



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

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# ORDINARY MEETING OF COUNCIL

## Open Agenda

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Meeting Date: Tuesday 19 November 2019

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Time: 1.00pm

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

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Council Members Mayor Wise, Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Mawson, McGrath, Price, Simpson, Tapine, Taylor, Wright

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Officer Responsible Chief Executive

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Administrator Governance Team

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**Next Council Meeting  
To be confirmed at this meeting**

# ORDER OF BUSINESS

## Apologies

Councillor Mawson

## Conflicts of interest

## Announcements by the Mayor

## Announcements by the management

## Confirmation of minutes

That the Draft Minutes of the Extraordinary Meeting of Council held on Monday, 4 November 2019 be confirmed as a true and accurate record of the meeting. ....77

## Hearing of Submissions

Each speaker is allocated 10 minutes, including any questions from Council.  
A single bell will be rung at eight minutes, and a double bell will be rung at 10 minutes.

Time	Speaker	Submission Number
1.05 pm	Angie Denby	56
1.15 pm	Amber Davies	48
1.25 pm	Jenny Baker	38
1.35 pm	John Warren	42
1.45 pm	Ron Wareham	39
1.55 pm	Paul Bailey	14
2.05 pm	Deborah Burnside	47
2.15 pm	Murray Sinclair	53
2.25 pm	Ellen Humphries	55

*Note: The times above are an indication only as speakers may not use their full 10 minutes. If a speaker is not present at the time their name is called, the Mayor will move to the next speaker and that person may not have another opportunity to speak (this will be at the Mayor's discretion).*

## Agenda items

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# AGENDA ITEMS

## 1. STORMWATER BYLAW

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	868449
<i>Reporting Officer/s &amp; Unit:</i>	Cameron Burton, Manager Environmental Solutions

### 1.1 Purpose of Report

This report supports the hearing process and seeks to inform Council of the responses from the public to recent full public consultation of the changes to the Stormwater Bylaw 2012 as it currently stands for Napier.

The proposed amendments to the current Bylaw seek to enable positive change to enable the protection and management of discharges of contaminants into the Council stormwater network, which subsequently discharges to the marine environment, either via the Taipō Stream, Te Whanganui-a-Orotū (The Ahuriri Estuary) or via pipes entering the ocean.

The Stormwater Bylaw is one of the tools that Council Officers can use to encourage better practices when it comes to the discharge of contaminants which enter the environment via the Council-managed stormwater pipes and urban open waterway network.

#### Officer's Recommendation

That Council:

- a. Receive the report.
- b. Endorse Council Officers to facilitate further amendments to the Draft Proposed Stormwater Bylaw taking into account public feedback received through the Special Consultative Procedure. These amendments are to be in accordance with the 'Officer Response' column of the table of Appendix 1 of the attached report from Mitchell Daysh and any further outcomes of the hearing process.
- c. Note that the final Napier City Stormwater Bylaw 2019, is to be presented to Council for approval and enactment at a subsequent Council meeting.

#### Mayor's Recommendation

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

### 1.2 Background Summary

Following the establishment of Council's Stormwater Bylaw 2012, which was adopted on 12 December 2012, a review of that document (being the first enacted bylaw of that purpose) is required after 5 years, which we have completed and which has been provided to the public for comment through the Special Consultative Procedure.

The bylaw has been revised to:

- Make it clear that certain activities that damage or pose a threat to the stormwater network are prohibited and will need to be managed through an approval from the Council;
- Require all new connections to the public stormwater network to have an approval from the Council;
- Require discharges of certain types of stormwater to the public stormwater network obtain Council approval;
- Clarify obligations in relation to private stormwater systems;
- Outline the process for obtaining an approval where one is required under the Bylaw, and the matters Council may take into account, and make the subject of conditions;
- Detail the implications of failing to comply with the conditions of an approval, or the Bylaw itself.

Mitchell Daysh Limited were engaged as independent planning consultants to summarise public submissions, and where amendments to the proposal have been submitted, these have been reviewed for applicability and further amendments to the proposed bylaw have been recommended to take those submissions into account. This independent report has been attached to assist with the decision-making and hearing process.

### ***Submissions/Hearing Process***

The public and organisations have taken the time and effort to provide submissions on this proposed Bylaw and these are to be taken into account by Council in deciding the outcome of this proposal. The hearing for this proposal is a further opportunity to facilitate the verbal expression of those who have submitted to ensure that Council has a full understanding of the issues and opportunities at hand in relation to the proposed Stormwater Bylaw.

Following the hearing, a decision will later be made which will pave the way to finalising the Bylaw for Napier, potentially for the coming 10 years.

### **1.3 Issues**

It must be noted that due to this Bylaw being enacted pursuant to the Local Government Act 2002, the penalties that are able to be issued to those persons who choose to breach the Stormwater Bylaw are restricted to those specified in s.242(4) of the Act, being:

*“A person who is convicted of an offence against a bylaw made under Part 8 (other than a bylaw made under Part 8 referred to in subsection (5)) is liable to a fine not exceeding \$20,000.”*

Napier City Council hold resource consents to conditionally authorise the discharges of contaminants in stormwater which are issued pursuant to the Resource Management Act 1991 which where a person (organisation) committing an offence may be imprisoned for up to two years or fined up to \$600,000.

There is obviously a significant gap between the two levels of penalty of the two sets of legislation – this presents significant risk to Council, which is why it is important to ensure that those who can potentially carry out a discharge to our network which could result in Council being penalised are also held to account as best as is possible. Some of this risk is managed through the administration of this proposed bylaw.

#### 1.4 Significance and Engagement

A thorough and full public consultation process, which was highly visible throughout Napier has been undertaken. This consultation exceeded the minimum requirements of the Special Consultative Procedure of s. 86 of the Local Government Act 2002. Consultation commenced on 25 September 2019 and closed at midday on 29 October 2019.

The method of consultation included:

- Radio advertisements;
- Press releases and regional newspaper articles;
- Inclusion in *Proudly Napier* in the *Napier Courier*;
- Billboards and placards in key positions and high traffic areas around the City;
- Digital screen advertising at Customer Services, Napier Library, Taradale Library, i-Site; McLean Park and the Napier Aquatic Centre;
- E-signatures on all external email communications from Council to the public;
- Advertisements through the Google Ads Network;
- Website banner and link update on the Napier City Council website;
- Posts on the City Council Facebook page which were subsequently shared on other Napier-focussed community Facebook pages;
- Direct letters to all industrial-zoned landowners in Napier;
- Direct letters to all car yard operators in Napier;
- Face-to-face 'pop-up' engagement meetings in Onekawa and Pandora Industrial Areas;
- A presentation, workshop and question/answer session was provided for primary stakeholders.

The public were able to formally provide consultation through paper forms available at the city libraries and the customer service centre, and the Say It Napier Website was updated and provided a popular choice for online submissions.

Where submissions had been commenced online, but not completed, those submitters were given a further chance to submit which was taken up by the majority of those people.

In total, we formally received 37 submissions. 2 persons submitted twice.

19 of those submitters were in favour of the proposed bylaw, mainly for reasons relating to increased protection of our coastal environment, particularly Te Whanganui-a-Orotū (Ahuriri Estuary) and saw the knock-on effects of an improved proposed Stormwater Bylaw in areas of recreation, ecology and through providing an increased understanding of what is acceptable (or not) to flow into the stormwater network.

18 of those submitters were in opposition to the proposal, predominantly in response to the restrictions that this proposed Bylaw would have upon the washing of vehicles, but also where submitters thought that the impact of sediment being driven off industrial sites was not adequately focussed on.

In this hearing, those submitters who have chosen to speak to their written submission (for or in opposition) will have the opportunity to do so.

## 1.5 Implications

### Financial

There are no direct financial impacts upon Council as a result of changes relating to the proposed Stormwater Bylaw, however the Bylaw if approved may have some financial implications within the community. Such impacts may occur where operators and residents make informed and correct decisions to reduce the environmental impact of their activities which discharge to the stormwater network. Such initiatives may include creating rain gardens, installing contaminant interceptors or other solutions in an effort to increase compliance with the intention of the proposed bylaw.

### Social & Policy

The Bylaw changes are proposed in response to an increased understanding and expectation from society to further protect our environment which the stormwater system is directly linked to, to align with policy changes to reduce environmental impact of the activities Council deliver that link to the stormwater system.

### Risk

Reputational, Legal, Environmental, and Operational risk would be increased by not updating Council's stance on the discharge of pollutants to the stormwater infrastructure and open urban waterways networks in Napier. The Stormwater Bylaw is one of Council's most powerful tools for reducing pollution discharged to the Council's reticulated stormwater system and open urban waterways.

## 1.6 Options

The options available to Council are as follows:

- a. Retract the current Bylaw, if deemed to seek the best outcomes, and subsequent to this review, rename it as the Napier City Stormwater Bylaw 2019;
- b. Review the consultation outcomes and endorse the proposed amendments to include them within an amended Proposed Napier City Stormwater Bylaw, for enactment at a later date;
- c. Provide direction to Officers using the content of the Mitchell Daysh report and the outcome of the hearing process to amend the proposed Stormwater Bylaw to address those relevant concerns of the submitters to form a robust and balanced amendment to the Proposed Napier City Stormwater Bylaw, for enactment at a later date.

## 1.7 Development of Preferred Option

Option C: Following this hearing and the processing of the recommended changes from the Mitchell Daysh Report, enable Council Officers to modify the draft Proposed Stormwater Bylaw through the inclusion of further amendments based on the report and direction of the hearing process, to be presented to Council for approval and enactment at a subsequent Council meeting (yet to be determined).

## 1.8 Attachments

- A Mitchell Daysh - NCC Stormwater Bylaw 2019 Submissions report and Appendix 1 (*Under Separate Cover*) ⇨
- B Appendix 2 - Whole Submissions received\_Redacted (*Under Separate Cover*) ⇨
- C Napier City Stormwater Bylaw 2012 (*Under Separate Cover*) ⇨
- D Draft Proposal Napier City Stormwater Bylaw (*Under Separate Cover*) ⇨

## 2. GOVERNANCE STRUCTURE 2019-2022

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002; Local Government Official information and Meetings Act 1987
<i>Document ID:</i>	866826
<i>Reporting Officer/s &amp; Unit:</i>	Devorah Nícuarta-Smith, Team Leader Governance

### 2.1 Purpose of Report

To present the governance structure established by the Mayor under s41A of the Local Government Act 2002 for adoption by Council.

#### Officer's Recommendation

That Council:

- a. Adopt the Napier City Council 2019 Governance Structure.
- b. Note that meetings for the remainder of the 2019 calendar year will primarily be of Council to allow for the governance structure to be appropriately implemented, with the exception of a second quarter meeting of the Audit and Risk Committee which will also be scheduled.
  - i. Ordinary Council meetings will be scheduled for:
    - Thursday 5 December 2019, 10.00am
    - Thursday 19 December 2019, 10.00am
  - ii. Extraordinary Council meeting has been called for:
    - Wednesday 27 November 2019, 10am
  - iii. Audit and Risk Committee meeting will be scheduled for:
    - Thursday 5 December 2019, 1.00pm
- c. Note that the 2020 meeting schedule will be brought to a December ordinary meeting of Council.
- d. Note that the 2019 Governance Structure will be formally reviewed by the Mayor part way through the Triennium to assess its effectiveness.

#### Mayor's Recommendation

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

### 2.2 Background Summary

One of the powers of the Mayor under s41A of the Local Government Act 2002, and typically one of the first actions of a Mayor following the election, is establishing the decision making structure they want to help address the work required of the governing body. This is referred to as the governance structure.

The structure decided on will have impacts on the roles and responsibilities of the members, the allocation of the remuneration pool across councillors, and the officer resourcing required to implement and support the structure.



To allow for the appropriate implementation of the proposed governance structure, the Mayor has decided that any meetings for the remainder of the 2019 calendar year will primarily be of Council, with the full committee structure to be operational from 2020. However it should be noted that the second quarter meeting of the Audit and Risk Committee will also be scheduled.

### 2.3 Issues

The governance structure of a council has a significant part to play in how it is able to meet its requirements under law. The Local Government Act 2002 (reprint 22 October 2019) states that the purpose of Local Government is:

- to enable democratic local decision-making and action by, and on behalf of, communities; and
- to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future

(s10, LGA 2002)

Local Government is also required to take account of the Treaty of Waitangi, and facilitate participation by Māori in decision-making processes (ss 4, 81 LGA 2002).

Further, Council must identify and appropriately manage multiple forms of risk, and undertake significant planning processes under both the LGA 2002 and Resource Management Act 1991. As well as the Annual Plans and Long Term Plan (the three yearly review of which will need to be adopted in 2021), in this Triennium Council is required to complete its 10 yearly review of the District Plan. The work to complete this project is significant, time bound and driven by legislation.

A District Licensing Committee is required under the Sale and Supply of Alcohol 2012.

Taking consideration of the purpose of Local Government, the legislative requirements incumbent on all councils, and the natural drive of all who are involved with Council towards serving their community the best ways they can, Local Government New Zealand note in their white paper *Designing decision-making structures for councils* a number of principles useful to consider when working through possible governance structures:

#### Transparency and openness

The nature of a governance structure can either enhance or diminish transparency and openness, both of which are essential to build trust in public institutions.

#### Competent and capable

Participants in the system need the capability to meet expectations and be able to access to competent advice.

#### Accountability

Choice of governance model must be understandable, and accountability for decisions made must be clear and unambiguous.

#### Diversity

Decision-making models should cater for diversity amongst elected members by enabling members to attend meetings at times that suit them and alter their level of participation according to other demands on their lives.

### Inclusive and responsive

The governance system should be responsive to issues and matters of concern brought before it without unnecessary delays.

### Additional Factors

A further consideration that will feed into the final decision on governance structures is the personnel resourcing and financial costs required to appropriately support what is put in place.

The Mayor has taken these principles into consideration in the establishment of the proposed governance structure, as well as allowing for particular types of committees that for legislative and best practice reasons are strongly recommended to exist within a structure.

These include a Māori participation committee, an Audit and Risk focussed committee, a Hearings focussed committee with members appropriately accredited under the Resource Management Act 1991, and a District Licensing Committee as required under the Sale and Supply of Alcohol Act 2012.

There is no requirement to maintain the same structure throughout the entire triennium. In their white paper *Designing decision-making structures for councils* Local Government New Zealand recommends that at the start of a triennium time is scheduled part way through the three years to review the structures and check that they are supporting the council to achieve its objectives in a responsive and inclusive way.

It should be noted that an extensive review of Council grants is planned for 2020, led by an independent assessor, which may impact on any internal structures in relation to grants allocations moving forward.

It has also been advised by Hastings District Council that the Terms of Reference for the Joint Waste Futures Project Steering Committee will be reviewed in line with the shift in focus following the adoption of the Waste Management and Minimisation Plan. The TOR will be brought to both Councils for adoption in due course.

## 2.4 Significance and Engagement

This matter is an exercise of the role and powers of the Mayor under s41A of the Local Government Act 2002 and does not trigger the Significance and Engagement Policy or other consultation requirements.

## 2.5 Implications

### Financial

As has been the case in previous triennia, some external appointees will be recognised for their time with remuneration. As they are appointed and not elected members this remuneration is not usually allocated out of the remuneration pool set by the Remuneration Authority for the payment of councillors, but is extra to it.

### Social & Policy

As appropriate, external appointments have been to Council bodies to increase public participation in Council processes.

### Risk

N/A

## **2.6 Options**

The options available to Council are as follows:

- a. Adopt the Mayor's proposed 2019 Governance Structure, noting that a review of the structure will be undertaken by the Mayor part way through the three year term.
- b. Propose minor amendments to the governance structure in discussion with the Mayor.

## **2.7 Development of Preferred Option**

As the proposed governance structure is put forward by the Mayor as part of the powers available to her under s41A of the Local Government Act 2002, it is recommended that Council adopt the proposed arrangements.

## **2.8 Attachments**

- A 2019 Governance Structure [↓](#)

# Napier City Council Governance Structure 2019-2022



## PORTFOLIOS

Portfolio	Appointee	Associated body of Council
Māori/ iwi partnerships	Mayor Kirsten Wise	Council
Matariki Regional Development	Councillor Ronda Chrystal	Future Napier Committee
Three Waters	Councillor Nigel Simpson	Sustainable Napier Committee
Housing (including transitional housing, affordable housing, partnership with Housing NZ, homelessness)	Councillor Maxine Boag	Napier People and Places Committee
Sport and Recreation	Councillor Graeme Taylor	Napier People and Places Committee
Community Resilience	Councillor Hayley Browne	Napier People and Places Committee
Climate Change and Coastal Hazards	Deputy Mayor Annette Brosnan	Future Napier Committee
Child Friendly City	Councillor Richard McGrath	Napier People and Places Committee
Environment and Sustainability (waste minimisation, carbon neutrality, water conservation, zero emissions, urban ecology and biodiversity, open space and parks, cemeteries, Ahuriri Estuary)	Councillor Api Tapine	Sustainable Napier Committee
Positive Ageing, Diversity and Accessibility	Councillor Greg Mawson	Napier People and Places Committee
Arts, Culture and Heritage	Councillor Tania Wright	Napier People and Places Committee

<p>Prosperous City  (brand, destination marketing, economic activation, events, sponsorship, community engagement, business attraction, sister city relationships)</p>	<p>Councillor Sally Crown</p>	<p>Future Napier Committee</p>
<p>Transportation  (traffic mgmt, transport connection, cycling, Napier Port connection, road safety and community engagement relating to the above)</p>	<p>Councillor Keith Price</p>	<p>Sustainable Napier Committee</p>

## BODIES OF COUNCIL

### COUNCIL

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<i>Chairperson</i>	<i>Her Worship Mayor Kirsten Wise</i>
<i>Deputy Chairperson</i>	<i>Deputy Mayor Annette Brosnan</i>
<i>Membership</i>	<i>All elected members</i>
<i>Quorum</i>	<i>7</i>
<i>Meeting frequency</i>	<i>At least 6 weekly and as required</i>
<i>Executive</i>	<i>Chief Executive</i>

#### Role

The Council is responsible for the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body<sup>1</sup>:

- The power to make a rate
- The power to make a bylaw
- The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan
- The power to adopt a long-term plan, annual plan, or annual report
- The power to appoint a chief executive
- The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the Local Governance Statement, including the 30-Year Infrastructure Strategy.
- The power to adopt a remuneration and employment policy.
- The power to establish a joint committee with another local authority or other public body<sup>2</sup>.
- The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
- The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
- The power to make a final decision whether to adopt, amend, revoke, or replace a local Easter Sunday shop trading policy, or to continue a local Easter Sunday shop trading policy without amendment following a review.<sup>3</sup>

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<sup>1</sup> Numbers 1-7 refer to Schedule 7, Clause 32. Local Government Act 2002.

<sup>2</sup> Schedule 7, Clause 30A.

<sup>3</sup> Shop Trading Hours Act 1990, Section 5D.

**Delegations**

The Council retains all decision making authority, and will consider the recommendations of its committees prior to resolving a position.

Specific matters that will be considered directly by Council include without limitation unless by statute:

1. Direction and guidance in relation to all stages of the preparation of Long Term Plans and Annual Plans
2. Approval or amendment of the Council's Standing Orders<sup>4</sup>.
3. Approval or amendment of the Code of Conduct for Elected Members<sup>5</sup>.
4. Appointment and discharging of committees, subcommittees, and any other subordinate decision-making bodies<sup>6</sup>.
5. Approval of any changes to the nature and delegations of any Committees.
6. Appointment and discharging of members of committees (as required and in line with legislation in relation to the role and powers of the Mayor) <sup>7</sup>.
7. Approval of governance level strategies, plans and policies which advance council's vision and strategic goals.
8. Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer.
9. Reviewing of representation arrangements, at least six yearly<sup>8</sup>.
10. Approval of any changes to city boundaries under the Resource Management Act.
11. Appointment or removal of trustees, directors or office holders to Council's Council-Controlled Organisations (CCOs) and Council Organisations (COs) and to other external bodies.
12. Approval of the Local Governance Statement as required under the Local Government Act 2002.
13. Approval of the Triennial Agreement as required under the Local Government Act 2002.
14. Allocation of the remuneration pool set by the Remuneration Authority for the remuneration of elected members.

**Aligned Portfolios**

- Māori/ iwi partnerships

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<sup>4</sup> Schedule 7, Clause 27,

<sup>5</sup> Schedule 7, Clause 15,

<sup>6</sup> Schedule 7, Clause 30,

<sup>7</sup> Schedule 7, Clause 30,

<sup>8</sup> Local Electoral Act 2001, Section 19H.



## STANDING COMMITTEES

### Napier People and Places Committee

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<i>Reports To</i>	<i>Council</i>
<i>Chairperson</i>	<i>Councillor Maxine Boag</i>
<i>Deputy Chairperson</i>	<i>Councillor Tania Wright</i>
<i>Membership</i>	<i>All elected members</i>
<i>Quorum</i>	<i>7</i>
<i>Meeting frequency</i>	<i>At least 6 weekly and as required</i>
<i>Executive</i>	<i>Director Community Services</i>

#### Role

To provide governance for all community strategies, housing and community facilities, visitor experiences, matters relating to diversity and accessibility, and sport and recreation.

#### Delegations

1. Review and make recommendations to Council on policy regarding community services and grants.
2. Review and make recommendations to Council on key strategies including for positive ageing, youth and accessibility
3. Consider and make recommendations to Council on matters related to community projects and facilities
4. Consider and make recommendations to Council on matters in relation to community housing and associated wellbeing
5. Consider and make recommendations to Council on community feedback surveys and reports, and identify potential impacts for the Council and communities in Napier.
6. Provide governance and oversight for Council's contributions Napier events and tourism including liaison with entities such as Hawke's Bay Tourism.
7. Provide governance for visitor experiences, sport and recreation, and facility related operations
8. Receive and make recommendations to Council on general external-facing policy and strategy updates
9. Oversee compliance with conditions of Council grants made to outside organisations and all community funding initiatives including Creative New Zealand funding.
10. Consider reports from the Arts Advisory Panel, Grants Sub Committee, Creative Communities NZ Assessment external committee, and any other arts, culture and heritage related organisations where Council is represented.
11. Make a Decision of Council using the appropriate process, if required in the event that a matter cannot be double debated for reasons outside of the organisation's control

#### Aligned Portfolios

- Housing
- Sport and recreation
- Community resilience
- Child Friendly City
- Positive aging, diversity and multiculturalism
- Arts, culture and heritage

### Prosperous Napier Committee

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<i>Reports To</i>	<i>Council</i>
<i>Chairperson</i>	<i>Councillor Graeme Taylor</i>
<i>Deputy Chairperson</i>	<i>Councillor Sally Crown</i>
<i>Membership</i>	<i>All elected members</i>
<i>Quorum</i>	<i>7</i>
<i>Meeting frequency</i>	<i>At least 6 weekly and as required</i>
<i>Officer in Charge</i>	<i>Director Corporate Services</i>

#### **Role**

To provide governance to the corporate business of the Council, monitor the Council's financial position and financial performance against the LTP and Annual Plan, and to guide and monitor Council's interests in any Council Controlled Organisations (CCOs), Council Organisations (COs) and subsidiaries.

#### **Delegations**

1. Govern Council's involvement with CCOs and COs, including to
  - undertake any reviews of CCO's including their governance arrangements, and make recommendations to Council
  - monitor the overall performance of CCO's, and make recommendations to Council
  - consider and make recommendations to Council on the Statements of Intent of Council's CCOs.
2. Provide policy and governance direction on funding and rating matters
3. Receive and make recommendations to Council in relation to the adoption of Annual Reports
4. Receive and make recommendations to Council on general external-facing policy and strategy updates
5. Provide governance to Council's property operations and consider related policy, making recommendations to Council.
6. Make a Decision of Council using the appropriate process, if required in the event that a matter cannot be double debated for reasons outside of the organisation's control.
7. Consider applications for the sale of properties within the Leasehold Land Portfolio and make recommendations to Council.

### Sustainable Napier Committee

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<i>Reports To</i>	<i>Council</i>
<i>Chairperson</i>	<i>Councillor Keith Price</i>
<i>Deputy Chairperson</i>	<i>Councillor Nigel Simpson</i>
<i>Membership</i>	<i>All elected members</i>
<i>Quorum</i>	<i>7</i>
<i>Meeting frequency</i>	<i>At least 6 weekly and as required</i>
<i>Executive</i>	<i>Director Infrastructure Services</i>

#### **Role**

To provide governance to city infrastructure including three waters, parks, and waste management, taking into consideration environmental, social, cultural and economic factors.

#### **Delegations**

1. Review and make recommendations to Council on policy regarding the provision of Council's infrastructural assets, facilities, and services, including but not limited to:
  - Three waters
  - Parks, reserves and sportsgrounds
  - Waste management and minimisation
  - Property
  - Transport and roading
  - Cemeteries
2. Consider and make recommendations to Council on matters related to infrastructure and service related projects and facilities
3. Consider and make recommendations to Council on matters related to asset management
4. To consider any reports from infrastructure related joint committees and business units, including Lagoon farm and Redclyffe transfer station
5. Receive and make recommendations to Council on general external-facing policy and strategy updates
6. Make a Decision of Council using the appropriate process, if required in the event that a matter cannot be double debated for reasons outside of the organisation's control

#### **Aligned Portfolios**

- Three waters
- Environment and sustainability
- Transportation

### Future Napier Committee

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<i>Reports To</i>	<i>Council</i>
<i>Chairperson</i>	<i>Deputy Mayor Annette Brosnan</i>
<i>Deputy Chairperson</i>	<i>Councillor Api Tapine</i>
<i>Membership</i>	<i>All elected members</i>
<i>Quorums</i>	<i>7</i>
<i>Meeting frequency</i>	<i>At least 6 weekly and as required</i>
<i>Executive</i>	<i>Director City Strategy</i>

#### **Role**

The purpose of this Committee is to provide governance to the town planning and regulatory functions of Council.

#### **Delegations**

1. Provide governance for and make recommendations to Council on District and town planning and development matters
2. Provide governance for and make recommendations to Council on regulatory policy and functions of Council
3. Provide governance for and make recommendations to Council on policy relating to sustainable economic development
4. To hear submissions and make recommendations to Council on:
  - Bylaws
  - Any regulatory policy in accordance with legislative requirements
 noting that most hearings are the delegated responsibility of the Hearings Committee and the Terms of reference of that Committee should be read in conjunction.
5. Provide policy and governance direction on the District Plan process, and make recommendations to council.
6. To initiate policy statements or plans, or any changes or reviews of policy statements or plans, as may required in line with the Resource Management Act.
7. Consider and make recommendations to Council on matters related to city development related projects and strategies
8. Consider and make recommendations to Council in relation to road stopping and approve the temporary closure of any road.
9. Consider and make recommendations to Council in relation to environmental protection and sustainable practices throughout Council
10. Ensure that Council meets all compliance requirements relating to its regulatory responsibilities.
11. Receive and make recommendations to Council on general external-facing policy and strategy updates
12. Make a Decision of Council using the appropriate process, if required in the event that a matter cannot be double debated for reasons outside of the organisation's control

#### **Aligned Portfolios**

- Matariki Regional Development
- Climate Change and Coastal Hazards
- Prosperous City

## SPECIALIST COMMITTEES

### MĀORI COMMITTEE

Chairperson	Add – to be discussed with represented organisations
Deputy Chairperson	Add – to be discussed with represented organisations
Membership	Mayor of Napier  Te Taiwhenua o Te Whanganui-a-Orotū representative  Mana Ahuriri Trust representative  Maungaharuru Tangitū Trust representative  Maraenui and Districts Māori Committee representative  Ngāti Pārau Hāpu Trust representative  Note: Council's Hākoro and Hākui may attend meetings but are not voting members
Quorum	3
Meeting frequency	At least monthly and as required – to be agreed with the representative organisations
Officer responsible	Director Community Services, Pou Ārahi

#### Role

This committee is to facilitate Māori contribution to Council decision making processes as per the Local Government Act 2002.

#### Delegations

1. To discuss and provide feedback to Council on projects, activities and events of Council, on behalf of the Māori communities of Napier.
2. To make recommendations to Council on ways tikanga, kaupapa and reo can meaningfully be incorporated into Council projects, activities and events.
3. To raise to Council for consideration and discussion matters of import to the Māori communities of Napier.
4. To provide feedback to Council on ways that relationship and capability to engage on Council-related matters can be built with and within the Māori communities of Napier.

#### Notes

Members of the Māori Consultative Committee may be invited to attend Council seminars/workshops and standing committee meetings as appropriate.

#### Remuneration

External appointees are paid \$400 per meeting

## HEARINGS

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<i>Chairperson</i>	<i>Deputy Mayor Annette Brosnan</i>
	<i>Note that an Independent Commissioner may be appointed to Chair Hearings in relation to the District Plan</i>
<i>Deputy Chairperson</i>	<i>Councillor Graeme Taylor</i>
<i>Membership</i>	<i>Her Worship the Mayor Kirsten Wise</i>
	<i>Councillor Tania Wright</i>
	<i>Councillor Apiata Tapine</i>
<i>Quorum</i>	<i>3</i>
<i>Meeting frequency</i>	<i>As required</i>
<i>Officer in Charge</i>	<i>Director City Strategy and Director Infrastructure Services</i>

### Role

To conduct fair and effective Hearings and make determinations on a range of the Council's quasi-judicial functions under legislation (and other matters as referred to the Committee). In practice, some matters are referred to Commissioners appointed under the Resource Management Act.

### Delegations

The Hearings Committee is granted responsibility and full delegated authority of the Council to make final decisions of Council in line with its mandate and in accordance with legislative requirements. The Committee may decide to refer a matter to Council accompanied by recommendations where it deems the significance of the decision or its implications warrant it.

The Hearings Committee will hear and make determination on statutory and or regulatory matters under relevant legislation unless otherwise delegated by statute or Council, including (but without limitation):

- District Plan
  - Hear and make determination on submissions and objections to the Napier City District Plan Review and any changes or variations proposed to that Plan.
  - The Committee may decide to refer the matter to Council accompanied by recommendations, in a situation where:
    - the District Plan will be significantly altered as a result of submissions,
    - any decision on the District Plan will have a significant impact outside the District Plan on other Council policies, particularly rating levels or fees and charges, and
    - the Council will need to consider making a variation or change to the District Plan.
- Tenders
  - Consider and decide tenders for the supply of goods and services to the Council, where tenders exceed the Chief Executive's delegated authority.

- Resource consents
  - Hear and determine notified resource consents applications and any challenges to conditions of consents.
- Challenges to decisions made under delegated authority where legislation allows
- Objections under the Dog Control Act
- Matters regarding drainage and works on private land under the Local Government Act 2002.

**AUDIT AND RISK**

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<i>Chairperson</i>	<i>External independent appointee (at time of 2019 adoption John Palaret)</i>
<i>Deputy Chairperson</i>	<i>N/A</i>
<i>Membership</i>	<i>Her Worship the Mayor Kirsten Wise Deputy Chair of Sustainable Napier Committee: Councillor Nigel Simpson Chair of Prosperous Napier Committee: Councillor Graeme Taylor External independent appointee – Local Govt expert: At time of adoption John Palaret External independent appointee – Finance expert: At time of adoption David Pearson</i>
	<i>Note: The Chief Executive and External Auditor are required to attend all meetings but are not members and have no voting rights.</i>
<i>Quorum</i>	<i>3 One of which is an external appointee</i>
<i>Meeting frequency</i>	<i>At least quarterly and further as required</i>
<i>Officer in Charge</i>	<i>Director Corporate Services</i>

**Role**

The role and scope, as well as any delegations of the Audit and Risk Committee are defined in the Audit Charter (see version at time of adoption below).

**Delegations**

The role and scope, as well as any delegations of the Audit and Risk Committee are defined in the Audit Charter.

The Committee can make recommendations to Council or the Chief Executive as appropriate.



<b>Audit and Risk Committee Charter</b>			
<b>Approved by</b>	Council		
<b>Department</b>	Corporate Services		
<b>Original Approved Date</b>	18 September 2018	<b>Review Approval Date</b>	18 September 2018
<b>Next Review Deadline</b>	18 September 2020	<b>Document ID</b>	325090
<b>Relevant Legislation</b>	Local Government Act 2002		
<b>NCC Documents Referenced</b>	Code of Ethics		

#### Objective

The objective of the Audit and Risk Committee (the Committee) is to provide independent, objective assurance and assistance to the Napier City Council (the Council) on the Council's governance, risk management, internal control and compliance frameworks, and its external accountability responsibilities.

#### Authority

The Napier City Council, at its meeting on 2 November 2016, re-established the Audit and Risk Committee for the 2016-19 triennial. The Council authorises the Committee, within the scope of its role and responsibilities, to:

- obtain any information it needs from any employee and/or external party (subject to their legal obligation to protect information);
- discuss any matters with the external auditor, or other external parties (subject to confidentiality considerations);
- request the attendance of any employee, including the Chief Executive, the Director of Corporate Services and the Chief Financial Officer at Committee meetings; and
- obtain external legal or other professional advice, as considered necessary to meet its responsibilities, at the Council's expense.

#### Composition and Tenure

The Committee will consist of five members appointed by the Council. These must include the Mayor, the Chair of the Finance Committee and the Deputy Chair of the Finance Committee (or other nominated person). The Council will also select two independent members.

The Napier City Council will appoint the chairperson of the Committee.

Members will be appointed for an initial period not exceeding three years after which they will be eligible for extension or re-appointment, after a formal review of their performance.

Council representatives on the Committee will carry out their duties as outlined in the Charter, recognising the difference in role of the Committee compared to Councillor community advocate.

The Chief Executive, the Director of Corporate Services and the Chief Financial Officer will

not be members of the Committee, but may attend meetings as observers as determined by the Chairperson.

The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the Council. At least one independent member of the Committee should have accounting or related financial management experience with an understanding of accounting and auditing standards in a public sector environment.

### Role and Responsibilities

The Committee has no executive powers and will conduct itself in accordance with the values and ethics of the Council.

The Committee is directly responsible and accountable to the Council for the exercise of its responsibilities. In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of the Council rests with the Chief Executive.

The responsibilities of the Committee may be revised or expanded in consultation with, or as requested by, the Napier City Council from time to time.

### Risk Management

The Committee's responsibilities are to:

- review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of Napier City Council's financial and business risks, including fraud;
- review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings;
- review the effect of the Council's risk management framework on its control environment and insurance arrangements;
- review whether a sound and effective approach has been followed in establishing the Council's business continuity planning arrangements, including whether disaster recovery plans have been tested periodically; and
- review the Council's internal controls in relation to preventing fraud and satisfy itself that the Council has appropriate processes and systems in place to capture and effectively investigate fraud-related information and to ensure appropriate action is taken against known perpetrators of fraud.

### Control Framework

The Committee's responsibilities are to:

- review whether management's approach to maintaining an effective internal control framework, including over external parties such as contractors and advisers, is sound and effective;
- review whether management has in place relevant policies and procedures, and that these are periodically reviewed and updated;
- determine whether the appropriate processes are in place to assess, at least once a year, whether policies and procedures are complied with;
- review whether appropriate policies and procedures are in place for the management and exercise of delegations;
- consider how management identifies any required changes to the design or implementation of internal controls; and

- review whether management has taken steps to embed a culture which is committed to ethical and lawful behavior.

#### External Accountability

The Committee's responsibilities are to:

- review the financial statements and provide advice to the Council, including whether appropriate action has been taken in response to audit recommendations and adjustments;
- satisfy itself that the financial statements are supported by appropriate management sign-off on the statements and on the adequacy of the systems of internal controls;
- review the processes in place designed to ensure that financial information included in the Council's annual report is consistent with the signed financial statements;
- review the processes and risk assessment are in place for the development and adoption of the Council's Long Term Plan;
- satisfy itself that the Council has appropriate mechanisms in place to review and implement, where appropriate, relevant external audit reports and recommendations; and
- satisfy itself that the Council has a performance management framework that is linked to organisational objectives and outcomes.

#### Legislative Compliance

The Committee's responsibilities are to:

- determine whether management has appropriately considered legal and compliance risks as part of the Council's risk assessment and management arrangements; and
- review the effectiveness of the system for monitoring the Council's compliance with relevant laws, regulations, and associated government policies.

#### Internal Audit

The Committee's responsibilities are to:

- act as a forum for communication between the Chief Executive, senior management, and internal and external auditors;
- review the internal audit coverage and annual work plan, ensure that the plan is based on the Council's risk management plan, and recommend approval of the plan on behalf of the Council;
- advise the Mayor and Chief Executive on the adequacy of resources to carry out the internal audit, including completion of the approved internal audit plan;
- oversee the co-ordination of audit programs conducted by the internal and external auditors and other review functions;
- review all audit reports and provide advice to the Council on significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of good practice;
- monitor management's implementation of the internal auditor's recommendations;
- review the internal audit charter to ensure that appropriate organisational structures, authority, access, and reporting arrangements are in place;
- provide advice to the Council on the appointment of the Head of Internal Audit (in the case of an in-house internal audit function);

- recommend the appointment of the internal auditor;
- periodically review the performance and effectiveness of the internal auditor; and
- be satisfied that any dismissal of the Head of Internal Audit is based on proper and appropriate reasons, to safeguard the independence of the audit function.

#### External Audit

The Committee's responsibilities are to:

- act as a forum for communication between the Chief Executive, senior management, and internal and external auditors;
- provide input and feedback on the financial statements and the audit coverage proposed by the external auditor, and provide feedback on the audit services provided;
- review all external plans and reports for planned or completed audits and monitor management's implementation of audit recommendations;
- oversee the co-ordination of audit programs conducted by the internal and external auditors and other review functions: and
- provide advice to the Council and Chief executive on action taken on significant issues raised in relevant external audit reports and good practice guides.

#### Governance

##### Responsibilities of Committee Members

Members of the Committee are expected to:

- contribute the time needed to study and understand the papers provided;
- apply good analytical skills, objectivity, and good judgment; and
- express opinions frankly, ask questions that go to the core of the issue, and pursue independent lines of enquiry.

##### Reporting

The Committee will regularly, but at least once a year, report to the Council on its operation and activities during the year. The report should include:

- a summary of the work the Committee performed to fully discharge its responsibilities during the preceding year;
- a summary of the Council's progress in addressing the findings and recommendations made in internal and external audit reports, and the Auditor-General's reports (if applicable);
- an overall assessment of the Council's risk, control, and compliance framework, including details of any significant emerging risks or legislative changes; and
- details of meetings, including the number of meetings held during the relevant period and the number of meetings each member attended.

The Committee may, at any time, report to the Chief Executive or the Council any other matter it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chief Executive or the Council.

#### Administrative Arrangements

##### Meetings

The Committee will meet at least four times each year. A special meeting may be held to

review the annual report.

The Chairperson is required to call a meeting if requested to do so by the Council, Chief Executive or another Committee member.

A meeting plan, including dates and agenda items, will be agreed by the Committee each year. The meeting plan will cover all of the Committee's responsibilities as detailed in this charter.

#### **Attendance at Meetings and Quorums**

A quorum will consist of a majority of Committee members including at least one independent member.

Meetings can be held in person, by telephone, or by video conference.

The Head of Internal Audit and external audit representatives will be invited to attend each meeting, unless requested not to do so by the Chairperson of the Committee.

The Chief Executive may be invited to attend Committee meetings to participate in specific discussions or provide strategic briefings to the Committee. The Committee may also ask other employees to attend Committee meetings or participate for certain agenda items.

The Committee will meet separately with both the internal and external auditors at least once a year.

#### **Secretariat**

The Chief Executive will appoint a person to provide secretariat support to the Committee. The Secretariat will ensure that the agenda for each meeting and supporting papers are circulated, after approval from the Chairperson, at least one week before the meeting, and ensure that the minutes of the meetings are prepared and maintained. Minutes must be approved by the Chairperson and circulated within two weeks of the meeting to each member and Committee observers, as appropriate.

#### **Conflicts of Interest**

Once a year, Committee members will provide written declarations to the Mayor, stating they do not have any conflicts of interest that would preclude them from being members of the Committee.

Committee members must declare any conflicts of interest at the start of each meeting or before discussion of the relevant agenda item or topic. Details of any conflicts of interest should be appropriately recorded in the minutes.

Where any member is deemed to have a real, or perceived, conflict of interest at a Committee meeting, it may be appropriate that they are excused from Committee deliberations on the issue where the conflict of interest exists.

#### **Induction**

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

#### **Assessment Arrangements**

The Chairperson of the Committee, in consultation with the Mayor, will initiate a review of the performance of the Committee at least once every two years. The review will be conducted on a self-assessment basis (unless otherwise determined by the Mayor) with appropriate input sought from the Chief Executive, the internal and external auditors, management, and any other relevant stakeholders, as determined by the Mayor in discussion with the chairperson of the Committee.

#### Review of Charter

At least once every 2 years, the Committee will review this charter. This review will include consultation with the Council. Any substantive changes to the charter will be recommended by the Committee and formally approved by the Council.

#### Policy Review

The review timeframe of this policy will be no longer than every two years.

## CHIEF EXECUTIVE CONTRACT COMMITTEE

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*Chairperson* Her Worship the Mayor Kirsten Wise

*Deputy Chairperson* Deputy Mayor Annette Brosnan

*Membership* Councillor Graeme Taylor

Councillor Tania Wright

Councillor Apiata Tapine

Councillor Nigel Simpson

*This Committee has the power to co-opt members from the Council as the Chair determines necessary.*

*Quorum* 3

*Meeting frequency* As required

*Officer responsible* Team Leader Governance

### Role

To review the performance of the Chief Executive and make recommendations to the Council about all matters relating to the employment of the Chief Executive and the Chief Executive's employment agreement.

### Delegations

The Chief Executive Contract Committee has the responsibility and the authority to:

1. Establish a Success Agreement with the Chief Executive covering success factors for the year.
2. Agree annual performance objectives aligned to the Success Agreement with the Chief Executive.
3. Undertake a 6 monthly review of progress against the Success Agreement and associated annual performance objectives, provide feedback, and agree any modification to the annual performance objectives with the Chief Executive.
4. Conduct the performance review required in the employment agreement between the Council and the Chief Executive.
5. Conduct and complete a review of employment under Clause 35, Schedule 7, of the Local Government Act 2002, and make a recommendation to Council under Clause 34, Schedule 7.
6. Under the annual remuneration review and make decisions regarding remuneration.
7. Act as Council's agent in all matters pertaining to the employment contract of the Chief Executive including any issues which may arise in respect of the job description, agreement, performance objectives or other similar matters.
8. Oversee any recruitment and selection process for a Chief Executive (a decision on appointment must by law be made by the Council), initiate any improvements to the employment contract, and undertake negotiations on Council's behalf.
9. To consider and propose to Council, training of the Chief Executive as necessary.

## DISTRICT LICENSING COMMITTEE

<i>Chairperson</i>	<i>External Commissioner appointed by recruitment</i> <i>At time of adoption Dave Fellows</i>
<i>Deputy Chairperson</i>	<b>To be appointed late 2019</b>
<i>Membership</i>	<i>List members 2019-2022:</i> <b>To be appointed by recruitment late 2019</b>  <i>List members as at time of adoption:</i> <i>John Cocking</i> <i>Ross Pinkham</i> <i>Councillor Keith Price</i> <i>Councillor Graeme Taylor</i>
<i>Quorum</i>	3
<i>Meeting frequency</i>	<i>As required</i>
<i>Office Responsible</i>	<i>Director City Strategy</i>

### Role

To administer the Council's alcohol licensing framework as determined by the Sale and Supply of Alcohol Act 2012. The Act requires the Council to appoint one or more District Licensing Committees to deal with licensing matters.

Although the District Licensing Committee in Napier City is a committee of Council and receives Council administrative support, it primarily operates as a decision making body without the influence of Council.

An independent Commissioner chairs Napier City District Licensing Committee and the members are a mix of appointed councillors and suitably qualified lay-persons.

### Delegations

The functions of the District Licensing Committee is specified by the Act<sup>9</sup> and include:

1. to consider and determine applications for licences and manager's certificates,
2. to consider and determine applications for renewal of licences and manager's certificates,
3. to consider and determine applications for temporary authority to carry on the sale and supply of alcohol in accordance with section 136,
4. to consider and determine applications for the variation, suspension, or cancellation of special licences,

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<sup>9</sup> Section 187, Sale and Supply of Alcohol Act 2012.



5. to consider and determine applications for the variation of licences (other than special licences) unless the application is brought under section 280,
6. with the leave of the chairperson for the licensing authority, to refer applications to the licensing authority,
7. to conduct inquiries and to make reports as may be required of it by the licensing authority under section 175, and
8. any other functions conferred on licensing committees by or under this Act or any other enactment.

The committee may make recommendations to Council.

**Chair's delegation**

When no objection to an application has been received (for a licence, manager's certificate, or renewal of a license or manager's certificate), and no matters of opposition have been raised under section 103, 129 or 141, the Chair has the delegation to decide on the papers and issue decisions on such applications.

## SUB-COMMITTEES and ADVISORY PANELS

### GRANTS SUB-COMMITTEE

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<i>Reports to</i>	<i>Napier People and Places Committee</i>
<i>Chairperson</i>	<i>Councillor Maxine Boag</i>
<i>Deputy Chairperson</i>	<i>N/A</i>
<i>Membership</i>	<p><i>2 Napier City Council representatives:</i></p> <p><i>Councillor Apiata Tapine</i></p> <p><i>Councillor Ronda Crystal</i></p> <p><b><i>External Membership</i></b></p> <p><i>4 Community Representatives</i></p> <p><i>Geoff Hansen</i></p> <p><i>Jay Lamburn</i></p> <p><i>Kenneth Simons</i></p> <p><i>Angela Williams</i></p>
<i>Quorum</i>	<p><i>3</i></p> <p><i>Half the members (including vacancies)</i></p>
<i>Meeting frequency</i>	<i>Meeting frequency set annually</i>
<i>Officer in Charge</i>	<i>Director Community Services</i>

#### **Role**

This committee reports to the Community Services Committee.

#### **Delegations**

1. To allocate grants in accordance with Council procedures.
2. To make recommendations to the Napier People and Places Committee to approve Grants.
3. To make recommendations to the Napier People and Places Committee on adding performance criteria and conditions on grants.

#### **Remuneration:**

Community representatives are paid \$400 per meeting.

**ARTS ADVISORY PANEL**

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<i>Reports to</i>	<i>Napier People and Places Committee</i>
<i>Chairperson</i>	<i>Councillor Tania Wright</i>
<i>Deputy Chairperson</i>	<i>N/A</i>
<i>Membership</i>	<i>Add</i>
	<b><i>External Membership</i></b>
	<i>1 representative from:</i>
	<i>Art Deco Trust – Michael Fowler</i>
	<i>Napier Arts Community Practitioner – Cinzah Merkens</i>
	<i>Creative Arts Napier Inc. – Christine Heaney</i>
	<i>MTG – Kirsten Kelly</i>
	<i>Māori/Iwi – Charles Ropitini</i>
	 <i>Secondment of Design Group Representative as required: a member of an existing Design Group should be seconded onto the Panel when the Panel has to consider one off art work in public places or part of the urban development relating to the Design Group's area of interest.</i>
<i>Quorum</i>	<i>3</i>
<i>Meeting frequency</i>	<i>As required</i>
<i>Officer in Charge</i>	<i>Director Community Services</i>

**Role**

1. To make recommendations to Council on the suitability of one-off art installations for a particular location giving considerations to the uniqueness of the community into which it is to be installed, and the heritage and cultural values of the site.
2. To assess and ensure that the potential art installation is aligned with the objectives and policies as set out in Napier City Council's Arts Policy.

**Notes:**

This panel will not replace or supersede the existing design groups across the city such as the West Quay/Ahuriri Design Group for the Ahuriri area and any group established under the CBD Design Guide or any other newly established Council design groups.

All potential art in public places being considered by an existing Design Group either as a one off artwork or part of the urban development in their location of interest must be referred to the Arts Advisory Panel for advice.

The Arts Advisory Panel meet, as required, to coincide with the appropriate Council meeting to assess proposals and submit recommendations. Members are volunteers.

### INTERNAL PANELS

Panel	Appointee(s)	Notes
Earthquake Survivors Afternoon Organising Committee	Required: Elected member x 2  Deputy Mayor Annette Brosnan Councillor Ronda Chrystal	Annual event Sunday closest to 3 February
Citizens' Civic Award Panel	Required: Mayor (or nominee), Elected member x 2  Mayor Councillor Wright Councillor Boag	Annual event first Wednesday in September

## JOINT COMMITTEES

Committee	Appointees	Notes
Clifton to Tangoio Coastal Hazards Strategy Joint Committee	Required: Elected member x 3 (alternate recommended)  Deputy Mayor Annette Brosnan Councillor Hayley Browne Councillor Keith Price Councillor Nigel Simpson (alternate)	Hawke's Bay Regional Council is the administrating body.
Hawke's Bay Civil Defence Emergency Management Joint Committee	Required: Mayor and alternate  Mayor Kirsten Wise  Councillor Nigel Simpson (alternate)	Required by statute under the Civil Defence Emergency Management Act 2002.
Hawke's Bay Crematorium Committee	Required: Elected member x 2  Councillor Keith Price Councillor Greg Mawson	Hastings District Council is the administrating body.
Hawke's Bay Drinking Water Joint Committee	Required: Elected member x 2 (alternate recommended)  Councillor Nigel Simpson Councillor Ronda Chrystal Deputy Mayor Annette Brosnan (alternate)	Hawke's Bay Regional Council is the administrating body. (established August 2017)
Hawke's Bay Regional Transport Committee	Required: Elected member x 1 (alternate recommended)  Councillor Keith Price Mayor Kirsten Wise (alternate)	Established in accordance with Section 105 of the Land Management Transport Act 2003 as soon as practicable after a triennial election. Hawke's Bay Regional Council is the administrating body.
Heretaunga Plains Urban Development Strategy Implementation Working Party (HPUDS)	Required: Elected member x 2  Councillor Sally Crown Councillor Ronda Chrystal	

<p>Joint Alcohol Strategy Advisory Group</p>	<p>Required: Elected member x 2  Councillor Sally Crown Councillor Greg Mawson</p>	
<p>Joint Waste Futures Project Steering Committee</p>	<p>Required: Elected member x 3  Deputy Mayor Annette Brosnan Councillor Api Tapine Councillor Richard McGrath</p>	<p>Hastings District Council is the administrating body.</p>
<p>Omarunui Joint Refuse Landfill Committee</p>	<p>Required: Elected member x 2 (alternate recommended)  Councillor Richard McGrath Councillor Api Tapine Deputy Mayor Annette Brosnan (alternate)</p>	<p>Hastings District Council is the administrating body.</p>
<p>Regional Cycling Governance Group</p>	<p>Required: Elected member x 1 (alternate recommended)  Councillor Graeme Taylor Councillor Greg Mawson (alternate)</p>	<p>Hawke's Bay Regional Council is the administrating body.</p>
<p>Te Komiti Muriwai o Te Whanga</p>	<p>Required: Elected member x 1  Councillor Apiata Tapine</p>	<p>Napier City Council is the administrating body. This is a co-governance entity established through the passing of the Ahuriri Hapū Claims Settlement Bill</p>

### COUNCIL CONTROLLED ORGANISATIONS (CCOs)

Part 5 of the Local Government Act 2002, outlines requirements for Local Authorities to follow in utilising council organisations, including establishing a council organisation, appointment of Directors, and monitoring and reporting requirements.

A council-controlled organisation (CCO) must deliver the following documents to the local authority:

- Half-yearly report (within 2 months after the end of the first half of each financial year),
- Annual report (within 3 months after the end of each financial year),
- Statement of Intent.

A Local Authority must have a policy for appointing a Director to a CCO including:

- Identification and consideration of the skills, knowledge, and experience required of directors of a council organisation,
- The appointment of directors to a council organisation,
- The remuneration of directors of a council organisation.

Council-controlled organisations are subject to Parts 1-6 of the Local Government Official Information and Meetings Act 1987.

Napier City Council is involved in the following council-controlled organisations:

Council Controlled Organisation	Appointee(s)	Notes
Hawke's Bay Museums Trust	Required: Elected member x 1  Councillor Tania Wright	The objectives of the Trust are to: <ul style="list-style-type: none"> <li>• Hold and protect the regional collection for the people of Hawke's Bay and to provide storage and protection for the collection,</li> <li>• Advance and promote the Arts in New Zealand and particularly in Hawke's Bay,</li> <li>• Promote a sense of history and an awareness of the importance of the nation's heritage in New Zealand and particularly in Hawke's Bay,</li> <li>• Provide an exhibition policy and to oversee the maintenance, risk management and quality of the regional collection through a contract for services with the Napier City Council,</li> </ul>

		<ul style="list-style-type: none"> <li>• Regulate and approve the disposal of collection items, and</li> <li>• Administer the bequests held by the Hawke's Bay Museums Trust.</li> </ul> <p>The Trust is a Council-Controlled Organisation as three of the five-member board are Council nominees (1 from Napier City Council, and 1 from Hastings District Council, and both local authorities appoint the Chair).</p> <p>Napier City Council is the administrating body.</p> <p>Trust reporting is made to the Prosperous Napier Committee.</p>
Omarunui Landfill	Please refer above for the Omarunui Landfill Joint Committee appointees	Hastings District Council is the administrating body
Hawke's Bay Airport Ltd	No appointees required	<p>This is a company incorporated under the Companies Act and is owned by the Crown, Hastings District Council and Napier City Council.</p> <p>Napier City Council has a 26% shareholding.</p> <p>Board reporting is made to the Prosperous Napier Committee.</p>

Note: The Hawke's Bay Local Authority Shared Services (HBLASS) is a Limited Liability Company registered under the Companies Act. Central Hawke's Bay District Council, Hastings District Council, Hawke's Bay Regional Council, Napier City Council and Wairoa District Council jointly own the Company. HBLASS is currently inactive and has therefore not been included in the table above.



### EXTERNAL APPOINTMENTS

Name of Organisation	Foundation Document	Appointee(s)	Process of Appointment	Contact Person	Notes
Ahuriri Business Association Incorporated	Rules 4(2)(b)	Required: Elected member x 1  Councillor Hayley Browne	Mayor's nominee considered at AGM held end of May	Maree Langford info@ahuriri.co.nz	
Ahuriri Estuary Protection Society - Committee	Rules (pending update)	Required: (pending)  Councillor Api Tapine			
Art Deco Trust	Trust Rules 9.2	Required: Elected member x 1  Councillor Tania Wright	Board	Fundraising & Communication Co-ordinator Steph Kennard Membership@artdeconapier.com	
Creative Arts Napier	Rules 11c	Required:  Councillor Tania Wright	Mayor's nominee considered at AGM held mid-October	Lisa Feyen manager@thecan.co.nz	

Creative Communities Committee	Terms of Reference	Required: Elected member x 2  Councillor Tania Wright Councillor Ronda Chrystal	Appointed by Mayor	Belinda McLeod belindam@napier.govt.nz	Funding provided by Creative NZ. NCC provides administrative support. Meetings are for a full day, and are scheduled in pairs one week apart
Hawkes Bay Holt Planetarium Charitable Trust	Trust Deed 16a, 17f	Required: Mayor or nominee x 1  Councillor Greg Mawson	Trustees; ex officio by mayor	Finance Manager Michael Jones mjones@nbhs.school.nz	
Hawkes Bay Medical Research Foundation Incorporated	Foundation Rules 19c	Required: Mayor or nominee x 1  Helen Francis (external)	AGM	Lorraine Guillemot secretary@hbmrf.co.nz	
Historic Places Hawke's Bay Incorporated	Rules 3c, 8c and Minutes	Required: Elected member x 1  Councillor Hayley Browne	Mayor's nominee considered at AGM held end September	Philip Irwin philipirwin@xtra.co.nz	
Mayor's Taskforce for Jobs		Required: Mayor		TBA	

Napier City Business Inc	Rules 12(a)(ii)	Required: Councillor Sally Crown	Appointment made by Council	Zoe Barnes zoe@napiercbd.co.nz	
Napier City Pilot Trust	Constitution Clause 8	Required: Councillor Richard McGrath	Nomination may be made by "eminent persons"	Joan Plowman	
Napier Disability Advisory Group	Terms of Reference 4(2)(b)	Required: Elected member x 1 Councillor Greg Mawson	Appointment by the Mayor	Jude Henderson, Chair jhenderson@blindfoundation.org.nz	
Port Noise Liaison Committee	Napier District Plan & Environ. Court order Appendix 33c	Required: Councillor Keith Price Councillor Hayley Browne	Appointment made by Council	Paul Rose paulr@napierport.co.nz	Meets six monthly
Positive Ageing Trust	Trust Deed 21.0	Required: Elected member x 1 Councillor Greg Mawson	Appointment made by Council	Eve admin@positiveageinghb.nz	

Pukemokimoki Marae Trust	Charitable Trust Deed 7.1.2	Required: Elected member x 1  Appointment to be discussed between Mayor-Elect and Chair Pukemokimoki Marae Trust	Appointment made by Council	Maureen Mua maureen.mua@rait.co.nz	Appointee must regularly report back to Council
Rotary Pathway Trust	Memorandum of Understanding and Minutes of Meetings	Required: Elected member x 1  Councillor Graeme Taylor	Appointment made by Council	Secretary Bob Morrison rajmorrison@nowmail.co.nz	Staff representative also participates
Sport Hawkes Bay/HB Sports Council	Constitution of Sport Hawke's Bay 6(1)(b)	Required: Elected member x 1  Councillor Keith Price	Appointment made by Council	Commercial Manager Ryan Hambleton ryanh@sporthb.net.nz	
Taradale Business Association	Certificate of Incorporation / Rules	Required: Elected member x 1  Councillor Nigel Simpson	Taradale Ward Councillor nominated, confirmed at AGM	Linda Walsh info@taradale.co.nz	The Council representative may vote

### 3. ELECTED MEMBERS' REMUNERATION: POST-ELECTION ALLOCATION OF PARTIAL POOL

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002; Remuneration Determination 2019/20
<i>Document ID:</i>	869084
<i>Reporting Officer/s &amp; Unit:</i>	Devorah Nícuarta-Smith, Team Leader Governance

#### 3.1 Purpose of Report

To present to Council the Mayor's proposed allocation of the 2019/2020 post-election remuneration partial pool set by the Remuneration Authority for Napier City Councillors.

##### Officer's Recommendation

That Council:

- a. Endorse the allocation of the 2019/2020 post-election remuneration partial pool set by the Remuneration Authority for Napier City Councillors (noting that the Mayoral remuneration is set directly by the Remuneration Authority).
  - i. Deputy Mayor (1) - \$80,000
  - ii. Standing Committee Chair (3) - \$61,000
  - iii. Standing Committee Deputy Chair (4) - \$57,250
  - iv. Portfolio Holder (4) – 53,274
- b. Note and endorse that the base rate for councillors has been set at \$45,000.

##### Mayor's Recommendation

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

#### 3.2 Background Summary

The Local Government Act 2002 (clause 7 of Schedule 7) mandated the Remuneration Authority (the Authority) to set the remuneration for all elected members nationally. This is undertaken annually.

Over the past two years, the Remuneration Authority has conducted a major review of the local government sector remuneration, which included extensive consultation. As a result of the review, the Authority decided to make two changes to the way in which remuneration is set. First it adopted a set of revised and updated council size indices (one each for territorial authorities, unitary authorities and regional councils); and secondly it decided to introduce a more locally responsive way of setting members remuneration. It should be noted that the remuneration of Mayors is not included in the change.

Under the new approach, the Authority has created a total “governance remuneration pool” for each council, reflecting the ranking of that council on the index. The size of the pool does not correspond to the number of councillors.

The local government governance remuneration pool for councillors that will apply on and after the date on which the official result of the 2019 local election of members for Napier City Council is **\$705,096**. The minimum base rate for councillors set by the Remuneration Authority for Napier City Council is **\$43,142**.

The total remuneration for the Mayor of Napier City including vehicle and mileage as set by the Remuneration Authority will be **\$145,500**.

Post-election, each new Council is responsible for allocating its remuneration pool, and advising the Remuneration Authority of the recommended breakdown of the remuneration for the remainder of the 2019/2020 financial year. A new determination is made by the Authority each financial year.

These recommendations will include a rate for base councillor remuneration and rates for all positions of responsibility. The Authority will then review the Council’s recommendations before determining and gazetting the remuneration payable to members.

Remuneration of Mayors will continue to be individually set by the Authority and will reflect each council’s ranking on the relevant size index.

Allowance payments are at the discretion of each council, however the Determination reviews these annually.

In allocating the remuneration pool, the following requirements must be met:

- The whole pool must be utilised.
- The Authority has set a minimum base rate for councillors per council; a council may decide that their base rate for councillors be higher than this, but it cannot be lower.
- Council must formally vote on:
  - The committee structure and any associated positions of responsibility
  - Any other positions of additional responsibility to be recognised by remuneration
  - The annual dollar value of remuneration attached to each role (which would be paid in addition to the base level of remuneration), and
  - Who will be undertaking each role.
- Following its formal decision-making, the Council will need to forward its adopted resolutions to the Authority for consideration for inclusion in the final determination.

For transparency, the remuneration allocation workbook is shown at **Attachment A**.

The committee structure, associated positions of responsibility, and who will be undertaking each role has been brought to Council in the previous item.

### 3.3 Issues

No issues

### 3.4 Significance and Engagement

This report advises on matters under the Local Government Act 2002 and the 2019/20 Remuneration Determination of the Remuneration Authority, and does not trigger the Significance and Engagement Policy or other consultation requirements.

### 3.5 Implications

#### Financial

The 2019/20 Determination is set by the national Remuneration Authority and impacts on the pay levels for all elected members.

#### Social & Policy

N/A

#### Risk

N/A

### 3.6 Options

The options available to Council are as follows:

- a. Endorse the Mayor's proposed base rate and recognition of responsibilities culminating in the proposed allocation of the remuneration partial pool.
- b. Negotiate changes to the Mayor's proposed allocation with the Mayor, noting that there may be impacts on the timing that the allocation is able to be gazetted by the Remuneration Authority.

### 3.7 Development of Preferred Option

It is recommended that the Mayor's proposed allocation be endorsed, as it has been developed in line with the rules advised by the Remuneration Authority and reflects a variety of responsibilities held by different members of the Council.

### 3.8 Attachments

- A Remuneration Allocation Workbook [↓](#)

# Proposed Remuneration for Councillors



Use this worksheet to calculate the proposed remuneration for the positions with additional responsibilities using dollar amounts.

Local authority:

Number of elected members (excluding the mayor or regional chair):

Councillor remuneration pool (\$):

Councillor minimum remuneration (\$):

1) Enter proposed base remuneration for a councillor (\$):

2) Enter name/title of proposed position with additional responsibilities	3) Enter number of members per position	Proposed councillor base remuneration (\$)	4) Enter proposed additional remuneration (\$)	Proposed annual total remuneration per member (\$)	Total (\$)
Deputy Mayor/Chair	1	45,000	35,000	80,000	80,000
Chair	3	45,000	16,000	61,000	183,000
Deputy Chair	4	45,000	12,250	57,250	229,000
Portfolio Holders	4	45,000	8,274	53,274	213,096
Councillor (with no additional responsibilities)	0	45,000	n/a	45,000	0

Grand total (\$):

Balance of pool (\$):



## 4. EXTENSION OF DISTRICT LICENSING COMMITTEE CONTRACTS

<i>Type of Report:</i>	Contractual
<i>Legal Reference:</i>	Sale and Supply of Alcohol Act 2012
<i>Document ID:</i>	866465
<i>Reporting Officer/s &amp; Unit:</i>	Rachael Horton, Manager Regulatory Solutions

### 4.1 Purpose of Report

To seek Council's approval to extend the contracts of the current District Licensing Committee until the completion of the current recruitment process and appointment of the 2019-2022 Committee.

#### Officer's Recommendation

That Council:

- a. Approve the extension of the contracts of the current District Licensing Committee members until the completion of the current recruitment process and appointment of the 2019-2022 Commissioner and list members.
  - i. The current members being:
    - Dave Fellows (Commissioner and Chair)
    - Ross Pinkham
    - John Cocking
    - Councillor Keith Price
    - Councillor Graeme Taylor
  - ii. Noting that their number is adequate to form a hearing quorum as required.
  - iii. Further noting that all have confirmed their comfort to continue in this role over the interim period.

#### Mayor's Recommendation

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

### 4.2 Background Summary

The Napier District Licensing Committee (DLC) was established in November 2013 and is the first DLC established under Sale and Supply of Alcohol Act 2012 (the Act). The DLC function is to consider and determine all matters set out in the provisions of the Act.

The Council approved the original appointment of five nominated persons to the DLC on 28 November 2013 for a period of five years (the maximum appointment period under the Act).

In November 2018 the members of the DLC were reappointed for a period of 12 months to 29 November 2019 to better align the committee with the local government election process. This alignment was enhanced by the associated resolution that future appointments be for three years in line with the triennial election cycle.

The recruitment process for DLC members is a formal external process pursuant to the provisions of the Act, and is currently underway seeking interested parties for the 2019-2022 term.

It is anticipated that in ensuring the rigor of the recruitment and that due process is followed, appointments of the committee may not be in place until late December 2019. It is therefore requested of Council that the existing members of the committee have their contracts extended until such time as the appointments of the 2019-2022 committee are confirmed and the appropriate contractual agreements reached. As is the case with elected members and the transition between councils, the existing committee would therefore leave office as the new committee takes office, noting that some members may be reappointed.

#### **4.3 Issues**

It is anticipated that there may be a period of approximately one month between when the current contracts of the committee expire, and the appointments of the incoming committee members are completed. There is a risk to Council if matters under the Sale and Supply of Alcohol Act 2012 require hearing or a decision by Commissioner during this time and there is no committee in place.

The current list members are sufficient to form a quorum in the event that a hearing was required. Current members are:

- Dave Fellows (Commissioner and Chair)
- Ross Pinkham
- John Cocking
- Councillor Keith Price
- Councillor Graeme Taylor

The current list members have been consulted with and have confirmed they are comfortable to continue on in their roles with the DLC for this interim period should it be required.

#### **4.4 Significance and Engagement**

This matter is pursuant to the Sale and Supply of Alcohol Act 2012 and does not trigger the Significance and Engagement Policy or other consultation requirements.

#### **4.5 Implications**

##### **Financial**

N/A

##### **Social & Policy**

N/A

##### **Risk**

As noted above, there is a risk to Council if matters under the Sale and Supply of Alcohol Act 2012 require hearing or a decision by Commissioner during this time period and there is no committee in place.

#### **4.6 Options**

The options available to Council are as follows:

- a. To extend the contracts of the incumbent DLC committee members, including the Commissioner until the appointments for the 2019-2022 term are completed.
- b. To allow the current contracts to lapse, and have no DLC committee in place until the appointments for 2019-2022 term are completed.

#### **4.7 Development of Preferred Option**

Option a is the preferred option, as it better ensures Council is able to address any matters raised under the Sale and Supply of Alcohol Act 2012 in a timely and appropriate manner, and a smooth transition into the 2019-2022 term is achieved.

#### **4.8 Attachments**

Nil

## 5. SET PARKING FEES AND CHARGES - 286 AND 292 HASTINGS STREET

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Traffic Regulations, Parking Control Bylaw 2008
<i>Document ID:</i>	867010
<i>Reporting Officer/s &amp; Unit:</i>	Rachael Horton, Manager Regulatory Solutions

### 5.1 Purpose of Report

To seek Council's approval for establishing parking fees for the property of 286 and 292 Hastings Street, Napier, which was acquired by Council in 2017 to bolster the supply of parking options in the city.

#### Officer's Recommendation

That Council:

- a. Establish the property of 286 and 292 Hastings Street, Napier as a lease car park.
- b. Agree that the parking fees be set at \$30 per week.

#### Mayor's Recommendation

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

### 5.2 Background Summary

Parking supply in the Napier CBD is at a premium. The properties of 286 and 292 Hastings Street were identified in 2017 by council officers as a strategic acquisition to supplement the CBD parking supply. This was supported by the then preliminary findings of the draft Parking Strategy, which was later adopted by Council.

Council purchased the existing privately owned car park at 292 Hastings Street in May 2017 and the ex Motordrome site of 286 Hastings Street in November 2017.

### 5.3 Issues

Current leased parking is well subscribed with heavy and growing demand for public off street parking. The Parking Strategy identifies a need to provide sufficient leased parking to offset the loss of leased parking spaces that have occurred in response to the Marine Parade redevelopment project, as well as the private redevelopment of a large site on Munroe Street which was previously utilised as all day parking by workers in the CBD.

Since Council acquired the property of 292 Hastings Street it has been utilised as a casual all day car park. Since the property purchase of 286 Hastings Street, Council has had to fulfil its obligations to the previous owner leasing the property for 12 months. Following the vacancy of the business, an archaeology assessment was completed in consultation with iwi and an Archaeology Authority was approved by Heritage NZ for the proposed works on the site. These works have consisted to-date of the demolition of the existing buildings, which commenced on 29 October 2019.

The combined site will provide 35 leased car parks.

Leased parking across the CBD ranges from \$15-\$30 per week depending on the proximity to the CBD:

- 4 parking bays in Dalton Street are leased at \$30 per week as these are the closest parks to the CBD
- Edwardes Street lease carpark is set at \$15 per week and is the furthest from the CBD
- All other lease carparks are set at \$25 per week and share similar proximity to the CBD

Anecdotally, we are aware that a number of customers on the current lease carpark waitlist are prepared to pay \$30 to park close to the CBD.

As this site is close to the CBD a weekly charge of \$30 is considered appropriate.

#### **5.4 Significance and Engagement**

This matter is determined as low significance.

#### **5.5 Implications**

##### **Financial**

Expected annual returns for the car park operating as a leased car park is a return of \$54,600 when based on a fee of \$30 per week with 100% occupancy.

##### **Social & Policy**

N/A

##### **Risk**

There are no substantial risks associated with this decision.

#### **5.6 Options**

The options available to Council are as follows:

- a. Leased car park at \$30 per week.
- b. All day paid parking at \$1 per hour up to a limit of 10 hours

#### **5.7 Development of Preferred Option**

Option A is the preferred option for the following reasons:

- Demand for lease parking is high with the current waitlist at 143<sup>1</sup>
- All day paid parking is not fully utilised along areas such as Marine Parade
- A number of customers on the waitlist have indicated a preference for parks closer to the CBD and are willing to pay more

#### **5.8 Attachments**

Nil

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<sup>1</sup> as at 7 November

## 6. NAPIER WAR MEMORIAL DESIGN REFERENCE GROUP

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	866454
<i>Reporting Officer/s &amp; Unit:</i>	Antoinette Campbell, Director Community Services

### 6.1 Purpose of Report

To approve the Terms of Reference for the Napier War Memorial Design Working Group and the appointment of the successful tenderer to the design concept.

#### Officer's Recommendation

That Council:

- a. Approve the Napier War Memorial Reference Group Terms of Reference.
- b. Approve the appointment of Design Group Stapleton Elliot + PMA to develop the Napier War Memorial Design Concept.

#### Mayor's Recommendation

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

### 6.2 Background Summary

At its meeting of 5 March 2019 Council provided design direction to officers after consideration of community feedback on the Napier War Memorial design options. It also resolved to tender the development of a revised design concept by August 2019, and that construction should be tendered as soon as practicable in the 2019/20 financial year.

Registrations of Interest (ROI) were invited mid-June and closed early July 2019. The shortlisted ROIs were presented to the Council at a seminar on 2 August 2019.

The preferred architect was selected to progress the ROI to design concept. The preferred architect is Design Group Stapleton Elliot + PMA.

The previous Council identified that a Reference Group should be established comprised of at least the following representatives;

- Dorothy Pilkington, Historic Places Hawke's Bay
- Craig Morley, community representative
- RSA representatives
- Military advisor
- Councillors Wise, Taylor and Brosnan
- Relevant staff.

It was also recommended that Guy Natusch be invited to participate given his long involvement in the Napier War Memorial.

Subsequent to this seminar, officers received advice from the Electoral Officer that it would not be appropriate for councillors to participate on a Reference Group so close to the election, knowing that all three were standing again. It was therefore recommended that the Reference Group was appointed after the election when the results were known.

A terms of reference (**attached**) has been drafted to set the purpose, objectives, principles and membership of the Reference Group. The nominated Councillors have been re-elected and express continued interest to be appointed to the Reference Group in their new roles this triennium.

### **6.3 Issues**

No issues

### **6.4 Significance and Engagement**

The Napier War Memorial project is considered a project of significance due to the level of community interest and the involvement of a strategic asset. The War Memorial has been the subject of extensive community consultation and a high level of public scrutiny.

### **6.5 Implications**

#### **Financial**

The capital budget set for this project is \$1,540,000. Council resolved that construction costs, excluding remembrance artwork and all professional fees is to be no more than \$750,000.

#### **Social & Policy**

N/A

#### **Risk**

N/A

### **6.6 Options**

The options available to Council are as follows:

- a. To approve the draft Terms of Reference and the appointment of the preferred architect, Design Group Stapleton Elliot + PMA, to progress the concept design.
- b. To not approve at this time.

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

The preferred option is to progress the establishment of the Napier War Memorial Reference Group and appoint the architect so that the design is progressed with haste to endeavour to meet the required construction timelines.

### **6.8 Attachments**

- A Napier War Memorial Reference Group Draft Terms of Reference [↓](#)

## Napier War Memorial Reference Group Terms of Reference

### Purpose

The Napier War Memorial Reference Group (the Reference Group) will provide advice and guidance on the development of the concept design, including art work, for the Napier War Memorial based on the design elements that Council resolved on 5 March 2019.

### Objectives

- To proactively share skills, ideas and experience to inform the concept design
- To provide feedback on the subsequent concept design
- To provide input into any recommendations to Council on the concept design

### Principles

- Active participation is encouraged, where members treat each other with respect and consideration.
- Members act with integrity, objectivity and in good faith
- Each member has expertise, knowledge and resources they can contribute to achieve the purpose.
- Members that are representative of a group present the views of that group

### Membership

The Reference Group comprises key stakeholder groups, Napier City Council staff and councillors and individuals with particular expertise.

<b>Name</b>	<b>Organisation / other</b>	<b>Role</b>
Mayor Kirsten Wise	Napier City Council	Governance
Deputy Mayor Annette Brosnan	Napier City Council	Governance
Councillor Graeme Taylor	Napier City Council	Governance
Antoinette Campbell	Napier City Council	Director Community Services Project Sponsor
Charles Ropitini	Napier City Council	Principal Māori Advisor Cultural Advisor
Drew Brown	Napier City Council	Project Manager
Natasha Mackie	Napier City Council	Manager Community Strategies Engagement
Jenny Andrews	Napier City Council	Administrator
Dorothy Pilkington	Heritage Hawke’s Bay	Trustee Expert Advisor / Key Stakeholder
John Purcell (TBC)	Napier RSA	President



		Key Stakeholder
Haami Hilton (TBC)	Napier RSA	Kaumatua Key Stakeholder
TBC	Taradale RSA	Key Stakeholder
TBC	Taradale RSA	Key Stakeholder
Craig Morley	Individual	Advisor
Individual Advisory (not part of group meetings)		
Guy Natusch	Individual	Advisor (Architect)
Iain Bradley	Individual	Advisor (Military)

### Role of members

- Provide knowledge and resources from their areas of expertise to guide the concept design
- Share relevant information that contributes to the concept design
- Liaise with the group they represent to ascertain their views unless delegated otherwise by their group.

### Term

This group has been implemented to assist with the development of the concept design for the Napier War Memorial. Advice may be sought from members of the group during the development of the detailed design as appropriate.

### Meetings

- Initiation and input meeting (late November 2019)
- Concept Design feedback meeting (late January 2020)
- Final Draft Concept Design presentation (mid February 2020)
- Final Concept Design presentation (early March 2020)
- Notes are taken at each meeting and distributed to all members

### Communication Protocol

Media enquiries, media releases and statements about the Napier War Memorial will be completed by the Mayor with Council's communications team.

Communication with represented groups will be completed by the group's representative member.

### Broad Project Steps

1.	Complete contract with designer	Mid November 2019
2.	Invite members to be part of reference group	Mid November 2019
3.	Reference Group Initiation Meeting	End November 2019
4.	Designer drafts initial concept design	By 16 December 2019
5.	Reference Group members consider the design and prepare feedback	Mid December to Mid January
6.	Reference Group Concept Design feedback meeting	Mid January 2020
7.	Designer incorporates feedback and completes Final Draft Design	Early February 2020
8.	Final Draft Design shared with RSA members	By Mid February 2020

9.	Final Concept Design presented to Reference Group	End February 2020
10.	Final Concept Design presented to Council (Seminar)	Early March 2020
11.	Council Decision on Concept Design	March 2020
12.	Share Concept Design with community	March 2020
13.	Detail Design development	From April 2020
14.	Construction	

## 7. RATING OUTTURN SURPLUS 2018/19

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	832928
<i>Reporting Officer/s &amp; Unit:</i>	Caroline Thomson, Chief Financial Officer

### 7.1 Purpose of Report

To report on the Rating Account to 30 June 2019, and approve allocations from the Rating Surplus.

#### Officer's Recommendation

That Council:

- a. Approve allocating the 2018/19 net rating surplus of \$263,065 directly for one-off items as noted:

Legal Costs 2019/20	\$123,360
Council costs 2019/20	\$50,000
Capital Reserve	\$89,705

#### Mayor's Recommendation

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

### 7.2 Background Summary

An integral part of preparing the Annual Report is establishing the year end outturn position of the Rating Account. It has been Council's practice to apply year-end surpluses to fund one-off items committed against the surplus, with any remaining surplus transferred to the Capital Reserve Account for allocation by Council.

### 7.3 Issues

#### Rating Summary to 30 June 2019

Net Rating Surplus (after allowing for budgets to carry forward) is \$263,065.

In arriving at the above surplus, interest income has been allocated to special funds in line with Council's policy for allocating interest; however, similar to recent years, there has been no allocation of interest to the Infrastructural Renewals or Financial Contribution Accounts.

The rating surplus arises primarily from additional interest income from general treasury funds, additional rates penalties and savings in loan servicing costs.

### 7.4 Significance and Engagement

N/A

## 7.5 Implications

### Financial

The balance of the Capital Reserve at 30 June 2019 was \$1,114,614. A summary of the Capital Reserve showing commitments currently identified and approved against the reserve after the adjustments recommended in this report include:

<b>Opening Balance of funds available</b>	<b>\$1,114,614</b>
Funds transferred from General Reserve No 1	\$20,681
<b>Revised balance</b>	<b>\$1,135,295</b>
<b>2019/20</b>	
Coastal Hazards Strategy	\$100,000
<b>Other Commitments approved in previous years and not yet spent</b>	
Funds for 3 <sup>rd</sup> H B Hockey turf	\$500,000
Water Initiatives	\$125,000
Sustainability Initiatives	\$200,000
3 waters Review	\$100,000
<b>Total Commitments</b>	<b>\$1,225,000</b>
<b>Capital Reserve Balance after commitments (and prior to any allocation out of 2018/19 surplus)</b>	<b>-\$89,705</b>

Options available to Council for the rating surplus 2018/19:

- A. Transfer the 2018/19 rating surplus of \$263,065 to the Capital reserve account for future allocation **or**
- B. Transfer the 2018/19 rating surplus of \$263,065 to the Capital reserve account and allocate to the following one off unbudgeted items for 2019/20:

Unplanned legal costs incurred 2019/20 (part funding)	\$123,360
Council related costs for 2019/20	\$50,000
Offset existing commitments against the capital Reserve Account (this will clear the current reserve shortfall against current commitments as noted above)	\$89,705

### Social & Policy

N/A

### Risk

N/A

**7.6 Options**

The options available to Council in relation to the year-end surplus are as follows:

- a. Transfer the rating surplus of \$263,065 to the Capital Reserve Account
- b. Allocate the rating surplus directly for one-off items with any remaining surplus transferred to the Capital Reserve Account.

**7.7 Development of Preferred Option**

Transferring the surplus to the Capital Reserve for allocation is more transparent and consistent with recent practice. Option B. is the preferred option.

The preferred option for the reserve transfers and funding adjustments is for Council to approve the transfers and funding adjustments as recommended.

Unplanned legal costs incurred 2019/20 (part funding)	\$123,360
Council related costs for 2019/20	\$50,000
Existing commitments against the Capital Reserve Account (this will clear the current reserve shortfall against current commitments)	\$89,705

**7.8 Attachments**

Nil

## 8. RESERVE FUNDING CHANGES

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	868179
<i>Reporting Officer/s &amp; Unit:</i>	Adele Henderson, Director Corporate Services

### 8.1 Purpose of Report

To approve changes to Financial Reserves and reserve funding.

#### Officer's Recommendation

That Council:

- a. Approve the transfer of rates funds of \$7,410,078, previously transferred into the Financial Contributions Reserve, back into the Subdivision and Urban Growth Fund.
- b. Transfer the General Reserve No 1 remaining reserve balance of \$20,681 as at 30 June 2019 to the Capital Reserve Account.
- c. Approve a change in funding, for the following existing projects to now be funded from the Subdivision and Urban Growth Fund
  - i. District Plan Review (\$1.2m total)
  - ii. Asset Management Transformation Project (\$225,000 2019/20 and \$1.5m in total)
  - iii. Te Awa Development Investigation (\$255,500 2019/20)
- d. Approve a change in funding, the following existing projects to now be funded from the Solid Waste Disposal Income Account.
  - i. Smoothing impact of Kerbside recycling in 2019/20 and 2020/21 (\$1.3m)

#### Mayor's Recommendation

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

### 8.2 Background Summary

As defined in the Local Government Act 2002, a reserve fund means money set aside by a local authority for a specific purpose, in accordance with clause 31 of Schedule 10 of the Local Government Act 2002.

Councils Reserve Funds are classified into three categories

- Council Created Reserves – created by Council for specific purposes
- Restricted Reserves – where there are legal obligations which restrict the use of the funds
- Bequest and Trust Funds – amounts received from bequests, donations or funds held on behalf of a community organisation

### 8.3 Issues

#### **Reserve Funds**

Officers have been working to review the history and use of various Council reserve funds. Part of this review has identified that funds should be moved between funds to more accurately reflect the nature and purpose for which funds are held in reserves.

##### ***General Reserve No 1***

This was created to fund costs associated to former NZ Rail Land in the city where loans were raised to fund associated infrastructure to support development. As at 30 June 2019 there were sufficient funds in the reserve to repay the outstanding loans so additional loan principal of \$442,094 was repaid as at 30 June 2019. Following the repayment of the debt the remaining balance of this reserve of \$20,681 can be transferred to the Capital Reserve.

##### ***Financial Contributions Reserve Fund***

LGA Section 106 enables Napier City Council to require development or financial contributions from developers to help fund the cost of new or expanded infrastructure and services, which are required to meet the additional demand created by growth.

Financial Contributions are applicable to lots and units for residential purposes and they are also applicable to construction and/or development of lots and units for commercial and/or industrial purposes.

The Financial and Development Contribution charges are adjusted annually on 1 July in accordance with the provisions of Sections 106(2B) and 106(2C) of the LGA, based on the Statistics NZ Producers' Price Index outputs for construction (PPI).

Council is required to have a policy on Development Contributions and/or Financial Contributions as a component of its Funding and Financial Policies. Section 106 of the LGA details the specific matters to be covered in any Development Contributions or Financial Contributions Policy.

The current policy states that Council considers, at this stage, that it will rely on the financial contributions specified in the City of Napier District Plan prepared under the Resource Management Act 1991 (RMA) mainly for residential development, as this has been subject to considerable community consultation and is well accepted by the community. Residential activity for the purposes of this policy means the development of land and buildings (including accessory buildings such as garages, carports and storage sheds) primarily for the use of a household (whether any person is subject to care, supervision or not).

The policy states that Council requires Development Contributions under Section 198 of the Act for Commercial and Industrial activities throughout the City. Council is also able to charge Financial Contributions for Commercial and Industrial Activities using the provisions in the District Plan instead of development contributions under S198.

Commercial activity for the purposes of this policy means development of land and buildings primarily to be used for the display, offering, provision, sale or hire of goods, equipment or service and includes retailing, travellers' accommodation, day care centres, off-licence premises, wholesale liquor outlets, offices, shops, medical clinics/hospitals, churches, residential care facilities, educational facilities and retirement complexes but does not include activities specifically excluded under the LGA. Industrial activity for the purposes of this policy means development of land and buildings primarily to be used for manufacturing, assembling, testing, fabricating, processing, packing or associated storage of goods and the

servicing and repair of goods and vehicles and includes service stations, transport depots warehouses, factories, network utility operations and unsealed yards.

This Financial and Development Contribution policy sets out the development and financial contributions payable, specifies how and when they are to be calculated and paid, and summarises the methodology and rationale used in calculating the level of contributions.

Any Development Contributions charged under this policy are distinct from and in addition to the provisions in the District Plan that provide Council with the discretion to require financial contributions under the RMA 1991.

#### *Funding Transfer recommendation*

Over the years Council had a practice of making payments into the Financial Contributions Reserve. These were made out of rates transferred into the Urban & Suburban Growth Fund.

The total amounts of rates transferred into the Financial Contributions Account were \$7,408,013. As these funds were collected for a rates contribution, Council is able to determine the use of rates funds.

To ensure we have a clear separation between council funds from rates, and the actual financial contributions received on development, we recommend that the rates funds of \$7,408,013 are transferred back into the Subdivision and Urban Growth Fund where future decisions can be made on the use of these funds at Councils discretion.

#### ***Subdivision and Urban Growth Fund***

Prior to the 2018/28 LTP Council had a practice of transferring rates funds into this reserve each year representing new rates collected as a result of subdivisions. These funds were then used to provide an offset against rates as well as funding the costs of servicing growth related debt. Some funds were also periodically transferred into the Financial Contributions Reserve.

In the 2018/28 LTP the practice of flowing funds through this reserve was discontinued with all rates reflected in the consolidated view. This left a remaining balance of \$2.6m in this reserve. With the rates funds, previously transferred into the financial contributions reserve, to be transferred back to this reserve this can now be the source of funding for projects linked to growth. This will bring the total Subdivision and Urban Growth Fund reserve once approved changes have been made to \$10m

The approved reserve funded costs for projects linked to growth, such as the District Plan Review (\$1.2m), Asset Management Transformation Project (\$225,000 in 2019/20, with a total cost of \$1.5m) and Te Awa Development Investigation (\$255,500) can then be funded from the Subdivision and Urban Growth Fund.

#### ***Solid Waste Disposal Income Account***

Council has a substantial reserve which has been built up from the NCC share of distributions from the Joint Landfill facility. This fund provides a source of funds to meet Council's share of capital expenditure at the landfill. A review has identified that the current balance of \$6.7m is more than is needed for Landfill related capital at this stage. This fund was identified as the source of funding for the new recycling bins. This reserve fund can also be used to assist with funding the introduction of the new "wheelie bin" refuse collection service.

In addition, previously Council has approved the allocation of reserve funds to assist with smoothing the impact of the new Kerbside recycling service. This required \$520k in



2018/19, \$700k in 2020/21 and \$600k in 2021/22. The 2018/19 allocation was funded from the Capital Reserve however this reserve does not have sufficient funds to cover the 2019/20 and 2020/21 funding allocations. These costs can be funded from the Solid waste Disposal income account as there will not be sufficient funds in the capital reserve to cover these reserve allocations. In addition it is recommended that the purchase of new bins required for the new waste contract are funded from this reserve.

#### **Changes to Source of Funding for projects**

The following, reserve funded projects, projects can now, more appropriately be funded from the Subdivision and Urban Growth Fund:-

- District Plan Review
- Asset Management Transformation Project
- Te Awa Development Investigation

The following projects can now, more appropriately, be funded from the Solid Waste Disposal income Account:-

- Funds for smoothing cost of Kerbside Recycling Service

#### **8.4 Significance and Engagement**

N/A

#### **8.5 Implications**

##### **Financial**

N/A

##### **Social & Policy**

The above changes to the reserve balance does not impact on the Financial and Development Contribution Policy itself

##### **Risk**

N/A

#### **8.6 Options**

The options available to Council are as follows:

##### **A – Approve the following changes/movements to Reserve funds**

- a. Approve the transfer of rates funds of \$7,410,078, previously transferred into the Financial Contributions Reserve, back into the Subdivision and Urban Growth Fund.
- b. Approve to transfer the General Reserve No 1 remaining reserve balance of \$20,681 as at 30 June 2019 to the Capital Reserve Account.
- c. Approve a change in funding, for the following existing projects to now be funded from the Subdivision and Urban Growth Reserve
  - a. District Plan Review (\$1.2m total)
  - b. Asset Management Transformation Project (\$225,000 2019/20 and \$1.5m in total)

- c. Te Awa Development Investigation (\$255,500 2019/20)
- d. Approve a change in funding, the following existing projects to now be funded from the Solid Waste Disposal Income Account.
  - a. Smoothing impact of Kerbside recycling in 2019/20 and 2020/21 (\$1.3m)

**B – Amend proposed changes/movements to Reserve Funds**

**C – Not approve changes to Reserve Funds**

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

A – Approve the following changes/movements to Reserve funds

### **8.8 Attachments**

Nil

# REPORTS UNDER DELEGATED AUTHORITY

## 1. TENDERS LET

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<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	867331
<i>Reporting Officer/s &amp; Unit:</i>	Debbie Beamish, Executive Assistant to the Chief Executive

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### 1.1 Purpose of Report

To report Tenders let under delegated authority for the period 21 August 2019 – 5 November 2019.

#### Officer's Recommendation

That Council:

- a. Receive the Report of Tenders Let for the period 21 August 2019 – 5 November 2019.

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#### MAYOR'S RECOMMENDATION

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

### Contract 1203 Lighthouse Road Widening

Four tenders were received.

One tenderer was failed on the financial viability attribute and was excluded from consideration.

The Consultant's estimate was \$215,000.00.

The successful tenderer was Fulton Hogan with a tendered price of \$339,318.50.

The Consultant was asked why the difference between their estimate and the prices received differed so much. They replied acknowledging that the earthworks, guardrail and traffic management portion of their estimate was too low and they could have had higher estimates on some items. The estimate also excluded the preliminary and general items and the contingency.

It was recommended that the tender from Fulton Hogan be accepted in the sum of \$339,318.50. This recommendation was approved.

### 1.2 Attachments

Nil

## 2. DOCUMENTS SIGNED UNDER DELEGATED AUTHORITY

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	867332
<i>Reporting Officer/s &amp; Unit:</i>	Debbie Beamish, Executive Assistant to the Chief Executive

### 2.1 Purpose of Report

To report of Documents Executed Under Seal for the period 21 August 2019 – 5 November 2019.

#### Officer's Recommendation

That Council:

- a) Receive the Report of Documents Executed under Seal for the period 21 August 2019 – 5 November 2019.

#### MAYOR'S RECOMMENDATION

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

#### Schedule of Documents Executed under Seal

For the period 21 August – 5 November 2019

Date	Document
22.08.2019	Easement in Gross – 26 Higgins Street, Napier
22.08.2019	Sewage Easement in Gross – 7 Blenheim Place, Napier
26.08.2019	Licence to Occupy 705 Meeanee Quay
26.08.2019	Licence to Occupy 703 Meeanee Quay
29.08.2019	Land Covenant – Parklands Stage 5 Subdivision
04.09.2019	Easement in Gross 49 Tom Parker Avenue
04.09.2019	Easement in Gross Sewage Easement 3 Terrace Lane, Hospital Hill
09.09.2019	Deed of Assignment & Variation of Lease, Cnr Douglas McLean Ave & Alpers Terrace
12.09.2019	Variation of Easement 40A Roslyn Road, Napier
12.09.2019	Easement in Gross and Partial Cancellation of Easement in Gross 16 Wycliffe Street, Napier

26.09.2019	Reverse Sensitivity Covenant Waverley Road Gospel Hall
03.10.2019	Covenant in Gross, Lot 2, DP 464182, Record of Title 860276
05.11.2019	Easement in Gross – 31 Maadi Road, Napier
05.11.2019	Easement in Gross – Te Awa Fields Subdivision
05.11.2019	Surrender of Easement in Gross – Te Awa Fields
05.11.2019	Surrender of Easement in Gross – Te Awa Fields
05.11.2019	Surrender of Easement in Gross – Te Awa Fields
05.11.2019	Surrender of Fencing Covenant – Te Awa Fields
05.11.2019	Surrender of Fencing Covenant – Te Awa Fields
05.11.2019	Easement in Gross – Te Awa Fields
05.11.2019	Fencing Covenant – Te Awa Fields

**2.2 Attachments**

Nil

### 3. RESOURCE CONSENTS

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<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	867523
<i>Reporting Officer/s &amp; Unit:</i>	Debbie Beamish, Executive Assistant to the Chief Executive

#### 3.1 Purpose of Report

To present the report on Resource Consents issued under delegated authority for the period 21 August – 5 November 2019.

#### Officer's Recommendation

That Council:

- a. Receive the report on Resource Consents issued under delegated authority for the period 21 August – 5 November 2019.

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#### MAYOR'S RECOMMENDATION

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

#### 3.2 Attachments

- A Resource Consents 21 August - 5 November 2019 [↓](#)

**Resource Consents (Subdivision & Land Use) Issued between 20 August 2019 – 8 November 2019**

Consent Number	Site Location	Applicant	Proposal	Activity Status	Decision Date
RMS19071	141 Waverley Rd	M & N Clements	Subdivide site to create an additional lot (two in total) in the Main Rural zone	Non-complying	21 August 2019
RM190102	120 Milton Rd	Oniram Investments Ltd	Build a two storey dwelling including integral granny flat with front yard and height in relation to boundary infringements in the Napier Hill Character zone	Restricted Discretionary	26 August 2019
RM190104	198 Church Rd	Marist Holdings (Greenmeadows) Ltd	Alterations to winery including extension to restaurant – winter garden, chapel toilets and cellar door wine storage area in the Mission Special Character zone	Restricted Discretionary	27 August 2019
RMS19074	225 Waverley Rd	Napier Gospel Hall Trust	Main Rural zone subdivision to create one additional undersized lot (two in total) with associated NES component	Non-complying	28 August 2019
RM190050	103 Waghorne St	CP Goodall	Remove an existing dwelling and replace with a new dwelling within the Hardinge Road Residential zone/Character Area resulting in a height infringement	Discretionary	August 2019
RM190108	511 Main North Rd	Crab Farm Winery Ltd	Extend the liquor license area for winery in the Main Rural zone	Discretionary	29 August 2019
RM190091	54 Ford Rd	Vetro Trading Company Ltd	Relocate, establish and operate an existing wholesale business in the Main Industrial zone	Discretionary	29 August 2019
RM190105	3, 5, 7, 9, 17, 19, 21, 23, 25 & 27 Arrow Pl	Kenny Road North LLC	Construct new dwellings and fencing closer than the 6m required minimum distance from the open drain adjacent the	Restricted Discretionary	29 August 2019

			rear of the properties in the Main Residential zone		
RM190101	1A Milton Rd	S & Y Winchester	Construction of a new residential dwelling with yard, height in relation to boundary and open space infringements in the Napier Hill Character zone	Restricted Discretionary	29 August 2019
RM190075	26 Waitangi Rd & 3 Bowen St	Frances Holdings Ltd	Demolition of existing warehouse and construction of a new bitumen plant building, a new warehouse/lab building and associated earthworks upon a HAIL site and in an area of significance to Maori (Group 4 heritage item)	Restricted Discretionary	3 September 2019
RMS19072	11 Buchanan St	Growth Project Ltd	Subdivide site to create two additional lots (three in total) in the Rural Settlement zone	Controlled	5 September 2019
RMS19075	20, 20A & 20B Corbett Pl	Sharpshot Ltd	Main Residential zone subdivision creating two additional lots (three in total) around three existing dwellings	Controlled	5 September 2019
RMS19078	43 & 43A Tait Dr	C & Y Arquette	Main Residential zone subdivision creating one additional lot (two in total) and providing fee simple subdivision around two existing dwellings	Controlled	6 September 2019
RMS19076	74 Menin Rd	M Gregory & S Jardine	Main Residential zone subdivision to create one additional lot (two in total) with NES (soils) implication	Restricted Discretionary	10 September 2019
RMS19077	21A Peddie St	ND Dowler	Main Residential zone subdivision creating one additional lot (two in total)	Controlled	10 September 2019
RMS19080	52 Bedford Rd	LP & BJ Deverell Partnership	Main Residential zone subdivision to create one additional lot (two in total)	Controlled	12 September 2019
PB190005	6 Thurley Pl	B & B Timmins	Addition to an existing dwelling (covered upper story deck) within the Rural	Deemed Permitted Boundary Activity	12 September 2019



			Settlement zone resulting in a height infringement		
RMS19081	97 & 97A Avondale Rd	C & L Vaudrey	Amendment to cross lease to include a sleep-out in the Main Residential zone	Amendment to cross lease	17 September 2019
RMS19082	5 Savage Cres	Vlad Investment Ltd	Main Residential zone subdivision to create one additional lot (two in total)	Controlled	18 September 2019
RM190118	76 Basil Rd	M & L Bull	Main Rural multi-unit development entailing constructing a new dwelling and retaining the existing dwelling on a temporary basis until the new dwelling is complete	Non-complying	18 September 2019
RMS19083	12 Savage Cres	Vlad Investment Ltd	Main Residential zone subdivision to create one additional lot (two in total)	Controlled	18 September 2019
RM190120	112 King Rd	SC Masters	Construct a shed within the Main Rural zone and located within the 7.5m front yard	Restricted Discretionary	18 September 2019
RMS19079	1/13 & 2/13 Thorn PI	A Prescott	Main Industrial zone subdivision to create one additional lot (two in total)	Restricted Discretionary	18 September 2019
RM190107	38 Leyland St	Onekawa Holdings Ltd	Main Industrial zone multi-unit development encompassing a total of two commercial/industrial/office units with infringements in relation to yards and landscaping	Controlled	19 September 2019
RMS19084	19 & 20 The Esplanade	Athena Properties Ltd & A & V Skepetaris	Boundary adjustment between two lots in the Northern Residential zone (no new lots created)	Controlled	19 September 2019
RM190121	18 Arrow PI	DR Start	Construct a dwelling with site coverage and set-back infringements in the Main Residential zone	Restricted Discretionary	20 September 2019
RMS17062A	5 & 7 Waitangi Rd	Awatoto Development Ltd	Section 127 variation to approved resource consent RMS17062 allowing a	Variation/Discretionary	25 September 2019

			reconfigured lot layout, reduce number of industrial lots, establish two rights of way, reduce size of stormwater attenuation system, establish private sewer system and alter time of when private connections can be made		
RMS18020A	138 Eriksen Rd & 57A Squire Dr	Te Awa Land Development Company Ltd	Section 127 variation to amend condition 43 of approved resource consent RMS18020 to allow amalgamation of Lot 81 with proposed Lot 31	Discretionary	3 October 2019
RMS19087	98 Waverley Rd	C Dowling	Main Rural zone subdivision to create one additional lot (two in total)	Non-complying	7 October 2019
RM190119	24A Hastings St	Empara Properties Ltd	Multi-unit development encompassing internal and external alterations to a group 1 Heritage building (Parkers Chambers) for the purpose of establishing two residential units	Discretionary	8 October 2019
RM190127	18 Manapouri St	JW Roberts	Build a new dwelling with a garage within the 5m front yard in the Main Residential zone	Restricted Discretionary	9 October 2019
RMS19070	150 Guppy Rd	Classic Developments Guppy Ltd	Subdivide site into 62 residential lots and undertake earthworks in the Main Residential zone	Controlled	9 October 2019
RMS19086	34 Anzac Ave	Brekat Property Ltd	Main Residential zone subdivision to create one additional lot (two in total)	Controlled	10 October 2019
RMS19085	100 King St	MW Jackson	Main Residential zone subdivision to create two additional lots (three in total)	Controlled	10 October 2019
RM190125	60 Simla Tce	S Stewart & R Irvine	Additions and alterations to an existing dwelling located within the Napier Hill Character zone which infringes District Plan height in relation to boundary, open	Restricted Discretionary	11 October 2019

			space, front and side yards and vehicle standing space provisions		
RMS19089	14 Henderson Cres	A & D Johnson	Main Residential zone subdivision to create an additional lot (two in total)	Controlled	15 October 2019
RM9190131	15 Lever St	M Baylis	Demolish one existing classroom and extend two existing teaching blocks	Outline Plan	16 October 2019
RM190126	62 Tait Dr	The Order of St John Central Region Trust Board	Additions and alterations to the existing St John ambulance station in the Main Residential zone	Restricted Discretionary	17 October 2019
RMS19090	91 Avondale Rd	Jeremy Yates Construction Ltd	Subdivide the site into three separate lots around an existing dwelling which results in the existing dwelling infringing the 1m side yard rule and a multi-unit consent in the Main Residential zone	Restricted Discretionary	18 October 2019
RMS19092	54 56 Silverton Rd	TKJ Upritchard	Boundary adjustment between two lots in the Rural Residential zone	Controlled	22 October 2019
RMS19091	51 Battery Rd	M McCormick	Battery Road Character Area subdivision to create an additional lot (two in total), the proposed new dwelling on the new lot will infringe yard and landscaped area requirements	Subdivision – Restricted Discretionary Land Use – Discretionary	24 October 2019
RM190109	Fitzroy Rd	Two Degrees Networks Ltd	S139 Certificate of Compliance application for the establishment, operation and maintenance of a 2degrees telecommunication facility in the Napier Hill Character zone	Certificate of Compliance	24 October 2019

# PUBLIC EXCLUDED ITEMS

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

## Agenda Items

1. Creative Communities New Zealand September 2019 Funding Round

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

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

## Agenda Items

1. Creative Communities New Zealand September 2019 Funding Round	7(2)(c)(i) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
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# EXTRAORDINARY MEETING OF COUNCIL

## Open Minutes

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Meeting Date: Monday 4 November 2019

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Time: 5.30pm – 6.02pm

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Venue The Chapel  
Mission Estate  
198 Church Road  
Poraiti  
Napier

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Present Mayor Wise (In the Chair), Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Mawson, McGrath, Price, Simpson, Tapine, Taylor, Wright

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In Attendance Chief Executive, Director Corporate Services, Director Community Services, Director City Services, Director City Strategy, Manager People and Capability, Manager Communications and Marketing, Pou Ārahi

City dignitaries and guests of the incoming Council

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Administration Governance Team

## **Procession of Mayor-Elect and Councillors-Elect**

The ceremony opened at 5.30pm with the arrival of the incoming Council.

### **Karakia**

The incoming Council, dignitaries, guests and public were welcomed and blessed in a karakia by Council's Pou Ārahi.

### **Welcome – Chief Executive**

The Chief Executive welcomed attendees to the inaugural meeting of the new Council, and briefly touched on areas of particular importance that the Council will be addressing over the next three years. He noted the strong level of engagement of the Napier community in the recent election, with over 50% of electors voting.

### **Declaration of the Mayor Elect**

As required by the Local Government Act 2002 schedule 7 (14) and (21)(5)(a), the Mayor-Elect will make her oral declaration and attest their written declaration witnessed by the Chief Executive.

Her Worship the Mayor Kirsten Wise was then presented with the chains of office.

### **Declarations of the Councillors Elect**

As required by the Local Government Act 2002 schedule 7 (14) and (21)(5)(a), the Councillors-Elect made their oral declarations in turn and attested their written declarations witnessed by the Mayor.

Each Councillor was presented with the medallion of their office, and took their place at the Council table in preparation for the Inaugural business of Council.

### **Triennial Business of Council**

The Mayor opened the business of the Triennial meeting at 5.53pm, with the Napier City Council prayer.

### **Mayor's Inaugural Speech**

The Mayor spoke briefly, welcoming attendees and thanking them. She touched on her positive experiences meeting and connecting with the community over her campaign, and thanked those who contributed to the fantastic voter turnout from Napier. She affirmed the anticipation of an exciting three years to come, and that the community is the reason Council exists and will remain at the heart of everything Council does.

The meeting then moved into the items of business proscribed under the Local Government Act 2002.

# AGENDA ITEMS

## 1. LEGISLATION AFFECTING ELECTED MEMBERS - GENERAL EXPLANATION

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<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	837619
<i>Reporting Officer/s &amp; Unit:</i>	Devorah Nicuarta-Smith, Team Leader Governance

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### 1.1 Purpose of Report

To provide elected members with a general explanation of laws affecting members as per Schedule 7(21) Local Government Act 2002.

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### At the Meeting

There was no discussion on this item.

### Council resolution

Councillors Brosnan / Price

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That Council:

- a. Particularly note the provisions and requirements outlined by:
  - i. Local Government Official Information and Meetings Act 1987
  - ii. Local Authorities (Members' Interests) Act 1968
  - iii. Crimes Act 1961 sections 99, 105 and 105a
  - iv. Secret Commissions Act 1910
  - v. Financial Markets Conduct Act 2013As per Schedule 7(21) Local Government Act 2002
- b. Note the obligations of the Privacy Act 1993 and Health and Safety at Work Act 2015
- c. Note the further national and local legislation affecting the activities of Napier City Council, a list of which is provided to members so they may familiarise themselves as required

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Carried

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## 2. FIXING OF THE DATE AND TIME OF THE FIRST ORDINARY MEETING OF COUNCIL

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*Type of Report:* Legal and Operational

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*Legal Reference:* Local Government Act 2002

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*Document ID:* 837620

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*Reporting Officer/s & Unit:* Devorah Nicuarta-Smith, Team Leader Governance

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### 2.1 Purpose of Report

To fix the date and time of the first Ordinary (business) meeting of Council as required under Schedule 7(21)(d) of the Local Government Act 2002.

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### At the Meeting

Cr Mawson gave apologies for 19 November 2019.

**Council resolution** Councillors Wright / Tapine

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That Council:

- a. Authorise the Chief Executive to call the first Ordinary meeting of Council for 1pm, Tuesday 19 November 2019

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Carried

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### 3. VOTING SYSTEM FOR CONFIRMING ROLES AND RESPONSIBILITIES

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*Type of Report:* Legal and Operational

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*Legal Reference:* Local Government Act 2002

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*Document ID:* 858490

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*Reporting Officer/s & Unit:* Devorah Nícuarta-Smith, Team Leader Governance

#### 3.1 Purpose of Report

To adopt the voting system Council will use in relation to the election or appointments of the Deputy Mayor, Chairpersons and Deputy Chairpersons of any committees, and representatives of Council on other bodies.

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#### At the Meeting

There was no discussion on this item.

#### Council resolution

Councillors Crown / Browne

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That Council:

- a. Adopt Voting System B as outlined in the Local Government Act 2002 schedule 7 clause 25(4), and as required under schedule 7 clause 25 (1) and (2), for use in relation to the election or appointments of the Deputy Mayor, Chairpersons and Deputy Chairpersons of any committees, and representatives of Council on other bodies.
  - i. Voting System B:
    - a. requires that a person is elected or appointed if he or she receives more votes than any other candidate; and
    - b. has the following characteristics:
      - (i) there is only 1 round of voting; and
      - (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.

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Carried

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#### 4. APPOINTMENT OF DEPUTY MAYOR

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	839535
<i>Reporting Officer/s &amp; Unit:</i>	Devorah Nícuarta-Smith, Team Leader Governance

##### 4.1 Purpose of Report

To present the Mayor's preferred appointment for Deputy Mayor as per section 41A of the Local Government Act 2002, for consideration by Council as per schedule 7 clauses 17 and 21 of the Local Government Act 2002.

##### At the Meeting

Cr Boag noted that over her previous tenure as councillor, Cr Brosnan had shown herself as articulate, skilled and hardworking and it was believed she would make an excellent Deputy mayor.

<b>Council resolution</b>	Voting System B
<b>by Voting System B</b>	That Council:
<b>LGA 2002 schedule 7 clause 25</b>	a. Endorse the appointment of Councillor Annette Brosnan as Deputy Mayor, as per section 41A and schedule 7 clauses 17 and 21 of the Local Government Act 2002
	As the preferred appointee, Cr Brosnan did not participate in the vote
	Carried

The meeting closed at 6.02pm

Dignitaries and invited guests joined the new Council in a celebration of the occasion.

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

Chairperson .....

Date of approval .....