



Hastings District Council

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OPEN A G E N D A

COUNCIL MEETING

Meeting Date: Thursday, 27 September 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	Acting Chief Executive – Mr N Taylor
Council Secretary	Mrs C Hunt (Extn 5634)

Note: The Mayor will recommend that Public Excluded Items 18, 19, 20 and 21 will be considered at the commencement of the meeting.

HASTINGS DISTRICT COUNCIL

COUNCIL MEETING

THURSDAY, 27 SEPTEMBER 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 Absences had previously been granted to Councillor Harvey and Councillor Travers

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 General Counsel or the Democratic Support Manager (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, 30 August and 6 September 2018, including while the public were excluded.
(Previously circulated)

6. Proposed Arataki Road Link reserve - Request to purchase	5
7. Request to occupy a portion of Tanner Street reserve	13
8. Variation 4 - Iona Residential Rezoning Update	25
9. Submission to the Ministry for the Environment on the Draft National Planning Standards	29
10. Summary of Recommendations of the Rural Halls Subcommittee meeting held 11 September 2017	47
11. Summary of Recommendations of the HDC: Maori Joint Committee meeting held 15 August 2018	49
12. 2019 Meeting Calendar for Council and Committees	51
13. Requests Received under the Local Government Official Information and Meetings Act (LGOIMA) Monthly Update	55
14. Updated 2018 Meeting Schedule Changes	59
15. Additional Business Items	
16. Extraordinary Business Items	
17. Recommendation to Exclude the Public from Items 18, 19, 20 and 21	61
18. Hawke's Bay Opera House Precinct - Municipal Building Strengthening	
19. Parks and Open Space Maintenance Services Contract	
20. Te Mata Eastern Escarpment - Options Development Report	
21. Future Investment in Heretaunga House	

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 27 SEPTEMBER 2018

**FROM: PARKS AND PROPERTY SERVICES MANAGER
COLIN HOSFORD**

**SUBJECT: PROPOSED ARATAKI ROAD LINK RESERVE - REQUEST
TO PURCHASE**

1.0 SUMMARY

- 1.1 The purpose of this report is to obtain a decision from the Council on the request to purchase a new link reserve in the Arataki residential development area in Havelock North.
- 1.2 This proposal arises from a community request to create a walking link reserve connecting new subdivisions in the Arataki development area
- 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 the provision of local infrastructure which contributes to public health and safety, supports growth, connects communities, activates communities and helps to protect the natural environment.
- 1.5 This report concludes by recommending that Council resolves to either purchase or does not agree to purchase a new link reserve at Arataki Road.

2.0 BACKGROUND

- 2.1 The development of the Arataki residential area has in key locations, included the provision of link reserves to allow residents to more easily walk to key destinations in the local area.
- 2.2 With the decision of the Ministry of Education (the Ministry) not to proceed with the planned school on Arataki Road, the subject land is now being developed for residential uses. When the Ministry had plans to develop the site, a connection to the nearby reserve network was included, but as the education facility option has gone, there is now no planned link reserve provided for either in the subdivision plans or in Council's funding streams.
- 2.3 Council has received a small number of requests to purchase a portion of land to create a link reserve as part of the current subdivision.

3.0 CURRENT SITUATION

- 3.1 The residential development of the previous Arataki Holiday Park is underway. A subdivision consent for the sites development has been granted and site works have already begun. Some local Arataki residents are seeking Council to consider purchasing a new section located within the subdivision in order to provide a link reserve to better connect the new residential development, to the existing Arataki reserve network. **See attachment 1.**
- 3.2 The proposed subdivision will create 55 new residential lots. By acquiring the allotment in the southwestern corner (proposed lot 21), a link reserve option would be acquired, that will enable this cluster of 54 dwellings to obtain walking access other local reserves, playgrounds and nearby schools.
- 3.3 As the subdivision has already been granted consent, the section of land required to create a link needs to be purchased at the current market valuation, on the basis of a willing buyer and seller transaction.
- 3.4 Officers have approached the developers who have advised that the purchase price for the parcel of land sought, is \$302,000 (excl gst). A further \$2000 will be required for a subdivision variation, \$14,000 would also be required to lay a connecting pathway to the adjoining reserves. An allocation of \$500 per annum will also need to be included in the LTP for ongoing maintenance. In addition an allocation of \$24,500 will be required annually to service debt and loan repayments.
- 3.5 The 2018/28 Long Term Plan does not include any funding provision to purchase and develop the site as a link reserve. This report therefore seeks Council's consideration of a community request to purchase the site and provide funding to develop and maintain the site.

4.0 OPTIONS

- 4.1 There are two options available to Council;
- Option 1 – Approve the request to purchase of the site and funding streams.
- Option 2 – Decline the request purchase the site.

5.0 SIGNIFICANCE AND ENGAGEMENT

- 5.1 The initial amount of funds sought is \$320,000 to purchase and develop and thereafter \$24,500 per annum to maintain and service/repay debt. While it is not budgeted for in the LTP, it is not of a magnitude as to challenge any of Council's financial thresholds.
- 5.2 The request to purchase has come from members of the public and as such has not been subject to any wider public consultation. Officers believe that if it were consulted upon at a local level, it would most likely be well supported as its benefit would be quite obvious to the local community. Conversely, officers also note that in accepting the request, Council will be reacting to an ad hoc request that will not only be adding more debt, but risking creating a precedent should other communities seek similar requests to purchase reserves near their own neighbourhoods. In this circumstance, Council does run the risk of putting itself into a difficult position in the future.

- 5.3 Despite the risks of creating a precedent, and while it is a consideration, it is also noted that requests for proposals and funding, come to Council from time to time and Council necessarily has to make a decision, based on each proposal's merit. These such proposals are often difficult and this is one such situation for Council debate and decide on.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 While there are two clear options for Council to consider, the proposal itself raises issues in regard to; urban connectivity, funding, purchase costs and strategic considerations.

6.2 Urban Connectivity

- 6.3 This proposal seeks the purchase, development and maintenance of a small (800m²) reserve in Arataki to assist in the walking connectivity of a local neighbourhood. On the face it, the request is reasonable and is understandable from a local community standpoint. The proposal will enable improved convenient walking access for residents within the Arataki Road environ.

- 6.4 The link would have the benefit of reducing walking distances from the centre of the new subdivision to the existing connecting reserve by up to 500 metres. Typically this would equate to a three to five minute walk. This would also enable these residents to access the local playground in Meissner Road quicker and reduce the walking distance to the local schools.

- 6.5 The opportunity to create this link was originally negotiated with the Ministry of Education some years ago and they agreed to allow public walking access through the school, into the existing portion link reserve. With the decision to not build a new school, the opportunity was unfortunately lost.

- 6.6 It is worth noting that the District Plan encourages pedestrian linkages through development areas but they are not mandatory requirements in the Arataki development area and any set acquisition needs to be included in a structure plan and has to be paid for at market rates.

6.7 Funding Issues

- 6.8 As noted earlier in the report, there are no funds set aside in the LTP to facilitate the purchase of a reserve purchase in the Arataki Development area. If Council is of the mind the purchase the reserve, it will need to approve it as unbudgeted loan funded expenditure.

- 6.9 As the acquisition of an additional reserve in Arataki is not identified as being required for the growth community, its purchase now, as the Arataki development area comes close to completion, must be considered to be driven by a desire for an increased level of service and not growth. On this basis, it is not appropriate for the purchase to be funded via development contributions, but rather via general rates.

- 6.10 Should Council adopt Option 1 and approve the purchase, in simple terms it will cost \$24,000 per annum in interest and debt repayments to service the purchase and development costs. This will require approximately \$16,000 to be made available in the current year as unbudgeted expenditure and the 2019/20 Annual Plan and 2018/28 LTP will need to be amended to reflect the

financial requirement for servicing of the loan, in addition to ongoing maintenance costs.

6.11 Purchase and Development Costs

- 6.12 Officers have contacted the developer to advise that Council may be interested in purchasing a link reserve. While the subdivision has been consented to, officers have requested that should the purchase be pursued, the affected lot should be amended to create an increased width at its entry point to provide improved access for pedestrians. The developer has agreed to allow this, however Council will need to fund the subdivision variation costs, estimated at \$2,000.
- 6.13 It is also estimated that it will cost \$14,000 to develop the park with trees, bollards and a connecting footpath.
- 6.14 The following table shows the costs involved in the purchase, development and ongoing maintenance so that Council is aware of the full cost implications should it decide to purchase the new lot.

Item	Cost 2018/19	Cost 2019/20	2020+
Subdivision amendment	\$ 2,000		
Reserve development		\$14,000	
Annual Maintenance	\$ 300	\$ 500	\$ 500
Interest and debt repayment	\$ 16,000	\$24,000	\$ 24,000
Totals	\$ 18,300	\$38,500	\$ 24,500

Note; Purchase price = \$302,000 excl gst

- 6.15 It is important to note that the current purchase price is based on two key factors;

Firstly, as the site and its attendant infrastructure has yet to be constructed, it has a positive impact on the current asking price. This is because infrastructure services to the new lot have not as yet been put in place, and by deciding on the purchase before the services are laid, the development contributions can be stripped out of the market valuation with a saving of approximately \$24,000. This advantage also means that Council needs to decide on the purchase quickly, otherwise the allotment will shortly be for sale on the open market as a serviced site. If Council does not make its decision now, the price will increase in the order of \$24,000 as the developer will need to provide services to the site and accordingly charge more.

Secondly, as the District Plan does not require the provision of a reserve at this location, Council has no mechanism to force a sale. As such, Council has to deal with the residential land market on the same basis as any other buyer. Council's best opportunity to obtain a reduced price is to agree to purchase the allotment, well in advance of the services being laid.

- 6.16 While Council is somewhat limited in its ability to negotiate with the developer over the purchase of the allotment, it is noted that as a link reserve, Council will not require the whole site and a reduced area would still meet pedestrian

- linkage needs. To this end, officers will seek to further negotiate a reduced site and purchase price.
- 6.17 If this proves to be unsatisfactory, officers are signalling that we will also seek to negotiate with any future adjoining land owners to see if they would consider purchasing a portion of the subject land. This could have the dual benefit of enlarging their sites and Council realising some additional income. This could help by recovering some of the purchase price. Officers also advise that due to the shape of the site and its rear lot location, the sale of any surplus land is unlikely to recoup a significant amount.
- 6.18 This proposal to purchase a reserve is not the normal process. Usually Council negotiates the location and requires the vesting of the reserve as part of the subdivision process. This process also involves obtaining a valuation to verify that we are purchasing at a fair price. In this case Council has reduced ability to question the valuation and need to either accept it or walk away.
- 6.19 Officers have been supplied with evidence of recent nearby purchases and note that the land values have escalated considerably over the last 12 months. Be that as it may, the valuation would appear to be fair and reasonable by the current land values in the Arataki development area.
- 6.20 Strategic considerations
- 6.21 While officers understand the attraction in creating a link reserve in this new subdivision, by agreeing to ad hoc requests of this nature, Council is running the very real risk of creating a precedent that may put pressure on Council to agree to other similar purchases. Council needs to be aware that communities and developers could look to press Council to purchase other reserves in other locations, to create improved connectivity in their particular localities. While Council can deal with each request on its own merits, it needs to be mindful that any additional requests will continue to put pressure on the Council to borrow more.
- 6.22 Council's Reserve Strategy identifies areas of surplus and deficit in reserve provision across the District. Havelock North and Flaxmere tend to be well provided for, whereas Hastings has some bigger gaps in reserve coverage. On this basis Council could well be challenged in the future to allocate more funding to these areas and officers suggest that from a reserves provision perspective, ratepayers' funds might be better spent say in the Raureka and Akina areas, where there are gaps in neighbourhood park provision and existing parks could be improved with strategic purchases to improve community accessibility.
- 6.23 Officers are signalling that a cautious approach is recommended as there are many other subdivisions that could get improved internal connections but there is also no funding available. The current reserve networks are by no means perfect but the current funding provisions try to balance growth needs with an affordability factor.
- 6.24 The general layout for reserves in Arataki was set out 20 odd years ago and Council agreed to a modest regime to help facilitate development. To date the acquisition and development of reserves has been largely successful and the LTP allocations have met the mark. We are now at near completion of

Arataki and the process has been largely successful in meeting the community's reserve aspirations.

- 6.25 Council needs to be mindful that this is a request that has the potential to create precedent that can have serious implications on how Council will react to future, like requests. In terms of Council's strategic reserves direction, this request is not a high priority and it may have serious implications on how Council deals with, and more importantly funds like requests in the future. On this basis, Option 2 offers Council the option to walk away from the proposal. It is the simplest option being essentially the status quo. Thus by deciding against purchasing the site, Council will not incur any additional loan or capital costs and the LTP can remain unaltered.
- 6.26 Conversely, Option 1 offers the opportunity to gain a level of improved residential connectivity in the Arataki residential, but a new funding stream will need to be provided in a time of multiple and various pressing requirements. Council is unlikely to be criticised for showing prudence on this matter.

7.0 PREFERRED OPTION/S AND REASONS

- 7.1 Officers do not have preferred option.
- 7.2 While there is no funding set aside for the proposed land purchase, its acquisition will offer improved pedestrian connectivity for Arataki residents in around the new subdivision area. Changes to land ownership have led to this link being omitted from the development area and by adopting Option 1, the reserve can be developed to the benefit of residents.
- 7.3 If Council is of the mind to purchase the land, the only available option for funding the purchase is to approve it as unbudgeted loan funded expenditure.
- 7.4 The key concern in adopting Option 1 is that Council is likely to be creating precedent and on that basis, any future ad hoc requests are going to pose a growing financial burden on the ratepayer.
- 7.5 Option 2, the status quo, is the cheapest option. Its adoption will allow Council to leave the LTP unchanged.
- 7.6 However, it is recognised that adopting Option 2 will see an opportunity for improved local pedestrian connectivity lost. Good urban design promotes usable linkages in communities and while this purchase comes as an unbudgeted cost to the community, it would likely deliver benefits to local users for generations to come.
- 7.7 This proposal has both benefits and dis-benefits. Council can quite rightly decide against purchasing the reserve due to precedent concerns and a need for financial prudence. Similarly the benefit of a new link reserve will be of benefit to the local community.
- 7.8 In a final comment, it is noted that escalating land values are driving up purchase costs of reserves in our residential development areas. It is likely that the forecasts for new reserves contained in the Ten Year Capital Plan will need some upward adjustment to ensure planned new reserves are appropriately funded. Officers will report back on this in the coming months as part of the 2019/20 Annual Plan process.

8.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Parks and Property Services Manager titled "Proposed Arataki Road Link reserve - Request to purchase" dated 27/09/2018 be received.
- B) That Council adopt Option 2 and not agree to purchase the proposed Arataki link Reserve allotment from Greenstone Land Development Limited.

With the reasons for this decision being that the objective of the decision will contribute to the purpose of Local Government meeting the current and future needs of communities for good quality local in a way that is most cost-effective for households and business by: by maintaining a prudent financial approach to the purchase of unnecessary parks infrastructure.

OR

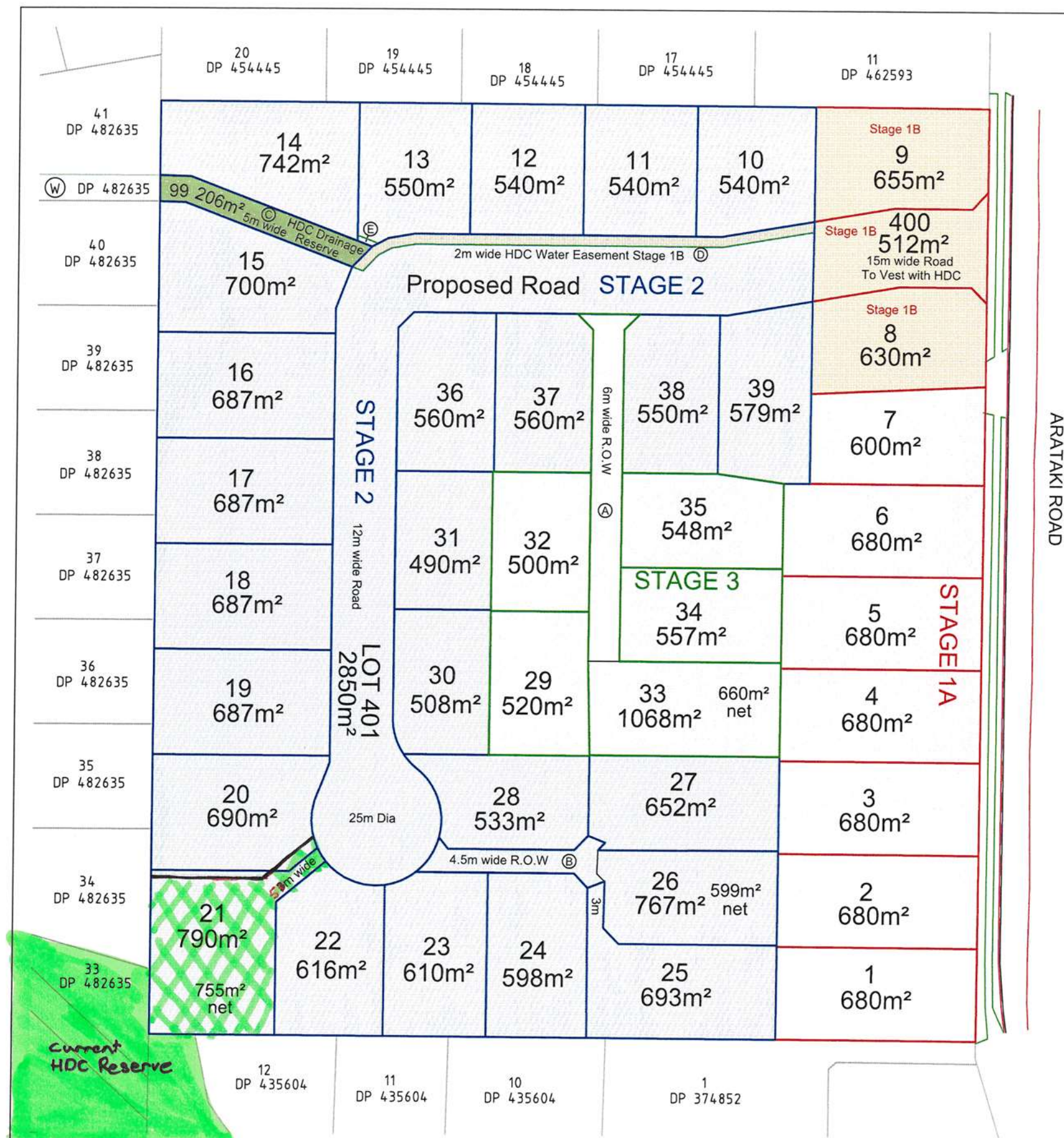
- C) That Council adopt Option 1 and agree to purchase the proposed Arataki link Reserve allotment from Greenstone Land Development Limited, and authorises the Acting Chief Executive to negotiate terms for the purchase of the property.
- D) That Council approve as unbudgeted loan funded expenditure funding of up to \$318,000 be approved in the 2018/19 financial year for the purchase and development of the proposed new link reserve at Arataki.
- E) That the \$500 be allocated in the 2019/20 Annual Plan and included in the 2018/28 LTP for the annual maintenance of the proposed reserve on Arataki Road.
- F) That the \$14,400 be allocated as unbudgeted expenditure in 2018/19 to service the debt and interests payments and maintain the reserve.
- G) \$24,000 be allocated in the 2019/20 Annual Plan and included in the 2018/28 LTP for the annual repayment of debt servicing and interest payments for the purchase of the proposed reserve on Arataki Road.

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: creating a link reserve that better connects the local Arataki community and its associated community facilities.

Attachments:

1 Existing Arataki Reserve Network

CG-14-1-00962



Local Authority : Hastings District Council
Zoning : General Residential
Legal Description : Sec 7 Blk IV Te Mata SD
Comprised In : CFR K3/531
Total Area : 2.8302Ha
Registered Owners : Greenstone Land Developments

LOTS 1 - 39 BEING A
PROPOSED SUBDIVISION
ARATAKI ROAD
HAVELOCK NORTH
SCHEME PLAN



DATE : 25th June 2018
SCALE : 1:750 @ A3
DRAWN BY : R.MacGregor
JOB NO. : 18-FLM
PLAN NO. : SP7H



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REPORT TO: COUNCIL

MEETING DATE: THURSDAY 27 SEPTEMBER 2018

**FROM: PARKS AND PROPERTY SERVICES MANAGER
COLIN HOSFORD**

**SUBJECT: REQUEST TO OCCUPY A PORTION OF TANNER STREET
RESERVE**

1.0 SUMMARY

- 1.1 The purpose of this report is to obtain a decision from the Council on the request of the owners of 28a Tauroa Road to seek a licence to occupy a portion of Tanner Street Reserve to build a retaining wall.
- 1.2 This request arises from the need of the owner of 28a Tauroa Road to replace a substandard retaining wall to a safe standard.
- 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 the exercising of regulatory functions that helps create a safe environment.
- 1.5 This report concludes by recommending that Council adopt Option 2 and grant a Licence to Occupy to the owners of 28a Tauroa Road to occupy a portion of Tanner Street Reserve, subject to conditions.

2.0 BACKGROUND

- 2.1 The owners of 28a Tauroa Road have requested Council permission to occupy a portion of the Tanner Street Reserve with a new retaining wall.
- 2.2 The current fence and retaining wall structures, which are in a poor condition, already encroach into the reserve. The applicants seek to replace the fence and wall with a new compliant retaining wall. Officers are also keen to see the wall and fence structures remediated in order make both the private property and the reserve safe.

3.0 CURRENT SITUATION

- 3.1 The property at 28a Tauroa Road is an irregular shaped section that adjoins the Tauroa Reserve in Havelock North. It contains a dwelling that is located approximately 2.5 metres from the rear boundary that adjoins the reserve. **Attachment 1** includes a survey plan and collection of photographs showing the encroachments and state of the existing structures.

- 3.2 The floor level of the house is located variously between two and three metres above the ground level at the adjoining reserve boundary. In order for the owners to utilise a modest rear yard safely and effectively, a fit for purpose retaining wall is needed to create a flat platform at or near house level
- 3.3 The existing wall and fences, which are built to varying degrees into the reserve, are now largely ineffective and cannot be relied upon to support a simple walkway around the rear of the building.
- 3.4 The desire to build the new retaining wall is that of the owners of the affected property and Council itself does not need the retaining wall on the boundary. On this basis there is no need for Council to contribute to the costs of the wall. Officers note that Council would typically be required to share the cost of an appropriate boundary fence and on this basis a contribution to this effect would be deemed appropriate.
- 3.5 The portion of affected reserve is a relatively natural area that contains a mixture of largely unkempt trees and shrubbery. The Tanner Street Reserve itself is a natural area that is not widely used except for walkers using the track that traverses the reserve. Due to the slope of the land, few would have reason to venture near the boundary with the subject site.
- 3.6 The applicants seek to maximise the use of the rear of their property and to do so they wish to erect a new retaining wall that encroaches between two and four metres into the reserve (**Attachment 2**)
- 3.7 In order to do this, they require Council permission to build a retaining wall that encroaches into the Tanner Street Reserve. Hence this report.

4.0 OPTIONS

- 4.1 Council has three options to consider;
 - Option 1 – Refuse the request
 - Option 2 – Agree to a Licence to Occupy
 - Option 3 – Agree to divest a portion of reserve

5.0 SIGNIFICANCE AND ENGAGEMENT

- 5.1 With this issue Council essentially needs to decide on how it wants to remedy an illegal encroachment. Officers believe that any of the actions available should be largely at the cost of the applicant, and on this basis the proposal does not challenge Council's financial significance threshold.
- 5.2 However, it should be noted that the divestment of any public asset has the potential to be considered significant to some sectors of the community. In saying so, the proposal before Council relates to a relatively minor area of 120m² of land. On current land values, the estimated value of the land involved is around \$3000.00 and as such it too does not challenge any of Council's financial significance thresholds.
- 5.3 Should Council decide to proceed with the divestment option, as the land vested as a Local Purpose Reserve - Plantation, under the Reserves Act 1977, Council will need to follow the requisite procedures for the sale of a part of a reserve. This will require, amongst other actions, public notification and

with that the right for public submission or objection. Any objections or submissions will need to be heard by a Commissioner. This process will provide the public with the opportunity to consider and comment on the proposal.

- 5.4 Should the decision be to divest the reserve, the rigorous process around the Reserve Act provisions will ensure public consultation is carried out and feedback considered by Council, as the Reserves Act process is followed.

6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)

- 6.1 The Tanner Street Reserve covers 20,568m² and runs between Tanner Street and Tainui Drive. It is a low level maintained reserve that contains little flat land, but offers a natural wilderness value for the thirty odd properties that surround and overlook it.
- 6.2 The first issue for Council to consider is the existing retaining wall and fence encroachments. These structures follow approximately 40 metres of the property boundary and encroach to varying degrees. **(See photographs included in Attachment 1).** The encroachment therefore creates an issue for Council in terms of the District-wide Reserves Management Plan's (DWRMP) policies on encroachments, and importantly, who has ultimate ownership and therefore responsibility for the structure, including its maintenance and replacement, should it need attention in the future.
- 6.3 As the purpose of the proposed wall is to basically retain the bank only, it can be built to a maximum height of 1.5 metres. As long as the wall has no surcharge, it does not necessarily require a building consent, though it needs to be built to comply with the Building Code. By having no surcharge, it means the retained bank cannot be used to support structures, driveways and the like. If the wall is to be built higher it will require a Building Consent.
- 6.4 Bearing in mind the state of the existing structures, it is the shared view of the owners and officers that they should be removed and safely rebuilt. To undertake this at the scale requested by the applicants, sufficient land will be needed to be made available to avoid any ambiguity of ownership and to therefore ensure all responsibility for the structure lies with the property owner. Put simply, the public have no need for this wall and should not therefore be responsible for any future costs for maintenance, repairs or replacement.
- 6.5 Option 1 – Refuse the request.
- 6.6 The owners wish to remove the existing encroachments and erect safe legal retaining walls. Typically the new wall would be built on the applicant's property and not intrude into the reserve.
- 6.7 The key constraint for the applicants is that they have a very narrow rear yard of approximately 2.5 metres and the slope of the site makes it difficult to build a complying and sloping wall on their site that would leave much usable space. Council can require the structure be rebuilt on their site, but as the wall was existing at time of purchase, the current owners have grown used to the convenient access and would like to retain it. Officers are understanding this desire.

- 6.8 If Council was to adopt Option 1, it would be the simplest option for Council and would require the applicant to meet all costs of wall removal and rebuilding on their own site. It would also meet the requirements of both the DWMP and the Reserves Act 1977.
- 6.9 It would however pose some sizeable expenses on the applicants, given the site's difficult terrain and poor access. They will need to build a specifically engineered wall that will undoubtedly prove very costly.
- 6.10 Officers are also mindful that neither the applicants nor Council want the encroachments to stay, as they are in a poor condition and pose a potential risk to people. Given the existing structures already encroach and haven't drawn adverse issue from locals and reserve users, it could well be considered somewhat harsh to insist on rebuilding wholly on the applicant's site and clear of the reserve.
- 6.11 Option 2 – Agree to a Licence to Occupy
- 6.12 Option 2 provides for the removal of the existing structures and for the construction of a new retaining wall, intruding between two and four metres into the reserve. Essentially it would occupy the space already subject to the existing encroachment and make good the current poor state. **See Attached 2.**
- 6.13 The removal of the existing structures will immediately remove the safety and financial risk to Council and the ratepayer.
- 6.14 This option is favoured by the applicants who want to rebuild a compliant wall but seek to occupy a portion of reserve to create a softer slope that is easier and cheaper to construct.
- 6.15 Council could consider allowing an encroachment on its reserve, by granting a licence to occupy to the applicants. Officers are usually not in favour this approach where permanent structures are proposed, as it will still leave ultimate ownership of the land with Council and with it some potential for ongoing responsibility for the wall.
- 6.16 However, there are advantages with in granting a licence to occupy. It is a relatively easy process to complete and therefore the applicants can advance their remedial works immediately. In addition, the cost of the Licence to Occupy is typically small, say \$30.00 per annum, thus it is a relatively inexpensive solution.
- 6.17 On the downside, the Licence to Occupy does not give exclusive rights to the applicant so theoretically the public can still access the land occupied. This is unlikely to occur in this location given its steep topography and isolated setting. Officers recommend that if Council was to adopt this option, it would be advisable to put a prominent file note on the property file to advise future purchasers that the land is occupied at Council's pleasure and the costs of wall maintenance are all borne by the owners of 28a Tanner Street. This will ensure owners don't make claims on Council with regard to occupation or ongoing costs.
- 6.18 From a policy perspective, officers are also wary of allowing new encroachments where they don't add value to the reserve. Essentially this wall provides an advantage of the adjoining site, so to allow a Licence to

Encroach could be seen to send a message to others landowners that should they too encroach onto public land, they can easily legitimise their actions by just asking Council for a licence. However, given the relatively isolated location of the subject area, it is unlikely to raise any adverse comment.

- 6.19 Officers are also aware that there is a desire from the applicants to advance their building project as soon as possible, so the option of offering a Licence to Encroach, does have the advantage of allowing work to commence sooner rather than later.
- 6.20 Option 3 - Agree to divest a portion of reserve
- 6.21 Council also has the option of agreeing to commence the process divesting a strip of land to the adjoining owner so that all of the new wall and all its incumbent risks and liability are transferred away from Council and the ratepayer, to the property owners themselves.
- 6.22 While this is not a course often taken, Council does from time to time consider such options where the impacts on the reserve are minimal and an improved outcome might be achieved. As a starting point, officers would only support this position where it was clearly understood that all costs associated with the transaction were carried by the property owner and is at no cost to the ratepayer. Funds received from the sale redirected to park improvements.
- 6.23 The key legislation that controls land dealings with regard to reserves is the Reserves Act 1977. It prescribes a process that Council must follow in order seek the Minister of Conservation's consent to partially revoke the recreation reserve status and therefore allow for a subdivision to divest a portion of the reserve.
- 6.24 Section 24 of the Reserves Act requires Council to first resolve to partially uplift the classification and publicly notify its intention to divest the portion of reserve. Every person claiming to be affected by the proposed change has the right to object to the proposal. The objection period covers one month and any objections must be in writing.
- 6.25 Once the objection period is over, Council details its request for the partial revocation, including any reports and objections, and awaits the Minister's response. Assuming the proposal travels successfully to this point, the subdivision, gazettal and formation of titles will follow. This can be a long and time consuming process, and not without cost. Officers believe that should this option be considered, the cost of this should be borne by the applicants as the main beneficiary and not the ratepayer. In addition, should the applicants' decide to abandon the process at any stage, they should be required to pay the costs incurred up to that date.
- 6.26 The key issue for the Minister to consider is whether the revocation of a portion of recreation reserve will have a detrimental impact on recreation values. Council's DWRMP too seeks this outcome to ensure reserve values are not diminished by the sale proposal.
- 6.27 Officers believe that the area of land requested to be divested is so small that it is as to unlikely have any impact on the amenity values of the reserve. It is a low level reserve that receives only intermittent use. At its worst section, the proposed wall itself will intrude into the reserve by four metres. Without the

wall, the strip suggested to be divested sold is largely unkempt parkland, covered in vegetation. The subject area offers no particular reserve value and on this basis Council can be reasonably confident that a divestment is not going to cause any loss in recreation value nor level of amenity.

- 6.28 The area of land proposed to be divested covers approximately 120m² and at the reserve's current value of \$19.00/m², it is nominally worth around \$3000.00. While there is some argument that the adjoining land owner is obtaining an advantage from the transaction, officers conversely suggest that the encroaching structure was not installed by the current owner, who now is carrying the cost of previous owner's actions. It could also be contended that by allowing the proposed sale of a small amount of land, albeit at a minimal cost, Council is being fair and reasonable and willing to resolve a vexatious issue at no cost to the ratepayer.
- 6.29 Officers would recommend that if Council was to consider the option to divest or sell the land, it should make any sale agreement conditional on the adjacent owners paying \$3000.00 for the strip of land and covering all other subdivision and legal costs. The main expense would be the actual subdivision and legal cost which are estimated at \$7000.00
- 6.30 The main advantage to Council of the divesting option is that all ownership and responsibility for the wall will pass over to the property owner. This removes the safety and financial risk from Council and ultimately the ratepayer.
- 6.31 The main disadvantage of this option will be to the applicants, who will be faced with a high up front cost to carry out the full subdivision transaction and slowed by the lengthy process needed to be followed to divest a reserve. The process could take up to twelve months.
- 6.32 Not surprisingly, the purchase option is not their preferred option and their preference is to seek a Licence to Encroach in order to remove the encroachments, build the new wall and in doing agree to assume all responsibility for the construction and ongoing maintenance of the proposed wall.

7.0 PREFERRED OPTION/S AND REASONS

- 7.1 The preferred option and that recommended by officers is Option 2
- 7.2 While officers are aware that there are other encroachments on our reserves, we deal with them as they arise and give priority with regard to the risks they pose. While option 1, rebuilding wholly on the applicants' site is possible, it is difficult, expensive and not preferred by the applicants. The applicants realise they need to remove the existing structures however it will be difficult to do this successfully inside their property boundary.
- 7.3 With regard to Option 2, officers are concerned that the proposed new wall, located on the reserve, could pose a risk and a potential liability with regard to on-going maintenance. A Licence to Occupy will not totally remove either of these concerns however, it will rectify an illegal situation and notate the responsibilities of the Applicants. It also removes any ambiguity over land and asset ownership. It is recommended that Council put a file note as an alert on the property file so that, prospective purchasers can be alerted to the

fact that the land is Council reserve and is a public space occupied at Council's pleasure.

- 7.4 Option 2 allows the applicants to progress their project quickly and at the lowest cost. It can be described as the most pragmatic solution to the issues at hand but it probably can't be seen as an absolute long term solution.
- 7.5 By adopting Option 3, Council will be agreeing to commence the process under the Reserves Act 1977 to potentially allow the divestment of approximately 120m² of reserve. The proposal will first be open to public submission and then require Ministerial approval. It also needs to be noted that this approval is only in regard to the relevant requirements of the Reserves Act 1977. Once the requisite actions under the Reserves Act are satisfied, any subsequent subdivision proposal is dealt with under the separate requirements of the District Plan and Resource Management Act, administered by the Planning and Regulatory Group.
- 7.6 Unfortunately, there is no guarantee that the divestment process will be successful and as such, adopting Option 3 will put the applicant's project on hold for time. While they wait for the process of public notification, submission consideration and Council consent, they will be unable to proceed with their rebuild on any part of the reserve.
- 7.7 Officers recommend that Option 2 be adopted but subject to file note going the property file advising prospective buyers of the terms and conditions of the Licence to Occupy and attached to and Land Information Memorandum requests. By adopting Option 2 Council will ensure the applicants, the public, Council and the ratepayers will be safeguarding from any adverse effects from the wall or financial liability.

8.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Parks and Property Services Manager titled "Request to occupy a portion of Tanner Street reserve " dated 27/09/2018 be received.
- B) That Council adopt Option 2 and thereby agree to grant the owners of 28a Tauroa Road a Licence to Occupy a portion of 120m² of Tanner Street Reserve for a fee of \$30.00 per annum.
- C) That the Acting Chief Executive be authorized to enter into a Licence to Occupy to allow the owners of 28a Tanner street to erect a retaining wall that complies with the Requirements of the Building and Resource Management Acts
- D) That a file note be placed on the property file for 28a Tauroa Road advising of the terms and conditions of the Licence to Occupy as important information for prospective purchasers

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 performance of regulatory functions in a way that is most cost-

effective for households and business by:

i allowing the removal and remediation of an illegal structure that will provide an improved outcome without affecting reserve values by exercising of regulatory functions that helps create a safe environment.

Attachments:

- | | | |
|---|---------------|---------------|
| 1 | Survey Plan | CG-14-1-00964 |
| 2 | Tanner Street | CG-14-1-00965 |

PLAN OF STAKED BOUNDARY - 28a TAUROA RD, HAVELOCK NORTH





REPORT TO: COUNCIL

MEETING DATE: THURSDAY 27 SEPTEMBER 2018

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

SUBJECT: VARIATION 4 - IONA RESIDENTIAL REZONING UPDATE

1.0 SUMMARY

- 1.1 The purpose of this report is to update Council about the residential rezoning of land at Iona.
- 1.2 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.
- 1.3 The purpose of this report relevant to the purpose of Local Government is the performance of a regulatory function through the provision of a District Plan which will help to create an attractive and healthy environment for people, which promote the best use of natural resources and which is responsive to community needs.
- 1.4 This report concludes by recommending that this report be received for information purposes.

2.0 BACKGROUND AND CURRENT SITUATION

- 2.1 As a result of a Council resolution on August 8 2017 an application was lodged with the Environment Minister to adopt a Streamlined Planning Process (SPP) for the residential rezoning of land at Iona. The land included is approximately 55.4 hectares of land in the Iona triangle and hill greenfield areas, in areas of developed rural residential land adjacent to Lane Road and in the Breadalbane Avenue area on the western fringe of Havelock North (refer to the development extent map appended to this report as **Attachment 1**).
- 2.2 A decision was made and a direction issued by the Environment Minister under Gazette Notice on 28 February 2018 directing that the rezoning of land at Iona could proceed under a SPP. The decision was issued subject to certain procedural steps, timeframes and number of expectations, including that the proposed Iona rezoning variation (Variation 4) should provide sufficient development capacity for at least 390 – 400 dwellings and several reporting requirements.
- 2.3 To get it to this point significant community consultation occurred, in preparing a draft Structure Plan and plan variation. This included the invaluable design

elements work carried out by the Iona Working Group, with specialist input from Isthmus Group (landscape and urban design consultants), which became the foundation of the Structure Plan and Plan variation.

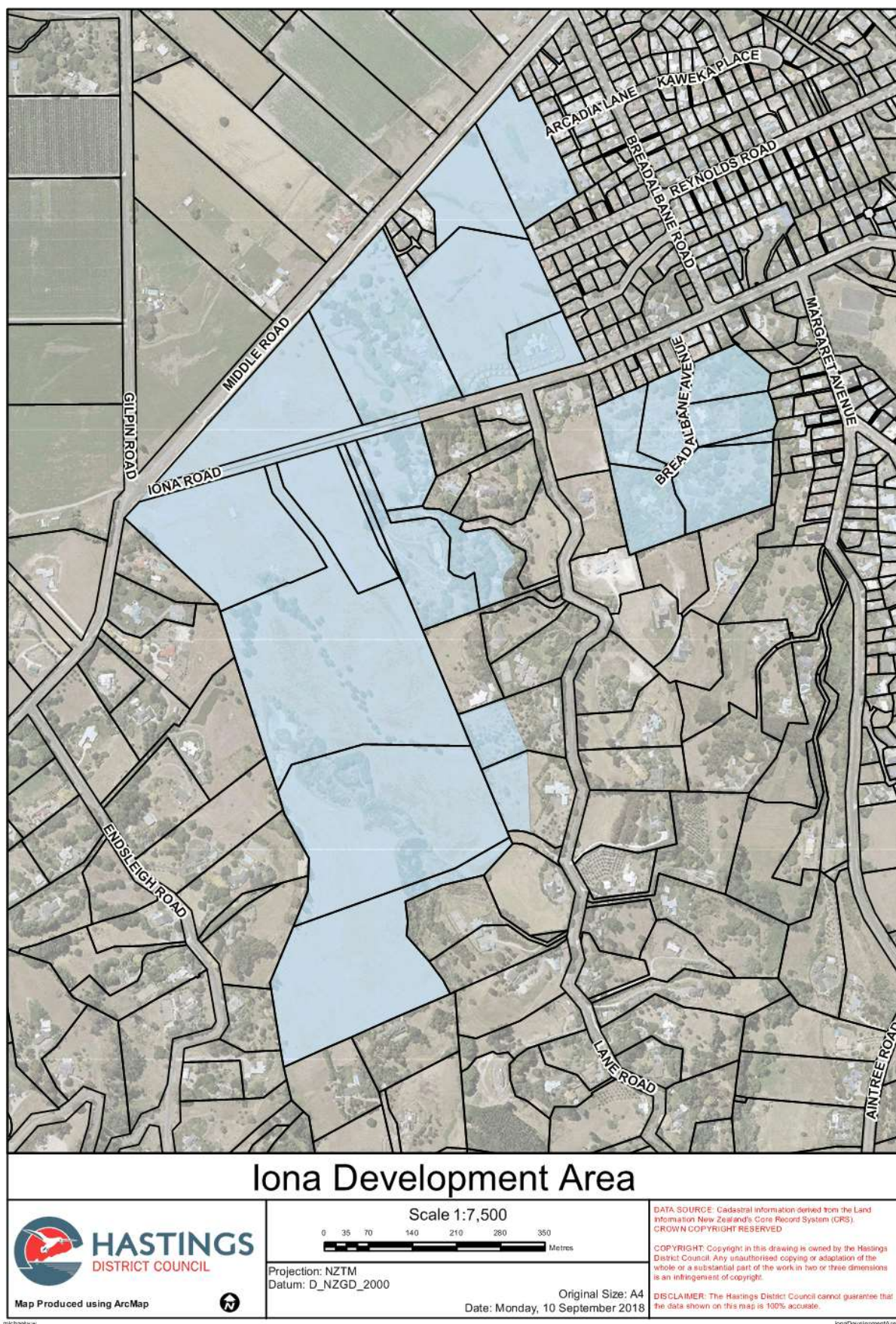
- 2.4 Variation 4 was notified on the 6 April 2018, with submissions closing on 7 May 2018. 34 submissions were received. The hearing of submissions occurred in May and June 2018, by three independent commissioners appointed by Council with significant experience in planning and resource management law, stormwater, landscape and urban design issues. In accordance with the direction recommendations were made to the Environment Minister on July 31 2018 for his consideration. In considering the commissioners recommendations, the Minister had the option of referring the variation back to Council for additional work, declining the SPP or approving it.
- 2.5 Council received a decision on 7 September 2018, advising that Variation 4 was being referred back to Council with the Ministers approval and notification of the decision could occur making the rezoning operative. The reasons for the decision being that Council has complied with the directed process including procedural requirements and timeframes, had regard to the expectations including expected yield, has met the requirements of the Act and relevant national direction including the National Policy Statement on Urban Development Capacity and that the purpose of SPP has been met (being the achievement of a planning process which is proportionate to the nature of the planning issue).
- 2.6 The Ministers decision makes no changes to the recommendations of the independent commissioners which informed the decision. The decision was notified on 12 September 2018 and the rezoning became effective on September 19 2018. This decision paves the way for residential development to now occur in this area, helping meet the future residential growth needs of our community.
- 2.7 Appended to this report as **Attachment 2** is the Structure Plan approved as part of the Ministers decision. It includes the creation of different neighbourhoods which are responsive to certain characteristics and environmental outcomes sought and allows for different housing typologies to meet different community needs, extensive reserve areas, a fixed roading layout and limited commercial nodes to provide new community focal points.

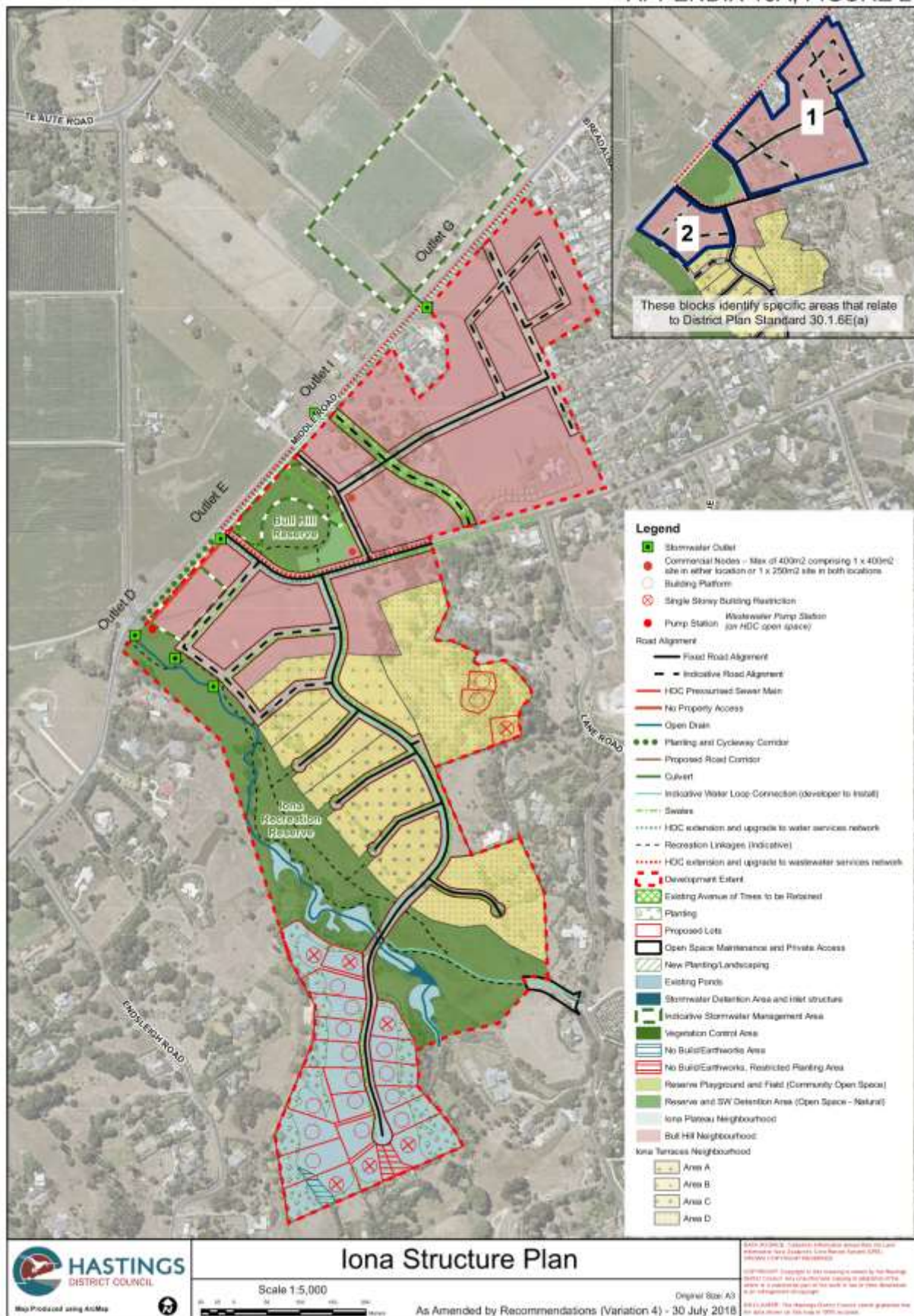
3.0 RECOMMENDATIONS AND REASONS

- A) **That the report of the Senior Environmental Planner Policy (Special Projects) titled "Variation 4 - Iona Residential Rezoning Update" dated 27/09/2018 be received for information purposes.**

Attachments:

- | | | |
|---|---|-------------------|
| 1 | Iona Development Area Zone Extent Map Giving Effect to Ministers Decision September 2018 | ENV-9-19-4-18-561 |
| 2 | Variations to Proposed District Plan 2015 - Iona - Appendix 13A, Iona Structure Plan Diagram As Per Recommendations | ENV-9-19-4-18-555 |





REPORT TO: COUNCIL

MEETING DATE: THURSDAY 27 SEPTEMBER 2018

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

SUBJECT: SUBMISSION TO THE MINISTRY FOR THE ENVIRONMENT ON THE DRAFT NATIONAL PLANNING STANDARDS

1.0 SUMMARY

- 1.1 The purpose of this report is to update Council about a submission made to the Ministry for the Environment on the draft National Planning Standards.
- 1.2 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.
- 1.3 The purpose of this report relevant to the purpose of Local Government is the performance of a regulatory function through the provision of a District Plan which will help to create an attractive and healthy environment for people, which promote the best use of natural resources and which is responsive to community needs.
- 1.4 This report concludes by recommending that this report be received for information purposes and that the submission be approved.

2.0 BACKGROUND

- 2.1 Amongst the changes introduced to the Resource Management Act (RMA) in the 2017 reforms was to provide for a new planning tool the 'National Planning Standards'. The standards are being developed by central government and adopted by councils in preparing their resource management plans and policy statements.
- 2.2 The intent behind the standards is to provide national consistency for the structure, form, definition and electronic accessibility of RMA policy plans and policy statements so that they are simpler and more cost effective to prepare and easier for plan users to understand and use. The Section 32 report (cost benefit analysis) accompanying the draft Standards identifies that the benefits of the Standards are more economic than environmental.
- 2.3 The first set of Standards have been drafted on the premise that the public will mainly access RMA plans and policy statements through ePlans in the near future.

- 2.4 After initial consultation with plan users, the draft Standards were drafted by the Ministry for the Environment (MFE) in consultation with 'pilot' local authorities, technical experts and plan users. The first set of draft Standards were released in early June of this year, with submissions due on 17 August 2018. In addition to written submissions, MFE organised a roadshow (including Napier) to discuss the draft Standards with local authorities and plan users. The final standards are to be approved by way of gazettal in April 2019.
- 2.5 Under the changes to the RMA, the planning standards can be prepared for many different elements of plans, including structure, form, objectives, policies, methods (including rules) and other provisions. However, this draft first set of planning standards does not include any standardised objectives, policies, methods or rules. MFE has advised that this is so variation can be provided locally. It is intended that the same standards apply across the country although there is the option of them being applied generally to specific regions or districts, or to other areas of New Zealand.
- 2.6 The first set of standards are made up of:
- **Structure Standards**, which establish a common framework for plan provisions that all local planning documents must use;
 - **Form Standards** which covers electronic accessibility and function, standardised mapping colours for zones, spatial planning tools which includes zone names, chapter form and status of rule and other text and numbering format; and
 - **Other (content and metrics) standards (definitions, noise and vibration metrics)**. Standards for definitions and noise and vibration metrics are included in this set of draft planning standards. It standardises 109 terms, some which use definitions already given in the RMA and other legislation. The noise and vibration metrics standard requires councils to use the latest relevant acoustic NZ Standards when measuring and assessing noise and construction vibration.
- 2.7 It is proposed that Councils be given 1 year to implement the ePlan standards and 5 years to implement the remaining. However for the latter, 7 years have been given to certain Councils where they have recently concluded a major plan review process and notified the decisions version of a plan.

3.0 CURRENT SITUATION

- 3.1 The Environmental Policy team submitted on the draft National Planning Standards on Councils behalf, with a copy appended to this report as **Attachment 1**. In it Council outlines its in principle supportive of the intent and objectives of the National Planning Standards, but submits that in their current proposed form that the outcome will be contrary to the overall objectives sought.
- 3.2 The submission provides comment on the draft Standards in general terms and what the changes mean in the context of the Proposed Hastings District Plan and some suggested refinements to improve their implementation and better meet the overall intent and objectives of the Standards.

3.3 The key points of the submission were:

- The draft standard proposes to simplify the number and naming of zones which does not work successfully for this Council's 'Place Based' planning approach. The zones are often based on density rather than on topography, location or community outcomes.
- The draft standard provides very little distinction between the Rural Zone and the Rural Production zone. This is not compatible with this Council's Plains Production zone which has very real differences to our Rural Zone.
- Under the Standards Council has one year to implement the ePlan requirements. With the go live of our ePlan in February of this year, Council largely already meets this requirement, with a more advanced version being operated by this Council than what's needed under the Standards.
- The draft standard is not explicit whether Marae and Papakainga Housing site within the Sites of Significance to Maori section in the draft standards. This does not seem to be the best fit.
- Suggested changes to the definitions to avoid Council having to re-write parts of its plan to ensure that the policy approach is consistent with the terms defined in the standard.

3.4 While the above points are significant, the issue of most concern to officers is the proposed implementation timeline, which is addressed in section 4 of our submission 'Consequential Amendments & Implementation Timeline'. Under the draft, this Council would have 5 years to implement the Standards as it does not technically meet the proposed criterion being *"The council has notified, or is due to notify, the decisions version of an RMA plan, or a partial decision that encompasses the majority of the plan, between April 2016 and April 2019"*.

3.5 While Council has recently undergone a major plan review at substantial cost with decisions notified in September 2015, it falls slightly outside the April 2016 criterion date.

3.6 Concern is raised in the submission, about this for a number of reasons:

- plan appeals remain outstanding so our plan is not yet fully operative;
- incorporating the Standards into the Proposed Hastings District Plan will require content to be substantially reworked which means Council maybe subject to further costs and legal challenges if their plan structure and elements are changed again within a short time period;
- the need to explain to our community why Council is having to change its plan again, with limited if not no benefit in environmental outcomes as outlined in the Section 32 report supporting the introduction of the Standards; and
- implementing the Standards will also mean that other programmed planning work which has already been scheduled by Council might not occur during this period.

- 3.7 To avoid placing Councils in this position it is suggested that 10 years be given to all Councils to implement the Standards, so that they can occur within their normal District Plan review cycles. Alternatively, if this is not accepted then it is submitted that Hastings District Council be given 7 rather than 5 years to implement the body of the Standards.
- 3.8 Council in its submission has indicated that it welcomes any opportunity to provide additional input into the establishment of a set of National Planning Standards and will keep a watching brief as work progresses.

4.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Senior Environmental Planner Policy (Special Projects) titled "Submission to the Ministry for the Environment on the Draft National Planning Standards" dated 27/09/2018 be approved.**
- B) That the submission to the Ministry for the Environment on the Draft National Policy Statement be endorsed.**

Attachments:

- | | | |
|---|---|-----------------|
| 1 | HDC Submission on the Draft National Planning Standards | REG-10-8-18-913 |
|---|---|-----------------|



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Hastings District Council Submission to the Ministry for the Environment on the Draft National Planning Standards

13 August 2018

Submitted by Email to: planningstandards@mfe.govt.nz

1. Introduction

- 1.1. Thank you for the opportunity to provide feedback on the Ministry for the Environment's first set of draft National Planning Standards.
- 1.2. The Hastings District Council is in principle supportive of the intent and objectives of the National Planning Standards. However, in their current proposed form it is submitted that the outcome will be contrary to the overall objectives sought.
- 1.3. This submission covers the Standards in general terms and what the changes mean in the context of the Proposed Hastings District Plan. This submission also includes some suggested refinements to improve their implementation and better meet the overall intent and objectives of the Standards.
- 1.4. Any opportunity to provide additional input to the establishment of a set of National Planning Standards and discuss the points raised in this submission would be welcomed.
- 1.5. The main contact for this submission is Anna Sanders, Senior Environmental Planner Policy (Special Projects) who can be contacted on annajs@hdc.govt.nz or 027 839 4476.

2. Proposed Hastings District Plan Policy Framework and General Comments on the Draft National Planning Standards

- 2.1 It is understood that the Standards seek to achieve balance between standardisation across plans while enabling local authorities the local variation needed for attaining local planning outcomes. However, as drafted it is considered unlikely that this will be the outcome achieved. In order to achieve the requirements of some of the Standards, Council will need to significantly change its policy framework, which we believe is contrary to the overall intent.
- 2.2 The Hastings District Council has only recently undertaken an extensive review of its District Plan. Decisions were notified in September 2015, with appeals yet to be fully resolved. In undertaking the review, a “place based” approach was adopted. This was in response to the extensive consultation carried out and the wishes of our community who sought recognition of distinctiveness of place. The result is a plan framework, including zones, which is formulated on community derived objectives, and reflects the environmental outcomes sought by our community. The Resource Management Act 1991, was founded on this premise. A participatory system of developing environmental policy at both district and regional levels. Evidence that the plan zones are representative of community derived objectives, is that no appeals were lodged on the Proposed Plan pertaining to the zones themselves or the plan framework.
- 2.3 This draft Standard proposes to simplify the package of zones and to minimise the use of zones where other planning tools such as overlays or precincts, can be used to introduce district provisions to achieve the variation needed to achieve local planning outcomes. It is submitted however, that precincts appear to being used to compensate for a lack of zones. The heavy use of precincts will result in a range of issues; precincts acting as pseudo zones as the underlying zoning becoming overridden by precincts, confusing and perhaps conflicting policy direction, sets of provisions that bear little resemblance to the underlying zone and won’t enhance plan usability and precincts which in some cases will overlap. Interpretation issues will likely result. Subtleties can sometimes be more easily introduced, by slightly broadening the number of zones and plan standards rather than creating the need for a precinct or overlay.
- 2.4 It is submitted that more flexibility needs to be built into the zones as Councils should have options as to how best to differentiate character and development through plan provisions. The names of the zones in the Standard will result in issues for Hastings. It is proposed that the residential zones are based on the density provided for in the zones. In the Hastings context it is topography, location or community and/or outcomes that determine zone names. The naming of zones using density as the determinant encourages the segregation of residential densities. Our experience with a recent residential rezoning is that this is not a desirable outcome and that variety of house types and section sizes should instead be the goal particularly in urban areas. As an attempt to create some zone flexibility, special purpose zones have been suggested. This will not resolve the issues identified as the location of these zones will be separated from the grouping of like zones.
- 2.5 While it appears Councils will have latitude to decide what zones apply where, it is the guidance notes that establish the zone characteristics themselves. Caution needs to be exercised with the establishment of these guidance notes, as it is likely that these characteristics will be heavily relied on in implementing the first set of national planning

standards and determining zone application. Their intent needs to be very clear and written in a much broader manner to allow Councils greater ability to fit their existing zones into the zone framework proposed without having undue challenges to these from submitters (especially given that in our case we have recently been through this process and the appeals on the District Plan did not question any of the zones themselves or the zone framework).

- 2.6 It is envisaged that the proposed Low Density Residential Zone would primarily apply to our Districts coastal settlements. The issue with our coastal communities fitting neatly into this zone is that the characteristics identified in the guidance note appear to envisage a narrow range of non-residential activities whereas the current Hastings District Plan provisions of the coastal settlements zone envisaged a more tailored response appropriate to coastal environments, such as camping grounds, visitor accommodation and in the case of Waimarama, land based primary production.
- 2.7 It is proposed in the Standards that “Neighbourhood Commercial” zone and the proposed “Local Commercial” zone be used. The term ‘commercial’ suggests that only business related activity will occur in this zone. The term centre should instead be used, as this better reflects the broad range of activities that occur in these locations. In Flaxmere as a local example, we currently have a Community Residential Zone which incorporates a swimming pool, community centre and library complex as well as open space parks and a Council owned area identified for potential future housing. Broadening the zone name change to “Neighbourhood Centre” and “Local Centre”, would better reflect the wide range of activities that establish, better supporting the existing objectives for the Flaxmere Village centre, to create a vibrant community hub.
- 2.8 The Napier City Council have submitted that consideration be given to aligning the draft Open Space Zones with those introduced by The New Zealand Recreation Association (NZRA). Hastings District Council is supportive of this suggestion, as we have used the seven NZRA categories as a basis for our open space zones as part of our recent plan review. The basis for this approach is to align with our Reserve Management Plans which are based on the NZRA adopted categories. This has meant that consistency and efficiency in managing reserves across different legislation and ensure that plan provisions align with the primary purpose of our open spaces.
- 2.9 Included within the Plan is the Plains Production Zone which recognises the growing powerhouse of the Hastings District. It is the focus for cropping, viticulture and orcharding in the region and in these activities it is nationally significant. The key to its productivity is the versatile land resource which provides flexibility into the future for changing productive land uses. Retaining this land for production purposes is a principle that forms one of the Council's cornerstones for sustainability of the District's natural and physical resources.
- 2.10 A review of the guidance on specific zones, suggests that the Plains Production Zone best fit would be the proposed Rural Production Zone. However, traditionally in the Hastings context the Rural Zone and Plains Production Zone have had very different policy frameworks and provisions that sit alongside them. These differences are based on current and potential land uses but also their different attributes. In reviewing the characteristics guidance notes it currently provides very little distinction between a Rural Zone and a Rural Production Zone, with the only point of difference being that the latter ‘may discourage land fragmentation into small lots’. It is submitted in the Hastings context that this is not a sufficient enough distinction.

- 2.11 It is also submitted that the Heretaunga 'Plains' as a term is well embedded in the Hastings context (could equally be applied to other versatile soils situations nationally) and it is Councils preference that this terminology be retained.
- 2.12 Included within the Proposed Hastings District is the Nature Preservation Zone (Section 5.5). It applies to an area of land covering the Cape Kidnappers and Ocean Beach area, generally defined by the 'Cape Sanctuary' nature preserve predator proof fence, but extending further south than the southern extent of the fence, to the Council Ocean Beach Surf Club Reserve. The introduction to the zone appended to this submission as **Attachment A**, provides a useful summary of the landscape values and multiple values present in this area.
- 2.13 Initially this land was zoned rural, but was changed as a result of our recent plan review to protect its special landscape and cultural values and supports the preservation, and conservation initiatives and existing farming and commercial operations of the owners, as well as providing additional eco-tourism, eco-education and eco-residential opportunities that are respectful of the environment. This section was subject to plan appeal and resolved through a substantive mediation process and consent order.
- 2.14 A review of the proposed zones and characteristics guidance suggests that the current best fit for this zone would be a Conservation Zone, its built form, amenity and activities outlined as:
- *The zone is dominated by largely undeveloped open areas with particular natural, ecological, scenic, landscape, cultural and/or historic values.*
 - *These zones are influenced by conservation mechanisms that provide for long-term management of the land. Significant physical modification of the land is not anticipated within this zone.*
 - *Often in public ownership (eg, national parks, forest parks, bush reserves).*
 - *Provides a specific underlying conservation focus and may have special conservation mechanisms (eg, QEII covenants), with an allowance for recreation activities.*
- 2.15 It is submitted that while the Nature Preservation certainly has these qualities, in this instance the land concerned is largely in private rather than public ownership and it is not explicit whether commercial activities which are mutually supportive and appropriately managed are appropriate. Even though the characteristics are seen as guidance for Councils, it is submitted that these characteristics will be heavily relied on in determining appropriate zones and if commercial activities are not seen as appropriate within a Conservation Zone then a separate zone should be established. Also use of the word Conservation has quite different connotations to that where a mixture of values and sometimes competing activities (albeit restricted) might be appropriate.
- 2.16 In summary, it is submitted that the limited zones proposed and extensive use of precincts and overlays to achieve the variation sought by the Standards, has the potential to require re-notification of fundamental components of our plan. Precincts and overlays while a useful planning tool in some circumstances should not be heavily relied on in the Standard to provide variation in attaining local planning outcomes. The approach suggested in Hastings case will lead to re-litigation of the size and shape of the zones and layers that exist.

3. Implementing National Direction - Urban Growth





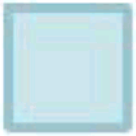
- 3.1 The objectives of the National Policy Statement on Urban Development Capacity (NPS-UDC) apply to all local authorities, with differing policies depending on urban growth levels. Hastings District Council is considered a medium growth area under this NPS. As a medium growth area, Council is required to provide sufficient ongoing development capacity to meet existing growth needs as well as medium and long term growth needs.
- 3.2 Under the draft Standards, due consideration would appropriately need to be given by Hastings District Council to NPS-UDC in S-DP Draft District Plan Structure Standard under Part 1 – Introduction and General Provisions ‘National direction instruments’ and also has the discretion to similarly include it under Part 3 Strategic Direction. The inclusion of national direction instruments is supported as it improves their visibility and their application locally. Council however is not supportive of a requirement to include the detail on where these align, duplicate and conflict with provisions in the plan. The benefits in doing this are not clear and appears to add a layer of unnecessary detail which could result in interpretation issues. The Standards should set out the regional approach to implementing national direction and more appropriately any sections of the plan which include rules relevant to the national instrument.
- 3.3 From the draft Standards it is not clear how urban growth is to be dealt with under regional planning documents. Hastings District Council is particularly interested in this relationship not only as an identified medium growth area under NPS-UDC but has a partner to the Heretaunga Plains Urban Development Strategy (HPUDS). HPUDS is a combined strategy developed in conjunction with the Hawkes Bay Regional Council and Napier City Council to address regional growth issues over the next 30 years.
- 3.4 The functions of both District and Regional Councils under Sections 30 and 31 of the Act require the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity of housing and commercial land. HPUDS was developed as a local response to planning across boundaries and collaboration between Councils and is embedded in the Regional Policy Statement. The mandatory requirements of Sections 30 and 31 do not seem to have been given due consideration in the mandatory requirements of the regional standards. It is not clear from the Regional Standards if urban growth is to be dealt with as a special topic or as a subset under the land section. As all Councils are required to address these sections of the Act, Regional Policy Statements and NPS, it is submitted that the urban growth issue needs further consideration. As urban growth has been made a priority by central government and is a key issue for this Council and others, it is suggested that it not be dealt with as a special topic or as a subset of the land section but separately.

4. Consequential Amendments & Implementation Timeline

- 4.1 It is proposed that local authorities must amend their documents in accordance with section 58l of the RMA within 5 years of gazettal or 7 years in the case of specified local authorities. The proposed criterion for councils to be included within the two year extension is that:
- The council has notified, or is due to notify, the decisions version of an RMA plan, or a partial decision that encompasses the majority of the plan, between April 2016 and April 2019.***
- 4.2 In establishing this criterion consideration was given to councils which have recently carried out a major plan review and the cost and legal challenges that may happen if their plan structure and elements are changed again within a short time period.

- 4.3 Hastings District Council has recently undergone a major plan review at substantial cost with decisions notified in September 2015, falling slightly outside the April 2016 criterion date. While decisions were made in September 2015, some appeals still remain outstanding and require further funding and resource allocation to resolve. Resolution of these appeals include advancing our residential growth areas through a Streamlined Planning Direction and in the case of another substantive structure planning work. Making the plan operative is also now reliant on the decision of a High Court appeal which is in its infancy.
- 4.4 Ideally Council does not wish to incur further costs and legal challenges that may happen if their plan structure and elements are changed again within a short time period.
- 4.5 Further to this, it has been suggested by the Ministry for the Environment that the introduction of a number of these Standards can be introduced by way of consequential amendments, under Section 58I of the Resource Management Act as the content of plans won't actually be changing. Incorporating the Standards into the Proposed Hastings District Plan will require content to be substantially reworked. It is Council's opinion that a number of these Standards can't be considered as consequential amendments as they go beyond the scope of duplication and conflict and that a full Schedule 1 process will need to be adopted to implement the Standards.
- 4.6 If the Standards are adopted as proposed, this leaves Council in a position where within a short period of time of undertaking a plan review, it is faced with having to use a Schedule 1 process to implement the Standards. Schedule 1 processes are costly, lengthy and ultimately subject to Environment Court appeal. Council will also be left having to explain to its community why it is having to change its plan again, with limited if not no benefit in environmental outcomes as outlined in the Section 32 Report. Having to implement the Standards will also mean that other programmed planning work which has been scheduled by Council will not occur during this period.
- 4.7 To avoid placing Councils in this position it is suggested that ten years be given to implement the Standards, so that they can occur within their normal District Plan review cycles.
- 4.8 Alternatively, if the Ministry is not of a mind to amend the implementation timeline to ten years then even though Hastings District Council falls outside the dates specified in the criterion, it does meet the elements considered in setting it. Hastings District Council therefore seeks that the criterion be amended to allow for its September 2015 decisions date and that it be granted a two year extension, giving it 7 years to implement any standards (acknowledging that it has 1 year to implement changes associated with functionality and accessibility).
- 5. District Wide Matters - Sites of Significance to Mana Whenua, Marae and Papakāinga Developments**
- 5.1 Council rather than the use of the term Sites of significance to Māori has a preference for the term Sites of significance to 'Mana Whenua'. This is because it more appropriately recognises cultural importance and spiritual beliefs to specific areas and guardianship of these areas by mana whenua in our wider community/district. It is understood that this is becoming a more widely appropriate way of recognising these relationships. Further thought should therefore be given to the use of this term in the Standards.

- 5.2 Under the draft District Plan Structure Standard, Part 4 - District Wide Matters it provides for 'Community values' which includes Sites of significance to Māori. It is anticipated that this be for the inclusion and protection of waahi taonga sites. What is not explicit is if it is anticipated that this similarly includes Marae and Papakāinga developments or that these provisions sit within the zones themselves.
- 5.3 The Proposed Hastings District Plan, as the result of a 2013 plan review includes specific provisions for Papakāinga development as a District Wide Activity on Māori land. This Section of the Plan has been designed to ensure that Papakāinga development provides for Māori who would like to develop their traditional lands and to meet their housing needs and cultural aspirations.
- 5.4 A District Wide Activity was chosen as it provides the greatest opportunity for Māori to develop both large and small scale Papakāinga depending on their situation and objectives. We have concerns that by requiring Papakainga to be identified through Zones, that this will limit the potential for developments within the District, and which hapū can undertake developments due to the costs involved. Hastings District currently has the highest level of Papakāinga Development in the country, and is proving extremely successful in providing social housing needs for Māori, we would be concerned by any changes to the plan which may reduce development or its importance. Council would like to continue to enable for this type of development to occur as a District Wide Activity. For similar reasons it is submitted that Marae be treated in the same way.
- 6. Mapping Standard (F2)**
- 6.1 The Hastings District Council sees the benefits in standardising matters such as the colour palette for zones and key symbology. To a certain extent harmonisation with Napier City Council maps occurred as part of our recent plan review, as it enables easy comparison of plans locally. Local councils use the same mapping software, which further assists with familiarity and ease of comparison. Also a standard data requirement will assist in creating consistent data sets.
- 6.2 However, as proposed the draft Mapping Standard (F2) needs further refinement to enable ease of comparison. As proposed the zoning colour scheme and the symbology used does not improve usability. At the moment, the proposed zone colour palette does not appropriately differentiate between zone groupings or hierarchies. This results in a map that is less intuitive to the user as different land uses and clusters are difficult to distinguish. To overcome this, instead, one colour palette should be used for a zone grouping and graduations of that shade indicates different zones in that grouping.
- 6.3 The following comments regarding some of the proposed symbology is outlined in the table below to improve legibility and accuracy:

Symbology Proposed	Comment
	Heritage item (building or structure) - this symbology should be amended so that it is more relevant to the New Zealand context.
 (Geometry polygon RGB 98, 49, 3 Outline width: 5)	Heritage area – if a symbol is used for heritage item then amend the colour proposed to the same colour as the symbol for heritage item (building or structure) outlined above.
	Protected tree – amend this symbol to one that has cleaner lines.
	Protected tree group – amend this symbol to a polygon rather than a point so the tree group extent is better defined.
 (Geometry polygon Fill: RGB 204, 229, 232 Outline: RGB 150, 197, 216 Default transparency: 40%)	Hazard polygon – amend the colour of this polygon (Coastal hazard; Flood hazard; Volcanic hazard and Fault hazard) as blue should be used for water features. Also consider whether a different colour should be used for these four features to more readily distinguish between them.

6. Definitions

- 6.1 Hastings District Council acknowledges the intention of greater consistency in definitions across RMA plans. However, the standardisation of some of these terms will have an impact on the Proposed Hastings District Plan, namely changing policy intent. This will require Council (after recently having done it) to review and re-write parts of its plan to ensure any policy approach and rules created are consistent with the terms defined in this Standard.
- 6.2 Some of the specific problems experienced by the proposed definitions in the context of the Proposed Hastings District Plan are identified in the table below:

Definition as Proposed by Standard	Proposed Hastings District Plan Definition	Issue/s
Visitor Accommodation: means land and/or buildings used primarily for accommodating non-residents, subject to a tariff being paid.	Visitor Accommodation: means any premises used for transient accommodation for not more than 50 days in any twelve month period by any given individual, including motels, holiday or tourist flats, hostels, homestays, boarding houses, private hotels, motor and tourist lodges, but does not include camping grounds, any premises used for the sale of liquor and seasonal accommodation.	The definition as proposed will capture all buildings being rented for non-residents, including residential dwellings, this will be very difficult to monitor and does not represent what is generally anticipated for visitor accommodation. As a couple of examples, by definition it will capture Air B and B and Recognised Seasonal Employer (RSE) worker accommodation. There is currently seasonal worker shortages in Hawkes Bay and Council is currently working on a plan change to deal with the RSE accommodation issue.
Structure: means any building, equipment, device or other facility made by people and which is fixed to or located on land; and includes any raft, but excludes motorised vehicles that can be moved under their own power.	Structure: Has the same meaning as in the <i>Resource Management Act 1991</i> and any subsequent amendments. The RMA currently defines structure as meaning “any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft”.	Why is the definition proposed in the Standard different to that in the RMA when cross referencing has occurred elsewhere?

<p>Height: means the vertical distance between ground level at any point and the highest part of the structure immediately above that point.</p>	<p>Height of a building: shall be the vertical difference between the ground level and the highest or relevant part of a building except that no account shall be taken of that part of a building comprising of:</p> <p>(a) Lift wells, elevator and stair bulkheads, roof water tanks and cooling towers (together with their enclosures)</p> <p>(b) Chimneys, lightning rods, flues, spires, flagpoles, aerials, and wire, chain, link or other open or transparent fences and such finials and similar parts as constitute only minor decorative features.</p> <p>(c) Dormer windows. See Appendix 68 - Figure 6.</p>	<p>Currently our definition provides some exclusions to building height and therefore height in relation to boundary requirements, which are considered to have minor effects. The definition as drafted will create substantial restrictions on our development community. Council seeks that the inclusion of these exemptions be investigated for inclusion in any proposed definition.</p>
<p>Coverage: means the percentage of the net site area covered by the footprint of structures as identified in the relevant rule.</p>	<p>Building coverage: means that portion of a site which is covered by buildings, including overhanging or cantilevered parts of buildings (including any part of the eaves and/or spouting projecting more than 0.6 metres measured horizontally from the exterior wall). The following shall not be included in building coverage:</p> <p>(a) Unroofed pergolas;</p> <p>(b) Underground carparking with landscaping above;</p> <p>(c) That part of eaves and/or spouting or bay windows projecting 0.6 metres or less horizontally from any exterior wall;</p> <p>(d) Earthen terracing 1 metre or less in height with landscaping above of sufficient depth to allow drainage;</p> <p>(e) Satellite dishes;</p> <p>(f) Any swimming pool or tank which is not defined as a building, and</p>	<p>The Council definition currently excludes eaves, which protrude from the building by less than 0.6 metres which are considered to have minor effects.</p> <p>The definition as drafted will create substantial restrictions on our development community. Council seeks that the inclusion of these exemptions be investigated for inclusion in any proposed definition.</p>

	(g) Crop protection devices and crop support structures.	
Net Site Area: means the total area of the site, but does not include: a) any area of land that legally provides access to another site: b) any area of land used primarily for legal access to a rear site: c) any area of land subject to a designation that is intended to be taken or acquired under the Public Works Act 1981.	Net Site Area: means a single contiguous site area set aside for the exclusive use of its owners, leasees or tenants and shall exclude all common use areas, (excluding easements for water, power, phone, sewer and stormwater), access lots or access strips and entrance strips but in the Rural Areas/Zones shall also include the total of two or more such areas separated by any common use areas, access lots or access strips. See Appendix 68 - Figure 9 .	The removal of the word 'contiguous' has significant implications for our Plains Production Zone subdivision rules which are particularly restrictive to protect the versatile nature of these soils and to retain or create productive units. Council therefore seeks the addition of the word contiguous into the proposed definition.

7. Conclusion

- 7.1. Hastings District Council's submission outlines a number of areas where the Standards, as currently drafted, will have significant impact on the Hastings District Plan. Council requests that the Standards are amended, as indicated in this submission, to enable council to incorporate these standards without having to review the Hastings District Plan's policy framework and/or to notify a plan change for the consequential amendments that are out of scope.
- 7.2. In addition, the Hastings District Council requests that it be given ten years to implement the Standards. This will align with its plan review cycle, reducing costs to its community and allowing integration of changes that require the Schedule 1 process.
- 7.3. Council also requests that the Ministry for the Environment provide extensive communication support to explain to the public the intent and content of the Standards, particularly if the requested ten year plan review cycle suggestion is not adopted.

Attachment A

5.5 NATURE PRESERVATION ZONE

5.5.1 INTRODUCTION

“This Zone relates to a specific area which includes Cape Kidnappers and the majority of Ocean Beach. This area is considered special by many for a number of reasons, often due to the experiences of people from visiting the Cape via the Department of Conservation reserve, and Ocean Beach via the road access to the Surf Club reserve and the Waipuka bach settlement.

The area has a long association of Maori history and therefore includes many sites of significance to Maori, including wāhi taonga and archaeological sites relating to Maori settlement and occupation. In te reo Maori, Hawke Bay (of which Cape Kidnappers marks the south eastern extent) is known as Te Matau a Maui (the hook of Maui). The Cape itself is known as Te Kauwae a Maui. Heading south from Te Kauwae a Maui is Puapua (also known as Flat Rock), the bay known as Rangaiika, a section of beach known as Matarau, then Whakapau (being the headland defining the northern end of what is commonly known as Ocean Beach). The long stretch of beach to the south of Whakapau is known as Haupouri (literally meaning 'sad wind', a reference to the beach's exposure to the south). The Waipuka land block is located at the southern extent of Haupouri. This includes the Waipuka bach settlement, the Waipuka Stream and the end of Ocean Beach Road, all of which are located beyond the southern boundary of the Nature Preservation Zone.

The landscape backdrops are significant (and include land mapped as an outstanding landscape see the [Natural Features and Landscapes Section](#) of the Plan) and for the most part fall within private property. A feature unique to this Zone is that the owners of the two largest properties within the Zone have a vision and commitment to the ecological preservation and enhancement of the environment within it. This is exemplified by their investment in a predator proof fence and predator control program, which has resulted in the virtual elimination of introduced predators from the wider Cape Kidnappers (Te Kauwae a Maui) peninsular area within the fence, which stretches from the dunes of Haupouri, across the hills to the cliffs forming the southern extent of Te Matau a Maui (Hawke Bay).

The success of this dedication to ecological enhancement and predator control has resulted in permissions being granted for the release of rare native bird species into the 'Cape Sanctuary' (ecological preserve). The area within the predator proof fence is unique to such areas within New Zealand, insofar as it is not solely an area preserved for wildlife. The Nature Preserve Zone also includes working pastoral farms, and at Cape Kidnappers an international golf course and tourist lodge. Immediately south of the Ocean Beach end of the Zone, a range of existing buildings are established, including the surf club and a small bach community. Further to the north within the Zone there is an established woolshed and equestrian centre, along with various farm buildings, stock yards, dwellings and visitor accommodation units. On the natural side it includes a significant area of sand dunes, a regenerating Kanuka/Manuka forest and fragile coastal environments. Other areas of significance include the paleofaunal significance of the sand dunes and surrounds which have preserved the remains of previous flora and fauna to occupy the area. This area is also culturally rich and, as well as the Maori history referred to above, is also important to early This area has previously been included within the Rural Zone. However, the unique circumstances and opportunities of the area necessitate a special specific zoning which both protects its special values and supports the preservation, and conservation initiatives and existing farming and commercial operations of the owners, as well as providing additional eco-tourism, eco-education and eco-residential opportunities that are respectful of the environment. Overall therefore, the basis for creation of the Nature Preservation Zone was to encompass the multiple values present in this area, and to ensure a balance between appropriate

social and cultural interaction with the environment, continued economic sustainability, and ecological preservation, restoration and conservation.

The biodiversity being conserved and enhanced in this area represents part of the natural heritage of New Zealand. Most people have few chances to experience this in their everyday lives. This separation of people from their natural heritage has been the dominant philosophy of conservation policies in the past. Because of this separation, few New Zealanders have accepted responsibility for caring for this heritage which has resulted in conservation being left to government agencies. The universal presence of introduced predators and weeds means that conserving native biodiversity requires active intervention and considerable cost. Enhancing the depleted biodiversity carries far higher costs. It is only through the actions of concerned people and finance from responsible developments that this situation will be reversed as is happening in this Zone. Accommodating people and enhancing their interaction with their natural heritage as well as achieving income from such interactions in a way that sustains the natural and cultural heritage values that are present, are key parts to ensuring the future of New Zealand's special biodiversity.

Eco-tourism is a mechanism by which this unique area and its wildlife can be visited and experienced by people. The regulatory provisions of this Zone are therefore designed to allow the continuation of the existing uses and to provide opportunity for the development of buildings and facilities that support the conservation initiatives in providing shelters and facilities for volunteers, along with buildings and facilities to support eco-tourism and eco-education.

Planning controls set thresholds or consent requirements to ensure that such activities sustain and do not undermine, ecological, archaeological, Maori-cultural and landscape values. This combination of unique values also means that some activities that are permitted in the Rural Zone (Industrial Activities being an example) are not appropriate in the more sensitive environment of the Nature Preservation Zone”.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 27 SEPTEMBER 2018

**FROM: GROUP MANAGER: COMMUNITY FACILITIES & PROGRAMMES
ALISON BANKS**

SUBJECT: SUMMARY OF RECOMMENDATIONS OF THE RURAL HALLS SUBCOMMITTEE MEETING HELD 11 SEPTEMBER 2017

1.0 SUMMARY

- 1.1 The purpose of this report is to inform Council of the allocation of funds to applicants to the Rural Halls Maintenance Fund 2018.
- 1.2 Grants were allocated from the 2018/2019 Rural Halls Maintenance fund.

2.0 RECOMMENDATIONS

- A) That the report of the Group Manager: Community Facilities & Programmes titled “Summary of Recommendations of the Rural Halls Subcommittee meeting held 11 September 2017” be received.
- B) The following allocations of funding of the Rural Halls Subcommittee meeting held 10 September 2018 are for information:

“4. RURAL HALLS MAINTENANCE 2018/19 FUNDING ROUND”

- A) That the report of the Community Grants & Projects Advisor titled “Rural Halls Maintenance - 2018/2019 Funding Round” dated 10/09/2018 be received.
- B) That all the building inspections for rural halls at a cost of up to \$500 per hall be met from the Rural Halls Maintenance Reserve Fund.
- C) That the Parks and Property Services Manager be requested to undertake an audit of all rural halls and report back to the next meeting of the Subcommittee with a plan for the Rural Community Board to assess priorities and expectations for rural hall partners to ensure that rural halls are fit for purpose.
- D) That the application for Pakowhai Hall Earthquake strengthening assessment lay on the table pending the submission of a quote to undertake the assessment.

E) That the following grants be allocated from the 2018/2019 Rural Halls Maintenance fund:

Hall	Project	Grant
Te Awanga	Roof repair to meeting room Contingency for consenting (if necessary)	\$3,824 \$574
Farndon Park	Alterations to the building interior layout and refinish interior.	\$3,361
Twyford & Raupare	Install fire alarm and monitoring system.	\$6,288
Patoka	Fit heat pump to improve comfort levels for school use.	\$1,733
Total Maintenance Grants:	2018/2019 budget \$20,000	\$15,780
Maraekakaho	Earthquake strengthening assessment.	\$5,750
Total earthquake assessment/strengthening grants:	2018/2019 budget \$30,000	\$5,750
Total Grants 2018	Total budget 2018/2019 \$50,000	\$21,530

Attachments:

There are no attachments for this report.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 27 SEPTEMBER 2018

FROM: **POU AHUREA MATUA - PRINCIPAL ADVISOR:**
RELATIONSHIPS, RESPONSIVENESS AND HERITAGE
DR JAMES GRAHAM

SUBJECT: **SUMMARY OF RECOMMENDATIONS OF THE HDC:**
MAORI JOINT COMMITTEE MEETING HELD 15 AUGUST
2018

1.0 SUMMARY

- 1.1 The purpose of this report is to advise that the recommendation from the HDC - Māori Joint Committee held on 15 August 2018 requires ratification by Council.
- 1.2 The relevant HDC - Māori Joint Committee recommendations to be ratified are set out below

2.0 RECOMMENDATION

- A) That the report of the Pou Ahurea Matua - Principal Advisor: Relationships, Responsiveness and Heritage titled "Summary of Recommendations of the HDC: Maori Joint Committee meeting held 15 August 2018" be received.
- B) The following recommendation of the HDC - Māori Joint Committee meeting held 15 August 2018 be ratified:

"4. TE AWA O TE ATUA RESERVE

- A) That the report of the Pou Ahurea Advisor: Responsiveness, Relationships & Heritage titled "Te Awa o Te Atua Reserve" dated 15/08/2018 be received.
- B) That the Committee continues to support the development of Te Awa o Te Atua Reserve.

5. PRESENTATION OF PROGRESS OF HASTINGS URBAN STORMWATER MONITORING AND ACTIVITIES

- A) That the report of the Stormwater Manager titled "Presentation of progress of Hastings Urban Stormwater monitoring and activities" dated 15/08/2018 be received.
- B) That the Council and the HDC : Māori Joint Committee support the approach to stormwater management as one method to improve the quality of stormwater discharge

from the urban district.

7. REVIEW OF MĀORI PARTICIPATION IN COUNCIL DECISION MAKING

Following a wananga held with tangata whenua members of the HDC : Maori Joint Committee this recommendation has been deferred pending a further report to the HDC : Māori Joint Committee meeting on 28 November 2018.

Attachments:

There are no attachments for this report.

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 27 SEPTEMBER 2018

**FROM: DEMOCRATIC SUPPORT MANAGER
JACKIE EVANS**

**SUBJECT: 2019 MEETING CALENDAR FOR COUNCIL AND
COMMITTEES**

1.0 SUMMARY

- 1.1 The purpose of this report is to obtain a decision from the Council on a schedule of meetings of Council and Committees for 2019 up until the Local Government Elections on 12 October 2019.
- 1.2 This report recommends that the 2019 Meeting Schedule being **Attachment 1** to this report be adopted.

1.0 BACKGROUND

- 1.1 In order that the business of the Council can be conducted in an orderly manner, and to allow public notification of meetings to be given in compliance with the Local Government Official Information and Meetings Act 1987, it is current practice for the Council to adopt a schedule of meetings for the following calendar year.
- 1.2 The proposed schedule has been prepared having regard to the requirements of the Council in respect of the needs of the Annual Plan process, but otherwise on the basis of previous years scheduling.
- 1.3 The 2019 proposed schedule sees the Council meeting monthly, and the Committees of the full Council meeting approximately 8-weekly.
- 1.4 Officers have developed the draft schedule of meetings for 2019 for consideration taking into account the 2018 meeting frequency, analysis of work programmes and agendas of the Committees, and feedback from the Leadership Management Team with the following noted:
- The last Council meeting in the 2016-2019 triennium will be held on 10 October 2019.
 - Council and Committee meetings are concentrated on Tuesdays and Thursdays and as a general rule will commence at 1.00pm.
 - Development and adoption of both the Draft and final Annual Plan by Council in February and June.
 - Quarterly financial reporting to Finance and Risk Committee.
 - Asset Management quarterly reporting to Works and Services Committee.

- 1.5 The schedule provides a guide for the elected members and members of the public but it can and will be amended as circumstances change. There is also no general provision made for workshops which will arise from time to time. Where changes occur the past practices for advising members will be continued.
- 1.6 Although the Council adopts a schedule which covers the year there is still the statutory requirement for meetings to be publicly notified on a monthly basis.

2.0 OPTIONS

- 2.1 Council can adopt the schedule as presented or request changes. It should be noted that in adopting the schedule of meetings, there is the flexibility to make adjustments by scheduling additional meetings if there is additional business to be transacted

2.0 RECOMMENDATION

- A) That the report of the Democratic Support Manager titled “2019 Meeting Calendar for Council and Committees” dated 27/09/2018 be received.**
- B) That the 2019 Meeting Calendar (CG-14-1-00932) as attached to the report in (A) above be adopted**

Attachments:

- | | | |
|---|---|---------------|
| 1 | 2019 Proposed Calendar of meetings up to the
October Triennial Elections | CG-14-1-00932 |
|---|---|---------------|

2019 Proposed Meeting Schedule to October Triennium Elections

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
New Years Day																											Council Retreat	Council Meeting		Council
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29		
					NZ Day					Risk & Audit	CD		Rd Close Tenders							Council Budget						MJC	Rd Close Tenders			
																											W & S			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
			RCB			SPP							Rd Close Tenders							Creative		Landfill				F & R	Rd Close Tenders			
																										Council Appt Plan				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
								CD		Rd Close Tenders								Good Friday				Easter Monday		Rd Close Tenders	Anzac Day			Risk & Audit		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
	Council							Rd Close Tenders							SPP						F&R	MJC	Rd Close Tenders				RCB			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
		Queens B/day	Council AP Subs	Council	Rd Close Tenders Council					CD		W & S								Rd Close Tenders	Landfill			Risk & Audit			Council Appt Plan			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
			Rd Close Tenders					Retreat		Council								Rd Close Tenders					CD		SPP					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Rd Close Tenders													MJC	Rd Close Tenders Council								W & S						Rd Close Tenders		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
	Risk & Audit							Rural Halls and RCB	CD		Rd Close Tenders						F&R				Landfill					Creative	Rd Close Tenders Council			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
									Council		Election Day														HB Show Day			Labour Day		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
																								Xmas Day	Boxing Day					

1 Jan-1 Feb	13-28 April	6-21 July	28 Sept-13 Oct
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<p> Monday - 10am Thursday </p>	<p> Strategy Planning & Partnership (SPP) - 1pm Thursday </p>	<p> Community Development (CD) - 1pm Tuesday </p>	<p> Finance & Risk (R&R) - 1pm Tuesday </p>	<p> Works & Service (W&S) 1pm Thursday </p>	<p> Rural Community Board (RCB) - 2pm Monday </p>	<p> Omrarunui Joint Refuse Landfill - 1pm Friday </p>	<p> R & A - 10am Monday </p>	<p> Temporary Road Closure (RD Close) - 8.45am </p>	<p> Tenders - 9am </p>
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REPORT TO: COUNCIL

MEETING DATE: THURSDAY 27 SEPTEMBER 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 August and September 2018.
- 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 27/09/2018 be received.**
- B) That the LGOIMA requests received in August and September 2018 as set out in Attachment 1 (IRB-2-1-18-1406) of the report in (A) above be noted.**

Attachments:

- | | | |
|---|---|------------------|
| 1 | LGOIMA Monthly Report to Council
August/September 2018 | IRB-2-01-18-1406 |
|---|---|------------------|

IRB-2-01-18-1406

LGOIMA – Monthly report to Council – August/September 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
August 2018	8	10	8	2	0	8.2	2 (from April and June 2018)

Requests - received since those last reported to Council

Completed			
Outstanding			
Month	From	Subject	Total
August 2018	NZ Taxpayers Union	Borrowing Costs	8
	NZ Taxpayers Union	Provincial Growth Fund	
	Jez Partridge	Protected Trees using Section 76 of the RMA	
	Workrite Ltd	Licensed Premises	
	NZ Taxpayers Union	Cost of Mayor's Vehicle	
	Hamish Gibson	Suppliers of Fluoride used in Water Supplies	
September	HB Today	Percentage of staff paid under the living wage	
	Private Individual	Food hygiene complaint	

REPORT TO: COUNCIL

MEETING DATE: THURSDAY 27 SEPTEMBER 2018

**FROM: DEMOCRATIC SUPPORT MANAGER
JACKIE EVANS**

SUBJECT: UPDATED 2018 MEETING SCHEDULE CHANGES

1.0 SUMMARY

- 1.1 The purpose of this report is to consider amendments to the schedule of Council and Committee Meetings for the 2018 Meeting Calendar which was adopted by Council 24 May 2018.
- 1.2 This report recommends that the 2018 Meeting Schedule as amended below be adopted.

2.0 BACKGROUND

- 2.1 The Local Government Act 2002, Schedule 7, Clause 19 states:
- (4) *A local authority must hold meetings at the times and places that it appoints”.*
- (5) *If a local authority adopts a schedule of meetings-*
- a) *The schedule-*
- i) *may cover any future period that the local authority considers appropriate, and*
- ii) *may be amended*
- 2.2 Although a local authority must hold the ordinary meetings appointed, it is competent for the authority at a meeting to amend the schedule of dates, times and number of meetings to enable the business of the Council to be managed in an effective way.
- 2.3 The following additional meeting is proposed to be included in the 2018 meeting schedule:

Committee	Date	Time	Venue
Hastings District Rural Community Board	3 December 2018	1.00pm (Previously 2.00pm)	Landmarks Room
Rural Halls Subcommittee	3 December 2018	2.30pm	Landmarks Room

- 2.4 Councillors will be kept informed of specific changes on a day to day basis through the centralised calendar system.

3.0 RECOMMENDATIONS AND REASONS

A) That the report of the Democratic Support Manager titled “Updated 2018 Meeting Schedule Changes” dated 27/09/2018 be received.

B) That the 2018 Meeting Schedule be amended as follows:-

Committee	Date	Time	Venue
Hastings District Rural Community Board	3 December 2018	1.00pm <i>(Previously 2.00pm)</i>	Landmarks Room
Rural Halls Subcommittee	3 December 2018	2.30pm	Landmarks Room

Attachments:

There are no attachments for this report.

HASTINGS DISTRICT COUNCIL

COUNCIL MEETING

THURSDAY, 27 SEPTEMBER 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:

- 18. Hawke's Bay Opera House Precinct - Municipal Building Strengthening**
- 19. Parks and Open Space Maintenance Services Contract**
- 20. Te Mata Eastern Escarpment - Options Development Report**
- 21. Future Investment in Heretaunga House**

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:

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER, AND PARTICULAR INTERESTS PROTECTED	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF EACH RESOLUTION
18. Hawke's Bay Opera House Precinct - Municipal Building Strengthening	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). To protect negotiations yet to be completed.	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)(ii)) of this Act.

- | | | |
|--|--|---|
| 19. Parks and Open Space Maintenance Services Contract | <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.</p> <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).
To protect negotiations currently underway and to protect the privacy of natural persons (staff).</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> |
| 20. Te Mata Eastern Escarpment - Options Development Report | <p>Section 7 (2) (b) (ii)
The withholding of the information is necessary to protect information where the making available of the information would be likely to unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information.
To enable negotiations to be undertaken with affected parties.</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> |
| 21. Future Investment in Heretaunga House | <p>Section 7 (2) (h)
The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.
Deliberation on the capital investment programme for Heretaunga House.</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> |