



**I, Kitea Tipuna, Tumu Whakarae Chief Executive, hereby give notice that
an Ordinary Meeting of Council will be held on:**

Date: Tuesday, 12 March 2024
Time: 1:30pm
Location: Council Chamber, Wairoa District Council,
Coronation Square, Wairoa

AGENDA

Ordinary Council Meeting

12 March 2024

MEMBERSHIP: His Worship the Mayor Craig Little, Cr Denise Eaglesome-Karekare, Cr Jeremy Harker, Cr Melissa Kaimoana, Cr Chaans Tumataroa-Clarke, Cr Benita Cairns, Cr Roslyn Thomas

The agenda and associated papers are also available on our website: www.wairoadc.govt.nz

For further information please contact us 06 838 7309 or by email info@wairoadc.govt.nz

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- 1 KARAKIA**
- 2 APOLOGIES FOR ABSENCE**
- 3 DECLARATIONS OF CONFLICT OF INTEREST**
- 4 CHAIRPERSON'S ANNOUNCEMENTS**
- 5 LATE ITEMS OF URGENT BUSINESS**
- 6 PUBLIC PARTICIPATION**

A maximum of 30 minutes has been set aside for members of the public to speak on any item on the agenda. Up to 5 minutes per person is allowed. As per Standing Order 15.1 requests to speak must be made to the Chief Executive Officer at least one clear day before the meeting; however this requirement may be waived by the Chairperson.

7 MINUTES OF THE PREVIOUS MEETING

Ordinary Meeting - 13 February 2024

**MINUTES OF WAIROA DISTRICT COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, WAIROA DISTRICT COUNCIL, CORONATION SQUARE, WAIROA
ON TUESDAY, 13 FEBRUARY 2024 AT 1:30 PM**

PRESENT: His Worship the Mayor Craig Little (via Zoom), Cr Denise Eaglesome-Karekare, Cr Jeremy Harker, Cr Melissa Kaimoana, Cr Benita Cairns, Cr Roslyn Thomas

IN ATTENDANCE: **Kitea Tipuna** (Tumu Whakarae | Chief Executive) **Gary Borg** (Pouwhakarae – Pūtea/Tautāwhi Rangapū | Group Manager Finance and Corporate Support), **Hinetaakoha Viriaere** (Pouwhakarae Whakamahere me te Waeture | Group Manager Planning & Regulatory), **Michael Hardie** (Pouwhakarae – Hua Pūmau | Group Manager Assets and Infrastructure), **Juanita Savage** (Pouwhakarae Rātonga Hapori me te Whakawhanake | Group Manager Community Services and Development), **Sarayde Tapine** (Kaiurungi Kaupapa Here me Mana Ārahi | Policy and Governance Advisor), **Steve Fabish** (Community Development & Services Support Officer), **Hira Campbell** (Kaiwhakahaere Hua Pūmau Huarahi | Transport Asset Manager), **Jamie Cox, Jonny Hardie**

1 KARAKIA

The Opening Karakia was given by the Chief Executive, Kitea Tipuna.

2 APOLOGIES FOR ABSENCE

APOLOGY

RESOLUTION 2024/01

Moved: Cr Benita Cairns

Seconded: Cr Melissa Kaimoana

That the apology received from His Worship the Mayor Craig Little and Cr Chaans Tumataaroa-Clarke be accepted and leave of absence granted.

CARRIED

3 DECLARATIONS OF CONFLICT OF INTEREST

Cr Harker – Items 8.1 and 8.2 – QRS Draft letter of expectation & QRS Directors fees review 2024. He will be leaving the room during discussions of these items.

Cr Cairns noted a potential conflict of interest in relation to Item 10.2.

4 CHAIRPERSON'S ANNOUNCEMENTS

Cyclone Gabrielle's one year anniversary event day is occurring on Wednesday 14th Feb.

5 LATE ITEMS OF URGENT BUSINESS**ITEM 8.6 – RECOVERY REVIEW MOVED TO PUBLIC EXCLUDED****RESOLUTION 2024/02**

Moved: Cr Denise Eaglesome-Karekare

Seconded: Cr Roslyn Thomas

That Item 8.6 - Recovery Review be moved to public excluded for the reason that it involves natural persons reference to s7(2)(a) of section 48 (1)(a)(i) of the Local Government Official Information and Meetings Act 1987.

CARRIED

6 PUBLIC PARTICIPATION

Nil.

7 MINUTES OF THE PREVIOUS MEETING**RESOLUTION 2024/03**

Moved: Cr Roslyn Thomas

Seconded: Cr Jeremy Harker

That the minutes of the Ordinary Meeting held on 19 December 2023 and the Extraordinary Meeting held on 19 December 2023 be confirmed.

CARRIED

Cr Harker left the room at 1:35pm.

8 GENERAL ITEMS**8.1 QRS - DRAFT LETTER OF EXPECTATION****RESOLUTION 2024/04**

Moved: Cr Benita Cairns

Seconded: Cr Melissa Kaimoana

That Council formally engage with the Board of QRS to develop an enhanced letter of expectation and to also develop a Wairoa District Council shareholder manual.

CARRIED

The Chief Executive spoke to this report.

The Group Manager of Finance and Corporate Support suggested QRS look at doing a statement of intent.

Cr Thomas noted that environmental sustainability needs to be considered in relation to business growth. Cr Cairns noted that Item 8.1 serves as a commendable example for the application of broader outcomes.

8.2 QRS DIRECTORS FEES REVIEW 2024

RESOLUTION 2024/05

Moved: Cr Denise Eaglesome-Karekare

Seconded: Cr Roslyn Thomas

That Council approves a total pool for QRS Directors' Fees of \$162,884 per annum for the year ending 30 June 2024, with the distribution of the pool to be agreed by the board.

CARRIED

The Group Manager of Finance and Corporate Support spoke to this report, initiating a discussion on aligning director fees with councillor fees, noting a proposed 23% increase.

The Chief Executive noted that there is a requirement for an amendment to be made regarding the authoriser on the agenda.

Cr Harker returned to the meeting at 1:49pm.

8.3 UPDATE TO DELEGATIONS MANUAL

RESOLUTION 2024/06

Moved: Cr Benita Cairns

Seconded: Cr Melissa Kaimoana

That Council approve the updates to the Wairoa District Council Delegations Manual attached as Appendix 1 on pages 20 and 62 and additional amendments to update titles.

CARRIED

The Chief Executive spoke to this report. He noted the brief amendments being implemented is in response to the recommendation made by Malcolm Alexander of Yule Alexander Limited during his review of the Wairoa Recovery process.

8.4 TERMS OF REFERENCE AND APPOINTING AN ALTERNATE TO THE HAWKE'S BAY CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE

RESOLUTION 2024/07

Moved: Cr Denise Eaglesome-Karekare

Seconded: Cr Melissa Kaimoana

That Council:

- a) Receive and adopt the amended Terms of Reference for the Hawke's Bay Civil Defence Emergency Management Group Joint Committee attached as appendix 1
- b) Appoint Councillor Jeremy Harker as the Wairoa District Council alternate to the Hawke's Bay Civil Defence Emergency Management Group Joint Committee

CARRIED

The Policy and Governance Advisor spoke to this report. She noted the modified terms of reference to include tangata whenua representation as outlined on page 127 of the agenda. Additionally, she emphasised the necessity to appoint an alternate.

Elected members discussed possible options of being the alternate and together decided to appoint Cr Harker.

Cr Kaimoana queried why the mana whenua representations had no right to vote. The Chief Executive responded, stating that legislation prohibits individuals outside of a local government organisation from sitting on a joint committee and have voting rights. He also highlighted the structure of a joint committee.

8.5 TIMETABLE FOR LONG-TERM PLAN 2024-27

RESOLUTION 2024/08

Moved: Cr Melissa Kaimoana

Seconded: Cr Jeremy Harker

That Council endorses the LTP timetable, with particular attention to its availability for engagement, consultation and decision-making.

CARRIED

The Group Manager of Finance and Corporate Support briefly spoke to this report, indicating the anticipation of the second iteration of the recovery plan to contribute information to the LTP.

Cr Eaglesome-Karekare expressed a preference for the inclusion of a dedicated recovery component within the LTP.

Cr Kaimoana asked if there is money being saved without the need for the LTP to be audited.

The Group Manager of Finance and Corporate Support acknowledged the savings and indicated that this information would be presented at the next Māori Standing Committee and Youth Council meeting.

9 RECEIPT OF MINUTES FROM COMMITTEES/ACTION SHEETS

Nil.

10 PUBLIC EXCLUDED ITEMS

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2024/09

Moved: Cr Denise Eaglesome-Karekare

Seconded: Cr Benita Cairns

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 - Infrastructure Improvements - School zones	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)	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 - Service delivery review of Wairoa District Council's storage and management of archives	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	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

	<p>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>	<p>section 7</p>
<p>10.3 - CONCEPT DESIGN APPROVAL – WAIROA RIVER RESERVE RESTORATION</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>	<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>
<p>10.4 - BUILDING EXTERIOR COLOUR PALETTE APPROVAL – WAIROA ISITE DEVELOPMENT</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>	<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>
<p>8.6 – Recovery Review Report</p>	<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>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</p>

		reason for withholding would exist under section 6 or section 7
CARRIED		

RESOLUTION 2024/10
Moved: Cr Denise Eaglesome-Karekare
Seconded: Cr Roslyn Thomas
That Council moves out of Closed Council into Open Council at 3:51pm.

CARRIED

The Meeting closed at 3:53pm with a Closing Karakia given by the Chief Executive, Kitea Tipuna.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 12 March 2024.

.....
CHAIRPERSON

8 GENERAL ITEMS

8.1 QRS STATEMENT OF INTENT FOR THE PERIOD 1 JULY 2024 TO 30 JUNE 2027 AND HALF-YEARLY REPORT TO 31 DECEMBER 2023.

Author: Gary Borg, Pouwhakarae – Pūtea / Tautāwhi Rangapū Group Manager
Finance and Corporate Support

Authoriser: Kitea Tipuna, Tumu Whakarae Chief Executive

Appendices: 1. [Statement of Intent](#) ↓
2. [Half-yearly Report](#) ↓

1. PURPOSE

- 1.1 To present the Draft QRS Statement of Intent 2024-27 and the company's 6 monthly performance report to 31 December 2022 for consideration by Council.

RECOMMENDATION

The Deputy Chief Executive RECOMMENDS that Council

Receives the QRS draft Statement of Intent 2024-27 and the 6-month performance report to 31 December 2023.

2. BACKGROUND

- 2.1 The Local Government Act 2002 (Schedule 8, paragraph 2) requires a Council Controlled Organisation (CCO) to deliver to its shareholders a Draft Statement of Intent (Sol) on or before 1 March each year.
- 2.2 Having received a Draft Sol, Council is required to comment, if it chooses to do so, within two months of 1 March. (LGA 2002 (Sch. 8, para.3))
- 2.3 The Draft Sol, attached as **Appendix 1**, was delivered to Council on 1 March 2024. It is complete in respect of the requirements of LGA 2002 Sch. 8, para.9.
- 2.4 Section 66 of the Act, and the company's current Sol, requires the Board to deliver to Council a half-yearly report on its operations within 2 months of the end of the first half of the financial year. This was also delivered within the prescribed timeframe.
- 2.5 The half-yearly report is attached as **Appendix 2**.
- 2.6 In addition, the company has paid an interim distribution of \$50,000.

3. STATEMENT OF INTENT

- 3.1 The Draft Sol sets out the overall activities and intentions of QRS for the 3 years commencing 1 July 2024. The following are noted:
- 3.1.1. The document is written immediately after the 1st anniversary of Cyclone Gabrielle and the Chairman's foreword notes the company's aim to support the infrastructure rebuild in Wairoa.

3.1.2. The table of Performance Targets forecasts increases in revenue of more than 25% compared to the 2023-26 Statement of Intent with forecast profits trebling. The indicative minimum distribution is unchanged.

4. HALF YEARLY REPORT

4.1 At the half year the company has achieved 50% more revenue and profit than its previous best results ever for a full year. The Chairman attributes this to its ‘*continuous improvement cycle for core business planning and management*’.

4.2 Other items of note:

4.2.1. The vacant board position was filled with the appointment of Lauren Jones

4.2.2. To maintain the higher level of operations staff levels have increased by 18%

4.2.3. The company’s Operations Hub opened in November 2023.

5. OPTIONS

5.1 The options identified are:

a. Receive the Draft Statement of Intent without amendment and the half-yearly report; or

b. Receive the Draft Statement of Intent 2023-2026 subject to further updates and receive the half-yearly report.

5.2 Discussions with QRS regarding Council’s expectations continue. Since Council has more than a month to comment, receiving the report will provide a formal and transparent record of this process.

5.3 The preferred option is *b)*, this contributes to the following community outcomes

Economic wellbeing	Social and Cultural Wellbeing	Environmental Wellbeing
1. A strong, prosperous and thriving economy. 2. A safe and integrated infrastructure.	6. Strong district leadership and a sense of belonging	

6. CORPORATE CONSIDERATIONS

What is the change?

6.1 There are no changes to council operations resulting from this decision.

Compliance with legislation and Council Policy

6.2 Both documents comply with the requirements of the Local Government Act 2002 in terms of content. As noted, they were delivered before the statutory date of 1 March 2024.

What are the key benefits?

6.3 These documents provide an oversight of the company and provide Council with a health check on its main equity investment.

What is the cost?

6.4 There is no cost with this decision.

What is the saving?

6.5 No savings are generated with this decision.

Who has been consulted?

6.6 No consultation is required or has been undertaken on this report.

Service delivery review

6.7 This report does not trigger a need for a s17A review.

Māori Standing Committee

6.8 This has not been referred to the Māori Standing Committee because it is of equal interest to the whole community.

7. SIGNIFICANCE

7.1 The decision can be changed by using LGA 2002 Section 8 paragraph 5(1) which allows for shareholders by resolution to require the CCO Board to modify a statement of intent after due consultation with the Board.

7.2 Although there are strategic considerations this matter is largely administrative and is assessed as being of low significance.

8. RISK MANAGEMENT

8.1 In accordance with the Council's Risk Management Policy the inherent risks associated with this matter are:

Human	Financial	Regulatory
Low	Low	Low
Operations	Employees	Image & Reputation
Low	Low	Low

Further Information

Not Applicable.

Background Papers

Not Applicable.

References (to or from other Committees)



This matter is refreshed annually and considered by Council.

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Signatories

			
Author	Gary Borg	Approved by	Kitea Tipuna

8.2 WDC APPOINTMENTS TO THE TE ROHE O TE WAIROA MATANGIRAU RESERVES BOARD

Author: Sarayde Tapine, Kaiurungi Kaupapa Here me Mana Ārahi | Policy and Governance Officer

Authoriser: Kitea Tipuna, Tumu Whakarae Chief Executive

Appendices: Nil

1. PURPOSE

- 1.1 The purpose of this report is to seek Council's interest in appointing new members to the Te Rohe o Te Wairoa Reserves Board Matangirau.

RECOMMENDATION

The Kaiurungi Kaupapa Here me Mana Ārahi | Policy and Governance Officer RECOMMENDS that Council receive the report and consider appointing new Wairoa District Council representatives to the Te Rohe o Te Wairoa Reserves Board Matangirau or remain with the current appointments.

BACKGROUND

- 1.2 The Te Rohe o Te Wairoa Reserves Board Matangirau ('the Board') is a joint board established for the Te Rohe o Te Wairoa reserves.
- 1.3 The Board is the administering body of the Te Rohe o Te Wairoa reserves and is classed under Schedule 2 of the Local Government Official Information and Meetings Act 1987 (LGOIMA) as a 'local authority' and is therefore subject to Parts 1-7 of LGOIMA. This is because it is an administering body of reserves as defined in section 2(1) of the Reserves Act 1977. LGOIMA sets out requirements on the availability of information produced by the Board and promotes the open and public transaction of meetings.
- 1.4 The appointers to the Board are Tātau Tātau o Te Wairoa and Wairoa District Council with 3 appointments each.

2. ADMINISTRATION OF THE BOARD

- 2.1 Administration of the Board has been transferred back to Wairoa District Council for the next triennium – 2024-2027.
- 2.2 The Board first met on Tuesday 05 March to consider the Wairoa River Restorations Project so that work can begin for this.
- 2.3 The next meeting for the Board is scheduled to take place next Tuesday 19 March at 10am where governance matters will be tabled for the Board to consider such as appointing a chairperson, adopting a meeting schedule and discussing a workplan.
- 2.4 Tātau Tātau o Te Wairoa have confirmed their original appointments – Katarina Kawana, Michelle Mclroy and Liz Palmer.

3. WAIROA DISTRICT COUNCIL APPOINTMENTS

- 3.1 Wairoa District Councils current appointments to the Board are His Worship the Mayor, Cr Eaglesome-Karekare and Cr Tumataroa-Clarke.

- 3.2 This report is seeking Councils interest in remaining with the above appointments or appointing new members to the Board.

4. OPTIONS

- 4.1 The options identified are:
- a. Appoint new members to the Board.
 - b. Do not appoint new members to the Board and remain with appointments - His Worship the Mayor, Cr Eaglesome-Karekare and Cr Tumataroa-Clarke to the Board.
 - c. Remain with some already appointed members and appoint other new members.

5. CORPORATE CONSIDERATIONS

Maori Standing Committee

- 5.1 This matter has not yet been referred to the Māori Standing Committee, however, Council can also choose to appoint a member from the Māori Standing Committee if they wish. A list of Maori Standing Committee Members can be found below:

Takiwa	Member
Rakaipaaka	Henare Mita
Pāhauwera	Theresa Thornton
Ruakituri	Erana Hammond
Māhia mai Tawhiti	Fiona Wairau
Te Wairoa Hopūpū	Amanda Reynolds
Te Wairoa	Whai-ora Maindonald

Further Information

[Iwi and Hapū of Te Rohe o Te Wairoa Claims Settlement Bill 236-2 \(2016\), Government Bill Contents – New Zealand Legislation](#)

[Local Government Official Information and Meetings Act 1987 No 174 \(as at 23 December 2023\), Public Act Contents – New Zealand Legislation](#)

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

8.3 MINOR UPDATES TO REVENUE AND FINANCING POLICY AND SIGNIFICANCE AND ENGAGEMENT POLICY

Author: Gary Borg, Pouwhakarae - Putea | Tautawhi Rangapu Group Manager Finance and Corporate Support

Authoriser: Kitea Tipuna, Tumu Whakarae Chief Executive

Appendices:

1. Updated Revenue and Financing Policy - tracked [↓](#)
2. Updated Revenue and Financing Policy - clean [↓](#)
3. Updated Significance and Engagement Policy - tracked [↓](#)
4. Updated Significance and Engagement Policy - clean [↓](#)

1. PURPOSE

- 1.1 The purpose of this report is to present minor updates to the two policies that are statutory content for the Long-term Plan.

RECOMMENDATION

The Pouwhakarae - Putea | Tautawhi Rangapu Group Manager Finance and Corporate Support RECOMMENDS that Council adopts the updated Significance and Engagement Policy and the updated Revenue and Financing Policy and in doing so confirms that no consultation is required due to the editorial nature of these updates.

EXECUTIVE SUMMARY

2. BACKGROUND

- 2.1 The Revenue and Financing Policy and Significance and Engagement Policy are statutory components of a Long-term Plan (LTP) and as such are integral to Council planning and decision-making.
- 2.2 These policies are routinely reviewed as part of each LTP iteration and proposed updates to each are attached as **Appendices**.
- 2.3 Both policies are considered fit for purpose and have been refreshed merely to reflect the current strategic planning environment and updates to other relevant statutes.

3. OPTIONS

- 3.1 The options identified are:
 - a. Do nothing.
 - b. Endorse the updates as presented.
 - c. Direct further updates.
- 3.2 Under option a. the policies would remain unchanged and included as is in the 2024-27 LTP. They would continue to be effective but may marginally infract other legislative updates.
- 3.3 Under option b. known and anticipated circumstances can be recognised and incorporated in updated polices that can be included in the LTP 2024-27.

- 3.4 Council may wish to invoke option c. if it is conscious of notable omissions or inconsistencies in either policy. This may create a consultation requirement.
- 3.5 The preferred option is *b. Endorse the updates as presented*, this contributes to the following community outcomes:

Cultural wellbeing	Economic wellbeing	Social Wellbeing	Environmental Wellbeing
Valued and cherished community.	Strong and prosperous economy.	Safe, supported and well-led community.	Protected and healthy environment

4. CORPORATE CONSIDERATIONS

What is the change?

- 4.1 No change

Compliance with legislation and Council Policy

- 4.2 The updates to the Revenue and Financing policy include an overt reference to LGA s102(3A) whilst also allowing for flexibility as Water Services Legislation is repealed and potentially rewritten.
- 4.3 The updated policies will become part of the LTP 2024-27.

What are the key benefits?

- 4.4 Statutory compliance, consistency with the strategic developments and flexibility where needed.

What is the cost?

- 4.5 Nil

What is the saving?

- 4.6 Not applicable.

Service delivery review

- 4.7 Not applicable

5. SIGNIFICANCE

- 5.1 These are significant polices but the proposed updates are not.

6. RISK MANAGEMENT

6.1 In accordance with the Council’s Risk Management Policy the inherent risks associated with this matter are: the potential for future legal challenge if policies are not maintained relevant and current.

Human	Financial	Regulatory
Low	Low	Low
Operations	Employees	Image & Reputation
Low	Low	Low

Comparative Levels of Risk		
E	Extreme Risk	Immediate action required to manage risk – reported to Council
H	High Risk	Senior management attention to manage risk – reported to FARC
M	Considerable Risk	Management responsibility must be specified and risk controls reviewed
L	Low Risk	Managed by routine procedures

	Consequences				
	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
Likely	M	H	E	E	E
Moderate	M	H	H	E	E
Rare	L	M	H	E	E
Very Rare	L	L	M	H	E
Unanticipated	L	L	M	H	E

Who has been consulted?

Despite the editorial updates these policies substantively remain what was consulted upon in previous versions. Therefore, no consultation is required at this time.

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

8.4 HAWKES BAY INDEPENDENT FLOOD REVIEW PANEL SUBMISSION

Author: Hinetaakoha Viriaere, Group Manager Planning and Regulatory Services

Authoriser: Kitea Tipuna, Tumu Whakarae Chief Executive

Appendices: 1. WDC Submission [↓](#)

1. PURPOSE

This report provides information for Council on the Wairoa District Council Submission to the Hawkes Bay Independent Flood Review Panel – Pae Matawai Parawhenua on the performance of Hawke’s Bay Regional Council’s (HBRC) flood scheme assets and river management programmes in response to Cyclone Gabrielle.

RECOMMENDATION

The Pouwhakahaere Whakamahere me te Waeture | Group Manager Planning and Regulatory Services RECOMMENDS that Council receive the report.

1. BACKGROUND

- 1.1 On 16 February 2024 Council submitted its submission to the Hawkes Bay Independent Flood Review Panel - Pae Matawai Parawhenua on the performance of Hawke’s Bay Regional Council’s (HBRC) flood scheme assets and river management programmes in response to Cyclone Gabrielle. The Independent Flood Review was instigated by HBRC in the wake of Cyclone Gabrielle and the flooding that significantly impacted the region. The Review is independent of HBRC and covers all of Hawke’s Bay from Wairoa to Pōrangahau.
- 1.2 The purpose of the Review includes reporting on the performance of HBRC’s flood scheme assets and river management programmes during the Cyclone Gabrielle event, reviewing decision-making regarding catchments where flood scheme assets and river management programmes exist and whether these remain viable. The Review will also consider and recommend a wider range of total catchment options to make the schemes and programmes more resilient into the future.
- 1.3 The scope of the Review includes reviewing the performance of all HBRC-owned and operated flood protection, control and drainage schemes, including associated telemetry and stream monitoring assets, and river management programmes during the Cyclone Gabrielle event, specifically considering the origin and purpose of each scheme and programme, including intended levels of service (LOS), the severity of the Cyclone Gabrielle event and any other contributing factors relative to scheme purpose/ LOS and the event itself, and scheme maintenance and operation before, during and in the immediate aftermath of the event. Furthermore, the review will consider and recommend a wider range of total catchment options using a long-term and holistic vision and having regard to increasing climate change risks.
- 1.4 A panel of three independent reviewers is conducting the Review, with experience in resource management, engineering and the law, as well as experience in these types of reviews. The Review is being conducted by the following panel of experts (Review Panel): 1. Phil Mitchell (Chairperson), Partner at Mitchell Daysh 2. Kyle Christensen, Christensen Consulting Ltd 3. Bernadette Arapere, Barrister. The Review Panel is independent to HBRC and impartial. The Review Panel will provide an arms-length assessment of HBRC

infrastructure, assets and activities as defined by its Terms of Reference. The Review Panel may request advice from an independent Legal Advisor and other subject matter experts during the course of the review.

1.5 The Review Panel will report its findings on the circumstances that led to the breaches and will make recommendations it considers fit on matters within the Review scope, including recommendations relating to future actions that HBRC might take. The Review Panel will ensure that all members of the community affected by, and all iwi and stakeholders with an interest in, the flood event from Cyclone Gabrielle are given the reasonable opportunity to provide information, input and feedback. HBRC will provide full disclosure to the Review Panel of all the relevant information it holds. It will also provide the Review Panel with full access to any relevant staff. In order to be effective, it is expected that the Review Panel will also receive information and hear from organisations outside of HBRC.

1.6 The original timeline for the Review meant the Panel's findings and recommendations would have been reported to HBRC at the end of May. However, there has been a delay in the Panel receiving a report from NIWA which is critical to their assessments and analysis, and this means the Review Report will now be delivered to the Regional Council a month later – by end of June. With the information gathering and assessment phases of the Review completed, the Panel has asked a series of follow-up questions for HBRC. Once the additional information from HBRC has been received and assessed, the Panel will continue progressing towards completing the Review Report. The follow up questions and revised process timeline can be viewed at <https://www.hbifr.nz/review-process>.

Further Information

For further information regarding the Independent Flood Review see www.hbifr.nz.

References (to or from other Committees)

Workshop Hawke's Bay Independent Flood Review Panel WDC Submission with Consultant Ross Browne of Triplex Consulting.

9 RECEIPT OF MINUTES FROM COMMITTEES/ACTION SHEETS

Nil

10 PUBLIC EXCLUDED ITEMS**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 - Statute Barred Rate Arrears Write-off 2016-17	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	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 - CONCEPT DESIGN APPROVAL – WAIROA RIVER RESERVE RESTORATION	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities 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)	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