



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

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ORDINARY MEETING OF COUNCIL

Open Agenda

Meeting Date:	Tuesday 30 October 2018
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Time:	3.00pm
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Venue:	Council Chamber Hawke's Bay Regional Council 159 Dalton Street Napier
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Council Members	Acting Mayor White (In the Chair), Councillors Boag, Brosnan, Dallimore, Hague, Jeffery, McGrath, Price, Tapine, Taylor and Wise
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Officer Responsible	Chief Executive
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Administrator	Governance Team
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Next Council Meeting

ORDER OF BUSINESS

Apologies

Mayor Dalton and Councillor Wright

Conflicts of interest

Public forum

Nil

Announcements by the Acting Mayor

Announcements by the management

Confirmation of minutes

That the Draft Minutes of the Ordinary Meeting of Council held on Tuesday, 18 September 2018 be confirmed as a true and accurate record of the meeting.115

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AGENDA ITEMS

1. ADOPTION OF ANNUAL REPORT 2017/18

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	633469
<i>Reporting Officer/s & Unit:</i>	Caroline Thomson, Chief Financial Officer

1.1 Purpose of Report

To present the Napier City Council Annual Report 2017/18 for adoption by Council.

Officer's Recommendation

That Council:

- a. Adopt the Annual Report for Napier City Council for 2017/18 subject to any grammatical and minor changes and any changes due to the requirements of the audit process.

Mayor's Recommendation

That the Council resolve that the officer's recommendation be adopted.

1.2 Background Summary

Under the Local Government Act 2002, each annual report must be completed and adopted, by resolution, within four months after the end of the financial year to which it relates.

The Annual Report for Napier City Council for the year ended 30 June 2018 is contained in **Attachment A**. The statements are presented in a format to meet the requirements of the appropriate legislation.

The audit of the Council's annual finances will be completed by the date of this meeting and the audit opinion will be tabled at the meeting.

The Audit and Risk Committee at their meeting on 11 October 2018 recommended that Council adopt the Annual Report subject to any changes arising from the completion of the audit review.

1.3 Issues

No issues.

1.4 Significance and Engagement

N/A

1.5 Implications

Financial

N/A

Social & Policy

N/A

Risk

N/A

1.6 Attachments

A Annual Report 2017/18 (*Under Separate Cover*) [⇒](#)

2. PLAN CHANGE 12 - MISSION SPECIAL CHARACTER ZONE RECOMMENDATION REPORT FROM INDEPENDENT COMMISSIONERS

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	658024
<i>Reporting Officer/s & Unit:</i>	Kim Anstey, Planner Policy/Analyst Dean Moriarity, Team Leader Policy Planning

2.1 Purpose of Report

To consider and to make a decision as to whether to accept the recommendation of the Independent Commissioners appointed to hear Plan Change 12 – Mission Special Character Zone.

Officer's Recommendation

That Council:

- a. Adopt Plan Change 12 as notified, as per the Commissioners Recommendation Report (Appendix A), except where it is to be amended as shown in Appendix 2 of the Recommendation Report.
- b. Accept or Reject all submissions on Plan Change 12 to the extent set out in the Commissioners Recommendation Report and as summarised in Appendix 1 of the Report.
- c. Give notice of its decision on submissions to Plan Change 12 pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991.
- d. Authorise Officers to update the City of Napier District Plan in accordance with the adoption of the Commissioners recommendations in relation to the plan change and the submissions received on it.
- e. Authorise Officers to publicly notify the date on which Plan Change 12 – Mission Special Character Zone becomes operative in accordance with the requirements of the Resource Management Act 1991, if there are no appeals once the appeal period expires.

Mayor's Recommendation

That the Council resolve that the officer's recommendation be adopted.

2.2 Background Summary

On the 17th and 18th of September, independent Commissioners, Mark St Clair and Ruaru Kirirkiri conducted a hearing to hear, consider, and make recommendations to Council on submissions to Plan Change 12 – Mission Special Character Zone. The

Resource Management Act precludes Council from delegating the decision making function around District Plan policy to another body or person. Therefore, the Independent Commissioners can only legally make a recommendation to Council.

At the hearing, the Commissioner's heard from eight submitters. In considering all the information before them, the Commissioners have recommended that Napier City Council approves and adopts Plan Change 12 as notified, except where it is to be amended as shown in Appendix 2 of the Recommendation Report. They further recommend that all submissions on the Plan Change be accepted or rejected to the extent set out in the Recommendation Report and as summarised in Appendix 1 of the report. A full copy of the Independent Commissioners Recommendation Report is attached as Appendix A.

The Commissioner's final recommendations are presented to the Council for final consideration. The Council may accept or reject the recommendations of the Commissioner. In practice, if the Council does not accept and adopt the recommendations either in whole or in part, or if the Council wished to modify the recommendations, then the Council should arrange to rehear the matters in accordance with the principles of natural justice.

A note from Brookers annotated Resource Management Act 1991 explains the situation:

“S34.04 Natural Justice

Where a Council has delegated to a committee, community board, commissioner, or officer power to hear a matter but must itself make the decision, care needs to be taken if the Council is not minded to adopt the recommendations of the delegate which heard the application. The Council should then itself hear the application and any objections, either by viva voce rehearing or, where an adequate report of the hearing by the delegate is available, by members of the Council examining that report. It would infringe natural justice for members of a Council to participate in a decision on an application which differs from that recommended by the delegate which heard the matter unless they have themselves 'heard' the application and any objection. See Jeffs v NZ Dairy Board [1967] NZRL 1057 (PC).”

It is recommended that the Council adopt the Commissioners recommendations and reasons. This will then enable Officers to issue those recommendations as decisions of Council to the submitters. It is also recommended that Council adopt those parts of Plan Change 12 not affected by submissions or the recommendations of the Independent Commissioner.

2.3 Issues

The recommendation report from the Independent Commissioners addresses all relevant issues raised by the submitters and concurs with the Officer's report and recommended changes that were made as a response to the issues raised during the submission and hearing process. The following provides a summary of the key issues raised at the hearing and decisions recommended to address these issues. Overall, the recommendation from the Commissioners in relation to the issues raised by the submitters have resulted in achieving a better outcome for the plan change.

Cultural

Submissions from Te Taiwhenua o te Whanganui ā Orotū, Ngāti Pārau and Historic Places Hawke's Bay requested a Cultural Impact Assessment (CIA) be undertaken to inform the plan change. Two CIA reports were commissioned to represent the interests of the hapū with overlapping traditional boundaries within the plan change area. Both

reports provided support of the plan change providing cultural values are recognised within the development and cultural protocols are adhered to for identifying and protecting sites of cultural significance.

The CIA reports mandated officers to recommend changes to the proposed plan change in the form of a revised objective, a new policy and a new Design Outcome. These changes are to ensure the relationship of mana whenua with their culture and traditions with their ancestral lands will be recognised and provided for in accordance with Section 6(e) of the Resource Management Act. Options for recognising cultural values have been listed and include: possible gifting of street and reserve names, erection of cultural art in the reserves, acknowledgement of stories in the form of memorial or plaques and the use of locally sourced fruiting and flowering native plants.

Esplanade Reserves

The District Plan requirement for obtaining a 20m esplanade reserve along the Taipo Stream at the time of subdivision was the subject of discussion between the landowner, the Hawke's Bay Regional Council and Napier City Council. The notified plan change included the requirement of a 6m easement along the Taipo Stream for stormwater management purposes. This was as a substitution to a full 20m esplanade reserve owing to the continued productive land uses and the health and safety concerns of providing public access through a working vineyard. However, this would have negated any future options of gaining an esplanade reserve if the land use was to change in the future. In addition, the Heretaunga Plains Rivers Control and Flood Drainage Scheme and powers under the Local Government Act 2002 allow the HBRC to undertake stream maintenance on this section of the Taipo Stream without the need for a 6m easement.

A new rule was agreed on by the three parties that negates the need to provide a 6m easement on subdivision but provides for an esplanade reserve if land use is to change away from rural uses. The rule will also ensure a 20m Esplanade Reserve is acquired on subdivision within the Rural Residential precinct (Church Road frontage) where the health and safety concerns around public access through a working vineyard do not exist.

Visual Amenity

Puketitiri Road

The residents at 164 Puketitiri Road are concerned with the loss of rural views and associated southern outlook from the submitter's property. The submitters concerns focused on the loss of the 1500m² larger lot size provisions in the existing Western Hills Residential Zone (Development Area B of District Plan Appendix 26 – Concept Plan) and the details of the Puketitiri Road Buffer Strip Reserve.

The proposed plan change replaced the larger lot size provision on the outskirts of the existing zoning with a buffer strip reserve designed to mitigate visual effects on the development as viewed from Puketitiri Road. Questions were raised on the timing and planting of this Reserve. As a result, Design Outcome 11 has been modified to ensure a sufficient level of information be supplied to Council in relation to the landscaping requirements of the reserve at the time of subdivision.

In regards to timing, the design outcomes provide an assessment criteria framework to give assurance that the Puketitiri Rd Buffer Strip is planted prior to the issue of s224(c) certification. The intended outcome of these amendments is greater clarification on the reserve requirements that is to be designed to reduce the prominence of the residential precinct as viewed from Puketitiri Rd.

Rural Residential Precinct Design Manual

A resident that borders the southern boundary of the Mission Special Character Zone raised rural amenity concerns and landscape effects from the number, location and density of houses in the rural residential precinct as viewed from the South. The decision issued provides for a new design outcome that introduces a Design Manual and Design Review process for the Rural Residential Precinct. This recommendation will ensure the plan change more effectively responds to the significant landscape features identified and recommended for the 'Western Hills' in the Napier Landscape Assessment Report (July 2009).

Rural residential development is likely to occur in areas of greater landscape significance within this precinct such as on high points, ridgelines and areas adjacent to the residential precinct where a design manual already applies. The recommendation of a design manual and review process on titles as a method of managing the visual amenity issues in an area identified as a significant landscape feature is deemed appropriate to meet the our obligations under the RMA, the Mission Special Character Zone objectives and existing objectives and policies of the Napier District Plan.

Stormwater

Concern over the discharge of stormwater was raised during the public notification and hearing. The Regional Council, as the relevant consenting authority, have determined that there will be no adverse environmental effects that are more than minor associated with the proposed low-impact stormwater solution. Hawke's Bay Regional Council have now issued a Resource Consent - Discharge Permit (DP180163L granted 21 May 2018) to divert and discharge stormwater as a controlled activity under the Regional Resource Management Plan for a consent duration of 30 years. Given that a discharge permit has been issued, there is now no impediment associated with the discharge of stormwater for the applicant to seek subdivision of the land, assuming the plan change becomes operative.

2.4 Significance and Engagement

Plan changes are processed in accordance with the requirements of the Resource Management Act and engagement (both informal and formal) with the community was undertaken as part of this statutory process.

2.5 Implications

Financial

The plan change has been processed from operational budgets.

The local on-site costs of development of the proposed Mission Special Character Zone will be met by the developer. Financial costs for Council for the on-going maintenance of the assets once they have been vested will be funded through the increased rating base facilitated by this plan change.

Social & Policy

Should Council choose to adopt the recommendations and issue them as decisions of Council, the District Plan will be updated in accordance with the Independent Commissioner's recommendations.

Risk

Any submitter has the legal right to appeal a decision of Council to the Environment Court and as such this particular risk cannot be mitigated. The main risk to Council is if it

decides not to adopt the Commissioner's recommendations as this would require a new hearing to be undertaken.

2.6 Options

The options available to Council are as follows:

- a. Adopt the recommendations of the Independent Commissioner and issue them as decisions of Council.
- b. Not to adopt the recommendations of the Independent Commissioner and have a rehearing to reconsider the issues raised by submitters.

2.7 Development of Preferred Option

The preferred option is to adopt the recommendations of the Independent Commissioner and issue them as decisions of Council.

2.8 Attachments

- A Commissioners Recommendation Report - Plan Change 12 [↓](#)

Commissioners' Recommendation

**PROPOSED PLAN CHANGE 12
MISSION SPECIAL CHARACTER ZONE
NAPIER CITY DISTRICT PLAN**

**Report and Recommendation of M St.Clair and R Kirikiri
Acting as Commissioners appointed by the
Napier City Council pursuant to Section 34A of the
Resource Management Act 1991**

*Proposed Plan Change 12 to the City of Napier District Plan: Mission Special Character Zone**Commissioners' Report and Recommendation***1. INTRODUCTION****Context**

- 1.1 We were appointed by the Napier City Council (NCC) to hear submissions to, and to consider and make a recommendation on, Plan Change 12 (the Plan Change), which removes the Western Hills Residential Zone section of the Napier City District Plan and inserts the Mission Special Character Zone (MSCZ) in the Operative City of Napier District Plan.
- 1.2 The Plan Change has a reasonably long background, which we will address in due course. The Plan Change was initially a private Plan Change which was adopted by Council. The Plan Change has been the subject of a "section 32" report, consultation with land owners and occupiers, and of course the recent public notification and hearing, culminating in this report.
- 1.3 Before discussing the details of the Plan Change and the submissions to it, there are some procedural issues that we need to address.

Report Outline

- 1.4 In terms of the above, having familiarised ourselves with the Plan Change and the background material, read all submissions, conducted the hearing and heard from the Council officers and submitters, we hereby record our recommendations. In this respect, this report is divided into the following parts:

(a) Background/Plan Change Outline:

This section includes an outline of the background to the Plan Change, including the sequence of events leading to this report. It also outlines the main components of the Plan Change including an overview of the purpose. This background section provides a relevant context to considering each of the submissions to the Plan Change.

(b) Evaluation of Issues:

This section initially sets out the preliminary statutory requirements under the Resource Management Act 1991 (the RMA) that govern the decision making process in regard to the Plan Change. We then go on to record the various submissions received to the Plan Change, outline the concerns of the submitters to the Plan Change, and, where relevant, amplify on the evidence/statements presented at the hearing. We then undertake an assessment of the aspects of each of the submissions or groups of submissions and conclude with a recommendation. We conclude having regard to the necessary statutory considerations.

Proposed Plan Change 12 to the City of Napier District Plan: Mission Special Character Zone
Commissioners' Report and Recommendation

- 1.5 In referring to the submissions throughout the report, we have used the numbering for the submission and submission point as identified in the Plan Change Summary of Submissions at 2 May 2018. By way of example, (6.2) refers to submission number '6', submission point '2'.

2. BACKGROUND

Procedural Sequence

- 2.1 The background to the Plan Change is set out in full in the Officer's Report and the proposed Plan Change documentation, and is held on the Council file. Hence we will not repeat that in detail here.
- 2.2 The Plan Change itself was initially lodged as a Private Plan Change by Marist Holdings (Greenmeadows) Limited (MHL) with Napier City Council in February 2017. On 20th December 2017, Napier City Council adopted the Plan Change, under clause 25(2)(a) of Part 2 of the First Schedule of the Resource Management Act 1991(RMA). The Plan Change was publicly notified on 7 February 2018 with the submission period closing on 9 March 2018. Nineteen submissions were received during that time. There were no late submissions. The summary of those submissions was notified on 2 May 2018, with the period for further submissions closing on 16 May 2018. Four further submissions were received.
- 2.3 Prior to the hearing commencing on 17 September 2018, we issued a series of minutes. The first minute, dated 13 August 2018, set out directions for the pre-circulation of the section 42A Report (s42A Report), submitter's expert evidence, and conferencing between experts. The second minute, dated 10 September 2018, drew to the attention of the parties, that, having reviewed the s42A Report we noted that additional information should be provided by the reporting officer. That information being a table summarizing the recommendations of the officer as to individual points of submission and a table setting out recommended amendments to the provisions of the proposed plan change. The third minute, dated 13 September 2018, was in response to a request by MHL to speak in reply to the submitters who spoke to their submissions after MHL. The request was declined as MHL is a submitter and it is the Council as the adopter of the Plan Change that has the opportunity to reply to matters raised in the hearing by submitters. Copies of these minutes were circulated to all parties and are held on Council's file.
- 2.4 On the 17th September 2018, we undertook a site visit of the area subject to the proposed Plan Change and surrounding area, advising the parties at the commencement of the hearing that we had done so.

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The Hearing

- 2.5 The hearing was convened on the 17th and 18th September 2018 at the East Pier Hotel at 50 Nelson Quay, Ahuriri, Napier. We heard from the following people during the course of the hearing:

Submitters

- Ms. D Vesty, for Hawkes Bay Fruitgrowers Association
- Mr. G Ide, Policy Manager for Hawkes Bay Regional Council (HBRC)
- Ms. Baxter, on behalf of Mr. A Kite
- Ms. D Pilkington and Ms. E Pishief, for Historic Places Hawke's Bay
- Mr. P and Mrs. Alexander and Mr. J Ehlers, for P and L Alexander Partnership
- Mr. A Robin, Mr. T Kepa, Ms. A Aranui and Mr. P Eden for Te Taiwhenua o Te Whanganui ā Orotū
- Mr. B Watts, Mr. P Holley and Mr. P McKay for MHL.

Council Officers

- Ms. K Anstey, Policy Planner for NCC – s42A Reporting officer
- Mr. D Moriarty, Team Leader, Policy Planning for NCC
- Mr. A Mills, Traffic Engineer for NCC

- 2.6 The hearing commenced with a presentation by the reporting officer Ms. Anstey, introducing the s42A Report, outlining matters that had changed since the receipt and distribution of the pre-circulated expert evidence. We then heard from the submitters, identified above.
- 2.7 We exercised the opportunity to question all persons present.
- 2.8 Having heard from the parties, we adjourned the hearing at 12.30pm on Tuesday 18th September 2018 indicating that we wished to have conferencing occur to address what we saw at the time as three conflicting views regarding the potential future esplanade reserve status for the Taipo Stream; to request that the reply statement from Ms. Anstey to matters raised in the hearing be provided to us in writing, and setting out a timetable for all those matters. The same day, we issued a minute (Minute #4) setting out all those matters in writing, which was distributed to all parties.
- 2.9 In accordance with Minute #4 we received a conferencing statement in relation to the esplanade provision for the Taipo Stream from the relevant persons on the 27th September 2018. Similarly we received a copy of the reply statement from Ms. Anstey on the 5th October 2018. Copies of these responses were sent to all parties.

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- 2.10 Having considered that we had received all the required information, we closed the hearing on the 9th October 2018, by way of a minute. (Minute #5).

Submission Format

- 2.11 At the Hearing itself, we sought clarification from officers, as to the status and officer's recommendation as to a further submission from Mr. C Dearing. In the s42A Report, the officer's view was that as the further submission did not relate to a primary submission point, it was not a relevant consideration¹. In response to our questioning, the s42A officer's view was that the further submission was not in the form of a proper further submission. In addition to not referring to any primary submission, the submitter sought new objectives and policies not referred to in any primary submissions. At this point we record that council officers had in the lead up to the hearing raised these points with the submitter Mr. Dearing, and we were advised that Mr. Dearing would accept our decision on the matter. Having sought clarification from officers during the hearing, we adjourned to consider the matter, reconvened the hearing and verbally presented our finding. In this case, for the reasons explained by the officers set out above, we find that the further submission is not valid, is not on the Plan Change and is struck out pursuant to Section 41D of the RMA. As explained at the hearing, we note that matters raised by Mr. Dearing may be more appropriately raised at the recently initiated district wide review of the District Plan.

Outline of Plan Change

- 2.12 As mentioned above, the purpose of the Plan Change is set out fully in the Plan Change documentation² which is held on the Council file. We found the public notice to provide the best summary of the purpose of the Plan Change, which is as follows;

"The purpose of Plan Change 12 is to provide for a new Mission Special Character Zone. This proposed zone is to replace existing zones across 288.6ha of land owned by Marist Holdings (Greenmeadows) Limited, on the land best known as the site of the Mission Estate Winery and concert.

The proposed zone is divided into four precincts. The 'residential precinct' will provide for approximately 550 households on an expanded Western Hills residential zone, accessed off Puketitiri Rd and predominantly covering the spurs facing westwards, behind the backdrop hills of Taradale and Greenmeadows. A 'landscape and visitor' precinct is proposed in the vicinity of Mission Estate and the concert venue area. This precinct provides

¹ S42A Hearing Report, Para 18.4

² Section 42A (S42A)Hearing Report

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for the future development of boutique accommodation while preserving the landscape qualities of the backdrop hill behind the Mission winery. The 'productive rural' and 'rural residential' precincts are largely reflective of the existing Main Rural and Rural Residential zones of the District Plan.

The objective of the proposed zone is to retain the productive flat and versatile land for agriculture, horticulture and viticulture and to ensure that the subdivision, use and development of the remainder of the property is undertaken in such a way as to maintain and enhance the key landscape features of the property. These objectives are to be achieved through the addition of the Mission Special Character Zone Structure Plan and design outcomes that establishes a framework by which development in the zone will be assessed and managed. The proposed zone will also include a series of public walkways linking to the existing Council owned pathways in the vicinity.

The proposed zone will create a new chapter in the District Plan covering the whole of the property with a number of minor consequential changes proposed in other chapters within the plan to accommodate the new zone. Because the proposed rezoning is comprehensive in nature and covers a large number of different District Plan provisions, it is recommended that interested parties refer to the primary source documents to fully understand the implications and extent of the proposed plan change."

- 2.13 The documentation forming the Plan Change, includes a Schedule of the Changes to the operative City of Napier District Plan, the new Chapter 51b – Mission Special Character Zone, and New Appendix 26 – Mission Special Character Zone, Structure Plan. In addition, the Plan Change supporting documentation includes an Assessment of Environmental Effects (Feb 2018) and a series of appended specialist reports. Finally, we note that the documentation also included a comprehensive "Evaluation under Section 32 of Resource Management Act 1991" report.

3. EVALUATION OF ISSUES

- 3.1 For the purposes of this evaluation, we have generally, in the same way as Ms. Anstey did in the s42A Report, grouped our discussion of the submissions and the reasons for accepting, rejecting, or accepting them in part by the matters to which they relate³ – rather than assessing each issue on a submitter by submitter basis.

³ Clause 10 (2)(a) of Schedule 1 of the RMA

*Proposed Plan Change 12 to the City of Napier District Plan: Mission Special Character Zone**Commissioners' Report and Recommendation*

- 3.2 In addition, we have provided a submission topic and submitter-by-submitter summary of decisions requested in **Appendix 1**, which includes our recommendation on each specific relief point sought.
- 3.3 Our discussion of the issues is as follows:
- Issue 1 – Visual Amenity
 - Issue 2 – Productive Rural Zone Rules
 - Issue 3 – Esplanade Reserves
 - Issue 4 – Infrastructure
 - Issue 5 – Traffic
 - Issue 6 – Archaeology
 - Issue 7 – Heritage
 - Issue 8 – Stormwater
 - Issue 9 – Natural Hazards
 - Issue 10 – Māori Cultural Values and Consultation
 - Issue 11 – General Matters

Preliminary Statutory Framework

- 3.4 Before addressing the evaluation of the individual issues, we set out in summary the relevant statutory matters that our evaluation follows, recording that these were identified in the legal submissions of Mr. Watts for MHL⁴.
- 3.5 These matters having been derived from the Environment Court's Colonial Vineyards decision⁵, and include the following considerations:

General Requirements:

- a. the District Plan should be designed in accordance with⁶, and assist the Council to carry out, its functions⁷ so as to achieve the purpose of the Act;⁸
- b. when preparing/changing the District Plan, the Council must:
 - i. give effect to any NPS⁹, the NZCPS¹⁰ or any RPS¹¹; ¹²
 - ii. have regard to any proposed RPS;¹³
 - iii. have regard to any management plans and strategies under any other Acts and to any relevant entry on the NZ Heritage List and to various fisheries regulations (to the extent relevant), and to

⁴ Mr Watts, Legal Submissions for Marist Holdings, paras 2.1 – 2.4

⁵ Colonial Vineyard Ltd v Marlborough District Council, [2014] NZEnvC 55

⁶ S74(1), RMA

⁷ S31, RMA

⁸ SS 72, 74(1), RMA

⁹ National Policy Statement

¹⁰ New Zealand Coastal Policy Statement (NZCPS)

¹¹ Regional Policy Statement for the Hawke's Bay Region (as it would apply to Plan Change 12 before us)

¹² S75(3)(a)-(c), RMA

¹³ S74(2), RMA

*Proposed Plan Change 12 to the City of Napier District Plan: Mission Special Character Zone**Commissioners' Report and Recommendation*

- consistency with plans and proposed plans of adjacent authorities;¹⁴
- iv. take into account any relevant planning document recognised by an iwi authority;¹⁵
 - v. not have regard to trade competition;¹⁶
 - vi. be in accordance with any regulation;¹⁷
- c. in relation to regional plans:
- i. the District Plan must not be inconsistent with an operative regional plan for any matter specified in s30(1) or any water conservation order;¹⁸ and
 - ii. shall have regard to any proposed regional plan on any matter of regional significance;¹⁹
- d. the District Plan must also state its objectives, policies and the rules (if any) and may state other matters;²⁰
- e. the Council has obligations to prepare an evaluation report in accordance with section 32 and have particular regard to that report;²¹
- f. the Council also has obligations to prepare a further evaluation report under s32AA where changes are made to the proposal since the s32 report was completed;

Objectives

- g. the objectives of the Plan Change are to be evaluated to the extent which they are the most appropriate way to achieve the Act's purpose;²²

Provisions

- h. the policies are to implement the objectives, and the rules (if any) are to implement the policies;²³
- i. each provision is to be examined as to whether it is the most appropriate method for achieving the objectives of the TRMP, by:
- i. identifying other reasonably practicable options for achieving the objectives;²⁴
 - ii. assessing the efficiency and effectiveness of the provisions in achieving the objectives²⁵, including:
 - a) identifying and assessing the benefits and costs anticipated, including opportunities for economic growth and employment opportunities that may be provided or reduced;²⁶
 - b) quantifying those benefits and costs where practicable;²⁷
 - c) assessing the risk of acting or not acting if there is uncertainty or insufficient information about the subject matter of the provisions;²⁸

¹⁴ S74(2)(b)-(c), RMA¹⁵ S74(2A), RMA¹⁶ S74(3), RMA¹⁷ S74(1)(f), RMA¹⁸ S75(4), RMA¹⁹ S74(2)(a), RMA²⁰ S75(1)-(2), RMA²¹ Schedule 1, Part 2, Clause 22, RMA²² S32(1)(a), RMA²³ S75(1), RMA²⁴ S32(1)(b)(i), RMA²⁵ S32(1)(b)(ii), RMA²⁶ S32(2)(a), RMA²⁷ S32(2)(b), RMA²⁸ S32(2)(c), RMA

*Proposed Plan Change 12 to the City of Napier District Plan: Mission Special Character Zone**Commissioners' Report and Recommendation***Rules**

- j. in making a rule, the Council shall have regard to the actual or potential effect on the environment of activities, including (in particular) any adverse effect;²⁹ and

Other Statutes

- k. the Council may be required to comply with other statutes

- 3.6 We note that the further evaluation under s32AA is required only in respect of any changes arising since the Plan Change was first notified and that it must contain a level of detail that corresponds to the scale and significance of the effects that are anticipated from the implementation of the provisions as amended. To this end we have assessed the appropriateness of any alterations in terms of s32AA – within this report itself, in **Appendix 2**, and in some case in both places.
- 3.7 In considering all of the matters above, we record that our recommendation is based upon our consideration of the following documents:
- a. the notified Plan Change and s32 evaluation,
 - b. the submissions and further submissions received,
 - c. the cultural impact assessment for Ngāti Pārau,
 - d. the cultural impact assessment for Te Taiwhenua o Te Whanganui ā Orotū
 - e. the Council s42A report,
 - f. the statements/presentations from all parties appearing before us, and
 - g. the formal responses to the Minutes issued.

ISSUE 1 - Visual Amenity

- 3.8 A range of submissions addressed the issue of visual amenity including submissions from Mr. Kite (2), Mr. Arnold (3), Mr. Brightwell (6) and Mr. McNatty (7). Ms. Anstey in the s42A Report, identified the issues raised which we summarise those as follows:

- a) Mr. A Kite (2.2) - Road widening and its effect on the bridle path³⁰
- b) Mr. A Kite (2.3) - Submission Point 2.3 Anthony Kite - Timing of the planting of the green screening belt (Puketitiri Bridle Path Reserve)³¹

²⁹ S76(3), RMA

³⁰ S42A Report, Paras 6.1 – 6.2

³¹ S42A Report, Para 6.3 – 6.4

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- c) Mr. A Kite (2.4) – Retention of Larger Lot Sizes fronting Puketitiri Road, similar to existing Western Hills Residential Zone³²
- d) Mr. T Brightwell (6) – residential dwellings on the escarpment viewed from Church Road³³
- e) Mr. M McNatty (7.1, 7.2) - Neighbouring Rural/Residential Interface³⁴
- f) Mr. M McNatty (7.3) – Mitigation of effects through use of vegetation and recessive colours³⁵
- g) Mr. M Arnold (3) – Residential, Rural/Residential Precinct Buffer³⁶

3.9 Ms. Anstey set out a detailed analysis of each issue in terms of how the Plan Change addressed each issue. We do not repeat that analysis here. However, we note that for each of the above issues, Ms. Anstey grouped the points raised in the submissions under three general recommendations and provided reasons for each recommendation.³⁷ Ms. Anstey's recommended amendments to the Plan Change were, in summary to amend as follows:

a) Design Outcome 7 – Design Manual and Review Process, to apply to the Residential and Rural Residential Precincts and the inclusion of consideration of recessive building materials³⁸ and colours to mitigate effects. The reasons for the amendment were, *“plan change more effectively and efficiently responds to the significant landscape features identified and recommended for the ‘Western Hills’ as identified in the Napier Landscape Assessment Report (July 2009). Further, the recommended changes are appropriate to achieve proposed Objective 51b.3.”*³⁹

b) Design Outcome 1 be amended as follows;

- *Connected corridors of restored and maintained indigenous vegetation - including a nominally 20m wide buffer of indigenous vegetation on the South side of the residential precinct.*

³² S42A Report, Paras 6.5 – 6.7

³³ s42A Report, Paras 6.8 – 6.10

³⁴ s42A Report, Paras 6.11 – 6.13

³⁵ s42A Report, Paras 6.14 – 6.24

³⁶ s42A Report, Paras 6.25 – 6.31

³⁷ s42A Report, Paras 6.32 – 6.38

³⁸ s42A Report, Bullet Point One, Page 15 – the word ‘materials’ is missing

³⁹ s42A Report, Para 6.36

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The reasons for the amendment were ... provide greater certainty of the maintenance of the restored indigenous vegetation areas as specified in the Structure Plan.⁴⁰

- 3.10 At hearing, Ms. Baxter on behalf of Mr. and Mrs. Kite (2.2, 2.3, 2.4), responded to s42A Report raising a number of concerns which included in summary, effects on views/outlook, timing of planting of trees on buffer/strip/bridle path, loss of rural setting, density, and a decrease in property values.⁴¹ In identifying these concerns, Ms. Baxter clearly communicated to us the importance of the existing rural amenity as it relates to the submitter's property and environs.
- 3.11 Also at the hearing Mr. McKay, planning consultant for MHL, responded to the recommendations put forward in the s42A Report in relation to visual amenity. Mr. McKay concurred with Ms. Anstey's recommendation and reasons in relation to all the submission points under this topic,⁴² with the exception of Recommendation 2; the application of Design Outcome 7 Design Manual and Review Process to apply to both the Residential Precinct and the Rural Residential Precinct, noting the wording as notified only applies to the Residential Precinct.⁴³
- 3.12 Mr. McKay accepted that the s42A Report amendment would achieve the objective, but was of the view that the Urban Design and Landscape Assessment identified the Rural Residential Precinct is in the less sensitive areas of the zone in relation to landscape effects, the difference in the intensity of development provided for in the two precincts, the potential confusion of the provisions application, and concluding that the objectives of the zone would be better achieved by not including reference to the Rural Residential Precinct in Design Outcome 7.⁴⁴ We note that Mr. McKay agreed with Ms. Anstey as to the recommend amendments for the purpose of recessive building materials and colours.
- 3.13 Finally, Mr. McKay expressed the view that Recommendation 3 in the s42A Report could be enhanced by repeating the reference in the second bullet point of the Design Outcome 20 in Design Outcome 1, for the reason that Design Outcome 1 applies to the entire zone, whereas Design Outcome 20 is specific to the Landscape & Visitor, Rural Production and Rural Precincts.⁴⁵ Ms. Anstey concurred with this amendment.

⁴⁰ s42A Report, Para 6.37 – 6.38

⁴¹ Hearing Statement, Ms Baxter, 17 September 2018

⁴² Evidence in Chief (EIC), Mr McKay, Para 31

⁴³ EIC, Mr. McKay, Para 32

⁴⁴ EIC, Mr. McKay, Paras 33 - 40

⁴⁵ EIC, Mr. McKay, Paras 41 - 42

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- 3.14 At the hearing, Ms. Anstey, in introducing the Plan Change, having had the opportunity to consider the pre-circulated evidence of Mr. McKay and agreed with Mr. McKay that it was not appropriate to include Rural Residential within Design Outcome 7, but rather that a separate Design Outcome specifically for the Rural Residential Precinct was required.⁴⁶ Ms. Anstey also concurred with Mr. McKay's amendment to Design Outcome 1, and similarly recommended amending the provision as suggested.
- 3.15 In supplementary evidence presented at the hearing⁴⁷, Mr. McKay agreed with Ms. Anstey as to Amendment 1, but maintained his view that Amendment 2 was not required for the reasons set out in his evidence in chief.⁴⁸ In considering the visual amenity of any development in the MSCZ as a whole, Mr. McKay was of the view that it would be superior to the existing Western Hills Residential Zoning.⁴⁹
- 3.16 In reply, Ms. Anstey, having considered the matters raised by submitters, in relation to the buffer strip /bridle path on Puketitiri Road recommended further amendments to Design Outcome 11, as well as a consequential change to Appendix 26B-2 as to the specifics of the reserves to be vested in Council.⁵⁰

Discussion and Findings

- 3.17 Considering all the matters above, we agree with Ms. Anstey, and concurred with by Mr. McKay as to the recommendations and reasons in relation to all the submission points under this topic, with the exceptions as set out below. We record that we also questioned the two planning experts in detail as to controlled activity status for the location of dwellings in the Residential Precinct visually prominent positions located on the escarpment, and are satisfied that the provision is appropriate for the reasons set out in the Section 32 report and the responses to our questioning.
- 3.18 We adopt the view of Ms. Anstey and Mr. McKay that it is not necessary to include the Rural Residential Precinct within Design Outcome 7 which applies solely to the Residential Precinct for the reasons they stated and which they both agree.
- 3.19 We have carefully considered Ms. Anstey's amendment following consideration of the pre-circulated evidence, to provide a separate Design Outcome 22 specifically for the Rural Residential Precinct. In undertaking this consideration we also carefully reviewed Mr. McKay's

⁴⁶ Appendix E – Annotated Plan Change Provisions, Amendments 1 and 2, Ms. Anstey, 17 September 2018

⁴⁷ Supplementary Evidence, Mr McKay, 18 September 2018

⁴⁸ Supplementary Evidence, Mr McKay, Paras 3 - 4

⁴⁹ Supplementary Evidence, Mr McKay, Para 21

⁵⁰ Reply Statement, Paras 7 -8

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evidence. We are persuaded by Ms. Anstey's evidence as to the provision being the most appropriate in achieving the objective 51b.3 for the reasons set out in the s42A Report and Amendment No. 2 in Appendix E – Annotated Plan Change Provisions.

- 3.20 Finally, considering the amendments from Ms. Anstey in relation to the buffer strip /bridle path on Puketitiri Road and Design Outcome 11, we adopt the amendments and reasoning presented in the reply statement.
- 3.21 Overall, we share the view of Ms. Anstey and Mr. McKay, with the exceptions noted above, that the amendments are appropriate for the reasons set out above and summarised in **Appendix 2**.
- 3.22 We therefore recommend that submissions points 2.4, 6.1, 7.2 be rejected, that submission points 2.2, 2.3, 7.3 and 3.2 be accepted and submission points 3.1, 7.1, 7.4 be accepted in part.

ISSUE 2 - Productive Rural Zone Rules

- 3.23 The submission of the Hawkes Bay Fruitgrowers Association (12) sought amendments to the Plan Change in relation to:
- a) consistency in wording by updating all references to 'versatile and/or productive soils' to 'versatile and/or productive land'
 - b) Places of Assembly being reclassified from discretionary activity status to non-complying status
- 3.24 In the s42A Report, Ms. Anstey noted that the change from the term 'versatile and/or productive soils' to 'versatile and/or productive land' aligned with the terminology of Horticulture NZ, Heretaunga Plains Urban Development Strategy 2017 (HPUDS) and the Regional Policy Statement (RPS) which all reference the protection of versatile land.⁵¹ Ms. Anstey recommended the request be adopted⁵², noting that the further submission from MHL also supported this change.
- 3.25 In relation to the requested change in activity status from discretionary to non-complying for places of assembly, Ms. Anstey's view was that the proposed discretionary activity status was the same as applying in the Main Rural Zone of the Napier District Plan which provided Council the opportunity to fully assess any application along with discretion to decline it.⁵³ In addition, Ms Anstey noted that the MSCZ provided for, *"greater tourism and recreational opportunities"*, which related *"to the zone's history, association with the Church and current activities that*

⁵¹ s42A Report, Para 7.2

⁵² s42A Report, Para [5.6] and 7.8

⁵³ s42A Report, Para 7.5

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occur within this zone."⁵⁴ In accounting for this Ms. Anstey considered that a discretionary activity status for places of assembly to be the most appropriate relative to the zone purpose, objectives and policies.⁵⁵

- 3.26 At the hearing, Ms. Vesty on behalf of Hawkes Bay Fruitgrowers Association, expressed support for the Plan Change and in particular supported the officer's recommendation as to change to versatile land and accepted the officer's recommendation as to the activity status for places of assembly.⁵⁶
- 3.27 At this point we also record that the evidence of Mr. McKay for MHL agreed with the reasons for the recommendations set out in out in the s42A Report.⁵⁷

Discussion and Findings

- 3.28 We heard no expert evidence to the contrary on these matters, and we generally adopt the evidence of Ms. Anstey for the reasons given in s42A Report. Hence, in relation to the Hawkes Bay Fruitgrowers Association submission (12) we recommend that submission point 12.1 be accepted and submission point 12.2 be rejected (See Appendix 1).

ISSUE 3 - Esplanade Reserves

- 3.29 Submission point 13.4 from HBRC, opposed the 6m easement along the Taipo Stream which traverses part of the Mission Character Zone as set out in Design Outcome 21 and sought a reserve corridor alongside the stream or the retention of provisions 6.1.3.(4) in Volume 2 of the current District Plan which sets out the current Esplanade Reserve requirements.⁵⁸ A further submission of MHL opposed this primary submission point.
- 3.30 In the s42A Report of Ms. Anstey, the evidence of Mr. Ide for HBRC, the evidence of Mr. McKay for MHL, and in their presentations to us and in responding to our questions, a range of issues and options to address this matter were canvassed. In essence the issue was the appropriateness as to what a form of esplanade reserve/easement should apply to that part of the Taipo Stream within MSCZ relative to any potential future subdivision trigger for such a reserve. As signaled in paragraph 2.8 above, at the adjournment of the hearing and prior to the written reply, we had before us at least three versions of recommended amendments to Rule 6.1.3.4 and Design Outcome 21.
- 3.31 To navigate this issue, we requested that those three persons conference and provided us a joint statement setting out any agreed or

⁵⁴ s42A Report, Para 7.4

⁵⁵ s42A Report, Para 7.9

⁵⁶ Hearing Statement, Ms Vesty for Hawkes Bay Fruitgrowers Association

⁵⁷ Mr. McKay, Evidence in Chief (EIC), Para 43

⁵⁸ s42A Report, Section 9, Page 19

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disagreed position with reasons, which we duly received.⁵⁹ The joint statement presented an agreed position specifying the circumstances in which an esplanade reserve would be taken with specific amendments to Rule 6.1.3(4) and a separate Design Outcome 22 (renumbered), and the retention of Appendix 4 to the Plan Change as notified.

- 3.32 In 'New Appendix E' of the reply statement, Ms. Anstey provided a s32AA assessment of the joint statement agreed provisions.

Discussion and Findings

- 3.33 We generally adopt the position put forward in the joint statement as to the amendments to the provisions. However, we find that s32AA assessment does not fully assess the difference in the change from the s32 Report for the Plan Change as notified being a 6m easement, when compared to the joint statement provisions which relate to a 20m esplanade reserve when, subdivision of the Rural Productive and Rural Residential Zones around the Taipo Stream, which are included in the MSCZ would be the trigger mechanism. We note that the upper Taipo Stream catchment does not have a 20m esplanade reserve requirement, but that as pointed out by Mr. Ide in response to our questions, is an already urbanized area. We find that the Rural Productive and Rural Residential Zones around the Taipo Stream, should provide for a 20m esplanade reserve as identified in the conferencing statement. Having considered the alternatives, the agreed amendments are the most appropriate way of achieving the objectives.
- 3.34 We therefore recommend that submission point 13.4 be accepted in part.

ISSUE 4 – Infrastructure Services

- 3.35 Two submissions raised issues in relation to infrastructure services. L Anderson (5.1) raised concerns that infrastructure and services, could not support the proposed number of new households and that before new households were built, new or upgraded infrastructure should be provided. Powerco (14.1) sought that adequate time be given to Powerco to enable forward planning for new gas supply pipes coordination with other utilities.
- 3.36 Ms. Anstey's view was that Powerco submission was outside the scope of the Plan Change⁶⁰ and that the matters raised would be effectively

⁵⁹ Joint Statement of Ms Anstey, Mr McKay and Mr Ide, 24-25 Sept 2018

⁶⁰ s42 A Report, Para 10.6

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and efficiently addressed and achieved through operational procedures of Council, rather than through the District Plan.⁶¹

- 3.37 In relation to the issues raised by L Anderson, Ms. Anstey noted in the s42A Report that in the preparation of the Plan Change infrastructure service has been considered, including the provision of educational facilities⁶², and that the subject area was identified in the HPUDS, which includes clear direction to infrastructure providers and education and health service providers on the location and scale of future growth areas.
- 3.38 In relation to the provision of roading, Ms. Anstey relied on in the Traffic Engineering Report⁶³ accompanying the Plan Change documentation and supported by the expert evidence of Mr. R Malley⁶⁴ Team Leader Transportation at NCC, that *"the general conditions and capacity of the current roading network is sufficient to support the increased traffic flows resulting from the development facilitated by the Plan Change."*⁶⁵

Discussion and Findings

- 3.39 We note that Powerco and L Anderson did not wish to be heard, so we were unable to further test their submissions. Therefore, for reasons set out in the s42A Report we recommend that submission points 5.1 and 14.2 be rejected.

ISSUE 5 - Traffic

- 3.40 Three submissions raised concerns in relation to traffic, which we summarise as follows:
- Locations of the proposed entrances/exits to the residential component of the proposed zone from Puketitiri Rd as to speed control and visibility (K Moretta 1.1);
 - Speed and accident issues at Poraiti Road and new entrance way to be addressed (A Kite 2.1)
 - New connection from Puketapu Rd to MSCZ to be provided (L Anderson 5.2)
- 3.41 Mr. Malley for NCC provided responses to the submissions, noting that entrance/exit design would be to relevant standards and assessed by Council at the time of subdivision, that safety improvements were programmed for Puketitiri Road and the speed limit was proposed to be reduced to 80 kmph as part of Council review of speed limits applying throughout the district. Mr. Malley's view on a connection from Puketapu Road would be an increase in congestion at peak times in Taradale itself and that Puketitiri Road roundabout had sufficient

⁶¹ s42A Report, Para 10.5

⁶² s42A Report, Para 10.1

⁶³ The Mission Special Character Zone Plan Change – AEE& Proposed Plan Change Description – Appendix C

⁶⁴ s42A Report, Appendix B

⁶⁵ s42A Report, Para 10.3

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capacity to accommodate any increase in traffic numbers from the proposed rezoning.⁶⁶

- 3.42 Relying on Mr. Malley's evidence Ms. Anstey recommended that the submission points as to traffic be rejected.
- 3.43 At the hearing, Ms. Baxter on behalf of Mr. Kite (2.1) considered that the Puketitiri Road upgrade should occur before any development of the MSCZ and raised issues of the effects of the construction of the upgrades on residents.⁶⁷
- 3.44 In response to our questions, Mr. Mills from the NCC Transportation team, advised that the timing of the proposed upgrades to Puketitiri Road have commenced and are programmed through to 2023. Mr. Mills confirmed the observation made from our site visit that a temporary 80 kmph limit was already in place on the lower part of Puketitiri Road.

Discussion and findings

- 3.45 In considering all the material presented to us on this matter we concur with the expert evidence that the Puketitiri Road improvements and the timing of the improvements, and capacity of the roading network are not an impediment to the rezoning proposal. We note that any physical works involved with the Puketitiri Road upgrade may have potential impacts on existing residents, regardless of whether or not the Plan Change is approved.
- 3.46 We therefore recommend that submission points, 1.1, 2.1 and 5.2 be rejected.

ISSUE 6 - Archaeology

- 3.47 The submission from Historic Places Hawkes Bay (11.2 and 11.3) sought that if the Plan was approved, that a number of actions take place, which amongst other things, included an updated archaeological report, updated Cultural Impact Assessment (CIA), further surveying, monitoring during earthworks and the following of hapū-driven protocols as to accidental discovery.
- 3.48 Ms. Anstey in the s42A Report, notes that Design Outcome 3: Archeology, of the Plan Change, requires an updated Archeological AEE to be submitted with applications for subdivision consent within the Residential Precinct, felling of the southern pine plantation, construction of walkway paths and construction of art cabin accommodation and that further protection is afforded by the Heritage NZ Pouhere Taonga Act 2014 which makes it unlawful for any person

⁶⁶ s42A Report, Para 11.2 – 11.3

⁶⁷ Hearing Statement, Ms. D Baxter on behalf of A and D Kite (6), Page 1

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to modify or destroy, or cause to be modified or destroyed, the whole or part of any archaeological site without the prior authority of Heritage NZ.

- 3.49 Ms. Anstey also notes that the Cultural Impact Assessments from Ngāti Pārau and Te Taiwhenua o Te Whanganui ā Orotū also request the establishment of cultural discovery protocols which need to accompany any application under the Pouhere Taonga Act 2014.
- 3.50 In conclusion, Ms. Anstey recommended that no changes to the Plan Change were required as result of the submission.
- 3.51 At the hearing, Ms. E Pishief for Historic Places Hawkes Bay, provided us with an example map showing recently identified archaeological sites at Western Hills cemetery noting the likelihood that more sites are yet to be recorded and that an application by MHL for an authority under the Pouhere Taonga Act 2014 was the best way to give effect to that legal requirement.⁶⁸

Discussion and findings

- 3.52 In considering these matters, we note that they all refer to actions which are relevant to the subdivision and development of the subject land and not directly to the Plan Change before us. We also note that as Ms. Anstey and Ms. Pishief reminded us, that the Pouhere Taonga Act 2014 entailed legal obligations, which Mr. Watts in his legal submissions reinforced, was a separate matter to this Plan Change.
- 3.53 With no evidence to the contrary, we find that in terms of the Plan Change itself, Design Outcome 3: Archaeology is the most appropriate way of achieving the objectives, and requires no further amendment.
- 3.54 We recommend that the submission of Historic Places Hawkes Bay (11.2 and 11.3) be accepted in part.

ISSUE 7 - Heritage

- 3.55 The submission from Historic Places Hawke's Bay (11.1) also sought the inclusion of the Grande Maison building and the Observatory pedestal be listed as items of heritage significance in the Napier District Plan, as part of the Plan Change.
- 3.56 Ms. Anstey's view was that amendments to the heritage schedule and associated District Plan provisions were not part of Plan Change 12, but should rather be more appropriately advanced through the recently commenced review of the Napier District Plan.
- 3.57 Ms. Anstey went on to observe that the Plan Change itself would not increase the risk to any heritage values of the Grande Maison building

⁶⁸ Hearing Statement, Ms. E Pishief for Historic Places Hawkes Bay, 17 September 2018

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or the Observatory pedestal and that Design Outcome 15 requires the heritage and landscape significance of the Grande Maison building to be considered at the time of any resource consent process.

- 3.58 At the hearing, Ms. Pilkington for Historic Places Hawkes Bay, speaking in support of the submission, addressed the importance of the history of Mission Estate locally and nationally, but noted that the Grande Maison and the surrounding vineyard land has no official status as historic places.⁶⁹
- 3.59 Ms. Pilkington was generally supportive of the relevant design Outcomes in the Plan Change (Design Outcomes 15 and 18) but considered that they were insufficient in term of protecting the building and property into the future. As such, Ms. Pilkington sought the immediate initiation of a process to list the building and property in the District Plan.⁷⁰
- 3.60 At the hearing, Mr. Watt's in legal submissions for MHL, submitted that the Historic Places Hawkes Bay submission was outside the scope of the Plan Change⁷¹ and that a separate process is required for any listing of the building or property.⁷²

Discussion and findings

- 3.61 We concur with Ms. Anstey and Mr. Watts that the separate nature of the process for heritage protection put forward by Historic Places Hawke's Bay is outside the scope of the Plan Change before us. As indicated by Ms. Anstey, a possible avenue for the submitter to seek protection would be through the recently initiated District Plan review. As such we recommend that submission point 11.1 be rejected.

ISSUE 8 - STORMWATER

- 3.62 There were two submissions on the issue of stormwater. One from HBRC (13.2,13.3) and the other from P and L Alexander Partnership (10.1).
- 3.63 In summary the HBRC submission (S13.3) set out that the primary concern was in relation to the adequacy of the technical reports accompanying the Plan Change documentation as to stormwater effects and that there was sufficient capacity in the existing stormwater and wastewater network to avoid further incidences of contaminated stormwater into the Ahuriri Estuary.

⁶⁹ Hearing Statement of Ms Pilkington for Historic Places Hawkes Bay, 17 September 2018, Page 1

⁷⁰ Hearing Statement, Ms Pilkington for Historic Places Hawkes Bay, 17 September 2018, Page 1

⁷¹ See Palmerston North City Council v Motor Machinists Ltd [2013] NZHC 1290

⁷² Legal Submissions for MHL, Mr B Watt, Para 4.17 – 4.18

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- 3.64 Ms. Anstey in the s42A report, recorded that a stormwater discharge for the proposed Plan Change area had been granted by HBRC on 25 May 2018. We received and reviewed a copy the HBRC stormwater decision report. At the hearing Mr. Ide from the Regional Council, advised that now that the stormwater permit had been granted, the Regional Council had, *"greater reassurance that the rezoning and associated overall stormwater infrastructure to be put in place will be sufficiently sound."*⁷³ In response to our questions, Mr. Ide confirmed that the regional council no longer had an issue with stormwater as it pertained to the rezoning application. We accept Mr. Ide's position.
- 3.65 As to the issue sufficient capacity in the wastewater and stormwater networks, Ms. Anstey addressed this in the s42A report, noting that the issue of stormwater contamination was predominately generated in the older suburbs of the city and that any new stormwater or wastewater infrastructure would be required to comply with the current NCC code requirements.⁷⁴ In addition, Ms. Anstey noted that any concerns of the Council itself as the body to which any infrastructure would be vested, was addressed through the modified Design Outcome 10 in the proposed Plan Change.⁷⁵ We heard no evidence to the contrary on this matter and accept it.
- 3.66 The relief sought in the submission of P and L Alexander Partnership submission was that the Springfield Culvert required adjustment in order to cope with the additional stormwater from the Marist Holdings site.
- 3.67 Ms. Anstey considered that the issues identified by the P and L Alexander Partnership submission were addressed through the stormwater permit granted by HBRC referred to above.
- 3.68 At the hearing, Mr. and Mrs. Alexander on behalf of P and L Alexander Partnership gave a detailed presentation on the stormwater issues that affected their property and some possible solutions to those issues. Mr. Ehlers, a stormwater engineer, although not appearing as an expert witness⁷⁶, assisted Mr. and Mrs. Alexander in the technical aspects of their presentation.
- 3.69 We questioned Mr. Alexander and Mr. Ehlers during their presentation and it became apparent that the solutions to stormwater issues on Mr. Alexander's property required solutions downstream, rather than upstream, which is where our considerations of the MHL Plan Change lie. In response, to questions on the contribution of the stormwater from the Plan Change area to the existing issues on Mr. Alexander's property, Mr. Ehlers replied that there would be absolutely none.

⁷³ Hearing Statement, Mr G Ide, Hawkes Bay Regional Council, Para 3

⁷⁴ s42A Report, Para 14.8

⁷⁵ s42A Report, Para 14.2

⁷⁶ We record that we have not relied on Mr Ehlers as an expert witness.

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- 3.70 We explained, to Mr. and Mrs. Alexander at the hearing, that it was not within our jurisdiction to grant the relief sought in their submission and set out in their evidence, but was rather a matter that would need to be taken up with the HBRC and Hastings District Council.
- 3.71 In reply, Ms. Anstey was of the view that the management of stormwater within the MSCZ was appropriate and that the matters raised by Mr. Alexander at the hearing were outside the scope of the plan change.⁷⁷

Discussion and findings

- 3.72 In this case, we have set out the discussion above, as it effectively occurred during the hearing itself. Having considered the submissions and evidence on the issue of stormwater, we recommend that for the reasons set out above that submission points 13.2, 13.3 and 10.1 be rejected.

ISSUE 9 – Natural Hazards

- 3.73 The submission from HBRC sought the consideration of natural hazards in particular relevant to the Productive Rural Precinct and referencing the Hawkes Bay Civil Defence Emergency Management Hazard Information Portal for further information of hazards in the MSCZ.
- 3.74 In the s42A Report, Ms. Anstey specifically considered 'liquefaction' and the 'Tsunami Inundation Zone' material referred to in the HBRC submission against the Plan Change provisions. Ms. Anstey concluded that sufficient consideration to natural hazards had been undertaken with the residential development option being provided outside of existing coastal hazard and liquefaction risk zones.⁷⁸
- 3.75 At the hearing Mr. Ide for HBRC did not raise any matters above those in the Regional Council's original submission, other than to encourage us to consider the various hazards types in our deliberations.⁷⁹

Discussion and findings

- 3.76 Having considered the evidence of Ms. Anstey and Mr. Ide and reviewed the Plan Change AEE⁸⁰ we find that the Plan Change has had due consideration to natural hazards in its formulation, specifically observing that the development components are outside coastal hazard and liquefaction risk zones.
- 3.77 We note that the submission did not seek any amendment to the Plan Change.

⁷⁷ Reply Statement, Ms Anstey, Paras 13 - 15

⁷⁸ s42A Report, Para 15.12

⁷⁹ Hearing Statement, Mr Ide for HBRC, Page 2

⁸⁰ The Mission Special Character Zone Plan Change – AEE& Proposed Plan Change Description – Section 5.5, Page 37 - 40

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- 3.78 Our recommendation is that the HBRC submission point 13.5 be accepted in part.

ISSUE 10 – Māori Cultural Values and Consultation

- 3.79 Written submissions (all opposed to the Plan Change) on cultural values and consultation were received from:

- Ms T Eden (4.2)
- Te Taiwhenua o Te Whanganui ā Orotū - Mr. P Eden (17.1)
- Te Taiwhenua o Te Whanganui ā Orotū – Ms T Eden (18.2, 18.3)
- Moteo Marae – Mr. P Eden (16.1, 16.2)
- Moteo B2G2 Reserve – Mr. P Eden (15.1, 15.2)
- Waiohiki Marae Trustees (19.1)

- 3.80 All Māori submitters highlighted the lack of consultation with local iwi and hapū as a significant matter of concern, and urged that no further consideration of the Plan Change proposal be progressed until such consultation was undertaken. Furthermore, there was - at the time - no Cultural Impact Assessment (CIA) prepared with respect to the Plan Change, another matter of major concern raised by all Māori submitters. Likewise, until there was a CIA prepared submitters sought that no further action be taken on Plan Change 12. These were the two key factors in local Māori opposition to the Plan Change. However, there were no specific relief measures sought, other than perhaps to be consulted and to enable the preparation of a CIA.

- 3.81 We record that following the close of submissions, two CIA were prepared, one by the Taiwhenua o Te Whanganui ā Orotū and the other on behalf of mana whenua hapū Ngāti Pārau. The CIAs included recommendations made in the subsequent CIA's (referred to below) for, amongst other things, a cultural protocol for identifying and protecting sites of cultural significance.

- 3.82 In the s42A Report, Ms. Anstey recommended amendments to Objective 51b.3, a new Policy 51b.3.4⁸¹ and Design Outcome 3 and associated consequential amendments recognizing that CIAs acknowledge the relationship of mana whenua with their culture, traditions and ancestral lands, and which are recognised and provided for in accordance with Section 6(e) of the RMA.⁸²

- 3.83 At the hearing, Ms. Anstey, in introducing the Plan Change, having considered the pre-circulated evidence of Mr. McKay⁸³ agreed that

⁸¹ EIC, Mr. McKay, Para 58 – renumber to Policy 51b.3.6 to avoid confusion with existing Policy

51b.3.4

⁸² s42A Report, Reason for Recommendation following Para 16.14

⁸³ EIC, Mr McKay, Paras 58 - 59

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consequential changes to Chapter 51b under the heading '*Principle Reasons for adopting Objectives and Policies*' were appropriate and provided an amended s32AA assessment to address that matter.⁸⁴

- 3.84 Representatives of Te Taiwhenua o Te Whanganui ā Orotū spoke to their submission during the hearing. None of the other Māori submitters opted to do so. In summary, Te Taiwhenua o Te Whanganui ā Orotū is not opposed to the Plan Change provided there are safeguards in place to protect Māori cultural values, and sites of cultural significance are appropriately recognised through such things as signage, street names and art forms. The underlying principle of kaitiakitanga is to prevail. We agree.

Discussion and findings

- 3.85 Unlike Resource Consent hearings - where consultation is not a prerequisite, under s6 of the RMA - clause 3(1)(d) of the First Schedule of the RMA, however, requires local authorities to consult with tangata whenua when preparing a plan or policy statement, or a change to a plan or policy statement. It states that local authorities must consult: ... the tangata whenua of the area who may be so affected, through iwi authorities and tribal runanga.
- 3.86 That this requirement was considered by mana whenua hapū not have been fulfilled was seized upon by the Council and a meeting was convened with local hapū representatives soon after the submissions closing date. We understand this meeting went some way towards addressing the Council's apparent oversight, and was partly instrumental in modifying local Māori thinking on the Plan Change.
- 3.87 In addition, this "further consultation" resulted in the Council agreeing to the preparation of two CIA's, one by the Taiwhenua o Te Whanganui ā Orotū and the other on behalf of mana whenua hapū Ngāti Pārau. We acknowledge, and accept, the rationale that there are overlapping boundary issues in the rohe (area) that are best addressed through two separate CIA's.
- 3.88 In general, both CIA's support the Plan Change with some "conditions". They highlight the need for the Council, MHL and mana whenua hapū to work closely together to avoid, remedy or mitigate any potential adverse effects the Plan Change might have on Māori values. The key is the ability of mana whenua hapū - and wider iwi interests as appropriate - to be able to uphold their kaitiaki responsibilities through ongoing meaningful involvement in the development of Plan Change 12.
- 3.89 We note that at the hearing, MHL's Chief Executive, Mr. Peter Holley, supported the move for closer cooperation between the three key

⁸⁴ Appendix E – Annotated Plan Change Provisions, Amendment 10, Ms Anstey, 17 September 2018

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parties. Mr. Holley's contact with Mana Ahuriri (through people like respected kaumātua Piri Prentice) and Te Taiwhenua o Te Whanganui ā Orotū has been long standing and he was keen to build on that in the context of Plan Change 12. We would encourage the parties to continue to do so.

- 3.90 The s42A Report states that, *"The Plan Change area does not include any specific sites of significance to mana whenua identified in the Napier District Plan. However it is acknowledged that the area is of significance to mana whenua as further discussed in the CIAs."*⁸⁵
- 3.91 In response to our questions, Ms. Anstey in the reply statement recommended that Design Outcome 3 (Cultural Values and Archaeology) be amended and the Cultural Values component be shifted to a new Design Outcome 4 (Māori Cultural Values) to better reflect the fact that the two concepts,⁸⁶ whilst often interrelated, are different fields of knowledge and therefore should be treated as such. In doing so, Māori cultural values, particularly those unrelated to archaeology are given appropriate recognition. Ms. Anstey considered that this amendment was more clarification than substance and that repositioning was within the scope of the original submissions. We concur.
- 3.92 In relation to the issues of cultural values and consultation, for the reason set out above, we find that the amendment to Objective 51.b.3 is the most appropriate in achieving the purpose of the RMA, considering the alternatives available to us and as expanded on in **Appendix 2**. Similarly, as to the provisions, the new policy (renumbered 51b.3.6), and the wording under the heading *'Principle Reasons for adopting Objectives and Policies'* we find that the amendments the most appropriate in achieving the objectives and as expanded on in **Appendix 2**.
- 3.93 We therefore recommend that submission points 15.2 and 19.1 be accepted and that submission points 4.2, 15.1, 16.1, 16.2, 17.1, 18.2 and 18.3 be accepted in part, as detailed in **Appendix 1**.

ISSUE 11 – General Matters

- 3.94 The submission from G O and PMA Eyles (8.1, 8.2) was in general support and did not seek any amendments to the Plan Change. However, the submission identified the eucalyptus plantation behind the Mission as a fire hazard and sought that the plantation be removed prior to development.

⁸⁵ S42A Report, Para 19.18

⁸⁶ Reply Statement, Para 17

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- 3.95 Ms. Anstey noted that the Plan Change does not involve the removal of the eucalyptus plantation.⁸⁷ At the hearing, in response to our questions, Ms. Anstey's view was that the relief sought was not on the Plan Change itself and that the submission was therefore out of scope. We agree. The matter is an operational one and not within our jurisdiction to address. As such, we recommend that submission be rejected.
- 3.96 Submission point 4.1, from Ms. T Eden expressed concern with the number of precincts and residential allotments, the discretionary activities allowed within the plan change, the code of practice regarding density and lot sizes, the landscape and visitor precincts, the impact of the development on the Taipo Stream and esplanade, archaeological sites and further tourism in the area. No specific relief was sought in the submission.⁸⁸
- 3.97 In the s42A Report, Ms. Anstey noted that the number of residential allotments and the density and lot sizes are consistent with the main residential zone of the Napier District Plan. Mr. McKay in evidence, agreed with that assessment.⁸⁹ We were not presented with any evidence to the contrary. As such, we recommend that submission point be rejected.
- 3.98 During the hearing we sought clarification on a number of provisions. In particular, Policy 51b.5.2 which on literal reading, appeared to require the Council to implement and retain woodland planting within the zone. In response, Mr. McKay noted that all policies in the District Plan are prefaced with the wording, "*To achieve this objective the Council will:*". Mr. McKay recommended an amendment to clarify the policy⁹⁰ which was endorsed by Ms. Anstey as being a matter that could be addressed under Clause 16 of the First Schedule of the RMA.⁹¹
- 3.99 We agree. The recommended amendment to Policy 51b.5.2 is set out in **Appendix 2**.

4. STATUTORY CONSIDERATIONS

- 4.1 Drawing on consideration of the Plan Change material, the submissions and further submissions, and the evidence presented, in this section of our report we address the statutory requirements outlined at the beginning of Section 3 above.

⁸⁷ s42A Report, Para 8.1

⁸⁸ s42A Report, Para 18.1

⁸⁹ EIC, Mr. McKay, Para 61

⁹⁰ Supplementary Evidence, Mr McKay, Paras 15 - 16

⁹¹ Reply Statement, Ms. Anstey, Paras 18 - 20

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- 4.2 We have adopted a thematic approach to presenting our findings in this respect, using the Colonial Vineyards criteria as a guide. In particular, we rely on (and do not repeat) the detailed reasoning in Section 3 in providing what is essentially a 'high level' response to the criteria and questions prompted by the Colonial Vineyards case. We record that in submissions and in evidence that no party provided expert planning evidence to challenge the effectiveness of the objectives or provisions in giving effect to the higher order documents or to the appropriateness of the objectives in achieving the purpose of the RMA, or the appropriateness of the provision in achieving the objectives. We also record that for the most part, Ms. Anstey⁹² and Mr. McKay⁹³ as planning experts were aligned in their views on these matters.

Are the proposed objectives the most appropriate way to achieve the purpose of the Act?

- 4.3 The Plan Change includes new objectives for the Mission Special Character Zone 51.b.3, 51b.4 and 51b.5 that collectively retain the landscape, heritage, archaeological and amenity of the values of the area, while enabling residential, tourism and recreational opportunities in the context of important landscape character backdrop of the eastern hills.
- 4.4 In our view, and for the reasons outlined in Section 3, these objectives are the most appropriate means to achieve the Act's sustainable management purpose in respect of future development the MSCZ.
- 4.5 In particular, the Plan Change objectives establish outcomes for the use, development, and protection of natural and physical resources of the areas in a way that enables enhanced social, economic, and cultural well-being. The Plan Change objectives are also designed to sustain the potential of those resources to meet the needs of future generations, while avoiding or mitigating any adverse environmental effects.
- 4.1 In reaching these findings, we are also satisfied the Plan Change has regard to section 7(c) and 7(f) and in particular that the amendment to Objective 51b.3 to include the word 'cultural', reflects the significance of the area to mana whenua with respect to cultural values and the requirements of section 6(e) and 7(a) of the RMA.

Are the provisions the most appropriate way to implement the "objectives," having regard to their efficiency and effectiveness, actual and potential environmental effects and reasonable alternatives?

⁹² s42A Report, Paras 19.1 – 19.28

⁹³ EIC, Mr McKay, Paras 62 - 66

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- 4.2 As set out our evaluation in Section 3, we find that the proposed provisions have been explicitly designed to be effective and efficient at implementing both the proposed and settled objectives of the Plan. Broadly, the policies align to each of the three objectives.
- 4.3 Our evaluation in Section 3 finds that the rules effectively and efficiently implement that policy direction through a range of activities, standards and resource consent requirements (including the type of activity status) that apply across the Productive Rural, Rural Residential, Residential and Landscape and Visitor precincts. In addition, we find that the Design Outcomes and Structure Plan a crucial to the effective implementation of the policy direction.
- 4.4 As described in the issue evaluation above, and in **Appendix 2**, the amendments to the provisions arising since notification have been made for the purposes of improving clarity and/or effective implementation.
- 4.5 We have also assessed alternative methods to implement the Plan Change objectives as proposed by some submitters, but find that they are in general less effective and/or efficient in the implementation of the objectives. The main exception relating to the issue of Esplanade Reserve provision around the Taipo Stream.
- 4.6 For these reasons, we find that the proposal is more appropriate than the status quo, being for the most part the Western Hills Residential Zone at achieving the plan's settled and proposed objectives on the whole.

Is the Plan Change designed to accord with, and assist the Council to carry out its functions so as to achieve the purpose of the Act?

- 4.7 Plan Change 12 involves the establishment of methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources for the MSCZ within Napier City. In addition, the Plan Change aims to control the actual or potential effects of the use, development, or protection of land particularly in relation to retention of the productive flat land and the enabling of development whilst preserving the landscape qualities of the escarpment to the rear of the Mission Estate.
- 4.8 Accordingly, we find that the Plan Change is designed to accord with and assist the Council to carry out its s31 functions.

Does the Plan Change give effect to any NPS or the NZCPS?

- 4.9 The NZCPS, the National Policy Statement for Urban Development Capacity (NPS-UDC) are both relevant to the Plan Change.

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- 4.10 We consider the NZCPS in particular in relation to hazards above. In addition, in the s42A Report, Ms. Anstey considered that the NPS – UDC is implemented through the sub-regional HPUDS 2017 with the MSCZ assisting NCC in meeting its obligations under that NPS.⁹⁴ Mr. McKay, concurred with that assessment.⁹⁵ We consider that there are no additional amendments required to give effect to the NZCPS and NPS-UDC than the notified provisions.

Does the Plan Change give effect to the Regional Policy Statement?

- 4.11 As noted above, no party contended that the operative District Plan gives effect to the Regional Policy Statement (RPS). We contrast this with the evaluation in the Plan Change supporting documents and the evidence of Ms. Anstey and Mr. McKay that the Plan Change provisions give effect to the RPS.

Is the Plan Change consistent with any regional plans or proposed regional plans?

- 4.12 No party challenged consistency of the Plan Change with the Hawke's Bay Regional Resource Management Plan. This not surprising given the separate functions of regional councils and territorial authorities as set out under s30 and s31 of the RMA. With no evidence to the contrary, we consider that the Plan Change is not inconsistent with the HBRC regional plan or proposed regional plans.

What (if any) regard should be given to relevant management plans and strategies under other Acts, including any relevant entry in the Historic Places Register?

- 4.13 We have already addressed the Pouhere Taonga Act 2014 in Issue 6 above, noting that it imposes separate legal obligations as to any later development works.
- 4.14 In addition, we have also discussed the HPUDS 2017 above, noting that the Plan Change area is identified in that strategy and similarly that the proposal will facilitate the provision of additional housing generally consistent with the strategy.
- 4.15 In our evaluation, and for the reasons set out in Section 3 above, we find the Plan Change is consistent with the overall direction set out in the HPUDS 2017.

⁹⁴ s42A Report, Paras 19.4 – 19.5

⁹⁵ EIC, Mr McKay, Para 62

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To what extent does the District Plan need to be consistent with the plans or proposed plans of adjacent territorial authorities?

- 4.16 Part of the western edge of the proposed MSCZ, is on the territorial authority boundary between NCC and Hastings District Council. The precinct of the proposed MSCZ at the boundary is Rural Residential. This precinct has similar provisions to that of the Rural Residential Zone in the operative Napier City District Plan. Given there is effectively no change as to the potential outcomes, that being a potential Rural Residential environment, we are satisfied that the proposal has had sufficient regard to the extent to which it needs to be consistent with the Hastings District Plan.

5. OVERALL RECOMMENDATION

- 5.1 Based on our consideration of all the material before us, including the section 42A report, submissions, further submissions, cultural impacts assessments, evidence presented at the hearing and following consideration of the requirements of Section 32 and other relevant statutory matters, we recommend to the Council that:
- (a) the Plan Change be accepted as notified except where it is to be amended as shown in **Appendix 2** and that all submissions on the Plan Change be accepted or rejected to the extent set out above (and summarised in **Appendix 1**); and
 - (b) pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991, Council give notice of its decision on submissions to Plan Change 12.



M L St.Clair
Independent Hearing Commissioner (Chair)



R Kirikiri
Independent Hearing Commissioner

24 October 2018

APPENDIX 1 - Plan Change 12: Mission Special Character Zone Commissioners' recommended decisions by issues, submissions and submitter points

Submission Topic – Visual Amenity, Issue 1	
Submitters	Plan Provision(s)
2. Anthony Kite (2.2,2.3,2.4), 6. Tony Brightwell (6.1), 7. Merv McNatty (7.2, 7.4)	Appendix 26A, Design Outcomes 1,5,7,11,16 and 20, Residential Precinct Rules
Summary of Submission Points	Commissioners' Recommendation
2.2 Suggests the location of the bridle path and green screen are adjusted to take into account any road improvement changes.	Accept
2.3 Suggests planting of the green screening belt (Puketitiri Road buffer strip) occurs prior to the commencement of the subdivision.	Accept
2.4 Suggests that the area of development adjacent to the Puketitiri Rd contain a larger minimum lot size as per the Western Hills Residential Zone – 1500m ² .	Reject
6.1 Concerned about residential houses being viewed from Church Road and impact this will have on property values. Suggests reconsideration of zoning to a large zone in the immediate area surrounding the Mission Estate, 200-300m from the Grande Maison Building.	Reject
7.2 Suggests a 5 metre vegetation strip (ideally native) planted along the boundary of neighbouring properties zoned rural, in particular 266 Puketapu Road.	Reject
7.4 Suggests that the developer incorporates native plantings wherever possible to support wildlife.	Accept in part
Further Submitter	
X2 MHL Holdings	
Summary of Further Submission Points	
X2 - 2.4 There is no justification for the requested larger lot sizes adjacent to Puketitiri Road with the mitigation provided by the Buffer Reserve (as identified on the Structure Plan map and as specified in Design Outcome 11), therefore the submitters concerns are mitigated by the Structure Plan and Plan Change as it stands.	Accept
X2 - 6.1 Plan Change 12 includes substantial planting of the eastern hill face to screen any view of the development from Church Road and therefore mitigates the visual effects that the submitter is concerned about.	Accept
X2 – 7 The concerns raised by the submitter are addressed in the plan change documentation which shows that the effects are suitably mitigated/managed by the plan change as it stands.	Accept

Submission Topic – Visual Amenity, Issue 1	
Submitters	Plan Provision(s)
7. Merv McNatty (7.1, 7.3)	Appendix 26A, Design Outcome 7
Summary of Submission Points	Commissioner Recommendation
7.1 Suggests the plan change consider the number, density and location of buildings/platforms to retain and protect adequate rural amenity value in terms of adverse visual, noise, landscape and environmental effects on neighbouring properties zoned as rural.	Accept in part
7.3 Requests development is adequately mitigated through the use of vegetation and recessive building materials and colours.	Accept
Further Submitter	
X2 MHL Holdings	
X2 - 7.1 Plan Change 12 does not include a change in planning status to the land adjoining the submitters boundary, it is currently zoned Rural Residential and is now proposed as Rural Residential Precinct within the Mission Special Character Zone. Any subdivision of that area will be subject to the relevant district plan provisions including the Structure Plan Design Outcomes. The suggested amendment to Design Outcome 1 in response to submission 3 would also be beneficial in addressing the concerns of this submitter.	Accept in part

Submission Topic – Visual Amenity, Issue 1	
Submitters	Plan Provision(s)
7. Murray Arnold (3.1, 3.2)	Appendix 26A, Design Outcome 1, 20
Summary of Submission Points	Commissioner Recommendation
3.1 Suggests that the southern revegetation belt on the boundary between the residential precinct and the rural residential precinct be a minimum of 20m wide and included in the 'indicative open space including reserve areas' to be vested in Council to ensure retention and protection of this area on an ongoing basis.	Accept in part
3.2 Suggests specific assessment criteria for the establishment and ongoing maintenance of the revegetation belt is achieved through strengthening of Design Outcome 20.	Accept
Further Submitter	
X2 MHL Holdings	
X2 - 3.1 Structure Plan Design Outcomes 1 and 20 in combination require that the components of the green network shown in the structure plan will have been planted, including a 20m wide band of vegetation on the southern side of the residential precinct that would be enforced by subdivision consent conditions.	Accept

Submission Topic – Productive Rural Zone Rules, Issue 2	
Submitter	Plan Provision
12. Hawkes Bay Fruit Growers Association (12.1, 12.2)	51b.1, 51b.2.4, 51.b.2.6, 51.b.3.5, 51.b.4.3, 51b.4.3c, 51b.6(10) and 51b.16a 51b.17
Summary of Submission Points	Commissioner Recommendation
12.1 Suggests consistency in wording by updating all references to 'versatile and/or productive soils' to 'versatile and/or productive land' as Horticulture NZ define land as a more encompassing term.	Accept
12.2 Suggests that Places of Assembly be moved from discretionary activity status to non-complying status.	Reject
Further Submitter	
X2 MHL Holdings	
X2 - 12.1 MHL Holdings agree with suggestion to replace references to 'versatile and / or productive soils' with 'versatile and / or productive land' throughout the Plan Change 12 District Plan provisions.	Accept
X2 - 12.2 Discretionary activity status in the Rural Productive Precinct carries over the existing activity status from the Main Rural Zone, being its current zoning. Given the history of the site and its association with the Church and that a discretionary activity requires a full assessment against all relevant district plan objectives and policies, MHL considers a 'discretionary activity status' for a Place of Assembly as appropriate.	Accept

Submission Topic – Esplanade Reserves, Issue 3	
Submitter	Plan Provision
13. Hawke's Bay Regional Council (13.4)	Appendix 26A - Design Outcome 21, Chapter 66 Code of Practice 6.1.3(4)
Summary of Submission Point	Commissioner Recommendation
13.4 Suggests the proposed Plan Change 12 is amended to provide a reserve corridor alongside the Taipo Stream to provide for maintenance and enhancement of the stream corridor for drainage purposes and to support ecological values. Or alternatively, retain provisions 6.1.3.(4) in Vol 2 of current District Plan.	Accept in part
Further Submitter	
X2 MHL Holdings	
X2 - 13.4 The requested amendment for a widened esplanade reserve along the Taipo Stream is not supported on the basis that a 6m wide easement is proposed by Structure Plan Design Outcome 21 for stormwater management. Public access is better provided for by the proposed track network than an esplanade reserve.	Reject

Submission Topic – Infrastructure Services, Issue 4	
Submitters	Plan Provision
5. Lynne Anderson (5.1), 14. Powerco Ltd (14.1)	No specific provision identified
Summary of Submission Points	Commissioner Recommendation
5.1 Concerned that Napier infrastructure and services, especially health services, roads and education services etc. cannot support the proposed number of new households. Suggests these services need to be further developed before new households are built.	Reject
14.1 Suggests adequate time be given to Powerco to enable forward planning for the provision and laying of new gas supply pipes prior to the establishment of above ground assets. Requests that gas supply infrastructure be coordinated with other utilities to ensure orderly and timely provision of gas supply.	Accept in part
Further Submitter	
X2 MHL Holdings, X1 Powerco	
X2 - 5.1 The Residential Precinct within the MSCZ is consistent with HPUDS. HPUDS is the strategic residential growth document upon which infrastructure and service providers can base their long-term planning. The Ministry of Education have been consulted with regarding local schools and have factored the anticipated population growth into their long term planning.	Accept
X2 - 14.1 Plan Change 12 does not prevent gas supply to the Mission Special Character Zone. No amendments to the Plan Change are requested by this submission and MHL acknowledges the request to coordinate gas supply infrastructure.	Accept
X1 – 5.1 Powerco support the submission point that services need to be further developed before new households are built as this aligns with Powerco's submission regarding the provision of gas infrastructure to new residential areas.	Accept

Submission Topic – Traffic, Issue 5	
Submitters	Plan Provision
1. Keith Moretta, (1.1) 2. Anthony Kite (2.1), 5. Lynne Anderson (5.2)	Appendix 26A Design Outcome 6
Summary of Submission Point	Commissioner Recommendation
1.1 Concerned about visibility for traffic entering and exiting subdivision from both proposed entrances on Puketitiri Road. Suggest speed controls in the form of a reduced speed limit or turning lanes, roundabout or modification of road to improve visibility at both entrances proposed on Puketitiri Road.	Reject
2.1 Would like speed and accident problem on the section of road between Poraiti Road and the new entranceway addressed through road widening and modification of corner. Suggests speed problem be addressed through reduced speed restrictions and/or roundabouts.	Reject
5.2 Suggests road connection with Puketapu Road to avoid congestion on Church Road.	Reject
Further Submitter	
X2 MHL Holdings	
X2 – 1.1 The traffic issues raised by the submitter are addressed in the report prepared by the Traffic Design Group which shows that the effects of the increased traffic generated by the future residential development will be appropriately managed by the existing roading network and mitigated by the proposed entrance designs.	Accept
X2 - 2.1 The traffic issues raised by the submissions are addressed in the Traffic Design Group Report which shows that the effects of the increased traffic generated by the future residential development will be appropriately managed by the existing roading network and mitigated by the proposed entrance designs.	Accept
X2 - 5.2 The traffic assessment confirms that Church Road can adequately accommodate the additional traffic generated	Accept

Submission Topic – Archaeology, Issue 6	
Submitter	Plan Provision
11. Historic Places Hawkes Bay (11.2)	Appendix 26A – Design Outcome 3
Summary of Submission Point	Commissioner Recommendation
<p>11.2 Suggests the following if Plan Change 12 is approved: -</p> <ul style="list-style-type: none"> • an updated archaeological report • further archaeological surveying undertaken prior to any earthworks 24 • archaeological monitoring during earthworks and excavation to identify any current unrecorded sites • The developer observes hapū-driven protocols if any undiscovered taonga is unearthed during any ground disturbance. 	Accept in part
Further Submitter	
X2 MHL Holdings	
X2 - 11.2 Design Outcome 3 states that an updated archaeological assessment will be submitted at the time of subdivision and would incorporate a protocol for taonga being unearthed from an unidentified archaeological site during earthworks (an accidental discovery protocol).	Accept

Submission Topic – Heritage, Issue 7	
Submitter	Plan Provision
11. Historic Places Hawkes Bay (11.1)	Appendix 26A – Design Outcome 3
Summary of Submission Point	Commissioner Recommendation
11.1 Suggests that the Grande Maison building and the Observatory pedestal be listed as items of heritage significance in the Napier District Plan, as part of the plan change.	Reject
Further Submitter	
X2 MHL Holdings	
X2 - 11.1 The Grande Maison's heritage and landscape significance is recognised in the objectives, policies and Structure Plan Design Outcomes of the Mission Special Character Zone (Design Outcome 15), it is not a building listed by Heritage NZ, is not original to its site and has been altered internally over the years, so the proposed Mission Special Character Zone provisions provide the appropriate level of protection. The observatory pedestal is protected by the Mission Special Character Zone provisions (Design Outcome 3).	Accept

Submission Topic – Stormwater, Issue 8	
Submitter	Plan Provision
13. Hawke's Bay Regional Council (13.2, 13.3), 10. P and L Alexander Partnership (10.1).	Appendix 26A, Design Outcome 2
Summary of Submission Point	Commissioner Recommendation
13.2 Express doubts as to the adequacy of current technical reports regarding addressing stormwater discharge issue. Suggests further information and/or that re-evaluation of stormwater discharge parameters are made to address stormwater concerns raised by HBRC Asset Managers.	Reject
13.3 Suggests Napier City Council ensure that the capability of existing stormwater and wastewater infrastructure avoids further incidences of contaminated stormwater into the Ahuriri Estuary.	Reject
10.1 Suggests that work is done to the Springfield culvert so that it is able to accommodate an increase in stormwater generated by the Mission development. Concerned that the increase in impervious surfaces as a result of the Mission development will create flooding issues in the Tarirau catchment (land immediately to the west of the proposed development).	Reject
Further Submitter	
X2 MHL Holdings	
X2 - 13.2 MHL have met with the Hawke's Bay Regional Council with reference to the stormwater issues and have agreed an approach to modelling and stormwater storage pond design with the results showing that there are no downstream effects of the discharge from the development. A consent process for the stormwater discharge is nearing completion.	Accept
X2 - 10.1 MHL have met with the submitter to discuss their concerns. Stormwater modelling shows no downstream effects from the development and the Hawke's Bay Regional Council resource consent process for the stormwater discharge is nearing completion. The resource consent and its conditions to be issued by the Regional Council will ensure that any adverse effects resulting from stormwater runoff on downstream properties are avoided or mitigated.	Accept

Submission Topic – Natural Hazards, Issue 9	
Submitter	Plan Provision
13. Hawkes Bay Regional Council (13.5)	No specific provision identified
Summary of Submission Point	Commissioner Recommendation
13.5 Suggests consideration of natural hazard risks including considering enhanced foundation requirements in areas susceptible to liquefaction, restricting critical facilities in tsunami inundation areas and protection of tsunami evacuation routes. Submission notes that contaminated land assessments are required for any change in land use although no specific relief sought.	Accept in part
Further Submitter	
X2 MHL Holdings	
X2 - 13.5 Natural Hazard avoidance is one of the strongest justifications for the subdivision and the hazards referred to by the submitter are only relevant to the Productive Rural Precinct where there is no provision for residential development. The NES for Soil Contamination would also only be primarily relevant to the Productive Rural Precinct where there is no provision for residential development.	Accept

Submission Topic – Cultural Values and Consultation, Issue 10	
Submitter	Plan Provision
4. T Eden (14.2), 15. Moteo B2G2 Reserve (15.1, 15.2), 16. Moteo Marae (16.1, 16.2), 17. Te Taiwhenua o te Whanganui ā Orotū (Tania Eden)(17.1) 18. Te Taiwhenua o te Whanganui ā Orotū (Peter Eden) (18.2), 19. Waiohiki Marae Trustees (19.1) 11. Historic Places Hawke's Bay (11.3).	No specific provision identified
Summary of Submission Point	Commissioner Recommendation
4.2 Opposes the plan change until full consultation with the community and tangata whenua occurs	Accept in part
15.1 Opposes Plan Change from a Māori cultural perspective, under section 6 of the RMA. There has been no consultation with local hapū associated with Moteo Marae (Ngāti Hinepare, Ngāti Mahu, Ngāi Tawhao).	Accept in part
15.2 Requests that a Māori Cultural Impact Assessment be undertaken with consultation to enable local hapū to voice concerns in regard to kaitiakitanga.	Accept
16.1 Opposes all matters relating to the environs of the proposed development, impact on environment and cultural significance of the area. In particular sites of cultural significance, wāhi tapu, kumara pits and historical sites.	Accept in part
16.2 Opposes plan change until full and comprehensive consultation is carried out with local marae, local hapū, iwi groups and members of the community.	Accept in part
17.1 Opposes all matters pertaining to the environs of this development. Suggests immediate consultation with the local hapū, local marae (including Moteo Marae and other iwi groups impacted by this development.	Accept in part
18.2 Concerned about the impact of urban development and liaison with tangata whenua, impact on sites of cultural significance, impact on landscapes and codes of practice regarding lot size and density.	Accept in part
18.3 Suggests that plan change is not progressed until full consultation is carried out with affected parties including the community and local hapū.	Accept in part
19.1 Requests a cultural impact assessment be undertaken on behalf of Ngāti Pārau.	Accept
11.3 Suggests a cultural impact report be undertaken as part of an updated archaeological assessment report.	Accept in part
Further Submitter	
X2 MHL Holdings	
X2 - 15.1, 15.2, 16.1, 16.2, 17.1, 18.2, 18.3, 19.1 and 11.3. The concerns raised by these submitters are partially addressed in the archaeological report appended to the Plan Change documentation which concludes that archaeological effects can be suitably mitigated by the plan change as it stands and in association with the requirements of the Heritage New Zealand Pouhere Taonga Act 2014. Section 42 of that Act protects both recorded and unrecorded archaeological sites from modification or destruction. If an application is made under that Act for an archaeological authority, section 46 requires that an assessment of the 'archaeological, Māori, and other relevant values' is provided, as is a statement regarding the consultation undertaken with tangata whenua.	Accept in part

Submission Topic – General Matters, Issue 11	
Submitter	Plan Provision
4. Tania Eden (4.1), 8. Garth Eyles (8.1, 8.2), 9. Marist Holdings (Greenmeadows) Ltd (9.1), 12. Hawke's Bay Fruitgrowers Association (12.3), 13. Hawke's Bay Regional Council (13.1).	No specific provision identified
Summary of Submission Point	Commissioner Recommendation
4.1 The number of precincts and residential allotments, the discretionary activities allowed with the plan change, the code of practice regarding density and lot sizes, the land scape and visitor precincts, the impact of the development on the Taipo stream and esplanade, archaeological sites and further tourism in the area.	Accept in part
8.1 General support of the plan change and its development objectives.	Accept
8.2 Concerned with fire risk posed by the eucalyptus plantation behind the Mission Winery and requests removal of trees before development.	Reject
9.1 Supports plan change in its entirety. Suggests Council approve the Plan Change in accordance with the version notified and that any consequential changes as a result of submissions do not alter the intent of the plan change	Accept
12.3. Submitter supports the potential of the plan change to offer elevated housing opportunities to enhance residential developments in Napier	Accept
13.1 Supports Plan Change 12 in so far as it meets the needs identified through the Heretaunga Plains Urban Development Strategy, subject to further assessments as outlined in policies UD10.1, UD10.3, UD10.2 and UD12.	Accept
Further Submitter	
X2 MHL Holdings, X3 Te Taiwhenua o Te Whanganui ā Orotū, Moteo Marae, X4 Chey Dearing	
X2 – 8.2 Issue related to fire risk of eucalyptus plantation is considered an operational issue rather than a plan change matter and is noted by MHL.	Accept
X3 Submission opposed on that grounds outlined in the previous submissions made and secondly based on previous consultation excluding hapū and mana whenua.	Accept in part
X4 Requests a new policy be included in the plan change to further protect the landscape and amenity values of the Taradale Hills	Further Submission Struck out under s41D of the RMA (see paragraph 2.11 of Recommendation Report)

APPENDIX 2 – Updated s32AA Table - Summary of recommended changes to notified provisions

KEY TO ANNOTATIONS: additions are shown as underlined - deletions are shown as struck through

This table represents the Panel's assessment as required under Section 32AA of the RMA and it draws on and adopts in part or in full the section 32 (Plan Change Component) and officer's S32AA assessment.

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
1.	Part 10 – District Plan Appendices	Appendix 26A – Mission Special Character Zone, Design Outcome 7	<p>Amend the following:</p> <p>Design Outcome 7: Design Manual and Review Process</p> <p>A design manual and design review process is to be implemented to ensure houses contribute positively to the streetscape and character of the Residential Precinct. The design manual is to be submitted with the first subdivision consent application involving land within the Residential Precinct and be given effect to by way of condition of consent. The design review process is to be administered by Marist Holdings (Greenmeadows) Ltd or successor – be a condition of subdivision consent – enforced by consent notice on the title of each residential allotment. Napier City Council's role will be to certify that the process is followed in accordance with the condition. The Design Manual will be assessed on its ability to ensure that built development within the Residential Precinct will give effect to the objectives and policies of the Mission Special Character Zone and in particular objective 51b.4 and policy 51b.4.2. The Design Manual is to include design principles and guidelines which buildings are to be assessed against in the design review process. It is to address such matters as:</p> <ul style="list-style-type: none"> Relationship of house to street (i.e. including such matters as setbacks, orientation of entrance to the street, provision of windows overlooking street). House design and appearance (e.g. the design guide is to set out themes characteristic of Napier houses; design principles such as variety, use of materials characteristic of the area, modelling of façade and roof forms to create interest to streetscape <u>and the use of recessive building and colours to mitigate the effects of the development in the Prominent Visual Development Area</u>). Garaging (including avoidance of visual dominance of garage doors, maximum garage door width as proportion of house width, setbacks from the street, – but also including instances where garages may be appropriate close to the street boundary as part of the distinctive character of the precinct). Landscape design (including street fencing and contribution of trees in front yards to streetscape). Specific guidelines and design principles for the Neighbourhood Centre (see Design Outcome 9). 	<p>Reason for the Proposed Amendment This amendment introduces a new explanation of what to include in the Design Manual for the Prominent Visual Development Area within the Residential Precinct. The use of recessive building materials and colours is a technique to integrate buildings within the landscape and to avoid buildings that contrast with, and dominate the landscape, to ensure natural values are maintained.</p> <p>Evaluation of the Proposed Amendment: <i>Scale and significance</i> The proposed amendment better aligns the design outcomes in achieving the Mission Plan Change and District Plan objectives and policies for the residential precinct (51b.3, 51b.3.1) and Residential Environments (4.2, 4.2.3, 4.2.4). The scale of significance is considered low.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> This amendment is appropriate as it more clearly aligns the explanation with the intent of Design Outcome 7 which is specifically relevant to the Residential Precinct.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
2.	Part 10 – District Plan Appendices	Appendix 26A – Mission Special Character Zone Design Outcomes – Design Outcome 21.	<p>Insert the following:</p> <p><u>New Design Outcome 22: Rural Residential Design Manual (with any consequential renumbering)</u></p> <p><u>A design manual is to be implemented to ensure houses in the rural residential precincts contribute positively to the landscape of the Mission Special Character Zone. The design manual is to be submitted with the first subdivision consent application involving land within the Rural Residential Precincts and be given effect to by way of condition of consent. The design review process is to be administered by Marist Holdings (Greenmeadows) Ltd or successor – be a condition of subdivision consent – enforced by consent notice on the title of each rural residential allotment. Napier City Council's role will be to certify that the process is followed in accordance with the condition. The Design Manual will be assessed on its ability to ensure that built development within the Rural Residential Precincts will give effect to the objectives and policies of the Mission Special Character Zone, in particular objectives 51b.3 and 51b.4 and policies 51b.3.1 and 51b.4.5. The Design Manual may form part of the residential precinct design manual but is to include design principles and guidelines which buildings in the rural residential precinct are to be assessed against in a design review process. It is to address such matters as:</u></p> <ul style="list-style-type: none"> • <u>Relationship of house to landscape to retain and protect rural amenity values</u> • <u>House design and appearance (e.g. design principles such as the use of recessive buildings and colours to mitigate visual amenity affects)</u> • <u>A site analysis plan to indicate the defining attributes and features of the sites immediate surroundings e.g. contours, roads, reserves and walkways, waterways and wetlands</u> • <u>Landscape design to provide a visual buffer</u> • <u>Consideration of rural heritage values (i.e. the traditional farming buildings and yards on the Church Road frontage)</u> 	<p>Reason for the Proposed Amendment</p> <p>It is proposed to add a new Design Outcome introducing a Design Manual and Design Review process to the Rural Residential Precinct. The amendment more effectively responds to the significant landscape features identified and recommended for the 'Western Hills' in the Napier Landscape Assessment Report (July 2009). The Rural Residential Precinct provides opportunity for development in areas that are no less sensitive than other visually prominent areas of the MSCZ.</p> <p>Evaluation of the Proposed Amendment:</p> <p><i>Scale and significance</i></p> <p>The amendment refines the Plan Change's approach in aligning the design outcomes with the objectives. The scale of significance is considered low to moderate.</p> <p><i>Costs and benefits</i></p> <p>Although not quantified, the costs of requiring a Design Manual and Review process for the Rural Residential Precincts would be an increase over the provisions as notified through increased regulation. This has been weighed against the benefits in minimising the potential visual effects on properties as viewed from adjacent properties and within the precinct itself.</p> <p><i>Appropriateness</i></p> <p>The new policy will provide guidance in the development of dwellings in the visually prominent areas of the Rural Residential Precinct in the MSCZ. The amendment is appropriate in achieving the settled objectives in the Plan Change.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
3.	Part 10 – District Plan Appendices	Appendix 26A - Mission Special Character Zone Design Outcomes – Design Outcome 1.	<p>Amend Design Outcome 1, bullet point 4:</p> <ul style="list-style-type: none"> Connected corridors of restored <u>and maintained</u> indigenous vegetation – particularly on South facing slopes. <p>New bullet point added to Design Outcome 1</p> <p><u>Planting of a band of indigenous vegetation (nominally 20m wide) on the south side of the Residential Precinct to soften views of housing, and provide shelter, in the event the existing pine plantation is removed.</u></p>	<p>Reason for the Proposed Amendment The inclusion of the word 'maintained' seeks to ensure certainty of the maintenance of the bands of revegetation on the south facing slopes primarily of the Residential Precinct identified in the structure plan.</p> <p>Repeating the bullet point of Design Outcome 20 in Design Outcome 1 is necessary as Design Outcome 1 applies to the whole zone while Design Outcome 20 is specific to the Landscape & Visitor, Rural Production and Rural Residential Precincts.</p> <p>Evaluation of the Proposed Amendment: <i>Scale and significance</i> The amendments are largely for clarification purposes rather than substance. The scale of significance is considered low.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> These amendments are appropriate in that more clearly align the Design Outcome with the Objectives as well as linkage between the Design Outcome and Structure Plan. This will reinforce the coherence of the Plan and be efficient and effective in improving the administration of the Plan.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
4.	Chapter 51b	51b.1, 51b.2.4, 51.b.2.6, 51.b.3.5, 51.b.4.3, 51b.4.3c, 51b.6(10) and 51b.16a 51b.17	Update all references in Chapter 51b from 'versatile and productive soils' to 'versatile and productive <u>land</u> '	<p>Reason for the Proposed Amendment This amendment aligns terminology with Horticulture NZ, Heretaunga Plains Urban Development Strategy 2017 and the Regional Policy Statement that references the protection of versatile land in favour of terminology concerned with versatile soils. It is more encompassing of all factors influencing versatility, rather than just soils.</p> <p>Evaluation of the Proposed Amendment: <i>Scale and significance</i> The amendments are largely for clarification purposes, and considered to be of low significance.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> This amendment is efficient and effective in improving the administration of the plan change provisions and alignment with the higher order provisions.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
5.	Chapter 66 Code of Practice	6.1.3(4)	<p>Delete the following:</p> <p>4. The esplanade reserves for the Taipo Stream shall be 6 metres and 20 metres, except for where it traverses the Mission Special Character Zone where there is no esplanade reserve requirement as shown on Appendix A4 attached.</p> <p><u>Note: Design Outcome 21 in the Mission Special Character Zone Structure Plan provides for a 6m easement for maintenance and stormwater management purposes</u></p> <p><u>Update 6.1.3(4) with the following:</u></p> <p><u>The esplanade reserves for the Taipo stream shall be 6 metres and 20m metres as shown on Appendix A4 attached. Consideration of the need to apply the esplanade reserve for the Mission Special Character Zone shall only apply in the following circumstances (albeit with the exception listed below). Any subdivision application for land Comprised in (either Lot 1 DP 27138 held in Certificate of title W3/453 W1/63 and/or Part Lot 2 DP25932 held in certificate of title HBW1/63 (as at 12 September 2018) which falls within the Productive Rural, and/or Landscape & Visitor, and/or Rural Residential (fronting Church Road) Precincts where sites of less than 4ha are created within 100m of the Taipo Stream. The exception to this provision is that no esplanade reserve will be required for sites created through subdivision within the Residential Precinct and the Rural Residential Precinct which adjoins the Residential Precinct.</u></p> <p>The esplanade reserves for the Taipo Stream shall be 6 metres and 20 metres as shown on Appendix A4 attached. Consideration of the need to apply the esplanade reserve for the Mission Special Character Zone shall only apply in the following circumstances:</p> <ul style="list-style-type: none"> Any subdivision application for land comprised in (either Lot 1 DP 27138 held in Certificate of Title W3/453 W1/63 and/or Part Lot 2 DP25932 held in Certificate of Title HBW1/63 (as at 12 September 2018) which falls within the Productive Rural, and/or Landscape & Visitor, and/or Rural Residential (fronting Church Road) Precincts where sites of less than 4ha are created wholly or partly within 100m of the Taipo Stream. Upon such subdivision an esplanade reserve shall be set aside either from, or adjacent to, the site created of less than 4ha. The exception to this provision is that no esplanade reserve will be required for sites created through subdivision within the Residential Precinct and the Rural Residential Precinct which adjoins the Residential Precinct. <p>And consequently, Appendix A4 is to be retained without amendment by Plan Change 12.</p>	<p>Reason for the Proposed Amendment This amendment removes the 6 metre easement corridor around the Taipo Stream in the notified provisions and replaces that method with provision for a 20m esplanade reserve at the time of any subdivision of land in the Rural Productive or Rural Residential precincts that the Taipo Stream crosses. The amendment provides for a potential esplanade reserve if the land use was to change away from productive rural uses, while negating any health and safety concerns of public access to a stream that traverses an operational vineyard.</p> <p>Evaluation of the Proposed Amendment: <i>Scale and significance</i> This amendment effectively reverts this aspect of the Plan Change to the operative District Plan provisions, but with amendments that only trigger the requirements at subdivision and land use change. The scale and significance of this amendment is considered low to moderate.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> These amendments are appropriate in maintaining the potential for a 20 metre esplanade reserve at any future subdivision, including connection though to the lower Taipo Stream. In addition these amendments will make the Plan more effective in the implementation of the Act's sustainable management purpose.</p>

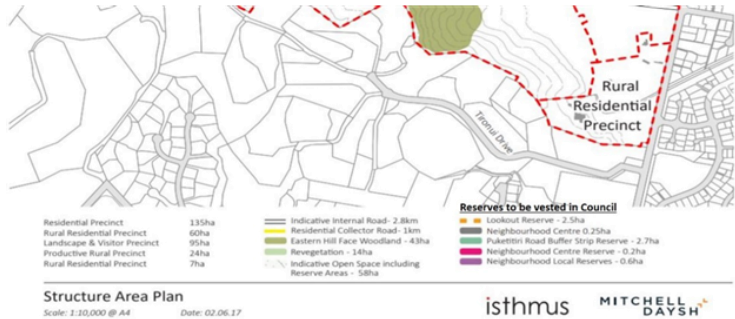
AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
6.	Part 10 - District Plan Appendices	Appendix 26A - Mission Special Character Zone Design Outcomes – Design Outcome 21	<p>Delete the following:</p> <p><u>Design Outcome 21</u></p> <p><u>Taipo Stream Maintenance Easement Access for Napier City Council (and potentially the Hawke's Bay Regional Council) is secured by easement along both sides of the Taipo Stream within the Productive Rural Precinct and Landscape & Visitor Precinct and Rural Residential Precinct for stream maintenance and stormwater management purposes only. The easement will provide a minimum width of 6 metres except where existing buildings and structures necessitate a lesser width, on both sides of the Taipo Stream for maintenance purposes and be registered on the relevant land titles at the time of the first subdivision of the parent title.</u></p> <p>Insert the following:</p> <p><u>Design Outcome 22: Taipo Stream Esplanade Reserve (renumbered as a result of new Design Outcome 21)</u></p> <p><u>Any subdivision application for land in the Mission Special Character Zone which falls within the Productive Rural, and/or Landscape & Visitor, and/or Rural Residential (fronting Church Road) Precincts where sites of less than 4ha are created within 100m of the Taipo Stream will be subject to the provision of a 20m esplanade reserve requirement. An esplanade reserve of 20m allows for effective stormwater quality improvements, the mitigation of natural hazards and provides for public access and recreational use. Not requiring the esplanade reserve at this point in time mitigates health and safety concerns of public access through a working vineyard. This allows the productive uses of the MSCZ to continue until such time as there is a change of land use moving away from productive uses to a residential form of development.</u></p> <p><u>Any subdivision application for land in the Mission Special Character Zone which falls within the Productive Rural, and/or Landscape & Visitor, and/or Rural Residential (fronting Church Road) Precincts where sites of less than 4ha are created wholly and partly within 100m of the Taipo Stream will be subject to the provision of a 20m esplanade reserve requirement adjacent to those sites. An esplanade reserve of 20m allows for the protection of conservation values and particularly effective stormwater quality improvements, in addition to access for maintenance purposes. An esplanade reserve also provides for the mitigation of natural hazards, public access and recreational use. Not requiring the esplanade reserve at this point in time mitigates health and safety concerns of public access through a working vineyard. This allows the productive uses of the MSCZ to continue until such time as there is a change of land use away from rural activity.</u></p>	<p>Reason for the Proposed Amendment The amendment is required to align the Design Outcome for the Taipo Stream and the above amendment to rule 6.1.3 (4).</p> <p>Evaluation of the Proposed Amendment: <i>Scale and significance</i> As with above amendment, this change effectively reverts this aspect of the Plan Change to the operative District Plan provisions, but with amendments that only trigger the requirements at subdivision and land use change. The scale and significance of this amendment is considered low to moderate.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> This amendment is appropriate in maintaining the potential for a 20 metre esplanade reserve at any future subdivision, including connection though to the lower Taipo Stream. In addition these amendments will make the Plan more effective in the implementation of the Act's sustainable management purpose.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
6.	Chapter 51b	Objective 51b.3.	<p>Update Objective 51b.3 by inserting the following word:</p> <p>To provide for the sustainable management of the Mission Special Character Zone including the retention and enhancement of the values of the landscape, heritage, <u>cultural</u>, archaeology and versatile land resources that create the special character of the Zone.</p>	<p>Reason for the Proposed Amendment The inclusion of the word 'cultural' in objective 51b.3 accurately reflects the significance of the area to mana whenua with respect to cultural values.</p> <p>Evaluation of the Proposed Amendment: <i>Scale and significance</i> The amendment is largely for clarification purposes, and considered to be of low significance.</p> <p><i>Costs and benefits</i> The proposed amendment is not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> The amendment is appropriate in ensuring the alignment of Objective 51b.3 with sections 6(e) and 7(a) of the RMA.</p>
7.	Chapter 51.b	New Policy 51b.3.4	<p>Insert the following policy:</p> <p><u>Policy 51b.3.4</u></p> <p><u>Ensure that kaitiaki status of mana whenua is recognised and provided for through development design that takes into account and reflects the relationship of the site to mana whenua ancestral values.</u></p>	<p>Reason for the Proposed Amendment This new policy provides the mechanism for delivery of Objective 51b.3 and provides the basis for Design Outcome 4 of the Structure Plan.</p> <p>The efficiency and effectiveness of the proposed policy will assist in achieving Objective 51b.3 being 'the sustainable management of the Mission Special Character Zone including the retention and enhancement of the values of the landscape, heritage, <u>cultural</u>, archaeology and versatile land resources that create the special character of the Zone.</p> <p>Evaluation of the Proposed Amendment: <i>Scale and Significance</i> The amendment refines the Plan Change's approach in recognising the relationship of the Plan Change area to mana whenua values. It is considered to be of low scale and significance.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> The amendment is appropriate as it provides the opportunity for cultural values (i.e. relationship of Māori and their culture and traditions with their ancestral lands) to be recognised and provided for in accordance with RMA obligations.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
8.	Part 10 - District Plan Appendices	Appendix 26A - Mission Special Character Zone Design Outcomes – Design Outcome 3.	<p>Amend the following:</p> <p><u>Design Outcome 3: Archaeology and Cultural Values</u></p> <p>Subdivision and development, including tree planting, is to be designed to avoid the disturbance of the 'Recorded Identified Sites' as shown on the Map of Archaeological Sites in Appendix 26F, including a 10m buffer zone around such sites. An updated archaeological Assessment of Environmental Effects is to be submitted with applications for the following activities:</p> <ul style="list-style-type: none"> • Subdivision consent within the Residential Precinct. • Felling the southern pine plantation • Constructing walkway paths • Construction of 'art cabin' accommodation <p>Insert the following:</p> <p><u>Design Outcome 4: Māori Cultural Values</u></p> <p><u>Cultural values are to be recognised and respected in the design of the development, in particular, in open spaces and public pathways, to reflect the whakapapa, ancestral names, history and stories of the area through engagement with Te Taiwhenua o te Whanganui ā Orotū and Ngāti Pārau. This may include:</u></p> <ul style="list-style-type: none"> • <u>the erection of pou whenua and/or cultural art on the development</u> • <u>the possible gifting of names for precincts, streets and/or reserves.</u> • <u>the acknowledgement of stories in the form of plaques or memorials in the area.</u> • <u>locally sourced fruiting and flowering natives appropriate for the environment.</u> • <u>the acknowledgement of the historical pathways of Ngāti Hinepare in the design of public pathway</u> 	<p>Reason for the Proposed Amendment The amendment to this design outcome seeks to ensure objective 51b.3 and Policy 51b.3.4 are delivered through tangible outcomes that recognise and respect cultural values in the design of the development. The amendment to Design Outcome 3 removes the Cultural Values component of this Design Outcome and places it under a new Design Outcome 4 titled Māori Cultural Values.</p> <p>Evaluation of the Proposed Amendment: <i>Scale and significance</i> This amendment separates out archaeology and cultural values in the design outcomes to provide clarification. The scale and significance is considered low.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> The amendment is appropriate as it provides the opportunity for cultural values (i.e. relationship of Māori and their culture and traditions with their ancestral lands) to be recognised and provided for in accordance with RMA obligations.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
9.	Chapter 51b	<i>Principle Reasons for adopting Objectives and Policies</i>	<p>Insert the following wording to Chapter 51b under the heading "<i>Principle Reasons for adopting Objectives and Policies</i>"</p> <p>Both building and archaeological heritage also add to the Character of the Zone. It is therefore important for the integrity of the Special Character Zone that these values are retained into the future. Similarly, there is a relationship of mana whenua ancestral values to the Zone. It is appropriate for these values to be acknowledged in development design as expressed in Policy 51b.3.6 and further articulated in the Structure Plan Design Outcomes. These mana whenua ancestral values are documented in cultural impact assessments prepared in August 2018 on behalf of both Ngāti Pārau and and Te Taiwhenua o Te Whanganui ā Orotū.</p>	<p>Reason for the Proposed Amendment The proposed addition to the '<i>Principle Reasons for Adopting Objectives and Policies</i>' provides clarity and certainty to the proposed amended objective, new policy and amendment to Design Outcome 4.</p> <p>Evaluation of the Proposed Amendment: <i>Scale and significance</i> This amendment separates out archaeology and cultural values in the design outcomes to provide clarification. The scale and significance is considered low.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the original Section 32 assessment.</p> <p><i>Appropriateness</i> The amendment is appropriate as it provides the opportunity for cultural values (i.e. relationship of Māori and their culture and traditions with their ancestral lands) to be recognised and provided for in accordance with RMA obligations.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
10.	Part 10 - District Plan Appendices	Appendix 26A - Mission Special Character Zone Design Outcomes – Design Outcome 11.	<p>Insert the following:</p> <p>Design Outcome 11: Puketitiri Road Buffer Strip</p> <p>A green buffer is to be provided along the boundary of the Residential Precinct with Puketitiri Road to be vested with the Napier City Council. The buffer is to include a path (potentially able to be used as a bridle path) and woodland trees to achieve the following outcomes:</p> <ul style="list-style-type: none"> • A green margin with rural characteristics along Puketitiri Road. • Reduced prominence of Residential Precinct houses as viewed from Puketitiri Road. <u>A landscape and planting plan is to be submitted to Council at subdivision application stage to demonstrate how this will be achieved.</u> • <u>A reserve width of approximately 12 – 20 metres, depending on any localised topographical constraints (Refer to figures 31 and 32 of the Urban Design Statement + Assessment of Landscape and Visual Effects, 2018 Isthmus Report for a concept plan and cross sectional diagrams that depict the reserves interface with Puketitiri Road).</u> • Trees capable of growing to 9m high. • A soft surfaced path (e.g. compacted limestone or similar) that connects the Residential Precinct path network. • An off road connection from Puketitiri Road to Church Road via the path network through the Mission Special Character Zone. • The reserve location and area is to be generally consistent with that shown on the Structure Plan Area Plan Map in Appendix 26B-2 and is to be vested at the time of the first subdivision of the Residential Precinct. If land within the zone is required to be purchased for the upgrading of Puketitiri Road the internal reserve boundary is to be moved to maintain the reserves proposed width and purpose 	<p>Reason for the Proposed Amendment Amendment is to ensure clarity around the Puketitiri Road Buffer Strip Reserves overall purpose and function, including the timing of its establishment as a means to mitigate environmental effects.</p> <p>Evaluation of the Proposed Amendment: <i>Scale and significance</i> The amendment is largely for clarification purposes, in providing further detail to the Design Outcome. It is considered to be of a low scale and significance.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> The amendment is appropriate in that it will enhance the implementation of the Plan Change through clarifying the connection between the Structure Plan Map and the Design Outcome.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
11.	Part 10 - District Plan Appendices	Appendix 26B – 2: Mission Special Character Zone Structure Plan – Area Plan Map	<p>Amend Structure Plan – Area Plan Map with the following heading:</p>  <p>Structure Area Plan Scale: 1:10,000 @ A4 Date: 02.06.17</p> <p>isthmus MITCHELL DAYSH</p>	<p>Reason for the Proposed Amendment This is a consequential change to provide further clarification for Design Outcome 1 and 11 on the specific reserves to be vested in Council.</p> <p>Evaluation of the Proposed Amendment: <i>Scale and significance</i> These amendments are primarily a matter of clarification rather than substance. The scale and significance is considered low.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> The amendment is appropriate in that it more clearly identifies the reserves to be vested. It will also assist with the administration of the District Plan.</p>

AMENDMENT NO.	CHAPTER	PROVISION	PROPOSED AMENDMENTS	SUMMARY EVALUATION OF AMENDMENTS TO NOTIFIED PROVISIONS
12.	Chapter 51b	Policy 51b.5.2	<p>Update policy 51b.5.2 with the following wording change:</p> <p>To achieve this objective, the Council will:</p> <p><u>Ensure implementation and retention of</u> implement and retain woodland planting to the hill face to retain its undeveloped appearance and to stabilise the slope while softening and adding visual interest to the landscape.</p>	<p>Reason for the Proposed Amendment This change falls within the scope of a clause 16 (2) amendment under the First Schedule of the RMA. In practice the regulatory method of assessing a resource consent application for subdivision will be considered primarily under Design Outcome 16 and conditions of consent imposed under this provision accordingly. The recommended minor wording amendment to Policy 51b.5.2 will make future administration of the policy clear and explicit for all plan users.</p> <p>Evaluation of the Proposed Amendment: <i>Scale and significance</i> The amendment is largely for clarification purposes, in providing further detail to the Design Outcome. It is considered to be of a low scale and significance.</p> <p><i>Costs and benefits</i> The proposed amendments are not anticipated to result in any additional costs that were not considered within the officer's S32AA assessment.</p> <p><i>Appropriateness</i> The amendment is appropriate in that it more clearly states the intention of the policy. It will assist with the administration of the District Plan as it relates to the role of Council.</p>

3. COUNCIL MEETING SCHEDULE 2019

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Official Information and Meetings Act 1987
<i>Document ID:</i>	658892
<i>Reporting Officer/s & Unit:</i>	Deborah Smith, Acting Team Leader Governance

3.1 Purpose of Report

To provide an updated schedule for Standing Committee and Council meeting for Napier City Council for 2019.

Officer's Recommendation

That Council:

- Endorse the schedule of Standing Committees and Council meetings for Napier City Council for 2019, noting that a new schedule will be drafted following the 2019 Local Government Elections in October 2019.
- Note that additional ordinary, extraordinary and multi-day meetings may be scheduled from time to time in consultation with the Mayor and Chief Executive
- Note that meeting times for other committees and subcommittees will be formally notified as required in accordance with the Local Government Official Information and Meetings Act 1987 and the Local Government Act 2002.

Mayor's Recommendation

That the Council resolve that the officer's recommendation be adopted.

3.2 Background Summary

At Council's triennial meeting in 2016, an initial meeting schedule for the 2016-19 period was adopted. Following that time, Council moved out of its Civic Building and agreement was reached with Hawke's Bay Regional Council that Napier City Council's formal meetings would be held in the Regional Council Chamber during 2018. At that time, Napier City Council's meetings were moved to Tuesday afternoons, retaining the start time of 3pm.

A similar agreement has been reached with the Regional Council for 2019 and a meeting schedule for the year has been produced accordingly (refer **Attachment A**).

Meetings of the Standing Committees and Council will continue to be held on Tuesdays at 3pm.

3.3 Issues

N/A

3.4 Significance and Engagement

N/A

3.5 Implications

Financial

N/A

Social & Policy

It should be noted that following the Local Government election in October 2019, a new meeting schedule will be proposed for the reconvened Council to adopt at its Triennial meeting.

Risk

N/A

3.6 Options

The options available to Council are as follows:

- a. To adopt the 2019 meeting schedule.
- b. To recommend updates to the proposed meeting schedule prior to adoption.

3.7 Development of Preferred Option

Significant work has been undertaken to identify a schedule that integrates with Hawke's Bay Regional Council, and which takes account of significant events throughout the year, including the triennial elections. It is recommended that the proposed schedule be adopted.

3.8 Attachments

- A Draft meeting schedule 2019 [↓](#)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
	New A & R member				Pre-election report due	Change of A & R chair	Matariki					
Mon				1			1					
Tue	1 NY			2 Fin/ Com			2 MCC			1 Special voting		
Wed	2 Stat			3 Zone 3	1		3			2 Special voting		
Thu	3			4 Zone 3	2		4	1		3 Special voting		
Fri	4	1	1	5	3		5	2		4 Special voting	1	
Sat	5	2	2	6	4	1	6	3		5	2	
Sun	6	3	3	7	5	2	7	4	1	6	3	1
Mon	7	4	4	8	6	3 Queen's	8	5	2	7 Special voting	4	2
Tue	8	5	5 Council	9 MCC	7 Sem	4 Sem	9 Council - incl rates setting?	6 Fin/ Com	3	8 Special voting	5 Triennial?	3 2nd business?
Wed	9	6 Waitangi	6	10 Citizenship	8	5	10	7	4 Civic	9 Special voting	6	4 Citizenship
Thu	10	7	7	11	9	6 MCC Sem	11	8	5	10 Special voting	7	5 A & R?
Fri	11	8	8	12	10	7	12	9	6	11 Special voting	8	6
Sat	12	9	9	13	11	8	13	10	7	12 Election	9	7
Sun	13	10	10	14	12	9	14	11	8	13	10	8
Mon	14	11	11	15	13	10	15	12	9 Te Reo week	14	11	9
Tue	15	12 Sem	12 Sem	16 Council	14 Fin/ Com - Mar 1/4	11 S&I/ Reg	16 Sem	13 MCC	10 Te Reo week	15	12	10
Wed	16	13 Citizenship	13	17	15	12 Citizenship	17	14 Citizenship	11 Te Reo week	16	13	11
Thu	17	14	14 A & R/ MCC Sem	18	16	13 A & R	18 MCC Sem	15	12 A & R	17	14	12
Fri	18	15	15	19 Good Fri	17	14	19	16	13 Te Reo week	18	15	13
Sat	19	16	16	20	18	15	20	17	14	19 Final results	16	14
Sun	20	17	17	21	19	16	21	18	15	20	17	15
Mon	21	18	18	22 Easter M	20	17	22	19	16	21	18	16
Tue	22	19 Combined Committee - Dec 1/4	19 S&I/ Reg	23 Sem	21 MCC	18 Sem	23 S&I/ Reg	20 Council	17	22	19 1st business?	17 3rd business?
Wed	23	20 Te Matatini	20	24 MCC Sem	22	19	24	21	18	23	20	18
Thu	24	21 Te Matatini	21	25 Anzac	23	20	25	22	19	24	21	19
Fri	25	22 Te Matatini	22	26	24	21	26	23	20	25 HB anni	22	20
Sat	26	23 Te Matatini	23	27	25	22	27	24	21	26	23	21
Sun	27	24 Te Matatini	24	28	26	23	28	25	22	27	24	22
Mon	28	25 Te Matatini	25	29	27	24	29	26	23	28 Labour	25	23
Tue	29 Sem	26 MCC	26 Sem	30 S&I/ Reg	28 Council	25 Fin/ Com	30 Sem	27	24	29	26	24
Wed	30	27	27		29	26	31	28	25 Citizenship	30	27	25 Xmas
Thu	31 MCC Sem - pōwhiri?	28	28		30	27 Extraord. mtg adopt AP?		29	26 Extraord. mtg re AR?	31	28 Zone 3	26 Boxing
Fri			29		31	28		30	27		29 Zone 3	27
Sat			30			29		31	28		30	28
Sun			31			30			29			29
Mon									30 Special voting			30
Tue												31

School holidays

Stat

Sem Council seminars 1-4pm

MCC Sem Māori Committee seminars 3-5pm

S&I/Reg Strategy and Infrastructure Committee/ Regulatory Committee

Ikatere

Ikatere

HBRC Chamber

Fin/Com

MCC

Council

A & R

Citizenship

Civic

Finance Committee/ Community Services Committee

Māori Consultative Committee

Council

Audit and Risk Committee

Citizenship Ceremony

Civic Awards

HBRC Chamber

HBRC Chamber

HBRC Chamber

HBRC Chamber

MTG Century Theatre

Napier Conference Centre

4. OMARUNUI REFUSE LANDFILL JOINT COMMITTEE MINUTES

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	660110
<i>Reporting Officer/s & Unit:</i>	Cheree Ball, Governance Advisor

4.1 Purpose of Report

To present to Council the unconfirmed minutes of the Omarunui Refuse Landfill Joint Committee meeting, held on 5 October 2018.

Officer's Recommendation

That Council:

- a. Receive the unconfirmed minutes of the Omarunui Refuse Landfill Joint Committee meeting from 5 October 2018.

Mayor's Recommendation

That the Council resolve that the officer's recommendation be adopted.

4.2 Background Summary

The Omarunui Refuse Landfill Joint Committee met on 5 October 2018, the unconfirmed minutes of this meeting are shown at **Attachment A**.

4.3 Issues

N/A

4.4 Significance and Engagement

N/A

4.5 Implications

Financial

N/A

Social & Policy

N/A

Risk

N/A

4.6 Attachments

- A Omarunui Refuse Landfill Joint Committee Unconfirmed Minutes - 5 October 2018





Hastings District Council

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OPEN

MINUTES

OMARUNUI REFUSE LANDFILL JOINT COMMITTEE

Meeting Date: **Friday, 5 October 2018**

CG-14-27-00034

1

**Minutes of a Meeting of the Omarunui Refuse Landfill Joint Committee
held on 5 October 2018 at 1.00pm**

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HASTINGS DISTRICT COUNCIL

MINUTES OF A MEETING OF THE OMARUNUI REFUSE LANDFILL JOINT COMMITTEE HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION BUILDING, LYNDON ROAD EAST, HASTINGS ON FRIDAY, 5 OCTOBER 2018 AT 1.00PM

PRESENT: Councillor Heaps
Councillors Lawson and Nixon (HDC)
Councillors Dallimore (Deputy Chair) and Tapine (NCC)

IN ATTENDANCE: Waste and Data Services Manager (Mr M Jarvis)
Chief Financial Officer (Mr B Allan)
Waste Minimisation Officer (Mr A Atkins)
Management Accountant (Mr J Tieman)
Health and Safety Manager (Mrs J Kuzman)
Senior Health and Safety Co-ordinator (Mrs N Bass)
General Counsel (Mr S Smith)
Committee Secretary (Mrs C Hunt)

1. APOLOGIES

Councillor Heaps/Councillor Nixon

That an apology for absence from Councillor Redstone be accepted.

CARRIED

Leave of Absence had previously been granted to Councillor Kerr.

2. CONFLICTS OF INTEREST

There were no declarations of conflicts of interest.

3. CONFIRMATION OF MINUTES

Councillor Heaps/Councillor Tapine

That the minutes of the Omarunui Refuse Landfill Joint Committee Meeting held Friday 24 November 2017, including while the public were excluded be confirmed as a true and correct record and be adopted.

CARRIED

4. HEALTH AND SAFETY REPORT

(Document 18/127)

It was noted that the Health and Safety Report was from 1 January to 30 June 2018 and not 31 July 2018 as stated in the Agenda Report.

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Officers confirmed that personal risk assessments were undertaken with duration of approximately 5 minutes using phone/device, with no paperwork involved unless no coverage.

Council's Health and Safety legal obligations were met to ensure compliance and were not excessively over compliant.

Councillor Heaps/Councillor Dallimore

- A) That the report of the Senior Health & Safety Co-ordinator titled "Health and Safety Report" dated 5/10/2018 be received.**

CARRIED

5. ANNUAL REVIEW OF HEDGING STRATEGY FOR LANDFILL CARBON EMISSIONS

(Document 18/841)

The Management Accountant, Mr Tieman advised that the purpose was to obtain a decision from the Committee on the hedging strategy for carbon emissions at the Omarunui Landfill.

Mr Tieman recommended that the Committee approve the signing of a forward contract to fix the price of New Zealand Units (NZU) for the 2020 calendar year at 100% cover along with additional cover for 2021 at 80% and 2022 at 60%.

The landfill currently had three forward contracts in place to purchase a total of NZU 187,458 over the next two years (May 2019 and May 2020). There was a carry-over balance from the 2017 calendar year of 32 NZU which could be used to offset any shortfall in 2018.

The option of signing a forward contract provided the least risk to the Landfill and also allowed the Committee to set gate prices with certainty.

The Emissions Trading Scheme (ETS) levy collected would cover the forward contract and was consistent with Omarunui Refuse Landfill Joint Committee hedging strategy.

Mr Tieman advised that extending the forward cover out to years 4 and 5 at 80% and 60% respectively, allowed the landfill to secure price certainty. The rationale for securing 80% in year 4 and 60% in year 5 was the difficulty of estimating tonnes this far out.

Councillor Heaps/Councillor Dallimore

- A) That the report of the Management Accountant titled "Annual Review of Hedging Strategy For Landfill Carbon Emissions" dated 5/10/2018 be received.**

- B) That the Landfill Committee approve the forward purchase contract for 107,100 New Zealand Units currently estimated at around \$2,934,540 to fix the price of NZUs for the calendar year 2020, 85,680 NZU at around \$2,424,744 for calendar year 2021 and 64,260 NZU at around \$1,886,031 for 2022. The Chief Executive**

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(Hastings District Council) be authorised to approve the nature of the contract and to execute the necessary contracts.

- C) That it be noted that the actual cost of the extension of the forward purchase contract can only be firmly established when the order is placed in the market.
- D) That the hedging strategy be reviewed annually.

CARRIED

6. OMARUNUI JOINT LANDFILL ANNUAL REPORT FOR THE YEAR ENDING 30 JUNE 2018
(Document 18/)

The Waste and Data Services Manager, Mr Jarvis advised that the purpose of the report was to update and inform the Committee on the physical performance aspects of the Omarunui Landfill for the 2017/2018 financial year and provide a commentary on other significant events and impacts.

The overall tonnage was 15% higher than estimate, with Napier City 5% above estimate, Hastings District 10% above estimate, commercial 14% above estimate and special 51% above estimate.

The Landfill reported a surplus of \$3,266,186 for the financial year ended 30 June 2018. The surplus of \$3,266,186 was \$1,644,483 above budget and was 27% more than estimated due to the increased volumes of waste received at the site.

The forest harvest was completed in August 2017 with total revenue of \$1,644,574 and expenditure of \$163,488. The net revenue of \$1,481,086 was distributed to the shareholding Councils minus \$120,000 which was transferred to a reserve to cover the replanting and maintenance costs.

Mr Jarvis advised that from 2011 through to 2016 landfill waste volumes were static at around the 72,000 tonnes mark. However, there was sharp increase in the 2016/17 year and the annual waste volume increased by 9,500 tonnes. After that jump the upward trend has levelled off somewhat and only a modest increase of 1,200 tonnes was recorded last financial year.

The Joint Waste Management and Minimisation Plan has been adopted by both Councils.

Councillor Lawson/Councillor Dallimore

- A) That the report of the Waste and Data Services Manager titled "Omarunui Joint Landfill Annual Report for the year ending 30 June 2018" dated 5/10/2018 be received.
- B) That the unaudited Omarunui Joint Landfill Financial Statements for the year ended 30 June 2018 and Attachment 1 (CG-14-27-00032) of the Agenda Report be received.

CARRIED

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7. ADDITIONAL BUSINESS ITEMS

There were no additional business items.

8. EXTRAORDINARY BUSINESS ITEMS

There were no extraordinary business items.

The meeting closed at 2.20pm

Confirmed:

Chairman:

Date:

REPORTS / RECOMMENDATIONS FROM THE STANDING COMMITTEES

MĀORI CONSULTATIVE COMMITTEE MEETING - 23 October 2018

Māori Consultative Committee Recommendation

That the Māori Consultative Committee recommendations be adopted.

Note: The Māori Consultative Committee Recommendations in relation to the Standing Committees items are recorded with each specific item.

REPORTS FROM STRATEGY AND INFRASTRUCTURE COMMITTEE HELD 2 OCTOBER 2018

1. AMENDMENT OF RESOLUTION - WAR MEMORIAL CONSULTATION OPTIONS

Type of Report:	Legal
Legal Reference:	Local Government Official Information and Meetings Act 1987
Document ID:	636482
Reporting Officer/s & Unit:	Wayne Jack, Chief Executive

1.1 Purpose of Report

To recommend the amendment of the part b of the resolution of Council dated 29 June 2018 regarding the Napier War Memorial consultation options.

At the Māori Consultative Committee meeting

It was clarified that one of the original options for the war memorial design had been withdrawn by the designer.

At the Strategy and Infrastructure Committee it was decided to incorporate a further design in the consultation pack. The design incorporates the war memorial into the main building, and is currently being assessed by the structural engineer who was involved in the recent renovations. The design as it stands impacts on fire egress and would create significant impacts on the facility's storage space and accessibility. The current proposal uses a primary fire door as its entrance which is not possible; the main access to the building would need to be used for the memorial which reduces access to the building's opening hours.

Officer's recommendation

That the Strategy and Infrastructure Committee:

- a. Amend part b of the Council resolution dated 29 June 2018 to the following:
That Council:
Approve that the following assessed design options go out for public consultation, requesting not only feedback but also feedback into any potential modifications:
 - Option Two – Building solution outside of the main Memorial Building
 - Option Three – Landscape solution outside of the main Memorial Building
- b. That a **DECISION OF COUNCIL** is required urgently to allow consultation to be initiated as soon as possible.

**Council
Resolution**

Decision made at
Strategy &
Infrastructure
Committee meeting
held on 2 October
2018

Councillors Wise / Brosnan

That the Strategy and Infrastructure Committee amend part b of the Council resolution dated 29 June 2018 to the following:

- a. That Council approve the withdrawal of the Brent Scott design from the community consultation process and replace this with an internal example/concept, that being the design concept prepared by Craig Morley.
- b. That the following three design options go out for public consultation, requesting not only feedback but also input into any potential alternative designs or modifications:
 - a) Option One - Renovation solution Internal to the main Memorial Building
 - b) Option Two – Building solution external to the main Memorial Building
 - c) Option Three - Landscape solution external to the main Memorial Building
- c. That Council notes the offer of the video and images of Option One from Mr Morley and agrees that these will be sufficient to include in the consultation without needing to incur additional design costs.

Carried

2. EASTER SUNDAY TRADING POLICY

Type of Report:	Legal and Operational
Legal Reference:	Local Government Act 2002
Document ID:	632729
Reporting Officer/s & Unit:	Richard Munneke, Director City Strategy Kim Anstey, Planner Policy/Analyst

2.1 Purpose of Report

A high court decision on 1 August 2018 overturned the current Easter Sunday Trading Policy that allowed shops within the Napier District to open on Easter Sunday. This report is to seek Council approval to re consult on an Easter Sunday Trading Policy. This requires Council to adopt a draft policy, the accompanying Statement of Proposal (**Attachment A**), and to authorise officers to commence the special consultative procedure.

At the Māori Consultative Committee meeting

There was no discussion on this item. As the matter was a Decision of Council at the Strategy and Infrastructure meeting of 2 October 2018, no recommendation was required from the Maori Consultative Committee.

Officer's Recommendation

That the Strategy and Infrastructure Committee:

- a. Approve the draft Easter Sunday Trading Policy and Statement of Proposal; and
- b. Authorise officers to proceed with public notification through the special consultative procedure as prescribed in Section 83, of the Local Government Act 2002.
- c. That a **DECISION OF COUNCIL** is required urgently so that public consultation may be initiated as soon as possible.

Council Resolution

Councillors Boag / Brosnan

That the Strategy and Infrastructure Committee:

Decision made at Strategy & Infrastructure Committee meeting held on 2 October 2018

- a. Agree the proposed changes to the draft Easter Sunday Trading Policy and Statement of Proposal, as follows:
 1. Include in Reason for Proposal section (page 10): Pharmacy and Souvenir Shops, as these are also to be open under the Shop Trading Hours Act 1990.

-
2. Add in another heading:
What would happen if we do not pass this policy?
We would return to the situation in which some shops listed above could open and others not.
 3. Include in the Religious Beliefs section (page 11):
During consultation with the community in 2016 and 2017 on the previous Easter Sunday Trading Policy, Council received feedback from parts of the community that demonstrated concerns with having a policy that removed one of the few remaining days where shops were not legally able to trade. Council is keen to understand the Napier community's views on this aspect of the policy.
 4. That the survey on page 11 of the proposal be removed.
- b. Approve the Easter Sunday Trading Policy and Statement of Proposal, with the agreed amendments as set out in Part A.
 - c. Authorise officers to proceed with public notification through the special consultative procedure as prescribed in Section 83, of the Local Government Act 2002
 - d. Officers to prepare an engagement plan that is specifically directed to Christian Churches, Unions, Retail and business organisations.
 - e. Request that council be provided with a full briefing of the High Court ruling by our legal representation

Carried

3. DISTRICT PLAN REVIEW - PRE-ENGAGEMENT STRATEGY

Type of Report: Procedural

Legal Reference: Resource Management Act 1991

Document ID: 634986

Reporting Officer/s & Unit: Catherine Reaburn, Senior Policy Planner

3.1 Purpose of Report

The purpose of this report is for Council to approve the pre-engagement strategy for the District Plan Review (DPR).

At the Māori Consultative Committee meeting

The Committee noted that in order to create higher levels of engagement there needed to be improvement in the language and inclusive approach of Council's documents and consultation strategies. They noted that while it may have been difficult for officers to hear the Committee's feedback at the time, the ensuing work to improve the cultural accessibility and inclusion of the McLean Park signage was supported by the Committee.

It was suggested that rather than reviewing documents and collateral on a case-by-case basis, Council should develop an overarching strategy for the incorporation of tikanga and Te Reo into its communications.

Officers advised that the District Plan is not a topic that many people feel engaged with, and the team are working to ensure that appropriate language is used to generate as much accessibility as possible across the city.

Māori Consultative Committee's recommendation

Mr Aranui / Deputy Mayor White

That the Council resolve that the Committee's recommendation be adopted.

Carried

Committee's recommendation

Councillors Wright / Wise

The Strategy and Infrastructure Committee:

- a. Endorse the District Plan Review pre-engagement strategy
-

Carried

4. PARKING CONTROL CHANGE - UPPER TIFFEN CAR PARK

Type of Report: Legal

Legal Reference: Parking Control Bylaw 2014

Document ID: 603217

Reporting Officer/s & Unit: Richard Munneke, Director City Strategy

4.1 Purpose of Report

To seek council approval to convert the upper floor of Tiffen Car Park from pay and display all day casual parking to leased car parking during the week days (Monday to Friday).

At the Māori Consultative Committee meeting

It was advised that 61% is considered low occupancy in comparison to other parking areas. Changing the rates is expected to help reduce the waiting list for leased parking, increase occupancy and also provide a better return for the space.

Māori Consultative Committee's recommendation

Mr Aranui / Deputy Mayor White

That the Council resolve that the Committee's recommendation be adopted.

Carried

Committee's recommendation

Councillors Tapine / White

The Strategy and Infrastructure Committee:

- a. Resolve that the Upper Tiffen car park becomes leased car parking (Monday to Friday).
 - i. That the rate be set at \$25.00 per week.
- b. Resolve that the ground level of Tiffen car park becomes \$5 all day casual parking Monday to Saturday

Carried

5. ROAD STOPPING - EDWARDES STREET

Type of Report: Legal

Legal Reference: Public Works Act 1981

Document ID: 634953

Reporting Officer/s & Unit: Bryan Faulknor, Manager Property
Jenny Martin, Property and Facilities Officer

5.1 Purpose of Report

To seek a Council resolution to:

- a) Declare the service lane described in the Schedule below as being stopped pursuant to Section 116 of the Public Works Act 1981; and
- b) Deal with the stopped service lane described in the Schedule pursuant to Section 117(3)(b) of the Public Works Act 1981 by vesting the stopped service lane in the adjoining owner, Eastside Enterprises Limited, and amalgamating the stopped service lane pursuant to Section 120(3) of the Public Works Act 1981 with the land in CFR HBV2/563.

At the Māori Consultative Committee meeting

There was no discussion on this item.

Māori Consultative Committee's recommendation

Mr Aranui / Deputy Mayor White

That the Council resolve that the Committee's recommendation be adopted.

Carried

Committee's recommendation

Councillors Brosnan / Hague

The Strategy and Infrastructure Committee:

- a. Declare the service lane described in the Schedule as being stopped pursuant to Section 116 of the Public Works Act 1981; and
- b. Deal with the stopped service lane described in the Schedule pursuant to Section 117(3)(b) of the Public Works Act 1981 by vesting the stopped service lane in Eastside Enterprises Limited, and amalgamating the stopped service lane pursuant to Section 120(3) of the Public Works Act 1981 with the land in CFR HBV2/563.

SCHEDULE

Hawke's Bay Land District – Napier City

Area (ha)	Legal Description	Adjoining
0.0233	Section 1 SO 528887	CFR HBV2/563

Carried

REPORTS FROM AUDIT AND RISK COMMITTEE HELD 11 OCTOBER 2018

1. HEALTH AND SAFETY REPORT

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Health and Safety at Work Act 2015
<i>Document ID:</i>	433376
<i>Reporting Officer/s & Unit:</i>	Sue Matkin, Manager People & Capability

1.1 Purpose of Report

The purpose of this report is to provide Audit and Risk with an overview of the health and safety performance as at 31st August 2018.

At the Meeting

The Manager People and Capability spoke to the report, noting that in the period to 31 August 2018 there had been one Lost Time Injury (LTI) – the lost time being a couple of days – and an incident involving a contractor at the MTG. Both matters had been followed up with appropriate actions. It was also noted that in the month of September there had been another LTI involving a cleaner, and an incident involving a contractor digging around power cables without the correct permit. The Contractor was issued with a notice and retrained. It is believed that the current lag indicator for LTIs is set at an appropriate level for the organisation.

A strong focus is currently being placed on employee health and wellbeing with a number of events being arranged in the months leading up to the December break that will be made available to attend.

Other current actions underway include the creation of a central log for all chemicals and their safety information, including the appropriate personal protection equipment to use if handling.

Council has performed well in the recent Health and Safety related audits undertaken.

Specific attention is not currently given to supporting Local Government staff through difficult interactions with the public; however this may be addressed indirectly through some of the wellness programmes underway.

Although all new staff are drug tested prior to beginning work, this is not a requirement for Elected Members. Council would have to resolve that they wished to undertake the same testing as staff for this to be implemented.

Committee's Recommendation

Councillors Wise / Hague

- a. That the committee receive the report.

Carried

2. RISK MANAGEMENT REPORT

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	433390
<i>Reporting Officer/s & Unit:</i>	Ross Franklin, Consultant Rachael Horton, Manager Business Excellence & Transformation

2.1 Purpose of Report

To provide the Audit and Risk Committee (Committee) with an update on progress with risk management work and to report on the highest rated risks.

At the Meeting

The acting risk manager spoke to the report, noting that there are two new risks for the last period: reliance on a sole contractor for waste management, and the strategic risk that in the time that the organisation is moving to full maturity in its risk management that not all risks may be covered despite all best efforts. A review of existing risks and mitigations is underway to ensure that all are still relevant.

It was noted that Pandora Pond remains an extreme risk due to the serious nature of the possible consequences. Further signage has been erected as part of the mitigating actions. It is only a risk as it is a recreational space that Council provides equipment for.

The Committee requested that an update on the risk roadmap be brought to its next meeting.

Committee's Recommendation

Councillors Taylor / Wise

That the Committee:

- a. Note the risk management work being undertaken by the NCC Risk Committee.
- b. Receive the report titled: Highest rated risks report 24 September 2018.

Carried

REPORTS FROM FINANCE COMMITTEE HELD 16 OCTOBER 2018

1. WHAKARIRE REVETMENT FUNDING PROPOSAL

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	631017
<i>Reporting Officer/s & Unit:</i>	Richard Munneke, Director City Strategy

1.1 Purpose of Report

To consider funding options and obtain approval from Council on the public/private funding split for the Whakarire revetment.

At the Māori Consultative Committee meeting

It was advised that this project is one of a suite of projects intended to address future erosion; it involved identifying what benefits will be experienced from the revetment (retaining structure) and who by, then deciding how the funding will be split across public and private beneficiaries.

Māori Consultative Committee's recommendation

Deputy Mayor White / Councillor Tapine

That the Council resolve that the Committee's recommendation be adopted.

Carried

Substitute Motion

Committee's recommendation

Mayor Dalton / Councillor Dallimore

That the Finance Committee:

- a. Leave the Officer's recommendation for this item on the table for further discussion at the Council meeting on 30 October 2018, that being:

That the Finance Committee:

- a. Approve, in principle, funding option for the revetment works at Whakarire Avenue in accordance with Section 101(3) of the Local Government Act.
- b. And that options of funding by general rate or UAGC be identified for consideration.

- c. And that consultation be undertaken as appropriate. This would comprise informal consultation on a proposed funding option as per part a above, culminating in formal consultation as part of the 2019/20 Annual Plan process.

Carried

2. CAPITAL PROJECT FUNDING BOUGHT FORWARD

Type of Report: Procedural

Legal Reference: N/A

Document ID: 653014

Reporting Officer/s & Unit: Adele Henderson, Director Corporate Services

2.1 Purpose of Report

To seek approval from Council to bring forward funding in the Long Term Plan 2019/20 budget relating to the Park Island Redevelopment into 2018/19 to complete the earthworks required for the Hawkes Bay Rugby Union complex at Park Island due to be started February 2019.

At the Māori Consultative Committee meeting

There was no discussion on this item.

Māori Consultative Committee's recommendation

Deputy Mayor White / Councillor Tapine

That the Council resolve that the Committee's recommendation be adopted.

Carried

Committee's recommendation

Councillors Taylor / Price

The Finance Committee:

- a. Approve \$400,000 to be brought forward from the Long Term Plan 2019/20 budget for the Park Island Redevelopment (Loan funded) to accommodate earthworks required to progress the Hawkes Bay Rugby Union complex at Park Island due to start February 2019

Carried

3. ROAD STOPPING - LAND CORNER OF GEDDIS & LONGFELLOW AVENUE

Type of Report:	Legal
Legal Reference:	Local Government Act 1974
Document ID:	637186
Reporting Officer/s & Unit:	Bryan Faulknor, Manager Property Jenny Martin, Property and Facilities Officer

3.1 Purpose of Report

To obtain Council approval to initiate the road stopping process in accordance with the 10th Schedule of the Local Government Act 1974, and subsequent sale of approximately 188m² of current legal road on the corner of Geddis and Longfellow Avenue, to Ahuriri District Health.

At the Māori Consultative Committee meeting

It was advised that the physical works are intended to be completed as soon as possible to support Ahuriri District Health.

Māori Consultative Committee's recommendation

Deputy Mayor White / Councillor Tapine

That the Council resolve that the Committee's recommendation be adopted.

Carried

Committee's recommendation

Councillors Boag / Tapine

The Finance Committee:

- Recommend pursuant to Section 342 of the Local Government Act 1974, to initiate the stopping of approximately 188m² of legal road, on the corner of Geddis and Longfellow Avenue and adjacent to 65 Geddis Avenue, in accordance with the Tenth Schedule to the Local Government Act 1974.
- Recommend that upon completion of the Tenth Schedule stopping process, the stopped road is sold to Ahuriri District Health (a Charitable Trust) at a peppercorn sale price of one dollar plus all associated legal, survey and advertising costs.

Carried

4. POWERCO GAS PIPELINE - GRANT OF EASEMENT AND CONCESSION

Type of Report: Legal and Operational

Legal Reference: Reserves Act 1977, Conservation Act 1987

Document ID: 641344

Reporting Officer/s & Unit: Bryan Faulknor, Manager Property

4.1 Purpose of Report

- a. To obtain Council's approval to grant a concession in the form of an easement to Powerco Limited to use reserve land to convey gas by way of a pipeline.
- b. To also obtain Council's approval to grant an easement to Powerco to use non reserve fee simple land owned by Council for the same purpose.

At the Māori Consultative Committee meeting

It was clarified that there will not be any ecological impacts on the wildlife reserve from the easement – the utilities are already located underground.

Māori Consultative Committee's recommendation

Deputy Mayor White / Councillor Tapine

That the Council resolve that the Committee's recommendation be adopted.

Carried

Committee's recommendation

Councillors Price / Wright

The Finance Committee:

- a. Pursuant to Section 48 of the Reserves Act 1977, approve the granting of a concession in the form of an easement to Powerco Limited to convey gas under the reserve land described in Schedule 1 below.
- b. Approve the granting of an easement to Powerco Limited to convey gas under the fee simple land owned by Council as described in Schedule 2 below.

SCHEDULE 1

Legal Description	Title/GN Reference	Land Status
Section 2 Survey Office Plan 468666	NZGN 2002 p488	Local Purpose (Wildlife) Reserve
Section 1 Survey Office Plan 468666	641949	Local Purpose (Community Building) Reserve

SCHEDULE 2

Legal Description	Title/GN Reference	Land Status
Lot 2 Deposited Plan 8156	HB131/258	Fee Simple

Carried

5. HB MUSEUMS TRUST ANNUAL REPORT

Type of Report:	Legal
Legal Reference:	Local Government Act 2002
Document ID:	650777
Reporting Officer/s & Unit:	Chris Denby, Finance Accountant

5.1 Purpose of Report

To provide Napier City Council with the Hawke's Bay Museums Trust Annual Report for the year ending 30 June 2018.

At the Māori Consultative Committee meeting

There was no discussion on this item.

Māori Consultative Committee's recommendation

Councillors Prentice / Tapine

That the Council resolve that the Committee's recommendation be adopted.

Carried

Committee's recommendation

Mayor Dalton / Councillor Tapine

The Finance Committee:

- a. Receive the Annual Report of the Hawke's Bay Museums Trust

Carried

REPORTS FROM COMMUNITY SERVICES COMMITTEE HELD 16 OCTOBER 2018

1. LIBRARY SITE PROJECT STEERING GROUP - TERMS OF REFERENCE

Type of Report: Operational

Legal Reference: N/A

Document ID: 643002

Reporting Officer/s & Unit: Fleur Lincoln, Strategic Planning Lead
Natasha Carswell, Manager Community Strategies

1.1 Purpose of Report

The purpose of the report is to obtain Council approval of the Terms of Reference for the Library Site Project Steering Group.

At the Māori Consultative Committee meeting

It was advised that the Steering Group included several councillors as well as officers. Important to the assessment of the various possible options is a heritage overview; this is already underway for the Clive Square option.

Māori Consultative Committee's recommendation

Councillor Tapine / Mr Aranui

That the Council resolve that the Committee's recommendation be adopted.

Carried

Committee's recommendation

Councillors Tapine / Boag

That the Community Services Committee:

- a. Approve the Library Site Project Steering Group Terms of Reference.
-

Carried

2. DRAFT LIBRARY STRATEGY - PUBLIC FEEDBACK

Type of Report: Operational

Legal Reference: N/A

Document ID: 643048

Reporting Officer/s & Unit: Darran Gillies, Libraries Manager

2.1 Purpose of Report

To advise Council on the process undertaken in developing the Napier Library Strategy and to request approval to release the draft strategy (attachment one) for stakeholder and public feedback prior to adoption by Council.

At the Māori Consultative Committee meeting

It was agreed that there has already been a significant level of engagement on the Library Strategy, which has led to a well-refined and robust final draft being produced for the current consultation process.

Māori Consultative Committee's recommendation

Councillor Tapine / T Aranui

That the Council resolve that the Committee's recommendation be adopted.

Carried

Committee's recommendation

Councillors Hague / Taylor

That the Community Services Committee:

- a. Approve the release of the draft Napier Library Strategy for stakeholder and public feedback.

Carried

REPORTS UNDER DELEGATED AUTHORITY

1. OFFICIAL INFORMATION REQUESTS

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Local Government Official Information and Meetings Act 1987
<i>Document ID:</i>	659938
<i>Reporting Officer/s & Unit:</i>	Cheree Ball, Governance Advisor

1.1 Purpose of Report

To present the year to date Official Information Request statistics.

Officer's Recommendation

That Council:

- a. Receives the report Official Information Requests for the period 11 September 2018 to 18 October 2018.

MAYOR'S RECOMMENDATION

That the Council resolve that the officer's recommendation be adopted.

Statistics for Official Information requests received for the year to 18 October 2018 are included in the **attached** report.

1.2 Attachments

- A Official Information Requests for the period 11 September 2018 to 18 October 2018.



**REPORT: For the period 11 September 2018 to
18 October 2018
Requests made under the Local Government Official**





	Requests Received	Responses to requests	Responses with information fully released	Responses with information partially withheld	Responses with information fully withheld	Average number of working days to respond	Charging advised (for all or part of a request)	Proceed with charges as advised	Ombudsman complaints
Dec 2017 (9 th – 22 nd)	10	10	8	2 7(2)(a) – 2	0	5.8	0	0	0
January 2018	24	19	15	3 7(2)(a) – 2 7(2)(f)(i)/ 17(d) – 1	1 17(c)(i) Food Act	6.11	1 Part	0 No response	0
February 2018	8	11	9	2 7(2)(a) – 1 7(2)(a), 72(j)(h), 17(c) - 1	0	12.45	1 Full	0 Decided not to proceed – not in relation to charging	1 Water item PX section Audit & Risk agenda – complaint upheld. No rec - closed.
March 2018	22	14	9	5 17(e) – 1 7(2)(a) – 3 7(2)(a), 7(2)(h) - 1	0	9.14	0	0	0



	Requests Received	Responses to requests	Responses with information fully released	Responses with information partially withheld	Responses with information fully withheld	Average number of working days to respond	Charging advised (for all or part of a request)	Proceed with charges as advised	Ombudsman complaints
April 2018	18	19	15	3 7(2)(a) – 3	1 (transfer)	10.95	2 Full - 2	0 Viewed on site- 2	0
May 2018	18	16	11	5 7(2)(a) – 4 7(2)(h) & 7(2)(a) – 1	0	11.31	2 Part - 2	0 Withdrawn - 1 Refined -1	0
June 2018	13	10	3	7 7(2)(a) - 7	0	17.6	2 Part - 2	0 Withdrawn - 2	1 Milton Rd leak – complaint closed.
July 2018	26	21	12	7 7(2)(a) – 3 7(2)(a) & 7(2)(h) – 1 7(2)(a) & 7(2)(f)(i) – 1 7(2)(a), 7(2)(c) & 7(2)(f)(i) – 1 7(2)(a) & 7(2)(f)(i) - 1	2 BAU – 1 Transfer - 1	9.47	2 Part - 2	0 Withdrawn - 1	1 Audio and video recordings of meetings – complaint closed.



	Requests Received	Responses to requests	Responses with information fully released	Responses with information partially withheld	Responses with information fully withheld	Average number of working days to respond	Charging advised (for all or part of a request)	Proceed with charges as advised	Ombudsman complaints
August 2018	18	17	9	8 7(2)(a) – 7 7(2)(a) & 7(2)(c)(i) - 1	0	12.29	0	0	0
September 2018	8	13	8	5 7(2)(a) -3 7(2)(d) -1 7(2)(e)(i) & 7(2)(a) - 1	0	16.54	0	0	1 Targeted rate for pool fencing – complaint closed.
October 2018	3	3	3	0	0	9.33	0	0	0
YTD Total	168	153	102	47	4	10.99	10	0	4

Requests received to 18 October 2018:

Types of requests received	December/January	February/March	April	May	June	July	August	September	October	TOTAL RECEIVED YTD
Finance and Commercial	<ul style="list-style-type: none"> - Average residential costs - Ratepayer numbers - CEO remuneration - Chamber of commerce subscription - Council owned housing - Entertainment, catering and gift expenditure - Average residential rates (Regional councils) - Membership to external groups - Peer review of seismic assessments - Mileage payments 	<ul style="list-style-type: none"> - Alcohol inspectors training budgets - Port Rates 	<ul style="list-style-type: none"> - Sensitive Expenditure x2 - Business information (Privacy Act) - Irrigation funding - Property/valuations data 	<ul style="list-style-type: none"> - Sensitive expenditure 	<ul style="list-style-type: none"> - Ocean spa documentat ion - Council building sales 	<ul style="list-style-type: none"> - Average council rates - Recycling options costs - Town halls 	<ul style="list-style-type: none"> - Tourism and spending - Flights and international trips - Audit borrowing costs/qualif ying assets 	<ul style="list-style-type: none"> - Flights and internatio nal trips - Audit/ borrowing costs/ qualifying assets - Swimm ing pool business case costs - Council building energy performa nce 	<ul style="list-style-type: none"> - Defamatio n costs 	31



Types of requests received	December/ January	February/ March	April	May	June	July	August	September	October	TOTAL RECEIVED YTD
The Council	<ul style="list-style-type: none"> - Complaint number - Peer review of seismic assessments - Mileage payments - Staff numbers - Code of conduct - Mayoral staff - Audit and Risk oversight - Absenteeism elected members and staff - Correspondence with MP Nanaia Mahuta 	<ul style="list-style-type: none"> - Organisational information 	<ul style="list-style-type: none"> - Staff code of conduct - Representation review 	<ul style="list-style-type: none"> - Risk policy and procedures - Sexual harassment in the public sector 	<ul style="list-style-type: none"> - Provincial growth fund 	<ul style="list-style-type: none"> - Executive emails - Press release - 1080 - Amended Statement of Claim - Audio and video recordings 	<ul style="list-style-type: none"> - Mayoral entertainment expenditure - Official information requests - Employee driving incident - Provincial growth fund - Mayor's vehicle expenses 	<ul style="list-style-type: none"> - Mayor's vehicle expenses 		25
Planning, Policy and Strategy	<ul style="list-style-type: none"> - Medium density housing RC data 									1



Types of requests received	December/January	February/March	April	May	June	July	August	September	October	TOTAL RECEIVED YTD
Culture, Community and Events	- War memorial x2	- War memorial x7 - Aquarium research travel	- War memorial x3 - Aquarium visits - Aquarium IBC	- Community housing - NANZ indicative business case	- NANZ information - Library employment information	- Napier war memorial - War memorial transfer - McDermott Miller report - Land transfer	- Ivan Wilson Pool business case - NANZ questions	- Creative Arts Capacity Review - Swimming pool business case costs - Ivan Wilson pool business case - Creative Arts Capacity Review - Eternal flame gas usage		30
Environment Parks and Gardens	- Pest control operations Street and park tree inventories	- Press release 2012								3



Types of requests received	December/January	February/March	April	May	June	July	August	September	October	TOTAL RECEIVED YTD
Consenting and Compliance	<ul style="list-style-type: none"> - Campgrounds - Café audit report - Freedom camping - Freedom camping monitoring - Westshore infringements Dec 2017 	<ul style="list-style-type: none"> - Licensed hairdressers / barbers - Priestly Terrace - Building consent data - Noise complaints - Building consent charges - Consents costs x2 		<ul style="list-style-type: none"> - Liquor license application or renewals 	<ul style="list-style-type: none"> - LED digital billboard consents - Sale of food products - Diesel tank permits (heating) 	<ul style="list-style-type: none"> - Correspondence and vehicle records (Privacy Act) - Bay city club x4 - Noise complaints 	<ul style="list-style-type: none"> - Property information file - Private swimming pools - Licensed premises 	<ul style="list-style-type: none"> - Licensed premises 	<ul style="list-style-type: none"> - Building inspection data - Westshore reserve freedom camping 	24
Animal Management	<ul style="list-style-type: none"> - Menacing dog classification - Complaint file - Dog data - Dog file letter 	<ul style="list-style-type: none"> - Dog attack statement - Dog safety education 	<ul style="list-style-type: none"> - Dog data 	<ul style="list-style-type: none"> - Dogs x4 		<ul style="list-style-type: none"> - Dog attack files - Barking complaints 				13



Types of requests received	December/January	February/March	April	May	June	July	August	September	October	TOTAL RECEIVED YTD
Infrastructure Services and Transport	<ul style="list-style-type: none"> - Water levels x2 - Water distribution network - Water statistics - Existence of asbestos in water infra - Water fluoridation - Bayskate contract documents 	<ul style="list-style-type: none"> - Water system upgrade - Water leak - Parking 	<ul style="list-style-type: none"> - Parking (Privacy Act) - Enfield Reservoir report - Onekawa Landfill - Bike path risk & analysis - Quarry extraction 	<ul style="list-style-type: none"> - Dowsing - Chlorination complaints x3 - Network maintenance costs - Napier water supply - Water supply procedures - Parking time restrictions (PAS) - Regional fuel tax 	<ul style="list-style-type: none"> - Proposed playground feasibility plan - Service requests - Water leak - Public place recycling scheme 	<ul style="list-style-type: none"> - Plastic waste management - Greywater recycling schemes - Aquatic Centre geotech reports - Onekawa aquatic centre 50m pool - Recycling options costs - Aquatic centre options 	<ul style="list-style-type: none"> - Simla Terrace slip - Photos and correspondence - Drinking water quality - Napier water supply - Recent geo-engineers reports 	<ul style="list-style-type: none"> - Drinking water quality - Napier water supply - Photos & corro - Recent geo-engineers reports 		41

2. TENDERS LET

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	660019
<i>Reporting Officer/s & Unit:</i>	Alix Burke, Executive Assistant to the Chief Executive

2.1 Purpose of Report

To report Tenders let under delegated authority for the period 7 September – 10 October 2018

Officer's Recommendation

That Council:

- a) Receive the Report of Tenders Let for the period 7 September to 10 October 2018.

MAYOR'S RECOMMENDATION

That the Council resolve that the officer's recommendation be adopted.

CONTRACTS OVER \$100,000 LET UNDER CHIEF EXECUTIVE/ DIRECTOR INFRASTRUCTURE'S DISCRETION

Contract 1188 Church Road Cycleway

Four tenders were received.

The Engineer's estimate was \$370,000.00.

It was recommended that the tender from Fulton Hogan be accepted in the sum of \$352,285.37. This recommendation was approved.

Contract 1194 McLean Park Signage Package 1

Three tenders were received.

The Engineer's estimate was \$91,000.00.

It was recommended that the tender from Sign On be accepted in the sum of \$138,510.96. This recommendation was approved.

Contract 1193 McLean Park Signage Package 2

Three tenders were received.

The Engineer's estimate was \$193,460.00.

It was recommended that the tender from Nelson Signs be accepted in the sum of \$153,015.10. This recommendation was approved.

Contract 1175 Te Awa Detention Pond

Three tenders were received.

The Engineer's estimate was \$126,900.00.

It was recommended that the tender from Dodge Contracting be accepted in the sum of \$170,637.80. This recommendation was approved.

Contract 1132 Western Hills Cemetery Extension Stage 1

Four tenders were received.

The Engineer's estimate was \$268,600.00

It was recommended that the tender from Higgins Contractors be accepted in the sum of \$283,637.37. This recommendation was approved.

2.2 Attachments

Nil

3. RESOURCE CONSENTS

Type of Report: Information

Legal Reference: N/A

Document ID: 660020

Reporting Officer/s & Unit: Alix Burke, Executive Assistant to the Chief Executive

3.1 Purpose of Report

To present the report on Resource Consents issued under delegated authority for the period 30 August – 10 October 2018.

Officer's Recommendation

That Council

- a. Receive the report on Resource Consents issued under delegated authority for the period 30 August – 10 October 2018.

MAYOR'S RECOMMENDATION

That the Council resolve that the officer's recommendation be adopted.

Attached is the report with information on Resource Consents under delegated authority for the period 30 August – 10 October 2018.

3.2 Attachments

- A Schedule of Resource Consents Issued 30 August - 10 October 2018 [↓](#)

Resource Consents (Subdivision & Land Use) Issued between 30 August 2018 – 10 October 2018

Consent Number	Site Location	Applicant	Proposal	Activity Status	Decision Date
RMS18066	32 & 32A Seddon Crescent	Reckin Trust	Main Residential zone subdivision creating one additional lot (two in total) with both lots each accommodating one existing dwelling	Controlled	30 August 2018
RM180154	59 Murphy Road	GSP Developments Limited	Relocated dwelling within the Main Residential zone	Controlled	5 September 2018
RMS13044	258 Meeanee Road	Neil Absalom	Main Rural subdivision creating four additional lots (total of 5 lots)	Restricted Discretionary	7 September 2018
PB180010	757A Main North Road	A & R Ham	Construct a retaining wall and pool within the 6m rear yard in the Rural Residential zone	Deemed Permitted Boundary Activity	10 September 2018
RM180151	Harold Holt Avenue Road Reserve	Two Degrees Networks Limited	Establish, operate and maintain a 2 degrees telecommunication facility within the NCC road reserve	Certificate of Compliance	10 September 2018
RMS18063	33 O'Dowd Road	L & L Erskine	Main Residential zone subdivision creating one additional lot (two in total)	Restricted Discretionary	11 September 2018
RM180148	584 Main North Road	MA & RK Family Trust	Establish a weigh bridge facility within the Main Rural zone	Discretionary	12 September 2018
RM180149	46 Jervois Road	C & K Samson	Construct a supplementary unit within the Jervois town zone	Discretionary	13 September 2018
RM180140	63 – 87 Ford Road	Wallace Development Company Limited	Establish and operate a large format retail outlet (K-Mart) within the Large Format Retail zone with infringements in relation to car parking, earthworks and NES	Restricted Discretionary	14 September 2018
RMS18045	11 West Place	M Munro	Two stage Main Residential zone subdivision creating a total of nine lots	Controlled	18 September 2018

			(seven residential, one reserve lot and one access lot)		
RMS18067	16 Burke Street	T Burrowes	Napier Hill Character zone subdivision to create one additional lot (two in total)	Restricted Discretionary	18 September 2018
RM180153	17 Oak Place	D Sunnex & P Crossan	Relocate shed within the Rural Residential zone infringing the 7.5m front yard	Restricted Discretionary	20 September 2018
RM180152	65 Munroe Street	Mana Ahuriri Holdings Limited	Earthworks and site preparation that exceed the permitted earthworks and material export volume allowance and upon a HAIL site	Discretionary	20 September 2018
RMS18059	3 Terrace Lane & 8 Burlington Road	GV Englebreetsen	Residential boundary adjustment/subdivision between lots creating one additional lot	Controlled	20 September 2018
RM180156	2 Te Roera Drive	K Oakden	Earthworks that exceed the maximum volume in the Rural Residential zone	Restricted Discretionary	21 September 2018
RM180158	2 & 4 Pandora Road	Napier BSL No. 8 Limited	Section 127 variation to approved resource consent RM180118 to amend building location and an associated reconfiguration of the car park and landscaped areas	Variation	25 September 2018
PB180011	7 Thistle Street	M McLean & P-J Randall	Additional to an existing dwelling infringing the height to boundary control	Deemed Permitted Boundary Activity	25 September 2018
RM180146	158 Meeanee Road	Hawkes Bay Sheds	Removed existing garage and construct a new garage in an area of significant to Maori	Restricted Discretionary	25 September 2018
RMS18068	486 – 494 Hastings Street	Four Eight Six Limited	Residential subdivision to create five additional lots (six in total) comprising of five residential lots (accommodating five existing dwellings) and one access lot	Restricted Discretionary	1 October 2018

			within the Marine Parade Character zone		
RM180160	503 Shakespeare Terrace	PF Meyer	Construct a studio within the 3m front yard and infringing 3m/45 degree height control	Restricted Discretionary	2 October 2018
RM180161	38 The Loop	Hi Tech Steel Solutions	Construct a carport within the Main Rural zone infringing yards and site coverage	Restricted Discretionary	3 October 2018
RMS18069	3 Maadi Road	SD Overend	Main Residential subdivision to create one additional lot (two in total)	Restricted Discretionary	3 October 2018
RMS18071	40 Coventry Avenue	K & R Gearey	Subdivision of site in the Main Residential zone to create an additional lot (two in total)	Controlled	3 October 2018
RM180136	55 Kent Terrace	Baywide Building Services Limited	Construct a new dwelling within the 7.5m front boundary setback	Restricted Discretionary	4 October 2018
RM18016	150 Church Road	Pernod Ricard Winemakers NZ Limited	Utilise a 20ft shipping container as a bar and wine tasting area in conjunction with existing commercial of site within the Rural Residential zone	Discretionary	4 October 2018
RM180166	105 Hastings Street & 41 Emerson Street	Wallace Property Company Limited	Create an office tenancy on the second floor of building within the Art Deco Quarter zone	Controlled	4 October 2018
RMS18075	13 & 21 Awatoto Road & 580 Brookfields Road	Ballydooly Trust	Application for an extension of time of existing resource consent RMS13055	Section 125 Extension	9 October 2018
RMS18073	291 Poraiti Road	J & H Crawshaw	Proposed right of way to establish an access point to an existing cottage	Right of Way	9 October 2018
RM180165	115 Emerson Street	Wallace Development Company Limited	Art Deco Quarter multi-unit development involving structural upgrade and fitout of building and creation of one additional commercial tenancy (two in total)	Controlled	10 October 2018

4. DOCUMENTS EXECUTED UNDER SEAL

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	660057
<i>Reporting Officer/s & Unit:</i>	Alix Burke, Executive Assistant to the Chief Executive

4.1 Purpose of Report

To report of Documents Executed Under Seal for the period 13 September – 18 October 2018.

Officer's Recommendation

That Council:

- a) Receive the Report of Documents Executed Under Seal for the period 13 September to 18 October 2018.

MAYOR'S RECOMMENDATION

That the Council resolve that the officer's recommendation be adopted.

Schedule of Documents Executed Under Seal for the period 13 September to 18 October 2018

Date	Document
24/09/18	Encumbrance for 3A Ridgeway Terrace
28/09/18	Surrender of Easement, Te Awa Land Development
11/10/18	Transfer of Lessees' interest. 38 Thames St, Napier
18/10/18	Easement in Gross – 43 Seddon Crescent, Napier

4.2 Attachments

Nil

PUBLIC EXCLUDED ITEMS

That the public be excluded from the following parts of the proceedings of this meeting, namely:

New Reports

1. Development civic building site

Reports from Audit and Risk Committee held 11 October 2018

1. Draft Annual Report 2017/18
2. Freeholding
3. Legal update as at 30 June 2018

Reports from Finance Committee held 16 October 2018

1. Proposed Solution to Recycling Service for Napier
2. Leasehold Land Freeholding - Request 1

The general subject of each matter to be considered while the public was excluded, the reasons for passing this resolution in relation to each 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 were as follows:

General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) to the passing of this resolution.
	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:	48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:

New Reports

1. Development civic building site	<p>7(2)(b)(ii) Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>7(2)(h) Enable the local authority to carry out, without</p>	<p>48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except</p>
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	<p>prejudice or disadvantage, commercial activities</p> <p>7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>
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Reports from Audit and Risk Committee held 11 October 2018

<p>1. Draft Annual Report 2017/18</p>	<p>7(2)(f)(ii) Maintain the effective conduct of public affairs through the protection of such members, officers, employees and persons from improper pressure or harassment</p>	<p>48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>
<p>2. Freeholding</p>	<p>7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>
<p>3. Legal update as at 30 June 2018</p>	<p>7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:</p>

		(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
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Reports from Finance Committee held 16 October 2018

1. Proposed Solution to Recycling Service for Napier	<p>7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities</p> <p>7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>
2. Leasehold Land Freeholding - Request 1	<p>7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>

ORDINARY MEETING OF COUNCIL

Open Minutes

Meeting Date:	Tuesday 18 September 2018
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Time:	3.00pm-3.15pm
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Venue	Council Chamber Hawke's Bay Regional Council 159 Dalton Street Napier
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Present	The Mayor (In the Chair), Councillors Boag, Brosnan, Dallimore, Hague, McGrath, Price, Tapine, Wise and Wright
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In Attendance	Chief Executive, Director Corporate Services, Director Community Services, Director Infrastructure Services, Director City Services, Director City Strategy, Manager Communications and Marketing, Manager Community Strategies, Waste Minimisation Lead
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Administration	Governance Team
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Apologies

Council resolution Councillors Wright / Brosnan

That the apologies from Councillor White, Councillor Taylor and Councillor Jeffery be accepted.

Carried

Conflicts of interest

Nil

Public forum

Nil

Announcements by the Mayor

Nil

Announcements by the management

Nil

Confirmation of minutes

Council resolution Councillors Hague / Price

That the Draft Minutes of the Ordinary meeting held on 7 August 2018 be confirmed as a true and accurate record of the meeting.

Carried

AGENDA ITEMS

1. AUDIT AND RISK COMMITTEE CHARTER 2018

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	617763
Reporting Officer/s & Unit:	Adele Henderson, Director Corporate Services

1.1 Purpose of Report

The Audit and Risk Committee Charter is set to be reviewed every 2 years, and this requires Council approval and adoption.

At the Meeting

It was noted that the proposed changes are highlighted in the agenda item and further explanatory points will be provided to Councillors for completeness.

Council resolution Councillors Wise / Hague

That Council:

- a. Adopt the Audit and Risk Committee Charter dated 18th September 2018.

Carried

2. HB DRINKING WATER GOVERNANCE JOINT COMMITTEE MINUTES

Type of Report:	Information
Legal Reference:	N/A
Document ID:	625406
Reporting Officer/s & Unit:	Cheree Ball, Governance Advisor

2.1 Purpose of Report

To present to Council the unconfirmed minutes of the HB Drinking Water Governance Joint Committee meeting, held on 15 August 2018.

At the Meeting

There was no discussion on this item.

Council resolution Councillors Wise / Price

That Council:

- a. Receive the unconfirmed minutes of the HB Drinking Water Governance Joint Committee meeting from 15 August 2018.

Carried

REPORTS / RECOMMENDATIONS FROM THE STANDING COMMITTEES

MĀORI CONSULTATIVE COMMITTEE MEETING - 11 September 2018

Council resolution Councillors Tapine / Boag

That the Māori Consultative Committee Minutes be received.

Carried

Note: The Māori Consultative Committee Recommendations in relation to the Standing Committees items are recorded with each specific item.

REPORTS FROM STRATEGY AND INFRASTRUCTURE COMMITTEE HELD 21 AUGUST 2018

1. MARINE PARADE TRAFFIC CALMING - UPDATE

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Enter Legal Reference
<i>Document ID:</i>	486985
<i>Reporting Officer/s & Unit:</i>	Fleur Lincoln, Strategic Planning Lead

1.1 Purpose of Report

The purpose of the report is to provide Council with a progress update, and to outline the proposed approach moving forward for this project.

Māori Consultative Committee's recommendation

T Aranui / Councillor Tapine

That the Council resolve that the Committee's recommendation be adopted.

Carried

At the Meeting

There was no discussion on this item.

Council resolution Councillors Price / Dallimore

That Council:

a. Note the update provided by the Council Officer.

Carried

2. DISTRICT PLAN REVIEW - PROJECT LAUNCH

Type of Report:	Procedural
Legal Reference:	Resource Management Act 1991
Document ID:	603455
Reporting Officer/s & Unit:	Dean Moriarity, Team Leader Policy Planning

2.1 Purpose of Report

The purpose of this report is to follow up on the seminar held with Council on 23 July 2018 regarding initiating a review of the District Plan and for Council to approve 'in principle' both the overall strategic direction for the review and the indicative overall process the review of the District Plan will follow.

Māori Consultative Committee's recommendation

T Aranui / Councillor Tapine

That the Council resolve that the Committee's recommendation be adopted.

Carried

At the Meeting

There was no discussion on this item.

Council resolution Councillors Price / Dallimore

That Council:

- a. Resolve to formally initiate the review of the current District Plan.
- b. Endorse 'in principle' both the overall strategic direction for the review and the indicative overall process the review of the District Plan will follow.

Carried

REPORTS FROM REGULATORY COMMITTEE HELD 21 AUGUST 2018

1. ANNUAL DOG CONTROL REPORT 2017/18

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Dog Control Act 1996
<i>Document ID:</i>	559263
<i>Reporting Officer/s & Unit:</i>	Hayleigh Brereton, Manager Regulatory Solutions

1.1 Purpose of Report

To present the territorial authority report on dog control policies and practices for the dog control registration year 1 July 2017 – 30 June 2018, for adoption by Council as required under Section 10A of the Dog Control Act 1996, prior to being submitted to the Secretary for Local Government and being made publically available.

Māori Consultative Committee's recommendation

Mayor Dalton / T Aranui

That the Council resolve that the Committee's recommendation be adopted.

Carried

At the Meeting

There was no discussion on this item.

Council resolution Councillors Hague / McGrath

That Council:

- a. Adopt the Napier City Council Annual Dog Control Report 2017/18.
 - i. That the report be submitted to the Secretary for Local government and published in accordance with the Dog Control Act 1996.
-

Carried

REPORTS FROM FINANCE COMMITTEE HELD 4 SEPTEMBER 2018

1. JOINT WASTE MANAGEMENT AND MINIMISATION PLAN

Type of Report:	Operational and Procedural
Legal Reference:	Waste Minimisation Act 2008
Document ID:	619564
Reporting Officer/s & Unit:	Rhett van Veldhuizen, Waste Minimisation Lead

1.1 Purpose of Report

The purpose of this report is to obtain a decision from the Council on the adoption of the Joint Waste Management and Minimisation Plan (Plan) 2018-2024.

Māori Consultative Committee's recommendation

Mayor Dalton / T Aranui

That the Council resolve that the Committee's recommendation be adopted.

Carried

At the Meeting

It was noted that the adoption of the Joint Waste Management and Minimisation Plan 2018-24 (Plan) would not adversely affect privately owned providers, as Council is only changing the receptacle and the Plan creates other opportunities for these providers regarding waste management. As green waste is currently being managed efficiently it was decided not to enter this market.

In response to questions from Councillors it was clarified that the statistics on plastic bottle collection show no change as a result of chlorination, and work in relation to the de-chlorinated water stations is now underway.

Council resolution Councillors Tapine / Brosnan

That Council:

- a. Adopt the Joint Waste Management and Minimisation Plan 2018-24 in accordance with section 43 of the Waste Minimisation Act 2008 without further amendment which revokes the previous Joint Waste Management and Minimisation Plan 2012-2018.
- b. Delegate to the Joint Council Waste Futures Project Steering Committee the authority to implement updates and changes that may be required due to wider environmental factors, while keeping within the intent of the strategy.

-
- c. Acknowledge the recommendation from the Joint Council Waste Futures Project Steering Committee that additional resource is urgently required to implement the Waste Management and Minimisation Plan.
-

Carried

2. JOINT WASTE FUTURES STEERING COMMITTEE UNCONFIRMED MINUTES

Type of Report: Information

Legal Reference: N/A

Document ID: 618626

Reporting Officer/s & Unit: Cheree Ball, Governance Advisor

2.1 Purpose of Report

To present to Council the unconfirmed minutes of the Joint Council Waste Futures Project Steering Committee meeting, held on 25 July 2018.

Māori Consultative Committee's recommendation

Mayor Dalton / T Aranui

That the Council resolve that the Committee's recommendation be adopted.

Carried

At the Meeting

There was no discussion on this item.

Council resolution Councillors Tapine / Brosnan

That Council:

- a. Receive the unconfirmed minutes of the Joint Council Waste Futures Project Steering Committee meeting from 25 July 2018.
-

Carried

3. COASTAL HAZARDS JOINT COMMITTEE MEMBERSHIP

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	621251
Reporting Officer/s & Unit:	Deborah Smith, Acting Team Leader Governance

3.1 Purpose of Report

To seek approval from Council for the nomination of a further member of the Coastal Hazards Joint Committee.

Māori Consultative Committee's recommendation

Mayor Dalton / T Aranui

That the Council resolve that the Committee's recommendation be adopted.

Carried

At the Meeting

There was no discussion on this item.

Council resolution Councillors Tapine / Brosnan

That Council:

- a. Approve the nomination of Cr Brosnan to the Clifton to Tangoio Coastal Hazards Strategy Joint Committee.

Carried

4. 2018 NRB SURVEY

Type of Report:	Information
Legal Reference:	N/A
Document ID:	619834
Reporting Officer/s & Unit:	Steve Gregory, Transformation Lead

4.1 Purpose of Report

To advise Council on the results of the NRB survey carried out in 2018.

Māori Consultative Committee's recommendation

Mayor Dalton / T Aranui

That the Council resolve that the Committee's recommendation be adopted.

Carried

At the Meeting

There was no discussion on this item.

Council resolution Councillors Tapine / Brosnan

That Council:

- a. Resolve that the 2018 NRB Survey results be received.
-

Carried

5. INVESTMENT PROPERTY PORTFOLIO POLICY

Type of Report: Operational and Procedural

Legal Reference: Local Government Act 2002

Document ID: 622351

Reporting Officer/s & Unit: Bryan Faulknor, Manager Property

5.1 Purpose of Report

To seek Council's approval of a Policy relating to the Investment Property Portfolio (Leasehold Land).

The resolution of Council of 1 June 2018 (as outlined below) required that a divestment, and investment policy for the sale proceeds, is established and approved by Council resolution prior to the release of any leasehold land.

The attached policy has been developed in response to the resolution. It outlines the terms and conditions on which Council may sell non-strategic land included in the portfolio. The policy also provides guidance relating to the investment of the proceeds of sale.

Māori Consultative Committee's recommendation

Mayor Dalton / T Aranui

That the Council resolve that the Committee's recommendation be adopted.

Carried

At the Meeting

It was noted that this decision represents a significant change in Council policy.

Council resolution Councillors Tapine / Brosnan

That Council:

a) Approve the Investment Property Portfolio Policy.

Carried

6. SALE OF ENDOWMENT LAND

Type of Report: Operational and Procedural

Legal Reference: Napier Borough Endowments Act 1876, Napier Borough Endowments Amendment Act 1999, Sections 140 and 141 of the Local Government Act 2002 (LGA). Section 40 of the Public Works Act 1981 (PWA).

Document ID: 622679

Reporting Officer/s & Unit: Bryan Faulknor, Manager Property

6.1 Purpose of Report

To seek Council's approval to sell certain land which is subject to the Napier Borough Endowments Act 1876 and is part of Council's Investment Property Portfolio. Any sale is to be considered on a case by case basis and is subject to the terms and conditions of the Investment Property Portfolio Policy.

Māori Consultative Committee's recommendation

Mayor Dalton / T Aranui

That the Council resolve that the Committee's recommendation be adopted.

Carried

At the Meeting

There was no discussion on this item.

Council resolution Councillors Tapine / Brosnan

That Council:

Resolve:

- a. To allow the sale, after consideration on a case by case basis, of the land included in the schedule below, being endowment land which is subject to the Napier Borough Endowments Act 1876.
- b. That considerations and process is to comply with Council's Investment Property Portfolio Policy.
- c. To record that this decision represents a discretion to be executed by Council on a case by case basis, nothing in this decision represents a right for any person to insist or require Council to sell to them and the sale by Council of any land under this decision does not create precedence or expectation that other land held by Council (whether of a similar nature or not) will be sold.
- d. That the process requirements set out in Sections 140 and 141 of the Local Government Act 2002 are to be complied with.
- e. To record that Council has considered the issue of an offer back obligation to the Crown under Section 40 of the Public Works Act 1981. Legal advice has confirmed that in the particular circumstances surrounding the land, there are relevant exceptions to any offer back obligation based on the criteria set out in Section 40(2) and (4) of the Public Works Act 1981, and therefore there is no offer back requirement.

Schedule of land:

48 West Quay	Lot 1 DP 478612, CFR664012
40 West Quay	Lot 2 DP 4786142, CFR 664012
14 Bridge Street	Lot 2 DP 17631, CFR HBK2/1415
16 Bridge Street	Lot 1 DP 17631, CFR HBK2/1415
22 Bridge Street HBC4/1148	Part Town Section 610 Napier, CFR
9B, 9FD and 9 E Riddell Street	Lot 1-2 DP 5357, CFR HBA4/1405
160 Wellesley Road CFR HB97/42	Town Section 569 Town of Napier

Carried

REPORTS FROM COMMUNITY SERVICES COMMITTEE HELD 4 SEPTEMBER 2018

1. COMMUNITY SERVICES GRANTS - ALLOCATION

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	604443
Reporting Officer/s & Unit:	Natasha Carswell, Manager Community Strategies

1.1 Purpose of Report

To assess the adequacy of the current budget allocation for the Community Services Grants scheme and to identify options for any increase.

Māori Consultative Committee's recommendation

Councillor Tapine / T Aranui

That the Council resolve that the Committee's recommendation be adopted.

Carried

At the Meeting

It was noted that this is a significant increase in the amount of funding that will be available to community groups working with those most in need in our community.

In response to questions from Councillors the following points were clarified:

- The Local Government Cost Index (LGCI) has been applied through the Long Term Plan budget.
- LGCI takes multiple factors into consideration including CPI, salary/wages, construction cost etc. and is more favourable than CPI alone.
- Pensioners and lower income groups are affected by the use of LGCI as opposed to CPI adjustments.

Committee's recommendation

The Community Services Committee:

- a. Increase the allocation to the Community Services Grants scheme using a combination of population and CPI adjustments and increasing the per head allocation to \$1.80.

Substitute motion Councillors Wright / Boag

Council resolution That Council:

-
- a. Increase the allocation to the Community Services Grants scheme to \$1.80 per head of population, adjusting the allocation annually based on census data or population projections from 2019/20.
-

Carried

2. WHITE NIGHT - PROVISION OF FOOD TRUCKS

Type of Report: Procedural

Legal Reference: Local Government Act 2002

Document ID: 623967

Reporting Officer/s & Unit: Fleur Lincoln, Strategic Planning Lead

2.1 Purpose of Report

The purpose of this report is to obtain a resolution of Council to allow the sale of food and drink to the public within Herschell Street as part of the White Night event on the 20th October 2018.

Māori Consultative Committee's recommendation

Councillor Tapine / T Aranui

That the Council resolve that the Committee's recommendation be adopted.

Carried

At the Meeting

There was no discussion on this item.

Council resolution Councillors Wright / Dallimore

That Council:

- a. Resolve to allow the sale of food and drink to the public within Herschell Street at the White Night event on Saturday 20th October 2018.
-

Carried

3. YOUTH POLICY REVIEW - PUBLIC FEEDBACK

Type of Report: Operational

Legal Reference: N/A

Document ID: 620996

Reporting Officer/s & Unit: Jessica Wilson, Community Advisor

3.1 Purpose of Report

To advise Council on the process undertaken in reviewing the Youth Policy and to request approval to release the draft Strategy (attachment one) for stakeholder and public feedback prior to adoption by Council.

Māori Consultative Committee's recommendation

Councillor Tapine / T Aranui

That the Council resolve that the Committee's recommendation be adopted.

Carried

At the Meeting

There was no discussion on this item.

Council resolution Councillors Wright / Dallimore

That Council:

- a. Approve the release of the draft Napier Youth Strategy for stakeholder and public feedback.
-

Carried

REPORTS UNDER DELEGATED AUTHORITY

1. OFFICIAL INFORMATION REQUESTS

Type of Report:	Information
Legal Reference:	N/A
Document ID:	631842
Reporting Officer/s & Unit:	Cheree Ball, Governance Advisor

1.1 Purpose of Report

To present the year to date Official Information Request statistics.

At the Meeting

It was noted that Council is receiving an increased number of official information requests, including an increase in scope of requests. This appears to be a national trend experienced by all councils.

In response to questions from Councillors, officers confirmed that costs are being recovered where appropriate.

Council resolution Councillors Brosnan / Wright

That Council:

- a. Receives the report Official Information Requests 28 July 2018 to 10 September 2018.

Carried

2. TENDERS LET

Type of Report:	Information
Legal Reference:	N/A
Document ID:	631835
Reporting Officer/s & Unit:	Alix Burke, Executive Assistant to the Chief Executive

2.1 Purpose of Report

To report Tenders let under delegated authority for the period to 7 September 2018.

At the Meeting

Council officers were acknowledged for their input and work in relation to the Maggie's Way Track improvements; this is an exciting development and the response from the Pathways Trust has been positive.

Council resolution Councillors Brosnan / Wright

That Council:

- a. Receive the report for Tenders let under delegated authority for the period 26 July 2018 to 7 September 2018.

Carried

3. RESOURCE CONSENT APPLICATIONS

Type of Report: Information

Legal Reference: N/A

Document ID: 631836

Reporting Officer/s & Unit: Alix Burke, Executive Assistant to the Chief Executive

3.1 Purpose of Report

To present the report on Resource Consents issued under delegated authority for the period 26 July – 30 August 2018.

At the Meeting

There was no discussion on this item.

Council resolution Councillors Brosnan / Wright

That Council:

- a. Receive the report on Resource Consents issued under delegated authority for the period 26 July – 30 August 2018.

Carried

4. SCHEDULE OF DOCUMENTS EXECUTED UNDER SEAL

Type of Report: Information

Legal Reference: N/A

Document ID: 631841

Reporting Officer/s & Unit: Alix Burke, Executive Assistant to the Chief Executive

4.1 Purpose of Report

To report of documents executed under Seal for the period 26 July to 12 September 2018.

At the Meeting

There was no discussion on this item.

Council resolution Councillors Brosnan / Wright

That Council:

- a. Receive the Report of Documents Executed Under Seal for the period 26 July to 12 September 2018.
-

Carried

PUBLIC EXCLUDED ITEMS

Council resolution Councillors Price / Dallimore

That the public be excluded from the following parts of the proceedings of this meeting.

Carried

PUBLIC EXCLUDED - CONFIRMATION OF MINUTES (NO AGENDA ITEMS).

The meeting moved into committee at 3.15pm.

Approved and adopted as a true and accurate record of the meeting.

Chairperson

Date of approval