



ORDINARY MEETING OF COUNCIL

Open Minutes

Meeting Date: Tuesday 19 November 2019

Time: 1.00pm – 4.10pm

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

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

In Attendance Chief Executive, Director Corporate Services, Director
Community Services, Director Infrastructure Services, Director
City Services, Director City Strategy, Manager Communications
and Marketing, Chief Financial Officer, Manager Business
Excellence & Transformation, Manager Environmental
Solutions, Team Leader Parking, City Strategy Policy Planner

Administration Governance Team

Apologies

Council resolution Councillors Boag / Price

That the apologies from Councillor Crown and Councillor Mawson be accepted.

Carried

Conflicts of interest

Councillor Price and Councillor Taylor declared interests in item 4 as they are both currently list members of the District Licensing Committee.

Hearing of Submissions

Angie Denby & colleague

Angie is the newly elected Chairperson of the Ahuriri Protection Society; she and her colleague Sue spoke in support of the draft Stormwater Bylaw preferred option. Their concerns are whether Napier City Council (NCC) has enough resources for enforcement and to help polluters with environmental action plans; they are also concerned the current budget is not enough for the planned activities. They also noted that Council should lead by example and be held to account for its own failures.

Amber Davies

Amber spoke on behalf of the Lowe Corporation in support of Council adopting the Stormwater Bylaw, but highlighted the Bylaw had some “heavy handed” consequences, including:

- Requiring removal of systems on private land without prior assessment,
- Restoration of a system to Council’s satisfaction rather than national Building Code standards, and
- Removal of approval without assessment. Hastings District Council assess if a breach is accidental before removing approval.

Jenny Baker

Jenny spoke on behalf of Te Taiao Hawke’s Bay Environmental Forum who strongly support the preferred draft Stormwater Bylaw. They would like to see more use of catchment maps in education to show the source of pollution. They further request the development of wetlands.

John Warren

John is a citizen, who has previously worked with stormwater systems as a civil engineer, and spoke in support of the Bylaw as a starting point. He did not feel it will go far enough to fully address the contamination levels in stormwater. He noted that the level of contaminants in stormwater can be the same as sanitary wastewater, which is a common problem worldwide. He suggested Council set quality objectives for the Ahuriri Estuary to achieve the internationally recognised ‘Blue Flag’ status. This can only be done by constructing tunnels to catch the “first flush” of a heavy rain event following dry weather, so treatment can occur.

Ron Wareham

Ron is a Napier resident who opposes the draft Bylaw. He highlighted a number of businesses around Ahuriri affected by the pollution of the Estuary, and suggested redirecting overflow to a ponding system to drain out contaminants before discharge.

Paul Bailey

Paul spoke in support of the Bylaw, but highlighted the need to educate the public adequately and stated the Council Officer's recommendations needed further clarification as currently they could be challenged.

Deborah Burnside

Deborah spoke on behalf of The Oakburn Trust. They are concerned the Bylaw is subjective and heavy handed. She stated some affected businesses have not been consulted directly.

Murray Sinclair

Spoke on behalf of Hawke's Bay, Taupo, Rotorua, and Eastland Toyota who currently oppose the Bylaw. It was stated pre-consultation was inadequate and there are concerns at the lack of lead in time before implementation of the Bylaw. It will have significant impact on the local Automotive Industry and they need time to comply.

Ellen Humphries

Ellen is a Policy Planner with Hawke's Bay Regional Council (HBRC) and spoke in support of the Bylaw. HBRC will work with Napier City Council to implement the Bylaw and encourages Council to be more aligned with their TANK plan for the management of the Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments.

Announcements by the Mayor

Nil

Announcements by the management

Nil

Confirmation of minutes

Councillors Taylor / Wright

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

Carried

AGENDA ITEMS

1. STORMWATER BYLAW

Type of Report: Legal

Legal Reference: Local Government Act 2002

Document ID: 868449

Reporting Officer/s & Unit: 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.

At the meeting

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

- Council currently undertakes a variety of public educational messaging for stormwater, and an increase in engagement by the public has been noticed.
 - Despite a significant grace period in the lead up to this proposed Bylaw, the timing of implementation can be reviewed, and advice can be sought, to allow for specific groups to comply.
 - Stormwater can be treated for contaminants, however the range of contaminants is extensive and varies between source sites. Treatment needs to be tailored to be effective.
 - Other Councils in New Zealand with similar Bylaws have varying levels of tolerance for industrial contamination and treatment practices.
 - If preventable contamination occurs it would be negligible to excuse it until a second event occurred at the same site. Enforcement needs to occur to encourage action.
 - Under the Bylaw, Council will be able to remove discharge approval from businesses and require the removal of old stormwater systems from property.
 - If additional resource is needed to enforce the Bylaw this will be considered through the Annual Plan process.
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- After pigging or flushing pipes, chlorine is removed prior to water being released into the Estuary or ocean environments.
 - Quality objectives for stormwater are hard to maintain.
 - Scientific evidence is being collected currently to measure if contamination is dropping.
ACTION Results from this assessment will be reported quarterly moving forward through the Sustainable Napier Committee.
 - Catchment mapping is already underway in order to trace contamination in stormwater back to the source.
 - The definition of a 'Polluter' in the Bylaw complies with the national stormwater policy so it will stay the same.

**Council
resolution**

Councillor Tapine / Dep. Mayor Brosnan

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.
 - i. The following are amendments are to be included in the updates to the officer's table:
 - Add a clause in regards to 'lead in' time for highly affected industries
 - Current amendment in the Officer's table of changes in regards to removal of 'public' in 5.1 to be ignored
 - 14.1 c in the Officer's table to be moved into 14.1 b.
 - To include an objective measurement to report the reduction in polluting events in Estuary.
- 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.

Carried

Meeting Adjourned 3.08pm – 3.19pm

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 & 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.

At the Meeting

It was noted:

- Establishing a committee structure and making appointments to the committees are part of the role and powers of a mayor under s41A Local Government Act 2002.
- Committees are a good way to connect with the public and Māori in a meaningful way.
- A similar committee structure to the previous triennium has been retained, but this can be reviewed through the Triennium as needed.
- The new portfolios mean Councillors can take a key role in connecting with the public in a significant way.
- There will be changes with the Māori Consultative Committee; the aim is to seek advice on appointments with appropriate groups and then for consultation with the committee to occur earlier in the meeting cycle.
- Content of Joint committee meetings will be reported back through full Council meetings.

ACTION Confirm constitution of Sports Hawke's Bay and Hawke's Bay Sports Council in relation to mayoral appointments.

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

**Council
resolution**

Councillors Taylor / Price

That Council:

**SUBSTITUTE
MOTION**

- a. Adopt the Napier City Council 2019 Governance Structure, with the following noted amendments:
 - i. For the Napier People and Places Committee:
 - Add a second sentence to the Role: “The Committee also adopts a wide focus by considering policy implications that impact on the health, safety and well-being of the community”
 - Add the following Delegation: “Monitor and report on social and cultural needs of the community and its impact on Council and communities in Napier”.
 - Amend the Role to include community resilience. “To provide governance for all community strategies, housing and community facilities, visitor experiences, matters relating to diversity and accessibility, community resilience, and sport and recreation.
 - Amend line 2 to include a Community Resilience Strategy. So that it reads “Review and make recommendations to Council on key strategies including for positive aging, youth, accessibility and community resilience.
 - ii. For the Arts Advisory Panel:
 - That the names of external people are removed and only the organisations represented are listed.
 - iii. For the Future Napier Committee:
 - Add delegation to provide governance for and make recommendations to Council on planning related environmental policy and functions of Council, noting that environmental matters from an infrastructure perspective will be considered by the Sustainable Napier Committee
 - 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.
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Carried

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 & 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.

At the Meeting

It was noted:

- The Mayor has allocated the pool of money set by the Remuneration Authority in reflection of the work expected of councillors, and noting that the Deputy Mayor is also the Chair of a Standing Committee.
- Any changes to elected member remuneration where a leave of absence is due to an unexpected health event are being considered at national level.

Council resolution

Councillor Boag / Dep. Mayor Brosnan

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

Carried

4. EXTENSION OF DISTRICT LICENSING COMMITTEE CONTRACTS

Type of Report: Contractual

Legal Reference: Sale and Supply of Alcohol Act 2012

Document ID: 866465

Reporting Officer/s & Unit: 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.

At the Meeting

It was noted this Committee hears matters as required. In 2019 it met three to four times; some decisions are able to be taken "on the papers" rather than via a hearing.

Council resolution

Councillor Wright / Dep. Mayor Brosnan

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
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Carried

Councillors Taylor and Price did not participate in the vote, having declared an interest as current list members

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

Type of Report: Operational

Legal Reference: Traffic Regulations, Parking Control Bylaw 2008

Document ID: 867010

Reporting Officer/s & Unit: 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.

At the Meeting

It was noted that:

- The project at 286 and 292 Hastings Street has been delayed due to an underground cavity being discovered during works. This should be resolved by Christmas time.
 - All current leased parking in Napier is allocated and there is a large waitlist. Council is trying to find other locations for leased car parking.
 - 'On road' parks cannot be leased as they are public spaces.
 - Leased car parking largely pays for itself, but it does not provide any return on investment.
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Council resolution

Dep. Mayor Brosnan / Councillor Tapine

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.
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Carried

6. NAPIER WAR MEMORIAL DESIGN REFERENCE GROUP

Type of Report: Operational

Legal Reference: N/A

Document ID: 866454

Reporting Officer/s & Unit: 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.

At the Meeting

It was noted:

- At the last Council meeting a list of elements which were withdrawn from the War Memorial was circulated and the intent is to add these things back in.
 - There will be a limit on the members for the reference group, and there is no set number for a quorum, but this is not anticipated to be a problem.
 - Council Officers have been directed to remove Napier Conference Centre branding from the building.
 - The Napier and Taradale RSA's have been approached and there are contacts for both for the Reference Group.
 - The aim is to have a decision on the design by March 2020 and for the project to be complete by ANZAC day 2021.
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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.
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Council resolution

Mayor Wise / Dep. Mayor Brosnan

SUBSTITUTE MOTION

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.
 - c. Confirm the reference group membership outlined in the paper, with the addition of Mr Alan Rhodes, the membership therefore being:
 - i. Dorothy Pilkington, Historic Places Hawke's Bay
 - ii. Craig Morley, community representative
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- iii. Alan Rhodes
 - iv. RSA representatives
 - v. Military advisor
 - vi. Mayor Wise, Deputy Mayor Brosnan, Councillor Taylor
 - vii. Relevant staff

Carried

7. RATING OUTTURN SURPLUS 2018/19

Type of Report: Legal and Operational

Legal Reference: Local Government Act 2002

Document ID: 832928

Reporting Officer/s & Unit: 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.

At the Meeting

The Chief Financial Officer spoke briefly to the report, and noted that the request as to the allocation of the surplus is in line with previous Council practice.

Council resolution Councillors Taylor / Browne

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

Carried

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 & Unit:</i>	Adele Henderson, Director Corporate Services

8.1 Purpose of Report

To approve changes to Financial Reserves and reserve funding.

At the Meeting

Due to enquiries from the public required just prior to this meeting which require time to address, the Mayor laid this item on the table to be brought back to a December Council meeting.

ACTION Item laid on the table, to be transferred to a December meeting

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)
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REPORTS UNDER DELEGATED AUTHORITY

1. TENDERS LET

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

1.1 Purpose of Report

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

Council resolution Councillors Wright / Boag

That Council:

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

Carried

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 & 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.

At the Meeting

It was noted the Interregnum Period Delegation to the Chief Executive was not utilised.

Council resolution Councillors Wright / Boag

That Council:

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

Carried

3. RESOURCE CONSENTS

Type of Report: Information

Legal Reference: N/A

Document ID: 867523

Reporting Officer/s & Unit: 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.

Council resolution Councillors Wright / Boag

That Council:

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

Carried

PUBLIC EXCLUDED ITEMS

Council resolution Dep. Mayor Brosnan / Councillor Taylor

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

Carried

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:

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

Agenda Items

1. 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	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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	should continue to be supplied	
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The meeting moved into committee at 4.10pm

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

Chairperson

Date of approval