

Ordinary Meeting of Council

OPEN AGENDA

Meeting Date: **Wednesday 22 February 2017**
Time: **3pm**
Venue: **Main Committee Room
3rd Floor Civic Building
231 Hastings Street
Napier**

Council Members The Mayor (In the Chair), Councillors Boag, Brosnan, Dallimore, Hague, McGrath, Price, Tapine, Taylor, White, Wise, Wright
Officer Responsible Chief Executive, Wayne Jack
Administrator Governance Team

Next Council Meeting
Wednesday 5 April 2017

ORDER OF BUSINESS

APOLOGIES

Cr Jeffery cannot attend as he is away.

CONFLICTS OF INTEREST

PUBLIC FORUM

A deputation from Sports New Zealand will speak to Item 2 – Multi-use Sports Facility Business Case.

ANNOUNCEMENTS BY THE MAYOR

ANNOUNCEMENTS BY THE MANAGEMENT

CONFIRMATION OF MINUTES – PAGE 96 REFERS

That the Minutes of the Extraordinary Meeting of Council held on Thursday, 24 November 2016 and reconvened on Wednesday 14 December 2016 be confirmed as a true and accurate record of the meeting.

That the Minutes of the Ordinary Meeting of Council held on Wednesday, 14 December 2016 be confirmed as a true and accurate record of the meeting.

LOCAL GOVERNMENT ACT 2002

The Council resolves, in terms of Section 82 (3) of the Local Government Act 2002, that the principles set out in that section have been observed in such manner that the Napier City Council consider, in its discretion, is appropriate to make decisions on the recommendations set out in this agenda (including the Public Excluded section).

HEARING OF SUBMISSIONS – LOCAL EASTER TRADING POLICY

3.05pm Robin Gwynn
3.15pm Isabel Morgan
3.25pm Rev. Bryan Carey (St Luke's Anglican Church)

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NEW REPORTS

1. LOCAL EASTER SUNDAY TRADING POLICY - SUMMARY OF SUBMISSIONS

Type of Report:	<i>Legal and Operational</i>
Legal Reference:	<i>Local Government Act 2002</i>
Document ID:	<i>337805</i>
Reporting Officer/s & Unit:	<i>Dean Moriarity, Team Leader Policy Planning</i>

1.1 Purpose of Report

To report on the submissions received on Council's proposed Local Easter Sunday Trading Policy and once having heard and considered those submissions, for Council to make a decision on whether to adopt the Local Easter Sunday Trading Policy.

Officer's Recommendation

- a. Council receive and hear submissions on the Local Easter Sunday Trading Policy.
- b. That Council resolve to adopt the Local Easter Trading Policy that will give all retailers the option to trade on Easter Sunday.

1.2 Background Summary

Recent changes to the Shop Trading Hours Act has given local councils the option to adopt a policy that allows shops to trade on Easter Sunday. The policy can stipulate whether trading on Easter Sunday can occur in the whole of the district or parts of the district. The policy cannot:

- a) Permit shops to open for only some purposes; or
- b) Permit only some types of shops to open; or
- c) Specify times at which shops may or may not open; or
- d) Include any other conditions as to the circumstances in which shops may open

A council can either have a policy that gives shops the option to open, or not have a policy. If a council does not have a policy, retailers would remain bound by the legislation that stipulates shops must be closed on Easter Sunday (unless there is another exemption in place, which allows them to open e.g. garden centres, dairies etc). If a Council does decide to adopt a policy, the policy is required to be reviewed through the special consultative procedure every five years.

At its meeting on November 29, 2016, Council approved by resolution the draft Easter Sunday Trading Policy for public consultation.

1.3 Consultation

Consultation with the community on this policy began with a social media survey in November. Surveys were also conducted through the retailers associations of Taradale,

Napier CBD and Ahuriri. Both of these surveys indicated that over half of the respondents thought that retailers in Napier should be given the choice to open on Easter Sunday. It was on this basis that the Council decided to take the next step and conduct formal consultation on the proposed Easter Sunday Trading Policy.

The formal consultation period ran from December 5th, 2016 to 13th January 2017. This was longer than the statutory timeframe of one month to allow some leeway for the Christmas break. The timing of the legislation change combined with local body elections and a desire to have a decision made for retailers before Easter 2017 meant that the consultation period needed to occur during the Christmas holiday period. If Council do decide to adopt the policy, employers need 6-8 weeks' notice to carry out their responsibilities under the Act. This is informing their employees that they have to work and advising them they have the right to refuse without giving a reason. Employment NZ provide a template letter as a guide.

A public notice informing the community of the consultation was placed in the Napier Courier and HB Today on December 7th. As part of the engagement plan for consulting, emails advising that the policy was open for submissions were also sent to:

- Napier Community Network (an email group made up of 90-100 community organisations that has been established by the Community Services team as a communication channel for community related correspondence)
- Napier, Taradale and Ahuriri Business Associations
- HB Tourism
- Chamber of Commerce
- Hastings District Council
- Iwi/hapu
- New Zealand Council of Trade Unions, Head office and Hawkes Bay branch
- First Union, Head office and Napier branch.

1.4 Issues

Council received 42 submissions on the draft Local Easter Trading Policy. Twenty-one oppose the proposed policy and 21 are in support. A copy of the submissions are included in **Attachment A** and a summary of these submissions detailing the issues raised are included in **Attachment B**. The submissions highlight divergent opinions and views that exist in the community on this topic.

Arguments in support of the policy centre around Napier as a tourist destination that should be 'open for business' on one of our busiest tourist weekends. The submissions in support of the policy also highlight the fact that if shops were allowed to open, the choice to open and for people to shop would still be an individual choice. Questions have also been raised as to why as a multicultural society we observe a Christian holiday.

It should be noted that 'open for business' is a foundation principle underpinning 'City Vision' and that in order to facilitate an entrepreneurial culture a stated goal is to make regulation easy.

Arguments in opposition to the policy identify that allowing shops to trade would come at a social cost to families and communities and that these costs outweigh any economic benefits. There are concerns that the effectiveness of the workers choice provision that gives employers the right to refuse to work on Easter Sunday would be impossible to monitor and that retailers would feel pressured to open, and employees to work.

To put the concerns about the workers choice provisions into context, an additional change to the Shop Trading Hours Act 1990 is the workers choice provision that gives employees and employers the ability to negotiate freely, and gives employees the ability to refuse work on Easter Sunday without any repercussions to the employment relationship. Whether this provision is effective (or not) is not an issue that Council has any direct influence over. It is legislation that applies nationally and will be administered through the Employment Relations Authority and the Employment Court.

1.5 Implications

Financial

If Council decide to adopt this policy, the costs of maintaining and reviewing the policy every five years would sit within existing operational budgets.

If businesses choose to open, there is the potential for economic benefits to be realised for trading on that day. While the benefits are difficult to quantify at this time, they would be likely to increase over time as tourism and the region grows. The economic benefits of Easter Sunday trading will cement Napier's reputation as a desirable and vibrant tourist destination at this time of the year.

Social & Policy

The feedback received through the various media channels show divergent opinions on permitting shops to open on Easter Sunday. While evenly split in the formal consultation process, when taken overall a slight majority of both residents and retailers favour having the option to open on Easter Sunday.

It should also be noted that Council has previously received a written request from a large supermarket operator for Council to adopt a policy in time for Easter Sunday 2017.

Risk

The risk in not adopting a policy is that Council may be lobbied each year to reconsider its decision.

The risk of adopting a policy is that Council may be viewed unfavourably by the sector of the community that has expressed opposition to this policy.

1.6 Options

The options available to Council are as follows:

1. Adopt the Local Easter Sunday Trading Policy
2. Not adopt the Local Easter Sunday Trading Policy

1.7 Development of Preferred Option

The recommended option is for Council to adopt the Local Easter Sunday Trading Policy. In doing so the decision to open (or not) would be a matter for each business to determine themselves and for each individual to determine whether they wish to frequent the businesses that are open. This approach avoids any perception that Council is making a moral decision on behalf of the whole of the community, some of whom may not place importance on the sanctity of Easter Sunday.

1.3 Attachments

- A Sunday Trading Submissions (*Under Separate Cover*)

- B Submissions Summary (*Under Separate Cover*)

2. MULTI-USE SPORTS FACILITY BUSINESS CASE

Type of Report:	<i>Legal and Operational</i>
Legal Reference:	<i>Local Government Act 2002</i>
Document ID:	<i>339157</i>
Reporting Officer/s & Unit:	<i>Antoinette Campbell, Director Community Services</i>

2.1 Purpose of Report

The purpose of the report is to summarise the detailed business case information regarding the proposed Multi Use Sports Facility (MUSF) at PGA presented at the seminar on 14 February, and to describe the next steps in the process.

Officer's Recommendation

That Council consider the following recommendations, but that the recommendations lay on the table to be further debated and decided at an Extraordinary meeting of Council scheduled for 8 March 2017:

- a. That Councillors **note** the information contained in the Executive Summary of the *Napier Multi-Use Sports Facility Detailed Business Case*.
- b. That Council **endorses** the *Napier Multi-Use Sports Facility Detailed Business Case*.
- c. That Council **agrees** to move to the next phase of detailed design for the Multi-Use Sports Facility.
- d. That Council **direct** that sponsorship and fundraising activities commence sponsorship and fundraising, in accordance with the Revenue Generation Strategy.
- e. That Council **agree** that the project move to Phase 3 detailed design, funding and consenting in accordance with the staged plan outlined in the *Napier Multi-Use Indoor Sports Facility Detailed Business Case*, and that further approval be sought from Council before progressing to Phase 4.
- f. That Council **notes** that community consultation on the detailed design and costings will occur upon completion and reported to Council.

MAYOR'S RECOMMENDATION

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

2.2 Background Summary

The business case for the proposed MUSF has been in development since 2014, when the proposal for a purpose-built velodrome was first mooted by the Ramblers Cycling Club through the Annual Plan process. Using the NZ Treasury-approved Better Business Case (BBC) process, Council has thoroughly examined the need for further sports facilities for Napier, the best option for addressing the overhang of demand that exists from various sporting codes, and the options that exist for proceeding with the project.

In accordance with the Treasury process, an Indicative Business Case (IBC) was prepared in 2014/15. The IBC highlighted that:

- Hawke's Bay has an issue with health and longevity – the outcomes in the Bay are materially worse in 15 out of 49 indicators than the national median, and identify that more people die at younger ages than in the case in the rest of the nation
- There is a proven causal linkage between sport and recreation and better health outcomes, greater longevity, increased social cohesion and improved mental health
- There is evidence of an overhang of demand for indoor sport and recreation in Hawke's Bay, and evidence of very high utilisation rates at existing facilities
- The Napier City Council has accountability in the Local Government Act to improve the well-being of the community, in a way that is cost-effective for ratepayers and businesses.

In this context, it is incumbent upon Council to address the issue of under-supply of indoor sporting venues, in order to contribute to better health and longevity outcomes in the community.

The IBC assessed the need for constructing a purpose-built velodrome, and the options analysis indicated that a multi-user facility at Park Island would best meet the needs of the community, based on the stated investment objectives. As is the case with any IBC, further work was required to ascertain whether the proposed facility would fully address the needs of the community, where it should be located, and whether the costs would be affordable for Council.

Following public consultation and feedback during the LTP 2015-25 process (refer Attachment A), Council agreed to proceed with a Detailed Business Case (DBC), in accordance with the Treasury methodology. This document examined the drivers, options and viability of a proposed facility, including the assessment of location and design options. As a result of these investigations and feedback from both the public and sporting stakeholders, modifications were made to the indicative design.

Rather than a single-use velodrome with some capacity to host additional sporting codes, Council is now proposing to invest in a regional indoor multi-use sport and recreation facility that incorporates a velodrome, located on land adjacent to Pettigrew Green Arena. The intention of the change is to:

- Increase the opportunities for participation in active recreational events and activities in Hawke's Bay
- Provide an adequate supply of flexible indoor spaces for sports that are growing in popularity with the Hawke's Bay public, whilst allowing for the mix of codes to change over time
- Provide additional capacity for sporting and active recreational opportunities in education, for primary, secondary and tertiary students, and as a pathway to employment
- Increase the number of visitor nights to the region by ensuring that Hawke's Bay can host national and regional-scale events, recreational activities and sporting tournaments.

The inclusion of a velodrome as part of the proposal is due to the need to provide the widest range of sporting participation opportunities for the widest range of age groups:

- While indoor sports such as volleyball and basketball can point to high levels of participation from school age children and young adults, these rates fall off

significantly with age, partly due to the high level of physicality required in the games

- No evidence was presented by any of the court sports that there is significant growth in participation in the older (35+) age cohorts
- In comparison, cycling is able to identify ongoing and material growth in interest from senior riders in Hawke's Bay, which is consistent with the growth of the sport across the country
- This was reinforced by USO Bike Rides, who are seeing an uptake in cycling amongst adults and older people in both Māori and Pasifika communities – both of whom are heavily over-represented in adverse health and longevity statistics in Hawke's Bay
- The Bay's population is older than the median in New Zealand and Statistics NZ projections are that the average age will continue to increase in the decades ahead.

It is therefore incumbent on Council to address the participation needs of the widest possible range of ages and activity levels. Evidence from the Cambridge Avantidrome shows that age is no barrier to taking part in indoor cycling, and that there is interest in and use of the velodrome by a very wide range of age groups. Accordingly, the incorporation of a velodrome in the facility represents a prudent investment in the health and well-being outcomes for the greatest number of potential users in the region. Sport New Zealand are strongly supportive of multi-use sports facilities and note that the provision of a wide array of sports and activities is the most appropriate for the current and future needs of the community.

The Detailed Business Case is now complete, and provides further details and information regarding the sports codes requirements.

2.3 Issues

As noted below, Council's financial contribution to the project is \$7.7 million or 33% of its capital costs, with the \$15.2 million balance coming from other funders, including central government. One of the primary sources of funding is the Lottery Grants Board Significant Projects Fund administered by the Department of Internal Affairs, which Council will apply to for \$3.5 million.

Council has been informed by The Giblin Group that this fund is closing on 15 March 2017. This fund only opens if there are surplus lottery funds to distribute. There is no guarantee as to when the fund will re-open again. A decision on whether to proceed with the next stage of the project is therefore required before that date if application is to be made and funding sought.

Council has also been informed by The Giblin Group that projects must be able to demonstrate they are regionally significant to be eligible for funding. Based on previous funding decisions, it is highly likely that a Multi-User Sports Facility incorporating a velodrome would meet this test, but it is almost certain that a facility without a velodrome would fail this test.

Accordingly, any decision to delay the next step in the process will see the Department of Internal Affairs deadline missed, which will result in a \$3.5 million shortfall in external funding. Council is informed by The Giblin Group that no other additional external funders have been identified that could provide such a significant contribution.

2.4 Significance and Consultation

Council consulted on the original velodrome proposal as part of the LTP 2015-25 process, and feedback on the proposed investment in a velodrome was largely supportive. However, there was community concern that the cycling-specific focus of the facility was too narrow, and submitters wished to see a facility that was more versatile and able to meet the needs of a wider range of current and potential users. This has been addressed in the design process of the MUSF.

There was also support for the proposed MUSF from local Iwi and Pasifika communities, given the over-representation of Māori and Pacific peoples in the below-average health and longevity outcomes of the region.

The Future-in-Motion brochure (shown at Attachment B) was sent to all Napier and Hastings residents December 2016, together with holding an open day held at Pettigrew Green Arena to inform the public of the proposal.

Further community consultation will occur following the development of the detailed design and final costs are confirmed.

2.5 Implications

Financial

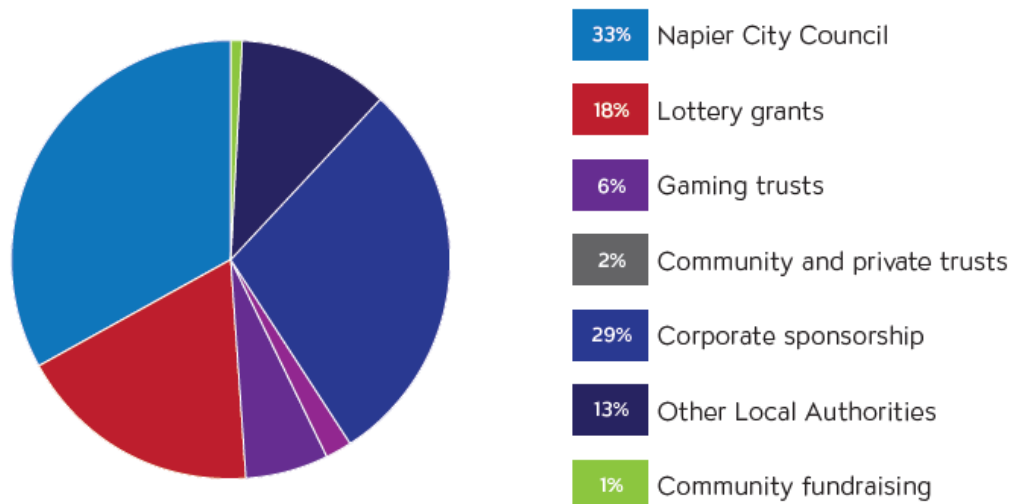
The development of the DBC and consultation with stakeholders has resulted in design and location changes since the IBC was prepared. In turn, this has resulted in a change in the projected budget, from the \$15 million estimated in the Indicative Business Case to \$22.9 million including contingency. The reasons for the increased budget are:

- The increased scope has led to changes in design to ensure the facility can meet the capacity needs of a wider range of sporting codes, now and in the future
- The configuration of the facility has been altered to ensure that it is flexible enough to cope with changing community recreational and sporting preferences
- Additional capabilities that can meet the needs of educational stakeholders – such as Eastern Institute of Technology (EIT) – have been added to the scope
- Some items that were out of scope for the stand-alone velodrome – such as car parking – have been brought within the scope of the regional indoor multi-use sport and recreation facility

In addition, considerable design and costing work has been completed, so the high-level estimates and assumptions that were used in the IBC have been updated to reflect a more accurate design, construction and commissioning costs.

Of the \$22.9 million capital cost, \$7.7 million is projected to be funded by Council, with the balance of \$15.2 million coming from central government, regional contributors, corporate sponsorship and community fundraising. The funding proportions are as follows:

: Funding by source



Item 2

In operational terms, the facility is expected to break even or generate a small surplus, meaning that there is unlikely to be the requirement for ongoing operational funding from ratepayers. This is primarily due to the financial contribution from retail spaces that are incorporated into the roadside frontage of the building, which are estimated by Telfer Young Valuers to contribute some \$114,000 per annum in revenue to the proposed facility.

The MUSF will be a material contributor to the economic development of the region. The direct and indirect benefits are as follows:

- Around \$60 million of one-time benefit will flow from the construction project, in accordance with the national and international studies conducted by PwC
- Around \$3.6 million of annual benefit will flow from additional visitor nights due to regional and national sports tournament, based on the independent economic modelling methodology used to assess the contribution of tourism
- Additional intangible economic benefits from increased amenity, improved community cohesion and improved health and well-being outcomes for individuals in the region.

Sport NZ commissioned an independent assessment of the business case from APR Consulting, and their report stated:

“In the reviewers’ opinion, the anticipated wider socio-economic benefits of the proposed facility are well described and conservatively estimated.”

APR Consulting noted that the benefit/cost ratio (BCR) of the indirect benefits ranged from 1.54 to 1.98 over a 20 year period.

The procurement process (refer Attachment C) is based on an early contractor involvement model, which is recommended and endorsed by the Ministry of Business, Innovation and Employment. This approach was assessed as reducing the overall risk to the Council by ensuring that any design or construction issues would be identified and addressed early in the project.

The procurement approach is:

- Stage One and Stage Two – suitably-qualified consultants and specialist advisors were approached to conduct the assessment, design and costing work, using the processes described in the Council's Contracts Policy. Where possible, these specialists were engaged on a fixed-price basis. The outcome of these stages are to identify the costs, benefits, design options and risks of various alternatives so that Council can make an informed decision about whether to proceed with the multi-use facility.
- Stage Three – suitably-qualified contractors and consultants will be contracted to finalise the developed design and undertake construction of the facility.

Council sought external procurement assurance from the McHale Group, who undertook a review of the procurement strategy. It concluded:

- The draft procurement strategy for the project was consistent with the Council's Contracts Policy. However, we advised the Council project team to seek a limited exemption to the Policy for various aspects of the procurement strategy.
- Consideration of sound procurement and contracting practice was incorporated within the draft strategy and consistent with our good practice expectations.
- Probity principles and practices (such as consistency, impartiality, fairness, transparency, accountability, best value for money, managing conflicts of interest and good ethical behaviour) had been taken account within the draft strategy.

Social & Policy

The DBC notes that facilities of this type make material contributions to both social cohesion and individual well-being. A meta-analysis conducted by The Giblin Group notes that:

Over the last 10 years, academics and governments have turned their attention to analysing the value of sport to communities, not just for its physical outcomes, but as an activity that can achieve wider social, health and economic outcomes.

There is a core argument that in addition to the direct benefits generated by the growth of the sport itself, sporting activities have the capacity to cover a wide range of external effects including: health benefits, crime reduction, educational attainment, social capacity and cohesion, and improvements in living standards. Consequently, there has been a move away from encouraging people to undertake sport for sport's sake to participating in sport to improve social and economic well-being.

There is well documented evidence of the strong relationship between participation in sport and high levels of social capital (Putnam, 2000) (Coalter F., 2002) (Delaney and Keaney, 2005). Putnam has identified two main mechanisms which allow for the creation of social capital through participation in sport:

The bonds and connections made between people who participate in an activity together, for example, members of a sports team;

The wider bonds created between supporters of a local sports activity or team. Both of these mechanisms relate to a sense of belonging and creating identity.

It should be noted that the bonds created between supporters of a team are unlikely to be as strong as those of the members of that team who meet regularly to participate in an activity together.

Increased time spent in sports leads to increased interaction with others (Bovaird, T., Nichols, G. and Taylor, P, 1997). Increased interaction with others leads to an increased stake in social relations. An increased stake in social relations leads to reductions in anti-social behaviour and contributes to the building of social capital in a community.

There are a number of key points of alignment with Council and regional strategies and policies, as follows:

Council strategic alignment

- NCC Long Term Plan 2015-2025
- NCC City Vision – working with our communities

Regional strategic alignment

- Hawke's Bay Health Equity report
- Hawke's Bay Regional Sports Facilities Plan 2015
- Draft Regional Economic Development Strategy 2015
- EIT future expansion plans

National strategic alignment

- Sport NZ Community Sport Strategy

Risk

A number of high-level risks to the proposed investment have been identified as part of the DBC. These fall into two categories:

- **Delivery risks** are associated with the design and construction of the multi-use facility. Should they eventuate, these risks will typically result in a completed building that costs more, takes longer to complete, or which is not entirely suitable for its intended purpose. These risks are mitigated through the design and project management disciplines described in the Management Case below.
- **Outcome risks** are associated with the design and operation of the multi-use facility. Should they eventuate, these risks will typically result in the facility suffering from lower utilisation or higher operating costs than has been envisaged, which in turn will mean that the full benefits of the investment are not realised. These risks are mitigated through the design phase and in the operational management of the completed facility.

Each of these risk types has been assessed for the multi-use facility, and the risk tables are contained in the DBC.

Due to the work undertaken in Stage One and Stage Two of the project, and the use of early contractor involvement in the design of the proposed facility, the delivery risks are currently assessed as **low to moderate**.

Due to the degree of consultation with stakeholders and the community, the outcome risks are currently assessed as **low to moderate**.

2.6 Options

The options available to Council are as follows:

1. Resolve to proceed with the next stage of the project, as recommended in this paper

2. Resolve to conduct further analysis and consultation on the design, location or configuration of the MUSF, with the likelihood of not being able to access \$3.5 million in central government funding
3. Resolve not to proceed further with the project.

2.7 Development of Preferred Option

The preferred option has been developed using the Treasury-endorsed Better Business Case process and consultation with the community. This has:

- Responded to the requests from cycling and indoor sports bodies for the provision of additional indoor sporting facilities
- Explored the requests, the strategic drivers and Council's role in addressing them in an Indicative Business Case, along with developing an initial design for a proposed facility
- Consulted on the desirability, design and location of the initial design with the community and other stakeholders via the LTP process
- Obtained reports into the likely social impacts, construction approaches and costs, facility design and geotechnical assessments to inform a Detailed Business Case
- Constructed a Detailed Business Case (shown at Attachment D) that fully assesses the requirements for, design of, costs, benefits, risks, procurement, funding and delivery of the proposed MUSF
- Conducted in-person, online and phone surveys with community members to assess the likely level of demand for the MUSF
- Commissioned independent assurance of the procurement strategy and the Detailed Business Case to ensure that they meet the required quality standards and that the conclusions contained within them are robust
- Conducted ongoing engagement and communication with the community on the proposed MUSF.

The preferred option is therefore to proceed to Phase 3 which includes progressing discussions with potential funders as well as finalising consent requirements.

A further and final gateway for Council approval would occur once agreed funding targets have been met, develop design undertaken, consent requirements met, and EIT land agreements made to progress to Phase 4 being Construction.

2.8 Attachments

- A Extract - Long Term Plan Consultation 2015-25 - Multi-use Sports Facility (*Under Separate Cover*)
- B The Future in Motion brochure (*Under Separate Cover*)
- C Multi-use Sports Facility Project phases (*Under Separate Cover*)
- D Multi-use Sports Facility Detailed Business Case (*Under Separate Cover*)

3. NAPIER AQUATIC CENTRE HOURS OF OPERATION REVIEW - FURTHER INFORMATION

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	339234
Reporting Officer/s & Unit:	Antoinette Campbell, Director Community Services

3.1 Purpose of Report

To provide additional information to supplement the report to the Community Services Committee meeting of 8th February 2017 titled “Napier Aquatic Centre Hours of Operation Review”.

Officer’s Recommendation

- a. That the Napier Aquatic Centre changes its opening hours on Saturdays to the earlier time of 9.00am, and on Sundays and public holidays to an earlier opening of 10.00am.
- b. That commencing 1st May 2017, the Napier Aquatic Centre changes its hours of operation to be open to the general public on weekdays during school term time between 3.00pm and 7.00pm.

MAYOR’S RECOMMENDATION

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

3.2 Background Summary

At present the Aquahawks Swim Club book all six lanes of the Ivan Wilson Swimming Complex between 3.00pm and 7.00pm on weekdays during the school term. Council’s swim school programme occupies all five lanes in the old 25m pool also during this time. It is proposed that in meeting Council’s Long Term Plan (LTP) community outcome of “*Safe and Accessible Recreation Facilities*” that two lanes be made available to the general public for non-programmed use. This is proposed to be achieved by removing one lane booking from Aquahawks and condensing the swim school to four lanes.

3.3 Issues

When this matter was considered at the Community Services Committee meeting of 8th February 2017, Council queried whether a trial period of one term could be considered and asked what the implications of this might be. A trial period commencing in the second school term would allow officers to assess the usage of the available lanes over this period, in order to report back to Council and inform their decision-making. However, a decision of Council would need to be made prior to the end of the school term; therefore the assessment and report would need to be completed around the 31st May to meet the Council reporting timeframes to obtain a decision from Council’s Finance Committee scheduled for 14th June 2017. Registrations for swim school need to be confirmed two to three weeks prior to the end of Term 2 for swimming lessons in Term 3, therefore will be open from 19th June 2017. Due to these timeframes, usage data would only be able to be collected for a period of one month, which is not considered adequate to assess community satisfaction and realistic public use (anticipated to be low in the first few weeks until word gets out that the pool is once again open).

A further implication of a trial period is that, once the pool has been opened up to the public for non-programmed use, there is a risk that Council will receive criticism once again from the community, should it be decided to close it again post-trial. There has been much criticism and many complaints over the years, as evidenced by the National Research Bureau's (NRB) Communitrak annual survey (data and comments from the 2014, 2015 and 2016 surveys are shown in Attachment A). It should be noted that satisfaction levels decreased considerably from 2008 onwards; this was when the decision was made to close the doors of the Aquatic Centre to the public in favour of Club swimming and swimming lessons only. The survey results were supported by the feedback from stakeholder consultation during the development of the Napier Aquatic Strategy and the Napier Aquatic Centre Expansion Business Case Issues and Options Paper (shown at Attachment B), a document developed to inform the Business Case currently in development.

Making no changes to the hours of operation i.e. maintaining the status quo, will continue to disadvantage the community for at least two and a half, more likely three years, before an adequate facility is built. The implications of maintaining the status quo are that Council should expect to continue to receive complaints about lack of access to pool facilities, and it would continue to fail to meet its LTP community outcome of "*Safe and Accessible Recreation Facilities*".

Aquahawks report they currently have a maximum of six competitive swimmers per lane. Other swim clubs report a maximum of between eight and ten swimmers per lane, so it is therefore considered feasible that Aquahawks have increase densities at times. The option of extending their booking to 8.00pm or even 9.00pm as other swim clubs and general sporting clubs do (including surf lifesaving clubs, underwater hockey, Extreme Freedom Divers, and aqua aerobics), is also a viable one. It should also be drawn to the Council's attention that Aquahawks recently had no lanes available to them over a four month period during the seismic strengthening of the Ivan Wilson building, yet managed as best as they could utilising alternative facilities.

While some lost revenue has been projected from the removal of a swim school lane based on current use patterns, in reality the swim school will likely increase pool densities to meet demand where possible, so it is likely the projected lost revenue will be minimised.

It is considered that revising the opening hours to an earlier opening on weekends does not impact on Aquahawks or swim school and therefore a recommendation relating to weekend hours has been made.

3.4 Significance and Consultation

None

3.5 Implications

Financial

None

Social & Policy

None

Risk

None

3.6 Options

The options available to Council are as follows:

1. To open the Napier Aquatic Centre at an earlier time of 9.00am on Saturdays and 10.00am on Sundays and public holidays,

AND

2. To change the hours of operation to provide public access to the Napier Aquatic Centre on weekdays between 3.00pm and 7.00pm during term time,

OR

3. To trail a period of providing public access to the Napier Aquatic Centre and report back to Council on community satisfaction and public access issues,

OR

4. To maintain the status quo.

3.7 Development of Preferred Option

The preferred option is to uphold the recommendations of the original report and open the Napier Aquatic Centre for general public access for non-programmed casual swimming between 3.00pm and 7.00pm during the school term.

It is considered that whichever option the Council decides on with regard to term time access, it should not affect the recommendation to open earlier on Saturday and Sunday. For this reason, this recommendation has been treated separately so any decision may be implemented as soon as practicable without having to wait until Term 2.

A trial period is not recommended as it carries the risk of not meeting community expectations should Council decide to return to excluding casual swimmers during peak demand times. However, if the Council decides it does want a trial period, it is recommended that a minimum period of two terms should be implemented to allow data collection pertaining to usage and community satisfaction to take place over a period of longer than one month.

3.8 Attachments

- A National Research Bureau survey results 2014 2015 2016
- B Napier Aquatics Centre Business Case - Options for Discussion

Satisfaction With Swimming Pools

		Very satisfied %	Fairly satisfied %	Very/Fairly satisfied %	Not very satisfied %	Don't know %
Overall						
Total City	2016 ^a	25	25	50	24	25
	2015	33	28	61	13	26
	2014	30	29	59	16	25
	2013	23	33	56	21	23
	2012	16	35	51	19	30
	2011	18	37	55	24	21
	2010	28	32	60	19	21
	2009	33	28	61	16	23
	2008	26	29	55	18	27
	2007	33	43	76	10	14
	2006	43	36	79	4	17
	2005	52	30	82	7	11
	2004	54	29	83	3	14
	2003	56	25	81	6	13
	2002	51	26	77	5	18
	2001	45	31	76	5	19
	2000	48	28	76	6	18
Users/Visitors		37	28	65	29	6
Comparison						
Peer Group (Urban)		38	32	70	10	20
National Average		38	31	69	10	21
Ward						
Ahuriri ^b		28	28	56	25	20
Onekawa-Tamatea		32	19	51	26	23
Nelson Park ^d		22	28	50	27	24
Taradale		24	24	48	22	30
Age^f						
18-44 years		35	30	65	18	16
45-64 years		20	25	45	33	23
65+ years		18	18	36	22	43
Length of Residence						
Lived there 10 years or less		29	34	63	14	23
Lived there more than 10 years		24	22	46	28	26

^a% read across

^ddoes not add to 100% due to rounding

80

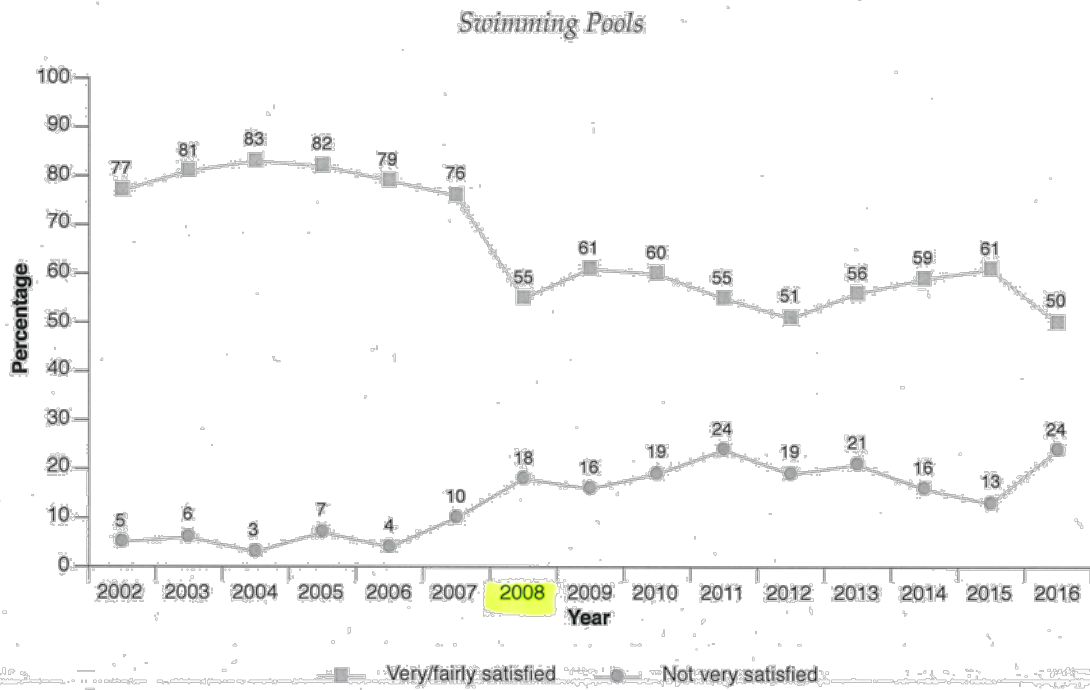
The main reason residents are not very satisfied with swimming pools are ...

- not enough pools/need more/a bigger pool,
- need improved facilities/need to cater for families,
- overpriced/too expensive,
- limited access/opening hours.

Summary Table: Main Reasons* For Being Not Very Satisfied With Swimming Pools

	Total City 2016 %	Ward			
		Ahuriri %	Onekawa- Tamatea %	Nelson Park %	Taradale %
Percent Who Mention ...					
Not enough pools/need more/a bigger pool	13	11	19	11	11
Need improved facilities/ need to cater for families	6	4	5	6	7
Overpriced/too expensive	4	4	2	6	4
Limited access/opening hours	4	8	3	2	3

* multiple responses allowed



Recommended Satisfaction Measure For Reporting Purposes:
 Total City = 50%
 Users/Visitors = 65%

**Q13 Reasons why they are not very satisfied with
a. "swimming pools?"**

Onekawa outdoor pool closed

- "The Onekawa pool. The loss of the outdoor pool."
- "Onekawa pool used to have an outdoor pool. It is closed and now kids have to go elsewhere to swim. They have to travel further or not at all."
- "Swimming pool, outdoor pool, closed."
- "The council closed Onekawa pool quite a few years ago and they have never replaced it."
- "Onekawa pool needs attention."
- "Had a very nice pool but now it is closed down."
- "Used to have a lovely outdoor swimming pool."
- "They shouldn't have done away with the Onekawa outdoor pool."
- "The Onekawa outdoor pool should not have been taken away."
- "They took out one of the pools that was used a lot and have done nothing. Onekawa."
- "Huge void for young people since the closure of the Onekawa Olympic swimming pool."
- "Tore out the Olympic standard swimming pool and you don't now have an Olympic swimming pool."

Rundown / need upgrading / maintenance / improving

- "Our swimming pool is adequate but quite old. It is looking tired."
- "Dated. Needs improving."
- "Shocking. Onekawa pools haven't been kept up-to-date."
- "We could do better in Napier with the Onekawa pool. The outdoor facility needs fixing up."
- "The Onekawa pools are in a bad state and I was shocked. They need a lot of money spent on them."
- "Pools all need money spent on the maintenance."
- "Maintenance is lax. Onekawa not nice to swim in."
- "Ocean Spa is woefully under maintained and has been for years."
- "Not maintained. Standard of maintenance."
- "Pipes corroding on marine swimming pool."
- "Blinds don't work in the private pools. Ocean Spa."
- "It is looking badly maintained. The one on Marine Parade."
- "Ocean Spa. The quality of services in and out of the pool."
- "Too hot, steam. Not ventilated."

Need improved facilities / need to cater for families

- "Facilities have not been developed to Olympic standard."
- "They need a new complex. They don't cater for the majority of the people."
- "Need a new swimming complex."
- "Not having adequate facilities."
- "Not enough facilities."
- "Poor swimming facilities."
- "Young families need a safe economical swimming venue. Rivers aren't healthy."
- "Make pool at Onekawa bigger."
- "Onekawa pool needs redeveloping."
- "They need to be upgraded."
- "I should have better access to services. The only one kids have access to is in Maraenui."
- "Could do with more aqua activities."

continued ...

Need improved facilities/need to cater for families (continued)

- "They didn't build the waterpark."
- "It's inadequate. I don't use them but my friends do."
- "Onekawa pool is not good. Needs to be sorted out. Now you have to sit inside and there is all the echoing of people shouting."
- "Swimming facilities need to be improved in Napier."
- "More amenities needed for teenagers."
- "Needs upgrading. The pool at Onekawa."
- "It could be better. There is only one pool at Onekawa and that is not up to standard."
- "Onekawa needs improving."
- "Onekawa pool has had some problems."
- "No other outdoor pool since they dug them out."
- "They're lacking a bit of room and space. Could be bigger."
- "The old one is cramped and often overcrowded."
- "They could be upgraded. They need a makeover."
- "Onekawa pool is too small for an area like Napier with the climate. We need better facilities, especially outdoor ones."
- "We had our granddaughter staying and there's nothing to take her to. Onekawa was hopeless to take her to."

Not enough pools/need more/a bigger pool

- "We haven't got a decent Olympic pool in Napier."
- "We need another public one, in the central Napier area so that it is accessible to everyone."
- "Would like a big pool like we used to have. An Olympic pool people would use if the price was right and it was multi use."
- "We do not have an outdoor pool or an Olympic pool. They never rebuilt the Olympic pool."
- "Need to bring back an Olympic swimming pool both for residents and tourists instead of spending our money on things we don't want."
- "Need an Olympic sized pool with diving pools."
- "We need a proper Olympic size pool. I don't think they have done the right thing with the Onekawa complex."
- "No fifty metre pool. Location should be in the aquatic centre."
- "Would like a bigger pool. A fifty metre would be nice."
- "No fifty metre pool anymore and it should be replaced."
- "A bigger pool in Onekawa."
- "A bigger outdoor pool in Napier."
- "Lack of large public swimming pools."
- "We lack a large pool."
- "New and larger pool urgently required."
- "They have no outside, outdoor swimming pool. Who wants to swim inside in the summer? We need to be outside to absorb vitamin D. No facility for high schools so they are encouraged to go to Frimley."
- "There is no open air pool like there used to be."
- "There are not enough swimming pools. No proper outdoor swimming pool."
- "Our lack of outdoor pools in Napier. I really feel Napier needs an outdoor pool."
- "No outdoor pools in Onekawa complex."
- "Need a new pool, outdoors."
- "They need a new outdoor pool."

continued ...

Not enough pools/need more/a bigger pool (continued)

- "New outdoor needed."
- "Need another pool, an outdoor one in the Napier area."
- "Need an outdoor pool. Overcrowded. Onekawa."
- "We need a good outdoor pool. We have the weather for it."
- "Need a new outdoor pool."
- "Onekawa pool needs another outside pool."
- "Nowhere near enough. No outdoor pools at all."
- "Napier needs an affordable outdoor swimming pool for the summer. Could be available to schools."
- "It's not available. Not enough facilities for the demand."
- "They lack pools for families."
- "Could do with some more pools. Onekawa."
- "Not a decent swimming pool in Napier and Taradale."
- "They could do much better. Taradale needs a pool."
- "We need a public pool in Taradale."
- "They are inadequate in number and location."
- "Could do with a decent pool."
- "Need a new swimming pool."
- "Not a good pool for schools to have their swimming sports in this city."
- "There isn't one available for schools to use."
- "Napier needs a competitive pool for serious swimmers to be available for schools."
- "We are lacking a big facility."
- "We haven't got enough of them."
- "Need another one in the city."
- "We need a brand new swimming pool for a town of this size."
- "Need a decent pool."
- "Napier is lacking a good pool."
- "We need a proper public swimming pool. When my kids were young they loved Onekawa pools."
- "There are not enough."
- "Need another pool."
- "There is nowhere to just go for a swim. I started adult swimming lessons and have to go to a school."
- "Don't think there are enough swimming pools in the area."
- "Need more. Onekawa is way too busy."
- "The range of the pools."
- "Napier does deserve a good swimming pool."
- "Need more of them around. Easier access to residents."
- "Lack of swimming pools in the area."

Not warm enough

- "Booked a private spa at Ocean Spa recently and it was cold. Couldn't use the spa."
- "Kid's pool at Ocean Spa is cold so they invade the adult pools. Onekawa pool is not heated."

Limited access/opening hours

- "The times you can go. The Onekawa pool."
- "Hours is what we don't like. Opening later in the evenings would be good."
- "Hours too short."
- "The Onekawa pool has limited hours."
- "The Onekawa pool seems to be taken up with other activities and groups. It is hard to find a time when you can use all of the facilities."
- "Not happy that pool is shut to public during swimming lessons."
- "There are too many groups using them and individuals are not well catered for."
- "Public access limited after school, because of private lessons."
- "Daughter wanted to go swimming and they were closed for schools and swimming lessons."
- "Getting access to them for canoe polo. Also the pools are often closed for general public swimming. The pool that does this is Onekawa pool. The polo is at Flaxmere and Clive."
- "Sometimes closed for the public. It's disappointing when other stuff is on and when we go down its closed. It's a public swimming pool and should be open for all."
- "Existing pool is unavailable when swimming lessons are occurring."
- "The pool is there but so utilised by the swimming club it leaves no time for anyone else."
- "The only other pools are pathetic with their hours for the public."
- "The other pool is tied up with events and not open early enough in the morning. Hastings has better facilities."
- "Half the time one pool is shut."

Needs cleaning /dirty

- "Last time I went to the Onekawa pools it was disgusting. Dirty and untidy."
- "Onekawa pool is dirty."
- "Not very clean."
- "Ocean Spa pools are grubby. Things floating in the pools. Onekawa changing rooms need more cleaning."
- "Ocean Spa is not good. The water quality isn't good."
- "Found someone had defecated on the tiles. Ocean Spa."

Overpriced /too expensive

- "The Ocean Spa is a big rip off. Far too expensive."
- "The Ocean Spa is too expensive for families."
- "They are far too expensive, particularly Ocean Spa. It would about \$20 a time for two adults and a child."
- "Ocean Spa is too expensive for a whole family."
- "Ocean Spa is too expensive for the average person."
- "Ocean Spa is too expensive."
- "The pool on Marine Parade is quite expensive."
- "The pool complex in Napier is very expensive."
- "Marine Parade pool overpriced."
- "Cost of swimming pool entry far too much for families."
- "Locals should have discounted entry fees during winter to attract greater usage. Ocean Spa."
- "Only one in Napier and it's expensive."
- "The price."
- "The cost to get in. This applies to the one on Marine Parade."
- "The one on Marine Parade is too expensive."
- "Too much money to use."

Expenditure on pools

- "Spent too much on Spa pools at the expense of the suburbs."
- "Are we spending the money on the right things? I am not 100% sure. For what we have got, is the money we keep spending on them a good investment or should they be rebuilt?"

Others

- "Not enough children are being taught to swim."
- "Rent at café next door is too high. All tenants fold."
- "The one on Marine Parade is severely over policed."
- "Some unkind people at Onekawa."
- "Perhaps they should question people about infectious diseases as I believe I got athletes foot from the pool. I've never had just a thing before and after going there, I got athletes foot."
- "Some parents don't look after their kids there."
- "Have to pay to use playground."

Q13 Reasons why they are not very satisfied with –
c. "swimming pools?"

Onekawa outdoor pool closed

- "They closed down the big pool."
- "Onekawa Pool Complex has closed. The outdoor pools."
- "The Council hasn't fixed the big pool, Onekawa. A shame it's gone."
- "They destroyed the Onekawa Pool. No decent outdoor pool left in Napier."
- "The outdoor pool was a big loss. Not happy. We live close to Onekawa pool."
- "Outside Pool Onekawa has been left to rot."
- "Should not have closed Onekawa Pool in Maadi Road."
- "The Olympic Pool in Onekawa was closed down."
- "Getting rid of outside pool in Onekawa."
- "No outdoor swimming pool, Maadi Road, Onekawa. Could use it for my kids more often if we had one."

Rundown/need upgrading/ maintenance/improving

- "Onekawa is a bit rundown."
- "Onekawa Pool needs improvement."
- "Onekawa is old and tired. Needs a big upgrade."
- "They don't take good care of pool, Onekawa."
- "Maintenance is below par at Onekawa."
- "Onekawa Pool is a bit run down and grotty. The showers are disgusting."
- "Have not moved with the times. Need considerable upgrading."
- "Need to upgrade."
- "Upgrade needed, one in Taradale."
- "Big spa not going properly. Long term leak, three months. Onekawa Pool."

Need improved facilities/need to cater for families

- "Aquatic Centre not as developed as well as it could have been. Should have outdoor facilities, and a dive well. Doesn't cater for teenagers or competitive swimmers."
- "Provide purpose built venue for canoe polo, Onekawa pool."
- "New pool, Onekawa Centre, not suitable. Hard to take kids."
- "Make it more interesting."
- "Very limited. Need more activities there, eg; wave pool."
- "Could do with something more for the kids, scooter track area, eg; water shooting like the one at Onekawa."
- "Kids part at Aqua Park."

Not enough pools/need more/a bigger pool

- "Need more swimming pools in the city."
- "Would like to see a covered pool in Taradale."
- "Not sufficient, not a good public pool on Marine Parade."
- "We would like another one outdoors at Onekawa, would be great."
- "Need an outdoor swimming pool on Marine Parade."
- "Not enough for the number of people so hard to get a decent swim. Would like another pool around it."
- "There should be a few more pools for residents in local areas, eg, Anderson Park."
- "We need more pools for children to learn to swim in."
- "We haven't got a competitive swimming pool."
- "Size of pool. Should be two pools."
- "As far as I know, there are no public swimming pools in Napier. Just private ones."
- "Don't have any."
- "Not enough."
- "We go to Clive. I wish there was some local in Taradale, something state of the art rather than old."
- "Not enough choices."
- "Could do with another one."

Not warm enough

- "Onekawa pool not warm enough."
- "The temperature is too low. It's too cold. Onekawa pool."
- "Pool on the foreshore cold."

Limited access/opening hours

- "The pool is taken up by people training."
- "Too much is being rented to clubs and makes it very difficult to just go along to the pools. Onekawa."
- "Napier Pool closes at 4pm so can't go for a swim and anyway always hired out for other things."
- "Disappointed. Onekawa is very utilised by clubs so hard to get room."
- "There is not enough room to cope with all swimmers. Onekawa."
- "Hours open are not enough, too restricted, lanes are closed off. The general public should have first priority."
- "Staff at Onekawa Pool put other swimmers into aqua jogging lanes. Should be better publicity about hours of availability."
- "Onekawa was closed for a swimming club."
- "The fact of public access."

Overpriced/too expensive

- "Need something more affordable for young families."
- "Prices too high for families."
- "The Spa pool too dear."
- "Ocean Spa too expensive for locals."
- "Marine Parade is for tourists and well to do rather than suburban as too expensive."
- "Parade pool too dear."
- "They cost too much."
- "The pool on Marine Parade is too dear."
- "Ocean spa is a bit overpriced."

Others

- *"Amenities are not clean."*
- *"Onekawa pool needs cleaning."*
- *"Onekawa changes detract from usefulness."*
- *"Five staff on junior pool but only 6 people to cover the other pool."*
- *"Staff are too casual."*
- *"Don't use them."*
- *"Reasonable if they didn't have canoes in them."*
- *"Things are pinched from lockers."*
- *"I'm allergic to chlorine so I don't go."*

Q13 Reasons why they are not very satisfied with –
g. "swimming pools"

Onekawa outdoor pool closed

- "Pool filled in at Onekawa, have to travel to Hastings."
- "Big one shut down."
- "The great big cold water pool in Onekawa no longer exists."
- "Not happy with the loss of Onekawa outdoor pool."
- "Olympic pool is gone, only one pool now."
- "Shame they closed the Napier Olympic pool."
- "No outdoor pool at Onekawa."
- "Outdoor pool at Onekawa closed down."
- "There is no outdoor pool in the suburbs."
- "Our Olympic swimming pool complex was ripped out and a daycare centre built on it."

Rundown/need upgrading/maintenance/improving

- "Need upgrading."
- "Onekawa pool needs some work done."
- "Maintenance is lacking at Ocean Spa pool."
- "They are rundown."
- "Onekawa pool is substandard, sometimes the heaters don't work."
- "Onekawa pool is a disgrace."
- "Marine Parade, shower floors need maintenance. I slipped on the floor there, hasn't been fixed."
- "Could do with improvement, Onekawa pools could be expanded."
- "Onekawa pool needs an upgrade."

Need improved facilities/need to cater for families

- "Onekawa pool is lacking facilities."
- "Needs to be family friendly."
- "Marine Parade pool has no facilities for toddlers."
- "The facilities in Onekawa and Marine Parade pools are inadequate for the population of Napier."
- "Not child friendly, no play area."
- "Don't feel they are user friendly."
- "Not enough activities available especially for teenagers."

Not enough pools/need more/a bigger pool

- "Onekawa needs a bigger pool, not much room there."
- "Not enough of them."
- "We need more."
- "Not enough pools available for the population at Maraenui."
- "We need a new one."
- "We could do with more in Napier."
- "We need an Olympic size pool, schools have to travel to Hastings."
- "Not enough of them, need another pool, both in Taradale and Napier."
- "Need more like an Olympic pool."
- "Haven't got a decent pool in Napier."
- "There's a huge need for an Olympic pool in Hawke's Bay instead of running second grade pools."

Limited access / opening hours

- "You can never get in, all booked out to clubs."
- "Onekawa pool, accessibility not good, can't always get a swim because of specific groups using it."
- "Onekawa Aquatic Centre, if you want to swim after 3pm you can't, it's closed for swimming lessons."
- "Onekawa pool, families can't get in because of swimming lessons especially after school."
- "They closed them between 3pm and 7pm, timing is bad for families, Onekawa Aquatic Centre."
- "We are always kicked out of Onekawa pool when there is something else happening there, we do aqua aerobics for senior citizens."
- "Availability to do training lengths at Onekawa."
- "Onekawa pool excludes residents at times because clubs have a prior claim."
- "Onekawa pool too booked up for casual swimming, only one lane available, full of organised groups."
- "From 2pm always swimming classes and can't get in, Onekawa pool."
- "Onekawa pool is just too busy too often, the Aquahawks and swimming club. I have stopped going there because of this. I thought it was a public pool not a club pool."
- "There are very limited hours for lane swimming."
- "Onekawa pool mostly leased out to clubs, not available for general public, too much time to organisations, it's a Council operated pool."
- "Onekawa pool privately booked out in prime time so the public cannot use it."
- "Too many organised groups, no space for casual swimming for others."
- "Onekawa pool, hours are too short, school swimming stuff going on after school, can't get in."
- "We went last Saturday and the Onekawa pool was closed."
- "Limited opening times."
- "Hours at Onekawa pool are shocking, they don't open till 11am at weekends."

Not very clean / poor hygiene

- "The spa pools at Onekawa were dirty, people have got yeast infections."
- "Onekawa pool is dirty."

Overpriced / too expensive

- "Too expensive."
- "The cost."
- "Too dear for families."
- "Charge too much."
- "Marine Parade too expensive."
- "The one by us is far too expensive to get in to, Ocean Spa."
- "Too pricey."
- "Onekawa hasn't been used a lot, the charges are too high for families to take kids."
- "The one on Marine Parade is a bit too expensive."
- "I find Ocean Spa prices are way too high for locals."
- "Too expensive for families."
- "Ocean Spa too expensive."
- "Ocean Spa could be cheaper for families and tourists."
- "Too expensive, children play polo and it costs us a small fortune to go."

Others

- "Not well promoted."
- "Service at the Marine Parade pool is slow and unhelpful."
- "Water not warm enough at Marine Parade pool."
- "Could be better."

Napier Aquatics Centre

ISSUES AND OPTIONS PAPER

Prepared for the

Napier City Council



27 October 2016

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1 Introduction

In considering the potential long list of options discussions have been held with key stakeholders from Council, partner organisations and aquatic groups. In addition, an email survey has been undertaken with all clubs and key user groups identified as using the facilities.

The key focus of all work to date has been to identify the range of different activities that are currently in demand. Once the activities were identified, these have then been grouped together where possible with options developed around the physical spaces that are required to meet these demands.

2 Strategic Context

Napier City Council Long Term Plan 2015

- Safe and accessible recreational facilities - All people who live in Napier have access to services and facilities that support recreation opportunities in a safe environment and that encourages positive social interaction.

Napier Aquatics Strategy 2014

The goals to be delivered through the Aquatic Strategy are:

1. Inspire the Napier community to be safe in the water, engage in regular physical activity and develop strong community connections.
2. Maximise opportunities for the Napier community to participate in aquatic recreation and sport.
3. The current and future aquatic network (including natural environments) provides a safe environment to participate in aquatic activities.
4. Aquatic facilities and services are financially sustainable. This includes consideration of cross boundary opportunities.
5. Partnerships are entered into to maximise delivery of aquatic facilities and initiatives.

Hawkes Bay Regional Sport Facilities Plan (2015)

Key points raised in the Plan are:

- Hawke's Bay has 6 indoor and 5 outdoor pools.
- Participation trends for aquatic sports in Hawke's Bay indicate increasing participation aligned with Sport NZ participation data.
- National sport facility plans indicate the need for a national competition standard pool.
- Planning for sport and recreation facilities has been fragmented across Hawke's Bay.
- Decisions about where sport facilities are located has been based on territorial authority boundaries, and the consequent lack of a regional approach. Future planning for sport facilities must include all of the providers of sport facilities i.e. TAs, schools, charitable trusts, sports clubs and private providers.

National Facilities Strategy for Aquatic Sports (2013)

Key findings are:

- Indoor water area of 1,500m² (equivalent to three additional standard 25m by 20m 8 lane pools) are required in Hawke's Bay to address the current shortage of facilities.
- Most aquatic facilities operate at a loss and a subsidy is provided by the asset owner.
- Users do not pay the true cost of providing the service.
- There is an increasing conflict between competitive sport requiring access for training and competition events and the community requiring recreational access.
- Under most local authority funding frameworks competitive sports use is likely to remain at

between 20-40% of total usage. It is uneconomic for asset owners to subsidise competitive sports to a greater percentage of total usage. It should be noted this usage is generated by a relatively small number of residents using the pools on a frequent basis. The annual subsidy per individual competitive swimmer is substantial due to this heavy usage.

- A majority of aquatic facilities are under-utilised for a large proportion of the day.
- The older (50+) age groups are the major growth area and they have different expectations for aquatic facilities, being warmer temperature, access, covered and water depth. There is a need to adapt and refurbish existing facilities to meet the needs of an aging population which can also include the provision of more tailored programmes within existing facilities.

3 Key Activity Areas

In considering the range of potential activities that can be included within an aquatic facility there are three key outcomes:

Community	Activities which provide a community activity or service. To meet a community need (e.g. casual swimming, swim clubs, leisure and recreation.)
Income	Activities which can generate a positive income stream related to the aquatics centre (e.g. learn to swim, café, retail etc).
Regional	Activities which are high profile and regional in nature. (e.g. competition and events.)

In considering these outcomes, it is important to highlight that many of the aquatic activities can contribute to one or more of these. What is required is a clear understanding of the relative priority of each of the aquatic activities to form the basis for selection of future facility development options.

The key activity areas identified include:

- Learn to swim
- Casual fitness swimming / training (lane swimming)
- Casual recreational / fun swimming
- Aqua fitness classes / programmes
- Health and rehabilitation
- Family fun (summer outdoor activities).
- Aquatic club training
- Competition (Inter club)
- Competition (Regional / National)

4 Key Issues / Limitations with the Napier Aquatics Centre:

Current Utilisation / Demand

- Current facilities are currently meeting their targets in terms of visitor numbers and cost recovery.
- Utilisation has been at a consistent level for some time.
- Current facilities used to capacity during peak demand periods (after school to 7.00pm). Learn to swim and swimming clubs fully utilise all lanes resulting in no access for casual swimmers at these peak times.
- Both learn to swim and swimming clubs identify unmet demand for additional pool / lane time at these peak times.
- There will be a significant transfer of current demand for both learn to swim and club swimming following the closure of Taradale Pool which cannot be accommodated in the current facilities.

Facility Limitations

- Current facilities on site are very fragmented resulting in:
 - Poor sight lines and multiple spaces increasing staffing levels (and costs)
 - Multiple plant rooms increasing operating costs
- Older, inefficient building not fully fit for purpose (e.g. the learn pool doesn't have access to showers, poor acoustic performance in the old pool)
- Small and poorly designed reception area (within the 'wet area' increasing noise and difficult to control access).
- Outdoor splash park in high demand for families in summer however use restricted by range of activities and available shade.
- Very limited retail and catering.
- Holiday programmes in high demand but are restricted in size (45 each programme).
- Growth in some activities restricted by available space:
 - water therapy (local physios hiring space)
 - aqua programmes and group fitness

The last three points result in significant unrealised net revenue opportunities for the NAC.

5 Update on Demand

- Key strategic drivers from key stakeholders relate strongly to community participation, health and wellbeing.
- Learn to swim and swimming clubs are the dominant users of the existing facilities fully utilising all capacity between 4 – 7pm, Monday to Friday.
- Demand for casual participation identified by all stakeholders is not currently being met. These informal users do not have a voice compared to organized groups.
- Swimming clubs identify access to a 50m pool as desirable however not essential. Access to lane time is seen as the essential factor.
- Potential to host events is identified however it will be limited by the current national event allocation process rather than the availability of facilities. There is intense competition between regions for these events. The ability to frequently attract significant aquatic events to the region will be limited.
- Significant areas of unmet demand are for community and club participation.

6 Overview of current aquatic provision

The current aquatic provision includes:

	Lanes (25m)	Approximate Water Area (m ²)
NAC - Ivan Wilson Pool	6	332
NAC - Old Pool	5	297
NAC - Learners pool		90
NAC – Learner pool (old)		24
Greendale – main pool	5	230
Greendale – Learner pool		15
Total	16	988

Note. All existing lanes are narrow and do not meet current width requirements for competition.

7 Potential Options

In considering the potential long list of options there are multiple different ways in which the current facilities can be considered. In preparing the long list of options for discussion these have been grouped into 4 key options. Each of these have a number of possible variations with individual elements added or removed as required.

There are 4 core options developed to aid discussion and include:

- 1 Base Option (Do nothing)
- 2 Refurbishment and Replacement
- 3 Enhancement
- 4 Aspirational

To support the core options there are a range of other potential facilities which can be considered alongside any of the core options which consider:

- Service areas
- Niche facilities and derivatives.

Base assumptions:

- In all options the Ivan Wilson Pool (6 lane 25m by 12m), learner pool, hydrosides and spa pools remain.
- With the exception of the base option the old pool (25m x 5 lane), the meeting room, learner pool and gym building at NAC are demolished.
- The pool at Taradale Primary School (25m x 5 lane) is closed.
- There is a desire to have flexibility over pool areas and water temperatures.
- Some aquatics users will relocate to other pools in the Region.
- A key consideration is acoustic separation for enhanced user experience, particularly more effective delivery of learn to swim and swim coaching activities.

Summary of Options

Option	Description	Lanes (25m)	Total Water Area	Includes Learn to Swim Area	Programme / leisure area
	Current Provision	16	988	129	
1	Do Nothing	11	743	114	No change
2	Refurbishment / Replacement	16	1207	274	No change
3A	Enhancement (3 new tanks)	16	1307	274	+ 100
3B	Enhancement (2 new tanks)	26	1832	274	No change
4	Aspirational	20	1600 - 2400	250 - 300	400 - 600

7.1 Option 1 Base Option (Do Nothing)

Undertake the minimum level of refurbishment to ensure that the current facilities remain fully operable, meeting all health and safety requirements.

Level of Service Impact

Learn to Swim	Aquatics club training	Competition (inter club)	Competition (Regional / National)	Casual / fitness	Recreation / fun	Classes / programmes	Health and Rehab

Impact on Service

Enhancement of Service	
Neutral Impact / no change	
Detrimental Impact on Service	

Strengths

- Capital costs are minimised

Weaknesses

- The option results in a significant decrease in service.

Summary

This option is not recommended for further consideration

7.2 Option 2 - Replace and Refurbishment

This core option is focused on the replacement and refurbishment of facilities. The provision of a 25m by 25m pool to provide for 10 lanes.

	Description	Primary Focus Areas	Strategic Alignment	Economic / Financial	Identified Need
Ivan Wilson Pool	The existing Ivan Wilson Pool would be refurbished and continue to provide similar activities.	Casual, recreation / fun, learn to swim			
25m Pool	A 25m by 25m 10 lane pool with moveable floor. Cooler water with a focus for lane swimming. Suitable for National short-course events and community water polo.	Aquatic training, competition (up to national shortcourse depending on seating), casual fitness			
Learn to Swim Pool	Dedicated learn to swim pool, warmer water – focused on introduction / first learn to swim. A replacement for the current learn to swim pool.	Learn to swim			

Overall Level of Service Impact

Learn to Swim	Aquatics club training	Competition (inter club)	Competition (Regional / National)	Casual / fitness	Recreation / fun	Classes / programmes	Health and Rehab

Strengths

- Lane swimming opportunities increased with regulation width lanes.
- Learn to swim opportunities can be increased with additional water area.
- Opportunity to host Regional /National shortcourse competitions (subject to final design and seating requirements).

Weaknesses

- Do not provide any significant increase in activity areas over and above current provision.

Summary

While this option provides additional pool area and greater flexibility with regulation sized lanes it does not allow the significant areas of community recreation demand to be met.

7.3 Option 3 A – Enhancement - 3 new pool tanks

In addition to Option 2 additional pool area is provided as part of the facility mix. This pool allows for greater flexibility of space and the ability to operate different pools and different temperatures to meet a wider range of activities and need.

This option would allow greater flexibility in the pool use to enable greater focus on:

- Aqua classes and programmes activity
- Progression for learn to swim classes
- Suitable water area for health and rehab programmes to be based.
- Releasing additional capacity for lane swimming.
- Potential to re-focus use of the Ivan Wilson Pool.

Option 3A Summary

	Description	Primary Focus Areas	Strategic Alignment	Economic / Financial	Identified Need
Ivan Wilson Pool	The existing Ivan Wilson Pool would be refurbished and continue to provide similar activities.	Casual, recreation / fun, learn to swim progression			
25m Pool	A 25m pool with moveable floor. Cooler water with a focus for lane swimming. Suitable for National short-course events and community water polo.	Aquatic training, competition (up to national shortcourse depending on seating), casual fitness			
Learn to Swim Pool	Dedicated learn to swim pool, warmer water – focused on introduction / first learn to swim. A replacement for the current learn to swim pool.	Learn to swim			
Programme Pool	A pool suitable for programmed activities, health and rehab, learn to swim progression. Warmer water (say 100m ² water area x 1.4m)	Learn to swim, programming, health / rehab, fun / recreation			

Overall Level of Service Impact

Learn to Swim	Aquatics club training	Competition (inter club)	Competition (Regional / National)	Casual / fitness	Recreation / fun	Classes / programmes	Health and Rehab

Strengths

- Lane swimming opportunities increased with regulation width lanes and ability to re-allocate activities into additional pool capacity.
- Learn to swim opportunities can be increased with additional water area.
- Flexible pool areas that can operate at different temperatures.
- Opportunity to host Regional /National shortcourse competitions (subject to final design and seating requirements).

Weaknesses

- Do not provide any significant increase in activity areas over and above current provision.

Summary

This option provides for flexibility of different activities in different sized pool areas and temperatures and is recommended for further consideration.

7.4 Option 3 B –Enhancement – 2 new pool tanks (50m by 25m and Learn to Swim Pools)

This core option is focused on the enhancement of facilities for lane swimming and water sports use. This includes the provision of a 50m x 10 lane pool with moveable bulkheads. This would provide for enhancement, replacing the 11 lanes that would be lost with either 20 (25m lane) or 10 (50m lanes) depending on the configuration.

Option 3B Summary

	Description	Primary Focus Areas	Strategic Alignment	Economic / Financial	Identified Need
Ivan Wilson Pool	The existing Ivan Wilson Pool would be refurbished and re-provisioned to focus on warmer water activities.	Casual, recreation / fun, learn to swim			
50m Pool	A multipurpose 52m by 25m (to accommodate bulk heads) x 10 lane pool that can be divided into 3 all with 25m across.	Aquatic training, competition (up to national depending on seating), casual fitness, learn to swim progression			
Learn to Swim Pool	Dedicated learn to swim pool, warmer water – focused on introduction / first learn to swim. A replacement for the current learn to swim pool.	Learn to swim			

Overall Level of Service Impact

Learn to Swim	Aquatics club training	Competition (inter club)	Competition (Regional / National)	Casual / fitness	Recreation / fun	Classes / programmes	Health and Rehab

Strengths

- Lane swimming opportunities significantly increased with regulation width lanes and ability to re-purpose existing facilities.
- Flexible community focused pool that can be sub-divided to provide multiple activities use areas.
- Learn to swim opportunities can be increased with additional water area.
- Opportunity to host Regional /National competitions (subject to final design and seating requirements).

Weaknesses

- Significant increase in water volume resulting increase in capital and operational costs.
- A large body of water operating at a lower temperature suitable for training.

Summary

This option provides for flexibility of different activities within a main 50m pool with the existing Ivan Wilson Pool re-focused on warmer water activities. This option is recommended for further consideration.

7.5 Option 4 – Aspirational

A staged approach to the replacement and enhancement of all aquatic facilities on the site to enable increased integration and re-alignment with other park users.

Stage 1 would focus on delivering the Option 3A or 3B Enhancements with Stage 2 the planned replacement of the Ivan Wilson Pool and associated facilities.

Option 4 Summary

	Description	Primary Focus Areas	Strategic Alignment	Economic / Financial	Identified Need
Stage 1	Provision of additional pool capacity and learn to swim opportunities as in Option 3A / 3B				
Stage 2	Ivan Wilson Pool	Stage 2 plan to demolish and re-place as part of an integrated hub.			

Overall Level of Service Impact

Learn to Swim	Aquatics club training	Competition (inter club)	Competition (Regional / National)	Casual / fitness	Recreation / fun	Classes / programme	Health and Rehab

Strengths

- A planned redevelopment of an integrated aquatics hub.

Weaknesses

- Significant additional capital cost over 2 main stages.

Summary

This option provides for the development of an integrated hub facility however is likely to require significant additional capital cost. This option is recommended for further consideration.

7.6 Service Provision

Under the Refurbishment and Enhancement Options there is the potential to review and enhance the ancillary service provision within the Napier Aquatics Centre.

	Description	Recommendation
Reception	Reconfigure and expand the reception area to be open, welcoming with good access control. Provide space for notice boards, promotion of activities, clubs, club memorabilia.	Recommended for further consideration in all options
Cafe	Café area outside on main pool area. Consideration to lease / franchise out to commercial operator	Recommended for further consideration in all options
Retail	Small retail area (10sqm)	Recommended for further consideration in all options
Physio + other rental areas	Small office / treatment rooms leased out to related private sector services	Recommended for further consideration in all options
Clubroom / meeting room	Small club / meeting room. Potential activity space to double up for school holiday programmes / children's parties	Recommended for further consideration in all options
Car parking	Reconfigure and expand car parking appropriate to projected use levels.	Recommended for further consideration in all options

7.7 Niche Facilities and Derivatives

In considering the options for enhancement there are a large number of additional activities which could be incorporated within the Napier Aquatics Centre in addition to the Core Aquatic provision. Set out below is a full range of the potential niche facilities and possible derivatives that can be considered.

	Description	Recommendation
Gym	Health and fitness gym. 300 – 400m ² .	Recommended for further consideration in all options
Fitness room / studio	Multi-purpose studio for programmes activities. Potential activity space to double up for school holiday programmes / children's parties	Recommended for further consideration in all options
Dive pool	FINA dive pool (10m platform) 25m x 20m x 5m deep. Competitive dive pool. Can be smaller if using lower platforms.	Not recommended for further consideration.
Bombing pool (outdoor?)	10 x 10m pool, 3 m deep. Low level platforms suitable for bombing. No allowance for structured diving.	Recommended for further consideration in all options
Pool Seating	Provision of seating suitable to level of competition. Flexible to maximise use of space. Community focus – 150 to 250.	Recommended for further consideration in all options
Pool Seating	Provision of seating suitable to level of competition. Flexible to maximise use of space. National focus – 500+	Not recommended for further consideration.
Lazy river, wave pool, more slides	Increase the range of leisure facilities to develop a regionally significant leisure pool	Not recommended for further consideration.

Hydrotherapy pool	A warm water pool focused on rehab. Current pool provided at Napier Health Centre.	Not recommended for further consideration.
Shading, bbq and seating	Increased shaded areas for outdoor use.	Recommended for further consideration in all options

8 The Next Steps

The next steps for discussion at the Steering Group meeting include:

- 1 Review and prioritise the key outcomes required from aquatic provision.
- 2 Review the potential options and recommend shortlisted options for further development.

4. TRIENNIAL AGREEMENT 2016-19

Type of Report:	Legal
Legal Reference:	Local Government Act 2002
Document ID:	339188
Reporting Officer/s & Unit:	Deborah Smith, Governance Advisor

Item 4

4.1 Purpose of Report

To present the final draft Triennial Agreement 2016-19 for approval and adoption by Council.

Officer's Recommendation

- a. That the *Triennial Agreement 2016-19* be adopted.

MAYOR'S RECOMMENDATION

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

4.2 Background Summary

At its Strategy and Infrastructure Committee meeting of 27 January 2017, Council was advised of the nature of, and parties to, the Triennial Agreement 2016-19 for the Hawke's Bay region.

In summary, section 15 of the Local Government Act specifies that by the 1st of March of any year immediately following a local body election, all local authorities within each region must enter into an agreement (Triennial Agreement) covering the period until the next triennial election. The Triennial Agreement specifically relates to co-operation and collaboration between the signatory councils.

The primary parties to the Hawke's Bay Region Triennial Agreement are:

- Napier City Council
- Hastings District Council
- Central Hawke's Bay District Council
- Wairoa District Council
- Hawke's Bay Regional Council.

There are also two secondary parties to the Agreement, local authorities whose boundaries bisect the Hawke's Bay region but whose primary affiliation is with another region:

- Rangitikei District Council
- Taupo District Council.

The document has now been finalised and circulated to each signatory Council for adoption by 1 March 2017; this is shown at Attachment A.

4.3 Issues

It was identified by Napier City Council that there was an opportunity with this Triennial Agreement to move from a broadly defined framework for engagement to a more meaningful document that provides a foundation for identifying, prioritising and assessing the success of regional opportunities.

Accordingly, Council provided feedback to the coordinating body (Hawke's Bay Regional Council) both on the basic structure of the document and on the importance of including key priorities for collaboration over the next three-year term.

Specific recommended changes to the draft document included:

- The inclusion of development of regional funding opportunities both as a principle and an action;
- Explicit listing of existing and new cooperative activities, including the Matariki – Hawke's Bay regional economic strategy, and participation in LIFT/ Intersectoral Group activities
- To meet quarterly (rather than annually) to discuss progress against the agreed priorities, in a an extension of the existing Mayoral Forum
- To elect a Chair from the signatory parties who holds the role for the three-year term of the Agreement, and whose council provides meeting administration support for that term.

All the other primary signatories to the Agreement, at both official and political level, supported the Napier City proposals.

Hastings District Council also proposed that a collaborative approach to freshwater management issues be included in the list of new priorities; this was accepted by the other councils party to the Agreement.

The draft document presented to Council for adoption strongly reflects the position of Napier City Council on regional activities and it is anticipated that it will become a strong foundation document to the many existing and potential cooperative and collaborative activities undertaken between the signatory councils.

4.4 Significance and Consultation

None

4.5 Implications

Financial

None

Social & Policy

None

Risk

None

4.6 Options

The options available to Council are as follows:

Participation in a Triennial Agreement is expected under the Local Government Act 2002. The draft document presented to Council for adoption strongly reflects the position of Napier City Council on regional activities and it is anticipated that it will become a strong foundation document to the many existing and potential cooperative and collaborative activities undertaken between the signatory councils.

4.7 Attachments

- A Triennial Agreement Hawke's Bay Region 2016-19

HAWKE'S BAY REGION TRIENNIAL AGREEMENT



For the Triennium from October 2016

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1. PARTIES

The parties to this Triennial Agreement (the Agreement) are:

Primary Parties:

(those local authorities whose boundaries are completely encompassed within the Hawke's Bay Region)

- Central Hawke's Bay District Council
- Hastings District Council
- Hawke's Bay Regional Council
- Napier City Council
- Wairoa District Council

Non-Primary Parties:

(those local authorities whose boundaries bisect the Hawke's Bay Region and whose principal identification is with another Region)

- Rangitikei District Council
- Taupo District Council

This Agreement applies to all local authorities in the Hawke's Bay Region. However, it is recognised that for Non-Primary Parties, the degree of involvement in various aspects of the Agreement will be in proportion to the degree to which these parties assess how they will benefit or be affected by decisions, issues, proposals or other matters.

2. PURPOSE

The Local Government Act 2002 ('the Act') encourages collaboration between local authorities and other agencies and organisations, and particularly encourages councils to collaborate with one another.

This Agreement provides one framework to achieve this, representing the shared desire of local governments in the Hawke's Bay region to: work collaboratively, improve communication and co-ordination at all levels of local Government, maximise effectiveness and efficiency, and to meet the current and future needs of communities for good quality local infrastructure, local public services, and performance of regulatory functions.

This agreement is deemed to duly constitute fulfilment of the requirements of section 15 of the Local Government Act 2002.

It should be noted that as well as the encouragement towards collaboration, the Local Government Act 2002, and other legislation including the Resource Management Act 1991, recognises that regional councils and territorial authorities have different responsibilities as local government entities. These differences provide an important context for collaboration between the Councils. The requirements contained in legislation for collaboration between Local Authorities are summarised in Appendix One to this Agreement.

3. PRINCIPLES

Parties to this Agreement agree to work together in good faith for the good governance of their localities and the Region, and

1. acknowledge that the communities within the Region are diverse and encompass a range of desired outcomes and objectives;
2. support the establishment of processes for communication and collaboration at both governance and management levels in ways that will enhance the overall performance and reputation of local government in the region;
3. recognise that collaboration and co-operation between local authorities of the Region can bring efficiencies in terms of planning, administration costs and decision-making and consultation. There is also the potential to increase available resources and promote co-operative approaches in making strategic choices;
4. will investigate further opportunities for collaboration, co-operation, regional funding and shared services between local authorities of the Region in addition to those prescribed by statute or already being undertaken,
5. agree that collaborative or shared services opportunities may occur between two or more parties to this Agreement, but not in every case between all parties to this Agreement. Although collaboration and co-operation are outcomes that should be strived for, each local authority has the legislative mandate to govern their own area as appropriate;
6. will make every effort to accommodate, acknowledge, or at least fairly represent the dissenting view where some parties to this Agreement have a significant disagreement with the position of other parties to the Agreement; and
7. will show leadership to ensure the implementation of this Agreement makes a positive difference for Hawke's Bay.

4. GENERAL APPROACH TO COMMUNICATION AND CO-ORDINATION

It is recognised that a significant level of formal and informal co-operation already exists between Hawke's Bay local authorities.

Key priorities within existing co-operative arrangements include:

- Hawkes Bay Local Authority Shared Services Council Controlled Organisation ('HBLASS');
- Matariki – Hawke's Bay regional economic development strategy;
- Civil Defence and Emergency Management activities;
- Regional Transport Committee;
- Hawke's Bay Tourism;
- participation in wider regional activities through Local Government New Zealand's Zone 3; and
- participation and contributions to LIFT / Intersectoral Group activities, noting that the governance and structure of this group with possible integration with other regional activities is to be reviewed following the development of the Social Inclusion Strategy.

New priority areas to develop co-operative approaches are:

- To develop a regional funding approach for existing and new regional assets
- To develop a collaborative approach to emerging freshwater management issues, including those identified through the Government Inquiry into Havelock North Drinking Water

Further to this existing cooperation, parties to this Agreement will:

1. Hold quarterly meetings of the Mayors of the primary parties and the Regional Chairman to formally communicate and coordinate on matters of mutual interest.
2. Invite the Chief Executives of the primary parties to attend every Forum for a period of time at the start of each meeting.
3. At the first meeting following the local body election elect a Chair of the Forum from among the attendees. The Council whom the elected Chair represents will provide the administrative support for the Forum for that triennium.
4. Review the performance of the Agreement at least annually.
5. Share resources where feasible for the purposes of preparing information on the various communities in the region. These resources may include information on demographics, survey data, scientific studies and the analysis of social, economic, environmental and cultural trends.
6. Develop joint approaches, where appropriate, to engage Central Government, iwi governance bodies and tribal entities, national agencies and community organisations.
7. Continue to support the HBLASS, which is tasked with the development and implementation of shared services arrangements for the Hawke's Bay Region.
8. Provide early for notification of, and participation in, decisions that may affect other local authorities in the region.
9. Make draft strategies, policies, and plans available to other local authorities in the region for discussion and development, where they may have regional implications or implications beyond the boundaries of the decision-making council.
10. Apply a "no surprises" policy whereby early notice will be given over disagreements between local authorities concerning policy or programmes before the matter is put out to the public.
11. Establish, as necessary, other forums at both political and operational levels that will help enhance and achieve the purpose of this Agreement.
12. Provide a process for initiating reviews of regional forums that are not working optimally in the view of one or more parties.

These approaches to communication and co-ordination will be used when preparing, reviewing or changing any parts of the Regional Policy Statement and other Resource Management Act planning documents and will be the agreed consultation process for the purposes of section 3A of the First Schedule of the Resource Management Act.

The parties to this agreement recognise that the Regional Policy Statement may contain matters that affect other local authorities in the region and can have regional implications.

5. IMPLEMENTATION PROTOCOLS

Meetings:

1. Meetings will be arranged and minutes kept by the appointed Chair - elected each three-year term - and minutes distributed to all parties to the Agreement. This does not preclude meetings being arranged, on request, by Councils other than that of the appointed Chair.
2. Given the importance accorded to this Agreement each Council will be represented by its Mayor/ Chairperson and Chief Executive.
3. Where appropriate, and agreed, the Chief Executive of a Council Controlled Organisation (CCO) may attend an item related to that CCO's activities.
4. Media and communications contact (including the provision of information to the public on request) in relation to matters covered in the Agreement shall be shared on a rotating basis.
5. All public communications from these meetings shall be approved by all participants prior to their release.
6. Where a significant decision or issue affects a particular Council, or its community, it should, in partnership with the other Councils of the region, have the lead role in formulating the collective response of the region's local authorities to this issue or decision.
7. Responsibility for servicing, and making media comment on behalf of, existing specific regional and sub-regional forums, will lie within those specific forums.

Prioritisation of Activities:

1. The parties will agree initial priorities for the upcoming 3 years at the first meeting of the triennium.
2. Priorities will be communicated via the Chief Executives to the respective parties.

6. SIGNIFICANT NEW ACTIVITIES PROPOSED BY HAWKE'S BAY REGIONAL COUNCIL

If the Regional Council or a Regional Council controlled organisation proposes to undertake a significant new activity, and these activities are already undertaken or proposed to be undertaken by one or more territorial authorities within the region, Section 16 of the Act applies.

However, in the spirit of this Agreement, the parties agree to an expanded consultation and communication process. The parties agree to discuss the issues involved at the quarterly meetings (see 4(1) above), and to provide drafts of proposals to affected Councils for early comment in accordance with the requirements of sections 77-89 of the Local Government Act (decision-making and consultation).

The parties also agree that prior to implementing the formal provisions of the Local Government Act Section 15 (2 and 3)¹:

- the Regional Council will inform all territorial authorities within the region of:
 - the nature of the activity proposed to be undertaken;
 - the scope of the proposal (including size, districts covered, and why);
 - and
 - the reasons for the proposal.
- territorial authorities will be given a reasonable period of time, but no less than 40 working days, to respond to any such proposal. The Regional Council agrees to fully consider any submissions and representations on the proposal made by territorial authorities within the region.

Should the mediation processes outlined in LGA Section 15(4) be initiated, the parties agree to the following process.

If no agreement on a mediator is forthcoming, a mediator will be appointed by the President of the Hawke's Bay District Law Society. If mediation is unsuccessful, any of the local authorities affected may ask the Minister of Local Government to make a binding decision on the proposal. The parties that have agreed to the mediation will meet the cost of mediation equally.

7. CONSULTATION IN RELATION TO REGIONAL POLICY STATEMENT

For the purposes of meeting the requirements of Schedule 1, Clause 3A, to the Resource Management Act, the consultation process to be used by affected local authorities in relation to policy statements and plans will follow the process outlined below:

Stage 1: Pre-Plan Preparation

Meaningful discussion will occur at a staff level to allow:

- A wide range of issues and options to be discussed
- Free, open and frank discussions without prejudice
- Best use of professional resources to evaluate techniques and options

Once a good understanding has been obtained of the

- Reasons for the policy statement review or change
- Minor policy differences and their basis
- Significant policy differences and their basis

the parties will decide if further progress can be made to resolve those differences and a process and timeframe to move forward should be established.

¹ Appendix One

Stage 2: Draft Change

When a policy statement or plan review or change reaches a draft stage and before it has been adopted by Council for consultation, it shall be forwarded to councils in the region (where they have an interest) for their comment. Parties will err on the side of inclusion rather than exclusion.

The general principles of comments from recipient councils should be as follows:

- Comments on a draft policy statement change would be semi-formal to the extent that they would generally be:
 - discussed with or reported to the Council; and
 - represent the organisational view.
- Comments on a draft policy statement or plan change should be preceded by a summary of the position reached through pre-consultation.
- Staff focus should be on policy implications with an emphasis on matters of difference already identified. Constructive commenting on style or grammar should be confined to informal exchanges between peers (e.g. as emails).

Stage 3: Notified Change

Once a reviewed policy statement or plan or change to the policy statement or plan has been publicly notified under the First Schedule to the RMA, matters in contention between the parties should be clearly identified and well understood.

Any new matters introduced into the policy statement or plan likely to be of interest to the recipient councils should be clearly communicated by the Council responsible and include the reasons for inclusion at this stage.

Submissions should be formal and be supported by policy and other relevant documentation or evidence including (but not limited to):

- Long Term Plans;
- Other statutory documents including asset management plans, growth management plans, strategies and district plans; and
- Relevant operational requirements and corporate activities.

Stage 4: Appeals to the Environment Court

Given the significant cost, resource and relationship impacts of appeals, best endeavours should be made to reach agreement on matters of significant difference prior to this stage. Differences of professional opinion will arise at times, however, and it is recognised that these can benefit from Environment Court decisions.

Nothing in this Agreement shall interfere with the rights, functions or duties given by statute to any party.

8. DISPUTE RESOLUTION

In the event of a disagreement between the Councils as to the interpretation or implementation of this Agreement, and/ or that disagreement between the Councils as to the interpretation or implementation of this Agreement to vary the terms of this Agreement in accordance with s.15(3) of the Act, then the matter in dispute will be referred to mediation.

If the Councils cannot agree on the appointment of a mediator, the President of the Hawke's Bay District Law Society will be requested to appoint the mediator. The costs of the mediation shall be borne by the Councils in equal shares.

9. REVISION OF THE AGREEMENT

1. The Agreement is effective from the date of signing until such time as the Agreement is either amended by the agreement of all parties or is renewed following the 2019 local authority elections which must be before 1 March 2020.
2. If a party to the Agreement requests a review of its terms within the triennium, such a review will begin within four weeks of the request being lodged. Otherwise the Agreement will be renewed following the local body elections as outlined in 9(1) above.
3. The performance of the Agreement shall be reviewed at least annually.
4. Hawke's Bay Regional Council will be the first Council responsible for servicing this Agreement.

10. PARTIES - SIGNATURES

This Agreement is signed on this day of 2017 by the following on behalf of their respective authorities.

PRIMARY PARTIES:

CENTRAL HAWKE'S BAY DISTRICT
COUNCIL

HASTINGS DISTRICT COUNCIL

.....
Mayor

.....
Mayor

.....
Chief Executive

.....
Chief Executive

HAWKE'S BAY REGIONAL COUNCIL

NAPIER CITY COUNCIL

.....

.....

Chairman

Mayor

.....

.....

Chief Executive

Chief Executive

WAIROA DISTRICT COUNCIL

.....

Mayor

.....

Chief Executive

NON-PRIMARY PARTIES:

RANGITIKEI DISTRICT COUNCIL

TAUPO DISTRICT COUNCIL

.....

.....

Mayor

Mayor

.....

.....

Chief Executive

Chief Executive

APPENDIX ONE: LEGISLATIVE CONTEXT

LOCAL GOVERNMENT ACT 2002

Section 15 requires that:

1. Not later than 1 March after each triennial general election of members, all local authorities within each region must enter into an agreement covering the period until the next triennial general election of members.
2. The agreement must include:
 - (a) protocols for communication and co-ordination among the local authorities; and
 - (b) a statement of the process by which the local authorities will comply with section 16 in respect of proposals for new regional council activities; and
 - (c) processes and protocols through which all local authorities can participate in identifying, delivering, and funding facilities and services of significance to more than 1 district.
3. After the date specified in subsection (1), but before the next triennial general election of members, all local authorities within each region may meet and agree to amendments to the protocols.
4. An agreement remains in force until replaced by another agreement.

In addition, other sections of the LGA also require collaboration:

Section 14(e) –

A local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources.

Section 16 – (summary)

If a Regional Council, or a Regional Council-controlled organisation, proposes to undertake a significant new activity, the Regional Council must advise all the territorial authorities within its region of the proposal and seek their agreement.

Section 91(3)(a) –

The local authority –

- (a) must, before finally deciding on that process, take steps –
 - i. to identify, so far as practicable, other organisations and groups capable of influencing either the identification or the promotion of community outcomes; and
 - ii. to secure, if practicable, the agreement of those organisations and groups to the process and to the relationship of the process to any existing and related plans.

Section 92(2) –

... The local authority must seek to secure the agreement of organisations and groups identified under section 91(3)(a) to the monitoring and reporting procedures including the incorporation of any research, monitoring, or reporting undertaken by those organisations and groups.

RESOURCE MANAGEMENT ACT 1991

Schedule 1, Clause 3A – Consultation in relation to policy statements

1. A triennial agreement entered into under section 15(1) of the Local Government Act 2002 must include an agreement on the consultation process to be used by the affected local authorities in the course of –
 - a. Preparing a proposed policy statement or a variation to a proposed policy statement; and
 - b. Preparing a change to a policy statement; and
 - c. Reviewing a policy statement.

5. APPOINTMENT OF OMARUNUI REFUSE LANDFILL JOINT COMMITTEE ALTERNATE REPRESENTATIVE

Type of Report:	<i>Operational and Procedural</i>
Legal Reference:	<i>N/A</i>
Document ID:	<i>337890</i>
Reporting Officer/s & Unit:	<i>Deborah Smith, Governance Advisor</i>

Item 5

5.1 Purpose of Report

To request that Council confirm the appointment of Mayor Bill Dalton as the alternate representative to the Omarunui Refuse Landfill Joint Committee.

Officer's Recommendation

- a. That Mayor Bill Dalton be appointed as Napier City Council's alternate representative to the Omarunui Refuse Landfill Joint Committee, as per the Heads of Agreement document dated 4 October 2010.

MAYOR'S RECOMMENDATION

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

5.2 Background Summary

As well as the Standing Committees of Council, there are a number of external bodies and joint committees that Napier City Council must appoint representatives to as part of its wider governance responsibilities. One of these joint committees is the Omarunui Refuse Landfill Joint Committee ('the Committee') with Hastings District Council. Napier City Council must appoint two primary representatives to the Committee; Councillors Dallimore and Tapine were appointed to these roles at the triennial meeting of Council in November 2016. Under sections 5.1 and 7.1 of the Committee Heads of Agreement, an alternate representative (or two alternates) must be formally appointed in case either or both of the primary representatives cannot attend a meeting of the Committee. The alternate must be formally appointed by resolution of Council in order to have voting rights on attending a meeting of the Committee; officers or other elected members may attend the meetings but do not have voting rights.

5.3 Issues

It had been intended to provide an alternate representative(s) to the Committee on an "as required" basis; however the Heads of Agreement document makes clear that only formally appointed alternates may vote on matters raised to the Committee. Others may attend but do not have voting rights.

The Mayor has previously indicated that he would be happy to attend this meeting as an alternate, so it is proposed to formalise this by resolution to ensure Napier City Council maintains its voting rights at all meetings.

5.4 Significance and Consultation

None

5.5 Implications

Financial

None

Social & Policy

None

Risk

None

5.6 Options

The options available to Council are as follows:

1. To appoint Mayor Bill Dalton as Napier City Council's alternate representative to the Omarunui Refuse Landfill Joint Committee, as per the Heads of Agreement document dated 4 October 2010.
2. To provide alternate attendees to the Omarunui Refuse Landfill Joint Committee on as required basis, noting that the voting right of the primary attendee will be waived for this meeting.

5.7 Development of Preferred Option

In order to maintain Napier City Council's full voting rights at all meetings of the Committee, it is preferred that Option 1 be pursued.

5.8 Attachments

Nil

6. QUARTERLY REPORT FOR DECEMBER 2016

Type of Report:	<i>Enter Significance of Report</i>
Legal Reference:	<i>Enter Legal Reference</i>
Document ID:	332441
Reporting Officer/s & Unit:	Mary Quinn, Senior Management Accountant Chris Comber, Accounting Manager

6.1 Purpose of Report

To consider the Quarterly Report for the period 1 October 2016 to 31 December 2016 and the Health & Safety Report for January 2017.

Officer's Recommendation

- a. That the Quarterly Report for the period 1 October 2016 to 31 December 2016 and the Health & Safety Report for January 2017 be received.

MAYOR'S/CHAIRPERSON'S RECOMMENDATION

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

6.2 Background Summary

The Quarterly Report summarises the Council's progress in the second quarter of 2016/17 towards fulfilling the intentions outlined in the Annual Plan. Quarterly performance is assessed against Income, Total Operating Expenditure, and Capital Expenditure. The Health & Safety Report updates the Council on health & safety matters, including hazards and risks associated to them.

6.3 Issues

No issues

6.4 Significance and Consultation

N/A

6.5 Implications

Financial

N/A

Social & Policy

N/A

Risk

N/A

6.6 Attachments

- A Quarterly and Health & Safety Reports - Second Quarter 2016-17 (*Under Separate Cover*)

REPORT / RECOMMENDATIONS FROM THE STANDING COMMITTEES

REPORTS FROM STRATEGY AND INFRASTRUCTURE COMMITTEE HELD 27 JANUARY 2017

1. APPLICATION TO SIGNIFICANT PROJECTS FUND

<i>Type of Report:</i>	<i>Procedural</i>
<i>Legal Reference:</i>	<i>N/A</i>
<i>Document ID:</i>	<i>336131</i>
<i>Reporting Officer/s & Unit:</i>	<i>Antoinette Campbell, Director Community Services</i>

1.1 Purpose of Report

To apply to the Lottery Significant Projects Fund for a grant toward the development of the Multi-Use Sports Facility.

Officer's Recommendation

- a. That an application is made to the Lottery Significant Projects Fund opening on 1st February and closing 15th March 2017, toward the development of a Multi-Use Sports Facility adjacent to Pettigrew Green Arena.
- b. That a resource consent application for the Multi-Use Sports Facility is lodged with Council before the 1st February 2017.
- c. That a **DECISION OF COUNCIL** is required urgently to meet funding deadline of 15th March 2017. This will require the following resolution to be passed before the decision of Council is taken:

That, in terms of Section 82 (3) of the Local Government Act 2002, that the principles set out in that section have been observed in such manner that the Napier City Council considers, in its discretion, is appropriate to make decisions on the recommendation.

Amendment

Councillors Wise / Taylor

- a. That an application is made to the Lottery Significant Projects Fund after 22 February 2017 and consideration of the detailed business case, and prior to the closing of the fund application period on 15 March 2017, toward the development of a Multi-Use Sports Facility adjacent to Pettigrew Arena.
- b. That a resource consent application for the Multi-Use Sports Facility is lodged with Council before the 1st February 2017.
- c. That a **DECISION OF COUNCIL** is required urgently to enable the resource consent application to be lodged with Council before 1 February 2017.to meet funding deadline of 15th March 2017. This will require the following resolution to

be passed before the decision of Council is taken:

That, in terms of Section 82 (3) of the Local Government Act 2002, that the principles set out in that section have been observed in such manner that the Napier City Council considers, in its discretion, is appropriate to make decisions on the recommendation.

CARRIED

Councillors Wise / Taylor

That, in terms of Section 82 (3) of the Local Government Act 2002, that the principles set out in that section have been observed in such manner that the Napier City Council considers, in its discretion, is appropriate to make decisions on the recommendation.

CARRIED

**COUNCIL
RESOLUTION**

Councillors Wise / Wright

- a. That an application is made to the Lottery Significant Projects Fund after 22 February 2017 and consideration of the detailed business case, and prior to the closing of the fund application period on 15 March 2017, toward the development of a Multi-Use Sports Facility adjacent to Pettigrew Arena.
- b. That a resource consent application for the Multi-Use Sports Facility is lodged with Council before the 1st February 2017.
- c. That a **DECISION OF COUNCIL** is required urgently to enable the resource consent application to be lodged with Council before 1 February 2017.to meet funding deadline of 15th March 2017. This will require the following resolution to be passed before the decision of Council is taken:

That, in terms of Section 82 (3) of the Local Government Act 2002, that the principles set out in that section have been observed in such manner that the Napier City Council considers, in its discretion, is appropriate to make decisions on the recommendation.

CARRIED

2. GROUND LEASE - RICHMONDVALE ARCHERY CLUB INCORPORATED

Type of Report:	<i>Legal</i>
Legal Reference:	<i>Public Works Act 1981</i>
Document ID:	<i>333116</i>
Reporting Officer/s & Unit:	<i>Bryan Faulknor, Manager Property</i>

2.1 Purpose of Report

To obtain Council approval to grant a new ground lease to the Richmondvale Archery Club Incorporated for the land occupied by the Club's building on Park Island for a term of 15 years with one 15 year right of renewal.

COMMITTEE'S RECOMMENDATION

Councillor McGrath / Brosnan

- a. That a new ground lease be granted to the Richmondvale Archery Club Incorporated for the land occupied by the Club's building on Park Island for a term of 15 years with one 15 year right of renewal; and
- b. That the terms and conditions of the lease will be as per Council's standard terms for leases of reserve land to community groups. The initial ground rental will be a nominal rental of \$705 plus GST per annum, to be reviewed annually according to the method laid out in the standard terms described above.

CARRIED

3. ROAD STOPPING - PORTION OF BATTERY ROAD

Type of Report: Legal
Legal Reference: Local Government Act 1974
Document ID: 333136
Reporting Officer/s & Unit: Bryan Faulknor, Manager Property

3.1 Purpose of Report

To confirm the Council resolution of 10 August 2016, that approximately 65 m² of legal road fronting 12 – 18, 20 and 22 Battery Road, Napier be stopped and sold to the adjoining land owners.

COMMITTEE'S RECOMMENDATION

Councillors Brosnan / Wise

- a. That Council confirm the resolution of 10 August 2016 to declare the part of Battery Road fronting 12 – 18, 20 and 22 Battery Road and described in the Schedule below to be stopped and sold to the adjoining land owners.

SCHEDULE Hawke's Bay Land District – Napier City

Area	Description
0.0023 ha	Section 1 SO Plan 504725
0.0024 ha	Section 2 SO Plan 504725
0.0018 ha	Section 3 SO Plan 504725

CARRIED

4. PART LEE ROAD STOPPING AND VESTING

Type of Report: Legal
Legal Reference: Public Works Act 1981
Document ID: 333253
Reporting Officer/s & Unit: Bryan Faulknor, Manager Property

4.1 Purpose of Report

To obtain Council approval to stop part of Lee Road, declare the section in question as a Segregation Strip subject to the Reserves Act 1977, and add it to the adjoining existing Segregation Strip.

COMMITTEE'S RECOMMENDATION

Councillors Wise / Wright

- a. That Council declare the legal road described in the Schedule as being stopped pursuant to Section 116 of the Public Works Act 1981; and
- b. That Council deal with the stopped road described in the Schedule, pursuant to Section 117(7) of the Public Works Act 1981, by declaring all of the said stopped road to be a Local Purpose (Segregation Strip) Reserve subject to the Reserves Act 1977, and to be added to the intersecting Local Purpose (Segregation Strip) Reserve described as Section 21 SO Plan 491548 and Lot 8 DP 15782.

SCHEDULE

Hawkes Bay Land District – Napier City

Area (ha)	Legal Description	Adjoining
0.0004	Section 20 SO 491458	Certificates of Title: 761479, 761477, HBH3/370, HBH3/372, HBH4/122, HBH4/123
0.0008	Section 22 SO 491548	HBH4/122, HBH4/123, 761479

CARRIED

5. MARINE PARADE REALIGNMENT

Type of Report:	<i>Operational</i>
Legal Reference:	<i>N/A</i>
Document ID:	<i>330984</i>
Reporting Officer/s & Unit:	<i>Fleur Lincoln, Strategic Planning Lead Georgina King, Urban Design Lead</i>

5.1 Purpose of Report

The purpose of the report is to update Council on progress made with the Marine Parade realignment project, including the final design, public engagement and communication strategy, and timeframes.

At the Meeting

In response to questions from Councillors, it was confirmed that initial consultation has been undertaken with key parties to the proposed design. Brief clarification was provided on cycling provisions within the design.

COMMITTEE'S RECOMMENDATION

Councillor Brosnan / McGrath

- a. That the Officer's update report on Marine Parade Realignment dated 27 January 2017 be received.

CARRIED

6. TRIENNIAL AGREEMENT 2016-2019

Type of Report:	<i>Information</i>
Legal Reference:	<i>Local Government Act 2002</i>
Document ID:	<i>334507</i>
Reporting Officer/s & Unit:	<i>Deborah Smith, Governance Advisor</i>

6.1 Purpose of Report

The purpose of this report is to provide Elected Members with an update on the current status of the Triennial Agreement 2016-2019, and the proposals Napier City Council have made towards creating a more meaningful document.

At the Meeting

It was clarified that while Iwi are not party to the Agreement as it is specific to local government authorities, they are considered partners and consulted within existing fora.

It was discussed that the Agreement should focus on a few key priorities and do these well, such as the Matariki – Hawke's Bay Regional Economic Development Strategy and a Regional infrastructure investment fund.

In response to a question from Councillors, it was advised that opportunities to regionalise water services, might better be approached through shared services or direct infrastructure management, rather than in this Agreement. The Chief Executive also advised that under section 17A reviews, opportunities to create efficiencies may be identified.

COMMITTEE'S RECOMMENDATION

Councillors White / Wise

- a. That the update report titled Triennial Agreement 2016-19 dated 27 January 2017 be received.

CARRIED

7. OMARUNUI REFUSE LANDFILL JOINT COMMITTEE

Type of Report:	<i>Operational and Procedural</i>
Legal Reference:	<i>Local Government Act 2002</i>
Document ID:	<i>333707</i>
Reporting Officer/s & Unit:	<i>Jane McLoughlin, Team Leader Governance Caroline Thomson, Chief Financial Officer</i>

7.1 Purpose of Report

To provide key points of interest and a copy of the minutes from the Omarunui Refuse Landfill Joint Committee meeting held on 9 December 2016.

COMMITTEE'S RECOMMENDATION

Councillors Dallimore / Tapine

- a. That the minutes from the Omarunui Refuse Landfill Joint Committee held on 9 December 2016 be received.

CARRIED

REPORTS FROM REGULATORY COMMITTEE

HELD 27 JANUARY 2017

1. APPLICATION FOR TEMPORARY LIQUOR BAN - MISSION CONCERT 2017

Type of Report:	<i>Legal and Operational</i>
Legal Reference:	<i>Local Government Act 2002</i>
Document ID:	<i>334452</i>
Reporting Officer/s & Unit:	<i>Hayleigh Brereton, Business Support Manager</i>

1.1 Purpose of Report

To consider the request from Napier Police for a temporary liquor ban on the roads adjacent to the Mission Estate Winery during the 2017 Mission Concert.

At the Meeting

Following feedback from Council on the initial application by Police, the area to be included in a temporary liquor ban was expanded by two streets.

It was also clarified that similar applications are processed for other events at the request of the Police as they are the enforcement agent.

COMMITTEE'S RECOMMENDATION

Councillors White / Dallimore

- a. That pursuant to section 147 of the Local Government Act 2002 and the Napier City Council Public Places Liquor Control Bylaw 2014, Council approve the following areas as a "Specified Public Place" where the consumption, possession and bringing of liquor into is prohibited from 11.00 am to 12.00 midnight on Saturday 8 April 2017 and from 11.00 am to 12.00 midnight on Sunday 9 April 2017.

The area to be designated as a "Specified Public Place" are all those public places, reserves, roads and footpaths on both sides of the road within the area described as:

Church Road	from Wharerangi Road to Kent Terrace
Avenue Road	from Church Road to Avondale Road
Mission Road	from Church Road to Auckland Road
Montpelier Drive	full length
Tironui Drive	full length
Irene Moody Place	full length
Bishops Close	full length
Pukekura Place	full length
Ennor Place	full length.

CARRIED

REPORTS FROM FINANCE COMMITTEE HELD 8 FEBRUARY 2017

1. MAYORAL TRAVEL

<i>Type of Report:</i>	<i>Procedural</i>
<i>Legal Reference:</i>	<i>N/A</i>
<i>Document ID:</i>	<i>337577</i>
<i>Reporting Officer/s & Unit:</i>	<i>Jane McLoughlin, Team Leader Governance</i>

1.1 Purpose of Report

To request Council's approval for the Mayor to travel to the United States for the purposes of research and relationship building in preparation for the National Aquarium of New Zealand expansion project.

COMMITTEE'S RECOMMENDATION

Councillors Wright / Hague

- a. That, in terms of Section 82 (3) of the Local Government Act 2002, the principles set out in that section have been observed in such manner that the Napier City Council considers, in its discretion, it is appropriate to make decisions on the recommendation; and therefore
- b. That a **DECISION OF COUNCIL** be made approving the Mayor to travel with officials to the United States in March 2017 for the purposes of research and relationship building in preparation for the National Aquarium of New Zealand expansion project.

CARRIED

Councillors Taylor / Price

That, in terms of Section 82 (3) of the Local Government Act 2002, that the principles set out in that section have been observed in such manner that the Napier City Council considers, in its discretion, is appropriate to make decisions on the recommendation.

CARRIED

COUNCIL RESOLUTION

Councillors Wright / Brosnan

That a **DECISION OF COUNCIL** be made approving the Mayor to travel with officials to the United States in March 2017 for the purposes of research and relationship building in preparation for the National Aquarium of New Zealand expansion project.

CARRIED

2. LOCAL GOVERNMENT OFFICIAL INFORMATION ACT REQUESTS - UPDATE TO CHARGES

Type of Report:	<i>Operational and Procedural</i>
Legal Reference:	<i>Local Government Official Information and Meetings Act 1987</i>
Document ID:	<i>336110</i>
Reporting Officer/s & Unit:	<i>Deborah Smith, Governance Advisor</i>

2.1 Purpose of Report

To outline the proposed changes to charges of Local Government Official Information and Meetings Act requests.

At the Meeting

It was clarified that the Council will amend its charges in line with any further updates from the Ministry of Justice. In response to a further question around what constitutes a request under the Local Government Official Information and Meeting Act, officials advised that any request for information comes under the Act however some requests are very simple to respond to and therefore do not need to go through a formal process. Officials also advised as outlined in the report, that charging would be applied on a case by case basis.

COMMITTEE'S RECOMMENDATION

Councillors Brosnan / White

- a. That the charges used by Napier City Council for requests under the Local Government Official Information and Meetings Act 1987 be updated to the charges recommended in the Ministry of Justice *Charging Guidelines*.
- b. The charges will be as follows: \$38 per half hour of staff time after the first hour, \$0.20 cents per page for photocopying in excess of 20 pages, calculated as per the formula provided in the *Office of the Ombudsman Guidelines June 2016*.

CARRIED

3. CONTRIBUTION TOWARDS ARTWORK PURCHASE BY HAWKE'S BAY MUSEUMS TRUST

Type of Report:	<i>Operational</i>
Legal Reference:	<i>N/A</i>
Document ID:	<i>336993</i>
Reporting Officer/s & Unit:	<i>Caroline Thomson, Chief Financial Officer</i>

3.1 Purpose of Report

To seek Council approval to contribute \$12,000 towards the Hawke's Bay Museums Trust purchase of artworks by Jono Rotman entitled 'Omarunui'.

At the Meeting

General agreement was expressed that this is considered a unique opportunity to purchase an entire collection of art which is relevant to the heritage of Hawke's Bay, in partnership with other Councils and organisations.

It was clarified that this request should not set a precedent and be taken on its merit. Officials advised that there was no record of a similar opportunity being brought to Council in the past.

COMMITTEE'S RECOMMENDATION

Councillors Jeffery / White

- a. That Council approve a financial contribution of \$12,000 towards the Hawke's Bay Museums Trust purchase of artworks by Jono Rotman entitled 'Omarunui'; and
- b. That the contribution of \$12,000 be funded from Council's contingency fund.

CARRIED

4. NAPIER CONFERENCE CENTRE - TEMPORARY CHARGES MARCH-JUNE 2017

Type of Report:	<i>Information</i>
Legal Reference:	<i>Local Government Act 2002</i>
Document ID:	<i>337525</i>
Reporting Officer/s & Unit:	<i>Glenys Fraser, Venues Manager</i>

4.1 Purpose of Report

To outline Napier City Council's temporary approach to charging fees for use of the new spaces created in the upgrade of the Napier Conference Centre.

At the Meeting

At the request of Councillors, officials confirmed that the schedule of charges would specify that funerals are considered community events and that a report clarifying the definition of community versus commercial would be brought to Council as part of the annual planning cycle.

COMMITTEE'S RECOMMENDATION

Councillors Wright / Dallimore

- a. That Council receives the report titled *Napier Conference Centre – Temporary Charges March-June 2017*.

CARRIED

REPORTS FROM COMMUNITY SERVICES COMMITTEE HELD 8 FEBRUARY 2017

1. PROPOSED OMNI GYMNASTIC CENTRE EXPANSION

Type of Report:	<i>Legal</i>
Legal Reference:	<i>Reserves Act 1977</i>
Document ID:	<i>332997</i>
Reporting Officer/s & Unit:	<i>Antoinette Campbell, Director Community Services</i>

1.1 Purpose of Report

To outline a proposal by the Omni Gymnastic Centre to expand their operations on Council recreation reserve.

At the Meeting

Discussion of the proposal included the following points:

- The Omni Gym has provided a community service for a considerable length of time and its desire to invest in its own growth and futureproofing was commendable
- Gymsports have been recognised nationally as an area of growth
- Despite concerns expressed by neighbours when the existing building was first planned, the current location of the gym has worked well and no complaints have been received from residents
- Early consultation with affected neighbours is seen as extremely important
- The Gym currently hold a 14 year land lease with right of renewal for another 14 years; the land cannot be used for other purposes so an expansion was seen as a viable low impact option.

A dissenting view was expressed, noting that other options had been put on hold pending the Parks and Reserves Strategy and approving this project ran the risk of taking an ad hoc approach outside of the Strategy. It was noted in response, that the Strategy does not include non-Council developments, nor is it focussed on leases and or licenses to occupy. The scope of the Strategy is planning for Council infrastructure improvements; the gym extension would be included in the masterplan for Onekawa Park presently under development.

COMMITTEE'S RECOMMENDATION

Councillors Jeffery / Taylor

- a. That the proposal to extend the Omni Gymnastic Centre is approved to progress to the resource consent application stage by Omni Gymnastic Centre Incorporated
- b. That, subject to Omni Gymnastic Centre obtaining resource consent and approval of the Team Leader Parks, Reserves, Sportsgrounds for the final design of the proposed expansion, approval for a new ground lease pursuant to section 54 of the Reserves Act 1977 is granted for an area of 675m² at Onekawa Park for a term of 15 years with a right of renewal for an additional 15 years.

CARRIED

Cr McGrath dissenting

2. NAPIER AQUATIC CENTRE HOURS OF OPERATION REVIEW

Type of Report:	<i>Operational</i>
Legal Reference:	<i>N/A</i>
Document ID:	<i>333194</i>
Reporting Officer/s & Unit:	<i>Antoinette Campbell, Director Community Services</i>

2.1 Purpose of Report

To review the Napier Aquatic Centre's hours of operation to better meet the needs of the community.

At the Meeting

Councillors noted that they appreciated the difficulties that were being faced by the Aquahawks and the Learn to Swim School with the closure of the Ivan Wilson pool, and exacerbated by the closure of the Greendale pool. Finding the right balance of provision for the training squads and the general public while there are not sufficient facilities is not an easy task.

The Napier Aquatic Centre is a public facility and is currently one of a very few pool complexes in New Zealand (if not the only one) that does not provide access for casual users at peak times. The aim of Aquatic Strategy is to cater for everyone, and the public have become increasingly vocal about providing access to facilities for their use.

It was questioned as to why, after a significant number of years of the status quo, a change needed to be made now, rather than waiting for a new larger facility. Officials advised this was a key part of the development of the Aquatic Strategy, it is not an ad hoc change and aims to better balance the needs of the public with the training squads. The approach does contain some risks, both that the lanes allocated for casual use may be under-utilised and also that they may have too much demand placed on them.

Utilising lanes at Ocean Spa was suggested as another option for creating space; however it was noted that it is not a community facility and the costs may be prohibitive to some users that are able to access the Napier Aquatic Centre using community services cards and other forms of subsidisation.

The possibility of a trial period for the changed hours was discussed and an amendment to this end tabled. It was queried as to whether a trial period of a term was long enough to see behaviour changes. It was also queried as to how the success or otherwise of a trial period was to be evaluated.

The amendment was withdrawn by general consensus.

It was agreed that further information was required on how a trial period may be approached, as well as the relative merits of waiting until a new facility was complete and that the matter should be re-considered at Council on 22 February 2017.

OFFICER'S RECOMMENDATION

Councillors McGrath / Wise

- a. That commencing 1 May 2017, the Napier Aquatic Centre changes its hours of operation to be open to the general public;
 - between 3.00pm and 7.00pm on weekdays during school term time, and
 - at 9.00am every Saturday, and 10.00am every Sunday and public holidays.

AMENDMENT

Councillors Taylor / Wise

- a. That commencing 1 May 2017, the Napier Aquatic Centre changes its hours of operation to be open to the general public;
 - between 3.00pm and 7.00pm on weekdays during school term time, and
 - at 9.00am every Saturday, and 10.00am every Sunday and public holidays.
- b. That recommendation a. be for a trial period commencing 1 May 2017 for the duration of the second school term.

WITHDRAWN

COMMITTEE'S RECOMMENDATION

Councillors White / Wright

- a. That the matter proceed to Council on 22 February 2017 without a Committee recommendation; and
- b. That Officers investigate and report back to that Council meeting on:
 - the feasibility of a trial period for proposed changes to the Napier Aquatic Centre's casual access hours; and
 - the implications of making no changes to public access prior to a new facility being completed.

CARRIED

REPORTS UNDER DELEGATED AUTHORITY

1. REQUESTS FOR OFFICIAL INFORMATION

Type of Report:	<i>Operational and Procedural</i>
Legal Reference:	<i>Local Government Official Information and Meetings Act 1987</i>
Document ID:	<i>337253</i>
Reporting Officer/s & Unit:	<i>Sarah Ashworth, PA to Chief Executive</i>

1.1 Purpose of Report

To report on written requests for Official Information received since the 14 December 2016

Officer's Recommendation

That the Ordinary Meeting of Council resolves that the report be received.

MAYOR'S RECOMMENDATION

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

1.2 Background Summary

The council regularly receive requests for official information from member of the public. The council responds to these requests in accordance with the provisions of the Local Government Official Information Act.

Attachment A provides a list of the requests received since the last reported December. The attachment provides the date, nature of the requests, and the status of the requests for the councillors information. The requestors details are not provided in order to maintain privacy of the pursuant to the Privacy Act 1993.

1.3 Attachments

A Official Information requests December 2016 to February 2017

LGOIMA REQUESTS – December 2016 to February 2017

REQUESTS

ID#	Date of Request	Request Wording	Date Due	Processing Notes
17001	17.01.2017	I request, under the Local Government Official Information and Meetings Act, copies of the council's gift register (or equivalent document that records all gifts and entertainment received from outside entities) for all elected members and the council chief executive dating back to 2013. Electronic copies of these documents will suffice.	15.02.2017	COMPLETE
17002	16.01.2017	Please supply the following information under the Official Information Act(OIA)/Local Government Official Information and Meetings Act (LGOIMA): <ul style="list-style-type: none"> Any and all live resource consent applications (in process) for the establishment and operation of egg layer facilities using specifically, colony cages Any and all live resource consent applications (in process) for the conversion of egg layer facilities from battery cages to specifically, colony cages Any and all notification decisions whether notified or non notified (for resource consent applications still in process) regarding the establishment and operation of egg layer facilities using specifically, colony cages 	14.02.2017	COMPLETE
17003	19.01.2017	I am looking at the quality of drinking water in different areas. Under the Local Government Official Information and Meetings Act 1987 I wish to request the following: 1.As a local authority, do you have approved water safety plans for all of your drinking water supplies? 2.Please provide the latest implementation inspection for the water safety plans.	17.02.2017	RESPONSE PENDING

		<p>3. Have any of your supplies been non-compliant with the water safety plan? If so, please provide details.</p> <p>4. Do you have any boil water notices in place? If so, where and for how long have they been in place?</p> <p>5. How many boil water notices have you had in place for the last five years? If so, please detail where and for how long they were in place.</p> <p>6. Have you received any complaints about the water supply? If so, how many in the last five years?</p> <p>7. How many complaints have been investigated, and what was the outcome?</p> <p>Please provide me with an acknowledgement of this LGOIA.</p> <p>Please provide me with electronic copies of the above information.</p>		
17004	09.01.2017	<p>This is a request for information under the Local Government Official Information and Meetings Act 1987 relating to ratepayer funded professional development courses facilitated by Local Government New Zealand and its subsidiaries (including "EquiP").</p> <p>We request:</p> <p>1. The total amount spent by your council (group) on training and professional development courses facilitated by LGNZ, per calendar year, since 1 January 2014 to 31 December 2016;</p> <p>2. The amount of #1 associated with training of elected officials; and</p> <p>3. The amount of #1 associated with training of unelected appointees on to council committees (such as Iwi representatives).</p> <p>4. In relation to #2 and #3 above, we request a list of the specific courses (i.e. the titles) paid for; the attendees; and dates of the courses.</p> <p>Finally, we request all instances (including the names of attendees and costs) as it relates to any media/communication training courses provided by LGNZ and its subsidiaries between 1 January 2014 and 31 December 2015.</p>	13.02.2017	COMPLETE

		<p>We apologise if this request causes unnecessary expense or burden on your council. We approached LGNZ and requested the information, however were refused dismissively on the basis of section 6(4)(e) of the Local Government Act 2002. The section provides an exception for LGNZ insofar as it is not deemed a council-controlled organisation under the Act, and therefore section 74 of LGA does not apply (section 74 requires council-controlled organisations to comply with the LGOMA). Our Executive Director contacted the CEO of LGNZ however was informed earlier today that to providing the information "would establish a precedent outside of [LGNZ's] current accountability framework to the membership". Apparently, ratepayers don't count in this framework.</p> <p>While it seems to us a total waste of resource to force every New Zealand council to search for information that is no doubt held centrally at LGNZ, we see no other way of obtaining the information.</p> <p>To avoid unnecessary printing and postage costs, we ask that you send a confirmation of receipt, the response and any other correspondence related to this request to requests@taxpayers.org.nz. Please include the following reference in the subject line: LGNZ training</p>		
17006	09.01.2017	Requested a copy of the old and new organisation structures by telephone	13.02.2017	CLOSED. NOT LGOIMA
17007	02.12.2016	Please supply me with the responses to the letters sent to residents that you have on file from my second 2016 complaint.	27.01.2017	COMPLETE
17008	08.12.2016	<p>I am writing to obtain a short summary of all residential 'new dwelling' and 'additions & alterations' building consents granted between 1st January 2013 and 30th December 2016.</p> <p>Specific fields required include:</p>	26.01.2017	COMPLETE

		<p>1. Consent Number and Date 2. Description of works 3. Building Site Address 4. Floor Area (where relevant) 5. Building Costs 6. Name and contact details for the Architect or Architectural Designer (where relevant) 7. Name and contact details for the Builder or Building Company (or Agent?) 8. Name and contact details for the Home Owner.</p> <p>I understand that this information is often supplied to other interested parties (such as window frame installers, sales lead generating companies etc.) so perhaps it already exists in some readily accessible and distributable format?</p> <p>If so, then the specific format is not particularly important – whatever is most convenient for you will suffice – I can edit out extraneous data later.</p> <p>Ideally though, I would like the information in spreadsheet form (.xls or .xlsx) as an email attachment sent to the following email address mfmcdermott@live.com</p> <p>I understand that under LGOIMA I do not need to give a reason for this request but if it is helpful for you; then, the information is required for survey purposes to help make home building safer, simpler and more rewarding for all concerned.</p>		
17009	14.12.2016	Please provide documents which support the creation of the covenants for Parklands including documents from any person within council discussing the need for a covenant and considering the content of the covenants. And any documents where by council consented to the creation of the parklands covenants	01.02.2017	COMPLETE
17010	21 & 22.12.2016	I have just received the rates due for February and by way of urgent LGOIMA request the legal basis on which you can demand that We have just one tenancy, when you legally hold us accountable for two sets of service charges but	10.02.2017	COMPLETE

		<p>provide only one water main one sewerage outlet etc. ... is that not double dipping ?[sic]</p> <p>I also request evidence on which you rely to show that the relationship between the tenants that existed in October did not comply with the definition of Household [sic]</p> <p>I am still requiring the copy of the email that was sent to my tenant Lindy Andrews by your building inspector and point out that there is no legal basis for withholding it [sic]</p> <p>By way of LGOIMA Please provide the legal foundations for charging for two units [sic]</p> <p>And the definition you rely on for 2 units do the units need to be separate titles or are two tenancies considered sufficient for two sets of service charges [sic]</p>		
17012	20.01.2017	<p>Please supply the following information under the Official Information Act(OIA)/Local Government Official Information and Meetings Act (LGOIMA):</p> <ul style="list-style-type: none"> Are there any operating commercial piggeries in your area and if so, where are they located 	20.02.2017	DRAFT RESPONSE PREPARED FOR REVIEW
17013	20.01.2017	<p>I'm just wondering if I can get a copy of the latest of your reports under s 35(2A) of the Resource Management Act 1991 - I can't seem to find it on your website. These are reports on "the efficiency and effectiveness of policies, rules, or other methods in the council's policy statement or plan."</p> <p>If you could also send through any other recent reporting on water quality or the environment that would be great!</p>	20.02.2017	RESPONSE PENDING
17014	22.01.2017	<p>I am the resident of 20A Laurent Pl and have an adjoined neighbour at 22 Laurent Pl. F3 DP13218</p> <p>The occupier of No 22 has said that he is the owner but is uncooperative. We are part of a 1/4</p>	20.02.2017	CLOSED. NOT LGOIMA

		share cross-lease and from other neighbours the understanding is that No22 is owned by a trust. For maintenance purposes we would like to communicate with the owner. Can you please provide the owners name and contact details.		
17015	21.01.2017	<p>EXPENSE CARDS</p> <p>1. This is a request for information under the Local Government Information Act 1987 for equivalent information requested today. The enclosed correspondence gives context to this request from your Council:</p> <p>(a) a list of all entertainment, gifts, and catering staff reimbursements for the period January 2016 to December 2016</p> <p>(b) the dates of each transaction, vendor, description, and amount of each transaction</p> <p>2. In order to reduce the administrative burden on your Council, it is requested that the information relates to only one 12-month period.</p> <p>3. You will see that the information is for direct costs only. If such, please ensure transactions relating to the purchase of goods and services are included.</p> <p>4. In addition we request answers to the following:</p> <p>(a) How many purchase cards were issued by the Council in 2016?</p> <p>(b) Do you have a Council issued credit card?</p> <p>5. If clarification of any of our requests is needed, please provide it. We understand that it may take time to compile the information and we are likely to be a delay in being able to assemble or provide the information. Please provide the rest of the information as it becomes available.</p>	20.02.2017	RESPONSE PENDING. TIME EXTENSION AND CHARGES TO BE NOTIFIED
17016	09.02.2017	<p>This is a request for official information under the Local Government Official Information and Meetings Act 1987 relating to the Council's financial record keeping.</p> <p>We request a copy of the Council's chart of account (cost classification codes) and list of cost centres, applicable to the Council group's financial system.</p> <p>Given the simplicity of this request with any member of your agency's finance team presumably having the information at hand, please provide the information without delay. If your agency is unable to provide the information</p>	17.02.2017	COMPLETE

		before Friday 17 February, please tell us before then why.		
17017	24.01.2017	Multiple requests regarding 1 Lindis Place	22.02.2017	RESPONSE PENDING
17018	13.02.2017	<p>I wanted to lodge an LGOIMA request for the below information.</p> <p><i>Napier City Council reports that community support was strong based on feedback from the public on the Long Term Plan and the Multi-use Sports Facility at 78.2%.</i></p> <p>Can I please have copies of:</p> <ol style="list-style-type: none"> 1. The questionnaires NCC used to ask the public about the Multiuse Velodrome (as I believe it was called when it went out to public consultation) and the one sent out for the 2015-1025 Long Term Plan. 2. All the responses to the questionnaires – both electronic and hard copy. 3. The process NCC used to come up with the 78.2% figure? 	13.03.2017	RESPONSE PENDING

OMBUDSMAN INVESTIGATIONS

ID#	Date of Complaint	Topic of original request	Investigation Status	Responsible Group
17005	05.01.2017	Napier Pound	NO CONTACT BY OMBUDSMAN TO DATE	City Strategy
17011	22.12.2016	Personal grievances	WITHDRAWN BY COMPLAINANT	Office of CE
17019	08.02.2017	Wild pig response	CONTACT MADE BY OMBUDSMAN. RESPONSE PENDING, due 8 March 2017	Corporate

2. SCHEDULE OF DOCUMENTS UNDER SEAL

Type of Report:	Information
Legal Reference:	N/A
Document ID:	338064
Reporting Officer/s & Unit:	Sarah Ashworth, PA to Chief Executive

2.1 Purpose of Report

To report on documents executed under seal from 8 December 2016 to 10 February 2017.

Officer's Recommendation

That the report titled *Schedule of Documents Under Seal* be received.

MAYOR'S RECOMMENDATION

That the recommendation be adopted.

Date	Document
20.12.16	Public Work Act Agreement – Westshore Motor camp
20.12.16	Easement document to Unison Networks Ltd
20.12.16	Lease document to NZTA
21.12.16	Consent to road being stopped at Lee/Meane Rd intersection
21.12.16	Warrant Enforcement Pursuant sec 38 (2) Paul RAYMOND
22.12.16	Council Resolution Certificate and consent forms for road stopping at Prebensen Dr
16.01.17	Warrant Enforcement Pursuant sec 38 (1) Long FENG
16.01.17	Warrant Enforcement Pursuant sec 38 (1) Nirnay Sagar LAKSHMAN
18.01.17	Fencing covenant Te Awa Estates Stage 8C

2.2 Attachments

Nil

3. LIQUOR LICENSES ISSUED FOR THE PERIOD ENDING 31 JANUARY 2017

Type of Report:	Information
Legal Reference:	Sale and Supply of Alcohol Act 2012
Document ID:	338583
Reporting Officer/s & Unit:	Sarah Ashworth, PA to Chief Executive

3.1 Purpose of Report

To report on the Liquor Licenses issued under delegated authority for the period ending 31 January 2017.

Officer's Recommendation

That the report titled *Liquor licences issued for the period ending 31 January 2017* be received.

MAYOR'S RECOMMENDATION

That the officer's recommendation be adopted.

Liquor Licenses December 2016		
Application No.	Applicant	Type
MC3408	Robert Keith Britten	Manager's Certificate
ON1275	Snapper Cafe Limited	On Licence
CL0032	Hawkes Bay Speedway Club Incorporated	Club Licence
ON0101	The Gintrap (Napier) Limited	On Licence
SP4084	A & C Robertson Limited	Special Licence
SP4095	Joseph Taylor	Special Licence
OF1252	Chantal Retail Limited	Off Licence
ON1325	Banbury Cross Limited	On Licence
SP4071	Napier City Council	Special Licence
SP4079	Dean James Hammond	Special Licence
SP4081	CKS Developments Limited	Special Licence
SP4070	Napier City Council	Special Licence
SP4094	Duke Of Gloucester Limited	Special Licence
SP4065	Kamlini Prabha Lakshman	Special Licence
SP4096	Napier Returned & Services Association Inc	Special Licence
SP4105	Bluff Hill Bowling Club Incorporated	Special Licence
SP4107	Taradale & District Returned Services Assoc. Inc.	Special Licence
SP4114	Black Barn Winery Limited	Special Licence

SP4111	Colleen Ada McNeill	Special Licence
SP4040	Holly Roseanna Bowater	Special Licence
SP4063	Crab Farm Winery Limited	Special Licence
SP4102	Portside Inns Limited T/A East Pier Hotel	Special Licence
SP4106	Joanne Leigh Percy	Special Licence
SP4108	Taradale & District Returned & Services Assoc Inc	Special Licence
SP4112	Donna-Maree Briggs	Special Licence
MC0914	Edward James Manning	Manager's Certificate
MC2440	Kirsten Louise Single	Manager's Certificate
MC3259	Alistair James Speakman	Manager's Certificate
MC3275	Philip Edward Carthew	Manager's Certificate
MC3387	Rajinder Singh Mrar	Manager's Certificate
ON0003	Crown Hotel (2006) Limited	On Licence
ON1266	Indigo Napier Limited	On Licence

Liquor Licenses January 2017

Application No.	Applicant	Type
MC3409	Francis Peter Davis	Manager's Certificate
MC3395	Shani Louise Stewart	Manager's Certificate
TA1356	Stanley Supermarket Limited	Temporary Authority
MC2848	Barry Francis McBride	Manager's Certificate
SP4089	Ms C A McNeill	Special Licence
SP4109	Pernod Ricard Winemakers NZ Limited	Special Licence
SP4113	Rotary Club Of Taradale Incorporated	Special Licence
SP4117	Ms C H Caddie	Special Licence
SP4122	Joseph Taylor	Special Licence
MC3396	Ajay Kumar	Manager's Certificate
SP4110	Colleen Ada McNeill	Special Licence
SP4118	Napier Returned Services Association Incorporated	Special Licence

3.2 Attachments

Nil

4. RESOURCE CONSENTS ISSUED FOR THE PERIOD ENDING 31 JANUARY 2017

Type of Report:	Information
Legal Reference:	Resource Management Act 1991
Document ID:	339112
Reporting Officer/s & Unit:	Sarah Ashworth, PA to Chief Executive

4.1 Purpose of Report

To present the report on resource consents issued under delegated authority for December 2016 to January 2017.

Officer's Recommendation

That the report titled *Resource Consents issued for the period ending 31 January 2017* be received.

MAYOR'S RECOMMENDATION

That the officer's recommendation be adopted.

Consent Number	Site Location	Applicant	Proposal	Activity Status	Decision Date
RM150018	5 Karaka Road	C Watson & C Margar	Erect dwelling within Napier Hill Character zone	Land Use – Restricted Discretionary	21 December 2016
RM160101	147 Carlyle Street	LEP2 Limited	Establish & operate a childcare facility	Land Use – Restricted Discretionary	23 December 2016
RM160141	99 Guppy Road	Roman Catholic Bishop of Palmerston North	New assembly block	Land Use – Discretionary	8 December 2016
RM160148	205-211 Emerson St & 137-215 Emerson St	NK Ross	Alterations to a Group 1 heritage item creating 8 commercial units	Land Use – Discretionary	6 December 2016
RM160150	104 Churchill Drive	AM Coombe	Erect unit infringing rear yard control	Land Use – Restricted Discretionary	8 December 2016
RM160153	Various sites (10)	NCC	Establish community based remote signage	Land Use – Non-complying	19 December 2016
RM160154	78 Taradale Rd & 1A Austin St	JDL No 3 Limited	Multi-unit development (3-4 units)	Land Use – Discretionary	20 January 2017
RM160155	1 Onehunga Road	TM Kennedy	Establish and operate a childcare facility	Land Use – Non-complying	19 December 2016
RM160157	1 & 3 Ossian Street	Alexander Construction	Alterations & demolition to a Group 1 heritage item to establish a brewery	Land Use – Discretionary	18 January 2017
RM160160	21 Austin Street	AK Jones	Relocate building	Land Use – Restricted Discretionary	12 December 2016
RM160161	165 Eriksen Road	NZ Motor Caravan Association Inc.	Earthworks that exceed D/P volume standards	Land Use – Restricted Discretionary	16 December 2016
RM160162	21 Napier Terrace	Ferguson Trust	Extension of deck into the 3m front yard	Variation	7 December 2016

Consent Number	Site Location	Applicant	Proposal	Activity Status	Decision Date
RM160163	421 Gloucester Street	Oceania Village Company (NO 2) Ltd	Extension of residential care facility	Land Use – Discretionary	20 December 2016
RM160166	150 Church Road	Pernod Ricard Winemakers NZ Ltd	Construct 12 additional storage tanks	Land Use – Discretionary	14 December 2016
RM160168	61 Tennyson St & 16 Cathedral Lane	Sainsbury Building Trust	Internal alterations to Group 1 heritage buildings	Land Use – Discretionary	19 December 2016
RM160169	57 Kennedy Road	Regan & Shelley Cameron	Alterations to dwelling which infringe yard & height controls	Land Use – Restricted Discretionary	22 December 2016
RM160170	134 Hastings Street	Hastings St Development	Additions & alts to a Group 1 heritage building	Land Use – Discretionary	19 January 2017
RMS16075	5 Nelson Crescent	Infinite Developments Ltd	Subdivision creating 2 new lots (3 in total)	Subdivision – Restrict/Discretionary	20 December 2016
RMS16079	33 Park Road	Redlee Properties Ltd	Subdivision creating 2 new lots (3 in total)	Subdivision – Controlled	7 December 2016
RMS16080	103 Nelson Crescent	KV Irwin	Subdivision creating additional lot (2 in total)	Subdivision – Restrict/Discretionary	8 December 2016
RMS16082	11 Avenue Road	Ricky Howes & Megan Scott	Subdivision creating additional lot (2 in total)	Subdivision – Controlled	22 December 2016
RMS16084	1/5 & 2/5 Bill Hercock Street	VI Pullen	Subdivision to show additions to existing cross-lease title	Subdivision – Controlled	19 January 2017
RMS16088	54, 121 & 127 Silverton Road	Barry & Elizabeth Simmons Limited	Subdivision creating additional lots (5 in total) & boundary adjustment	Subdivision – Controlled	19 January 2017
RMS16089	13 & 13A Anzac Avenue	HP Guthrie	Subdivision creating additional lot (2 in total)	Subdivision – Restrict/Discretionary	19 January 2017
RMS16092	37 Merton Crescent	A Thompson	Subdivision creating additional lot (2 in total)	Subdivision – Controlled	20 January 2017

4.2 Attachments

Nil

5. TENDERS LET FOR THE PERIOD ENDING 10 FEBRUARY 2017

Type of Report:	<i>Procedural</i>
Legal Reference:	<i>Local Government Act 2002</i>
Document ID:	<i>338588</i>
Reporting Officer/s & Unit:	<i>Sarah Ashworth, PA to Chief Executive</i>

5.1 Purpose of Report

To report Tenders let under delegated authority from 9 December 2016 to 10 February 2017.

Officer's Recommendation

That the report titled *Tenders Let for the period ending 10 February 2017* be received.

MAYOR'S RECOMMENDATION

That the officer's recommendations be adopted.

5.2 Background Summary

For contracts over \$500,000 (above the Chief Executive's delegated authority), the Hearings Committee (for consideration of tender) approved the following contracts covering 9 December to 10 February:

14 December 2016

Contract 1127

Awarded to Dish Catering for the period of 2 years 11 months commencing 1 February 2017.

22 December 2016

Contract 1129

RAMM Professional Services 2016-2019 awarded to Opus International Consultants Ltd for the sum of six-hundred and seventy-one thousand, five hundred and fifty-nine dollars and forty-five cents (\$671,559.45) excluding GST for the contract term of three years.

On successful completion of the three-year term and at the discretion of the Director Infrastructure Services, the contract may be extended to years four and five for the annual sum of two hundred and forty-five thousand (\$245,000.00) excluding GST plus cost fluctuations.

5.3 Attachments

Nil

PUBLIC EXCLUDED ITEMS

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

Reports from Strategy and Infrastructure Committee held 27 January 2017

1. Omarunui Refuse Landfill Joint Committee

Reports from Finance Committee held 8 February 2017

1. Bid for 2018/19 All Blacks Test
2. Parklands Residential Subdivision, Area 3, Stage 4 Civil Works
3. Hawke's Bay Airport Limited - Report to Shareholders

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:
Reports from Strategy and Infrastructure Committee held 27 January 2017		
1. Omarunui Refuse Landfill Joint Committee	7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities	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.
Reports from Finance Committee held 8 February 2017		
1. Bid for 2018/19 All Blacks Test	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. Parklands Residential Subdivision, Area 3, Stage 4 Civil Works	7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities	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. Hawke's Bay Airport Limited - Report to Shareholders	7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities	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.

Extraordinary Meeting of Council

OPEN MINUTES

Meeting Date: **Thursday 24 November 2016
(reconvened on 14 December 2016)**

Time: **9am- 2.14pm (reconvened at 3.04pm-
5.07pm)**

Venue: **Century Theatre (reconvened at
Herschell Street Main Committee
Napier Room, 3rd floor,
 Civic Building)**

Present: The Mayor (In the Chair), Councillors Boag, Brosnan, Dallimore, Hague, McGrath, Price, Tapine, Taylor, Wise, Wright.

In Attendance: Chief Executive, Director City Strategy, Team Leader Policy Planning, Policy Planner, Team Leader Governance, PA to Mayor

APOLOGIES

Councillors Boag / Wise

That the apologies from Deputy Mayor Faye White and Councillor Jeffrey be received.

CARRIED

CONFLICTS OF INTEREST

Councillor Wright and Councillor Price noted a conflict of interest with the submission by Andrew and Haley Price (submission number 192). Councillor Dallimore noted a conflict of interest and excused himself from the meeting.

Councillors Taylor / Brosnan

That the conflicts of interests raised by Councillors White, Price, and Dallimore be received.

CARRIED

LOCAL GOVERNMENT ACT 2002

The Council resolves, in terms of Section 82 (3) of the Local Government Act 2002, that the principles set out in that section have been observed in such manner that the Napier City Council consider, in its discretion, is appropriate to make decisions on the recommendations set out in this agenda (including the Public Excluded section).

NEW REPORTS

1. HEARING REPORT: FREEDOM CAMPING BYLAW 2016

Type of Report:	<i>Legal and Operational</i>
Legal Reference:	<i>Local Government Act 2002</i>
Document ID:	<i>325940</i>
Reporting Officer/s & Unit:	<i>Dean Moriarity, Team Leader Policy Planning Kim Anstey, Planner Policy/Analyst</i>

1.1 Purpose of Report

This report provides an analysis of submissions received on the proposed Freedom Camping Bylaw 2016, and outlines recommendations to Council on proposed amendments as a result of submissions.

Report Structure

The analysis of submissions identified seven main categories of issues. Each category details the issues raised in the submissions and provides an officer's response. **Attachment A** is a summary table of the main points of each submission and whether or not the submission has been accepted or rejected as per the Officer's recommendations. **Attachment B** and **C** are the submissions.

1.2 At the meeting:

The Policy Planner presented on the context of freedom camping and the process of the review of the Bylaw.

Elisabeth Beachen had requested to speak but gave her apologies prior to the meeting.

The following members of the public delivered their oral submissions at the meeting:

- Craig Daly
- June Clifford
- Maria Van der Linden
- James Imlach, NZMCA
- Roger Wallis, NZMCA - Lower North Islands Rally
- Desmond Green, NZMCA – Local Branch
- Ron Carswell
- Dorothy and Denis Pilkington

The hearing of submissions was adjourned for morning tea at 10.30am and then reconvened at 10.48am.

The following members of the public delivered their oral submissions at the meeting:

- Robert Bird
- Malcolm Beets
- Cathy McDonald (tabled a petition)
- Gary McDonald
- Richard Karn
- Paul Laursen

The meeting was adjourned for lunch at 11.31am and then reconvened at 11.56am.

The following members of the public delivered their oral submissions at the meeting:

- Andrew Price

The meeting was then adjourned at 12.15 and then reconvened at 12.45pm.

The following members of the public delivered their oral submissions at the meeting:

- Ann Bowes

Discussion occurred around ensuring Napier continues to be a city which accommodates freedom campers, and noting the value both monetary and otherwise that they bring to Napier. Discussion also occurred on negative aspects such as health and safety concerns like overcrowding, traffic concerns, and lack of access to the waterfront for ratepayers.

The submissions were closed at 12.53pm. Deliberations started at 12.53pm.

Key deliberations included that the Council:

- should adopt a framework including a long term view and a set of guiding principles on freedom camping to guide discussions on how Napier should accommodate and embrace freedom camping, in particular noting
 - that the Freedom camping is increasing across the country, and
 - that attracting and embracing this market needs to be balanced with the wishes of ratepayers, the law, and
 - the implementation of such a long term view needs to be managed appropriately including enforcement.
- establish a working group to set this long term view and guiding principles.
- considered that any amendments to the bylaw now are conceived with a view that they are only interim measures until the long term view is set.

Officer's Recommendation

- a. Council receive the submissions on the freedom camping bylaw 2016.
- b. Council approve the officer's recommendations on each individual submission as outlined in Attachment A.
- c. Council make the following changes to the proposed bylaw, and approve the adoption of the bylaw subject to the following changes:
 - a) Amend Map 2: Perfume Point Carpark to reduce the restricted area for freedom camping to the south side of the carpark only.
 - b) Change the colouring of the maps to green for restricted areas and red for prohibited.

Council agreed to:

- 1) restrict the numbers to four clearly marked self-contained vehicle spaces in Westshore opposite domain road, and increase enforcement so the rules are generally adhered to.

CARRIED

- 2) the Officer's recommendation C) on Perfume Point a) to amend Map 2: Perfume Point Carpark to reduce the restricted area to 7 spaces for freedom camping to the south side of the carpark only.

CARRIED

3) request the Chief Executive to close the site for freedom camping in the Foreshore Reserves carpark on Marine Parade on a temporary basis due to safety issues.

CARRIED

(Councillors Boag, Wright and Price abstained).

4) the officer's recommendation on McLean Park that no further amendment to bylaw is necessary.

CARRIED

5) supporting clauses include

- Increased enforcement across all areas
- Definition of calendar month added to section 4 of the Bylaw.
- 5.1.b could be amended so that period of stay in any one location should be no longer than 1 night.
- Definition of self-contained vehicles is included in the Bylaw.
- Change the colouring in the map of the bylaw as outlined in the Officer's recommendation c) b).

6) A blanket ban on non-self-contained vehicles in Napier City, if legal advice permits this decision within the scope of the hearing.

CARRIED

The meeting was adjourned by the Mayor at 2.14pm, until legal advice is received.

RECONVENE THE MEETING

COUNCIL RESOLUTION

Councillors Taylor / Wise

That the extraordinary meeting of 24 November 2016 be reconvened at 3.04pm, 14 December 2016, in the Main Committee Room, 3rd Floor, Civic Building, Hastings Street, Napier.

CARRIED

The meeting reconvened at 3.04pm, on 14 December 2016, in the Main Committee Room, 3rd Floor, Civic Building, Hastings Street, Napier.

At the meeting

1. The meeting started with Matthew Lawson, Legal Counsel, advising on how the special consultative procedure works and a discussion on what scope the Council had to make changes to the proposed Bylaw based on the submissions.
2. Mr Lawson advised Councillors that:
 - a. their decisions on Westshore and Perfume Point were within scope,
 - b. their decision to provide a blanket ban on all non-self contained vehicles was not in scope and would possibly be considered ultra vires; and

- c. that closing the Foreshore Reserves Car Park resulting in no space being available for non-self contained vehicles within Napier City, was also was outside of scope and potentially ultra vires.
3. The health and safety concerns raised by Councillors at the previous meeting was also addressed by Mr Lawson. Mr Lawson advised that the Chief Executive does not have the discretion under the current bylaw to close the site, although this power is encapsulated in the proposed bylaw.
4. Officials advised that following the adjournment of the 24 November 2016 meeting, they assessed the safety issues in conjunction with NZTA. This assessment targeted those things that were unsafe about the reserve, including parking on yellow lines, signage, and enforcement.
5. Officials further advised that the safety assessment identified the following mitigations to the concerns identified:
 - a. Modify the entry point
 - b. Widen the area within the carpark for turning
 - c. Provide signage on the north bound lane to indicate there is no right hand turn.
6. Officials advised that they are confident that all safety issues are being managed and therefore the site does not need to be temporarily closed, except for when the actual work is completed.
7. Councillor Brosnan tabled her understanding of the decisions made at the 24 November 2016 meeting and moved to amend decisions foreshadowing Clause 3.9.17 of the Standing Orders, to revoke what she had listed as resolution 3 (regarding *designating the Foreshore Reserve Car Park as a site for self-contained vehicles only, in effect prohibiting non-self-contained vehicles across the city*), in light of the advice received from Legal Counsel.

MOTION

COUNCIL RESOLUTION

Councillors Brosnan / McGrath

Motion to revoke resolution 3 as outlined in the resolutions tabled by Councillor Brosnan, regarding designating the Foreshore Reserve Car Park as a site for self-contained vehicles only, in effect prohibiting non-self-contained vehicles across the city, invoking Clause 3.9.17 of the Standing Orders.

CARRIED

AMENDMENT

COUNCIL RESOLUTION

Councillors Brosnan / Wise

To revoke resolution 3 as outlined in the resolutions tabled by Councillor Brosnan, regarding designating the Foreshore Reserve Car Park as a site for self-contained vehicles only, in effect

prohibiting non-self-contained vehicles across the city, invoking Clause 3.9.17 of the Standing Orders.

CARRIED

8. On reviewing the other decisions tabled by Councillor Brosnan, Mr Lawson advised that any recommendations which are management directions should not form part of the decisions of the form and content of the bylaw.
9. Councillor Brosnan made a notice of motion to amend resolution 6 of her list; to
 - a. instruct staff to action a bylaw review process;
 - b. form a working party;
 - c. produce a draft bylaw for consultation, including prohibiting the Foreshore Reserve Car Park site for freedom camping; and
 - d. to find whether an appropriate site for non-self-contained vehicles can be found.
10. Mr Lawson advised that Councillor Brosnan's proposed amendment would be in danger of subverting the special consultative procedure amendment, and would be outside the of scope of the review of the bylaw.
11. Mr Lawson further advised that the Chief Executive has discretion in areas of safety. The safety concerns of the Foreshore Reserve Car Park are being addressed by the Chief Executive through the New Zealand Transport Agency. Closing the Foreshore Reserve Car Park would be outside the scope of the bylaw review.

NOTICE OF MOTION

COUNCIL RESOLUTION

Councillors Brosnan / Wise

Motion to amend resolution 6 of her list, to instruct staff action a bylaw review process, form a working party, produce a draft bylaw for consultation including prohibiting the Foreshore Reserve Car Park site for freedom camping and to find whether an appropriate site for non-self-contained vehicles can be found.

WITHDRAWN BY COUNCILLOR BROSAN

12. Councillor Brosnan spoke to her motion. Councillor Brosnan made the following points:
 - a. Requested the minutes record, that in her view, a year ago, Councillors, in providing for non-self-contained vehicles, did so only after being told they had to provide for them, and that there were no other areas in the country that have prohibited them completely.
 - b. She does not believe the safety issues around the Foreshore Reserve Car Park have been resolved through the mitigations outlined by the Officers.
 - c. She considers that as a Councillor she is carrying out her duty of care under the Health and Safety Act by directing the Chief Executive to close the site until health and safety concerns could be addressed.
13. Mayor advised Council to focus on changes to the Freedom Camping Bylaw. He confirmed that a working group will be established as previously discussed at the 24th November meeting.

14. Further discussion on the health and safety concerns continued, and included whether closing the Foreshore Reserve Car Park for health and safety concerns was within scope of the bylaw review. The following key points were made during the discussion:

- a. Mr Lawson reiterated that a decision to close the Foreshore Reserve Car Park would be outside of the scope of the review and therefore not a lawful decision to make. Mr Lawson advised Councillors that to close the area, it would need to be done separately by amending the bylaw and going through the special consultative procedure again, or a separate agenda item under the Reserves Act, to temporarily close access to a reserves area.
- b. The Chief Executive advised that his role is to be accountable for health and safety. He has, in conjunction with technical advisors, undertaken an assessment of the health and safety concerns raised, and these are being addressed.

AMENDMENT

COUNCIL RESOLUTION

Councillors Brosnan / Wise

Decision 1 as outlined in the tabled decisions by Councillor Brosnan, that is, *to instruct the CEO to exercise discretion in immediately closing the Foreshore Reserve car park for safety reasons* be revoked, only if, the minutes record that the Council has asked for it to be closed due to their concerns on health and safety of the site and it is the opinion of staff that this not happen.

CARRIED

15. Discussion on whether there were other options for creating the new area in Westshore for 4 vehicles, rather than spending \$50,000.

16. Officers advised they are looking into how it can be done and whether it can be formed by marking out areas rather than forming a carpark.

17. Councillor Hague invoked Standing Order Clause 3.9.17 to review decisions made on Perfume Point and Westshore, in particular:

- a. the decision of having seven vehicles in a row in Perfume Point;
- b. whether the amount of nights at the area can be restricted to one or two nights stay; and
- c. whether there is a possible close out period for holidays.

NOTICE OF MOTION

COUNCIL RESOLUTION

Councillors Hague /Taylor

Motion to revisit those decisions made on the 24th of November regarding Westshore and Perfume Point, specifically decisions of seven vehicles in a row at Perfume point, length of stay at Westshore, and possible close out period for holidays.

CARRIED

18. Mr Lawson advised that it would not be within scope to add a close out period to the Perfume Point site because this was not raised as an option during consultation.

AMENDMENT

COUNCIL RESOLUTION

Councillors Hague /Taylor

Amendment to Council decisions on 24 November 2016, to

- a. Exclude parking at Westshore from 24 December to 7 February in any year.**
- b. Reduce number of motor home availability from seven to four at Perfume Point.**
- c. Reduce the number of overnight stays at Westshore and Perfume Point to two nights.**

CARRIED

19. Councillor Brosnan outlined that we should have consistency across the waterfront areas.
20. The Mayor noted that we shouldn't limit the site at the Pump Truck as that is working fine and does not affect any houses or residents.
21. Councillor Wise proposed to amend the number of night stays at the Foreshore Reserve Car Park.

NOTICE OF MOTION

COUNCIL RESOLUTION

Mayor /Taylor

Motion to revisit the number of nights for people to stay in the Foreshore Reserve Car Park.

CARRIED

AMENDMENT

COUNCIL RESOLUTION

Mayor /Taylor

Reduce the non-self-contained vehicles from three nights to two nights.

CARRIED

22. Mr Lawson advised the reason why Council cannot close the site at Perfume Point is that it is not within scope. Mr Lawson further advised that the number of vehicles at the Foreshore Reserve Car Park could be reduced but it comes down to a question of degree. He said that if a reduction is required and there is a reasonable

basis for that, then provided that the change is not so significant to effectively subvert the public's participation in the process, then it can be done.

23. Mayor stated that if Council reduced the number of carparks at the Foreshore Reserve Car Park, the area would need to be redesigned which would incur costs. He advised, that due to concerns about the potential cost to modifying the site at Westshore, Councillors should be aware of the implications of their decisions.
24. Councillors determined that separate to the consideration of the proposed Freedom Camping Bylaw today, Officers should review the Freedom Camping Bylaw and go through another full consultative process.

25. Council made the following directions to Officers:

- a. to assign resource to provide night time policing (Westshore context);
- b. to form a working party to look at the Freedom Camping Bylaw for the long-term, similar to the Taupo model; and
- c. to create a consultation policy (or review the significance policy to be more task specific).

26. Council agreed to the following resolutions to be a record of the decisions in relation to the proposed Freedom Camping Bylaw 2016:

**COUNCIL
RESOLUTION**

Mayor / Councillor McGrath

- a. That Council confirm receipt of both the written and oral submissions on the *Freedom Camping Bylaw 2016*.
- b) That Council approve the response on each individual submission as outlined in Attachment A.

CARRIED

**COUNCIL
RESOLUTION**

Mayor / Councillor McGrath

- a. That Council approve the adoption of the *Freedom Camping Bylaw 2016* (Attachment B) subject to the following changes:
 - i. Designate, develop and mark a new freedom camping area for self-contained vehicles in Westshore Beach Reserve for four vehicles only, opposite Domain Road (immediately adjacent to the existing carpark, as per the diagram in Attachment C)
 - ii. Amend Map 2: Perfume Point carpark to reduce the restricted area for self-contained vehicles to four spaces, their placement to be in consultation with residents as appropriate.
 - iii. For each of the areas in i. and ii. above, impose a maximum two night stay, and a closure of Westshore site from 24 December to 7 February in any year.

- iv. Add a definition of calendar month to section 4 of the bylaw.
- v. Amend 5.1b so that period of stay should be no longer than one night *"in any one location"*.
- vi. Change the colouring of the maps to green for restricted areas and red for prohibited.
- vii. Amend bylaw to maximum two night stay in non-self-contained vehicles in the Foreshore Reserve Car park.

27. The Chief Executive advised that there is a process to follow for the bylaw to take effect, and that this may not be able to occur prior to the start of the proposed close out period this year.

The meeting concluded at 5.07pm.

APPROVED AND ADOPTED AS A TRUE AND ACCURATE RECORD OF THE MEETING

CHAIRPERSON:_____ **DATE OF APPROVAL:**_____

Ordinary Meeting of Council

OPEN MINUTES

Meeting Date: **Wednesday 14 December 2016**
Time: **3.00pm-3.03pm & 4.43pm – 5.07pm**
Venue: **Main Committee Room
3rd floor Civic Building
231 Hastings Street
Napier**

Present: The Mayor (In the Chair), Councillors Boag, Brosnan, Dallimore, Hague, Jeffery, McGrath, Price, Tapine, Taylor, White, Wise and Wright

In Attendance: Chief Executive, Senior Leadership Team, Corporate Management Team, Team Leader Governance, PA to Mayor, Skatepark Coordinator

APOLOGIES

Nil

CONFLICTS OF INTEREST

ANNOUNCEMENTS BY THE MANAGEMENT

The Chief Executive introduced Council to the Corporate Management team of third tier managers.

CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

Councillors Wise / Tapine

That the Draft Minutes of the Ordinary meeting held on 2 November 2016 be confirmed as a true and accurate record of the meeting.

CARRIED

ADJOURNMENT OF MEETING

COUNCIL RESOLUTION

Councillors Boag / Taylor

That the meeting adjourn in order to reconvene the extraordinary meeting of 24 November 2016.

CARRIED

The meeting adjourned at 3.03pm.

RECONVENE THE MEETING

COUNCIL RESOLUTION

Councillors Wright / Price

That the council meeting be reconvened.

CARRIED

The meeting reconvened at 4.43pm.

LOCAL GOVERNMENT ACT 2002

COUNCIL RESOLUTION

Councillors Price / Boag

The Council resolves, in terms of Section 82 (3) of the Local Government Act 2002, that the principles set out in that section have been observed in such manner that the Napier City Council consider, in its discretion, is appropriate to make decisions on the recommendations set out in this agenda (including the Public Excluded section).

CARRIED

NEW REPORTS

1. STANDING ORDERS

Type of Report:	<i>Operational and Procedural</i>
Legal Reference:	<i>Local Government Act 2002</i>
Document ID:	<i>330407</i>
Reporting Officer/s & Unit:	<i>Jane McLoughlin, Team Leader Governance</i>

1.1 Purpose of Report

To provide a new set of standing orders for Council to adopt. The standing orders are based on the best practice model provided by Local Government New Zealand and provide good governance for the conduct of meetings.

At the meeting

Councillor Jeffrey moved that clause 18.5 of the proposed Standing Orders, 'calling for division' should only be applicable to full council not committee meetings. Once a division is called for, people could change their views, so we do not want to restrict that at the committee stage, (unless a committee is making a decision of council), given Napier operates on a governance principle of double debate.

Matthew Lawson, legal counsel advised that a division is only applicable at the time a decision is being made, so only applies to council or when a committee is making a decision.

Councillor Wise raised that Councillors expect to receive an agenda for a council/committee meeting four calendar days prior to the meeting, as opposed to the legislative requirement of two working days.

AMENDMENT

COUNCIL RESOLUTION

Councillors Wise / Brosnan

Amendment to the proposed Standing Orders in Attachment A, Clause 18.5, to make clear that a calling for division only applies to full council or when committee meetings are making a decision of council, not to committee meetings.

Amendment to the proposed Standing Orders in Attachment A, Clause 9.10, to impose a minimum standard of four calendar days for Councillors to receive an agenda prior to a meeting.

CARRIED

Councillor Brosnan proposed that for Clause 21, General Procedures for speaking and moving motions, that Option C could be used as a default setting, rather than Option A. Option C was considered to enable a more flowing and inclusive way of doing things.

AMENDMENT

**COUNCIL
RESOLUTION**

Councillors Brosnan / Wise

Amendment to the proposed Standing Orders in Attachment A, Clause 21.1, to have Option C as the default option, and Chair can recommend whether to move to another Option at the beginning of a meeting.

CARRIED

**COUNCIL
RESOLUTION**

Mayor / Councillor McGrath

- a. **That Council approve and adopt the new standing orders, dated 14 December 2016, as outlined in Attachment A.**

CARRIED

2. CODE OF CONDUCT FOR ELECTED MEMBERS

<i>Type of Report:</i>	<i>Operational and Procedural</i>
<i>Legal Reference:</i>	<i>Local Government Act 2002</i>
<i>Document ID:</i>	<i>330408</i>
<i>Reporting Officer/s & Unit:</i>	<i>Jane McLoughlin, Team Leader Governance</i>

2.1 Purpose of Report

To provide an updated code of conduct for elected members based on the best practice model provided by Local Government New Zealand.

At the meeting

A brief mention of Clause 13.2 of the proposed Code of Conduct which outlines the process for determination and investigation of complaints. The Clause stipulates that an investigator should be determined. Officers will action this in the new year.

**COUNCIL
RESOLUTION**

Mayor / Councillor Taylor

- a. **That the code of conduct for elected members, dated 14 December 2016, as outlined in Attachment A, be adopted by Council.**

CARRIED

3. 2016-19 TRIENNIUM MEETING SCHEDULE

<i>Type of Report:</i>	<i>Operational</i>
<i>Legal Reference:</i>	<i>Local Government Act 2002</i>
<i>Document ID:</i>	<i>330361</i>
<i>Reporting Officer/s & Unit:</i>	<i>Jane McLoughlin, Team Leader Governance</i>

3.1 Purpose of Report

To seek Council's approval of the proposed 2016-19 triennium meeting schedule for the Council and its committees for the periods from January 2017 to October 2019.

COUNCIL RESOLUTION

Councillors Price / Hague

- a. That Council adopt the schedule of meetings for the committees of Council for the period January 2017 to October 2019, covering the 2016-19 triennium (Attachment 1).
- b. That Council 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 when they are required in accordance with the Local Government Official Information and Meetings Act 1987 and Local Government Act 2002.

CARRIED

4. GOVERNANCE STRUCTURE

<i>Type of Report:</i>	<i>Operational and Procedural</i>
<i>Legal Reference:</i>	<i>Local Government Act 2002</i>
<i>Document ID:</i>	<i>330523</i>
<i>Reporting Officer/s & Unit:</i>	<i>Jane McLoughlin, Team Leader Governance</i>

4.1 Purpose of Report

To seek Council's approval of the paper, *Governance Structure: Committee structure, Terms of reference and delegations 2016-19*.

COUNCIL RESOLUTION

Mayor / Councillor Wright

- a. That the report titled *Governance Structure: Committee structure, Terms of reference and delegations 2016-19* be approved and adopted by Council.
- b. That Council note that delegations for joint committees will be compiled into the report as outlined in recommendation a. for Council's approval in February. In the interim, all delegations as approved in the 2013/16 triennium for joint committees remain.

CARRIED

5. WATCHMAN ROAD PROJECT - NZTA LEASE CONCESSION AND UNISON EASEMENT CONCESSION

Type of Report: Legal and Operational
Legal Reference: Reserves Act 1977
Document ID: 329893
Reporting Officer/s & Unit: Bryan Faulknor, Manager Property

5.1 Purpose of Report

- a) To obtain Council approval to grant a concession in the form of a lease over two areas of reserve land. The subject land is required by the NZ Transport Agency (NZTA) for temporary occupation for activities designed to assist in the construction of the Watchman Road Project.
- b) As a separate matter but still related to the project, to grant an easement to Unison Networks Limited to use reserve land for the conveyance of electricity and telecommunications data and electronic data.

COUNCIL RESOLUTION

Councillors Price / Wise

- a. That Council grant a concession in the form of a lease to the New Zealand Transport Agency over that part of the Local Purpose (Community Buildings) Reserve and that part of the Local Purpose (Wildlife) Reserve as described in Schedule 1 below for a term of twelve (12) months pursuant to the Minister of Conservation's authority under Section 59A of the Reserves Act 1977, such authority being delegated to the Council pursuant to an instrument of delegation dated 12 June 2013.
- b. That Council grant a concession in the form of an easement to Unison Networks Limited over that part of the Local Purpose (Wildlife) Reserve as described in Schedule 2 below respectively for a term of thirty (30) years pursuant to the Minister of Conservation's authority under Section 59A of the Reserves Act 1977, such authority being delegated to the Council pursuant to an instrument of delegation dated 12 June 2013.

SCHEDULE 1: Hawkes Bay Land District – Napier City

Area (ha)	Legal Description	Land Status
0.4894ha	Section 1 SO 468666	Local Purpose (Community Buildings) Reserve
46.3329ha	Part Section 2 SO 10606	Local Purpose (Wildlife) Reserve

SCHEDULE 2: Hawkes Bay Land District – Napier City

Area m ²	Legal Description	Land Status
753m ²	Part Section 3 SO 468666	Local Purpose (Wildlife) Reserve

CARRIED

6. PREBENSEN DRIVE ROAD STOPPING

Type of Report: Legal
Legal Reference: N/A
Document ID: 328956
Reporting Officer/s & Unit: Jon Kingsford, Director Infrastructure Services

6.1 Purpose of Report

To seek Council approval for the stopping of two parcels of legal road, which currently form part of the farm access into Area 3 of Parklands Residential Development.

COUNCIL RESOLUTION

Councillors Wright / Wise

That the Council resolve:

- a) That Council in accordance with Section 116 of the Public Works Act 1981 declares that part of Prebensen Drive as described in Schedules 1 and 2 below be stopped.
- b) That Council, in accordance with Section 117(7) of the Public Works Act 1981, declares the stopped road described in Schedule 1 below to be a Local Purpose (Passive Recreation) Reserve subject to the Reserves Act 1977, to be added to the Local Purpose (Passive Recreation) Reserve situated on Prebensen Drive.
- c) That Council consents to that part of the stopped road described in Schedule 2 below being vested in the Council as the owner of the adjoining land (being Lot 3 DP 448910 as described in Certificate of Title 568343) pursuant to Section 117(3) of the Public Works Act 1981 and the Council further consents to both parcels of land being amalgamated into one certificate of title pursuant to Section 120(3) of the Public Works Act 1981.

SCHEDULE 1

Hawkes Bay Land District – Napier City

Area (ha)	Legal Description	Adjoining	CFR Reference
0.3035	Section 1 SO 470226	Section 3 SO 488315	741089
		Lot 3 DP 448910	568343

SCHEDULE 2

Hawkes Bay Land District – Napier City

Area (ha)	Legal Description	Adjoining	CFR Reference
0.0156	Section 2 SO 470226	Lot 3 DP 448910	568343

CARRIED

7. QUARTERLY REPORT FOR SEPTEMBER 2016

Type of Report: *Procedural*
Legal Reference: *Local Government Act 2002*
Document ID: *318884*
Reporting Officer/s & Unit: *Mary Quinn, Senior Management Accountant*
Elaine Cooper, Corporate Planner
Chris Comber, Accounting Manager

7.1 Purpose of Report

To consider the Quarterly Report for the period 1 July 2016 to 30 September 2016 and the Health & Safety Report for October 2016.

At the meeting

Mayor noted this is a fantastic report and it an effective way for Councillors to receive information.

COUNCIL RESOLUTION

Mayor / Councillor McGrath

- a. That the Quarterly Report for the period 1 July 2016 to 30 September 2016 and the Health & Safety Report for October 2016 be received

CARRIED

REPORT / RECOMMENDATIONS FROM THE STANDING COMMITTEES

REPORTS FROM FINANCE COMMITTEE HELD 29 NOVEMBER 2016

DECLARATION OF THE REMAINING COUNCILLOR ELECT

Type of Report:	<i>Legal and Operational</i>
Legal Reference:	<i>Local Government Act 2002</i>
Document ID:	<i>327058</i>
Reporting Officer/s & Unit:	<i>Jane Mcloughlin, Team Leader Governance</i>

Purpose of Report

To outline the required process for receiving the declaration of the remaining Councillor elect following the 2016 Triennial Election.

COUNCIL RESOLUTION

*(made at Finance
Committee meeting,
on 29 November
2016)*

- a. The remaining Councillor elect, Mr Tony Jeffery, makes an oral declaration and attests a written declaration at the Finance Committee meeting on 29 November 2016, in accordance with the requirements set out in Schedule 7, Clause 14, of the Local Government Act 2002.

CARRIED

1. EASTER SUNDAY TRADING POLICY

Type of Report:	<i>Legal and Operational</i>
Legal Reference:	<i>Local Government Act 2002</i>
Document ID:	<i>323961</i>
Reporting Officer/s & Unit:	<i>Kim Anstey, Planner Policy/Analyst</i>

1.1 Purpose of Report

Changes to the Shop Trading Hours Act provide an opportunity for local authorities to adopt a policy allowing shops to trade on Easter Sunday. Informal consultation with the community and retailers on the proposal to adopt an Easter Sunday Trading policy has indicated there is sufficient interest to warrant commencing formal consultation. This report is to seek Council approval of the proposed Easter Sunday Trading Policy 2017, the accompanying Statement of Proposal (**Attachment A**), and to authorise officers to commence the special consultative procedure.

COUNCIL RESOLUTION

*(made at
Finance
Committee
meeting, on 29
November
2016)*

- a. That Council approve the draft Easter Sunday Trading Policy 2017 and Statement of Proposal (subject to the inclusion under the heading Policy, of a direct reference to workers choice and retailers having the ability to open or not), and authorize officers to proceed with public notification through the special consultative procedure as prescribed in Section 83, of the Local Government Act 2002.

CARRIED

2. MARINE PARADE REDEVELOPMENT COSTS

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	324923
Reporting Officer/s & Unit:	Jon Kingsford, Director Infrastructure Services

2.1 Purpose of Report

To update Council on the financial status of the Marine Parade redevelopment project, and to obtain approval of funding of additional construction-related costs.

At the meeting

AMENDMENT

COUNCIL RESOLUTION

Councillors Price / McGrath

Amendment to withdraw the substantive motion resolution c. from *That Council agree to proceed with the construction of the new skate ramps, (a Vert ramp + 4 small ramps) at a cost of \$200,000, as these ramps form an integral part of the features of the new site, and replace with:*

That Council agree to proceed with the construction of several new skate ramps to the value of \$200,000 which may include a vert ramp as these ramps form an integral part of the features of the new site.

CARRIED

COUNCIL RESOLUTION

Councillors Price / Dallimore

- a. That the report be received.
- b. That Council note that additional costs to the project have been identified, and some costs have been incurred, and that additional funding of approximately \$318,500 will be required.
- c. That Council agree to proceed with the construction of several new skate ramps to the value of \$200,000 which may include a vert ramp as these ramps form an integral part of the features of the new site.
- d. That Council note that the original location for the vert ramp will need to be repurposed, with shade sails and street furniture in order to make it a useable space, at a cost of \$45,000.
- e. That Council note additional funding of approximately \$613,500 for items noted in the resolutions in a-d, will be sourced from capital reserve.

CARRIED

3. NAPIER CONFERENCE CENTRE - COST UPDATE

Type of Report: Operational
Legal Reference: N/A
Document ID: 324368
Reporting Officer/s & Unit: Sally Jackson, Manager Visitor Experience

3.1 Purpose of Report

To update Council on costs relating to the earthquake strengthening and redevelopment of the Napier Conference Centre.

To update Council on an increase of the project scope involved in the redevelopment, and to seek Council approval on the funding required.

To update Council on the estimated completion date of the project.

COUNCIL RESOLUTION

Councillors Wise / Dallimore

- a. That Council notes the update provided on the increase in costs to the redevelopment of the Napier Conference Centre. In particular, key factors causing the increased costs include an increase of the project scope; time delay variations to contracts; inadequate contingency budget under industry standard; and an inadequate estimate of fixtures, fittings and furniture.
- b. That Council agree that the construction must reflect the community's expectations for the Napier Conference Centre to be Hawke's Bay's primary conference venue, and to be a secure site, is of critical importance.

AMENDMENT TO OFFICER'S RECOMMENDATION

- c) That Council approve the total funding request of \$745,864 for additional costs relating to the redevelopment of the Napier Conference Centre.
 - 1) Funding of \$402,110 for additional costs relating to the redevelopment of the Napier Conference Centre to be funded from capital reserve.
 - 2) Funding of \$343,754 for a 10% contingency to cover the remainder of the construction phase for the project, to be funded from capital reserve if required.

CARRIED

4. MOUNTAIN BIKE ENHANCEMENT PROPOSAL

Type of Report: Operational
Legal Reference: N/A
Document ID: 323871
Reporting Officer/s & Unit: Jon Kingsford, Director Infrastructure Services

4.1 Purpose of Report

To consider Council support for three enhancement proposals for the Hawke's Bay Mountain Bike Club (HBMTCB) bike park within the Pan Pac owned land at Eskdale. The three enhancement proposals are being submitted to Council as the land is outside of Napier City jurisdiction, however there are significant benefits to Napier City if the enhancements go ahead.

COUNCIL RESOLUTION

Councillors Wise / Dallimore

- a. That Council approves the relocation of the redundant toilet block from the Marine Parade redevelopment to the Ken Ross Reserve at PanPac and approves the Napier City Council to provide ongoing cleaning services for the toilet.
- b. That Council provides funding up to the value of \$20,000 from the Napier City Council capital reserve towards the installation of directional signage and loop maps for the Mill Block trails at the Pan Pac Eskdale Mountain Bike Park.
- c. That Council provides funding up to the value of \$25,000 from the Napier City Council capital reserve towards the development of a mountain bike skills area within the Ken Ross reserve at the Pan Eskdale Mountain Bike Park.

CARRIED

5. FINAL SHADE POLICY

Type of Report:	<i>Operational and Procedural</i>
Legal Reference:	<i>N/A</i>
Document ID:	<i>325095</i>
Reporting Officer/s & Unit:	<i>Jessica Wilson, Community Advisor</i>

5.1 Purpose of Report

To bring back to Council, the draft Napier City Council Shade Policy, that has been updated to reflect public feedback.

COUNCIL RESOLUTION

Councillors Wise / Dallimore

- a. That Council adopt the amended Napier City Council Shade Policy (Attachment A) that has been updated to reflect public feedback.

CARRIED

6. RATING OUTTURN SURPLUS 2015-16

Type of Report:	<i>Operational and Procedural</i>
Legal Reference:	<i>Local Government Act 2002</i>
Document ID:	<i>324128</i>
Reporting Officer/s & Unit:	<i>Adele Henderson, Director Corporate Services Ian Condon, Revenue and Treasury Manager Caroline Thomson, Chief Financial Officer</i>

6.1 Purpose of Report

To report on the Rating Account to 30 June 2016, and to approve allocations from the Rating Surplus.

COUNCIL RESOLUTION

Councillors Wise / Dallimore

- a. That the 2015/16 net rating surplus of \$3,256,800 be transferred to the Capital Reserve Account where it is available for future commitments.

CARRIED

7. MTG HAWKE'S BAY SCHOOL EDUCATION FEES AND CHARGES

<i>Type of Report:</i>	<i>Operational</i>
<i>Legal Reference:</i>	<i>N/A</i>
<i>Document ID:</i>	<i>324120</i>
<i>Reporting Officer/s & Unit:</i>	<i>Sally Jackson, Manager Visitor Experience</i>

7.1 Purpose of Report

To seek approval to change the fees and charges in place for the school education programme supplied by MTG Hawke's Bay Museum.

COUNCIL RESOLUTION

Councillors Wise / Dallimore

That the Council resolve:

- a. To move the entry fee for MTG Hawke's Bay Museum from Students \$4.50 (primary) & \$6.50 (secondary) to \$2.50 (primary) & \$4.50 (secondary) effective from 1 January 2017.

CARRIED

8. RELOCATION OF LOADING ZONE, TENNYSON STREET

<i>Type of Report:</i>	<i>Operational</i>
<i>Legal Reference:</i>	<i>N/A</i>
<i>Document ID:</i>	<i>325266</i>
<i>Reporting Officer/s & Unit:</i>	<i>Peter Scott, Contracts Engineer</i>

8.1 Purpose of Report

To consider the relocation of a loading zone at 39 Tennyson Street from immediately outside the Former McGlashan's Building (containing Wallace Cotton) to outside of the Former Daily Telegraph Building (currently occupied by Bayley's Real Estate) located at 49 Tennyson Street.

**COUNCIL
RESOLUTION**

Councillors Wise / Dallimore

- a. That Council resolve to relocate the existing loading zone located outside of 39 Tennyson Street to a position outside 49 Tennyson Street (as shown on the plan attached as Attachment A).
- b. That two parallel car parks be formed outside of 39 Tennyson Street where the loading zone is currently located.
- c. That retailers within the area, and local courier companies be notified of these changes.

CARRIED

9. PUKEMOKIMOKI MARAE PROJECT COMPLETION

Type of Report: Operational
Legal Reference: N/A
Document ID: 325508
Reporting Officer/s & Unit: Natasha Carswell, Manager Community Strategies

9.1 Purpose of Report

To provide Council with an update on the Pukemokimoki Marae progress and project completion.

**COUNCIL
RESOLUTION**

Councillors Wise / Dallimore

- a. That Council receives the Pukemokimoki Marae Year Two Progress Report and notes the completion of the project.

CARRIED

10. CREATIVE COMMUNITIES SCHEME SEPTEMBER 2016

Type of Report: Operational
Legal Reference: N/A
Document ID: 323884
Reporting Officer/s & Unit: Belinda McLeod, Community Funding Advisor

10.1 Purpose of Report

To receive the minutes from the Creative Communities Scheme meeting held on Tuesday 27 September 2016 as outlined in **Attachment A**.

**COUNCIL
RESOLUTION**

Councillors Wise / Dallimore

That the minutes of the Creative Communities Scheme meeting held on Tuesday 27 September 2016 be received and the recommendations be adopted.

CARRIED

11. HAWKE'S BAY AIRPORT LIMITED ANNUAL REPORT FOR FINANCIAL YEAR ENDING 30 JUNE 2016

Type of Report:	<i>Legal</i>
Legal Reference:	<i>Local Government Act 2002</i>
Document ID:	<i>326384</i>
Reporting Officer/s & Unit:	<i>Adele Henderson, Director Corporate Services</i>

11.1 Purpose of Report

To consider the Hawke's Bay Airport Limited Annual Report for the financial year ending 30 June 2016.

Mr Nick Story, Chief Executive of Hawke's Bay Airport Limited to speak to the report.

COUNCIL RESOLUTION

Councillors Wise / Dallimore

- a. That the Hawke's Bay Airport Limited Annual report for financial year ending 30 June 2016 be received.

CARRIED

12. BAY SKATE – FEES AND CHARGES

Type of Report:	<i>Operational</i>
Legal Reference:	<i>N/A</i>
Document ID:	<i>324126</i>
Reporting Officer/s & Unit:	<i>Glen Lucas, Manager Sports and Recreation</i>

12.1 Purpose of Report

To outline the proposed fees and charges for Bay Skate.

At the meeting

Councillor McGrath moved an amendment that full price entry is not charged until Bay Skate is completed with ramps. Officers advised that they are looking at other options for utilizing the area until the ramps are built, and noted that the concrete skating area is outstanding and already attracting people to Napier. Officers advised that they undertook consultation during the special consultative process 3 years ago with the public, and based on the feedback received are confident that the entry fee is affordable. Councillor Brosnan sought the advice of an Officer that works at Bay Skate. The officer also advised that skaters are coming to Bay Skate not just for the skate park but because it is a safe facility, and there are staff who provide lessons too. Councillor Price raised that members are getting a very cheap deal for what it is currently, and the addition of the ramps will only make it even more appealing. Councillor Jeffrey raised that Council should not be wavering fees on an adhoc basis without taking into consideration the impacts on the operating model.

AMENDMENT

**COUNCIL
RESOLUTION**

Councillors McGrath / Boag

Amendment that fully price entry is not charged until the skate park is completed with ramps.

MOTION LOST

**COUNCIL
RESOLUTION**

Wise / Dallimore

- a. That the proposed fees and charges for Bay Skate be approved and adopted as outlined in Attachment A.

CARRIED

REPORTS FROM AUDIT AND RISK COMMITTEE HELD 1 DECEMBER 2016

1. AUDIT AND RISK CHARTER REVIEW

<i>Type of Report:</i>	<i>Information</i>
<i>Legal Reference:</i>	<i>N/A</i>
<i>Document ID:</i>	<i>326620</i>
<i>Reporting Officer/s & Unit:</i>	<i>Adele Henderson, Director Corporate Services</i>

1.1 Purpose of Report

To present and make recommendations on amendments to the Audit and Risk Committee Charter and Terms of Reference.

**COUNCIL
RESOLUTION**

Councillors Wise / Hague

- a. That the report titled Audit and Risk Charter Review be received.
- b. That the amendments to the Audit and Risk Committee Charter and Terms of Reference are recommended to Council for approval.

CARRIED

2. AUDIT AND RISK MEETING SCHEDULE 2016-17

<i>Type of Report:</i>	<i>Operational and Procedural</i>
<i>Legal Reference:</i>	<i>N/A</i>
<i>Document ID:</i>	<i>326623</i>
<i>Reporting Officer/s & Unit:</i>	<i>Adele Henderson, Director Corporate Services</i>

2.1 Purpose of Report

To consider the proposed timetable of meetings for the Audit and Risk Committee in 2017, as detailed below.

COUNCIL RESOLUTION

Councillors Wise / Hague

- a. That feedback be provided on the proposed timetable of meetings for the Audit and Risk Committee for 2017.

CARRIED

REPORTS UNDER DELEGATED AUTHORITY

1. REQUESTS FOR OFFICIAL INFORMATION

<i>Type of Report:</i>	<i>Information</i>
<i>Legal Reference:</i>	<i>Local Government Official Information and Meetings Act 1987</i>
<i>Document ID:</i>	<i>330005</i>
<i>Reporting Officer/s & Unit:</i>	<i>Jane McLoughlin, Team Leader Governance</i>

1.1 Purpose of Report

To report on written requests for official information received since the September Council Meeting.

At the meeting

Councillor Wright queried the change in procedure in reporting to Council on official information requests. Officers advised that they had reviewed processes and legally must ensure a right to privacy for those making requests under the Local Government Official Information and Meetings Act 1987. Therefore Officers would not include the name of the requesters in the report to Council.

Officers also responded to a question about why a particular request had been declined due to privacy when the questions appeared to be of a generic nature. Officers advised this is because if the information had been provided, due to the small number of people it applied to, it would have been easy to deduce who the persons are, and would thus breach their privacy.

COUNCIL RESOLUTION

Councillors Jeffery / Wright

That the requests for official information be received.

CARRIED

2. LIQUOR LICENSES

Type of Report:	<i>Information</i>
Legal Reference:	<i>Sale and Supply of Alcohol Act 2012</i>
Document ID:	<i>330006</i>
Reporting Officer/s & Unit:	<i>Jane McLoughlin, Team Leader Governance</i>

2.1 Purpose of Report

To report on the Liquor Licences issued under delegated authority for September-November.

COUNCIL RESOLUTION

Councillors Jeffery / Wright

That the report be received.

CARRIED

3. TENDERS LET

Type of Report:	<i>Information</i>
Legal Reference:	<i>Local Government Act 2002</i>
Document ID:	<i>330007</i>
Reporting Officer/s & Unit:	<i>Jane McLoughlin, Team Leader Governance</i>

3.1 Purpose of Report

To report on Tenders let under delegated authority from 24 September 2016 to 8 December 2016.

COUNCIL RESOLUTION

Councillors Jeffery / Wright

That the report be received.

CARRIED

4. SCHEDULE OF DOCUMENTS UNDER SEAL

Type of Report:	<i>Operational</i>
Legal Reference:	<i>N/A</i>
Document ID:	<i>330008</i>
Reporting Officer/s & Unit:	<i>Jane McLoughlin, Team Leader Governance</i>

4.1 Purpose of Report

To report of documents executed under seal, from 22 September 2016 to December 2016.

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COUNCIL RESOLUTION

Councillors Jeffery / Wright

That the report be received.

CARRIED

5. RESOURCE CONSENT

Type of Report:	Information
Legal Reference:	Resource Management Act 1991
Document ID:	330009
Reporting Officer/s & Unit:	Holly Lucas, Personal Assistant to Director Corporate Services

5.1 Purpose of Report

To present the report on Resource Consents issued under delegated authority for August 2016.

COUNCIL RESOLUTION

Councillors Jeffery / Wright
That the report be received.

CARRIED

PUBLIC EXCLUDED ITEMS

COUNCIL RESOLUTION

Councillors White / Wright
That the public be excluded from the following parts of the proceedings of this meeting.

CARRIED

New Reports

1. Land Purchases

Reports from Finance Committee held 29 November 2016

1. Hawke's Bay Airport Limited Shareholders Report for September Quarter Financial Year 2016/17
2. Embankment Bridge - Integrated Structure with Rail Corridor

Reports from Audit and Risk Committee held 1 December 2016

1. Napier City Council Investment and Debt Report
2. Health and Safety Report 30 September 2016
3. Review of Payroll for Overtime and Time in Lieu
4. Audit NZ - Management Letter 2015/16
5. DRAFT Multi Use Sports Facility Business Case
6. Review of Procurement at City Services (The Depot)
7. Risk Register October 2016
8. Napier City Council Internal Audit Status Report

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
New Reports		
1. Land Purchases	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.
Reports from Finance Committee held 29 November 2016		
1. Hawke's Bay Airport Limited Shareholders Report for September Quarter Financial Year 2016/17	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 7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities	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. Embankment Bridge - Integrated Structure with Rail Corridor	7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities	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.
Reports from Audit and Risk Committee held 1 December 2016		
1. Napier City Council Investment and Debt Report	7(2)(b)(ii) Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
2. Health and Safety Report 30 September 2016	7(2)(d) Avoid prejudice to measures protecting the health and safety of members of the public	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. Review of Payroll for Overtime and Time in Lieu	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.
4. Audit NZ - Management Letter 2015/16	7(2)(g) Maintain legal professional privilege	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.
5. DRAFT Multi Use Sports	7(2)(b)(ii) Protect information	48(1)A That the public conduct of

Facility Business Case	where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	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.
6. Review of Procurement at City Services (The Depot)	7(2)(b)(ii) Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
7. Risk Register October 2016	7(2)(e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public	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.
8. Napier City Council Internal Audit Status Report	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.

The meeting concluded at 5.07pm.

APPROVED AND ADOPTED AS A TRUE AND ACCURATE RECORD OF THE MEETING

CHAIRPERSON:  DATE OF APPROVAL: 23-12-16