

Tuesday, 27 May 2025

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council

Strategy and Recovery Committee Meeting

Kaupapataka

Agenda

Te Rā Hui:
Meeting date: **Tuesday, 27 May 2025**

Te Wā:
Time: **9:00 AM**

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

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

Te Āpiha Matua:
Responsible
Officer: **Interim Group Manager: Strategy - Gus Charteris**

Strategy and Recovery Committee – Terms of Reference

Fields of Activity

The purpose of the Strategy and Recovery Committee is to;

Develop all strategic, policy and planning frameworks for approval by the Committee or Council as required,

Review progress in Cyclone Recovery, make decisions and recommendations to Council relating to the key strategic matters and Council's contribution to Cyclone Recovery. It will also assess the quality of Council's engagement and communications with the Government, key partners and stakeholders, and the community.

Membership

- Mayor and 15 Councillors
- Chair appointed by Council.
- Deputy Chair appointed by Council.
- Two (non-council) members of the Heretaunga Takoto Noa Māori Standing Committee and an alternate.
- The Chair and Deputy Chair of the Rural Community Board and an alternate.

Quorum – 11 members

DELEGATED POWERS

- 1) Authority to exercise all of Council's powers, functions and authorities (except where prohibited by law or otherwise delegated to another committee) in relation to all matters detailed in this delegation.
- 2) Authority to exercise all of Council's powers, functions and authorities (except where prohibited by law) at any time when the Chief Executive certifies in a report that;
 - a) the matter is of such urgency that it requires to be dealt with, or
 - b) the matter is required to be dealt with, prior to the next ordinary meeting of the Council.
- 3) Establish strategic direction to deliver Council Objectives and District Vision.
- 4) Establish policies and guidelines for decision making to assist in achieving strategic outcomes.
- 5) Establish levels of service across Council services in line with strategic goals and priorities.
- 6) Receive and consider reports from Subcommittees.
- 7) Develop and recommend the financial and infrastructure strategies and budgets for the Long-Term Plan, Annual Plan and Annual Report.
- 8) Develop the Rating Policy for recommendation to Council for adoption.
- 9) Develop Funding Policies for recommendation to Council for adoption.
- 10) Delegations of powers to sub-committee(s) if so established.
- 11) Approve the purchase of and disposal of land (If included in the Long Term Plan).
- 12) Making submissions on behalf of Council to proposals by other organisations/authorities (Local and Regional).

Cyclone Recovery Delegations

- 13) Receive briefings and reports on key and emerging issues and community wellbeing related to Cyclone Gabrielle.

- 14) Develop and approve strategies and responses to key and emerging issues and make recommendations to the Council as necessary.
- 15) Develop and recommend Locality Plans for Council adoption and oversee and monitor the implementation of Locality Plans.
- 16) Authority to exercise all of Council's powers, functions and authorities in relation to Cyclone Gabrielle Recovery matters within the authorised Council budget (except where prohibited by law or otherwise delegated to another committee), and where insufficient approved budget provision exists, make recommendations to the Council as necessary.
- 17) Assess the quality of engagement and communication with the Government, partners, key stakeholders and the community in respect of cyclone Recovery.
- 18) Receive deputations and presentations from partners, stakeholders and the community in relation to Cyclone Gabrielle Recovery.
- 19) Delegate its powers to sub-committee(s) if so established.
- 20) Make submissions on behalf of Council to proposals by other organisations/authorities in relation to Cyclone Gabrielle Recovery.

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Koromatua

Chair: Councillor Wendy Schollum

Ngā KaiKaunihera

Councillors: Ana Apatu, Marcus Buddo, Alwyn Corban, Malcolm Dixon, Michael Fowler, Damon Harvey, Henry Heke, Kellie Jessup, Tania Kerr, Hana Montaperto-Hendry, Simon Nixon, Heather Te Au-Skipworth and Kevin Watkins and one councillor vacancy

Mematanga:

Membership:

Mayor Sandra Hazlehurst

Hastings District Rural Community Board Appointees: Isabelle Crawshaw (RCB Chair); Jonathan Stockley (RCB Deputy Chair); OR Vicki Scoular (Alternate)

2 Heretaunga Takoto Noa Māori Standing Committee Appointees: Ngaio Tiuka and Mike Paku

Tokamatua:

Quorum:

11 members

Apiha Matua

Officers Responsible:

Interim Group Manager - Strategy – Gus Charteris (Lead)

Group Manager: Democracy & Emergency Management– Craig Cameron

Manager 'Business Projects' Planning and Delivery – Dean Ferguson

Te Rōpū Manapori me te

Kāwanatanga

Democracy &

Governance Services:

Lynne Cox (Extn 5632)

Te Rārangi Take

Order of Business

Apologies – Ngā Whakapāhatanga

- 1.0** An apology from Councillor Dixon has been received.
Leave of Absence had previously been granted to Councillor Watkins

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 Strategy and Recovery Committee Meeting held Tuesday 11 March 2025.
(Previously circulated)

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- 4.0** **Retirement of Category 3 Voluntary Buy-out Policy** **9**

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- 5.0** **Regional Civil Defence Emergency Management Transformation Update** **25**

-
- 6.0** *Minor Items – Ngā Take Iti*

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- 7.0** *Urgent Items – Ngā Take Whakahihi*
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8.0	Recommendation to Exclude the Public from Items 9 and 10	57
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9.0	Growth and Development Program Update
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10.0	Lyndhurst Residential Development Matters
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Tuesday, 27 May 2025

Item 4

*Te Hui o Te Kaunihera ā-Rohe o Heretaunga***Hastings District Council: Strategy and Recovery Committee Meeting***Te Rārangi Take*

Report to Strategy and Recovery Committee

Nā:
From: David Elliott, Project Manager - Strategy

Te Take:
Subject: Retirement of Category 3 Voluntary Buy-out Policy

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 It is recommended that the Category 3 Voluntary Buyout Policy (the Policy) be formally retired, effective from 1 July 2025.
- 1.2 The Category 3 Voluntary Buyout Programme (the Programme) has made substantial progress in supporting Category 3 property owners to resettle in safer areas. It is expected that by 30 June 2025, all Category 3 property owners will have made a final decision on whether to accept the Council's offer. At the time of writing, only five properties remain in the Programme:
 - One property owner is yet to decide whether to accept the Council offer.
 - Two property owners are deciding between the Council offer and the Crown-led Kaupapa Māori Pathway (KMP).
 - Two properties are scheduled to settle by the end of May 2025, with demolitions to be completed by the end of June.
- 1.3 On 9 October 2023, Council entered into the Hawke's Bay Crown Funding Agreement (CFA), which committed central Government to funding 50% of the voluntary buyout costs (excluding demolition, property maintenance, and disposal related costs). The agreement defines the 'Category 3 End Date' as "30 June 2025, unless otherwise agreed".
- 1.4 The Crown has confirmed it would not agree to an amendment/extension of the CFA. Therefore, if the Policy remained in place past 30 June 2025, Council would bear sole financial cost/risk for the 13 eligible properties that have previously declined the offer. Clause 5.3 of the Policy allows for eligible property owners who have declined an offer to request that Council recommence the offer process. The decision to recommence the offer process is completely at Council discretion. The

maximum financial exposure if the Policy is left open is estimated at between \$3.5-4.5 million. This represents the estimated cost of voluntary buy-outs for the 13 properties that have previously declined the offer.

- 1.5 Council adopted the Policy on 14 September 2023 to enable and support the new activity of purchasing Category 3 properties and associated residential property rights. Clause 9 of the Policy notes that - *"The Policy shall be reviewed on or before 30 June 2025, including as to whether it should continue to apply"*.
- 1.6 The Voluntary Buyout Office (VBO) began operations on 23 October 2023. The Programme was largely completed by the end of 2024, and the VBO closed on 31 December 2024. Provision was made to support a small number of Category 3 property owners who needed further time to work through property specific and personal matters.
- 1.7 On 3 December 2024, the Strategy and Recovery Committee received the '*Voluntary Buyout Programme Review and Lessons Learnt Report*'. This report noted that a final close-out report would be provided to Council in early 2025, once all remaining property owners had either received an offer or ceased to engage in good faith. The final report would include recommendations regarding formal conclusion of the Programme and the retirement of the Policy.

2.0 Recommendations - Ngā Tūtohunga

- A) That the Strategy and Recovery Committee receive the report titled Retirement of Category 3 Voluntary Buy-out Policy dated 27 May 2025
- B) The Committee note that clause 9.1 of the Category 3 Voluntary Buy-out Policy (the Policy) requires a review on whether the Policy should continue to apply on or before 30 June 2025 and the Hawke's Bay Crown Funding Agreement (which governs the Crown's financial contributions for the Category 3 Voluntary Buyouts) defines the 'Category 3 End Date' as "30 June 2025 or such later date as may be agreed between the parties".
- C) The Committee note that the Crown has formally confirmed it will not support any extension to the Hawke's Bay Crown Funding Agreement (CFA) and that Crown financial obligations in regard to the Category 3 Voluntary Buy-out programme will conclude on 30 June 2025. This means that if the Policy remained open after 30 June 2025, then any settlement costs agreed after this point would sit solely with Council/Hastings District ratepayer.
- D) The Committee note that:
 - i. Substantial progress has been made implementing, and effectively concluding, the Category 3 Voluntary Buyout Programme (the Programme)
 - ii. All eligible property owners have had sufficient time to consider their individual situations and whether to receive a Council offer or accept/decline a Council offer
 - iii. It is expected that by 30 June 2025, all Category 3 property owners will have made a final decision on whether to accept the Council's offer and that Council staff and remaining contractors are working hard to support the final owners through the final parts of owner decision making processes.
- E) The Committee approve the formal retirement of the Category 3 Voluntary Buy-out Policy, effective from 1 July 2025.

3.0 Background – Te Horopaki

- 3.1 The Hawke's Bay Crown Funding Agreement defines the 'Category 3 End Date' as "30 June 2025, unless otherwise agreed" and in developing the Policy (see Attachment 1), it was anticipated a review of whether the Policy should continue to apply would be required on or before 30 June 2025.
- 3.2 The Voluntary Buy-out Programme was substantially concluded by 31 December 2024 with provision made to support a small number of Category 3 property owners who needed further time to work through property specific and personal matters. A '*Voluntary Buyout Programme Review and Lessons Learnt Report*' was presented to the Strategy and Recovery Committee on Tuesday 3 December 2024.
- 3.3 In developing the Policy, the Councils identified objectives and principles, and these have been used to implement the Programme. These were captured in the 3 December 2024 report to the Strategy and Recovery Committee and are replicated below with an updated assessment of whether, and how, these objectives and principles have been achieved and upheld.

Policy objectives	Comment (as at 15 May 2025)
(a) The removal of risk-to-life associated with people living on Category 3 land.	<p>This objective has largely been achieved and by Programme completion will have been achieved. This is reflected in the high uptake of offers by eligible property owners.</p> <p>Of the 167 eligible Category 3 properties, at time of writing 90% had approved the offer and 89% had settled.</p> <p>VBO forecasts assume 92% of offers will have been approved by Programme completion through either the Council led or Kaupapa Māori Pathway.</p> <p>To date, the number of properties where owners have declined the offer or decided not to participate in the Programme is 13 (or 8%).</p> <p>All settled dwellings will have been demolished by 30 June 2025.</p>
(b)(i) Residents have clear pathways and certainty about the offer.	<p>This objective has been achieved.</p> <ul style="list-style-type: none"> • 98% of properties have actively engaging in the process. • 96% of eligible property owners have received an offer. • All offers have been approved by the Independent Advisory Panel (IAP) to ensure the offer construction and the process has been consistent with the Policy approved by Council. • Where 'special circumstances' consideration has been requested by owners, the IAP has assessed the VBO's recommendation to ensure the factors contained in the Policy have been appropriately evaluated.

(b)(ii) Long term positive outcomes for the whole community and the environment.	<p>This objective has been met.</p> <p>This objective has been relevant to any issue of interpretation or situation where 'special circumstances' may arise, particularly where there have been choices to permanently reduce risk that Category 3 land will be used for anything other than non-residential uses.</p> <p>The demolition programme achieved high rates of diversion of material (around 73% on average and up to 92% in some cases) helping to reduce the impact on the environment.</p> <p>Proceeds from the disposal of Category 3 properties and/or dwellings that can be relocated instead of demolished, that the Council has acquired as part of the Programme, have helped to reduce the overall cost of the Programme to ratepayers. The other key objective of the disposal process is to maximise the productive use of the land. This will lead to long term positive outcomes for the community.</p>
(b)(iii) Affordability for ratepayers.	<p>This objective has been achieved.</p> <p>The initial cost estimate of the Programme was presented to Council on 14 September and noted: <i>"At the time of Crown negotiations, it was assumed that there would be 155 properties subject to an offer, and it was estimated the value of properties were in the order of \$140 million, which having taken account of insurance proceeds and a 90% uptake of the offer occurred, it meant that the net cost was in the order of \$80 million. There were also some assumptions about land without residential dwellings. Once costs of managing the process of \$5 million and \$5 million demolition costs and other costs were added the sum approximated \$100 million."</i></p> <p>Latest financial forecasts indicate the overall cost to HDC will be around \$44.7m. This is around \$5.3 below the \$50m cap approved by Council and reflected in the HB Crown Funding Agreement.</p> <p>Effective management of the demolition programme has significantly reduced financial risks for Council and ratepayers. Initial forecasts indicated demolition costs could be as high as \$70k per property. Actual costs of between \$30-40k per property have been achieved.</p>

Policy principles	
(a) Acting in good faith.	<p>This principle has been applied by the VBO team in the following ways:</p> <ul style="list-style-type: none"> Proactive problem solving and engagement to achieve best possible outcomes for owners. Timely and transparent provision of information to owners and Crown partners. Significant time taken to ensure owners have the information they need and/or the time and care taken to respond to owner queries and concerns. All key documents and dashboards have been made available on Council VBO webpage. Altering settlement conditions to assist owner's needs. Time extensions have been provided where needed. Consistency of approach. Ensuring all owners have been treated equally and fairly within the parameters provided for by the Policy.
(b) Treating people with respect.	<p>This principle has been applied by the VBO team in the following ways:</p> <ul style="list-style-type: none"> Empathetic engagement with owners, led by the VBO Cat 3 Connectors. This approach has recognised the trauma owners have experienced and the emotional nature of the process for many. A professional response to challenges and disputes. Compassionate deconstruction of dwellings, including going the extra mile for many owners.
(c) Working to achieve timely outcomes.	<p>This principle has been applied and achieved by the VBO team in the following ways:</p> <ul style="list-style-type: none"> The Programme was substantially completed in under 1 year (90% of offers were presented in 156 working days). The fastest settlement took 42 working days (from initial meeting to final settlement). The VBO team worked closely with owners to move at a pace that owners could support. This included allowing extra time where needed to allow owners to seek further advice and/or information.

4.0 Discussion – Te Matapakitanga

4.1 Since the closure of the VBO at the end of 2024, officers have been supporting the small number of remaining owners. This has involved 1.5 Council FTEs with ongoing support by The Property Group (TPG). From the end of June 2025, the 1.5 FTE resource will no longer be available to Council given the end of contractual relationships (i.e. end of fixed term agreements and staff leaving Council for other opportunities).

4.2 It is expected that by 30 June 2025, all Category 3 property owners will have made a final decision on whether to accept the Council's offer. At the time of writing, only five properties remain in the Programme:

- One property owner is yet to decide whether to accept the Council offer.
- Two property owners are deciding between the Council offer and the Crown-led Kaupapa Māori Pathway (KMP).
- Two properties are scheduled to settle by the end of May 2025, with demolitions to be completed by the end of June.

- 4.3 These property owners have been advised that all settlements would need to be finalised by 30 May 2025 to allow adequate time for demolition to be completed prior to 30 June 2025. While officers have confidence that there is a pathway for full completion of the programme by 30 June 2025, intensive support will be required for a couple of property owners and whanau over the next few weeks to support decision making. Council officers are working closely with Maungaharuru-Tangitū Trust (MTT) to support whanau who have the option of the Council-led process and the Crown-led process. Given the policy differences between the Council-led process and the Crown-led process it is expected that the offer from the Crown will be of greater benefit to these owners.
- 4.4 In recent weeks two property owners who had previously declined the Council offer or declined to receive a Council offer have made contact with Council to discuss voluntary buyout matters. One property owner subsequently agreed to accept the previous Council offer that was readvanced at Council's discretion. This property is one of the properties that will settle at the end of May. Officers remain in discussion with the other property owner. Provision has been made in the financial forecasts and Council has received the Crown contribution for this property should they decide to settle prior to 30 June 2025.
- 4.5 Given this interest, officers have made contact with all 13 Category 3 property owners who have previously declined the Council offer or declined to receive a Council offer. Officers noted that Council would be considering advice to formally close the Policy on 27 May 2025, and if that decision was adopted by Council, then the implication would be that it would no longer be possible for Council to consider voluntary buyout requests from Category 3 property owners. Clause 5.3 of the Policy allows for eligible property owners, who have declined an offer to request that Council recommence the offer process. The decision to recommence the offer process is completely at Council discretion. **Council officers received no further requests to recommence the offer process.**
- 4.6 The Crown has formally confirmed it would not agree to an amendment/extension of the CFA. Therefore, if the Policy remained in place past 30 June 2025, Council would bear sole financial cost/risk for the 13 eligible properties that have previously declined the offer (given the Policy allows for eligible property owners who have declined an offer to request that Council recommence the offer process). The maximum financial exposure to Council/the Hastings District ratepayer if the Policy is left open is estimated at between \$3.5-4.5 million. This represents then estimated cost of voluntary buy-outs for the 13 properties that have previously declined the offer.

5.0 Options – Ngā Kōwhiringa

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

- 5.1 The Policy is formally retired and would cease to have effect from 1 July 2025.

Advantages

- Provides a conclusive end date to the activity enabled by the Policy.
- Is in line with the 'Category 3 End Date' of the Hawke's Bay Crown Funding Agreement.
- Reduces financial risk to Council.
- Would be consistent with contractual arrangements of remaining staff and contractors providing assistance to remaining owners.
- Would allow any future matters to be considered under a revised policy that incorporated the recommendations of the VBO Lessons Learned Report.

Disadvantages

- It would no longer be possible for Council to consider voluntary buyout requests from Category 3 property owners who had previously declined the Council offer or declined to receive a Council offer.

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

5.2 That the Policy remains in effect until a later specified date.

Advantages

- Would allow Council to consider voluntary buyout requests from Category 3 property owners who had previously declined the Council offer or declined to receive a Council offer.

Disadvantages

- Increased financial risk to Council.
- An additional requirement to maintain Council resources to manage and implement the Policy.
- Would not provide clarity on the end date of the Policy and programme for Council or the community.
- Would likely require an amendment to the Hawke's Bay Crown Funding Agreement that would have to be negotiated with central Government.

6.0 Next steps – *Te Anga Whakamua*

6.1 Officers will Continue to support remaining property owners with a view to concluding matters by 30 June 2025.

6.2 Subject to Council approving the recommendations, officers will:

- Confirm with the Crown that Council will formally retire the Policy effective 1 July 2025.
- Prepare a media release advising the community of the official end of the Policy.

Attachments:

1 [🔗](#) Updated-Category-3-Voluntary-Buy-out-Policy- 28.03.24 CG-17-32-00173

Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

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

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

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

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

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

There is a separate Kaupapa Māori Pathway that the Crown is leading for the resolution of 33 Whenua Māori properties that are within Category 3 areas. Council's Policy does not apply to Whenua Māori.

All properties that were eligible for Council-led process and the Crown-led KMP process have been provided time to compare the offers from the Council and Crown.

Sustainability - *Te Toitūtanga*

The intent of the Policy is to remove the "intolerable risk to life" that resides in dwellings in Category 3 areas. This provides better long-term outcomes for the community and helps reduce the impact of future severe weather events.

Future land use and re-sale strategies focus on returning land to productive use. The demolition programme has produced a high rate of diversion as covered in the Report.

Financial considerations - *Ngā Whakaarohanga Ahumoni*

Addressed in the report.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

Officers have engaged with every Category 3 property owner over the course of the Programme. The remaining owners are aware that Council will be considering a formal retirement of the Policy effective 1 July 2025.

All engagement with property owners has been recorded in the VBO database.

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

Engagement has been undertaken between HDC and NCC teams supporting the Programme. Internal consultation has involved HDC Finance, Waste Management, Asset Management, and Public Spaces teams.

Risks

These have been addressed in the report.



HASTINGS DISTRICT COUNCIL AND NAPIER CITY COUNCIL

CATEGORY 3 VOLUNTARY BUY-OUT POLICY

1. INTRODUCTION

- 1.1 In February 2023, Te Matau a Māui Hawke's Bay faced devastation and loss from Cyclone Gabrielle – one of the largest natural disasters in the history of Aotearoa New Zealand. Across the region, our communities have endured significant impact to their lives, livelihoods, whānau, homes, farms, orchards, vineyards, commercial enterprises and neighbourhoods.
- 1.2 In May 2023, the Government announced three risk categories for Cyclone affected land, with the most at-risk areas, referred to as Category 3, being identified as areas *"not safe to live in because of the unacceptable risk of future flooding and loss of life"*. As part of a wider package to assist the recovery of Hawke's Bay, the Crown entered into an agreement with the local authorities which include a 50:50 cost share for the purchase of Category 3 residential properties or any relocation grant paid for mixed-use properties.
- 1.3 On 14 September 2023, Hastings District Council and Napier City Council resolved separately to adopt changes to their Long Term Plans to provide for the new activity of undertaking the purchase of Category 3 Residential Property and Residential Property Rights. They also separately adopted this Policy which sets out how those purchases will be undertaken.
- 1.4 Hawke's Bay Regional Council has carried out a process of assessing and categorising all flood affected land. Category 3 applies to land where *"Future severe weather event risk cannot be sufficiently mitigated. In some cases some current land uses may remain acceptable, while for others there is an intolerable risk of injury or death"*.
- 1.5 The purchase of Category 3 properties is a response to Cyclone Gabrielle and the major flooding event that it caused, which had a significant impact on Hawke's Bay individuals and communities. The Councils have chosen to undertake these purchases in recognition of the substantial impact that the Cyclone had on people's lives and the risk associated with people continuing to live in these Category 3 areas. The Councils recognise that there is significant loss and damage beyond what is covered by the Policy, however its scope is limited by the terms of the agreement with the Crown and is targeted at achieving the objectives below.
- 1.6 They also recognise that there are likely to be events in future which will not be covered by the Policy. There are various statutory and planning provisions which will supersede this type of approach in the future, and the Councils do not intend that the Policy will set an expectation for responses to any future events.
- 1.7 Some of the land classified as Category 3 in Hastings District is Whenua Māori, where land is held in Māori Freehold title. Two marae and 31 Whenua Māori land holdings, some with papakāinga housing, have been severely impacted by the Cyclone. The Crown has undertaken to consult directly with affected mana whenua and tangata whenua and there will be a separate Kaupapa Māori parallel pathway in respect of Whenua Māori. The separate pathway is intended to enable recovery and recognise and take account of the importance of the whenua, and how any settlement gives effect to Te Tiriti o Waitangi and previous Treaty settlements. As such, while Hastings District Council is supporting hapū, marae and Māori entities where it can in the process of Crown negotiations, the Policy is not intended to apply to Whenua Māori.



2. OBJECTIVES AND PRINCIPLES OF THE POLICY

- 2.1 The Councils have identified objectives and principles that have been used to develop the Category 3 Voluntary Buy-out Policy (**the Policy**) and will be relevant to any issue of interpretation or situation where special circumstances may arise.

Objectives

- (a) Overarching objective - The removal of risk-to-life associated with people living on Category 3 land.
- (b) Further objectives:
 - (i) Residents have clear pathways and certainty about the offer.
 - (ii) Long term positive outcomes for the whole community and the environment.
 - (iii) Affordability for ratepayers.

Principles

- 2.2 In achieving the Objectives, the Councils will apply the following principles:
- (a) Acting in good faith.
 - (b) Treating people with respect.
 - (c) Working to achieve timely outcomes.
 - (d) Communicating clearly.

3. ELIGIBILITY FOR OFFER

- 3.1 An offer under this Policy will be made where the following criteria are met:
- (a) Land:
 - (i) Is, or includes, Category 3 land; and
 - (ii) Is a Residential Property or a Mixed-Use Property; and
 - (iii) One or more Dwelling was, as at 13 February 2023, located within the part of the land classified as Category 3.
 - (b) The Owner has signed and adhered to the preliminary agreement described at clause 5.1(vi).
- 3.2 The offer will be made to the Owner(s) of the Residential Property or Mixed-Use Property and is subject to clause 5.5.

4. CONTENT OF OFFER

Outline

- 4.1 There are two primary bases on which offers are made – a Property Purchase Offer and a Residential Relocation Offer (as described in clauses 4.4 and 4.5 respectively).
- 4.2 Owners of Residential Properties can elect to pursue a Property Purchase or a Residential Relocation Offer as set out below. The election can be made at the time of the initial meeting, outlined in clause 5.1(a) below, or at the time of the Council's offer, outlined in clause 5.1(c) below.
- 4.3 Owners of Mixed-Use Properties are only eligible for a Residential Relocation Offer.



Property Purchase Offer

- 4.4 A Property Purchase Offer is made in accordance with the process set out at clause 5 and shall include:
- (a) Purchase by the Council of the Residential Property (including all Residential Improvements);
 - (b) Where the property is not insured, payment for the market value of the Residential Property as at 13 February 2023, less a deduction equivalent to what would otherwise have been payable under the Earthquake Commission Act 1993 for damage to the land had the property been insured.
 - (c) Where the property is insured, the Owner may elect one of the following options:
 - (i) Payment for the market value of the Residential Property as at 13 February 2023, less any Insurance Proceeds that have not been spent, in good faith, on repairs to the Dwelling; or
 - (ii) To retain any Insurance Proceeds related to the Dwelling, in which case payment shall be made for the market value of the land as at 13 February 2023, less any payment under the Earthquake Commission Act 1993 for damage to the land that have not been spent, in good faith, on repairs to the land.
 - (d) The Owner of a Residential Property may elect to accept a Residential Relocation Offer instead of a Property Purchase Offer where they wish to retain ownership of the land.

Residential Relocation Offer

- 4.5 A Residential Relocation Offer is made in accordance with the process set out at clause 5 and shall include:
- (a) Payment comprising:
 - (i) Purchase by the Council, at market value as at 13 February 2023, of any Dwelling(s) and Residential Improvements on the Residential Property (where the Owner elects to consider a Residential Relocation Offer) or Mixed-Use Property that is within the Category 3 area, including any necessary rights to undertake demolition and/or, removal of the Dwelling and Residential Improvements, and site reinstatement related to the demolition (including removal of septic tanks and capping of wells); and
 - (ii) A Relocation Grant.
 - (b) The Owner will retain ownership of the land.
 - (c) A covenant in gross in favour of the Council or similar legal instrument will be registered on the title of the property providing that:
 - (i) No residential activity may occur within that part of the property categorised as Category 3 (which area will be shown on a plan included with the legal instrument); and
 - (ii) The owner shall not oppose or otherwise participate in or fund any third party to participate in any regional or district plan change or variation, or similar proposal, which seeks to remove or restrict the ability to undertake residential activity within the locality of the property.
 - (d) Where the property is not insured, payment under clause 4.5(a)(i) is for the market value of the Dwelling and Residential Improvements as at 13 February 2023.
 - (e) Where the property is insured, the Owner may elect one of the following options in relation to the payment under clause 4.5(a)(i):



- (i) Payment at market valuation for the Dwelling and Residential Improvements as at 13 February 2023, less any related Insurance Proceeds that have not been spent, in good faith, on repairs to the Dwelling; or
- (ii) To retain any Insurance Proceeds related to the Dwelling and Residential Improvements, in which case the Owner will be eligible for the Relocation Grant only.

Standard terms of offer

- 4.6 Following settlement, any Dwelling and Residential Improvements within Category 3 land will be removed from the Site if reasonably practicable or otherwise demolished by Council and the site appropriately reinstated. For the avoidance of doubt, reinstatement does not include removal of silt or full site clearance for use for any non-residential purpose.
- 4.7 From the date of execution of the Sale and Purchase Agreement, the Owner agrees not to remove any part of the Dwelling or Residential Improvements from the site.
- 4.8 The Council and the Owner shall agree a mutually acceptable settlement date.
- 4.9 The Council will agree to reimburse the Owner, on receipt of appropriate invoices, for the reasonable costs of a valuation by a Registered Valuer and legal advice where those costs have been incurred prior to the offer being presented to the Owner, up to maximum of \$5,000 (excl. GST). On the date of settlement the Council will also pay all reasonable legal costs related to finalising the sale and purchase agreement and conveyancing costs up to a maximum of \$5,000 (excl GST).
- 4.10 Any payment made by the Council under the offer, except payments made under clause 4.9, will be paid to the Owner's solicitor who will attend to any payment owing to any security holder (eg Owner's bank) where there is a mortgage or other equivalent encumbrance over the Property (except where the security holder agrees otherwise).
- 4.11 Acceptance of the offer made by the Council is voluntary. The Council and the Owner acknowledge that the land is not being taken for a public work, and that the Owner waives any right to have the property offered back to it or its successor if Council decides to dispose of it.
- 4.12 The offer will include GST, if any unless Council determines that a specific Offer should be made plus GST, if any, while considering the Policy objective of affordability for ratepayers.
- 4.13 For the avoidance of doubt, the offer will not extend to the purchase of chattels or home contents that could be subject to a contents insurance policy and any such items will be excluded in valuing the Property Purchase Offer or Residential Relocation Offer (as the case may be).

5. PROCESS FOR OFFER

- 5.1 Offers will be made in the following manner:
 - (a) Initial meeting:
 - (i) The Council's Representative will make contact with the Owner and arrange a meeting to discuss the process, the options available to the Owner, and for the Owner to provide any information they consider relevant to the valuation process.
 - (ii) The Owner may attend the meeting with a support person and/or professional advisor of the Owner's choosing.



- (iii) The Council's valuer will typically attend the meeting.
- (iv) The Owner will have the opportunity to make any relevant elections (e.g. for Residential Property, whether they wish to receive a Property Purchase Offer, a Residential Relocation Offer, or both; If insured, which option they wish to pursue). These elections may also occur at any time up to the final Offer being presented.
- (v) The Council's Representative will make a record of the meeting, including any elections made by the Owner and any information provided by the Owner relevant to the valuation process, and a copy of this record will be provided to the Owner within 5 working days of the meeting;
- (vi) If the Owner wishes to receive an offer, they will be required to sign a preliminary agreement either at or following the initial meeting that records the agreed process and respective undertakings needed to finalise the offer, and provide the Council with a copy of all relevant insurance claim settlement information, including the Scope of Works and the Insurance Settlement Sheet that the Owner's Insurer has provided. Where necessary, the Council's Representative may require the Owner's permission to seek clarifying information from their Insurer and provision of such information by the Owner's Insurer may be a condition of the Council being required to proceed with an offer.
- (b) Valuation
 - (i) The Council will prepare an Offer Letter summarising the outcome of the Valuation Process and relevant buy-out options under sections 4.4 and 4.5 of the Policy.
- (c) Council Offer
 - (i) The Council's Representative will present the Owner with the Offer Letter for the Owner's consideration.
 - (ii) The offer will remain open for three months after the Owner receives the Offer Letter and the owner shall advise Council whether they wish to proceed to receiving a formal sale and purchase agreement from Council within that time. Agreements to an extension of time will not be unreasonably withheld where in the Council's reasonable opinion, substantive progress is being made towards an agreement.
- 5.2 If the Owner accepts the Council offer, a deposit of 10% will be paid on execution and as soon as practicable, settlement will be executed in accordance with the Sale and Purchase Agreement.
- 5.3 If at any stage prior to acceptance of an offer the Owner rejects the Council offer or advises the Council's Representative in writing that they wish to end the process, then the process is at an end and any Council Offer is treated as having been withdrawn. The Council has complete discretion as to whether to recommence the process should the Owner advise they wish to do so, having previously ended the process.
- 5.4 The Owner may advise the Council's Representative in writing at any stage prior to accepting an offer that they wish to pause the process. A mutually agreed extension of time will not be unreasonably withheld by the Council where there is good reason and progress towards an agreement is still being made in good faith.
- 5.5 No offer will be made where the ownership of the Property has changed after 13 February 2023, other than to a related party of the previous Owner.



6. SPECIAL CIRCUMSTANCES - APPLICATION OF POLICY TO LAND WITHOUT AN EXISTING DWELLING

- 6.1 At its absolute discretion, at the request of the Owner, the Council may extend an offer to the Owner of Category 3 land which did not contain a Dwelling as at 13 February 2023.
- 6.2 A request under this clause may be made by the Owner where either:
- (i) As at 13 February 2023, residential activity on the land was a Permitted Activity under the relevant District Plan. For land within the Hastings District, the land must be located outside the River Hazard Overlay in the Hastings District Plan and for land within Napier City, the land must be located outside the River Hazard Area in the Napier Operative District Plan; or
 - (ii) As at 13 February 2023 there was a valid resource consent applying to the property authorising construction of a Dwelling; and
- 6.3 When exercising its discretion under clause 6.1, without limitation, the Council will have regard to the objectives and principles set out in clause 2 and any information provided by the Owner that demonstrates that, as at 13 February 2023, they had a genuine intention to construct a Dwelling for use by the Owner and/or their family on the Category 3 Land, such as:
- (i) Construction of a new Dwelling having lawfully commenced;
 - (ii) Application having been made for a certificate of compliance under the Resource Management Act 1991 and/or building consent under the Building Act 2004;
 - (iii) Plans for a new Dwelling on the Category 3 portion of the land having been obtained;
 - (iv) Finance having been obtained for the build;
 - (v) Any evidence that suggests it was more likely than not that a Dwelling would be built on the Category 3 Land.
- 6.4 Once a decision has been made under this clause to make an offer, the process outlined in clause 5 will apply with any such modifications reasonably necessary to address the specific circumstances of the case.

7. OTHER SPECIAL CIRCUMSTANCES

- 7.1 At the request of an Owner, a departure from the position outlined in the Policy (including as to the threshold between a Residential Property and a Mixed-Use Property) may be considered at the absolute discretion of the Council. Any decision to provide for a different process or outcome will have regard to:
- (a) The overarching objective of removing risk-to-life associated with residential activity within Category 3 areas and other objectives and principles of the Policy;
 - (b) The reasons for, extent of, and implications of any departure from the Policy;
 - (c) Whether the departure involves any increased cost to the Council.
- 7.2 Any decision to depart from the Policy position will be made by the Council or its delegate and recorded in writing, with reasons.



8. DISPUTES AND APPEAL PROCESSES

- 8.1 If an Owner believes that the Policy is not being applied correctly or in accordance with the principles set out in clause 2.2, they may request a review of their case by the Council's Chief Executive or his or her delegate.
- 8.2 The review will be carried out within four weeks of receipt of a written complaint and the outcome of the review will be communicated to the Owner.
- 8.3 In all other respects, because acceptance of the offer under the Policy is voluntary, there is no appeal process provided under the Policy.

9. REVIEW DATE

- 9.1 The Policy will be reviewed by the Council on or before 30 June 2025, including as to whether it should continue to apply.



DEFINITIONS

Category 3 Land means land which has been identified by and confirmed as Category 3 land by Hawke's Bay Regional Council

Council means Hasting District Council for properties located in the Hastings District, and Napier City Council for properties located in Napier City.

Council's Representative is a person to whom the Council has delegated authority to undertake certain actions on the Council's behalf, which is evidenced by an authorised identification card. For the avoidance of doubt, the Council's representative will only have authority to present an offer that has been subject to the Council's internal approval process.

Dwelling means a building, or part of a building (including decks, patios and pergolas) that was, as at 13 February 2023, lawfully established, and is self-contained with the facilities necessary for day-to-day living on an indefinite basis (including somewhere to cook, sleep, live, wash, and use a toilet) and is or could be used by 1 or more persons to live in as their home.

Insurance proceeds includes any payments to the Owner or their mortgagee related to the repair or replacement of the Dwelling and Residential Improvements of the property from an insurer, and includes any relevant payments under the Earthquake Commission Act 1993.

Mixed-Use Property means land on which one or more Dwelling was located as at 13 February 2023 and which is greater than 2 ha in size, regardless of whether activities other than residential were occurring on the land at that date.

Owner means the legal owner of the Residential Property or Mixed-Use Property.

Relocation Grant means a payment to the Owner in an amount that represents the difference in the market value of the land with and without the right to rebuild a Dwelling on the Category 3 land.

Residential Improvements means lawfully established improvements ancillary to the residential use of the Dwelling, used by the owners or occupiers of the Dwelling for household purposes (such as for parking or storage, and residential recreation facilities) or for access to the Dwelling or to house infrastructure for the Dwelling (such as a shed housing a pump that supplies drinking water to the Dwelling) and includes pathways, driveways, landscaping, fences and gates.

Residential Property means land on which one or more Dwelling was located as at 13 February 2023 and which is 2 ha or less in size.

Valuation Process means a process to be developed by the Councils that prescribes the basis on which valuation of the property will be undertaken and the process by which the Council's valuation and the Owner's valuation, if any, is reflected in the Council offer. At a minimum, the Valuation Process will include the Council commissioning a valuation from a registered valuer which takes into account (to the extent considered appropriate by the registered valuer) relevant information shared with the Council at the initial meeting and the Owner having the option to commission their own valuation from a registered valuer.

Tuesday, 27 May 2025

*Te Hui o Te Kaunihera ā-Rohe o Heretaunga***Hastings District Council: Strategy and Recovery Committee Meeting***Te Rārangi Take*

Report to Strategy and Recovery Committee

Nā:
From: Regan Smith, Chief Risk Officer

Te Take:
Subject: Regional Civil Defence Emergency Management Transformation Update

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

- 1.1 The purpose of this report is to provide the Committee with an update on the Regional Civil Defence Emergency Management Transformation programme previously reported to the Committee.

2.0 Regional Transformation Programme

- 2.1 The Civil Defence Emergency Management (CDEM) Transformation programme is working to achieve the following objectives agreed to by the Hawkes Bay CDEM Joint Committee (The Joint Committee):
- A system that places the community at its heart
 - A system that is prepared and ready
 - A system that is highly effective, capable and assured
 - A system that is balanced and responsive to local needs.
- 2.2 The key date in the programme for Hastings District Council (HDC) is 1 July 2025. On this date the transition from the current centralised CDEM delivery model to a locally lead approach will occur subject to the following conditions:
- Agreed Service Level Agreements (SLA) in place
 - Two Emergency Management Advisors for each Territorial Authority (TA) appointed.

- Recommendation from the CDEM Group Manager Emergency Management/Group Controller for the transition to go ahead.

2.3 To deliver these outcomes the Director of Transformation is progressing the development and approval of an SLA that clarifies the roles and responsibilities of CDEM Group and the TAs, including specific objectives for staffing levels and training. The broad timeline for development of the SLA is as follows:

- 28 April: Workshop with TA Chief Executives to discuss and receive feedback on The DRAFT HB CDEM Roles and Responsibilities and Service Level Agreement (INTERIM)
- End of April to early June: Local TA consultation on The DRAFT HB CDEM Roles and Responsibilities and Service Level Agreement.
- End of June: FINAL HB CDEM Roles and Responsibilities and Service Level Agreement produced and circulated for CEG Endorsement.
- End of July: FINAL HB CDEM Roles and Responsibilities and Service Level Agreement presented for Joint Committee Approval.

2.4 The draft SLA and the implications for HDC will be presented to Council to provide feedback upon once the document becomes available.

2.5 To enable Councils to meet the SLA requirements the Joint Committee has approved two additional staff for each Council funded from the regional CDEM Rate collected by Hawkes Bay Regional Council (HBRC). The HBRC funding for these roles has been confirmed until the 2026/2027 financial year, after which it is likely Council will need to provide the ongoing funding for these roles in the Long Term Plan (LTP). In the short-term Officers are working with the Director of Transformation to clarify how these roles will be appointed and managed.

3.0 Director Hawkes Bay CDEM

3.1 On 17th April the CDEM Coordinating Executive Group Chair announced that the Joint Committee has appointed Mr Shane Briggs as Director HB CDEM and will also be the primary Group Controller. Mr Briggs has been Acting Group Manager Emergency Management throughout the Transformation programme development so will have a good understanding of the intent of the programme and the work to be completed. Council congratulates Mr Briggs on this appointment.

4.0 Emergency Management Bill Consultation

4.1 On 15th of April the National Emergency Management Agency (NEMA) released a consultation document on an Emergency Management Bill that the Minister for Emergency Management intends to pass. The Bill will replace the Civil Defence Emergency Management Act 2002 and forms the Government's response to the Government's Inquiry into the Response to the North Island Severe Weather Events.

4.2 The proposed objectives for the new bill are to:

- strengthen community and iwi Māori participation in emergency management
- provide for clear responsibilities and accountabilities at the national, regional, and local levels
- enable a higher minimum standard of emergency management
- minimise disruption to essential services
- ensure agencies have the right powers available when an emergency happens.

4.3 Many of the changes indicated by the Bill are desirable from a Local Government perspective, particularly those aspects that clarify roles of agencies. It is also likely that this Bill will increase the importance of emergency management resilience with associated increases in responsibilities. Officers have developed a submission on the Bill which has been filed with NEMA (**Attachment 1**).

Broadly the submission supports the objectives set for the rewrite of the Emergency Management Act and makes the following key suggestions:

- Community and iwi Māori participation is strengthened through community resilience building enabled by Council.
- Lead or Control Agency responsibility should rest with Fire and Emergency New Zealand for all types of events.
- The apparent gap between community expectation of CDEM and the current volunteer approach to resourcing emergency response should be recognised and addressed.

5.0 Hastings District Council Planning

5.1 In anticipation of the impending changes HDC has taken the following actions:

- The Chief Executive has given Mr Craig Cameron the responsibility for leading development of the Council CDEM portfolio.
- An Executive CDEM Board has been established to provide oversight and guidance to the internal work programme.
- HDC is actively putting staff on CDEM training courses provided by the CDEM Group Office to develop capability.
- Community engagement is continuing to enable the development of Community Emergency Hubs across the district to support community centred, Council enabled community resilience.


6.0 Future Considerations

- 6.1 Due to the shift from a central to a locally lead CDEM delivery model HDC will taking on more responsibility for emergency readiness and response, and the SLA will set minimum standards expected of each TA in this decentralised model.
- 6.2 In this context Council officers are preparing an Activity Plan to recommend the level of service to be provided within the Hastings District and recommend how this service level is to be funded. Officers will present options for the Committee to consider in future meetings leading up to the 2027/2037 Council Long Term Plan.

7.0 Recommendations - *Ngā Tūtohunga*

- A) That the Strategy and Recovery Committee receive the report titled Regional Civil Defence Emergency Management Transformation Update dated 27 May 2025.
- B) That the Committee acknowledge that decisions on the Service Levels to be achieved for Council Civil Defence Emergency Management readiness and response will be required for the 2027/2037 Long Term Plan.

Attachments:

- 1  HDC Submission to the Emergency Management Bill EMG-01-25-07-25-10
2025



Submission template: Strengthening New Zealand's emergency management legislation

The National Emergency Management Agency (NEMA) is seeking feedback on options to strengthen New Zealand's emergency management legislation.

The deadline for submissions is **5pm, 13 May 2025**.

You can find the full discussion document and more information about the legislative reform process on NEMA's website. Your feedback will inform decisions about the proposals. We appreciate your time and effort to respond to this consultation.

[Emergency Management Bill consultation](#)

How to make a submission

To make a submission, you will need to:

1. Fill out your name, email address and organisation on the next page. If you are submitting on behalf of an organisation, please ensure you have the authority to represent its views.
2. Fill out your responses to the questions in this document. You can choose to answer some or all of the questions. Where possible, please provide evidence to support your views. For example, references to independent research, facts and figures, or your experiences.
3. If your submission has any confidential information:
 - a. Please state this in the email accompanying your submission, setting out clearly which parts you consider should be withheld, and the grounds under the Official Information Act 1982 (Official Information Act) that you believe apply. NEMA will take this into account and will consult with submitters when responding to requests under the Official Information Act.
 - b. Indicate this in your submission. Any confidential information should be clearly marked within the text of your submission (preferably as Microsoft Word comments).
 - c. Note that submissions are subject to the Official Information Act and may, therefore, need to be released in full or in part. The Privacy Act 2020 also applies.
4. Once you have completed this form, you can send it by:
 - a. email (as a Microsoft Word document) to EmergencyManagementBill@nema.govt.nz

OR

- b. post to:
Policy Unit
National Emergency Management Agency
PO Box 5010, Wellington 6140

Submitter information

Any information you provide will be stored securely.

Your name, email address, and organisation

Name:	Nigel Bickle, Chief Executive
Email address:	nigelb@hdc.govt.nz
Organisation: (if applicable)	Hastings District Council

- ☐ The Privacy Act 2020 applies to submissions. Please tick the box if you **do not** want your name or other personal information to be included in any information about submissions that NEMA may publish.
- ☐ NEMA may publish submissions or a summary of submissions to its website, civildefence.govt.nz. If you **do not** want your submission or a summary of your submission to be published, please tick the box and type an explanation below:

I do not want my submission published on NEMA’s website because...

Does your submission contain confidential information?

- ☐ I would like my submission (or parts of my submission) to be kept confidential and have stated my reasons and the grounds under section 9 of the Official Information Act that I believe apply, for consideration by NEMA.

I would like my submission (or parts of my submission) to be kept confidential because...

Use of information

Submissions will be used to inform NEMA’s policy development process and will inform advice to Ministers. Your submission (including identifying information) may also be shared with other government agencies working on policies related to emergency management. NEMA may contact submitters directly if we need clarification on their submission or would like further information from them.

General Comments

Please note these general comments have also been covered under the response to the issues identified below.

Hastings District Council (HDC) agrees that a lift in focus and capability is required across all aspects of the Civil Defence Emergency Management system, and that Local Government is well positioned to facilitate community resilience building due to the existing relationships with communities.

HDC is responsible for an area of approximately 5,400km² of Hawkes Bay servicing a population of 91,850 people made up of rural, urban and many Marae communities. Much of the impact of Cyclone Gabrielle in Hawkes Bay was felt within the Hastings District and the Council faces the most significant work in terms of recovery rebuild and financial commitment.

Council has been committed to effective emergency management since before the Cyclone, and has further increased investment in this area post Cyclone. A significant area of investment has been in community resilience building where Council has helped to obtain \$3.8M of external funding for communities to spend on resilience. Council is enabling establishment of 43 Community Emergency Hubs across the district using the Wellington Regional Emergency Management model.

Council is very keen to ensure the responsibilities of the new Act work to deliver a system that is ready and able to effectively respond to local and national emergencies. To support an effective regulatory environment Council recommends the following may assist in development of the new Emergency Management Act:

- Council recommends there is a miss-alignment between community perception of the CDEM system as a professional service and the actual model of using part-time voluntary staff to provide coordination in emergencies. This gap needs to be acknowledged and addressed. This community perception could be addressed by making 'Fire & Emergency New Zealand' the Agency responsible for Emergency Management (i.e. Control Agency). This reflects FENZ full time professional role and enables Local Government to focus on core roles relating to infrastructure and community welfare in emergencies.
- Council recommends defining community resilience based on the Ministry of Social Development paper 'Community Resilience': Rapid evidence review of 'what matters' and 'what works' to support planning for all community groups.
- For the purposes of resilience planning Council recommends the establishment of a recognised legal entity for community resilience groups, including Marae and Community Emergency Hubs.
- Enable multiple funding channels to support community led resilience building, including suitable funds sourced from Government, Non-Government Agencies and business/private sector.
- Ensure criteria for reimbursement of community is very clear to avoid disputes.
- Clarify the responsibilities of agencies for issuing, and community for following, warnings issued during emergency events.

- The review of emergency powers should consider how the powers can be enforced, particularly when the primary agency for supporting the execution of a power (e.g. police resources to support access cordons) has limited resources to enforce the requirement.

Consultation questions

These questions relate to the issues and options raised in the discussion document *Strengthening New Zealand's emergency management legislation*. You can find the full discussion document on [NEMA's website](#).

You do not need to answer all questions.

Objectives for reform

The Government's proposed objectives for reform are to:

- strengthen community and iwi Māori participation in emergency management
- provide for clear responsibilities and accountabilities at the national, regional, and local levels
- enable a higher minimum standard of emergency management
- minimise disruption to essential services
- ensure agencies have the right powers available when an emergency happens.

Refer to pages 8–9 of the discussion document to answer the question in this section.

1. Have we identified the right objectives for reform?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council supports all of the stated objectives, including the intention to retain the foundation of the existing Act 2002. Specifically, taking a hazard-agnostic, whole-of-society risk management approach across the 4Rs (Reduction, Readiness, Response, Recovery).

To achieve a whole-of-society risk management approach Council believes it is important for all stakeholders to be recognised, and that the responsibility held by each stakeholder reflects the scope of their authority.

In particular, we suggest that the actions of individual's cannot be 'controlled' despite agencies best efforts to ensure awareness and provide direction. Therefore, there should be a way of recognising the responsibility of individuals to be aware, plan and action at the appropriate time in the face of emergency events. The Government's objective to enable higher minimum standards of the Agencies is supported and considered necessary, but this needs to reflect the agencies scope of the authority particularly in readiness. Ideally, a way of limiting the liability of an agency is needed where all

reasonable actions have been undertaken but individuals have acted in contravention of direction from agencies. For example, in the lead up to Cyclone Gabrielle Fire Emergency New Zealand (FENZ) and Police officers were asked to door knock houses that were known to be in high-risk flood areas, but in some cases those residents decided to remain in place. A similar pattern can be observed during the Thunderstorm warnings issued for Auckland in April 2025 and Canterbury heavy rain in May 2025. In these cases clear warnings had been issued, but there were comments that specific direction had not been provided or people had decided not to take evacuation advice. Ensuring there is clarity on the Government's expectation with regard to the responsibility of all society stakeholders would be desirable.

Objective 1: Strengthening community and iwi Māori participation

Issue 1: Meeting the diverse needs of people and communities

We have identified options to ensure the emergency management system better meets the diverse needs of communities, with a particular focus on those who may be disproportionately affected during an emergency.

Refer to pages 10–13 of the discussion document to answer the questions in this section.

2. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council supports the objective of providing more suitable support for diverse communities. It is Council's view that a range of tools will be needed to support delivery of this objective and that reliance on any one of the proposed options in isolation is unlikely to be successful. Instead, an approach that is based on a combination of better guidance, better community awareness driven by engagement at the highest level by the Director, and locally implemented through regional CDEM Group plans is desirable. This would promote national consistency while retaining the ability for response plans to reflect local community needs. A further enhancement is suggested in Question 5.

3. Are there other reasons that may cause some people and groups to be disproportionately affected by emergencies?

Please explain your views.

A lack of engagement from community groups in the planning process can result in:

- Individual community members lacking the knowledge required to be prepared, and
- Local Authorities lacking the insight to provide the support specific community groups require.

4. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

The approach selected must be based on developing empowerment within the local community, there is a risk that focusing only on what agencies need to deliver (e.g. Regional Groups or Local Authorities) will not achieve society wide readiness resulting in failure to deliver the objective of the Act.

5. What would planning look like (at the local and national levels) if it was better informed by the needs of groups that may be disproportionately affected by emergencies?

Please explain your views.

In addition to a strategic Regional Group plan, the legislative requirement could extend to Group plans that must be supported by community led Community Resilience Plans (CRP). CRP provide more flexibility to define communities around geographic boundaries and/or to define communities based on groups with specific cultural or physical needs. Being community led means placing those in the relevant community at the centre of the planning process to provide the information needed to enable their readiness and develop the services and facilities needed to support the community through an event.

From the experience Council has gained working on community resilience post Cyclone Gabrielle the community centred approach is very empowering for those that participate in the process. However, our most significant challenge is gaining community engagement. Therefore, should community planning be legislated, it is also recommended that there is an obligation for existing local community groups/ organisations to support the process.

This approach can be an extension of Option 3: Require CDEM Group plans to include how people and communities that may be disproportionally affected will be planned for.

6. Are there any other options that should be considered?

Please explain your views.

A combined option reflecting responsibilities at national, regional and local level.

Issue 2: Strengthening and enabling iwi Māori participation in emergency management

We have identified options to recognise the contributions made by iwi Māori in emergency management, to the benefit of all people in New Zealand.

Refer to pages 13–16 of the discussion document to answer the questions in this section.

7. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council agrees that there is a lack of formal involvement of iwi Māori in CDEM readiness processes. In Hawkes Bay iwi Māori have been informally involved in the Joint Committee and CDEM processes, and this is improving knowledge sharing and engagement. So, formalising these measures has value.

8. Have we accurately captured the roles that iwi Māori play before, during and after emergencies?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

The key strength of iwi Māori in response to an event comes from the capability for Marae to rapidly cater for the welfare needs of a large number of whanau and community at short notice. The key failing Council experienced during Cyclone Gabrielle was the ability to ensure the local Marae were receiving the appropriate logistical support in terms of food, water and other services to enable on going operation after the first 48 hours.

This failing stemmed from a lack of direct contact between Marae and local Emergency Operation Centres (EOC). In order to bridge this gap in the future a more formal obligation for local iwi or PSGE to provide appropriately trained and connected Māori liaison to support the Local EOCs would be of value.

9. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

The facilities at Local Marae often lack resilience to loss of power or water, which will limit their ability to provide support to the local whanau in an emergency. Formal recognition of the support Marae can provide may raise the need to provide financial support to ensure facilities are fit for purpose for emergency events.

10. How should iwi Māori be recognised in the emergency management system?

Please explain your views.

The Coordinated Incident Management System (CIMS) provides for Iwi Liaison to provide expert advice to the Controller. The key difficulty during Cyclone Gabrielle was a lack of suitable people to fill these roles at an EOC level. Had this capacity been available, the local operations would have been better able to respond to the needs of local Marae and whanau. Therefore, it is Council's view that the current approach for providing iwi Māori involvement during an event is sound and should be reinforced to enable local iwi and PGSE to identify and develop staff to fulfil this role within their rohe.

There is also a need for Marae to be able to connect directly with the local EOC in an event to avoid double handling of information. It is recommended that local EOC are empowered to establish contact directly with local Marae and for supporting the needs of the Marae as appropriate. The EOC should also be responsible for informing the local iwi of this communication and the support provided to the Marae in their rohe. Ideally this should happen through the Māori Liaison in the EOC.

11. What should be the relationship between Civil Defence Emergency Management (CDEM) Groups and iwi Māori?

Please explain your views.

The Group Controller should retain overall responsibility for regional planning and decision making with regard to emergency management. To embed iwi Māori in operational planning a similar structure to existing Lifeline utilities and rural communities (Rural Advisory Groups) would be desirable. This is consistent with the existing approach and provides a forum to undertake specific planning and provide expert advice to the CDEM planning in the region. To reflect the relative importance of this group, the Group Controller should be made the responsible officer for organising the activities of this group.

12. What should be the relationship between Coordinating Executive Groups and iwi Māori?

Please explain your views.

As the local agency Chief Executives are required to part of the CEG, it is recommended the local iwi Chief Executive to be on the CEG.

13. What would be the most effective way for iwi Māori experiences and mātauranga in emergency management to be provided to the Director?

Please explain your views.

National Controllers meetings should include iwi Māori representation.

14. Are there any other options that should be considered?

Please explain your views.

NA

Issue 3: Strengthening and enabling community participation in emergency management

We have identified options to improve communities' ability to participate in emergency management. This includes making it easier for individuals, businesses, and other community organisations to offer resources to the "official" emergency response.

Refer to pages 16–18 of the discussion document to answer the questions in this section.

15. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council agrees that offers of assistance were not always responded to in a timely way so improvement in this area is desirable.

Form the Council's experience there were a few key reasons for this:

- 1) The volume of offers and needs was very large and overwhelmed the system.
- 2) Lack of clarity over the responsibility for covering costs for offered services.

- 3) Lack of clarity over the liability, and therefore due diligence, associated with connection of offers of service with those requiring support.

Requiring Group Plans to be clear about how offers of resource from the public is considered reasonable.

16. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

For agencies to be able to provide effective management of offers of resources or service during an event it is important that the Act is clear on the follow expectations:

- 1) What responsibility does the organising agency hold for covering costs of the service provider (particularly for costs relating to private property or expenses not covered by existing NEMA reimbursement rules)?
- 2) What liability for cost or damages is held by the organising agency for personal, property or environmental harm caused by the public service provider?
- 3) What health and safety responsibilities does the organising agency hold for services provided. Specifically, would the organising agency be considered the PCBU for activities undertaken?

These factors are particularly acute in an emergency as most public offers originate from outside the region/district (Note: most local business and individuals acted without instruction in the early phase of the response). As a result, the local agency is unlikely to have prior knowledge of the capability or competence of the individual or company involved. In addition, the information required to confirm the appropriateness and authenticity of the resources offered can be difficult to obtain and verify during and emergency when acting under urgency, and these steps may be seen as unnecessary bureaucracy by members of the public offering support.

17. Are there any other options that should be considered?

Please explain your views.

The Council would like to put forward an option for a broader approach to enabling community participation in emergency management, which expands on the current options for optimising the use of public offers of assistance during an event.

As mentioned in the consultation document the intention is to retain a hazard-agnostic, whole-of-society risk management approach. In Council's view this requires society-wide involvement in developing and implementing risk mitigation measures. To facilitate this, it is suggested that a simple and practical definition for community resilience is needed.

Council proposes that an existing Ministry of Social Development paper provides a great foundation for defining [community resilience](#) and this should become a foundation for strengthening community participation in emergency management. Specifically, this paper includes commentary that community resilience requires:

- A community that is connected
- A community that has confidence in executing a plan
- Enabling support is provided by agencies.

The first of these three points talks to an attribute of communities themselves, and that is a community that is connected. Therefore, Council recommends that the new Act introduces a mechanism that promotes sustainable connections within communities. An option to achieve this is creation of a legally recognised entity for Community Emergency Hubs. This would facilitate a forum for community to gather around and be a conduit to the community for local planning. This could also provide a platform for communities to obtain funding for resilience building initiatives. At present communities can establish a registered society or trust, but these are legally complex and often create additional legal responsibilities some communities are reluctant to take on. However, the additional formality of these entities helps to create roles within communities that can be passed between community members to form a basis for sustainable resilience plans.

Council recommends the new Act also consider how funding from multiple sources can be leveraged to enable community resilience planning. A major strength for community resilience building in the Hastings District post Cyclone Gabrielle was the availability of flexible funding grants that were provided directly to communities by a range of Government and Non-Government Agencies. Empowering communities to obtain funding either directly, or with Council acting as an intermediary, built a stronger sense of control and confidence within the local community and increased the ownership of the risk mitigation. If the new Act can facilitate a greater range of funding opportunities for community resilience as a normal tool, there would be considerable benefit to on-going ownership of personal and community level resilience planning. This would also open up greater funding channels including public private partnerships to broaden the investment burden.

Council also suggests that an increase in public awareness of the need for community level resilience planning, as well as household resilience planning is needed. Community resilience building initiatives post cyclone Gabrielle have had low participation from communities. Most work has relied upon a few engaged and motivated community leaders. Therefore, it is Council's view that there needs to be a lift in public awareness for involvement in emergency resilience planning at the community level. To this end Council would suggest that a National education focus on awareness raising and promoting involvement in local community resilience planning, with Regional education focusing on hazards and their impacts, and Local workshops focusing on engaging directly with communities to undertake community led planning.

Issue 4: Recognising that people, businesses and communities are often the first to respond in an emergency

We have identified options to address barriers that may stop people, businesses, and communities from acting during an emergency.

Refer to pages 18–19 of the discussion document to answer the questions in this section.

18. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council supports the intention to improve protections from civil liability for people trying to do the right thing during an emergency. Assuming this results in an exemption for the individual undertaking the activity, it would be good to clarify any consequential legal avenues to recoup losses the affected person can or cannot take. For example, it would be desirable that the individual that has suffered the loss is not able to take legal action against an agency, such as a Council, to recover the cost they have incurred. This may point to the need for a general insurance vehicle (similar to EQC) to which people who have suffered a loss are able to submit.

19. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Council would like to raise a couple of concerns with protections from civil liability:

Firstly, a concern relating to an unintended consequence of this proposal is the potential that the protections may encourage people to take a greater level of action than might be prudent.

Secondly, Council recognises the generosity of the large number of people that spontaneously volunteered to support those affected by Cyclone Gabrielle. In most cases this support was provided on a voluntary basis as a donation. However, there were situations in which it was not clear at the outset that the provider expected to be reimbursed for the services provided. In many cases the services rendered were to assist on private property. In these cases, insurers and the owners should be primarily responsible for the costs incurred rather than Government or the Councils. In our engagement with Community the Council has also had requests from community members to be provided with a delegated financial authority to spend funds on behalf of agencies. This would be problematic to enable and manage during an emergency. Therefore, it is suggested that the new Act is very clear about the circumstances in which reimbursement can be expected, including expenses relating to private property, and that this cannot be expected without prior approval. It would be undesirable for communities to believe they have a right to reimbursement for any and all activities during an emergency.

Finally, in many cases members of the public act in response to an emergency before they receive instructions from a Controller or authorised officer. So, any provision in the new Act needs to consider actions of people that are providing support without direction from an authorised person or agency.

20. Are there any other options that should be considered?

Please explain your views.

An alternative option is to provide a crowd sourcing approach that allows for offer to be provided and accepted through an online portal without intervention from a specific

agency. A similar approach was established in Hawkes Bay by a private provider that stood up a website for people to register offers or needs, and then find matches.

To enable this kind of service to occur, clarity on the terms and conditions and limits on liabilities would be useful in the Act.

Other problems relating to this objective

21. Should we consider any other problems relating to community and iwi Māori participation?

Please explain your views.

There can be a lack of a common goal and trust between all parties (e.g. communities, agencies, NGOs) in an event that inhibits effective cooperation. Often variation in the goals of various groups can result in resources being applied to areas that are not the most pressing priority.

Objective 2: Providing for clear responsibilities and accountabilities at the national, regional, and local levels

Issue 5: Clearer direction and control during an emergency

We have identified options to make it clearer who is in charge of the operational response to an emergency.

Refer to pages 20–25 of the discussion document to answer the questions in this section.

22. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council agrees that greater clarity is needed regarding the agency that has the lead responsibility at any point in the response to an emergency event.

It is particularly unclear under the current legislation which agency should be responsible for coordinating activities before a state of emergency is declared. At this time the Group or Local Controller has no official capacity or powers which can inhibit the ability to coordinate at the local level with other agencies (e.g. FENZ & Police) that have national structures.

This is viewed as a fundamental flaw in the emergency management system. When considering the growing expectation of professional leadership of emergency events Council's preference is for a new option which is a variation to Option (b) "Require the Agency dealing with the specific hazard to be the 'Control Agency'". The Council view is that FENZ should be the Control Agency for events. The strength of local Councils is in the understanding of the local community demographics and needs, which relates to provision of welfare and infrastructure services. FENZ staff are professionals trained in emergency management and are well versed in directing operations during emergencies.

23. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Any model that requires the Control Agency to be determined by the type of event creates uncertainty, particularly in the slow onset events, which can result in gaps in the response planning and preparedness.

24. Are there any other options that should be considered?

Please explain your views.

Council advocates to appoint FENZ as the Control Agency for all hazards with the ability to delegate management to other agencies if that is deemed appropriate. This leverages the fulltime professional staff within FENZ for overall operational leadership, better reflecting the relatively competencies within each organisation involved in the system. This also reduces duplication and cost burden within the system as multiple organisations are mandated to replicate the same structures just in case they need to hold Control Agency responsibilities. This aspect of the current model is inefficient and changes in the levels of expectation on Council's in particular is likely to require additional funding - further affecting affordability of property rates.

25. Do you think more fundamental changes are needed to the way direction and control works during the response to an emergency? If so, why?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

A fundamental change to make FENZ the Control Agency for all events is considered the best way to provide effective emergency management and is also likely to be the most cost efficient model.

Issue 6: Strengthening the regional tier of emergency management

Issue 6.1: Resolving overlapping CDEM Group and local authority roles and responsibilities

We have identified options to ensure it is clear what CDEM Groups and each of their local authority members are responsible for.

Refer to pages 26–28 of the discussion document to answer the questions in this section.

26. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council agrees that greater clarity on the responsibilities between CDEM Groups and Local Authorities would be beneficial.

27. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Considering the diversity regions throughout New Zealand the preferred approach is to require CDEM Group plans to state how each member will fund and deliver the functions and decisions of the CDEM Group. This will allow each region to determine the most appropriate way to achieve affordable emergency management services within the region.

28. Are there any other options that should be considered?

Please explain your views.

The regional Emergency Management Joint Committee structure is a useful mechanism to create collaboration between regional leaders on emergency management. However, considering most participants are elected officials there is often a lack of independent expertise to challenge recommendations made to Joint Committee. resulting decisions can be less effective. Therefore, Joint Committees would benefit if there is a requirement for independent experts on the Committee as well as expert advice provided by officers.

29. Do you think more fundamental changes are needed to the way emergency management is delivered at the local government level (for example, the CDEM Group-based model)? If so, why?

☐ Yes ☒ No ☐ Not sure / no preference

Please explain your views.

NA

Issue 6.2: Providing for clear and consistent organisation and accountability for emergency management

We have identified options to ensure CDEM Groups are organised effectively, with clearer lines of accountability.

Refer to pages 28–31 of the discussion document to answer the questions in this section.

30. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council agrees that greater clarity on the responsibilities of Group Controllers and Local Controllers is desirable, and more consistency in the way emergency management staff are managed and organised across districts. Council believes this can be achieved with non-legislative tools through updated guidance for CDEM Groups, which would retain flexibility for regions to adapt the model to the local context.

31. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Council does not believe that Council Chief Executives should be in the role of Controller. In many cases they Chief Executive is not the most competent person to undertake this role and will distract the Chief Executive from the important function of working with the elected members and the wider organisation. Holding the Controller function would also be problematic for small to medium events when the remaining Council services are unaffected and should continue to be delivered to the community. Council does acknowledge that it is important for Chief Executives to understand their emergency management responsibilities, but believes this could be achieved through other means including the CE role within CEG.

32. Are there any other options that should be considered?

Please explain your views.

NA

Issue 6.3: Strengthening the performance of Coordinating Executive Groups

We have identified options to strengthen how Coordinating Executive Groups provide advice to and implement the decisions of their CDEM Groups.

Refer to pages 31–32 of the discussion document to answer the questions in this section.

33. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

There is a need to ensure Coordinating Executives Groups operate effectively to implement Joint Committee directives. This governance structure is fundamentally sound and enables good local ownership.

Local experience has highlighted that one of the reasons a breakdown in CEG performance can occur is due to a disconnect between CEG and the Local Council decision making. In many cases CEG meetings are closed and there few attendees. This can results in Councils not being fully aware of CEG decisions and the steps required to implement decisions. Therefore, rather than requiring CEG to report to the Director, the Act should include measures to ensure Council's receive CEG direction and embed programmes into Long Term Plans to ensure funding and resources are applied and monitored to deliver the CEG decisions.

34. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Council agrees that requiring CEG to report to the Director is not desirable and will undermine the Joint Committee leaders so believes this option should not be pursued.

35. Are there any other options that should be considered?

Please explain your views.

An assurance model could be used to ensure regional governance structures are working effectively, and the Director given powers to intervene if performance is inadequate. In this approach NEMA should be monitoring regional operations, including governance, through regular audits with results published to the Director.

Issue 7: Keeping emergency management plans up to date

We have identified options to make it easier to update the National CDEM Plan and CDEM Group plans, reflecting changes to roles and responsibilities.

Refer to pages 33–34 of the discussion document to answer the questions in this section.

36. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council agrees that provisions to ensure Group Plans remain current is important. The opportunity to make targeted “more than minor” changes without a full review would be helpful.

37. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Any changes should not reset the timeline for full review to avoid constant targeted changes pushing out the timeline for full review.

Significant change to the emergency management roles and responsibilities within in a region should trigger a full review of the Group Plan. This is to limit the ability to fundamentally change the Group Plan without consultation.

38. Are there any other options that should be considered?

Please explain your views.

NA

Other problems relating to this objective

39. Should we consider any other problems relating to responsibilities and accountabilities at the national, regional, and local levels?

Please explain your views.

NA

Objective 3: Enabling a higher minimum standard of emergency management

Issue 8: Stronger national direction and assurance

Issue 8.1: Strengthening the Director's mandate to set expectations and monitor performance

We have identified options to enable a wider range of mandatory standards to be set, and strengthen the Director's ability to provide assurance about the performance of the emergency management system.

Refer to pages 36–37 of the discussion document to answer the questions in this section.

40. Do you agree with how we have described this problem?

☐ Yes ☒ No ☐ Not sure / no preference

Please explain your views.

Council does agree that there is a lack of monitoring and assurance in the emergency management system to confirm the system is able to perform as expected. However, the lack of monitoring and assurance is not the reason for the lack of readiness. Instead there is lack of funding mechanisms and lack of clarity over the required standards that need to be delivered.

In Council's view there is a miss-alignment between community expectations of CDEM and the model for delivering response coordination. At present, the people from within Council that assemble to run an Emergency Operations Centre (EOC) are part time volunteers with full time roles in other professions than emergency management. Their normal work duties they have been employed to deliver can range from Resource Planning to Libraries. As a result, there is a very limited amount of time that can be dedicated to training and practicing emergency management activities. On the other hand, it appears the community perceive CDEM as an agency of professionals that assemble to respond to emergencies. This gap in expectations needs to be addressed in the new Act. In our view this could range from recognising the gap and recalibrating expectations, to defining the level of competency expected of emergency operations staff with a suitable funding model for providing the time and remuneration of those staff that hold the higher responsibility

These measures are required even if allocating FENZ the Control Agency function.

41. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

A monitoring and assurance regime is of limited value if there is a lack of clarity in the standards that the system is required to deliver.

Assurance programmes can also have undesirable consequence when the auditors focus on absolute adherence to legislative requirements at the cost of pragmatic and efficient practices. The Building Accreditation programme is an example of a system implemented to improve the efficiency of building consenting. However, rather than simplify systems and

processes and improving consenting timelines and outcomes, there has been an increase in process complexity and inflexibility in consenting decisions.

42. Which aspects of emergency management would benefit from greater national consistency or direction?

Please explain your views.

Professional development standards for people involved in key roles, particularly Controllers and Response Managers.

43. Are there any other options that should be considered?

Please explain your views.

NA

Issue 8.2: Strengthening the mandate to intervene and address performance issues

We have identified options to better ensure those with legal emergency management responsibilities are meeting them sufficiently.

Refer to pages 37–39 of the discussion document to answer the questions in this section.

44. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council agrees that the Director has limited ability to intervene should that be required. The ability to issue compliance orders may be appropriate as long as there is adequate provision for orders to be challenged and/or for the requirements to be achieved before any prosecution action is taken.

45. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Again clarity regarding the required standard will be vital to ensure all parties are aware of the requirements. At present there is many aspects of the emergency management system that is left to agency judgement such as the size of incident management teams and capability of emergency management centres. Therefore specific requirements must be available before any compliance orders can be issued.

46. Are there any other options that should be considered?

Please explain your views.

NA

Issue 9: Strengthening local hazard risk management

We have identified options to strengthen the way CDEM Groups and their members manage the risk of hazards in their areas, including by using CDEM Group plans more effectively.

Refer to pages 39–42 of the discussion document to answer the questions in this section.

47. Do you agree with how we have described this problem?

☐ Yes ☒ No ☐ Not sure / no preference

Please explain your views.

Council acknowledges that there may variation between regions, but is of the view that regional hazard information is usually held centrally and referenced by all Council regulatory process relating to land use planning and consenting.

However, Council agrees that local hazard risk management may not be delivering the degree of community resilience to natural hazards that might be expected.

As a result, Council suggests that the reasons for this outcome are broader than just the Emergency Management Act. Instead, there are regulatory, political and commercial drivers that result in decisions that affect land use and community risk exposure.

48. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Requirements in the Emergency Management Act that would be in tension with planning provisions of other processes are unlikely to be successful in isolation. Council would be concerned about creation of competing legislative obligations that cannot be fulfilled at the same time. This is likely to mean that Councils are faced with deciding which legislative requirement will be achieved and which legislation will not.

49. What is the right balance between regional flexibility and national consistency for CDEM Group plans?

Please explain your views.

It is reasonable that all Group Plans are required to cover the same content. With regard to risk management the definition of impact scales can be determined at a local level, but without guidance on the maximum risk exposure threshold acceptable there will be a lack of national consistency.

50. What practical barriers may be preventing CDEM Group plans from being well integrated with other local government planning instruments?

Please explain your views.

There is no requirement to give effect to Group Plan objectives in land use planning decision making, and decisions makers have no accountability for the level of unmitigated community hazard exposure.

Lack of national direction regarding acceptable levels of risk to natural hazard, and there is a lack of guidance on acceptable mitigations if developing in a known natural hazard area.

51. Are there any other options that should be considered?

Please explain your views.

Emergency Management Act focus on operational emergency response plans to address known hazards. Group Plans should be required to include community resilience plans that cover effective operational procedures to enable the community to respond to local hazard (e.g. warning systems ,evacuation plans).

52. Do you think more fundamental changes are needed to enable local authorities to deliver effective hazard risk management? If so, why?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Management and reduction of community natural hazard exposure needs to be embedded in the primary legislation driving Council land use planning and consenting practices by giving effect to Group Plan goals.

Issue 10: Strengthening due consideration of taonga Māori, cultural heritage and animals during and after emergencies

Issue 10.1: Considering taonga Māori and other cultural heritage during and after emergencies

We have identified options to ensure the impacts of emergencies on taonga Māori and other cultural heritage is considered appropriately.

Refer to pages 43–45 of the discussion document to answer the questions in this section.

53. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council agrees that development of additional guidance for handling of taonga and other cultural heritage would be of benefit to the emergency management system. However, legislative requirements are not preferred.

54. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Legislative obligations to undertake explicit planning is likely to be inefficient and overlap with district plan requirements to ensure taonga and other sites of cultural heritage are protected.

55. Are there any other options that should be considered?

Please explain your views.

Local Taiwhenua given responsibility for developing Marae resilience plans including response plans for managing taonga and cultural sites that become part of Group Plans

Issue 10.2: Considering animals during and after emergencies

We have identified options to ensure the impacts of emergencies on pets, working animals, wildlife, and livestock is considered appropriately.

Refer to pages 45–47 of the discussion document to answer the questions in this section.

56. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council agrees that additional guidance (non-legislative) would be useful for the management of animals during emergencies.

57. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

There is a significant difference between livestock and working animals vs companion animals (pets).

With regard to livestock and working animals the requirements are better managed through Ministry of Primary Industries.

Obligations to explicitly provide for companion animals is likely to create a very significant and broad set of obligations for welfare agencies. This will incur significant additional cost that may not be reasonable for the general rate payer to fund.

58. Noting that human life and safety will always be the top priority, do you have any comments about how animals should be prioritised relative to the protection of property?

Please explain your views.

Protection of animals, particularly companion animals, should be given priority over property. In many cases people with pets are unlikely to leave a hazardous situation without their companion animal.

59. Are there any other options that should be considered?

Please explain your views.

NA

Other problems relating to this objective

60. Should we consider any other problems relating to enabling a higher minimum standard of emergency management?

Please explain your views.

Lack of clear training pathways or courses prevents people from being suitably qualified.

Objective 4: Minimising disruption to essential services

Issue 11: Reducing disruption to the infrastructure that provides essential services

Issue 11.1: Narrow definition of "lifeline utility"

We have identified options to extend emergency management responsibilities to a broader range of infrastructure that provides essential services.

Refer to pages 50–52 and Appendix C of the discussion document to answer the questions in this section.

61. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council agrees that a greater level of contingency planning by essential service providers is needed, and that this planning needs to be undertaken collaboratively considering the interdependency between services. Councils preferred option would involve specifically naming essential service providers for transparency, rather than relying on a principles based approach alone.

62. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

A principles based approach to essential services may result in a very large range of companies falling within the definition. This may have the undesirable consequence of increasing cost of the associated services and creating additional compliance costs for businesses for only marginal additional benefit to emergency resilience.

For example, in the case of solid waste management the service isn't just provided by a Territorial Authority, and often includes hundreds of private operators around the country (e.g. landfills and Recycling Transfer Stations can be either TA or privately owned and operated, while kerbside collections are often outsourced to private companies of varying sizes and corresponding levels of resilience). Therefore, any principles adopted need to consider the broader delivery model for a service so the responsibilities on all parties in the chain are clear and fairly distributed

63. If we introduced a principles-based definition of "essential infrastructure", are there any essential services that should be included or excluded from the list in Appendix C of the discussion document?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Yes any providers where the cost of additional service resilience exceeds the benefit.

64. If you think other essential services should be included in the list in Appendix C, what kinds of infrastructure would they cover?

Please explain your views.

Collection and disposal of solid waste, including biological hazards.

65. Are there any other options that should be considered?

Please explain your views.

NA

Issue 11.2: Strengthening lifeline utility business continuity planning

We have identified options to ensure lifeline utilities have planned effectively for disruption to their services.

Refer to pages 52–54 of the discussion document to answer the questions in this section.

66. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council agrees that in some instances pre-event planning had not been implemented by some essential service providers. For instances, the inability to pump fuel from the Napier fuel farm tank had been identified as a risk for some time, but the responsibility for who should cover the cost of addressing the problem was not clear.

However, in Council's view this is not endemic across the sector, as many operators do have plans to deal with disruption.

67. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Financial penalties may be appropriate to incentivise action by some entities. However, should this be considered a suitable approach there would need to be clear definition of the scope of service that is within an essential service provider remit, and what is excluded to ensure responsibilities and therefore accountabilities are clear.

68. Are there any other options that should be considered?

Please explain your views.

NA

Issue 11.3: Barriers to cooperation and information sharing

We have identified options to strengthen cooperation and information sharing between lifeline utilities, CDEM Groups, and other agencies.

Refer to pages 54–57 of the discussion document to answer the questions in this section.

69. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council agrees that the level of collaboration on continuity plans between essential service providers is not as effective as it could be and improvement is desirable. Council agrees that a legislative approach that binds essential service providers, particularly commercial based providers, to be involved in planning would be desirable. This would need to require a regional level involvement from all essential service providers, particularly those that operate on a national scale.

70. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Should essential service contingency planning be coordinated through regional Groups the information held by these agencies would be subject to public information requests. This is undesirable as the level of detail that would need to be shared by essential service providers is likely to include commercially or security sensitive details. It is recommended that in addition to requiring participation in essential services planning the Act provides protection from public requests for information that has been shared by essential service providers for the purposes of contingency planning.

71. Because emergencies happen at different geographical scales, coordination is often needed at multiple levels (local and national). Do you have any views about the most effective way to achieve coordination at multiple levels?

Please explain your views.

For essential service providers that operate nationally the burden to collaborate at multiple levels could be significant. It is suggested that to overcome this NEMA could host a central information repository (perhaps including spatial data) at a national level that all CDEM Groups can access for regional planning. The demand on national service providers could then be limited to participation in planning by the Director and support specific regional requests as needed.

72. Are there any other options that should be considered?

Please explain your views.

NA

Issue 12: Strengthening central government business continuity

We have identified options to ensure central government organisations have planned effectively for disruption to their services. This includes options to expand the range of central government organisations recognised in the Act.

Refer to pages 57–60 of the discussion document to answer the questions in this section.

73. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council agrees that business continuity planning should be a requirement for additional crown agencies as per Option d.

74. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

NA

75. Are there any other options that should be considered?

Please explain your views.

NA

Other problems relating to this objective

76. Should we consider any other problems relating to minimising disruption to essential services?

Please explain your views.

NA

Objective 5: Having the right powers available when an emergency happens

Issue 13: Managing access to restricted areas

We have identified options to improve the way cordons are managed.

Refer to pages 61–63 of the discussion document to answer the questions in this section.

78. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council agrees that managing access through cordons is a particular problem and can cause considerable frustration and confusion for both essential service providers and the community at large. A nationally recognised form of identification would be a significant step forward to address this issue.

79. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

Flexibility would need to be retained for Controllers to issue recognised identification during an event. While it will be possible to issue identification to people who are involved in emergency management readiness and planning, it is often necessary to include a large number of additional support staff in the coordination and response to an emergency. Therefore, there needs to be a way of issuing temporary identification to these staff that enables access through cordons.

The Act should also give consideration to enabling staff outside of NZ Police to manage cordons. The scale of Cyclone Gabrielle required a large number of cordons to prevent theft and undesirable behaviour in areas vacated after the flooding. The lack of police staff to enforce the cordons resulted in members of the public taking on the role of cordon management. This resulted in a loss of control by the CDEM Controller, which created further tension between community and agencies.

80. Are there any other options that should be considered?

Please explain your views.

NA

Issue 14: Clarifying who uses emergency powers at the local level

We have identified options to ensure emergency powers sit with the most appropriate people at the local government level.

Refer to pages 63–65 of the discussion document to answer the questions in this section.

81. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council agrees that clarifying what functions and powers should sit with CDEM Group, Controller and Recovery Managers is desirable.

82. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

No

83. Are there any other options that should be considered?

Please explain your views.

NA

Issue 15: Modernising the process to enter a state of emergency or transition period

We have identified options to remove the requirement for a physical signature to declare a state of emergency or give notice of a transition period.

Refer to pages 65–66 of the discussion document to answer the questions in this section.

84. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council agrees that greater flexibility is required in the approval of the declaration for a state of emergency. The Act should allow the most reasonable method to be used based on the circumstance at the time, including written, electronic or verbal.

85. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

This would reduce risk to personal safety and enable a Controller to remain within the EOC at a critical time in an emergency.

86. Are there any other options that should be considered?

Please explain your views.

NA

Issue 16: Mayors' role in local state of emergency declarations and transition period notices

We have identified options to make mayors' role in local state of emergency declarations and transition period notices more explicit.

Refer to pages 66–68 of the discussion document to answer the questions in this section.

87. Do you agree with how we have described this problem?

☒ Yes ☐ No ☐ Not sure / no preference

Please explain your views.

Council agrees that having a clear mandate for the Mayors responsibilities for declaring a state of emergency for their district, with backup provided by other members of the regional Joint Group Committee is preferable.

88. Do you have any comments about the likely impacts (benefits, costs, or risks) of the initial options we have identified? Do you have any preferred options?

Please explain your views.

No

89. Are there any other options that should be considered?

Please explain your views.

NA

Other problems relating to this objective

90. Are there any circumstances where Controllers or Recovery Managers may need other powers to manage an emergency response or the initial stages of recovery more effectively?

Please explain your views.

It would be desirable to strengthen powers relating to broadcast media to ensure the Controllers message is delivered as intended. Since Cyclone Gabrielle many communities in Hawkes Bay have expressed frustration with the limited information available through broadcast radio nationally or locally. Attempts to improve this locally have had limited success as it is dependent on the willingness of the broadcaster in question. More obligation for broadcasters to air messages approved by the Controller and participation in the emergency management public messaging would be beneficial.

Other comments

91. Do you have any other comments relating to reform of New Zealand's emergency management legislation?

NA

HASTINGS DISTRICT COUNCIL

STRATEGY AND RECOVERY COMMITTEE MEETING

TUESDAY, 27 MAY 2025

RECOMMENDATION TO EXCLUDE THE PUBLIC

SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

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

9 Growth and Development Program Update

10 Lyndhurst Residential Development Matters

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

<i>GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED</i>	<i>REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER, AND PARTICULAR INTERESTS PROTECTED</i>	<i>GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF EACH RESOLUTION</i>
9 Growth and Development Program Update	Section 7 (2) (i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). Ongoing negotiations with third parties.	Section 48(1)(a)(i) Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.
10 Lyndhurst Residential Development Matters	Section 7 (2) (h) The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities. Section 7 (2) (i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). Ongoing Commercial Negotiations.	Section 48(1)(a)(i) Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.