
Thursday, 2 March 2023

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

Kaupapataka

Open Attachments Under Separate Cover

Te Rā Hui:
Meeting date: **Thursday, 2 March 2023**

Te Wā:
Time: **1.00pm**

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

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TE KAUNIHERA Ā-ROHE O HERETAUNGA

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Local Governance Statement

Prepared in terms of Sections 40
of the Local Government Act 2002.
Following the 2022 Local
Authority Elections.

February 2023



Our Vision

**Heretaunga whenua
houkura, Heretaunga
hapori ora
*Fertile Land, Prosperous
People***

Our vision for the Hastings District represents the foundations of our community: land and people.

We are focused on protecting and enhancing our fertile land and the life-giving waters which support it, and helping the people of this place to fulfil their aspirations and prosper together.

(Hastings District Council Long Term Plan 2021-31)



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Associated Documents:

Elected Members Code of Conduct 2022 [PRJ22-20-0022]

Hastings District Council Committee and Rural Community Board Register of Delegations 2022-2025 [PRJ22-20-0009]

Hastings District Council Standing Orders [PRJ22-20-0016]

Hastings District Council Rural Community Board Standing Orders [PRJ22-20-0024]

Hastings District Council Significance and Engagement Policy [CG-15-22-13]

INTRODUCTION

Hastings District Council's Local Governance Statement is a collection of information about the Council and the processes which it uses to engage with the District's residents.

The requirement for a local governance statement and what it must contain are provided for by section 40 of the Local Government Act 2002. Council is obliged to produce a new Local Governance Statement within six months following each triennial election.

1. FUNCTIONS, RESPONSIBILITIES AND ACTIVITIES

The purpose of the Hastings District Council (the Council), as outlined in the Local Government Act 2002, is to enable democratic local decision-making by and on behalf of communities and to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

The Council has overall responsibility and accountability for the proper direction and control of the Council's activities in pursuit of community outcomes. This responsibility includes:

- Formulating the district's strategic direction in conjunction with the community via the Long Term Plan (LTP).
- Determining the services and activities to be undertaken
- Managing principal risks
- Administering various acts and regulations and upholding the law
- Monitoring the delivery of the LTP and Annual Plan
- Ensuring the integrity of management control systems
- Safeguarding the public interest
- Ensuring effective succession of elected members
- Reporting to ratepayers

2. STATUTES PERTAINING TO LOCAL GOVERNMENT

In fulfilling its purpose, the Council exercises powers and fulfils responsibilities conferred on it by various statutes. Chief among these are: the Local Government Acts of 1974 and 2002; the Local Electoral Act 2001; the Local Government (Rating) Act 2002; the Local Government Official Information and Meetings Act 1987; the Resource Management Act 1991; the Building Act 2004; the Sale and Supply of Alcohol Act 2012, the Civil Defence and Emergency Management Act 2002 and the Health Act 1956.

These are some of the 70 plus Acts which confer some obligation on or provide certain powers to the Council.

3. LOCAL LEGISLATION

The following local legislation also applies to the Hastings District Council:

- Hawke's Bay Crematorium Act 1944

4. BYLAWS

The Council has authority under the Local Government Act 2002 and various other Acts to make bylaws:

- To protect the public from nuisance
- Protecting, promoting, and maintaining public health and safety

- Minimising the potential for offensive behaviour in public places

The Council bylaws can be viewed on the Council website www.hastingsdc.govt.nz

In July 2021 the Council adopted the amended Hastings District Council Consolidated Bylaws which includes the following chapters:-

Interpretations and General Provisions:

- The Introductory Bylaw was replaced by a new "Interpretation and General Provisions Bylaw 2015"

Public Places:

- Access ways
- Activities
- Advertising devices
- Beaches
- Cemeteries and crematorium
- Council facilities
- Skateboards
- Damage
- Encroachments
- Fences
- Flying activities
- Hazards
- Events, demonstrations, competitions, parade, processions or other public meetings
- Refuse disposal
- Sports and games in a public place
- Street numbering and private road signs
- Stock
- Trading, busking and collections
- Vehicle crossings and berms.

Dog Control

Alcohol Bans

- Authority
- Definitions
- Alcohol bans
- Licences and dispensations

Parking and Traffic

- Parking restrictions and charges
- Parking offences
- Traffic movement and safety
- Traffic offences
- Enforcement

Water Services

- Connection and disconnection
- Network corridor
- Damage to network
- Offences in relation to water supply
- Offences in relation to wastewater
- Offences in relation to stormwater
- Approvals
- Heavy metals
- Organic compounds

Miscellaneous Matters

- Nuisances
- Refuse
- Stock, poultry and bees

Speed Limits Bylaw – Last reviewed December 2020

This Bylaw enables the Council to set speed limits in respect of any road under its control as well as in certain designated locations. The roads affected and the speeds applied are specified in the schedules to the Bylaw.

5. THE ELECTORAL SYSTEM AND THE OPPORTUNITY TO CHANGE IT

5.1 “First Past the Post” and “Single Transferable Vote” Systems

The Council currently conducts its elections under the “First Past the Post” (FPP) electoral system. Electors vote by ticking their preferred candidate(s), and the candidate(s) that receive(s) the most votes is/are declared to be elected

The other option permitted under the Local Electoral Act 2001 is the “Single Transferable Vote” system (STV). Under this system electors rank candidates in order of their preference. The number of votes required for a candidate to be elected (called the quota) depends on the number of positions to be filled and the total number of valid votes which have been cast in the election.

The number of candidates required to fill all vacancies is achieved by:

- Counting the first preferences of all electors
- A transfer of a proportion of votes received by any candidate where the number of votes for that candidate is in excess of the quota
- By the exclusion of the lowest polling candidates and the transfer of these votes in accordance with voters’ second preferences and so on via further exclusions and preferences.

More detailed information on STV is available on the website www.stv.govt.nz

5.2 Deciding which Electoral System to use

Under the Local Electoral Act 2001:

- Council can resolve to change the electoral system to be used at the next two elections
- Council can conduct a binding poll of eligible electors on which electoral system to use
- Electors can demand that a binding poll be undertaken by the presentation to the Council of a petition signed by 5% of the eligible electors.

Once changed, an electoral system must be used for at least the next two triennial general elections, i.e., the electoral system cannot be changed for one election and then changed back for the next election.

5.3 The Voting System for Council's Triennial Elections

In 2017 the Council resolved to retain the "First Past the Post (FPP) voting system for the 2019 and 2022 elections. Unless the legislation changes, every six years the council will be asked to decide if it wishes to retain FPP or adopt Single Transferable Voting (STV) for the two forthcoming elections. This will be reviewed again in 2023.

6. REPRESENTATION OPTIONS

6.1 Māori Wards and Constituencies

The Local Electoral Act 2001 also gives the Council the ability to establish separate wards for electors on the Māori roll. In May 2021, Council resolved to establish the Takitimu Māori roll covering all voters on the Māori roll in the Hastings District. In 2022 it was confirmed that three members would represent the Takitimu Ward. These members were elected for the first time in the 2022 triennial election.

6.2 Electoral Representation

The Local Electoral Act 2001 requires the Council to review its representation arrangements at least once every six years. A representation review was undertaken in 2021/22. The next review will take place in 2026/27 for the 2028 triennial election.

6.3 Wards

Following the 2021/22 Representation Review, the following ward system has been put in place.

- Mayor – Elected at large
- Hastings – Havelock North Ward – 7 Councillors
- Flaxmere Ward – 1 Councillors
- Heretaunga Ward – 2 Councillors
- Mōhaka Ward – 1 Councillor
- Kahurānaki Ward – 1 Councillor
- Takitimu Māori Ward – 3 Councillors

Ward maps and boundaries can be found on the Council's website: <https://www.hastingsdc.govt.nz/our-council/elections/wards/>

6.4 Community Board

The Hastings District has one community board - the Hastings District Rural Community Board which comprises four members elected by the rural community representing the district's four rural subdivisions, Poukawa and Maraekākaho (Kahurānaki Ward), Kaweka and Tūtira (Mōhaka ward). The Council also appoints three members to the board, these being the councillors elected to represent the two rural wards – Kahurānaki and Mōhaka and one councillor from the Takitimu Māori Ward.

7. CHANGING THE DISTRICT'S BOUNDARIES OR FUNCTIONS

The Local Government Act 2002 sets out procedures that must be followed during proposals to make changes to the boundaries of the district to create a unitary authority, e.g., transfer all of the functions of the Hawke's Bay Regional Council to Hastings District Council, or vice versa transfer a particular function or functions to another council.

Proposals relating to the following are commenced by the lodging of a proposal with the Local Government Commission. This can be lodged by any person, group or organisation, local authority, or the Minister for Local Government.

The Commission decides whether there is demonstrable community support for the proposal before it decides whether it will assess the application. If it decides to continue the process, it then advertises the proposal and provides an opportunity for alternative proposals to be lodged.

After considering all the proposals which are received the Commission will form an opinion as to its preferred scheme and prepare a draft re-organisation scheme which it then publicises for submission.

After considering the submissions and any other relevant matters the Commission may issue a final scheme. At that stage, 10% of the electors of any of the local authorities affected by the scheme may petition for a poll to be taken on the proposal. The results of this poll will determine whether the reorganisation will proceed or go no further.

Further information on these requirements can be found in the Local Government Act 2002 (in particular Schedule 3). The Local Government Commission has also prepared guidelines on procedures for local government reorganisation.

8. MEMBERS' ROLES AND CONDUCT

8.1 Role of the Council

The Mayor and Councillors of Hastings District Council have the following roles:

- Setting the policy direction of Council
- Monitoring the performance of Council
- Representing the interests of Hastings District as a whole (upon election all members must make a declaration that they will perform their duties faithfully and impartially, and according to their best skill and judgment in the best interests of the district)
- Employing the chief executive (under the Local Government Act 2002 the local authority employs the chief executive, who in turn employs all other staff on its behalf).

8.2 Mayor

The Mayor is elected by the district as a whole ("at large") and as one of the elected members shares the same responsibilities as other members of Council. A 2012 amendment to the Local Government Act 2002, which came into effect following the 2013 elections, has clarified the role of the mayor, and also given the holder of that position certain specific powers.

Under this amendment the role of the Mayor is to provide leadership to the other members of the council, and the people in the district.

Further it is the Mayor's role to lead the development of the Council's plans, policies, and budgets for consideration by the members of the Council.

The Mayor also has the following powers: -

- To appoint the deputy Mayor
- To establish committees of the Council
- To appoint the chairperson of the committees established and may appoint himself/herself to that position.

The Mayor is also a member of each committee of the Council unless specific legislation provides otherwise, for example a committee established under s. 189 of the Sale and Supply of Alcohol Act 2012 (the District Licensing Committee).

In addition, the Mayor chairs meetings of the Council and is responsible for ensuring the orderly conduct of the business in accordance with Council's Standing Orders.

The Mayor advocates on behalf of the community at local and national levels. The Mayor is the ceremonial head of Council and represents the Council at all official functions.

The Mayor also has the responsibility to ensure that Councillors properly perform their function and duties.

8.3 Deputy Mayor

The Deputy Mayor was appointed by the Mayor and notified to Council at its first meeting following the 2022 triennial election.

The Deputy Mayor exercises the same roles as other elected members.

In addition, if the Mayor is absent or incapacitated, or if the Office of Mayor is vacant, then the Deputy Mayor must perform all of the Mayor's responsibilities and duties, and may exercise the powers of the Mayor, other than those relating to the establishment of committees or the Mayor's powers of appointment. The Deputy Mayor may be removed from office by resolution of Council at a meeting called specifically for that purpose.

8.4 Chief Executive

The Chief Executive is appointed by the Council in accordance with section 42, and clauses 33 and 34, Schedule 7, of the Local Government Act 2002. The Chief Executive implements and manages Council's policies and objectives within the budgetary constraints established by Council.

Under s. 42 of the Local Government Act 2002, the responsibilities of the Chief Executive are:

- Implementing the decisions of Council
- Providing advice to Council and community boards
- Ensuring that all responsibilities, duties, and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- Managing the activities of Council effectively and efficiently
- Facilitating and fostering representative and substantial elector participation in elections and polls held under the Local Electoral Act 2001
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of Council
- Providing leadership for the staff of Council
- Employing staff (including negotiation of the terms of employment for the staff) in accordance with any remuneration and employment policy adopted by the Council.

8.5 Role of the Hastings District Rural Community Board

The Local Government Act 2002 (Section 52) states that the role of a community board is to –

- Represent, and act as an advocate for, the interests of its community
- Consider and report on all matters referred to it by the territorial authority, or any matter of interest or concern to the community board
- Maintain an overview of services provided by the territorial authority within the community
- Prepare an annual submission to the territorial authority for expenditure within the community
- Communicate with community organisations and special interest groups within the community
- Undertake any other responsibilities that are delegated to it by the territorial authority.

The Hastings District Rural Community Board focuses on matters relating to the rural community. The terms of reference and delegated powers of the Board are specified in the Hastings District Council Committee and Rural Community Board Delegations Register.

8.6 Code of Conduct

The Local Government Act 2002 requires the Council to adopt a Code of Conduct and for all elected members to adhere to the Code. Once adopted, a code may only be amended by a 75 per cent or more vote of Council.

The Code of Conduct sets out Council's understanding and expectations of how the Mayor and Councillors, in the course of their duties, will relate to one another, to staff, to the media and to the general public. It also covers disclosure of information that is received by, or is in the possession of, elected members, and contains details of the sanctions that can be imposed if an individual member breaches the Code.

The Council currently has a Code of Conduct which was adopted by resolution of Council in December 2022.

8.7 Specific Statutory Requirements

Local Government Act 2002

Under Section 46(1) councillors can be held liable for losses, reported by the Auditor-General under section 44 of that Act, resulting from negligence or unlawful action by the council.

Under Schedule 7 clause 1 an elected member (the mayor, a councillor, or a community board member) will be disqualified if they cease to be an elector or become disqualified for registration as an elector under the Electoral Act 1993 or are convicted of an offence punishable by a term of imprisonment of two years or more.

Their position will also become vacant if they are absent without leave from the council, or community board, for 4 or more consecutive meetings (schedule 7, clause 50 LGA 2002)

Local Authority (Members' Interests) Act 1968

This Act regulates situations where a member's personal interests impinge or could be seen as impinging on their duties as an elected member. The Act provides that an elected member is disqualified from office if that member is concerned or interested in contracts under which payments made by or on behalf of the Council exceed \$25,000 in any financial year. The same rules also apply where the member's spouse or partner contracts with the council.

Additionally, elected members are prohibited from participating in any Council discussion or voting on any matter in which they have an interest, whether pecuniary or non-pecuniary, other than an interest in common with the general public.

A member may contact the audit office for guidance as to whether they have a pecuniary interest, and, if so, may seek an exemption to allow them to participate or vote on a particular issue in which they have that interest. The exemption must be obtained before the discussion or vote.

The chief executive will also seek approval from the audit office for contractual payments to members, their spouses or partners or their companies if it appears that the \$25,000 annual limit will be exceeded.

Failure to observe these requirements could leave the elected member open to prosecution under the Local Authority (Members' Interests) Act 1968 and in the event of a conviction an elected member is deemed to have vacated the office.

Local Government (Pecuniary Interests Register) Amendment Act 2022

Following passage of the Local Government (Pecuniary Interests Register) Amendment Bill in 2022, a local authority must now keep a register of the pecuniary interests of their members, including community and local board members. The purpose of the register is to record members' interests to ensure transparency and strengthen public trust and confidence in local government processes and decision-making. Registers must comprise the following:

- (a) the name of each company of which the member is a director or holds or controls more than 10% of the voting rights and a description of the main business activities of each of those companies;
- (b) the name of every other company or business entity in which the member has a pecuniary interest, other than as an investor in a managed investment scheme, and a description of the main business activities of each of those companies or business entities;

- (c) if the member is employed, the name of each employer of the member and a description of the main business activities of each of those employers:
- (d) the name of each trust in which the member has a beneficial interest:
- (e) the name of any organisation or trust and a description of the main activities of that organisation or trust if—
 - (i) the member is a member of the organisation, a member of the governing body of the organisation, or a trustee of the trust (as applicable); and
 - (ii) the organisation or trust receives funding from, or has applied to receive funding from, the local authority, local board, or community board to which the member has been elected:
- (f) the name and description of any organisation in which the member holds an appointment by virtue of being an elected member:
- (g) the location of real property¹ in which the member has a legal interest, other than an interest as a trustee, and a description of the nature of the real property:
- (h) The location of real property², and a description of the nature of the real property, held by a trust where the member is a beneficiary of the trust, and the member knows or ought reasonably to know that the member is a beneficiary of the trust.
- (i) For each country (other than New Zealand) that the member travelled to, they must identify the name of the country, the purpose for the travel, and the name of any person who contributed (in whole or in part) to the travel and/or accommodation costs³.
- (j) A description of each gift⁴ received by the member and the name of the donor⁵ if:
 - (i) the gift has an estimated market value in New Zealand of more than \$500; or
 - (ii) the combined estimated market value in New Zealand of all gifts from the donor is more than \$500.
- (k) A description of each payment received by the member for activities in which the member is involved other than:
 - (i) any salary or allowances paid to that person under the Remuneration Authority Act 1977 or the LGA;
 - (ii) any payment the member receives from an interest required to be disclosed under section 54E (e.g., directors fees or employment salary or wages); and
 - (iii) any payment made in respect of any activity the member ceased to be involved in before becoming a member.

Each council must make a summary of the information contained in the register publicly available and ensure that information contained in the register is only used or disclosed in accordance with the purpose of the register. Information must be retained for seven years.

Local Government Official Information and Meetings Act 1987- ("LGOIMA")

This Act relates to the release of information held by the council. The underlying principle is that unless there is good reason to withhold it, information should be made available to anybody requesting it. Section 6 and 7 of the Act give a number of grounds for withholding disclosure. This Act also applies to the disclosure by a member of any information held by that member (in his or her capacity as member) to a member of the public.

¹ Listing the suburb and city is sufficient to identify the location, so the member is not required to disclose the actual property address.

² As above – listing the suburb and city is sufficient.

³ This travel information does not need to be supplied if the travel and accommodation costs were paid for by the member, or the member's family.

⁴ Including hospitality and donations in cash, but excluding any donation made to cover expenses in an electoral campaign.

⁵ A member does not need to declare gifts from family members unless the member considers the information should be included.

LGOIMA also sets out the procedural requirements for meetings of local authorities, the publication of agendas, procedures for discussion with the public excluded and access by the public to the minutes of meetings. The reasons for excluding a member of the public from a meeting are the same as those relating to the withholding of information.

Secret Commissions Act 1910

This Act makes it unlawful for a member (or officer) to advise anyone in relation to entering or not entering into a contract with a third person in respect of the business of the council, and/or receive a gift or reward from anyone outside the Council in return for advice or services in relation to the business of the council, or to present false receipts to the council.

Crimes Act 1961

This Act makes it unlawful for members to accept or solicit for themselves (or anyone else) any gift or reward for acting in relation to the business of the council, or use information gained in the course of the member's duties for monetary gain or advantage by the member or anyone else.

Financial Markets Conduct Act 2013

The Council is subject to the Financial Markets Conduct Act 2013 in relation to the issue of securities to the public, in particular the form and content of prospectuses.

9. GOVERNANCE STRUCTURE, MEMBERSHIP AND DELEGATIONS

The Council reviews its committee structures after each triennial election. In 2022, a review of the governance structure was undertaken. The philosophy of the Council regarding delegation is to encourage the delegation of decision making to the lowest appropriate level. The Governance Structure has two "whole of Council" Committees. The **Strategy and Policy Committee** is responsible for developing all strategic, policy and planning frameworks for approval by Council. The **Performance and Monitoring Committee** is to provide complete reporting of performance against the Annual Plan, Long Term Plan and strategic goals and priorities.

The full membership of the committees is set out within the **2022 - 25 Schedule of Appointments** and the terms and reference and delegations are contained in the **2022 - 25 Committee and Rural Community Board Register of Delegations**.

Both these documents referenced in this statement are available on the Council's website.

9.1 Council Meetings

Council meetings generally take place bi-monthly, with the standing committees and other committees, and subcommittees meeting on a one to three monthly basis.

Additional Council meetings are held for the Long Term Plan and Annual Plan and other specific reasons. The meetings scheduled for each month are publicly notified prior to the end of the previous month, and the meetings scheduled for the year are shown on the Council website. These may be changed from time to time as circumstances or work-loads or other activities require.

9.2 Council Committees

The Council has several standing committees to monitor and assist in the effective discharging of specific responsibilities. These are:

- Strategy and Policy Committee
- Performance and Monitoring Committee
- Risk and Assurance Committee
- Hearings Committee (meets as required)
- District Licensing Committee (meets as required)
- Heretaunga Takoto Noa: Māori Standing Committee

- Chief Executive Performance Committee

There are also a number of subcommittees, which generally meet as required. These are:

- Civic Development Subcommittee
- District Development Subcommittee
- District Plan and Bylaws Subcommittee
- Environmental Wellbeing Subcommittee
- Flaxmere Futures Subcommittee
- Community Wellbeing Subcommittee

The Council also has several joint committees;

- The Hastings District Council/Tangata Whenua Joint Wastewater Treatment Committee
- Ōmarunui Refuse Landfill Joint Committee (Hastings District and Napier City Councils)
- Joint Waste Futures Projects Steering Committee (Hastings District and Napier City Councils)
- Future Development Strategy Joint Committee (Hastings District, Napier City and Hawke's Bay Regional Council)
- Clifton to Tangoio Coastal Hazards Strategy Joint Committee (Hastings District, Napier City and Hawke's Bay Regional Councils)
- Hawke's Bay Crematorium Committee, established under the Hawke's Bay Crematorium Act 1944 which meets between 2 and 4 times a year (Hastings District, Central Hawke's Bay District, and Napier City Councils)
- Hawke's Bay Civil Defence Emergency Management Group established under the Civil Defence Emergency Management Act 2002 (Hastings, Central Hawke's Bay, and Wairoa Districts and Napier City Councils)

9.3 Hastings District Rural Community Board

The Rural Community Board makes recommendations to the Council on matters relating to the rural sector of the District. The Board meets approximately four times per year.

10. COUNCIL ORGANISATIONS

A Council Controlled Organisation (CCO) is described in the Local Government Act 2002 as any organisation in which one or more local authorities control 50 per cent or more of the voting rights or appoints 50 per cent or more of the directors. For the Council these are:

- Te Mata Park Trust Board
- Hastings District Holdings Limited
- Hastings District Properties Limited
- Hawke's Bay Local Authorities Shared Services (in partnership with other Hawke's Bay Councils)
- Hawke's Bay Opera House Limited
- NZ Local Government Funding Agency Ltd (LGFA)

There are also two regionally owned and controlled organisations in which the Council has an interest in partnership with Napier City Council as joint CCO's. These are:

- The Hawke's Bay Airport Authority (The Crown, Napier City and Hastings District Councils)
- The Hawke's Bay Museums Trust

The Council also has non-controlling interests in numerous organisations by virtue of appointing one or more board members or trustees. These are generally "not for profit" bodies.

A full list can be viewed in the Schedule of Appointments to Committees, Subcommittees and other Organisations, on the Council website.

11. MEETING PROCESSES

The legal requirements for council meetings are set down in the schedule 7 of the Local Government Act 2002 and in the Local Government Official Information and Meetings Act 1987 (LGOIMA).

All Council and committee meetings must be open to the public unless there is reason to consider some items with the public excluded. Although meetings are open to the public, members of the public do not have speaking rights unless prior arrangements are made with the Council. The LGOIMA contains a list of the circumstances where Councils may consider items with the public excluded. (These circumstances generally relate to the protection of personal privacy, professionally privileged or commercially sensitive information and, the maintenance of public health, safety and order).

The agenda is a public document, although parts may be withheld if the above circumstances apply. Copies of the public agenda are displayed on the Council website and must be available no less than 2 working days prior to the meeting.

The Council is required by the Local Government Act 2002 to adopt a set of standing orders which are rules regulating the conduct of its meetings.

During meetings of the Council, Committees or Community Board, all Council participants (the Mayor or chair, councillors or members) must follow Standing Orders unless Standing Orders are suspended by a vote of 75% (or more) of the members present and voting.

On 8 December 2022 the Council adopted by resolution a new set of standing orders based on the Local Government New Zealand Template published in 2022.

The Standing Orders may be viewed at the Council Offices in Lyndon Road East, or on the Council Website.

The Mayor or committee chair is responsible for maintaining order at meetings and may, at their discretion, order the removal of any member of the public for disorderly conduct, or remove any member of the Council who does not comply with Standing Orders.

Minutes of meetings must be kept and made publicly available, subject to the provisions of the LGOIMA.

For an ordinary meeting, at least 14 days' notice of the time and place of the meeting must be given. However, as the Council adopts a meeting schedule for the whole year the members are deemed to have notice of the meetings and a shorter notice may be given. Extraordinary meetings can generally be called on three working days' notice.

The Council's meeting schedule is published on the Council's website <http://www.hastingsdc.govt.nz/our-council/meetings>

12. SIGNIFICANCE AND ENGAGEMENT POLICY

12.1 The Special Consultative Procedure

The Local Government Act 2002 sets out the Special Consultative Procedure which contains a process that local authorities must follow when making certain decisions. The Council also has a Community Engagement Framework to guide other consultative activities outside of the Special Consultative Procedure.

The Special Consultative Procedure consists of the following steps:

Step One: Preparation of a statement of proposal and a summary

The Council must prepare a description of the proposed decision or course of action. The statement must be available for distribution throughout the community and inspection at Council offices and may be made available elsewhere. That statement must be included on an agenda for a Council meeting. The Council may, if it is thought necessary to do so, prepare a full and fair summary of the proposal which must be distributed as widely as Council considers to be reasonably practicable.

Step Two: Public notice

The Council will publish a notice in one or more daily newspapers, or in other newspapers of equivalent circulation, of the proposal and of the consultation being undertaken. At least one month (from the date of the notice) must be allowed for submissions.

Step Three: Receive submissions

The Council must acknowledge all written submissions and offer submitters a reasonable opportunity to speak to the Council in support of their submission.

Step Four: Deliberate in public

All meetings where the Council deliberates on the proposal or hears submissions must be open to the public (unless there is a reason to exclude the public under the LGOIMA). All submissions must be made available unless there is reason to withhold them under the LGOIMA.

Step Five: Follow up

A copy of the decision and a summary of the reasons will be provided to submitters.

The Council must, follow the Special Consultative Procedure before it:

- Adopts a Long-Term Plan (LTP) or Annual Plan
- Amends an LTP
- Adopts, revokes, reviews or amends a bylaw
- Establishes a Council Controlled Organisation

The Council may be required to use the Special Consultative Procedure under other legislation, and it may use this procedure in other circumstances if it wishes to do so.

Council can (and does) consult outside of the special consultative procedure. When it is adopting its Long-Term Plan, Annual Plan or District Plan, it may hold informal meetings with the community. At these meetings council will seek views on the matters it considers to be important and to identify issues of concern to the community.

12.2 Consultation Requirements

The Local Government Act 2002 (LGA 2002) sets out consultation requirements and principles (ss 75-90) for Council to follow when making decisions. For any decision, Council should:

- Assess the problem or issue to be addressed, the reasonably practical options for addressing it, and the costs, benefits, and impacts of those options
- Consider the views of the community at all stages of the decision-making, particularly including persons likely to be affected by or interested in the matter, and the views of Māori (especially where land or water are affected)
- Consult prior to making any decision or predetermination of an option
- Make decisions taking account of the interests of the present and future communities, and the impacts of the economic, social, cultural interests and the quality of the environment.
- Provide reasons for decisions made and identify and explain any inconsistency with other Council plans or policies.

These principles are to be observed by the Council in such manner as it considers appropriate.

13. POLICIES FOR LIAISING WITH, AND MEMORANDA OR AGREEMENTS WITH, MĀORI

Section 81 of the Local Government Act 2002 requires the Council to establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes and to consider ways in which it may foster the development of Māori capacity to contribute to those processes.

The Council will continuously review its existing processes that provide opportunities for Māori to be involved in decision-making processes.

Heretaunga Takoto Noa: Māori Standing Committee has been established by the Council as a deliberate step to assist in the development of sustainable and mutually beneficial relationships with Māori. The Council wishes the Standing Committee to reflect a spirit of partnership between the Council and the Māori community and to contribute effectively to the Council's activities. To enable this to occur the Fields of Activity and Delegated Powers of this Joint Committee are framed with the widest scope possible. These are outlined in the Committees and Rural Community Board Delegations Register.

The Committee comprises eight Māori representatives and six Councillors and meets quarterly. In addition, the Māori representatives takes up one appointed place on each of the Council's committees and subcommittees, with three appointed places on the District Planning and Bylaws Subcommittee, in recognition of the importance of a partnership approach to the governance of the District's land use planning. These appointed positions have full voting rights. The Council has in place a Māori Responsiveness Framework that sets out its work programme to attain the objectives of Section 81.

14. MANAGEMENT STRUCTURES AND RELATIONSHIPS

14.1 Chief Executive

The Local Government Act 2002 requires the Council to employ a chief executive who has the responsibility to employ other staff on behalf of Council, implement Council decisions and provide advice to the Council.

The chief executive is the only person who may lawfully give instructions to a staff member.

Any complaint about individual staff members must be directed to the chief executive rather than to the Mayor or Councillors.

15. EQUAL EMPLOYMENT OPPORTUNITIES POLICY

The Council is committed to the principle of equal opportunity in the recruitment, training and promotion of its employees. The organisation endeavours to provide a welcoming positive environment and to ensure that its activities and services are carried out with an awareness of, and intent to eliminate discrimination in areas of race, colour, ethnic or national origins, sex, religious belief, ethical belief, political opinion, employment status, marital status, family responsibilities, age, disability, or sexual orientation.

Job vacancies at the Hastings District Council are advertised on the Council's website www.hastingsdc.govt.nz and other media as appropriate.

16. KEY APPROVED PLANNING AND POLICY DOCUMENTS

To view or find out more about council plans, reports, policies and strategies, please contact the relevant officer, or visit the council's website www.hastingsdc.govt.nz.

16.1 The Long Term Plan (LTP)

The LTP contains the community's outcomes and priorities as well as Council's strategic objectives, projects and programmes covering a 10 year period. The LTP must be adopted before the commencement of the first year to which it relates. Consultation for the 2024-2034 LTP will commence in 2023. The 2021-2031 LTP may be viewed on the Council website:

- Supporting Documents
 - Development Contributions Policy
 - Asset Management Plans
 - Asset Management Strategy

16.2 Council's 2022/23 Annual Plan

The legislative requirements in relation to the production of an annual plan are outlined in Section 95 of the Local Government Act 2002.

The purpose of an annual plan is to:

- **contain** the proposed annual budget and funding impact statement for the year to which the annual plan relates; and
- **identify** any variation from the financial statements and funding impact statement included in the local authority's LTP in respect of the year; and
- **support** the LTP in providing integrated decision-making and co-ordination of the resources of the local authority; and
- **contribute** to the accountability of the local authority to the community; and
- **extend** opportunities for participation by the public in decision-making processes relating to the costs and funding of activities to be undertaken by the local authority.

The Council has to prepare and adopt an Annual Plan every year, except in the years where an LTP is prepared. The 2023/24 Annual Plan is currently being developed by Council.

16.3 Funding and Financial Policy Summary

The Funding and Financial policies set out the guidelines of how the Council plans for and acquires funds to finance its operations and the projects and programmes in the Annual Plan. The LTP contains the Council's financial statements and policies and includes:

- Forecast Financial Statements
- Policy on Significance and Engagement
- Treasury Policy
- Revenue and Financing Policy (including the Rating Policy which contains the Rate remission and Postponement Policies)
- Development Contributions Policy (separate document)
- Funding Impact Statement

16.4 Council's Annual Report

At the end of each financial year, the Council publishes an annual report which generally reports how the Council performed against its Annual Plan projections. It also contains the audited accounts for the previous financial year, and other information required by the Local Government Act 2002.

16.5 Hastings District Plan

The Hastings District Plan is a legal document prepared under the Resource Management Act 1991 (RMA) which sets out the Council's policies and strategies for managing the effects of the use, development and protection of the natural and physical resources of the district now and in the future.

The purpose of the RMA is *'to promote the sustainable management of natural and physical resources'*. The Hastings District Plan became partially operative on **12 March 2020**, with only Section 16.1 Waahi Taonga remaining as Proposed.

In November 2013 the Council publicly notified its review of the District Plan for public submission. The Council released its decisions on submissions received to the Proposed District Plan in September 2015. Following this, a total of 43 appeals on Council decisions were lodged with the Environment Court. The Council entered into mediation on the appeals, and all but one of the appeals which relates to Waahi Taonga provisions, have been settled. The one remaining appeal results in the Plan being only partially operative. The one remaining appeal is to be heard by the Environment Court and until that time the Waahi Taonga sections in both the 2003 District Plan and the 2015 Decisions version of the Proposed District Plan will be taken into account for processing resource consents affecting Waahi Taonga.

17. PUBLIC ACCESS TO THE COUNCIL AND ITS ELECTED MEMBERS

17.1 Physical Location

The Civic Administration Building of the Hastings District Council is located in Lyndon Road East, Hastings. The following activities are located in the Civic Administration Building:

- Customer Services Centre
- Mayor
- Chief Executive and their office
- Asset Management Group
- Democracy and Governance
- Communications and Marketing
- Planning and Regulatory Services
- Council Chamber, Landmarks Room and Guilin Room

Corporate Services, Community Wellbeing & Services and People and Capabilities Groups are located in the Warren Street Building. Strategic Projects and Economic Development are located in the Hastings Street Building. All enquiries must initially be made to the Customer Services Centre, on the ground floor of the Civic Administration Building.

17.2 Hours of Opening (Council Offices)

The Council Offices are open between 8.00am and 5.00pm Monday to Friday (except Tuesdays when the offices open at 9.00 am and excluding public holidays). The Council will take all reasonable efforts to inform the public in the event of a building closure.

After Hours Enquiries: Phone (06) 871 5000

17.3 General Contact Details

Postal Address:	Hastings District Council Private Bag 9002 Hastings 4156
Physical Address:	Hastings District Council Civic Administration Building 207 Lyndon Road East Hastings 4122
Phone:	(06) 871 5000
Website:	www.hastingsdc.govt.nz
Email:	customerservice@hdc.govt.nz

17.4 General Managers Contact Details

Chief Executive: Nigel Bickle	
Phone 871 5002	Email: nigelb@hdc.govt.nz
General Counsel: Scott Smith	
Phone 871 5000	Email: scott.smith@hdc.govt.nz

Group Manager: Asset Management: Craig Thew

Phone 871 5041 Email: craigt@hdc.govt.nz

Group Manager: Strategy and Development: Craig Cameron

Phone 871 5055 Email: craigc@hdc.govt.nz

Group Manager: Community Wellbeing and Services: Rebekah Dinwoodie

Phone 871 5029 Email: rebekahd@hdc.govt.nz

Group Manager: Planning & Regulatory Services: John O'Shaughnessy

Phone 871 5035 Email: johnno@hdc.govt.nz

Group Manager: People and Capability: Bronwyn Bayliss

Phone 871 5026 Email: bronwynb@hdc.govt.nz

Group Manager: Corporate Services: Bruce Allan

Phone 871 5003 Email: brucea@hdc.govt.nz

Group Manager: Communications and Marketing: Naomi Fergusson

Phone 871 5000 Email: naomif@hdc.govt.nz

Pou Ahurea Matua – Principal Advisor: Relationships, Responsiveness & Heritage: Dr James Graham

Phone 871 5000 Email: jamesg@hdc.govt.nz

Director: Major Capital Projects Delivery: Graeme Hansen

Phone 871 5045 Email: graemeh@hdc.govt.nz

17.5 Councillor Contact Details

Name	Postal Address	Ward	Email	Home Phone	Business Phone	Mobile
Mayor Sandra Hazlehurst	Private Bag 9002, Hastings 4156	Mayor of Hastings District	sandra.hazlehurst@hdc.govt.nz			0274 186 602
Ana Apatu	C- HIVE Hastings District Council 2/200 Market Street, Hastings	Takitimu	councillor.apatu@hdc.govt.nz			0275555226
Marcus Buddo	Private Bag 9002 Hastings 4156	Kahurānaki	councillor.buddo@hdc.govt.nz			021352424
Alwyn Corban	Private Bag 9002 Hastings 4156	Heretaunga	councillor.corban@hdc.govt.nz			021462276
Malcolm Dixon	24 Reeve Drive Havelock Nth 4130	Hastings/Havelock North	councillor.dixon@hdc.govt.nz			027 203 1011
Michael Fowler	Private Bag 9002 Hastings 4156	Hastings/Havelock North	Councillor.fowler@hdc.govt.nz			027 452 1056
Damon Harvey	PO Box 8809 Havelock North 4157	Hastings/Havelock North	councillor.harvey@hdc.govt.nz			021 2886772
Henry Heke	Private Bag 9002 Hastings 4156	Flaxmere	councillor.heke@hdc.govt.nz			021 741 496
Kellie Jessup	Private Bag 9002 Hastings 4156	Takitimu	councillor.jessup@hdc.govt.nz			0274316668
Tania Kerr (Deputy Mayor)	Private Bag 9002 Hastings 4156	Mōhaka	councillor.kerr@hdc.govt.nz			027 2414 758
Eileen Lawson	Private Bag 9002 Hastings 4156	Hastings/Havelock North	councillor.lawson@hdc.govt.nz			027 300 7631
Renata Nepe	Private Bag 9002 Hastings 4156	Takitimu	councillor.nepe@hdc.govt.nz			0273487567

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Simon Nixon	PO Box 8594 Havelock Nth 4157	Hastings/Havelock North	councillor.nixon@hdc.govt.nz			0274 424 121
Ann Redstone	Private Bag 9002 Hastings 4156	Heretaunga	councillor.redstone@hdc.govt.nz			027 386 7907
Wendy Schollum	Private Bag 9002 Hastings 4156	Hastings/Havelock North	councillor.schollum@hdc.govt.nz			021 519150
Kevin Watkins	Private Bag 9002 Hastings 4156	Hastings/Havelock North	councillor.watkins@hdc.govt.nz			027 304 6213

17.6 Hastings District Rural Community Board - Members' Contact Details –

Name	Postal Address	Subdivision/ Ward	Email	Home Phone	Business Phone	Mobile
Jonathan Stockley (Chair)	Cl- Private Bag 9002, Hastings 4156	Maraekākaho	Jonathans@hdc.govt.nz jonathan.kereru425@xtra.co.nz			0272 411144
Isabelle Crawshaw (Izzy) (Deputy Chair)	1285 Waihau Road Patoka Napier 4186	Kaweka	isabellec@hdc.govt.nz			0274210276
Abby Morley	Cl- Private Bag 9002, Hastings 4156	Tūtira	abbym@hdc.govt.nz			0226247388
Vicki Scoular	Cl- Private Bag 9002, Hastings 4156	Poukawa	vickis@hdc.govt.nz			0274181179
Cr Ana Apatu	C- HIVE Hastings District Council 2/200 Market Street, Hastings	Takitimu	councillor.apatu@hdc.govt.nz			027555226
Cr Marcus Buddo	Cl- Private Bag 9002, Hastings 4156	Kahurānaki	councillor.buddo@hdc.govt.nz			021352424
Cr Tania Kerr	164 Glengarry Road, RD2, Napier 4182	Mōhaka	councillor.kerr@hdc.govt.nz			027 2414 758

18. REQUESTS FOR OFFICIAL INFORMATION

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA) any person may request information from council. All requests for information are deemed to be a request made under LGOIMA and a requester does not have to say they are making a request under the Act. Once a request is made, Council must supply the information unless there is a reason for withholding it. There are both conclusive and other reasons for withholding the release of information under the LGOIMA. Conclusive reasons are where the release of that information is likely to:

- Endanger the safety of any person; or
- Prejudice maintenance of the law and the right to a fair trial

Other reasons for withholding information are where the release of that information is likely to:

- Compromise the privacy of any person; or
- Reveal confidential or commercially sensitive information; or
- Cause serious offence to tikanga Māori or would disclose the location of waahi tapu; or
- Prejudice public health or safety; or
- Prejudice measures that prevent or mitigate material loss to the public; or
- Compromise legal professional privilege; or
- Disadvantage Council while carrying out negotiations or commercial activities; or
- Allow information to be used for improper gain or advantage

Note that the other reasons for withholding are subject to a public interest balancing test.

Council must make a decision on such requests within 20 working days. The applicant must be advised in writing if the answer is to take longer than 20 days and the reasons for the delay. Council may charge for official information under guidelines set down by the Ministry of Justice, and the council must advise the applicant of the possible cost before providing the information sought. All requests for information should be dealt with under the legislation set out in LGOIMA.

You can request information by writing to the Council, submitting a form on the website HDC Website or by emailing: lgoimarequests@hdc.govt.nz



HASTINGS DISTRICT COUNCIL

207 Lyndon Road East, Hastings 4122
Private Bag 9002, Hastings 4156

Phone 06 871 5000 | Fax 06 871 5100
hastingsdc.govt.nz | customerservice@hdc.govt.nz

TE KAUNIHERA O HERETAUNGA



HASTINGS
DISTRICT COUNCIL

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1. Parties

- 1.1 The parties to this Triennial Agreement (the Agreement) are:

Primary Parties (those local authorities whose boundaries are completely encompassed within the Hawke's Bay Region)

- Central Hawke's Bay District Council
- Hastings District Council
- Hawke's Bay Regional Council
- Napier City Council
- Wairoa District Council

Non-Primary Parties (those local authorities whose boundaries bisect the Hawke's Bay region and whose principal identification is with another region)

- Rangitikei District Council
- Taupo District Council

- 1.2 This Agreement applies to all local authorities in the Hawke's Bay region. However, it is recognised that for Non-Primary Parties the degree of involvement in various aspects of the Agreement will be in proportion to the degree to which these parties assess how they will benefit or be affected by decisions, issues, proposals or other matters.

2. Purpose

- 2.1 The Triennial Agreement provides the framework for local government in the Hawke's Bay region to:

- work collaboratively
- improve communication and coordination at all levels, and
- maximise effectiveness and efficiency

in order to meet the purposes of Local Government to:

- enable democratic local decision-making by and on behalf of communities
- promote the social, economic, environmental and cultural wellbeing of our communities in the present and for the future.

- 2.2 This agreement is deemed to duly constitute fulfilment of the requirements of section 15 of the Local Government Act 2002.

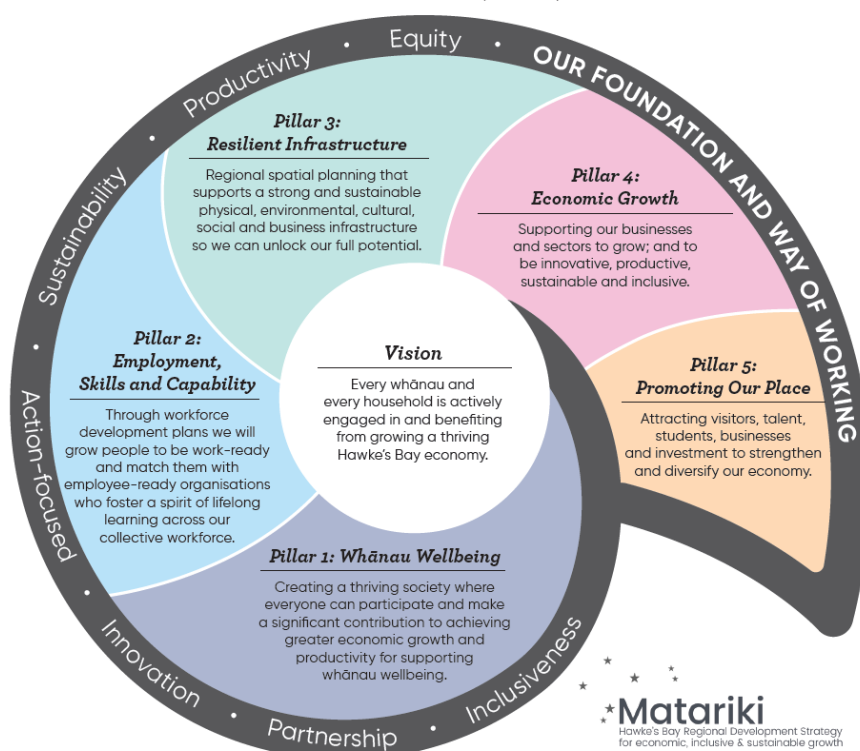
- 2.3 It should be noted that as well as the encouragement towards collaboration, the Local Government Act 2002 and other legislation recognises that regional councils and territorial authorities have different responsibilities. These differences provide an important context for collaboration between the councils. The requirements contained in legislation for collaboration between local authorities are contained in Appendix Two to this Agreement.

3. Principles

- 3.1 Parties to this Agreement agree to work together in good faith for the good governance of their local communities and the region; to develop our collective strategic capacity from available resources and achieve our strategies by working together, through co-design and partnership so every whānau and every household is actively engaged in growing a thriving Hawke's Bay economy to support inclusive and connected communities and sustainable and resilient environments.
- 3.2 In doing so, we:
- recognise that obligations to the Treaty of Waitangi – Te Tiriti, and to provide opportunities for Māori to contribute to local decision-making
 - acknowledge that the communities within the region are diverse and encompass a range of desired outcomes and objectives
 - support the establishment of processes for communication and collaboration at both governance and management levels in ways that will enhance the overall performance and reputation of local government in the region
 - recognise that collaboration and co-operation between local authorities of the region can bring efficiencies in terms of planning, administration costs and decision-making and consultation. There is also the potential to increase available resources and promote co-operative approaches in making strategic choices
 - will investigate further opportunities for collaboration, co-operation, regional funding and shared services between local authorities of the region in addition to those prescribed by statute or already being undertaken
 - agree that collaborative or shared services opportunities may occur between two or more parties to this Agreement, but not in every case between all parties to this Agreement. Although collaboration and co-operation are outcomes that should be strived for, each local authority has the legislative mandate to govern their own area as appropriate
 - will make every effort to accommodate, acknowledge, or at least fairly represent the dissenting view where some parties to this Agreement have a significant disagreement with the position of other parties to the Agreement
 - will show leadership to ensure the implementation of this Agreement makes a positive difference for Hawke's Bay.

4. Strategic Priorities

Hawke's Bay Regional Development Strategy Matariki Action Plan (MAP) Overview



- 4.1 Local Government priority areas for the 2022-25 triennium, remain aligned to the five pou of Matariki (above).
- 4.2 At the Hawke's Bay Councils' Regional Collaboration Day on 21 November 2022, elected members prioritised investment in the following areas (noting they are interrelated and the first two priority areas are necessary to support the achievement of the other three areas)
 - Regional Spatial Planning
 - Collaboration
 - Climate Change and Water
 - Transport
 - Housing
- 4.3 Priority areas where formal cooperative approaches exist or are proposed include:
 - Regional Spatial Planning
 - Future Development Planning Joint Committee
 - Collaboration
 - Matariki Governance Group

- Climate Change and Water
 - Climate Action Joint Committee (TBC)
 - Clifton to Tangoio Coastal Hazards Strategy Joint Committee
 - HB CDEM Joint Committee
 - [Hb3waters.nz](https://www.hb3waters.nz)
 - Transport
 - Regional Transport Committee
- 4.4 Any new priorities or services of significance to more than one district will be communicated to the Chief Executives by the Hawke's Bay Leaders' Forum for further development in accordance with the protocols in section 5 following.

5. Protocols for communication and coordination

- 5.1 It is recognised that a significant level of formal and informal cooperation already exists between Hawke's Bay's local authorities. Further to this existing cooperation, parties to this Agreement will:
- Hold monthly meetings of the Mayors of the primary parties and the Regional Chair (aligned to the other Committee meetings as appropriate) to formally communicate and coordinate on matters of mutual interest, in accordance with arrangements detailed in Appendix Two.
 - Invite the Chief Executives of the primary parties to attend every Forum for a period of time.
 - At the first meeting following the local body elections, elect a Chair of the Forum from among the attendees. The Council whom the elected Chair represents will provide the administrative support for the Forum for that triennium.
 - Share resources where feasible for the purposes of preparing information on the various communities in the region. These resources may include information on demographics, survey data, scientific studies and the analysis of social, economic, environmental and cultural trends.
 - Develop joint approaches to the development of annual and long term plans and, where appropriate, to engagement with Central Government, iwi governance bodies and tribal entities, national agencies and community organisations.
 - Provide early notification of, and participation in decisions that may affect other local authorities in the region.
 - Make draft strategies, policies, and plans available to other local authorities in the region for discussion and development, where they may have regional implications or implications beyond the boundaries of the decision-making council.
 - Apply a "no surprises" policy whereby early notice will be given over disagreements between local authorities concerning policy or programmes before the matter is put out to the public.
 - Review the performance of the Triennial Agreement and benefits realised in the priority areas at least quarterly, as outlined in section 6 following.
 - Establish, as necessary, other forums including bi-lateral meetings, at both political and operational levels that will help enhance and achieve the purpose of this Agreement.
 - Provide a process for initiating reviews of regional forums that are not working optimally in the view of one or more parties.

6. Benefits Realisation

- 6.1 Achievements in each of the priority areas will be reported to the HB Leaders Forum quarterly, in a format to be agreed by the Forum.

7. Significant New Activities Proposed By Hawke's Bay Regional Council

- 7.1 If the Regional Council or a Regional Council controlled organisation proposes to undertake a significant new activity, and these activities are already undertaken or proposed to be undertaken by one or more territorial authorities within the region, Section 16 of the Local Government Act applies.
- 7.2 However, in the spirit of this Agreement, the parties agree to an expanded consultation and communication process which includes discussion of the issues involved at the first available monthly meeting (see 5.1 above), and to provide drafts of proposals to affected Councils for early comment in accordance with the requirements of sections 77-87 of the Local Government Act (decision-making and consultation).
- 7.3 The parties also agree that prior to implementing the formal provisions of section 16¹:
- the Regional Council will inform all territorial authorities within the region of
 - the nature of the activity proposed to be undertaken
 - the scope of the proposal (including size, districts covered, and why); and
 - the reasons for the proposal.
 - territorial authorities will be given a reasonable period of time, but no less than 40 working days, to respond to any such proposal. The Regional Council agrees to fully consider any submissions and representations on the proposal made by territorial authorities within the region.

8. Consultation in Relation to the Regional Policy Statement

- 8.1 The following consultation process will apply to any change, variation, or review of the Hawke's Bay Regional Policy Statement, and the preparation of any future Regional Policy Statement:
- The Regional Council will seek the input of territorial authorities into the review of the Regional Policy Statement
 - The Regional Council will make available to all local authorities, for discussion and development, draft copies of:
 - any change or variation of to the Regional Policy Statement
 - any proposed Regional Policy Statement.
 - Territorial authorities will be given a reasonable period of time, but no less than [20] working days, to respond to any such proposal. The Regional Council agrees to consider fully any submissions and representations on the proposal made by territorial authorities within the Region.
 - The parties to this agreement acknowledge their obligation to act in accordance with the principles of collaboration set out in the Local Government Act 2002.
- 8.2 Nothing in this Agreement shall interfere with the rights, functions or duties given by statute to any party.

¹ Appendix Three

9. Dispute Resolution

- 9.1 In the event of a disagreement between the Councils as to the interpretation or implementation of this Agreement the Councils commit to working in good faith to resolve the disagreement, if not then the matter in dispute will be referred to mediation.
- 9.2 If the Councils cannot agree on the appointment of a mediator, the President of the Hawke's Bay District Law Society will be requested to appoint the mediator. The costs of the mediation shall be borne by the Councils in equal shares.

10. Revision of the Agreement

- 10.1 The Agreement is effective from the date of signing until such time as the Agreement is either amended by the agreement of all parties or is renewed following the 2025 local authority elections (by 1 March 2026).
- 10.2 If a party to the Agreement requests a review of its terms within the triennium, such a review will begin within four weeks of the request being lodged. Otherwise the Agreement will be renewed following the local body elections as outlined in 10.1 above.
- 10.3 Hawke's Bay Regional Council will be the first Council responsible for servicing this Agreement.

11. Parties - Signatures

11.1 This Agreement is signed on this day DDth day of MM YYYY by the following on behalf of their respective authorities.

Primary Parties

Central Hawke's Bay District Council

Hastings District Council

.....
Mayor Alex Walker

.....
Mayor Sandra Hazlehurst

.....
Chief Executive Doug Tate

.....
Chief Executive Nigel Bickle

Hawke's Bay Regional Council

Napier City Council

.....
Chair Hinewai Ormsby

.....
Mayor Kirsten Wise

.....
Chief Executive James Palmer

.....
Chief Executive Richard Munneke

Wairoa District Council

.....
Mayor Craig Little

.....
Chief Executive Kitea Tipuna

Non-Primary Parties

Rangitikei District Council

Taupo District Council

.....
Mayor Andy Watson

.....
Mayor David Trewavas

.....
Chief Executive Peter Beggs

.....
Chief Executive Gareth Green

Appendix One: Meetings

Hawke's Bay Leaders' Forum

Meetings will be arranged and minutes kept by the appointed Chair - elected each three-year term - and minutes distributed to all parties to the Agreement. This does not preclude meetings being arranged, on request, by Councils other than that of the appointed Chair.

Given the importance accorded to this Agreement each Council will be represented by its Mayor/Chairperson and Chief Executive.

Where appropriate, and agreed, the Chief Executive of a Council Controlled Organisation (CCO) may attend on an item related to that CCO's activities.

Media and communications contact (including the provision of information to the public on request) in relation to matters covered in the Agreement shall be shared on a rotating basis.

All public communications from these meetings shall be approved by all participants prior to their release.

Where a significant decision or issue affects a particular Council, or its community, it should, in partnership with the other Councils of the region, have the lead role in formulating the collective response of the region's local authorities to this issue or decision.

Responsibility for servicing, and making media comment on behalf of, existing specific regional and sub-regional forums, will lie within those specific forums.

Appendix Two: Legislative Context

Local Government Act

Section 15 Triennial agreement

- (1) Not later than 1 March after each triennial general election of members, all local authorities within each region must enter into an agreement under this section covering the period until the next triennial general election of members.
- (2) An agreement under this section must include—
 - (a) protocols for communication and co-ordination among the local authorities; and
 - (b) a statement of the process by which the local authorities will comply with section 16 in respect of proposals for new regional council activities; and
 - (c) processes and protocols through which all local authorities can participate in identifying, delivering, and funding facilities and services of significance to more than 1 district.
- (3) An agreement under this section may also include—
 - (a) commitments by local authorities within the region to establish or continue 1 or more joint committees or other joint governance arrangements to give better effect to 1 or more of the matters referred to in subsection (2); and
 - (b) the matters to be included in the terms of reference for any such committees or arrangements, including any delegations.
- (4) An agreement under this section may be varied by agreement between all the local authorities within the region.
- (5) An agreement under this section remains in force until it is replaced by another agreement.
- (6) If a decision of a local authority is significantly inconsistent with, or is expected to have consequences that will be significantly inconsistent with, the agreement under this section that is currently in force within the region, the local authority must, when making the decision, clearly identify—
 - (a) the inconsistency; and
 - (b) the reasons for the inconsistency; and
 - (c) any intention of the local authority to seek an amendment to the agreement under subsection (4).
- (7) As soon as practicable after making any decision to which subsection (6) applies, the local authority must give to each of the other local authorities within the region notice of the decision and of the matters specified in that subsection.

Section 14 Principles relating to local authorities

- (1) in performing its role, a local authority must act in accordance with the following principles:
 - (e) a local authority should actively seek to collaborate and cooperate with other local authorities and bodies to improve the effectiveness and efficiency with which it achieves its identified priorities and desired outcomes.

Resource Management Act 1991

Schedule 1 Preparation, change, and review of policy statements and plans

3A Consultation in relation to policy statements

- (1) A triennial agreement entered into under section 15(1) of the Local Government Act 2002 must include an agreement on the consultation process to be used by the affected local authorities in the course of—
 - (a) preparing a proposed policy statement or a variation to a proposed policy statement; and
 - (b) preparing a change to a policy statement; and
 - (c) reviewing a policy statement.
- (2) If an agreement on the consultation process required by subclause (1) is not reached by the date prescribed in section 15(1) of the Local Government Act 2002,—
 - (a) subclause (1) ceases to apply to that triennial agreement; and
 - (b) 1 or more of the affected local authorities—
 - (i) must advise the Minister and every affected local authority as soon as is reasonably practicable after the date prescribed in section 15(1) of the Local Government Act 2002; and
 - (ii) may submit the matter to mediation.
- (3) If subclause (2) applies, the parts of the triennial agreement other than the part relating to the consultative process referred to in subclause (1) may be confirmed before—
 - (a) an agreement on the consultative process is reached under subclauses (4) and (5)(a); or
 - (b) the Minister makes a binding determination under subclause (5)(b).
- (4) Mediation must be by a mediator or a mediation process agreed to by the affected local authorities.
- (5) If the matter is not submitted to mediation or if mediation is unsuccessful, the Minister may either—
 - (a) make an appointment under section 25 the purpose of determining a consultation process to be used in the course of preparing a proposed policy statement or reviewing a policy statement; or
 - (b) make a binding determination as to the consultation process that must be used.
- (6) The consultative process must form part of the triennial agreement, whether or not the other parts of the triennial agreement have been confirmed, in the event that—
 - (a) an agreement is reached under subclause (4) or subclause (5)(a) as to a consultative process, as required by subclause (1); or
 - (b) the Minister makes a binding determination under subclause (5)(b).
- (7) In this clause, **affected local authorities** means—
 - (a) the regional council of a region; and
 - (b) every territorial authority whose district is wholly or partly in the region of the regional council.

Appendix Three: Significant new activities proposed by regional Council

LGA Section 16 Significant new activities proposed by regional council

- (1) This section applies if,—
 - (a) in the exercise of its powers under section 12(2), a regional council proposes to undertake a significant new activity; or
 - (b) a regional council-controlled organisation proposes to undertake a significant new activity; and
 - (c) in either case, 1 or more territorial authorities in the region of the regional council—
 - (i) are already undertaking the significant new activity; or
 - (ii) have notified their intention to do so in their long-term plans or their annual plans.
- (2) When this section applies, the regional council—
 - (a) must advise all the territorial authorities within its region and the Minister of the proposal and the reasons for it; and
 - (b) must include the proposal in the consultation document referred to in section 93A.
- (3) A proposal included in the consultation document referred to in section 93A must include—
 - (a) the reasons for the proposal; and
 - (b) the expected effects of the proposal on the activities of the territorial authorities within the region; and
 - (c) the objections raised by those territorial authorities, if any.
- (4) If, after complying with subsection (2), the regional council indicates that it intends to continue with the proposal, but agreement is not reached on the proposal among the regional council and all of the affected territorial authorities, either the regional council or 1 or more of the affected territorial authorities may submit the matter to mediation.
- (5) Mediation must be by a mediator or a mediation process—
 - (a) agreed to by the relevant local authorities; or
 - (b) in the absence of an agreement, as specified by the Minister.
- (6) If mediation is unsuccessful, either the regional council or 1 or more affected territorial authorities may ask the Minister to make a binding decision on the proposal.
- (7) Before making a binding decision, the Minister must—
 - (a) seek and consider the advice of the Commission; and
 - (b) consult with other Ministers whose responsibilities may be affected by the proposal.
- (8) This section does not apply to—
 - (a) a proposal by a regional council to establish, own, or operate a park for the benefit of its region; or
 - (b) a proposal to transfer responsibilities; or
 - (c) a proposal to transfer bylaw-making powers; or
 - (d) a reorganisation application under Schedule 3; or
 - (e) a proposal to undertake an activity or enter into an undertaking jointly with the Crown.
- (9) For the purposes of this section,—

affected territorial authority means a territorial authority—

 - (a) the district of which is wholly or partly in the region of a regional council; and
 - (b) that undertakes, or has notified in its long-term plan or annual plan its intention to undertake, the significant new activity

annual plan—

- (a) means a report adopted under section 223D of the Local Government Act 1974; and
- (b) includes such a report that section 281 applies to

new activity—

- (a) means an activity that, before the commencement of this section, a regional council was not authorised to undertake; but
- (b) does not include an activity authorised by or under an enactment

regional council-controlled organisation means a council-controlled organisation that is—

- (a) a company—
 - (i) in which equity securities carrying 50% or more of the voting rights at a meeting of the shareholders of the company are—
 - (A) held by 1 or more regional councils; or
 - (B) controlled, directly or indirectly, by 1 or more regional councils; or
 - (ii) in which 1 or more regional councils have the right, directly or indirectly, to appoint 50% or more of the directors of the company; or
- (b) an organisation in respect of which 1 or more regional councils have, whether or not jointly with other regional councils or persons,—
 - (i) control, directly or indirectly, of 50% or more of the votes at any meeting of the members or controlling body of the organisation; or
 - (ii) the right, directly or indirectly, to appoint 50% or more of the trustees, directors, or managers (however described) of the organisation.

**Terms of Reference
for the
Climate Action Joint Committee**

As adopted by resolution of:

Hawke's Bay Regional Council, 25 January 2023

Central Hawke's Bay District Council, ...2023

Hastings District Council, 16 February 2023

Napier City Council, ---16 March 2023

Wairoa District Council, ... 2023

1. Name and status of Joint Committee

- 1.1. The Joint Committee shall be known as the Climate Action Joint Committee.
- 1.2. The Joint Committee is a joint committee under clause 30(1)(b) Schedule 7 of the Local Government Act 2002 (the Act).

2. Purpose

- 2.1. Climate mitigation and adaptation is core business for councils. It spans multiple council workstreams such as urban planning, land-use and resource management, transport, flood protection, coastal hazards and emergency management. Without duplicating effort, the purpose of the Joint Committee is to support a coordinated and collaborative response to address the complex challenge of Climate-Resilient Development¹ for the communities of Hawke's Bay.
- 2.2. The focus of the Joint Committee will be promoting action to mitigate climate change (emissions reductions and offsetting) and adapt to the changing regional climate.
- 2.3. The Joint Committee aims to support communities and industries to become resilient to the effects of climate change and to thrive within boundaries of our natural environment.

3. Objectives

- 3.1. Oversee and guide the development and implementation of a Regional Emissions Reduction Plan including recommending actions for partner councils to consider for inclusion in their long term plans.
- 3.2. Oversee and guide the development and implementation of a spatial Regional Climate Risk Assessment to deliver on responsibilities under the National Adaptation Plan to:
 - 3.2.1. Reduce vulnerability to the impacts of climate change
 - 3.2.2. Enhance adaptive capacity and consider climate change in decisions at all levels
 - 3.2.3. Strengthen resilience.

¹ Climate Resilient Development is a framework developed in the Intergovernmental Panel on Climate Change 6th report – Impacts, Adaptation and Vulnerability. It combines strategies to adapt to climate change with actions to reduce greenhouse gas emissions to support sustainable development for everyone. ([FAQ 6: What is Climate Resilient Development ? ipcc.ch](#))

- 3.3. Support compliance with the statutory requirement to “have regard to” the National Emissions Reduction Plan and the National Adaptation Plan in all RMA-related plans of partner councils².
- 3.4. Inform planning to drive climate-resilient development in the right locations within the Future Development Strategy required under the National Policy Statement on Urban Development, and the Regional Spatial Strategy and regional combined plan proposed under the Spatial Planning and Natural and Built Environments legislation.
- 3.5. Collaborate on the delivery of key services for infrastructure impacted by climate change on respective councils.

4. Membership³

- 4.1. Up to two elected members from the Hawke’s Bay Regional Council; being the Chair and one other elected member, and one alternate.
- 4.2. Up to two elected members from each Territorial Authority within the Hawke’s Bay region; preferably the Mayor and one other elected member, and one alternate.
- 4.3. Up to two members and one alternate appointed to represent the Post [Treaty] Settlement Governance Entity (PSGE) representatives on the HBRC Regional Planning Committee⁴.
- 4.4. Up to two members and one alternate appointed to represent the Ngāti Kahungunu Taiwhenua and Board representatives on the HBRC Māori Committee⁵.
- 4.5. Under clause 30A(6) Schedule 7 of the Act, the power to discharge any member on the Joint Committee and appoint his or her replacement shall be exercisable only by the body that appointed the member.

5. Chairperson and Deputy Chairperson

- 5.1. The Chairperson of the Joint Committee will be the Chair of the Hawke’s Bay Regional Council.
- 5.2. At the first meeting of the Joint Committee the members shall elect a Deputy Chairperson.
- 5.3. The mandate of the Chairperson and Deputy Chairperson ends if that person, through resignation or otherwise, ceases to be a member of the Joint Committee.

6. Delegated authority

The Joint Committee has delegated responsibilities for:

- 6.1. Guiding and monitoring climate mitigation and adaptation across the region with current and relevant technical inputs.
- 6.2. Leading regional emissions reduction plans including recommending actions for consideration to partner councils to include in their long term plans
- 6.3. Leading spatial regional climate risk assessments to deliver on responsibilities under the National Adaptation Plan

² From 30 November 2022 it is a legal requirement for local government to ‘have regard to’ the national adaptation plan and the emissions reduction plan when preparing or changing regional policy statements, regional plans and district plans. ([Guidance note environment.govt.nz](https://www.environment.govt.nz/guidance-note))

³ Membership will be reviewed at the end of the three-year cycle.

⁴ HBRC Regional Planning Committee is a co-governance committee composed of an equal number of elected councillors and appointees from each of the Post Settlement Governance Entities (PSGEs) within the HB Region.

⁵ HBRC Māori Committee has 13 tangata whenua representatives, 3 from each of the Taiwhenua (and Wairoa Kahungunu Executive) within the Hawke’s Bay regional boundary and 1 from the Ngāti Kahungunu Iwi Inc Board

- 6.4. Setting targets, including interim goals, towards achieving carbon neutrality by 2050
- 6.5. Monitoring regional greenhouse gas emissions (community carbon footprint) on a regular basis and reporting annually on implementation of regional emissions reduction plans
- 6.6. Considering and recommending key emissions reduction actions to each of the partner councils and industry for consideration
- 6.7. Advocating for and/or advancing the objectives of regional climate action by submitting on and participating in processes, at the Joint Committee's discretion, including but not limited to:
 - 6.7.1. Council long term plans
 - 6.7.2. Council annual plans
 - 6.7.3. District and regional plan and policy changes
 - 6.7.4. Reserve management plans
 - 6.7.5. Asset management plans
 - 6.7.6. Notified resource consent applications
 - 6.7.7. Central Government policy and legislation
 - 6.7.8. Investigating and securing additional sources of funding to support regional decarbonisation, offsetting and protecting communities from the impact of climate change.
- 6.8. For the avoidance of doubt, the Joint Committee can only make recommendations to partner councils. Without legally binding subsequent council decisions, the partner councils agree to:
 - 6.8.1. Have particular regard to the recommendations of the Joint Committee in developing policies, determining priorities, and allocating resource;
 - 6.8.2. Progress, to the fullest possible extent, actions identified through joint planning and decision-making arrangements.

7. Powers not delegated

The following powers are not delegated to the Joint Committee:

- 7.1. Any power that cannot be delegated in accordance with clause 32 Schedule 7 of the Act.
- 7.2. Decisions relating to the allocation of funding for undertaking investigations, studies and/or projects in climate adaptation, offsetting or climate mitigation and matters relating to consenting.

8. Meetings

- 8.1. The Hawke's Bay Regional Council standing orders will be used to conduct Joint Committee meetings as if the Joint Committee were a local authority and the principal administrative officer (Chief Executive) of the Hawke's Bay Regional Council or his or her nominated representative were its principal administrative officer.
- 8.2. The Joint Committee shall hold meetings at such frequency, times and place(s) as required for the performance of the functions, duties and powers delegated under this Terms of Reference, at least three times per year.
- 8.3. Notice of meetings will be given as far in advance as possible to all Joint Committee members, and in accordance with the provisions of the Local Government Official Information and Meetings Act 1987.
- 8.4. Meetings may provide for members' attendance by audio-visual link if required.

- 8.5. Members, or their confirmed alternates, will attend all Joint Committee meetings.
- 8.6. The quorum will consist of a majority of members.

9. Voting

- 9.1. In accordance with clause 32(4) Schedule 7 of Act, at meetings of the Joint Committee each member has full authority to vote and make decisions within the delegations of the Terms of Reference on behalf of the body that appointed them without further recourse to the appointing body.
- 9.2. Where voting is required, each member has one vote.
- 9.3. Best endeavours will be made to achieve decisions on a consensus basis.
- 9.4. The Chairperson at any meeting has a deliberative vote and, in the case of equality of votes, may use a casting vote.

10. Good faith

- 10.1. In the event of any circumstances arising that were unforeseen by the partner councils or their representatives at the time of adopting these Terms of Reference, the partner councils and their representatives hereby record their intention that they will negotiate in good faith to add to or vary these Terms of Reference so as to resolve the impact of those circumstances in the best interests collectively of the partner councils taking into account also the views of the Regional Planning Committee and Māori Committee appointed members in relation to those circumstances.

11. Remuneration

- 11.1. Each partner council shall be responsible for remunerating its representatives on the Joint Committee and for the costs of those persons' participation in the Joint Committee.
- 11.2. Hawke's Bay Regional Council as the Administering Authority shall be responsible for remunerating the Regional Planning Committee and Māori Committee representatives on the Joint Committee for travel and attendance as per its agreed meeting fees policy.

12. Technical Advisory Group and Reporting

- 12.1. A technical advisory group (TAG) will service the Climate Action Joint Committee.
- 12.2. The TAG will comprise of staff members from the partner councils who are working in climate mitigation and adaptation and will involve subject matter experts as required to ensure linkages with other workstreams, such as the work of the Regional Transport Committee and Napier-Hastings Future Development Strategy Joint Committee. The TAG will be led by the Hawke's Bay Regional Council Climate Action Ambassador along with the dedicated climate roles at Napier City Council and Hastings District Council.
- 12.3. Following each meeting of the Joint Committee, the TAG shall create a summary report of the business of the meeting which will be distributed, for information, to each partner council for inclusion in the agenda for the next available council meeting. Such reports will be in addition to any formal minutes prepared by the Administering Authority, which will be circulated to Joint Committee members.

13. Variations to the Terms of Reference

- 13.1. Any member may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the Joint Committee for recommending to the partner councils if agreed.

- 13.2. Amendments to the Terms of Reference must be agreed by all partner councils before taking effect.

14. Recommended for Adoption

- 14.1. The Climate Action Joint Committee, made up of the following members, confirms this Terms of Reference as adopted by the five partner councils and Regional Planning Committee and Māori Committee representative members.

Hawke's Bay Regional Council represented by:

Councillors Hinewai Ormsby and Xan Harding, and Di Roadley as alternate.

Councillor Hinewai Ormsby as Chairperson of the Climate Action Joint Committee

Appointed by HBRC resolution on 16 November 2022.

Central Hawke's Bay District Council represented by:

Councillors _____ and _____, and _____ as alternate.

Appointed by CHBDC resolution _____ 2023

Hastings District Council represented by:

Councillors _____ and _____, and _____ as alternate.

Appointed by HDC resolution _____ 2023

Napier City Council represented by:

Councillors _____ and _____, and _____ as alternate.

Appointed by NCC resolution _____ 2023

Wairoa District Council represented by:

Councillors _____ and _____, and _____ as alternate.

Appointed by WDC resolution _____ 2023

Regional Planning Committee representatives, _____ and _____, and _____ as alternate.

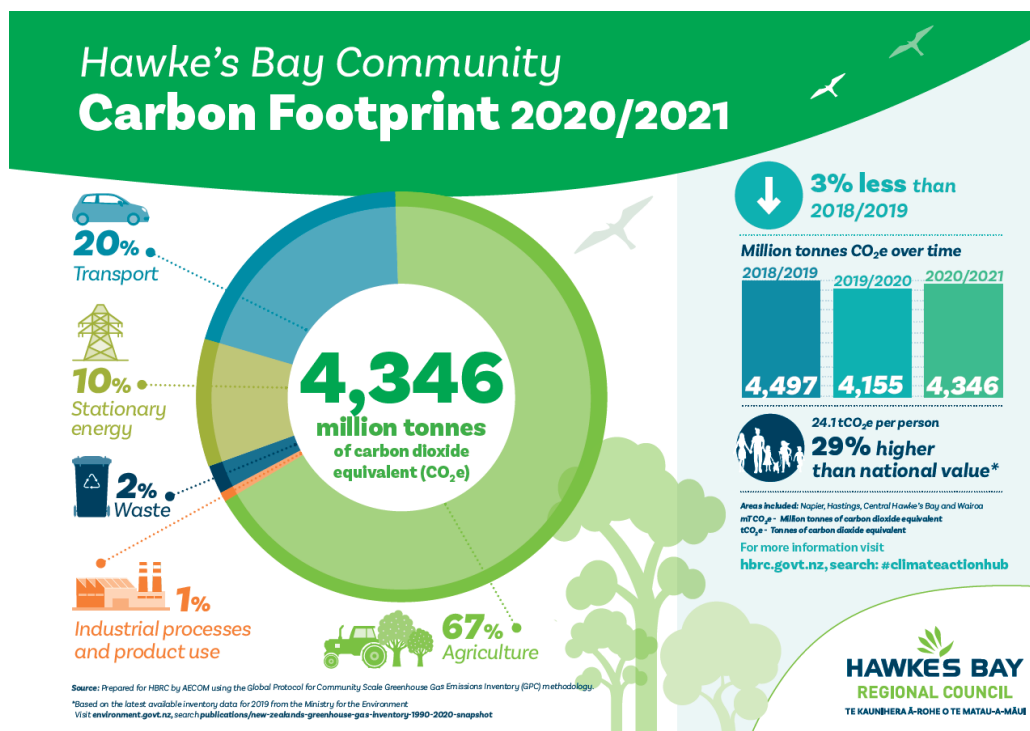
Appointed by RPC resolution on 15 February 2023.

HBRC Māori Committee representatives _____ and _____, and _____ as alternate.

Appointed by Māori Committee resolution on 8 February 2023.

Appendix A – Project Background

1. The Regional Council declared a climate emergency for the Hawke's Bay region on 26 June 2019. The declaration recognises that the climate crisis is an urgent and pervasive threat to human and ecological wellbeing and that we have a small window of time to act to avoid the most damaging effects of the climate crisis in the longer term. This climate crisis declaration was one of many declaration from councils across the county, with the Government declaring a climate emergency on 2 December 2020.
2. In 2022 HBRC, HDC, and NCC each invested in dedicated strategic climate change roles, an acknowledgement of the important leadership role councils can, and should, play in regional climate action.
3. There is a general acknowledgement that the transition to a low emissions future cannot be achieved by individual councils working in isolation and a regional approach is needed.
4. In 2022 the Ministry for Environment released Aotearoa's first Emissions Reduction Plan. A significant number of the actions in that plan involve local government.
5. In September 2022 the first Hawke's Bay Community Carbon Footprint was released, measuring greenhouse gas emissions from 2018/19 to 2020/21. Separate footprints were created for each Territorial Authority. The whole of region footprint established that our regional emissions for 2020/21 were made up of:
 - 5.1. Agriculture 67%
 - 5.2. Transportation 20%
 - 5.3. Stationary Energy 10%
 - 5.4. Waste 2%
 - 5.5. IPPU 1% (Industrial Processes and Product Use)



6. The next step for is to create a Regional Emissions Reduction Plan, with input from all Hawke's Bay councils, as well as significant engagement across expert, business, and community spheres.