

ORDINARY MEETING OF COUNCIL

Open Minutes

Meeting Date: Thursday 22 April 2021

Time: 10.00am – 1.00pm

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

Livestreamed to Council's Facebook site

Present Mayor Wise, Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Mawson, McGrath, Price, Simpson, Tapine, Taylor and Wright

In Attendance Chief Executive (Steph Rotarangi)
Director Corporate Services (Adele Henderson)
Director Community Services (Antoinette Campbell)
Director Infrastructure Services, (Jon Kingsford)
Director City Services (Lance Titter)
Director City Strategy (Richard Munneke)
Manager Regulatory Services (Rachael Horton)
Chief Financial Officer (Caroline Thompson)
Manager Property (Bryan Faulknor)
Team Leader Governance (Helen Barbier)
Māori Committee Members: (Chad Tareha and Rapihana Te Kaha Hawaikirangi)

Public Forum Hori (George) Reti (Chair) (Te Taiwhenua Whanganui-a-Orotū)
Peter Eden (Te Taiwhenua Whanganui-a-Orotū)
Tania Eden (Chief Executive, Te Taiwhenua Whanganui-a-Orotū)
Mana Whenua representatives were also present in the gallery.

Administration Governance Advisors (Carolyn Hunt and Anna Eady)

Apologies

An apology was noted from Councillor Simpson that he would have to leave by noon.

Conflicts of interest

The following Councillors declared a conflict of interest in Agenda Items below:

- **Ordinary Council Agenda Item**
Item 1 - Adoption of Gambling Venues Policy
Councillors Boag, Crown, Price, and Taylor
- **Future Napier Committee Agenda Item**
Item 3 - Resource Consent Activity Update
Deputy Mayor Brosnan

Public forum

Hori (George) Reti (Chair) (Te Whanganui-a-Orotū (Napier) accompanied by Peter Eden (Moteo Hamuera Marae) and Tania Eden, Chief Executive, Te Taiwhenua Whanganui-a-Orotū recommended to Council on behalf of mana whenua that urgent consideration be given to establishing Māori wards for 2022.

The Local Electoral Amendment Act was implemented to improve the representation of Māori interests to ensure equitable representation and provide a Māori voice in decision making. To achieve this the following changes have been made to the Act:

- Repeal of the provisions in the Local Electoral Act relating to the polls on the establishment of Māori wards and constituencies.
- Prohibition of binding council-initiated polls on whether to establish Māori constituencies while retaining the rights for councils to initiate non-binding polls to gauge public sentiment
- Establish a transition period until 21 May 2021 during which a local authority may, regardless of any previous decisions or previous polls, establish Māori wards for 2022.

Any resolution to establish Māori wards would apply for the next two trienniums. After that Council would continue to have Māori wards unless it resolved to disestablish them.

Mr Reti suggested the following timeframe:

- 22 April 2021 - Council resolution to support Māori wards
- 23 April 2021 - Emergency Council meeting to resolve commencement of consultation on the establishment of Māori wards for 2022.
- 23 April to 12 May 2021 - for information dissemination and an engagement campaign for the wider community and a target group with Iwi, and post settlement groups, hapū and marae.
- 18 May 2021 - Extraordinary Council meeting to consider recommendations and outcome of consultation Council decides whether or not to establish Māori wards.
- 21 May 2021 - is the deadline for councils to resolve to establish Māori wards in time for the 2022 elections.

In summary Mr Reti advised that he wished Council to be informed by the community before making a decision on 21 May 2021. Engagement with the community needed to take place to provide an opportunity for Māori wards in the 2022 elections.

Announcements by the Mayor

Councillor Crown acknowledged the recent passing of Dan Evans of the Nelson Park Ward who had contributed to the city in his short life as an athlete, community promotor and educator, most recently at William Colenso College.

Announcements by Management

Nil

Confirmation of minutes

Council resolution	Dep. Mayor Brosnan / Councillor McGrath
	That the Draft Minutes of the Ordinary Council meeting held on 11 March 2021 be confirmed as a true and accurate record of the meeting.
	Carried

Council resolution	<u>Dep. Mayor Brosnan / Councillor Chrystal</u>
	That the Draft Minutes of the Ordinary Council meeting held on 23 March 2021 be confirmed as a true and accurate record of the meeting.
	Carried

Council resolution	<u>Councillors Wright / Taylor</u>
	That the Draft Minutes of the Ordinary Council meeting held on 8 April and reconvened on 9 April 2021 be confirmed as a true and accurate record of the meeting.
	Carried

REPORTS FROM MĀORI COMMITTEE HELD 9 APRIL 2021

With the agreement of the meeting the report from the Māori Committee Item 2 – Representation Review Overview was taken out of order to enable Mana Whenua representatives to be present while it was debated.

2. REPRESENTATION REVIEW OVERVIEW

Type of Report:	Information
Legal Reference:	Local Government Act 2002
Document ID:	1293595
Reporting Officer/s & Unit:	Helen Barbier, Team Leader Governance

1.1 Purpose of Report

Following changes to the Local Electoral Act 2001 in relation to the creation of Māori wards, officers have considered Council's high-level processes and timeframes concerning the representation review planned for 2023/2024. This report provides an overview of the representation review process, a timeline of the main steps in the process and an opportunity to initiate discussion on priorities for consultation and engagement with our community.

At the meeting

The Team Leader Governance, Ms Barbier advised that an information report providing background on a representation review and the statutory timelines had been presented to the Māori Committee on 9 April 2021. Consideration of Māori Wards was also part of that conversation. The last representation review had previously been undertaken in 2017/2018.

The next scheduled review was ahead of the 2025 elections. The intention was to include consultation on the introduction of Māori wards in the next representation review. The Local Electoral Act was amended in February 2021 to reduce barriers to the establishment of Māori wards.

Māori wards could now be established with a resolution from Council and this has led to consideration of consulting on this separately from the full representation review. This would be a significant decision to make as it would affect the structure and function of Council's local democracy, triggering Council's significance and engagement policy and creating an obligation for Council to consult with the community before making a decision like this. The deadline for the decision to establish Māori wards for 2022 is 21 May 2021, less than four weeks away.

An informal meeting was held with members of the Māori Committee and Councillors on Wednesday, 20 April 2021 following information received that Hastings District Council were to hold an Extraordinary Council meeting on 22 April 2021 to consider consulting with the community on Māori wards. Advice from members of the Māori Committee to Council was as below:

- They were fully supportive of Māori Wards being implemented with urgency, but would like to stress the importance of a fair and due process being completed.

- If a fair and due process was unable to be achieved, then they recommended the councillors and Napier City Council make some firm commitment to ensure significant progress was made.
- The Māori Committee recommended that an invitation be extended to mana whenua to return to their Māori Committee seats to be a part of this process and ensure accountability was maintained.

The Chair exercised her discretion to suspend Standing Order 26.1 enabling each elected member to speak to the Motion.

It was noted at the meeting that:

- Council needed to follow due process and met legal requirements under the Local Government Act and Council's Significance and Engagement Policy to allay the risk of judicial review of any resulting decision.
- Council is continually criticised for not consulting or providing enough information and has in recent times been through two judicial reviews on consultation processes.
- Council has learned how important consultation and process is to the community.

This is important and mana whenua have said they have been waiting 181 years to have a seat at the decision making table and Council acknowledge the pain and frustration this has caused. However, there was a risk of creating more frustration and pain if Council did not take the time to consult and bring the whole community on the journey.

It was important to ensure Māori wards are well understood by all the community and there was the risk if Council rushed into this that further barriers and divisions would be created within the community.

The introduction of Māori wards is one mechanism available to councils to develop a partnership model with mana whenua and needed to be considered alongside other tools available.

Council would continue to work together over the coming months as progress the formal consultation process.

Many mana whenua would be disappointed however, assurance was given that the decision to take time was Council showing its commitment to working with all of the community in a truly collaborative way, seeking genuine input into decision making.

The resolutions put forward were a commitment to mana whenua and the wider community to do that.

**Council
resolution**

Mayor Wise / Councillor Wright

- a) To consult separately on Māori Wards with engagement commencing immediately, formal consultation in September 2021 and a decision of Council in November 2021.
- b) To engage with Mana Whenua regarding their role on the existing Māori Committee and explore other options to provide them with representation on Council.

Carried Unanimously

*The meeting adjourned at 10.45am
and reconvened at 11.00am*

AGENDA ITEMS

Having previously declared a conflict of interest Councillors Boag, Crown, Price, and Taylor did not participate in discussion or decision making in Item 1.

1. ADOPTION OF GAMBLING VENUES POLICY

Type of Report: Legal

Legal Reference: Gambling Act 2003

Document ID: 1302737

Reporting Officer/s & Unit: Rachael Horton, Manager Regulatory Solutions

1.1 Purpose of Report

The purpose of this report is to adopt the Gambling Venues Policy.

At the Meeting:

The Manager Regulatory Services, Ms Horton advised that on 23 March 2021 Council heard submissions from the public on the draft Gambling Venues Review Policy. After considering all the information and considering the submissions Council resolved to amend the policy:

- to incorporate the sinking lid approach, rather than a reduced cap which was what had been proposed during the consultation.
- to prohibit the ability of incorporated clubs when amalgamating to merge their gaming machines; and
- under certain circumstances to permit relocation of gaming machines to upgraded venues approved by council.

The decision to allow gaming machines to be relocated to an upgraded venue was included to reflect the submissions that Council received from operators who wanted the ability to relocate to more attractive or appropriate premises without losing the benefit of their license.

An additional criterion “*The relocation of the venue is not inconsistent with the purpose of this policy*” has been included in the policy to enable Council to retain a broad discretion to assess the appropriateness of any relocated venue against the purposes of the policy (which include addressing the cumulative effects that additional opportunities for gambling present, curbing gambling growth, minimising harm to the community, and controlling the location of Class 4 Gambling venues).

Like many policies for Council officers the delegation of power can rest with the Chief Executive and that provides Council with the broad discretion to delegate its responsibilities under the Local Government Act and it was not proposed to delegate any further than that.

**Council
resolution**

Dep. Mayor Brosnan / Councillor Browne

That Council:

- a. Note the additional criterion (*The relocation of the venue is not inconsistent with the purpose of this policy*) to section 3 of the Gambling Venues Policy;
- b. Agree to delegate authority to make decisions on venue relocations to the Chief Executive; and
- c. Adopt the Gambling Venues Policy in full.

Carried

Councillors McGrath, Mawson and Simpson voted against the motion.

2. HAWKE'S BAY AIRPORT LIMITED - DRAFT STATEMENT OF INTENT 2021/22

Type of Report: Legal and Operational

Legal Reference: Local Government Act 2002

Document ID: 1303149

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

2.1 Purpose of Report

To present the Hawke's Bay Airport Limited revised Draft Statement of Intent for the 2021/22 year.

At the Meeting:

There was no discussion at the meeting.

**Council
resolution**

Councillors Taylor / Crown

That Council:

- a. Receive the 2020/21 Revised Draft Statement of Intent of the Hawke's Bay Airport Limited, which will be brought back to Council for adoption.

Carried

3. HAWKE'S BAY MUSEUMS TRUST DRAFT STATEMENT OF INTENT AND FINANCIAL REPORTING

Type of Report: Operational

Legal Reference: Local Government Act 2002

Document ID: 1295893

Reporting Officer/s & Unit: Caroline Thomson, Chief Financial Officer

3.1 Purpose of Report

To receive the Hawke's Bay Museums Trust Financial Report for the six months ended 31 December 2020 and draft Statement of Intent 2021/22.

At the Meeting:

The Chief Financial Officer, Ms Thomson advised that a facility had been purchased in Hastings for the storage of the Museum's collection. Financial contribution for this facility has been from both Napier and Hastings Councils.

The Joint Working Group would manage and be involved in the renovation of the facility and work was progressing satisfactorily. No feedback was provided.

Council resolution

Councillors Wright / Chrystal

That Council:

- a. Receive the Hawke's Bay Museums Trust Financial Report for the six months ended 31 December 2020.
- b. Receive the Hawke's Bay Museums Trust draft Statement of Intent 2021/22 which will be brought back to Council for adoption.

Carried

4. ACTIONS ARISING FROM THE 2020 ANNUAL PLAN HEARINGS: REPORT BACK

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1302201
<i>Reporting Officer/s & Unit:</i>	Lauren Sye, Corporate Planning Analyst Adele Henderson, Director Corporate Services

4.1 Purpose of Report

The Hearings for the 2020/21 Annual Plan were held on 12 August 2020. During Hearings, several actions were captured in the minutes and delegated to Council officers. This report updates Council on progress with these actions.

At the Meeting:

The Director Corporate Services, Ms Henderson advised that community members have the opportunity to submit to the Long Term Plan in regard to the funding required for the Women's Rest Building in Clive Square.

Council resolution	<u>Dep. Mayor Brosnan / Councillor Browne</u>
	That Council:
	a. Note the progress made with actions arising from the 2020 Annual Plan Hearings, as detailed in this report.
	<u>Carried</u>

REPORTS / RECOMMENDATIONS FROM THE STANDING COMMITTEES

Note: The Māori Committee Recommendations in relation to the Standing Committees items are recorded with each specific item.

REPORTS FROM NAPIER PEOPLE AND PLACES COMMITTEE HELD 18 MARCH 2021

1. AMENDMENTS TO THE 2021 COUNCIL/COMMITTEE MEETING SCHEDULE

Type of Report:	Procedural
Legal Reference:	Local Government Act 2002
Document ID:	1291153
Reporting Officer/s & Unit:	Helen Barbier, Team Leader Governance

1.1 Purpose of Report

The purpose of this report is to seek approval for amendments to the schedule of Council and Committee meetings for 2021, as adopted on 22 October 2020 (*Doc Id 1295698*).

The proposed date changes are as follows:

Meeting	Previous Date	New Date
Council (Adopt LTP Doc)		8 April 2021 (1pm)
Māori Committee	21 May 2021	14 May 2021 (9am)
Council	3 June 2021	27 May 2021 (11am)
Council (LTP hearings)		8 June -11 June 2021 (9am)
Audit and Risk Committee	25 June 2021	16 June 2021 (1pm)
Council (adopt LTP/Rates)		29 June 2021 (9am)
Audit and Risk Committee	10 December 2021	26 November 2021 (1pm)

At the meeting

A Decision of Council was made at the Napier People and Places Committee meeting held on 18 March 2021 as the next meeting of Council scheduled for 22 April 2021 was too late to meet legislative requirements related to meeting notification.

**At the Napier
People and Places
Committee meeting
held on 18 March
2021 the following
Committee
Recommendation
was ratified as a
DECISION OF
COUNCIL**

Councillors Simpson / Browne

That Council:

- a. Received the report "Amendment to the 2021 Council/Committee Meeting Schedule" dated 18 March 2021.
- b. Adopt the amendments to the 2021 Meeting Schedule as below:

Meeting	Previous Date	New Date
Council (Adopt LTP Doc)		8 April 2021 (1.00pm)
Māori Committee	21 May 2021	14 May 2021 (9.00am)
Council	3 June 2021	27 May 2021 (11.00am)
Council (LTP hearings)		8 June -11June 2021 (9.00am)
Audit and Risk Committee	25 June 2021	16 June 2021 (1.00pm)
Hearings (for the consideration of Tenders)		22 June 2021 (12.30pm)
Council (adopt LTP/Rates)	29 June 2021	30 June 2021 (9.00am)
Audit and Risk Committee	10 December 2021	26 November 2021 (1.00pm)

Carried

REPORTS FROM PROSPEROUS NAPIER COMMITTEE HELD 18 MARCH 2021

1. QUARTERLY REPORT FOR THE SIX MONTHS ENDED 31 DECEMBER 2020

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1289821
<i>Reporting Officer/s & Unit:</i>	Caroline Thomson, Chief Financial Officer

1.1 Purpose of Report

To consider the Quarterly Report for the six months ended 31 December 2020.

At the meeting

There was no discussion at the meeting.

Council resolution	<u>Councillors Mawson / Taylor</u>
	The Prosperous Napier Committee:
	a. Receive the Quarterly Report for the six months ended 31 December 2020.
	<u>Carried</u>

REPORTS FROM SUSTAINABLE NAPIER COMMITTEE HELD 25 MARCH 2021

1. LEASE OF RESERVE - PELEGA O MATUA FANAU CHARITABLE TRUST

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Reserves Act 1977
<i>Document ID:</i>	1288626
<i>Reporting Officer/s & Unit:</i>	Bryan Faulknor, Manager Property Jenny Martin, Property and Facilities Officer

1.1 Purpose of Report

To seek Council confirmation for a ground lease with Pelega O Matua Fanau Charitable Trust and to ratify that decision on behalf of the Minister of Conservation in accordance with the delegated authorities.

At the meeting

There was no discussion at the meeting.

Council resolution

Councillors Price / Mawson

The Sustainable Napier Committee:

- a. Resolve:
 - i. To confirm the granting of a ground lease for Pelega O Matua Fanau Charitable Trust for a ten year term with a five year right of renewal for the land occupied by the Early Childhood Education Centre on the Riverbend Road Reserve between Riverbend Road and Latham Street.
 - ii. To ratify that decision on behalf of the Minister of Conservation in accordance with the delegated authorities pursuant to the Instrument of Delegation for Territorial Authorities dated 12 June 2013.

Carried

2. CHLORINE FREE REVIEW

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Enter Legal Reference
<i>Document ID:</i>	1293086
<i>Reporting Officer/s & Unit:</i>	Catherine Bayly, Manager Asset Strategy

2.1 Purpose of Report

The purpose of this report is to introduce the report - Chlorine-Free Drinking Water Review – Options for the Provision of Safe Drinking Water to Council and to seek approval of the proposed way forward around engaging with the community.

At the meeting

The Manager Asset Strategy, Ms Bayly advised that no substantive changes had been made to the updated Engagement Plan and the final Chlorine Free Strategy peer review circulated separately prior to the meeting.

Council resolution	<p>Councillor Price / Dep. Mayor Brosnan</p> <p>The Sustainable Napier Committee:</p> <ol style="list-style-type: none"> Receive the Chlorine Free Review paper and the Final Draft Chlorine Free Drinking Water Review (<i>Doc ID. 1311264</i>). Note the final peer review report will be circulated prior to council adoption. Note a more detailed communications and engagement plan (<i>Doc ID. 1311264</i>) for the Chlorine Free Review will be prepared and brought to Council. <p>Carried</p>
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Attachments

- 1 Final Chlorine Free - Peer Review
- 2 High Level Engagement Plan - Chlorine Free

3. PROJECTS UPDATE

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1294960
<i>Reporting Officer/s & Unit:</i>	James Mear, Manager Design and Projects

3.1 Purpose of Report

To provide Council with information on Capital Programme Delivery.

At the meeting

There was no discussion at the meeting.

Council resolution

Councillors Price / Mawson

The Sustainable Napier Committee:

- a. Receive the Project Update report dated 25 March 2021.

Carried

4. PROJECT UPDATE: PANDORA INDUSTRIAL WATERWAYS (THAMES & TYNE WATERWAYS) SEDIMENT QUALITY ASSESSMENT

Type of Report: Information

Legal Reference: Resource Management Act 1991

Document ID: 1295425

Reporting Officer/s & Unit: Cameron Burton, Manager Environmental Solutions
Hannah Ludlow, Environmental Management Officer

4.1 Purpose of Report

The purpose of this paper is to summarise to the Sustainable Napier Committee the purpose of, and the results to date, of the Pandora Sediment Assessment project.

At the meeting

There was no discussion at the meeting.

Council resolution

Councillors Price / Mawson

The Sustainable Napier Committee:

- a. Note the goal of the Pandora Sediment Assessment project, the stage of the project, and the implications of the project's current results.
- b. Acknowledge the purpose of the Pandora Sediment Assessment project in building knowledge of the quality of the Thames and Tyne waterways, allowing Council to make informed decisions on the best practicable option for ecological enhancement of the poor-quality drainage channels.

Carried

5. KERBSIDE REFUSE WHEELIE BIN REPLACEMENT FEE AND ADDITIONAL WHEELIE BIN CHARGE FOR NON-PROFIT ORGANISATIONS/REGISTERED CHARITIES

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1295448
<i>Reporting Officer/s & Unit:</i>	Rhett van Veldhuizen, Waste Minimisation Lead

5.1 Purpose of Report

At the Sustainable Napier Committee meeting held on 25 March 2021 this item was left to lie on the table to enable officers to develop a policy in regard to replacement of wheelie bins. The item would be uplifted and addressed at a future Sustainable Napier Committee and represented to Council.

At the meeting

There was no discussion at the meeting.

Lying on the Table

That pursuant to Standing Order 25.2(d) the item “Kerbside Refuse Wheelie Bin Replacement Fee and Additional Wheelie Bin Charge for Non-Profit Organisations/Registered Charities” lie on the table to enable staff to develop a policy relevant to the replacement of wheelie bins and recycling bins, to further inform this report when it is re-presented to Council.

6. STORMWATER COMPLIANCE MONITORING REPORTS - 1 JULY 2019 - 30 JUNE 2020

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	1295670
<i>Reporting Officer/s & Unit:</i>	Cameron Burton, Manager Environmental Solutions

6.1 Purpose of Report

This report is to inform the Sustainable Napier Committee about the four major stormwater discharge consents’ Compliance Monitoring Reports and their associated grading’s noting the level of compliance achieved for the period ending 30 June 2020, as received from Hawke’s Bay Regional Council (HBRC).

At the meeting

There was no discussion at the meeting.

Council resolution

Councillors Price / Mawson

The Sustainable Napier Committee:

- a. Note the compliance monitoring report for the discharge of stormwater from the Central Business District (CBD) was graded Full Compliance for the 2019-2020 monitoring period.
- b. Note the compliance monitoring report for the discharge of stormwater from the Cross Country Drain was graded Full Compliance for the 2019-2020 monitoring period.
- c. Note the compliance monitoring report for the discharge of stormwater from the Westshore Tidal Gates was graded Low Risk Non-Compliance for the 2019-2020 monitoring period.
- d. Note the compliance monitoring report for the discharge of stormwater from the Thames Tyne was graded Low Risk Non-Compliance for the 2019-2020 monitoring period.

Carried

7. UPDATE ON 3 WATERS REFORM PROGRAMME

Type of Report: Operational

Legal Reference: N/A

Document ID: 1296267

Reporting Officer/s & Unit: Catherine Bayly, Manager, 3 Waters Reform

7.1 Purpose of Report

To inform the Council on the progress of the 3Waters Reform Programme within Napier.

At the meeting

There was no discussion at the meeting.

Council resolution

Councillors Price / Mawson

The Sustainable Napier Committee:

- a. Receive the update report on 3 Waters Reform Programme dated 25 March 2021.

Carried

REPORTS FROM FUTURE NAPIER COMMITTEE HELD 25 MARCH 2021

1. POLICY - DANGEROUS, AFFECTED AND INSANITARY BUILDINGS

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Building Act 2004
<i>Document ID:</i>	1258340
<i>Reporting Officer/s & Unit:</i>	Malcolm Smith, Manager Building Consents

1.1 Purpose of Report

This report informs Council of legislatively driven amendments to Council's Dangerous, Earthquake-Prone and Insanitary Buildings Policy and seeks Council's approval to adopt the amended policy and to extend the review period for the policy from annually to once every 5 years.

At the meeting

A Decision of Council was made at the Future Napier Committee on 25 March 2021 to ensure that the Dangerous, Affected and Insanitary Buildings Policy remained legislatively correct.

At the Sustainable Napier Committee meeting held on 25 March 2021 the recommendation was ratified as a DECISION OF COUNCIL	Councillor Price / Dep. Mayor Brosnan
	That Council:
	a. Adopt the amended Dangerous, Affected and Insanitary Buildings Policy.
	b. Approve the review period extension of the Dangerous, Affected and Insanitary Buildings Policy from annually to 5 years.
	Carried

2. LIABILITY MANAGEMENT POLICY REVIEW

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1297419
<i>Reporting Officer/s & Unit:</i>	Garry Hrustinsky, Investment and Funding Manager

2.1 Purpose of Report

The purpose of this report is to present proposed amendments to the Liabilities Management Policy to ensure that it is consistent with the Financial Statement from the Long Term Plan 2021-2031.

A Decision of Council was made at the Napier Future Committee meeting held 25 March 2021 as this was a supporting document for the Long Term Plan and was required to be adopted prior to the Long Term Plan consultation document being adopted.

At the Sustainable Napier Committee meeting held on 25 March 2021 the recommendation was ratified as a DECISION OF COUNCIL	Councillors Taylor / Crown
	That Council:
	a. Adopt an increase in borrowing limits in net external debt as a percentage of total income from 100% to 230%.
	b. Adopt a change in the external debt maturity profile from a rule to a guideline.
	c. Adopt a change in the fixed rate maturity profile from a rule to a guideline.
	Carried

Deputy Mayor Brosnan having previously declared a Conflict of Interest did not participate in discussion or decision making of Item 3.

3. RESOURCE CONSENT ACTIVITY UPDATE

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	1278529
<i>Reporting Officer/s & Unit:</i>	Luke Johnson, Team Leader Planning and Compliance

3.1 Purpose of Report

This report provides an update on recent resource consenting activity. The report is provided for information purposes only, 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 Resource Management Act (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 discussion at the meeting.

Council resolution

Councillors Mawson / Chrystal

The Future Napier Committee:

- a. Noted the resource consent activity update dated 25 March 2021.

Carried

4. P120 PARKING REVIEW

Type of Report: Operational

Legal Reference: N/A

Document ID: 1283694

Reporting Officer/s & Unit: Debbie Heal, Team Leader Parking
Rachael Horton, Manager Regulatory Solutions

4.1 Purpose of Report

To seek Council approval to change paid parking P120 (2 hour) time limit restrictions to all day paid parking in areas where utilisation is low in order to provide more flexible parking options for workers and visitors.

At the meeting

The Manager Regulatory Services, Ms Horton advised that following concerns raised at the Future Napier Committee meeting held on 25 March 2021 in regard to the proposal to change 33 car spaces from paid parking P120 (2 hour) time limit restrictions to all day paid parking from Clive Square West (between Tennyson Street and Dickens Street), further investigation was undertaken.

Ms Horton advised that following the investigation it was considered that the P120 between change be applied to Clive Square West (between Emerson Street and Dickens Street), rather than Tennyson Street. The extended all day parking rate would be \$8.00 per day.

The meeting proposed an amended resolution to reflect the change.

Committee's recommendation

Deputy Mayor Brosnan/Crown

The Future Napier Committee:

- a. Approve the paid parking P120 (2 hour) time limit restrictions be extended to paid all day parking in the following locations:
 - i. Browning Street (between Marine Parade and Hastings Street) – 21 car spaces

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- ii. Clive Square West (between Tennyson Street and Dickens Street) – 33 car spaces
 - iii. Station Street (lower Station Street from Munroe Street to first courtesy crossing) – 20 car spaces
 - iv. Dickens Street (north side of street between Clive Square East and West) – 22 car spaces
 - v. Hastings Street (between Station Street and Vautier Street) – 36 car spaces

Councillors Boag and McGrath voted AGAINST the Motion

Amended Council resolution

Councillors McGrath / Crown

- a. Approve the paid parking P120 (2 hour) time limit restrictions be extended to paid all day parking in the following locations:
 - i. Browning Street (between Marine Parade and Hastings Street) – 21 car spaces
 - ii. Clive Square West (between Emerson Street and Dickens Street) – 16 car spaces
 - iii. Station Street (lower Station Street from Munroe Street to first courtesy crossing) – 20 car spaces
 - iv. Dickens Street (north side of street between Clive Square East and West) – 22 car spaces
 - v. Hastings Street (between Station Street and Vautier Street) – 36 car spaces.

Carried

REPORTS FROM AUDIT AND RISK COMMITTEE HELD 26 MARCH 2021

1. RISK MANAGEMENT REPORT MARCH 2021

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1286831
<i>Reporting Officer/s & Unit:</i>	Jane Klingender, Manager Business Excellence & Transformation

1.1 Purpose of Report

To provide the Audit and Risk Committee (Committee) with an update on risk management with reference to responsibilities listed in the Audit & Risk Charter; to report on high and extreme strategic risks; and to note emerging risks.

At the meeting

It was agreed that all councillors would have access to reports to the Audit and Risk Committee via the Hub.

Council resolution

Councillors Taylor / Browne

The Audit and Risk Committee:

- a. Receive the Risk Management Report dated 26 March 2021
- b. Note that the Senior Leadership Team have agreed to an action plan to progress towards organisational risk maturity and to review statutory compliance at least annually, including identifying progress against the top 5 risks agreed by Council, and review will be formally reported to Council.
- c. Note that a working group has been established to progress Business Continuity Planning.
- d. Note that a workshop will be scheduled for the Senior Leadership Team to review current strategic risks.
- e. Note the emerging risks.

Carried

2. SENSITIVE EXPENDITURE - MAYOR AND CHIEF EXECUTIVE

Type of Report:	Procedural
Legal Reference:	N/A
Document ID:	1293268
Reporting Officer/s & Unit:	Caroline Thomson, Chief Financial Officer

2.1 Purpose of Report

To provide the information required for the Committee to review Sensitive Expenditure of the Mayor and Chief Executive for compliance with Council's Sensitive Expenditure Policy.

At the meeting

There was no discussion at the meeting.

Council resolution

Councillors Taylor / Browne

The Audit and Risk Committee:

- a. Receive the 31 December 2020 quarterly report of Sensitive Expenditure for the Mayor and Chief Executive and review for compliance with the Sensitive Expenditure Policy.
- b. Endorse that the expenditure was compliant with the Sensitive Expenditure Policy.

Carried

3. EXTERNAL ACCOUNTABILITY: INVESTMENT AND DEBT REPORT

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1293270
Reporting Officer/s & Unit:	Caroline Thomson, Chief Financial Officer

3.1 Purpose of Report

To consider the snapshot report on Napier City Council's Investment and Debt as at 28 February 2021.

At the meeting

There was no discussion at the meeting.

**Council
resolution**

Councillors Taylor / Browne

The Audit and Risk Committee:

- a. Receive the snapshot report on Napier City Council's Investment and Debt as at 28 February 2021.
-

Carried

4. WASTEWATER TREATMENT PLANT - OUTFALL PIPE REPAIR SUMMARY

Type of Report: Information

Legal Reference: N/A

Document ID: 1295323

Reporting Officer/s & Unit: Jon Kingsford, Director Infrastructure Services

4.1 Purpose of Report

To provide Audit and Risk Committee a further update on the repair of the outfall pipe.

At the meeting

There was no discussion at the meeting.

**Council
resolution**

Councillors Taylor / Browne

The Audit and Risk Committee:

- a. To receive the Wastewater Treatment Plant - Outfall Pipe Repair Summary update dated 26 March 2021.
-

Carried

5. HEALTH AND SAFETY REPORT

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1299995
<i>Reporting Officer/s & Unit:</i>	Sue Matkin, Manager People & Capability

5.1 Purpose of Report

The purpose of this paper is to provide the Audit & Risk Committee with an overview of Health & Safety activity for the period 1 October to 31 December 2020.

At the meeting

There was no discussion at the meeting.

Council resolution	<u>Councillors Taylor / Browne</u>
	The Audit and Risk Committee:
	a. Receive the Health and Safety report for the period 1 October to 31 December 2020
	<u>Carried</u>

REPORTS FROM MĀORI COMMITTEE HELD 9 APRIL 2021 (cont)

1. DRAFT MEMORANDUM OF UNDERSTANDING WITH NGĀTI KOATA

<i>Type of Report:</i>	Operational and Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1285530
<i>Reporting Officer/s & Unit:</i>	Rachel Haydon, General Manager, National Aquarium of New Zealand Joseph Woolcott, General Curator

1.1 Purpose of Report

The National Aquarium of New Zealand (NANZ) presently holds one male tuatara (*Sphenodon punctatus*).

NANZ is engaging with Ngāti Koata, the iwi who whakapapa to tuatara. This engagement is vital as both an acknowledgement of Ngāti Koata as kaitiaki of this taonga species and also as part of the Department of Conservation (DOC) Wildlife Authorisation Authority permitting process in their application to hold tuatara in captivity.

Through initial conversations with Ngāti Koata, the iwi have proposed a draft Memorandum of Understanding (MOU) with NANZ/NCC and sent through a draft version for consideration. It is acknowledged that as part of these discussions and MOU, Ngāti Koata need to engage with mana whenua, who will act as kaitiaki of this tuatara in NANZ's care.

NANZ seeks advice and support from the Māori Committee to:

- Determine if there any current MoU with Ngāti Koata preceding this one
- Endorse the appropriate Iwi Authorities who will act as kaitiaki of the tuatara held at NANZ
- Seek feedback on the conditions of a MOU with Ngāti Koata

It is expected NANZ will then engage with the appropriate nominated Iwi Authorities to determine next steps and engage with Ngāti Koata.

At the meeting

There was no discussion at the meeting.

Council resolution

Dep. Mayor Brosnan / Councillor Tapine

The Māori Committee:

- Endorse the appropriate Iwi Authorities who will act as kaitiaki of tuatara at NANZ.
- Endorse the NANZ General Manager and General Curator to engage with Ngāti Koata and negotiate the terms of the MOU with NANZ (as a facility governed by Napier City Council).

Carried

REPORTS UNDER DELEGATED AUTHORITY

1. TENDERS LET

Type of Report:	Procedural
Legal Reference:	Local Government Act 2002
Document ID:	1302300
Reporting Officer/s & Unit:	Debbie Beamish, Executive Assistant to the Chief Executive

1.1 Purpose of Report

To report the Tenders let under delegated authority for the period 15 February – 1 April 2021

At the meeting

There was no discussion at the meeting.

Council resolution	Councillor Wright / Dep. Mayor Brosnan
	That Council:
	a. Note that there were no Tenders Let for the period 15 February – 1 April 2021.
	Carried

2. DOCUMENTS EXECUTED UNDER SEAL

Type of Report:	Information
Legal Reference:	Local Government Act 2002
Document ID:	1302301
Reporting Officer/s & Unit:	Debbie Beamish, Executive Assistant to the Chief Executive

2.1 Purpose of Report

To report on the Documents Executed under Seal for the period 15 February – 1 April 2021.

At the meeting

There was no discussion at the meeting.

**Council
resolution**

Councillor Wright / Dep. Mayor Brosnan

That Council:

Receive the report for Documents Executed under Seal for the period 15 February – 1 April 2021.

Carried

PUBLIC EXCLUDED ITEMS

**Council
resolution**

Councillors Mawson / Chrystal

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

Agenda Items

1. Housing Partnership Opportunity
2. Property Purchase

Reports from Napier People and Places Committee held 18 March 2021

1. Council property - Bledisloe Road
2. Stakeholder Satisfaction Survey

Reports from Sustainable Napier Committee held 25 March 2021

1. Lease of Reserve
2. Street light column renewals
3. Land acquisition & road stopping

Reports from Future Napier Committee held 25 March 2021

1. Housing Partnership Opportunity
2. Hawke's Bay Airport Limited - Reappointment of Director

Reports from Audit and Risk Committee held 26 March 2021

1. External Accountability: Audit New Zealand Management Report
2. Internal Audit of NCC Procurement (tendering) processes,
3. Lighting in the City
4. External Accountability: Long Term Plan 2021-31 Underlying Documents
5. Napier Aquatic Centre Incident

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

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

Agenda Items

1. Housing Partnership Opportunity	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. Property Purchase	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.

Reports from Napier People and Places Committee held 18 March 2021

1. Council property - Bledisloe 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.
2. Stakeholder Satisfaction Survey	7(2)(a) Protect the privacy of natural persons, including that of a deceased person 7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities 7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.

Reports from Sustainable Napier Committee held 25 March 2021

1. Lease of Reserve	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
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2. Street light column renewals	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	<p>authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p> <p>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:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>
3. Land acquisition & road stopping	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	<p>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:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>
Reports from Future Napier Committee held 25 March 2021		
1. Housing Partnership Opportunity	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

<p>2. Hawke's Bay Airport Limited - Reappointment of Director</p>	<p>7(2)(a) Protect the privacy of natural persons, including that of a deceased person</p>	<p>the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p> <p>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.</p>
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Reports from Audit and Risk Committee held 26 March 2021

<p>1. External Accountability: Audit New Zealand Management Report</p>	<p>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</p>	<p>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.</p>
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2. Internal Audit of NCC Procurement (tendering) processes,	<p>7(2)(g) Maintain legal professional privilege</p> <p>7(2)(f)(i) Maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to members or officers or employees of any local authority, or any persons to whom section 2(5) applies, in the course of their duty</p>	<p>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:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>
3. Lighting in the City	<p>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</p> <p>7(2)(f)(i) Maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to members or officers or employees of any local authority, or any persons to whom section 2(5) applies, in the course of their duty</p>	<p>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:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>
4. External Accountability: Long Term Plan 2021-31 Underlying Documents	<p>7(2)(f)(i) Maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to members or officers or employees of any local authority, or any persons to whom section 2(5) applies, in the course of their duty</p>	<p>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:</p> <p>(i) Where the local</p>

		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. Napier Aquatic Centre Incident	<p>7(2)(a) Protect the privacy of natural persons, including that of a deceased person</p> <p>7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities</p>	<p>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:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>

Carried

Council resolution

Councillors Chrystal / Mawson

That Gareth Nicholl, Property Group be allowed to remain in the Public Excluded session for “Item 2 – Property Purchase” with the reason being that he has knowledge that may assist in the decision making.

Carried

Councillor Simpson left the meeting at 11.45am

*The meeting adjourned at 11.45am and reconvened at 12.00 in Public Excluded
The meeting closed with a karakia at 1.00pm*

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

Chairperson

Date of approval