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Thursday, 30 March 2023

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

## *Kaupapataka*

# Agenda

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*Te Rā Hui:*  
Meeting date: **Thursday, 30 March 2023**

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*Te Wā:*  
Time: **1.00pm**

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

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

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

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streamed live on our website  
[www.hastingsdc.govt.nz](http://www.hastingsdc.govt.nz)**



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Thursday, 30 March 2023

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

**Hastings District Council**

**Council Meeting**

*Kaupapataka*

# Agenda

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*Tiamana*

**Chair:** Mayor Sandra Hazlehurst

*Mematanga:*

**Membership:**

*Ngā KaiKaunihera*

**Councillors:** Ana Apatu, Marcus Buddo, Alwyn Corban, Malcolm Dixon, Michael Fowler, Damon Harvey, Henry Heke, Kellie Jessup, Tania Kerr (Deputy Mayor), Eileen Lawson, Renata Nepe, Simon Nixon, Ann Redstone, Wendy Schollum and Kevin Watkins

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*Tokamatua:*

**Quorum:**

8 members

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*Apiha Matua*

**Officer Responsible:**

Chief Executive – Nigel Bickle

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*Te Rōpū Manapori me te  
Kāwanatanga*

**Democracy and**

**Governance Services:**

Louise Stettner (Extn 5543)



## *Te Rārangi Take*

# Order of Business

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### 1.0 Opening Prayer – *Karakia Whakatūwheratanga*

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

An apology from Councillor Buddo has been received.

Leave of Absence had previously been granted to Councillor Fowler

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

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

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

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

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

Minutes of the Council Meeting held Thursday 2 March 2023.  
*(Previously circulated)*

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### 5.0 Dog Control Fees 2023/2024

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### 6.0 Proposed Amendments to Schedule of Meetings

11

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### 7.0 Risk and Assurance Committee Terms of Reference

13

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<b>8.0</b>	<b>Foodeast Limited Partnership Half-Year Report and Draft Statement of Intent</b>	<b>17</b>
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<b>9.0</b>	<b>Minor Items – <i>Ngā Take Iti</i></b>	
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<b>10.0</b>	<b>Urgent Items – <i>Ngā Take Whakahihiri</i></b>	
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<b>11.0</b>	<b>Recommendation to Exclude the Public from Item 12, 13 and 14</b>	<b>19</b>
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<b>12.0</b>	<b>Commercial Transaction</b>	
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<b>13.0</b>	<b>Flaxmere Commercial Transaction (Supplementary Agenda)</b>	
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<b>14.0</b>	<b>Chief Executive Matters (Supplementary Agenda)</b>	
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Thursday, 30 March 2023

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

*Te Rārangi Take*

# Report to Council

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

*Te Take:*  
**Subject: Dog Control Fees 2023/2024**

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

- 1.1 The purpose of this report is to set the fees for the dog registration year, 1 July 2023 to 30 June 2024. It is proposed that the total collection of dog control fees is increased using the BERL average inflation factor of five percent, however rounded up or down to the nearest dollar.
- 1.2 Section 37 of the Dog Control Act 1996 requires – the dog control fees payable to a territorial authority shall be those reasonable fees prescribed by resolution for the registration and control of dogs.
- 1.3 The report was scheduled to go to the Rural Community Board for endorsement prior to this meeting, however this meeting did not proceed due to Cyclone Gabrielle.

## 2.0 Recommendations – *Ngā Tūtohunga*

A) That Council receive the report titled Dog Control Fees 2023/2024 dated 30 March 2023.

B) That Council adopts the proposed dog control fees for the 2023/2024 year:

Category	Fee Paid Before 1 Aug 2023	Fee Paid After 1 Aug 2023
Urban	\$118 to <b>\$124</b>	\$176 to <b>\$185</b>
Selected Owner	\$80 to <b>\$84</b>	\$120 to <b>\$126</b>
Rural	\$57 to <b>\$60</b>	\$85.50 to <b>\$90</b>
Special Purpose	\$0	\$0

C) That Council approves adding Pet Therapy dogs to the Special purpose category

D) That pursuant to sections 37 and 68 of the Dog Control Act 1996, and section 14 of the Impounding Act 1955, Council adopts the following other Animal Control fees:

Category	Current Fee	Proposed Fee 2023
<b>Dog Related Fees</b>		
Micro-chip Fee	\$45.00	<b>\$47.00</b>
Relinquishment Fee	\$50.00	<b>\$52.50</b>
Destruction Fee	\$60.00	<b>\$63.00</b>
Seizure Fee	\$60.00	<b>\$63.00</b>
First Impound	\$90.00	<b>\$94.50</b>
Second Impound	\$130.00	<b>\$136.50</b>
Third Impound	\$185.00	<b>\$194.00</b>
Adoption Fee	\$265.00	<b>\$278.00</b>
Daily Sustenance Fee	\$9.00	<b>\$9.50</b>
Application Selected Owner	\$30.00	<b>\$31.50</b>
Application More Than Two Dogs	\$30.00	<b>\$31.50</b>
Animal Control Hourly Rate	\$115.00	<b>\$120.00</b>
Vehicle Rate	\$0.83	<b>\$0.87</b>
Replacement Tag	\$6.00	<b>\$6.50</b>
<b>Stock Related Fees</b>		
Goats	\$15.00	<b>\$16.00</b>
Sheep	\$15.00	<b>\$16.00</b>
Pigs	\$25.00	<b>\$26.00</b>
Deer	\$45.00	<b>\$47.00</b>
Horse	\$45.00	<b>\$47.00</b>
Cattle	\$45.00	<b>\$47.00</b>
Daily Sustenance Fee	Actual Costs	<b>Actual Costs</b>

### 3.0 Background – Te Horopaki

- 3.1 Animal Control is a community safety activity which does not function to make a profit.
- 3.2 The current charging method is determined based on breaking the costs into two components, **registration** and **enforcement**, then dividing the registration component equally amongst all dogs and dividing the enforcement component based on the level of work.

### 4.0 Discussion – Te Matapakitanga

- 4.1 In the recommendation section the un-bolded text is the current fee and the **bold** text is the recommended fee.
- 4.2 When determining the registration fee, fine recoveries and impound fees have been calculated and rate funding as per the funding policy 27/73 split.
- 4.3 Special purpose dogs are:
- Aviation Security
  - Department of Conservation
  - Department of Corrections
  - Ministry of Agriculture
  - Ministry of Defence
  - Ministry of Fisheries
  - New Zealand Customs
  - New Zealand Defence Force
  - New Zealand Police



- 4.4 Staff recommend that Council add a new class of dog to the fee exemption category 'Pet Therapy' dogs. These are dogs approved by Canine Friends Pet Therapy. This is a New Zealand-wide network of people who share their friendly well behaved dogs with patients in hospitals and residents in rest homes/hospices. The organisation would provide Council with a list of active operators annually (currently about 22 in the Hastings District). These would be entered into the system as Special Purpose dogs and therefore be fee exempt.

## 5.0 Options – Ngā Kōwhiringa

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

- 5.1 Support the proposed fees as set out in the recommendation section of the report:

Advantages

- Will help to meet the costs associated with the Animal Control function

Disadvantages

- Slightly increases the costs to dog owners

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

- 5.2 Leave the fees as they currently are:

- No increase will create a budget shortfall resulting in either a level of service adjustment or costs will need to be funded from another source

## 6.0 Next steps – Te Anga Whakamua

- 6.1 If Council adopts the proposed fees, these will be publically advertised the month preceding the start of the dog registration year and will apply from the start of the 2023/2024 registration year

### Attachments:

There are no attachments for this report.

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## Summary of Considerations - He Whakarāpopoto Whakaarohanga

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

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 performance of regulatory functions for the purpose of reducing public nuisance and threats to public health and safety through appropriate animal control activities for the wellbeing of communities in the present and for the future.

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### Māori Impact Statement - Te Tauākī Kaupapa Māori

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

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### Sustainability - *Te Toitūtanga*

Fees are charged each year pursuant to section 37 of the Dog Control Act 1996 to reflect the costs associated with the Animal Control activity.

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### Financial considerations - *Ngā Whakaarohanga Ahumoni*

The fees are reviewed annually on a cost recovery basis.

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

This report has been assessed under the Council's Significance and Engagement Policy and does not trigger the threshold of that Policy.

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

Although the fees have been included in the annual plan consultation process, they are required to be adopted by Council and dispatched mid-May, before the annual plan process is finalised.

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### Risks

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
The revenue from registration fees funds the dog control activity.	Insufficient funds would result in a drop in the level of service which would likely have an impact on community safety.

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

This report generally goes to the Rural Community Board for endorsement prior to coming to Council, however in the wake of cyclone Gabrielle this step has been missed this year, however the Chair of the Rural Community Board advised the report can be taken to Council with the approval of the Rural Community Board. 47 percent of the district's dogs are in rural communities.

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Thursday, 30 March 2023

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

**Item 6**

*Te Rārangi Take*

# Report to Council

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

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*Te Take:*  
**Subject: Proposed Amendments to Schedule of Meetings**

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

1.1 The purpose of this report is to consider amendments to the schedule of Council and Committee Meetings for the 2023 Meetings Calendar which was adopted by Council on 2 March 2023.

This report recommends that the 2023 Meeting Schedule as amended below be adopted.

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.*

1.2 It is proposed that the meeting schedule be amended as outlined in the recommendations of this report.

**2.0 Recommendations - Ngā Tūtohunga**

- A) That Council receive the report titled Proposed Amendments to Schedule of Meetings dated 30 March 2023.
- B) That the Council adopt changes to the 2023 Schedule of Meetings as follows:

Strategy and Policy Committee	Postpone	From Tuesday 4 April 1pm to Thursday 18 May 1pm
Council	New Meeting	Tuesday 18 April, 1pm

**Attachments:**

There are no attachments for this report.

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Thursday, 30 March 2023

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Item 7

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

*Te Rārangi Take*

# Report to Council

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*Nā:*  
**From: Bruce Allan, Deputy Chief Executive**

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*Te Take:*  
**Subject: Risk and Assurance Committee Terms of Reference**

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

- 1.1 Cyclone Gabrielle has had and will continue to have ongoing impacts on Council's activities that will create amongst other things financial risk for Council.
- 1.2 The Independent Chair of the Risk and Assurance Committee, Mr Jon Nichols has requested consideration for an expanded Terms of Reference to capture the need for the Committee to pay particular attention to activities affected by Cyclone Gabrielle and within its stated Fields of Activity. A Draft revised Terms of Reference is attached as **Attachment 1**.
- 1.3 It should be noted that if while the Risk and Assurance Committee will have an increased focus and pay particular attention to activities affected by Cyclone Gabrielle it will always be in support of the work of Council and the Standing Committees.
- 1.4 It is expected that the revised Terms of Reference will be applicable for the balance of the triennium.

## **2.0 Recommendations - *Ngā Tūtohunga***

- A) That Council receive the report titled Risk and Assurance Committee Terms of Reference dated 30 March 2023.
- B) That Council approve the updated Terms of Reference for the Risk and Assurance Committee noting the expanded terms specifically due to the impacts of Cyclone Gabrielle.

**Attachments:**

1 

Risk and Assurance Committee - Terms of Reference

CG-17-1-00170

## Risk and Assurance Committee Terms of Reference

### Fields of Activity

The Risk and Assurance Committee is responsible for assisting Council in its general overview of financial management, risk management and internal control systems that provide:

- Effective management of potential risks, opportunities and adverse effects.
- Reasonable assurance as to the integrity and reliability of the financial reporting of Council.
- Monitoring of Council's requirements under the Treasury Policy.
- Monitoring of Council's Strategic Risk Framework.
- Monitoring of Council's legal compliance.
- Monitoring of Council's health and safety compliance.
- Monitoring significant projects, programmes of work and procurement focussing on the appropriate management of risk.
- Oversight of preparation of the Long Term Plan, Annual Report, and other external financial reports required by statute.

In light of the impacts Cyclone Gabrielle has had on the communities in the district, the Committee will pay particular attention to activities affected within its Fields of Activity, including but not limited to and always in support of the work of Council and the Standing Committees:

- Oversight of cyclone-related insurance claims and issues.
- Monitor funding implications associated with recovery costs, including oversight of the process for recoveries from government.
- Monitor valuation process for cyclone-damaged assets, including impairments particularly relating to roading.
- Support post-cyclone expenditure planning by ensuring good process is applied.

### Membership – 7 including 4 Councillors

- Independent Chair appointed by Council.
- Deputy Chair appointed by Council.
- 2 external independent members appointed by Council.
- 1 Heretaunga Takoto Noa Māori Standing Committee member appointed by Council.

### Quorum – 4 members

### Delegated Powers

Authority to consider and make recommendations on all matters detailed in the Fields of Activity and such other matters referred to it by Council.





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Thursday, 30 March 2023

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

**Item 8**

*Te Rārangi Take*

# Report to Council

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*Nā:*  
**From: Bruce Allan, Deputy Chief Executive**

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*Te Take:*  
**Subject: Foodeast Limited Partnership Half-Year Report and Draft Statement of Intent**

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

- 1.1 The purpose of this report is to inform the Council of the results of the Foodeast Limited Partnership (“Foodeast”) for the six months ended 31 December 2022 (**Attachment 1**) and to present the draft Foodeast Statement of Intent 2023/24 for consideration (**Attachment 2**). The Statement of Intent includes commentary on what has changed from last year’s Statement of Intent for ease of reference.
- 1.2 Half-Year Report
- 1.3 While Foodeast is in establishment mode, operating expenditure is primarily required to support Board and other governance requirements with Directors Fees (\$40,000) and Accountancy Fees (\$39,500) being the main costs incurred for the 6 months to December 2022.
- 1.4 The Half-Year report notes that contracts have been accepted for the earthworks and Building B construction
- 1.5 Draft Statement of Intent
- 1.6 Given the early stages of the company’s establishment the performance measures are focussed on resourcing the organisation with a CEO/General manager, adding to the Board capabilities with industry experience and getting the construction of Foodeast underway. The Chair of Foodeast, Mr Craig Foss will be in attendance at the meeting to present the draft Statement of Intent and answer any questions the Council may have.
- 1.7 The Statement of Intent is in line with the previous work lead by Hastings District Council through the Establishment Board and covers the Vision, Strategic Objectives, Purpose, Nature and Scope of Activities, Governance and Performance Measures. The Board have noted that they will continue to focus on getting construction activity on site commenced.

1.8 Foodeast has been established as a Limited Partnership and a General Partner. Both will be Council Controlled Trading Organisations. This structure provides limited liability to the partners, and is used widely in New Zealand. It provides a structure that facilitates investment by entities with different tax regimes. The Limited Partners investment will be in the Limited Partnership and the Limited Partners will be shareholders in the general partner and have the ability to appoint Directors on the General Partnership entity (one Director for each \$1.0m investment).

1.9 Foodeast has been established with the following investments and shareholdings:

Investors	Investment	Shareholding
HBRIC	\$4m	66.72%
HDC	\$1m	16.64%
Progressive Meats	\$1m	16.64%
<b>Total Regional Funding</b>	<b>\$6m</b>	<b>100%</b>
Crown investment through grant	\$12m	
<b>Total investments</b>	<b>\$18m</b>	

1.10 The draft SOI notes that Council as a shareholder should at the beginning of each new calendar year deliver to Foodeast a Letter of Expectations. This is good practice and something that was not undertaken by Council prior to receiving this draft SOI. A Letter of Expectation was issued by the Chief Executive last year and is attached as **Attachment 3** for reference. Much of what was referenced in that Letter of Expectation last year remains relevant this year and will be updated for the Foodeast Board's consideration.

## 2.0 Recommendations - Ngā Tūtohunga

- A) That Council receive the report titled Foodeast Limited Partnership Half-Year Report and Draft Statement of Intent dated 30 March 2023.
- B) That the Chief Executive be delegated by Council to issue an updated 2023 letter of expectations to the Board of FoodEast.

### Attachments:

1	Foodeast Limited Partnership Half Yearly Report to 31 December 2022	EXT-10-42-23-14	Under Separate Cover
2	Foodeast Limited Partnership Draft Statement of Intent for 2023/24	EXT-10-42-23-16	Under Separate Cover
3	Shareholder Letter of Expectations 2022/2023	EXT-10-42-22-1	Under Separate Cover

# HASTINGS DISTRICT COUNCIL

## COUNCIL MEETING

THURSDAY, 30 MARCH 2023

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### RECOMMENDATION TO EXCLUDE THE PUBLIC

#### SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

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

- 12 Commercial Transaction
- 13 Flaxmere Commercial Transaction
- 14 Chief Executive Matters

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:

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<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>
12 Commercial Transaction	<b>Section 7 (2) (h)</b> The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities. Commercial Transaction.	<b>Section 48(1)(a)(i)</b> Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.
13 Flaxmere Commercial Transaction	<b>Section 7 (2) (h)</b> The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities. Commercial Transaction.	<b>Section 48(1)(a)(i)</b> Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.
14 Chief Executive Matters	<b>Section 7 (2) (a)</b> The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. To protect the privacy of the incumbent.	<b>Section 48(1)(a)(i)</b> Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.

Item ERROR! REFERENCE SOURCE NOT FOUND.