

Tuesday, 4 February 2025

*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*

**Hastings District Council**

**Civic Development Subcommittee Meeting**

*Kaupapataka*

# Agenda

*Te Rā Hui:*  
Meeting date: **Tuesday, 4 February 2025**

*Te Wā:*  
Time: **9.00am**

*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](mailto:democracy@hdc.govt.nz)**

*Te Āpiha Matua:*  
Responsible Officer: **Group Manager: Community Wellbeing & Services - Rebekah Dinwoodie**

## Civic Development Subcommittee

A Subcommittee of the Performance and Monitoring Committee.

### Fields of Activity

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

- Assisting Council in the allocation of Community Grants by;
  - Reviewing applications for Community Grants.
  - Setting appropriate performance measures to assist in the measurement of delivery of activities funded from Grants.
  - Allocation of grant funding within the budget allocation.
- Assisting Council in its general overview of procurement and tender activity by accepting tenders which exceed the Chief Executive's delegated authority to approve, for projects previously approved by Council or a Standing Committee within the delegated authority.
- Assisting Council by reviewing and considering submissions and deciding applications for temporary closure of roads.
- Recommending to Council the appointment of trustees to Te Mata Park Trust Board.
- Recommending to Council the appointment of directors to Hastings District Holdings Limited.
- Recommending to Council the appointment of List Members to the District Licencing Committee.
- Assisting Council by reviewing, considering nominations and recommending recipients of Civic Awards.
- Assisting Council by remaining cognisant of activities in the Community that deliver improved wellbeing and safety outcomes and advising Council how it can appropriately enable these activities.
- Providing guidance and oversight to Council Officers in the delivery of Council safety and security investments & initiatives to improve community wellbeing and sense of feeling safe and welcome.
- Providing guidance and oversight to Council Officers in the delivery of major Council civic development capital projects (projects as assigned to the Subcommittee).
- Providing comprehensive six monthly (and as required) Council civic development capital project progress reports to the Performance and Monitoring Committee.
- Providing guidance and oversight to Council Officers in the delivery of major Council and Council enabled Events.

Providing guidance and oversight to Council Officers in the active promotion of Hastings as a Visitor Destination.

### Membership

- 8 Councillors.
- 1 Heretaunga Takoto Noa Māori Standing Committee Member appointed by Council.
- Group Manager: Planning and Regulatory Services to be a member only when the Subcommittee is recommending the appointment of List Members to the Hastings District Licensing Committee.
- The Chief Executive to be a member only when the Subcommittee is making a decision on tendering and procurement matters.
- The Group Manager Asset Management to be a member only when the Subcommittee is making a decision on tendering and procurement matters.
- The Transportation Manager to be a member only when the Subcommittee is making a decision on applications for temporary closure of roads.

- The Environmental Consents Manager to be a member only when the Subcommittee is making a decision on applications for temporary closure of roads.
- The Chair of the Te Mata Park Trust Board to be a member only when the Subcommittee is making a decision on appointments to the Te Mata Park Trust Board.
- The Chief Financial Officer to be a member only when the Subcommittee is making a decision on appointments to the boards of any Council Controlled Organisations.
- Chair appointed by Council.
- 2 Youth Council Members appointed by Council (non-voting)

## Quorum

- a) A minimum of 3 members - for Subcommittee meetings where the agenda items only address proposed temporary road closure applications (when there are no submitters).
- b) A minimum of 5 members for all other meetings of the Subcommittee.

### DELEGATED POWERS

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



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Tuesday, 4 February 2025

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*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*

**Hastings District Council**

**Civic Development Subcommittee Meeting**

*Kaupapataka*

# Agenda

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*Mematanga:*

Membership:

*Koromatua*

**Chair:** Councillor Malcolm Dixon

*Ngā KaiKaunihera*

**Councillors:** Michael Fowler, Damon Harvey, Henry Heke, Kellie Jessup, Hana Montaperto-Hendry, Wendy Schollum and Heather Te Au-Skipworth

Mayor Sandra Hazlehurst

Acting Transportation Manager, Bruce Conaghan AND  
Environmental Consents Manager, Caleb Sutton – for Item 4

Chief Executive, Nigel Bickle AND  
Acting Group Manager Asset Management: Martin Jarvis – for Item 5

Heretaunga Takoto Noa Māori Standing Committee appointee: Elizabeth Waiwiri-Hunt

Two Youth Council appointees: TBC

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*Tokamatua:*

Quorum:

3 members - for meetings where the agenda items only address proposed temporary road closure applications (if no submitters).

5 members - for all other meetings of the Subcommittee.

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*Apiha Matua*

Officer Responsible:

Rebekah Dinwoodie – Group Manager: Community Wellbeing & Services

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*Te Rōpū Manapori me te  
Kāwanatanga*

Christine Hilton (Extn 5633)

Democracy &

Governance Services:

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## Te Rārangī Take

# Order of Business

### Apologies – Ngā Whakapāhatanga

- 1.0** An apology from Heretaunga Takoto Noa Māori Standing Committee appointee: Elizabeth Waiwiri-Hunt has been received.

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

### 2.0 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.

### Confirmation of Minutes – Te Whakamana i Ngā Minitī

- 3.0** Minutes of the Civic Development Subcommittee Meeting held Tuesday, 3 December 2024. *(Previously circulated)*

- 4.0** **Temporary Road Closures – Public Event – Te Aute Road between Havelock Road and Porter Drive on Sunday, 16 March 2025; Junior Super Sprint Triathlon 2025 - Percival Road along the Sports Park Frontage on Friday, 21 February 2025** **9**

### Cyclone Gabrielle Transport Recovery Programme - Procurement Update

- 5.0** *Attachment 1 to this report is confidential in accordance with the Local Government Official Information and Meetings Act 1987 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.* **17**

- 6.0** **Appointments to the Te Mata Park Trust Board** **35**

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**7.0** *Minor Items – Ngā Take Iti*

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**8.0** *Urgent Items – Ngā Take Whakahihiri*

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Tuesday, 4 February 2025

*Te Hui o Te Kaunihera ā-Rohe o Heretaunga***Hastings District Council: Civic Development Subcommittee Meeting***Te Rārangi Take*

# Report to Civic Development Subcommittee

*Nā:*  
From: **Cat Hancock, Network Controls Manager**

*Te Take:*  
Subject: **Temporary Road Closures – Public Event – Te Aute Road between Havelock Road and Porter Drive on Sunday, 16 March 2025; Junior Super Sprint Triathlon 2025 - Percival Road along the Sports Park Frontage on Friday, 21 February 2025**

## 1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to obtain a decision from the Civic Development Subcommittee regarding the following temporary road closures as requested below. These requests arise from the need to inform and gain the approval of Hastings District Council (“the Council”) in order to comply with the legal process to temporarily close the roads listed below:

Temporary Road Closure – for **Havelock North Blended Event** on Te Aute Road, between Havelock Road and Porter Drive, on Sunday, 16 March 2025. The purpose of the road closure is **to hold a Public Event** which is part of Summer F.A.W.C.

Note: The affected businesses are members of the Havelock North Business Association. In the event that it is necessary to postpone this event, the back-up proposed date is Sunday, 30 March 2025. At this stage, only the date of Sunday, 16 March 2025 has been advertised and affected businesses are still to be notified. If the back-up date is to be used it would need to be advertised and affected businesses notified.

Temporary Road Closure – for **Tri New Zealand Junior Super Sprint Triathlon** at the Regional Sports Park with part of the event being held on Percival Road on Friday, 21 February 2025. The purpose of the road closure is to **hold a Sports Event**.

- 1.2 Given that there are no submissions in opposition to the closures and subject to the recommended conditions the activities can proceed and be undertaken in a safe and controlled environment. The risks associated with the closures can then be minimised and safely managed to Council’s satisfaction.
- 1.3 As part of the notification process for the proposed temporary road closures, representatives have/will visit each of the persons deemed to be affected by the proposed closures. This is an

important part of each proposed temporary road closure and is undertaken by the respective applicant involved. Details of the consultation undertaken in regard to the above proposed temporary road closures are set out under the consultation section of this report.

## 2.0 Recommendations - Ngā Tūtohunga

- A) That the Civic Development Subcommittee receive the report titled Temporary Road Closures – Public Event – Te Aute Road between Havelock Road and Porter Drive on Sunday, 16 March 2025; Junior Super Sprint Triathlon 2025 - Percival Road along the Sports Park Frontage on Friday, 21 February 2025.
- B) That the Civic Development Subcommittee approve the following temporary road closures subject to no submissions or objections having been received in respect of the applications:
  - i. Temporary Road Closure – **for Havelock North Blended Event on Te Aute Road, between Havelock Road and Porter Drive, on Sunday 16 March 2025** (with a back-up date of Sunday, 30 March 2025, pending advertising of that back-up date if it needed to be used and notification to affected businesses). The purpose of the road closure is **to hold a Public Event** as part of Summer F.A.W.C.
  - ii. Temporary Road Closure – **for Tri New Zealand Junior Super Sprint Triathlon at the Regional Sports Park, with part of the event being held on Percival Road, on Friday 21 February 2025**. The purpose of the road closure is **to hold a Sports Event**.

Subject to the following conditions to be complied with to the satisfaction of the Group Manager: Asset Management:

- i. The events are to be conducted in accordance with the New Zealand Transport Agency Code of Practice Temporary Traffic Management (CoPTTM).
- ii. The Traffic Management Plans including provision for appropriate signage is approved by the Traffic Management Coordinator acting under delegated authority.
- iii. The Traffic Management Plans must be complied with including any specific conditions.
- iv. Copies of the relevant liability insurance policies are received.
- v. That the cost of all advertising is met by the event organisers.
- vi. Emergency Services are contacted regarding the holding of this event with details of the dates, locations and time frames.
- vii. As per the Traffic Management Plan provisions - all emergency services will be accommodated and access provided through the sites as required.
- viii. The applicants are responsible under the Health and Safety at Work Act 2015 for all health and safety risks associated with this activity and must take reasonably practicable steps to ensure the safety of all persons during the temporary road closures.
- ix. The applicants have in place at all times, appropriate Health and Safety measures (to prevent harm to any persons), including (but not limited to) any measures provided for in the submitted Health and Safety Plans including any conditions attached.

### 3.0 Background – *Te Horopaki and Discussion – Te Matapakitanga*

3.1 This report covers the application to hold events, being:

**Temporary Road Closures – for Havelock North Blended Event on Te Aute Road, between Havelock Road and Porter Drive, on Sunday, 16 March 2025.** This will be the first temporary closure of this section of road during the 2025 calendar year. (The average estimated daily traffic count on this road is 8,094 vehicles).

**Temporary Road Closures – for Tri New Zealand Junior Super Sprint Triathlon at the Regional Sports Park, with part of the event being held on Percival Road, on Friday, 21 February 2025.** This will be the first temporary closure of this section of road during the 2025 calendar year. (The average daily traffic count on this road is 2,187 vehicles).

3.2 The above temporary road closure/ will be managed in accordance with the New Zealand Transport Agency Code of Practice Temporary Traffic Management (CoPTTM).

3.3 Traffic Management Plans (TMP) are to be submitted to the Hastings District Council and the TMPs will be approved for implementation, subject to the temporary road closure applications being approved.

3.4 A temporary road closure checklist, set out under the consultation section of the report, details the necessary items that the organisers need to submit as part of their applications for the above proposed temporary road closures.

3.5 A GIS maps showing the extent of the proposed temporary road closures are attached (**Attachments 1 and 2**).

3.6 At the time of writing this report there were no planned road works that will affect or impact the above proposed temporary road closures.

### 4.0 Options – *Ngā Kōwhiringa*

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

4.1 Option A is the preferred option. It recommends the Subcommittee approve the temporary road closure/s detailed above, subject to conditions that will ensure public safety is maintained.

Temporary road closure options listed below:

- **Option A:** Approve the temporary road closures detailed above.
- Advantages: The event can proceed and contribute to the safe use of roading within the district for the proposed events.
- Disadvantages: Traffic will be impeded for a short period of time on specific roads.
- **Option B:** Do not approve the temporary road closures detailed above.
- Advantages: Traffic will not be impeded.
- Disadvantages: The proposed events may need to be cancelled.

### 5.0 Next steps – *Te Anga Whakamua*

5.1 See above for options related to the proposed temporary road closures.

#### Attachments:

1 [↓](#) Te Aute Road - Havelock North Blended Event - CG-17-14-00396  
Sunday, 16 March 2025

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## Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

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### 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 wellbeing of communities in the present and for the future.

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### Māori Impact Statement - *Te Tauākī Kaupapa Māori*

There are no known impacts for Tangata Whenua.

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### Sustainability - *Te Toitūtanga*

There are no known impacts for sustainability.

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### Financial considerations - *Ngā Whakaarohanga Ahumoni*

The advertising cost for these event/s is being met by the organiser/s of the events: the Havelock North Business Association and Triathlon New Zealand.

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### 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.

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

The organisers of the proposed events have been in contact with affected parties/residents. They advise that no issues have been raised to date regarding the above proposed temporary road closures.

Documents received in regard to the applications are set out at the end of this section.

Each proposed temporary road closure/s have been posted on the Council website and formal public notification were published in the Hawke's Bay Today newspaper as follows:

Havelock North Blended Event proposed road closures were advertised on **Saturday, 11 January 2025** and **closed on Monday, 20 January 2025 at 4:00pm.**

Tri New Zealand Junior Super Sprint Triathlon proposed road closures were advertised on **Saturday, 11 January 2025** and **closed on Monday, 20 January 2025 at 4:00pm.**

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If the road closure/s are approved, final formal public notification will be published in the Hawke’s Bay Today newspaper on the weekend following the Subcommittee meeting.

Items received:	HN Blended Event.	Super Sprint Triathlon Junior Sports Event
Road Closure application	Yes	Yes
Traffic Management Plan	Yes	Yes
Road Bond	NA	NA
Resident Visiting Form	TBA	TBA
Event Safety plan	TBA	Yes

**Risks**

Opportunity: To seek a temporary road closure/s for the purpose of a HN Blended Event and Super Sprint Junior Triathlon:

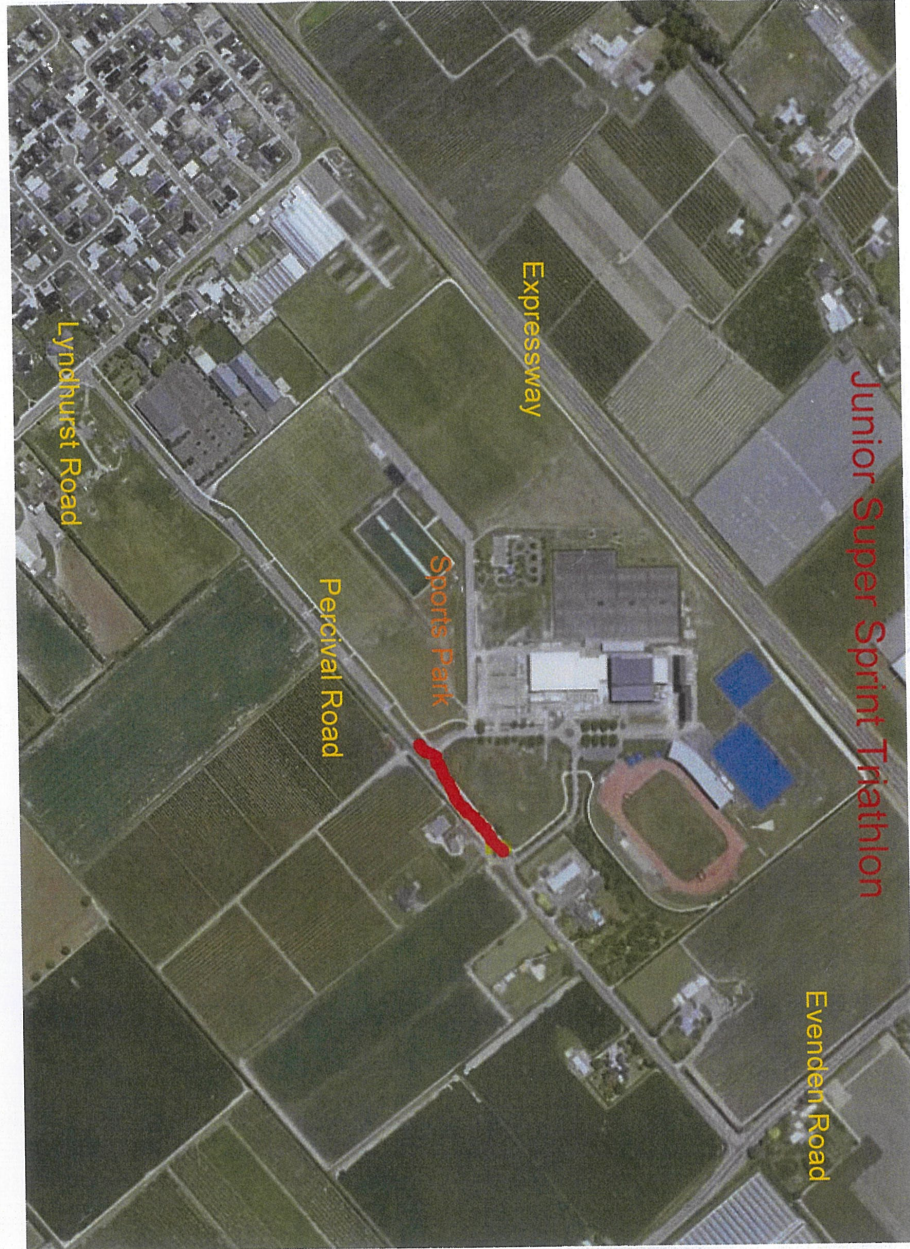
REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
Following an assessment of the risks involved in holding an event of this type organisers have applied for a temporary road closure to ensure the safety of the public.	Safety (public)

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

There are no implications for the Rural Community Board:

HN Blended Event - Te Aute Road - Closure









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Tuesday, 4 February 2025

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*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*

**Hastings District Council: Civic Development Subcommittee Meeting**

*Te Rārangi Take*

# Report to Civic Development Subcommittee

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**Nā:**  
**From:** **Anthony Van Rensburg, Transportation: Project Delivery Manager**

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**Te Take:**  
**Subject:** **Cyclone Gabrielle Transport Recovery Programme - Procurement Update**

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## **1.0 Executive Summary – Te Kaupapa Me Te Whakarāpopototanga**

- 1.1 Council at its meeting held on 12 December 2024, received the Public Excluded Agenda Item, 'Procurement Strategy for 'Packages of Council Road Infrastructure Repair Works in Councils Cyclone Gabrielle Transport Recovery Programme'. (This report is attached as **Attachment 1 – contained in a separate Public Excluded attachment**). Council resolved the Report Recommendations as presented.
- 1.2 This Report updates the Civic Development Subcommittee regarding procurement strategy changes that sit within the delegations of the Group Manager Assets.
- 1.3 In accordance with the Council Cyclone Gabrielle Recovery Procurement Strategy (October 2023) adopted by Council at its meeting on 5 December 2023, five individual packages of work are now to be procured via the established Supplier Panel. Each package of work has a budget of \$300k or less.

## **2.0 Recommendations - Ngā Tūtohunga**

- A) That the Civic Development Subcommittee receive the report titled Cyclone Gabrielle Transport Recovery Programme - Procurement Update dated 4 February 2025.
- B) That the Subcommittee notes the following packages of work will be procured via the established Supplier Panel, in accordance with the adopted Council Cyclone Gabrielle Recovery Procurement Strategy (October 2023).
  - i. 118 – Heays Access
  - ii. 119 – Heays Gorge
  - iii. 104 – Waipatiki

- iv. 156 – Waipunga
- v. 121 – Kahika No.2 Culvert – Procure via supplier panel contract

### 3.0 Background – *Te Horopaki*

- 3.1 The Strategy and Recovery Committee at its meeting on 5<sup>th</sup> December 2023, resolved to adopt the Cyclone Gabrielle Recovery Procurement Strategy (October 2023). (The Strategy is attached as **Attachment 2**).
- 3.2 The Strategy includes a ‘Suppliers Panel’ whose members are qualified suppliers (contracting firms) who may tender for particular ‘Recovery Works’ up to \$5m budget.
- 3.3 Officers have determined the following schedule of works packages, each with a budget of \$300k or less, are best procured via the Suppliers Panel.
  - i. 118 – Heays Access
  - ii. 119 – Heays Gorge
  - iii. 104 – Waipatiki
  - iv. 156 – Waipunga
  - v. 121 – Kahika No.2 Culvert – Procure via supplier panel contract.

### 4.0 Discussion – *Te Matapakitanga*

- 4.1 Procuring the ‘Schedule of Works’ in 3.3 via the Suppliers Panel will likely help achieve the Cyclone Gabrielle Recovery Procurement Strategy objectives namely, - procurement efficiency, promotion of industry capability/capacity and social procurement outcomes.

#### Attachments:

- |    |   |                |
|----|---|----------------|
| 1  | Council Report Procurement Strategy for Packages of Council Road Infrastructure Repair Works<br><i>Confidential in accordance with Section 7 (2) (h) of the Local Government Official Information and Meetings Act 1987</i> | CG-17-14-00399 |
| 2↓ | Cyclone Gabrielle Recovery Procurement Strategy (October 2023)  | CG-17-1-00962  |



# CYCLONE GABRIELLE RECOVERY PROCUREMENT STRATEGY

OCTOBER 2023



# 1. Executive Summary

This strategy provides a recommended approach for the procurement of physical works for Hastings District Council's (HDC) Cyclone Gabrielle Response.

The **key objectives** are:

- To enable **rapid delivery** of recovery programme, to recover from fragile networks and reconnect communities.
- To **accelerate procurement** and reduce tendering costs and effort and enable quicker design to delivery timeframes.
- To maintain **enduring contractor capacity and capability** in for HDC (while large programmes of work are in progress within adjacent councils and TREC Alliance).
- **Deliver broader outcomes** in line with our commitments to Hawke's Bay regional progressive procurement initiatives.
- **Create a healthy competitive market** that upholds good procurement practices and **public value** outcomes through appropriate packaging of works to that aligns with the market capability.

## Key recommendations

The HDC Flood recovery requires a structured, layered approach for the various packages, timing and phases of the recovery phase programme. **It is recommended that HDC:**

- Completes **Immediate response activities**, as soon as possible using the existing maintenance contractors. This is only appropriate for residual urgent emergency works in particularly weather susceptible locations.
- Utilises **closed contest tendering** for packages of work (up to \$6m) to establish competitive pricing between maintenance contractors until the long-term recovery contracts are in place. Urgent projects requiring immediate response (<\$500k) are recommended to be negotiated via direct appointment to the maintenance contractors, in the interim period.
- Proceeds to plan, procure and establish a **Supplier Panel for Programmed recovery activities**. (This needs the prior written approval of Waka Kotahi under s25 of the LTMA.)
- Plans **open tender of bridge reinstatements and large complex work packages**.
- Seeks opportunities to **open tender packages less than \$1m**, to Prequalified Tier B-D Contractors outside the panel.
- Seeks opportunities to leverage **adjacent contracts** wherever location, corridor or work type make this advantageous.

A procurement plan will be developed for each of the Supplier Panel and Open Market strategies, once this Procurement Strategy is endorsed and the recovery programme packages are better investigated, design developed and engaged with the community.

## HDC Delegations

HDC is recommended to review and revise delegations for contract award to enable rapid, rolling, contract award of work packages, as below. This should be limited to **Civil and Bridge works** associated with the **recovery programme** only.

Role	Current delegation	Proposed delegation
Civic Development Subcommittee	\$10,000,000	\$20,000,000
Chief Executive	\$5,000,000	\$10,000,000
Group Manager: Asset Management	\$2,000,000	\$5,000,000

## 2. Purpose

This strategy provides a documented approach for the procurement of physical works for Hastings District Council's (HDC) Cyclone Gabrielle Response. A key purpose of this document is to establish a delivery structure for various packages and phases of the recovery phase programme, provide rationale for their selection and demonstrate how value for money will be assured.

### 1.1. Strategic alignment

This strategy is an addendum to the HDC Procurement Strategy and should be read in conjunction with this document.

### 1.2. Background

The Cyclone Gabrielle weather event of 14 February 2023 created widespread damage across Hawkes Bay, and the East Coast and created a massive amount of damage and disruption to the community and to the transport network. This has left the roading infrastructure in a fragile state. Many parts of the network are now weather dependent, and a widespread lower level of service is experienced with some locations requiring longer alternative routes (of up to an hour).

The community and stakeholder are urgently seeking guaranteed access, but there is a large volume of work and prioritisation of repairs are a significant issue with access for small communities with large costs to repair.

The level of funding for recovery will be tight, and HDC is severely budget constrained.

Currently HDC are completing the initial response phase works utilising the existing road maintenance contracts held by Fulton Hogan Ltd and Downer Ltd and are in the planning, programming, and design stage for the recovery phase.

HDC have received \$228 million Crown funding for the recovery phase over a two-year period. The balance (>\$500m) of work will need to be funded via Waka Kotahi subsidy (event subsidy rate @ 73%) and ratepayer funding.

In accordance with the Emergency Procurement provisions of the HDC Procurement Policy, a Procurement Strategy is now required to define the next phases of procurement as the region moves into recovery.

## 2. Procurement programme

### 2.1. Key components

The scope of works that this Procurement Strategy covers includes:

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<b>Roading</b>	Approximately 30km of pavements need rebuild. Geotechnical / Slip Repair, approximately 210 over and under slips (with costs ranging from \$300k - \$5m).
<b>Small/Minor Culverts</b>	Approximately 4000 small culverts
<b>Major culverts Bridges</b>	16 bridges destroyed, 5 large culverts across diverse locations. (initial rebuild estimates range from ≈\$200-\$300m, with two of the more significant bridges with an estimated cost of \$70m each).

**Business as usual** Procurement Strategy considers the Business-as-usual capital improvement programme within the context, to ensure capability not drained

The type of work includes minor to major repairs, and in some cases full reinstatement, to previous specification or in limited circumstances replacement to current standards. Based on the available data the value of individual sites ranges from \$500,000 to \$2million and packages of work are being assemble of a on prioritised basis.

The costs to reinstate routes range from \$1.5 million to \$8. 5million. The value of the sites and/or work packages on these key routes is significant.

Refer Appendix 1 for an indicative cost estimates and timeframes.

Whilst the impact of the cyclone has resulted in a unique set of circumstances, the response and recovery to the event should not be taken in isolation so whatever is built back needs to be cognisant of existing strategies and plans, and ongoing essential capital improvements. Therefore, this Procurement Strategy considers the Business-as-usual capital improvement programme within the context.

Additional items of scope may be added at HDC's discretion, should they become obvious and, are directly related to flood recovery.

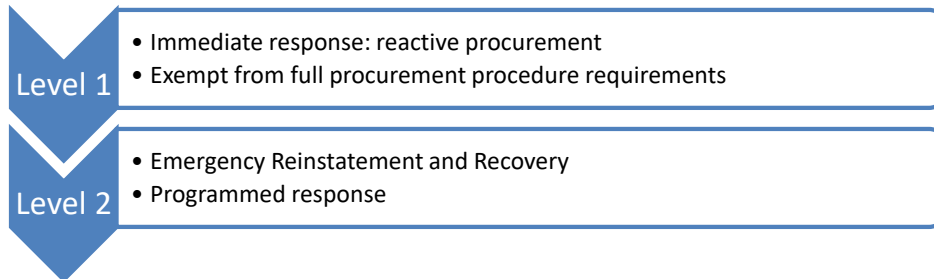
## 2.2. Assessment matrix

The following table provides further assessment for the programme, using the Waka Kotahi assessment factors:

Factor	Comment
<b>Complexity</b>	Generally, the works are of low-moderate complexity. Some slip repairs and bridge reconstruction are more technically complex. The greatest complexity relates to the management requirements of multiple sites across a broad and diverse area.
<b>Scale</b>	The anticipated programme expenditure is in excess of \$500million over a 5-year period, or roughly \$100 million per annum.
<b>Timing</b>	The community and stakeholder are urgently seeking guaranteed access, but there is a large volume of work and prioritisation of repairs are a significant issue with access for small communities with large costs to repair. A programmed response requires a tiered/triage approach; starting the urgent critical issues as soon as possible. Some bridge sites may be appropriate for Early Contractor involvement to urgently connect communities as soon as possible.
<b>Innovation potential</b>	Generally, the innovation potential is low, apart from some bridge solutions (yet to be determined). The works are generally focused on repair and reinstatement but in some instances the nature of the infrastructure response may be different than that existing prior to the event (such as reviewing the location, alignment and form of bridges). Sites with innovation potential may be considered for Design – Construct contracts.
<b>Risk</b>	The wide variety of sites and responses have a varied level of risk but are generally low-moderate.
<b>Supplier Market</b>	The supplier market is anticipated to be constrained as the programme progresses. However, initial industry engagement indicates that as the programme is large and over a long duration there is ample opportunity to develop and scale workforces to suit. Previous constraints on staffing are being overcome due to immigration settings changing and labour is becoming more freely available.

### 3. Procurement levels and phases

Emergency responsiveness in a procurement context can be viewed at two different levels with regard to the immediacy of the threat or danger and the degree of harm if relief is delayed. The Waka Kotahi Procurement Manual (10.7) refers to these as:



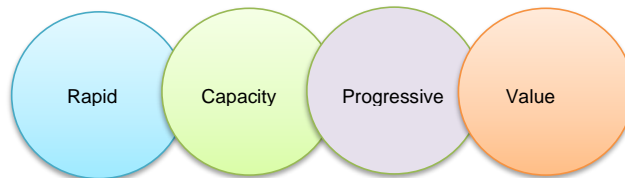
For the purposes of this Procurement Strategy, it is considered that HDC has generally moved out of Level 1 planning to move to Level 2 Emergency reinstatement and recovery.

The immediate response phase is programmed to be completed by October 2023 and there is a driver to shift into the recovery phase as seamlessly and efficiently as possible to secure contracting resources to implement the works programme. The end of October 2023 also aligns with when the first set of designs will be available.

This Procurement Strategy considers the Level 2 recovery strategy.

### 4. Procurement objectives

The objectives of the procurement strategy are:



These form the foundations of the approach moving forward.

- To enable **rapid delivery** of recovery programme, to recover from fragile networks and reconnect communities.
- To **accelerate procurement** and reduce tendering costs and effort and enable quicker design to delivery timeframes.
- To maintain **enduring contractor capacity and capability** in for HDC (while large programmes of work are in progress within adjacent councils and TREC Alliance).
- **Deliver broader outcomes** in line with our commitments to Hawke’s Bay regional progressive procurement initiatives.

**Create a healthy competitive market** that upholds good procurement practices and **public value** outcomes through appropriate packaging of works to that aligns with the market capability.

## 5. Procurement Environment

### 5.1. Analysis of supplier market.

The extent and complexity of the physical works required has been assessed as requiring a Tier A Contractor, for both Transport Infrastructure and Bridge Construction.

HDC currently has;

- 7 Tier A Prequalified Contractors - Transportation Infrastructure, and
- 5 Tier A Prequalified Contractors -Bridge Construction.
- a further 4 contractors are Prequalified Tier B-D Transportation Infrastructure.

### 5.2. Analysis of spend profile.

Currently HDC has two maintenance contracts (urban and rural) with an annual \$25 - \$40m budget per annum. Both contractors have been involved in the response to date. The response spend rate to response to date has been in the order of \$11m per month, significantly above the base maintenance spend profile. This would likely mean that increase in resourcing and capability is required to undertake the envisaged programme of works.

The indicative base HDC BAU spend for capital expenditure and improvements is in the order of \$20-\$30m per annum. Again, this is significantly below the anticipated recovery programme expenditure.

### 5.3. Impact of the adjacent programmes

As a result of the catastrophic level of damage a regional wide and large programme of adjacent cyclone recovery programmes, from Waka Kotahi and adjacent Councils, are also seeking to utilise resources from constrained pool of contractors.

Overall, the market has sufficient resources, and enough competition is available, but it is envisaged that the pending demand on resources will be high, which may influence the ability of contractors to tender for and undertake works. A real time assessment of market capacity in response to each future resultant procurement plan will be required to assess recent tenders and likely responses to pending tenders.



## 6. Procurement and delivery options assessment

### 6.1. Physical works delivery

Several options exist for future procurement approach and delivery models. These are discussed in the table below.

Mechanism	Comment	Appropriateness
<b>Direct Appointment and Closed Contest</b>	The direct engagement and closed contest thresholds for physical works in the HDC Buyers Guide and the Waka Kotahi Procurement Manual are \$100,000 and \$200,00 respectively. It is expected that there would be limited opportunity to use these methods given the relatively low value thresholds.	Able to issue variations to maintenance contracts for immediate response and interim recovery (Level 1 & 2). Need to be able to refocus maintenance contracts to retain level of service in unaffected areas. Engage with Waka Kotahi to establish revised thresholds increased for specific packages of work for interim recovery.
<b>Open competitive tender</b>	Although generally the most appropriate mechanism for large transport infrastructure projects, the constrained market, rapid response and large ongoing programme of works mean that this is generally not suitable, other than for large specialist packages.	It is likely that the bridge structures replacements and reinstatements will suit open market tender as they are discrete and require different skills sets.  The opportunity also exists to put large discrete complex packages to market (for packages over \$10m).
<b>Exiting Maintenance Contracts</b>	There are limitations to extent of variations possible, as per the direct appointment and closed contest section above. The anticipated recovery spend rate is expected to be higher than existing contracts. This would potentially unbalance the forward works programmes and resourcing.	The need remains to be able to refocus maintenance contracts to retain level of service in unaffected areas.
<b>Establish supplier Panel</b>	A supplier panels is considered an advanced delivery models can only be used with the prior written approval of Waka Kotahi under s25 of the LTMA.  HDC has previously researched implementation of a HDC wide contractor supplier panel supplier, which was favourably considered. At the time however the combined programme not big enough to warrant it. This context has now changed with a \$500m+, 5-year rapid delivery programme.	The requirements for a panel are now considered relevant with a succession of similar or related activities is included in the programme and supplier consistency would be highly valued. (See <b>Appendix 2</b> )  HDC is experienced with implementation and management of a panel from current experience managing professional services panel.  It is recognised that there is an immediate need to resource up client-side resources to manage, processes and governance. HDC is actively recruiting to fill the capacity needed, any shortfall may be sort from consultant suppliers.
<b>Utilise established Supplier Panel</b>	Opportunities to leverage panels from adjacent client organisations could be useful, and should be explored, where there is synergy.	The Waka Kotahi TRP Panel is place, could be an option, where there are corridor synergies during the interim recovery phase.  The Waka Kotahi NZTA Safety Panel for the Central North Island may provide some (limited) opportunity (7 local contractors). However, the panel scope is quite limited (to safety infrastructure).

<p><b>Waka Kotahi TREC Alliance.</b></p>	<p>The Waka Kotahi - KiwiRail Transport Recovery East Coast Alliance is currently in the process of establishment but is not currently in delivery. It is envisaged that once established this will create a large drain on similar resource pool.</p> <p>Maintaining and open dialogue with Waka Kotahi regarding future programme and one-network synergies will be worth considering where working on adjacent areas.</p> <p>It is also perceived that more competitive rates can be achieved through other delivery methods than that likely through the Alliance.</p>	<p>Generally, the HDC road recovery works and bridges structures are different in nature and location for there to generally be limited synergy. However, there may be some opportunities with KiwiRail at the Ellis Wallace Bridge.</p>
<p><b>HDC Alliance</b></p>	<p>In previous disaster recovery programmes Alliances have been successful in managing a large programme of works, with a high degree of uncertainty and risk. (Waka Kotahi Christchurch and Kaikoura recovery Alliances are examples).</p>	<p>This is also an advanced delivery model and appropriate where the potential Alliance Participants have the experience, organisational readiness, and knowledge. As HDC is not experienced in Alliances this is not seen as an appropriate model currently to enable rapid establishment.</p>

## 6.2. Professional Services

HDC has an established professional services panel, of three suppliers. The immediate disaster response was provided by this panel, and they have been progressing the development of the recovery assessments and designs. It is recommended that this panel continues to maintain momentum, subject to capacity and performance. HDC should reserve the right to tender complex or specialist activities, or significant bridge projects.

It should also be noted that once concept design solutions have been confirmed and the delivery options assessed, then Design Construct contracts may emerge as a potential option, in which case alternative design consultants will be required.

## 7. Recommended Procurement and Delivery Options

	<b>Level 1 Disaster relief: Immediate Response</b>	
	Immediate response work is exempt from procurement procedure requirements (but still needs best practice approach)	
<b>Direct appointment</b>	via maintenance contractors / prequalified contractors / available resources	Phasing out, and completing works, only to be utilised for urgent emergency works in particularly weather susceptible locations.  Used only to secure and hold the network before programmed reinstatement and recovery.

	<b>Level 2 - Emergency reinstatement &amp; recovery</b>		
<b>Supplier Panel</b>	\$0-5m Civil Works recovery packages (Roothing, slips and culverts)	80% nominal direct appointment within panel, 20% option to closed tender.  Retain options for projects and small packages less than \$1m to Prequalified Tier B-D Contractors, outside panel.	Projects will be allocated between the panel suppliers subject to - sufficient <u>resources</u> to deliver - <u>performance</u> across the framework - sufficient <u>skills</u> - sustainable <u>sourcing</u> (30%+ to local suppliers). - reasonable, appropriate and accepted pricing
	\$0- \$5m "business as usual" activities.	Closed contest within panel	Retain option to tender within panel to ensure resources are available for BAU activities.
	\$5m- \$10m packages (Civil Works- Roothing, slips and culverts)	Closed contest within panel	
<b>Open market tender</b>	Bridge reconstruction	Open tender projects	Consider ECI/ D&C/ LS as appropriate, to be confirmed by site.
	\$10m+, or complex packages /specialist projects requiring specific skills	Open tender packages	

	\$<1m projects	Open tender packages, to Prequalified Tier B-D Contractors outside panel	Retain ability to tender some smaller appropriate packages of work (once Supplier Panel Established)
<b>Interim Closed contest</b>	Interim contracts until supplier panel is established	Up to \$6m package Tender via maintenance contractors (as variation order)  <\$1m sites tendered via Closed Contest to Prequalified contractors	There are a small number of critical sites that require urgent reinstatement, before the panel packages of work are fully designed and procured. Seek value for money responses by competitive proposals.
<b>Adjacent contract</b>	TREC Alliance, Waka Kotahi TRP Panel	Remain open to synergies in corridor, adjacent or neighbouring activities	

The following diagram is a simplified representation of the above table.



## 8. Programmed Response Procurement Approach

### 8.1. Panel tender process

Waka Kotahi approval will be required to commence the Panel Procurement processes; hence more detail is provided on this aspect of the recovery response. Further detail of the procurement process and attributes will be defined in the Panel Procurement Plan.

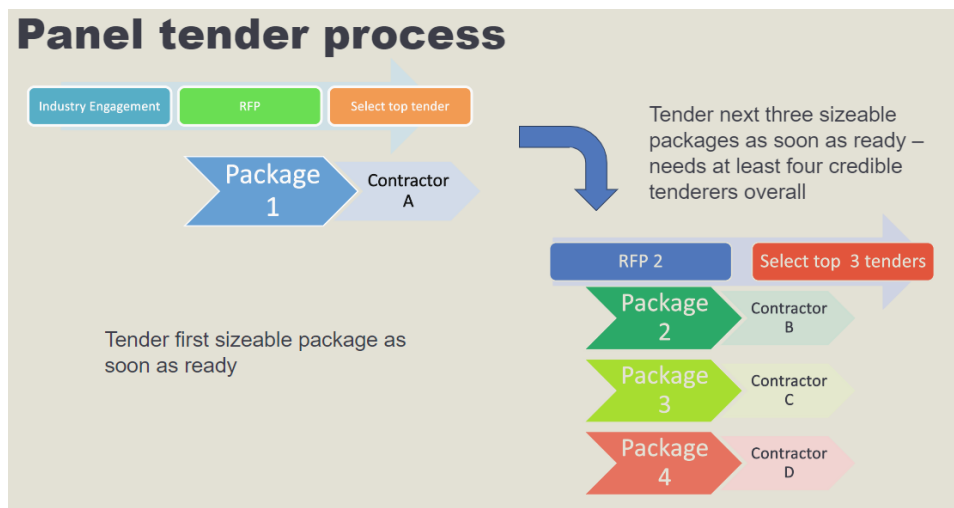
A period of market engagement is envisaged confirm the interested parties and test the detail and refine the market approach if necessary.

Ideally the panel will have a minimum of three suppliers, with a maximum of four suppliers. The panel will remain flexible to adding additional suppliers, or removing those that are not meeting the performance expectations.

It is envisaged that the procurement documents will be issued to GETS as an open tender. A prerequisite will be tenderers will need to be HDC Prequalified Contractors, Level A Transport Infrastructure. Advance notice and industry engagement prior to going to market will encourage and support contractors seeking to increase their current prequalification status or obtain a new status.

A single stage Request for Proposal is proposed, including priced and non-price attributes. The price schedule is likely to have priced schedules for distinct packages of work, plus a comprehensive schedule of rates. Tenderers will be ranked highest to lowest using the total price. The intent is to enter negotiations with the top three/four ranked, and acceptable tenderers and negotiate one work package (Separable portion) each; tenderers will be able to nominate a preference but will be at HDC discretion. HDC should reserve the right to accept, all, any, or none of the tender responses.

Subject to industry engagement, the level of interest for the panel and timing of package readiness, HDC is also recommended to consider the option of tendering the first sizeable package as soon as it is ready, establishing the first panel member then tendering the next 2-3 packages in one process to procure the next 2-3 contractors (see diagram below). This is process and the attribute details are required to be further developed in the Panel Procurement Plan.



A tenderer receiving a score of 45% or less for any non-price attribute will fail on that attribute and that tender will be rejected. Due to the long-term nature of the proposed panel agreement (which could normally be 5 years) suppliers are required to be able to demonstrate that their responses are

adequate, and not meeting considerable improvement.

Advance notification shall be via Industry engagement meetings (the first of which has already occurred on 25<sup>th</sup> October 23) and via GETS.

## 8.2. Project award within the panel

A panel contract delivers benefits over a longer-term period therefore a contract with separable portions is preferred over a term contract (i.e., no fixed period). The panel term will be nominally five years. The initial Panel Contract will have contracts for multiple packages awarded at the outset across the panel suppliers. Future projects / packages will then be awarded as separable portions in a mix of closed contest and direct appointments as noted above. Direct appointment will be encouraged for projects under \$1m.

There is an intention is to balance the amount of effort required to tender the works depending on the complexity and size – e.g., some projects in similar locations or work types will be batched together.

Projects will be allocated between the suppliers in panel unless

- There are insufficient resources to deliver
- There is poor performance across the framework
- There are insufficient skills

Suppliers will be assessed regularly using HDC PACE. Resource availability and programme behaviours will also be part of the supplier assessment part of the supplier assessment used to maintain delivery standards.

A simplified tendering process with a focus on methodology and price will be used for Closed Contests. In some cases, this may be Lowest Price Conforming, or it could be asking the contractors how they would construct a project within a particular budget (i.e., Purchaser Nominated Price).

Performance and allocation of work will be transparent via the Programme Manager and overseen by the Portfolio Leadership Group (refer below).

- High performing teams with growing resources will secure a higher proportion of work
- Lower performing teams or limited resources will secure a lower proportion
- Any supplier will be given an opportunity to improve performance should any major failing be identified. However, there may be a three strikes clause which would result in the supplier being removed from the framework
- Continuous poor performance would result in being rolled off after a period of time.

## 8.3. Panel Programme Management

### Key Principles

Managing a Physical Works delivery panel for a large volume of work requires planned and focused management. It is important to that the panel management adheres to the following principles:

- Accountability
- Openness
- Value for Money
- Lawfulness
- Fairness
- Integrity

Therefore, a panel management approach is required to be planned and developed in parallel with the procurement processes. This includes:

**Programme Manager**

A Programme Manager will be appointed who will be responsible for the effective management of the recovery programme and each supplier contract. They will not be responsible for project delivery but will provide a strong lead on performance and continuous improvement.

The Programme Manager will be supported by a programme management team (which will need to be established).

**Performance measurement and monitoring**

A specific performance regime will be jointly developed by the panel members and the HDC. The objective will be to agree key result areas that will be assessed and used to determine the share and extent of scope awarded to each panel member. A panel management plan will be developed to expand on the management and work allocation processes.

**Integrated governance**

Although a fully collaborative approach across panel members is not envisaged it is anticipated that synergies for delivery and stakeholder communication can be enhanced if a “United Recovery” approach is developed. Therefore, it is proposed that a Panel Leadership Group is established that includes Team Leaders for each supplier, key HDC staff and other key stakeholders. An option for independent review or governance should be considered to optimise transparency and challenge.

**8.4. HDC Delegations**

HDC is recommended to review and revise delegations for contract award to enable rapid, rolling, contract award of work packages, as below. This should be limited to Civil and Bridge works associated with the recovery programme only.

Role	Current delegation	Proposed delegation
Civic Development Subcommittee	\$10,000,000	\$20,000,000
Chief Executive	\$5,000,000	\$10,000,000
Group Manager: Asset Management	\$2,000,000	\$5,000,000

<a href="#">HDC Procurement Strategy V 3.0</a>	March 2023
<a href="#">HDC Procurement Policy V3.0</a>	February 2023
<a href="#">Waka Kotahi NZTA Procurement Manual, Amendment 6</a>	April 2022

Amendment (s)	Date	Updated by and authority
Initial Draft for review and discussion	27 Oct. 23	Darren Cash, Independent

## Appendix 1 Indicative costs and timeframes

All costs within this Appendix are rough order indicative estimates and are subject to solution confirmation design development

### Recovery: Projects commencing Construction in FY23/24

#### Construction planned for Slips

Projects	Construction window	Construction Costs
Dartmoor Road slips programme Part 1 – Emergency Works	FY23/25	\$ 6,000,000.00
Dartmoor Road slips programme Part 2	FY23/25	\$ 4,000,000.00
Taihape Road slips programme	FY23/25	\$ 10,000,000.00
Puketitiri Road slips programme	FY23/25	\$ 8,000,000.00
Glengarry road slips programme	FY23/25	\$ 5,000,000.00
Kereru Road slips programme	FY23/25	\$ 8,000,000.00
Waihau Road slips programme	FY23/25	\$ 10,000,000.00



**Construction planned for Slips, Culverts, Roads & Bridges**

Projects	Construction window	Construction Costs
Waimarama Road slips programme	FY24/25	\$ 1,000,000.00
Kahuranaki Road slips programme	FY24/25	\$ 1,500,000.00
HDC Cyclone Recovery - Slips Tier 2 & 3	FY24/30	\$150,000,000.00
HDC Cyclone Recovery - Roads and Footpaths	FY24/30	\$ 90,000,000.00
HDC Cyclone Recovery - Culvert Replacements / Repairs	FY24/30	\$ 70,000,000.00
Dartmoor Bridge	FY24/26	\$ 15,000,000.00
Redclyffe Bridge	FY25/28	\$ 70,000,000.00

Recovery: Projects commencing Construction in FY24&25









**Construction planned for Bridges**

Projects	Construction window	Construction Costs
Moeangi Bridge	FY26/28	\$ 5,600,000.00
Mangatutu Low Level Bridge	FY26/27	\$ 5,000,000.00
Ellis Wallace Bridge	FY27/28	\$ 15,000,000.00
Brookfields Bridge	FY27/29	\$ 50,000,000.00
Whanawhana Bridge	FY28/29	\$ 8,000,000.00
Follies Bridge	FY28/29	\$ 4,000,000.00
Darkeys Spur 1 Bridge	FY28/29	\$ 400,000.00

## Appendix 2: Waka Kotahi NZTA Procurement Manual. Supplier panel requirements.

A review of the Waka Kotahi Procurement Manual requirements for a panel have been made to verify that a Supplier Panel is a valid mechanism. A "Tick"  indicates that the requirements are met.

**Supplier panel**  
(advanced)

- A succession of similar or related activities are included in the programme and supplier consistency would be valued. 
- A modest sized programme of individual activities. 
- Situations where there is benefit (because of complexity, scale, risk, etc) in term seeking proposals from a wide group of suppliers 
- There is value in establishing a longer-relationship with suppliers. 
- The volume of work may be too large for one supplier to undertake. 
- Specialist skills or equipment are required. 
- There are a number of suppliers who can provide the required outputs 
- There is an advantage in having a choice of suppliers to select from at reasonably short notice. 

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Tuesday, 4 February 2025

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Item 6

*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*

**Hastings District Council: Civic Development Subcommittee Meeting**

*Te Rārangi Take*

# Report to Civic Development Subcommittee

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

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**Te Take:**  
**Subject:** Appointments to the Te Mata Park Trust Board

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## 1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The Te Mata Park Trust Board will have two vacant trustee positions from 30 June 2025 arising from the terms of Michael Bate and Michael (Mike) Devonshire expiring. There will also be a vacancy for the Trust Board's 'Aspiring Trustee' role.
- 1.2 Council is responsible for appointing 6 trustees (2 of these must be councillors) to the Te Mata Park Trust. Council appointed trustees are allowed to serve three (3 year) terms (maximum of 9 years). The two Councillors on the Trust are appointed for the duration of each triennium. These roles are unpaid.
- 1.3 While the Aspiring Trustee role does not have the legal responsibilities of being a trustee, he or she can participate fully in Trust discussions. Appointment of the Aspiring Trustee role does not need to be made via a Council resolution and can be confirmed by Te Mata Park Trust Board.
- 1.4 This report seeks the following decisions from the Civic Development Subcommittee; to:
  - Recommend to the Council that the positions be advertised – this recommendation would go to the Council meeting on 18 February 2025 for consideration.
  - confirm the proposed appointment process.
  - appoint councillors (2 or 3) to form an appointments subcommittee which will also include the Chair of the Te Mata Park Trust to shortlist, interview and make recommendations to the Civic Development Subcommittee.
  - Recommend to the Council (at a later date) in regard to the names of the proposed appointees to fill the vacancies on the Te Mata Park Trust Board.

## 2.0 Recommendations - Ngā Tūtohunga

- A) That the Civic Development Subcommittee receive the report titled Appointments to the Te Mata Park Trust Board dated 4 February 2025.
- B) That the Civic Development Subcommittee note that there will be two vacant trustee positions on the Te Mata Park Trust Board from 30 June 2025 and a vacancy for the Aspiring Trustee role.
- C) That the Civic Development Subcommittee recommend to Council, at the 18 February 2025 Council meeting, that the two upcoming vacant trustee positions and the Aspiring Trustee position on the Te Mata Park Trust be advertised.
- D) That the Civic Development Subcommittee confirm the proposed appointments process as follows:
- Advertise the vacant trustee roles and the Aspiring Trustee role (subject to Council agreement)
  - Appoint councillors (2 or 3), being .....; ..... and ..... who, with the Chair of the Te Mata Park Trust Board, will form an appointments subcommittee to shortlist, interview and make recommendations back to the Civic Development Subcommittee for the latter's consideration.
  - Civic Development Subcommittee make recommendations to a later Council meeting regarding appointments to the Te Mata Park Trust Board, after considering the names put forward by the appointments subcommittee referred to in the above bullet point.
  - Council makes the final appointment decisions.

## 3.0 Background – Te Horopaki

- 3.1 The Civic Development Subcommittee is responsible for recommending to Council the appointment of trustees to the Te Mata Park Trust Board, appointment of trustees is guided by the 'Appointment of Trustees for Te Mata Park Trust Board Policy' (**Attachment 1**).
- 3.2 Council is responsible for appointing 6 trustees (2 of these must be councillors) to the Te Mata Park Trust. Also represented on the Trust is a descendant of the Chambers family and in February 2020 a variation was made to the Te Mata Park Trust deed allowing for a trustee of mana whenua descent to be appointed by Ngāti Kahungunu Iwi Incorporated.
- 3.3 Hastings District Council's *Committee and Rural Community Board Register of Delegations (2022-2025)* notes that membership of the Civic Development Subcommittee will include the Chair of the Te Mata Park Trust Board when the subcommittee is making a decision on appointments to Te Mata Park Trust Board.
- 3.4 Council appointed trustees are initially appointed to serve three (3 year) terms which may be reviewed for a further two terms (a maximum of 9 years) provided they continue to meet the needs of the Trust. The Trustee roles on the Te Mata Park Trust Board are unpaid.
- 3.5 The Aspiring Trustee role does not have the legal responsibilities of a being a trustee of the Board and does not have voting rights. The Aspiring Trustee does have the opportunity to participate in Trust meetings and become a full contributor to Trust discussions. Appointment of the Aspiring Trustee role does not need to be made via a Council resolution and can be confirmed by the Te Mata Park Trust Board.
- 3.6 The table below outlines the current council-appointed trustees:

Trustees Name	Date first appointed to the Te Mata Park Trust	Terms Completed	Current Term of Office (expiry)	Proposed reappointment term (end date)
Mr Michael Bate	30 June 2016	2	30 June 2025 This completes 3 terms	
Mr Michael (Mike) Devonshire	30 June 2016	2	30 June 2025 This completes 3 terms	
Mr Jonathan Hensman	25 October 2017	2	25 October 2026 At this date he would have completed 3 terms	
Mr Jon Lewin	15 September 2022	Currently in his first term	15 September 2025	15 September 2031

- 3.7 Hastings District Council representation on the Te Mata Park Trust Board for the remainder of the 2022-2025 triennium is Cr Malcolm Dixon and Cr Te Au-Skipworth.
- 3.8 The trustee representing mana whenua and appointed by Ngāti Kahungunu Iwi Incorporated is Waiora Rogers. The trustee appointed by the Chambers family is Bruno Chambers.
- 3.9 Shannon Bray has been the Aspiring Trustee since September 2022.
- 3.10 Michael (Mike) Devonshire is the current Chair of the Te Mata Park Trust Board.

#### 4.0 Discussion – Te Matapakitanga

- 4.1 On 30 June 2025 there will be two vacant trustee roles created due to the terms of Michael Bate and Mike Devonshire expiring.
- 4.2 The Te Mata Park Trust Board has indicated that the Aspiring Trustee role is only to be intended to be a short-term role. Shannon Bray has been an Aspiring Trustee since 2022, so the Trust Board consider it is timely for Mr Bray to be replaced in this role as part of the proposed appointments process.
- 4.3 The last appointment process for vacant trustee positions in 2022 worked well. There was a very strong response to the advertisement of the roles from applicants of a high calibre that resulted in the appointment of a very well qualified trustee that enhanced the key competency areas of the Board's collective skills.
- 4.4 Considering the successful appointment process undertaken in 2022 the Trust has indicated that they would like this process repeated to fill the upcoming vacancies. In summary this process involved:
- Advertising the vacant trustee roles and the Aspiring Trustee role.

- Nominated councillors (2) and the Chair of the Te Mata Park Trust Board formed an appointments subcommittee and shortlisted, interviewed and made recommendations to the Civic Development Subcommittee.
- Civic Development subcommittee made recommendations to the Council.
- Council made the final appointment decisions.
- The Chair of the Te Mata Park Trust is invited to the relevant Civic Development and Council meetings to speak to the item.

## 5.0 Options – Ngā Kōwhiringa

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

5.1 To advertise the vacant trustee positions of the Te Mata Park Trust Board

Advantages

- The Te Mata Park Trust Board have asked that these vacancies be advertised.
- Provides for an open and transparent process where everyone can apply for these positions.

Disadvantages

- Advertising costs will be incurred.

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

5.2 To not advertise the vacant positions of the Te Mata Park Trust Board.

Advantages

- No advertising costs will be incurred (noting that these are minor).
- A quicker appointment process as no advertising time required.

Disadvantages

- The number of applicants will be more limited.
- Some community members could be disappointed that they did not have an opportunity to apply for these positions. Te Mata Park Trust Board is a very popular board despite the roles being unpaid.

## 6.0 Next steps – Te Anga Whakamua

6.1 The subcommittee's recommendation to advertise (or not advertise) the upcoming trustee vacancies will be reported to the Council for their decision. Thereafter, the appointments process will proceed as outlined in this report.

### Attachments:

- 1↓ Policy on Appointment of Trustees for Te Mata Park Trust Board - Updated 2025 PMD-02-01-25-44

## 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*

N/A

### Sustainability - *Te Toitūtanga*

N/A

### Financial considerations - *Ngā Whakaarohanga Ahumoni*

Minor advertising costs.

### 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*

The Te Mata Park Trust Board has indicated a preference to advertise the vacant roles and the proposed process for appointment.

### Risks

Opportunity: To fill vacant trustee roles with applicants of a high calibre that enhance the collective skills and knowledge of the Te Mata Park Trust Board.

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
<p>Legal compliance – ensuring the correct number of trustees in accordance with the trust deed.</p> <p>Enhance the collective skills and knowledge of the Te Mata Park Trust Board</p>	<p>There is a risk that there will be low interest in the position and options for appointment may be limited however this would be unlikely based on previous appointment processes.</p>

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

N/A

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## POLICY ON APPOINTMENT OF TRUSTEES FOR TE MATA PARK TRUST BOARD

(Updated July 2022 to reflect the Hastings District Council *Committee and Rural Community Board Register of Delegations 2019-2022 and 2022-2025* and amendments made to the Te Mata Park Trust Deed in 2020)

### INTRODUCTION

The Trust Deed for the Te Mata Park Trust provides for eight Trustees. It provides that, with the exception of a descendant of the Chambers family and a mana whenua representative, the Council is to appoint six residents of the Provincial District of Hawke's Bay as Trustees. At least two of the six appointees are required to be Councillors of the Hastings District.

The Trust is by definition a Council Organisation – the Local Government Act 2002 requires that the Council must adopt a policy for the appointment of Trustees (Directors) that “sets out an objective and transparent process for—

- (a) the identification and consideration of the skills, knowledge, and experience required of directors of a council organisation; and
- (b) the appointment of directors to a council organisation; and
- (c) the remuneration of directors of a council organisation.”

Further the Council must only appoint a person whom the Council is satisfied has “in the opinion of the local authority, the skills, knowledge, or experience to—

- (a) guide the organisation, given the nature and scope of its activities; and
- (b) contribute to the achievement of the objectives of the organisation.”

The Council has a general policy for this purpose that excludes appointments to this Board from the process. This policy sets out the process specifically for Trustees (other than those appointed as Councillors) of the Te Mata Park Trust.

### Te Mata Park

Te Mata Park was created in 1927 by the Chambers family as a public park and public recreation ground. A Trust known as The Te Mata Park Trust Board was established to own the Park. The Trust Deed defines the governance structure to oversee the strategic and operational activities of the Park, but it also sets limits on what the Trust may do and how it may act. Accordingly, this Governance overview must be read subject to the provisions of the Trust Deed and the law relating to charitable trusts.

In order to enhance and protect the Park for future generations, the Trust entered into an arrangement with the Queen Elizabeth II Trust in 1997 under an Open Space Covenant. The broad objectives of the Covenant are to:

- a) protect the open space values of the land;
- b) protect native flora and fauna on the land;
- c) assist in protecting the landscape integrity of Te Mata Peak.

A detailed Management Statement outlines how the objectives of the Covenant are to be achieved. It clearly identifies the resources within the park, management issues and outlines agreed policies for the future management of the Park.

The Management Statement also identifies objectives that the Trust Board expressing in

today's terms what the Trust proposes to do to realise the purposes of the Trust as set out in the Trust Deed and working within the powers and constraints set out in the Trust Deed and charities' law. The Management State objectives are separate from but not conflicting with the Covenant Agreement, has established for the land. These are:

- a) To provide facilities and an environment for the recreational and cultural benefit of the public.
- b) Utilise the commercial assets of the park to provide an income to assist with maintenance.

The Board with assistance from the Hastings District Council has developed a Park Management Plan to assist it in meeting the objectives of the Trust Deed and the following strategic objectives that it sees giving effect to the deed

### **Strategic Vision**

Te Mata Park is a Taonga Tuku Iho (heavenly gift), and the iconic feature of Hawke's Bay.

It will always be a place of cultural, scenic, recreational, scientific and educational significance for all New Zealanders.

The Trust will be able to sustain, protect and maintain Te Mata Park's outstanding natural features and open spaces.

### **Strategic Objectives**

- Confirm Te Mata Park as a place of "national significance"
- Establish significant financial resources in order to fund the Park.
- Provide and maintain facilities and an environment for the recreational, cultural and educational benefit of the public.

### **Trustees** (*Variations to Trust Deed dated 21 February 2020*)

The Board of Trustees govern the Trust. The Trust Deed currently specifies a board of eight trustees, one of which is a member of the Chambers Family. One person of Mana Whenua descent to be appointed by Ngati Kahungunu Iwi Incorporated on the recommendation of a Mana Whenua Roopu (committee) established by the Board. That person shall hold office for three years and shall be eligible for reappointment for one further term.

The remaining six members of The Board of Trustees are appointed by Hastings District Council. This policy applies to the appointment of Trustees (other than Councillor Trustees) appointed by the Hastings District Council (Council).

### **Charter**

The Trust Deed is extensive and, while the law generally requires that trustees should not delegate their responsibilities, the Trust Deed confers on the Trust Board wide powers and discretions, including some relatively limited powers of delegation to appoint committees (Clause 15) and to appoint staff (Clause 19). The Trust Board makes all policy decisions, and this Governance Overview outlines the bounds within which the committees and staff may operate.

The key functions carried out by the Trust Board to realise those charitable purposes include:

1. Defining, within the relevant legal and constitutional framework, the purpose, direction and priorities for Te Mata Park, ensuring that these are valued and worthwhile.
2. Specifying key outcomes or results, approving the resourcing to be available for the achievement of those results.
3. Reviewing and approving Te Mata Park's annual budget, audit reports, and material business decisions; being informed of, and meeting all, legal and fiduciary responsibilities.
4. Regularly scanning the environment beyond Te Mata Park to ensure that what the Trust is attempting to achieve remains both relevant and achievable.
5. Communicating with the Te Mata Park's 'owners' and other stakeholders to ensure that they have input into the determination of direction and goals and that they are kept informed about organisational performance.
6. Developing a governance policy 'umbrella' which guides all operational activities.
7. Establishing a risk management framework for the control and mitigation of risk.
8. Appointing and supporting the General Manager, evaluating his or her performance.
9. Monitoring the activities and results achieved by those involved in day-to-day management and administration and hold them to account.
10. Ensuring Te Mata Park complies with statutory and contractual requirements and with the Board's own policies.
11. Setting standards for, and evaluating, the Board's own governance performance.
12. Ensuring there is appropriate succession planning to ensure a balance between replenishment and continuity on the Board and revitalisation of the Trust's direction.
13. Compliance with the Local Government Act and its reporting requirements where applicable.

#### **REQUIRED QUALITIES SKILLS AND EXPERIENCE**

Council considers that any person that it appoints to be a Trustee should, as a minimum, have the following skills and experience:

- intellectual ability
- an understanding of governance issues
- either business experience or other experience that is relevant to the activities of the organisation (or both)
- sound judgment
- the ability to work as a member of a team. Track record of building credibility in the funding community
- A commitment to, and understanding of, Te Mata Park's beneficiaries and mission
- Personal qualities of integrity, credibility, and a passion for improving the long term sustainability of Te Mata Park and the benefits it delivers to the Hawke's Bay community.

#### **Appointment Process for Trustees**

Three months prior to vacancies arising on the Te Mata Park Trust Board, Council will follow the following process for appointing Trustees.

Council will, after receiving a recommendation from the Civic Development Subcommittee, decide in open council whether to advertise a particular vacancy or make an appointment without advertisement.

'The Civic Development Subcommittee is responsible for making delegated decisions and advising the Performance and Monitoring Committee by... 'Recommending to Council the appointment of trustees to Te Mata Park Trust Board.'

When making the decision whether to advertise a particular vacancy or make an appointment without advertising the Subcommittee/Council will consider:

- the costs of any advertisement and process
- the availability of qualified candidates
- the urgency of the appointment (The Board is without a quorum and cannot hold board meetings).

Where a vacancy arises due to the resignation or death of a trustee, Council will follow the process outlined above where the Trust can continue with the remaining trustees until an appointment is made.

#### **Appointment by Advertisement**

Where Council decides to advertise a vacancy, the Civic Development Subcommittee will consider applications and make a recommendation to Council.

The Chair of the Te Mata Park Trust Board is to be a member of the Civic Development Subcommittee when the Subcommittee is making a decision on appointments to the Te Mata Park Trust Board.

A shortlist of candidates will be made and interviewed by the Civic Development Subcommittee and the Subcommittee will report to Council on each of the candidates. The Subcommittee may make a recommendation to the Council.

#### **Appointment without Advertisement**

Where the Council decides not to advertise a particular vacancy, it will refer the matter to the Civic Development Subcommittee. The Subcommittee will identify a shortlist of candidates whom it considers meet the above criteria and will forward those to the Council together with a report explaining why these candidates meet the criteria. The Subcommittee may make a recommendation.

#### **Final Appointment**

The Council will make a decision in a public-excluded session (thus protecting the privacy of natural persons). Public announcement of the appointment will be made as soon as practicable after the Council has made its decision.

An elected member who is under consideration to fill a particular vacancy may not take part in the discussion or vote on that appointment.

**Term of Appointment**

Trustees will normally be appointed for a term of up to three years. Subject to a review of the Trustees performance, the term may be renewed for two further terms of up to three years (maximum of 9 years).

**CONFLICTS OF INTEREST**

Trustees will avoid situations where their actions could give rise to a conflict of interest. To minimise these situations the Council requires Trustees to follow the guidelines set out by the Controller and Auditor General.

**REMUNERATION**

Service on the Te Mata Park Trust Board is without remuneration, except for reimbursement of travel, accommodation and incidental costs in relation to board members' duties.