



ORDINARY MEETING OF COUNCIL

Open Agenda

Meeting Date: Thursday 1 February 2024

Time: 9.30am

Venue: Large Exhibition Hall
War Memorial Centre
Marine Parade
Napier

Livestreamed via Council's Facebook page

Council Members **Chair:** Mayor Wise

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

Officer Responsible Chief Executive

Administrator Governance Team

Next Council Meeting
Thursday 14 March 2024

2022-2025 TERM OF REFERENCE - COUNCIL

<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 body¹:

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 body².
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.³

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 Orders⁴.
3. Approval or amendment the Code of Conduct for Elected Members⁵.
4. Appointment and discharging of committees, subcommittees, and any other subordinate decision-making bodies⁶.
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) ⁷.
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 yearly⁸.
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.

4 Schedule 7, clause 27,

5 Schedule 7, clause 15,

6 Schedule 7, clause 30,

7 Schedule 7, clause 30,

8 Local Electoral Act 2001, section 19H.

ORDER OF BUSINESS

Karakia

Apologies

Councillor Boag

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, 14 December 2023 be confirmed as a true and accurate record of the meeting.50

Information items

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AGENDA ITEMS

1. UPDATE ON WATER SERVICES REFORMS POST-ELECTION

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1719255
<i>Reporting Officer/s & Unit:</i>	Lauren Sye, Manager 3 Waters Transition

1.1. Purpose of Report

This report updates Council on the post-election landscape for the water services reforms and outlines likely next steps from the new government.

Officer’s Recommendation

That Council:

- a. **Receive** and note the contents of this report intended to provide a high-level summary of signalled changes to the water reforms programme.

1.2. Background Summary

Following the 2016 Havelock North drinking water contamination incident, significant work has been done, both locally and nationally, to investigate options for a new service delivery model. Concerns about the current model whereby service delivery is managed by 67 separate local/unitary authorities include:

- The cost of meeting new regulation and addressing aging infrastructure is forecast to increase significantly in the next 30 years, with the cost of water services for households forecast to increase as high as fourfold in some areas over 30 years,
- Population density and geographic spread means that households across the country are already paying notably different costs per square meter of water produced and wastewater treated,
- There is scope to improve the safety and quality of drinking water services, and the environmental performance of wastewater and stormwater systems, brought into sharp focus following several high-profile asset failures,
- Partnership, co-design and co-governance with Māori are not adequately provided for at a strategic and an operational level,
- There is limited ability to harness economies of scale or consider infrastructure needs at a scale beyond council boundaries,
- Smaller councils face capability challenges in a highly competitive labour market, often competing with each other for talent.

Beginning in 2019, Central Hawke's Bay District Council, Hastings District Council, Hawke's Bay Regional Council, Napier City Council and Wairoa District Council worked together to review the current and potential three waters service delivery options for Hawke's Bay. The final report (July 2020) evaluated five models and recommended the creation of an asset owning Council Controlled Organisation (CCO) formed under Part 5 of the Local Government Act 2002 to balance desired outcomes of:

- Affordability,
- Prioritisation of investment,
- Scale to unlock strategic capacity and capability,
- Embedding a meaningful role for Māori,
- Improving operations, and
- Unlocking savings for households.

In mid-2017, following a Government Inquiry into Havelock North Drinking Water, the Government established a Three Waters Review to analyse the need for new regulation and/or different service delivery arrangements. The findings of the 2019-20 Hawke's Bay review were timely to inform Hawke's Bay councils' discussions with central government during this national review.

By 2021, the Government released its proposal to establish four regional water entities, where Hawke's Bay three waters services would transfer to a regional entity comprising of 21 councils from the East Coast of the North Island to the top of the South Island and the Chatham Islands. At this stage, despite earlier signals that changes would be 'opt-in', it was confirmed that councils were compelled to take part in the reforms, with all entities to be operational by 1 July 2024.

Preliminary readiness and transition activity took place in 2021 and 2022 while the legal framework for the reforms moved through the parliamentary process. Transition support packages and Better Off funding was made available to councils to facilitate transition activity and invest in local community wellbeing. 2021 also saw the establishment of Taumata Arowai as a dedicated water services regulator, a parallel product of the Three Waters Review.

In April 2023, a government led reset saw the four water services entities originally proposed increased to ten entities to achieve a "better balance between delivering economic benefits that come from scale and providing for local representation and influence (Cabinet Paper, 11 April 2023). The establishment timeline also changed from a national go-live on 1 July 2024, to a staggered establishment approach where the entities go-live between 1 July 2024 and 1 July 2026. With this reset, Hawke's Bay councils' water services were now to transfer to Entity F (Tairāwhiti – Gisborne Hawke's Bay) with a preliminary go-live date of 1 October 2024 announced but not yet confirmed through Order in Council. In August 2023, the final two of four key statutes underpinning the reform programme finished the parliamentary process.

1.3. Post 2023 General Election

In the lead up to the 2023 General Election, both the National and Act parties campaigned on a commitment to repeal the reforms and create space for councils to enter voluntary shared services/Council Controlled Organisation relationships.

The 100-day plan from the new coalition government has now been released. That plan commits to introducing legislation to repeal the Water Services Entities Act 2022 (WSE

Act) by March 2024. That repeal will dismantle the 10-entity structure, override any requirements for asset transfer away from council, and remove the obligation on council to cooperate with requests from the Department of Internal Affairs/National Transition Unit.

The likely replacement framework is set out in the National Party's 'Local Water Done Well' Policy (appended to this report for your reference), which is modelled closely on the Communities 4 Local Democracy alternative proposal. In summary, once the 10-entity model has been dismantled, the government is signalling:

- Creation of a new Water Infrastructure Regulator to:
 - o Monitor investment in waters assets to ensure sufficiency and sustainability,
 - o Ensure fair pricing for consumers, and
 - o Set quality standards for infrastructure.
- Introduction of new financial requirements that require:
 - o Water services revenue to cover maintenance and depreciation of assets,
 - o Water services to be self-funding (no 'top ups' from other council activities), and
 - o Access to sufficient borrowing to enable growth.
- A requirement that within a year of the repeal of the WSE Act, councils deliver a plan for an alternative model to the Minister of Local Government for signoff. That model must provide financial sustainability and meet the investment and quality standards set by the new Water Infrastructure Regulator.

Provided those bottom lines are met, councils will have flexibility to choose a model and governance structure that works best for them and their communities.

1.4. Revisit of Hawke's Bay model

Irrespective of the shift in government policy, the rationale supporting transition to a new operating model remain. Affordability challenges are more pronounced than ever as the response and recovery costs incurred following Cyclone Gabrielle have pushed Hawke's Bay councils closer towards their upper debt limits.

While we the fuller details of the government's replacement framework and in light of increasing urgency of an intervention, it has been prudent for Hawke's Bay councils revisit the regional model scoped in 2019/2020. This work culminated in the identification of an asset-owning Council Controlled Organisation (CCO) as the preferred model. Officers look forward to being able to share updated modelling and recommendations with you in due course, and in collaboration with neighbouring councils.

A sustainable regionally led solution will require legislative amendment. An asset owning CCO that achieves balance sheet separation (akin to Watercare in Auckland) is not currently anticipated or provided for by the Local Government Act 2002. Without this change, the borrowing incurred by the CCO would be consolidated and counted in calculating the credit quality and debt limits of its parent council(s), which could constrain both organisations' borrowing. The need for empowering legislation to this effect is being emphasised to the new government, as is the need for resourcing for a transition process.

1.5. Significance and Engagement

This report has been prepared for your information only. It is too premature to consult with the community on future options before more is known about the timeframes for repeal of the current legislation and the replacement framework.

Any change of model will be of particular interest to the community given the controversial history of the reforms and aspirations for a chlorine-free system in Hawke's Bay. Officers will be guided by Council's Significance and Engagement Policy as and when consultation on this programme of work is appropriate.

1.6. Implications

Financial

In 2021, Council started receiving instalments of funding as part of a 'Transition Support Package'. This package is entirely funded through the Department of Internal Affairs. The total amount available to Napier City Council was \$988,500, to be applied to any activity necessary to support the transition (e.g. consultant support to prepare information requests, participation of staff local transition planning/transition teams). To date, we have received \$659,000, and spent \$290,301. We also received an additional \$35,000 financial contribution to cover commitment to a working group. \$329,000 of the original \$988,500 is yet to be received upon upcoming reporting milestones.

The continued availability of this funding is unclear. There are termination provisions in the funding agreement, but these have not been exercised to date.

This funding might stay with council, might be recalled but other funding made available, or may be recalled with the expectation that councils fund their own planning and transition activity as required. Some provision has been made in draft 2024/25 operating budgets to enable continued progress on locally led options if the Transition Support Package funding is withdrawn.

The fate of the \$500 million 'no worse off' funding package for councils under the Labour government's 10-entity model is unknown at this stage. That funding was earmarked to ensure that no council was left worse off as a result of the costs and financial impacts of the transition process.

Social & Policy

Not applicable.

Risk

The replacement framework outlined above is merely indicative and is subject to change. The community and council staff find themselves again facing uncertainty in relation to the governance and management of water service going forward. The commitment to repeal and replacement by the new government risks an extended period before a more sustainable solution for water asset management and funding can be implemented.

Regarding the long-term planning process, the Water Services Entities Amendment Act 2023 introduced provisions which expressly prohibit council from including budgeting and programming for water services beyond June 2026 (Schedule 1AA clause 32(1) refers). These provisions still stand at the time of writing and creates a fundamental disconnect between legal requirements, government policy and public expectations for meaningful engagement. Urgent legislative resolution has been signalled by central government given the implications for all councils across Aotearoa in a Long-Term Plan year. Elected Members will be updated on any changes.

1.7. Options

The options available to Council are as follows:

- a. Receive and note the contents of this report intended to provide a high-level summary of signalled changes to the water reforms programme.

1.8. Development of Preferred Option

Not applicable.

1.1 Attachments

- 1 2023-12-05 - Local Water Done Well Policy (Doc Id 1724447) [↓](#)

2. TE AKA PRELIMINARY DESIGN APPROVAL

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1710264
<i>Reporting Officer/s & Unit:</i>	Darran Gillies, Strategic Programmes Manager Hilary Prentice, Māori Partnership Manager - Te Kaiwhakahaere Hononga Māori Alix Burke, Strategic Programme Coordinator

2.1 Purpose of Report

This report seeks endorsement of the Te Aka Preliminary Design, the second of four formal stages of architecture for the design of buildings of this nature.

Further, it seeks approval to proceed to the next stage of the architectural design process, Developed Design. This will lead to detailed design as we move towards the resource and building consent process and ultimately the construction of Te Aka.

Officer's Recommendation

That Council:

- a. **Endorse** The Preliminary Design for Te Aka
- b. **Approve** to proceed into the next stages of the Architectural Design process.

2.2 Background Summary

With the endorsement of the Concept Design of Te Aka by Council on 12 October 2023, and approval to proceed into the next stages of the Architectural Design process, including the endorsement of the Construction Strategy, the design team immediately mobilise to begin Preliminary Design.

The preliminary design stage takes the architectural concept design and refinement of the proportions of the building and interior planning of the spaces. The structural engineering system and building services are integrated and the exterior landscape spaces have been planned and developed to respond to the building and wider precinct. Sustainability initiatives and cultural interpretation and integration will also be important considerations during these design phases.

The Construction Strategy has begun developed into a Procurement Strategy and Execution plan, with early engagement with the market towards the end of January and early February.

The process of co-design with Mana Whenua continued with a focus on detailing out the opportunities for Mahi Toi through the design, with our Mana Whenua Design Lead progressing this.

Supporting the design work will be other key enabling projects and interdependencies with the due diligence of the preferred option for Civic Administration Building. These projects such as the development of the Te Aka operating model will continue in parallel to design and will come under the wider governance of the Te Aka Programme Board.

2.3 Issues

No issues

2.4 Significance and Engagement

Multiple studies and community consultations have been conducted since 2017 and concluded that Council services and a Central Library should return to the Civic Precinct. The 2021- 2024 Long-Term Plan outlines the funding for the Library and Council Chambers.

The broader public realm first outlined within the 2021 Master Plan (LCAP) has not been fully budgeted for and could be considered as a consultation item with the next LTP.

The Advisory Group was initially established to develop the Civic Precinct Framework and carried through the development of the Library and Civic Area Plan, the Design Brief and Business Case development and to the Concept Design stage. The group is chaired by Deputy Mayor Annette Brosnan and its membership has been fairly fluid, including three further Elected Member representatives, Mana Whenua, representatives from Hawke's Bay Regional Council, the NCC Māori Committee, and Friends of the Library, Ministry of Justice and council officers.

The Advisory Group have worked with the design team through multiple wānanga workshops and will continue to do so as the project progresses through the design stages.

The communication and engagement plan will be refreshed to make sure that we continue to inform and engage the wider public about this high-profile project. The project webpage continues to be updated with relevant information.

A video has been developed to showcase the project and will go onto Council social media platforms after the approval of this paper.

2.5 Implications

Financial

There has been no material change to report on the financial health on the project since the Concept Design Approval by Council on 12 October 2023.

We are awaiting an updated cost plan from our Quantity Surveyor based on 100% Preliminary Design, submitted on 22 December 2023. The team will work within the existing costings and any increase to cost will be managed through a value engineering process, and if that results in any material change to budget a report will be prepared for council.

There are multiple value engineering opportunities if Te Aka was to progress in parallel with development of the officer accommodation in the ex-Library Tower. These include shared services across the building, one site establishment and construction contract. These will be fully explored in a value engineering workshop in mid-February with quantity surveying costings.

Social & Policy

The outcomes of the Design process align with a number of existing Council strategies and plans, including the Design Brief and Business Case, the Library and Civic Area Plan, the City Vision Framework, the Library Strategy, our Strategic Priorities and Community Outcomes, Disability Strategy, Positive Ageing Strategy, and the Youth Strategy.

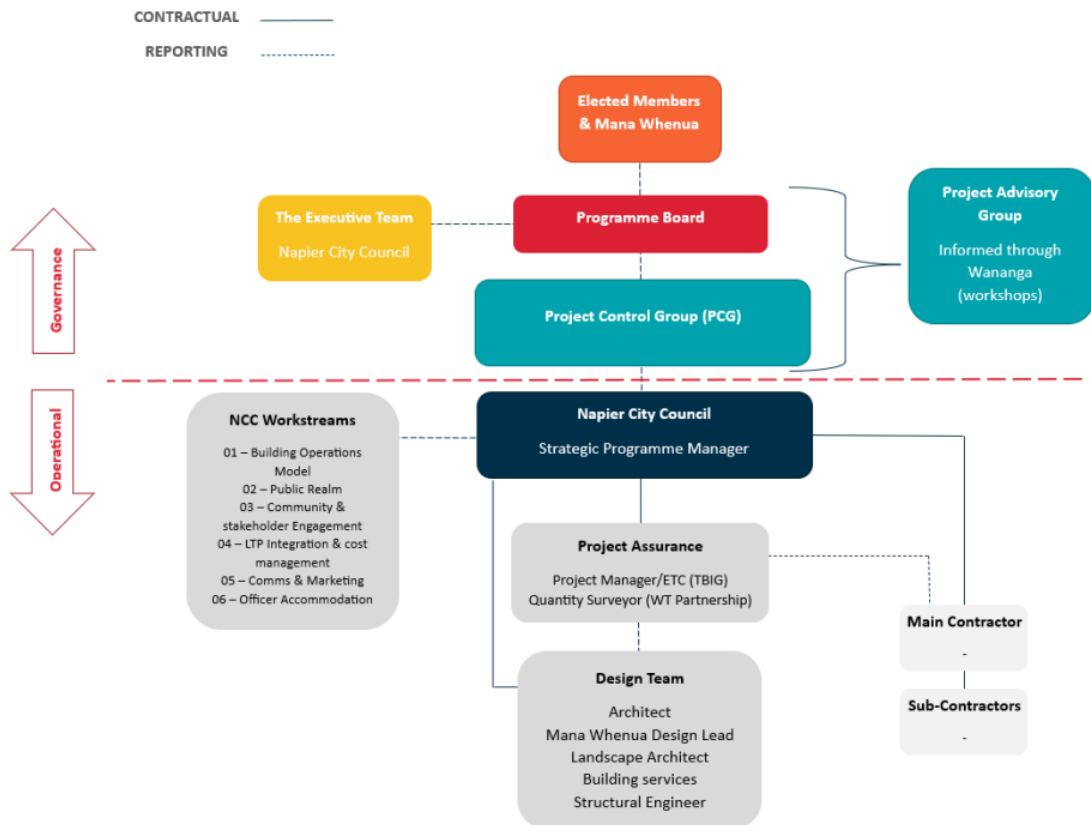
Mana Whenua have been engaged with the project since the master planning stage and a co-design approach was tentatively developed as we progressed through the subsequent project stages and gateways.

Working with Te Waka Rangapū and with Mana Whenua the role of a Mana Whenua Design Lead was created to support the success of the co-design process. With the appointment of a Mana Whenua Design Lead, an open and productive dialogue has been developed through all elements of the process with Mana Whenua. The ensuing cultural narrative has set the foundations of the concept from the ground up and seen it weave through the whole design process.

Risk

A programme of Te Aka size and complexity comes with many potential risks. These are being managed through a robust risk process, both at the project and programme level.

The diagram below articulates the governance structure for this work and the incorporation of co-design.



The roles and responsibilities of each group and role are defined within the project execution plan which is managed by our external Project Manager.

Day to day decisions and risk mitigation is managed by the Strategic Programmes Manager, with the Project Control Group providing the first point of escalation. The next escalation point is the Project Sponsor/ Senior Responsible office, who in this instance is

the Executive Director of Corporate Services. Their primary responsibility is to provide overall strategic direction and support, aligning the project's objectives with the organisation's goals. They will take a strategic view of fiscal and strategic risk.

The next line of defence is the Programme Board. The Board will own programme-level risk controls, measures and monitoring, and be responsible for risk. Until procurement is complete for the independent members of the board the Executive Leadership Team (ELT) is performing the board's role and is kept up to date with four weekly reports from the Strategic Programmes Manager. ELT will maintain oversight on any substantial people change work programmes that occur through the process.

Ultimately it is Council that acts as the key decision point and gives approval to move from one formal gateway to the next. In this project this is the endorsement of a formal design stage and approval to move to the stage. Due to the likely size of the construction contract, they will give approval to let that contract.

The programme also has a Project Assurance team in place. The Project Assurance team consists of the quantity surveyor and external project management. This group is responsible for managing and reporting on the performance, quality aspects, and costs of the project, distinct from undertaking design or engineering delivery.

2.6 Options

The options available to Council are as follows:

- a. Endorse the Preliminary Design of Te Aka and approve to proceed into the next stages of the Architectural Design process.
- b. Recommend changes to the Preliminary Design before moving to the Developed Design Stages, or
- c. Not endorse the Preliminary Design

2.7 Development of Preferred Option

Developed Design

With the endorsement of the Preliminary Design of Te Aka, and approval to proceed into the next stages of the Architectural Design process, the design team would immediately mobilise to begin Developed Design.

This design stage takes the architectural concept design and refinement of the proportions of the building and interior planning of the spaces. During these phases, the focus is on design components such as material, colour, and furniture, fixtures and equipment (FF&E) systems. Sustainability initiatives and cultural interpretation and integration will also be important considerations during these design phases. The process will also include user input in testing programme scenarios, and potentially prototype components or elements.

The process of co-design with Mana Whenua will continue with a focus on detailing out the opportunities for Mahi Toi through the design, our Mana Whenua design lead will lead this. The design team will seek the guidance and input of Ngā Mānukanuka o te iwi with this process.

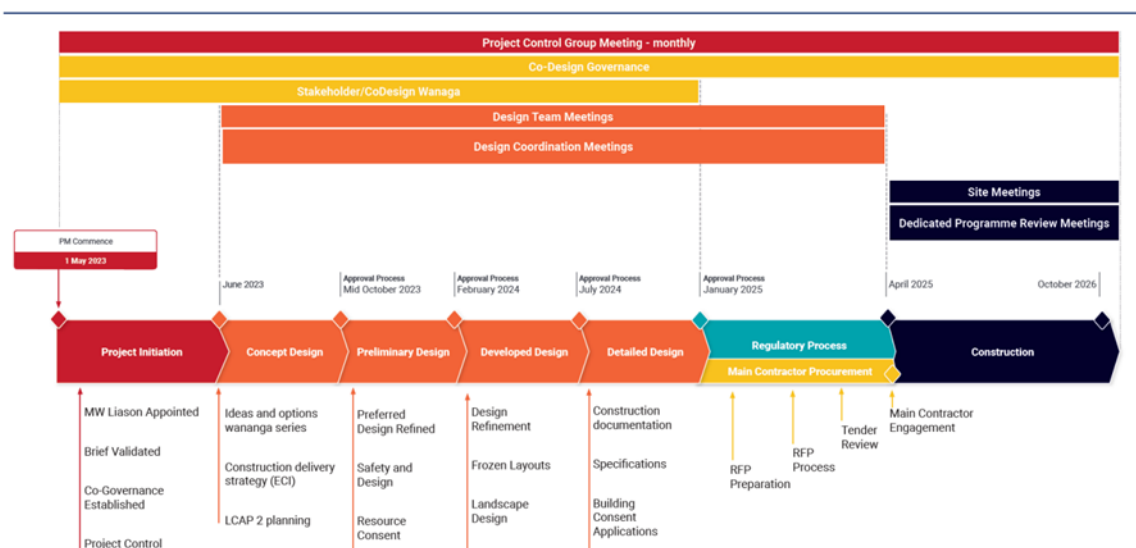
The project team will continue to engage with partners and stakeholders in a similar manner to concept design, exact details need to be finalised and will be issued in an updated programme.

Supporting the design work will be other key enabling projects and interdependencies with the due diligence of the preferred option for Civic Administration Building. These projects such as the development of the Te Aka operating model will continue in parallel to design and will come under the wider governance of the Te Aka Programme board.

Approval Gateways and Decision Points for Council

The 2022 Library Business Case outlined the key gateways in which decisions and approvals would be sought by Officers from Council. Once Preliminary Design is approved, we will come back to Council for endorsement of The Developed Design in July 2024 and approval to proceed to Detailed Design. An updated cost plan from the Quantity Surveyor will also be provided at this time.

Further decision points are outlined in the project programme plan diagram below.



Officers will continue to organise workshops and wānanga with elected members through this design stage, as well as ongoing engagement with the Advisory Group to keep Council well informed of the progress.

Officers will continue to provide regular updates to elected members through the established mechanisms such as the Quarterly Project Update. Should any risks escalate to a position that is outside of Councils risk appetite or tolerance for variability, for example, if it becomes apparent that cost escalations are expected beyond the available contingency, the Project Sponsor or Strategic Programmes Manager will report these escalations to any relevant committees, outside of the quarterly update cycle for timely visibility.

2.8 Attachments

- 1 Te Aka Preliminary Landscape Design Report (Under separate cover 1)
- 2 Te Aka Preliminary Architectural Design Report (Under separate cover 1)
- 3 Te Aka Acoustic Report (Under separate cover 1)
- 4 Te Aka Prelim Structural Drawings (Under separate cover 1)
- 5 Te Aka Structural Prelim Report (Under separate cover 1)
- 6 Te Aka Prelim Enviromental Sustainable Design Report (Under separate cover 1)

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. If a scheduled meeting is not required, officers will advise members of the cancellation as early as possible.

3.3 Issues

No issues have been identified with this report.

3.4 Significance and Engagement

The amendment to the meeting schedule does not trigger the Significance and Engagement Policy or any other consultative requirements.

3.5 Implications

Financial

There are no additional costs for this meeting.

Social & Policy

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

Risk

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

3.6 Options

The options available to Council are as follows:

- a. To amend the 2024 meeting schedule as proposed.
- b. Not to amend the 2024 meeting schedule as proposed.

3.7 Development of Preferred Option

It is recommended that the amendment to the 2024 meeting schedule be adopted as proposed.

3.8 Attachments

Nil

4. INFORMATION - MINUTES OF JOINT COMMITTEES

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1727256
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Team Leader Governance

1.1 Purpose of Report

The purpose of this report is to receive unconfirmed minutes from various Joint Committee meetings for the period 26 August 2023 to 3 November 2023.

To view the full agendas relating to these minutes please refer to the Hawke's Bay District Council website at <https://www.hbrc.govt.nz/our-council/meetings> or the Hastings District Council website at <https://hastings.infocouncil.biz>

Officer's Recommendation

That Council:

- a. **Receive** for information the unconfirmed minutes of the following Joint Committees:
 - 26 August 2023 - Civil Defence Emergency Management Group Joint Committee (Doc Id 1718032)
 - 3 November 2023 - Omarunui Refuse Landfill Joint Committee (Doc Id 1726282)

2.2 Background Summary

The Joint Committees met as follows:

- | | |
|-----------------|--|
| 26 August 2023 | • Civil Defence Emergency Management Group Joint Committee |
| 3 November 2023 | • Omarunui Refuse Landfill Joint Committee |

3.3 Issues

N/A

4.4 Significance and Engagement

N/A

5.5 Implications

Financial

N/A

Social & Policy

N/A

Risk

N/A

6.6 Options

The options available to Council are as follows:

- To receive the unconfirmed minutes of the Joint Committees.
- Not to receive the unconfirmed minutes of the Joint Committees but instead request amendments from the relevant administering council.

7.7 Development of Preferred Option

N/A

4.8 Attachments

- 1 28 August 2023 Minutes - HB CDEM Group Joint Committee (Doc Id 1718032) [↓](#)
- 2 3 November 2023 Minutes - Omarunui Refuse Landfill Joint Committee Minutes (Doc Id 1726282) [↓](#)

REPORTS FROM AUDIT AND RISK COMMITTEE HELD 13 DECEMBER 2023

1. HEALTH AND SAFETY REPORT - SEPTEMBER TO NOVEMBER 2023

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1722163
<i>Reporting Officer/s & Unit:</i>	Adam McDonald, Health, Safety and Wellbeing Lead

1.1 Purpose of Report

The purpose of this report is to provide the Audit & Risk Committee (ARC) an overview of Health Safety & Wellbeing (HSW) activity, inform on the progress of initiatives underway to improve health, safety, and wellbeing, as well as key performance indicators covering the period September 2023 through to November 2023 (as of 25 November 2023). The report enables the ARC to provide assurance to Council for the capability and functioning of Council's health, safety and wellbeing hazard and risk management system and associated programmes.

At the meeting

The Health, Safety and Wellbeing Lead, Mr McDonald spoke to the report, providing a brief summary and overview of Health and Safety activity risks, progress of initiatives underway to improve health, safety, and wellbeing, as well as current key performance indicators covering the period September to November.

The continued focus of the Health, Safety and Wellbeing team is to ensure Council's compliance with the Health and Safety at Work Act and the progressive implementation of a best practice Health and Safety Management System.

In response to questions the following was clarified:

- Mr McDonald confirmed the operation and strategic risk was high and not low as shown on the chart. The meeting agreed to change the strategic risk rating to high.
- There was agreement that Council would pursue the implementation of best practice and not settle for the minimum standard of legislative and regulatory compliance.
- The agreed risk appetite was low.
- A Health and Safety Roadmap would be developed over the next 18 months, as requested at the last Audit and Risk Committee meeting. The roadmap was yet to go through the Executive Leadership Team (ELT).
- In terms of performance indicators if the leads are increased it should reduce the lags.
- Previous reports that had performance indicators have been difficult to locate. Mr McDonald is looking to re-establish these indicators and report against them.
- A report was received regarding a contractor incident investigation. Procedures need to be in place to manage any future risk.

- Mr Macdonald undertook to include in the Roadmap what “good” looks like, its benefits and objectives.

COMMITTEE Bruce Robertson / Councillor Crown

RESOLUTION

The Audit and Risk Committee:

- Receive** the September – November 2023 Health and Safety report.

Carried

2. ASSET MANAGEMENT ROADMAP PROGRESS

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1718956
<i>Reporting Officer/s & Unit:</i>	Kate Ivicheva, Manager Asset Strategy

2.1 Purpose of Report

This report presents the Asset Management Roadmap designed as an improvement plan to elevate asset management maturity within our organisation. By detailing specific phases (0-5) for the next two and a half years, the roadmap aims to enhance our asset management practices, ensuring alignment with the recently adopted Asset Management Policy and contributing to the broader organisational goals.

At the meeting

The Manager Asset Strategy, Ms Ivicheva spoke to the Roadmap which was designed to address weaknesses in Council’s current asset management practices. It represented a commitment to improvement and efficiency by enhancing the overall asset management system.

Asset management performance should provide an integrated perspective of how an organisation is configured to deliver asset management.

The Executive Director Infrastructure Services, Mr Bond advised that \$600,000 for the project was an estimate from suppliers. ELT still need to look at how they progress the pathway through the organisation. There is still work to be undertaken with activity managers via a steering group to help drive asset management through the organisation and help with future budgeting.

Historically this approach has been tried after reviews, but lacked implementation and embedding into staff behaviour. There is already funding within the budgets for asset management work and using it in a focussed and targeted way.

Ms Ivicheva advised that the Asset Management Policy was reviewed and adopted by Council in September 2023, which establishes the commitment to the improvements in the organisation. The Roadmap will be presented to the ELT in the near future.

The Roadmap will form a transformational piece of work, interacting with the change programme for the organisation and delivering a large capital programme. It will require a culture change and a change to how the organisation operates with understanding what the priorities are.

COMMITTEE Mayor Wise / Councillor Mawson

RESOLUTION

The Audit and Risk Committee:

- a. **Endorse** the progress of the Asset Management Roadmap (Doc Id 1722443).

Carried

3. SENSITIVE EXPENDITURE - MAYOR AND CHIEF EXECUTIVE

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1716420
<i>Reporting Officer/s & Unit:</i>	Raewyn Fowler, Internal Audit Lead Talía Foster, Financial Controller

3.1 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

The Internal Audit Lead, Mrs Fowler spoke to the report and confirmed that items identified in the report for this quarter comply with Council’s policy.

COMMITTEE Bruce Robertson / David Pearson

RESOLUTION

The Audit and Risk Committee:

- a. **Receive** the 30 September 2023 quarterly report of Sensitive Expenditure for the Mayor and Chief Executive and review for compliance with the Sensitive Expenditure Policy.

Carried

4. INTERNAL AUDIT RECOMMENDATIONS PROGRESS REPORT

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1717363
<i>Reporting Officer/s & Unit:</i>	Raewyn Fowler, Internal Audit Lead

4.1 Purpose of Report

The purpose of this report is to provide the Committee with a summary of the internal audit recommendations progress to date.

At the meeting

The Internal Audit Lead, Mrs Fowler advised that the IAG Strategy had been presented to the Executive Leadership Team for approval. Discussion had been undertaken with IT regarding a breakdown between the Alpha1 and Magiq integration. The People and Capability team are to roll out a Conflict of Interest Register Working Group next year.

COMMITTEE RESOLUTION David Pearson / Mayor Wise

The Audit and Risk Committee:

- a) **Receive** the Internal Audit Recommendations Progress Report.

Carried

5. ANNUAL TAX UPDATE YEAR TO 30 JUNE 2023

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1708817
<i>Reporting Officer/s & Unit:</i>	Talia Foster, Financial Controller Heather Sharp, Accounting Manager

5.1 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 2023.

At the meeting

The Financial Controller, Ms Foster presented the report prepared by PwC on the annual tax update. A proactive approach on tax compliance is undertaken by Council, and PwC provides assistance with various queries about a range of tax types.

COMMITTEE David Pearson / Councillor Mawson

RESOLUTION

The Audit and Risk Committee:

- a. **Receive** the report from PwC titled 'Napier City Council Annual Tax Update year to 30 June 2023' (Doc Id 1722437).

Carried

6. PAYE / WHT COMPLIANCE EVALUATION

Type of Report: Operational

Legal Reference: N/A

Document ID: 1709564

Reporting Officer/s & Unit: Talia Foster, Financial Controller

6.1 Purpose of Report

To provide the Audit and Risk Committee with the PAYE / WHT Compliance Evaluation Report completed by PwC.

At the meeting

The Financial Controller, Ms Foster spoke to the report advising that as part of the Tax Risk Governance Framework PwC had prepared an annual tax update report on progress made during the period up to 30 June 2023.

Officers have been implementing recommendations and overall the report is positive on how the payroll team operate, their processes and skills, and how they manage issues with contractors.

COMMITTEE Bruce Robertson / Councillor Crown

RESOLUTION

The Audit and Risk Committee:

- a) **Receive** the PAYE / WHT Compliance Evaluation Report (Doc Id 1719506) and direct officers to report back on progress of the actions outlined in the report in the Internal Audit Recommendations Update regularly.

Carried

REPORTS UNDER DELEGATED AUTHORITY

1. TENDERS LET

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1730159
<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 13 November 2023 – 19 January 2024

Officer’s Recommendation

That Council:

- a. **Receive** the Tenders let for the period 13 November 2023 – 19 January 2024 as below:
 - **Contract 2612 Gleeson Park Playground – Civil Works** be awarded to Topline Contracting Ltd in the sum of \$130,497.67.
 - **Contract 2635 West Quay Road Reconstruction** be awarded to Downer New Zealand Limited in the sum of \$390,068.94
 - **Contract 2656 Awatoto Silt Remediation** be awarded to Tūpore Infrastructure in the sum of \$1,470,293.71

CONTRACTS OVER \$100,000.00 LET UNDER CHIEF EXECUTIVE/DIRECTOR INFRASTRUCUTRE DISCRETION

Contract 2612 Gleeson Park Playground – Civil Works \$130,497.67

Two tenders have been received.

It has been recommended that the contract be awarded to Topline Contracting Ltd of \$130,497.67

This recommendation has been approved.

Contract 2635 West Quay Road Reconstruction \$390,068.94

Two tenders have been received.

It has been recommended that the contract be awarded to Downer New Zealand Limited of \$390,068.94

This recommendation has been approved.

**Contract 2656 Awatoto Silt Remediation
\$1,470,293.71**

Five tenders have been received.

It has been recommended that the contract be awarded to Tūpore Infrastructure of \$1,470,293.71

This recommendation has been approved.

1.2 Attachments

Nil

RECOMMENDATION TO EXCLUDE THE PUBLIC

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

Agenda Items

1. Napier City Flag (Heraldic) Permission Request
2. Information - Public Excluded Minutes of the Omarunui Refuse Landfill Joint Committee - 3 November 2023

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.
<p>1. Napier City Flag (Heraldic) Permission Request</p>	<p>7(2)(a) Protect the privacy of natural persons, including that of a deceased person</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>
<p>2. Information - Public Excluded Minutes of the Omarunui Refuse Landfill Joint Committee - 3 November 2023</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</p>

		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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ORDINARY MEETING OF COUNCIL

Open Minutes

Meeting Date: Thursday 14 December 2023

Time: 9.30am – 11.50am (*Open*)
11.51am – 12.30pm (*Public Excluded*)

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, Chrystal, Crown, Greig, Mawson, McGrath, Price, Simpson, Tareha and Taylor

In Attendance Chief Executive (Louise Miller)
Deputy Chief Executive/ Executive Director Corporate Services (Jessica Ellerm)
Executive Director City Strategies (Rachael Bailey)
Executive Director Infrastructure Services (Russell Bond)
Executive Director Community Services (Thunes Cloete)
Manager Communications and Marketing (Julia Atkinson)
Chief Financial Officer (Caroline Thomson)
Financial Controller (Talia Foster)
Manager Environmental Solutions (Emily Frost)
Senior Policy Analyst (Heather Bosselmann)
Corporate Finance Manager (Garry Hrustinsky)
Event Manager (Kevin Murphy)
Manager Property (Bryan Faulknor)
Team Leader Governance (Anna Eady)
Manager Business & Tourism (Steve Gregory)
Senior Advisor Policy (Michele Grigg)

Programme Manager – Long Term Planning (Stephanie Murphy)
 Senior Advisor Corporate Planning (Danica Rio)
 Manager Community Strategies (Anne Bradbury)
 Manager Building Consents (Malcolm Smith)
 Emergency Management Officer (Blake McDavvit)

Also in Attendance: Virgil Troy and Nataliya Rik, SIL Research

Administration Governance Advisor (Carolyn Hunt)

ORDINARY MEETING OF COUNCIL – Open Minutes

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ORDER OF BUSINESS

Karakia

The meeting opened with the Council karakia.

Apologies

COUNCIL	<u>Councillors Mawson / Boag</u>
RESOLUTION	That the apology from Councillor Browne be accepted and an apology for lateness from Councillor Tareha be accepted.
	<u>Carried</u>

Conflicts of interest

Nil

Announcements by the Mayor

Mayor Wise advised a procedural motion was required to be passed by the meeting to enable two reports, currently in Public Excluded, to be addressed in the open session.

Procedural Motion

**COUNCIL
RESOLUTION**

Deputy Mayor Brosnan / Councillor Greig

That Council:

- a) **Address** the following two reports in open, currently in Public Excluded session, for the reason that sections 7(2)(a) and 7(2)(j) of the Local Government Official Information and Meetings Act 1987 now no longer apply:
- Coastal Modelling Inundation 2023 (Section 7(2)(a) Protect the privacy of natural persons, including that of a deceased person); and
 - Napier City Council Response to Cyclone Gabrielle Independent Review Report Section 7(2)(j) Prevent the disclosure or use of official information for improper gain or improper advantage.

Carried

With the agreement of the meeting the order of business for the meeting was changed with two Public Excluded items being addressed in the open session preceding the Public Forum speaker.

The Mayor advised that this was the final Council meeting for 2023 and there had been some incredibly challenging and also positive times experienced during the response and recovery to Cyclone Gabrielle.

Mayor Wise wished to thank and acknowledge Council staff and elected members for work undertaken, not just in regard to Cyclone Gabrielle but also business as usual as part of their work programme. She wished the community, council officers and elected members a Merry Christmas and festive season with family and friends.

Announcements by the management

Nil

Minor Matters

- War Memorial Centre - Defects

Confirmation of minutes

**COUNCIL
RESOLUTION**

Councillors Chrystal / Price

That the Draft Minutes of the Ordinary meeting held on 23 November 2023 be confirmed as a true and accurate record of the meeting.

Carried

AGENDA ITEMS

(The following two items were Previously Public Excluded)

1. COASTAL INUNDATION MODELLING 2023

Type of Report:	Legal and Operational
Legal Reference:	Local Government Official Information and Meetings Act 1987
Document ID:	1725124
Reporting Officer/s & Unit:	Heather Bosselmann, Senior Policy Analyst Rachael Bailey, Executive Director City Strategies

1.1 Purpose of Report

The purpose of this report is to:

- a) Outline the findings of the Tonkin & Taylor Ltd (T+T) Coastal Inundation: Tangoio to Clifton report dated 29 November 2023 (T+T November 2023 Report) (including the associated digital mapping) and its implications for Napier City under various relevant legislation.
- b) Recommend that the Council adopt and publicly release the T+T November 2023 Report (including the associated digital mapping) on 14 December 2023.
- c) Recommend that the Council adopt the Draft Communications and Engagement Plan for the public release of the T+T November 2023 Report (including the associated digital mapping) and support its implementation.
- d) Recommended that the Council implement the new modelling by T+T to use as appropriate under relevant local government legislation.

At the meeting

As the report had only just been released into the open session the Senior Analyst, Ms Bosselmann provided a brief commentary as below:

In late 2022 Napier City Council (NCC), Hastings District Council, and Hawke's Bay Regional Council jointly commissioned modelling from T+T regarding coastal inundation along the coast from Clifton to Tangoio. The intention of this modelling was to inform the setting of floor heights for buildings within the inundation area.

Under the Building Act the appropriate timeframe for this consideration is the economic life of the building which is deemed to be 75-80 years. So T+T modelled inundation events in 2100. They used worst case scenario sea level rise based on international estimates and also took into account vertical land movement which sees much of the Hawke's Bay coastline subside over that time period.

Three coastal inundation event scenarios were modelled:

- Coastal Inundation at 2020 and a 2% AEP
 - Coastal Inundation at 2100 and a 2% AEP
 - Coastal Inundation at 2100 and a 1% AEP
-

AEP means annual exceedance probability or the chance of a coastal inundation event occurring in any year – so a 2% AEP in 2100 means a 2% chance of the event occurring in any year from 2100.

The modelling showed significant coastal inundation in 2100, particularly in a 1% AEP event. Now that we have this information, we are required by legislation to use this data in several ways:

- 1) Set building floor heights under the Building Act.
- 2) Determine whether to place a notice on a property title where a building consent is granted but Council believe there is still risk to the property.
- 3) Add a note to the LIMs of all impacted properties which states that the property is subject to a coastal inundation hazard.

Councillor Tareha joined the meeting at 9.37am

This modelling will be used to inform consultation on the Natural Hazards Chapter of the District Plan, which was delayed due to the Cyclone and will be out for pre-consultation with the community in March 2024.

The information in the report was finalised on 8 December 2023 and is being released as soon as possible after that date to meet Council legal obligations. The modelling will be new information for a large part of the impacted landowners and the communications and engagement plan created allows those land owners to engage with Council and understand the modelling prior to Christmas.

If approved by Council it is intended to:

- Email all impacted landowners who Council holds email information for
- Complete a letter drop to all impacted residential addresses
- Hold two drop-in sessions on Monday and Tuesday next week to provide landowners with an opportunity to talk to our team about the modelling and what it means for their property
- Provide information on our website under the coastal inundation link
- Provide an email address for landowners to contact the team directly

The coastal inundation extent modelling is also ready to be uploaded to the Hawke's Bay Regional Hazard Portal where impacted landowners will be able to view it and also follow a link to more detailed data including depth across each property.

In response to questions the following was clarified:

- Tonkin and Taylor's report was peer reviewed by the NiWA expert, who was part of the process and it was also peer reviewed internally by NCC staff.
- The number of affected properties in Napier was approximately 2000.
- There are current mitigation measures along the coast such as seawalls and gravel barriers which the modelling takes into account, but the modelling does not take into account mechanical mitigations such as stormwater systems and pumps with supporting generators. It also does not account for any future mitigations such as raising the height of the beach crest along the coast.
- Some risk assessments are going to be undertaken next year to contextualise the modelling within the wider hazards and then the next step is to work out what mitigations will work in the future.
- The report does not take into account mechanical mitigation as a difference to natural land formation mitigations. The risk assessment work will look at a 20-30 year strategy for Council infrastructure investment . The report gives a 75 year outlook, so Council will be working on this for many years to come to be able to mitigate some of the effects that will happen in 2100.

- Two drop-in sessions are being held for affected residents on:
 - Monday, 18 December 2023 at the Chapman Pavilion at McLean Park from 3.30pm to 6.60pm
 - Tuesday, 19 December 2023 at East Pier Hotel, Ahuriri from 3.30pm to 6.60pm
- A range of staff will be available, including staff from the 3Waters Team and Planning Team to provide expert information. Elected members will be present at the drop-in sessions as well.
- The LIM notes will draw attention to the fact that a property sits within an inundation zone; the LIM note will also point to the Hawke's Bay Regional Council hazard portal which has all the modelling. It is very clear when you are looking at this modelling that you are looking at 2100.

COUNCIL Mayor Wise / Deputy Mayor Brosnan

RESOLUTION That Council:

- a) **Receive** the report titled "Coastal Inundation Modelling 2023".
- b) **Adopt** and **approve** the public release of the T+T (Tonkin and Taylor Limited) November 2023 Report (including the associated digital mapping) (Doc Id 1725196) on 14 December 2023.
- c) **Endorse** the Draft Communications and Engagement Plan (Doc Id 1725195) for the public release of the T+T (Tonkin and Taylor Limited) November 2023 Report (including the associated digital mapping) outlined herein and **support** its implementation.
- d) **Endorse** the use of the modelling as appropriate under relevant local government legislation.

Carried

2. NAPIER CITY COUNCIL RESPONSE TO CYCLONE GABRIELLE INDEPENDENT REVIEW REPORT

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1722674
<i>Reporting Officer/s & Unit:</i>	Anne Bradbury, Manager Community Strategies

2.1 Purpose of Report

This report seeks approval of the Napier city Council response to Cyclone Gabrielle independent review report.

At the meeting

The Manager Community Strategies, Ms Bradbury spoke to the report which was aimed at improving preparedness for a range of potential crisis situations, as reviewers recognised that the impact of future events may differ to the impacts from Cyclone Gabrielle.

The key recommendations to enhance NCC's readiness for future events included:

- Response capability training for staff
- Greater resourcing
- Infrastructure resilience work
- Work on effective resourcing and operationalisation of the iwi liaison function
- Investment in response systems/processes/templates
- Improved Emergency Operations Centre (EOC) activation processes
- Welfare pre-planning
- Clarification of roles and responsibilities: development of a crisis management plan and elected representatives guide
- Operations function design work
- Business continuity plan improvements
- Inclusion of the safety function earlier in any response
- Work nationally on standard operating procedures (SOP) for disaster de-contamination issues such as Awatoto
- Encouraging hot debriefs after all events
- Working regionally to develop shared expectations and capability
- Embed monitoring and accountability

In response to questions the following was clarified:

- Officers will be reporting back to Council in regard to a work plan and the role of elected members.
- The Company that undertook the review had advised that some councils have produced a handbook for elected members outlining their role in an event like this and Council would be keen to develop something similar for Napier.
- Officers will report back to the elected members bi-annually on developments.

COUNCIL Mayor Wise / Councillor Chrystal

RESOLUTION

- a) **Approve** the Napier City Council response to Cyclone Gabrielle independent review report (Doc Id 1723231).
- b) **Note** the implementation of the future actions resultant from the Cyclone Gabrielle Independent Review be reported to Council.

ACTION: Officers to present to Council a work programme that is being developed, which will include details on bi-annual reporting updates.

Carried

Public Forum

Tom Kay, Forest and Bird's Fresh Water Advocate displayed a powerpoint presentation (Doc Id 1725583) regarding the concept of "Making Room for Rivers" campaign. Mr Kay spoke about the impact of flood protection engineering on rivers and communities, how management of rivers has worsened flooding and disaster risk, and the approach that should be taken.

Attachments

- 1 Making Room for Rivers presentation - Tom Kay (Doc Id 1725583)

AGENDA ITEMS (cont.)

1. RATES REMISSION IN RESPONSE TO SIGNIFICANT EXTRAORDINARY CIRCUMSTANCES (VOLUNTARY BUY-OUT PROGRAMME)

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government (Rating) Act 2002
<i>Document ID:</i>	1714321
<i>Reporting Officer/s & Unit:</i>	Garry Hrustinsky, Corporate Finance Manager

1.1 Purpose of Report

To seek delegation from Council to approve further rates remissions for properties involved in the Category 3 voluntary buy-out programme. This is in response to Significant Extraordinary Circumstances from the impact of Cyclone Gabrielle on Tuesday 14 February 2023.

At the meeting

The Corporate Finance Manager, Mr Hrustinsky advised that as part of a co-ordinated response, Napier’s buy-out programme for impacted properties by the cyclone has been transferred to the Hastings District Council to be managed. Hastings has a remission in place to provide relief for up to two years for impacted properties.

In this instance, Category 3 properties in Hastings that are involved in negotiations are eligible to receive a full remission up to the end of the 2022-2023 rating year. To provide consistency for Hastings District Council and certainty for Napier property owners engaged in negotiations, many of which border the Hastings District Council region, approval is sought to provide a remission to those impacted properties.

The remission would cost up to \$39,000 and apply to affected properties only. The remission would apply for either the full 2023-2024 rating year or until the buyout occurs, whichever is the earliest. Due to the nature of the work this remission would need to be sourced from unbudgeted funding.

COUNCIL Councillors Price / Simpson

RESOLUTION

That Council:

- a. **Approve** a remission for qualifying rating units for either the full 2023/24 year (i.e. all instalments) or if/when property buy-out occurs – whichever is earliest.

- b. **Approve** unbudgeted funding up to \$39,000 for the purpose of Rates Remission for Significant Extraordinary Circumstances (Voluntary Buy-Out Programme).
- c. **Note** that the remission will be sourced from unbudgeted funding and will impact on Council’s year-end position.

Carried

2. SOUNDSHELL CONCERT 2024

<i>Type of Report:</i>	Operational and Procedural
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1724756
<i>Reporting Officer/s & Unit:</i>	Kevin Murphy, Event Manager Julia Atkinson, Manager Communications and Marketing

2.1 Purpose of Report

The purpose of this report is to approve a concert to be held at the Marine Parade Soundshell on 27 April 2024 (to be confirmed - this date may change).

Approval from Council is required under the Trading in Public Places Bylaw 2021 that prohibits the selling of goods and services within a defined city centre boundary without approval from Council.

At the meeting

The Event Manager, Mr Murphy advised that a promoter had approached Council and expressed an interest to use the Soundshell for a ticketed event. This is an opportunity to use the venue which can accommodate 2000 people.

In response to questions the following was clarified:

- McLean Park is used for bigger events and the proposed show will only attract approximately 2000 people. Also, depending on timing, the end of April is a busy time for McLean Park hosting events like Super Rugby.
- The artist and promoter had looked at other venues, but would prefer to use the Soundshell. Around the country it is an iconic venue and there have been requests in the past which have not come to fruition. This will provide an opportunity to see if this model works and provide for opportunities in the future.
- Discussions undertaken with the people have indicated they are comfortable with the activity at the Soundshell.
- Noise is manageable, and under the temporary events section with decibel level detectors at the boundary of the venue and a sound plan put in place.
- The promoters have indicated they will apply for a Special License and the Police have indicated their support for this.

COUNCIL Councillors Crown / Tareha
RESOLUTION

That Council:

- a. **Approve** an exemption under the Trading in Places Bylaw 2021 for a concert to be held at the Soundshell, Marine Parade, Napier on 27 April 2024 (date to be confirmed).

Carried

3. ROAD STOPPING - PART CHILTON ROAD, MATARUAHOU, NAPIER

Type of Report: Operational

Legal Reference: Local Government Act 1974

Document ID: 1719684

Reporting Officer/s & Unit: Bryan Faulknor, Manager Property

3.1 Purpose of Report

To confirm, through declaring the sections of road to be stopped, the Council resolution of 18 May 2023 to initiate the road stopping process in accordance with the 10th Schedule of the Local Government Act 1974, and the subsequent sale of approx.17m² to the owner of 2 Chilton Road and approx.9m² to 3 Chilton Road.

At the meeting

The Manager Property, Mr Faulknor advised that the matter was procedural, seeking a final resolution of Council to declare under the Local Government Act 1974 two small sections of road in Chilton Road by the term stopped, by simply removing the legal classification of road to enable those two small pieces of land to be sold to the neighbours.

COUNCIL Councillors Mawson / Price

RESOLUTION

That Council:

- a. **Pursuant** to Section 342(1) of the Local Government Act 1974 and in accordance with the Tenth Schedule of that Act, to declare the sections of road adjoining number 2 and 3 Chilton Road, Napier, as described in the Schedule hereto, to be stopped; and
- b. **Approve** that approximately 17m² of the stopped road is sold to the owner of the adjoining land at 2 Chilton Road and approximately 9m² is sold to the owner of the adjoining land at 3 Chilton Road, as described in the Schedule hereto.

Further, the land is to be amalgamated with the purchaser's individual land and held in one record of title.

SCHEDULE : Napier City - Hawkes's Bay Land District

Area (ha)	Description	Adjoining
0.0017	Section 1 SO Plan 593643	Lot 10 DP4940 RT HB72/149

0.0009	Section 2 SO Plan 593643	Lot 9 DP 4940 RT HB72/46
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Carried

4. FEES AND CHARGES - OCEAN SPA GYM

Type of Report: Legal and Operational

Legal Reference: N/A

Document ID: 1723259

Reporting Officer/s & Unit: Steve Gregory, Manager Business & Tourism

4.1 Purpose of Report

The purpose of this report is to recommend that increased membership fees and charges for Ocean Spa Gym are to be implemented from 1 February 2024 after the replacement of new cardio fitness equipment, increased staffing levels and other facility improvements.

At the meeting

The Manager Ocean Spa, Ms Baudet spoke to the report recommending increased membership fees and charges for the Ocean Spa Gym when the new cardio fitness equipment is installed in the new year. Due to international shipping delays the equipment would be slightly delayed.

In response to questions the following was clarified:

- Ocean Spa Gym is in a unique situation that it is the only complex that provides both a gym and a hot pool facility. There are facilities with gyms and pools however, there is difficulty in benchmarking that. The fees and charges have been benchmarked at an average position. There was an opportunity to increase the fees in the future with provision of better equipment installed.
- 700 members were imported into the system when Council assumed operation. Members are now sitting at 1096 active members, with 371 new sign-ups in the last six months. The gym will hit capacity quickly so Officers are looking at a value add vs volume approach to the methodology.
- 10% of membership are currently paying the equivalent of one visit to the pool and are getting all the benefits. The methodology that will be used is to give 90 days notice of an increase to provide an opportunity for members to have the option to opt in or opt out.

COUNCIL Councillors Mawson / Chrystal

RESOLUTION

That Council:

- Approve** and update the Fees and Charges Policy for Ocean Spa Gym effective on installation of the new gym equipment in March 2024 as below:

Description	Prior charge	Proposed charge
Gym		
Casual Gym	10.00	N/A
6 month contract - paid weekly	25.00	\$32.00
12 month contract - paid weekly	22.50	\$29.00
3 months paid in full	350.00	\$420.00
6 months paid in full	550.00	\$810.00
12 months paid in full	999.00	\$1400.00

Carried

5. NAPIER SOCIAL MONITOR REPORT 2023

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1716834
<i>Reporting Officer/s & Unit:</i>	Michele Grigg, Senior Advisor Policy

5.1 Purpose of Report

To provide an overview of findings from the 2023 Napier Social Monitor report.

At the meeting

The Senior Advisor Policy, Ms Grigg took the report as read and displayed a PowerPoint presentation (Doc Id 1726434) providing an overview of the monitoring report and how the information is being used for Council and partner work programmes.

Dr Troy provided a brief summary of the results of the social monitor report and advised that the purpose of the research was to continue measuring residents' perceptions of social wellbeing in Napier. The research was undertaken between 7 August and 19 September 2023.

In response to questions the following was clarified:

- Residents chosen to participate in the survey is through random sampling, but there is a need to ensure that a sample group is chosen across all areas in Hawke's Bay. A mixed method approach is used to ensure a better spread.
- Multiple data collection methods are used to ensure residents are well-represented including phone interviews, and postal and online surveys. Random online advertisements were also used, which pop up in residents online feeds.

COUNCIL Councillors Boag / Greig

RESOLUTION

That Council:

- Receive** the Napier Social Monitor report 2023 (Doc Id 1722161).
- Note** that information collected in the Napier Social Monitor report is informing Council and partner work programmes.

Carried

Attachments

1 Social Monitor Presentation (Doc Id 1726434)

6. RESIDENTS SURVEY RESULTS AND REPORT

Type of Report: Information

Legal Reference: N/A

Document ID: 1713694

Reporting Officer/s & Unit: Danica Rio, Senior Advisor Corporate Planning
Stephanie Murphy, Programme Manager- Long Term Planning

6.1 Purpose of Report

This report provides Council with the results of the Napier City Council's annual Resident Survey for 2022/23.

At the meeting

The Programme Manager – Long Term Planning, Ms Murphy took the report as read. In relation to the results there was overall satisfaction for council performance in 2023 and has remained consistent with the previous year.

Dr Troy highlighted this research was more focussed around getting peoples' opinions about the services they receive as a result of their rates. In terms of sample size, the number had increased from 400 to approximately 600.

COUNCIL RESOLUTION

Councillors Mawson / Crown

That Council:

- a) **Receive** the results of the Napier City Council annual Resident Survey (Doc 1713704) for the period 1 July 2022 to 30 June 2023.
- b) **Note** that satisfaction ratings from the annual Resident Survey form part of Council's performance framework as outlined in the Long Term Plan, and are audited and reported publicly as part of its Annual Report.

Carried

7. THREE YEAR PLAN 2024-27 PRE-CONSULTATION ENGAGEMENT REPORT

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1715885
<i>Reporting Officer/s & Unit:</i>	Danica Rio, Senior Advisor Corporate Planning Stephanie Murphy, Programme Manager- Long Term Planning

7.1 Purpose of Report

To detail the activities and results of the pre-consultation engagement that was undertaken in the lead up to the development of the proposed Three Year Plan 2024-27 (replacing the Long Term Plan this cycle due to the impacts of Cyclone Gabrielle).

At the meeting

The Programme Manager – Long Term Planning, Ms Murphy took the report as read and provided a brief summary of the pre-engagement consultation undertaken.

In response to questions it was noted:

- There was a constant theme of people preferring social media and email as the way of being contacted. This will be fed into the Communications Plan for the Long Term Plan.
- Ms Murphy confirmed that the post notes provided from “tell us anything else you think is important to be considered” was a way to get people engaged and all comments will be considered. The comments had been collated into a document and could be circulated to elected members.

COUNCIL Councillors Chrystal / Greig

RESOLUTION

That Council:

- a. Receive the 2024-27 Three Year Plan pre-consultation engagement results.
 - i. Consider the results in the decision-making process that will take place as Council continue to develop the 2024-27 Three Year Plan.

ACTION: Officers to provide the word document summary of the post notes relating to “tell us anything else you think is important to be considered”.

Carried

The meeting adjourned at 11.22am and reconvened at 11.30am

8. BUDGETS TO BE CARRIED FORWARD TO 2023/24

Type of Report: Operational

Legal Reference: Local Government Act 2002

Document ID: 1708063

Reporting Officer/s & Unit: Caroline Thomson, Chief Financial Officer
Steve Walling, Senior Management Accountant

8.1 Purpose of Report

To seek Council approval to carry forward budgets from 2022/23 into 2023/24.

At the meeting

The Chief Financial Officer, Ms Thomson spoke to the report which was seeking approval to carry forward unspent capital budgets of \$20.6m and operating budgets of \$2.4m from the financial year 2022/2023 to 2023/2024.

It was noted that the budgets to be carried forward will increase the amount of capital spend for 2023/2024 from \$76m to \$97m. In order to mitigate the reoccurrence of this happening again next year it is recommended that the carry forward policy is further developed to include a more robust decision-making process and threshold for carry forwards, to ensure that only projects that are financially committed and have a high probability of delivery are carried forward.

Ms Thomson advised that Council policies were being reviewed and would be presented to the quarterly Audit and Risk Committee and then to for Council approval.

COUNCIL Brosnan / Councillor Crown

RESOLUTION

That Council:

- a) **Approve** capital carry forward budgeted expenditure of \$20,598,523 from 2022/23 into 2023/24.
- b) **Approve** operational carry forward budgeted expenditure of \$2,315,082 from 2022/23 into 2023/24.
- c) **Request** officers further develop the carry forward policy to include a more robust decision making process and threshold for carry forwards that will ensure only projects that are financially committed and have a high probability of delivery are carried forward.

Carried

9. MAYORAL RELIEF FUND - DISTRIBUTIONS

Type of Report: Operational

Legal Reference: N/A

Document ID: 1699914

Reporting Officer/s & Unit: Talia Foster, Financial Controller

9.1 Purpose of Report

To report back to Council on the expenditure so far from the Napier City Council Mayoral Relief Fund and provide an update on the available balance.

At the meeting

The Financial Controller, Ms Foster spoke to the report and advised that there had been some return of funds initiated by grant recipients leaving a remaining balance of \$4,527 still available for distribution. There was one payment of \$20,000 still outstanding and officers were working with the Brookfields Community to facilitate access to this payment.

It was noted that the “dinner club” cook book was expected to be on sale in 2024.

COUNCIL Councillors McGrath / Chrystal

RESOLUTION

That Council:

- a. **Receive** this report regarding donations received and distributions, and note the remaining balance of \$4,527 of The Napier City Council Cyclone Gabrielle Event – February 2023 Mayoral Fund.

Carried

10. QUARTERLY REPORT

Type of Report: Legal and Operational

Legal Reference: Local Government Act 2002

Document ID: 1700072

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

10.1 Purpose of Report

To consider the Quarterly Report for the three months ended 30 September 2023.

At the meeting

The Financial Controller, Ms Foster spoke to the report noting that this was not a legislative report, however it was an opportunity to provide Council and the community an update on progress for the first quarter of 2023/2024.

The year-to-date net operating shortfall of \$3.4m is \$5m favourable to the budgeted deficit. The total annual plan deficit for the twelve months is \$14m.

COUNCIL Mayor Wise / Brosnan

RESOLUTION

That Council:

- a. **Receive** the Quarterly Report (Doc Id 1724321) for the three months ended 30 September 2023.

Carried

11. SEDIMENT AND DEBRIS RECOVERY PLAN

Type of Report: Information

Legal Reference: N/A

Document ID: 1713583

Reporting Officer/s & Unit: Emily Frost, Manager Environmental Solutions

11.1 Purpose of Report

The purpose of the report is to provide an update to Council on the Sediment and Debris Recovery Plan following the Cyclone Gabrielle.

At the meeting

The Manager Environmental Solutions, Dr Frost took the report as read, providing a brief summary of its contents.

In response to questions the following was clarified:

- Discussions with Mana Ahuriri regarding storage of silt at Lagoon Farm indicated they would be unhappy with Council storing that quantity of silt there without knowing what the environmental impacts would be. The silt contained faecal matter and this had cultural implications if the silt got into the Estuary.
 - The work plan will incorporate dust mitigation measures including mixing top soil with the silt for spreading across the fields to minimise dust levels.
 - Screening the silt is important, especially in regards to legislation. Council is currently acting under an Order in Council grant which extends to 2028. It is only for clean fill, meaning the silt cannot contain rubbish or debris. While the funding is available it is recommended that it be utilised for the removal of debris and rubbish.
 - Officers will endeavour to make sure the drainage will be adequate to allow for the levelling that is proposed. There is a new drain to be installed along the back of Council's parcel of land, before it meets the McLeod Road properties to ensure there is adequate drainage to allow for the levelling and elevation rise of the land.
 - Mr Bond advised that the catchment was currently controlled by the Hawke's Bay Regional Council (HBRC); NCC officers have been working with HBRC as part of this project to ensure there are no problems created with the current silt stockpiles. NCC has been widening its drains to improve the network impacted by silt and reduce flooding impacts.
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- Mr Bond confirmed that all the drains created in that area will feed down towards the Awatoto drain behind the Fertiliser Works. The Mission Pump Station is controlled and managed by HBRC.
 - The total cost will be \$12m as part of the Heads of Agreements with the Department of Internal Affairs fund which is administered by HBRC .
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COUNCIL Councillors Tareha / Taylor

RESOLUTION

That Council:

- a) **Receive** the report titled “Sediment and Debris Recovery Plan” dated 23 November 2023.

Carried

12. COASTAL HAZARD MANAGEMENT STRATEGY JOINT COMMITTEE: AMENDMENT TO TERMS OF REFERENCE

Type of Report: Procedural

Legal Reference: N/A

Document ID: 1719507

Reporting Officer/s & Unit: Heather Bosselmann, Senior Policy Analyst

12.1 Purpose of Report

To present changes to the Coastal Hazard Management Joint Committee Terms of Reference which have been recommended for adoption by the Joint Committee.

At the meeting

The Executive Director City Strategies, Ms Bailey took the report as read, advising it was a procedural matter.

COUNCIL Deputy Mayor Brosnan / Councillor Price

RESOLUTION

That Council:

- a. **Receive** report on changes to the Terms of Reference for the Clifton to Tangoio Coastal Hazards Joint Committee.
- a. **Adopt** the changes made to the Terms of Reference for the Clifton to Tangoio Coastal Hazards Joint Committee (Doc Id 1722160).

Carried

13. INFORMATION - JOINT WASTE FUTURES PROJECT STEERING COMMITTEE MINUTES

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1710501
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Team Leader Governance

1.1 Purpose of Report

The purpose of this report is to receive unconfirmed minutes from various Joint Committee meetings for the period September to November 2023.

To view the full agenda relating to these minutes please refer to the the Hastings District Council website at <https://hastings.infocouncil.biz>

At the meeting

The Team Leader Governance, Ms Eady took the report as read.

COUNCIL RESOLUTION

Councillors Greig / Tareha

That Council:

- a. **Receive** for information the unconfirmed minutes of the Joint Waste Futures Project Steering Committee meeting (Doc Id 1719595) held on 3 November 2023.

Carried

14. ACTION POINTS REGISTER AS AT 5 DECEMBER 2023

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1719829
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Team Leader Governance

14.1 Purpose of Report

The Action Points Register (Register) records the actions requested of Council officials in Council and Committee meetings. This report provides an extract from the Register as at 5 December 2023, for Council to note. It does not include action points that were requested in public excluded Council or Committee meetings.

At the meeting

The Team Leader Governance, Ms Eady took the report as read.

COUNCIL Councillors Crown / Mawson

RESOLUTION

That Council:

- a. **Note** the extract from the Action Points Register as at 5 December 2023.

Carried

REPORTS UNDER DELEGATED AUTHORITY

1. TENDERS LET

Type of Report: Information

Legal Reference: N/A

Document ID: 1723295

Reporting Officer/s & Unit: Debbie Beamish, Executive Assistant to the Chief Executive

1.1 Purpose of Report

To report the Tenders let under delegated authority for the period 11 November – 1 December 2023

At the meeting

There was no discussion at the meeting.

COUNCIL Councillors Taylor / McGrath

RESOLUTION

That Council:

- a. **Receive** the Tenders let for the period 11 November – 1 December 2023 as below:

Contract 2613 Gleeson Park Playground – Playground Supplies be awarded to Park Suppliers & Playground Limited in the sum of \$200,000.00.

Carried

Minor matters

War Memorial Centre – Opening undertaken four months ago and there are a number of minor defects that need to be addressed prior to the building being handed over to Council for administration from the contractor.

ACTION: War Memorial Centre - Direct officers to prepare and present a report to Council detailing the minor defects outstanding at the end of 2023, including an estimated completion date prior to handing over to the Council team.

RESOLUTION TO EXCLUDE THE PUBLIC

It was noted that the following two reports originally in Public Excluded had been addressed in the open section, following a resolution that the public excluded reason no longer applied. A Supplementary Agenda (Doc Id 1726603) was subsequently uploaded to the Council website.

1. *Coast Inundation Modelling 2023 (Doc Id 1725885)*
2. *Napier City Council Response to Cyclone Gabrielle Independent Review report (Doc Id1726594)*

Councillors Chrystal / Tareha

COUNCIL RESOLUTION

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

Carried

Agenda Items

3. Council Projects Application - The Meke Foundation
4. Action Points Register (Public Excluded) as at 5 December 2023

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

<p>3. Council Projects Application - The Meke Foundation</p>	<p>7(2)(c)(i) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied</p>	<p>48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>
<p>4. Action Points Register (Public Excluded) as at 5 December 2023</p>	<p>7(2)(a) Protect the privacy of natural persons, including that of a deceased person</p> <p>7(2)(b)(ii) Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>7(2)(c)(i) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied</p> <p>7(2)(g) Maintain legal professional privilege</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>

	7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities 7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	
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*The meeting adjourned at 11.50am and reconvened
in Public Excluded at 11.51am*

The meeting closed with a karakia at 12.30pm.

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

Chairperson

Date of approval