



**NAPIER**  
CITY COUNCIL  
*Te Kaunihera o Ahuriri*

Napier Civic Building  
231 Hastings Street  
**t +64 6 835 7579**  
**e** [info@napier.govt.nz](mailto:info@napier.govt.nz)  
[www.napier.govt.nz](http://www.napier.govt.nz)

# ORDINARY MEETING OF COUNCIL

## Open Agenda

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Meeting Date: Thursday 16 March 2023

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Time: 9.30am

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Venue: Large Exhibition Hall  
War Memorial Centre  
Marine Parade  
Napier

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*Livestreamed via Council's Facebook site*

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Council Members **Chair:** Mayor Wise

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

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Officer Responsible Chief Executive (Louise Miller)

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Administrator Governance Team

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**Next Council Meeting**  
**Thursday 20 April 2023**

## 2022-2025 TERM OF REFERENCE - COUNCIL

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<i>Chairperson</i>	<i>Her Worship Mayor Kirsten Wise</i>
<i>Deputy Chairperson</i>	<i>Deputy Mayor Annette Brosnan</i>
<i>Membership</i>	<i>All elected members</i>
<i>Quorum</i>	<i>7</i>
<i>Meeting frequency</i>	<i>At least 6 weekly and as required</i>
<i>Executive</i>	<i>Chief Executive</i>

### **Purpose**

The Council is responsible for:

1. Providing leadership to and advocacy on behalf of the people of Napier.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

### **Terms of Reference**

The Council is responsible for the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body<sup>1</sup>:

1. The power to make a rate
2. The power to make a bylaw
3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan
4. The power to adopt a long-term plan, annual plan, or annual report
5. The power to appoint a chief executive
6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement, including the 30-Year Infrastructure Strategy
7. The power to adopt a remuneration and employment policy.
8. The power to establish a joint committee with another local authority or other public body<sup>2</sup>.
9. The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
10. The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
11. The power to make a final decision whether to adopt, amend, revoke, or replace a local Easter Sunday shop trading policy, or to continue a local Easter Sunday shop trading policy without amendment following a review.<sup>3</sup>

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1 Schedule 7, Clause 32. Local Government Act 2002.

2 Schedule 7, Clause 30A

3 Shop Trading Hours Act 1990, Section 5D.

### **Delegated Power to Act**

The Council retains all decision making authority, and will consider recommendations of its committees prior to resolving a position.

Specific matters that will be considered directly by Council include without limitation unless by statute:

1. Direction and guidance in relation to all stages of the preparation of Long Term Plans and Annual Plans
2. Approval or amendment of the Council's Standing Orders<sup>4</sup>.
3. Approval or amendment the Code of Conduct for Elected Members<sup>5</sup>.
4. Appointment and discharging of committees, subcommittees, and any other subordinate decision-making bodies<sup>6</sup>.
5. Approval of any changes to the nature and delegations of any Committees.
6. Appointment and discharging of members of committees (as required and in line with legislation in relation to the role and powers of the Mayor) <sup>7</sup>.
7. Approval of governance level strategies, plans and policies which advance council's vision and strategic goals.
8. Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer.
9. Reviewing of representation arrangements, at least six yearly<sup>8</sup>.
10. Approval of any changes to city boundaries under the Resource Management Act.
11. Appointment or removal of trustees, directors or office holders to Council's Council-Controlled Organisations (CCOs) and Council Organisations (COs) and to other external bodies.
12. Approval the Local Governance Statement as required under the Local Government Act 2002.
13. Approval of the Triennial Agreement as required under the Local Government Act 2002.
14. Allocation of the remuneration pool set by the Remuneration Authority for the remuneration of elected members.
15. 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.

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4 Schedule 7, Clause 27,

5 Schedule 7, Clause15,

6 Schedule 7, Clause30,

7 Schedule 7, Clause 30,

8 Local Electoral Act 2001, Section 19H.

# ORDER OF BUSINESS

## Karakia

## Apologies

Nil

## 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, 23 February 2023 be confirmed as a true and accurate record of the meeting. ....35

## Agenda items

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# AGENDA ITEMS

## 1. LOCAL GOVERNANCE STATEMENT

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1639474
<i>Reporting Officer/s &amp; Unit:</i>	Andrew Springett, Governance Manager Anna Eady, Governance Advisor

### 1.1 Purpose of Report

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

#### Officer's Recommendation

That Council:

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

### 1.2 Background Summary

The Local Government Act 2002 requires that a local authority prepare and make publicly available a Local Governance Statement within 6 months of any triennial election.

A Local Governance Statement must provide information on:

- the functions, responsibilities, and activities of the local authority
- any local legislation that confers powers on the local authority
- the bylaws of the local authority, including for each bylaw, its title, a general description of it, when it was made, and, if applicable, the date of its last review
- the electoral system and the opportunity to change it
- representation arrangements, including the option of establishing Māori wards or constituencies, and the opportunity to change them
- members' roles and conduct (with specific reference to the applicable statutory requirements and code of conduct)
- governance structures and processes, membership, and delegations
- meeting processes (with specific reference to the applicable provisions of the Local Government Official Information and Meetings Act 1987 and standing orders)
- consultation policies
- policies for liaising with, and memoranda or agreements with, Māori

- the management structure and the relationship between management and elected members
- the remuneration and employment policy, if adopted
- equal employment opportunities policy
- key approved planning and policy documents and the process for their development and review
- systems for public access to it and its elected members
- processes for requests for official information

The most up-to-date iteration of the Local Governance Statement is shown at **Attachment 1**. The changes made since the Local Government elections are minor and include such things as the adopted governance structure, Elected Member details, web-link updates and date changes. The Management Organisation Chart will be populated with photos and job titles of the Executive Leadership Team once the photos are available.

The Statement must be updated as the local authority considers appropriate; the Napier document is treated as a live document and updated as regularly as possible to ensure its correctness.

### **1.3 Issues**

No known Issues.

### **1.4 Significance and Engagement**

This matter is a requirement under the Local Government Act 2002 and does not trigger the Significance and Engagement Policy or any other consultation requirements.

### **1.5 Implications**

#### **Financial**

There are no financial implications.

#### **Social & Policy**

The Local Governance Statement is one way that the public can build their knowledge about their Council, its functions and activities, and how they can interact and participate in local democracy.

#### **Risk**

There are no known risks.

### **1.6 Options**

The options available to Council are as follows:

- a. To note the Local Governance Statement in its current updated version.

### **1.7 Development of Preferred Option**

The Local Governance Statement is a live document and will be updated as required throughout the triennium. The document will be made available to the public via Council's website, and a copy held at each Library and the Customer Service Centre.

### **1.8 Attachments**

- 1 2022-2025 DRAFT Local Governance Statement (Under separate cover 1) [⇒](#)

## 2. AMENDMENTS TO THE 2023 COUNCIL/COMMITTEE MEETING SCHEDULE

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

### 2.1 Purpose of Report

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

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

### Officer's Recommendation

That Council:

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

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

### 2.2 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.

### **2.3 Issues**

No issues have been identified with this report.

### **2.4 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.

### **2.5 Implications**

#### **Financial**

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

#### **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.

### **2.6 Options**

The options available to Council are as follows:

- a) To adopt the amended 2023 meeting schedule as proposed .
- b) To not adopt the amended 2023 meeting schedule as proposed.

### **2.7 Development of Preferred Option**

It is recommended that the amended 2023 meeting schedule be adopted as proposed.

### **2.8 Attachments**

Nil



### 3. CYCLONE GABRIELLE MAYORAL RELIEF FUND

Type of Report:	Procedural
Legal Reference:	N/A
Document ID:	1640776
Reporting Officer/s & Unit:	Talia Foster, Accounting Manager Anne Bradbury, Manager Community Strategies

#### 3.1 Purpose of Report

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

#### Chair's Recommendation

That Council:

- a. **Resolve** the Mayoral Relief Fund is to be distributed at the discretion of the Mayor and Chief Executive for internal expenditure or external grants as the need arises for the purpose of aiding the recovery from Cyclone Gabrielle and benefitting the community.
- b. **Resolve** there will be no application process from the public to the Mayoral Relief Fund at this stage, and all enquiries for individual applications will be directed to the Hawke's Bay Disaster Relief Trust.

#### 3.2 Background Summary

On 20 February, Mayor Wise signed a resolution to setup the Napier City Council Cyclone Gabrielle Event – February 2023 Mayoral Relief Fund (MRF) with donee status. To do so, the following declaration was made:

1. *The Napier City Council (Council) wishes to establish a Mayoral Fund called the Napier City Council Cyclone Gabrielle Event - February 2023 Mayoral Fund (the Fund).*
2. *The Fund is established in relation to the Cyclone Gabrielle event of February 2023.*
3. *The funds will not be applied for any purposes outside New Zealand.*
4. *No funds will be applied for the private pecuniary benefit or profit of any individual and any payment for goods, services, or expenses incurred to Council or council members must be reasonable and relative to payments that would be made between unrelated parties.*
5. *Council will not apportion any costs to the fund that would still have been incurred by the Council if the fund had not been established.*
6. *If funds or assets are held to exceed the requirements of the flood event or the fund is to be dissolved/wound up, all surplus funds and assets are applied to charitable purposes within New Zealand or transferred to a charitable and donee organization.*
7. *No subsequent alteration to the documentation may detract from the above.*

NCC has been advertising on Facebook and through other avenues for donations to be made to the Hawke's Bay Disaster Relief Fund (HBDRF) which was setup by Hawke's Bay Regional Council with input from the regions Mayors and Chair of HBRC. This fund opened for applications in early March for up to \$1,000 for individuals and \$2,000 for community groups and Marae.

The MRF has not been advertised, but has taken in any donations paid directly to our bank account by those who used our account in the past, and has been provided by the Mayor and a few others to those requesting it directly.

To 3 March 2023, the fund has received total donations of \$80,120, ranging from \$20 to \$30,000.

NCC has started to look to the future and will begin moving from the response phase to the recovery phase. An internal Recovery Manager has been appointed and will have a particular focus on what the community's needs are as the city recovers. The recovery process will see many community initiatives identified and it may well be that these will be channeled for funding from the mayoral relief fund. It should be noted that the recovery will require funds which are currently unbudgeted.

### **3.3 Issues**

No issues.

### **3.4 Significance and Engagement**

Not applicable.

### **3.5 Implications**

#### **Financial**

There will be a budget required for the recovery efforts, and depending on the option chosen, this could be increased or reduced. Council processes outside of this paper will deal with this budget requirement following usual protocols.

#### **Social & Policy**

All options will affect our community in slightly different ways, but all will provide benefits directly to the community to aid our disaster recovery. The declaration for setting up the MRF with donee status provides limits within which we need to work.

#### **Risk**

This has financial and reputational risks.

The financial risks can be mitigated with careful budget controls within our usual Council processes and procedures.

The reputational risks include our reputation with the community, donees to the fund, and other Councils in the region. These can be mitigated with appropriate communications.

### **3.6 Options**

The options available to Council are as follows:

- a. The MRF is distributed at the discretion of the Mayor and Chief Executive as the need arises. This could be internal expenditure on discrete, recovery-related projects for the benefit of the community or one-off grants outside of the organisation to aid the recovery and benefit the community. There is no applications from the public to the fund.

- b. The MRF is opened for applications as soon as possible with the purpose of assisting those residents of Napier known to be most affected by Cyclone Gabrielle.
- c. Funds in the MRF are granted to the HBDRT on the condition that they are used to assist NCC residents.

### **3.7 Development of Preferred Option**

Option a, the MRF is distributed at the discretion of the Mayor and Chief Executive, is the preferred option because:

- It will enable the Mayor, and Council as an organisation, to be responsive to the needs of the community.
- It will follow the expectations of the donees to the MRF by ensuring funds are distributed by the Mayor for the benefit of the Napier community.
- It will not duplicate the efforts of the Hawke's Bay Disaster Relief Trust (HBDRT) and require an intensive application process run by NCC staff and elected members.

### **3.8 Attachments**

Nil

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

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

##### 4.1 Purpose of Report

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

##### Officer's Recommendation

That Council:

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

##### 4.2 Background Summary

The Hawke's Bay Civil Defence Emergency Management Group met on 31 October 2022. The matters raised at the meeting are summarised in the attached Minutes of the meeting.

##### 4.3 Issues

N/A

##### 4.4 Significance and Engagement

N/A

##### 4.5 Implications

###### Financial

N/A

###### Social & Policy

N/A

###### Risk

N/A

##### 4.6 Options

The options available to Council are as follows:

- a) Receive the Update Summary on the Hawke's Bay Civil Defence Emergency Management Joint Committee meeting held on 22 November 2021.

##### 4.7 Development of Preferred Option

To allow Council to discuss the Hawke's Bay Civil Defence Emergency Management Joint Committee meeting held on 31 October 2022.

#### 4.8 Attachments

- 1 Unconfirmed minutes of the CDEM meeting held 31 October 2022 (Doc Id 1632631)





## Unconfirmed

### Minutes of A MEETING OF THE CDEM COORDINATING EXECUTIVE GROUP

**Date:** Monday 31 October 2022

**Time:** 1.30pm

**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

**Present:** J Palmer – HBRC Acting Chair *(until election completed)*  
I Macdonald – Group Controller  
D Tate – CHBDC - Chair *(following the election)*  
R Munneke – NCC  
J Sinko – NEMA  
R Smith -(on behalf of Nigel Bickel) HDC  
G Borg – (on behalf of Kitea Tipuna) WDC *(until 2.45pm)*  
N Leota – MSD *(virtually)*  
G Varcoe – FENZ  
B Wilson - Te Whatu Ora Te Matau a Maui

**In Attendance:** A Dunning – HB Emergency  
J Whelan - HB Emergency  
M Beedell - HB Emergency *(virtually)*  
E Lennan – HB Emergency  
A Childs – HB Emergency  
H McCoskery – HB Emergency *(virtually)*  
C Dolley – HBRC Assets Manager *(until 2.13pm)*  
P Dixon – HB Emergency  
P Martin – HBRC Senior Governance Advisor

**1. Welcome/Karakia /Apologies/Notices**

The Acting Chair James Palmer welcomed everyone to the meeting and opened with a karakia.

**Resolution**

That apologies from Andrew Boyd Te Whatu Ora Te Matau a Maui and C Nicholls, MSD be accepted.

Palmer/Tate

CARRIED

**2. Conflict of Interest Declarations**

There were no conflicts of interest declared.

**3. Confirmation of minutes of the CDEM Coordinating Executive Group held on 25 July 2022****CEG244/22 Resolution**

Minutes of the CDEM Coordinating Executive Group held on Monday, 25 July 2022, a copy having been circulated prior to the meeting, were taken as read and confirmed.

Tate/Palmer

CARRIED

**4. Action items from previous CDEM Coordinating Executive Group meetings**

Ian Macdonald introduced the item which was taken as read.

- Taumata Arowai is still being formed; details of CEG representation yet to be finalised
- Lifelines website is nearing completion; community meetings minutes will be able to be viewed there when it is up and running

**CEG245/22 Resolution**

That the CDEM Coordinating Executive Group receives and notes the *Follow-up actions from previous CDEM Coordinating Executive Group meetings* report.

Smith/Borg

CARRIED

**5. Call for minor items not on the Agenda**

No items raised.

**6. Election of Coordinating Executive Group Chair**

Chair called for nominations. Following completion of the election process the duly elected Chairperson, Doug Tate, commenced chairing the meeting.

**CEG246/22 Resolution:**

That the Hawke's Bay CDEM Coordinating Executive Group:

1. Richard Munneke nominated Doug Tate for the role of Chairperson of the CDEM Coordinating Executives Group, seconded by James Palmer
2. There being no further nominations, Doug Tate was confirmed elected as Chairperson of the CDEM Coordinating Executives Group.

Munneke/Palmer

CARRIED

**7. CDEM Group Manager's general verbal update**

Ian Macdonald provided a verbal report highlighting:

- NEMA is prioritising a national Catastrophe Action Plan (CAP) which will include the Hikurangi subduction zone as a hazard
- CDEM Group staffing is almost back at full strength; senior staff are now taking overdue leave
- Four CDEM Group staff members and one from a local Council assisted for a week in the recent Nelson/Tasman flooding event. Issues noted during the event included building inspections, and who holds responsibility for ongoing hazard monitoring/control
- Experience from recent emergency events is used when assessing CDEM Group resourcing. In future LTP rounds, looking ahead at how often events might occur may be a better option to assess the resources required by the Group into the future. Capability takes time to develop and put in place. Impacts of climate change are of particular concern in terms of tempo and increased impacts of events
- An 'environmental scan' report will be provided to the next CEG meeting setting out what the current outstanding issues are for the CDEM Group and looking at setting the scene for the 2024 LTP process.

**CEG247/22 Resolution:**

That the Hawke's Bay CDEM Coordinating Executive Group receives and notes the verbal *CDEM Group Managers general report*.

**Palmer/Smith  
CARRIED**

**8. Recovery/Lifelines update**

Chris Dolley introduced this item highlighting:

- Meetings continue to be well attended with good engagement levels
- Lifelines website will be launched shortly
- Lifelines conference was held recently. The volume of national scale events (11 in the past 18 months) has highlighted the need to consider/plan for a wider range of issues such as managing affected landfills
- Recovery - a project plan is being developed to look at structural matters including governance, management and participation/engagement arrangements. In the past the Recovery Manager role has been contractor based; currently the Group has 0.5 FTE in the recovery area.

**CEG248/22 Resolution:**

That the CDEM Coordinating Executive Group receives and notes the *Recovery/Lifelines update* staff report.

**Palmer/Smith  
CARRIED**

**9. Strengthening CDEM in Hawke's Bay update**

Ian Macdonald introduced this item highlighting:

- This matter will be included in future Group Work Programme reporting
- Programme is on track to be completed in mid-2023 - risks have not increased in the interim

**CEG249/22 Resolution:**



That the Hawke's Bay CDEM Coordinating Executive Group receives and notes the *Strengthening CDEM in Hawke's Bay update* staff report.

**Palmer/Smith**  
**CARRIED**

#### 10. Operational readiness update

Edaan Lennan introduced this item which was taken as read.

#### CEG250/22 Resolution:

That the Hawke's Bay CDEM Coordinating Executive Group considers the *Operational readiness update* staff report.

**Munneke/Smith**  
**CARRIED**

#### 11. Community engagement work update

Jae Whelan and Pip Dixon introduced this item highlighting:

- 80 schools across Hawke's Bay and Tairāwhiti have been involved in emergency planning workshops
- Draft Community Resilience Plan; contents are being reviewed following community feedback which has been very positive
- Tsunami warning signage/information boards are in the process of being installed across Hawke's Bay in conjunction with tsunami blue lines road markings
- An App has been developed that maps the location of all emergency signage. This allows Hawke's Bay TLAs to maintain signs and plan for future installations. There are 103 signs in place with another 59 signs proposed

#### CEG251/22 Resolution:

That Hawke's Bay CDEM Coordinating Executive Group receives and considers the *Community engagement work update* staff report.

**Smith/Wilson**  
**CARRIED**

#### 12. Tangoio to Clifton level 3 tsunami modelling

Adam Childs introduced this item highlighting:

- Report was completed by GNS Science based on four tsunami return periods - 100, 500, 1000 and 2500 years. This data was then considered alongside four possible sea level scenarios - the present day mean high water spring tide level; then this level being raised by 0.65m, 1.0m and 1.99m
- Results/data is a weighted average rather than a worst case scenario and assumes that there was no land movement following an earthquake that generated a tsunami – too hard to predict. The wave is assumed to have originated from the Hikurangi fault line. Urban and rural landscapes (roughness) are taken into consideration
- Climate change (sea level rise) is a major factor. There is little future difference between a current 100 and a 1000 year return wave if sea levels rise as predicted by IPCC. A 2.0m sea level rise over time is worse than a magnitude nine earthquake event generating a tsunami wave today. The impact of sea level rise (climate change) may be a more realistic focus rather than the regularity of a tsunami event
- Future research is likely to include more detailed analysis of the inundation risk areas and the socio-economic impact of inundation

- A national Catastrophe Action Plan is being prepared by NEMA which is expected to include information on how tsunami flooding can be prepared for and managed
- The report is technical and the public is likely to have problems understanding its detail
- It is proposed that the report is released publicly through the next meeting of the CDEM Group Joint Committee meeting on 28 November 2022. The covering report for this agenda item will need to clearly set out the issues identified and include commentary about the need for spatial planning to mitigate the risks.

**CEG252/22 Resolution:**

That the CEG receives and notes the *Tangoio to Clifton level 3 tsunami modelling* staff report.

**Palmer/Munneke  
CARRIED**

**13. Whakaari/White Island District Court decision implications**

Ian Macdonald introduced this item and highlighted:

- The judgement sets out that Worksafe NZ has gone beyond its legislative boundary in taking NEMA to court as a PCBU in this situation. Worksafe has a role to oversee/audit the process of work but not the output/outcome of work. General public safety in a CDEM context is beyond Worksafe's remit.

**CEG253/22 Resolution:**

That the CEG receives and notes the *Whakaari/White Island District Court decision implications* staff report.

**Smith/Munneke  
CARRIED**

*Gary Borg left the meeting at 2.45pm*

**14. Rural community resilience workshops**

Regan Smith introduced this item which was taken as read:

- The rural sector is keen to receive more support however the Group does not currently have sufficient resources to provide this. This aspect will be covered at the next CEG meeting through an Environmental Scan report from the Group Manager.

**CEG254/22 Resolution:**

That the CEG receives and notes the *Rural community resilience workshops*.

**Palmer/Tate  
CARRIED**

**15. Discussions of items not on the Agenda**

Nil

**Closure:**

Ian Macdonald closed the meeting with a karakia

There being no further business the Chair declared the meeting closed at 2.54pm on 31 October 2022.

Signed as a true and correct record.

**DATE:** .....

**CHAIR:** .....

## 5. EXTENSION OF DISTRICT LICENSING COMMITTEE CONTRACT

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

### 5.1 Purpose of Report

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

#### - Officer's Recommendation

That Council:

- a. **Approve** the extension of the contracts of the current District Licensing Committee members and appointment of the 2022-2025 Commissioner and list members.
  - i. The current members being
    - Stuart Hylton (Commissioner)
    - Dave Fellows
    - Ross Pinkham
    - Councillor Keith Price
    - Councillor Graeme Taylor
  - ii. Noting that their number is adequate to form a hearing quorum as required
  - iii. Further noting that all have confirmed their comfort to continue in this role over the interim period
- b. **Approve** the appointment of Councillor Graeme Taylor as the Deputy Chair of the District Licensing Committee for the 2022-2025 period.

### 5.2 Background Summary

The Napier District Licensing Committee (DLC) was first established in November 2013 and was the first DLC established under Sale and Supply of Alcohol Act 2012 (the Act). The DLC function is to consider and determine all matters set out in the provisions of the Act.

The Council approved the original appointment of five nominated persons to the DLC on 28 November 2013 for a period of five years (the maximum appointment period under the Act).

In November 2018, the DLC members were reappointed for 12 months to 29 November 2019 to better align the committee with the local government election process. This alignment was enhanced by the associated resolution that future appointments be for three years in line with the triennial election cycle.

The recruitment process for DLC members is a formal external process pursuant to the provisions of the Act.

The current DLC contracts are due to expire on 31 March 2023, it is requested of Council that the existing members of the committee have their contracts extended for this current 2022-2025 triennium.

The current DLC does not have a Deputy Chair, and therefore it is requested of Council to appoint Councillor Graeme Taylor to this position on the DLC.

### **5.3 Issues**

There is a risk to Council if matters under the Sale and Supply of Alcohol Act 2012 require hearing or a decision by Commissioner if there is no committee in place.

The current list members are sufficient to form a quorum in the event that a hearing was required. Current members are:

- Stuart Hylton (Commissioner)
- Ross Pinkham
- Dave Fellows
- Councillor Keith Price
- Councillor Graeme Taylor

The current list members have been consulted with and have confirmed they are comfortable to continue on in their roles with the DLC for the current 2022-2025 triennium.

### **5.4 Significance and Engagement**

This matter is pursuant to the Sale and Supply of Alcohol Act 2012 and does not trigger the Significance and Engagement Policy or other consultation requirements.

### **5.5 Implications**

#### **Financial**

N/A

#### **Social & Policy**

N/A

#### **Risk**

As noted above, there is a risk to Council if matters under the Sale and Supply of Alcohol Act 2012 require hearing or a decision by Commissioner if there is no Committee in place.

### **5.6 Options**

The options available to Council are as follows:

- a. To extend the contracts of the incumbent DLC committee members, including the Commissioner and to appoint a Deputy Chair for the 2022-2025 triennium.
- b. To allow the current contracts to lapse, and have no DLC committee in place.

### **5.7 Development of Preferred Option**

Option a is the preferred option, as it better ensures Council is able to address any matters raised under the Sale and Supply of Alcohol Act 2012 in a timely and appropriate manner.

### **5.8 Attachments**

Nil

## 6. TE REO MĀORI ME ŌNĀ TĪKANGA POLICY

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

### 6.1 Purpose of Report

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

#### Officer's Recommendation

That Council:

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

### 6.2 Background Summary

The Māori Language Act 1987 established Te Reo Māori as one of two official national languages of Aotearoa/New Zealand (alongside New Zealand Sign Language). The status of Te Reo Māori is protected under Te Tiriti ō Waitangi. This has particular implications for Government departments, Crown agencies and Crown entities.

There is a very lengthy history attached to Te Reo Māori revitalisation and retention, and many of the foundational scholars (Māori) and exponents of Te Reo Māori have now passed. Each generation brings forth their unwavering contribution to its sustainability, and through Te Tiriti ō Waitangi, it will survive.

Napier City Council acknowledges the importance of Te Reo Māori and its commitment to its Treaty partnership obligations by:

- Recognising and promoting Te Reo Māori me ngā Tikanga (Te Reo Māori language and customs) as the indigenous language of Aotearoa/New Zealand
- Acknowledging Te Reo Māori me ngā Tikanga as a taonga (treasure) of iwi Māori, tāngata whenua and mana whenua; and
- Encouraging its use in all of its activities, projects, hui (meetings), and the day to day operations of Napier City Council.

Napier City Council is entering a new era; one where Māori culture is embraced and celebrated; and the rich history, language and customs of Ahuriri mana whenua are recognised and supported.

The Policy and Council's commitment to it will support and enhance the partnership between Mana Whenua ō Ahuriri and Napier City Council. It establishes a platform for

local government in Ahuriri/Napier to begin the journey of bringing all its peoples together with a common purpose of a partnership.

### **Te Kaunihera o Ahuriri/Napier City Council's Te Reo me ngā Tikanga Policy**

This Policy is for Napier City Council. It is a complete guide for all Council staff and a commitment by Council's elected representatives. It shines a spotlight on one of the ways Council can bring Te Tiriti o Waitangi to life.

The Policy includes a set of four supporting principles:

- Kotahitanga – Unity
- Atawhai – Kindness
- Manaaki – Caring
- Ako – Learning.

It utilises a strategic framework covering four focus areas, both internal and external to Council:

- Increase awareness
- Increase use
- Increase profile
- Increase learning.

### **Te Kaunihera o Ahuriri/Napier City Council's Te Reo me ngā Tikanga Action Plan**

The Policy is supported by an Action Plan, which sets out the key ways in which the Policy will be actualised, through the activities of Council. The implementation of this Policy is expected to take up to three years. Deliverables are phased as resourcing allows, and as an acceptance of Te Reo Māori and Te Ao Māori within the Council and wider community is anticipated to grow. The responsibility for the delivery of the Policy and Action Plan will lie with all of Council, but will be spearheaded by Te Waka Rangapū.

It is noted that some actions within the Plan have already been implemented. These include (but are not limited to):

- Morning karakia each working day
- Karakia at the start and end of hui
- Kapa Haka
- Staff inductions
- Tikanga sessions
- Karakia/blessings for projects/facilities
- Reorua (Bi-lingual) Strategy – Napier City Council is a signatory
- Panui
- Inclusion of Te Reo Māori in Council signage and public communications.

## **6.3 Issues**

Napier City Council has signed up to the Government's Reorua (bi-lingual) Strategy. This Policy is one way Council is demonstrating commitment to this.

This Policy does not force people to take part but provides them with the tools and opportunities in which to participate and learn.

This is an opportunity for Council to strengthen its relationship with Te Tiriti o Waitangi, and to provide an ongoing commitment and tools for life-long learning. Without this Policy and Action Plan, Council cannot demonstrate this commitment.

## 6.4 Significance and Engagement

This matter has been assessment against the criteria contained within Council's Significance and Engagement Policy, and is deemed to not be 'significant'. The adoption of the Policy does not impact on levels of service, on individuals or groups, does not impact on any strategic asset, nor have a significant cost associated with it. The Policy is not inconsistent with any other strategy or policy of Council, and aligns with a number of Community outcomes:

- We are a City that thrives with its community
- We treasure our culture, our heritage, our environment
- Our community and Council are one.

The creation of the Policy has been in development for over two years.

- Engagement has been largely internal, starting with the approval to create the Policy from the Executive Leadership Team.
- A hui with Mayor Kirsten Wise and Councillor Sally Crown
- A hui with NCC Kaumatua Piri Prentice then established the underlying principles for the Policy.
- A workshop at Pukemokimoki Marae with elected representatives, Mana Whenua, and the Executive Leadership Team endorsed these underlying principles, and used the Policy's strategic framework to populate the Action Plan.
- The Draft Te Reo me ngā Tikanga Policy was then circulated to all staff for feedback,
- Endorsed by Ngā Manukanuka o Te Iwi at their meeting on 1 July 2022 at the Hawke's Bay Regional Council Chambers, with those recommendations being referred to the the Council Meeting on 14 July 2022. At that meeting Council resolved the following:

- "a. Endorse the Te Kaunihera o Ahuriri/Napier City Council Te Reo Māori Policy.*
- b. Approve that Council Officers commence the preparation of a Te Reo Māori Strategy or Action Plan that will work to deliver on the principles and objectives established by the Te Kaunihera o Ahuriri/Napier City Council Te Reo Māori Policy."*

## 6.5 Implications

### Financial

The Policy itself does not impose any financial implications on Council. The associated Action Plan however, establishes a number of projects/actions that will deliver the outcomes sought by the Policy. Some of these will have a small cost for delivery, however it is likely these can be met through operational budgets.

Other actions can be delivered through providing a commitment to Council staff to make the time to learn, consider tikanga, or simply change the way Council does things.

It is acknowledged that the Action Plan, as a living document, may not include all of the possible actions to deliver on this Policy. There is a possibility therefore, that additional costs associated with this Action Plan may arise, and these will be built into Council's planning cycle as required.

In addition, there are external sources of funding available from the Department of Internal Affairs, through Te Taiwhenua O Whanganui-a-Orotū, by being a signatory to the Reorua Strategy.



## Social & Policy

As outlined above, the adoption of this Policy and a commitment to the associated Action Plan will be viewed by Council staff, elected representatives, mana whenua, and the wider community as a commitment to the principles of Te Tiriti o Waitangi, and to making the necessary changes that will bring this commitment to life.

Building cultural capability internally can only enhance the partnership between Council and Mana Whenua, and with Māori in general. This enables working with mana whenua on projects to be more meaningful potentially enhancing project outcomes.

Council is a signatory to the national Reorua Strategy. This Policy and Action plan will help to deliver on this vision.

## Risk

- Non participation by Napier City Council
- The Treaty of Waitangi obligations are not recognised or met
- The Partnership between Mana Whenua and Council is not valued
- As Te Reo Māori is an official language of Aotearoa/New Zealand. By not supporting the policy, Napier City Council will discourage the vitalisation of the taonga and decline its official status with the passing of the Māori Language Act 1987

## 6.6 Options

The options available to Council are as follows:

- a. Adopt the Te Reo me ngā Tikanga Policy and endorse the Te Reo me ngā Tikanga Action Plan
- b. Do not adopt the Te Reo me ngā Tikanga Policy (and therefore do not endorse the the Te Reo me ngā Tikanga Action Plan).

## 6.7 Development of Preferred Option

For the reasons outlined above, the adoption of the Te Reo me ngā Tikanga Policy and endorsement of the associated Action Plan, will:

- Reinforce Napier City Council's commitment to Te Reo Māori me ngā Tikanga Māori (Māori language and its customs)
- Enhance Council's partnership with mana whenua and tangata whenua
- Support Council staff and elected representatives on their learning journeys, providing both the opportunity and resources to engage in Te Ao Māori (māori world view)
- Support Council's commitment to the Reorua (bilingual) Strategy's objectives.

With so many benefits and so few costs, the adoption of this Policy is recommended by Officers. Endorsement of the Action Plan recognises that this is a living document, subject to change, as actions are delivered and further opportunities for action arise.

## 6.8 Attachments

- 1 Translated Policy Document (Doc Id 1636728) (Under separate cover 1) ➡
- 2 Translated Policy Action Plan (Doc Id 1636725) (Under separate cover 1) ➡
- 3 Policy Document (Doc Id 1636727) (Under separate cover 1) ➡
- 4 Policy Action Plan (Doc Id 1636726) (Under separate cover 1) ➡

## 7. FORD ROAD EXTENSION - LAND LEGALISATION

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

### 7.1 Purpose of Report

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

#### Officer's Recommendation

That Council:

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

#### SCHEDULE

##### Hawkes Bay Land District - Napier City

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

### 7.2 Background Summary

For a number of years complicated land legalisation issues have been progressively dealt with relating to the Ford Road Extension to the east of Mitre 10.

An aerial view showing the general area subject to the land legalisation and highlighting the subject land in yellow is shown as **Attachment 1**.

By Agreement dated 22 March 2011, the then owners of 69 Ford Road agreed to the acquisition by the Council of various areas defined on SO Plan 453204 for road. It was agreed Section 5 on SO Plan 453204 (which would be separated from the rest of the property by the road) be vested in the Council as severance. Compensation has been paid to those previous owners.

The roading works were completed some years ago.

Due to a number of complicating factors, legalisation of the roading and vesting of severance was not finalised on completion of the roading works. All agreements and consents have now been obtained from all affected parties and it is now necessary to conclude matters.

Past Council resolutions declaring the various sections on SO Plan 453204 either road or as severance omitted to include Section 5 being taken as severance and vested in Council. This omission has only just been recognised and hence the need for this current resolution.

### **7.3 Issues**

There are no issues.

### **7.4 Significance and Engagement**

N/A

### **7.5 Implications**

#### **Financial**

There are no financial implications, all compensation for land acquisitions have been paid in prior years from the project budget.

#### **Social & Policy**

N/A

#### **Risk**

N/A

### **7.6 Options**

The options available to Council are as follows:

- a. To pass the required resolution to enable land legalisation to be completed (Preferred option).
- b. To decline to pass the required resolution.

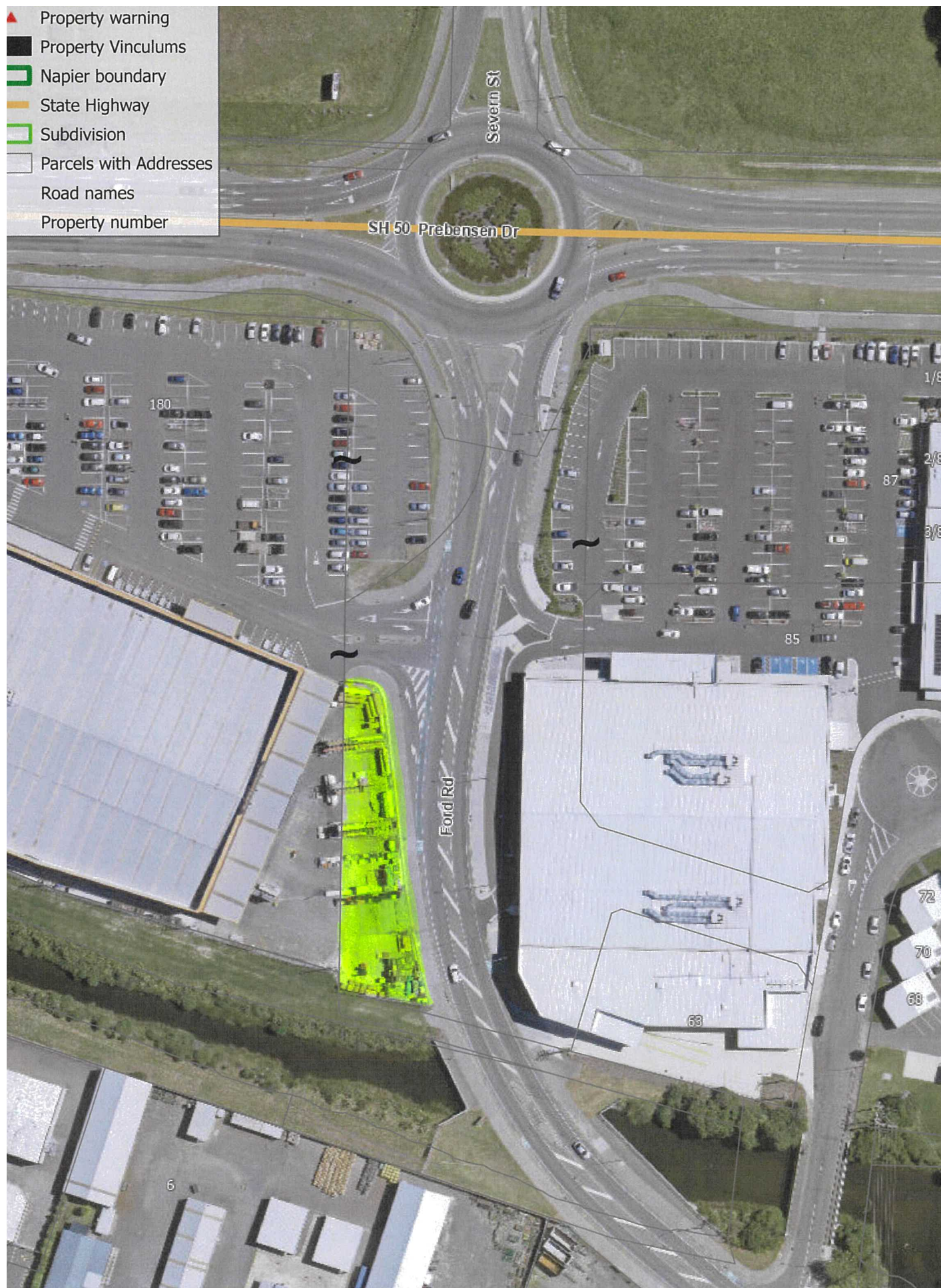
### **7.7 Development of Preferred Option**

The requirement to pass the resolution is simply related to finalising land legalisation for a project where the physical works are complete.

### **7.8 Attachments**

- 1 Aerial View showing subject land highlighted in yellow (Doc Id 1641741) [↓](#)
- 2 Title Plan SO453204 (Doc ID 1636531) [↓](#)









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

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

### 8.1 Purpose of Report

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

#### Officer's Recommendation

That Council:

- a. **Resolve**, pursuant to Section 54 (1) (d) of the Reserves Act 1977 to approve, as administering body, a variation to the current lease with Thinking Business Limited, trading as Lick This Ice Cream Parlour. The variation is to add 3 further rights of renewal of 3 years each.  
The further rights of renewal being:  
16.12.2028  
16.12.2031  
16.12.2034 with a final expiry date of 16.12 2037
- b. **Approve**, in exercise of the Ministerial Consent (under delegation from the Minister of Conservation), the granting of the above variation.
- c. **Note** that pursuant to Section 54 of the Reserves Act, the proposed variation is required to be publically notified and should any objections or submissions be received then the matter will be required to be brought back to Council.  
Should no submissions or objections be received then the above resolution approving the variation stands.

### 8.2 Background Summary

The current lessee has had a long association with Council as a lessee for approx.18 years, at both the old Marineland location and current Bay Skate grandstand location.

The lessee is an excellent operator, their unique offering is that they make their own ice cream. The offering is extremely popular with the public.

They invested substantially in the fit out of the current location.

To protect that investment they have requested the variation as set out below.

The current Lease for the current location provides for:

Commencement 16.12.2016

Right of Renewal 16.12.2022 to 16.12.25 (exercised)

Right of Renewal 16.12.2025 to 16.12.2028

Final Expiry            16.12.2028

Request for Variation:

Right of Renewal    16.12.2028 to 16.12.2031

Right of Renewal    16.12.2031 to 16.12.2034

Right of Renewal    16.12.2034 to 16.12.2037

New Final Expiry    16.12.2037

### **8.3 Issues**

The Ice Cream Parlour sits on a recreation reserve being the Marine Parade Foreshore Reserve and as such the lease is subject to the Reserves Act.

Whilst the Parlour is a commercial business operating on Reserve land, it is deemed to be for the convenience of the public using the Marine Parade Foreshore Reserve and thus allowed under the Reserves Act.

However the Act does require, in this particular instance, that the proposed lease variation, if approved by Council, be publically notified giving a one month objection period.

In granting the variation, Council is acting under delegation from the Minister of Conservation.

### **8.4 Significance and Engagement**

As mentioned above the proposal is required to be publically notified.

### **8.5 Implications**

#### **Financial**

The lessee pays full market rent reviewed every 3 years.

#### **Social & Policy**

N/A

#### **Risk**

There is a risk that the current lessee may wish at some point to sell.

However the lease provides that the Lessee cannot assign, sublet or part with the possession of the premises without prior consent of the Council (such consent to be at the sole discretion of Council).

### **8.6 Options**

The options available to Council are as follows:

- a. To approve the proposed variation to the current lease (preferred)
- b. To decline to approve the variation

### **8.7 Development of Preferred Option**

The current lessee is an excellent operator and the offering is extremely popular with the public. The variation request is to further protect their investment and goodwill.

Option a. is the preferred option.

### **8.8 Attachments**

Nil

## 9. TENDERS LET

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

### 9.1 Purpose of Report

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

### Officer's Recommendation

That Council:

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

### 9.2 Attachments

Nil



# PUBLIC EXCLUDED ITEMS

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

## Agenda Items

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

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

General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) to the passing of this resolution.
<b>Agenda Items</b>		
1. Land Purchase	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
2. Property Purchase	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except

		7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
3. Audit and Risk Committee - Chair Remuneration	7(2)(a) Protect the privacy of natural persons, including that of a deceased person	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.



# EXTRAORDINARY MEETING OF COUNCIL

## Open Minutes

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Meeting Date: Thursday 23 February 2023

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Time: 11.30am (Adopt Triennial Agreement)

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Venue Large Exhibition Hall  
War Memorial Centre  
Marine Parade  
Napier

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*Livestreamed via Council's Facebook site*

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Present **Chair:** Mayor Wise  
**Members:** Deputy Mayor Brosnan, Councillor Boag [via Zoom link], Councillors Browne, Chrystal, Crown, Greig, Mawson, McGrath, Price, Simpson, Tareha and Taylor

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In Attendance Acting Chief Executive (Richard Munneke)  
Acting Executive Director City Strategy / Emergency Operations  
Centre Controller (Rachael Bailey)  
Acting Executive Director Infrastructure Services (Russell Bond)  
Executive Director Community Services (Thunes Cloete)  
Executive Director City Services (Lance Titter)  
Chief People Officer (Anna Nottage)  
Chief Financial Officer (Caroline Thompson)  
Investment and Funding Manager (Garry Hrustinsky)  
Strategic Programmes Manager (Darren Gillies)  
Manager 3 Waters Transition (Lauren Sye)

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Administration Governance Advisors (Carolyn Hunt)

## Karakia

The meeting opened with the Council karakia.

## Apologies

There were no apologies.

## Conflicts of interest

Nil

## Public forum

Nil

## Announcements by the Mayor

**Cyclone Gabrielle** – Mayor Wise thanked the community for their patience, resilience and courage that they had displayed over the last ten days following the cyclone devastation. Condolences and sympathy was extended to those who had lost loved ones, homes and livelihoods.

Council's overarching focus has been responding to the needs and wellbeing of the community. Napier has been working very closely with Hastings and other areas in the wider community as well as the Te Taiwhenua, Hawke's Bay Regional Council, Police, Fire and Emergency New Zealand (FENZ) and other local Government agencies.

Due to the power outage door knocking was undertaken to contact staff to work in Council's Emergency Operation Centre as there was no other way of contact. It will be a long road to recovery and we will be looking at support packages, including financial packages as they open up.

As we start to move into recovery we are transitioning some workstreams from the response team back to our Council business as usual (BAU), which means that over the coming weeks we will be able to bring Council facilities back online, when it is appropriate.

Mayor Wise thanked all staff for the long hours worked and going above and beyond to look after our community which would continue for sometime yet. It is important that staff and community ensure the wellbeing of whanau is front and foremost and keep ourselves well. Kia kaha.

## Announcements by the management

The Acting Chief Executive, Mr Munneke endorsed the superb effort of staff that Mayor Wise referred to .

## Confirmation of minutes

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### COUNCIL RESOLUTION

Councillors Brosnan / Taylor

That the Draft Minutes of the Ordinary meeting held on 2 February 2023 be confirmed as a true and accurate record of the meeting.

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Carried

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# AGENDA ITEMS

## 1. 2022-2025 TRIENNIAL AGREEMENT

Type of Report:	Legal and Operational
Legal Reference:	Local Government Act 2002
Document ID:	1617692
Reporting Officer/s & Unit:	Anna Eady, Acting Team Leader Governance

### 1.1 Purpose of Report

To present the draft 2022-2025 Triennial Agreement to Council for adoption.

#### At the meeting

Under Section 15 of the Local Government Act 2002 all local authorities in the regional were required to enter into a Triennial Agreement by 1 March 2023. The agreement was a living document which all Councils commit to help guide in regional planning and decision making.

It was noted that the Triennial Agreement focussed on key priorities and how the Hawke's Bay Region's Councils interact with each other. The Agreement aligned to the Matariki Economic and Social Development Policy and the Governance Management Committee that deliver on it.

<b>COUNCIL</b>	Mayor Wise / Councillor Simpson
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#### RESOLUTION

That Council:

- Receive** the report titled 2022-2025 Triennial Agreement.
- Adopt** the draft 2022-2025 Triennial Agreement (*Doc Id 1635910*).
- Authorise** the Mayor and Chief Executive to execute the draft Triennial Agreement 2022-2025 on behalf of the Napier District Council.

Carried
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## 2. RATES REMISSION IN RESPONSE TO SIGNIFICANT EXTRAORDINARY CIRCUMSTANCES

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government (Rating) Act 2002
<i>Document ID:</i>	1637917
<i>Reporting Officer/s &amp; Unit:</i>	Garry Hrustinsky, Investment and Funding Manager Caroline Thomson, Chief Financial Officer

### 2.1 Purpose of Report

To seek delegation from Council to approve rates remissions in response to Significant Extraordinary Circumstances being the impact of Cyclone Gabrielle on Tuesday 14 February 2023.

#### At the meeting

The Investment and Funding Manager, Mr Hrustinsky spoke to the report seeking delegation approval for rates remissions in response to Significant Extraordinary Circumstances being the impact of Cyclone Gabrielle on Tuesday 14 February 2023.

At this early stage complete data on how many properties have been impacted is not yet available. Mr Hrustinsky recommended that the following points be included in the recommendation:

- That the remission apply to all types of rating units
- Target individual rating units through both an application process and identification by Council to provide some flexibility.
- Have it apply for rates instalments 3 and 4 with the option to extend it for a full year for yellow stickered (insanitary) properties and a full year for red stickered (condemned) properties.
- Have the amount based on rates demand for the 2022/23 rating year each impacted property.
- It was noted that any relief package would be sourced through unbudgetted funding.

#### In response to questions the following was clarified:

- Rates remissions applications would be addressed on a case-by-case basis.
- Council's building team are undertaking inspections on all the impacted properties as quickly as possible and there is also information coming back from FENZ on the impacted properties.
- Applications will be checked and information correlated against the information on the inspected property master list, and where property owners could not be contacted a decision would be made.
- Numbers and effectiveness of rates remission reporting could be presented quarterly to Council.
- The wording "displaced permanently" is for people who will not be able in the foreseeable future be able to utilise their property. Have tried to provide flexibility

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however recognise that some properties have been totally destroyed. The definition is flexible.

- In regard to making application there are some places that cannot receive mail and officers will try to make contact through other channels. Through the applications process it will also provide insight to the needs of the community.

### ACTION POINT

*Officers will report back to Council quarterly on the numbers and effectiveness of the rates remission system.*

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### COUNCIL RESOLUTION

Councillors Brosnan / Mawson

That Council:

- Approve** that the impact of Cyclone Gabrielle meets the requirements as set out in the Rates Remission Policy (*Doc Id 1638135*) for Remission for Significant Extraordinary Circumstances, and will relate to those that have been displaced permanently from their household as a result of cyclone damage.
- Approve** the remission for qualifying rating units for the full 2022/23 year (i.e. all instalments).
- Approve** the delegation for the decision on the individual remission be provided to the Director Corporate Services and Chief Financial Officer.
- Approve** unbudgeted funding up to \$200,000 for the purpose of Rates Remission for Significant Extraordinary Circumstances.
- Note** that any relief package will be sourced from unbudgeted funding and will impact on Council's year-end position.
- Note** that a form will be made available to those impacted following Council approval of the remission. The application form will be available on the Council website, Customer Services and our library network.
- Note** that the Rates Remission Policy will apply to all rating units to individual applications and those proactively identified by Council. The Rates Remission Policy applies to all affected rating properties, those being condemned and insanitary properties. Remission will be based on rate demand for that property. With remission of instalments 3 and 4 for insanitary properties and the full rating year for condemned properties. Those insanitary properties unable to be habitated at the end of 4<sup>th</sup> quarter can apply for a second remission for the remainder of the rating year.

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Carried

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### 3. CYCLONE GABRIELLE RESPONSE UPDATE

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1637901
<i>Reporting Officer/s &amp; Unit:</i>	<p>Richard Munneke, Acting Chief Executive</p> <p>Jessica Ellerm, Deputy Chief Executive / Executive Director Corporate Services</p> <p>Lance Titter, Executive Director City Services</p> <p>Julia Atkinson, Manager Communications and Marketing</p> <p>Rachael Bailey, Acting Executive Director City Strategy</p> <p>Thunes Cloete, Executive Director Community Services</p> <p>Mōrehu Te Tomo, Pou Whakarae</p> <p>Russell Bond, Acting Executive Director Infrastructure Services</p> <p>Caroline Thomson, Chief Financial Officer</p>

#### 3.1 Purpose of Report

To provide the basis for officers to provide a verbal update to Council on the Emergency Management and Organisational Response to Cyclone Gabrielle.

#### At the meeting

**The Acting Executive Director City Strategy (Emergency Operations Centre Controller), Ms Bailey** provided a verbal update on Cyclone Gabrielle and highlighted the following:

- The last week has been challenging for our community with no power or communication and those that could be contacted isolated.
- We are working hard to get essential services back up and running, we do have some way to go but we are doing everything we can.
- The Emergency Operations Centre (EOC) was set up on Sunday, 12 February 2023 in anticipation of Cyclone Gabrielle and fully operation from Monday, 13 February 2023.
- Intensity of the cyclone could not have been foreseen or forecasted as it scaled up so fast and we responded with everything we had and as best we could.
- Last week we were in “crisis response” and like every agency, community and other emergency services put in everything into helping the community with what was coming.
- We had complete loss of communication which had not been encountered before and all power was out. Pulled in everyone we could, but numbers were limited, as people had to deal with families and what was happening to them first.
- Have now reached a more stable response and are looking to recovery.
- The focus is wholly on the community of Napier and wider, where we are partnering with the Hastings Emergency Operations Centre to support shared communities such as Esk Valley and Puketapu.



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- Last Sunday, 19 February 2023 a small hub was established of our Emergency Operations Centre in Bay View, recognising that that community as well as the Esk Valley community would need considerable support.\
  - On 22 February 2023 Controllers agreed that another would be set up of the same sort of operation in the Esk Valley.
  - Both Bay View and Esk Valley Hubs will have both Hastings EOC and Napier EOC staff as a combined response.
  - Also supporting Hastings neighbours who have a number of communities in rural areas that still do not have quite the support they need and some are still isolated. Napier is providing support to Puketapu, predominantly in the north at this stage due to access issues in the south.
  - The smaller hubs are an extension of the operations in Napier and primarily focussed on logistical support, support welfare and operations.
  - We have surged food and supplies into our community and to mana whenua partners. The scale of food and supplies that have gone into the community is enormous. In an event of this scale the demand and urgency is always greater than what we can deliver on and we are trying to do our very best to get what is needed.
  - Evacuation centres (CDCs) were established and manned them to capacity and have now been scaled down and considering more appropriate accommodation needs for those that are affected
  - The CDC, Centennial Hall is closed but remains on standby.

**The Acting Infrastructure Manager, Mr Bond** provided a verbal update highlighting the following:

- The Redcliffye Transfer Station was now open again for residents to dispose of flood damaged household items free-of-charge. Fees will be waived until further notice.
- Kerbside rubbish collection has resumed as normal on usual pick up days.
- Kerbside recycling has not yet resumed.
- Residents have been delivered a food waste bag for any food from the freezer or fridge with an information leaflet where the six organic waste sites are.
- drop points will be for this food waste.
- The food waste is being composted and transported to Ecogas to create sustainable energy, biogas and biofertiliser.
- Water supply running on 4 bores and the 2 awatoto bores are being assessed with a view to bringing back on line. As not at full capacity yet the public are being asked to conserve water. Asking for water conservation, not at full capacity yet.
- Wastewater network all pumps in sewer network operating going through ocean outfall. Communication with Hawke's Bay Regional Council under Section 33 requirement to do that.
- Traffic lights reinstated and thanked community for their patience at intersections.

**The Executive Director, Community Services (Emergency Management Controller) , Mr Cloete** provided a verbal update on Council facilities and highlighted the following:

- Kennedy Park Resort is closed for normal activities as it is being used for Civil Defense and displaced people requiring accommodation.
  - Faraday Museum of Technology is closed as staff have been deployed to Civil Defense activities.
  - The Centennial Hall and McLean Park were closed for all sports as it is on Civil Defence standby used.
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- Par2 Mini Golf and Bay Skate are open and have free entry to the public until Sunday 26 February 2023.
  - Napier Aquatic Centre and MTG Hawke's Bay will open on 6 March 2023.
  - Taradale Library is open, with the Napier MTG Library closed with staff deployed to Civil Defense.
  - Council housing units all have electricity, with only a few with no hot water and Unison is working on that.
  - An information drop will be made to the housing residents and support services are helping those in need with food parcels and social assistance.
  - The Community Services strategy unit have been deployed to Civil Defense.
  - Events and conferences will reopen on 27 February 2023 for local groups only at this stage.

The Mayor on behalf of Council thanked and acknowledged everyone who had been part of the response team.

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**COUNCIL** Mayor Wise / Councillor Greig

**RESOLUTION**

That Council:

- a. **Receive** the report titled "Cyclone Gabrielle Response Update" for information, dated 23 February 2023.

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Carried

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*The meeting closed with a karakia at 12.30pm*

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

Chairperson .....

Date of approval .....