



EXTRAORDINARY MEETING OF COUNCIL

Open Minutes

Meeting Date: Thursday 20 December 2018

Time: 9.00am-11.34am

Venue Large Exhibition Hall
Napier Conference Centre
Napier War Memorial Centre
Marine Parade
Napier

Present The Mayor (In the Chair), Councillors Boag, Brosnan, Dallimore, Hague, Jeffery, McGrath, Price, Tapine, Taylor, White, Wise and Wright

In Attendance Chief Executive, Director Corporate Services, Director Community Services, Director Infrastructure Services, Director City Services, Director City Strategy, Manager Communications and Marketing, Manager People and Capability, Manager Community Strategies, Manager Sport and Recreation, Strategic Finance Advisor, Senior Project Manager
Rodney Howard – Halcyon Project Management Limited

Administration Governance Team

Apologies

Nil

Conflicts of interest

Nil

Public forum

David Kamper

David stated that he believed there had been a lack of community engagement in relation to the aquatic centre project; this project should be about the community and not the aspirations of staff or elected members. He noted there are other sustainable and more affordable options than the current design proposal, and that a Contaminated Sites Remediation Fund is available through the Ministry for the Environment for the purpose of assisting with funding for contaminated sites.

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

- At a recent meeting of Napier Aquahawks Swim Club Inc. ('Aquahawks'), Mr Kamper stated that in his view the majority of members did not support Council's Prebensen Drive proposal.
- In relation to the Aquahawks letter of support, there is a meeting set down for January 2019 where Mr Kamper believes that letter of support is to be addressed as well as clarifying the club's standing on the issue. This follows a change in the Chair of the Aquahawks swim committee.
- Two extra lanes were added to the design to address Aquahawks' concerns regarding lane space.

Robin Gwynn

Robin spoke to the consultation process that has taken place, noting the public were consulted in 2016 at which time the site was not in question. There was no further consultation until 2018, when the Prebensen Drive site was raised as part of the Long Term Plan (LTP). He felt that misinformation had been provided in the LTP consultation document which in effect meant that the public were not given a fair opportunity to engage in the process and Council therefore has no mandate in this matter. Prior to the Prebensen Drive proposal no indication was given to the public that the site of the aquatic centre may change; the site should have gone out for public consultation. He requested that Council reconsider their decision.

Minnie Ratima and Sally Crow

Minnie and Sally spoke on behalf of the residents of Maraenui, requesting that public consultation be undertaken regarding the future of the aquatic centre. They noted that Maraenui has a special relationship with the Onekawa aquatic centre, being located within walking distance. Relocating the pools to Prebensen Drive will mean crossing the expressway either by bike or foot. The Onekawa site is a community hub, close to shops and everyone feels safe and connected. She expressed concerns that the new centre may cost more for families.

It was noted that the consultation process is now being questioned by some Councillors, and they are not alone in that. At the public meeting held earlier this month no one spoke in support of relocating the pools to Prebensen Drive.

In response to questions from Councillors they confirmed that kids walk to the pools from school, and a lot of families access the pools more than once a week.

Margaret Baker – Special Olympics Hawke’s Bay

Margaret spoke on behalf of the Special Olympics Hawke’s Bay, noting that they train weekly at the Onekawa pools but have not been directly consulted regarding their requirements for the new facility. She noted that the traditional tiered seating can cause problems and a number of facilities throughout the country do not provide ramps into the pools. Special Olympics Hawke’s Bay should be consulted to ensure their needs are met in the new facility. They are also concerned about the future cost to users.

In response to questions it was clarified that the current design incorporates ramp access into all pools as well as lift access, if required.

Keith Bone – Chair, Swimming Hawke’s Bay Poverty Bay

Keith spoke as the Chair of Swimming Hawke’s Bay Poverty Bay, noting that they had not been consulted directly in relation to the new facility. His major concern is the lack of lane space in the proposed design. The move to Prebensen Drive and build design proposed by Council is inadequate in his opinion and very expensive. The QEII facility is very cramped and the spectator seating is limited. He believed that other designs should be considered, including a 50m pool with a bulkhead, and that more lane space is required.

In response to questions it was clarified that Councillors are already aware that modifications would be required to the QEII plans, which includes spectator seating.

Brian Quirk – Director, Westshore Surf Lifesaving Club

Brian spoke on behalf of the Westshore Surf Lifesaving Club noting that he was present at the consultation meeting held in 2014 which identified the need for extra pool space. He also noted that they have not been specifically consulted since then. He is in favour of a 50m pool option and hoped Council would consider this.

In his opinion the decision was already made to proceed with the QEII design and the figures and information provided were weighted in favour of this option; a predetermined solution is not the best solution. He is also unsure where the figure of 300,000 visitors has come from as the current usage at Onekawa is only around 180,000. The proposed design is not a future proofed solution for Napier and he stated that Aquahawks were not aware that in supporting the aquatic centre at Prebensen Drive that they would lose Onekawa as a consequence.

A Councillor clarified that no elected member visited QEII in Christchurch until after the decision had been made.

Noel Hardgrave-Booth – Head Coach, Greendale Swim Club

Noel spoke in support of a 50m pool at Onekawa with two bulkheads and a movable floor, giving the facility flexibility for the elderly, learn to swim users and other water sports. He did not feel that Napier needs another gym but acknowledged that the café is necessary. Napier is growing quickly and a 50m pool is required to meet future needs. He believes the marketing strategy will be important to the success of a new facility and noted that the Frimley pool in Hastings was built mostly above ground with limited excavation.

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

- The Hawke’s Bay Regional Sports Park have announced that a 50m pool will be part of their plans. He believes that even if this eventuates, we still need a 50m pool in

Napier. A 25m pool with the potential to expand to 50m in future, if required, contradicts Sport New Zealand's opinion expressed at the public meeting around building a new facility alongside an old facility.

- He confirmed that he would like a 50m pool as well as the hydrotherapy pool etc. He noted that with a raised floor the 50m pool can also be used as a learn to swim pool.

Kaylea Bradshaw

Kaylea spoke as a new Napier resident having recently taken ownership of the New World in Onekawa. She attended the public meeting held earlier this month and felt that some really good data around the pools and costs were provided. However, Onekawa is the heart of the community and central to all areas from Napier Hill to Tamatea/ Greenmeadows, and a great location for an aquatic centre. If there is going to be one facility in Napier it should remain where it is. Her biggest concern is around access to swimming facilities for kids, noting that New Zealand has some of the highest swimming deaths numbers in the world.

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

- Kaylea felt that the best option for the community is to leave the aquatic centre where it is, as opposed to redeveloping the area into a free recreational area. The pools are the centre of the Onekawa community hub.
- The statistics provided for the number of visitors that drive to the aquatic centre were a result of a survey conducted over a four to six week period during opening hours.

Robin Fabish

Robin spoke as the Principal of Tamatea High School, noting that few of their students actually use the pool as most prefer the river and beaches or Pandora. He has seen kids walking from Tamatea to Pandora in summer to access the splash zone and doesn't believe that distance will deter kids from using a new facility in Prebensen Drive.

He is concerned with what is best for Napier, and not just the area immediately surrounding the aquatic facility. The schools that are close to Onekawa are lucky to be able to walk there at present but there is an opportunity to see how we can assist lower decile schools with access to a new facility at Prebensen Drive. We need to build a facility that will serve the needs of our community and ensure we can get the kids there to learn to swim.

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

- Robin felt that the older kids go to Ocean Spa to socialise and to the splash zone for fun. These kids generally prefer somewhere with an element of risk and if they can't go to Pandora they will find somewhere else. Younger kids still require a facility where they can swim safely.
- If the risks and costs to mitigate them were fully known for the Onekawa site, and these were equal to those of Prebensen Drive, then he would have to reconsider his position; however, his preference would still be to build a new facility.
- It was noted that some Councillors are keen to deliver something aspirational. Robin interpreted this as not settling for the status quo and pushing to see what is possible; having big goals and not settling.
- He stated that when balancing priorities, sometimes there are projects that you can't proceed with at that time. Other times leadership is required; someone needs to take responsibility and say what needs to be done, and sometimes borrow money to make it happen.

Announcements by the Mayor

Nil

Announcements by the management

Nil

Questions from Councillors for Further Action

Item	Requestor	Action
1	Cr McGrath	Councillors requested that officers advise how many of the risks listed for the Onekawa site would be consistent with both sites.

AGENDA ITEMS

1. NOTICE OF MOTION AQUATIC CENTRE

Type of Report: Legal and Operational

Legal Reference: Local Government Act 2002

Document ID: 684073

Reporting Officer/s & Unit: Wayne Jack, Chief Executive

1.1 Purpose of Report

To receive and make a decision on the notice of motion in relation to the Aquatic Centre.

At the Meeting

The Notice of Motion was moved, noting that the decision is not about where the pools will be located but whether the correct process has been followed to get to where we are today. The process undertaken to date was outlined and Councillors were asked to consider whether Council's significance and engagement policy has been adhered to; it states that Council will interact in an open, honest and respectful way and provide clear and relevant information.

A round table discussion was held where all Councillors were given an opportunity to express their views for or against the motion.

The points raised by Councillors for the motion were as follows:

- Such an expensive project should be rated at the highest end of Council's engagement spectrum.
 - Some Councillors believed that vital financial information was not disclosed in the LTP consultation document and the information provided appears to have been weighted in favour of the Prebensen Drive option.
 - Councillors were advised late in 2018 of the high contamination risks at Onekawa and of the risks to workers and surrounding areas.
 - A petition with over 7000 signatures was presented to Council objecting to moving the aquatic centre to Prebensen Drive and at the public meeting held on 4 December 2018, with approximately 150 attendees, not one person expressed their support for the move to Prebensen Drive. Council needs to listen to its community.
 - Councillors have been presented with significant new information since the adoption of the LTP in relation to the risks and additional costs associated with the Onekawa site, yet the public have only been invited to one public meeting.
 - The paper for this meeting states that independent advice has been obtained from a number of experts, all supporting construction at Prebensen Drive, but this advice does not seem to be supported by any additional reports. A summary report received from a member of the public however, states that the contamination risks are low at the Onekawa site.
 - Council has significant future spending for other projects that should be prioritised over the aquatic centre.
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- Council does not have a clear indication from the public of their preferred option. As this will be the largest project spend in Napier's history, Council should have a clear majority preference before making a decision.
 - A number of Councillors stated that they were uncomfortable with borrowing \$34Million for this project. The Ivan Wilson building has \$7Million worth of residual assets so a better option would be to 'revamp' the current building.
 - Some Councillors stated that, in their view, it is not the decision that was wrong but rather the flawed process in arriving at that decision.
 - Comments made during the public forum were reiterated by a Councillor in that this decision needs to be about the kids and our community.
 - It was agreed that Council may not get 100% support from the community about the aquatic centre; however the Mosgiel pool consultation process achieved over 90% support.
 - There were over 40 construction risks outlined for the Onekawa site and no risks outlined for Prebensen. Councillors requested that officers advise how many of the risks listed for Onekawa site would be consistent with both sites.
 - The question posed to officers of what would \$41Million would look like if it was spent at the Onekawa site has yet to be answered satisfactorily. The community have not been given an opportunity to say what they want and where they want it.
 - Regardless of what each Councillor's preference is, we need to be sure that the community has been given an opportunity to engage in the process.
 - Council has not received a mandate from the community.

The points raised by Councillors against the motion were as follows:

- The motion on the table is not taking into account the real issues of contamination and other site concerns at the Onekawa site that Council will need to address.
 - 47 notable risks were identified at the Onekawa site in risk analysis, and even after applying mitigating measures these risks remain significant.
 - The LTP consultation document was delivered to every household in Napier and pop up workshops were held at various shopping centres around Napier. Excluding staff and Councillors, around 100 people attended the public meeting from a population of over 60000.
 - A number of Councillors noted that there were attendees at the public meeting in favour of relocating the aquatic centre to Prebensen Drive who did not voice their views during the meeting itself for a number of reasons, but who have spoken to councillors afterwards.
 - The Onekawa site option is only good for 15 years; if Council were to build at Onekawa now and retain the Ivan Wilson building, the same discussion would be had again in 15 years' time.
 - Retrofitting an old site and blending the old with new brings additional risks and costs. It was noted that the previous 50m pool on the Onekawa site leaked as it had been built on unstable ground.
 - The risk at the Onekawa site is not quantifiable; the risk at Prebensen Drive is.
 - In proposing that the build move to a greenfield site, and using intellectual property from the QEII designs, Council is able to reduce the project costs.
 - Further investigations and consultation only adds to the project cost. The feeling at present is that no amount of consultation would change the public's mind if they genuinely want to keep the pool at Onekawa.
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- A number of Councillors expressed their disappointment that others have resorted to blaming staff for information provided. Governance rests with the elected members and all Councillors were given opportunities to set the direction, approve the project and edit wording in consultation documents etc. Councillors were given every opportunity to voice any concerns.
 - Councillors made a unanimous decision to adopt the LTP consultation document. Legislation requires that the LTP document be concise to ensure everyone can understand it. Councillors also all signed off on the more detailed documents that sat behind the LTP which were available to everyone.
 - Council set a vision for this project a few years ago, and this Council gave staff direction of a new build. We would be negligent to tell the community we could build at Onekawa without significant cost. A new build on a greenfield site is the right direction for this project.
 - Council must run projects simultaneously. Council has a healthy balance sheet with money and a plan to deliver projects at the same time. The LTP reflects that water is Council's highest priority and has been funded accordingly. There is also the ability to provide additional resourcing to other activities, such as water, during the Annual Plan process.
 - The Onekawa site will be redeveloped into a free-to-use family-friendly, greenspace area which will complement the Onekawa shopping centre. This will be a positive move to masterplan what is currently a group of buildings.
 - Onekawa will continue to thrive after relocating the aquatic centre; Council has an opportunity through the District Plan Review to look at this area.
 - Sporting groups have largely been in support of relocating the aquatic centre to Prebensen Drive.
 - The appetite from construction companies to absorb the risk associated with the Onekawa site would be limited.
 - No amount of consultation will result in a 100% unanimous decision from the public.
 - Future residential development of Napier is focussed towards the western hills, with somewhere between 1100-1200 sections scheduled to be built in the western part of the City. This will significantly increase the number of people that fall within the 3km radius of the Prebensen Drive site.
 - The options at Prebensen Drive are unlimited, with 7 hectares available for future development.
 - Unless an expert's opinion can be refuted, it should be accepted. A number of experts have advised Council that the risks at the Onekawa site are too high to build a new aquatic centre and where another site is available the build should be there.
 - Ignoring staff recommendations, including advice from a contamination expert, is not good decision making. Leaders are required to make the hard decisions.
 - The member of the public that provided a summary report for Councillors on the contamination risks at Onekawa is a medical doctor, not a contamination expert.
 - It was noted that this will not be the only pool offering in Napier; the Greendale pool and Ocean Spa are also available. The most successful gym in Napier is the Ocean Spa gym as members have access to both facilities.
 - The NRB survey advised that the one thing that the public are most concerned about in Napier is the lack of pool facilities. The longer Council takes to progress this project the more the costs will escalate. Pools are always a controversial topic; the last time this issue was raised in Napier it took 40 years to come to a decision.
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In response to questions from Councillors the following points were clarified:

- Asbestos is present in the roof of the Ivan Wilson building. There is a plan in place to manage this as part of the regular building maintenance work.
- The contamination risks at the Onekawa site are different for residential developments than for commercial developments; the Omni Gym is located outside of the landfill contamination area.
- The risk assessment for the Onekawa site was prepared by The Business Intelligence Group in December 2017.

Councillors Wise / Boag

Councillor submitted notice of motion

That Council proceed with the notice of motion:

- i. That independent site, design, quantity survey and social impact assessments be undertaken for the Option 2 Aquatic Centre included in the 2018-28 Long Term Plan;
- ii. That the design of Option 2 be modified to address any findings from the independent assessment;
- iii. That Option 1 and the re-assessed Option 2 Aquatic Centre proposals go out for community consultation.

*The division was declared **lost** by 6 votes to 7 votes the voting being as follows:*

For: Councillors Boag, Dallimore, Jeffery, McGrath, Tapine and Wise

Against: Mayor Dalton, Councillors Brosnan, Hague, Price, Taylor, White and Wright

Motion Lost

The meeting adjourned for a short break at 11.25am.

The meeting reconvened at 11.33am

PUBLIC EXCLUDED ITEMS

Council resolution Councillors Wright / Dallimore

That the public and staff, with the exception of the Team Leader Governance, be excluded from the following parts of the proceedings of this meeting.

Carried

Agenda Items

1. Chief Executive Remuneration

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. Chief Executive Remuneration	7(2)(a) Protect the privacy of natural persons, including that of a deceased person 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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The meeting moved in to committee at 11.34am.

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

Chairperson

Date of approval