



Hastings District Council

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OPEN A G E N D A

COUNCIL MEETING

Meeting Date: Thursday, 26 April 2018

Time: 1.00pm

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

Council Members	Chair: Mayor Hazlehurst Councillors Barber, Dixon, Harvey, Heaps, Kerr, Lawson, Lyons, Nixon, O'Keefe, Poulain, Redstone, Schollum, Travers and Watkins
Officer Responsible	Chief Executive – Mr R McLeod
Council Secretary	Mrs C Hunt (Extn 5634)

HASTINGS DISTRICT COUNCIL

COUNCIL MEETING

THURSDAY, 26 APRIL 2018

VENUE: Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings

TIME: 1.00pm

A G E N D A

- 1. Prayer**
- 2. Apologies & Leave of Absence**

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

Leave of Absence had previously been granted to Councillor Schollum

- 3. Seal Register**
- 4. Conflict of Interest**

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 Chief Executive or Executive Advisor/Manager: Office of the Chief Executive (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.

5. Confirmation of Minutes

Minutes of the Council Meeting held Thursday 22 March 2018.
(Previously circulated)

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REPORT TO: COUNCIL

MEETING DATE: THURSDAY 26 APRIL 2018

**FROM: DEMOCRATIC SUPPORT MANAGER
JACKIE EVANS**

**SUBJECT: MAKING AND ATTESTING OF COUNCILLOR
DECLARATION**

1.0 SUMMARY

- 1.1 The purpose of this report is to describe the process for receiving the declaration of the newly elected Councillor.
- 1.2 Eileen Rose Lawson was elected Councillor for Hastings Havelock North Ward in the by-election held on 11 April 2018. This by-election was held to fill the vacancy created by the election of Sandra Hazlehurst as mayor in November 2017.

2.0 BACKGROUND

- 2.1 Schedule 7, Part 1, clause 14 of the Local Government Act 2002 states:

“(1) A person may not act as a member of a local authority until –

- (a) That person has, at a meeting of the local authority following the election of that person, made an oral declaration in the form set out in subclause (3); and*
 - (b) A written version of the declaration has been attested as provided under subclause (2)*
- (2) The written declaration must be signed by the member and witnessed by:*
- (b) the mayor; or ...*
 - (c) the chief executive of the local authority.”*

3.0 RECOMMENDATION

- A) That the report of the Democratic Support Manager titled “Making and Attesting of Councillor Declaration” dated 26/04/2018 be received.**

Attachments:

- 1 Declaration by Councillor following by election CG-14-1-00701

CG-14-1-00701



HASTINGS DISTRICT COUNCIL

Declaration by Member

I, ***Eileen Rose Lawson***, declare that I will faithfully and impartially, and according to the best of my skill and judgment, execute and perform, in the best interests of the Hastings District, the powers, authorities, and duties vested in, or imposed upon, me as **Member** of the Hastings District Council by virtue of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.

Dated at Hastings this 26th day of April 2018

.....
Signature

Signed in the presence of

.....
Mayor

.....
Chief Executive

CG-01-6-07-211

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 26 APRIL 2018

**FROM: MANAGER STRATEGIC FINANCE
BRENT CHAMBERLAIN**

**SUBJECT: HAWKE'S BAY REGIONAL SPORTS PARK TRUST DRAFT
HALF YEAR REPORT TO 31 DECEMBER 2017**

1.0 SUMMARY

- 1.1 The purpose of this report is to inform the Council about the Hawke's Bay Regional Sports Park Trusts (the Trust) half year result to 31 December 2017
- 1.2 This update arises from a requirement detailed in the Funding Agreement between Council and the Trust.
- 1.3 The Trust's Chief Executive (Jock Mackintosh) will be in attendance at the meeting.
- 1.4 The Council is required to give effect to the purpose of local government as prescribed by Section 10 of the Local Government Act 2002. That purpose is to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances.
- 1.5 The Trust is responsible for the efficient and cost effective management of sporting facilities (good quality local infrastructure) located at the Hawkes Bay Regional Sports Park.
- 1.6 This report concludes by recommending the Hawke's Bay Regional Sports Park Trust half year report to 31 December 2017 be received.

2.0 BACKGROUND

- 2.1 The presentation of a half year report by the Trust is a requirement of the Funding Agreement between Council and the Trust which was updated and executed in December 2013. The revised Funding Agreement states that the Trust shall provide to Council as part of its project reporting, annual and six monthly financial accounts for the Trust. The half year report of the Trust has been received in accordance with the requirements set down in the Funding Agreement.

3.0 CURRENT SITUATION

- 3.1 The presentation of the Trust's half year report is in accordance with the funding agreement. **Attachment 1** includes the Hawke's Bay Regional Sports Park Trusts half year report to 31 December 2017. These accounts show an operating surplus of \$58,288 before depreciation for the first six months

compared to a budgeted surplus of \$43,823 and a \$32,243 surplus for the same period last year.

- 3.2 The Trust is forecast to achieve a reduced full year surplus of \$27,569 at 30 June 2018 compared to a budgeted surplus of \$52,206 for the year. The forecast end of the year surplus is \$24,637 behind budget primarily due to a forecast reduction of \$55,500 in sponsorship revenue due to the negotiations over naming rights sponsorship for the park not coming to fruition.

4.0 OPTIONS

- 4.1 The Council can receive the Trust's half year report to 31 December 2017.

5.0 SIGNIFICANCE AND ENGAGEMENT

- 5.1 No consultation is required and there is nothing in this report that triggers any threshold in the significance and engagement policy.

6.0 PREFERRED OPTION/S AND REASONS

- 6.1 That Council receive the Trust's half year report to 31 December 2017.

7.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Manager Strategic Finance titled "Hawke's Bay Regional Sports Park Trust Draft Half Year Report to 31 December 2017" dated 26/04/2018 be received.
- B) That the Hawke's Bay Regional Sports Park Trust Half Year Report to 31 December 2017 be received.

Attachments:

- | | |
|---|------------------|
| 1 RSP Half Year Report 31 December 2017 | EXT-10-38-18-214 |
|---|------------------|



Hawke's Bay Regional Sports Park Trust

**Half Year Report
31 December 2017**

Report from the Chairman and CEO

Substantial development pending

The Sports Park is poised to undertake further substantial development that will see the Park evolve into a venue of unparalleled facilities in regional New Zealand.

Work has commenced on the much-anticipated Community Health and Fitness Centre – a \$17 million project which is being driven by the Community Fitness Centre Trust, chaired by Sir Graeme Avery. This centre incorporates indoor athletics, indoor courts, a health and fitness gym, strength and conditioning facilities, sports science labs, a range of tenancies, café and associated facilities including offices, meeting and changing rooms. It represents the first stage of development to be closely followed with a 40 bed accommodation hostel for visiting sports people. Work on stage one is expected to be complete by mid-2019.

Meanwhile the Sports Park Trust is well into its planning for an outdoor aquatic facility, which will primarily be used by the region's 700 canoe polo players. Hawke's Bay leads New Zealand in this sport with one third of the nation's players being located here. The facility is approximately the size of a rugby field and will incorporate four canoe polo ponds. It will also serve other small boat activities and be a venue for the swimming leg of short course triathlons.

At a more pragmatic level, planning and funding is also well advanced for an additional 190 carparks to be developed near the netball courts. This brings the total number of carparks to 760. The additional parks create a safer traffic environment. We expect more to be added as new facilities come on stream

Growth in main sports

The staged and successful development of facilities has been a catalyst for increased participation in all major sports located here. The Hawke's Bay Netball player base has grown from 4,000 to 7,000 since being located at the Park – a reflection of good management of the code and the expansion of their facilities to cope with the growth.

Hawke's Bay Hockey has also grown, in this case from 2,200 to 3,000 players following the 2014 opening of the Unison Hockey Stadium. Meanwhile Rugby League and Touch occupy all seven playing fields at the Park during their seasons. Both codes have benefitted from being able to operate from one location and make use of the excellent facilities associated with our sports fields.

Athletics was a showcase sport during the period. In December we hosted the NZ secondary school athletic champs – an event involving 1,400 young athletes and at least that many supporters. This is an important event for Hawke's Bay with 80% of participants being from outside the region. While here, they collectively spent \$1m.

One month later we hosted the Potts Classic, an annual athletics event which attracted a high calibre of athletes including world champion shot putter Tom Walsh and Olympic bronze medal pole vaulter Eliza McCartney. Both performed with distinction and spoke very favourably of their time in Hawke's Bay. Their comments mirrored those of the secondary school attendees who rated the venue a "9

out of 10" in a survey undertaken. This is the fourth time this survey has been conducted and the results have been consistent, confirming the *William Nelson Athletics Precinct's* status as one of the country's premier venues.

The Trust is managing the increased costs associated with increased use of its facilities. During the period \$50,000 of planned maintenance was carried out on the athletics track. This was undertaken with strong support from the New Zealand Community Trust. This type of funding is critical in ensuring the Trust can stay abreast of its major R & M requirements.

Financial Performance

The Trust's half year surplus before depreciation and Income from Capital Projects of \$58,288 is higher than the budgeted surplus of \$43,823 and the surplus of \$32,243 for the same period last year. The main contributor was success in fundraising for planned maintenance of the all weather athletics track. This result was achieved in spite of just 13% of total revenue being received from users during the period. The Trust continues to explore options to boost its revenue so it can continue to subsidise use while also meeting its repairs and maintenance requirements.

Notwithstanding this overall operational expenditure has been kept below budget and last year.

A reduced full year operating forecast has been signalled in the accounts with an operating surplus of \$27,569 compared to a full year budget of \$52,206.

During the period the Trust hasn't undertaken any significant new capital work (last year it was building Netball Clubrooms), however it is in the process of developing plans for and fundraising for the building of a Canoe Polo venue and administration block.

The Trust is managing its cash position closely, and has achieved a net cash inflow of \$54,389 for the six month period.

The Debtors and Other Receivables included in the Statement of Financial Position of \$9,016 are all considered collectable and there are no amounts of concern to the Trustees.

Rex Graham

Jock Mackintosh

Chairman

Chief Executive

The Hawke's Bay Regional Sports Park Trust is proud to have the support of the following organisations:
















Hawke's Bay Regional Sports Park Trust
Statement of Financial Performance
For the 6 Months ending 31 December 2017

	Actual December 2017	Budget December 2017	Actual December 2016	Budget June 2018	Forecast June 2018
Operating Income					
Operating Grants Received - Hastings District Council	187,733	182,400	182,400	289,800	295,133
Interest & Dividends Received	70	600	1,124	1,200	640
Venue Hireage	53,404	53,300	53,685	153,200	154,440
Other Revenue	172,695	145,000	116,215	234,500	240,087
	\$413,902	\$381,300	\$353,424	\$678,700	\$690,301
Expenditure					
Grounds Maintenance	120,553	81,600	73,716	167,200	230,337
Trustee Fees & Expenses	25,358	25,602	25,504	51,200	51,065
Audit Fees	-	7,000	200	7,000	-
Operational Expenses	209,704	223,275	221,761	401,094	381,330
	\$355,614	\$337,477	\$321,181	\$626,494	\$662,732
Net Operating Surplus (Deficit) before Depreciation and Income from Capital Projects	58,288	43,823	32,243	52,206	27,569

	Actual December 2017	Budget December 2017	Actual December 2016	Budget June 2018	Forecast June 2018
Carry Forward					
Net Operating Surplus (Deficit) before Depreciation and Income from Capital Projects	<u>58,288</u>	<u>43,823</u>	<u>32,243</u>	<u>52,206</u>	<u>27,569</u>
Depreciation	262,684	260,000	259,155	520,000	520,000
Net Operating Surplus (Deficit)	<u>(\$204,396)</u>	<u>(\$216,177)</u>	<u>(\$226,912)</u>	<u>(\$467,794)</u>	<u>(\$492,431)</u>
Income for Capital Projects					
Vested Assets	-	-	-	-	-
Capital Grants Received - Hastings District Council	-	-	195,708	-	-
Other Capital Grants	<u>4,000</u>	<u>40,000</u>	<u>190,625</u>	<u>65,000</u>	<u>29,000</u>
	\$4,000	\$40,000	\$386,333	\$65,000	\$29,000
Project Expenditure not Capitalised	-	-	-	-	-
Net Surplus from Capital Projects	<u>\$4,000</u>	<u>\$40,000</u>	<u>\$386,333</u>	<u>\$65,000</u>	<u>\$29,000</u>
Net Surplus / (Deficit)	<u>(\$200,396)</u>	<u>(\$176,177)</u>	<u>\$159,421</u>	<u>(\$402,794)</u>	<u>(\$463,431)</u>

Hawke's Bay Regional Sports Park Trust
Statement of Financial Position
As at 31 December 2017

	Notes	Actual December 2017	Actual June 2017
Current Assets			
Cash & Cash Equivalents		109,165	54,775
Debtors & Other Receivables		9,016	23,545
GST Receivable		2,316	8,375
Prepaid Expenditure		-	-
Investments		-	-
		<u>\$120,497</u>	<u>\$86,695</u>
Non-Current Assets			
Fixed Assets		15,901,350	16,152,574
Capital Work in Progress		650	-
Total non-current assets		<u>\$15,902,000</u>	<u>\$16,152,574</u>
Total Assets		<u>\$16,022,497</u>	<u>\$16,239,269</u>
Current Liabilities			
Creditors & Other Payables		47,661	39,566
Deferred Income	1	352,544	376,794
Grants and funding subject to conditions		-	-
Employee Entitlements		13,629	13,852
Total current liabilities		<u>\$413,834</u>	<u>\$430,212</u>
Total liabilities		<u>\$413,834</u>	<u>\$430,212</u>
Total assets less total liabilities		<u>\$15,608,663</u>	<u>\$15,809,057</u>
Equity			
Equity at start of period		15,809,057	15,930,744
Net surplus (Deficit) for period		(200,396)	(121,687)
Equity at end of Period		<u>\$15,608,661</u>	<u>\$15,809,057</u>

1 Deferred Income

Deferred Income relates to sponsorship income received but not accounted for. Sponsorship income is accounted for across the life of the sponsorship agreement, therefore deferred income relates to income received in advance.

Hawke's Bay Regional Sports Park Trust

Statement of Cash Flows

For the 6 Months ending 31 December 2017

	Dec-17 6 Months	Jun-17 12 months
Cash Flows from Operating Activities		
Receipts of Council operational funding	187,733	289,800
Receipts of Council capital funding	0	195,708
Receipts from sale of goods and services	128,660	345,020
Interest, dividends and other investment receipts	70	1,492
Receipts of other operational grants and donations	85,392	52,345
Receipts of other capital grants	4,000	207,647
Receipts from other revenue	2,325	9,481
Payments to suppliers and employees	(347,741)	(758,144)
GST (net)	6,059	(9,282)
Total Cash Flows from Operating Activities	66,500	334,067
Cash Flows from Investing and Financing Activities		
Receipts from sale of investments	0	315,000
Payments to acquire investments	0	(215,000)
Payments to acquire property, plant and equipment	(12,110)	(460,572)
Total Cash Flows from Investing and Financing Activities	(12,110)	(360,572)
Net Cash Flows	54,390	(26,505)
Cash Balances		
Cash and cash equivalents at beginning of period	\$54,775	81,280
Cash and cash equivalents at end of period	\$109,165	54,775
Net change in cash for period	54,389	(26,505)

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 26 APRIL 2018

**FROM: WATER SERVICES MANAGER
BRETT CHAPMAN**

SUBJECT: HAVELOCK NORTH BOOSTER PUMP STATION

1.0 SUMMARY

- 1.1 The purpose of this report is to obtain a decision from the Council on the preferred location for siting the Havelock North Booster Pump Station.
- 1.2 This issue arises from the need to construct a booster pump station within Havelock North to improve the distribution of potable water from Hastings into the Havelock North reticulation and reservoirs.
- 1.3 Once Council has made a determination on its preferred location, the next stages will be to secure any required land and easements, satisfy planning requirements, undertake detailed design and seek to procure the booster pump station, and supply and installation of the associated pipework and ancillary items.
- 1.4 The Council is required to give effect to the purpose of local government as prescribed by Section 10 of the Local Government Act 2002. That purpose is to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances.
- 1.5 The objective of this decision relevant to the purpose of Local Government is to meet the current and future needs of the community through the provision of good quality local infrastructure that delivers a safe and high quality water service that is cost effective for households and businesses.
- 1.6 This report concludes by recommending that Council determines the preferred site for location of the Booster Pump Station so that Officers can commence construction as soon as possible.

2.0 BACKGROUND

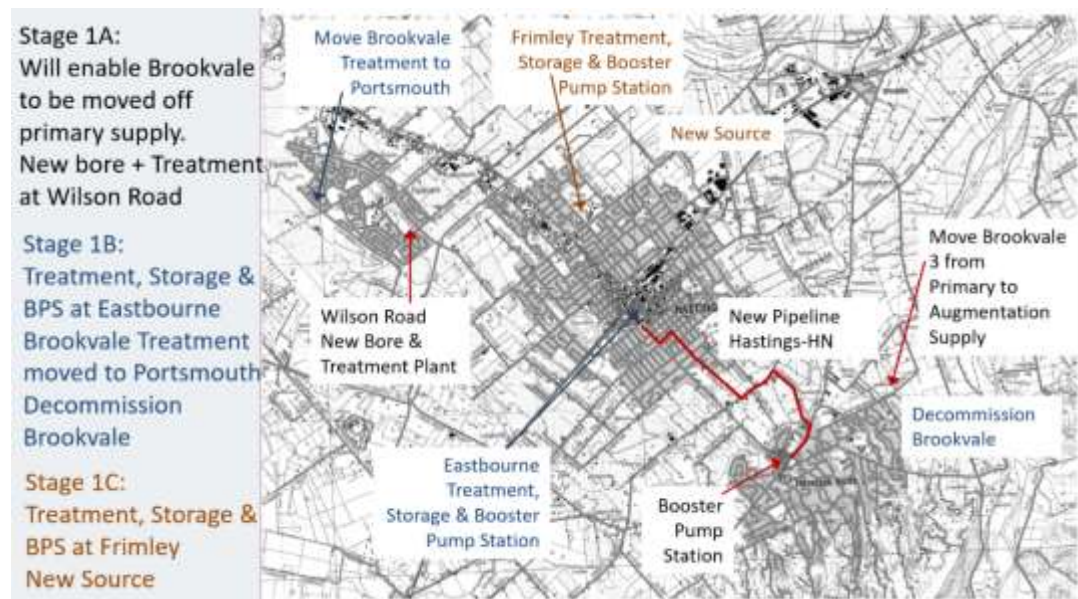
- 2.1 The Havelock North water contamination event in August 2016 and the subsequent investigation into that incident has determined that we can no longer rely on groundwater sources being secure and immune from contamination.
- 2.2 The Board of Inquiry has also recommended that the secure status of all groundwater in New Zealand is revoked and that treatment including the provision of residual disinfection is implemented on all water supplies.
- 2.3 The Te Mata aquifer that supplies water to the Havelock North community was identified as the source of contamination that resulted in significant illness

within the community. This source water is now treated to a very high standard using filtration, UV disinfection and chlorination prior to distribution.

- 2.4 The consent for the Brookvale bore supply expires in May 2018 and HDC has submitted an application to renew this consent while we work towards a permanent solution that replaces the Brookvale source. Abstraction from the remaining bore #3 is known to cause depletion of groundwater springs that flow into the Mangateretere Stream and there is an expectation from the Council, the community and other key stakeholders (HBRC, Ngati Kahungunu and others) that we move away from this source altogether.
- 2.5 The HDC Drinking Water Strategy has been substantially revised based on new information collected over the last 18 months. This information includes groundwater quantity, quality and risk assessments that support the need to optimise our safest water sources, treat all water and reconfigure the way in which the water supply is delivered to the community.
- 2.6 Implementing a strategic withdrawal from the Brookvale source requires the construction of a new trunk watermain from Hastings to Havelock North, construction of a booster pump station centrally within Havelock North and UV treatment, storage and pumping to be instigated at the Eastbourne Street bore field.

3.0 CURRENT SITUATION

- 3.1 The new trunk watermain project has progressed to construction and this work is underway for completion at the end of 2018. This new main provides additional supply from Hastings and reduces our reliance on the Brookvale bore supply to meet existing demand.
- 3.2 The booster pump station (BPS) is a critical component that reinforces the delivery of water across the upper parts of Havelock North, ensures that our reservoir storage is able to be maintained and provides increased capacity at times of peak demand.



3.3 Figure 1 – Drinking Water Strategy Projects and Location

- 3.4 The BPS will deliver water from the Eastbourne Street bore field via the new trunk main. Currently, the Eastbourne bore field operates at elevated pressures (between 100m and 120m of head) in order to deliver water to the higher parts of Havelock North and the storage reservoirs. The installation of a pump station will allow for a pressure reduction from between 100m and 120m to between 65m and 80m. Pressure reduction is a proven means of reducing leakage, improving energy efficiency and reducing operation and maintenance costs. This pressure reduction does not increase the risk of contaminants being able to enter into the supply.
- 3.5 The BPS therefore needs to be connected to the new trunk watermain (as this will be the primary source of water) and it needs to be able to pump into the network where it will maximise its effectiveness.
- 3.6 The location for the BPS has been identified through hydraulic modelling and an options process looking at available land, network connectivity and suitability for construction. This investigation determined that a suitable site was available on Council owned land situated at 25 Karanema Drive which best met the assessment criteria.
- 3.7 A resource consent application and assessment of environmental effects (AEE) to construct, maintain and operate a water supply booster pump station at 25 Karanema Drive was lodged in October 2017 (**Refer Attachment 1 – RMA20170422**). The AEE identified a number of initial location options that had been considered and set out the rationale for recommending the property at 25 Karanema Drive as the preferred location.



Figure 2 - Location of Open Space at 25 Karanema Drive

- 3.8 Concept designs were developed to determine a preferred pump station layout, incoming and exiting pipe alignments, access provisions, impacts on adjoining properties and resource consent matters that would require further investigation.
- 3.9 Planning advice was sought in terms of requirements to obtain affected party approvals and it was suggested that those properties immediately adjoining the site would be contacted (**refer Figure 3**). Each resident and/or landowner was visited individually by project staff to outline the BPS proposal, answer questions and to identify any concerns raised.
- 3.10 At each meeting, copies of the draft resource consent, a full set of plans and the draft acoustic assessment report were presented to ensure that as much information was made available during these meetings.
- 3.11 The Celebration Christian Fellowship Trust has converted what was the St John's building, into a church of worship. Through negotiations with them, it was agreed that access to the pump station could be via Napier Rd and it is intended that site access is secured through an easement across their land.
- 3.12 An 'in principle' easement and compensation agreement has been reached with the Trust and sits in abeyance awaiting a decision on the preferred site. The Trust continue to be supportive of the project.
- 3.13 The AEE (pages 26 & 27) sets out the information resulting from the initial consultation phase.



Figure 3 – Properties Identified for Consultation

- 3.14 Immediately after talking with adjoining residents, Council staff were contacted by other property owners in the immediate area of Bennelong Place that were wanting to know more about the project and were querying why they had not been notified or consulted in relation to the proposed pump station site.
- 3.15 Emails and a letter were subsequently received by Council from members of the public setting out a range of concerns but in particular the loss of property values, amenity and community use that would occur if the proposed site was developed into a pump station.
- 3.16 A meeting was requested by concerned residents about the siting of the pump station and lack of consultation. This meeting was held on 13 November 2017 at the Havelock North Community Centre to facilitate an open session where the project and rationale for site selection was presented, the rationale for seeking affected party approval was explained and members of the public expressed their objections to the project. The meeting was attended by senior Council staff, the Mayor and a number of Councillors.
- 3.17 There was strong opposition voiced at the meeting. In response to some of the issues raised, officers put forward a number of possible solutions however it seemed that the majority of those present were against siting the pump station at 25 Karanema Drive regardless of any solutions being presented.
- 3.18 It was at this meeting that an alternative was proposed by the community members to re-site the pump station to vacant land owned by Fire & Emergency NZ situated at 15 Karanema Drive on the basis that this was in an industrial zone and would be better suited to siting a pump station away from residential properties.
- 3.19 It was agreed at the meeting that the resource consent be put on hold and that work commence on investigating an alternative site at the Havelock North Fire Station site.
- 3.20 **Attachment 2 (HPRM Ref: CG-14-1-00712)** sets out the record of concerns that were raised during the 13 November meeting and this attachment also includes copies of the 'Save our Park' petition submitted on 21 December (reported to Council on 1 February 2018) and a letter received by the Mayor.
- 3.21 As part of investigating the alternative site at the Fire Station, 14 properties were identified as being adjacent to or potentially interested in the pump station site at the fire station (**Refer Figure 4**). Flyers were delivered to those properties inviting them to attend a meeting at the Fire Station on 4 April 2018 where details on the project were presented and a site walkover conducted.



3.22 **Figure 4 - Adjoining Properties Notified by Flyer of BPS Project at 15 Karanema Drive**

- 3.23 The outcome of this community meeting (attended by 2 of the 14 properties) was generally positive in terms of the Fire Station site and the potential impact it may have on residents. There was no opposition to the project from attendees however we have not had feedback from other property owners with which to gauge the general support or opposition to the pump station at this site.
- 3.24 With the alternative site investigation now complete, this report summarises the findings of the detailed site investigations and presents the relative similarities and differences between the two location options at 25 Karanema Drive, and the Havelock North Fire Station at 15 Karanema Drive to assist Council in determining which option they wish to pursue.

4.0 OPTIONS

- 4.1 There are two options for siting the pump station:
- 4.1.1 **Option 1:** Open Space at 25 Karanema Drive



Figure 5 – Street Front View of Open Space

4.1.2 **Option 2:** Industrial Land owned by Fire & Emergency NZ at 15 Karanema Drive



Figure 6 – Proposed Site 15 Karanema Drive (Fire & Emergency NZ)

- 4.2 The assessment of options presents a comparison between the planning, construction and operational aspects of the two locations proposed.
- 4.3 Noting the concerns raised by the community who have expressed opposition to the location of the pump station at 25 Karanema Drive, the assessment

includes a consideration of any benefit that the land at 25 Karanema Drive offers the community in its current state, or any other potential future use.

5.0 SIGNIFICANCE AND ENGAGEMENT

- 5.1 In terms of Council's policy on significance, there are two aspects that need to be considered.
- 5.2 Firstly, this project is part of the Drinking Water Strategy that has been developed in response to drinking water safety concerns as a result of the August 2016 contamination event.
- 5.3 The provision of safe drinking water is deemed significant as it impacts on all communities within the Hastings District that are supplied via a Council run community water supply.
- 5.4 Council's road map to achieve this objective has been set out in the 2018 - 28 Draft Long Term Plan and the total estimate of capital expenditure is of a value that meets the significance threshold.
- 5.5 The Booster Pump Station, along with the Hastings to Havelock North trunk main, is the first stage of that strategy and has been fast tracked by Council with funding approved in 2017/18.
- 5.6 Community engagement on these projects has been via quarterly Water Updates that have set out the proposed treatment regime and the reasons for implementing treatment, chlorination and the infrastructure upgrades. The LTP process will be commencing soon and will provide further opportunities to consult on the strategy and projects being proposed.
- 5.7 Secondly, the decision in regard to the location of the BPS is not deemed significant when considering the criteria within the policy on "other matters" in relation to:
 - The number of people affected;
 - The extent of the consequence;
 - The financial implications for the Council's overall resources;
 - The level of public interest;
 - Reversibility, how easily a decision can be undone; and
 - The consistency of the matter with existing Council policy, plans and documents.
- 5.8 As outlined in Section 3, the extent of community consultation has been in response to objections from adjoining neighbours and a sector of the community that are adjacent to the proposed site at 25 Karanema Drive.
- 5.9 As agreed at the meeting held on 13 November 2017, Council undertook to progress with investigations into an alternative site at 15 Karanema Drive (Fire & Emergency NZ) as suggested by the community members present.
- 5.10 Initial discussions with Fire & Emergency NZ and the local fire brigade has led to the development of an alternative site arrangement and assessment of the suitability of that site for the establishment of a booster pump station.
- 5.11 A meeting and site walkover at the Fire Station was held on 4 April 2018 for the 14 property owners and tenants invited to attend. The property owners at

43B Napier Road attended and we discussed the positioning of the proposed pipeline alignment through their property.

6.0 ASSESSMENT OF OPTIONS

6.1 The following items have been considered in preparing the comparison for each location option;

- Land and easement acquisitions
- Planning requirements
- Pipeline supply and installation
- Booster pump station design and site layout
- Electrical supply
- Noise mitigation
- Impact on program

6.2 Each item is discussed and then summarised in tabulated form.

6.3 Land and easement acquisitions

6.3.1 Both sites require the establishment of easements for the purpose of allowing site access and for the location of pipelines to and from the booster pump station. One of the key differences between the two location options is that Council owns the land at 25 Karanema Drive, whereas the land at 15 Karanema Drive is owned by Fire and Emergency New Zealand.

6.3.2 Although Fire & Emergency has indicated that they would allow Council to secure the required land on their property for the purpose of constructing and operating a water supply pump station, meaningful negotiations for agreement, and possible mitigation measures such as parking, training areas and fire service activities, are not able to be undertaken until a clear decision is made by Council on the preferred site.

6.3.3 Negotiations to establish the required easements across the Church land as required for the open space site are well advanced, though will not be finalised unless a decision is made by Council to proceed with this location option.

6.3.4 In this respect, both options present a similar level of risk that the required land and easement agreements may not be able to be established, necessitating compulsory acquisition via the Public Works Act.

6.4 Planning requirements

6.4.1 As a network utility operator, the construction, maintenance and operation of the new trunk main and booster pump station is provided for as a permitted activity under the Hastings District Plan, provided the relevant performance standards can be met.

6.4.2 Under the Proposed District Plan (PDP), 25 Karanema Drive is zoned Open Space and forms part of the Council's urban and ecological linkage networks to connect small green spaces around the District. The Booster Pump Station at this location would be considered a discretionary activity.

6.4.3 Section 13.1 of the PDP describes Open Spaces as follows:

The provision of easily accessible public open spaces and recreational facilities are vital for the social, cultural, environmental and economic wellbeing of our community. Their availability is key to ensure that a good quality of life is achieved for all members of the community, and are important for the enhancement of the environment, the character and amenity of the District, and provision of places for active and passive recreation.

6.4.4 The Open Space at 25 Karanema Drive is categorised in the PDP as OS7:

(Linkages: Urban or Ecological) Area provides for either the urban linkage: a maintained urban corridor for active transport connection and /or small green space e.g. open spaces set aside with walkways or cycleways and road verges/reserves within Hastings District Council's Parks management (typical linear or less than 0.3 hectare) or the ecological linkages that are minimally maintained that serve as biodiversity linkages and/or water margins e.g. Rural esplanades and stream corridors.

6.4.5 The proposed gross floor area, approximately 140m² of the booster pumping station is greater than the permissible GFA of 50m² in the open space zoned land. As a result this, among other minor breaches 'triggers' the need for a land use consent.

6.4.6 The land at 15 Karanema Drive is zoned Industrial. Provided that the performance measures of the PDP are met, the Booster Pump Station at this location would be considered a permitted activity, and therefore a land use consent may not be required if it can be demonstrated that the PDP rules can be met.

6.4.7 If the purchase of the land at 15 Karanema Drive is negotiated as a commercial arrangement a resource consent for subdivision will be required, and inclusion of rights of way easements for access and other services (power, water, telecommunications and stormwater).

6.4.8 A subdivision consent would not require notification or approval from adjoining properties.

6.4.9 If the land is acquired via the Public Works Act, no subdivision consent is necessary.

6.5 **Inlet/Outlet Pipeline configuration and installation**

6.5.1 The contract for the construction of the Hastings – Havelock North Water Trunk Main currently terminates at a point in Napier Road which allows for the pipeline to be extended to either of the locations under

consideration. The complexities and relative costs for the pipeline alignment to and from each of the location options has been assessed.

- 6.5.2 The assumption has been made that the pipeline routes to and from the booster pump station for each location are practically achievable. However, the 15 Karanema Drive location option presents a higher level of complexity and a longer route, and therefore a corresponding increased level of risk to program and cost.
- 6.5.3 The preferred route chosen for the inlet pipeline to the 15 Karanema Drive site option is along the existing driveway at 43B Napier Road. The property owners have indicated 'in principle' that they would allow the pipeline to be located within this alignment.
- 6.5.4 There is an existing Council owned wastewater rising main in the proposed alignment, which the trunk water main would run alongside. Initial investigations have indicated that there is adequate space within the extents of the driveway, however this is not certain until completion of detailed design and service locations have been completed.
- 6.5.5 From a water quality and safety perspective, we will need to ensure maximum separation distances are maintained and confirm that the wastewater rising main is in good condition. If there are any doubts as to the suitability of the alignment and co-location with the sewer rising main, then an alternative and potentially more expensive alignment will be required.
- 6.5.6 The delivery main from the booster pump station at 15 Karanema Drive would ideally extend to, and along Karanema Drive, to connect to the existing watermain beyond the Napier Road, Karanema Drive roundabout. As there are a number of existing services along this route, it is not yet known what the impact of the existing services on the design of the main will be, this presents a level of uncertainty on cost.
- 6.5.7 The pipeline would need to pass through the roundabout at a relatively deep level in order to avoid conflict with the existing services. It is expected that this would provide an increased level of disruption as compared to the 25 Karanema Drive option which has a minimal length of pipeline in the road, and does not pass through the roundabout.
- 6.5.8 The least risk approach at 15 Karanema Drive is for the new delivery main to connect into the 375mm diameter trunk main at the front of the fire station. Modelling has confirmed that this existing watermain is at the full extent of its capacity with the introduction of the pump station and that pipe velocities will be at the upper end of the acceptable operating range.
- 6.5.9 For expediency, the recommendation could be to progress with connection to the 375mm main acknowledging that this will limit any future expansions of the pump station without first extending or upsizing the watermain.

6.6 **Booster pump station design and site layout**

- 6.6.1 The booster pump station's configuration, pumps, electrical and control requirements will be the same for each site.

- 6.6.2 There is however a potential that the building foundation requirements at 15 Karanema Drive will be more costly due to the anticipated poor ground conditions known to exist at the Fire Station site.
- 6.6.3 Geotechnical investigations have been undertaken at 25 Karanema Drive so are well known however investigations at the Fire Station have been limited to a desktop assessment. Actual ground conditions here are less certain but likely to be more costly.
- 6.6.4 The position of the booster pump station at the Fire Station has been determined through discussions with local staff to ensure that fire service operations are not affected. Given the relative position of the building at each site relative to the road, site works for servicing, access and security at the Fire Station will be more costly.

6.7 **Noise**

- 6.7.1 Noise has been raised as a significant issue by concerned residents and is likely to remain a contentious issue. At either site, Council is required to ensure that the noise limits set out in the PDP are complied with for whichever site option is selected.
- 6.7.2 Both sites are required to comply with the standards for noise as set out in the Proposed District Plan. **(Refer to Attachment 3 – Stantec Technical Planning Memorandum 80509840).**
- 6.7.3 Noise from the water pumps will be constant 24 hours per day so the most relevant PDP noise limits are those setting the most restrictive levels applying during night time hours.
- 6.7.4 In the Open Space Zone the maximum noise level permitted from 10pm to 7am the following day is 45dB LAeq (Equivalent Continuous Level). This noise limit is not permitted to be exceeded at any point within any Residential Zone, which would include the neighbouring Bennelong Place properties as well as the neighbouring Church property.
- 6.7.5 An independent noise assessment **(Refer Attachment 4 – PRJ17-73-0170)** has been undertaken by Marshall Day Acoustics for the site at 25 Karanema Drive taking into account all pumps, electronics, fans, cooling, transformers and the building layout and features. The report has included a 2 metre high acoustic fence in the assessment.
- 6.7.6 The assessment has concluded that the pump station can comply with the PDP night-time noise requirements for the closest residential receivers but has also recommended possible improvements to the roller door and ceiling to further reduce noise.
- 6.7.7 The report also confirms that the temporary use of power generators are exempt from noise limitations however an assessment of their impact was also undertaken. As with other standby generators that Council has in operation, any generator would be housed in a waterproof and noise attenuated enclosure to further minimise any impact on neighbours.

- 6.7.8 There are a range of measures available to reduce the noise impacts and ensure that compliance can be demonstrated. These include the design, selection of building materials, plantings, and acoustic fencing if deemed necessary.
- 6.7.9 The booster pump station's configuration, pumps, electrical and control requirements will be the same for each site, therefore the noise is expected to be the same at each location. A noise assessment for the site at 25 Karanema Drive has determined that the site will comply with the PDP requirements.
- 6.7.10 A key differentiator with respect to noise is the distance from the booster pump station to the nearest residential boundary. The distance to the nearest residential boundary at 25 Karanema Drive site is 9.1m, and is 21.6m at the Fire Station.
- 6.7.11 On this basis, it is expected that noise at the Fire Station site will also comply.
- 6.7.12 For both sites, the booster pump station (including pumps, generators and transformers) has been oriented and positioned as far away from residential boundaries as technically feasible without compromising adjacent properties or buildings.
- 6.7.13 At 15 Karanema Drive the location and orientation has been determined through discussions with local Fire Station staff based on their current and future use of the land.
- 6.7.14 Transformers are to be positioned away from residential properties so that the pump station building can be used to shield any noise.

6.8 **Impact on Program**

- 6.8.1 The Drinking Water Strategy set out an optimistic timeframe for completion of the new trunk main from Hastings to Havelock North and booster pump station by November 2018. This would enable supply to be delivered primarily from Hastings as opposed to the Brookvale bore and limit the use of Brookvale during peak summer demand.
- 6.8.2 The estimated time required to construct and commission the pump station is approximately 12 months assuming that all land purchase, easement negotiations and consents have been concluded.
- 6.8.3 One of the primary site selection criteria was to only consider land that was already owned by Council as this could potentially fast track the delivery of the pump station to meet Council's objective for turning off the Brookvale supply.
- 6.8.4 The site at 25 Karanema Drive requires an easement agreement for access and there is an agreement in principle between the parties. It only requires sign-off if this is deemed to be the preferred site.
- 6.8.5 There are two affected parties at 15 Karanema Drive, Fire & Emergency NZ and the property owners at 43B Napier Road. At this stage both parties appear to be supportive of this proposal and willing to enter into negotiations.

- 6.8.6 Initial discussions with Fire & Emergency on the sale of land, positioning of easements and compensation have commenced. At this stage preliminary assessments have been undertaken but negotiations have not commenced.
- 6.8.7 This process is likely to add six months to the project timeline and we cannot guarantee that settlement will be reached however, the discussions to date have been amicable.
- 6.8.8 If either legal arrangement could not be concluded via direct negotiation, the alternative option for Council would be to acquire the land through the Public Works Act by compulsory acquisition. This process can take upwards of 2 years to complete and would have a significant impact on delivering the Drinking Water Strategy within the proposed timeframes and would jeopardise the Resource Consent Application at Brookvale Road.

6.9 The following table summarises the key issues:

	15 Karanema Drive and 43B Napier Rd	25 Karanema Drive
Land and Easement Acquisition	<p>This site will require agreement for the value of land and easements.</p> <p>The time it would take to acquire the land and easements is unknown, nor whether such agreements are able to be established at all.</p> <p>PWA as a fall back option but significant impact on project delivery.</p>	<p>Negotiations for the acquisition of the required easement is well advanced, although cannot be finalised until a decision is made by Council.</p> <p>PWA as a fall back option but significant impact on project delivery.</p>
Planning	<p>The activity at this location is likely to be deemed as permitted, therefore presents a more straight forward process.</p> <p>Subdivision consent may be require but would be non-notified.</p>	<p>The activity at this location is considered discretionary, triggering the requirement for a land use consent.</p> <p>The application for resource consent is currently on hold pending further information. The application is being processed by a consultant planner on behalf of Council. Once the requested information has been provided the consultant planner will provide a report on whether the application should be publicly notified, limited notified and whether or not there are any affected persons whose written approvals are required for the application to be non-notified.</p>
Design	The pump station design will be	The design for the construction

	<p>the same as for 25 Karanema Drive.</p> <p>Further work is required to design the inlet and outlet pipework.</p> <p>Additional foundation design and strengthening.</p> <p>Investigations on the location and condition of the sewer rising main is necessary before confirming the inlet water pipe location from Napier Rd.</p>	<p>of the Booster Pump Station and associated pipelines at this site is more advanced than for 15 Karanema Drive.</p> <p>Pipe locations and connections are known.</p>
Construction	<p>Construction will be straightforward with few issues other than site access to ensure that Fire Service response is not impacted.</p> <p>Geotechnical issues are expected to increase foundation design.</p> <p>Site is isolated from the public.</p>	<p>Construction will be more difficult to minimise the extent of vegetation and tree removal.</p> <p>More stringent security and safety measures may be required during construction.</p>
Noise	<p>Further away from residential properties so less impact from noise. May require less noise attenuation measures in the building design.</p> <p>Expected to comply with PDP night-time limits.</p>	<p>Closer to residential properties but able to comply with PDP night-time limits. Additional noise mitigation could further reduce noise.</p>
Visual Amenity	<p>Building design is better suited to an industrial site. One residential property will be affected by 7m building height (visual outlook).</p>	<p>Building design will need to take account of the site and its location within an open space area.</p> <p>Options are available to soften the visual appearance of the building. Three properties will be impacted by building height.</p>
Impact on Programme	<p>Will be affected by land and easement negotiations (upwards of 6 months).</p> <p>Compulsory Acquisition via PWA – 2 years.</p>	<p>Only constrained by granting of resource consent.</p> <p>The notification decision will have an impact in terms of time and cost if public or limited notifications are required.</p> <p>In Principle Easement Agreement is prepared.</p> <p>Local opposition to project and appeals could disrupt the timing of commencement.</p> <p>Compulsory Acquisition via PWA – 2 years.</p>

7.0 FINANCIAL IMPLICATIONS

- 7.1 This project is part of the Drinking Water Strategy that has been updated in preparation for the 2018 – 28 Long Term Plan. The booster pump station is a strategic component of the Stage 1 strategy that will enable Council to discontinue the use of the Brookvale bore once treatment upgrades are completed at the Eastbourne bore supply.
- 7.2 The budget for the first package of work in Stage 1 was approved through the 2017-18 Annual Plan to fast track the construction of the Hastings to Havelock North trunk main, install treatment at Wilson Rd and commence planning for the BPS.
- 7.3 The preliminary cost estimate for the pump station component is \$3.0M and this amount is included in the 2019 year of the LTP. A proportion of the 2017-18 Stage 1 budget is available to cover the preliminary costs for design, and site investigations.
- 7.4 A cost comparison has been undertaken to assess the differences over the base cost for the pump station in relation to each site. This work has been undertaken by Stantec who have been working on the detailed design and site assessments for this project. **(Refer to Attachment 5 – Havelock North BPS Final Location)**
- 7.5 Their preliminary assessment has determined that the pump station at 15 Karanema Drive (Fire Station) will costs approximately \$1.175M more than building the pump station at 25 Karanema Drive.
- 7.6 This equates to approximately \$4 per household targeted rates increase.
- 7.7 The largest proportion of this cost is made up of the land acquisition and easements required at the Fire Station site, based initially on an independent desktop valuation assessment. **(Refer Attachment 6 – Fire Station Compensation Assessment. PRJ17-73-0168)**
- 7.8 Council officers have commenced negotiations with Fire & Emergency on the possible purchase of land for the pump station and associated facilities as well as easements that will be required to ensure that access and pipeline protection can be assured. A verbal update on these negotiations may be available at the meeting to inform Council on this issue. The outcome of the land purchase negotiations will be reported to Council at a future date.

8.0 CONSIDERATION OF COMMUNITY VIEWS

- 8.1 There has been considerable community consultation about this proposal.
- 8.2 The initial advice received during the development of the Resource Consent for the open space site at 25 Karanema Drive led to officers initiating contact with the immediately adjoining land owners.
- 8.3 As described in Sections 4 & 5, wider community interest and concern about the project became apparent and has resulted in a number of meetings to hear those concerns in an attempt to explain the basis for the project, its location and to try and resolve matters where possible.
- 8.4 Community concerns have primarily focused on the Open Space site at 25 Karanema Drive and include loss of property values, access and community

amenity as well as proximity to residential properties, noise and visual appearance (scale and height).

- 8.5 The petition received by Council in December clearly states the objective of those signatories, to find an alternative location for the pump station and to reclassify the open space as a reserve.
- 8.6 There have also been a number of meetings between concerned ratepayers, the Mayor and senior Council staff, and officers have provided information to assist in discussions and alternatives options.
- 8.7 Council has also taken on board the community request to investigate the Fire & Emergency site as an alternative and this report brings together the pros and cons of each for Council's consideration.
- 8.8 At each part of this process, Council has been willing to meet with the community to hear their views and to work towards a solution.

9.0 PREFERRED OPTION/S AND REASONS

- 9.1 Officers do not have a preference for the siting of the proposed booster pump station and are seeking a decision from the Council.
- 9.2 From an engineering perspective, both sites appear to be suitable for the siting of a booster pump station based on proximity to trunk mains, the location of utility services and access arrangements.
- 9.3 The effects of operating a pump station in either location are considered to be minor and mitigation of noise can be accommodated through design and/or other appropriate measures as required.
- 9.4 The key differentiators that would favour the site at 25 Karanema Drive are cost and the ability to deliver the project in the least possible time. The impact on access, amenity and biodiversity are able to be minimised through careful site positioning and design such that many of the community well beings are retained.
- 9.5 Given the extent of opposition to siting the pump station on the open space area at 25 Karanema Drive, siting the pump station on the Fire Station site would address the concerns of the public who are opposed to it and the open space area would be retained as it currently is.
- 9.6 The difference in cost to establish at the Fire Station site is a significant increase to the \$3.0M budget that has been assigned to this project. This, along with the other factors set out in 6.9 above need to be weighed against the community opposition that has been clearly expressed.
- 9.7 The Fire Station land is zoned industrial and is less likely to have an impact on the surrounding neighbourhood or generate public concern and the initial response from the public meeting was positive.
- 9.8 In summary, Council's reference for making its decision on the preferred location is guided by the Purpose of Local Government as prescribed by Section 10 of the Local Government Act 2002.

10 Purpose of local government

- (1) The purpose of local government is-
 - (a) To enable democratic local decision-making and action by, and on behalf of, communities; and
 - (b) to meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- (2) In this Act, **good-quality**, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are--
 - (a) efficient; and
 - (b) effective; and
 - (c) appropriate to present and anticipated future circumstances.

Figure 7 – S.10 LGA - Purpose of Local Government**10.0 RECOMMENDATIONS AND REASONS**

- A) That the report of the Water Services Manager titled “Havelock North Booster Pump Station” dated 26/04/2018 be received.**
- B) That Council determines the preferred pump station site as being either 15 Karanema Drive or 25 Karanema Drive**

With the reasons for this decision being that the objective of the decision will contribute to meeting the current and future needs of communities for good quality local infrastructure in a way that is most cost-effective for households and business by:

- i) The provision of high quality water services that are safe, and infrastructure that meets the need of the community and is cost effective.**

Attachments:

1	RMA20170422 Application For Proposed Pipeline & Booster Pump Station	70301#0002	Separate Doc
2	Letter to Mayor, Petition and Agenda for Public Meeting held	CG-14-1-00712	Separate Doc
3	Stantec Technical Planning Memorandum 80509840	PRJ17-73-0167	Separate Doc
4	Desktop Noise Assessment 25 Karanema Drive - Marshall Day Acoustics	PRJ17-73-0170	Separate Doc
5	Havelock North BPS Final Location	WAT-20-20-18-527	Separate Doc
6	15 Karanema Drive Booster Pump Station Compensation Assessment - The Property Group.	PRJ17-73-0168	Separate Doc

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 26 APRIL 2018

**FROM: BUILDING CONSENTS PROJECTS OFFICER
GERARD VAN VEEN**

**SUBJECT: THE BUILDING (EARTHQUAKE-PRONE BUILDINGS)
AMENDMENT ACT 2016 AND PRIORITY BUILDINGS**

1.0 SUMMARY

- 1.1 The purpose of this report is to obtain a decision from the Council and update the Council on:
 - i. the commencement of the *Building (Earthquake-prone Buildings) Amendment Act 2016* (the "Act") and implications of legislation around priority buildings; and
 - ii. the requirement for the Council to consider whether to proceed to community consultation;
- 1.2 This issue arises from commencement of the Act on 1 July 2017.
- 1.3 The Act includes a legislative requirement for the Council to consider and decide if:
 - a) there is a reasonable prospect of any thoroughfare in its district having sufficient traffic (vehicular and/or pedestrian) and any unreinforced masonry (URM) buildings¹ located on the thoroughfare to warrant prioritisation for assessment and remediation; and/or
 - b) there are any buildings that could collapse in an earthquake and impede transport routes of strategic importance (in terms of an emergency response).
- 1.4 If either a) or b) in 1.3 above applies in the district, then the Council is required to carry out community consultation before deciding to identify which (if any), parts of roads, footpaths, thoroughfares, or buildings on transport routes of strategic importance will be priority.
- 1.5 Any public consultation must be carried out in accordance with the Special Consultative Procedure under the Local Government Act 2002.
- 1.6 This paper serves to update the Council with focus on relevant sections of the Act regarding priority buildings to inform a decision and consultation process, should it be required.
- 1.7 The Council is required to give effect to the purpose of local government as prescribed by Section 10 of the Local Government Act 2002. That purpose is to meet the current and future needs of communities for good quality local

¹ A URM building has masonry walls that do not contain steel, timber or fibre reinforcement. URM buildings are older buildings that often have parapets, as well as verandahs, balconies, decorative ornaments, chimneys, and signs attached to their facades (front walls that face onto a street or open space).

infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances.

- 1.8 This report concludes by recommending that the Council:
 - i. Receive the report;
 - ii. Proceeds to community consultation in accordance with the Special Consultative Procedure, and approves the draft Statement of Proposal.

2.0 BACKGROUND

- 2.1 The Act provides a new national system for managing earthquake-prone buildings and came into effect 1 July 2017. Territorial Authority earthquake-prone building policies ceased to apply from that time.
- 2.2 The legislation provides a system which is consistent across the country and focuses on the most vulnerable buildings in terms of people's safety.
- 2.3 The legislation categorises New Zealand into three seismic risk areas and sets time frames for identifying and taking action to strengthen or remove earthquake-prone buildings.
- 2.4 Hastings is in the high seismic risk area, therefore the shortest legislative timeframes apply within the district.
- 2.5 The Act also introduces a new category of 'priority' buildings in high and medium seismic areas. Priority buildings are considered higher risk because of their construction, type, use or location. They may be buildings that are considered to pose a higher risk to life safety or buildings that are critical to recovery in an emergency. They must be identified and strengthened or removed in half the time available for other buildings in the same seismic risk area.
- 2.6 Council must identify potentially earthquake-prone buildings within its district using the **Earthquake-prone building (EPB) methodology** set by the Chief Executive of the Ministry of Business, Innovation and Employment (MBIE). Priority buildings must be identified within 2½ years (by 31 December 2019), and other buildings (to which the legislation applies) within 5 years (by 30 June 2022).
- 2.7 Where Council have identified a building is potentially earthquake-prone, owners are required to provide an engineering assessment within 1 year (note that an extension of time of a further 12 months may be applied for).
- 2.8 Following completion of the engineering assessment, buildings determined to be earthquake-prone² will be required to be remediated within 7½ years for priority buildings, and 15 years for other non-priority buildings.

² An earthquake-prone building (or part of a building) is essentially a building (or part) which has a structural performance of less than one third (<34% NBS) of that of a new building at the same site, which if it were to collapse in a moderate earthquake, would be likely to cause injury or death to people, or damage to other property.

3.0 PRIORITY BUILDINGS

3.1 Priority buildings are defined in the Act and include two broad categories:

- those that are **prescribed**, and include:
 - Hospital buildings likely to be needed in an emergency to provide medical services or ancillary services essential for the provision of emergency medical services;
 - Buildings likely to be needed in an emergency such as an emergency shelter/centre;
 - Buildings used to provide emergency response services (policing, fire, ambulance, or rescue services);
 - Education buildings occupied by at least 20 people (including early childhood, schools, private training institutions and tertiary institutions).
- those that are **described** and may be determined following community input; this category includes:
 - Parts of unreinforced masonry (URM) buildings that could fall in an earthquake onto certain thoroughfares which have sufficient vehicular or pedestrian traffic to warrant prioritisation; and/or
 - Buildings that could collapse in an earthquake and impede transport routes of strategic importance (in terms of an emergency response).

Attachment 1 - Relevant Sections of the Act

4.0 PRESCRIBED BUILDINGS

4.1 All buildings which meet the criteria of prescribed buildings defined in the Act are automatically deemed as priority buildings (no community input or consultation is required).

5.0 DESCRIBED BUILDINGS

5.1 The Council has a role set out in the Act and is required to consider and decide whether to proceed with public consultation before any further buildings may be classified as priority buildings under the criteria in 5.2.

5.2 There are two categories of described building criteria that the Council may consult on under the Act:

- Parts of unreinforced masonry (URM) buildings that could fall in an earthquake onto certain thoroughfares which have sufficient vehicular or pedestrian traffic to warrant prioritisation; and/or
- Buildings that could collapse in an earthquake and impede transport routes of strategic importance (in terms of an emergency response).

6.0 PARTS OF URM BUILDINGS THAT COULD FALL ON BUSY THOROUGHFARES

- 6.1 The Council must consider which thoroughfares (if any) have sufficient vehicular and pedestrian traffic, which may also have URM buildings with parts that may fall onto any part of the thoroughfare in an earthquake.
- 6.2 The Act allows the Council to decide if community consultation on inclusion of thoroughfares under this criteria is required. Consultation is not required if:
- there is no reasonable prospect of any thoroughfare in the district having parts of URM buildings that could fall on to roads or footpaths, or
 - parts could fall, however they have insufficient vehicle or pedestrian traffic to warrant prioritising.
- 6.3 Council is not required to identify any specific buildings through the consultation process. Data has been collated of URM buildings and buildings of unknown construction to assist with the identification of any specific thoroughfares which may require a decision as to whether or not they are included as a priority route.

Research Information for Consideration

- 6.4 Officers have considered building stock construction data for the main urban shopping areas within the district (gathered from Council records) to try and identify which areas may have the prerequisites for being priority buildings under this criteria of the Act.
- 6.5 Areas included Clive, Flaxmere, Hastings Central Business District (CBD), and Havelock North.
- 6.6 The Hastings CBD is an area identified with the prerequisites for priority buildings described in the Act.
- 6.7 Streets identified have been confined to an area within the boundaries of Eastbourne Street to Queen Street, and from Hastings Street to Southland and Tomoana Roads.



- 6.8 The following information has been collated and included in this report:

Attachment 2	Hastings CBD Streets – URM/Unknown Construction – Building Totals
Attachment 3	Pedestrian Count – Hawkes Bay - 2015
Attachment 4	Traffic Count - Hastings CBD Streets - Average Daily Traffic (Year of Count)

- 6.9 The information gathered confirms that there are URM buildings (and older buildings of unknown construction) within the CBD area. There is also significant pedestrian and vehicular movements within the same area.
- 6.10 Findings from the information gathered shows that there are parts of roads, footpaths, or other thoroughfares that may warrant prioritisation.

7.0 BUILDINGS HAVING THE POTENTIAL TO IMPEDE A TRANSPORT ROUTE OF STRATEGIC IMPORTANCE

- 7.1 It is not mandatory for the Council to carry out consultation in identifying any strategic routes in the district.

The Act allows Council discretion whether to consult or not on transport routes of strategic importance that may be impeded by the collapse of any buildings (in an earthquake).

- 7.2 To provide the Council with information to assist in making a decision, the following emergency services were contacted by officers and feedback received:

- St John Ambulance
- New Zealand Fire Service
- Police
- Hawkes Bay District Health Board
- Civil Defence Emergency Management
- Lifelines

Those contacted confirmed Hastings district has multiple route choices available (in terms of an emergency response) therefore no routes of strategic importance were identified (by those surveyed) which are considered could be impeded if a building were to collapse in an earthquake.

- 7.3 In addition to the feedback received from the emergency service providers (above), east-west transport links across the city were considered essential and therefore possible transport routes of strategic importance (in terms of an emergency response). Four key access routes parallel to the CBD's main street identified as possible available routes were - Southampton, Eastbourne, Queen and St Aubyn Streets.

Further research on the building stock along these four specific routes was completed to determine whether any buildings may fit within this criteria of priority buildings.

- 7.4 Along the lengths of Queen and Eastbourne Streets a total of eight buildings of URM or unknown construction were identified. The same eight buildings are already captured within the criteria of 6.0 above "Parts of URM buildings that could fall on busy thoroughfares".
- 7.5 Along the lengths of St Aubyn and Southampton Streets no buildings were identified which fit this criteria of priority buildings because the buildings are outside the scope of the Act or excluded under provisions of the Act e.g. timber framed building, already remediated (assessed >34% NBS or strengthened).

- 7.6 Findings from the information received from emergency services and additional research undertaken confirms that no transport routes of strategic importance (in terms of an emergency response) are required to be identified, therefore there are no additional priority buildings within this criteria.

8.0 OPTIONS

- 8.1 **Option 1:** Proceed to community consultation in accordance with the Special Consultative Procedure on:

- a) parts of a roads, footpaths, or other thoroughfares that warrant prioritisation (because they have parts of URM buildings that could fall in an earthquake and have sufficient vehicle or pedestrian traffic).

- 8.2 **Option 2:** Proceed to community consultation in accordance with the Special Consultative Procedure on:

- b) identification of any transport routes of strategic importance (in terms of an emergency response).

- 8.3 **Option 3:** Proceed to community consultation in accordance with the Special Consultative Procedure on both;

- a) parts of a roads, footpaths, or other thoroughfares that warrant prioritisation (because they have parts of URM buildings that could fall in an earthquake and have sufficient vehicle or pedestrian traffic); and
- b) identification of any transport routes of strategic importance (in terms of an emergency response).

- 8.4 **Option 4:** The Council could determine further information is required prior to proceeding to the Special Consultative Procedure and request further information is provided before a decision is made.

9.0 SIGNIFICANCE AND ENGAGEMENT

- 9.1 The matters outlined in this report do not trigger Council's Significance Policy as the requirement to consider community consultation is an explicit requirement covered under the Act.

- 9.2 The Act requires Council to consider and determine whether to carry out public consultation on certain categories of priority buildings.

- 9.3 If a decision to proceed with community consultation is made, consultation is required to follow the Special Consultative Procedure under section 83 of the Local Government Act 2002. Council will need to give public notice of the Statement of Proposal, explain how people can obtain a copy of the proposal and also the time period during which they can make submissions (being not less than one month from the initial notice).

- 9.4 The proposed submission period for identification of any priority thoroughfares and/or strategic transport routes is timed to allow the matter to be brought back to the Council for consideration in June.

- 9.5 As well as a general public notice being issued, submissions will be invited from key stakeholder groups or organisations. These will include: central

business district building owners, local Engineering New Zealand members, and Hastings City Business Association.

9.6 Following any public consultation, consideration and hearing of any submissions, the Council will be required to make a decision whether to include:

- Any part of a public road, footpath, or thoroughfare as priority routes (because parts of URM buildings could fall on busy thoroughfares in an earthquake); and/or
- Transport routes of strategic importance (because they may be impeded by the collapse of buildings in an earthquake).

9.7 Officers would then proceed to identify any priority buildings on those thoroughfares and notify owners (notification to owners starts the timeframes for completion of assessments and any remediation if required).

10.0 FINANCIAL IMPLICATIONS FOR COMMERCIAL BUILDING OWNERS

10.1 Buildings which are identified as priority (following any consultation) may have significant financial implications for owners required to undertake engineering assessments and/or remediation within the shorter timeframes.

10.2 However financial implications are not a consideration under the Act for the Council in making any decision whether or not to proceed with community consultation.

11.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

11.1 **Option 1.** *Proceed to community consultation in accordance with the Special Consultative Procedure on:*

- *parts of a roads, footpaths, or other thoroughfares that warrant prioritisation (because they have parts of URM buildings that could fall in an earthquake and have sufficient vehicle or pedestrian traffic).*

Option 1 ensures Council will continue to meet its obligations under the Act.

Hastings CBD is an area that has been identified where there are URM buildings (and buildings of unknown construction), and there is also significant pedestrian and vehicular movements within the same area.

While the Act allows the Council to decide whether or not to proceed with community consultation, under the circumstances it could be seen as unreasonable not to do so because the prerequisites described under the Act are present within the CBD area.

Therefore it is appropriate for the Council to decide and proceed to community consultation before any final decision is made on inclusion of additional priority buildings under the criteria described in the Act with this option.

There are no additional financial implications identified for the Council other than the usual expenditure associated with administration of the legislation.

11.2 **Option 2.** *Proceed to community consultation in accordance with the Special Consultative Procedure on:*

- *identification of any transport routes of strategic importance (in terms of an emergency response).*

The Act provides the Council discretion whether or not to proceed with community consultation on buildings that could impede a strategic transport route.

From research undertaken and information gathered on buildings or routes, there have been no transport routes of strategic importance (in terms of an emergency response) that have been identified, therefore there will be no additional priority buildings within this described criteria.

The Council may still opt to carry out public consultation if it is considered necessary to provide the public an opportunity for possible feedback.

There are no additional financial implications identified for the Council other than the usual expenditure associated with administration of the legislation.

11.3 Option 3. *Proceed to community consultation in accordance with the Special Consultative Procedure on both;*

- a) *parts of a roads, footpaths, or other thoroughfares that warrant prioritisation (because they have parts of URM buildings that could fall in an earthquake and have sufficient vehicle or pedestrian traffic); and*
- b) *identification of any transport routes of strategic importance (in terms of an emergency response).*

Option 3 is to proceed with community consultation on both categories of described criteria (Options 1 & 2) even though information gathered has not identified any transport routes of strategic importance (in terms of an emergency response).

11.4 Option 4. *The Council could determine further information is required prior to proceeding to the Special Consultative Procedure and request further information is provided before a decision is made.*

Additional research information could be collated by officers and referred back to the Councillor Working Party before reporting back to the Council.

Note: the Act requires Council to have identified and notified all priority buildings owners by 31 December 2019, and any delay may impinge on this timeframe.

12.0 PREFERRED OPTION/S AND REASONS

12.1 The preferred option is Option 1.

That the Council approves Option 1 and proceeds to public consultation in accordance with the Special Consultative Procedure for the reasons outlined in clause 11.1 above.

13.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Building Consents Projects Officer titled “The Building (Earthquake-prone Buildings) Amendment Act 2016 and**

Priority Buildings” dated 26/04/2018 be received.

- B) That the Council approves Option 1 as its preferred option for consultation.**
- C) That the Council approves for public consultation the draft “Statement of Proposal”.**
- D) That the Council proceeds to community consultation in accordance with the Special Consultative Procedure.**

With the reasons for this decision being that the objective of the decision will contribute to the performance of regulatory functions and the provision of good quality local infrastructure in a way that is most cost-effective for households and business by:

- Ensuring that earthquake-prone buildings are remediated within requirements of the Building Act 2004.**

Attachments:

1	Relevant Sections of the Act	REG-2-9-18-3106
2	Hastings CBD Streets - URM/Unknown Construction - Building Totals	REG-2-9-18-3102
3	Pedestrian Count - Hawke's Bay - 2015	REG-2-9-18-3077
4	Traffic Count - Hastings CBD Sheets - Average Daily Traffic (Year of Count)	REG-2-9-18-3078
5	Draft Statement of Proposal	REG-2-9-18-3100

REG-2-9-18-3106

Item 9

Attachment 1

Relevant Sections of the Act

133AE Meaning of priority building

- (1) In this subpart, **priority building** means any of the following that are located in an area of medium or high seismic risk:
 - (a) a hospital building that is likely to be needed in an emergency (within the meaning of the Civil Defence Emergency Management Act 2002) to provide -
 - (i) emergency medical services; or
 - (ii) ancillary services that are essential for the provision of emergency medical services;
 - (b) a building that is likely to be needed in an emergency for use as an emergency shelter or emergency centre;
 - (c) a building that is used to provide emergency response services (for example, policing, fire, ambulance, or rescue services);
 - (d) a building that is regularly occupied by at least 20 people and that is used as any of the following:
 - (i) an early childhood education and care centre licensed under Part 26 of the Education Act 1989;
 - (ii) a registered school or an integrated school (within the meaning of the Education Act 1989);
 - (iii) a private training establishment registered under Part 18 of the Education Act 1989;
 - (iv) a tertiary institution established under section 162 of the Education Act 1989;
 - (e) any part of an unreinforced masonry building that could—
 - (i) fall from the building in an earthquake (for example, a parapet, an external wall, or a veranda); and
 - (ii) fall onto any part of a public road, footpath, or other thoroughfare that a territorial authority has identified under section 133AF(2)(a);
 - (f) a building that a territorial authority has identified under section 133AF(2)(b) as having the potential to impede a transport route of strategic importance (in terms of an emergency response) if the building were to collapse in an earthquake.
- (2) For the purposes of subsection (1)(a) and (b), the likelihood of a building being needed in an emergency for a particular purpose must be assessed having regard to—
 - (a) any national civil defence emergency management plan made under section 39 of the Civil Defence Emergency Management Act 2002; and
 - (b) the civil defence emergency management group plan approved under section 48 of the Civil Defence Emergency Management Act 2002 that covers the district in which the building is situated.
- (3) If only part of a building meets the criteria set out in subsection (1), only that part of the building is a priority building.
- (4) Whether a building is a priority building affects—

REG-2-9-18-3106

- (a) the deadline by which a territorial authority must identify whether the building or a part of the building is potentially earthquake prone (see section 133AG); and
- (b) the deadline for completing seismic work on the building or a part of the building, if it is subject to an EPB notice (see section 133AM).

133AF Role of territorial authority in identifying certain priority buildings

- (1) This section applies to a territorial authority whose district includes any area of medium or high seismic risk.
- (2) The territorial authority,—
 - (a) for the purpose of section 133AE(1)(e) (prioritising parts of unreinforced masonry buildings), must use the special consultative procedure in section 83 of the Local Government Act 2002 to identify any part of a public road, footpath, or other thoroughfare in an area of medium or high seismic risk—
 - (i) onto which parts of an unreinforced masonry building could fall in an earthquake; and
 - (ii) that has sufficient vehicle or pedestrian traffic to warrant prioritising the identification and remediation of those parts of unreinforced masonry buildings; and
 - (b) for the purpose of section 133AE(1)(f) (prioritising buildings that could impede a strategic transport route),—
 - (i) may, in its discretion, initiate the special consultative procedure in section 83 of the Local Government Act 2002 to identify buildings for that purpose; but
 - (ii) must not identify buildings for that purpose other than in accordance with the special consultative procedure.
- (3) However, a territorial authority is not required to act under subsection (2)(a) if there is no reasonable prospect of any thoroughfare in its district satisfying the criteria set out in subsection (2)(a)(i) and (ii).
- (4) If a territorial authority is required by subsection (2)(a) or decides under subsection (2)(b) to use the special consultative procedure in section 83 of the Local Government Act 2002, it must use the procedure within a time frame that enables the territorial authority to meet the applicable time frame under section 133AG(4) for identifying potentially earthquake-prone priority buildings in its district.

REG-2-9-18-3102

Hastings CBD Streets – Unreinforced Masonry (URM) or Unknown Construction Building Totals

HASTINGS CBD STREETS – URM/UNKNOWN CONSTRUCTION - BUILDING TOTALS																							
	Charles Street	Eastbourne Street East	Eastbourne Street West	Hastings Street South	Heretaunga Street East	Heretaunga Street West	Karamu Road North	Karamu Road South	King Street North	King Street South	Market Street North	Market Street South	Nelson Street North	Nelson Street South	Queen Street East	Queen Street West	Russell Street North	Russell Street South	Southland Road	Tomoana Road	Warren Street North	Warren Street South	TOTALS
URM	0	0	0	0	2	2	1	0	1	0	0	0	2	0	2	0	0	0	0	0	0	2	12
Unk	0	1	0	0	4	5	1	0	0	2	1	2	0	0	2	2	1	0	0	0	0	0	21
Tot	0	1	0	0	6	7	2	0	1	2	1	2	2	0	4	2	1	0	0	0	0	2	33
Note: buildings which have been remediated (i.e. assessed >34% NBS, strengthened or demolished) are not included in these totals.																							

Pedestrian Count – Hawkes Bay - 2015

Pedestrian count data is taken from the bi-annual report completed by the Property Institute. The most current report available for Hawkes Bay is 2015. Only data relevant to pedestrian movement numbers in the Hastings CBD has been used.

Excerpts:

BACKGROUND

The 2015 count was taken in the cities of Napier and Hastings and townships of Havelock North and Taradale.

WEATHER CONDITIONS

The weather on the day of the count in 2015 was fine with light wind.

METHODOLOGY

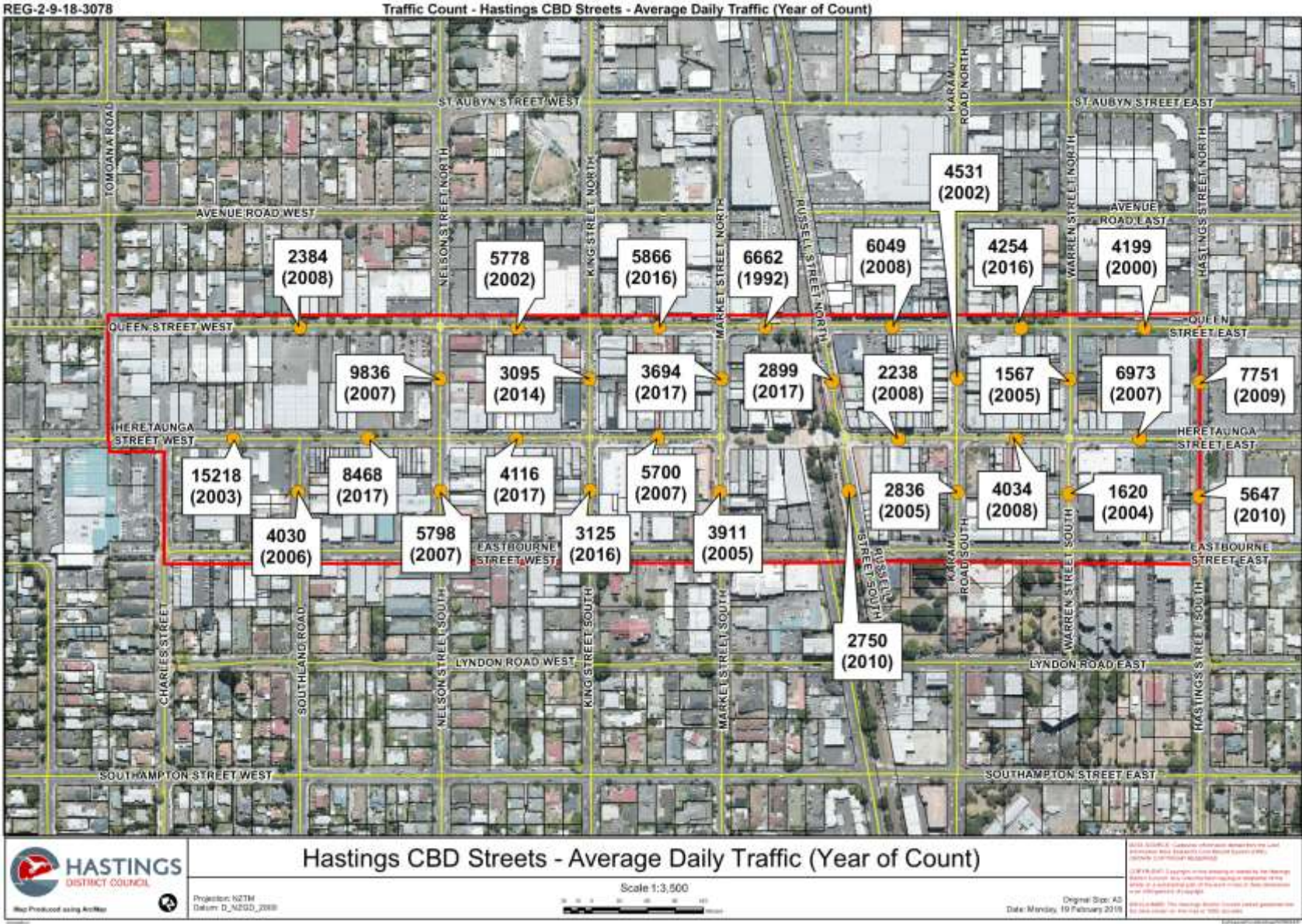
The methodology is as follows:

- The counts were taken on Friday the 4th October as well as on Saturday 5th October. This enabled a fair representation of counts through the period. The times were as follows;
 - Friday 16 October Morning 11 :00 am - 11 :30 am
 - Friday 16 October Afternoon 2:00 pm - 2:30 pm
 - Saturday 17 October Morning 11 :00 am - 11 :30 am
- The count is on an 'electronic eye' basis, and includes all walking pedestrians, regardless of age, whether shopping or not and in both directions.
- All pedestrians are counted in malls in both directions.
- Counts on streets are for that side of the road only, between the shop front and the edge of the footpath.
- The three count times results are added together to give a typical 'hour'.

HASTINGS CBD - COUNT DATA



HASTINGS CBD – COUNT DATA			
			2015
MAP REF	ADDRESS OF COUNT	RETAILER	1 HOUR AVG
18	Market South	Warehouse	1364
17	Avenue	K Mart	1639
16	Market North	Curves Fitness Centre	247
15	Russell	Orphans Aid Shop	197
14	Heretaunga	Rock Shop	264
13	Heretaunga	Vacant (ex Fears Homeware)	238
12	Heretaunga	EB Games	358
11	Heretaunga	Farmers	351
10	Heretaunga	Café 215 (ex Heavens Bakery)	309
9	Heretaunga	Vacancies (ex Postie Plus)	392
8	Heretaunga	BNZ	279
7	Heretaunga	Cotton On (ex Farmers)	463
6	Heretaunga	Village 4 Cinema	207
5	Heretaunga	T&T	226
4	Heretaunga	Hutchinson's (ex Seekers)	158
3	Heretaunga	Café Cornucopia (ex F L Bone)	190
2	Heretaunga	UFS Dispensary	173
1	Heretaunga	HB Today (ex Langes Furniture)	100
		Average	397



REG-2-9-18-3100

Statement of Proposal



BUILDING (EARTHQUAKE-PRONE BUILDINGS) AMENDMENT ACT 2016

Consultation on vehicular and pedestrian thoroughfares with sufficient traffic to warrant prioritisation

1. Introduction

The system for identifying and managing earthquake-prone buildings changed on 1 July 2017, when the Building (Earthquake-prone Buildings) Amendment Act 2016 came into force to create Subpart 6A of Part 2 of the Building Act 2004. The new system ensures the way our buildings are managed for future earthquakes is consistent across the country, and provides more information for people using buildings. There are new requirements, powers and time frames to address earthquake-prone buildings.

The new system prioritises identification and remediation of earthquake-prone buildings that either pose a high risk to life safety, or are critical to recovery in an emergency. Certain hospital, emergency, and education buildings that are earthquake prone will be 'priority buildings'. Other earthquake-prone buildings may be priority buildings due to their location, and the potential impact of their failure in an earthquake on people. These buildings must be identified with community input. Priority buildings must be identified and remediated in half the usual time, to reduce the risks to life safety more promptly.

Hastings District Council are inviting submissions on proposals (in section 6 below) for roads, footpaths and other thoroughfares that should be prioritised. Hastings District Council also seeks your views on whether there are any other routes that should be included.

This consultation is undertaken in accordance with section 133AF(2)(a) of the Building Act 2004, which requires Hastings District Council to use the special consultative procedure in section 83 of the Local Government Act 2002 to identify priority buildings.

2. New system for managing earthquake-prone buildings

The Building (Earthquake-prone Buildings) Amendment Act 2016 came into force on 1 July 2017. It changes the current system for identifying and remediating earthquake-prone buildings.

The new system ensures the way our buildings are managed for future earthquakes is consistent across the country, and provides more information for people using buildings, such as notices on earthquake-prone buildings and a public register. Owners of earthquake-prone buildings will be required to take action within certain time frames depending on the seismic risk area their building is located in. Affected owners will be contacted by Hastings District Council.

REG-2-9-18-3100

Hastings district has been categorised as a high seismic risk area. This means Council must identify potentially earthquake-prone buildings within 5 years, and building owners must strengthen or demolish earthquake-prone buildings within 15 years¹.

More information about the new system can be found at:

<https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/>

Priority buildings pose a high risk to life safety, or are critical to recovery in an emergency

The new system prioritises identification and remediation to earthquake-prone buildings that either pose a high risk to life safety, or are critical to recovery in an emergency. These buildings are called 'priority buildings'. Priority buildings must be identified and remediated in half the time frame allowed for other earthquake-prone buildings, to reduce the risks to life safety more promptly.

This means Hastings District Council must identify potentially earthquake-prone *priority* buildings in this district within 2.5 years, and building owners must strengthen or demolish earthquake-prone buildings within 7.5 years².

Buildings defined in the Act, for example, certain hospital, emergency, and education buildings that are earthquake-prone are priority buildings. Some other buildings may also be priority buildings due to their location, and the potential impact of their failure in an earthquake on people.

3. Why we're consulting

Your input is required to determine whether there are any buildings that may need to be classified as priority buildings

To determine which other buildings may be priority buildings, Hastings District Council must identify thoroughfares that have sufficient vehicular or pedestrian traffic to warrant prioritisation, if parts of unreinforced masonry (URM) buildings were to fall onto them in an earthquake.

Your views will assist inform the Council's decision on which thoroughfares (if any) to prioritise.

This consultation is in accordance with section 133AF(2)(a) of the Building Act 2004, which requires Council to use the special consultative procedure in section 83 of the Local Government Act 2002 to identify these priority buildings.

4. Have your say

Submissions

Anyone can make a submission on this Statement of Proposal. The Hastings District Council wishes to hear from any person, group or business that would like to make a submission on proposed thoroughfares for prioritisation.

¹ From the date the earthquake-prone building notice is issued.

² From the date the earthquake-prone building notice is issued.

REG-2-9-18-3100

The submission period is during the period opening 27th April 2018 and closing 5:00 pm 1st June 2018.

Submissions must be in writing and state your full name, address, telephone number and whether you wish to be heard by the Council.

Submissions can be made by sending a completed **Submission Form** to the address listed on the form, via the email address on the form, or via Councils website www.hastingsdc.govt.nz

Posted to:

Submission - EPB Priority
Thoroughfares
Hastings District Council Private
Bag 9002
Hastings 4156

Delivered to:

Submission - EPB Priority
Thoroughfares
Hastings District Council
207 Lyndon Road East
Hastings

E-mailed to:

cccdocs@hdc.govt.nz
Title email:
Submission - EPB
Priority Thoroughfares

Submission Forms may be obtained from Flaxmere, Hastings, Havelock North Libraries, reception at Councils main building Lyndon Road East Hastings, or downloaded from Councils website www.hastingsdc.govt.nz, or you may request a copy be posted by calling (06) 8715000.

5. Criteria used to Support Proposal

Vehicular and pedestrian thoroughfares with sufficient traffic to warrant prioritisation

Hastings District Council has applied the following criteria to identify roads, footpaths or other thoroughfares that may be priorities:

1) High pedestrian areas (people not in vehicles)

Description of use	Description of area	Example of application
Areas relating to social or utility activities	Areas where shops, or other services are located	City and suburban areas with shops, cafes, restaurants, bars, and theatres
Areas relating to work	Areas where concentrations of people work or move around	Areas around office buildings or other places of work where there is a concentration of workers
Areas relating to transport	Areas where concentrations of people access transport	Areas around transport hubs, bus stops, car parks
Key walking routes	Key walking routes that link areas where people are concentrated	Routes from transport hubs or other areas relating to transport to areas where shops, other services or areas people work are located

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*and/or***2) Areas with high vehicular traffic (people in motor vehicles/on bikes)**

Description of use	Description of area	Example of application
Key traffic routes	Key traffic routes regularly used by vehicles including public transport	Central business streets, well trafficked suburban streets, arterial routes, heavy use bus routes
Areas with concentrations of vehicles	Areas where high concentrations of vehicles build up	Busy intersections, areas where traffic builds up at peak hours

*and***3) Potential for part of an unreinforced masonry building to fall onto the identified thoroughfare.³**

Roads, footpaths or other thoroughfares identified with the prerequisites for priority buildings described in the Act i.e. busy thoroughfares **combined with URM buildings** is the Central Business District (CBD) area of Hastings.

This has been confined to an area within the boundaries of Eastbourne Street to Queen Street, and from Hastings Street to Southland and Tomoana Roads.



Building data of URM/Unknown building construction gathered for the CBD area (from Council records) is provided in the Table 1 below.

³ An unreinforced masonry (URM) building has masonry walls that do not contain steel, timber or fibre reinforcement. URM buildings are older buildings that often have parapets, as well as verandas, balconies, decorative ornaments, chimneys and signs attached to their facades (front walls that face onto a street or open space).

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Table 1.

HASTINGS CBD STREETS – URM/UNKNOWN CONSTRUCTION - BUILDING TOTALS													
	Eastbourne Street East	Heretaunga Street East	Heretaunga Street West	Karamu Road North	King Street North	King Street South	Market Street North	Market Street South	Nelson Street North	Queen Street East	Queen Street West	Russell Street North	Warren Street South
URM	0	2	2	1	1	0	0	0	2	2	0	0	2
Unk	1	4	5	1	0	2	1	2	0	2	2	1	0
Tot	1	6	7	2	1	2	1	2	2	4	2	1	2
Note: buildings which have been remediated (i.e. assessed >34% NBS, strengthened or demolished) are not included in these totals.													

6. Proposal

Hastings District Council seek your views on whether the following roads, footpaths and other thoroughfares have sufficient traffic to warrant prioritisation. It also seeks your views on whether there are any other thoroughfares that should be included.

Council proposes the following thoroughfares be prioritised:

PROPOSED THOROUGHFARES FOR PRIORITISATION		
Street	From	To
Eastbourne Street	Charles Street	Hastings Street South
Hastings Street	Eastbourne Street East	Queen Street East
Heretaunga Street	Tomoana Road	Hastings Street
Karamu Road	Eastbourne Street East	Queen Street East
King Street	Eastbourne Street West	Queen Street West
Market Street	Eastbourne Street West	Queen Street West
Nelson Street	Eastbourne Street West	Queen Street West
Queen Street	Tomoana Road	Hastings Street North
Russell Street	Eastbourne Street East	Queen Street East
Warren Street	Eastbourne Street East	Queen Street East
Note: buildings may be on either side of a street.		

Questions

1. Do you agree with the thoroughfares identified for prioritisation?
2. If not, which thoroughfares do you disagree with and why?
3. Are there any other thoroughfares that meet the criteria but are not listed?

Attachment 5

REG-2-9-18-3100

7. What happens next?

Once priority thoroughfares have been finalised, Hastings District Council will look at buildings on those thoroughfares to determine whether they are potentially earthquake prone in accordance with the EPB methodology.⁴ Affected building owners will be notified. Owners of potentially earthquake-prone buildings, whether priority or not, have 12 months to provide an engineering assessment. Hastings District Council will then determine whether the building is earthquake prone, and notify the building owner of remediation requirements.

8. Further information

Further information on the new system for managing earthquake-prone buildings can be found at

<https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/>

⁴ The EPB methodology is a regulatory tool that sets out the types of buildings that Council must identify as potentially earthquake prone.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 26 APRIL 2018

**FROM: HEALTH AND SAFETY ADVISOR
JENNIE KUZMAN**

**SUBJECT: HEALTH AND SAFETY MONTHLY REPORTS - JANUARY
AND FEBRUARY 2018**

1.0 SUMMARY

- 1.1 The purpose of this report is to inform and update Council about Health and Safety at Hastings District Council.
- 1.2 The attached reports provide information to enable Elected Members to undertake due diligence, by providing leading and lagging statistical information in relation to Health and Safety for the months of January and February 2018.
- 1.3 Council's Health and Safety Policy has been reviewed and updated requiring re-endorsement by Council.

2.0 BACKGROUND

- 2.1 The Health and Safety at Work Act 2015 (HSWA) requires HSWA Officers (Elected members and the Chief Executive) to exercise due diligence by taking reasonable steps to understand the organisation's operations and Health and Safety risks, and to ensure that they are managed so that Council meets its legal obligations.

3.0 CURRENT SITUATION

3.1 Monthly Reports

- 3.2 The attached monthly reports provide information on leading and lagging statistical information in relation to Health and Safety reporting for the periods 1-31 January 2018 (**Attachment 1**) and 1-28 February 2018 (**Attachment 2**) and are current as at 26th March 2018.
- 3.3 Whilst there have now been several reports generated for the organisation with leading and lagging indicators in this format, it will still take a further 12 months to collect sufficient data for analysis of long term trends. However, some commentary has been provided within the reports.

3.4 Health and Safety Policy Endorsement

- 3.5 In 2016, Council endorsed the organisational Health and Safety Policy and the policy document was signed on behalf of Council by previous Mayor Lawrence Yule.
- 3.6 The policy has since been reviewed, and whilst no changes were required to the wording of the document, it does require re-endorsement by current Elected Members. A copy of the updated Health and Safety Policy is attached (**Attachment 3**).

4.0 SIGNIFICANCE AND ENGAGEMENT

- 4.1 This Report does not trigger Council's Significance and Engagement Policy and no consultation is required

5.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Health and Safety Advisor titled "Health and Safety Monthly Reports - January and February 2018" dated 26/04/2018 be received.**
- B) That the updated Health and Safety Policy dated 31/3/2018 be re-endorsed by Elected members**

Attachments:

- | | | |
|---|---|------------------|
| 1 | Human Resources (NO PERSONAL INFORMATION) - Health and Safety - General - Health and Safety Advisor's Monthly Report to Council - January 2018 | HR-03-01-18-275 |
| 2 | Human Resources (NO PERSONAL INFORMATION) - Health and Safety - General - Health and Safety Advisor's Monthly Report to Council - February 2018 | HR-03-01-18-276 |
| 3 | Human Resources (NO PERSONAL INFORMATION) - Health and Safety - Health and Safety Manual and Policies - Health & Safety Manual - Draft HDC Health and Safety Policy 2018 (unsigned) | HR-03-02-2-18-30 |



Monthly Health and Safety Report: 1-31 January 2018

This report contains information that was reported during the month of January 2018 and is current as at Friday, March 30, 2018

HR-03-01-18-275

Item 10

Attachment 1

Glossary of Terms

Leading Indicators

- **Hazards Reported** – reports of newly identified hazards (in HDC facilities/worksites).
- **Health and Safety Risk Assessments** – documented risk assessments for HDC tasks/projects.
- **Health and Safety Observations** - documented conversations/ or task observations undertaken by Managers/Supervisors with HDC employees or Contractors.
- **Health and Safety Inspections** - documented inspections (usually a check of a site or facility using set criteria) undertaken by Managers/Supervisors with HDC employees or Contractors.
- **Health and Safety Audits** - documented health and safety system or contract audits undertaken by Managers/Supervisors with HDC employees or Contractors.
- **Health and Safety Meetings** -documented meetings which HDC employees attend (not meetings with contractors).
- **Health and Safety Training** - documented records of employees who have undertaken safety training for the month (both internal and external training).
- **Health and Safety Recognition** - documented recognition of excellence by HDC in regards Health and Safety.

Lagging Indicators

- **Near Misses** - Close call events - i.e. no injury or property damage sustained.
- **Other Incidents** – Non injury events which can't be classified as injury or property damage e.g. Chemical spill, Fire, or conflict situation with member of the public.
- **Property Damages** – reported damage to HDC property/plant/equipment.
- **First Aid Injuries** - Injuries treated onsite by HDC Employees and no further treatment required.
- **Medical Treatment Injuries** - Injuries treated by Registered Medical Professionals e.g. nurse, doctor, physiotherapist, dentist.
- **Lost Time Injuries** - Injuries resulting in time off work.
- **WorkSafe Notifiable Events** - Any incidents which were legally required to be reported to WorkSafe NZ.

Executive Summary

Leading Indicators (Proactive Measures)

It is pleasing to see that there has been an increase in Safety Observations completed for January, this is largely due to the targeted campaign which began in December 2017 to assist managers and supervisors to improve in these areas. There is still room for improvement in regards to toolbox meetings, health and safety discussions and safety training which are down from this time last year.

Lagging Indicators (Reactive Measures)

When comparing these results relating to those from the same period in the previous year there has been an increase in non-injury incidents (property damages and other incidents).

Whilst there has also been an overall decrease in injuries reported in January, there is a higher proportion of injuries requiring medical attention to the public. This trend is being monitored closely.

In relation to incidents reported by staff, it is clear that interactions with the public remain the most prolific hazard type reported.

Leading Indicators (Proactive Measures)

Measure	Total for January 2018	Total for January 2017	2018 YTD Total	2017 YTD Total
Hazards Reported	20	20	102	135
Health and Safety Discussions Held	20	58	149	663
Health and Safety Risk Assessments Undertaken	2827	1535	16915	13647
Health and Safety Observations Completed	100	77	525	779
Toolbox Health and Safety Briefings Held	576	597	3629	4068
Number of staff attending Health and Safety Training	79	8	300	507
Health and Safety subcommittee or Committee Meetings Held	0	1	15	19
Health and Safety Recognition	0	2	19	21

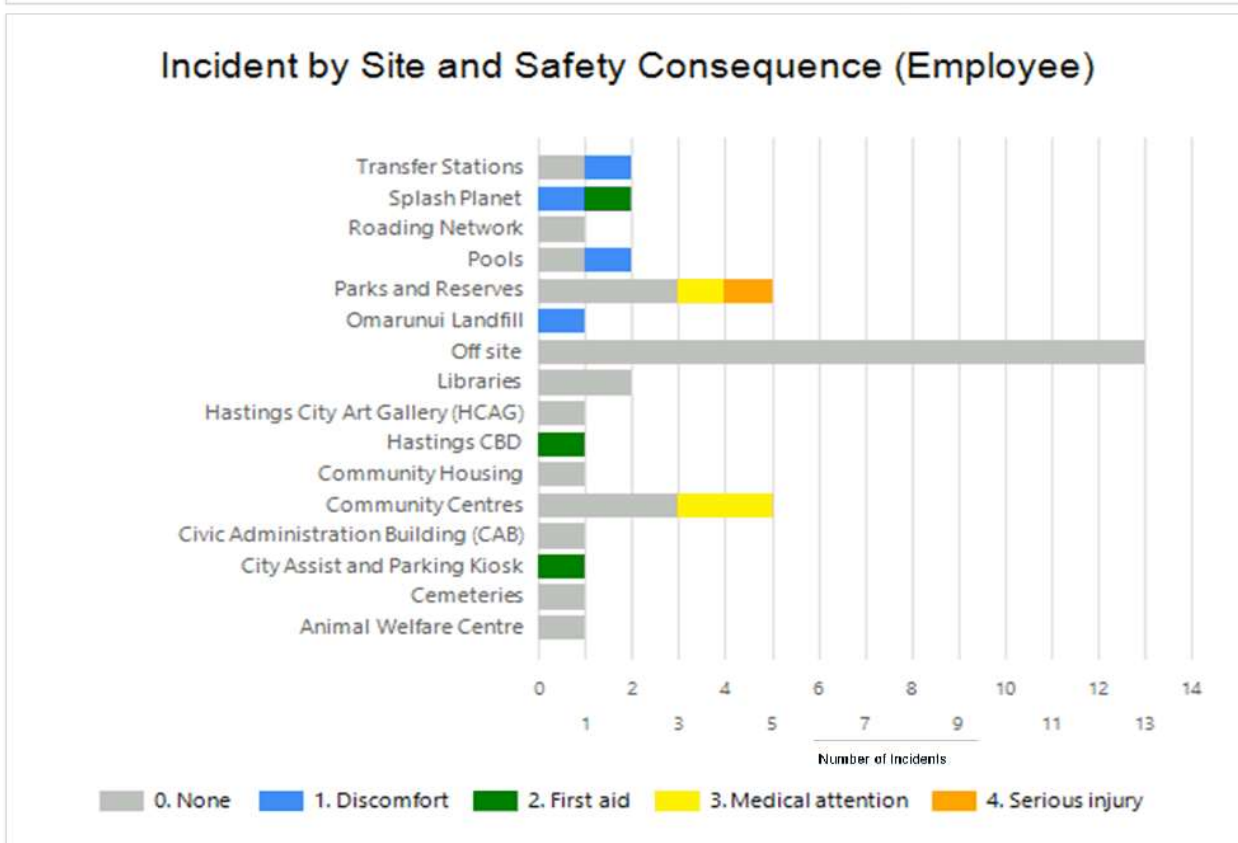
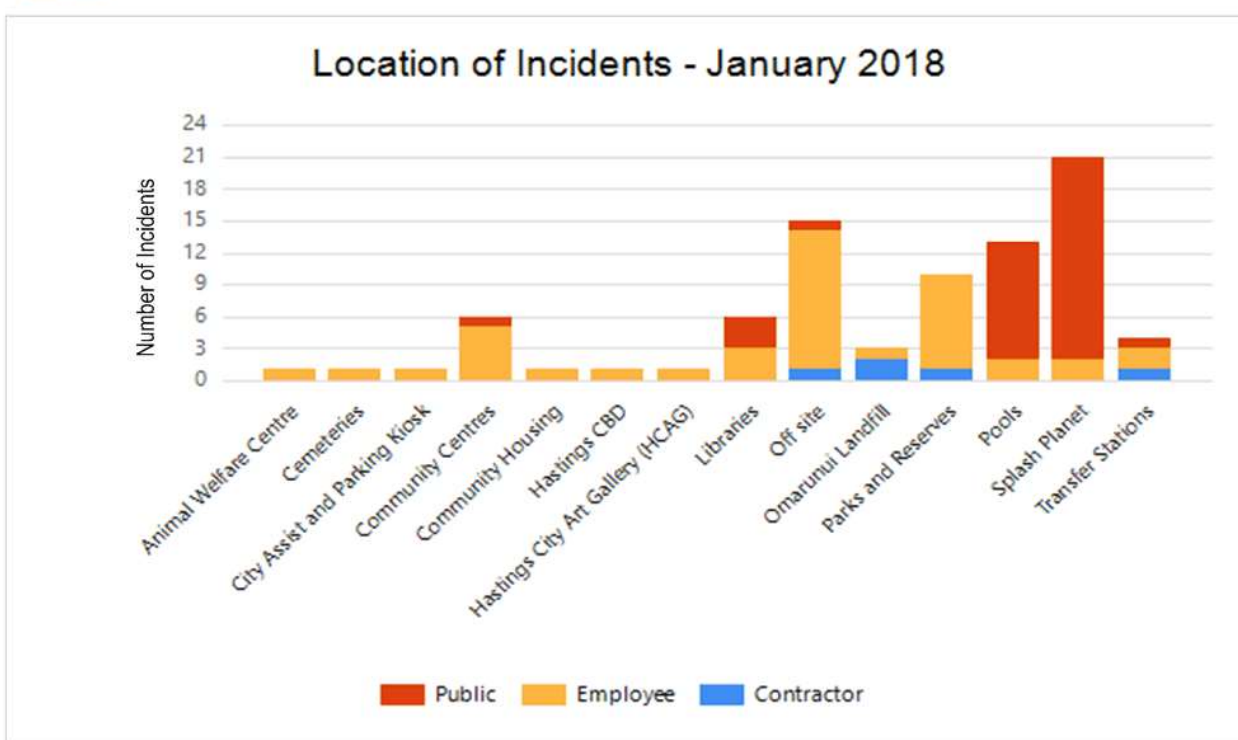
Lagging Indicators

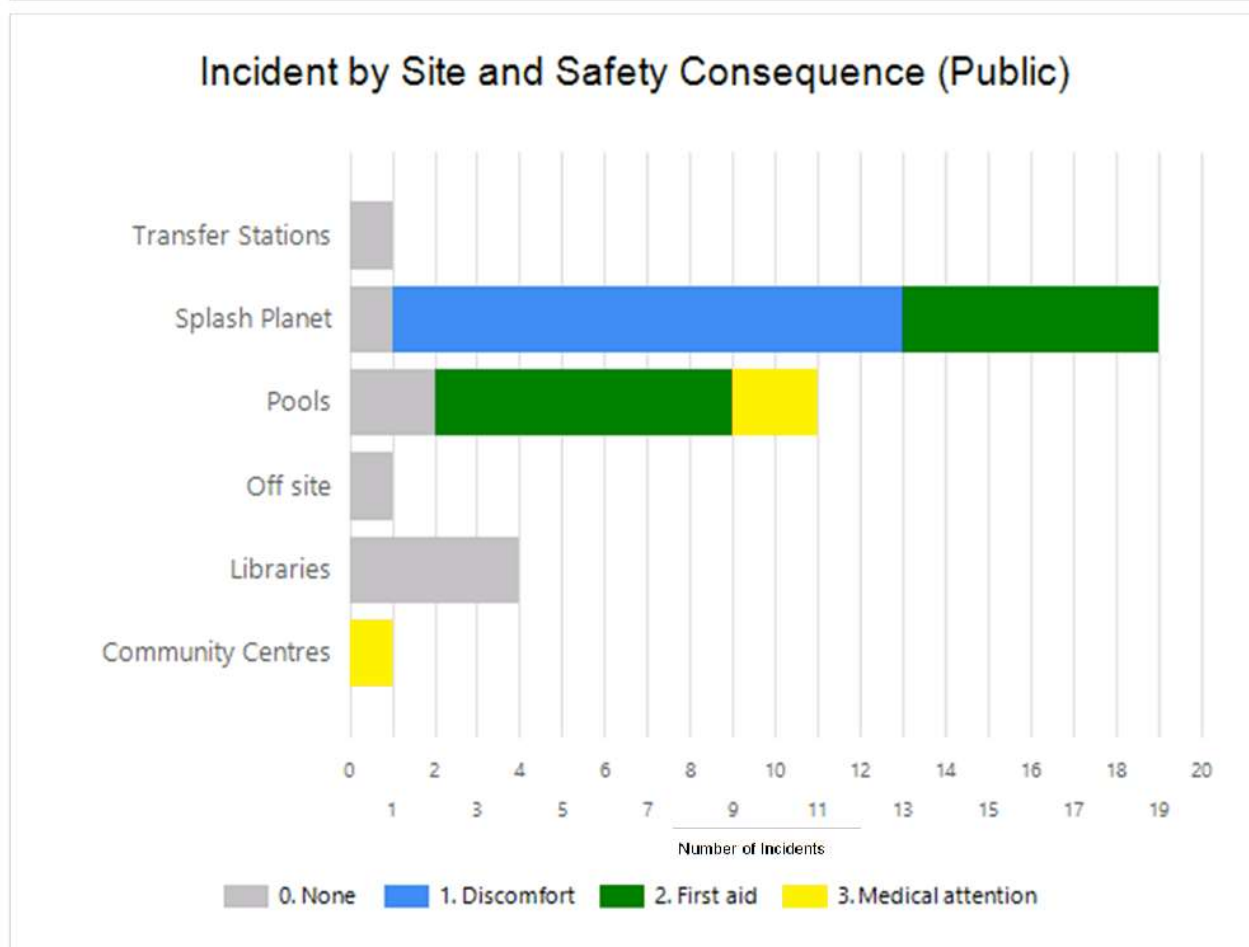
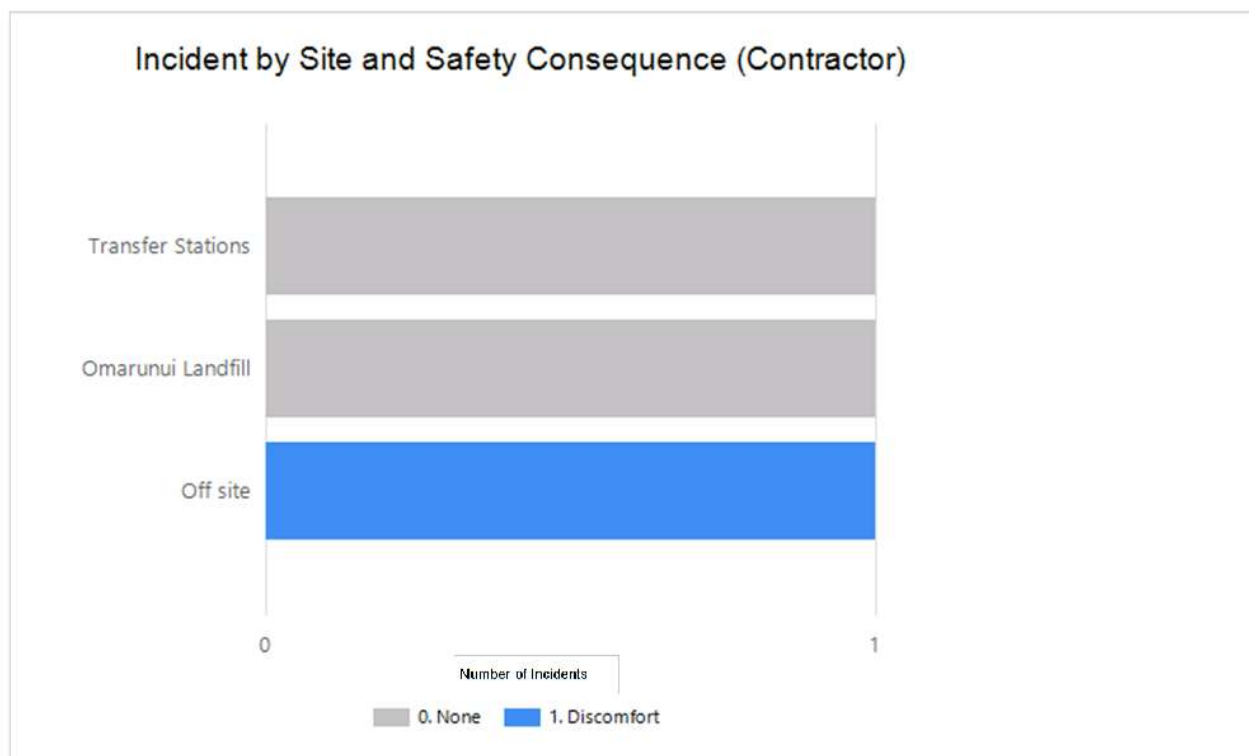
Incident Type	Contractor	Employee	Public	Total for January 2018	Total for January 2017	2018 YTD Total	2017 YTD Total
Near Misses	0	6	2	8	8	102	75
Other Incidents	2	17	5	24	15	74	65
Property Damages	1	6	1	8	2	66	27
Total	1	7	28	36	29	157	195
First Aid Injuries	1	3	19	23	22	107	157
Medical Treatment Injuries	0	3	9	12	5	42	29
Lost Time Injuries	0	1	0	1	2	8	9
WorkSafe Notifiable Events	0	1	0	1	1	1	5

Significant Incidents – January 2018

- LTI – Employee – An employee slipped over whilst walking down a slope to clear a drain, sustaining a fracture to their ankle requiring surgery. The incident has been investigated and corrective actions are being implemented. The incident was also reported to Worksafe.
- LTI – Employee – An employee fell down some steps, spraining their back, knee and finger. Medical attention was required and the employee had time off work. The incident was investigated and corrective actions implemented.
- MTI – Employee – whilst removing tree branches an employee had debris enter in the eye, Medical attention was required. The incident was investigated and corrective actions implemented.
- MTI – Public – A member of the public slipped over and hit their head – they were treated with first aid onsite and referred to a doctor for further treatment.
- MTI – Public – A man was found unconscious outside the facility – an Ambulance was called to transport them for treatment to the Hospital.
- MTI – Public – A person slipped and hit their head diving into the pool causing a laceration injury – they were treated with first aid onsite and an Ambulance was called to transport them for treatment to the Hospital.
- MTI – Public – A person cut their big toe whilst playing mini golf - they were treated with first aid onsite and referred to a doctor for further treatment.
- MTI – Public – A person injured their ankle at the bottom of a slide – they were treated with first aid onsite and referred to a doctor for further treatment.
- MTI – Public – A person slipped on steps, fell and cut their chin - they were treated with first aid onsite and referred to a doctor for further treatment.
- MTI – Public – A person hit their head against the side of the pool – they were treated with first aid onsite and referred to a doctor for further treatment.
- MTI – Public – A person hit their head on the go kart - they were treated with first aid onsite and referred to a doctor for further treatment.
- MTI – Public – A person slipped on the diving blocks and hit their head - they were treated with first aid onsite and referred to a doctor for further treatment.
- MTI – Public – A person slipped over and hit their head causing a laceration injury – they were treated with first aid onsite and an Ambulance was called to transport them for treatment to the Hospital.

Graphs

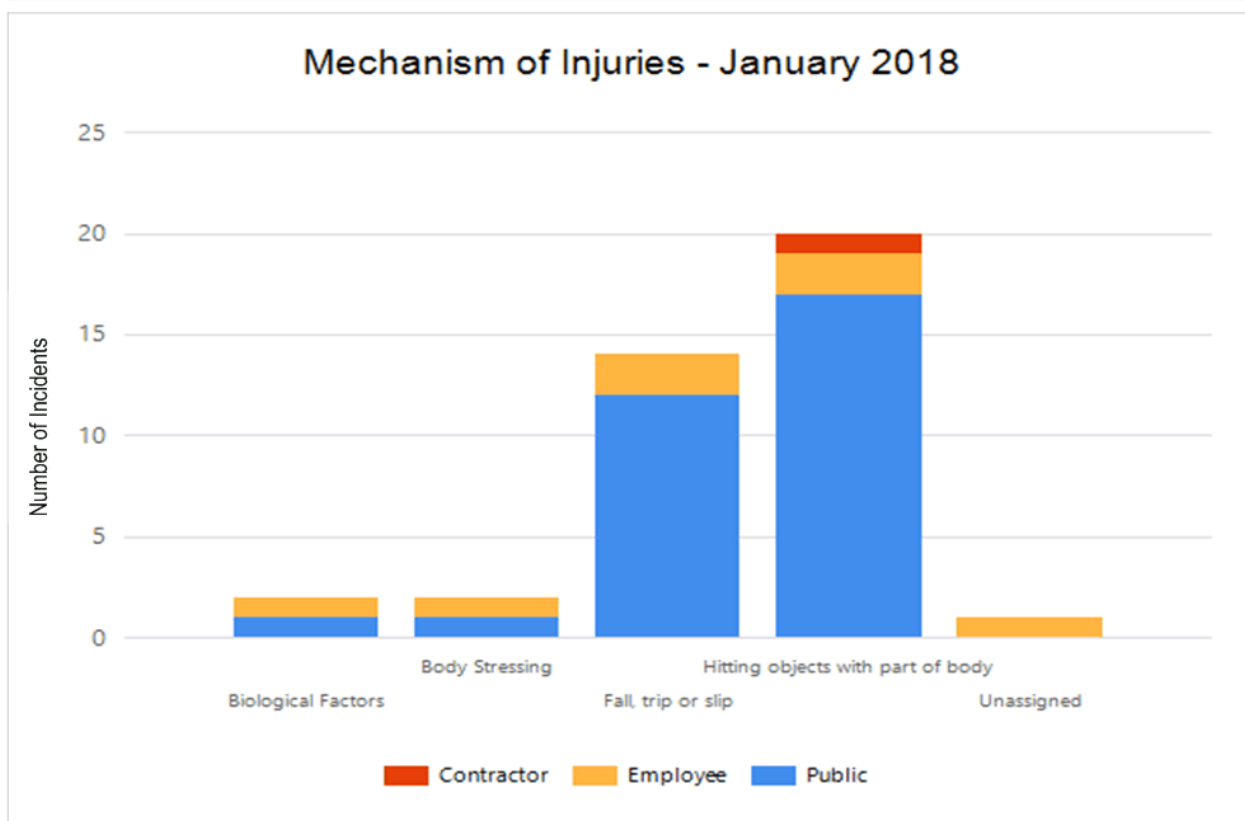
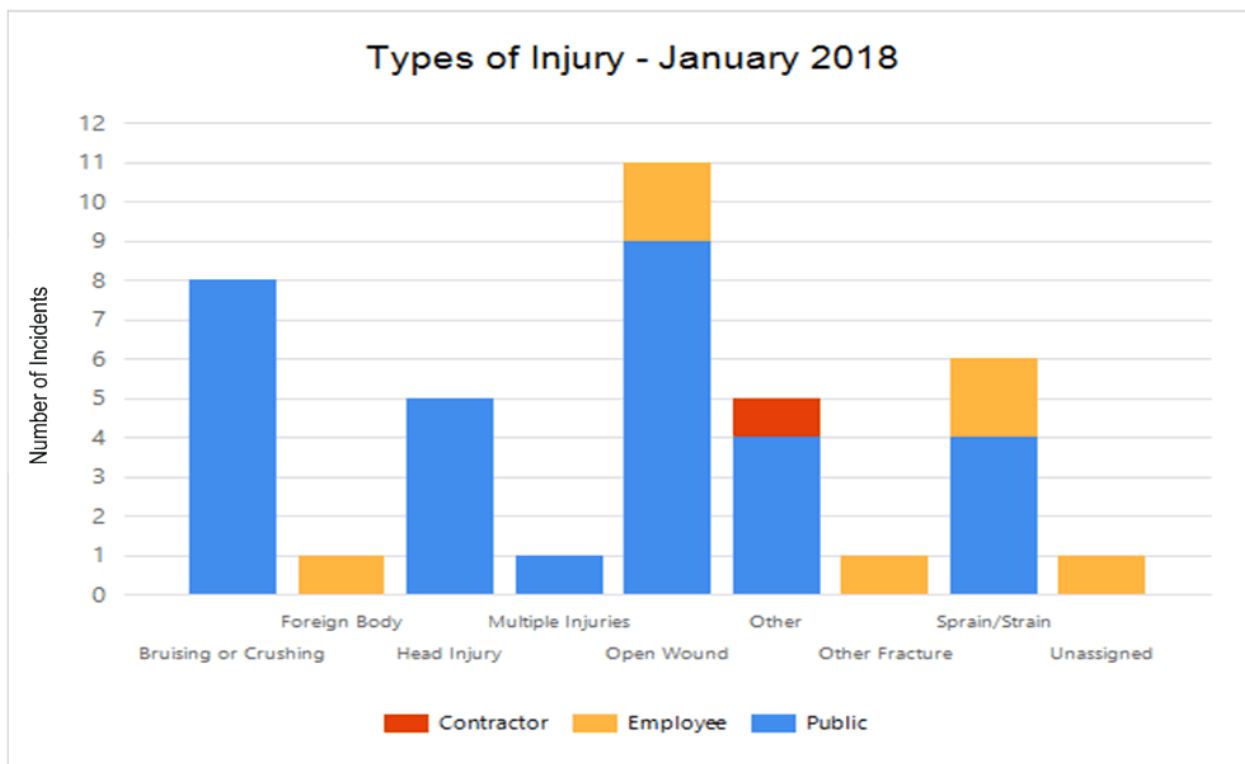


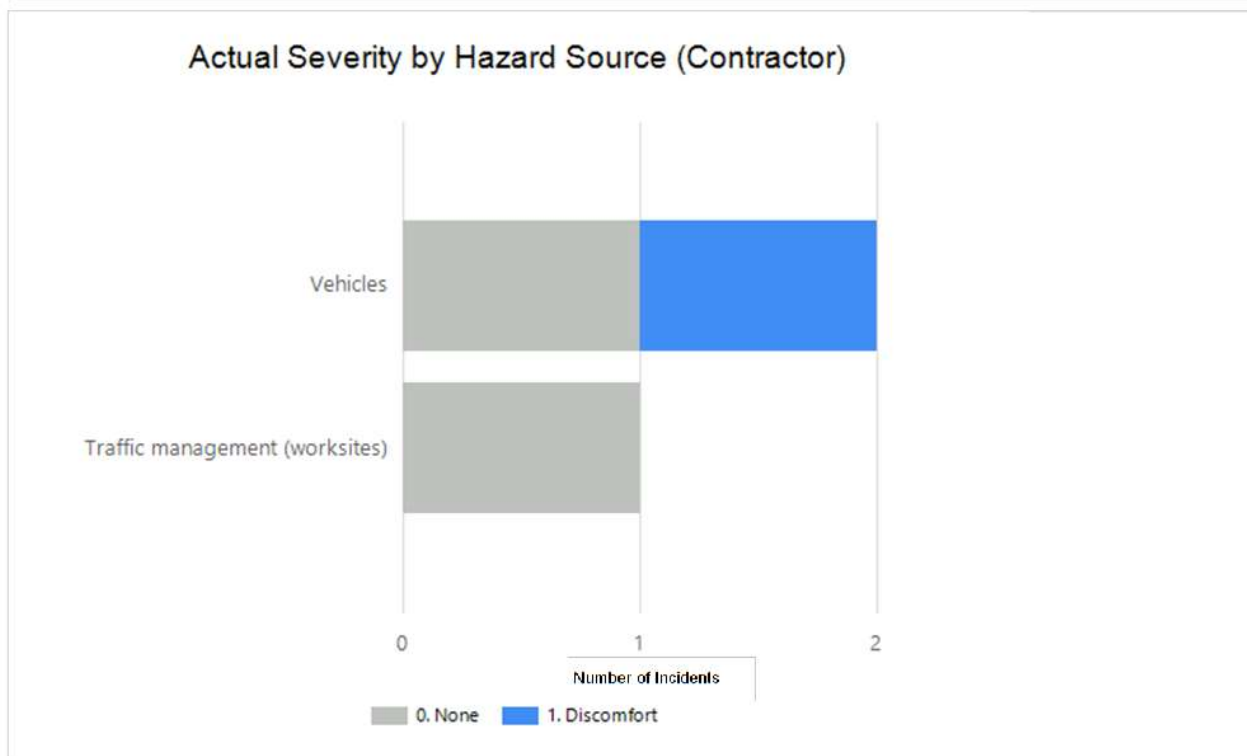
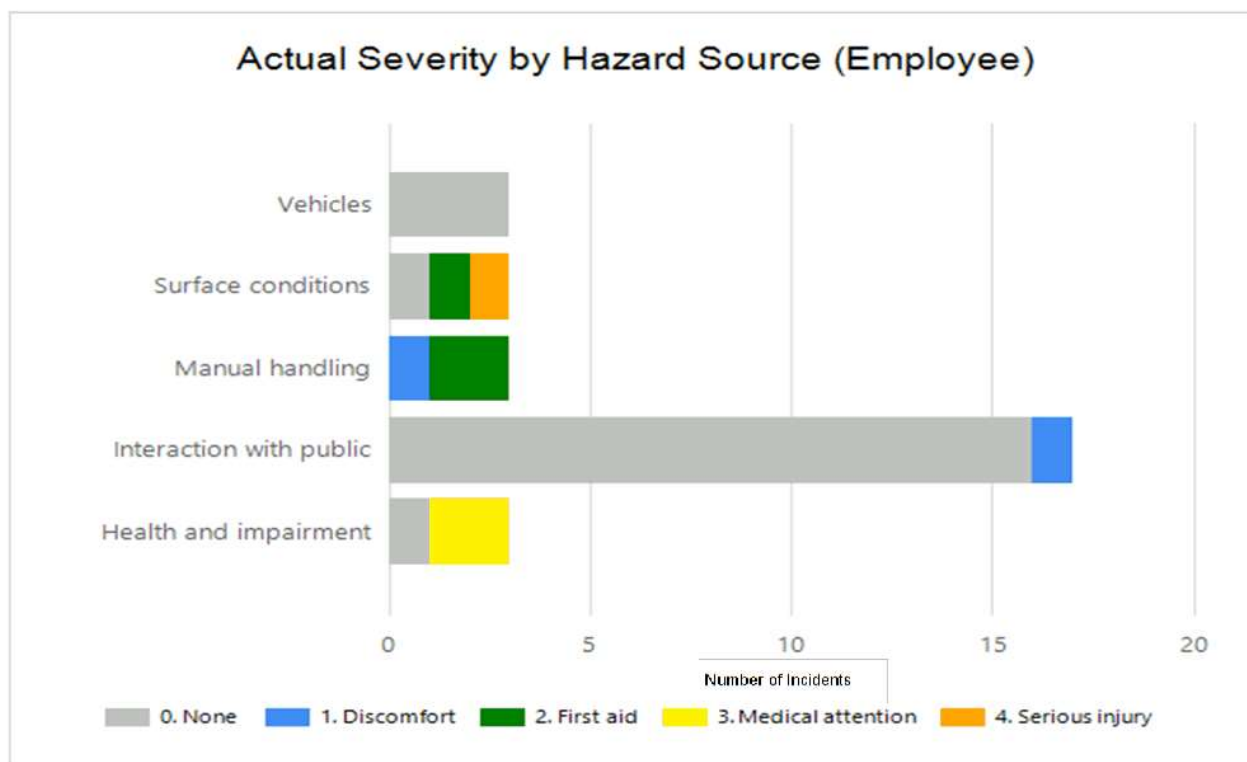


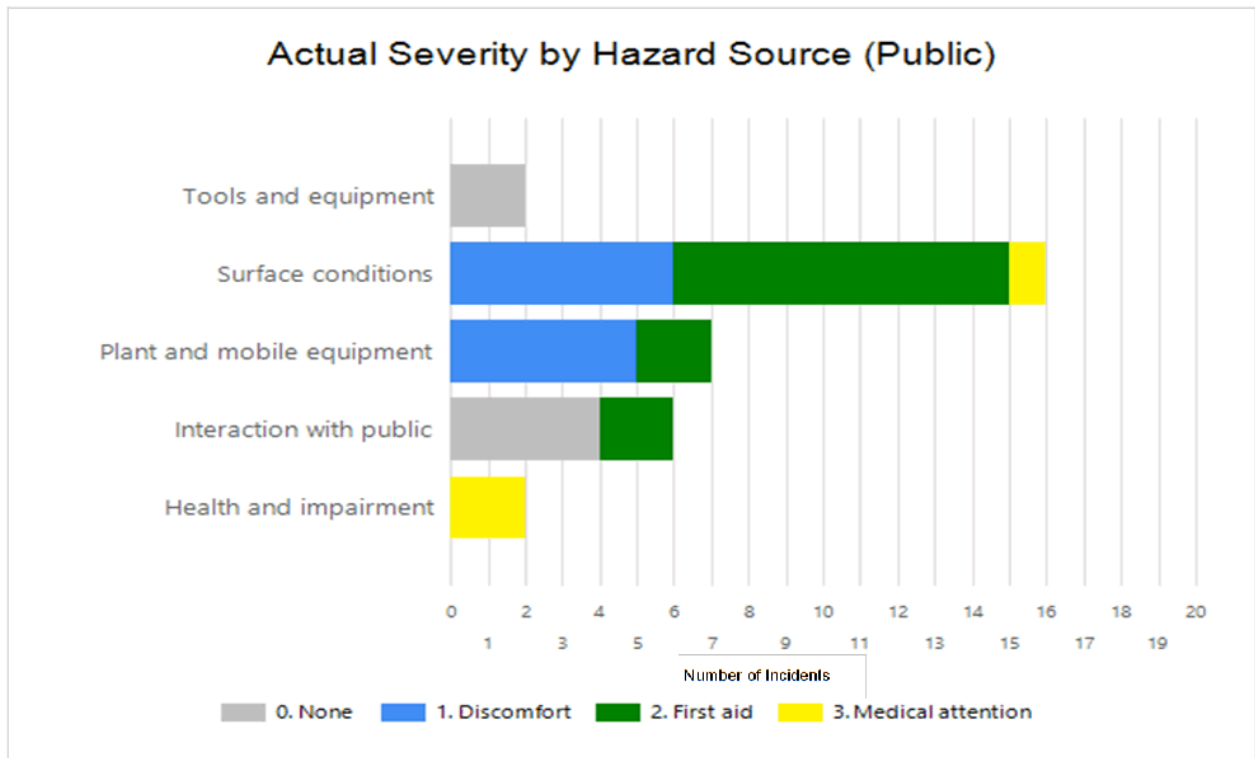
Incidents occurred from 31 Jan 2017 to 31 Jan 2018

Item 10

Attachment 1









Monthly Health and Safety Report: 1-28 February 2018

This report contains information that was
reported during the month of February 2018
and is current as at Friday, March 30, 2018

HR-03-01-18-276

Glossary of Terms

Leading Indicators

- **Hazards Reported** – reports of newly identified hazards (in HDC facilities/worksites).
- **Health and Safety Risk Assessments** – documented risk assessments for HDC tasks/projects.
- **Health and Safety Observations** - documented conversations/ or task observations undertaken by Managers/Supervisors with HDC employees or Contractors.
- **Health and Safety Inspections** - documented inspections (usually a check of a site or facility using set criteria) undertaken by Managers/Supervisors with HDC employees or Contractors.
- **Health and Safety Audits** - documented health and safety system or contract audits undertaken by Managers/Supervisors with HDC employees or Contractors.
- **Health and Safety Meetings** -documented meetings which HDC employees attend (not meetings with contractors).
- **Health and Safety Training** - documented records of employees who have undertaken safety training for the month (both internal and external training).
- **Health and Safety Recognition** - documented recognition of excellence by HDC in regards Health and Safety.

Lagging Indicators

- **Near Misses** - Close call events - i.e. no injury or property damage sustained.
- **Other Incidents** – Non injury events which can't be classified as injury or property damage e.g. Chemical spill, Fire, or conflict situation with member of the public.
- **Property Damages** – reported damage to HDC property/plant/equipment.
- **First Aid Injuries** - Injuries treated onsite by HDC Employees and no further treatment required.
- **Medical Treatment Injuries** - Injuries treated by Registered Medical Professionals e.g. nurse, doctor, physiotherapist, dentist.
- **Lost Time Injuries** - Injuries resulting in time off work.
- **WorkSafe Notifiable Events** - Any incidents which were legally required to be reported to WorkSafe NZ.

Executive Summary

Leading Indicators (Proactive Measures)

It is pleasing to see that Safety Observations remain up from January 2018, this is largely due to the targeted campaign which began in December 2017 to assist managers and supervisors to improve in these areas.

Hazard reported and risk assessment have increased. However, there is still room for improvement in regards to toolbox meetings, health and safety discussions and safety training which are down from this time last year.

Lagging Indicators (Reactive Measures)

When comparing these results relating to those from the same period in the previous year there has an increase in non-injury incidents (property damages and other incidents).

There has also been an significant decrease in injuries reported in February compared to those reported in the previous year. This is also in sharp contrast to last month's figures, highlighting that it was likely that a 'spike' appeared in January 2018 perhaps aided by the weather conditions present at the time.

In relation to incidents reported by staff, it is clear that interactions with the public remain the most prolific hazard type reported.

Leading Indicators (Proactive Measures)

Measure	Total for February 2018	Total for February 2017	2018 YTD Total	2017 YTD Total
Hazards Reported	20	11	122	146
Health and Safety Discussions Held	29	74	179	737
Health and Safety Risk Assessments Undertaken	2489	1463	19547	15110
Health and Safety Observations Completed	107	104	637	883
Toolbox Health and Safety Briefings Held	612	623	4241	4691
Number of staff attending Health and Safety Training	15	65	93	572
Health and Safety subcommittee or Committee Meetings Held	5	2	20	21
Health and Safety Recognition	0	0	19	21

Lagging Indicators

Incident Type	Contractor	Employee	Public	Total for February 2018	Total for February 2017	2018 YTD Total	2017 YTD Total
Near Misses	3	6	1	10	8	122	82
Other Incidents	0	9	1	10	6	84	67
Property Damages	2	11	0	13	4	79	31
Total	0	4	2	6	34	164	229
First Aid Injuries	0	1	1	2	29	109	187
Medical Treatment Injuries	0	2	1	3	6	46	34
Lost Time Injuries	0	1	0	1	0	9	9
WorkSafe Notifiable Events	0	0	0	0	0	1	5

Significant Incidents – February 2018

Please note that three injuries which occurred in previous months were reported in February and as such the year to date figures have been adjusted.

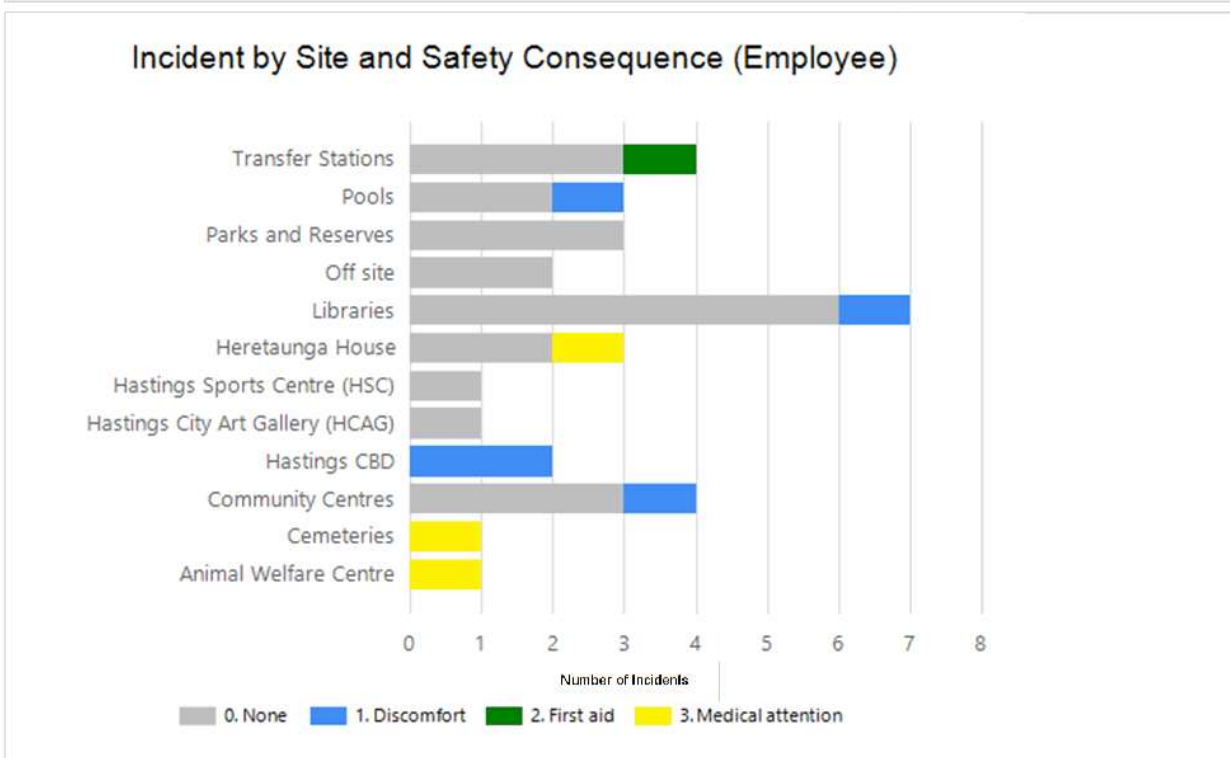
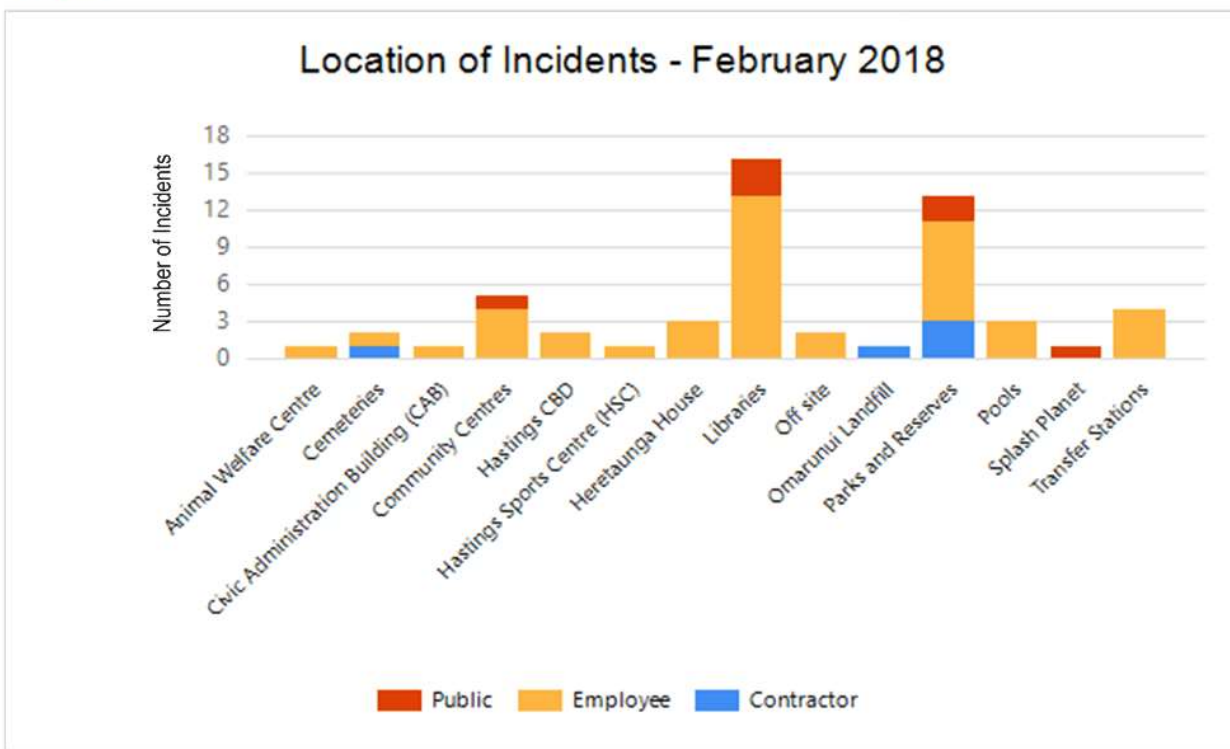
December 2017

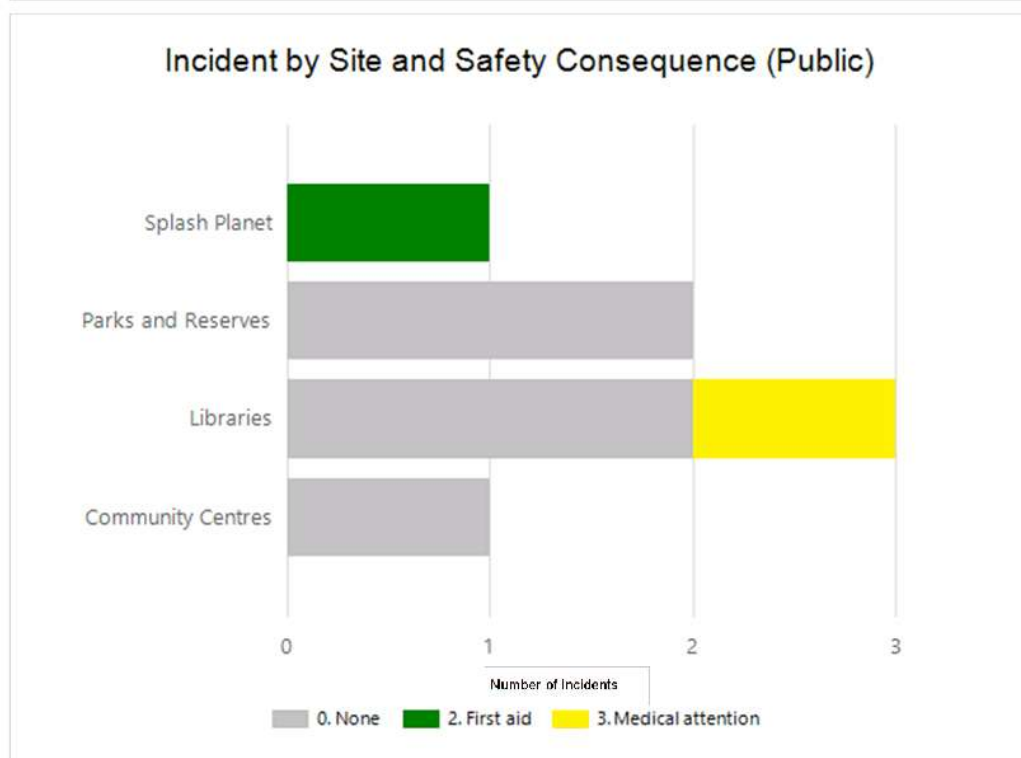
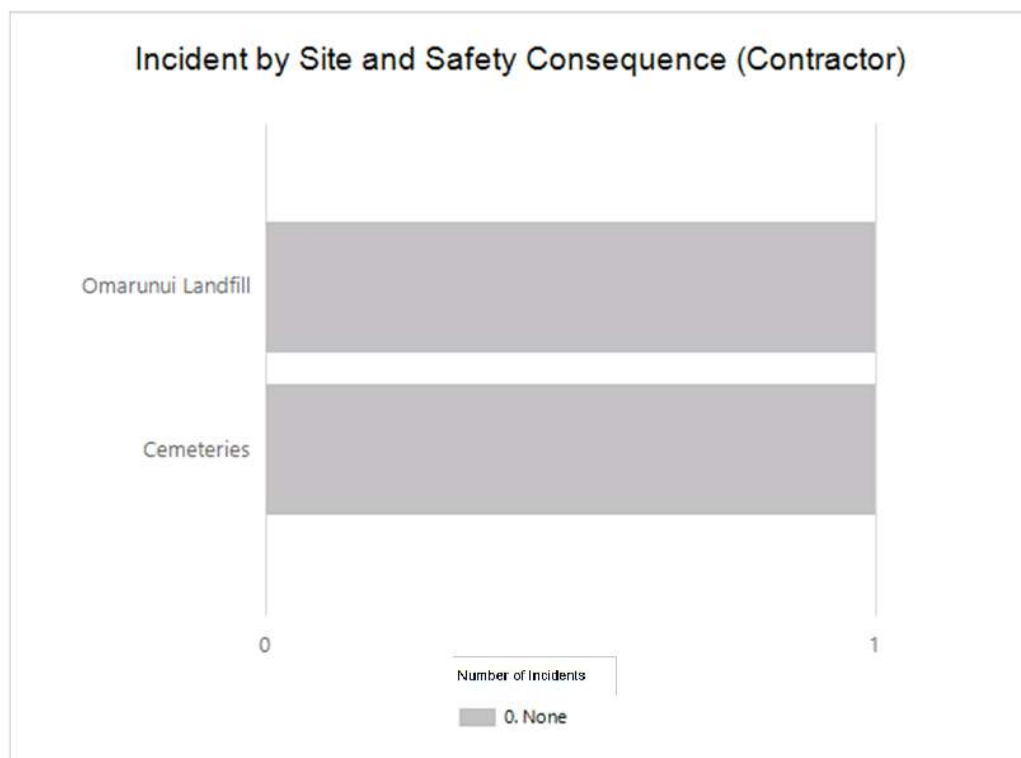
- MTI – Employee – A community youth project member was injured whilst on placement whilst bending down to pick up a box they strained their back. Medical attention was required. The incident was investigated and corrective actions implemented.
- MTI – Employee - A community youth project member was injured whilst on placement when a heavy roll of paper dropped onto their foot. Medical attention was required. The incident was investigated and corrective actions implemented.
- MTI – Public – A person was injured when they hit their head on a slide. They were treated with first aid onsite and then referred to a doctor for further treatment.

February 2018

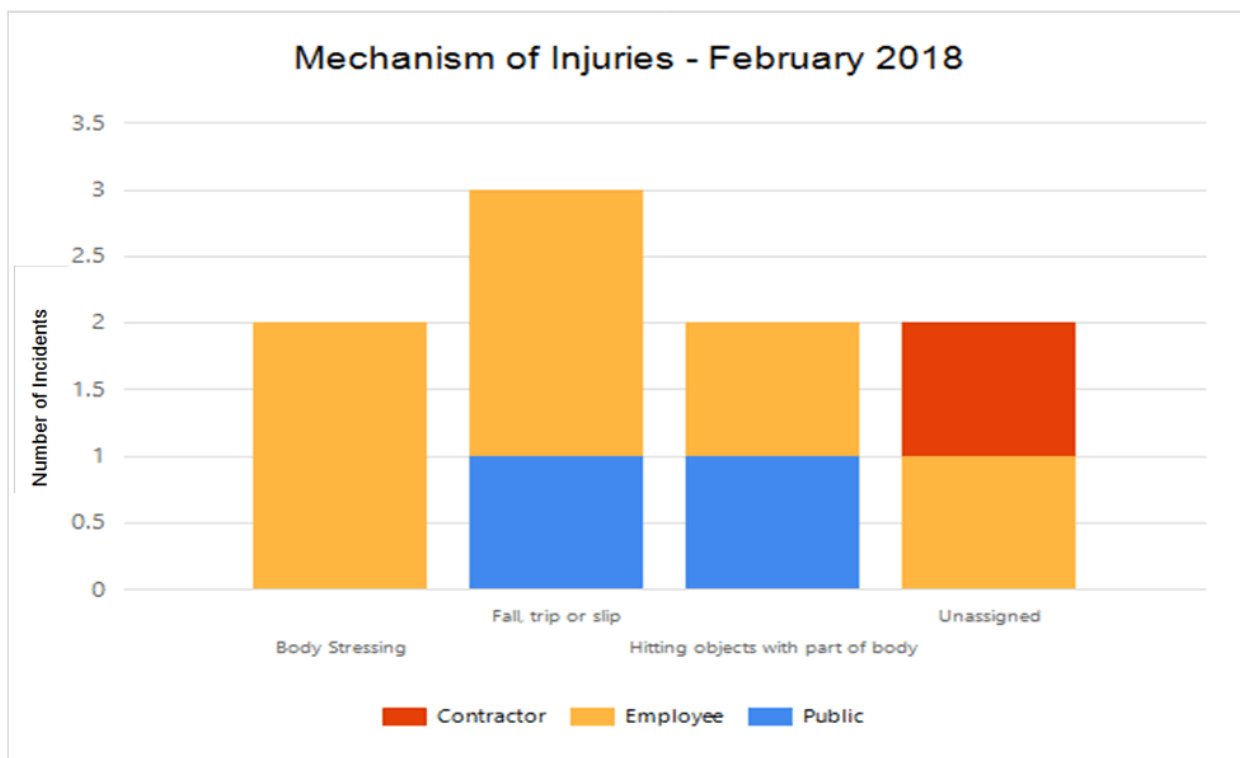
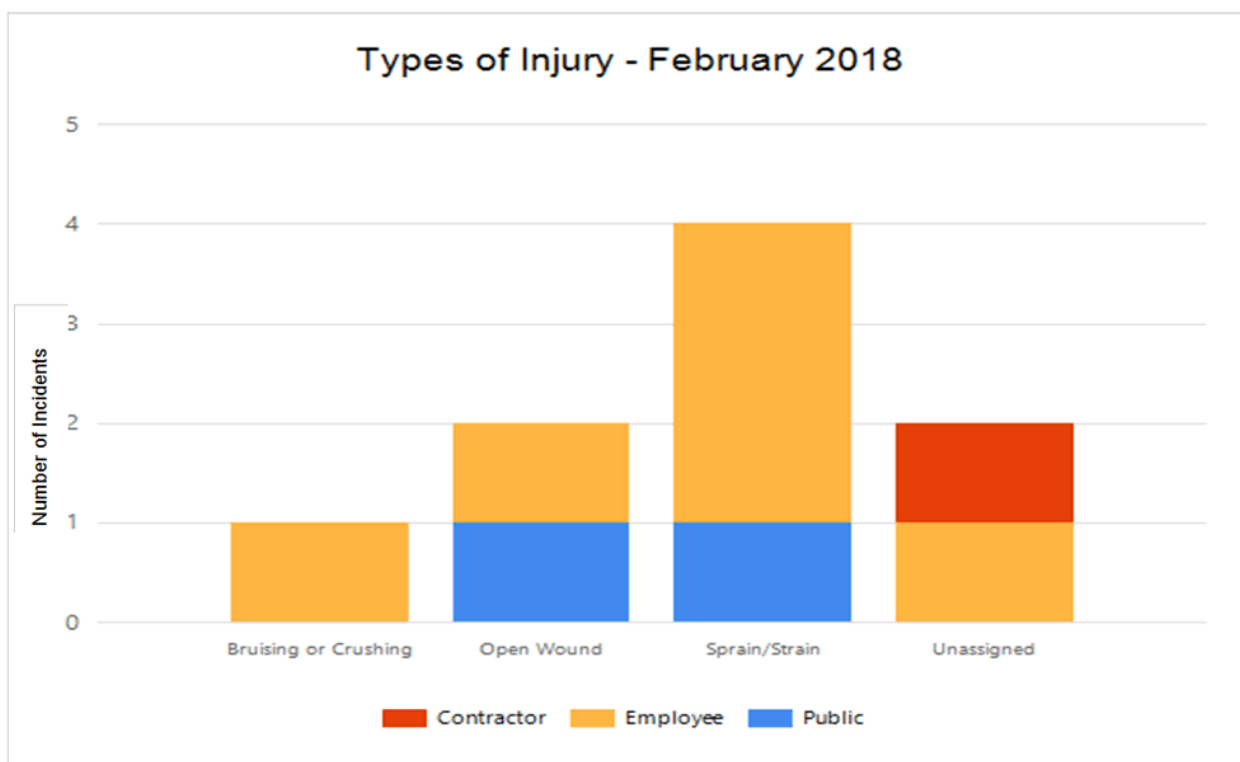
- LTI – Employee – An employee slipped and fell whilst undertaking their task, injuring their shoulder. Medical attention and time off work was required. The incident was investigated and corrective actions implemented.
- MTI – Employee – An employee injured their arm whilst restraining a dog. Medical attention was required. The incident was investigated and corrective actions implemented.
- MTI – Employee – An employee slipped over on the stairs, straining their leg. Medical attention was required. The incident was investigated and corrective actions implemented.
- MTI – Public – A person tripped over and sprained their leg. They were treated with first aid onsite and then referred to a doctor for further treatment.

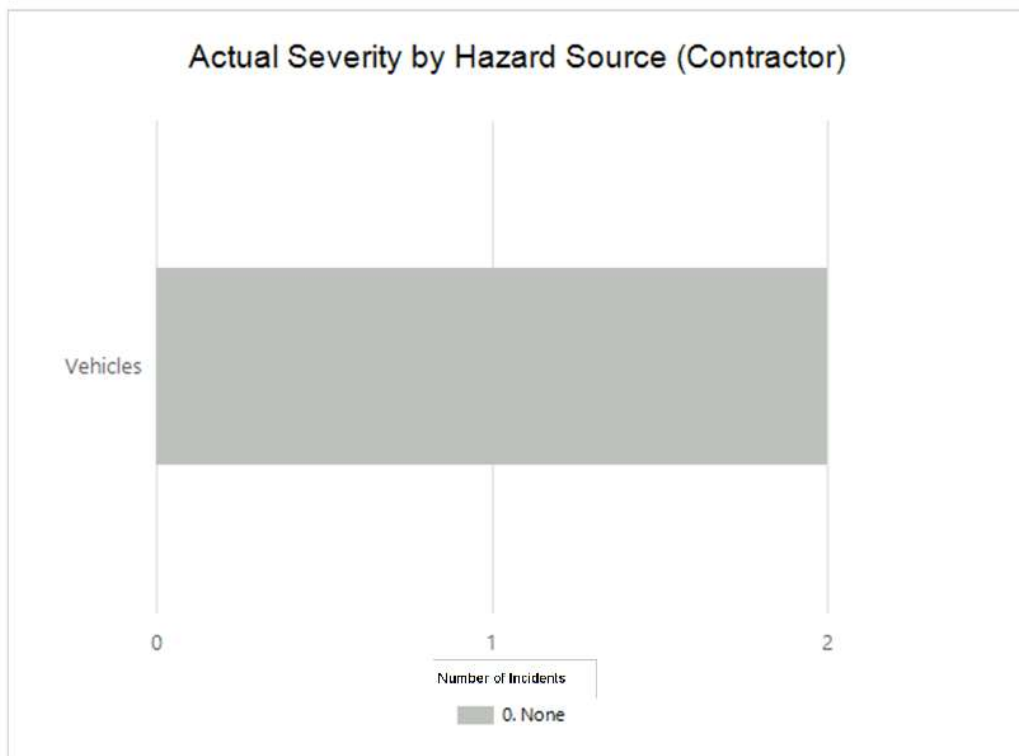
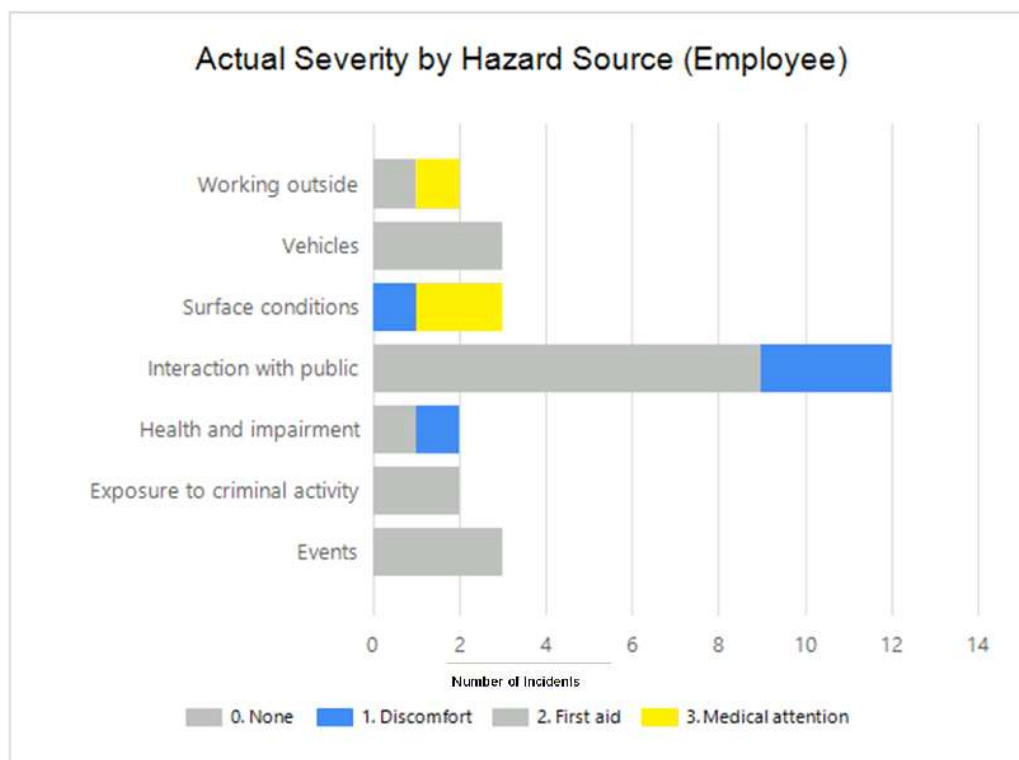
Graphs

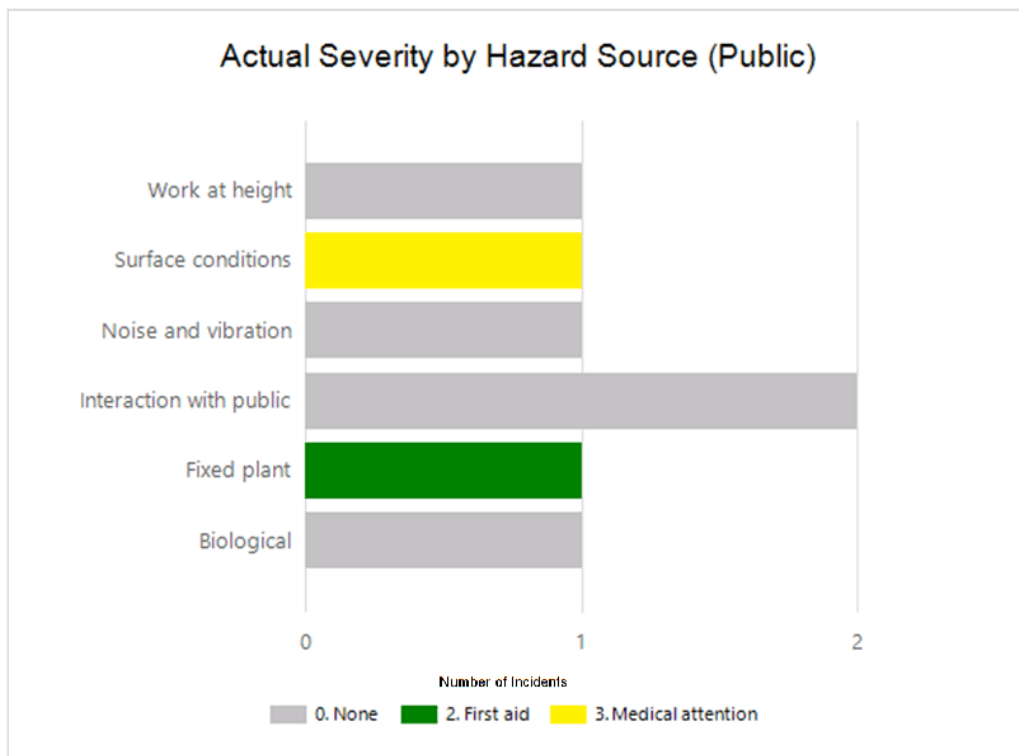




Incidents occurred from 28 Feb 2017 to 28 Feb 2018







HEALTH & SAFETY POLICY

OUR COMMITMENT:

Hastings District Council is committed to keeping employees, volunteers, contractors and the community safe through living a strong safety culture.

TO ACHIEVE THIS, HASTINGS DISTRICT COUNCIL MANAGERS WILL:

- Maintain and continuously improve our health and safety management system.
- Set targets for improvement and measure, appraise and report on our performance.
- Take a proactive approach to managing health and safety risk by actively identifying hazards and unsafe behaviours within the workplace, and take steps to reduce the risks to an acceptable level.
- Communicate, consult and actively promote participation with employees, volunteers and contractors in all matters of health and safety through training and meetings.
- Assess and recognise the health and safety performance of employees and contractors.
- Accurately report and learn from our incidents (including near misses).
- Support the safe and early return to work of injured employees.
- Ensure that we design, construct, operate and maintain our assets so that they safeguard the community.
- Require our contractors to demonstrate a strong safety culture within their organisations.
- Comply with all relevant legislation, regulations, and codes of practise and industry standards.

EVERYONE'S RESPONSIBILITIES:

We believe that whilst management have ultimate accountability, we all have responsibility for health and safety. All employees, volunteers and contractors must observe our safety rules, policies, procedures and instructions. They shall ensure their own safety at work and ensure that no action or inaction on their part causes harm to others. This includes the responsibility to stop any work that they believe is unsafe or cannot be conducted in a safe manner.

Sandra Hazlehurst
Mayor, Hastings District Council
30/04/2018

Ross McLeod
Chief Executive, Hastings District Council
30/04/2018



REPORT TO: COUNCIL

MEETING DATE: THURSDAY 26 APRIL 2018

**FROM: SENIOR ENVIRONMENTAL PLANNER POLICY (SPECIAL PROJECTS)
ANNA SANDERS
ENVIRONMENTAL POLICY MANAGER
ROWAN WALLIS**

SUBJECT: APPOINTMENT OF COMMISSIONERS FOR DISTRICT PLAN VARIATION 4 'IONA RESIDENTIAL REZONING'

1.0 SUMMARY

- 1.1 The purpose of this report is to obtain a decision from the Council on the appointment of Commissioners for Variation 4 to the Proposed Hastings District Plan 'Iona Residential Rezoning'.
- 1.2 This request arises from a Council resolution to advance the rezoning of the land at Iona (8 August 2017) under a Streamlined Planning Process (SPP). A direction was issued by the Environment Minister and a Gazette Notice issued on 28 February 2018 for the rezoning. Recommendations are to be made by the Commissioners to the Minister showing how submissions have been considered and the changes (if any) recommended to the variation. A final decision on the variation rests with the Environment Minister.
- 1.3 The Council is required to give effect to the purpose of local government as prescribed by Section 10 of the Local Government Act 2002. That purpose is to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances.
- 1.4 The objective of this decision relevant to the purpose of Local Government is to allow Council to carry out its regulatory functions under the Resource Management Act with a District Plan that best meets the needs of the wider Hastings District community.
- 1.5 This report concludes by recommending the appointment of three independent hearings commissioners; Paul Cooney (Chair), Julia Williams (Landscape Architect) and Ian Mayhew (Planner, with stormwater management experience on large scale development projects) as panel members.

2.0 BACKGROUND

- 2.1 Appended to this report as **Attachment 1**, is a copy of the direction steps issued by the Environment Minister, Hon. David Parker and the timeline. Steps 1 to 3 of the direction have been met with the variation being notified on 6 April 2018 and submissions closing on May 4. Step 4 requires that a public

hearing be held, for which this decision relates. The hearing has been set down for May 30 to June 1 in accordance with the direction timeline. Step 5 of the direction requires Council to provide a written report showing how submissions have been considered and the changes (if any) recommended to the proposed planning instrument (in this case a variation to the Proposed Plan):

- (a) the evaluation report under Section 32 or 32AA; and
- (b) a report summarising how the persons making the recommendation have had regard to the evaluation report; and
- (c) the reports and documents required under clause 83(1) for the Minister's consideration.

2.2 As previously reported the decision on the variation rests with the Environment Minister, with recommendations of the hearings panel taken into consideration.

3.0 CURRENT SITUATION

3.1 It has been previously reported to Council about the level of background and technical investigations undertaken and community consultation undertaken in drafting the Iona variation. Through this work it has been identified that the key environmental issues are landscape and urban design and amenity, and stormwater management. Specialist input in landscape design and stormwater has been needed by officers to get the variation to notification and it is considered that specialist knowledge will be needed in considering any submissions received and making recommendations on them.

3.2 Two SPP have been issued by the Environment Minister, one to Hastings District Council and the other to the Bay of Plenty Regional Council to amend its Regional Policy Statement to extend its urban boundary. While there have been two directions issued for the use of a SPP, Hastings District Council process is ahead of Bay of Plenty Regional Councils. Council officers are very aware of making sure that the process followed for rezoning land at Iona is legally robust under this new process.

4.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL) AND PREFERENCE

4.1 The options considered (a) appoint hearings committee made up of members of Councils Hearings Committee, with an expert to cover the specialist areas reported above or (b) appoint a panel of three independent commissioners with specialist knowledge in environmental law, planning, stormwater management and landscape and urban design.

4.2 Commissioners Paul Cooney (Lawyer and Chair), Julia Williams (Landscape Architect) and Ian Mayhew (Planner, with stormwater management experience on large scale development projects) have been identified by officers as having the appropriate experience and specialist knowledge to consider submissions on Councils behalf. All three are current holders of the Making Good Decisions certificate, with Paul Cooney having the chairing endorsement. Paul has recently acted as Chair on the Irongate development contributions hearing.

- 4.3 Option b is that preferred by officers, for the reasons outlined above. Also as can be seen from the attachment, there is a tight timeframe for this process, which is part and parcel of the streamlined planning process. It is considered unlikely within the tight timeline required and their current workload, that the hearings committee has the availability to consider this matter. Those persons suitably identified to make recommendations on Councils behalf are available May 30 to June 1 to determine submissions.
- 4.4 Budgeting provision for the appointment of Commissioners is available within the existing District Plan review budget.

5.0 SIGNIFICANCE AND ENGAGEMENT

- 5.1 The issue of significance has been considered in terms of Council's Significance Policy and in particular the thresholds and criteria contained within this policy. The decisions required in this report do not trigger any of the thresholds and are subject to Resource Management Act 1991 submissions and decision making processes.

6.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Senior Environmental Planner Policy (Special Projects) titled "Appointment of Commissioners for District Plan Variation 4 'Iona Residential Rezoning'" dated 26/04/2018 be received.
- B) That pursuant to Section 34A(1) of the Resource Management Act 1991, Mr Paul Cooney (Chair), Mr Ian Mayhew and Julia Williams are hereby appointed as Hearing Commissioners to hear and make recommendations on submissions to the Environment Minister on Variation 4 'Iona Residential Rezoning' on behalf of Council.

With the reasons for this decision being that the objective of the decision will contribute to the performance of regulatory functions by:

- i) Progressing Variation 4 – Iona Residential Rezoning for the Proposed Hastings District Plan to ensure adequate supply of residential land for the Havelock North community; and
- ii) Ensuring that the timeframe set under the Streamlined Planning Process Direction is able to be met and that appropriate ongoing specialist technical input is part of the variation process.

Attachments:

1 Direction Timeline

ENV-9-19-4-18-314

	Step	Timeframes	Date and Comments
	(as issued by the Environment Minister under Gazettal 28 February 2018)		
1	Undertake pre-notification requirements with Iwi Authorities in accordance with clause 4 of Schedule 1 of the RMA	To be completed no later than 15 working days after Gazettal of the Direction	By 21 March 2018 (in train)
2	Publicly notify the Iona Rezoning Variation for written submissions in accordance with clause 5 of Schedule 1 of the RMA. A minimum period of 20 working days for submissions must be specified in the public notice.	To be completed no later than 10 working days after the completion of Step 1	By 6 April 2018
3	Provide an opportunity for written submissions under clause 6 of Schedule 1 of the RMA	Public Submissions to be received no later than 20 working days after public notification (Step 2)	By 7 May 2018
4	Conduct a public hearing under clause 8B Schedule 1 of the RMA (to the extent applicable under this Direction).	Hearing to commence no later than 20 working days after close of submissions	By 5 June 2018 (scheduled to occur the week of May 28 to June 1)
5	Hastings District Council to provide a written report showing how submissions have been considered and the changes (if any) recommended to the proposed planning instrument: (a) the evaluation report under Section 32 or 32AA; and (b) a report summarizing how the persons making the recommendation have had regard to the evaluation report; and (c) the reports and documents required by clause 83(1) for the Minister's consideration.	To be provided to the Minister for the Environment no later than 40 working days after completion of hearing (Step 4)	By 31 July 2018
Total time period within which the Streamlined Planning Process for the Proposed Iona Rezoning Variation must be completed		Steps 1 to 5 to be completed no later than 6 months after Gazettal of the Direction	

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 26 APRIL 2018

**FROM: DEMOCRATIC SUPPORT MANAGER
JACKIE EVANS**

**SUBJECT: REQUESTS RECEIVED UNDER THE LOCAL
GOVERNMENT OFFICIAL INFORMATION AND MEETINGS
ACT (LGOIMA) MONTHLY UPDATE**

1.0 SUMMARY

- 1.1 The purpose of this report is to inform the Council of the number of requests under the local Government official Information Act (LGOIMA) 1987 received in March.
- 1.2 This issue arises from the provision of accurate reporting information to enable effective governance
- 1.3 The Council is required to give effect to the purpose of local government as prescribed by Section 10 of the Local Government Act 2002. That purpose is to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances.
- 1.4 The objective of this decision relevant to the purpose of Local Government is to ensure that the Council is meeting its legislative obligations
- 1.5 This report concludes by recommending that the report be noted.

2.0 BACKGROUND

- 2.1 The LGOIMA allows people to request official information held by local government agencies. It contains rules for how such requests should be handled, and provides a right to complain to the Ombudsman in certain situations. The LGOIMA also has provisions governing the conduct of meetings.

Principle of Availability

- 2.2 The principle of availability underpins the whole of the LGOIMA. The Act explicitly states that:

*The question whether any official information is to be made available ... shall be determined, except where this Act otherwise expressly requires, in accordance with the purposes of this Act and **the principle that the information shall be made available unless there is good reason for withholding it.***

Purpose of the Act

2.3 The key purposes of the LGOIMA are to:

- progressively increase the availability of official information held by agencies, and promote the open and public transaction of business at meetings, in order to:
 - enable more effective public participation in decision making; and
 - promote the accountability of members and officials;
 and so enhance respect for the law and promote good local government; and
- protect official information and the deliberations of local authorities to the extent consistent with the public interest and the preservation of personal privacy.

2.4 City, district and regional councils, council controlled organisations and community boards are subject to LGOIMA and official information means any information held by an agency subject to the LGOIMA.

2.5 It is not limited to documentary material, and includes material held in any format such as:

- written documents, reports, memoranda, letters, notes, emails and draft documents;
- non-written documentary information, such as material stored on or generated by computers, including databases, video or tape recordings;
- information which is known to an agency, but which has not yet been recorded in writing or otherwise (including knowledge of a particular matter held by an officer, employee or member of an agency in their official capacity);
- documents and manuals which set out the policies, principles, rules or guidelines for decision making by an agency;
- the reasons for any decisions that have been made about a person.

2.6 It does not matter where the information originated, or where it is currently located, as long as it is held by the agency. For example, the information could have been created by a third party and sent to the agency. The information could be held in the memory of an employee of the agency.

What does a LGOIMA request look like?

2.7 There is no set way in which a request must be made. A LGOIMA request is made in any case when a person asks an agency for access to specified official information. In particular:

- a request can be made in any form and communicated by any means, including orally;
- the requester does not need to refer to the LGOIMA; and
- the request can be made to any person in the agency.

- 2.8 The Council deals with in excess of 14,000 service requests on average each month from written requests, telephone calls and face to face contact. The LGOIMA requests dealt with in this report are specific requests for information logged under formal LGOIMA procedure, which sometimes require collation of information from different sources and/or an assessment about the release of the information requested.

Key Timeframes

- 2.9 An agency must make a decision and communicate it to the requester 'as soon as reasonably practicable' and **no later than** 20 working days after the day on which the request was received.
- 2.10 The agency's primary legal obligation is to notify the requester of the decision on the request 'as soon as reasonably practicable' and without undue delay. The reference to 20 working days is not the de facto goal but the maximum unless it is extended appropriately in accordance with the Act. Failure to comply with time limit may be the subject of a complaint to the ombudsman.
- 2.11 The Act provides for timeframes and extensions as there is a recognition that organisations have their own work programmes and that official information requests should not unduly interfere with that programme.

3.0 CURRENT SITUATION

- 3.1 Council has requested that official information requests be notified via a monthly report.

4.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Democratic Support Manager titled "Requests Received under the Local Government Official Information and Meetings Act (LGOIMA) Monthly Update" dated 26/04/2018 be received.**
- B) That the LGOIMA requests received in March 2018 as set out in Attachment 1 (IRB-2-01-18-1153) of the report in (A) above be noted.**

Attachments:

- 1 LGOIMA - Cumulative Monthly Report to Council - March/April 2018 IRB-2-01-18-1231

IRB-2-01-18-1231

LGOIMA – Monthly report to Council – March/April 2018

	Requests Received	Responses to requests	Responses with information fully released	Responses with information partially withheld	Responses with information fully withheld	Average number of working days to respond	Requests resulting in a complaint to Ombudsman
March 2018	9	8	8	0	0	5.3	0

Requests - received since those last reported to Council

Month	From	Subject	Total
March 2018	Ruairi Cahill Fleury	2016 Elections – Ballot Order	9
	Gordon Woodward	Dog complaint -	
	NZ Taxpayers' Union	Charges and requests for building requests	
	Haumoana School	Noise Monitoring	
	Fiona Lemmon	Dog Safety Training	
	Peter King	Library Data for 2017	
	PM Architects	Plans for 100 Karamu Road	
	John Maassen Barrister	Te mata Walking Tracks East Face	
	Green Party	Parking on Footpaths/invalid vehicle registration	

IRB-2-01-18-1231

Month	From	Subject	Total
To 12 April 2018	Jessica Maxwell & Lynnaire Nugent	Tainui Reserve paths and related matters	4
	MBIE	Information on Businesses in Hastings	
	Forest and Bird	Funds provided by Council for Irrigation Schemes	
	HB Community Law Centre	Information on a tenant under the Privacy Act	
		Not closed	

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 26 APRIL 2018

**FROM: DEMOCRATIC SUPPORT MANAGER
JACKIE EVANS**

SUBJECT: REMITS

1.0 SUMMARY

- 1.1 The purpose of this report is to update Council on the status of the remits that were requested at the Council meeting on 22 March 2018.
- 1.2 The following remits were requested to be prepared for submission to the Local Government New Zealand (LGNZ) conference to be held in Christchurch on 15 – 17 July 2018.
- Limit fireworks for public displays only
 - Plastic Packaging
 - Maori Wards
- 1.3 In order to be accepted for consideration at the conference, the remits need to get support from at least 5 territorial authorities, or from a zone meeting (LGNZ regional meetings). A zone 3 meeting is scheduled for 18 and 19 April 2018 in Fielding. A draft copy of the remit on limiting fireworks to public displays only has been circulated to all councilors for comment prior to consideration at the zone 3 meeting.

Local Alcohol Policies – Remit from Napier City Council

- 1.4 In addition, the Deputy Mayor signalled that Napier City Council was planning to submit a remit on Local Alcohol Policies (LAPs) and had asked whether Hasting District Council would be willing to give its support. This remit has been circulated to all councillors and is attached for information (**Attachment 1**).

Maori Wards

- 1.5 On 26 March 2018, the council received notification that Dave Cull, the President of LGNZ had written an open letter on behalf of the 78 local authorities of New Zealand, seeking support for the removal of the relevant clauses of the Local Electoral Act 2001 that allow for polls of electors on whether a territorial authority can establish Maori wards and constituencies. (**Attachment 2**) As this issue has already been taken up by LGNZ, a remit on the same matter would not be accepted. The Mayor and Chief Executive have written to the President of LGNZ expressing the Council's strong support to the LGNZ stance on this matter.

Plastic Packaging

- 1.6 The WasteMINZ Territorial Authority (TA) Forum voted at the annual meeting in November 2017 on five key central government actions that were essential for improved outcomes in waste management and minimisation in New Zealand. These formed the basis of the Local Government Waste Manifesto.
- 1.7 The manifesto was sent to Associate Minister for the Environment Eugenie Sage in January where it was received favourably by the Minister and also by Ministry staff. A number of the actions in the manifesto are now on the Ministry's proposed work plan. However, as an Associate Minister outside of the cabinet, in the coalition government, the cabinet will have the final say on a number of these actions. The TA Forum steering committee agreed that it was important therefore to ensure that the manifesto had support not only from council officers but also from Mayors and Councillors.
- 1.8 To this end, Mayor Lester from Wellington City Council is proposing that the Waste Manifesto be adopted as a Local Government New Zealand (LGNZ) remit at the LGNZ conference 15- 17 July 2018. The Zone 4 sector group of Wellington Mayors has agreed to support and nominate the remit and it is currently with the remit screening committee for approval.
- 1.9 The Manifesto covers five topics; the NZ Waste Strategy, Waste Disposal Levy, Waste Data, Container Deposit Schemes and Priority Products for Tyres, E-Waste and Agricultural Chemicals and plastics. It is slightly different to the Council's proposed submission, in the fact that it is promoting Container Deposit Schemes rather than plastic packaging. The reference to plastics is referring to agricultural plastics.
- 1.10 One of the strongest tools in the manifesto is the expansion of the waste levy. If it applied to other classes of landfills and is increased, it could mean that levy funds would go from circa \$30M per annum to circa \$100M per annum. Assuming Local Government retains its 50% allocation of this, there will be significantly more funds available for Local Government to invest in infrastructure and services.
- 1.11 As an industry officers ideally want the Local Government Waste Manifesto to be passed as the key waste remit this year as it covers many crucial areas that need immediate attention. Submitting another remit that is similar to this may take the focus away. It is therefore recommended that Hastings District Council does not submit a remit on a single focus area of waste reduction as officers believe a lot can be achieved in terms of significant diversion from landfill by supporting the Waste Management Manifesto remit.

Limiting Fireworks

- 1.12 The draft remits on Limiting Fireworks is attached. **(Attachment 3)**. Council will be updated on the outcome of discussion at the zone 3 meeting held on 18 and 19 April 2018.

2.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Democratic Support Manager titled “Remits” dated 26/04/2018 be received.
- B) That the Chief Executive be given delegated authority support for those remits that have been provided at the LGNZ Zone 3 meeting so that it can be supported through to the remit screening process.
- C) That Council support the Napier City Council Local Alcohol Policy Remit.
- D) That Council endorse the action in respect of Maori Wards by the President of Local Government New Zealand for the removal of the relevant Clauses of the Local Electoral Act 2001 that allow for polls of electors on whether a territorial authority can establish Māori Wards and constituencies and therefore withdraw Council’s remit.
- E) That Council support Local Government New Zealand’s Waste Manifesto to go forward as a remit and withdraw the remit on Plastic Packaging.
- F) That Council submit a remit to LGNZ on “Limit Fireworks for Public Displays Only” subject to receiving support from the LGNZ Zone 3 meeting to be held on 17 and 18 April 2018.

Attachments:

- | | | |
|---|--|---------------|
| 1 | NCC Remit on Local Alcohol Policy | CG-14-1-00713 |
| 2 | Letter to Leaders re Maori Wards | CG-14-1-00714 |
| 3 | Limit Fireworks for Public Displays Only | CG-14-1-00709 |

4. SUBMISSION OF REMIT APPLICATION TO LGNZ

Type of Report:	Legal
Legal Reference:	Sale and Supply of Alcohol Act 2012
Document ID:	461775
Reporting Officer/s & Unit:	Hayleigh Brereton, Manager Regulatory Solutions

4.1 Purpose of Report

The purpose of this report is to confirm support from Council to seek a Local Alcohol Policy remit to amend the Sale and Supply of Alcohol Act 2012 so that Local Alcohol Policies are able to more accurately reflect local community views and preferences.

Local Government New Zealand (LGNZ) have invited member authorities to submit proposed remits for consideration at their Annual General meeting (AGM) to be held on 15 July 2018.

Officer's Recommendation

That Council

- a. Approves the proposal to prepare a Remit application for an amendment to the Sale and Supply of Alcohol Act 2012 and to present this at the next Zone 3 Meeting with a view to engaging the support of the requisite five Councils in order to submit the application to LGNZ by 21 May 2018.

Mayor's Recommendation

That the Council resolve that the officer's recommendation be adopted.

4.2 Background Summary

The Sale and Supply of Alcohol Act 2012 allows territorial authorities to develop a Local Alcohol Policy (LAP) which may have policy relating to the sale, supply, or consumption of alcohol within its district. LAP may include policy's relating to the location of licenced premises, the proximity of premises in relation to other premises or facilities, maximum trading hours, or one-way door restrictions in relation to the local community views.

LAP are consulted on using the special consultative procedure and allow for Appeals to be made in regards to any of the LAP.

The biggest difficulty is the wide grounds on which LAPs can be appealed and the costs councils face in defending appeals and subsequent appeals. The promises of increased community input through the adoption of an LAP is yet, for many New Zealanders, to be realised. While responsibility has been devolved, it has not been accompanied by the required authority and resources. As a result, the majority of LAPs so far developed have been appealed by key alcohol industry groups and, in most cases, have resulted in adopted LAPs which closely align with national legislation.

4.3 Proposal

The proposal seeks an amendment to the Sale and Supply of Alcohol 2012 to ensure Local Alcohol policies are able to more accurately reflect local community views and preferences.

4.4 Local Government New Zealand (LGNZ) and the Remits Process

LGNZ are a non-governmental representative of all local government in New Zealand. They provide advocacy and policy services (amongst other things) to all 78 local, regional and unitary councils.

LGNZ will consider proposed remits if they are applicable on a national level and address a major strategic "issue of the moment". The LGNZ Remit application form and LGNZ Policy on Remits are attached to this report as **Attachment A** and **B**.

4.5 Next Steps

Should Council agree to approve this proposal, a remit application can be prepared on its behalf and shared with the Zone 3 Councils seeking an additional 5 councils to support it before submission to LGNZ on the 21 May 2018

4.6 Attachments

- A Draft LGNZ remit application 2018
- B LGNZ Remit Process 2018

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Item 4
Attachments A**We are.
LGNZ.****Annual General Meeting 2018****Remit application**

Council Proposing Remit:	
Contact Name:	
Phone:	
Email:	
Fax:	
Remit passed by: (Zone/Sector meeting and/or list five councils as per policy)	
Remit: That LGNZ seek the Government's agreement to amend the Sale and Supply of Alcohol Act 2012 so that Local Alcohol Policies are able to more accurately reflect local community views and preferences.	

Background information and research:

Strong community concern about the effects of increasing number of liquor outlets in many communities resulted in changes to the Sale and Supply of Alcohol Act in 2012 which devolved responsibility for alcohol policy-making from a central body to local government. The new legislation enables each territorial authority to develop a Local Alcohol Policy (LAP) in order to control where and when alcohol can be sold. As designed LAPs can:

- restrict the further issue of new licences in a community (or across the district);
- restrict the location of new premises when they are close to other premises or sensitive sites;
- set maximum trading hours of alcohol sales from outlets e.g. pubs, night clubs, restaurants, sports clubs, supermarkets and bottle stores;
- determine permit conditions to be placed on licences to minimise alcohol-related harm.

However, an LAP is only one of 11 criteria that District Licensing Committees must have regard to in decision-making and the provisions do not apply to existing licenses. There is no "sinking lid" provision as there is with regard to class 4 Gaming Policies.

The biggest difficulty is the wide grounds on which LAPs can be appealed and the costs councils face in defending appeals and subsequent appeals. The promises of increased community input through the adoption of an LAP is yet, for many New Zealanders, to be realised. While responsibility has been devolved, it has not been accompanied by the required authority and resources. As a result, the majority of LAPs so far developed have been appealed by key alcohol industry groups and, in most cases, have resulted in adopted LAPs which closely align with national legislation.

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Item 4
Attachments A

Item 13

Attachment 1

As Alcohol Healthwatch states¹, “the devolution of policy-making to local governments with limited financial and personnel resources to fight appeals appears to have been, in the most part, an impossible ask”. The lack of provisions within many of the adopted LAPs (and the requirement for DLCs to only have regard to an LAP in decision-making) creates a significant burden on communities to be involved in individual licensing decisions.

¹ http://www.ahw.org.nz/Portals/5/Resources/Documents-other/2017/LAPReport_2017_FINALWEB%20%2819_1_18%29.pdf

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Item 4
Attachments A

Item 13

Please attach separately and include:

- nature of the issue;
- background to its being raised;
- new or confirming existing policy;
- how the issue relates to objectives in the current Work Programme;
- what work or action on the issue has been done on it, and the outcome;
- any existing relevant legislation, policy or practice;
- outcome of any prior discussion at a Zone or Sector meeting;
- evidence of support from Zone/Sector meeting or five councils; and
- suggested course of action envisaged.

Please forward to: Local Government New Zealand
Leanne Brockelbank, Deputy Chief Executive Operations
PO Box 1214, Wellington 6140
leanne.brockelbank@lgnz.co.nz

No later than 5pm, Monday 21 May 2018.

Attachment 1

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Item 4
Attachments B

Item 13

MEMORANDUM

We are.
LGNZ.

Date: 6 March 2018
To: Mayors, Chairs and Chief Executives
From: Malcolm Alexander, Chief Executive, Local Government New Zealand
Subject: 2018 Annual General Meeting Remit Process

We invite member authorities wishing to submit proposed remits for consideration at the Local Government New Zealand Annual General Meeting (AGM) to be held on **Sunday 15 July 2018** in Christchurch, to do so no later than **5pm, Monday 21 May 2018**. Notice is being provided now to allow members of zones and sectors to gain the required support necessary for their remit (see point 3 below). The supporting councils do not have to come from the proposing council's zone or sector.

Proposed remits should be sent with the attached form. The full remit policy can be downloaded from the [LGNZ website](#).

Remit policy

Proposed remits, other than those relating to the internal governance and constitution of Local Government New Zealand, should address only major strategic "issues of the moment". They should have a national focus articulating a major interest or concern at the national political level.

The criteria for considering remits were reviewed in March 1999 and National Council adopted the following Remits Screening Policy:

1. Remits must be relevant to local government as a whole rather than exclusively relevant to a single zone or sector group or an individual council;
2. Remits should be of a major policy nature (constitutional and substantive policy) rather than matters that can be dealt with by administrative action;
3. Remits must have formal support from at least one zone or sector group meeting, or five councils, prior to their being submitted, in order for the proposer to assess support and clarity of the proposal;
4. Remits defeated at the AGM in two successive years will not be permitted to go forward;
5. Remits will be assessed to determine whether the matters raised can be actioned by alternative, and equally valid, means to achieve the desired outcome;
6. Remits that deal with issues or matters currently being actioned by Local Government New Zealand may also be declined on the grounds that the matters raised are "in-hand". This does not include remits that deal with the same issue but from a different point of view; and
7. Remits must be accompanied by background information and research to show that the matter warrants consideration by delegates. Such background should demonstrate the:
 - nature of the issue;
 - background to it being raised;

3

Attachment 1

6

Error! No document variable supplied. - 3 April 2018 - Attachments

Item 4
Attachments B

Item 13

MEMORANDUM

**We are.
LGNZ.**

- issue's relationship, if any, to the current Local Government New Zealand Business Plan and its objectives;
- level of work, if any, already undertaken on the issue by the proposer, and outcomes to date;
- resolution, outcome and comments of any zone or sector meetings which have discussed the issue; and
- suggested actions that could be taken by Local Government New Zealand should the remit be adopted.

Remit process

Local Government New Zealand will take the following steps to finalise remits for the 2017 AGM:

- all proposed remits and accompanying information must be forwarded to Local Government New Zealand no later than **5pm, Monday 21 May 2018**, to allow time for the remits committee to properly assess remits;
- a remit screening committee (comprising the President, Vice President and Chief Executive) will review and assess proposed remits against the criteria described in the above policy;
- prior to their assessment meeting, the remit screening committee will receive analysis from the Local Government New Zealand staff on each remit assessing each remit against the criteria outlined in the above policy;
- proposed remits that fail to meet specified criteria will be informed as soon as practicable of the committee's decision, alternative actions available, and the reasons behind the decision;
- proposers whose remits meet the criteria will be contacted as soon as practicable to arrange the logistics of presenting the remit to the AGM; and
- all accepted remits will be posted to the Local Government New Zealand website at least one month prior to the AGM.

To ensure quality preparation for members' consideration at the AGM, the committee will not consider or take forward proposed remits that do not meet this policy, or are received after **5pm, Monday 21 May 2018**.

General

Remits discussed at the AGM will be presented in the AGM Business Papers that will be distributed to delegates not later than two weeks before the AGM, as required by the Rules.

Should you require further clarification of the requirements regarding the remit process please contact Leanne Brockelbank on 04 924 1212 or leanne.brockelbank@lgnz.co.nz.

Attachment 1

Who's
putting local
issues on
the national
agenda?

**We are.
LGNZ.**

22 March 2018

Rt Hon Jacinda Ardern
Prime Minister
Leader of the Labour Party
Parliament Buildings
WELLINGTON

Rt Hon Winston Peters
Deputy Prime Minister
Leader of New Zealand First
Parliament Buildings
WELLINGTON

Hon James Shaw
Leader of the Green Party
Parliament Buildings
WELLINGTON

Dear Leaders

Removing the poll for Māori wards and constituencies – an open letter to the Government

Ngā mihi kia koutou kī runga i ngā tini āhuatanga ō te wā, greetings to you all during this time of many and varied issues.

We are writing to you in your role as the three leaders of our governing coalition on behalf of our members, the 78 local authorities of New Zealand. This letter seeks your support to remove those sections (s.19ZA to 19ZG) of the Local Electoral Act 2001 (LEA) that allow for polls of electors on whether or not a city, district or region can establish Māori wards and constituencies.

Following its decision in 2001 to establish Māori constituencies for the Bay of Plenty Regional Council, Parliament amended the LEA to give this power to councils, in consultation with their citizens. The amendment also allowed electors, through a binding poll, to either require a council to establish wards and constituencies or overturn a council decision to that effect.

The changes to the LEA were intended to increase Māori representation in local authorities but the intent has failed, largely due to the nature of the poll provisions; provisions which do not apply to any other type of ward or constituency. The binding poll only applies to Māori wards and constituencies.

Since 2002, in fact, the only Māori wards or constituencies so far established have been the constituencies introduced by the Waikato Regional Council, by resolution, in 2013 and the Māori wards, agreed by poll, in Wairoa in 2016. Over this period many polls have been held at the request of iwi to establish Māori wards only to be lost and in a number of instances councils have resolved to establish Māori wards only to have their decisions overturned by a poll of voters, for example, in New Plymouth District prior to the 2016 local elections.

Currently five councils have resolved to establish Māori wards; these are Kaikoura District Council, Manawatu District Council, Western Bay of Plenty District Council, Whakatāne District Council and Palmerston North City Council, and each council is facing a binding poll that could reverse their decisions. Should any of the polls succeed (a simple majority is all that is required) then not only will the proposed Māori wards not be established, but no future consideration of Māori wards will be able to take place until after the 2022 local authority elections.

As noted, these poll provisions apply only to the establishment of Māori wards and constituencies. That they do not apply to other wards and constituencies marks the provision as discriminatory to Māori and inconsistent with the principle of equal treatment enshrined in the Treaty of Waitangi. Either the poll provisions should apply to all wards or they should apply to none. The discriminatory nature of these polls is not acceptable.

Level 1
117 Lambton Quay,
Wellington 6011

PO Box 1214
Wellington 6140
New Zealand

P: 64 4 924 1200

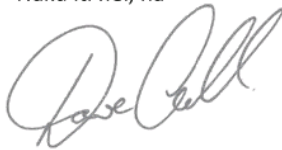
www.lgnz.co.nz

Of equal concern, the polls reduce a complex issue to a simple binary choice, which, by encouraging people to take sides, damages race relations in our districts. Matters of representation and relationships should be addressed in a deliberative manner that employs balanced and considered dialogue – not by poll. In fact, a poll is not necessary. Should a council resolve to establish Māori wards or constituencies, or any other ward, against the wishes of its community then the community has the option to hold that council to account at the next election – this is how representative democracy is intended to work.

It is imperative that the Government acts to address the unfairness created by the poll provisions and put in place a legislative framework that will enable mature and constructive conversations about options for Māori representation in local authorities. We acknowledge that the answers will vary from place to place, which is appropriate, but resorting to simplistic and emotion-fuelled campaigns to seek signatures and votes is not good for our communities.

We intend to share this letter widely with our members and the public and look forward to meeting with you to discuss our request and share with you the reasons why we believe this is an important and urgent matter for parliament to consider.

Nāku iti nei, nā



Mayor Dave Cull
President
Local Government New Zealand

CC: Hon Nanaia Mahuta, Minister of Local Government
Hon Kelvin Davis, Minister for Crown/Māori Relations

REMIT

To limit fireworks for public displays only

BACKGROUND

This issue was raised by Councillor Geraldine Travers and supported by the Council because of nuisance to animals and people.

Animal Control supports fireworks being restricted to public displays only and with no public sales, due to concerns about the effects on animals.

Animal Control experience an increase in issues every year during the fireworks period with animals escaping and then becoming disorientated.

Environmental health get the occasional (noise) complaint about fireworks being let off before, but mainly after, Guy Fawkes' night. The noise will typically be of short duration, and the location unknown which makes it extremely difficult to tackle. Letting off fireworks is not an illegal activity, and therefore it is not a straight forward noise enforcement issue to deal with.

There was a controversial issue last year involving someone proposing to let off commercial grade fireworks at a private display, in a rural area. The display complied with the law so it could not be stopped. The complainant had a number of horses and was concerned about their welfare. The issue was reported in the HB Today newspaper at the time.

EXISTING POLICY

This is an area which is not regulated by Council.

Under current government legislation, fireworks are available for only four days prior to Guy Fawkes.

The Environmental Protection Authority (EPA) has strict retail requirements and retailers cannot sell to anyone under the age of 18.

Apart from this, there are no particular restrictions on when and where people can let off fireworks under government legislation.

The use of fireworks available to the public via retail outlets is largely unrestricted and certainly not confined to Guy Fawkes' night only. The unrestricted use of fireworks can be distressing to animals, and cause noise nuisance.

Fire and Emergency New Zealand comment that as the lead agency it is always concerned with reducing the incidence and consequence of fire. The impact of fire on individuals, in terms of potential injuries, property loss and the effects on the economy and environment can be huge. Retail domestic fireworks play a part in that risk equation and it would be remiss not to support any initiative which reduces the risk of fire to New Zealanders.

Fire and Emergency New Zealand recommends that where available people attend public displays rather than conducting their own private displays however this is a recommendation only as the legal authority for controls over fireworks is administered by Worksafe. In 2017 the Prime Minister made comment on the potential for a review of retail domestic fireworks controls and Fire and Emergency New Zealand are awaiting details as to what form this may take. In the meantime we will continue to recommend attendance at public displays but will also acknowledge that current

legislation permits private purchase and display and will continue to respond to all alarms of fire however generated to protect the people, property and environment of New Zealand.

In the view of concerns raised as outlined above, it is recommended that private use of fireworks should be prohibited and limited to public displays only in places designated by the local council in consultation with the local fire brigade.

Whilst public firework displays can still attract complaints, an additional benefit to a public only display restriction is that health and safety issues may be better addressed. Also, the time and date of the display would be advertised to alert the public and enable them to secure their animals.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 26 APRIL 2018

**FROM: DEMOCRATIC SUPPORT MANAGER
JACKIE EVANS**

SUBJECT: REVISED GOVERNANCE STRUCTURE

1.0 SUMMARY

- 1.1 The purpose of this report is to obtain a decision from the Council on whether Council wishes to change the current Governance structure.
- 1.2 This issue arises from a proposal from the Mayor to consider changes to the governance structure to provide a more effective vehicle for Council decision making and councillor engagement with the governance process.
- 1.3 The Council is required to give effect to the purpose of local government as prescribed by Section 10 of the Local Government Act 2002. That purpose is to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. Good quality means infrastructure, services and performance that are efficient and effective and appropriate to present and anticipated future circumstances. The matters raised in this report are administrative in nature and therefore relate to all Council's Strategic Objectives.
- 1.4 The objective of this decision relevant to the purpose of Local Government is to meet the current and future needs of the community through the provision efficient and effective governance arrangements that are appropriate for effective decision making.
- 1.5 This report concludes by recommending that the revised governance and committee structure be implemented from 1 June 2018, subject to receiving a determination from the Remuneration Authority on the payment of special responsibility allowances,
- 1.6 To assist the following documents are attached:
 - i. Role description for Chairperson (**Attachment 1**)
 - ii. Role description for Deputy Mayor (**Attachment 2**)
 - iii. Role description for Portfolio Leader Band A (**Attachment 3**)
 - iv. Role description for Portfolio Leader Band B (**Attachment 4**)

2.0 BACKGROUND

- 2.1 A council's committee structure is in essence a subordinate decision-making structure established under the provisions of the Local Government Act 2002 and more directly under the provisions of Schedule 7.
- 2.2 Essentially the use of a committee structure is to enable governance decision-making to occur in a timely and responsive manner so as to allow the business of the Council to operate efficiently and effectively while ensuring democracy principles are given appropriate cognisance.

- 2.3 The governance structures used by councils throughout New Zealand have many variations reflecting the “local” flavour and preferences of the communities the particular councils serve.

3.0 CURRENT SITUATION

- 3.1. The current governance structure was established following the 2016 elections. It followed from a review of the then committee structure and an increase in the number of standing committees to 5 from 4.
- 3.2 Mayor Hazlehurst was elected Mayor following a by-election in 2017. Following a Councillor only retreat in December it became apparent that the hierarchical governance structure which had been in operation for many years was no longer working well for the following reasons:-
- Chairs bore a heavy burden of work
 - Information was not shared amongst all councillors
 - Some councillors were not fully engaged in the Council’s work
 - The perception of an ‘in the know’ group from within the councillor body.

These barriers were getting in the way of collective decision making.

- 3.2. Following a Councillor retreat in January 2018 the Mayor presented a new draft governance structure and proposed appointments to each of the portfolios. This report is a consequence of the work outlined above.
- 3.4 Following officer research and consultation with the Mayor a model that involves the establishment of four committees of the whole of Council was created, together with the creation of 13 Portfolios to create a flatter, more inclusive governance structure which engages all councillors. The portfolio lead model is has been adopted by a small number of Councils, including Wellington City Council. It creates an opportunity for all elected members to be involved across the broad spectrum of Council activity. Each councillor will be a portfolio lead on a discreet area of Council activity. The portfolio lead roles have been created to cover most aspects of Council activity and are aligned to the priorities set out in the Annual Plan and more importantly the Long Term Plan.

Portfolio Leader Role

- 3.3. Portfolio leaders will have responsibility for presenting reports to Committees and Council within their portfolio, to be the spokesperson, and ensure that the work undertaken within their portfolio is communicated to the rest of Council, the community and key stakeholders. They will work closely with the Chief Executive and Group Managers on governance issues within their portfolio to create a collaborative working environment to achieve key priorities. The 13 portfolio leader roles are as follows:

Parent Committee	Portfolio	Fields of Activity
Community Development	Ambassador for Hastings	Ambassador, Citizenship, Civic Honours, historic Commemorations, Hastings Proud, Local and community events and celebrations, Community Liaison

Community Development	Community Engagement	Marketing and Promotion, Community Engagement Events, Culture and Heritage including the Hastings City Art Gallery, Tourism
Community Development	Our Places	Opera House and Art Precinct, Housing for the elderly, Cemeteries (including physical works), Library operations, Recreation Facilities other than Parks & Reserves, Landmark Activities
Community Development	Our People	Social Development and Wellbeing programmes, Youth Liaison and Engagements, Youth Development and Employment, Positive Ageing, Community Plans
Community Development	Our Economy	Economic & Business Development Programmes, Economic Development, Growth Management and Urban Development; Hastings City Centre Development, Regional Development, Urban Design and Development (including CBD planning)
Finance and Risk	Safeguarding Our Money	Audit and Accountability Requirements, Business Units/CCO/CCTO Ownership Overview, Monitoring and Compliance with LTP/AP and Budget Implementation, Performance Management, Taxation, Tenders and Procurement
Finance and Risk	Long Term Financial Planning	Establishing the Strategic Direction of the Council's Business Units Council Controlled Organisations (CCOs) and Council Controlled Trading Organisations, Rating matters including Rating Sale proceedings, Overview of Financial Risk Management Policies required under legislation, Risk Management Strategy
Strategic Planning and Partnerships	Protecting Our Communities	District Plan, Alcohol, Animal and pest control, Building Control including the Building Act 2004 and the New Zealand Building Code, Bylaws, Parking Control, Public Health and Safety, Hearings, Miscellaneous RMA and other Regulatory Acts
Strategic Planning and Partnerships	Partnerships and uplifting communities	District Development and Land Use Planning (high level strategy), Strategic Planning, Maori/Multi cultural relationships, Rural Communities, Regional Relationships

Works and Services	Our Water	Water, wastewater and stormwater (including public drainage and watercourses), Three Waters Infrastructure (Water, Wastewater, Stormwater), Drinking Water Safety.
Works and Services	Planning Our Assets for Tomorrow	Transport Strategy (including, public transport, cars, walking and bridges), Regional Transport, Coastal Hazards, Parks and Reserves Strategic Planning (Reserve Management Plans), Emergency Management.
Works and Services	Moving Around and Operations	CBD Upgrades physical works, Infrastructure service provision, Model Communities Project (i-way), Property Ownership, Management, Renewals, Upgrades, Developments, Rooding and Transport Operations, Parks and Reserves maintenance
Works and Services	Our Environment	Sustainability Programmes and Projects, Climate Change projects and Partnerships for the delivery of and measuring sustainability, Solid Waste Operations (including refuse, landfill, recycling disposal and recycled materials), Havelock North Streams

3.4. Detailed role descriptions are set out in Attachments 3 and 4.

Committee Structure

3.4 The Committee Structure retains the matter of principle where the Council devolves a role to a committee the objective is to reinforce the wholeness of the Council's work rather than to divest itself of responsibility. The revised committee structure gives very strong decision-making ability to the committees – allowing them to make decisions except those statute-barred, as if they were the Council themselves.

3.5 It is proposed to amend the structure from 5 to 4 standing committees as follows:-

- Community Development Committee
- Policy, Planning and Regulatory Committee
- Finance, Risk & Audit Committee
- Works & Services Committee

The fields of activity for each committee and portfolio responsibilities under the committee are shown in paragraph 3.3 above

3.5 This approach continues to provide the ability for the business of the Council to be transacted in a very efficient manner. Each portfolio lead feeds into a Committee, and each Committee has between 2 and 5 portfolio leads which report to it. Portfolio leads have no delegated responsibilities. The Chair of

each standing committee will be responsible for the administrative activities of the committee and the co-ordination of the work of the portfolios within the remit of the parent committee.

- 3.6 The standing committees will continue to have delegated powers. Portfolio leaders will not have delegated powers.

4.0 OPTIONS

- 4.7 Two options are presented for consideration by the Council.

- 4.8 Option one is retaining status quo.

- 4.9 Option two is the new committee and portfolio leads as set out above.

5.0 SIGNIFICANCE AND ENGAGEMENT

- 5.1 The issues canvassed in this report do not trigger any thresholds with the Council's Significance and Engagement Policy. The nature of the Council's committee structure is a matter entirely at the discretion of the Council. No consultation is required.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 This is in essence a political decision. However, when evaluating the proposed model against the status quo the more significant differences are apparent. In particular the new model is a flatter, more inclusive governance structure which engages all councillors. The workload within each portfolio will be balanced and reviewed to ensure the quantum is fairly shared across all councillors.

- 6.2 The proposed model provides a structure and meeting schedule will be developed that enables timely and responsive decision-making. Portfolio leaders will have responsibility for presenting reports within their portfolio, to be the spokesperson, and ensure that the work undertaken within their portfolio is communicated to the rest of Council, the community and key stakeholders. They will work closely with the Chief Executive and Group Managers on governance issues within their portfolio to create a collaborative working environment to achieve our key priorities.

- 6.3 There are no major financial implications. Some modification to the elected member's remuneration arrangements will be required. These are addressed in a separate report to this meeting. As will be the appointments of Chairs and portfolio leaders. The amended structure will be submitted to the Remuneration Authority for consideration in April. A determination is expected by the end of May 2018.

- 6.4 There will also be some minor changes to the reporting lines of other committees and subcommittees that will follow if the Council adopts the changes proposed in this paper. A report detailing the changes to the delegations scheme will be presented to the Council meeting on 24 May 2018 for implementation on 1 June 2018.

- 6.5 In adopting new structure, Council will be disestablishing the Finance & Operations, Planning and Regulatory, Economic Development and Urban

Affairs, Social and Cultural Development and Works and Services and Chairman's Committee and establishing the:

1. Community Development Committee
2. Policy, Planning and Regulatory Committee
3. Finance, Risk & Audit Committee
4. Works & Services Committee

6.6 The three existing portfolio leader roles will be modified and incorporated into the new structure.

6.7 A revised meeting schedule from the effective implementation date, of 1 June 2018 for the remainder of 2018 to support the committee structure proposed in this paper, will also be presented to the Council meeting on 24 May 2018.

7.0 PREFERRED OPTIONS AND REASONS

7.1 As stated, this is in essence a political decision. However, the preferred option, as set out of four standing committees and portfolio leadership are considered as providing a more appropriate structure for the reasons outlined earlier in the report.

8.0 RECOMMENDATION

A) That the report of the Democratic Support Manager titled Revised Governance Structure dated 19 April 2012 be received

B) That the Council adopt in principle the Portfolio Lead and Committee Structure contained in the report at A) above to be implemented from 1 June 2018, or the date of the Remuneration Authority on the allowance payments, whichever is the later.

With the reasons for this decision being that the it will enable the Council to give effect to the purposes of local government and to its responsibilities and obligations under the Local Government Act 2002 and any other legislation in the most effective and efficient manner.

Attachments:

- | | | |
|---|---------------------------------|-----------------|
| 1 | Chairperson - Role Description | CG-01-04-18-395 |
| 2 | Deputy Mayor - Role Description | CG-01-04-18-396 |
| 3 | Portfolio Leader Band A | CG-01-04-18-397 |
| 4 | Portfolio Leader Band B | CG-01-04-18-398 |

CG-01-04-18-395

Chairperson – position description

The chairperson provides leadership to the meeting ensuring the processes and actions are consistent with its policies. As appropriate, the chairperson represents the committee and the council to outside parties. The chairperson is expected to promote a culture of stewardship, collaboration and cooperation, modelling and promulgating behaviours that define sound governance.

1. The chairperson will chair meetings ensuring that:
 - a. meeting discussion content is confined to the agenda items;
 - b. all members are treated even-handedly and fairly; and
 - c. all members are encouraged and enabled to make a contribution to the committee's deliberations.
2. The chairperson has no authority to unilaterally change any aspect of agreed decisions.
3. The chairperson will ensure that meetings are properly planned
4. The chairperson will liaise with other portfolio leaders under the remit of the parent committee, and provide coaching and development opportunities to enable new and less experienced councillors to participate in leadership roles
5. The chairperson will work with staff on the order of agenda items including the timely distribution of the agenda and that the minutes are accurate.
6. The chairperson will ensure that he/she and members maintain an appropriate professional distance from the staff to ensure objectivity and attention to governance matters and concerns.
7. The chairperson will ensure that the meeting has an agreed forward work plan and adheres to that plan.

Key focus areas for the chairperson:

1. Know the standard orders for effective meeting management.
2. Know how to get the best out of the members. Refer appendix one for process to ensure effective teams.
3. Know the members of the committee including their own strengths and weaknesses and interests and skills.
4. Know what is on the agenda and what outcome is sought from each agenda item.
5. Work effectively with staff.

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Deputy Mayor

Responsibilities in addition to those of a councillor:

Supporting the Mayor in his/her role and deputising for him/her in his/her absence

Keeping abreast of all issues facing council, to allow for relative ease when deputising for the Mayor, should that need arise

Representing the council to a high standard, recognising that conduct in the role of Deputy Mayor reflects on council as a whole

Representing the council in a strong, competent and articulate manner in the council area and to any external agencies or groups

Ensuring sufficient familiarity with council Standing Orders and procedures to be able to deputise competently for the Mayor in chairing council meetings and other sessions of council

Representing the council in various local, regional and/or national settings, both formal and informal, as appropriate

Working closely with other elected members of council to ensure smooth council decision-making, and provide coaching opportunities for new and less experienced councillors to gain experience in leadership roles

Ensuring sufficient familiarity with the processes and procedures of various civic functions to be able to correctly follow the obligations of such civic functions in the event of deputising for the Mayor, should that need arise.

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Hastings District Council

Governance Role Description

Portfolio Leader – [Name of Portfolio – Band A]

The Portfolio roles within Band A are those which across the job evaluation areas of Accountability, Complexity/Problem Solving, Relating to Others, Expertise/Know-how along with the consideration of amount of time needed for the portfolio, are deemed the larger portfolio roles at Hastings District Council

Context

The Hastings District is fortunate to have all we need; an abundance of natural resources, a strong cultural history, fabulous climate, easy lifestyle and good community infrastructure. Our future success depends on making the most of these strengths and continuing to ensure all of our people benefit from them.

We must be conscious that environmental wellbeing is not traded for economic gain. Food production is fundamental to our economy and sustainable farming of our land is heavily dependent on water and healthy soil.

We also need to adapt to a changing world, whether that be through changes to the composition of our population, environmental and technological change, or a new energy future.

Opportunities:

- Preparing for greater demand on services and facilities from an ageing population.
- Taking into account impacts of sea level rise on coastal communities and infrastructure.
- Helping our communities build resilience to impacts from climate change.
- Keeping abreast of technology and making it work for us and our community
- Transitioning to a different water future.
- Making Hastings an attractive place to invest in and do business with.
- Working with others to address skill and labour market needs.
- Adapt our urban form to a different energy future and to protect our good soils.
- Working with others to reduce levels of social disadvantage and income gaps in our community.

Elected members, acting collectively as the Council, are responsible for:

- The development and adoption of Council policy.
- The long term strategic planning for the District and the setting of priorities and the levels of service for Council works and services.

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- Monitoring the performance of the Council against its stated objectives and policies.
- Prudent stewardship of Council resources and ratepayers' funds.
- Employment of the Chief Executive.
- Representing and promoting the interests of the people of the Hastings District.

The Councillor Code of Conduct sets out the standards of behaviour from elected members in the exercise of their duties

The management arm of the organisation, led by the Chief Executive advises Council of strategy and policy and then implements the policy and strategic plans, as set by the governance arm.

Within the Governance structure, councillors have been appointed as "Portfolio Leaders", to focus on development of policy and oversight of particular areas of operations and (fields of activity), from a governance perspective.

Portfolio Leaders work alongside the Mayor who leads the process of coordinating the Council's overall governance approach and is the Council's principal media and public spokesperson

Fields of Activity – Portfolio Leader – [Name of Portfolio]

[listed here in bullet points]

The Portfolio Leader will assist where applicable in the following areas in relation to the fields of activity within their portfolio:

Work Oversight and Officer Liaison: to act as the key liaison with staff, via the appropriate Group Manager, in respect of work programmes within the portfolio. To provide feedback from the community and elected members where appropriate for staff to consider in policy development work. To monitor work programme progress and discuss issues with the Group Manager or Chief Executive. To act as a sounding board for staff on issues of political interest and importance.

Note: Portfolio leader is a governance level role. Governance is exercised collectively. Portfolio leaders have no delegated responsibility and do not have authority to issue instructions to staff.

Policy Leadership: in respect to any policy and strategy matters within the portfolio to provide guidance to councillor colleagues on issues and reports from within a particular portfolio. To play an advocacy role in their area of responsibility assisting the Council to meet its strategic objectives. Portfolio Leaders will move reports from their area of responsibility, advocate for them, explain and clarify matters to colleagues, and, where necessary/appropriate introduce reports at Council. Portfolio Leaders will also facilitate informal policy discussions between elected members, and elected members and officers, on matters within their area of responsibility.

External Representation and Relationships: to represent the Council at meetings of working groups, and other external organisations and groups, and contribute to the work carried out by such organisations and groups. Attend official functions within their

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areas of responsibility, and represent the Mayor on those occasions when the Mayor and Deputy Mayor are unable to attend. To seek to enhance relationships with key

stakeholders. Attend any advisory groups or external appointments made and ensure an alternate is available if they cannot attend projects and activities.

Communication: to act as the principal spokesperson in communicating to the media and public the official policy of Council (or in the absence of official policy, commenting in a manner consistent with the Council's strategic direction) on items relating to their respective area of activity (noting that the Mayor has the right of refusal as Council's principal spokesperson). Collaborate with other Portfolio Leaders where objectives are shared. Keep the Mayor/Deputy Mayor informed of emerging issues related to the portfolio.

Meeting Preparation and Follow-up: liaise with officers if needed regarding presentations being prepared, ensure media issues have been addressed, and following a meeting make sure key issues and decisions are clearly communicated to the media and public.

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Hastings District Council Governance Role Description

Portfolio Leader – [Name of Portfolio – Band B]

The Portfolio roles within Band A are those which across the job evaluation areas of Accountability, Complexity/Problem Solving, Relating to Others, Expertise/Know-how along with the consideration of amount of time needed for the portfolio, are deemed the larger portfolio roles at Hastings District Council

Context

The Hastings District is fortunate to have all we need; an abundance of natural resources, a strong cultural history, fabulous climate, easy lifestyle and good community infrastructure. Our future success depends on making the most of these strengths and continuing to ensure all of our people benefit from them.

We must be conscious that environmental wellbeing is not traded for economic gain. Food production is fundamental to our economy and sustainable farming of our land is heavily dependent on water and healthy soil.

We also need to adapt to a changing world, whether that be through changes to the composition of our population, environmental and technological change, or a new energy future.

Opportunities:

- Preparing for greater demand on services and facilities from an ageing population.
- Taking into account impacts of sea level rise on coastal communities and infrastructure.
- Helping our communities build resilience to impacts from climate change.
- Keeping abreast of technology and making it work for us and our community
- Transitioning to a different water future.
- Making Hastings an attractive place to invest in and do business with.
- Working with others to address skill and labour market needs.
- Adapt our urban form to a different energy future and to protect our good soils.
- Working with others to reduce levels of social disadvantage and income gaps in our community.

Elected members, acting collectively as the Council, are responsible for:

- The development and adoption of Council policy.
- The long term strategic planning for the District and the setting of priorities and the levels of service for Council works and services.
- Monitoring the performance of the Council against its stated objectives and policies.
- Prudent stewardship of Council resources and ratepayers' funds.
- Employment of the Chief Executive.
- Representing and promoting the interests of the people of the Hastings District.

The Councillor Code of Conduct sets out the standards of behaviour from elected members in the exercise of their duties

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The management arm of the organisation, led by the Chief Executive advises Council of strategy and policy and then implements the policy and strategic plans, as set by the governance arm.

Within the Governance structure, councillors have been appointed as "Portfolio Leaders", to focus on development of policy and oversight of particular areas of operations and (fields of activity), from a governance perspective.

Portfolio Leaders work alongside the Mayor who leads the process of coordinating the Council's overall governance approach and is the Council's principal media and public spokesperson

Fields of Activity – Portfolio Leader – [Name of Portfolio]

[listed here in bullet points]

The Portfolio Leader will assist where applicable in the following areas in relation to the fields of activity within their portfolio:

Work Oversight and Officer Liaison: to act as the key liaison with staff, via the appropriate Group Manager, in respect of work programmes within the portfolio. To provide feedback from the community and elected members where appropriate for staff to consider in policy development work. To monitor work programme progress and discuss issues with the Group Manager or Chief Executive. To act as a sounding board for staff on issues of political interest and importance.

Note: Portfolio leader is a governance level role. Governance is exercised collectively. Portfolio leaders have no delegated responsibility and do not have authority to issue instructions to staff.

Policy Leadership: in respect to any policy and strategy matters within the portfolio to provide guidance to councillor colleagues on issues and reports from within a particular portfolio. To play an advocacy role in their area of responsibility assisting the Council to meet its strategic objectives. Portfolio Leaders will move reports from their area of responsibility, advocate for them, explain and clarify matters to colleagues, and, where necessary/appropriate introduce reports at Council. Portfolio Leaders will also facilitate informal policy discussions between elected members, and elected members and officers, on matters within their area of responsibility.

External Representation and Relationships: to represent the Council at meetings of working groups, and other external organisations and groups, and contribute to the work carried out by such organisations and groups. Attend official functions within their areas of responsibility, and represent the Mayor on those occasions when the Mayor and Deputy Mayor are unable to attend. To seek to enhance relationships with key stakeholders. Attend any advisory groups or external appointments made and ensure an alternate is available if they cannot attend projects and activities.

Communication: to act as the principal spokesperson in communicating to the media and public the official policy of Council (or in the absence of official policy, commenting in a manner consistent with the Council's strategic direction) on items relating to their respective area of activity (noting that the Mayor has the right of refusal as Council's principal spokesperson). Collaborate with other Portfolio Leaders where objectives are shared. Keep the Mayor/Deputy Mayor informed of emerging issues related to the portfolio.

Meeting Preparation and Follow-up: liaise with officers if needed regarding presentations being prepared, ensure media issues have been addressed, and following a meeting make sure key issues and decisions are clearly communicated to the media and public.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 26 APRIL 2018

**FROM: DEMOCRATIC SUPPORT MANAGER
JACKIE EVANS**

**SUBJECT: REMUNERATION AUTHORITY - COMMITTEE AND
GOVERNANCE STRUCTURE - SPECIAL
RESPONSIBILITY ALLOWANCES**

1.0 SUMMARY

- 1.1 As a result of a separate report on this Agenda to revise the Council's governance structure, the purpose of this report is to obtain a decision from the Council on the revised remuneration for the special responsibility allowances (Standing Committee Chairs and Portfolio Leaders). Changes to the special responsibility allowance requires a Council recommendation to the Remuneration Authority for approval. It is proposed that the new governance structure will become operational from 1 June 2018, or the date of the remuneration authority determination, whichever is the later.
- 1.2 This issue arises from the Mayor's proposal to create a new flatter governance structure which is the subject of a report for consideration earlier on this agenda.
- 1.3 This report concludes by recommending (on the basis that the Council has adopted a new governance structure) that the Council recommend to the Remuneration Authority a new remuneration scale to reflect the revised governance structure.

2.0 BACKGROUND

- 2.1 The remuneration of the Mayor, and Councilors is set by the Remuneration Authority. The Authority allocates a pool of funding and determines the remuneration for the Mayor. The Authority sets the payments to Committee chairs, portfolio leaders, the Deputy Mayor, and Councilors after considering a proposed remuneration scale as submitted by the local authority. The Authority also determines the policy for the reimbursement of expenses, such as mileage, for elected members.
- 2.2 The Remuneration Authority has determined following remuneration rates for Hastings District Councillors:

Position	Special Responsibility	Current Remuneration level
Base Salary		\$41,805
Deputy Mayor(1)	47% Base Salary	+\$19,673
Chairpersons (5)	24% Base Salary	+\$9,836
Portfolio Leader (3)	12% Base Salary	+\$4,918

- 2.3 These rates were based on Special Responsibility rates for the deputy mayor, chairpersons and portfolio leaders based on a governance structure agreed by Council at the beginning of this triennium on 8 November 2016. These rates are subject to annual cost of living increases each July.
- 2.4 Currently the Remuneration Authority sets the framework for councilor remuneration. It sets mayoral remuneration and the base remuneration for councillors. It also approves the assignment of additional remuneration to councilors who have additional responsibility.
- 2.5 The additional remuneration is available from a “pool” that is capped at twice the base remuneration. In the case of Hastings District Council this enable a total of \$83,610 to be spread across the positions of special responsibility.

3.0 CURRENT SITUATION

- 3.1 In the previous report on this Agenda, the Mayor has asked the Council to approve a structure with 4 Chairpersons and 13 Portfolio Leaders. Four of the Portfolio Leaders will also Chair the four Standing Committees.
- 3.2 Following advice from the Remuneration Authority, the 13 Portfolio Leader roles were evaluated and systematically scored in order to determine the “size” of each role. The roles were scored against the following factors:
- Accountability
 - Work Complexity
 - Relating to Others
 - Expertise
 - Time
- 3.3 As a result of this scoring exercise, the roles have been placed into 2 bands – Portfolio Leader A (**Attachment 3**) and Portfolio Leader B (**Attachment 4**) to reflect the different “sizes” of each role as follows;

Portfolio Leader A	Portfolio Leader B
Long term Financial Planning	Ambassador for Hastings
Safeguarding our Money	Community Engagement
Our Places	Our People
Our Economy	Partnerships and Uplifting our Communities
Protecting our Communities	Our Environment
Our Water	Moving Around and Operations
Planning our Assets for tomorrow	

- 3.4 The Council at this meeting will consider a report on a revised Committee structure. The balance of this report has been prepared on the basis that the structure is adopted.

3.5 The following table shows the existing remuneration rates:-

Position	Special Responsibility	Proposed Remuneration Level
Base Salary		\$41,805
Deputy Mayor (1)	47% Base Salary	+\$19,760
Chairpersons (4)	7% Base Salary	+\$3,000
Portfolio Leader A (7)	11% Base Salary	+\$4,450
Portfolio Leader B (6)	8% Base Salary	+\$3,450

4.0 OPTIONS

4.1 On the basis that the Council adopts the revised Committee Structure it is recommended the above option for proposed remuneration be implemented on 1 June 2018 subject to receiving the Remuneration Authority Determination by this date.

5.0 RECOMMENDATION

- A) That the report of the Democratic Support Manager titled **Remuneration Authority – Governance and Committee Structure – Special Responsibility Allowances** dated 26 April 2018 be received.
- B) That the Council recommend the following remuneration allowances, as the model for consideration by the Remuneration Authority:-

POSITION		SALARY
Deputy Mayor	1	\$61,565
Chair and Portfolio Leader - band A	4	\$49,255
Portfolio Leader – band A	3	\$ 46,255
Portfolio Leader – band B	6	\$ 45,255

- C) That it be noted that the new governance structure and payment of allowances will come into effect from 1 June 2018, or the date of the remuneration authority determination, whichever is the later.

Attachments:

There are no attachments for this report.

HASTINGS DISTRICT COUNCIL

COUNCIL MEETING

THURSDAY, 26 APRIL 2018

RECOMMENDATION TO EXCLUDE THE PUBLIC

SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

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

19. Summary of Recommendations of the Civic Honours Awards Subcommittee meeting held 16 April 2018 while the Public were Excluded
20. Heretaunga House Review
21. Oceania Group offer to lease space in Heretaunga House
22. Chief Executive Staffing Matters
23. Chief Executive Mid Year Performance Review

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

<i>GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED</i>	<i>REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER, AND PARTICULAR INTERESTS PROTECTED</i>	<i>GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF EACH RESOLUTION</i>
19. Summary of Recommendations of the Civic Honours Awards Subcommittee meeting held 16 April 2018 while the Public were Excluded	As stated in the minutes	Section 48(1)(a)(i) Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.
20. Heretaunga House Review	Section 7 (2) (i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). Potential Sales Prices are commercially sensitive.	Section 48(1)(a)(i) Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.

- | | | |
|--|---|--|
| 21. Oceania Group offer to lease space in Heretaunga House | <p>Section 7 (2) (i)
 The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).
 The paper contains details regarding negotiations to lease Council owned office space.</p> | <p>Section 48(1)(a)(i)
 Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.</p> |
| 22. Chief Executive Staffing Matters | <p>Section 7 (2) (a)
 The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.
 The matter at this stage is between the Council and the staff concerned.</p> | <p>Section 48(1)(a)(i)
 Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.</p> |
| 23. Chief Executive Mid Year Performance Review | <p>Section 7 (2) (a)
 The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.
 The protect the privacy of the incumbent.</p> | <p>Section 48(1)(a)(i)
 Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.</p> |