



# ORDINARY MEETING OF COUNCIL

## Open Agenda

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Meeting Date: Thursday 5 September 2024

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Time: 1.30pm (Māori Wards)

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

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*Livestreamed via Council's Facebook page*

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Council Members **Chair:** Mayor Wise

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

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Officer Responsible Chief Executive

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Administrator Governance Team

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**Next Council Meeting**  
**Tuesday 10 September 2024**

## 2022-2025 TERM OF REFERENCE - COUNCIL

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

### **Purpose**

The Council is responsible for:

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

### **Terms of Reference**

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

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

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

2 Schedule 7, clause 30A

3 Shop Trading Hours Act 1990, section 5D.

### **Delegated Power to Act**

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

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

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

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4 Schedule 7, clause 27,

5 Schedule 7, 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, 15 August 2024 be confirmed as a true and accurate record of the meeting. ....58

## Information items

## Agenda items

- 1 Replacement of Elected Member Representative on Creative Communities Committee..4
- 2 Māori Wards amendment legislation - consideration of community feedback .....7

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

# AGENDA ITEMS

## 1. REPLACEMENT OF ELECTED MEMBER REPRESENTATIVE ON CREATIVE COMMUNITIES COMMITTEE

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1785813
Reporting Officer/s & Unit:	Anna Eady, Team Leader Governance

### 1.1 Purpose of Report

The purpose of this report seeks Council approval to appoint a new elected member to the Napier Creative Communities Scheme Assessment Committee following the resignation of the current appointee.

### Officer’s Recommendation

That Council:

- a. **Approve** Councillor Simpson as a Napier City Council appointment to the Napier Creative Communities Scheme Assessment Committee

### 1.2 Background Summary

Councillors Boag and Chrystal were appointed to the Napier Creative Communities Scheme Assessment Committee by Council resolution on 15 November 2022.

Councillor Boag has resigned from this Committee and a replacement is required. Councillor Simpson has agreed to be the replacement Napier City Council appointment.

### 1.3 Issues

There are no anticipated issues.

### 1.4 Significance and Engagement

This is a procedural matter and does not trigger the Significance and Engagement Policy.

### 1.5 Implications

#### Financial

The change in appointment does not have any financial implications.

#### Social & Policy

There are no social or policy implications.

#### Risk

There is no known risk.

## **1.6 Options**

The options available to Council are as follows:

- a. Approve Councillor Simpson as the council representative on the Napier Creative Communities Scheme Assessment Committee.
- b. Nominate another elected member to be appointed as the council representative on the Napier Creative Communities Scheme Assessment Committee.

## **1.7 Development of Preferred Option**

The preferred option is for Council to approve Councillor Simpson as the representative on the Napier Creative Communities Scheme Assessment Committee.

If Councillor Simpson is appointed, Smarty Grants training will be given in anticipation of the next funding round.

## **1.8 Attachments**

Nil

## 2. MĀORI WARDS AMENDMENT LEGISLATION - CONSIDERATION OF COMMUNITY FEEDBACK

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Electoral Act 2001, Local Government Electoral Amendment Act 2024 & Local Government Act 2002
<i>Document ID:</i>	1781713
<i>Reporting Officer/s &amp; Unit:</i>	Anna Eady, Team Leader Governance Jane McLoughlin, Project Manager - Strategy and Transformation

### 2.1 Purpose of Report

To inform Council's decision on whether to proceed with establishing Māori wards at the 2025 local government election in Napier.

### Officer's Recommendation

That Council:

- a. **Receive** the report 'Māori Wards Amendment Legislation – Consideration of Community Feedback'.
- b. **Note** the feedback received from the community on whether to establish Māori wards in Napier at the 2025 local government election, as outlined in the Council report and attachments.
- c. **Resolve** to affirm its decision from 20 October 2021 to establish Māori wards for electoral purposes under the Local Electoral Act 2001 ahead of the 2025 local government election in Napier.
- d. **Resolve** to continue with the representation review process currently underway.
- e. **Note** that due to Council reaffirming its decision to establish Māori wards, it is required under the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 to hold a poll at the 2025 local government election in Napier.
- f. **Note** that the results of the Poll will take effect for the 2028 and 2031 local government elections.

### 2.2 Background Summary

#### *2021 Decision*

In 2021 after five months of consultation Napier City Council (NCC) decided to establish Māori wards at the 2025 local government election. The reasons given for this decision at that time were:

- 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.

#### *Legislation to reintroduce binding poll provisions*

The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (the Amendment Act) aims to “enable local electors to take part in their local elections and decisions about their council’s representation” by:

- Reintroducing the poll provisions on the matter of establishing or disestablishing Māori wards and constituencies;
- Removing the requirement for councils that had not established Māori wards to consider them every six years during the representation review process; and
- Providing a transitional poll mechanism for councils that either resolved to establish or established Māori wards without a poll.

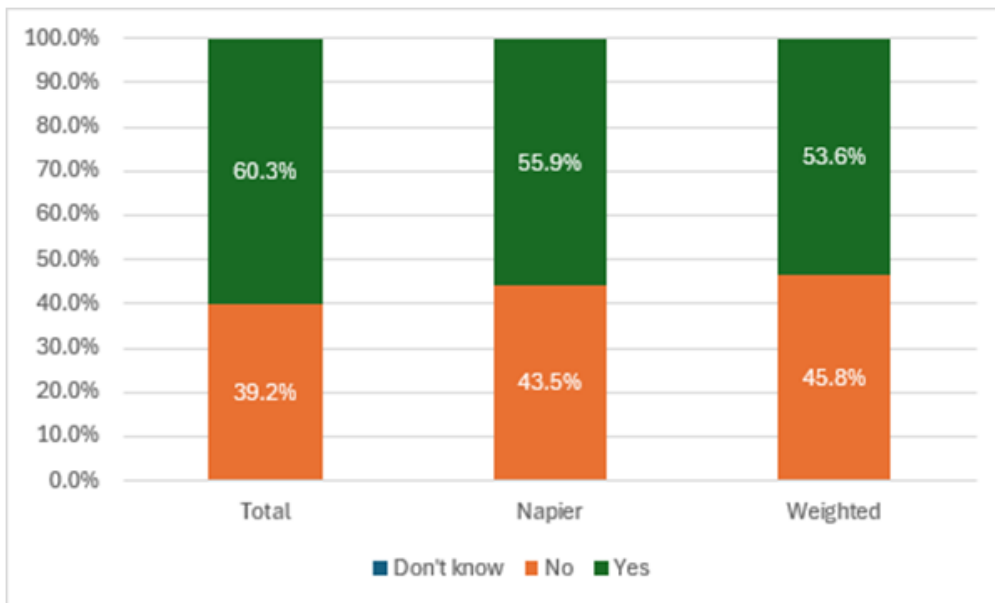
The Amendment Act requires Council, who established Māori wards without a poll, to make a formal decision by 6 September 2024 on whether to rescind the decision made in 2021 to establish Māori wards or reaffirm that decision. Making such a significant decision triggers NCC’s Significance and Engagement Policy and requirements under Part 6 of the Local Government Act 2002 (LGA), which requires community and stakeholder consultation on significant decisions.

#### *Consultation Feedback*

2306 submissions were received. Double-ups and invalid submissions were removed. This left 2288 submissions to undergo analysis, of which 1890 were from Napier residents. The results were then adjusted in relation to the 2023 census data to reflect the makeup of the Napier population by age and ethnicity (for more information on the data classification process refer to page 8 of **Attachment 1**).

The graph below shows the results of all valid submissions, the results of the Napier only submissions and the proportionally adjusted results. All three sets of results are in favour of Council reaffirming its 2021 decision to establish Māori wards at the 2025 local government election.





There was a strong response from Māori submitters in particular (37.4% of all submissions), compared to the Napier Māori population aged 18+ (22% based on 2023 NZ Census data). Support for Council reaffirming its decision to establish Māori wards was very high amongst these submitters, regardless of which electoral roll they were members of. 98% of Māori roll members submitted in favour of Māori wards and 84% of submissions by Māori on the General roll were in favour.

Among non-Māori, less than half (41%) supported Council reaffirming its decision to establish Māori wards.

The SIL Research report (**Attachment 1**) presents the results in further detail.

Key themes raised by submitters and officer responses can be found below:

Themes expressed in favour of Māori wards	Officers Response
Increased / fairer / guaranteed representation / Māori having a voice	Māori wards guarantee proportional representation for those electors on the Māori roll, who have limited voting power due to being a minority group. More of Te Ao Māori can be incorporated into Council business.
Obligations under Te Tiriti o Waitangi	The Local Government Act 2002 requires territorial authorities to take appropriate account of the principles of Te Tiriti, and to provide opportunities for Māori to contribute to local government decision making.  Māori wards honour the principles of Te Tiriti, including the principles of Participation and partnership.  The Waitangi Tribunal stated to require poll provisions only in respect of Māori wards and not of any other general or rural wards is discriminatory.
Māori wards beneficial for all / promotes partnership / unity / biculturalism	Of those communities which have established Māori wards, the community has benefitted from the improved and strengthened relationships between Māori and the council and consequently strengthened local decision-making.

Themes expressed in favour of Māori wards	Officers Response
	<p>All councillors, upon taking office, pledge to act in the best interests of the entire city. Their role involves making decisions that benefit the community in the long term, spanning generations. While they bring their personal experiences and expertise to the council, they also advocate for their constituents as part of their representation duties. This leads to a more diverse and holistic approach to decision making.</p>
<p>Better outcomes for Māori overall</p>	<p>Representation speaks directly to the quality of people’s lives and their experience in their community. To feel connected is empowering. Who is represented at the decision-making table is right at the center of local government and how it can best serve its people.</p> <p>If residents on the Māori roll are able to vote for councillors that represent them they are more likely to engage with NCC in local decision processes, in elections, and in wider community events. The councillors in this ward will be an example of leadership and capability.</p>
<p>Council should honour the existing commitment to Māori wards</p>	<p>Rescinding the 2021 decision is not consistent with the reasons given at that time for establishing Māori wards at the 2025 election.</p> <p>A decision to rescind would also not be consistent with NCC’s submission on central government’s Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill 2024, the letter sent to central government by 54 local government mayors and chairs from around the country opposing the Bill, or the talking points published on this matter earlier in the year.</p>

Themes expressed in opposition to Māori wards	Officers Response
<p>Māori can already stand for election in general wards / one people – one rule for all / it may limit Māori standing in General wards</p>	<p>This is correct, Māori can run in general wards and at large seats.</p> <p>However, very few Māori have stood in Napier's local government elections historically. Since 1977 only 3 elected councillors out of 193 have been Māori.</p>
<p>Election should be on merit, not ethnicity</p>	<p>In local elections there is no independent assessment of each candidate's merit, it is about who gains the majority of the votes. The majority voice often outweighs the minority voice in elections. In Napier, Māori make up nearly 24% of the population, yet historically their representation in local government has been disproportionately low.</p>
<p>Māori wards should only be introduced after a binding poll of the entire community.</p>	<p>When binding polls were mandatory, only three councils, including Bay of Plenty Regional Council, Waikato Regional Council, and Wairoa District Council, had Māori wards. In contrast, after binding polls were removed, 45 councils chose to establish Māori wards.</p> <p>This reflected a broader acceptance and understanding of the need for diverse representation in local governance. This change underscored evolving attitudes towards representation and community engagement in decision-making processes.</p>
<p>Te Tiriti o Waitangi has been interpreted wrongly.</p>	<p>The Waitangi Tribunal strongly disagreed with reinstating binding polls as they are a barrier for Māori representation and participation in local government, are contrary to the principles of Te Tiriti, will likely increase divisive effects and racist rhetoric that has accompanied binding polls in the past, and will cause lasting damage to the Māori-Crown relationship.</p>
<p>Special treatment / giving disproportionate vote to one community group.</p>	<p>Māori wards operate under the principle of one person, one vote just like the central government Māori seats, ensuring no disproportionate voting power for one group.</p> <p>In Napier, Māori roll voters are only able to vote for Māori ward councillors and the Mayor. Similarly, general roll voters can only vote for General ward councillors and the Mayor.</p>
<p>If you have Māori wards you should have wards for other communities of interest/ethnicities (Pasifika, Asian, European).</p>	<p>Councils have obligations under legislation and Te Tiriti to facilitate Māori participation in decision-making.</p> <p>Napier's population is predominantly NZ European, with Māori being the next largest group. Napier stands out with one of the highest proportions of Māori voters compared to other city councils, highlighting the significance of Māori representation concerns in local governance discussions.</p>

Themes expressed in opposition to Māori wards	Officers Response
Māori are already consulted / have influence.	Ngā Mānukanuka o te Iwi (the Māori Committee) plays a crucial role in advising the Council on matters relevant to the Māori community. While its members have influence through committee participation and voting rights at Committee and Sub-Committee level, however, there remains an opportunity for greater participation in Council decision making, where final decisions are often made.
Concerns about cost/bureaucracy	Introducing Māori wards in Napier would not incur additional ongoing costs. The Remuneration Authority sets a fixed budget for Napier's council, which must be adhered to regardless of the number or composition of councillors.
Demeaning/patronising to Māori	<p>Council's Māori Committee and mana whenua leaders have consistently advocated for the introduction of Māori wards. In 2021, in Napier, Māori communities protested what they perceived as Council inaction and urged prompt consultation and decision-making for implementation by the 2022 election. However, the Council decided to defer the decision to take effect from 2025, citing the need for more extensive consultation.</p> <p>The overwhelming support from Māori voters and community leaders underscores the importance of Māori wards as a means of equitable representation and responsiveness to Māori interests.</p>
Oppose unelected Māori councillors	<p>In local elections, only candidates who stand for election have the opportunity to be elected, including Māori ward candidates. There is always a possibility, particularly in ward-based systems, that a candidate may be elected unopposed. Conversely, there can be varying numbers of candidates competing for a seat, from few to many.</p> <p>While there have been instances in Napier's electoral history where candidates were elected unopposed, no candidate can be appointed unless they actively stand for election.</p>
Cost of binding poll	Estimated at \$60,000 as part of an election cycle.

There were a further 92 submissions received by the Governance Team outside of the timeframe to include them in the submission analysis process. 49 of these were in favour of Council reaffirming its decision to establish Māori wards and 43 were against, 36 of which were in a template format. The content of these submissions have been included with the other submissions for the elected member's to consider (**Attachment 4**).

### 2.3 Issues

#### 2024 Representation Review

NCC is currently carrying out a review of its representation arrangements, which the Local Electoral Act 2001 (LEA) requires all local authorities to at least once every six years to ensure the arrangements continue to provide fair and effective representation of their city’s communities of interest. The Council carried out its last representation review in 2018/19, ahead of the 2019 local body elections.

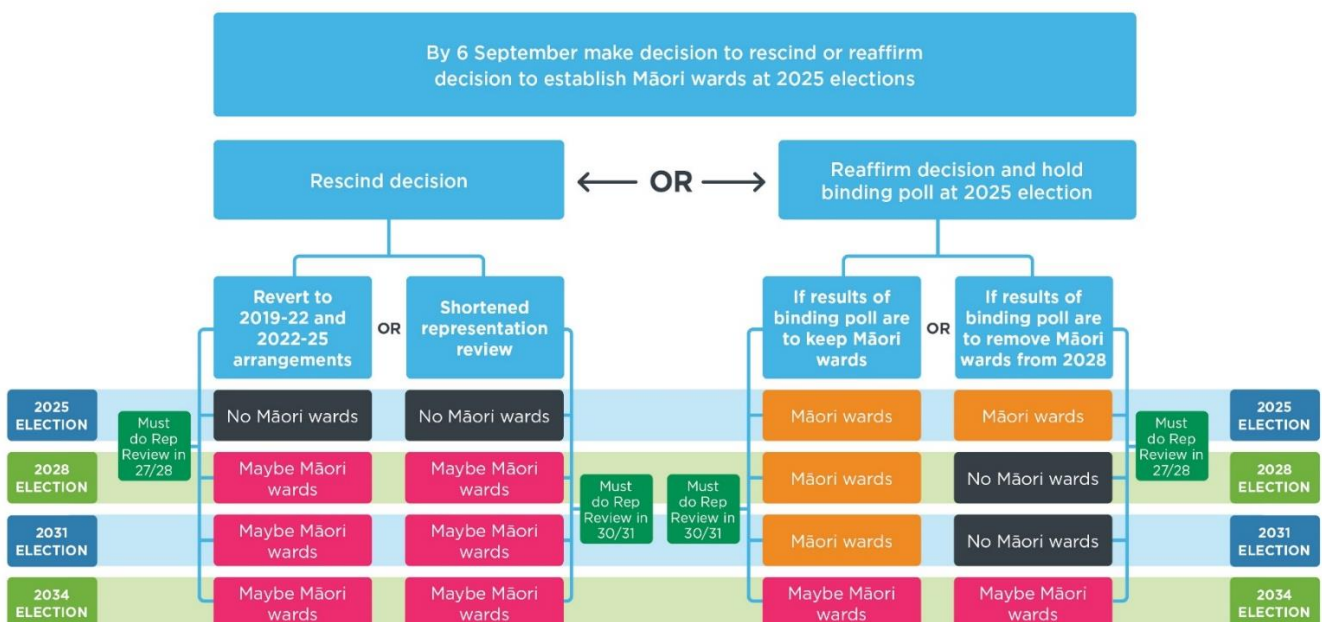
The process and timeframes to carry out a representation review are mandated through the LEA. NCC has completed formal consultation on its initial proposal, which proposes moving to three general wards with three councillors in each of these wards representing residents on the general roll who live in their ward, and one city-wide Māori ward with two councillors representing Napier’s residents on the Māori electoral roll.

Of note, submissions were made on the initial proposal which, although were out of scope for that consultation, help to inform this consultation carried out on the question of whether Council should reaffirm or rescind its decision to establish Māori wards. The largest group of specific comments in those submissions related to the introduction of the proposed Māori ward with a mixture of sentiment expressed. Overall, out of 122 submissions, 41% agreed with the Māori ward arrangements proposed, 52% disagreed, 6% did not know and 2% did not respond. Support for the proposal was very high from those who identified as being on the Māori roll (85% support).

#### Implications of decision

The decision made by council whether to rescind or reaffirm its 2021 decision to establish Māori wards has knock-on effects for the 2024 representation review, and for whether a binding poll on the retention of Māori wards is required at the 2025 local government election.

The following diagram outlines the possible decision pathways for Māori wards under the new legislation, the subsequent transitional options for representation, and the options for polls at future local elections in Napier City.



After the 2025 election the legislation provides for a binding poll to be triggered by Council making a proposal to either **establish** or **disestablish** Māori wards, by Council requesting a poll, or by a community demand. A community poll demand requires 5% of residents to sign a petition demanding a poll, and this mechanism can be used to **establish** or **disestablish** Māori wards under the conditions outlined in the Amendment Act, section 7.

#### *Reaffirm Pathway*

If Council elected to reaffirm its decision to establish Māori wards, then they will be established for the 2025 local elections. But also, the Amendment Act requires Napier City Council to hold a binding poll at the 2025 local election about the future of Māori wards. The result of that poll will be implemented at the 2028 election and is binding for two electoral terms e.g., 2028-31 and 2031-34.

#### *Rescind Pathway*

If Council elected to rescind its decision to establish Māori wards all requirements to meet legislative timeframes and decisions made by Council for the current representation review process would cease to have effect, and there would be no Māori wards at the 2025 election. After the election the council could resolve, or the community could demand, a poll be held to establish Māori wards to take effect from the 2028 election.

The rescind pathway has impacts on the representation review officers are currently conducting. If this pathway was chosen, elected members would also need to decide how to manage those impacts. Please see **Attachment 2** for further explanation of the options available.

#### *Obligations under Te Tiriti o Waitangi*

NCC has an obligation to uphold equality in local government representation arrangements and to honour the articles and the principles of Te Tiriti o Waitangi (Te Tiriti). The fundamental purpose of the Local Government Act 2002 (LGA) is to enable good local governance decision making on behalf of communities, and by communities. This upholds the principles of Te Tiriti. Section 81 of the LGA requires councils to:

- (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and
- (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority.

Often the Māori voice is missing from governance conversations and decisions. NCC strives to meet its obligations under the LGA and to honour Te Tiriti using different mechanisms, such as having dedicated seats on its Standing and Specialist Committees for marae representatives, and also a Māori committee, Ngā Mānukanuka o te Iwi. However, mana whenua in Napier, and the Waitangi Tribunal, have made it clear that a guaranteed ward seat is the best way to achieve a Māori voice in decision making. Legislation provides for this and encourages it.

Feedback from Māori has consistently been in favour of continuing to establish Māori wards in Napier.

## **2.4 Significance and Engagement**

Aside from the requirement in the Amendment Act 2024 to make a formal Council decision, deciding whether to rescind or reaffirm the 2021 decision that established Māori wards is a significant decision which impacts on, and is of interest to, the whole city and in particular Māori residents. As previously stated, this triggered the requirements for community

consultation in NCC's Significance and Engagement Policy, and also Part 6 of the LGA. Council was not, however, required to carry out a full special consultative process, but could build on the previous consultation in 2021 which provided Council a good understanding of the range of community views on this matter.

#### *Consultation Approach*

At the 1 August Council meeting, Council endorsed an engagement plan. The engagement set out to obtain views of Napier residents on the Council's preference to proceed with establishing Māori wards in Napier. The consultation period ran from 9-22 August.

Community events during the consultation plan included:

- Two Community drop-in sessions were held, one in Maraenui and one at the Municipal Theatre.
- One Hui a Iwi was held at the Napier War Memorial Centre, with approximately 100 people in attendance. The hui included mana whenua and tangata whenua leaders, councillors, council staff, and a representative from the Electoral Commission to explain how to enrol to vote and how to change between the General and Māori roll.

If the Council decides to rescind its decision to establish a Māori ward ahead of the 2025 local body election and revert to the existing representation arrangements for electoral purposes, this decision must be publicly notified in line with clause 37 of Part 3 of the Amendment Act.

The objections process (which is available in a standard representation review process in respect to a final decision made on electoral arrangements) is ruled out in the Amendment Act for a decision to continue existing representation arrangements.

## **2.5 Implications**

### **Financial**

If Council reaffirms its decision to establish a Māori ward at the 2025 local government elections, a binding poll will be required to be held. NCC's elections provider has quoted approximately \$60,000 to hold a poll alongside an election (to hold a poll independent of a local body election would be approximately \$200,000 - \$220,000).

The representation review cost to this point has been approximately \$80,000. Future costs will be approximately \$8,000, which will cover the cost of the Hearings, technical advice, and the public notice of final proposal.

If the Council decides to continue with the current representation review and the establishment of a Māori ward, the resourcing and budget requirements remain unchanged.

If the Council decides to rescind its decision to establish a Māori ward and revert to existing representation arrangements, the current representation review process would cease. There would also be no requirement to hold a binding poll at the 2025 election. However, prior to the 2028 local body election a full representation review would be required, which will require allocation of a similar budget to the representation review currently underway.

If the Council decides to rescind its decision to establish a Māori ward and conduct a shortened representation review process, the current representation review process would cease. The shortened representation review process would comprise of a repeat of some of the steps already conducted in the current representation review. This would mean a further budget of up to \$20,000 would be required to consult on a new initial proposal.

## Social & Policy

The LGA contains a number of provisions that relate to Māori and Te Tiriti. In summary, Council needs to provide Māori with opportunities to contribute to decision making processes, needs to develop and maintain avenues for those contributions, and needs to consider ways in which Council can help build Māori capacity to contribute to decision making.

## Risk

If NCC did decide to rescind the decision to establish Māori wards for the 2025 election there would be a risk of political and reputational harm. It is likely it would significantly undermine NCC and elected member credibility with mana whenua and tangata whenua stakeholders, who participated actively in the decision-making process for establishing Māori wards.

The enactment of the Bill coincided with NCC's formal consultation on its representation review initial proposal. This has created confusion in the community about whether NCC is able to establish Māori wards. Officers have been endeavouring to clarify the situation in community messaging.

If Council decides to rescind the decision to establish Māori wards for the 2025 election, and carry out a shortened representation review, this would place additional pressure on staff resources in the Governance, Communications and Marketing, and Community Strategies Teams.

## 2.6 Options

The options available to Council are as follows:

- a. Affirm Council's previous decision to establish Māori wards from the 2025 election.
- b. Rescind Council's previous decision to establish Māori wards from the 2025 election. The options under rescinding are detailed in **Attachment 2**.
- c. Make no decision. This would be a breach of legislation.

## 2.7 Development of Preferred Option

Option a: Affirm Council's previous decision to establish Māori wards in the 2025 election for the following reasons:

- It is consistent with the previous decision of Council in 2021 to establish Māori wards, which was informed by comprehensive community consultation and engagement.
- It supports Māori participation in local decision-making and elections.
- It builds on the contribution Māori are already making to Napier City Council.
- It will support the relationships that Council has with mana whenua.

Council officers will continue with the current representation review process, the next step of which is to go to Council Hearings and Deliberations on 10 September 2024.

The Electoral Officer will carry out a poll at the time of the 2025 local body elections, ie. the question of whether to retain or disestablish Napier's Māori Ward will be put to all voters at this time. The result of this poll will be in place for the 2028 and 2031 local body elections.

## 2.8 Attachments

- 1 Napier City Council Māori Wards Amendment Legislation Consultation Results Report (Doc ID 1788630) [↓](#)
- 2 Rescind options and 2019 Determination (Doc ID 1787536) [↓](#)



- 3 Napier City Council Clause 35 statement Group 2 local authority 14 August 2024 (Doc Id 1784287) [↓](#)
- 4 Vol 1 - Māori Ward Submissions with comments (Doc ID 1789032) (Under separate cover 1) [⇒](#)
- 5 Vol 2 - Māori Ward Submissions with comments (Doc Id 1789033) (Under separate cover 2) [⇒](#)



# Napier City Council

Māori Wards  
Amendment  
Legislation 2024

Community  
Consultation Report

| SIL Research

August 2024

























































































# ORDINARY MEETING OF COUNCIL

## Open Minutes

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Meeting Date: Thursday 15 August 2024

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Time: 9.30am – 9.32am (*Open*)  
9.33am – 10.32am (*Public Excluded*)  
10.40am – 11.36 (*Open*)

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Venue Large Exhibition Hall  
War Memorial Centre  
Marine Parade  
Napier

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*Livestreamed via Council's Facebook page*

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Present **Chair:** Mayor Wise  
**Members:** Deputy Mayor Brosnan, Councillors Boag, Browne [via Zoom until 10.32am], Chrystal, Crown, Greig, Mawson, McGrath, Price, Simpson, Tareha and Taylor

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In Attendance Chief Executive (Louise Miller)  
Deputy Chief Executive/ Executive Director Corporate Services (Jessica Ellerm)  
Executive Director Community Services (Thunes Cloete)  
Communications Specialist (Kate Penny)  
Strategic Programmes Manager (Darran Gillies)  
Senior Advisor Corporate Planning (Danica Rio)  
Manager Strategy and Transformation (Stephanie Murphy)  
Programme Manager – Transformation (Emma Alexander)  
Team Leader Governance (Anna Eady)

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HR Consultant Greg Tims of Greg Tims and Associates [via Zoom]  
Dr Virgil Troy, SIL Research

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Administration Governance Advisors (Carolyn Hunt and Jemma McDade)

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## ORDINARY MEETING OF COUNCIL – Open Minutes

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## ORDER OF BUSINESS

### Karakia

The meeting opened with the Council karakia.

### Apologies

Nil

### Conflicts of interest

Nil

### Public forum

Nil

## Announcements by the Mayor

**Tribute and acknowledgement** – Mayor Wise acknowledged the passing of Hamilton Logan on 8 August 2024 at 99 years old. Mr Logan had set himself a goal on 1 January 2024 of walking 100 kilometres in his 100<sup>th</sup> year to fundraise for local charities offering young and old a second chance. Unfortunately, Mr Logan did not make his 100<sup>th</sup> birthday (21 November 2024) but would be missed and remembered by his family and the community.

**Public Excluded** – Mayor Wise advised that the meeting would address Public Excluded items first due to time constraints of the external presenter and would then reconvene in Open to address the remainder of the agenda.

## Announcements by the management

Nil

## Confirmation of minutes

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### COUNCIL RESOLUTION

Councillors Mawson / Crown

That the Draft Minutes of the Ordinary Council meeting held on 1 August 2024 be confirmed as a true and accurate record of the meeting.

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Carried

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# RESOLUTION TO EXCLUDE THE PUBLIC

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Councillors Tareha / Mawson

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- a) That the public be excluded from the following parts of the proceedings of this meeting.
  - 1. Chief Executive KPIs - LIMITED DISTRIBUTION
  - 2. Action Points Register (Public Excluded) as at 2 August 2024
- b) That Greg Tims, HR Consultant of Greg Tims and Associate be permitted to remain in the Public Excluded session for Item 1 – Chief Executive KPIs – LIMITED DISTRIBUTION for his expertise on this matter.

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Carried

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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. Chief Executive KPIs - LIMITED DISTRIBUTION	7(2)(a) Protect the privacy of natural persons, including that of a deceased person	48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
2. Action Points Register (Public Excluded) as at 2 August 2024	7(2)(a) Protect the privacy of natural persons, including that of a deceased person  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.

	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	
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*Councillor Browne left the meeting at 10.32am while in Public Excluded*

*The meeting moved into Public Excluded session at 9.33am and reconvened in Open Session at 10.40am.*

# AGENDA ITEMS

## 1. CIVIC PRECINCT DESIGN APPROVALS

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1779275
<i>Reporting Officer/s &amp; Unit:</i>	Darran Gillies, Strategic Programmes Manager

### 1.1 Purpose of Report

This report seeks the endorsement of the latest architectural design stages for the Civic Precinct, and to seek approval to progress to the design documentation stages which would enable the Building Consent applications and the release of the main contractor tender to market.

### At the meeting

The Strategic Programmes Manager, Mr Gillies provided a brief summary of the report highlighting the main points and update on progress. The Civic Precinct project is 7500m<sup>2</sup> of land, 10,000m<sup>2</sup> of building comprising three buildings, the library, the old library tower which will become officer accommodation and Council Chambers.

The procurement process will be presented to the Audit and Risk Committee on 5 September 2024 for final approval prior to the documentation being released to the market for Requests of Interest.

On 12 September 2024 a workshop was planned to provide an opportunity to view the existing site prior to demolition works commencing and to provide a Concept and Preliminary Design Update to elected members.

Mr Gillies also displayed an online 3D model of the Civic Precinct design.

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

- Acoustics in the building need to be right and the choice of material for the ceiling will be vital in ensuring dampening and containing sounds.
- Window tinting will be used to manage the sun glare on the front façade glass of the building.
- A refresh of the current hoardings will be required when the demolition contractor goes on site in October and discussion is underway with the Communications Team for the imagery to provide the right impression.
- There will be some covered bike stands for end-of-trip provided around the building.
- An independent Engineer would administer the contract and manage variations. Variations are usually in response to change of design, so a more detailed preliminary design mitigates variations being required. Variations within budget would be approved by the Project Team. Variations over budget will come back to Council for approval.
  
- Members of the Programme Advisory Board consist of independents from Finance, Governance, Mana Whenua, Construction and Community Representation.
- An archaeological authority application has been shared with mana whenua partners for feedback and is currently in the process of being submitted to Heritage New Zealand.
- An iwi monitor will work with the project archaeologist during the key stages of the demolition.
- The Civic Precinct and Officer Accommodation projects have been combined, which was unconfirmed at the time of writing the report. Consequently the tender can go out as planned.
- It is expected that the contract would be awarded in March 2025 and breaking ground would ideally commence May/June 2025.
- Within the broader outcomes of the procurement process Council would support a local company contracting for the work. A national contractor would need to show good evidence how it would use the local market. This project can generate a great economic benefit to the community.

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**COUNCIL  
RESOLUTION**

Deputy Mayor Brosnan / Councillor Tareha

That Council:

- a) **Endorse** the latest architectural design stages for the Civic Precinct
- b) **Approve** to progress to the design documentation stages to enable the Building Consent application process and the release of the main contractor tender to market.

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Carried

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## 2. RESULTS OF THE 2023/24 RESIDENT SURVEY

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*Type of Report:* Information

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*Legal Reference:* Local Government Act 2002

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*Document ID:* 1774972

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

### 2.1 Purpose of Report

This report provides Council with the results of the Napier City Council's annual Resident Survey for 2023/24.

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### At the meeting

The Senior Advisor Corporate Planning Ms Rio displayed a PowerPoint presentation (Doc Id 1784322) accompanied by Dr Virgil Troy, Sil Research. Ms Rio advised that:

- 61% of respondents were satisfied with Council's overall performance which was a significant improvement compared to the 2023 of 54%.
- 15 out of 30 assessed services experienced a positive increase of more than 5%.
- Noise control, two of the water services, and keeping people informed showed the most significant improvements.
- The significant improvements to drinking water and sewerage mean residents are the most satisfied they have been with drinking water since 2017, and sewerage since 2019.
- Freedom camping was the only service in 2024 to show a decline in satisfaction of greater than 5%. Work on reviewing the Freedom Camping bylaw is currently underway.

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

- The survey indicates that 64% of people do not realise there is Freedom camping in Napier. Dr Troy advised a high percentage of people did not have an opinion regarding freedom camping and therefore it reduced the satisfaction ratings.
- The report indicated that those under 65 were generally dissatisfied with no known cause and it was noted that those over 65 generally had a positive overall experience.
- Information that has been collected and analysed is available if required through SIL Research.

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### COUNCIL RESOLUTION

Mayor Wise / Councillor Chrystal

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That Council:

- a. **Receive** the results of the Napier City Council annual Resident Survey for the period 1 July 2023 to 30 June 2024.
- b. **Note** that satisfaction ratings from the annual Resident Survey form part of Council's performance framework and are audited and reported publicly as part of the Annual Report.

**ACTION:** *Dr Troy would check data and provide feedback (via Council staff) in relation to homeless people, living in cars which has been increasing over the past couple of years.*

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Carried

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### Attachments

- 1 PowerPoint presentation on Resident Survey (Doc Id 1784322)
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### 3. AMENDMENT TO THE 2024 MEETING SCHEDULE

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<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1776599
<i>Reporting Officer/s &amp; Unit:</i>	Anna Eady, Team Leader Governance

#### 3.1 Purpose of Report

The purpose of this report is to consider an amendment to the 2024 meeting schedule, which was adopted on 12 October 2023.

It is proposed that the meeting schedule be amended as outlined in the recommendation of this report.

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#### At the meeting

The Team Leader Governance, Ms Eady spoke to the report advising that an additional meeting date was required for the Hearings Committee (District Plan) for the appointment of a Māori Commissioner.

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**COUNCIL** Deputy Mayor Brosnan / Councillor Mawson

**RESOLUTION**

That Council:

- a) **Adopt** the following amendment to the 2024 meeting schedule:

- |   |             |  |
|---|-------------|--|
| • Ngā Mānukanuka o te Iwi Committee     | Rescheduled | 29 August 2024 – 1.30pm<br>(Rescheduled from 26 July 2024) |
| • Council                               | New Date    | 5 September 2024 – 1.30pm                                  |
| • Hearings Committee (District Plan)    | New Date    | 11 September 2024 – 9.30am                                 |
| • Ahuriri Regional Park Joint Committee | New Dates   | 21 October and 9 December 2024 – 9.30am                    |

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Carried

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## 4. INFORMATION - MINUTES OF JOINT COMMITTEES

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1774152
Reporting Officer/s & Unit:	Anna Eady, Team Leader Governance

### 4.1 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>

### At the meeting

It was noted that the Hawke's Bay Regional Transport Committee meetings were livestreamed and that the Ahuriri Regional Park Joint Committee administered by Napier City Council was not recorded or livestreamed, unless requested.

### COUNCIL RESOLUTION

Councillors Greig / Price

That Council:

a) **Receive** for information the minutes of the following Joint Committee meetings held:

- 3 May 2024      Hawke's Bay Regional Transport Committee (Doc Id 1774143)
- 24 May 2024    Hawke's Bay Regional Transport Committee (Doc Id 1774142)
- 14 June 2024    Clifton to Tangoio Coastal Hazards Strategy Joint Committee (Doc Id 1774273 & Doc Id 1771304)
- 24 June 2024    Ahuriri Regional Park Joint Committee (Doc Id 1774195)

**ACTION:** **Direct** officers to provide information on livestreaming and recording of Joint Committees

Carried

## 5. ACTION POINTS REGISTER AS AT 2 AUGUST 2024

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<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1778133
<i>Reporting Officer/s &amp; Unit:</i>	Anna Eady, Team Leader Governance

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### 5.1 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 2 August 2024, for Council to note. It does not include action points that were requested in public excluded Council or Committee meetings.

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### At the meeting

The Team Leader Governance, Ms Eady took the report as read and noted that Action Point 127 in relation to the background summary of the Ahuriri Regional Park would be circulated to all elected members when completed.

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<b>COUNCIL RESOLUTION</b>	Councillors Tareha / Mawson
	That Council:
	a. <b>Note</b> the extract from the Action Points Register as at 2 August 2024
	Carried

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## 6. 2024 LOCAL GOVERNMENT NEW ZEALAND ANNUAL GENERAL MEETING REMITS

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<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1778380
<i>Reporting Officer/s &amp; Unit:</i>	Anna Eady, Team Leader Governance

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### 6.1 Purpose of Report

For elected members to consider the remits going forward to the Local Government New Zealand Annual General Meeting, and to discuss how Napier City Council should vote on them.

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### At the meeting

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

Delegates attending the Local Government New Zealand (LGNZ) Annual General Meeting (AGM) on 21 August 2024 were to request clarity on the definition of a “derelict building” whether commercial or residential in relation to Remit 6 on unoccupied buildings.

LGNZ requested the remits be ranked in order of priority so their resources can be allocated accordingly, It was agreed the ranking of the Remits be delegated to the members attending the AGM.

Members attending are Mayor Wise, Councillors Browne, Crown and Boag.

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### COUNCIL RESOLUTION

Deputy Mayor Brosnan / Taylor

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That Council:

- a) **Receive** the report titled 2024 Local Government New Zealand Annual General Meeting Remits.
  
- b) **Approve** the following list of remits, to be supported at the Annual General Meeting:
  - 1. Representation Reviews
  - 2. Community Services Card
  - 3. Local government constituencies & wards should not be subject to referendum
  - 4. Entrenchment of Māori wards seats for Local Government
  - 5. Graduated diver licensing system
  - 6. Proactive lever to mitigate the deterioration of unoccupied buildings
  - 7. Appropriate funding models for central government initiatives
  - 8. Goods and services tax (GST) revenue sharing with local government.
  
- c) **Approve** authority be granted to the LGNZ Annual General Meeting delegates (Mayor Wise, Councillors Browne, Crown and Boag) to establish the order of priority at the Conference in support of the Remits.

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Carried

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## 7. TENDERS LET

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Type of Report:	Information
Legal Reference:	Enter Legal Reference
Document ID:	1781630
Reporting Officer/s & Unit:	Debbie Beamish, Executive Assistant to the Chief Executive

### 7.1 Purpose of Report

To report the Tenders let under delegated authority for the period 24 June – 2 August 2024.

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### At the meeting

The report was taken as read. The Chief Executive, Ms Miller confirmed that Council had a clear Procurement Strategy for tenders to comply with, and there had been no issues escalated that required addressing. Ms Miller advised if anyone had concerns in regard to the process she would be happy to discuss.

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### COUNCIL RESOLUTION

Councillors Chrystal / Crown

That Council:

- a) **Receive** the Tenders Let for the period 24 June – 2 August 2024 as below:
- Contract 2682 Veronica Sunbay Remediation be awarded to Hawkins Limited in the sum of \$936,888.14.
  - Contract 2384 Petane Domain Carpark be awarded to Vestigia Holdings Limited T/A SCL Civil Works in the sum of \$444,907.20.

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Carried

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### Minor matters

There were no minor matters to discuss.

*The meeting closed with a karakia at 11.36am*

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

Chairperson .....

Date of approval .....