

Thursday, 28 October 2021

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

Kaupapataka

Agenda

Te Rā Hui:
Meeting date: **Thursday, 28 October 2021**

Te Wā:
Time: **1.00pm**

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

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

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

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HASTINGS DISTRICT COUNCIL
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TE KAUNIHERA Ā-ROHE O HERETAUNGA

Thursday, 28 October 2021

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Council Meeting

Kaupapataka

Agenda

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

Tokamatua:

Quorum:

8 members

Apiha Matua

Officer Responsible:

Chief Executive – Nigel Bickle

*Te Rōpū Manapori me te
Kāwanatanga*

Democracy and

Governance Services:

Louise Stettner (Extn 5018)

Te Rārangi Take

Order of Business

1.0 Opening Prayer – *Karakia Whakatūwheratanga*

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.

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.

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

There are no minutes to confirm.

5.0 Petition - Fenwick Street 7

6.0 Adoption of the Annual Report and Summary 2020/21 9

7.0 Request by Cornwall Park Playcentre to lease part of St Leonards Park for Playcentre 15

8.0	Request for Licence to Occupy Okawa Stream Reserve and Shanley Road - The Lilly Lowry Family Trust, Bridget Lowry Family Trust and The Pukehamoamo Whare Trust	25
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14.0	Urgent Items – <i>Ngā Take Whakahihiri</i>	
15.0	Recommendation to Exclude the Public from Items 16 and 17	45
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Item 5

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

Te Rārangi Take

Report to Council

Nā:
From: Louise Stettner, Manager, Democracy & Governance Services

Te Take:
Subject: Petition - Fenwick Street

1.0 Summary – Whakarāpopototanga

- 1.1 The purpose of this report is to inform the Council about a petition received from Aaron Cash. The petition will be tabled at the meeting.
- 1.2 The petitioners' prayer reads as follows:

"We, the undersigned residents of Fenwick Street, wish to voice our concerns with the impending developments planned for our street. It is our understanding that there will be 7 residences built on the corner section & another 44 are proposed on the Steads Construction property. We feel that this concentration of housing will cause problems and will change the character of our street as well as erode our peace & wellbeing. As it is, there is difficulty at times driving from Fenwick St on to Karamu Road. Another 51 homes will almost double the number of homes on the street & cause a bottleneck each morning, as well as a lot more traffic up & down the street. We acknowledge that there is a need for housing, but this concentration seems far higher than other developments in Hastings. We understand that an application for consent has been (or soon will be) lodged with the council. We request that this be publicly notified, & for the sake of the city that it is turned down in its current form, and amended to around half the concentration so that it will be a healthy, happy community in the long term."

- 1.3 There are 95 signatories to the petition.
- 1.4 Mayor Sandra Hazlehurst acknowledged receipt of the petition on the 14th of September 2021 and advised the lead petitioner that a community information session will be organised about the proposed development on Fenwick Street that will involve the local Member of Parliament, officials from the Ministry of Housing and Urban Development; the housing developer and the local community.
- 1.5 The matters raised in the petition are of a regulatory nature and must be addressed within the regulatory regime that considers consenting issues. Therefore the petition has been forwarded to the Planning and Regulatory Group to place on the property file, should an application be received.

Any application received will be considered through the Resource Management Act 1991 regulatory process including notification steps.

1.6 The report concludes by recommending that the Council receive the petition.

2.0 Recommendation – *Ngā Tūtohunga*

- A) That Council receive the report of the Manager, Democracy & Governance Services titled “Petition - Fenwick Street” .
- B) That the tabled “Petition - Fenwick Street” be received.
- C) Council notes that as the matters raised in the petition are of a regulatory nature it has been forwarded to the Planning and Regulatory Group to be placed on the property file, should an application be received.

Attachments:

There are no attachments for this report.

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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

Nā:
From: Aaron Wilson, Financial Controller

Te Take:
Subject: Adoption of the Annual Report and Summary 2020/21

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to obtain a decision from the Council on the adoption of the 2020/21 Annual Report and 2020/21 Summary Annual Report.

2.0 Recommendations – *Ngā Tūtohunga*

- A) That Council receives the report titled Adoption of the Annual Report and Summary 2020/21 dated 28th October 2021.
- B) That Council adopts the 2020/21 Annual Report with any minor amendments made at the meeting and any necessary drafting corrections delegated to the Chief Executive.
- C) That Council adopts the 2020/21 Summary Annual Report with any minor amendments made at the meeting and any necessary drafting corrections delegated to the Chief Executive.

3.0 Background – *Te Horopaki*

- 3.1 This report enables Council to meet the legislative requirements of the Local Government Act 2002 which requires Council, through section 98 of the Local Government Act 2002, to adopt the Annual Report within four months of the end of the financial year (by 31 October). This normal deadline has however been extended to 31 December 2021 due to the impacts of COVID-19 on Audit NZ.
- 3.2 Council is also required to produce an Annual Report Summary that must represent fairly and consistently, the information regarding the major matters dealt with in the Annual Report.

- 3.3 The reports must comply with generally accepted accounting practice as determined by various financial reporting standards. A number of other statutory requirements must also be met.

4.0 Discussion – Te Matapakitanga

- 4.1 An interim report on the year end rating result was presented to the Operations and Monitoring Committee on 30 September 2021. This report focused on the result against budget and the rating surplus/(deficit) for the year. The rating surplus adopted by the Operations and Monitoring Committee was as follows:

Rating Area 1	\$443,366	<i>Surplus</i>
Rating Area 2	\$422,655	<i>Surplus</i>
Total for the District	\$866,021	<i>Surplus</i>

- 4.2 In addition to the rating surplus there was also a surplus from Hastings District Council's share of the Landfill surplus of \$1.97m. This was allocated as follows:

Rating Result			
	Total	Rating Area 1	Rating Area 2
Surplus/(Deficit) on General Rate	866,021	443,366	422,655
Landfill Surplus	1,997,339	1,745,874	251,465
	2,863,360	2,189,240	674,120
Recomended Allocation			
Allocation on General Rate			
Contingency Reserve	554,207	443,366	110,841
RA2 Flood Reserve	311,814		311,814
	866,021	443,366	422,655
Landfill Surplus			
Landfill Reserve	1,997,339	1,745,874	251,465
	1,997,339	1,745,874	251,465
Total Allocation	2,863,360	2,189,240	674,120

- 4.3 The Operations and Monitoring Committee included a supplementary resolution to the above allocation of the Landfill Surplus which provided that the Landfill Surplus was available for Council to meet any requirements necessary to meet the delivery of the 2021/22 budget and unforeseen COVID-19 related impacts.
- 4.4 The interim report also included an interim Hastings District Council accounting surplus of \$26.8m before gains and losses on revaluations and movement on swaps from the Statement of Financial Performance which was \$11.9m favourable to budget. At the time of writing this report this result had not changed on review with Audit.

Unaudited Operating Accounting Result	Budget Council \$'000	Actual Council \$'000	Variance
Operating Revenue	151,190	168,857	17,667
Less: Operating Expenditure	136,330	142,040	5,710
Net Surplus/(Deficit)	14,860	26,817	11,957
Unrealised movement on Swaps	-	(8,010)	(8,010)
Net Surplus/(Deficit) after Swaps	14,860	34,827	19,967
Gain/(Loss) on Revaluations	49,224	101,345	52,121
Net Surplus after accounting gains and losses	64,084	136,172	72,088

Audit Opinion:

- 4.5 As was highlighted in the 13th September 2021 report to the Risk and Assurance Committee, Audit NZ in the 2019/20 year end raised an issue that relates to non-financial performance information, specifically the *Department of Internal Affairs Mandatory Performance Measure 4 (customer satisfaction)* where Council had not been capturing all the necessary information.
- 4.6 This issue is not solely an issue that Hastings District Council faces on its own, with a significant number of councils having to work through this issue with Audit NZ. The performance measure across the Three Waters service reported and measured includes only verified complaints per 1,000 connections, it is acknowledged that not all complaints have been captured. The total number of complaints received are not verifiable because:
- Some calls were not categorised into water supply, stormwater or wastewater. *This is now happening with calls being identified by the different categories.*
 - Some calls have not been recorded as they were subsequent calls to the original complaint and the caller did not request for their complaint to be recorded. *Further work will continue to be done on this. Council, along with 20+ other Councils are awaiting the results of work going on at national level regarding clarification on the guidance that is provided for these performance measures.*
 - Insufficient details to assess what the nature of the call was for. In particular, if the call should be classified as a complaint or request for information. *Classification of the nature of the call is now happening.*
- 4.7 In terms of the out of hours service that Palmerston North City Council provides for Hastings District Council, they are also waiting on the outcome of the work being done on the guidance notes for these performance measures.
- 4.8 Further to this, Council will await the findings from Audit NZ this year in this year's audit opinion.
- 4.9 At the time of writing Audit NZ had not finalised their review of Council's Annual Report. Audit NZ sign-off will be completed by the meeting date and an update will be provided at the meeting. Officers do not expect this year's audit opinion to be greatly different from last year's audit opinion.
- 4.10 The 2020/21 Annual Report is attached as **(Attachment 1)** under separate cover. At the time of preparing this report the Annual Report was in the final stages of review with Audit NZ. If any further changes are required they are expected to be minor and will be made available at the Council meeting.
- 4.11 The 2020/21 Summary Annual Report **(Attachment 2)** is attached under separate cover to this report.

Attachments:

1⇒	Annual Report 2021	CG-16-2-00874	Volume 1
2⇒	Summary Annual Report 2020/21	CG-16-2-00875	Volume 1

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*

This proposal promotes the all of the four wellbeings of communities in the present and for the future.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

The Annual Report includes an “Exercising partnership – Council, Tangata Whenua, Mana Whenua” section which amongst other things acknowledges that Hastings District Council remains steadfast in its commitment to nurturing and strengthening processes to enable tangata whenua and mana whenua to exercise partnership in decision-making across a range of contexts at Council and in the wider Hastings district.

Sustainability - *Te Toitūtanga*

There are a number of non-financial measures that incorporate sustainability initiatives undertaken by Council during the year.

Financial considerations - *Ngā Whakaarohanga Ahumoni*

The Annual Report delivers the financial results for the year ended 30 June 2021.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This decision has been assessed under the Council's Significance and Engagement Policy and while the adoption of the Annual Report is an important decision and one required under the Local Government Act, it has been assessed as being of low significance.

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

Not required, although the Annual Report and Annual Report Summary are required to be made publicly available.

Risks

The Annual Report has been audited by Audit New Zealand and the adoption of the report is of low risk to Council.

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

The impacts to the rural community have been acknowledged in this annual report.

Thursday, 28 October 2021

Item 7

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

Te Rārangi Take

Report to Council

Nā:
From: Rachel Stuart, Public Spaces Planning Manager

Te Take: Request by Cornwall Park Playcentre to lease part of St Leonards
Subject: Park for Playcentre

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to consider a request from Playcentre Aotearoa to seek approval to lease part of St Leonards Park to build and operate a playcentre facility (**Attachment 1**). This request arises from the decision of Council to upgrade the former tea kiosk building at Cornwall Park for wider community use; and an assurance given to Cornwall Park playcentre that Council would facilitate its relocation to another site if possible.
- 1.2 Playcentre Aotearoa obtained a conditional agreement from Council on 23 March 2021 to occupy up to 1000m² of land at Duke Street Reserve, and have applied for the required Non-Complying Resource Consent (RMA20210444) to build and operate a playcentre on this site. As part of the preparation of the resource consent application for the Duke Street Reserve site, Cornwall Park Playcentre held a meeting at Duke Street Reserve with neighbouring properties. These discussions seemed to indicate little support for the activity to occur on the park.
- 1.3 Given these objections, Playcentre Aotearoa have considered alternative locations, including a new build facility at St Leonards Park adjacent to the existing children's playground off Southampton Street (**Attachment 2**). St Leonard's Park is vested under the provisions of the Reserves Act 1977 as a Local Purpose Reserve (which specifically identifies playcentres as an appropriate activity) and managed under the Raureka Parks Reserves Management Plan adopted in 2019.
- 1.4 In order to build a playcentre facility at St Leonards Park, Playcentre Aotearoa must obtain the following from Council: (1) a lease to exclusively occupy part of St. Leonards Park; and (2) the required resource and building consent to build and operate a playcentre on St Leonards Park.
- 1.5 With regard to the lease, the provisions of both the Reserves Act 1977 and the Raureka Reserves Management Plan are relevant. Section 61(2A) of the Reserves Act 1977 authorises Council to lease all or part of a Local Purpose Reserve for the purposes of a playcentre.
- 1.6 With regard to building the playcentre facility, Playcentre Aotearoa would be required to comply with the relevant provisions of the Open Space Zone (1) of the Operative Hastings District Plan. The 'best fit' definition for a playcentre is an 'Early Childhood Centre' which is not specifically listed in

the Open Space Zone rules, and therefore has a non-complying activity status under Rule OSZ15. If the playcentre activity was specifically identified in the Raureka Parks Reserve Management Plan, it would be given a permitted activity status under Rule OSZ1, subject to meeting the required general and specific performance standards. The performance standards relate to matters such as setbacks from boundaries, building height and noise and traffic controls. If these are not met, consent would be required for a restricted discretionary activity.

- 1.7 Given the Reserves Act status of St Leonards Park, and its management under an adopted Reserve Management Plan, Council has two options if it wishes to facilitate Playcentre Aotearoa's request to establish at St Leonards Park:
 - (a) Resolve to authorise officers to commence the required process under the Reserve Act 1977 to amend the Raureka Reserves Management Plan to specify the location of the playcentre on St Leonards Park, which would give the facility permitted activity status under Rule OSZ1 of the Operative District Plan.
 - (b) Resolve to authorise the Chief Executive to enter into a conditional lease agreement with Playcentre Aotearoa to lease part of St Leonards Park to build a playcentre facility subject to obtaining the required non-complying resource consent and building consent.
- 1.8 This report concludes by recommending that Council adopt Option 1, and authorise officers to commence the required process under the Reserves Act to amend the Raureka Parks Reserves Management Plan, which will include consultation with interested and affected parties.
- 1.9 Playcentre Aotearoa have confirmed that should Council resolve to amend the Raureka Parks Reserve Management Plan as recommended, that they will undertake to put resource consent RMA20210444 for Duke Street reserve on hold; and undertake to only progress the Duke Street Reserve lease and resource consent if an application at St Leonards Park is unsuccessful.
- 1.10 The legal aspects and recommendations contained in this report have been reviewed by General Counsel.

2.0 Recommendations - *Ngā Tūtohunga*

- A) That Council receive the report titled Request by Cornwall Park Playcentre to lease part of St Leonards Park for Playcentre dated 28 October 2021.
- B) That Council authorise officers to commence the required process under the Reserves Act 1977 to amend the Raureka Reserves Management Plan to specify the location and acceptability of playcentre on St Leonards Park.
- C) That if the amendments to the Raureka Reserves Management Plan to specify the location of playcentre on St. Leonards Park are adopted by Council following public consultation, that the Chief Executive Officer is delegated authority to enter into a conditional lease to Playcentre Aotearoa to lease up to 1000m² of land at St Leonards Park for a total term (original and any renewal periods) of not more than 33 years, at an annual rent determined in accordance with Council's policy, with the conditions being:
 - i. Playcentre Aotearoa to obtain at their cost any required land use resource consent on terms satisfactory to both parties (Council's granting of a consent in a regulatory capacity is not deemed approval of the terms of the resource consent for the purposes of the agreement to lease); and
 - ii. Playcentre Aotearoa to obtain at their cost, building consent for a building of a design approved by Council as landowner (Council's granting of a building consent in a

regulatory capacity is not deemed approval of the building design for the purposes of this agreement to lease).

- D) That Council authorise the Chief Executive Officer to extend the timeframe required for Playcentre Aotearoa to meet the conditions for the conditional agreement to lease an area of up to 1000m² of Duke Street Reserve, from 31 March 2022 to 31 March 2023.
- E) That Council notes that Council has passed a resolution similar to this resolution relating to the Duke Street Reserve. For the sake of clarity, the Duke Street Reserve and St Leonards Park locations are alternatives for Playcentre Aotearoa to progress at their discretion, but even if all other conditions are met the Chief Executive is only to finalise a lease for one of the two locations.

3.0 Background – *Te Horopaki*

- 3.1 This report relates to a request by Playcentre Aotearoa to lease up to 1000m² of land at St Leonards Park from Hastings District Council to build and operate a playcentre facility.

Cornwall Park Playcentre

- 3.2 Cornwall Park Playcentre has occupied the former tea kiosk building at Cornwall Park since 1970. The current lease dated 10 September 2007 provided for a term of 12 years with no right of renewal. The final expiry of the lease was 10 September 2019, which was extended for a further year as part of the Cornwall Park Reserve Management Plan hearings.
- 3.3 At its meeting on 15 October 2020 Council resolved:
- (a) That the lease to the Cornwall Park Playcentre (HB Playcentre Association) cease on the 30 June 2021 to enable Hastings District Council to commence work on the Tea Kiosk to upgrade it into a facility for community use, the costs to be met from the reprioritisation and reallocation of the existing budget allocation for the Cornwall Park Management Plan.
 - (b) That it be noted the creation of a multi-use community facility acknowledges submissions on Cornwall Park Management Plan which identified the need for multi-use community space for diverse community activities to be managed in a similar way to the Pavilion Building at the Village Green, Havelock North.
- 3.4 Since that time, Playcentre Aotearoa have been considering the feasibility of different options for Cornwall Park Playcentre at the expiration of their lease from the current building.
- 3.5 On 4 February 2021 the Lower North Island Property Coordinator advised Officers that the preferred option of the Ministry of Education was to fund a new build facility on Council owned land (Duke Street Reserve).
- 3.6 Playcentre Aotearoa sought assurances that they would be able to obtain a lease from Council for the exclusive use of part of Duke Street Reserve to build their own playcentre building and associated outdoor play area. On 23 March 2021 Council resolved to enter into a conditional agreement to lease up to 1000m² of Duke Street Reserve on the basis that Playcentre Aotearoa first obtain at their cost land use resource consent (publicly notified) and building consent. Consideration of any potential impact of the activity on neighbouring properties was addressed by the requirement that the applicant requests public notification of the resource consent.
- 3.7 This conditional agreement was entered into to provide Playcentre Aotearoa with the confidence to financially invest in the next stage of the process to engage an architect, while providing Council with assurances that if they wish to, people would have a chance to submit or raise their concerns of any impact of the activity on them as part of a notified resource consent process.

- 3.8 On 7 September the Planning and Regulatory Group received the Resource Consent application to build and operate a Playcentre on Duke Street Reserve (RMA20210444). The applicant was advised that the consent was to be publicly notified and assessed by an independent consultant planner, before a public resource consent hearing would be held by an independent commissioner.
- 3.9 As part of the preparation of their resource consent application for the Duke Street Reserve site, Cornwall Park Playcentre held a meeting at Duke Street Reserve with neighbouring residents. These discussions seemed to indicate little support for the activity to occur on the park.
- 3.10 Given these objections, Playcentre Aotearoa have considered alternative locations, including a new build facility at St Leonards Park.

St Leonards Park

- 3.11 St Leonards Park covers 4.8748ha, comprised in Lot 1 DP 16239 (*Record of Title HBH4/1204*), Lot 7 DP20671 (*Record of Title HBL2/1264*), Lot 9 DP20671 (*Record of Title HBL2/1268*) and Part Heretaunga Blk SO2568 (*New Zealand Gazette, 1952, page 305*).
- 3.12 St Leonards Park is a sport and recreation park situated on the edge of the commercial area of Stortford Lodge. Its sportsfields and a small playground neighbour the Hastings saleyards, and is bordered by Southampton Street and Francis Hicks Avenue. Two buildings at the northwest entrance off Francis Hicks Avenue are home to the Western Ranges Football Club and the Hawke's Bay Woodturners Guild.
- 3.13 St Leonards Park is held subject to the provisions of the Reserves Act 1977 as a Local Purpose Reserve.
- 3.14 St Leonards Park is zoned Open Space 1 in the Operative District Plan with unique identifier of OS1-14 in Appendix 63.

4.0 Discussion – Te Matapakitanga

- 4.1 In order to build a playcentre facility at St Leonards Park, Playcentre Aotearoa must obtain the following from Council: (1) a lease to exclusively occupy part of St. Leonards Park; and (2) the required resource and building consent to build and operate a playcentre on St. Leonards Park.

Lease to Occupy part of St Leonards Park for Playcentre Facility

- 4.2 With regard to the lease, the provisions of both the Reserves Act 1977 and the Raureka Reserves Management Plan are relevant.

Reserves Act 1977

- 4.3 Section 61 of the Reserves Act 1977 relates to Local Purpose Reserves, and states in Section 61(2A)(a) 61(2A)(a) that the administering body may lease all of any part of the reserve to any person, body, voluntary organisation, or society for any of the following purposes: (a) community building, playcentre, kindergarten, plunket room or other like purpose.
- 4.4 As a Local Purpose Reserve, Council has delegated authority under Section 61 of the Reserves Act to issue a lease to Playcentre Aotearoa to occupy part of St Leonards Park for playcentre purposes.

Raureka Reserve Management Plan 2019

- 4.5 The Raureka Reserves Management Plan was adopted in 2019, and includes policies and objectives for the management of three reserves in Raureka: Ebbett Park, St Leonards Park and Whenua Katoha Reserve.
- 4.6 Section 5.3 relates to leases, licences and permits, and states that any new applications for ground or building leases; or requests to extend existing leases will be assessed against the policies included in Section 5.3 of the District Wide Reserve Management Plan.
- 4.7 The relevant sections of Section 5.3 of the District Wide Reserve Management Plan are as follows (emphasis added):

5.3.16 *Leases may be granted for community buildings, playcentres, kindergartens, plunket rooms and other community and/or farming or grazing activities to operate and/or locate on Local Purpose Reserves, in accordance with Section 61 of the Reserves Act 1977, without the approval of the Minister of Conservation. Any other activities will not be deemed acceptable and require the approval of the Council and Minister of Conservation.*

5.3.7 *Public notification will be undertaken where the application is for the exclusive use of an area of reserve, for an activity which has the potential to impact on the reserve or surrounding area; or as required by the Reserves Act 1977. Notification will be made via a Council public notice in the local newspaper. The applicant will be responsible for meeting the cost of public notification and a hearing if required.*

4.8 The relevant sections of Section 5.3 of the Raureka Parks Reserves Management Plan are as follows:

5.3.1 *To control the use of the Raureka Parks facilities by granting leases, licences and permits only where the use is associated with the sport and recreation purposes and will not detract from their use or amenity.*

5.5.3 *Require all groups, clubs or organisations requesting to have the exclusive use of any of the land and/or buildings on the Raureka Parks to obtain Council approval. Such approval is at the discretion of Council and shall not be permitted if the use is not ancillary to the sport and recreation purpose of the Raureka Parks.*

4.9 Section 2.2 of the Raureka Reserves Management Plan provides for new buildings and structures, with Policy 2.2.4 providing guidance as to how applications for new buildings will be assessed:

2.2.1 *To allow for the provision of appropriately located buildings and structures on the Raureka Parks where they are necessary for the use and enjoyment of the parks and do not detrimentally affect their amenity or use.*

2.2.4 *Assess proposals for the construction of new buildings or structures against the following criteria in addition to those rules and standards in the District Plan:*

- (a) Any new building or structure is needed to facilitate public enjoyment of the Raureka Parks'*
- (b) It positively responds to and enhances the amenity of the Raureka Parks*
- (c) It is in scale and suited to the character of the area*

4.10 In summary, while granting a lease to operate a playcentre facility on St. Leonards Park (as a Local Purpose Reserve) would be consistent with the Reserves Act and Section 5.3 of the District Wide Reserve Management Plan the specific sections of the Raureka Reserves Management Plan do not specifically identify 'playcentres' as an acceptable activity, rather they refer to buildings and structures that are 'ancillary to the sport and recreation purpose of the parks'. This terminology should typically relate to reserves held as Recreation Reserves under the Reserves Act, and does create a (potentially unintended) anomaly between the Reserve Management Plans and the Reserves Act status of these Raureka parks. Further, the decision to vest this park as Local Purpose Reserve was due to the presence of existing buildings used by community groups that would not have fitted with a Recreation Reserve purpose. This is further reason to update the Reserve Management Plan to reflect the other existing non-sport related uses on the park.

Consent to Build and Operate Playcentre Facility on St Leonards Park

4.11 With regard to the building and operation of a playcentre facility on St Leonards Park, Playcentre Aotearoa are required to comply with the relevant provisions of the Operative Hastings District Plan.

4.12 St Leonards Park is zoned Open Space 1 (Sport and Recreation Area) in the Operative Hastings District Plan and identified as OS1-14 in Appendix 63. This zone provides for larger areas of open space which cater for organised sports and active recreation (sports ground, tennis courts) as well as a range of community activities, clubhouses and other structures, indoor recreation and community facilities.

- 4.13 Playcentres are included in the definition of 'Early Childhood Centres' in the Operative Hastings District Plan.
- 4.14 In the Open Space zone 1 'Activities identified within the adopted Reserve Management Plan under the Reserves Act 1977' are permitted activities (OSZ1). As playcentres are not identified in the Raureka Reserves RMP this rule does not apply.
- 4.15 In the Open Space 1 zone 'Early Childhood Centres' are not specifically listed. Activities which are not provided for are given non-complying activity status under rule OSZ15.
- 4.16 As with the Duke Street Reserve option, Playcentre Aotearoa would be required to apply for a notified Non-Complying resource consent that would need to be publicly notified in order to meet Rule 5.5.3 of the District Wide Reserve Management Plan.
- 4.17 Assessment of such an activity would likely focus primarily on its visual effects and whether the open space environment will continue to provide for community needs. Environmental nuisance effects (noise) would also be considered.

5.0 Options – Ngā Kōwhiringa

- 5.1 Given the Reserves Act status of St Leonards Park, and its management under an adopted Reserve Management Plan, Council has two options to address the current request of Playcentre Aotearoa:
1. *Resolve to authorise officers to commence the required process under the Reserve Act 1977 to amend the Raureka Reserves Management Plan to specify the location of playcentre on St. Leonards Park, which would give the building and activity permitted activity status under Rule OSZ1 of the Operative District Plan; and if adopted, authorise the Chief Executive to enter into a conditional lease agreement with Playcentre Aotearoa to lease part of St. Leonards Park to build a playcentre facility subject to obtaining any required resource and building consent.*
 2. *Resolve to authorise the Chief Executive to enter into a conditional lease agreement with Playcentre Aotearoa to lease part of St. Leonards Park to build a playcentre facility subject to obtaining the required non-complying resource consent and building consent.*
- 5.2 While the outcome being sought is the same, the difference between the two options relate to the process to be followed, and the time, cost, public consultation and transparency differences between the two.

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

- 5.3 Under s41(9) of the Reserves Act 1977, Council can amend parts of an existing Reserve Management Plan, without using the extensive consultation process for preparing a plan, provided it determines that the review prompting the amendment is not 'comprehensive'. A 'comprehensive' review is likely to involve a situation where the Council is reconsidering much or all of the plan, or there is a significant change in the content or scope of the plan. No hearing is required for a minor amendment to a reserve management plan.
- 5.4 Amendment of the Raureka Parks Reserve Management Plan to make provision for a playcentre facility on St Leonards Park would require the amendment of the concept plan for St Leonards Park, and amendments to the existing, and addition of new policies of the Plan as follows, or to similar effect. These amendments largely change the focus of the existing policies to allow buildings that are consistent with the relevant classification of the land held subject to the Reserves Act, and therefore could be considered as minor text changes:

2.2 Buildings and Structures

- 2.2.1 To allow for the provision of appropriately located buildings and structures on the Raureka Parks where they are ~~necessary for the use and enjoyment of the parks and~~ **consistent with the relevant classification that the land is held subject to the Reserves Act 1977 and** do not detrimentally affect their amenity or **use of the reserves.**

- 2.2.4 Assess proposals for the construction of new buildings or structures against the following criteria in addition to those rules and standards in the District Plan:
- (a) Any new building or structure is needed to facilitate public enjoyment of the Raureka Parks; *or is consistent with the relevant classification that the land is held subject to the Reserves Act 1977*
 - (b) It positively responds to and enhances the amenity of the Raureka Parks
 - (c) It is in scale and suited to the character of the area

2.2.5 *Permit the construction of a purpose built playcentre facility at St. Leonards Park, adjacent to the playground, subject to the proposal meeting the provisions of this Reserve Management Plan, and the Operative Hastings District Plan.*

5.3 Leases, Licences and Permits

5.5.3 Require all groups, clubs or organisations requesting to have the exclusive use of any of the land and/or buildings on the Raureka Parks to obtain Council approval. Such approval is at the discretion of Council *and shall be consistent with the relevant classification that the land is held subject to the Reserves Act 1977.*

5.5.5 *Support an application to lease part of St. Leonards Park to build a purpose built playcentre facility, adjacent to the playground, with access off Southampton Street without a requirement for public notification as would otherwise be required under Policy 5.3.7 of the District Wide Reserve Management Plan. If resource consent is required for the facility, whether notification is required shall be assessed in accordance with the Resource Management Act 1991.*

5.5 The above amendments are not considered to constitute a comprehensive review of the Raureka RMP. However, in order to meet the notification requirements of the District Wide Reserve Management Plan for leases for exclusive use Officers recommend public notification of the proposed amendments; with any submissions received reported to Council for consideration as part of its decision making to resolve to amend the Plan as recommended above. There is no requirement for a public hearing of submissions although if the number or nature of the submissions warrant one, then a hearing may be considered appropriate.

5.6 Playcentre Aotearoa have identified that representatives of Cornwall Park playcentre have spoken to direct neighbours of St Leonards Park who have identified no objection to the proposal.

Advantages

- St Leonards Park is classified a Local Purpose Reserve subject to the Reserves Act 1977, of which playcentres are identified as suitable activities, and an amendment to the Raureka Reserves Management Plan would be consistent with these provisions;
- An amendment to the Reserves Management Plan will enable Council led consultation with the community; rather than a public notification process of a non-complying resource consent application;
- Playcentre will still be required to meet the provisions of the Operative District Plan resource and building consent requirement;
- Support the continued provision of Playcentre within Hastings;
- The Action Plan of the Raureka Reserves Management Plan includes provision and required funds for the creation of a new Key Urban Playground, toilet and off street carpark off Southampton Street. This location, adjacent to the sale yards is the preferred location for the new playcentre facility. Officers confirm that there is adequate space for the building to be located adjacent to the new playground; and that a community building in the location will have the benefit of providing additional surveillance to these new facilities. Funds for the construction of these new facilities are included in the 2021/22 and 2022/23 budget.

Disadvantages

- The public will not be able to access a small area of St Leonards Park that will be exclusively used by Playcentre Aotearoa.

Option Two – Conditional Lease

- 5.7 Option Two is to authorise the Chief Executive Officer to enter into a lease into for up to 33 years with Playcentre Aotearoa for up to 1000m² of land at St Leonards Park at an annual rental set by the Council in the Long Term Plan or Annual Plan, subject to Playcentre Aotearoa first obtaining all required resource or building consents.
- 5.8 This option, like that at Duke Street Reserve, will require Playcentre Aotearoa to apply for a non-complying resource consent that would be publicly notified, assessed by an independent Planning Consultant, and heard by an independent Planning Commissioner. This is a time consuming, expensive and relatively uncertain process, for an activity that is deemed acceptable under the Local Purpose classification of St Leonards Park.

Option Three – Status Quo - Te Kōwhiringa Tuarua – Te Āhuatanga o nāiane

- 5.9 Option Three is status quo – do not resolve to enter into either a conditional lease with Playcentre Aotearoa or authorise officers to commence an amendment to the Raureka Parks Reserve Management Plan. Adoption of Option Three would signal that use of St Leonards Park is not considered appropriate, and that the current option of pursuing a resource consent at Duke Street Reserve is the preferred option for Council.

6.0 Next steps – Te Anga Whakamua

- 6.1 If the Committee adopts the proposed recommendation, Officers will commence the public consultation process to amend the Raureka Parks Reserves Management Plan.

Attachments:

1⇒	Playcentre Aotearoa request to lease part of St Leonards Park	CFM-17-8-8-21-177	Volume 2
2⇒	Location Plan	CFM-17-8-8-21-176	Volume 2

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

This proposal promotes the social wellbeing of communities in the present and future. It does this by providing local infrastructure and recreation facilities which connects communities and maintains places and spaces for recreation to ensure the wellbeing of communities in the present and for the future.

Māori Impact Statement - Te Tauākī Kaupapa Māori

There are no known Tangata Whenua considerations.

Sustainability - *Te Toitūtanga*

The provision of a lease to Playcentre Aotearoa to enable the construction of a purpose built playcentre will enable the continued provision of playcentre services to Hastings, following their relocation from Cornwall Park.

Financial considerations - *Ngā Whakaarohanga Ahumoni*

The lease will include annual rental to be paid at the appropriate rate set annually by the Council in either the Long Term Plan or Annual Plan. All costs associated with the construction of the new building, including resource and building consents will be at the full cost of Playcentre Aotearoa.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

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

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

The proposed amendments to the Raureka Parks Reserve Management Plan are not considered to constitute a comprehensive review. However, in order to meet the notification requirements of the District Wide Reserve Management Plan for leases for exclusive use Officers recommend public notification of the proposed amendments; with any submissions received reported to Council for consideration as part of its decision making to resolve to amend the Plan as recommended above. There is no requirement for a public hearing of submissions.

Risks

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
<ul style="list-style-type: none"> Transparency of process, to enable the community to be involved in the decision making process in a positive way; consistent with the requirements of the Reserves Act 	<ul style="list-style-type: none"> The level of risk is considered to be low.

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

There are no known implications for the Rural Community Board.

Thursday, 28 October 2021

Item 8

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

Te Rārangi Take

Report to Council

Nā:
From: Colin Hosford, Public Spaces and Building Assets Manager

Te Take:
Subject: Request for Licence to Occupy Okawa Stream Reserve and Shanley Road - The Lilly Lowry Family Trust, Bridget Lowry Family Trust and The Pukehamoamo Whare Trust

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The Lilly Lowry Family Trust, Bridget Lowry Family Trust and Pukehamoamo Whare Trust are planning to construct a water storage reservoir on their farm to enable its development as an intensive farming unit. By changing a portion of the farm block from pastoral to intensive horticulture, they believe an improved use of the land can be achieved with the creation of four to five new jobs for local people.
- 1.2 This report contributes to the purpose of local government by providing local infrastructure that supports growth through the sustainable use of land and water resources.
- 1.3 To enable this development to occur, the applicants require consent from the Hastings District Council to install infrastructure to take water and pipe it across Council's esplanade reserve and Shanley Road.
- 1.4 Officers recommend Council grant the relevant Licences to Occupy both the reserve and road space to enable the well and infrastructure to be developed, subject to appropriate conditions and the obtaining of all necessary consents.
- 1.5 This report has been referred to the Rural Community Board Chair and Ward Councillor who have acknowledged the merits of the proposal.

2.0 Recommendations - *Ngā Tūtohunga*

- A) That the Council receive the report titled Request for Licence to Occupy Okawa Stream Reserve and Shanley Road - The Lilly Lowry Family Trust, Bridget Lowry Family Trust and The Pukehamoamo Whare Trust dated 28 October 2021.
- B) That the Council adopt Option 1 and authorise the Chief Executive to negotiate a Licence to Occupy with **The Lilly Lowry Family Trust, Bridget Lowry Family Trust and the Pukehamoamo Whare Trust** to allow the installation of a well and associated electrical

services and pipework to convey water from the Okawa Stream Reserve, under Shanley Road to their property.

- C) That the Council owned land to be occupied shall be substantially in accordance with that shown on Plan 1 attached.
- D) That the Licence to Occupy is subject to the following conditions;
 - i) That the Lilly Lowry Family Trust, Bridget Lowry Family Trust and Pukehamoamo Whare Trust shall obtain all necessary consents from the Hawkes Bay Regional Council prior to undertaking any site works.
 - ii) That the Lilly Lowry Family Trust, Bridget Lowry Family Trust and Pukehamoamo Whare Trust shall obtain from Council's Transportation Section all necessary consents prior to carrying out any works in the Shanley Road corridor, including payment of the requisite fees and charges.

3.0 Background – *Te Horopaki*

- 3.1 The applicants have farm holdings in the Okawa locality. In order to improve the land's productive efficiency, they seek to take water from the Okawa Stream via a new well located on a Council reserve and pump it across a road reserve and neighbour's property to a proposed storage dam on their property.
- 3.2 Essentially the water is taken from the stream in high flow situations, stored and then used to irrigate proposed new orchards.
- 3.3 In order to get the water to their farm, the applicant needs consent from the Hastings District Council to occupy both a part of the reserve and Shanley Road.
- 3.4 This report canvasses the request to grant the two "licences to occupy" to allow the installation of a well structure, pump, pipework and electrical infrastructure to transport the water from the Okawa Stream reserve and to cross Shanley Road to their private property.

4.0 Discussion – *Te Matapakitanga*

- 4.1 The applicant has a fertile farm that can be made more productive with access to water for irrigation purposes. They are planning on building a 100,000 cubic metre capacity water storage dam for irrigation purposes. This in turn is a key component to allow the conversion of a section of their pastoral farm to a more intensive vineyard/orchard use.
- 4.2 Once developed, it is anticipated the block will produce 4-5 fulltime employment opportunities.
- 4.3 The applicant believes this is a sustainable use of the water resource as the harvesting of water will occur when the above ground water is well above average flows and is typically used for irrigation in the drier months. This will ultimately lead to increased land productivity, job creation and long term viability.
- 4.4 The applicant also needs the consent of the Hawke's Bay Regional Council (HBRC) to take the water as well as the consent of the adjoining neighbour to cross their land. The necessary water abstraction consent needs to be undertaken independently from HDC requirements. A plan of the proposed siting of the well and pipe alignment is contained in Attachment 1.
- 4.5 The planned dam will also need to meet Building Act requirements as it exceeds 20,000m³ capacity. These issues, especially around engineering matters, are primarily processed as part of the HBRC consenting process.

- 4.6 The report canvasses only the required licences to occupy a Council road and the esplanade reserve that are enabled under two pieces of legislation.
- 4.7 The required licences to occupy are allowed for under two pieces of legislation, namely the Reserves Act 1977 and Local Government Act 2002 (LGA).
- 4.8 **The Reserves Act**
- 4.9 Section 61 (2A) allows the administering body the power to grant leases on local purpose reserves, for limited purposes. Subsection (b) allows the granting of leases for farming, grazing, cultivation, cropping, or other like purposes.
- 4.10 In addition, Section 23(2)a, also requires that no lease can be entered into where the activity would impede foot traffic. As the pipe and well are largely underground this requirement can be met. This section of the Act also allows the lease for a maximum of 33 years. Given the horticultural investment and infrastructure is substantial, officers recommend the granting of the maximum period 33 year term.
- 4.11 **Local Government Act**
- 4.12 Section 341 of the LGA allows a local authority to grant a Licence to Occupy road where Council's asset and amenity can be protected.
- 4.13 Council grants such licences from time to time to allow structures where they may benefit private needs without impacting on publicly owned infrastructure. These can include culverts, ducts and other utilities. The initial cost to apply for and administer the Licence to Occupy Road Reserve is \$225.00.
- 4.14 Key considerations to be satisfied prior to issuing a licence to occupy include;
Protection of Council's road and infrastructure assets.
- 4.16 Any work carried out should not damage public assets or should be made good after the works are complete. In this instance the pipe and line will be thrust under the road by approved contractors. There are no known public assets within Shanley Road. It is also noted that the pump will require electricity to operate so the Licence to Occupy will also need to allow for the conveyance of electricity.
- 4.16 To ensure all the work in the road corridor is carried out safely and without effect on Council's assets, the applicant will need to provide a Traffic Management Plan (TMP) and a site safety plan for the work. This TMP approval comes with a fee of \$100.00.
- 4.17 The applicant will need to apply for a Corridor Access Request prior to undertaking work in the roading corridor. This approval comes with a fee of \$400.00.
- 4.18 In addition, Council charges an Annual Licence Fee of \$60.00 for the ongoing occupation within the road reserve.

5.0 Options – Ngā Kōwhiringa

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

- 5.1 Officers recommend that Council should grant the required licences to occupy both Shanley Road and the Okawa Stream Local Purpose Reserve Council, subject to obtaining all necessary consents from the Hawke's Bay Regional Council prior to undertaking any site works, and obtaining from Council all necessary consents prior to carrying out any works in the Shanley Road corridor, including payment of the requisite fees and charges.
- 5.2 The proposed development is of a relatively low level impact on the local environment. The well and pipework are all located out of sight underground and the only visible portion will be the bore cover. As the reserve is a sloping natural esplanade reserve the well's presence will not impede access to the reserve.

- 5.3 Similarly the presence of pipework and electrical ducting under 20 metres of Shanley Road will have no effect on local amenity nor Council assets.

Advantages

- By allowing the piping of water to a water storage reservoir during times of high water flows Council will be enabling the better use of fertile soils in the Okawa area.
- By enabling the taking and storage of water the changed land use will enable the creation of new employment opportunities.
- The proposed infrastructure can be installed without affecting the public's access to the Okawa Stream's reserve values.
- The proposed infrastructure can be installed without affecting the operation of Shanley Road

Disadvantages

- The stream bank's environment will be impacted on with the presence of a minor well structure.
- A small amount of well infrastructure will be visible at the ground surface of the Okawa Stream Reserve

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

- 5.4 Adopting Option 2 would see Council declining the requests for Licences to Occupy both Shanley Road reserve and the Okawa Stream reserve.

Advantages

- By disallowing the request the local environment will remain unchanged
- The Okawa Stream water flows will remain unchanged

Disadvantages

- The opportunity to enable the creation of new jobs will be lost
- The opportunity to enable more intensive food production on the fertile soils in the Okawa area will be lost

6.0 Next steps – *Te Anga Whakamua*

- 6.1 With Council granting the required licences to occupy, the applicant can commence the planning and installation of the necessary well infrastructure and dam construction. They can also complete their request with the HBRC to take water and build the dam.
- 6.2 Officers will complete the necessary licence to occupy documentation so that the applicants can speedily progress with their own consenting requirements.

Attachments:

1⇒ Plan 1 Okawa Stream Reserve Well Site

59861#0010

Volume 2

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*

This proposal promotes the development of local infrastructure supports growth and protects local environment for the wellbeing of communities in the present and for the future.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

The HBRC advise that they refer such applications to the Heretaunga Tamatea Settlement Trust. To date there has been no feedback or concerns raised. Officers have also suggested that the HBRC consult with Rununga Marae on the proposed water take application.

Sustainability - *Te Toitūtanga*

The HBRC consenting process will ensure that the water take process is undertaken in a manner that promotes the sustainable use of the water resource.

Financial considerations - *Ngā Whakaarohanga Ahumoni*

This application requires no Council expenditure. As such, no financial thresholds are breached.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This decision has been assessed under the Council's Significance and Engagement Policy as being of minor significance. The HBRC is also processing the application and its plans have regard to water allocation and management for the benefit of the whole community.

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

Officers have conferred with HBRC staff who have raised no outstanding issues with the application. Essentially they are waiting HDC consent process to be resolved prior to completing their processes.

Risks

While the issue of water use and allocation is topical, it is a matter properly dealt with as part of the application to the HBRC to extract and store water.

Opportunity: The application before Council is primarily a request to occupy Council land to enable the extraction and conveyance of water to increase the productive capacity of a pastoral farm and to create employment opportunities.

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
Increased employment opportunities Increased food production Improved use of the soil resource Shows Council as a proactive partner in promoting economic growth	There may be concern over the water take's impact on the local hydrology

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

This report has been referred to the Rural Community Board Chair and Ward Councillor who have acknowledged the merits of the proposal.

Thursday, 28 October 2021

Item 9

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

Te Rārangi Take

Report to Council

Nā:
From: Craig Cameron, Group Manager: Strategy and Development

Te Take:
Subject: Appointment of Electoral Officer

1.0 Executive Summary – Te Kaupapa Me Te Whakarāpopototanga

- 1.1 The purpose of this report is to obtain a decision from the Council on the appointment of an Electoral Officer.
- 1.2 The issue arises from a requirement under the Local Electoral Act 2001, for the Council to have an Electoral Officer.
- 1.3 The objective of this decision relevant to the purpose of Local Government is the effective performance of a statutory requirement; the conducting of the triennial local body elections.
- 1.4 The report concludes by recommending that electionz.com (Mr Warwick Lampp) be appointed as Electoral Officer for the Hastings District Council.

2.0 Recommendations - Ngā Tūtohunga

- A) That Council receive the report titled "Appointment of Electoral Officer" dated 28 October 2021.
- B) That Warwick Lampp of electionz.com be appointed to the position of Electoral Officer for the Hastings District Council.
- C) Council notes that a budget bid of \$31k will be made to the 2022/23 Annual Plan to support this appointment.

3.0 Background – Te Horopaki

- 3.1 The Local Electoral Act 2001 provides that a local authority must appoint an Electoral Officer and that appointment remains until the appointee resigns, dies, or is replaced by the council concerned.

4.0 Discussion – *Te Matapakitanga*

- 4.1 Mrs Jackie Evans was Council's Electoral Officer until she resigned as Council's Manager Democracy and Governance Services earlier this year. Prior to Mrs Evans departure she appointed Ms Vicki Rusbatch as Deputy Electoral Officer.
- 4.2 Appointment of an Electoral Officer for Hastings District Council is now being sought ahead of next year's election.
- 4.3 The Council has very recently employed a new Democracy and Governance Manager, Ms Louise Stettner. Ms Stettner has no prior election management experience. Furthermore next year's election will be different from prior elections due to the introduction of Māori Ward(s) and any resultant changes from the Representation Review. In light of these factors it is recommended that Mr Warwick Lampp of electionz.com be appointed as Electoral Officer for Hastings District Council.
- 4.4 electionz.com is an experienced election management services company that is currently working with 45 Councils across the country, 37 of these are Electoral Officer roles. This organisation is working with every Council in the region including the Hawke's Bay Regional Council. HDC has a long-standing relationship with electionz.com having engaged their services for every election since 2004.

5.0 Options – *Ngā Kōwhiringa*

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

- 5.1 The recommended option is to appoint Mr Warwick Lampp of electionz.com to the position of Electoral Officer.

Advantages

- electionz.com is an experienced election management company
- Officers will be well supported to deliver the election with less impact on business as usual

Disadvantages

- There is an increased cost associated with appointing an external person to this position compared to the role being fulfilled by a staff member.

Option Two – Status Quo - Te Kōwhiringa Tuarua – Te Āhuatanga o nāiane

- 5.2 To appoint a staff member to the position.

Advantages

- Less cost associated with appointing a staff member to this position compared to the role being fulfilled by an external person.

Disadvantages

- A lack of experience in election management may impact the delivery of the election process and business as usual.

6.0 Next steps – *Te Anga Whakamua*

- 6.1 Planning for the 2022 election will commence.

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*

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

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

N/A

Sustainability - *Te Toitūtanga*

N/A

Financial considerations - *Ngā Whakaarohanga Ahumoni*

Should the Council agree to the recommendations of this report a budget bid of \$31k will be made to the 2022/23 Annual Plan.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

The issue is not significant and no consultation is necessary as the decision rests with the Council alone and is not subject to appeal or review by any other person.

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

No consultation is necessary as the decision rests with the Council alone and is not subject to appeal or review by any other person

Risks

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
Legal compliance with Council's statutory obligations pursuant to the Electoral Act 2001	Legal risk if Council does not abide by its statutory obligations.

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

N/A

Thursday, 28 October 2021

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

Item 10

Te Rārangi Take

Report to Council

Nā:
From: Louise Stettner, Manager, Democracy & Governance Services

Te Take:
Subject: Schedule of Council Meetings for 2022

1.0 PURPOSE AND SUMMARY - TE KAUPAPA ME TE WHAKARĀPOPOTOTANGA

- 1.1 The purpose of this report is to obtain a decision from the Council on the proposed schedule of Council and Committee meetings for 2022 and recommends the adoption of the 2022 Meeting Schedule appended to this report (Attachment 1).
- 1.2 Although staff attempt to meet the needs of the Council it is inevitable that the schedule will need to be amended from time to time and these amendments will be notified to elected members as they arise.
- 1.3 While the schedule serves to give elected members notice of the upcoming meetings there is still a requirement under the Local Government Official Information and Meetings Act 1987 for the public to be advised on a regular basis of the meetings scheduled for the next month.
- 1.4 The schedule includes the meetings of all Committee and Council meetings so that members can plan ahead; ensure that meeting days are secured and not later taken up by other meetings. Where scheduled meetings are not required cancellations will be advised to members as early as possible.
- 1.5 Officers have developed the draft schedule of meetings for 2022 for consideration taking into account the 2022 meeting frequency, analysis of work programmes and agendas of the Committees, and feedback from the Leadership Management Team with the following noted:
 - The last Council meeting in the 2019-2022 triennium is scheduled for 4 October 2022.
 - Council and Committee meetings are concentrated on Tuesdays and Thursdays, and as a general rule will commence at 1:00pm.
 - Development and adoption of both the draft and final Annual Plan by Council in February and June.
 - Quarterly reporting to the Operations and Monitoring Committee.
 - Annual Report adoption.

2.0 RECOMMENDATIONS - NGĀ TŪTOHUNGA

- A) That Council receives the report titled Schedule of Council Meetings for 2022.
- B) That Council adopt the schedule of meetings for 2022 appended as Attachment 1.

Attachments:

1 ➞	Council Meeting Schedule for 2022	CG-08-1-21-265	Document 3
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Thursday, 28 October 2021

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

Item 11

Te Rārangi Take

Report to Council

Nā:
From: Louise Stettner, Manager, Democracy & Governance Services

Te Take:
Subject: 2021 Meeting Schedule Changes

1.0 Executive Summary – *Te Kappa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to consider amendments to the schedule of Council and Committee Meetings for the 2021 Meetings Calendar which was originally adopted by Council on 15 October 2020.
- 1.2 This report recommends that the 2021 Meeting Schedule as amended below be adopted.
- 1.3 The Local Government Act 2002, Schedule 7, Clause 19 states:
*“A local authority must hold meetings at the times and places that it appoints”.
If a local authority adopts a schedule of meetings-*
 - a) *The schedule-*
 - i) *may cover any future period that the local authority considers appropriate, and*
 - ii) *may be amended*

Although a local authority must hold the ordinary meetings appointed, it is competent for the authority at a meeting to amend the schedule of dates, times and number of meetings to enable the business of the Council to be managed in an effective way.
- 1.4 It is proposed that the meeting schedule be amended as follows:

Joint Waste Futures Project Steering Committee	Postponement	From Wednesday 27 October 2021 to Wednesday 3 November 2021, 9:30am
Joint Waste Futures Project Steering Committee	Cancellation	Friday, 3 December 2021, 1pm
HDC : Tangata Whenua Wastewater Joint Committee	New Meeting	Friday, 26 November 2021, 10.30am

2.0 Recommendations – Ngā Tūtohunga

- A) That Council receive the report titled 2021 Meeting Schedule Changes dated 28 October 2021.
- B) That Council adopt the schedule of meetings for 2021 amended as follows:

Joint Waste Futures Project Steering Committee	Postponement	From Wednesday 27 October 2021 to Wednesday 3 November 2021, 9:30am
Joint Waste Futures Project Steering Committee	Cancellation	Friday, 3 December 2021, 1pm
HDC : Tangata Whenua Wastewater Joint Committee	New Meeting	Friday, 26 November 2021, 10.30am

Attachments:

There are no attachments for this report.

Thursday, 28 October 2021

Item 12

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

Te Rārangi Take

Report to Council

Nā: Bruce Allan, Group Manager: Corporate
From: Bronwyn Bayliss, Group Manager: People and Capability
Craig Thew, Group Manager: Asset Management

Te Take:
Subject: Heretaunga House - background information

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

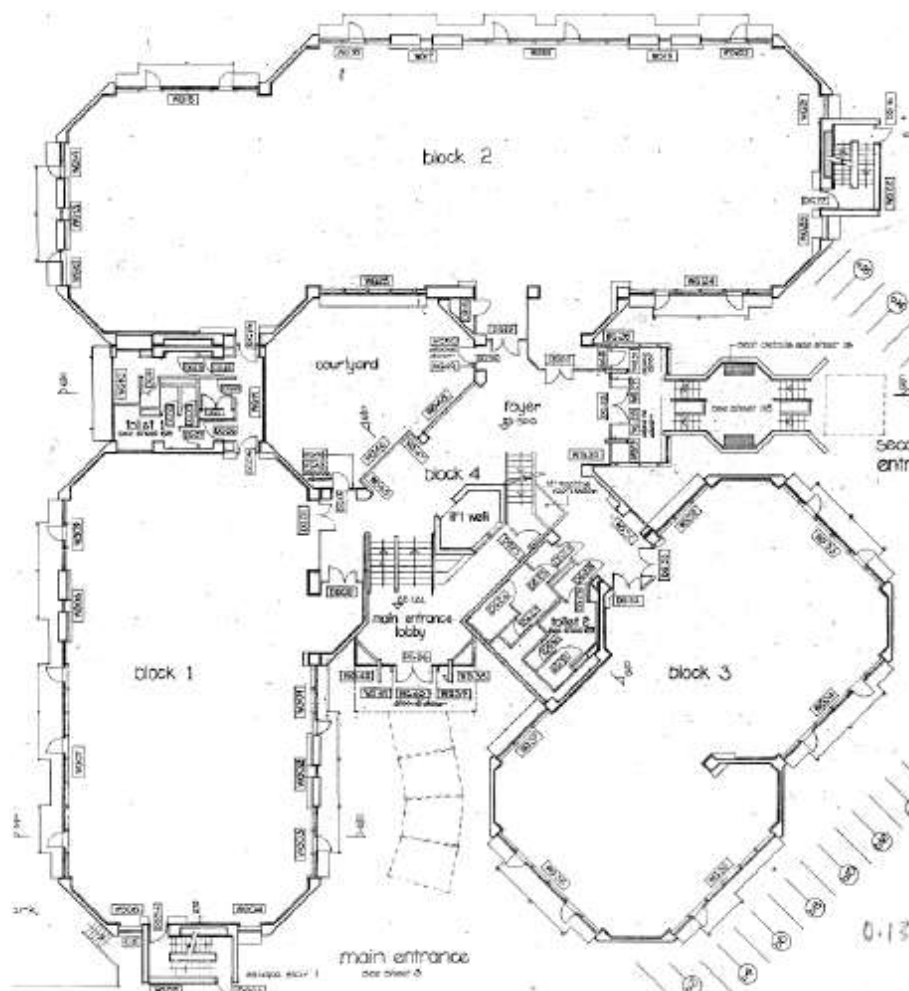
- 1.1 The purpose of this report is to provide Council with the necessary background information to consider the future of Heretaunga House land and buildings which is considered in the Public Excluded section of this agenda. The subsequent report is recommended to be considered in Public Excluded to protect the considerations of council in any future commercial negotiations and any commercial activities that Council may undertake.
- 1.2 Council purchased Heretaunga House in early 2010 as part of a mortgagee sale. The purchase price was \$4.9m, but it was bought in a neglected state. Between 2010 and its 2020 closure a further \$1.2m was spent on the building to lift it to its current state.
- 1.3 In September 2018, Council received a report recommending that Council sell Heretaunga House. It was noted that the building was aging and was entering into that phase of its life where significant ongoing maintenance was required. Council's Long Term Plan had signalled \$1.9m of remedial maintenance on the building over the next few years.
- 1.4 Council resolved at that meeting to not sell Heretaunga House and officers instead engaged Frank Spencer from Logan Stone to provide strategic tenancy management support. At that time there were a number of leases nearing their renewal period and some vacancies had arisen. It was recommended that a Detailed Seismic Assessment (DSA) be undertaken.
- 1.5 After the decision was made by the Council in September 2018 to retain ownership of Heretaunga House, officers worked on a long-term strategic plan for the building which included planned investment of \$1.9m on building upgrades. With Council about to undertake significant upgrades to the building it was deemed prudent to have a DSA undertaken particularly to take into account the learnings following the Christchurch and Kaikoura earthquakes of 2010 and 2015 respectively. Whilst an Initial Evaluation Procedure (IEP)/ Initial Seismic Assessment (ISA) had been undertaken in 2011, which resulted in an assessment of the building as being 97% of the building code, such an assessment provides only a broad indication of the likely level of seismic performance of a building,

rather than what a DSA provides, which is much more comprehensive. It was also becoming increasingly common for tenants to want more information about the structural integrity of the building they were to occupy, and this, along with the fact that the Christchurch and Kaikoura earthquakes had expanded the knowledge in this area, meant that an IEP from 2011 was no longer sufficient.

- 1.6 WSP was therefore commissioned to undertake the work and in June 2020 Council received a detailed seismic assessment report from WSP on the strengthening of Heretaunga House.
- 1.7 A building rating less than 67%NBS (New Building Standard) is considered as an Earthquake Risk Building.
- 1.8 WSP report into Blocks 2 and 4 was received in June 2020 with the weakest point of Block 2 being assessed as having a seismic score of <34%.

Structural Element	Critical Issues/Remarks	Seismic Score
Block 2		
Concrete walls	Sufficient capacity	100%NBS
Diaphragm capacity (NW-SE direction)	Insufficient tensile capacity (Levels 1 and 2)	<34%NBS
Connection capacity between diaphragm and the lateral resisting system (concrete walls)	Insufficient connection capacity between the diaphragm and the northeast coupled shear wall governs	34%NBS
Double Tee pre-cast flooring seating	Adequate seating (150m)	100%NBS
Block 4		
Concrete walls	Sufficient capacity	100%NBS
Diaphragm capacity	Insufficient tensile capacity. Level 2 diaphragm governs.	60%NBS
Connection capacity between diaphragm and the lateral resisting system (concrete walls)	Sufficient capacity	100%NBS
Building Complex		
Overall rating	Governed by Block 2's concrete diaphragm capacity (Level 2)	<34%NBS

	Percentage of New Building Standard (%NBS)	Approx. risk relative to a new building	Life-safety risk description
Block 2	<34%NBS	10-25 times greater	High risk
Block 4	60%NBS	5-10 times greater	Medium risk
Building complex	<34%NBS	10-25 times greater	High risk



- 1.9 Following receipt of the WSP DSA report, Spencer Holmes was engaged to peer review WSP's work. The purpose of the peer review was to verify the WSP DSA was completed using appropriate, industry accepted processes and that the resulting rating for the building, expressed as %NBS was accurate. Spencer Holmes considered the lateral load capacity of Blocks 1, 2 and 3 of Heretaunga House and provided a more precise assessment to be 15% of NBS.
- 1.10 Following receipt of the peer review on 26 June 2020, the Chief Executive made the decision for HDC to vacate the building and the tenancies were advised. The only tenant to have remained is Glenn Cook Technologies while they await new premises to be constructed which is expected in April 2022.
- 1.11 The Building Intelligence Group (TBIG) was then engaged to undertake due diligence on the scope and cost to bring Heretaunga House up to a standard that would provide a long term civic administration accommodation solution for staff as well as providing lettable office space. The following consultants were engaged to inform this due diligence:
- Spencer Holmes – Structural Engineers – Preliminary Strengthening Scheme
 - Quintons – Chartered Surveyors – Building Survey Defect Report
 - Rider Levett Bucknall (RLB) – Quantity Surveyors – Strengthening and Remediation Cost Estimate Report.
- 1.12 In assessing the remedial work required to be undertaken, TBIG took the approach that given the nature of the issues identified as part of the building survey and investigations, and the need to improve the seismic performance of the building, it was envisaged that in order to bring the buildings to a standard suitable for the Council's requirements as a long-term accommodation option that significant redevelopment would be required. It was anticipated that much of the built elements would need to be stripped out and back to the structure to complete the seismic strengthening works, so when rebuilt, they could be re-built to modern building standards.

1.13 The table below summarises the two scopes of works identified by TBIG:

Base Scope	Enhanced Scope
Seismic strengthening to 67%	Seismic strengthening to 67%
Natural ventilation and re-instatement of existing split HVAC systems	Centralised HVAC plant and distribution
Compliance upgrades as necessary	Compliance upgrades as necessary
Interior re-instatement to base-build level (carpet, ceilings tiles, lighting, external walls, etc.)	Interior re-instatement to base-build level (carpet, ceilings tiles, lighting, external walls, etc.)
Repair/localised replacement of Brise Soleil	Remove existing Brise Soleil and façade elements, enclose balconies, replace aluminium windows and doors.
Construction of new toilet blocks (required as a consequence of strengthening works)	Construction of new toilet blocks (required as a consequence of strengthening works)
Roof membrane renewal and addition of safety handrails	Roof membrane renewal and addition of safety handrails

1.14 The costs for the base scope and the enhanced scope have been estimated by RLB and are summarised below.

Item	'Base' Scope	'Enhanced' Scope
Strengthening works	1,324,000	1,324,000
Exterior works	1,801,000	4,381,000
Interior works	5,848,000	7,628,000
P&G and margin	1,967,000	2,930,000
Design contingency and escalation allowance	1,825,000	2,696,000
Forecast Construction Contract Award Value	12,765,000	18,959,000
Allowance for fees, insurance and construction contingency	3,730,000	5,501,000
Total estimate cost (excl. GST)	16,495,000	24,460,000
Exclusions: GST, Development Contributions, escalation beyond 2022, Tenancy Fitout costs, MSB replacement		

1.15 TBIG made the following conclusion in their due diligence report:

"The preliminary seismic design and building survey report shows that it is possible to strengthen the building to an acceptable level and retain or enhance the interior and exterior to the point where HDC could partially re-occupy and the remainder of the building could be leased to other tenants.

However, the cost to achieve this is significant. While the strengthening scheme itself is relatively straightforward, it is also very invasive and therefore there are significant consequential costs from the strengthening works to demolish the existing interior fit-out and services and replace them. Additionally, there are consequential costs from the strengthening scope to deal with existing hazardous materials and compliance issues.

While the building is in reasonable condition for one that is forty years old, there are inevitably works required to make it suitable to re-occupy such as the roof replacement. There is also opportunity to modernise the building further (as reflected in the "enhanced" scope) but this also attracts significant cost, and the building would still not be at the standard of a new equivalent.

The costs as they stand therefore lead us to recommend that before HDC commits to a strengthening scheme, they consider other options.

While an analysis of options is beyond the scope of this report, these options may include the following:

- 1. Demolition and re-build*
- 2. Sale*
- 3. Sale and lease back*

When considering these options, we think it is important that HDC consider the following:

- 1. What strategic importance does HDC place on owning the premises where it accommodates staff?*
- 2. How much space does HDC need now and in the future?*
- 3. Does HDC want to be a landlord or not?*
- 4. What is the strategic importance of the Heretaunga House site in relation to the Civic Precinct and how may it fit into future Civic Precinct development plans?"*

1.16 Given the magnitude of the estimated remedial works, Officers considered it prudent to get the due diligence work undertaken by TBIG and their consultants peer reviewed. That peer review was undertaken by GHD Woodhead and received by Council just prior to the August 2021 Covid-19 lockdown. GHD Woodhead were recommended as suitably qualified experts in this field.

1.17 GHD Woodhead have separated their conclusions in the peer review into two categories:

Conclusions on non-structural issues

1.17.1 GHD Woodhead have concluded that in their opinion the works and suggestions tabled in the TBIG Due Diligence Report are fair, reasonable and in line with current typical practice.

1.17.2 GHD Woodhead has also endorsed the alternative options provided by TBIG, to be reviewed prior to a commitment to this project. They agreed that the following options exist and should be examined by HDC:

- Evaluation of other greenfield sites for new building
- Demolition of the existing building on the current site and rebuild
- Sale and lease back

Conclusions on Structural issues

1.17.3 GHD Woodhead agreed that the structures are likely to be earthquake prone and that the remedial work would also require substantial stripping out and remedial work to the building fabric. They also noted that there may be extra costs above what had been estimated by TBIG due diligence with potential additional floor strengthening as well as foundations and walls.

1.18 Heretaunga House has a current book value of \$1.2m (the market value may be significantly more) which is just the land value with the building value being impaired as part of the 2020 year-end financial statements. Heretaunga House also has \$3.2m of debt associated to it following its debt funded purchase in 2010 for \$4.9m.

1.19 Both the TBIG Due Diligence report and the subsequent peer review by GHD Woodhead have identified some considerations for Council. This section of the report will examine those considerations.

What strategic importance does HDC place on owning the premises where it accommodates staff?

1.20 The main Central Administration Building (CAB) currently accommodates approximately 235 staff with Asset Management, Planning and Regulatory, Marketing and Communications, Records, Democracy, the office of the Chief Executive and Mayor and the Customer Services teams.

1.21 Council currently has approximately 1,200m² of office space leased with the Warren Street and Hastings Street premises with staff across the People and Capability, Community Wellbeing and Services, Corporate, and Strategy and Development Groups. Approximately 100 staff are located in these leased offices.

- 1.22 Heretaunga House was therefore the building that accommodated Council's overflow from the main CAB building and due to the other tenancies in that building enabled Council to flex and alter its requirements based on its needs.
- 1.23 The strategic importance of owning this overflow building requirement has been assessed as low. Council could equally lease this office space requirement and flex to its needs when required, subject to space being available.

How much space does HDC need now and in the future?

- 1.24 Local Government is currently in a high state of potential change with possible future impacts on its staffing requirements due to 3 Waters reform, reform of the Resource Management Act and the Future of Local Government Review, all having a potential impact on staffing levels and office accommodation requirements. Council currently leases 1,200m² of office space and at this time is a good proxy for office space requirements in the future.

Does HDC want to be a landlord or not?

- 1.25 The land (3,220m²) that Heretaunga House occupies could be considered strategic for Council for future land development opportunities or additions to the overall Civic precinct for opportunities not yet envisaged.

- 1.26 Council does not however necessarily need to be the owner of its overflow office space and if a commercial developer was prepared to develop this site and achieve the outcomes that Council is wanting to achieve, then that is an option that should be considered by Council.

What is the strategic importance of the Heretaunga House site in relation to the Civic Precinct and how may it fit into future Civic Precinct development plans?

- 1.27 The Heretaunga House site is strategically located across the road from the main Civic Building and adjacent to the City's Civic Square which contains the main District Library and the Art Gallery. It is an important location in that it forms part of a wider Civic Precinct which includes the CAB Building and Civic Square. Future uses are varied and could include the creation of a local and regional government hub for the wider Hawke's Bay region.
- 1.28 The considerations of options for Council will be considered in the Public Excluded agenda.

2.0 Recommendations - Ngā Tūtohunga

That the Council receive the report titled Heretaunga House - background information dated 28 October 2021.

Attachments:

There are no attachments for this report.

HASTINGS DISTRICT COUNCIL

COUNCIL MEETING

THURSDAY, 28 OCTOBER 2021

Item 15

RECOMMENDATION TO EXCLUDE THE PUBLIC

SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

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

16 Heretaunga House

17 Municipal Building Tenancies

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

<i>GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED</i>	<i>REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER, AND PARTICULAR INTERESTS PROTECTED</i>	<i>GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF EACH RESOLUTION</i>
16 Heretaunga House	Section 7 (2) (h) The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities. Section 7 (2) (i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). To protect Council's future position to negotiate commercial terms with potential development companies.	Section 48(1)(a)(i) Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.

17 Municipal Building Tenancies

Section 7 (2) (h)

The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.

Section 7 (2) (i)

The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). To protect the commercial negotiations and Council position and to protect the commercial arrangements of the prospective tenant.

Section 48(1)(a)(i)

Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.