
Thursday, 15 December 2022

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

Ngā Minitī

Minutes

Te Rā Hui:
Meeting date: **Thursday, 15 December 2022**

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

Time start - end **1.00pm – 3.20pm**

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Kua Tae ā-tinana: **Chair - Tiamana:** Mayor Sandra Hazlehurst
Present: **Councillors - Ngā KaiKaunihera:** Councillors Ana Apatu, Marcus Buddo, Alwyn Corban, Malcolm Dixon, Michael Fowler, Damon Harvey, Henry Heke, Kellie Jessup, Tania Kerr, Eileen Lawson, Simon Nixon, Wendy Schollum, and Kevin Watkins

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: Corporate - Bruce Allan
Group Manager: Community Wellbeing & Services – Rebekah Dinwoodie
Group Manager: Marketing & Communications – Naomi Fergusson
Pou Ahurea Matua: Principal Advisor Relationships, Responsiveness and Heritage - Dr James Graham

Kua Tatū:
In attendance: Public Spaces Policy Planner – Alex Mabin
Transportation Policy & Planning Manager – Bruce Conaghan
3 Waters Project Engineer – Jeff Landsberg
Project Manager – Richard Hooper
Director: Future Growth Unit - Ross McLeod
Associate Group Manager: Strategy & Development – Raoul Oosterkamp
Strategic Project Manager – Sophie Elliott
Project Manager: Strategy Growth & Development – Ashley Humphrey
Manager: Democracy & Governance Services – Louise Stettner
Democracy & Governance Services Advisor – Lynne Cox
Democracy & Governance Services Advisor – Caitlyn Dine

Kei Konei:
Also present: Ian Bates, Consultant NZ Infrastructure (item 19)

1. **OPENING PRAYER - KARAKIA**

The opening prayer was given by Paul Davison from Hastings Baptist Church.

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

Mayor Hazlehurst/Councillor Apatu

That apologies for absence from Councillor Nepe and Councillor Redstone be accepted.

CARRIED

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

Members were asked to declare any conflicts of interest at the appropriate time.

Councillor Lawson declared a conflict of interest in relation to item 18 and left the room for this item.

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

Councillor Watkins/Councillor Dixon

That the minutes of the Council Meeting held Tuesday 29 November 2022 be confirmed as an accurate record.

CARRIED

Mayor Sandra Hazlehurst showed a video showcasing highlights from 2022. (CG-17-1-00087)

5. **ADOPTION OF FRIMLEY PARK RESERVE MANAGEMENT PLAN**

(Document ref 22/474; Attachments ref CG-17-1-00066, CG-17-1-00075)

Public Spaces Policy Planner, Alex Mabin, spoke to the report and responded to questions from the meeting.

Councillor Nixon/Councillor Dixon

- A) That Council receive the report titled Adoption of Frimley Park Reserve Management Plan dated 15 December 2022.
- B) That Council adopt the Frimley Park Reserve Management Plan as amended by determinations made on submissions at the hearing on 29 November 2022 and attached in **Attachment 1** (CG-17-1-00066).
- C) That Council consider the inclusion of funding for the proposed new capital works included in the Frimley Park Reserve Management Plan (Action Plan) as part of the 2024-34 Council Long Term Plan deliberations.

CARRIED

Attachments

- 1 Frimley Park Reserve Management Plan for Adoption at Council Meeting

6. STOPPING OF ROAD (ALLEYWAY) BETWEEN FREDERICK STREET WEST AND MANUKA STREET

(Document ref 22/479)

Transportation Policy and Planning Manager, Bruce Conaghan, spoke to the report and responded to questions from the meeting.

Councillor Watkins/Councillor Kerr

- A) That Council receive the report titled Stopping of Road (Alleyway) between Frederick Street West and Manuka Street dated 15 December 2022.
- B) That the Council resolve to stop the road (alleyway) between Frederick Street West and Manuka Street defined as Lot 50 DP 9976.
- C) That the Chief Executive is delegated authority to complete the procedures stipulated in Schedule 10, section 319, Local Government Act 1974 as well as to dissolve and amalgamate the stopped Frederick Street West to Manuka Street to adjoining properties.

CARRIED

7. HAWKE'S BAY MUSEUM RESEARCH AND ARCHIVES CENTRE PROJECT UPDATE

(Document ref 22/436)

Group Manager: Corporate, Bruce Allan and Project Manager, Richard Hooper, spoke to the report, showed a video presentation (CG-17-1-00088) and responded to questions from the meeting.

Councillor Schollum/Councillor Dixon

- A) That Council receives the report titled Hawke's Bay Museum Research and Archives Centre Project Update dated 15 December 2022.
- B) That the Council approves to underwrite a half share of the total of any construction cost overruns that are in excess of the budgeted funding from Napier City and Hastings District Councils and the external funding received.
- C) That B) above is subject to Napier City Council approving its half share of any construction cost overruns that are in excess of the budgeted funding from Napier City and Hastings District Councils and the external funding received.
- D) That on the premise of the above recommendations 'B)' and 'C)' being resolved, that Council resolve to not approaching the Ministry for Culture & Heritage's, Regional Culture & Heritage Fund for any further contribution to this particular project in the future.

CARRIED

8. NAPIER-HASTINGS FUTURE DEVELOPMENT STRATEGY JOINT COMMITTEE

(Document ref 22/487; Attachment ref CG-17-1-00059)

Director: Future Growth Unit, Ross McLeod, spoke to the report and responded to questions from the meeting.

Councillor Dixon/Councillor Watkins

- A) That Council receive the report titled Napier-Hastings Future Development Strategy Joint Committee dated 15 December 2022
- B) That Council agrees to appoint, on the basis set out in the amended Terms of Reference attached as **Attachment 1** the Napier-Hastings Future Development Strategy Joint Committee, being a Joint Committee established under Clause 30 of the Local Government Act 2002 with the Hawke's Bay Regional Council and the Napier City Council.
- C) That, subject to the agreement of the Hawke's Bay Regional Council and the Napier City Council to the appointment of the Napier-Hastings Future Development Strategy Joint Committee, the Council:
- i. appoints the Napier-Hastings Future Development Strategy Joint Committee, being a Joint Committee established under Clause 30 of Schedule 7 of the Local Government Act 2002 with the Hawke's Bay Regional Council and the Napier City Council,
 - ii. approves the Terms of Reference for the Napier-Hastings Future Development Strategy Joint Committee attached as **Attachment 1** amended as follows:
 - Add a new clause 4.3 (with consequent renumbering amendments to other clauses) which reads *"The Partner Councils agree that out of the six representatives that they between them appoint to the Joint Committee, at least one of those representatives shall be a full member of the Hawke's Bay Regional Transport Committee."*
 - Swap the order of sub-clauses 1 and 2 in clause 5.1.
 - Amend clauses 8.2 and 8.3 to read as follows:

*"8.2 Each Mana Whenua representative to the Joint Committee shall be entitled to a meeting fee of \$439 per meeting to be funded in equal one third shares by the Partner Councils. This fee is based on the policy on External Appointments to Committees and Subcommittees of the initial Administering Authority for the Joint Committee (the Hastings District Council) and the extant Remuneration Authority Determination for Local Government Members. The fee will be reviewed **and adjusted** based on reviews of the Determination carried out by the Remuneration Authority and of the policy carried out by the Administering Authority.*

8.3 Should the Joint Committee determine to hold workshops, each Mana Whenua representative to the Joint Committee shall be entitled to a payment of \$93 per hour for time spent attending workshops, to be funded in equal one third shares by the Partner Councils. This payment is based on the policy on External Appointments to Committees and Subcommittees of the initial Administering Authority for the Joint Committee (the Hastings District Council)

*and the extant Remuneration Authority Determination for Local Government Members. The fee will be reviewed **and adjusted** based on reviews of the Determination carried out by the Remuneration Authority and of the policy carried out by the Administering Authority.”*

noting that the Terms of Reference is an agreement between the Hastings District Council, the Hawke’s Bay Regional Council and the Napier City Council as required under Clause 30A of Schedule 7 of the Local Government Act 2002,

- iii. appoints Mayor Sandra Hazlehurst and Deputy Mayor Tania Kerr as its representatives on the Napier-Hastings Future Development Strategy Joint Committee,
 - iv. appoints Councillor Corban as its alternate representative on the Napier-Hastings Future Development Strategy Joint Committee,
 - v. delegates authority to and invites, in conjunction with the Hawke’s Bay Regional Council and the Napier City Council, the Heretaunga Tamatea Settlement Trust, Mana Ahuriri Trust and Maungaharuru-Tangitū Trust to appoint Mana Whenua Representatives to the Napier-Hastings Future Development Strategy Joint Committee as provided for in the Terms of Reference, and notes that these appointments will take effect once they have been notified to the Chief Executive of the Administering Authority.
- D) That Council authorises the Chief Executive to give effect to resolution C) above following receipt of advice from the Hawke’s Bay Regional Council and the Napier City Council that they have each agreed to appoint the Napier-Hastings Future Development Strategy Joint Committee.

CARRIED

Attachments

- 1 FDS Joint Committee Terms of Reference Amended following Council approvals 16 December 2022

9. REQUESTS RECEIVED UNDER THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 (LGOIMA) UPDATE

(Document ref 22/485; Attachment ref IRB-2-01-22-3031)

Councillor Kerr/Councillor Buddo

- A) That Council receive the report titled Requests Received under the Local Government Official Information and Meetings Act 1987 (LGOIMA) Update dated 15 December 2022.
- B) That the LGOIMA requests received from 22 June to 2 December 2022, as set out in **Attachment 1** (IRB-2-01-22-3031) of the report be noted.

CARRIED

10. MINOR ITEMS - NGĀ TAKE ITI

There were no additional business items.

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11. URGENT ITEMS - NGĀ TAKE WHAKAHIHIRI

Recommendation to hold an Extraordinary Council Meeting

This item could not be delayed as there were no further Council Meetings scheduled before the end of the year and the matter was urgent.

It was proposed that this Extraordinary Council Meeting agenda item be discussed in public excluded session.

Mayor Hazlehurst/Councillor Heke

That Council agree to hold an Extraordinary Council Meeting on Tuesday 20 December at 1pm in the Council Chamber. The general nature of business to be considered at this meeting will be strategic commercial negotiations.

CARRIED

12 RECOMMENDATION TO EXCLUDE THE PUBLIC FROM ITEMS 13, 14, 15, 16, 17, 18, 19, 20 AND 21

SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

Councillor Lawson/Councillor Apatu

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

- 13 Hawke's Bay Airport Limited - Appointment of Director**
- 14 Approval to Award Wastewater Inland Trunk Renewal Term Contract**
- 15 Heretaunga House Deconstruction**
- 16 Heretaunga House Future Development Options**
- 17 Property Acquisition**
- 18 Iona Development Update**
- 19 Compulsory Land Acquisitions**
- 20 Flaxmere Development Sites - Update**
- 21 Strategic Land Matters - Flaxmere**

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

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER, AND PARTICULAR INTERESTS PROTECTED	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF EACH RESOLUTION
13 Hawke's Bay Airport Limited - Appointment of Director	<p>Section 7 (2) (a)</p> <p>The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</p> <p>To protect the privacy of individuals.</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>
14 Approval to Award Wastewater Inland Trunk Renewal Term Contract	<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>Contract is yet to be awarded.</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>
15 Heretaunga House Deconstruction	<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 allow Council the ability to negotiate terms with the successful tenderer without compromising Council's position on price and other material terms.</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>
16 Heretaunga House Future Development Options	<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 sensitivities of the Request for Proposal process and maintain the integrity of the process.</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>
17 Property Acquisition	<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</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</p>

		disadvantage, negotiations (including commercial and industrial negotiations).	Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.
		To provide Council with the conclude negotiations.	
18	Iona Development Update	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). Ongoing third party negotiations.	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.
19	Compulsory Land Acquisitions	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). Ongoing Confidential Negotiations.	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.
20	Flaxmere Development Sites - Update	Section 7 (2) (b) (i) The withholding of the information is necessary to protect information where the making available of the information would disclose a trade secret. Section 7 (2) (b) (ii) The withholding of the information is necessary to protect information where the making available of the information would be likely to unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information. 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 ensure probity and fairness is maintained throughout the land divestment process and submitters commercial and IP interests are protected..	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.
21	Strategic Land Matters - Flaxmere	Section 7 (2) (b) (ii) The withholding of the information is necessary to protect information where the making available of the information would be likely to unreasonably prejudice the commercial position of	Section 48(1)(a)(i) Where the Local Authority is named or specified in the First Schedule to this Act under

the person who supplied or who is the subject of the information.

Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.

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 enable third party commercial negotiations to take place..

CARRIED

The meeting closed at 3.20pm

Confirmed:

Chairman:

Date: