



**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL

Council Meeting Agenda

Thursday, 14 December 2023

9.00am

Council Chambers,
28-32 Ruataniwha Street, Waipawa

Together we thrive! E ora ngātahi ana!

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- 1 **WELCOME/ KARAKIA/ NOTICES**
- 2 **APOLOGIES**
- 3 **DECLARATIONS OF CONFLICTS OF INTEREST**
- 4 **STANDING ORDERS**

RECOMMENDATION

That the following standing orders are suspended for the duration of the meeting:

21.2 Time limits on speakers

21.5 Members may speak only once

21.6 Limits on number of speakers

And that Option C under section 22 *General Procedures for Speaking and Moving Motions* be used for the meeting.

Standing orders are recommended to be suspended to enable members to engage in discussion in a free and frank manner.

- 5 **CONFIRMATION OF MINUTES**

Ordinary Council Meeting - 15 November 2023; and

Extraordinary Council Meeting – 7 December 2023.

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 15 November 2023 and the Extraordinary Council Meeting held on 7 December 2023 as circulated, be confirmed as true and correct.

**MINUTES OF CENTRAL HAWKES BAY DISTRICT COUNCIL
COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 28-32 RUATANIWHA STREET, WAIPAWA
ON WEDNESDAY, 15 NOVEMBER 2023 AT 9.00AM**

UNCONFIRMED

PRESENT: Mayor Alex Walker (Chair)
Deputy Mayor Kelly Annand
Cr Jerry Greer
Cr Tim Aitken
Cr Gerard Minehan
Cr Kate Taylor
Cr Pip Burne
Cr Exham Wichman
Cr Jerry Greer
Cr Brent Muggeridge

IN ATTENDANCE: Doug Tate (Chief Executive)
Nicola Bousfield (Group Manager, People and Business Enablement)
Brent Chamberlain (Chief Financial Officer)
Dennise Elers (Group Manager Community Partnerships)
Dylan Muggeridge (Group Manager Strategic Planning & Development)

Lisa Harrison (LTP Programme Manager)
Rebecca England (Project Manager)
Reuben George (Director Projects & Programmes)
Riley Kupa (Recovery Manager)
Connie Mills (Customer and Consents Manager)
Ben Swinburne (Project Development & Engineering Manager)
Annelie Roets (Governance Lead)

1 WELCOME/ KARAKIA/ NOTICES

Her Worship, The Mayor Alex Walker extends her heartfelt welcome to everyone and hapu of Tamatea this morning. Council will be using provisions in Standing Orders to allow for a public forum this morning to speak on Māori Representation/Wards.

Councillor Exham Wichman opened with a karakia.

Mayor Alex Walker explains the tikanga and process of this meeting to allow for free and frank/open discussions today and reiterate the importance of these discussions with council.

Mayor Alex Walker invited those who wish to speak or share their thoughts on Māori Wards/Representation.

Time	Submitter name & surname
	Submitter 1: Shona Brewer Not present.
9.10am	Submitter 2: Dianne Smith <ul style="list-style-type: none"> In support.
9.19am	Submitter 3: Joanne Heperi (online) <ul style="list-style-type: none"> In support.

Time	Submitter name & surname
	Submitter 4: Wade Fern <ul style="list-style-type: none"> Not present.
9.20am	Submitter 5: Sharleen Baird <ul style="list-style-type: none"> In support.
9.24am	Submitter 6: Paora Sciascia <ul style="list-style-type: none"> In support.
	Submitter 7: Margaret Harata <ul style="list-style-type: none"> Not present
9.34am	Submitter 9: Grenville Christie <ul style="list-style-type: none"> In support.
	Submitter 11: Ngavii Pekepo <ul style="list-style-type: none"> Not present
9.39am	Submitter 12: Hirani Maaka <ul style="list-style-type: none"> In support.
9.45am	Submitter 10: Jenni Tomlins <ul style="list-style-type: none"> In support.
10.01am	Submitter 15: Ngāti Kere (6x speakers) <ol style="list-style-type: none"> 10.01am - Tip Tutaki <ul style="list-style-type: none"> In support. 10.04am - JR Hutcheson <ul style="list-style-type: none"> In support. 10.13am - Mr Ferris (senior) <ul style="list-style-type: none"> In support. 10.20am – Anna Douglas <ul style="list-style-type: none"> In support. 10.29am – Anthony Tipene -Matua <ul style="list-style-type: none"> In support.
10.37am	Submitter 8: Mary Kippenberger <ul style="list-style-type: none"> In support.
10.43am	Submitter 13: Bevan Thompson <ul style="list-style-type: none"> In support.
	Submitter 14: Kim Steffert <ul style="list-style-type: none"> Not present.
10.46am	Submitter 16: Johnny Nepe Apatu (online) <ul style="list-style-type: none"> In support.

The meeting adjourned at 11.03am and reconvened at 11.25am.

Time	Submitter name & surname
11.25am	Submitter 18: Zack Makoare <ul style="list-style-type: none"> Delivered a presentation. In support of Māori Wards.
11.37am	Submitter 19: Shelley Burne-Field <ul style="list-style-type: none"> In support.
11.43am	Submitter 21: Bayden Barber (Chair, Ngāti Kahungunu) <ul style="list-style-type: none"> In support.
11.57am	Submitter 20: Jenny Nelson-Smith <ul style="list-style-type: none"> Last to be heard. In support.
12.10pm	Conclude Feedback The Mayor thanked everyone who presented today and gave their thoughts, hearts, feedback and stories today.
12.12pm	Council's Decision on Māori Wards (+/- 1 hour)
1.10pm	LUNCH (30 mins)

2 APOLOGIES

There were no apologies received.

3 DECLARATIONS OF CONFLICTS OF INTEREST

There were no Declarations of Conflict of Interest received.

4 STANDING ORDERS

RESOLVED: 23.101

Moved: Deputy Mayor Kelly Annand

Seconded: Cr Jerry Greer

That the following standing orders are suspended for the duration of the meeting:

- 21.2 Time limits on speakers
- 21.5 Members may speak only once
- 21.6 Limits on number of speakers

And that Option C under section 21 General procedures for speaking and moving motions be used for the meeting.

Standing orders are recommended to be suspended to enable members to engage in discussion in a free and frank manner.

CARRIED

7.2 REPRESENTATION REVIEW - MĀORI REPRESENTATION

PURPOSE

The purpose of this report is to decide whether Māori wards will be established for the 2025 and 2028 local election.

In advance of considering this report, a number of speakers will be presenting their feedback directly to Council on the establishment of a Māori Ward in public forum.

RECOMMENDATION

1. **That Council retain the status quo and have no Māori wards for the 2025 and 2028 Election but invites hapu and marae to select up to two representatives for māori representation in an advisory role.**

Greer/Minehan
Against: Annand/Wichman/Burne/Taylor/Walker
For: Aitken/Muggeridge
Motion failed

2. **That Council resolves to establish a Māori Ward for the 2025 and 2028 Local Body Elections but invites hapu and marae to select up to two representatives for māori representation in an advisory role.**

Taylor/Wichman
For: Annand/Burne/Walker
Against: Aitken/Minehan/Greer/Muggeridge
Carried

The report was introduced by Doug Tate recognising the value and richness of the korero this morning.

- The report was taken as read.
- The Mayor provided Councillors the opportunity to give their feedback and thoughts on the establishment of Māori Wards.

The meeting adjourned for lunch at 1.11am and reconvened at 2.01pm.

5 CONFIRMATION OF MINUTES

RESOLVED: 23.102

Moved: Cr Pip Burne
Seconded: Cr Kate Taylor

That the minutes of the Ordinary Council Meeting held on 19 October 2023 as circulated, be confirmed as true and correct.

CARRIED

6 REPORTS FROM COMMITTEES

Nil

7 REPORT SECTION

7.1 RESOLUTION MONITORING REPORT

1. PURPOSE

The purpose of this report is to present to Council the Resolution Monitoring Report. This report seeks to ensure Council has visibility over work that is progressing, following resolutions from Council.

2. RESOLVED: 23.103

Moved: Cr Gerard Minehan

Seconded: Deputy Mayor Kelly Annand

That the report be noted.

CARRIED

The report was taken as read.

7.3 MINUTES FROM THE CHIEF EXECUTIVE PERFORMANCE & EMPLOYMENT COMMITTEE MEETING HELD ON 12 OCTOBER 2023

3. RESOLVED: 23.104

Moved: Cr Pip Burne

Seconded: Cr Exham Wichman

That the Minutes from the Chief Executive Performance & Employment Committee held on 12 October 2023 be received.

CARRIED

The report was taken as read.

7.4 OPTIONS ON POOL INSPECTION FEES & CHARGES

4. PURPOSE

Following community feedback and a workshop with Council on 5 October 2023, the matter for consideration by the Council is to review how the fees and charges are applied to the implementation of swimming pool fence safety.

5. RESOLVED: 23.105

Moved: Cr Brent Muggerridge

Seconded: Cr Gerard Minehan

- That Council include the introduction of a targeted rate to pool owners for pool inspection fees from 1 July 2024, to be consulted on and formally considered as part of the Long-Term Plan 2024/34.**

CARRIED

The report was introduced by Connie Mills and Nicola Bousfield with discussions noting:

- Ms Mills provided a summary behind the recommendations being proposed today.
- Residential swimming pools must be inspected at least once every 3 years to check whether pool fences remain complaint for pools deeper than > 400mm.
- At the moment all pool inspections are on hold to give confidence to our customers that we are considering this fairly and awaiting decision from council.
- 1st round of pool inspections started in Jan 2019 with no charge to pool owners for this first inspection.
- First charge to pool owners began in August 2022 when the “user pays” fee was implemented.
- Fees and charges council-wide were adopted in 2021 which included the new flat rate for a pool inspection fee of \$200 and were later increased from 1 July 2022 to \$220.
- Council to consider today how we administer this fee.
- Officers considered fees from neighbouring councils to gain confidence that the fee is set at the appropriate levels.
- The fee includes time allocated to inspecting pools, travel, administration and issuance of certificates, however the \$220 does not cover the full cost to undertake the activity
- A portion of the fee (20%) is covered by the general ratepayer funded via the wider Territorial authority activity.
- The user pays fee for swimming pool inspections averages approximately 80% and is in line with the Revenue and Financing Policy.
- Predominant feedback from community was around affordability.
- Council still have to undertake this activity of pool inspections as part of Council’s regulatory function.
- Feedback received in how Council undertake the process of pool inspections.
- Ms Mills provided Councillors with 3 options today. Option 1 – Apply the inspection fee as a targeted rate to pool owners is the preferred option.
- Total costs for a pool inspection is \$270 with a 80%/-20% split as per the Revenue and Financing Policy.
- To confirm: The 80% (\$220) is for the pool owner to pay with the 20% being topped up to make up the full cost of \$270.
- Further clarification sought of a process that deals with seasonal temporary pop-up pools.

7.5 REVIEW OF COUNCIL'S REVENUE AND FINANCING POLICY

6. PURPOSE

The matter for consideration by the Council is the review of Council’s Revenue and Financing Policy for inclusion in the LTP consultation documents.

7. RESOLVED: 23.106

Moved: Deputy Mayor Kelly Annand

Seconded: Cr Pip Burne

1. That Council receives and notes the report.

CARRIED

The report was introduced by Brent Chamberlain with discussions noting:

- Minor wording changes are being proposed with the possible introduction of a new targeted rate for swimming pool inspection and the addition to deal with the possibility of Category 3 property buy-outs following Cyclone Gabrielle. Discussions noted:
- The main activity that varied to policy last year were:
- Solid Waste – In the past year, 51% of this activity was fees and charges, and a further 10% from targeted rates, making a total of 61% user pays, with only 39% coming from the general rate payer.
- Officers suggest treating targeted rates as being user pays and include the extra 10% being

collected through targeted rates in the user pays target, and remove it from the public good target. Not asking a change in the fee structure, but recognising the distinction between a targeted rate and a general rate.

- **Community facilities** – officers recommend a change in policy to reflect these semi-commercial activities being in the mix and lift the user pays ratio to 10% - 15%.
- Tidying up some wording in the policy document
- Mayor Alex Walker vacate chair and left at 2.29pm with Deputy Mayor Kelly Annand as chair.
- Mayor Alex Walker returned to the meeting at 2.33pm and resumed as chair.
- Mr Chamberlain gave further updates on other proposed changes such as Cemeteries, Changes to Swimming pool inspections, Category 3 Property buyouts post Cyclone Gabrielle and next steps by including proposed changes in the LTP consultation documents.
- Targeted rate for Stormwater network work in Porangahau – seek some advice and guidance to clarify.
- Seeks more advice on “Compliance and monitoring” as well as Stormwater.

7.6 FIRST QUARTERS FINANCIAL RESULTS FOR THE 2023/2024 FINANCIAL YEAR

8. PURPOSE

The purpose of this report is to provide Council with visibility of how Council’s finances are tracking for the first three months of the 2023/24 financial year.

9. RESOLVED: 23.107

Moved: Cr Exham Wichman

Seconded: Cr Kate Taylor

That the report be noted.

10. CARRIED

The report was introduced by Brent Chamberlain who gave an update on results and the trends across the organisation. Discussions noted:

- This report covers from 1 July – 30 September 2023 with business as usual revenue down in budget in the fees and charges area.
- Resource Consents and Building Consents are down due to lower volumes than the previous year.
- Solid Waste is down against budget with Trade Waste revenue down with the loss of Council’s second largest contributor.
- Council is under budget in staff costs for the quarter reflecting the vacancies being carried.
- Council is well inside its funding limits set by LGFA and Council’s own Treasury Policy.
- Capital expenditure lower than budgeted due to the lack of new debt being drawn, and the maturity of the last of the investment bonds council held.
- Treasury policies – compliant.
- Working through our first draft budgets for the LTP and will be brought back to Council.

10 PUBLIC EXCLUDED BUSINESS**RESOLUTION TO EXCLUDE THE PUBLIC****11. RESOLVED: 23.108**

Moved: Cr Pip Burne

Seconded: Deputy Mayor Kelly Annand

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
10.1 - Public Excluded Resolution Monitoring Report	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
10.2 - Tukituki Swing Bridge Contract Variation and Project Budget	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</p> <p>s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

	any local authority s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	
10.3 - Public Excluded Minutes from the Chief Executive Performance & Employment Committee held on 12 October 2023	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

CARRIED

12. RESOLVED: 23.109

Moved: Cr Pip Burne
Seconded: Deputy Mayor Kelly Annand

That Council moves into Public Excluded business at 3.07pm.

CARRIED

13. RESOLVED: 23.110

Moved: Cr Jerry Greer
Seconded: Deputy Mayor Kelly Annand

That Council moves out of Public Excluded into open business at 3.49pm.

CARRIED

The meeting adjourned at 3.49pm and reconvened at 4.03pm with Cr Kelly Annand not in attendance.

7.8 KEY PROJECT STATUS REPORT - BIG WASTEWATER/BIGWATER STORY

14. PURPOSE

The purpose of this key project status report serves as an opportunity to formally report to elected members on the progress of each of the projects and their expected delivery against time, scope, budget and quality standards against the larger programme objectives.

The report covers three key programmes:

- The Big Water Story (including all renewals projects).
- The Big Wastewater Story (Wastewater Upgrade Programme).
- The Big Stormwater Story.

15. RESOLVED: 23.111

Moved: Cr Brent Muggerridge

Seconded: Cr Gerard Minehan

That the report be noted.

CARRIED

The report was introduced by Ben Swinburne who gave an update on the progress on each of the key programmes.

- Wastewater programme – Concerns noted on funding constraints which limits Council's ability to deliver the programme in time and outlined in the 2021-2031 LTP.
- Stormwater programme – Due to Cyclone Gabrielle, there has been greater focus on stormwater and general stormwater programme.
- Work to clear the major open drainage channels in the district has been carried out in Waipawa and is currently underway in Waipukurau.
- Due to the cyclone, Council will need to carefully consider the constraints, risk and options ahead of it and rephase, re-prioritise or modify programmes as required to ensure the best possible outcomes for the community.
- It was requested that an in-depth update be provided around Takapau wastewater upgrade as well as Programme and Consenting at the next meeting.

7.9 CYCLONE GABRIELLE - RECOVERY UPDATE

16. PURPOSE

The purpose of this report is to provide the monthly formal update on progress on the recovery from Cyclone Gabrielle against the key four priorities and issues identified for the district through locality planning.

17. RESOLVED: 23.112

Moved: Deputy Mayor Kelly Annand

Seconded: Cr Kate Taylor

That the report be noted.

CARRIED

The report was introduced by Riley Kupa which was taken as read.

- Cr Annand returned to the meeting at 4.23pm.

7.7 FORECASTING ASSUMPTIONS FOR THE 2024 - 2034 LONG TERM PLAN

18. PURPOSE

The matter for consideration by the Council is to receive and update on progress with the significant forecasting assumptions for the 2024-2034 Long Term Plan

19. RECOMMENDATION

~~That the report be noted.~~

The report will be carried forward to the next Council meeting to be held on 7 December or 14 December council meeting.

7.10 ADOPTION OF 2024 COUNCIL MEETING SCHEDULE

20. PURPOSE

The purpose of this report is for Council to confirm the Council Meeting Schedule for 2024.

21. RESOLVED: 23.113

Moved: Cr Tim Aitken

Seconded: Cr Jerry Greer

1. **That the 2024 Council Meetings Schedule be adopted.**

CARRIED

The report was taken as read.

7.11 LOCAL GOVERNMENT NEW ZEALAND (LGNZ) FOUR-MONTHLY REPORT FOR MEMBERS - OCT 2023

PURPOSE

The purpose of this report is to present the Local Government New Zealand (LGNZ) Four Monthly Report for Member Councils to Council for its noting for the period of July – October 2023.

22. RESOLVED: 23.114

Moved: Cr Kate Taylor

Seconded: Cr Exham Wichman

That the report be noted.

CARRIED

The report was taken as read.

8 CHIEF EXECUTIVE REPORT

Nil

9 DATE OF NEXT MEETING

RESOLVED: 23.115

Moved: Cr Gerard Minehan
Seconded: Cr Exham Wichman

That the next Extraordinary Council meeting of the Central Hawke's Bay District Council be held on 7 December 2023.

CARRIED

10 TIME OF CLOSURE

The Meeting closed at 4.40pm.

The minutes of this meeting will be confirmed at the Extraordinary Council meeting to be held on 7 December 2023.

.....
CHAIRPERSON

**MINUTES OF CENTRAL HAWKES BAY DISTRICT COUNCIL
EXTRAORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 28-32 RUATANIWHA STREET, WAIPAWA
ON THURSDAY, 7 DECEMBER 2023 AT 4.00PM**

Unconfirmed

PRESENT: Mayor Alex Walker
Deputy Mayor Kelly Annand
Cr Gerard Minehan (*online*)
Cr Tim Aitken (*online*)
Cr Pip Burne
Cr Jerry Greer
Cr Kate Taylor

IN ATTENDANCE: Doug Tate (Chief Executive)
Nicola Bousfield (Group Manager, People and Business Enablement)
Brent Chamberlain (Chief Financial Officer)
Dennise Elers (Group Manager Community Partnerships)
Dylan Muggeridge (Group Manager Strategic Planning & Development)
Annelie Roets (Governance Lead)

1 KARAKIA

Her Worship, The Mayor Alex Walker welcomed everyone to this Extraordinary Council meeting and opened with a karakia.

2 APOLOGIES 23.109

Moved: Cr Kate Taylor
Seconded: Cr Jerry Greer

That the apologies for Cr Exham Wichman and Cr Brent Muggeridge be received.

CARRIED

3 DECLARATIONS OF CONFLICTS OF INTEREST

There were no Declarations of Conflict of Interest received.

4 STANDING ORDERS

RESOLVED: 23.110

Moved: Cr Kate Taylor
Seconded: Cr Jerry Greer

That the following standing orders are suspended for the duration of the meeting:

21.2 Time limits on speakers

21.5 Members may speak only once

21.6 Limits on number of speakers

And that Option C under section 21 General procedures for speaking and moving motions be used

for the meeting.

Standing orders are recommended to be suspended to enable members to engage in discussion in a free and frank manner.

CARRIED

5 CONFIRMATION OF MINUTES

The Minutes from the Ordinary Council meeting held on 15 November 2023 and the Extraordinary Council meeting held on 7 December 2023 will be confirmed at the next Council meeting to be held on 14 December 2023.

6 REPORT SECTION

6.1 FUTURE BY LOCAL GOVERNMENT - SPECIAL GENERAL MEETING

PURPOSE

The purpose of this paper is to help inform and confirm how Central Hawke's Bay District Council will vote on the proposed resolution at the upcoming Local Government New Zealand (LGNZ) Special General Meeting to endorse The Future by Local Government – A consensus outcome paper as LGNZ's agreed parameters for further engagement and advocacy with central government on local government system reform.

A Special General Meeting of Local Government New Zealand be we held on Monday, 11 December at 4.30pm by Zoom to vote on the position.

RESOLVED: 23.111

Moved: Deputy Mayor Kelly Annand

Seconded: Cr Jerry Greer

- 1. That Council vote in favour of ~~/vote against/abstain~~ for the proposed resolution at the upcoming Local Government special general meeting to endorse The Future by Local Government – A consensus outcome paper as LGNZ's agreed basis for engagement and advocacy with central government on local government system reform.**

CARRIED

The report was introduced by the Chief Executive, Doug Tate who gave a brief overview on the context of the paper.

7 PUBLIC EXCLUDED BUSINESS

No Public Excluded Business for discussion.

8 DATE OF NEXT MEETING

The next meeting of the Central Hawke's Bay District Council be held on 14 December 2023.

9 TIME OF CLOSURE

They Mayor closed the meeting with a karakia at 4.25pm.

The minutes of this meeting will be confirmed at the next Ordinary Council Meeting of the Central Hawke’s Bay District Council held on 14 December 2023.

.....
CHAIRPERSON

6 REPORTS FROM COMMITTEES

Nil

7 REPORT SECTION

7.1 PRESENTATION FROM LAKE WHATUMĀ MANAGEMENT GROUP

File Number:

Author: Doug Tate, Chief Executive

Authoriser: Doug Tate, Chief Executive

Attachments: 1. Letter from Lake Whatumā Management Group [↓](#)

RECOMMENDATION

That the report be noted.

PURPOSE

The purpose of this report is to present a presentation and letter from the Lake Whatumā Management Group on progress on the Lake restoration.

Dr Roger Maaka on behalf of the Whatumā Management Group (WMG) and Mr Craig Ireson as project support will be presenting an update to Council on the project at the meeting.

SIGNIFICANCE AND ENGAGEMENT

This report is provided for information purposes only and has been assessed as not significant.

BACKGROUND

Lake Whatumā is an important natural asset in the heart of Tamatea – Central Hawke's Bay.

Prior to European settlement of the District, Lake Whatumā was a traditional area of residence to a permanent population and was utilised by a number of surrounding hapū who travelled to the lake to gather resources on a seasonal basis. There are numerous remains of middens, tools, bones, pits, chisels and axes indicating there was a high population in the area. The remains of several fortified pā are still in the area including Te Moanairokia, Ohineiwhatūā, Pukekaihau, Waipukurau, Ruatangaroa, Kaimanawa and Kaitoroa.

While parts of the lake bed remain privately owned, large areas of the surrounding land have been returned to local ownership through the Aorangi Māori Trust Board, and are now under the stewardship of the Whatumā Management Group.

Significant long-term restoration and development plans have been underway for many years, to see the lake restored and to build on the successful work developed in the district for projects such as Ngā Ara Tipuna ki Tamatea. The WMG have now raised over \$400,000 for the first phase of the project: establishing a native plant nursery and wetland walkway at the Recreation Reserve on Racecourse Road.

The importance of the Lake and its connections for both stormwater management, walkways and future connectivity is also recognised in Council's Integrated Spatial Plan 2050.

The WMG have requested a small amount of operational seed funding to help with the maintenance of the site, which will ultimately be open to the public for access. This funding is already included in initial draft budgets. At this point Council is not required to make a decision on this funding request, with the detail of budget options being formally presented to Council for its February meeting.

Dr Roger Maaka will present an update on the project to Council on the day.

RECOMMENDATION

That the report be noted.

7.2 RESOLUTION MONITORING REPORT

File Number: COU1-1400

Author: Annelie Roets, Governance Lead

Authoriser: Doug Tate, Chief Executive

Attachments: 1. Council Resolution Monitoring Report.pdf [↓](#)

RECOMMENDATION

That the report be noted.

PURPOSE

The purpose of this report is to present to Council the Resolution Monitoring Report. This report seeks to ensure Council has visibility over work that is progressing, following resolutions from Council.

SIGNIFICANCE AND ENGAGEMENT

This report is provided for information purposes only and has been assessed as not significant.

DISCUSSION

The monitoring report is **attached**.

IMPLICATIONS ASSESSMENT

This report confirms that the matter concerned has no particular implications and has been dealt with in accordance with the Local Government Act 2002. Specifically:

- Council staff have delegated authority for any decisions made.
- Council staff have identified and assessed all reasonably practicable options for addressing the matter and considered the views and preferences of any interested or affected persons (including Māori), in proportion to the significance of the matter.
- Any decisions made will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- Unless stated above, any decisions made can be addressed through current funding under the Long-Term Plan and Annual Plan.
- Any decisions made are consistent with the Council's plans and policies; and
- No decisions have been made that would significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or would transfer the ownership or control of a strategic asset to or from the Council.

NEXT STEPS

An updated Resolution Monitoring Report will be presented at the next Ordinary Council meeting.

RECOMMENDATION

That the report be noted.



Council Resolution Monitoring Report 14 December 2023

Key	
Completed	
On Track	
Off Track	

Item Number	Item	Council Resolution or Action	Resolution Date	Responsible Officer	Progress Report	
1	7.2	Third Quarter Non-Financial Performance Report (Jan - March '23)	2. That council schedule a review of the measures and tools for building the LTP including Snap, Send Solve.	18-May-23	Doug Tate	On Track - This item has been reopended. Measures such as open RFS' have been included as part of updates to the Organisational Performance Report and also noting Councillors will have the opportunity as part of the Long Term Plan measures review also.
2	7.3	Centralines Aquatic Centre - Annual Plan 2023/24	1. That the report is noted. 2. That Council notes that a Section 17a Review will be conducted in collaboration with the Trust ahead of the development of a new agreement beyond 30 June 2024. 3. That subject to the funding for urgent works being confirmed by Council, Officers will develop an agreement with the Trust confirming expectations and obligations of the funding, including that the Trust continue to seek external funding support for the required works.	15-Jun-23	Dennise Elers	On Track Funding agreement has been signed for critical repairs with the Trust. Pool is now closed and work has commenced. Fortnightly project meetings have commenced. Initial findings from Section 17A review received for comment
3	7.6	Kairakau Water Treatment Plant Upgrade - Approval for funding and procurement	1. That Council note the update on the project physical and financial progress 2. That Council approve the increase in contract value to Trility from \$951,398 to \$1,188,480. 3. That Council note the increase in total project budget from \$1.289,000m to \$1,700,000 to be funded from the water capital programme. 4. That council endorse and accept an internal review of financial controls and process for capital projects to be completed and reported to the next Risk and Assurance Committee in September 2023.	15-Jun-23	Reuben George	Complete - Item number four was included in the Risk and Assurance Work Programme for its December 2023 meeting
4	9.3	Tukituki (Tarewa) Swing Bridge - Project Direction	That having considered all matters raised in the report. 1. Council approves the continuation of the project to rebuild the Tukituki (Tarewa) Swing Bridge including the attached wastewater conveyance pipe. 2. That this report be released as publicly available information on 15 June 2023.	15-Jun-23	Ben Swinburne	Off Track - The bridge design has recently been finalised and a PS2 issued by the structural peer reviewers. An increase in both project and contract budgets due to unforeseen additional costs is required in order for the project to continue as planned, albeit delayed due to additional time taken to reach design finalisation. Further delay is likely as we await finalisation of a Memorandum of understanding with HBRC in order to enable the issue of Resource consent, HBRC have indicated concern doing this prior to completion of their Flood protection scheme review. This delay and the HBRC create risk of further change to the project.

5	10.3	Land Transport Procurement - Response Funding	1. That Council approves the Land Transport Response Works Procurement Strategy as the overarching framework for procuring and delivering land transport response works. 2. That the resolution relating to this item be released as publicly available information upon the Contractors being notified.	21-Sep-23	Rebecca England/ Shawn McKinley	Evaluation for tenders received on first 16 sites. Contracts are to be awarded before Christmas. Tender for second package of works to be released to by 15th December.
6	7.3	Adoption of Annual Report 2022/23	That having considered all matters raised in the report and following the recommendation from the Risk and Assurance Committee: 1. That Council adopt the Annual Report for the year ended 30 June 2023, and delegate to the Chief Executive to make any minor adjustments requested by audit as they finalise their checks.	19-Oct-23	Brent Chamberlain	Complete - Annual Report has been finalised and audit certificate received. Published to Council website.
7	7.4	Review of Rates Remission, Postponement, Discounts & Collection Policy	1. That Council accepts the recommended changes to the Rates Remission, Postponement, Discounts and Collection Policy as amended. 2. That the Rates Remission, Postponement Discounts and Collections Policy is brought back to Council to consider any proposed changes from the implementation of the new District Plan, including but not limited to SNA's.	19-Oct-23	Brent Chamberlain	On Track - Updated policy is now live on website and implemented. The wider aspects considering the implementation of the District Plan (such as Significant Natural Areas) remains work in progress to be reported back to Council.
8	7.5	Adoption of Draft Statement of Proposal Freedom Camping	That Council adopt the draft Statement of Proposal for Freedom Camping Bylaw for consultation with amendments.	19-Oct-23	Lisa Harrison	On Track - The Bylaw is currently out for consultation.
9	7.2	Representation Review - Māori Representation	1. That Council resolves to establish a Māori Ward for the 2025 and 2028 Local Body Elections but invites hapu and marae to select up to two representatives for māori representation in an advisory role	15-Nov-23	Doug Tale	In Progress
10	7.4	Options on Pool Inspection Fees & Charges	1. That Council include the introduction of a targeted rate to pool owners for pool inspection fees from 1 July 2024, to be consulted on and formally considered as part of the Long Term Plan 2024/34.	15-Nov-23	Connie Mills	On Track - This will be consulted on as part of the LTP consultation in early 2024.
11	7.10	Adoption of 2024 Council Meeting Schedule	That the 2024 Council Meetings Schedule be adopted.	15-Nov-23	Annelie Roets	Completed. Diary invites sent to Councillors and set for 2024.

7.3 MINUTES FROM THE EXTRAORDINARY RISK & ASSURANCE COMMITTEE MEETING HELD ON 4 OCT 2023

File Number:

Author: Annelie Roets, Governance Lead

Authoriser: Doug Tate, Chief Executive

Attachments: 1. 4 Oct 2023 - Unconfirmed Minutes - EO Risk & Assurance Committee.pdf [↓](#)

RECOMMENDATION

That the Minutes from the Extraordinary Risk & Assurance Committee held on 4 October 2023 be received.

RECOMMENDATION

That the Minutes from the Extraordinary Risk & Assurance Committee held on 4 October 2023 be received.

7.4 REPORTS FROM THE JOINT COMMITTEES HELD FROM AUGUST - 30 NOVEMBER 2023**File Number:****Author:** Annelie Roets, Governance Lead**Authoriser:** Doug Tate, Chief Executive**Attachments:**

1. 14 Aug 2023 - Minutes of Climate Action Joint Committee.pdf [↓](#)
2. 28 Aug 2023 - Minutes of HB CDEM Group Joint Committee.pdf [↓](#)

RECOMMENDATIONS**That:**

1. The Minutes from the Climate Action Joint Committee held on 14 August 2023 be received.
2. The Minutes from the HB CDEM Group Joint Committee held on 28 August 2023 be received.

RECOMMENDATIONS**That:**

1. The Minutes from the Climate Action Joint Committee held on 14 August 2023 be received.
2. The Minutes from the HB CDEM Group Joint Committee held on 28 Augustus 2023 be received.

7.5 CYCLONE GABRIELLE - RECOVERY UPDATE

File Number:

Author: Riley Kupa, Recovery Manager

Authoriser: Doug Tate, Chief Executive

Attachments:

1. River and Environmental Management - Porangahau Meeting held on 14 Nov 2023 Presentation slide pack [↓](#)
2. Key Program Status Report - Land Transport Planned Response and Recovery.pdf [↓](#)
3. Key Programme Status Report - Big Stormwater Story - Nov 2023.pdf [↓](#)
4. Key Program Status Report - Community Wellbeing & Resilience, Cyclone Gabrielle - Social Pou - Nov 2023.pdf [↓](#)

PURPOSE

The purpose of this report is to provide the monthly formal update on progress on the recovery from Cyclone Gabrielle against the key four priorities and issues identified for the district through locality planning.

RECOMMENDATION

That the report be noted.

SIGNIFICANCE AND ENGAGEMENT

This report is provided for information purposes only and has been assessed as not significant.

BACKGROUND

Nine months on from Cyclone Gabrielle, and we continue to make progress. We are resolute in our objective for the Recovery in Tamatea, Central Hawke's Bay to be Community led and we continue to be guided by the discussions had with our communities across the nine 'Community Conversations' hui across the district.

This engagement process remains critical in ensuring that our policies, approach, and initiatives reflected the needs and aspirations of the district, which we hope, foster a sense of ownership and belonging in the Recovery process. Further discussion, reflection and reviewing of our processes since our first report to Council have helped reframe and refine the key priorities and issues identified across the district. The key four priorities and issues identified to date are:

1. River and Environmental management.
2. Land transport and drainage management.
3. 3 Waters – Recovery.
4. Community Wellbeing and Resilience.

The immediate priorities for the community, as well as longer-term aspirations have been captured in Central Hawke's Bay's first edition of a recovery and locality resilience plan which can be accessed on [Council's website](#). We have been out across the district for round 2 of our

'Community Conversations', meetings which have been an opportunity for us to keep our community engaged in the recovery process, share information, update, discuss and ascertain our direction going forward. We are grateful to everyone who took time to provide us with feedback, thoughts and engage in a robust discussion over the last 3-4 months. These interactions are the foundation of our roadmap for our journey through the recovery, no reira, tēnei te mihi ki a koutou katoa, te whānau whānui o Tamatea.

As officers' focus is now firmly on recovery from the Cyclone, officers will provide monthly updates to Council on progress with recovery efforts. This report constitutes a further formal report to Council on recovery, focusing on key actions and milestones reached for the different recovery activities over the past seven weeks.

DISCUSSION

The following sections of the report provide Council with a snapshot of the key activities undertaken across the four key priorities for Central Hawke's Bay identified in the recovery and resilience plan. It is important to note that while these priorities are contained in the plan produced by Council, the priorities and issues identified will not be resolved by Council on its own. In particular, a number of the key priorities and actions in the recovery plan will be led and/or managed by partner agencies, in particular the Hawke's Bay Regional Council on work pertaining to repairs and improvements to flood protection schemes and activities.

This report will summarise each of the identified key priorities in turn and highlight key milestones achieved (to date):

1. River and Environmental management.

The river and waterway management aspect of the Recovery Plan continues to be led by Hawke's Bay Regional Council (HBRC). HBRC have completed the repair work of all stopbanks identified in the Rapid Response programme. We continue to support HBRC who are facilitating multiple reviews across our river systems.

Land Categorisation

We continue to work with HBRC and PDP engineers who have developed a longlist of flood mitigation options for Pōrangahau where 130 properties remain categorised as 2A. In early November HBRC and PDP, supported by council officers facilitated a community meeting to discuss the longlist of options with the Pōrangahau community. The following options were included in the longlist:

- Raise or elevate structure.
- River diversion or realignment.
- Stopbanks.
- Clean out river.
- Relocate structures.
- Stormwater retention/detention.
- Property purchase and retreat.
- Overflow diversion.

Using a multi criteria assessment of the options HBRC and PDP recommended the following two options as the most viable for Pōrangahau:

- Option 1 – Stopbanks and raising some properties.
- Option 2 – Raise properties and/or relocate properties.

The community members present at the meeting seemed engaged with the concept and the discussion. Council have received multiple requests since the meeting for information regarding the flood mitigation options. Therefore, HBRC and PDP supported by council officers are planning another meeting on 12 December to provide further discussion opportunities and clarity for any community members with questions. See HBRC presentation slides attached from this meeting.

Gravel Extraction

HBRC recently announced the successful tender by contractors to remove up to 300,000 cubic meters of gravel from the Upper Tukituki catchment. The extraction site is off Walker Road, Waipawa.

Hawke's Bay contractor firms Slick Civil and Russell Roads will now be removing gravel from the Tukituki River at this site from now until March 2024.

Council officers are very pleased to have this work underway. Not only does this work benefit local firms, it is also an opportunity to support our partners at HBRC through our MOU.

HBRC have been granted an exemption to extract and stockpile the gravel on adjacent land with strict biosecurity measures in place to minimise the risk of spreading any Chilean Needle Grass (CNG) seed."

HBRC are working closely with the Biosecurity Team and have biosecurity measures in place to minimise this risk of spreading CNG.

HBRCs CNG management plan involves:

- Minimising the handling of the gravel by loading it out from river into large dumpsters, then delivered directly to the stockpiling site.
- The gravel will not be carted off-site until a suitable end use is identified with the Biosecurity Team. The end use will be a low-risk use such as foundations, concrete, and sealed roads.
- All earthworks machinery used to load and transport the gravel is cleaned down and then inspected by a Biosecurity Advisor prior to being moved from the site.
- This washdown area is located on site, directly adjacent to the stockpile area.

The gravel extraction is part of the flood protection works of the Upper Tukituki Flood Control Scheme under the IRG programme of works.

Key milestones/actions

- Rapid Response, river reinstatement work – complete.
- River Reviews continue:
 - Upper Tukituki – progress 10%
 - Biosecurity – progress 50%
- HBRC and PDP have finalised list of flood mitigation options and presented them to Pōrangahau.
- Gravel extraction commenced at Walker Road.

See full report attached for further information.

2. Land transport and drainage management

As we approach the end of the year, several key initiatives are underway to ensure the successful execution of our objectives.

One of the primary focuses has been the preparation for the tender evaluation of the first package of works. We aim to secure a contract award before Christmas, setting the stage for a swift commencement of construction.

The contract award for the Gwavas Bridge project marks a significant milestone. A carefully structured program has been established, outlining the timeline for the commencement and completion of works which will allow for clear community communications take place. However, it's important to acknowledge the challenges we've encountered. Issues such as design departure approval and unpredictable ground conditions have led to delays in project timelines, particularly for sites like Douglas Cutting and Titoki Bridges. Addressing these challenges remains a priority as we navigate through the complexities of the projects.

In tandem with project execution, we are actively engaged in the continuous development of programs to upskill local contractors. Initiatives include planning for GETS/tender workshops and collaboration with health and safety accreditors, such as Totika. These efforts underscore our commitment to supporting and developing local businesses that can potentially support the Cyclone Gabrielle recovery programme moving forward.

Looking ahead to the New Year, we have set a target to complete all optioneering reports for response sites (unfunded and funded) by the end of January 2024. This commitment aligns with our plans to provide a clear forward work programme for further funding applications.

Our collaboration with Crown Infrastructure Partners has played a pivotal role in finalizing the Project Delivery Plan scope, one for all four sites combined. The proposed delivery of these plans for subsequent approval in mid-December sets us on a positive track for the commencement of stage 1 works this construction season.

Key milestones/actions

- Procurement process continues.
- Planning networking event for local contractors.
- Project delivery plan being drafted for the four recovery projects.
- New website page implemented.

The full Project Status Report is attached.

3. Three Waters - Recovery

Drinking Water

Drinking Water conveyance and treatment has returned to pre cyclone Gabrielle activity. However, there are ongoing concerns with the resiliency of the treatment plant given its location. Council officers have been working with the Cyclone Recovery Unit and Crown Infrastructure Partnership to confirm options for protecting the treatment plant.

Wastewater

Wastewater conveyance and treatment has returned to pre cyclone Gabrielle activity. Resiliency is also a focus for our wastewater network going forward. We're working closely with our three waters team on resiliency options in this space.

Stormwater

The impacts of Cyclone Gabrielle required greater focus on stormwater and as a result the general stormwater programme has seen significantly more over the last nine months.

We remain committed to taking a more holistic approach in how the overall stormwater activity is managed moving forward and continue with the formation of a stormwater strategy document, planned alignment and finalisation of our catchment management plans and breaking up work into key workstreams each with their own objectives, measures and plans.

This month the open drain maintenance programme has progressed with contractors continuing works on the Eastern side of Waipukurau and positive planning towards further works in the industrial area in the northwest of the town. Following completion of these two projects, the Maintenance programme shifts from cyclone response to the operational maintenance cycle which brings together corrective and preventative maintenance, using risk-based prioritisation. Key to this is a proposed change to operational funding sources.

Key milestones/actions

- Communication and engagement plan being drafted.
- Community focused.
- Maintenance programme continues.
- The first iteration of a quarterly newsletter was shared to the Stormwater Focus Groups.

See the full Project Status Report **attached** for further information.

4. Community Wellbeing and Resilience

The Community Connections Manger Recovery continues to provide navigational support as required to affected property owners. The Pōrangahau connector service via the Ngāti Kere Hapū Authority are looking at options with potential funders to continue this service.

The online orders for the first tranche of 20 Red Cross home bundles has been completed with deliveries starting to arrive. We are now awaiting the release of tranche two.

The first community resilience workshop was held in Tikokino on 18 October with over 30 people attending. From the workshop, the Community Resilience Plan (CRP) will be drafted by HBCDEM and provided to the community for feedback by the end of November.

Planning for community emergency hubs continues with donated generators being distributed to our rural halls. A funding meeting is being held with New Zealand Red Cross in November to the support the resourcing of the hubs.

An event to support lifestyle block owners is planned for November. This includes workshops (both face to face and online) and a community champion programme. The project is being delivered by BML Consulting via NIWE funding.

The remaining round two community conversations are scheduled for Wallingford on 7 November and Pōrangahau on 14 November.

Mana Whenua

The visit from the Hawkes Bay Independent Flood Review Panel on the 23rd and 24th of November went smoothly in both the Pōrangahau and wider affected flood areas of Waipawa, Otāne and the Takapau regions. The panel fed back that having seen the damage and hearing the stories was advantageous to the review outcome. Currently the Civil Defence Emergency Management Review is underway in Tamatea and Mana whenua representatives have been invited to participate.

Mataweka marae continue to look for funding options for the reintroduction of a marae hub that will also cover the requirements of a civil defence outpost and recovery hub. This is an action in their most recent strategic plan, that they would like to foster due to the success of the hub they experienced for cyclone Gabrielle. Rongomaraeroa marae have completed a working bee this weekend and the marae is looking beautiful, although not officially opened yet.

Ngāti Kere Hapū authority continue to work on their rebuild programme. The hub is still in a low-level operation phase until such a time the trustees provide a closing date.

Tamatea marae and Insurance packages have been discussed at the Taiwhenua board to provide security and insurance protection for marae and whanau.

Key milestones/actions

- Community Conversations Round 2 complete.
- Deliveries of the Red Cross Housing Bundles tranche 2 begins.
- CHB Disaster fund application successful.
- Solar installation funding applications submitted.

See the full report attached.

IMPLICATIONS ASSESSMENT

This report confirms that the matter concerned has no particular implications and has been dealt with in accordance with the Local Government Act 2002. Specifically:

1. Council staff have delegated authority for any decisions made.
2. Council staff have identified and assessed all reasonably practicable options for addressing the matter and considered the views and preferences of any interested or affected persons (including Māori), in proportion to the significance of the matter.
3. Any decisions made will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses; and
4. Any decisions made are consistent with the Council's plans and policies.

NEXT STEPS

Officers will continue working consistently with our recovery plan with a focus on actioning the identified deliverables under each of the key priorities and prepare for the next round of community engagement to keep up to date with community needs and feed into the next edition of Central Hawke's Bay's Recovery and Resilience plan, due later this year.

RECOMMENDATION

That the report be noted.

7.6 THREE YEAR PLAN - UPDATE AND EARLY DIRECTION

File Number:**Author:** Doug Tate, Chief Executive**Authoriser:** Doug Tate, Chief Executive**Attachments:** Nil

PURPOSE

The purpose of this report is to provide Council with an update on the '3 Year Plan' being developed under Orders in Council, in replacement of the Long Term Plan 2024 – 2034.

RECOMMENDATION

1. That Council notes the significant cost pressures as we develop the Three Year Plan.
2. That Council note and endorse the two budget focus areas (contained in Section 3 of this report), as the basis for Officers to continue early work on the development of the 3 Year Plan Budget.
3. That Council indicates its early intentions to engage and consult with community on the options and measures available to reduce the impact of rates as part of the Three Year Plan development.

BACKGROUND

The Local Government Act 2002 requires local authorities to adopt a long-term plan every three years. Each long-term plan must cover the following 10 years with a particular focus on the next three years. The overlapping nature of these timescales means a long-term plan is never entirely 'new' but builds on the existing one.

In lead up to the Long Term Plan 2024 – 2034, this was to be the most complex Long Term Plan Council had ever had to develop.

Council would be required to navigate through a period of significant social, economic and political change and uncertainty that was forecast – from affordability and significant inflation, through to uncertainty relating to Central Governments reform programme – most notably the Three Waters Reform programme and Land Transport funding.

Early work on Councils Draft Annual Plan 2023/24 in December 2022, signalled these challenges ahead. Achieving Councils forecast 6.3% proposed rates increase in Year 3 of the 2021-2031 Long Term Plan, was being significantly challenged by factors outside of Councils control. There were three key factors driving Councils cost increases at this time being, higher than forecast inflation and cost of borrowing levels, and continued required investment in Councils three waters assets to meet Central Government Regulation and Standards.

In February 2023, Cyclone Gabrielle bore down across Hawke's Bay and the wider Country, with its wrath on the District undeniably felt. The Cyclone had a significant impact on Councils Annual Plan 2023/24 and will continue to have a significant impact Councils future budgets for the foreseeable future, with recovery one of the most significant financial pressures for the long term.

Through the Severe Weather Emergency Recovery Legislation Act 2023 and subsequent Orders in Council, relief was given to Cyclone affected Councils to develop a 3 Year Plan, rather than a full

ten year Long Term Plan for the period. This relief is critical for this Council as it navigates its way through recovery planning, particularly in the Land Transport activity where some \$100 million of unfunded recovery works remain. This relief will see a Three Year Plan developed that while still being a ten year forecast, will primarily focus on the first three years of recovery, and is relieved from any audit requirement.

Since June, Officers have reviewed asset and activity management plans, capital programmes and operating budgets. Elected members have received briefings and provided direction through Risk and Assurance Meetings and Council meetings on early inputs to the Three Year Plan, including the adoption of growth assumptions and Key Assumptions.

A key assumption through this early work is that Council is retaining its strategic vision and community outcomes developed in Project Thrive in 2016, as the key community outcomes for this three-year plan.

In early November, Councillors were presented by staff on the key outcomes of the development of Asset Management Plans. On 29 November, Councillors were presented with the first version of the base budget and the key drivers of cost, including early opportunities for revenue or reducing expenditure.

At this time and recognising the compressed timeframes Council are working under, Officers are continuing to work through budgets, their implications and opportunities to continue to reduce expenditure before presenting a further update to Council, planned prior to Christmas.

This purpose of this report is to formally provide an update to the Elected Council on the early work in development of the Three Year Plan and to publicly present context on the early challenges ahead in the development of this Three Year Plan, that was presented to Councillors on 29 November in workshop.

This report also seeks formal endorsement from Council on the key priorities that Officers will consider in the development of the revised budgets, prior to these being presented formally to Council for consideration at Councils meeting in February 2024. It also steps out the next steps and important milestones for Council to achieve to deliver on this Three Year Plan.

DISCUSSION

This next section of the report is structured into four sections:

1. Key Drivers of Cost in the Three Year Plan
2. Other contextual challenges
3. Focus Areas for budget development
4. Next steps and programme

1. Key Drivers of Cost in the Three Year Plan

The key cost drivers Council faced in the development of the 2023/24 Annual Plan, are the same key drivers of cost that Council face again in the development of the Three Year Plan. Albeit, those drivers are now at record levels and exacerbated by the costs of recovery and further government reform uncertainty.

Simply put, the cost of Councils operation has increased, largely as a result of many factors outside of Councils immediate control.

Analysis on the base budget presented on 29 November to Council, identifies four key drivers of cost being:

Cost of inflation

With an average increase of 6% inflation in the last 12 months, this requires an additional \$1.659 million of rates to be collected in the first year of the Three Year Plan, simply to provide the same services at an additional cost – equating to a 6.5% rates increase alone.

A 6% average inflation increase does not account or reflect the significant cost escalations that have occurred in civil construction or in the price of steel, piping or bitumen which has escalated in some instances over 30% in the same period. This pressure is likely to be further exacerbated by a high demand on resources from recovery also expected over this next period in the region.

Cost of borrowing

Additional costs of borrowing of \$1.774m are forecast in the first year of the Three Year Plan. These costs relate to borrowing in the current financial year that has already been expended and there is no way of defraying these costs. A further 6.8% rates increase on average is forecast to be required to meet these costs, which will fall primarily to the connected ratepayer where over 80% of Councils total debt associated with three waters activities falls.

In the development of the 2023/24 Annual Plan, Council slowed its capital programme to mitigate this impact and in September 2023, Council received a further update requiring Council to further slow its capital programme. This was as a result of the impacts of Cyclone Gabrielle, increasing affordability challenges and the ability for Council to continue to draw debt particularly for its three waters programme without breaching its self-imposed debt caps, following delay to the Three Waters Reform Programme.

Council will be required continue to draw debt for the 2024/25 year for critical three waters upgrades and replacements that will further exacerbate these costs.

Cost of Increased Land Transport Investment

Councils current base model includes a \$2.227M increase in investment in its land transport activities, above and beyond the average 6% inflation increase. This requires a 39% increase on average in the Land Transport rate in the first year, and further successive increases in the following years to address increases in inflation and cost escalations greater than forecast over the last three years.

While prior to Cyclone Gabrielle, Council had identified the Land Transport Activity as a major area of focus for the 2024 – 2034 Long Term Plan this investment is required additional to investment already made in the current year for recovery. While this new investment will start to address the growing back log of unfunded maintenance and asset renewals, this will still be over a ten year period to see Council 'catch up' with this backlog.

Other costs of business

Connected with other costs of business, including a \$200,000 (30%) increase in Councils cost of insurance, lower than forecast revenue from fees and charges across resource and building consenting, as well as solid waste operations introduces, a further \$1.355M of rating requirement or a further 5.2% rates increase on average.

Overall, these four key drivers alone present a significant challenge for Council to address, presenting a total increase in rates that will be significantly higher than forecast through the previous Long Term Plan 2021 – 2031, without many options to defray, reduce or offset the increases. These increases alone also do not account for any other new or additional investments that must be made in critical three waters services and activities required to meet legislation.

Undoubtedly, Council will be required to carefully trade-off affordability, regulatory and asset risk – against its ability to seek the additional rating requirement for the 3 Year Plan.

2. Other Contextual Challenges

Other contextual challenges Council faces include:

Three Waters and Rooding

Most notably, the most significant area of uncertainty relates to the timing of the three waters reforms, and in a Hawke's Bay context, now the potential timing of the establishment of any Hawke's Bay Three Waters Entity. This has a significant impact on the timing and overall phasing in which Council plans its critical three waters upgrades, ensuring that upgrades remain as affordable as possible to community, traded off against Councils ability to borrow debt, and manage regulatory risk and the risk of asset failure.

Another critical uncertainty at this time remains confirmation of Councils funding arrangements with Waka Kotahi for the \$100m of unfunded rooding recovery work from Cyclone Gabrielle. At this time, the assumption is that Council will receive a bespoke Funding Assistance Rate (FAR) from Waka Kotahi of 95% for the remaining recovery works over a three year period. This is unlikely to be confirmed by Waka Kotahi prior to the Draft Plan being released for consultation, planned for April 2024.

Delivering on Growth

Along with the increasing costs of doing business and meeting increasing environmental standards, there is also the need to recognise what continued investment does for the district – addressing infrastructure capacity, enabling jobs and industry, enabling housing, and delivering community facilities that make our District a great place to live.

While Council faces some very acute challenges in the short-term – particularly in its three waters activities, Council will need to find the balance between addressing these short-term challenges, and enabling the district for the Long Term. This includes growth investment particularly for projects such as the Waipukurau South Growth Precinct, which is forecast to primarily provide for the District's urban growth for the next decade.

Further in a future government environment of a more enabling development environment, this may mean that council is forced to be market led in its development again. As Council has experienced in the past, this has the consequences of Council needing to reactively provide infrastructure that was unplanned and unfunded, as well as resulting in development occurring in unintended locations.

Government Reform

This Council is incredibly aware of the need for change for how Local Government is funded. This was clearly evident in the need for the establishment of the Hawke's Bay Three Waters model. This is a position that has continued to be strengthened with additional government mandates, standards and regulations that have been placed on Council to implement, and was further strengthened through the Review into the Future for Local Government findings.

At this stage, there is no clear indication that solutions to funding or funding relief to Council is imminent or could reasonably be expected in the first year of this Three Year Plan with certainty.

This is an area that Council and the wider Hawke's Bay Region will need to continue to advocate for, particularly through a lens of recovery.

3. Focus Areas for budget development

In the development of the base budget to date, Officers have already adopted a 'focussed' approach to the budget. This means that Officers have already taken an approach to reduce the planned budget that is required to fully implement the desired work programmes across Council sought in the activity and asset management plans. This focussed budget already focusses on essential increases, addressing revenue shortfalls and very few new programmes or activities.

To date this has already included line by line analysis of all new expenditure, further deferring and reducing proposed new FTE's and the reduction or cancellation of many projects. This has already created a budget that is still significantly challenging and confronting.

To further refine the budget, Officers are proposing to develop two budget scenarios for Council to consider and then to workshop further amendments or changes in early 2024, ahead of adopting a budget option to develop the draft Three Year Plan on at its 15 February 2024 meeting . These are:

i. Recovery Budget

This proposed budget will present the current base model Officers have developed, which will substantially retain all of Councils services in their current operating format, albeit Officers will continue to hold a highly restrained approach to the inclusion of any new funding and will carefully consider all existing funding.

This model recognises that Council wants to retain the long-term vision and outcomes sought through Project Thrive, meaning progress to these outcomes will be achieved, albeit new investment and activity will be deferred for a least a three-year period for Council to work through this period of Recovery uncertainty.

This means there will be no substantial changes to Councils services, operating levels of service or maintenance, however will this still require significantly higher new rating requirements to fund increases in inflation and the cost of operation primarily only.

Any significant new capital funding that is new or retained will be related to two primary areas, being Land Transport Asset Improvement and Critical Three Waters Asset replacements and upgrades to support growth.

All other funding for other key activities will be deferred for at least three years to provide for these areas to be prioritised through this recovery period.

ii. Extended Recovery Budget

This proposed budget will take a stronger view of financial restraint and will substantially reduce levels of service and operation in Year 1 of the Three Year Plan, and gradually increase levels of service and operation back to the current position over a five year period.

This budget will again recognise that Council wants to retain the long-term vision and outcomes sought through Project Thrive, however this will now be through a much longer-term lens.

This budget approach means that Council will not stop or close activities, only reduce levels of services and operations. These levels of service again will be reintroduced over a five-year period. This would include options like reducing mowing frequencies, opening hours and slowing existing programmes of work.

Any significant capital funding that is new or retained, will still be related to two primary areas only, being Land Transport Asset Improvement and Critical Three Waters Asset replacements and upgrades to support growth.

All other funding for other key activities will be deferred for at least five years to provide for these areas to be prioritised through this recovery period.

These two budget approaches acknowledge and retain the adopted strategic direction and community outcomes of Council developed in Project Thrive. It is on this basis that the two budget models will be developed and remains the position Council has given direction on to date that it seeks to retain for its long-term vision of success.

The intention is that Officers will have these two models complete before Christmas, for Elected Members to carefully consider and reflect on the potential trade-offs over the Christmas break, ready for the further consideration of budgets in workshops in early February 2024. At Councils first meeting on 15 February 2024, Officers will then be presenting updated budgets for Councils consideration, including the endorsement of a budget to begin the development of the Three Year Plan and its associated strategies and policies.

If Council are of a view that further significant changes, closures or cancelling of services or activities are required beyond the proposed extended recovery budget, it will be essential for Council to reconsider its adopted strategic direction and community outcomes to give direction and priority to Officers on Councils funding priorities. Early formal direction on this is essential.

4. Next steps and programme

While the Three Year Plan is unaudited, there is still significant work for Council to complete, including the finalisation of a draft budget and the plans associated strategies and policies.

Early 2024 features a number of key milestones that Council must achieve in order for the Three Year Plan programme to be realised. Subsequently this features a heavy series of governance workshops and meetings through February and March, following by four weeks of consultation on the Three Year Plan through April.

The most notable key milestone in the first quarter is the Council meeting of 15 February, where Officers will need the approval of Council on a draft budget, in order to develop the draft consultation document and supporting materials. This is a critical milestone that Officers will be working towards.

An overall update on the key programme for the balance of the Three Year Plan programme, through to July is detailed below:

Date	Action
14 December 2023	Council Meeting Formal report to Council on progress on early budget challenges, emerging issues and themes and er
Prior to Christmas	Draft Budget options for Council to consider.
1 February 2024	Workshop This workshop will be the first opportunity for Councillors to workshop the formation of a budget position and the associated risks and trade-offs.
8 February 2024	Workshop This workshop will be the second opportunity for Councillors to workshop the formation of a budget position and the associated risks and trade-offs.
15 February 2024	Council Meeting At this meeting, Officers will be seeking approval from Council on a draft budget position in order for Officers to prepare a draft Consultation document and draft long term plan.
Late February	Pre-Engagement This is an opportunity for Council to complete a light pre-engagement on key themes and direction on the Three Year Plan.
29 February	Workshop Officers will workshop critical policies and strategies associated with the Three Year Plan.
6 March	Workshop Officers will workshop critical policies and strategies associated with the Three Year Plan.

Date	Action
14 March	Council Meeting This will be the formal opportunity for Council to receive a formal update on the programme, adopt key policies and strategies.
19 March 2024	Risk and Assurance Meeting To consider draft Consultation Document and draft plan
20 March 2024	Workshop For Councillors to workshop any final feedback on the Consultation document and draft Three Year Plan.
4 April 2024	Council Meeting Adoption of Consultation document for consultation
5 April to 6 May 2024	Consultation and Engagement Formal consultation opens and runs over a four week statutory timeline.
22 May 2024	Hearings
30 May 2024	Deliberations
13 June 2024	Council Meeting Adoption of Three Year Plan
20 June 2024	Risk and Assurance Meeting To consider any further matters associated with the striking of the rate or other matters.
27 June 2024	Council Meeting If required, adoption of the three year plan and striking of rate
July 2024	July Finalisation of Three Year Plan document. Communication with community on the resulting outcome.

SIGNIFICANCE AND ENGAGEMENT

In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as some significance, noting the critical important of this three year plan.

NEXT STEPS

On the basis the Officers recommendations are accepted, Officers will continue with the development of budgets and options for Councillors reflection and consideration.

The next steps, steps will then include workshops with Council on the potential budget options in February, leading to a formal direction being given to Officers at the 15 February 2024 Council meeting for Officers to develop the Three Year Plan consultation document and associated supporting documentation.

RECOMMENDATION

- 1. That Council notes the significant cost pressures as we develop the Three Year Plan.**
- 2. That Council note and endorse the two budget focus areas (contained in Section 3 of this report), as the basis for Officers to continue early work on the development of the 3 Year Plan Budget.**
- 3. That Council indicates its early intentions to engage and consult with community on the options and measures available to reduce the impact of rates as part of the Three Year Plan development.**

7.7 TUKITUKI SWINGBRIDGE - PROJECT UPDATE

File Number:**Author:** Ben Swinburne, Project Manager**Authoriser:** Doug Tate, Chief Executive**Attachments:** Nil

RECOMMENDATION

That the report be noted.

PURPOSE

The purpose of this report is to provide an update on the project to Rebuild the Tukituki (Tarewa) swing bridge following the achievement of a number of milestones and the identification and development of multiple significant risks and issues.

SIGNIFICANCE AND ENGAGEMENT

This report is provided for information purposes only and has been assessed as not significant.

BACKGROUND

The Council's Long Term Plan (LTP) includes a project to build a pipeline across the Tukituki River from Waipukurau to Waipawa. After the previous Tukituki swing bridge was destroyed in the March 2022 flood event, the opportunity was identified to incorporate a wastewater conveyance pipe into the new bridge. In August 2022 Council approved \$1 million in funding to be brought forward from Year 8 of the LTP, and additional contributions from the Hawke's Bay Regional Council brought the project budget to \$1,565,000.

Following Cyclone Gabrielle which devastated the community and significantly damaged the district's infrastructure, concerns regarding the decision to attach wastewater conveyance pipes to the bridge were raised. These concerns were discussed at Council meeting in June 2023 along with alternative options to convey wastewater across the Tukituki River. At this meeting Council approved the continuation of the project to rebuild the Tukituki (Tarewa) Swing bridge including the attached wastewater conveyance pipe.

Significant milestones have been achieved through partnerships with the Hawke's Bay Regional Council, Rotary River Pathway Trust, and Abseil Access. The project has progressed with design completion, design peer review approval, building consent, provisional agreement on resource consent, and the Department of Conservation concession.

DISCUSSION

Community Engagement

Mana Whenua are a key stakeholder and are supportive of the river crossing on the bridge and avoiding any disturbance to the awa when conveying wastewater across the Tukituki River. The Tūhono mai Tūhono atū sets out to ensure that natural resources are taken care of for future generations. This includes taking opportunities to protect the awa during key infrastructure projects, such as this key river crossing as part of the Waipukurau, Waipawa, and Ōtāne upgrades.

The Rotary River Pathways Trust who manages and maintain the Tukituki Trails network are supportive of the proposal to build a robust and fit for purpose swing bridge that will withstand any

future severe weather events. Through discussions with the Trust the importance of this asset to the community has become apparent. Currently without a bridge across the Tukituki River the trail network is without a loop.

At a meeting held with the Rotary River Pathways Trust on 3 November 2023, the Trustees were concerned that the delay in construction has impacted the economic viability of the Tukituki trails with several cycling events cancelled. They were concerned that further delays may result in these events moving elsewhere and may never return to Central Hawkes Bay even once the swing bridge is completed.

The Chief Executive continues to be in regular contact with the Trust Chair and wider Committee. Fairly, they want to see progress on this important community asset continue.

Risks and Issues

The project team have identified several developing risks and issues with the potential to impact the successful delivery of the project. These are being presented to provide an update to council and community, and to provide the basis for any future discussion or decisions.

These are discussed below:

Risk of delay in securing Resource Consent

While provisional approval of the Resource consent conditions has been given by Hawke's Bay Regional Council (HBRC), this was subject to the agreement to formalise a Memorandum of Understanding that would outline responsibilities as it relates to the ongoing ownership and maintenance of the bridge and the any effects the bridge may have on the surrounding environment. Recent correspondence with officers of HBRC has indicated that reaching any agreement will not be possible until the review of their Flood Protection Schemes currently underway is completed.

This is almost certain to delay the start of any construction, should future decisions be made that see the project able to continue.

Risk of design change due to HBRC Flood protection scheme review

The review of HBRC's Flood Protection schemes does have some potential to alter the project. Modelling completed as part of the Tukituki swing bridge project has been completed using base data from HBRC's existing hydraulic models of the current scheme. While this was updated extensively to include climate change allowances as well as more detailed analysis of the proposed bridge effects, should the scheme review result in changes that could materially affect the validity of our existing model then this may mean changes to the bridge design.

Risk of delayed construction commencement

As several decisions would be required before construction is able to commence, it is certain that a delay in commencement of construction will occur. We are working with our contractors, Abseil Access, to understand how the impacts of delay can be mitigated or minimised however there is the potential that these delays could be exacerbated by contractor availability and also increase costs as we see material prices continuing to increase.

Project cost increases

Subject to the above, an increase on the project budget is required should the project continue as currently planned. The required increase relates to several items including:

- **Increased flood modelling requirements post Cyclone Gabrielle**

To satisfy concerns from Hawkes Bay Regional Council during the resource consenting process, Council expended an additional cost to engage Christensen Consulting Ltd to review the flood modelling previously completed by Beca. There were also additional costs following the cyclone to validate the flood modelling.

Christensen Consulting's report, in alignment with Beca's, noted that due to the alignment and location of the structure, a solid approach ramp was recommended. This ramp was not included in the projects initial scope of works.

Flood analysis shows potential for significant scour erosion at the abutments and around the approach embankments. Protection of the embankments is fundamental in making the overall structure resilient. For this reason, in addition to the bund, rock armouring has been included on the True Left Embankment.

- ***Additional costs of consenting***

Due to the complexity of the design and construction methodology of the swing bridge with the wastewater pipes attached, significant additional work was required by HBRC through the resourcing process with a renewed focus on flood risk and mitigation after Cyclone Gabrielle. We are yet to receive the final invoice from HBRC for the processing of the consent application although additional costs in this process already included consultants planning fees in excess of \$30,000.

- ***Contract Value Increase***

- ***Design***

The peer review process uncovered several design items which could not have been reasonably foreseen by the design build contractor. The majority of which related to the structure's importance level. The increased construction costs relating to these designs have added a further \$166,309 to the cost of building the bridge.

- ***Material Costs***

Over the last 12 months, global steel prices have continued to rise due to the significant escalation in raw material costs. In addition, transport and logistics costs have also been under pressure leading to higher freight charges.

Some alternative approaches could result in a reduction in the scale of the project cost increases, including design changes that alter the scope of some parts of the build.

Impacts on future decision making

A decision will be required by council associated with these cost increases. However, due to the risks identified above regarding the overall Flood protection scheme reviews by Hawke's Bay Regional Council, which is not only expected to cause delay to the project but depending on the outcomes of the review could also result in changes to the proposed design and as a result project scope changes, officers will not be able to provide certainty on the scale of the cost increases, or the impact to the project, until information from Hawke's Bay Regional Council is received.

A formal update to council will be brought in February 2024 to provide greater clarity on the impact of the HBRC scheme review on the project, as well as options and implications should the result of the any of the risks above mean the project cannot feasibly continue. This will include implications relating to design and project scope, financial implications, project programme and contractual implications.

IMPLICATIONS ASSESSMENT

This report confirms that the matter concerned has no particular implications and has been dealt with in accordance with the Local Government Act 2002. Specifically:

- Any decisions made are consistent with the Council's plans and policies; and
- No decisions have been made that would alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council or would transfer the ownership or control of a strategic asset to or from the Council.

NEXT STEPS

It is anticipated that council will need to make some decisions on the direction of the project in the near future. Officers will have more information available early in the new year that will support this decision-making process including:

- Clarity on Hawke's Bay Regional Councils position in relation to the Memorandum of Understanding,
- A greater understanding of the impacts of the Upper Tukituki Scheme review on the project,
- Options surrounding the contract arrangement with Abseil Access and any impacts associated with prolonged delay, or the need to abandon the project
- Greater certainty of the cost implications of any potential changes or decisions and options for funding (including options to alter the project scope)

Another formal update will be provided to council in February 2024.

RECOMMENDATION

That the report be noted.

7.8 PRESENTATION OF VAPING PETITION - OTĀNE

File Number:

Author: Doug Tate, Chief Executive

Authoriser: Doug Tate, Chief Executive

Attachments: 1. Otāne Vaping Petition [↓](#)

RECOMMENDATION

That Council receive the petition from the Otāne Community on the presence of a vaping store in Otāne.

PURPOSE

The purpose of this report is to present a petition received from the Otāne Community, petitioning against the presence of a vape shop in Otāne and seeking its closure.

SIGNIFICANCE AND ENGAGEMENT

This report is provided for information purposes only and has been assessed as of some significance, as it is reflective of community feedback on this specific issue.

BACKGROUND

In accordance with Central Hawke's Bay District Councils Standing Orders, the attached petition has been received, and in being consistent with Councils standing orders is presented to Council.

Vaping, an alternative to traditional tobacco consumption, has witnessed a surge in popularity in recent years. The intersection of health concerns, regulatory challenges, and the desire to strike a balance between individual freedoms and public well-being has prompted our community members to voice their opinions through this petition.

The petition recognises that the Vape Shop in Otāne was opened without community consultation, with the Petitioners noting it poses a risk to community and danger to children of the community. The signed concerned citizens oppose having a vape shop in Otāne and are petitioning for its closure.

DISCUSSION

Council is limited in what regulatory functions it has to manage or control vape shops. Unlike the sale of alcohol and liquor, Council does not have the power to regulate vaping in the same way. Council do however have a legislated duty to promote and enhance the wellbeing of communities and are well placed to advocate for and provide valuable local context and knowledge.

At the 2022 Local Government New Zealand General Meeting, Council supported a remit alongside other councils, calling on the Government to limit the retail availability of vapes to R18 specialist stores and restrict their location and proximity to schools.

In August 2023 the Smokefree Environments and Regulated Products Amendment Regulations 2023 were introduced as part of a wider programme of to tackle youth vaping rates and contribute to a Smokefree future for Aotearoa New Zealand. These regulations required that vape shops were at least 300m from a registered school or Marae and were required to notify that they sold

'notifiable products'. Further restrictions in 2024 sought to introduce further standards on vaping, including permitted flavours, and other means to put further restrictions on these.

The new Government as part of their Coalition agreement have sought to relax these provisions including:

- Repealing amendments to the Smokefree Environments and Regulated Products Act 1990 and regulations before March 2024, removing requirements for denicotisation, removing the reduction in retail outlets and the generation ban, while also amending vaping product requirements and taxing smoked products only.
- Reform the regulation of vaping, smokeless tobacco and oral nicotine products while banning disposable vaping products and increasing penalties for illegal sales to those under 18.

It is unclear how far or what approach will be adopted by the new Government on this, however there is an opportunity for Council to advocate to government, including using the example of the Otāne community petition as support to this position.

Having received this position some of the options available to Council to consider include writing to local Ministers Wedd and Butterick presenting the petition and also writing to the new Health Minister Shane Reti presenting the petition.

IMPLICATIONS ASSESSMENT

This report confirms that the matter concerned has no particular implications and has been dealt with in accordance with the Local Government Act 2002. Specifically:

- Council staff have delegated authority for any decisions made;
- Council staff have identified and assessed all reasonably practicable options for addressing the matter and considered the views and preferences of any interested or affected persons (including Māori), in proportion to the significance of the matter;
- Any decisions made will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses;
- Unless stated above, any decisions made can be addressed through current funding under the Long-Term Plan and Annual Plan;
- Any decisions made are consistent with the Council's plans and policies; and
- No decisions have been made that would alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or would transfer the ownership or control of a strategic asset to or from the Council.

RECOMMENDATION

That Council receive the petition from the Otāne Community on the presence of a vaping store in Otāne.

7.9 DOCUMENTS EXECUTED UNDER COMMON SEAL

File Number:

Author: Annelie Roets, Governance Lead

Authoriser: Brent Chamberlain, Chief Financial Officer

Attachments: 1. Use of the Common Seal [↓](#)

RECOMMENDATION

That the report be noted.

PURPOSE

The purpose of this report is to update Council on the recent use of the Common Seal since last reporting use in Jan 2023. Council can expect this to be reported on an annual basis.

SIGNIFICANCE AND ENGAGEMENT

This report is provided for information purposes only and has been assessed as not significant.

DISCUSSION

The Common Seal is the mark of the Council which is used to execute legal documents as required by various pieces of legislation and also for ceremonial purposes. It provides endorsement of an official Council document.

Although a Council resolution is required for the Seal to be affixed to a document, the delegations register specifies that -

- *In the case of a document of a routine nature, and/or a document which is urgent, the Seal may be affixed to such documents and such action reported to Council for a confirmation resolution.*

The seal is held by the Chief Executive who is responsible for its use.

The Common Seal is affixed to any document that is required to be executed under the Seal, including:

- Warrants to enter private land on behalf of the Council made under the Resource Management Act, the Biosecurity Act, the Building Act, Local Government Act 1974 or the Local Government Act 2002.
- When executing any Memorandum of Transfer pursuant to section 80 of the Local Government (Rating) Act 2002.
- Regional policy statements and regional and district plans prepared under the Resource Management Act.
- Central Hawke's Bay District Council – Delegations Manual 1 July 2020.
- Bylaws prepared under the Local Government Act 2002 or other relevant statutes.
- Any documents (e.g., covenants, caveats, or consent notices) which otherwise require the use of the Council's Common Seal with the exception of "Deeds".

- In relation to executing any Deed, the authority to impress on any document the Common Seal of the Council is delegated to the mayor or in their absence Deputy Mayor, and any one councillor by virtue of section 9 of the Property Law Act 2007 (two signatures required).

The Register detailing the Use if the Common Seal is attached.

FINANCIAL AND RESOURCING IMPLICATIONS

There are no financial or resourcing implications to consider when affixing the seal

IMPLICATIONS ASSESSMENT

This report confirms that the matter concerned has no particular implications and has been dealt with in accordance with the Local Government Act 2002. Specifically:

- Council staff have delegated authority for any decisions made.
- Any decisions made will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- Any decisions made are consistent with the Council's plans and policies; and
- No decisions have been made that would alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council or would transfer the ownership or control of a strategic asset to or from the Council.

NEXT STEPS

Officers will continue to use the seal in accordance with the delegations register and report its use to Council regularly.

RECOMMENDATION

That the report be noted.

2023					
Number	Date	Used on	Delegation Issued to	Assigned under Delegations Register as	To Whom
23/20	18-Jul-23	ANZ Master Mandate - Direct Debit Account for Koha	Pou Whātuaia - Māori Relationships Manager	Pou Whātuaia - Māori Relationships Manager	Pam Kupa
23/21	9-Aug-23	Warrant of Authority	Parks & Open Spaces Manager	Places and Open Spaces	Katherine Luff
23/22	9-Aug-23	Warrant of Authority	Building Consent Officer	Customer and Consents	Aldo Fehr
23/23	9-Aug-23	Warrant of Authority	Parks & Open Spaces Officer	Places and Open Spaces	Amanda Stanley
23/24	19-Oct-23	Proposed Freedom Camping Bylaw - Statement of Proposal	Proposed Freedom Camping Bylaw - Statement of Proposal	As per 19 Oct 2023 Council resolution 23-101.	

8 CHIEF EXECUTIVE REPORT

Nil

9 DATE OF NEXT MEETING**RECOMMENDATION**

THAT THE NEXT MEETING OF THE CENTRAL HAWKE'S BAY DISTRICT COUNCIL BE HELD ON 15 FEBRUARY 2024.

10 PUBLIC EXCLUDED BUSINESS**RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
10.1 - Public Excluded Resolution Monitoring Report	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
10.2 - Public Excluded Minutes from the Extraordinary Risk & Assurance Committee meeting held on 4 October 2023	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure

	<p>deceased natural persons</p> <p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority</p> <p>s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p>	<p>of information for which good reason for withholding would exist under section 6 or section 7</p>
10.3 - Professional Services - Roading Recovery Procurement	<p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
10.4 - Land Transport Contract Extensions C1057, C1058, 1059 and C1060	<p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>
10.5 - Landfill Contract Extension for contract C556	<p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

	industrial negotiations)	
10.6 - Douglas Cutting Procurement Plan Addendum	<p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
10.7 - Transport Choices - Procurement Plan	<p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

9 TIME OF CLOSURE