



ORDINARY MEETING OF COUNCIL

Open Agenda

Meeting Date: Thursday 23 May 2024

Time: 9.30am

Venue: Large Exhibition Hall
War Memorial Centre
Marine Parade
Napier

Livestreamed via Council's Facebook page

Council Members **Chair:** Mayor Wise

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

Officer Responsible Chief Executive

Administrator Governance Team

Next Council Meeting
Monday 27 May 2024

2022-2025 TERM OF REFERENCE - COUNCIL

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

Purpose

The Council is responsible for:

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

Terms of Reference

The Council is responsible for the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body¹:

1. The power to make a rate
2. The power to make a bylaw
3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan
4. The power to adopt a long-term plan, annual plan, or annual report
5. The power to appoint a chief executive
6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement, including the 30-Year Infrastructure Strategy
7. The power to adopt a remuneration and employment policy.
8. The power to establish a joint committee with another local authority or other public body².
9. The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
10. The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
11. The power to make a final decision whether to adopt, amend, revoke, or replace a local Easter Sunday shop trading policy, or to continue a local Easter Sunday shop trading policy without amendment following a review.³

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

2 Schedule 7, clause 30A

3 Shop Trading Hours Act 1990, section 5D.

Delegated Power to Act

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

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

1. Direction and guidance in relation to all stages of the preparation of Long Term Plans and Annual Plans
2. Approval or amendment of the Council's Standing Orders⁴.
3. Approval or amendment the Code of Conduct for Elected Members⁵.
4. Appointment and discharging of committees, subcommittees, and any other subordinate decision-making bodies⁶.
5. Approval of any changes to the nature and delegations of any Committees.
6. Appointment and discharging of members of committees (as required and in line with legislation in relation to the role and powers of the Mayor) ⁷.
7. Approval of governance level strategies, plans and policies which advance council's vision and strategic goals.
8. Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer.
9. Reviewing of representation arrangements, at least six yearly⁸.
10. Approval of any changes to city boundaries under the Resource Management Act.
11. Appointment or removal of trustees, directors or office holders to Council's Council-Controlled Organisations (CCOs) and Council Organisations (COs) and to other external bodies.
12. Approval the Local Governance Statement as required under the Local Government Act 2002.
13. Approval of the Triennial Agreement as required under the Local Government Act 2002.
14. Allocation of the remuneration pool set by the Remuneration Authority for the remuneration of elected members.
15. To consider and decide tenders for the supply of goods and services, where tenders exceed the Chief Executive's delegated authority, or where projects are formally identified by Council to be of particular interest. In addition, in the case of the latter, milestone reporting to Council will commence prior to the procurement process.

4 Schedule 7, clause 27,

5 Schedule 7, clause 15,

6 Schedule 7, clause 30,

7 Schedule 7, clause 30,

8 Local Electoral Act 2001, section 19H.

ORDER OF BUSINESS

Karakia

Apologies

Councillor Mawson

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, 18 April 2024 be confirmed as a true and accurate record of the meeting.67

Information items

Agenda items

1	Significance and Engagement Policy.....	6
2	Napier Hastings Joint Alcohol Strategy Review - Joint Advisory Group Establishment...	27
3	Mayoral Relief Fund - Distributions	32
4	CCTV Policy updates	35
5	Amendment to the 2024 Meeting Schedule	46
6	Action Points Register as at 6 May 2024	48

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

Reports / Recommendations from the Standing Committees

Reports from Ahuriri Regional Park Joint Committee held 1 May 2024

1	Ahuriri Regional Park.....	53
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Reports from Ngā Mānukanuka o te Iwi (Māori Committee) held 10 May 2024

1	Te Aka Mahi Toi Update.....	57
2	Draft Housing Strategy	58
3	Update on the Waka Hub Project.....	59
4	Proposed legislation - Reinstatement of the pre-2021 binding poll provisions for Māori Wards.....	60
5	Representation Review Update.....	61
6	Te Waka Rangapū Strategy 2024	62
7	Agenda Items for Ngā Mānukanuka o te Iwi Komiti	63

Reports under Delegated Authority

1 Tenders Let.....65

Recommendation to Exclude the Public.....66

AGENDA ITEMS

1. SIGNIFIANCE AND ENGAGEMENT POLICY

Type of Report: Enter Significance of Report

Legal Reference: Enter Legal Reference

Document ID: 1756239

Reporting Officer/s & Unit: Anne Bradbury, Manager Community Strategies

1.1 Purpose of Report

On 14 March 2024, Council resolved to adopt the amended Significance and Engagement Policy as a draft for community consultation. This report outlines the submissions we received on the draft Significance and Engagement Policy which we consulted on from 25 March to 26 April. Officers recommend the draft Significance and Engagement Policy is adopted by Council.

Officer’s Recommendation

That Council:

- a. **Adopt** the Significance and Engagement Policy (Doc Id 1759404) as shown in Attachment 1 of the agenda report.

1.2 Background Summary

Under section 76AA of the Local Government Act 2002 (LGA 2002) every local authority must adopt a policy that details their approach to significance and engagement. Napier City Council has adopted a policy to meet our obligations set out by this section. This policy was recently reviewed and changes were recommended for the following reasons:

- Wording and structure changes to provide more clarity, consistency, and readability.
- Additional wording to explain Council’s decision-making process to conceptualise the place of this policy in the process.
- Additional wording to refer to the Iwi Engagement Policy to explain its purpose and that while it is a separate policy, it is aligned with this policy. Advice from Simpson Grierson was to keep the two policies separate since the Significance and Engagement Policy is a statutory requirement, whereas the Iwi Engagement Policy is not. Additionally, the Iwi Engagement Policy refers to all engagement by the Council.
- Additional wording to outline how findings on significance are documented by officers in relation to matters, issues or proposals taken to Council.
- Specifically naming the different Council Housing villages and Lagoon Farm under ‘Schedule 2: Strategic Assets’ to provide more accuracy around what is included.

On 14 March 2024 Council resolved to adopt the amended Significance and Engagement Policy as a draft for community consultation. The policy is shown in **Attachment 1** (Doc Id 1759404).

Consultation on Draft Significance and Engagement Policy

Under section 76AA of the LGA 2002, when adopting or amending this policy the local authority must consult in accordance with section 82 of the LGA 2002 unless it considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.

The draft policy was consulted on from 25 March to 26 April at the same time the Three-Year Plan was being consulted on.

1.3 Issues

The submissions and managers comments on the submissions are shown in **Attachment 2** (Doc Id 1759403) and are outlined below.

Analysis of submissions

We received 15 submissions on the draft Significance and Engagement Policy. Seven of the submitters supported the proposed amendments to the Significance and Engagement Policy and eight submitters did not agree with the proposed amendments.

Submissions that support the proposed changes

Seven of the submitters supported the changes and two of them provided comments. Attachment 2 shows the Manager's comments in response to the two submitters that provided comments.

The submitters provided ideas on an engagement tools that can be used and one submitter gave other suggestions on the policy and wanted the Council to be open and transparent. Officers consider that the Significance and Engagement Policy requires the Council to engage with our community on significant issues and assets as part of a transparent process.

Submitter 12 would like to speak to their submission at this Council meeting. This submitter supported the changes.

Submissions that oppose the proposed changes

Eight submitters did not support the proposed amendments and six of them provided comments. Attachment 2 shows the Manager's comments in response to the six submitters that provided comments.

Themes coming out of the comments are about the Council not consulting with residents before making decisions, and about not wanting the Council to waste money. Some of the comments seemed to be general comments on the Council's activities rather than directly linked to the draft Significance and Engagement Policy.

The Significance and Engagement Policy is a legislative requirement and our policy was last updated in 2017. Officers considered the policy needed to be updated and the amendments make the policy more readable and understandable. While the Significance and Engagement Policy only details our approach to significant issue and activities, it does provide a way for the Council to engage with our community which helps the Council make decisions that reflect the voice of the community. The Council also engages with our community on other issues and activities that are not significant.

1.4 Significance and Engagement

Under section 76AA of the LGA 2002, when adopting or amending this policy the local authority must consult in accordance with section 82 of the LGA 2002 unless it considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.

The draft policy was consulted on as part of our Three-Year Plan consultation from 25 March to 26 April and the consultation responses have been considered by Officers and outlined in Attachment 2.

1.5 Implications

Financial

N/A

Social & Policy

The amendments to the Significance and Engagement Policy help explain the decision-making process and they give more clarity to the policy. The draft policy will make it easier for our communities to participate in and inform the Council's decision-making on our significant issues and assets. This will enable Council to make decisions that reflect the voice of our community.

Risk

The draft policy provides more clarity to the policy and more accuracy to our list of strategic assets, this will help to reduce risk to Council.

1.6 Options

The options available to Council are as follows:

- a. Adopt the draft Significance and Engagement Policy as shown in Attachment 1 (preferred option).
- b. Continue with the existing policy.

1.7 Development of Preferred Option

The preferred option is option a: Adopt the Significance and Engagement Policy. This is the preferred option because the draft Significance and Engagement Policy is clearer and more transparent than the older policy and because the submissions on the draft policy support the changes. While there were submissions that did not support the changes some of these submissions were general submissions and some did not impact on the draft policy.

The older policy is not as clear and readable as the draft policy so Officers do not recommend option b.

1.8 Attachments

- 1 Significance and Engagement Policy (Doc Id 1759404) [↓](#)
- 2 Submissions on the Significance and Engagement Policy (Doc Id 1759403) [↓](#)

PUBLIC POLICY



Significance and Engagement Policy			
Adopted By	Napier City Council		
Department	Community Services		
Original Adoption Date	20 December 2017	Review Adoption Date	23 May 2024
Relevant Legislation	Local Government Act 2002 (LGA 2002)		

Purpose

The purpose of this policy is to provide clarity on when and how the community may be engaged in decision-making processes by the Napier City Council. It has been prepared to assist the Council and the community with identifying the degree of significance attached to particular issues, proposals, assets, decisions, and activities, and then identify the various ways in which the Council might engage with the community to obtain views and feedback.

Rationale

Community engagement allows the community to participate in, and inform, the Council's decision-making processes. Providing opportunities for engagement, where required, can assist with improving confidence in Council decision-making processes, and decisions. In general, engagement, whether it is a statutory requirement or not, helps the Council understand varied points of view. This in turn enables the Council to make better decisions and deliver better services for Napier, by reflecting the aspirations of mana whenua, residents, ratepayers, community groups and businesses.

Overview of Council decision-making and the role of this Policy

Under the Local Government Act 2002, the Council is charged with enabling democratic decision-making by and on behalf of communities. The Council makes a wide range of decisions, and other than when it is required to consult, has to determine whether to engage and, if so, how, with its community (or groups or individuals within the community).

The Council makes these determinations based on a range of factors, including the significance of the matter being considered. This policy is for the purpose of guiding the Council's approach to determining significance, and the way in which engagement or consultation will or may occur.

The Council, and its community boards, must ensure that all decision-making requirements, including those relating to consultation and engagement, are properly complied with when making decisions.

Structure

There are three key parts of this policy:

- **Significance (p2 to p3)** – this section outlines what significance is, and how the assessment of significance is undertaken and documented.
- **Engagement (p3 to p6)** – this section discusses when and how Council will engage with communities, and when it will not.
- **Strategic assets (p8 to p9)** – Schedules 1 and 2 identify the Council's strategic assets. The significance section explains why it matters that something is a strategic asset.

Significance

General Approach

The Council needs to assess the degree of significance of matters and proposed decisions as part of its decision-making. Where a decision is of higher significance the more rigorous the Council needs to be in complying with its legal obligations. This means that an assessment of significance is generally one of the first actions the Council will take in the decision-making process.

Significance means the degree of importance of the matter, issue, proposal or decision, in terms of its likely impact on and consequences for:

- Parts of the city, the city as a whole, or the region
- Any persons who are likely to be particularly affected by or interested in the matter, issue, proposal or decision
- The achievement of, or means to achieve, Council's stated levels of service as set out in the current Long Term Plan
- The capacity of the Council to perform its role and carry out its activities, now and in the future
- The financial, resource and other costs of the decision, or whether these are already included in an approved Long Term Plan.

Factors for Significance

Significance is assessed on a case-by-case basis. However, the assessment can be assisted and guided by relevant factors, including:

- the impact or consequences for affected residents or ratepayers and/or groups of residents or ratepayers
- financial impact on Council's overall resources and rating levels, including the cost of the decision (both capital and operating expenditure)
- impact on levels of service
- the involvement of a strategic asset
- consistency with current Council policy, strategy, outcomes or priorities
- the level of community interest in a matter or proposed decision
- the extent to which the decision can be reversed

Guidelines to help assess significance based on the above factors, and whether something would be regarded as of low or high significance, are outlined in Schedule 3. The significance of a matter may sit somewhere along the continuum between low to high significance. Ultimately, in assessing the significance of a decision, Council will need to have regard to all relevant circumstances, factors and interests.

How does Council document significance?

Where a matter, issue or proposed decision is being reported to the Council, or a committee or community board, the outcome of the significance assessment should be documented within the report. If members do not agree with the significance assessment, minutes should record this (along with reasoning), but this is not mandatory.

Where decisions are made by officers under delegated authority, without any report to Council, a committee or community board, documentation of the significance assessment is at officers' discretion. Officers are not obliged to record their significance assessments, but it is good practice to keep some form of written record of the significance assessment (especially where the decision is toward the higher end of the significance continuum).

Strategic assets

Our strategic assets or groups of assets include those physical assets vital for delivering services to Napier and/or are important to achieve or promote any outcome that is important to the current or future well-being of our community. Strategic assets are the group of assets or the asset as a whole and not the individual elements of the asset. We also have some iconic assets of significance that are dealt with through heritage requirements. Council's strategic assets are listed in Schedule 2.

Any decision that transfers ownership or control of a strategic asset to or from Council, can only be taken if explicitly provided for in the Council's Long Term Plan and consulted on in accordance with section 93E of the LGA 2002.

The approach to an engagement or consultation on other decisions regarding strategic assets will be determined in light of the level of significance of the relevant proposal (see section on significance above).

Engagement

Community engagement is a process involving all or some of the community and is focussed on decision-making or problem solving. Council is likely to engage when a matter, issue, proposal or decision is of higher significance. It will also consult when required by legislation, such as consultation using the special consultative procedure (outlined below), or in a manner that gives effect to the principles in section 82 (see section 82A LGA 2002).

The Council will not engage on every decision or matter. To do so would be inefficient and costly.

Engagement is to be proportionate to the matter being considered and will be conducted in accordance with our principles above, and those in section 82 of the LGA 2002. An engagement process may be for a single matter or could be part of a combined consultation, where that is appropriate.

The Engagement Spectrum, based on the International Association of Public Participation (IAP2), assists the Council to determine the approach we might take to engaging with the community on a case-by-case basis (noting that the inform part of the IAP2 spectrum does not involve an engagement process prior to a decision being made). The consult option brings in a wider range of engagement types than just statutory consultation under the LGA 2002.

A combination of approaches may be used on any given engagement process. The detailed Engagement Spectrum (Schedule 4) outlines approaches, methods and tools. The approach and methods for engagement on matters of higher significance will be outlined in an engagement plan.

Principles

We apply the following principles in our approach to engagement and consultation:

Open and transparent.

We will:

- interact in an open, honest and respectful way
- be clear about why and how we are engaging
- provide clear and relevant information
- encourage those interested in a matter to present their views to the Council
- provide enough time for feedback to be provided
- be open to and consider all feedback received
- advise the community of the decisions made

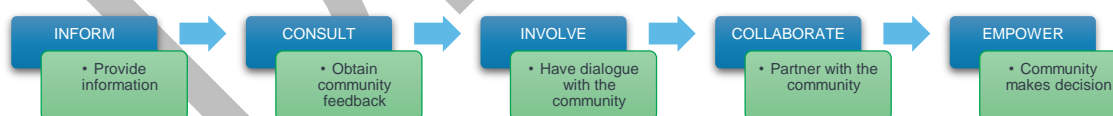
Inclusive and accessible

We will:

- consider the communities preferences for engagement with the Council
- ensure that information prepared by Council for consultation and engagement is understandable
- consider a range of ways people can express their views
- provide opportunities for Māori to contribute to our decision-making processes in a meaningful way, through engagement and/or partnership approaches

The Council's Iwi Engagement Policy is a separate policy which is aligned with this policy. It provides clarity on how Te Waka Rangapū will nurture meaningful strong partnerships and support the Council and Mana Whenua in identifying the degrees of significance to particular issues, proposals, assets, decisions and activities.

Engagement Spectrum – Overview



Engagement with Māori

Council acknowledges the unique status of Māori, with particular regard to mana whenua. We will continue to build and strengthen our relationships with mana whenua representative entities and engage in a range of ways to ensure their views are appropriately obtained and represented as part of the Council's decision-making processes.

Council will engage with mana whenua where any matter involves a significant decision in relation to land or a body of water to ensure that the relationship of mana whenua and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna and other tāonga is considered.

Council recognises that there are differences between mana whenua and tāngata whenua and that different approaches are needed for Māori who live in Napier but do not have genealogical connections to mana whenua hapū. Council will engage with tāngata whenua where any matter involves a significant decision in relation to matters concerning community wellbeing.

Our Iwi Engagement Policy provides further detail on how the Council approaches engagement with mana whenua.

Special Consultative Procedure

A Special Consultative Procedure (SCP) is required to be undertaken for some plans and processes, including:

- the Council's long-term plan (and any amendments to it); and
- bylaws of significant public interest or significant impact on the public – including changes or revocation.

If other legislation requires that the Council consult using the SCP, or another consultation process, those requirements apply regardless of this policy. For example, the Resource Management Act 1991 or the Reserves Act 1977, which require specific forms of consultation. The Council may also choose to use the SCP for other matters, even if it is not required.

When the SCP is used, the Council will:

- prepare and adopt a statement of proposal in accordance with Part 6 of the LGA 2002, and in some cases a summary of the statement of proposal (section 83AA)
 - the statement of proposal (other than for long term plan consultation) will include:
 - the reason for the proposal
 - an analysis of the options
 - other relevant information including any plans or policies (or any amendments if relevant)
 - For bylaws – the statement of proposal will include:
 - a draft of the proposed bylaw, or the proposed amendment of the bylaw, or a statement that the bylaw is to be revoked
 - the reasons for the proposal
 - a report on any determinations made under the Act on whether a bylaw is appropriate
- make the following information available to the public
 - the statement of proposal
 - advise people how they can present their views
 - state how long the proposal is open for submissions (not less than 1 month from the date the statement is issued)
- make the summary of the statement of proposal and/or the statement of proposal widely available as the basis for consultation
- provide a reasonable opportunity for people to present their view to the Council through spoken interaction (or using sign language). This can be done via audio link or audiovisual link

Consulting using the SCP does not prevent the Council from requesting advice or comment from a Council officer or any other person before making a decision.

When Council may not engage

There may be situations when engagement is impractical or unnecessary due to the nature of the process, or proposed decision. This can be because:

- of time constraints e.g. failure to make a decision urgently would result in unreasonable or significant damage to property, or risk to people's health and safety, or the loss of a substantial opportunity to achieve the Council's strategic objectives
- the matter is of low significance or not significant (for example, many business-as-usual matters, such as a decision to purchase officer supplies or approve a submission to Parliament or a Government agency)
- there are confidentiality issues, such as decisions involving third party commercially sensitive information, which may prevent meaningful community engagement
- the Council is already aware of the views and preferences of the community in relation to the decision to be made

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Schedule 1: Definitions

Community

A group of people living in the same place or having a particular characteristic in common (i.e. community of interest). This includes interested parties, affected people and key stakeholders.

Engagement

The process of sharing information and seeking feedback or input to assist decision-making. Formal consultation processes are a type of engagement.

Long Term Plan

Council's 10 year plan. The plan is reviewed every three years, but can be amended following consultation at any time between the three year period.

Significance

Significance, in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of that matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for –

- a) the current and future social, economic, environmental, or cultural well-being of the district or region;
- b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter;
- c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.

Significant

In relation to any issue, proposal, decision, or other matter, means that the issue, proposal, decision, or other matter has a high degree of significance.

Strategic Asset

As defined in Section 5 of the LGA 2002, in relation to the assets held by a local authority, means an asset or group of assets that the local authority needs to retain if the local authority is to maintain the local authority's capacity to achieve or promote any outcome that the local authority determines to be important to the current or future well-being of the community; and includes –

- (a) any asset or group of assets listed in accordance with section 76AA(3) by the local authority; and [that is, listed in this policy]
- (b) any land or building owned by the local authority and required to maintain the local authority's capacity to provide affordable housing as part of its social policy; and
- (c) any equity securities held by the local authority in –
 - i. a port company within the meaning of the Port Companies Act 1988;
 - ii. an airport company within the meaning of the Airport Authorities Act 1966

Community Housing

The land or buildings owned by the Council and required to maintain its capacity to provide affordable housing as part of its social policy.

Schedule 2: Strategic Assets

Refer to section on Strategic Assets (p4 and p9)

Assets Council owns that are strategic assets under Section 5 of the Local Government Act 2002:

- Shareholding (equity securities) in Hawke's Bay Airport Ltd
- Council Housing
 - Arthur Richards Village
 - Carlyle Village
 - Centennial Village
 - Coventry Village
 - Greenmeadows East Village
 - Henry Charles Village
 - Munroe Village
 - Nelson Village
 - Oriel Village
 - Otatara Village
 - Rangimarie Village
 - Wellesley Village

Assets Council has determined to be strategic assets and strategic group of assets:

Strategic Group of Assets*:

- Sewage conveyance, treatment and disposal system, including the sewer network, pump stations and treatment works
- Water supply distribution systems, including reservoirs, pump stations and reticulation
- Land drainage system, including the storm water pipe network, waterways, and retention areas and pump stations
- Roothing network
- Recreational spaces (parks, sportsgrounds, and reserves)
- Cemeteries
- Swimming pool facilities
- Literary collections held by the Libraries (as a whole)

**While Council owns a number of assets managed as a group that it considers to be strategic, not all trading decisions made regarding these assets are regarded as significant, nor do they affect the asset's strategic nature. For example, the roading network is strategic, but small parcels of land that make it up may not be, and the purchase or sale of such parcels of land are unlikely to amount to a significant decision.*

Strategic Assets:

- Refuse transfer station
- Share of Omarunui Landfill

- Lagoon Farm
- McLean Park (land and buildings)
- Inner harbour
- Napier Municipal Theatre (building only)
- Kennedy Park Resort (land only)
- MTG Hawke's Bay (building only)
- Civic Building
- Napier Conference Centre (building only)
- Napier i-Site (building only)
- Bay Skate (grandstand only)
- National Aquarium of New Zealand (building only)

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Schedule 3: Guidance and factors that will be considered when determining significance

*Note: this is not intended to be an exclusive list

Factor	Degree of Significance	
	LOW	HIGH
Residents or ratepayers affected	Small impact on large proportion Or Moderate impact on small proportion	Moderate impact on large proportion Or Large impact on moderate proportion
Particular grouping in the community affected	No particular group affected, or relatively small impact on particular group	Large impact on specific group(s) e.g. youth, Māori, suburb
Financial impact on Council's overall resources and rating level Including cost of the decision (capital and operating)	Small impact <0.05% increase on rates and/or < \$500,000 external borrowing	Large impact >1% increase on rates and/or debt cap exceeded
Impacts to levels of service	No change to an activity group or Little or no change to levels of service	Creates or ceases an activity group* Large spending increase on activity group Large reduction in levels of service*
Strategic Asset	Involves minor changes to a strategic asset	Involves changes to ownership or control of strategic assets*
Consistency with Policy/Strategy	Consistent or minor inconsistency	Moderate or large inconsistency (Note: A decision that is inconsistent with a policy or strategy, including this policy, can be made if the requirements of section 80 LGA 2002 are complied with.)
Community interest	General agreement	Large divisions in the community Disagreement from large proportion of community

Reversibility	Ability to reverse Has low to medium impact on future generations	Is irreversible and/or will impact negatively on future generations to a high degree
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**Note: triggers section 97 of LGA 2002 so Special Consultative Procedure is required*

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PUBLIC POLICY



Schedule 4: Engagement Spectrum

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Approach	Provide information	Obtain feedback	Have dialogue	Partner	Community decides
When the community can expect to be involved	Informing once a decision has already been made	Seek ideas or input on options already developed	Community participate in the process and input into the matter before a decision is made	Work together to develop options and identification of preferred solutions	The final decision is made by the community
Types of issues	<ul style="list-style-type: none"> Annual report Updates on significant projects Council papers Annual Plan where there are no significant changes from LTP 	<ul style="list-style-type: none"> Long Term Plan Annual Plan Consultation - Significant and material changes from the Long Term plan for any given year (on the year that it falls – Bylaw –including changes 	<ul style="list-style-type: none"> Policy development Long Term Plan development (prior to formal consultation) Some major projects 	<ul style="list-style-type: none"> Community plans Sector-wide issues Projects with significant community focus/impact or implementation 	<ul style="list-style-type: none"> Local body elections Locally based policies and initiatives

<p>Tools (The issues above and these tools are examples and do not limit the Council's discretion to use a different form of engagement, or not carry out an engagement process at all)</p>	<p>INFORMAL</p>	<p>Social media Newsletters Radio Posters</p>	<p>Social media Focus groups Informal meetings Roadshows Expos</p>	<p>Interactive digital platforms Workshops Forums Panels (peoples panel) Engagement events</p>	<p>Advisory groups</p>	<p>Community-led groups</p>
	<p>FORMAL</p>	<p>Fact sheets Public notices publications</p>	<p>Surveys Formal submissions Hearings</p>	<p>Public meetings Expert panels</p>	<p>Project teams Steering groups Technical experts</p>	<p>Referenda Ballots</p>



PUBLIC POLICY



Policy Review

This policy will be assessed for review every three years or earlier should there be a requirement to do so.

DRAFT

Submitter	First Name	Do you agree with the proposed amendments to the Significance & Engagement Policy?	Submitters comments:	Manager's comments:
1	Rachael	No	Stop wasting time and money on policy changes, go back to basics your poor, stop living off a oyster diet when we can only afford noodles	The Significance and Engagement Policy is a legislative requirement and our policy was last updated in 2017. The policy needed updating and the amendments make the policy more readable and understandable.
2	Claire	No	Council need to consult with community Before decisions are made. Technology allows for cost-effective processes and should be used more. When decisions are made by staff they must be recorded, with reasons why and benefit/ cost of , provided if proposal is over a certain price bracket. Lots of money wasting, unpopular accuracies lately, I.e roundabouts / speed bumps, bayview slipway. Recycling bins are to small still more going to land fill. To many beggers being allowed at shop doors , gangs making there own rules around road use and compliance. No analysis of clean up costs and companies wasting ratepayers monies because of red tape and no oversize on value for mony spent	This seems to be a general comment. With regards to engagement, when the Council goes out for consultation with the community the consultation responses are summarised and taken to Council so Council can make a decision on the issue. Council decisions are recorded.
3	Kim	Yes		
4	Robyn	No	In December, 2016, I contacted the City Council about installing a hoist to enable swimmers with mobility issues to enter the lap pool at Ocean Spa. In June, 2018, I again contacted the City Council. In November, 2019, another contact made. I have also contacted Ocean Spa both visiting and telephone conversations, the latest being today (03 April, 2024). The Council wants ways of monies being received - purchase a hoist (visit Clive Pool for an example) and various organisations such as Brain Trust and CCH may feel inclined to use the pool. Fostering Maori obligations is more important than health initiatives? Accessibility to spaces and places - try riding an e-trike through some of the barriers at the end of bike trails. Where has the funding come from to enable truck loads of concrete to be thrown around at various intersections for roundabouts and pedestrian crossings? A "resilience rate" was introduced last year after the cyclone and yet it reads as though a further "resilience rate" is to be introduced. Folk living in Westshore have been requesting coastal erosion for mitigation ever since I can remember and have been ignored. Now it is URGENT?. Leave Emerson Street alone and concentrate on the important.	This seems to be a general comment. With regards to engagement, when the Council goes out for consultation with the community the consultation responses are summarised and taken to Council so Council can make a decision on the issue. Council decisions are recorded. Comments made in relation of the Three-Year Plan have been passed on and noted by the relevant team. They will be considered as part of Three-Year Plan deliberations.
5	Shona	No		

6	Gavin	No	No change needed just more wasteful use of rate payer money	The Significance and Engagement Policy is a legislative requirement and our policy was last updated in 2017. The policy needed updating and the amendments make the policy more readable and understandable.
7	Michael	Yes		
8	Morgan	Yes		
9	Naomi	Yes		
10	Sarah	No	The role of Council is the provision of services to the local community - it's simple, Council should not liaise or consult with any group within the community on the basis of their ancestry.	The Significance and Engagement Policy outlines our engagement with our whole community.
11	Roger	No		
12	JOHN	Yes	I am proposing that Council seriously consider (over the three year plan period) an investigation into existing global developments in community engagement processes. I am thinking particularly about Deliberative Democracy and it's many localised variations. I am further proposing that the Council consider collaborating with the the Napier Pilot City Trust on the design and piloting (perhaps within a single-suburb) of a different/new/engagement process. There are descriptive resources available from the Trust and I have a resource available and prepared to share her recent (Australian) experience in what was called a "Community Panel". The time is right.	Officers consider all engagement tools including deliberative democracy and community panels.
13	Sera	Yes	Agree, but with items to be confirmed, added or amended as below: Pg.1 - In general, engagement, whether it is a statutory requirement or not, helps the Council understand varied points of view. This in turn enables the Council to make better decisions, and deliver better services for Napier, by reflecting the aspirations of residents, ratepayers, community groups and business. Agree - this forms the basis of the policy and should drive all decisions. As per Ombudsman recommendations, If the public interest in disclosure outweighs the need to withhold, the information must be released. In principle, If something is to affect an adjoining landowner and their land as defined in the District Plan as "Land - (a) includes land covered by water and the airspace above land", the adjoining or affected landowner/s should be notified and be able to have their say on this, to allow their enjoyment of property rights as a guiding principle and the option to have the impact mitigated by the entity impacting their enjoyment. The text in the previous sentence above (or similar) could be considered as part of the policy. This would reflect the aspirations of all stakeholders and the community of Napier, is not weighted to one entity e.g. a Council owned business or Strategic Asset and aligns with the community outcome of Nurturing Authentic Relationships.	The District Plan is covered by the Resource Management Act and it is separate to the Significance and Engagement Policy. In response to question on pg. 6, this is when Council knows all views. The table on page 10 gives guidance to Council on the degree of significance.

		<p>Pg.4 - Inclusive and accessible We will: Consider the communities preference for engagement with Council Council could consider ways of collecting informal tools feedback in future to gain a more informed reflection of views on topics engaged on by Council. This option could also significantly reduce the cost of engagement to a large segment of the community. As per the principles mentioned on p.4 of the policy, people should also be encouraged to provide feedback and feel like they will be heard. If Council asks for feedback e.g. District Plan:Further Submissions and PDP hearings still to come, but policies Council are currently consulting on have plans in them pre-empting an outcome - Council are at risk of being seen to be not being open and transparent. I agree as per p.4 of the policy, Continue to Empower - community makes the decision.</p> <p>P.6 - When Council may not engage - the Council is already aware of the views and preferences of the community in relation to the decision being made. Query - does the above statement mean positive or negative views or both. If it is negative views, Council may need to relook at the wording of their policy which states In general, engagement, whether it is a statutory requirement not, helps the Council understand varied points of view. This in turn enables the Council to make better decisions, and deliver better services for Napier, by reflecting the aspirations of residents, ratepayers, community groups and business.</p> <p>P.8 - Strategic Assets: The list in the policy may need to be amended based on the outcome of the current consultation process and/or assets becoming part of iwi settlements.</p> <p>P.10-11 - Query, how does Council define Degrees of Significance - low, moderate or high impact? If Council own or part-own the strategic asset, how would this be determined? If Council does not consult on a strategic asset change that could negatively affect a portion of the community, Council are at risk of being seen to be not being open and transparent.</p> <p>P.10 - Add following wording to High for Strategic Asset - involves major changes to a strategic asset.</p>	
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14	Carley	No	<p>The draft Significance & Engagement Policy in itself isn't Community friendly. Today, with the lack of confidence in Council's transparency, accountability, honesty and personal agendas, I believe that the Council should engage the Public Community on all matters which impact them directly.</p>	<p>The Significance and Engagement Policy does not outline all the ways that the Council engages with their community, it only details our approach to significant issues. The Council engages with our community on other activities even is they are not defined as significant.</p>
15	Paul	Yes		

2. NAPIER HASTINGS JOINT ALCOHOL STRATEGY REVIEW - JOINT ADVISORY GROUP ESTABLISHMENT

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1758701
<i>Reporting Officer/s & Unit:</i>	Rebecca Peterson, Senior Advisor Policy

2.1 Purpose of Report

The purpose of the report is to seek Council's approval to appoint two elected members to a Joint Alcohol Strategy Advisory Group in order to proceed with the review of the Joint Alcohol Strategy.

Officer's Recommendation

That Council:

- a. **Approve** Councillor Taylor, Deputy Chair of Prosperous Napier Committee and portfolio lead for Sport and Recreation, Councillor Greig portfolio lead for a Child Friendly City, as Napier City Council's representatives on the Joint Alcohol Strategy Advisory Group with Hastings District Council.
- b. **Note** the draft Terms of Reference for the Joint Alcohol Strategy Advisory Group (Doc Id 1759378)

2.2 Background Summary

The Napier City Council and Hastings District Council's Joint Alcohol Strategy ('the Strategy') was first adopted in 2011 and again in 2017. It was developed in response to the high levels of hazardous drinking in Hawke's Bay where one in four adults is considered a 'hazardous drinker'.

It acknowledges the extent of alcohol harms including increased crime, injuries, hospital visits, alcohol related cancers, road deaths, Fetal Alcohol Spectrum Disorder, domestic, family, and sexual violence. When less alcohol is consumed the benefits are wide ranging for drinkers and others harmed by drinkers.

Reducing harm from alcohol also benefits a stronger economy through improved productivity, lower unemployment and cost savings across health, justice, and welfare sectors.

The key objectives of the Strategy are to:

1. Demonstrate leadership to reduce alcohol harm.
2. Foster safe and responsible events and environments.
3. Change attitudes towards alcohol to reduce tolerance for alcohol harms.

The Strategy supports a combination of regulatory approaches, and preventative and educational interventions. All of these contribute to reducing alcohol harm. The Strategy

also encourages collaboration between partner organisations including councils, government agencies, community, and business groups.

Review of the Joint Alcohol Strategy

Napier City and Hastings District Councils undertook to review the Strategy every five years, or at an appropriate alternative time. A joint review of the Strategy was planned for 2023/24 but was delayed due to Cyclone Gabrielle. The review is now planned for 2024/25.

The aim of the review is to determine how the Strategy aligns with national and local-level alcohol harm reduction goals and priorities, and with community and stakeholder views.

The context for achieving reduced alcohol harms acknowledges the many groups and organisations working towards reducing alcohol related harm. A key partner in this work is Health New Zealand, Te Whatu Ora Te Matau a Māui Hawke's Bay (formerly known as the Hawke's Bay District Health Board) who adopted a position statement in 2016 with the vision of *"Healthy communities, family and whānau living free from alcohol-related harm and inequity"*.

The Cancer Society New Zealand adopted an Alcohol and Cancer position statement in 2020, and New Zealand Police adopted an Alcohol Action Plan (2018) as part of their Prevention First operating model. The Strategy also aligns with Safe Communities priorities to reduce addiction related harm.

Purpose of the Joint Alcohol Strategy Review Advisory Group

As the 2017 Strategy was jointly developed by both Napier and Hastings District Councils, establishment of a joint advisory group for the Strategy's review is planned.

The purpose of the Advisory Group is to:

- provide advice to Council officers on the direction for drafting the Strategy
- hear and consider feedback arising from consultation on the draft revised Joint Alcohol Strategy
- provide advice and recommendations to both councils on the content of the revised Joint Alcohol Strategy.

A draft Terms of Reference has been prepared for confirmation by the Advisory Group **(Attachment A)**.

It is proposed that two elected member representatives from each council will form the Advisory Group. Mayor Wise has nominated Councillor Taylor, Deputy Chair Prosperous Napier Committee and Sport and Recreation portfolio lead and Councillor Greig, Child Friendly City portfolio lead, to represent Napier City Council.

The Advisory Group will be supported by an officer from each council. It will be disestablished once a revised Strategy is adopted by both councils.

2.3 Issues

The ongoing health system reforms and absence of a current national or local alcohol harm strategy from key partner Health New Zealand Te Whatu Ora is to be noted. Recent engagement with the National Public Health Service arm of Health New Zealand has outlined key alcohol harm reduction priorities including taking a leadership and coordination role across the alcohol policy network.

Review of the Joint Alcohol Strategy at this time will consider national direction for alcohol harm reduction and the role for Councils.

2.4 Significance and Engagement

Feedback will be sought from key stakeholders and the wider community on the revised draft Joint Alcohol Strategy. A consultation plan will be prepared for this purpose at that stage.

2.5 Implications

Financial

There are no financial implications associated with establishing this temporary Joint Advisory Group.

Social & Policy

In the six years since the last Joint Alcohol Strategy was released there have been changes to hazardous drinking trends in Hawke's Bay. There have been some improvements in rates of hazardous alcohol use in Hawke's Bay over the past 5 years, including binge drinking, however, our rates of harmful alcohol use remain high and exceed national levels. Population groups with highest rates of hazardous alcohol use in Hawke's Bay include males, Māori, the 45–64-year age group and those living in areas of socio-economic deprivation. Added to this our young Māori population are significantly over-represented in alcohol-related ED presentations.

Risk

N/A

2.6 Options

The options available to Council are as follows:

- a. Approve proposed membership of the Joint Alcohol Strategy Review Advisory Group and note the draft Terms of Reference.
- b. Not approve the proposed members for the Advisory Group.

2.7 Development of Preferred Option

Option A is preferred. This will enable both councils to work together on reviewed the Joint Alcohol Strategy to ensure coordination of future Strategic direction and consideration of consultation feedback.

2.8 Attachments

- 1 Joint Alcohol Strategy Review Advisory Group DRAFT Terms of Reference 2024 (Doc Id 1759378) [↓](#)

Joint Alcohol Strategy Review Advisory Group DRAFT Terms of Reference 2024

Reviewed May 2024

Background

The Joint Alcohol Strategy (JAS) for Hastings District Council and Napier City Council was first adopted by both Councils in 2011 and again in 2017. It was developed in response to the high levels of hazardous drinking in Hawke's Bay and the effects relating to alcohol misuse including increased crime, hospital visits, injuries, alcohol-related cancers, road deaths, abuse and family harm. The Strategy also contributes to regional community safety policies, programmes and priorities.

Review of the Joint Alcohol Strategy

JAS has a five-year review period. This review was deferred from 2023 due to the impacts of Cyclone Gabrielle. JAS provides Napier City and Hastings District Councils with a framework to guide initiatives to be undertaken with other partners to reduce alcohol related harm in their respective communities. It does not govern the regulatory functions of Council - these are determined by Local Alcohol Policies. JAS reflects current data and trends and focuses on at-risk groups and Councils' areas of influence which includes: leadership; regulation; event and facility management; advocacy; promotion and collaboration.

The Napier City Council and Hastings District Council agreed to the revised draft Joint Alcohol Strategy for stakeholder and public feedback during 2024. Both Councils have the opportunity to put forward two nominated Councillors to form part of a Governance Advisory Group with a nominated officer from each Council to review and consider any feedback received. This Terms of Reference sets out how this Advisory Group will be governed.

Purpose

The purpose of the **Joint Alcohol Strategy Review Advisory Group** is to:

- Provide advice to officers on the direction of the revised Joint Alcohol Strategy
- Hear and consider feedback arising from the engagement with stakeholders and the wider community on the draft Joint Alcohol Strategy in 2024 (including receiving advice from officers)
- Provide advice and recommendations to each Council on the draft Joint Alcohol Strategy

Membership

Two elected members appointed from Hastings District Council

Two elected members appointed from Napier City Council

One officer from the Hastings District Council (Community and Safety Lead, Community Wellbeing and Services)

One officer from the Napier City Council (Senior Policy Advisor)

One Youth Councillor from Hastings District Council

One Youth Councillor from Napier City Council

Pou Ahurea member from Hastings District Council

Ngā Manukanuka o te Iwi Napier Māori member from Napier City Council

Appointment of Chairperson and Deputy Chairperson

At the first meeting of the Advisory Group, members will appoint a Chairperson from one Council and a Deputy Chairperson from the other Council by consensus or majority vote.

Name

The **Joint Alcohol Strategy Review Advisory Group**

Role

The Advisory group will have responsibility and authority to:

1. Provide advice to Council officers on direction for drafting the revised Strategy
2. Hear and consider feedback from stakeholders and members of the community arising from consultation on the draft revised Strategy
3. Provide advice and recommendations to both Councils on the content of the revised Strategy

Administering Authority and Servicing

The Advisory Group will undertake their own administration, through the officer members with support from Napier City Council Governance.

The Napier City Council Standing Orders will be used to conduct the Advisory Group meetings.

Meetings & Decisions

The Advisory Group shall meet as and when required as agreed for the achievement of the purpose of the Advisory Group.

The members shall strive at all times to reach a consensus, however if this is not possible the majority opinion will prevail.

Quorum

The quorum will be 50% of the appointed members plus one, including 1 elected member from Napier City Council and 1 from Hastings District Council.

Variations

Any Member may propose an amendment (including additions or deletions) to the Terms of Reference which may be agreed to by the Advisory Group. Any amendment to the Terms of Reference must be agreed to by a majority of the Members. There must also be a quorum for a vote to be taken on any amendment. Variations to the Terms of Reference must be referred to the constituent Councils for ratification.

Term of Office

This Advisory Group will be disestablished once a revised Strategy is adopted by both Councils.

3. MAYORAL RELIEF FUND - DISTRIBUTIONS

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1757166
<i>Reporting Officer/s & Unit:</i>	Talia Foster, Financial Controller

3.1 Purpose of Report

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

Officer’s Recommendation

That Council:

- a) **Receive** this report regarding donations and distributions from The Napier City Council Cyclone Gabrielle Event – February 2023 Mayoral Fund.

3.2 Background Summary

On 20 February, Mayor Wise signed a resolution to establish the Napier City Council Cyclone Gabrielle Event – February 2023 Mayoral Fund with donee status.

On 16 March, Council resolved that the funds were to be distributed at the discretion of the Mayor and Chief Executive for internal expenditure or external grants as the need arises for the purpose of aiding the recovery from Cyclone Gabrielle and benefitting the community.

It was resolved that there would be no application process from the public to the Mayoral Relief Fund, and all enquiries for individual applications will be directed to the Hawke’s Bay Disaster Relief Trust.

Council also directed officers to report back to Council on how the Fund has been distributed.

3.3 Fund Income and Distributions

In March we were very grateful to receive a donation of \$50,000 from Flo & Frankie Limited. Flo & Frankie are a New Zealand fashion retail business who opened their Napier boutique on Emerson Street just after the Cyclone, in March 2023. Seeing the devastation caused to our region, they felt it fitting to help through the Mayoral Relief Fund.

Total donations received are now \$484,077.

There have been distributions which total \$419,077, and further commitments which have not yet been paid of \$20,000. Communication is ongoing with the organisers of the Brookfields CCTV installation, and the payment will be made as soon as possible.

Napier City Council Cyclone Gabrielle Event - February 2023 Mayoral Relief Fund			
	As at 28 Feb 2024	As at 30 Apr 2024	Date Paid
	\$	\$	
Donations received	178,077	228,077	
Donation from Hawke's Bay Disaster Relief Trust	256,000	256,000	
	434,077	484,077	
Less: Mayoral Relief Fund distributions			
Waipatu Maori Catholic Club - Hui Aranga 2024	-	5,500	28/03/2023
Bay View Community Trust - community garden	4,527	4,527	21/12/2023
The Dinner Club HB - Christmas Meal (venue)	350	350	30/11/2023
Napier Christmas Cheer Appeal - return of unspent funds	(2,280)	(2,280)	15/11/2023
Cyclone Gabrielle Children's Storybook (lucky little pig)	5,000	5,000	19/10/2023
The Dinner Club HB - cookbook	5,000	5,000	17/10/2023
The Evergreen Foundation (Toddy talks) - Dr Lucy Hone's Napier resilience talk	3,000	3,000	5/10/2023
Manawa Ora Hawkes Bay Trust - Awatoto security cameras and social wellbeing event for flood affected community	12,000	12,000	28/09/2023
Petane Domain basketball court	25,000	25,000	19/09/2023
Radio Hawke's Bay - civil defence app	2,000	2,000	14/09/2023
Rangatahi Tuia Wananga	1,000	1,000	14/09/2023
The Dinner Club HB - Contribution to regular meals	2,500	2,500	7/09/2023
Finding voices - tickets for affected community to attend The Magic Flute in Concert	10,125	10,125	10/08/2023
Esk/Bayview community - HB clean-up crew meals and accommodation	10,000	10,000	27/07/2023
Esk/Bayview community - sausage sizzle for Tool Library Launch event	250	250	27/07/2023
Bay View Hotel and Holiday Park - Hoe Down Country Night event	2,000	2,000	20/07/2023
Bay View Hotel and Holiday Park - Mid-Winter Christmas event	2,500	2,500	6/07/2023
Napier Christmas Cheer Appeal	12,660	12,660	6/07/2023
The Dinner Club HB - Contribution to regular meals over winter	2,500	2,500	29/06/2023
Red and yellow stickered properties - tenants grants	38,000	38,000	22/06/2023
Primary Elements NZ - Creative events for Bayview/Esk Valley community In July school holidays	500	500	22/06/2023
Neeracha (Neela Neela) Rattanaworametha - contribution to meals	3,500	3,500	19/06/2023
Eskdale Kindergarten - Eskdale Ladies Night event	2,500	2,500	15/06/2023
Hawkes Bay Search and Rescue - six new GPS units	4,989	4,989	15/06/2023
Red and yellow stickered properties allocation of \$2,000	260,000	260,000	24/05/2023
Diesel contributions for machinery helping in clean-up	6,457	6,457	16/05/2023
	414,077	419,577	
Less: Committed but not yet paid			
Brookfields Community - CCTV installation	20,000	20,000	
	20,000	20,000	
Total distributions	434,077	439,577	
Remaining available balance	-	44,500	

3.4 Significance and Engagement

Not applicable

3.5 Implications

Financial

It is important that the balance of the fund is kept up to date, and confirmed before commitments are made to ensure the fund is not overspent. We have internal processes in place for this purpose. As at 30 April the available balance was \$44,500.

Social & Policy

Not applicable

Risk

Not applicable

3.6 Options

The options available to Council are as follows:

- a. Receive this report regarding donations and distributions from The Napier City Council Cyclone Gabrielle Event – February 2023 Mayoral Fund.
- b. Request further information.

3.7 Development of Preferred Option

Not applicable

3.8 Attachments

Nil

4. CCTV POLICY UPDATES

Type of Report:	Operational
Legal Reference:	Enter Legal Reference
Document ID:	1760946
Reporting Officer/s & Unit:	Duncan Barr, Chief Information Officer

4.1 Purpose of Report

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

Officer's Recommendation

That Council:

- a. **Approve** the updates made to the CCTV Policy for finalisation and publication on the Council website.

4.2 Background Summary

Council operates Closed Circuit Television (CCTV) and has a CCTV Policy.

Council undertakes regular reviews of its policies to ensure that they are still relevant, clear and accurate to reflect any shifts in best practice.

The camera's NCC operate are located at our facilities and in public spaces, as part of the Napier Assist program, for the safety of staff and public.

The policy has been updated to allow for the provision of some cameras having the ability to read vehicle number plates. Access to CCTV footage has been broadened from just the Police to Legal Enforcement Agencies, for example, Ministry of Primary Industries. There has also been an inclusion of more roles that can internally see footage and updates to various positions titles.

4.3 Issues

No issues

4.4 Significance and Engagement

Policy reviews are an internal operational process and do not require consultation.

4.5 Implications

Financial

N/A

Social & Policy

N/A

Risk

N/A

4.6 Options

The options available to Council are as follows:

- a. To approve the updates/ actions recommended by Officers.
- b. To amend the updates recommended by Officers.

4.7 Development of Preferred Option

N/A

4.8 Attachments

- 1 Information Services CCTV Policy [↓](#)(Doc Id 1761675)

PUBLIC POLICY



Information Services CCTV Policy			
Adopted By	Council		
Department	Corporate Services Information Services		
Original Adoption Date	24 February 2016	Review Adoption Date	05 August 2021
Next Review Deadline	05 August 2023	Document ID.	350260
Relevant Legislation	The Privacy Act 2020 The Local Government Official Information and Meetings Act 1987		
NCC Docs Referenced	Employee Handbook	1312616	
NCC Docs Referenced	Privacy Policy	352627	

Purpose

Napier City Council endeavours to provide a safe and secure environment to protect its staff, customers and the interests of our ratepayers. Closed Circuit Television (CCTV) cameras are installed and operated for one or more of the following purposes:

- Facilitate staff and public safety
- Improve security and deter anti-social behaviour in public places (including Council premises and recreational facilities)
- Record receipt and banking transactions for playback if an error has occurred, for the benefit of the customer and the staff involved
- Identify good and bad cash handling techniques for cashier training purposes
- Manage traffic movements in particular areas
- Monitor trespass on Council facilities
- Monitor compliance with Council bylaws and related legislation
- Capture information that could be used to improve safety in city and health and safety situations, and/or staff incidents
- Monitor behaviour around Council objects and animals. For example, museum artefacts and aquarium species.

This policy has been created to ensure that NCC, its employees and contractors comply with good practice, transparency and accountability and in respect of the requirements of the Privacy Act 1993 when operating Council CCTV cameras. It also outlines the process for managing all access to CCTV data, the delegated authorities of Council staff and Council obligations in regard CCTV data storage, security and signage.

Scope

This policy applies to all employees of Napier City Council, Councillors, contractors and the general public who may enter the areas covered by NCC cameras.

FoBody Worn Cameras may be used by Council officers and Animal Control Officers, this footage is considered to be covered by this policy.

Some of the camera fleet may have LPR (License Plate Reader) or ANPR (Automatic Number Plate Reader) capability. CCTV footage will only be viewed by authorised staff and representatives from public law enforcement agencies (e.g. the NZ Police or Ministry of Agriculture and Fisheries) with the purpose of monitoring passenger and traffic movements, securing Council facilities, monitoring public places in order to help reduce crime, anti-social behaviour, and to promote community safety.

Cameras used for inspection of NCC assets, such as inspecting the inside of pipes, and any camera video footage recorded by an NCC employee or contractor, are not considered to be CCTV footage for the purposes of this policy.

Policy

1. Camera Locations

- 1.1. CCTV cameras are situated in locations which are clearly linked with the camera's specific purpose. All new camera systems and/or replacement systems are to be approved by a CCTV Administrator and recorded in NCC's register of CCTV cameras. (Doc ID: 711068)
- 1.2. Covert systems may only be used for Council's internal purposes in exceptional circumstances and with the prior approval of the Chief Executive. Exceptional circumstances may include where there is a strong suspicion of criminal activity or misconduct which breaches Council bylaws or may give rise to a health and safety risk to any person or damage to the environment, and which cannot be detected by other means.
- 1.3. Mobile cameras may be used to monitor compliance on construction sites (or similar) and recording progress of project work.
- 1.4. The camera locations can be viewed on the council website <https://www.napier.govt.nz/assets/Document-Library/Publications/Maps/CCTV-Locations-Map.pdf>

2. Monitoring

- 2.1. The recording devices/servers for CCTV cameras are to be installed in secure location/s as agreed upon with the CCTV Administrator. Only persons trained and authorised as CCTV Operators are allowed access to recorded CCTV footage stored in these locations.
- 2.2. All footage is kept for the duration of the intended purpose and then the data is overwritten as part of the recording process, unless it is exported for evidential purposes.
- 2.3. Live streaming camera monitoring is restricted to locations where it is necessary, depending on the purpose of the camera. Examples include in the Napier Assist the CCTV Monitoring room and when the purpose of the camera is to monitor public activity around museum objects and aquarium species, the camera live feed may be viewed by designated NCC employees, law enforcement agencies and contractors.
- 2.4. Council reserves the right to have remote access to all footage created by Council owned CCTV cameras.

- 2.5. Where cameras are monitored via a mobile device (such as a smartphone, tablet or similar device) a CCTV Operator shall ensure that no unauthorised person has the ability to view the device.

3. Control and operation of cameras

- 3.1. All NCC facilities, premises and areas may at some point in time be monitored by NCC's CCTV camera, the exceptions being listed below:
- 3.1.1. CCTV coverage will not include private areas within public spaces and facilities (e.g. changing rooms).
- 3.1.2. CCTV coverage will not be directed at private property except unavoidably as part of a wide-angle or long shot while panning past.

4. User access

CCTV Administrators	Full System Access to all CCTV camera features and programming	NCC Chief Information Officer NCC Napier Assist Team Leader
CCTV High Level User	Full System Access to all CCTV camera features and programming for maintenance purposes	Designated IT staff Contracted Maintenance Suppliers
CCTV Operator	Majority system access for all CCTV cameras on their site including some programming ability, live view, playback and export.	Delegated NCC Facility Managers and Supervisory Staff, NCC Privacy Officers, Napier Assist Team Leader, Senior Napier Assist Officer, Napier Assist Officers
CCTV View Only	Live View, Playback (no export)	Law enforcement agencies by request, Delegated NCC Staff

4.1. The CCTV Administrator is responsible for:

- 4.1.1. Understanding their responsibilities under the Privacy Act 2020 and with respect to the Privacy Principles (see appendix 1 of the CCTV Operating Guidelines) which determines they operate with efficiency, impartiality and integrity
- 4.1.2. Ensuring the installation and maintenance of equipment is sufficient
- 4.1.3. Undertaking an annual review of the use of all NCC CCTV cameras
- 4.1.4. Organising the training and authorising of CCTV Operators
- 4.1.5. Ensuring all new installations are GIS mapped
- 4.1.6. Referring all public requests for footage (other than that from Police as per clause 6 to a NCC Privacy Officer)

- 4.1.7. Responsible for the establishment and oversight of NCC's CCTV Access Log (Doc ID:217243)
- 4.1.8. Responsible for saving all requests for CCTV access in the correct eDRMS folder - <https://MagiQeDRMS.edrms/docs/~F585070>
- 4.1.9. Responsibility for the on-going maintenance and accuracy of the NCC CCTV camera inventory and related service provider agreements.

4.2. CCTV High-Level Users are responsible for:

- 4.2.1. Understanding their responsibilities under the Privacy Act 2020 and with respect to the Privacy Principles (see appendix 1 of the CCTV Operating Guidelines) which determines they operate with efficiency, impartiality and integrity
- 4.2.2. Implementing all maintenance to the CCTV system, as required. This includes security level access for designated NCC staff.
- 4.2.3. Referring all requests for footage (other than from a Police officer) to a NCC Privacy Officer
- 4.2.4. Maintaining a record of all released or viewed footage in NCC's CCTV Access Log (doc id: 217243)
- 4.2.5. Responsible for saving requests for CCTV access in the correct eDRMS folder - <https://MagiQeDRMS.edrms/docs/~F585070>
- 4.2.6. Maintain confidentiality in regard to duties and observations.

4.3. CCTV Operators are responsible for:

- 4.3.1. Understanding their responsibilities under the Privacy Act 2020 and with respect to the Privacy Principles (see appendix 1 of the CCTV Operating Guidelines) which determines they operate with efficiency, impartiality and integrity
- 4.3.2. Ensuring all requests for footage are in writing. In this context 'in writing' includes submissions in electronic forms
- 4.3.3. Retrieving footage requested for viewing by the Police within 24 hours of the receipt of the request and recording footage released in the CCTV Access Log (doc id: 217243)
- 4.3.4. Responsible for saving requests for CCTV access in the correct eDRMS folder - <https://MagiQeDRMS.edrms/docs/~F585070>
- 4.3.5. Referring all requests for footage (other than from a Police Officer) to a NCC Privacy Officer
- 4.3.6. Maintain security of the monitors and footage (tapes, drives, disks etc)
- 4.3.7. Ensuring signage is in place and in accordance with this policy
- 4.3.8. Maintain confidentiality in regard to duties and observations.

5. Use of information collected

- 5.1. As per the Privacy Act 2020 Privacy Principles, and with regard to the listed exceptions in the Principles, information collected by the cameras can only be used for the purpose for which it was collected.
- 5.2 Meets the Privacy Act principles and observation guidelines.

6. CCTV information access and the Law Enforcement Agencies (LEA)

- 6.1. A LEA may access footage on short notice from those cameras that have been set up for purposes linked with crime detection and prevention. A LEA are required to complete a request form (see Form One) prior to the release of the footage. This request requires the LEA to enter details such as the event they are interested in, the specific offence and the name and contact details of the Officer making the request.
- 6.2. All requested footage released to a LEA or when criminal activity is suspected, will be recorded in the CCTV Access Log.
- 6.3. Footage or live streaming of events can be supplied to a LEA locally, nationally or an international sporting bodies for detection of illegal sports betting (anti-corruption), illegal behaviour at any event e.g. Cricket at McLean Park and live stream footage for the Police and ICC.
- 6.4. The completed and signed release request form should be provided to a Privacy Officer for storage in the Privacy Act eDRMS folder - <https://MagiQeDRMS.edrms/docs/~F585070>

7. CCTV information access by individuals

- 7.1. Recorded footage is confidential to NCC. All requests to view footage relating to individuals will be referred to a NCC Privacy Officer for consideration.
- 7.2. The Chief Executive (CE) and NCC's Privacy Officers, or other officers delegated that responsibility by them or by the CE, may approve persons or entities that data may be disclosed to. A list of approved persons or entities will be maintained by NCC in the CCTV Access Log.
- 7.3. A request by the public to view footage that contains information relating to other individuals must be in writing and will be a dealt with as either:
 - 7.3.1. a matter to be referred to the a LEA or
 - 7.3.2. a LGOIMA request under the Local Government Official Information and Meetings Act 1987 or
 - 7.3.3. where the footage requested for viewing only shows the individual who has made the request, the request will be dealt with in accordance with the Privacy Act 2020.
- 7.4. Any request to view footage will be limited by the need to protect other persons' privacy. If a request to view the footage is unable to be granted without unreasonably breaching others' privacy, a written description may be provided by the CCTV Operator of what they are doing in the footage. Any such requests will be responded to within 20 working days and are subject to review by a NCC Privacy Officer and the CE as per Council's LGOIMA Policy and procedure.

8. CCTV and Council staff

- 8.1. The Council will investigate any suspected breach of the use of Council CCTV by a Council officer.
- 8.2. Any staff incidents or misconduct detected by CCTV will be handled in accordance with Council employment contracts, NCC Employment Handbook and Code of Conduct.

9. CCTV Signage

- 9.1. Individual cameras and/or camera areas will be clearly signposted to notify the public.

- 9.2. Signs will clearly display the message “Surveillance Cameras in Operation” or a similar message and be of a size and style that makes them readily visible to people entering the area. Where it is impractical to include all the information, the sign will direct the public to the NCC website where this policy can be viewed.

Policy Review

The review timeframe of this policy will be annually.

Document History

Version	Reviewer	Change Detail	Date
2.0	Duncan Barr / Devorah Nicuarta-Smith	full review of document	May 2019
2.1	Duncan Barr / Devorah Nicuarta-Smith	Minor changes	December 2019
3	Duncan Barr	Update and align to non-financials delegations register	March 2021
4	Duncan Barr	Update to include Napier Assist Service provisions	August 2022
5.	Duncan Barr	Update for ANPR and sharing, plus new Operators	December 2022
6.	Duncan Barr	Update job titles and positions for Ocean Spa, change police to legal enforcement agencies (LEAs)	November 2023

Request for a Copy of Recorded Materials

(Napier City Council CCTV Camera System)

I request a copy of images recorded by Napier City Council's camera surveillance system at:

Name:		Rank:	
ID No.:		Station:	
Camera Location:			
The images relate to the following:			
Time:		Date:	
Location:		Incident Log No.:	
I require a copy of the images for the purpose of:			

I acknowledge that I will not make a copy of these images or disclose the images to any other persons unless lawfully required to do so.

Signed:			
Date:		Time:	

NB: Must be completed by all persons requesting recorded information and then scanned and emailed to:

Email address: helpdesk@napier.govt.nz

Admin Use:

Information supplied? <input type="checkbox"/> Yes <input type="checkbox"/> No	Date:
Signed:	

Appendix 1

Internal Version Only

The following people perform the roles specified in this policy:

PRIVACY OFFICERS
Chief Information Officer Chief People Officer Manager Governance Team Leader Napier Assist Āwhina Tāngata (CCTV)
CCTV ADMINISTRATOR
Chief Information Officer Team Leader Napier Assist
CCTV HIGH-LEVEL USER (Delegated IT Staff)
Senior Digital Engineers (Network and Systems)
IT System Support Engineer and Technicians
CCTV OPERATORS
Executive Director City Services
Team Leader Drainage
Team Leader Transportation
Transportation Team Administrator
Transportation Operations Coordinator
Job Costing (City Services)
Management Accountant City Services
Team Leader Animal Control
Animal Control Administration Assistant
Libraries Manager
Library Technology Specialist
Library Operations Coordinator
Napier & Taradale Librarian Service Coordinators
Kennedy Park Manager
Front Office & Service Coordinator, Kennedy Park
General Manager, National Aquarium of NZ
Operations Manager, National Aquarium of NZ
Kiwi House, National Aquarium of NZ
Napier Aquatic Centre Manager
Customer Services Coordinator, Aquatic Centre

Manager Property
Team Leader Parking
Waste Minimisation Lead
i –SITE/Par 2 Manager
Senior Duty Coordinators, i-SITE
MTG Director
Exhibition Construction and Facilities, MTG
Exhibition & Facilities Coordinator, MTG
AV & Facilities Technician, MTG
Collections Coordinator, MTG
Collections Management, MTG
Bay Skate Manager
Bay Skate Lead
McLean Park Manager
Conference and Events Manager - War Memorial Centre
Venues Resources Coordinator, Napier Conference Centre
Manager Environmental Solutions
Liquor Licensing Inspector
Napier Assist Officer
Senior Napier Assist Officer
Team Leader 3 Waters Operations Planning
3 Waters SCADA Engineer
Senior Operations Engineer
Network Control Systems Lead
Operations Manager 3 Waters
Marine Parade Pools Manager
Network Team Leader - Customer Engagement

5. AMENDMENT TO THE 2024 MEETING SCHEDULE

Type of Report:	Procedural
Legal Reference:	Local Government Act 2002
Document ID:	1755578
Reporting Officer/s & Unit:	Anna Eady, Team Leader Governance

5.1 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.

Officer’s Recommendation

That Council:

a. **Adopt** the following amendment to the 2024 meeting schedule:

- Ahuriri Regional Park Joint Committee 2 new dates 24 June and 19 August 2024 – 9.30am
- Council (Freedom Camping Bylaw Review hearings) New date 3 October 2024 – 9.30am

5.2 Background Summary

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

- ...
- (4) *A local authority must hold meetings at the times and places that it appoints.*
- (5) ...
- (6) *If a local authority adopts a schedule of meetings -*
- a) *the schedule-*
 - i) *may cover any future period that the local authority considers appropriate, and*
 - ii) *may be amended; and*
 - b) *notification of the schedule or of any amendment to that schedule constitutes a notification of every meeting to the schedule or amendment.*

Council must hold the ordinary meetings as scheduled but may amend the meetings schedule to enable business to be managed in an effective way.

Although staff attempt to meet Council’s needs in planning the schedule, it is inevitable that Council will need to amend the schedule from time to time. If approved, the proposed amendment will be notified to elected members via the Councillor diary.

While the schedule serves to give elected members notice of the upcoming meetings, there is still a requirement under the Local Government Official Information and Meetings Act 1987 for the public to be advised on a regular basis of the meetings scheduled for the next month.

The schedule includes council meetings and the meetings of all committees, not only so that members can plan ahead, but also to ensure that meeting days are in fact available. If a scheduled meeting is not required, officers will advise members of the cancellation as early as possible.

5.3 Issues

No issues have been identified with this report.

5.4 Significance and Engagement

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

5.5 Implications

Financial

There will be additional costs for venue hire.

Social & Policy

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

Risk

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

5.6 Options

The options available to Council are as follows:

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

5.7 Development of Preferred Option

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

5.8 Attachments

Nil

6. ACTION POINTS REGISTER AS AT 6 MAY 2024

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1757040
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Team Leader Governance

6.1 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 6 May 2024, for Council to note. It does not include action points that were requested in public excluded Council or Committee meetings.

Officer's Recommendation

That Council:

- a. **Note** the extract from the Action Points Register as at 6 May 2024 (Doc Id 1758898).

6.2 Background Summary

Officers have prepared the Action Points Register (Register) to keep track of action points raised at Council and Committee meetings in this triennium.

6.3 Issues

The Register includes action points from all Council and Committee meetings, including public excluded sessions of those meetings. The attached extract from the Register includes all action points of this triennium, other than those that were requested in a public excluded Council or Committee meeting. Action points from public excluded meetings are provided to Council for noting in the public excluded session.

The Register does not include actions that flow from Council and Committee meetings if those actions are part of Council's 'business as usual'. For example, if Council agrees to increase an application fee, it does not include the action that Council staff would need to implement that increase. However, if staff, for example, agree to arrange a further meeting or make additional information publicly available after a meeting, those actions would be included in the Register.

Once an action point has been completed, it will only be included in the Register for Council's consideration once. Once Council has noted that an action point has been completed, it will be removed from the Register. Action points that have not been completed will continue to be provided to Council until they have been completed.

6.4 Significance and Engagement

N/A

6.5 Implications

Financial

N/A

Social & Policy

N/A

Risk

N/A

6.6 Options

N/A

6.7 Development of Preferred Option

N/A

6.8 Attachments

- 1 2024-05-06 Open Action Points Register (Doc Id 1758898) [↓](#)

Open Action Points Register – 2022/2025 triennium – as at 6 May 2024

Ref. number	Meeting raised		Topic	Who is responsible?		Action points	Progress/Completed
	Name	Date		ED	Officer		
16	Council	02/02/23	Council and Committees of Council Terms of Reference & Delegations	Jess Ellerm		Council's procurement strategy, which is currently in development, to contain a section on tendering and the governance process.	18 April 2024: To be presented at the 6 June Prosperous Committee meeting.
61	Council	20/07/23	Changes to Hawke's Bay Civil Defence Emergency Group Joint Committee – Terms of Reference	Thunes Cloete		Hawke's Bay Civil Defence Emergency Group officers be requested to present to Council the risks that most affect Napier and current controls for those risks and how it is recommended that those controls be managed.	24 April 2024 Currently sitting with HBCDEM to complete. Report to come to Council 27 June.
85	Ngā Mānukanuka o te Iwi	15/09/23	Notification of Proposed District Plan	Rachael Bailey	Paulina Wilhelm	1 Once the public consultation has closed, community feedback to be shared with Ngā Mānukanuka o te Iwi.	30 April 2024: to be completed and a summary of submissions to go to NMotI meeting 26 July.

Ref. number	Meeting raised		Topic	Who is responsible?		Action points	Progress/Completed
	Name	Date		ED	Officer		
						2 Council officers to bring the chapter on Sites of Significance to Māori (when it is ready) to the Committee, to discuss the best method of engagement with the key stakeholders and the wider community.	3 May 2024: Council is working with MAT and MTT on this. Likely to be presented to NMoti meeting 26 July.
109	Council	14/12/2023	Minor Matter – War Memorial	Russell Bond		Officers to present a report to Council detailing the minor defects at the War Memorial outstanding as at the Council meeting 14/12/2023, including an estimated completion date.	9 April 2024: Email update given. Report to be completed for 23 May Council meeting once work finalised.
113	Council	14/03/2024	Hawke's Bay Airport Ltd Draft SOI 2024/25	Jess Ellerm	Caroline Thomson	Officers to provide feedback on the Hawke's Bay Airport draft SOI by the end of March.	23 April 2024 To be completed – letter to be sent to HB Airport on SOI. Officers working with HDC on a letter of expectation.
114	Prosperous Napier	28/03/2024	HB Museums Trust Draft Statement of Intent and Financial Reporting	Jess Ellerm	Caroline Thomson	Officers to provide confirmation on the Special Note 11 of the Financial Statements in regard to Trusts and the total of funds held.	24 April 2024 To be completed – this has gone back to Cr Simpson for clarification.

Ref. number	Meeting raised		Topic	Who is responsible?		Action points	Progress/Completed
	Name	Date		ED	Officer		
116	Audit & Risk	4/04/2024	Matters arising from the minutes - Asset Management Roadmap	Russell Bond / Jamie Goodsir	Kate Ivicheva	Progress of the Asset Management Roadmap and implementation to be reported on.	24 April 2024 14 June 2024 Audit and Risk Committee meeting
117	Audit & Risk	4/04/2024	Risk Management Report	Jess Ellerm	Dave J / Alister Edie	A&R Committee to meet with Crowe	24 April 2024 Waiting on Crowe to finalise risk framework and then it will be reported back to the Committee.
118	Future Napier	11/04/2024	Regional Economic Development Agency Update	Rachael Bailey	Bill Roberts	Establish a formal reporting framework to Council in relation to the Letter of Expectations enabling input and accountability to Council to be measured and tracked.	3 May 2024 Feedback is being collected from Elected Members currently which will be collated and send to REDA by the Mayor.
119	Sustainable Napier	11/04/2024	Pressure Sewer Systems Policy	Russell Bond	Andrew Torrens	Officers to provide information on when a house is sold how is the new property owner made aware of the maintenance provision for the Pressure Sewer System.	24 April 2024 Response to be sent to elected members via email, that information is on the property file.

REPORTS / RECOMMENDATIONS FROM COMMITTEES

REPORTS FROM AHURIRI REGIONAL PARK JOINT COMMITTEE HELD 1 MAY 2024

1. AHURIRI REGIONAL PARK

Type of Report: Operational

Legal Reference: N/A

Document ID: 1752562

Reporting Officer/s & Unit: Fleur Lincoln, Strategic Planning Lead
Connie Mills, Strategic Planning Lead

1.1 Purpose of Report

1. This report seeks endorsement of the Engagement Plan and function and membership of the Technical Advisory Group.
2. Further, it seeks appointment of a new Deputy Chair of the Ahuriri Regional Park Joint Committee.

At the meeting

Appointment of new Deputy Chair

Nominations were called for the position of a new Deputy Chair, following the resignation of Tania Eden (MAT).

Joe Reti (MAT) was nominated by Mōrehu Te Tomo and seconded by Deputy Mayor Brosnan.

Joe Reti accepted the appointment as Deputy Chair of the Ahuriri Regional Park Joint Committee (ARPJC). There being no other nominations, Joe Reti was duly elected unopposed as Deputy Chair.

COMMITTEE Mōrehu Te Tomo / Deputy Mayor Brosnan

RESOLUTION

The Ahuriri Regional Park Joint Committee:

- a) **Approve** Joe Reti (Mana Ahuriri Trust) be appointed as Deputy Chair of the Ahuriri Regional Park Joint Committee from 2 May 2024.

Carried

Engagement Plan

Mr Drury spoke to the report summarising the key points of the Engagement Strategy and Plan advising that it was a live document that would be updated throughout the project.

Ms Ryder from Boffa Miskell provided further clarification on the engagement strategy timeline in relation to the Open Day in the middle of July. It was proposed to host an Open Day on-site or hire a hall as a back-up indoor venue nearby. Alternatively the Open Day could be tagged onto another Council event or festival/activity that is happening at that similar time. It was acknowledged having an open day in the middle of winter is challenging.

Comments at the meeting included:

- In order to mitigate the risk of the community questioning the timing of this exploratory phase of the project, communications will need to focus on climate issues, building resilience, managing core infrastructure and stormwater treatment as the key priorities for the development of the Regional Park.
- It was agreed that the Engagement Strategy would need minor amendments to respond to this change in messaging, and the proposed Open Days were recommended to be delayed to the end of the overall project to offer information once concepts had been developed.
- NCC holds a resource consent from HBRC for the purpose of stormwater discharge. Conditions of this consent require NCC to investigate treatment options prior to the stormwater entering the Estuary. This forms the regulation driver for the development of the Park.
- A monitoring brief on the feedback received through the Long Term Plan (LTP) engagement is to be undertaken.
- The Technical Advisory Group (TAG) of experts and core team, who will guide the design process and outcomes, includes local and regional authorities as well as representatives from MAT.
- Work that resulted from the initial Beca report has been tendered through to the 3 Waters panel. This provided information on whether the stormwater modelling was possible. Further detailed modelling is being tendered for currently as part of a separate work programme.
- An engineering technical expert will sit on TAG as an independent member to ensure a good attenuation method/parameters can be provided, noting that the actual detail will follow once the general location is known.
- The project team offered reassurance that the development of stormwater modelling on the park and land treatment attenuation space would be at a sufficient level of detail that they could with some accuracy identify the general space required which will be allocated within the master plan. Further detail will follow.
- Advice from Frank Engagement was to specifically include Westshore and the Ahuriri Residents Association in public engagement about the Park. The ARPJC members considered the Bay View Residents Association should also be included in the engagement.
- The ARJPC agreed that the community Open Days be removed from the Engagement Plan at this stage, but put back in at a later date when information was available.

The ARPC requested the following minor amendments to the engagement plan:

- Messaging of the project to be focused on climate resilience and stormwater management, based on the history of the site.
- Co-opting stormwater representative into TAG

- Sequencing public facing media posts
- Look at LTP communication plan to ensure timing does not infringe on that consultation
- Move the Open Day to the end of the timeline
- Add Bayview Residents Association to the Community and Public Engagement Group
- Amend the social media timing in relation to LTP hearings and decision making timelines for both the HBRC and NCC.
- To note the slight change of messaging – that the engagement plan identifies risk and is sensitive to community sentiment of rate increases.

**COMMITTEE
RESOLUTION**

Mōrehu Te Tomo / Councillor Price

- a) **Endorse** the Engagement Plan with minor amendments as below:
- Messaging of the project to be focused on climate resilience and stormwater management, based on the history of the site.
 - Co-opting stormwater representative into TAG group
 - Sequencing public facing media posts
 - Look at LTP communication plan to ensure timing does not infringe on that consultation.
 - Move the Open day to the end of the timeline
 - Add Bayview Residents Association to the Community and Public Engagement Group
 - Social media timing with relation to LTP hearings and decisions making timelines of both the HBRC and NCC with regard to 3 year LTP plans.
 - Noting amendments given slight change of messaging – engagement plan looks to identify risk and identify the community sentiment of rate increases.

ACTION: *All agendas, minutes and workshop summaries are to be circulated to the Governance/Administration teams of each partner organisation and uploaded to relevant electronic document sharing platforms (Hub/Stellar)*

Carried

Function and Technical Advisory Group

It was noted that since the report had been written Senitra Nathan-Marsh had resigned from MAT and Parris Greening had been contacted to discuss the appointment of a replacement on the TAG.

Anna Madarasz Smith (HBRC), who had been proposed as the Marine Science expert, has resigned from HBRC. When a replacement has been appointed they will be appointed to the TAG.

Comments at the meeting included:

- The concept design of stormwater attenuation and wetland treatment solutions to be undertaken by an independent consultant on the 3 Waters Infrastructure Panel. The ARPJC

agreed that a representative from the NCC stormwater design team also be appointed as an independent member of the TAG.

- The TAG overview update report will notify the ARPJC of any membership changes through the project managers.

**COMMITTEE
RESOLUTION**

Councillors Williams / Price

- a) **Endorse** the function and membership of the Technical Advisory Group as outlined in the agenda report.
-

Carried

Attachments

- 1 Further Submissions to Proposed District Plan (Doc Id 1757169)
 - 2 Boffa Miskell presentation (Doc Id 1757168)
-

REPORTS FROM NGĀ MĀNUKANUKA O TE IWI (MĀORI COMMITTEE) HELD 10 MAY 2024

1. TE AKA MAHI TOI UPDATE

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1749207
<i>Reporting Officer/s & Unit:</i>	Darran Gillies, Strategic Programmes Manager Hilary Prentice, Māori Partnership Manager - Te Kaiwhakahaere Hononga Māori Alix Burke, Strategic Programme Coordinator

1.1 Purpose of Report

To update Ngā Mānukanuka o te iwi committee on the development of the mahi toi for the Te Aka project.

At the meeting

The Officer presented the report. A PowerPoint presentation was shared showing examples of how artwork could be incorporated into the build.

Questions were answered clarifying:

- The design and the planting will be congruent with the existing landscape, incorporating native planting that would naturally be present.
- The procurement process can support a heavier weighting for local artists, whilst not excluding other artists. Knowledge of the local community is a key part of this process.
- Procurement and inclusion of artwork will be a collaborative co-design process.

COMMITTEE RESOLUTION

Deputy Mayor Brosnan / Shayann Raihania

The Ngā Mānukanuka o te Iwi (Māori Committee):

- Receive** the report updating the development of the Mahi Toi for the Te Aka project.
- Endorse** the direction of the cultural narrative for Te Aka.
- Support**, in principle, the procurement of Ahuriri hapu/Ngāti Kahungunu artists for the delivery of the Mahi Toi in Te Aka.

Carried

Attachments

- Te Aka PowerPoint presentation (Doc Id 1760164)

2. DRAFT HOUSING STRATEGY

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1752317
<i>Reporting Officer/s & Unit:</i>	Anne Bradbury, Manager Community Strategies

2.1 Purpose of Report

This report discusses the Draft Housing Strategy and next steps to finalise the strategy.

At the meeting

The Officer presented the report and in response to questions from the Committee it was clarified:

- Following further consultation with the interested parties provided by the Ngā Mānukanuka o te Iwi representative, the draft Strategy will be brought back to Ngā Mānukanuka o te Iwi prior to the October Council meeting.
- That section 17A of the Local Government Act provides for review of public services.
- Current tenants will continue to have a home.

COMMITTEE RESOLUTION

Shyann Raihania / Councillor Crown

The Ngā Mānukanuka o te Iwi (Māori Committee):

- Note** the Draft Housing Strategy (Doc Id 1742977) and recommend Officers continue to work with key partners and stakeholders to finalise the strategy.
- Direct** Officers to report back on the Housing Strategy to Ngā Mānukanuka o te Iwi at the 26 July 2024 meeting to recommend the strategy to go to Council for adoption in October 2024.

ACTION: Officer to liaise with Ngā Mānukanuka o te Iwi representative (Shyann Raihania) on other parties to be consulted on the Draft Housing Strategy

Carried

3. UPDATE ON THE WAKA HUB PROJECT

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1753340
<i>Reporting Officer/s & Unit:</i>	Georgina King, Team Leader City Design and Urban Renewal

3.1 Purpose of Report

The purpose of this report is to provide an update of the Waka Hub project and to seek endorsement from Nga Mānukanuka o te Iwi on the location for the new Waka Hub.

At the meeting

The Officer presented the report with the support of Te Kaha Hawaikirangi, [Ātea a Rangi Trust]. In response to questions from the Committee it was clarified:

- The current site was chosen due to its location, size and suitability for housing Te Matau a Māui.
- The importance of the funding being available to ensure the completion of this project.

COMMITTEE RESOLUTION

Shyann Raihania / Councillor Crown

The Ngā Mānukanuka o te Iwi (Māori Committee):

- a) **Endorse** the 'Preferred Site' adjacent to the Napier Sailing Club for the new Waka Hub and permanent mooring for Te Matau-a-Māui waka.
- b) **Endorse** the development of a Concept Design for the Waka Hub and mooring(s) for waka hourua.
- c) **Recommend** to council that the funding shortfall for this project be budgeted for or confirmed in the three year plan.

Carried

4. PROPOSED LEGISLATION - REINSTATEMENT OF THE PRE-2021 BINDING POLL PROVISIONS FOR MĀORI WARDS

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Local Electoral Act 2001
<i>Document ID:</i>	1752917
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Team Leader Governance

4.1 Purpose of Report

To inform the Committee of the proposed legislation to reinstate the pre-2021 binding poll provision for the establishment of Māori wards, and what the options are for Napier City Council (NCC) once the legislation is enacted at the end of July 2024.

At the meeting

The Officer presented the report. Questions were answered clarifying:

- Council's current position is to not to rescind the decision to establish Māori Wards.
- The proposed legislation presents the risk that Napier City Council may establish Māori Wards that only operate for one triennium.
- A name or names for the Māori Ward(s) will be put forward by Mana Ahuriri and will be open for community feedback in the formal consultation.

COMMITTEE RESOLUTION

Tiwana Aranui / Joe Tareha

The Ngā Mānukanuka o te Iwi (Māori Committee):

- a) **Receive** the report for information: Proposed legislation – Reinstatement of the pre-2021 binding poll provisions for Māori Wards.
- b) **Note** Ngā Mānukanuka o te Iwi supports the Council decision on the establishment of Māori Wards made in 2021.
- c) **Endorse** the Mayor making a submission on the proposed legislation for the Reinstatement of the Pre-2021 Binding Poll provisions for Māori Wards.

Carried

5. REPRESENTATION REVIEW UPDATE

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Electoral Act 2001
<i>Document ID:</i>	1754658
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Team Leader Governance

5.1 Purpose of Report

To give the Komiti an update on the Representation Review project, highlight upcoming engagement opportunities with the community, and to receive feedback from the Komiti on the proposed options, which will be put to the Council for consideration.

At the meeting

The Officer presented the report. There were no questions from the Committee.

At the meeting

The Officer presented the report. There were no questions from the Committee.

COMMITTEE RESOLUTION

Tiwana Aranui / Councillor Crown

The Ngā Mānukanuka o te Iwi (Māori Committee):

- a) **Receive** the report titled “Representation Review Update” dated 10 May 2024.

Carried

6. TE WAKA RANGAPŪ STRATEGY 2024

<i>Type of Report:</i>	Operational and Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1752840
<i>Reporting Officer/s & Unit:</i>	Mōrehu Te Tomo, Pou Whakarae

6.1 Purpose of Report

This purpose of this report is to advise on Te Waka Rangapū Strategy (the Strategy).

At the meeting

The Officer presented the report. Questions were answered clarifying:

- The need to recognise those that have come before, are here now and the future in the Strategy. The Strategy aims to ensure that NCC is culturally safe; the Komiti is to lead the cultural side of, and enhance knowledge within, the organisation. The Strategy will be in place for 5 years, though under continual review.
- The desire to establish succession plans for the Komiti was raised with the possibility of an intern position within Te Waka Rangapū.

COMMITTEE RESOLUTION

Joe Tareha / Shayann Raihania

The Ngā Mānukanuka o te Iwi (Māori Committee):

a) **Endorse** the “Te Waka Rangapū Strategy 2024.”

Carried

7. AGENDA ITEMS FOR NGĀ MĀNUKANUKA O TE IWI KOMITI

Type of Report: Operational

Legal Reference: Local Government Act 2002

Document ID: 1753242

Reporting Officer/s & Unit: Mōrehu Te Tomo, Pou Whakarae

7.1 Purpose of Report

The purpose of this report is to establish the key topics and Napier City Council (NCC) projects Ngā Mānukanuka o te Iwi Komiti members would like brought to Komiti Huis for discussion.

At the meeting

The Officer spoke to the report. The Komiti requested a workshop be organised, with suggestions for future agenda items.

At the meeting

The Officer spoke to the report. The Komiti requested a workshop be organised, with suggestions for future agenda items.

COMMITTEE Tiwana Aranui / Councillor McGrath

RESOLUTION

The Ngā Mānukanuka o te Iwi (Māori Committee):

- a) **Request** reports on the following subjects be included in the agendas for Ngā Mānukanuka o te Iwi Komiti as relevant:
-

-
- i. Housing
 - ii. Health
 - iii. Te Aka Mahi Toi & Te Aka Operational Model
 - iv. Internal Cultural progress (Ka Awatea)
 - v. Water Issues (Local Water Done Well)
 - vi. Long Term Plan (3 Year Plan)
 - vii. Annual Plan
 - viii. District Plan
 - ix. Future Development Strategy
 - x. Representation Review
 - xi. Māori Wards
 - xii. Te Mana o te Wai
 - xiii. Environmental concerns
 - xiv. Tourism

b) Endorse a workshop to be held to identify key priority areas for papers for the Committee's 2024 work programme.

Carried

REPORTS UNDER DELEGATED AUTHORITY

1. TENDERS LET

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1761659
Reporting Officer/s & Unit:	Debbie Beamish, Executive Assistant to the Chief Executive

1.1 Purpose of Report

To report the Tenders let under delegated authority for the period 8 April – 10 May 2024.

Officer’s Recommendation

That Council:

- a) **Receive** the Tenders Let for the period 8 April – 10 May 2024 as below:
 - Contract 2684 24 Clyde Road Slip Remediation be awarded to Drainways Contracting Limited in the sum of \$504,555.26.
 - Contract 2678 Inner Harbour Maintenance Dredge 2024 be awarded to Dutch Dredging Limited in the sum of \$554,158.00.

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

Contract 2684 24 Clyde Road Slip Remediation - \$504,555.26

- Three tenders have been received.
- It has been recommended that the contract be awarded to Drainways Contracting Limited \$504,555.26
- This recommendation has been approved.

Contract 2678 Inner Harbour Maintenance Dredge 2024 - \$554,158.00

- Three tenders have been received.
- It has been recommended that the contract be awarded to Dutch Dredging Limited for the value of \$554,158.00.
- This recommendation has been approved.

1.2 Attachments

Nil

RECOMMENDATION TO EXCLUDE THE PUBLIC

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

Agenda Items

1. Action Points Register (Public Excluded) as at 6 May 2024

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.
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Agenda Items

<p>1. Action Points Register (Public Excluded) as at 6 May 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 commercial and industrial negotiations)</p>	<p>48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>
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ORDINARY MEETING OF COUNCIL

Open Minutes

Meeting Date: Thursday 18 April 2024

Time: 9.30am – 10.30am (*Open*)
10.35pm – 10.45am (*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, Price, Simpson, Tareha and Taylor

In Attendance Chief Executive (Louise Miller)
Deputy Chief Executive (Jessica Ellerm) [via Zoom]
Acting Executive Director Corporate Services (Caroline Thomson)
Executive Director Community Services (Thunes Cloete)
Manager Communications and Marketing (Julia Stevens)
Pou Whakarae (Mōrehu Te Tomo)
Team Leader Governance (Anna Eady)
Manager Regulatory Solutions (Luke Johnson)
Business Improvement Manager (Alister Edie) [via Zoom]
Chair, Napier Youth Council (Ben Kingsford)

Administration Governance Advisor (Carolyn Hunt)

ORDINARY MEETING OF COUNCIL – Open Minutes

TABLE OF CONTENTS

Order of Business	Page No.
Karakia.....	4
Apologies	4
Conflicts of interest.....	4
Public forum.....	4
Announcements by the Mayor.....	4
Announcements by the management	4
Confirmation of minutes	4
Agenda Items	
1. Animal Control Fees and Charges 2024/2025	5
2. Draft Elected Members' Allowances and Expenses Policy	5
3. Amendment to the 2024 Schedule of Standing Committees and Council Meetings	6
1. Action Points Register as at 8 April 2024	6
2. Information - Minutes of Joint Committees.....	7
6. Proposed legislation - Reinstatement of the pre-2021 binding poll provisions for Māori Wards	8
Reports / Recommendations from the Specialist Committees	
Reports from Audit and Risk Committee held 4 April 2024	
1. Ombudsman Report - Council Meeting and Workshop setting amendments	9
2. Health and Safety Report	10
3. Risk Management Report.....	10
4. Sensitive Expenditure - Mayor and Chief Executive	11
5. Internal Audit Recommendations Progress Report.....	11
6. Policy review process update	12
7. External Audit actions status update	12
8. Audit Plan for 2023/24 Annual Report.....	13
9. Audit New Zealand Management Report	13
Reports under Delegated Authority	
1. Tenders Let.....	15
Minor matters	15
Resolution to Exclude the Public	16

ORDER OF BUSINESS

Karakia

The meeting opened with the Council karakia.

Apologies

Nil

Conflicts of interest

Nil

Public forum

Nil

Announcements by the Mayor

Napier Youth Council – Mayor Wise welcomed Ben Kingsford, Chair of the Napier Youth Council to the meeting. Ben was invited to participate in discussion, however he will have no voting rights in decision-making.

3 Year LTP presentation – Mayor Wise thanked members of the public for attending the presentation on the Three Year Long Term Plan held at the War Memorial Centre on Wednesday, 17 April 2024. She encouraged feedback or submissions from the community to be submitted by 5.00pm, Friday, 26 April 2024.

Announcements by the management

Nil

Confirmation of minutes

**COUNCIL
RESOLUTION**

Councillors Greig / Chrystal

That the Draft Minutes of the Ordinary Council meeting held on 14 March 2024 be confirmed as a true and accurate record of the meeting.

Carried

AGENDA ITEMS

1. ANIMAL CONTROL FEES AND CHARGES 2024/2025

Type of Report: Enter Significance of Report

Legal Reference: Enter Legal Reference

Document ID: 1750801

Reporting Officer/s & Unit: Luke Johnson, Manager Regulatory Solutions
Alister Edie, Business Improvement Manager

1.1 Purpose of Report

To consider the amended Animal Control fees and charges for the year commencing 1 July 2024, as a separate process to the current Three Year Plan public consultation for fees and charges.

At the meeting

The Manager Regulatory Solutions, Mr Johnson spoke to the report highlighting that the reason for introducing the minor amendment outside the Three Year Long Term Plan consultation process was that Animal Control fees and charges were required to be notified the month preceding the start of the dog registration year.

COUNCIL Councillors Simpson / Mawson

RESOLUTION

That Council:

- a. **Approve** the minor amendments to Animal Control Fees and Charges for 2024/25 as set out in the table (Doc Id 1751398) of the agenda report
- b. **Note** the changes, if approved, are effective from 1 July 2024

Carried

2. DRAFT ELECTED MEMBERS' ALLOWANCES AND EXPENSES POLICY

Type of Report:	Operational
Legal Reference:	Local Government Act 2002
Document ID:	1746435
Reporting Officer/s & Unit:	Anna Eady, Team Leader Governance

2.1 Purpose of Report

To present a draft Elected Members' Allowances and Expenses Policy for consideration.

At the meeting

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

There was considerable discussion on this item, and in particular the elected member childcare allowance. Some comments noted are:

- To withdraw the childcare subsidy from the expense policy.
 - The Remuneration Authority determines the limit set for allowances which are paid at Council's discretion.
 - Removal of the childcare allowance could create a barrier for young parents standing for Council.
 - The allowance is discriminatory in that there is no allowance for those elected members who care for older family members.
 - The elected member role is unique but it does not warrant additional childcare.
 - The optional childcare allowance was introduced by the Remuneration Authority, an independent body.
-

COUNCIL Deputy Mayor Brosnan / Councillor Boag

RESOLUTION That Council:

- Receives** the report titled 'Draft Elected Members' Allowances and Expenses Policy'.
- Adopts** the draft Elected Members' Allowances and Expenses Policy (Doc Id 1748302).
- Notes** the Policy will be published on the Napier City Council website in line with the requirements of the Remuneration Authority.
- Notes** the withdrawal of the Elected Members' Childcare Allowance Policy 2019 (Doc Id 883855).

The Motion was PUT with 7 FOR and 6 AGAINST

The Motion was CARRIED

Mayor Wise, Councillors Chrystal, Crown, Mawson, McGrath and Simpson voted AGAINST the Motion

Carried

3. AMENDMENT TO THE 2024 SCHEDULE OF STANDING COMMITTEES AND COUNCIL MEETINGS

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1750073
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Team Leader Governance

3.1 Purpose of Report

The purpose of this report is to consider an amendment to the schedule of Standing Committees and Council meetings for 2024, which was adopted on 12 October 2023.

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

At the meeting

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

COUNCIL Councillors Crown / Mawson **RESOLUTION**

That Council:

- a. **Adopt** the following amendment to the schedule of Standing Committees and Council meetings for 2024:
 - Ahuriri Regional Park Joint Committee New date 1 May 2024 – 9.30am

Carried

4. ACTION POINTS REGISTER AS AT 8 APRIL 2024

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1748252
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Team Leader Governance

4.1 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 8 April 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 took the report as read.

It was noted that Action No. 61 (HB CDEM risks that most affect Napier) raised in July 2023 was dependent on a review being completed. This has now been completed and further modelling will be undertaken prior to informing the community of the risks.

COUNCIL Councillors Chrystal / Taylor

RESOLUTION

That Council:

- a. **Note** the extract from the Action Points Register as at 8 April 2024 (Doc Id 1748261).

Carried

5. INFORMATION - MINUTES OF JOINT COMMITTEES

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1750590
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Team Leader Governance

5.1 Purpose of Report

The purpose of this report is to receive the unconfirmed minutes of the various Joint Committee meetings during March 2024.

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

At the meeting

Councillor Price, Council's representative on the Hawke's Bay Regional Transport Committee, summarised the following:

- The draft Regional Land Transport Plan and consultation document had been adopted.
- It was disappointing that the MyWay trial was not coming to Napier due to budgetary issues.

Mayor Wise, Council's representative on the Hawke's Bay Civil Defence Emergency Management Group Joint Committee noted:

- The CDEM (Mike Bush) review had been released with a number of recommendations and the Committee were working at pace on the response.
 - Steps have been taken to advertise for an Independent Emergency Management Specialist to progress the review of the recommendations and their implementation.
-

COUNCIL Mayor Wise / Councillor Price

RESOLUTION

That Council:

- a) **Receive** for information the unconfirmed minutes of the following Joint Committee meetings held:
- 15 March 2024 – Hawke’s Regional Transport Committee (Doc Id 1750591)
 - 25 March 2024 – Civil Defence Emergency Management Group Joint Committee (Doc Id 1751401)

Carried

6. PROPOSED LEGISLATION – REINSTATEMENT OF THE PRE-2021 BINDING POLL PROVISIONS FOR MĀORI WARDS

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Local Electoral Act 2001
<i>Document ID:</i>	1750742
<i>Reporting Officer/s & Unit:</i>	Anna Eady, Team Leader Governance

6.1 Purpose of Report

To inform the Council of the proposed legislation to reinstate the pre-2021 binding poll provision for the establishment of Māori wards, and what the options are for Napier City Council (NCC) once the legislation is enacted at the end of July 2024.

At the meeting

The Team Leader Governance, Ms Eady spoke to the report highlighting that the draft Bill had not yet been released and there was time for things to change and the finer details of the proposed legislation to be known.

Ms Eady noted a minor error in the paper, if the decision was rescinded Council would need to complete a mini representation review and if this was undertaken a full representation review would not be required for two election cycles. The paper said, in this situation, a full representation review would be required next triennium.

In response to questions the following was clarified:

- The change means Councils will be able to initiate binding polls on Māori Wards and electors will be able to petition Council to hold a binding poll. Petitions will need to meet the 5% of residents in support threshold to be successful.
- The timeline given indicates that the legislation will be enacted by end of July 2024.
- There is not a requirement to formally reconsider or debate the previous decision made, it is an option.

The Mayor advised she would undertake discussion with mana whenua and iwi parties and report back to elected members and decide on next steps. She encouraged all councillors to reach out to their networks and if any of the groups, hapū or iwi would like

someone to come and explain the proposed legislation more fully that could be arranged through Council's Te Waka Rangapū Directorate.

Amended Councillors Boag / Greig
Resolution LOST

That Council:

- a) **Receive** the report for information: Proposed legislation Reinstatement of the pre-2021 binding poll provisions for Māori Wards.
- b) **Direct** officers to prepare a report following enactment of the legislation in July 2024 to provide Council an opportunity to debate on whether to revoke its previous decision or not on the provision of Māori Wards

The Motion was PUT:

5 FOR: Councillors Boag, Browne, Greig Simpson and Taylor

8 AGAINST: Mayor Wise, Deputy Mayor Brosnan, Councillors Crowne, Chrystal, McGrath, Mawson, Price and Simpson

The Motion was LOST

SUBSTANTIVE
COUNCIL
RESOLUTION

Mayor Wise / Councillor Price

That Council:

- a) **Receive** the report for information: Proposed legislation Reinstatement of the pre-2021 binding poll provisions for Māori Wards

Carried

REPORTS / RECOMMENDATIONS FROM THE SPECIALIST COMMITTEES

REPORTS FROM AUDIT AND RISK COMMITTEE HELD 4 APRIL 2024

1. Ombudsman Report - Council Meeting and Workshop setting amendments

Type of Report:	Operational
Legal Reference:	Local Government Official Information and Meetings Act 1987
Document ID:	1745863
Reporting Officer/s & Unit:	Anna Eady, Team Leader Governance

1.1 Purpose of Report

In October 2023 the Ombudsman released a report “Open for Business”, which followed an investigation into local council meetings and workshops. This report will set out our proposed improvement programme and the Council direction to meet the Ombudsman’s key recommendations.

At the meeting

There was no discussion on this item at the meeting.

COUNCIL Mayor Wise / Councillor Crown

RESOLUTION

That Council **note** the recommendation from the Audit and Risk Committee to:

- a) **Receive** the report titled Ombudsman Report – Council Meeting and Workshop setting amendments.
- b) **Note** officers have undertaken an assessment of Napier City Council’s current practices in relation to the Ombudsman’s *Open for Business* report and will make improvements to these practices.
- c) **Note** open Audit and Risk Committee meetings will be recorded and published on the Napier City Council website.

Carried

2. Health and Safety Report

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1722342
<i>Reporting Officer/s & Unit:</i>	Adam McDonald, Health, Safety and Wellbeing Lead

2.1 Purpose of Report

The purpose of this report is to provide the Audit & Risk Committee (ARC) an overview of Health Safety & Wellbeing (HSW) activity, inform on the progress of initiatives underway to improve health, safety, and wellbeing, as well as key performance indicators covering the period December 2023 through to February 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 programmes.

At the meeting

There was no discussion on this item at the meeting.

COUNCIL Mayor Wise / Councillor Crown RESOLUTION

That Council **note** the recommendation from the Audit and Risk Committee to:

- a) **Receive** the Health and Safety Report for the period December 2023 to February 2024.

Carried

3. Risk Management Report

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1744348
<i>Reporting Officer/s & Unit:</i>	Dave Jordison, Risk and Assurance Lead Alister Edie, Business Improvement Manager

3.1 Purpose of Report

To update the Committee on current developments and workstreams within the risk management framework 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 at the meeting.

COUNCIL Mayor Wise / Councillor Crown

RESOLUTION

That Council **note** the recommendation from the Audit and Risk Committee to:

- a) **Receive** the report titled "Risk Management Report" dated 4 April 2024.

Carried

4. Sensitive Expenditure - Mayor and Chief Executive

Type of Report: Procedural

Legal Reference: N/A

Document ID: 1742723

Reporting Officer/s & Unit: Raewyn Fowler, Internal Audit Lead
Talía Foster, Financial Controller

4.1 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 at the meeting.

COUNCIL Mayor Wise / Councillor Crown

RESOLUTION

That Council **note** the recommendation from the Audit and Risk Committee to:

- a) **Receive** the 31 December 2023 quarterly report of Sensitive Expenditure for the Mayor and Chief Executive and review for compliance with the Sensitive Expenditure Policy.

Carried

5. Internal Audit Recommendations Progress Report

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1742724
<i>Reporting Officer/s & Unit:</i>	Raewyn Fowler, Internal Audit Lead

5.1 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 at the meeting.

COUNCIL Mayor Wise / Councillor Crown

RESOLUTION

That Council **note** the recommendation from the Audit and Risk Committee to:

- a) **Receive** the Internal Audit Recommendations Progress Report dated 4 April 2024.

Carried

6. Policy review process update

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1701124
<i>Reporting Officer/s & Unit:</i>	Talia Foster, Financial Controller Caroline Thomson, Chief Financial Officer

6.1 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 at the meeting.

COUNCIL Mayor Wise / Councillor Crown

RESOLUTION

That Council **note** the recommendation from the Audit and Risk Committee to:

-
- a) **Receive** the report titled “Policy Review Process Update” dated 4 April 2024.

Carried

7. External Audit actions status update

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1742734
<i>Reporting Officer/s & Unit:</i>	Talia Foster, Financial Controller

7.1 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 at the meeting

COUNCIL Mayor Wise / Councillor Crown

RESOLUTION

That Council **note** the recommendation from the Audit and Risk Committee to:

- a) **Receive** the report titled “External Audit Status Update” dated 4 October 2024.

Carried

8. Audit Plan for 2023/24 Annual Report

<i>Type of Report:</i>	Enter Significance of Report
<i>Legal Reference:</i>	Enter Legal Reference
<i>Document ID:</i>	1742735
<i>Reporting Officer/s & Unit:</i>	Talia Foster, Financial Controller

8.1 Purpose of Report

To provide delegation to the Chair to approve the Audit Plan for the 2023/24 Annual Report in consultation with the Chief Executive.

At the meeting

There was no discussion on this item at the meeting.

COUNCIL Mayor Wise / Councillor Crown
RESOLUTION

That Council **note** the recommendation from the Audit and Risk Committee to:

- a) **Receive** the report titled "Audit Plan for 2023/24 Annual Report" dated 4 April 2024.
- b) **Delegate** authority to the Chair and the Chief Executive to approve the Audit Plan for the 2023/24 Annual Report on behalf of the Audit and Risk Committee (Doc Id 1746445).

Carried

9. Audit New Zealand Management Report

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1742736
<i>Reporting Officer/s & Unit:</i>	Talia Foster, Financial Controller

9.1 Purpose of Report

To consider the Audit NZ management report to the Council on the audit of Napier City Council for the year ended 30 June 2023.

At the meeting

There was no discussion on this item at the meeting.

COUNCIL Mayor Wise / Councillor Crown
RESOLUTION

That Council **note** the recommendation from the Audit and Risk Committee to:

- a) **Receive** the Audit NZ management report to the Council on the audit of Napier City Council for the year ended 30 June 2023 (Doc Id 1745793).

Carried

REPORTS UNDER DELEGATED AUTHORITY

1. TENDERS LET

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1750099
<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 14 March to 5 April 2024. There were no Tenders Let during this period.

At the meeting

There was no discussion on this item at the meeting.

COUNCIL Councillors Mawson / Tareha
RESOLUTION

That Council:

- a) **Receive** the Tenders Let for the period 4 March – 5 April 2024. There were no tenders let during this period.

Carried

Minor matters

There were no minor matters to discuss.

RESOLUTION TO EXCLUDE THE PUBLIC

Councillors Mawson / Tareha

**COUNCIL
RESOLUTION**

- a) That the public be excluded from the following parts of the proceedings of this meeting.
 - Action Points Register (Public Excluded) as at 8 April 2024
 - Verbal Update Chief Executive to Audit and Risk Committee 4 April 2024

- b) That Ben Kingsford be allowed to remain in the Public Excluded session in his role as Chair, Napier Youth Council.

Carried

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. Action Points Register (Public Excluded) as at 8 April 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	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
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	<p>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 commercial and industrial negotiations)</p> <p>7(2)(j) Prevent the disclosure or use of official information for improper gain or improper advantage</p>	<p>7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>
--	--	--

Reports from Audit and Risk Committee held 4 April 2024

<p>1. Verbal Update Chief Executive</p>	<p>7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities</p>	<p>48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>
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*The meeting adjourned at 10.30am and reconvened
in Public Excluded at 10.35am
The meeting closed with a karakia at 10.45am*

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

Chairperson

Date of approval