



**NAPIER**  
CITY COUNCIL  
*Te Kaunihera o Ahuriri*

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# ORDINARY MEETING OF COUNCIL

## Open Agenda

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Meeting Date:	Tuesday 11 December 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	Mayor Dalton (In the Chair), Councillors Boag, Brosnan, Dallimore, Hague, Jeffery, McGrath, Price, Tapine, Taylor, White, Wise and Wright
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Officer Responsible	Chief Executive
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Administrator	Governance Team
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**Next Council Meeting**  
**Tuesday 5 March 2019**

# ORDER OF BUSINESS

## Apologies

Nil

## Conflicts of interest

## Public forum

Jenny Pearce – Citizens Advice Bureau Napier

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## Announcements by the management

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# AGENDA ITEMS

## 1. HAWKE'S BAY AIRPORT LTD ANNUAL REPORT 2018

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	667551
<i>Reporting Officer/s &amp; Unit:</i>	Caroline Thomson, Chief Financial Officer

### 1.1 Purpose of Report

To present to Council the Hawke's Bay Airport Ltd Annual Report 2018.

#### Officer's Recommendation

That Council:

- a. Receive the Hawke's Bay Airport Ltd Annual Report 2018.

#### Mayor's Recommendation

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

### 1.2 Background Summary

Mr Tony Porter, Chairman and Mr Stuart Ainslie, Chief Executive Hawke's Bay Airport Ltd, will speak to the Hawke's Bay Airport Ltd Annual Report 2018, shown at **Attachment A**.

### 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 Hawke's Bay Airport Ltd Annual Report 2018 (*Under Separate Cover*) [⇒](#)



## 2. WHAKARIRE REVETMENT FUNDING PROPOSAL

Type of Report:	Operational
Legal Reference:	Local Government Act 2002
Document ID:	679075
Reporting Officer/s & Unit:	Caroline Thomson, Chief Financial Officer

### 2.1 Purpose of Report

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

#### Officer's Recommendation

That Council:

- Approve, in principle, a funding option of 97% public and 3% private allocation for the revetment works at Whakarire Avenue in accordance with Section 101(3) of the Local Government Act the Council.
- Discuss options of funding by general rate or UAGC with preference to be identified and further details to be brought back to Council for consideration and subsequent community consultation.
- Note that consultation will be undertaken as appropriate comprising 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.

#### Mayor's Recommendation

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

### 2.2 Background Summary

The matter is lying on the table awaiting further investigation into the private/public benefits and funding options. As a consequence, Council has held a workshop to discuss and explore how a funding split (as prescribed by Section 101 (3) of the Local Government Act) would apply to the Whakarire revetment. At the work shop Council were taken through a questionnaire which outlined the basic steps associated with an assessment under Section 101 (3) LGA and applied these steps to the Whakarire revetment project. This process involved identifying the main beneficiaries, cost apportionment and the overall impact on the community.

### 2.3 Issues

#### General position on public/private benefits:

The general consensus at the workshop was that there was a degree of private benefit associated with the 12 properties on Whakarire Avenue abutting the northern coast edge in the form of property protection and restoration of property values.

The discussion then turned to how much private benefit should be apportioned and how the public benefit could be allocated. It was agreed that the level of public benefit to the City was medium to high due to amenity access, road reserve and the social component associated with preventing the loss of properties. It was also recognised that there was a

low to medium degree of public benefit to the region as many people in Hawkes Bay utilise this beach area.

Determining distribution of benefits:

An example was provided from the Coastal Hazards Strategy showing 20% public and 80% private split costs for a generic seawall. The reasoning for the public contribution of 20% was that the coast is protected but there is a likely loss of beach and beach access. The 80% private contribution reflects a higher degree of protection afforded to private property compared with other types of structures.

Type of structure	Private contribution (%)	Public contribution (%)	Reasons
<b>Sea wall/rock revetment</b>	80%	20%	Coast is protected but likely loss of beach and beach access  Higher degree of protection afforded to private property compared with other types of structures

It was acknowledged that the base case example from the Coastal Strategy Technical Advisory Group (TAG) was a robust process.

Using the base case allocation of 20% public and 80% private as a starting point the group was asked to consider if there were any factors specific to the Whakarire project that might justify an adjustment to the base case allocation. The following table illustrates the rationale for the adjustments to the base case:

Factor	Private apportionment	Public apportionment	Rationale
<b>Base case</b>	<b>80%</b>	<b>20%</b>	<b>Private + public = 100%</b>
<b>Public benefit/ community outcomes (positive of negative outcomes from the works)</b>	-30%	+30%	Access to amenity, attractive area, completes loop to car park, connectivity to headland, protects road
<b>Private benefit</b>	+3%	-3%	To reflect the benefit accruing to the Whakarire properties through property protection

<b>Exacerbators (any party or parties making the situation worse?)</b>	-50%	+50%	Port of Napier arguments for and against. Unable to rate wharves under the LGRA meaning adjustment falls back on to public good
<b>Revised base case allocation</b>	<b>3%</b>	<b>97%</b>	

The process undertaken at the workshop has resulted in the following private/public allocation for the Whakarire revetment:

<b>Type of structure</b>	<b>Private contribution (%)</b> <b>= 12 properties north of Whakarire Avenue</b>	<b>Public contribution (%)</b> <b>= Napier ratepayers at large</b>
<b>Whakarire revetment</b>	3%	97%

## 2.4 Significance and Engagement

Approval of a funding option will require consultation through the 2019/20 Annual Plan.

## 2.5 Implications

### Financial

Council's 2018-28 Long Term Plan includes a capital budget of \$1.7m in 2019/20 for the Whakarire revetment.

The following table shows the allocation of the total annual cost between private and public beneficiaries according to the levels of perceived benefit agreed at the Council workshop:

<b>Funding split</b>	<b>%</b>	<b>Annual cost per property (average)</b>	<b>Annual cost recovered</b>	<b>Whole of life</b>
<b>Private Good – targeted rate on Whakarire properties</b>	3%	\$378	\$4,530	\$113,250
<b>Public Good – general rates</b>	97%	\$6	\$146,470	\$3,661,750
<b>TOTAL</b>	<b>100%</b>		<b>\$151,000</b>	<b>\$3,775,000</b>

### Social & Policy

N/A

### Risk

N/A

## **2.6 Development of Preferred Option**

That in accordance with Section 101(3) of the Local Government Act the Council approve a funding option of 97% public and 3% private allocation for the revetment works at Whakarire Avenue and that options of funding by general rate or UAGC be identified and brought back to Council for consideration and subsequent community consultation.

## **2.7 Attachments**

A Map showing Whakarire properties [↓](#)



### 3. NAPIER LIBRARY SITE SELECTION EVALUATION APPROACH

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	674862
<i>Reporting Officer/s &amp; Unit:</i>	Fleur Lincoln, Strategic Planning Lead Natasha Carswell, Manager Community Strategies

#### 3.1 Purpose of Report

To resolve to approve the Napier Library site evaluation method, including criteria and weighting, as prepared by the Library Site Project Steering Group.

##### **Officer's Recommendation**

That Council:

- a. Approve the Napier Library site evaluation method.

##### **Mayor's Recommendation**

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

#### 3.2 Background Summary

Public engagement on the Draft Library Strategy has now closed, with a high level of support expressed. The feedback highly endorsed the attributes represented within the site evaluation method as 'accessible spaces' and 'connectivity'. This Strategy provides direction to both Council and the community on the future library – including services, spatial needs, and partnerships. This, combined with the operational needs of a functional Library, and the leveraging effects that the opportunity for a new Library presents, forms the basis of the evaluation criteria for selecting a future Library site.

Before any site advances to the attribute evaluation stage of the process, sites must meet three eligibility criteria – location, size, and tenure. Each site will then be assessed by the Library Site Project Steering Group against all attributes, summarised as:

- Accessible spaces
- Ease of development
- Appropriate city activation
- Connectivity
- Displacement effects

Each attribute has been weighted to reflect its importance and impact.

Four possible sites have already been presented to the public as part of the Civic Buildings Optimisation Statement of Proposal. Given some time has elapsed since then, these sites will be reviewed and new sites that are now available may be added. All sites will be researched and taken through the evaluation method by the Library Site Project Steering Group. A shortlist of sites that most strongly align with the criteria will then be presented to Council to select its preferred option.

### 3.3 Issues

Given that the site evaluation method, including criteria and weighting of attributes will result in one site being identified, it is important that the evaluation method supports a site that will meet the present and future needs of the community. The evaluation method includes the key priorities in the Library Strategy in order to achieve this.

### 3.4 Significance and Engagement

Approval of the site evaluation method lies with Council. Council's proposed option will be consulted on through a Special Consultative Procedure, where the community will be able to provide feedback by making a submission. This is likely to be incorporated into the Annual Plan consultation depending on timing.

### 3.5 Implications

#### Financial

There are no financial implications in the approval of the Library site evaluation method.

#### Social & Policy

The Library Site Project Steering Group that has prepared the site evaluation method brings members with the right expertise for this task, but also includes members who were involved in the Library Strategy project, providing continuity. The site evaluation method is both a reflection of the desires and needs of the community and Library team (as outlined in the Strategy), and of the substantial activation opportunities that a new Library presents to a city.

#### Risk

There is a possibility that the site evaluation method, including attributes and their weighting, is questioned by the public. Members of the Steering Group have been selected for their expertise and experience, and have contributed equally to the preparation of the site evaluation method. Full Council approval of the method is required before progressing further with site selection.

### 3.6 Options

The options available to Council are as follows:

- a. Adopt the site evaluation method as outlined in Attachment A
- b. Adopt an alternative site evaluation method, with changes made to the eligibility criteria, attributes and weighting.

### 3.7 Development of Preferred Option

The Library Site Project Steering Group has carefully formulated the site evaluation method, including the eligibility criteria, attributes, and weighting, to reflect the Library Strategy findings and direction, and the needs of the current and future communities of Napier. The preferred option will assist Council to assess all site proposals in an objective and transparent manner, before a proposed site is presented to the public for feedback.

### 3.8 Attachments

- A Library Site Selection Evaluation Approach [↓](#)

## Library Site Selection Evaluation Approach

### Evaluation method

The evaluation method that will be used to assess each of the potential new Library sites is the weighted attributes method, where criteria are allocated points representing the relative importance of those criteria. The intention of this approach is to provide more structure to a qualitative evaluation so that it is clear to all what factors are being considered and how these are weighted. It is acknowledged that perfect information does not exist (for example structural integrity of existing buildings), and this will present challenges to the equal evaluation of all sites. The results of site evaluations using this approach will provide decision-makers with guidance as to which sites are more desirable than others.

### Evaluation criteria

Criterion	Sub Set	Weighting
<b>1. Accessible Spaces</b>		
a. Accessible to all	10%	25%
b. Access to suitable outdoor spaces	7%	
c. Flexible Spaces	8%	
<b>2. Ease of development</b>		
a. Cost	16%	25%
b. Compliance	6%	
c. Opposition	3%	
<b>3. Appropriate city activation</b>		
a. Profile/landmark	10%	25%
b. Leverage activity	15%	
<b>4. Connectivity</b>		
a. Active transport	7%	21%
b. Public transport	7%	
c. Private vehicle	7%	
<b>5. Displacement Effects</b>		4%

### Evaluation attributes

Evaluation of attributes will be divided into two sections: the first being eligibility (yes or no); and the second providing a means to evaluate the desirability of one site over another. Sites not able to make it past the eligibility section will not progress to the evaluation of attributes. There are three Eligibility criteria:

#### 1. Location

The site must be located in the city centre.

#### 2. Size

a. **Floorplate.** The minimum floor space required is 2300m<sup>2</sup>.

#### 3. Tenure

Council must either own the property, have the ability to purchase it, or to lease it on a long-term basis.



The following attributes will be considered during the evaluation phase:

**4. Accessible spaces**

- a. **Accessible to all.** The facility is accessible to all users without barriers.
- b. **Access to suitable outdoor spaces.** The ability to access suitable outdoor spaces, whether this is created internally, on a roof terrace, a garden within the library grounds, or from a borrowed adjacent outdoor space.
- c. **Flexible spaces.** The degree to which the site can accommodate flexibility of spaces indoor and out.

**5. Ease of development**

- a. **Cost.** What are the estimated costs associated with the development? Consider matters such as the requirement for infrastructure, strengthening and retrofitting existing buildings, and land purchase or lease costs.
- b. **Compliance.** What regulatory processes are required to enable development? What is the likelihood of being able to comply? Do any existing buildings achieve at least 67% NBS, or can be strengthened/retrofitted to achieve this level of compliance?<sup>1</sup>
- c. **Opposition.** What level of opposition is known to the development of the site for Library purposes?

**6. Appropriate city activation**

- a. **Profile/landmark.** The site is located in a high profile position. The new library will create a landmark for the city, and provides a sense of place. The site is located with visual access to open vistas.
- b. **Leverage activity.** The site is located in a place that could benefit from the additional foot traffic that the library will create, and would not result in activities such as retail being drawn away from the city centre. The library would be complementary to nearby activities.

**7. Connectivity**

- a. **Active transport.** The site is easily accessible by foot or bike from the CBD and the outer suburbs.
- b. **Public transport.** The site is located close to public transport.
- c. **Private vehicle.** The site has on-site or nearby car parking available and is accessible by private vehicle.

**8. Displacement effects**

- a. **Displacement effects.** What negative effects will be created as a result of locating a new library on the site and displacing the existing activity on that site?

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<sup>1</sup> It is acknowledged that the likelihood of having access to engineering reports detailing the seismic performance and costs to strengthen for existing buildings is low. Where this information is not readily available and cannot be obtained within the necessary timeframes, the scoring may reflect these insufficiencies.

**Grading scale for attributes**

Each site will be evaluated against the eligibility criteria, and if they are deemed eligible, against the evaluation criteria. Points are awarded on a scale of 0 to 4 when grading attributes as outlined in the table overleaf.





## Evaluation Matrix

Eligibility Criteria	Yes	No
<b>Location.</b> The site must be located in the city centre.		
<b>Size.</b> Is the site able to accommodate a building with 2300m <sup>2</sup> in floor area?		
<b>Tenure.</b> Council must either own the property, have the ability to purchase it, or to lease it on a long-term basis.		

Criterion	Score				
	0 – does not meet	1 – partially meets	2 - demonstrates	3 – clearly demonstrates	4 – strongly demonstrates
<b>1. Accessible spaces</b>					
<b>a. Accessible to all.</b> The entire facility is accessible to all users without barriers.	The building and site cannot be modified to achieve minimal universally accessible requirements.	The building and/or site achieves or can be modified to achieve some universally accessible requirements.	Part of the building and/or site achieves or can be modified to meet universally accessible requirements.	Most of the building and/or site achieves or can be modified to meet universally accessible requirements.	All of the building and/or site achieves or can be modified to meet universally accessible requirements.
<b>b. Access to suitable outdoor spaces.</b> The ability to access suitable outdoor spaces, whether this is created internally, or within the site, on a roof terrace, a garden within the library grounds, or from a borrowed or adjacent outdoor space.	The site provides no ability to access outdoor space.	The site provides some ability to access a small amount of borrowed outdoor space, or man-made green space in an internal courtyard or roof terrace.	The site is able to access adequate outdoor space borrowed from an existing garden or streetscape.	The site has good access to outdoor spaces that could be used for multiple purposes, some borrowed and some within the site.	The building will sit within a high amenity green space with multiple opportunities to access outdoor spaces for multiple purposes.
<b>c. Flexible spaces</b> The degree to which the site can accommodate flexibility of spaces indoor and out.	Existing building with poor layout and no ability to modify.	Existing building with poor layout and limited ability to modify.	Existing building with the ability to modify with some limitations and/or Site size limits options for multiple flexible spaces – indoor and/or out.	Existing building can accommodate flexible spaces indoor and out.	New build with options for a variety of flexible space – indoor and out.
<b>2. Ease of development</b>					
<b>a. Cost.</b> What are the estimated costs associated with the development?	The development is likely to significantly exceed the funds allocated under the Long Term Plan. Opportunities to obtain additional funding for the project are negligible.  There is significant difficulty and expense to service the site. There is no existing infrastructure present.	The development is likely to exceed the funds allocated under the Long Term Plan. Opportunities to obtain additional funding for the project are limited.  There are considerable costs and some difficulty to service the site, and no existing infrastructure is present.	It is possible that the development could be completed within the allocated funds provided additional funding is able to be obtained from other sources.  There are moderate costs to either upgrade existing or install new infrastructure to service the facility.	It is likely that the development can be completed within the allocated funding and preliminary exploration of alternative sources of funding has been completed, with indications that securing these funds could be successful.  There are minimal costs to either upgrade existing or install new	Council are confident that the development can be completed within the allocated funding. Alternative sources of funding have also been secured.  No new infrastructure or modification is required.



				infrastructure to service the facility.	
<b>b. Ease of Compliance.</b> What regulatory processes are required to enable development? What is the likelihood of being able to comply?	Regulation prohibits the project from proceeding.	There are significant risks in relation to multiple regulatory processes, with a strong likelihood that regulatory processes will result in the project not going ahead. Regulatory processes are expensive, and time-consuming, with many co-dependencies.	There are some risks in relation to regulatory processes. Some of these processes are time consuming, but the likelihood is that the project will go ahead.	The development requires some standard regulatory processes that do not prohibit the development from proceeding.	There are minimal standard regulatory processes to complete the project.
<b>c. Opposition.</b> What level of opposition is there, or likely to be, from any party to the development of the site.	Strong opposition known or likely from most of the community for any development on the site.	Opposition known or likely from some of the community for any development on the site.	Neither support nor opposition has been expressed.	Some support expressed, or some support is likely.	100% approval from all parties, or high level of support likely.
<b>3. Appropriate city activation</b>					
<b>a. Profile/landmark.</b> The site is located in a high profile position. The new library will create a landmark for the city, and provides a sense of place. The site is located with visual access to open vistas.	Low profile location in an existing building with no distinguishing features & no ability to modify.	Low profile location in an existing building that can be modified, or a new building.	Medium profile location; an existing building with no distinguishing features but can be modified.	Medium profile location; an existing building that is already an iconic building; or a new build. Some cultural significance with opportunities to incorporate cultural values and stories in design of Library/site.	High profile location; an existing iconic building, or a new build. Site with high cultural significance with opportunities to incorporate cultural values and stories in design of Library/site.
<b>b. Leverage activity.</b> The site is located in a place that could benefit from the additional foot traffic that the library will create, and would not result in activities such as retail being drawn away from the city centre. The library would be complementary to nearby activities	The Library in this location may result in drawing retail activities out of the central city. Activities surrounding a Library in this location are not complementary.	Activities surrounding a Library in this location are not complementary, and would have no benefit from the foot traffic generated by the Library.	Some adjacent activities would benefit from the additional foot traffic, and would be complementary to those activities of the Library.	Many of the adjacent activities and spaces would benefit from the additional foot traffic the Library brings with an improvement of perception of safety. Surrounding activities are complementary in nature.	The Library in this location would bring much needed foot traffic to an area of the city struggling with higher than average vacancies and lower rent, with an improvement to identified safety concerns/issues in the area. Surrounding activities are complementary in nature.





<b>4. Connectivity</b> <b>a. Active transport.</b> The site is easily accessible by foot or bike from the CBD.  <b>b. Public transport.</b> The site is located close to public transport.  <b>c. Private vehicle.</b> The site has on-site or nearby car parking available, and is easy to reach by private vehicle.	<p>The site requires the use of private vehicle to access, with no footpath or cycle infrastructure and no access for mobility aides (e.g. wheelchair, walkers etc)</p>	<p>The site is primarily accessed by private vehicle. Some footpaths exist but condition and connectivity is poor. No cycle infrastructure exists and poor access for mobility aides (e.g. wheelchair, walkers etc)</p>	<p>The site can be accessed by all modes, though footpaths are functional, connectivity to the wider area is limited, and there is some difficulty is reaching the site by bike and mobility aides.</p>	<p>The site can be accessed by all modes. Footpaths/pedestrian facilities are smooth, level and wide, with good connections to other activities and streets. Cycle lanes and facilities exist.</p>	<p>The site prioritises access by active modes, with excellent pedestrian facilities – well-lit, smooth, level and wide with visual impairment aides. High connectivity with other parts of the city. Off road cycle lanes connect to the site.</p>
	<p>Bus stop and other drop off points unable to be accommodated due to site constraints and location.</p>	<p>Bus stop and other drop off points can be accommodated but not within easy walking distance of the site. Footpath network in poor condition and low connectivity.</p>	<p>Bus stop and other drop off points within reasonable walking distance of the site. Bus services are regular but infrequent. Footpath network in average condition and connected to site.</p>	<p>The site is located within close proximity to a bus stop, taxi stand, or Uber drop-off point. Bus facilities provide shelter and signage. A limited amount of space for bus park facilities for group visits is available nearby</p>	<p>Bus stop and other drop off points right outside or able to be located outside the building. Other bus parks are available on-site for drop off/pick up of larger groups.</p>
	<p>The site is difficult to reach via private vehicle. The site is located where there is no on-site or on-street carparking within easy walking distance, and no ability to drop-off passengers in a loading zone or drop-off bay and no mobility parks.</p>	<p>The site can easily be reached via private vehicle, but is located in a space that is often congested. The site has access to a limited supply of on-street car parking that has a high occupation rate and is either paid parking or short-stay duration. A loading zone or drop-off bay is available nearby. Mobility parks some distance away.</p>	<p>Reaching the site via private vehicle is easy, with good connections and limited disruption to traffic flow. The site has access to on-street carparking with a medium occupation rate. Parking is either paid parking or limited duration stay. A loading zone or drop-off bay is available adjacent. The site contains a limited supply of 'on-site' carparking. Mobility parks available close to the site.</p>	<p>Reaching the site via private vehicle is easy, with good connections and limited disruption to traffic flow. The site has a mix of on-site and on-street carparking. Parking is either subsidised or available at limited duration stay (up to 2 hours). A loading zone or drop-off bay is available adjacent. Onsite mobility parks available.</p>	<p>Reaching the site via private vehicle is easy, with good connections and limited disruption to traffic flow. The site contains a large number of on-site car parks, free of charge. On-street car parks are also available nearby – these have a low occupation rate and are provided on a limited duration stay basis. A loading zone or drop-off bay is available on the site. Onsite mobility parks onsite and outside the entrance.</p>
<b>5. Displacement effects</b> What negative effects will be created as a result of locating a new library on the site and displacing the existing activity on that site?	<p>The development will result in numerous, ongoing and or permanent and negative effects (eg removal of heritage features)  <b>And/or</b>          Removes legitimate activity permanently.</p>	<p>The development may result in some negative effects and/or disrupts legitimate activity, requiring relocation (eg car parking).</p>	<p>The development does not result in any negative effects or disruption to existing activity.</p>	<p>The development will positively affect surrounding existing activities.</p>	<p>The development increases positive activity surrounding the site and activates the area.</p>



#### 4. QUARTERLY REPORT FOR THE THREE MONTHS ENDED 30 SEPTEMBER 2018

<i>Type of Report:</i>	Operational and Procedural
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	675093
<i>Reporting Officer/s &amp; Unit:</i>	Caroline Thomson, Chief Financial Officer

##### 4.1 Purpose of Report

To consider the Quarterly Report for the three months ended 30 September 2018.

##### Officer's Recommendation

That Council:

- a. Receive the Quarterly Report for the three months ended 30 September 2018.

##### Mayor's Recommendation

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

##### 4.2 Background Summary

The Quarterly Report summarises the Council's progress in the First quarter of 2018/19 towards fulfilling the intentions outlined in the Annual Plan. Quarterly performance is assessed against income, total operating expenditure, and capital expenditure.

##### 4.3 Issues

No issues.

##### 4.4 Significance and Engagement

N/A

##### 4.5 Implications

##### Financial

N/A

##### Social & Policy

N/A

##### Risk

N/A

##### 4.6 Attachments

- A Quarterly report for the three months ended 30 September 2018 (*Under Separate Cover*) ➡

## 5. TERMS OF REFERENCE FOR THE CLIFTON TO TANGOIO COASTAL HAZARDS STRATEGY JOINT COMMITTEE

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	664668
<i>Reporting Officer/s &amp; Unit:</i>	Deborah Smith, Team Leader Governance

### 5.1 Purpose of Report

To present the updated Terms of Reference of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee for adoption by Council.

#### Officer's Recommendation

That Council:

- a. Adopt the updated Terms of Reference for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee as at 28 September 2018.

#### Mayor's Recommendation

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

### 5.2 Background Summary

In May 2017, Council adopted the Terms of Reference for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee. As the project moves into its next phase, and the focus of the Committee shifts accordingly, updates to the Terms of Reference have been made to ensure they continue to reflect and guide the membership, purpose and activities of the Committee.

The updated Terms of Reference are required to be adopted by all the member Councils of the committee.

### 5.3 Issues

N/A

### 5.4 Significance and Engagement

N/A

### 5.5 Implications

#### Financial

N/A

#### Social & Policy

N/A

#### Risk

N/A

## 5.6 Options

The options available to Council are as follows:

- a. To adopt the updated Terms of Reference of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee
- b. To request further updates to the Terms of Reference be made and confirmed with the other representative Councils prior to adoption

## 5.7 Development of Preferred Option

It is recommended that the attached Terms of Reference be adopted as they capture the primary changes from the current document and are due for adoption by all the member Councils.

## 5.8 Attachments

- A Updated Terms of Reference - Coast Strategy Governance Group Joint Committee\_September 2018 [↓](#)

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## Terms of Reference for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee

**As at 28 September 2018**

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*As adopted by resolution by:  
Hastings District Council 23 March 2017  
Napier City Council 31 May 2017  
Hawke's Bay Regional Council 28 June 2017*

### 1. Definitions

For the purpose of these Terms of Reference:

- **"Act"** means the Local Government Act 2002.
- **"Administering Authority"** means Hawke's Bay Regional Council.
- **"Coastal Hazards Strategy"** means the Coastal Hazards Strategy for the Hawke Bay coast between Clifton and Tangoio<sup>1</sup>.
- **"Council Member"** means an elected representative appointed by a Partner Council.
- **"Hazards"** means natural hazards with the potential to affect the coast, coastal communities and infrastructure over the next 100 years, including, but not limited to, coastal erosion, storm surge, flooding or inundation of land from the sea, and tsunami; and includes any change in these hazards as a result of sea level rise.
- **"Joint Committee"** means the group known as the Clifton to Tangoio Coastal Hazards Strategy Joint Committee set up to recommend both draft and final strategies to each Partner Council.
- **"Member"** in relation to the Joint Committee means each Council Member and each Tangata Whenua Member.
- **"Partner Council"** means one of the following local authorities: Hastings District Council, Napier City Council and Hawke's Bay Regional Council.
- **"Tangata Whenua Appointer"** means:
  - The trustees of the Maungaharuru-Tangitū Trust, on behalf of the Maungaharuru-Tangitū Hapū;
  - Mana Ahuriri Incorporated, on behalf of Mana Ahuriri Hapū;
  - He Toa Takitini, on behalf of the hapū of Heretaunga and Tamatea.
- **"Tangata Whenua Member"** means a member of the Joint Committee appointed by a Tangata Whenua Appointer

### 2. Name and status of Joint Committee

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<sup>1</sup> The Coastal Hazards Strategy is further defined in Appendix 1 to these Terms of Reference.

2.1 The Joint Committee shall be known as the Clifton to Tangoio Coastal Hazards Strategy Joint Committee.

2.2 The Joint Committee is a joint committee under clause 30(1)(b) of Schedule 7 of the Act.

### 3. Partner Council Members

3.1 Each Partner Council shall appoint ~~two~~ three Council Members and alternates to the Joint Committee. If not appointed directly as Council Members, the Mayors of Hastings District Council and Napier City Council and the Chairperson of Hawke's Bay Regional Council are ex officio Council Members.

3.2 Under clause 30(9) Schedule 7 of the Act, the power to discharge any Council Member on the Joint Committee and appoint his or her replacement shall be exercisable only by the Partner Council that appointed the Member.

### 4. Tangata Whenua Members

4.1 Each Tangata Whenua Appointer may appoint one member to sit on the Joint Committee.

4.2 Each Tangata Whenua Appointer must make any appointment and notify all Tangata Whenua Appointers and Partner Councils in writing of the appointment.

4.3 The Tangata Whenua Members so appointed shall be entitled to vote.

4.4 Under clause 30(9) Schedule 7 of the Act, the power to discharge any Tangata Whenua Member on the Joint Committee and appoint his or her replacement shall be exercisable only by the Tangata Whenua Appointer that appointed the Member.

### 5. Purpose of Terms of Reference

5.1 The purpose of these Terms of Reference is to:

5.1.1 Define the responsibilities of the Joint Committee as delegated by the Partner Councils under the Act.

5.1.2 Provide for the administrative arrangements of the Coastal Hazards Strategy Joint Committee as detailed in Appendix 2.

### 6. Meetings

6.1 Members, or their confirmed alternates, will attend all Joint Committee meetings.

### 7. Delegated authority

The Joint Committee has the responsibility delegated by the Partner Councils for:

7.1 Guiding and providing oversight for the key components of the strategy including:

- The identification of coastal hazards extents and risks as informed by technical assessments;
  - A framework for making decisions about how to respond to those risks;
  - A model for determining how those responses shall be funded; and
  - A plan for implementing those responses when confirmed.
- 7.2 Considering and recommending a draft strategy to each of the Partner Councils for public notification;
- 7.3 Considering comments and submissions on the draft strategy and making appropriate recommendations to the Partner Councils;
- 7.4 Considering and recommending a final strategy to each of the Partner Councils for approval;
- 7.5 Advocating for and/or advancing the objectives of the strategy by submitting on and participating in processes, including but not limited to:
  - Council long term plans;
  - Council annual plans;
  - District and regional plan and policy changes;
  - Reserve management plans;
  - Asset management plans;
  - Notified resource consent applications;
  - Central Government policy and legislation.
- 7.6 Investigating and securing additional sources of funding to support strategy implementation.

## 8. Powers not delegated

The following powers are not delegated to the Joint Committee:

- 8.1 Any power that cannot be delegated in accordance with clause 32 Schedule 7 of the Local Government Act 2002.
- 8.2 The determination of funding for undertaking investigations, studies and/or projects to assess options for implementing the Coastal Hazards Strategy.

## 9. Remuneration

- 9.1 Each Partner Council shall be responsible for remunerating its representatives on the Joint Committee and for the cost of those persons' participation in the Joint Committee.
- 9.2 The Administering Authority shall be responsible for remunerating the Tangata Whenua Members.

## 10. Meetings

- 10.1 The Hawke's Bay Regional Council standing orders will be used to conduct Joint Committee meetings as if the Joint Committee were a local authority and the principal administrative officer of the Hawke's Bay Regional Council or his or her nominated representative were its principal administrative officer.
- 10.2 The Joint Committee shall hold all meetings at such frequency, times and place(s) as agreed for the performance of the functions, duties and powers delegated under this Terms of Reference.



- 10.3 Notice of meetings will be given well in advance in writing to all Joint Committee Members, and not later than one month prior to the meeting.
- 10.4 The quorum shall be 65 Members, provided that at least one Partner Council Member is present from each Partner Council.

## 11. Voting

- 11.1 In accordance with clause 32(4) Schedule 7 of Act, at meetings of the Joint Committee each Council Member has full authority to vote and make decisions within the delegations of this Terms of Reference on behalf of the Partner Council without further recourse to the Partner Council.
- 11.2 Where voting is required, all Members of the Joint Committee have full speaking rights.
- 11.3 Each Member has one vote.
- 11.4 Best endeavours will be made to achieve decisions on a consensus basis.
- 11.5 As per HBRC Standing Order 18.3: The Chairperson at any meeting does not have a deliberative vote and, in the case of equality of votes, has no casting vote.

## 12. Election of Chairperson and Deputy Chairperson

- 12.1 On the formation of the Joint Committee the members shall elect a Joint Committee Chairperson and may elect up to two Deputy Chairpersons. The Chairperson is to be selected from the group of Council Members.
- 12.2 The mandate of the appointed Chairperson or Deputy Chairperson ends if that person through resignation or otherwise ceases to be a member of the Joint Committee.

## 13. Reporting

- 13.1 All reports to the Committee shall be presented via the Technical Advisory Group<sup>2</sup> or from the Committee Chairperson.
- 13.2 Following each meeting of the Joint Committee, the Project Manager shall prepare a **brief** summary report of the business of the meeting and circulate that report, for information to each Member following each meeting. Such reports will be in addition to any formal minutes prepared by the Administering Authority which will be circulated to Joint Committee representatives.
- 13.213.3 The Technical Advisory Group shall ensure that the summary report required by 13.2 is also provided to each Partner Council for inclusion in the agenda for the next available Council meeting. A Technical Advisory Group Member shall attend the relevant Council meeting to speak to the summary report if requested and respond to any questions.

## 14. Good faith

- 14.1 In the event of any circumstances arising that were unforeseen by the Partner Councils, the Tangata Whenua Appointers, or their respective

<sup>2</sup> A description of the Technical Advisory Group and its role is included as Appendix 2 to these Terms of Reference.

representatives at the time of adopting this Terms of Reference, the Partner Councils and the Tangata Whenua Appointers and their respective representatives hereby record their intention that they will negotiate in good faith to add to or vary this Terms of Reference so to resolve the impact of those circumstances in the best interests of the Partner Councils and the Tangata Whenua Appointers collectively.

#### **15. Variations to these Terms of Reference**

- 15.1 Any Member may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the Joint Committee.
- 15.2 Amendments to the Terms of Reference may only be made with the approval of all Members.

## 16. Recommended for Adoption by

16.1 The Coastal Hazards Strategy Joint Committee made up of the following members recommends this Terms of Reference for adoption to the three Partner Councils:

Napier City Council represented by Cr Tony Jeffery, ~~and~~ Cr Larry Dallimore and  
Cr Annette Brosnan  
*Appointed by NCC resolution 2 November 2016*

Hastings District Council represented by Cr Tania Kerr, ~~and~~ Cr Rod Heaps and  
Cr Malcolm Dixon  
*Appointed by HDC resolution 8 November 2016*

Hawke's Bay Regional Council represented by Cr Peter Beaven, ~~and~~ Cr Paul  
Bailey and Cr Neil Kirton  
*Appointed by HBRC resolution 9 November 2016*

Maungaharuru-Tangitū Trust (MTT) represented by Mrs Tania Hopmans

Mana Ahuriri Inc represented by Ms Tania Huata

He Toa Takitini represented by Mr Peter Paku

## **Appendix 1 – Project Background**

### **Project Goal**

A Clifton to Tangoio Coastal Hazards Strategy is being developed in cooperation with the Hastings District Council (HDC), the Hawke's Bay Regional Council (HBRC), the Napier City Council (NCC), and groups representing Mana Whenua and/or Tangata Whenua. This strategy is being developed to provide a framework for assessing coastal hazards risks and options for the management of those risks for the next 105 years from 2015 to 2120.

The long term vision for the strategy is that coastal communities, businesses and critical infrastructure from Tangoio to Clifton are resilient to the effects of coastal hazards.

### **Project Assumptions**

The Coastal Hazards Strategy will be based on and influenced by:

- The long term needs of the Hawke's Bay community
- Existing policies and plans for the management of the coast embedded in regional and district council plans and strategies.
- Predictions for the impact of climate change
- The National Coastal Policy Statement

### **Project Scope**

The Coastal Hazards Strategy is primarily a framework for determining options for the long term management of the coast between Clifton and Tangoio. This includes:

- Taking into account sea level rise and the increased storminess predicted to occur as a result of climate change, an assessment of the risks posed by the natural hazards of coastal erosion, coastal inundation and tsunamis.
- The development of a framework to guide decision making processes that will result in a range of planned responses to these risks
- The development of a funding model to guide the share of costs, and mechanisms to cover those costs, of the identified responses.
- The development of an implementation plan to direct the implementation of the identified responses.
- Stakeholder involvement and participation.
- Protocols for expert advice and peer review.
- An action plan of ongoing activity assigned to various Members.

The Strategy will:

- Describe a broad vision for the coast in 2120, and how the Hawke's Bay community could respond to a range of possible scenarios which have the potential to impact the coast by 2120.
- Propose policies to guide any intervention to mitigate the impact of coastal processes and hazards through the following regulatory and non-regulatory instruments:
  - Regional Policy Statement
  - District Plans
  - Council long-term plans
  - Infrastructure Development Planning (including both policy and social infrastructure networks).

## **Appendix 2 - Administering Authority and Servicing**

The administering authority for the Coastal Hazards Strategy Joint Committee is Hawke's Bay Regional Council.

The administrative and related services referred to in clause 16.1 of the conduct of the joint standing committee under clause 30 Schedule 7 of the Local Government Act 2002 apply.

Until otherwise agreed, Hawke's Bay Regional Council will cover the full administrative costs of servicing the Coastal Hazards Strategy Joint Committee.

A technical advisory group (TAG) will service the Coastal Hazards Strategy Joint Committee.

The TAG will provide for the management of the project mainly through a Project Manager. TAG will be chaired by the Project Manager, and will comprise senior staff representatives from each of the participating councils and other parties as TAG deems appropriate from time to time. TAG will rely significantly on input from coastal consultants and experts.

The Project Manager and appropriate members of the TAG shall work with stakeholders. Stakeholders may also present to or discuss issues directly with the Joint Committee.

Functions of the TAG include:

- Providing technical oversight for the study.
- Coordinating agency inputs particularly in the context of the forward work programmes of the respective councils.
- Ensuring council inputs are integrated.

## 6. HB CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE - UNCONFIRMED MINUTES

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	679538
<i>Reporting Officer/s &amp; Unit:</i>	Cheree Ball, Governance Advisor

### 6.1 Purpose of Report

To present to Council the unconfirmed minutes of the HB Civil Defence Emergency Management Group Joint Committee meeting held on 27 August 2018.

#### Officer's Recommendation

That Council:

- a. Receive the unconfirmed minutes of the HB Civil Defence Emergency Management Group Joint Committee meeting held on 27 August 2018.

#### Mayor's Recommendation

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

### 6.2 Background Summary

The HB Civil Defence Emergency Management Group Joint Committee met on 27 August 2018; the unconfirmed minutes of the meeting are shown at **Attachment A**.

### 6.3 Issues

No issues.

### 6.4 Significance and Engagement

N/A

### 6.5 Implications

#### Financial

N/A

#### Social & Policy

N/A

#### Risk

N/A

### 6.6 Options

The options available to Council are as follows:

- a. To receive the draft minutes

## **6.7 Development of Preferred Option**

N/A

## **6.8 Attachments**

- A HB Civil Defence Emergency Management Group Joint Committee - unconfirmed minutes of 27 August 2018 [↓](#)





## Unconfirmed

### MINUTES OF A MEETING OF THE HB CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE

**Date:** Monday 27 August 2018

**Time:** 1.30pm

**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

**Present:** S Hazlehurst – Chair, Mayor of Hastings District Council  
M Davidson – Deputy Chair, CE, Central Hawke's Bay District Council  
R Graham – HBRC Chair and Councillor  
A Walker – Mayor, Central Hawke's Bay  
A Hickey  
W Jack – Chief Executive, Napier City Council  
I Macdonald – HBCDEM Group Manager/Controller  
S May – Chief Executive, Wairoa District Council  
J Palmer – Chief Executive, Hawke's Bay Regional Council  
M Johansen – Councillor Wairoa District Council (on behalf of Mayor Little)  
N Taylor – Acting Chief Executive, Hastings District Council

**In Attendance:** A Roets –Governance Administrative Assistant

**1. Welcome/Apologies/Notices**

CDE8/18 That the apologies from Mayors Bill Dalton and Craig Little be accepted with Cr Graham Taylor as delegated replacement for Mayor Little.

Graham/Walker  
CARRIED

**2. Conflict of Interest Declarations**

There were no conflict of declarations declared.

**3. Confirmation of Minutes of the Hawke's Bay Civil Defence Emergency Management Group Joint Committee held on 14 May 2018**

CDE9/18 **Resolution:**

Minutes of the HB Civil Defence Emergency Management Group held on Monday, 14 May 2018, a copy having been circulated prior to the meeting, were taken as read and confirmed.

Hazlehurst/Graham  
CARRIED

*Cr Neil Taylor arrived at 1.35pm.*

**4. Follow-ups from Previous HBCDEM Joint Committee Meeting**

- Community Resilience Planning – organisational structure tabled at the meeting, completed
- Training and Exercises – covered as an item on the Agenda, completed.
- Lifelines project: Regional Vulnerability study for Hawke's Bay – progress has been made by the Lifelines Group and have engaged a contractor to complete. Reported to the last CEG meeting in August 2018.
- Group Work Program – covered as an item on the Agenda on the Work Group.
- Risk Reduction – Had brief discussion at last Joint Committee meeting around updating the Policy Statement and the Natural hazards

**Resolution**

That the HBCDEM Joint Committee receives and notes the report *Follow-up Items from Previous HBCDEM Joint Committee Meeting*.

**5. Call for items of Business not on the Agenda**

That HBCDEM Joint Committee accepts the following *"Items of Business Not on the Agenda"* for discussion as Item 9.

Item	Topic	Raised by
1.	Financial Reporting & Reporting of Performance Management through this Committee	Mayor Alex Walker
2.	Assets in natural disaster	Cr Rex Graham

**6. Group Training and Exercising Programme**

Edaan Lennan gave a presentation on the paper, highlighting:

- The aim of the training programme and to provide a professional personnel capability development service to the members off the HBCDEMG via the Group Office
- Priority will be to train the staff that will contribute to the Group Emergency Coordination Centre and Wairoa/CHBDC incident management teams

- What training and exercising looks like and the methodology around the response capability and what they want to achieve
- To enable a response with people who are equipped to do the work and that they feel confident to do so
- Also looking for synergies with the local authorities from where staff are sourced from to provide value for their council business continuity planning and crisis management
- Approach is for the Group Office to be a centre of excellence where exercising is integrated and coordinated across the region – establishment of a Coordination Centre
- Training is evidence based and learner centred, building capability and developing pathways
- The CDEM career culture and pathways discussed and how to implement the career paths. Each position will be a pathways and will have clear set of courses to do to become qualified in a certain level. Training will progress from basic to advanced courses
- Exercises follows a collaborate approach and are based on 4 tiers through the National Framework explaining that Tier 1 is a single organisation exercise, Tier 2 region wide exercise, Tier 3 Inter-region exercise and Tier 4 being a National exercise
- Discussing the key priorities in facilitating the plan. Training exercises relies on buy in and organisational culture and how Civil Defence is viewed in Hawke's Bay. Want people to get involved to be trained and participate in exercising programmes
- Any training and exercise training programme be communicated early to local authorities
- HBCDEMG target to aim to lead two region wide emergency response exercise per year
- CEs to commit to ensure that staff are committed and attend training
- High turnover of staff does present an issue in terms of Councils maintaining the capability in the extra investment required in on-going training and development
- Core focus and emphasis on priorities on induction – every staff member are going through an induction process when appointed to any Council in Hawke's Bay
- Mayors and Chairs are important in making decisions about declaring and this is not mentioned in the plan – Declaration guideline provides framework and minimum standard
- Training can be provided at next meeting to revise guidelines on declarations and to run through scenario – next CDEM meeting on 3 December 2018.

CDE10/18 **Resolution:**

That :

1. That the Hawke's Bay CDEM Joint Committee endorses the decision to approve the Training Plan attached to this report.
2. That the Hawke's Bay CDEM Joint Committee endorses the decision to approve the Exercises Plan attached to this report.

**Walker/Graham  
CARRIED**

## 7. **Group Work Programme Outline**

Ian Macdonald gave an update on the process and progress in redeveloping the existing Group Work Programme, highlighting:

- Agreed in May 2018 to endorse the decision of the CEG to redevelop the existing Group Work Programme.
- Had a workshop in July where the team identified work streams and projects and as to what the key priorities and focus should be looking at the next 1-2 years.

- High level guidance was as a result of a discussion between the CEG Chair, Wayne Jack and the Group Manager, Ian Macdonald
- The next step of the process will be developing project scopes and priorities and that some projects could be amalgamated into work streams.
- The intent is to develop a coordinated work programme and identify matters such as project overview and purpose, goals, project assumptions and constraints, success factors, risks, strategic alignment, related projects and interdependencies, stakeholders and resourcing.
- Intended to consult with organisations represented in CEG and with other partner agencies to discuss the projects identified and to have a complete work programme available at the November CEG meeting for approval and will be reporting back to this committee on 3 December 2018.
- The current matrix is in a very draft state and provides a level of guidance only. Some projects will be amalgamated into work streams.
- Once indicators have been identified, surveys can be tailored and measured which feeds back into the report at the end of the financial year.
- Attention to earth quake prone buildings, asset management and business continuance planning and how individual Council deals with those
- Report on "learnings" and how to manage future natural disasters better for the next CEG meeting and will be reported back to this Committee straight after
- Report event done by the Regional Council in terms of the Hazard and response from a Regional Council's perspective – will bring together combined post event report for next meeting
- More detailed analysis to be provided on extreme natural disasters (i.e 5 meter tsunami, 7.0 on Richter scale earth quake etc) and how it impacted the environment and communities and the risks involved
- SUGG analysis (impact analysis) has been done at the workshops for development of Group Plan – these were held over a number of days and involved representatives from Group members and partner agencies(looked at the each hazard and each impact it has on the built -; social – and economical environment).
- Hikurangi Response Plan and Rapid Relief Project are funded by the Resilience Fund which is managed by MCDEM
- Earth quake prone buildings – very much at risk in Hastings, Napier and other areas. Each Council to report individually on these matters and report back to this meeting.
- Māori engagement methodology discussed and noted further work required against the context of the Government looking at making changes in this area.
- Communications toolbox / Communications plan review to be acknowledged in the matrix as high impact/high effort

**CDE11/18 Resolution:**

That :

1. The report of the Group Manager, Hawke's Bay CDEM Group Joint Committee titled "**Group Outline Work Programme**" be received.
2. That the outline Group Work Programme is endorsed.

**Hazlehurst/Walker  
CARRIED**

**8. Group Manager's General Update**

Ian Macdonald provided an overview on the report highlighting:

- A new method of operations was adopted and tested to move to a more centralised model.
- Confusion at council level as how the model is applied to a real event, particularly a small event. To clarify as to when an incident escalates from a small to larger and

- how the Group ECC supports a small council lead incident.
- To undertake the review and ensure in how the method of operations is applied in an emergency.
- Two meetings will be held in August to discuss the model going forward.

*Group Welfare:*

- The Group Welfare Plan has now been completed and currently being formatted and finalised and will be published online and a link will be provided when done.

*Group Volunteer Strategy*

- The Group Volunteer Strategy was approved by the CEG at its last meeting and three focus areas have been identified in moving forward, being Rapid response, welfare response and communication specialists.
- A capability based around the effective utilisation of all three of the above volunteer groups across all four Rs, will be developed.
- An implement a transition plan, involving all of the existing CDEM volunteers across Hawke's Bay.

*Community Resilience Planning and Education*

- Well-attended workshop held in July with key stakeholders around understanding our risks, with a specific focus on tsunami.
- CDEM working collaboratively with Ministry of Education to clarify the number of schools located in tsunami zones and plan ahead in an evacuation situation.
- Red Cross has now delivered the "Let's Get Ready" programme to over 1000 children in Hastings and Napier schools.
- Health Hawke's Bay has done very good work on B4 School Check where four year olds were given the Te Hīkoi a Rūaumoko books and household emergency plans templates explaining how the earth moves etc.

*Hastings Emergency Management Facility*

- The Group Office relocated and established a temporary GECC in Heretanga House across the road from the main Hastings District Council building and currently operating at a reduced capacity in terms of size.
- The tenders should be closing shortly and the intention is to start working in September.

*Group office restructure and implementation*

- Implementation of the new Group office structure has been ongoing.
- The position of Emergency Management Advisor (Public Information and Education) was not able to be filled in the first round of interviews and will be re-advertised shortly.

*Group Funding Review*

- As part of the local authorities LTP processes, the Councils have approved changes to the CDEM funding – one rate targeted to individual properties and will be administered by HBRC.
- Currently reviewing Group budgets to allocate resources to new projects areas and an update on the Group's budget and financial performance for the 2017/18 financial year, will be given at the next CEG meeting.
- Esk floodings – importance of information sharing on all levels – report to the December meeting.

**CDE12/18 Resolution:**

That the Hawke's Bay Civil Defence Emergency Management Group Joint Committee receives and notes the "**Group Manager's General Update**" staff report.

**Hazlehurst/Walker**

**CARRIED****9. Discussion of items of Business not on the Agenda**

Item	Topic	Raised by
1.	<p>Financial Reporting &amp; Reporting of Performance Management through this Committee</p> <ul style="list-style-type: none"> <li>• Been partly picked up in the independence reports, but seeks clarity if financial reporting will be tabled at each meeting or quarterly.</li> <li>• Collective responsibility of this Group to have feedback as well as to have transparency on the books.</li> <li>• It was reported to CEG that they are in process of developing a report which includes the work program, KPIs and financial reporting on various activities.</li> </ul>	Mayor Alex Walker
2.	<p>Assets in natural disaster</p> <ul style="list-style-type: none"> <li>• Clarity sought whether adequate asset management plans are in place and assets are maintained in an emergency.</li> <li>• Questions raised whether houses are still being built in flood zones, houses being built in liquefaction and stopbanks performing as they should/flood protection.</li> <li>• Ian Macdonald reported that: <ul style="list-style-type: none"> <li>○ Yes we are still restricted by historic decisions on land use planning in hazard areas. New information and modelling techniques will change the underlying assumptions used to make past decisions.</li> <li>○ Difficult to make decisions on risks that have high consequences but low probability - need to take an intergenerational approach.</li> <li>○ Need to look at all and coordinate the "tools" available to local government across our roles and responsibilities (eg asset management, LGA, CDEM Act, RMA, Building Act).</li> </ul> </li> <li>• Emergency teams are trained in any emergency event and capable of handling all sorts of emergency.</li> <li>• Observations on Hawke's Bay stopbanks were they are well built and maintained and are adequate. Noting issues raised in Edgecombe Independent Review on that particular stopbank.</li> <li>• Comfortable with Council's assets in general.</li> <li>• Have to have conversations in Land use planning – will have a meeting with Tom Skerman around making some changes to the Regional Policy Statement to strengthen provisions around natural hazards.</li> <li>• Group office worked with HDC while reviewing their District Plan. Tsunami invasion areas were identified. Vulnerable users like medical facilities, schools, rest homes, etc require a controlled or restricted discretionary consent and has to be assessed on mitigating the risk – i.e. evacuation.</li> <li>• Further clarity sought on areas where we are exposed to possible flooding or tsunami zones.</li> <li>• Liquefaction report reviewed on a continued basis.</li> <li>• Project Plan around Risk will be tabled in due course.</li> </ul>	Cr Rex Graham

CDE13/18 **Resolution:****Hazlehurst/Graham  
CARRIED****Closure:**

There being no further business the Chairman declared the meeting closed at 2.54pm on Monday, 27 August 2018.

Signed as a true and correct record.

DATE: .....

CHAIRMAN: .....

# REPORTS / RECOMMENDATIONS FROM THE STANDING COMMITTEES

## MĀORI CONSULTATIVE COMMITTEE MEETING - 4 December 2018

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### **Māori Consultative Committee Recommendation**

That the Māori Consultative Committee recommendations be adopted.

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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 13 NOVEMBER 2018

### 1. COMPLIANCE WITH CURRENT DRINKING-WATER STANDARDS FOR NEW ZEALAND - 2017/18

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	656402
<i>Reporting Officer/s &amp; Unit:</i>	Santha Agas, Team Leader 3 Waters

#### 1.1 Purpose of Report

The purpose of this report is to advise Council of:

- The outcome of the report received from Central North Island Drinking Water Assessment Unit (CNIDWAU) on compliance with the Drinking-water Standards for New Zealand 2005 (Revised 2008) and duties under Health Act 1956.
- The scheduled programme of works in the next 5 years to improve the quality of Napier's Water Supply network.

#### At the Māori Consultative Committee meeting

In response to questions from committee members it was confirmed that Council is compliant with the current Drinking-water Standards for New Zealand.

Māori Consultative Committee's recommendation

Councillor Tapine / Mayor Dalton

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

Carried

#### Committee's recommendation

Councillors Brosnan / Hague

That Council:

- a. Receive the update on compliance with current drinking-water standards.

Carried

## 2. SPEED LIMIT BYLAW REVIEW 2018

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Type of Report:	Legal and Operational
Legal Reference:	Local Government Act 2002
Document ID:	468094
Reporting Officer/s & Unit:	Tony Mills, Senior Roding Engineer

### 2.1 Purpose of Report

The purpose of this report is to recommend Council to commence formal public consultation on the proposed changes to the “Napier City Council Speed Limits Bylaw 2012” and the accompanying Statement of Proposal.

The proposed changes follow the introduction of the new “Speed Management Guide” which was developed by the New Zealand Transport Agency (NZTA) to help Road Controlling Authorities (RCAs) better understand the risk associated with their roads so that the appropriate speed limits can be set.

Informal public consultation was undertaken to enable the community to have input in to the process at an early stage and the findings are detailed in this report.

#### At the Māori Consultative Committee meeting

The current speeds along Meeanee Road were discussed.

Māori Consultative Committee's recommendation

Councillor Tapine / Mayor Dalton

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

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Carried

#### Committee's recommendation

Councillors White / Wright

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That Council:

- a. Adopt the report from the Senior Roding Engineer titled “Speed Limit Bylaw Review 2018” with the reasons for the decision being:
  - i. That a bylaw is the only method mandated by the Land Transport Rule: Setting of Speed Limits 2017
  - ii. That the right to control speed limits is granted by Parliament to territorial authorities and the limitations proposed are justified limitations in terms of section 5 of the New Zealand Bill of Rights Act 1990 and that there is accordingly no breach of the New Zealand Bill of Rights Act.

- iii. That the consultation on the speed limits will allow affected parties and the wider community to fully consider the bylaw amendments proposed having regard to the requirements of the Rule 4.2(2) of the Land Transport Rule: Setting of Speed Limits 2017
- b. Adopt the Proposed Amendments to the Speed Limits Bylaw 2012 and the Statement of Proposal to commence public consultation in accordance with the special consultative procedure under the Local Government Act 2002 and the Land Transport Rule: Setting of Speed Limits 2017.

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Carried

### 3. LEASE OF RESERVE - NAPIER FREE KINDERGARTEN ASSOCIATION INCORPORATED

Type of Report:	Legal
Legal Reference:	Reserves Act 1977
Document ID:	655792
Reporting Officer/s & Unit:	Bryan Faulknor, Manager Property Jenny Martin, Property and Facilities Officer

#### 3.1 Purpose of Report

To obtain a Council decision to enter into a new ground lease with the Napier Free Kindergarten Association Incorporated for the Carlyle Kindergarten at the Thackeray Street Reserve.

#### At the Māori Consultative Committee meeting

There was no discussion on this item.

Māori Consultative Committee's recommendation

Councillor Tapine / Mayor Dalton

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

Carried

#### Committee's recommendation

Mayor Dalton / Councillor Brosnan

That Council:

- a. Resolve to enter into a new ground lease with the Napier Free Kindergarten Association Incorporated for the Carlyle Kindergarten for a term of 15 years with one 15-year right of renewal.

*Councillor Wright did not participate in the discussion or voting due to an expressed conflict of interest.*

Carried

## REPORTS FROM REGULATORY COMMITTEE HELD 13 NOVEMBER 2018

### 1. APPOINTMENT OF DISTRICT LICENSING COMMITTEE

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Type of Report:	Operational
Legal Reference:	Sale and Supply of Alcohol Act 2012
Document ID:	661285
Reporting Officer/s & Unit:	Rachael Horton, Manager Business Excellence & Transformation

#### 1.1 Purpose of Report

To seek Council's approval to reappoint the current District Licensing Committee for a further term of 12 months to 29 November 2019, and to align the District Licensing Committee appointment process with the triennial election cycle.

#### At the Māori Consultative Committee meeting

As this was a Decision of Council there was no discussion on this item.

#### Committee's recommendation

Councillors Taylor / Wright

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That Council:

- a. Receive the report.
- b. Approve the reappointment of the following members of the District Licensing Committee pursuant to the provisions of the Sale and Supply of Alcohol Act 2012 for a further term of 12 months to 29 November 2019:
  - Dave Fellows as Commissioner and Chair
  - Deputy Mayor Faye White as Deputy Chair
  - Councillor Keith Price
  - John Cocking
  - Ross Pinkham
- c. Approve future appointments of District Licensing Committees for terms of three years in line with the triennial election cycle.
- d. That a **DECISION OF COUNCIL** is required urgently due to the appointment terms ending in November 2018.

*Deputy Mayor White and Councillor Price did not participate in the discussion or voting due to their expressed conflict of interest.*

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Carried

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Council Resolution Councillors Taylor / Wright

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**At the Regulatory  
Committee  
meeting held on  
Tuesday, 13  
November 2018  
the following  
committee  
recommendation  
was ratified as a  
DECISION OF  
COUNCIL.**

That Council:

- a. Receive the report.
- b. Approve the reappointment of the following members of the District Licensing Committee pursuant to the provisions of the Sale and Supply of Alcohol Act 2012 for a further term of 12 months to 29 November 2019:
  - Dave Fellows as Commissioner and Chair
  - Deputy Mayor Faye White as Deputy Chair
  - Councillor Keith Price
  - John Cocking
  - Ross Pinkham
- c. Approve future appointments of District Licensing Committees for terms of three years in line with the triennial election cycle.

*Deputy Mayor White and Councillor Price did not participate in the discussion or voting due to their expressed conflict of interest.*

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Carried

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## 2. NAPIER CHRISTMAS FIESTA - PROVISION OF FOOD TRUCKS

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*Type of Report:* Procedural

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*Legal Reference:* Local Government Act 2002

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*Document ID:* 652821

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*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 (no alcohol) to the public within Clive Square East and Emerson Street between Clive and Memorial Squares as part of the Napier Christmas Fiesta that will be held following the Christmas parade. The Fiesta will run from 1.30pm to 4.00pm on Sunday 2 December 2018.

#### At the Māori Consultative Committee meeting

There was no discussion on this item.

#### Māori Consultative Committee's recommendation

T Aranui / T Henare-Winitana

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

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Carried

#### Committee's recommendation

Councillors Brosnan / Wise

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That Council:

- a. Resolve to allow the sale of food and drink to the public within Clive Square East and Emerson Street between Clive and Memorial Squares at the Napier Christmas Fiesta event from 1.30pm to 4.00pm on Sunday 2 December 2018.
- 

Carried

## REPORTS FROM FINANCE COMMITTEE HELD 27 NOVEMBER 2018

### 1. THREE WATERS REVIEW

Type of Report:	Information
Legal Reference:	N/A
Document ID:	667489
Reporting Officer/s & Unit:	Wayne Jack, Chief Executive

#### 1.1 Purpose of Report

This report seeks Council approval to develop a regional business case assessing options to improve the management of drinking water, storm water and wastewater ("Three Waters") in the Hawkes Bay region and in doing so, address Central Government concerns associated with these activities. This review will develop recommendations for performance improvements to our Regional Three Waters systems with a view to guiding Central Governments Three Waters strategy.

#### At the Māori Consultative Committee meeting

As this was a Decision of Council there was no discussion on this item.

#### Committee's recommendation

Mayor Dalton / Councillor Taylor

That Council:

- a. Endorse the development of a regional business case on Three Waters management.
- b. Note the cost of the review is apportioned across the Hawkes Bay Councils as follows:
  - 35% NCC, 35% HDC, 15% HBRC, 7.5% WDC, 7.5% CHBDC
- c. That a **DECISION OF COUNCIL** is required urgently to enable the review to be commenced and completed within the required timeframe.

Carried

Council Resolution Councillors Price / Wright

**At the Finance Committee meeting held on Tuesday, 27 November 2018 the following committee recommendation was ratified as a DECISION OF COUNCIL.**

That Council:

- a. Endorse the development of a regional business case on Three Waters management.
- b. Note the cost of the review is apportioned across the Hawkes Bay Councils as follows:
  - 35% NCC, 35% HDC, 15% HBRC, 7.5% WDC, 7.5% CHBDC

Carried



## 2. DISTRICT PLAN REVIEW FUNDING OPTIONS

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*Type of Report:* Operational

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*Legal Reference:* Local Government Act 2002

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*Document ID:* 669135

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*Reporting Officer/s & Unit:* Paulina Wilhelm, Manager City Development

### 2.1 Purpose of Report

The purpose of this report is to allow the use of the funds available in the Financial Contributions Special Fund to enable the production of Structure Plans and other work streams for servicing development in Napier. The Structure Plans will inform any future rezoning decision for the Napier District Plan and enable the city to grow.

#### At the Māori Consultative Committee meeting

Councillor Tapine spoke to the report noting that the District Plan is a key document, and that pre-engagement is already underway between Council officers and a number of networks in the community.

#### Māori Consultative Committee's recommendation

Councillor Tapine / Mayor Dalton

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

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Carried

#### Committee's recommendation

Councillors Jeffery / Wright

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That Council:

- a. Approve \$1.2m from the Financial Contributions Special Fund to fund the District Plan Review work programme which will allow future city growth.

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Carried

### 3. BUDGETS TO BE CARRIED FORWARD TO 2018/19

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*Type of Report:* Operational

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*Legal Reference:* Local Government Act 2002

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*Document ID:* 637309

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*Reporting Officer/s & Unit:* Caroline Thomson, Chief Financial Officer

#### 3.1 Purpose of Report

To seek Council approval to carry forward budgets into 2018/19.

#### At the Māori Consultative Committee meeting

The Mayor noted that it had previously been typical for around \$80 Million to be carried forward every year, and that carrying forward budgeted expenditure of just \$3,796,408 into 2018/19 is a result of efficient processes and systems.

#### Māori Consultative Committee's recommendation

Councillor Tapine / Mayor Dalton

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

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Carried

#### Committee's recommendation

Councillor Wright / Mayor Dalton

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That Council:

- a. Approve carrying forward budgeted expenditure of \$3,796,408 from 2017/18 into 2018/19.

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Carried

#### 4. RATING OUTTURN SURPLUS 2017/18

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*Type of Report:* Operational

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*Legal Reference:* Local Government Act 2002

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*Document ID:* 637305

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*Reporting Officer/s & Unit:* Caroline Thomson, Chief Financial Officer

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##### 4.1 Purpose of Report

To report on the Rating Account to 30 June 2018, and to approve allocations from the Rating Surplus

##### **At the Māori Consultative Committee meeting**

Councillor Tapine spoke to the item and noted that the surplus would likely be allocated to capital projects and infrastructure; however, the committee members have an opportunity to identify any capital investment opportunities to bring to Council, and are welcome to engage with the Chief Executive and senior staff in this regard.

The Chief Executive added that it would be beneficial for committee members to provide an indication in terms of the outcomes they are wanting to drive, particularly around environmental enhancements.

The committee members agreed that Council's priority needs to be our three waters delivery and discussed the importance of clear communication with the community regarding incidents involving the estuary. It was agreed that a collaborative approach is necessary in order to clean up the estuary.

##### **Māori Consultative Committee's recommendation**

Councillor Tapine / Mayor Dalton

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

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Carried

##### **Committee's recommendation**

Mayor Dalton / Councillor Taylor

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That Council:

- a. Approve transferring the 2017/18 net rating surplus of \$926,578 to the Capital Reserve Account where it is available for future commitments.

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Carried

## 5. LEASES OF RESERVE - NAPIER FREE KINDERGARTEN ASSOCIATION INCORPORATED

Type of Report:	Legal
Legal Reference:	Reserves Act 1977
Document ID:	665671
Reporting Officer/s & Unit:	Bryan Faulknor, Manager Property Jenny Martin, Property and Facilities Officer

### 5.1 Purpose of Report

To obtain a Council decision to enter into three new ground leases with the Napier Free Kindergarten Association Incorporated for the Taradale Kindergarten, Greenmeadows Kindergarten and Marewa Kindergarten.

#### At the Māori Consultative Committee meeting

There was not discussion on this item.

#### Māori Consultative Committee's recommendation

Councillor Tapine / Mayor Dalton

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

Carried

#### Committee's recommendation

Councillors Brosnan / Hague

That Council:

- a. Recommend that Council resolve to enter into a new ground lease with the Napier Free Kindergarten Association Incorporated for the Taradale Kindergarten, Greenmeadows Kindergarten and the Marewa Kindergarten each for a term of 15 years with one 15-year right of renewal.

*Due to an expressed conflict of interest, Councillor Wright did not participate in the discussion or vote on this agenda item.*

Carried

## 6. FIRE HYDRANT USE POLICY 2018

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*Type of Report:* Operational

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*Legal Reference:* N/A

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*Document ID:* 662412

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*Reporting Officer/s & Unit:* Anze Lencek, Water Quality Lead

### 6.1 Purpose of Report

To seek Council approval of the proposed Fire Hydrant Use Policy 2018.

#### **At the Māori Consultative Committee meeting**

The Mayor clarified that the Fire Hydrant Use Policy is required to protect our water supply.

#### **Māori Consultative Committee's recommendation**

Councillor Tapine / Mayor Dalton

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

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Carried

#### **Committee's recommendation**

Councillors Price / White

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That Council:

- a. Adopt the Fire Hydrant Use Policy 2018.

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Carried

## REPORTS FROM COMMUNITY SERVICES COMMITTEE HELD 27 NOVEMBER 2018

### 1. LIBRARY STRATEGY CONSULTATION FEEDBACK

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*Type of Report:* Operational

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*Legal Reference:* N/A

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*Document ID:* 664231

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

#### 1.1 Purpose of Report

To update Council on the feedback on the Library Strategy (attachment A), and to request adoption of the Strategy.

#### At the Māori Consultative Committee meeting

There was no discussion on this item.

#### Māori Consultative Committee's recommendation

Councillor Tapine / Mayor Dalton

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

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Carried

#### Committee's recommendation

Councillors Wright / Hague

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That Council:

- a. Adopt the Napier Library Strategy 2018.
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Carried

## 2. CREATIVE COMMUNITIES FUNDING SEPTEMBER 2018

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*Type of Report:* Operational

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*Legal Reference:* N/A

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*Document ID:* 661887

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*Reporting Officer/s & Unit:* Belinda McLeod, Community Funding Advisor

### 2.1 Purpose of Report

To note the Creative Communities funding decisions made on 27 September 2018. Council administers the scheme on behalf of Creative NZ. Funding decisions do not require ratification from Council.

#### **At the Māori Consultative Committee meeting**

In response to questions from committee members it was clarified that the funding decisions were made by the Creative Communities Assessment Committee.

#### **Māori Consultative Committee's recommendation**

Councillor Tapine / Mayor Dalton

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

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Carried

#### **Committee's recommendation**

Councillors Boag / Wright

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That Council:

- a. Note the Creative Communities funding decisions made on 27 September 2018.
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Carried

### 3. YOUTH POLICY REVIEW

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*Type of Report:* Operational

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*Legal Reference:* N/A

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*Document ID:* 664273

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

#### 3.1 Purpose of Report

To update Council on the feedback received on the draft Napier Youth Strategy, and to recommend adoption of the Strategy.

#### At the Māori Consultative Committee meeting

It was noted that the Napier Youth Strategy was widely supported through community consultation and the Youth Council has had significant input into the Strategy.

#### Māori Consultative Committee's recommendation

Councillor Tapine / Mayor Dalton

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

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Carried

#### Committee's recommendation

Councillors Wright / Price

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That Council:

- a. Adopt the Napier Youth Strategy 2018.

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Carried



# REPORTS UNDER DELEGATED AUTHORITY

## 1. TENDERS LET

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	679063
<i>Reporting Officer/s &amp; Unit:</i>	Alix Burke, Executive Assistant to the Chief Executive

### 1.1 Purpose of Report

To report Tenders let under delegated authority for the period 10 October to 22 November 2018.

#### Officer's Recommendation

That Council:

- a. Receive the Report of Tenders Let for the period 10 October to 22 November 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 DISCRETION

##### Contract 1204 Park Island Northern Development - Earthworks

Two tenders were received.

The Engineer's estimate was \$457,650.00.

It was recommended that the tender from Higgins Contractors Ltd be accepted in the sum of \$390,798.05. This recommendation was approved.

##### Contract 1198 Taradale Community Rooms Refurbishment

Two tenders were received.

The Engineer's estimate was \$410,000.00.

It was recommended that the tender from Simkin Construction be accepted in the sum of \$359,329.00. This recommendation was approved.

##### Contract 1178 – Asphaltic Concrete Footpath Renewals 2018-2019

Four tenders were received ranging from \$430,549.30 to \$630,346.94 excluding GST.

The Engineers estimate was \$431,788.00 excluding GST.

It was recommended that the tender from Higgins Contractors Ltd be accepted in the sum of \$430,549.30 + GST.

## **1.2 Attachments**

Nil

## 2. RESOURCE CONSENTS

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*Type of Report:* Information

*Legal Reference:* N/A

*Document ID:* 679070

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

### 2.1 Purpose of Report

To present the report on Resource Consents issued under delegated authority for the period 10 October – 22 November 2018.

#### **Officer's Recommendation**

That Council:

- a. Receive the report on Resource Consents issued under delegated authority for the period 10 October – 22 November 2018.

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#### **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 10 October – 22 November 2018.

### 2.2 Attachments

- A Resource Consents to 22 November 2018 [↓](#)

**Resource Consents (Subdivision & Land Use) Issued between 11 October 2018 – 21 November 2018**

Consent Number	Site Location	Applicant	Proposal	Activity Status	Decision Date
RMS18074	213 Kennedy Road	JR Barrow	Subdivide site to create an additional lot (two in total)	Controlled	11 October 2018
RMS18070	25, 35 & 45 Ulyatt Road	Bupa New Zealand	Main Rural zone boundary adjustment (no new lots)	Controlled	11 October 2018
RM180168	75, 77 & 81 Fryer Road	Hohepa – Hawkes Bay	Construct two new buildings in association with an established Residential Care facility in the Rural Residential zone	Non-complying	11 October 2018
RM180174	728 Main North Road	G Linwood	Erect three sleeping cabins, ablution block, kitchen and living unit on site for seasonal orchard workers	Restricted Discretionary	12 October 2018
RM180164	24 Austin Street	Workforce Development Limited	Establish and operate an Educational Facility with associated offices within the Main Industrial zone	Discretionary	15 October 2018
RM180162	10 Terrace Road	SBA Parker	Earthworks exceeding District Plan thresholds within the Rural Residential zone	Restricted Discretionary	12 October 2018
RM180177	66 Munroe Street	GIJ Dobson	Proposed espresso bar resulting in a multi-unit consent	Controlled	16 October 2018
RM180172	337 Meeanee Road	F Elliott	Section 127 variation to approved resource consent RM180143 to extend the hours of operation	Variation	17 October 2018
RMS18072	11 & 17 Hospital Terrace	Todd Property Napier Hill Limited	Three lot subdivision of stage two and a section 127 variation of approved resource consent (RM140073) to vary condition 50 of the stage 3/4	Controlled	17 October 2018

			development relating to the water booster pump station		
RM180120	116 Chaucer Road North	KB Simpson	Establish and operate a one bedroom accommodation facility within an existing building located within a 1m internal yard	Restricted Discretionary	23 October 2018
RM180178	250 Westminster Avenue	Napier City Council	Undertake earthworks that exceed the maximum volume (100m <sup>3</sup> ) of soil to be removed from the Sports Park zone and also earthworks affecting a HAIL site	Discretionary	23 October 2018
RM180157	371 Gloucester Street	Simkin Properties Limited	Establish and operate a funeral home within the Suburban Commercial zone requiring Resource Consent for signage, multi-unit and NES	Restricted Discretionary	24 October 2018
RMS18076	88A Latham Street	A & I-A Maaka	Amendment to cross lease to include the addition of a garage	Controlled	25 October 2018
RMS18077	24 Neeve Road	T Duval & J Williams	Amendment to cross lease to include the addition of two new garages and the removal of a rear porch	Controlled	25 October 2018
RM180183	Marine Parade	Napier City Council	Construct three raised pedestrian crossings within the dripline of four notable trees	Discretionary	26 October 2018
RM180187	83A Wellesley Road	J Trow	Construct a garage which results in height, manoeuvring and yard infringements within the Main Residential zone	Restricted Discretionary	26 October 2018
RM180175	35 Ford Road	Tiger Tyres	Establish a tyre shredding and export operation	Discretionary	30 October 2018
RM180179	121 Battery Road & 193 Springfield Road	Napier City Council	Undertake earthworks that exceeds the maximum allowable volume within the Mixed Use zone and Main Rural zone	Restricted Discretionary	31 October 2018

RM180167	29A Hastings Street	V Michaelsen	Alterations to a Group 1 Heritage Item building in order to establish a pizzeria	Variation	1 November 2018
RMS18065	67 Oak Road	Silverhills Trustees Limited	Amendment to approved resource consent (RMS12022) to introduce two additional lots and establish access to lot 5 via the new road and amend condition 47 to enable pump station to be vested in Council	Variation	1 November 2018
RM180193	6 Market Street	TW Criterion Limited	Undertake internal and external alterations to a Group 1 Heritage Item	Discretionary	7 November 2018
RM180190	207 Carlyle Street	Anderson Road Trust Limited	Relocated dwelling within the Napier Hill Character zone	Controlled	8 November 2018
RMS18078	23 Alamein Crescent	A & O Lines	Main Residential zone subdivision to create one additional lot (two in total)	Controlled	13 November 2018
RM180184	3/11 Wakefield Street	J Weedon	Operate a place of assembly (high impact fitness business) within the Main Industrial zone with an associated parking shortfall	Discretionary	14 November 2018
RM180186	73 Park Road	Redlee Properties Limited	Main Residential zone multi-unit development resulting in one additional dwelling (two in total)	Restricted Discretionary	14 November 2018
RM180194	312A Kennedy Road	RJ Green	Relocated dwelling within the Main Residential zone with yard and height in relation to boundary infringements	Controlled	15 November 2018
RM180196	2 Morse Street	J & P Kauppila	Construct a garage located within the 5m front yard within the Main Residential zone	Restricted Discretionary	15 November 2018
RM180192	61 Wellesley Road	MF Watson	Construct a garage infringing the 5m front yard and height controls within the Main Residential zone	Restricted Discretionary	15 November 2018

RMS18079	29 Wharerangi Road	Triple M & R Holdings Limited	Main Residential zone subdivision to create one additional lot (two in total)	Controlled	16 November 2018
RMS18080	47 Nelson Crescent	Triple M & R Holdings Limited	Subdivide site to create two additional lots (three in total) in the Main Residential zone	Controlled	19 November 2018
RM180189	33 O'Dowd Road	LA Erskine	Additions to dwelling with site coverage infringement and build garage with setback infringement	Restricted Discretionary	19 November 2018
RMS18083	148 Nuffield Avenue	G Evans & D Treves	Main Residential zone subdivision creating one additional lot (two in total)	Controlled	19 November 2018
PB180012	1 Alfred Street	DI Johnson	Proposed second floor addition that intrudes on the height recession plane on the eastern boundary	Deemed Permitted Boundary Activity	1 November 2018
PB180013	91 Basil Road	A & A Simcox	Construct a dwelling within the 6m rear yard within the Main Rural zone	Deemed Permitted Boundary Activity	26 October 2018
PB180014	21 Plunket Street	Housing New Zealand Corporation	Construction of a 2.4m high rear boundary fence within the Main Residential zone	Deemed Permitted Boundary Activity	29 October 2018
PB180015	263 Westminster Avenue	Housing New Zealand Limited	Construction of a fence upon the internal boundary exceeding the 2m maximum height control within the Main Residential zone	Deemed Permitted Boundary Activity	8 November 2018

### 3. DOCUMENTS EXECUTED UNDER SEAL

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	679074
<i>Reporting Officer/s &amp; Unit:</i>	Alix Burke, Executive Assistant to the Chief Executive

#### 3.1 Purpose of Report

To report of Documents Executed Under Seal for the period 10 October – 22 November 2018.

#### Officer's Recommendation

That Council:

- a) Receive the Report of Documents Executed Under Seal for the period 10 October to 22 November 2018.

#### MAYOR'S RECOMMENDATION

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

Schedule of Documents Executed Under Seal for the period 10 October – 22 November 2018.

Date	Document
23.10.18	Lease or Reserve, Eskview & Districts Rugby Football Club Inc.
6.11.18	Consent to Transfer Lessee's Interest – 31 Cadbury Road, Onekawa
6.11.18	Agreement of Sale and Purchase Riddell St Freeholding
20.11.18	Lessor transfer consent – 31 Battery Road
20.11.18	Enforcement Warrant, Andrew Glass, Environmental Officer
20.11.18	Enforcement Warrant, Caitlyn Egan, Environmental Office
20.11.18	Enforcement Warrant, Richard Mullen, Building Inspector

#### 3.2 Attachments

Nil



## 4. OFFICIAL INFORMATION REQUESTS

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<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Local Government Official Information and Meetings Act 1987
<i>Document ID:</i>	679097
<i>Reporting Officer/s &amp; Unit:</i>	Cheree Ball, Governance Advisor

### 4.1 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 year to 30 November 2018.

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### **MAYOR'S RECOMMENDATION**

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

Statistics for Official Information requests received for the year to 30 November 2018 are included in the **attached** report.

### 4.2 Attachments

- A Official information requests report to 30 November 2018 [↓](#)

**REPORT: For the year to 30 November 2018**  
**Requests made under the Local Government Official**  
**Information and Meetings Act 1987**





	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 <sup>th</sup> – 22 <sup>nd</sup> )	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)(c)(i) & 7(2)(a) - 1	0	16.54	0	0	1 Targeted rate for pool fencing – complaint closed.
October 2018	6	5	5	0	0	7.6	0	0	0
November 2018	20	12	12	0	0	10.5	0	0	0
<b>YTD Total</b>	<b>191</b>	<b>167</b>	<b>116</b>	<b>47</b>	<b>4</b>	<b>10.81</b>	<b>10</b>	<b>0</b>	<b>4</b>

## Requests received for the year to 30 November 2018:

Directorate	December/ January	February/ March	April/ May	June/ July	August/ September	October/ November	TOTAL RECEIVED YTD
Finance and Commercial	<ul style="list-style-type: none"> <li>- Average residential costs</li> <li>- Ratepayer numbers</li> <li>- CEO remuneration</li> <li>- Chamber of commerce subscription</li> <li>- Council owned housing</li> <li>- Entertainment, catering and gift expenditure</li> <li>- Average residential rates (Regional councils)</li> <li>- Membership to external groups</li> <li>- Peer review of seismic assessments</li> <li>- Mileage payments</li> </ul>	<ul style="list-style-type: none"> <li>- Alcohol inspectors training budgets</li> <li>- Port Rates</li> </ul>	<ul style="list-style-type: none"> <li>- Sensitive Expenditure x2</li> <li>- Business information (Privacy Act)</li> <li>- Irrigation funding</li> <li>- Property/valuations data</li> <li>- Sensitive expenditure</li> </ul>	<ul style="list-style-type: none"> <li>- Ocean spa documentation</li> <li>- Council building sales</li> <li>- Average council rates</li> <li>- Recycling options costs</li> <li>- Town halls</li> </ul>	<ul style="list-style-type: none"> <li>- Tourism and spending</li> <li>- Flights and international trips</li> <li>- Audit borrowing costs/qualifying assets</li> <li>- Flights and international trips</li> <li>- Audit/ borrowing costs/ qualifying assets</li> <li>- Swimming pool business case costs</li> <li>- Council building energy performance</li> <li>- Defamation costs</li> </ul>	<ul style="list-style-type: none"> <li>- Total costs for expenses relating to Easter Sunday High Court battle</li> <li>- 2017/18 industry/ lobby group payments</li> <li>- 2017/18 association payments</li> <li>- Koru Club membership</li> <li>- Hold music</li> <li>- Christmas expenses</li> <li>- 2017/18 Koha and Donations</li> <li>- 2017/18 paper usage</li> <li>- 2017/18 electricity usage</li> <li>- Salary details</li> </ul>	41
The Council	<ul style="list-style-type: none"> <li>- Complaint number</li> <li>- Peer review of seismic assessments</li> <li>- Mileage payments</li> <li>- Staff numbers</li> <li>- Code of conduct</li> <li>- Mayoral staff</li> <li>- Audit and Risk oversight</li> <li>- Absenteeism elected members and staff</li> <li>- Correspondence with MP Nanaia Mahuta</li> </ul>	<ul style="list-style-type: none"> <li>- Organisational information</li> </ul>	<ul style="list-style-type: none"> <li>- Staff code of conduct</li> <li>- Representation review</li> <li>- Risk policy and procedures</li> <li>- Sexual harassment in the public sector</li> </ul>	<ul style="list-style-type: none"> <li>- Provincial growth fund</li> <li>- Executive emails</li> <li>- Press release</li> <li>- 1080 Amended Statement of Claim</li> <li>- Audio and video recordings</li> </ul>	<ul style="list-style-type: none"> <li>- Mayoral entertainment expenditure</li> <li>- Official information requests</li> <li>- Employee driving incident</li> <li>- Provincial growth fund</li> <li>- Mayor's vehicle expenses</li> </ul>	<ul style="list-style-type: none"> <li>- Time capsule and Veronica plaque</li> <li>- Bullying and sexual harassment complaints</li> <li>- Fleet vehicles</li> </ul>	28
Planning, Policy and Strategy	<ul style="list-style-type: none"> <li>- Medium density housing RC data</li> </ul>						1





Directorate	December/ January	February/ March	April/ May	June/ July	August/ September	October/ November	TOTAL RECEIVED YTD
Culture, Community and Events	<ul style="list-style-type: none"> <li>- War memorial x2</li> </ul>	<ul style="list-style-type: none"> <li>- War memorial x7</li> <li>- Aquarium research travel</li> </ul>	<ul style="list-style-type: none"> <li>- War memorial x3</li> <li>- Aquarium visits</li> <li>- Aquarium IBC</li> <li>- Community housing</li> <li>- NANZ indicative business case</li> </ul>	<ul style="list-style-type: none"> <li>- NANZ information</li> <li>- Library employment information</li> <li>- Napier war memorial</li> <li>- War memorial transfer</li> <li>- McDermott Miller report</li> <li>- Land transfer</li> </ul>	<ul style="list-style-type: none"> <li>- Ivan Wilson Pool business case</li> <li>- NANZ questions</li> <li>- Creative Arts Capacity Review</li> <li>- Swimming pool business case costs</li> <li>- Ivan Wilson pool business case</li> <li>- Creative Arts Capacity Review</li> <li>- Eternal flame gas usage</li> </ul>	<ul style="list-style-type: none"> <li>- Marineland dolphin pools design</li> <li>- Marineland dolphin pools</li> </ul>	32
Environment Parks and Gardens	<ul style="list-style-type: none"> <li>- Pest control operations</li> <li>- Street and park tree inventories</li> </ul>	<ul style="list-style-type: none"> <li>- Press release 2012</li> </ul>				<ul style="list-style-type: none"> <li>- Cycle storage cages</li> <li>- CBD carpark revenue</li> <li>- Bike cages and wooden seating areas</li> </ul>	5
Consenting and Compliance	<ul style="list-style-type: none"> <li>- Campgrounds</li> <li>- Café audit report</li> <li>- Freedom camping</li> <li>- Freedom camping monitoring</li> <li>- Westshore infringements Dec 2017</li> </ul>	<ul style="list-style-type: none"> <li>- Licensed hairdressers/ barbers</li> <li>- Priestly Terrace</li> <li>- Building consent data</li> <li>- Noise complaints</li> <li>- Building consent charges</li> <li>- Consents costs x2</li> </ul>	<ul style="list-style-type: none"> <li>- Liquor license application or renewals</li> </ul>	<ul style="list-style-type: none"> <li>- LED digital billboard consents</li> <li>- Sale of food products</li> <li>- Diesel tank permits (heating)</li> <li>- Correspondence and vehicle records (Privacy Act)</li> <li>- Bay city club x4</li> <li>- Noise complaints</li> </ul>	<ul style="list-style-type: none"> <li>- Property information file</li> <li>- Private swimming pools</li> <li>- Licensed premises</li> <li>- Licensed premises</li> <li>- Building inspection data</li> <li>- Westshore reserve freedom camping</li> </ul>		24







Directorate	December/ January	February/ March	April/ May	June/ July	August/ September	October/ November	TOTAL RECEIVED YTD
Animal Management	<ul style="list-style-type: none"> <li>- Menacing dog classification</li> <li>- Complaint file</li> <li>- Dog data</li> <li>- Dog file letter</li> </ul>	<ul style="list-style-type: none"> <li>- Dog attack statement</li> <li>- Dog safety education</li> </ul>	<ul style="list-style-type: none"> <li>- Dog data</li> <li>- Dogs x4</li> </ul>	<ul style="list-style-type: none"> <li>- Dog attack files</li> <li>- Barking complaints</li> </ul>		<ul style="list-style-type: none"> <li>- Dog attack details x2</li> </ul>	15
Infrastructure Services and Transport	<ul style="list-style-type: none"> <li>- Water levels x2</li> <li>- Water distribution network</li> <li>- Water statistics</li> <li>- Existence of asbestos in water infra</li> <li>- Water fluoridation</li> <li>- Bayskate contract documents</li> </ul>	<ul style="list-style-type: none"> <li>- Water system upgrade</li> <li>- Water leak</li> <li>- Parking</li> </ul>	<ul style="list-style-type: none"> <li>- Parking (Privacy Act)</li> <li>- Enfield Reservoir report</li> <li>- Onekawa Landfill</li> <li>- Bike path risk &amp; analysis</li> <li>- Quarry extraction</li> <li>- Dowsing</li> <li>- Chlorination complaints x3</li> <li>- Network maintenance costs</li> <li>- Napier water supply</li> <li>- Water supply procedures</li> <li>- Parking time restrictions (PAS)</li> <li>- Regional fuel tax</li> </ul>	<ul style="list-style-type: none"> <li>- Proposed playground feasibility plan</li> <li>- Service requests</li> <li>- Water leak</li> <li>- Public place recycling scheme</li> <li>- Plastic waste management</li> <li>- Greywater recycling schemes</li> <li>- Aquatic Centre geotech reports</li> <li>- Onekawa aquatic centre 50m pool</li> <li>- Recycling options costs</li> <li>- Aquatic centre options</li> </ul>	<ul style="list-style-type: none"> <li>- Simla Terrace slip</li> <li>- Photos and correspondence</li> <li>- Drinking water quality</li> <li>- Napier water supply</li> <li>- Recent geo-engineers reports</li> <li>- Drinking water quality</li> <li>- Napier water supply</li> <li>- Photos &amp; corro</li> <li>- Recent geo-engineers reports</li> </ul>	<ul style="list-style-type: none"> <li>- Onekawa site reports x3</li> <li>- Onekawa Park feasibility study</li> </ul>	45



# PUBLIC EXCLUDED ITEMS

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

## Agenda Items

1. Legal Update as at 30 September 2018

## Reports from Finance Committee held 27 November 2018

1. Land Sale

## Reports from Community Services Committee held 27 November 2018

1. Kennedy Park Main Ablution Block Refurbishment

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:

## Agenda Items

1. Legal Update as at 30 September 2018	7(2)(g) Maintain legal professional privilege	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: (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
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		Information and Meetings Act 1987.
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### Reports from Finance Committee held 27 November 2018

1. Land Sale	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	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: (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 Community Services Committee held 27 November 2018

1. Kennedy Park Main Ablution Block Refurbishment	7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities	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: (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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# ORDINARY MEETING OF COUNCIL

## Open Minutes

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Meeting Date:	Tuesday 30 October 2018
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Time:	3.00pm-3.30pm Meeting reconvened 4.01pm-4.13pm
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Venue	Council Chamber Hawke's Bay Regional Council 159 Dalton Street Napier
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Present	Acting Mayor White (In the Chair), Councillors Boag, Brosnan, Dallimore, Hague, Jeffery, McGrath, Price, Tapine, Taylor and Wise
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In Attendance	Chief Executive, Director Corporate Services, Director Community Services, Director Infrastructure Services, Director City Services, Manager Communications and Marketing, Manager City Development, HBLASS Programme Manager, Policy Planner
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Administration	Governance Team
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## Apologies

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Council resolution Councillors Price / Boag

That the apologies from Bill Dalton and Councillor Wright be accepted.

Carried

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## Conflicts of interest

Nil

## Public forum

Nil

## Announcements by the Acting Mayor

Item 1 on the agenda regarding the adoption of the Annual Report 2017/18 will be taken at the end of the open meeting to allow time for the audit opinion to be distributed to Councillors.

## Announcements by the management

Nil

## Confirmation of minutes

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Council resolution Councillors Hague / Wise

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

Carried

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## Questions from Councillors for Further Action

<i>Item</i>	<i>Requestor</i>	<i>Action</i>	<i>Responsible</i>
Reports under delegated authority	Cr Wise	Is there any reason why Councillors no longer receive a report regarding liquor licenses?	Governance/Regulatory

# AGENDA ITEMS

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

Type of Report:	Legal and Operational
Legal Reference:	Resource Management Act 1991
Document ID:	658024
Reporting Officer/s & Unit:	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.

#### At the meeting

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

- Council officers do not consider the decision being appealed to the environment court as a high risk, due to a collaborative process being followed in developing the Plan change.
- Cultural impact assessments will be standard practice for all Resource Management Act 1991 (RMA) consultations going forward. Discussions are currently underway with Iwi to determine how they would prefer to engage in these processes.
- Where submissions were not appropriate to be considered through the Plan change and directed elsewhere, clear conversations have taken place with the submitters in relation to next steps.

Council resolution Councillors Taylor / Dallimore

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.
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Carried

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### 3. COUNCIL MEETING SCHEDULE 2019

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<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 &amp; Unit:</i>	Deborah Smith, Team Leader Governance

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#### 3.1 Purpose of Report

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

#### At the meeting

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The Team Leader Governance confirmed that the meeting dates noted after the election are tentative and will be updated following the election. It was noted that the current dates in Councillor diaries were set at the beginning of the triennium and will be updated following adoption of the 2019 dates.

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Council resolution Councillors Wise / Brosnan

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That Council:

- a. 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.
  - b. Note that additional ordinary, extraordinary and multi-day meetings may be scheduled from time to time in consultation with the Mayor and Chief Executive
  - c. 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.
- 

Carried

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#### 4. OMARUNUI REFUSE LANDFILL JOINT COMMITTEE MINUTES

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*Type of Report:* Information

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*Legal Reference:* N/A

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*Document ID:* 660110

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

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##### 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.

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##### At the meeting

There was no discussion on this item.

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Council resolution Councillors Dallimore / Tapine

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That Council:

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

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Carried

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# REPORTS / RECOMMENDATIONS FROM THE STANDING COMMITTEES

## MĀORI CONSULTATIVE COMMITTEE MEETING - 23 October 2018

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Council resolution Councillors Boag / Tapine

That the Māori Consultative Committee Minutes be received.

Carried

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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

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

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#### 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.

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<b>At the Strategy and Infrastructure Committee meeting held on Tuesday, 2 October 2018 the following committee</b>	Councillors Wise / Brosnan  That Council 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.
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**recommendation  
was ratified as a  
DECISION OF  
COUNCIL.**

- 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

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	632729
<i>Reporting Officer/s &amp; Unit:</i>	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 Strategy  
and Infrastructure  
Committee  
meeting held on  
Tuesday, 2  
October 2018 the  
following  
committee  
recommendation  
was ratified as a**

Councillors Boag / Brosnan

That Council:

- 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?

---

**DECISION OF  
COUNCIL.**

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

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Carried

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### 3. DISTRICT PLAN REVIEW - PRE-ENGAGEMENT STRATEGY

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*Type of Report:* Procedural

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*Legal Reference:* Resource Management Act 1991

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*Document ID:* 634986

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

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#### 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).

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#### Māori Consultative Committee's recommendation

Mr Aranui / Deputy Mayor White

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

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Carried

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#### At the meeting

There was no discussion on this item.

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Council resolution Councillors McGrath / Brosnan

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That Council:

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

Carried

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#### 4. PARKING CONTROL CHANGE - UPPER TIFFEN CAR PARK

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*Type of Report:* Legal

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*Legal Reference:* Parking Control Bylaw 2014

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*Document ID:* 603217

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

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##### 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).

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##### Māori Consultative Committee's recommendation

Mr Aranui / Deputy Mayor White

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

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Carried

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##### At the meeting

There was no discussion on this item.

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Council resolution Councillors McGrath / Brosnan

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That Council:

- 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

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## 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.

### Māori Consultative Committee's recommendation

Mr Aranui / Deputy Mayor White

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 McGrath / Brosnan

That Council:

- 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.



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**SCHEDULE**

**Hawke's Bay Land District – Napier City**

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

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Carried

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## REPORTS FROM AUDIT AND RISK COMMITTEE HELD 11 OCTOBER 2018

### 1. HEALTH AND SAFETY REPORT

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*Type of Report:* Operational

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*Legal Reference:* Health and Safety at Work Act 2015

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*Document ID:* 433376

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*Reporting Officer/s & Unit:* Sue Matkin, Manager People & Capability

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#### 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 31<sup>st</sup> August 2018.

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#### At the meeting

There was no discussion on this item.

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Council resolution Councillors Wise / Hague

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a. That Council receive the report.

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Carried

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## 2. RISK MANAGEMENT REPORT

Type of Report:	Information
Legal Reference:	N/A
Document ID:	433390
Reporting Officer/s & Unit:	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

In response to questions from Councillors in relation to the high risk in relation to water quality at Pandora Point, the following points were clarified:

- Council is conducting water testing and a good baseline has been established.
- E-coli readings increase to higher levels following typical rain events and standard operating procedures are being developed to deal with this. The general rule is to not swim in Pandora Pond for three days following rainfall. Small rainfall events may cause levels to rise yet still remain within safe parameters.
- The turnaround on water testing is three days.
- There do not appear to be other nutrients in the water that Council should be concerned about.
- The inflatables are an extremely popular recreational activity in the space and operating procedures to actively manage any risk are being developed. The pond is also popular for waka ama and Iron Māori events and Council officers are communicating with the appropriate groups.
- The risk to Council in relation to the inflatables does not extend to independently run events such as Iron Māori.

Council resolution Councillors Wise / Hague

That Council:

- Note the risk management work being undertaken by the NCC Risk Committee.
- 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

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

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#### 1.1 Purpose of Report

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

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#### Māori Consultative Committee's recommendation

Deputy Mayor White / Councillor Tapine

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

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Carried

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#### At the meeting

The Acting Mayor proposed that this Agenda Item remain on the table, to be revisited at the December 2018 Council meeting. She noted that this matter should go through the Annual Plan and requested a seminar to provide Councillors with further information in preparation for the decision.

Councillor Dallimore tabled comments from himself and the public in response to information provided by Council officers following the 16 October 2018 meeting.

There was no further discussion on this item.

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#### Committee's recommendation

That Council:

- 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.

---

Council resolution Councillors Wise / Price

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That Council:

- a. Leave the Officer's recommendation for this item on the table and revisit at the Council meeting on 11 December 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.

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Carried

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## 2. CAPITAL PROJECT FUNDING BROUGHT FORWARD

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*Type of Report:* Procedural

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*Legal Reference:* N/A

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*Document ID:* 653014

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

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### 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.

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**Māori Consultative Committee's recommendation**

Deputy Mayor White / Councillor Tapine

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

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Carried

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**At the meeting**

There was no discussion on this item.

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Council resolution Councillors Wise / Tapine

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That Council:

- 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

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

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*Type of Report:* Legal

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*Legal Reference:* Local Government Act 1974

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*Document ID:* 637186

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

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#### **3.1 Purpose of Report**

To obtain Council approval to initiate the road stopping process in accordance with the 10<sup>th</sup> Schedule of the Local Government Act 1974, and subsequent sale of approximately 188m<sup>2</sup> of current legal road on the corner of Geddis and Longfellow Avenue, to Ahuriri District Health.

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**Māori Consultative Committee's recommendation**

Deputy Mayor White / Councillor Tapine

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

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Carried

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**At the meeting**

There was no discussion on this item.

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Council resolution Councillors Wise / Tapine

That Council:

- a. Recommend pursuant to Section 342 of the Local Government Act 1974, to initiate the stopping of approximately 188m<sup>2</sup> 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.
- b. 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.

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Carried

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**4. POWERCO GAS PIPELINE - GRANT OF EASEMENT AND CONCESSION**

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*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.

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**Māori Consultative Committee's recommendation**

Deputy Mayor White / Councillor Tapine

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

Carried

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**At the meeting**

There was no discussion on this item.

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Council resolution Councillors Wise / Tapine

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That Council:

- 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.



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**Māori Consultative Committee's recommendation**

Councillors Prentice / Tapine

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

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Carried

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**At the meeting**

There was no discussion on this item.

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Council resolution Councillors Wise / Tapine

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That Council:

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

Carried

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## 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.

#### Māori Consultative Committee's recommendation

Councillor Tapine / Mr 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 White / Brosnan

That Council:

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

Carried

## 2. DRAFT LIBRARY STRATEGY - PUBLIC FEEDBACK

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*Type of Report:* Operational

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*Legal Reference:* N/A

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*Document ID:* 643048

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

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### 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.

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### Māori Consultative Committee's recommendation

Councillor Tapine / T Aranui

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

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Carried

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### At the meeting

There was no discussion on this item.

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Council resolution Councillors White / Brosnan

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That Council:

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

Carried

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# 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 &amp; Unit:</i>	Cheree Ball, Governance Advisor

### 1.1 Purpose of Report

To present the year to date Official Information Request statistics.

#### At the meeting

There was no discussion on this item.

Council resolution Councillors Hague / Taylor

That Council:

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

Carried

## 2. TENDERS LET

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	660019
<i>Reporting Officer/s &amp; 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.

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### At the meeting

In response to questions from Councillors it was noted that due to the construction industry being full at present, tender prices are coming in higher than the estimates. Some work is also required to improve Council processes around obtaining estimates.

It was noted that Councillors no longer receive a report in relation to liquor licenses. Officers advised that they will look into this and report back to Council.

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Council resolution Councillors Hague / Taylor

That Council:

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

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Carried

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## 3. RESOURCE CONSENTS

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*Type of Report:* Information

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*Legal Reference:* N/A

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*Document ID:* 660020

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*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.

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### At the meeting

In response to questions, Council officers advised that the distance of the proposed Kmart location from the CBD has been considered; however, due to small retail being restricted, the area is unlikely to become a destination hub. Carparking constraints will also assist in this regard.

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Council resolution Councillors Hague / Taylor

That Council:

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

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Carried

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#### 4. DOCUMENTS EXECUTED UNDER SEAL

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*Type of Report:* Information

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*Legal Reference:* N/A

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*Document ID:* 660057

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

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##### 4.1 Purpose of Report

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

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##### At the meeting

There was no discussion on this item.

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Council resolution Councillors Hague / Taylor

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That Council:

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

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Carried

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#### GENERAL BUSINESS

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Council resolution Councillors Wise/ Brosnan

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That Council:

- a) Adjourn the open meeting to allow staff to seek instructions in relation to timing of the audit opinion.

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Carried

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*At 3.30pm the open meeting briefly adjourned and reconvened following advice from staff.*

# PUBLIC EXCLUDED ITEMS

Council resolution Councillors Brosnan / Wise

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

Carried

## 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	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	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
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	<p>supplied or who is the subject of the information</p> <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>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>
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### Reports from Audit and Risk Committee held 11 October 2018

1. Draft Annual Report 2017/18	<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>
2. Freeholding	<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>
3. Legal update as at 30 June 2018	<p>7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage,</p>	<p>48(1)A That the public conduct of the whole or the relevant part of the</p>



	negotiations (including commercial and industrial negotiations)	proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (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>	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: (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.
2. Leasehold Land Freeholding - Request 1	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	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: (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.

*The meeting moved into committee at 3.31pm.*

*The open meeting reconvened at 4.01pm following receipt and distribution of the audit opinion for the Annual Report 2017/18.*

## 1. ADOPTION OF ANNUAL REPORT 2017/18

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

### 1.1 Purpose of Report

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

#### At the meeting

Acting Mayor White spoke to the 2017/18 Annual Report, thanking staff and Elected Members and highlighting the major projects undertaken by Council, including:

- The Marine Parade redevelopment
- The award winning playground at Anderson Park
- Upgrade and expansion of the Napier War Memorial Centre which houses the Napier Conference Centre
- Relocating over 260 Council staff within the CBD after finding the Civic and Library building were earthquake prone

It was noted that Council spent \$99 Million (or \$4.40 per resident, per day) running the City in the 2017/18 financial year and achieved a year end surplus of \$11.7 Million.

The Chief Executive also spoke to the report, adding the following achievements:

- No external debt is held
- Council continues to have low average rates compared to similar Councils
- Council has strong non-rates funded revenue streams meaning only 48.5% of revenue comes from rates
- 236,000 visitors passed through our visitor centre for the year
- The Museum had 208,000 visitors for the year, up from 128,000 in the previous year
- 1,101 building consents were issued for the year
- 32 events were supported by Council, with a positive economic impact of \$18.2 Million
- 353 events and conferences held at the Napier War Memorial Centre for the year
- Other major projects of note:
  - Embankment bridge
  - Further cycleways – 47.7km of cycleways across Napier
  - Safer drinking water initiatives
  - Completion of the Ahuriri Estuary Masterplan
  - 2018-28 Long Term Plan

The Director Corporate Services confirmed that an unqualified opinion was received from Audit New Zealand just prior to today's Council meeting.

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Minor changes to the Annual Report were tabled, which largely consisted of additional information to be provided to the community.

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

- The newly appointed Investment and Funding Manager will be looking to optimise investments, including assessing Council deposits and comparing these against the Capital Plan.
- Recommendations will come back to Council around what to do with the \$800,000 rating surplus.
- Fewer sections sold in Parklands than planned; surplus was less than anticipated.
- Council is in a strong financial position.

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Council resolution Acting Mayor White / Councillor Hague

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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.

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Carried

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The meeting closed at 4.13pm.

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

Chairperson .....

Date of approval .....

# EXTRAORDINARY MEETING OF COUNCIL

## Open Minutes

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Meeting Date:	Friday 30 November 2018
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Time:	9.00am-12.42pm
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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, Taylor, White, and Wise
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In Attendance	Chief Executive, Director City Strategy, Manager City Development, Policy Planner, Project Planning Facilitator
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Administration	Governance Team
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## Apologies

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Council resolution Councillors Boag / Price

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That the apologies from Councillor Jeffery and Councillor Wright be accepted.

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Carried

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## Conflicts of interest

Councillor Jeffery provided an apology for this Hearing based on a declared interest in the topic at hand.

## Announcements by the Mayor

Nil

## Announcements by the management

Nil

# SUBMISSIONS

## SPEAKER

## POINTS MADE

***Steph Kennard –  
Napier City  
Business Inc.***

Steph Kennard spoke to Napier City Business Inc.'s submission in favour of Council adopting the Easter Sunday Trading policy. An independent survey of members resulted in 259 unique responses; 182 in support of the option to open on Easter Sunday and 77 against, 59% of those in support would consider opening and want to know that it is their choice to do so. Of those against the option to open on Easter Sunday 25% either do not currently open on a Sunday or this is not applicable to them.

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

- Financial revenue was purposely omitted from their submission as retailers should be able to decide whether opening on Easter Sunday is a viable option for them or not.
- General feedback from retailers was that those who opened on Easter Sunday either traded the same as a normal Sunday or better.
- Respondents' staff numbers breakdown:
  - 67% five and under staff members.
  - 19% six to nine staff members.
- The national chains do not tend to open on Easter Sunday.

***David Day***

Mr Day is an Anglican Priest in Napier South and his submission is in favour of Council adopting the Easter Sunday Trading policy. He noted that church is not a large part of everyone's life anymore and in his opinion there is no reason why churches should govern whether retailers are able to trade on Easter Sunday or not. However, he acknowledged it was important that staff be given a choice as to whether they are required to work on that date.

In response to questions from Councillors he advised that around half his church vestry group held the same views as him, and the age spread of his church is mainly elderly.

***Gese Talaga –  
Congregational  
Church of Samoa***

Gese Talaga spoke to her submission, on behalf of the Congregational Church of Samoa, against Council adopting the Easter Sunday Trading policy. She noted that there are not many public holidays left and Easter is a time for families to spend time together and worship.

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

- Working on Easter Sunday may be the worker's choice but financial pressures make this choice more difficult.
- Currently a small number of parishioners work in retail with the majority working in orchards etc. They would like to see more of their youth to look for employment in different industries, including retail.

***Salvatore Rigione-  
Pisone***

Mr Rigione-Pisone spoke to his submission, noting that he has worked at Pak'nSave, has owned his own business in Napier, and is now employed at Countdown. He is against Council adopting the Easter Sunday Trading policy. Workers feel obliged to work on this date if asked. Part-time and casual workers especially are affected

financially by refusing to work on this date as this limits their hours for the week.

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

- As Easter Sunday is not a public holiday; workers are not entitled to time and a half.
- In his experience while a business owner, the turnover for this period is not enough to consider opening on Easter Sunday; there is not enough happening in Napier over this weekend to bring tourists into the City.

**Matt Edwards**

Mr Edwards spoke to his submission in favour of Council adopting the Easter Sunday Trading policy, noting that this is not an easy decision. He discussed the religious aspect and advised that there is nothing in the scriptures directing that Easter or Christmas either exist or should be observed.

God does not compel our obedience; we should not compel people to do one thing or another when it comes to religious belief. On religious grounds, allowing freedom for people to choose how they want to spend Easter Sunday does not come with any restrictions from God.

**Mike McNabb –  
First Union**

Mr McNabb spoke to First Union's submission against Council adopting the Easter Sunday Trading policy, on behalf of the membership of around 250 workers. Currently retail workers in Napier have a guaranteed three and a half days off in a year; this policy would reduce this to two and a half. He noted the importance of family and whanau spending time together over the Easter period. Easter is special in that it gives families four consecutive days off.

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

- There is no time and a half or time in lieu for Easter Sunday.
- Mr McNabb's petition of around 400 signatures [*tabled at the meeting*] included retail shoppers as well as employees.
- First Union members affected by Easter Sunday trading would be mainly supermarket and larger business employees.
- Supermarkets are included in the Easter Sunday Trading policy.
- Although there were no grievances raised in relation to Easter Sunday last year, quite a few workers were affected and felt pressured to work.
- Having bylaws in place will make it easier for Government and the Unions to sit down and discuss workers' rights.

Meeting adjourned at 9.59am

Meeting reconvened at 10.30am

**Ruth Smithies**

Ruth Smithies spoke to her submission against Council adopting the Easter Sunday Trading policy. Easter is a special event with four consecutive days for families and cultural groups to gather and sports tournaments/ festivals to be held. We should promote people

over commerce. She noted that it would be culturally insensitive to ignore the religious significance of Easter Sunday, and what we do in Napier will impact elsewhere i.e. Hastings.

It is naïve to think workers won't be impacted in a negative way and competitive pressure makes it difficult for small retail businesses to refuse to open. By adopting the Easter Sunday Trading policy, Council would be promoting limitless growth in direct contrast with their own principal of encouraging a more sustainable lifestyle.

**Robin Gwynn**

Dr Gwynn spoke to his submission against adopting the Easter Sunday Trading policy, noting that Napier would be bleaker if we lost a four day weekend for families to spend time together. As a child, the common break days established by law were important to allow families time to spend together. In our times we are in desperate need of hope and parents should be encouraged to put family first. We should value people over commerce. In allowing retailers to open on Easter Sunday, pressure is put on workers and only the wealthy would have the freedom of choice.

**Reverend Tony  
Franklin-Ross -  
Trinity Methodist  
Church**

Reverend Franklin-Ross spoke to his submission against Council adopting the Easter Sunday Trading policy. The socially responsible outcome would be to put community interest first. He spoke to religious observance of Easter Sunday and suggested that rather than promoting retail on this date we could work with tourism operators to enjoy Napier in a special non-commercial way.

He cited other cities as examples where religious holiday observance does not affect tourism. The Reverend acknowledged that other industries already work on this date; however, it isn't about who is working but rather about ensuring those that are working are doing so in the interests of the community, as opposed to financial gain.

**Greg Harford –  
Retail NZ**

Mr Harford spoke to his submission in favour of Council adopting the Easter Sunday Trading policy, noting that the Policy does not create any requirement for anyone to go shopping or to open their shop on this day. Workers have rights under the law and employers must advise their staff that they are not required to work.

In response to questions from Councilors, the following points were clarified:

- Approximately two thirds of Councils have adopted policies allowing shops to open on Easter Sunday.
- In relation to whether the arguments in favour of adopting the Policy apply to Christmas/ Good Friday etc., this hasn't been addressed in submissions as the question at present is specifically in relation to Easter Sunday.

**Kay Craig**

Mrs Craig spoke to her submission against Council adopting the Easter Sunday Trading policy, noting that Easter Sunday is one of the most significant days on the Christian calendar.

Napier is already a tourist destination; there is no need for the shops to open on Sunday. She highlighted the potential negative impact on employees if they decline to work on Easter Sunday and noted this is a time for family to spend together. If Council adopt the Policy, this could also be applied to Good Friday and Christmas etc. One change in law or policy opens the door for others when this may not have been the original intention.



***Maurice Craig***

Mr Craig spoke to his submission and specifically the influence of Jesus Christ, noting the religious aspect of this day. He acknowledged that his spiritual viewpoint is not shared by everyone but stated that we should honour Jesus Christ as a community.

We commemorate ANZAC Day as we should; Jesus Christ should be continued to be held as a leader and inspiration of so much that is good in this country.

Meeting adjourned at 11.24am

Meeting reconvened at 11.57am

***Wayne Church***

Mr Church spoke to his submission in favour of Council adopting the Easter Trading policy. He noted that the policy has been in place for two years now, without incident, which should be seen as ample endorsement of Council's decision. He addressed the High Court action in this matter as well as the religious element.

Council's original decision was the correct one and he respectfully requested that it remain the same. Can it really be called a holiday if we are restricted by what we can do on that day?

The meeting moved into deliberations at 12.09pm.

# DELIBERATIONS

## 1. EASTER SUNDAY TRADING POLICY - SUMMARY OF SUBMISSIONS REPORT

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	667671
<i>Reporting Officer/s &amp; Unit:</i>	Paulina Wilhelm, Manager City Development

### 1.1 Purpose of Report

To report on the submissions received on Council's proposed Local Easter Sunday Trading Policy and once having heard and considered those submissions, for Council to make a decision on whether to adopt the Local Easter Sunday Trading Policy.

### At the Meeting

During the course of deliberations the following points were raised and discussed:

#### *For the motion:*

- Council needs to weigh up the content of each submission as well as considering the sheer numbers for or against a proposal.
- Regardless of whether one holds and or actively pursues any faith based practises, it is important that opportunity for others to choose according to their own preferences is given. Council should not compel people based on a belief system they may not hold.
- Council should not mandate the choices of retailers in this matter; they should have the option to open at a time of year which still sees significant numbers of tourists visiting the city. Equally, opening would not be mandatory.
- It is the role of Council to act as an enabler, and not to close off opportunities.
- The option to trade on Easter Sunday has been available for two Easters since the original decision, and no significant negative impacts have been raised over that time.
- The debate is not between religion, family and or commercial interests, but a matter of freedom of choice.
- Most other sectors do not have the option not to work on Easter Sunday if it is a rostered day.
- Social/ family breakdown and employment vulnerability are large, complex issues and it is difficult to argue that the outcome of this decision will mitigate or exacerbate them.
- It is important to trust employers to behave in a responsible manner towards their employees, and in unions and the law to address situations where this is not the case.
- Families look, behave and believe very differently now to 50 or 60 years ago. Whatever their structure or preferences they should have a full range of choices as to what they do.
- The impact of religion is diminishing significantly in New Zealand and is losing its emphasis across our society as a whole.

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*Against the motion:*

- The majority of submissions did not support the option to open on Easter Sunday.
- There is a need to consider those retail workers for whom the option to turn down work on Easter Sunday may be less of a real choice, such as part time or casual workers.
- The debate is not religion vs commercial interests, but rather about family and family time.
- It was undesirable to reduce the number of guaranteed days off for retailers and their staff.
- The current four days off in a row makes Easter a unique holiday in New Zealand. It is in the interests of families to protect this.
- Community interests should be promoted over commercial ones in this matter.

Council resolution Councillors White / McGrath

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That Council:

- a. Receive, consider and hear (where requested) submissions on the proposed Easter Sunday Trading Policy
- b. Following consideration of submissions, Council adopts the Easter Sunday Trading Policy 2018 to allow shops to trade on Easter Sunday in the Napier District.

*The division was declared **carried** by 8 votes to 3 votes the voting being as follows:*

**For:** Mayor Dalton, Councillors Dallimore, Hague, McGrath, Price, Taylor, White and Wise

**Against:** Councillors Boag, Brosnan and Tapine

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Carried

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The meeting closed at 12.42pm

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

Chairperson .....

Date of approval .....