



ORDINARY MEETING OF COUNCIL

Open Agenda

Meeting Date: Thursday 2 February 2023

Time: 9.30am

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

Livestreamed via Council's Facebook site

Council Members **Chair:** Mayor Wise

Members: Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Greig, Mawson, McGrath, Price, Simpson, Tareha and Taylor

Officer Responsible Acting Chief Executive (Richard Munneke)

Administrator Governance Team

Next Council Meeting
Thursday 16 March 2023

ORDER OF BUSINESS

Karakia

Apologies

Councillor Taylor

Conflicts of interest

Public forum

Announcements by the Mayor including notification of minor matters not on the agenda

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

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

Announcements by the management

Confirmation of minutes

That the Draft Minutes of the Ordinary Meeting of Council held on Thursday, 15 December 2022 be confirmed as a true and accurate record of the meeting.38

That the Draft Minutes of the Extraordinary Meeting of Council held on Thursday, 19 January 2023 be confirmed as a true and accurate record of the meeting.58

Agenda items

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Minor matters not on the agenda – discussion (if any)

Reports under delegated authority

Public Excluded

AGENDA ITEMS

1. ADOPTION OF ANNUAL REPORT 2021/22 AND SUMMARY ANNUAL REPORT 2021/22

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1594360
<i>Reporting Officer/s & Unit:</i>	Caroline Thomson, Chief Financial Officer Talia Foster, Accounting Manager

1.1 Purpose of Report

To present the Napier City Council Annual Report 2021/22 and Summary Annual Report 2021/22 for adoption by Council.

Officer's Recommendation

That Council:

- a. **Receives** the report titled Adoption of Annual Report 2021/22 and Summary Annual Report 2021/22 dated 2 February 2023.
- b. **Note** the 2021/22 Annual Report was considered by the Audit and Risk Committee on 9 December 2022.
- c. **Note** the Auditor's report, when available will include an emphasis of matter paragraph drawing attention to the Water Services Entities Bill which received Royal Assent on 14 December 2022.
- d. **Note** when the audit opinion is available, Council will receive a qualified Audit opinion on the activity group statements relating to incomplete information about response times and the number of complaints for the non-financial performance measures of some services.
- e. **Note** when the audit opinion is available, Council will receive a qualified Audit opinion on the financial statements relating to the carrying value of Council's water, wastewater and stormwater below and above ground assets.
- f. **Note** that the Audit opinion will be provided at the Council meeting of 2 February 2023, with the Audit Director for Audit New Zealand available to speak to the opinion.
- g. **Adopt** the Annual Report and Summary Annual Report for Napier City Council for 2021/22 subject to any grammatical and minor changes and any changes due to the requirements of the audit process.

1.2 Background Summary

Under the Local Government Act 2002, each annual report must be completed and adopted, by resolution, within four months after the end of the financial year to which it

relates. The Government has updated the Covid-19 legislation bill to further extend the deadline for the adoption of the 2021/22 Annual Reports for Local Government Authorities to 31 December 2022. Council has exceeded this deadline, which is noted in the report.

The Audit and Risk Committee have reviewed the Annual Report and all feedback from the committee has been included in the final version attached for adoption by Council.

The Annual Report for Napier City Council for the year ended 30 June 2022 will be tabled at the meeting. The statements are presented in a format to meet the requirements of the appropriate legislation.

Council is also required to produce an Annual Report Summary that must represent fairly and consistently, the information regarding the major matters dealt with in the Annual Report. This will also be tabled at the meeting.

For 2020/21 Council is reporting a net operating surplus of \$38.4m. The main driver for the surplus is due to the \$31.2m gain on investment property.

The audit of the Council's annual finances will be completed by the date of this meeting and the audit opinion will be tabled at the meeting.

1.3 Issues

Water Services Entities Bill

As with all other Councils in New Zealand, the audit opinion also includes an Emphasis of Matter (EoM) statement. This statement draws the reader's attention to the Water Services Entities Bill which received Royal Assent on 14 December 2022. The impact of these proposed reforms will mean that the City Council will no longer deliver three waters services or own the assets required to deliver these services

Non-financial performance measures

For the 2020/21 Annual Report, Council received a qualified audit opinion for non-financial performance measures around number of complaints and response times in the three waters activities.

The number of complaints were not verifiable due to process and system issues in our customer services area. This issue was carried over from 2019/20. The team worked hard to fix these issues during the 2020/21 year, meaning the full year's data for 2021/22 was verifiable. Audit NZ are satisfied with the data, however must include a note in their audit opinion regarding the comparatives reported in this report for 2021/21.

The response time information was not verifiable in 2020/21 due to data entry and categorisation errors. This was highlighted in December 2021, half way through the year so it was not possible to correct all issues for the full 2021/22 year. Audit NZ have had conversations with the relevant parties to provide confirmation that the recommended changes are being implemented, but have indicated that they will provide a qualified opinion again in 2021/22 on this matter, due to the issues identified in the prior year not being rectified for the full year.

Carrying value of water, wastewater and stormwater below and above ground assets

Water, wastewater and stormwater assets are carried at fair value less depreciation. The carrying values are also reviewed at each balance date to ensure that those values are not materially different from fair value.

As at 30 June 2022, Council completed fair value assessments on these assets. These assessments showed that there was significant uncertainty over the asset values and whether the expected increase in fair value would be material. Late in 2022 it was

recommended that Council complete a full revaluation of all water assets as at 30 June 2022 (one year earlier than normally required). Council has not prepared an early revaluation due to time and resource constraints, and the significant financial cost to undertake this exercise.

It is for this reason that the Independent Auditor's Report contains a statement regarding the valuation of these assets.

1.4 Significance and Engagement

This decision has been assessed under the Council's Significance and Engagement Policy and while the adoption of the Annual Report is an important decision and one required under the Local Government Act, it has been assessed as being of low significance

1.5 Implications

Financial

The Annual Report delivers the financial results for the year ended 30 June 2022.

Social & Policy

N/A.

Risk

The Annual Report and Summary Annual Report have been audited by Audit New Zealand and the adoption of the report is of low risk to Council.

Options

The options available to Council are as follows:

- a. Adopt the Annual Report 2021/22 and Summary Annual Report 2021/22
- b. Not adopt the Annual Report 2021/22 and Summary Annual Report 2021/22

Development of Preferred Option

Option A (adopt the Annual Report 2021/22 and Summary Annual Report 2021/22) is the recommended option.

Council's Audit and Risk Committee have reviewed the Annual Report and Summary Annual Report and Audit New Zealand have signed off Council's year end accounts.

1.6 Attachments

- 1 Annual Report 2021/22 - to be circulated separately [↓](#)
- 2 Annual Report 2021/22 Summary - To be circulated separately [↓](#)

2. 2023 DIVERCITY EVENT

Type of Report: Operational

Legal Reference: Local Government Act 2002

Document ID: 1626304

Reporting Officer/s & Unit: Belinda McLeod, Community Funding Advisor
Rebecca Peterson, Senior Advisor Policy

2.1 Purpose of Report

To seek approval to apply for external funding to support the 2023 Celebrate Cultural DiverCity Event to be held on 17 June 2023 at the Soundshell, Marine Parade, Napier.

Officer's Recommendation

That Council:

- a. **Approve** the application to apply for external funding from the Ministry for Ethnic Communities Development Fund and Eastern and Central Community Trust Grassroots Fund, for the 2023 Celebrate Cultural DiverCity Event.

2.2 Background Summary

Celebrate Cultural DiverCity is a free community event to be held at the Soundshell in June 2023. The event will celebrate and showcase Napier's diverse cultures through food, performances and family friendly activities. The events held in 2018, 2019 and 2021 attracted large numbers of over 1000 at each event.

Napier City Council and the Hawke's Bay Settlement Forum work together to manage this annual event. In addition, Napier City Council have recently been accepted as part of Immigration New Zealand's Welcoming Communities Programme and DiverCity will provide an opportunity to socialise this with Napier residents as well as engage with ethnic community groups involved in the event.

2.3 Issues

No issues with this event.

2.4 Significance and Engagement

Funding applications do not require consultation as they are an operational procedure.

2.5 Implications

Financial

Council provides \$4000 for the event from the Community Development Fund and seeks to secure external funding for the remainder, shown in Table A below.

Table A

Funder	Apply for funding up to:
Ministry for Ethnic Communities : Community Development Fund	\$10,000
Eastern and Central Community Trust : Grassroots Fund	\$8000

Social & Policy

The Celebrate DiverCity Event will contribute to the deliverables under the Welcoming Communities Programme.

Risk

Adverse weather may impact the need to postpone or cancel as the event is held outdoors at the Soundshell. A wet weather date of Saturday 24 June 2023 has been scheduled.

2.6 Options

If funding cannot be obtained the event will not go ahead.

2.7 Development of Preferred Option

N/A

2.8 Attachments

Nil

3. COUNCIL AND COMMITTEES OF COUNCIL TERMS OF REFERENCE AND DELEGATIONS

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1629528
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Acting Team Leader Governance

3.1 Purpose of Report

To present the Council and committees of Council terms of reference (ToR) and delegations for the 2022-2025 triennium for approval.

Officer’s Recommendation

That Council:

- a. **Approve** the Council and committees of Council terms of reference and delegations.

3.2 Background Summary

After the 2022 Local Government election and the adoption of Napier City Council’s (NCC) new governance structure for the 2022 – 2025 triennium a review of the Council and committees of Council ToR has followed as part of implementing the Mayor’s chosen governance structure.

The structure adopted comprises of Council and four standing committees of the whole with decision-making delegations, and specialist committees and subcommittees with delegations to recommend to Council. The decision-making delegation given to the standing committees will enable officers to progress their work in a shorter timeframe, in contrast to last triennium where officers had to wait for a recommendation from a standing committee to be approved by Council before they could begin the work required.

As the four standing committees of the whole did not have decision-making delegations in the last triennium, the ToR for these committees in particular needed to be amended. NCC’s Governance team reviewed and amended the ToR, then they were submitted to the officers responsible for the committees for feedback, as well as to the Mayor, and are now presented for consideration along with the ToR for Council, the specialist committees, subcommittees, advisory panels and NCC administered joint committees.

It should be noted that there is no requirement to maintain the same governance structure and ToR throughout the entire triennium. Local Government New Zealand recommends that part way through the three years a review of the structure is conducted to check that it is supporting the council to achieve its objectives in a responsive and inclusive way.

3.3 Issues

Apart from giving the four standing committees of the whole delegated authority and decision making powers there has been minimal changes to the ToR as the Mayor has not changed the governance structure significantly. These changes are listed below:

Council

There is only one proposed change to the Council ToR. Due to an increase in the Chief Executive's delegation, the governance structure adopted for this triennium does not include the Hearings Committee (For the Consideration of Tenders), which was part of last triennium's governance structure. That being the case it is necessary to include delegation for Council to consider tenders above the Chief Executive's delegation.

In addition the Mayor and Deputy Mayor identified there may be projects of particular interest to Council and the community which are within the Chief Executive's delegation. As projects are identified by Council to be of particular interest they can formally signal to officers that they will take over the delegation to consider and decide tenders for the identified project, and that they are to be kept up-to-date on the project's milestones through the meeting process.

A proposed extra delegation has been added to the Council's ToR:

To consider and decide tenders for the supply of goods and services, where tenders exceed the Chief Executive's delegated authority, or where projects are formally identified by Council to be of particular interest. In addition, in the case of the latter, milestone reporting to Council will commence prior to the procurement process.

Standing committees of a whole

There are a number of common delegations from Council to the following standing committees of the whole: Napier People and Places Committee, Prosperous Napier Committee, Sustainable Napier Committee and Future Napier Committee. These common delegations are set out in the attached document and should be read in conjunction with the ToR for those committees.

Committees may recommend to Council and/or any other standing committee as it deems appropriate. They may make a recommendation to the Annual Plan or Long Term Plan relevant to the Committee's responsibilities.

Further, the Committee must make a recommendation to Council or the Chief Executive if a decision considered appropriate is not consistent with, or is contrary to, any policy established by the Council.

For matters where ambiguity or dispute arises because the matters are not clearly delegated by the Council to a committee, another subordinate decision-making body, the Chief Executive or another Council officer, these matters are to be determined by the Council.

Specialist committees

The Ngā Mānukanuka o te Iwi Committee ToR will remain largely the same as last triennium with one notable difference, that the Committee will:

...nominate from among its members representatives whom it considers appropriate for the Council to appoint as voting members on the:

- *Napier People and Places Committee*
- *Prosperous Napier Committee*
- *Sustainable Napier Committee*
- *Future Napier Committee.*
- *Audit and Risk Committee*

The Hearings Committee has removed reference to considering and deciding tenders for the supply of goods and services to Council, as previously referred to in this report.

The remaining specialist committees, subcommittees, advisory panels and NCC administered joint committees ToR in the attachment remain unchanged.

Please note:

- Audit & Risk Committee - the ToR and Charter will be reviewed in a separate process mid-2023, and the,
- Chief Executive Contract Committee - ToR are currently being reviewed by the Committee and will be presented to Council for consideration in due course.

3.4 Significance and Engagement

The ToR promote appropriate, effective and transparent engagement with the community, mana whenua and tangata whenua, and other stakeholders by Council and the committees of Council.

3.5 Implications

Financial

The ToR ensure Council and its committees will have the powers necessary to perform the respective committee's responsibilities, in accordance with the approved Long Term Plan and Annual Plan budgets.

Social & Policy

The ToR aim to enable elected member and appointed member effective decision making and representation of the Napier community, and also to ensure NCC can meet the requirements of the Local Government Act 2002.

Risk

The ToR for the standing committees need to be approved by Council so they can begin conducting their business for the triennium with decision-making delegations.

3.6 Options

The options available to Council are as follows:

- a. Approve the Council and committee terms of reference, or
- b. Make further changes to the Council and committees of Council terms of reference.

3.7 Development of Preferred Option

Option A is preferred so the standing committees and committees of Council have ToR in-line with the Mayor's chosen governance structure for the 2022-2025 triennium.

3.8 Attachments

- 1 2022-2025 Proposed Council and Committees of Council Terms of Reference and Delegations (Doc Id 1629578) (Under separate cover) [⇒](#)

4. 2022-2025 STANDING ORDERS

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002; Local Government Official Information and Meetings Act 1987
<i>Document ID:</i>	1617698
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Acting Team Leader Governance

4.1 Purpose of Report

The purpose of this report is to present the proposed 2022-2025 Standing Orders for adoption.

Officer's Recommendation

That Council:

- a. **Revoke** the Napier City Council 2019-2022 Standing Orders.
- b. **Adopt** the proposed 2022-2025 Standing Orders, pursuant to Clause 27 of Schedule 7 of the Local Government Act 2002.

4.2 Background Summary

Clause 27 of schedule 7, Local Government Act 2002 (November 2022 version) requires that a local authority adopt a set of Standing Orders for the conduct of its meetings and those of its committees.

Any amendment or adoption of new Standing Orders requires support from 75% or more of the members present when voting.

Standing Orders provide a basis for the orderly conduct of meetings. They contain rules defining the rights of members and combine legislative requirements and procedures for implementing those requirements.

As all local authorities (councils) must adopt a set of Standing Orders, and the contents are often similar, Local Government New Zealand (LGNZ) developed a model template which councils may use in part, in full or as a 'jumping off point' of things to consider when drafting their own. Most councils either adopt the model template as a whole or make some adjustments to reflect their specific needs.

Following a review of the 2019 LGNZ model template, Napier City Council (NCC) adopted the LGNZ Standing Orders with a number of adjustments on 30 January 2020.

LGNZ released an amended model template after the Local Government election in 2022. The amendments (schedule of LGNZ amendments attached) have been incorporated into the 2019 NCC Standing Orders for the 2022-2025 triennium. A notable amendment is the incorporation of Te Reo in the headings of each section.

Other changes which have been made are:

- **Preface**

Inclusion of a Preface to explain why local authorities have to adopt Standing Orders, and how they enable local authorities to exercise their decision-making responsibilities in a transparent, inclusive, and lawful manner.

- **Standing Order 9.10**

The chief executive must send the agenda to every member of a meeting at least two clear working days before the day of the meeting, except in the case of an extraordinary meeting or an emergency meeting (see Standing Orders 8.4 and 8.10).

What's changed?

NCC's 2019 Standing Orders extended the minimum timeframe for distribution of agendas to seven clear days, except in the instance of agendas for hearing of tenders. Reverting to the legislative time frame for ordinary meeting agenda circulation of two clear working days, but having an organisational target of seven clear days, means if there are urgent last minute papers NCC is not breaching its Standing Orders and best practice to include them.

Also as there is no longer a Hearings Committee (For the consideration of Tenders) in NCC's Governance Structure the reference to that Committee has been removed.

- **Standing Order 19.3**

The Mayor, Chairperson, or any other person presiding at a meeting has a deliberative vote and, in the case of an equality of votes, has a casting vote.

What's changed?

In 2019 this Standing Order was amended so that the casting vote could only be used by the presiding member at a Council meeting, but not at a Standing Committee meeting. A casting vote is only a consideration where the number of voting members present at a meeting is even. A second vote is provided to the presiding member (usually the Chair) of the meeting that they then use to break any tie in votes. There can be some difficulties in the absence of a casting vote, where a tie is reached in votes but the 'status quo' has been demonstrated as untenable; i.e. where a clear decision is required to meet particular timeframes e.g. contractual obligations or meeting statutory timeframes.

4.3 Issues

There are no known issues in adopting the proposed 2022-2025 Standing Orders.

4.4 Significance and Engagement

The adoption of Standing Orders is guided by the Local Government Act 2002 and does not trigger Council's Significance and Engagement Policy, or any other consultation requirements.

4.5 Implications

Financial

There are no financial implications of adopting an amended set of Standing Orders.

Social & Policy

Standing Orders are a public document and provide important information for elected members, officers and the public on the preparation for and running of formal meetings.

They should suit local needs, enable efficiency and accessibility, and meet community values and expectations.

Risk

There are no known risks in adopting the proposed 2022-2025 Standing Orders.

4.6 Options

The options available to Council are as follows:

- a. To adopt the proposed 2022-2025 Standing Orders with the listed adjustments to better meet the requirements of Napier City Council.
- b. To maintain the current Napier City Council Standing Orders for the 2022-2025 triennium.

4.7 Development of Preferred Option

It is recommended that the proposed 2022-2025 Standing Orders with the listed adjustments be adopted to promote orderly meeting conduct and public access.

4.8 Attachments

- 1 Schedule of changes made to the 2019 LGNZ Standing Orders (1629482) [↓](#)
- 2 2022-2025 DRAFT Standing Orders (1627887) (Under separate cover) [⇒](#)

Changes made to the 2019 LGNZ Standing Orders template

Standing Order	Changes made to the 2019 LGNZ standing orders template (2022)
Definitions	New definitions and amendments: <ul style="list-style-type: none"> • Matariki as a public holiday • Member of the Police • Appointed member • Emergency under “meeting” • Debate • conflict of interest, • division, • Item, • leave of the meeting, • officer, • open voting, and • pecuniary interest • Definition of chairperson and presiding member tweaked • Definition of Workshops tweaked with change to standing orders advice • Definition of Secunder expanded by addition of “amendment”.
3.5	Motion to suspend standing orders - “may” replaced with “must identify the specific standing orders to be suspended”.
3.7	“Public access to those addresses is subject to the Privacy Act” added.
6.1	Section moved from 6.6.
7.2	Confirmed that District Licensing Committees do not need to be reconstituted.
9.1	Preparation of an agenda – amended to make it clear that a CEO prepares an agenda on behalf of the chairperson and “must” consult the chairperson, or person acting as chair, when preparing it.
9.3	Wording amended for clarity.
9.5	Chair’s recommendation – an addition, to make it clear that any recommendation by a chair must comply with the decision-making provisions of Part 6, LGA 2002.
9.6	Wording amended for clarity.
12.2	Statutory reference inserted - s. 50 LGOIMA.
13.3	Leave of absence – amended to remove ambiguity.
13.7 & 13.16	To confirm that if a chairperson is concerned that confidential information might be at risk, they may terminate an audio and/or audio-visual link
18.5	Release of public excluded information - requirement that the CEO will inform the subsequent meeting, has been deleted due to administrative impracticality.
21.12	Clarification made to the option that allows a member who moves a motion to reserve their right of reply.
23.1	Commas after “motion” and “debate”.
23.1	Proposing and seconding – amended to make it clear that movers and seconders are NOT required to stay for the subsequent debate.
23.5	Amendments to be relevant - this Standing Order has been expanded with a list of reasons that can be used for not accepting amendments.
23.6 (previous)	“Chairperson may recommend an amendment” - deleted.

23.6 (formerly 23.7)	Foreshadowed amendments – changes to better communicate intent.
23.10 (formerly 23.11)	Withdrawal of motion – changes made to clarify standing order intent.
27.7	Repeat notices of motion – the phrase, “in the opinion of the chairperson”, deleted as not helpful.
28.2	Matters recorded in the minutes - new bullet point (i) added to clarify that “items tabled at the meeting” should be included in the minutes.
Appendix 8	Specific standing order references have to the powers of a Chairperson where relevant.
Appendices shifted to Standing Order Guide	<ul style="list-style-type: none"> • Process for applying S.41A • Workshops

5. AMENDMENTS TO THE 2023 COUNCIL/COMMITTEE MEETING SCHEDULE AND THE RENAMING OF THE GRANTS ALLOCATION SUBCOMMITTEE

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1620655
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Acting Team Leader Governance

5.1 Purpose of Report

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

Changes in meeting dates for 27 July and 2 November are suggested due to a conflict with the LGNZ Conference, Christchurch being held on 27 July 2023 and the Rural and Provincial Sector meeting on 2 November 2023 and that the Mayor and some Councillors would be attending. The LGNZ calendar for 2023 had not been set when NCC's meeting schedule was adopted on 15 November 2022.

It is proposed that the meeting schedule be amended as follows:

- | | | |
|--|--|--|
| • Ahuriri Regional Park Joint Committee | New date | 24 February 2023 – 9.30am |
| • Chief Executive Contracts Committee | New date | 30 March 2023 – 9.30am |
| • Napier People & Places Committee followed by Prosperous Napier Committee | Date change
Due to meeting conflicts | 3 August 2023 – 9.30am
(previously 27 July 2023) |
| • Community Services Grants Subcommittee | New date | 26 June 2023 – 12.30pm |
| • Ngā Mānukanuka o te Iwi (Māori Committee) | Date change
due to venue restrictions | 15 September 2023 – 9.30am
(previously 22 September 2023) |
| • Sustainable Napier Committee followed by Future Napier Committee | Date change
Due to meeting conflicts | 9 November 2023 – 9.30am
(previously 2 November 2023) |

It is also proposed that the Grants Allocation Subcommittee is renamed the Community Services Grants Subcommittee.

Officer's Recommendation

That Council:

- a) Adopt the following amendments to the schedule of meetings for 2022 as below:
- | | | |
|--|---|---|
| • Ahuriri Regional Park Joint Committee | New date | 24 February 2023 – 9.30am |
| • Chief Executive Contracts Committee | New date | 30 March 2023 – 9.30am |
| • Community Services Grants Subcommittee | New date | 26 June 2023 – 12.30pm |
| • Napier People & Places Committee followed by Prosperous Napier Committee | Date change
Due to meeting conflicts | 3 August 2023 – 9.30am
<i>(previously 27 July 2023)</i> |
| • Ngā Mānukanuka o te Iwi (Māori Committee) | Date change due to venue restrictions | 15 September 2023 – 9.30am
<i>(previously 22 September 2023)</i> |
| • Sustainable Napier Committee followed by Future Napier Committee | Date change
Due to meeting conflicts | 9 November 2023 – 9.30am
<i>(previously 2 November 2023)</i> |
- b) **Approve** the renaming of the Grants Allocation Subcommittee to the Community Services Grants Subcommittee.

5.2 Background Summary

Amendments to the 2023 Meeting Schedule

The Local Government Act 2002, Schedule 7, Clause 19 states:

...

(4) *A local authority must hold meetings at the times and places that it appoints.*

(5) ...

(6) *If a local authority adopts a schedule of meetings -*

a) *The schedule-*

i) *may cover any future period that the local authority considers appropriate, and*

ii) *may be amended; and*

b) *notification of the schedule or of any amendment to that schedule constitutes a notification of every meeting to the schedule or amendment.*

Although a local authority must hold the ordinary meetings as scheduled, Council may at a meeting, amend the schedule of dates, times and number of meetings to enable business to be managed in an effective way.

Staff attempt to meet the needs of the Council in planning the schedule however it is inevitable that the schedule will need to be amended from time to time and these amendments will be notified to elected members via the Councillor diary as they arise.

While the schedule serves to give elected members notice of the upcoming meetings there is still a requirement under the Local Government Official Information and Meetings Act

1987 for the public to be advised on a regular basis of the meetings scheduled for the next month.

The schedule includes the meetings of all committees not only so that members can plan ahead, but also to ensure that meeting days are in fact available. Where scheduled meetings are not required cancellations will be advised to members as early as possible.

Renaming of the Grants Allocation Subcommittee

The Grants Allocation Subcommittee is more commonly referred to as the Community Services Grants Subcommittee, both by staff and Elected Members. This may be because the grants are administered by the Community Services directorate. The renaming of this Subcommittee is proposed in order to avoid the confusion that occurs with the two names.

5.3 Issues

No issues have been identified with this report.

5.4 Significance and Engagement

The amendments to the schedule of meetings and the renaming of the Subcommittee does not trigger Council's Significance and Engagement Policy or any other consultation requirements.

5.5 Implications

Financial

There will be additional costs for venue hire and live streaming for the new meeting dates.

There are no additional costs to rename the Grants Allocation Subcommittee.

Social & Policy

There are no social or policy implications in relation to this report.

Risk

Changes to the schedule can result in difficulty finding a suitable venue and increased costs.

There may be further confusion about the name of the Grants Allocation Subcommittee, but as it is referred to as the Community Services Grants Subcommittee more commonly, and as it is administered by the Community Services directorate, this name would appear to be the less confusing of the two.

5.6 Options

The options available to Council are as follows:

- a) To adopt the amended 2023 meeting schedule as proposed and approve the renaming of the Grants Allocation Subcommittee.
- b) To not adopt the amended 2023 meeting schedule as proposed and/or not approve the renaming of the Grants Allocation Subcommittee.

5.7 Development of Preferred Option

It is recommended that the amended 2023 meeting schedule be adopted as proposed and the Grants Allocation Subcommittee be renamed the Community Services Grants Subcommittee.

5.8 Attachments

Nil

6. ACTING CHIEF EXECUTIVE'S REPORT

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1628228
<i>Reporting Officer/s & Unit:</i>	Richard Munneke, Acting Chief Executive

6.1 Purpose of Report

The Acting Chief Executive's Report will be brought to every second standard Council meeting (roughly every 12 weeks), for your information.

Officer's Recommendation

That Council:

- a. **Receive and note** that Acting Chief Executive's Report for February 2023.

6.2 Background Summary

The Acting Chief Executive's Report (the Report) seeks to update Council on a number of key projects and priorities for Napier City Council.

6.3 Issues

No issues.

6.4 Significance and Engagement

The Report is provided for information purposes only.

6.5 Implications

Financial

The Report does not give rise to any financial or resourcing implications.

Social & Policy

The Report does not have any particular social or policy implications.

Risk

The Report does not give rise to any particular risks for Council or the community.

6.6 Options

The options available to Council are as follows:

- a. Receive and note the Acting Chief Executive's Report for 2 February 2023.

6.7 Development of Preferred Option

No preferred option has been developed.

6.8 Attachments

- 1 Acting Chief Executive's Report - February 2023 (Doc ID 1631329) [↓](#)



ACTING CHIEF EXECUTIVE'S *Report*

02 February 2023



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

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Statement from the Acting Chief Executive

Kia ora koutou,

The new year gives us - as individuals and as an organisation - a chance for some reflection and a restart. This begins with a clear strategic direction, a map to help us navigate what's to come, pitfalls we may need to mitigate and any opportunities we have to accelerate projects.

Before we set out fully into 2023 we need to look back to where we've come from. This helps us learn from our challenges and build on our successes. Organisational reflection also ensures we successfully complete projects we've begun so their delivery is as strong as their inception.

For our staff, looking back on the year gives opportunities to reaffirm commitment to delivering positive outcomes for our community. It also enables consideration of what's ahead including priorities, consultation requirements and allocation of resources. As an executive leadership team, we also look back to ensure we are doing the best for our people and their wellbeing, and addressing any areas of need. Looking after our staff is a key element in looking after our community as a whole.

While you as our community's elected members focus on establishing strategic priorities for the next few years, we, as an ELT and as officers, will look at how we get there.

The first 'must-have' will be to nurture a strong and supportive internal culture which has been a key ongoing focus with some good material gains. I take this opportunity to thank elected members for their support.

Healthy relationships with the community, government, business and between us and our partners, particularly mana whenua are also crucial and an ongoing focus.

Next, three essential areas of work ensure we deliver in a focussed way: Building climate resilience, completing key infrastructure projects and developing commercial discipline in what is a particularly challenging financial environment.

Understanding the ramifications of climate change means looking at opportunities to strengthen and protect our coast, models of stormwater management and flood mitigation, strengthening the resilience of our infrastructure, and considering the requirements of our spatial and district plans.

Urban renewal of infrastructure helps us strengthen and develop parts of our city that need attention. Current workstreams in this area that will be completed within the next council term include the Civic Building, particular Inner Harbour projects, the War Memorial and the new Mataruahou Reservoir.

These are all essential to the wellbeing of our community and the growth of our district but they are also opportunities for our organisation to look at its achievements and feel pride for what it has accomplished.

Enabling our work programmes means strengthening the health of our organisation. Care for staff is central to this, but it also means looking at our investment strategy and portfolios we hold on behalf of our community, and the management of land and buildings we lease to other parties.

Above all else, our people are the key to getting things rolling. Integral to this is nurturing a forward-focused culture, resourcing the mechanisms that support our staff, growing a workplace people are proud to be part of, and making every win a moment of celebration, internally and with our community.

Ngā mihi nui,

Richard Munneke

ACTING CHIEF EXECUTIVE



Pulse Snapshot

For more statistics, and a huge range of Napier-specific social, economic and environmental measures, check out the Pulse of Napier at napier.govt.nz

Jobseeker Support

Work Ready access by Napier residents: Jobseeker Support is a weekly payment that helps people until they find work.

2022

Oct - **1527** | Nov - **1494**

Accommodation Supplement

Access by Napier residents: This is a weekly payment which helps people with their rent, board or the cost of owning a home.

2022

Oct - **5133** | Nov - **5127**

Average House Prices

AS AT END OF NOV 2022

Average - **\$787,019**

3 Month Change - **3.9%** ▼

12 Month Change - **10.5%** ▼

Median Weekly Rents

Napier by Suburb

AS AT END OF NOV 2022

Ahuriri **\$605** - **7.4%** ▼

Maraenui **\$500** - **9%** ▼

Napier South **\$540** - **1.8%** ▲

Taradale **\$585** - **0.8%** ▲

Housing Register

Napier

Number of applicants on the housing register

2022

Mar - **801** | Jun - **774** | Sep - **732**

Resource Consent Activity

MONTH | OCT TO DEC 2022

Land use Consents issued Oct - **9** | Nov - **22** | Dec - **17**

Subdivision Consents issued Oct - **8** | Nov - **8** | Dec - **5**

Total Resource Consents issued Oct - **17** | Nov - **30** | Dec - **22**

Building Consent Activity

MONTH | OCT TO DEC 2022

Total Building Consents issued Oct - **72** | Nov - **86** | Dec - **65**

Total estimated value - Oct - **\$16,906,158**

Nov - **\$17,249,669** - Dec - **\$8,641,292**

Total new dwellings Oct - **12** | Nov - **20** | Dec - **14**

Police Activity

NAPIER

	Sep 2022	Change from prev. report
Crime Events	836	10% ▲
Non-Crime Events	770	1.9% ▲

Card Spend and Footfall

Hawke's Bay

Data as 18 December 2022 The percentages below represent the increase/decrease in the indicators when compared to the same week in 2021

Footfall	Average transaction Value	Transaction Volumes
5% ▲	2% ▲	4% ▼

Legislative updates

Progress of Bills currently in the House

Water Services Entities Act 2022

This Act establishes four publicly owned water services entities to provide safe, reliable, and efficient water services in place of local authorities. The Act received Royal Assent on December 14 2022. Parts of the Act took effect on December 15 2022, and the balance of the provisions will enter into force on 1 July 2024.

Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Act

This Act limits the number of retailers able to sell smoked tobacco products; aims to prevent young people from taking up smoking by prohibiting the sale of smoked tobacco products to anyone born on or after 1 January 2009; and aims to make smoked tobacco products less appealing and addictive. The Act received Royal Assent on December 16 2022.

Electoral (Māori Electoral Option) Legislation Act 2022

This Act allows people to transfer between the Māori and general electoral rolls at nearly any time, and as many times as they wish. The Act received Royal Assent on 18 November 2022 and comes into force on 31 March 2023.

Natural Hazards Insurance Bill

This Bill replaces the Earthquake Commission Act 1993. The overarching objectives of the changes are to enable better community recovery from natural hazards, to clarify the role of the Earthquake Commission and the cover provided by the Bill, and to enhance the durability and flexibility of the legislation. The Bill is currently awaiting its third reading after passing Committee of the Whole House stage on December 8 2022.

Employment Relations (Extended Time for Personal Grievance for Sexual Harassment) Amendment Bill

This Bill would extend the time available to raise a personal grievance that involves allegations of sexual harassment from 90 days to 12 months. The Bill is now awaiting its third reading after passing Committee of the Whole House stage on December 7 2022.

Self-contained Motor Vehicles Legislation Bill

This Bill seeks to improve the management of vehicle-based freedom camping by creating a robust regulatory system that central and local government can rely on to reduce the negative effects of freedom camping on communities and the environment. Specifically, the Bill would:

- introduce a national requirement that freedom campers staying in a vehicle on land managed by a local authority use a certified self-contained vehicle (unless staying at a site designated by the local authority as suitable for freedom camping in non self-contained vehicles),
- establish a regulatory system for the certification of self-containment of vehicles, with the Plumbers, Gasfitters and Drainlayers Board providing regulatory oversight,
- require self-contained vehicles to have a fixed toilet, and
- strengthen the infringement regime for non-compliant freedom camping.

The Bill passed its first reading on 30 August 2022, and has now been referred to the Economic Development, Science and Innovation Committee. Public submissions have closed, and the Committee is due to report back on 2 March 2023 (no change from previous Chief Executive's Report).



Local Government Official Information and Meetings Amendment Bill

This Bill seeks to provide clarity and certainty for local authorities on provisions of the Local Government Official Information and Meetings Act 1987, including changes to improve natural hazard information provided in land information memoranda, and aligning withholding and certification processes with the Official Information Act 1982. The Bill passed its first reading on November 22 2022, and has now been referred to the Governance and Administration Committee, which is accepting submissions until February 3 2023.

Natural and Built Environment Bill

The Natural and Built Environment Bill repeals and replaces the Resource Management Act 1991 (working in tandem with the Spatial Planning Bill). A Climate Adaptation Bill will be introduced later to address complex issues associated with managed retreat. The Natural and Built Environment Bill would provide an integrated framework for regulating both environmental management and land use planning. It would enable use and development within environmental limits and targets. It requires both positive outcomes to be achieved, and adverse effects to be appropriately managed.

The Bill passed its first reading on November 22 2022, and has now been referred to the Environment Committee for consideration. The Select Committee is accepting public submissions until February 5 2023.

Spatial Planning Bill

This Bill provides for the development and implementation of long-term, strategic spatial planning across New Zealand through the development of regional spatial strategies. These strategies will set out a vision and objectives for a region's development and change over a 30-year-plus time span and integrate planning across different legislative frameworks associated with the management of the natural and built environment. This Bill works in tandem with the Natural and Built Environment Bill.

The Bill passed its first reading on November 22 2022, and has now been referred to the Environment Committee for consideration. The Select Committee is accepting public submissions until February 5 2023.

Sale and Supply of Alcohol (Community Participation) Amendment Bill

This bill aims to improve communities' ability to influence alcohol regulation in their area by making targeted changes to the alcohol licensing process provided for in the Sale and Supply of Alcohol Act 2012. The Bill passed its first reading on December 13 2022, and has now been referred to the Justice Committee for consideration. The Committee is accepting submissions until February 12 2023.

Water Services Legislation Bill

This is the second bill in a suite of legislation to reform water services delivery. This Bill would establish and empower the four new water services entities by setting out their functions, powers, obligations, and oversight arrangements. The Bill passed its first reading on December 13 2022, and has been referred to a Select Committee. The Finance and Expenditure Committee is accepting submissions on the Bill until February 12 2023.

Water Services Economic Efficiency and Consumer Protection Bill

This Bill would regulate the new water services entities to ensure they are acting efficiently and provide for a consumer protection regime, overseen by the Commerce Commission. This Bill passed its first reading on December 13 2022, and has now been referred to the Finance and Expenditure Committee. The Select Committee is accepting submissions until February 12 2023.

Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill (No 2)

This Bill provides that where a local alcohol policy is in place under the provisions of the Sale and Supply of Alcohol Act 2012 any renewal of a license under the Act must not be inconsistent with the provisions of that local alcohol policy. This Bill is currently awaiting its second reading (no change from last Chief Executive's Report).

Local Government Electoral Legislation Bill

This omnibus Bill seeks to improve representation and participation in local government elections by (among other things):

- Revising the process councils follow to decide representation arrangements to make consideration of specific Māori representation a fundamental step
- Updating the process for when an election result is tied, and
- Enabling all candidates to submit electronic nominations.

The Bill is currently awaiting its second reading.

Accessibility for New Zealanders Bill

This Bill would establish a new legislative framework that addresses systemic accessibility barriers that prevent disabled people, tāngata whaikaha and their whānau, and others with accessibility needs from living independently and participating in all areas of life. The Bill includes a suite of measures like methodologies for addressing accessibility barriers,



monitoring, evaluation and reporting requirements, expectations for engaging with and listening to disabled people, as well as the purpose and principles for the accessibility framework. The Bill is sitting with the Social Services and Community Committee. Public submissions have now closed, and the Committee is due to report back by 16 May 2023 (no change from previous Chief Executive's Report).

Business Payment Practices Bill

This Bill would introduce a regime that aims to bring transparency to business-to-business payment terms and practices in New Zealand. The Bill is intended to result in businesses having better information to inform their decision-making when trading and incentivise larger businesses to mitigate reputational risk by improving their business payment practices. The Bills provisions would apply to local authorities. The Bill passed its first reading on November 8 2022 and has now been referred to the Economic Development, Science and Innovation Committee for consideration.

Housing Infrastructure (GST-sharing) Bill

This Member's Bill would introduce a GST sharing scheme to fund infrastructure across New Zealand. The Bill would see half of the GST revenue of a new house shared with the local council that issued the consent to help cover the infrastructure costs associated with new housing developments. This Bill was introduced on 4 August and is now awaiting its first reading (no change from previous Chief Executive's Report).

Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill

This Bill would remove the ability to lodge appeals against local alcohol policies (the Sale and Supply of Alcohol Act 2012 already requires territorial authorities to go through a special consultative process before adopting a local alcohol policy). The Bill would also ban alcohol sponsorship and advertising within all streamed and live sports, and at all sporting venues. The Bill is a Member's Bill, which was introduced on 30 June 2022, and is currently awaiting its first reading (no change from previous Chief Executive's Report).

Sale and Supply of Alcohol (Cellar Door Tasting) Amendment Bill

This Bill allows winery cellar doors to charge visitors for the samples of their own wine and adds an off-licence category for wineries holding an on-licence. The Bill is a Member's Bill, which was introduced on September 22 2022, and is currently awaiting its first reading.

Bills on the horizon

Civil Defence and Emergency Management Amendment Bill

The National Emergency Management Agency (NEMA) has established a Regulatory Framework Review Programme (also known as the "Trifecta") to improve New Zealand's disaster resilience. A bill to give effect to any changes arising out of the Trifecta Review Bill was tipped for introduction at the end of 2022 but has not been introduced yet. Introduction is now expected in early 2023.

Changing from a Passenger Transport Operating Model to a Sustainable Public Transport Framework

In 2021, the Public Transport Operating Model (PTOM) was reviewed. In August 2022, Cabinet agreed to replace PTOM with the Sustainable Public Transport Framework (SPTF). The new framework will help to make working in public transport a more attractive career option, in a sector that pays well and better looks after its people. Introduction of legislation is anticipated in early 2023.

Climate Adaptation Bill

The Government has signalled its intention to introduce a legal framework for managed retreat, and other matters relating to climate change response. Expected in the House early in 2023.

Amendments to the Building Act

In December 2022 the Government announced amendments to the Building Act to give building owners and occupants a new tool to understand energy use and performance, and reduce waste from the design, construction and deconstruction of buildings. The proposed amendments would:

- make it mandatory for new and existing public, industrial and large-scale residential buildings (such as multi-storey apartment buildings) to hold energy performance ratings
- require those intending to undertake certain building or demolition work to have a waste minimisation plan, and
- change the principles and purposes of the Building Act, to clarify that climate change is a key consideration.

A bill is tipped for introduction in 2023.

Current consultation pieces

The following Government initiatives (related to the local government sector) are currently open for public submissions:

Name of initiative	Agency engaging	Due date	Description
Local Government Official Information Act Amendment Bill	Governance and Administration Select Committee	February 3 2022	This Bill makes changes to the law governing disclosure of information about natural hazards on LIMS.
Natural and Built Environment Bill	Environment Select Committee	February 5 2023	First of two Bills giving effect to RMA reform. This focuses the setting of environmental limits, environmental and land use planning, and the governance of those activities.
Spatial Planning Bill	Environment Select Committee	February 5 2023	Second of two Bills giving effect to RMA reforms. This one focuses on regional spatial strategies and the governance of these activities.
Sale and Supply of Alcohol (Community Participation) Amendment Bill	Justice Select Committee	February 12 2023	This bill aims to improve communities' ability to influence alcohol regulation in their area by making targeted changes to the alcohol licensing process provided for in the Sale and Supply of Alcohol Act 2012. This Bill would remove appeal rights on provisional Local Alcohol Policies.
Water Services Legislation Bill	Finance and Expenditure Select Committee	February 12 2023	This Bill would establish and empower the four new water services entities by setting out their functions, powers, obligations, and oversight arrangements.
Water Services Economic Efficiency and Consumer Protection Bill	Finance and Expenditure Select Committee	February 12 2023	Gives effect to Government decisions to introduce economic and consumer protection regulation for the three waters services.
Inquiry into the 2022 Local Elections	Justice Select Committee	February 14 2023	The Justice Committee has initiated an inquiry into the 2022 local elections in New Zealand, with particular focus on: <ul style="list-style-type: none"> - low voter turnout - the provision of election services by private organisations, and - the age of eligible voters (with reference to lowering the age of eligible voters to 16 years). Public submissions focusing on the areas of focus set out above are welcomed.
Regulation of Methamphetamine Contamination in Rental Housing	Ministry of Housing and Urban Development	February 20 2023	New Zealand has no legally binding rules specific to the management of methamphetamine residue in rental housing. This has led to inconsistent industry standards, lack of public confidence as to how to manage health risks relating to methamphetamine contamination, and high costs (relative to risk) to resolve methamphetamine contamination. The Ministry of Housing and Urban Development are proposing to make regulations around how methamphetamine contamination should be managed for all homes covered by the Residential Tenancies Act 1986. The Ministry is interested to hear from stakeholders about its proposals.
Future for Local Government draft report	Future of Local Government Panel	February 28 2023	The independent panel reviewing local governance structures released its draft report and recommendations on 28 October 2022 and is inviting public submissions on these interim findings.
Business Payment Practice Regulations	Ministry of Business, Innovation and Employment: Hīkina Whakatutuki	February 28 2023	This regime will improve information and transparency around business-to-business payment practices by requiring large firms (those with turnover of \$33 million a year) to publicly disclose information on their payment practices, including payment times. This includes local authorities.
National Environment Plan on PFAS	MFE (joint with the New Zealand and Australian Environmental Protection Agencies)	February 28 2023	The Heads of EPAs of Australia and New Zealand have released the draft per- and poly-fluoroalkyl substances National Environmental Management Plan for public consultation. This potentially affects any entity that deals with water, wastewater, stormwater, biosolids, composting and landfills.



Regional strategic updates

Strong interest was received from applicants for the Regional Economic Development Agency (REDA) board member roles. The preferred candidates were endorsed by the Matariki Governance Group on 9 December. Their inaugural meeting was held on 17 January.

Incorporating of the REDA entity is ready to go, with the shareholding entities (Māori, Business, councils) in the process of confirming their arrangements. Funding agreements with councils will then be signed allowing establishment and transition tasks to begin.

Fit out for Stage 1 at the new location for the Business Hub has started, and the target is to have this complete by the end of January to allow tenants to move in. Stage 2 fit out including meeting and conference rooms is being finalised with building works, and work is planned for the next two to three months. Formal opening of the new Hub is expected around May.

Civil defence updates

Westshore Community Resilience Plan

In November 2022 a Community Resilience workshop was held at Westshore School. The purpose of the workshop was to enable and assist the community with the development of a Community Resilience Plan (CRP). CRP's are developed by communities, with our guidance and support, to ensure they understand the hazards they face, the potential impacts of emergency events on our community, and to put measures in place to help the community look after one another before, during, and after an emergency.

The workshop was facilitated by Pip Dixon and followed five months of engagement with the Westshore community. It was a great evening with plenty of positive discussion and helpful contributions, and an important step in advancing the progress of the CRP. The Westshore CRP is currently being collated and a

draft version will be presented to the residents at the upcoming community BBQ.

We'd like to say a big thanks to our partners at Eastern District Police, Hawke's Bay - Fire and Emergency, Napier City Council, Hawke's Bay Airport, and Westshore Primary School. As well as Councillors Hayley Browne and Keith Price who participated in the workshop, and award-winning science communicator Kate Boersen who gave an engaging and informative presentation.

Keeping Napier Tsunami Ready for Summer

HBCDEM in partnership with Napier City Council, has made great progress on its tsunami signage programme. Five new Tsunami Information Boards have been placed at Marine Parade, Perfume Point, Spriggs Park and Westshore, along with Evacuation Route and Safe Location signage at Tiffen Park and Cameron Terrace. Leaving/Entering Evacuation Zone signs have also been put up at key locations around Mataruahou (Napier Hill). The signs are a high-impact education tool to enhance public understanding of the city's tsunami risk and empower people to take the right actions if a tsunami heads our way.

There are 25 more signs proposed for Bayview and Marine Parade, with all signage planned to be installed by the end of 2023.

Bayview Community Plan Brochures

Residents of Bayview, Eskdale, Whirinaki and Tangoio have recently received our brand new Community Plan Brochures. The brochures summarise the Community Resilience Plan for the area and contain vital information to help residents look after each other before, during, and after an emergency. The brochures include information related to hazards, potential impacts of emergency events on the community, tsunami evacuation zones, flood zones, and resources available to the community.

Te Waka Rangapū

Te Waka Rangapū will continue to engage internally and externally with our Iwi Partners on programmes and projects to further the relationship with Mana Whenua. These activities include:

- Communication with our Partners
- Supporting Mana whenua and Council on projects we are currently working on such as the Iron Pot Waka Hub revitalisation and Jull Wharf emergency works
- Providing cultural advice on the Library and Civic Precinct, including the procurement process
- Supporting and advising on many other projects that need Te Waka Rangapū support

Te Waka Rangapū is heading into the 2023 year with many initiatives to showcase Te Ao Māori. These include supporting the Mayor on Waitangi day, Matariki programs and Te Wiki o te Reo Māori. Te Waka Rangapū will work closely with Te Kupenga, helping to guide many regional strategies and engage with Iwi.

People and Capability Updates

COVID19

As at 16 January, Council had 11 active cases and have seen a total of 407 cases since Feb 2022. To date the Council has spent approximately \$250k on discretionary leave for staff who have been unable to work due to having to isolate.

Wellbeing Initiatives

- There has been an increased utilisation of the My Everyday Wellbeing platform and staff participation in the monthly wellbeing challenges.
- During November employees also participated in White Ribbon Week and World Diabetes.

Reported Incidents

Year to date as at end of Dec 2022

Lost time injuries (LTIs):	0
Accidents	16
Minor accidents	41
Near misses	38
Audits - Internal	5
Audits - External	10
Pain and Discomfort	18
Safety Observations	52

Strategy/Policy updates:

The following external Council policies/Bylaws are currently undergoing review:

- Pressure Sewer Policy - finalising draft policy to come to Council in June
- Waste Management and Minimisation Policy - working with Hastings District Council to develop community consultation plan

Upcoming Council Consultations

Napier City Council is preparing for consultation on the following initiatives over the next 12 weeks:

- Annual Plan 23/24 (expected April)
- Maraenui Park - Reserve Management Plan
- Taradale Park - Reserve Management Plan
- Inner Harbour Iron Pot and Customs Quay upgrade
- Library design
- District Plan and Spatial Plan (notifying end May 2023, bespoke engagement required for sites of significance, port noise, public access, airport noise, rail and SH noise, rezoning; Mana Whenua engagement on Structure Plans)
- Significance and Engagement Policy

Financial Update

Anticipated total revenue 2022/23 (all income streams) **\$149m**

Revenue year to date as at end of Dec 2022 (all income streams) **\$70.6m**

Anticipated total operating expenditure 2022/23 **\$149.4m**

Operational spend year to date as at end of Dec 2022 **\$69.3m**

Anticipated total capital expenditure 2022/23 **\$99.4m**

Capital spend year to date as at end of Dec 2022 **\$26.1m**



High priority projects

Civic/Library Precinct

Summary: Business case and Design Brief Adopted by Council. RFP submissions for the Concept and Developed Design were received. The Business Case for Phase Two (officer Accommodation) is underway.

Next immediate milestones: Appointment of the Architecture and Design Team is in January. Draft Business Case for Phase Two (officer Accommodation) due end of January.

PROJECT STATUS:



District Plan Review

Summary: Presented the outcomes of the structure plan to the Councillors. Received general support for intensification areas, high density zone and medium density zone around commercial zones. The new zones will be notified with the PDP for consultation.

Next immediate milestones: Progress is continuing with the S32 report and resolving the issues with Port Noise, Meeanee Speedway Noise, temporary events noise, Airport zone and SoSM.

PROJECT STATUS:



Mataruahau development

Summary:

- The land requirements for the reservoir site have been finalised and the surplus area not required for the reservoirs has been agreed.
- Strategy (project planner) are underway with preparing the subdivision application for the surplus land area.
- Stantec have been engaged to carry out the concept design and geotechnical investigations. This work will commence in January.
- Alta (cost consultant) have prepared a preliminary cost estimate for the different tank options being considered. The recommended

option of 3 above ground tanks has a P95 cost estimate of \$79.2m.

- Initial carbon assessment has now been completed.
- We have been unable to organise a meeting with Manu Whenua to brief them on the project and seek their feedback, this poses a risk as we are continuing with design without their feedback.

Next immediate milestones:

- Agreement to proceed with 3 above ground reservoirs.
- Commencement of concept design and geotechnical investigations.
- Engagement with Manu Whenua is required as soon as possible.

PROJECT STATUS:



Napier Aquatic Centre

Summary (remediation of existing facility): No change since previous report. Remediation of the existing Napier Aquatic Centre is progressing well. The detailed scope of works has been developed, and procurement has commenced for a main contractor to schedule and manage the works while minimising operational impact.

Next immediate milestones (remediation of existing facility): Contractor selected and engaged; works commenced.

Summary (Aquatic Development): Work is underway to prepare a workshop with elected members to get direction into 'exploring options to reduce costs including new design options for both locations' as per Council resolutions. In preparation, the 2016 business case is being reviewed to ensure the strategic drivers reflect the current situation.

Next immediate milestones (Aquatic Development): Business case reviewed and updated. Workshop held with new Council.

PROJECT STATUS:





War Memorial Restoration

Summary: Atkins have commenced construction. Site demolition and set out has been completed. Excavations for foundations have been completed and foundations have been poured. Blockwork has commenced.

Restoration of the plaques is complete. Specialised frames for the mounting of the plaques is 50% complete.

Materials supply is proving a challenge but is being closely monitored. Delays have been experienced as a result of the recent inclement weather however efforts are underway to mitigate the time loss.

Works continue to be carried out in a manner that minimises disruptions to operations at the War Memorial Centre. For example, no works were carried out onsite on Thursday 19th Jan in order to accommodate a pre-booked function.

Works that may need to take place within the building or will have a vibratory, noise, or dust impact are being carried out when the centre is not busy.

Next immediate milestones: The next scheduled works will be the completion of the blockwork for the upper ponds and waterproofing.

PROJECT STATUS:



Te Pihinga Community Space

Land Purchase Update: Council received the signed agreements from Kainga Ora just prior to Christmas. Settlement is anticipated to occur mid-February after which Council will own the land. Council Lawyers are dealing with the settlement on behalf of Council.

Next immediate milestones: A Project Steering Group is being re-established for the go forward. Thunes and the Anne Bradbury (Manager Community Strategies) will be working on this.

PROJECT STATUS:



Ahuriri Regional Park

Summary: The first Ahuriri Regional Park Joint Committee meeting was held 9 December 2022. Deputy Mayor Annette Brosnan was elected Chair, and Tania Eden Deputy Chair, for a period of one year. The Committee also approved the project role profile for the Project Manager.

Next immediate milestones: Appoint the Project Manager role. Next Ahuriri Regional Park Joint Committee meeting scheduled for 24 February 2023.

PROJECT STATUS:



Memorial Square Community Rooms

Summary: Working Group underway with consultant and contractor appointments in progress. Heritage Architect from the Ministry of Heritage and Culture has been assigned.

Next immediate milestones: Asbestos removal from subfloor soil. Depending on the volume of spread and level contamination this could delay the completion date of November 2023.

PROJECT STATUS:



Ocean Spa Takeover

Summary: QS completed and consent application submitted. Atkins engaged to oversee management of physical works and subcontractors. Awaiting delivery of schedule for works. Several key appointments made and P&C process underway. Recruitment process ongoing.

Next immediate milestones: Takeover of facility ownership by NCC 1 Feb 2023. Completion of physical works (exact date TBC by contractor). Staff training/inductions.

PROJECT STATUS:



Risk update

Emerging Risks

The following emerging risks have been identified by Council officers since the last CE's Report:

COVID-19: XBB.1.5, nicknamed the Kraken, was detected in New Zealand around the start of January 2023. This is a descendant of the Omicron XBB subvariant, which itself is a cross between the two earlier strains BA.2.75 and BA.2.10.1. According to the World Health Organization, the subvariant has been reported in at least 37 other countries. Advice around preventing transmission remains the same, and includes mask wearing around others and proper ventilation.

Business sentiment and activity: The latest NZIER Quarterly Survey of Business Opinion (QSBO) closed on the 9 January 2023, and the results displayed a deterioration in business sentiment and activity. A net 73 percent of businesses expect general economic conditions to worsen over the coming months. This is the weakest result seen since the QSBO began in 1961. A net 13 percent of firms also reported a decline in activity over the past quarter, which is the weakest result captured since the June 2020 survey when the full impact of the first COVID-19 lockdown was a factor.

Service requests

The following table shows a snapshot of the service requests received by Council in October, November, and December 2022:

	October 2022	November 2022	December 2022
Service requests year-to-date (financial year)	6,445	8,415	10,050
Number of new service requests received during the month	1,806	1,970	1,635
Number of service requests resolved during the month	1,750	2,010	1,587
Number of service requests pending resolution at months end	99	216	184
Top 3 Departments for service requests	City Services (390 requests) Infrastructure Services (278 requests) Compliance (215 requests)	City Services (460 requests) Infrastructure Services (314 requests) Compliance (246 requests)	City Services (362 requests) Compliance (277 requests) Infrastructure Services (259 requests)
Top 5 recurring matters	Noise, Compliance (188 requests) Building Maintenance, City Services (129 requests) Housing Messages, Housing (99 requests) Building Maintenance, External Organisations (60 requests) Building Consent Application, Building (54 requests)	Noise, Compliance (219 requests) Building Maintenance, City Services (163 requests) Housing Messages, Housing (122 requests) Building Maintenance, External Organisations (77 requests) Building Consent Application, Building (68 requests)	Noise, Compliance (240 requests) Building Maintenance, City Services (118 requests) Housing Messages, Housing (86 requests) Roaming Dogs Reported by Public, Animal Control (64 requests) Building Consent Application, Building (51 requests)

Local Government Official Information and Meetings Act Requests:

	November 2022	Comment	December 2022	Comment
Requests received year to date	95		107	
Requests received in last calendar month	17	Including 1 transfer and 1 later withdrawn	12	1 later withdrawn
Responses completed in last calendar month	12		8	
Responses within statutory timeframe	12		8	
Extensions requested in last calendar month	0		0	
Requests where charging was proposed	1		0	
Number of responses where:				
- Information released in full	9		8	2 responses subject to partial refusal as no records held.
- Information partially released	3	1 response subject to redactions to maintain the effective conduct of public affairs by protecting free and frank expression of opinion. A second response subject to redactions to: - protect the privacy of natural persons, - enable commercial activity without prejudice or disadvantage. Parts of this request also refused on grounds of being frivolous/vexatious/trivial. A third subject to redactions to protect the privacy of natural persons.	0	
- Request refused in full	0		0	
Active Ombudsman investigations regarding LGOIMA responses	2	Both responded to in Nov 22	1	
Ombudsman determinations received	0		0	
Themes	<ul style="list-style-type: none"> • Vehicle/pedestrian counts • street lighting • licenses • building consents and permits • Council housing • artificial waterfall • menacing dog 		<ul style="list-style-type: none"> • Street trees • Roading • Interest register • Artwork • resource consents • RMA • phone recordings 	

Consenting Activity:

Type	YTD 2021/22 (Jul - Dec)	YTD 2022/23 (Jul - Dec)
Total Land Use Consents issued	98	83
Total Subdivision Consents issued	74	59
Total Resource Consents issued	172	142
Total Building Consents issued	709	544
Total Estimated Value	\$136,077,846	\$107,600,630
Total New Dwellings	202	96

Grants funding:

Community Development grant	
Total funding available (financial year)	\$102,395
Number of applications year to date (financial year)	10
Funding allocated year to date (financial year)	\$50,306
Community Services Grant	
Total funding available (financial year)	\$129,144
Number of applications year to date (financial year)	43
Funding allocated year to date (financial year)	\$129,140.09
Creative Communities Scheme (External Funding from CNZ)	
Total funding available (financial year)	\$51,000
Number of applications year to date (financial year)	19
Funding allocated year to date (financial year)	\$25,862.73



Documents Executed Under Seal

(For the period 31 October 2022 – 20 January 2023)

Date	Document Title	Approver
4.11.22	Land covenants 35 Kenny Road	Christina Bunny
4.11.22	Warrant Card – Richard Karaka	Debbie Heal
8.11.22	Easement instrument – 46 Harold Holt Avenue	Christina Bunny
18.11.22	Easement Instrument – 102 Murphy Road	Christina Bunny
29.11.22	Easement and Partial Surrender of Easement Instrument – 86 Avondale Road, Napier	Christina Bunny
29.11.22	Water Supply Bylaw	Lance Groves
1.12.22	Warrants – Scott Williamson	Jamey Stephens
1.12.22	Fencing Covenant 0 82 Menin Road	Christina Bunny
8.12.22	Fencing Covenant and Easement Instrument – 45 Tom Parker Avenue	Christina Bunny
15.12.22	Warrant – Maekayla Tatana	David Whyte
15.12.22	Deed of Lease of Reserve – Napier Frivolity Minstrels – 104c Latham Street Reserve	Bryan Faulknor
15.12.22	Land Covenants – Mohaka Street, Waipunga Street, Pelorus Avenue, Parklands	Christina Bunny
20.12.22	Licence to Occupy pursuant to the Public Works Act – shared path intersection of Prebensen Drive & Hydrabad Road	Bryan Faulknor
22.12.22	Easement Instrument – 56 Oldham Avenue, Napier	Christina Bunny
16.1.23	Easement & Fencing Covenant – 136 Nuffield Avenue, Napier	Christina Bunny
20.1.23	Easement Instrument and Surrender Easement – 30 Downing Avenue, Napier	Christina Bunny

Te Kaunihera o Ahuriri

Napier City Council

215 Hastings Street, Napier 4110 | Private Bag 6010, Napier 4142

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NAPIER
CITY COUNCIL

Te Kaunihera o Ahuriri

7. TENDERS LET

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Enter Legal Reference
<i>Document ID:</i>	1630999
<i>Reporting Officer/s & Unit:</i>	Debbie Beamish, Executive Assistant to the Chief Executive

7.1 Purpose of Report

To report the Tenders let under delegated authority for the period 26 November 2022 – 20 January 2023.

Officer's Recommendation

That Council:

- a. **Receive** the Tenders Let for the period 26 November 2022 – 20 January 2023.

For Council Agenda

CONTRACTS OVER \$100,000 LET UNDER CHIEF EXECUTIVE/DIRECTOR INFRASTRUCTURE DISCRETION

Contract 2322 Rangatira Revetment

- Two tenders were received
- It was recommended that the contract be awarded to Berkett Earthmovers 2012 Limited in the sum of \$3,122,997.00
- This recommendation was approved.

7.2 Attachments

Nil

ORDINARY MEETING OF COUNCIL

Open Minutes

Meeting Date: Thursday 15 December 2022

Time: 9.30am – 11.25am

Venue Large Exhibition Hall
War Memorial Centre
Marine Parade
Napier

Livestreamed via Council's Facebook page

Present **Chair:** Mayor Wise
Members: Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Greig, Mawson, McGrath, Price, Simpson, Tareha and Taylor

In Attendance Acting Chief Executive / Acting Executive Director Infrastructure Services (Richard Munneke)
Deputy Chief Executive/ Executive Director Corporate Services (Jessica Ellerm)
Executive Director City Services (Lance Titter)
Acting Executive Director City Strategy (Rachael Bailey)
Executive Director Community Services (Thunes Cloete)
Chief Financial Officer (Caroline Thomson)
Māori Partnership Manager - Te Kaiwhakahaere Hononga Māori (Hilary Prentice)
Senior Policy Analyst – Climate Resilience (Heather Bosselmann)
MTG Director (Laura Vodanovich)
Community Advisor (Tiffany MacKenzie)
Resource Consents Planner (Briar Smith)
Youth Council Representatives (Marjolaine Stranaghan, Ben Kingsford and Emma Teraguchi)

Administration Acting Team Leader Governance (Anna Eady)

Karakia

The meeting opened with the Council karakia.

Apologies

Nil

Conflicts of interest

Nil

Public forum

Nil

Announcements by the Mayor

The Mayor acknowledged it is the end of a busy year. She listed some highlights:

- Two new low manganese bores online
- The commencement of the War Memorial restoration project
- The demolition of the Civic Building is well underway
- The launch of Napier Assist Āwhina Tāngata

The Mayor thanked Council staff for their work and acknowledged this year has been tough on staff at times, but that it was great to see people pull together and support each other. She thanked Acting Chief Executive Richard Munneke and the Executive Leadership Team (ELT) for their support. She also thanked the community for engaging with Council and having patience when needed. The Mayor wished everyone a Merry Christmas and all the best for the new year.

The following three Youth Council Representatives have been invited to join and participate at the Council meeting (no voting rights):

- Marjolaine Stranaghan
- Emma Teraguchi
- Ben Kingsford

Announcements by the management

The Acting Chief Executive reiterated the Mayor's words, particularly to the whole Council team for their support of him, the ELT, and their fellow work colleagues. Staff have done a sterling job in trying circumstances. He hopes the wider council can come back fresh in the new year to carry on with the mahi (work) for the Community.

Confirmation of minutes

COUNCIL RESOLUTION

Councillors Brosnan / Chrystal

That the Draft Minutes of the Ordinary meeting held on 15 November 2022 be confirmed as a true and accurate record of the meeting.

Carried

Minor Matters not on the agenda (if any)

Nil

AGENDA ITEMS

1. HAWKE'S BAY MUSEUM RESEARCH AND ACCESS FACILITY

<i>Type of Report:</i>	Operational and Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1620415
<i>Reporting Officer/s & Unit:</i>	Laura Vodanovich, MTG Director

1.1 Purpose of Report

The purpose of this report is to provide an update on funding progress for this project and seek an underwriting commitment for any construction cost overruns in excess of the budgeted funding from Hastings District and Napier City Councils and the external funding confirmed to date.

At the meeting

Council Officers spoke to the report and showed a flyover presentation (which can be accessed via: <https://www.youtube.com/playlist?list=PL7kpAHictPi584UwZwOj0Z6NuPsf3Mgto> and by selecting the Ordinary Meeting of Council – 15th December 2022)

Thanks were extended to Richard Hooper of Hastings District Council (HDC) who was instrumental in securing the \$9 million funding from the Ministry for Culture and Heritage.

In response to questions from Council it was noted:

- The funding from the Ministry of Culture and Heritage is subject to Napier City and Hastings District Council's underwriting any potential cost overruns in excess of budgeted funding.
 - In the flyover presentation there was space that looked like display space, however these are spaces for viewing selected items, education classes and public activities, not designated display space.
 - The HDC report indicated there would be reengineering of costs to offset budget shortfalls. Once the procurement process has been carried out and a preferred tender identified the Councils will work with that tenderer to identify where cost savings can be made to counter some of the predicted shortfall. Also the cost estimate may be higher than the final cost.
 - It is not expected that the facility will generate new fees and charges over those already used for accessing the collection, such as imagery reproduction, copyright or if people request staff to undertake research. Currently a free introductory tour to the collection is available, but there may be other tours offered, also education classes have a charge.
 - Napier City Council (NCC) has begun a business case and is working with members of HDC to look at how this facility can be run both individually and also in tandem with the MTG and Hastings facilities.
-

- Council Officers are currently in discussion with HDC Officers about changing the signage around the project site from saying it is a Hastings project to saying it is a Hawke’s Bay project.

**COUNCIL
RESOLUTION**

Councillors Crown / Chrystal

That Council:

- Receive** the report titled Hawke’s Bay Museum Research and Access Facility.
- Approves** under-writing a half share of the total of any construction cost overruns that are in excess of the budgeted funding from Hastings District and Napier City Councils and the external funding confirmed to date.
- Approve** part (b) of the recommendation subject to Hastings District Council approving their half share of any construction cost overruns that are in excess of the budgeting funding from Hastings District and Napier City Councils and the external funding confirmed to date.

Carried

2. NAPIER-HASTINGS FUTURE DEVELOPMENT STRATEGY JOINT COMMITTEE

<i>Type of Report:</i>	Operational and Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1621624
<i>Reporting Officer/s & Unit:</i>	Rachael Bailey, Acting Executive Director City Strategy

2.1 Purpose of Report

Present the Napier-Hastings Future Development Strategy Joint Committee and the Terms of Reference to Council for review and adoption.

At the meeting

The Officer spoke to the paper. It was noted the Hawke’s Bay Regional Council (HBRC) resolution passed 14 December 2022 agreed with all the standard/common recommendations in the templated report shared with NCC. HBRC’s appointees are Councillor Siers and Councillor McIntosh, with the alternate as Councillor Williams.

However the HBRC resolution was to amend the Committee’s Terms of Reference (TOR) to include a new clause 4.1.4 to read “Hawke’s Bay Regional Transport Committee*” where the asterisk tagged a caveat whereby the Hawke’s Bay Regional Transport Committee (RTC) member is not required if one of the other appointees from NCC, HDC

or HBRC happens to also be a voting member of the HBRTC. Councillors Siers and McIntosh are not HBRTC members.

NCC has appointed Councillor Price as its RTC member and Mayor Wise as the alternate. Councillor Price is not appointed to the Future Development Strategy Joint Committee (FDS) however so under HBRC's amendment another member from the RTC is necessary.

HDC have appointed Councillor Tania Kerr as their RTC member and Mayor Hazlehurst is the alternate.

The FDS TOR have to be agreed upon by all three councils. If HBRC's amendment is not agreed upon by NCC and/or HDC there will have to be a review of how the TOR can be amended for all to agree.

The Mayor clarified her appointments to the FDS. She is a member as this is a significant project for Napier City. Councillor Chrystal has been appointed as she is the Deputy Chair of the Future Napier Committee, the NCC Committee aligned to the project. Councillor Boag is appointed as the alternate as she is the Housing Portfolio holder, and housing will be a significant factor considered by the FDS.

In response to questions from Council it was noted:

- There is no additional remuneration for Elected Members on this Committee. The Partner Councils will pay an equal share of the mana whenua representatives meeting fees.
- If Councillor Kerr of HDC is appointed as one of their representatives on the FDS there will not need to be an additional HBRC representative from the RTC.
- The Post Settlement Governance Entity (PSGE) groups will ask for an extra seat if there is an extra RTC representative appointed, as they will want to retain the 50:50 split between mana whenua and Local Government representatives.
- NCC can suggest amendments to the TOR to ensure one of the Council representatives is on the RTC so there is not an uneven number from one Council.
- NCC officers have not been given information on where the figures in the Remuneration section have come from. This section either requires a reference to where the dollar amounts have come from, in order to make sure they remain current if the parent document is updated, or the dollar amounts could be removed and a link to the parent document provided.

This paper was left to lie on the table while officers prepared additions to the recommendation and the rest of the open agenda was heard and discussed by the Council.

The paper was taken off the table at 11.13am

- HDC is reviewing the amended TOR at their Council meeting this afternoon. HBRC will need to take these suggested amendments back to their Council for consideration.
- The TOR need to be approved by all partner Councils before the PSGE representatives are finalised. Discussions are already underway with the PSGEs in preparation and the proposed TOR can be put to them once the HDC meeting has taken place.

**COUNCIL
RESOLUTION**

Councillors Tareha / Taylor

That Council:

1. **Agrees** to appoint, on the basis set out in the Terms of Reference, the Napier-Hastings Future Development Strategy Joint Committee, being a Joint Committee established under Clause 30 of the Local Government Act 2002 with the Hawke's Bay Regional Council and the Hastings District Council.
2. **Subject** to the agreement of the Hawke's Bay Regional Council and the Hastings District Council to the appointment of the Napier-Hastings Future Development Strategy Joint Committee:
 - a. **appoints** the Napier-Hastings Future Development Strategy Joint Committee, being a Joint Committee established under Clause 30 of Schedule 7 of the Local Government Act 2002 with the Hawke's Bay Regional Council and the Hastings District Council,
 - b. **approves** the amended Terms of Reference for the Napier-Hastings Future Development Strategy Joint Committee, noting that the Terms of Reference amendments will need to be approved by Hastings District Council and Hawke's Bay Regional Council to ensure there is agreement between the Hastings District Council, the Hawke's Bay Regional Council and the Napier City Council as required under Clause 30A of Schedule 7 of the Local Government Act 2002. The amendments are as follows:
 - i. That one partner council has, as one of their two primary representatives, a member of the Hawke's Bay Regional Transport Committee (HBRTC). This is to ensure that HBRTC is represented in the joint committee, but that voting rights remain equal;
 - ii. That sections 5.1 and 5.2 are swapped in order so that 5.2 becomes 5.1 and vice versa;
 - iii. That an explanation be added as a footnote to section 7, Remuneration, to explain and reference how the hourly rates have been determined;
 - iv. That the remuneration rate is reviewed annually and updated to retain alignment with the source policy.
 - c. **appoints** Mayor Wise and Councillor Chrystal as its representatives on the Napier-Hastings Future Development Strategy Joint Committee,
 - d. **appoints** Councillor Boag as its alternate representative on the Napier-Hastings Future Development Strategy Joint Committee,
 - e. **delegates authority** to and invites, in conjunction with the Hawke's Bay Regional Council and the Hastings

District Council, the Heretaunga Tamatea Settlement Trust, Mana Ahuriri Trust and Maungaharuru-Tangitū Trust to appoint Mana Whenua Representatives to the Napier-Hastings Future Development Strategy Joint Committee as provided for in the Terms of Reference, and notes that these appointments will take effect once they have been notified to the Chief Executive of the Administering Authority.

3. **Authorises** the Chief Executive to give effect to resolution 2 above following receipt of advice from the Hawke's Bay Regional Council and the Hastings District Council that they have each agreed to appoint the Napier-Hastings Future Development Strategy Joint Committee.

Carried

3. STREET NAMING - TE AWA DEVELOPMENT AREA

Type of Report: Procedural

Legal Reference: N/A

Document ID: 1611104

Reporting Officer/s & Unit: Briar Smith, Resource Consents Planner

3.1 Purpose of Report

To obtain Council approval for two new street names for the recently approved Te Awa Land Development Company subdivision within the Te Awa Development Area.

At the meeting

The Officer spoke to the report and in response to questions by Council it was noted:

- No issues are foreseen in not having the word street at the end of the street names.
- Despite already having an Orotū Drive in Napier it is not expected naming a street Wai Orotū in another suburb will cause confusion for the postal services or public.

COUNCIL RESOLUTION Councillors Tareha / Boag

That Council:

- a. **Approve** the use of Wai Whatu and Wai Orotū as the proposed street names for the Te Awa Land Development Company subdivision within the Te Awa Development Area.

Carried

4. CLIFTON TO TANGOIO COASTAL HAZARDS JOINT COMMITTEE - PROPOSED AMENDED TERMS OF REFERENCE

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Official Information and Meetings Act 1987
<i>Document ID:</i>	1615984
<i>Reporting Officer/s & Unit:</i>	Heather Bosselmann, Senior Policy Analyst - Climate Resilience

4.1 Purpose of Report

Present amended Joint Committee Terms of Reference to Council for review and adoption.

At the meeting

The Officer took the report as read, noting these changes came through from Governance at HBRC and are relatively minor. There will be further substantive changes to come in the new year from the Technical Advisory Group. In response to questions from the Council it was noted:

- The Technical Advisory Group Terms of Reference changes will be discussed at a Joint Committee meeting, then taken to the partner Councils for approval. The changes will then return to the Joint Committee for adoption.

COUNCIL RESOLUTION	Councillors Simpson / Browne
	That Council:
	a. Adopt the Terms of Reference for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee
	Carried

5. ELECTED MEMBERS' CODE OF CONDUCT 2022-2025

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1616081
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Acting Team Leader Governance

5.1 Purpose of Report

To present the 2022-2025 Elected Member's Code of Conduct for adoption.

At the meeting

The Officer too the report as read. It was noted the new Code of Conduct is the previous triennium's version with recommended additions from Local Government New Zealand.

COUNCIL Mayor Wise / Councillor Browne

RESOLUTION

That Council:

- a. **Adopt** the 2022-2025 Elected Members' Code of Conduct

Carried

6. BUDGETS TO BE CARRIED FORWARD TO 2022/23

Type of Report: Operational

Legal Reference: Local Government Act 2002

Document ID: 1594359

Reporting Officer/s & Unit: Caroline Thomson, Chief Financial Officer
Rudolf Britz, Strategic Finance Advisor

6.1 Purpose of Report

To seek Council approval to carry forward budgets into 2022/23.

At the meeting

The Officer spoke to the report and there were no questions from Council.

COUNCIL Councillors Price / Chrystal

RESOLUTION

That Council:

- a. **Approve** capital carry forward budgeted expenditure of \$12,229,707 from 2021/22 into 2022/23.
- b. **Approve** operational carry forward budgeted expenditure of \$3,691,262 from 2021/22 into 2022/23.

Carried

7. QUARTERLY REPORT FOR THE 3 MONTHS ENDED 30 SEPTEMBER 2022

<i>Type of Report:</i>	Enter Significance of Report
<i>Legal Reference:</i>	Enter Legal Reference
<i>Document ID:</i>	1618803
<i>Reporting Officer/s & Unit:</i>	Caroline Thomson, Chief Financial Officer

7.1 Purpose of Report

To consider the Quarterly Report for the three months ended 30 September 2022.

At the meeting

The Officer spoke to the report and in response to questions from the Council it was noted:

- In the Summary Net Operating Expenditure of Activity section of the report Democracy and Governance has a zero value. That activity is classed as a support unit and its net position is always zero. It recovers its costs from other areas of Council.
- The Staff Turnover – Permanent Staff section of the report states the Community Services directorate had 17 staff leave. This directorate has 315 staff, so 17 is a small proportion.

COUNCIL Councillors Crown / Tareha

RESOLUTION

That Council:

- Receive** the Quarterly Report for the three months ended 30 September 2022.

Carried

8. HAWKE'S BAY AIRPORT LIMITED ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2022

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1620695
<i>Reporting Officer/s & Unit:</i>	Caroline Thomson, Chief Financial Officer

8.1 Purpose of Report

To present to Council the Hawke's Bay Airport Limited Annual Report for the year ended 30 June 2022.

At the meeting

The Officer spoke to the report noting representatives from the Airport were unable to attend the meeting today, but will attend a Council meeting early in 2023 to present their Statement of Intent.

COUNCIL RESOLUTION Councillors McGrath / Taylor

That Council:

- a. **Receive** the Hawke's Bay Airport Limited Annual Report and Auditors Report for the year ended 30 June 2022.

Carried

REPORTS / RECOMMENDATIONS FROM COMMITTEES

REPORTS FROM AUDIT AND RISK COMMITTEE HELD 9 DECEMBER 2022

Minutes of the Audit and Risk Committee meeting held on 9 December 2022 were not available at the time of the Agenda distribution and were circulated prior to the meeting in order to address the recommendations.

1. RISK MANAGEMENT REPORT

Type of Report: Operational

Legal Reference: N/A

Document ID: 1613814

Reporting Officer/s & Unit: Dave Jordison, Risk and Assurance Lead
Caroline Thomson, Chief Financial Officer

1.1 Purpose of Report

To provide the Audit and Risk Committee (Committee) with an update on risk management, outline the processes undertaken to mitigate key risks and note emerging risks.

At the meeting

There was no discussion on this item.

COUNCIL Mayor Wise / Councillor Mawson
RESOLUTION

That Council:

- a. **Receive** the Risk Management Report dated November 2022; and
- b. **Note** the emerging risks

Carried

2. SENSITIVE EXPENDITURE - MAYOR AND CHIEF EXECUTIVE

Type of Report: Procedural

Legal Reference: N/A

Document ID: 1598019

Reporting Officer/s & Unit: Caroline Thomson, Chief Financial Officer
Talia Foster, Accounting Manager

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 on this item.

COUNCIL Mayor Wise / Councillor Mawson
RESOLUTION

That Council:

- a. **Receive** the 30 June 2022 quarterly report of Sensitive Expenditure for the Mayor and Chief Executive and review for compliance with the Sensitive Expenditure Policy.
- b. **Receive** the 30 September 2022 quarterly report of Sensitive Expenditure for the Mayor and Chief Executive and review for compliance with the Sensitive Expenditure Policy

Carried

3. ANNUAL TAX UPDATE YEAR TO 30 JUNE 2022

Type of Report: Operational

Legal Reference: Local Government Act 2002

Document ID: 1605816

Reporting Officer/s & Unit: Caroline Thomson, Chief Financial Officer
Talía Foster, Accounting Manager

3.1 Purpose of Report

To provide the Audit and Risk Committee with the annual tax update on progress made during the period up to 30 June 2022.

At the meeting

There was no discussion on this item.

COUNCIL Mayor Wise / Councillor Mawson

RESOLUTION

That Council:

- a. **Receive** the report from PwC titled 'Napier City Council Annual Tax Update year to 30 June 2022'.

Carried

4. INTERNAL AUDIT STATUS UPDATE

Type of Report: Information

Legal Reference: N/A

Document ID: 1613812

Reporting Officer/s & Unit: Caroline Thomson, Chief Financial Officer
Talía Foster, Accounting Manager
Raewyn Fowler, Business Analyst

4.1 Purpose of Report

The purpose of this paper is to summarise the actions taken by management of each audit undertaken over the last two years to provide assurance to the Audit & Risk Committee that these have been addressed.

At the meeting

There was no discussion on this item.

COUNCIL Mayor Wise / Councillor Mawson

RESOLUTION

That Council:

- a. **Receive** the internal audit status update report.

Carried

5. INTERNAL AUDIT - PROPOSED PROGRAMME FOR 2022/23

Type of Report: Operational

Legal Reference: N/A

Document ID: 1613815

Reporting Officer/s & Unit: Caroline Thomson, Chief Financial Officer
Talia Foster, Accounting Manager
Raewyn Fowler, Business Analyst

5.1 Purpose of Report

To provide the Committee with the internal audit programme recommendations for 2022/23 from Crowe.

Feedback is sought relative to the recommendations and any other review priorities the Committee deems relevant.

At the meeting

There was no discussion on this item.

COUNCIL Mayor Wise / Councillor Mawson

RESOLUTION

That Council:

- a. **Receive and approve** the internal audit programme for 2022/23 from Council's Internal Auditors, Crowe.

Carried

6. INTERNAL AUDIT: ASSET MANAGEMENT

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1618311
<i>Reporting Officer/s & Unit:</i>	Jessica Ellerm, Deputy Chief Executive / Executive Director Corporate Services Talia Foster, Accounting Manager

6.1 Purpose of Report

To table to the Committee the internal audit on Asset Management undertaken by Council's internal auditors, Crowe.

At the meeting

There was no discussion on this item.

COUNCIL Mayor Wise / Councillor Mawson

RESOLUTION

That Council:

- a. **Receive** the report from Crowe titled 'Internal Audit – Asset Management'.

Carried

7. INTERNAL AUDIT: SENSITIVE EXPENDITURE REVIEW

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1618365
<i>Reporting Officer/s & Unit:</i>	Caroline Thomson, Chief Financial Officer Talia Foster, Accounting Manager

7.1 Purpose of Report

To table to the Committee the internal audit on Sensitive Expenditure undertaken by Council's internal auditors, Crowe.

At the meeting

There was no discussion on this item.

COUNCIL Mayor Wise / Councillor Mawson

RESOLUTION

That Council:

- a. **Receive** the report from Crowe titled 'Internal Audit – Sensitive Expenditure Review'.

Carried

REPORTS UNDER DELEGATED AUTHORITY

1. TENDERS LET

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1422925
<i>Reporting Officer/s & Unit:</i>	Debbie Beamish, Executive Assistant to the Chief Executive

1.1 Purpose of Report

To report the Tenders let under delegated authority for the period 31 October – 25 November 2022.

At the meeting

There was no discussion on this item.

COUNCIL Councillors Price / Tareha

RESOLUTION

That Council

- a. **Receive** the Tenders Let for the period 31 October – 25 November 2022.

Carried

PUBLIC EXCLUDED ITEMS

COUNCIL RESOLUTION

Councillors Crown / Mawson

That the public be excluded, except for Youth Council members

- Marjolaine Stranaghan,
- Emma Teraguchi, and
- Ben Kingsford

from the following parts of the proceedings of this meeting.

Carried

Agenda Items

1. Creative Communities Funding September 2022
2. Community Services Grants Subcommittee Nominations 2022
3. Hawke's Bay Airport Limited - Appointment of Director
4. Hawke's Bay Airport Limited - Director Remuneration

Reports from Audit and Risk Committee held 9 December 2022

1. Insurance Arrangements
2. Legal Update
3. Draft Annual Report 2021/22

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

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

Agenda Items

1. Creative Communities Funding September 2022	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	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
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	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	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. Community Services Grants Subcommittee Nominations 2022	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.
3. Hawke's Bay Airport Limited - Appointment of Director	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.
4. Hawke's Bay Airport Limited - Director Remuneration	7(2)(a) Protect the privacy of natural persons, including that of a deceased person	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for

		<p>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 9 December 2022

1. Insurance Arrangements	<p>7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</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>
2. Legal Update	<p>7(2)(g) Maintain legal professional privilege</p> <p>7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</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>
3. Draft Annual Report 2021/22	<p>7(2)(g) Maintain legal professional privilege</p> <p>7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage,</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</p>

	negotiations (including commercial and industrial negotiations)	which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
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The Open meeting adjourned at 10.26am moved into Public Excluded at 10.26am

The Open session reconvened at 11.13am

The meeting closed with a karakia at 11.25am

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

Chairperson

Date of approval

EXTRAORDINARY MEETING OF COUNCIL

Open Minutes

Meeting Date: Thursday 19 January 2023

Time: 12:30pm – 12.33pm
12.34pm – 12.47pm

Venue Ikatere Room
Level 2 Capeview House
265 Marine Parade
Napier

Present **Chair:** Mayor Wise
Members: Deputy Mayor Brosnan, Councillors Browne, Chrystal, Crown, Greig, McGrath, Price, Simpson, Tareha and Taylor

In Attendance Acting Chief Executive (Richard Munneke)
Deputy Chief Executive/ Executive Director Corporate Services (Jessica Ellerm)
Executive Director City Services (Lance Titter)
Executive Director Community Services (Thunes Cloete)
Acting Executive Director Infrastructure (Russell Bond)
Chief People Officer (Anna Nottage)
Pou Whakarae (Mōrehu Te Tomo)

Administration Governance Advisor (Carolyn Hunt)

Karakia

The meeting opened with the Council karakia.

Apologies

COUNCIL RESOLUTION	Councillors Brosnan / Tareha
	That the apology from Councillors Boag and Mawson be accepted.
	Carried

Conflicts of interest

Nil

Public forum

Nil

Announcements by the Mayor

Nil

Announcements by the management

Appointments - The Acting Chief Executive, Mr Munneke announced and congratulated:

- Jessica Ellerm who had now been appointed in the permanent role as Deputy Chief Executive / Executive Director Corporate Services for Napier City Council. Ms Ellerm had been on secondment from her role with the Hawke's Bay Regional Council since July 2021.
- Russell Bond had been appointed as Acting Executive Director, Infrastructure Services for six months and was committed to building success in Infrastructure.

PUBLIC EXCLUDED ITEMS

COUNCIL RESOLUTION	Councillors Price / Chrystal
	That the public be excluded from the following parts of the proceedings of this meeting.
	Carried

Agenda Items

1. Appointment of Chief Executive

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:
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Agenda Items

1. Appointment of Chief Executive	<p>7(2)(a) Protect the privacy of natural persons, including that of a deceased person</p> <p>7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</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>
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The meeting closed with a karakia at 12.47pm

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

Chairperson

Date of approval