

Thursday, 8 August 2024

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

Kaupapataka

Agenda

Te Rā Hui:
Meeting date: **Thursday, 8 August 2024**

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**

Thursday, 8 August 2024

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

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.

Leave of Absences had previously been granted to Councillor Te Au-Skipworth and Councillor Jessup

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 23 May 2024.
(Previously circulated)

Minutes of the Council Meeting held Tuesday 28 May 2024.
(Previously circulated)

Minutes of the Council Meeting held Thursday 27 June 2024.
(Previously circulated)

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24.0	CE Performance Review and Planning (Supplementary agenda to be circulated separately)	
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Thursday, 8 August 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 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 8 August 2024.

Attachments:

There are no attachments for this report.

Thursday, 8 August 2024

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

Te Rārangi Take

Report to Council

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

Te Take: Petition - To review rent increases of Senior Housing complexes at
Subject: Tui Vale and Kererū Heights

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

- 1.1 The purpose of this Report is to inform the Council about a petition received from lead petitioner Ms Sally Maoate on 17 April 2024. The petition will be tabled at the meeting.
- 1.2 The delay of this petition being presented to the Council has come about due to some delays in being able to communicate with the lead petitioner.
- 1.3 The petitioner's prayer reads as follows:
- 1.4 *"We the residents of Kererū Height – petition the assistance of the HDC to review the recent January 2024 rent increases."*
- 1.5 There are 23 signatories to the petition.
- 1.6 The lead petitioner has advised that Mr Bruce Kellet; a tenant of Tui Vale will present the Petition to the Council.

2.0 Background

- 2.1 Council has been providing affordable and safe housing for eligible senior citizens for over 60 years.
- 2.2 Council owns and operates nine senior housing complexes comprised of 220 individual units located in Hastings, Flaxmere and Havelock North. The senior housing portfolio consists of exclusively one-bedroom units, 175 of which are single units and 45 of which are double units.
- 2.3 On 26 October 2023, Council adopted the Senior Housing Operational Management Policy (Policy). The purpose of this Policy is to ensure the senior housing portfolio is allocated according to need, remains affordable for tenants, and is managed in a financially sustainable manner to support positive outcomes for tenants, communities, and Council.
- 2.4 The Policy is due to be reviewed in October 2024. The Review will include a market valuation of the portfolio and subsequent rent setting proposal for Council to consider.

- 2.5 Officers from Councils, Community Development Team have attended two meetings with tenants of Kererū Heights and Tui Vale to try and address their concerns. Officers continue to work with these tenants.

3.0 Recommendations - *Ngā Tūtohunga*

- A) That Council receive the report titled Petition - To review rent increases of Senior Housing complexes at Tui Vale and Kererū Heights dated 8 August 2024.
- B) That the tabled Petition be received.
- C) That the Council notes the Senior Housing Operational Management Policy is due to be reviewed in October 2024.

Attachments:

There are no attachments for this report.

Thursday, 8 August 2024

Item 7

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

Te Rārangi Take

Report to Council

Nā: Louise Stettner, Manager, Democracy & Governance Services
From: Bruce Conaghan, Transportation Policy and Planning Manager

Te Take:
Subject: Petition - To Install Speed Bumps on Cornwall Road, Hastings

1.0 Purpose and summary - Te Kaupapa Me Te Whakarāpopototanga

1.1 The purpose of this report is to inform the Council about a petition received on the 12th of February 2024 from lead petitioner Mr David Mardon. The petition will be tabled at the meeting.

1.2 The petitioner's prayer reads as follows:

'For years now, drivers, especially the boy racer type, have been speeding down Cornwall Road, Hastings. This road is classified as a residential road, with restricted entrances and exits to limit its use. However, this has not reduced the number of drivers using the road or the speeds they travel, instead it has become a bypass to avoid the Tōmoana-Frederick streetlights intersection.

Cornwall Park is a popular and well utilised park by many groups of people including families, the elderly, dog walkers and sports players etc. Due to this there is a high amount of foot traffic that crosses and is around Cornwall Road. Many elderly residents also live on Cornwall Road and walk around the area. Therefore, when cars travel at high speeds down this busy road, they are putting many lives in danger.

We the below residents and users of the park believe that the best way to keep people safe and reduce cars being able to drive at dangerous, high-speeds is to install speed bumps down Cornwall Road, thus reducing the risk of someone being killed or severely injured.'

1.3 There are 39 signatories to the petition.

1.4 Mr Mardon has indicated that he wishes to present his petition to the Council.

1.5 Since the petition was lodged, officers have undertaken initial investigation into the matters raised in this petition. This investigation included undertaking a traffic and speed survey count over the period of 2 June to 9 June 2024, and a review of the crash history for the 2019 to 2023 period.

- 1.6 The traffic and speed survey count noted that the 85thile speed is approximately 53 km/h which is in the range of speeds on a road classed as a secondary collector classification in the Hastings District Roding Hierarchy.
- 1.7 From the review of the crash history, there had been three reported non-injury crashes all during nighttttime hours along Cornwall Road , and two reported crashes (one serious and one minor) at the Nelson Street North and Cornwall Road intersection. None of these five reported crashes involved speed as a causal factor.
- 1.8 Considering the urban environment and function of Cornwall Road in the road network, officers recommend further work is undertaken to identify appropriate solutions to manage consistent vehicle speed compliance and general driver behaviour.
- 1.9 The report concludes by recommending that the petition be received, and that further investigation be undertaken to identify appropriate solutions to manage speeds on Cornwall Road.

2.0 Recommendations - *Ngā Tūtohunga*

- A) That Council receive the Report titled Petition - To Install Speed Bumps on Cornwall Road, Hastings dated 8 August 2024.
- B) That the tabled Petition “To Install Speed Bumps on Cornwall Road, Hastings” be received.
- C) Council notes that Council officers have investigated the concerns raised in the petition and found average vehicle speeds to be compliant for the class of road within the Hastings District Roding Hierarchy.
- D) Considering the urban environment and function of Cornwall Road in the road network, officers recommend further work is undertaken to identify appropriate solutions to manage consistent vehicle speed compliance and general driver behaviour.

Attachments:

There are no attachments for this report.

Thursday, 8 August 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: Naomi Fergusson, Group Manager: Marketing & Communications

Te Take:
Subject: Arts Inc. Heretaunga Business Plan - Hawke's Bay Arts Festival

1.0 Executive Summary – Te Kaupapa Me Te Whakarāpopotanga

- 1.1 The purpose of this report is to consider a decision relating to a funding application by Arts Inc. Heretaunga (AIH) for the Hawke's Bay Arts Festival (Festival).
- 1.2 In making the recommendation, the Report steps through consideration of three high-level decisions for Council, being:
 - Should Council fund an art festival?
 - AIH's proposal for a biennial Hawke's Bay Arts Festival – does it positively support the potential benefits through its event offering?
 - If Council does not support the proposal, what are the alternative investment options for the \$120,000 provided for in the Events Budget 2024-2027?
- 1.3 Based on the discussion relating to 1.2, this Report addresses Council Resolution E in respect of Agenda Item 7 'Funding - Arts Inc. Heretaunga' (AIH) which requires the provision of a Business Plan from AIH detailing the events programme and expected outcomes of the Hawke's Bay Arts Festival . (Council Meeting on 23 May 2025).

Agenda Item 7: Funding – Arts Inc. Heretaunga

- E) Council notes that the \$120,000 primarily allocated to support delivery of the Arts Festival (annual allocation for 3 years with a whole of contract commitment of \$360,000) in Recommendation B for delivery of events, is subject to Council approval of a Business Plan which details the events programme and expected outcomes. A future Council decision may amend the \$120,000 funding allocation. This Council approval will inform the Chief Executives delegation in Recommendation C).*

- 1.4 The Council Report from 23 May 2024 (referred to in 1.3) is attached as (**Attachment 1**) to provide background and context for this Report.
- 1.5 AIH have provided business plan documentation that is attached as (**Attachment 2**) and the Hawke's Bay Arts Festival business case (**Attachment 3**).
- 1.6 Councillor agenda discussion on 23 May 2024 reflected concerns about the 3-year funding quantum commitment of \$360,000, the associated risks of fiscal sustainability of AIH and the quantity/quality of Festival events to be delivered given the main event would reduce from annual to biannual delivery.
- 1.7 The report concludes by recommending that the Council approve the business plan for the Hawke's Bay Arts Festival and fund the festival with \$60,000 per annum for two years from the events budget (total contract value of \$120,000).

2.0 Recommendations - Ngā Tūtohunga

- A) That Council receive the report titled Arts Inc. Heretaunga Business Plan - Hawke's Bay Arts Festival dated 8 August 2024.
- B) That Council notes it's resolution from the Council Meeting held on 23 May 2024, in respect of Agenda Item 7 'Funding - Arts Inc. Heretaunga' (AIH) namely - *Council notes that the \$120,000 primarily allocated to support delivery of the Arts Festival (annual allocation for 3 years with a whole of contract commitment of \$360,000) in Recommendation B for delivery of events, is subject to Council approval of a Business Plan which details the events programme and expected outcomes. A future Council decision may amend the \$120,000 funding allocation. This Council approval will inform the Chief Executives delegation in Recommendation C).*
- C) That Council approve the AIH Business Plan detailing the events programme and expected outcomes of the Hawke's Bay Arts Festival. (Attached as Attachment 3).
- D) That Council approves a grant of \$60,000 annually for two financial years (2024/25 to 2025/2026 from the Events budget) to support the delivery of the biennial Hawke's Bay Arts Festival.
- E) That Council delegate and direct the Chief Executive to execute a Contract for Service between Council and AIH, which addresses Section 17A (5) of the Local Government Act 2002 relating to Council funding. This Contract will have clear milestones and performance measures for the Festival with associated phased disbursement of funds. Subject to adherence to Contract Dispute Resolution processes, Council will be able to cancel the Contract for non-achievement of milestones, thus mitigating any future funding risks.
- F) That Council notes the Chief Executive will ensure Council Officers actively manage the Contract for Service in Recommendation E to protect Council interests and help ensure AIH sustainability and delivery of sought after Festival outcomes.

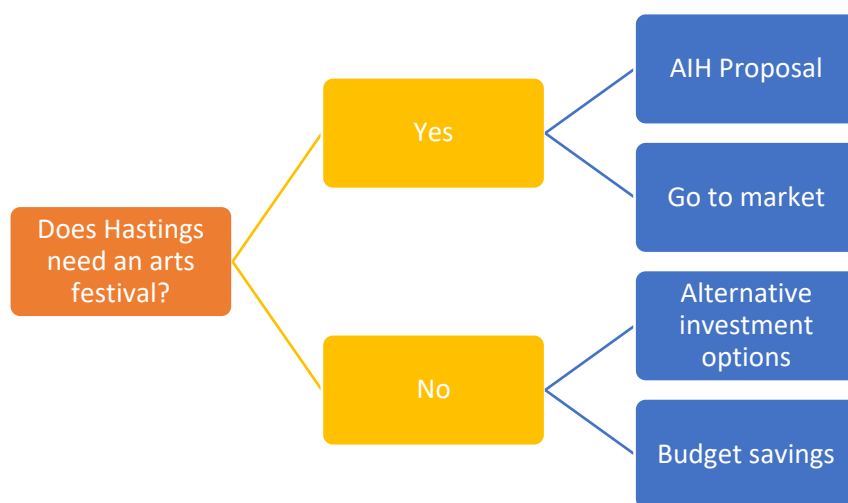
3.0 Background

- 3.1 Refer Sections 3 and 4 of Attachment 1.

4.0 Discussion

- 4.1 The purpose of local government is set out under the Local Government Act 2002, S10 (1) (b) as 'to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future'.

- 4.2 To contribute to social and cultural well-being, the Council supports creative arts through rates-funded contributions to the operation of arts-focused council facilities (Toitōi, Hastings City Art Gallery) and via the Community Grants, City Centre Vibrancy Fund, Events Fund and through administration of the Creative NZ Creative Communities Scheme.
- 4.3 This section of the Report addresses the three key questions relating to the funding of the Festival.
- Should Council fund an arts festival, based on the potential benefits to the community?
 - If the Council believes in supporting an arts festival and associated benefits, does AIH's proposal satisfy the Council that the desired benefits can be achieved through its event offering?
 - If Council does not believe an arts festival provides additional benefits to Hastings District, what alternative options are there for the \$120,000 that would be unallocated from the Events Budget 2024-2027?



4.4 Benefits of arts festivals

- 4.4.1 The proposal for the establishment of the Hawke's Bay Arts Festival was put forward by Creative Hastings (now Arts Inc. Heretaunga) in 2015 following the closure of the Hawke's Bay Opera House due to its assessment as an earthquake-prone building.
- 4.4.2 Council supported the 2015 Festival with \$85,000 grant funding from the Hawke's Bay Opera House operational budget, a \$50,000 underwrite and in-kind support from other Council operational budgets, in particular the marketing and events budgets. In recent years, the funding has been \$120,000 per year for an annual festival event, which was initially driven by the cost of hiring the Spiegel Tent and other costs to create an event venue when the Opera House closed.
- 4.4.3 The Hawke's Bay Opera House was re-opened in 2020 as Toitōi – Hawke's Bay Arts and Events Centre. The festival has continued to run, at the same funding level, utilising Toitōi and other venues within the region. The last festival generated approx. \$40,000 in venue hire revenue for Toitōi.
- 4.4.4 Festivals have become an integral part of cultural, social, and economic landscapes in many cities in New Zealand and around the world. For Hastings, the Hawke's Bay Arts Festival provides numerous benefits as below:
- 4.4.5 In terms of strategic alignment, The Hawke's Bay Arts Festival aligns with:
- The programming strategy and objectives of Toitōi Hawke's Bay Arts & Events Centre,
 - The Toi-Tū, the regional strategic framework for supporting creatives and creativity in Hawke's Bay, and

- The Council Event Strategy objectives of *celebrating culture & heritage, enhancing civic pride and fostering health and wellbeing*. It also meets the favourable consideration factors or being in the shoulder season and taking place in a Council owned venue.
- 4.5 Cultural and social benefits are a ‘public good’ and intrinsic, relying on qualitative data. For that reason, benefits are not easily measurable in terms of a return on investment. A review of journal articles shows a consistent theme of arts festivals providing a positive impact on cultural and social wellbeing, particularly perceptions of quality of life, with the impact varying based on the nature of the festival (tourism or community-centric, programming, etc).
- 4.6 Depending on programming, some examples of benefits may include:
- **Showcasing local talent:** providing a platform for local artists, musicians, and performers, enriching cultural capability, supporting representation, supporting employment pathways in creative arts, and fostering community pride in Hastings' unique cultural heritage.
 - **Community engagement:** Festivals create opportunities for social interaction, fostering a sense of belonging and community cohesion. They also encourage volunteerism and civic engagement.
 - **Cultural identity:** The festival enhances the city's cultural identity, positioning Hastings as a vibrant and culturally rich destination to live, work and visit.
- 4.7 Festivals can contribute economic benefits when promoted as a visitor experience to markets outside of the host region. To date, the Hawke’s Bay Arts Festival has focused promotion to Hawke’s Bay audiences, including accessible programming for schools.
- **Local economy stimulation:** Festivals can boost local spending on services, goods, and hospitality, supporting employment in the creative arts and events industries. The Event Economics report from Hawke’s Bay Arts Festival 2022 showed a negative real change in GDP of—\$24,624. It should be noted the event made a loss of -\$120,000 while also delivering many free and low-cost events in a ‘post-COVID’ environment.
 - **Tourism:** Attracting visitors from outside the region increases occupancy rates in local accommodations, boosts restaurant business, and increases retail sales. This has not previously been a focus for the Festival, but events with a significant offering and effective promotion to target domestic visitor markets can lift occupancy rates.
 - **Reputation and visibility:** A successful festival can be leveraged to achieve positive media attention, enhancing Hastings' reputation and visibility as a cultural hub. This aligns with Councils positioning of Hastings.
- 4.7.1 Many regions with a performing arts venue also host arts festivals. While venues provide access to the arts year-round, there are synergies between venues and festivals that align with Toitōi:
- **Complementary roles:** The festival provides variety and excitement at specific times, while Toitōi ensures continuous access to the arts. This combination broadens the overall audience for the arts. Toitōi also has extensive knowledge of local preferences to support development of a programme that will appeal to audience preferences while providing for exposure for, and testing of, new offerings.
 - **Enhanced offerings:** There are synergies between festival programming and Toitōi programming that enhance the city's cultural offerings. Toitōi has a programming strategy that is supported through hosting festival events. Toitōi has a very limited budget for booking events of festival quality and uses a profit-share model. Without a festival, Toitōi programming would reduce and/or require a higher risk tolerance for booking more shows directly. Arts festivals also enable Toitōi to use spaces in different ways, supporting a dynamic audience experience within the premises.

- **Collective impact:** A shared vision and collective impact approach can increase credibility, leverage funding, and demonstrate the impact of both the festival and Toitoti.
- 4.7.2 Aligning the Hawke’s Bay Arts Festival with Toitoti can also enhance the venue's benefits for the community, making Hastings a dynamic and culturally vibrant destination. The Festival further enriches our local community and can enhance the perceived quality of life. A new focus on visitor attraction could also support sustained growth and event development.
- 4.7.3 A review of the Festival recommended a range of changes, the most significant being the move to a Biennial Festival, with the key benefits being:
- **High-quality programs:** More time for planning allows for better curation, attracting notable artists and ensuring a well-thought-out theme or concept.
 - **Resource allocation:** Biennial scheduling allows better allocation of financial, human, and logistical resources, leading to a more sustainable event.
 - **Economic impact:** A biennial festival can create a more significant economic boost during the festival period, benefiting local businesses more intensely.
 - **Inclusivity and Sustainability:** Greater involvement of local community groups and sustainable practices can be planned and implemented.
- 4.7.4 As a regional example the Dunedin Arts Festival, a biennial event, showcases the potential of such festivals in small cities. It attracts national and international shows, benefits from a diverse funding base, and supports local economic growth by hiring local contractors and promoting local businesses. Dunedin City Council has contributed around \$60,000 per annum over the last four years (down to \$56,000 in 2023) under their Premier Events fund. This represents approx. 13 per cent of festival revenue.
- 4.8 Arts Inc. Heretaunga Proposal – The Hawke’s Bay Arts Festival**
- 4.8.1 AIH provided its business case (**Attachment 3**) for the continued funding of \$120,000 per annum for a biennial Hawke’s Bay Arts Festival, as required by Resolution E from Council Agenda Item 7, from the Council Meeting held on 23 May 2024.
- 4.8.2 Councillor agenda discussion on 23 May 2024, reflected concerns about the 3-year funding quantum commitment of \$360,000, the associated risks of fiscal sustainability of AIH and the quantity/quality of Festival events to be delivered. This was based on a period of change which includes the move from annual to the biannual event, compounding economic impacts (COVID-19, Cyclone Gabrielle, inflation), and a change in management. AIH’s proposal includes information to address these concerns and provide Council with confidence for continued investment.
- 4.8.3 While AIH has requested the continuation of the current funding level of \$120,000 per annum, Resolution E states that a *future Council decision may amend the \$120,000 funding allocation*.
- 4.8.4 Council’s investment of \$120,000 per annum in the festival represents less than 25 per cent of the total cost of the event. The core funding from Council enables AIH to leverage sponsorship and grants (along with ticket sales and concessions revenue) to cover the full costs.
- 4.8.5 Council is a core funder of AIH who relies on the total Council funding of \$344,000 to provide a range of activities benefiting community wellbeing. A reduction in the total funding package may impact on other outcomes funded through Council grants. AIH’s business plan (Attachment 2) provides an overview of its full revenue model.
- 4.8.6 Due to Councils three-year Long-Term Plan (LTP) cycle with the biennial festival cycle, the multi-year grant will deliver one festival in this LTP (with smaller activations in the two off-years), and, pending continued funding, two festivals (with smaller activations in the one year between).
- 4.8.7 The funding agreement term could be amended to align with the festival cycle (2-year or 4-year term). This would allow contract management to align with post-event reviews. However, the negative

outcome is that future funding decisions would be out of step with the broader event funding allocation decisions, which feeds into the LTP budget cycle.

4.8.8 Risks relating to non-performance can be managed through the Contract milestones (subject to adherence to Contract Dispute Resolution processes). Council could cancel the Contract for non-achievement of milestones, thus mitigating any future funding risks.

4.8.9 Given the context of Council's fiscal position, the change to a biennial festival, an initial 2-year term would enable the Festival to run one full cycle, at which point both parties can review outcomes and learnings, refining any future funding agreement to reflect any learnings. Subsequent terms can then align with LTP cycles (e.g. a 4-year agreement starting 2026/2027 will realign with LTP going forward).

4.9 Alternatives opportunities for budget allocation

4.9.1 As an alternative to funding an arts festival, the set-aside funds may be fully or partially reallocated across one or more investment areas, aligned to the Events Strategy and/or other Council outcomes set out in the LTP. Alternatively, they may be re-absorbed as budget savings. Examples include but are not limited to:

- Funding for significant events of strategic value (visitor attraction, economic activity, community wellbeing).
 - Regional events fund, for general event attraction across a range of venues.
 - Attracting large-scale events to Tōmoana Showgrounds (e.g. music concerts, festivals, expos).
 - Go to the market for event proposals (with the option to weight for desired benefits, which may include social and cultural well-being and/or economic outcomes).
- Resume Contestable Community Events Fund
 - Re-establishment of Contestable Community Events Fund (closed in 2023 due to funding restrictions)
- Increase investment in urban centre vibrancy.
 - Increase city centre activations fund – events in Hastings, Havelock North and Flaxmere to support vibrancy and economic activity throughout the year.
 - Increase vibrancy fund – increase funds for installation art and projection art.
 - Activation budget for Council-owned or affiliated venues within the city centre (Angle's Gym, Waiaroha as examples).
- Reinvest in Toitōi programming and activation.
 - Increase programming budget.
 - Fund more free community arts activations.
- Asset investment
 - Permanent stage for Tōmoana Showgrounds (supporting future event attraction, hireage of the venue and associated benefits)
 - Replacement of temporary stage used for small events (at end of life – no funding to replace)
- Budget savings
 - The events budget is reduced by \$120,000 as an operational saving. As the Council is borrowing for operational costs, this reduction in spending would align with the Financial Strategy.

5.0 Options – Ngā Kōwhiringa

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

5.1 That Council approve the AIH Business Plan for the Hawke’s Bay Arts Festival and releases Council-approved funding at the reduced amount of \$60,000 per annum for two years (\$120,000 across 2024 to 2026). A Contract for Service will be enacted to satisfy the requirements of Section 17A of the Local Government Act 2002.

Advantages

- Provides annual funding in support of the Hawke’s Bay Arts Festival.
- Enables AIH to unlock other external funding critical to achieve revenue targets.
- Opportunity to realign funding level following the re-opening of Toitōi.
- Provides Council with options relating to the balance of funds as per 4.9.1, including budget savings or driving alternative outcomes through reinvestment.
- Given the scale and frequency of the AIH event proposal, \$60,000 per annum is a more appropriate level of funding, providing AIH with critical seed funding while increasing accountability on AIH to secure more external funding or right-size the event.
- Two-year initial contract for first ‘cycle’ enables refinement of any future funding agreement based on event/contract KPI review.

Disadvantages

- The business plan presented by AIH may result in a diminished offering or not be delivered at all due to the reduction in funding, resulting in a reduction in benefit.
- The reduction in funding may impact wider AIH activities beyond the festival (and thus impact outcomes sought through the other funding agreements between Council and AIH).
- Potential reduction in community outcomes relating to social and cultural wellbeing, either due to reduced Festival offering/AIH activities and/or reduced events investment.

Option Two – Alternative - Te Kōwhiringa Tuarua – Te Āhuetanga o nāianeī

5.2 That Council approve the AIH Business Plan for the Hawke’s Bay Arts Festival and releases Council-approved funding of \$120,000 per annum for three years (2024 to 2027). A Contract for Service will be enacted to satisfy the requirements of Section 17A of the Local Government Act 2002.

Advantages

- Provides annual funding in support of the Hawke’s Bay Arts Festival.
- Aligns funding with AIH budgets provided in the business plan.

Disadvantages

- Council will not have funding for the alternative options set out under 4.9.1, including budget savings.

Option Three – Alternative - Te Kōwhiringa Tuarua – Te Āhuetanga o nāianeī

5.3 That Council does not approve the AIH Business Plan detailing the events programme and expected outcomes of the Hawke’s Bay Arts Festival, and declines the request for funding.

Advantages

- Provides Council with options relating to the balance of funds as per 4.9.1, including budget savings or driving alternative outcomes through reinvestment.

Disadvantages

- No Hawke's Bay Arts Festival in 2025.
- Loss of funding may have a detrimental impact on wider outcomes delivered by Arts Inc. (including outcomes funded under separate agreements).
- Potential reduction in community outcomes relating to social and cultural wellbeing.

Attachments:

1	Funding - Arts Inc. Heretaunga 23 May 2024 Council Report	CG-17-1-01068	Under Separate Cover
2	Arts Inc. Heretaunga Business Plan(Attachment 2) <i>Confidential in accordance with Section 7 (2) (h) of the Local Government Official Information and Meetings Act 1987</i>	CG-17-1-01069	Under Separate Cover
3	26724 HBAF Proposal (updated attachment 3) <i>Confidential in accordance with Section 7 (2) (h) of the Local Government Official Information and Meetings Act 1987</i>	CG-17-1-01083	Under Separate Cover
4	TAFT letter - HBAF	CG-17-1-01071	Under Separate Cover
5	Letter of Support HBAF Cellar 495	CG-17-1-01072	Under Separate Cover
6	DAF Letter Of support HBAF	CG-17-1-01073	Under Separate Cover
7	Support of funding for HBAF(2)	CG-17-1-01084	Under Separate Cover
8	Letter of support - Richard Brimer (AIH)	CG-17-1-01089	Under Separate Cover

Thursday, 8 August 2024

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

Te Rārangi Take

Report to Council

Nā:
From: James Haronga, Parking Transportation Officer

Te Take:
Subject: Parking Controls

1.0 Executive Summary – Te Kaupapa Me Te Whakarāpopotanga

- 1.1 The purpose of this Report is to obtain a decision from Council regards changes to parking controls on Karamu Road North and Iona Road.
- 1.2 This proposal arises from several requests for changes to existing parking controls in and around the Hastings District.
- 1.3 The Report recommends the following changes.

ROAD	EXISTING CONTROLS TO BE REMOVED/CHANGED	PROPOSED CONTROLS
Karamu Road North	Revoke x2 P60 Carparks	x2 P5 Carparks
Iona Road	None	No Parking Zone

2.0 Recommendations - Ngā Tūhonga

- A) That Council receive the Report titled Parking Controls dated 8 August 2024.
- 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 two existing P60 parking spaces located 43.25 metres from the intersecting point of Jervis Street and extending 12.60 metres north on the eastern side of Karamu Road North be revoked and become P5 parking spaces.
- C) 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 grass berm on Iona Road located 2.5 metres from the intersecting point of Woodford Heights and extending 62.15 metres west on the southern side of Iona Road become a No Stopping Zone (Prohibited Parking).

3.0 Background – *Te Horopaki*

- 3.1 From time to time, it is necessary to introduce parking controls and/or amend those that are already in place.
- 3.2 In order that the changes are legally established and enforceable, a formal resolution by Council is required.
- 3.3 The following information provides the background and current situation relevant to the changes being proposed.

4.0 Discussion – *Te Matapakitanga*

4.1 Karamu Road North – Revoke 2 P60 and change to P5 (Recommendation B)

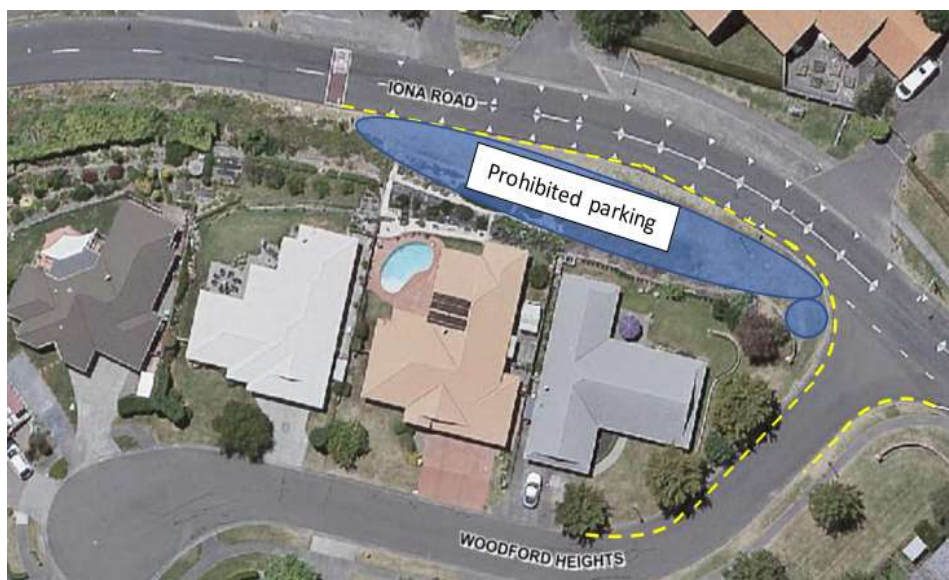
Streetwise Coffee have relocated from 1004 to 905 Karamu Road North and requested P5 time limit parking. Currently vehicles are parking in a P60 zone, making business for Streetwise Coffee more difficult and leaving no available spaces for potential customers. A P15 was considered but would not suit the needs of the surrounding business. The change will encourage traffic turnover allowing the public equal opportunity to gain access to Streetwise Coffee and other businesses in the area.



4.2 Iona Road – No Stopping Zone (Prohibited Parking) (Recommendation C)

Currently residents in Woodford Heights are having issues with vehicles parking on the grass berm. This is a safety concern for those trying to exit Woodford Heights safely. There have been several near miss incidents, where vehicles that park along the grass berm are obstructing the driver's view of approaching vehicle's moving up Iona Road from the left. Another safety concern on this stretch of road is that it is also located on a bend, creating a blind corner for motorists.

Officers recommend that this area becomes a No Stopping Zone (Prohibited Parking). Yellow No Parking lines have already been established to help traffic move safely through the area.



5.0 Options – Ngā Kōwhiringa

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

- 5.1 To change the Parking Controls to allow the parking arrangements as outlined at the sites in section 4.
- 5.2 The advantages of implementing the changes as recommended include enhanced public and private sector services provision and better utilisation of carpark assets.

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

- 5.3 No advantages are noted.

6.0 Next steps – Te Anga Whakamua

- 6.1 If the recommendations are approved, appropriate paint and signage provisions will be completed or removed.

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](#)
Moving people and goods around safely and efficiently thereby enabling economic and social wellbeing.

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 the Significance and Engagement Policy.

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

Karamu Road North – Revoke two P60 and change to P5

Consultation was carried out with businesses in the area. Most of the business in the area were in favour of the time limit change.

Iona Road – No Stopping Zone (Prohibited Parking)

Consultation was carried out with two residents of Woodford Heights, acting on behalf of the other residents. All were in favour of the proposed changes.

Risks

N/A

Rural Community Board – Te Poari Tuawhenua-ā-Hapori

N/A

Thursday, 8 August 2024

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

Te Rārangi Take

Report to Council

Nā:
From: **Janine Green, Licensing Inspector**

Te Take:
Subject: **Alcohol Licensing Fees Bylaw 2024**

1.0 Executive Summary – Te Kaupapa Me Te Whakarāpopotanga

- 1.1 The purpose of this report is to seek approval of and adoption of an Alcohol Licensing Fees Bylaw that allows Council to address a shortfall of forty percent in revenue (\$179,000) in relation to administering alcohol licensing functions.
- 1.2 Alcohol Licensing fees are set in the Sale and Supply of Alcohol (Fees) Regulations 2013 (The Regulations). Currently, The Regulations provide a risk-based fees framework. Applicants pay an application and annual licensing fee to legally sell or supply alcohol based on the risk profile of their business.
- 1.3 The intent of the regulations is to provide for the total cost recovery of all alcohol licensing functions of territorial authorities (TA's). However, the fees specified in the Regulations are now eleven years old and are not providing total cost recovery.
- 1.4 The Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013 (Fees Setting Order), made under Section 405 of the Sale and Supply of Alcohol Act 2012 (SSAA 2012), provides for councils to make a fees bylaw. Fee bylaws offer a mechanism for councils to have one hundred percent cost recovery for alcohol licensing functions.
- 1.5 On 29 May 2024 a report went to the Planning and Bylaws Subcommittee seeking approval to develop a bylaw increasing the licensing fees to remedy the \$179,000 deficit. The committee considered three options and resolved to increase the fees by 85% which would result in a 100% cost recovery in year one (no rate payer contribution) as recommended by Officers. The Committee report and resolution are attached as **Attachment 1**.
- 1.6 The draft bylaw was consulted on with interested parties as required under the Sale and Supply of Alcohol Act 2013. The stakeholder feedback was analysed and subsequently influenced a modified recommendation by officers for the schedule of fees contained in this report. It is now recommended spreading recovery of the shortfall over a three-year period (rather than all year one) with 100% cost recovery by year three (i.e. 35%, 35% and 23% annual fee increases).

2.0 Recommendations - Ngā Tūhunga

- A) That Council receive the report titled Alcohol Licensing Fees Bylaw 2024 dated 8 August 2024.
- B) That Council notes Officers have satisfied the requirements for consultation as required under the Sale and Supply of Alcohol Act 2012.
- C) That Council approve and enact The Alcohol Licensing Fees Bylaw 2024 pursuant to the Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013, made under Section 405 of the Sale and Supply of Alcohol Act 2012.
- D) That Council approve and adopt the Alcohol Licencing Fee Schedule. The proposed fee increases seek to ensure by 2026 Council has full cost recovery for administering alcohol licensing functions.

Application fee / Annual fee for premises (new and renewal)	Current fee under the Act and Regulations	Proposed fee 2024 (35% increase)	Proposed fee 2025 (35% increase)	Proposed fee 2026 (Approximately 23% increase)
Application Fee - Very low risk	\$368.00	\$496.80	\$670.70	\$823.70
Application Fee – Low Risk	\$609.50	\$822.80	\$1110.80	\$1364.40
Application Fee – Medium Risk	\$816.50	\$1102.30	\$1488.10	\$1827.65
Application Fee – High Risk	\$1023.50	\$1381.70	\$1865.30	\$2291.13
Application Fee – Very High Risk	\$1207.50	\$1630.10	\$2200.65	\$2703.00
Annual Fee – Very Low risk	\$161.00	\$217.35	\$293.40	\$360.30
Annual Fee – Low Risk	\$391.00	\$527.85	\$712.60	\$875.30
Annual Fee – Medium Risk	\$632.50	\$853.90	\$1152.65	\$1415.80
Annual Fee – High Risk	\$1035.00	\$1397.25	\$1886.30	\$2316.80
Annual Fee – Very High Risk	\$1437.50	\$1940.60	\$2619.80	\$3217.88
Special Licence Fees				
Class One	\$575.00	\$776.25	\$1047.95	\$1287.12
Class Two	\$207.00	\$279.45	\$377.25	\$463.40
Class Three	\$63.25	\$85.40	\$115.30	\$141.60
Temporary licence types				
Temporary Authority	\$296.70	\$400.55	\$540.75	\$664.20
Temporary Licence	\$296.70	\$400.55	\$540.75	\$664.20
Variation of licence	\$368.00	\$496.80	\$670.70	\$823.60
Other Fee				
Public Notification via council website (instead of public newspaper)	\$160 per ad – newspaper	\$50.00	\$50.00	\$50.00

- E) That the Alcohol Fees Bylaw be enacted by Council on 9 September 2024.

3.0 Background

3.1 Regulations and Risk Based Fee Structure

- 3.2 Currently, The Sale and Supply of Alcohol (Fees) Regulations 2013 (the Regulations) provides a risk-based fees framework. The risk categories and structure within The Regulations cannot be altered by the bylaw.
- 3.3 A risk-based weighting is attributed to each licence based on the type of premises, the licensed hours and the number of enforcement holdings that have been issued to the licence holder. The risk categories vary from very low through to very high reflecting the potential harm to the community. The lower the weighting/risk rating, the lower the fee category. For example, a bottle store with limited hours would be a medium risk premises, a restaurant would be medium risk, a late-night bar would be a high-risk premises and a small cellar door would be very low risk.
- 3.4 Applicants pay an application and annual licensing fee based on their risk category to legally sell or supply alcohol. A portion of that fee is then paid to the Alcohol Licensing and Regulatory Authority.
- 3.5 The intent of the Fees Regulations is to provide for the total cost recovery of all alcohol licensing functions of territorial authorities (TA's). The fees specified in the Regulations are now 11 years old and do not provide total cost recovery.

3.6 Current Expenditure and Cost recovery

- 3.7 The Ministry of Justice developed a document to help guide TA's in calculating costs and revenue associated with alcohol licensing functions called "Calculating the Costs and Revenue of the Alcohol Licensing System Guidance Document 2018." (The Guidance Document 2018). This document is utilised by officers to analyse revenue and expenditure.
- 3.8 Analysis has been undertaken of income and expenditure of the alcohol licensing cost centre. Revenue is expected to be around \$275,000 based on the average of 2021-2022 and 2022 - 2023 application activity. There are a base number of premises applications that generate revenue and other applications which may fluctuate over time, for example those relating to special licence applications and managers certificates.
- 3.9 Council expenditure is estimated at approximately \$454,000 per year (2022-2023) including overheads.
- 3.10 Officers have analysed processing times by risk type. There was a large shortfall in revenue from application fees for all special licence types (Class 1, 2 and 3). There is a large shortfall in processing very low and low risk premises types and generally a smaller shortfall for all other premises licence types.
- 3.11 The reason very low and low risk type applications have such a shortfall is that it doesn't take a significantly longer amount of inspector time to process the very low / low vs medium, high and very high licence application types. The forms and process for applying or renewing a licence are prescriptive across all risk types. The increase in cost to Council for a higher risk premises is from additional monitoring, inspecting and enforcement.
- 3.12 Although there is a 40% shortfall in costs overall, this equates to the need for an 85% increase in fees for all premises licence types, due to the distribution of licences that are in the Hastings District. (Currently 176 low and very low premises vs only 89 medium and high premises types and no very high premises types).
- 3.13 Analysis of income versus expenditure and of officer time and costs by premises risk type, has identified there is a 40% shortfall in revenue (\$179,000). This shortfall is currently covered by rates.

4.0 Discussion – Te Matapakitanga

4.1 **Bylaw Proposal to District Planning and Bylaws Sub Committee**

- 4.2 On 29 May 2024 a report went to the Planning and Bylaws Committee seeking a recommendation to develop a bylaw to increase fees to remedy the \$179,000 shortfall and move to a one hundred percent cost recovery model (with no rate payer contribution). The report to the committee provides the background for this bylaw proposal and is attached as **Attachment 1**.
- 4.3 The Subcommittee considered three options:
- Option One: Spread the shortfall across all licence types evenly with a 100 percent cost recovery model in year one (no rate payer contribution).
 - Option Two: Increase the fees by a percentage retaining a rate payer contribution and complete stakeholder engagement.
 - Option Three: Keep the current regime and fee structure with no increase, i.e., await an increase through the Justice Department review.
- 4.4 The Subcommittee considered the following factors presented by officers:
- the preference to keep the intent of the original regime under the regulations whereby alcohol licensing is a hundred percent cost recovery model with no rate payer contribution.
 - that the proposed increase sits in the middle to lower end when compared to other councils with a fee bylaw and those considering bylaws around New Zealand. Fees from other councils ranged from a 10 percent increase to a 400% increase to recover costs. Some TA's chose a 100% cost recovery model and others subsidised a percentage via rates.
 - that New Zealand has one of the lowest cost alcohol licensing regimes in the world.
 - that the proposed fees are realistic considering how many years Council has been running with a shortfall with a large and rising rate payer contribution (eleven years).
 - that the alcohol industry is a private sector industry, and this aligns with the "user pays" system.
 - that a fees bylaw was considered in the past, however, with the COVID epidemic and subsequent lockdown and then Cyclone Gabrielle, businesses were already under financial pressure and therefore it was postponed. The Ministry started reviewing the regulations two years ago, but no outcome has been publicly presented yet. A bylaw now seemed appropriate to recover these costs and remedy the deficit moving forward.
 - Further rationale for the fee increases can be seen in the Bylaws Committee Report in **Attachment 1**.
- 4.5 The Subcommittee resolved to recommend spreading the shortfall across all licence types evenly with a 100% cost recovery model in year 1.
- 4.6 **Stakeholder engagement**
- 4.7 On 7 June 2024 a consultation document and survey form were sent to all 265 licensees and ten regular special licence holders, seeking feedback on the proposal (as required under the SSAA 2012). These documents are attached as Attachment 2.
- 4.8 The consultation period ran from 7 June 2024 to 5 July 2024.
- 4.9 In addition, all licensees were invited to attend a consultation meeting held at Council on 24 June 2024. Thirty-seven licensees accepted the invitation and fourteen attended.
- 4.10 The consultation meeting provided an opportunity for staff to further explain the proposal. The meeting also allowed licensees to discuss the proposed increases with staff.
- Feedback from the consultation and survey**
- 4.11 Council officers were commended for the consultation and transparency by several submitters.

- 4.12 There were 24 responses to the consultation survey sent out to the licensees. 251 did not respond. Analysis of Stakeholder feedback is attached as Attachment 3.
- 4.13 In summary, three licensees agreed with the bylaw proposal, 12 partially agreed and nine didn't agree.
- 4.14 The general comments made by licensees and special licence holders were that the increase was very large in year one especially with the current economic climate and historic events in the Hawke's Bay and New Zealand (Covid-19/ Cyclone Gabrielle). Most understood the need for an increase, and some suggested the increase be spread over three years.
- 4.15 Many commented on the other significant increases in costs that the industry has already had, namely rates, insurance, and general business costs.
- 4.16 Five licensees did not think ratepayers should contribute to the licensing process and 16 thought they should. Three did not answer this question.
- 4.17 Those who specified that rate payers should contribute, stated licensees bring in tourists and that ratepayers enjoy their services and venues. Licensees said Hawke's Bay is known for its wineries, restaurants and events, and that ratepayers contributing to the fees enable this to continue.

Other feedback

- 4.18 Whilst outside the scope of the stakeholder engagement process, two submissions were received in the Long-Term Plan submission process calling for Council to introduce an Alcohol Licensing Fees Bylaw increasing the fees back to a hundred percent cost recovery model.

Officers' response to issues raised in the licensees submissions

- 4.19 Officers recognise through their knowledge of licensees and from speaking to licensees during monitoring and inspections over time, that several licensees are still recovering from the effects of Covid-19 and Cyclone Gabrielle. Officers support licensees in their concerns regarding such a large increase in year one.
- 4.20 In relation to the rate payer contribution, Council contributes financially and via service provisions to tourism and the general vibrancy and night-time economy of Hastings. Examples include The Local Alcohol Policy, Alcohol Harm Reduction Strategy, and Events Strategy which are funded by rates.
- 4.21 The Guidance Document 2018 states the above types of activities and other programs of work should not be included or considered in the costs of the regime.
- 4.22 **Other matters - Public notification costs**
- 4.23 To help alleviate the increasing costs to the licensees, officers propose the Council provides an option to undertake the notification process. Currently licensees are required to place one or two advertisements, depending on their risk rating, in the local paper, notifying the licence application to the public. One advertisement in the newspaper costs \$160.00. Council could offer this service for a reduced flat fee of \$50. This would equate to a \$110 to \$220 savings for licensees per application cycle.
- 4.24 This process is still in line with the legal requirement to notify the licence. Currently several councils offer this service for a fee. Additionally, this process will reduce staff monitoring time and minimise the risk of public notices being posted incorrectly, which occurs frequently.
- 4.25 The notification fee can be added to the bylaw at the discretion of the Council. A proposed notification fee has been included in all options.

5.0 Options – Ngā Kōwhiringa

OPTION 1. Fee increase with a 100% cost recovery of the shortfall in year one (85%, 10% and 10% annual increases).

- 85% increase for all licence types to cover full deficit in year one.

- Then a 10% increase in year Two and Three to cover inflation and other rising costs associated with increased officer time. The 10% increase is based on the financial information of the last 11 years of shortfall data.
- No rate payer contribution. Full cost recovery year One.
- GST inclusive

Application fee / Annual fee for premises (new and renewal)	Current fee under the Act and Regulations	Proposed fee 2024 (85% increase)	Proposed fee 2025 (10% increase)	Proposed fee 2026 (10% increase)
Application Fee - Very low risk	\$368.00	\$680.80	\$748.80	\$823.70
Application Fee – Low Risk	\$609.50	\$1127.60	\$1240.40	\$1364.40
Application Fee – Medium Risk	\$816.50	\$1510.50	\$1661.55	\$1827.65
Application Fee – High Risk	\$1023.50	\$1893.50	\$2082.85	\$2291.13
Application Fee – Very High Risk	\$1207.50	\$2233.90	\$2457.30	\$2703.00
Annual Fee – Very Low risk	\$161.00	\$297.85	\$327.60	\$360.30
Annual Fee – Low Risk	\$391.00	\$723.35	\$795.70	\$875.30
Annual Fee – Medium Risk	\$632.50	\$1170.10	\$1287.10	\$1415.80
Annual Fee – High Risk	\$1035.00	\$1914.75	\$2106.20	\$2316.80
Annual Fee – Very High Risk	\$1437.50	\$2659.40	\$2925.35	\$3217.88
Special Licence Fees				
Class One	\$575.00	\$1063.75	\$1170.10	\$1287.12
Class Two	\$207.00	\$382.95	\$421.25	\$463.40
Class Three	\$63.25	\$117.00	\$128.70	\$141.60
Temporary licence types				
Temporary Authority	\$296.70	\$548.90	\$603.80	\$664.20
Temporary Licence	\$296.70	\$548.90	\$603.80	\$664.20
Variation of licence	\$368.00	\$680.80	\$748.80	\$823.60
Other Fee				
Public Notification via council website (instead of public newspaper)	\$160 per ad – newspaper	\$50.00	\$50.00	\$50.00

OPTION 2. A fee increase spreading the shortfall over a three-year period with 100% cost recovery by year three (i.e. 35%, 35% and 23% annual increases).

- Spread the increase over three years - 35% increase in year one and two and remaining increase in year three.
- 100% cost recovery model by year three.
- No rate payer contribution by year three.
- This option includes an “inflation and other costs” percentage rolled into year two and three.
- GST inclusive

Application fee / Annual fee for premises (new and renewal)	Current fee under the Act and Regulations	Proposed fee 2024 (35% increase)	Proposed fee 2025 (35% increase)	Proposed fee 2026 (Approximately 23% increase)

Application Fee - Very low risk	\$368.00	\$496.80	\$670.70	\$823.70
Application Fee – Low Risk	\$609.50	\$822.80	\$1110.80	\$1364.40
Application Fee – Medium Risk	\$816.50	\$1102.30	\$1488.10	\$1827.65
Application Fee – High Risk	\$1023.50	\$1381.70	\$1865.30	\$2291.13
Application Fee – Very High Risk	\$1207.50	\$1630.10	\$2200.65	\$2703.00
Annual Fee – Very Low risk	\$161.00	\$217.35	\$293.40	\$360.30
Annual Fee – Low Risk	\$391.00	\$527.85	\$712.60	\$875.30
Annual Fee – Medium Risk	\$632.50	\$853.90	\$1152.65	\$1415.80
Annual Fee – High Risk	\$1035.00	\$1397.25	\$1886.30	\$2316.80
Annual Fee – Very High Risk	\$1437.50	\$1940.60	\$2619.80	\$3217.88
Special Licence Fees				
Class One	\$575.00	\$776.25	\$1047.95	\$1287.12
Class Two	\$207.00	\$279.45	\$377.25	\$463.40
Class Three	\$63.25	\$85.40	\$115.30	\$141.60
Temporary licence types				
Temporary Authority	\$296.70	\$400.55	\$540.75	\$664.20
Temporary Licence	\$296.70	\$400.55	\$540.75	\$664.20
Variation of licence	\$368.00	\$496.80	\$670.70	\$823.60
Other Fee				
Public Notification via council website (instead of public newspaper)	\$160 per ad – newspaper	\$50.00	\$50.00	\$50.00

OPTION 3. Increase fees aligned with an ongoing rate payer contribution to fees.

- Increase of fees with an ongoing rate payer contribution. Some examples are shown below.
- Rate payer Contribution examples: (Currently: \$179,000 = 40% rate payer contribution)
 - 45% increase fee equates to a \$82,000 rate payer contribution
 - 65 % increase fee equates to a \$41,000 rate payer contribution
 - 75% increase fee equates to a \$20,000 rate payer contribution
- This option includes an “inflation and other costs” percentage of 10% rolled into year 2 and 3.
- This option means ratepayers will continue to contribute a set percentage year on year.
- GST inclusive

Application fee / Annual fee for premises (new and renewal)	Current fee under the Act and Regulations	Proposed fee 2024 - 45% increase	Proposed fee 2024 - 65% increase	Proposed fee 2024 - 75% increase
Application Fee - Very low risk	\$368.00	\$533.60	\$607.20	\$644.00
Application Fee – Low Risk	\$609.50	\$883.80	\$1005.70	\$1066.60
Application Fee – Medium Risk	\$816.50	\$1183.95	\$1347.25	\$1428.90
Application Fee – High Risk	\$1023.50	\$1484.10	\$1688.80	\$1791.15

Application Fee – Very High Risk	\$1207.50	\$1750.90	\$1992.40	\$2113.10
Annual Fee – Very Low risk	\$161.00	\$233.45	\$265.00	\$281.75
Annual Fee – Low Risk	\$391.00	\$566.95	\$645.15	\$684.25
Annual Fee – Medium Risk	\$632.50	\$917.10	\$1043.60	\$1106.90
Annual Fee – High Risk	\$1035.00	\$1500.75	\$1707.75	\$1811.25
Annual Fee – Very High Risk	\$1437.50	\$2084.40	\$2371.90	\$2515.60
Special Licence Fees				
Class One	\$575.00	\$833.75	\$948.75	\$1006.25
Class Two	\$207.00	\$300.15	\$341.55	\$362.25
Class Three	\$63.25	\$91.70	\$104.40	\$110.70
Temporary Licence Types				
Temporary Authority	\$296.70	\$430.20	\$489.55	\$519.25
Temporary Licence	\$296.70	\$430.20	\$489.55	\$519.25
Variation of licence	\$368.00	\$533.60	\$607.20	
Other Fee				
Public Notification via council website (instead of public newspaper)	\$160 per ad newspaper	\$50.00	\$50.00	\$50.00

OPTION 4: Status Quo – No bylaw

- Continue with the existing fees as set in the Sale and Supply of Alcohol (Fees) Regulations 2013.

5.1 Option Analysis

- 5.2 Options 1-3 include a relatively large increase in fees as there has been no increase in fees through the regulations since its inception in 2013. The costs associated with the heavy workload of the Alcohol Licensing team have increased significantly in response to meeting increased reporting and monitoring requirements under the Act. This has meant that over the last eleven years there is a cost recovery shortfall, and a larger proportion of costs are covered by rates.
- 5.3 Options 1-3 include an “inflation and additional cost” increase included in years two and three. Due to fees not being increased over several years this has meant that revenue from fees is not covering inflation and additional costs.

Option	Advantages	Disadvantages
<p>Option 1: Fee increase with a 100% recovery of the shortfall in year one (85%, 10% and 10% annual increases).</p>	<ul style="list-style-type: none"> • Council recovers costs in year one. • The intent of the original regime under the regulations is met, with the higher risk premises paying more than lower risk premises. • Increase sits in the middle when compared to other councils with fee bylaws and those considering bylaws around NZ (as detailed in the Bylaws Sub-committee report 	<ul style="list-style-type: none"> • Some premises or licensees may struggle with an increase this large in year one. • Small clubs may close or not renew their licence and/ or trade illegally.

	– Attachment One of this report).	
<p>Option 2: A fee increase spreading the shortfall over a three-year period with 100% cost recovery by year three (i.e. 35%, 35% and 23% annual increases).</p>	<ul style="list-style-type: none"> • Council will recover some costs and ratepayers continue to contribute for the first two years. • Council at year three has full cost recovery as intended by the original regime under the regulations. • There is less financial burden on premises in year one. • The intent of the original regime under the regulations is continued, with the higher risk premises paying more than lower risk premises and moving towards a 100% cost recovery model. • This option allows licensees to budget and prepare for the increase over the three years and takes into consideration some of the feedback received through consultation. 	<ul style="list-style-type: none"> • Some premises or licensees may struggle with the fee increase. • Possible community perception/concern regards subsidization.
<p>Option 3: A percentage fee increase in year one of either 45%, 65% or 75% as specified by Council and an ongoing rate payer contribution. A further 10% increase in year two and three.</p>	<ul style="list-style-type: none"> • A rate payer contribution may reflect the recognition of the health and safety benefits and public benefits accruing to the wider community. • A rate payer contribution may show additional support for Hawkes Bay tourism, wine industry and a vibrant night time economy. • This option allows licensees to budget and prepare for the increase over the three years and takes into consideration some of the feedback received through consultation. 	<ul style="list-style-type: none"> • Rate payers will continue to pay towards a private industry • Going against the original intent of a 100% cost recovery model. • Going against the Ministry Guidance Document of what can and cannot be included in the fee regime. • The Ministry of Justice may review the fees and make them higher than Council fees.
<p>Option 4: Status Quo – No bylaw</p>	<ul style="list-style-type: none"> • None noted. 	<ul style="list-style-type: none"> • No bylaw and status quo of increasing deficit covered through rates. • Rate payers will continue to pay towards a private industry .

		<ul style="list-style-type: none"> • Going against the original intent of me of a 100% cost recovery model.
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5.4 **Enactment date**

5.5 A bylaw enactment date of 9 September 2024 is recommended in this Report. Council can nominate a future to allow for licensees to budget for these proposed increases.

6.0 **Next steps – Te Anga Whakamua**

6.1 Should Council approve the bylaw and schedule of fees, an enactment date is required, and from that date any renewals or new applications are charged at the higher rate.

6.2 A letter and a copy of the bylaw will be sent to all licensees detailing the increases.

6.3 The bylaw will be reviewed again in three years' time or at an earlier date if there is a requirement to do so.

Attachments:

1	Attachment One: Alcohol Licensing Fees Bylaw Report to Bylaws Committee	REG-14-3-24-290	Under Separate Cover
2	Attachment Two- Alcohol Licensing Fees bylaw consultation document and agenda	REG-14-3-24-292	Under Separate Cover
3	Attachment Three: Alcohol Licensing Fees Bylaw Stakeholder Feedback	REG-14-3-24-291	Under Separate Cover
4	Attachment Four: Alcohol Licensing Fees Bylaw Draft 2024	REG-14-3-23-273	Under Separate Cover

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 is linked to Regulatory functions which help to prevent alcohol harm and help create a safe and healthy recreation environment for people.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

There are no known impacts for mana whenua / iwi / tangata whenua above and or beyond the general community population.

Sustainability - *Te Toitūtanga*

This bylaw is recommended for full cost recovery functions of alcohol licensing in Council under Section 405 of the Sale and Supply of Alcohol Act 2012.:

Financial considerations - *Ngā Whakaarohanga Ahumoni*

Discussed in Report.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This report has been assessed under the Council's Significance and Engagement Policy as low significance.

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

There is a requirement under Section 5 of the Sale and Supply of Alcohol Act 2013 - Fee-setting by territorial authorities that states TA's "must consult with the persons the authority has reason to believe are representative of interests likely to be substantially affected by the bylaw." There is no requirement to complete a full special consultative procedure under the Local Government Act to develop this bylaw. Stakeholder engagement has been completed with current licensees and regular special licence holders via a survey and licensee meeting and is discussed in this Report.

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

Officers have consulted with licensee as required under the SSAA 2012 which covers both urban and rural participants.

Thursday, 8 August 2024

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

Te Rārangi Take

Report to Council

Nā:
From: **Mala Bishop, Licensing Inspector**

Te Take:
Subject: **Application for a Temporary Alcohol Ban**

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this Report is to obtain a decision from the Council on putting in place a temporary alcohol ban in relation to the Spring Racing Carnival on 12 October 2024 between 9.00am and 11.59pm.
- 1.2 This issue arises from a request from the New Zealand Police that a temporary alcohol ban be imposed. The request is supported by the Hawke's Bay Racing.

2.0 Recommendations - *Ngā Tūhunga*

- A) That Council receive the report titled Application for a Temporary Alcohol Ban dated 8 August 2024.
- B) In accordance with clause 4.3.2 of the Hastings District Council Consolidated Bylaw, Chapter 4 Alcohol Bans, the Council declares that alcohol may not be consumed, brought into or possessed in the following areas including streets, roads and footpaths (as shown in the map titled "Spring Carnival Alcohol Ban Area 2024" in Attachment 1 of this Report) on 12 October 2024, between 9.00am and 11.59pm:
 - The entire lengths of Knight Street and Prospect Road.
 - Market Street South from Southampton Street to the Racecourse entrance.
 - King Street South from Southampton Street to Prospect Road.
 - Nelson Street South from Southampton Street to Knight Street.
 - Southland Road between Southampton Street and Gordon Road.
 - Henry Street between Charles Street and Southland Road.

3.0 Background – *Te Horopaki*

- 3.1 An application has been received from the New Zealand Police for a temporary alcohol ban in relation the Spring Racing Carnival on 12 October 2024. (**Attachment 1**).
- 3.2 The following hours, and area are requested for the ban:
- Between the hours of 9.00am and 11.59pm
- Area
- The entire lengths of Knight Street and Prospect Road.
 - Market Street South from Southampton Street to the Racecourse entrance.
 - King Street South from Southampton Street to Prospect Road.
 - Nelson Street South from Southampton Street to Knight Street.
 - Southland Road between Southampton Street and Gordon Road.
 - Henry Street between Charles Street and Southland Road.
- 3.3 The request arises from Police concerns about preloading (the consumption of alcohol prior to entering the venue) and the general consumption of alcohol by some patrons in the vicinity of the Racecourse, leading to alcohol related disorder issues.
- 3.4 The purpose of the Police application is to help minimise alcohol related disorder issues.
- 3.5 The ban would apply to public places i.e. the road and footpath (up to the boundary of private properties) within the proposed alcohol ban area.
- 3.6 Under Section 4.3.2 of the Hastings District Council Consolidated Bylaws, Council may at any time and from time to time by publicly notified resolution declare that alcohol may not be consumed, brought into or possessed in any other public place or area within the district, at the times and during the periods specified in the resolution.

4.0 Current Situation

- 4.1 Normally this event would be covered by a temporary alcohol ban under schedule E of Chapter 4 of the Hastings District Council Bylaws. This schedule prohibits the consumption, bringing into, or possession of alcohol within the ban area on the first Saturday in October between 7.00am and 11.00pm. This year the event is occurring on the second Saturday in October and is not covered under the schedule.

5.0 Discussion – *Te Matapakitanga*

- 5.1 The Spring Racing Carnival is a large annual one-day event which typically attracts over 5000 patrons.
- 5.2 The event normally operates under a special licence. This allows for additional bar areas to be set up within the Racecourse.
- 5.3 An alcohol management plan has been submitted as part of this year’s Special Licence Application. The plan sets out several measures designed to help ensure a safe environment exists for patrons at the Racecourse. Actions outlined in the management plan include:
- Bag searches and intoxication checks at the gate.
 - Security staff to help prevent patrons bringing alcohol into the venue.
 - I/D checkpoints at the entrance points to each licensed area.
 - Limits on the amounts of alcoholic drinks that can be purchased at any one time.

- 5.4 The above measures together with the proposed temporary alcohol ban are aimed at reducing alcohol disorder issues associated with the event.
- 5.5 The Police application for the temporary alcohol ban is supported by the Hawke's Bay Racing.

6.0 Options – Ngā Kōwhiringa

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

- 6.1 Adopt the Police request for a temporary alcohol ban either wholly (i.e. agree to all the roads and times applied for) or in part (i.e. agree to some of the roads and/ or times applied for).

Advantages

- The locality of the proposed ban is within the environs of the Racecourse. It abuts the existing Hastings permanent alcohol ban zone and is an area where patrons can park and easily walk to the event. The proposed ban will provide an additional tool to assist Police in dealing with alcohol related disorder issues.

Disadvantages

- None noted.

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

Advantages

- None noted other than a cost saving to Council of \$500 associated with advertising the ban.

Disadvantages

- The Police have previously advised that several arrests made at earlier Spring Carnival events were attributed to people preloading in the vicinity of the Racecourse and those areas not covered by the existing Hastings alcohol ban. Denying the request may result in an increase in issues associated with preloading alcohol.

7.0 Next steps – Te Anga Whakamua

- 7.1 Should the Council approve the request for the temporary alcohol ban the following actions will be taken:
- The Council resolution will be publicly notified.
 - Temporary signage will be installed in the area covered by the alcohol ban.

Attachments:

- [1](#) Regulatory Operations - Liquor Licensing - Liquor Ban - Livamol Classic Alcohol Ban request 2024 REG-14-2-24-225

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](#)

Reducing public nuisance and threats to public health and safety.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

N/A

Sustainability - *Te Toitūtanga*

N/A

Financial considerations - *Ngā Whakaarohanga Ahumoni*

The estimated cost of implementation for the recommendation is \$500. This will be funded from existing budgets.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This proposal is not of significance that would trigger Council's thresholds under its Significance and Engagement Policy.

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

The proposed alcohol ban area is normally covered by the Hastings District Council Consolidated Bylaw. The bylaw went through an extensive public consultation prior to being adopted.

Risks

Opportunity: To help minimise alcohol related disorder issues.

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
A reduction of preloading and the general consumption of alcohol by some patrons in the vicinity of the Racecourse.	Care must be taken when exercising the power in 4.3.2 of the Council Bylaws to by resolution impose a temporary alcohol ban, as the standard bylaw making process involves carrying out public consultation. As the proposed alcohol ban area is normally covered by the Hastings District Council Consolidated Bylaw (that went through an extensive public consultation prior to being adopted) and is of limited duration, this risk should be mitigated.

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

N/A



Request for Temporary Liquor Ban: Livamol Classic – Hawkes Bay Racecourse
12th October 2024

Police would like to apply for a temporary liquor (alcohol) ban in the streets surrounding the Hawkes Bay Racecourse for the Livamol Classic race day being held at the Hawkes Bay Racing Centre on Saturday 12 October 2024.

- The following hours, and area are requested for the ban:
 - Between the hours of 9am and 11.59pm on Saturday 12th of October 2024.
- Area (See attached map)
 - The entire lengths of Knight Street and Prospect Road.
 - Market Street South from Southampton Street to the Racecourse entrance.
 - King Street South from Southampton Street to Prospect Road.
 - Nelson Street South from Southampton Street to Knight Street.
 - Southland Road between Southampton Street and Gordon Road.
 - Henry Street between Charles Street and Southland Road
- The area requested is the same area as previously implemented for Livamol Classic events which in turn has repeatedly proved to be beneficial in reducing disorder and harm.
- Police have concerns based on experience of witnessing preloading (the consumption of alcohol prior to entering the venue) and the general consumption of alcohol by some patrons in the vicinity of the racecourse in previous events, leading to alcohol related disorder issues.
- The purpose of the request is to help minimise alcohol related disorder issues that lead to harm and breaches of the peace in the residential area surrounding the venue.
- Alcohol bans have been used for previous Spring Carnival events at this location and at many other events around the country. They have been very successful in reducing disorder and breaches of the peace by providing police with an additional tool for helping to prevent and deal with issues related to these matters.
- Having a ban in place affords police the ability to take a preventative approach and set the tone for the event going forward.

For your consideration please.

Senior Sergeant Mike Stevenson
Operations and Events Planning Coordinator
Eastern District Police
Eastern District Headquarters
102 Eastbourne Street West, Hastings

Email: michael.stevenson@police.govt.nz

Thursday, 8 August 2024

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

Te Rārangi Take

Report to Council

Nā:
From: **Junior Tuakana, Environmental Planner (Policy)**

Te Take:
Subject: **Adoption of the Class 4 Venue Policy and TAB Venue Policy**

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this Report is to update Council on the review of the Council's Class 4 Venue Policy and TAB Venue Policy. This Report recommends no changes or amendments are made to either policy.
- 1.2 This Report has been presented to the Heretaunga Takoto Noa Māori Standing Committee on 8th May and the District Plan and By-laws Subcommittee on the 29th of May.
 - The Heretaunga Takoto Noa Māori Standing Committee resolved to receive the Report and did not vote on a preference regards the Policies.
 - The District Plan and By-Laws Subcommittee resolved to recommend to Council that the Class 4 Venue Policy be retained in its current form and no changes be made &
 - Resolved to recommend to Council that the TAB Venue Policy be retained in its current form with changes being limited to updating the name of the Racing Industry Act 2020 &
 - Resolved to recommend to Council that no further consultation be undertaken given the decision to endorse the current versions of the policies without amendment or replacement.
- 1.3 The Gambling Act 2003 (GA) requires that Council adopt a class 4 venue policy to control where machines can be in Hastings District. As part of the policy Council must complete a review of the policy every 3 years after the policy is adopted.

The last Council review was completed in December 2020.
- 1.4 Class 4 gambling is the use of non-casino machines known as pokies. A percentage of the money generated by these machines is required to be returned to the community through the process of community grants.
- 1.5 The Racing Industry Act 2020 (RA) (which now replaces the Racing Act 2003) requires that Council adopt a policy on TAB venues and then complete a review of the policy every 3 years after the policy is adopted.

- 1.6 Both the GA and RA require that if policy reviews recommend the policies should be amended or replaced, - the Special Consultative Procedure as set out in the Local Government Act 2002 must be used. If Council resolves that amendment or replacement of policies is unnecessary, - no consultation is required.

2.0 Recommendations - Ngā Tūtohunga

- A) That Council receive the report titled Adoption of the Class 4 Venue Policy and TAB Venue Policy dated 8 August 2024.
- B) That Council notes Council Officers have completed a review of its Class 4 Venue Policy as required by the Gambling Act 2003 and TAB Venue Policy as required by the Racing Industry Act 2020.
- C) That Council retain the TAB Venue Policy in its current form with one nonmaterial administrative change being the updating of the Racing Act 2003 to the Racing Industry Act 2020.
- D) That Council retain the Class 4 Venue Policy in its current form.

3.0 Background – Te Horopaki

Class 4 Venue Policy

- 3.1 The GA requires Council to adopt a Class 4 Venue Policy and complete a review of the Policy every 3 years.
- 3.2 Class 4 gambling is the use of non-casino machines known as pokies. A percentage of the money generated by these machines is required to be returned to the community through the process of community grants.
- 3.3 The last Policy review was undertaken in 2020. This review resulted in a change from a 'Cap' to 'Sinking Lid' regards numbers of gaming machines.
- 3.4 The aim of a Sinking Lid Policy is to decrease the number of gaming machines and class 4 venues over time. A Sinking Lid Policy includes a ban on any new gaming machines or venues in Hastings District. If a venue closes and the licence is not taken up within six months of the venue closure, the gaming machines are taken out of commission. The Sinking Lid Policy cannot force venues to reduce the number of machines they are operating.
- 3.5 A Cap Policy means that when a venue closes, the machines can remain in commission in Hastings District. Other venues can apply for additional machines if their permitted number of machines has not been exceeded. If Council adopted a Cap Policy, 255 machines would be permitted to operate in Hastings District. This number is based on the machines operating in Hastings District under the current Sinking Lid Policy. The Class 4 Venue Policy is attached as Attachment 1.

TAB Venue Policy

- 3.6 The RA requires Council to adopt TAB Venue Policy and complete a review of the Policy every 3 years.
- 3.7 The Council "Agency Venue Policy" was adopted under the Racing Act 2003 to manage TAB venues. The transitional provisions of the Racing Industry Act 2020 provide that such a Policy "continues in force on and after commencement of [the new Act] and must be treated as if it were a TAB venue policy adopted in respect of the corresponding TAB venue under [section 97](#)".
- 3.8 Council can regulate whether new TAB venues are established in Hastings District and where TAB venues can be located. Council consent is not required under the legislation to establish a TAB facility

in a bar, hotel or club. Hastings District has one stand-alone TAB venue located at Stortford Lodge. The TAB Venue Policy is attached as Attachment 2.

4.0 Discussion – *Te Matapakitanga*

- 4.1 Officers recommend retention of Councils Class 4 Venue Policy. Even with The Policy’s ‘Sinking Lid’ for gambling machine numbers, gambling expenditures continue to increase. See 4.22.
- 4.2 Officers recommend retention of Councils TAB Venue Policy. No applications have been received for a new TAB Venues since the Policy was adopted.
- 4.3 If Council resolves the Officers recommendations and makes no changes or amendments to the Policies, there is no requirement to complete a Formal Consultation Process under the Local Government Act.
- 4.4 If the Council determines that consultation is appropriate, Officers will complete the Formal Consultation Process, which requires a Statement of Proposal and the opportunity for people to make submissions to Council on the Statement of Proposal.

Class 4 Venue Policy

- 4.5 Section 101 of the GA sets out matters a policy must include and matters Council may have regard to when determining its policy.

The Policy;

- Must specify whether or not class 4 venues may be established in the territorial authority district and, if so, where they may be located.
- May specify any restrictions on the maximum number of gaming machines that may be operated at a class 4 venue.
- May include a relocation policy.

In determining its policy on whether class 4 venues may be established in Hastings District, where any venue may be located, and any restrictions venues, Council may have regard to any relevant matters, including;

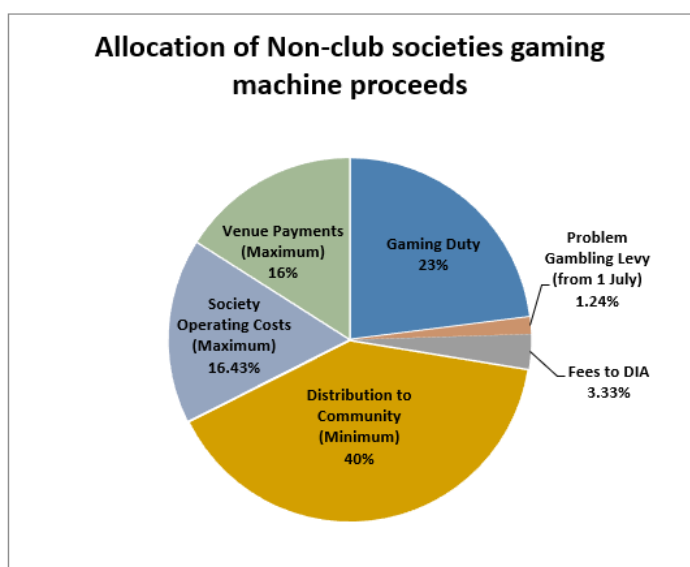
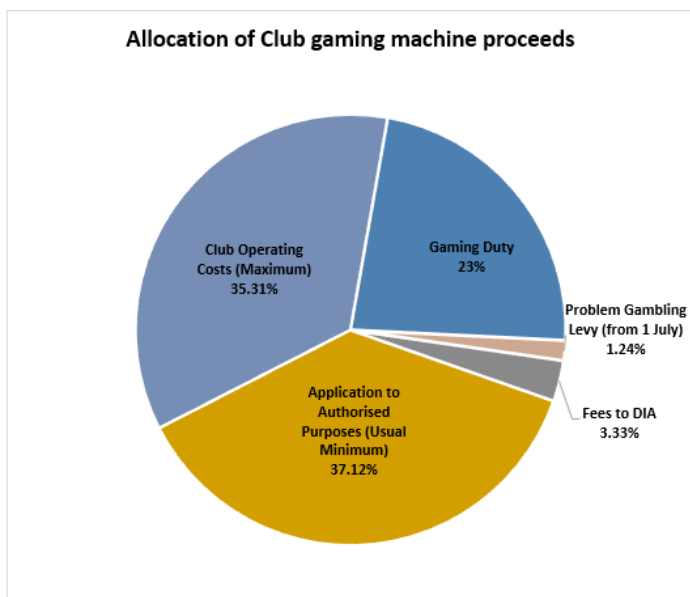
- the characteristics of the district and parts of the district.
- the location of kindergartens, early childhood centres, schools, places of worship, and other community facilities.
- the number of gaming machines that should be permitted to operate at any venue or class of venue.
- the cumulative effects of additional opportunities for gambling in the district.
- how close any venue should be permitted to be to any other venue.

Class 4 Gambling (pokies)

- 4.6 Class 4 gambling is the use of non-casino gaming machines, also known as “pokies”. There are three types of class 4 groups that own machines.
 - Non-club societies operate machines in venues owned pubs and bars.
 - Club societies which tend to operate gaming machines from their own venues.
 - The New Zealand Racing Board operates gaming machines in venues it owns or leases.

All operators require licences from the Department of Internal Affairs. Non-club societies own almost 80 per cent of the gaming machines operating in licensed venues. These societies also generate most of the gaming machine profits and grants returned to the community.

- 4.7 All non-club societies must apply or distribute a minimum of 40% of their proceeds from gaming machines to authorised purposes. When applying for a licence, a non-club society (which distributes its funds) must specify what authorised purposes it intends to raise money for. Non-club societies must then grant funds only to those purposes that are specified in their licence, which must be consistent with the purposes set out in their trust deeds or constitutions.
- 4.8 The graphs show the funding allocation differences for clubs and societies as required under the GA. The key difference is non-club societies are required to return a minimum of 40% of proceeds to the community. Club or TAB venues must use funding for authorised purposes.

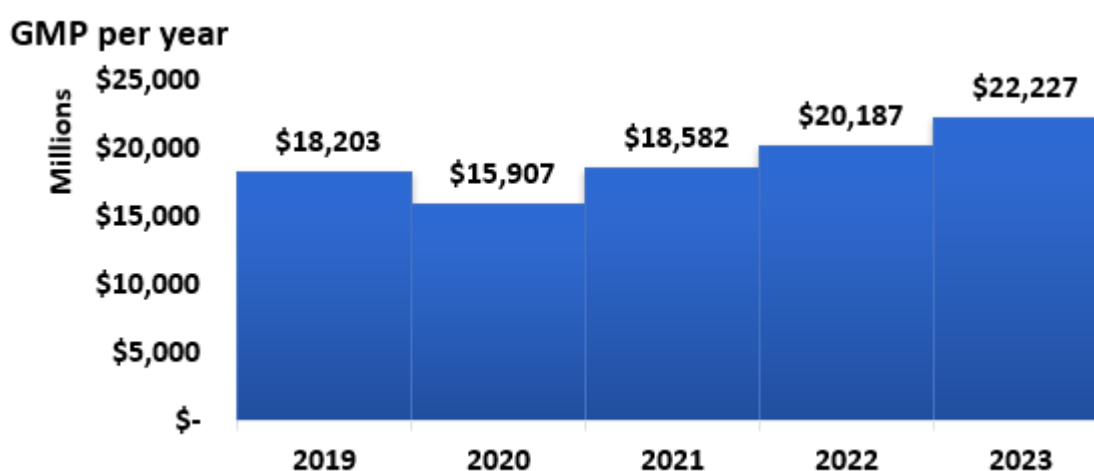


Sinking Lid vs Cap

- 4.9 As of Dec 2023, there are 255 machines operating within Hastings District. The Policy includes the ability to relocate the venue licence to a new premises due to unforeseen events such as natural disasters.
- 4.10 Under a Cap policy, new venues can apply to host machines if there are machines available (maximum of 9 for new venues under the gambling act) where Council consent is required. With any application, the applicant is required to demonstrate how they meet the performance standards of the Venue Policy.
- 4.11 The Sinking Lid can provide community benefits, by reducing the number machines over time and potentially enabling increased monitoring of problem gambling behaviours as there are fewer opportunities to access gaming machines.

Class 4 Venue Policy Review

- 4.12 Councils Class 4 Venue Policy was reviewed and amended to 'Sinking Lid' in 2020 after a Special Consultative Process (with hearing opportunities for public submissions). Council sought to address the issues of problem gambling and allow for recreational usage in managed environments.
- 4.13 There is community benefit from Class 4 gaming as some revenues are reinvested into community outcomes as discussed in 4.8.
- 4.14 Since the last review, the number of gaming machines in Hastings District has reduced 7% from 273 to 255.
- 4.15 Officers recommend the reasons for Council adopting the Sinking Lid approach in 2020 are still valid.
- 4.16 Department of Internal Affairs data shows that despite the Sinking Lid Policy, revenue from gaming machines has continued to climb. COVID restrictions probably account for the revenue drop in 2020.



- 4.17 There is increasing accessibility to 'gambling online' which anecdotally is a growing gambling problem for our community. This method of gambling is unregulated with no set amount of spend, always accessible, and patrons are not monitored. No revenues are reinvested in the community.
- 4.18 Online gambling is outside of the scope or control of Council and its Policy Review.
- 4.19 Officers recommend retention of the Sinking Lid Policy is beneficial because;
- Community funding is still available with reducing availability of gaming machines in the community.

- Fewer gaming machines may enable venues to better monitor gamblers including harmful gambling.
- Having some Class 4 Venues provides for regulated and legitimate gambling which may discourage movement to online gambling.
- The Relocation Policy enables venues to move if required while still maintaining a safe distance from sensitive sites.

TAB Venue Policy Review

- 4.20 Under the RA Council's Policy must have regard to the social impact of gambling within Hastings District. The Policy must specify if new TAB venues can be established and may consider characteristics of the district, the location of venues such as schools and churches and the cumulative effects of additional opportunities for gambling in the district.
- 4.21 Council's TAB Venue Policy has a Cap of one TAB venue. No applications have been received for additional TAB venues.
- 4.22 Officers recommend Council retain the TAB Venue Policy in its current form with one nonmaterial administrative change being the updating of the Racing Act 2003 to the Racing Industry Act 2020.

5.0 Options – Ngā Kōwhiringa

Class 4 Venue Policy

- 5.1 **Option One** - Retention of existing Council Class 4 Venue Policy. (Recommended).
- 5.2 **Option Two** - Amend Council Class 4 Venue Policy to impose a Cap on Gaming Machines in Hastings District at 255.

Option 1: Recommended Option - Class 4 Venue Policy premised on 'Sinking Lid'	
Advantages	Disadvantages
Gambling behaviours are monitored at Class 4 Venues.	May lead to less funding available for community grants.
Over time the numbers of gaming machines and venues are expected to continue to decrease.	May encourage a move to online gambling which is unregulated.
Competition between venues may promote a wider range and quality of services and improved monitoring of gambling behaviour.	May lead to a cluster of Class Venues in less locations.
Some gambling revenues are reinvested in the community	
The Relocation Policy can give alternative options for better site location.	
Option 2: New Cap level of 255 gaming machines	
Advantages	Disadvantages

Like Option 1, without the benefits arising from reducing gaming machine and venue numbers.	Like Option 1 but to a lesser degree as gaming machine numbers and venues are more likely to remain constant
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TAB Venue Policy

- 5.3 **Option 1** Retain the current cap of one for TAB venues. (Recommended).
- 5.4 **Option 2** Remove Cap for TAB venues.

Option 3: Recommended Option - Retain the current cap of one for TAB venues.	
Advantages	Disadvantages
Recreational demand is presumably met, as there have been no applications for new venues, and Hastings District only has one TAB venue.	None noted
Option 4: Open policy for TAB venues	
Advantages	Disadvantages
None noted.	Increase in the number of gambling venues may lead to an increase in problem gambling.

6.0 Next steps – *Te Anga Whakamua*

- 6.1 If the Council adopts the officer's recommendations to retain the current Policies, stakeholder groups with interest in the Policies will be notified of the Council decision.

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 Council regulatory management of gambling activity, seeking better community wellbeing outcomes.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

The proposal has been presented to the Heretaunga Takoto Noa Māori Standing Committee.

Sustainability - *Te Toitūtanga*

N/A

Financial considerations - *Ngā Whakaarohanga Ahumoni*

Apart from time of the processing officer, there are no financial considerations for Council's budgets.

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 medium significance.

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

If Council resolves the officer's recommendation to retain the current policies, stakeholder groups and the community will be notified of Council's decision.

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

N/A

Thursday, 8 August 2024

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

Te Rārangi Take

Report to Council

Nā:
From: Mark Clews, Principal Advisor: District Development

Te Take: Clifton to Tangoio Coastal Hazards Joint Committee Meeting
Subject: Summary

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

- 1.1 The purpose of this report is to provide an update on the Clifton to Tangoio Coastal Hazard Strategy Joint Committee meetings held on 15th March, 17th May and 14th June 2024. As required by the Joint Committee's terms of reference, the project manager's summary notes (in the form of a report to the Hawke's Bay Regional Council) and the unconfirmed meeting minutes are attached (**Attachments 1,2,3,4,5 and 6**).
- 1.2 All three meetings were followed by Workshops dealing with the development of a funding model, with the meetings themselves being relatively short. Key points for the meetings are summarised as follows:

March

- Acknowledging Ms Ann Redstone's service on the Committee and to Coastal Communities.
- Decision to lodge a submission of the Fast track Consenting Bill.

May

- Presentation by and thank you to Mr Keith Newman for his book Saving the Cape Coast.
- Update on Erosion Issues at Te Awanga Lagoon.
- Update on Regulatory Work Stream – two key issues identified are how to avoid maladapting (solutions that result in unintended or more severe consequences over time) and how to facilitate the strategy implementation.

June

- Presentation by members of Te Awanga community on a proposal for armouring the coast in this area to increase resilience. The community considered this to be a complementary action alongside the pathway being developed for Te Awanga by the Strategy.
- 1.3 Early engagement with the community originally planned to commence in July, was to have been delayed by 1 month to provide separation with the confirmation of the Hawke’s Bay Regional Council (HBRC) Long Term Plan.
- 1.4 HBRC now propose the consultation commence in March 2025 to provide it with additional time and capacity to assess organisational impacts and finalise implementation arrangements. This was reported to the Joint Committee at its meeting on 5th July ahead of a workshop on the funding model. The next meeting of the Joint Committee is scheduled for the 9th of August to consider formal funding model recommendations to the HBRC.

2.0 Recommendations - Ngā Tūhunga

That Council receive the report titled Clifton to Tangoio Coastal Hazards Joint Committee Meeting Summary dated 8 August 2024.

Attachments:

1	Summary notes of a Clifton to Tangoio Coastal Hazards Joint Committee 14 June 2024	STR-14-07-24-817	Under Separate Cover
2	Clifton to Tangoio Coastal Hazards Strategy Joint Committee Minutes 14 June 2024	STR-14-07-24-814	Under Separate Cover
3	Summary notes of a Clifton to Tangoio Coastal Hazards Joint Committee 17 May 2024	STR-14-07-24-816	Under Separate Cover
4	Clifton to Tangoio Coastal Hazards Strategy Joint Committee Minutes 17 May 2024	STR-14-07-24-811	Under Separate Cover
5	Summary Notes of a Clifton to Tangoio Coastal Hazards Joint Committee 15 March 2024	STR-14-07-24-815	Under Separate Cover
6	Clifton to Tangoio Coastal Hazards Strategy Joint Committee - Minutes, 15 March 2024	STR-14-07-24-818	Under Separate Cover

Thursday, 8 August 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: **Amendments to Schedule of Appointments to Committees,
Subject: Subcommittees, Joint Committees and External Organisations**



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

- 1.1 The purpose of this Report is to advise Council of amendments I have made to the Schedule of Appointments to Committees, Subcommittees, Joint Committees and to the Schedule of Appointments to External Organisations.
- 1.2 These appointments address the vacancies created by the resignation of Councillors Redstone and Nepe. I have also taken the opportunity to make some other adjustments in consultation with the relevant councillors.
- 1.3 Contained in **Attachment 1** is the Schedule of Appointments to Committees and Subcommittees and **Attachment 2** is the Schedule of Appointments to External Organisations. Each amendment is highlighted in yellow.
- 1.4 These changes to the Appointment Schedules will have no impact on Councillor remuneration.
- 1.5 I have made these decisions in accordance with Section 41A of the Local Government Act 2002, which relates to the role and powers of Mayors.

2.0 Recommendations - *Ngā Tūtohunga*

That Council receive the report titled Amendments to Schedule of Appointments to Committees, Subcommittees, Joint Committees and External Organisations dated 8 August 2024.

Attachments:

1 	Schedule of Appointments to Committees and Subcommittees 2022-2025	CG-17-1-01090	Under Separate Cover
2 	Schedule of Appointments to External Organisations 2022-2025	CG-17-1-01091	Under Separate Cover

Thursday, 8 August 2024

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

Te Rārangi Take

Report to Council

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

Te Take:
Subject: Changes to the Terms of Reference for the Risk and Assurance Committee and the Schedule of Appointments to Committees, Subcommittees (2022-2025)

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 Schollum in her capacity as Chair of the 'Strategy and Recovery Committee' to the 'Risk and Assurance Committee' (Committee) for the remainder of the 2022-2025 triennium and to approve required amendments to the Risk and Assurance Committee Terms of Reference due to this appointment.
- 1.2 On 8 December 2022, the Council adopted the 'Committee and Rural Community Board Register of Delegations' (2022-2025). The Committee is included in these delegations which set out the Committee's fields of activity; membership; quorum and delegated powers. The current Terms of Reference for the Committee are attached (**Attachment 1**).
- 1.3 The current membership of the Committee as outlined in its Terms of Reference is :
Membership – 8 (including 5 Councillors)
 - 5 Councillors – with one being the Chair of Performance and Monitoring, or its equivalent.
 - Independent Chair appointed by Council.
 - 2 external independent members appointed by Council.
 - 1 Heretaunga Takoto Noa Māori Standing Committee Member appointed by Council.
- 1.4 This Report recommends that the wording of the Membership outlined above be amended to include the Chair of the Strategy and Recovery Committee as follows:
- 1.5 Membership – 8 (including 5 Councillors)
 - 5 Councillors – with one being the Chair of Performance and Monitoring Committee, or its equivalent **and one being the Chair of Strategy and Recovery Committee, or its equivalent.**
 - Independent Chair appointed by Council.

- 2 external independent members appointed by Council.
- 1 Heretaunga Takoto Noa Māori Standing Committee Member appointed by Council.

1.6 There is no need to amend the number of members for the Risk and Assurance Committee as there is currently a vacancy for an additional councillor which can now be filled by the appointment of Councillor Schollum in her capacity as Chair of the Strategy and Recovery Committee.

2.0 Recommendations - *Ngā Tūtohunga*

- A) That Council receives the report titled Changes to the Terms of Reference for the Risk and Assurance Committee and the Schedule of Appointments to Committees, Subcommittees (2022-2025) dated 8 August 2024.
- B) That the Risk and Assurance Committee Terms of Reference be amended to include the Chair of the Strategy and Recovery Committee within its membership.
- C) That the Schedule of Appointments to Committees, Subcommittees (2022 – 2025) be updated to include the appointment of Councillor Schollum to the Risk and Assurance Committee in her capacity as Chair of the Strategy and Recovery Committee for the remainder of the 2022 – 2025 triennium.

Attachments:

- | | | |
|---------------------|---|---------------|
| 1 ↓ | Risk and Assurance Committee - Terms of Reference | CG-17-1-01066 |
|---------------------|---|---------------|

Thursday, 8 August 2024

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

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 1987 (LGOIMA) received from 21 May 2024 to 20 June 2024 and the status of those requests as at the 20 June 2024.
- 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 Tūtohunga

- A) That Council receive the report titled Requests Received Under The Local Government Official Information and Meetings Act 1987 (LGOIMA) Update dated 8 August 2024.
- B) That the LGOIMA requests received from 21 May 2024 to 20 June 2024, as set out in **Attachment 1** of the Report be noted.

Attachments:

- 1 [↓](#) LGOIMA Report - May - June 2024 for Aug Council meeting CG-15-24-52

Thursday, 8 August 2024

Item 17

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

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 2024 Meetings Calendar which was adopted by Council on 14 November 2023.

1.2 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.

1.3 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 8 August 2024.

B) That Council adopt changes to the 2024 Schedule of Meetings as follows:

Tuesday 27 August 2024, 1pm Council Chamber	New Meeting	Strategy and Recovery Committee
Tuesday 3 September 2024, 10:30am Council Chamber	New Meeting	Council
From Thursday, 14 November 2024, 1pm to Thursday 28 November 2024, 10am Council Chamber	Postponement	Council

Attachments:

There are no attachments for this report.

HASTINGS DISTRICT COUNCIL

COUNCIL MEETING

THURSDAY, 8 AUGUST 2024

Item 20

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:

- 21 Tender Report for sale, development and partial leaseback of 300 Lyndon Road
- 22 Matapiro Bridge Replacement - Stage 2 Award
- 23 Property Agreements – Cyclone recovery works
- 24 CE Performance Review and Planning

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>
21 Tender Report for sale, development and partial leaseback of 300 Lyndon Road	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). To protect Councils ability to negotiate terms favourable to Council and protect the commercial sensitivities included in the development proposals..	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.
22 Matapiro Bridge Replacement - Stage 2 Award	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. commercially sensitive.	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.

23 Property Agreements – Cyclone recovery works

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. Commercial sensitivity.

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.

24 CE Performance Review and Planning

Section 7 (2) (a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.

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.