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Thursday, 11 February 2021

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

**Hastings District Council**

**Council Meeting**

*Kaupapataka*

# Open Agenda

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*Te Rā Hui:*  
Meeting date: **Thursday, 11 February 2021**

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*Te Wā:*  
Time: **1.00pm**

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

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

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

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**Hastings District Council**

**Council Meeting**

*Kaupapataka*

# Open Agenda

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*Tiamana*

**Chair:** Mayor Sandra Hazlehurst

*Mematanga:*

**Membership:**

*Ngā KaiKaunihera*

**Councillors:** Bayden Barber, Alwyn Corban, Malcolm Dixon, Damon Harvey, Tania Kerr (Deputy Chair), Eileen Lawson, Simon Nixon, Henare O’Keefe, Peleti Oli, Ann Redstone, Wendy Schollum, Sophie Siers, Geraldine Travers and Kevin Watkins

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*Tokamatua:*

**Quorum:**

8 members

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*Apiha Matua*

**Officer Responsible:**

Chief Executive – Nigel Bickle

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*Te Rōpū Manapori me te  
Kāwanatanga*

**Democracy and**

**Governance Services:**

Jackie Evans (Extn 5018)



## *Te Rārangi Take*

# Order of Business

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

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

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

At the close of the agenda no requests for leave of absence had been received.

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

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

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

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

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

Minutes of the Council Meeting held Thursday 28 January 2021.

*(Previously circulated)*

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### 5.0 Hawke's Bay Airport Limited Annual Report for the year ended 30 June 2020 7

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### 6.0 2021-31 Draft Long Term Plan 9

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### 7.0 Review of Local Government Investment in Business and Industry Support Across the Hawke's Bay Region 15

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<b>8.0</b>	<b>Five Year Bylaw Review</b>	<b>27</b>
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<b>10.0</b>	<b>Tauroa Road Shared Pathway Project - Update</b>	<b>41</b>
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<b>12.0</b>	<b>Summary of Recommendations of the Risk and Assurance Committee meeting held 2 February 2021</b>	<b>59</b>
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<b>14.0</b>	<b>Minor Items – <i>Ngā Take Iti</i></b>	
<hr/>		
<b>15.0</b>	<b>Urgent Items – <i>Ngā Take Whakahihiri</i></b>	

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Thursday, 11 February 2021

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

**Item 5**

*Te Rārangi Take*

# Report to Council

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

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*Te Take:*  
**Subject: Hawke's Bay Airport Limited Annual Report for the year ended 30 June 2020**

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## **1.0 Purpose - *Te Kaupapa Me Te Whakarāpopototanga***

1.1 The purpose of this report is to present to the Council the Annual Report from the Hawkes Bay Airport Limited (HBAL) for the year ended 30 June 2020. **Attachment 1.** This matter was on the agenda for the 8 December 2020 Council Meeting which resolved that it lie on the table until the HB Airport Limited Board Chair and CEO could be present at the meeting. The Chair and CEO of the Board will be present at this meeting to speak to the report.

## **2.0 Background**

- 2.1 The HBAL company was formed in July 2009 following the acquisition of the assets of the Hawke's Bay Airport Authority. The company is owned 50% Crown, 26% Napier City Council (NCC) and 24% Hastings District Council (HDC).
- 2.2 The board of HBAL consists of four directors, Sarah Park and Jon Nichols appointed by Hastings and Napier Councils, and Wendie Harvey (Chair) and Sarah Reo appointed by the Crown.
- 2.3 The Statement of Intent requires that an Annual Report including audited financial statements be provided to shareholders. A six-monthly report is also required to be delivered to shareholders.

## **3.0 Summary**

- 3.1 HBAL made an operating loss (before revaluations) of \$1.012m which is a significantly different result from last year's result of \$1.496m profit.
- 3.2 As is stated by the Chief Executive in his report (page 8 Annual Report attached), COVID-19 had a significant material effect on this year's financial performance. The April numbers highlight the level of impact that the pandemic had on the business, with only 15 aircraft movements, down 1174 from April of the prior year, and revenue just \$105k down \$695k on the prior year.

- 3.3 This result was primarily on the back of decreased revenues which totalled \$6.276m compared to \$7.686m in the prior year. \$1.141m of this decrease relates to aviation income, and \$365k to car parking. Passenger numbers for the year were 540k, compared to 750k the previous year.
- 3.4 Operating Costs increased to \$4.094m compared to \$3.752m in the previous year. \$218k of this relates to one off restructuring costs.
- 3.5 Additions to Property, Plant, and Equipment amounted to \$8.27m during the year (\$7.7m of this was capital work in progress). The additions were funded by new debt of \$7.2m, with the balance being paid by operating cash flows.
- 3.6 Total debt as at the 30 June 2020 was \$18.2m (2019: \$11.1m). In addition HBAL has capital commitments of \$6.6m relating to the terminal expansion (2019: \$9.8m).
- 3.7 On page 33 of the HBAL Annual Report is a summary of this performance against the KPI's set down in the statement of intent.
- 3.8 Post balance date - On 10 July 2020, the Group entered into agreement with the shareholders for a shareholder loan totalling \$9m (Crown \$4.5m, NCC \$2.34m, HDC \$2.16m) to enable completion of the Terminal Expansion Project and ensure the Group's working capital requirements can be met throughout the recovery period. HBAL are yet to draw down on these debt facilities.
- 3.9 Officers believe that whilst HBAL has not met its SOI, it has performed well in trying circumstances in dealing with the direct impact of the global pandemic, which 12 months prior was not on the business horizon.

#### 4.0 Recommendations – Ngā Tūtohunga

- A) That the Hawke's Bay Airport Limited Annual Report for the year ended 30 June 2020 be uplifted from the table.
- B) That the Council receives the report titled Hawke's Bay Airport Limited Annual Report for the year ended 30 June 2020 dated 11 February 2021.

#### Attachments:

1  Hawke's Bay Airport Ltd Annual Report 2020    EXT-10-9-1-20-77    Vol 1 Under Separate Cover

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Thursday, 11 February 2021

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

**Item 6**

*Te Rārangi Take*

# Report to Council

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*Nā:*  
**From: Lex Verhoeven, Strategy Manager**

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*Te Take:*  
**Subject: 2021-31 Draft Long Term Plan**

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

1.1 The purpose of this report is to bring together the “working draft” Long Term Plan and to obtain final decisions to complete the draft plan for audit review and final adoption on 18 March 2021 for community consultation. The key elements within the draft plan being:

- A revised strategic framework;
- Escalated funding for key infrastructure needs;
- Staged planning and funding of new development areas and associated housing action;
- Ongoing investment in district amenity and CBD transformation;
- Funding to maintain levels of service across Council activities;
- Debt capped at current Treasury Policy limit, but provision made for unforeseen circumstances with revised Treasury Policy limit proposed;
- Rates increases set within existing Treasury Policy limits, but at the upper end of those limits of the policy in the early years (particularly within the rural rating area to address roading maintenance and renewal needs);
- No significant changes to any other existing policy settings.

1.2 Changes proposed to the Development Contributions charging schedule will also form part of the Draft Long Term Plan special consultative process. Council has updated its schedule of charges to reflect actual costs incurred and updated its budgets for future growth capital expenditure. Increased investment to support growth has resulted in increases in development levies over the range of types of development.

1.3 This report concludes by recommending that the 2021 Draft Long Term Plan be finalised based on direction from the 11 February Council workshop, any decisions made at the 11 February Council meeting and any matters arising from the external audit process.

1.4 The final draft plan will then be adopted for community consultation on 18 March 2021.

## 2.0 Recommendations – *Ngā Tūtohunga*

- A) That the Council Meeting receive the report of the Strategy Manager titled 2021-31 Draft Long Term Plan dated 11 February 2021.
- B) That officers incorporate decisions made and feedback received from the meeting, into the final preparation of the Draft Long Term Plan documentation for formal adoption on 18 March 2021 and subsequent community consultation.

## 3.0 Background – *Te Horopaki*

- 3.1 During 2020 the Council considered the key aspects of the 2021 Draft Long Term Plan with a final workshop held on 10 December finalising the key remaining components of the plan. The plan also reflects earlier engagement with the Rural Community Board, particularly in terms of an escalated transportation work programme.
- Officers have further refined where possible the work programme since the 10 December workshop to reflect the direction given by Councillors. A workshop to be held on 11 February prior to the Council meeting will cover a number of remaining matters that will not materially impact on this report.
- 3.2 The overall rating revenue requirement for the first 3 years of the draft plan forecasts rate increases of YR1 - 6.8% , YR2 - 6.5% and YR 3 5.3% with years 4-10 averaging 3.75%.
- 3.3 Specific consultation will also be undertaken with groups of properties impacted by a number of targeted proposals which sit outside of the figures in 3.2 above. These include:
- Hastings CBD Streetscape Rate;
  - Havelock North CBD Streetscape Rate;
  - Havelock North Parking Targeted Rate;
- 3.4 In Rating Area Two (our rural area) forecast rate increases average 7% in the first 6 years, predominantly to fund the escalated programme of road renewals.
- 3.5 The final debt position sees debt peaking in Year 8 and then falling. This is at the upper limit of current Treasury Policy settings (the current debt limit being relatively conservative). The Council's proposed decision to increase the debt to income ratio within the Treasury Policy to 175% of income (up from 150%) will create additional financial headroom for unforeseen future circumstances or opportunities.
- 3.6 The Draft plan meets all key fiscal parameters and legislative benchmarks.
- 3.7 In summary, this draft plan:
- gets on with the job of addressing forecast infrastructure investment escalations;
  - focuses on addressing Hastings housing pressure points;
  - maintains existing service levels across Council activities;
  - And continues investing in our community through continued levels of service enhancements in our parks, neighbourhoods and CBD's.
- 3.8 The Long Term Plan Consultation Document summarises these investment priorities under the following key themes:

- Riding the infrastructure wave;
- Just give me my rural roads;
- Steady as we grow;
- Parking pinch-point;
- The finishing touches.

#### 4.0 Discussion – *Te Matapakitanga*

- 4.1 **External Audit** - The Draft Long Term Plan has just commenced going through the statutory external audit process to ensure it is robust and that the underlying information has integrity (a key focus being on Council's Asset Management Plans). Upon completion of this audit a further audit is undertaken by the Office of the Auditor General which aims to achieve uniformity in the standard of LTP's produced across the country.
- 4.2 **Infrastructure and Financial Strategies** - The Infrastructure and Financial strategies are core building blocks of a Long Term Plan. During 2020 the Council considered the ingredients of these strategies and provided governance direction and oversight. The documentation of those strategies to comply with the Local Government Act has been completed and any changes required as part of the external audit review process will be incorporated in the final versions. These strategies will need to be formally adopted on 18 March 2021 as part of the Draft Long Term Plan adoption.
- 4.3 **Development Contributions** – Changes proposed to the Development Contributions charging schedule will also form part of the Draft Long Term Plan special consultative process. Council has updated its schedule of charges to reflect actual costs incurred and updated its budgets for future growth capital expenditure. Increased investment to support growth has resulted in increases in development levies over the range of types of development.
- 4.4 **Rate Remission** – The Council is required under the Local Government Act 2002 to review its Rate Remission Policy every six years. The Council's determination was that the suite of policies are operating as intended (and that some aspects of those policies had already had mini reviews within that 6 year period). One additional aspect is being proposed to reflect previous undertakings given to the community in respect of the new system of kerbside refuse and recycling services. That sees the introduction of new rates remission policies targeted at properties with multiple dwellings and targeted at low frequency users of the service.

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

- 5.1 As discussed in section 4.1 the Draft Long Term Plan will now proceed through the mandatory auditing processes to enable the plan to be adopted for community consultation at the Council meeting of 18 March 2021.
- 5.2 A broad outline of the intended reach and approach to seek community engagement and input into the Draft Long Term Plan is outlined below (subject to Council direction from Workshop):

##### Households

- Rates database mail out of Consultation Document

##### Wider Community

- Newspaper advertising / Radio
- Social media (videos highlighting the Big Issues)
- My Voice My Choice website

##### Community Groups

- Interested Parties mail-out using networks

### Targeted Proposals

- Havelock North Community (Parking Targeted Rate)
- Havelock CBD properties (Streetscape Targeted Rate)
- Hastings CBD properties (Streetscape Targeted Rate)

### Attachments:

There are no attachments for this report.

## Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

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

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

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

The Long Term Plan promotes all four wellbeing's within the Local Government Act 2002 and the identified community outcomes as set out within the plan.

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

The Long Term Plan as an umbrella plan for the Council draws on many processes, strategies, and plans that themselves have been assessed in respect to their impacts on Maori. The Councils Long Term Plan outlines the steps undertaken by Council to foster the development of Maori capacity in decision making as required by Schedule 10 (8) of the Local Government Act 2002.

### Sustainability - *Te Toitūtanga*

The Long Term Plan supporting information (including Asset Management Plans) includes sustainability considerations.

### Financial considerations - *Ngā Whakaarohanga Ahumoni*

The Long Term Plan contains all the legislative financial considerations.

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

The Long Term Plan is a significant project and requires community consultation as set out below.

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

The Long Term Plan has been put together with considerable cross Council internal input and will follow the consultative provisions as set out within the Local Government Act 2002.

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**Risks**

Risk and resilience is considered and addressed within many aspects of the underlying supporting information to the Long Term Plan, particularly in the Council’s Asset Management Plans.

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**Rural Community Board – *Te Poari Tuawhenua-ā-Hapori***

The Rural Community Board have provided direction into the priorities and budget parameters for the rural area.

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Thursday, 11 February 2021

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

Item 7

*Te Rārangi Take*

# Report to Council

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*Nā:*  
From: **Nigel Bickle, Chief Executive**

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*Te Take:* **Review of Local Government Investment in Business and Industry**  
Subject: **Support Across the Hawke's Bay Region**

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

- 1.1 This report presents the findings and recommendations of the Review of Local Government Investment in Business and Industry Support across the Hawke's Bay Region undertaken by the Giblin Group for the five Hawke's Bay councils.
- 1.2 Council is asked to note and consider the findings of the review and support a further phase of work to develop a detailed proposal for a new Regional Economic Development entity. The report also recommends Council support working with the other four councils to keep the Hawke's Bay Business Hub open with the potential assignment of the lease to one of the five councils.
- 1.3 This review was commissioned by the five Hawke's Bay Councils in August 2020 and stems from a Local Government Act (2002) s17A requirement to review the cost effectiveness of Council arrangements for delivering services on a periodic basis.
- 1.4 In commissioning the Review, the councils' Chief Executives recognised that there might be opportunities to improve regional coherence of economic development investments and wanted a clearer picture of this in order to inform Long Term Plan processes starting from late 2020. Disruption arising from the Covid-19 pandemic resulted in later commissioning and completion of the review than had been anticipated and therefore there is insufficient time to finalise decisions in response to the review for incorporation in current 2021-2031 Long Term Plan processes. However, staff recommend the work continues for the reasons set out in this agenda item.

### **Key Findings and Recommendations**

- 1.5 The Giblin Group review finds there are no major gaps in the types of services being delivered and current services are based on addressing issues or leveraging opportunities that are broadly aligned with the role of local government. The current services are generally being delivered efficiently and typically provide a good return on investment. However, current services are often sub-scale and not well coordinated, and as a consequence the region is missing opportunities to leverage central government funding and undertake activities that have the scale or agility to capture the

opportunities available to the region. Hawke's Bay Tourism Limited (HBTL) is the exception to these concerns as it currently has the scale, focus and connectedness to deliver the destination marketing function of the region effectively.

- 1.6 The Review finds that there is a case for change to improve clarity over roles and functions, increase collaboration and coordination, and to invest in increased capability and capacity to deliver services that support business and industry development.
- 1.7 Business Hawke's Bay's (BHB) financial sustainability was highlighted as an issue in the Giblin Group report and at the time of writing the Board of BHB was undertaking formal consultation on a proposal to wind up the organisation. The five Hawke's Bay Councils have expressed their commitment to work with Business Hawke's Bay to keep the Business Hubs open and the potential assignment of the lease to one of the five councils. To support Business Hawke's Bay's process it is proposed that the councils will develop and agree a transition plan with Business Hawke's Bay for any such eventuality.
- 1.8 On the basis there is a strong case for change the Review has provided 14 key recommendations outlined in the report. In summary these recommendations would see the region's councils working with Treaty Partners and the wider community to develop a new non-tourism regional economic development entity, in the form of a joint Council Controlled Organisation (CCO), with the increased investment of approximately \$1.6 million to ensure the entity has the scale and mandate to better guide and direct economic development activity to priority areas and issues.
- 1.9 It is proposed that the new CCO would pick up the current functions of BHB, including retaining the operation of the Hawke's Bay Business Hub, and operate a 'hub and spoke model working across the region. Embedding a focus on Maori economic development within the entity is recommended, hence the need for co-design with Treaty Partners.
- 1.10 The Review recommends giving consideration to embedding the Regional Business Partners programme, currently hosted by the Regional Council, in the new CCO. This would require Central Government agreement and at present the Government is undertaking a review of the delivery of these services which may determine whether or not this recommendation can be considered or not.
- 1.11 The Review also recommends reviewing the operation of Matariki, including the governance, developing an impact framework, and increasing resourcing. Further review of the 'Great Things Grow Here' brand and the regions venue and community facilities is also recommended, and exploring wider use of the currently visitor-focussed website [www.hawkesbaynz.com](http://www.hawkesbaynz.com).

#### **Next Steps**

- 1.12 The Chief Executives intend commissioning Giblin Group to develop the next stage of the review process to develop a more detailed new operating model and transition plan, which will be co-designed with Matariki Partners and other regional stakeholders. When the next stage of the review process is completed a further and final report will be brought to Council to seek decisions to formally undertake community consultation on the options and preferred recommendations. This is expected mid 2021.
- 1.13 If Business Hawke's Bay does decide to wind up its operations the councils will work with BHB to ensure a transition of the entity's functions into the new operating model, including ensuring the Hawke's Bay Business Hub continues to operate.

## **2.0 Recommendations – Ngā Tūtohunga**

- A) That the Council Meeting receive the report titled Review of Local Government Investment in Business and Industry Support Across the Hawke's Bay Region dated 11 February 2021.

- B) That Council endorse participation in the second stage of the review process with a more detailed investigation of the recommendations set out in the Giblin Group report.
- C) That Council endorses engagement with Treaty Partners and other regional stakeholders on the opportunity to create an enduring Economic Development Delivery Platform with the appropriate scale and mandate to better guide and direct economic development activity to priority areas and issues.
- D) That Council support the opportunity to embed a partnership with Māori in the new Economic Development Delivery Platform.
- E) That this Council endorses the five Councils' commitment to keeping the Hawke's Bay Business Hub open with the potential assignment of the lease to one of the five councils.

### 3.0 Background – *Te Horopaki*

3.1 In July 2020 the five Hawke's Bay Councils commissioned from Giblin Group a Local Government Act (2002) s17A review of Hawke's Bay Council-funded, non-statutory activities that are focussed on business, industry and sector development. The specific activities and services that were in scope of this review were::

- Business development activities, such as business information and referral services and business capability support;
- Skills building, attraction and retention initiatives;
- Innovation, commercialisation and R&D support;
- Investment promotion and attraction;
- Destination marketing and management and events;
- Sector development initiatives and cluster facilitation;
- Economic development and economic wellbeing strategy development, intelligence and monitoring.
- Strategy/action plan programme management, coordination, communications, monitoring and reporting (i.e. largely the activities involved in supporting and implementing the Matariki Hawke's Bay Regional Development Strategy).

3.2 The Review was commissioned following a request from Business Hawke's Bay for additional funding and subsequent desire to review the cost effectiveness of Council arrangements for delivering business, industry and sector development activities and services and to consider any opportunities to improve regional coherence of this sub-set of economic development investments.

3.3 Hawke's Bay Councils were seeking an assessment of:

- (a) The role of local government in economic development and economic wellbeing in the region, based on an analysis of:
  - Challenges and opportunities facing the Hawke's Bay economy;
  - Rationales for local government activities in economic development and economic wellbeing;
  - The landscape in which various actors and mechanisms play a role in the regional economic development system;

- Legislative and central government expectations.
- (b) Economic development and economic wellbeing activities, identifying strengths, weaknesses and any relevant gaps in the activities, based on:
  - The Councils' objectives, priorities and performance targets;
  - Identifying any overlaps/duplication and/or gaps across Councils' and key organisation's activities;
  - The role non-Council parties play in the regional economic development system;
  - An assessment of the efficiency of current arrangements and the benefits of the activities versus costs;
  - An assessment of the overall effectiveness of the current delivery models of the five Councils and key delivery organisations, including governance arrangements, funding arrangements and current economic development and economic wellbeing reporting and accountability mechanisms.
- (c) Options for future economic development and economic wellbeing delivery arrangements, based on clear criteria, and recommendations for any changes in functions, form and funding.

3.4 The Giblin Group report *Review of Local Government Investment in Business and Industry Support across the Hawke's Bay Region* summarises the findings and recommendations of this Review.

## 4.0 Discussion – *Te Matapakitanga*

### Current Investment in Activities and Services

4.1 In terms of the investment Hawke's Bay ratepayers are making in business, industry and sector development the Review finds:

- In total HB Councils are investing just over \$10m in business support and industry development related services and activities.
- Just under half of this is directed to the i-Sites and the Napier Convention Centre and Toi I. *[Note – these have been included given their roles in regard to visitor attraction/promotion and/or events].*
- Funding for Hawke's Bay Tourism Ltd makes up 15.7% of the funding.
- Funding for Business Hawke's Bay makes up 3.3% of funding.
- Funding for specific Council ED teams (salaries + funding for discretionary activities/projects) makes up around 13% of funding.
- At an aggregate level (nominal) funding has remained about the same over the last five years. This means in real terms funding has fallen.
- There has been some change to funding at a more detailed level e.g. HBRC used to have an Economic Development Manager; HDC has been shifting funding from the ED budget to its Strategic Projects team.
- There is a clear path dependence with current ED funding. The region has built infrastructure that requires visitor support e.g. even setting aside i-Sites, ToiToi and NCC, we have Splash Planet, Aquarium, The Faraday Centre etc, and funding has followed this need.

### Effectiveness and Efficiency

4.2 In terms of effectiveness and impact the Review finds:

## Councils

- Performance measures and any related KPIs or targets are organisation specific with varying levels of detail. They are often project based. These are, for the most part, being met. The activities/services are being delivered efficiently (on the basis of FTE resources).
- There is no explicit relationship to Matariki or broader regional objectives except through general collaboration performance measures (where they exist). There is an opportunity to tighten this.
- More broadly the region does not have a clear ‘impact framework’ to articulate the ‘intervention logic’ between activities delivered and the desired outcomes for the region over the short, medium and longer-term. A framework like this could better inform distributed (individual, team/org) work programmes that contribute to regional outcomes and provide greater clarity on respective roles and responsibilities (e.g. leadership and/or close collaboration where needed).

## Business Hawke’s Bay (BHB)

- BHB is meeting the KPIs set out in the Contract for Service (CfS) and has delivered outputs efficiently but it has a large work programme (relative to FTEs/funding available) that goes beyond the CfS areas of focus. This has been a strategic decision (to use reserves to create programmes where a need has been identified). Given limited FTEs this will be constraining the ability to delivery priorities as effectively as possible.
- Business Hub usage and business connection metrics continue to show growth (even including the COVID-lockdown period). The Hub is clearly filling a need for a meeting and connection space that has a look, feel, and vibe that businesses and organisations will pay to use. The Hub also plays a critical role in bringing together, under one roof, many of the key business support agencies operating in Hawke’s Bay. In an environment where there is a perception of fragmented services this is important. The Business Hub, however, runs at an overall loss and additional funding is required to support repairs and maintenance and CAPEX.
- BHB ongoing viability to meet its commitments (over and above the Contract for Service) is under currently under review, with decisions to be made by the BHB board on whether to wind up the organisation late January 2021.

## Hawke’s Bay Tourism Ltd (HBTL)

- HBTL is meeting the KPIs set out in the funding agreement with HBRC. Central Government considers HBTL an effective RTO. It appears to be delivering outputs efficiently.
- HBTL’s members appear to be satisfied with HBTL’s contribution toward the growth of the industry and in representing the region at a national and international level. The area where members think there is an opportunity to do more is in “coordinating business opportunities for its members”. This includes education, business events and workshops focussed on the specific issues of SME tourism businesses.

## 5.0 Key Findings

- 5.1 There are no major gaps in the types of services/activities being delivered and current services/activities are based on addressing issues or leveraging opportunities that are broadly aligned with the role of local government.
- 5.2 The services/activities being delivered are, however, often sub-scale (e.g. often less than 1 FTE to deliver significant programmes of work or activities). This will be limiting the potential value of business, industry and sector development investment for Hawke’s Bay. This value relates to the ability to:

- Most effectively leveraging the resources of others (e.g. Central Government funding/involvement and private sector funding/involvement). Regions need to be well organised and focused in order to maximise the opportunities available through Central Government funding support (which will continue to have a large role to play in a COVID-recovery environment), and to partner with the private sector in different ways
- Work with speed and agility to fully understand the nature of issues, constraints and opportunities presenting for Hawke’s Bay in order to design and implement appropriate interventions where there is a clear role for government; and
- Bring mandate, mana and resources to the table to focus on areas of critical priority for Hawke’s Bay.

5.3 A potential value of enhanced economic development investment in Hawke’s Bay is a greater ability to meet the overarching outcome of the Matariki Strategy and Action Plan that “Every whānau and every household is actively engaged in and benefiting from growing a thriving Hawke’s Bay economy”. This requires a focus on existing business (and assisting them to overcome challenges and create greater value through doing things differently and better over time); a focus on creating new platforms for growth for Hawke’s Bay (either by growing new activity in the region or by encouraging new activity to the region); and tying these things together, the investments and efforts need to support a thriving business environment (e.g. infrastructure, rules and regulations).

5.4 The Return on Investment (RoI) from effective business, industry and sector development support can be high. For example:

- Work to support the Hawke’s Bay horticulture and viticulture sector with critical COVID-related seasonal labour issues will help to protect around \$715 million of regional economic activity in apples and pears alone. This sector directly supports 2,579 permanent local workers and, indirectly, a further 5,751 permanent local workers in the eco-system of services that supports the industry;
- Economic development work relating to the horticulture potential in Wairoa suggests that a proportionately minor strategic government role in different areas could help support additional expenditure to the local Wairoa economy of around \$82 million over a 10 year period and the employment of an additional 197 FTEs over the same period;
- Encouraging a new business to locate in Hawke’s Bay could lead to 100s of new jobs and resulting economic activity. Depending on the nature of the activity this could, in time, help to stimulate a range of value-add services (and well-paying jobs) needed to support this activity; and
- For relatively small investments, effective regional branding, marketing and promotion can play a key role in attracting visitors, talent, investors and businesses to the region. Following a dedicated ‘Baycation’ marketing campaign tourists visiting Hawke’s Bay spent over \$45 million in August 2020 (the highest regional spend in the country), and while not all visitors will have been encouraged to visit by the work of Hawke’s Bay Tourism Ltd (HBTL) this still suggests an effective RoI on the \$1.5m in annual funding for HBTL. Visitors to Hawke’s Bay also support local retail and hospitality and help to create vibrant city centres and regional amenities that locals enjoy and which play a critical role in wider people and talent attraction.

5.5 There are also opportunities to better align and structure some activities and services e.g. business capability support being provided by Hastings District Council (HDC) should ideally be provided via agencies with core expertise in this area e.g. Business Hawke’s Bay (BHB)/a regional Economic Development Agency (EDA), and/or Hawke’s Bay Chamber of Commerce. This could promote greater regional coherence of services and better access for business.

5.6 Some regions and Economic Development Agencies (EDAs) have greater access to funds to support feasibility/business case development. Hawke’s Bay currently lacks a regional pool of funds that can be used to investigate economic development opportunities that are aligned with the region’s

strengths/opportunities/strategy. This means that opportunities are considered in an ad hoc way and support for any investigation will depend on the degree of funding available to individual Councils at the time and the strength of any advocacy.

- 5.7 Destination management and marketing is led by Hawke's Bay Tourism Ltd (HBTL) and while there is some cross-over in activities (largely in the events space) there appears to be good coordination between Councils and HBTL.
- 5.8 Business capability-related support is largely provided through the Regional Business Partner (RBP) Programme hosted by the Regional Council (although HDC does a small amount of this as well).
- 5.9 Cluster and sector work with industry coalitions is largely led by BHB.
- 5.10 There are some good examples of collaboration relating to investment attraction e.g. NZ Institute for Skills and Technology and Jetstar, but activity related to investment and talent attraction has been largely ad hoc (notwithstanding a desire to back existing strategies with funding for implementation).
- 5.11 Matariki is the main focal point for regional economic development work but there is concern among stakeholders that Matariki is not delivering on its promise and that governance could be improved.

### **The Case for Change**

- 5.12 The Review finds that there is a case for change. Analysis, interviews and conversations undertaken for the Review, and the survey of stakeholders conducted between 2-15 September 2020, indicate the following key issues:
  - Most stakeholders and those involved in delivery and funding are looking for greater clarity over roles and functions
  - Businesses are looking for greater clarity over the activities and services available to support business activity
  - There is concern that there are unhelpful and competitive behaviours in the system and that this is constraining more effective collaboration. This is feeding a perception in the business community that the economic development system is fragmented and not particularly transparent
  - There is concern about whether Hawke's Bay has the right capability (alongside structure/s) to support effective and efficient delivery of activities and services, leading to views that the region is not as responsiveness to community needs as it could be and punching below its weight externally
  - A high proportion of stakeholders feel that funding for economic development activities and services should be increased
  - HBTL appears to be doing a successful job and is supported by its main stakeholders. Change would come with costs that could outweigh benefits (that could potentially be achieved through non-structural changes). At this point there doesn't appear to be a strong case for change (at least institutionally)
  - Funding for tourism relative to other sectors has been a theme of the feedback, with many viewing this as unbalanced. However, tourism directly supports local retail and hospitality (and helps to create vibrant city centres and regional amenities that locals enjoy and play a role in talent and investment attraction). This means it's not as simple as only one sector benefits from visitor attraction. Ideally, support would be provided to a range of key sectors of importance/opportunity (taking into account the appropriate role of government).
  - Business Hawke's Bay's financial sustainability has been highlighted as an issue in the Giblin Group report. On 17 December 2020, Business Hawke's Bay initiated formal consultation on

a proposal to wind up the organisation based on its ongoing viability to meet its commitments (over and above the Contract for Service). Decisions to be made by the Business Hawke's Bay board are expected in late January 2021. The five Hawke's Bay Councils have reiterated their commitment to work with Business Hawke's Bay to keep the Business Hubs open and the potential assignment to one of the five councils. To support Business Hawke's Bay's process it is proposed that the councils will develop and agree a transition plan with Business Hawke's Bay for any such eventuality.

- 5.13 On the basis there is a strong case for change the Review has provided 14 key recommendations. These are outlined in the report.

## 6.0 Options – Ngā Kōwhiringa

- 6.1 Section 17A of the LGA requires consideration of the following options when considering delivery improvements (note a 17A review is not limited to these options):

- (a) Responsibility for governance, funding, and delivery is exercised by the local authority;
- (b) Responsibility for governance and funding is exercised by the local authority, and responsibility for delivery is exercised by –
  - (i) a council-controlled organisation of the local authority; or
  - (ii) a council-controlled organisation in which the local authority is one of several shareholders; or
  - (iii) another local authority; or
  - (iv) another person or agency.
- (c) Responsibility for governance and funding is delegated to a joint committee or other shared governance arrangement, and responsibility for delivery is exercised by an entity or a person listed in paragraph (b)(i) to (iv).

- 6.2 The Giblin Group report considers 7 options given the Hawke's Bay context and the Review analysis (i.e. the range of issues, challenges and opportunities that were identified). These are:

- **The Status Quo.**
- **Enhanced Status Quo v1:** Improved funding for BHB.
- **Enhanced Status Quo v2:** Improved funding for BHB + BHB takes on RBP contract (with HB Council support and Central Govt agreement via formal procurement process).
- **Transferring business support services to a Council or across Councils.**
- **Leveraging other providers:** A variation of Option 4. Responsibility for (non-tourism) business and industry development and support activities/services would sit with a Council or Councils but these activities/services would be contracted to other providers in the region (e.g., industry groups, iwi organisations) to deliver.
- **Extended regional model of delivery for non-tourism economic development activities (EDA CCO):** BHB would become Council Controlled Organisation (CCO). No change to HBTL.
- **Combined Regional Economic and Tourism Agency:** BHB and HBTL would be folded into a new combined Regional EDA/RTO for Hawke's Bay.

- 6.3 Council Chief Executives are not seeking any decisions from councils on the recommended options set out in the Giblin Group report Review of Local Government Investment in Business and Industry Support across the Hawke's Bay Region at this Time as further more detailed analysis is required.

- 6.4 The full Review report contains more detailed analysis that assesses the major advantages and disadvantages of each of the considered options (Table 20, pages 94-96).

## 7.0 Next steps – Te Anga Whakamua

7.1 The Chief Executives intend commissioning Giblin Group to develop the next stage of the review process to develop a more detailed new operating model and transition plan, which will be co-designed with Matariki Partners and other regional stakeholders, to:

- Further define the entity design that best meets the objectives of Matariki partners and other key stakeholders
- Help clarify and set the transition time frame
- Identify the key areas/components that will need to be supported and/or will undergo transition
- Identify the key tasks in each area, including appropriate checkpoints and milestones
- Identify relevant risks and risk levels
- Be used to support a request to Central Government for transitional funding support.

7.2 The next stage of the review process would begin February 2021 of which the estimated cost is \$40,000 (GST exclusive). This cost would be managed via the HBLASS Shared Services Cost Centre and shared by Councils in accordance with the annual budget plan on the following basis:

Wairoa District Council (11%)	\$4,400
Napier City Council (26%)	\$10,400
Hastings District Council (26%)	\$10,400
Central Hawke's Bay District Council (11%)	\$4,400
Hawke's Bay Regional Council (26%)	\$10,400

7.3 When the next stage of the review process is completed and the chief executives have considered this analysis a further and final report will be brought to Council to seek decisions to formally undertake community consultation on the options and preferred recommendations. This is expected mid 2021. Depending on the contents of the final report, there may also need to be employment relations processes with staff undertaken. That is, if potential changes are being considered and these are changes which would impact on staff, then staff would need to be consulted in regard to the potential changes, prior to any decision being made

7.4 The table below provides an initial view of the likely areas of focus for the next phase detailed planning.

Key components	Description
1. Co-design and engagement <ul style="list-style-type: none"> <li>a. With Matariki Partners</li> <li>b. With other key stakeholders e.g. business community</li> </ul>	<ul style="list-style-type: none"> <li>• Co-design with Matariki Partners and other key stakeholder should form the basis of the planning</li> <li>• The opportunity should also be taken to ensure the business community has a voice in the process</li> <li>• Engagement with Matariki RDS GG and ESG will be an important element</li> </ul>
2. Existing ED activities/services	<ul style="list-style-type: none"> <li>• There will be elements of existing ED activities/services which will need to be supported through a transition process e.g. Business Hub</li> </ul>

Key components	Description
3. Structure and legal form	<ul style="list-style-type: none"> <li>This would include the organisational structural and legal considerations in moving from the existing BHB incorporated society structure to a new structure e.g. potentially a trust (as a possible stepping stone to a CCO (if needed))</li> </ul>
4. Governance and accountability	<ul style="list-style-type: none"> <li>This would include issues such as planning for new Board appointments</li> </ul>
5. Communication	<ul style="list-style-type: none"> <li>A clear and coherent communications plan will be able to be built around, and in support of, the Transition Plan.</li> </ul>

### Attachments:

- 1  Review of local government investment in business and industry support across the Hawke's Bay region CG-16-2-00483 Vol 2 Under Separate Cover

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## Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

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

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

This proposal promotes the economic wellbeing of communities in the present and for the future

[Link to the Council's Community Outcomes](#) – *Ngā Hononga ki Ngā Putanga ā-Hapori*

Sufficient and supportive economy

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

Tangata whenua have a significant stake in the regional economy and are key stakeholders for regional economic development support activity. The region's Treaty Settlement Entities through the Kahui Ohanga grouping have been engaged in the development of the Giblin review and have endorsed the key findings subject to ongoing co-design around future service delivery. Te Kahui Ohanga are presently partnering with councils through Matariki and it is intended that collaboration will continue occur with these entities in a co-design process through the next phase of work:

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### Sustainability - *Te Toitūtanga*

Climate change is expected to create barriers and opportunities for future economic development within the region and it will be important that any new delivery model for the region is responsive to

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these change drivers. Water security has been an existing pillar of Matariki as one component of ensuring there is climate resilience to support the future wellbeing of the regional economy.

### Financial considerations - *Ngā Whakaarohanga Ahumoni*

The next stage of this work will cost the Council \$10,400 which can be accommodated within existing budgets. There is a small amount of staff time, particularly the Chief Executive in engaging with partner councils and the next phase of work. The outcomes of the next stage of the review process may result in recommendations that would have a material impact on the Council's economic development activities. At that time the financial implications will be assessed and considered as part of Council decision making.:

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

This decision to be made in this report has been assessed under the Council's Significance and Engagement Policy as being of minor significance.

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

In undertaking their review the Giblin Group interviewed and surveyed key stakeholders involved in regional economic development. Major changes to the way economic development is delivered is likely to require wider community consultation as part of Annual Plan development or amendment to Long Term Plans in due course.:

### Risks

Opportunity: Deliver services that support business and industry development:

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
<p>Simplification of the entities working for economic development improving coordination and effectiveness</p> <p>Access a higher level of central government funding</p> <p>Empowerment of Maori economic development</p> <p>Embed environmental sustainability goals in to economic development activity</p>	<p>A single large support entity may not be able to forge effective relationships with all business sectors, resulting in some sectors being alienated.</p> <p>Due to political governance obligations a CCO may not be able to work at the speed required to respond to changes in economic conditions.</p> <p>Council may have less influence over how a CCO spends funding provided.</p> <p>Difficulty aligning the cultures when merging multiple entities may result in loss of efficiency and service delivery.</p> <p>Central government policy direction not aligned with regional needs.</p> <p>Lack of policy alignment between Local Authorities (including district planning and consenting) may hamper efforts to develop regional plans.</p>

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

The report does not impact upon the rural community over and above the whole district:



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Thursday, 11 February 2021

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

**Item 8**

*Te Rārangi Take*

# Report to Council

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*Nā:*  
**From: John Payne, Regulatory Solutions Manager**

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*Te Take:*  
**Subject: Five Year Bylaw Review**

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

- 1.1 This matter was left to lie on the table at the Council Meeting held on 28 January 2021.
- 1.2 The purpose of this report is to obtain a decision from Council on the draft Hastings District Council Consolidated bylaws, dog control policy and statement of proposal for public consultation.
- 1.3 This issue arises from the five year review of the consolidated bylaw.
- 1.4 This report contributes to the purpose of local government by primarily promoting performance of regulatory functions for the purpose of reducing public nuisance and more specifically through Council's strategic objective of community safety through appropriate bylaw controls.

## **2.0 Recommendations – *Ngā Tūtohunga***

- A) That the report "Five Year Bylaw Review" now be uplifted from the table.
- B) That Council receives the report titled Five Year Bylaw Review dated 11 February 2021.
- C) That for the purposes of Section 155 of the Local Government Act 2002 Council resolves that;
  - i. A bylaw is the most appropriate way of addressing the perceived problems covered by the proposed consolidated bylaw;
  - ii. The proposed consolidated bylaw is the most appropriate form of bylaw; and
  - iii. The proposed bylaw does not give rise to any implication under the New Zealand Bill of Rights Act 1990.
- D) That the following be approved:
  - Statement of Proposal for the Consolidated Bylaw and Dog Control Policy; and

- Draft Consolidated Bylaw; and
  - Draft Dog Control Policy
- E) That officers be directed to commence the special consultative procedure in accordance with the timetable contained in this report.

### 3.0 Background – *Te Horopaki*

- 3.1 The Hastings District Council Bylaws were last reviewed in 2016.
- 3.2 Section 158 of the Local Government Act (LGA) 2002 requires a local authority must review a bylaw made under this Act no later than 5 years after the bylaw was made. The Hastings District Council Consolidated Bylaw is therefore due for review and should be renewed by August 2021.

#### Dog Control policy

- 3.3 The Dog Control Act 1996 requires that if a decision is made to review the Dog Control Bylaw the Dog Control policy must also be reviewed. Accordingly, the Dog Control policy is included in the review.

#### Review process to date

- 3.4 Internal chapter owners and key external stakeholders were invited to comment on the current bylaw.
- 3.5 The submissions from the internal chapter owners and key external stakeholders were discussed at a Council workshop on 22 September 2020.
- 3.6 The proposed submissions/amendments/suggestions were then legally reviewed and the draft bylaw developed, together with the dog control policy and statement of proposal.
- 3.7 The new draft was then discuss at a further Council workshop on 26 January 2021 where several issues were raised for further clarification as follows:

Subject	Issue	Outcome
Te Mata Park Alcohol Ban	Is the proposed ban supported by the Te Mata Park Trust?	The Trust met on 1 February 2021 and discussed the matter. It was agreed that a ban was appropriate and should cover the full park and associated parking, walkways and roadways.
Salons Hairdressing and nail care	Wellington had recently introduced a bylaw to regulate and monitor operators. Does HDC need to do the same?	Preliminary reports from Environmental Health officers is that they are unaware of any local problems and complaints are few and far between. Further investigations will be undertaken with the Medical Officer of Health and if considered necessary a bylaw can be introduced at any time.
Horse droppings	Is there a bylaw requiring these to be removed?	Yes this is covered by clause 2.17.1 (g)
Heavy vehicles	Can heavy vehicles (i.e. trucks) be prevented from parking on certain roads?	Yes, the new 5.3.1 (a)(v) allows Council to limit, restrict or prohibit, the parking of heavy vehicles in residential areas specified by way of publicly notified resolution. It would be an infringement offence to breach this with a maximum infringement fee of \$150,

		enforceable by parking warden, enforcement officer, or constable.
Dog exercise areas	Can the <u>hours</u> for off leash time in 'dog exercise areas' be amended without needing to amend the bylaw and go through a full consultation procedure?	No, not without a new empowering provision to be added to the bylaw  The bylaw would need to have a further provision, 3.10 – Dog Exercise Areas, which would provide: Council, may, by way of publicly notified resolution, provide for, or amend, the hours during which a dog may be exercised, as listed in schedule A.
Vehicles on beaches	Can vehicles be prohibited or restricted from beaches?	– Yes Council can ban vehicles entirely from parts or the whole of a beach by resolution. Council has two relevant powers under the proposed bylaw (both which are already in existence). In addition to banning them entirely from certain beaches, if Council wishes to regulate the driving of vehicles on beaches, such as designating certain areas for motorbikes and banning them from other areas, or imposing a specific speed limit in popular areas, then Chapter 5, rule 5.5.1(b) allows this. It provides that “Council, may from time to time, by publicly notified resolution... prohibit or restrict the use of vehicles on beaches” 5.6.1(a) makes it an offence to drive a vehicle in contravention of any restriction or prohibition imposed under 5.5.1(b). Because the bylaw is made pursuant to s 22AB of the Land Transport Act 1998, the Land Transport (Offences and Penalties) Regulations 1999 provide for an infringement fee of \$150, and maximum penalty of \$1000 upon conviction. The bylaw can be enforced by a constable.  Chapter 2, rule 2.4 also governs beaches and provides that a person “must not drive a vehicle on any part of a beach from which vehicles have been banned by publicly notified resolution of Council”.

## 4.0 Discussion – Te Matapakitanga

### Review Requirements

- 4.1 When undertaking a review of a bylaw, Section 160(2) of the LGA 2002 requires Council must make the determinations required by section 155 LGA 2002.
- 4.2 The first requirement is to determine whether a bylaw is the most appropriate way of addressing the perceived problem. This is a two-step process:
  - Council needs to be satisfied the perceived problem is something about which it may make a bylaw under the LGA or some other bylaw making power in another statute. Council’s bylaw making powers are principally found in sections 145 – 147 of the LGA 2002 which set out a range of general and specific powers;

- If Council is satisfied the perceived problem can be regulated by a bylaw, Council must consider what other options might be available for dealing with the particular issue. Those options can include:
  - Doing nothing
  - Adopting policies
  - Undertaking public education programmes
  - Relying on existing statutory powers
  - Relying on contractual rights (if available)

4.3 The second requirement under section 155 is to determine the proposed bylaw:

- Is the most appropriate form of bylaw; and
- Does not give rise to any implications under the Bill of Rights Act 1990

4.4 Under Section 160(3) of the LGA 2002 proposals to continue, amend, revoke or replace an existing bylaw generally require Council to use the special consultative procedure.

#### Proposed changes included in the draft bylaw and Dog Control policy

4.5 After internal and key stakeholder submissions were legally reviewed, the following proposed changes have been made and are incorporated in the attached draft bylaw and Dog Control policy.

#### Bylaws

##### **Public places (Chapter 2)**

- 4.6 A sub-clause has been added 2.2.3 to regulate fires in a public place.
- 4.7 The definition of processions and public meetings has been amended to read “Events, demonstrations, parades, processions or other public meetings”.
- 4.8 “Without an approval” was added to sub-clause 2.18.4(a) trading in a public place.
- 4.9 The speed limit where mobile shops can trade was reduced from 80km to 70km in sub-clause 2.18.4(b).
- 4.10 The words “without an approval” were added to the end of the list of streets in Schedule D of Chapter 2 (Roads on which the conduct of business from a mobile shop is not permitted).

##### **Dog Control Bylaw (Chapter 3)**

- 4.11 The Ebbett Park off-leash time has been amended from:
- 7.30pm to 7.00am during daylight saving and - 6.00pm to 7.00am during the rest of the year.
- To:
- 5.00pm to 8.00am all year round.
- 4.12 The Keirunga Gardens off leash area has been amended to give a better description of the off leash area as follows. “Along the extent of the western boundary walkway accessed from Tanner Street, and including the open grass area at the southern and northern ends of the park”.

##### **Alcohol Control (Chapter 4)**

- 4.13 Te Mata Park, including the full park and associated roadways, walkways and parking has been added to the list of alcohol banned areas following concerns raised by Police about alcohol related disorder in the area.

- 4.14 Hastings Cemetery and Crematorium as bounded by Maraekakaho & Orchard Roads and the eastern boundary of Heretaunga Intermediate School following concerns raised by Police and the general community about alcohol related disorder in the area.

### **Parking & Traffic (Chapter 5)**

- 4.15 Heavy vehicles parking in residential areas has been added to the list of limits, restrictions or prohibitions. This would give Council the option to add streets where a nuisance is being created by heavy vehicles parking in residential areas. The streets would need to be specified by publically notified resolution and the appropriate signage erected.
- 4.16 The reference to “parking ticket machines” has been deleted from sub-clauses 5.3.1 (b) & 5.4.1 m) as Council no longer has parking ticket machines.
- 4.17 Sub-clauses 5.4.1 d), and g) have been deleted as these offences are already covered under Road User Rules.
- 4.18 “Without an approval” was added to sub-clause 5.4.1 k) relating to the display of “for sale signs” on vehicles parked on a road or public place, to allow for certain places to be set aside for this activity e.g. the Northern car park on a Sunday.
- 4.19 Sub-clause 5.4.1 o) was amended to address the issue of damage to parking meters when items other than legal tender are inserted into these machines.
- 4.20 Sub-clauses 5.4.4 & 5.4.5 were deleted as these offences are already covered by sub-clause 5.4.3.
- 4.21 The reference to “unpaid fines” with respect to the release of an impounded vehicle was deleted as fines must continue to be processed through the legal system.

### **Food Safety (Chapter 6)**

- 4.22 This chapter has been removed as it has been superseded by the Food Act 2014.

### **Miscellaneous (Chapter 10)**

#### Control of Fires Clause (10.1)

- 4.23 This Clause has been removed as the control of fires is now under the authority of Fire and Emergency New Zealand.

#### Dog Control policy

- 4.24 The amendments to the bylaw in relation to Ebbett Park & Keirunga Gardens (see 4.11 and 4.12) have also been incorporated into the Dog Control policy.
- 4.25 The following three policy additions have been made:
- The word “potential” has been added to the adoption evaluation
  - A statement that “No dogs will be released for research, testing or teaching purposes” has been added
  - A statement that “Council does not encourage restraining dogs by means of a chain or tether as a permanent means of controlling a dog” has been added

#### Other matters evaluated not included in the draft bylaw

- 4.26 It was submitted that the Chapter 2 heading “Public Places” be replaced with “Public Spaces”. However, this change was not recommended as “Public Place” is a term contained (and defined) in the Local Government Act 2002. Renaming the Chapter may lead to confusion and ambiguity. It was considered to keep the term Public Place for consistency and legal certainty.
- 4.27 It was recommended that Council consider enacting a bylaw that prohibits the wearing of gang patches in specified public places, Council land and from Council buildings. A bylaw banning gang

insignia limits the rights of freedom of expression held by gang members. It also engages the right of gang members and associates not to be discriminated against, which is protected by the Bill of Rights Act, and the Human Rights Acts Act. Any bylaw which attempts to ban or limit the right to freedom of expression is instantly at odds with the Bill of Rights Act and will be almost inevitably challenged as being ultra vires.

- 4.28 Pursuant to the Prohibition of Gang Insignia in Government Premises Act 2013, no person may display gang insignia at any time in Government premises. Government Premises includes the whole or part of any structure (including any associated grounds) that is owned by, or is under the control of a local authority. This Act would be enforceable by Police and therefore a bylaw is unnecessary.
- 4.29 Amend clause 2.4 to include a statement identifying the dangers that may arise from walking along a beach. While it is important to recognise the importance of public education around safe conduct at beaches it was not considered appropriate to be included in the bylaw as such a statement is not a bylaw in itself.
- 4.30 It was proposed to include powered and unpowered vehicles and a new clause relating to their use on footpaths. However, the use of e-scooters, e-bikes and other low-powered vehicles is regulated by central government. The NZTA has decided that any e-scooter can be ridden on the footpath and on the road (except in designated cycle lanes that are part of the road and which were designated for the sole use of cyclists). To that end it was not considered necessary to regulate the use of low powered vehicles in Council's bylaws (as it relates to footpaths).
- 4.31 It was proposed to expand clause 2.8 to specifically include damage caused to trees on reserves. A submission was received to add the following sub-clauses:
- (c) damage, interfere with, destroy or remove any natural feature, grass plot, flower bed, tree shrub or plant or any inscription or label relating to it in a public place.
  - (d) pollute, damage, deface or disfigure or interfere with any ornament, statue, building, footpath, kerb, road (including road berm), structure, or facility in a public place.
  - (e) erect any signs in a public place or affix any sign, poster, sticker or advertising devices to any structure in or about a public place.

It was considered that the proposed amendments are already actionable by way of existing statutes and/or regulations. For example, The Summary Offences Act 1991 offence of Wilful Damage (section 11) covers all proposed amendments that relate to damage. It was proposed that any amendment is unnecessary. Furthermore, it is unnecessary or desirable to itemise all types of possible damage. In doing so Council runs the risk of indicating that it is an exhaustive list rather than a general term which encompasses a wide range of possible actions.

- 4.32 It was proposed to define "barbed wire" as distinct from "razor wire". As the definition of both barbed and razor wire is clear there is no need to specifically define those terms in the bylaw.
- 4.33 It is proposed to expand the prohibition to flying over public places, park or reserve and to remove the definitions to the general interpretation section. With respect to the definitions it is just as valid here and arguably more useful given that it is more proximate to the relevant bylaw. It was not considered sufficiently problematic to warrant an amendment.
- 4.34 The proposed amendments to the prohibitions on flying over a public place, park or reserve are already covered by the Civil Aviation Rules. It was not considered that an amendment is required.
- 4.35 It was proposed to include a number of additional waste items within the bylaw (i.e. organic waste and offal) and to also clarify that it included disposing "in a public place". However, it was not considered necessary as the disposing of all those items in that manner is actionable under the Litter Act 1979.
- 4.36 It was proposed that an alcohol ban on all Council owned cemeteries be put in place. However, a blanket ban on alcohol at cemeteries would need to be supported by evidence that the area to

which the bylaw is intended to apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area. There was evidence to support such issues at the Hastings Cemetery and Crematorium.

- 4.37 It was proposed to have a bylaw in relation to begging. However, previous legal advice on this issue did not support such an approach.

## 5.0 Current Situation

- 5.1 The following draft documents have been prepared:

- Statement of proposal for the consolidated bylaw (**Attachment one**). In its final form a copy of the consolidated bylaw will be attached to the statement of proposal
- Draft Consolidated bylaw, without chapter 6 Food Safety or clause 10.1 Control of Fires (**Attachment two**)
- Draft Dog Control Policy (**Attachment three**)

- 5.2 A summary of the proposed changes to the Bylaws & Dog Control policy are outlined in 4.5 to 4.25.

### Proposed Bylaw Framework

- 5.3 It is proposed that the consolidated bylaw will have 9 chapters as follows:

Chapter 1	Interpretation and General Provisions
Chapter 2	Public Places
Chapter 3	Dog Control
Chapter 4	Alcohol Bans
Chapter 5	Parking & Traffic
Chapter 6	Water Services
Chapter 7	Deliberately left blank
Chapter 8	Deliberately left blank
Chapter 9	Miscellaneous Matters

- 5.4 If Council approves this proposal the following bylaws will need to be revoked when the new bylaw is adopted in August 2021:

- Food Safety
- Control of Fires

## 6.0 Determination under Section 155 OF THE LGA (2002)

- 6.1 The majority of the provisions contained in the proposed consolidated bylaw rely upon the bylaw making powers in Section 145 of the LGA 2002. Where that is not the case, the relevant power is referenced at the beginning of the particular chapter or clause. Officers are satisfied that all of the proposed provisions relate to matters in respect of which Council may lawfully make a bylaw.
- 6.2 Under Section 155 of the LGA 2002 Council must determine that a bylaw is the most appropriate way of dealing with the perceived problems identified in this proposal. The range of options identified included:

- (a) **Do nothing.** The advantage of a do nothing approach is that it is a low cost option. There is no cost to consult on a bylaw and to enforce it once passed. There is still an expectation by the community that Council will take an active role in the regulation of activities which are perceived as a problem and, if necessary, prosecuting offenders in an appropriate case. It is this element of providing a deterrent. Accordingly “do nothing” was not considered to be an option in all of the cases identified for continued or new bylaw regulation under the current proposal.
- (b) **Using policies** to encourage the public to adopt better or sustainable practices in relation to the perceived problem. In the past it was common to see matters of often quite minute detail in the body of the bylaw when the matters to be regulated could just as easily be covered by a policy or code of practice. The benefit of removing items from a bylaw into a policy or code of practice is that it encourages compliance without the threat of enforcement action. It is also an appropriate approach if council is not prepared to commit budget to policing and enforcing a bylaw dealing with the particular issue. The cost of policing and enforcement is reduced and can be diverted to other areas.
- (c) **Using public education** and consultation programmes as a means to encourage moderation or change of behaviour to address perceived problems. This option is relevant where the proposed regulation would be “nice to have” but the statutory bylaw making power in the LGA, or other statute, is not sufficiently robust to enable enactment of a bylaw on the issue. In such a case any problem that is best addressed through public education and consultation, where appropriate in conjunction with other agencies. Encouraging compliance on a community-wide basis with agreed norms of appropriate behaviour, using a bit of peer pressure, is a more sustainable way of achieving community aspirations in relation to activities where the “offence” does not warrant the formality, or the stigma, of a prosecution.
- (d) **Relying upon other statutory powers.** There is no point in making an activity an offence under a bylaw when it is already an offence under a superior legislative instrument. There was also consideration of the circumstances where there were other statutory remedies, principally under the Trespass Act 1980. Rather than having a bylaw that is never enforced it is considered preferable to define acceptable standards of behaviour in a policy, which is then used by staff as the measuring stick to determine whether or not to exercise the statutory powers available under the Trespass Act. The benefit of this approach is that the policy can be amended more rapidly and with less formality and expense (although an obligation to consult remains) to deal with changing circumstances than an equivalent provision in a bylaw. In addition, the Police will assist with enforcement under the Trespass Act in an appropriate case.
- (e) **Relying upon contractual rights.** A result can be achieved by imposing conditions of entry under the entry contract and using the breach of those terms as the legal basis for ejection, if necessary in conjunction with the law of trespass. The conditions of entry can be determined by policies. Again the benefit of this approach is that the policy can be amended more rapidly and with less formality and expense than an equivalent provision in a bylaw. In addition, the Police will assist with enforcement under the Trespass Act in an appropriate case.

6.3 A broad consideration of the options for any new matters being proposed indicates that no implications arise under the New Zealand Bill of Rights Act (NZBORA).

6.4 None of the provisions are considered as unreasonably impinging upon NZBORA rights and therefore do not give rise to implications under NZBORA. It is considered that Council may safely make those determinations in respect of the new provisions.

6.5 The last matter on which a determination is required from Council under Section 155 of the LGA is the question as to whether the proposed bylaw is in the most appropriate form. It is considered that the proposed bylaw is in the most appropriate form as confirmed in the legal review.

## 7.0 Options – Ngā Kōwhiringa

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

7.1 Adopt all draft documents in this report without amendment and direct officers to proceed with public consultation in accordance with the special consultative procedure under the LGA:

#### Advantages

Ensures the bylaws are exposed to the wider community input with a minimum of delay. If Council identifies matters as needing attention, that action can be deferred until after consultation is completed and can be considered at the same time as consideration of the submissions.

### Option Two – Te Kōwhiringa Tuarua – Te Āhuatanga o nāiane

7.2 Council can amend any aspect of the proposal before directing officers to proceed to public consultation in accordance with the special consultative procedure under the LGA 2002.

7.3 Council can determine that the proposal requires further preliminary consultation, policy work or significant amendment and defer further action pending the completion of that work to its satisfaction. This would put the project behind schedule, however this is not insurmountable.

## 8.0 Next steps – Te Anga Whakamua

8.1 If Council approves the current proposal without amendment, or with only minor amendment, then it is proposed that the consultation timetable will be as follows:

- Public consultation from 15 February to 19 March 2021
- Submissions heard by Council 20 & 21 May 2021
- Final consolidated bylaw adopted August 2021

### Attachments:

1⇒	Statement of Proposal for Bylaw Review	LEG-02-3-20-455	Vol 1 Under Separate Cover
2⇒	Draft Bylaw	LEG-02-3-20-456	Vol 1 Under Separate Cover
3⇒	Draft Dog Control Policy	LEG-02-3-20-457	Vol 1 Under Separate Cover

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## Summary of Considerations - He Whakarāpopoto Whakaarohanga

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

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

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

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This proposal promotes the performance of regulatory functions for the purpose of reducing public nuisance and threats to public health & safety through appropriate bylaw controls and for the wellbeing of communities in the present and for the future.

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

No known impacts for mana whenua / iwi / tangata whenua above and or beyond the general community population.

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

The bylaw is being reviewed after the initial five years. It is not required to be reviewed again until after 10 years (2031).

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

The bylaw process will incur legal fees for legal review. These will be partly sourced from existing Planning and Regulatory budgets in both the 2021 & 2022 years:

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

The LGA requires consultation using the special consultative procedure for any proposal to review, amend or revoke a bylaw or to amend the Dog Control policy. Some preliminary consultation has been undertaken in the course of formulating the proposal, as mentioned in 3.4 above. In addition to giving public notice calling for submissions required by the LGA 2002 under the special consultative procedure it is proposed to engage directly with key stakeholder groups or organisations. These will include:

- Police
  - Public Health
  - Hawke's Bay Regional Council
  - Hastings and Havelock North Business Associations
  - Hastings District Rural Community Board
  - All registered dog owners (section 10(2) of the Dog Control Act 1996)
- 

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

The bylaw process must follow the Special Consultative Procedure required under section 83 of the Local Government Act 2002.

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## Risks

The bylaw & dog control policy are required to undergo a five year review under Section 158 of the Local Government Act 2002. Council risks the existing bylaw being unenforceable if it fails to go through this process.

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
Improved environment and public amenity founded upon transparent rules and regulations supported and upheld by the community	Unenforceable bylaws not supported by the wider community. Loss of confidence in local government

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

The Rural Community Board will be part of the targeted consultation process.

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Thursday, 11 February 2021

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

**Item 9**

*Te Rārangi Take*

# Report to Council

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**Nā:** Nigel Bickle, Chief Executive  
**From:** Bill Murdoch, Senior Advisor Economic Policy and Evaluation

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**Te Take:** Hastings Place Based Housing Plan - Medium and Long Term  
**Subject:** Strategy

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## **1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga***

- 1.1 The purpose of this report is to seek Council endorsement of the Hastings Place Based Plan – Medium and Long Term Strategy 2021 (the Strategy) (**Attachment 1**).
- 1.2 The Strategy builds on the work of the Hastings Place Based Plan that was developed in 2019 with the aim of delivering sustainable, positive change through a programme of work encompassing affordable housing, social housing, market housing, Maori housing and RSE accommodation, alongside skills training and employment creation.
- 1.3 The Strategy was discussed at the 4 February 2021 Council retreat.
- 1.4 A copy of the Strategy is attached.

## **2.0 Background**

- 2.1 The Council with key stakeholders; Ministry of Housing and Urban Development and Kāinga Ora has led the development of the Medium and Long Term Housing Strategy.
- 2.2 The Strategy builds on the Hastings Place Based Plan 2019.
- 2.3 Other stakeholders include: Te Puni Kokiri, Ngāti Kahungunu Iwi Incorporated, Ministry of Social Development, Te Taiwhenua O Heretaunga and Hawke's Bay District Health Board.
- 2.4 A Governance Group with representatives from the aforementioned organisations provides oversight. The Council Chief Executive chairs the Governance Group.
- 2.5 The Governance Group endorsed the Strategy at its meeting 18 January 2021.

### 3.0 Current Situation

- 3.1 The Strategy has six Pou and 26 Actions managed in accordance with project management methodology with oversight and co-ordination led by Hastings District Council.
- 3.2 Progress on the individual projects will be monitored and reported to the Council and the Governance Group.
- 3.3 The Hastings Place Based Plan will be presented to the Maori Housing Conference on 25 February 2021 with emphasis on Maori housing initiatives.

### 4.0 Recommendations – *Nag Tūtohunga*

- A) That the the report titled Hastings Place Based Housing Plan - Medium and Long Term Strategy dated 11 February 2021 be received.
- B) That the Council endorse the Hastings Place Based Housing Plan – Medium and Long Term Strategy 2021 appended to this report (Attachment 1).

### Attachments:

- |    |                                   |               |                            |
|----|-----------------------------------|---------------|----------------------------|
| 1⇒ | Hastings Place Based Housing Plan | CG-16-2-00506 | Vol 1 Under Separate Cover |
|----|-----------------------------------|---------------|----------------------------|

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Thursday, 11 February 2021

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

*Te Rārangi Take*

# Report to Council

Item 10

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**Nā:** Bart Leslie, Parks Landscape and Projects Officer  
**From:** Francois Blay, Project Delivery Manager  
Darryl van der Merwe, Project / Contract Manager

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*Te Take:* Tauroa Road Shared Pathway Project - Update  
**Subject:**

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

- 1.1 Construction work on the planned walk/cycleway for Tauroa Road is programmed to commence in March 2021. The project will see the construction of a new safe pathway consisting of both standard concrete paving and an elevated pole based timber pathway wholly within road reserve.
- 1.2 Once the project is complete, a new, safe shared path will run between Tokomaru Drive up to the Te Mata Park carpark at the end of Tauroa Road.
- 1.3 The purpose of this report is to update Council on the project and to seek approval for the removal of approximately 26 trees in the Tauroa Road Reserve to enable the construction of a safe, shared pedestrian and cycle pathway along the edge of Tauroa Road.
- 1.4 The planned removal of the trees meets with the requirements of Council's Tree Removal Policy and is consistent with the Tauroa Road Reserve Management Plan (RMP). It is also supported by the local Tauroa Reserve Care Group.
- 1.5 The tree removals will not only allow the physical construction to proceed but also ensure the users of the elevated pathway are kept safe and the asset is protected from future damage from nearby tree failures.
- 1.6 This section of shared pathway, located adjacent to the Tauroa Road Reserve, is stage 1 of the larger Tauroa Road Shared Pathway Project. It is funded in this year's allocation of Safe Walking and Cycling Facilities and co-funding through the Provincial Growth Fund budget.

## 2.0 Recommendations – Ngā Tūtohunga

- A) That the Council Meeting receive the report of the Parks Landscape and Projects Officer titled Tauroa Road Shared Pathway Project - Update dated 11 February 2021.
- B) That the Council approve the removal twenty-six trees from Tauroa Road and the Tauroa Road Reserve, to allow the construction of the Tauroa Road shared pathway.

## 3.0 Background – Te Horopaki

- 3.1 Council has been working towards solving ongoing safety concerns on Tauroa Road between Tokomaru Drive and the car park at the entrance to Te Mata Park. The total length of the proposed shared pathway is 1300 metres. Stage 1, which is planned to commence in mid-February covers 465 metres and will provide a shared path from Tokomaru Drive and past the Tauroa Road Reserve. **Attachment 1** – Plan of Tauroa Road pathway project.
- 3.2 The elevated pathway is to be 3 metres wide while the connecting concrete pathway is to be a minimum of 2.5 metres wide to ensure a safe shared pathway is provided.
- 3.3 Funding for this project is available in two Stages. Stage 1, the first 465 metres is funded via the Safe walking and cycling facilities budget (HDC rates and Waka Kotahi (NZTA) funding assistance), supplemented by Provincial Growth Fund in the current financial year while Stage 2 is in the Safe walking and cycling facilities budget for 2021/22. The project will be divided into three packages to spread the work amongst local contractors. This will extend the work opportunities of those previously unemployed/redeployed and currently employed by these contractors. This will provide at least three employment opportunities per contractor, potentially for two to three months.
- 3.4 Tauroa Road has a narrow carriageway and Council's ability to widen it is constrained by its steep roadside banks. The section of road that runs alongside Tauroa Road Reserve in particular, has insufficient level ground beside the existing road to accommodate the building of a traditional concrete path/cycleway.
- 3.5 Issues of pedestrian and cyclist safety have been growing in recent times as more and more walkers and cyclists journey to and from Te Mata Park. In addition, the challenging topography of the top end of Tauroa Road has led to a narrow carriageway with limited options for road improvements. The growing activities in the area, combined with the restrictive environment, have led to substantial safety concerns.
- 3.6 Enhancements to Te Mata Park carried out in partnership with Council and a local care group, to provide improved parking and recreation facilities and recent environmental improvements to Tauroa Road Reserve have increased the use of this strip of road by motorists, walkers and cyclists.
- 3.7 While there are walking and mountain bike tracks through Tauroa Road Reserve itself, there is no formal pedestrian or cycle connection at road level from Tokomaru Drive to Te Mata Park, at the end of Tauroa Road.
- 3.8 In order to rectify the growing safety concerns and growing cycling and walking activities along Tauroa Road, Council is keen to push ahead with this project to build a walkway that is three metres wide to accommodate both pedestrians and cyclists. However, to do so necessitates the removal of some trees to allow construction and reduce risk of future tree failure damaging the new boardwalk and potentially those using it.

## 4.0 Discussion – Te Matapakitanga

- 4.1 The construction of a new walk/cycleway along Tauroa Road has been requested by walkers and cyclists using Tauroa Road for a number of years. Safety concerns have been a major factor in

progressing this solution to what has been a difficult engineering problem due to the challenging terrain. This factor has been cost prohibitive for the ratepayer in advancing this project. However, with the support of PGF funding real progress has been made possible.

- 4.2 The proposed dual purpose pathway will create a safe shared path between Tokomaru Drive to the Te Mata Park carpark at the end of Tauroa Road.
- 4.3 The work will be undertaken in two stages. Stage 1 includes a small amount of concrete pathway and the elevated timber structure that will run alongside the Tauroa Road Reserve. Stage 2 will see the final section of path built up to the Te Mata Park carpark.
- 4.4 The proposed alignment of the Stage 1 walkway runs through a steep hillside within the road reserve adjacent to Tauroa Reserve. In order to build the walkway on this alignment there are a number of existing trees in the area need to be removed to allow physical construction and importantly, additional trees that should be removed to avoid future failure that would pose a safety risk to walkway users and damage to the integrity of the new walkway structure.
- 4.5 For further details of the alignment of proposed walkway see **Attachment 2** – Tauroa Road walkway Tree Removal Plan, shows the location of the 26 trees that need to be removed, **Attachment 3** - Tauroa Road walkway perspective image, gives a good visual image of what the finished pathway will look like.
- 4.6 Of the trees earmarked for removal are all exotic trees. They comprise of; 11 are pines, 2 are gum, 1 macrocarpa, 8 robinia, 3 wild cherry trees and 1 privet. No mature native trees need removal.
- 4.7 Officers have assessed the requested tree removals in terms of Council’s Tree Removal policy. Once the pathway is built, the trees will pose a health and safety risk to the public and pose a risk to community infrastructure. As such their removal meets with the tree removal criteria of Council’s Tree Removal Policy. This report Council not only updates Council on the project but also meets the Policy’s requirement to advise Councillors of the proposed tree removal action.
- 4.8 Officers have assessed the proposed removal against Council’s Tree Removal Policy and can confirm that their removal is consistent with and is allowed under the policy. Council’s arborist also concurs with officers that constructing this boardwalk beneath the large existing trees increases the safety risk factors.
- 4.9 Officers have worked with the Tauroa Road Reserve Care Group to firstly gain their support and to ensure that the project will enhance the values that they have striven to promote and that all users enjoy in this reserve.
- 4.10 The progressive removal of pest weeds, poor specimen exotic trees and the planting of over 4000 native trees and shrubs is a great achievement of the local care group and is consistent with the aims of the adopted RMP. The joint efforts of this care group and Council has seen a transformation of this reserve from a neglected tract of land to a thriving native reserve. An additional 300 native shrubs and trees have also been allocated to replace the loss of the 20 odd trees earmarked for removal by this project, and to continue the revegetation impetus.
- 4.11 The Care group are in support of this project from both the safety improvement and the environmental enhancement perspectives. - Letter of support from Tauroa care group is appended at **Attachment 4**.
- 4.12 Te Mata Park Trust has been sent copies of the planned project and the Trust’s manager has been supportive of the project. Officers are anticipating a letter of support from the Trust itself and will update the meeting.
- 4.13 The removal of these trees is also consistent with the adopted four Havelock North Reserve Management Plan, which was developed five years ago. The landscape plan included provision for the gradual replacement of mature exotic trees which are often susceptible to falling over in storm events. It is pertinent to note that there have been at least six occasions in recent times where limbs or trees have fallen over and landed on the road or within Tauroa Reserve. This adds weight

to the recommendation to remove those trees that could pose a real safety threat once the proposed walkway is operational.

- 4.14 It is noted that some of the recent plantings undertaken by the care group will be damaged by the felling operation. This is an unavoidable given the size and location of the trees earmarked for removal. The care group has started transplanting the natives that are in the fall zone in order to save as many as possible. In addition the project will replace all the shrubs that might be lost and donate over thirty specimen native trees that will eventually replace the large trees felled due to construction work.
- 4.15 The arborist services have been appropriately procured via Council's contract with Recreational Services. Local contractor Pro Arbore will be undertaking the work. They are well skilled in this type of heavy tree removal and are also being used across other Hawkes Bay PGF shovel ready contracts.

## 5.0 Options – Ngā Kōwhiringa

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

- 5.1 Remove approximately 20 trees to allow construction of the Tauroa Road shared pathway.

Advantages

- Delivers an improved fit for purpose pedestrian and cycle link between Tokomaru Drive and end of Tauroa Road.
- Avoids significant risk to public safety for those walking or cycling both in the reserve and those accessing the new walkway structure, beneath these existing trees.
- Avoids ongoing costs for tree maintenance in the future.
- Avoids significant ongoing repair costs to walkway should branches and trees eventually fail in the future and damage the structure.

Disadvantages

- There will be some minor damage to native revegetation plantings approved by Council as part of RMP process and carried out by the community.
- Some large trees will be felled
- \$56 000 spent on tree removal

Option Two – Status Quo - Te Kōwhiringa Tuarua – Te Āhuetanga o nāianeī

- 5.2 Do nothing:

Advantages

- The tree removal sum of \$56,000 is not spent
- No immediate damage to new native plantings

Disadvantages

- Safety issues remain.
- Opportunity to deliver improved safety and connectivity is missed.

## 6.0 Next steps – Te Anga Whakamua

- 6.1 Contractors are currently being aligned for engagement to start construction as soon as Council consents to remove the trees.
- 6.2 Irrigation and existing plants are being relocated prior to tree removal where practical to minimise damage and loss of new plants.

- 6.3 Further replanting with native trees is programmed for upcoming winter 2021 planting season, once construction is complete.

### Attachments:

1↓	Tauroa Road Location Plan	CG-16-2-00505
2↓	Tauroa Road Walkway tree removal plan	CFM-15-1-5-21-446
3↓	Tauroa Boardwalk Details-v2.pdf	CG-16-2-00504
4↓	Tauroa care group letter of support for Tauroa walkway project	CFM-15-0-3-21-510

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## Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

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

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

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

This proposal protects and promotes the social and environmental wellbeing of communities in the present and for the future through the provision of good quality open spaces and transportation infrastructure.

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

There are no known impacts for Tangata Whenua.

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### Sustainability - *Te Toitūtanga*

The prudent maintenance of trees within the District helps ensure the sustainable management of these natural resources. There are a number of problematic trees within the Hastings District that require replacement with more suitable plantings. Therefore there are considered to be no major implications for sustainability.

It is also noted that the planned replacement of felled exotic tree stock with additional new plantings will easily compensate the environmental loss due to the new project.

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### Financial considerations - *Ngā Whakaarohanga Ahumoni*

The tree removal work has been quoted at \$56,000 and will be covered by the Tauroa Walkway project budget which is approximately \$1,300,000. This includes funding from Provincial Growth Funds.

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

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This report has been assessed under the Council's Significance and Engagement Policy as being of minor significance in terms of financial thresholds. The \$56,000 cost of removal does not trigger any of Council's financial significance thresholds.

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

The formulation of the Reserve Management Plan involved extensive public consultation and as a result the plan recognises the desirability of the removal of old exotic trees. There has also been more recent ongoing consultation with the community care group involved in replanting and development of Tauroa Reserve, including the construction of this walkway. Their support is acknowledged.

The Te Mata Peak Trust is also aware of the walkway project and the need to remove existing trees.

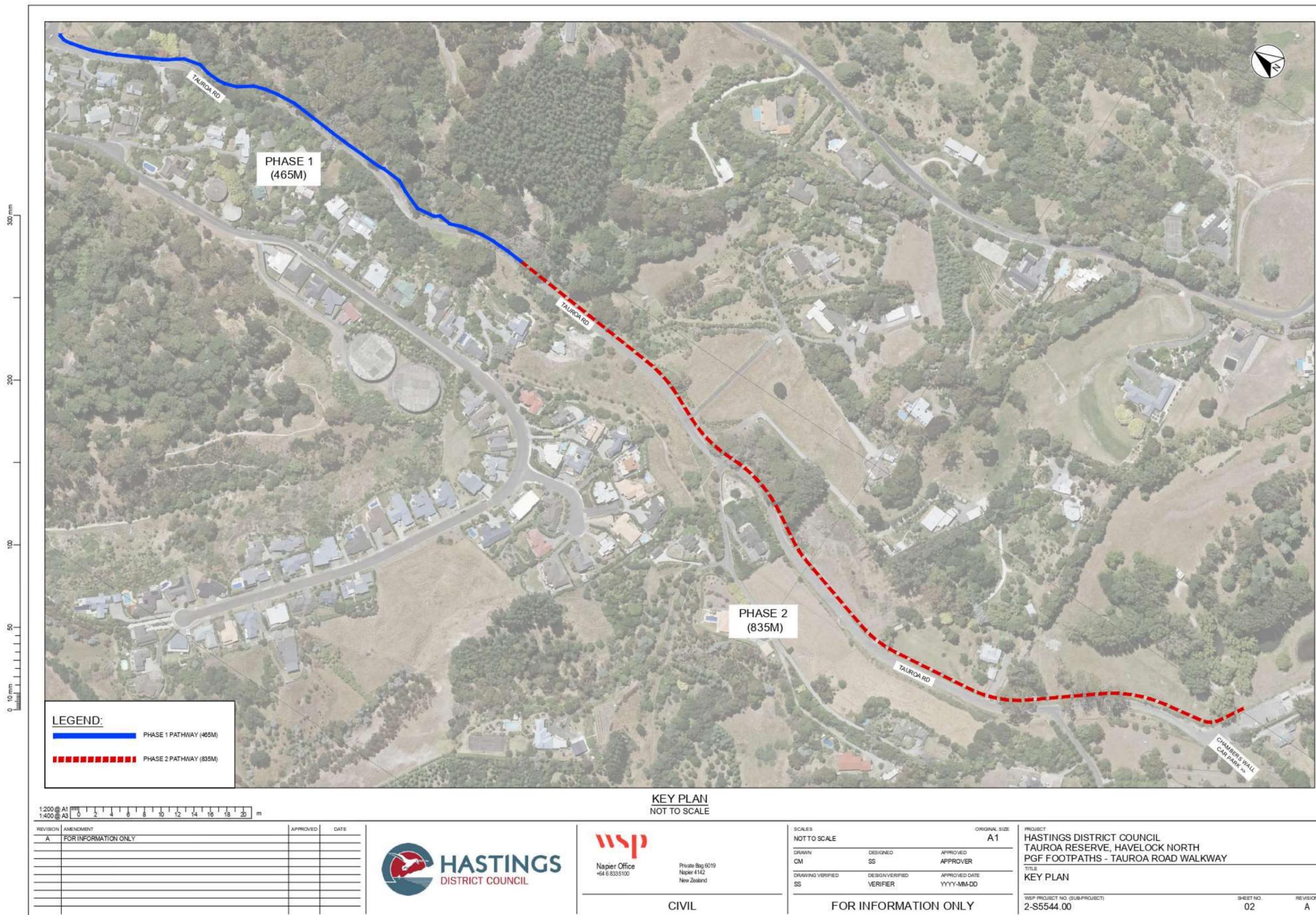
### Risks

Opportunity: An enhanced and safer environment and walkway.

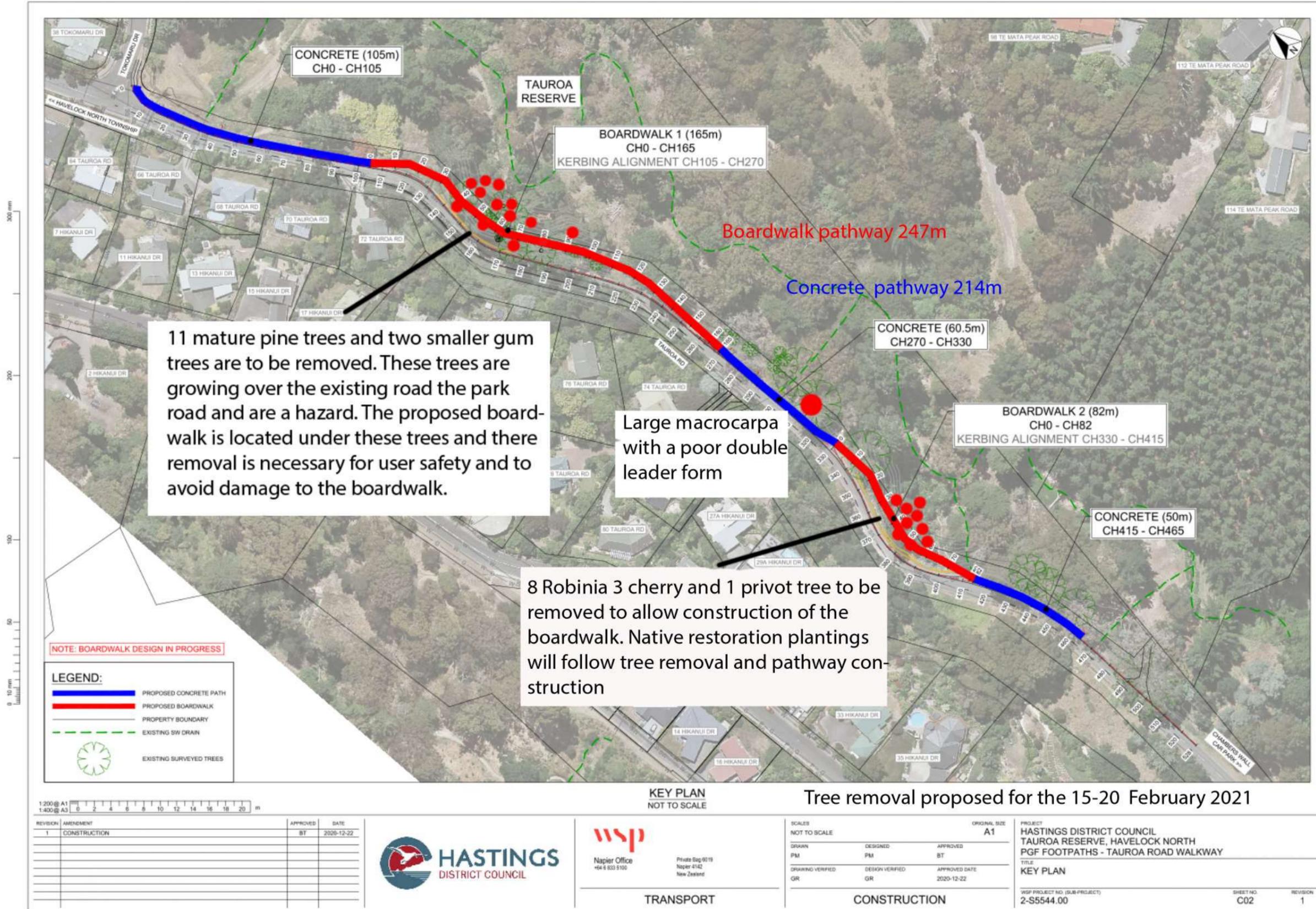
REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
<p>Safe and fit for purpose walkway that responds to community concerns and aspirations</p> <p>Safer Reserve space.</p> <p>Allows further replanting and environmental enhancement of Tauroa Reserve.</p> <p>Avoids costly damage to boardwalk in future from fallen branches and trees.</p> <p>Avoids higher removal costs to removal individual trees and branches as they eventually fail in future.</p> <p>Avoids damage to road from fallen branches and trees.</p>	<p>Some may object to the removal of trees.</p>

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

There are no implications for the rural community board.

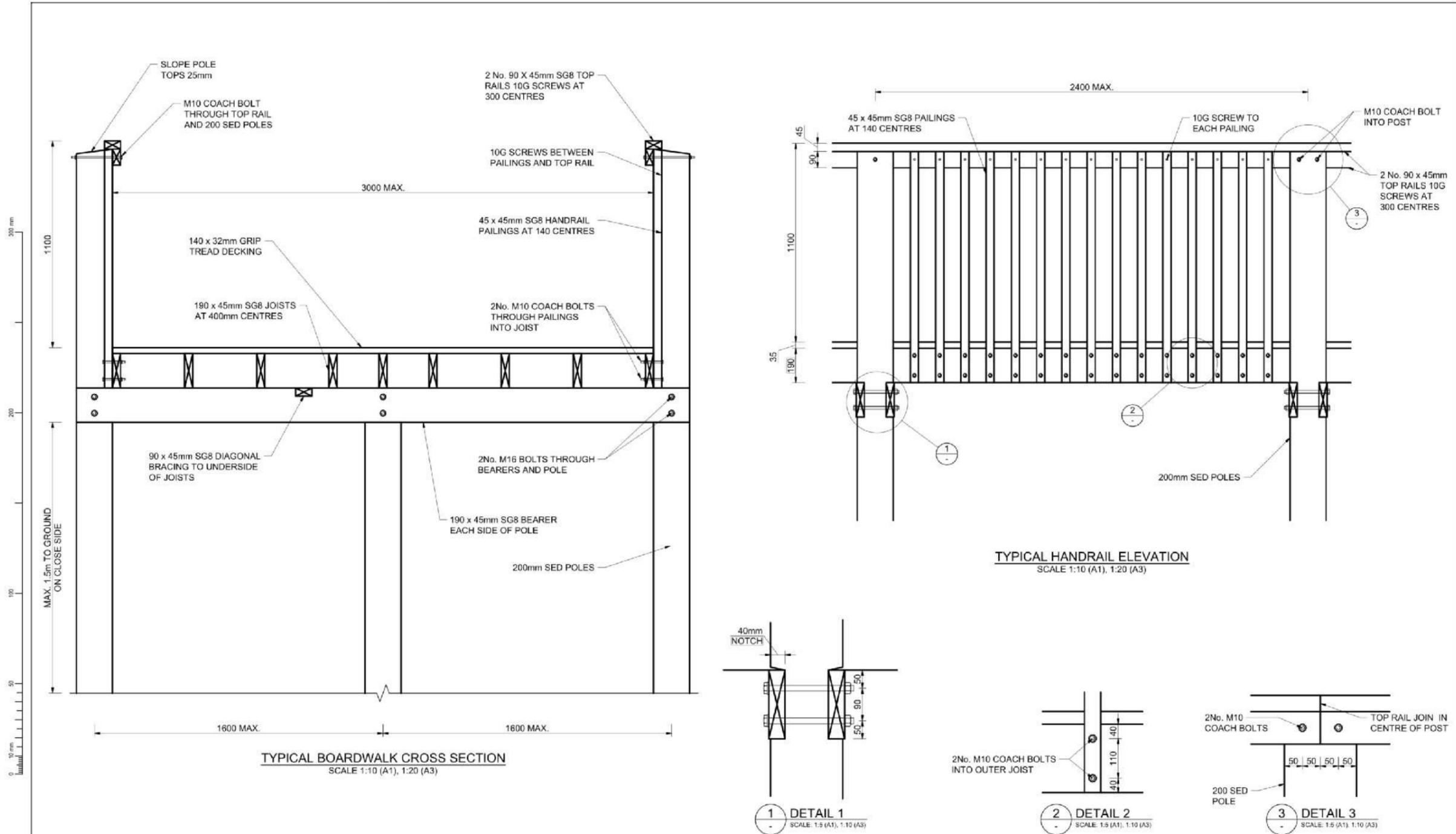


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FOR CONSTRUCTION

Revision	Amended	Approved	Revision Date
1	BOARDWALK WIDTH & DETAILS AMENDED	J.M.	03/12/2019

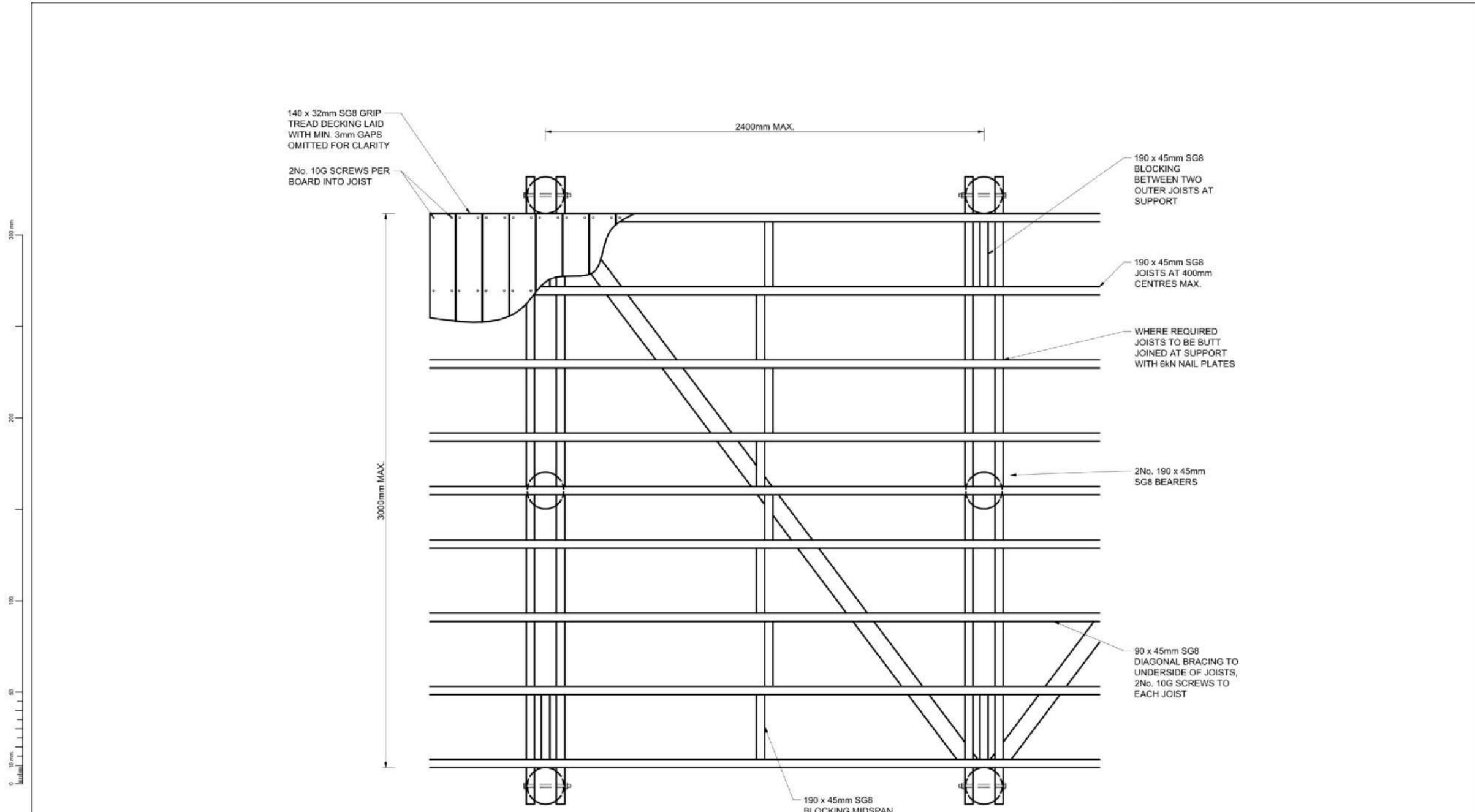
**wsp**  
 Napier Office  
 +64 5 535 9100  
 Private Bag 9019  
 Napier 4142  
 New Zealand

Designed	Approved	Approved Date
R.B.	J.M.	19/11/2019
Drawn	Scale	
C.M.	AS SHOWN	

Project		HASTINGS DISTRICT COUNCIL TAUROA ROAD BOARDWALK	
Sheet		TYPICAL CONSTRUCTION DETAILS SHEET OF 3	
Project No.	2-T4121.41.300CD	Sheet No.	S0
Revision		Revision	2



Original Sheet Size A1 (841x594) Plot Date: 2019-12-18 at 9:08: a.m. Path: L:\Projects\NZ2019-H121-aa-hdc-survey\home\2-T4121.41-Tauroa Rd Walkway\300CD Design\02 Structural Design\03 Drawings\2-T4121.41-Tauroa Rd Walkway-DESIGN\02.dwg (2)



TYPICAL BAY PLAN VIEW  
 SCALE 1:10 (A1), 1:20 (A3)

FOR CONSTRUCTION

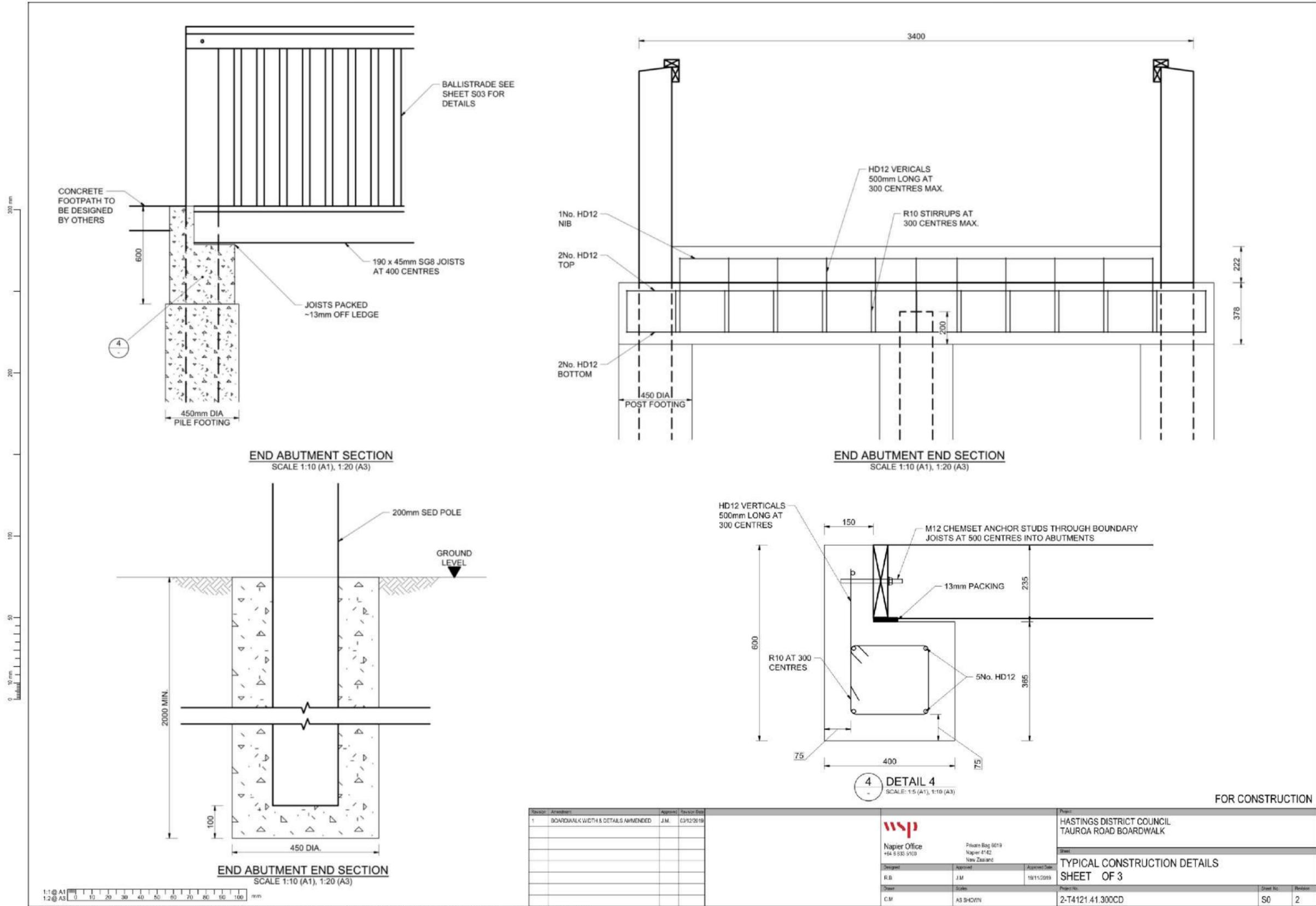
Revision	Amended	Approved	Revision Date
1	BOARDWALK WIDTH & DETAILS AMENDED	J.M.	03/12/2019

		Private Bag 9019 Napier 4142 New Zealand	
Designed	Approved	Approved Date	
R.B.	J.M.	19/11/2019	
Drawn	Scale	Project No.	
C.M.	AS SHOWN	2-T4121.41.300CD	

HASTINGS DISTRICT COUNCIL TAUROA ROAD BOARDWALK	
TYPICAL CONSTRUCTION DETAILS SHEET OF 3	
Sheet No.	Revision
S0	2



Original Sheet Size A1 (841x594) Plot Date 2019-12-19 at 9:08: a.m. Path L:\Projects\NZ202-H121-aa-hdc-survey\home\2-T4121.41-Tauroa Rd Walkway\300CD Design\02 Structural Design\03 Drawings\2-T4121.41-Tauroa Rd Walkway-DESIGN\Draw 50 (2)



Tuesday, 2 February 2021

Darryl Van Der Merwe  
Transport Contract Manager  
Hastings District Council

Dear Darryl

Thank you for meeting with us today and for sharing with us the proposal regarding tree removal and the building of a shared pathway alongside the portion of Tauroa Road, adjoining the Tauroa Reserve.

We have discussed with you our particular concerns including the following:

- Care must be taken to limit the damage to new plants that the Tauroa Road Care Group has planted over the last three years.
- Water pipes and hoses need to be protected or temporarily removed while the work is carried out.
- Where possible, material resulting from felling will be mulched and this material made available for later use.

We look forward to continuing to work together on this project.

Yours Sincerely  
Tauroa Care Group

Michelle Hicks  
Paul Terry  
Ria Oosterkampria  
Howard Russell  
Sue Dryden  
Daniel Haddock  
Sally and Roger Anderson



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Thursday, 11 February 2021

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

Item 11

*Te Rārangi Take*

# Report to Council

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*Nā:*  
From: **Mel England, Parking Transportation Officer**

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*Te Take:*  
Subject: **Parking Controls**

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

- 1.1 The purpose of this report is to obtain a decision from Council on temporary change to parking controls on Meihana Place.
- 1.2 This proposal arises from request for a new temporary parking control in the Hastings District and concludes by recommending a change in parking control and time limits.
- 1.3 A summary of the proposed changes is as follows:

ROAD	EXISTING CONTROLS TO BE REMOVED	PROPOSED CONTROLS
Meihana Place	NIL	P30

## 2.0 Recommendations – *Ngā Tūtohunga*

- A) That the Council Meeting receive the report titled Parking Controls dated 11 February 2021.
- B) That Council resolve pursuant to Clause 5.3.1(a)(i) of Chapter 5 (Parking and Traffic) of the Hastings District Council Consolidated Bylaw 2016, that a temporary P30 time limit be established on Meihana Place commencing 15 metres west from the intersecting line Meihana Street and extending 65 metres west until the end of May 2021.
- C) That Council resolve pursuant to Clause 5.3.1(a)(i) of Chapter 5 (Parking and Traffic) of the Hastings District Council Consolidated Bylaw 2016, that the temporary P30 time limit be established on Meihana Place be revoked at the end of May 2021 following completion of the roadworks.

### 3.0 Background – *Te Horopaki*

- 3.1 From time to time it is necessary to introduce parking controls and or amend those that are already in place.
- 3.2 In order that the changes are legally established and enforceable, a formal resolution by Council is required.
- 3.3 The following information provides the background and current situation relevant to the changes being proposed.

### 4.0 Discussion – *Te Matapakitanga*

#### 4.1 Meihana Place – P30 Time Limit

Hastings District Council is installing a roundabout on the intersection with Henderson Road and Omaha Road, this work is due to be completed by the middle of May 2021.

During the construction period the area outside of the businesses located between Meihana Street and Henderson will be closed off to allow the safe passage of traffic.

To overcome the interruption to the businesses it is proposed to introduce P30 time limited parking in Meihana Place so customers can safely visit the affected businesses.

At the end of the construction period the P30 signs will be removed from Meihana Place.



### 5.0 Options – *Ngā Kōwhiringa*

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

- 5.1 To change the Parking Bylaws to allow the parking arrangements as outlined at the sites in section 4.

Option Two – Status Quo - *Te Kōwhiringa Tuarua – Te Āhuetanga o nāianei*

- 5.2 To continue current arrangements.

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

- 6.1 If the changes are approved, changes will occur to the parking as set out above.

#### Attachments:

There are no attachments for this report.

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## Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

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

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

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

- Reducing public nuisance and threats to public health and safety
  - Moving people and goods around safely and efficiently
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### Māori Impact Statement - *Te Tauākī Kaupapa Māori*

N/A

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### Sustainability - *Te Toitūtanga*

N/A

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### Financial considerations - *Ngā Whakaarohanga Ahumoni*

N/A

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

This decision does not trigger the threshold of the Significance and Engagement Policy.

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

#### Meihana Place – P30 Time Limit

Consultation was carried out between Stantec and the business owners. The business owners requested the temporary change to try and mitigate any loss of business to them.

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### Risks

N/A

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

N/A

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Thursday, 11 February 2021

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

*Te Rārangi Take*

# Report to Council

Item 12

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**Nā:** Bruce Allan, Group Manager: Corporate  
**From:** Aaron Wilson, Financial Controller

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**Te Take:** Summary of Recommendations of the Risk and Assurance  
**Subject:** Committee meeting held 2 February 2021

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## Summary

- 1.1 The purpose of this report is to advise that the recommendations from the Risk and Assurance Committee held on 02 February 2021 require ratification by Council.
- 1.2 The relevant Risk and Assurance Committee recommendations to be ratified are set out below.
- 1.3 During the discussion with Risk and Assurance Committee members, it was requested that some background information be provided around this recommendation that has come to Council to be ratified.
- 1.4 Over the last few months, officers have been working with Council to complete the LTP 2021-2031. As the plan has become clearer, with decisions made as to what areas in the capital programme will require investment and in what year, so has the funding of the capital programme and to what level of debt will need to be incurred over the 10 year period.
- 1.5 Council currently has a debt to revenue policy limit of 150% which is very conservative in a NZ local government context. The Local Government Funding Agency currently allows Councils to borrow up to 300%, although this is a temporary ceiling post Covid and is expected to be reduced to 280% in the coming years.
- 1.6 External debt is forecast to rise over the next 10 year period putting pressure on the current policy limit of 150% of revenue. In years 3 – 5 of the long term plan, external debt is predicted to be at the maximum limit of the 150% policy limit, which would leave no room for any emergency or urgent debt to be taken on.
- 1.7 Treasury advisors Bancorp agree with the planned but conservative approach of increasing the policy limit to allow Council some headroom should the need then arise. Whilst Audit NZ cannot provide direct advice on decisions such as this, local government legislation requires that Councils maintain a prudent approach to its financial management and planning and Audit would require through their audit of the LTP policy limits that are cognisant of the forecasted expenditure and debt requirements.

- 1.8 The Risk and Assurance Committee have recommended to Council that the Debt to Revenue policy limit be increased from 150% to 175% in the 2021-31 Long Term Plan for consultation.

## 2.0 Recommendation– *Ngā Tūtohunga*

- A) That Council receive the report Summary of Recommendations of the Risk and Assurance Committee meeting held 2 February 2021 dated 11 February 2021.
- B) That the following recommendation of the Risk and Assurance Committee meeting held on 02 February 2021 be ratified:

*“Item 7 – Annual Review of Treasury Management Policy”*

*That Council adopt the proposed changes to the Treasury Management Policy relating to an adjustment to the net external debt as a percentage of income from 150% up to 175%”.*

### **Attachments:**

There are no attachments for this report.

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Thursday, 11 February 2021

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

Item 13

*Te Rārangi Take*

# Report to Council

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**Nā:** Raoul Oosterkamp, Acting Group Manager: Strategy and  
**From:** Development

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*Te Take:*  
**Subject:** Strategic Land Exchange Outcome

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

- 1.1 On 10 October 2019 Council considered an open report on a legal caveat or land exchange between the Hawke’s Bay Opera House (HBOH) and the impending 35 Room Quest Apartment Hotel Complex.
- 1.2 Council resolved:-
  - A) That the Council receives the report titled Strategic Land Exchange / Caveat dated 10 October 2019.
  - B) That the Chief Executive be authorised to enter into negotiations with the Wallace Development Company to place a legal caveat or exchange equal areas of land in the order of 20m<sup>2</sup>, located between the Hawkes Bay Opera House Theatre building and the impending 35 Room Quest Apartment Hotel Complex, in accordance with specialist independent fire assessment concluding that a legal caveat or land exchange does not create any material short or long-term risk, liabilities or limitations to Council as the landowner and operator of the Hawkes Bay Opera House Precinct including the Theatre, Municipal Building and Plaza.
  - C) That the outcome of the Chief Executive’s negotiations be reported back at a subsequent ordinary meeting of Council.
- 1.3 Following a specialist independent fire assessment, it was concluded that a legal caveat or land exchange does not create any material short or long-term risk, liabilities or limitations to Council as the landowner and operator of the Hawkes Bay Opera House Precinct including the Theatre, Municipal Building and Plaza.
- 1.4 The purpose of this report is to advise Council that these negotiations have now been completed and the exchange equal areas of land of 18m<sup>2</sup> located between the Hawke’s Bay Opera House Theatre building and the construction of the 34 Room Quest Apartment Hotel Complex has been completed in accordance with the 10 October 2019 Council resolution.



1.5

1.6 Council's in house Legal Counsel has confirmed that Council's right of way, pedestrian access and access to service corridors remains protected via legal easement instruments attached to applicable property titles.

## 2.0 Recommendations – Ngā Tūtohunga

- A) That Council Meeting receive the report titled Strategic Land Exchange Outcome dated 11 February 2021.
- B) That the outcome of negotiation be noted as set out in the report at A) above.

### Attachments:

There are no attachments for this report.

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## Summary of Considerations - He Whakarāpopoto Whakaarohanga

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

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

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

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This proposal promotes the promoting economic and social well being and more specifically through the Council's strategic objective of inner city revitalization and aims of increasing economic activity in the area, facilitating sustainable economic growth and creating new business opportunities and employment wellbeing of communities in the present and for the future.

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

There are no known impacts for Tangata Whenua.:

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

Currently there is no Hotel offering in the Hastings CBD and the hotel will provide quality accommodation that will complement existing offerings and support continuing growth in high-value tourism and commercial visits. The hotel will have no in-house catering facilities so guests will be enticed into the City centre to explore hospitality options:

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

Given the area for area nature of the land exchange there are no financial implications to Council or the community.

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

This report has been assessed under the Council's Significance and Engagement Policy as being of low significance, given that the October 2019 Report resolved the exchange of land.

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

Consultation has taken place with the Chief Financial Officer as the officer responsible for the delivery of the HBOH Precinct Project as well as Council's Legal Counsel.

There has been no external engagement.

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#### **Risks**

N/A

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

N/A

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