
Thursday, 28 October 2021

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

Ngā Minitī

Minutes

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

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

Time start - end **1.00pm – 3.47pm**

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Kua Tae ā-tinana: **Chair - Tiamana:** Mayor Sandra Hazlehurst
Present: **Councillors - Ngā KaiKaunihera:** Councillors Bayden Barber, Alwyn Corban, Malcolm Dixon, Damon Harvey, Tania Kerr (Deputy Chair), Eileen Lawson, Simon Nixon, Henare O'Keefe, Ann Redstone, Wendy Schollum, Sophie Siers, Geraldine Travers and Kevin Watkins

Kua Tatū:
In attendance: Chief Executive - Nigel Bickle
Group Manager: Asset Management - Craig Thew
Group Manager: Planning & Regulatory Services - John O'Shaughnessy
Group Manager: Strategy & Development – Craig Cameron
Group Manager: People & Capability - Bronwyn Bayliss
Group Manager: Corporate - Bruce Allan
Group Manager: Community Wellbeing & Services – Rebekah Dinwoodie
Group Manager: Marketing & Communications – Naomi Fergusson
Project Manager – Dean Ferguson (Item 13)
Manager – Aquatics – Tom Page (Item 13)
Public Spaces and Building Assets Manager – Colin Hosford (Item 8)
Financial Controller – Aaron Wilson (Item 6)
Public Spaces Planning Manager – Rachel Stuart (Item 7)
Manager – Arts & Culture – Megan Peacock-Coyle (Item 17)
Manager: Democracy & Governance Services – Louise Stettner
General Counsel – Scott Smith
Pou Ahurea Matua: Principal Advisor: Relationships, Responsiveness & Heritage - Dr James Graham
Senior Advisor: Democracy & Governance Services – Vicki Rusbatch

Kei Konei:
Also present: Splash Planet Manager – Peran Hutchings (Item 13)
Assistant Manager Splash Planet – Cath Marshall (Item 13)
Health & Safety Manager – Jennie Kuzman (Item 13)
Health & Safety Partner – Nikola Bass (Item 13)
Don Buchanan (Item 8)

1. **OPENING PRAYER - KARAKIA**

The opening karakia was given by Councillor Barber.

2. **APOLOGIES & LEAVE OF ABSENCE - NGĀ WHAKAPĀHATANGA ME TE WEHENGĀ Ā-HUI**

Mayor Hazlehurst/Councillor Dixon

That an apology for absence from Councillor Oli be accepted; and a request from Councillor Kerr for leave for early departure from the Strategy & Policy Committee meeting on 2 November 2021 be accepted.

CARRIED

3. **CONFLICTS OF INTEREST - HE NGĀKAU KŌNATUNATU**

It was noted that any conflicts of interest would be declared by members at the appropriate time.

4. **CONFIRMATION OF MINUTES - TE WHAKAMANA I NGĀ MINITI**

There were no minutes to confirm.

13. **SPLASH PLANET - ALERT LEVEL 2**

(Documents 21/563 & CG-16-2-00871)

The Extraordinary Council Meeting held on 21 October 2021 had resolved as follows: "That the report titled Splash Planet – Alert Level 2 dated 21 October 2021 be left to lie on the table and be uplifted and addressed at the Council Meeting on Thursday 28 October 2021."

Mayor Hazlehurst/Councillor Kerr

That the report Splash Planet – Alert Level 2 dated 21 October 2021 now be uplifted from the table.

CARRIED

The purpose of the report was to obtain a decision from Council around whether to open Splash Planet under Alert Level 2 or to cease recruitment and do not open for the 2021/22 season.

Since the Extraordinary Council Meeting on 21 October, the Council had met with the HBDHB Chief Executive and the Medical Officer of Health to understand the health risks of reopening Splash Planet and to understand the roll out of vaccination coverage throughout the district.

The Chief Executive, Nigel Bickle spoke of the uncertainties and risks to be considered by Council. It would cost up to \$1m to open and run Splash Planet. Public health considerations were still uncertain as to Covid mandates, vaccination passports. Last year 40% of visitors to Splash Planet were under the age of 12, and none of that age group would be vaccinated before Christmas.

Project Manager, Dean Ferguson, and Manager – Aquatics – Tom Page, responded to questions from the meeting.

Councillor Lawson/Councillor Watkins

- A) That Council receive the report titled “Splash Planet – Alert Level 2 dated 21 October 2021.
- B) That Council directs the Chief Executive to not open Splash Planet for the 2021/ 22 season and to cease recruitment.
- C) That the Chief Executive reports back on management and expenditure for Splash Planet while it is closed; and
- D) Investigates opportunities for enhancement of Splash Planet by utilising the closed season.

CARRIED
(Unanimous)

With the agreement of the meeting, agenda item 8. was taken out of order.

8. **REQUEST FOR LICENCE TO OCCUPY OKAWA STREAM RESERVE AND SHANLEY ROAD - THE LILLY LOWRY FAMILY TRUST, BRIDGET LOWRY FAMILY TRUST AND THE PUKEHAMOAMOA WHARE TRUST**

(Documents 21/528 & 59861#0010)

The Mayor acknowledged the presence of Mr Don Buchanan.

Public Spaces and Building Assets Manager, Colin Hosford, presented the report and responded to questions from the meeting.

Following discussion and questions, part E) was added to the Motion.

Councillor Kerr/Councillor Nixon

- A) That the Council Meeting 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.
- E) Council notes officers will have engagement with Rūnunga Marae and Heretaunga Tamatea Settlement Trust on this matter.

CARRIED

5. PETITION - FENWICK STREET

(Document 21/489)

The Mayor updated the meeting on communication.

Councillor Watkins/Councillor Kerr

- A) That the report of the Manager, Democracy & Governance Services titled "Petition - Fenwick Street" be received.
- 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.

CARRIED

6. ADOPTION OF THE ANNUAL REPORT AND SUMMARY 2020/21

(Documents 21/527; CG-16-2-00874 & CG-16-2-00875)

Chief Executive, Nigel Bickle, introduced the item. This Annual Report brought conclusion to the 2018-21 Long Term Plan.

The Mayor had spoken to the auditors, and she congratulated the Council's finance team. The Mayor referred to the main highlights of the year, including the work delivered by the Infrastructure Team, in particular Three Waters and delivery of the Safe Drinking Water Strategy; and the work done by the housing team.

Financial Controller, Aaron Wilson advised that the Auditor had contacted him just prior to the Council Meeting. Full clearance was provided by Karen Young of Audit NZ along with the Audit Opinion and Representation letters via email at 12.49pm 28/10/2021.

Recent changes required to the Annual Report related to a second qualification (non-financial) on the water measures and that related to being able to report reliable water loss percentage. They need to know the confidence level of what they are reporting is actually a true water loss amount - Audit are saying at this point they cannot reliably measure water loss. Last year's qualification in relation to the recording of customer service and categorisation of water complaints was continued. Council has made some improvements as noted in the report but there is more work ongoing. Audit also

required the addition of a “subsequent events” note around the 3Waters and the fact that central government is now legislating. We have followed the guidance of Audit in terms of the statement on what is likely to happen from 1 July 2024.

Mr Allan thanked the Finance Team for getting the Annual Report over the line. He had spoken with the Chair of the Risk and Assurance Committee, Mr Nichols, the previous evening – his position was that given, the late stage of this, whilst it the water loss measure had been in place for a number of years, the issue around it had not changed. Their inability to verify the numbers was not something new, but was something that Audit had chosen to highlight this year. It would require capital investment in water meters going forward to remedy that and would be included in the annual plan process.

Mr Thew advised that the Eco District Subcommittee had recently discussed the issue of water loss percentage. Last year the confidence interval was worse than previous years. He explained the measures currently used to ascertain water loss. An increase in water meter sampling would bring confidence level up and will help target and understand water usage.

Councillor Corban left the meeting briefly and returned at 2.25pm.

A video summarising the year’s highlights and achievements for the Council and district was presented to the meeting.

Mayor Hazlehurst/Councillor Dixon

- A) That Council receives the report titled Adoption of the Annual Report and Summary 2020/21 dated 28 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.

CARRIED

7. REQUEST BY CORNWALL PARK PLAYCENTRE TO LEASE PART OF ST LEONARDS PARK FOR PLAYCENTRE

(Documents 21/522; CFM-17-8-8-21-177 & CFM-17-8-8-21-176)

Public Spaces Planning Manager, Rachel Stuart, presented the report and responded to questions from the meeting relating to the previous proposed location of the Playcentre (Duke Street Reserve) and new proposed location of St Leonards Park.

General Counsel, Scott Smith, also responded to questions from the meeting.

Councillor Travers reported that she and Councillor Watkins attended a consultation meeting in the Duke Street Reserve attended by most of the residents surrounding the Park. Councillor Travers outlined the reasons why the residents did not support the playcentre being sited on that reserve.

Councillor Travers/Councillor Dixon

- 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.

CARRIED

9. APPOINTMENT OF ELECTORAL OFFICER

(Document 21/486)

Mayor Hazlehurst/Councillor Lawson

- 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.

CARRIED

10. SCHEDULE OF COUNCIL MEETINGS FOR 2022

(Documents 21/526 & CG-08-1-21-265)

Councillor Nixon/Councillor Redstone

- A) That Council receives the report titled Schedule of Council Meetings for 2022 dated 28 October 2021.
- B) That Council adopt the schedule of meetings for 2022 appended as Attachment 1 (CG-08-1-21-265).

CARRIED

11. 2021 MEETING SCHEDULE CHANGES

(Document 21/564)

Councillor Watkins/Councillor Lawson

- 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

CARRIED

12. HERETAUNGA HOUSE - BACKGROUND INFORMATION

(Document 21/576)

The Mayor advised that it was now proposed to take both the Heretaunga House – Background Information and the Heretaunga House items together in open session. A new Open Agenda Item 16 report (Document ref 21/581) had been circulated at the meeting.

Mayor Hazlehurst/Councillor Siers

That Council accept the new Open Report titled “Heretaunga House” for discussion in the public part of the meeting.

CARRIED

*The meeting adjourned for afternoon tea at 2.45pm
And reconvened at 3.10pm*

16 HERETAUNGA HOUSE

(Document 21/581)

Group Manager: Corporate, Bruce Allan presented the reports and he and Chief Executive, Nigel Bickle responded to questions from the meeting.

In response to comments from the meeting, recommendation E) was amended.

Councillor Dixon/Councillor Nixon

- A) That Council receive the reports titled Heretaunga House - Background Information and Heretaunga House dated 28 October 2021.
- B) That the Council approve the deconstruction of Heretaunga House and instruct officers to issue a Request for Proposal from suitably qualified and experienced demolition contractors for this work.
- C) Council notes the importance of undertaking this work in a sustainable way with as much as possible of the building to be repurposed and recycled.
- D) That Council approves up to \$1.3m of unbudgeted loan funding to enable Heretaunga House to be deconstructed and a temporary car park to be constructed.
- E) Council instructs the Chief Executive to engage urban design expertise to inform a hierarchy of opportunities for future developments on this site and for officers to report back to Council by the end of the first quarter of 2022 on future development options.
- F) That Council notes that the Chief Executive will allocate up to \$50,000 from the contingency reserve to fund the option development including urban design expertise.

CARRIED

14. MINOR ITEMS - NGĀ TAKE ITI & URGENT ITEMS - NGĀ TAKE WHAKAHIHIRI

There were no additional or extraordinary business items.

15. RECOMMENDATION TO EXCLUDE THE PUBLIC FROM ITEM 17

SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

Mayor Hazlehurst/Councillor Kerr

THAT the public now be excluded from the following parts of the meeting, namely;

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>
17 Municipal Building Tenancies	<p>Section 7 (2) (h)</p> <p>The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p> <p>Section 7 (2) (i)</p> <p>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).</p> <p>To protect the commercial negotiations and Council position and to protect the commercial arrangements of the prospective tenant.</p>	<p>Section 48(1)(a)(i)</p> <p>Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.</p>

CARRIED

The meeting closed at 3.47pm

Confirmed:

Chairman:

Date: