contribution includes \$15,000 as a training grant to the Trust whereby the NCC training grant offsets expenditure incurred by NCC on behalf of the Trust.

1.13 The Statement of Financial Position also records \$615,553 held in investments. Of the investments, \$533,090 are held as special purpose reserves (see note 12) with various restricted use applications.

1.14 The Annual Report also includes a comparison of the non-financial performance measures included in the Statement of Intent for the year ended 30 June 2022 against the actual results achieved.

2.0 Recommendations - Ngā Tūtohunga

- A) That Council receives the report titled Hawke's Bay Museums Trust Annual Report for the year ended 30 June 2022 dated 8 December 2022.
- B) That Council receives the Hawke's Bay Museums Trust Annual Report for the year ended 30 June 2022.

Attachments:

1⇒	Hawke's Bay Museums Trust Annual Report 2021-2022	EXT-10-11-7-22-254	Vol 1
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Thursday, 8 December 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: **Mark Clews, Principal Advisor: District Development**

Te Take: **Clifton to Tangoio Coastal Hazards Joint Committee - Summary**
Subject: **Notes of Meetings Held on 15th August and 23rd September 2022**

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

- 1.1 The purpose of this report is to provide an update on the Clifton to Tangoio Coastal Hazard Strategy Joint Committee meetings held on 15th August 2022 and 23rd September 2022. As required by the Joint Committee's terms of reference, the project manager's summary notes and the meeting minutes are attached (**Attachments 1, 2, 3 and 4**).
- 1.2 Key points from the meeting held on 15th August 2022 included community concerns about ongoing coastal erosion at Whirinaki, endorsement of proposed adaptation thresholds for community consultation in 2023 and the initiation of a Mātauranga Māori workstream to achieve more effective tangata whenua engagement to better guide Strategy development. Some discussion was also held around the context, intent and focus of the Managed Retreat report that had generated some media interest and community concern.
- 1.3 At the 23rd September meeting it was noted that the Hawke's Bay Regional Council's public consultation process on the proposal for it to lead Strategy implementation had concluded and the Council had decided in principle to confirm the proposal at its August meeting. A significant community engagement process was then undertaken in November to re-engage with the community more broadly on the development of the Strategy.
- 1.4 Other matters of interest were the approval of the scope for the Mātauranga Māori Workstream and a proposal for an interim management response plan to provide greater clarity and guidance when urgent coastal hazards issues emerge while the Strategy is still in development.
- 1.5 The next meeting of the Joint Committee will be held on 17th February 2023. With significant work required through 2023, more regular Joint Committee meetings have been requested.

2.0 Recommendations - Ngā Tūtohunga

That Council receives the report titled Clifton to Tangoio Coastal Hazards Joint Committee - Summary Notes of Meetings Held on 15th August and 23rd September 2022 dated 8 December 2022.

Attachments:

- | | | |
|---------------------|---|------------------|
| 1 ↓ | Clifton to Tangoio Coastal Hazards Strategy - Summary
Notes of the meeting held on 15 August 2022 | STR-14-07-22-756 |
| 2 ↓ | Clifton to Tangoio Coastal Hazards Strategy Joint
Committee Minutes 15 August 2022 | STR-14-07-22-748 |
| 3 ↓ | Clifton to Tangoio Coastal Hazards Strategy - Summary
Notes of the meeting held on 23 September 2022 | STR-14-07-22-757 |
| 4 ↓ | Clifton to Tangoio Coastal Hazards Strategy Joint
Committee Minutes 23 September 2022 | STR-14-07-22-759 |



Clifton to Tangoio Coastal Hazards Strategy

Summary Notes of Meeting held 23 September 2022

1. PURPOSE

This briefing note has been prepared to communicate the activity of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee to the Partner Councils, as the Committee progresses with Stage 4 of the Strategy. More information on the Strategy can be found on the project website at www.hbcoast.co.nz.

2. JOINT COMMITTEE MEETING SUMMARY: 23 SEPTEMBER 2022

Key points from the Joint Committee meeting held 23 September 2022 are highlighted below. The full minutes of the meeting will be provided to each Partner Council in due course.

The Future of our Coastline Consultation Update

- HBRC's public consultation process on its proposal to lead Strategy implementation has concluded.
- Following receipt of submissions, hearing of submitters and deliberations, HBRC, at its Council meeting on 31 August 2022, has decided in principle to confirm the proposal.

Project Managers Update

- Strategy development is tracking well – key phase for Strategy development now underway with pressure on timeframes and consultation and engagement.

Mātauranga Māori Workstream Development Update

- A proposed scope for the Mātauranga Māori Workstream was presented and adopted by the Joint Committee. Work will now commence on key deliverables identified in the scope.

Interim Management Response Plan

- The Strategy development process has ensured that Councils are not prevented from implementing coastal hazards mitigation works in the interim.
- An interim management response plan was proposed and endorsed by the Joint Committee to provide greater clarity and guidance for how these interim responses should occur, as and when urgent coastal hazards issues emerge.

Communication and Engagement Update

- In November, a significant community engagement process will occur, with letterbox drops and two community-based drop-in sessions. The purpose is to re-engage with the community, share information, and respond to concerns that have been raised about lack of knowledge / understanding of the Strategy and its purpose / timeframes.

Next Meeting

- The next meeting of the Joint Committee has not been set at time of writing, but will likely be held in February 2023. With significant work required through 2023, more regular Joint Committee meetings have been requested.



Unconfirmed

Minutes of a Meeting of the Clifton To Tangoio Coastal Hazards Strategy Joint Committee

Date:	Monday 15 August 2022
Time:	10.04am
Venue:	Council Chamber Hawke's Bay Regional Council 159 Dalton Street NAPIER
Present:	Cr J van Beek – HBRC - Chair Cr R Barker – HBRC <i>(from 10.39am)</i> Cr T Kerr – HDC Cr A Redstone – HDC Cr M Dixon – HDC Deputy Mayor A Brosnan – NCC Cr H Browne – NCC C Hilton - Heretaunga Tamatea Settlement Trust <i>(virtually)</i> A Hiha Mana Ahuriri
Alternates:	Cr A Corban – HDC Cr M Dixon - HDC
In Attendance:	S Young – Group Manager Corporate Services C Dolley – Group Manager Asset Manager S Bendall – Traverse Environmental, Project Manager M Clews – HDC P Martin – HBRC Senior Governance Advisor

1. **Welcome/Karakia /Apologies/Notices**

The Chair welcomed everyone to the meeting and Allana Hiha opened it with a karakia.

Resolution

That the apology for absence from Councillors Hinewai Ormsby and Martin Williams and NCC Councillor Keith Price be accepted, and apology for lateness from Cr Rick Barker

van Beek/Redstone
CARRIED

2. **Conflict of Interest Declarations**

Two possible conflicts were raised by Allana Hiha and Tania Kerr. These were briefly discussed and acknowledged as minor/of no consequence.

3. **Confirmation of minutes of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee meeting held on 3 June 2022**

CLI24/22 **Resolution:**

Minutes of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee meeting held on Friday, 3 June 2022, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

van Beek/Redstone
CARRIED

4. **Actions from previous Joint Committee meetings**

The item was taken as read

CLI25/22 **Resolution:**

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives and notes the *Actions from previous Joint Committee meetings* staff report.

Hiha/Dixon
CARRIED

5. **Doug Dickson deputation - Whirinaki erosion**

Chair introduced Doug Dickson who provided an update on the present erosion situation at Whirinaki Beach where he lives, highlighting:

- Recent weather events have damaged the beach including the motorbike access ramp being washed away
- Some residents are living in fear of losing everything through managed retreat noting the recent Tonkin+Taylor (T+T) report. This seems to consider the HB coastline as being all the same. Whirinaki is some 9m above sea level, Haumoana one metre above; very different areas
- Whirinaki beach 'comes and goes' with shingle renourishment at Westshore helping the beach at times
- Better communication with beach residents would be helpful. Local pamphlet drops have been successful in the past and could be done again- specifically about Whirinaki
- Uncertainty about the Coastal strategy is fuelling fears

CLI26/22 **Resolution:**

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives and notes the *Doug Dickson deputation - Whirinaki Erosion* deputation.

van Beek/Kerr
CARRIED

6. **The Future of our coastline update**

Chris Dolley introduced this item, highlights and discussions included:

- Consultation has been carried out throughout July on quite a narrow scope – should HBRC take sole charge of the Coastal Strategy?
- Significant publicity was utilised including 3500 postcards being sent out to coastal addresses
- 59 submissions were received with 86% of these supporting the proposal for HBRC to take charge of the strategy
- Modest number of submissions could be taken as tacit support of the proposal however it may also be a sign that communities not living on the coastline are not interested in the strategy.
- Ongoing communication is a key factor
- The Joint Committee has not made a submission in support of the proposal as it has already stated its position by approving the consultation
- A one page letter of support for the proposal from the Joint Committee is to be forwarded to HBRC
- Tania Kerr advised that her husband had completed a submission – this was not viewed as a conflict of interest

CLI27/22

Resolution:

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee:

1. Receives and notes *The Future of our coastline update* staff report
2. Provides a brief statement of support for the Future of our coastline proposal to the Hawke's Bay Regional Council.

Barker/Kerr
CARRIED

7. **Current coastal projects update**

Chris Dolley introduced this item highlighting:

- Whakarire Ave. Napier – work should commence in March 2023
- Westshore sand deposition area – renewal of the consent is on hold through a lack of funding at present, however it is still viewed as a priority. It may take 2/3 years to complete the process
- Erosion in the Whirinaki – North Shore Road area is an ongoing problem with locals frustrated by a perceived lack of action. This matter will be discussed at a TAG meeting shortly. Pan Pac mill have offered a significant shingle resource to alleviate the situation
- Can the Whirinaki community do anything without a consenting process being necessary? There is an existing consent in place that allows for 'beach scraping' for the Haumoana / Te Awanga area. There are also emergency provisions in the Resource Management Act and this aspect will be looked into
- HBRC taking on the sole responsibility for the Coastal Strategy is based on HBRC being able to undertake/deliver practical solutions for issues such as the Whirinaki/ North Shore Road issue
- HBRC cannot implement the Coastal Strategy until that has been approved (incl. funding ramifications) following community consultation in 2024. Staff are working now to ensure that any consenting required at that stage is on schedule
- What is required now to address Whirinaki issues is a very localised, specific and rapid response prior to 2024. Staff could provide some options for remedial work in the short

term. TAG will report back to the Joint Committee regarding any progress/scoping of matters relating to Whirinaki

CLI28/22

Resolution:

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives the *Current coastal projects update*.

van Beek/Kerr
CARRIED

8. Triggers workstream update

Simon Bendall introduced this item and reminded Committee members about the signals, triggers and threshold process, highlighting:

- Thresholds are the circumstances arising from coastal hazards that we want to avoid / not see happen. Draft thresholds are now being considered - these have been developed with input from TAG, Council asset teams and from the community through a series of workshops held over the past nine months
- Thresholds are being established at 'coastwide' and individual cell level.
- The draft thresholds were tabled for any feedback, with a view to finalising them shortly by reporting back to a community workshop. The thresholds will then form part of the consultation process for the full Strategy in 2023.

CLI29/22

Resolution:

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives and considers the *Triggers workstream update*.

van Beek/Browne
CARRIED

9. Mātauranga Māori workstream development update

Simon Bendall introduced this item highlighting:

- This workstream is looking to achieve more effective tangata whenua engagement and to look at ways that Mātauranga Māori could inform the Strategy going forward
- A working group has met twice to look at how this workstream can progress including identifying a 'cultural values framework' and gathering resources to carry out engagement with tangata whenua
- Draft workstream scope could be available at the next Joint Committee meeting

CLI30/22

Resolution:

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives and notes the *Mātauranga Māori workstream development update*.

Redstone/Kerr
CARRIED

10. Managed Retreat workstream update

Chris Dolley introduced this item highlighting:

- Tonkin+Taylor (T+T) Managed Retreat report has been publicly released. It describes one of the options available to address long term coastal hazards matters so that we can better understand the option.
- Following a request from the Joint Committee, TAG will provide information to the Joint Committee about how similar coastal hazards are being addressed elsewhere/globally.

CLI31/22

Resolution:

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives and notes the *Managed Retreat workstream update*.

Hiha/Kerr
CARRIED

11.

Project Manager's update

Simon Bendall introduced this item highlighting:

- Coastal Strategy started in 2014. No physical changes have been carried out to date; plans and processes have been progressed
- The pace/ effectiveness of the strategy was discussed – in particular would more funding have led to faster implementation. There have been/are constraints on staff availability and Council processes themselves have taken time to work through
- The coming year (assuming HBRC take on sole responsibility for the strategy) will be crucial- gathering more information and preparing for the time when the strategy is ready to be implemented
- The community now has an understanding of what coastal hazards are and how these could be mitigated. There is a clear plan being developed and the governance structure for implementation has been agreed in principle.
- Physical works under the strategy will not commence until HBRC has completed and adopted its 2024 Long Term Plan to confirm implementation details.
- The Joint Committee's role going forward will be to recommend a Coastal Strategy when this is finalised – recommending to HBRC who will be responsible for the Strategy and its implementation
- At the next meeting of the Joint Committee there will be an agenda item regarding the Committee's future responsibilities following the outcome of HBRC's public consultation process on its role for Strategy implementation.

CLI32/22

Resolution:

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives and notes the *Project Manager's update*.

Barker/Browne
CARRIED

The meeting went into public excluded session at 12.13pm and out of public excluded session at 12.14pm.

12.

Confirmation of the 3 June 2022 Public Excluded Minutes

CLI33/22

Resolution:

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee excludes the public from this section of the meeting being Confirmation of Public Excluded Minutes Agenda Item 12 with the general subject of the item to be considered while the public is excluded. The reasons for passing the resolution and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are:

General subject of the item to be considered	Reason for passing this resolution	Grounds under section 48(1) for the passing of the resolution
Tonkin + Taylor Hawke's Bay	7(2)s7(2)(d) That the public conduct of this agenda item would be likely to result in the	The Council is specified, in the First Schedule to this

Coastal Strategy Implementation approaches and indicative costs for planned retreat

disclosure of information where the withholding of the information is necessary to avoid prejudice to measures protecting the health or safety of members of the public
7(2)s7(2)(j) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage
7(2)s7(2)(e) That the public conduct of this agenda item would be likely to result in the disclosure of information where the withholding of the information is necessary to avoid prejudice to measures that prevent or mitigate loss to members of the public

Act, as a body to which the Act applies.

**Barker/Browne
CARRIED**

12. Confirmation of Public Excluded Minutes of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee meeting held on 3 June 2022

Public Excluded minutes of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee meeting held on Friday, 3 June 2022, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

Resolution

CL134/22 That the meeting moves out of public excluded session.

**Barker/Redstone
CARRIED**

Closure:

There being no further business the Chairman declared the meeting closed at 12.14pm on Monday, 15 August 2022. Allana Hiha closed the meeting with a karakia

Signed as a true and correct record.

DATE:

CHAIRMAN:



Clifton to Tangoio Coastal Hazards Strategy

Summary Notes of Meeting held 15 August 2022

1. PURPOSE

This briefing note has been prepared to communicate the activity of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee to the Partner Councils, as the Committee progresses with Stage 4 of the Strategy. More information on the Strategy can be found on the project website at www.hbcoast.co.nz.

2. JOINT COMMITTEE MEETING SUMMARY: 15 AUGUST 2022

Key points from the Joint Committee meeting held 15 August 2022 are highlighted below. The full minutes of the meeting will be provided to each Partner Council in due course.

Community Deputation: Whirinaki Erosion

- The Joint Committee heard from a community representative about ongoing coastal erosion at Whirinaki. Community concern is increasing. Improved communications and information to address uncertainty was requested.

The Future of our Coastline update

- HBRC have been consulting through July on the proposal that it lead Strategy implementation. The Joint Committee resolved to enter a statement in support of the proposal to be presented as part of HBRC deliberations.

Current Coastal Projects Update

- An update was provided on key coastal hazards projects and matters within the Strategy area, including the proposed Whakarire Ave revetment, Westshore sand deposition area Haumoana 18 and Whirinaki erosion.

Triggers Workstream Update

- Final proposed adaptation thresholds were presented for feedback from the Joint Committee. Once confirmed, they would form part of the community consultation process in 2023.

Mātauranga Māori Workstream Development Update

- A new workstream is being developed to achieve more effective tangata whenua engagement and to look at ways that Mātauranga Māori could guide Strategy development.

Managed Retreat Workstream update

- Tonkin+Taylor Managed Retreat report has been publicly released. It has generated some media interest and community concern. Discussion was held around the context, intent and focus for this work, which was to explore and cost the option of retreat so the option can be better understood by the Councils and community.

Next Meeting

- The next meeting of the Joint Committee will be held on 23 September 2022.



Unconfirmed

Minutes of a Meeting of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee

Date:	Friday 23 September 2022
Time:	10.00am
Venue:	Council Chamber Hawke's Bay Regional Council 159 Dalton Street NAPIER
Present:	Cr J van Beek – HBRC - Chair Cr R Barker – HBRC Cr A Redstone – HDC Cr M Dixon – HDC Cr H Browne – NCC Cr K Price – NCC A Hiha – Mana Ahuriri Trust T Hopmans - Maungaharuru Tangitū Trust <i>(from 10.19am)</i>
Alternates:	Cr A Corban – HDC Cr N Simpson – NCC
In Attendance:	C Dolley – HBRC Group Manager Asset Manager S Young – HBRC Group Manager Corporate Services S Bendall – Traverse Environmental, Project Manager A Crispin – HBRC M Clews - HDC J Beya - HBRC M Thomsen - HBRC P Martin – HBRC Senior Governance Advisor

1. **Welcome/Karakia /Apologies/Notices**

The Chair welcomed everyone and Allana Hiha opened the meeting with a karakia.

Chair advised that the Heretaunga Tamatea Settlement Trust has appointed a new member to the Committee – Gilvrey Mohi, who is an apology for today's meeting.

Resolution

That the apologies for absence from Crs Annette Brosnan, Hinewai Ormsby, Tania Kerr and Gilvrey Mohi be accepted.

Van Beek/Corban
CARRIED

Tania Hopmans is attending but will be late

2. **Conflict of Interest declarations**

There were no conflicts of interest declared.

3. **Confirmation of Minutes of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee meeting held on 15 August 2022.**

CLI35/22 **Resolution:**

Minutes of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee meeting held on Monday, 15 August 2022, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

Redstone/Price
CARRIED

4. **Actions from previous Joint Committee meetings**

Chris Dolley introduced this item highlighting:

- The review of the Joint Committee's Terms of Reference will be undertaken by the incoming TAG members after the election process

CLI36/22 **Resolution:**

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives and notes the *Actions from previous Joint Committee meetings* staff report.

Barker/Hiha
CARRIED

5. **Call for Minor Items not on the agenda**

Recommendations

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee accepts the following *Minor items not on the agenda* for discussion as Item 12:

Topic	Raised by
No matters raised	

6. **The Future of Our Coastline Consultation update**

Chris Dolley introduced this item and highlighted:

- Brief background on the public submission process
- 60 submissions were received with 87% of these being in support of the proposal that HBRC takes on the leadership role for implementing the Coastal Strategy
- Six people spoke at the hearings held for the submission process – there was a call for urgent action on coastal hazards
- Coastal monitoring methods were raised – TAG meet regularly to discuss coastal matters including erosion. The public can contact their local Council staff about such matters which are passed through to TAG
- Photo location monitoring opportunity through Coast Snap was raised. It was also noted that HBRC regularly monitors designated cross sections of the coast to track coastal changes

CL137/22

Resolution:

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives and notes *The Future of our coastline update* staff report.

Redstone/Price
CARRIED

7.

Project Manager's update

Simon Bendall introduced this item and noted:

- Project tracking well overall with no high risk areas identified in this report
- Two areas identified as being under pressure; the timeline which is targeting August 2023 to get the Strategy notified, and Communication/ engagement, noting that mana whenua engagement is low and significant comms and engagement activities will be required in the coming months.

CL138/22

Resolution:

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives and notes the *Project manager's update*.

Barker/Corban
CARRIED

8.

Mātauranga Māori Workstream Scope

Simon introduced this item and highlighted:

- Proposed scope for this workstream is presented for endorsement by the Joint Committee – these have been developed with input from several members of the Joint Committee, the HBRC Māori partnership team and external contractor expertise
- The scope is not fixed – it can and may well evolve over time
- There are three key outputs - it is now planned to engage the consultants needed and to get started on this workstream should the scope receive support from the Joint Committee
- This workstream will be interacting with the Kotahi project to seek synergies and share information and resources

CL139/22

Resolution:

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives and notes the *Mātauranga Māori Workstream Scope* staff report and endorses the Mātauranga Māori Workstream scope as attached.

Dixon/Price
CARRIED

9. Interim management response plan

Simon Bendall introduced this item highlighting:

- From the beginning of work under the Strategy it has been explicit that the Strategy development process does not slow down or prevent individual Councils from undertaking planned works on the coast as and if required
- This interim response plan is proposed to provide greater clarity for when this happens – it will articulate for Councils and the community how urgent coastal hazards will be managed until the Strategy is completed/in place
- It is noted that the RMA allows emergency works to be undertaken without resource consent which can then be sought retrospectively. Resource consenting will always be required for works on the coast of this nature
- Now seeking endorsement/approval of the concept of developing this response plan
- Plan could benefit from having an overall doctrine and could set out who leads it and under what philosophy. Suggest that this philosophy is 'as if the Strategy is in place'
- There is a tension between what needs to be done in the short term versus what shouldn't be considered until the long term Strategy is in place when all cultural and environmental impacts will be known
- Mātauranga Māori workstream will also inform the interim management response plan

CLI40/22

Resolution:

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives and notes the *Interim management response plan* staff report.

Simpson/Redstone
CARRIED

10. Current coastal projects update

Chris Dolley introduced this item, discussions highlighted:

- Whakarire Ave revetment – NCC continue to progress delivery of this
- Westshore sand deposition – consent expires in 2027, however it is a complex matter and work on the consent is already underway. The ongoing renourishment has an impact on rocks and reefs north of Tangoio beach - this should be incorporated into consent considerations
- Whirinaki - short terms solutions for erosion control are being looked at
- Coastal inundation study is currently being carried out by Tonkin + Taylor to assist Councils when setting building floor heights along the coast under Building Consent processes. Inundation describes short term events – floods last longer, sometimes days

CLI41/22

Resolution:

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives the *Current coastal projects update*.

Hopmans/Simpson
CARRIED

11. Communication and engagement update

Simon introduced this item with discussions highlighting:

- We have heard that there is a lack of certainty/clarity about the Strategy in some parts of the community. It is proposed to undertake another round of community engagement in November 2022 which will include a pamphlet letterbox drop and drop-in sessions in the communities involved
- An updated communication plan will be produced covering the period from November 2022 through to August 2023
- Consistent messaging is required whatever media channel is being used. Suggest that a large roadside sign/billboard be used in appropriate areas including Whirinaki.

CLI42/22

Resolution:

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives and notes the *Communication and engagement update*.

**Dixon/Price
CARRIED**

12. Discussion of Minor Matters not on the agenda

No items

Closure:

Allana Hiha closed the meeting with a karakia.

There being no further business the Chair declared the meeting closed at 11.13am on Friday, 23 September 2022.

Signed as a true and correct record.

DATE:

CHAIR:

Thursday, 8 December 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: **Aaron Wilson, Financial Controller**

Te Take: **Quarterly Financial Report for the three months ended 30**
Subject: **September 2022**

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

- 1.1 The purpose of this report is to inform the Council of the financial result for the three months ended 30 September 2022.
- 1.2 Council's overall financial performance is \$1.4m unfavourable to YTD budget for the quarter ended 30 September 2022.

Overall revenue is \$62k unfavourable to the YTD budget (in the context of total revenue for the quarter of \$40m) and expenditure is \$1.4m unfavourable to YTD budget due to increased depreciation costs.

2.0 Recommendations - *Ngā Tūtohunga*

That Council receives the report titled Quarterly Financial Report for the three months ended 30 September 2022 dated 8 December 2022.

3.0 Background – *Te Horopaki*

- 3.1 The accounting operating financial result is reported on a quarterly basis during the year and, at year end, a report is prepared on the financial as well as the rating result. The rating result differs from the accounting results in respect of non-cash items such as depreciation, vested assets and development contributions that are not included.
- 3.2 This financial report is governance focussed and allows significant variances to be highlighted with explanations provided in a way that is easy to read and understand through dashboard analytics and commentary.

- 3.3 The Financial Report attached to supplement this report: **Attachment 1 – Dashboard Summary of Financial Performance.**
- 3.4 If Councillors require clarification on any points, please contact the writer prior to the meeting to ensure complete answers can be given at the meeting on the detail in these reports.

4.0 Discussion – *Te Matapakitanga*

- 4.1 Set out below is a summary of the operating financial results year to date. The financial results detailed below represent the accounting view and does not reflect the potential rating result for 2022/23:

	\$'000	\$'000	\$'000	
2022/23	YTD Actual	YTD Revised Budget	YTD Variance	Full Year Revised Budget*
Operating Revenue	39,931	39,993	(62)	171,442
Operating Expenditure	45,025	43,666	(1,359)	164,463
Net Surplus/(Deficit)	(5,093)	(3,673)	(1,421)	6,978

- Revised budget includes the Annual budget, brought forwards and surplus allocations from 2021-22 financial year.

- 4.2 The result above is presented against the revised budget. The revised budget includes changes and decisions made during the year on Council budgets which includes carry forwards from 2021/22.
- 4.3 Council's overall financial performance is \$1.4m unfavourable to YTD budget for the quarter ended 30 September 2022.
- 4.4 Overall revenue is \$62k unfavourable to the YTD budget and expenditure is \$1.4m unfavourable to YTD budget.

Revenue

- 4.5 The first quarter revenue is tracking very close to budget at \$62k unfavourable in the context of total revenue budgeted for the quarter of \$40m and when compared to the 1st quarter last year which was \$1.9m unfavourable is showing the benefit of moving past the impact of the COVID 19 pandemic, where a number of community facing facilities that were affected are expected to return to business-as-usual settings.

1 st Quarter Revenue	\$'000	\$'000	\$'000
2022/23	YTD Actual	YTD Revised Budget	YTD Variance
Rates	25,459	25,298	161
Fees & Charges	8,708	8,449	259
Subsidies & Grants	4,155	4,756	(602)
Development Contributions	1,344	1,219	125
Interest Revenue	111	-	111
Other Revenue	155	272	(117)
Total Revenue	39,931	39,993	(62)

- 4.6 Subsidies and Grants are \$602k behind budget due to the timing of Waka Kotahi (NZTA), subsidies, this is offset by lower subsidy related expenditure and will catch up during the year.

- 4.7 The other revenue variance of (\$117k) is related to when vested assets are received. This is purely timing with most vested assets received and processed at year end.

Expenditure

- 4.8 Overall expenditure is tracking unfavourably year to date for the first quarter by \$1.4m or 3.2% of total budgeted expenditure year to date. Main drivers include:
- 4.9 The negative variance to budget for non-cash entries in terms of Depreciation (\$3.1m) is driven by higher asset values due to prior year revaluations in 3 Waters and Transportation. The 3 Waters revaluation in asset value was significant and has been driven by higher contracted rates, and overall unit costs. This increase in asset values has seen a significant increase in depreciation cost in excess of what was expected and budgeted.
- 4.10 Personnel costs are favourable to budget by \$583k mainly due to the number of vacancies across Council activities.
- 4.11 Other operating costs are favourable to budget by \$1.2m and are mainly driven by lower contracted services (\$433k), expert advice (\$303k), and legal advice (\$96k) costs across asset management, economic growth and community services, along with a wide range of other service variances. This is largely around the timing of projects coming on stream in terms of where the budget is phased and is likely to even out over the rest of the year.

Unbudgeted but approved spend

- 4.12 Across the activities of Council there are many projects underway that Council has approved the additional spend on within the current financial year, in order to either complete the project, meet additional demand or position Council strategically going forward.
- 4.13 Whilst these projects in terms of spend fall in the current 2022/23 year, all the decisions were made by Council in the previous financial year in order to continue the completion of projects like water or enable work/ agreements to be signed.
- 4.14 It is important to keep a track on these projects, while they will have positive outcomes and are due to well-justified decisions, Council needs to be aware of how they are funded, and what the longer-term view is where Council debt is concerned in understanding the intergenerational impact these projects will have.
- 4.15 In addition to this there will be some revenue streams over the longer term that will help offset the initial capital outlay. This is particularly relevant in relation the purchase of building assets, where Council will receive circa \$500k in lease revenue.
- 4.16 The increase in debt will mean additional financing costs in servicing that debt. Some of that debt servicing cost will be offset from delayed spending on other projects and from lease revenue derived from those assets.
- 4.17 The table below highlights the unbudgeted projects that have been approved by Council so far, this table will be updated on a quarterly basis. The funding for these projects is by way of debt.

Approved Unbudgeted Projects 2022/23	Funded by	\$'000
Drinking Water Improvement Programme	Debt	8,700
340 Heretaunga Street West	Debt	7,500
305 Heretaunga Street East	Debt	1,000
Other	Debt	1,500
Stormwater Management	Debt	1,500
Total		20,200

- 4.18 During the first quarter of the year Council made the decision to purchase 340 Heretaunga Street East (currently occupied by CityFitness Gym) as a long term strategic property acquisition to support future development choices for Council into the future. While unbudgeted, the strategic nature of this property in relation to the Toitū – Hawkes Bay Arts and Events Centre was seen as the main driver and with the long term lease in place (12 years with 2 rights of renewals of 6 years each) the lease income will largely service the debt and operational costs over that time.
- 4.19 Council also acquired the Hastings Church property at 305 Heretaunga Street East and officers will work through future use opportunities in the coming months and will be reporting back to Council on progress and options.
- 4.20 In addition to the table above, a significant level of funding (\$18m) has been allocated from central government for a large infrastructure project to support growth that will help “unlock” parts of the district that are currently constrained by limitations within the current wastewater network. This will require Council to invest further into that infrastructure which will be considered in a Long Term Plan amendment in 2023.

Capital Spend

- 4.21 Council’s total revised capital budget (including carry forwards, renewals, new works and growth projects) for 2022/23 is \$148m. This level of expenditure is a significant increase on what has been delivered previously by Council and there is risk associated with the ability of Council to deliver on this programme. Helping to offset some of this risk is a much more detailed programme of the works budgeted.
- 4.22 The large capital budget is made up of:
- | | |
|---------------------------------------|--------------|
| 2022-23 Annual Plan | \$121m |
| Carry forwards and budget adjustments | <u>\$27m</u> |
| Total revised budget | \$148m |
- 4.23 Projects by Activity within the three types of capital spend are shown below:

Year to date Summary of Capital Spend by Type				
	YTD Actuals	YTD Budgets	YTD variance	Revised Budgets
COUNCIL CAPITAL				
Renewals	5,537,986	6,477,595	939,609	45,235,562
New Works	21,794,407	16,672,809	(5,121,598)	76,742,627
Growth	1,340,999	1,185,141	(155,857)	26,300,250
	28,673,392	24,335,546	(4,337,846)	148,278,438
SUMMARY				
RENEWALS				
Stormwater Services	224,455	144,877	(79,578)	1,158,625
Wastewater Services	897,998	816,125	(81,873)	11,743,500
Water Services	1,034,832	1,014,825	(20,007)	4,876,298
Transportation RA 1	1,556,036	2,531,533	975,497	18,110,394
<u>Rest of Council</u>				
Parks	428,138	487,000	58,862	2,119,929
Building services	600,956	262,364	(338,592)	2,185,581
Municipal Strengthening	35,990	-	(35,990)	-
Server Infrastructure	36,966	21,750	(15,216)	87,000
Landfill	-	11,622	11,622	46,486
Other	722,615	1,187,499	464,884	4,907,748
	5,537,986	6,477,595	939,609	45,235,562
NEW WORKS				
Stormwater Services	2,371,184	2,528,750	157,566	5,685,300
Wastewater Services	137,317	139,050	1,733	1,968,651
Water Services	6,868,566	4,437,473	(2,431,093)	24,820,136
Transportation	2,452,386	2,324,206	(128,180)	13,871,225
Landfill	207,484	4,523,598	4,316,114	4,524,219
Parks	1,028,946	868,358	(160,588)	12,725,600
Building services	7,215	50,000	42,785	393,000
<u>Rest of Council</u>				
Flaxmere Town Centre	435,003	450,000	14,997	3,550,000
206 Queen St	50,307	50,000	(307)	200,000
Food Hub Phase 2	-	-	-	-
New Cemetery Setup	42,362	218,250	175,888	873,000
HB Museum Storage	171,173	500,000	328,827	2,000,000
Flaxmere Housing	350,677	360,000	9,323	3,597,000
Other	7,671,787	223,124	(7,448,663)	2,534,496
	21,794,407	16,672,809	(5,121,598)	76,742,627
GROWTH				
Stormwater Services	264,499	233,500	(30,999)	8,463,500
Wastewater Services	28,201	30,000	1,799	4,377,000
Water Services	349,153	313,141	(36,011)	1,995,500
Transportation RA 1	398,846	306,000	(92,846)	10,630,250
Parks	300,300	302,500	2,200	834,000
	1,340,999	1,185,141	(155,857)	26,300,250
Total Capital	28,673,392	24,335,546	(4,337,846)	148,278,438

- 4.24 Capital spend for the year to date is \$28m and is ahead of budget by \$4.3m. This is partly due to the Waters Services project ahead of budget, along with the one-off impact of the unbudgeted but approved purchase of buildings. (This can be seen in the table above under New Works/Rest of Council/Other)
- 4.25 The Landfill valley development is very close to getting underway, now resource consent has been approved. This capital expenditure project has now gone out to tender, with work expected to start in the third quarter of the financial year.
- 4.26 Whilst urban transport renewals are behind budgeted spend in the first quarter this is expected to catch-up over the coming quarters.

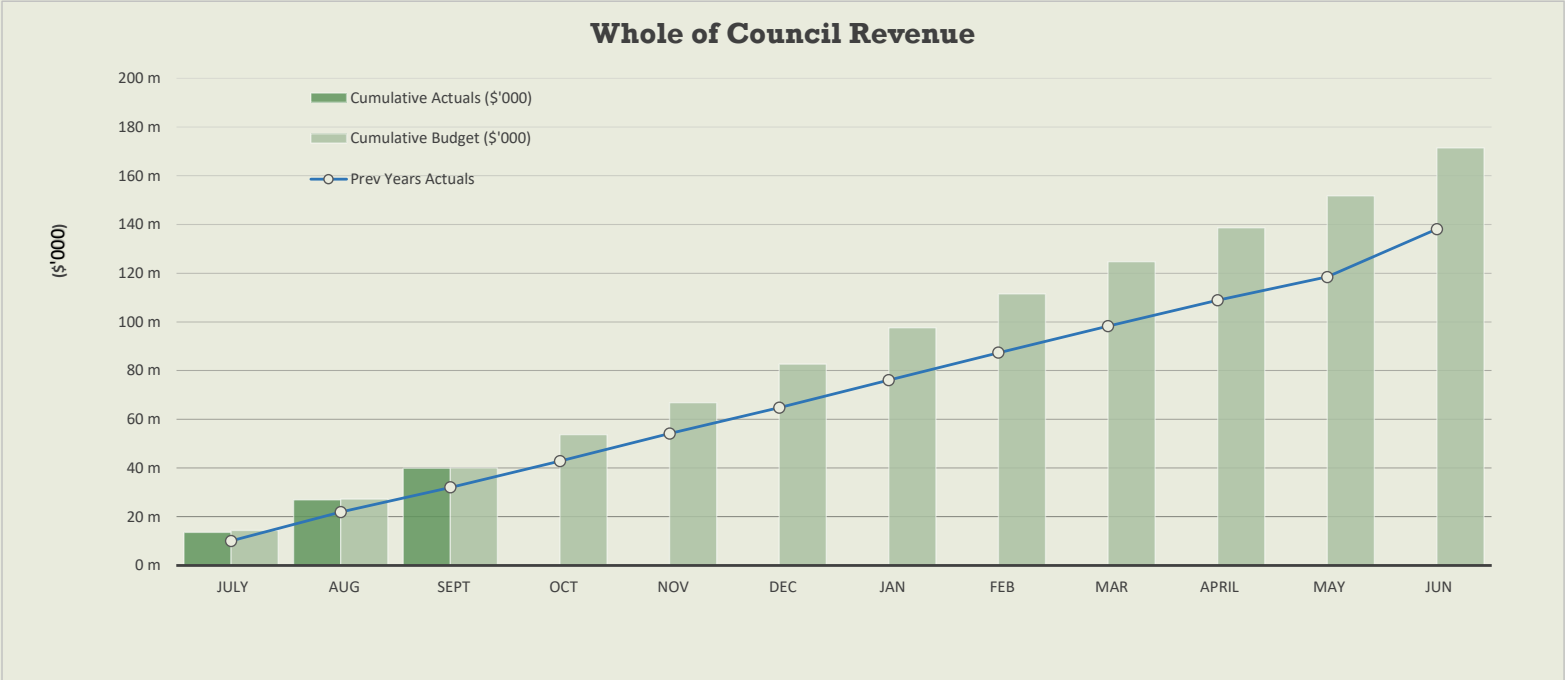
Treasury

- 4.27 Council's total gross debt position as at 30th September was \$237m. This amount included borrowing \$32m for capital prefunding for the 2022/23 year. At the time of writing this report, Council has borrowed a further \$15m to maintain adequate cashflow, given the capital project spend undertaken to date. As of November, gross debt now stands at \$252m.
- 4.28 Council is currently compliant with Treasury Management Policy. The Risk and Assurance Committee reviews and monitors Council's treasury performance and policy with advice from Bancorp Treasury Services.

Attachments:

- 1 [↓](#) Quarterly Dashboard 30th September 2022 FIN-09-01-22-210

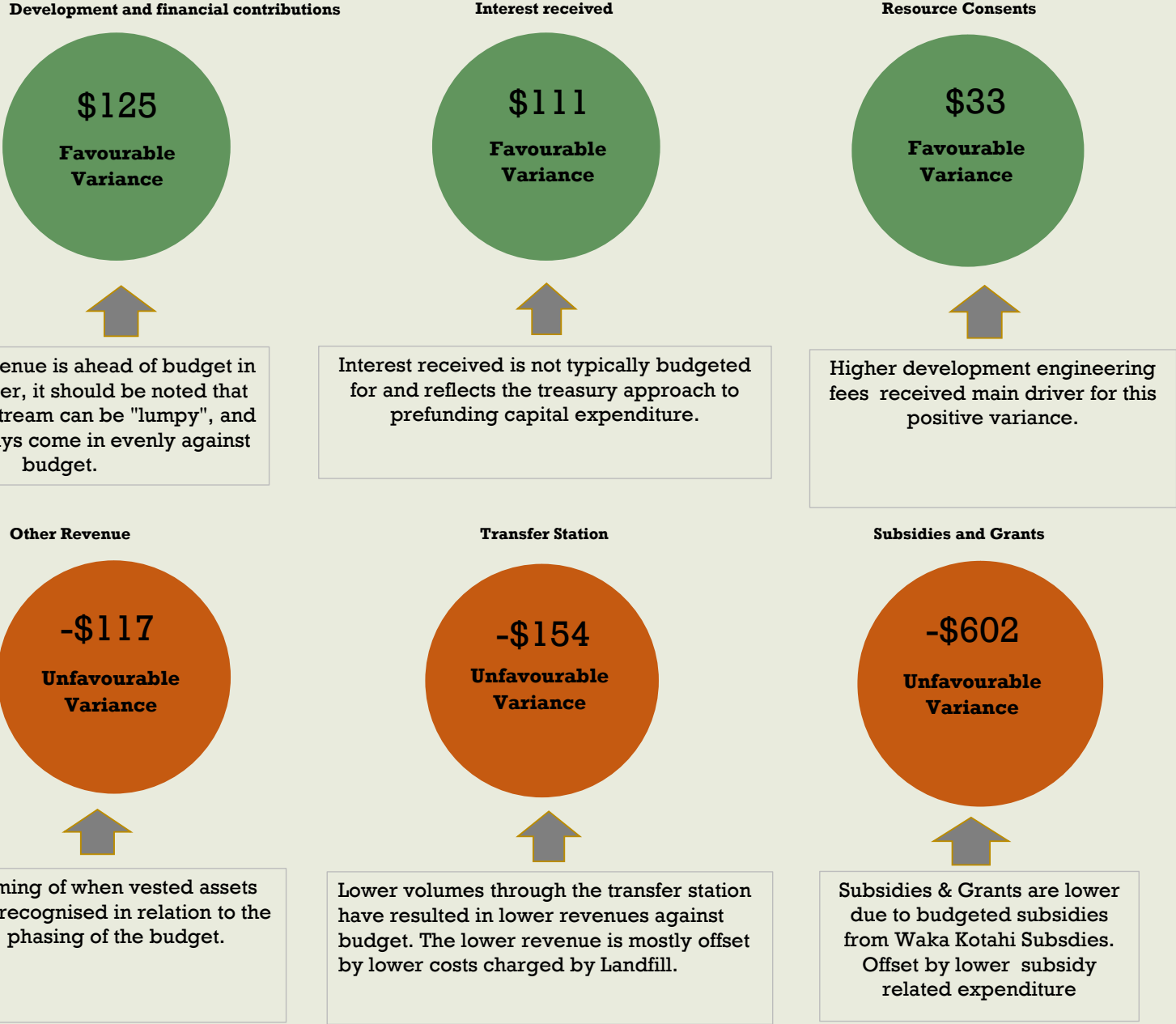
Hastings District Council Quarterly Dashboard as at
30 September 2022



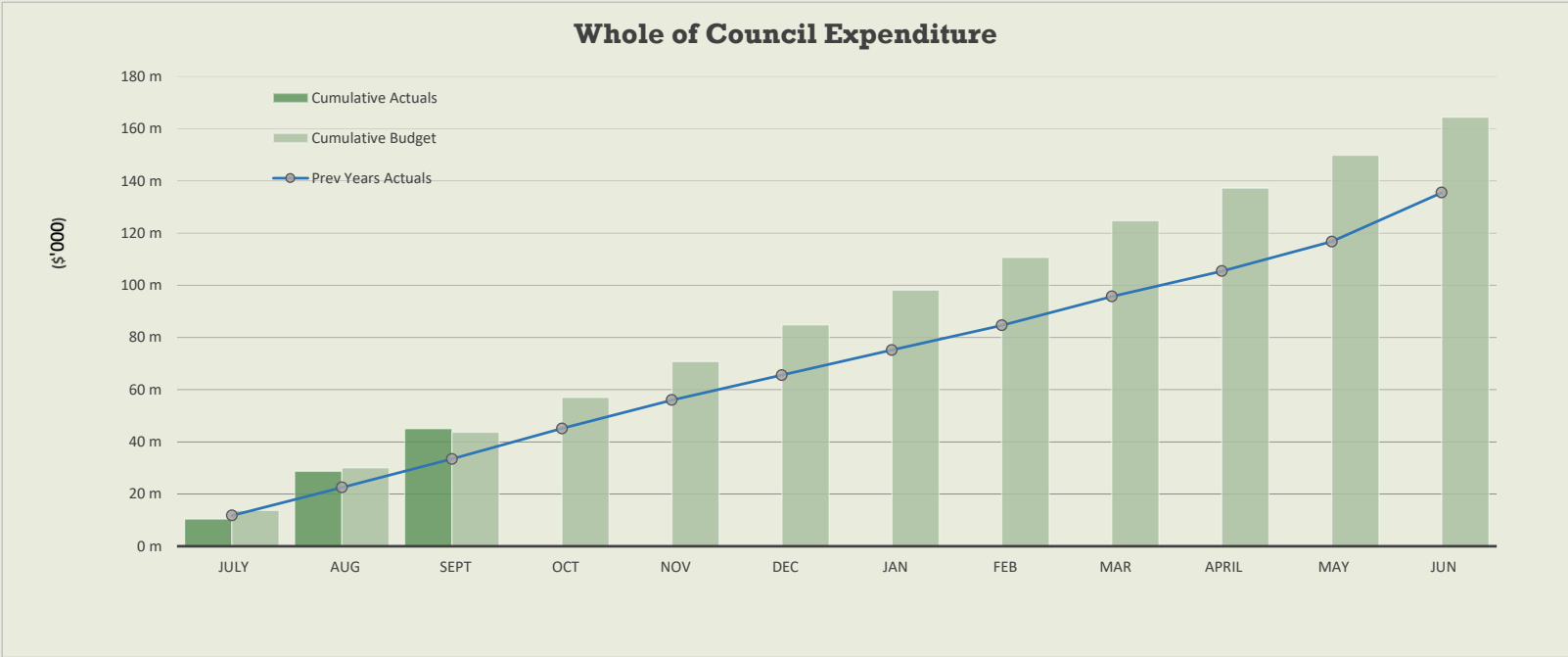
Total Revenue Streams	Actual Ytd (\$'000)	Budget Ytd (\$'000)	Variance Ytd (\$'000)
Rates (Budget)	25,459	25,298	161
Fees, charges & metered water supply charges	8,708	8,449	259
Subsidies and Grants	4,155	4,756	-602
Development and financial contributions	1,344	1,219	125
Interest revenue	111	0	111
Other revenue	267	272	-117
Total	40,042	39,993	-62

Comments: Budgeted Capital subsidies not yet received from Waka Kotahi, along with the timing of when vested asset revenue has been recieved is partly offset by higher fees & charges,development contributions and interest revenues.

How we are doing by key revenue streams (\$'000)



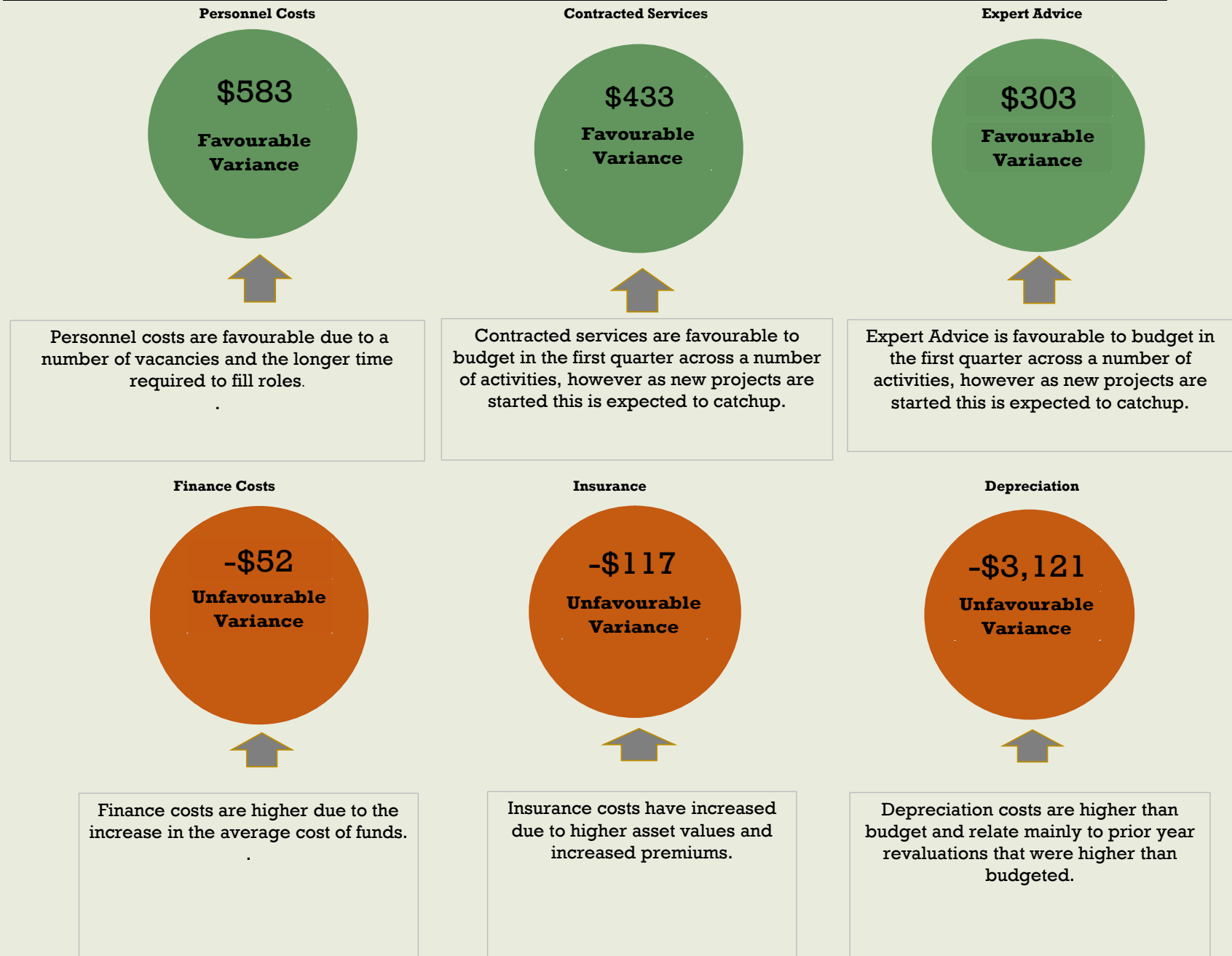
Hastings District Council Quarterly Dashboard as at
30 September 2022



Total Expenditure	Actual Ytd (\$'000)	Budget Ytd (\$'000)	Variance Ytd (\$'000)
Personnel Costs	10,516	11,100	583
Depreciation	13,141	10,020	-3,121
Finance Costs	2,199	2,147	-52
Other Operating Costs	19,169	20,400	1,231
Total Operating Expenditure	45,025	43,666	-1,359

Comments: Personnel vacancies, lower finance costs, along with a range of lower than budgeted operational expenditure have been driven by projects yet to fully impact in terms of expenditure . This is offset by higher than budgeted Depreciation.

How we are doing by key expenditure categories (\$'000)



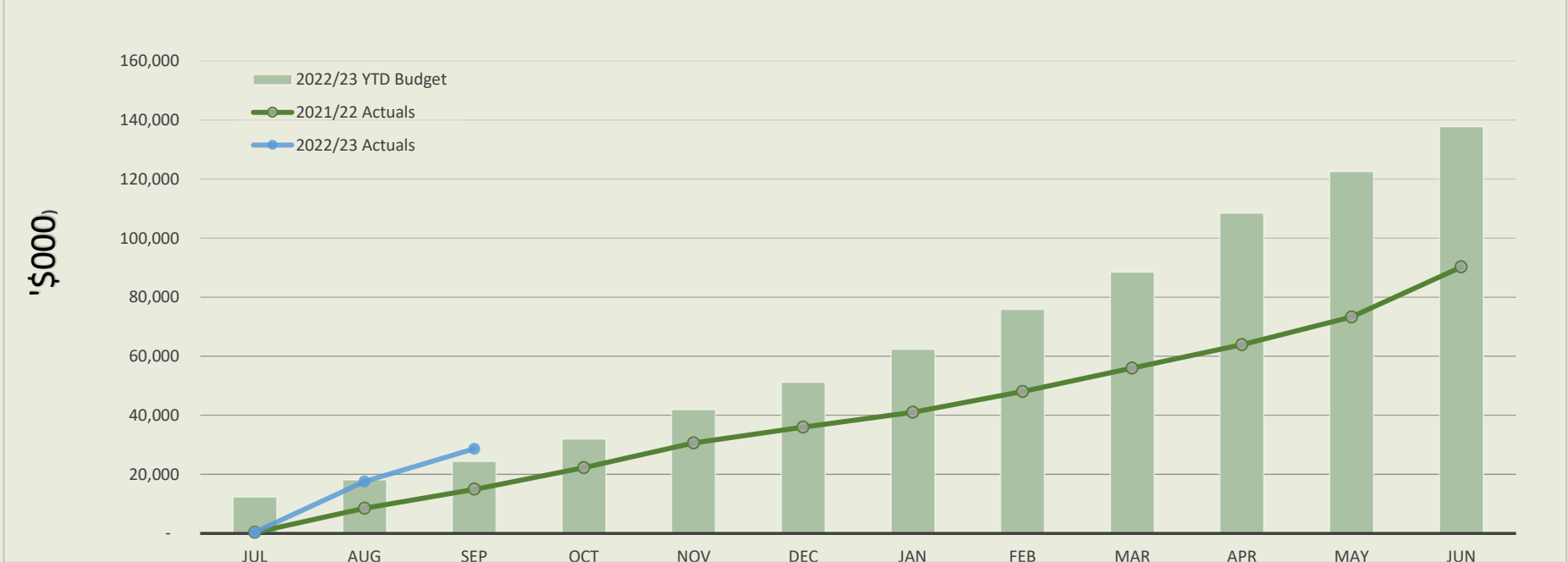
Hastings District Council Statement of Comprehensive Revenue and Expense as at 30 September 2022

Previous YTD Actuals (\$'000)	Description	YTD Actuals (\$'000)	YTD Budgets (\$'000)	YTD Variance (\$'000)	Full Year Budget (\$'000)
	<u>Revenue</u>				
23,740	Rates	25,459	25,298	161	101,191
8,418	Fees, charges & metered water supply	8,708	8,449	259	33,563
6,110	Subsidies and Grants	4,155	4,756	(602)	29,365
686	Development and financial contributions	1,344	1,219	125	5,785
-69	Interest revenue	111	-	111	-
165	Other revenue	155	272	(117)	1,537
39,050	Total Operating Revenue	39,931	39,993	(62)	171,442
-	Non Realised Gains	-	-	-	-
39,050	Total Revenue	39,931	39,993	(62)	171,442
	<u>Expenditure</u>				
9,905	Personnel Costs	10,516	11,100	583	42,630
9,684	Depreciation & Amortisation Expense	13,141	10,020	(3,121)	40,079
1,336	Finance Costs	2,199	2,147	(52)	8,624
14,236	Other Operating Costs	19,169	20,400	1,231	73,130
35,161	Total Expenditure	45,025	43,666	(1,359)	164,463
3,889	SURPLUS/(DEFICIT)	(5,093)	(3,673)	(1,421)	6,978

Hastings District Council Funding Impact Statement As At: 30 September 2022

Previous YTD Actuals (\$'000)	Description	YTD Actuals (\$'000)	YTD Budgets (\$'000)	YTD Variance (\$'000)	Full Year Budget (\$'000)
	<u>Operations - Funding Source</u>				
21,914	Rates	23,500	23,352	148	101,191
1,856	Subsidies and Grants	2,264	2,262	3	7,974
8,308	Fees, charges metered water supply	8,577	8,359	219	33,230
-56	Interest and dividend revenue	129	17	112	17
258	Other revenue	263	220	43	853
32,279	Total Operating Funding	34,734	34,209	525	143,266
	<u>Operations - Use of Funding</u>				
9,905	Personnel Costs	10,516	11,100	583	42,630
12,178	Supplier Costs	14,737	15,704	967	62,348
1,337	Finance Costs	2,204	2,147	(57)	8,624
2,033	Other Operating Costs	4,204	4,649	445	9,287
25,452	Total Use of Operating Funding	31,661	33,599	1,938	122,889
6,827	Operating Funding Surplus/(Deficit)	3,073	610	2,463	20,377
	<u>Capital - Funding Source</u>				
4,254	Capital Subsidies grants	1,890	2,494	(604)	21,391
658	Development financial contributions	1,316	1,158	158	5,515
5,735	Debt - Increase or (decrease)	19,212	14,332	4,880	79,058
63	Sale of Assets	75	77	(1)	306
28	Other Capital Funding	28	61	(33)	270
10,737	Total Capital Funding	22,521	18,122	4,399	106,540
	<u>Capital - Use of Funding</u>				
931	To meet additional demand (Growth)	1,127	1,121	6	24,578
7,215	To improve the level of service (New Works)	21,980	16,663	5,318	72,803
6,678	To replace existing assets (Renewals)	5,541	6,383	(842)	41,174
2,340	To Increase or (decrease) reserves	(3,054)	(5,492)	2,438	(11,866)
399	To Increase or (decrease) Investments	-	57	(57)	228
17,565	Total use of Capital Funding	25,594	18,732	6,863	126,917
(6,827)	Capital Funding Surplus/(Deficit)	(3,073)	(610)	(2,464)	(20,377)
	TOTAL FUNDING BALANCE	-	-	-	-

Whole of Council Capital Spend as at 30 September 2022



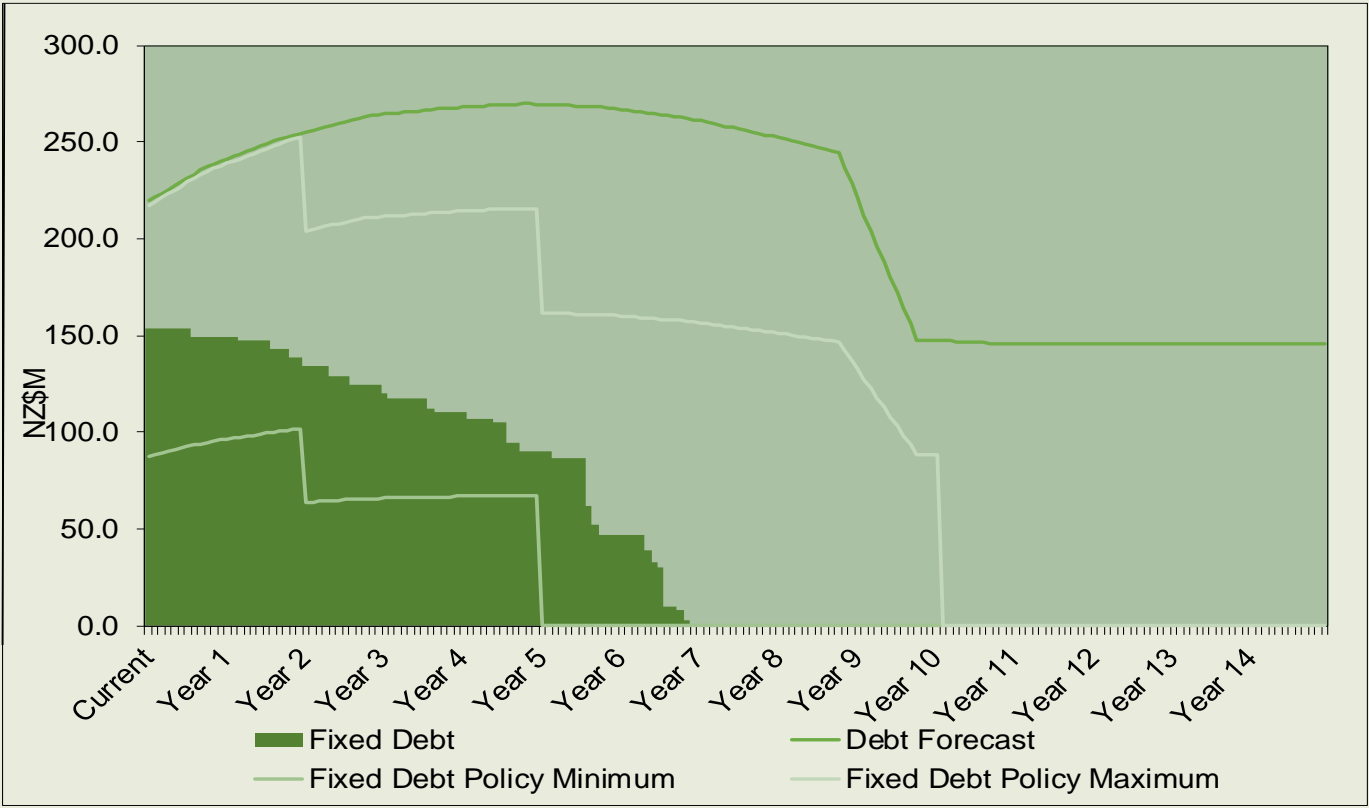
Capital - Commentary

Capital spend to 30 September 2022 is \$28.6m compared to a quarterly budget of \$24.3m. This is partly due to the Waters Services project ahead of budget, along with the one-off impact of the unbudgeted but approved purchase of buildings. Whilst transport RA1 in renewals is behind budgeted spend in the first quarter this is expected to catch-up over the coming quarters.

Treasury - Commentary

Interest Rate Risk Position

30th Sept 2022 Hastings District Council - Forecast



Council's total gross debt as at 30th September was \$237m. This amount included borrowing \$32m for capital prefunding for the 2022/23 year. A further \$15m was borrowed in November to maintain cashflow. The graph above shows the level of cover that is in place for the \$237m debt in order to manage the risk of increasing cost of funds. Council is compliant with Treasury policy.

Areas of Activity		
<div><div>Growth Urban Planning</div><div><div>\$349</div><div>Favourable Variance</div></div><div>Net Operations Favourable/(Unfavourable)</div><div><div>Comment</div><div>The Growth and Urban planning cost centre is favourable to the timing of spend in the contracted services and expert advice areas across a number of growth related projects.</div></div></div>	<div><div>Parking</div><div><div>\$129</div><div>Favourable Variance</div></div><div>Net Operations Favourable/(Unfavourable)</div><div><div>Comment</div><div>The first quarter result for Parking is driven by higher than budget revenue along with lower personnel costs due to vacancies. It is expected that there may be a drop off in infringement revenue in the next quarter due to vacancies with the activity.</div></div></div>	<div><div>Environmental Consents</div><div><div>\$41</div><div>Favourable Variance</div></div><div>Net Operations Favourable/(Unfavourable)</div><div><div>Comment</div><div>Lower spend in legal advice compared to budget is the main driver for the favourability in environment consents.</div></div></div>
<div><div>Wastewater and Effluent Disposal</div><div><div>-\$1,764</div><div>Unfavourable Variance</div></div><div>Net Operations Favourable/(Unfavourable)</div><div><div>Comment</div><div>Higher depreciation costs are the main driver with a \$1.45m impact. Higher preventative and reactive maintenance along with increased insurance costs have also contributed to the net operations result .</div></div></div>	<div><div>Transport</div><div><div>-\$1,027</div><div>Unfavourable Variance</div></div><div>Net Operations Favourable/(Unfavourable)</div><div><div>Comment</div><div>Transport has been impacted by the timing of grants and subsidies not received (\$850k), however this is offset by lower expenditure mainly in capital. The other main driver is in higher depreciation cost (570k) to budget due to the large increase in asset values in the prior year.</div></div></div>	<div><div>Toitoi</div><div><div>-\$323</div><div>Unfavourable Variance</div></div><div>Net Operations Favourable/(Unfavourable)</div><div><div>Comment</div><div>Whilst revenue against budget is up in the first quarter, this is offset by higher personnel and services costs running the facility along with higher than budgeted depreciation impact now that the Municipal building has been open.</div></div></div>
Net Operations = Revenue less Operational (excludes Recharges, Recoveries and Capital)		

Thursday, 8 December 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: Bruce Allan, Group Manager: Corporate

Te Take:
Subject: Performance and Monitoring Report, Quarter 1, 30 September 2022

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

- 1.1 The purpose of this report is to present to Council the Performance and Monitoring Report for the quarter ended 30 September 2022. The presentation of this report to Council has been delayed due to the elections and the standing up of committees and delegations. Some information presented in the attached report may therefore seem a little out of date but this report is capturing activity that occurred between the period 1 July and 30 September 2022.
- 1.2 The Performance and Monitoring Report and Appendices are attached (**Attachment 1**) and are a comprehensive overview of Council's activities.
- 1.3 There is a large amount of information presented in this report and officers would recommend to Councillors that if they have questions that they would like answered during the meeting that those questions be put to the writer of this report prior to the meeting so that they can be satisfactorily answered in the meeting.
- 1.4 The quarterly financial report for the period ended 30 September 2022 is reported on separately in this agenda.

2.0 Recommendations - *Ngā Tūtohunga*

That Council receives the report titled Performance and Monitoring Report, Quarter 1, 30 September 2022 dated 8 December 2022.

Attachments:

Thursday, 8 December 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: Exercise of the Chief Executive's Delegated Authority during the Interregnum Period

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

- 1.1 The purpose of this report is to meet the Chief Executive's obligation to report to Council on the exercise of his delegated authority to make decisions on behalf of the Council in respect of urgent matters during the interregnum period.
- 1.2 On 4 October 2022 Council received a report titled Council Interregnum. The purpose of this report was to advise council that the Hastings District Council Delegations to the Chief Executive apply to the Chief Executive in relation to matters arising at the end of the term of Council, from the day of the declaration of the results of the triennial election until the first meeting of the Council following the triennial election (swearing in ceremony). The Chief Executive also has authority to make decisions on behalf of the Council, in respect of urgent matters arising during this time:
 - In consultation with the Group Manager: Planning & Regulatory Services in respect of Liquor Licensing and regulatory matters
 - In consultation with the incoming Mayor, as may be appropriate, in respect of other matters
- 1.3 It was noted in the 4 October report that any decision made outside of the normal delegations to the Chief Executive was to be reported back to the first ordinary meeting of the incoming Council or to a meeting of the appropriate Standing Committee of the Council.
- 1.4 **Exercise of Delegated Authority**
- 1.5 An Engagement Recommendation Report for Contract: CON2021039 Waiaroha Education Building and Site Works was approved by the Chief Executive on 19 September 2022 to engage Gemco Construction Ltd for a fixed price tender, in two separable portions, being:
 - Separable Portion 1: Education Building \$3.81m

- Separable Portion 2: Site Works \$3.89m
- Total \$7.70m

- 1.6 The contract budget provision for this works was \$8.0m. This funding was approved as part of an additional overall capital funding paper presented and approved by the Operations & Monitoring Committee on 15 September 2022. Gemco were formally engaged in an Early Contractor Involvement phase with Hastings District Council on 7 May 2021 and negotiations through to September 2022 were focussed on design and construction refinements, commitment to demanding timelines and benefits from existing Council projects.

2.0 Recommendations - *Ngā Tūtohunga*

That the Council receive the report titled Exercise of the Chief Executive's Delegated Authority during the Interregnum Period dated 8 December 2022.

Attachments:

There are no attachments for this report.

Thursday, 8 December 2022

Item 12

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

Te Rārangi Take

Report to Council

Nā:
From: Vicki Rusbatch, Senior Advisor Democracy & Governance Services

Te Take:
Subject: Adoption of the Annual Report and Summary 2021/22

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

1.1 The Officers' Report and following attachments will be circulated separately:

- | | |
|--------------|---|
| Attachment 1 | Closing report to Council from auditors EY. |
| Attachment 2 | 2021/22 Annual Report |
| Attachment 3 | 2021/22 Summary Annual Report |

Attachments:

There are no attachments for this report.

Thursday, 8 December 2022

Item 13

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

Te Rārangi Take

Report to Council

<i>Nā:</i>	Matt Adamson, Strategy and Policy Advisor
<i>From:</i>	Louise Stettner, Manager, Democracy & Governance Services Craig Cameron, Group Manager: Strategy and Development
<i>Te Take:</i>	Adoption of Register of Delegations & Councillor Appointments to
<i>Subject:</i>	Committees, Subcommittees and External Organisations

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

- 1.1 The purpose of this report is to obtain Council decisions on;
 - Adoption of the 'Committee and Rural Community Board Register of Delegations',
 - The makeup of Council in respect of its Committees, which includes Subcommittees, Joint Committees and Lead Councillor roles,
 - Council appointments to external organisations.
- 1.2 The proposed Governance Structure is designed to enable Council to effectively and strategically plan Councils future service provision to ensure Hastings future development with emphasis on;
 - Environmental wellbeing including protection of fertile soils,
 - Community wellbeing including quality housing solutions for all our communities,
 - Quality economic development and career opportunities for everybody wanting to work
 - An inclusive community that celebrates diversity and honours the principles of the Treaty of Waitangi and improves opportunities for Māori to contribute to local government decision-making processes and,
- 1.3 Council monitors and performance manages effective delivery of its Annual Plan under an ethos of community and customer centric service.
- 1.4 This report concludes by recommending that the Recommendations of the Mayor in respect of these matters are adopted.

2.0 Recommendations - Ngā Tūtohunga

- A) That Council receives the report titled Adoption of Register of Delegations & Councillor Appointments to Committees, Subcommittees and External Organisations dated 8 December 2022.
- B) That Council approve the revised Heads of Agreement for the Ōmarunui Landfill Joint Committee.
- C) That Council approve the revised Terms of Reference for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee.
- D) That Council adopt the 'Committee and Rural Community Board Register of Delegations' (2022-2025). **(Attachment 1)**.
- E) That Council adopt the Mayor's recommendations for appointments to Council Committees, Subcommittees and Working Groups. **(Attachment 2)**.
- F) That Council adopt the Mayor's recommendations for the appointment of Chairs, Deputy Chairs and Lead Councillors. **(Attachment 2)**.
- G) That Council adopt the Mayor's recommendations for appointments of Councillors to external organisations. **(Attachment 3)**

3.0 Background – Te Horopaki

- 3.1 Hastings District Council committees, subcommittees, and other subordinate decision-making bodies were discharged when members who were elected in the 2022 Local Government Election came into office. (Clause 30(7), Schedule 7 Local Government Act 2002).
- 3.2 The Council needs to consider its committee structure and may make appointments to committees and subordinate decision-making bodies. Council must also make appointments to external organisations where Council has representation.
- 3.3 Section 41A of the Local Government Act 2002 sets out the role and powers of the Mayor.
The Mayor has the following powers:
 - (a) To appoint the Deputy Mayor,
 - (b) To establish committees of Council,
 - (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,
 - ii) May appoint herself.
- 3.4 Section 41A also provides that the Mayor is a member of all committees of Council with the exception of the District Licensing Committee whose members are appointed under the Sale and Supply of Alcohol Act 2012, and the Hearings Committee, as hearings under Resource Management Act require that all members have the "Making Good Decisions" certification.
- 3.5 The Mayor may establish a committee, determine its 'Terms of Reference', and recommend the Council Delegations for that committee. Council (through a resolution) can delegate any of its powers

to subordinate decision making bodies. This power is subject to the limits imposed by clause 32(1), Schedule 7 of the Local Government Act 2002.

4.0 Discussion - *Te Matapakitanga*

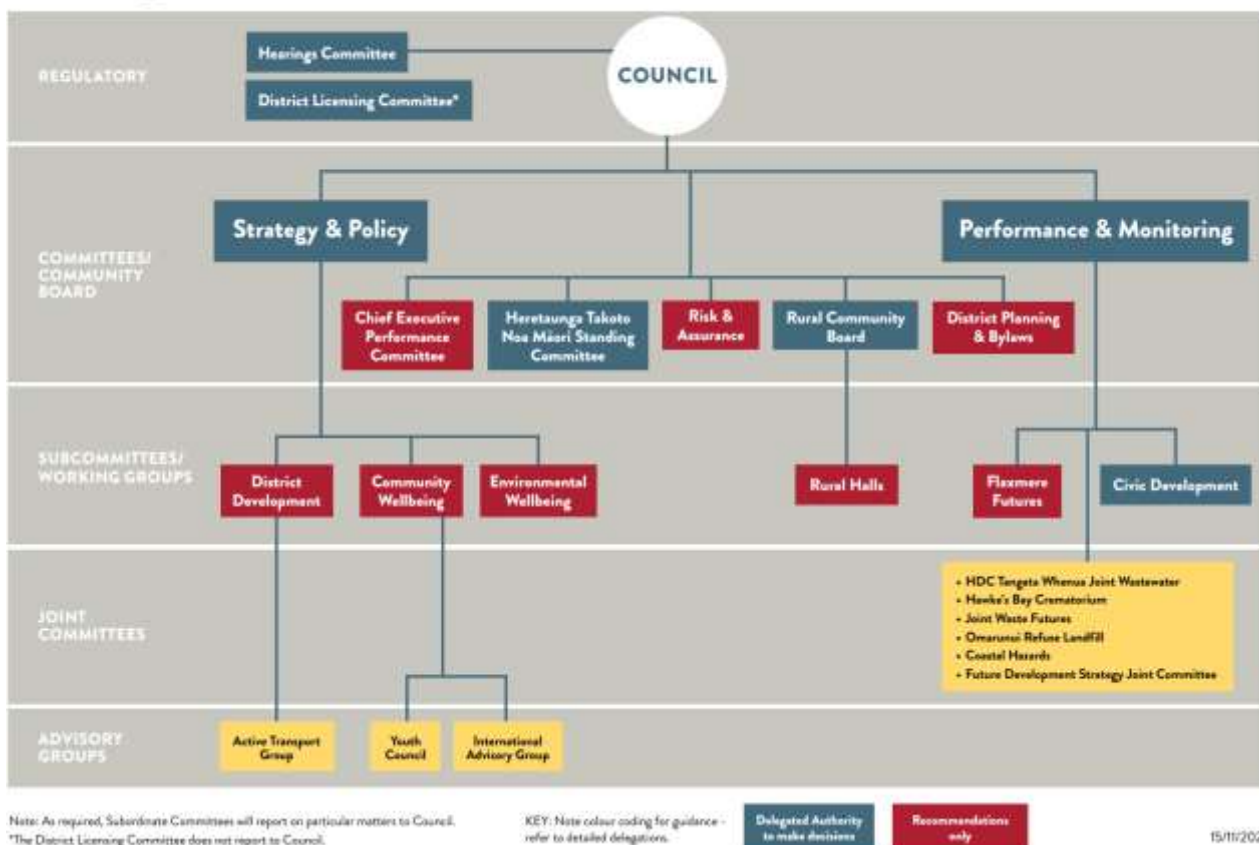
Role of Governance

- 4.1 Excellence in governance depends on a number of principles and practices that emphasise clear goals, process ownership, opportunities to participate, goodwill, role clarity, effective relationships, and accountability.
- 4.2 Although the role of an elected member is not defined in legislation, it is generally accepted the role has two primary aspects,
 1. A representation aspect and
 2. A governance aspect.
- 4.3 As Representatives, members are expected to use their skill and judgement to act in the best interests of the whole district, not just the area from which they were elected. Members have a responsibility to voice the views and concerns of their constituency at the Council table and balance these concerns with the interests of the wider community when making decisions.
- 4.4 As Governors, members are in some respects akin to directors on a board. They are;
 - Accountable to third parties (Hastings' residents) for exercising good stewardship over substantial assets,
 - Responsible for governing complex organisations, the operation of which require considerable management and technical skill,
 - Operating in an environment where the formal legal and administrative responsibility for handling day to day affairs is vested in the Chief Executive with elected members having a largely 'arm's length' monitoring relationship,
 - Overseeing Council's performance.

Decentralised Model 2019 -2022

- 4.5 Council had a decentralised governance model during the previous triennium, where a range of decisions were delegated to committees and the Rural Community Board.
- 4.6 Officers completed a review of the Governance Structure at the end of the last triennium with incumbent Councillors, the Lead Team and staff who regularly engage with Council. Generally, there was a high degree of satisfaction with the quality of agendas and operations of Council and Standing Committees. There were recommendations for improvement around the effectiveness of delegations, fields of activity, and subcommittee structures. These recommendations are reflected in the 'Committee and Rural Community Board Register of Delegations' (Attachment 1).
- 4.7 The Committee and Rural Community Board Register of Delegations have been prepared for the following Governance Structure.

Hastings District Council Governance Structure 2022-2025



- 4.8 The governance structure has two standing “committees of the whole” (All elected members are members of these committees). The Strategy and Policy Committee can be considered to be the “thinking” committee – with responsibility to develop strategic policy and planning frameworks for Council. The Performance and Monitoring is the “doing” committee with responsibility for accountability, scrutiny, and performance management.
- 4.9 The Strategy and Policy Committee will be supported by three subcommittees/working groups which reflect key priorities for the Council and the ambitions of our Community:
- Growing the economy and providing sound infrastructure (District Development)
 - Climate change adaptation and mitigation, enhancing the environment and the district’s natural resources. (Environmental Wellbeing)
 - Enriching our communities through equitable access to services and supporting community planning and development (Community Wellbeing)
- 4.10 These subcommittees/working groups will provide guidance and effective community engagement to develop strategies and policies and make recommendations to the Strategy and Policy Committee.
- 4.11 The District Planning and Bylaws Subcommittee works as a subcommittee of Council with primary responsibility for reviewing the District Plan and aligning it to the Council’s vision for the future.
- 4.12 The Performance and Monitoring Committee will be responsible for ensuring consolidated and complete reporting and monitoring of all financial and non-financial information and performance measures against the Annual Plan, Long Term Plan, and strategic priorities.
- 4.13 Reporting to the Performance and Monitoring Committee is the Civic Development Subcommittee which has responsibility for a wide range of civic and administrative functions which require

governance oversight. This includes a range of activities from tenders and community grants to the oversight of major capital works and civic honours.

- 4.14 Also reporting to the Performance and Monitoring Committee is the Flaxmere Futures Subcommittee. This subcommittee includes both Councillor and community representation. It will seek to ensure that Council and the Community's work in Flaxmere receives the appropriate level of oversight and attention. It is designed to complement the existing Flaxmere Planning Committee and provide a formal link to Council decision making.
- 4.15 There are also several advisory groups covering areas such as Active Transport and International Relations. The Active Transport Strategic Advisory Group Terms of Reference have been included with the Delegations Register. The Group is currently reviewing its terms of reference.
- 4.16 Joint Committees are also included in the delegations register. Several minor amendments are being proposed to the Ōmarunui Refuse Landfill Joint Committee (as a result of a variation to Council's Resource Consent requiring representation from Ngāti Pārau Hapū)) and Clifton to Tangoio Coastal Hazards Strategy Joint Committee (at the request of Hawke's Bay Regional Council). Council is asked to consider and adopt these revised Terms of Reference.

Heretaunga Takoto Noa Māori Standing Committee

- 4.17 There are some changes to consider with respect to the Heretaunga Takoto Noa Māori Standing Committee structure and appointments process. These are summarised as:
 - The number of appointed mana whenua members (formerly called 'tangata whenua' members) will increase from six (6) up to a maximum of eight (8);
 - The Terms of Reference have been reviewed by officers including the Pou Ahurea Team based upon a reflection of the previous triennium and a forward assessment of the upcoming Council work plan; and,
 - The mana whenua appointment process for the ensuing triennium.
- 4.18 The appointed mana whenua appointments are based on six (6) Post Settlement Governance Entities (Heretaunga-Tamatea, Mana Ahuriri, Maungaharuru-Tangitū, Hineuru, Ngāti Pāhauwera, Ngāti Kahungunu) and two (2) Taiwhenua (Heretaunga and Te Whanganui-a-Orotū) providing their respective expressions of interest or nominations.
- 4.19 Consideration of mātaawaka (Māori who do not whakapapa to mana whenua and or marae across Hastings district) interests in the appointment process are both directly and indirectly included and protected by mana whenua expression of tikanga-ā-iwi. That is, mana whenua members represent mana whenua but also all mātaawaka Māori through a te ao Māori construct and view that acknowledges the manaakitanga of manuhiri to Heretaunga – mana whenua hosting and looking after mātaawaka as well as their own.
- 4.20 An appointments panel comprising the Mayor, the prior chair of the Heretaunga Takoto Noa Māori Standing Committee, Council Kaumātua and the Chief Executive will consider applications or recommendations for appointed members from mana whenua who have the relevant knowledge, connections, skills, capacity and time commitment to be a fully effective member of the Committee.
- 4.21 The appointments process moving forward is the same as that employed at the outset of the previous triennium where the eight representative mana whenua entities were invited to submit expressions of interests that included their respective nominated appointments. In 2022 we are expecting all eight to make expressions given that each have a little more capacity than they had three years ago to contribute to this important committee.
- 4.22 The full range of delegation arrangements and the Committee structure is contained in Attachment 1.

- 4.23 Amendments that are being proposed to the existing Delegations Register are highlighted as tracked changes. These include a more expanded and ambitious set of delegations for the Heretaunga Takoto Noa Māori Standing Committee.

Appointments to Committees and External Organisations

- 4.24 The proposed list of committee appointments and appointments to external organisations are appended as Attachments 2 and 3.
- 4.25 Although the Mayor has the power to make certain appointments, she has decided that while she has put forward her recommendations as to these matters, the final decision should remain with the Council. All Council Members have been engaged in the appointments process.
- 4.26 The draft Register of Delegations also instates voting rights for Rural Community Board appointees to Council Committees and Subcommittees. This is consistent with Heretaunga Takoto Noa Māori Standing Committee appointees who were granted voting rights at the beginning of the 2019 triennium. It is also proposed to remove the requirement for the Rural Community Board appointee to the Strategy and Policy Committee to be the Chair of the Rural Community Board, and to add one appointee from the Rural Community Board to the Performance and Monitoring Committee. This should give the Board greater flexibility in making appointments to Council committees and subcommittees.

5.0 Options - Ngā Kōwhiringa

Option One - Recommended Option - Te Kōwhiringa Tuatahi – Te Kōwhiringa Tūtohunga

- 5.1 Adopt the recommendations put forward by the Mayor, bearing in mind that the arrangements can be reviewed or changed at any time.

Advantages

- A committee can generally be a more effective decision-making body as it operates in a more collaborative environment.
- Committees and subcommittees make better use of the elected members who have the experience and abilities relative to the committee's functions.

Disadvantages

- None identified.

Option Two – Status Quo - Te Kōwhiringa Tuarua – Te Āhuetanga o nāiane

- 5.2 Reject the decisions and recommendations of The Mayor with or without immediately adopting any alternatives.

Advantages

- None identified.

Disadvantages

- Council is without a coherent and efficient governance structure.

6.0 Next Steps – Te Anga Whakamua

- 6.1 If the recommended structure, delegations, and appointments are agreed, the next steps are to approve the schedule of meetings and remuneration arrangements so the business of Council can be conducted through this structure.

Attachments:

1⇒	2022-2025 Committee and Rural Community Board Register of Delegations - pdf	CG-17-1-00026	Vol 2
2⇒	Schedule of Appointments to Committees and Subcommittees 2022-2025 - pdf	CG-17-1-00027	Vol 2
3⇒	Schedule of Appointments to External Organisations 2022-2025 - pdf	CG-17-1-00028	Vol 2

Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

Fit with purpose of Local Government - *E noho hāngai pū ai ki te Rangatōpū-ā-Rohe*

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

[Link to the Council's Community Outcomes](#) – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal promotes the community wellbeing of Hastings in the present and for the future through establishing an effective and efficient governance structure.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

The draft Register of Delegations contains some updates to the Heretaunga Takoto Noa Māori Standing Committee delegations. These will be discussed with the Committee at its first meeting in 2023.

Sustainability - *Te Toitūtanga*

N/A

Financial considerations - *Ngā Whakaarohanga Ahumoni*

N/A

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

[Link to Significance & Engagement policy.](#)

This decision/report has been assessed under the Council's Significance and Engagement Policy as being of low significance and is of a procedural nature.

Consultation – internal and/or external - *Whakawhiti Whakaaro-ā-roto / ā-waho*

This decision has been informed by the Governance Review conducted at the end of the 2019-2022 triennium.

Rural Community Board – *Te Poari Tuawhenua-ā-Hapori*

It is proposed to retain the present delegations for the Rural Community Board.

Thursday, 8 December 2022

Item 14

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: Elected Members' Remuneration Update and Expenses and
Subject: Allowances Policy

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to obtain Council's decision to recommend to the Remuneration Authority on the allocation of the 'Remuneration Pool' for elected members and to adopt an amended Policy on Elected Members' Allowances and Expenses.

2.0 Recommendations - *Ngā Tūtohunga*

- A) That Council receives the report titled Elected Members' Remuneration Update and Expenses and Allowances Policy dated 8 December 2022.
- B) That Council agree to the 'Proposed Remuneration for Councillors Following the 2022 Local Elections' (**Attachment 1**) be sent to the Remuneration Authority for determination.
- C) That the Council adopts the Policy on Elected Members' Allowances and Expenses 2022 (**Attachment 2**).

3.0 Background – *Te Horopaki*

3.1 Elected Members Remuneration

- 3.2 The payment for members of the Hastings District Council and Hastings District Rural Community Board, including the Mayor, is by way of an annual remuneration which is determined by the Remuneration Authority (Authority). The Remuneration Authority sets the pay for key office holders such as Judges, Members of Parliament, local government representatives and some independent statutory bodies in New Zealand. It is required by law to be fair and independent.
- 3.3 The level of the Remuneration Pool is set annually and is based on a "size index" established by the Authority for each council in New Zealand, which is a measure of the relative size and complexity of each council's business.

3.4 The Authority's Determination for the period following the 2022 local authority elections has been set. Following the 2022 election, a partial pool approach was adopted by the Authority. A rate for the Mayor and a 'remuneration pool' of \$871,295 for the councillors has been determined by the Authority. This remuneration pool provides the council with a fair, flexible, transparent and responsive process for setting the remuneration of its individual councillors. Council is required to fully allocate the pool amongst all the councillors.

3.5 **Setting Councillors Remuneration**

3.6 The Authority determines the minimum allowable remuneration that a councillor must be paid. The minimum allowable remuneration for Hastings District Council following the local elections is \$47,747. The difference between the councillor minimum allowable remuneration and the total remuneration pool is then available for the remuneration of the councillors who take on extra responsibilities.

4.0 **Discussion – Te Matapakitanga**

4.1 **Proposed Remuneration for the Hastings District councillors following the 2022 elections**

4.2 The proposed remuneration for Hastings District councillors following the 2022 elections is attached for Council decision (**Attachment 1**). The proposed remuneration aligns with the recommended appointments to Committees and Subcommittees and ensures that all councillors have been assigned additional responsibilities. Therefore, no councillors will receive the minimum allowable remuneration set by the Authority.

4.1 **Elected Members' Allowances and Expenses**

4.2 The payment of allowances is at the discretion of the Council up to a limit set by the Remuneration Authority. Previous policy has been to pay the allowances to the maximum set by the Authority and it is proposed that this approach continue. A policy for the payment of allowances has been updated and is attached for Council approval (**Attachment 2**). The policy includes allowances relating to childcare, communication and vehicle kilometre allowance.

4.3 The Authority's Determination for the period following the 2022 local authority elections has not made significant changes to allowances; however they have updated some rates; as outlined below.

4.4 **Hearing Fees**

4.5 The fee paid to a chairperson of a hearing has been increased from \$100 to \$116 per hour and the fee paid to a member on a hearing panel has been increased from \$80 per hour to \$93 per hour. These fees were last increased in 2011.

4.6 **Vehicle Kilometre Allowance**

4.7 The vehicle kilometre allowance rates have been adjusted from those shown in the previous determination to reflect rates for the 2022 income year prescribed by the Inland Revenue Department on 27 May 2022 for businesses, self-employed people and employees. The new rate of 83 cents per kilometre is in response to the overall increase in vehicle running costs.

4.8 **Travel Time allowance**

4.9 The travel time allowance has been increased from \$37.50 to \$40.00 for each hour of eligible travel after the first hour of time travelled in a day. This allowance was last increased in 2016.

4.10 No changes have been made to ICT (communications) and childcare allowances.

5.0 **Options – Ngā Kōwhiringa**

Option One - Recommended Option - Te Kōwhiringa Tuatahi – Te Kōwhiringa Tūtohunga

- 5.1 Following the adoption of the new committee structure the Council is recommended to approve the allocation of the remuneration pool as set out in the 'Proposed Remuneration for Councillors Following the 2022 Local Elections'. (**Attachment 1**).
- 5.2 The payment of any or all allowances is at the discretion of each local authority. The Council provides for elected member allowances through the Policy on Elected Members' Allowances and expenses. It is standard practice to review the policy to provide for any new or changed allowances introduced by the Authority. Therefore an amended policy on Elected Members' Allowances and Expenses has been compiled for Council approval.

6.0 Next steps – *Te Anga Whakamua*

- 6.1 Once decided, Council must forward its recommendations, as a proposal, to the Authority who will consider it and make a determination. Council will also forward a copy of its Policy on Elected Members' Allowances and Expenses 2022.
- 6.2 Amending determinations will be backdated so that the remuneration proposed by council and agreed by the Authority will take effect from the day following the date that council made its formal decision on the remuneration for positions with additional responsibilities.

Attachments:

- | | | |
|----|--|-----------------|
| 1↓ | Proposed Remuneration for Councillors following the 2022 Local Elections | CG-01-04-22-473 |
| 2↓ | Policy on Elected Members Allowances and Expenses 2022 | CG-01-04-22-475 |

Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

Fit with purpose of Local Government - *E noho hāngai pū ai ki te Rangatōpū-ā-Rohe*

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

Link to the Council's Community Outcomes – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal promotes the wellbeing of communities in the present and for the future.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

N/A

Sustainability - *Te Toitūtanga*

N/A

Financial considerations - *Ngā Whakaarohanga Ahumoni*

Addressed in the report.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This decision does not trigger the thresholds in the Council's significance and engagement policy.

Consultation – internal and/or external - *Whakawhiti Whakaaro-ā-roto / ā-waho*
N/A

Rural Community Board – *Te Poari Tuawhenua-ā-Hapori*

The Rural Community Board has been advised of the remuneration of the Rural Community Board Chair and Members.

Proposed Remuneration for Councillors Following the 2022 Local Elections Using Ratios



Use this worksheet to calculate the base remuneration for a councillor without additional responsibilities and to calculate the proposed remuneration for positions with additional responsibilities by assigning a **RATIO** between the two roles.

For example, ratios can be 1.05, 1.25, 1.5, 2.0 times a councillor's base remuneration. A ratio cannot be less than 1.

Before completing this worksheet, read the instructions sheet in the tab below for detailed guidance.

1) Enter the legal name of local authority, as listed in schedule 2 of the Local Government Act 2002:

Hastings District Council

2) Enter the date on which the official result of the 2022 election was declared for the local authority:

14 October 2022

3) Enter number of elected members (excluding the mayor or regional council chair) on the council:

15

4) Enter local authority's governance remuneration pool as shown in the current local government members determination (\$):

871,295

5) Enter councillor minimum allowable remuneration as shown in the current local government members determination (\$):

47,747

6) Enter date of local authority's resolution proposing the remuneration for the position(s) of responsibility and/or base councillors:

8 December 2022

7) Enter title of proposed position <u>with additional</u> responsibilities (ie: the title that will be displayed in the amending determination)	8) Enter number of members per position	9) Enter proposed ratio to councillor base remuneration	Effective Date*	Proposed councillor base remuneration (\$)	Proposed additional remuneration (\$)	Proposed annual total remuneration per councillor (\$)	Total (\$)
Deputy Mayor	1	1.65	09 Dec 2022	48,839	31,746	80,585	80,585
Chair of Committee of the Whole Council	2	1.36	09 Dec 2022	48,839	17,582	66,422	132,843
Committee Chairs	2	1.20	09 Dec 2022	48,839	9,768	58,607	117,215
Working Group/Subcommittee Chairs	3	1.17	09 Dec 2022	48,839	8,303	57,142	171,426
Deputy Chairs	3	1.08	09 Dec 2022	48,839	3,907	52,747	168,240
Lead Councillors	4	1.08	09 Dec 2022	48,839	3,907	52,747	210,986
			Effective Date*	Councillor minimum allowable remuneration (\$)	Proposed additional remuneration (\$)	Proposed councillor base remuneration (\$)	
Councillor with no additional responsibilities	0	1.00	15 Oct 2022	47,747	1,092	48,839	0

Grand Total (\$): 871,295

Attachment 1 to Report

Hastings District Council

Policy on Elected Members' Allowances and Expenses 2022

(As adopted by Council on 8 December 2022)

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1. INTRODUCTION

In addition to determining the remuneration of elected members, the Remuneration Authority (the Authority) is required to determine the allowances' framework for elected members.

The payment of any or all allowances is at the discretion of each local authority. Hastings District Council provides for elected member allowances through the Policy on Elected Members' Allowances and Expenses adopted by Council.

2. COMMENCEMENT

The provisions of this policy take effect from 9 December 2022.

3. POLICY ON ALLOWANCES AND EXPENSES

3.1 Parking

Elected members will be provided with parking spaces at, or close to, the Council's offices for their use when on council business.

Elected members who incur parking charges when on Council business at other locations are entitled to reimbursement of the actual cost. (Note "parking charges" refers to the cost of parking not a parking ticket or fine).

1.2 Use of Public Transport

Elected members who travel by public transport in relation to Council business are entitled to reimbursement of the actual cost. Evidence of the cost incurred should be provided.

3.3 Mayor's Vehicle

The Mayor of the Council will be eligible to be provided with a vehicle. If the Mayor elects to have the vehicle available for private use, a deduction will be made from their salary as determined by the Authority.

3.4 Vehicle Kilometre Allowance

Subject to the interpretation and exceptions listed below, elected members, excluding the Mayor if provided with a vehicle, are entitled to a vehicle kilometre allowance when using their own vehicle for Council business.

Eligibility for kilometre allowance commences from the member's primary place of residence until the conclusion of their Council business travel.

Kilometre allowance will be paid at the maximum rate per kilometre as set out in the current Remuneration Authority determination.

An elected member, when travelling from a place where they permanently or temporarily reside that is outside of their local authority boundary, can claim the vehicle allowance only when travelling on local authority business for travel once they enter the local authority's boundary.

Interpretation

With respect to mileage allowances and reimbursement of public transport costs, the term "Council business" includes attendance at the following:

- Official meetings of the Council and any committee and subcommittee of Council
- Council workshops
- Meetings and workshops of advisory groups established by Council
- Meetings and workshops of external bodies to which the elected member has been appointed by Council
- Statutory hearings
- Meetings of Council-owned companies
- An external event or meeting where there has been:
 - A resolution of Council or a committee, or
 - An authorisation by the Council's Mayor, or
 - With respect to the member of a committee, an authorisation by the Chairperson of that committee
- Visits to, and tours of, facilities, or sites, or works, for which the Council is responsible for, or has involvement in, or which will be the subject of business to come before the Council or any committee
- Seminars and training courses where the elected members' attendance has been authorised
- Discussions with committee chairpersons or Council officers
- Consultation with Mayors, territorial authority committee chairpersons, or elected members
- Official briefings

Kilometre allowance may include travel to and from the member's primary place of residence, if the travel is:

- (a) In the member's own vehicle; and
- (b) On Council business as outlined above; and
- (c) By the most direct route reasonable in the circumstances

"Council business" does not include events where the primary focus is on social activity.

Exceptions

If Hastings District Council is providing transport, and an elected member chooses, for personal reasons, to travel separately, they will not be entitled to a kilometre allowance.

Where an elected member chooses, for personal reasons, to travel by private motor vehicle to a council authorised conference or seminar outside of the Hastings District, they will be entitled to a kilometre payment no more than the cheapest equivalent air fares available for the day(s) of travel, where such fares are less than the kilometre allowance at ordinary rates.

3.5 Communications Allowance

It is expected that elected members have their own communications and computer equipment and that these items are available for elected members to use for their Council related business.

Elected members having such items available for Council business are eligible to receive a communication allowance. The rate payable will be the maximum rate determined by the Authority. The rate will be divided into annual allowances for each eligible item made available by the member for Council business purposes:

- Personal computer, tablet, or laptop, including and related docking station
- Printer
- Mobile phone
- Mobile calls
- Internet connection
- ICT consumables

An elected member may be issued with a standard specification Hastings District Council mobile tablet device for use on Council business. The use of loaned equipment by an elected member is subject to the following conditions:

- The loaned equipment is provided for Council business purposes
- The loaned equipment remains Hastings District Council's property at all times and must be returned when requested

Hastings District Council will provide a mobile phone for the Mayor and cover all expenses associated with the use of that phone on Council business. The phone remains the property of the Council, and the communication allowance payable to the Mayor will be reduced as outlined above to reflect the provision of the phone.

3.6 Travel Time Allowance

Elected members are entitled to a travel time allowance in relation to travel undertaken in relation to Council business. The rate payable will be the maximum rate determined by the Authority.

3.7 Childcare Allowance

An elected member who is responsible for one or more children under 14 years of age may claim a childcare allowance for childcare required whilst the elected member is on council business, for each eligible child up to the annual maximum limit set by the Authority.

The childcare allowance is only payable if:

- (a) The member is a parent or guardian of the child, or is a person who usually has responsibility for the day-to-day care of the child (other than on a temporary basis); and
- (b) The child is aged under 14 years of age; and
- (c) The childcare is provided by a person who –
 - (i) Is not a family member of the member; and
 - (ii) Does not ordinarily reside with the member; and
- (d) The member provides evidence satisfactory to Hastings District Council of the amount paid for childcare.

Payment of the allowance will be made on submission of a childcare allowance claim from the member. The claim must set out

- the actual costs incurred and paid by the member,
- the date for which the claim is for,
- the nature of the council business the member was undertaking, and
- must include a receipt invoice or other appropriate record of payment for the childcare services provided.

3.8 Travel from Additional Place of Residence

Where an elected member has an additional place of residence (e.g. a holiday home) and they are travelling from that additional place of residence, and that travel involves a distance and/or duration greater than they would travel if they were travelling from their primary place of residence, then they will only be eligible to claim for the mileage and travel time that would have been incurred from their primary place of residence.

3.9 Conferences, Courses, Seminars, etc.

Elected members authorised to attend a conference, course, seminar, etc., will have attendance fees, travel, accommodation, and meals paid for. Unless otherwise agreed by the Chief Executive, all travel and accommodation will be booked through Executive Assistants.

Core training will be organised by Democracy and Governance Services. Elected member attendance at one-off events in New Zealand will be subject to approval by the Mayor; in the case of attendance by the Mayor approval will be by the Chief Executive and Manager: Democracy and Governance Services

Overseas conference attendance is to be approved by the Mayor and Chief Executive.

3.10 Clothing

Elected members may be supplied with clothing bearing the Council's branding. These remain Council property at all times.

3.11 Stationery

Stationery is available on request for use on Council business.

3.12 Councillors' Lounge

Elected members are entitled to use the Councillors' Lounge in the Hastings District Council office for Council business purposes.

3.13 Travel Insurance

Travel insurance will be provided for overseas travel on Council business.

3.14 Personal Accident Insurance

HDC's personal accident insurance includes cover for the death or bodily injury of an elected member. Any payment received as a result of a claim made under this cover in respect of an elected member is payable to the Council, and will be utilised for Council purposes only, e.g. as a contribution to the costs of running an extraordinary election. No payment will be made to the elected member (or their estate) who is the subject of the claim.

3.15 Payment

Where applicable, allowances will be paid fortnightly.

Claims for expenses should be made fortnightly on the forms provided, no later than three months after the date the mileage or expense was incurred, and should include all relevant receipts.

Payment will be made by direct credit.

Thursday, 8 December 2022

Item 15

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: External Appointments to Committees and Subcommittees

1.0 Executive Summary – Te Kaupapa Me Te Whakarāpopototanga

- 1.1 The purpose of this report is to set an appropriate level of remuneration for external appointments to the Council's Committees and Subcommittees.
- 1.2 This report concludes by recommending the rates of pay for external appointed members.

2.0 Recommendations - Ngā Tūtohunga

- A) That Council receive the report titled External Appointments to Committees and Subcommittees dated 8 December 2022.
- B) That Council approve the schedule of payments as follows for external appointments to Committees and Subcommittees: -
 - \$15,475 per annum for the external appointed Committee Chairs to:
 - Hearings Committee
 - Heretaunga Takoto Noa Māori Standing Committee
 - \$15,475 per annum for Kaumātua
 - \$439 per Committee/Subcommittee meeting and \$93 per hour for attendance at workshops/site visits for external appointed Committee and Subcommittee members.
 - Travel expenses and vehicle kilometre allowance to be paid on the same terms as set out in the Elected Members Expenses Policy 2022.
- C) That the names for all other external appointments with voting rights will be notified at a Council meeting in early 2023, once the appropriate selection processes have been completed.

3.0 Background – Te Horopaki

- 3.1 Section 31(3) of Schedule 7 of the Local Government Act 2002 allows for a local authority to appoint to a Committee or Subcommittee a person who is not a member of the local authority if, in the opinion of the local authority, that person has the skills, attributes or knowledge that will assist the work of the Committee or Subcommittee.
- 3.2 Also under the Local Government Act 2002, externally appointed members can be accorded voting or non-voting rights on Committees or Subcommittees. Only elected members have voting rights on governing body meetings. (In the case of the Hastings District Council the governing bodies are Council and the Rural Community Board).
- 3.3 Section 83(1) of the Local Government Act 2002 also makes specific reference to contributions by Māori to decision making processes: -
- A local authority must –*
- Establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and
 - Consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and
 - Provide relevant information to Māori for the purposes of paragraphs (a) and (b).
- 3.4 In previous years the Council has appointed non-elected members, with voting rights to bring external expertise and community knowledge to the table. In 2019-22, external appointed members were appointed to the following committees: -
- Risk and Assurance Committee (independent chair and an external member)
 - Heretaunga Takoto Noa Māori Standing Committee (mana whenua external chair and 5 external mana whenua members)
 - One mana whenua member of the Heretaunga Takoto Noa Māori Standing Committee appointed to each of the 3 standing committees.
 - 1 mana whenua member of the Heretaunga Takoto Noa Māori Standing Committee appointed to each of the Subcommittees of Strategy and Policy (Eco-District, Great Communities and District Development).
 - 3 mana whenua members to the District Planning and Bylaws Subcommittee
 - 5 mana whenua members to the HDC: Tangata Whenua Wastewater Joint Committee
 - 1 mana whenua member of the Heretaunga Takoto Noa Māori Standing Committee appointed to the Hearings Committee.
- 3.5 Mr Jon Nichols was appointed by the Council as independent Chair of the Risk and Assurance Committee in December 2019. On 12th of May 2022 Council approved the re-appointment of Mr Nichols as independent Chair of the Risk and Assurance Committee expiring on the 31st of October 2024. Jaun Park was appointed by Council as an external member of the Risk & Assurance Committee for the period 19 October 2020 – 31 October 2023. No decisions are required at this time regarding these positions as the terms of these appointments including remuneration are still current. Remuneration for these roles will be revisited prior to the end of these appointment terms.
- 3.6 In addition, local volunteers sat on a range of Advisory Groups such as the International Advisory Group.

4.0 Discussion – *Te Matapakitanga*

4.1 The 2022-2025 Committee and Rural Community Board Register of Delegations, if approved at this meeting, allows for the following external appointments:

- Risk and Assurance Committee - 1 external appointed Chair and 1 external member
- Heretaunga Takoto Noa Māori Standing Committee – 8 mana whenua and Kaumātua
- HDC Tangata Whenua Wastewater Joint Committee - 5 mana whenua representatives (Two Post-Settlement Governance Entities of Heretaunga Tamatea Settlement Trust (3) and Mana Ahuriri Trust (2))
- 1 Heretaunga Takoto Noa: Māori Standing Committee member to each of the Standing Committees and Subcommittees
- Hearings – Up to 3 external appointed members – which can include a mana whenua appointee and a representative from Heretaunga Takoto Noa Māori Standing Committee – all with relevant experience
- Flaxmere Futures – Chair, Flaxmere Planning Committee
- Ōmarunui Joint Refuse Landfill Committee - 1 Ngāti Pārau appointee
- Napier-Hastings Futures Development Strategy Joint Committee - 6 mana whenua members (2 x Heretaunga Tamatea Settlement Trust, 2 x Mana Ahuriri, 2 x Maungaharuru Tangitū Trust)

Remuneration

4.2 It is proposed to pay the following rates to external appointments:

- External appointed chair/hearings commissioner chair to be the same rate as the Chair of the Rural Community Board which is set by the Remuneration Authority Determination for the period following the 2022 local authority elections. The current rate is \$15,475 per annum plus travel expenses as set out in the elected member expenses policy.
- The role of the Chair involves a great deal more time and input than that of a Committee member. A Committee Chair will be expected to liaise with officers to set the agenda, have oversight of reports prior to the meeting, and oversight of progress on decisions taken following the meeting.
- For all other external appointed members it is proposed to pay an attendance allowance of \$439 per Committee/Subcommittee meeting and \$93 per hour for attendance at workshops/site visits. The meeting attendance rate is based on the hourly rates set by the Remuneration Authority for hearings (a notional 3 hours meeting time plus two hours reading time at \$93 per hour (or part thereof)).

4.3 Remuneration for Kaumātua

4.4 The Kaumātua, currently Jerry Hapuku, fulfils an important cultural and leadership role for the Council at an increasing number of ceremonies and other events. This role fulfils the Council's responsibilities under the Treaty of Waitangi and addresses cultural protocols. It is therefore proposed to pay the role of Kaumātua at the same rate as the Rural Community Board Chair and external appointed chairs (\$15,475 per annum plus expenses).

5.0 Options – *Ngā Kōwhiringa*

Option One - Recommended Option - Te Kōwhiringa Tuatahi – Te Kōwhiringa Tūtohunga

5.1 To approve the recommendations as set out for the remuneration of external appointments to Committees and Subcommittees as set out in the Committee and Rural Community Board Register of Delegations 2022-2025.

6.0 Next steps – *Te Anga Whakamua*

- 6.1 The names of all other external appointments with voting rights will be notified at a Council meeting in early 2023, once the appropriate selection processes have been completed.

Attachments:

There are no attachments for this report.

Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

Fit with purpose of Local Government - *E noho hāngai pū ai ki te Rangatōpū-ā-Rohe*

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

Link to the Council's Community Outcomes – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal promotes the social, economic, environmental and cultural wellbeing of communities in the present and for the future.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

The appointments assist the Council to fulfil its obligations under the principles of the Treaty of Waitangi.

Sustainability - *Te Toitūtanga*

N/A

Financial considerations - *Ngā Whakaarohanga Ahumoni*

The remuneration rates can be met from existing budgets set aside for this purpose.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This decision/report has been assessed under the Council's Significance and Engagement Policy as being of minor significance.

Consultation – internal and/or external - *Whakawhiti Whakaaro-ā-roto / ā-waho*

N/A

Rural Community Board – *Te Poari Tuawhenua-ā-Hapori*

N/A

Thursday, 8 December 2022

Item 16

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

Te Rārangi Take

Report to Council

Nā:
From: Matt Adamson, Strategy and Policy Advisor

Te Take:
Subject: Review of Standing Orders

1.0 Executive Summary – Te Kaupapa Me Te Whakarāpopototanga

- 1.1 The Local Government Act 2002 requires councils to adopt a set of standing orders. Standing Orders exist to govern the conduct of all council, committee, and subcommittee meetings. Their content is largely informed by the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).
- 1.2 Hastings District Council Standing Orders provide a framework of rules for fair and transparent decision making that inspires public confidence in local democracy. In this regard, Council's Standing Orders should be reflective of best practice and easy to use.
- 1.3 The current version of Standing Orders was last updated in January 2021. Local Government New Zealand (LGNZ) has recently released new guidance and has suggested some minor amendments. A revised Hastings District Council Standing Orders has been prepared based on this guidance and relevant legislative changes that have occurred.
- 1.4 No major changes are proposed to the Standing Orders. Minor updates have been made and headings are now presented in both English and Te Reo Māori.

2.0 Recommendations - Ngā Tūtohunga

- A) That Council receives the report titled Review of Standing Orders dated 8 December 2022.
- B) That Council notes that any amendment to Standing Orders requires a vote of no less than 75% of members present.
- C) That Council retains Option B as the default process for speaking to and moving motions and notes that this will apply unless a Chair, or meeting, agree to apply one of the other two options (Standing Order 22.2 or 22.4) at specific meetings.
- D) That Council adopts the revised Standing Orders.

3.0 Background – Te Horopaki

- 3.1 It is good practice for a council to review its standing orders at the beginning of a triennium to ensure they align with current sector best practice and legislative updates. Despite this, standing orders continue in force until they are amended and there is no legal requirement for a council to adopt new standing orders at beginning of a triennium.
- 3.2 LGNZ issued updated guidance to councils in September 2022 which suggests several minor amendments to their Standing Order Template. These suggestions have come from local government experts and reflect a programme of continuous improvement.
- 3.3 Officers have reviewed Council Standing Orders based on the latest advice and this report presents a revised set of Standing Orders (Attachment 1) for adoption. Note that any amendments to standing orders require a vote of no less than 75% of members present.

4.0 Discussion – Te Matapakitanga

- 4.1 These Standing Orders have been amended where appropriate to provide clarification and ensure legislative alignment. Headings have also been updated to include Te Reo Māori translations which were provided by LGNZ. Table 1 outlines the amendments that have been incorporated in the revised Standing Orders.

Standing Order	Changes made to the current Council Standing Orders
Definitions	<p>New definitions and amendments:</p> <ul style="list-style-type: none"> • Matariki as a public holiday • Member of the Police • Appointed member • Emergency under “meeting” • chair, • division, • Item, • leave of the meeting, • officer, • pecuniary interest • working parties now referred to as working groups
General	<ul style="list-style-type: none"> • Gender neutral language introduced
3.5	Motion to suspend standing orders – ‘may’ replaced with ‘must identify the specific standing orders to be suspended’.
3.7	Physical address of members – Clarified that the Privacy Act 2020 applies to attempts to access addresses.
7.2	Confirmed that the District Licensing Committee does not need to be reconstituted.
8.1	Public notice – ordinary meetings – added reference to LGNZ Standing Order Guide.
9.1	Preparation of an agenda – amended to make it clear that a chief executive prepares an agenda on behalf of the Chair and ‘must’ consult the Chair, or person acting as Chair, when preparing it.

Standing Order	Changes made to the current Council Standing Orders
9.3	Chief executive may delay or refuse request – amended for clarity.
9.5	Chair’s recommendation – an addition, to make it clear that any recommendation by a chair must comply with the decision-making provisions of Part 6, LGA 2002.
12.2	Statutory reference inserted - s. 50 LGOIMA.
12.4	Public may record hui - slight amendments to improve practicality.
13.3	Leave of absence – amended to remove ambiguity.
13.13 & 13.16	To confirm that if a chair is concerned that confidential information might be at risk, they may terminate an audio and/or audio-visual link
14.4	Chair’s rulings – clarified exceptions.
14.6	Member’s right to speak – Formalised the current practice of members being required to stand when speaking in Council meetings.
16	Deputations – Clarifies that notice period may be waived by the chair.
17.1	Form of petitions – Clarifies that notice requirement may be waived by the Chair and that petitions must not use misleading statements.
18.5	Release of public excluded information - requirement that the Chief Executive will inform the subsequent hui, has been deleted due to administrative impracticality.
19.1	Decisions by majority vote - tweaked to better align with statutory reference in Schedule 7, LGA 2002.
20.5	Contempt – Clarifies that a member who has been found in contempt may be removed from the meeting under SO 20.6.
21.5	Members may only speak once - updated to show that choice of options for speaking and moving influences this standing order.
21.11	Objecting to words – clarified when members are able to make a complaint regarding inappropriate or offensive language.
21.12	Clarification made to the option that allows a member who moves a motion to reserve their right of reply.
22.5 (previous)	Procedure if no resolution reached – deleted as covered in other provisions.
23.1	Proposing and seconding – amended to make it clear that movers and seconders are NOT required to stay for the subsequent debate.
23.5	Amendments to be relevant - this Standing Order has been expanded with a list of reasons that can be used for not accepting amendments.

Standing Order	Changes made to the current Council Standing Orders
23.6 (previous)	'Chair may recommend an amendment' - deleted.
23.6 (formerly 23.7)	Foreshadowed amendments – changes to better communicate intent.
23.7 (formerly 23.8)	Lost amendments – reworded to clarify intent and indicate that choice of options for speaking and moving influences this standing order.
23.8 (formerly 23.9)	Carried amendment – updated to show that choice of options for speaking and moving influences this standing order.
23.10 (formerly 23.11)	Withdrawal of motion – changes made to clarify standing order intent.
26.5	Chair's decision on points of order – clarified process for points of order concerning the performance of the Chair.
27.7	Repeat notices of motion – the phrase, 'in the opinion of the Chair', deleted as not helpful.
28.2	Matters recorded in the minutes - new bullet point (i) added to clarify that "items tabled at the hui" should be included in the minutes.
Appendix 8	Specific standing order references provided when listing the powers of a chair where relevant.
Appendices shifted to Standing Order Guide	<ul style="list-style-type: none"> Process for applying S.41A (former Appendix 9).

Table 1: Suggested amendments to Standing Orders

- 4.2 The Standing Orders provide Council with three procedural options for speaking to and moving motions to give greater flexibility when dealing with different situations. When adopting Standing Orders Council is required to select a default option.
- 4.3 Option A (SO 22.2) is the most formal of the three and limits the number of times members can speak and move amendments. For example, members who have moved and seconded a motion cannot then move and second an amendment to the same motion and only members who have not spoken to a motion or substituted motion may move or second an amendment to it. This is the framework used in the 2003 Standards New Zealand Model Standing Orders.
- 4.4 Option B (SO 22.3) is less formal. While limiting the ability of movers and seconders of motions to move amendments, this option allows any other member, regardless of whether they have spoken to the motion or substituted motion, to move or second an amendment.
- 4.5 Option C (SO 22.4) is the least formal. It gives members more flexibility by removing the limitations on movers and seconders speaking which exist in the other two options.
- 4.6 Council previously adopted Option B as the default provision for speaking and moving motions. It is not proposed to change this default position. However, the Chair or a meeting may agree to use a more formal (Option A) or less formal (Option C) at specific meetings, should they be considered more appropriate. Note that Option C has been the default approach under the Rural Community Board Standing Orders.
- 4.7 The suggested amendments are incorporated in **Attachment 1 and listed in Table 1 above**. The LGNZ Guide to Standing Orders is available on the HUB.

5.0 Options – Ngā Kōwhiringa

Option One - Recommended Option - Te Kōwhiringa Tuatahi – Te Kōwhiringa Tūtohunga

5.1 To adopt the revised Standing Orders.

Advantages

- The revised Standing Orders are up to date with legislative changes at the time of writing. The suggested changes provide greater clarity, reflect best practice and are easier to understand and use.

Disadvantages

- There is a risk that Councillors are not sufficiently familiar with the revised Standing Orders. This risk can be mitigated by providing training sessions on the new Standing Orders which will be incorporated in the Councillor induction.

Option Two – Status Quo - Te Kōwhiringa Tuarua – Te Āhuatanga o nāiane

5.2 Decline to adopt the revised Standing Orders.

Advantages

- None identified.

Disadvantages

- A decision not to adopt the revised Standing Orders would mean that Council's Standing Orders are not reflective of current best practice.

6.0 Next steps – Te Anga Whakamua

6.1 If adopted, the revised Standing Orders will replace the existing Standing Orders from the date of this meeting.

Attachments:

1 ➡ DRAFT Council Standing Orders - Revised 2022-25 CG-17-1-00046 Vol 2
Triennium

Summary of Considerations - He Whakarāpopoto Whakaarohanga

Fit with purpose of Local Government - E noho hāngai pū ai ki te Rangatōpū-ā-Rohe

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

Link to the Council's Community Outcomes – Ngā Hononga ki Ngā Putanga ā-Hapori

This proposal promotes social, cultural, economic, and environmental wellbeing of Hastings in the present and the future through providing effective and efficient governance rules and procedures.

Māori Impact Statement - Te Tauākī Kaupapa Māori

N/A

Sustainability - Te Toitūtanga

N/A

Financial considerations - Ngā Whakaarohanga Ahumoni

N/A

Significance and Engagement - Te Hiranga me te Tūhonotanga

This report has been assessed under the Council's Significance and Engagement Policy as being of low significance. The matters covered by Standing Orders concern procedural aspects of public meetings that are of low interest to the public. Council is legally required to have Standing Orders in place.

Consultation – internal and/or external - Whakawhiti Whakaaro-ā-roto / ā-waho

The review of these Standing Orders has involved consultation with LGNZ.

Risks

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
Provides Council with a set of guidelines grounded in best practice which support the efficient and effective conduct of Council meetings.	Ongoing legal compliance is a significant risk for Council. Regular reviews of key documents such as Standing Orders mitigates this risk.

Rural Community Board – Te Poari Tuawhenua-ā-Hapori

The Rural Community Board is covered by a separate set of Standing Orders. A revised Rural Community Board Standing Orders will be presented to the Board in February 2023.

Thursday, 8 December 2022

Item 17

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

Te Rārangi Take

Report to Council

Nā:
From: Matt Adamson, Strategy and Policy Advisor

Te Take:
Subject: Code of Conduct

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to obtain a decision from Council to adopt a new Code of Conduct for elected members.
- 1.2 The Code of Conduct is designed to ensure that governance at Council is undertaken with the highest degree of integrity while also providing a safe and rewarding environment in which all elected members can thrive. The Code sets boundaries on standards of behaviour and provides a means of resolving situations if elected member/s breach those standards.
- 1.3 The current Code of Conduct was last adopted in March 2017 and has been reviewed by officers in light of updated guidance, including a new model code published by Local Government New Zealand (LGNZ). The revised Code has been rewritten to better reflect current best practice which includes a greater emphasis on behaviours that are inconsistent with the Code and incorporation of Te Tiriti o Waitangi principles. Despite this, most of the revised Code is substantively similar to the current Code albeit, presented slightly differently.
- 1.4 The LGNZ model contains two optional clauses: one concerning use of an initial assessor and one concerning making an investigators recommendations binding on the Council. It is recommended that Council adopt the revised Code with the inclusion of both of these optional clauses.

2.0 Recommendations - *Ngā Tūtohunga*

- A) That Council receives the report titled Code of Conduct dated 8 December 2022.
- B) That Council revokes the Code of Conduct adopted on 23 March 2017.
- C) That Council notes the new requirements in the Local Government Act 2002 in relation to members' pecuniary interests.
- D) That Council appoint the Chief Executive or their delegate as the registrar for the purposes of section 54G of the Local Government Act 2002. The Chief Executive may delegate the
- E) That Council notes the optional clauses discussed in the report, namely the Chief Executive to refer all formal complaints to an Initial Assessor (who reviews the complaint and advises the most appropriate next step), and the Independent Investigators findings being binding on Council.
- F) That Council agrees to Independent Investigators being able to make binding decisions in response to complaints under the Code of Conduct.
- G) That Council agrees to the use of a two-step process (referral of complaints to an Initial Assessor, as a first step, who will attempt to resolve complaints without the need for a full investigation as appropriate) to assess and resolve complaints made under the Code of Conduct.
- H) That Council notes that Councillors desire to see issues resolved at the lowest possible level and wish to utilise informal dispute resolution mechanisms wherever feasible and safe.
- I) That Council adopts the draft Code of Conduct 2022.

3.0 Background – *Te Horopaki*

- 3.1 All councils are required to adopt a code of conduct for members under clause 15, Schedule 7 of the Local Government Act 2002. This also requires adoption of a code and any amendments to it, to be approved by a vote of at least 75% of members present.
- 3.2 LGNZ and the Controller and Auditor General recommend that councils review their code of conduct soon after the beginning of each triennium. The current Council Code of Conduct was not reviewed for the 2019-2022 and officers consider it to be timely to revisit the Code in light of updated guidance and changes to legislation.
- 3.3 While the current Code has not had to be used many times since it was last adopted, it is important that the standards of behaviour and processes contained in it are fit for purpose and members are well aware of them.

4.0 Discussion – *Te Matapakitanga*

- 4.1 In September 2022, LGNZ issued a new model Code of Conduct. This has been developed over the past three years in consultation with Council's around Aotearoa. Council's current Code of Conduct is based on the 2016 LGNZ Model Code and as such, there are several changes which have been considered for the revised Code being presented for adoption. These include:
 - A clearer distinction between the Code of Conduct and the process for considering complaints
 - Additional criteria for assessing complaints
 - A greater emphasis on behaviours that are inconsistent with the Code
 - Incorporation of Te Tiriti principles

- Illustrative case studies of behaviour found to be inconsistent with the Code
- A policy for dealing with alleged breaches
- Two optional clauses concerning
 - A single step or two step assessment process
 - Whether recommendations from an investigator should be binding or non-binding.

- 4.2 Officers have reviewed the Model Code in light of the status quo and any unique requirements of Hastings District Council. While the Model Code has a different layout and tone to the current Council Code, much of the substantive content is the same.
- 4.3 Several provisions which are in the current Council Code but not the Model Code have been retained. These are still considered useful in adding clarification around certain points (e.g., roles and responsibilities, and conflicts of interest).
- 4.4 The revised Code carries through the LGNZ Draft Policy for Dealing with Alleged Breaches. This contains guidance for assessing the significance of an alleged breach and clarifies that only elected members or the Chief Executive (CE) can make a complaint under the Code. The CE is provided with full discretion on whether to formally lodge any complaints made to them by staff or the public as a code of conduct complaint. This discretion does not exist for complaints made by elected members.
- 4.5 The revised Code clarifies that members involved in a complaint are not left to meet any reasonable costs created by doing so. It also makes clear that members who make or are subject to complaints are entitled to appropriate and reasonable support. This includes access to confidential counselling through Council's Employee Assistance provider.

5.0 A single step or two step assessment process

- 5.1 The LGNZ Model Code provides Council with the ability to adopt either a single step or two step process for assessing complaints.
- 5.2 The single step process is what Council currently uses. The chief executive refers all complaints to an independent investigator who determines whether the complaint is valid and, if so, recommends action(s) appropriate to the level of materiality or significance of the breach.
- 5.3 The two-step process would require the chief executive to refer all complaints to an initial assessor who determines whether the complaint is valid and, if so, can recommend that the parties undertake mediation. Where the nature of a breach is significant and where mediation is not an option (or not agreed to) then the initial assessor will refer the complaint to an independent investigator, who may also re-assess the complaint.
- 5.4 Both options provide for a degree of independence, however the two-step process is designed to quickly address those complaints which have a low degree of materiality with minimum expense to the Council.
- 5.5 Officers have included a two step assessment process in the draft Code of Conduct to be considered by Councillors. This allows for complaints to be resolved at several levels before proceeding to a full investigation. Note: this is in addition to informal mechanisms for resolving disputes among Councillors that sit outside the Code.

6.0 Binding or non-binding recommendations from an investigator?

- 6.1 LGNZ note that a key principle is that the process for investigating an alleged breach must be politically independent and be seen to be so. The mechanism that is currently used by Council of an independent investigator ruling on a complaint and making recommendations is designed to achieve this. However, the perception of independence and objectivity may be lost if it is elected members who decide the nature of an action to be taken when a complaint is upheld.

- 6.2 One solution is for the Council to agree to be bound by an independent investigator's recommendations. This would remove the discretion that Council currently has in considering actions to take in response to a Code of Conduct complaint that has been upheld.
- 6.3 Council may wish to consider adopting this approach if it believes it to be necessary for reasons of independence and transparency. While Code of Conduct complaints are infrequent at Hastings District Council, they have the potential to be very divisive and the process of members having to decide what action should be taken against a Councillor who has been found in breach may damage team cohesion.
- 6.4 Following earlier direction from Council, officers have prepared a draft Code for Council's consideration that allows for an investigator's recommendations to be binding.

7.0 Local Government (Pecuniary Interests) Amendment Act 2002

- 7.1 The Local Government Act was recently amended to require local authorities to maintain and publish a register of pecuniary interests for members. This aims to provide consistency across local authorities and improve transparency. It also aligns the requirements on local councillors with those of Members of Parliament in disclosing information about their pecuniary interests. The requirements apply to the Mayor, Councillors and Community Board members but not external appointees to committees/subcommittees.
- 7.2 The amendments concern four main obligations for councils:
- Keep a register of members' pecuniary interests
 - Appoint a registrar to compile and maintain the register
 - Make a summary of the information publicly available
 - Ensure that information contained in the register is only used in accordance with the purpose of the register and is retained for seven years after the date on which a member provides the information.
- 7.3 A pecuniary interest is defined as a "...matter or activity of financial benefit to the member." However, threshold limits exist for what is required to be disclosed and a full list of requirements is provided on page 21 of the draft Code of Conduct. There are two broad categories of information that must be disclosed in returns:
- Information relating to the elected member's position – as a business owner, employee, trustee, etc; and
 - Information relating to the elected member's activities – as recipients of gifts or payments.
- 7.4 Council is required to appoint a registrar under the Act who is responsible for compiling the Register, ensuring compliance with the Privacy Act 2020 and providing advice and guidance to members in connection with their obligations.
- 7.5 If an elected member does not comply with these obligations, it constitutes an offence which can be punished by a fine of up to \$5,000.
- 7.6 The timeframes for making declarations are set out in the legislation and are as follows:
- Year 1: the day that is 120 days after the date on which the member comes into office under section 115 of the Local Electoral Act 2001;
 - Year 2: the last day of February in the second year of the triennium;
 - Year 3: the last day of February in the third year of the triennium.
- 7.7 This means that, for Year 1, the calculation of the due date is as follows:
- 8 October 2022 – Polling day

- 13 October 2022 – Public notice of the final election result given as per section 86 of the Local Electoral Act
- 14 October 2022 – Members come into office (as per section 115 of the Local Electoral Act 2022)
- 15 October 2022 – Day 1 of the 120 day period
- 11 February 2023 – Due date for members returns

7.8 Members obligations under this amendment are in addition to and do not affect the members existing obligations under the Local Authority (Members' Interests) Act 1968. These are also outlined in the draft Code of Conduct at page 20.

7.9 It is recommended to appoint the Chief Executive as the Registrar for the purposes of the Local Government Act. In practice, the Chief Executive may delegate this responsibility to another member of staff. Support will be provided by the Governance and Democracy Services Team.

8.0 Options – *Ngā Kōwhiringa*

Option One - Recommended Option - Te Kōwhiringa Tuatahi – Te Kōwhiringa Tūtohunga

8.1 That Council adopts the revised Code of Conduct as attached.

Advantages

- Incorporates current best practice and legislative updates
- Acknowledges Council obligations to adhere to Treaty principles
- Better outlines what constitutes unacceptable behaviours under the Code.

Disadvantages

- Council discretion in deciding actions in response to a Code breach is lost.

Option Two – Status Quo - Te Kōwhiringa Tuarua – Te Āhuatanga o nāiane

8.2 The Council declines to adopt the revised Code of Conduct.

Advantages

- The current Code of Conduct stays in force.

Disadvantages

- An opportunity to capture local government sector learning from the last five years contained in the LGNZ Model Code is lost.

9.0 Next steps – *Te Anga Whakamua*

9.1 The revised Code of Conduct if adopted, will be published to the Council website. A copy will also be provided to all elected members.

Attachments:

1 ➞ DRAFT Council 2022 Code of Conduct - pdf

CG-17-1-00029

Vol 2

Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

Fit with purpose of Local Government - *E noho hāngai pū ai ki te Rangatōpū-ā-Rohe*

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

Link to the Council's Community Outcomes – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal promotes the wellbeing of communities in the present and for the future by supporting effective, efficient, and harmonious Council governance arrangements.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

The revised Code of Conduct refers to the principles of Te Tiriti o Waitangi for the first time and acknowledges Council's obligations to act consistently with these.

Sustainability - *Te Toitūtanga*

N/A

Financial considerations - *Ngā Whakaarohanga Ahumoni*

N/A

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This decision/report has been assessed under the Council's Significance and Engagement Policy as being of low significance.

Consultation – internal and/or external - *Whakawhiti Whakaaro-ā-roto / ā-waho*

Consultation has occurred with Councillors through a briefing in November 2022. The adoption of a Code is a legal requirement under the Local Government Act 2002.

Risks

Updating the Code of Conduct regularly ensures that potential actions taken under it are consistent with legislation and current legal precedent.

There is a risk in not adopting the optional clause for an investigators ruling to be binding on the Council that the actions taken following a breach of the Code may be seen as politically motivated. However, the presence of this clause would remove Council discretion in setting penalties for a breach of the Code.

Rural Community Board – *Te Poari Tuawhenua-ā-Hapori*

The Rural Community Board is not required to adopt a Code of Conduct as per s. 54(2) of the Local Government Act 2002. However, in 2003 the Rural Community Board adopted their own Code of Conduct. This has not been reviewed since this time but remains in force. A revised Code that reflects the updated Council Code of Conduct will be presented to the Board in February 2023.

Thursday, 8 December 2022

Item 18

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: Proposed Amendment to Council Meeting Schedule for December 2022 and Adoption of Meeting Schedule for January to March 2023
Subject:

1.0 Purpose and summary - Te Kaupapa Me Te Whakarāpopototanga

1.1 The purpose of this report is to consider some amendments to the Schedule of Council meetings for the remainder of the 2022 calendar year and adoption of the proposed meeting schedule for the first 3 months of 2023.

1.2 The Local Government Act 2002, Schedule 7, Clause 19 states:

“A local authority must hold meetings at the times and places that it appoints”.

If a local authority adopts a schedule of meetings-

a) *The schedule-*

i) *may cover any future period that the local authority considers appropriate, and*

ii) *may be amended.*

Although a local authority must hold the ordinary meetings appointed, it is competent for the authority at a meeting to amend the schedule of dates, times and number of meetings to enable the business of the Council to be managed in an effective way.

2.0 Recommendations - Ngā Tūtohunga

- A) That receive the report titled Proposed Amendment to Council Meeting Schedule for December 2022 and Adoption of Meeting Schedule for January to March 2023 dated 8 December 2022.
- B) That Council approve the following amendments to the meeting schedule for December 2022 and the proposed Meeting Schedule for January to March 2023.

Civic Development Subcommittee – (New Subcommittee)	Thursday, 15 December 2022	8.30am	Landmarks Room
Council	Thursday, 26 January 2023	1pm	Chamber
Council	Thursday 16 February 2023	1pm	Chamber
Council - Reserve Management Plan Hearing	Wednesday 22 February 2023	9am	Chamber
Council	Thursday 23 March 2023	1pm	Chamber
Council – Reserve Management Plan Hearing	Tuesday 28 March 2023	9am	Chamber

Attachments:

There are no attachments for this report.

HASTINGS DISTRICT COUNCIL

COUNCIL MEETING

THURSDAY, 8 DECEMBER 2022

Item 21

RECOMMENDATION TO EXCLUDE THE PUBLIC

SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

THAT the public now be excluded from the following part of the meeting, namely:

- 22 Hawke's Bay Airport Ltd Director Remuneration**
- 23 Office Building Lease**
- 24 Lease Arrangement for Hawkes Bay Regional Economic Development Agency**

The general subject of the matter to be considered while the public is excluded, the reason for passing this Resolution in relation to the matter and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this Resolution is as follows:

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER, AND PARTICULAR INTERESTS PROTECTED	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF EACH RESOLUTION
22 Hawke's Bay Airport Ltd Director Remuneration	Section 7 (2) (a) The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. To protect the privacy of individuals while board remuneration is being negotiated.	Section 48(1)(a)(i) Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.
23 Office Building Lease	Section 7 (2) (i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). Provide Council with the opportunity to negotiate lease arrangements on commercial terms.	Section 48(1)(a)(i) Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.

24 Lease Arrangement for Hawkes Bay Regional Economic Development Agency

Section 7 (2) (h)

The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.

Section 7 (2) (i)

The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). To provide Council and the Regional Economic Development partners the opportunity to continue to negotiate terms for the lease arrangements.

Section 48(1)(a)(i)

Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.