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Tuesday, 15 September 2020

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

**Hastings District Council**

**Council Meeting**

*Kaupapataka*

# Open Agenda

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*Te Rā Hui:*  
Meeting date: **Tuesday, 15 September 2020**

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*Te Wā:*  
Time: **9.00am**

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

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

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

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**HASTINGS DISTRICT COUNCIL**  
207 Lyndon Road East, Hastings 4122 | Private Bag 9002, Hastings 4156  
Phone **06 871 5000** | [www.hastingsdc.govt.nz](http://www.hastingsdc.govt.nz)  
**TE KAUNIHERA Ā-ROHE O HERETAUNGA**



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Tuesday, 15 September 2020

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

**Hastings District Council**

**Council Meeting**

*Kaupapataka*

# Open Agenda

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	<i>Tiamana</i> <b>Chair:</b> Mayor Sandra Hazlehurst
<i>Mematanga:</i> <b>Membership:</b>	<i>Ngā KaiKaunihera</i> <b>Councillors:</b> Bayden Barber, Alwyn Corban, Malcolm Dixon, Damon Harvey, Tania Kerr (Deputy Chair), Eileen Lawson, Simon Nixon, Henare O’Keefe, Peleti Oli, Ann Redstone, Wendy Schollum, Sophie Siers, Geraldine Travers and Kevin Watkins
<i>Tokamatua:</i> <b>Quorum:</b>	8 members
<i>Apiha Matua</i> <b>Officer Responsible:</b>	Chief Executive – Nigel Bickle
<i>Te Rōpū Manapori me te Kāwanatanga</i> <b>Democracy and Governance Services:</b>	Jackie Evans (Extn 5018)

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## *Te Rārangi Take*

# Order of Business

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### 1.0 Opening Prayer – *Karaki a Whakatūwheratanga*

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

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

Leave of Absence had previously been granted to Councillor O'Keefe

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

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

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

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

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

Minutes of the Council Meeting held Thursday 3 September 2020.  
(Previously circulated)

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### 5.0 Presentation by the Mayor's Tuia Grace Ropitini 7

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### 6.0 Hawke's Bay Three Waters, Business Case of Three Waters Service Delivery Options 9

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### 7.0 Municipal Building Development Stage 2 17

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<b>8.0</b>	<b>Declaration and Classification of Frimley Park under Reserves Act 1977</b>	<b>49</b>
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<b>9.0</b>	<b>Recommendations for Approval from Rural Halls Subcommittee Meeting held on 7 September 2020</b>	<b>63</b>
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<b>10.0</b>	<b>Minor Items – <i>Ngā Take Iti</i></b>	
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<b>11.0</b>	<b>Urgent Items – <i>Ngā Take Whakahihiri</i></b>	
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Tuesday, 15 September 2020

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

**Item 5**

*Te Rārangi Take*

# Report to Council

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*Nā:*  
**From: Annette Hilton, Project Advisor**

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*Te Take:*  
**Subject: Presentation by the Mayor's Tuia Grace Ropitini**

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## **1.0 PURPOSE AND SUMMARY - TE KAUPAPA ME TE WHAKARĀPOPOTOTANGA**

- 1.1 The Tuia Programme is part of LGNZ's Mayor's Taskforce for Jobs - Rangatahi Leadership Programme, which involves local Mayor's mentoring on a one-on-one basis a young person to encourage and enhance their leadership skills.
- 1.2 The programme also provides an opportunity to gain a deeper insight into inter-generational issues and experiences.
- 1.3 Grace Ropitini, a local primary school teacher in Hastings, has been selected as the Mayor's 2020 Tuia. Two previous Tuia include Antoinette Hapuku-Lambert and Shar Maui.
- 1.4 Ms Ropitini is presenting to Council an update on her work with the Tuia programme so far this year.

## **2.0 RECOMMENDATIONS - NGĀ TŪTOHUNGA**

- A) That the Council/Committee receives the report titled Presentation by the Mayor's Tuia Grace Ropitini

### **Attachments:**

There are no attachments for this report.





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Tuesday, 15 September 2020

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

Item 6

*Te Rārangi Take*

# Report to Council

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**Nā:** Nigel Bickle, Chief Executive  
**From:** Craig Thew, Group Manager: Asset Management

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**Te Take:** Hawke's Bay Three Waters, Business Case of Three Waters Service  
**Subject:** Delivery Options

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

- 1.1 Central Hawke's Bay District Council, Hastings District Council, Hawke's Bay Regional Council, Napier City Council and Wairoa District Council commissioned Morrison Low in December 2018 to review the current and potential three waters (drinking, waste and storm) service delivery options for the region.
- 1.2 This report contributes to the strategic priority areas for the 2019-2022 triennium, Water – safety, security and planning agreed by the Hawke's Bay Leaders Forum on 25 November 2019. Specifically the priority areas for cooperative approaches on the regional three waters review of the provision of drinking water, wastewater and storm water services.
- 1.3 It should be noted that Central Hawke's Bay District Council, Hastings District Council, Napier City Council and Wairoa District Council have opted into the government three waters reform and stimulus programme committing our councils to engage in the first stage of the reform programme. By opting in the Councils have committed to continue to explore the options for 3 waters reform and continue to work constructively together to support the reform objectives. This means that this report delivered to Council is for information only and will be used by council representatives participating in the government programme to inform discussions to represent Hawke's Bays interests in the design of multi-regional service delivery entities.
- 1.4 The review followed a structured, staged process moving from current state assessment, definition of key objectives and principles, into analysis of a long and short list of options and their impacts on Councils. The review report is now complete and provides independent analysis and recommendations on the effectiveness of existing drinking water, waste water and storm water services and alternative service delivery options.
- 1.5 It is important to note that the review is not about freshwater reforms, privatising assets or services, water storage or issues such as chlorination. Flood protection and control assets owned and managed by Hawke's Bay Regional Council were considered outside the scope for the review.

1.6 The review report identifies that the status quo is not an option for the future of three waters service delivery in Hawke's Bay. Making no changes to the way our three waters services are delivered is not likely affordable or sustainable.

- New regulations and standards are coming which will force change
- Future affordability challenges need to be addressed
- Strategically there are good reasons for the councils to work together:
  - For customers, ratepayers, staff and councils
  - To achieve the best solution for Hawke's Bay.
- The Hawke's Bay Councils face the same or substantially the same issues and need to address these challenges in an affordable, coordinated way that eliminates duplication and ensures that all councils and their communities have access to the appropriate strategic capacity to do so.
- Meeting the new regulations under current service delivery arrangements poses significant affordability challenges for the Hawke's Bay region and in particular smaller councils.
- The Review's forecast investment in three waters infrastructure across the region to meet new drinking and wastewater standards is estimated to at a minimum double since councils' 2018-2028 Long Term Plans from \$313m to \$605m.
- The report recommends an asset owning council controlled organisation as the preferred service delivery model as it best met the Councils' investment objectives and the cultural principles.
  - It is the option that best addresses the issue of affordability. It is also the option that best addresses the very real risk that the scale of investment required to meet new standards and community expectations is greater than forecast.
  - A dedicated regional water CCO is able to concentrate on three water challenges and prioritise investment decisions across the region, leading to better environmental and community outcomes than the Councils can individually achieve.
  - It would have sufficient scale to create strategic capacity and capability across the region and support the areas where that is currently lacking. Scale, strategic capacity and capability gives a level of expertise and resilience in three waters that can be applied regionally, benefitting all ratepayers of the region rather than only some as is the case now.
  - The model best provides the opportunity to provide a meaningful role for Māori, including co-design and co-governance.
  - A regional water CCO is able to provide improved asset management, improved management of risk, and be better placed to meet any increased compliance requirements or increased environmental standards than the Councils can individually.
  - In addition to being the only model that effectively addresses affordability issues across the region, the asset owning model also maximises available operational savings for the region, ensuring that services are not only affordable, but delivered in a cost effective way.

- There will be a need to ensure that the Statement of Intent and Shareholders Agreement of the regional CCO retain an appropriate balance between the individual priorities of each council with regional priorities including planning and supporting growth.
- A regional asset owning CCO would be owned collectively by Central Hawke's Bay, Hastings, Napier and Wairoa and taking into account the findings of the cultural case should be implemented using a co-governance model in partnership with Māori.
- Partnering with Māori to co-design and co-govern responds directly to the principles developed for the review and the investment objective to have a model that enables a meaningful role for Māori. It builds on existing models of co-governance but does so in a way that would be designed specifically for Hawke's Bay three waters service delivery.
- A regional asset owning CCO would operate as a separate legal entity external to all four councils, with its own governance, executive, administration support, procurement strategies and operational equipment. Importantly it would also own the networks and treatment plants and deal directly with customers.
- A board of professional directors would be appointed by the shareholding Councils and Māori. The directors will have the associated duties, obligations and liabilities of company directors rather than of councillors.
- Scrutiny of the CCO would be provided by a joint committee of the combined councils and Māori. The joint committee would, amongst other responsibilities, appoint and remove the directors and provide Māori with a co-governance role.
- The CCO would co-locate staff virtually and/or physically, housing all management, administration, asset management, planning and project management staff, and the coordination of the maintenance crews and contractors. Wairoa and Central Hawke's Bay would operate as satellite offices. There would be an estimated 143 staff (including Napier City Services staff) in the CCO. This includes more than 16 additional roles than are currently directly involved in delivering and supporting the three waters across the four councils.

1.7 The report also sets out the key challenges and risks associated with adopting asset owning CCO models.

- Perceived inequity that arises when councils are transferring different levels of debt or assets of varying conditions. Where this happens, ratepayers may feel that they are inheriting someone else's problem.
- Regionalising three waters rates to reduce the costs of three waters services to an affordable level across the Hawke's Bay means Napier ratepayers may pay more for three waters than they otherwise would (under the enhanced status quo).
- Without the critical mass of all four councils there is a danger that the benefits of change will be substantially reduced or lost.
- Water and the formation of CCO's are both politically sensitive issues for councils and a risk that other issues are brought into the conversation that detract from the key underlying issues highlighted in this report.
- The development of a co-design and co-governance approach will require councils and Maori to participate in a new and potentially a resource intensive process.

- Creation of a regional water entity will impact resourcing organisation structures and functions of each council. Water activity is a significant proportion of each council's budget so the transfer of the activity to a CCO will impact the way each council operates in the future. Consideration should be given to Councils broader priorities. COVID-19 has demonstrated how quickly the needs and priorities of communities can change.
- The extent to which Government is able to support formation of an asset owning CCO with a) legislative change to the Local Government Act 2002 and b) providing funding or investment to resolved the challenges of regionalisation and cross subsidisation.

## 2.0 Recommendations – Ngā Tūtohunga

- A) That the Council receives the report titled Hawke's Bay Three Waters, Business Case of Three Waters Service Delivery Options.
- B) The report is for **information purposes only**. No decision relating to the recommendations set out in this report are required by Council.
- C) That Council notes that Central Hawke's Bay District Council, Hastings District Council, Napier City Council and Wairoa District Council have opted into the government three waters reform and stimulus programme committing our councils to engage in the first stage of the reform programme. This includes constructively working together with neighbouring councils and government to consider the creation of multi-regional entities.
- D) The **Hawke's Three Waters, Business Case of Three Waters Service Delivery Options** report provides our regions representatives in the reform programme detailed information and analysis to engage with government to identify approaches to service delivery reform design that considers the recommendations, findings and challenges from the report.
- E) The Hawke's Bay Councils based on the principles agreed in our Hawke's Bay Triennium Agreement agree to continue to work together in good faith for our region to develop our strategic capacity from available resources and achieve our strategies by working together through co-design and partnership to grow a thriving Hawke's Bay economy to support inclusive and connected communities and sustainable and resilient environments.

a.

## 3.0 Background – Te Horopaki

- 3.1 Central Hawke's Bay District Council, Hastings District Council, Hawke's Bay Regional Council, Napier City Council and Wairoa District Council commissioned Morrison Low in December 2018 to review the current and potential three waters (drinking, waste and storm) service delivery options for the region.
- 3.2 The review aligns with all five councils shared strategic priority for water safety, security and planning agreed as part of the Hawke's Bay Triennial Agreement October 2019 -2022 and specifically referenced as a priority area for cooperation to review the provision of drinking. Waste and storm water services.
- 3.3 Central government has supported the Hawke's Bay three waters review and the Minister's funding of \$1.55 million announced in January 2019 attests to that support. Hawke's Bay now has the opportunity to provide further perspective into the Central Government review on developing options to address the key concerns on regional solutions to improve the management of drinking water, storm water and wastewater.

3.4 Over the past three years, central government have been considering the issues and opportunities facing the system for regulating and managing the three waters.

- The Government Inquiry into Havelock North Drinking Water – set up following the serious campylobacter outbreak in 2016 – identified widespread, systemic failure of suppliers to meet the standards required for the safe supply of drinking water to the public. It made a number of urgent and longer-term recommendations to address these significant systemic and regulatory failures.
- The Government's Three Waters Review highlighted that, in many parts of the country, communities cannot be confident that drinking water is safe, or that good environmental outcomes are being achieved. This work also raised concerns about the regulation, sustainability, capacity and capability of a system with a large number of localised providers, many of which are funded by relatively small populations.
- The local government sector's own work has highlighted similar issues. For example, in 2014, LGNZ identified an information gap relating to three waters infrastructure. A 2015 position paper, argued for a refresh of the regulatory framework to ensure delivery of quality drinking water and wastewater services, and outlined what stronger performance in the three waters sector would look like.
- Both central and local government acknowledge that there are many challenges facing the delivery of water services and infrastructure, and the communities that fund and rely on these services. These challenges include:
  - Underinvestment in three waters infrastructure in parts of the country, and substantial infrastructure deficits. For example, it is estimated that between \$300 to \$570 million is required to upgrade networked drinking water treatment plants to meet drinking water standards; and up to \$4 billion is required to upgrade wastewater plants to meet new consent requirements. These deficits are likely to be underestimates, given the variable quality of asset management data.
    - Persistent funding and affordability challenges, particularly for communities with small rating bases, or high-growth areas that have reached their prudential borrowing limits.
    - Additional investment required to increase public confidence in the safety of drinking water, improve freshwater outcomes, and as a critical component of a collective response to climate change and increasing resilience of local communities.
- COVID-19 has made the situation even more challenging. Prior to COVID-19, territorial authorities were planning on spending \$8.3 billion in capital over the next five years on water infrastructure. However, COVID-19 is likely to cause significant decreases in revenue in the short term. As a result, borrowing will be constrained due to lower debt limits that flow from lower revenues, and opportunities to raise revenue through rates, fees and charges will be limited.

## 4.0 Discussion – *Te Matapakitanga*

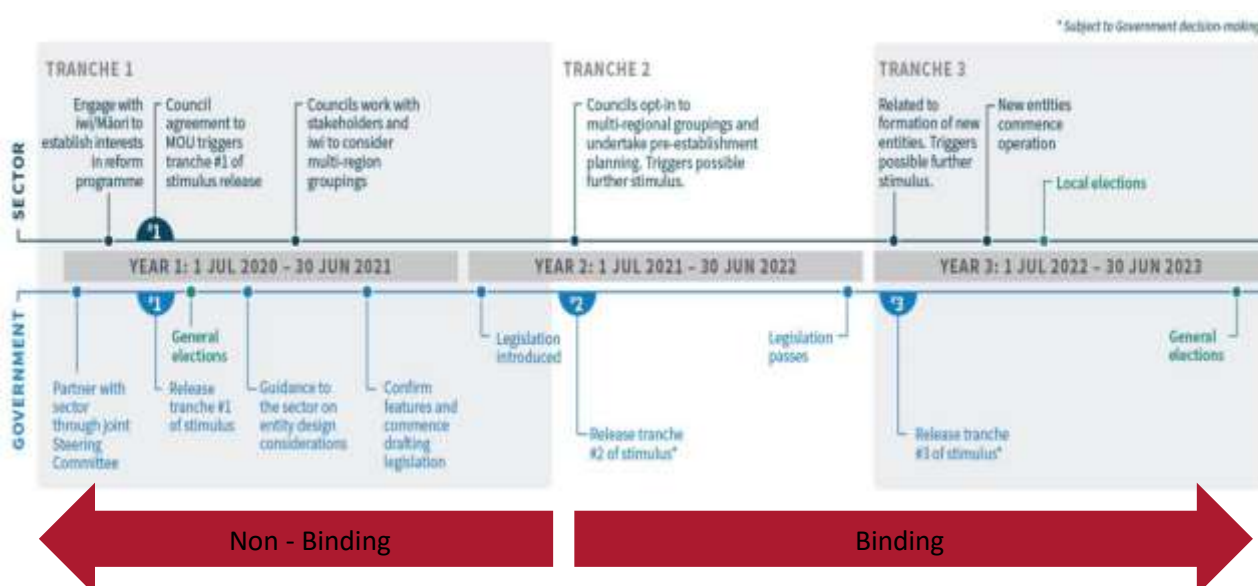
### Progress with government three waters regulatory reforms:

- 4.1 Progress is being made to address the regulatory issues that were raised by the Havelock North Inquiry and the Governments Three Waters Review. The Government is implementing a package of reforms to the three waters regulatory system, which are designed to:
- improve national-level leadership, oversight, and support relating to the three waters – through the creation of Taumata Arowai, a new, dedicated Water Services Regulator;
  - significantly strengthen compliance, monitoring, and enforcement relating to drinking water regulation;

- manage risks to drinking water safety and ensure sources of drinking water are protected; o improve the environmental performance and transparency of wastewater and stormwater networks.
- 4.2 Legislation to create Taumata Arowai had its third reading on 22 July 2020 and should be enacted shortly. This new Crown entity is currently being built, and will become responsible for drinking water regulation once a separate Water Services Bill is passed (anticipated mid 2021).
- 4.3 However, both central and local government acknowledge that regulatory reforms alone will not be sufficient to address many of the persistent issues facing the three waters system. Reforms to service delivery and funding arrangements also need to be explored.
- 4.4 Hawke's Bay as a region has now completed our Three Waters Review, which assesses current and potential service delivery options for drinking, waste and stormwater for all of Hawke's Bay. Through this, the intention was that our councils would form a collective view on how we can use this opportunity to find the best long-term solution for three waters service delivery in Hawke's Bay, meeting the needs of all our communities.
- 4.5 As a region and district, our communities will be in a very good position to participate in the Government's co-design of multi-region three waters service delivery entities. Together, we will form a collective view on how we can use this opportunity to find the best long-term solution for three waters service delivery in Hawke's Bay, meeting the needs of all our communities.

### Government Reform Process and indicative timetable

- 4.6 Government has communicated a three-year programme to reform three waters service delivery arrangements, which is being delivered in conjunction with an economic stimulus package of Crown investment in water infrastructure. The reform programme will be undertaken in stages.
- 4.7 The initial stage is an opt in, non-binding approach, which involves councils signing a Memorandum of Understanding, Funding Agreement, and Delivery Plan documents. Wairoa District Council, Napier City Council, Hastings District Council and Central Hawke's Bay Council have agreed to participate in this initial stage of the reform process and will receive a share of the initial \$50 million Hawke's Bay funding package.
- 4.8 Any further tranches of funding will be at the discretion of the Government and may depend on progress against reform objectives.
- 4.9 An indicative timetable for the full reform programme is provided below. While this is subject to change as the reforms progress, and subject to future Government budget decisions, it provides an overview of the longer-term reform pathway.



## Considerations of Tangata Whenua

- 4.10 The Local Government Act requires councils to provide for Māori to contribute to decision-making processes. Section 6(e) of the Resource Management Act 1991 sets out:

*“Matters of national importance – In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance: The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga”.*

- 4.11 The Māori engagement strategy used in this project was to meet with the existing council Māori committees of the four territorial authorities, as well as the Hawke’s Bay Regional Council Regional Planning Committee and Māori Committee. Noting that Central Hawke’s Bay does not have a formal committee, a meeting was held with Te Taiwhenua o Tamatea in place of a formal committee of Central Hawke’s Bay District Council. Over 2019 and early 2020 tangata whenua engagement affirmed seven principles.

Value Te Ao Māori	Incorporating and implementing mātauranga Māori, culture and values (i.e. Te Aranga Design Principles) are a core element for any potential framework to realise and enhance the region’s commitment to Māori to protecting/enhancing water
Value water	Wai is the essence of all life and the world’s most precious resource. It is of high importance to Māori, as it is the life giver of all things, a precious taonga, part of our whakapapa
Whakapapa – genealogical links	Recognise and respect the relationship and whakapapa (genealogical link) that mana whenua has with water.
Te mauri o te wai – the life force of water	Mauri is the integrated and holistic well-being and life support capacity of water. The well-being/healthiness of the water, the land and the people are intrinsically connected.
Holistic approach to water	Although the project is based around the review of the service and delivery of the three waters (infrastructure), the proposed model needs to take into account a holistic water approach: there is only one water.
Enabling of Te Tiriti o Waitangi	Involving mana whenua in governance and decision making required to ensure Te Tiriti o Waitangi obligations are met, as well as making sure they are able to actively exercise kaitiakitanga in a practical way
Mana motuhake - identity, self-determination	The identity of mana whenua in Hawke’s Bay should not be lost in any potential model. But inclusion and co-governance whilst keeping their identity is an opportunity


- 4.12 The significance Māori place on these principles and therefore on water is best encapsulated in the following kōrero,

*Te wai, he taonga i tuku iho mai i ngā tīpuna – water is a taonga, a precious treasure passed down from our ancestors.*

- 4.13 The chairs of the Māori committees were clear that a meaningful role for Māori starts with the opportunity for partnership with co-design of the model across co-governance and operations. They were stringent in their view that the status quo is not a sustainable option for our environment and Te mauri o te wai. An Assert owning CCO was their preferred model with adaptation to a Māori worldview that places people within the environment, and not in a dominant and exploitive view.
- 4.14 The engagement identified a cultural gap in the better business case framework. Initially the approach was to weave a cultural element through the business case but during the project it became clear that a separate cultural case was required. The rationale for a cultural case was that Māori cultural values and traditions associated with water have been well documented within Council processes, however the operational implementation of cultural values was considered to be a gap.

- 4.15 The role of the cultural case is to highlight that within the regulatory framework relating to water, Te Ao Māori, through its language, genealogy, stories and traditions, requires a greater level of competency than usual. The cultural case is underpinned by the Treaty of Waitangi.

**Attachments:**

1 	HB 3 Waters Delivery Detailed Analysis 02.09.20	CG-16-2-00334	Under Separate Cover
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Tuesday, 15 September 2020

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

Item 7

## *Te Rārangi Take*

# Report to Council

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*Nā:*  
**From: Bruce Allan, Group Manager: Corporate**

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*Te Take:*  
**Subject: Municipal Building Development Stage 2**

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

- 1.1 The purpose of this report is to seek approval from Council to commence the Stage 2 redevelopment works on the Municipal Building and commit the necessary funding to achieve that outcome.
- 1.2 The Municipal Building was closed over 5 years ago due to it being earthquake prone and in 2018 Council committed to strengthening the building. Strengthening works have continued and are due to be completed in April 2021.
- 1.3 A significant redevelopment project was then required to deliver the Municipal Building back to the community and complete the wider Toitōi, Hawkes Bay Arts and Events Centre.
- 1.4 The Municipal Building is the key to unlocking the true potential of Toitōi, Hawkes Bay Arts and Events Centre. *“It has elements that can enhance the experience of Theatre and Plaza users, integrate with the wider cultural and commercial centre of Hastings City and provide opportunities for community and arts and culture groups. Within the Municipal Building there is the chance to create flexible and adaptable spaces that meet the needs of many users and encourage collaboration, adding to a rich and diverse offering.”* (Toitōi Strategic Plan)
- 1.5 The Municipal Building has been an important part of the Hastings CBD for over 100 years and this strengthening and redevelopment project will position Toitōi as the Arts and Culture Precinct for the city, it will be the transformational project that enhances the CBD and is the integral component of the CBD revitalisation plan and strategy.
- 1.6 The preservation and redevelopment of the Municipal Building is essential. It is one of New Zealand’s significant historic buildings and will be the final piece in establishing Toitōi as the jewel in the crown of the Hastings CBD and the region and increase the vibrancy of the Cultural Precinct.
- 1.7 The redevelopment stage of the Municipal Building project has now been designed and costed with a final cost of \$9.25m including all construction, fit out and associated fees. The only fit out costs

not included are that for the restaurant/bar and the upstairs plating kitchen. This additional fit out will be the domain of the hospitality tenant and contracted caterer.

- 1.8 Council has set aside \$23.78m and needs to confirm an additional \$5.5m to complete the redevelopment.
- 1.9 Council has been successful in attracting \$9.47m in external funding. A summary of the current financial situation is as follows:

<b>Summary</b>	<b>Total Cost</b>	<b>External Funding</b>	<b>Council Funds</b>	<b>Funding Req'd</b>
Opera House	\$ 13,889,899	\$ 4,470,000	\$ 9,419,899	\$ -
Functions on Hastings	\$ 3,955,358	\$ 250,000	\$ 3,705,358	\$ -
Wesley Church conferencing	\$ 400,000		\$ 400,000	\$ -
Municipal Strengthening	\$ 11,211,474	\$ 4,750,000	\$ 6,461,474	\$ -
Municipal Stage 2	\$ 9,250,000		\$ 3,794,604	\$ 5,500,000
	\$ 38,706,731	\$ 9,470,000	\$ 23,781,335	\$ 5,500,000

- 1.10 Council's success at attracting government funding for other projects in recent months may have come at the detriment of the Municipal Building and while there are still opportunities for external funding to be achieved.
- 1.11 Council's Significance and Engagement Policy places some restrictions on the extent to which Council can make a decision on allocating unbudgeted funds to projects. In this case the funding \$5.5m equates to 4.5% of the 2020/21 capital programme which is within the limit of 10% as detailed in the policy. This provides Council with the ability to make a decision to include this unbudgeted funding without consulting with the community, and is about mid-range of what would be considered appropriate when assessing this decision against the policy.
- 1.12 Since the Municipal Building and Opera House were closed, Council has on a number of occasions consulted and engaged with the community with overwhelming support for Council to firstly strengthen the building and then redevelop it to ensure it is fit for purpose and meets the needs of the community for the next 100 years.
- 1.13 The strengthening works are fully committed. A decision is now required from Council to ensure the redevelopment works are completed. This project has very strong community support with particular interest on when it will be delivered and operational. The recommendations in this report acknowledge that sentiment from the community.
- 1.14 The recommended option for Council is to commit to the completion of Stage 2 redevelopment works as outlined in the report, fully commit the necessary Council funding which will include the current budget provision of \$3.8m in 2020/21 and add the additional funding required to complete the project of up to \$5.5m. It is also recommended that Council request officers to exhaust all available external funding options through to June 2021.

## **2.0 Recommendations – Ngā Tūtohunga**

- A) That the Council receives the report titled Municipal Building Development Stage 2.
- B) That the Council approves the commencement of Stage 2 of the Municipal Building redevelopment project at a total estimated cost of \$9.25m.
- C) That Council allocates an additional \$5.5m of unbudgeted loan funding to the Municipal Building project to ensure the completion of this project is achieved in the most cost effective and timely manner.

- D) That Council instructs Officers to make final funding applications to external funding agencies.

### 3.0 Background – Te Horopaki

#### 3.1 Strategic Plan, adopted April 2019

- 3.2 Council adopted the Hawke's Bay Opera House Arts and Events Precinct Strategic Plan 2019-2021 (named prior to Toitū being adopted) in April 2019. The Strategic Plan noted the following about the Municipal Building:

*"The Municipal Building is acknowledged as the key to unlocking the full potential of the Precinct. It has elements that can enhance the experience of Theatre and Plaza users, integrate with the wider cultural and commercial centre of Hastings City and provide opportunities for community and arts and culture groups. Within the Municipal Building there is the chance to create flexible and adaptable spaces that meet the needs of many users and encourage collaboration, adding to a rich and diverse offering."*



*Le Jeu & Ulrich in the Assembly Room in September 2011 as part of a Rugby World Cup event.*

- 3.3 The Strategic Plan identified 10 Success Criteria or priorities that help inform the strategic framework:

- |                                                                            |                                                         |
|----------------------------------------------------------------------------|---------------------------------------------------------|
| 1. Heritage buildings to be retained and enhanced                          | 6. Operational sustainability                           |
| 2. Performing arts – enhancing and showcasing                              | 7. Maximising external funding                          |
| 3. Events and conference spaces                                            | 8. Enhancing user experiences – hospitality, events etc |
| 4. Pathways for youth – performing arts, hospitality, event management etc | 9. CBD integration – CBD revitalisation                 |

3.4 It is these success criteria or priorities that all future decision making with the Municipal Building have been assessed against.

3.5 Business Case endorsed August 2019

3.6 The preferred option in the business case was the option provided Council and the community with the best opportunity to achieve the Vision outlined in the 2019-2021 Strategic Plan:

***“The most vibrant and significant arts, culture and events facility in New Zealand***

***Honouring the past, nurturing the present and inspiring future generations”***

3.7 There has been great interest for the commercial and community spaces identified in the current plans from many potential users.

3.8 The Commercial Case identifies that this preferred option is deliverable. A contract arrangement is in place with Gemco Construction that will ensure that the construction works required are delivered. A number of future users have been identified and approaches have been made with positive initial discussions.

3.9 Finding a solution that achieved the goal of incorporating the strong education component that is linked to the arts and hospitality industries will add vibrancy to the precinct and create real opportunities to inspire future generations to succeed has been more problematic. Creating an educational offering that was sufficient enough to meet the needs of educational providers without over dominating the usage of the ground floor has been difficult to achieve.

3.10 Instead the Toitoti staff have turned their minds to how this could be achieved in different ways and have recently created an MOU with the Takitimu Performing Arts School as an academic provider delivering NZQA qualifications level 1 – 3 in Lighting and Sound for technicians, stage craft and work experience opportunities for students. Kahurangi Performing Arts Trust will support Toitoti through in-kind services at nominated events and work in collaboration with Toitoti to deliver Te Aao Māori Cultural Leadership through Māori Performing Arts.

3.11 Toitoti has also created the Creative Learning Programme engaging youth 15 – 20 years, working in partnership with Harcourts Hawke’s Bay Arts Festival, Hastings District Library, Massive Company and other key organisations to deliver a series of project based learning. These are examples of how physical dedicated spaces are not required to deliver on the vision of inspiring future generations.

3.12 The Business Case identified a funding shortfall at the time of \$2.5m which was formulated off concept designs and therefore lacked any element of detailed design. Increased costs have come in the form of significant rewiring (\$1.4m) and more refined fit out estimates. Previous estimates had a limited amount of fit out included.

3.13 Previous Community Engagement

3.14 The Opera House Precinct, including the Municipal Building and broader CBD/Cultural Precinct has been the subject of various community engagement processes since 2012. A brief high level summary as follows:

Consultative Process	CBD Components
2012 LTP	<ul style="list-style-type: none"> <li>• Civic Square</li> </ul>
2014/15 Annual Plan	<ul style="list-style-type: none"> <li>• Opera House Start-up</li> <li>• Hotel</li> </ul>

2015/16 LTP	<ul style="list-style-type: none"> <li>• Civic Square</li> <li>• Hotel</li> <li>• Opera Precinct</li> </ul>
Special Consultative Procedure Opera House Precinct Feb 2016	\$20m cap for collective precinct projects – Theatre and Plaza roof prioritised
2018/19 LTP	<ul style="list-style-type: none"> <li>• \$20.5m net package for collective precinct projects</li> <li>• \$1.5m Civic Square</li> <li>• \$3.0m Central Mall/Hospitality precinct</li> </ul>

- 3.15 The process in respect of the Municipal Building, has been to engage further with the arts community (as per previous Council resolutions) on options for the buildings use. This process in turn has informed decisions on the business case for both strengthening and using the building into the future.
- 3.16 At the time of developing and consulting on the 2018-28 Long Term Plan the proposition for the Municipal Building was not fully developed, and therefore was not highlighted as one of the key issues for consultation. Funding was earmarked within the plan (with conditions) to enable the project planning to be taken forward, and subject to the conditions being met, the subsequent delivery of a physical project.

The wording in respect of the Municipal Building is as follows:

*A group made up of councillors and representatives from across the arts community has been considering future uses for the Municipal Building prior to any decision to commit to the necessary earthquake strengthening work on the building. The group are charged with coming up with a range of options to be put before the Council, after which there will be public consultation on the preferred design and cost. The nett Council funding set aside within the Long Term Plan toward this development is \$10.5 million, subject to a suitable option and supporting business case which has community support.*

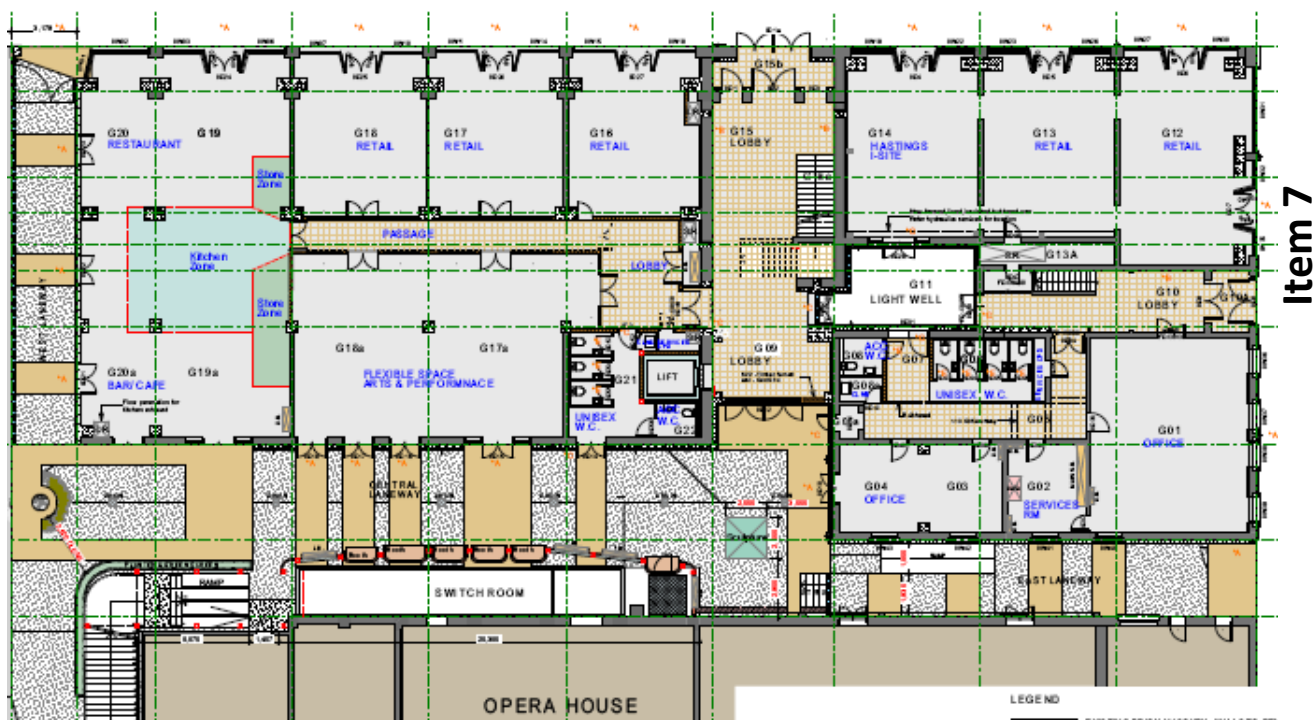
3.17 Community Engagement in 2019

- 3.18 A three-week long community engagement process was adopted to give the community sufficient opportunity to learn about Council's preferred option for the Municipal Building and to offer their feedback.
- 3.19 The feedback from those in the community that participated has been overwhelmingly positive. When asked if Council has got the proposed combination of proposed activities for the Municipal Building right, 82.3% stated absolutely, with 12.7% pretty close and 5.1% not at all.
- 3.20 An important component of the engagement with the community in 2019 was that while there was additional funding required and there was no expectation that this funding would be resolved with more ratepayer funds.

## 4.0 Discussion – Te Matapakitanga

- 4.1 The future use of the Municipal Building has had many iterations and the development of the ground floor plans have evolved to ensure they are maximising the opportunities to achieve the outcomes identified in the Toitū Strategic Plan's 10 success criteria.

#### 4.2 Ground floor:



4.3 Laneway – The laneway is an integral component of activating the Municipal Building and joining it up with the wider Toitū complex. To ensure this area is activated, careful consideration has been given to what activities front the laneway to maximise activation opportunities. Hence the restaurant, café and bar opportunity situated at the western end of the building which will create activity not only on Heretaunga Street, but also along the new laneway at the western end of the building which has been created to create a seismic gap between the buildings. The hospitality offering at this location is the foundation for activating the laneway.

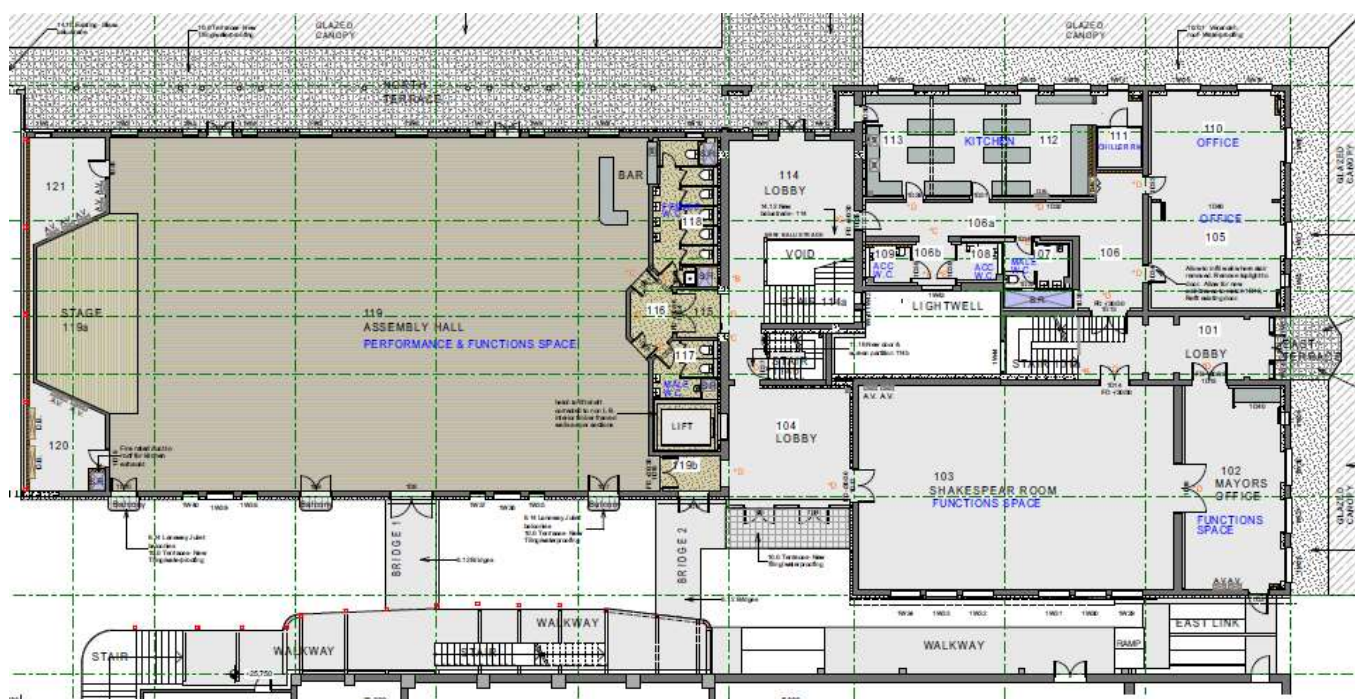
4.4 Attached as **Attachment 1** is the Toitū Opera House Precinct Laneway Design Guidelines which have informed the design of the laneway and how it connects the different aspects of Toitū and the CBD.





- 4.5 The flexible space for arts and performance is an area that the Toitoti staff can utilise for a multitude of activities including conference breakouts, small theatre productions, wine tastings, spill over for the restaurant, etc. The laneway creates the opportunity to really broaden the appeal and use of this space with events that activates the laneway. This space meets the success criteria of “performing arts – enhancing and showcasing”, “Events and conference spaces”, “Flexible and adaptable spaces”.
- 4.6 The flexible space will be the only area on the ground floor that will not be either tenanted with commercial tenancies or occupied by Toitoti staff offices. However this space is of a similar size to the Shakespeare Room upstairs which was previously the most booked room in the complex and will add to the overall conference appeal of Toitoti.
- 4.7 Hospitality – The success criteria identified in the Strategic Plan identified the need for “enhancing user experiences – hospitality, events etc.” The location at the western end of the building provides the most opportunity for this to be achieved and also creates the CBD integration and links to the CBD revitalisation strategy. The location of the hospitality offering with its frontage onto the footpath area of Heretaunga Street, the 3 meter wide western laneway and the Opera House laneway helps create those connections with the CBD and the wider Toitoti complex.
- 4.8 It is envisaged that an approach to the market will be made once there is funding certainty that the project can be delivered to completion. There have been discussions to-date with interested parties.
- 4.9 Retail opportunities – located along the Heretaunga Street frontage between the main Municipal Building foyer and the restaurant/bar are three spaces that will be available to be leased and could cater for a number of complimentary business opportunities including an art gallery, artisan food, music and the arts. The focus for these retail opportunities will be on businesses or activities that will add to the vibrancy of the wider Toitoti complex.

- 4.10 i-Site and Toitoti ticketing office – situated at the eastern end of the building, the relocation of the Hastings i-Site and the integration of a Toitoti ticketing office create synergies and cost savings for Council. Opportunities for complimentary business to locate in the other retail spaces identified on the corner of Hastings and Heretaunga Streets are being investigated.
- 4.11 Offices – the Toitoti staff need to be located in an area that maximises operational flexibility and effectiveness while being cognisant of what are potentially very rentable spaces that could create wider more enduring benefits to the wider Toitoti complex. This has been a difficult balancing act, however, the location of the Toitoti offices and reception on the ground floor of the Municipal Building with access off Hastings Street has been identified as the preferred location. This, of course, does not necessarily need to be their permanent home and if other opportunities arise then they will be explored.
- 4.12 The first floor remains largely unchanged and is where a lot of the internal heritage value is maintained, particularly in the Assembly, Shakespeare Rooms and the old Mayor's Office. With the demolition of the old kitchen area off the Assembly Room, there has been a need to provide a plating kitchen on the first floor which will occupy what was two of the meeting rooms on the Heretaunga Street side of the building.
- 4.13 Repurposing the first floor has been considered with the conversion of the first floor into a hotel, however, the financial analysis of this option did not create a commercially viable proposition given the cost to make that change. Any repurposing of the first floor is also problematic with the need to maintain the heritage elements of these rooms, including the barrel vaulted ceiling in the Assembly Room.
- 4.14 The future use of the first floor will be principally what it was used for previously, however, with the addition of Functions on Hastings as a large multi-purpose event space, the challenge to the Toitoti staff will be to maximise usage and integrate this into the wider Toitoti offering.



- 4.15 The Municipal Building is the key to unlocking the full potential of Toitoti – Hawke's Bay Arts and Events Centre. It provides the opportunity to add a significant amount of additionality to what is there now with Functions on Hastings, the Cushing Foyer and the Opera House. The spaces created with the flexible arts and performance space downstairs, plus what upstairs offers with the Assembly Room, Shakespeare Room, Mayor's Office and other meeting spaces complements the offering to the community and commercial sectors and creates an incredibly unique complex that can cater to a multitude of requirements.



- 4.16 Once the Municipal Building is completed Toitoti will be in a position to pitch for full conferences including a space for trade/expo/exhibition as well as an evening function and dinner space, it also means we have the theatre for plenary sessions and then 4-6 breakout spaces essential when pitching for a conference.
- 4.17 The detailed design also allows for the entire centre to be a multi-use facility for community use, the new space in the Municipal Building creates an affordable space for community to use without compromising the larger spaces for more commercial or performance based use.
- 4.18 The final design and outcomes that can be achieved are still closely aligned with what was discussed with the Community last year, although there has been some adjustments to make better use of the different areas.
- 4.19 The operations of the Municipal Building will integrate well with the wider Toitoti complex with limited additional staffing required to operate these spaces, given a large component of the ground floor will be tenanted and upstairs links well with the corporate and events offerings that the current Toitoti staff are delivering.
- 4.20 The introduction of a Quest Hotel immediately behind the Municipal will add to the commercial viability of business that may be attracted to tenant the building plus support the actions of Toitoti staff in attracting significant commercial and corporate events to the wider Toitoti precinct.
- 4.21 Current project position
- 4.22 Current costings for Stage 2 works have now been undertaken by Gemco based on developed design drawings and peer reviewed with a total cost to deliver Stage 2 of \$8.9m plus an estimate of fees to complete the construction of \$350,000. The cost estimates include complete fit outs of the different spaces with the exception of the restaurant/bar area on the ground floor and the commercial plating kitchen on the first floor. It has been assumed that these will be fitted out by the successful commercial provider(s).
- 4.23 An unfortunate additional cost included in the above numbers is approximately \$1.4m of electrical re-wiring services for the Municipal. Through the strengthening works, it has been identified that the state of the building's wiring required a complete rewiring to ensure compliance and the longevity required of this redevelopment investment.
- 4.24 With \$9.25m required to complete the project, Council will have \$3.8m left from the \$23.78m allocated to the overall Toitoti precinct redevelopment and strengthening project to allocate to Stage 2 works on the Municipal. Council needs to confirm an additional \$5.5m to complete the redevelopment. The table below shows this in more detail.

<b>Summary</b>	<b>Total Cost</b>	<b>External Funding</b>	<b>Council Funds</b>	<b>Funding Req'd</b>
Opera House	\$ 13,889,899	\$ 4,470,000	\$ 9,419,899	\$ -
Functions on Hastings	\$ 3,955,358	\$ 250,000	\$ 3,705,358	\$ -
Wesley Church conferencing	\$ 400,000		\$ 400,000	\$ -
Municipal Strengthening	\$ 11,211,474	\$ 4,750,000	\$ 6,461,474	\$ -
Municipal Stage 2	\$ 9,250,000		\$ 3,794,604	\$ 5,500,000
	\$ 38,706,731	\$ 9,470,000	\$ 23,781,335	\$ 5,500,000

- 4.25 Note that Council approved an addition to the Stage 1 Strengthening works of \$619,000 for works that would be required as part of Stage 2, but for efficient staging purposes was bought forward. This additional cost has been applied to the strengthening component of the project and does not form part of what is now projected as part of Stage 2.
- 4.26 The detailed design works are close to being completed and the building consent application is about to be lodged with Council. The final detailed design will then be fully priced by Gemco

Construction as part of the Early Contractor Engagement arrangement that we have in place and peer reviewed to ensure the pricing is appropriate.

#### 4.27 Current funding position

- 4.28 Through the 2019 community engagement exercise where there was a high level of support for the direction of the Municipal Building future use, it was noted as part of that process that no additional Council funding would be required and the additional funding that was required would be funded externally from Council. Unfortunately Council's applications to the Ministry of Culture and Heritage, the Provincial Growth Fund and the Crown Infrastructure Partners Shovel Ready project fund have not been successful.
- 4.29 While Council has been very successful in attracting government funding through various stimulus programmes, unfortunately the delivery and completion of the Municipal Building upgrade has not been one of them. Since February 2020, Council has been successful in attaining the following funding approvals:

<b>Project Funded</b>	<b>Agency</b>	
He Poutama Rangatahi extension	MBIE	\$985,000
Mahi for Heretaunga – pastoral care programme	MSD	\$340,000
SH51, Taihape Road, footpath improvements	MBIE/PGF	\$9,370,000
District Community Halls	PGF	\$290,000
Tarbet Street Housing development	PGF	\$2,000,000
Housing infrastructure	CIP	\$11,500,000
3 Waters Capital Investment	Taumata Arowai	\$15,300,000
<b>Total Investment from the Crown in 2020</b>		<b>\$39,785,000</b>

- 4.30 While this funding is not able to be attributed to this project, it does demonstrate the significant success that Council has achieved, and possibly at the detriment of achieving external funding success with the Municipal Building.
- 4.31 There are however some last chance external funding opportunities that Council will try and achieve funding from. While there are still options available, none provide certainty of funding for Council.
- 4.32 There was always a plan to have a community fundraising programme that engaged the community, however, with the impact of COVID-19, this opportunity has passed and it is now not considered appropriate to ask the community to contribute at a time when sectors of the community are really feeling the economic effects of the COVID-19 lockdowns.
- #### 4.33 Significance and Engagement
- 4.34 The allocation of additional funds to this project outside of an Annual Plan or Long Term Plan consultative programme is considered significant when it exceeds either of the following thresholds:
- It incurs operational expenditure exceeding 5.0% of the Council's consolidated annual operating budget for that year;
  - Incurs new capital expenditure on any one proposal in the first three years of the Council's plan, exceeding 10% of Council's consolidated annual capital budget for that year.
- 4.35 In this instance, if Council was to approve the full allocation of \$5.5m, that allocation of funding would incur direct financing costs (including interest and debt repayment) of approximately \$250,000 per annum which represents 0.25% of Council's operating expenditure (source: 2020/21 Annual Plan FIS). The \$5.5m represents 4.5% of the 2020/21 capital expenditure which is budgeted at \$122m.

- 4.36 While both of these measures suggest that Council could allocate the necessary \$5.5m of additional funding to complete this project and do so within the parameters set down in the Significance and Engagement Policy, it is in the mid-range set down for capital expenditure.
- 4.37 There are also non-financial criteria within the Significance and Engagement Policy that need to be considered and assessed. Having reviewed those criteria contained in section 2.0 of the policy it is considered that this decision does not constitute a degree of significance that necessitates further community engagement and that the level of prior participation from the community in respect of this project (as outlined in sections 3.14 -3.20), reaffirms the assessment of significance in respect of this decision (having also considered the provisions of section 3.0 of the Policy).
- 4.38 Construction phasing opportunities
- 4.39 While the significance and engagement policy allows for Council to make an additional funding contribution towards completing the Municipal Building developments there are opportunities to create some construction phasings, based around funding constraints.
- 4.40 Council has currently available \$3.8m of funding budgeted 2020/21 to make a significant start to the stage 2 development works.
- 4.41 There would be a logical phasing of the construction works as Gemco undertakes the Stage 2 works alongside the structural strengthening and it may not necessarily align with the separate components of the first floor, the second floor and the lane way. Any construction phasing that is created that is aligned to the different elements of the project, may create inefficiencies for Gemco in the development of these works and add more cost to Council when the project is finally completed.
- 4.42 If however Council was to give approval for the Stage 2 works to commence, the current funding allocation of \$3.8m would be sufficient for Gemco to proceed with works in a timely and efficient manner. Providing of course the balance of funding was made available either through the 2021/22 budgets or fundraising achieved.

## 5.0 Options – Ngā Kōwhiringa

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

### 5.1 Commit the full funding required:

#### Advantages

- This option provides the project with all the certainties of funding to deliver the project to completion. In doing so this option will provide the construction partner with certainty of funding that allows it to programme the necessary works in the most cost effective and time efficient way which will be to the benefit of both the construction company and Council.
- There is no logical points to which this project can be further phased. At the completion of the strengthening phase of this project, Council will have a strengthened building that is uninhabitable and will be unable to achieve the necessary Code of Compliance. To have any further construction phasing will result in a partially completed project, for example the ground floor completed without the laneway or first floor and the overall benefits that flow from having the fully completed and tenanted Municipal Building.
- This option does not preclude Council from doing any additional fundraising, although having an absolute commitment from Council to fund this project may hinder Council's ability to get funding from what are considered funds of last resort.

#### Disadvantages

- While allocating additional funding to the magnitude of \$5.5m is something that is achievable and fits comfortably when considered against Council's Significance and Engagement Policy, it is at the upper end of what would be considered appropriate for Council to do.

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

5.2 Progress Stage 2 with current committed funding, establish a stage 3 which will be included in year 1 of the LTP.

- If Council is however unsuccessful in those fundraising efforts, then Council will be left in a position where it fundamentally has no choice but to fully fund the project in 2021/22 (Year 1 of the LTP), albeit there will be some level of service or delivery compromises that could be made if the full funding option did not have community support.
- As identified in the report, Council has been very successful in attracting government funding for a number of projects and probably at the expense of the Municipal Building. Council's success to-date may also count against it in attracting more government funding in the short term. Any Municipal Building funding applications will also need to be considered against other government funding opportunities that Council may have for other projects.

## 6.0 Next steps – Te Anga Whakamua

6.1 Subject to Council approving the funding to progress with the Stage 2 redevelopment works, the final detailed design will be completed and building consent application lodged. Final pricing will then be completed and peer reviewed in accordance with the Early Contractor engagement arrangement in place with Gemco Construction.

6.2 Work will progress with some urgency to engage a suitably qualified commercial property expert to support Council as it explores the future tenancies and the outcomes that have been very clearly set out in the Toitō Strategic Plan.

## Attachments:

- 1 [↓](#) Opera Precinct Laneway Design Guidelines July 2020 PRJ14-18-0853

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## Summary of Considerations - He Whakarāpopoto Whakaarohanga

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

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

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

This proposal promotes the Social, Economic and Cultural wellbeings of communities in the present and for the future.

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### Māori Impact Statement - Te Tauākī Kaupapa Māori

The Municipal Building is an essential component in Toitō achieving its goals including Toitō's commitment to upholding the principles of the Treaty of Waitangi. Toitō Hawke's Bay Arts & Events Centre will make a formal commitment to establishing cultural competency in tikanga Māori,

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embarking on a journey to weave Te Ao Māori into the way it goes about its business and engages with the community.

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

N/A:

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

The financial considerations have been considered in this report.

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

This decision/report has been assessed under the Council's Significance and Engagement Policy as being of high significance and has been canvassed in the report under its own section.

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

There has been many consultation opportunities with the community over the past 6 years on the development of the Municipal Building and how it relates to the wider Toitōi complex, including as recently as September last year where the future use of the Municipal Building was put out to the community for feedback. While the feedback was overwhelmingly positive, at that time there was no expectation that further funding would be required from Council and the ratepayers.

Whether Council applies all the necessary funding now or includes the balance of the funding required to complete the project in year 1 of the Long Term Plan is the choice that Council has. Although Council needs to be careful that options put forward into the 2021-31 LTP is valid options for the community to choose from. That is, given the investment made to-date, would Council consider not funding any additional funding in order to see this project completed?

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### **Risks**

Risks and opportunities have been covered in the report. There are many opportunities that will follow with the Municipal Redevelopment and there are risks with any construction projects of this nature. Construction cost risks have been mitigated with contingencies and potential opportunities to refine costs.

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

The Rural Community Board have not been involved with this project.

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**toitoto**  
Hawke's Bay Arts & Events Centre

# OPERA PRECINCT LANEWAY

## Design Guidelines

July 2020

Item 7

Attachment 1





INTRODUCTION

OPERA PRECINCT LANEWAY

Prepared for: Hastings District Council  
Date: Friday 10 July, 2020

This document has been prepared for the benefit of Hastings District Council. It is solely for the use of this client for the purpose for which it is intended in accordance with the agreed scope of work. This document should not be copied, scanned or distributed without the prior permission of Hastings District Council, and no responsibility is taken for its use by any other party.

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Revision Schedule

Revision	Date	Prepared by	Reviewers
A	July 02, 2020	L Burn	S Bray
B	July 10, 2020	L Burn	S Bray

Approved by: \_\_\_\_\_  
Hastings District Council



BACKGROUND

The Hawke's Bay Opera House (formerly the Hawke's Bay Municipal Theatre) and the Hastings Municipal Buildings were constructed in 1915. Built in Spanish Mission and Edwardian Commercial styles, they are both notable survivors of the 1931 Napier Earthquake, and are today significant landmarks within Hastings. Significant structural repairs on both buildings was commenced in 2018. As part of the structural engineering works, it was identified there were opportunities to reconsider the layout and activities within the Municipal Building. Additionally, an opportunity arose to upgrade the laneway between the Municipal Building and the Opera House and open this to the public as part of the overall Opera House Arts Precinct. The development of the laneway is part of the wider restoration and reactivation of the Municipal Building. The vision for this project is:

*Giving the community, visitors, businesses and mana whenua multiple reasons to be proud of the buildings themselves as well as the activities that take place in them.*

It has been identified that the building (and laneway as part of the building) has the potential to bring economic and social benefits. It will be a centre for activities and events the whole community can enjoy, it will be a place we can all be part of with a shared sense of belonging. A vibrant hub in the city will also have a positive impact for the commercial sector.

OUTCOMES

The laneway project will be successful if it delivers the following outcomes:

- It is an integrated element that both reflects and enhances the architectural character of two significant buildings within the city.
- It is a reflection of the community in which it is located; a place that is accessible to all and meaningful to those that visit it.
- It is an extension of the Toitoto concept as a whole, celebrating the showcase of local arts and performance by providing a flexible, vibrant space.
- It is a destination hub that compliments the wider vibrancy of business and provides a new offering within the city.

KEY SUCCESS FACTORS

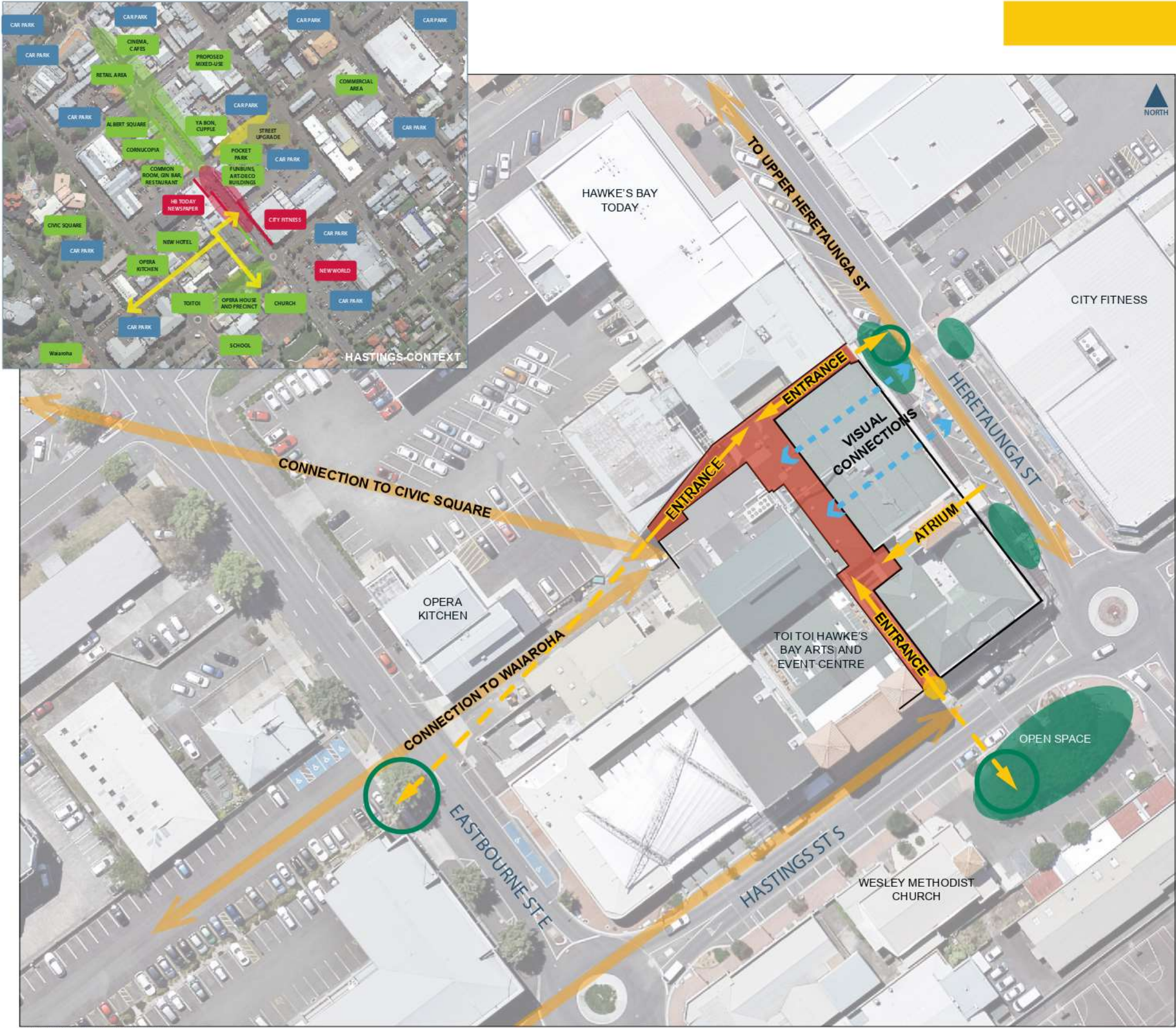
The key factor that will determine the success of the laneway is activation. In order for it to deliver the outcomes, it must be a place that people are enticed to visit, feel welcome and safe when they are in it, and look forward to returning when they leave. Understanding that the laneway needs to be a destination in its own right, the following factors require detailed consideration:

- Hospitality Operation: ensuring that any hospitality space adjacent to the laneway is functional and commercially viable. It needs to have both Heretaunga Street frontage and laneway access – such that it can serve as a conduit for bringing people into the laneway. The need for shade and weather protection, as well as services, in conjunction with use need consideration. Ideally, it would be a venue that can operate as a café during the day, a restaurant at night, and also provide catering for events within the laneway – being a venue that can be adapted to suit each market. Due to the scale of the operation and its surrounding environment, there is probably scope for only a single hospitality operator.
- Arts & Performance: providing a space that can be adapted and updated regularly. The laneway needs to be a canvas that local artists can adapt – through lighting, artwork, decoration. During the day it might need to operate as an informal office space, at night an exhibition space, and the weekend be a venue for functions. Flexibility about how the space can be curated is critical. A staged approach could be used, within budget constraints
- Connectivity/Accessibility: ensuring that the laneway connects to Heretaunga, Eastbourne and Hastings Streets, and entices people to venture inward. Also ensuring that the laneway is accessible – not just physically but psychologically. Do people know about it, can they find it, can they get to it, can they find their way in? This could be achieved through the extension of paving, artwork, installations, lighting, sound into the streetscape, and by creating gateway experiences.
- Security: ensuring that the laneway is open when it is active and closed when it is not. This will require consideration as to whether it is appropriate/ possible to open weekday mornings or Monday nights; and how it links to the businesses and activities around it.
- Custodianship: ensuring the laneway delivers a sense of ownership; that it is cared for, a cherished and loved space. Considering who will be the caretakers, ensuring not only that it is opened/closed and cleaned, but that it is actively managed to deliver the outcomes required.
- Staffing: ensuring the Toitoto management and staff are excited about the laneway, understand what it can deliver, and actively pursue creative opportunities.
- Fire Egress: Activation and use must maintain safe egress routes

THIS DOCUMENT

This document provides a design framework for the development of the potential Opera Laneway. Firstly, an analysis of the site has been undertaken considering the context of Hastings CBD and the more immediate Opera House and Municipal Buildings. The analysis goes on to explore and identify key opportunities that would contribute to the wider objectives for Hastings and the vision for the Opera House and Municipal Building development. Design guidelines for the development of the laneway are detailed, and lastly a Concept Plan illustrates how this could come together.





CONTEXT PLAN, JUNE 2020

CONTEXT

CONTEXT ANALYSIS

An analysis of the wider Hastings CBD context identified key connections between the streets, public spaces and the laneway.

HASTINGS CITY CENTRE CONNECTIONS

The Opera Precinct is located on the 'main street', Heretaunga St and is within walking proximity to central public spaces within the CBD including Civic Square, Central Plaza and new spaces like Eat Street.

STREET NODES

There are a number of pedestrian nodes located along both Heretaunga St and Hastings St where the footpath is wider. The placement of trees on Heretaunga and Eastbourne streets can be seen from the laneway.

THE SITE

The site is comprised of a number of spaces between the Opera House and the Municipal Building. These buildings provide the physical constraints of the site but also allow for enhanced connection to the wider context.

ACCESS TO THE SITE

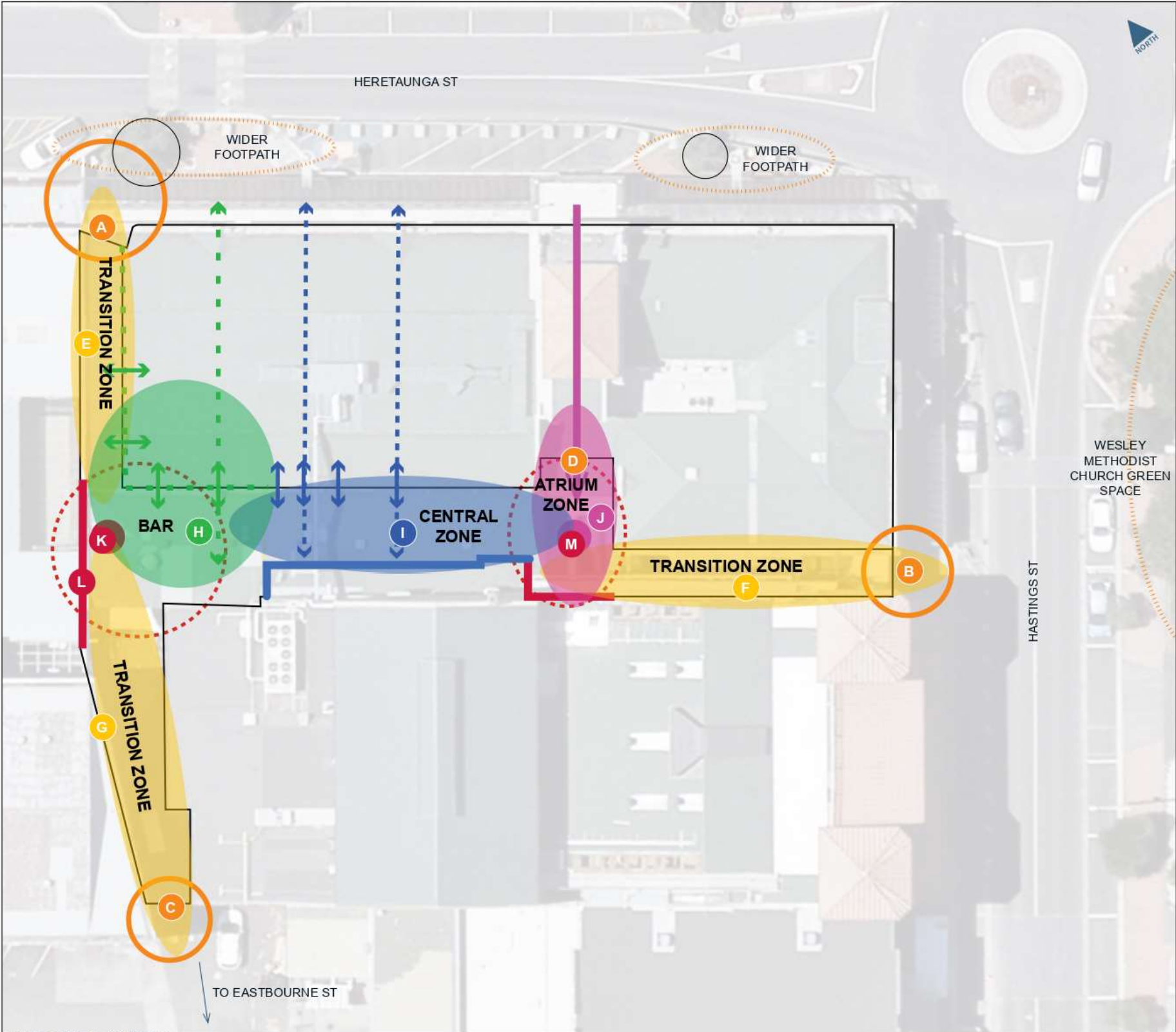
The site is accessed through 3 entrances from surrounding streets; Heretaunga, Hastings St S, and Eastbourne St E. There is also access through the Municipal Building atrium off Heretaunga St.

VISUAL CONNECTIONS

Users can see down the laneways from the adjacent streets as well as through the Municipal Building where windows provide viewshafts to the inner laneway space.



ANALYSIS



SITE ANALYSIS

A series of zones have been identified for the development of the laneways, as set out below. Design guidelines for each of these zones have been outlined on the following pages.

GATEWAYS

The entrances to the laneways are from the adjacent streets and through the municipal building. The entrances are the key interactive points to help invite people into the laneway from the streets.

- A Entry from Heretaunga St
- B Entry from Hastings St
- C Entry from Eastbourne St
- D Entry through atrium (Heretaunga St)

TRANSITION ZONES

Thoroughfares that connect users between the entry points and the inner laneways.

- E Access from Heretaunga St
- F Access from Hastings St
- G Access from Eastbourne St

BAR

External extension of the restaurant/bar area could allow patrons to sit in the laneway and creates a vibrant atmosphere.

- H Potential extension of restaurant/bar as a courtyard space within laneway

CENTRAL ZONE

A central zone is accessed only through other zones and could be a versatile, flexible space.

- I Potential flexible space that can be used for a variety of events and activities

ATRIUM ZONE

Extension of the building atrium and a central space that welcomes people from Hastings St and the Municipal building

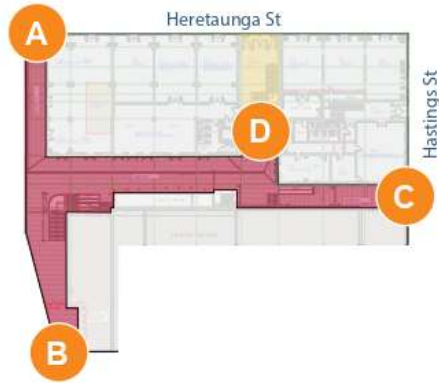
- J Potential space that connects users to the municipal building, and the inner spaces of the laneway.

FOCAL POINTS

Key points that can be seen from a number of spaces that are developed as features and focal nodes within the laneways.

- K Intersection seen from all 3 entrances
- L Feature wall seen at end
- M Open space seen through municipal atrium





GATEWAYS

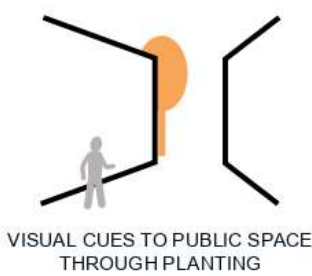
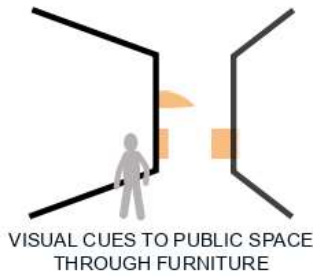
The entrances to the laneways are the first interaction users have from the surrounding streets. The entrances are to be a welcoming gateway to the inner spaces contained within the laneway and entice people by explaining what the laneway provides, eg public spaces, through visual cues.

- A. Entry from Heretaunga St
- B. Entry from Eastbourne St
- C. Entry from Hastings St
- D. Entry through atrium (off Heretaunga St)



VISUAL CUES FROM ENTRY

View shafts from the street to the inner spaces of the laneway help create an understanding to users of what the laneways contain. Incorporating views of trees/plants implies there is green/open space. Visibility of umbrellas and tables ensures users know there is a restaurant/bar.



SIGNAGE, TABLES, UMBRELLAS AND PLANTS PROVIDE VISUAL CUES



EXTENDED PAVING PATTERNS INTO STREET

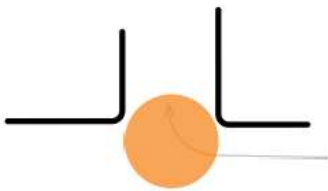


IDENTITY SIGNAGE

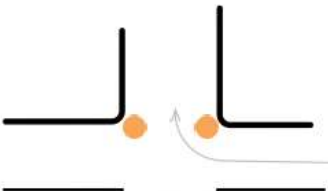
ZONES

ENTRY TREATMENT

Simple cues can be incorporated into the entrance design and layout to provide a sense of entry. Different pavement treatment creates a node within the street and indicates that there is an entrance to the laneway. Gates, furniture, planters and signage all contribute to the identity of the spaces contained within the laneway.



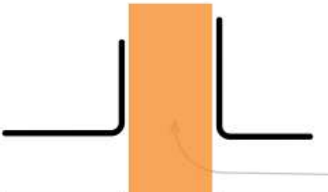
CHANGE PAVEMENT AT ENTRY



EXTEND LANEWAY FEATURES INTO STREET (PLANTS/FURNITURE)



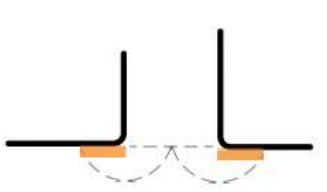
GATE PIVOTS INTO STREET TO CREATE INTERACTION WITH STREET



EXTEND LANEWAY PAVEMENT INTO FOOTPATH



TREE OR FEATURE ON STREET TO MARK ENTRY



GATE OPENS ONTO STREET FRONTAGES TO CREATE INTERACTION WITH STREET



ARTWORKS VISIBLE ALONG THE WALLS OF THE LANEWAY



SIGNAGE LOCATED ON STREET FRONT





ZONES



TRANSITION ZONES

Transition spaces are the corridors that connect people between the street entrances and the inner spaces of the laneway. Transient in nature, these spaces are experienced as users move through them rather than occupying them.

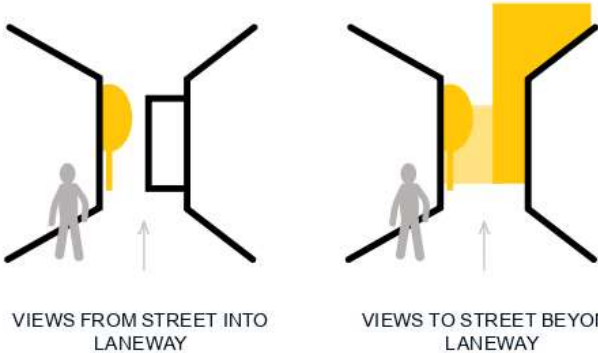
- E. Transition from Heretaunga St entry
- F. Transition from Eastbourne St entry
- G. Transition from Hastings St entry



TRANSITION SPACES

CONNECTION WITH STREET

The transition zones are providing a connection between the entrances and the inner spaces. Clear visibility between the streets and the inner spaces reinforces this connection and wayfinding.

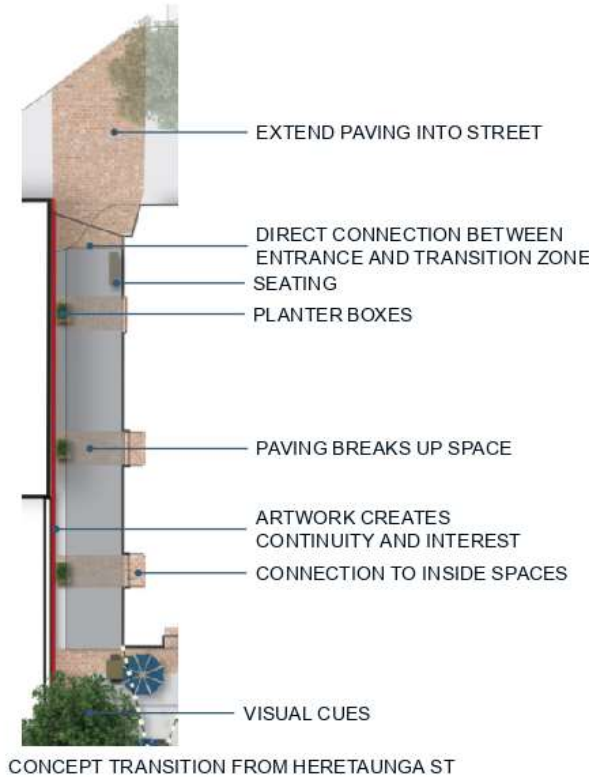
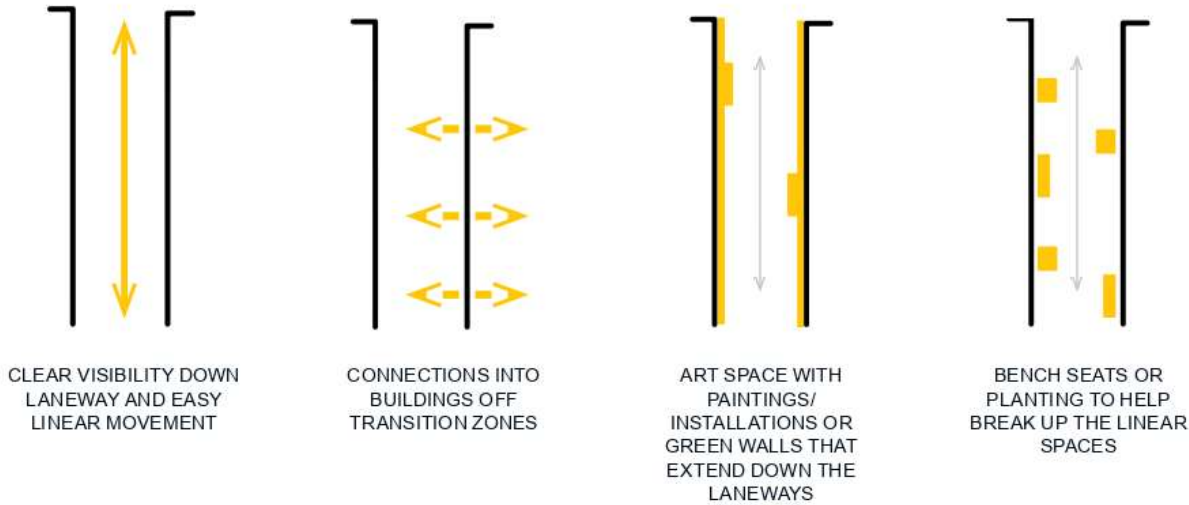


VIEWS FROM STREET INTO LANEWAY

VIEWS TO STREET BEYOND LANEWAY

MOVEMENT

The transition zones are linear spaces where movement is predominantly direct between the entrance and the internal laneway spaces. This however can be broken up with connections into the adjacent buildings, creating perpendicular movement and a sense of connectivity. Placement of furniture and planting can help to divide and soften the space, while still allowing direct movement through. Features or artworks can also be incorporated to encourage users to look to the peripheries of the space, and pavement can help divide the appearance of the space.



CONCEPT TRANSITION FROM HERETAUNGA ST



CONCEPT TRANSITION TO HERETAUNGA ST

LAYOUTS

The linear spaces can be enhanced through placement of furniture such as bench seats, planter boxes or artworks. Features within the transition zones also enhance identity and character perceived from the entrances. Connections into the buildings from the transitions zones also helps to break up the linear spaces.



MATERIALS AND FURNITURE BREAK UP SPACE



FEATURE WALLS



FEATURE WALL

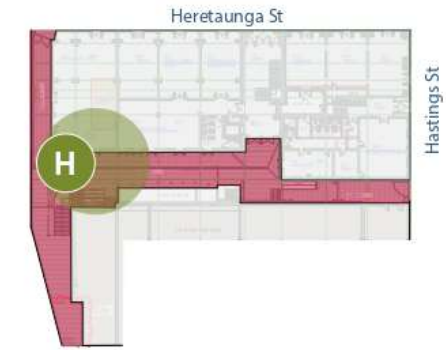


ZONES

BAR/RESTAURANT

The bar/restaurant is to be a destination helping to draw people to the inner spaces of the laneway. The extension of the bar/dining area into the laneway creates a strong connection between the municipal building and brings 'life' into the laneway space.

H. Bar/Restaurant area extended into laneway



LAYOUT

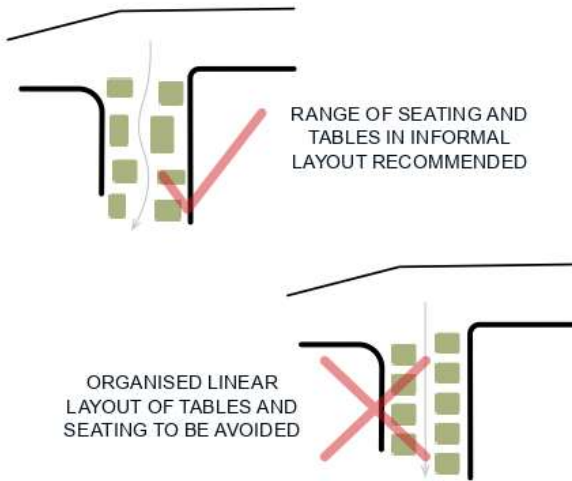
Create a comfortable environment through informal placement of restaurant and bar furniture. Provide a variety of furniture that can be easily reconfigured to create versatility within the space. Allow user movement through the space but in a way that creates interaction with the space rather than a thoroughfare. Furniture contributes to the character and experience within the space.



VARIETY OF FURNITURE AND RELAXED LAYOUT

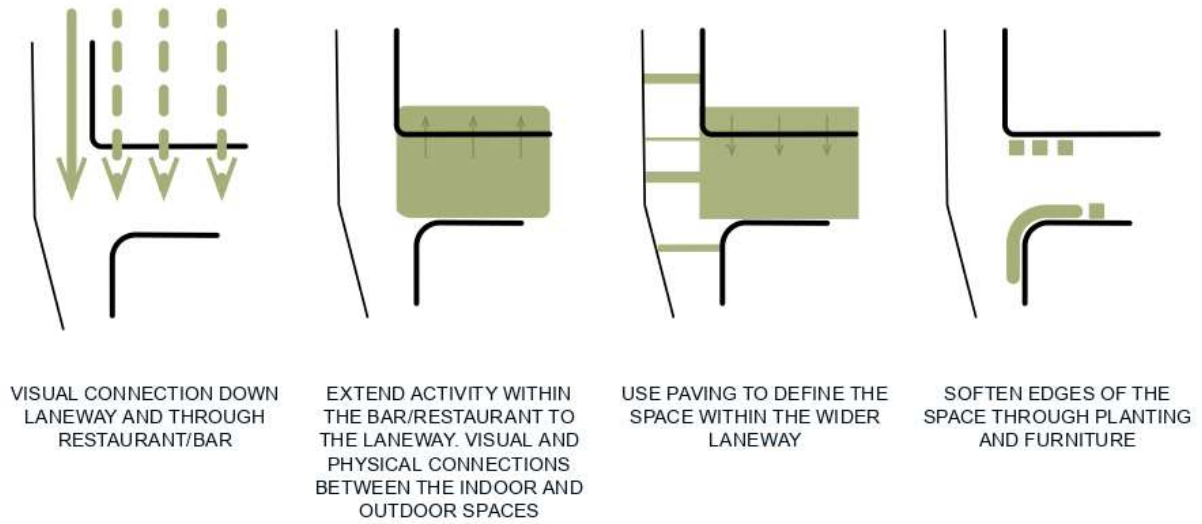


MIX OF FURNITURE AND OVERHEAD LIGHTING



CONNECTION WITH BAR/RESTAURANT

Visual connections down the laneway and through the bar from Heretaunga St will help to reinforce a connection to the wider Hastings context. A strong connection visually and physically between the indoor and outdoor environments of the bar will allow the two environments to respond to each other and bring a stronger presence of people and activity to the laneway.





ZONES



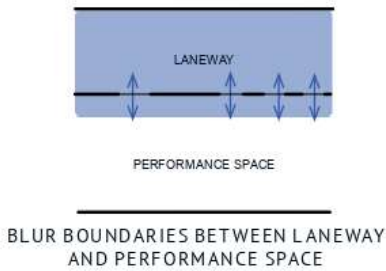
CENTRAL ZONE

The inner most space, the 'heart' of the laneway needs to be a versatile space that can simply be an open to allow users to move through the space, an extension of the performance space or to hold events.

- I. A central courtyard space that is flexible and able to cater for a variety of events and occasions

CONNECTION TO PERFORMANCE SPACE

Create a strong connection between the adjacent performing arts space and courtyard by blurring the boundaries between the two. Create strong physical connections through door and extend materials between the two spaces



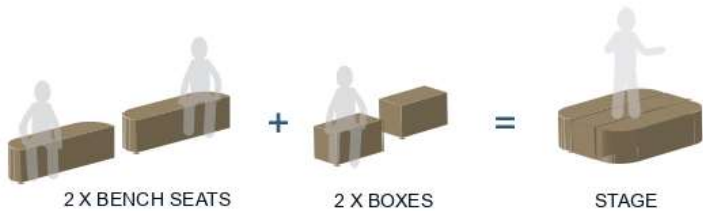
FLEXIBLE SPACES

Develop the courtyard as versatile open space that can cater for a variety of different events and occasions by simply being reconfigured through placement of furniture.



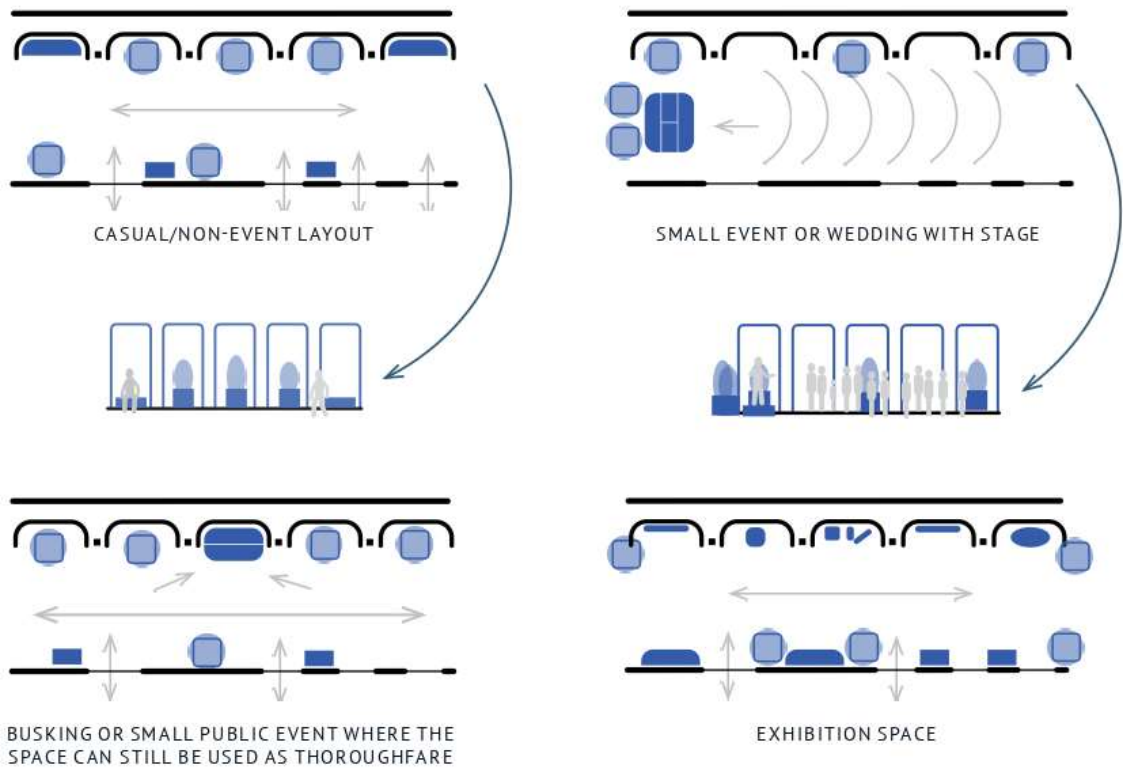
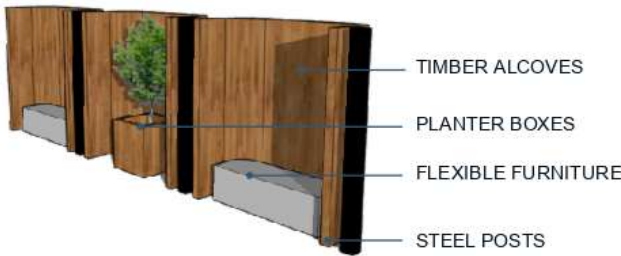
FLEXIBLE FURNITURE

Incorporate flexible furniture designed to be manipulated, reconfigured and easily moved to allow for flexibility in the space and how it can be occupied. Furniture designed specifically for a variety of uses will allow for this flexibility and cater for a range of different events and occasions. Furniture can also help reinforce the character of the space and be reflective of the history of the opera house and municipal building.



ALCOVES

Use spaces between the steel posts to create alcoves that are reflective of theatre boxes or porticoes. The alcoves support flexibility of the space by housing seating, planter boxes, or displaying artworks.



CONCEPT, CENTRAL ZONE



ZONES

ATRIUM ZONE

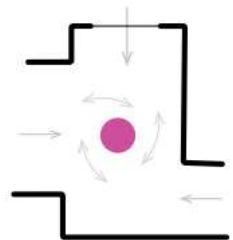


An atrium is the 'heart' or central space within a building or a courtyard. The atrium zone is the heart of the laneway, a space accessed and connected to from multiple spaces.

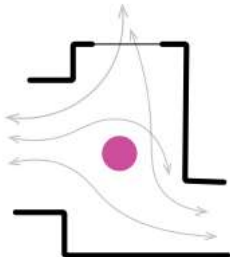
J. A central courtyard space that connects other spaces

MOVEMENT THROUGH THE SPACE

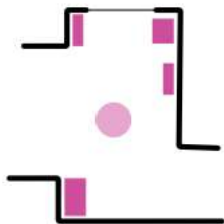
Although the atrium is a central space, it is designed to connect with other spaces and largely be transitional. However, informal occupation of the space can be encouraged through placement of furniture and the placement of a central sculpture will invite a pause in the way the space is used. Additionally, during events the atrium could be occupied by activities in the central zone.



MOVEMENT FOCUSED AROUND CENTRAL POINT



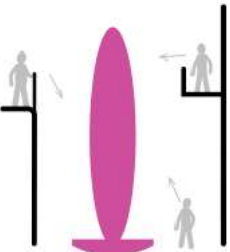
CONNECTIONS TO ADJACENT SPACES



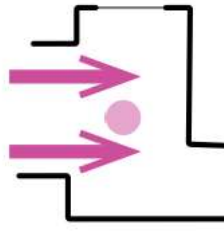
FURNITURE AND PLANTING BREAK UP THE PERIPHERAL SPACE



A PAUSE IN THE MOVEMENT THROUGH THE SPACE



EXPERIENCE THE SPACE FROM DIFFERENT LEVELS



EXTENSION OF CENTRAL ZONE

STORY OF WATER

The sculptural elements in the atrium could capture and share the story of Hastings water, and tie in with other water narrative projects (Waiaroha, Central Plaza) occurring in Hastings CBD which aim to educate and share the importance and whakapapa of water. Makirikiri Stream historically ran through the site (now under opera house) would be a focus as the stream historically ran through the site (now under the opera house). This forgotten stream could be brought back to Hastings by being shared through sculpture and interpretive information.

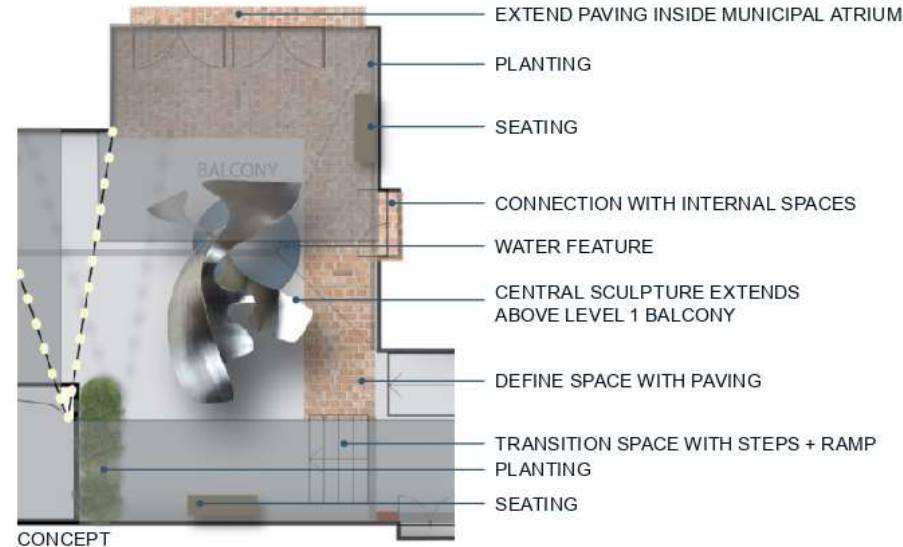


REFERENCE MAKIRIKIRI STREAM THROUGH WATER FEATURE

Sculptural elements contribute to the character and experience of a space, and the sound of water within the atrium zone would contribute to the atmosphere. The scale and height of the sculpture could help highlight the vertical elements of the space, and would be experienced from both the laneway and balconies and bridges above, helping to connect the different levels.

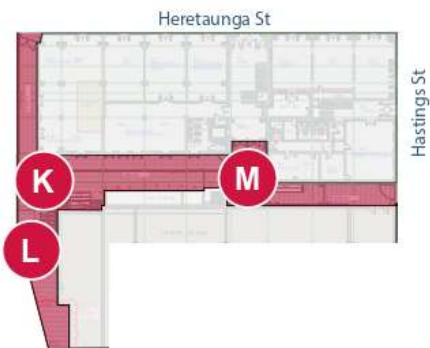


MAKIRIKIRI STREAM





ZONES



FOCAL POINTS

Focal points are reinforced with an art feature, structure or tree and are generally located in dominant view shafts to draw people into the laneways inner spaces as well as helping to define spaces within the laneway.

- K. Pivotal point visible from each of 3 entrances
- L. Western wall
- M. Centre of atrium zone

VISUAL CONNECTIONS

Focal points are key nodes within the laneway located in dominant axis and viewshafts. The features are located to be seen from the streets and act as visual cues to help draw people into the laneway. The features also help to define spaces within the laneway acting as 'bookends'.



CENTRE LOCATION VIEWED FROM WITHIN THE LANEWAY

VIEW FROM ENTRANCE ON STREET DRAWS PEOPLE IN

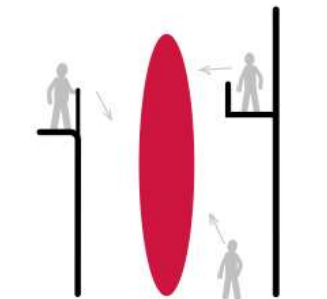
DELINEATION OF INNER LANEWAY HELPING TO 'BOOKEND' THE SPACE

SCULPTURE

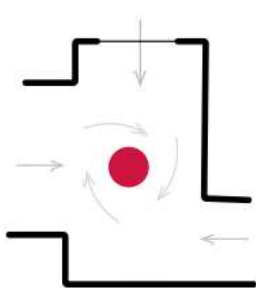
Sculptural elements can contribute to the character and narrative of the place. A sculpture located in the centre of the atrium zone, as indicated on sheet 09, would help to define and highlight the vertical elements of the space, and would be experienced from both the laneway and the balconies and bridges above helping to connect the different spaces. The sculpture could also capture and tell the story of Hastings water, in particular Makirikiri stream that runs below the opera house, this has been explored on sheet 09.



EXPERIENCE SCULPTURE FROM GROUND LEVEL



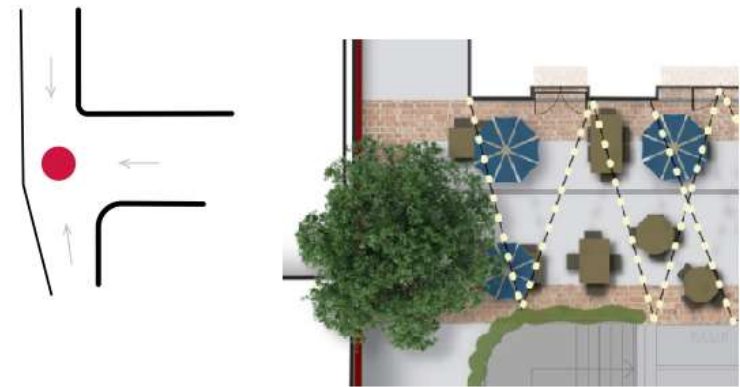
WHEN EXPERIENCED FROM GROUND LEVEL IT ENCOURAGES USER TO LOOK UP. SCULPTURE EXPERIENCED FROM UPPER LEVEL ENCOURAGES USER TO LOOK DOWN



SCULPTURE BECOMES A CENTRAL FOCUS WHICH FORCES PEOPLE TO WALK AROUND IT

TREE

Locate specimen tree in central location where transition zones E and G (sheet 06) meet the restaurant/bar courtyard. As identified on sheet 05 a focal points within key viewshafts will help to draw users into the laneway where it can be seen from the surrounding streets. The location of the tree will also contribute to the bar/restaurant experience and act as a 'bookend' for the inner spaces of the laneway.



TREE LOCATED IN PIVOTAL LOCATION WHERE LANEWAYS CONNECT

TREE CONTRIBUTES TO THE CHARACTER AND EXPERIENCE IN THE BAR COURTYARD



TREE CONTRIBUTES SHADING AND SOFTENS THE COURTYARDS

ART SPACE

Provide a creative space that acts as a backdrop behind the tree and ties in the entrances and transition zones. The space can provide opportunities for local artists or creative groups to showcase their works. This could be managed through a competition where artists win a contract to produce murals or installations within the space provided for an agreed period of time. The contract could include conditions that require the artworks to be changed/alterd on a 4 monthly basis to create a uniquely transient space in Hastings.



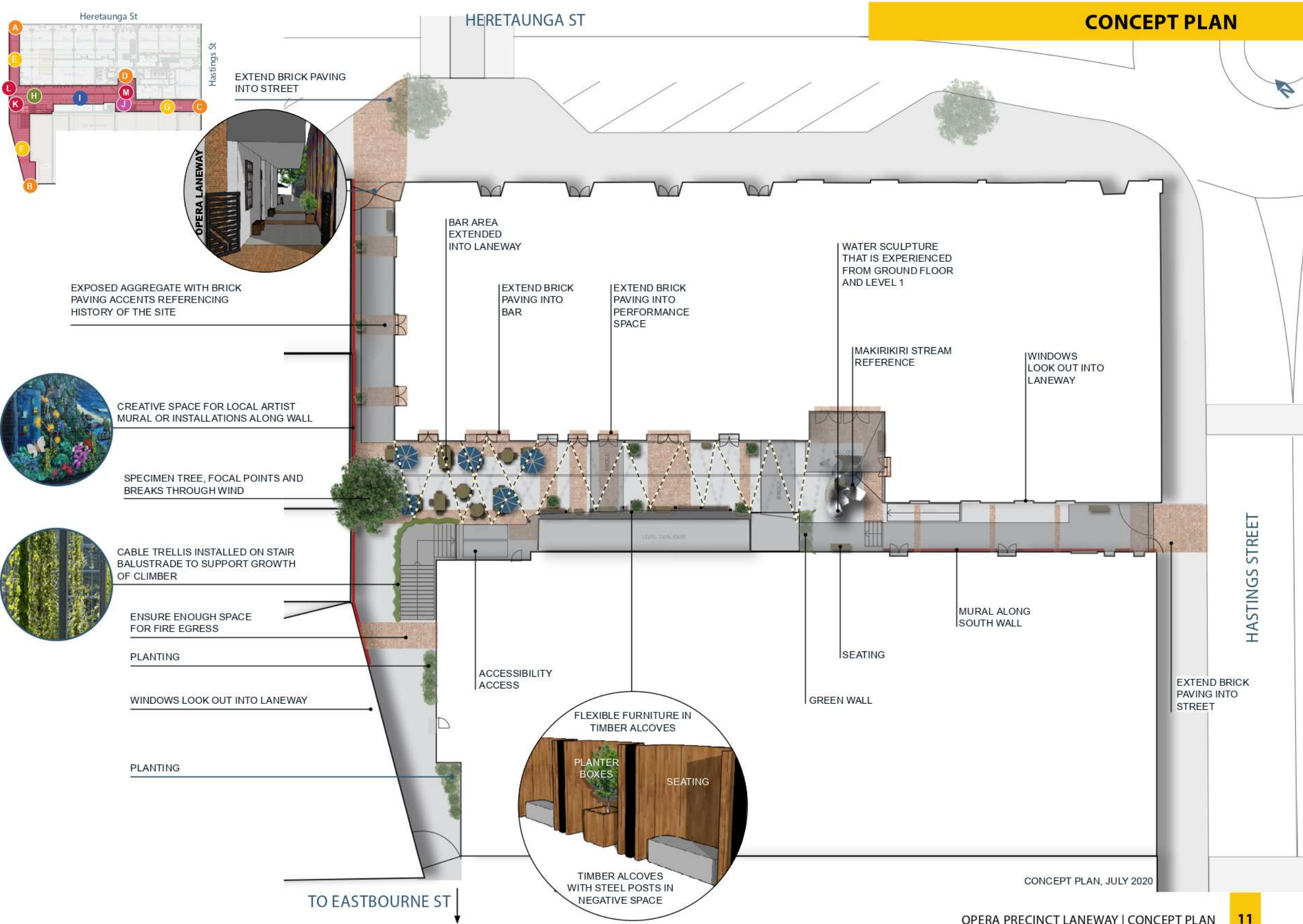
CREATIVE SPACE LOCATED ALONG WESTERN BOUNDARY WALL BEHIND TREE

CREATIVE SPACE ON WALL FACE ON GROUND IN FRONT OF WALL

INSTALLATIONS

MURALS





Item 7

Attachment 1



ARTIST IMPRESSIONS



BAR/RESTAURANT, ARTIST IMPRESSION

M M A  
MATTHEWS & MATTHEWS ARCHITECTS



ARTIST IMPRESSIONS



BAR/RESTAURANT, ARTIST IMPRESSION

M M A  
MATTHEWS & MATTHEWS ARCHITECTS



CENTRAL ZONE, TIMBER PANELS ARTIST IMPRESSION

M M A  
MATTHEWS & MATTHEWS ARCHITECTS



ARTIST IMPRESSIONS



ATRIUM ZONE, ARTIST IMPRESSION



BAR/RESTAURANT, ARTIST IMPRESSION



BAR/RESTAURANT, ARTIST IMPRESSION

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MATTHEWS & MATTHEWS ARCHITECTS

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MATTHEWS & MATTHEWS ARCHITECTS



ARTIST IMPRESSIONS



INNER LANEWAY, ARTIST IMPRESSION

M M A  
MATTHEWS & MATTHEWS ARCHITECTS





**toitōi**  
Hawke's Bay Arts & Events Centre

Wayfinder Landscape Planning and Strategy Ltd  
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Tuesday, 15 September 2020

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

**Item 8**

## *Te Rārangi Take*

# Report to Council

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**Nā:**  
**From:** **Rachel Stuart, Public Spaces Planning Manager**

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**Te Take:** **Declaration and Classification of Frimley Park under Reserves Act**  
**Subject:** **1977**

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

- 1.1 The purpose of this report is to obtain a resolution from Council to (a) declare Frimley Park as reserve under the Reserves Act 1977, and (b) authorise the subdivision of Parts Lot 254 DP 2101 and Lot 2 DP 3197 to facilitate the process for the majority of Frimley Park to be classified Recreation Reserve, and for the land containing existing and proposed (consented) network utilities to be Local Purpose (Network Utility) Reserve, in order accurately reflect their unique purpose and ongoing management.
- 1.2 A Council resolution is required to provide the basis under which these processes will be given effect to. At the completion of the subdivision the classification and declaration processes under Sections 14, 17 and 23 of the Reserves Act can be completed and registration of associated Gazette Notices against the resulting Computer Freehold Registers.
- 1.3 This request arises from resource consent application RMA20190545 to construct and operate a water treatment plant and drinking water reservoir at Frimley Park that was publicly notified and the subject of a public hearing on 17 July 2020 before an independent hearings commissioner. Consent was granted on 24 August 2020. The consultation carried out as part of this application identified a community desire for Council to vest Frimley Park subject to the provisions of the Reserves Act 1977 and commence the preparation of a Reserve Management Plan to recognise the value of this open space to the community.
- 1.4 This community desire is consistent with Council's intention to prepare a Reserve Management Plan for Frimley Park, and a resolution of Council in September 2007 to '*vest and classify reserves on an incremental basis as part of the reserve management planning processes*'. This resolution is also consistent with a requirement under the Act that all land must be classified prior to notification of a Reserve Management Plan.
- 1.5 This report concludes by recommending that Council resolve that Frimley Park be declared reserve and classified as a combination of Recreation Reserve and Local Purpose (Network Utility) Reserve as defined in the Scheme Plan in Appendix 1 in accordance with Section 14 of the Act, following subdivision to create separate allotments to be held in the same title.

## 2.0 Recommendations – *Ngā Tūtohunga*

- A) That the Council receives the report titled Declaration and Classification of Frimley Park under Reserves Act 1977.
- B) That the Council authorises the Chief Executive Officer to apply to subdivide Parts Lot 254 DP 2101 and Lot 2 DP 3197 in accordance with the requirements of the Resource Management Act 1991 to create separate allotments (to be held in the same record of title) as shown on the attached Scheme Plan in Appendix 1 and described in the Schedule below, together with associated infrastructure easements within Proposed Lot 3 for water infrastructure (such as pipes and bores) that are either existing or necessary to give effect to RMA 20190545:
  - i. Proposed Lot 1 shall be an area of 786m<sup>2</sup> or thereabouts to be occupied by the existing Water Control building; and
  - ii. Proposed Lot 2 shall be an area of 1.198ha or thereabouts to be occupied by the consented Water Treatment Plant, Reservoir and associated infrastructure; and
  - iii. Proposed Lot 3 shall be an area of 18.333ha or thereabouts; and
  - iv. Proposed Lot 4 shall be an area of 1655m<sup>2</sup> or thereabouts.
- C) That once the subdivision consent has been granted, and the subdivision plan deposited, Council resolves that Lot 1 and Lot 2 (shown on the Scheme Plan in Appendix 1) be declared and classified as Local Purpose (Network Utility) Reserve in accordance with Section 14 and 23 of the Reserves Act 1977.
- D) That once the subdivision consent has been granted, and the subdivision plan deposited, Council resolves that Lot 3 (shown on the Scheme Plan in Appendix 1), be declared and classified as Recreation Reserve in accordance with Section 14 and 17 of the Reserves Act 1977 subject to the following conditions:
  - i. All network utility activities consented under RMA 20190545 shall be authorised to occur within that part of Frimley Park classified Recreation Reserve; and
  - ii. All existing underground infrastructure and those required as part of those activities consented under RMA20190545 shall be authorised to occur within that part of Frimley Park classified Recreation Reserve; including ongoing access for maintenance and renewal; and
  - iii. The existing Parks Maintenance Depot shall be permitted to remain for a period of 2 years from the commencement of site preparation for those activities consented under RMA20190545 within that park of Frimley Park classified Recreation Reserve.
- E) That once the subdivision consent has been granted, and the subdivision plan deposited, Council resolves that Lot 4 (shown on the Scheme Plan in Appendix 1) be declared and classified as Recreation Reserve in accordance with Section 14 and 23 of the Reserves Act 1977.
- F) That the Council exercises the delegation given to it by the Minister of Conservation and pursuant to section 14(4) of the Reserves Act 1977 confirms the Council decision to vest the land described in the attached Scheme Plan in Appendix 1 as reserve; and instructs the Chief Executive to proceed with the Gazettal of land comprising Frimley Park on behalf of the Minister of Conservation.

### 3.0 Background – Te Horopaki

#### Legal Description

- 3.1 The land contained within Frimley Park is owned by the Hastings District Council and is legally described as Parts Lot 254 DP 2101 and Lot 2 DP 3197 Frimley Park. The park covers a total area of 19.1726ha and contained within Certificate of Title HB136/54. This Certificate of Title also includes a small 1655m<sup>2</sup> site on the corner of Frimley and Pakowhai Road, giving a total area of 19.3384m<sup>2</sup>.
- 3.2 Frimley Park is zoned Open Space (OS1-07) in the Operative District Plan. The Open Space Zone provides for parks, reserves and open spaces that are owned, managed or controlled by Council. Frimley Park is classified under the Sport and Recreation category, and is identified in Appendix 63 of the Operative District Plan.
- 3.3 Frimley Park is also identified in the District Wide Reserve Management Plan and is classified as a District Reserve (D5).
- 3.4 Frimley Park is freehold land held by Council in fee simple title for parks purposes, but not held under the Reserves Act 1977 (the Act).

#### Location and Current Use

- 3.5 Frimley Park was gifted to the Hastings Borough Council in 1951 by Elsie Jane Beetham Williams. The land was formerly the grounds of the family's homestead which burned down in 1950.
- 3.6 Frimley Park is located in the Hastings suburb of Frimley in a well-established residential area bordered by Lyndhurst Road and Frimley Road. It shares its southern boundary with Lindisfarne College and Hastings Girls High School.
- 3.7 Frimley Park is a well-loved premier park, valued for its mature tree specimens, open space character and views throughout the park. It is extensively used by the community for a variety of informal recreation, including petanque, visiting the over 4,000 rose bushes in the Rose Gardens, dog walking, visiting the children's playground and picnics. The park also has sportsfields catering for both football and cricket, and the Frimley Aquatic Centre, an outdoor swimming complex open during the summer months.
- 3.8 There has been significant investment in recent years within the Park, including upgrade of the playground, and collaboration between Council, the Rose Society and Williams Family Trust for the upgrade of the Rose Garden, including pavilion, climbing frames and paved pathways.
- 3.9 The landscape is predominately flat with a number of established and notable trees, including many of the original trees from around the former homestead. The *Populus deltoides* 'Virginiana' is reputed to be the largest of its kind in the Southern Hemisphere.
- 3.10 While the park is primarily a recreation facility, a small portion of the western end of the park, located off Lyndhurst Road, is occupied by the existing Frimley Water Treatment building, as well as a park maintenance depot adjacent to the children's playground.

#### New Water Treatment and Storage Facility

- 3.11 Resource consent was granted in August 2020 to construct and operate a water treatment and storage facility on Frimley Park. This infrastructure has the purpose of ensuring compliance with the New Zealand Drinking Water Standards in delivering a safe supply of water from the Frimley bore field.
- 3.12 The consented network utility activities include:
  - Construction and operation of a 480m<sup>2</sup> Drinking Water Treatment Plant
  - 8,000m<sup>3</sup> capacity 14.5m high water reservoir
  - Installation of new drinking water supply bores with associated above ground visual treatments
  - Installation of new drinking water treatment pipes

- 3.13 The consultation carried out as part of this application identified a desire of the community, including the Friends of Frimley Park Incorporated, for Council to vest Frimley Park under the provisions of the Reserves Act 1977 and prepare a Reserve Management Plan.
- 3.14 This report seeks Council resolution to give effect to the public sentiment that Frimley Park should be formally vested and managed under the Reserves Act 1977.

## 4.0 Discussion – *Te Matapakitanga*

### Reserves Act 1977 Process and Guidelines

- 4.1 The Reserves Act 1977 provides a process and methodology for declaring and classifying land as reserve.
- 4.2 Pursuant to Section 14 of the Act, the Council can, by resolution, declare any land vested in it to be a reserve. The classification of a reserve involves assigning a reserve (or different parts of a reserve) with an appropriate classification specified in Sections 17 to 23. Classification is completed as part of the Section 14 process, and when resolving to declare land to be reserve, Council must also assign an appropriate classification which will mean the land will be held for that purpose.

- 4.3 Section 14(1) of the Act states that:

#### **14 Local Authority may declare land vested in it to be a reserve**

- (1) *Subject to this section, any local authority may by resolution declare any land vested in it to be a reserve within the meaning of this Act subject to any conditions specified in the resolution, to be held for any purposes specified in Sections 17 to 23 of this Act.*
- (2) *No such resolution shall be passed before the expiration of one month after notice of intention to pass the same and calling for objections thereto in writing has been published in one or more newspapers circulating in its district, and until it has considered all such objections received within that period. Provided that such a notice of intention shall not be necessary where a district plan makes provision for the use of the land as a reserve or the land is designated as a proposed reserve under an operative district plan under the Resource Management Act 1991.*

- 4.4 Frimley Park is identified in the Operative Hastings District Plan as Open Space (OS1-07) Sport and Recreation Area, and as such no 'notice of intention' is required by Section 14(2) above. Council is therefore able to resolve to declare Frimley Park to be a reserve within the meaning of the Act without any public consultation. External legal advice has been obtained confirming this process.
- 4.5 While Council may nevertheless choose to engage in public consultation, as discussed below this is not recommended given the high degree of input the public has already had through the District Plan and recent resource consent processes.

### Reserve Classification

- 4.6 When declaring a piece of land as reserve, the Council is required to assign an appropriate classification under Section 16 of the Act. The possible classifications are specified in sections 17 to 23 of the Act and include but are not limited to Local Purpose, Recreation, Historic, Scenic or Scientific.
- 4.7 Reserves may have more than one classification, particularly if the values requiring protection vary from one part of the reserve to another. This is important with Frimley Park, given that (a) a small portion of the reserve is currently occupied by a Council Water Treatment Building; and (b) resource consent has recently been granted for a new Water Treatment Building and Reservoir, both of which have different purposes to the rest of the reserve.
- 4.8 Officers therefore propose that Council notify its intention to hold the main land holding of Frimley Park as a Recreation Reserve, and the land occupied by (a) the current Water Control building; and (b) the future Water Treatment Plan and Reservoir to be Local Purpose (Network Utility) Reserve.
- 4.9 A Recreation Reserve classification is most appropriate for the main land holding of the Park because it most accurately reflects current use and the purpose for which the reserve is currently held by



Council. This includes the sportsfields, children's playground, swimming pool and Rose Garden. The primary purpose of Recreation Reserves can be summarised as providing areas for recreation, with an emphasis on the retention of open spaces and on outdoor recreation activities. The Recreation Reserve classification is most appropriate on sites that are, or will potentially be, relatively intensely developed for passive or active recreational use.

- 4.10 The primary purpose of a Local Purpose Reserve can be summarised as land reserved for the purpose of providing and retaining areas for such educational, community, public utility, or other local purposes as specified in the classification. For each Local Purpose Reserve a sub-classification is applied which specifies the primary purpose of the reserve, which may be anything of local purpose (accessway, esplanade, reservoir, network utility). Network utilities including water treatment and storage infrastructure are compatible activities on Local Purpose Reserves.

## 5.0 Options – Ngā Kōwhiringa

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

- 5.1 The recommended Option One is to declare Frimley Park to be reserve and classify it as a combination of Recreation Reserve and Local Purpose (Network Utility) Reserve under the Reserves Act 1977.

#### *Advantages*

- Option One will provide a level of certainty to the community as to how Council intends to protect, manage and develop this premier park into the future and give legal status to the Frimley Park Reserve Management Plan once adopted.
- As part of the resource consent process the Friends of Frimley Park Incorporated sought recognition of Frimley Park as a reserve under the Reserves Act 1977. Their support for Option One (including the proposal that public notification is not required) is attached as Attachment 2 to this report.
- A Recreation Reserve classification is most appropriate to recognise the existing and future use of the Park, while having a separate Local Purpose classification for the areas occupied by the current and future (consented) Water Supply buildings. These separate classifications will provide certainty to Council (and the community) that these network utilities will be able to continue as legitimate uses within this park while continuing to manage and protect the remainder of the park for open space and recreation purposes for the community.
- Option One would see Council declare the land comprising Frimley Park to be reserve under the Reserves Act and classified according to its primary purposes.
- The process of classification binds the Council and limits (to a greater or lesser extent) the permitted uses of the land. This increases the protection that the land enjoys and the certainty for the community about the future uses that may occur.
- The benefit of offering long-term protection to Frimley Park allows for greater community involvement in its management through the preparation of a reserve management plan.
- Reserves Act status would recognise that Frimley Park is a significant asset in terms of Council's open space network, and protect it accordingly. Any future Reserve Management Plan prepared would be a legally binding document under the Reserves Act, and would provide a clear and uniform set of objectives for the future management, protection and development of the Park.

#### *Disadvantages*

- Council would be required to follow the statutory requirements of the Reserves Act regarding all future decisions regarding the Park.

5.2 A possible variation of Option One would be to give public notice of Council's intention to vest and classify Frimley Park as above, and invite submissions on the proposal. Officers have not put this option forward because:

- Section 14(2) provides that public notice is not required where the proposed reserve is already zoned for reserve in an operative Hastings District Plan. This recognises that the public had a full opportunity to make submissions on the use of the Park as part of the proposed Hastings District Plan process if they wished to do so. As such, a further opportunity for public input on the vesting of the reserve would serve no useful purpose;
- The existing Frimley Water Treatment Plant has been in place for many decades, and the consented Water Treatment works have recently been through a fully publicly notified resource consent process, including public open days. Again, it is not considered that notifying the intent to vest these parts of the Park as reserve and classifying them to reflect their current or consented uses serves any useful purpose.
- There will be a full opportunity for public input on the future use and management of Frimley Park as part of the Reserve Management Plan process. That is the appropriate opportunity for public input to be received and reflected in the Plan, rather than at the vesting and classification stage.

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

#### *Advantages*

- Option Two would retain the status quo, where Frimley Park would remain as freehold land in Council ownership with no reserve status under the Reserves Act 1977. In some cases this is appropriate in order to allow flexibility in future planning for open spaces. The advantage of this option is that Council would retain full control over future decisions regarding the Park, and would not have to follow the statutory requirements of the Reserves Act before making decisions.

#### *Disadvantages*

- Council would be seen by the community and Friends of Frimley Park Incorporated to be disregarding their request for Frimley Park to be held subject to the Reserves Act and for a Reserve Management Plan to be prepared during the public consultation for the Resource Consent application.
- Any future Reserve Management Plan for Frimley Park having no legal status once adopted. Rather it would form more of a Council guideline. The process of classification binds the Council and increases the protection that the land enjoys by limiting (to a greater or lesser extent) the permitted uses of the land. This in turn provides greater certainty to the community about the future uses that may occur, and indeed that the park is protected in perpetuity.
- Adopting the status quo would be contrary to the 20 September 2007 Council resolution where it relates to Frimley Park and the preparation of a Reserve Management Plan for its premier parks in the District.

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

6.1 The proposed subdivision will facilitate the processes for the major part of Frimley Park to become a Recreation Reserve under the Reserves Act, and for the land containing existing and proposed (consented) network utilities to become Local Purpose Reserve which will accurately reflect their use, purpose and ongoing management.

6.2 A Council resolution is required to provide the basis under which these processes will be given effect to. At the completion of the subdivision the classification and declaration processes under Sections 14, 17 and 23 of the Reserves Act can be completed by Gazette Notice, and these will be registered

against the resulting Computer Freehold Register. It is noted that the obligation for the Minister of Conservation to confirm Council proposals to declare and classify land vested in Council under s 14 Reserves Act 1977 has been delegated to Council, so there is no obligation to obtain Ministerial approval.

- 6.3 Rule SLD2 in Section 30.1.5 of the Operative Hastings District Plan will apply to the creation of Proposed Lots 1 and 2 as network utility sites and accordingly Council will be required to apply for a Controlled Activity resource consent. The development of further network utilities on these lots would remain subject to the provisions of Section 13.1 of the District Plan. The process of subdivision does not in itself alter the way land is used. For all intents and purposes, all land will still comprise Frimley Park. The only distinction between these parcels will be the acceptable and appropriate land uses that can occur on each of them under the Reserves Act 1977.
- 6.4 When the approved subdivision plan has been deposited, Council can forward its resolution regarding the declaration and classification of Frimley Park to be reserve according to its primary purpose for publication in the Gazette.
- 6.5 Once the Gazette notice has been published, officers' intention would be to commence the preparation of a Reserve Management Plan for Frimley Park, consistent with Section 41 of the Reserves Act 1977, which includes a full public consultation process.

### Attachments:

1↓	Proposed Scheme Plan Frimley Park	CFM-17-14-5-20-14
2↓	Letter from Friends of Frimley Park	CFM-17-14-5-20-12

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## Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

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

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

This proposal promotes the social well-being of communities in the present and future. It does this by providing local infrastructure which contributes to public health and safety, connects communities, helps protect the natural environment by providing, managing and maintaining places and spaces for recreation to ensure the wellbeing of communities in the present and for the future.

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

An update on the Hastings District Council Drinking Water Capital Upgrade Project was presented to mana whenua representatives at a hui at the Te Taiwhenua o Heretaunga community centre in November 2019, which included the infrastructure required at Frimley Park, site plans, building locations and impacts on trees. The discussion was constructive and informative for all parties and no significant issues or concerns were raised. In addition, the application for resource consent for the water infrastructure on Frimley Park was served on the following mana whenua groups being Te Taiwhenua o Heretaunga, Heretaunga Taiwhenua Settlement Trust and Ngati Kahungunu Iwi Incorporated, and no submissions

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were received that raised cultural effects as an issue of concern relating to Frimley Park. It can therefore be surmised that an initiative to protect Frimley Park under the provisions of the Reserves Act would also have the support of mana whenua. There will however be further opportunity for consultation as part of the preparation of the Reserve Management Plan early next year.

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

Reserves Act status will recognise that Frimley Park is a significant asset in terms of Council's open space network, and protect it as such in perpetuity for future generations. Any future Reserve Management Plan prepared will then be a legally binding document under the Reserves Act, and would provide a clear and uniform set of objectives for the future management, protection and development of the Park.

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

The actions recommended in this report will not have any financial implications for Council.

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

This report has been assessed under the Council's Significance and Engagement Policy as being of low significance and does not trigger Council's significance policy as no additional funding is sought.

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

The Reserves Act 1977 provides a process and methodology for declaring and classifying land as reserve. Section 14 provides the Council with the statutory authority to pass a resolution to declare any land vested in it as reserve, to be held for any of the purposes specified in Section 17 to 23 of the Act.

Section 14(2) provides that public notice is not required where the proposed reserve is already zoned for reserve in an operative Hastings District Plan. This recognises that the public had a full opportunity to make submissions on the use of the Park as part of the proposed Hastings District Plan process if they wished to do so. As such, a further opportunity for public input on the vesting of the reserve would serve no useful purpose.

The existing Frimley Water Treatment Plant has been in place for many decades, and the consented Water Treatment works have recently been through a fully publicly notified resource consent process. This included a Public Open Day attended by approximately 100 people; direct consultation with adjoining property owners, meeting with members of the Williams Family Trust who gifted the park to the Council; the adjoining schools, and mana whenua. It was through this consultation process that the community, as well as the Williams Family Trust, have identified their support for Council to vest Frimley Park as reserve under the Reserves Act.

Council can therefore be comfortable that in addition to having no legal requirement to publicly notify its intention to vest Frimley Park as reserve pursuant to Section 14(2) of the Reserves Act, that sufficient public consultation has already occurred as part of the resource consent process to indicate public support. There will however be further opportunity for consultation as part of the preparation of the Reserve Management Plan early next year.

In summary it is not considered that notifying the intent to vest these parts of the Park as reserve and classifying them to reflect their current or consented uses serves any useful purpose.

### Risks - Ngā Tūraru

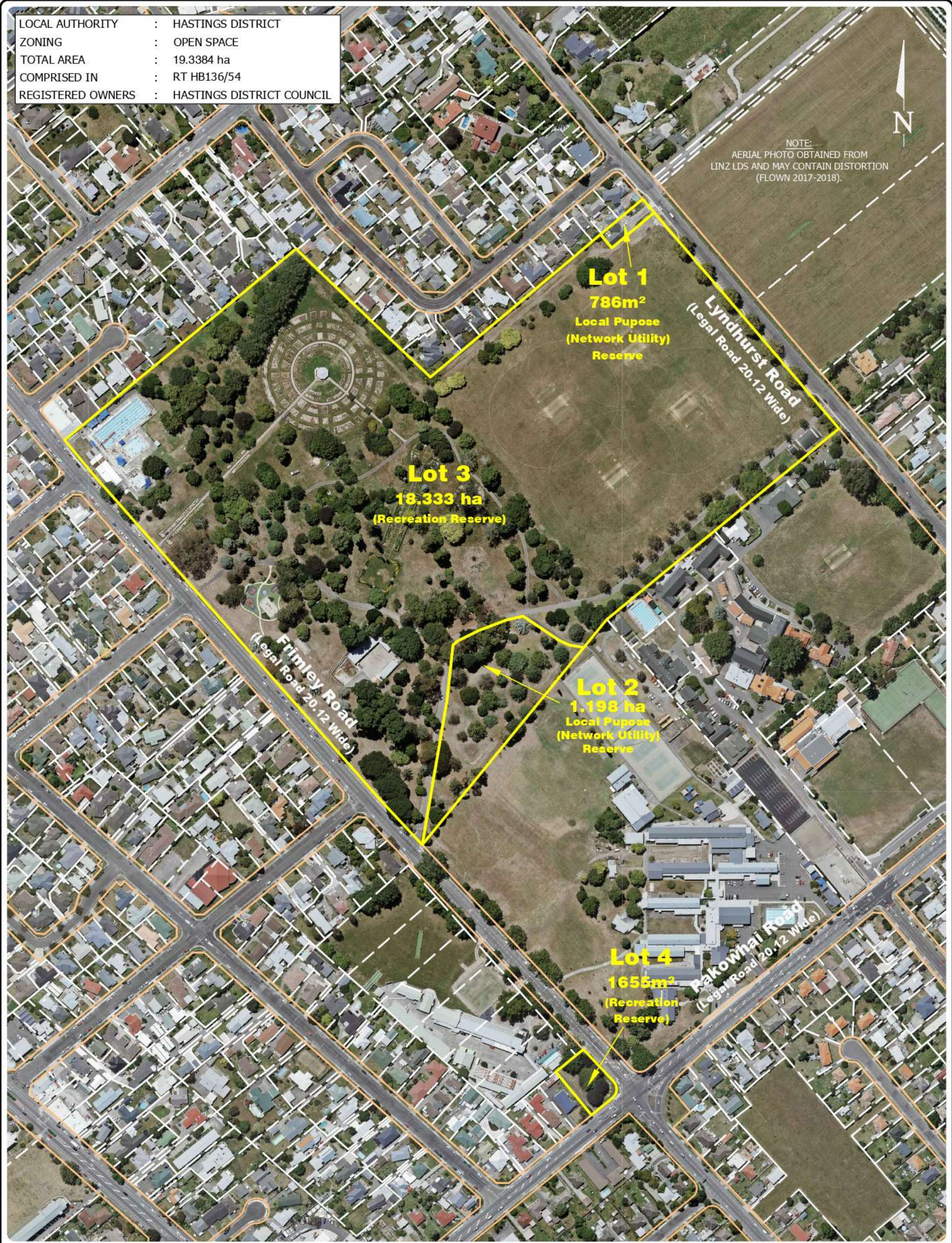
REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
<ul style="list-style-type: none"> <li>Vesting Frimley Park under the Reserves Act will provide a level of certainty to the community as to how Council intends to protect, manage and develop this premier park into the future and give legal status to the Frimley Park Reserve Management Plan once adopted</li> </ul>	<ul style="list-style-type: none"> <li>The level of risk is considered to be low.</li> <li>There is a small chance that the community will consider that the intention to vest Frimley Park should follow a notification procedure, however this is considered a low risk, given that full public consultation was part of the resource consent application, and that the Friends of Frimley Park Society Incorporated support this methodology of no notification.</li> </ul>

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

It is considered that there are no specific implications to the Rural Community Board, given the urban location of Frimley Park.







LOCAL AUTHORITY : HASTINGS DISTRICT  
ZONING : OPEN SPACE  
TOTAL AREA : 19.3384 ha  
COMPRISED IN : RT HB136/54  
REGISTERED OWNERS : HASTINGS DISTRICT COUNCIL

NOTE:  
AERIAL PHOTO OBTAINED FROM  
LINZ LDS AND MAY CONTAIN DISTORTION  
(FLOWN 2017-2018).

**Lot 1**  
**786m²**  
**Local Purpose**  
**(Network Utility)**  
**Reserve**

**Lot 3**  
**18.333 ha**  
**(Recreation Reserve)**

**Lot 2**  
**1.198 ha**  
**Local Purpose**  
**(Network Utility)**  
**Reserve**

**Lot 4**  
**1655m²**  
**(Recreation Reserve)**

**Lyndhurst Road**  
(Legal Road 20-12 Wide)

**Frimley Road**  
(Legal Road 20-12 Wide)

**Pakowhai Road**  
(Legal Road 20-12 Wide)



**SURVEYING THE BAY**  
HAWKES BAY | NEW ZEALAND

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www.surveyingthebay.co.nz

This plan has been prepared for the purpose of obtaining a Resource Consent pursuant to the provisions of the Resource Management Act 1991. Unauthorised copying or use of this plan for any other purpose is not permitted without the prior consent of Surveying The Bay Ltd. Areas and dimensions shown on this plan are approximate only and are subject to confirmation by survey.

**CLIENT:**  
**HASTINGS DISTRICT COUNCIL**

**PROJECT:**  
LOT 2 DP 3197, PTS LOT 254 DP 2101,  
LOT 6 DP 3374 & SECTION 38 BLOCK XV  
HERETAUNGA SD

**TITLE:**  
SUBDIVISION CONSENT PLAN

**SCALE:** 1: 3,000 @ A3  
**DATE:** SEPTEMBER 2020  
**DRAWING NO:** 5354-3

**DRAWN BY:** PT  
**REVISION:** -  
**SHEET:** 1/1







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2 September 2020

Hastings District Council  
 Private Bag 9002  
 Hastings 4156

Attention: Scott Smith

**Vesting and classification of Frimley Park as recreation reserve and local purpose reserve.**

1. This letter is presented to the Council on behalf of Frances Shotter and the Friends of Frimley Park Incorporated (My Clients).
2. My Clients are aware, and entirely supportive, of the proposal that the Hastings District Council resolve to declare Frimley Park to be a reserve under the Reserves Act 1977, and for part to be vested as Recreation Reserve, and part as Local Purpose Reserve, in general accordance with Appendix A to this letter.
3. My clients do not consider there is a need for public consultation in relation to the proposal to declare and classify Frimley Park as Reserve. Reasons for that view can be provided on request. However for present purposes, my clients simply wish to express their support for having Frimley Park formally recognised as a reserve under the Reserves Act.
4. Yours faithfully

J W Maassen

Shotter re Frimley Park





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Tuesday, 15 September 2020

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

**Item 9**

*Te Rārangi Take*

# Report to Council

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*Nā:*  
**From: Vicki Rusbatch, Democracy and Governance Advisor**

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*Te Take:*  
**Subject: Recommendations for Approval from Rural Halls Subcommittee Meeting held on 7 September 2020**

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## **1.0 PURPOSE AND SUMMARY - TE KAUPAPA ME TE WHAKARĀPOPOTOTANGA**

1.1 The purpose of this report is to submit to the Council for approval the following recommendations from the Rural Halls Subcommittee Meeting held on 7 September 2020:

- A) *That the Subcommittee receives the report titled Rural Halls Report, September 2020.*
- B) *That the Subcommittee agree to hold the 2020 funding round in November 2020 which will be considered at a meeting of the Rural Halls Subcommittee to be held on Monday 30 November 2020.*
- C) *That the Subcommittee agree to host workshops for the individual Hall Custodians before the November 2020 and before the 2021 funding round.*
- D) *That the Subcommittee agree to amend the current policy to enable the Subcommittee to fund more than 50% of a group's proposed maintenance project.*

## 2.0 RECOMMENDATIONS - NGĀ TŪTOHUNGA

- 1) That the Council receives the report titled Recommendations for Approval from Rural Halls Subcommittee Meeting held on 7 September 2020.
- 2) That the Council approve the following recommendations of the Rural Halls Subcommittee Meeting held on 7 September 2020:
  - A) That the Subcommittee receives the report titled Rural Halls Report, September 2020.
  - B) That the Subcommittee agree to hold the 2020 funding round in November 2020 which will be considered at a meeting of the Rural Halls Subcommittee to be held on Monday 30 November 2020.
  - C) That the Subcommittee agree to host workshops for the individual Hall Custodians before the November 2020 and before the 2021 funding round.
  - D) That the Subcommittee agree to amend the current policy to enable the Subcommittee to fund more than 50% of a group's proposed maintenance project.

### Attachments:

There are no attachments for this report.