

Tuesday, 13 July 2021

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council

Council Meeting

Kaupapataka

Agenda

Te Rā Hui:
Meeting date: **Tuesday, 13 July 2021**

Te Wā:
Time: **1.00pm**

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

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

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

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HASTINGS DISTRICT COUNCIL
207 Lyndon Road East, Hastings 4122 | Private Bag 9002, Hastings 4156
Phone **06 871 5000** | www.hastingsdc.govt.nz
TE KAUNIHERA Ā-ROHE O HERETAUNGA

Tuesday, 13 July 2021

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: Bayden Barber, Alwyn Corban, Malcolm Dixon, Damon Harvey, Tania Kerr (Deputy Chair), Eileen Lawson, Simon Nixon, Henare O'Keefe, Peleti Oli, Ann Redstone, Wendy Schollum, Sophie Siers, Geraldine Travers 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:

Vicki Rusbatch (Extn 5634)

Te Rārangi Take

Order of Business

1.0 Opening Prayer – *Karakia Whakatūwheratanga*

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

At the close of the agenda no apologies had been received.

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

3.0 Conflict of Interest – *He Ngākau Kōnatunatu*

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

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

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

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

Minutes of the Council Meeting held Tuesday 18 May 2021.

(Previously circulated)

Minutes of the Council Meeting held Thursday 24 June 2021.

(Previously circulated)

5.0 Resolution to Set the Rates for the 2021/22 Financial Year

7

6.0 Final Adoption of the Consolidated Bylaw and Dogs Policy

17

7.0	Local Alcohol Policy Review	23
------------	------------------------------------	-----------

8.0	Clifton to Tangoio Coastal Hazard Strategy Implementation and Funding	33
------------	------------------------------------------------------------------------------	-----------

9.0	Flaxmere Learn to Swim Funding Application to Trust House	45
------------	------------------------------------------------------------------	-----------

10.0	Parking Controls	49
-------------	-------------------------	-----------

11.0	2021 Meeting Schedule Changes	57
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12.0	Minor Items – <i>Ngā Take Iti</i>	
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13.0	Urgent Items – <i>Ngā Take Whakahihiri</i>	
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14.0	Recommendation to Exclude the Public from Items 15 and 16	59
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15.0	Land Negotiations	
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16.0	Municipal Building Tenancies	
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Tuesday, 13 July 2021

Item 5

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: Council Meeting

Te Rārangi Take

Report to Council

Nā: Ashley Humphrey, Financial Policy Advisor
From: Richard Elgie, Finance Operations Manager

Te Take:
Subject: Resolution to Set the Rates for the 2021/22 Financial Year

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to obtain a decision from the Council to adopt the Resolution to set rates for the 2021/22 Financial Year commencing 1 July 2021.
- 1.2 Following consultation, Council adopted the 2021-31 Long Term Plan at its meeting on 24 June 2021. It now needs to assess and set the rates described in its Rating Policy and Funding Impact Statement in order to collect the revenue needed for the 2021/22 Financial Year commencing 1 July 2021.
- 1.3 This report concludes by recommending that the Council set the rates as detailed, adopt the differential categories and the payment due and penalty dates set out in the recommendations. All rates are shown as inclusive of Goods and Services Tax of 15%.

2.0 Recommendations - Ngā Tūtohunga

- A) That the Council receive the report titled Resolution to Set the Rates for the 2021/22 Financial Year dated 13 July 2021.
- B) That pursuant to Sections 23 and 24 of the Local Government (Rating) Act 2002 the Hastings District Council makes the rates on rating units in the District for the financial year commencing on 01 July 2021 and ending on 30 June 2022 and adopts the due dates and penalty dates for the 2021/22 financial year, as follows:

INTRODUCTION

Hastings District Council has adopted its 2021-31 Long Term Plan. This has identified the Council's budget requirement, and set out the rating policy and funding impact statement. The Council hereby sets the rates described below to collect its identified revenue needs for 2021/22 commencing 01 July 2021. All rates are inclusive of Goods and Services Tax.

GENERAL RATES

A general rate set and assessed in accordance with Section 13 of the Local Government (Rating) Act 2002, on the land value of all rateable land within the district on a differential basis as set out below:

Differential Group Name	Factor	Cents per Dollar of \$ LV
Differential Rating Area One		
Residential	1	0.447366
Residential Clive	0.81	0.362366
Residential Non-Urban (Including Townships and Small Settlements)	0.76	0.339998
Horticulture / Farming	0.68	0.304209
CBD Commercial	3.00	1.342097
Other Commercial	2.75	1.230256
Commercial Non-Urban – Peripheral	2.35	1.051309
Differential Rating Area Two		
Residential	0.85	0.200472
Lifestyle / Horticulture / Farming	1	0.235849
Commercial	1.65	0.389151

UNIFORM ANNUAL GENERAL CHARGE

A uniform annual general charge set and assessed in accordance with Section 15 of the Local Government (Rating) Act 2002, of \$210 on each separately used or inhabited part of a rating unit within the district.

TARGETED RATES

All differential categories of targeted rates areas are as defined in the Funding Impact Statement for 2021/22. For the purposes of the Havelock North Promotion, Hastings City Marketing, Hastings CBD Targeted Rate, Havelock North CBD Targeted Rate, and Security Patrols (Hastings and Havelock North), a commercial rating unit is one that fits the description as set out under DRA1 CBD Commercial and DRA1 Other Commercial in Part B of the Funding Impact Statement for 2021/22.

COMMUNITY SERVICES & RESOURCE MANAGEMENT RATE

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on a differential basis, on each separately used or inhabited part of a rating unit as follows:

Differential Category	Factor	\$ per SUIP
Differential rating area one		
Residential	1	\$501
CBD Commercial	1	\$501
Other Commercial	1	\$501
Residential Clive	0.75	\$376
Residential Non-Urban (Including Townships & Small Settlements)	0.75	\$376
Horticulture / Farming	0.75	\$376
Commercial Non-Urban (Peripheral)	0.75	\$376
Differential rating area two		
Residential	1	\$316
Lifestyle / Horticulture / Farming	1	\$316
Commercial	1	\$316

HAVELOCK NORTH PROMOTION

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on the land value of any commercial rating unit located within Havelock North as defined on Council Map "Havelock North Promotion Rate", of 0.107203 cents per dollar of land value.

SWIMMING POOL SAFETY

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, as a fixed amount on every rating unit where a swimming pool (within the meaning of the Fencing of Swimming Pools Act 1987) is located, of \$67 per rating unit.

HAVELOCK NORTH PARKING

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on a differential basis, on each separately used or inhabited rating unit located within Havelock North as defined on Council Map "Havelock North Parking", as follows:

Differential Category	Factor	\$ per SUIP
Residential	1	\$30
CBD Commercial/Other Comm	3	\$90
All others	1	\$30

HASTINGS CITY MARKETING

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on the land value of any commercial rating units located within Hastings as defined on Council Map "Hastings City Marketing Rate", of 0.239739 cents per dollar of land value.

HASTINGS CBD TARGETED RATE

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on the land value of any commercial rating unit located within Hastings as defined on the Council Map "Hastings CBD", of 0.185739 cents per dollar of land value.

HAVELOCK NORTH CBD TARGETED RATE

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on the land value of any commercial rating unit located within Havelock North as defined on Council Map "Havelock North CBD", of 0.075992 cents per dollar of land value.

SECURITY PATROLS

Targeted rates set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on the land value of any commercial rating unit located within each respective Council

Map defined "Hastings Security Patrol Area" and "Havelock North Security Patrol Area", as follows:

Hastings Security Patrol Area - 0.106687 cents per dollar of land value.

Havelock North Security Patrol Area - 0.058743 cents per dollar of land value.

SEWAGE DISPOSAL

A differential targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, based on the provision or availability to the land of the service. The rate is set as an amount per separately used or inhabited part of a rating unit.

A differential targeted rate for all non-residential rating units classified as "connected", based on the use to which the land is put. The rate is an amount for each water closet or urinal after the first.

The rates apply to connected or serviceable rating units in all areas excluding those in the Waipātiki scheme area.

The rates for the 2021/22 year are:

Category	Factor	\$ per SUIP
(1) Connected	1	\$235
(2) Serviceable	0.5	\$117.50

Where connected, in the case of non-residential use, the differential charge for each water closet or urinal after the first is as follows:

Differential category	Factor	Charge Per Water Closet and Urinal After the First
Schools/Churches	0.13	\$30.55
Chartered Clubs / Rest Homes / Prisons / Commercial Accommodation providers / Hospitals / Child Care Centres	0.40	\$94
HB Racing Centre / A&P Showgrounds / Regional Sports Park	0.25	\$58.75
All other Non-Residential	0.80	\$188

WAIPĀTIKI SEWAGE DISPOSAL

A differential targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, based on the provision or availability to the land of the service. The rate is set as an amount per separately used or inhabited part of a rating unit.

This rate applies only to connected or serviceable rating units in the Waipātiki scheme area.

The rates for the 2021/22 year are:

Category	Factor	\$ per SUIP
(1) Connected	1	\$465
(2) Serviceable	0.5	\$232.50

Where connected, in the case of non-residential use, the differential charge is set for each water closet or urinal after the first as follows:

Differential Category	Factor	Charge Per Water Closet and Urinal After the First
Schools/Churches	0.13	\$60.45
Chartered Clubs / Rest Homes / Prisons / Commercial Accommodation providers / Hospitals / Child Care Centres	0.40	\$186
HB Racing Centre / A&P Showgrounds / Regional Sports Park	0.25	\$116.25
All other Non-Residential	0.80	\$372

WASTEWATER TREATMENT

A differential targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, based on the provision or availability to the land of the service. The rate is set as an amount per separately used or inhabited part of a rating unit.

A differential targeted rate for non-residential rating units classified as “connected”, based on the use to which the land is put. The rate is an amount for each water closet or urinal after the first.

The rates apply to connected or serviceable rating units in all areas excluding those in the Waipātiki scheme area.

The rates for the 2021/22 year are:

Category	Factor	\$ Per SUIP
(1) Connected	1	\$75
(2) Serviceable	0.5	\$37.50

Where connected, in the case of non-residential use, the differential charge is set for each water closet or urinal after the first as follows:

Differential Category	Factor	Charge Per Water Closet and Urinal After the First
Schools/Churches	0.13	\$9.75
Chartered Clubs / Rest Homes / Prisons / Commercial Accommodation providers / Hospitals / Child Care Centres	0.40	\$30
HB Racing Centre / A&P Showgrounds / Regional Sports Park	0.25	\$18.75
All other Non-Residential	0.80	\$60

WATER SUPPLY

Targeted rates set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on each separately used or inhabited part of a rating unit and based on the provision or availability to the land of the service, on a differential basis as follows.

The rates for the 2021/22 year are:

Water Supply Area	Connected (Factor 1 Per SUIP)	Serviceable (Factor 0.5 Per SUIP)
Water Rate	\$480	\$240

WATER BY METER

A targeted rate set and assessed in accordance with Section 19 of the Local Government (Rating) Act 2002, on the volume of water supplied as extraordinary water supply, as defined in Hastings District Council Water Services Policy Manual (this includes but is not limited to residential properties over 1,500m² containing a single dwelling, lifestyle lots, trade premises, industrial and horticultural properties) of \$0.83 per cubic metre of water supplied over and above the typical household consumption as defined in the Hastings District Council Water Services Policy Manual.

RECYCLING

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on each separately used or inhabited part of a rating unit and based on the provision or availability to the land of the service provided in the serviced area.

Rating units which Council officers determine are unable to practically receive the Council service and have an approved alternative service will not be charged the rate.

The rate for 2021/22 is \$70 per separately used or inhabited part of the rating unit.

REFUSE

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on each separately used or inhabited part of a rating unit, differentiated based on the use to which the land is put.

Rating units which Council officers determine are unable to practically receive the Council service and have an approved alternative service will not be charged the rate.

Residential rating units currently receive a weekly collection. Commercial rating units located within Hastings as defined on Council Map "Hastings CBD Refuse", and located within Havelock North as defined on Council Map "Havelock North CBD Refuse" currently receive a twice weekly collection. Pending further consultation with CBD commercial ratepayers, the nature of the service provided may change to a weekly (240l) collection. A factor of two would remain as those commercial rating units would still receive twice the level of service of a residential rating unit

The rates for the 2021/22 year are:

Differential Category	Factor	\$ Per SUIP
Residential	1	\$130
Commercial CBD	2	\$260

WAIMĀRAMA REFUSE

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on each separately used or inhabited part of a rating unit located within Waimārama as defined on Council Map "Waimārama Refuse Collection", and based on the provision or availability to the land of the service provided, of \$90 per separately used or inhabited part of the rating unit.

CAPITAL COST OF SUPPLY EXTENSIONS

Targeted rates set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002, on each separately used or inhabited part of a rating unit, and based on the provision or availability to the land of the service provided, to fund the capital cost of the extension to the water supply and sewerage networks in each of the following locations, as follows:

Whirinaki Water Supply:

\$270 per separately used or inhabited part of a rating unit (over 4 instalments) for those rating units where the ratepayer elected for a 25 year targeted rate option and elected not to pay a lump sum option at the time of scheme inception.

Waipātiki Sewage Disposal:

\$1,312 per separately used or inhabited part of a rating unit (over 4 instalments) for those rating units where the ratepayer elected for a 10 year targeted rate option and elected not to pay a lump sum option at the time of scheme inception.

WAIMĀRAMA SEA WALL

A targeted rate set and assessed in accordance with Section 16 of the Local Government (Rating) Act 2002 on a differential basis, on each separately used or inhabited part of a rating unit within each individual zone defined on Council Map "Waimārama Sea Wall Zone" of the following amounts per separately used or inhabited part of the rating unit:

Zone 1 shall pay 67% of the cost to be funded, whilst Zone 2 shall pay 23% of the cost and Zone 3 10% of the cost, based on the extent of the provision of service.

Zone 1	Zone 2	Zone 3
\$394	\$277	\$102

DUE DATES AND PENALTY DATES**Due Dates for Payment and Penalty Dates (for Rates other than Water by Meter Rates):**

The Council sets the following due dates for payment of rates (other than Water by Meter) and authorises the addition of penalties to rates not paid on or by the due date, as follows:

Rates will be assessed by quarterly instalments over the whole of the district on the due dates below:

Instalment	Due Date	Penalty Date
1	20 August 2021	25 August 2021
2	19 November 2021	24 November 2021
3	25 February 2022	2 March 2022
4	20 May 2022	25 May 2022

A penalty of 10% will be added to any portion of rates (except for Water by Meter) assessed in the current year which remains unpaid after the relevant instalment due date, on the respective penalty date above.

Arrears Penalties on Unpaid Rates from Previous Years

Any portion of rates assessed in previous years (including previously applied penalties) which remains unpaid on 19 July 2021 will have a further 10% added. The penalty will be added on 20 July 2021.

A further additional penalty of 10% will be added to any portion of rates assessed in previous years which remains unpaid on 19 January 2022. The penalty will be added on 20 January 2022.

Due Dates for Payment and Penalty Dates (for Water by Meter Rates):

For those properties that have a metered water supply, invoices will be issued either three-monthly or six-monthly.

Three Monthly Invoicing:

Instalment	Invoicing Due Date	Penalty Date
1	20 October 2021	26 October 2021
2	20 January 2022	24 January 2022
3	20 April 2022	22 April 2022
4	20 July 2022	22 July 2022

Six Monthly Invoicing:

Instalment	Invoicing Due Date	Penalty Date
1	20 January 2022	24 January 2022
2	20 July 2022	22 July 2022

A penalty of 10% will be added to any portion of water supplied by meter, assessed in the current year, which remains unpaid after the relevant instalment due date, on the respective penalty date above.

Arrears Penalties on Unpaid Water by Meter Rates from Previous Years

Any portion of Water by Meter rates assessed in previous years (including previously applied penalties) which remains unpaid on 20 July 2021 may have a further 10% added. The penalty will be added on 22 July 2021.

A further additional penalty of 10% may be added to any portion of rates assessed in previous years which remains unpaid on 25 January 2022. The penalty will be added on 26 January 2022.

With the reasons for this decision being:

The Council is required to collect funds from rates on properties to undertake the functions outlined in the 2021-31 Long Term Plan.

3.0 Background – Te Horopaki

- 3.1 Council adopted the 2021-31 Long Term Plan, which identified the Council's budgetary requirements, at its meeting on 24 June 2021.
- 3.2 It now needs to assess and set the rates described in its Rating Policy and Funding Impact Statement in order to collect the revenue needed for the 2021/22 Financial Year commencing 01 July 2021.

4.0 Discussion – Te Matapakitanga

- 4.1 To enable the rates to be levied on properties for 2021/22, the Council needs to pass the resolution to set the rates for the 2021/22 Financial Year in accordance with Sections 23 and 24 of the Local Government (Rating) Act 2002. This is a very important procedural matter following the consultation which occurred during the 2021-31 Long Term Plan process.
- 4.2 The rates have been calculated to ensure that the correct revenue is collected to meet the budget.

5.0 Options – Ngā Kōwhiringa

- 5.1 The resolution enables the collection of Council's rate funding requirement based on the budget and policies adopted in the 2021-31 Long Term Plan. This is the only option that allows Council to collect rates to fund the expenditure requirements.

Attachments:

There are no attachments for this report.

Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

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

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

Link to the Council's Community Outcomes – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal promotes the social, economic, environmental, and cultural wellbeings of communities in the present and for the future.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

N/A

Sustainability - *Te Toitūtanga*

N/A

Financial considerations - *Ngā Whakaarohanga Ahumoni*

The outcome of this report and recommendation will enable Council to generate the budgeted rates income.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

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

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

The budget used to set Rates for the 2021/22 financial year was consulted upon through the 2021-31 Long Term Plan.

Risks

The rates resolution and Funding Impact Statement were reviewed by Simpson Grierson in 2019 to ensure compliance with the legislative requirements of the Local Government (Rating) Act. Only minor changes were made to the 2021/22 documents.

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

The Rural Community Board has received information on the impacts for Rating Area 2.

Tuesday, 13 July 2021

Item 6

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

Te Rārangi Take

Report to Council

Nā:
From: John Payne, Regulatory Solutions Manager

Te Take:
Subject: Final Adoption of the Consolidated Bylaw and Dogs Policy

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to obtain a decision from Council to adopt the Hastings District Council Consolidated Bylaw and Dogs Policy 2021 (Attachments 1 and 2) and to revoke the existing Hastings District Council Consolidated Bylaw and Dogs Policy 2016.
- 1.2 This issue arises from the legislative provisions within the Local Government Act 2002 requiring Council to review existing bylaws after five years and legislative provisions under the Dog Control Act 1996 requiring a policy review if the bylaw implementing the policy requires review.
- 1.3 This report concludes by recommending the adoption of the Consolidated Bylaw 2021 and the adoption of the Dogs Policy 2021 and to revoke the existing Consolidated Bylaw 2016 and to revoke the existing Dog Policy 2016.
- 1.4 Pursuant to section 157 of the Local Government Act 2002 –
 - (1) As soon as practicable after a bylaw is made, the local authority must give public notice of the making of the bylaw, stating-
 - (a) the date on which the bylaw will come into operation; and
 - (b) that copies of the bylaw may be inspected and obtained at the office of the local authority on payment of a specified amount.

2.0 Recommendations - *Ngā Tūtohunga*

- A) That Council receive the report titled Final Adoption of the Consolidated Bylaw and Dogs Policy dated 13 July 2021.
- B) That pursuant to Section 145 of the Local Government Act 2002 the Hastings District Council adopt the attached Consolidated Bylaw 2021 and the Common Seal of the Council be affixed to the Bylaw.

- C) That pursuant to Section 10AA of the Dog Control Act 1996 the Hastings District Council adopt the attached Dogs Policy 2021.
- D) That Council revoke the Consolidated Bylaw 2016.
- E) That Council revoke the Dogs Policy 2016.
- F) That resolutions B, C, D and E come into effect 1 August 2021.

3.0 Background – *Te Horopaki*

- 3.1 On 11 February 2021 Council approved a draft Consolidated Bylaw, Dog Policy and Statement of Proposal and instructed staff to commence the special consultative procedure, after being satisfied that for the purposes of Section 155 of the Local Government Act 2002:
- A bylaw is the most appropriate way of addressing the perceived problems covered in the proposed consolidated bylaw
 - The proposed consolidated bylaw is the most appropriate form of bylaw; and
 - The proposed bylaw does not give rise to any implications under the New Zealand Bill of Rights.
- 3.2 Consultation commenced 12 February 2021 and closed 19 March 2021.
- 3.3 A total of 31 Submissions were received. These were considered by Council on 20 May 2021, where one submitter wished to be heard.
- 3.4 On 20 May 2021 the following amendments were approved by Council:

CONSOLIDATED BYLAW

Chapter 2, Clause 2.7 Cycles and Skateboards – delete all references to cycles. This clause now reads:

2.7 SKATEBOARDS

- 2.7.1 A person must not use a skateboard on a footpath without exercising due care and with regard to the convenience and safety of pedestrians.**
- 2.7.2 Notwithstanding clause 2.7.1, a person must not use a skateboard in a public place within the skateboard ban areas specified in Schedules A, B and C to this part of the Bylaw, or in any other part of the district designated by the Council by publicly notified resolution as a skateboard free area.**

Chapter 3, Clause 3.3 was amended. Disability assist dogs were added to 3.3.2. This clause now reads:

1.0 3.3 DOG PROHIBITED AREAS

- 3.3.1 An owner must not allow a dog to enter, or take a dog into, a dog prohibited area.**
- 3.3.2 Nothing in clause 3.3.1 applies to the owner of a special purpose dog or disability assist dogs.**

DOGS POLICY

Policy 2 was amended to be consistent with the wording under clause 3.3.2 of the bylaw. This policy statement now reads:

POLICY 2. DOG PROHIBITED AREAS

2.1 Council will make a bylaw prohibiting dogs from the following areas:

1. The Hastings District Council Civic Building.
2. Public libraries.
3. Swimming pools and paddling pools.
4. Children's playing areas.
5. Sports fields.
6. Rangaiika Beach at Ocean Beach/Cape Kidnappers.

2.2 For the avoidance of doubt, dog prohibited areas do not apply to special purpose or disability assist dogs.

4.0 Discussion – *Te Matapakitanga*

4.1 On 20 May 2021 Council resolved:

- That the decisions and amendments made at the Council meeting be incorporated into the draft Consolidated Bylaw and/or Dog Policy
- That Council is satisfied that the consultation principles of the Local Government Act 2002 have been met in relation to the proposed bylaw and that no further consultation is necessary, other than required by the Health Act 1954 and the Burial and Cremation Act 1964
- That the draft Consolidated Bylaw and Dog Policy (subject to the amendments proposed above and the outcome of final consultation under the Health Act 1954 and the Burial and Cremation Act 1964) be submitted to the Council meeting 14 July 2021 for adoption.

5.0 Next steps – *Te Anga Whakamua*

- 5.1 Copies of the clauses relating to Burials, Cremation and Trade Waste were sent to the Minister of Health and copies of the bylaws made under the Health Act i.e. Nuisance were sent to the Medical Officer of Health (Sections 67 of the Health Act 1956 and section 17 of the Burial and Cremation Act 1964). No further changes to the bylaws were identified following this process.

Attachments:

1⇒	Consolidated Bylaw 2021 for adoption by Council 13 July 2021	CG-16-2-00726	Under Separate Cover
2⇒	Dogs Policy 2021 for adoption by Council 13 July 2021	CG-16-2-00727	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*

Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental and cultural wellbeing of communities in the present and for the future.

Link to the Council's Community Outcomes – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal promotes the performance of regulatory functions for the purpose of preventing harm and creating safe and healthy environments for people. The proposal also contributes towards reducing public nuisance and threats to public health and safety through appropriate policy controls for the wellbeing of communities in the present and for the future.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

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

Sustainability - *Te Toitūtanga*

The bylaw is not required to be reviewed again until 2031, however there are two sections put aside as placeholders should additional bylaws be required to be added to the consolidated bylaw.

Financial considerations - *Ngā Whakaarohanga Ahumoni*

The bylaw process has required legal review however, costs were being sourced from existing Planning and Regulatory budgets. Costs have come in well under anticipated.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

The LGA required consultation using the special consultative procedure to review, amend or revoke the bylaw and to amend the Dogs Policy. Some preliminary consultation was undertaken in the course of formulating the proposal. In addition to giving public notice calling for submissions required by the LGA 2002 under the special consultative procedure, a web page was developed on myvoicemychoice and submission boxes were placed at Hastings, Flaxmere and Havelock North Libraries. All registered dog owners (section 10(2) of the Dog Control Act 1996) were written to.

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

The bylaw process followed the Special Consultative Procedure required under section 83 of the Local Government Act 2002.

Risks

The bylaws and dog policy was required to undergo a five year review under section 158 of the Local Government Act 2002. Council risks the existing bylaw being unenforceable if it fails to go through this process.

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
Improved environment and public amenity founded upon transparent rules and regulations supported and upheld by the community	

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

The Rural Community Board was kept informed about the bylaw and consultation process:

Tuesday, 13 July 2021

Item 7

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: Local Alcohol Policy Review

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to provide an update to Councillors on the Hastings District Council and Napier City Council Joint Local Alcohol Policy (LAP) and to gain a resolution on a three or six year formal review.
- 1.2 After analysis of research, data and legal advice it is recommended that a review takes place in six years (2025) rather than in three years (2022).

2.0 Recommendations - *Ngā Tūtohunga*

- A) That the Council receives the report titled Local Alcohol Policy Review dated 13 July 2021.
- B) That the Council approve a review of the Hastings District Council and Napier City Council Local Alcohol Policy in six years (commencing October 2024), or sooner if required, as per Section 97 of the Sale and Supply of Alcohol Act 2012.

3.0 Background – *Te Horopaki*

- 3.1 New Zealand's alcohol laws were reformed in 2012. As a result, the Sale of Liquor Act 1989 was repealed and replaced with the Sale and Supply of Alcohol Act 2012 (SSAA 2012).
- 3.2 The new Act put in place a new system of control over the sale and supply of alcohol with an emphasis on local decision making and harm minimisation. The object of the Act is that:
 - a. The sale, supply and consumption of alcohol should be undertaken safely and responsibly; and
 - b. The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

- 3.3 The SSAA 2012 enabled Councils to develop a Local Alcohol Policy (LAP) in order to control where and when alcohol can be sold.
- 3.4 A Council decision was made under Section 76 of the SSAA 2012 that Napier and Hastings would develop a joint policy for the region to provide consistency and ease of enforcement.
- 3.5 The joint LAP was developed over several years between 2012 and 2017. The special consultative procedure (SCP) was completed in 2013 as part of that process.
- 3.6 The LAP was then approved by both Councils and became provisional and was appealed by three parties. After long negotiations, a settlement was made and the LAP came into force in August 2019, with the hours provisions coming into force three months later in November 2019, as required by law.
- 3.7 The Hastings District Council and Napier City Council LAP includes the following provisions:
- **Hours for on licences**
 - Taverns / Bars / pubs – 8.00 am to 3.00 am Monday to Sunday.
 - Cafes / restaurants / wineries – 8.00 am to 2.00 am Monday to Sunday.
 - Entertainment venues - 8.00 am to 2.00 am Monday to Sunday.
 - **Hours for Off licences**
 - Grocery Stores / Supermarkets - 7.00 am to 10.00 pm Monday to Sunday.
 - All other off licences – 9.00 am to 10.00 pm Monday to Sunday.
 - **Hours for Club Licence** – 8.00 am to 1.00 am Monday to Sunday.
 - **Hours for Special licences** – as per appropriate to the event.
 - **Location of licensed premises** – protection for vulnerable communities
 - No further off-licences are to be issued for any premises being a **bottle store** on land located within: Flaxmere Commercial Service or Suburban Commercial zone or Flaxmere Village Centre Zone / Camberley / Maraenui.
 - **Discretionary conditions** - which are guided by the principles of
 - CONNECTION – whether there is a connection between the problem to be addressed and the proposed activity.
 - IMPACT – whether in the opinion of the District Licensing Committee the proposed condition will contribute to making the drinking environment safer and minimise harm.
 - REASONABLENESS – whether it is within the capabilities of the applicant or licensee to satisfy this condition.
 - Examples of discretionary conditions include – CCTV, Lighting, No glass serves, limit on drink sizes and type at events.
- 3.8 Under the SSAA 2012 Section 97 - *“A territorial Authority that has a LAP must review it, using the SCP no later than 6 years after it came into force.”*

4.0 Discussion – Te Matapakitanga

- 4.1 It almost two years since the adoption of the LAP (Attachment 1) by the Hastings District and Napier City Councils.

- 4.2 When the LAP was adopted, both councils resolved that a *“review be considered in three years after the policy becomes operative with a full review required within 6 years of the enforcement date.”* (Ref: 19/607).
- 4.3 In order to provide a recommendation on a whether a review be carried out in three or six years, a number of matters have been considered including; research and data required under section 78 of the SSAA 2012, legal advice, other council LAP reviews to ascertain likelihood of appeal, and risks versus benefits.
- 4.4 These are discussed and summarised below.
- 4.5 **Initial research on the current impact of the LAP**
- 4.6 Attachment 2 of this report “LAP Review Research Report 2021” analyses data required under Section 78 of the SSAA 2012 and has also been used to look at what impact the current LAP has had in the last year.
- 4.7 The data shows there has currently been little change in alcohol related harm for the region in the time the LAP has been in place. Anecdotal evidence from both NZ Police and the Medical Officer of Health is that the most beneficial provisions were the location provisions for high risk areas and implementing a one way door at 1am on those licences that are open late (after 2.00am).
- 4.8 In relation to 4.7 above, The Medical Officer of Health noted; *“It is important to note that any absence of evidence for reduced alcohol related harm post LAP implementation does not mean it doesn’t exist. That there is no evidence of an effect or difference is quite different to saying that there is no effect or difference. It is more likely that we have not got the evidence of the benefits from reduced harm and disease due to it being more diffusely distributed through our community, and /or that it is not being measured in a sufficiently nuanced way and /or the change hasn’t been in place long enough for us to fully document any changes.”*
- 4.9 Under Section 78(4) of the SSAA 2012, the Police, inspectors and Medical Officer of Health must if asked to do so, make reasonable efforts to provide any information they hold relating to:
- any areas in which bylaws prohibiting alcohol in public places are in force; and
 - the demography of the district’s residents; and
 - the demography of people who visit the district as tourists or holidaymakers; and
 - the overall health indicators of the district’s residents; and
 - the nature and severity of the alcohol-related problems arising in the district.
- 4.10 From a regulatory and licensing perspective, the location provisions have been effective, namely no further off-licences (bottle stores) in identified at risk areas. This has allowed a blanket approach to those trying to apply for off-licences (bottle stores) in those areas. It is to be noted only two enquiries have been made for those high risk areas in Hastings (Flaxmere) and enquiries were informal and no formal application was received.
- 4.11 The LAP has allowed the District Licensing Committee to impose restriction through the conditions on licences, protected high risk areas of Hastings from the establishment of new licences (bottle stores) and reduced the licensed hours for many licensees in the district which collectively are all positive provisions.
- 4.12 **Other councils’ LAP reviews**
- 4.12.1 Other council LAP reviews were analysed to ascertain likelihood of appeal through the review process. When initially developed 33 or 41 LAPs around the country were appealed which created a long and costly legal battle and generally resulted in lesser restrictions (longer trading hours) for premises.

4.12.2 The majority of councils have not reviewed their LAPs. The Health Promotion Agency has provided an update on current LAP reviews to date and it has showed that 5 councils have reviewed their policies and made minimal or no changes.

4.13 Legal advice

4.14 The legal advice below has been provided in relation to; a three year versus six year review, the evidential requirements if a review was to take place and comments on the process of review, as there has been debate on whether a SCP is required for a review.

4.15 Three versus six year review;

"It seems more in line with what is intended by Section 97 to have the review at 6 years. While it is phrased as "no later than 6 years" and that could mean reviewing at 3 years, it seems relatively clear that the SSAA 2012 requires reviews conducted every 6 years just because of the wording of the section."

4.16 Evidential requirements;

"When developing or reviewing a LAP the evidential requirements developed in case law are more stringent than the Act might suggest at first blush. The evidential requirements are high".

4.16.1 Community support for a particular provision will hold little weight on appeal. The case law developed under the Act requires a high level of policy specific local evidence.

4.17 LAP review process;

Very few councils have reviewed their LAPs, Section 97 states– *"the territorial authority which has a LAP must review it **using the SCP** no later than 6 years after it came into force and no later than 6 years from the most recent review."*

Therefore a SCP is required to do a review, irrespective if any changes are made or not. It is the simple fact of having a requirement to review that triggers needing the SCP. Whenever there is a SCP and appeals process there is always a risk of appeals which can create uncertainty of outcome.

4.18 Risks versus Benefits

The table below summarises the risks / benefits of a three versus six year review.

THREE YEARS		SIX YEARS	
Risks / Disadvantages of three year review	Benefits – of three year review	Risks / Disadvantages of six year review	Benefits – of six year review
33 of 41 LAPs around NZ were appealed when initially developed. An appeal could be likely.	The current LAP provisions are strong and more than some other councils were able to get. We may be able to retain the current policy for another six years if reviewed now at three years.	Any changes requested now would have to wait three more years to be put in place.	A six year review would mean less risk of appeal as there would be more time to collect data and evidence to support Council's position.
Risk of appeal is increased if changes are sought and evidence is not sufficient.	If stricter provisions were sought and the policy adopted successfully those new provisions would be able to be adopted and we may see benefits quicker.	Data could be collected over six years and still not provide the level of evidence required to change the policy.	Keeping of the current provisions (e.g. hours and location provisions) for another three years. The current provisions are strong and more than some other councils were able to get.
If appealed, there is a risk of losing the protected areas under the location			Less cost associated with LAP review if the full six year review period is

provisions in the current LAP.			utilised. The cost can be to some degree spread over six years.
If appealed, there is risk of losing the basic provisions that are in the current LAP.			Ability to look at statistics over a longer period to provide more robust local evidence for any required changes.
Very few councils have reviewed to date and there have been and no appeals - Therefore is no indication of whether appeals are likely.			Ability to look at other councils reviews to see if appeals are likely and if so what the appeals are based on.
The standard of evidence required to make any changes if a review is completed at three years may not be able to be provided.			A six year review would enable Council to have a better idea of risk associated with a review and make appropriate changes to the LAP considering that risk.
A review at three years may be confusing to both the public and the licensed premises operators if significant changes are made so soon after the LAP was put in force. Changes at a three year period don't allow for a good bedding-in period.			A consistent approach for six years is beneficial for licence holders / licensees to embed current policy provisions.
Associated costs with a SCP process, research and evaluation to review a new policy and potential large legal costs associated with an appeal.			

4.19 Process and timeline

4.20 Below details the process of review and provides an indicative timeline for both a three and six year review. Note: Yellow indicates the current Council meeting. Bold underlined type indicates required process.

MILESTONES	TIMEFRAME THREE YEARS	TIMEFRAME SIX YEARS
<u>Stakeholder engagement</u> – ongoing quarterly	June 2020 – November 2022	June 2020 – November 2025
Scan of other councils / appeal decisions and data	June 2020 / June 2021 / June 2022	June 2020 – November 2025
Assign Information gathering / research requirements to each stakeholder	June 2020	June 2020
Research / Data gathering Police/ Health and Council	June 2020 – February 2022	June 2020 – February 2025
Literature review	December 2020 – February 2022	December 2020 – February 2025

MILESTONES	TIMEFRAME THREE YEARS	TIMEFRAME SIX YEARS
Research review paper (Issues and option Paper) developed and updated – summarizing all data gathered. Risks / potential gains.	August 2020 – February 2022	August 2020 – February 2025
Legal opinion of three vs six year review	May 2021	
Full council (HDC / NCC) meeting update information report only (indication of three vs six year review period)	July 2021	
Final draft of research review paper (Issues and Options Paper)	October 2021	October 2024
Full council meetings regarding joint or individual policy	October 2021	October 2024
First draft of LAP and Statement of Proposal	November 2021	January 2025
Development of LAP review report to NCC and / or HDC full council including a recommendation on draft to go to SCP.	January 2022	January 2025
Joint Committee set up (joint only) OR Hearings Committee assigned (individual)	January 2022	January 2025
Draft Policy confirmed / signed off by councils and SCP date set (one month SCP)	February 2022	February 2025
Hearings (SCP)	March / April 2022	March / April 2025
Hearings analysis Preferred position paper	May / June 2022	May / June 2025
Final LAP draft approved by Councils – it becomes provisional / OR appealed	July 2022	July 2025
Notify provisional policy (if no appeals)	July 2022	July 2025
Adoption and effect	August 2022 November 2022 (hours)	August 2025 November 2025 (hours)

5.0 Options – Ngā Kōwhiringa

5.1 There are two options to consider:

Option One - Review the Policy in three years.

Advantages

- As noted in section 4.17 above there are minimal advantages to reviewing the policy in three years.

Disadvantages

- Risk of appeal.
- Risk of losing the basic provisions in the current LAP.
- Current LAP has not had sufficient “bedding in” time and it may be confusing to both the public and the licensed premises operators if significant changes are made so soon after the LAP was put in force.

OR

Option Two – Recommended - Review the Policy in six years

Advantages

- As noted in section 4.17 above it allows officers time to gather additional evidence and data to support the LAP review.
- Less risk of appeal if officers have sufficient evidence and data.
- Ability to look at other councils reviews to see if appeals are likely and if so what the appeals are based on.
- A consistent approach for six years is beneficial for licence holders / licensees to embed current policy provisions.
- Cost spread over six years.

Disadvantages

- Any changes requested now would have to wait three more years to be put in place.
- Data collected over six years may still not provide level of evidence required to make any changes to the policy.

- 5.2 Based on the matters outlined in Section 4 of this report, in particular the legal advice and the risks vs benefits, the preferred option is to review the LAP in six years. This will provide more time to gather data to support the LAP review, reducing the risk of appeal. It will also allow a longer time to see potential benefits, or for licensees to truly be able to reflect on the changes made. Additionally, a six year review will allow the Council to see what happens around the country in relation to other Council LAP reviews and more accurately look at risk versus gain of any proposed changes.
- 5.3 There is also the opportunity to review at any point in time between three and six years if the council wished to do so. So there is an opportunity to come back to council again at any point in time if the situation were to change or additional evidence came to hand.
- 5.4 The issues raised in this report have been discussed with staff from Napier City Council. They also favour a six (rather than three) year review.

6.0 Next steps – *Te Anga Whakamua*

- 6.1 Based on the outcome of Council's decision, staff will take the following steps in relation to the review process.
- Continue to gather evidence and data.
 - Continue to have stakeholder meetings quarterly to inform this process.
 - Come back to Council at a later date to provide another update on data and the LAP review.
 - Come back to full Council in October 2024 to decide on a joint or individual policy.
 - Come back to full Council in January 2025 with the statement of proposal for the LAP.

Attachments:

1⇒	Hastings District and Napier City Councils' Local Alcohol Policy	REG-14-3-19-237	Under Separate Cover
2⇒	LAP Research Report 2021 to support review report Council Meeting 13 July 2021	CG-16-2-00728	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*

Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

Link to the Council's Community Outcomes – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal promotes the performance of regulatory functions for the purpose of preventing harm and creating safe and healthy environments for people. The proposal also contributes towards reducing public nuisance and threats to public health & safety through appropriate policy controls for the wellbeing of communities in the present and for the future.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

Māori and Pacific people are over represented in alcohol related harm statistics, however no known impacts for mana whenua / iwi / tangata whenua above and or beyond the general community population specifically in relation to this policy review.

Sustainability - *Te Toitūtanga*

The policy is required under the SSAA 2012 to be reviewed every six years.

Financial considerations - *Ngā Whakaarohanga Ahumoni*

The policy process will incur fees associated with a legal review and minimal costs for Special Consultative Procedure and administration / officer time. These will be partly sourced from existing Planning and Regulatory budgets in the 2021-2025 years. The only potential significant cost would be legal costs for appeals if the LAP were appealed. Council needs to be aware the costs associated with an appeal could exceed \$50,000 and would require extra funding should this occur.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

The SSAA 2012 Section 79 requires the use of The LGA special consultative procedure for any policy review, this will be completed as a part of the Policy review process when it occurs.

Some preliminary stakeholder consultation has already been undertaken, in the form of the development of a stakeholder research working group, which will help to inform any required changes to the LAP.

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

The policy review process must follow the Special Consultative Procedure required under section 83 of the Local Government Act 2002.

Risks

The risks and benefits of a three versus six year review are set out in Section 4.17 of this report.

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

No impact beyond the general public.

Tuesday, 13 July 2021

Item 8

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

Te Rārangi Take

Report to Council

Nā: Bruce Allan, Group Manager: Corporate
From: Mark Clews, Principal Advisor: District Development

Te Take: Clifton to Tangoio Coastal Hazard Strategy Implementation and
Subject: Funding

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 This report presents the completed Funding Review for the Clifton to Tāngoio Coastal Hazards Strategy.
- 1.2 This item presents recommendations from the Clifton to Tāngoio Coastal Hazards Strategy Joint Committee (Joint Committee) and seeks a recommendation from Council on how to progress next steps to implement the Clifton to Tāngoio Coastal Hazards Strategy (the Strategy).
- 1.3 Following the completion of a review (Funding Review) to consider which Council should lead and fund the implementation of coastal hazard mitigation projects under the Strategy, the Joint Committee met to consider the report's recommendations and recommend the way forward to the Partner Councils. It is now necessary for each of the Partner Councils to agree (or not) the findings of the Funding Review to enable implementing the Clifton to Tāngoio Coastal Hazards Strategy and its coastal hazard mitigation projects.
- 1.4 The key recommendations of the Funding Review are that the Hawke's Bay Regional Council takes charge of all aspects of the prevention and mitigation of coastal hazards on the Clifton to Tāngoio coast and that the Napier City Council, Hastings District Council and Hawke's Bay Regional Council enter into a Memorandum of Understanding or Memorandum of Transition setting out agreed positions on this arrangement.

2.0 Recommendations - *Ngā Tūtohunga*

- A) That the Council receives the report titled Clifton to Tangoio Coastal Hazard Strategy Implementation and Funding dated 13 July 2021.
- B) That the Council agrees in principle to the outcome of the Funding Review and recommendations of the Clifton to Tāngoio Coastal Hazards Strategy Joint Committee, being:

- i. Endorses the findings of the review undertaken by Mr Raynor Asher QC titled “Review and Recommendations for the Clifton to Tāngoio Coastal Hazards Strategy Joint Committee” (as attached), including the following key recommendations, for the purposes of commencing consultation under s.16 of the Local Government Act 2002.
 - ii. That the Hawke’s Bay Regional Council takes charge of all aspects of the prevention and mitigation of coastal hazards on the Clifton to Tāngoio coast.
 - iii. That the Napier City Council, Hastings District Council and Hawke’s Bay Regional Council enter into a Memorandum of Understanding setting out agreed positions on this arrangement.
 - iv. That an advisory committee is formed by elected representatives from Napier City Council, Maungaharuru-Tangitū Trust, Hastings District Council, Mana Ahuriri, Hawke’s Bay Regional Council and Heretaunga Tamatea Settlement Trust to support forward work.
 - v. That a Transition Plan is prepared to set out the timing and orderly process of transitioning functions to the Hawke’s Bay Regional Council in accordance with the terms set out in the Memorandum of Understanding.
- C) That the Council directs staff to prepare a draft Memorandum of Transition between the Hawke’s Bay Regional Council, Napier City Council and Hastings District Council that details the proposed operational regime for implementing coastal hazards mitigation projects under the Clifton to Tāngoio Coastal Hazards Strategy.

3.0 Background – *Te Horopaki*

- 3.1 The Clifton to Tāngoio Coastal Hazards Strategy (the Strategy) seeks to put in place a long-term planned response for the effects of coastal erosion, coastal inundation and sea level rise through recommended “adaptive pathways” developed collaboratively with the community for the highest risk areas of the coastline between Clifton and Tāngoio.
- 3.2 To date, the Strategy development process has been jointly and equally funded by the Napier City Council, Hastings District Council and Hawke’s Bay Regional Council.
- 3.3 The Strategy has produced recommended “adaptive pathways” that have been developed collaboratively with the community for the highest risk areas of the coastline.
- 3.4 In the short to medium term, the pathways generally involve beach nourishment programmes, the construction of groynes to reduce erosion losses, and the build-up of the beach crest to mitigate risks of overtopping and inundation. Consistent with the dynamic adaptive pathways planning approach, monitoring of these actions will determine their ongoing effectiveness, with trigger points set to determine when a different response becomes necessary as conditions change.
- 3.5 Significant capital and operational expenditure is required to implement the proposed pathways. Work undertaken this year to refine concept designs and costs suggests an approximate capital cost of \$15m and annual operating costs of \$3m to implement the first (short term) step of all pathways. These costs continue to be refined as design options are explored.
- 3.6 The Strategy’s Technical Advisory Group (TAG) is currently finalising information and details to prepare the Strategy for notification as a proposed Long Term Plan amendment. However, before this can occur, a decision is required on which Council (or Councils) should lead this next phase of the project.
- 3.7 Various workshops and proposals over the past 18 months have failed to achieve an agreed position between the Councils on this question. Uncertainties in current legislation about the respective roles of each Council in the funding and implementation of works under the Strategy has contributed to the issue. Hastings District Council has consistently held the view that the Hawke’s Bay Regional Council is best placed to lead this work and rate across the territorial authority boundaries to fund the works required.

- 3.8 To facilitate an outcome, the Councils collectively agreed to engage a retired judge to lead a Funding Review. Following a shortlisting and evaluation process, at their meeting on 27 November 2020 the Joint Committee appointed Mr Raynor Asher QC to lead the Review.
- 3.9 Mr Asher was appointed to the High Court Bench in 2005 and to the Court of Appeal in 2016. He retired from the Court of Appeal in 2019 and is now practising as a barrister and arbitrator/mediator.
- 3.10 Mr Asher was tasked with answering the following question:
Which Council or Councils should lead and fund the implementation of coastal hazard mitigation projects (including design, consenting, construction and maintenance cost) under the Strategy?
- 3.11 In undertaking his review, Mr Asher has engaged with this Joint Committee, staff and Councillors from each Partner Council, considered material developed to date under the Strategy, reviewed relevant historical information, legislation and case law, and has been assisted with local legal advice.
- 3.12 Mr Asher has now completed his review and presented his findings in the report *“Review and Recommendations for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee”* which is attached as **Attachment 1**.
- 3.13 The key recommendations of the report are summarised as follows:
- 3.13.1 That the Hawke’s Bay Regional Council takes charge of all aspects of the prevention and mitigation of coastal hazards on the Clifton to Tāngoio coast.
 - 3.13.2 That the Napier City Council, Hastings District Council and Hawke’s Bay Regional Council enter into a memorandum of understanding setting out agreed positions on this arrangement.
 - 3.13.3 That an advisory committee is formed by elected representatives from Napier City Council, Maungaharuru-Tangitū Trust, Hastings District Council, Mana Ahuriri, Hawke’s Bay Regional Council and Heretaunga Tamatea Settlement Trust to support forward work.
 - 3.13.4 That a Transition Plan is prepared to set out the timing and orderly process of transitioning functions to the Hawke’s Bay Regional Council in accordance with the terms set out in the memorandum of understanding.
- 3.14 At its meeting on 4 June 2021, the Joint Committee formally received Mr Asher’s final report. By unanimous decision, the following resolution was passed.

That the Joint Committee:

- 1. Receives and considers the “Coastal Hazards Funding Review” staff report.***
- 2. Endorses the findings of the review undertaken by Mr Raynor Asher QC titled “Review and Recommendations for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee” as attached to the staff report, including the following key recommendations:***
 - 2.1. That the Hawke’s Bay Regional Council takes charge of all aspects of the prevention and mitigation of coastal hazards on the Clifton to Tangoio coast.***
 - 2.2. That the Napier City Council, Hastings District Council and Hawke’s Bay Regional Council enter into a memorandum of understanding setting out agreed positions on this arrangement.***
 - 2.3. That an advisory committee is formed by elected representatives from Napier City Council, Maungaharuru-Tangitū Trust, Hastings District Council, Mana Ahuriri, Hawke’s Bay Regional Council and Heretaunga Tamatea Settlement Trust to support forward work.***

2.4. That a Transition Plan is prepared to set out the timing and orderly process of transitioning functions to the Hawke's Bay Regional Council in accordance with the terms set out in the memorandum of understanding.

- 3. Recommends that the Napier City Council, Hastings District Council and Hawke's Bay Regional Council agree in principle to the findings of the Funding Review for the purposes of commencing consultation under s.16 of the Local Government Act 2002.**

4.0 Discussion – Te Matapakitanga

4.1 Financial implications for HBRC

- 4.2 For one Council (HBRC) to establish the responsibility for delivering the Strategy, there are significant financial implications for HBRC and it is important to provide context of that potential financial impact and/or the ability of HBRC to fund this activity. A Scenario has been developed by HBRC Officers that represents the low end of investment to meet the current erosion and coastal inundation in each priority cell and the impact on HBRC's financial forecasts. Paragraphs 4.3 to 4.10 are an extract from the report to HBRC's Environment and Integrated Catchments Committee on June 23rd.

- 4.3 As noted, the first tranche of works proposed under the Strategy have been provisionally costed (un-inflated) at \$15m in capital spent across years 2-8 (as per Table 1 below) and up to \$3.6m per annum in operating costs (as per Table 2 below); the annual operating costs are largely the result of a proposed gravel re-nourishment programme. These costs provide a baseline to consider the potential financial impact for HBRC should the Joint Committee's recommendations be adopted.

Table 1 - Uninflated Operating Costs over 2021-31 LTP

\$000's	<u>21/22</u>	<u>22/23</u>	<u>23/24</u>	<u>24/25</u>	<u>25/26</u>	<u>26/27</u>	<u>27/28</u>	<u>28/29</u>	<u>29/30</u>	<u>30/31</u>	Total
Operating Costs Uninflated	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Over LTP
Operating Budget- renourishment	-	-	-	-	-	1,000	2,000	2,500	3,000	3,000	11,500
Operating- staff	-	300	300	300	300	300	300	300	300	300	2,700
Strategy Review	-	-	-	-	300	300	300	300	300	300	1,800
Total	-	300	300	300	600	1,600	2,600	3,100	3,600	3,600	16,000

Table 2 – Uninflated Capital Expenditure

\$000's	<u>21/22</u>	<u>22/23</u>	<u>23/24</u>	<u>24/25</u>	<u>25/26</u>	<u>26/27</u>	<u>27/28</u>	<u>28/29</u>	<u>29/30</u>	<u>30/31</u>	Total
Operating Costs Uninflated	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Over LTP
New Assets - 50 Year design life	-	250	250	500	4,000	4,000	4,000	2,000	-	-	15,000

All dollars in 2020 \$000's un-inflated

- 4.4 When considering the rating impact, forecast operating and capital expenditure has been inflated using the 2021-31 LTP assumptions. Capital expenditure is modelled for repayment over a 20-year term. Table 3 below shows the rate requirement based on the illustrative expenditure above, including debt servicing.

Table 3 – Cost (as a result of Tables 1 and 2) to be collected from rates over 2021-31 LTP

Coastal Hazards -	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>	<u>Year 7</u>	<u>Year 8</u>	<u>Year 9</u>	<u>Year 10</u>	LTP
Impacts on LTP	<u>21/22</u>	<u>22/23</u>	<u>23/24</u>	<u>24/25</u>	<u>25/26</u>	<u>26/27</u>	<u>27/28</u>	<u>28/29</u>	<u>29/30</u>	<u>30/31</u>	Total
Rates cost (Inflated)	-	313	321	329	675	1,846	3,078	3,770	4,496	4,613	19,442
Interest cost	-	-	7	13	26	138	248	356	402	384	1,572
Debt Repayment	-	-	10	21	43	220	407	602	712	730	2,746
Total	-	313	338	363	745	2,204	3,732	4,727	5,610	5,727	23,759

- 4.5 The impact on rates is represented in Table 4 following, which shows the impact of the expenditure detailed above on Council's planned total rate increases (general and targeted rates combined). The main impacts are in 2026-27 and 2028-29 where the renourishment budget is progressively introduced. The appropriate funding mechanism has not yet been determined, so these increases are indicative only as averages. The actual rating impact on particular ratepayers will vary significantly, i.e. possible that ratepayers in CHB and Wairoa will not contribute.

Table 4 – Impact to (Total) Rates over 2021-31 LTP

Rate Impact - (Change in Total Rate)	<u>21/22</u> Year 1	<u>22/23</u> Year 2	<u>23/24</u> Year 3	<u>24/25</u> Year 4	<u>25/26</u> Year 5	<u>26/27</u> Year 6	<u>27/28</u> Year 7	<u>28/29</u> Year 8	<u>29/30</u> Year 9	<u>30/31</u> Year 10
Current LTP Increases	19.5%	15.0%	14.5%	10.0%	10.7%	9.8%	7.2%	5.8%	4.9%	4.9%
Impact of Coastal Hazard example	no change	1.1%	no change		0.8%	2.9%	2.5%	1.3%	1.0%	no change
Current LTP + Coastal example	19.5%	16.1%	14.5%	10.0%	11.5%	12.7%	9.7%	7.1%	5.9%	4.9%

- 4.6 While a method of funding has not been yet been determined, the following Table 5 shows the per property impact if the proposed additional costs are funded in the same manner as the existing Coastal Hazards Strategy targeted rate. This is charged as a uniform fixed amount per rateable property on all Hastings District and Napier City properties.

Table 5 – Unit Cost of Uniformed Charge across Napier and Hastings Ratepayers

Total Amount to Be Funded - Split Between Napier & Hastings *Ratepayers	Year 1 <u>21/22</u>	Year 2 <u>22/23</u>	Year 3 <u>23/24</u>	Year 4 <u>24/25</u>	Year 5 <u>25/26</u>	Year 6 <u>26/27</u>	Year 7 <u>27/28</u>	Year 8 <u>28/29</u>	Year 9 <u>29/30</u>	Year 10 <u>30/31</u>
Unit Cost - Current LTP budget	\$3.18	\$3.27	\$3.35	\$3.44	\$3.54	\$3.64	\$3.75	\$3.87	\$3.99	\$4.12
Unit Cost - Revised with New Works	\$3.18	\$9.10	\$9.64	\$10.20	\$17.38	\$44.62	\$73.15	\$91.77	\$108.29	\$110.60

*Napier rating units = 27,919 / Hastings rating units = 33,932

*Note that it is not intended to uniform annual charge this activity. The strategy suggests a private and public targeted rate. This information is provided for context only as to the relative magnitude of this activity compared to the current rates revenue.

- 4.7 The impact on Council's debt levels and on the debt to revenue ratio is demonstrated below at Table 6.
- 4.8 The proposed borrowing does not adversely affect the Council's peak of 158% in 2023-24 as the proposed borrowing occurs in later years where, based on the planned LTP expenditure, there is more capacity.

Table 6 – Impact on Debt and Debt to Revenue Ratio

\$000's	Year 1 <u>21/22</u>	Year 2 <u>22/23</u>	Year 3 <u>23/24</u>	Year 4 <u>24/25</u>	Year 5 <u>25/26</u>	Year 6 <u>26/27</u>	Year 7 <u>27/28</u>	Year 8 <u>28/29</u>	Year 9 <u>29/30</u>	Year 10 <u>30/31</u>
Additional Borrowing (net of repayments)		261	519	1,046	5,506	9,902	14,232	16,062	15,349	14,619
Revised Debt to Revenue Ratio	103%	128%	158%	152%	148%	138%	134%	124%	115%	107%
LTP Debt to Revenue Ratio	103%	128%	158%	152%	143%	131%	125%	114%	107%	99%

- 4.9 Mr Asher also recommended that, along with assuming responsibility for leading future hazards mitigation projects, HBRC take over the management of existing coastal hazards mitigation assets held by Napier City Council and Hastings District Council. If enacted, this could see the transfer of existing rock revetments at Waimārama, Clifton, Cape View Corner and Ahuriri to HBRC. Ongoing projects such as the Westshore renourishment programme and resource consents held for the proposed rock revetment at Whakarire Avenue would also need to be considered.
- 4.10 It is noted that HBRC is also considering new spending (through a potential Long Term Plan amendment) on possum control and economic development. The collective impact of these new

activities alongside coastal hazards will need to be assessed before a final Long Term Plan proposal is developed.

4.11 Impact on HDC investments to-date

4.12 The following table summarises the existing coastal hazard investments made by HDC, the remaining debt and annual operational expenditure budgeted.

Table 7 – HDC Coastal infrastructure investments

	Rate	Total Capital Cost	Outstanding Debt	Annual Interest and Debt Repayment	Total Budgeted Opex
Clifton Revetment	General Rate	\$1,247,397	\$1,124,000	\$70,000	\$50,000
Cape View Corner	General Rate	*\$600,000	\$600,000	\$35,000	
Waimārama Sea Wall	Targeted Rate (90%)	\$193,220	\$156,772	\$25,000	

*2020/21 budget for capital works

4.13 While the Strategy is for the area from Clifton to Tāngoio, there is consideration for Waimārama to be included in the discussion and to be taken over by HBRC as recommended in the Asher Report. This would require a more targeted consultation with the Waimārama ratepayers if that was to happen.

4.14 HBRC and NCC decisions

4.15 Both HBRC and NCC will, through their committee and council meeting structures, double debate this issue. The HBRC at their Environment and Integrated Catchments Committee on June 23rd resolved the following:

- 1) ***That the Environment and Integrated Catchments Committee receives and considers the “Coastal Hazards Funding Model” staff report.***
- 2) ***The Environment and Integrated Catchments Committee recommends that Hawke’s Bay Regional Council:***
- 3) ***Agrees in principle to the outcome of the Funding Review and recommendations of the Clifton to Tāngoio Coastal Hazards Strategy Joint Committee; being:***
 - ***Endorses the findings of the review undertaken by Mr Raynor Asher QC titled “Review and Recommendations for the Clifton to Tāngoio Coastal Hazards Strategy Joint Committee” (as attached), including the following key recommendations, for the purposes of commencing consultation under s.16 of the Local Government Act 2002***
 - ***That the Hawke’s Bay Regional Council takes charge of all aspects of the prevention and mitigation of coastal hazards on the Clifton to Tāngoio coast***
 - ***That the Napier City Council, Hastings District Council and Hawke’s Bay Regional Council enter into a memorandum of understanding setting out agreed positions on this arrangement***
 - ***That an advisory committee is formed by elected representatives from Napier City Council, Maungaharuru-Tangitu Trust, Hastings District Council, Mana Ahuriri, Hawke’s Bay Regional Council and Heretaunga Tamatea Settlement Trust to support forward work***
 - ***That a Transition Plan is prepared to set out the timing and orderly process of transitioning functions to the Hawke’s Bay Regional Council in accordance with the terms set out in the memorandum of understanding.***
- 4) ***Directs staff to prepare a draft Memorandum of Transition between the Hawke’s Bay Regional Council, Napier City Council and Hastings District Council that details the proposed***

operational regime for implementing coastal hazards mitigation projects under the Clifton to Tangoio Coastal Hazards Strategy.

Kirton/Van Beek

Against Williams/Foss

Item 8

- 4.16 Through discussion at HBRC, the proposed Memorandum of Understanding has been repurposed to a Memorandum of Transition as reflected in the resolution above. The document will set out the agreed arrangements for new and transferred functions for mitigating coastal hazards risks between the three Councils.
- 4.17 The HBRC will receive this recommendation from its committee on July 28th where this recommendation will be double debated.
- 4.18 NCC will initially discuss this issue at their Sustainable Napier Committee meeting on July 8th and will go to their full Council on August 5th.
- 4.19 Central Government Direction
- 4.20 The Government has announced a proposed Climate Change Adaptation Act (CCAA); part of a suite of new legalisation being developed to replace the Resource Management Act. The CCAA is expected to address the shortcomings in existing legislation associated with managed retreat and funding and financing adaptation to climate change effects.
- 4.21 At this stage, no definitive advice is available on when the proposed CCAA may be available for public comment or when Government expects the new legalisation to come into effect.
- 4.22 To date, the standing direction from the Partner Councils has been to proceed with developing a local solution to the funding and responsibility questions facing the Strategy. It was considered desirable for the Strategy to continue its development path and to contribute to and inform, rather than wait for, central government direction.
- 4.23 It is, however, an option to defer decision-making on the Joint Committee's recommendations until such time as the details of CCAA are known.
- 4.24 If this approach is taken, the Strategy would largely need to be 'paused', as significant further work cannot proceed until a decision is made on funding implementation.
- 4.25 Alternatively, if the Joint Committee's recommendations are taken up, a mechanism should be developed to enable an efficient shift to any new funding and implementation model emerging from the CCAA. It is proposed that this matter is addressed in the Memorandum of Understanding recommended by Mr Asher. This would ensure that all Councils are clear on the response should the CCAA put in place a new framework that is inconsistent with the outcomes developed in Hawke's Bay.
- 4.26 It is noted that the Strategy team is actively engaging with the Ministry for the Environment, including providing Mr Asher's report. Opportunities for engagement in, and contribution to, the development of the CCAA are being actively pursued.
- 4.27 Decision-making
- 4.28 The decision sought from all Partner Councils at this stage is an agreement in principle to the Joint Committee's recommendations. With this agreement, the Strategy team will proceed to developing the next level of detail, including the particulars of a draft Memorandum of Understanding.
- 4.29 An agreement by the Partner Councils for HBRC to assume responsibility for implementing hazard mitigation projects under the Strategy is a departure from the status quo and would represent a significant new activity for HBRC.
- 4.30 Acknowledging this, **Table 8** proposes a decision-making framework for the implementation of the Joint Committee's recommendations. It sets out the key decision gateways from the agreement in principle sought by this paper (Gateway 1), through to the final adoption of a Long Term Plan amendment (Gateway 7).

Table 8: Proposed decision-making framework

Gateway	Action	Description
1	Agreement in Principle	Secure agreement in principle to the Joint Committee's recommendation that HBRC leads and funds the implementation of coastal hazard mitigation projects under the Strategy
2	Memorandum of Understanding	Sets out particulars of arrangement between Councils for implementing coastal hazards mitigation projects under the Strategy, including roles and responsibilities, transfer of assets, ongoing management, how Councils will work together in future, etc.
3	Financial analysis	Develop and workshop with Council: <ul style="list-style-type: none"> • Level of Service statements and measures • Funding model • Overall impact across all rates • Revenue and Financing Policy • Budget
4	Pre-consultation feedback	Initiate pre-consultation with key parties to test ideas and concepts, present feedback to Council
5	Transition Plan	Develop detailed plan for orderly process of transitioning functions, assets and responsibilities from HDC and NCC to HBRC
6	Notify Long Term Plan amendment	Formal notification of proposed LTP amendment
7	Adoption of Long Term Plan Amendment	Review of submissions, hearings (if required) and adoption of final LTP amendment

- 4.31 Given the nature of the impact on HBRC, it is HBRC that will be required to undertake an LTP amendment in 2022. The impacts for HDC and NCC will be of a minor nature and can be accommodated in the 2022/23 Annual Plan process.
- 4.32 The Strategy Team have scoped out a draft timeframe, presented in Table 8, for advancing the Joint Committee's recommendations through to a proposed Long Term Plan amendment for HBRC.
- 4.33 The key date in this schedule is the notification of a proposed Long Term Plan amendment in March 2022. Subject to the outcome of consultation, this would allow for the introduction of a new rating regime to fund Strategy implementation from July 2022.

Table 9: Indicative timeframe

Task	Activity	Draft Timing
Funding Review	<i>Funding Review undertaken to provide recommendations on responsibility for Coastal Hazards</i>	<i>Complete</i>
	<i>Joint Committee resolution and recommendation on Funding Review</i>	<i>Complete</i>
	Partner Councils 'in principle' decision on Funding Review	HDC, HBRC, NCC decision-making in progress
	Develop Memorandum of Transition between Partner Councils on Funding Review outcome	August – September 2021
LTP Amendment	Preparatory work: <ul style="list-style-type: none"> • Level of service statement and measures • Funding model • Rates modelling • Budgeting • Revenue and Finance Policy • Auditing 	September – December 2021
	Pre-consultation	September – November 2021
	Consultation on Strategy as LTP amendment	March 2022
	Finalise LTP following consultation	June 2022

- 4.34 If the timeframes in **Table 9** are not met, the next opportunity for HBRC to introduce a new rate to fund Strategy implementation will be July 2023 (i.e. the start of the 2023-2024 financial year).

5.0 Options – Ngā Kōwhiringa

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

- 5.1 That Council supports the recommendations of the Asher report which have been recommended by the Clifton to Tāngoio Coastal Hazards Strategy Joint Committee that HBRC takes charge of all aspects of the prevention and mitigation of coastal hazards on the Clifton to Tāngoio coast:

Advantages

- The Asher report provides some very clear reasons why HBRC should be the lead agency in implementing the Clifton to Tāngoio Coastal Hazards Strategy.
- HDC has long advocated for this to be the preferred way of implementing the strategy and with the recommendation to also include the retention of some form of Joint Committee, HDC will still have some influence over the implemented approach.
- HBRC is the only local government agency that has the ability to implement the Strategy along the whole coast and as such has the ability to ensure a consistent approach is undertaken and for the general rate component of the funding to be rated across the region.

Disadvantages

- With HBRC taking the lead on the implementation of the Strategy, HDC will not have control over what and when interventions on the Coast are undertaken.

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

5.2 That Council declines to support the recommended approach

- This option would see the Territorial Authorities (NCC and HDC) continue to implement coastal interventions in an ad hoc and potentially inconsistent way.

6.0 Next steps – *Te Anga Whakamua*

Following Council resolving as proposed, staff will initiate preparation of a draft Memorandum of Transition that sets out the detail of how the Councils will work together in practice under the new operational regime proposed by the Funding Review and the next key decision gateway for all Partner Councils. The Memorandum of Transition document will set out the agreed arrangements for new and transferred functions for mitigating coastal hazards risks between the three Councils.

Attachments:

1⇒	Raynor Asher QC Report dated 06 May 2021	STR-14-07-21-693	Under Separate Cover
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Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

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

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

Link to the Council's Community Outcomes – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal promotes the Environmental and Social wellbeings of communities in the present and for the future.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

The Joint Committee has since its inception had representation of local mana whenua through Maungaharuru-Tangitū Trust, Mana Ahuriri and Heretaunga Tamatea Settlement Trust. It is also recommended that an advisory committee is formed by elected representatives from Napier City Council, Maungaharuru-Tangitū Trust, Hastings District Council, Mana Ahuriri, Hawke's Bay Regional Council and Heretaunga Tamatea Settlement Trust to support forward work.

Sustainability - *Te Toitūtanga*

It is important that the entire coast from Clifton and Tāngoio is considered when implementing interventions on the coast. The recommended approach in this report will ensure the most sustainable approach is taken for the benefit of the entire coast.

Financial considerations - *Ngā Whakaarohanga Ahumoni*

Paragraphs 4.3 to 4.10 detail the financial impact on HBRC in taking on this responsibility and the table in 4.12 details the impact on HDC with some coastal investments transferring to HBRC.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This decision has been assessed under the Council's Significance and Engagement Policy as being of moderate significance. The implications of this decision will be of more significance to HBRC and as such they will be required to consult with an amended LTP in 2022. HDC will take a role in supporting the consultation process.

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

Significant community engagement has taken place to-date, particularly in those communities affected by the Strategy.

Risks

There is a risk that HBRC will not support this recommendation, however the initial recommendation from their Environment and Integrated Catchments Committee is supportive of this change. There is also a risk that the wider community will not be supportive of this proposal when HBRC consults on their amended LTP in 2022.

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

N/A

Tuesday, 13 July 2021

Item 9

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

Te Rārangi Take

Report to Council

Nā: Kevin Carter, Community Grants and Partnerships Advisor
From: Tom Page, Manager - Aquatics

Te Take:
Subject: Flaxmere Learn to Swim Funding Application to Trust House

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to obtain a decision from Council to apply to Trust House Foundation for \$25,000 to support Flaxmere Primary Schools to participate in the Learn to Swim and Survive Aquatics Programme over the 2021-2022 financial year at Flaxmere Aquatics.
- 1.2 The Trust House Foundation requires a Council resolution as part of the application, as only one application per year, per organisation is accepted.
- 1.3 In response to meeting the needs of the community and the New Zealand Schools curriculum “It is expected that all children by the end of year 6 will have had opportunities to learn basic aquatic skills” Flaxmere Primary, Irongate, Peterhead and Kimi Ora Community schools have been regular participants of the Programme due to the support of external funding.
- 1.4 Council has been successful in receiving funding for the past four years. Although in principle the funding application has been supported by Trust House, releasing the funding is reliant on a resolution from Council.

2.0 Recommendations - *Ngā Tūtohunga*

- A) That the Council Meeting receive the report titled Flaxmere Learn to Swim Funding Application to Trust House dated 13 July 2021.
- B) That the Council approve the funding application to Trust House Foundation for \$25,000 that will support Flaxmere Primary, Irongate, Peterhead, TKKM O Ngāti Kahungunu Ki Heretaunga and Kimi Ora Community Schools to participate in the Learn to Swim and Survive Education programme at Flaxmere Aquatics.

3.0 Background – *Te Horopaki*

- 3.1 Flaxmere Aquatic Centre provides learn to swim and survive education to four primary schools within the Flaxmere community. The schools will be required to provide letters of support to accompany the application as they have done in previous years.
- 3.2 With many schools no longer having aquatic facilities onsite, having access to an aquatic facility all year round means our schools can ensure their timetables can be managed in a way that students have access to quality programmes.
- 3.3 With the New Zealand drowning statistics identifying the rising drowning rate in NZ over recent years and with the biggest risk being Māori and Pacific ethnicities, our community schools predominately fit within those ethnicity groups.
- 3.4 The Trust House funding has historically supported Flaxmere Primary, Irongate, Peterhead and Kimi Ora Community schools. With the reduced current cost to schools of \$2.60 per student per swim (compared to \$10.00 per lesson with a private learn to swim provider) is far more sustainable for schools to continue to support children over their primary years, giving them life skills that as adults can make safer choices around water.
- 3.5 In recent decades part of teacher training was based around providing aquatic education to students. This was due to many schools throughout New Zealand having school pools.
- 3.6 Nowadays teachers are not given the necessary skills to deliver aquatic education and organisations such as Swimming New Zealand do not have the resources to provide Professional Development to Schools.
- 3.7 Although there is no official limit to the amount of funding we can apply to the Trust House Foundation for, we have been advised that \$25,000 would be the correct amount to seek for this project.
- 3.8 Funding from the Trust House Foundation must be used for projects within the Flaxmere area. This funding opportunity had been discussed with the HDC Lead team and there are no other larger projects that would currently meet the criteria. Officers recommend the Flaxmere Learn to Swim programme to be the best use of this funding opportunity

4.0 Discussion – *Te Matapakitanga*

- 4.1 Council has successfully applied for funding to Trust House for the past 5 years and supports four Flaxmere schools and their students to participate in the Learn to Swim & Survival Aquatics Programme. The remaining costs to run the programme is covered by the schools. It is also important to note that community do have access to the facilities during the school programme sessions.
- 4.2 As identified in Council's Long Term Plan, this funding is an opportunity for Council to work with others to reduce levels of social disadvantage and income gaps in our community.
- 4.3 The significance of this programme is great and without the support from Council and Flaxmere Aquatics, schools will no longer be able to continue or meet the needs around "aquatic education". Teachers at primary school get no support or training around teaching basic aquatic skills therefore are unable to deliver the skills to their students.

5.0 Options – *Ngā Kōwhiringa*

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

- 5.1 To support the funding application of \$25,000 that will lower the cost for four Flaxmere schools and their students to access quality learn to swim programmes.

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

5.2 Not to support his application and to pass the additional cost on to the individual schools

6.0 Next steps – *Te Anga Whakamua*

6.1 If approved, Council Officers will forward the required documents to Trust House which will formalise the process and release the funding of \$25,000 to support the implementation of the Learn to Swim and Survival Aquatics Programme at Flaxmere Aquatics.

Attachments:

There are no attachments for this report.

Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

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

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

Link to the Council's Community Outcomes – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal promotes the social wellbeing of communities in the present and for the future.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

With the New Zealand drowning statistics identifying the rising drowning rate in NZ over recent years and with the biggest risk being Māori and Pacific ethnicities, our community schools predominately fit within those ethnicity groups.

Sustainability - *Te Toitūtanga*

No implications

Financial considerations - *Ngā Whakaarohanga Ahumoni*

No implications

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 Low significance.

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

Risks

Opportunity: Provide better access to Swimming lessons at Flaxmere Aquatic centre for local Schools.

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
Providing swimming lessons to children who might not otherwise have the opportunity to have swimming lessons.	

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

No specific implications for the rural community.

Tuesday, 13 July 2021

Item 10

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

Te Rārangi Take

Report to Council

Nā:
From: Mel England, Parking Transportation Officer

Te Take:
Subject: Parking Controls

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to obtain a decision from Council on changes to parking controls on Alexandra Crescent, Columba Way Carpark, Eastbourne Street East, Hastings District Council Carpark Lyndon Road East, Kelfield Place, Napier Road and School Road.
- 1.2 This proposal arises from a number of requests for new and changes in existing parking controls in and around Hastings District and concludes by recommending a number of changes in parking controls.
- 1.3 A summary of the proposed changes is as follows:

ROAD	EXISTING CONTROLS TO BE REMOVED/CHANGED	PROPOSED CONTROLS
Alexandra Crescent	None	P60
Columba Way Carpark	P5	P15
Eastbourne Street East	None	P5 (8.30am-9.30am & 2.00pm-3.00pm School days)
Hastings Council Carpark Lyndon Road East	P30	Formalise Visitor Parking
Kelfield Place	None	P5 Loading Zone
Napier Road	P60	P15
School Road – Clive Primary	None	Mobility Park
School Road – Clive Primary	P5	Pick Up and Drop Off Zone

2.0 Recommendations - Ngā Tūtohunga

- A) That the Council Meeting receive the report of the Parking Transportation Officer titled Parking Controls dated 13 July 2021.
- 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 2016, that the existing parking space located 60 metres east from the intersecting point of Caroline Road and extending 12 metres east on the southern side of Alexandra Crescent becomes two P60 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 2016 that the existing parking space located 99 metres east from the intersecting point of Caroline Road and extending 6 metres east on the northern side of Alexandra Crescent become a P60 parking space.
- D) That Council resolve pursuant to Clause 5.3.1(a)(i) of Chapter 5 (Parking and Traffic) of the Hastings District Council Consolidated Bylaw 2016, that the existing P5 parking spaces located 15 metres east of Napier Road and extending 19 metres east on the southern side of Columba Way Carpark be revoked and become P15 parking spaces.
- E) That Council resolve pursuant to Clause 5.3.1(a)(i) of Chapter 5 (Parking and Traffic) of the Hastings District Council Consolidated Bylaw 2016, that the existing 3 parking spaces located 36 metres east from the intersecting point of Hastings Street South and extending 17 metres on the northern side of Eastbourne Street East become P5 parking spaces. The times will be from 8.30am-9.30am & 2.00pm-3.00pm school days only.
- F) That Council resolve pursuant to Clause 5.3.1(a)(i) of Chapter 5 (Parking and Traffic) of the Hastings District Council Consolidated Bylaw 2016, that the existing 3 parking spaces located 142 metres east from the intersecting point of Hastings Street South and extending 12 metres on the northern side of Eastbourne Street East become P5 parking spaces. The times will be from 8.30am-9.30am & 2.00pm-3.00pm school days only.
- G) That Council resolve pursuant to Clause 5.3.1(a)(i) of Chapter 5 (Parking and Traffic) of the Hastings District Council Consolidated Bylaw 2016, that the existing three parking spaces located in the Hastings District Council visitor carpark in Lyndon Road East become P30 time limited parking.
- H) That Council resolve pursuant to Clause 5.3.1(a)(i) of Chapter 5 (Parking and Traffic) of the Hastings District Council Consolidated Bylaw 2016, that the existing parking space located 80 metres south from the intersecting point on Omaha Road and extending 7 metres on the eastern side of Kelfield Place becomes a P5 Loading Zone.
- I) That Council resolve pursuant to Clause 5.3.1(a)(i) of Chapter 5 (Parking and Traffic) of the Hastings District Council Consolidated Bylaw 2016, that the existing P60 parking spaces located 6 metres south of Columba Way Carpark and extending 27 metres south on the southern side of Napier Road be revoked and become P60 parking spaces.
- J) That Council resolve pursuant to Clause 5.3.1(a)(iii) of Chapter 5 (Parking and Traffic) of the Hastings District Council Consolidated Bylaw 2016, that the existing parking space located outside of 59 School Road, Clive as indicated by the map become a mobility park.
- K) That Council resolve pursuant to Clause 5.3.1(a)(i) of Chapter 5 (Parking and Traffic) of the Hastings District Council Consolidated Bylaw 2016, that the P5 time limit located outside of Clive School be revoked become a Drop Off and Pick Up Zone. The times will be 8:15am to 9:15am and 2:15pm to 3:15pm school days only.

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 Alexandra Crescent – P60 Parking (Recommendations B & C)

Hastings District Council has been approached by Simplicity Bereavement Services HB and Delbrook Quilt Company to install a P60 time limited parking outside of their premises.

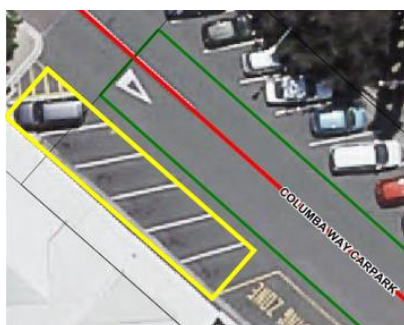
Vehicles are parking all day and blocking access for visitors and clients to the businesses.



4.2 Columba Way Carpark – P15 Parking (Recommendation D)

Hastings District Council has been approached to review the existing P5 time limits on Columba Way Carpark. These parks are to service the Post Office Boxes, there has been a steady decline in the use of the PO Boxes over the years.

The business in this area is also becoming a COVID-19 vaccination centre and this will help people being able to stay longer when they have had their injections.



4.3 Eastbourne Street East – P5 Parking (Recommendations E & F)

Saint Joseph's School approached Hastings District Council to review and investigate the extension of the existing P5 parking area.

Council officers offered 2 suggestions:

- Extend existing P5 car parks, or

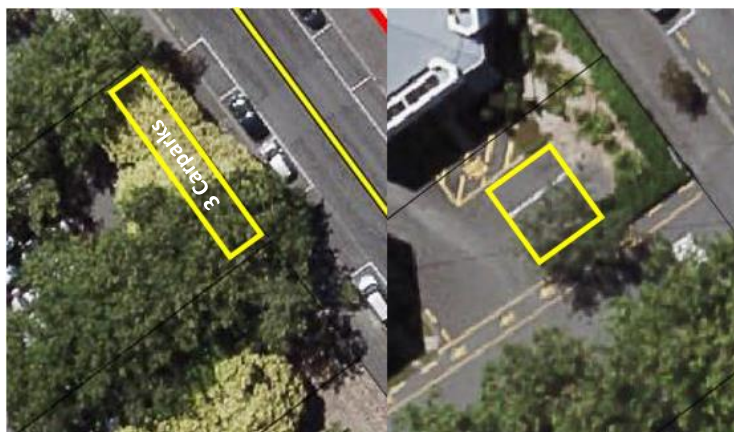
- Introduce a Pick Up and Drop Off Zone.

The school asked the parents what they would like, and the majority of parents were in favour of extending the P5 parking area.



4.4 Hastings District Council Carpark – P30 Visitor Parking (Recommendation G)

This is a formalisation to resolve the five existing visitor car parking spaces on the Lyndon Road East side of the Council carpark as P30 Visitor Parking only, as per the pictures below.



4.5 Kelfield Place – P5 Loading Zone (Recommendation H)

Hastings District Council was approached by a local business about installing a loading zone in Kelfield Place.

Investigation found trucks and Hiabs parking in the middle of Kelfield Place to load and unload goods, which is leading to the road being blocked and causing frustration for those motorists having to wait.

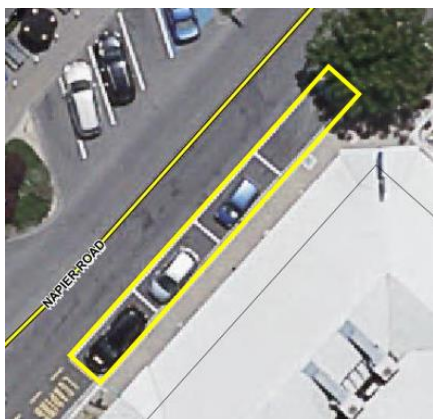


4.6 Napier Road – P15 Time Limit (Recommendation H)

Hastings District Council was approached by a local business about changing the existing P60 time limit outside their premises to P15.

The business is to become a COVID-19 vaccination centre and needs the traffic to regularly turnover.

With the area becoming P15 time limit this will help with traffic turnover when the COVID-19 vaccination rollout is over.



4.7 School Road – Clive Primary School – Mobility Park (Recommendation J)

Clive Primary School has requested a mobility park be installed to support a student who is a wheelchair user.



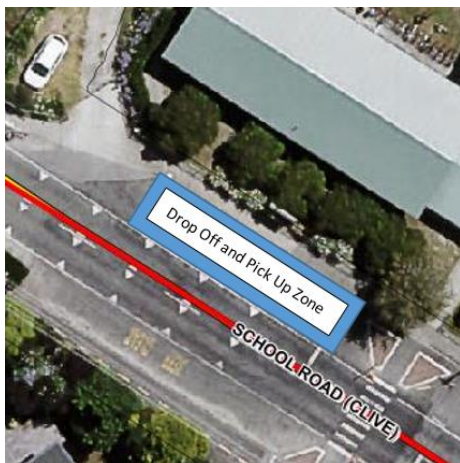
4.8 School Road – Clive Primary School – P5 Time Limit - Revoked (Recommendation K)

P5 time limit needs to be revoked to allow the establishment of a Drop Off and Pick Up Zone.

4.9 School Road – Clive Primary School – Drop Off and Pick Up Zone (Recommendation K)

Clive school has requested a Drop Off and Pick Up Zone to help ease the congestion on School Road during school drop off and pick up times.

Presently there is a P5 parking zone and the school has recognised that this space is not working as well as it should when children are being dropped off and picked up.



5.0 Options – Ngā Kōwhiringa

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

5.1 To change the Parking Bylaws to allow the parking arrangements as outlined at the sites in section 4.

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

5.2 To continue current arrangements.

6.0 Next steps – Te Anga Whakamua

If the changes are approved these will occur to the parking as set out above

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

- Reducing public nuisance and threats to public health and safety
- Moving people and goods around safely and efficiently.

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
Alexandra Crescent – P60 Time Limited Parking

Consultation was carried out with the other businesses and residents. All were in favour of the proposed P60 time limits.

Columba Way Carpark – P15 Time Limited Parking

Minimal consultation was carried out as the area being changed is located outside of the business requesting the change.

Eastbourne Street East – P5 Parking Extension

Consultation was carried out with the parents on what they would like to have to help support the school and ease the traffic congestion. Parents were in favour of extending the P5 time limit spaces.

Hastings District Council – P30 Visitor Only Parking

Minimal consultation was required as this is a formalisation of the existing spaces.

Kelfield Place – P5 Loading Zone

Consultation was carried out with the businesses in the area and they agreed to the proposed change.

Napier Road – P15 Time Limited Parking

Minimal consultation was carried out as the area being changed is located outside of the business requesting the change.

School Road – Clive Primary School

Minimal consultation was required for the Drop Off and Pick Up Zone and the mobility park as this was requested by the school and has no effect on the neighbouring residents.

Risks

N/A

Rural Community Board – Te Poari Tuawhenua-ā-Hapori

N/A

Tuesday, 13 July 2021

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

Item 11

Te Rārangi Take

Report to Council

Nā: Vicki Rusbatch, Acting Manager Democracy and Governance
From: Services

Te Take:
Subject: 2021 Meeting Schedule Changes

1.0 Executive 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 2021 Meetings Calendar which was originally adopted by Council on 15 October 2020.

1.2 This report recommends that the 2021 Meeting Schedule as amended below be adopted.

1.3 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.

1.4 It is proposed that the meeting schedule be amended as follows:

Civic & Administration Subcommittee	Cancellation	Thursday, 1 July 2021
Council	New Meeting	Thursday, 12 August 2021 at 1.00pm
Civic & Administration Subcommittee	New Meeting	Thursday, 30 September 2021 at 9.00am

2.0 Recommendations – *Ngā Tūtohunga*

- A) That Council receive the report titled 2021 Meeting Schedule Changes dated 13 July 2021.
- B) That Council adopt the following amendments to the schedule of meetings for 2021:

Civic & Administration Subcommittee	Cancellation	Thursday, 1 July 2021
Council	New Meeting	Thursday, 12 August 2021 at 1.00pm
Civic & Administration Subcommittee	New Meeting	Thursday, 30 September 2021 at 9.00am

Attachments:

There are no attachments for this report.

HASTINGS DISTRICT COUNCIL

COUNCIL MEETING

TUESDAY, 13 JULY 2021

Item 14

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:

15 Land Negotiations

16 Municipal Building Tenancies

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>
15 Land Negotiations	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). Enable the Council to negotiate purchase of land with affected landowner/s.	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.
16 Municipal Building Tenancies	Section 7 (2) (b) (ii) The withholding of the information is necessary to protect information where the making available of the information would be likely to unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information. Section 7 (2) (i) The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). To protect the privacy of the individuals being discussed and to protect Council's negotiation position.	Section 48(1)(a)(i) Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.