



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

Napier Civic Building  
231 Hastings Street  
**t +64 6 835 7579**  
**e** [info@napier.govt.nz](mailto:info@napier.govt.nz)  
[www.napier.govt.nz](http://www.napier.govt.nz)

# MĀORI CONSULTATIVE COMMITTEE

## Open Agenda

---

Meeting Date: Tuesday 26 February 2019

---

Time: 3.00pm

---

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

---

---

Committee Members Piri Prentice (In the Chair), Councillor Apiata Tapine, Tiwana Aranui  
Te Whetu Henare-Winitana and George Reti

---

Officer Responsible Director Community Services

---

Administration Governance Team

---

**Next Māori Consultative Committee Meeting**  
**Tuesday 9 April 2019**

# ORDER OF BUSINESS

## Karakia

## Apologies

Nil

## Conflicts of interest

## Public forum

## Announcements by the Chairperson

## Announcements by the management

## Confirmation of minutes

A copy of the Minutes from the meeting held on Tuesday, 4 December 2018 are attached on page .....76

## Reports from Standing Committees

### Reports from Strategy and Infrastructure Committee held 19 February 2019

1	Napier Disability Strategy - Draft for Consultation .....	3
2	Napier Sailing Club Funding Request .....	7
3	Representation Review 2018 - Local Government Commission Determination .....	29
4	Ordering of candidates' names on voting documents .....	44
5	Napier Roll of Honour .....	47
6	War Memorial Design Options Consultation .....	51
7	Greendale Pool Funding Decision: Council Projects Fund .....	59
8	Road Stopping - Corner of Geddis and Longfellow Avenues .....	61
9	Omarunui Refuse Landfill Joint Committee Minutes 7 December 2018 .....	64

### Reports from Regulatory Committee held 19 February 2019

1	NCC and Napier City Business Inc Events 2019 .....	72
---	--	----

# REPORTS FROM STANDING COMMITTEES

---

## MĀORI CONSULTATIVE COMMITTEE RECOMMENDATION

That the Māori Consultative Recommendations arising from the discussion of the Committee reports be submitted to the Council meeting for consideration.

---

## REPORTS FROM STRATEGY AND INFRASTRUCTURE COMMITTEE HELD 19 FEBRUARY 2019

### 1. NAPIER DISABILITY STRATEGY - DRAFT FOR CONSULTATION

---

*Type of Report:* Operational

*Legal Reference:* N/A

*Document ID:* 697022

*Reporting Officer/s & Unit:* Natasha Carswell, Manager Community Strategies

#### 1.1 Purpose of Report

This report summarises the development of the Napier Disability Strategy and requests approval to release it for community feedback prior to its finalisation for adoption by Council.

#### Committee's recommendation

Councillors Boag / White

---

That the Strategy and Infrastructure Committee:

- a. Approve the release of the draft Napier Disability Strategy for community feedback.

---

Carried

#### 1.2 Background Summary

The Napier Disability Strategy has been developed in collaboration with the Disability Sector via Napier Disability Advisory Group (NDAG) and people with a lived experience of disability. The strategy contributes to the New Zealand Disability Strategy and

supports the United Nations Convention on the Rights of Persons with Disabilities, as well as Council's own Vision and Outcomes.

### 1.3 Issues

Given Council had no policy or strategy focussing on people with disabilities, this strategy focuses the provision and delivery of Council's activities and services. It sets out six key focus areas that contribute to the strategy's overall vision that **'Napier is a City for Everyone'**. Under each focus area are key aims for Council that enable the goal to be achieved over time. The six focus areas are:

- Getting around
- Getting involved
- Being included
- Having fun
- Being safe
- Having work

A snapshot of the strategy can be found on page 8 of the draft attached.

Actions have been developed in each area as a result of a series of community workshops in addition to focus groups with Council staff. The timeframes and details of the actions will be determined following the finalisation of the strategy through an Annual Implementation Plan.

### 1.4 Significance and Engagement

This matter is significant for a moderate proportion of the population. People with a disability make up 27% of Napier's population and is growing. This strategy also impacts their whanau, caregivers and service providers.

The principles around working with the disability community can be characterised by the phrase 'nothing about us, without us'. The approach to engagement built on this principle. A reference group was established at the outset. The group is made up of a range of people with a range of disabilities being represented. The group met at least bimonthly through the development of the strategy and took a significant role in the facilitation of workshops with the disability community. A workshop for service providers was completed along with one for people with disabilities and a focus group for the deaf community. A series of staff focus groups were also held around each focus area to help develop Council's aims and refine the actions.

Feedback will be encouraged from key stakeholders and the wider community through a four week consultation period.

The draft strategy deliberately uses 'every day' and approachable language to encourage the principle of inclusiveness. The draft strategy will be made available in a number of formats including NZ Sign Language, Easy Read (pictorial) and plain text.

### 1.5 Implications

#### Financial

The actions in the strategy will be prioritised and completed over a five year period with an annual review. The majority of actions focus on changing the way Council engages and provides services and information to the disability community. Additional costs could be incurred to achieve greater access to the built environment, particularly retro-fitting.



These costs can be built into individual project budgets and sought through current Council mechanisms. Some projects could attract external funding. The strategy will be implemented by Community Strategies with existing staff.

### **Social & Policy**

This is Napier's first Disability Strategy. It acknowledges a significant proportion of our current population (higher than the national average), and anticipates a growing disability community. The strategy requires that all areas of Council consider how accessibility and inclusiveness can be increased within their activity areas. It is aligned to the Council's Vision and Outcomes for Napier.

### **Risk**

The development of the strategy has identified, that the disability community (not including providers) had a low awareness of Council's activities, largely due to accessibility to information. However, at the same time, there was significant interest and enthusiasm demonstrated for greater engagement. As the draft strategy is available in a range of formats and will be distributed through providers and other networks, the risk of low engagement with the disability community is reduced.

As the community were part of the development of the draft strategy, it is unlikely that feedback will be incongruent with the strategy, but may identify new ideas which could be incorporated.

## **1.6 Options**

The options available to Council are as follows:

- a. Release the draft Napier Disability Strategy for community feedback (preferred)
- b. Not to release the draft Napier Disability Strategy for community feedback

## **1.7 Development of Preferred Option**

The disability community has engaged well with the development of the strategy. There is an expectation that they will have an opportunity to feedback on the draft that has been developed with their input. In addition, our wider community have not had the chance to provide feedback on this strategy that also has positive impacts for them, particularly our senior population.

### **At the Meeting**

Nicki Young, NZ Sign Language Communicator, was acknowledged and welcomed to the meeting.

The Manager Community Strategies spoke to the report, outlining the process undertaken to date in developing the draft strategy through early consultation with a number of groups within the disability community.

Councillors spoke in support of the strategy noting that this is a robust, aspirational document and they are looking forward to receiving community feedback through the consultation process.

In response to questions from Councillors it was clarified that at this stage the strategy is limited to Council services and how those services are provided. Once the strategy has been implemented Council could begin looking at a full community disability strategy.

It was noted that the strategy will also be produced in an easy read/pictorial version.

## **1.8 Attachments**

A Draft Disability Strategy (*Under Separate Cover*)

## 2. NAPIER SAILING CLUB FUNDING REQUEST

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	698622
Reporting Officer/s & Unit:	Bryan Faulknor, Manager Property

### 2.1 Purpose of Report

To seek Council's approval for a grant to the Napier Sailing Club towards the cost of upgrading the existing breastwork and boardwalk immediately in front of the Napier Sailing Club Clubhouse.

#### Committee's recommendation

Mayor Dalton / Councillor Brosnan

That the Strategy and Infrastructure Committee:

- Approve a grant to the Napier Sailing Club of 50% of the cost of an upgrade to the breastwork and boardwalk in front of the clubhouse, subject to a maximum grant amount of \$250,000.
- That approval of the grant is subject to Council Officers being satisfied as to final design, scope of works, final quote, and compliance with any required consents.
- That actual payment to the club is to be made only upon Council Officers being satisfied as to physical progress of the works.
- That funding is to be provided from current Inner Harbour capital budgets, which are funded from the Hawke's Bay Harbour Board Endowment Land Income Account.
- To authorise the transfer of the appropriate budget from the Inner Harbour Capital budgets to a Grant budget.
- That an appropriate variation be made to the current Deed of Lease to secure reasonable public access to the breastwork and boardwalk in front of the clubhouse.

Carried

### 2.2 Background Summary

The land occupied by the Napier Sailing Club is vested in the Napier City Council as a local purpose (boating club) reserve under the Reserves Act 1977.

Council leases the land to the club pursuant to a Deed of Lease dated 12 August 1999. The lease is for 21 years with one right of renewal for 21 years. The club pays an annual ground rent to Council of \$10,270 plus an annual dredging contribution of \$6,000.

All improvements and structures on both the land and water are owned by the club. The club has responsibility under the lease for maintenance of these.

The existing breastwork and boardwalk immediately in front of the clubhouse is structurally unsound and in urgent need of replacement. The structure has been viewed

by Council staff and it is evident that the replacement is necessary. The replacement needs to take into account the increasing regularity of higher tides and associated erosion. The potential Health and Safety issues associated with the current structure is self-evident on viewing and makes this an urgent matter to be addressed.

While legally the Napier Sailing Club has exclusive use of the reserve land, in practice the reserve is open to the public who frequently walk through the grounds and along the boardwalk, bring their families to look at boats, look inside the clubhouse at old photos etc.

The club is very happy for the public to enjoy the views and waterfront offered from this aspect and consider this an important part of the Napier foreshore.

Replacement of the breastwork and walkway is estimated to cost between \$450,000 and \$500,000. The club has requested a 50% contribution from Council.

Attachment A shows an aerial view of the Sailing Club site with the line of breastwork and boardwalk outlined in bold.

### **2.3 Issues**

Whilst the club is legally responsible for the maintenance of their assets, they do not have the current financial ability to fund the full cost of the replacement. A high-level review by Council officers of the Club's latest published financial statements supports this view.

The club is of the view that as the breastwork and associated boardwalk is used by the general public as well as club members, there is a public good element involved with the structure.

Council intends to prepare a Master Plan for the Inner Harbour, and the Sailing Club has signalled the need for a new marina to replace the pile moorings in front of the clubhouse. Planning for such a development would be done in conjunction with the Inner Harbour Master Plan. The Napier Sailing Club is an important stakeholder in terms of development of the plan.

Irrespective of the outcome of the Master Plan, the replacement of the breastwork and boardwalk is required with some urgency. Should the proposed marina development progress then the upgraded breastwork would still form an important element of this.

### **2.4 Significance and Engagement**

This grant is not considered significant and would not require any further consultation with the community.

### **2.5 Implications**

#### **Financial**

Estimates for this work indicate a cost of between \$450,000 to \$500,000. The club has requested Council to contribute 50% of the cost. Should Council agree to contribute then it is suggested, that in order to protect Council's position, this be capped to the lesser of \$250,000 or 50% of the eventual cost.

Funding could be provided from the current years Inner Harbour Capital Budgets. These will not be spent by year-end due to the requirement to hold any further non-critical capital expenditure pending the outcome of the Inner Harbour Master Plan. Whilst this obviously takes available funds away from future years, it is believed this can be managed in conjunction with the development of the master plan.

The budgets referred to are funded from the Hawke's Bay Harbour Board Endowment Land Income Account. The purpose of this Reserve Account is to fund Inner Harbour works and foreshore reserves.

As Council does not own the Sailing Club assets, the funding proposed would require a transfer of budget from Capital to a grant.

### **Social & Policy**

N/A

### **Risk**

The current state of the breastwork and boardwalk poses a potential health and safety risk if not upgraded in the near future.

## **2.6 Options**

The options available to Council are as follows:

- a. Approve funding as a grant with a cap of \$250,000 on the amount. (Preferred Option)
- b. Decline to provide funding.

## **2.7 Development of Preferred Option**

The Napier Sailing Club sees itself as a vibrant, positive part of the Ahuriri and Napier Community. Their facilities are shared with many other local water based groups and the club hosts many local and national events. In addition the club welcomes and provides berthage facilities for visiting vessels to the area.

As previously mentioned the breastwork and walkway, although the responsibility of the club, is used by the public and poses a potential health and safety risk.

The club is not in a current financial position to fund the full cost of the proposed works. Council provided funding in 2014 of \$34,000 to fund replacement of breastwork at the club's southern ramp. This was on the basis of public use of the area in close proximity to the public walkway.

### **At the Meeting**

It was noted that funds are available through the Hawke's Bay Harbour Board Endowment Land Income Account and Council has a responsibility to spend those funds on inner harbour works.

Councillors were happy to see that public access will be formalised and agreed that this work is essential for health and safety reasons.

## **2.8 Attachments**

- A Napier Sailing Club aerial view
- B Letter from Napier Sailing Club
- C Funding Request Presentation
- D Engineering Report



Scale: 1:1686  
Original Sheet Size A4  
Print Date: 31/01/2019

## Napier Sailing Club

Digital map data sourced from Land Information New Zealand. CROWN COPYRIGHT RESERVED. The information displayed in the GIS has been taken from Napier City Council's databases and maps. It is made available in good faith but its accuracy or completeness is not guaranteed. If the information is relied on in support of a resource consent it should be verified independently.



NAPIERTheArtDecoCity

Napier City Council 231 Hastings St, Private Bag 6010, Napier 4142 New Zealand P 06 835 7579 F 06 835 7574 [www.napier.govt.nz](http://www.napier.govt.nz)





P.O. BOX 12048,  
NAPIER

# Napier Sailing Club

INCORPORATED



Address all correspondence to  
HON. SECRETARY

28<sup>th</sup> January 2019

Bryan Faulknor  
NCC  
[bryanf@napier.govt.nz](mailto:bryanf@napier.govt.nz)

Dear Bryan,

RE: FUNDING ASSISTANCE FOR BREASTWORK AT NSC

The Napier Sailing Club are writing to apply for funding assistance with breastwork repair required along our main walkway and visitor's berth.

We have previously met with a delegation from the Napier City Council and were advised to request funding through the HB Land Endowment Fund.

I have attached a Powerpoint presentation to provide more information about our request and the Club. The Commodore, Paul Redman and myself would be available to present this at the next meeting if required.

We will also follow up with an Engineers report and some photos of the breastwork being discussed.

Should you require any further information, please do not hesitate to get in touch.

Kind Regards,

Shelly Te Uki  
Manager

TELEPHONES (06) 835-3811 • (06) 835-5746 • FAX (06) 835-3602



**SEEKING FUNDING ASSISTANCE**

**BREASTWORK UPGRADE**

January 2019



## Napier Sailing Club's Strategic Plan provides a guide for all our activities



### **VISION**

A top Sailing Club and premier centre for recreational aquatic activities.

### **MISSION**

Provide superior facilities and resources, competition for our members and enjoyment and recreation for all.

*NSC is a not-for-profit sporting organisation*

*As you can see from our Vision and Mission Statements, we aim to cater to all aquatic groups and to anybody who wishes to utilise and share in our facilities.  
NOT JUST SAILORS OR MEMBERS ONLY!*

WE ARE INTERESTED IN  
DEVELOPING THE MARINA, BUT  
CRITICALLY IMPORTANT IS:



- BREASTWORK UPGRADE

required to ensure safety of public and members

to enhance the marina appearance.

required to make the next step of the marina development possible

## Breastwork Upgrade



Latteys have provided an estimate of \$450,000 (approximately) for this work

- **THIS IS A SAFETY ISSUE!** This work needs to get underway as soon as possible
- It involves a walkway that provides access for the Public and Members
- It needs to handle the regularly 'higher' tides and associated erosion

## The Breastwork upgrade is in the public interest and benefit of all, not just NSC



- Napier Sailing Club is the civic guardian and administrator of the Ahuriri area which provides the iconic land access for virtually all small boat users in the area and beyond.
- This is the primary sailing and small boat facility for Napier, Hastings and the surrounds. Sailing and other water activities have escalated as important NZ sports.
- The Napier Sailing Club believe we can manage and administer suitable amenities for the community. We presently cater informally to:
  - fishermen and the cruising community
  - children and adults learning to sail
  - boat maintenance and storage
  - club members and racing
  - visiting vessels to the area (who are well looked after)
  - any members of the public who wish to make use of the grounds and clubhouse
- *As a not-for profit organisation, we struggle with upkeep and maintenance of this large land area (marina, hardstand, boat ramps, boat parking, car parks) and buildings (clubhouse, boat sheds, rescue boat sheds etc).*

## The Napier Sailing Club shares it's facilities with other water based Clubs:



- Te Matau A Maui Voyaging Trust (regular use of one of our berths for loading, unloading and maintenance; use of the Clubrooms for school education; use of the Clubrooms for Committee meetings and training)
- Sailability HB (sheds and boats here permanently, are valuable club members)
- HB Paddleboard (paddleboard storage, use of ramps for launching etc)
- Align Physiotherapy (paddleboards for cancer rehabilitation, storage)
- HB Canoe Polo (use of ramps, storage of equipment, meetings)
- HB Optimist Trust (use of Committee Room for teacher training)
- Waka Ama (hosted Long Distance Nationals, regularly allow use of the Clubrooms for meetings and trainings)
- HB Coastguard & Safe Boating HB (sea safety training)
- Sea Scouts and Ocean Swim (loan of large Buoys for events)

## Where to next?



- The Napier Sailing Club members see ourselves as a vibrant, positive part of the Ahuriri and Napier community
- NSC members have a vision to share wonderful facilities with all water-based groups
- NSC continues to welcome and look after visiting vessels to the area (this is increasing all the time)
- NSC continues to invite and welcome the public to enjoy our facilities with us (barbeque tables and various seating available around the grounds). Having the new breastwork as part of the heritage walkway with historic photos and information placed along the way would be fantastic.
- NSC members are committed to caring for the environment and surrounds

## The Future... How we can help each other?



- financial assistance
- resource consents
- sharing of resources (dredging work etc)
- sharing of ideas (marina development throughout Ahuriri area)
- discussion about possible out-sourcing of management of marina berths and moorings (all from one office)

## SUMMARY



- Paul Redman (Commodore) and Shelly Te Uki (Manager) have already met with a delegation from NCC consisting of: Bill Dalton, Wayne Jack, Bryan Faulknor, David Keracher, Robin Malley, Paulina Wilhelm and Fleur Lincoln.
- NSC have been advised to apply for funding from the HB Land Endowment Fund – towards sharing the cost of the breastwork upgrade.
- NSC would welcome the opportunity to present this Powerpoint in person and in more detail, if required.
- NSC will send follow up with an Engineers report and photos of the Breastwork as it is currently.
- NSC would welcome the opportunity to continue discussion and involvement (as a key stakeholder) in other developments in the future ie, marina development etc.





**GRAEME W. ROBINSON, CONSULTING ENGINEER  
CIVIL, STRUCTURAL, PUBLIC HEALTH ENGINEER  
30 SIMLA TCE, PHONE 0-6-835 6240, NAPIER 4110**

5 February 2019

The Manager  
Napier Sailing Club (Inc.)  
Private Bag 12048  
NAPIER 4144

Dear Shelly

**Report on East Breastwork, Napier Sailing Club (Inc.), 63 West Quay, Ahuriri, Napier – Project 2515**

**Introduction:**

In accordance with instructions, I have undertaken an inspection of the existing breastwork along the east boundary of the Napier Sailing Club site at 63 West Quay, Ahuriri, Napier. The purpose of the inspection and this report is to review the existing condition of the breastwork and walkway along the frontage of the site, and to advise on the repair, maintenance and replacement issues.

**Site Description:**

The site is leased by the Napier Sailing Club from the Napier City Council. It is described as a Local Purpose (Boating Club) Reserve and this part of the land has the legal description Lot 1 DP 16242. The adjacent water has the legal description Part Section 1 SO 9727, which I understand is vested in the Crown and administered by the Department of Conservation. Napier Sailing Club holds resource consents issued by the Hawke's Bay Regional Council allowing occupation of parts of the adjacent water for launching ramps, pontoons, pile moorings and marina berths, for maintenance of existing structures, and for stormwater discharges from the site etc.

**Breastwork Inspection:**

There is breastwork of various construction styles and ages around much of the perimeter of the Club site. Aerial photographs indicate that much of the east breastwork probably dates from before 1965, while the southern part that projects out into the water is slightly more recent. The land behind the breastwork was partially backfilled with rocks and concrete rubble and timber decking was constructed between the top edge of the breastwork and the filled land, to provide a walkway along the outer edge of the site. The survey plan of Lot 1 DP 16242 is dated August 1979 and the east breastwork is shown as being along the existing alignment, with the boundary lines set out between the centres of the old timber piles. I recall that the decking was there when I joined the Club a year or two prior to the 1979 when the site was surveyed by the late R W Hamilton, who at that time was my neighbour.

The general condition of the original timber piles is consistent with the breastwork being at least 40 years old. Six of the eighteen timber piles were replaced about 10 years ago and there has been on-going repair and maintenance of the timber decking and breastwork facing timbers throughout the life of the structure. Backfill behind the piles has been built up at times, typically after ocean surges or dredging have undermined the breastwork timbers causing material to spill out beneath the facing boards, with damage occasionally extending back into the lawn along the landward edge of the decking.

All eleven of the remaining original timber piles are now near the end of their design working life. This is evidenced by the serious reductions in diameter of many of the piles beneath water level down to the sea bed level, and the extent of boring damage done to the piles by marine organisms. A significant number of the facing boards are missing and reinstatement of them is now difficult, because the horizontal rails to which they were fixed are now in very poor condition, and some sections of the original rails are entirely missing.

The timber decking requires considerable on-going maintenance, including replacement of boards that have split, or are showing deterioration of the timber. Nail fastenings are regularly inspected and boards are re-secured with nails or screws to ensure that the surface continues to be safe for public access. This is essential on-going work, because it is not only Club members but also the general public who enjoy unrestricted access around the site. Pedestrian and bicycle activity occurs at all times, so the safe condition of the decking is an important element in the Club's maintenance programme, under its health and safety policy. While the decking surface is somewhat up and down along the length of the breastwork, I consider that it is still fit for purpose, provided that the inspection and maintenance is kept at the current standard.



**PRINCIPAL: GRAEME W. ROBINSON, BE (Civil), Dip PHE, CPEng, IntPE(NZ)  
EMAIL ADDRESS: gwrobinson@xtra.co.nz MOBILE NUMBER: 027-240 5970**

2.

**Recommendations:**

I consider that the entire breastwork structure, including the decking, is nearing the end of its safe design working life. Its condition is such that it will require complete replacement in the short to short/medium term.

I recommend that it should be programmed for the design of a replacement structure to be completed forthwith and that the total replacement of the structure should be programmed to commence as soon as practicably possible.

Lattey Civil & Precast Ltd have replaced sections of breastwork and walkway with precast concrete vertical panels installed between driven steel piles, with the walkway constructed as an in-situ reinforced concrete slab along the top edge of the facing panels. This has proven to be a more economical method of construction than using driven timber piles with timber breastwork and decking. Accordingly, I recommend that a similar replacement structure should be constructed along the east side of the site. I consider that the preliminary design from Lattey Civil & Precast Ltd is appropriate.

The most practicable method of construction, both in the short term, and with an eye to the future, will be to construct the new facing wall beyond the outside face of the existing breastwork, and to continue it as a straight line from the existing marina gangway landing at the north end to the modern part of breastwork at the southeast corner. The small extension of land at the southeast corner could then be dredged out to widen this narrow channel between the new breastwork and the pile moorings, which would be of immediate benefit and would enhance the potential for development of the existing pile mooring area towards the east.

A minor "land swap" might be possible along the east boundary, which I anticipate would maintain the nett areas of the sites on each side of the new boundary line, should it be realigned to follow the face of the new structure.

**Funding Considerations:**

As Honorary Treasurer to the Napier Sailing Club, I am very aware of the Club's financial position and its current obligations and commitments, including the costs of on-going maintenance and improvement of its extensive assets and facilities within the leased site and the adjacent occupied waters.

I recommend that the Napier Sailing Club pursue every available avenue to seek funding for this major project, to replace the existing breastwork and walkway along the east side of the site.

There is a very significant Community Service Obligation (including "public good") component in the Club's lease and this should be one aspect to be considered when planning and programming the recommended works.

**Conclusions:**

Attached are copies of the 1979 survey plan and existing aerial photographs of the site with the east breastwork and walkway highlighted.

Also attached are a number of photographs that give some indications of the current condition of the existing structure. A final photograph shows a section of existing breastwork and walkway similar to the proposed construction.

Please feel free to contact me at any time should you wish to discuss this report further and to expand on any of the issues discussed above.

This report may be issued to any interested parties as you may see fit and I would be pleased to meet and review matters as required.

Yours sincerely



**Graeme W Robinson**

**Attachments:** Survey Plan, Aerial Photographs, & Breastwork Photographs.

3.

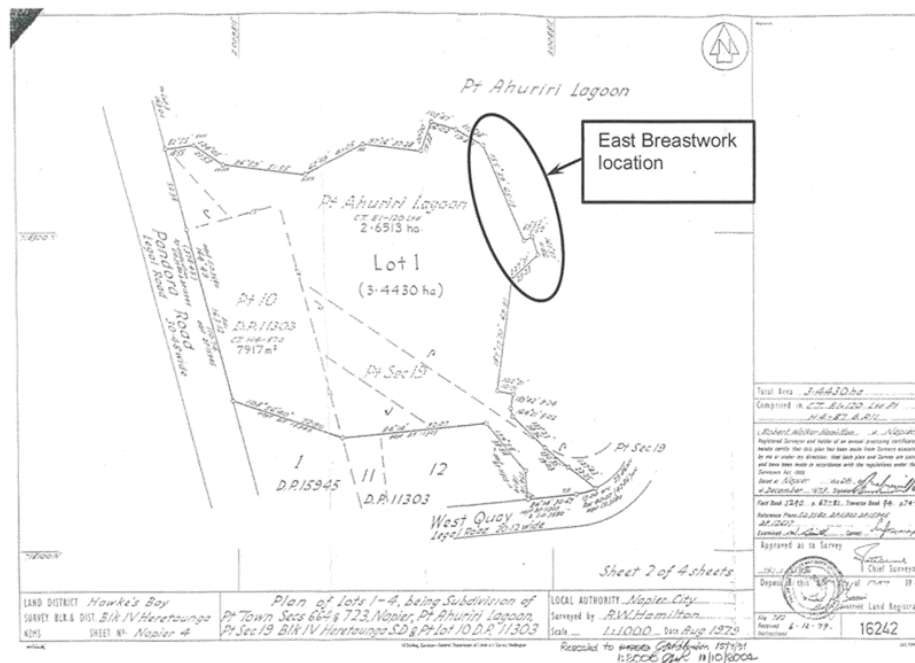


Figure 1: Survey Plan of Lot 1 DP16242, dated August 1979.



Figure 2: Aerial photograph of Napier Sailing Club.



Figure 3: Possible alignment of New Breastwork.

4.



Figure 4: View of Walkway looking southwards from alongside the Marina Gangway Landing.



Figure 5: View of Breastwork looking southwards. Outer row of piles are for the Visitor Berth Pontoon.



5.



Figure 6: Southern section of Breastwork has lost most of the timber facing boards & rails.



Figure 7: Southern section of Breastwork looking towards the southeast corner. Access Ramp to Pontoon.

6.



Figure 8: Closer view of bearers & piles beneath Walkway near corner of Visitor Berth in Figure 6.



Figure 9: View looking north from above the southeast corner pile.



7.



Figure 10: Looking north from the Access Ramp.



Figure 12: Closer view of missing breastwork boards, rails and displaced fill on north side of Access Ramp.

8.



Figure 13: View looking towards the north from the southern end of the Visitor Berth.



Figure 14: Driven steel piles with precast concrete facing panels between piles & in-situ concrete walkway. This Breastwork is on the west side of the South Ramps & is the proposed replacement system.



### 3. REPRESENTATION REVIEW 2018 - LOCAL GOVERNMENT COMMISSION DETERMINATION

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Local Electoral Act 2002
<i>Document ID:</i>	693953
<i>Reporting Officer/s &amp; Unit:</i>	Deborah Smith, Team Leader Governance

#### 3.1 Purpose of Report

To bring to Council the determination of the Local Government Commission in relation to the 2018 representation review.

#### Committee's recommendation

Councillors Boag / Wright

That the Strategy and Infrastructure Committee:

- a. Receive the Local Government Commission determination on the 2018 representation review.
- b. Note that Officers will make the appropriate arrangements for the 2019 elections in liaison with Council's election provider.

Carried

#### 3.2 Background Summary

The Local Electoral Act 2001 ('LEA 2001') outlines the requirements on local authorities when it comes to their representation arrangements, including the requirement to review these at least every six years (section 19H, LEA 2001). From late 2017, Council undertook the required analysis and proposal process (as per sections 19H, 19K, 19L, 19M, and 19N of the LEA 2001).

At its meeting on 26 June 2018, following consideration of 37 submissions on its initial proposal, Council resolved that its final proposal for the 2018 Representation Review would be:

That Council adopt a full ward system using the existing ward boundaries, with 12 Councillors and the Mayor, and with no community boards being established.

For the reasons being:

- The full ward system was determined to be the fairest and best representation in accordance with the detailed analysis provided in the officer's report.
- 70% of submissions received were in favour of the full ward system.
- Increased diversity, visibility and accountability of Council.
- Shared workloads of ward Councillors.

Two objections were received to the final proposal. These objections, along with all relevant documentation generated during the review process, including:

- Copies of the resolutions on the initial and final proposals, and the public notices,

- All submissions made on the initial proposal,
- Information concerning the communities of interest and population of the city, and its proposed electoral subdivisions (wards),
- Copies of any public discussion or consultation documents, and
- Officer's reports that provide background information and make recommendations.

were provided to the Local Government Commission ('the Commission') (19Q, LEA 2001) for their final determination on Council's electoral structures.

The Commission may make a decision based on the documents alone at its discretion, and has done so in providing its determination for Napier.

The determination of the Commission has now been received (see **Attachment A**) and will come into force for the 2019 elections (19S and 19Y, LEA 2001).

Although typically determinations of the Commission are accepted by local authorities, Council does have the option to appeal any determination on a point of law, or may request a judicial review.

### **3.3 Issues**

No issues

### **3.4 Significance and Engagement**

Extensive engagement was undertaken with the public on the representation review and associated topics, such as Māori wards and community boards, from late 2017. Further consultation processes took place in April 2018 seeking submissions on Council's initial proposal, and any appeals or objections to the final proposal for the month following Council's decision of 26 June 2018.

### **3.5 Implications**

#### **Financial**

Budget has already been allocated for the arrangements of the 2019 Local Government Elections in Napier.

#### **Social & Policy**

Appropriate communications will be prepared as part of the elections process advising the community and any potential candidates of the electoral structures for the 2019, and encouraging their participation in the election.

#### **Risk**

N/A

### **3.6 Options**

The options available to Council are as follows:

- a. To receive the final determination of the Local Government Commission
- b. To appeal the determination on a point of law or request a judicial review

### **3.7 Development of Preferred Option**

As the Commission has endorsed Council's final proposal it is recommended that the final determination be received.

### **At the Meeting**

A Councillor spoke to the determination, suggesting that there were no grounds for a judicial review or appeal. The determination gave weight to the work completed by Council officers, and also noted that further work was recommended for the next review in relation to ward boundaries and community boards.

Councillors against the change to a ward-only system commented that the system was inappropriate for Napier and reduced the number of elected members that the public could vote for. Those in support noted that the ward only system would simplify the voting process.

### **3.8 Attachments**

- A Local Government Commission determination - 2018 representation review



Local Government Commission  
Mana Kāwanatanga ā Rohe

## Determination

of representation arrangements to apply for  
the election of the Napier City Council  
to be held on 12 October 2019

### Background

1. All territorial authorities are required under sections 19H and 19J of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. These reviews are to determine the number of councillors to be elected, the basis of election for councillors and, if this includes wards, the boundaries and names of those wards. Reviews also include whether there are to be community boards and, if so, membership arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
2. The Napier City Council (the council) last reviewed its representation arrangements prior to the 2013 local authority elections. Therefore it was required to undertake a review prior to the next elections in October 2019.
3. At the time of the last review, the council's initial and final proposals were to retain status quo arrangements being a mixed system of representation with six councillors elected from four wards and six elected at large, with no community boards. One appeal was received with the appellant seeking a modified basis of election of three wards each electing two councillors and four councillors elected at large. Based on community support for retaining status quo arrangements and the absence of strong arguments for change, the Commission rejected the appeal.
4. As a result of that determination, the arrangements that applied for the 2013 and subsequent 2016 elections were a council comprising a mayor and 12 councillors with six elected at large and six elected from four wards as follows.

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from city average population per councillor	% deviation from city average population per councillor
Ahuriri	9,230	1	9,230	-407	-4.22
Onekawa-Tamatea	9,640	1	9,640	+3	+0.03
Nelson Park	18,450	2	9,225	-412	-4.28
Taradale	20,500	2	10,250	+613	+6.36
<b>Total</b>	<b>57,820</b>	<b>6</b>	<b>9,637</b>		

\* Based on 2011 population estimates

### Preliminary consultation on current representation review

5. For its current review the council undertook preliminary consultation on possible representation arrangements in September-November 2017. This was by way of 'pop-up' events, a focus group, meetings with particular groups and social media. A survey was also conducted with 618 responses received. Key findings from the survey were:
  - three quarters (74.6%) of respondents were able to name the ward they lived in
  - most respondents (67.9%) identified their main community of interest as 'Napier'
  - 42.3% of respondents preferred status quo arrangements of a mixed system of representation (combination of councillors elected at large and by wards)
  - 11.8% of respondents preferred a full ward system
  - 52.4% of respondents said the size of council should stay the same
  - 30.3% wanted community boards while 42.6% of respondents did not.
6. As part of its initial consideration, the council identified the following possible options:
  - the status quo (6 councillors elected from four wards, 6 elected at large)
  - 8, 11 or 12 councillors elected from wards
  - 8, 10, 11 or 12 councillors elected under a mixed system, with varying numbers elected by three or four wards and at large.
7. It also considered establishment of community boards in Bayview and Maraenui.

### The council's initial proposal

8. At a meeting on 9 April 2018, the council, after considering possible options to reduce the number of wards from four to three, resolved to adopt status quo arrangements as its initial representation proposal. The proposal provided for a council comprising the mayor and 12 councillors with six councillors elected at large and six elected from four wards as follows.

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from city average population per councillor	% deviation from city average population per councillor
Ahuriri	10,200	1	10,200	-125	-1.21
Onekawa-Tamatea	10,400	1	10,400	+75	+0.73
Nelson Park	18,750	2	9,375	-950	-9.20
Taradale	22,600	2	11,300	+975	+9.44
<b>Total</b>	<b>61,950</b>	<b>6</b>	<b>10,325</b>		

\* Based on 2017 population estimates

9. The initial proposal also provided that no community boards be established.
10. The council notified its initial proposal on 11 April 2018. By the deadline of 17 May 2018, it had received 37 submissions.
11. The council analysed the submissions as follows:

- 26 (70%) supported a ward-only system for the election of councillors
- 6 (17%) supported the current mixed system
- 1 (3%) supported the at large system
- 3 (8%) were not clear on their preferred system (wards, mixed or at large)
- 19 (51%) were happy with the current number of councillors (12)
- 3 (8%) supported 10 councillors
- 1 (3%) supported 16 councillors
- 14 (38%) did not comment on the number of councillors
- 2 (5%) supported the establishment of community boards
- 15 (41%) did not support the establishment of community boards
- 20 (54%) did not comment on community boards.

### The council's final proposal

- The council heard submissions on its initial proposal and determined its final proposal on 26 June 2018. The final proposal was for a full ward system of representation with 12 councillors elected from the existing four wards as follows.

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from city average population per councillor	% deviation from city average population per councillor
Ahuriri	10,200	2	5,100	-63	-1.22
Onekawa-Tamatea	10,400	2	5,200	+37	+0.72
Nelson Park	18,750	4	4,688	-476	-9.21
Taradale	22,600	4	5,650	+487	+9.43
<b>Total</b>	<b>61,950</b>	<b>12</b>	<b>5,163</b>		

\* Based on 2017 population estimates

- Again the proposal was that no community boards be established.
- The final proposal was publicly notified on 4 July 2018.

### Appeals/objections against the council's final proposal

- Two objections were lodged against the council's final proposal from Clayton Fippard and Anthony McLagan.
- Both objections were against the proposed change from a mixed system to a full ward system of representation. The main grounds for the objections were:
  - the change in the basis of election was based on the number of submissions supporting a ward system of representation (26 out of a total of 37) whereas 42 per cent of the over 600 responses to the council's preliminary consultation survey preferred the current mixed system of representation
  - the reduced number of councillors voters would be able to vote for under a ward system of representation
  - some perverse results such as a lack of candidates for wards under the current system



- the ineffectiveness of ward councillors compared to the mana of at large councillors
- it is not necessary to have four councillors for wards
- the current mixed system of representation has served Napier well
- any change should be made following a public referendum.

### Matters for determination by the Commission

17. Section 19R of the Act makes it clear that the Commission, in addition to consideration of the appeals and objections against a council's final representation proposal, is required to determine, in the case of a territorial authority, all the matters set out in sections 19H and 19J which relate to the representation arrangements for territorial authorities. This interpretation was reinforced by a 2004 High Court decision which found that the Commission's role is not merely supervisory of a local authority's representation arrangements decision. The Commission is required to form its own view on all the matters which are in scope of the review.
18. These matters include:
  - whether the council is to be elected from wards, the district as a whole, or a mix of the two
  - the number of councillors
  - if there are to be wards, the area and boundaries of wards and the number of councillors to be elected from each ward
  - whether there are to be community boards
  - if there are to be community boards, the area and boundaries of their communities, and the membership arrangements for each board.
19. For the purpose of making a determination, the Commission may make such enquiries as it considers appropriate and may hold meetings with the interested parties. There is no obligation on the Commission to hold a hearing and the need for a hearing is determined by the information provided by the parties and as a result of any further enquiries the Commission may wish to make.
20. In the case of Napier City Council's final proposal, we considered there was sufficient information in the documentation provided by the council on the process it had followed in making its decision and also in the two objections for us to proceed to a determination. Accordingly we decided no hearing was required.

### Key considerations

21. Based on legislative requirements, the Commission's *Guidelines for local authorities undertaking representation reviews* identify the following three key factors when considering representation proposals:
  - communities of interest
  - effective representation of communities of interest
  - fair representation for electors.

### Communities of interest

22. The Guidelines identify three dimensions for recognising communities of interest:

- *perceptual*: a sense of identity and belonging to a defined area or locality as a result of factors such as distinctive geographical features, local history, demographics, economic and social activities
  - *functional*: ability of the area to meet the needs of communities for services such as local schools, shopping areas, community and recreational facilities, employment, transport and communication links
  - *political*: ability to represent the interests of local communities which includes non-council structures such as for local iwi and hapū, residents and ratepayer associations and the range of special interest groups.
23. We note that in many cases councils, communities and individuals tend to focus on the 'perceptual' dimension of communities of interest. That is, they focus on what intuitively they 'feel' are existing communities of interest. While this is a legitimate view, more evidence may be required to back this up. It needs to be appreciated that the other dimensions, particularly the 'functional' one, are important and that they can also reinforce the 'sense' of identity with an area. In other words, all three dimensions are important but should not be seen as independent of each other.
24. In addition to evidence demonstrating existing communities of interest, evidence also needs to be provided of *differences* between neighbouring communities i.e. that they may have "few commonalities". This could include the demographic characteristics of an area (e.g. age, ethnicity, deprivation profiles) and how these differ between areas, and evidence of how different communities rely on different services and facilities.
25. In the case of Napier City, we note more than two-thirds of respondents in the council's preliminary consultation survey identified their community of interest as 'Napier'. However, a detailed council officers' report also identified a number of local communities of interest based at a suburb level. It appears to us that striking the appropriate balance between the city-wide Napier community of interest and possible more localised communities of interest is the fundamental issue to be addressed in relation to the council's final proposal and the objections received.

#### Effective representation of communities of interest

26. Section 19T of the Act requires the Commission to ensure that:
- the election of members of the council, in one of the ways specified in section 19H (i.e. at large, wards, or a mix of both) will provide effective representation of communities of interest within the city
  - ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
  - so far as is practicable, ward boundaries coincide with community boundaries (where they exist).
27. 'Effective representation' is not defined in the Act, but the Commission sees this as requiring consideration of factors including an appropriate total number of elected members and an appropriate basis of election of members for the district concerned (at large, wards, or a mix of both).

28. While not a prescribed statutory requirement, the Guidelines suggest that local authorities consider the total number of members, or a range in the number of members, necessary to provide effective representation for the city as a whole. In other words, the total number of members should not be arrived at solely as the product of the number of members per ward, if there are to be wards.
29. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 elected members (excluding the mayor), i.e. councillors. With the exception of the 1995 triennium, the Napier City Council has comprised 12 councillors since its constitution in 1989.
30. In its review the council identified some city councils with a higher ratio of population per councillor than Napier City. However, we consider a total of 12 councillors is within an appropriate range in the number of councillors and comparable with other city councils with populations between 50,000 and 100,000. We also note that a majority of respondents in the council's preliminary consultation survey supported retention of the current 12 councillors and in addition there was support for this number in the submissions received on the council's initial proposal.
31. As noted, the decision on the basis of election (at large, wards or a mix of both) requires a balancing of identified communities of interest to ensure their effective representation.
32. The Commission's Guidelines note the following factors need to be considered when determining effective representation:
  - avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area
  - not splitting recognised communities of interest between electoral subdivisions
  - not grouping together two or more communities of interest that share few commonalities of interest
  - accessibility, size and configuration of an area including access to elected members and vice versa.
33. Since 1989, Napier City has had experience of all three bases of election. The council recognised this fact in its consideration of its current proposal.
34. As background information for the council's initial proposal, council officers prepared a comprehensive report analysing fair and effective representation arrangements for Napier City dating back to 1977. This was undertaken on the basis that the main change that has occurred in Napier City over this period has been to the basis of election, i.e. the number of councillors has remained reasonably consistent and there have been no community boards throughout the period.
35. The report identified the following key issues for consideration:
  - voter turnout
  - diversity of candidates/elected members
  - number of candidates standing
  - communities of interest in the city
  - ward effectiveness.

36. The officers' analysis of the three basis of election options against these issues over the identified period showed:
  - *the ward system*: highest voter turnout; highest number of candidates and no seats unopposed; highest geographical spread of candidates and elected members; second highest percentage of female candidates and elected members
  - *the current mixed system*: lowest voter turnout; second highest number of candidates; second highest geographical spread of candidates and elected members; highest percentage of female candidates and elected members; highest number of seats unopposed (due to the one seat and two seat wards which typically do not attract as many candidates for people to choose from than in the other systems)
  - *the at large system*: second lowest voter turnout; lowest number of candidates; lowest geographical spread of candidates and elected members; lowest percentage of female candidates and elected members; no seats unopposed.
37. We believe caution does have to be exercised in direct comparisons of this kind as the issues identified can be subject to a range of influences and direct causal relationships are at best debateable. This is particularly the case in respect of voter turnout which research has shown in both New Zealand and internationally, is subject to a range of factors and, regardless of the basis of election, is showing a general downward trend internationally. There can also be circumstantial factors relating to a particular election, such as high profile candidates and recent decisions by the council which can significantly influence interest and involvement in that election.
38. However, we acknowledge the work done by the council officers and consider some weight can be given to the analysis particularly in respect of representation effectiveness such as numbers of candidates, their diversity and geographical spread.
39. The officers' report noted that more than two thirds of respondents in the preliminary consultation survey identified their community of interest as 'Napier'. This provides support for an at large system, or at least a mixed system of representation with an at large component. The report, however, did also identify more local communities of interest characterised by diverse demographics, access to local facilities and community representation. Most of these were identified within particular suburbs. At the same time the present ward structure, with some exceptions, was seen to cater for suburbs that shared communities of interest or at least had commonalities.
40. The report analysed the effectiveness of the current four-ward structure in providing representation for identified communities of interest. It concluded that the Taradale and Ahuriri wards each shared similarities in communities of interest within those wards, and more so than in the case of the Onekawa-Tamatea and Nelson Park wards. Within the latter two wards, the report identified some more distinct communities of interest i.e. with fewer similarities with other communities of interest within the ward.
41. It was also noted that Nelson Park Ward residents were the least engaged in local democracy and as having the highest deprivation levels which can be a barrier to engagement. Nelson Park Ward residents were the least able to name the ward they resided in.

42. Despite the variations, the report concluded that a full ward system, based on the current four-ward structure, would be the most effective of the three options available in representing communities of interest.
43. A particular advantage of the full ward system was seen as avoiding single-member wards as exist under the current mixed system. This was in light of the analysis showing that in Napier single-member wards had resulted in fewer ward contests at elections and less choice for voters. The report stated that avoiding single member wards (in both Nelson Park and Onekawa-Tamatea wards) “helps to improve voter choice and representation for ward residents”.
44. While the report found the full ward system provided the most effective representation, it noted some concerns and anomalies with the current four-ward structure. These included some suburbs being split between wards in part as a result of the use of particular roads, such as Kennedy Road, as ward boundaries and thereby likely to split communities of interest.
45. This resulted in the council requesting the officers to do further work on ward boundaries including the option of reducing the wards to three as existed between 1989 and 1998. While possible ward changes were considered, the council did not adopt any of these in its final proposal.
46. We consider, regardless of whether a mixed or full ward system of representation is adopted, more work on the boundaries of wards, as reflections of communities of interest, would be beneficial. This should include whether the current four-ward structure, introduced for the 2007 elections, continues to provide the most effective representation for all identified communities of interest in the city having regard to all three dimensions of communities of interest as identified above. We believe, given the amount of work done on communities of interest in Napier City for this review, there is now a good base to undertake this further work.
47. In determining its initial proposal, i.e. retention of the mixed system of representation, the council clearly took into account the results of the preliminary consultation survey (618 responses) which showed 42 per cent of respondents preferred the mixed system, 27 per cent preferred the at large system, and 12 per cent preferred the ward system.
48. However, after considering the 37 submissions received on its initial proposal, the council resolved to move to a wards-only system, based on 70 per cent support in the submissions for this system, 16 per cent support for a mixed system and 3 per cent support for an at large system.
49. In moving from a mixed system to a wards-only system the council put a lot of weight on the officers’ report, referred to above, providing detailed analysis of fair and effective representation arrangements under the different systems along with the number of submissions on the council’s initial proposal supporting such a change.
50. Both objectors have outlined their preference for retention of status quo arrangements largely on an ‘if it ain’t broke don’t fix it’ basis and also based on a comparison of the numbers supporting no change in the preliminary consultation survey.

51. We note there is no legislative provision for a referendum on the basis of election, as suggested by one objector, and the council is entitled to resolve its final proposal following appropriate community consultation.
52. We note further, the tension that arose during the council's review process between the results of the preliminary consultation survey (supporting no change to the basis of election) and the analysis provided in the officers' report on which the council relied in large measure in its decision on its final proposal (which was also available at the time of the council's initial proposal). Given this, and in the interests of a truly robust process, the council may have been better advised to have proposed a change to the basis of election in its initial proposal.
53. The council would then have been in a better position to gauge wider community support for change to the basis of election vis-à-vis status quo arrangements.
54. In proceeding to a determination, we needed to consider the weight to be given to the clear support in the preliminary consultation for retention of status quo representation arrangements (the mixed system) vis-à-vis the submissions on the council's initial proposal supporting change, together with the analysis provided by council officers on the most fair and effective representation arrangements.
55. In relation to the non-prescribed and informal preliminary consultation, it is noted that the council has regularly undertaken resident surveys on a range of council services and issues and, when asked, residents have generally tended to favour current status quo representation arrangements.
56. Given the depth of the analysis provided, evidence of the council's consideration of this analysis and the submissions received, and the fact the final proposal has only drawn two objections, we have decided to endorse the council's proposal for a ward-only system of representation. In making this endorsement, we observe that there are pros and cons to each of the options for the basis of election and a council is generally in the best position to assess these pros and cons in relation to its own city/district. Subject to the council going through a good process in assessing these and carefully considering community views throughout the process, we believe it is appropriate to endorse a council's decision on the choice of options such as basis of election. We are satisfied in this regard in relation to Napier City Council's decision.
57. As noted, we do recommend, however, the council undertakes further work as part of its next review to determine whether the current four-ward structure will continue into the future to provide the most effective representation for the more local communities of interest in Napier City.

#### **Fair representation for electors**

58. For the purposes of achieving fair representation for the electors of a city, section 19V(1) of the Act requires that the population of each ward divided by the number of members to be elected by that ward must produce a figure no more than 10 per cent greater or smaller than the population of the city divided by the total number of members (the '+/-10% rule').
59. We note that the current four wards, electing a total of 12 councillors, do meet the requirement for fair representation for electors.



### Communities and community boards

60. Section 19J of the Act requires every territorial authority, as part of its review of representation arrangements, to determine whether there should be community boards in the district and, if so, the nature of those communities and the structure of the community boards. The territorial authority must make this determination in light of the principle in section 4 of the Act relating to fair and effective representation for individuals and communities.
61. The particular matters the territorial authority, and where appropriate the Commission, must determine include the number of boards to be constituted, their names and boundaries, the number of elected and appointed members, and whether the boards are to be subdivided for electoral purposes. Section 19W also requires regard to be given to such of the criteria as apply to reorganisation proposals under the Local Government Act 2002 as is considered appropriate. The Commission sees two of these criteria as particularly relevant for the consideration of proposals relating to community boards as part of a representation review:
  - Will a community board have an area that is appropriate for the efficient and effective performance of its role?
  - Will the community contain a sufficiently distinct community of interest or sufficiently distinct communities of interest?
62. There have been no community boards in Napier City since its constitution in 1989 and the council is not proposing that any be established.
63. The council did raise the issue of possible establishment of community boards in the preliminary consultation survey and also in a subsequent survey on engagement with the council. These surveys showed some support for community boards, particularly in Maraenui (in Nelson Park Ward) and Bayview (in Ahuriri Ward), but this was not sufficient to persuade the council to include provision for one or more community boards in its initial representation proposal.
64. Suggestions of establishment of community boards in Maraenui and Bayview, was in line with the above mentioned officers' report which identified these two suburbs as having the most distinct communities of interest in the city within wider ward areas. As noted in paragraph 41 above, Nelson Park Ward residents are also identified as being the least engaged in local democracy and as having the highest deprivation levels which can be a barrier to engagement. In these circumstances we believe further consideration of a community board for an area like Maraenui in particular would be appropriate.
65. However, we note that only 5 per cent of submitters on the council's initial proposal wanted community boards compared to 41 per cent who did not, and 54 per cent who did not comment either way. Given this current low level of support, we endorse the council's final proposal that no community boards be established for the 2019 local elections.
66. As noted above, we recommend the council gives particular attention in its next review to whether the current four-ward structure will continue to provide effective representation for identified communities of interest into the future. As part of this focussed attention, we also recommend that the council considers further the option of one or more community boards as part of any revised ward structure.

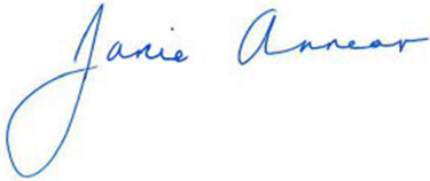
### Commission's determination

67. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Napier City Council to be held on 12 October 2019, the following representation arrangements will apply:
- (1) Napier City, as delineated on SO Plan 9830 deposited with Land Information New Zealand, will be divided into four wards.
  - (2) Those four wards will be:
    - (a) Ahuriri Ward, comprising the area delineated on SO Plan 386665 deposited with Land Information New Zealand
    - (b) Onekawa-Tamatea Ward, comprising the area delineated on SO Plan 386668 deposited with Land Information New Zealand
    - (c) Nelson Park Ward, comprising the area delineated on SO Plan 386667 deposited with Land Information New Zealand
    - (d) Taradale Ward comprising the area delineated on SO Plan 386666 deposited with Land Information New Zealand.
  - (3) The Council will comprise the mayor and 12 councillors elected as follows:
    - (a) 2 councillors elected by the electors of Ahuriri Ward
    - (b) 2 councillors elected by the electors of Onekawa-Tamatea Ward
    - (c) 4 councillors elected by the electors of Nelson Park Ward
    - (d) 4 councillors elected by the electors of Taradale Ward.
68. As required by section 19T(b) of the Local Electoral Act 2001, the boundaries of the above wards coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

LOCAL GOVERNMENT COMMISSION

A handwritten signature in black ink, appearing to read 'P. Paraone', with a large, stylized initial 'P'.

Commissioner Pita Paraone (Chair)

A handwritten signature in blue ink, reading 'Janie Annear', with a large, stylized initial 'J'.

Commissioner Janie Annear

A handwritten signature in black ink, reading 'B. J. Duffy', with a large, stylized initial 'B'.

Commissioner Brendan Duffy

17 January 2019

## 4. ORDERING OF CANDIDATES' NAMES ON VOTING DOCUMENTS

---

*Type of Report:* Operational

---

*Legal Reference:* Local Electoral Act 2001

---

*Document ID:* 694417

---

*Reporting Officer/s & Unit:* Deborah Smith, Team Leader Governance

---

### 4.1 Purpose of Report

To obtain a decision from the Council on the ordering of candidates' names on voting documents, as per the Local Electoral Act 2001.

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

Councillors McGrath / Taylor

---

That the Strategy and Infrastructure Committee:

- a. Endorse the presentation of candidates' names in random order on voting documents for the 2019 Local Government Elections.

---

Carried

### 4.2 Background Summary

Prior to the Local Electoral Act 2001, candidates' names were required to be listed on the voting documents in alphabetical order of surname.

Regulation 31(1) of the Local Electoral Regulations 2001 now allows the Council to decide on whether the names are to be arranged on the voting documents in alphabetical order of surname, pseudo-random order, or random order.

#### ***Alphabetical Order of Surname***

Candidates' are presented by surname, in alphabetical order from A to Z.

#### ***Pseudo-Random Order***

Under this arrangement, the candidates' names for each issue are placed in a hat (or similar receptacle), mixed together, and then drawn out of the receptacle, with candidates' names being placed for all voting documents for that issue in the order they are drawn.

The regulations provide that if a council has determined that pseudo-random order is to be used, the Electoral Officer must state, in the public notice required to be given, the

date, time and place in which the order of the candidates' names will be arranged. Any person is then entitled to attend while the draw is in progress.

### **Random Order**

Under this arrangement, the names of the candidates for each issue are shown in a different order on each and every voting document, utilising software which enables the names of candidates to be printed in a different order on each paper.

## **4.3 Issues**

Random order for voting papers has been increasingly adopted by local councils. Out of a total number of 118 Territorial Authorities, District Health Boards and Licensing Trusts in the 2016 election, 55 used random order, 54 alphabetical and 9 pseudo-random.

In 2016, Napier City Council opted to use random order. At the time Napier was the only council in the Hawke's Bay region to do so, but this is considered likely to change for the 2019 elections.

A Government response to the *Report of the Justice and Electoral Committee on its Inquiry into the 2013 local authority elections* did not agree to a recommendation that the order on all ballot papers in local authority elections be completely randomised, but did encourage councils to consider adopting the randomisation of names on ballot papers under the existing provision.

## **4.4 Significance and Engagement**

This item is primarily administrative under the Local Electoral Act 2001 rather than a policy issue and does not trigger the Council's significance and engagement policy.

## **4.5 Implications**

### **Financial**

Technological developments for the printing of ballot papers has greatly improved for the production of random order voting papers, so that there is no difference in either cost or quality for the printing of alphabetical or randomised voting papers.

### **Social & Policy**

Recent research on voting patterns has also indicated that candidates with a surname starting at the top end of the alphabet may have a slight advantage over others with a lower alphabetical ranking. It is considered better electoral practice to adopt measures that treat all candidates equally.

### **Risk**

N/A

## **4.6 Options**

The options available to Council are as follows:

- a. To choose that for the 2019 Local Government elections voting papers, the candidates' names be presented:
  - i. alphabetically
  - ii. in pseudo-random order, or
  - iii. randomly

## **4.7 Development of Preferred Option**

In view of the evidence outlined above, Option iii is the preferred option, that candidates' names are listed in random order on the voting papers for the 2019 council elections.

### **At the Meeting**

In response to questions from Councillors, the Team Leader Governance confirmed that at the 2016 Local Government elections, Napier was the only Council in the region using the randomised order for candidates' names on voting papers; however, there have been strong indications from the other Councils in the region that they intend to move in this direction for the 2019 elections. It was noted that although the Government elected not to enforce this it is generally accepted that randomised order is best practice; research suggests that alphabetical order favours candidates at the beginning of the alphabet.

### **4.8 Attachments**

Nil



## 5. NAPIER ROLL OF HONOUR

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	697896
<i>Reporting Officer/s &amp; Unit:</i>	Charles Ropitini, Strategic Maori Advisor

### 5.1 Purpose of Report

To consider and approve the reviewed Napier Roll of Honour for display at the War Memorial Centre site.

#### Committee's recommendation

Mayor Dalton / Councillor Taylor

That the Strategy and Infrastructure Committee:

- a. Approve the Napier Roll of Honour as an official Civic list of war dead for display at the War Memorial Centre site, and:
- b. Approve that 15 identified names from the 1995 Roll of Honour deemed by research to have good and legitimate reason for removal are not carried forward to the revised Roll of Honour.

Carried

### 5.2 Background Summary

A review of Napier's Roll of Honour commenced in January 2018 as a part of the war memorial project to return the Roll of Honour and Perpetual Flame to the Napier War Memorial Centre site.

Over 24-25 January 2018 three public workshops were facilitated by Council to gain public input to the development of criteria for the Roll of Honour review. At a Council meeting on 29 June 2018, criteria was accepted and a resolution passed for the naming conventions for display of the roll.

The agreed criteria for the research project is:

- 1) No names from the previous 1995 iteration of the Roll of Honour are to be removed unless there is a very good and legitimate reason for removal.
- 2) Research criteria is to be applicable within the physical boundaries of greater Napier from the Tūtaekurī River as the Southern boundary to the former Wairoa Borough Council boundary to the North. To be eligible a person must either be:
  - Born in Napier
  - Enlisted in Napier
  - Next of Kin resides in Napier
  - Employed in Napier
  - Educated in Napier
  - Church parish is in Napier
- 3) Only those that died on active service at home or abroad are to be commemorated.

- 4) Timeframe for death in service is to be in accordance with the New Zealand Government dates from the official commencement date to the official end date of that conflict.

The 1995 Roll of Honour listed war dead from WWI, WWII and Vietnam. Through the review the list has expanded to also include war dead from the South African War and Occupation of Japan.

Researchers identified 84 errors across the WWI and WWII list. Errors were in spelling, incorrect initials and duplication of names.

A final list of 1058 Napier war dead is now presented (attached). This is an addition of 536 names added to the 1995 list of 522 names.

### 5.3 Issues

During the 1994-1995 redevelopment of the War Memorial Centre a review was undertaken of the Roll of Honour. The review and research of the roll was completed by members of the Napier RSA with names for display being accepted by ballot.

To start the 2018 review of the roll, researchers identified two distinct groups from the 1995 list as:

- a) those with clearly identifiable links to Napier; and
- b) those listed that did not have immediately clear links to Napier.

While further research could provide clarity and linkage to Napier for the majority of those listed in 1995, a list of 15 names is identified as having good and legitimate reason for removal, and are presented for consideration.

World War One: Four names recommended for removal:

- Two people have death dates outside of the official Government end of WWI.
- Two people have their departure vessel listed as “Hawke’s Bay”. These two people are from Canterbury and Auckland with no links to Napier, and have been identified only through the name of the departure vessel.

World War Two: Eleven names recommended for removal

- Three names listed have not returned personnel files or information with NZDF or Commonwealth records. The surnames and initials are not recorded on local honour boards and no further information can be obtained for these three individuals.
- Seven people have death dates outside of the official Government end of WWII.
- One person is to be removed at the family’s request as the person did not have connections to Napier.

### 5.4 Significance and Engagement

The draft Roll of Honour was released to the public for viewing and input over November and December 2018.

The Roll of Honour was actively publicised through:

- Corflute boards displayed at the Napier and Taradale RSAs
- A double page spread inserted to the Napier Courier
- The Council website
- Radio advertisements.

Enquiries were captured directly through Customer Services and forwarded to the research team for scrutiny and addition to the draft list.

In total, 25 individuals made the effort to contribute to the draft list:

- 19 individuals added, confirmed, or corrected their direct family member's details. Two names were requested by family to be removed as they did not have a connection to Napier
- Six interested individuals provided feedback to people they had a connection to, or had researched in their private capacity.

With public contribution and further research, the draft Roll of Honour has been uplifted from 1043 to 1058.

The names of those recommended for removal were not included in this published draft list. There were no enquiries from the public as to their omission.

## **5.5 Implications**

### **Financial**

An expanded reviewed Roll of Honour will have financial implications to the development of any memorial design with allowance required for the full list to be displayed appropriately.

### **Social & Policy**

A Roll of Honour policy will be required to govern the management and future editing of the Roll of Honour. Such policy will be developed in conjunction with a policy for the War Memorial Centre site which protects the heritage and recognises the commemorative elements and community use.

### **Risk**

A known risk is to the accuracy and completeness of the Roll of Honour. While the research team have made every effort to ensure accuracy, it cannot be guaranteed that all Napier war dead have been captured and that all details are 100% accurate.

A risk exists in the communication to families of those recommended for removal and further research efforts would be made to find family members for those who died outside of the official war period.

## **5.6 Options**

The options available to Council for those recommended for removal are as follows:

- a. Approve that 15 identified names from the 1995 Roll of Honour deemed by research to have good and legitimate reason for removal are not carried forward to the revised Roll of Honour.
- b. Approve that the 15 identified names recommended for removal are carried forward and remain on the revised Roll of Honour.

## **5.7 Development of Preferred Option**

Thorough analysis and research of the 1995 Roll of Honour has been undertaken to ascertain and confirm the links of each individual to Napier. Robust research and cross-referencing has led to these 15 names identified for removal from the reviewed Roll of Honour. The preferred option is therefore to approve the final Roll of Honour as an official Civic list of war dead for display at the War Memorial Centre site with the 15 names identified by research removed.

### **At the Meeting**

Councillors acknowledged the hard work of those involved to date to ensure that the roll of honour is as accurate as possible.

In response to questions from Councillors management confirmed that, where possible and practicable, attempts were made to contact the families of those identified to be

removed from the roll of honour. A Councillor noted their unease in relation to removing names from the roll of honour where the family could not be contacted.

## **5.8 Attachments**

A Napier Roll of Honour (*Under Separate Cover*)

## 6. WAR MEMORIAL DESIGN OPTIONS CONSULTATION

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	699633
<i>Reporting Officer/s &amp; Unit:</i>	Natasha Carswell, Manager Community Strategies

### 6.1 Purpose of Report

This report provides the feedback received during consultation on concept design options for a War Memorial. It is recommended that Council select an option in order to proceed with development of a concept brief and subsequent construction of a War Memorial for Napier.

#### Committee's recommendation

Councillors Brosnan / Wise

That the Strategy and Infrastructure Committee:

- a. Considers the community feedback,
- b. Reconfirms its decision made on 27 September 2017 to locate the War Memorial at the Floral Clock site, and
- c. Provides direction on a design concept.
- d. That Council staff take the following design direction to create a final design concept for adoption by Council:
  1. That the reinstated Memorial be constructed at forecourt level, on the floral clock site, forming part of the War Memorial Site,
  2. That a curved wall, open to the elements, mimicking the ballroom shape and physically connected to the building, display the Roll of Honour,
  3. That the Perpetual Flame be built into the existing War Memorial Building Entranceway so that it is visible when entering the building, from the Memorial and externally at night,
  4. That water be incorporated into the design that is near to and complements the flame, so that they can be viewed together,
  5. That a place/s to sit and reflect be included,
  6. That physical access and visual connection to the formal lawn be incorporated,
  7. That remembrance artwork be commissioned, to connect the Memorial space with the Memorial Building and lower lawn, uniting the Memorial elements; and that this be given as a brief to the Arts Advisory Group to commission,
  8. That landscaping is included that complements and promotes restful contemplation, and unites the Memorial Building with the Memorial elements,
  9. That the design include flag poles connecting the Memorial and Memorial building,
  10. That WW1 and WW2 Rolls be displayed in a prominent way flowing onto future conflicts such as Vietnam and Boer War Rolls,

11. That the physical original Roll of Honour be respectfully incorporated into the design and that a small committee of appropriate representatives are given this brief, to provide Council a recommendation on 'how to incorporate'.
- e. Note Council's intention to adopt a final design no later than August 2019 and begin construction as soon as practicable in the 2019 calendar year.

*The division was declared **carried** by 12 votes to 1 vote the voting being as follows:*

**For:** Councillors Boag, Brosnan, Dallimore, Hague, Jeffery, McGrath, Price, Tapine, Taylor, White, Wise and Wright

**Against:** Mayor Dalton

---

Carried

## 6.2 Background Summary

The Napier War Memorial Centre building was extended in 2016. As part of this extension, memorial elements were removed and stored pending a decision on a site for their relocation. In July 2017, after considering three site options it was agreed between Council and the presidents of the Napier and Taradale and Districts Returned Service Associations to establish the memorial in close proximity to the Napier War Memorial Centre building on the Reserve. Council resolved to locate the War Memorial at the Floral Clock site on 27 September 2017, and to relocate the Floral Clock to the Sunken Gardens.

Three design options were provided to Council for consideration. On 29 June 2018, Council resolved to release all three designs for public feedback. The design that housed the elements within an annex to the building was subsequently withdrawn by Council at request of the designer, leaving two designs to be released for feedback. Artist impressions and 'flyby' videos were created for the two designs for presentation to the community.

Subsequently, a third Indoor design option was offered by Craig Morley, a member of the public, to replace the Annex design that was withdrawn. On 2 October 2019, Council amended its 29 June resolution to include the Mr Morley's design in the consultation process, noting the video and images provided by Mr Morley were sufficient and did not require any further design treatment to align with the other two concept options.

On 19 November 2018, the following design concepts were released to the community to provide feedback, suggest modifications or to suggest new design options:

- **Forecourt Building** – a memorial located on the forecourt next to the main building featuring a new separate building containing the Perpetual Flame and an outdoor area for the Roll of Honour.
- **Garden** – an open air memorial located next to the main building at the site of the Floral Clock, incorporating the Perpetual Flame and Roll of Honour and a reflection pool.
- **Indoor** – a memorial located within the main building housing the Perpetual Flame and Roll of Honour.

The Roll of Honour research had been undertaken and a draft was released for feedback. This process ran separately but concurrently to the consultation on the design options.



### **6.3 Issues**

The consultation process acknowledged the interest of those with a special interest and of key stakeholders, and also sought feedback from the wider community. In developing the consultation plan, both Returned Services Associations (RSA) Presidents, as leaders of key stakeholder groups, were contacted to ascertain their preference for consultation activities involving them.

#### **Consultation Process**

A range of consultation tools were utilised to invite the community to provide feedback including meetings, presentations, community pop-ups, focus groups and digital engagement. Promotion was implemented through a variety of mechanisms including print and digital advertising, radio, billboards, media releases, website and social media. An independent survey was completed to provide a demographically representative response to the consultation matter.

Surveys were available online, at Napier and Taradale Libraries, both the RSAs, at the Napier City Council Customer Services Centre and at the community pop-ups and meetings.

The consultation period was four weeks and was undertaken from 19 November to 14 December 2018.

Details of the consultation activity are included in the War Memorial Consultation Summary attached.

### **6.4 Significance and Engagement**

Any of the three options would constitute minor changes to the Napier War Memorial Centre, a Strategic Asset, which in itself would not trigger the need to consult under the Significance and Engagement Policy. However, the site selected for a new Napier War Memorial is within the very prominent Marine Parade potentially generating an interest for the wider community. In addition, this matter is of significance to specific groups in the community who have a strong connection to those remembered through the memorial, including friends and whānau of the war dead, and members of the Napier and the Taradale and Districts RSAs. While cost is not the key factor for consideration of which option is preferred, the potential cost impacts on rates and/or borrowing supports the decision to consult on the matter.

### **6.5 Implications**

#### **Results**

A full summary of the feedback of the consultation activity is provided in the War Memorial Consultation Summary report attached. Respondents could also suggest modifications or new designs. Six drawings and one written description are summarised below. Several photos of memorials were provided – these are appended to the War Memorial Consultation Summary report attached. Additional written feedback was provided by five respondents which is summarised in the War Memorial Consultation Summary report attached with the full feedback appended to that report. The full SIL Research Survey report is also attached. This report provides detail regarding methodology and demographic breakdowns.

#### **Survey Results**

The independent survey results and the online ([www.sayitnapier.nz](http://www.sayitnapier.nz)) and hardcopy results are combined. A total of 1298 people responded to the surveys. Respondents were able to select more than one option to like therefore results do not add up to 100%. Respondents' reasons for liking an option and their concerns are consistent with the

feedback provided at the face to face consultation activities. The results are in the table below.

Results table:

Design Option	GARDEN	INDOOR	FORECOURT BUILDING
Result	Two thirds like this option (65.5%)	One third like this option (32.6)	Slightly less than a third like this option (28%)
Reasons	Nice, good, beautiful	A rightful place, provides protection from damage	Generally liked it
Main concern	Potential damage through vandalism and weather	Restrictive access	Price

### Design modifications / ideas

All drawings were variations of the consultation design concepts, with two that combine indoor and outdoor locations and features. The variations are summarised as follows:

#### Garden variations

- Changes to improve accessibility for wheelchair users, provide extra seating for the elderly and suggestions for design features, materials and plantings. Roll of Honour to be placed along the wheelchair 'slopes' – a "wrap around" similar to the forecourt option.

*Management response:* additional / altered features can be considered in any detailed design.

- June Graham suggests to relocate the Garden option to the forecourt, to include hedging for shelter from the wind, a roof to the pergola structure and for the Floral Clock to remain in its current position.

*Management response:* choice of materials can be considered in any detailed design. Impact on the use of the forecourt area would need to be considered in any detailed design of this option.

#### Indoor variations

- Uses approximately one third of the existing storage room to create a memorial space and extends the storage room by a third into the main hall. New glass doors create a separate entrance onto a piazza style area. The Perpetual Flame could be located inside so that it is visible from outside. It adds features such as statues and flagpoles.

*Management response:* This concept does not appear to impact on the conference centre activity or current storage availability.

- Sites the Roll of Honour on the outer wall of the building, suggests signage options to include the Building's name and the activity name, it locates Perpetual Flame inside the building in front of windows where it can be seen from the outside.

*Management response:* Locating the Perpetual Flame in the foyer may have an impact on the use of that area when full conferences are operating. The features of this concept could be considered in any detailed design.

- Provided by Craig Morley. Provides options to relocate storage without extending the building in order to accommodate the original indoor option. Storage location options are as follows:

- Basement (with a new service elevator)
- Area between large and small exhibition halls (3 options to achieve from 19 – 39 metres square)
- Install a mezzanine floor in large exhibition hall

- d. Upper level staff area (with a new service elevator) providing 100 metres square
- e. A combination of the area in the basement and the upper staff area (service elevator between the three floors)

*Management response:* The revised concept appears to return the corridor to its current layout maintaining fire egress. All of the options above require the installation of a service lift. The lift would require doors on both sides as openings are different between the floors. Installing a lift requires excavation under the basement to house the mechanics, this could be substantial for a lift servicing three floors. Shaft framing and fire rated walls are also required. The various storage options provide different sized areas for the displaced storage some of which will not address the storage need. The options could be considered as part of any detailed design. The impact of removing or shifting current facilities would also need to be assessed.

### **Indoor / Outdoor combinations**

- 6. Ray Blewett suggests to locate the Perpetual Flame inside in the foyer so it is easily seen from the front and side. The Roll of Honour would be placed on a new Wall of Remembrance, and the original plaques attached to two new brick memorial arches representing the two World Wars.

*Management response:* This concept appears to use the current wall area creating little to no impact on the forecourt area.

- 7. Dorothy Pilkington provided a combined concept in person and attached it to a hardcopy survey. It includes using the space identified in the Indoor Design Concept, but at a reduced size (one third of the storage room) to house the plaques and new elements including art, poetry and digital technology such as touch tables (similar to those in Wairoa). A new wall adjacent and joining the main building, on the forecourt for the Roll of Honour with a circular reflection pool is identified. The Perpetual Flame could be either elevated in the pool (within a glass or Perspex case) or in the foyer of the main building behind the wall of windows facing Marine Parade. The concept suggests a service lift from the basement be installed to keep vehicles off the forecourt allowing for the memorial elements.

*Management response:* This concept installs a service lift so goods can be received at the basement not via the forecourt, freeing up the forecourt for the installations identified as well as supporting alternative storage within the building. The lift would require doors on both sides as openings are different between the floors. Installing a lift requires excavation under the basement to house the mechanics, this could be substantial for a lift servicing three floors. Shaft framing and fire rated walls are also required. The impact of removing or shifting current facilities would also need to be assessed.

### **Photos**

Seven photos were uploaded with online survey forms. Five were examples of other memorials including one incorporating a Perpetual Flame in the open, three modern designs – two of which use Cortene steel and the other with poppies included on a Roll of Honour. A photo of a field of poppies was provided and a 1957 photo of the Floral Clock with the Napier War Memorial Centre in the background.

### **Additional feedback**

Four people provided additional written comment in support of their preferred option. One person wrote to express their concern about the costs associated with this matter, including the cost to reinstate the memorial elements. Their feedback is summarised in the War Memorial Consultation Summary report attached, which also includes the full written feedback.

## **Financial**

The design and construction costs would be included in the 2019/20 Annual Plan.

## **Social & Policy**

The consultation process aligns with Council's Significance and Engagement Policy. Over 200 people engaged in the face to face consultation activities with over 1200 people providing feedback through the survey. The promotion of the consultation utilised a range of mechanisms to encourage the community to participate.

## **Risk**

There is an expectation in the community that Council will select a concept to progress to detailed design and construction taking into consideration the feedback they have provided. Should this not occur, the community may perceive their feedback has not been part of the decision-making process.

### **6.6 Options**

The options available to Council are as follows:

- a. Select a design option for further design development that considers feedback received on that option through the consultation process **(preferred)**
- b. Do not select one of the three design options. The consultation process did not result in any substantively new designs being provided. All drawings were variations or hybrids of the three designs presented during consultation. Selecting a substantively new design would require further consultation.

### **6.7 Development of Preferred Option**

In selecting an option, the feedback received through the consultation process is a factor to be considered in the decision. Whichever option is selected, the main issues raised by the community about that option ought to be acknowledged and, where possible, mitigated.

All of the raw feedback pertaining to the option selected will be collated, summarised and provided so it is considered in the developed concept design process. Modifications will be investigated in terms of cost, operational impacts and ease of development during this phase.

The selected design option and the agreed next steps will be communicated to the community, particularly to key stakeholders.

## **At the Meeting**

Virgil Troy of SIL Research and the Manager Community Strategies spoke to the report, outlining the consultation process undertaken and noting that 65% preferred the garden option. Although other options were submitted, none of those substantially departed from the concepts consulted on.

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

- The responses did not indicate that preference for an indoor option was diluted by having more than one; there was a clear preference for the garden option.
- The majority of the 172 submissions that had been removed were due to incomplete or unusable responses. 10 were assessed as allegedly being from the same person or double-ups which was validated through checking IP addresses and other methods. It was noted that removing those 10 submissions does not affect the overall result.

- The survey was targeted at Napier residents therefore submissions from outside of Napier were removed. No special requests were made by non-residents in their submissions explaining why they considered their views should be included.
- Over sampling is considered best practice to ensure that enough clean data is achieved to present accurate results.

Councillor Brosnan acknowledged the Chair's recommendation in the officer's report and moved a substantive motion which had been prepared in consultation with members of the public actively following the matter, including Guy Natusch. The substantive motion draws on key items taken from the submissions and was assessed against criteria including 'important elements', 'what the community said' and 'outcome wants'; *these criteria were tabled at the meeting (Attachment B)*. The intention is that officer's at the direction of Council, prepare a final design to be adopted by Council in five months' time.

Management noted that the proposed timeline was of concern given the level of work required and that this may not be practically achievable.

In response to questions, Councillor Brosnan clarified that the new roll of honour would be displayed and the old physical roll of honour would be incorporated into the site in another way based on the recommendation of an appropriate committee. The location of the memorial will still be the floral clock site in accordance with Council's decision of 27 September 2017, but raised to forecourt level.

Councillors in support of the motion noted the following points:

- This motion is a combination of all three options.
- The direction from Council on 2 October 2018 was to go out for feedback and input on the three options. Councillors noted that it should not be a tick box exercise but rather to receive input into a community-led design.
- Submissions noted a clear desire to pay homage to the original design and return the flame to the building, ensuring the flame is at forecourt level, 24/7 access and providing an area for reflection. This motion recognises that the building and the whole site are key to the memorial.
- This motion provides clear direction to experts to produce something for those sharing the space.
- The concepts are broad enough to still allow flexibility in design.
- This is a good compromise and seems to be one that most can live with. Any problems will be worked through in the design process.
- As a gesture of good faith we should just go for it.

Councillors speaking against the motion noted the following points:

- Council is trying to design by committee.
- The results of the survey were clear, with twice as much support for the garden/landscape option than the next option.
- Concern was expressed as to whether enough of the garden option had been incorporated into the proposal given this was the strongly preferred option through the consultation.
- Giving officers such a prescriptive directive is limiting and denies officers the ability to work with a clear mind.

- The information was only provided to officers and some Councillors at the meeting and it would have been useful to also have a visual to help envisage what this proposal would look like, as was done for the consultation options.
- Further due diligence is required before a final decision can be made.

Some discussion was held around the wording of the motion with minor tweaks being agreed to by the mover and seconder.

## **6.8 Attachments**

A War Memorial Consultation Summary (*Under Separate Cover*)

## 7. GREENDALE POOL FUNDING DECISION: COUNCIL PROJECTS FUND

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	700270
Reporting Officer/s & Unit:	Glenn Lucas, Manager Sport & Recreation

### 7.1 Purpose of Report

To approve a \$50,000 grant to Greendale Committee to contribute towards the restoration of the Taradale School Pool (Greendale Pool).

#### Committee's recommendation

Councillors Wise / Taylor

That the Strategy and Infrastructure Committee:

- a. Approve that \$50,000 be allocated from the 2019/20 Council Project Fund to the Greendale Committee to restore the Taradale School Pool, conditional upon the receipt of a signed tender agreement signalling the commencement of the refurbishment work.

The division was declared **carried** by 12 votes to 1 vote the voting being as follows:

**For:** Mayor Dalton, Councillors Boag, Brosnan, Dallimore, Hague, Jeffery, Price, Tapine, Taylor, White, Wise and Wright

**Against:** Councillor McGrath

Carried

### 7.2 Background Summary

Greendale Pool is situated on the grounds of Taradale Primary School and has been operated by the Greendale Swim Club under a long-term lease from the Ministry of Education. Following an engineering assessment deeming the building as not structurally safe, Greendale pool has been closed since December 2016.

The Greendale Committee approached Napier City Council late 2018 for funding for the restoration of the building to enable the reopening of the Greendale Pool. As this request is consistent with the Napier Aquatic Strategy and the criteria of the Council Projects Fund, Council agreed to provide \$50,000 to the Greendale Committee upon receipt of a signed tender agreement signalling the commencement of the refurbishment work.

### 7.3 Issues

Nil

### 7.4 Significance and Engagement

N/A



## 7.5 Implications

### Financial

\$50,000 of funding is to be allocated from the Council Projects Fund for the 2019/20 financial year.

### Social & Policy

Supporting the re-opening of an important Taradale Primary School and community asset that improves water safety and confidence of children and adults.

### Risk

N/A

### At the Meeting

A Councillor spoke against the motion, noting that Council will end up with two community pools in Taradale and that Council would be supporting the upgrade of a 70 year old pool while planning to replace a 20 year old pool in Onekawa.

Councillors speaking in support of the motion noted the following points:

- The Greendale pool is on Ministry of Education land and initially they were not supporting the upgrade. They have now become involved.
- Funding of \$50,000 is conditional upon receipt of a signed tender agreement.
- The Prebensen Drive aquatic centre will be a community pool and offer a variety of other activities whereas the Greendale pool is just a basic pool primarily used for lane swimming.
- Council would be supporting the club in order to support the community, much the same as Council has agreed to support the Napier Sailing Club.

In response to questions, Council officers were unaware whether Sport New Zealand had made any comment regarding the Greendale Pool.

## 7.6 Attachments

Nil

## 8. ROAD STOPPING - CORNER OF GEDDIS AND LONGFELLOW AVENUES

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Local Government Act 1974
<i>Document ID:</i>	696916
<i>Reporting Officer/s &amp; Unit:</i>	Bryan Faulknor, Manager Property Jenny Martin, Property and Facilities Officer

### 8.1 Purpose of Report

To confirm the Council resolution of 30 October 2018 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 the current legal road on the corner of Geddis and Longfellow Avenues, to Ahuriri District Health.

### Committee's recommendation

Councillors Jeffery / Boag

That the Strategy and Infrastructure Committee:

- Declare the road adjoining 65 Geddis Avenue, as described in the Schedule hereto, to be stopped; and
- Transfer the stopped road to the owners of the adjoining land, as described in the Schedule hereto, and require the amalgamation of the stopped road with the adjoining land under one record of title.

### SCHEDULE

#### Hawkes Bay Land District – Napier City

Area	Description	Adjoining Land
0.0188 ha	Section 1 SO Plan 530636	Record of Title HBM3/1138

Carried

### 8.2 Background Summary

A Resource Consent has been granted for the redevelopment of the existing medical centre on the corner of Geddis and Longfellow Avenue, Maraenui. The Consent is subject to road stopping being completed on the corner, or as an interim measure until the road stopping is complete, a Licence to Occupy the adjacent Road Reserve. The land is needed for vehicle ingress, egress and vehicle manoeuvring to the proposed car park.

The road stopping process does not affect vehicle usage of Geddis Avenue or Longfellow Avenue as the land is outside of the carriageway. Footpath use is also still available.

A plan showing the Road Reserve to be stopped is attached.

At its meeting of 30 October 2018, Council resolved to commence procedures for the formal stopping and sale of land on the corner of Geddis and Longfellow Avenues, Napier.

Procedures have been completed in accordance with the Tenth Schedule of the Local Government Act 1974 and no objections have been received.

Council is now required to confirm the original decision.

### **8.3 Issues**

There are no issues.

### **8.4 Significance and Engagement**

The Tenth Schedule requires public notification of the road stopping by way of notice in the local newspaper and signage at each end of the proposed stopped road. Any member of the public had 30 days to object to the road stopping.

### **8.5 Implications**

#### **Financial**

Nil

#### **Social & Policy**

Sale of the land to the adjoining owner will provide enhanced medical services to the community.

#### **Risk**

Not applicable.

### **8.6 Options**

The options available to Council are as follows:

- a. To declare the road adjoining 65 Geddis Avenue to be stopped, transfer the stopped road to the adjoining owners and require the amalgamation of the stopped road with the adjoining land under one record of title.
- b. To not declare the road adjoining 65 Geddis Avenue to be stopped.

### **8.7 Development of Preferred Option**

Option A is the preferred option to give Ahuriri District Health certainty for the medical centre redevelopment.

#### **At the Meeting**

It was noted that the road stopping will vastly improve access to the area and support the new medical centre. The new medical centre will be extended onto the site of the old medical centre.

### **8.8 Attachments**

- A Geddis & Longfellow Avenue road stopping area



## 9. OMARUNUI REFUSE LANDFILL JOINT COMMITTEE MINUTES 7 DECEMBER 2018

Type of Report:	Information
Legal Reference:	N/A
Document ID:	696550
Reporting Officer/s & Unit:	Cheree Ball, Governance Advisor

### 9.1 Purpose of Report

To present to Council the unconfirmed minutes of the Omarunui Refuse Landfill Joint Committee meeting, held on 7 December 2018.

#### Committee's recommendation

Councillors Tapine / Hague

That the Strategy and Infrastructure Committee:

- a. Receive the unconfirmed minutes of the Omarunui Refuse Landfill Joint Committee meeting from 7 December 2018.

Carried

### 9.2 Background Summary

The Omarunui Refuse Landfill Joint Committee met on 7 December 2018, the unconfirmed minutes are shown at **Attachment A**.

### 9.3 Issues

N/A

### 9.4 Significance and Engagement

N/A

### 9.5 Implications

#### Financial

N/A

#### Social & Policy

N/A

#### Risk

N/A

### 9.6 Options

To receive the unconfirmed minutes as **attached**.

### 9.7 Development of Preferred Option

N/A

### **At the Meeting**

There was no discussion on this item.

### **9.8 Attachments**

A Omarunui Refuse Landfill Joint Committee minutes\_2018-12-07



## *Hastings District Council*

Civic Administration Building  
Lyndon Road East, Hastings 4156

Phone: (06) 871 5000

Fax: (06) 871 5100

[www.hastingsdc.govt.nz](http://www.hastingsdc.govt.nz)

---

OPEN

# MINUTES

---

## OMARUNUI REFUSE LANDFILL JOINT COMMITTEE

Meeting Date: **Friday, 7 December 2018**



**Minutes of a Meeting of the Omarunui Refuse Landfill Joint Committee  
held on 7 December 2018 at 1.00pm (Budget)**

**Table of Contents**

<b><u>Item</u></b>	<b><u>Page No.</u></b>
<b>1. Apologies</b>	<b>1</b>
<b>2. Conflicts of Interest</b>	<b>1</b>
<b>3. Confirmation of Minutes</b>	<b>1</b>
<b>4. Health and Safety Management Update</b>	<b>1</b>
<b>5. Three Month Activity Report</b>	<b>2</b>
<b>6. Additional Business Items</b>	<b>3</b>
<b>7. Extraordinary Business Items</b>	<b>3</b>
<b>8. Recommendation to Exclude the Public from Items 9, 10 and 11</b>	<b>3</b>

## HASTINGS DISTRICT COUNCIL

### MINUTES OF A MEETING OF THE OMARUNUI REFUSE LANDFILL JOINT COMMITTEE HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION BUILDING, LYNDON ROAD EAST, HASTINGS ON FRIDAY, 7 DECEMBER 2018 AT 1.00PM (BUDGET)

---

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

**IN ATTENDANCE:** Group Manager: Asset Management (Mr C Thew)  
Waste and Data Services Manager (Mr M Jarvis)  
Waste Minimisation Officer (Mr A Atkins)  
Management Accountant (Mr J Tieman)  
Senior Health and Safety Co-ordinator (Mr N Bass)  
Health and Safety Manager (Ms J Kuzman)  
Committee Secretary (Mrs C Hunt)

#### 1. APOLOGIES

Councillor Dallimore/Councillor Redstone

**That apologies for absence from Councillor Lawson and Councillor Kerr (Alternate) be accepted.**

**CARRIED**

#### 2. CONFLICTS OF INTEREST

There were no declarations of conflicts of interest.

#### 3. CONFIRMATION OF MINUTES

Councillor Nixon/Councillor Tapine

**That the minutes of the Omarunui Refuse Landfill Joint Committee Meeting held Friday 5 October 2018 be confirmed as a true and correct record and be adopted.**

**CARRIED**

#### 4. HEALTH AND SAFETY MANAGEMENT UPDATE

(Document 18/1104)

The Senior Health & Safety Co-ordinator Ms Bass presented her report to the Committee regarding the Health and Safety Management at the Omarunui Refuse Landfill.

Councillor Nixon/Councillor Tapine

**A) That the report of the Senior Health & Safety Co-ordinator titled "Health and Safety Management Update" dated 7/12/2018 be received.**

**CARRIED**

## **5. THREE MONTH ACTIVITY REPORT**

(Document 18/843)

The Waste and Data Services Manager, Mr Jarvis presented his report updating the Omarunui Joint Refuse Landfill Committee on landfill activities for the period ending September 2018 advising that the net surplus from operations as at 30 September 2018 was \$219,848 above budget.

**Future Development of Landfill** - Planning work has been undertaken in preparation for consent work for the future development of the Landfill site. Public consultation would commence in February 2019.

It was noted that Charles Ropotini, Napier City Council Strategic Māori Advisor had been working with the Waiohiki Marae, which had undergone some changes, and would be able to provide details of the correct people to liaise with regarding consultation of the Landfill development.

**Operations** – The tip area size has been reduced to a minimum and operations run more efficiently. Daily cover is still being excavated from the quarry located in the area known as Area B.

**Leachate** – Mr Jarvis advised that a small amount of leachate had been carted offsite for disposal due to winter weather conditions. The cartage had ceased as soon as the irrigation system was able to be reactivated. An additional 20 irrigation pods were planned to be installed this summer which would enable the landfill to dispose of a greater volume of leachate.

**Landfill Gas** – 20 additional vertical gas wells had been constructed and integrated with the gas collection network which resulted in more gas being captured. Providing a storage facility for gas was discussed but it would not be appropriate for the site and would be very expensive. The volumes of gas captured from the Landfill are also considered too small for this type of investment.

**Landfill Forest** - The forest (45 and 15 hectare sites) have been replanted at a cost of approximately \$60,000. Ongoing maintenance of the forest would be offset from the \$120,000 obtained from the sale of the forest harvest which had been put into a reserve fund.

**Efficiencies** – The access road to the tip face had been shortened resulting in savings to the landfill and landfill users as there was less road maintenance and watering to minimise dust. Efficiencies were also gained by minimising size of tip face with less daily coverage required.

**Joint Waste Management & Minimisation Plan** – The joint Plan was formally adopted by the Hastings District Council on 30 August 2018 and by the Napier City Council on 18 September 2018.

A joint workshop is to be held on 17 December 2018 which will be to update the Joint Council Futures Steering Project Committee on WMMP implementation plan and plastics recycling.

**Financial Summary** – Mr Tieman referred to the financial summary (CG-14-27-00035) advising that the net surplus from operations as at 30 September 2018 was \$219,848 above budget. The surplus was partly a result of higher than expected special waste volumes and the programming of expenditure work.

Expenditure was \$175,179 under budget and overall tonnages year to date were above budget by 82 tonnes or 0.4%.

Mr Jarvis advised that a meeting with the Waste Operators would be held on Tuesday, 11 December 2018, to inform the licenced operators of the proposed Omarunui Landfill charges for 2019/20.

Councillor Tapine/Councillor Nixon

**That the report of the Waste and Data Services Manager, titled “Three Month Activity Report” dated 7 February 2018, be received.**

**CARRIED**

**6. ADDITIONAL BUSINESS ITEMS**

There were no additional business items.

**7. EXTRAORDINARY BUSINESS ITEMS**

There were no extraordinary business items.

**8. RECOMMENDATION TO EXCLUDE THE PUBLIC FROM ITEMS 9, 10 AND 11**

SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

Councillor Tapine/Councillor Redstone

**THAT the public now be excluded from the following parts of the meeting, namely;**

**9. Review of Disposal Fees**

**10. Engagement of Tonkin and Taylor for Landfill Consultancy Services**

**11. Contract Term Extension - CON2014044 Omarunui Landfill Plant Management**

The general subject of the matter to be considered while the public is excluded, the reason for passing this Resolution in relation to the matter and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this Resolution is as follows:

<b>GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED</b>	<b>REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER, AND PARTICULAR INTERESTS PROTECTED</b>	<b>GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF EACH RESOLUTION</b>
<b>9. Review of Disposal Fees</b>	<p><b>Section 7 (2) (h)</b></p> <p>The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p> <p>To enable Council to undertake negotiations.</p>	<p><b>Section 48(1)(a)(i)</b></p> <p>Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.</p>
<b>10. Engagement of Tonkin and Taylor for Landfill Consultancy Services</b>	<p><b>Section 7 (2) (h)</b></p> <p>The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p> <p>To enable the Committee to undertake negotiations..</p>	<p><b>Section 48(1)(a)(i)</b></p> <p>Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.</p>
<b>11. Contract Term Extension - CON2014044 Omarunui Landfill Plant Management</b>	<p><b>Section 7 (2) (h)</b></p> <p>The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p> <p>To enable Council to conduct negotiations.</p>	<p><b>Section 48(1)(a)(i)</b></p> <p>Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.</p>

**CARRIED**The meeting closed at 2.10pmConfirmed:Chairman:Date:

## REPORTS FROM REGULATORY COMMITTEE HELD 19 FEBRUARY 2019

### 1. NCC AND NAPIER CITY BUSINESS INC EVENTS 2019

*Type of Report:* Procedural

*Legal Reference:* Local Government Act 2002

*Document ID:* 694616

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

#### 1.1 Purpose of Report

The purpose of this report is to obtain a resolution of Council to allow trading in a public place to occur at Napier City Council and Napier City Business Inc events in Napier city until the end of October 2019.

#### Committee's recommendation

Councillors Boag / Tapine

That the Regulatory Committee:

- a. Approve the sale of food and beverages, including alcoholic beverages, to the public on public land within the city centre as part events held by either Napier City Council or Napier City Business Inc until the 31<sup>st</sup> October 2019.

Carried

#### 1.2 Background Summary

The Trading in Public Places Bylaw 2014 prohibits trading in public places within the city centre, unless a resource consent or resolution of Council has been obtained. To date, a resolution of Council has been sought prior to each event (that involves trading such as food trucks and markets). This has proved to be problematic due to the lead-in time required to prepare a report and the frequency of Council meetings. On a number of occasions, ideas for city centre events have been abandoned (particularly over the busy summer period) due to the inability to obtain Council approval within the timeframes required for event planning.

To avoid this issue, this report requests approval of Council for multiple events to be run by either NCC or Napier City Business Inc to be held within the prohibited area of the central city, up until the end of October 2019. It is noted that the White Night event is to be held one week after the elections, however there is not sufficient time in which to hold a Council meeting with the new Council before the event. As such, resolution is sought for approval until the end of October 2019.

The following events (involving trading) are programmed to be held in the city centre:

Event name	Date	Agency responsible
Night Fiesta	24 <sup>th</sup> May & 19 <sup>th</sup> July 2019	NCBI
After 5 pop-ups	Unknown (at this stage)	NCBI
White Night	19 <sup>th</sup> October 2019	NCBI

It is possible that events may be held throughout the year that have not yet been programmed. In order to respond to public and retailer requests, and to move quickly on good ideas, it is requested that this resolution is inclusive of events that are not yet known. To provide Council with some certainty around the appropriateness of these circumstances, a set of criteria are proposed that must be met in order to be approved by this resolution:

1. Trading must occur as part of an event or pop-up event
2. Trading must not occur for more than 5 hours at any one time
3. Trading must only occur within the street reserve (not on reserve land)
4. Goods traded must not be in direct competition with those sold by a bricks and mortar store unless permission has been obtained.
5. Trading of food and beverages only.
6. Permission must be obtained from both the Transportation Team Leader and NCC CE
7. Consultation with nearby retailers must be completed at least one week prior to the event and all issues resolved
8. Trading is limited to the following streets: Hastings Street; Market Street; Tennyson Street; Emerson Street; Dalton Street; Clive Square East; Herschell Street; Marine Parade
9. The usual road closure procedures will be followed if road closures are deemed necessary.

### **1.3 Issues**

This resolution will provide for trading in public places related to events that are both programmed, as well as those that are yet to be thought of, up until October 2019. This will avoid the need to request Council permission throughout the year for each event, and will also enable the city to act quickly on good ideas for city activation that involve trading in public places. Although this presents a risk to Council (Council approval without full knowledge of event details), the criteria proposed above should provide Council with some certainty of the types of activities that could be approved, and that Manager approval is still required. In the long-term, the Trading in Public Places Bylaw will be reviewed to better manage events in public places where trading occurs.

### **1.4 Significance and Engagement**

N/A

### **1.5 Implications**

#### **Financial**

N/A

#### **Social & Policy**

The number and frequency of events in Napier's city centre are increasing, bringing life to the city both during peak shopping periods, and in the quieter times (typically after 5pm). Over the past few years, events such as these have proven to be popular and to increase the number of people in the city. The sale of food and drink supplement entertainment activities at these events, and create a full and vibrant street scene. They also help to supplement existing hospitality providers where demand for goods could outstrip supply.



The existing Bylaw doesn't provide for trading relating to events well. Once the Bylaw is up for review, Council Officers will be amending this Bylaw to avoid the need to seek a resolution of Council for each event.

A Council resolution that provides the ability to quickly respond to ideas and opportunities, whilst ensuring fairness to existing retailers in the city, is consistent with the City Vision framework.

### **Risk**

As noted above, there is a risk to Council in approving trading in public places where this occurs as part of an event, where Council does not yet know the full details of each event. However, the criteria proposed above should provide Council with some certainty of the types of activities that could be approved, and that Manager approval is still required. If Council does not approve this recommendation there is a risk of lost opportunity to support events which promote a vibrant city centre.

## **1.6 Options**

The options available to Council are as follows:

- a. Resolve to allow the sale of food and beverages in public places as part of events held by NCC or NCBI in the city centre until October 2019
- b. Require Council resolutions to be obtained for each event that involves the sale of food and beverages in public places on a case by case basis.

## **1.7 Development of Preferred Option**

This report seeks to obtain a resolution of Council that will allow trading of food and beverages to the public in public places of the city centre as part of an event. Typically a resolution is sought prior to each event. The frequency of Council meetings and the summer shut down period has meant that a number of event ideas have not had sufficient time to obtain approval resulting in them not being held. Planning ahead, and providing approval for all known and not as yet known events held by NCC and NCBI in the city centre will enable opportunities to be seized as they arise. A set of criteria that must be met in order to fall within this resolution will provide some certainty to Council that future events involving trading in public places are appropriate. Once the Bylaw comes up for review under the LGA, Council officers will be looking at the best options on how to manage these events in the future.

### **At the Meeting**

The Strategic Planning Lead spoke to the report. In response to questions from Councillors she confirmed that in some cases 'beverages' will include alcoholic beverages; however, events held within public spaces would be required to meet the Joint Alcohol Strategy and the Alcohol Decision Matrix. In some cases, establishments will have their own liquor licensing. To provide Council with some certainty in this area the following points were noted in addition to those already in the officer's report:

#### **1.2 Background Summary**

Criteria 9 should include: *'If alcohol is to be sold at the event, the usual liquor licensing requirements also apply.'*

A new Criteria 10 should be added as follows: *'Any sale of alcohol must be consistent with the Joint Alcohol Strategy and the Alcohol Decision Matrix.'*

It was also clarified that consideration had been given as to how to minimise waste from events or whether to host a waste-free event. Officers confirmed that how waste is to be addressed would be included in future reports to Council regarding events, but

noted that while fully waste free events are the preference, Council cannot guarantee this will be achieved for all events.

In response to a Councillor's request to put monitoring and feedback in place after events, the Director City Strategy noted that this decision is required to enable the approval process only. Mechanisms are already in place to monitor events and provide feedback to Council.

For clarity, an amendment was proposed to specify alcoholic beverages in the motion.

## **1.8 Attachments**

Nil

# MĀORI CONSULTATIVE COMMITTEE

## Open Minutes

---

Meeting Date:	Tuesday 4 December 2018
---------------	-------------------------

---

Time:	3.00pm-4.17pm
-------	---------------

---

Venue	Ikatere Meeting Room Napier City Council 265 Marine Parade Napier
-------	--

---

Present	Piri Prentice (In the Chair), Mayor Bill Dalton, Councillor Apiata Tapine, Tiwana Aranui, Te Whetu Henare-Winitana
---------	--

---

In Attendance	Chief Executive [from 3.25pm], Director Community Services, Strategic Māori Advisor, Team Leader Policy Planning
---------------	--

---

Administration	Governance Team
----------------	-----------------

---

## **Karakia**

The Strategic Māori Advisor opened the meeting with a karakia.

## **Apologies**

---

Councillor Tapine / T Aranui

---

That the apology from George Reti and the apology for lateness from the Chief Executive be accepted.

---

Carried

---

## **Conflicts of interest**

Nil

## **Public forum**

Nil

## **Announcements by the Chairperson**

The Chair acknowledged and thanked everyone involved in the blessing of the Hawke's Bay Airport entrance, held on Sunday 2 December 2018. He also noted that the opening of the first stage of the Airport building will be held on Sunday, 13 January 2019, at a time yet to be decided.

## **Announcements by the management**

The Mayor, on behalf of the Chief Executive, also acknowledged and thanked everyone involved in the blessing of the Hawke's Bay Airport entrance on Sunday, 2 December 2018.

## **Confirmation of minutes**

---

Mayor Dalton / T Aranui

---

That the Minutes of the meeting held on 23 October 2018 were taken as a true and accurate record of the meeting.

---

Carried

---

# REPORTS FROM STANDING COMMITTEES

---

Councillor Tapine / Mayor Dalton

---

That the Māori Consultative Recommendations arising from the discussion of the Committee reports be submitted to the Council meeting for consideration.

---

Carried

---

## REPORTS FROM STRATEGY AND INFRASTRUCTURE COMMITTEE HELD 13 NOVEMBER 2018

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

---

*Type of Report:* Information

---

*Legal Reference:* N/A

---

*Document ID:* 656402

---

*Reporting Officer/s & Unit:* 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 the Strategy and Infrastructure Committee:

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

Carried

## **2. SPEED LIMIT BYLAW REVIEW 2018**

---

*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

---

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

---

Carried

### **Committee's recommendation**

Councillors White / Wright

---

That the Strategy and Infrastructure Committee:

- 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.

---

Carried

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

---

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Reserves Act 1977
<i>Document ID:</i>	655792
<i>Reporting Officer/s &amp; Unit:</i>	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 the Strategy and Infrastructure Committee:

- 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

---

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.

---

Council Resolution Councillors Taylor / Wright

---

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.*

---

Carried

---

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

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	652821
<i>Reporting Officer/s &amp; Unit:</i>	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

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

Carried

Committee's recommendation

Councillors Brosnan / Wise

That the Regulatory Committee:

- 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.

---

Council Resolution Councillors Price / Wright

---

That the Finance Committee:

- 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

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	669135
<i>Reporting Officer/s &amp; Unit:</i>	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

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

Carried

Committee's recommendation

Councillors Jeffery / Wright

That the Finance Committee:

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

Carried

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

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	637309
<i>Reporting Officer/s &amp; Unit:</i>	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

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

Carried

Committee's recommendation

Councillor Wright / Mayor Dalton

That the Finance Committee:

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

Carried

### 4. RATING OUTTURN SURPLUS 2017/18

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	637305
<i>Reporting Officer/s &amp; Unit:</i>	Caroline Thomson, Chief Financial Officer

#### 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

---

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

---

Carried

Committee's recommendation

Mayor Dalton / Councillor Taylor

---

That the Finance Committee:

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

Carried

*The Chief Executive joined the meeting at 3.25pm.*

## 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 the Finance Committee:

- 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**

---

*Type of Report:* Operational

---

*Legal Reference:* N/A

---

*Document ID:* 662412

---

*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

---

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

---

Carried

Committee's recommendation

Councillors Price / White

---

That the Finance Committee:

- a. Adopt the Fire Hydrant Use Policy 2018.

---

Carried

## REPORTS FROM COMMUNITY SERVICES COMMITTEE HELD 27 NOVEMBER 2018

### 1. LIBRARY STRATEGY CONSULTATION FEEDBACK

---

*Type of Report:* Operational

---

*Legal Reference:* N/A

---

*Document ID:* 664231

---

*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

---

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

---

Carried

Committee's recommendation

Councillors Wright / Hague

---

That the Community Services Committee:

- a. Adopt the Napier Library Strategy 2018.

---

Carried

## 2. CREATIVE COMMUNITIES FUNDING SEPTEMBER 2018

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	661887
<i>Reporting Officer/s &amp; Unit:</i>	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

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

Carried

Committee's recommendation

Councillors Boag / Wright

That the Community Services Committee:

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

Carried

## 3. YOUTH POLICY REVIEW

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	664273
<i>Reporting Officer/s &amp; Unit:</i>	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

---

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

---

Carried

Committee's recommendation

Councillors Wright / Price

---

That the Community Services Committee:

- a. Adopt the Napier Youth Strategy 2018.

---

Carried

The formal meeting closed at 3.33pm and the Committee moved into a workshop session.

### ***District Plan Review***

The Team Leader Policy Planning lead a discussion with committee members regarding the District Plan Review noting that the District Plan controls all land-use activities. The review is an opportunity to set strategic direction for how Council would like to move forward to achieve positive environmental outcomes. It was noted that areas of historical significance to Māori are included in the District Plan. The committee were encouraged to participate in the engagement process.

### ***War Memorial Design Options***

The Strategic Māori Advisor lead a discussion with the committee members regarding the three War Memorial concepts which are currently out for public consultation. Each of the three concepts were discussed and shown via the website. The committee were asked for their input and encouraged to participate in the public consultation which closes on 14 December 2018. It was noted that a significant amount of work has been undertaken already in reviewing the Roll of Honour which has increased from 522 to over 1000 names.

Tiwana Aranui closed the proceedings with a karakia at 4.17pm.

---

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

Chairperson .....

Date of approval .....