

Tuesday, 9 September 2025

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

## *Kaupapataka*

# Agenda

*Te Rā Hui:*  
Meeting date: **Tuesday, 9 September 2025**

*Te Wā:*  
Time: **10.00am**

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

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

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



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Tuesday, 9 September 2025

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

**Hastings District Council**

**Extraordinary Council Meeting**

## *Kaupapataka*

# Agenda

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*Tiamana*

**Chair:** Mayor Sandra Hazlehurst

*Mematanga:*

**Membership:**

*Ngā KaiKaunihera*

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

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*Tokamatua:*

**Quorum:**

8 members

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*Apiha Matua*

**Officer Responsible:**

Chief Executive – Nigel Bickle

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*Te Rōpū Manapori me te*

*Kāwanatanga*

**Democracy and**

**Governance Services:**

Louise Stettner (Extn 5543)



## *Te Rārangi Take*

# Order of Business

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### 1.0 Opening Prayer – *Karakia Whakatūwheratanga*

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

At the close of the agenda no apologies had been received.

Leave of Absence had previously been granted to Councillor Jessup

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### 3.0 Conflict of Interest – *He Ngākau Kōnatunatu*

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

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

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

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

No minutes to confirm.

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### 5.0 Transitional Governance Group Terms of Reference (Hawke's Bay Water Services Council Controlled Organisation Project).

7

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### 6.0 Proposed Amendments To Schedule Of Meetings

17

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### 7.0 Minor Items – *Ngā Take Iti*

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

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Tuesday, 9 September 2025

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

**Item 5**

*Te Rārangi Take*

# Report to Council

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**Nā:**  
**From:** **Bruce Allan, Deputy Chief Executive**

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**Te Take:** **Transitional Governance Group Terms of Reference (Hawke's Bay**  
**Subject:** **Water Services Council Controlled Organisation Project).**

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

- 1.1 This report presents the Terms of Reference (TOR) of the Transitional Governance Group (TGG) for the Council's consideration and adoption.
- 1.2 The TGG is established under the *Regional Water Services Council Controlled Organisation Heads of Agreement* (Heads of Agreement) for the purpose of providing transitional governance and oversight of the project to establish the joint operating model for water services delivery for the Central Hawke's Bay District, Hastings District and Napier City Councils.
- 1.3 Council endorsed entering into the Heads of Agreement at the meeting of 31 July 2025 and delegated authority to the Chief Executive to sign the Heads of Agreement on behalf of the Council.
- 1.4 Through the Heads of Agreement, Council delegated on 31 July to the Mayor responsibility to appoint the other member to the TGG and that they both be delegated to represent Hastings District Council on the TGG through to the end of this triennium.
- 1.5 In accordance with the TOR, the report also notes the appointed Hastings District Council representatives to the TGG are Mayor Hazlehurst and Councillor Fowler.
- 1.6 The TGG will be a joint committee of the three participating councils, which formalises the arrangements outlined in the Heads of Agreement in accordance with the Local Government Act 2002 (the Act). The TOR for the TGG is prepared pursuant to Clauses 30 and 30A of Schedule 7 of the Act 2002 and set out the responsibilities and delegated authority of the TGG, and its membership and decision-making arrangements. The TGG will not be discharged at the point of the next election, in accordance with Clause 30(7), Schedule 7 of the Act.
- 1.7 The other parties to the Heads of Agreement, Central Hawke's Bay District and Napier City Councils are also considering the TOR of the TGG at Extraordinary Council meetings on Tuesday 9 September, 2025.

## 2.0 Recommendations - Ngā Tūtohunga

- A) That Council receive the report titled Transitional Governance Group Terms of Reference (Hawke's Bay Water Services Council Controlled Organisation Project). dated 9 September 2025.
- B) That pursuant to Clause 30(1)(b) of Schedule 7 of the Local Government Act 2002, the Council appoint the Transitional Governance Group (TGG) as a joint committee of the Council together with the participating councils of Central Hawke's Bay District Council and Napier City Council.
- C) Note the TGG will not be discharged at the point of the next election, in accordance with Clause 30(7), Schedule 7 the Act.
- D) That the Council adopt the Terms of Reference (TOR) for the Transitional Governance Group Joint Committee (Attachment 1).
- E) That Council delegates to the TGG all powers, duties and functions needed for it to carry out its responsibilities.
- F) That Council notes the appointment of Mayor Hazlehurst and Councillor Fowler as representatives to the Transitional Governance Group Joint Committee for the remainder of this triennium.
- G) Note that the participating councils of Central Hawke's Bay District Council and Napier City Council are also set to take decisions on Tuesday 9 September, 2025.

## 3.0 Background – Te Horopaki

- 3.1 As agreed at the meeting on 31 July 2025 Council has agreed to establish a WSCCO with Central Hawke's Bay District and Napier City Councils as the joint operating model for water services delivery under the Local Water Done Well (LWDW) requirements.
- 3.2 The Heads of Agreement agreed by Council on 31 July 2025 provides for the establishment of the TGG as a part of the overall governance and implementation of the Hawke's Bay WSCCO between Central Hawke's Bay District Council, Hastings District Council and Napier City Council.
- 3.3 The objectives of the TGG are to:
  - 3.3.1 Oversee the direction and provide governance leadership during the initial establishment and transition of water services to the WSCCO;
  - 3.3.2 Make certain decisions that are required to facilitate the initial establishment and transition to the WSCCO;
  - 3.3.3 Provide direction to the Project Steering Group (PSG) and the Establishment Board (once appointed);
  - 3.3.4 Ensure that the joint Water Services Delivery Plan (WSDP) and WSCCO establishment process reflects the Councils' objectives and statutory requirements.
- 3.4 Council endorsement of the TOR and formal establishment of the TGG as a joint committee in accordance with Clauses 30 and 30A of Schedule 7 in the Act is required before the TGG can undertake their work.



## 4.0 Discussion – *Te Matapakitanga*

### Membership, voting and meetings

- 4.1 The Heads of Agreement and TOR provide for seven members of the TGG, including:
  - 4.1.1 Two members from each of the Councils (one of which must be the Mayor); and
  - 4.1.2 An Independent Chair appointed at the first meeting of the TGG by unanimous agreement of the other members of the TGG.
- 4.2 The TGG will use best endeavours to make decisions by consensus decision. Where consensus cannot be reached, the matter will be escalated to the Councils for resolution and may then be referred back to the TGG for a formal decision. Where voting is required, each member (other than the Independent Chair) has one vote.
- 4.3 The TOR provide for the TGG to meet at least monthly, or at such other times and frequency as it determines.
- 4.4 Quorum will consist of a majority of members, but there must be at least one member from each council.

### Supporting Advice

- 4.5 In addition to the TGG, the Heads of Agreement outlines the governance and project management model:
  - 4.5.1 A Project Steering Group (PSG), made up of the Chief Executives (or nominee) of each of the councils, responsible for appointing members to the Project Team, approving the Project Plan, approving the Project Budget, and reporting to the TGG.
  - 4.5.2 A Project Team, made up of one named officer/external appointee from each council (with one appointed as Project Team Lead), responsible for preparing the Project Plan and developing documentation for review and approval by the PSG.

### Responsibilities and delegated authority

- 4.6 The TOR provide for the TGG to be responsible for providing governance and oversight, in accordance with Schedule 2 of the Heads of Agreement. This includes:
  - 4.6.1 Overseeing the development of the Project Plan and monitoring progress against key milestones as set out in the Heads of Agreement and WSDP;
  - 4.6.2 Monitoring progress and risks based on reporting from the PSG and Project Team; and
  - 4.6.3 Appointing the Establishment Board for the WSCCO and advising on the appointment of the Establishment Chief Executive.
- 4.7 By approving the TOR, Council is approving the necessary delegated authority for the TGG to undertake its responsibilities.
- 4.8 Substantive decisions relating to the final joint operating model foundational documents remain the responsibility of each council separately.
- 4.9 The TGG will not be discharged at the point of the next election, in accordance with Clause 30(7), Schedule 7 the Act. This means it will be a standing joint committee, as is the case for joint committees such as the Hawke's Bay Civil Defence Emergency Management Group Joint Committee.

## 5.0 Options – *Ngā Kōwhiringa*

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

- 5.1 Approve the establishment of the TGG and adopt the TOR as proposed.

Advantages

- Legal and procedural clarity operating under formal delegations and TOR providing a clear framework to project governance;
- Promotes regional cohesion by aligning councils under a unified governance structure, strengthening strategic direction and credibility;
- Accelerated decision making as delegations will empower the TGG to make decisions more quickly without the need to refer decision back to each shareholding council. This can reduce delays and enable the TGG to respond more quickly to emerging issues and key project milestones.

#### Disadvantages

- Delegating authority means that decisions may be made without full council input, which could lead to concerns about transparency or accountability;
- There is potential administrative burden as establishing and maintaining the TGG requires ongoing administrative support, which can be resource-intensive. However, this administrative support would be required for any structure.

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

#### 5.2 Make amendments to the attached proposed TOR of the Transitional Governance Group Joint Committee.

- The advantages of this option are consistent with Option one, however the disadvantage of this option is that there would be potential need for further legal advice on a modified TOR and coordination between other Councils.

Option Three - Do not establish the TGG and therefore not adopt the TOR of the TGG and continue under alternative arrangement such as further Memorandum of Understanding or a Working Group.

- This option is not recommended as these alternative would not be able to operate with delegated authority to allow decision-making by the TGG, as contemplated by the Heads of Agreement.

## 6.0 Next steps – *Te Anga Whakamua*

- 6.1 The Council decisions arising from this report will be advised to the other partner councils, and Council's Appointment Schedule will be updated.
- 6.2 Provided all partner councils resolve to appoint the TGG and adopt the TOR, the first meeting of the TGG is yet to be set but anticipated to be in mid-September.

### Attachments:

1 [↓](#) TGG Terms of Reference

CG-17-1-01800

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## Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

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

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

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

This proposal aligns with previous decisions Hastings District Council has resolved in its response to LWDW policy most specifically the adoption of a Hawke's Bay WSCCO as the proposed model for the future delivery of water services on 31 July 2025 and as outlined in the Implementation Plan of the Water Services Delivery Plan that was adopted on 28 August 2025.

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

The establishment of the TGG is the initial step in the process of appointing the enduring governance of the proposed WSCCO. Under the Heads of Agreement, it is acknowledged that at least one director of the WSCCO is to be appointed with knowledge of Te Ao Māori. To ensure this appointment meets the expectation of mana whenua partners strong engagement will be required. Under the Heads of Agreement, each council will also be responsible for deciding how to reflect their mana whenua relationships within the Shareholders Representative Forum.

As well, at more a project level, a regional approach to mana whenua engagement is commencing to ensure strong alignment in the proposed organisation at an operational level as well as a governance level.

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### **Sustainability - *Te Toitūtanga***

N/A

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### **Financial considerations - *Ngā Whakaarohanga Ahumoni***

The Heads of Agreement outlines the cost share to be borne by each council during the establishment phase of the Project. The costs associated with the administration of and the legal documentation required to establish the TGG will be factored into the establishment phase and shared accordingly.

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### **Significance and Engagement - *Te Hiranga me te Tūhonotanga***

The formation of the TGG and the delegation of decision-making authority represent a governance shift that may affect Council's control over strategic matters. While such delegation is procedurally supported under clause 30(1)(b) of Schedule 7 of the Act, the overriding purpose of the TGG, which is to oversee the creation of a new water organisation, elevates the significance of this decision.

This new entity will involve the transfer of strategic water assets and is expected to have material impacts on service delivery, community outcomes, and stakeholder engagement. Given the scale and public interest in water infrastructure, this initiative meets several thresholds under the Council's Significance and Engagement Policy and is therefore considered significant, warranting appropriate engagement and transparency measures.

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However, the preceding decisions regarding LWDW have also been assessed as a high degree of significance. In response to this Council fulfilled a full public consultation in line with the legislated requirements set out in the Local Government (Water Services Preliminary Arrangements) Act 2024. The transfer of strategic water assets and the formation of the new water organisation formed a part of this formal consultation. Although the proposed transitional governance structure, including the TGG were not specifically identified at that stage, it was implicit that there would have to be a mechanism for coordinated decision-making by the participating councils during the establishment phase.

A key workstream currently in development and intended to be presented to the TGG for approval is a formal communication and engagement strategy that will outline the proposed timing and channels for ongoing communications and engagement.

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

This report is in response to the formal consultation conducted on the options investigated in response to LWDW. Across the participating councils, the outcomes of consultation were deliberated and influenced the substantive decisions to establish the Hawke's Bay WSCCO.

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### **Risks**

While the appointment of the TGG Joint Committee is a formal appointment under Schedule 7 of the Local Government Act 2002, this decision of Council is in line with previous decisions made by Council with regard to the establishment of the HBWSCCO. As such, this decision is a further step to operationalise previous decisions of Council, and therefore no new significant risks have been identified.

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### **Rural Community Board – *Te Poari Tuawhenua-ā-Hāpori***

N/A

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**Terms of Reference for the Transitional Governance Group**  
(Hawke's Bay Water Services Council Controlled Organisation (WSCCO) Project)

**Adopted by resolution of:**

- Hastings District Council, 9 September 2025
- Napier City Council, 9 September 2025
- Central Hawke's Bay District Council, 9 September 2025

**1. Name and status**

- 1.1 The Transitional Governance Group (**TGG**) is a joint committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 (LGA 2002).

**2. Purpose**

- 2.1 The TGG is established under the *Regional Water Services Council Controlled Organisation Heads of Agreement (Heads of Agreement)* for the purpose of providing transitional governance and oversight of the project to establish the joint operating model for water services delivery for the Central Hawke's Bay District, Hastings District and Napier City Councils (**Councils**) (**Project**).
- 2.2 The joint operating model has been agreed between the Councils to be a jointly owned Water Services Council Controlled Organisation.
- 2.3 The Project will establish the Hawke's Bay Water Services Council Controlled Organisation (**WSCCO**), which will ultimately assume responsibility and asset ownership for the delivery of water services from the Councils.
- 2.4 These Terms of Reference are prepared pursuant to Clauses 30 and 30A of Schedule 7 of the LGA 2002 to guide the operations of the TGG. The TGG will not be discharged at the point of the next election, in accordance with Clause 30(7), Schedule 7 of the LGA 2002.

**3. Objectives**

- 3.1 The TGG shall:
- (a) Oversee the direction of the Project and provide governance leadership during the initial establishment and transition of water services to the WSCCO;
  - (b) Make certain decisions that are required to facilitate the initial establishment and transition to the WSCCO;
  - (c) Provide direction to the Project Steering Group (**PSG**) and the Establishment Board (once appointed).

- (d) Ensure that the joint Water Services Delivery Plan (**WSDP**) and WSCCO establishment process reflects the Councils' objectives and statutory requirements

**4. Responsibilities**

- 4.1 The TGG will be responsible for providing governance and oversight of the Project in accordance with Schedule 2 of the Heads of Agreement. This includes:
  - (a) Overseeing the development of the Project Plan and monitoring progress against key milestones as set out in Heads of Agreement and WSDP.
  - (b) Addressing any issues escalated to it by the PSG.
  - (c) Monitoring progress and risks based on reporting from the PSG and Project Team.
  - (d) Approving material changes to the direction of the Project or Project Plan.
  - (e) Appointing the Establishment Board for the WSCCO and advising on the appointment of the Establishment Chief Executive.
- 4.2 Substantive decisions relating to the adoption of the WSDP and the final joint operating model foundational documents remain the responsibility of each Council separately.

**5. Delegated authority**

- 5.1 The Councils delegate to the TGG all powers, duties and functions needed to carry out its responsibilities in clause 4.1.
- 5.2 Where the TGG does not have delegated authority, it may make a recommendation to the Councils.

**6. Membership**

- 6.1 Per Schedule 1 of the Heads of Agreement, the TGG will comprise seven members. This includes:
  - (a) The Mayor of each Council and one other member from each Council (either elected or an appointee); and
  - (b) An Independent Chair appointed at the first meeting of the TGG by unanimous agreement of the other members of the TGG.
- 6.2 Each of the Councils may discharge their appointed member to the TGG and appoint another member in their stead. This does not apply to the Mayor of each of the Councils, who is to remain a member of the TGG as a standing appointment.

- 6.3 The Independent Chair may be removed or replaced by unanimous agreement of the other members of the TGG.

**7. Chairperson and Deputy Chairperson**

- 7.1 At the first meeting of the TGG the members shall:

- (a) Appoint an independent Chair in accordance with clause 6.1(b); and
- (b) Elect a Deputy Chair from the membership of the TGG.

- 7.2 The remuneration of the Independent Chair is to be determined by the TGG at the first meeting of the TGG.

**8. Decision-Making and voting**

- 8.1 In accordance with clause 32(4) Schedule 7 of LGA 2002, each member (other than the Independent Chair) has full authority to vote and make decisions at meetings of the TGG within the scope of the delegated authority provided by the Council that appointed them, without further recourse to that Council.

- 8.2 The TGG will use best endeavours to make decisions by consensus. Where consensus cannot be reached, the relevant motion will not be put and the matter will be referred to the Councils for their consideration. The matter may be referred back to the TGG for decision following the Councils' consideration. .

- 8.3 Where voting is required, each member (other than the Independent Chair) has one vote.

- 8.4 The quorum will consist of a majority of members (excluding the Independent Chair).

- 8.5 At least one member from each of the Councils will be required at any meeting to form a quorum.

**9. Meetings**

- 9.1 The TGG will meet at least monthly, or at such other times and frequency as it determines.

- 9.2 Meetings will be scheduled and supported by the Project Convenor and the Hawke's Bay Regional Recovery Agency (RRA).

- 9.3 Agendas will be circulated at least three days in advance of a meeting, and minutes will be recorded and confirmed.

**10. Reporting and Communication**

- 10.1 The TGG receives information and advice from the PSG, which is to be informed by the Project Team.
- 10.2 The TGG will report at regular frequencies progress and key decisions back to the Councils.
- 10.3 Media releases and public announcements related to the Project must be coordinated through the TGG, with the TGG to have final approval over any communications.

**11. Term**

- 11.1 The TGG will operate from the Commencement Date of the Heads of Agreement until the earlier of:
  - (a) The establishment of the WSCCO and appointment of the Shareholders Representative Forum; or
  - (b) Termination of the Heads of Agreement.
- 11.2 It is expected that on termination, the TGG will be superseded by the Shareholders Representative Forum.

**12. Review and variation**

- 12.1 These Terms of Reference will be reviewed by the Councils as required, and on the recommendation of the TGG, to ensure alignment with the Project implementation plan and requirements.
- 12.2 Any amendments to the Terms of Reference must be agreed by all Councils before taking effect.
- 12.3 These Terms of Reference are consistent with the requirements for joint committees as outlined in the LGA 2002.



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Tuesday, 9 September 2025

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

**Item 6**

*Te Rārangi Take*

# Report to Council

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

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*Te Take:*  
**Subject: Proposed Amendments To Schedule Of Meetings**

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

- 1.1 The purpose of this Report is to consider amendments to the schedule of Council and Committee Meetings for the 2024 Meetings Calendar which was adopted by Council on 7 November 2024.
- 1.2 The Local Government Act 2002, Schedule 7, Clause 19 states:

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

*If a local authority adopts a schedule of meetings-*

- a) The schedule-*
- i) may cover any future period that the local authority considers appropriate, and*
- ii) may be amended.*

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

- 1.3 It is proposed that the meeting schedule be amended as outlined in the Recommendations of this Report.

## 2.0 Recommendations - *Ngā Tūtohunga*

- A) That Council receive the report titled Proposed Amendments To Schedule Of Meetings dated 9 September 2025.
- B) That Council adopt changes to the 2025 Schedule of Meetings as follows:

Thursday, 2 October 2025 at 9am	New Meeting	Council
Council Chambers		

### Attachments:

There are no attachments for this report.