



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

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# ORDINARY MEETING OF COUNCIL

## Open Agenda

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Meeting Date: Thursday 5 December 2019

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Time: 10.00am

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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**  
**Thursday 19 December 2019**

# ORDER OF BUSINESS

## Apologies

Nil

## Conflicts of interest

## Public forum

## Announcements by the Mayor including any discussion of minor matters not on the agenda

*Note: re minor matters only - refer LGOIMA s46A(7A) and Standing Orders s9.13*

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

## Announcements by the management

## Confirmation of minutes

That the Draft Minutes of the Ordinary Meeting of Council held on Tuesday, 19 November 2019 be confirmed as a true and accurate record of the meeting. ....64

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# AGENDA ITEMS

## 1. STORMWATER BYLAW 2020

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	872514
<i>Reporting Officer/s &amp; Unit:</i>	Cameron Burton, Manager Environmental Solutions Kim Anstey, Planner Policy/Analyst

### 1.1 Purpose of Report

The purpose of this report is for Council to adopt the Stormwater Bylaw 2020 having considered submissions at the Council meeting on 19 November 2019, including the issues raised and amendments requested during deliberations.

#### Officer's Recommendation

That Council:

- a. Confirm, in accordance with Section 155(2) of the Local Government Act 2002, that the Stormwater Bylaw 2020 is the most appropriate form of bylaw and it is satisfied that no issues arise under the Bill of Rights Act 1990.
- b. Adopt the Stormwater Bylaw 2020.
- c. Authorise officers to notify submitters and the public that the bylaw has been adopted and will become operative on 1 February 2020.

#### Mayor's Recommendation

That the Council resolve that the officer's recommendation be adopted subject to a review and acceptance of the issues evaluation.

### 1.2 Background Summary

The hearing for the proposed Stormwater Bylaw was held at the meeting of Council on 19 November 2019. 37 written submissions were received and 9 of the submitters spoke to their submission at the hearing. Following this, Council deliberated on the evidence presented and the independent report of Officers recommendations. The following decisions and questions were raised for Officers to respond to and bring back to Council along with a final draft of the bylaw. A final Stormwater Bylaw 2020 is attached as Appendix A

### 1.3 Evaluation of Issues

The following issues and suggested amendments were discussed during deliberations for officers to respond to:

1. A “lead in” time for highly affected industries – can this be included in the bylaw?

Officers consider that a ‘lead in’ time for the bylaw will occur as a matter of course through the operational response of the Environmental Solutions team. The process of undertaking a risk assessment of each site, requiring Environmental Management Plans that set agreed upon targets in consultation with Council will inevitably result in a reasonable lead in time for businesses to comply.

Also relevant to the ‘lead in time’ issue is the provision under 11.1 m) that requires Council, when considering applications for approval, to take into account consideration of the “best practicable option” For the purpose of this bylaw, the following definition applies:

**best practicable option**, in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to—

(a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and

(b) the financial implications, and the effects on the environment, of that option when compared with other options; and

(c) the current state of technical knowledge and the likelihood that the option can be successfully applied

The inclusion of the term ‘best practicable option’ is a recommendation in the Mitchell Daysh report. This is in response to submission 48 from Lowe Corporation that requested a more balanced approach when considering applications for approval under the bylaw.

2. The word ‘public’ in clause 5.1

The request to remove the word ‘public’ has been further considered by officers but deemed unnecessary when considered in respect of the remainder of the bylaw. To clarify, section 5 of the bylaw relates to the protection of the stormwater network whereas section 9 is concerned with private stormwater systems. Therefore private systems have not been unintentionally excluded from section 5 but instead are dealt with elsewhere in the bylaw under section 9. In most instances, the stormwater from a private system is (at some point along its journey to its end destination) likely to enter the public stormwater system. The term ‘stormwater network’ is a generally accepted term for Council owned, public stormwater network systems so the term ‘public’ provides further clarification.

3. Non-Compliance with conditions of an approval

Concerns were raised over ensuring there is a staged approach to enforcement before Council considered withdrawal of an approval under the Bylaw. Officers recommend that the following wording change will address this:

**14. Non-compliance with conditions of an Approval**

14.1 *Where a person does not comply with the terms and conditions of the Approval granted by the Council, including compliance with an environmental management plan for the site, without limiting Council’s enforcement options, the Council will take a staged approach through the following steps; ~~may take one or more of the following steps:~~*

- a) *Issue a written warning to the person, which may be considered as evidence of a prior breach of a condition of the Approval during any subsequent review of the Approval;*
- b) *Review the Approval, which may result in:*
  - i) *amendment of the Approval; or*
  - ii) *suspension of the Approval; or*
- c) *Following further non-compliance with terms and conditions of an Approval, after the above steps have been taken, Council will base discretion on the seriousness and impacts of that non-compliance prior to considering withdrawal of the Approval.*

#### 4. Matter of clarification for the definition of 'Approval'

A further matter was raised in submission 44 and 48 and by submitters at the hearing relating to the proposed definition of 'Approval' that Officers believe would benefit from further clarification. Submitters requested that it be made clear in the bylaw that a consented discharge from HBRC would not be required to also obtain an additional approval under the bylaw. Officers consider that amending the definition of approval as suggested is not necessary to achieve this clarification but an advice note would assist in defining the separate requirements between NCC and HBRC managed stormwater networks. Clause 8.1 states that *no person may discharge, directly or indirectly, Regulated Stormwater, into the public stormwater network without an approval*. It is implicit that being a Napier City Council bylaw that this relates to Napier's stormwater network only. However, an advice note below this clause is proposed to clarify this separation by asserting that: *"Discharges into drains owned and managed by the Hawke's Bay Regional Council (HBRC), or other receiving environments, may require consent from HBRC under the Regional Resource Management Plan, and pursuant to the Resource Management Act 1991 and its amendments"*.

#### 1.4 Significance and Engagement

When making decisions under the LGA, Council is required to consider the views and preferences of these who might be affected. Broad community engagement and feedback was undertaken in accordance with the following sections of the LGA:

- Section 82 - Principles of consultation;
- Section 82A - Information requirements for consultation required under this Act;
- Section 86 – Use of Special Consultative Procedure in relation to making, amending or revoking bylaws.

#### 1.5 Implications

##### Financial

The costs associated with implementation of the bylaw will be met through existing operational budgets in the first instance. Any deviation from this will be reported back to Council separately.

##### Social & Policy

Decisions made by a local authority need to involve the identification of practicable options and the assessment of these options in terms of their advantages and disadvantages. These requirements were met through the Statement of Proposal that

accompanied the draft bylaw. The Statement of Proposal explored the main issues to be addressed in the bylaw as being:

- Protection of our stormwater network from physical damage and misuse
- Managing the use of the stormwater network to ensure we are able to meet network discharge consent conditions
- Managing the use of private stormwater systems (as they affect our network)

The Statement of Proposal traversed the options to address these issues before recommending that the preferred option consisted of the proposed reviewed bylaw combined with public education and reliance on existing statutory powers. Upon hearing of submissions and considering any amendments, Council needs to ensure that any proposed changes are within scope of the matters raised in the Statement of Proposal. Before making a final determination that the bylaw is the most appropriate form of bylaw and the bylaw does not give rise to any implications under the Bill of Rights Act 1990. Having assessed the Statement of Proposal and considered submissions at the hearing there has been no evidence provided that these requirements have not been met.

### **Making the bylaw operative**

The LGA states that as soon as practicable after a bylaw is made, the local authority must give public notice of the making of the bylaw, stating the date on which the bylaw will come into operation. Given the proximity of Christmas and associated holidays and the lead in time for providing public notice and cessation of official working days, officers consider that 1 February 2020 is an appropriate date to declare the bylaw operative. The existing bylaw will continue to have legal status until then.

### **Risk**

The risks associated with this report include Council not adopting the draft bylaw for final adoption. This could result in the legislative timeframes for this review not being met, and a revoke of our Stormwater Bylaw 2012.

## **1.6 Options**

The options available to Council are as follows:

- a. Not adopt the bylaw and divert to relying on solely public education and limited statutory powers under the LGA.
- b. Adopt the reviewed bylaw as an effective tool for dealing with stormwater pollution in Napier, that assists Council in meeting its legal obligations of protecting and maintaining our stormwater network and meeting RMA consent requirements.

## **1.7 Development of Preferred Option**

Officers consider that the review of the Stormwater Bylaw has met all our legal obligations in terms of the bylaw review process under the LGA. The reviewed bylaw provides additional strength to ensuring our network is appropriately managed and protected and will provide officers with an appropriate tool for working with our community to improve our stormwater discharges.

## **1.8 Attachments**

- A Stormwater Bylaw 2020 Final draft for adoption [↓](#)

## 1.1

### Napier City Council Stormwater Bylaw 2020

#### 1. Title

1.1 This bylaw is the Stormwater Bylaw 2020.

#### 2. Commencement

2.1 This bylaw comes into force on 1 February 2020.

#### 3. Purposes

3.1 The purposes of this bylaw are to:

- a) protect the public stormwater system, and the land, structures, and infrastructure associated with that network from damage, misuse or loss.
- b) manage the development, maintenance and use of the public stormwater network, and the land, structures, and infrastructure associated with that network, and provide for the conditions on which connections to the public stormwater network may be made or maintained.
- c) ensure that discharges into the public stormwater network are appropriately managed at source, and do not damage the network or compromise the Council's ability to comply with any applicable network discharge consent and Council's water quality targets for receiving environments.

#### 4. Definitions

4.1 In this bylaw, unless the context otherwise requires;

**Approval** means a written approval issued by Council in accordance with the process set out in clauses 9 – 11 below; or an equivalent approval issued by Council prior to this bylaw commencing; or a resource consent approved by the Hawke's Bay Regional Council for a discharge of stormwater via the Napier City Council stormwater network

**Best Practicable Option** has the same meaning as in the Resource Management Act 1991

**Contaminant** has the same meaning as in the Resource Management Act 1991

**Control** means a prohibition, restriction or control relating to stormwater management specified in any guideline or Code of Practice confirmed by a Council resolution after giving consideration to the views and preferences of persons likely to be affected by, or have an interest in, the matter.

**Council** means the Napier City Council or any authorised officer.

**Industrial or trade premises** has the same meaning as in the Resource Management Act 1991.

1.1

**Manager** means a person who controls or manages any premises, or any activity or event on any premises, or operates a part of the stormwater network on the premises, regardless of whether that person is the owner of those premises or that part of the stormwater network.

**Nuisance** has the same meaning as in section 29 of the Health Act 1956 and in the context of this bylaw includes:

- (a) danger to life;
- (b) danger to public health;
- (c) flooding of any building floor or sub-floor, or public road;
- (d) damage to property;
- (e) damage to the stormwater network;
- (f) erosion or subsidence of land;
- (g) adverse effects on the environment;
- (h) adverse loss of riparian vegetation;
- (i) anything that causes a breach or potential breach of any stormwater discharge consent condition binding the Council (including an accumulation of chemicals causing a breach).

**Owner** means the person who owns premises from which stormwater originates or on which stormwater is located.

**Private Stormwater System** means any component of the stormwater network that drains water from premises on private land to a receiving environment or up to the point of service connection with the public stormwater network and includes pipes, gutters, downpipes, catchpits, swales, subsoil drains, stormwater treatment devices, and any stormwater management device or redundant stormwater system.

**Public Stormwater Network** means any component of the stormwater network vested in, or under the control of, the Council, whether or not any part of the network passes through private land.

**Redundant system** means a system, structure or device that has been replaced by another system, structure or device and is no longer required as part of the stormwater network under any building consent or resource consent condition or engineering approval related to the site.

**Regulated Stormwater** means any stormwater which:

- (a) Contains contaminants;
- (b) Discharges from industrial or trade premises;
- (c) Is required by a Control to obtain an Approval.

**Service connection** has the same meaning as in the Local Government Act 2002.

## 1.1

**Stormwater** means surface water run-off resulting from rainfall.

**Stormwater management device** means a device or facility used to reduce stormwater runoff volume, flow and/or contaminant loads prior to discharge. Including, but not limited to:

- rain gardens
- porous paving
- infiltration trenches
- sand filters
- green roofs
- wetlands
- ponds
- rain water tanks
- propriety devices.

**Stormwater network** includes any land, structure or infrastructure associated with stormwater drainage, including but not limited to:

(a) open drains and watercourses, overland flow paths, drainage reserves, inlet structures, pipes and other conduits, manholes, chambers, traps, outlet structures, pumping stations, attenuation and treatment structures, and devices;

(b) the public stormwater network; and

(c) private stormwater systems.

**Environmental management plan** means a plan, howsoever named, which relates to a specific site and/or activity being carried out on the site and addresses the specific stormwater management approach for that site and/or activity.

**Explanatory Note:** *This definition encompasses 'pollution prevention plans', 'urban site specific stormwater management plans', 'operation and maintenance plans' and other documents meeting the purpose described in the definition.*

4.2 Unless the context requires another meaning, a term or expression that is defined in the Council's Introductory Bylaw 2014 and used but not defined in this bylaw has the meaning given by the Introductory Bylaw 2014.

4.3 Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this bylaw or the Introductory Bylaw 2014 has the meaning given by the Act.

## 1.1

## 5. Protection of the Public Stormwater Network

5.1 No person shall:

- a) cause or allow to be caused, any damage to the public stormwater network;
- b) allow any material, chemical (including chlorine and detergents), rubbish, litter, or other substance that causes or is likely to cause a nuisance, directly into the public stormwater network;

***Explanatory Note:*** Without limiting the scope of this rule, but for the avoidance of doubt, swimming or spa pool water arising from emptying or backwashing may not be discharged into the stormwater network. Disposal of such water is to the wastewater network as provided for in the Wastewater Drainage Bylaw.

- c) deposit or permit any material, chemical (including chlorine and detergents), rubbish, litter, or other substance likely to cause a nuisance on entering the public stormwater network, to be located so that it is likely to enter the public stormwater network in any storm event;
- d) obstruct any stormwater network, in a manner that adversely affects or may affect the efficiency and/or safety of the public stormwater network;
- e) remove vegetation from or damage vegetation in any wetland on a premises that the person owns, occupies, or manages, if the removal or damage is likely to adversely affect the ability of the wetland to contribute to the performance of the stormwater network, unless the Council approves or that person is expressly authorised by an operative resource consent.

5.2 Every person excavating or working around the stormwater network must take due care to ensure the excavation or work does not damage and/or compromise the integrity of the public stormwater network.

5.3 Any person who knows of damage to the public stormwater network must report it to the Council immediately.

## 6. Approvals for works affecting Stormwater Network

6.1 A person must obtain an Approval before:

- a) Erecting any structure on, over, or within the distance from the public stormwater network specified in any relevant Control confirmed by Council prior to these works;
- b) undertaking any excavation or work that is likely to result in damage to the public stormwater network;

## 1.1

- c) removing any existing cover material or placing any additional material over the public stormwater network that is likely to result in damage to the public stormwater network;
- d) covering any stormwater inlet, outlet, treatment device, service opening or manhole in a way that is likely to restrict access to the public stormwater network or detrimentally affect the performance of the public stormwater network; or
- e) causing a temporarily or permanently sustained excessive load on the public stormwater network that is likely to result in damage to the network.

**7. Connections to Public Stormwater Network**

7.1 No person may, without an Approval:

- a) make any new service connection to the public stormwater network; or
- b) alter or modify any part of the public stormwater network or the hydraulic performance of the public stormwater network.

*Advice Note: Where the approval sought under clause 6.1, or a connection sought under 7.1, relates to a development requiring resource consent the approval process under this bylaw will be undertaken as part of the Engineering Approval or Building Consent processes*

**8. Discharges to Public Stormwater Network**

8.1 From the date of commencement of this Bylaw, no person may discharge, directly or indirectly, Regulated Stormwater, into the public stormwater network without an Approval.

*Advice Note: For the avoidance of doubt, Regulated Stormwater can not be discharged into the Napier City Council stormwater network without either an existing authorisation or a new approval. Discharges into drains owned and managed by the Hawke's Bay Regional Council (HBRC), or other receiving environments, may require consent from HBRC under the Regional Resource Management Plan and pursuant to the Resource Management Act 1991 and its amendments.*

**9. Private Stormwater Systems**

9.1 The owner, occupier and manager of a private stormwater system must ensure that the system:

- a) Complies with any relevant Control confirmed by Council prior to the installation of the system; and
- b) is maintained in good operating condition; and
- c) does not cause or contribute to nuisance.

- 1.1
- 9.2 The owner, occupier, or manager of a premises that has a soakage system as part of a private stormwater system must ensure that the soakage system disposes of the stormwater from the site in accordance with any Control.
- 9.3 The owner, occupier or manager of a private stormwater management device must, on request by the Council:
- a) provide such information as is required to demonstrate that the stormwater management device is operated and maintained to achieve its purpose and not cause nuisance in a storm event; and
  - b) carry out such works as are required to ensure the stormwater management device meets its purpose.
- 9.4 The owner, occupier or manager of a private on-site stormwater management device must:
- a) keep a copy of the operations and maintenance manual (owner's manual) and as built drawings for the device available; and
  - b) produce that copy of the owner's manual and as built drawings upon request by the Council.
- 9.5 The owner of a redundant system must remove or de-commission a redundant system if required by the Council to do so and within the time specified by Council.
- 9.6 The owner of a redundant system that has been removed or de-commissioned must ensure that the premises on which the system is located or was previously located is restored to the satisfaction of the Council.

## 10. Applications for Approval

- 10.1 An application to obtain the approval of the Council under this bylaw must be:
- a) made in the prescribed form; and
  - b) accompanied by:
    - (i) payment of the application and processing fees; and
    - (ii) a proposed environmental management plan, if required by Council;
    - (iii) such further supporting information as the Council requires to consider the matters under clause 11.1 and process the application.

*Advice Note: Council will generally require an environmental management plan when:*

- (i) the site is occupied by a high risk industry; and/or*
- (ii) the site is considered to have potential for stormwater contamination after a site assessment by Council staff; and/or*
- (iii) a stormwater contamination event has occurred from the site*

## 1.1

10.2 Having received and considered an application for approval, the Council may at its discretion:

- a) grant the application subject to such conditions as the Council considers fit; or
- b) decline the application.

## 11. Consideration of application for Approval

11.1 When considering an application for Approval, and the conditions to which the Approval will be subject should the application be granted, the Council may take into account any of the following:

- a) Consistency with the purposes of the bylaw;
- b) any known past operational or compliance issues which may affect, or may in the future affect, the performance of the stormwater network;
- c) the characteristics, features, and nature of the infrastructure, premises, stormwater asset, device, private stormwater system, and public stormwater network;
- d) consistency with any catchment management plan and/or integrated management plan for the catchment;
- e) compliance with any relevant Control confirmed by Council prior to the application for Approval;
- f) the extent to which the Approval will impact on Council's compliance with any network discharge consent;
- g) any operational policy, guidance document, or management practice approved by the Council;
- h) any potential cumulative harmful effect which may arise over time or in combination with other effects due to approvals granted by the Council in the affected sub-catchment;
- i) the complexity of the issue and the cost required to suitably resolve it;
- j) whether any other approvals are held in relation to the activity requiring Approval, such as resource consents; and
- k) Compliance with any relevant industry best-practice guidelines, including the Environmental Guidelines for Water Discharges from Petroleum Industry Sites in New Zealand (Ministry for the Environment, 1998
- l) Pollution prevention plans; and
- m) Any other reasonable considerations the Council considers appropriate, including the consideration of the **best practicable option**

1.1

**12. Conditions of Approval**

12.1 The Council may make an Approval subject to conditions addressing the following matters:

- a) Implementation of, and ongoing compliance with, an environmental management plan which has been prepared to the satisfaction of Council;
- b) the location, design and specifications, of the work or activity;
- c) construction and maintenance requirements for the work or activity;
- d) the specific approved point(s) of service connection into which the stormwater must be discharged;
- e) the average and maximum volume of the discharge of stormwater, the average and maximum rate of the discharge of stormwater, and the duration of any maximum volume or rate of the discharge of stormwater;
- f) the provision of appropriate screens, filters, silt traps, or other partial or preliminary pre-treatment process, equipment, or storage facilities designed to regulate the quality, quantity, and rate of discharge or other characteristics of stormwater prior to the point of discharge to the public stormwater network;
- g) the frequency with which any equipment required by the approval must be maintained and cleaned;
- h) the design, location, and specification of, and any material alteration to, the private stormwater system;
- i) the provision of a bond or insurance in favour of the Council where failure to comply with the approval could result in damage to the public stormwater network or the Council being in breach of any statutory obligation;
- j) recording the presence of any on-site stormwater management device as an encumbrance on the certificate of title for the premise; and
- k) any other reasonable conditions the Council considers appropriate.

1.1

**13. Maintenance and construction requirements**

- 13.1 The owner, occupier or manager of a premises on which work occurs for which the Council has given Approval must comply with all conditions of the Approval.
- 13.2 The Council may inspect the work at suitable intervals and notify the owner, occupier or manager of a premises if maintenance must be carried out. Maintenance must be carried out within the advised timeframe and to the standard specified by the Council.
- 13.3 The costs associated with the inspection by the Council and maintenance required by the Council under this clause must be borne by the owner or manager of a premises, unless required otherwise by the Council.

**14. Non-compliance with conditions of an Approval**

- 14.1 Where a person does not comply with the terms and conditions of the Approval granted by the Council, including compliance with an environmental management plan for the site, without limiting Council's enforcement options, the Council will take a staged approach through the following steps:
  - a) Issue a written warning to the person, which may be considered as evidence of a prior breach of a condition of the approval during any subsequent review of the Approval;
  - b) Undertake a review the Approval, which may result in:
    - i) amendment of the Approval; or
    - ii) suspension of the Approval; or
  - c) Following further non-compliance with terms and conditions of an approval, after the above steps have been taken, Council will base discretion on the seriousness and impacts of that non-compliance prior to considering withdrawal of the Approval.

**15. Enforcement**

- 15.1 It is a breach of this bylaw to fail to comply with any requirement of this bylaw.
- 15.2 Owners, occupiers, and managers of premises on private land are jointly and individually responsible for compliance with this bylaw in respect of those premises.

Advice Note: In referring to owners, occupiers and manager it is the person most able to ensure compliance with the Bylaw that will be considered responsible under the bylaw

- 15.3 The Council may require the owner, occupier or manager of a premises by written notice to remedy any breach of this bylaw.

- 1.1
- 15.4 The Council may, pursuant to section 163 of the Local Government Act 2002:
- a) remove or alter a work or thing that has been constructed in breach of this bylaw;  
and
  - b) recover any costs of removal or alteration from the person who committed the breach.

## 2. COUNCIL MEETING SCHEDULE 2020

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Official Information and Meetings Act 1987; Local Government Act 2002
<i>Document ID:</i>	872642
<i>Reporting Officer/s &amp; Unit:</i>	Devorah Nícuarta-Smith, Team Leader Governance

### 2.1 Purpose of Report

To present the proposed 2020 meeting schedule to Council for adoption as per the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987.

#### Officer's Recommendation

That Council:

- a. Endorse the schedule of Standing Committees and Council meetings for Napier City Council for 2020
- b. Note that additional ordinary, extraordinary and multi-day meetings may be scheduled from time to time in consultation with the Mayor and Chief Executive
- c. Note that meeting times for other committees and subcommittees will be formally notified as required in accordance with the Local Government Official Information and Meetings Act 1987 and the Local Government Act 2002.
- d. Note that other events requiring elected member attendance, such as citizenship ceremonies and civic functions will be finalised as soon as possible and the dates notified to Council.

#### Mayor's Recommendation

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

### 2.2 Background Summary

The Local Government Act 2002 schedule 7 clause 19 speaks to provisions for calling meetings for a local authority. A schedule of meetings may be adopted by the Council, which can support the public notification requirements for any meeting to be held.

At the direction of the Mayor, formal meetings of the Council and its standing Committees will take place on Thursdays starting at 10am for this triennium. The open portions of Council and the four standing committee meetings will be livestreamed.

It should be noted that the Māori Committee times have not yet been finalised with the representative organisations; indicative times that integrate with the remaining governance schedule have been provided at this point.

Napier City Council's formal meetings are currently hosted by the Hawkes' Bay Regional Council while Napier City Council works its own civic administration building requirements, following the historic Civic Building being declared earthquake prone in

2017. The agreement with Hawke's Bay Regional Council is re-negotiated on an annual basis, and access has been reconfirmed for the 2020 calendar year.

### **2.3 Issues**

N/A

### **2.4 Significance and Engagement**

This report is prepared under legislative guidance and does not trigger the Significance and Engagement Policy or any other consultative requirements.

### **2.5 Implications**

#### **Financial**

A small per meeting fee is payable to the Hawke's Bay Regional Council for use of the Council Chamber. Meetings required to be booked at other venues may incur further charges.

#### **Social & Policy**

N/A

#### **Risk**

While the Hawke's Bay Regional Council work as closely as possible with Napier and provide a meeting venue as often as possible, the natural priority is their own meeting schedule. There may be a time where they are no longer able to provide a venue for Napier City Council meetings.

### **2.6 Options**

The options available to Council are as follows:

- a. To adopt the 2020 meeting schedule.
- b. To recommend updates to the proposed meeting schedule prior to adoption.

### **2.7 Development of Preferred Option**

Option a – adopt the 2020 meeting schedule

Significant work has been undertaken to identify a schedule that integrates as well as possible with Hawke's Bay Regional Council, and which takes account of significant events throughout the year.

### **2.8 Attachments**

A Meeting Schedule 2020 [↓](#)

	October	November	December	January	February	March	April	May	June	July	August	September	October	November	December
Mon									1 Queen						
Tue	1								2 AP hearing? - day			1			1
Wed	2			1 New Year			1		3 AP hearing? - day			2			2
Thu	3			2 Stat			2 Seminars		4 delib 10am	1		3 Seminars	1 Seminars		3 Council 10am
Fri	4	1		3			3	1	5	3		4	2		4
Sat	5	2		4	1		4	2	6	4	1	5	3		5
Sun	6	3	1	5	2	1	5	3	7	5	2	6	4	1	6
Mon	7	4 Council Triennial	2	6	3	2	6	4	8	6	3	7	5	2	7
Tue	8	5	3	7	4	3	7	5	9	7	4	8	6	3	8
Wed	9	6	4	8	5	4	8	6	10	8	5	9	7	4	9
Thu	10	7	5 Council 10am/ A & R 1pm	9	6 Waitangi	5 Seminars	9 P&P/ Pros. 10am	7 Sust./ Future 10am	11 Seminars	9 Seminars	6 Seminars	10 Sust./ Future 10am	8 Council 10am	5 P&P/ Pros. 10am	10
Fri	11	8	6	10	7 NO MEETINGS	6	10 Easter	8	12 A & R 1pm	10	7	11	9	6	11 A & R 1pm
Sat	12 POLLING	9	7	11	8	7	11	9	13	11	8	12	10	7	12
Sun	13	10	8	12	9	8	12	10	14	12	9	13	11	8	13
Mon	14	11	9	13	10	9	13 Easter	11	15	13	10	14	12	9	14
Tue	15	12	10	14	11	10	14	12	16	14	11	15	13	10	15
Wed	16	13	11	15	12	11	15	13	17	15	12	16	14	11	16
Thu	17	14	12	16	13 Sust./ Future 10am	12 Council 10am	16 Seminars	14 Seminars	18 Sust./ Future 10am	16 LGNZ AGM	13 P&P/ Pros. 10am	17 Seminars	15 Seminars	12 Seminars	17 Council 10 am
Fri	18	15	13	17	14 Māori?	13 Māori?	17 Māori?	15 Māori?	19 Māori?	17 LGNZ AGM	14 Māori?	18 A & R 1pm	16 Māori?	13 Māori?	18 Māori?
Sat	19 Public notice	16	14	18	15	14	18	16	20	18 LGNZ AGM	15	19	17	14	19
Sun	20	17	15	19	16	15	19	17	21	19	16	20	18	15	20
Mon	21	18	16	20	17	16	20	18	22	20	17	21	19	16	21
Tue	22	19 Council 10am	17	21	18	17	21	19	23	21	18	22	20	17	22
Wed	23	20	18	22	19	18	22	20	24	22	19	23	21	18	23
Thu	24	21	19 Council 10am	23 Seminars	20 Seminars	19 Seminars	23 Council 10am	21 P&P/ Pros. 10am	25 Seminars	23 Council 10am	20 Seminars	24 P&P/ Pros. 10am	22 Sust./ Future 10am	19 Council 10am	24
Fri	25 HB anni	22	20	24	21	20 A & R 1pm	24	22	26	24	21	25	23 HB anni	20	25 Xmas
Sat	26	23	21	25	22	21	25	23	27	25	22	26	24	21	26
Sun	27	24	22	26	23	22	26	24	28	26	23	27	25	22	27
Mon	28 Labour	25	23	27	24	23	27 Anzac	25	29	27	24	28	26 Labour	23	28 boxing rec.
Tue	29	26	24	28	25	24	28	26	30 Ex Council AP adopt/ set rates?	28	25	29	27	24	29
Wed	30	27 Ex Council 10am	25 Xmas	29	26	25	29	27		29	26	30	28	25	30
Thu	31	28	26 Boxing	30 Council 10am	27 P&P/ Pros. 10am	26 Sust./ Future 10am	30 Seminars	28 Seminars		30 Sust./ Future 10am	27 Council 10am		29 Seminars	26 Seminars	31
Fri		29	27	31	28	27		29		31	28		30	27	
Sat		30	28		29	28		30			29		31	28	
Sun			29			29		31			30			29	
Mon			30			30					31			30	
Tue			31			31									



To be booked at HBRC
To be booked in Ikatere
School holidays
Stat
Weekend

Abbreviations:

P & P	People and Places Napier Committee
Pros.	Prosperous Napier Committee
Sust.	Sustainable Napier Committee
Future	Future Napier Committee
A & R	Audit and Risk Committee
Māori	Māori Consultative Hui
AP	Annual Plan
AR	Annual Report
LGNZ	Local Government NZ

Notes re other committees:

Hearings	ad hoc for all bookings. Will be Friday's as often as possible re governance resourcing
CE contract	as required
DLC	as required. Administration sits with City Strategy team
Grants Sub.	set annually. Administration sits with Community Services team
Arts Ad. Panel	ad hoc for all bookings. Administration sits with Community Services team
Joint Comm.	set by administrating Council and advised to appointees
External	set by external orgs and advised to appointees



### 3. ELECTED MEMBERS' CHILDCARE ALLOWANCE

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Remuneration Determination 2019/20
<i>Document ID:</i>	872910
<i>Reporting Officer/s &amp; Unit:</i>	Devorah Nícuarta-Smith, Team Leader Governance

#### 3.1 Purpose of Report

To present options in relation to a potential childcare allowance for elected members, in line with the Remuneration Determination 2019/20.

#### Officer's Recommendation

That Council:

- a. Adopts an Elected Member Childcare Allowance Policy in line with the Remuneration Determination 2019/20, and with the purpose of allowing for and guiding the reimbursement elected members for childcare incurred by Council related activities.
- b. That the Policy contains the following guidance in relation to potential payments:
  - i. The allowance is only payable if:
    - The member is a parent or guardian of the child, or is a person who usually has responsibility for the day-to-day care of the child (other than on a temporary basis); and
    - The child is aged under 14 years of age; and
    - The childcare is provided by a person who –
      - is not a family member of the elected member ; and
      - does not ordinarily reside with the elected member; and
    - The member was participating in the following activities of Council during the time the childcare was required:
      - Attendance at Council or Committee meetings where the elected member is either a member of the Committee, or is a Council appointee to the Committee; or
      - Attendance at seminars or working parties of Council to discuss items of Council business; or
      - Attendance at civic events where attendance of elected members is required, such as citizenship ceremonies and the annual Napier Civic Awards; and
    - The elected member submits a claim for expenses, and provides satisfactory evidence to Napier City Council that the claim is based on actual costs of child care incurred and paid for by the elected member; and
    - Any claim is filed within 90 days of the actual costs of child care being incurred; and

- The claim is authorised by the Mayor in line with the Napier City Council Sensitive Expenditure Policy.
- ii. The maximum value for reimbursement is to be \$20 per hour (plus GST where applicable), and
- iii. The maximum accrued allowance per financial year per qualifying child is \$2,000 (plus GST where applicable).

### **Mayor's Recommendation**

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

### **3.2 Background Summary**

The Remuneration Authority (the Authority) is the national body responsible under the Local Government Act 2002 for assessing and setting the remuneration for elected members across the country. Each annual remuneration determination becomes legislated in its own right once finalised. While the Authority sets the pool of remuneration each Council must allocate to elected members, the funds are rates based (the Authority does not provide the pool).

Following a substantial review of the sector in terms of remuneration considerations, a number of shifts in relation to the sizing assessments of Councils and their 'ranking' by the Authority have been implemented in several phases over the last two years. As well as direct changes to the process around allocation of Councillor pay, in their Remuneration Determination 2019/20, the Authority has now also provided the option for Councils to initiate an elected member childcare allowance if they wish. While there are specific parameters set by the Authority in relation to any childcare allowance decided on, there is no compunction on a Council to either adopt such an allowance and no obligation on a Council to adopt the maximum allowable. As the childcare allowance - like elected members' remuneration - is rates funded, councils must weigh up affordability as an important consideration when assessing options in relation to any elected members childcare allowance.

### **3.3 Issues**

A small number of Councils took a defined position in relation to the possible childcare allowance prior to the election, with most taking either an initial position in principle with a commitment to discuss in detail post-election or no position pre-election with all consideration to take place post-election.

While it is anticipated that the majority of Councils are likely to adopt some form of child care allowance for their elected members, not all will, and there are slight differences in policy even amongst those Councils who have already fully defined their position (within the parameters set by the Authority).

Where an allowance has not been adopted, the reasons provided by the elected members who made the decision include:

- That no childcare allowance is paid to staff members who also have significant time demands through their work with Council
- Councillors are already sufficiently paid for their time at Council
- Other costs sustained by Councillors (aside from childcare costs) are not covered
- The policy is regarded as discriminatory as it applies to only a small segment of people
- The full cost to Council for the payment is unknown

Where Councils have adopted a policy to date, most have adopted a policy as per the Determination with the addition of a defined hourly rate of pay (the level of which differs between councils), clear procedure that must be followed in order to claim the allowance and at least one Council has set a maximum per applicable child per year that is lower than the maximum allowed by the Authority, in order to better manage affordability.

The parameters set by the Remuneration Authority

#### Draft Policy

A draft policy for Napier City Council is shown at **Attachment A**.

### 3.4 Significance and Engagement

This matter is raised through the Remuneration Determination 2019/20, and does not trigger Council's Significance and Engagement Policy or other specific consultation requirements.

### 3.5 Implications

#### Financial

As noted above, any childcare allowance payments will be rates funded, as is the elected members' remuneration. As a rates funded provision, the \$6000 per qualifying child per year maximum set by the Remuneration Authority, should be weighed up in light of the recent rates funded increases in elected member remuneration and overall affordability to the community. Adopting a lower maximum per year may be one way that providing support for elected members with younger children could be balanced as part of the overall rates demand. As an example, another Council has adopted a maximum of \$2000 per applicable child per year. It is with these considerations in mind that the current recommendation proposes an annual maximum accrual of \$2,000 per qualifying child per year. This allows for 50 meetings and seminars per annum with a duration of 2 hours, up to \$20 per hour for child care services.

For the 2020/21 year, any child care allowance a new budget line item would be required within the Council cost centre. Based on the current Council, if Council were to approve the maximum parameter of \$6000 per qualifying child per year, a minimum of \$42,000 per year would be required for this line item, and \$50,000 may be better allow for any variations. A \$50,000 budget equates to 0.08% rates increase per year.

If Council were to adopt a lower maximum annual accrual, say \$2,000 as per the approach of another provincial council, the new budget line item from 2020/21 onwards would require a minimum of \$14,000 accrued, and more likely \$20,000. A \$20,000 budget equates to .02% rates increase per year.

It should be noted that if a childcare allowance is adopted, any claims in the current financial year 2019/20 will be unbudgeted expenses. These costs would be considered as part of the six month forecast.

### **Social & Policy**

The Remuneration Authority created the opportunity for councils to adopt a childcare allowance if they so wish, believing it may contribute to a wider variety of people choosing to stand for councils across the country.

While they have set parameters within which any such policy must remain, adopting this type of allowance is not mandated, and councils do not have to adopt the maximum annual payment amount.

When considering their position on this allowance, a number of factors should be thought about by councils, including:

- Balancing the demands of the roles held by councillors with the remuneration already provided for by the Authority and allocated by council
- The structure and demographics of the community a council operates within, and any perception risk in instances where there may be higher numbers of low income earners with little or no provision for flexible working or reimbursement for any required child care
- Overall affordability to Council of any allowance
- The potential contribution such an allowance may make to encouraging diversity in local government election candidates
  - a.

### **Risk**

N/A

### **3.6 Options**

The options available to Council are as follows:

- a. To adopt an elected member child care policy with the full maximum annual accrual allowed by the Remuneration Authority via its Remuneration Determination 2019/20 ie \$6,000 cap at a ratepayer cost of .08% increase
- b. To adopt an elected member child care policy with a maximum annual accrual that takes into consideration the relative affordability of the new allowance to Council and the Napier community ie \$2,000 cap at a ratepayer cost of .02% increase
- c. To choose not to adopt an elected member child care allowance policy

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

Option B is the preferred option, with a proposed maximum annual allowance accrual of \$2,000 per qualifying child per financial year. This option both provides some support for elected members with younger children, while balancing the considerations of affordability to Council and the Napier community.

### **3.8 Attachments**

- A Draft Elected Members' Childcare Allowance Policy 2019 [↓](#)



<b>Elected Members’ Childcare Allowance Policy</b>			
<b>Approved by</b>	Council		
<b>Department</b>	Governance		
<b>Original Approval Date</b>	Xx December 2019	<b>Review Approval Date</b>	
<b>Next Review Deadline</b>	Post-election 2022	<b>EDRMS Working Doc #</b>	
<b>Relevant Legislation</b>	Remuneration Determination 2019/20		
<b>NCC Documents Referenced</b>	Sensitive Expenditure Policy		

## Purpose

To outline the parameters within which a childcare allowance may be utilised by the elected members of Napier City Council.

## Policy

1. An elected member who is responsible for one or more children under 14 years of age may claim a childcare allowance for each eligible child up to the annual maximum limit outlined below.
2. This allowance is only payable if:

### Parameters set by the Remuneration Authority in its Determination 2019/20

- 2.1 The member is a parent or guardian of the child, or is a person who usually has responsibility for the day-to-day care of the child (other than on a temporary basis); and
- 2.2 The child is aged under 14 years of age; and
- 2.3 The childcare is provided by a person who –
  - (i) is not a family member of the elected member<sup>1</sup>; and
  - (ii) does not ordinarily reside with the elected member; and

### Parameters set by Napier City Council

- 2.4 The member was participating in the following activities of Council during the time the childcare was required:
  - (i) Attendance at Council or Committee meetings where the elected member is either a member of the Committee, or is a Council appointee to the Committee; or
  - (ii) Attendance at seminars or working parties of Council to discuss items of Council business; or

<sup>1</sup> “family member of the member” means – (a) a spouse, civil union partner, or de facto partner (b) a relative, that is, another person connected with the member within two degrees of relationship, whether by blood relationship or by adoption

- (iii) Attendance at civic events where attendance of elected members is required, such as citizenship ceremonies and the annual Napier Civic Awards; and
  - 2.5 The elected member submits a claim for expenses, and provides satisfactory evidence<sup>2</sup> to Napier City Council that the claim is based on actual costs of child care incurred and paid for by the elected member; and
  - 2.6 Any claim is filed within 90 days of the actual costs of child care being incurred; and
  - 2.7 The claim is authorised by the Mayor in line with the Napier City Council Sensitive Expenditure Policy.
3. The maximum value for reimbursement is to be \$20 per hour (plus GST where applicable), and
  4. The maximum accrued allowance per financial year per qualifying child is \$2,000 (plus GST where applicable).

### Policy Review

The review timeframe of this policy will be no longer than every three years, immediately following a local government election.

### Document History

Version	Reviewer	Change Detail	Date
1.0.0	Devorah Nícuarta-Smith	Drafting	November 2019

<sup>2</sup> "Satisfactory evidence" means that all appropriate invoices and proof of payment made and received must be appended to any claim made under this Policy.

## 4. MAYORAL REMUNERATION

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002; Remuneration Determination 2019/20
<i>Document ID:</i>	873231
<i>Reporting Officer/s &amp; Unit:</i>	Devorah Nícuarta-Smith, Team Leader Governance

### 4.1 Purpose of Report

To note to Council the Mayoral remuneration for the post-election period of 2019/20.

#### Officer's Recommendation

That Council:

- a. Note the total mayoral remuneration and vehicle arrangements for the post-election period 2019/20.

#### Mayor's Recommendation

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

### 4.2 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.

As well as the local government remuneration pool for councillors that applies on and after the date on which the official result of the 2019 local election was declared, the Remuneration Authority sets the total remuneration of mayors across the country for the same time period.

The allocation of the remuneration pool for Napier City councillors was adopted at Council's meeting on 19 November 2019. This report provides a brief overview of the breakdown of the mayor's total remuneration for transparency.

### 4.3 Issues

The total remuneration for the mayor of Napier City including vehicle and mileage, as set by the Remuneration Authority and that applies on and after the date on which the official result of the 2019 local election was declared, is **\$145,500**.

The Remuneration Authority also sets parameters and calculations that must be followed where a mayor is provided with a Council vehicle – refer clause 9 of the Remuneration Determination 2019/20.

The Napier mayor has been provided with a hybrid vehicle, the total purchase cost of which including on-road costs and extras was \$56,474.82

The Remuneration Authority determination allows for up to \$65,000 including GST and any on-road costs to be spent on a mayoral vehicle where it is a hybrid or electric vehicle.

### Use of the mayoral vehicle

The mayor has elected for full private use of the vehicle. Full private use, as outlined in clause 9(7) of the Remuneration Determination 2019/20, means:

- The vehicle is usually driven home and securely parked by the mayor; and
- The vehicle is available for the mayor's unrestricted personal use; and
- The vehicle is used by the mayor for both local authority business and private use; and
- The vehicle may also be used by other local authority members of staff on local authority business, with the permission of the mayor.

The calculation for deductions to be made from the mayoral salary for full personal use are provide in clause 9(6) of the Remuneration Determination 2019/20.

Based on this calculation, \$4,630.94 will be deducted from the mayor's annual remuneration, the adjustment taking place from the date the mayor was provided with the vehicle (7 November 2019).

#### 4.4 Significance and Engagement

This report is in line with the Remuneration Determination 2019/202 and does not trigger Council's Significance and Engagement Policy or any other specific consultation requirements.

#### 4.5 Implications

##### Financial

While the remuneration of the mayor (and councillors) of Napier is rates funded, the total remuneration is set by the Remuneration Authority for all councils across the country. They also set the guidelines in relation to maximum allowable spend on a mayoral vehicle and calculations for any private use of that vehicle.

##### Social & Policy

N/A

##### Risk

N/A

#### 4.6 Options

The options available to Council are as follows:

- a. To note the mayoral total remuneration and vehicle arrangements for the 2019/20 financial year post-election.

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

N/A

#### **4.8 Attachments**

Nil

## 5. CIVIC BUILDING DEMOLITION

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	871230
<i>Reporting Officer/s &amp; Unit:</i>	Paulina Wilhelm, Manager City Development

### 5.1 Purpose of Report

To seek Council approval to demolish the Civic building in 2020. Officers also propose investigating if there are any cost savings in demolishing the Library building at the same time and reporting the findings back to Council for considering the future plans for the Civic Precinct Area (the area including the civic building, the library building and the civic court, refer to attachment). It is noted that no decision has been made on the future of the Library building at this time.

#### Officer's Recommendation

That Council:

- a. Approve going to tender for the demolition of the Council Civic Administration building in 2020 and ring-fence the associated costs of demolition to be recovered from the future use of the site either through the sale or a long term lease.

#### Mayor's Recommendation

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

### 5.2 Background Summary

In June 2017 Strata Group, conducted an assessment of the earthquake strength of the Council Civic building and the Council Library building. The report indicated both buildings were earthquake prone as it only complied with 10% and 15% respectively of the legal requirements for earthquake strength (NBS). The cost of strengthening the buildings to an acceptable level was completely prohibitive for the civic building but more tolerable for the library building. However, the costs for the library building are compounded by the need to undertake major electrical and building systems upgrade with refurbishment of all the ducting, windows, etc. These costs will need to be considered as part of the overall options for the redevelopment of the library building.

Due to the high costs of upgrade and strengthening the civic building, Council started looking at alternative options to optimise the future use of this site. From the options assessed the preferred option was to divest the civic building site and secure a 4 plus star hotel for Napier.

A Statement of Proposal (SOP) for the Civic building was released to the public in 2017. The proposal approved was:

Napier City Council will divest, either by long-term lease or sale, the site on which the Civic Administration Building is currently located (Site A) to a private developer for commercial development.

A Detailed Business Case was included and released with the Statement of Proposal.

Council adopted the SOP at its extraordinary meeting On 22 of November 2017. The decision was:

- a. That Council receive and hear the submissions on the Civic Administration Site Optimisation Statement of Proposal.
- b. That based solely on the written submissions and other feedback received to date (13/11/2017), officers recommend the adoption of the Civic Administration Site Optimisation Statement of Proposal as notified.

### 5.3 Issues

The civic building is sitting empty preventing the optimal use of the civic building site. Negotiations are taking place with a hotel developer and it is therefore timely to prepare for the demolition of the building.

It is recommended that the demolition of the civic building should proceed regardless of whether the negotiations with the hotel developer are successful or not. The building is earthquake prone and it is not financially feasible to strengthen the building. Keeping an empty building on site is preventing divestment of the site for any other use and it prevents receiving a future return for the Council asset.

There are costs associated with maintaining the building, not only due to the financial implications but also from a strategic point of view. The whole civic area is now underutilised creating the feeling of a 'ghost town' as you pass through the corridor towards the Civic Court. This has had a negative impact on retailers in the Civic Court area who have been forced to close down and relocate and there have been examples of businesses having to find alternative more viable locations to achieve sufficient exposure to foot traffic.

The demolition of the Civic building and the advancement of the project trifecta (combined project view of the Hotel development, Civic office development and Library project) has prompted new opportunities for the Civic Precinct area which should be explored. Now that the preferred location for the library has been identified as the civic area, Council seeks to revisit some of the assumptions made for the whole Civic Precinct.

Firstly, there should be an assessment of whether there are any cost savings to be gained if both the Civic building and the Library building were to be demolished at the same time. It is noted however, there is no decision at this time or recommendation on the future use of the Library building and this will need to be considered as Council considers all options. In addition, the opportunity for the entire civic site should consider opportunities for:

- 1) Transformational design, future look and feel of the Civic Precinct area
- 2) Building an iconic Library and Council Chambers which becomes the civic heart of the City
- 3) Revival of the south precinct economy
- 4) Creating better linkages and corridors between the CBD fringe and the CBD heart
- 5) Utilising the site to its maximum potential

6) Creating a high quality public space in line with the City Vision principles

Given the above it may be appropriate to widen the scope of the library working party to incorporate the entire Civic Site opportunities and a membership that reflects the new council and the broadened terms of reference.

#### 5.4 Significance and Engagement

The decision to enable the demolition is not considered significant as the Council has gone through a rigorous and transparent process to divest the site through a Statement of Proposal in 2017 (approved 22 November 2017).

The Civic Administration Site Optimisation Statement of Proposal highlighted the process and enabled public engagement with the Napier community.

Council will undertake further engagement in relation to the next stages of the Civic and Library development.

#### 5.5 Implications

##### Financial

The costs of demolishing the civic building has been roughly estimated at 1.1 million +/- 30%. Council will conduct a Request for Proposal (RFP) for the demolition which will be assessed according to Council criteria and procedures.

The demolition costs will be ring-fenced and recovered at a later date by whatever commercial agreement is approved by Council (lease or sale of the site).

##### Social & Policy

No issues identified

##### Risk

There is a risk associated with conducting the demolition of the civic building in 2020. This relates to the fact that at this stage there is no legal agreement signed with the hotel developer to purchase or lease the site. If the hotel does not eventuate, Council will have to reassess the options for the site and there will be delays in the recovery of the demolition costs. However, keeping the current Civic building is not option. The Civic building will have to be demolished regardless of what activity takes place on site. The decision for Council is about timing, 'when' is the right time to demolish the building. A clear site makes the opportunities for redevelopment much more attractive for developers.

The risks of delaying the demolition can be reflected as a financial and strategic loss. On the monetary side Council may be missing the opportunity to achieve a commercial development on the site and in addition lengthy delays may result in higher than forecasted costs of demolition.

The strategic risk relates to the 'ghost town effect' compounded by the gradual displacement of existing businesses in the area to other more vibrant areas in town. The fact that both the civic building and the library building have been empty for some time has created a visible negative impact in the civic building court area and the south part of the CBD.

Health and Safety risks associated with the demolition of the building itself will be the responsibility of the demolition company. Councils health and safety requirements will be set out in its demolition proposal.

## **5.6 Options**

The options available to Council are as follows:

- a. To go to tender for the demolition of the Council Civic building in 2020.
- b. Leave the building on the civic site until the final use for the site is determined.

## **5.7 Development of Preferred Option**

Option (a) 'To demolish the Council Civic building' is the preferred option given the risk is low and the loss opportunities are high as explained throughout the report.

## **5.8 Attachments**

- A Civic Precinct Area [↓](#)



## 6. BUDGETS TO BE CARRIED FORWARD TO 2019/20

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	832927
<i>Reporting Officer/s &amp; Unit:</i>	Caroline Thomson, Chief Financial Officer

### 6.1 Purpose of Report

To seek Council approval to carry forward budgets into 2019/20.

#### Officer's Recommendation

That Council:

- a. Approve total Capital carry forward budgeted expenditure of \$15,485,128 split as follows: \$8,557,230 from 2018/19 into 2019/20 and \$6,927,898 from 2018/19 into 2020/21.
- b. Approve total Operational Expenditure carry forward budgeted expenditure of \$2,916,782 split as follows: \$1,916,782 from 2018/19 into 2019/20 and \$1,000,000 from 2018/19 into 2020/21.

#### Mayor's Recommendation

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

### 6.2 Background Summary

Provision is made at the end of a financial year to carry forward project expenditure budgeted but not incurred, either fully or in part. The provision relates only to expenditure of a project nature. Requests are subject to approval by Council.

The total to carry forward from 2018/19 has increased compared to previous years due to Council completing \$24.1m of the \$41.2m budgeted in the 2018/19 Annual Plan capital programme.

The 2019/20 Annual Plan process involved an assessment of projects budgeted in 2018/19 but expected to be complete in 2019/20. These projects were included in the 2019/20 Annual Plan. However, the end of year process has identified further projects that are required to be carried forward in to 2019/20.

This report sets out the carry forward requests at activity level with further detail of the capital projects to be carried forward contained in attachment A.

### 6.3 Issues

No issues.

### 6.4 Significance and Engagement

N/A

## 6.5 Implications

### Financial

The proposed carry forward amounts have been reviewed by Council management.

The carry forward amounts are based on the final general ledger figures at 30 June 2019 and total \$18,401,910 (capex: \$15,485,128 and opex: \$2,916,782).

The following table summarises by activity group carry forward expenditure that was budgeted but not incurred in 2018/19:

### Capital Expenditure

Capital Activity	Total Carry Forward Request	Carry into 2019/20	Carry into 2020/21
Transportation	1,911,206	1,035,178	876,028
Water Supply	2,172,513	1,264,771	907,742
Stormwater	850,213	432,524	417,689
Wastewater	891,159	891,159	-
Other Infrastructure	132,734	132,734	-
Community and Visitor Experiences	6,749,208	2,830,379	3,918,829
Animal Control	42,183	42,183	-
Property Assets	480,800	480,800	-
Inner Harbour	1,461,335	653,725	807,610
Planning Policy	-	-	-
Support Units	793,777	793,777	-
<b>TOTAL</b>	<b>15,485,128</b>	<b>8,557,230</b>	<b>6,927,898</b>

The following table sets out the funding source for the carry forward amounts:

Funding Capital Expenditure	Total Request	Carry into 2019/20	Carry into 2020/21
Rates	1,852,249	933,845	918,404
Loans - rates	5,332,628	891,406	4,441,222
Reserves	11,217,033	9,648,761	1,568,272
<b>TOTAL</b>	<b>15,485,128</b>	<b>8,557,230</b>	<b>6,927,898</b>

### Operational Expenditure

Operational Expenditure Activity	Total Carry Forward Request	Carry into 2019/20	Carry into 2020/21
Community and Visitor Experiences	1,391,270	391,270	1,000,000

Planning Policy	629,183	629,183	-
Support Units	896,329	896,329	-
<b>TOTAL</b>	<b>2,916,782</b>	<b>1,916,782</b>	<b>1,000,000</b>

The following table sets out the funding source for the carry forward amounts:

<b>Operational Expenditure Funding</b>	<b>Total Request</b>	<b>Carry into 2019/20</b>	<b>Carry into 2020/21</b>
Rates	518,000	518,000	-
Reserves	2,398,782	1,398,782	1,000,000
<b>TOTAL</b>	<b>2,916,782</b>	<b>1,916,782</b>	<b>1,000,000</b>

**Social & Policy**

N/A

**Risk**

N/A

**6.6 Options**

The options available to Council are as follows:

- a. Approve total carry forward expenditure of \$18,401,910 split as follows:
  - \$10,474,012 from 2018/19 into 2019/20 and \$7,927,898 from 2018/19 into 2020/21.
  - i. Capital expenditure \$15,485,128 split as follows: \$8,557,230 from 2018/19 into 2019/20 and \$6,927,898 from 2018/19 into 2020/21.
  - ii. Operational Expenditure \$2,916,782 split as follows: \$1,916,782 from 2018/19 into 2019/20 and \$1,000,000 from 2018/19 into 2020/21.
- b. Do not approve total carry forward total expenditure of \$18,401,910.

**6.7 Preferred Option**

Approve carrying forward total expenditure of \$18,401,910 split as follows: \$10,474,012 from 2018/19 into 2019/20 and \$7,927,898 from 2018/19 into 2020/21.

- a. Capital expenditure \$15,485,128 split as follows: \$8,557,230 from 2018/19 into 2019/20 and \$6,927,898 from 2018/19 into 2020/21.
- b. Operational Expenditure \$2,916,782 split as follows: \$1,916,782 from 2018/19 into 2019/20 and \$1,000,000 from 2018/19 into 2020/21.

**6.8 Attachments**

- A 2018/19 year end capital carry forwards [↓](#)



2018/19 Year-end Capital Budget Carry Forwards to 2019/20							
Cost Centre	GL Description	Budget	Actual	Variance	Request	Comments	Funding Source
108 - Roading	Intersection Improvement Projects	490000	31762.64	458,237	458,237	Thames Pandora	Roading - IAR
108 - Roading	Intersection Improvement Projects S864	510000	33059.06	476,941	476,941	Thames Pandora	NZTA Subsidies
108 - Roading	Intersection Safety Improvement Projects	464200	86716.37	377,484	377,484	Marewa Shops	Rates
108 - Roading	Intersection Safety Improvement Projects S864	538050	92255.8	445,794	445,794	Marewa Shops	NZTA Subsidies
108 - Roading	Intersection Safety Improvement Projects S846	52750	0	52,750	52,750	Marewa Shops	Financial Contributions
108 - Roading	Urban Corridor Improvement Projects	50400	15885.56	34,514	21,150	Thackeray /Carlyle Corridor or Tennyson/Station/Thackeray area	Rates
108 - Roading	Urban Corridor Improvement Projects S864	107100	23868.84	83,231	51,000	Thackeray /Carlyle Corridor or Tennyson/Station/Thackeray area	NZTA Subsidies
108 - Roading	Urban Corridor Improvement Projects S846	52500	7047.25	45,453	27,850	Thackeray /Carlyle Corridor or Tennyson/Station/Thackeray area	Financial Contributions
120 - Water Supply	IAR Pipes	255000	145472	109,528	109,528	Thackeray Roundabout Pipe Replacement	Water Supply IAR
120 - Water Supply	IAR Pump Stations	108088	44832	63,256	63,256	C/fwd from 2017/18. No budget allowance in the 19/20 Annual Plan	Water Supply Pump Stations IAR
120 - Water Supply	New Taradale Bore Field	80000	38419.2	41,581	41,581		Loans - Rates
120 - Water Supply	New Taradale Bore Field S846	20000	9604.8	10,395	10,395		Financial Contributions
120 - Water Supply	Replacement of Enfield Reservoir	40000	8686.16	31,314	31,314		Loans - Rates
120 - Water Supply	Replacement of Enfield Reservoir S846	10000	2171.54	7,828	7,828		Financial Contributions
120 - Water Supply	Thompson Reservoir Upgrade	120000	3559.84	116,440	116,440	Urgent roofwork required	Loans - Rates
120 - Water Supply	Upgrade Water Supply Control Systems	243000	48609.53	194,390	194,390	C/fwd from 2017/18. Main SCADA improvement project	Prior Years Project Fund
120 - Water Supply	New Reservoir Taradale	213000	41562.61	171,437	171,437	C/fwd from 2017/18. To complete site works	Financial Contributions
120 - Water Supply	Dedicated Water Takes from Hydrants	95000	10553.75	84,446	84,446		Rates
120 - Water Supply	District Modelling Projects	150000	127092.33	22,908	22,908		Rates
120 - Water Supply	District Monitoring Project	500000	38387.06	461,613	461,613		Loans - Rates
120 - Water Supply	Improved Bores	250000	13882.2	236,118	236,118		Rates
120 - Water Supply	New Water Treatment Plant	160000	0	160,000	160,000		Loans - Rates
120 - Water Supply	New Water Treatment Plant S846	40000	0	40,000	40,000		Financial Contributions
120 - Water Supply	Optimise Church Road Booster Pump Station	400000	0	400,000	400,000		Rates
120 - Water Supply	Reservoir Inlets and Outlets Improvements	80000	58740.79	21,259	21,259		Rates
130 - Stormwater	Upgrading Stormwater Catchments	96000	0	96,000	96,000	C/Fwd from 2017/18	Rates
130 - Stormwater	Stormwater Catchments IAR - Fin Cont	23000	0	23,000	23,000	C/Fwd from 2017/18	Rates
130 - Stormwater	Stormwater Pump Station Electrical Replacements	20000	0	20,000	20,000		Stormwater IAR Pipes
130 - Stormwater	Bay View Pump Station	160000	0	160,000	160,000		Loans - Rates
130 - Stormwater	Bay View Pump Station S846	40000	0	40,000	40,000		Financial Contributions
130 - Stormwater	Ahuriri Master Plan Stormwater Study	100000	0	100,000	100,000		Rates
130 - Stormwater	Construction of a Hydraulic Model & Upgrades	125000	99238.5	25,762	25,762		Rates
130 - Stormwater	Construction of a Hydraulic Model & Upgrades	125000	99238.02	25,762	25,762		Rates
130 - Stormwater	SCADA Upgrade Project	100000	8000	92,000	92,000		Rates
130 - Stormwater	Taradale Stormwater Diversion	80000	0	80,000	80,000	\$200k already c/fwd and included in 2019/20 Annual Plan. Refer section below.	Rates
130 - Stormwater	Taradale Stormwater Diversion S846	70000	0	70,000	70,000		Financial Contributions
130 - Stormwater	Tennyson Street Outfall Improvements	50000	0	50,000	50,000	\$200k already c/fwd to 2020/21. Refer section below.	Loans - Rates
130 - Stormwater	Upgrading Onehunga Pump Station	72000	11079.9	60,920	60,920		Rates
130 - Stormwater	Upgrading Onehunga Pump Station S846	8000	1231.1	6,769	6,769		Rates
140 - Wastewater	Sewer Pump Station Renewal	455000	355971.97	99,028	99,000		Rates
140 - Wastewater	Treatment Plant Renewal	200000	51300	148,700	148,700		Rates



Cost Centre	GL Description	Budget	Actual	Variance	Request	Comments	Funding Source
140 - Wastewater	SCADA Upgrade	212000	55100.13	156,900	156,900		Rates
140 - Wastewater	SCADA Upgrade S846	53000	13775	39,225	39,225		Rates
140 - Wastewater	Construction of a Hydraulic Model and Subsequent Upgrades	50000	44233.5	5,767	5,767		Rates
140 - Wastewater	Construction of a Hydraulic Model and Subsequent Upgra	50000	44233.5	5,767	5,767		Financial Contributions
140 - Wastewater	Flow Metering	150000	0	150,000	150,000		Sewer Pump Station Renewal
140 - Wastewater	Guppy Road Pumping Main Installation	50000	0	50,000	50,000	\$400k already c/fwd and included in 2019/20 Annual Plan. Refer section at end.	Sewer Pump Station Renewal
140 - Wastewater	Pandora Industrial Main	120000	0	120,000	120,000		Loans - Rates
140 - Wastewater	Pandora Industrial Main S846	30000	0	30,000	30,000		Financial Contributions
140 - Wastewater	Taradale Wastewater Diversion	50000	7100	42,900	42,900		Loans - Rates
140 - Wastewater	Taradale Wastewater Diversion S846	50000	7100	42,900	42,900		Financial Contributions
155 - Public Toilets	Parent Facility Setup	50000	1200	48,800	48,800	Project delayed due to issues with landlord	L/Farm Res Dev (Parklands)
160 - Transfer Station	Solid Waste Renewals	93000	36065.71	56,934	56,934	Urgent Pit works required	Transfer Stn & Composting IAR Fund
160 - Transfer Station	Transfer Station Pavement & Surfacing	2200	199.8	2,000	2,000	Urgent Pit works required	Transfer Stn & Composting IAR Fund
180 - Sportsgrounds	McLean Park Player Facility Upgrade S892	30000	11970.39	18,030	18,030	C/fwd from 2017/18	Rates
180 - Sportsgrounds	McLean Park Cricket Practice Nets Upgrade	100000	11205.87	88,794	88,794		Rates
180 - Sportsgrounds	Neighbourhood Parks Upgrades	20000	2825.33	17,175	17,175		Sportsgrounds IAR
225 - Cemeteries	Napier Cemetery Development	100000	3380	96,620	25,000	Awaiting heritage report to be completed	Cemeteries IAR Fund
235 - Reserves	Reserves IAR	725841	273690.78	452,150	452,150	Centennial Pond Resurfacing & Bluff Hill Fence Replacement projects to be completed in 2019/20	Reserves IAR
235 - Reserves	Coastal Erosion	200000	0	200,000	200,000	Hardinge Road Coastal Erosion Project	Reserves IAR
235 - Reserves	Playground Renewals	350000	27781	322,219	150,000	DS - \$150K for Marewa Playground completion Dec 2019	Reserves IAR
235 - Reserves	Passive Recreation Reserves	250000	50632.68	199,367	199,367	C/fwd from 2017/18. Completion of Orotu Playground	Financial Contributions
235 - Reserves	Hardinge Road Erosion	320000	13436.02	306,564	306,564	C/fwd from 2017/18. Refer GL 2354412 above.	HB Endowment Land Income
235 - Reserves	War Memorial and Eternal Flame	34726	0	34,726	34,726	C/fwd from 2017/18.	Tourism Capital Funds
240 - Bay Skate	Bay Skate Renewals	23530	0	23,530	23,530	Completion of skate ramp area with airbags	Marine Pde Facilities
280 - Services Administration	Depot General Renewals	30000	12722.82	17,277	17,277	Outstanding yard sealing contractor could not complete by year end	City Services Projects Fund
340 - Halls	Halls Renewals	135,000	23,430	111,570	110,000	C/fwd from 2017/18 of \$55k. Meeanee Indoor Sports Centre project delayed.	Buildings Projects Fund
380 - Libraries	Napier Library Rebuild	128650	20742	107,908	107,900	Project delayed	L/Farm Res Dev (Parklands)
400 - Napier Aquatic Centre	Napier Aquatic Centre Expansion	2300000	734920	1,565,080	1,565,000	Project delayed	Loans - Rates
410 - Marine Parade Pools	Ocean Spa Upgrade	200000	0	200,000	200,000	Project delayed	Rates
455 - Animal Health	Agility Track	20000	0	20,000	20,000	Ref quote outstanding work, delay design sign off	Dog Control account
455 - Animal Health	New canopy	40000	17817.34	22,183	22,183	Ref quote outstanding work, delay design sign off	Dog Control account
465 - Napier Aquarium	Aquarium Expansion Project	143520	38171	105,349	105,349	Project delayed	Aquarium Expansion
465 - Napier Aquarium	Aquarium Expansion Project	2248480	0	2,248,480	2,248,480	Project delayed	Loans - Rates
465 - Napier Aquarium	Aquarium renewals	246800	87102	159,698	159,698	Required to complete Chiller Replacement	Tourism Capital Funds
466 - Par2 MiniGolf	Par2 MiniGolf Renewals	43,000	-	43,000	43,000	Project delayed	Tourism Capital Funds
468 - Napier Conf Centre	Conf Centre Building Renewals	133,439	30,042	103,397	103,000	Fresh air project to eliminate odour delayed, Hinuera Stone work delayed until summer	Tourism Capital Funds



Cost Centre	GL Description	Budget	Actual	Variance	Request	Comments	Funding Source
470 - Napier Municipal Theatre	Replace sound system	100000	11568	88,432	88,000	Project delayed	Tourism Capital Funds
470 - Napier Municipal Theatre	NMT Renewals	208660	47415	161,245	161,245	BMS system for aircon - Project delayed	Tourism Capital Funds
472 - i-Site	Minor Capital Fund	55,000	9,744	45,256	45,000	Project delayed	Tourism Capital Funds
478 - Kennedy Park	KP Renewals	120000	68294	51,706	51,700	Heated pools/Gas connections/Powered Sites delayed	Tourism Capital Funds
478 - Kennedy Park	Main Ablution Block	200000	40437	159,563	159,500	Major capital project 19/20	Loans - Rates
529 - MTG	MTG Renewals	60,000	33,936	26,064	26,000	Century Theatre lights/control gear	MTG IAR Fund
560 - Property Holdings	Seismic Strengthening Council Buildings	300,000	124,156	175,844	175,800	Taradale Library delayed	Loans - Rates
560 - Property Holdings	Assessment & Compliance Projects	305,000	-	305,000	305,000	MTG Sprinklers project delayed	Buildings Projects Fund
582 - Housing Rental	Rental Housing Renewals	85000	0	85,000	85,000	Delay due to Section 17a - further investigation required	Housing Building Projects Fund
600 - Inner Harbour	IH Facilities Renewals	500000	26275.33	473,725	473,725	Includes grant of \$250k for Napier Sailing Club for Breastwork	HB Endowment Land Income
600 - Inner Harbour	Ahuriri Masterplan - Iron Pot Public Access	820000	12389.97	807,610	807,610	Project delayed for completion of IH Plan.	HB Endowment Land Income
600 - Inner Harbour	Ahuriri Masterplan - Iron Pot Public Access	180000	0	180,000	180,000	No agreement from NZTA for contributing to renewal costs.	NZTA Subsidies
610 - C.I.T.	Software Replacements and Upgrades	240000	0	240,000	240,000	Projects delayed	
610 - C.I.T.	Software Replacements and Upgrades	125000	63340	61,660	61,500	Projects delayed	
622 - Finance Leases	Technology Equipment	1098000	622998	475,002	475,000	Projects delayed	
<b>TOTAL</b>		<b>21,972,330</b>	<b>4,913,969</b>	<b>17,058,361</b>	<b>15,485,128</b>		



## 7. QUARTERLY REPORT FOR THE THREE MONTHS ENDED 30 SEPTEMBER 2019

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Enter Legal Reference
<i>Document ID:</i>	863933
<i>Reporting Officer/s &amp; Unit:</i>	Caroline Thomson, Chief Financial Officer

### 7.1 Purpose of Report

To consider the Quarterly Report for the nine months ended 30 September 2019.

#### Officer's Recommendation

That Council:

- a. Receive the Quarterly Report for the three months ended 30 September 2019.

#### Mayor's Recommendation

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

### 7.2 Background Summary

The Quarterly Report summarises the Council's progress in the first quarter of 2019/20 towards fulfilling the intentions outlined in the Annual Plan. Quarterly performance is assessed against income, total operating expenditure, and capital expenditure.

### 7.3 Issues

All matters relating to the performance to the end of September 2019 for Council are included in the report.

### 7.4 Significance and Engagement

N/A

### 7.5 Implications

#### Financial

All financial variances have been noted within the report.

#### Social & Policy

N/A

#### Risk

N/A

### 7.6 Attachments

- A Quarterly report for the three months ended 30 September 2019 (*Under Separate Cover*) ⇒

## 8. RESIDENT SATISFACTION SURVEY 2019

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<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	868500
<i>Reporting Officer/s &amp; Unit:</i>	Adele Henderson, Director Corporate Services

### 8.1 Purpose of Report

To provide Council with the annual resident satisfaction survey and to outline how this survey fits into council's planning and reporting framework.

#### Officer's Recommendation

That Council:

- a. Note that satisfaction ratings and targets are part of Council's planning and performing framework as outlined in the Long Term Plan 2018-28.
- b. Note the key findings of the annual Resident Survey 2019.
  - i. That there are areas where Council has received very high satisfaction ratings from the community, particularly there has been an increase in satisfaction ratings across all over Council's services from 2018.
  - ii. That there are some areas where Council has received low satisfaction ratings from the community, and come under the NZ benchmark rating
- c. Note that it may wish to consider the Satisfaction Survey in the development of the Annual Plan 2020/21.

#### Mayor's Recommendation

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

### 8.2 Background Summary

*What is the resident satisfaction survey and why is it undertaken?*

Since 1992, Council has commissioned an annual survey of Napier residents to seek their views on Council's services over the preceding year. The purpose of asking Napier residents their views on Council services and what satisfaction rating they give to them, is it helps inform Council officers, Council, and the Napier community on areas where the residents of Napier believe Council is doing well, and areas in which improvements could be made.

Surveying Napier residents is one of many ways that residents provide their feedback to Council on its services. For example, some residents routinely voice their praise and concerns on social media. What this purposeful surveying of Napier residents enables is a statistically sound sample of 450 residents allowing for a 95% confidence level in the information provided. The results therefore provide Council officers, Council and the Napier community with an accurate picture of what most Napier residents are thinking at a point in time.

The majority of the satisfaction topics asked in the survey have been incorporated into Council's long-term planning and performance framework. The satisfaction topics and accompanying targets sit inside the *Long Term Plan 2018-28* as service performance measures under the relevant Activity Group. Council then reports on the progress against these targets in its annual report (tabled at the 26 September 2019 Council meeting). The satisfaction ratings are one input to the performance framework where services are measured by a range of indicators. For more information on the performance measures in the Long Term Plan refer to pages 183, 188, 195, 201, 207, 215, 223-226, 237-240, 249 in the following link:  
<https://www.napier.govt.nz/assets/Document-Library/Plans/Annual-Plans-and-Ten-Year-Plans/NCC-LTP-2018-28-Final-adopted.pdf>

*What are the key changes between the new survey methodology and previous methodology?*

There have been changes to the survey methodology applicable to the 2019 survey compared with the methodology used in previous years. In 2018, officers went through a process of reviewing the requirements for the annual survey. A new provider was selected through a closed tender process, Napier-based SIL Research. Key changes in methodology include:

- the new rating scale now allows for direct comparison with other benchmarking survey averages across NZ - using a satisfaction scale from 1-10 rather than a scale of '1-3 and a don't know'.
- only ratings of 6 or higher have been used to show satisfaction, rather than 5 or higher.
- a mixed method approach was undertaken using telephone, social media, online (rather than just phone).
- the survey is being undertaken every quarter, rather than annually.

As the survey will be undertaken quarterly, from here on, Council will receive quarterly results as well as the annual result at the end of the financial year. This will enable improved tracking of results throughout the year.

#### *Overall results*

The change in methodology has impacted somewhat on results compared to results from previous years. The survey report is attached as appendix A. Main findings as outlined in the report include:

1. Overall, 67% of residents were satisfied with Council's performance; an improvement compared to 2018 (60%).
2. 21 out of 29 (72%) Council's services rated by Napier's residents showed satisfaction of 60% and above.
3. Four services and Council's assets showed improved performance: town planning, MTG, public libraries and cemeteries.
4. Council's provision of playgrounds (new question in 2019) was the top-rated service (91%).
5. Other newly introduced in 2019 questions showed positive satisfaction with cycleways (88%) and local community activities and events (80%). Around 6-in-10 residents were satisfied with freedom camping management (60%) and recycling services (55%) highlighting room for improvement.
6. Over half of residents (58%) stated they had contact with the Council in the past 12 months (55% of them were satisfied with this contact).

7. Social media (56%) was the most preferred method of communication, followed by Flyers (42%) and E-newsletter (email) (41%).
8. Two services showed the largest reduction in satisfaction in 2019: stormwater and drinking water.
9. Drinking water recorded historically low satisfaction in 2019 (20%). This had a moderate effect on satisfaction perception with Council's leadership and performance overall.

*Decreased satisfaction*

The survey report notes the following areas have had a decrease in satisfaction rating compared with the previous year of 4% or more. A proportion of this decrease can be explained due to the change of methodology.

	<b>2018</b>	<b>2019</b>	<b>Variance</b>
Stormwater	88%	61%	-27%
Drinking water	45%	20%	-25%
Noise control	85%	68%	-17%
Wastewater	87%	70%	-17%
Footpaths	87%	70%	-17%
Roads	87%	71%	-16%
Managers and staff doing a good job	72%	56%	-16%
Council leadership – mayors and councillors	53%	39%	-14%
Management of litter, graffiti, and vandalism	89%	75%	-14%
Animal control	78%	64%	-14%
Public parking (suburbs)	69%	58%	-11%
Keeps people informed	66%	56%	-10%
Car parking in CBD	53%	44%	-9%
Public gardens, street beds and trees	97%	89%	-8%
Parks and reserves	96%	89%	-7%
Kerbside rubbish collection	90%	86%	-4%

The survey report benchmarks Napier City Council's ratings against other Councils in NZ. Of note, areas where Napier City Council are *lower* than the NZ benchmark include:

- Drinking water – 20% instead of NZ benchmark of 63%, (43% variance)
- Mayor and Councillors – 39% instead of NZ benchmark of 51%. (12% variance)
- Swimming pools – 56% instead of NZ benchmark of 68%. (12% variance).
- Libraries – 72% instead of NZ benchmark of 81%. (9% variance).
- Parking in CBD – 44% instead of NZ benchmark of 52%. (8% variance).
- Communication – 56% instead of NZ benchmark of 63%. (7% variance).

*Increased satisfaction*

The survey notes the following areas have had an increase in satisfaction rating compared with the previous year of 4% or more.

	2018	2019	Variance
Town planning	53%	75%	+22%
MTG Hawke's Bay	52%	63%	+11%
Public libraries	62%	72%	+10%
Cemeteries	78%	85%	+7%
Overall satisfaction with services	60%	67%	+7%
Public swimming pools	51%	56%	+5%
Sports fields	87%	89%	+2%
Public toilets	68%	69%	+1%

Areas where the results for Napier City Council are *higher* than the NZ benchmark include:

- Kerbside rubbish – 86% instead of NZ benchmark of 56%. (30% variance)
- Roads – 71% instead of NZ benchmark of 42%. (29% variance)
- Cycleways – 88% instead of NZ benchmark of 60%. (28% variance)
- Footpaths – 70% instead of NZ benchmark of 54%. (16% variance)
- Sportsfields – 89% instead of NZ benchmark of 73%. (16% variance)
- Parks and reserves – 89% instead of NZ benchmark of 74%. (15% variance)
- Public toilets – 69% instead of NZ benchmark of 57%. (12% variance)
- Stormwater – 61% instead of NZ benchmark of 51%. (10% variance).
- Cemeteries – 81% instead of NZ benchmark of 71%. (10% variance)
- Sewerage – 70% instead of NZ benchmark of 61%. (9% variance)
- Animal Control – 64% instead of NZ benchmark of 59%. (5% variance).

**8.3 Issues**

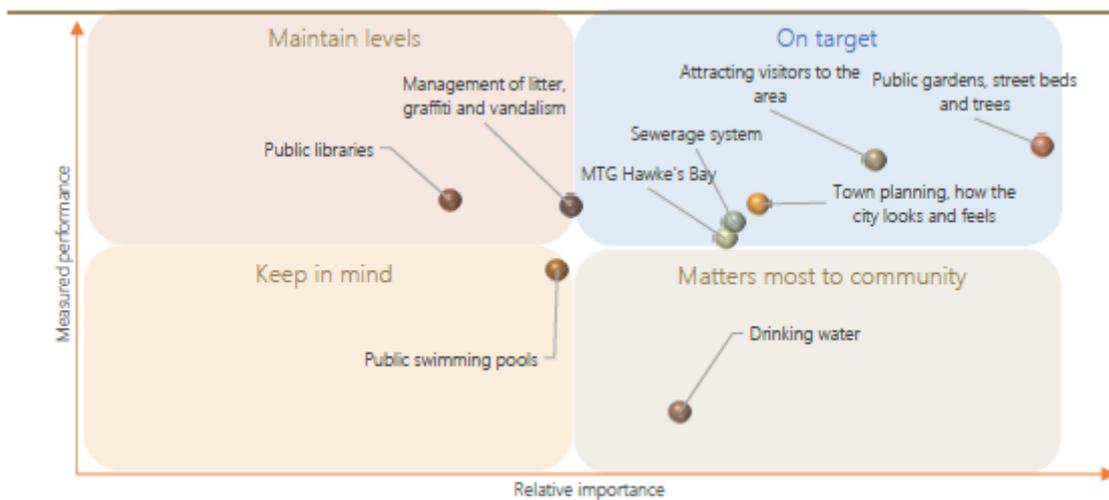
As mentioned earlier in this report, the majority of satisfaction ratings are embedded into Council’s planning and reporting framework and outlined in the Long Term Plan. Officers strive that all of the satisfaction ratings for Napier City Council’s services sit at least on, preferably above, the NZ benchmark. Officers recognise that any ratings which are lower than the benchmark or significantly lower than previous years’ ratings points to an issue that needs to be looked at. It is important to take time to understand the rating by looking at the context of the rating, what work council has already got underway, and any further planned work that may need to occur.

Council received the lowest scores compared to NZ benchmarks or lowest variance compared with the 2018 rating in the following areas:

- Drinking water
- Mayor and Councillors
- Swimming pools
- Stormwater
- Libraries
- Parking in the CBD
- Communication.

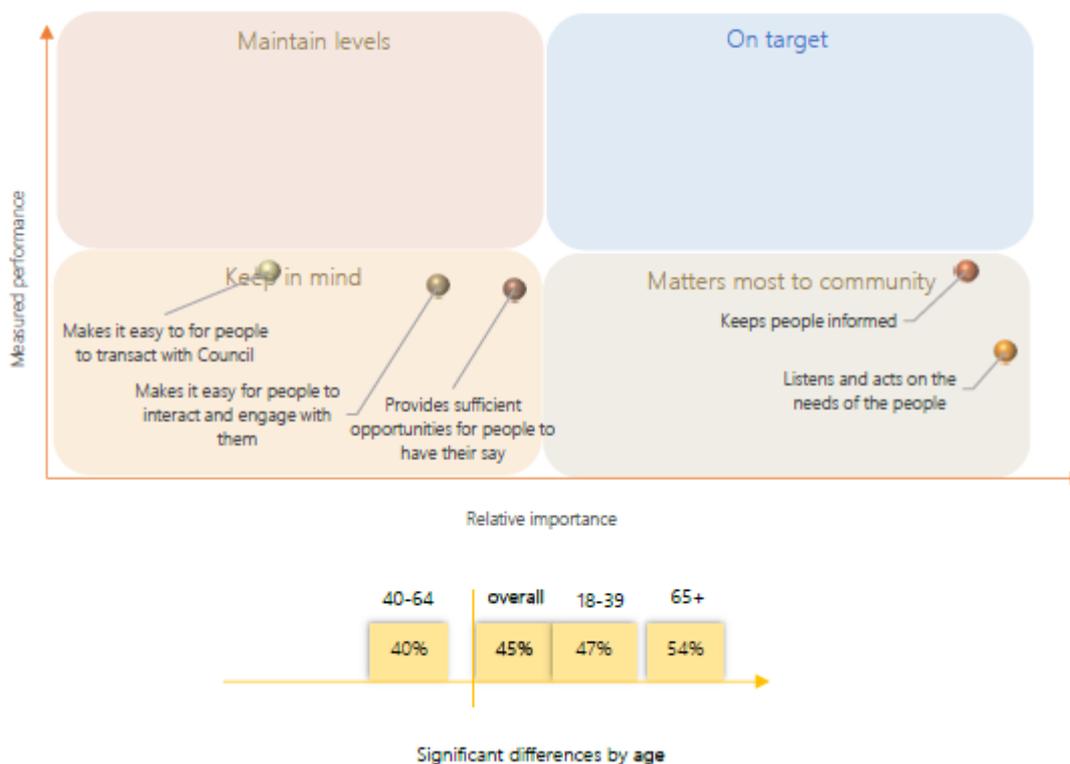
*Overall satisfaction with Services*

Out of the result for overall satisfaction with Council services, of which 67% of residents are satisfied, 9 of the services showed a statistically significant contribution towards overall satisfaction. In assessing the relative importance of these 9 services and measured performance, drinking water could represent the largest improvement potential.



*Overall satisfaction with Communication*

Within Communication, two statements showed higher relative importance – ‘keeps people informed’ and ‘listens and acts on the needs of the people’. Both areas would benefit from further improvement.



*Overall satisfaction with Council leadership*

Satisfaction ratings provided for drinking water moderately influenced ratings for Council’s leadership. All three areas in the table below could provide an opportunity for improvement. Ratings provided for drinking water moderately and positively correlated with ratings for Council’s leadership.



**8.4 Significance and Engagement**

As part of the criteria for assessing significance as outlined in the Significance and Engagement Policy, the level of community interest is taken into account.

## 8.5 Implications

### Financial

There are no financial implications unless Council directs a review of the current investment levels in areas which are receiving a low satisfaction rating by the community. If Council directed as part of the next budget round, that Officers look into whether any further investment could be expedited in the areas that received low satisfaction, then there could be financial implications of such a directive in terms of reprioritisation and trade-offs with the planned work programme

### Social & Policy

In the areas where Council has received low satisfaction ratings, Council has strategic documents in the following areas that inform the work Council is doing:

- Drinking Water Safety Plan
- Ahuriri Estuary and Coastal Edge Masterplan
- Library Strategy
- Parking Strategy
- Aquatic Strategy
- Significance and engagement policy.

Council does not have a policy on leadership of Mayors or Councillors, however as part of the induction programme of the new Council, officers have incorporated the relevant satisfaction ratings of leadership as measures of success of the programme to ensure it is at the forefront of the new Council.

### Risk

n/a

## 8.6 Development of Preferred Option

- a. Note that satisfaction ratings and targets are part of Council's planning and performing framework as outlined in the Long Term Plan 2018-28.
- c. Note the key findings of the annual Resident Survey 2019.
  - i. That there are areas where Council has received very high satisfaction ratings from the community, particularly there has been an increase in satisfaction ratings across all over Council's services from 2018.
  - ii. That there are some areas where Council has received low satisfaction ratings from the community, and come under the NZ benchmark rating
- c. Note that Council may wish to consider the Satisfaction Survey in the development of the Annual Plan 2019/20

## 8.7 Attachments

- A Resident Satisfaction Survey (*Under Separate Cover*) ⇨

## 9. NAPIER CITY COUNCIL AND NAPIER CITY BUSINESS INC EVENTS

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	874487
<i>Reporting Officer/s &amp; Unit:</i>	Fleur Lincoln, Strategic Planning Lead

### 9.1 Purpose of Report

The purpose of this report is to obtain a resolution of Council to allow trading in a public place to occur at Napier City Council, Napier City Business Inc and Art Deco Trust events in Napier city until the end of October 2022.

#### Officer's Recommendation

That Council:

- a. Resolve to allow the sale of food and beverages to the public on public land within the city centre as part of events held by either Napier City Council, Napier City Business Inc or Art Deco Trust for a maximum of 18 events per year until 31<sup>st</sup> October 2022 in accordance with the criteria below:
  - i. Trading must occur as part of an event or pop-up event.
  - ii. Trading must not occur for more than five hours at any one time, with the exception of events held by the Art Deco Trust where trading is limited to the length of the festival.
  - iii. Trading must only occur within the street reserve (not on reserve land).
  - iv. Trading of food and beverages only.
  - v. Permission must be obtained from both the Transportation Team Leader and Napier City Council Chief Executive.
  - vi. The views of retailers will be taken into consideration prior to approving an event.
  - vii. Trading is limited to the following streets: Hastings Street; Market Street; Tennyson Street; Emerson Street; Dalton Street; Clive Square East; Herschell Street; Marine Parade.
  - viii. The usual road closure procedures will be followed if road closures are deemed necessary.
  - ix. Council will operate within the Joint Alcohol Strategy and will use the Alcohol Decision Matrix in considering whether it is appropriate to allow the sale of alcohol at these events.
  - x. Trading must comply with all regulations including the Food Act 2014 and the Sale and Supply of Alcohol 2012, as well as Council regulations and policies.

#### Mayor's Recommendation

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

## 9.2 Background Summary

The Trading in Public Places Bylaw 2014 prohibits trading in public places within the city centre, unless a resource consent or resolution of Council has been obtained. In February 2019, a resolution of Council was obtained that allowed for the sale of food and beverages within the prohibited area of the City Centre during events held by either the Napier City Council or Napier City Business Inc up until the latest election held in October 2019. Prior to this, a resolution was sought for each event, which proved to be problematic due to the considerable lead-in time required to prepare such reports. This sometimes led to ideas for events having to be abandoned. It is proposed that this resolution be extended to include the two events held by the Art Deco Trust each year so that they don't need to obtain their own resolution.

Events bring vibrancy to the city centre, supporting local business, and are an important piece in the puzzle to achieving an exciting and inclusive city. The provision of additional and temporary food and beverage offerings add to this sense of vibrancy and supplement the more permanent offerings when large crowds would overwhelm them.

This resolution would limit the number of times in which events where food and beverages are sold could be held to a maximum of 18 per year. This maximum number would provide for the regular events held in the city centre as well as a small allowance for events not yet planned. It is expected that this allowance would provide for:

- White Night
- Fiestas (five summer Fiestas and two winter Fiestas)
- After 5 pop-ups (allow for five events)
- Special event markets, parades and festivals eg Art Deco Festival (allow for five events)

To provide Council with some certainty around the appropriateness of allowing trading during events, a set of criteria are proposed that must be met in order for this resolution to be applied. These are similar to those Council operated under, under the previous resolution, and are:

- i. Trading must occur as part of an event or pop-up event.
- ii. Trading must not occur for more than five hours at any one time, with the exception of events held by the Art Deco Trust where trading is limited to the length of the festival.
- iii. Trading must only occur within the street reserve (not on reserve land)
- iv. Trading of food and beverages only.
- v. Permission must be obtained from both the Transportation Team Leader and Napier City Council Chief Executive.
- vi. The views of retailers will be taken into consideration prior to approving an event.
- vii. Trading is limited to the following streets: Hastings Street; Market Street; Tennyson Street; Emerson Street; Dalton Street; Clive Square East; Herschell Street; Marine Parade.
- viii. The usual road closure procedures will be followed if road closures are deemed necessary.
- ix. Council will operate within the Joint Alcohol Strategy and will use the Alcohol Decision Matrix (refer **Attachment A**) in considering whether it is appropriate to allow the sale of alcohol at these events.
- x. Trading must comply with all regulations including the Food Act 2014 and the Sale and Supply of Alcohol 2012, as well as Council regulations and policies.

### 9.3 Issues

The resolution will avoid the need to request Council permission for each event, and will enable the city to act quickly on good ideas for city activation that involve trading in a public place. Although this presents a risk to Council (Council approval without full knowledge of event details), the criteria proposed above, the setting of a maximum number of events, and the limiting of this resolution to only Napier City Council, Napier City Business Inc or Art Deco Trust held events should provide Council with some certainty of the types of activities that could be approved, and that Manager approval is still required. In the long-term, the Trading in Public Places Bylaw will be reviewed to better manage events in public places where trading occurs.

### 9.4 Significance and Engagement

N/A

### 9.5 Implications

#### Financial

N/A

#### Social & Policy

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

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

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

The Joint Alcohol Strategy sets the strategic direction for Council (and Hastings DC) in relation to the demonstration of leadership to reduce alcohol harm; changing attitudes towards alcohol to reduce tolerance for alcohol harms; and fostering safe and responsible events and environments. An Alcohol Decision Matrix has been created as a result of this Strategy to help guide Council its it decisions where Council are supporters of an event. All events held within the city centre in public places where there is an intention to sell alcohol will be consistent with this Matrix (attached in **Attachment A**).

#### Risk

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

## 9.6 Options

The options available to Council are as follows:

- a. Resolve to allow the sale of food and beverages in public places as part of events held by NCC, NCBI or the Art Deco Trust, up to a maximum of 18 events per year, in the city centre until 31<sup>st</sup> October 2022
- b. Require Council resolutions to be obtained for each event that involves the sale of food and beverages in public places on a case by case basis.

## 9.7 Development of Preferred Option

This report seeks to obtain a resolution of Council that will allow trading of food and beverages to the public in public places of the city centre as part of an event. In the past, resolution was sought prior to an event, however in February of this year, resolution was obtained to cater for any NCC and NCBI events until the 31<sup>st</sup> October 2019. This has worked well without any issues, and has allowed events to happen without concern for the necessary lead-in times to take a report to Council. A new resolution to extend this for a further three years (31<sup>st</sup> October 2022), with additional criteria and to the two Art Deco Trust-held events, and will continue to enable NCC or NCIB to seize any opportunities for activation as they arise.

## 9.8 Attachments

- A Joint Alcohol Strategy - Decision Matrix [↓](#)

**Joint Alcohol Strategy – Decision Matrix, Napier City Council**

June 2018

Factors for consideration	Approach		
	Alcohol free	Alcohol free area/ Restricted alcohol area	Full alcohol licence
Target audience/market	Children, families, young people Healthy lifestyles	Mix of families with young children and adults	Adults (18+)
Venue	Child-focused venue Park, reserve Liquor ban area	Family-friendly venue Identifiable/defined restricted area Public space	Enclosed area Manageable space Private building
Event type	Free entry Sport/recreation Community event	Free or paid entry Sport/recreation Festival or similar	Paid entry Part of food and wine festival or similar Music events Event at winery
Activities	Child focused entertainment Child focused activities promoted	Includes child focused entertainment Child focused activities promoted, in alcohol free area (away from restricted area)	No child focused entertainment/ activities offered
NCC Community Services funding	Eligible for funding (if other criteria met)	Not eligible for funding	Not eligible for funding
NCC in-kind support (City Strategy, other parts of Council)	In-kind support provided	In-kind support provided	In-kind support and Event Toolkit provided
Time of day	Day time/early evening	Late afternoon/early evening	Late afternoon into evening/ night time
Sponsorship	Sponsorship supported	Sponsorship supported	Sponsorship considered depending on event and link with other Council strategies (eg, City Vision) (refer info flyer also)

**Notes:**

- This decision matrix is intended as a guide only, to reflect the intent of the Napier and Hasting's Councils' Joint Alcohol Strategy 2017.
- Each event/activity will be considered on its individual merit, including previous behaviour/incidents associated with the proposed event.
- The content of the guide does not cover requirements of the Sale and Supply of Alcohol Act 2012, which must be considered separately for any licence application, and the process of licence approvals followed as required by the Act.
- If event involves applying for an alcohol licence, recommend the event includes other responsible drinking promotions/tools (over and above standard requirements of the Sale and Supply of Alcohol Act), such as One for One, free non-alcoholic drinks for registered sober drivers, etc. Provide event organiser with a copy of Napier City Council's Event Toolkit (currently in development), including details about where and how to access free resources from the Hawke's Bay District Health Board.

## 10. ACTIONS FROM PREVIOUS MEETINGS

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	873456
<i>Reporting Officer/s &amp; Unit:</i>	Devorah Nicuarta-Smith, Team Leader Governance

### 10.1 Purpose of Report

To present the actions from previous meetings for awareness.

#### Officer's Recommendation

That Council:

- a. Note the actions from previous meetings along with their current status.

#### Mayor's Recommendation

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

### 10.2 Actions Table

Meeting/ Date	Item No.	Action	Responsible Directorate	Status
Induction intro		Sean Bevan to be invited to talk to Council about regional and ward stats in early 2020 to align with pre-LTP information	Corporate	
Council 19.11.2019	1	Scientific evidence is being collected currently to measure if stormwater contamination is dropping.  Results from this assessment will be reported quarterly moving forward through the Sustainable Napier Committee.	Infrastructure	

Council 19.11.2019	2	Confirm constitution of Sports Hawke's Bay and Hawke's Bay Sports Council in relation to mayoral appointments.	Corporate – Governance Team	Underway
Council 19.11.2019	8	Reserve funding item laid on table, transfer to 19 December 2019	Corporate - Governance Team	Complete

**10.3 Attachments**

Nil

# PUBLIC EXCLUDED ITEMS

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

## Agenda Items

1. Contract 1229 Parklands Area 3 Stages 6 & 7
2. Actions Report - Public Excluded Items

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. Contract 1229 Parklands Area 3 Stages 6 & 7	7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities  7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
2. Actions Report - Public Excluded Items	7(2)(c)(i) Protect information which is subject to an obligation of confidence or	48(1)A That the public conduct of the whole or the relevant part of the

	<p>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</p>	<p>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.</p>
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# ORDINARY MEETING OF COUNCIL

## Open Minutes

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Meeting Date: Tuesday 19 November 2019

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Time: 1.00pm – 4.10pm

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

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

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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

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Administration Governance Team

## Apologies

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Council resolution Councillors Boag / Price

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

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Carried

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## 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 Taiaroa 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**

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Councillors Taylor / Wright

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

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Carried

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# AGENDA ITEMS

## 1. STORMWATER BYLAW

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*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.

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### 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.
  - 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

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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.

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Carried

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Meeting Adjourned 3.08pm – 3.19pm

## 2. GOVERNANCE STRUCTURE 2019-2022

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<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

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### 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.

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### 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.

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### Officer's Recommendation

That Council:

- 1.0 Adopt the Napier City Council 2019 Governance Structure
  - 2.0 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

3.0 Note that the 2020 meeting schedule will be brought to a December ordinary meeting of Council

4.0 Note that the 2019 Governance Structure will be formally reviewed by the Mayor part way through the Triennium to assess its effectiveness

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**Council  
resolution**

Councillors Taylor / Price

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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.

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

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- 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

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Carried

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### 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.

#### 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

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*Type of Report:* Contractual

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*Legal Reference:* Sale and Supply of Alcohol Act 2012

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*Document ID:* 866465

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*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.

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### 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.

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### Council resolution

Councillor Wright / Dep. Mayor Brosnan

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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

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

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*Type of Report:* Operational

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*Legal Reference:* Traffic Regulations, Parking Control Bylaw 2008

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*Document ID:* 867010

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*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.

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### 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.
- 

### Council resolution

Dep. Mayor Brosnan / Councillor Tapine

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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

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## 6. NAPIER WAR MEMORIAL DESIGN REFERENCE GROUP

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*Type of Report:* Operational

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*Legal Reference:* N/A

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*Document ID:* 866454

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*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.

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### 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

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**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
    - iii. Alan Rhodes
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- iv. RSA representatives
  - v. Military advisor
  - vi. Mayor Wise, Deputy Mayor Brosnan, Councillor Taylor
  - vii. Relevant staff

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Carried

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## 7. RATING OUTTURN SURPLUS 2018/19

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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:* 832928

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*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.

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### 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.

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Council resolution Councillors Taylor / Browne

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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

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Carried

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## 8. RESERVE FUNDING CHANGES

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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:* 868179

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

### 8.1 Purpose of Report

To approve changes to Financial Reserves and reserve funding.

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#### 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

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#### 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

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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.

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Council resolution Councillors Wright / Boag

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That Council:

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

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Carried

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## 2. DOCUMENTS SIGNED UNDER DELEGATED AUTHORITY

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<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

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### 2.1 Purpose of Report

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

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### At the Meeting

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

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Council resolution Councillors Wright / Boag

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That Council:

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

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Carried

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### 3. RESOURCE CONSENTS

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*Type of Report:* Information

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*Legal Reference:* N/A

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*Document ID:* 867523

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*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.

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Council resolution Councillors Wright / Boag

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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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Carried

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# 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 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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The meeting moved into committee at 4.10pm

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

Chairperson .....

Date of approval .....