

Tuesday, 11 June 2024

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

Kaupapataka
Agenda

Te Rā Hui:
Meeting date: **Tuesday, 11 June 2024**

Te Wā:
Time: **9.00am**

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**

Tuesday, 11 June 2024

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Hastings District Council

Council Meeting

Kaupapataka

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, Hana Montaperto-Hendry, Simon Nixon, Wendy Schollum, Heather Te Au-Skipworth 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.

At the close of the agenda no requests for leave of absence had been received.

3.0 Conflict of Interest – *He Ngākau Kōnatunatu*

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

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

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

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

Minutes still to be circulated.

5.0 Long Term Plan 2024-34 and Development Contributions Policy Submissions 7

6.0 Mayor's Verbal Update 11

7.0 Hawke's Bay Tongan Langofounua Community Incorporated application to lease part of Chatham Park. 13

8.0 Stopping of Road (Alleyway) between Tenby Terrace and Walton Place 25

9.0 Minor Items – *Ngā Take Iti*

10.0 Urgent Items – *Ngā Take Whakahihiri*

11.0 Recommendation to Exclude the Public from Item 12 31

12.0 Puketapu Bridge Replacement - Approval of Separable Portion 2 and 3 of Contract (P2024-96)

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

Item 5

Te Rārangi Take

Report to Council

Nā:
From: **Lex Verhoeven, Strategy Manager**

Te Take: **Long Term Plan 2024-34 and Development Contributions Policy**
Subject: **Submissions**

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

- 1.1 The purpose of this report is to inform the Council on submissions received to both the Long-Term Plan and Development Contributions Policy, and to obtain decisions for incorporation into these documents for final adoption on 27 June 2024.
- 1.2 The background section of this report summarises the response to Council's engagement process which includes over 700 responses to help inform Council decision making.
- 1.3 The discussion section of the report highlights a number of the decisions required by Council over the course of the Council hearing.
- 1.4 In addition to this covering report the agenda is supported by several volumes of submissions.
- 1.5 The agenda is also supported by officer comments on various submissions which will be circulated separately.

2.0 Recommendations - *Ngā Tūtohunga*

- A) That Council receive the report titled Long Term Plan 2024-34 and Development Contributions Policy Submissions dated 11 June 2024.
- B) That the written and verbal submissions and officer comments attached be received.
- C) That the decisions and amendments made at this meeting be incorporated into the final Long-Term Plan 2024-2034 and Development Contributions Policy 2024-2025.
- D) That officers forward replies to all submitters to thank them for their submissions, advise of any Council decisions in response to the submissions and offer explanation based on the officer comments as amended by the Council at this meeting.

- E) That the issues raised in submissions that require further action by Council through the committee structure be noted and brought forward by officers as appropriate.
- F) That Council resolves, in terms of Section 82 (3) of the Local Government Act 2002, that the principles set out in that section have been observed in such a manner that the Hastings District Council considers, in its discretion, is appropriate for the decisions made during the course of this meeting.

3.0 Background – *Te Horopaki*

3.1 The Council's Draft Long Term Plan and Draft Development Contributions Policy was adopted on 18 April 2024 and has been the subject of community consultation via the Council Consultation Document and other collateral and processes. The Council has received the following feedback:

Consultation Document Tear-off Form and Online Feedback

Key Issue 1 – Cyclone Recovery Targeted Rate

Source	Responses	It's about right	Pay less, recover slower
Online Feedback	396	38%	62%
Consultation Document tear-off	220	54%	46%

Key Issue 2 - Growth

Source	Responses	It's about right	Pay more, accept more risk
Online Feedback	346	92%	8%
Consultation Document tear-off	193	93%	7%

Key Issue 3 – Nice-to-have projects

Source	Responses	It's about right	Pay more, add projects	Pay less, slow down
Online Feedback	385	21%	6%	73%
Consultation Document tear-off	219	29%	6%	65%

Key Issue 4 – Three Year rates and debt plan

Source	Responses	It's about right	Pay more, go faster	Pay less, take longer
Online Feedback	395	25%	3%	72%
Consultation Document tear-off	219	40%	4%	56%

- 3.2 The Consultation Document also contained the Council proposal to close Frimley Pool. A summary of feedback received below:

Frimley Pool

Source	Responses	Agree	Disagree
Online Feedback	41	17%	82%
Consultation Document tear-off	7	71%	29%

- 3.3 A section titled “Share your thoughts” also formed part of the Consultation Document tear-off response slip. An abbreviated record of these responses is summarised into key themes as follows in broad order of prominence:

Theme 1 – Rates Affordability and related questions.

- Concern in respect of affordability of the 3 Year Funding proposal and the pace of recovery;
- Questions as to the efficiency of Council and the contractors it uses (perceived lack of value)– and a broader call for cost savings, sale of assets and reduced staff numbers;
- A call to stick to basic services only, less beautification of the city.

Theme 2 – Who should Pay.

- Frustration as to the extent of the cyclone funding falling on HDC as opposed to a broader national solution – a call for greater non-rates funding assistance;
- A call to maximise user pays charging where practicable;
- Questions as to Council’s insurance cover for a cyclone event such as Gabrielle and the equity and fairness of ratepayers funding property buyouts for properties in hazard localities.

Theme 3 – Other assorted

- A call from some submitters to continue to invest beyond core infrastructure to make Hastings a vibrant place to live and visit;
- Compliments received on the clarity and readability of the Consultation Document;
- Concern as to the cost of the Consultation Document;
- Complaints about expenditure on bilingual signage;
- Request that growth be slowed down further due to impact on district services;

- Investment in Havelock North streams requested;
- Better integration with other agencies and partners.
- Protection of fertile soils from housing

3.4 A Facebook live session was also hosted on Tuesday 21 May 2024.

3.5 The Council drop-in sessions broadly mirrored the other feedback received and outlined above.

3.6 The Council has received a total of 461 submissions which have been distributed to Councillors as part of the Council agenda. Many express concerns as to the affordability of the plan in conjunction with the current cost of living pressures as detailed in the analysis above in section 3.1.

3.7 The balance of the submissions cover a variety of topics and the Officer Comments (to be circulated separately) provide further background information for Council as part of its deliberations.

4.0 Discussion – *Te Matapakitanga*

4.1 The Council hearing is scheduled to take place on Tuesday 11 June and Thursday 13 June with a reserve day on 18 June if required.

4.2 53 submitters have chosen to present to Council.

4.3 The decision-making part of the meeting will focus on the following topics:

- Frimley Pool Closure
- Cyclone Targeted Rate / Amendment to Revenue & Financing Policy
- Nice-to-Have Projects Plan (as per Consultation Document)
- Managing Growth / Adoption of Development Contributions Policy
- Consideration of other submissions (including funding requests)
- The overall 3 Year Funding Plan

4.4 The decisions from this meeting will form the basis of the final Long-Term Plan due for Council adoption on 27 June 2024.

Attachments:

Submissions 1 - 51 - Volume 1

Submissions 52 - 100 - Volume 2

Submissions 101 - 185 - Volume 3

Submissions 186 - 270 - Volume 4

Submissions 270 - 350 - Volume 5

Submissions 351 - 430 - Volume 6

Submissions 431 - 461 - Volume 7

Tuesday, 11 June 2024

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: **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 11 June 2024.

Attachments:

There are no attachments for this report.

Tuesday, 11 June 2024

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

Item 7

Te Rārangi Take

Report to Council

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

Te Take:
Subject: Hawke's Bay Tongan Langofounua Community Incorporated
application to lease part of Chatham Park.

1.0 Executive Summary – Te Kaupapa Me Te Whakarāpopototanga

- 1.1 The purpose of this report is to make a final decision on the request from the Hawke's Bay Tongan Langofounua Society Incorporated (the Society) to lease 1900m² of land at Chatham Park to build a community centre.
- 1.2 The proposal was first considered by Council in 2023 and has been publicly notified as per the requirements of the Hastings District Wide Reserves Management Plan.
- 1.3 Widespread and targeted public engagement was undertaken between December 2023 and June 2024. The engagement process included multi - media messaging to reach the wider community for them to be engaged in the requisite consultation process.
- 1.4 A total of 160 valid submissions were received with 77 in support and 83 in opposition. The public meeting revealed that many of those in opposition were against the spending of funds on a community centre rather than funding homes for young Tongan families. While this position is noted, the consultation process was not asking where funds might best be spent but rather whether Chatham Park is an acceptable and appropriate location for a community centre.
- 1.5 The Society's proposal, (see attachments 1 and 2) is a multi-use community facility and is considered by officers as acceptable under Council's District Plan and Districtwide Reserves Management Plan. As the proposed siting has minimal impact on the current and future uses for Chatham Park, officers have the view the proposal is an appropriate use for Chatham Park.
- 1.6 If Council agrees to lease the land, the Society can proceed with their feasibility study and commence fundraising in the knowledge that they have a dedicated location and approved lease.
- 1.7 As it may take some time for the Society to realise their funding targets, officers recommend that the lease agreement should include a condition that allows Council to terminate the lease should the Society be unable to make substantial progress in constructing the facility. This will ensure the 1900m² of Chatham Park is able to be allocated for other usage if appropriate.

- 1.8 In addition officers recommend the Society to provides a landscape plan to help integrate the building into the park area.
- 1.9 This report concludes by recommending that Council authorise the Chief Executive to enter into a 33 year conditional ground lease with the Society for the exclusive use of approximately 1,900m² of Chatham Park to build and operate a community centre. This will be subject to the Society making the building available for other community uses and the Society obtains all funding and necessary building and planning consents.

2.0 Recommendations - Ngā Tūtohunga

- A) That Council receive the report titled Hawke's Bay Tongan Langofounua Community Incorporated application to lease part of Chatham Park. dated 11 June 2024.
- B) That Council approve the request to establish a Community Centre on a portion of Chatham Park as per Attachments 1and 2.
- C) That Council authorise the Chief Executive to enter into a conditional agreement to lease to the Hawkes Bay Tongan Langofounua Society Incorporated for an area of up 1900m² of Chatham Park to establish and operate a community centre, at a location in the park acceptable to the Chief Executive, for a total term (original and any renewal periods) of not more than 33 years, at an annual rent determined in accordance with Council's policy, with additional conditions being:
- i. The Hawkes Bay Tongan Langofounua Society obtain at their cost, a landscape plan, all planning and building consents for a building of a design approved by Council as landowner (Council's granting of a building consent in a regulatory capacity is not deemed approval of the building design for the purposes of this agreement to lease).
 - ii. That the funding of the new community centre shall be wholly the responsibility of the Hawkes Bay Tongan Langofounua Society Incorporated.
 - iii. That the lease shall include a condition that if the Hawkes Bay Tongan Langofounua Society has failed to raise the necessary funds and not started construction within five years of the lease commencement, Council may terminate the lease.
- D) That when the conditions of the agreement to lease are duly satisfied, the Council authorises the Chief Executive to enter into a 'deed of lease' with the Hawkes Bay Tongan Langofounua Society Incorporated.

3.0 Background – Te Horopaki

- 3.1 The Society has approached Council with a request to lease land to build and operate a community centre at Flaxmere, which is home to a large Tongan community.
- 3.2 At its October 23rd 2023 meeting Council considered several factors relating to the proposal and its potential siting on Chatham Park, Flaxmere. These included:
- The Society's aim to build a multi-use community facility to promote and enhance Tongan culture and wellbeing in Hawke's Bay as well as providing for other communities' needs.
 - The site selection process investigated potential open space areas in Flaxmere that would accommodate the Society's requirements and operational needs, including suitable separation and distances from nearby activities. Chatham Park provides various benefits

including good vehicular and pedestrian access, good separation from neighbours and sufficient space which has limited use.

- The Society requested Council grant a ground lease covering an area of approximately 1900m² (**Attachments 1 and 2**) to cater for a community building of approximately 1,000m² with an associated vehicle accessway and immediate outdoor area covering an additional 900m².
- Through discussions with the applicants, the opportunity to link some other community facilities such as public toilets to the building are also possible. These opportunities can be considered in future should Council or the community contemplate new park facilities.
- The new facility would also make use of the adjacent existing carpark.

3.3 On October 23rd 2023 Council resolved the following:

- B) *That Council authorise officers to commence the process under the District Wide Reserve Management Plan to publicly notify the request by the Hawke's Bay Tongan Langofounua Society Incorporated to lease approximately 1,900m² of Chatham Park to establish and operate a community centre.*
- C) *Council notes that officers as part of the consultation process in recommendation B) will seek community feedback on the appropriateness of continuing to name the park Chatham Park or is there a community view for an alternate name.*

3.4 Regards C (in 3.3) Council is in the process of considering potential name changes for sections of Ron Giorgi Park. Officers propose to consider Chatham Park's name as part of this process.

1.0 Discussion

District Wide Reserves Management Plan Requirements (Reserve Act 1977)

4.1 Council was required to undertake public consultation under Policy 5.3.18 of the District Wide Reserves Management Plan that states:

5.3.18 Applications for leases or licences on land held by Council for open space purposes, but not held under the Reserves Act 1977 will be treated according to its specified use, as if it was held under that Act, to ensure consistency of decision making.

4.2 Given the Sport and Recreation classification in the Open Space Zone of the Operative District Plan, the appropriate Reserves Act classification would normally be Recreation Reserve. As a Recreation Reserve, Section 54 of this Act would delegate Council, authority to grant a lease on this Park for up to 33 years, with a requirement for public notification and opportunities for submission.

4.3 This is consistent with Policy 5.3.7 of the District Wide Reserves Management Plan that states:

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

4.4 As Chatham Park is owned and managed by Council as an area of open space for the use and enjoyment of the whole community, the public notification provisions of the District Wide Reserves Management Plan have been followed.

Public Consultation

4.5 Flaxmere residents were notified via a household letter drop, posters, newspaper and public notices. They were asked to vote on their preference and invited to a public meeting to hear about the proposal.

- 4.6 A public meeting held on December 19th 2023 was attended by approximately 150 people. The Society spokesperson explained the proposal to those attending and many took the opportunity to both raise concerns or air their support. Many also took the opportunity to fill in submission forms on the night.
- 4.7 There was a mixture of support for and opposition to the proposal. Opposition was premised on the contention that the \$6.0m funding for building the hall would be better applied to supporting Tongan families into home ownership. It was clarified that there was no Council funding for the proposal.
- 4.8 Two attendees voiced concern over the use of the Park. One suggested it is already well used by walkers and those exercising their dogs and the proposed building would limit accessibility. The other speaker suggested that a previous mayor had promised nothing would ever be built on Chatham Park and on that basis the development shouldn't proceed. Officers have been unable to find any evidence of this Mayoral assurance. Even if such a statement was made, it would not be binding on this Council.
- 4.9 Through the engagement process, both paper or on-line, - 163 submissions were received of which 77 were in support and 83 were opposed. 3 were void.
- 4.10 While the submissions show almost as many in support as against, officers believe the misunderstanding surrounding the funding may have adversely affected people's view.
- 4.11 To assist understanding of the issues raised by those opposing the proposal, Councillor Heke and officers met with Tongan leaders to discuss the proposal and clarify any misconceptions. It became clear that those opposing the Society's proposal were of the belief that perhaps Council had provided millions of dollars to undertake the project. When it was made clear that this wasn't the case and the Society had to do all the fundraising itself, the opposition to the proposal changed. It was explained that the consultation was not asking about whether the spend was appropriate but rather asking whether Chatham Park was suitable for the community centre. As a result of these discussions, the community leader of the group who largely opposed the proposal indicated their support for the Society in their endeavours to build and fund a community centre that all could use.
- 4.12 During the formal consultation process, 80 submitters indicated they wished to present their submission to Council. The hearing was held on June 6th and two submitters spoke to their submissions.

M. Richardson raised the following issues;

- Loss of recreation area.
- Loss of existing carpark if applicants had exclusive use.
- Tree removal costs.
- Suggested they should not use public land but rather buy their own land as others have done.
- Suggested that having a community centre sets a precedent as most buildings on sports parks are sports related.

Officer responses

- Chatham Park is not well used for sports and the proposed lease area takes only 2 % of the total Park.
- It is not intended that the Society will have exclusive use of the carpark and it will be available for any park users.
- Any tree removals would be at the cost of the Society. In addition, the lease will include a condition on the Society providing a landscape plan for Council approval.

- The District Plan and Reserves Management Plans allow for community facilities on Council reserves. It would be onerous to force the Society to also purchase land for a community facility that they will be paying for.
- There are already other community centres on Council land so granting this lease will not create a precedent.

V Lolo raised the following issues;

- Support for the project
- Willingness to work with all in the community
- Benefits of creating a coherent Tongan community and support for younger people.
- Loss of existing carpark if applicants had exclusive use
- Tree removal costs

Officer responses

- Officers note the support and positivity of the submitter in supporting the Tongan and wider community.
- The benefits to the whole community are acknowledged.

4.13 In summary the verbal submissions were largely covered by the earlier submissions however the issues of tree removal and the need for a landscape plan are recommended for inclusion in the lease requirements should Council decided to offer a lease.

Chatham Park – sportsground and open space considerations

- 4.14 Council is currently reviewing the provision of and need for sports grounds and facilities. The initial findings have identified shortfalls in fields in Havelock North and Hastings, while Flaxmere is well provided for. However, to cater for future district wide needs, underutilised sportsgrounds maybe required to cater for growth in demand.
- 4.15 Chatham Park covers 9.9543 hectares and is actively maintained as a sport and recreation park. There is an artificial cricket wicket on the Park, and in the past the Park has been used for touch rugby and football. The Park currently is not well utilised for sporting activities. Retaining the grounds has the potential to help alleviate future sporting codes demands.
- 4.16 To ensure the Park can cater for growing demand, any new development would best be located where it will not adversely impact on future use and to provide the most effective field layout. The proposed location of the community centre, close to Chatham Road and the existing carpark would be the most efficient use.

Operative Hastings District Plan

- 4.17 Chatham Park is zoned as Open Space 1 (Sport and Recreation) in the Operative Hastings District Plan and identified as OS1-04 in Appendix 63. This Sport and Recreation Zone provides for larger areas of open space which cater for organised sports and active recreation such as sports grounds as well as a range of community activities.
- 4.18 Community Centres, as Places of Assembly are listed as Permitted Activities in the Open Space 1 Zone, subject to complying with the relevant General Performance Standards. The plans of the proposed community centre show that the proposal can comply with the performance standards including yard setbacks, building height requirements, noise and safe access and parking.
- 4.19 Recent discussions with the Society have progressed the idea that their building could be also used as a community hub in times of emergency. This would provide additional capacity to Council's growing suite of community based centres that could be utilised on in times of need.

Planning Process Summary

- 4.20 The proposal can meet all the District Plan and Districtwide Reserve Management rules and objectives. The proposed siting close to Chatham Road and the existing carpark will not detrimentally impact on future use of the Park in terms of accommodating sporting code growth.
- 4.21 It should be noted that the reason for the consultation was not to determine the need for a facility but rather whether there were legitimate reasons for siting the facility on Chatham Park. Two submissions questioned the siting and raised issues of reduced public access to the Park and an alleged historic mayoral promise of not allowing any new buildings on Chatham Park.
- 4.22 Officers support for the proposal to build a Tongan community centre on Chatham Park. The facility would neither be funded or owned by Council. This is the norm for a range of clubs and facilities located on Council parks across the District.
- 4.23 Officers recommend Council approves the request for a 33year lease. This length of tenure complies with the Reserves Act's requirements and will give the Society surety for their investment. Officers recommend the lease is conditional on the Society first obtaining at their cost; a feasibility study, raising all the funding required, obtaining all necessary resource and building consents for a building of a design approved by Council as landowner.

5.0 Options – Ngā Kōwhiringa

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

That Council resolve to authorise the Chief Executive to enter into an agreement with the Hawke's Bay Tongan Langofounua Society Incorporated to enter into a 33 year lease to occupy approximately 1,900m² of Chatham Park to build and operate a community centre.

Advantages

- The proposed community centre will contribute to the wellbeing of the Tongan Community in Flaxmere.
- The proposed community centre will also be available for other community groups to utilise.
- Chatham Park is a large area of open space in Flaxmere that has the potential to accommodate the proposed community centre with adequate setback distances from neighbouring properties.
- The facility can be accommodated while retaining adequate open space for community sport and other recreation needs.
- The proposed community centre can comply with the provisions of both the Hastings District Plan and District Wide Reserves Management Plan.
- the proposed lease is a relatively small area of the park (approximately 2%) and is unlikely to have any impact on its current and future uses.
- The opportunity to use the building as a community hub in civil emergencies would provide a welcome additional resource for the Flaxmere and wider community.

Disadvantages

- No disadvantages are identified. The advantages discuss that 2% utilisation of the Park for a community centre is unlikely to impact on current and future use demands for the Park.

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

- 5.2 Decline the request of the Hawkes Bay Tongan Langofounua Community to build and operate a new community centre on Chatham Park.

Advantages

- No advantages are identified. The advantages discussed in 5.1, confirm that 2% utilisation of the Park for a community centre is unlikely to impact on current and future use demands for the Park.

Disadvantages

- The opportunity to develop a community facility that will contribute to the wellbeing of the local Tongan community and wider community in Flaxmere will be lost.

6.0 Next steps – *Te Anga Whakamua*

- 6.1 Should Council adopt the proposed recommendation, officers will prepare a conditional ground lease to enable the Society to progress with fundraising for the building of their community centre.
- 6.2 The Society will undertake a feasibility study to ensure the proposal is fit for purpose and affordable, secure in the knowledge that they will have land on which to build their centre.
- 6.3 The lease will include Council’s standard conditions and requirements that ensure that the development comes at no cost to Council and ratepayers. The lease shall be conditional on the Society making substantial progress on raising the funds and commencing building works within the first five years. This will ensure that should they fail in fund raising, the specific area of the Park can again be available for other park uses.

Attachments:

1	Chatham Park Carpark 400 121023 aerial - Attachment 1	CG-17-1-00501
2	Hawke's Bay Tongan Community - Attachment 2	CG-17-1-00421

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 for the future by facilitating the building of a community centre for the Tongan community.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

The community centre will be available for all to access and use, including mana whenua.

Sustainability - *Te Toitūtanga*

The new build will look to incorporate sustainable building elements to be more environmentally responsive and sustainable.

Financial considerations - *Ngā Whakaarohanga Ahumoni*

The new facility will be fully funded by the Tongan community and other external funding agencies.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

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

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

Consultation processes are discussed in the Report

Risks

Opportunity: The proposal offers to deliver a multi-use community facility for all the community to use

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
<ul style="list-style-type: none"> Improved cultural and wellbeing outcomes for the Tongan and wider community. 	<ul style="list-style-type: none"> The loss of 1900m² open space for use by the community.

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

No specific impacts on the Rural Community Board

Tuesday, 11 June 2024

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

Item 8

Te Rārangi Take

Report to Council

Nā:
From: **Bruce Conaghan, Transportation Policy and Planning Manager**

Te Take: **Stopping of Road (Alleyway) between Tenby Terrace and Walton Place**
Subject: **Place**

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to obtain a decision from the Council whether to proceed with the road stopping process stipulated in Section 319, Schedule 10 of the Local Government Act 1974.
- 1.2 This issue arises from continued complaints of anti-social behaviour received from adjoining property owners to the alleyway between Tenby Terrace and Walton Place.
- 1.3 With the road stopping consultation process having been completed, Council can move forward with stopping of the road (alleyway) between Tenby Terrace and Walton Place.
- 1.4 This report concludes by recommending that Council resolve to stop the road (alleyway) and amalgamate the land with adjoining owner's land and that the Chief Executive is delegated authority to complete the procedures stipulated in Section 319, Schedule 10 of the Local Government Act 1974 as well as to dissolve and amalgamate the stopped Tenby Terrace to Walton Place alleyway area with adjoining properties.

2.0 Recommendations - *Ngā Tūtohunga*

- A) That Council receive the report titled Stopping of Road (Alleyway) between Tenby Terrace and Walton Place dated 11 June 2024.
- B) That Council resolve to stop the road (alleyway) between Tenby Terrace and Walton Place defined as Lot 45 DP 14047.
- C) That the Chief Executive is delegated authority to complete the procedures stipulated in Section 319, Schedule 10 of the Local Government Act 1974 as well as to dissolve and amalgamate the stopped Tenby Terrace to Walton Place alleyway area with adjoining properties.

3.0 Background – Te Horopaki

3.1 Several concerns had been raised with regard to security and safety with the alleyway between Tenby Terrace and Walton Place. This included but was not limited to:

- Damage to fences and private property
- Trespassing and theft / burglary
- Teasing of dogs
- Drug dealing with the alleyway providing a link for such activity
- Litter
- Other anti-social behaviour

3.2 The alleyway is located in Flaxmere and connects Tenby Terrace to the end of Walton Place as shown in Figure 1 below. There are four properties that adjoin the alleyway.



Figure 1 : Aerial showing the alleyway location and adjoining properties

3.3 The alleyway is approximately 70 metres long and approximately 3 metres wide. There is a bend located about the midpoint of the alleyway meaning that there is no clear sightline from one end to the other. It is also poorly lit and adjacent boundaries have high solid fencing and plantings with no through visibility. With the existing Unison underground high voltage line through the alleyway, any land transfer agreements will need to provide for an easement to enable access for Unison maintenance purposes.

3.4 From information provided by one of the property owners adjacent to the alleyway, there are a very low number of pedestrians (<10 per day on average) that use the alleyway for legitimate

purposes e.g. going to the Flaxmere Town Centre or nearby education facilities. From time to time, pedestrian numbers do increase although this is due to the alleyway being used for illegal purposes.

- 3.5 A site assessment using Crime Prevention Through Environmental Design (CPTED) principles was undertaken with a member of the NZ Police. From this assessment, the benefits of closing the alleyway due to the level of anti-social activity and facilitating the commissioning of antisocial or criminal activity outweigh the negative impact of a low number of pedestrians having to walk a further 380 metres.
- 3.6 A range of options to improve the alleyway had been considered, however due to the width and shape of the alleyway, there were limited opportunities for improvement.
- Widening and straightening of the alleyway, to allow clear sightlines, would require the purchase of private property and likely demolition of buildings.
 - The overall alignment of the alleyway means that providing lighting would provide limited benefit other than to assist with night-time surveillance.
 - Efforts to improve passive surveillance, such as with permeable fencing, would further reduce privacy for adjacent properties.
 - Cosmetic improvements to the fences and/or increased maintenance would not address the safety or behaviour issues.
- 3.7 Discussions had been undertaken with all adjacent landowners, with agreements in principle to acquire the land following a successful closure process.
- 3.8 In a report to Council on 14 December 2023, Council resolved (*inter alia*) :
- “That the Council approve the initiation of the road stopping process for the alleyway between Tenby Terrace and Walton Place in accordance with Section 319, Schedule 10 of the Local Government Act 1974.”
- 3.9 The stopping of roads and public accessways is detailed in the Section 319, Schedule 10 of the Local Government Act 1974. In summary:
- A plan of the proposed stoppage shall be lodged with the office of the Chief Surveyor.
 - Council shall give public notice of the proposed stoppage, calling for objections, for a period of at least 40 days.
 - If no objections are received Council may declare the road stopped.
 - If any objections are received Council may either allow the objections, keeping the accessway open, or send the case to the Environment Court.
 - If Council agrees to stop the road, negotiations may then proceed to subdivide and dispose of the land, amalgamating the land parcels with the adjacent properties.

4.0 Discussion – *Te Matapakitanga*

- 4.1 In accordance with the requirements of the Local Government Act 1974 to effect road stopping, the proposed stopping was notified to the public on 16 March 2024 and 23 March 2024 for a period of 40 days with submissions closing on 30 April 2024.
- 4.2 Four submissions were received with all in support of the road (alleyway) closure. There were no objections received.
- 4.3 On that basis, Council can now resolve to the stopping of the road (alleyway) between Tenby Terrace and Walton Place.

5.0 Options – Ngā Kōwhiringa

Option One – Recommended Option - Te Kōwhiringa Tuarua – Te Āhuetanga o nāianeī

5.1 Council resolve to stop the alleyway and amalgamate the land with adjoining properties.

Advantages

- The land will be amalgamated with adjoining properties, preventing any further illegal and anti-social behaviour experienced at the alleyway.
- The alleyway would no longer be available to facilitate the commissioning of anti-social or criminal activity.
- Adjacent property owners would feel safer knowing that there was no public access adjacent to their properties.

Disadvantages

- Accessibility for local walking trips will be reduced, particularly for residents of Walton Place.
- This is the more expensive option where further legal fees are acquired during land amalgamation however these fees would not be a significant amount.

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

5.2 Council resolve to stop the alleyway but retain the land:

Advantages

- No further legal fees acquired to amalgamate land or to obtain an easement over the land.

Disadvantages

- The area would need to be fenced off to physically prevent public access.
- If land is not amalgamated with adjoining properties, this creates a “dead zone” which could allow illegal dumping in the alleyway and require ongoing regular checking and maintenance.

6.0 Next steps – Te Anga Whakamua

6.1 With no opposition to the proposed road stopping, the next step now is for Council to resolve the stopping of the road (alleyway) between Tenby Terrace and Walton Place defined as Lot 45 DP 14047 and proceed with the meeting the requirements of the Local Government Act 1974 to effect the road stopping.

6.2 Once the resolution is obtained, as stipulated in Section 319, Schedule 10 of the Local Government Act 1974, two copies of the public notice for the road stopping and the deposited plan of the alleyway need to be sent to the office of Chief Surveyor for record and Council needs to declare that the road is stopped by public notice.

6.3 A call for a new certificate of title under Hastings District Council will be sent to Land Information New Zealand. This will then allow for Council to subdivide the new title (sell the land) into parcels that can be amalgamated with those adjacent property owners willing to purchase the land.

6.4 Completing the road (alleyway) stopping will incur some costs to Council including legal fees for the subdivision and disposal of the stopped road. However, this will be offset with the sale of the stopped road. The removal of the concrete pathway through the alleyway and the measures to physically close the alleyway are the only costs borne by Council.

6.5 With the existing Unison underground high voltage line through the alleyway, any land transfer agreements will need to provide for an easement to enable access for Unison maintenance purposes. Note that once the easement is in place, the value of the land acquired will be minimal. Hence, the only funding contribution Council is seeking from the adjacent property owners, who are willing to amalgamate the disposed land into their property, is a contribution towards legal costs of road

stopping and vesting. The amount will be negotiated with the owners once this stage has been reached.

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-Hāpori*

This proposal promotes the social wellbeing of communities in the present and for the future. It removes a piece of local infrastructure which is having a negative impact on public safety and security particularly residents adjacent to the alleyway. This should contribute to safer walking facilities and may improve residential development opportunities.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

N/A

Sustainability - *Te Toitūtanga*

N/A

Financial considerations - *Ngā Whakaarohanga Ahumoni*

Completing the road (alleyway) stopping will incur some costs to Council including legal fees for the subdivision and disposal of the stopped road. However, this will be offset with the sale of the stopped road.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

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

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

Extensive consultation has been undertaken in accordance with the process for Stopping of Roads as defined in the Local Government Act 1974, including gaining agreement in principle with the adjoining landowners to acquire ownership of the land once the road (alleyway) is stopped.

Risks

Opportunity: To reduce the opportunity for illegal and antisocial behaviour due to poor public infrastructure.

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
Improved safety and security for local residents and users of the walking network.	Reduced accessibility for users of the walking network.

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

N/A

HASTINGS DISTRICT COUNCIL

COUNCIL MEETING

TUESDAY, 11 JUNE 2024

Item 11

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 Puketapu Bridge Replacement - Approval of Separable Portion 2 and 3 of Contract (P2024-96)

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>
12 Puketapu Bridge Replacement - Approval of Separable Portion 2 and 3 of Contract (P2024-96)	Section 7 (2) (h) The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities. Section 7 (2) (i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). Confidential business information and protect Councils negotiation position.	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.