



# *Hastings District Council*

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## **OPEN A G E N D A**

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### **COUNCIL MEETING**

**Meeting Date: Thursday, 11 July 2019**

**10.30am Waipatu Marae  
Karamu Road  
Hastings**

**1.30pm Council Chamber  
Ground Floor  
Civic Administration Building  
Lyndon Road East  
Hastings**

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



# **HASTINGS DISTRICT COUNCIL**

## **COUNCIL MEETING**

**THURSDAY, 11 JULY 2019**

<b>10.30am</b>	<b>Waipatu Marae Karamu Road Hastings</b>
<b>1.30pm</b>	<b>Council Chamber Ground Floor Civic Administration Building Lyndon Road East Hastings</b>

## **A G E N D A**

### **10.30AM - WAIPATU MARAE**

- 1.** 10.30am Mihi Whakatau  
11.00am Waipatu Marae Community Plan powerpoint presentation from Waipatu community plan leaders  
11.30am Walk-around Waipatu area  
1.15pm Depart Waipatu Marae for reconvened meeting in Council Chamber

### **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 Lyons 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 27 June 2019.  
(Previously circulated)

## **6. Waipatu Community Plan 2016-2021 5**

### **1.30PM - COUNCIL CHAMBER (Reconvene Meeting)**

<b>7. Presentation by Hawke's Bay Cancer Society</b>	<b>21</b>
<b>8. Resolution to set the Rates for the 2019/20 Financial Year</b>	<b>23</b>
<b>9. Hastings District and Napier City Council's joint Local Alcohol Policy (the LAP)</b>	<b>33</b>
<b>10. Toi-Tū Hawke's Bay Strategic Framework</b>	<b>63</b>
<b>11. Hastings District Council Drinking Water Quality Management Policy</b>	<b>69</b>
<b>12. Notification of Appointment of Independent Hearings Commissioner</b>	<b>79</b>
<b>13. Requests Received under the Local Government Official Information and Meetings Act (LGOIMA) Monthly Update</b>	<b>81</b>
<b>14. Clifton to Tangoio Coastal Hazards Strategy Joint Committee Minutes</b>	<b>85</b>
<b>15. Additional Business Items</b>	
<b>16. Extraordinary Business Items</b>	
<b>17. Recommendation to Exclude the Public from Item 18</b>	<b>95</b>
<b>18. Hawke's Bay Museum Trust Regional Collection</b>	

**REPORT TO:** COUNCIL

**MEETING DATE:** THURSDAY 11 JULY 2019

**FROM:** TEAM LEADER COMMUNITY & SAFETY  
LOUISE STETTNER

**SUBJECT:** WAIPATU COMMUNITY PLAN 2016-2021

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## **1.0 SUMMARY**

- 1.1 This report contributes to the achievement of the Council's community outcomes and specific Council objectives as set out in the Long Term Plan 2018-28 by:
- putting people at the centre of planning and service.
- 1.2 The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to 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 and appropriate to present and anticipated future circumstances.
- 1.3 This report concludes by recommending that Council endorse the Waipatu Community Plan 2016-2021 (**Attachment 1**), noting that actions within the plan requiring new council funding will be requested through the appropriate processes. Other funding opportunities will also be identified.
- 1.4 Representatives from the Waipatu community will be presenting the plan to Council at Waipatu Marae.

## **2.0 BACKGROUND**

- 2.1 Hastings District Council began developing community plans in 2002 as a means for Council to engage with and provide additional support to communities deemed as having high needs.
- 2.2 This community plan builds on work done between 2016-2019 to address the community's desire to make Waipatu a safer place to live, and for community members to be included in local developments.
- 2.3 Council commissioned this plan in response to a submission to the 2018/19 Annual Plan from Ngahiwi Tomoana on behalf of the community, asking the Council to address the following concerns: water; footpaths; traffic and use of surplus land.
- 2.4 Because of its proximity to Hastings and its rural sprawl the term "Ruban" has been coined to reflect the rural and urban features of the area.
- 2.5 Waipatu is historically and culturally significant. The first formal session of Te Kotahitanga (Maori Parliament) was held in June 1892 at Waipatu. Other significant historical and cultural features include the church, urupa and Treaty of Waitangi memorial.

- 2.6 The plan was developed through community engagement hui (meetings) held at Waipatu Marae between October and December 2018 with a final community meeting held at the end of April 2019. Council representatives, government agency representatives and other stakeholders and partners participated to discuss a range of community priorities.

### **3.0 CURRENT SITUATION**

- 3.1 The Waipatu Community Plan 2016 – 2021 has been completed and is **attached**. The earlier date of 2016 reflects that this work has been informed by discussions with the community since 2016.
- 3.2 The long-term vision is “We are one – a connected community, building on our past to create our prosperous future”.
- 3.3 The priority areas identified in the plan include:
- identity and culture;
  - water;
  - traffic and safety; and
  - development.
- 3.4 The plan includes a list of actions to address the priority areas. The Waipatu community will be supported by a Council officer to drive the implementation of the plan and monitor progress.
- 3.5 Representatives from the Waipatu community will be presenting the plan to Council at Waipatu Marae.
- 3.6 Councillors will be aware of the recent announcement in respect of Provincial Growth Fund support to develop an Eastside Masterplan. The Waipatu community plan will form a useful input into that wider planning study given that it is located within the planning study area.

### **4.0 OPTIONS**

- 4.1 The Council endorses the Waipatu Community Plan, noting that the actions within the plan requiring new Council funding will be requested through the appropriate Council processes.
- 4.2 Council does not endorse the Waipatu Community Plan.

### **5.0 SIGNIFICANCE AND ENGAGEMENT**

- 5.1 The consultation process was led by a community leadership team that arranged community meetings promoted through Facebook, e-mail and letter box drops.
- 5.2 This report does not trigger the Council’s significance policy. No further consultation is required for the decisions in this report.

### **6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)**

- 6.1 Council endorsement of the Waipatu Community Plan 2016-2021 would signal support at a high level for the collaborative approach being taken to the delivery of actions within this community.

- 6.2 Endorsement does not commit Council to allocate funds or other resources to any or all of the actions or ideas noted in the plan, as this will be done in an integrated way through Council's Long Term Plan and Annual Plan processes.
- 6.3 Other funding opportunities will also be investigated.
- 6.4 A decision not to endorse the Waipatu Community Plan 2016-2021 could harm relationships with the Waipatu community who have led a robust consultation and plan development process.

## **7.0 PREFERRED OPTION/S AND REASONS**

- 7.1 It is recommended that Council endorse the Waipatu Community Plan 2016 – 2021.

## **8.0 RECOMMENDATIONS AND REASONS**

- A) That the report of the Team Leader Community & Safety titled "Waipatu Community Plan 2016-2021" dated 11/7/2019 be received.**
- B) That the Council endorse the Waipatu Community Plan 2016 – 2021 noting that the actions within the plan requiring new Council funding will be requested through the appropriate Council processes.**

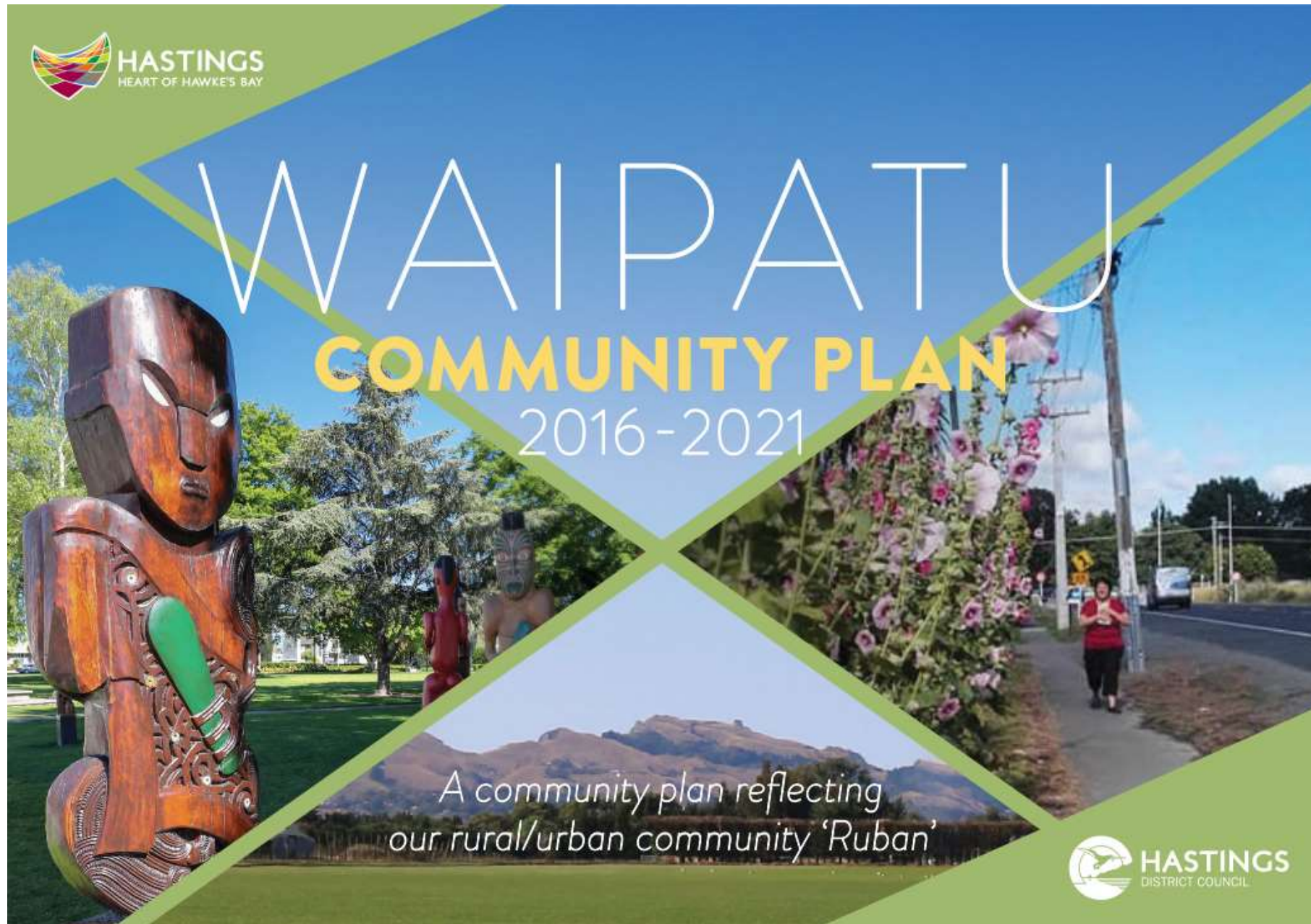
**With the reasons for this decision being that the objective of the decision will contribute to meeting the current and future needs of communities for good quality local infrastructure in a way that is most cost-effective for households and business by:**

- i) Working collaboratively with the Waipatu Community and its stakeholders to achieve outcomes identified by the Waipatu community.**

### **Attachments:**

1 Waipatu Community Plan 2016 - 2021

COP-10-18-19-44







## WHY DO WE HAVE THIS PLAN?

This community plan builds on work done between 2016-2019 to address the community's desire to make Waipatu a safer place to live, and for community members to be included in local developments.



2 // HASTINGS DISTRICT COUNCIL, WAIPATU COMMUNITY PLAN 2016-2021

The Hastings District Council commissioned the plan in response to a submission from Ngahiwi Tomoana on behalf of the community in May 2018, asking the council to address the following concerns:

- WATER
- FOOTPATHS
- TRAFFIC
- USE OF SURPLUS LAND





## HOW WAS THE PLAN DEVELOPED?

Community engagement hui attended by more than 70 people were held at Waipatu Marae between October and December 2018. Council representatives, government agency representatives and other stakeholders and partners participated to discuss a range of community priorities.

A community leadership team kept the community engaged and informed through letter box drops, Facebook and email.

1 // HASTINGS DISTRICT COUNCIL WAIPATU COMMUNITY PLAN 2016-2021



WHERE DO WE  
WANT TO BE?

The following long-term vision has been agreed:  
*“We are one - a connected  
community, building on our past  
to create our prosperous future.”*



WAIPATU COMMUNITY PLAN 2016-2021 HASTINGS DISTRICT



## OUR COMMUNITY PROFILE

Situated on the urban boundaries, Waipatu is traditionally regarded as mana whenua for Hastings city. Because of its proximity to Hastings and its rural sprawl we have coined the term “Ruban” to reflect our rural and urban features.

The first formal session of Te Kotahitanga was held in June 1892 at Waipatu in Heretaunga. It was hosted by the former Member of Parliament for the Eastern Māori electorate, Henare Tomoana. 96 representatives sat in the Whare o Raro and 44 chiefs sat in the Whare Ariki.

While not a direct match to the general community boundary, Census data (2013) shows the following:

# 549

TOTAL RESIDENTS

### ETHNIC GROUPS

79% EUROPEAN, 16.8% MĀORI,  
3.3% PACIFIC ISLANDERS,  
7% ASIAN & 2.2% OTHER

THE  
MEDIAN  
AGE IS

# 36.9

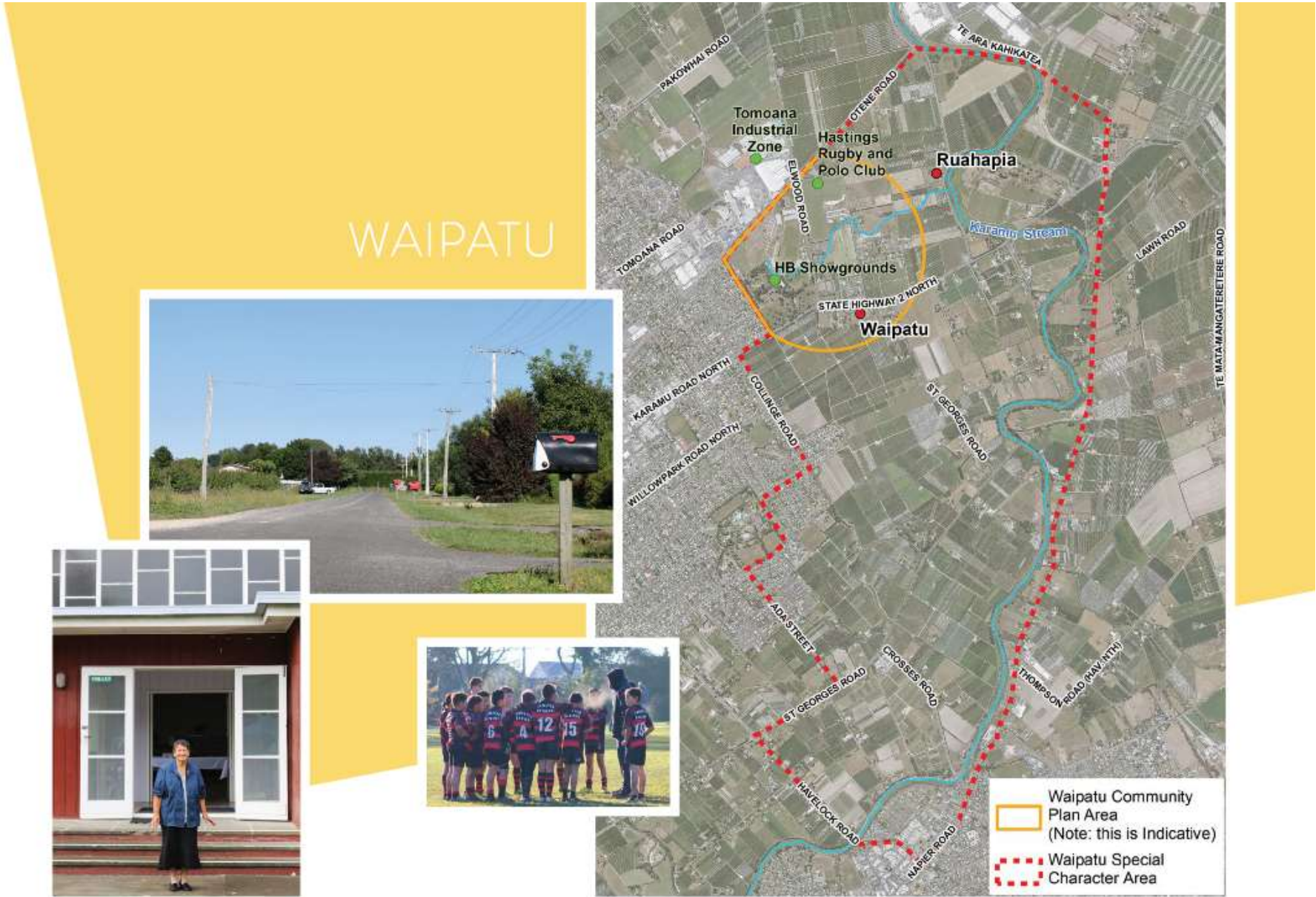
YEARS

RESIDENTS' MEDIAN INCOME IS

# \$31,750

(HIGHER THAN HASTINGS DISTRICT (\$26,500)  
AND THE REST OF NEW ZEALAND (\$28,500).





WAIPATU COMMUNITY PLAN 2016-2021 HASTINGS DISTRICT COUNCIL // 4

# OUR PRIORITY AREAS

The community has agreed on four Pou (symbols of support), representing priorities to be addressed in this plan:

## 1 Identity & Culture

The Waipatu community has historical and cultural significance, and the Nelson and Tomoana whānau have been here since the beginning.

Our marae, church, urupa and Treaty of Waitangi memorial have been protected to ensure future generations know the tikanga of the whenua (land) and, along with Ruahāpia Marae, act as cultural icons for the area. We recognise that the marae is a gathering place for the immediate community and a focal point when special events are celebrated by the wider Hastings community.

Our community is home to a diverse range of businesses (including horticulture, agriculture, engineering and trades), the iconic showgrounds and Elwood Park.

A diverse range of people have been mobilised in this recent planning aimed at strengthening our community's identity by:

- Acknowledging our history and telling our stories
- Strengthening community connections
- Supporting Ruahāpia links
- Designing signage for Waipatu that acknowledges our cultural diversity.

5 // HASTINGS DISTRICT COUNCIL WAIPATU COMMUNITY PLAN 2016-2021

## 2 Water

Our key concerns relate to the health risks around the current waste water structure and systems, the inability of the infrastructure to cope with storm water and maintaining the quality of our drinking water. Long-term growth predicted in residential, papakāinga, industrial developments, and the new kura, Te Kura Kaupapa Maori o Te Wananga Whare Tapere o Takitimu (TWWToT), will put pressure on these water services.

We want access to a sewerage system, to retain our own fresh water supply, improved drainage, and an assurance of healthy water without chlorination. Most importantly, we want to be part of decision-making for any water-related developments.

The council plans to investigate the existing waste and storm water systems and will keep the community involved.



# 3

## Traffic & Safety

Traffic travelling through the Waipatu community creates safety issues. There is unsafe passing in the 70km zone, traffic speed creates dangerous situations, and footpath flooding creates hazardous conditions. We discussed the larger developments planned for the future, which include building roundabouts and new roads to access the industrial hub, TWWToT and the Te Ara Kahikatea.

The Council and NZTA undertook to put in place short and longer-term measures to address our concerns. The community will be involved in the ongoing development and implementation of any new measures.



# 4

## Development

The community identified a number of areas for future development involving land, housing, commercial/industrial and the new kura. These will all have an impact on infrastructure, the environment and the way the people in the community develop and change.

There was significant discussion about the services that will be needed to support the changes. The marae is keen to increase its capacity and capability as a community hub, including developing its role as a civil defence post.



WAIPATU COMMUNITY PLAN 2016-2021 HASTINGS DISTRICT COUNCIL 6



# ACTION PLAN

PRIORITY AREA	ACTION	WHO	WHEN
Identity & Culture	1. Develop a plan to tell the community's stories through Facebook and hui	Community	Ongoing
	2. Strengthen community connections	Community	Ongoing
	3. Strengthen engagement with Ruahāpia	Community	Ongoing
	4. Design a sign for the entrance to the community	NZTA, Council & Community	By September 2019
Water	5. Develop and administer a household survey to assess water issues and identify preferences (waste, storm and drinking)	Council	From June 2019
	6. Work together to develop and implement the findings from the survey	Community & Council	From July 2019
	7. Ensure quality and supply of drinking water	Community & Council	Ongoing
Traffic & Safety	8. Review the corridor outside the Marae for speed calming and report to the community	NZTA	From June 2019
	9. Review the corridor on Otene Road Bennett Road & Ruahapia Road for speed calming and report to the community	HDC	From June 2019
	10. Determine whether "no passing lines" can be installed outside the Marae, including looking at other options (wide centreline/flush treatment)	NZTA	From June 2019
	11. Develop a plan to address the flooding of the footpath alongside SH 2	NZTA, Council, Regional Council	From June 2019
	12. Work with the community to determine the opportunity for footpaths along Bennett Road / Otene Road / Elwood Road and Main Highway	NZTA, Council & Community	From June 2019
	13. Report the results of a Traffic Model Assessment for the area to the community, which includes traffic projections	NZTA, Council & Community	June 2020 & December 2020 Ongoing
	14. Determine the options for additional street lighting in key community locations	Council	By July 2019
Development	15. Involve the community in development decisions for Waipatu	Council	Ongoing and through six-monthly meetings
Leadership	16. Strengthen community leadership and participation in development	Community & Council	Ongoing

# TAKING OUR PRIORITIES FORWARD

## *Leadership is key*

In his submission to the council, Ngahiwi Tomoana stated that:  
“We wish to show leadership by developing a plan for Waipatu that caters for the future aspirations and needs of this community.”

The community has shown leadership in the process of putting this plan together, and has engaged many community members and the council. This inclusive approach will be ongoing, and regular meetings will be held with the council will be held to keep a focus on the agreed actions and to participate in future decisions.

This will be reviewed by the community and council every two years to ensure key actions are completed and new actions are identified in order to continue to work towards achieving our vision.



WAIPATU COMMUNITY PLAN 2016-2021 HASTINGS DISTRICT COUNCIL 178



Item 6

Attachment 1





**REPORT TO: COUNCIL**

**MEETING DATE: THURSDAY 11 JULY 2019**

**FROM: PROJECT ADVISOR  
ANNETTE HILTON**

**SUBJECT: PRESENTATION BY HAWKE'S BAY CANCER SOCIETY**

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## **1.0 SUMMARY**

- 1.1 The purpose of this report is to inform the Council about today's presentation by the Hawke's Bay Cancer Society regarding their Wellness Centre.
- 1.2 Hawke's Bay Cancer Society President Melissa Horsefield and Cancer Wellness Centre project director Trudy Kirk will be speaking at the meeting.

## **2.0 BACKGROUND**

- 2.1 More than 1000 people are diagnosed with cancer in Hawke's Bay each year and recent research figures predict that in 15 years, cancer diagnosis will increase by 50%.
- 2.2 The Cancer Society's Wellness Centre on Orchard Road in Hastings aims to reduce the impact cancer has on people in Hawke's Bay and be a place that gives a sense of nurturing and comfort.
- 2.3 The Wellness Centre also intends to provide a safe and welcoming environment for those living with and beyond cancer.
- 2.4 It is hoped the project is completed by 2022 and has a fundraising goal of \$6.5million within two years.
- 2.5 Melissa Horsefield and Trudy Kirk have come to update Council on the project.

## **3.0 RECOMMENDATIONS AND REASONS**

- A) That the report of the Project Advisor titled "Presentation by Hawke's Bay Cancer Society dated 11/07/2019 be received.**

### **Attachments:**

There are no attachments for this report.



**REPORT TO: COUNCIL**

**MEETING DATE: THURSDAY 11 JULY 2019**

**FROM: FINANCIAL POLICY ADVISOR  
ASHLEY HUMPHREY**

**SUBJECT: RESOLUTION TO SET THE RATES FOR THE 2019/20  
FINANCIAL YEAR**

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## **1.0 SUMMARY**

- 1.1 The purpose of this report is to obtain a decision from the Council adopting the Rates Resolution to set the rates for the 2019/20 Financial Year commencing 01 July.
- 1.2 The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.
- 1.3 This report concludes by recommending that the Council set the rates as detailed, adopt the differential categories and the payment due and penalty dates set out in the recommendation. All rates are shown as inclusive of Goods and Services Tax of 15%.

## **2.0 BACKGROUND**

- 2.1 Council adopted the 2019/20 Annual Plan, which identified the Council's budgetary requirements, at its meeting on 27 June 2019.
- 2.2 It now needs to assess and set the rates described in its Rating Policy and Funding Impact Statement in order to collect the revenue needed for the 2019/20 Financial Year commencing 01 July.

## **3.0 CURRENT SITUATION**

- 3.1 To enable the rates to be levied on properties for 2019/20 the Council needs to pass the resolution to set the rates for the 2019/20 Financial Year. This is a very important procedural matter following the consultation which occurred during the 2019/20 Annual Plan process.
- 3.2 The rates have been calculated to ensure that the correct revenue is collected to meet the budget.

## **4.0 OPTIONS**

- 4.1 The attached resolutions enable the collection of Council's rate funding requirement based on the budget and policies adopted in the 2019/20 Annual Plan. This is the only option that allows Council to collect rates to fund the expenditure requirements.

## 5.0 SIGNIFICANCE AND ENGAGEMENT

- 5.1 While the striking of the rates is a significant decision, no consultation is required as the resolution is a procedural matter to implement policies and the budgeted requirements that have already been consulted on via the 2019/20 Annual Plan adopted under the Local Government Act 2002.

## 6.0 RECOMMENDATIONS AND REASONS

- A) That the report of the Financial Policy Advisor titled “Resolution to set the Rates for the 2019/20 Financial Year” dated 11/07/2019 be received.
- B) That pursuant to the Local Government (Rating) Act 2002, the Hastings District Council makes the rates on rating units in the District for the financial year commencing on 1 July 2019 and ending on 30 June 2020 and adopts the due dates and penalty dates for the 2019/20 financial year, as follows:

### INTRODUCTION

Hastings District Council has adopted its 2019/20 Plan. This has identified the Council’s budget requirement, and set out the rating policy and funding impact statement. The Council hereby sets the rates described below to collect its identified revenue needs for 2019/20 commencing 01 July 2019. All rates are inclusive of Goods and Services Tax.

### GENERAL RATES

A general rate set and assessed in accordance with Section 13 of the Local Government (Rating) Act 2002, on the land value of all rateable land within the district on a differential basis as set out below:

Differential Group Name	Factor	Cents per Dollar of \$ LV
<b>Differential Rating Area One</b>		
Residential	1	0.6146
Residential Clive	0.81	0.4978
Residential Non-Urban (Including Townships and Small Settlements)	0.76	0.4671
Horticulture / Farming	0.68	0.4179
CBD Commercial	3.00	1.8439
Other Commercial	2.75	1.6902
Commercial Non-Urban – Peripheral	2.35	1.4444
<b>Differential Rating Area Two</b>		
Residential	0.85	0.2503
Lifestyle / Horticulture / Farming	1	0.2944
Commercial	1.65	0.4858

### UNIFORM ANNUAL GENERAL CHARGE

A uniform annual general charge set and assessed in accordance with Section 15 of the Local Government (Rating) Act 2002, of \$206 on each separately used or inhabited part of a rating unit within the district.



**TARGETED RATES**

All differential categories of targeted rates areas are as defined in the Funding Impact Statement for 2019/20. For the purposes of the Havelock North Promotion, Hastings City Marketing, Hastings CBD Targeted Rate, Havelock North CBD Targeted Rate, and Security Patrols (Hastings and Havelock North), a commercial rating unit is one that fits the description as set out under DRA1 CBD Commercial and DRA1 Other Commercial in Part B of the Funding Impact Statement for 2019/20.

**COMMUNITY SERVICES & RESOURCE MANAGEMENT RATE**

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on a differential basis, on each separately used or inhabited part of a rating unit as follows:

Differential Category	Factor	\$ per SUIP
<b>Differential rating area one</b>		
Residential	1	\$440
CBD Commercial	1	\$440
Other Commercial	1	\$440
Residential Clive	0.75	\$330
Residential Non-Urban (Including Townships & Small Settlements)	0.75	\$330
Horticulture / Farming	0.75	\$330
Commercial Non-Urban (Peripheral)	0.75	\$330
<b>Differential rating area two</b>		
Residential	1	\$283
Lifestyle / Horticulture / Farming	1	\$283
Commercial	1	\$283

**HAVELOCK NORTH PROMOTION**

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on the land value of any commercial rating unit located within Havelock North as defined on Council Map “Havelock North Promotion Rate”, of 0.1595 cents per dollar of land value.

**SWIMMING POOL SAFETY**

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, as a fixed amount on every rating unit where a swimming pool (within the meaning of the Fencing of Swimming Pools Act 1987) is located, of \$61 per rating unit.

**HAVELOCK NORTH PARKING**

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on a differential basis, on each separately used or inhabited rating unit located within Havelock North as defined on Council Map “Havelock North Parking”, as follows:

Differential Category	Factor	\$ per SUIP
Residential	1	\$23
CBD Commercial/Other Comm	3	\$69
All others	1	\$23

### **HASTINGS CITY MARKETING**

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on the land value of any commercial rating units located within Hastings as defined on Council Map “Hastings City Marketing Rate”, of 0.2610 cents per dollar of land value.

### **HASTINGS CBD TARGETED RATE**

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on the land value of any commercial rating unit located within Hastings as defined on the Council Map “Hastings CBD”, of 0.1660 cents per dollar of land value.

### **HAVELOCK NORTH CBD TARGETED RATE**

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on the land value of any commercial rating unit located within Havelock North as defined on Council Map “Havelock North CBD”, of 0.0781 cents per dollar of land value.

### **SECURITY PATROLS**

Targeted rates set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on the land value of any commercial rating unit located within each respective Council Map defined “Hastings Security Patrol Area” and “Havelock North Security Patrol Area”, as follows:

Hastings Security Patrol Area - 0.1037 cents per dollar of land value.

Havelock North Security Patrol Area - 0.0624 cents per dollar of land value.

### **SEWAGE DISPOSAL**

A differential targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, based on the provision or availability to the land of the service. The rate is set as an amount per separately used or inhabited part of a rating unit.

A differential targeted rate for all non-residential rating units classified as “connected”, based on the use to which the land is put. The rate is an amount for each water closet or urinal after the first.

The rates apply to connected or serviceable rating units in all areas excluding those in the Waipatiki scheme area.

The rates for the 2019/20 year are:

Category	Factor	\$ per SUIP
(1) Connected	1	\$235
(2) Serviceable	0.5	\$117.50

**Where connected, in the case of non-residential use, the differential charge for each water closet or urinal after the first is as follows:**

Differential category	Factor	Charge Per Water Closet and Urinal After the First
Schools/Churches	0.13	\$30.55
Chartered Clubs / Rest Homes / Prisons / Commercial Accommodation providers / Hospitals / Child Care Centres	0.40	\$94
HB Racing Centre / A&P Showgrounds / Regional Sports Park	0.25	\$58.75
All other Non-Residential	0.80	\$188

### **WAIPATIKI SEWAGE DISPOSAL**

**A differential targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, based on the provision or availability to the land of the service. The rate is set as an amount per separately used or inhabited part of a rating unit.**

**This rate applies only to connected or serviceable rating units in the Waipatiki scheme area.**

**The rates for the 2019/20 year are:**

Category	Factor	\$ per SUIP
(1) Connected	1	\$430
(2) Serviceable	0.5	\$215

**Where connected, in the case of non-residential use, the differential charge is set for each water closet or urinal after the first as follows:**

Differential Category	Factor	Charge Per Water Closet and Urinal After the First
Schools/Churches	0.13	\$55.90
Chartered Clubs / Rest Homes / Prisons / Commercial Accommodation providers / Hospitals / Child Care Centres	0.40	\$172
HB Racing Centre / A&P Showgrounds / Regional Sports Park	0.25	\$107.50
All other Non-Residential	0.80	\$344

### **WASTEWATER TREATMENT**

**A differential targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, based on the provision or availability to the land of the service. The rate is set as an amount per separately used or inhabited part of a rating unit.**

A differential targeted rate for non-residential rating units classified as “connected”, based on the use to which the land is put. The rate is an amount for each water closet or urinal after the first.

The rates apply to connected or serviceable rating units in all areas excluding those in the Waipatiki scheme area.

The rates for the 2019/20 year are:

Category	Factor	\$ Per SUIP
(1) Connected	1	\$80
(2) Serviceable	0.5	\$40

Where connected, in the case of non-residential use, the differential charge is set for each water closet or urinal after the first as follows:

Differential Category	Factor	Charge Per Water Closet and Urinal After the First
Schools/Churches	0.13	\$10.40
Chartered Clubs / Rest Homes / Prisons / Commercial Accommodation providers / Hospitals / Child Care Centres	0.40	\$32
HB Racing Centre / A&P Showgrounds / Regional Sports Park	0.25	\$20
All other Non-Residential	0.80	\$64

### **WATER SUPPLY**

Targeted rates set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on each separately used or inhabited part of a rating unit and based on the provision or availability to the land of the service, on a differential basis as follows:

The rates for the 2019/20 year are:

Water Supply Area	Connected (Factor 1 Per SUIP)	Serviceable (Factor 0.5 Per SUIP)
Water Rate (including Hastings, Havelock North, Flaxmere, Waipatu, Haumoana/Te Awanga, Clive, Whakatu, Omaha and Paki Paki)	\$450	\$225
Waimarama	\$450	\$225
Waipatiki	\$450	\$225
Whirinaki	\$450	\$225

### **WATER BY METER**

A targeted rate set and assessed in accordance with Section 19 of the Local Government (Rating) Act 2002, on the volume of water supplied as extraordinary water supply, as defined in Hastings District Council Water Services Policy Manual (this includes but is not limited to residential properties over 1,500m<sup>2</sup> containing a single dwelling, lifestyle lots, trade

premises, industrial and horticultural properties) of \$0.78 per cubic metre of water supplied over and above the typical household consumption as defined in the Hastings District Council Water Services Policy Manual.

### **RECYCLING**

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on each separately used or inhabited part of a rating unit and based on the provision or availability to the land of the service provided in the serviced area, of \$43 per separately used or inhabited part of the rating unit.

### **REFUSE**

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on each separately used or inhabited part of a rating unit, differentiated based on the use to which the land is put.

Residential rating units currently receive a weekly collection. Commercial rating units located within Hastings as defined on Council Map “Hastings CBD Refuse”, and located within Havelock North as defined on Council Map “Havelock North CBD Refuse” currently receive a twice weekly collection.

The rate for 2019/20 is:

Differential Category	Factor	\$ per Separately Used or Inhabited Part
Residential	1	\$16
Commercial CBD	2	\$32

### **WAIMARAMA REFUSE**

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on each separately used or inhabited part of a rating unit located within Waimarama as defined on Council Map “Waimarama Refuse Collection”, and based on the provision or availability to the land of the service provided, of \$80 per separately used or inhabited part of the rating unit.

### **CAPITAL COST OF SUPPLY EXTENSIONS**

Targeted rates set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on each separately used or inhabited part of a rating unit, and based on the provision or availability to the land of the service provided, to fund the capital cost of the extension to the water supply and sewerage networks in each of the following locations, as follows:

#### ***Whirinaki Water Supply:***

\$270 per separately used or inhabited part of a rating unit (over 4 instalments) for those rating units where the ratepayer elected for a 25 year targeted rate option and elected not to pay a lump sum option at the time of scheme inception.

#### ***Waipatiki Sewage Disposal:***

\$1,312 per separately used or inhabited part of a rating unit (over 4 instalments) for those rating units where the ratepayer elected for a 10 year targeted rate option and elected not to pay a lump sum option at the time of

scheme inception.

#### **WAIMARAMA SEA WALL**

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002 on a differential basis, on each separately used or inhabited part of a rating unit within each individual zone defined on Council Map “Waimarama Sea Wall Zone” of the following amounts per separately used or inhabited part of the rating unit:

Zone 1 shall pay 67% of the cost to be funded, whilst Zone 2 shall pay 23% of the cost and Zone 3 10% of the cost, based on the extent of the provision of service.

Zone 1	\$270	Zone 2	\$187	Zone 3	\$70
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#### **DUE DATES AND PENALTY DATES**

##### **Due Dates for Payment and Penalty Dates (for Rates other than Water by Meter Rates):**

The Council sets the following due dates for payment of rates (other than Water by Meter) and authorises the addition of penalties to rates not paid on or by the due date, as follows:

Rates will be assessed by quarterly instalments over the whole of the district on the due dates below:

Instalment	Due Date	Penalty Date
1	23 August 2019	28 August 2019
2	22 November 2019	27 November 2019
3	21 February 2020	26 February 2020
4	22 May 2020	27 May 2020

A penalty of 10% will be added to any portion of rates (except for Water by Meter) assessed in the current year which remains unpaid after the relevant instalment due date, on the respective penalty date above.

##### **Arrears Penalties on Unpaid Rates from Previous Years**

Any portion of rates assessed in previous years (including previously applied penalties) which remains unpaid on 17 July 2019 will have a further 10% added. The penalty will be added on 18 July 2019.

A further additional penalty of 10% will be added to any portion of rates assessed in previous years which remains unpaid on 19 January 2020. The penalty will be added on 20 January 2020.

##### **Due Dates for Payment and Penalty Dates (for Water by Meter Rates):**

For those properties that have a metered water supply, invoices will be issued either three-monthly or six-monthly.

**Three Monthly Invoicing:**

Instalment	Invoicing Due Date	Penalty Date
1	21 October 2019	22 October 2019
2	20 January 2020	21 January 2020
3	20 April 2020	21 April 2020
4	20 July 2020	21 July 2020

**Six Monthly Invoicing:**

Instalment	Invoicing Due Date	Penalty Date
1	20 January 2020	21 January 2020
2	20 July 2020	21 July 2020

A penalty of 10% will be added to any portion of water supplied by meter, assessed in the current year, which remains unpaid after the relevant instalment due date, on the respective penalty date above.

**Arrears Penalties on Unpaid Water by Meter Rates from Previous Years**

Any portion of Water by Meter rates assessed in previous years (including previously applied penalties) which remains unpaid on 22 July 2019 will have a further 10% added. The penalty will be added on 23 July 2019.

A further additional penalty of 10% will be added to any portion of rates assessed in previous years which remains unpaid on 22 January 2019. The penalty will be added on 23 January 2019.

**With the reasons for this decision being:**

**The Council is required to collect funds from rates on properties to undertake the functions outlined in the 2019/20 Plan.**

**Attachments:**

There are no attachments for this report.





**REPORT TO: COUNCIL**

**MEETING DATE: THURSDAY 11 JULY 2019**

**FROM: TEAM LEADER ENVIRONMENTAL HEALTH AND LIQUOR LICENSING  
TONY STOTHART**

**SUBJECT: HASTINGS DISTRICT AND NAPIER CITY COUNCIL'S JOINT LOCAL ALCOHOL POLICY (THE LAP)**

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## **1.0 SUMMARY**

- 1.1 The purpose of this report is to obtain a resolution from Council on setting a date at which the Hastings District and Napier City Council's joint Local Alcohol Policy (the LAP) comes into force (**Attachment One**).
- 1.2 The resolution is required by Section 90 of the Sale and Supply of Alcohol Act 2012. A similar report will also go before the full Napier City Council on 20 August 2019 as part of the process.
- 1.3 This report concludes by recommending:
  - The Local Alcohol Policy is publicly notified
  - The Local Alcohol Policy comes into force on **21 August 2019**
  - The Local Alcohol Policy hours provision in Section 5 of the LAP, come into force on **21 November 2019**
  - The LAP is considered for review in 3 years with a compulsory full review at 6 years after it comes into force.

## **2.0 BACKGROUND**

- 2.1 In late 2012 Hastings District Council and Napier City Council resolved to develop a joint LAP for Hastings and Napier. Accordingly, a draft LAP was developed as per the requirements of the Sale and Supply of Alcohol Act 2012.
- 2.2 The draft LAP became provisional in 2016 and was subsequently appealed as a result of the public notification process.
- 2.3 The appeals were resolved in 2019 and the PLAP was adopted by the Alcohol Regulatory and Licensing Authority (ARLA) on 12 June 2019.
- 2.4 A summary of the development process (**Attachment two**) and ARLA decision (**Attachment three**) are appended to this report.
- 2.5 The status quo for licensing hours remains in place until the LAP comes into force.

### Summary of LAP provisions

2.6 The LAP includes the following provisions:

<b><u>ON-LICENCE TYPE</u></b>	<b><u>MAXIMUM TRADING HOURS</u></b>
Taverns/bars/pubs/night-clubs	8.00am to 3.00am the following day Monday to Sunday One way door restriction: Mandatory at 2 am
Cafes/restaurants/wineries/winery restaurants	8.00am to 2.00am the following day Monday to Sunday
Entertainment Venues	Licensing hours are to be consistent with the nature and activities of the premise and in general shall range from: 8.00am to 2.00am the following day Monday to Sunday
<b><u>OFF LICENCE TYPE</u></b>	<b><u>MAXIMUM TRADING HOURS</u></b>
Supermarkets and Grocery Stores	7.00am to 10.00pm Monday to Sunday
All other off licenses	9.00am to 10.00pm Monday to Sunday
<b><u>CLUB LICENCE TYPE</u></b>	<b><u>MAXIMUM TRADING HOURS</u></b>
	8.00am to 1.00am the following day Monday to Sunday
<b><u>SPECIAL LICENCE PROVISIONS:</u></b>	
SSAA default conditions apply	
<b><u>LOCATION OF LICENSED PREMISES (DENSITY CONTROLS):</u></b>	
No further off-licences are to be issued for any premises being a bottle store on land located within:  <b>Flaxmere</b> - the Commercial Service or Suburban Commercial zone in Flaxmere, or any Precinct within the Flaxmere Village Centre Zone or Scheduled sites 1 and 2 within Flaxmere  <b>Camberley</b> - the suburban commercial zone in Camberley  <b>Maraenui</b> – the Reserve, Suburban Commercial and Residential Zone in Maraenui	
<b><u>DISCRETIONARY CONDITIONS</u></b>	
Various	

### **3.0 SIGNIFICANCE AND ENGAGEMENT**

- 3.1 A Special Consultative Procedure was completed as a part of the development of the joint LAP.
- 3.2 There was extensive consultation with the NZ Police and Hawke's Bay District Health Board as required by the Sale and Supply of Alcohol Act 2012.
- 3.3 Additional evidence gathering was completed in 2018 to reassess the council's policy position.

#### **4.0 FUTURE REVIEWS**

- 4.1 Section 97 of the Sale and Supply of Alcohol Act 2012 requires that a LAP must be reviewed no later than 6 years after it came into force. Recommendation 6C) of the report takes into account this requirement.

#### **5.0 CONCLUDING COMMENTS**

- 5.1 The LAP has been through thorough public consultation and has required a high level of evidence to support the provisions.
- 5.2 New evidence was examined in 2018 from both the District Health Board and the NZ Police to show that the councils did not have sufficient evidence to support stronger restrictions. This was then confirmed by legal advice provided by in house legal counsel and external legal support from Katia Fraser from Meredith Connell, a top lawyer in this industry.
- 5.3 In December 2018, it was five years since the regulations relating to LAPs were implemented. Thirty Two of the 33 LAPs around the country were appealed and in most cases the appeals resulted in lesser restrictions (longer trading hours) for premises.
- 5.4 Each appeal process on average took 2 years one month and 28 days to settle, leaving the less restrictive national default provisions to be in force in the interim.
- 5.5 The Hastings District Council and Napier City Council Joint LAP is one of the only LAPs around the country that has successfully gained a restriction on further licences being issued for bottle stores in a specific area.
- 5.6 In light of the evidence to support the LAP position, the adoption of the LAP is a positive outcome and the provisions under the joint LAP will further protect the community from alcohol related harm.

#### **6.0 RECOMMENDATIONS AND REASONS**

- A) That the report of the Team Leader Environmental Health and Liquor Licensing titled "Hastings District and Napier City Council's joint Local Alcohol Policy (the LAP)" dated 11/07/2019 be received.
- B) That in accordance with Section 90 of the Sale and Supply of Alcohol Act 2012:
- The Local Alcohol Policy is publicly notified
  - The Local Alcohol Policy comes into force on 21 August 2019
  - The Local Alcohol Policy hours provision in Section 5 of the Local Alcohol Policy, come into force on 21 November 2019.
- C) That a preliminary review be considered in three years after the policy becomes operative with a full review required within 6 years of the enforcement date.

- D) That a research working party of the key agencies is developed to start gathering evidence to support the review of the policy required in 6 years by the Sale and Supply of Alcohol Act 2012.**

**With the reasons for this decision being that the objective of the decision will contribute to meeting the current and future needs of communities.**

**Attachments:**

- |   |                                    |                 |
|---|------------------------------------|-----------------|
| 1 | LAP document                       | REG-14-3-19-237 |
| 2 | Summary of LAP development process | REG-14-3-19-235 |
| 3 | ARLA decision                      | REG-14-3-19-233 |



# HASTINGS DISTRICT & NAPIER CITY COUNCILS' LOCAL ALCOHOL POLICY

August 2019



## LOCAL ALCOHOL POLICY

Item 9

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## LOCAL ALCOHOL POLICY

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### 1. INTRODUCTION

The Sale and Supply of Alcohol Act 2012 (the Act) was enacted on 18 December 2012. The Act allows territorial authorities to develop a local alcohol policy (LAP) and it allows two or more territorial authorities to develop a joint LAP. This is the joint Local Alcohol Policy for the Hastings District and Napier City territorial areas. This policy applies to any licensing application made to a District Licensing Committee within Hastings District or Napier City.

Under the Act a Local Alcohol Policy is to consist of a set of decisions made by Council in consultation with the Police, Medical Officers of Health and licensing inspectors as well as the community about the sale and supply of alcohol. Once the LAP is in place, the Council's District Licensing Committee and the Alcohol Regulatory and Licensing Authority will have to consider the policy when they make decisions on licence applications.

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### THE LOCAL ALCOHOL POLICY:

- May restrict the default maximum trading hours set out in the Act.
- May impose conditions on groups of licences such as one-way door conditions whereby a patron is allowed to leave a premise after a certain time but not enter or re-enter after a certain time.
- May specify restrictions on the location of licensed premises in particular areas or near facilities of particular kinds.
- May specify whether further licences (or licences of a particular kind or kinds) should be issued for premises in a particular area.
- May recommend discretionary conditions.

## 2. LAP OUTCOMES

This Local Alcohol Policy will guide decisions on alcohol licence applications by the District Licensing Committee in the aim of:

- Creating a safe and healthy community free from alcohol related harm
- Fostering safe and responsible drinking environments
- Reflecting community views on the sale and supply of alcohol within the district.

## 3. OBJECTIVES OF THE LAP

The objectives of the Sale and Supply of Alcohol Act (2012) are that:

- The sale, supply and consumption of alcohol should be undertaken safely and responsibly; and
- The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

Beyond the objectives stated in the Act, the objectives of Hastings District and Napier City Council's Local Alcohol Policy are:

- To support the purpose and intent of the Sale and Supply of Alcohol Act 2012.
- To identify what types of harm caused by the excessive or inappropriate consumption of alcohol the community is concerned about and address those harms to the extent appropriate.
- To provide a framework for the District Licensing Committee and Alcohol Regulatory and Licensing Authority to guide their decisions on alcohol licence applications.
- To promote transparency and provide clarity for the public and applicants about whether an application will meet the provisions of the LAP.
- To demonstrate leadership to achieve a safe drinking culture.
- Work collaboratively with community and agencies on initiatives to reduce alcohol related harm.

## 4. POLICY PRINCIPLES

- The use of the discretionary conditions will seek insofar as is possible to meet the principles of Crime Prevention through Environmental Design (CPTED) and the preservation of good order and amenity.
- A preliminary review of the policy shall be initiated three years after the policy becomes operative to determine whether a full review is required earlier than the six year review required under s 97 of the Sale and Supply of Alcohol Act 2012.





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## LOCAL ALCOHOL POLICY

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### 5. HOURS

The following maximum trading hours apply to all licensed premises within the Hastings District and Napier City territorial areas.

#### 5.1 ON-LICENCE HOUR

ON LICENSE TYPE	MAXIMUM TRADING HOURS
Taverns/bars/pubs/night-clubs	8.00am to 3.00am the following day Monday to Sunday One way door restriction: Mandatory at 2.00am
Cafes/restaurants/wineries/winery restaurants	8.00am to 2.00am the following day Monday to Sunday
Entertainment Venues	Licensing hours are to be consistent with the nature and activities of the premise and in general shall range from: 8.00am to 2.00am the following day Monday to Sunday

**NOTE:** The owner/operator of an on-licensed premise will be constrained by the hours defined by any resource consent or District Plan requirements. The above-stated hours do not imply any right to operate outside any requirements set under the Resource Management Act 1991.

#### 5.2 OFF-LICENCE HOURS

OFF LICENSE TYPE	MAXIMUM TRADING HOURS
Grocery stores and supermarkets	7.00am to 10.00pm Monday to Sunday
All other off licenses	9.00am to 10.00pm Monday to Sunday

Attachment 1

## LOCAL ALCOHOL POLICY

### 5.3 CLUB LICENCE HOURS

CLUB LICENCE TYPE	MAXIMUM TRADING HOURS
	Licensing hours are to be consistent with the nature and activities of the club and in general shall range from:  8.00am to 1.00am the following day Monday to Sunday

### 6. SPECIAL LICENCES

Special Licences may be issued for the on-site or off-site consumption of alcohol for a special event or series of events. The Sale and Supply of Alcohol Act 2012 allows special licences to be issued for up to 12 months. Unlike other kinds of licences, special licences are not subject to the Act's default maximum trading hours so can apply up to 24 hours a day. Special licences are to allow the sale and supply of alcohol at events and are not intended to be a substitute for an "on", "off" or "club" licence.

Applications for special licences should be filed 20 working days prior to the intended event. This time period is specified by statute to allow sufficient time for reporting by the Police, Medical Officer of Health and Licensing Inspector. Applications submitted with less than 20 working days available to the District Licensing Committee may not be processed in time for the event and are submitted at the applicant's risk.

All applications must comply with the provisions of the District Plan. Conditions may be imposed on any special licence to mitigate the potential for noise or other environmental effects. Where an objection to an application is received the application will be referred for a formal hearing to the District Licensing Committee for a decision.

### 7. LOCATION OF LICENSED PREMISES

From the date this LAP comes into force, no further off-licences are to be issued for any premises being a bottle store on land located within:

- Flaxmere - the Commercial Service or Suburban Commercial zone in Flaxmere, or any Precinct within the Flaxmere Village Centre Zone or Scheduled sites 1 and 2 within Flaxmere shown as identified in Map 1.
- Camberley - the suburban commercial zone in Camberley identified in Map 2.
- Maraenui - the Reserve, Suburban Commercial and Residential Zone in Maraenui identified in Map 3.

**NOTE:** In all areas not listed above the District Licensing Committee may grant an on, off or club licence for any premises located in any zone where the sale and supply of alcohol is a permitted activity under the relevant District Plan. Applications will not be considered in other areas unless resource consent has been granted.





HASTINGS DISTRICT & NAPIER CITY COUNCILS' LOCAL ALCOHOL POLICY | 9

## BOTTLE STORE RESTRICTION AREA MAP FLAXMERE



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**BOTTLE STORE RESTRICTION AREA MAP CAMBERLEY**

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**BOTTLE STORE RESTRICTION AREA MAP MARAENUI**

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## 8. DISCRETIONARY CONDITIONS

Section 117 of the Act permits a District Licensing Committee to issue any licence subject to any reasonable conditions not inconsistent with the Act.

Discretionary conditions are in addition to the mandatory conditions specified within the Act. This provision allows the District Licensing Committee a wide ranging discretion as to conditions that may be applied to a licence. In order to provide some guidance to the District Licensing Committee and some certainty to applicants, the following conditions are a list of those which may be imposed by the District Licensing Committee where they are considered appropriate. In using its discretion to apply conditions, the District Licensing Committee will be guided by the following:

- **CONNECTION** – whether there is a connection between the problem to be addressed and the proposed activity
- **IMPACT** – whether in the opinion of the District Licensing Committee the proposed condition will contribute to making the drinking environment safer and minimise harm
- **REASONABLENESS** – whether it is within the capabilities of the applicant or licensee to satisfy this condition.

**NOTE:** While the District Licensing Committee has the discretion to add any condition(s) that it deems to be appropriate, it is anticipated that an applicant would have the opportunity to submit comments to the District Licensing Committee prior to the imposition of any condition that may have a financial or management impact on their business.



## LOCAL ALCOHOL POLICY

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The following are examples of conditions which may be applied to alcohol licences by the District Licensing Committee:

### ON-LICENCES

- CCTV cameras (location and number)
- Provision of effective exterior lighting
- No serving in glass containers at specified times
- Number of door-staff and provision of additional security staff after specified times
- Management of patrons queuing to enter the licensed premise
- Limit on the number of drinks per customer at specified times
- No shots or types of drinks to be served after specified times
- Limit on drink sizes after specified times
- Conditions relating to management: such as certificated staff required if the maximum occupancy exceeds a prescribed number or if recommended by Police or the Inspector, requirement for multiple managers etc
- One way door restrictions
- Provision of transport for patrons
- Restriction on the use of outdoor areas after a specified time

### CLUB LICENCES

- Conditions relating to management: such as certificated staff required at all clubs unless the bar is staffed voluntarily and membership is below a prescribed number.

### OFF-LICENCES

- Display of safe drinking messages/material

### SPECIAL LICENCES

- Restriction on the type of drinks sold, the alcohol percentage of the drinks and the type of containers the drinks are served in
- One way door restrictions

## DEFINITIONS

<b>Alcohol</b>	<p>means a substance—</p> <ul style="list-style-type: none"> <li>(a) that— <ul style="list-style-type: none"> <li>(i) is or contains a fermented, distilled, or spirituous alcohol; and</li> <li>(ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or</li> </ul> </li> <li>(b) that— <ul style="list-style-type: none"> <li>(i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and</li> <li>(ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or</li> </ul> </li> <li>(c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people (refer section 5(1) of the Act)</li> </ul>
<b>Alcohol related harm</b>	<ul style="list-style-type: none"> <li>(a) means the harm caused by the excessive or inappropriate consumption of alcohol; and</li> <li>(b) includes- <ul style="list-style-type: none"> <li>(i) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; and</li> <li>(ii) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in subparagraph (i) (refer section 5(1) of the Act)</li> </ul> </li> </ul>
<b>Bottle store</b>	<p>means retail premises where at least 85% of the annual sale revenue is expected to be earned from the sale of alcohol for consumption somewhere else (refer section 31(1) of the Act)</p>
<b>Bar</b>	<p>in relation to a hotel or tavern, means a part of the hotel or tavern used principally or exclusively for the sale or consumption of alcohol (refer section 5(1) of the Act)</p>
<b>Café</b>	<p>has the same meaning as restaurant in terms of the licence</p>

## LOCAL ALCOHOL POLICY

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<b>Club</b>	means a body that - <ul style="list-style-type: none"> <li>(a) Is a body corporate having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or</li> <li>(b) Is a body corporate whose object is not (or none of whose objects is) gain; or</li> <li>(c) Holds a permanent club charter (refer section 5(1) of the Act)</li> </ul>
<b>Club licences</b>	where the licensee (e.g. a club) can sell and supply alcohol for consumption on the club premises by authorised customers (see section 21 of the Act);
<b>Entertainment Venue</b>	means premises used or intended to be used in the course of business principally for providing any performance or activity such as but not limited to theatre, cinema, bowling, pool/snooker/billiard hall, brothel, function centre, wedding venue, live entertainment venue, strip club.
<b>Grocery Store</b>	means a shop that has the characteristics normally associated with shops of the kind commonly thought of as grocery shops such as but not limited to annual sales revenue, product range; and comprises premises where a range of food products and other household items are sold; but the principal business carried on is or will be the sale of food products (refer section 33(1) of the Act). In most cases grocery stores will be less than 1,000 m <sup>2</sup> in size
<b>Hotel</b>	means premises used or intended to be used in the course of business principally for providing to the public - <ul style="list-style-type: none"> <li>(a) Lodging; and</li> <li>(b) Alcohol, meals, and refreshments for consumption on the premises (refer section 5(1) of the Act)</li> </ul>
<b>Night-club</b>	has the same meaning as tavern in terms of the licence
<b>On-licences</b>	where the licensee can sell and supply alcohol for consumption on the premises and can let people consume alcohol there (see section 14 of the Act);

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<b>Off-licences</b>	where the licensee sells alcohol from a premise for consumption somewhere else (see section 17 of the Act);
<b>Pub</b>	has the same meaning as tavern in terms of the licence
<b>Restaurant</b>	means premises that- <ul style="list-style-type: none"> <li>(a) Are not a conveyance; and</li> <li>(b) Are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises (refer section 5(1) of the Act)</li> </ul>
<b>Special licences</b>	can be either on-site or off-site special licences. With an on-site special, the licensee can sell or supply alcohol, for consumption there, to people attending an event described in it. With an off-site special, the licensee can sell the licensee's alcohol, for consumption somewhere else, to people attending an event described in it (see section 22 of the Act).
<b>Supermarket</b>	means premises commonly thought of as a supermarket with a floor area of at least 1000m <sup>2</sup> , including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items.
<b>Tavern</b>	<ul style="list-style-type: none"> <li>(a) means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but</li> <li>(b) does not include an airport bar (refer section 5(1)). (ie, an airport bar is not treated as a tavern for alcohol licensing purposes).</li> </ul>
<b>Winery</b>	means an activity carried out on the same site as a vineyard involving wine making and cellar door sales (the retail sale of the wine produced on the site), and any related entertainment facilities including the serving of food and beverages (refer Hastings District Plan definitions section).



## APPENDIX 1 – REASONS

Reasons for the key elements of the Local Alcohol Policy are provided as follows. The reasons outline the key considerations of the Local Alcohol Policy Joint Committee as a result of hearing and considering all of the submissions and the reporting officer's report, as well as the appeals to the Provisional Local Alcohol Policy.

CLAUSE	REASONS
<b>ON-LICENCE HOURS</b>  The maximum trading hours for:  <b>Taverns/bars/pubs/night-clubs are 8.00am to 3.00am the following day Monday to Sunday with a mandatory one way door restriction at 2.00am</b>	<p>The opening hours of 8am for all on-licence venues are consistent with the default opening hours set out under the Act.</p> <p>The closing hours are consistent with historical closing hours outlined under previous Hastings and Napier Sale of Alcohol Policies as being 7am-3am.</p> <p>The Committee does not have evidence that the on-licence hours for taverns/ bars/pubs/ night-clubs should be further restricted in the territorial authority areas of Napier and Hastings.</p> <p>The Committee considered that because of the range of controls that apply to on-licences and the number of conditions and measures that on-licences are bound by to ensure they are operated responsibly that a 3.00am closure is appropriate. The Police and Medical Officer of Health while supporting a 2.00am close also recognised that licenced premises are a good place to consume alcohol in a safe way.</p> <p>The Committee considered that a one-way door should be mandatory at 2.00am as it provides an extra tool in the management of potential alcohol harm by reducing the likelihood of the movement of patrons between venues.</p> <p>From the submissions made by the Police and some licence holders, the evidence supports the implementation of a mandatory one-way door policy. Evidence indicated previous voluntary local trials of a one-way door policy were successful.</p>

CLAUSE	REASONS
Cafes/restaurants/wineries/winery restaurants are 8.00am to 2.00am the following day Monday to Sunday.	<p>The Committee determined that there should not be a differentiation between trading hours for taverns/bars/pubs/night-clubs and cafes/restaurants/wineries and that by having the same licence hours provides for more effective monitoring and enforcement.</p> <p>The Committee recognises that these businesses are commercial enterprises and market demand dictates closing time, and that these venues generally close at 11pm and only on occasion would go through to 2.00am.</p>
Entertainment venues licensing hours are to be consistent with the nature and activities of the premise and in general shall range from 8.00am to 2.00am the following day Monday to Sunday.	The Committee recognises that the District Licensing Committee should have the ability to determine licence hours which are consistent with the nature and activity of the premises.

## APPENDIX 1 – REASONS

CLAUSE	REASONS
<b>OFF-LICENCE HOURS</b>  The maximum trading hours for:  <b>Wineries, hotels, bars, taverns and bottle stores are 9.00am to 10.00pm Monday to Sunday</b>	<p>The Committee determined the opening hours of 9.00am will assist in reducing alcohol related harm given that many of these premises are located in suburban or local communities and are more easily accessible to residential areas.</p> <p>Stopping the sale of alcohol at 10.00pm will also assist in reducing the incidences of pre-loading, side-loading and the further purchases of alcohol by people who have already been drinking throughout the evening and will therefore contribute to reducing the potential for alcohol related harm.</p>
<b>Grocery stores and supermarkets 7.00am to 10.00pm Monday to Sunday</b>	<p>The main purpose of supermarkets and grocery stores is to sell food, with alcohol sales being secondary to that. Having a 7.00am opening hour provides for the convenience of supermarket and grocery shoppers carrying out their normal grocery purchases at that time.</p> <p>Stopping the sale of alcohol at 10.00pm will assist in reducing incidences of pre-loading, side loading and the further purchases of alcohol by people who had already been drinking throughout the evening, and will therefore contribute to reducing the potential for alcohol related harm.</p> <p>There is no differentiation between closing hours for off-licences, as all alcohol can result in alcohol related harm. At this point in time, there is not sufficient local evidence to support a difference in the closing hours of different off-licences.</p>

CLAUSE	REASONS
<p><b>CLUB LICENCE HOURS</b></p> <p>Licensing hours are to be consistent with the nature and activities of the club and in general shall range from 8.00am to 1.00am the following day Monday to Sunday.</p>	<p>The start time for Club Licences at 8am is consistent with the default starting time set out in the Act.</p> <p>The finishing hours are consistent with historical operating hours of clubs in the territorial authority areas of Napier and Hastings with no evidence of alcohol related harm associated with these hours to justify imposing more restrictive hours. Further, the District Licensing Committee will be able to set licence hours which are consistent with the nature and activities of the club.</p>
<p><b>SPECIAL LICENCES</b></p> <p>Special Licences may be issued for the on-site or off-site consumption of alcohol for a special event or series of events. The Sale and Supply of Alcohol Act 2012 allows special licences to be issued for up to 12 months. Unlike other kinds of licences, special licences are not subject to the Act's default maximum trading hours so can apply up to 24 hours a day. Special licenses are to allow the sale and supply of alcohol at events and are not intended to be a substitute for an "on", "off" or "club" licence.</p> <p>Applications for special licences should be filed 20 working days prior to the intended event. This time period is specified by statute to allow sufficient time for reporting by the Police, Medical Officer of Health and licensing inspector. Applications submitted with less than 20 working days available to the District Licensing Committee may not be processed in time for the event and are submitted at the applicant's risk.</p> <p>All applications must comply with the provisions of the District Plan. Conditions may be imposed on any special licence to mitigate the potential for noise or other environmental effects. Where an objection to an application is received the application will be referred for a formal hearing to the District Licensing Agency for a decision.</p>	<p>No maximum trading hours for special licences are specified in this policy due to the uncertainty of types of events and when these may occur. Maximum trading hours for special licences are also not prescribed in the Act.</p> <p>The Committee considers that it is appropriate for the District Licensing Committee to consider each application on its own individual merits taking into account the statutory criteria that must be considered and that conditions may be imposed on a Special Licence to mitigate adverse effects.</p>

HASTINGS DISTRICT &amp; NAPIER CITY COUNCILS' LOCAL ALCOHOL POLICY | 21



## APPENDIX 1 – REASONS

CLAUSE	REASONS
<p><b>LOCATION OF LICENSED PREMISES</b></p> <p>From the date this LAP comes into force, no further off-licences are to be issued for any premises being a bottle store on land located within:</p> <ul style="list-style-type: none"> <li>• <b>FLAXMERE</b> - the Commercial Service or Suburban Commercial zone in Flaxmere, or any Precinct within the Flaxmere Village Centre Zone or Scheduled sites 1 and 2 within Flaxmere shown as identified in Map 1.</li> <li>• <b>CAMBERLEY</b> - the suburban commercial zone in Camberley identified in Map 2.</li> <li>• <b>MARAENUI</b> – the Reserve, Suburban Commercial and Residential Zone in Maraenui identified in Map 3.</li> </ul> <p><b>NOTE:</b> In all areas not listed above the District Licensing Committee may grant an on, off or club licence for any premises located in any zone where the sale and supply of alcohol is a permitted activity under the relevant District Plan. Applications will not be considered in other areas unless resource consent has been granted.</p>	<p>The Committee determined that there was sufficient local evidence to justify the implementation of location restrictions.</p> <p>A number of submissions were in support of location restrictions for Flaxmere and Camberley and submissions from the Police and Medical Officer of Health also requested that there also be bottle store restrictions put in place in Maraenui.</p> <p>That Maraenui has similar demographic and social problems as Flaxmere and Camberley and the Committee considered that it was therefore appropriate for a 'no further bottle store restriction' to be applied to Maraenui.</p> <p>Evidence from the Medical Officer of Health also showed that the Hastings Regional Hospital Emergency Department alcohol-related injury presentations are more likely to occur in private residences than licensed premises and that young people particularly those from high deprivation areas are more at risk of presenting with alcohol-related injuries than those from less deprived areas.</p> <p>The Committee did not consider further restrictions in relation to proximity to premises or facilities of a particular kind or kinds were warranted as it considers the District Licensing Committee to be in the best position to consider this on a case by case basis with the criteria relating to amenity and good order contained in the Act.</p>
<p><b>DISCRETIONARY CONDITIONS</b></p>	<p>The Committee notes that by their nature, discretionary conditions may or may not be applied by the District Licensing Committee and that the intention of this element of the policy is to draw attention to the types of conditions that the District Licensing Committee could consider. Outlining such conditions in the policy also provides some guidance to applicants regarding the nature and scope of potential discretionary conditions.</p>



Item 9

Attachment 1



Hastings and Napier LAP development process summary

DATE	DESCRIPTION
June – August 2013	Research Paper Completed - in coordination with NZ Police and The Hawkes Bay District Health Board / Draft Issues and Options paper developed / Joint Draft LAP developed based on evidence
September 2013	Special Consultative Procedure: NCC resolved at their meeting on 18 September 2013 and HDC at their meeting on 19 September 2013, that the Statement of Proposal and its attachments be adopted for the special consultative procedure in accordance with Section 83 of the Local Government Act 2002.
December 2013	A <b>Joint Committee</b> consisting of an Independent Commissioner and Councillors from the Hastings District Council and Napier City Councils was established to hear submitters. A Terms of Reference was developed between the two councils.  <b>Joint Committee Members:</b> Rob Lutter –Napier City Council Faye White - Napier City Council John Cocking - Napier City Council  Bowers - Hastings District Council Lester - Hastings District Council Watkins - Hastings District Council  <b>Independent Commissioner:</b> Bill Wasley
February – April 2014	<b>Hearing of submissions</b> on the Draft Local Alcohol Policy by Joint committee. Reported to Joint Committee on 13 May 2014 on submissions and recommendations. Committee resolved to <b>defer consideration</b> of draft LAP until appeals on other NZ Territory Authorities (TA's) were resolved.
Feb 2016	<b>Report back to Joint Committee</b> with updates on other TA's Appeals. Joint committee decision to the Hastings District and Napier City Councils that they adopt the Draft Local Alcohol Policy.
28 April 2016	Hastings District Council Committee of the whole decision at the meeting 28 April 2016, to <b>adopt the Draft LAP</b> , the LAP becomes provisional.
August – September 2016	<b>Three appeals received</b> regarding off licence trading hours under The SSAA 2012 Section 205. <ul style="list-style-type: none"> <li>• <b>Foodstuffs North Island Ltd</b></li> <li>• <b>Progressives Enterprises Ltd</b></li> <li>• <b>Super Liquor</b></li> </ul>
September 2017	Alcohol Regulatory and Licensing Authority (ARLA) notified Hastings District Council and Napier City Council of appeals and approximate appeal dates: June 2018.
November – December 2017	Council officer meetings regarding appeals and appeal process. <b>Legal Opinion</b> re Appeals process and likelihood of success at appeals. Formal Negotiations with appellants began as recommended by legal.

January 2018 – December 2018	<b>Additional research</b> and evidence gathered to support negotiations with appellants. Continued negotiations with appellants
4 March 2019	ARLA approved negotiated settlement agreement and sent <b>Consent Order</b>
22 March 2019	<b>Final Appeal Process Started for Element 5.2 (off licence hours only)</b>  The Councils gave final notice to certain original submitters advising them of the proposed negotiated changes providing a final chance to lodge an appeal with ARLA. Final Appeal period ended 30 April 2019.
May / June 2019	Final policy document was resubmitted to ARLA with the amended Element 5.2 (off licence hours). <b>ARLA is satisfied that “Element 5.2 has been amended and is not unreasonable in light of the object of the Act based on the evidence provided. Therefore in accordance with s 87 (3) of the Act the resubmitted LAP is now approved and adopted.” [2019] NZARLA 96-97</b>  Councils are now required to state an enforcement date by resolution.



[2019] NZARLA 96-97

UNDER

the Sale and Supply of Alcohol Act 2012

AND

IN THE MATTER

of appeals pursuant to section 81 of the Act

BETWEEN

WOOLWORTHS NEW ZEALAND LIMITED and FOODSTUFFS NORTH ISLAND LIMITED  
Appellants

AND

HASTINGS DISTRICT COUNCIL and NAPIER CITY COUNCIL  
Respondents

AND

SUPER LIQUOR HOLDINGS LIMITED and MEDICAL OFFICER OF HEALTH  
Section 205 Parties

BEFORE THE ALCOHOL REGULATORY AND LICENSING AUTHORITY

Chairperson: District Court Judge K D Kelly

Members: Ms J D Moorhead

FINAL DECISION OF THE AUTHORITY  
(ON THE PAPERS)

[1] Following a hearing at Hastings on 4 March 2019, and by way of a consent order dated 5 March 2019, the Authority asked the respondents to reconsider element 5.2 of their Provisional Local Alcohol Policy (PLAP) (along with any part of the off-licence section of Appendix 1 as a consequence of its reconsideration of that element).

[2] By way of a joint memorandum dated 27 May 2019 the respondents have advised that they have reconsidered element 5.2 and all parties have confirmed that they are in agreement with the resubmitted element of the PLAP.

[3] The respondent now resubmits the amended PLAP to the Authority for approval pursuant to s 84(1)(b) of the Act.

[4] The Authority is satisfied that in accordance with the Authority's Practice Note dated 19 March 2015 the respondents have informed all those who made submissions on the original element in its draft PLAP:

(a) of the terms of the proposed element; and

(b) of their rights under s 205(2)(d) of the Act.



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[5] No persons have entered an appearance opposing the proposed element either in terms of s 205(2)(d) or (e) of the Act.

[6] On that basis, and in accordance with its Practice Note dated 19 March 2015 and s 86(2) of the Act, the Authority has considered the proposed element without a public hearing.

[7] The Authority is satisfied that element 5.2 that the Authority asked the respondent to reconsider in its consent order dated 5 March 2019, has been replaced by an amended element that is not unreasonable in light of the object of the Act.

[8] Therefore, in accordance with s 87(3) of the Act the resubmitted PLAP is now adopted.

**DATED** at WELLINGTON this 12<sup>th</sup> day of June 2019



District Court Judge K D Kelly  
Chairperson  
**Alcohol Regulatory and Licensing Authority**

**REPORT TO: COUNCIL**

**MEETING DATE: THURSDAY 11 JULY 2019**

**FROM: HASTINGS CITY ART GALLERY DIRECTOR  
TONI MACKINNON**

**SUBJECT: TOI-TŪ HAWKE'S BAY STRATEGIC FRAMEWORK**

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## **1.0 SUMMARY**

- 1.1 The purpose of this report is to seek approval for the Toi-Tū Hawke's Bay Strategic Framework 2019-2021.
- 1.2 The Strategic Framework guides strategy, identifies areas of focus, gives clear directions and enables actions to be measured.
- 1.3 The Strategic Framework has been led by the Hastings District Council and guided by the creative sector.
- 1.4 More than twenty creative sector entities were consulted at various stages in the development process of Toi-Tū. Mana whenua were key stakeholders throughout the consultation and development process.
- 1.5 Throughout consultation the creative sector identified five key needs. **Identity, creativity and sustainability** was to be the key focus. That building **strong leadership** was critical and **measuring against wellbeing**.
- 1.6 The Strategic Framework identifies opportunities to work across all of Council to enable creativity and cohesion that will enrich the work Councils does that benefits the community as a whole.
- 1.7 The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.
- 1.8 This report concludes by recommending the 'Toi-Tū Hawke's Bay Strategic Framework' dated 11 July 2019 be approved.

## **2.0 BACKGROUND**

- 2.1 In response to requests from the creative sector, Toi-Tū Hawke's Bay Strategic Framework was commissioned by Hastings District Council in 2017. Councillors directed Officers to pursue a creative sector-led framework.
- 2.2 Officers presented the framework to Council in August 2018. While Councillors supported the framework in principle, they asked Officers to investigate regional partnerships in the development of the framework.
- 2.3 Officers reported back to Council in November 2018 that Napier Council were not prepared to partner in the development of the strategy.



- 2.4 Waioira Council and Central Hawkes Bay District Council said they had no plans in this area at present but would like to be kept up to date as the strategy developed and partnerships and collaborations were built.
- 2.5 However, given that creative activity cannot be confined to regional geographic boundaries, Officers continued to consult widely across the region to ensure a framework that had focus areas and aims of regional relevance.
- 2.6 What came out of the consultation with the sector were agreed focus areas; Creativity, Identity and Sustainability. These are the areas Toi-Tū proposes Council and other stakeholders invest in, in order to strengthen outcomes for all the community.
- 2.7 The sector also identified a need for strong cross-sector leadership. Toi-Tū proposes a structure for this.
- 2.8 Tracking the progress is key to knowing the framework is effective. And at a governance level it is important to understand who is reaping the benefits of ratepayer investments, making sure that central and local government investment in the arts is providing benefits for the diversity of our community and not just a select few. Toi-Tū provides tools to measure this. Establishing a baseline and monitoring impact of the framework is an identified action.

#### **The Framework:**

- 2.9 The framework proposes a range of ways that Council and the creative sector can work together to action the focus areas listed below:

#### **Creativity**

- 2.10 The potential creative enterprise gives to our region; from our youth to our emerging and established creative practitioners, initiating opportunities to grow skills is a vital part of strengthening and ensuring sustainability for our creative sector overall.

#### **Identity**

- 2.11 The specific identity of the region; individual identity; cultural identity. Identity is grounded in heritage and history, it includes landscapes, stories and the pride felt for creativity that comes from here. Identity includes the way people feel about themselves and the way they present themselves to the world. With a robust knowledge of identity to move boldly into the future.

#### **Sustainability**

- 2.12 Putting in place tools and mechanisms to support a robust, future-proofed sector; placing creativity into the fabric of local government. This will ensure immediate, on-going and future benefits from the adoption of Toi-tū.

#### **Strong Leadership**

- 2.13 Toi-Tū provides a model for regional leadership and leadership at a local (district) level.
- 2.14 At a local level the leadership will coordinate and drive Toi-Tū's implementation across the organisation and district.

- 2.15 At a regional level the leadership group will advocate, communicate to the sector and monitor Toi-Tū progress.
- 2.16 The framework identifies resourcing and implementing the leadership model as an action for the Council. This will require a Toi-Tū Coordinator as the resource which will sit within the Arts Gallery team under the Gallery Director.

### **Measuring Against Wellbeing**

- 2.17 In using the Well-Beings as a measurement tool Toi-Tū ensures alignment with Creative New Zealand, local and central government strategic objectives. This also ensures that creative industries recognise their connection to educational, economic, health and social outcomes for our communities.
- 2.18 Toi-Tū has a vision: To be recognised locally, nationally and internationally for our creativity, our creatives and our distinct regional identity.
- 2.19 Be a place where creativity gives voice and presence to all our members of our community.
- 2.20 See creativity drive opportunity, innovation and enterprise.
- 2.21 The strategy proposes a collaborative partnership model. Existing opportunities in the district such as the Opera House and Municipal buildings, cultural exchanges and regional design projects can be leveraged as a way of engaging the sector, businesses, local and central government in partnering to action shared aims.
- 2.22 The framework is aligned for approval and implementation with the beginning of the financial year 2019/20.

### **Key Actions Local:**

#### **LEADERSHIP**

- 2.23 Adopt the Toi-tū Strategic Framework
- 2.24 Engage a regional governance group to support Toi-tū
- 2.25 Champion the adoption of the framework across the region
- 2.26 Establish a mechanism for cross-divisional direction setting, development, co-ordination and decision-making to roll-out Toi-Tū across HDC programmes and portfolios
- 2.27 Support the development of a regional arts leadership organisation

#### **ALIGNMENT**

- 2.28 Commit to the Toi-tū value measurement tool and resource its use
- 2.29 Align organisational performance targets and accountability with the Toi-tū measurement tool
- 2.30 Adopt and create policy to support the implementation of Toi-tū, such as public arts policy Te Aranga Cultural Landscape Principles
- 2.31 Review organisational infrastructure, aligning programmes and processes with Toi-tū

**PROJECTS**

- 2.32 Identify opportunities to express regional identity through place-based design
- 2.33 Seek opportunities – ‘from roading to consents’ – to uplift the profile of Hawke’s Bay’s creatives.

**Key Actions Regional:****RELATIONSHIPS**

- 2.34 Work with Councils across Hawke’s Bay towards development of an aligned regional approach to arts, culture and creative sector development;
- 2.35 Work with other agencies, sector organisations and stakeholders to foster and build collaboration;
- 2.36 Support the development and establishment of regional arts, culture and creative sector leadership and partnerships aligned with the whare whakairo model.

**PROJECTS**

- 2.37 Identify current and future opportunities for regional synergy and proactively leverage those opportunities;
- 2.38 Seek opportunities for alignment with other regional agenda such as Matariki REDS;
- 2.39 Develop aligned regional infrastructure, structures, systems, policies and approaches to support Toi-tū.

**ALIGNMENT**

- 2.40 Favour projects, events and activities that can deliver regional outcomes aligned with Toi-tū.
- 2.41 Work with partners to identify, develop and deliver regional projects aligned with the Toi-tū Hawke’s Bay Framework.

**3.0 FINANCIAL IMPLICATIONS**

- 3.1 Costs related to the implementation of the framework are not currently budgeted for. To fund the role in Financial year 2019/20 there are 3 options:
  - A. That the expenditure is approved by Council as an unbudgeted expenditure in 2019/20.
  - B. That the funding is reprioritised from existing budgets.
  - C. That Council decide to wait until financial year 2020/21 for implementation

	YR1	YR2	TOTAL
Toi-Tū Coordinator	80,000	80 000	Ongoing
Regional governance group to support Toi-Tū	20,000	20,000	Ongoing

- 3.2 If Council considers the implementation of the new role an absolute priority, then it could consider treating this expenditure as unbudgeted expenditure. However given this role was not incorporated into the 2019/20 Annual Plan, it

was not considered to be of sufficient priority at the time of those budgets being created and adopted.

- 3.3 Realistically it is unlikely that there will be budget capacity within the Community Facilities and Programmes Group for a reprioritisation of budget in 2019/20 to fund this role so funding from this source cannot be guaranteed. The other option for Council to consider is deferring the funding of this role into 2020/21.
- 3.4 Whilst Toi-tū is principally a framework to achieve regional coordination, cohesion and collaboration, any new initiatives that might eventuate from its inception would have to be brought to Council within normal budgetary processes and be assessed against Council's other competing priorities.
- 3.5 The creative sector in Hawke's Bay has a large number of entities working in the private and public sector. Hawke's Bay is recognised, nationally and internationally for our creatives and our creativity. What the sector say is that they want to work with Council towards cohesion, a shared purpose and strong leadership. Toi-tū provides a framework to address this.

#### **4.0 RECOMMENDATIONS AND REASONS**

- A) That the report of the Hastings City Art Gallery Director titled "Toi-Tū Hawke's Bay Strategic Framework" dated 11/07/2019 be received.**
- B) That "Toi-Tū Hawke's Bay Strategic Framework" dated 11/07/2019 be approved and adopted.**
- C) That the Chief Executive ensures the implementation of the Toi Tū Hawke's Bay Strategic Framework is within existing approved Council budgets.**

**Attachments:**

There are no attachments for this report.





**REPORT TO: COUNCIL**

**MEETING DATE: THURSDAY 11 JULY 2019**

**FROM: 3 WATERS MANAGER  
BRETT CHAPMAN**

**SUBJECT: HASTINGS DISTRICT COUNCIL DRINKING WATER  
QUALITY MANAGEMENT POLICY**

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## **1.0 SUMMARY**

- 1.1 The purpose of this report is to obtain a decision from the Council to adopt or amend the HDC Drinking Water Quality Management Policy.
- 1.2 This report contributes to the achievement of the Council's Community Outcomes and specific Council objectives as set out in the Long Term Plan 2018-28, by:
  - Providing healthy drinking water for the community.
- 1.3 The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.
- 1.4 This request arises from the need for HDC to document its commitment to delivering safe water and effectively managing its drinking water supplies.
- 1.5 This policy is an important component of the new Water Safety Plan Framework that commits the organisation, the agencies that help us and the community to a course of action to deliver safe and effective water services.
- 1.6 The objective of this decision relevant to the purpose of Local Government is to ensure that the community is provided with drinking water that is safe, meets all regulatory requirements and is delivered in a way that is efficient and cost-effective for households and businesses.
- 1.7 This report concludes by recommending that the HDC Drinking Water Quality Management Policy (Version 1.0) dated 16 May 2019, be adopted.

## **2.0 BACKGROUND**

- 2.1 The NZ Drinking Water Safety Plan Framework provides a comprehensive and structured approach to assessing and mitigating public health risks to our drinking water.
- 2.2 The first component of a Water Safety Plan is a demonstrated commitment to drinking-water quality management by those who are responsible for, and know about, managing and operating the drinking-water supply to ensure safe and secure water continues to be provided.
- 2.3 That commitment relates to leadership, awareness, engagement, communication, information and a clear path to equally clear goals.

- 2.4 The water supplier is legally accountable for providing safe drinking-water. Organisational support and long-term commitment by senior leadership is the foundation to implementing an effective system for providing safe and secure drinking-water and organisational policies and strategies, reflected in plans and budgets, need to support the effective management of drinking-water supply.
- 2.5 The criteria by which water suppliers are assessed in terms of meeting their ongoing obligations under the **Health Act 1956**, and the **Health (Drinking Water) Amendment Act 2007** (Part 2A Section 69), is based on an evaluation of their public health risk management plans referred to as the Water Safety Plan or WSP.
- 2.6 The HDC Drinking Water Quality Management Policy provides visibility as to the goals, objectives and strategies of our organisation as shown below:



- 2.7 This is achieved in a collaborative partnership arrangement with stakeholders and relevant agencies, working collectively to achieve these objectives.

### **3.0 CURRENT SITUATION**

- 3.1 As part of its function, the 3 Waters Improvement Team has oversight responsibilities to ensure functional linkages and reporting between practical, operational level risk management measures and the corporate risk management policy and framework including governance and management oversight mechanisms.
- 3.2 The Hastings District Council Drinking Water Quality Management Policy has been reviewed by the 3 Waters Improvement Team who has recommended that it be put to Council for formal adoption.

### **4.0 OPTIONS**

- 4.1 The Council can either adopt the policy as written in **Attachment 1**, or defer adoption subject to further amendments that they may consider necessary.

### **5.0 SIGNIFICANCE AND ENGAGEMENT**

- 5.1 The Hastings District Council Drinking Water Quality Management Policy embodies the 6 Principles of Drinking Water Safety which have been recommended by the Board of Inquiry following their report into the Havelock North contamination incident.
- 5.2 The policy reflects the position of the Hastings District Council and the community's expectations in regard to safe drinking water and the statements in Section 3 set out the key areas for achievement.
- 5.3 Adopting the policy is considered to be of low significance on the basis that the commitment to safe drinking water, and the necessary changes and costs, have in the main already been established and/or implemented.

### **6.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)**

- 6.1 The development of a policy to document Council's commitment is seen as an administrative but necessary component of the WSP that guides Council in meeting its risk management commitments.
- 6.2 There are no financial commitments that result from adopting the policy. The WSP is the key informing document that establishes the need for risk mitigation and outlines the extent of those mitigation measures and costs.
- 6.3 If the Council believes the policy requires further changes then these can be made and the policy brought back for adoption at a later time. The timeframes for completion of the next revision of the WSP will be towards the end of 2019 therefore deferring the policy in the interim is unlikely to put this process at risk.

### **7.0 PREFERRED OPTION/S AND REASONS**

- 7.1 The recommendation is to adopt the policy as written.
- 7.2 This will ensure that Council has demonstrated its commitment to delivering safe water in a way that underpins the systems, processes and culture that has been at the forefront of the organisation's response to the Havelock North water crisis.

- 7.3 It will also ensure that we can meet our legislative obligations in respect of public health outcomes through the development of comprehensive Water Safety Plans.

## **8.0 RECOMMENDATIONS AND REASONS**

- A) That the report of the 3 Waters Manager titled “Hastings District Council Drinking Water Quality Management Policy” dated 11/07/2019 be received.
- B) That the Council adopts the Hastings District Council Drinking Water Policy in Attachment 1 (PMD-02-20-19-4).

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 and local public services in a way that is most cost-effective for households and business by:

- i) ensuring that the community is provided with drinking water that is safe, meets all regulatory requirements and is delivered in a way that is efficient and cost-effective.

### **Attachments:**

- |   |  |                |
|---|--|----------------|
| 1 | Drinking Water Quality Management Policy | PMD-02-20-19-4 |
|---|--|----------------|





# Drinking Water Quality Management Policy

Policy expert	Drinking Water Manager
Policy owner	3 Waters Manager
Owner Department	Asset Management
Approval date	16 May 2019
Version	1.0
Review date	1 July 2022

Item 11

Attachment 1

# Policy

## 1. Purpose

Hastings District Council is committed to delivering safe water and managing its drinking water supplies effectively to provide a safe, high-quality product that consistently meets agreed levels of service and fully complies with all regulatory requirements in relation to drinking water.

## 2. Scope

From the Mayor to the Customer Call Centre, we are engaged in supplying safe drinking water and are responsible for understanding, implementing, maintaining, and continuously improving the drinking water quality management system. We are all committed to proving and demonstrating to consumers that the water delivered to homes and businesses is safe at all times.



We achieve this in a collaborative partnership arrangement with our stakeholders and relevant agencies, where we work collectively to achieve these objectives.

### 3. Policy statement

HDC commits to:

- manage water quality at all points along the delivery chain from source water to the consumer;
- use a risk-based approach in which potential threats to water quality are identified, assessed and resolved or reduced to an acceptable level;
- integrate the needs and expectations of our communities, consumers, stakeholders and regulators into our planning and service delivery;
- establish regular monitoring of the quality of drinking water and effective reporting mechanisms to provide relevant and timely information, and demonstrate confidence in the water supply and its management;
- develop appropriate contingency planning and incident response capability;
- participate in appropriate research and development activities to ensure continued understanding of drinking water quality issues and performance;
- contribute to the debate on setting industry regulations and guidelines, and other standards relevant to public health and the water cycle;
- continually improve our practices by assessing performance against corporate commitments and stakeholder expectations.

### 4. Roles and responsibilities

Role	Responsibility
<ul style="list-style-type: none"> <li>- <b>Group Manager: Asset Management</b></li> <li>- <b>3 Waters Manager</b></li> <li>- <b>Drinking Water Manager</b></li> <li>- <b>3 Waters Operations Manager</b></li> <li>- <b>Senior Water Operator</b></li> <li>- <b>Water Operators</b></li> <li>- <b>Maintenance Contract Manager</b></li> <li>- <b>Reticulation Engineer</b></li> <li>- <b>3 Waters Service Assurance Manager</b></li> <li>- <b>System Compliance Officer</b></li> <li>- <b>3 Waters Compliance Officer</b></li> </ul>	<p>All staff engaged in the abstraction, treatment and delivery of drinking water shall perform their duties in accordance with:</p> <ul style="list-style-type: none"> <li>- The 6 Principles of Drinking Water Safety,</li> <li>- The standards and regulations that require the highest duty of care to be maintained.</li> </ul> <p>Managers and staff that monitor and report on the performance of our drinking water systems are equally responsible for ensuring that our drinking water remains safe at all times whether this is at the source, during delivery or at the consumer tap.</p> <p>We also manage our contractors and service providers where any part of the provision of safe drinking water and its monitoring is contracted out.</p>

### 5. References

Key Legislation and Statutory Requirements
<a href="#">Local Government Act 2002 and the Amendment Act 2014</a>
<a href="#">Hastings District Council Consolidated Bylaw 2016</a>
<a href="#">Resource Management Act 1991</a>
<a href="#">Health Act 1956</a>
<a href="#">Health (Drinking Water) Amendment Act 2007</a>
<a href="#">Drinking-water Standards for New Zealand 2005 (Revised 2018)</a>
<a href="#">National Environmental Standard for Sources of Human Drinking Water 2007</a>
<a href="#">National Policy Statement for Freshwater Management 2014</a>
<a href="#">National Coastal Policy Statement 2010</a>
<a href="#">Resource Management (Measurement and Reporting of Water Takes) Regulations 2010</a>

## 6. Review

This document should be reviewed annually at a minimum. The 3 Waters Manager is responsible for undertaking the review.

## 7. Change history

Amendment (s)	Date	Updated by and authority

Uncontrolled if Printed







**REPORT TO: COUNCIL**

**MEETING DATE: THURSDAY 11 JULY 2019**

**FROM: ENVIRONMENTAL CONSENTS MANAGER  
MURRAY ARNOLD**

**SUBJECT: NOTIFICATION OF APPOINTMENT OF INDEPENDENT  
HEARINGS COMMISSIONER**

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## **1.0 SUMMARY**

- 1.1 The purpose of this report is to **advise** the Council of the appointment of Bill Wasley (Chair), Paul Cooney, and Louise Wickham (odour expert), independent Hearing Commissioners, to sit on the joint Hastings District Council - Hawkes Bay Regional Council hearings panel, to hear and decide on a resource consent application lodged by The Te Mata Mushroom Company Ltd.
- 1.2 The application is for consent to increase production of mushrooms from 25 tonnes per week to 100 tonnes per week, at 174–176 Brookvale Road, Havelock North, including:
- increasing compost production up to 500 tonnes per 7-day period;
  - extending existing (Phase 1) bunkers and constructing a new building (adjacent to Phase 2 tunnels);
  - constructing a concrete pad in centre of site; and
  - retrospective consent for construction of a recycled water/oxidation pond
- 1.3 Pursuant to Section 34A(1) of the Resource Management Act 1991, authority to appoint, pursuant to Section 100A and 34A(1) of the Act, Hearings Commissioner(s) to hear and decide an application has been delegated to the Chief Executive, the Group Manager: Planning and Regulatory Services, the Environmental Consents Manager, and the Environmental Policy Manager. This delegation is subject to the requirements that appointed Hearings Commissioners shall hold a valid certificate of accreditation under section 39A of the Act, and that **the exercise of this authority will be reported to the next available meeting of Council.**
- 1.4 This report sets out the reasons for the exercise of delegated authority to appoint Bill Wasley (Chair), Paul Cooney, and Louise Wickham as independent commissioners to hear and decide on the application from the Te Mata Mushroom Company.

## **2.0 BACKGROUND**

- 2.1 a) The Te Mata Mushroom Company applied to the Hawkes Bay Regional Council for resource consent to discharge contaminants in to the air from a composting and mushroom growing operation, and associated activities, at their Brookvale Road, Havelock North plant. The application was publicly notified and a submission was lodged on behalf of the Hastings

District Council. The HDC submission identified that a resource consent would also be required from the Hastings District Council.

- b) The Te Mata Mushroom Company subsequently applied to the Hastings District Council for resource consent to increase production of mushrooms from 25 tonnes per week to 100 tonnes per week at 174 – 176 Brookvale Road, Havelock North. The application to the HDC was publicly notified and 162 submissions were received, including one lodged on behalf of the Hastings District Council
  - c) The joint hearing is scheduled to be heard by the joint Hearings panel on 31 July–2 August 2019.
  - d) As submissions have been lodged on behalf of the Hastings District Council on both the HBRC and the HDC resource consent applications it is appropriate that the hearings panel is made up of independent commissioners.
- 2.2 Bill Wasley, Paul Cooney and Louise Wickham hold valid certificates of accreditation under section 39A of the Act and Bill Wasley and Paul Cooney have a Chair endorsement.

### **3.0 ASSESSMENT OF OPTIONS (INCLUDING FINANCIAL IMPLICATIONS)**

- 3.1 This matter has been delegated to staff who have exercised that delegation and are advising council of the appointment of Commissioners. This report completes the requirement set out in the delegation, that Council is informed of the appointment. Further assessment of options is therefore not necessary for this report.

### **4.0 SIGNIFICANCE AND ENGAGEMENT**

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

### **5.0 RECOMMENDATIONS AND REASONS**

- A) That the report of the Environmental Consents Manager titled "Notification of Appointment of Independent Hearings Commissioner" dated 11/07/2019 be received.**

**Attachments:**

There are no attachments for this report.



**REPORT TO: COUNCIL**

**MEETING DATE: THURSDAY 11 JULY 2019**

**FROM: MANAGER: DEMOCRACY AND GOVERNANCE SERVICES  
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 June 2019.
- 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 27/06/2019 be received.**

**B) That the LGOIMA requests received in June 2019 as set out in Attachment 1 (IRB-2-01-19-1634) of the report in (A) above be noted.**

### **Attachments:**

1 Monthly report to Council - June 2019

IRB-2-01-19-1634

IRB-2-01-19-1634

**LGOIMA – Monthly Report to Council – June 2019**

	<b>Requests Received</b>	<b>Responses to requests</b>	<b>Responses with information fully released</b>	<b>Responses with information partially withheld</b>	<b>Responses with information fully withheld</b>	<b>Average number of working days to respond</b>	<b>Requests resulting in a complaint to Ombudsman</b>
June 2019	5	2	2	0	0	4	0

**Requests - received since those last reported to Council**

Completed			
Outstanding			
<b>Month</b>	<b>From</b>	<b>Subject</b>	<b>Total</b>
June	NZ Taxpayers Union	Payments to David Cunliffe and Associated Businesses	5
	Student at Victoria University	Landfill and Recycling Data	
	Radio NZ	Costs associated with Earthquake Prone Buildings	
	Stuff	Diversity	
	Individual	Consent Application	



**REPORT TO: COUNCIL**

**MEETING DATE: THURSDAY 11 JULY 2019**

**FROM: PRINCIPAL ADVISOR: DISTRICT DEVELOPMENT  
MARK CLEWS**

**SUBJECT: CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY  
JOINT COMMITTEE MINUTES**

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## **1.0 SUMMARY**

- 1.1 The purpose of this report is to provide an update on for the Clifton to Tangoio Coastal Hazard Strategy Joint Committee.
- 1.2 Attached are the minutes of the meeting held on 31 May 2019 (**Attachment 1**)
- 1.3 As required by the revised terms of reference endorsed by Council on 20 November 2018, summary notes from that meeting are attached (**Attachment 2**), and the Council's representative on the Technical Advisor Group will be in attendance to help answer any questions that may arise.

## **2.0 RECOMMENDATIONS AND REASONS**

- A) That the report of the Principal Advisor: District Development titled "Clifton to Tangoio Coastal Hazards Strategy Joint Committee Minutes" dated 11/07/2019 be received.**

### **Attachments:**

- |   |  |                  |
|---|--|------------------|
| 1 | Minutes of Joint Committee meeting 31 May 2019 | STR-14-07-19-600 |
| 2 | Summary notes from 31 May 2019                 | STR-14-07-19-598 |



## Unconfirmed

### MINUTES OF A MEETING OF THE CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE

<b>Date:</b>	Friday 31 May 2019
<b>Time:</b>	10.00am
<b>Venue:</b>	Council Chamber Hawke's Bay Regional Council 159 Dalton Street NAPIER
<b>Present:</b>	Cr Peter Beaven – HBRC - Chair Cr Paul Bailey – HBRC Cr Tom Belford – HBRC Cr Annette Brosnan – NCC Cr Larry Dallimore – NCC Tania Huata – Mana Ahuriri Trust Cr Tony Jeffery – NCC – Deputy Co Chair Cr Tania Kerr – HDC – Deputy Co-Chair Cr Neil Kirton – HBRC Cr Ann Redstone – HDC
<b>Alternates:</b>	Acting Mayor Faye White – NCC Cr Rod Heaps - HDC
<b>In Attendance:</b>	Simon Bendall – Traverse Environmental Chris Dolley – HBRC Trudy Kilkolly – HBRC Brent Chamberlain – HDC Bruce Allan – HDC Mark Clews – HDC Jon Kingsford – NCC A Roets – Governance Administration Assistant

**1. Welcome/Apologies/Notices**

The Chair welcomed everyone to the meeting and Tania Huata opened with a karakia.

**Resolution**

- CLI110/19 That the apologies for absence from Tania Hopmans and Malcolm Dixon be accepted.

Redstone/Brosnan  
CARRIED

*Secretarial note; the absence of Peter Paku was noted.*

**2. Conflict of Interest Declarations**

There were no conflict of interest declarations.

**3. Confirmation of Minutes of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee meeting held on 18 March 2019****CLI111/19 Resolution**

Minutes of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee meeting held on Monday, 18 March 2019, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

Bailey/Beaven  
CARRIED

**4. Call for Items of Business Not on the Agenda****Recommendations**

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee accepts the following "Items of Business Not on the Agenda" for discussion as Item 10:

Topic	Raised by
No additional items called for.	

**5. Actions from Previous Clifton to Tangoio Coastal Hazards Strategy Joint Committee meetings***Item 1:*

- *Distribute PDF version of OECD case study to members once available:* Still haven't received a copy – will distribute to members once available.

*Item 2:*

- *TAG to bring back a report in how to management risks around LTP alignment:* On Agenda for discussions today.
- *To engage with Dave Cull, President of LGNZ:* David Cull and Minister Shaw have indicated interest in to meeting. Progressing further to confirming timing.

*Item 3:*

- *TAG funding subgroup would further refine the funding model:* Pending update on costings by the Designing Group. Costings to form part of the refined model to it's next stage.
- *Proposed to have an update/progress on Central Government funding:* will give an update through the Project Manager's general update report.

CLI112/19 **Resolution**

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives and notes the *"Actions from previous Clifton to Tangoio Coastal Hazards Strategy Joint Committee Meetings"* report.

Kerr/Redstone  
CARRIED

**6. Contributory Fund**

The Chair, Councillor Beaven invited Trudy Kilkolly and Brent Chamberlain to present on this paper, but highlighted that this item, the Contributory Fund certainly caught the attention of the media. Discussions traversed.

- Cr Beaven gave a background on the concept of a contributory fund and mentioned that this has been in discussions by the Joint Committee for a number of years.
- He further reiterate that key decision today is to determine whether a contributory fund needs to be established, how the fund would be operated, managed and governed.

Brent Chamberlain and Trudy Kilkolly presented on the background, interpretations, content, merits of establishing a Contributory Fund.

- The contributory fund is a collection of funds from ratepayers and potentially other external funding agencies in advance of expenditure being required to implement the Strategy.
- The costs of the proposed interventions of the strategy were estimated by Tonkin and Taylor in 2016 to be between \$130 - \$285 million, noting this was a high level estimate.
- Any funds collected for the contributory fund pre-intervention will reduce the need for debt funding and reduces future interest costs. It is highlighted that the contributory fund will not be able to cover the full cost of works but it will be used to offset debt.
- It was proposed that the three partner Councils begin collecting from ratepayers from the 2021/22 year to commence payments into the contributory fund
- The contributory fund can be used for the "Public Good" component of costs and protection of the TLAs and HBRC's infrastructure.
- The private good benefit will be collected at a later stage through a targeted rate from those landowners receiving the benefit, when there is certainty of timing and value of the physical intervention.
- One option for the operation of the Contribution Fund is that all expenditure for the implementation of the strategy will be paid out of the contributory fund – with contributions from private landowners and others added to the fund. This would create administrative convenience by having one source of funds for paying contractors etc.
- No decision has been made on "Public vs Private" splits and no decision yet of the value on the "infrastructure protection" that the TLAs would contribute.
- A Draft Coastal Contributory Fund Rules Deed was tabled as a working draft and to seek feedback on.
- Key suggestions for discussion include that HBRC administer the fund, that HBRC's Investment Policy would apply, and that any expenditure from the fund is pre-approved by all Councils.
- The Committee agreed that a contributory fund is established and also agreed to the need for more detail on how the fund could work and to bring this as a package to public consultation in mid to late 2020.



- The Chair received the comments of the committee members who were all supportive to move the coastal hazards strategy forward, while seeking finer detail on the allocation of costs before implementation can begin.
- There is much more detail to be worked through but the committee recognises that starting now to build a contributory fund is the right thing to do.
- The details associated with the contributory fund will be the focus of a public consultation in 2020.
- Cr Beaven thanked the Joint Committee members for showing their support and leadership, and for taking these next steps forward.
- Proposed to have a full joint workshop by respective councils around how the fund would be operated, managed and governed.

#### CLI113/19 Resolutions

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee:

1. Receives and notes the "**Contributory Fund**" report.
2. Recommends to Hawke's Bay Regional Council, Napier City Council, and Hastings District Council that a Coastal Contributory Fund be established.
3. Recommends to Hawke's Bay Regional Council, Napier City Council, and Hastings District Council that Hawke's Bay Regional Council be the Council that administers the Fund on behalf of Hawke's Bay Regional Council, Napier City Council and Hastings District Council.
4. Recommends to Hawke's Bay Regional Council, Napier City Council, and Hastings District Council that they consider rating towards the public good component of the implementation strategy in the 2021-22 financial year at the rate to be determined and subject to public consultation at a preferred option of \$15.00 per rating unit, with amount to be reviewed annually thereafter.
5. Notes and receives the Contributory Fund Rules Deed as an early draft and acknowledging more work to be done.

Kirton/Redstone  
CARRIED

#### 7. Community Consultation – Options and Risks around LTP Alignment

Simon Bendall, Project Manager gave a summary and background on the paper and highlighted that at the last meeting, it has been reported that 12 months had been added to the timeline to provide additional time for the Design Workstream to complete their work. Discussions traversed:

- As a consequence of the amended timeframe, public consultation on the Strategy has been delayed from Q1 2020 to the first quarter of 2021 which means that it would align with Council consultation on Long Term Plans.
- The Joint Committee requested an assessment of the risks this might present and requested TAG to present options to deal with these risks.
- TAG have identified three options for the Joint Committee's consideration; Aligned consultation, Delayed consultation and/or Staged consultation. TAG Group has recommended the Staged Consultation approach (that initial concepts are tested with the community ahead of LTP consultation in 2021 and remaining matters are consulted on as a separate LGA special consultative process after 2021 LTP consultation is fully completed)
- Stage 1 would commence in July/Aug 2020 and Stage 2 in late 2021 after Long Term Planning Consultation has been completed.
- The TAG Group considers that this approach strikes the best balance and avoids risks associated with shortening project timelines or combining with other significant consultation processes.
- TAG Group is mindful that the consultation process needs to be appropriately



resourced and carefully planned and executed.

- If the Joint Committee agrees with the Staged Consultation process, TAG will further develop detail for the Joint Committee to review.
- This will include subject areas that can be developed for consultation to occur in July/August 2020, how the outcome of that consultation can be incorporated into 2021 LTP review processes, timing and detail of process to occur post 2021 LTP and a revised project plan to account for the staged consultation approach.
- The Joint Committee agreed to adopt the Staged approach as recommended by TAG and sought that a revised project plan is developed.

#### CLI114/19 Resolution

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives and notes the "*Community Consultation – Options and Risks around LTP Alignment*" report.

Jeffery/Heaps  
CARRIED

#### 8. Project Manager's Update

Simon Bendall provided an update on the work currently undertaken with discussions highlighting:

- As part of the Staged consultation process, TAG will produce a revised project plan which will be presented at the next meeting.

*Tom Belford left the meeting at 11.55am.*

- Simon Bendall gave an update on the meetings he and Chris Dolley had attended on 28 May in Wellington.
- Meetings were held with Insurance Council of New Zealand, Central Government (including Treasury, MfE and other government officials) and Local Government New Zealand.
- *Insurance Council of New Zealand* – the current coastal work undertaken are very well regarded by the Insurance industry and helpful in assisting for making key decisions based on risk.
- Insurance companies quickly recognise risks and as an example certain areas in other jurisdictions had their insurance cover removed due to risks of flooding events, but once council resolved those risks, the cover was then re-established.
- Simon and Chris will present the Strategy project to the Insurance Council of New Zealand's Personal Loans Committee in September, attended by all major insurers who issue policies in home and contents cover.
- *Central Government*: Very concerned around the national costs on coastal projects. Progress is being made on Central Government's role but no immediate outcomes at this stage.
- There may be an opportunity to present options to Central Government to assist by presenting a live project with specific challenges requiring central government support.
- LGNZ: CEO, Malcolm Alexander and senior staff were in attendance. Keen to support and partner with this Committee on engagement with Central Government. This conversation is continuing – a next step is likely to be attendance by LGNZ President Dave Cull at a Joint Committee meeting, but also ongoing collaboration at a staff level.

#### CLI115/19 Resolution

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives the "*Project Manager's Update*" report.

Brosnan/Kirton  
CARRIED

**9. Current Coastal Projects Update**

The report provided an opportunity for TAG to update the committee on various coastal projects. Discussions highlighted:

1. Whakariri Ave Revetment Works led by NCC:
  - Jon Kingsford reported that NCC have consulted through the annual plan process on the funding model being proposed by Council. Feedback yet to be considered by Council.
  - Owners raised concerns and questions around the work to be undertaken and how it is proposed to be funded.
  - Jon to update the Committee post consultation decisions.
2. Westshore Sand Engine Provincial Growth Fund application led by NCC:
  - Jon Kingsford reported that an application has been made to the Provincial Growth Fund to provide funding for this initiative.
  - HBRC, NCC and HDC are working on joint consent application for extension of NCC's extended dumpsite for sand that might become available through the Port's capital and maintenance strategy processes.

CLI116/19

**Recommendation**

That the Clifton to Tangoio Coastal Hazards Strategy Joint Committee receives the "*Current Coastal Project Update*" report.

**Brosnan/Heaps  
CARRIED**

**10. Discussion of Items Not on the Agenda**

Tania Huata thanked Simon Bendall, Chris Dolley and the TAG group working tirelessly behind the scenes and acknowledged the three councils for working together and closed the meeting with a karakia.

**Closure:**

There being no further business the Chairman declared the meeting closed at 12.17pm on Friday 31 May 2019.

Signed as a true and correct record.

DATE: .....

CHAIRMAN: .....



## Clifton to Tangoio Coastal Hazards Strategy Summary Notes of Meeting held 31 May 2019

### 1. PURPOSE

This briefing note has been prepared to communicate the activity of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee to the Partner Councils, as the Committee progresses with the Stage 4 of the Strategy. More information on the Strategy can be found on the project website at [www.hbcoast.co.nz](http://www.hbcoast.co.nz).

### 2. JOINT COMMITTEE MEETING SUMMARY: 31 MAY 2019

Key points from the Joint Committee meeting held 31 May 2019 are highlighted below. The full minutes of the meeting will be provided to each Partner Council in due course.

#### Contributory Fund

- The majority of the meeting was dedicated to the consideration of a proposal to establish a Contributory Fund.
- The Contributory Fund would function as a collection of funds from ratepayers and potentially other external funding agencies in advance of expenditure being required to implement the Strategy.
- The costs of the proposed works under the Strategy were estimated by Tonkin and Taylor in 2016 to be between \$130 - \$285 million, noting this was a high-level estimate.
- While the Contributory Fund will not be able to cover the full cost of these works, it will reduce the need for debt funding and reduce future interest costs; the more that can be collected now the more significant the offset for future costs can be.
- The Committee agreed to recommend to the Partner Councils that a Contributory Fund is established and that the three Partner Councils begin collecting from ratepayers from the 2021/22 year to commence payments into the Contributory Fund.
- While the actual amount collected will need to be considered and consulted on, the Joint Committee identified a preferred option of all Councils collecting \$15.00 per rating unit within their respective rating areas (with HBRC only collecting this amount from properties within the Napier and Hastings rating areas as opposed to the entire region), with the amount to be reviewed annually.
- It was also agreed that more detail is required on how the fund could work, and that any proposal for its establishment would require public consultation, targeted for mid to late 2020.
- While there is more detail to be developed and worked through, the Joint Committee recognised that starting now to build a Contributory Fund is the right thing to do, as whatever happens the future cost of responding to climate change and coastal hazards risks will be significant.
- It was proposed to have a full joint workshop with all Partner Councils to explore how the fund would be operated, managed and governed, prior to decisions being sought from the Councils.

#### Community Consultation – Options and Risks around LTP Alignment

- The Joint Committee had sought further analysis from TAG on potential risks with aligning consultation on Strategy with Council Long Term Plan consultation in 2021; an outcome caused by an earlier delay in Strategy workstream completion.



- TAG confirmed these risks, and presented 3 options for consideration.
- The Joint Committee agreed to adopt a staged consultation approach, in which initial concepts are tested with the community in 2020, ahead of LTP consultation in 2021, and remaining matters are consulted on as a separate LGA special consultative process after 2021 LTP consultation is fully completed.
- TAG were tasked with developing a revised project and consultation plan to give effect to this approach.

**Community Consultation – Options and Risks around LTP Alignment**

- TAG updated the Joint Committee on a range of positive engagements underway with the Insurance Council of New Zealand, Central Government and Local Government New Zealand.
- These conversations are continuing, with a view to addressing some of the national-scale challenges with Strategy implementation.
- A future visit from Minister of Climate Change James Shaw, and Local Government New Zealand President Dave Cull were noted and are in-train.

**Next Meeting**

- The next meeting of the Joint Committee will be held on 9 August 2019.





# HASTINGS DISTRICT COUNCIL

## COUNCIL MEETING

THURSDAY, 11 JULY 2019

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### 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 Museum Trust Regional Collection

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

<i>GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED</i>	<i>REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER, AND PARTICULAR INTERESTS PROTECTED</i>	<i>GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF EACH RESOLUTION</i>
18. Hawke's Bay Museum Trust Regional Collection	<p><b>Section 7 (2) (h)</b> The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p> <p>To protect sensitivities with commercial lease arrangements.</p>	<p><b>Section 48(1)(a)(i)</b> 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>