

ORDINARY MEETING OF COUNCIL

Open Minutes

Meeting Date: Thursday 16 March 2023

Time: 9.30am – 10.56am (*Open*)
11.10am – 11.45am (*Public Excluded*)

Venue Large Exhibition Hall
War Memorial Centre
Marine Parade
Napier

Livestreamed via Council's Facebook site

Present **Chair:** Mayor Wise
Members: Deputy Mayor Brosnan, Councillors Boag, Chrystal, Crown, Greig, Mawson, McGrath, Price, Simpson, Tareha and Taylor [Public Excluded session only]

In Attendance **Kaumatua:** Piri Prentice
Chief Executive (Louise Miller)
Deputy Chief Executive/ Executive Director Corporate Services (Jessica Ellerm)
Executive Director City Services (Lance Titter)
Acting Executive Director City Strategy (Rachael Bailey)
Recovery Programme Manager (Richard Munneke)
Acting Executive Director Infrastructure Services (Russell Bond)
Executive Director Community Services (Thunes Cloete)
Manager Communications and Marketing (Julia Atkinson)
Pou Whakarae (Mōrehu Te Tomo)
Strategic Programmes Manager (Darran Gillies)
Manager Governance (Andrew Springett) – Items 1 & 2
Accounting Manager (Talia Foster) – Item 3
Manager Community Strategies (Anne Bradbury) – Item 3
Team Leader Planning and Compliance (Luke Johnson) – Item 5

Māori Partnership Manager – Te Kaiwhakahaere Hononga Māori (Beverley Kemp-Harmer) - Item 6
Māori Partnership Manager - Te Kaiwhakahaere Hononga Māori (Hilary Prentice) - Item 6
Strategic Planning Lead (Fleur Lincoln) - Item 6
Senior Advisor Policy (Michele Grigg) – Item 6
Economic Development Manager (Bill Roberts) – Item 6
Manager Property (Bryan Faulknor) – Items 7 & 8
Senior Policy Analyst – Climate Resilience (Heather Bosselmann) – Item 10

Administration Governance Advisor (Carolyn Hunt)

Karakia

Kaumatua Piri Prentice gave the opening karakia.

Apologies

COUNCIL Councillors Greig / Crown

RESOLUTION

That the apology for lateness from Councillor Taylor and the apology for absence from Councillor Browne be accepted.

Carried

Conflicts of interest

Councillor Price declared a conflict of interest in Item 5 – Extension of District Licensing Committee Contract.

Public forum

Nil

Announcements by the Mayor

Cyclone Gabrielle – Mayor Wise acknowledged it was just one month on from Cyclone Gabrielle which had been incredibly busy with some challenging times for the community, local businesses the organisation and throughout the whole region. The Emergency Operation Centre (EOC) team has just been stood down and the Mayor acknowledged and thanked them for all the hard work and extra hours that had been undertaken during this time in supporting the community.

Mayor Wise wished to reiterate heartfelt thanks to the whole staff of the organisation during this event ensuring that those in need of help were getting it.

A number of Councils throughout New Zealand had been very supportive during this time and the Mayor particularly acknowledged Palmerston North City Council who had been very active in their support. The Mayor also thanked the Napier community for their patience.

Acting Chief Executive – On behalf of the Councillors the Mayor thanked and acknowledged Richard Munneke for his contributions during his role as Acting Chief Executive during the last 7-8 months.

New Chief Executive – Mayor Wise welcomed and introduced Louise Miller, the new Chief Executive of the Napier City Council.

Announcements by the management

Nil

Item of Business not on the Agenda

Mayor Wise advised that there was an item of business not on the agenda (Terms of Reference, Climate Action Joint Committee), that would be addressed at the end of the agenda items.

Confirmation of minutes

COUNCIL RESOLUTION

Councillors Brosnan / McGrath

That the Draft Minutes of the Extraordinary meeting held on 23 February 2023 be confirmed as a true and accurate record of the meeting.

Carried

AGENDA ITEMS

1. LOCAL GOVERNANCE STATEMENT

Type of Report: Operational

Legal Reference: Local Government Act 2002

Document ID: 1639474

Reporting Officer/s & Unit: Andrew Springett, Governance Manager
Anna Eady, Governance Advisor

1.1 Purpose of Report

To present the current 2022-2025 Local Governance Statement prior to it being made public as required under the Local Government Act 2002.

At the meeting

The Manager Governance, Mr Springett, spoke to the report advising that it was a requirement under the Local Government Act 2002 that following triennial elections a Local Governance Statement (LGS) be adopted within six months of the elections and made publicly available.

It was not only an obligation to have a LGS, but also an obligation to update it as required throughout the triennium as it is a “living document”.

The current LGS is based on the previous triennium’s LGS with minor changes made. Some of the changes being; the adopted governance structure, Elected Members’ details, updated list of bylaws, the establishment of Māori Wards for the 2025 elections, preagenda proces and updated new legislation. New photos of the Executive Leadership Team will also be included.

Any potential changes for the LGS would go through the Governance team initially for a report back to Council and adoption.

Mr Springett advised he would provide an update on the representation review timeframes at a later date.

COUNCIL Mayor Wise / Councillor Brosnan
RESOLUTION

That Council:

- a. **Note** the current version of the Local Governance Statement, (*Doc Id 1639724*) recognising that it is a live document which will be maintained over the triennium.
- b. **Note** that the document will be made publicly available via Council’s website, and a copy held at each Library and the Customer Service Centre.

Carried

2. AMENDMENTS TO THE 2023 COUNCIL/COMMITTEE MEETING SCHEDULE

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Local Government Official Information and Meetings Act 1987
<i>Document ID:</i>	1635181
<i>Reporting Officer/s & Unit:</i>	Andrew Springett, Manager Governance

2.1 Purpose of Report

The purpose of this report is to consider amendments to the schedule of Council and Committee meetings for the 2023 Meetings Calendar, which was originally adopted by Council on 15 November 2022.

At the meeting

The Manager Governance, Mr Springett spoke to the report which sought approval to amend the Council and Committee meeting schedule with some changes to existing meeting dates as well as a new meeting date.

Councillors Mawson / Price

That Council:

a) Adopt the amendments to the schedule of meetings for 2023 as below:

- | | | |
|---|----------------|---|
| • Audit & Risk Committee | Change of date | 31 March 2023 – 9.30am
<i>(previously 10 March 2023)</i> |
| • Council (Annual Plan process) | New Date | 20 April 2023 – 9.30am |
| • Ngā Manukanuka o te Iwi | Change of date | 28 April 2023 – 9.30am
<i>(Previously 17 March 2023)</i> |
| • Ahuriri Regional Park Joint Committee | Change of date | 5 May 2023 – 9.30am
<i>(Previously 3 March 2023)</i> |

Carried

3. CYCLONE GABRIELLE MAYORAL RELIEF FUND

Type of Report: Procedural

Legal Reference: N/A

Document ID: 1640776

Reporting Officer/s & Unit: Talia Foster, Accounting Manager
Anne Bradbury, Manager Community Strategies

3.1 Purpose of Report

For Council to determine the process for the distribution of funds from the Cyclone Gabrielle Mayoral Relief Fund.

At the meeting

The Accounting Manager, Ms Foster spoke to the report advising that the week following Cyclone Gabrielle the Napier City Council set up the Cyclone Gabrielle Event Mayoral Relief Fund with donee status. Setting the fund up with a donee status with the Inland Revenue Department meant that donees could receive a tax credit on any donations. To do this the Mayor had made a declaration around the use of the money in the fund, with some fairly loose rules on how it could be distributed. Ms Foster advised that officers were seeking further direction from Council on how the funds could be spent and the purpose.

In response to questions the following was clarified:

- It was noted that it was not a requirement to report back on how the fund was distributed, however for transparency purposes an additional part (c) was included in the recommendation.
- In regard to whether the fund applied only to the Napier community, it was noted that there was also the Hawke's Bay Disaster Relief Fund that individuals could make application to, which covered the whole of Hawke's Bay.
- The funds that have come directly to the Mayoral Relief Fund were designated "for Napier purposes", however there were a number of areas on the boundary that would be a "grey area".
- The reason for recommending that decision be given to the Mayor and Chief Executive was to allow for flexibility and to ensure that there was the ability to be responsive to the community to aid in the recovery from Cyclone Gabrielle for the benefit of the community.
- It was noted that Ahuriri Marae were outside the Napier boundary and it was acknowledged that there were a number of communities of interest that identify with Napier, but do not sit within the Napier boundary.
- The formal name of the fund is the Napier City Council Cyclone Gabrielle Event – February 2023 Mayoral Relief Fund.
- The relief fund has a total of \$80,000 and the administrative costs that would be involved in putting in a contestable grant application would negate the benefits of the funding.
- Decisions on how grants have been made will be documented to ensure transparency and also maintain a level of flexibility.

COUNCIL Councillors Chrystal / Crown

RESOLUTION

That Council:

- a. **Resolve** the Napier City Council Cyclone Gabrielle Event - February 2023 Mayoral Relief Fund is to be distributed at the discretion of the Mayor and Chief Executive for internal expenditure or external grants as the need arises for the purpose of aiding the recovery from Cyclone Gabrielle and benefitting the community.
- b. **Resolve** there will be no application process from the public to the Napier City Council Cyclone Gabrielle Event - February 2023 Mayoral Relief Fund at this stage, and all enquiries for individual applications will be directed to the Hawke's Bay Disaster Relief Trust.
- c. **Direct** officers to report back to Council on how the Napier City Council Cyclone Gabrielle Event - February 2023 Mayoral Relief Fund has been distributed.

Carried

4. SUMMARY UPDATE ON CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1632638
Reporting Officer/s & Unit:	Richard Munneke, Acting Chief Executive

4.1 Purpose of Report

To provide an update and summary of the Hawke's Bay Civil Defence Emergency Management Group Joint Committee meeting held on 31 October 2022.

At the meeting

The report was taken as read. As a member of the Group, Mayor Wise advised that there would be a number of reviews undertaken in response to Cyclone Gabrielle at the Group level and individual Territorial Local Authority level, which occurs when there is any emergency event.

The Chief Executive, Ms Miller advised that a meeting with internal controllers was being held on 17 March 2023 regarding what went well and what was learned, which would be fed back into a regional level.

ACTION POINT: *A copy of the Westshore Draft Resilience Plan would be made available to Councillors.*

COUNCIL Mayor Wise / Councillor Simpson

RESOLUTION

That Council:

- a. **Receive** the Update Summary on the Hawke's Bay Civil Defence Emergency Management Joint Committee meeting held on 31 October 2022.
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Carried

5. EXTENSION OF DISTRICT LICENSING COMMITTEE CONTRACT

Type of Report:	Operational and Procedural
Legal Reference:	Sale and Supply of Alcohol Act 2012
Document ID:	1636957
Reporting Officer/s & Unit:	Luke Johnson, Team Leader Planning and Compliance

5.1 Purpose of Report

To seek Council's approval to extend the contracts of the current District Licensing Committee and to appoint the 2022-2025 Commissioner, Deputy Chair and list members.

Councillor Price having previously declared a conflict of interest in Item 5 did not participate in the discussion or decision making.

At the meeting

The Team Leader Planning and Compliance, Mr Johnson spoke to the report which was to extend the contracts of the current members of the District Licensing Committee, which was due to expire on 31 March 2023.

Mr Johnson advised if the current members were not reappointed there was potentially a risk to Council for matters under the Sale and Supply of Alcohol Act 2012, if a hearing was required or a decision by a Commissioner was required and there was no Committee in place.

It was noted that both male and female applicants had been considered in the previous appointment of the District Licensing Committee and a robust application and selection process had been undertaken. Those appointed served the greatest criteria for the needs of the licensing requirements. As well as the District Licensing Committee, the Medical Officer of Health, regarding harm from alcohol and the New Zealand Police in regard to domestic violence resulting from alcohol were also involved.

COUNCIL Councillors Brosnan / McGrath

RESOLUTION

That Council:

- a. **Approve** the extension of the contracts of the current District Licensing Committee members and the appointment of the 2022-2025 Commissioner and list members.
 - i. The current members being
 - Stuart Hylton (Commissioner)
 - Dave Fellows
 - Ross Pinkham
 - 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
- b. **Approve** the appointment of Councillor Graeme Taylor as the Deputy Chair of the District Licensing Committee for the 2022-2025 period.

Carried

6. TE REO MĀORI ME ŌNĀ TĪKANGA POLICY

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1614841
Reporting Officer/s & Unit:	Beverley Kemp-Harmer, Māori Partnership Manager - Te Kaiwhakahaere Hononga Māori

6.1 Purpose of Report

The purpose of this report is to ask Council to adopt the Te Reo me ngā Tikanga Policy and to seek endorsement of the Te Reo me ngā Tikanga Action Plan.

At the meeting

Kaumatua Piri Prentice accompanied by Council officers introduced the report.

The Māori Partnership Manager - Te Kaiwhakahaere Hononga Māori, Ms Kemp-Harmer took the report as read and provided some background of the journey introducing Te Reo Māori into Napier City Council. Officers were now seeking endorsement of the policy and action plan.

The Wairoa District Council, Hastings District Council and Greater Wellington Regional Council, all of which are within the Ngati Kahungunu boundaries, all have Te Reo Policies and it was therefore appropriate to seek comparisons from them.

Acknowledgement was made to Kaumatua Prentice who had been instrumental throughout the development of this ngā tikanga and for his counsel and guidance in the policy document.

The Chair suspended Standing Order 21.6 to allow all Councillors the opportunity to speak to the Motion.

COUNCIL Mayor Wise / Councillor Crown

RESOLUTION

That Council:

- a. **Adopt** the Te Kaunihera ō Ahuriri/Napier City Council's Te Reo me ngā Tikanga Policy. (Doc Id 1636727)
- b. **Endorse** the Te Kaunihera ō Ahuriri/Napier City Council's Te Reo me ngā Tikanga Action Plan. (Doc Id 1636726)

Carried

Councillors Mawson and McGrath withdrew from the meeting at 10.42am

7. FORD ROAD EXTENSION - LAND LEGALISATION

Type of Report:	Legal
Legal Reference:	Public Works Act 1981
Document ID:	1634814
Reporting Officer/s & Unit:	Bryan Faulknor, Manager Property

7.1 Purpose of Report

To seek a resolution pursuant to the Public Works Act 1981 to declare land taken as severance and vested in Napier City Council. This is required to complete land legalisation matters relating to the Ford Road Extension Project

Councillors Mawson and McGrath re-joined the meeting at 10.45am

At the meeting

The Manager Property, Mr Faulknor took the item as read and there was no discussion at the meeting.

COUNCIL RESOLUTION

Councillors Mawson / Price

That Council:

- a. **Resolve**, pursuant to section 119(3) of the Public Works Act 1981, to consent to the land described in the Schedule below being taken as severance and vested in the Napier City Council.

SCHEDULE

Hawkes Bay Land District - Napier City

Area (hectares)	Legal Description	Part Certificate of Title
0.1099	Section 5 SO Plan 453204	386410

Carried

8. LEASE OF RESERVE - LICK THIS ICE CREAM PARLOUR, MARINE PARADE FORESHORE RESERVE

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Reserves Act 1977
<i>Document ID:</i>	1635162
<i>Reporting Officer/s & Unit:</i>	Bryan Faulknor, Manager Property

8.1 Purpose of Report

To seek Council's approval for a variation to the current lease to add 3 further rights of renewals to create a new final expiry date of 16 December 2037.

At the meeting

The Manager Property, Mr Faulknor spoke to the report and advised that the Ice Cream Parlour was situated on a recreation reserve and the lease was therefore subject to the Reserves Act 1977.

The lessee was seeking a variation to the current lease to add three further rights of renewals to create a new final expiry date of 16 December 2037. It was noted there are mechanisms in the lease, that should Council, at any time upon a renewal consider that there is a better use for that site, could refuse the renewal. Council also had to approve any transfer of lease to a new purchaser/owner.

COUNCIL Councillors Price / McGrath **RESOLUTION**

That Council:

- a. **Resolve**, pursuant to section 54 (1) (d) of the Reserves Act 1977 to approve, as administering body, a variation to the current lease with Thinking Business Limited, trading as Lick This Ice Cream Parlour. The variation is to add 3 further rights of renewal of 3 years each.

The further rights of renewal being:

16.12.2028

16.12.2031

16.12.2034 with a final expiry date of 16.12 2037

- b. **Approve**, in exercise of the Ministerial Consent (under delegation from the Minister of Conservation), the granting of the above variation.
- c. **Note** that pursuant to section 54 of the Reserves Act, the proposed variation is required to be publically notified and should any objections or submissions be received then the matter will be required to be brought back to Council.

Should no submissions or objections be received then the above resolution approving the variation stands.

Carried

9. TENDERS LET

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1640656
<i>Reporting Officer/s & Unit:</i>	Debbie Beamish, Executive Assistant to the Chief Executive

9.1 Purpose of Report

To report the tenders let under delegated authority for the period 21 January – 3 March 2023. There were no tenders let during this time.

At the meeting

There was no discussion on this item.

COUNCIL Councillors Mawson / Price

RESOLUTION

That Council:

- a. Receive the Tenders Let for the period 21 January – 3 March 2023. There were no tenders let during this time.

Carried

ITEM OF BUSINESS NOT ON THE AGENDA

This Item of business (Terms of Reference, Climate Action Joint Committee) was not on the agenda due to Cyclone Gabrielle and the state of emergency and could not be delayed until the next Council meeting as it recommends the appointment of elected members to a Joint Committee that needs the appointments to be made to enable the first meeting of the Joint Committee to be arranged as soon as possible.

COUNCIL Mayor Wise / Councillor Brosnan

RESOLUTION

That Council:

- a) **Note** that the Terms of Reference, Climate Action Joint Committee item (which includes appointing two Councillors and an alternate to the Joint Committee) was not included on the Agenda due to the Cyclone Gabrielle state of emergency.
- b) **Note** that this item cannot be delayed as the new Joint Committee needs the appointments to be made to enable the first meeting of the Joint Committee to be arranged as soon as possible.
- c) **Approve** in accordance with Standing Order 9.12 that this item be dealt with at this meeting.

Carried

10. TERMS OF REFERENCE, CLIMATE ACTION JOINT COMMITTEE

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1634498
<i>Reporting Officer/s & Unit:</i>	Heather Bosselmann, Senior Policy Analyst - Climate Resilience

10.1 Purpose of Report

To present the draft Terms of Reference for the new Climate Action Joint Committee for review and adoption.

At the Meeting:

The Senior Policy Analyst - Climate Resilience, Ms Bosselmann spoke to the report advising that the Climate Action Joint Committee had been recommended through the Hawke's Bay Local Government Leaders and Chief Executives Forum to oversee climate mitigation and adaption work.

The Joint Committee would make recommendations to the parent Councils and would be administered by the Hawke's Bay Regional Council and as a Joint Committee it is their current practice to livestream the meetings.

The Committee would meet no less than three times per year with the minutes of the meeting being forwarded to the parent Councils.

Amendment to Recommendation in Agenda

In discussion with the representatives to be appointed it was agreed that Councillor Browne would be one of the two representatives and Councillor Tareha would become the alternate.

COUNCIL Councillors Brosnan / Boag **RESOLUTION**

That Council:

- a) **Receive** the report titled Climate Action Joint Committee Terms of Referenced dated 23 March 2023.
- b) **Adopt** the Terms of Reference for the Climate Action Joint Committee (*Doc Id 1641652*).
- c) **Appoint** Deputy Mayor Brosnan and Councillor Browne as the two Napier City Council representatives to the Climate Action Joint Committee and Councillor Tareha, as the alternate.

Carried

PUBLIC EXCLUDED ITEMS

**COUNCIL
RESOLUTION**

Councillors Chrystal / Tareha

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

Carried

Agenda Items

1. Land Purchase
2. Property Purchase
3. Audit and Risk Committee - Chair Remuneration

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

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

Agenda Items

1. Land Purchase	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
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		Information and Meetings Act 1987.
2. Property Purchase	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.
3. Audit and Risk Committee - Chair Remuneration	7(2)(a) Protect the privacy of natural persons, including that of a deceased person	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.

*The meeting adjourned at 10.56am and reconvened at 11.10am
in Public Excluded with Councillor Taylor joining the meeting*

The meeting closed with a karakia at 11.45am

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

Chairperson

Date of approval