



NAPIER
CITY COUNCIL

Te Kaunihera o Ahuriri

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ORDINARY MEETING OF COUNCIL

Open Agenda

Meeting Date: Thursday 1 August 2024

Time: 9.30am

Venue: Chapman Room
Level 1, Chapman Pavilion
McLean Park
Latham Street
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 15 August 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

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, 27 June 2024 be confirmed as a true and accurate record of the meeting.14

Information items

Agenda items

1 Maori Wards Amendment Legislation - Community engagement considerations5

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

Reports under Delegated Authority

Recommendation to Exclude the Public

AGENDA ITEMS

1. MAORI WARDS AMENDMENT LEGISLATION - COMMUNITY ENGAGEMENT CONSIDERATIONS

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Electoral Act 2001 & Local Government Act 2002
<i>Document ID:</i>	1775274
<i>Reporting Officer/s & Unit:</i>	Jane McLoughlin, Project Manager - Strategy and Transformation Anna Eady, Team Leader Governance Anne Bradbury, Manager Community Strategies

1.1 Purpose of Report

To outline a high-level engagement plan for Council approval, aimed at consulting on whether to revoke or reaffirm the Council's previous decision regarding the establishment of Māori wards for the 2025 local government election.

Officer's Recommendation

That Council:

- a. **Note** that at the time of writing this report on 29 July, officers are expecting the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill to go through its third and final reading on 30 July. The following recommendations are written on the basis of our current understanding of the Bill. If the Bill is changed, a verbal update will be provided at the meeting and any required changes to the recommendations will be made at that time.
- b. **Note** by 6 September, Council must make a decision on whether to revoke or reaffirm Council's previous decision regarding the establishment of Māori wards for the 2025 local government election and consult with the community.
- c. **Approve** the high-level engagement plan outlined in Attachment 1.
 - i. Consult with the community that Council's preference is to reaffirm Council's previous decision to establish Māori wards for the 2025 local government election.
- d. **Note** officers will present community feedback at a council meeting scheduled for 5 September. The council will then decide whether to reaffirm or revoke its previous decision on establishing Māori wards for the 2025 local government election.
 - i. At that time, if Council decides to reaffirm Council's previous decision, then a binding poll must be held at the 2025 local government election, or
 - ii. At that time, if Council decides to revoke Council's previous decision, then Council will also need to decide whether it retains the current representation arrangements as per 2019 and 2022, or whether it undertakes a shortened representation review with an initial proposal due by 13 September 2024.

1.2 Background Summary

In 2021, central government removed the requirement for binding polls on Māori wards. Napier City Council then agreed to establish Māori wards in the 2025 local government elections. Council has been undertaking a scheduled representation review, of which Māori wards is included, and made an initial proposal to the community on 27 June 2024.

The proposed legislation and community engagement considerations

Central government have proposed the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill. This Bill essentially reverses the changes made by the previous government concerning Māori wards, by reinstating the binding poll provisions.

The Bill is scheduled for a third and final reading on 30 July. The information in this report is based on the current version of the Bill. If changes occur, officers will provide an update at the meeting and adjust recommendations as needed.

The substantive decision that Māori wards will revert to the poll system is being made by central government so the engagement does not need to seek views on a decision that is outside the council's ability to change. The decision councils need to make is how to chart the path back to the previous system. The options are either to pre-empt a community decision with a council decision to disestablish/revoke, or to hold a poll at the 2025 elections for the community to vote on the Council's prior Māori ward decision.

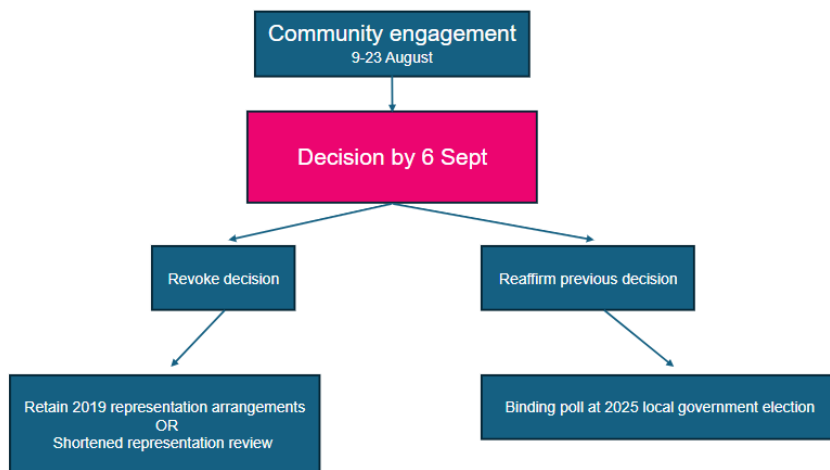
The Bill sets a deadline of 6 September for councils to make a decision to reaffirm or revoke their previous decision to establish Māori wards. If Council reaffirms its previous decision it must hold a poll at the 2025 elections.

Councils only have 5 weeks from the Bill being enacted to the 6 September deadline to undertake an appropriate engagement process and make a decision. The Bill is silent on what an appropriate engagement process would look like in the short timeframe but a special consultative procedure as per section 83 is expressly ruled out.

Councils must consider the level of engagement required, taking into account all of the circumstances including the short timeframe.

If Council decides to disestablish or revoke Māori wards, it must also decide by 6 September on its next steps, i.e., whether it intends to undertake a shortened representation review or revert to its 2019 arrangements. If Council wishes to revert to its 2019 arrangements it needs to work through technical requirements set out in the Bill. If Council wishes to undertake a shortened representation review, it must decide on its initial proposal by 13 September 2024.

The following diagram highlights the broad pathways available to Council:



Considerations for community engagement

Napier City Council holds community views on the perceived advantages and disadvantages of establishing Māori wards in Napier. There are a range of opinions, however the majority of the community are not in favour. However, community sentiment has increasingly leaned towards supporting Māori wards since the initial survey conducted in 2017 and there is particularly strong support from Māori to establish Māori wards. The following outlines the broad results over the last 7 years on the topic.

In 2017, a brief survey was undertaken and 20% were for Māori wards and 80% against.

In 2021, there was a lot of interest generated in the topic including protests when Council decided it would be a rush to undertake consultation and make a decision in time for the 2022 election. Council then embarked on a 5 month consultation which included a survey undertaken by SIL Research. In the survey, a large number of submitters took part with 1,300 submissions and hearings were held over several days. At the hearings, Māori, who are most affected by the decision about Māori representation, spoke strongly in support of establishing Māori wards.

In the 2021 consultation,

- 31% of submitters on the general roll were for Māori wards and 68% against.
- Submitters on the Māori roll were 95% for Māori wards and 5% against.

For more detailed information including key themes for/against Māori wards refer to the council agenda of the Hearings in 2021,

https://napier.infocouncil.biz/Open/2021/10/CO_20211018_AGN_612_AT_EXTRA.PDF

In the 2023-4 pre-consultation on the representation review, SIL Research undertook two separate surveys,

- In November 2023, when asked “Would you prefer Napier City to have one or two Māori ward(s) if two councillors to be elected?”, 44% respondents on the general electoral roll responded they do not want Māori wards.
- In May 2024, the community was presented with 5 representation options and asked to pick their favourite. All of the options contained Māori wards. 85% of respondents picked one of the options, however 15% chose not to choose any, of which most cited they do not want Māori wards.

Undertaking community consultation again will provide Council with an updated view.

Proposed community engagement

Officers have considered two main ways of consulting. Either, going out with an open question, or stating a position and asking the community for their thoughts. If the latter, there are two positions available to Council

- 1) Council’s preference is to reaffirm the previous decision to establish Māori wards or
- 2) Council’s preference is to revoke the previous decision to establish Māori wards.

At a Council Workshop on 4 July, Council gave direction they wish to proceed with stating Council’s preference to reaffirm the previous decision to establish Māori wards. Officers have developed a high-level engagement plan (refer **Attachment 1**).

Officers have also undertaken targeted engagement with Māori

- Mana whenua leaders meeting (held on 17 July).

A summary of the engagement plan is

Consultation	9 to 23 August (2 weeks) <ul style="list-style-type: none"> • includes community meetings for community to be heard • survey
Council Consideration	<ul style="list-style-type: none"> • during the consultation period at community meeting(s) • report with findings from consultation brought to Council for decision on 5 September (no hearing)

The shortened time of two weeks for the consultation is so there is time to implement either of the possible outcomes. We are also only consulting for two weeks because we have an understanding of the communities’ views following recent consultations. As mentioned earlier, if Council decided to revoke their previous decision, then it also needs to decide on its next steps.

1.3 Issues

Due to changes in the central government policy environment and recent legislative amendments proposed, Council is compelled to review its prior decision. Legal advice is that the council should decide whether to revoke its previous decision and initiate consultation accordingly.

With Māori wards, there is potential to enhance the current representation arrangements in Napier to better serve Māori as a community of interest. Reasons include:

- Māori are under-represented in Napier City’s local government representation arrangements. The Māori population comprise nearly one quarter of Napier’s population. However, there have only been 3 Māori councillors that officers can recall in Napier’s local government electoral history.
- Moreover, Māori participation in democracy and governance in Napier, such as voter turnout and awareness of electoral wards, lags significantly behind non-Māori counterparts. For example,
 - voter turnout among Māori roll voters has ranged between 18% and 28% over the last four elections, while general roll voters have seen turnout between 41% and 52%.

- 63% of Māori know their ward versus 71% of NZ European and 68% Other ethnicity.
- Māori have shown strong support for Māori wards and the establishment of them may assist with encouraging greater participation of Māori in local democracy.
- Māori wards guarantees Māori representation at the Council table.

The representation review underway has showcased various options for including Māori wards in Napier. The actual impact of introducing Māori wards in terms of the representation arrangements, is at best, minimal, on the non-Māori population.

For example, based on status quo arrangements, introducing Māori wards means one less councillor in Nelson Park ward, and gaining two Māori ward councillors. From a council size of 12+ Mayor there could be a council size of 13+ Mayor. The impact on Māori however is significant as Māori gain two Māori ward councillors dedicated to representing them at the Council table, and only those on the Māori roll get to select those two councillors.

General roll voters have a significantly higher voter turnout than Māori roll voters and make up a larger proportion of the population than those on the Māori roll. The general roll voters, as the majority, will ultimately make the decision for/against Māori wards if it goes to a binding poll. Through the proposed consultation, Council will get a feel for community sentiment on the issue. If Council revokes the decision, it is extremely unlikely that Māori wards will get established in Napier in the foreseeable future (unless binding polls are removed again or community sentiment changes significantly). Retaining Māori wards for 2025 election may be the only opportunity for the community to experience what having Māori wards is actually like. Community sentiment may shift after seeing how Māori wards actually works alongside the other wards in Napier.

Balancing the view of the majority (who are not significantly impacted) with the view of the minority (who are significantly impacted) will likely be a key consideration for Council.

1.4 Significance and Engagement

Recent engagement with our community showed there is no general agreement from the community on this issue so there is a high level of community interest. This issue has an impact on a specific group, our Māori residents. Therefore, this issue has a high level of significance.

We would normally recommend having a four-week consultation period on an issue that has a high level of significance however in this instance we are recommending consulting for two weeks. This is because we already have an understanding of the communities' views from recent engagement that has been outlined above. Engagement has shown there is strong support from mana whenua for having Māori wards and this was confirmed at a recent hui with mana whenua leaders.

1.5 Implications

Financial

Both pathways can be met within existing budgets.

The consultation budget is \$5,000. That will come out of existing operational budgets for 2024/25.

If a poll is held, the service provider for elections has advised an indicative budget of \$60,000. This will need to come out of 2025/26 operational budgets and will be

accommodated within existing budgets. Any communications and advocacy campaign would be additional.

Social & Policy

In Council's previous decision to establish Māori wards, reasons to support the decision were recorded in the minutes as follows:

- It guarantees Māori participation in decision-making.
- It helps enable a stronger bi-cultural perspective for Council planning and decision-making and create a balance of Te Ao Māori and tau iwi.
- It provides Māori with a voting voice at the table and ensures engagement on local issues.
- It creates a platform for Māori to grow and to have the confidence to put themselves forward as leaders.
- It will build Māori capacity in the leadership of our city and thus accelerate and broaden the socio-economic capacity.
- It is inclusive and provides fairness and equity for Māori at the Council table.
- To honour our obligations under the Local Government Act 2002 to enable pathways for Māori contribution to decision making.
- To recognise the principles of Te Tiriti o Waitangi, The Treaty of Waitangi, as our founding document.
- It contributes to the wellbeings of the whole community.
- It responds to the overwhelming support of those submissions by those on the Māori Electoral Roll.

Risk

There is a risk of public confusion due to central government-imposed changes coinciding with our scheduled representation review. The Council is obligated to operate within current legislation and has proceeded with its representation review accordingly. The public provided input into the initial proposal, which includes the introduction of Māori wards. They may question why the Council is revisiting the Māori wards debate when it has already made a decision in 2021 and is midway through the representation review that includes Māori wards. Clear communication messaging will be developed to address and mitigate this risk of public confusion.

There is a risk of undermining the Council's credibility with mana whenua and tangata whenua stakeholders who actively participated in the decision-making process regarding the establishment of Māori wards. Māori leaders, including the Ngā Mānukanuka o te Iwi committee, have been kept informed of the necessary ongoing work.

There is a risk of increased divisiveness in the community by this matter being relitigated.

There is also a risk to Council if we do not consult with our community. Community members could challenge Council's decision if we did not provide adequate opportunities to inform decision-making.

1.6 Options

The options available to Council are as follows:

- a. Consult with the community that Council's preference is to stick with the previous decision to establish Māori wards.
- b. Consult with the community that Council's preference is to revoke the previous decision to establish Māori wards.
- c. Consult with the community with no stated preference.
- d. Not consult with the community and breach legislative requirements.

1.7 Development of Preferred Option

Option A. For reasons that:

- enables Council to meet legislative requirements.
- Council holds community views on the matter.
- gives the community an opportunity to express their views on Council's stated preference.
- stating a preference is beneficial as it helps streamline the consultation given the short timeframes for the transitional period.
- Council's preference to uphold the previous decision to establish Māori wards underscores its response to recent changes in central government policy and legislation.

1.8 Attachments

- 1 High level engagement plan (Doc Id 1780063) [↓](#)



High Level Engagement Plan – Māori Ward Amendment Legislation

The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment legislation comes into effect in late July 2024. The legislation requires councils who have made the decision to establish Māori wards to rescind their earlier decision, or if they wish to continue to establish Māori wards they must further consult their constituencies with a decision made by 6 September 2024.

Napier City Council made the resolution to establish Māori wards in 2021 following a lengthy pre-consultation and formal consultation process.

A decision to rescind the establishment of Māori wards in Napier would mean leaving our current ward arrangements as is until next triennium when we would conduct a full Representation Review, or we conduct a very shortened Representation Review this year with an initial proposal decision required by 13 September 2024.

If Napier chooses to continue with the earlier resolution to establish Māori wards for the 2025-2028 triennium, a binding poll will take place at the 2025 election as to whether Māori wards are retained in Napier.

Significance and Engagement Policy

This matter is significant because it could affect the representation arrangements for the city and therefore affects the whole community. It also particularly affects those on the Māori Electoral Roll. It is also significant as previous engagement has shown the community is not in general agreement on this issue.

We would normally recommend a four-week consultation period for a significant issue however we are recommending consulting for two weeks as we already have an understanding of the communities' views. Napier City Council undertook a formal consultation process for the establishment on Māori wards in 2021 and is already aware of many of the views and preferences of the community in relation to the decision to be made.

Approach

Consultation (9 August – 23 August) – to provide an opportunity for the community to identify their preference and provide feedback to the Council. The campaign will encourage people to have their say on whether keep or rescind the 2021 decision to establish Māori wards.

Te Waka Rangapū will lead engagement with Mana whenua entities, marae, and Māori organisations.

A comprehensive Communication and Marketing campaign will be undertaken during the engagement and consultation period. The campaign is simple and clear to explain the complex journey we have taken to end up here.

Online submissions will be strongly encouraged, but hard copy documents will be available at Napier City Council Customer Services and libraries.

Communication & Engagement Tools

Key Activities	Communication and Marketing Campaign – Say it Napier, website and Social media Advertising (print, radio, digital)
	2 drop in sessions
	Direct emails
	Media releases / opportunities

ORDINARY MEETING OF COUNCIL

Open Minutes

Meeting Date: Thursday 27 June 2024

Time: 9.30am – 11.22am (*Open*)
11.29am – 11.57am (*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, Browne, Chrystal, Crown, Greig, Mawson, McGrath, , Simpson, Tareha and Taylor

In Attendance Chief Executive (Louise Miller)
Deputy Chief Executive/ Executive Director Corporate Services (Jessica Ellerm)
Executive Director City Services (Lance Titter)
Executive Director City Strategies (Rachael Bailey)
Executive Director Infrastructure Services (Russell Bond)
Executive Director Community Services (Thunes Cloete)
Manager Communications and Marketing (Julia Stevens)
Pou Whakarae (Mōrehu Te Tomo)
Team Leader Governance (Anna Eady)
Chief Financial Officer (Caroline Thomson)
Senior Advisor Corporate Planning (Danica Rio)
Manager Strategy and Transformation (Stephanie Murphy)
Corporate Finance Manager (Garry Hrustinsky)

3 Waters Technical Development Engineer (Anoop Mathew)
Manager Infrastructure Developments (Simon Bradshaw)
Business Improvement Manager (Alister Edie)
Executive Assistant to the Mayor (Vanessa Smith)
Chief Information Officer (Duncan Barr)
Manager City Development (Paulina Wilhelm)
Manager Arts, Culture and Heritage (Elizabeth Caldwell)
Manager Community Strategies (Anne Bradbury)
Team Leader Corporate Planning (Jane McLoughlin)
GIS Analyst (Patrick Ralsberg)
Manager Business & Tourism (Steve Gregory)
Commercial Director (Richard Munneke) [zoom]
Communications Specialist (Kate Penny) [zoom]

Administration

Governance Advisors (Carolyn Hunt and Jemma McDade)

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 / Browne</u>
RESOLUTION	That the apology for absence from Councillor Price be accepted.
	<u>Carried</u>

Conflicts of interest

Nil

Public forum

Nil

Announcements by the Mayor

Nil

Announcements by the management

Nil

Confirmation of minutes

COUNCIL	<u>Councillor Greig /Deputy Mayor Brosnan</u>
RESOLUTION	That the Draft Minutes of the Ordinary meetings held on Thursday, 23 May 2024 and Thursday, 27 May 2024 be confirmed as a true and accurate record of the meetings.
	<u>Carried</u>

AGENDA ITEMS

1. ANALYSIS OF OPTIONS TO ALLEVIATE SIGNIFICANT RATES INCREASES FOR IMPACTED PROPERTIES

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1767124
<i>Reporting Officer/s & Unit:</i>	Garry Hrustinsky, Corporate Finance Manager

1.1 Purpose of Report

The purpose of this report is to analyse and model options for properties impacted by significant rates increases.

At the meeting

The Corporate Finance Manager, Mr Hrustinsky spoke to the report, which was a result of the 3 Year Plan deliberations, where officers were requested to provide information on any tools or levers available to alleviate rate increases on impacted properties.

In response to questions the following was clarified:

- It is very difficult at this point in time to make changes that would have the required impact from 1 July 2024.
- Rates are designed to provide funds for public services like libraries, roading etc. The rating system is a property tax put in place by the Government through the Local Government (Rating) Act 2002. Councils are required to use the available mechanisms to determine the best ways to collect revenue.
- Universal Annual General Charge (UAGC) is part of a group of fixed rates that council has available to rate properties on. The Government acknowledge that there can be an unbalancing of rating by allowing unfettered increases by councils and limit increases to 30%.
- A property that has a higher than average value will disproportionately benefit from an increase in the UAGC. If the UAGC was increased up to the limit of 30% properties in Esk Hills would decrease by 11.1%, whereas properties in Maraenui would increase by 7%.
- UAGC percentage could be changed through the Rates Resolution and dependant on the amount of increase consultation may occur as it impacts everybody and is best practice.

COUNCIL RESOLUTION	<u>Councillors Simpson / Mawson</u>
	That Council:
	a. Receive the report titled “Analysis of Options to Alleviate Significant Rates Increases for Impacted Properties” dated 27 May 2024.
	<u>Carried</u>

2. RATING POLICY REVIEW

Type of Report: Operational

Legal Reference: Local Government (Rating) Act 2002

Document ID: 1766605

Reporting Officer/s & Unit: Garry Hrustinsky, Corporate Finance Manager

2.1 Purpose of Report

The purpose of this report is to review the Rating Policy.

At the meeting

The Corporate Finance Manager, Mr Hrustinsky spoke to the report advising that detailed rating information is contained in the Funding Impact Statement for the 3 Year Plan. There was no legal requirement to maintain a Rating Policy and consultation was not required. However, maintaining a Rating Policy enables the information to be more accessible to the public.

COUNCIL Councillors Simpson / Greig

RESOLUTION

That Council:

- a. **Approve** the updated Rating Policy.

Carried

3. REVENUE AND FINANCING POLICY

Type of Report: Legal

Legal Reference: Local Government Act 2002

Document ID: 1757408

Reporting Officer/s & Unit: Alister Edie, Business Improvement Manager

Caroline Thomson, Chief Financial Officer

3.1 Purpose of Report

This report shows the analysis of the submissions received on the draft Revenue and Financing Policy which was consulted on from 25 March to 26 April.

At the meeting

The Business Improvement Manager, Mr Edie provided a brief background and summary of the submissions to the Revenue and Financing Policy. Ocean Spa charges will be considered further as part of the commercialisation process that is being undertaken in the future.

In response to questions the following was clarified:

- Mr Edie advised that he would check the Ocean Spa costs as the fees and charges errors highlighted during the 3 Year Plan deliberations had not been amended as it showed it costs more to buy a 30 swim card than 10 swim card.
-

-
- Stormwater levy review to be included with the Revenue and Finance Policy review.
 - The 1200 occupancy per week maximum rate for the gym will be included as part of the commercial review of Ocean Spa.
-

COUNCIL Deputy Mayor Brosnan / Mayor Wise
RESOLUTION

That Council:

- a) **Adopt** the inclusion of loan funding for the commercial business and tourism activities.
- b) **Adopt** the draft Revenue and Financing Policy as shown in attachment 2 (Doc Id 1768971), subject to the amendment of the 30 swim concession card to reflect a 20% discount off the full price of concession cards.
- c) **Direct** officers to review the stormwater levy and catchment map to coincide with the Rates and Revenue Policy Review, for the 2025/2026 year.

ACTION: *Direct officers to investigate and review the fees and charges including the timeline.*

Carried

4. FINANCIAL CONTRIBUTIONS

Type of Report: Legal and Operational

Legal Reference: N/A

Document ID: 1761355

Reporting Officer/s & Unit: Paulina Wilhelm, Manager City Development

4.1 Purpose of Report

This report seeks to provide a summary of the submissions received on the Financial Contributions Policy and to recommend adopting the new Financial Contribution Policy. After assessing the public feedback received the officer's recommendation is to make minor changes to the policy as publicly notified.

At the meeting

The Manager City Development, Ms Wilhelm spoke to the report advising there were no substantial changes to the Financial Contributions Policy. There were 13 submissions received following consultation and as a consequence of the submissions some minor amendments had been made.

In response to questions the following was clarified:

- Council will continue using Financial Contributions until such time as the Future Development Strategy has been finalised, followed by Structure Plans to identify the infrastructure requirements and the cost of the future infrastructure is estimated. Only then Council will be able to adopt a Development Contributions policy if they wish to do so.
-

-
- Scoping the Essential Services Plan project has just commenced, and information will be available to review the Financial Contributions Policy for the next Long Term Plan.
-

COUNCIL RESOLUTION Councillors Greig / Chrystal

That Council:

- a) **Note** the summary of feedback received on the Financial Contribution Policy.
 - b) **Endorse** the Financial Contribution Policy in its current state but note that minor edits or corrections are suggested by officers.
-

Carried

5. ADOPTION OF THE THREE-YEAR PLAN 2024-27

Type of Report: Legal and Operational

Legal Reference: Local Government Act 2002

Document ID: 1767715

Reporting Officer/s & Unit: Danica Rio, Senior Advisor Corporate Planning

5.1 Purpose of Report

This report presents the final Three-Year Plan 2024-27 for adoption by Council. As per section 93(3) of the Local Government Act 2002 (LGA 2002), Council is required to adopt the plan prior to 1 July 2024.

At the meeting

The Senior Advisor Corporate Planning, Ms Rio spoke to the report noting that the draft 3 Year document (page 31) borrowing table had incorrect figures. Ms Rio advised that this was a design error and will be updated prior to final publication.

In response to questions the following was clarified.

- It was confirmed that all the resolutions were captured from the 3 Year Plan deliberations and the summary of resolutions included in the report had been condensed. When communicating back to the submitters full details will be included.
 - Officers will be reporting to Council on a quarterly basis in terms of performance against the 3 Year Plan, which will align performance measures against strategic measures.
 - Assurance had been given to residents that Council had explored every lever to alleviate impacts of rates and multiple workshops have been held with elected members in regard to financial budgets and reducing the rates increase from 23.7% to 19%.
 - Any adjustment to the UAGC could be looked at as part of the Annual Plan Process next year.
 - During the 3 Year Plan deliberations direction had been given to the Chief Executive to leave loading and cutting money from staff. If combined the 1.75% together with the 10% vacancy provision carried forward from last year, there was savings of approximately \$5.8m over the financial year. It was acknowledged that the team will have to work hard to meet this target and ensure it does not affect levels of service.
-

Councillor McGrath indicated that he would vote against the 3 Year Plan with the reason being that he did not agree with CCTOs and did not support putting a new library ahead of infrastructure for the city. Since 2018 Council had been aware of sewerage issues in Wycliffe Street outside the Family Centre and school and although several attempts had been made to remedy it, the problem still remained.

**COUNCIL
RESOLUTION**

Mayor Wise / Deputy Mayor Brosnan

That Council:

- a) **Note** the following funding and financial policies (in accordance with section 102 of the Local Government Act 2002) form part of the wider Long Term Plan framework:
 - i. Investment Policy (*adopted 8 February 2024*)
 - ii. Rates Postponement Policy (*adopted 14 March 2024*)
 - iii. Liability Management Policy (*adopted 14 March 2024*)
 - iv. Policy on rates remission and postponement on Māori freehold land (*adopted 14 March 2024*)
 - v. Rates Remission Policy (*adopted 14 March 2024*)
 - vi. Rating Policy (*to be adopted 27 June 2024*)
 - vii. Revenue and Finance Policy (*to be adopted 27 June 2024*)
 - viii. Financial Contributions Policy (*to be adopted 27 June 2024*)
 - b) **Note** that for years one, three, and five of the Three-Year Plan 2024-27, Council will have an unbalanced budget as it is financially prudent to do so.
 - c) **Note** that due to the Severe Weather Emergency Recovery Legislation Act 2023, there is no requirement to include an audit report in the Three-Year Plan 2024-27.
 - d) **Adopt** the Three-Year Plan 2024-27 in accordance with section 93(3) of the Local Government Act 2002, including:
 - i. Strategic priorities/community outcomes
 - ii. Significant forecasting assumptions
 - iii. Statements of service provision, including performance measures
 - iv. Statements about Council Controlled Organisations
 - v. Forecast financial statements
 - vi. Financial prudence benchmarks
 - vii. Funding Impact Statement
 - viii. Statement concerning the balancing of the budget
 - ix. Programme budgets
 - x. Combined Finance and Infrastructure Strategy
 - xi. Significance and Engagement Policy
 - e) **Note** that following adoption of the Three-Year Plan 2024-27, rates for the year commencing 1 July 2024 will need to be set by Council in accordance with section 23 of the Local Government (Rating) Act 2002. This is outlined by the '2024/25 Rates Resolution' agenda item.
-

- f) **Delegate**, to the Chief Executive and Mayor, the authority to make any editorial changes that may arise as part of the Three-Year Plan publication process.

Carried
Councillor McGrath voted AGAINST the MOTION

ACTION: *Direct Officers to report back on the sewerage in Wycliffe Street and the risks involved to Council.*

6. 2024/25 RATES RESOLUTION

Type of Report:	Legal
Legal Reference:	Local Government (Rating) Act 2002
Document ID:	1767612
Reporting Officer/s & Unit:	Garry Hrustinsky, Corporate Finance Manager

6.1 Purpose of Report

To set rates for 2024/25 in accordance with the Local Government (Rating) Act 2002 and with the Funding Impact Statement.

At the meeting

The Corporate Finance Manager, Mr Hrustinsky took the paper as read.

COUNCIL RESOLUTION Deputy Mayor Brosnan / Councillor Greig

That Council:

- a. **Resolve** that the Napier City Council set the following rates under the Local Government (Rating) Act 2002, on rating units in the city for the financial year commencing on 1 July 2024 and ending on 30 June 2025, and that all such rates shall be inclusive of Goods and Services Tax (GST).

(A) GENERAL RATE

A general rate set under Section 13 of the Local Government (Rating) Act 2002 made on every rating unit, assessed on a differential basis on the rateable land value to apply to the Differential Groups as follows:

Differentials	Group / Code	Differential Rate	General rate - cents in the dollar on Land Value
Residential / Other	1	100%	0.43724

Commercial & Industrial	2	260%	1.13683
Rural	3	85%	0.37165
Rural Residential	4	90%	0.39352

(B) UNIFORM ANNUAL GENERAL CHARGE

A Uniform Annual General Charge of \$551.50 per separately used or inhabited part of a rating unit for all rateable land set under Section 15 of the Local Government (Rating) Act 2002.

(C) WATER RATES

1. Fire Protection Rate

A targeted rate for fire protection, set under Section 16 of the Local Government (Rating) Act 2002 on a differential basis and on the rateable capital value on every rating unit connected to, or able to be connected, and within 100 metres of either the City Water Supply System, or the Bay View Water Supply System. This rate will apply to the Differential Groups and Categories as follows:

Fire Protection Rate Differential Description (cents per dollar of Capital Value)	Connected to water Supply System	Not connected but within 100m of water Supply System
Central Business District and Fringe Area	0.01935	0.00968
Suburban Shopping Centres, Hotels and Motels and Industrial rating units outside of the CBD	0.00968	0.00484
Other rating units connected to or able to be connected to the water supply systems	0.00484	0.00242

2. Water Rate

A targeted rate for Water Supply, set on a differential basis under Section 16 & 17 of the Local Government (Rating) Act 2002 as a fixed amount on a uniform basis, applied to each separately used or inhabited part of a rating unit connected to or able to be connected to and within 100 metres of the City water supply system. This such rate will apply as follows:

Description	Amount
Rating units connected to the City Water Supply System	\$285.00
Rating units not connected but able to be connected to and within 100m of the City Water Supply System	\$142.50

3. Water by Meter Rate

A targeted rate for water supply, set under Section 19 of the Local Government (Rating) Act 2002, on a differential basis per cubic metre of water consumed after the first 300m³ per annum, to all metered rating units as follows:

	Water Meter Rate per cubic metre
Extra-ordinary Supplies (\$/m ³)	\$0.75281

4. Stormwater Rate

This rate recovers the net cost of the stormwater activity. A targeted rate for stormwater is set on a differential basis under Sections 16 & 17 of the Local Government (Rating) Act 2002 on a differential basis on the rateable capital value on every rating unit within the defined service area.

Rural properties are exempted.

The differential categories for Stormwater Rates are:

Differentials	Cents per dollar of Capital Value
Residential / Other	0.02817
Commercial & Industrial	0.07325
Rural Residential	0.02817

5. Sewerage Rate

This rate recovers the net cost of the waste water activity. A targeted rate for sewerage treatment and disposal, is set on a differential basis under Section 16 of the Local Government (Rating) Act 2002 as a fixed amount on a uniform basis.

The rate is applied to each separately used or inhabited part of a rating unit connected or able to be connected and within 30 metres of the City Sewerage system. This rate will apply as follows:

Differentials	Connected	Not connected but within 30m
Rating units connected to or able to be connected to the Sewerage System	\$398.80	\$199.40

6. Bay View Connection Rate

The Bay View Sewerage Scheme involves reticulation and pipeline connection to the City Sewerage System. Prior to 1 November 2005, property owners could elect to connect either under a lump sum payment option, or by way of a targeted rate payable over 20 years.

A targeted rate for Bay View Sewerage Connection, set under Section 16 of the Local Government (Rating) Act 2002 as a fixed amount on a uniform basis, applied to each separately used or inhabited part of a rating unit connected to the Bay View Sewerage Scheme, where the lump sum payment option was not elected.

The rate applies from 1 July following the date of connection for a period of 20 years, or until such time as a lump sum payment for the cost of connection is made.

The category of rateable land for setting the targeted rate is defined as the provision of a service to those properties that are connected to the sewerage system, but have not paid the lump sum connection fee.

The rate to apply for 2024/25 is \$941.35

(D) REFUSE & RECYCLING

1. Refuse Collection and Disposal Rate

A targeted rate for refuse collection and disposal, set under Section 16 of the Local Government (Rating) Act 2002 as a fixed amount on a uniform basis, applied to each separately used or inhabited part of a rating unit, for which a weekly rubbish collection service is available, with the rate being 2 or 3 times the base rate for those units where 2 or 3 collections per week respectively is available. This rate will apply as follows:

RATE		
1	2	3
COLLECTION PER WEEK	COLLECTIONS PER WEEK	COLLECTIONS PER WEEK
\$226.80	\$456.60	\$680.40

Rating units which Council officers determine are unable to practically receive the Council service and have an approved alternative service will be charged the Refuse Collection and Disposal Rate, but will be remitted the full balance for the rating year.

2. Kerbside Recycling Rate

A targeted rate for Kerbside Recycling, set under Section 16 of the Local Government (Rating) Act 2002, as a fixed amount on a uniform basis, applied to each separately used or inhabited part of a rating unit for which the Kerbside recycling collection service is available.

This rate will apply as follows:

Charge per separately used or inhabited part of a rating unit	\$116.10
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Rating Units which Council officers determine are unable to practically receive the Council service and have an approved alternative service will be charged the Kerbside Recycling Rate, but will be remitted the full balance for the rating year.

(E) VEHICLE LEVY

1. Inner City Vehicle Levy

A targeted rate that provides funding for additional off street car parking in the Central Business District set under Sections 16 & 17 of

the Local Government (Rating) Act 2002 on a differential basis on the rateable land value, to apply to rating units in the Central Business District. The rate to apply to the Differential Groups is as follows:

Description	Cents in the dollar on Land Value
Properties where council provides additional parking due to the property receiving a 100% levy.	0.04881
Properties where council provides additional parking due to the property receiving a 50% levy.	0.02440

2. Taradale Vehicle Levy

A targeted rate, previously known as the Taradale Off Street Parking Rate, provides funding for additional off street car parking in the Taradale Shopping and commercial area and to maintain existing off street parking areas in Taradale, set under Section 16 of the Local Government (Rating) Act 2002 as a rate in the dollar on Land Value on rating units in the Taradale Commercial and Shopping Area as follows:

Description	Cents in the dollar on Land Value
Taradale Vehicle Levy	0.05305

3) Suburban Vehicle Levy

A targeted rate, previously known as the Suburban Off Street Parking Rate, provides funding for additional off street car parking in Suburban Shopping and commercial areas and to maintain existing off street parking areas in suburban shopping and commercial areas, set under Section 16 of the Local Government (Rating) Act 2002 as a rate in the dollar on Land Value on all rating units in Suburban Shopping and Commercial Areas as follows:

Description	Cents in the dollar on Land Value
Suburban Vehicle Levy	0.05305

(F) PROMOTION RATES

1. NCBI CBD Promotion Levy

A targeted rate to fund at least 70% of the cost of the promotional activities run by the Napier City Business Inc, set under Section 16 of the Local Government (Rating) Act 2002, and applied uniformly on the rateable land value of all rating units in the area defined as the Central Business District, such rate to apply to applicable properties within the Differential Groups and Differential Codes as follows:

Description	Cents in the dollar on Land Value
Properties in the CBD Promotion Rate area	0.19109

2. Taradale Promotion Rate

A targeted rate to fund the cost of the Taradale Marketing Association’s promotional activities, set under Section 16 of the Local Government (Rating) Act 2002 and applied uniformly on the rateable land value of all rating units in the Taradale Suburban Commercial area, such rate to apply to the Differential Groups and Differential Codes as follows:

Description	Cents in the dollar on Land Value
Properties in the Taradale Promotion Rate area	0.17184

(G) OTHER RATES AND CHARGES

1. Swimming Pool Safety Rate

A targeted rate to fund the cost of pool inspections and related costs, set under Section 16 of the Local Government (Rating) Act 2002, as a fixed amount on every rating unit where a swimming pool or small heated pool (within the meaning of the Building (Pools) Amendment Act 2016) is located, of \$72 per rating unit.

2. Rangatira Revetment Rate

Revetment construction commenced in 2023 to provide protection from ongoing coastal erosion. The Rangatira Revetment targeted rate is a fixed amount of \$348.86, set on a uniform basis under Section 16 of the Local Government (Rating) Act 2002. It is applied to each separately used or inhabited part of a rating unit on the north side of Whakarire Avenue. This rate recovers the private funding component of the cost over a period of 25 years.

3. Resilience Rate

This rate partially funds activities related to emergency preparedness including, but not limited to, infrastructure projects, civil defence planning, emergency equipment, and other disaster-related planning. These costs would otherwise not be budgeted for, or included, in the Long Term Plan. The targeted rate is a fixed amount of \$14.60 set on a uniform basis, applied to each separately used or inhabited part of a rating unit. This rate has been introduced according to the procedure set out in Section 23 of the Local Government (Rating) Act 2002.

4. Due Dates for Payment and Penalty Dates (For Rates other than Water by Meter Rates)

That rates other than water by meter charges are due and payable in four equal instalments. A 10% penalty will be added to any portion of rates (except for Water by Meter) assessed for the 2024/25 rating year that remains unpaid after the relevant instalment date. The respective penalty dates are shown in the following table as provided for in section 57 and 58(1)(a) of the Local Government (Rating) act 2002.

Instalment	Due date	Penalty Date
1	21 August 2024	21 August 2024
2	20 November 2024	20 November 2024
3	19 February 2025	19 February 2025
4	21 May 2025	21 May 2025

Any portion of rates assessed in previous years (including previously applied penalties) which remains unpaid on 30 July 2024 will have a further 10% added, firstly on 31 July 2024, and if still unpaid, again on 31 January 2025.

5. Water Rates

Targeted rates for metered water supply will be separately invoiced from other rates invoices. Metered water supply for commercial properties is invoiced quarterly and metered water for domestic (residential) water supply is invoiced annually. A 10% penalty will be added to any part of the water rates that remain unpaid by the due date as shown in the table below as provided for in section 57 and 58(1)(a) of the Local Government (Rating) Act 2002.

Metered Water Supply rates are due for payment as follows:

Instalment	3 monthly invoicing Due Date	Penalty date
1	20 July 2024	26 July 2024
2	20 October 2024	26 October 2024
3	20 January 2025	26 January 2025
4	20 April 2025	26 April 2025
30 June 2024	20 July 2024	26 July 2024
30 June 2025	20 July 2025	26 July 2025

A penalty of 10% will be added to any portion of water supplied by meter, assessed in the current year, which remains unpaid by the relevant instalment due date, on the respective penalty date above.

Any portion of water rates assessed in previous years (including previously applied penalties) which are unpaid by 30 July 2024 will have a further 10% added, firstly on 31 July 2024, and if still unpaid, again on 31 January 2025.

Any water payments made will be allocated to the oldest debt.

Carried

7. REPRESENTATION REVIEW - INITIAL PROPOSAL

Type of Report:	Legal and Operational
Legal Reference:	Local Electoral Act 2001
Document ID:	1724838
Reporting Officer/s & Unit:	Anna Eady, Team Leader Governance Jane McLoughlin, Corporate Planning Lead

7.1 Purpose of Report

To consider Napier City Council's (NCC) initial proposal for representation arrangements for the 2025 and 2028 elections.

At the meeting

The Team Leader Governance, Ms Eady spoke to the report advising that the review of representation arrangements would provide the basis of the 2025 election. A PowerPoint presentation (Doc Id 1772870) was displayed and Ms Eady provided a brief summary including feedback from Ngā Mānukanuka o te Iwi Komiti as highlighted below:

- Māori Ward - One city-wide ward with two Māori ward councillors and the ward name to be Te Whanga (*With the approval of the Kāhui Kaumātua group*)
- General Ward - Preference was for the four-wards option as would create less confusion; this arrangement provides good representation in the city and suggested ward name changes of Heipipi, Mataruahou or Heipipi ki Mataruahou for the current Ahuriri ward, with any new te reo name changes being approved by the Kāhui Kaumātua.
- Maraenui Community Board – Ngā Mānukanuka o te Iwi members were not in favour of a Community Board as they considered it would be too formal; unnecessary extra layer of governance; doubling-up of the conversations already happening between the community and Council.

Ms Eady advised that three options were being suggested with a ward basis of election, with no at large elected members. If the options put forward were not agreeable to elected members further modelling would be required and officers would need to engage Statistics New Zealand to get re-modelling undertaken which would also impact on the consultation and hearing time.

An initial proposal would need to be notified to the public by 8 August 2024.

In response to questions the following was clarified:

- Ngā Mānukanuka o te Iwi had two representatives from the Maraenui area on the Committee – Tiwana Aranui and Shyann Raihania.
- The four ward option was supported by Ngā Mānukanuka o te Iwi.
- The members of Ngā Mānukanuka o te Iwi did not support a community board in the Maraenui area and elected members supported this option.

COUNCIL RESOLUTION LOST	Status Quo (Option 1) without Community Board:
	Councillors Boag / McGrath
	That Council: a) Receive the Representation Review – Initial Proposal report; and

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- b) **Consider** how its representation arrangements can best provide for the fair and effective representation of identified communities of interest; and
- c) **Adopt**, in accordance with sections 19H and 19J of the Local Electoral Act 2001, its initial proposal for the review of its representation arrangements for the 2025 and 2028 triennial elections as follows:

1. That the basis of election is ward-only, with Napier City to be divided into five wards (proposed boundaries shown in *General ward (Doc Id 1770023) and Māori ward (Doc Id 1773628) maps*), these being four general wards and one Māori ward.
2. Those five wards shall be:

General Wards

- I. Ahuriri Ward, with two ward elected ward councillors
- II. Onekawa-Tamatea Ward, with two elected ward councillors
- III. Nelson Park Ward, with three elected ward councillors
- IV. Taradale Ward, with four elected ward councillors

Māori Ward

- V. Te Whanga Ward, with two elected ward councillors
 3. That, as required by section 19T(1)(b) of the Local Electoral Act 2001, the boundaries of the above wards coincide with the current statistical meshblock areas determined by Statistics New Zealand and used for *Parliamentary* electoral purposes.
 4. That, as required by section 19T(1)(a) of the Local Electoral Act 2001, the five wards and the number of members of each ward will provide effective representation of communities of interest within Napier City.
 5. That in accordance with section 19K of the Local Electoral Act 2001, the Council hereby records that the following changes have been made to the membership and ward, boundaries within Napier City for the reasons set out:
 - I. The total number of councillors to be elected is increased by one to provide effective representation of for Napier City. This ward structure recognises voters in high deprivation areas and groups together communities of interest that have common interests, demographics, land use and use of services.
 - II. The reasons for the change in ward boundaries are to better reflect the district's communities of interest and to provide fairer representation, especially noting the representation for the Nelson Park General ward is reduced from four members to three members – given the introduction of a Māori Ward and the resulting reallocation in voters from the general electoral roll to the Māori electoral roll. This reduction is made to achieve fair representation across wards.
 - III. Introduction of the Te Whanga Māori ward will improve the effective representation of Māori interests within Napier City, and in particular, those on the Māori electoral roll. Based on the total number of Councillors to be elected via wards, a single ward with two Māori Ward
-

Members is introduced on the basis that this will provide for fair and effective representation across the City of those electors who opt to be on the Māori electoral roll when exercising the Māori Electoral Option.

IV. The following boundary adjustments to Napier City Council's general electoral ward boundaries, namely –

- (1) Meshblock 4016590 moved from Nelson Park Ward to Ahuriri Ward
- (2) Meshblock 1428000 moved from Nelson Park Ward to Ahuriri Ward
- (3) Meshblock 1428200 moved from Nelson Park Ward to Ahuriri Ward
- (4) Meshblock 1428300 moved from Nelson Park Ward to Ahuriri Ward
- (5) Meshblock 1428800 moved from Nelson Park Ward to Ahuriri Ward
- (6) Meshblock 4016432 moved from Nelson Park Ward to Ahuriri Ward
- (7) Meshblock 1402800 moved from Taradale Ward to Nelson Park Ward
- (8) Meshblock 1402900 moved from Taradale Ward to Nelson Park Ward
- (9) Meshblock 1448104 moved from Taradale Ward to Nelson Park Ward
- (10) Meshblock 1448105 moved from Taradale Ward to Nelson Park Ward
- (11) Meshblock 1448106 moved from Taradale Ward to Nelson Park Ward
- (12) Meshblock 1448107 moved from Taradale Ward to Nelson Park Ward
- (13) Meshblock 4003560 moved from Taradale Ward to Nelson Park Ward
- (14) Meshblock 4003558 moved from Taradale Ward to Nelson Park Ward
- (15) Meshblock 4003559 moved from Taradale Ward to Nelson Park Ward
- (16) Meshblock 4003573 moved from Taradale Ward to Nelson Park Ward
- (17) Meshblock 4003574 moved from Taradale Ward to Nelson Park Ward
- (18) Meshblock 4013326 moved from Taradale Ward to Nelson Park Ward
- (19) Meshblock 4014812 moved from Taradale Ward to Nelson Park Ward
- (20) Meshblock 4017541 moved from Taradale Ward to Nelson Park Ward
- (21) Meshblock 4017694 moved from Taradale Ward to Nelson Park Ward
- (22) Meshblock 4017917 moved from Taradale Ward to Nelson Park Ward
- (23) Meshblock 4017595 moved from Taradale Ward to Nelson Park Ward
- (24) Meshblock 4017181 moved from Taradale Ward to Nelson Park Ward
- (25) Meshblock 1403201B moved from Taradale Ward to Nelson Park Ward
- (26) Meshblock 1426300 moved from Ahuriri Ward to Onekawa-Tamatea Ward
- (27) Meshblock 1426400 moved from Ahuriri Ward to Onekawa-Tamatea Ward
- (28) Meshblock 4011270 moved from Ahuriri Ward to Onekawa-Tamatea Ward
- (29) Meshblock 4015872 moved from Ahuriri Ward to Onekawa-Tamatea Ward
- (30) Meshblock 4016101 moved from Ahuriri Ward to Onekawa-Tamatea Ward

6. That there be no community boards within Napier City. Council is satisfied that the existing communities of interest are represented by the proposed ward structure and actively engaged elected members, and that there are alternative ways to maintain and strengthen local community representation and connections within Napier City Council structures.
7. That in accordance with section 19Y(1) of the Local Electoral Act 2001 if no submissions are received on the initial proposal, then this proposal must become the final proposal.
- d) **Direct** that as required by section 19M of the Local Electoral Act 2001, public notice of the selected initial proposal be given within 14 days of this resolution, and that the proposal be distributed for public consultation.

*The Motion was PUT and **LOST** with 3 FOR and 8 AGAINST*

Councillors Boag, McGrath and Chrystal voted **FOR**

Mayor Wise, Councillors Simpson, Mawson, Tareha, Browne, Brosnan, Greig,
Crowne and Taylor voted **AGAINST**

Following the recommendation to remain with the Status Quo (Option 1) without Community Boards being **lost** the meeting discussed further options. Option 4 (3 wards) without Community Boards or Te Reo names for Wards was then moved and seconded noting that during the extensive pre-engagement process this option was the most supported by the community.

It was noted that of the 702 responses in the last pre-engagement, 197 preferred this option, being 28% of respondents. It was also considered that although Te Reo names were attractive, it would add more confusion to the public with changes in ward size and representation to have a ward name change.

**COUNCIL
RESOLUTION**

Mayor Wise / Councillor Taylor

Option 4 (3 wards) without Community Board:

That Council:

- a. **Receive** the 'Representation Review – Initial Proposal' report; and
- b. **Consider** how its representation arrangements can best provide for the fair and effective representation of identified communities of interest; and
- c. **Adopt**, in accordance with sections 19H and 19J of the Local Electoral Act 2001, its initial proposal for the review of its representation arrangements the 2025 and 2028 triennial elections as follows:
 1. That the basis of election is ward-only, with Napier City to be divided into four wards (proposed boundaries shown in *General ward (Doc Id 1770507) and Māori ward maps (Doc Id 1773628)*), these being three general wards and one Māori ward.
 2. Those four wards shall be:

General Wards

 - I. Ahuriri General Ward with three elected ward councillors
 - II. Napier Central General Ward, with three elected ward councillors
 - III. Taradale General Ward, with three elected ward councillors

Māori Ward

 - IV. Te Whanga Māori Ward, with two elected ward councillors
 3. That, as required by section 19T(1)(b) of the Local Electoral Act 2001, the boundaries of the above wards coincide with the current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.
 4. That, as required by section 19T(1)(a) of the Local Electoral Act 2001, the four wards and the number of members of each ward will provide effective representation of communities of interest within Napier City.
 5. That in accordance with section 19K of the Local Electoral Act 2001, the Council hereby records that the following changes have been made

to the membership and ward, boundaries within Napier City for the reasons set out:

- I. The total number of councillors to be elected is decreased by one to provide effective representation of for Napier City. This is achieved by grouping together communities of interest with similar common interests, land use, demographics and access to services.
 - II. The reasons for the change in ward boundaries and reduction of general wards from four to three are to better reflect the district's communities of interest as detailed in the report, and to provide fairer representation by providing reasonably even representation across the wards which complies with the +/- 10% rule as outlined in section 19V of the Local Government Act 2001.
 - III. Introduction of the Te Whanga Māori ward will improve the effective representation of Māori interests within Napier City, and in particular, those on the Māori electoral roll. Based on the total number of Councillors to be elected via wards, a single ward with two Māori Ward Members is introduced on the basis that this will provide for fair and effective representation across the City of those electors who opt to be on the Māori electoral roll when exercising the Māori Electoral Option.
 - IV. Napier City will be divided into three general electoral ward boundaries, namely:
 1. **Ahuriri General Ward**
Comprising of Bayview, Westshore, Inlet Napier City, Ahuriri, Bluff Hill, Hospital Hill, Poraiti Flat, Poraiti Hills, Napier Central, Nelson Park, McLean Park, Awatoto, the eastern part of Meeanee, and the northern part of Onekawa West.
 2. **Napier Central General Ward**
Comprising of Marewa West, Marewa East, Onekawa Central, Onekawa East, Onekawa South, Maraenui, Pirimai East, Pirimai West, Tamatea North, Tamatea West, and Tamatea East, the southern part of Onekawa West, and the Bupa Willowbank Retirement Village.
 3. **Taradale General Ward**
Comprising of Greenmeadows West, Greenmeadows Central, Greenmeadows South, Taradale West, Taradale Central, Taradale South, Tareha Reserve, Bledisloe Park, and the western part of Meeanee.
 6. That there be no community boards within Napier City. Council is satisfied that the existing communities of interest are represented by the proposed ward structure and actively engaged elected members, and that there are alternative ways to maintain and strengthen local community representation and connections within Napier City Council structures.
 7. That in accordance with section 19Y(1) of the Local Electoral Act 2001 if no submissions are received on the initial proposal, then this proposal must become the final proposal.
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- d) **Direct** that as required by section 19M of the Local Electoral Act 2001, public notice of the selected initial proposal be given within 14 days of this resolution, and that the proposal be distributed for public consultation.

Carried

Councillors Boag and McGrath voted AGAINST the Motion

Attachments

- 1 Representation Review presentation (Doc Id 1772870)

8. CCTV POLICY UPDATES

Type of Report: Operational

Legal Reference: N/A

Document ID: 1763419

Reporting Officer/s & Unit: Duncan Barr, Chief Information Officer

8.1 Purpose of Report

To present the revised Information Services CCTV Policy to Council to be approved.

At the meeting

The Chief Information Officer, Mr Barr took the report as read providing a brief summary of the updates to the Policy.

COUNCIL RESOLUTION Councillors Browne / Mawson

That Council:

- a. **Approve** the updates made to the CCTV Policy (Doc Id 1761675) for finalisation and publication on the Council website.

Carried

Councillor Simpson withdrew from the meeting at 11.05am

9. LGNZ FOUR-MONTHLY REPORT

Type of Report: Information

Legal Reference: N/A

Document ID: 1766965

Reporting Officer/s & Unit: Anna Eady, Team Leader Governance

9.1 Purpose of Report

The purpose of this report is to provide for information the report “LGNZ four-monthly report for member Councils” (Doc ID: 1766962) for the period March to June 2024.

At the meeting

The Team Leader Governance, Ms Eady took the report as read. The LGNZ report provided an opportunity to update elected members on work the membership body has undertaken on behalf of Council and also provided an opportunity to share with the wider community national work being undertaken.

COUNCIL Councillor Crown / Deputy Mayor Brosnan
RESOLUTION

That Council:

- a. **Receive** the report titled “LGNZ Four-Monthly Report for Member Councils” for the period March to June 2024.

Carried

10. INFORMATION - MINUTES OF JOINT COMMITTEES

Type of Report: Information

Legal Reference: N/A

Document ID: 1761678

Reporting Officer/s & Unit: Anna Eady, Team Leader Governance

10.1 Purpose of Report

The purpose of this report is to receive unconfirmed minutes from various Joint Committee meetings.

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>

Councillor Simpson rejoined the meeting at 11.11am

At the meeting

Mayor Wise took the minutes as read and invited any members of those Committees to share any additional information.

Councillor Browne, spoke to the Clifton to Tangoio Coastal Hazards Strategy minutes and commended the community member Keith Newman (Saving the Cape Coast) on his presentation and compilation of his publication which was a collaborative effort by the community over 14 years to come up with community solutions.

COUNCIL Councillors Browne / Tareha
RESOLUTION

That Council:

- a. **Receive** for information the minutes of the following Joint Committees:
- Hawke's Bay Crematorium Committee meeting held 5 March 2024 (Doc Id 1761696).
 - Napier-Hastings Future Development Strategy Committee meeting 27 April 2024 (Doc Id 1674663).
 - Clifton to Tangoio Coastal Hazards Strategy Committee meeting 17 May 2024 (Doc Id 1767689).

Carried

11. ACTION POINTS REGISTER AS AT 17 JUNE 2024

Type of Report: Operational

Legal Reference: N/A

Document ID: 1769993

Reporting Officer/s & Unit: Anna Eady, Team Leader Governance

11.1 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 17 June 2024, 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 noted that since this report was produced Action 120 was now complete, with a workshop being held with Ngā Mānukanuka o te Iwi komiti on 20 June 2024 in relation to future agenda reports and information they would like to receive.

The Pou Whakarae advised Ngā Mānukanuka o te Iwi members were keen to have reports earlier that promote youth leadership, water, land, housing and health and issues that affect Māori.

Action 61 – The Chief Executive advised that this action was dependant on the Hawke's Bay Regional Council, who were currently in the process of recruiting a Project Manager and independent Chair for the HB Civil Defence Emergency Management Committee. This action was for a Regional approach and did not affect Council's staff or work internally.

COUNCIL Councillors Chrystal / Tareha

RESOLUTION

That Council:

- a. **Note** the extract from the Action Points Register as at 17 June 2024

Carried

REPORTS / RECOMMENDATIONS FROM THE SPECIALIST COMMITTEES

REPORTS FROM AUDIT AND RISK COMMITTEE HELD 14 JUNE 2024

1. Internal Audit Recommendations Progress Report

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1756765
<i>Reporting Officer/s & Unit:</i>	Raewyn Fowler, Internal Audit Lead

1.1 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

There was no discussion on this item.

COUNCIL RESOLUTION

Councillors Crown / Mawson

That Council **receive** the following recommendation from the Audit and Risk Committee:

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

Carried

2. Sensitive Expenditure - Mayor and Chief Executive

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1756766
<i>Reporting Officer/s & Unit:</i>	Raewyn Fowler, Internal Audit Lead Talia Foster, Financial Controller

2.1 Purpose of Report

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

At the meeting

There was no discussion on this item.

COUNCIL RESOLUTION Councillors Crown / Mawson

That Council **receive** the following recommendation from the Council:

- a. **Receive** the 31 March 2024 quarterly report of Sensitive Expenditure for the Mayor and Chief Executive and review for compliance with the Sensitive Expenditure Policy.

Carried

3. Internal Audit: Contract Management Report

Type of Report: Operational

Legal Reference: Local Government Act 2002

Document ID: 1760996

Reporting Officer/s & Unit: Raewyn Fowler, Internal Audit Lead
Sharon O'Toole, Procurement Manager

3.1 Purpose of Report

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

At the meeting

There was no discussion on this item.

COUNCIL RESOLUTION Councillors Crown / Mawson

That Council **receive** the following recommendations from the Audit and Risk Committee:

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

- b. **Endorse** actions of management to prepare and consider a Procurement and Management Improvement Plan.

Carried

4. Policy review process update

Type of Report: Operational

Legal Reference: N/A

Document ID: 1756764

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

4.1 Purpose of Report

To update the committee on the progress made to date with the policy review project.

At the meeting

There was no discussion on this item.

COUNCIL RESOLUTION Councillors Crown / Mawson

That Council **receive** the following recommendations from the Audit and Risk Committee:

- a. **Receive** the report titled “Policy Review Process Update” dated 14 June 2024.

Carried

5. External Audit actions status update

Type of Report: Information

Legal Reference: N/A

Document ID: 1762046

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

5.1 Purpose of Report

The purpose of this paper is to summarise the actions taken by management from recommendations made via our external audit process to provide assurance to the Audit and Risk Committee that these have been addressed.

At the meeting

There was no discussion on this item.

COUNCIL RESOLUTION Councillors Crown / Mawson

That Council **receive** the following recommendation from the Audit and Risk Committee:

- a. **Receive** this report titled “External Audit Actions Status Update” dated 14 June 2024.

Carried

6. Health and Safety Report

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1762676
<i>Reporting Officer/s & Unit:</i>	Adam McDonald, Health, Safety and Wellbeing Lead

6.1 Purpose of Report

To inform the Audit & Risk Committee (ARC) of Health Safety & Wellbeing (HSW) strategic progress, performance and activities covering the period March 2024 to May 2024. 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 programme.

At the meeting

There was no discussion on this item.

COUNCIL RESOLUTION	Councillors Crown / Mawson
	That Council receives the following recommendation from the Audit and Risk Committee:
	<ol style="list-style-type: none"> a. Receive the Health and Safety Report for the period March 2024 to May 2024.
	Carried

7. Risk Management Report

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1756767
<i>Reporting Officer/s & Unit:</i>	Dave Jordison, Risk and Assurance Lead Alister Edie, Business Improvement Manager

7.1 Purpose of Report

To update the Committee on risk management workstreams and inform on the status of Council’s strategic and operational risk profile and any emerging risks.

At the meeting

There was no discussion on this item.

COUNCIL Councillors Crown / Mawson

RESOLUTION

That Council **receive** the following recommendations from the Audit and Risk Committee:

- a. **Receive** the report titled “Risk Management Report” dated 16 June 2024.
- b. **Approve** Council’s updated list of strategic risks as below:

New Strategic Risk	Risk Owner	Strategic Priority Link
1. People & Capability	All of ELT = Louise Miller - Chief Executive	A resilient City, financially sustainable Council, General
2. Not enabling our communities to become resilient	Thunes Cloete - Executive Director Community Services	A resilient city
3. Failure to plan for, develop and maintain sound infrastructure	Russell Bond - Executive Director Infrastructure Services	A resilient City, financially sustainable Council
4. Work Health & Safety - failure to maintain a safe and healthy workplace and safe systems of work	Louise Miller - Chief Executive	General
5. Sustainable Financial Strategy	Jessica Ellerm - Deputy Chief Executive / Executive Director Corporate Services	Financially sustainable Council
6. Failing to meet Te Tiriti o Waitangi commitments and obligations	Morehu Te Tomo - Pou Whakarae	Nurturing authentic relationships, Places and spaces for all
7. Effectiveness of Emergency Management	Thunes Cloete - Executive Director Community Services	A resilient City, financially sustainable Council
8. Climate Change	Rachael Bailey - Executive Director City Strategy	A resilient City, financially sustainable Council
9. Impact of external change and reform	Rachael Bailey - Executive Director City Strategy	General, A resilient city
10. Security and Privacy of Data and	Jessica Ellerm - Deputy Chief Executive / Executive Director	General

Information	Corporate Services	
11. Delivery of programmes and change	Rachael Bailey - Executive Director City Strategy	General
12. Council Reputation	Louise Miller - Chief Executive	General

- c. **Support** the draft risk management uplift programme.
- d. **Acknowledge** and thank the Executive Leadership Team and officers for the work undertaken on risk management and the development of the uplift programme.

Carried

REPORTS UNDER DELEGATED AUTHORITY

1. TENDERS LET

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1766157
<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 May to 19 June 2024.

At the meeting

There was no discussion on this item.

COUNCIL RESOLUTION

Councillors Mawson / Chrystal

That Council:

- a) **Receive** the Tenders Let for the period 13 May 2024 to 21 June 2024 as below:
 - **Contract 2714** Centennial Hall and Graham Lowe Stand Gutter upgrade be awarded to BR Turfrey Limited in the sum of \$240,960.00

Carried

Minor matters

There were no minor matters to discuss.

RESOLUTION TO EXCLUDE THE PUBLIC

Councillors Tareha / Mawson

COUNCIL RESOLUTION

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

Carried

Agenda Items

1. Civic Awards 2024
2. Mission Hills Water Supply Cost Share Agreement
3. Action Points Register (Public Excluded) as at 17 June 2024

Reports from Audit and Risk Committee held 14 June 2024

1. Verbal Update Chief Executive
2. Severance Pay Recommendations Update

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

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

Agenda Items

1. Civic Awards 2024	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
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		<p>which good reason for withholding would exist:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>
<p>2. Mission Hills Water Supply Cost Share Agreement</p>	<p>7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>
<p>3. Action Points Register (Public Excluded) as at 17 June 2024</p>	<p>7(2)(a) Protect the privacy of natural persons, including that of a deceased person</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)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including</p>	<p>48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>

	commercial and industrial negotiations)	
Reports from Audit and Risk Committee held 14 June 2024		
1. Verbal Update Chief Executive	7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities	48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
2. Severance Pay Recommendations Update	7(2)(c)(i) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied	48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.

The meeting adjourned at 11.22am and reconvened in Public Excluded at 11.29am

The meeting closed with a karakia at 11.57am

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

Chairperson

Date of approval