

Napier Civic Building 231 Hastings Street t+64 6 835 7579 e info@napier.govt.nz www.napier.govt.nz

ORDINARY MEETING OF COUNCIL

Open Minutes

Thursday 27 August 2020
10am – 11.16am
Large Exhibition Hall
War Memorial Centre
Marine Parade
Napier
Mayor Wise, Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Mawson, McGrath, Price, Simpson, Tapine, Taylor, Wright
Interim Chief Executive, Director Corporate Services, Director
Infrastructure Services, Director City Services, Director City Strategy, Manager Communications and Marketing
Manager Sport and Recreation
Manager Community Strategies
Manager Environmental Solutions
Manager Regulatory Solutions
Hawke's Bay Airport Ltd representatives – Stuart Ainslie (CEO),
Wendy Harvey (Board Chair)
Governance Team

1

Apologies

Nil

Conflicts of interest

Nil

Public forum

Nil

Announcements by the Mayor

The Mayor recognised the trial currently taking place in relation to the Christchurch mosque shooting, and the courage of those giving victim and witness statements.

The Mayor also acknowledged that moving back into Alert Level 2 in response to the recurrence of COVID-19 has had and will have an impact on the Napier community and businesses. She encouraged people to support local businesses as much as possible. The two Council-offered recovery funds in place have had a fantastic level of uptake and applications have come from wide ranging businesses, and from community groups working to develop and beautify the Napier environment.

Minor Matters

Nil

Announcements by the management

Nil

Confirmation of minutes

Council resolution	Councillors Taylor / Boag
	That the Draft Minutes of the Ordinary meeting held on 16 July 2020 be confirmed as a true and accurate record of the meeting.
	Carried

Council resolution That the Draft Minutes of the Extraordinary meeting held on 24 July 2020 be confirmed as a true and accurate record of the meeting. Carried Council resolution Council That the Draft Minutes of the Extraordinary meeting held on 12 August 2020 be confirmed as a true and accurate record of the meeting. Carried Carried

AGENDA ITEMS

1. HAWKE'S BAY AIRPORT LTD REVISED DRAFT STATEMENT OF INTENT 2020/21

Type of Report:	Legal and Operational
Legal Reference:	Local Government Act 2002
Document ID:	950601
Reporting Officer/s & Unit:	Adele Henderson, Director Corporate Services

1.1 Purpose of Report

To present the Hawke's Bay Airport Ltd revised Draft Statement of Intent for the 2020/21 year.

At the meeting

Representatives from Hawke's Bay Airport Ltd spoke to a presentation on the revised Statement of Intent for 2020/21, touching on the 2019 and 2020 events that have impacted on the airport business, and the need recognised in 2019 to diversify revenue streams in order to move forward in the best way as a company.

The completion of the terminal development is key to the recovery plan, and the stakeholders were thanked for their continuing commitment to this progressing.

The recovery plan outlines a path forward to bring the company "back into the black" within two years.

In response to questions from councillors it was clarified that:

Carried

- The projections are based on a conservative, possibly even a pessimistic view; they
 do not assume that the borders (either trans-Tasman or international) will open soon
- The change in the air traffic control tower management has not affected the business to date. The airport has been working with other regional airports who have a similar arrangement to develop a safety case for consideration by the regulator.
- Biological screening has not been required of regional airports as yet, but it is anticipated that over the next 24 months that screening and processes will take a more health bias.

The work of the Airport team in very difficult circumstances was acknowledged.

Council resolution That Council: a. Receive the 2020/21 Revised Draft Statement of Intent of the Hawke's Bay Airport Limited and provide comment and feedback from Napier City Council

2. THREE WATERS REFORM PROGRAMME - MEMORANDUM OF UNDERSTANDING

Type of Report:	Contractual
Legal Reference:	N/A
Document ID:	950827
Reporting Officer/s & Unit:	Adele Henderson, Director Corporate Services Jon Kingsford, Director Infrastructure Services

This item was considered when matters taken to Committee were double debated

3. MAORI COMMITTEE 'MECHANICS' - RECONSIDERATION OF ITEM

Type of Report:	Operational
Legal Reference:	Local Government Official Information and Meetings Act 1987; Local Government Act 2001
Document ID:	950825
Reporting Officer/s & Unit:	Devorah Nícuarta-Smith, Team Leader Governance

3.1 Purpose of Report

To re-present a proposal to re-integrate the Māori Committee into the six-weekly meeting cycle of Council, this matter having been laid on the table by Council at its meeting on 16 July 2020.

At the meeting

There was no discussion on this item.

Council resolution

Mayor Wise / Councillor Tapine

That Council:

- a. Director Officers to re-integrate the Māori Committee into the sixweekly meeting cycle alongside the standing committees, including implementing the processes and system updates required to complete this change
- b. Note the following in relation to the update:
- i. There will be changes in the timing of standing committees within the six weekly cycle to allow for the re-integration to take place
- ii. Māori Committee members will be invited to all Council workshops
- iii. Decisions of Council at standing committee (while remaining an option under Standing Orders) are expected to take place in extenuating and genuinely urgent instances only, as they bypass not only the Māori Committee but the full double debate process.
- iv. The Māori Committee will be able to lay items on the table, as are standing committees; a process is under development to clarify how any such items will be treated in the upcoming meeting cycle
- The InfoCouncil functionality to allow for the flow of information through the standing and Māori committees to Council requires reactivation and there may be some time lag in the update due to the complexity of this process

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4. SECTION 10A ANNUAL DOG CONTROL REPORT - 2019/2020

Type of Report:	Operational and Procedural
Legal Reference:	Dog Control Act 1996
Document ID:	942711
Reporting Officer/s & Unit:	Rachael Horton, Manager Regulatory Solutions

4.1 Purpose of Report

To present the territorial authority report on dog control policies and practices for the dog control registration year 1 July 2019 – 30 June 2020 for adoption by Council as required under Section 10A of the Dog Control Act 1996, prior to being submitted to the Secretary of Local Government and being made publically available.

At the meeting

The Manager Regulatory Solutions spoke to the report, which presents the Annual Dog Control Report, a statutory requirement.

The Animal Control Team have significant education and safety training programmes, both on good dog ownership and on how to be safe around an aggressive dog. The Team works closely with owners to help them achieve compliance first, before any regulatory actions may be taken.

While there has been an important increase in many metrics there has been an increase in infringements which indicates that some owners still require education and support in making good decisions in relation to their dogs.

In response to questions from councillors:

- There is no specific guidance to dog owners as to how to manage interactions under different Alert Levels
- The Animal Control Team have been very active in following up on owners who are late in registering their dogs
- The public can get a discount off their registration based on the past compliance history and completion of a questionnaire provided by the Animal Control Team; it may also be useful to complete an obedience training course

Council indicated they were very happy to see the lower numbers of impounded and euthanised dogs. The Animal Control Team were thanked for the excellent job they do.

Council resolution	Councillors Tapine / Chrystal
	That Council:
	a. Adopt the Napier City Council Annual Dog Control Report 2019/20.
	 That the report be submitted to the Secretary for Local Government and published in accordance with the Dog Control Act 1996.
	Carried

MARINE PARADE RESERVE THE AMAZING DINOSAUR DISCOVERY

Type of Report:	Procedural
Legal Reference:	Reserves Act 1977
Document ID:	954480
Reporting Officer/s & Unit:	Debra Stewart, Team Leader Parks, Reserves, Sportsgrounds

5.1 Purpose of Report

The purpose of the report is to seek approval from Council allow Zirka Circus – "The Amazing Dinosaur Discovery" to locate on Marine Parade in the area south of the aquarium for the September 2020 School Holidays, 22 September to 13 October 2020 (inclusive of pack in and pack out).

At the meeting

The Director Infrastructure took questions.

- The responsibility for all safety obligations including managing COVID-19 restrictions is with Zirka Circus
- The event has used Marine Parade in the past and is keen to use the same space again. Anderson Park is not always suitable for the vent depending on the time of year.

ACTION Upcoming events will be listed on the Council website to ensure people are aware of opportunities they can attend

Council resolution

Councillor Price / Dep. Mayor Brosnan

- a. That the Ordinary Meeting of Council resolves that the report be received.
- b. Resolve
- i. Pursuant to the delegated authority provided to the Council under the Instrument of Delegation for Territorial Authorities, dated 12 June 2013, to grant a licence under Section 54(1)(d) of the Reserves Act 1977 for Zirka Circus – The Amazing Dinosaur Discovery over part of the land described in the Schedule below (being a recreation reserve) for the purposes of operating the business of a circus for a term of no more than [21] consecutive days and otherwise in accordance with the provisions of the Reserves Act 1977, subject to any other Consents being granted.

Schedule -

Legal Description	Identifier
Lot 3 DP 27728	HBW4/780

6. UNCONFIRMED MINUTES HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE - 13 FEBRUARY 2020

Type of Report:	Operational
Legal Reference:	Local Government Official Information and Meetings Act 1987
Document ID:	951700
Reporting Officer/s & Unit:	Devorah Nícuarta-Smith, Team Leader Governance

6.1 Purpose of Report

To receive the unconfirmed minutes of the Hawke's Bay Drinking Water Governance Joint Committee meeting held on 13 February 2020.

At the meeting

Councillors Simpson and Chrystal spoke to the draft minutes, noting that the meeting was the inaugural gathering for this triennium.

The Committee is active and has been considering the national water reforms as well the regional TANK plan.

Council resolution	Councillors Simpson / Chrystal
	That Council:
	 Receive the unconfirmed minutes of the Hawke's Bay Drinking Water Governance Joint Committee meeting held on 13 February 2020.
	Carried

REPORTS / RECOMMENDATIONS FROM THE STANDING COMMITTEES

REPORTS FROM SUSTAINABLE NAPIER COMMITTEE HELD 30 JULY 2020

1. NAPIER CITY COUNCIL SUBMISSION TO THE TANK PLAN CHANGE

Type of Report:	Legal and Operational
Legal Reference:	Resource Management Act 1991
Document ID:	944236
Reporting Officer/s & Unit:	Kim Anstey, Planner Policy/Analyst Jon Kingsford, Director Infrastructure Services

1.1 Purpose of Report

The purpose of this report is to authorise Council Officers to lodge a submission to the Hawke's Bay Regional Council's (HBRC) Proposed Change 9 to the Regional Resource Management Plan (RRMP). This plan change seeks to improve the management of fresh water in the Greater Heretaunga Catchments and is commonly referred to as the TANK plan change.

The Napier City Council submission will address the key points discussed at the Council workshop on June 25 and identified in section 1.3 below. A copy of the submission will be provided to Council prior to lodgement before the submission close date of August 14, 2020.

At the meeting

There was no discussion on this item.

Council resolution

Councillors Simpson / Price

The Sustainable Napier Committee:

a. Authorise Council Officer's to lodge a submission that addresses the key points of submission at section 1.3 below.

REPORTS FROM FUTURE NAPIER COMMITTEE HELD 30 JULY 2020

DISTRICT PLAN REVIEW - POLICY APPROACH OF THE DRAFT PLAN

Type of Report:	Legal and Operational
Legal Reference:	Resource Management Act 1991
Document ID:	945299
Reporting Officer/s & Unit:	Dean Moriarity, Team Leader Policy Planning

1.1 Purpose of Report

- a. The purpose of this report is to follow up on the recent series of seminars held with Council between 19th March 2020 and the 25th June 2020 regarding the review of the District Plan; and
- b. For Council to approve the recommended policy approach for specific chapters so that officers can draft plan provisions within an agreed framework.

At the meeting

There was no discussion on this item

Council resolution

Dep. Mayor Brosnan / Councillor Wright

The Future Napier Committee:

a. Endorse the recommended policy approach in the report, for preparing the Draft District Plan for the purposes of undertaking consultation and engagement with all interested parties within Napier.

2. DISTRICT PLAN REVIEW - DRAFT CHAPTER: SPECIAL ZONE: TE WHANGANUI-A-OROTŪ (AHURIRI ESTUARY) ECOLOGY AND STORMWATER PARK

Type of Report:	Legal and Operational
Legal Reference:	Resource Management Act 1991
Document ID:	933479
Reporting Officer/s & Unit:	Yvonne Legarth, Policy Planner

2.1 Purpose of Report

To obtain the agreement of Council to remove the existing two zones that apply to land at Lagoon Farm in the operative district plan, and include a single special zone in the draft District Plan that implements a policy approach to achieve stormwater improvement and outcomes for the water quality and ecology of Te Whanganui-a-Orotū (Ahuriri Estuary).

The policy approach will then form part of the draft district plan and, subject to Council resolution, will proceed to pubic consultation.

At the meeting

There was no discussion on this item

Council resolution

Dep. Mayor Brosnan / Councillor Wright

The Future Napier Committee:

- a. Endorse the replacement of the two zones that currently apply to land at Lagoon Farm in the operative district plan, with a single special zone in the draft District Plan that implements a policy and regulatory approach that controls activities to:
 - achieve stormwater treatment and water quality improvements;
 and
 - ii. ecological outcomes for the Te Whanganui-a-Orotū (Ahuriri Estuary); and
 - iii. provides for recreation and controls limited commercial activities to ensure these are compatible with the ecological values of the estuary.

3. ADOPTION OF NAPIER CITY MOBILE SIGN BYLAW

Type of Report:	Legal
Legal Reference:	Local Government Act 2002
Document ID:	942786
Reporting Officer/s & Unit:	Yvonne Legarth, Policy Planner
	Rachael Horton, Manager Regulatory Solutions

3.1 Purpose of Report

To seek Council confirmation and adoption of the reviewed Mobile Sign Bylaw.

At the meeting

There was no discussion on this item

Council resolution

Dep. Mayor Brosnan / Councillor Wright

The Future Napier Committee:

- Note the information in the previous report to Council Meeting on 7 May 2020 that dealt with the need to review the Mobile Sign Bylaw 2013.
- b. Note that no submissions have been received on the proposal to continue the Mobile Sign Bylaw 2013 without amendment.
- c. Confirm, in accordance with Section 155 of the Local Government Act 2002, that a Mobile Sign Bylaw 2020 is the most appropriate way of addressing the problems that mobile signs can have on:
 - i. public and traffic safety
 - ii. maintenance of aesthetic standards
 - iii. control of offensive material on mobile signs
- b. Confirm that the Mobile Sign Bylaw is currently the most appropriate form of bylaw.
- c. Agree that the Mobile Sign Bylaw is not inconsistent with, or have any implications under the New Zealand Bill of Rights Act 1990.
- d. Confirm that a further review of the Mobile Sign Bylaw 2020 is to be undertaken as part of the process to prepare a consolidated Napier City Council Urban Environment Bylaw.
- e. Adopt the Mobile Sign Bylaw 2020

4. CIVIC PRECINCT PROJECT UPDATE

Type of Report:	Information
Legal Reference:	N/A
Document ID:	944857
Reporting Officer/s & Unit:	Fleur Lincoln, Strategic Planning Lead

4.1 Purpose of Report

This report is to provide an update on progress made, and next steps for the Civic Precinct Project.

At the meeting		
There was no o	iscussion on this item	
Council resolution	Dep. Mayor Brosnan / Councillor Wright	
	The Future Napier Committee: a. Receive the update provided on the Civic Precinct project	
	b. Endorse the process to develop a Masterplan for the Precinct	
	Carried	

5. ANNA SPENCER STATUE

Type of Report:	Procedural
Legal Reference:	N/A
Document ID:	946459
Reporting Officer/s & Unit:	Fleur Lincoln, Strategic Planning Lead

5.1 Purpose of Report

The purpose of this report is to obtain approval for the installation of the Anna Elizabeth Jerome Spencer statue within road reserve of Napier's CBD.

At the meeting

There was no discussion on this item

Council resolution

Dep. Mayor Brosnan / Councillor Wright

The Future Napier Committee:

- a. Approve the acceptance of the gift to Napier City Council of the statue from the New Zealand Women's Institute in perpetuity.
- Approve the installation of the Anna Elizabeth Jerome Spencer statue within road reserve on the corner of Cathedral Lane and Shakespeare Road, as well as a small storyboard detailing who Miss Spencer was, and her contribution to society.

6. NAPIER RECOVERY FUNDING

Type of Report:	Information
Legal Reference:	N/A
Document ID:	942991
Reporting Officer/s & Unit:	Michele Grigg, Senior Advisor Policy
	Dean Prebble, Economic Development Manager

6.1 Purpose of Report

To provide an update on two funds established to progress the aims of the Napier Recovery Plan.

At the meeting

There was no discussion on this item

Council	
resolution	

Dep. Mayor Brosnan / Councillor Wright

The Future Napier Committee:

- Note the information on two recovery funds recently established, those being:
- Recovery Projects Fund
- Te Puawaitanga Green Communities Together Fund

7. RESOURCE CONSENT ACTIVITY REPORT

Type of Report:	Information
Legal Reference:	Resource Management Act 1991
Document ID:	943179
Reporting Officer/s & Unit:	Luke Johnson, Team Leader Planning and Compliance

7.1 Purpose of Report

This report provides an update on recent activity within the resource consenting team. The report is provided for information purposes only for elected members, so that there is visibility of major projects and an opportunity for elected members to understand the process.

Applications are assessed by delegation through the RMA; it is not intended to have application outcome discussions as part of this paper.

This report only contains information which is lodged with Council and is publicly available.

At the meeting	
There was no dis	cussion on this item
Council resolution	Dep. Mayor Brosnan / Councillor Wright
	The Future Napier Committee:
	a. Note the resource consent activity update.
	Carried

REPORTS FROM SUSTAINABLE NAPIER COMMITTEE HELD 6 AUGUST 2020

1. THREE WATERS REFORM PROGRAMME - MEMORANDUM OF UNDERSTANDING

Type of Report:	Contractual
Legal Reference:	N/A
Document ID:	951023
Reporting Officer/s & Unit:	Adele Henderson, Director Corporate Services Jon Kingsford, Director Infrastructure Services

1.1 Purpose of Report

Provide information to Council on the Memorandum of Understanding being the first stage of the Three Water Services Reform Programme

At the meeting

There was no discussion on this item

Council resolution

Councillors Price / Crown

The Sustainable Napier Committee:

- Approve entering into the Memorandum of Understanding and associated Funding Agreement and Delivery Plan for the first stage of the Three Waters Services Reform Programme.
- b. Note the Reform Programme is part of the Governments programme to reform current water service delivery, into larger scale providers, to realise significant economic, public health, environmental, and other benefits over the medium to long term, and that signing this MOU does not create any obligation upon Council with regard to future steps of this reform programme;
- c. Note that details on the allocation of the funding will come back to Council as a separate paper. Details of the actual funding are only provided on the signing of the Memorandum of Understanding.
- d. Delegate signing of the MOU to the Chief Executive, noting the attached is a template.

REPORTS FROM MĀORI COMMITTEE HELD 14 AUGUST 2020

1. THREE WATERS REFORM PROGRAMME - MEMORANDUM OF UNDERSTANDING

Type of Report:	Contractual
Legal Reference:	N/A
Document ID:	951022
Reporting Officer/s & Unit:	Adele Henderson, Director Corporate Services Jon Kingsford, Director Infrastructure Services

This item was considered under reports taken to Sustainable Napier Committee 6 August 2020.

2. MĀORI COMMITTEE 'MECHANICS - UPDATE FOLLOWING COUNCIL MEETING 16 JULY 2020

Type of Report:	Operational
Legal Reference:	Local Government Official Information and Meetings Act 1987; Local Government Act 2001
Document ID:	950823
Reporting Officer/s & Unit:	Devorah Nícuarta-Smith, Team Leader Governance

2.1 Purpose of Report

To provide an update to the Māori Committee on the proposal to reintegrate the Committee into Council's six weekly meeting cycle, following the Council meeting of 16 July 2020.

At the meeting

The Team Leader Governance advised that the report brought direct to Council updated the recommendation on this matter based on previous discussions at Council.

Council
resolution

Mayor Wise / Councillor Tapine

The Māori Committee:

 Receive the update in relation to the proposal to reintegrate the Māori Committee into Council's six weekly meeting cycle

REPORTS UNDER DELEGATED **AUTHORITY**

DOCUMENTS SIGNED UNDER DELEGATED AUTHORITY

Type of Report:	Information
Legal Reference:	N/A
Document ID:	953535
Reporting Officer/s & Unit:	Debbie Beamish, Executive Assistant to the Chief Executive

1.1 Purpose of Report

To report on the Documents Executed under Seal for the period 27 June – 31 July 2020.

At the meeting

There was no discussion on this item

Council resolution

Dep. Mayor Brosnan / Councillor Mawson

That Council:

Receive the report for Documents Executed under Seal for the period 27

June – 31 July 2020.

2. TENDERS LET

Type of Report:	Information
Legal Reference:	N/A
Document ID:	953539
Reporting Officer/s & Unit:	Debbie Beamish, Executive Assistant to the Chief Executive

2.1 Purpose of Report

To report the Tenders let under delegated authority for the period 27 June – 31 July 2020.

At the meeting

There was no discussion on this item

Council resolution	Councillors Simpson / Chrystal
resolution	That Council:
	a. Receive the Tenders Let for the period 27 June – 31 July 2020.
	Carried

The meeting was adjourned at 10.57am in order to move into the Extraordinary meeting of Council 27 August 2020.

The meeting reconvened at 11.15am and moved into Public Excluded.

PUBLIC EXCLUDED ITEMS

Council resolution

Councillor Mawson / Dep. Mayor Brosnan

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

Carried

Agenda Items

- 1. Napier City Civic Award Nominations 2020
- 2. Consideration of Aquatic Centre tender

Reports from Sustainable Napier Committee held 30 July 2020

1. Land Acquisition & Road Stopping - McLeod Road

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 subj	ect of each
matter to be	considered.

Reason for passing this resolution in relation to each matter.

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:

Ground(s) under section 48(1) to the passing of this resolution.

48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:

Agenda Items

 Napier City Civic Award Nominations 2020 7(2)(a) Protect the privacy of natural persons, including that of a deceased person

48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:

(i) Where the local authority is named or specified in Schedule 1 of this Act, under

		Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
Consideration of Aquatic Centre tender	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 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 Sustainable	e Napier Committee held 3	0 July 2020
Land Acquisition & Road Stopping - McLeod Road	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.
The meeting moved into commi	ttee at 11.16am	
Approved and adopted as a true	e and accurate record of the mee	eting.
Chairperson		

Ordinary	Mooting	of Council - 2	7 August 2020	- Open Minutes

Data of approval	
Date of approval	