
Thursday, 15 June 2023

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

Kaupapataka

Agenda

Te Rā Hui:
Meeting date: **Commencing Thursday, 15 June 2023**

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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Thursday, 15 June 2023

Te Hui o Te Kaunihara ā-Rohe o Heretaunga

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Agenda

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

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 5543)

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.

Leave of Absence had previously been granted to Councillor Watkins

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 Miniti*

Minutes of the Council Meeting held Thursday 4 May 2023.

(Previously circulated)

Minutes of the Council Meeting held Thursday 11 May 2023.

(Previously circulated)

Minutes of the Council Meeting held Thursday 18 May 2023.

(Previously circulated)

5.0 Mayor's Verbal Update

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6.0 Tuia 2022 - End of year Report

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7.0	Submissions to Long Term Plan Amendment and Draft Development Contributions Policy <i>(to be partly addressed on Thursday, 15 June and continued on Friday, 16 June)</i>	17
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8.0	Whakatu Stormwater Targeted Rate and Schedule of Fees and Charges <i>(to be partly addressed on Thursday, 15 June and continued on Friday, 16 June)</i>	19
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Agenda Items 9.0 onward to be addressed on Friday, 16 June from 10am

9.0	Rates Remissions and Postponement Policies	23
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15.0	Minor Items – Ngā Take Iti	
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16.0	Urgent Items – Ngā Take Whakahihiri	
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17.0 Recommendation to Exclude the Public from Item 18

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18.0 Civic Honours Awards Nominations 2023

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Item 5

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
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Te Rārangi Take

Report to Council

Nā:
From: **Sandra Hazlehurst, Mayor**

Te Take:
Subject: **Mayor's Verbal Update**

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

- 1.1 The purpose of this report is to provide the opportunity for a regular verbal update from the Hastings District Council Mayor regarding current activities and events.

2.0 Recommendations - *Ngā Tūtohunga*

That Council receive the report titled Mayor's Verbal Update dated 15 June 2023.

Attachments:

There are no attachments for this report.

Thursday, 15 June 2023

Item 6

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

Te Rārangi Take

Report to Council

Nā:
From: **Sandra Hazlehurst, Mayor**

Te Take:
Subject: **Tuia 2022 - End of year Report**

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

1.1 Tuia end of report – Chanay Peri 2022

- TUIA is a national programme that involves Mayors selecting a young Māori rangatahi (young person) from their rohe to mentor on a one-to-one basis, to encourage and enhance leadership skills. The rangatahi is mentored on a monthly basis through informal meetings and attends formal occasions that will assist the rangatahi's development as a leader.

1.2 The relationship provides both partners with the opportunity to gain a deeper insight into inter-generational issues, cultural value and experiences.

- Rangatahi have the opportunity to build peer networks with graduates of the programmes, obtain support, and receive leadership training by attending leadership development wānanga over the course of the year.
- TUIA focuses on rangatahi Māori aged 18-25 years old from Heretaunga who are actively contributing to the wellbeing of their community and who have the potential to be a leader in their community.

2.0 Recommendations - *Ngā Tūtohunga*

That Council receive the report titled Tuia 2022 - End of year Report dated 15 June 2023.

Attachments:

[1↓](#) TUIA Report 2022

CG-10-1-00556

TUIA 2022

Kei aku nui, kei aku rahi, kei aku whakatamarahi ki te rangi, kei aku whakateitei ki te whenua. Nei rā te reo o Ngāti Porou, Tainui ano hoki e mihi nei e mihi nei. I te taha o tōku Māmā he uri tēnei nō Ngāti Porou, Tāhui ano hoki. I te taha o taku Pāpā he uri tēnei nō Te Rarawa. Ko Chanay Peri tōku Ingoa. Tihei Mauri Ora

This report aims to share my experiences and learnings as a Rangatahi Māori apart of Tuia, and the shared experience of being mentored by her Majesty the Mayor Sandra Hazlehurst.

Tuia is derived from a tauparapara (Māori proverbial saying) that recognises and explains the potential that lies within meaningful connections to; the past, present and future; to self; to people, place, and environment.



<p>Kia whakarongo ake au Ki te tangi a te manu nei a te Matui¹ Tui-i-i, tui-i-i, tuituia - Tuia i runga Tuia raro Tuia i waho Tuia i roto Tuia i te here tangata Ka rongō te po Ka rongā te ao.</p> <p>Tuia i te muka tangata I takea mai i Hawaiki-Nui I Hawaiki-Roa, i Hawaiki-Pāmamao Oti rā me ērā atu ano Hawaiki Te hono a wairua Whakaputa ki Te Whaiao Ki Te Ao Mārama. Tihei mauri ora!</p>	<p>My attention is drawn to the cry of the bird nearby, to the bush wren Calling "Bind, join, be united as one" May it be woven above, Enmeshed below, Entwined outside. and within our very beings, Interlaced by threads of human love May there be peace at night (in death) and peace by day. (in our lives)</p> <p>Intertwined with the cords of humankind Originating from the great homeland From the far homeland, From the remote homeland And from all other ancestral lands Merging with the spirits there Then coming out into the Light Out into the World of Consciousness. The living spirit is within us!</p>
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As mentioned by the Mayors Taskforce for Jobs (MTJF), the Tuia Programme is an opportunity to enhance and develop the leadership qualities of Rangatahi Māori who can be leaders within their community.

Tuia first started in 2013 by Marcus Akuhata-Brown who placed a wero amongst the mayors of New Zealand to support a Māori rangatahi in their communities, 12 mayors took on the challenge. Fastforward to 2022 there are 58 participating mayors being from Te Hapu to Gore in the South Island.

There are three pou that make up the Tuia experience:

1. Mentoring
2. Community Contribution
3. Wānanga

There are five wānanga which I will explain the purpose of:

1. Tuia i runga (weaving above)
2. Tuia i raro (weaving below)
3. Tuia i roto (weaving within)
4. Tuia i waho (weaving without)
5. Heretangata (weaving the thread of humanity)



Pou tuatahi – Mentoring

The difference between having a wahine and tane leadership, has become more prevalent through the Covid 19 pandemic, previous Prime Minister Jacinda Ardern lead the country through a time of crisis – Christchurch terror attack and through Covid 19 pandemic. Leading the country with authentic leadership, showing empathy and compassion, she repeatedly showed New Zealand her kindness to get through a demanding and rough time.

Mayor Sandra is no different, currently rebuilding her city from the ground up, is constantly exceeding expectations of the Hastings / Hawkes Bay community. In a world that views leadership as masculine, men surpass women in leadership roles. It was my privilege to have Mayor Sandra as my mentor, her Majesty is a woman who continues to shows compassion and authentic leadership. Being the first female Mayor for Hastings and has been the mayor for the last six years is a testament to her passion and commitment to serving her community.

Each interaction, conversation, mentoring session, and public appearance Mayor Sandra has shown me what it takes to be a good leader. It's not about pleasing people and agreeing to agree. It is about staying true to your morals, being authentic and truthful.

Mayor Sandra taught me how to hold myself in kōrero, public forums, and the sacrifices you make to be a leader within the community. These sessions upon reflection weren't a tick box of "building my leadership capabilities as an aspiring Rangatahi Māori". It was Mayor Sandra investing time to understand what my goals were, how can she support me to achieve these, what could the Hastings District Council be apart of this growth.

A whakatauki that reminds me of who Mayor Sandra is "*Ki te kahore he whakakitenga ka ngaro te iwi – Without foresight or vision the people will be lost*" Mayor Sandra stood true to what is best for her community and is able to guide and nurture the communities she serves.

Pou Tuarua – Community Contribution

This pou speaks to the nature of Tuia in providing and serving for our people, but what does that truly look like? For me, providing and serving for our people is something that I want to continue to figure out what 'this means for me'.

If you look at running a Marae for an event what does this take?

- Kitchen: There are many hands in the kitchen, preparing the kai for the manuhiri, ensuring our manuhiri are feed, place to eat, and most importantly have a cuppa tea and a biscuit.
- Powhiri: Karanga, waiata, haruru, and supporting our tane through kaikorero.

So where do I fit, I see myself supporting in the back, making sure our manuhiri are feed, warm, dry and feel safe within my whare. Which is what I hope to achieve and give, for Rangtahi Māori aspiring to be whoever they want. I want to be a space for Rangatahi to come and share, wānanga and support along their journey.

Pou Tuatoru – Wānanga

The wānanga theme to the word Tuia, in weaving above, below, within, out and weaving altogether. Unfortunately, I wasn't able to attend the first two wānanga Tuia I runga, Tuia I Raro due to having Covid. However, I was able to attend my first wānanga with my tira (group) at Tuia I Roto hosted in Rotorua – at Takehe Marae.

Coming into Tuia 'late' compared to others, it did make me nervous. Given they knew everyone, bonded and already formed relationships with each other. However, I cannot appropriately describe the feeling once being amongst other Rangatahi Māori. Tuia I Roto is about weaving within yourself. It allowed a safe space to share what you wanted, you were asked to prepare something, it could be from a poem, to drawing, doing a power point presentation, or standing up and talking.

For me, this experience was unheard of, I went in wondering what 'having a safe space to share' looked like. What did it feel like to openly share about yourself? I was nervous and for the first day – I sat pondering, "what would I even share? I don't know anyone; they probably don't even want to know anything about me?" But as cliché as this sounds, this is where I made my friends. When I reluctantly put my hand to share my kōrero, all thoughts went out the window, and truly felt the mauri and mana of being in a room to kōrero, the tears flowed, the words reached ears that could support me, and lifted an unknown feeling off my chest.

Many were able to share openly about their whānau, what was important or troubling them. To be completely honest, it was sad to hear some of the kōrero. It was sad to hear that we couldn't be heard by our whānau and the impacts it has had on many of our own relationships and how it has defined us as a person today. But I was able to recognise, I am not the only person with these mamae and carrying them. I am not the only one experiencing these types of emotions and whakaro and I am not the only one wanting to change this intergenerational cycle that Rangatahi Māori find themselves in.

I am grateful to have attended, I was able to truly drop down my walls and allow people to hear my vulnerability and have people genuinely encourage and support my thinking. There is power in feeling validated.

Tuia i waho / Heretangata

These last two wānanga were combined together, we had the privilege of supporting a local maara kai (garden) and learnt how to look after maara properly. We heard from a local kuia about what different types of rongoa there are, and how natural plants were used by our tupuna.

We also heard from Te Kahu Rolleston who took us through an exercise of self expression, which enlightened me to a new way of opening and understanding my feelings, walking through what a particular time and space feels like, sounds like, looks like and acts like. This wānanga was an opening for myself to write my feelings down, to grab and understanding of why I am feeling this type of way.

This followed a day where we got to share back with the partners, mentors / councils who supported us. We created a video on our experiences, our thoughts and one word that represented Tuia for us. We shared kai, waiata and laughter amongst people that meant the most to us.

Conclusion

I don't think there are words that can remotely show the amount gratitude, honour and privilege I have, for having this opportunity to be a part of Tuia. I have created the most authentic relationships with many Rangatahi Māori who wish to see Rangatahi Māori, Me, or them succeed. To be a part of a kaupapa that is rangatahi led and provides as many opportunities I have received is unheard of. This kaupapa isn't something that you go away from, you constantly have support, friendships and connections with many amazing Tuakana and future teina that embark on this journey.

I would like to Thank, Mayor Sandra for choosing me, the support and guidance I have received and continue to receive. I would also like to thank the Hastings District Council for supporting me to attend the wānanga across the country. I would also like to thank Te Puni Kōkiri, who allowed me to join and supported me to attend.

Nō reira,
Tēnā koutou, tēnā kouotu,
Tēnā rā tātau katoa.

Nā Chanay Peri.



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

Item 7

Te Rārangi Take

Report to Council

Nā:
From: Lex Verhoeven, Strategy Manager

Te Take: Submissions to Long Term Plan Amendment and Draft
Subject: Development Contributions Policy

1.0 Executive Summary – Te Kaupapa Me Te Whakarāpopototanga

- 1.1 The purpose of this report is to bring to Council for decision the proposed investment in growth infrastructure and its consequential impact on the charging of Development Contributions.
- 1.2 The Council released all the necessary information to the community via:
 - An information flyer to the community in the form of a general update (and where to seek further information regarding the proposal);
 - A specific mailout to developers/interested parties with an overview of the proposal, where to find further information, and an invite to an information evening;
 - A drop-in style information evening attended by 30 developers/interested parties which provided the opportunity for questions, clarifications, and discussion as to the forward pathway for growth development and the charging for growth infrastructure.
 - Information was also available at the three district libraries and the customer service centre on Lyndon Road.
- 1.3 The Council has received 13 submissions to the proposal with 5 submitters indicating they wish to speak at the meeting commencing 15 June 2023.

2.0 Recommendations - Ngā Tūtohunga

That Council receive the report titled Submissions to Long Term Plan Amendment and Draft Development Contributions Policy dated 15 June 2023.

Attachments:

1	Annual plan - Submissions 2023/24 - Submissions - Logan Taylor	CP-01-26-1-23-1	Vol 1
2	Annual plan - Submissions 2023/24 - Submissions - Matthew Brown (Ryman Healthcare)	CP-01-26-1-23-2	Vol 1
3	Annual plan - Submissions 2023/24 - Submissions - John Collyns (Retirement Villages Association)	CP-01-26-1-23-3	Vol 1
4	Annual plan - Submissions 2023/24 - Submissions - Matthew Holder	CP-01-26-1-23-4	Vol 1
5	Annual plan - Submissions 2023/24 - Submissions - Hamish Frame (Tumu Corp)	CP-01-26-1-23-5	Vol 1
6	Annual plan - Submissions 2023/24 - Submissions - Warren Ladbrook	CP-01-26-1-23-6	Vol 1
7	Annual plan - Submissions 2023/24 - Submissions - Brendon Liggett (Kainga Ora)	CP-01-26-1-23-7	Vol 1
8	Annual plan - Submissions 2023/24 - Submissions - Oliver Boyd	CP-01-26-1-23-8	Vol 1
9	Annual plan - Submissions 2023/24 - Submissions - John Roil	CP-01-26-1-23-9	Vol 1
10	Annual plan - Submissions 2023/24 - Submissions - Tim Wilkins	CP-01-26-1-23-10	Vol 1
11	Annual plan - Submissions 2023/24 - Submissions - Peter Alexander	CP-01-26-1-23-11	Vol 1
12	Annual plan - Submissions 2023/24 - Submissions - Fiona Baker	CP-01-26-1-23-12	Vol 1
13	Annual plan - Submissions 2023/24 - Submissions - Ray Burrell	CP-01-26-1-23-13	Vol 1

Thursday, 15 June 2023

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

Item 8

Te Rārangi Take

Report to Council

Nā: Lex Verhoeven, Strategy Manager
From: Craig Mountfort, Stormwater Manager

Te Take: Whakatu Stormwater Targeted Rate and Schedule of Fees and
Subject: Charges

1.0 Executive Summary – Te Kaupapa Me Te Whakarāpopototanga

- 1.1 The purpose of this report is to bring to Council for decision two matters that were specifically consulted on to inform the final adoption of the Annual Plan 2023/24 at the Council meeting dated 29 June 2023. Those matters being:
- The proposed introduction of a stormwater targeted rate in the Whakatū West industrial area;
 - An update to the Fees and Charges Schedule for fees administered under the Resource Management Act 1991.
- 1.2 The report provides an overview of the views, preferences and concerns raised by landowners. Based on the feedback to date the Council is not able to ratify a targeted rate in the 2023/24 financial year.
- 1.3 No submissions were received in respect of the updates to fees and charges administered under the Resource Management Act, therefore the Council can ratify the updated schedule.

2.0 Recommendations - Ngā Tūtohunga

- A) That Council receive the report titled Whakatu Stormwater Targeted Rate and Schedule of Fees and Charges dated 15 June 2023.
- B) That Council ratify the proposed changes to fees and charges administered under the Resource Management Act 1991 as attached to this report.

3.0 Background – *Te Horopaki*

3.1 Whakatū West Stormwater Targeted Rate

- 3.2 The Council has held several meetings prior to the 2023/24 Annual process to gauge support for a proposed targeted rate to fund construction of a pump station and possible detention area to increase the level of flooding protection to local properties in the Whakatū West Industrial area. At this time preliminary design of the scheme places the overall costs to be divided between effected ratepayers (per sqm of land) at \$8.75M
- 3.3 From the level of preliminary support gathered the Council included a proposal within the 2023/24 Annual Plan process to formalise the funding of the scheme via a targeted rate set on all properties in the scheme area. Information was sent to all affected properties and a meeting held on 4 May 2023, at which around 50% of the representatives of those impacted properties attended.
- 3.4 The meeting was well received and through discussion it became evident that property owners required further clarity on some of the uncertainties relating to the scheme before fully committing to a targeted rate on their property. From that feedback further information that was requested was sent to property owners in the days following the meeting. Property owners were asked to return a “Scheme Preference Form” which whilst not a binding commitment to the introduction of a targeted rate, would give the Council an indication of the level of support for the scheme at this stage (acknowledging the uncertainties). Those uncertainties related to the following:
- The cost (which wouldn’t be better understood until detailed design was undertaken);
 - Council consideration of any public good funding toward the project;
 - And the final makeup of scheme participants
- 3.5 Below is an analysis of those returned scheme preference forms which asked (A) property owners to confirm which of the 3 engineering options they supported, and (B) whether they would give in-principal support to the range of targeted rate that could apply to their property (based on the best information at this time – acknowledging the uncertainties and that Council would further engage with property owners should Council decide to proceed further).
- 3.6 Analysis of scheme preference forms
- 3.7 A total of 40 preference forms were distributed to affected properties in the scheme area, with 17 responses returned at the time of preparing this report. The number of responses consists of 43% of the overall affected properties.
- 3.8 A total of 11 (or 65%) of the received responses supported the engineering option 1 which was preferred at the public meeting (this consists of a large pump station with no constructed detention area).
- 3.9 A total of 8 (or 47%) of the received responses supported in principle the introduction of a targeted rate once the uncertainties with the scheme were resolved. The balance 9 (or 53%) did not give in principal support for the targeted rate.
- 3.10 The key themes raised from landowners through this process were:
- Less than 50% of affected ratepayers chose to respond to Council on the scheme
 - Option 1 for a large pump station and no additional detention area was preferred
 - A public good component should be included (some wanting the full cost covered)
 - Recent property owners unaware of the potential scheme costs when purchasing property
 - Not enough definitive information for ratepayers to commit to support
 - Some owners not adversely effected by flooding so not willing to commit
 - HDC to contribute for roading areas

3.11 Submissions to the Annual Plan process

3.12 In addition to the scheme preference forms landowners were given the opportunity to make submissions and speak to Council if they wished to do so.

- 9 submissions have been received, with 1 landowner scheduled to speak with Council at its meeting dated 15 June 2023.

3.13 Public Good and Detailed Design

3.14 A number of submitters have suggested that the project could be taken through to the detailed design phase on the basis of a consideration of public good in the project, and that the Council would fund all/part of the detailed design cost. The next phase of detailed design has an estimate of \$400,000.

3.15 Section 101 of the Local Government Act 2002 sets out the considerations that need to be made when determining the funding needs of the local authority in relation to each activity to be funded. That process involves six steps of consideration covering matters such as the community outcomes being sought, the distribution of benefits between the community and individuals, the period of those benefits, whether the action or inaction of groups or individuals contribute to the need for the project and the transparency and efficiency of the funding tools selected.

3.16 Officers have undertaken the assessment described in section 3.15 above and determined that this activity is primarily a private benefit accruing to identifiable individuals and therefore the targeted rate funding mechanism is being proposed to be applied.

3.17 It could however be argued that the development of the area since 2006 when Stage 1 was implemented has seen the creation of new public assets (such as Te Ara Kahikatea) and considerable private investment in the area, which has some public good in terms of job creation. If the Council were of a mind to recognise a small proportion of public good in the overall project (i.e. 5%) that would cover the cost of detailed design and provide more certainty to landowners in terms of a final decision on funding the scheme.

- If the Council indicated it wanted to move in the direction of 3.17 above, it is recommended that before committing those costs that the Chief Executive be satisfied that a number of outstanding queries brought up through this process be resolved satisfactorily prior to proceeding to detailed design.

Attachments:

1⇒	Schedule of Fees and Charges set under the Resource Management Act	cg-17-1-00192	Vol 2
2⇒	Annual plan - Submissions 2023/24 - Submissions - Terry May	CP-01-26-1-23-14	Vol 2
3⇒	Annual plan - Submissions 2023/24 - Submissions - Philip Hoguard	CP-01-26-1-23-15	Vol 2
4⇒	Annual plan - Submissions 2023/24 - Submissions - Graham Hammond	CP-01-26-1-23-16	Vol 2
5⇒	Annual plan - Submissions 2023/24 - Submissions - Liz Davis	CP-01-26-1-23-17	Vol 2
6⇒	Annual plan - Submissions 2023/24 - Submissions - Loranine Midgley	CP-01-26-1-23-18	Vol 2
7⇒	Annual plan - Submissions 2023/24 - Submissions - Peter Lawry	CP-01-26-1-23-19	Vol 2
8⇒	Annual plan - Submissions 2023/24 - Submissions - Michael Gunn	CP-01-26-1-23-20	Vol 2
9⇒	Annual plan - Submissions 2023/24 - Submissions - Kevin Bull	CP-01-26-1-23-21	Vol 2

Thursday, 15 June 2023

Item 9

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

Te Rārangi Take

Report to Council

Nā: Richard Elgie, Finance Operations Manager
From: Bruce Allan, Deputy Chief Executive

Te Take: Rates Remissions and Postponement Policies
Subject: Rates Remissions and Postponement Policies

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to obtain a decision from Council to adopt a new Rates Remission policy specific to land and buildings that have been affected by natural disaster.

2.0 Recommendations - *Ngā Tūtohunga*

- A) That Council receive the report titled Rates Remissions and Postponement Policies dated 15 June 2023.
- B) That Council adopt the 'Remission of Rates - Dwellings and Land Affected by Natural Disaster' policy to assist ratepayers of rating units where the land or primary dwellings/buildings have been detrimentally affected by natural disaster.
- C) That Council approve the delegation for the decision on the individual remission be provided to the Group Manager: Corporate.
- D) That Council note that any remissions granted in 2023/24 will be sourced from unbudgeted funding and will impact on Council's year-end position.

3.0 Background – *Te Horopaki*

- 3.1 Ex- tropical Cyclone Gabrielle has had widespread and significant impacts across the North Island and necessitated the declaration of a National State of Emergency. The Hawke's Bay region was severely affected from Monday 13 February 2023 overnight through to Tuesday 14 February 2023.
- 3.2 Flood damage has occurred to over 800 homes. Orchards, vineyards, farms, forestry and other businesses in a number of areas across the district have also experienced extensive damage. While large parts of the horticulture and agriculture sectors remain undamaged and will still produce

premium products, there has been significant damage to the productive capacity of the district and the wider Hawke's Bay economy.

- 3.3 In order to ensure community safety, building staff have undertaken RAPID building inspections of affected homes. As of 22nd May 2023, 955 property assessments have been carried out. Of these, 103 assessments have resulted in red stickers (entry prohibited) being issued, and 743 have resulted in yellow stickers (restricted or short-term access only) being issued.

4.0 Discussion – *Te Matapakitanga*

- 4.1 Council does not currently have a specific policy for the remission of rates for land and buildings affected by natural disaster. There is a 'Rates postponement – Natural Calamity' policy, but this is a deferral of payment under terms determined by Council and therefore still requires payment of the rates assessed by affected ratepayers.
- 4.2 In the current financial year officers made the decision, under delegations provided for in the policy, and in consultation with Council, that red stickered properties will have their rates automatically remitted through to 30 June 2023 due to the implications of a red stickered notification.
- 4.3 Originally yellow stickered property owners had been requested to apply for a remission through to 30 June 2023, covering the last instalment due only, on the basis that the effect of the yellow sticker on buildings will vary depending on the nature of the building and the timeframe that the building will be unusable. Recently, after listening to our communities and conducting an internal review acknowledging the current framework is resulting in inequities across some red and yellow stickered properties, some changes were made to mitigate the issue. Under the new approach, though yellow stickered property owners are still required to apply for the remission, if the yellow sticker has been assigned to their main dwelling/building they will receive a remission for both the third and fourth quarter instalments in the 2022/23 rating year.
- 4.4 The stickered property remissions have been granted under the current Sundry Remission policy however officers recommend that a specific remission policy is required to provide more clarity to affected ratepayers as to what financial assistance for rates is available, and also gives Council the ability to expand the scope of remissions to include properties where the damage impacts on land and/or crops but do not have dwellings or buildings stickered.
- 4.5 As at 22nd May 2023, remissions for stickered properties for 2022/23 total \$706,000.

5.0 Options – *Ngā Kōwhiringa*

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

- 5.1 That Council adopts the 'Remission of Rates – Dwellings and Land Affected by Natural Disaster' policy as outlined below:

Remission of Rates – Dwellings and Land Affected by Natural Disaster

Objectives of the Policy

To allow the Council, at its discretion, to provide rates remission to assist ratepayers of rating units where the land or primary dwellings/buildings have been detrimentally affected by natural disaster (such as erosion, falling debris, slippage, inundation, or earthquake) rendering dwellings/building uninhabitable, or affecting the use and income derived, of the land, and which directly affects their ability to pay rates.

Application

Application forms can be completed online, or downloaded, from the Council website and submitted to the Group Manager-Corporate for consideration.

Conditions and Criteria

- 1) Rate remission for primary dwellings/buildings that have been red or yellow stickered under the authority of the Building Act 2004 or the Civil Defence Emergency Management Act 2002:
 - Red sticker - remission will automatically be applied to each rates instalment for a period of 2 years, or earlier if the primary dwellings/buildings are deemed by Council to be able to become useable/habitable.
 - Yellow sticker – upon application, Council may provide remission to each rates instalment for a period of 2 years, or earlier if the primary dwellings/buildings are deemed by Council to be able to become useable/habitable.
- 1) Rate remission for severely eroded or impacted properties, includes those properties with crop or pasture damage, where the land has become unusable or uneconomic or the ownership of the land has become indeterminate or uneconomic (such as a club becoming defunct):
 - Upon application, Council may provide remission up to 100% of rates and current penalties, for a period of 2 years, or earlier if the land is deemed by Council to be usable. After the 2 year period Councils 'Rates Postponement – Natural Calamity' policy would then be available for further rates relief.
 - Further information required to support the application would include photos of damage and expectations of how long the land is likely to be unusable.
- 3) If properties previously receiving a rates remission under this policy are sold within the timeframes stipulated above, then any rates remissions previously provided will cease.

Decisions on remission will be delegated to officers as set out in the Council's delegation resolution.

Advantages

- Allows Council to assist ratepayers of rating units detrimentally affected by natural disaster, both those affected by ex-tropical Cyclone Gabrielle and also properties damaged by any future natural events such as floods or land slips.

Disadvantages

- There is a financial cost to offering a remission rather than postponement (estimated at \$1M-\$1.5M in 2023/24) however officers feel the public good benefit outweighs any cost implications to other ratepayers.

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

- 5.2 Council continues to use the Sundry Remission policy to provide assistance to ratepayers however, officers do not believe this provides affected ratepayers with enough clarity as to what financial assistance for rates is available, especially for those where the damage impacts on land and/or crops rather than dwellings or buildings.

6.0 Next steps – *Te Anga Whakamua*

- 6.1 The next steps, if option one is adopted, will involve formal consultation with our community, however Council has joined the Department of Internal Affairs in seeking an Order in Council from Cabinet to modify the consultation requirements under the Local Government Act 2002 for making additions to rates remission and postponement requirements so severely affected local authorities can publish and allow two weeks for feedback rather than doing extensive consultation.
- 6.2 For those with land and/or crops damaged, officers will create an application form, to be made available on the Council website alongside information on requirements for supporting information. The Rural Community Board at its meeting on May 29th were made aware of the recommended changes to the Rates Remissions Policy which would take affect for 2023/24 rates year.

- 6.3 For stickered properties, each instalment the Rates Team will run checks (including working with the Building Recovery Team) monitoring for properties moving through the coloured stickers from red/yellow to white, and to then cease applying a remission as Council deems the primary dwellings/buildings are able to become useable/habitable. Officers will contact the ratepayers to work through this transition with them. Monitoring will also be required for land that contains red or yellow stickered buildings but the land has been remediated and is once again productive.

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 social and economic wellbeing of communities in the present and for the future.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

This policy is applicable to all land, both General and Māori Freehold Land.

Sustainability - *Te Toitūtanga*

N/A

Financial considerations - *Ngā Whakaarohanga Ahumoni*

As at 22nd May 2023, remissions for stickered properties for 2022/23 total \$706,000. The estimated value for remissions to be granted in 2023/24 is \$1M-\$1.5M. These will be sourced from unbudgeted funding and will impact on Council's year-end position.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This decision has been assessed under the Council's Significance and Engagement Policy as being of high significance.

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

Consultation is required under section 102 (4) of the Local Government Act 2002. As advised in the report, Council has joined the Department of Internal Affairs in seeking an Order in Council from Cabinet to modify the consultation requirements under the Local Government Act 2002 for making additions to rates remission and postponement requirements so severely affected local authorities can publish and allow two weeks for feedback rather than doing extensive consultation.

Risks

Opportunity: To offer remission of rates to assist ratepayers with land and buildings that have been affected by natural disaster:

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
Provides financial assistance to affected property owners. Public good benefit.	Cost to ratepayers of funding remissions.

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

The Rural Community Board at its meeting on May 29th were made aware of the recommended changes to the Rates Remissions Policy which would take affect for 2023/24 rates year.

Thursday, 15 June 2023

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

Item 10

Te Rārangi Take

Report to Council

Nā:
From: Jeff Clews, Public Spaces Asset Planner

Te Take:
Subject: Public Spaces Ground Leases and Rental Charges Review - 2023

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this Report is to obtain a decision from Council in regards to updating the charges for ground leases for buildings located on Council’s open space areas to recover increases in Council’s operational and administrative costs. The new charges would come into effect for lessees when their lease comes up for renewal and immediately for new leases.
- 1.2 Uniform annual charges are typically increased annually.
- 1.3 This Report recommends;
 - A that the rental charges for occupation be simplified and the operational charges components of the lease be increased so Council can fairly recover its increased costs.

2.0 Recommendations - Ngā Tūhunga

- A) That Council receive the report titled Public Spaces Ground Leases and Rental Charges Review - 2023 dated 15 June 2023.
- B) That the existing two categories of Community Groups, namely; Sporting and Recreation Groups and Community, Youth and Early Childhood Groups, be combined to one new category, being “All Community, Sports and Recreation Groups.”
- C) That Council adopt the following charging schedule for community buildings built on Council land;

All Community, Sports & Recreation Groups (figures exclude GST)

2023/24 Land Rental Component	2023/24 Water Supply	2023/24 Wastewater Treatment	2023/24 Rate Sewer	2023/24 Total
\$250.00	\$580.00	\$75.00	\$264.00	\$1169.00

- D) Council notes that commercial leases and leases of Council owned buildings are dealt with separately.
- E) That the new charges will take effect immediately for new leases and be introduced for existing leases when they come due for review.
- F) Officers will advise all lease holders of the proposed changes in their lease costs.

3.0 Background – Te Horopaki

- 3.1 Council has and continues to grant ground leases to community and recreation groups that allow them to construct appropriate facilities on public land. These buildings are predominately occupied by sports clubs, cultural groups, youth groups and early childhood uses including play centres, scouts and guides.
- 3.2 The following tables show the existing fee structure.

Sports & Recreation Groups

Building Size	Annual Rental Component	Rates Charge Component (excl of GST)	Total annual Rental (excl of GST)
Small Buildings (up to 200m ²)	\$290	\$520	\$810
Large Buildings (over 200m ²)	\$581	\$520	\$1101

Community, Youth & Early Childhood Groups

Building Size	Annual Rental Component	Annual rates Charges Component	Present total annual Rental (Exclusive of GST)
Small Buildings (up to 200m ²)	\$145	\$520	\$655
Large Buildings (over 200m ²)	\$290	\$520	\$810

Commercial Activities – All commercial leases and leases of Council owned buildings are established through separate Council resolutions.

- 3.3 The purpose of the ground lease charge is to recover Council’s costs of delivering reticulated services and includes a small administrative charge.
- 3.4 Council’s policy, (set in 1999), is that ground leases are typically for a term of 18 years, with no automatic right of renewal. Leases are also typically reviewed every three years on the anniversary of their commencement date.
- 3.5 The lessee is typically responsible for all interior and exterior maintenance of their building, and car park facilities if applicable.
- 3.6 There are currently three categories of lessee, with the rental based on use, type and size of the building. The categories are;
 - Sporting and Recreation Groups,
 - Community, Youth & Early Childhood Groups
 - All other commercial activities
- 3.7 The last review of the charges was carried out in 2019.

4.0 Discussion – *Te Matapakitanga*

- 4.1 As Council’s uniform annual charges, particularly 3 Waters charges, have increased over the last four years, it is timely to review the current charges regime and to see if the current policy settings for activity groups and charges based on floor area measures are relevant.
- 4.2 **Activity Groups**
- 4.3 The current policy identifies three separate groups when assessing a rental charge. Firstly, it differentiates ***Sporting and Recreation Groups*** from ***Community, Youth & Early Childhood Groups***.
- 4.4 Officers recommend that these two groups be combined as they have no discernible differing impact when located on a public space. Both groups tend to support and promote worthy community based endeavours and could easily sit under one umbrella title of “All Community Groups”.
- 4.5 The second group is that which relates to ***Commercial Activities***. These activities typically are less frequently considered for occupation of Council land and buildings. Usually, such applications would have an identified specific need and are assessed separately by Council. Officers recommend this category should remain.
- 4.6 **Land Rental Component**
- 4.7 Officers recommend a standard land rental component and rental fee rather than differentiate by an arbitrary building size measure.

4.8 Uniform Annual Charges

- 4.9 The current charging regime does not reflect the actual charges adopted by Council for the delivery of 3 Waters services and refuse collection. These uniform annual charges are adopted each year. Officers are concerned that with the likely shift in management and responsibilities under the 3 Waters reforms, Council will potentially be left with a funding shortfall, should a new entity seek to recover full costs of service provision.
- 4.10 3 Waters charges, and in particular water rates have risen significantly in the last few years. If Council does not pass on these actual costs, it will end up subsidising these community groups.
- 4.11 Officers recommend that the services component of all ground leases should be struck annually as part of the Annual Plan's adopted charges. This way, users will pay their fair share of maintaining the 3 Waters service delivery.
- 4.12 While this will see some increases in leases, officers recommend it be brought in over a three year period to soften the impact. It is recommended that new leases be charged at the new regime and existing leases could be updated as their lease reviews occur.
- 4.13 If the recommendations are adopted, officers will advise all lease holders of the changes so they can prepare for the increases.
- 4.14 The following table shows the proposed new charging regime for the 2023/24 financial year onwards. The annual uniform charges will be increased annually as part of the Annual Planning process.

A) All Community, Sports and Recreation Groups

2023/24 Land Rental Component	2023/24 Water Supply	2023/24 Wastewater Treatment	2023/24 Sewer Rate	2023/24 Total
\$250.00	\$580.00	\$75.00	\$264.00	\$1169.00

B) Commercial Activities – All commercial leases and leases of Council owned buildings are established through Council resolution.

- 4.17 Officers have investigated the lease charges of other similar sized authorities. Palmerston North City Council advised that their charging regime was similar to that proposed by HDC. We are awaiting feedback from Napier City Council and will report back to Council at its meeting.

4.18 Examples of Existing Ground Leases

- Western Rangers Football Club (St Leonards Park)
- Havelock North Wanderers (Guthrie Park)
- Waimarama Surf Life Saving (Waimarama Domain)
- Hawke's Bay Softball Club (Akina Park)
- Havelock North Tennis Club (Anderson Park)

5.0 Options – Ngā Kōwhiringa

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

- 5.1 By adopting Option 1, Council will put in place a reviewed lease and annual charging structure for land rentals and services to community owned and built facilities, occupying public land.

Advantages

- Council recovers its service provision costs

- Lessees will pay actual for services on the same basis as other ratepayers
- The land rental component will be reduced for most lessees

Disadvantages

- Community users will have increases in the rates charged for the delivery of essential 3 Waters services

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

5.2 If Council adopts option 2 there will be no change to the current charges.

Advantages

- Community facilities will have the surety of no lease increases

Disadvantages

- Council will need to subsidise the lessee's actual costs for the delivery of 3 Waters services

6.0 Next steps – *Te Anga Whakamua*

- 6.1 Council's rental and services charges have not been increased since 2019 and therefore it is timely to review the charging regime.
- 6.2 If Council resolves to update the lease charges for community facilities on its public spaces as recommended, all leases will be updated on their next review date. Thereafter they will pay uniform annual charges for services as per those adopted by Council in successive annual plans.

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 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*

There are no sustainability considerations.

Financial considerations - *Ngā Whakaarohanga Ahumoni*

This proposal allows Council to recover the costs and expenses of entering into lease agreements with community organisations with buildings on Council land.

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.

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

Officers will advise all lessees of the changes and when it will financially affect them.

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

Officers will advise the Board of changes in leases.

Thursday, 15 June 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: Parking Controls

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to obtain a decision from Council on changes to parking controls on Russell Street outside the Heretaunga Women’s Centre.
- 1.2 The report recommends the following change:

Road	Existing control to be changed	Proposed control
Russell Street South	Revoke the four P60 spaces outside the Heretaunga Women’s Centre	Replace with four P120 spaces

2.0 Recommendations - *Ngā Tūtohunga*

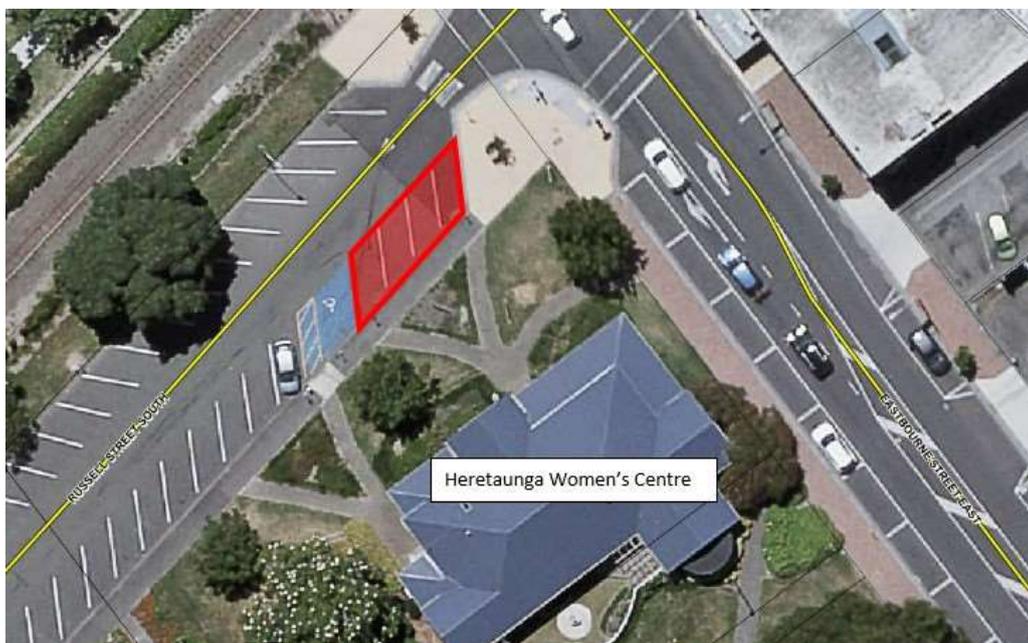
- A) That Council receive the report titled Parking Controls dated 15 June 2023.
- B) That Council resolve, pursuant to Clause 5.3.1(a)(i) of Chapter 5 (Parking and Traffic) of the Hastings District Council Consolidated Bylaw 2021, that the existing four P60 parking spaces outside the Heretaunga Women’s Centre be revoked and replaced with four P120 parking spaces.

3.0 Background – *Te Horopaki*

- 3.1 From time to time, it is necessary to introduce or amend parking controls to suit the current environment.
- 3.2 Clause 4.0 provides the context for the changes being proposed.

4.0 Discussion – *Te Matapakitanga*

- 4.1 **Russell Street South – Revoke the existing four P60 parking spaces and replace with four P120s.**
- 4.2 On 4 May 2023 the Heretaunga Women’s Centre Manager contacted Council to discuss the challenges for clients and Centre users when visiting the Women’s Centre. Some clients were receiving parking tickets for overstaying the 60 minute time restriction.
- 4.3 Although the current spaces are dedicated to Centre users, there is no way of telling whether a parked vehicle is accessing the Centre, however generally it is believed that the public don’t take up the spaces.



5.0 Options – *Ngā Kōwhiringa*

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

- 5.1 Change the parking controls as discussed in clause 4.1

Advantages

- Provides more flexibility for the clients of the Heretaunga Women’s Centre in regard to their parking needs.

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

- 5.2 Officers see no advantages in maintaining the status quo.

6.0 Next steps – *Te Anga Whakamua*

- 6.1 If the recommendation is approved, signage will be amended to reflect the new time restriction.

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*

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 economic wellbeing of communities in the present and for the future, examining opportunities to improve parking services in Hastings city aiming to improve city vibrancy and economic outcomes.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

N/A

Sustainability - *Te Toitūtanga*

N/A

Financial considerations - *Ngā Whakaarohanga Ahumoni*

N/A

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

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

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

The four parking spaces covered in this report are already dedicated to the Heretaunga Women's Centre and accordingly changing the time restriction does not impact other businesses or motorists.

Risks

N/A

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

N/A

Thursday, 15 June 2023

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

Item 12

Te Rārangi Take

Report to Council

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

Te Take:
Subject: **Napier-Hastings Future Development Strategy Joint Committee - Appointment Changes**

1.0 Purpose and summary - Te Kaupapa Me Te Whakarāpopototanga

- 1.1 The purpose of this report is for Council to consider the appointment of Councillor Eileen Lawson, in her capacity as Chair of the Strategy and Policy Committee to the Napier-Hastings Future Development Strategy Joint Committee (FDS) for the remainder of the 2022-2025 triennium.
- 1.2 On 15 December 2022, the Council approved the Terms of Reference for the FDS (**Attachment 1**) and appointed Mayor Sandra Hazlehurst and Deputy Mayor Tania Kerr to the FDS and Councillor Alwyn Corban as an alternate. There is also representation from the Napier City Council, Hawke's Bay Regional Council and Mana Whenua.
- 1.3 A key consideration for the appointment of Deputy Mayor Tania Kerr was her membership on the Regional Transport Committee. The Terms of Reference for the FDS specify 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'. (Clause 4.3 of the FDS Terms of Reference).
- 1.4 On 31 May 2023 the Hawke's Bay Regional Council appointed Councillor Martin Williams to the FDS replacing Councillor Sophie Siers who remains as an alternate member. Councillor Martin Williams is the Chair of the Regional Transport Committee.
- 1.5 Deputy Mayor Tania Kerr has indicated that she wishes to step down from her membership on the FDS and considers that this can now be done as representation of the Regional Transport Committee is satisfied through the appointment of Councillor Martin Williams.
- 1.6 This report recommends that Councillor Eileen Lawson, in her role as Chair of the Strategy and Policy Committee be appointed to the FDS; replacing Deputy Mayor Tania Kerr. There are strong synergies between the FDS and the Strategy and Policy Committee; the purpose of which is to develop all strategic, policy and planning frameworks for approval by the Committee or Council as required.

2.0 Recommendations - Ngā Tūtohunga

- A) That Council receive the report titled Napier-Hastings Future Development Strategy Joint Committee - Appointment Changes dated 15 June 2023.
- B) That Council replace Deputy Mayor Tania Kerr with the appointment of Councillor Eileen Lawson, in her capacity as the Chair of the Strategy and Policy Committee to the Napier-Hastings Future Development Strategy Joint Committee for the remainder of the 2022-2025 triennium.

Attachments:

1 [↓](#) FDS Joint Committee Terms of Reference CG-17-27-00001

Terms of Reference for the Napier-Hastings Future Development Strategy Joint Committee

December 2022

1. Context and Partnership

The Future Development Strategy (FDS) is a requirement under the National Policy Statement on Urban Development 2020 (NPS-UD). It is a long-term strategic plan that requires local authorities to set out how they will achieve well-functioning urban environments, provide at least sufficient development capacity and integrate planning decisions with infrastructure planning and funding decisions.

The Terms of Reference will provide a framework for the development of the Future Development Strategy (FDS) to be adopted by the Hawke's Bay Regional Council, the Napier City Council and the Hastings District Council.

The NPS-UD requires that the FDS be informed by "*Māori, and in particular tangata whenua, values and aspirations for urban development.*" Appropriate Māori contribution at governance, executive and technical levels will be key in developing a strategy and set of related implementation tools and partnerships that provide for Māori aspirations and that incorporate Māori values and cultural and environmental enablers and constraints. Direction is also needed from Māori as to how they wish to engage in the development of the FDS. This approach is consistent with the broader partnership approach to working with Māori that the councils have committed to. These Terms of Reference provides for governance level input from Mana Whenua within the FDS study area via representatives appointed by Post Settlement Governance Entities with statutory acknowledgement (within the study area).

Principles underlying the application of this partnership approach to the FDS include:

- Partnership with Māori who will take a key role in decision-making from the outset;
- Resourcing of Māori technical support to enable Māori governance members to make informed decisions;
- Recognising that Te Mana O Te Wai is a key guiding direction in undertaking spatial planning;
- Acting in good faith by working collaboratively;
- Undertaking a co-operative and co-ordinated approach to contributing to the FDS development
- Partners discuss and resolve issues in an open and constructive manner without any feeling of coercion or undue pressure;
- Willingness to resolve issues and develop a collaborative approach for the benefit of the Hastings and Napier communities;
- One team approach to information sharing across all partners;

- Open sharing of information between the partners so all parties have the same information on which to base discussions and associated decision-making; and,
- Commitment to evidence-based research and mātauranga Māori being utilised in the development of the FDS along with relevant previous work and thinking.

2. Definitions

For the purpose of these Terms of Reference:

- "**Act**" means the Local Government Act 2002.
- "**Administering Authority**" means the Authority appointed to provide administrative support to the Joint Committee, initially and until it changes, the Hastings District Council.
- "**FDS**" means the Future Development Strategy for the Napier-Hastings Urban Environment as required under the National Policy Statement on Urban Development (2020), refer to Appendix 1 for project background information.
- "**Joint Committee**" means the group set up to recommend both draft and final strategies to each Partner Council.
- "**Mana Whenua representative(s)**" means a person appointed as a representative by a named Post Settlement Governance Entity (PSGE).
- "**Napier-Hastings Urban Environment**" has the meaning as set out in the National Policy Statement on Urban Development (2020)
- "**NPS-UD**" means the National Policy Statement on Urban Development (2020)
- "**Partner Council**" means a Local Authority with responsibility to prepare the FDS for the Napier-Hastings Urban Environment under the National Policy Statement on Urban Development (2020) that will be a full participant in the FDS Project with full representation rights on the Napier-Hastings Future Development Strategy Joint Committee that is the subject of this document.
- "**Project Executive**" means the group of senior staff from the Partner Councils together with any other co-opted or appointed personnel established to manage and advise the FDS development process.
- "**Representative(s)**" means the Mayor or Regional Council Chairperson or councillor or councillors of a Partner Council, that have been resolved by the Partner Council to be a representative or alternate representative on the Napier-Hastings Future Development Strategy Joint Committee.
- "**Statutory Acknowledgement**" means an acknowledgement made to a Post Settlement Governance Entity in Claims Settlement Legislation.
- "**Study Area**" means the land area being assessed as part of the development of the FDS, being land that is already part of the Napier-Hastings Urban Environment or land that may significantly influence or be considered for inclusion as part of the future form of the Napier-Hastings Urban Environment.
- "**TAG**" means the Technical Advisory Group set up to provide technical input, advice and oversight into the development of the Napier-Hastings Future Development Strategy.

3. Name and Status

- 3.1 The Committee shall be known as the Napier-Hastings Future Development Strategy Joint Committee.
- 3.2 The Napier-Hastings Future Development Strategy Joint Committee is a joint standing committee under clause 30(1)(b) of Schedule 7 of the Act.

4. Parties, Partner Councils and Representation

- 4.1 Each of the following local authorities is a Partner Council of the Napier-Hastings Future Development Strategy Joint Committee and a party to these Terms of Reference:
 - Hastings District Council
 - Napier City Council
 - Hawke's Bay Regional Council
- 4.2 Each Partner Council is to be represented on the Napier-Hastings Future Development Strategy Joint Committee by two persons, being two elected persons. In addition to these representatives, each Partner Council shall be entitled to appoint one alternative representative to act as a representative should either of the appointed representatives not be available.
- 4.3 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.
- 4.4 Under clause 30(9) Schedule 7 of the Act, the powers to discharge any representative on the Napier-Hastings Future Development Strategy Joint Committee and appoint their replacement shall be exercisable only by the Partner Council that appointed the representative being discharged.
- 4.5 In addition to the representatives of the Partner Councils, provision is made for mana whenua representation on the Joint Committee. Each of the following Post Settlement Governance Entities (PSGE), having statutory acknowledgement for consenting matters in respect of part of the FDS study area, shall be entitled to, should they wish to so do, appoint two representatives and an alternate representative to the Joint Committee:
 - Heretaunga Tamatea Settlement Trust
 - Mana Ahuriri Trust
 - Maungaharuru-Tangitū Trust
- 4.6 By adopting these Terms of Reference the Partner Councils make provision for these Mana Whenua representatives, two to be appointed by each of the named PSGEs and, further, delegate that power of appointment to each of the respective PSGEs. Appointments under this clause become effective when notified by the appointing PSGE to the Chief Executive of the Administering Authority.

- 4.7 The power to discharge any Mana Whenua Representative and appoint his or her replacement shall lie with the PSGE that appointed the representative.
- 4.8 Mana Whenua representatives are appointed in the spirit of partnership and in order to assist the Partner Councils and the Joint Committee in giving effect to the requirements of the NPS-UD with respect to the Napier-Hastings Urban Environment, including the requirement for the FDS to be informed by the values and aspirations of Māori, and in particular tangata whenua, for urban development.

5. Purpose of Terms of Reference

- 5.1 The purpose of these Terms of Reference is to:
1. Provide for the administrative arrangements of the Napier-Hastings Future Development Strategy Joint Committee as detailed in Appendix 2.
 2. Define the responsibilities of the Napier-Hastings Future Development Strategy Joint Committee as delegated by the Partner Councils under the Act.

6. Delegated authority

- 6.1 The Napier-Hastings Future Development Strategy Joint Committee has the responsibility delegated by the Partner Councils for:
- Considering engagement and consultation feedback gained through the FDS communication and engagement process and providing direction on the development of the draft FDS,
 - Considering feedback provided through elected member workshops,
 - Considering and recommending the draft FDS to each of the partner councils for public notification,
 - Providing governance oversight and direction as required to the FDS work programme,
 - Hearing and considering submissions on the draft strategy and making appropriate recommendations to the partner councils,
 - Considering and recommending a final strategy to each of the partner councils for approval
- 6.2 The Napier-Hastings Future Development Strategy Joint Committee shall in its work and decision-making give effect to the National Policy Statement on Urban Development (2020) and such other statutory provisions relevant to the preparation of the Napier-Hastings Future Development Strategy.

7. Powers not delegated

- 7.1 Any power that cannot be delegated in accordance with clause 32 Schedule 7 of the Local Government Act 2002.
- 7.2 The determination of funding for implementing the FDS.

8. Remuneration

- 8.1 Each Partner Council of the Napier-Hastings Future Development Strategy Joint Committee shall be responsible for remunerating its representatives on the Joint Committee and for the cost of those persons' participation in the Joint Committee.
- 8.2 Each Mana Whenua representative to the Joint Committee shall be entitled to a meeting fee of \$465 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.

9. Meetings

- 9.1 The standing orders adopted by the Administering Authority (based on the LGNZ model standing orders) as modified by any specific provisions of these Terms of Reference will be used to conduct Joint Committee meetings as if the Napier- Hastings Future Development Strategy Joint Committee were a local authority and the principal administrative officer of the Administering Authority or their nominated representative were its principal administrative officer.
- 9.2 The Napier Hastings Future Development Strategy Joint Committee shall hold all meetings at such frequency, times and place(s) as scheduled by the Administering Authority for the performance of the functions, duties and powers delegated under these Terms of Reference.
- 9.3 The membership of the Joint Committee shall be 12 if representatives are appointed by all PSGEs. In accordance with clause 30A of Schedule 7 of the Local Government Act 2002, the quorum shall be half the members if an even number of representatives are appointed and a majority of members if an uneven number of members is appointed, provided that at least one representative from each Partner Council shall be present.
- 9.4 Attendance via audio-visual means is permitted where necessary however in-person attendance is encouraged wherever possible. Members who attend meetings by electronic link will not be counted as present for the purposes of

a quorum (cl. 25A(4) Schedule 7 LGA); however where a meeting has a quorum, determined by the number physically present, the member/s attending by electronic link can vote on any matters raised at the meeting.

10. Voting

- 10.1 In accordance with clause 32(4) Schedule 7 of the Act, at meetings of the Napier-Hastings Future Development Strategy Joint Committee each Partner Council's representatives and the Mana Whenua representatives have full authority to vote and make decisions within the delegations of these Terms of Reference on behalf of that Partner Council or PSGE without further recourse to that Partner Council or PSGE.
- 10.2 Each representative, including the Committee Chairperson, has one vote.
- 10.3 The Chairperson has a deliberative vote but does not have a casting vote.

11. Election of Chairperson and Deputy Chairperson

- 11.1 On the formation of the Napier-Hastings Future Development Strategy Joint Committee the representatives shall elect a Joint Committee Chairperson and may elect a Deputy Chairperson. Both the Chairperson and Deputy Chairperson are to be selected from among the representatives appointed to the Joint Committee.
- 11.2 The mandate of the appointed Chairperson or Deputy Chairperson ends if that person through resignation or otherwise ceases to be a member of the Napier-Hastings Future Development Strategy Joint Committee.

12. Reporting

- 12.1 All reports to the Committee shall be presented via the Project Executive, TAG or from the Committee Chairperson.
- 12.2 The Partner Councils have also appointed lead consultants to assist with preparation of the FDS. The consultants will report, via the Project Executive, to the Committee from time to time.
- 12.3 Following each meeting of the Joint Committee, the Chair of the Project Executive shall prepare a summary report of the business considered at the meeting and submit that report, for information, to each Partner Council authority and participating PSGE. Such reports will be in addition to any formal minutes prepared by the Administering Authority.

13. Good faith

- 13.1 In the event of any circumstances arising that were unforeseen by the Partner Councils or their representatives at the time of adopting these Terms of Reference, the Partner Councils and their representatives hereby record their intention that they will negotiate in good faith to add to or vary these Terms of Reference so as to resolve the impact of those circumstances in the best interests collectively of the Partner Councils taking into account also the views of the PSGEs and the Mana Whenua representatives in relation to those circumstances.

14. Variations

- 14.1 Any Partner Council or any member of the Joint Committee may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the Joint Committee.
- 14.2 Once a proposed variation, deletion or addition to these Terms of Reference has been put to the Joint Committee, these Terms of Reference is amended only after each Partner Council has adopted the revised Terms of Reference giving effect to the proposed variation, deletion or addition.
- 14.3 Notwithstanding clause 13.2, the Joint Committee may amend the Terms of Reference, where the changes will not materially affect the commitment of any individual Partner Council.

15. Adopted and agreed by

Hastings District Council

Napier City Council

Hawke's Bay Regional Council

Endorsed by:

Heretaunga Tamatea Settlement Trust

Mana Ahuriri Trust

Maungaharuru Tangitū Trust

Appendix 1 – Project Background

Project Goal

The Napier-Hastings Future Development Strategy (FDS) will be developed in co-operation between the Hastings District Council (HDC), the Hawke's Bay Regional Council (HBRC) and the Napier City Council (NCC) and in partnership with Post Settlement Governance Entities with Statutory Acknowledgement within the FDS study area. This strategy will be developed to provide a guide to urban development for the next 30 years from 2024 to 2054 in accordance with the requirements of the National Policy Statement on Urban Development (2020)¹.

Project Assumptions

The FDS will be informed by:

- Matters specified in the National Policy Statement on Urban Development (2020), including tangata whenua values and aspirations
- Previous urban growth studies
- Current data and plans
- Other relevant Government Policy and legislative provisions (e.g., National Policy Statements)
- New research and investigations undertaken as part of the FDS development process
- Relevant current and recent planning work undertaken by the Partner Councils
- Policy objectives from within the three Councils

The Partner Councils are undertaking or have recently undertaken significant planning work that is directly relevant to the FDS, This includes the Napier City Spatial Picture and Plan Change 5 in Hastings. It is important that this recent work forms part of the baseline for the FDS. However, given the 30 year timeframe for the FDS and the evolving context for growth planning (e.g., legislative change, environmental changes), it is also appropriate for the FDS to include a fresh look at how growth should be accommodated. This means the FDS should be informed by historic growth plans and approaches to growth management but not constrained by them if a change of approach is warranted.

Project Scope

The FDS is primarily a growth strategy (for the Napier – Hastings Urban Environment) - to accommodate, enable and facilitate sustainable and desirable growth for the long term benefit of the region's citizens, businesses and institutions.

The Strategy will:

¹ The NPS-UD requires that each tier 1 and 2 local authority must prepare a FDS every 6 years in time to inform the preparation of its Long-Term Plan. The NPS-UD also requires each tier 1 and 2 local authority to review its FDS each intervening 3 years to determine whether it needs updating. These requirements mean the FDS will be reviewed regularly and where necessary updated over time

Describe what level of urban growth is anticipated over the next 30 years and beyond in the Study Area.

Identify (as required by the NPS_UD):

- Broad locations for development capacity
- Development infrastructure and other infrastructure requirement
- constraints on development

Consider (in identifying the above):

- Where growth will go and desired density
- What the sequence of development should be and the timetable/or triggers
- The criteria for establishing the boundaries to urban growth
- The budget implications

Propose policies to guide growth through:

- Regional Policy Statement
- District Plans
- The Long-Term Plan (LTP) of each Council
- The Regional Land Transport Strategy
- Infrastructure Development Planning (including both policy and social infrastructure networks)
- Such other plans and policies as may be established through Government legislative changes and reform programmes

Appendix 2 - Administering Authority and Servicing

The administering authority for the Napier-Hastings Future Development Strategy Joint Committee will be the Hastings District Council.

The provisions of clause 30 Schedule 7 of the Local Government Act 2002 apply.

Unless otherwise agreed, Hastings District Council will cover the administrative costs of servicing the Napier-Hastings Future Development Strategy Joint Committee.

Two supporting groups service the Napier-Hastings Future Development Strategy Joint Committee; these are the Project Executive and Technical Advisory Group (TAG). The Councils have also appointed Lead Consultants to provide planning and project management services for the project. The TAG will be chaired by an officer or independent advisor selected from among the TAG members and will comprise senior staff representatives from each of the participating Councils, with representation from Waka Kotahi (New Zealand Transport Authority), Mana Whenua/Tangata Whenua and other parties as the TAG deems appropriate from time to time.

The Project Executive

The Project Executive will comprise a senior executive from each of the participating Councils. Provision is made for appointees from the above listed Post Settlement Governance Entities to be part of the project executive. The project executive will be chaired by one of its senior Council officer members as agreed by those Council officers.

The Chair of the Project Executive will be the lead officer supporting the Joint Committee and overseeing management of the FDS programme.

Hastings District Council will be tasked with administering the development of the strategy on a day-to-day basis. The Councils will put in place such funding and administrative arrangements between them to support development of the strategy.

Functions of the project executive include:

- Approving overall work/scope, budget and necessary resources within officer and organisational delegations
- Ensuring that there are sufficient resources to support the completion of the strategy development and its implementation
- Approving consultancy tenders
- Establishing the study timetable, key milestone reporting and monitoring adherence with this programme
- Endorsing the overall consultation process and, as necessary, to have direct leadership in consultancy initiatives
- Approving drafts of the study and recommendations to the Joint Committee
- Approving any adjustments to the project content, the timetable and the budget within the scope of delegations, agreements and budgets. For matters outside of or beyond the scope of delegated authorities or agreements, referral back to the Partner Councils may be required.

The Technical Advisory Group

This is a technical management group comprising the infrastructure, planning and strategic or policy managers and staff of the three Councils (including Te Kupenga personnel), Waka Kotahi, Post Settlement Governance Entity representation and other persons identified through the process.

Functions include:

- Providing technical oversight for the FDS.
- Coordinating agency inputs particularly in the context of the forward work programmes of the respective councils.
- Ensuring council inputs are integrated.
- Technical work with and alongside the Lead Consultants including provision of information to the lead consultants.
- Providing advice to the project executive on study content and approach

Thursday, 15 June 2023

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

Item 1:

Te Rārangi Take

Report to Council

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

Te Take:
Subject: **Requests Received under the Local Government Official Information and Meetings Act 1987 (LGOIMA) Update**

1.0 Purpose and summary - Te Kaupapa Me Te Whakarāpopototanga

- 1.1 The purpose of this report is to inform the Council of the number of requests under the Local Government Official Information and Meetings Act (LGOIMA) 1987 received from 1 April 2023 to 26 May 2023 and the status of those requests.
- 1.2 This issue arises from the provision of accurate reporting of information to enable effective governance.
- 1.3 This is an administrative report to ensure that Council is aware of the number and types of information requests received and to provide assurance the Council is meeting its legislative obligations in relation to the LGOIMA.
- 1.4 This report concludes by recommending that the LGOIMA requests (as in **Attachment 1**) be noted.

2.0 Recommendations - Ngā Tūhunga

- A) That Council receive the report titled Requests Received under the Local Government Official Information and Meetings Act 1987 (LGOIMA) Update dated 15 June 2023.
- B) That the LGOIMA requests received from 1 April 2023 to 26 May 2023, as set out in **Attachment 1** of the report be noted.

Attachments:

[1↓](#) LGOIMA Update report for Council - June 2023 IRB-2-01-23-3283

IRB-2-01-22-2915 – To Council 15/12/22

Local Government Official Information and Meetings Act 1987

LGOIMA – Report to Council – 1 April – 26 May 2023

	Requests Received	Responses to requests	Responses with information fully released	Responses with information partially withheld	Responses with information fully withheld or declined	Average number of working days to respond	Requests resulting in a complaint to Ombudsman
	26	20	19	0	1	9	2

Requests received since last reported to Council

Month	From	Subject
Completed		
Outstanding		
From 1 April 2023	Jason Roebuck #9	Complaints Policy version 2
	Jessica Maxwell	Mangarau Stream
	Oliver Bryan, NZ Taxpayer's Union	Office space usage and working from home policy
	Dr Fabio Scarpello	Security services
	Ben Bistouni	Consent timeframes
	Wayne Dyer	Lawn Road
	Oliver Bryan, NZ Taxpayer's Union	Music licenses
	Connor Stephen	Waste management
	Shannon Weaver	Watties traffic routes
	Oliver Bryan, NZ Taxpayer's Union	Staff suspensions
	Oliver Bryan, NZ Taxpayer's Union	Redundancies
	Oliver Bryan, NZ Taxpayer's Union	Use of Graphic Designers
	Jessica Maxwell	NZME advertisement
	Jason Roebuck	Report written by Nigel Chief Executive
May	Justin Cameron, Willis Legal	106 Kopanga Road Notice to Fix
	Oliver Bryan, NZ Taxpayer's Union	Sick leave and resignations
	Oliver Bryan, NZ Taxpayer's Union	Bonuses and Pay Awards
	Sam Lasham	Council use of chemicals/pesticides
	Jason Roebuck #10	36 West Road

IRB-2-01-22-2915 – To Council 15/12/22

Month	From	Subject
May	Jason Roebuck #11	36 West Road
	Jason Roebuck #12	36 West Road
	Bronda Smith	Tainui Reserve
	Kimberly McKay	Number 8 Studios
	Tania Beazley	Fluoride policies
	Ross Smith, NZ Police	Railway Road
	Bob Osborne, Responsible Campers Assoc Inc.	Correspondence from 3 rd parties

Thursday, 15 June 2023

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

Item 14

Te Rārangi Take

Report to Council

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

Te Take:
Subject: Proposed Amendments to Schedule of Meetings

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 15 June 2023.
- B) That Council adopt changes to the 2023 Schedule of Meetings as follows:

Strategy and Policy Committee	Postponed	From Tuesday 20 June to Tuesday 25 July 2023 at 1pm
Strategy and Policy Committee	Postponed	From Thursday 7 September to Tuesday 19 September 2023 at 1pm

Attachments:

There are no attachments for this report.

HASTINGS DISTRICT COUNCIL

COUNCIL MEETING

THURSDAY, 15 JUNE 2023

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:

18 Civic Honours Awards Nominations 2023

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>
18 Civic Honours Awards Nominations 2023	Section 7 (2) (a) 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 nominees pending decision-making in the selection process.	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.

Item ERROR! REFERENCE SOURCE NOT FOUND.