



# ORDINARY MEETING OF COUNCIL

## Open Agenda

### Hearing of Submissions : Freedom Camping Bylaw Review

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Meeting Date: Monday 3 February 2025

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Time: 9.30am

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Venue: Large Exhibition Hall  
War Memorial Centre  
Marine Parade  
Napier

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*Livestreamed via Council's Facebook page*

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

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Officer Responsible Chief Executive

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Administrator Governance Team

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**Next Council Meeting**  
**Thursday 20 February 2025**

## 2022-2025 TERM OF REFERENCE - COUNCIL

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

### **Purpose**

The Council is responsible for:

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

### **Terms of Reference**

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

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

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

2 Schedule 7, clause 30A

3 Shop Trading Hours Act 1990, section 5D.

### **Delegated Power to Act**

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

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

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

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4 Schedule 7, clause 27,

5 Schedule 7, clause 15,

6 Schedule 7, clause 30,

7 Schedule 7, clause 30,

8 Local Electoral Act 2001, section 19H.

# ORDER OF BUSINESS

## Karakia

## Apologies

Nil

## Conflicts of interest

## 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, 12 December 2024 be confirmed as a true and accurate record of the meeting. ....39

## Information items

## Agenda items

1 Freedom Camping Bylaw 2025 Review .....5

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

## Recommendation to Exclude the Public

# AGENDA ITEMS

## 1. FREEDOM CAMPING BYLAW 2025 REVIEW

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1824160
<i>Reporting Officer/s &amp; Unit:</i>	Jeriel Sajan, Policy Analyst Michele Grigg, Senior Policy Analyst

### 1.1 Purpose of Report

This report provides an analysis of submissions received on the proposed Freedom Camping Bylaw 2025, and outlines recommendations to Council on proposed amendments to the Bylaw.

### Officer’s Recommendation

That Council:

- a. **Receive** and consider all submissions made on the proposed Freedom Camping Bylaw 2025.
- b. **Adopt** the Freedom Camping Bylaw 2025 subject to the following amendment:
  - i. Update the definition of “Self-Contained Motor Vehicle” in accordance with the definition in the Freedom Camping Act.
- c. **Direct** Officers to prepare a Council report outlining an implementation plan for the adopted Bylaw for consideration at a future Council meeting to inform operationalisation of the Bylaw from 1 July 2025.
- d. **Note** that the final content of the Freedom Camping Bylaw 2025 is subject to minor editorial amendments.

### 1.2 Background Summary

Pursuant to Section 11 of the Freedom Camping Act 2011 (FCA), local authorities may establish bylaws to regulate freedom camping within their district or region. These bylaws can restrict or prohibit freedom camping to protect the environment, ensure public health and safety, and preserve public access.

The Napier Freedom Camping Bylaw is designed to manage freedom camping activities within the district to ensure these are safe, environmentally sustainable, and considerate of local communities. The Bylaw aims to:

- Protect public spaces
- Manage public health and safety risks

- Preserve the natural environment and local amenities
- Align with the Freedom Camping Act (FCA), section 11, which outlines conditions under which bylaws may be created.

### **1.2.1 Napier's Freedom Camping Bylaw**

Napier City Council's Bylaw aligns with its strategic priorities of enhancing the city as a visitor destination while fostering community relationships. It regulates freedom camping at specific sites to ensure responsible use of public spaces.

The Bylaw was last reviewed in 2017. Since then, changes in visitor volume, camper behaviour, and legislative amendments have prompted an early review to ensure the Bylaw remains effective and relevant. The review was initiated to realign Napier City Council's position on non-self-contained vehicles, considering the Self-Contained Vehicles Legislation 2023 and recent changes to the FCA. Additionally, the temporary closure of Westshore Beach Reserve prompted the need to engage with the community to decide on its future.

The review aimed to assess the overall suitability of the Bylaw in managing freedom camping in Napier, ensuring it remains aligned to the city's needs.

### **1.2.2 Proposed Bylaw Changes**

In summary, the proposed changes to the 2017 Bylaw were as follows:

- Removal of non-self-contained vehicles
- Closure of the Foreshore Reserve site for freedom camping
- Closure of the Westshore Beach Reserve site for freedom camping.

Addition of a new site in part of the National Aquarium of New Zealand carpark for freedom camping (maximum of 4 vehicles, maximum stay of 2 nights) – although the National Aquarium site was proposed, other high-ranking site(s) from the site assessment were also open for consideration as part of the consultation process.

### **1.2.3 Consultation on the Proposed Bylaw**

Pre-engagement feedback was sought from stakeholders and residents who live near to the existing four freedom camping sites (including the temporarily closed Westshore site) to help inform the draft Bylaw.

Council adopted the Statement of Proposal and Draft Freedom Camping Bylaw on 31 October 2024 for public consultation. The consultation process followed the Special Consultative Procedure as set out in section 83 of the Local Government Act 2002. A high-level engagement plan was prepared for consultation on the draft Bylaw, which sought to:

- Provide information on the purpose of the draft Bylaw
- Ensure a range of opportunities for interested parties, residents and the wider community to provide feedback on the draft Bylaw.

Consultation opened on 4 November and closed on 29 November 2024. Any member of the public could submit, either online or on a paper submission form.

Public notice of the Freedom Camping Bylaw review was placed in the Hawke's Bay Today on 2 November 2024 and a media release distributed. A copy of the proposed Freedom Camping Bylaw 2024, Statement of Proposal and submission form were distributed to the Napier libraries, the City Council Customer Services Centre. The consultation was promoted via Google advertising, on social media channels, and on digital screens in the

Customer Services Centre and i-Site. Residents living near to the 18 assessed freedom camping sites (including the four current sites) were notified of the consultation by letter. Stakeholders who had been involved in the pre-engagement were informed of the consultation by email.

#### 1.2.4 Summary of Submissions

In total, 254 submissions were received. A copy of these is appended to this report (**Attachment 2**), along with the list of submitters speaking to their submissions – **Attachment 1**). Nine of these were received on the paper submission form or via letter/email.

Overall, 38% of submitters agree with the draft Napier Freedom Camping Bylaw, while 52% disagree and 10% are unsure. Those who state they or their family freedom camp (in New Zealand) are slightly more likely to agree with the draft Bylaw (45%).

While this information provides an overall picture, answers to subsequent questions from the submission form provide more detail about which aspects of the Bylaw are more (or less) appealing to submitters. These are summarised below, and analysed in more detail in **Attachment 3**.

- 72% of submitters support the proposal to **remove non-self-contained vehicles** from the Bylaw. There is stronger support for this proposal from those who live close to one of the 18 assessed sites (80%) and Napier residents (76%) and comparatively lower support among freedom campers.
- 85% support the proposal to **retain the Ellison Street/Pump Track site for freedom camping**. Support was highest amongst freedom campers (89%) and those living close to one of the 18 assessed sites (91%).
- 79% support the proposal to **retain the Te Karaka/Perfume Point site for freedom camping**. Again, support was highest amongst freedom campers (88%) and those living near one of the 18 assessed sites (87%).
- 51% support the proposal to **close the Foreshore Reserve site to freedom camping**. Levels of support are highest from submitters who live close to one of the 18 assessed sites (62%) or who live in Napier (56%). 39% of freedom campers support this proposal.
- 50% support the proposal to **close the Westshore Beach Reserve site to freedom camping**. Levels of support are highest from those submitters who live close to one of the 18 assessed sites (59%) or who live in Napier (56%). 37% of freedom campers support this proposal.
- 61% of submitters support **a new site or sites** for freedom camping. Support is highest amongst freedom campers (87%).
- Of those submitters supporting a new site/s for freedom camping, 85% support **a site within the National Aquarium of New Zealand** car park.
- Of those submitters supporting a new site/s for freedom camping, less than half support one of the other 13 sites assessed as part of the Bylaw review (the highest level of support was for **a site within the Ocean Spa** car park at 48%).

### 1.3 Issues

While a majority of submitters expressed disagreement with the draft bylaw (52%), a closer examination of the responses reveals nuanced perspectives across different segments of the community. Understanding the sentiments of residents, freedom campers, and other stakeholders provides a more comprehensive picture of community views on freedom camping in Napier.

#### 1.3.1 Matters of Support

##### Retention of high-ranking sites

These sites receive overwhelming support for their location, scenic value, accessibility, and suitability for short-term stays. Submitters praise them for being safe and functional while minimising disruption to nearby residents.

- **Pump Track/Ellison Street site:** Submitters widely support retaining this site due to its proximity to the beach and its appeal to tourists and visitors. Concerns about overcrowding from a minority of residents did not outweigh its perceived benefits for freedom campers.
- **Te Karaka/Perfume Point site:** This site is valued for its views and minimal interference with residential areas. While some residents cite traffic and public access issues, most feedback supports retaining it due to its functionality and low environmental impact.

##### General support for freedom camping in Napier

Many submissions highlight the positive economic impact of freedom camping on Napier, emphasising that well-managed sites attract visitors who support local businesses and enhance the city's reputation as a camper-friendly destination. While proximity to urban areas garners praise from submitters who enjoy freedom camping for its convenience to amenities and attractions, submitting residents express concerns about noise and privacy, highlighting the need to balance community and camper needs.

##### Support for a new site at the Aquarium car park

The proposal to establish a new freedom camping site at the National Aquarium car park receives strong support, particularly from submitters who enjoy freedom camping (87%). General residents and business owners, however, express more cautious support, with about half in favour.

- **Aquarium site preference:** Of those submitters supporting new sites, 85% prefer the Aquarium car park, citing its central location and ability to attract tourists. It is viewed as convenient for families and travellers with mobility challenges.
- **Economic opportunities:** Submitters see the site as a way to boost local businesses by increasing foot traffic and spending in nearby establishments.
- **Utilising underused space:** Submitters note that the site is underutilised after hours and that its regular use by campers could deter vandalism and anti-social behaviour.
- **Concerns to note:** Critics express concerns about reduced parking for Aquarium visitors during peak periods, safety risks from high-traffic areas, waste mismanagement, and potential visual degradation of the site. There are also fears from submitters about overcrowding or misuse, particularly by non-self-contained vehicles if they are enabled, which could strain infrastructure and sanitation.



### 1.3.2 Matters of Contention

The draft bylaw received majority disagreement; however, deeper analysis reveals that opposition is focused on specific provisions, particularly:

- The permanent removal of the Westshore and Foreshore Reserve freedom camping sites.
- A minor matter of contention: the exclusion of non-self-contained vehicles.

#### Permanent removal of low-ranking sites

Support for permanent removal of low-ranking sites primarily comes from business owners and residents living near the assessed sites. These groups often experience the direct impacts of freedom camping in their neighbourhoods. Key concerns are:

- **Health and safety:** Risks cited include traffic hazards due to poor site layouts and insufficient lighting, creating unsafe conditions for both campers and local residents. Proximity to high-traffic areas exacerbates these concerns.
- **Community disruption:** Noise, littering, and the monopolisation of public spaces by campers were frequently raised. Residents express frustration over the perceived intrusion into areas meant for shared community use, particularly during peak seasons.
- **Environmental impact:** Comments note the misuse of low-ranking sites, combined with inadequate facilities, leading to litter, habitat degradation, and strain on local ecosystems. Supporters believe site closure is necessary to mitigate these impacts and restore environmental quality.

Proponents for site closure view this as essential for preserving community harmony and protecting sensitive areas. These submitters argue that these closures allow resources to be concentrated on maintaining higher-ranking, better-equipped sites.

Opposition of permanent removal of low-ranking sites is led by freedom campers and frequent travellers who rely on accessible, low-cost camping options. This group places significant value on retaining diverse site options for tourism and recreation. Key concerns are:

- **Loss of scenic and practical sites:** Opposing submitters, including those who freedom camp, highlight the unique appeal of these locations for short-term stays, emphasising their proximity to recreational activities and their contribution to Napier's reputation as a camper-friendly destination.
- **Overcrowding risk:** Opponents of site closures fear that removing these sites will overcrowd the remaining ones, reducing the quality of camping experiences and placing increased pressure on infrastructure.
- **Management over closure:** Many submitters suggest enhanced site management as an alternative to closures. This includes enforcing self-containment rules, improving waste management facilities, and implementing vehicle limits to address concerns while retaining these sites for responsible use.

#### Specific feedback on the Foreshore Reserve site

- **Support for closure: 51% of submitters:** Noise, littering, and privacy violations are consistently cited as reasons for closure. Many resident submitters feel the site disrupts their neighborhoods and they advocate for relocating freedom camping to areas better suited for this activity ie, away from residential areas.

- **Opposition to closure: 49% of submitters (primarily those who enjoy freedom camping):** Freedom campers value the scenic appeal and accessibility of the Foreshore Reserve, considering it is a vital part of Napier's tourism infrastructure. Opponents propose retaining the site with improved regulations, such as stricter self-containment enforcement and upgraded amenities, to address community concerns.

#### **Specific feedback on the Westshore Beach Reserve site**

- **Support for closure: 50% of submitters:** Concerns mirror those raised about the Foreshore Reserve, including safety risks from limited lighting and traffic hazards, as well as the monopolisation of public spaces by campers.
- **Opposition to closure: 50% of submitters:** Submitters who enjoy freedom camping emphasise the site's practicality for short-term stays and its appeal as a scenic location. Many suggest that management improvements, such as limiting vehicle numbers and ensuring compliance with self-containment rules, would effectively mitigate issues without requiring closure.

#### **Other minor matter of contention: removal of non-self-contained vehicle provisions**

- **Support for removal: 72% of submitters:** The exclusion of non-self-contained vehicles aligns with national standards and is seen as an effective measure to reduce environmental and community impacts.
- Submitters raised that this change reduces waste mismanagement and strain on public facilities by limiting access to vehicles that lack onboard waste and sanitation systems.
- Submissions from business owners and residents near assessed sites support the measure, viewing it as a step toward improved site management and reduced local disruptions.
- **Concerns about equity and impact on low-income travellers:** Excluding non-self-contained vehicles could disproportionately affect economically vulnerable groups, including low-income travellers and families, who rely on affordable camping options. Submitter comments noted that there are responsible campers who do not travel in self-contained vehicles who would be disadvantaged by this change.

### **1.3.3 Analysis of Issues**

The draft Freedom Camping Bylaw elicited mixed feedback, with submissions focusing on three key issues: the proposed permanent removal of the Westshore Beach Reserve and Foreshore Reserve freedom camping sites, concerns about capacity and site appropriateness, and the removal of provisions for non-self-contained vehicles. These issues reflect the diverse and, at times, competing views of community members and stakeholders.

#### **Permanent removal of the Westshore Beach Reserve and Foreshore Reserve sites**

The proposed removal of the Westshore and Foreshore sites raised concerns about reduced capacity, loss of scenic and practical locations, and potential overcrowding of remaining sites. However, Officers note that the Westshore Beach Reserve site has been temporarily closed for several years without significant apparent impact on overall capacity. Freedom camping in Hawke's Bay is highly seasonal, with peak demand during summer. The proposal to remove eight freedom camping parking spaces from the Foreshore – and Westshore's four inactive - and introduce a high-ranking site at the National Aquarium is assessed as sufficient to meet seasonal demand.

Additionally, these sites will remain open as carparks, ensuring continued public access. Any residual behaviour-related issues need to be managed using other regulatory tools outside the scope of the Bylaw.

Also, the Foreshore site, in particular, was low-ranked due to safety concerns, including limited passive surveillance and inadequate security measures, such as landscaping or CCTV. While the site is further from residential areas, mitigating some nuisance concerns, its remoteness poses challenges for user safety and effective monitoring.

### **Removal of non-self-contained vehicle provisions**

The removal of provisions for non-self-contained vehicles received support for aligning with national direction and reducing environmental and community impacts. However, some submissions also raised equity concerns, particularly for low-income travellers relying on affordable camping options.

While equity concerns are acknowledged, Officers consider this measure necessary to address documented issues, such as waste mismanagement and overuse of public facilities. This also reflects national direction under the FCA.

### **Enforcement and site management**

Effective enforcement emerged as a consistent priority across submissions, with submitters emphasising the need for active monitoring to ensure compliance with self-containment rules, mitigate littering, and manage noise.

Officers acknowledge that increased enforcement will be important to the Bylaw's success but note that a detailed assessment of resource implications is yet to be completed. Financial constraints, including those stemming from the Cyclone, may limit immediate expansion of enforcement capacity.

Future operational plans will address resource allocation to support enforcement efforts. Officers will provide a follow-up paper detailing the operationalisation of the bylaw, including strategies to mitigate enforcement challenges within existing financial constraints.

### **1.3.3 Changes Recommended to the Freedom Camping Bylaw 2025**

While Officers acknowledge the disagreement expressed by some submitters towards the proposed Freedom Camping Bylaw, Council Officers have considered the submissions and recognise that much of the contention revolves around the specific nature and use of certain sites.

Both supporters and opponents raise valid points, reflecting a balanced and thoughtful engagement with the issues. Beyond minor editorial adjustments, including refining the definition of "self-contained vehicle" to align with FCA and Self-contained Motor Vehicles Legislation Act 2023, Officers have determined that no substantial changes to the Freedom Camping Bylaw as proposed are required (**Attachment 4**).

Submissions have been thoroughly reviewed against the FCA criteria, and the proposed measures align with legislative requirements and community priorities. Despite the even split in perspectives on some sites, Officer recommendations remain unchanged. The proposed Bylaw aims to address key concerns, ensure sustainable site management, and balance the needs of the local community and freedom campers alike.

## 1.4 Significance and Engagement

The Local Government Act 2002 requires Council to use a special consultative procedure to consult on bylaws. Accordingly, a high-level engagement plan was presented to Council on 31 October 2024, and formal consultation was open for four weeks from 4 to 29 November 2024.

## 1.5 Implications

### Financial

Council decisions around adoption of the Bylaw may have an impact on costs for establishment or disestablishment of sites. Officers will prepare a report for Council with an implementation plan for rolling out the adopted Bylaw on 1 July 2025, including associated costs, timeframes, and budgets.

### Social & Policy

Councils are empowered to introduce bylaws under Section 11 of the Freedom Camping Act 2011 (FCA) if they meet three specific criteria. This analysis considers the implications of the proposed Freedom Camping Bylaw 2025 against these criteria and the submissions received.

#### **1. The Bylaw is Necessary for Specific Purposes**

- **Protecting the area:** The removal of low-ranking sites and introduction of a high-ranking site, such as the Aquarium car park, prioritise sustainability and environmental stewardship. Removing poorly equipped sites mitigates risks of environmental degradation, including habitat damage and waste mismanagement. Concentrating camping at well-maintained sites ensures public spaces are better managed and preserved for long-term use.
- **Protecting health and safety:** Prioritising sites with appropriate infrastructure (eg, lighting, sanitation, and waste facilities) addresses health and safety concerns. The closure of the Westshore and Foreshore sites reduces risks associated with traffic hazards, inadequate lighting, and overcrowding. By improving safety standards at designated locations, the Bylaw enhances the overall visitor experience and reduces community disruptions.
- **Protecting access to the area:** The proposal retains two high-ranking sites and introduces an alternative to mitigate overcrowding and maintain equitable access for all users. Closed sites will remain accessible as general car parks, preserving their utility for non-camping activities. While some campers may perceive a reduction in capacity, alternative options on road reserves, private land, and facilities offered by organizations like the NZ Motor Caravan Association ensure continued access for freedom campers.

#### **2. The Bylaw is the Most Appropriate and Proportionate Way to Address the Problem**

The Bylaw represents a balanced approach to managing freedom camping in Napier. Closing low-ranking sites addresses community concerns such as noise, littering, and safety risks while enhancing high-ranking locations to provide safe, well-equipped alternatives. These measures focus on mitigating adverse impacts without overly restricting camping activities.

Provisions requiring self-contained vehicles align with national standards which aim to reduce environmental and infrastructure pressures. While concerns about equity for low-income travellers were noted, the exclusion of non-self-contained vehicles is

necessary to maintain site quality and address environmental impacts. Future reviews could explore designated areas with basic amenities for non-self-contained vehicles if community views or needs change.

### **3. The Bylaw is Not Inconsistent with the New Zealand Bill of Rights Act 1990**

The Bylaw manages existing freedom camping activities in a way that aligns with the FCA and ensures minimal interference with individual rights. Restrictions, such as site removals and self-containment requirements, are proportionate responses to concerns about environmental protection, public health, and access. These measures are necessary and reasonable, remaining consistent with the principles of the New Zealand Bill of Rights Act 1990.

#### **Additional Considerations**

- **Impact on neighbouring landowners:** Concentrating camping at high-ranking sites minimises risks such as noise, litter, and traffic disruptions, ensuring landowners are not disproportionately affected. Closing low-ranking sites further reduces interactions that could negatively impact adjacent properties.
- **Impact on reserve users:** The closure of low-ranking sites has no adverse effects on reserve users. These areas remain accessible as car parks, balancing freedom camping management with public use of reserves for non-camping activities.
- **Equity and accessibility:** While aligning with national legislation, the exclusion of non-self-contained vehicles raises concerns about equity for low-income travellers. If community needs and views change, addressing these concerns through future bylaw reviews may be appropriate.
- **Homelessness:** The Bylaw does not impact individuals experiencing homelessness, as enforcement under the FCA cannot target non-compliant freedom camping by homeless individuals. Issues of homelessness require separate policy frameworks to address safety and public space use effectively.

#### **Risk**

Council must ensure that decisions remain within the scope of the FCA. Factors such as property values, general nuisance complaints, or biases against specific groups cannot legally influence decisions, as reaffirmed by the *New Zealand Motor Caravan Association Incorporated v Queenstown Lakes District Council* (QLDC) High Court decision in September 2024. This ruling invalidated QLDC's Freedom Camping Bylaw due to the consideration of irrelevant factors during site assessments. Napier's site assessments were conducted in adherence to FCA requirements to minimise this risk.

### **1.6 Options**

The options available to Council are as follows:

- a. Adopt the Freedom Camping Bylaw 2025 (as proposed) subject to minor corrections.
- b. Adopt the Freedom Camping Bylaw 2025 with modifications to retain the Westshore and/or Foreshore Reserve freedom camping sites, and/or retain non-self-contained vehicle provisions.
- c. Do not adopt the draft Freedom Camping Bylaw 2025 and direct Officers to revise the provisions.

### 1.7 Development of Preferred Option

Option A is recommended as the preferred option as it ensures the Council aligns with current legislative requirements, including the FCA and Self-contained Motor Vehicles Legislation Act 2023, while also balancing the needs of the local community and freedom campers.

This option allows us to proactively manage freedom camping issues, improve site safety, and protect public spaces.

### 1.8 Attachments

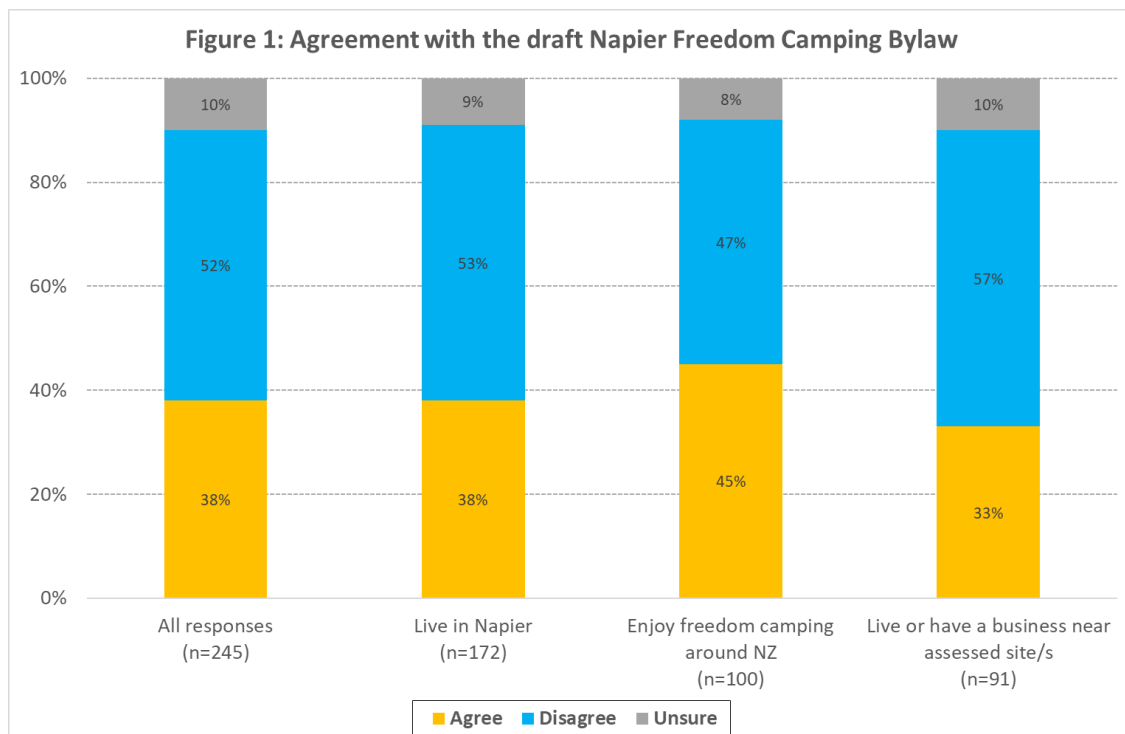
- 1 Submitters speaking to submissions (Doc Id 1825255) (Under separate cover 1) [⇒](#)
- 2 All Freedom Camping Bylaw submissions received (Doc Id 1825252) (Under separate cover 2) [⇒](#)
- 3 Freedom Camping Bylaw Submissions Analysis 2025 (Doc Id 1826192) [↓](#)
- 4 Draft Freedom Camping ByLaw (Doc 1826199) [↓](#)

## Napier Freedom Camping Bylaw – submissions analysis January 2025

Overall, 38% of submitters agree with the draft Napier Freedom Camping Bylaw, while 52% disagree and 10% are unsure (Figure 1). Among Napier residents, 38% similarly support the bylaw, with a higher 53% in opposition and fewer (9%) unsure. Those submitters who enjoy freedom camping around New Zealand show slightly higher agreement with the draft Bylaw at 45%, though 47% disagree. Conversely, only 33% of business owners or those living near assessed sites agree with the draft Bylaw.

The qualitative data from submitter comments reveals a mix of positive and negative sentiments about freedom camping, with comments reflecting themes of location suitability, regulation, community impact, tourism and economy, equity, and environmental concerns. Positive sentiments highlight the benefits of freedom camping for tourism and local economies, emphasise the value of scenic locations, accessibility, and providing affordable options for families and budget-conscious tourists. Freedom camping is seen as a way to encourage spending at local businesses and foster inclusivity by offering alternatives to other forms of accommodation.

Note that the number of submitters owning or running a business close to one of the assessed freedom camping sites was small (n=6) so this has been merged with the number reporting they live close to one of the sites (n=90) in the information presented. Note also that five submitters responded to both of these categories.



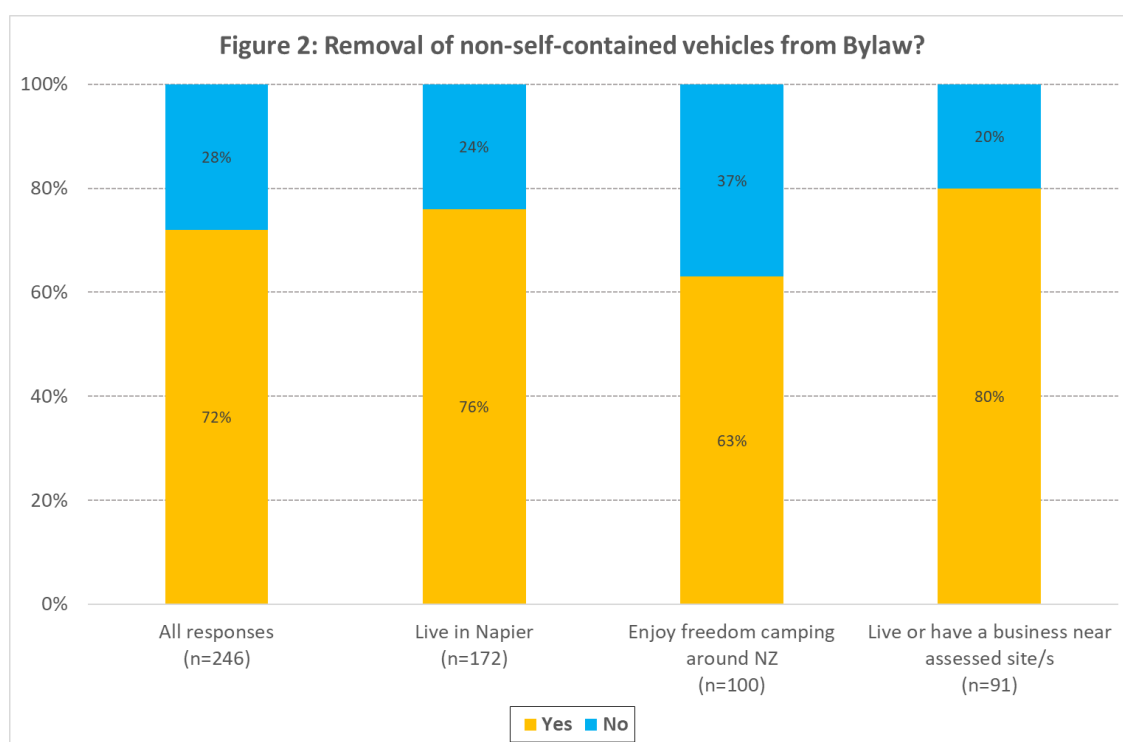
**Notes:**

1. Totals in the graph add to more than the total as individuals were able to select more than one category to describe themselves.
2. Not all submitters answered all submission questions.

While this information provides an overall picture, it provides no detail about the points of agreement or disagreement. The following sections outline levels of agreement with the various separate components of the proposed draft bylaw.

Figure 2 shows public sentiment on the proposal to remove non-self-contained vehicles from the provisions of the Napier Freedom Camping Bylaw. Overall, 72% of submitters support the removal, with 28% opposed. Support is strongest among business owners or those living near assessed sites, with 80% of these submitters in favour. Napier residents in general, also show high support, with 76% of 172 these submitters agreeing to the removal. However, among those who enjoy freedom camping around New Zealand, support is lower at 63%, with 37% opposed.

This data indicates strong local support for tightening the bylaw, though there is comparatively less support from submitters who are freedom campers.



Notes:

1. Totals in the graph add to more than the total as individuals were able to select more than one category to describe themselves.
2. Not all submitters answered all submission questions.

Responses to the draft bylaw regarding the four existing freedom camping sites reveal similar trends for the two sites proposed to remain open, and the two sites proposed for closure.

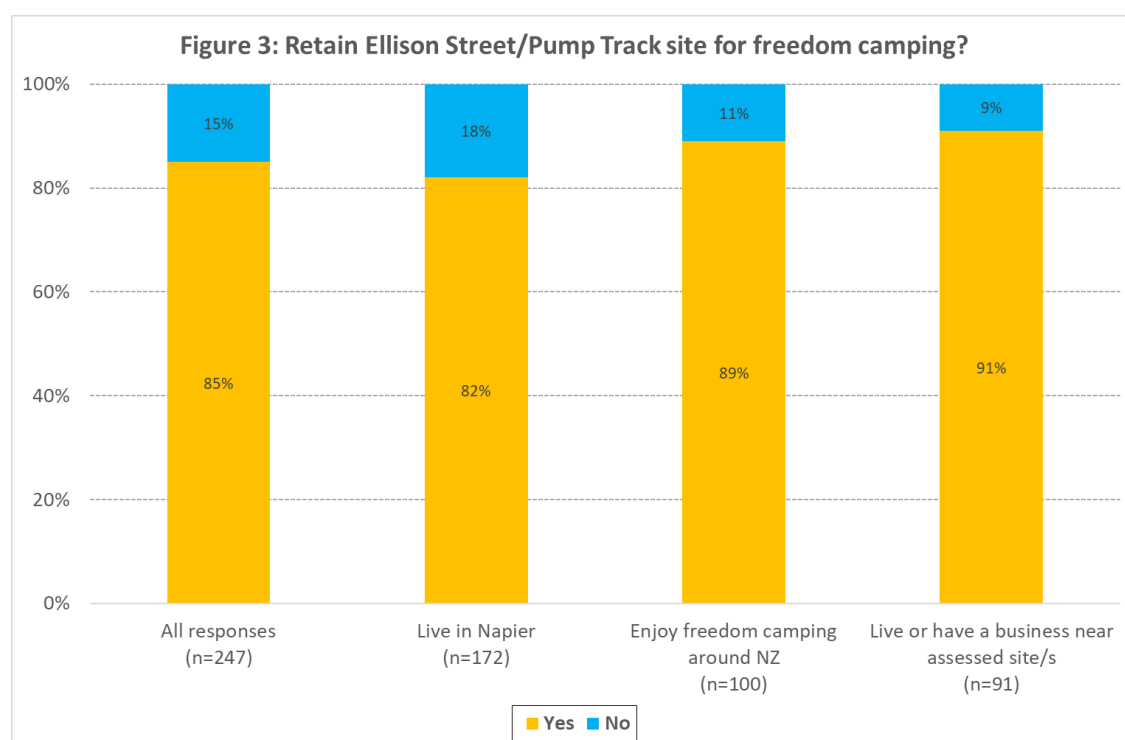
In response to the proposal to retain the Ellison Street/Pump Track site, there was strong support across all groups with at least eight out of ten submitters agreeing (Figure 3).



Overall, 85% of submitters support retaining the site, while 15% are opposed. Business owners or residents living near assessed sites show the strongest support, with 91% agreeing to retain the site and 9% opposed. Those who enjoy freedom camping around New Zealand show the next highest level of support, with 89% in favour. Among Napier residents, 82% of these submitters are in support, with 18% opposed. Most submitters supporting retaining the Ellison Street Carpark emphasise its scenic value, proximity to the beach, and accessibility. Comments frequently highlight the carpark's importance for visitors and tourists, particularly as a convenient location near key attractions. One submitter noted, "It's an ideal spot for travellers who need a safe place to stay close to the city."

In contrast, fewer submitters, particularly those living near the area, expressed concerns about potential overcrowding and its impact on nearby residents. These concerns include noise, traffic, and the possible strain on local infrastructure. However, submitters who enjoy freedom camping overwhelmingly view the site as a well-functioning facility that meets needs without causing significant disruption to the community.

The high levels of support across all groups indicate a clear preference for retaining the Ellison Street/Pump Track site for freedom camping.



**Notes:**

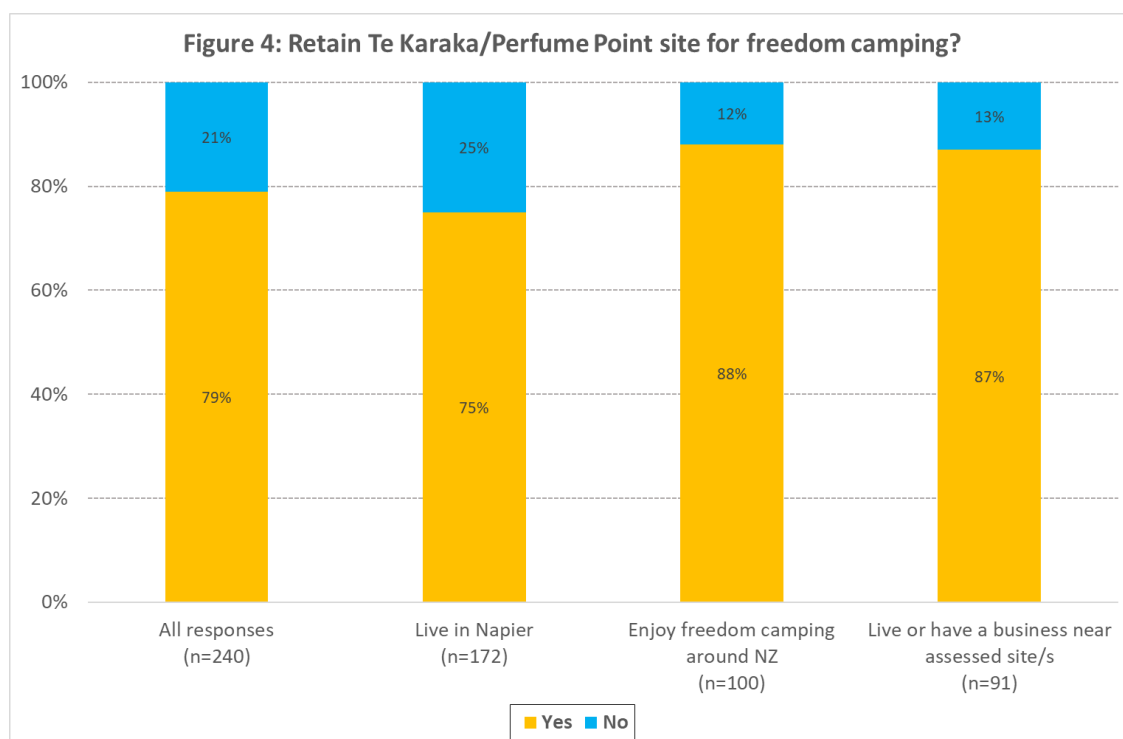
1. Totals in the graph add to more than the total as individuals were able to select more than one category to describe themselves.
2. Not all submitters answered all submission questions.

Similar to the Ellison Street/Pump Track site, there is also majority support across all submitter groups for the proposal to retain the Te Karaka/Perfume Point site for freedom camping (Figure 4). Agreement levels are not as high as for Ellison Street, but nevertheless, at least three-quarters of submitters agree with the proposal.

Overall, 79% of submitters support retaining the site, while 21% are opposed. Those who enjoy freedom camping show the strongest support for retaining this site, with 88% agreeing and 12% opposed. Business owners or residents living near assessed sites show the next highest level of support, with 87% agreeing to retain the site and 13% opposed. Among Napier residents, three quarters are in support (75%), with 18% opposed.

A majority of comments favour retaining the Te Karaka/Perfume Point site, with many highlighting its beautiful views and minimal interference with residential areas. This site is particularly valued for its suitability for smaller groups, making it a preferred option for freedom campers. One submitter described it as, “A lovely spot with easy access to town and perfect for short-term stays.” Residents living near the site provided mixed feedback, with some praising its limited size and managed use, while others raised concerns about traffic disruptions and reduced public access during peak periods. Additionally, a few submitters noted safety concerns, particularly during busy times, and suggested better monitoring and enforcement to ensure compliance with site rules.

The high levels of support across all submitter groups indicate a clear preference for retaining the Te Karaka/Perfume Point site available for freedom camping.

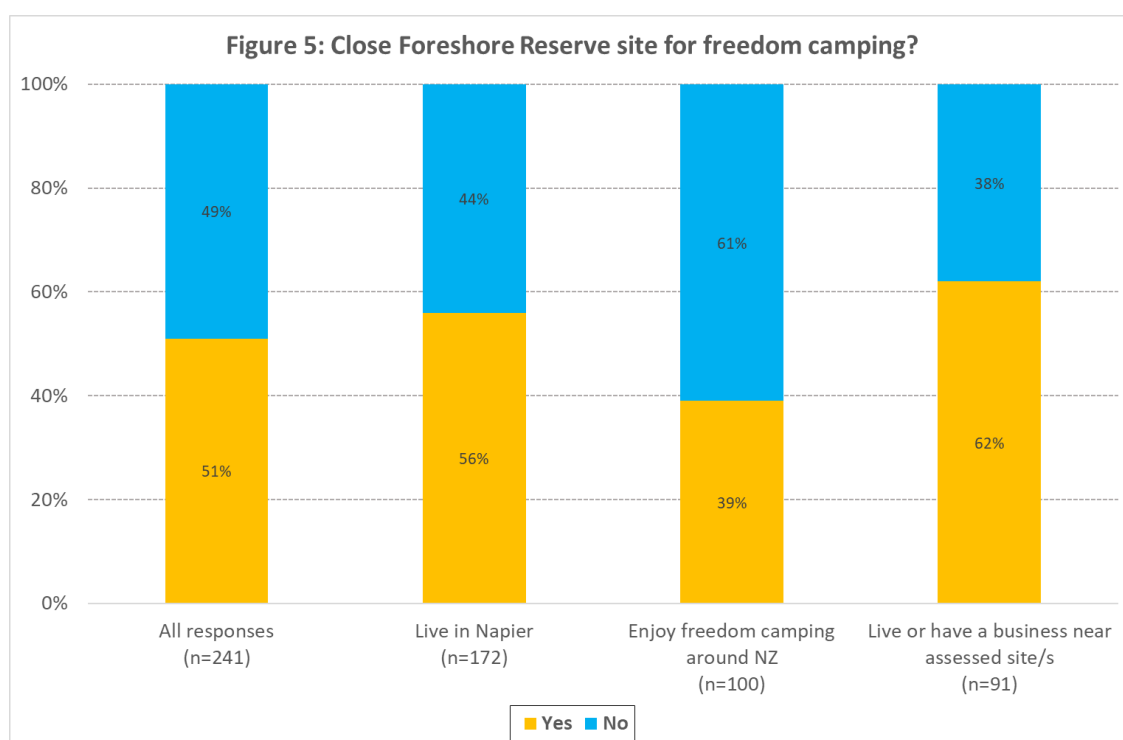


Notes:

1. Totals in the graph add to more than the total as individuals were able to select more than one category to describe themselves.
2. Not all submitters answered all submission questions.

In contrast to the clear views expressed for retaining the Ellison Street/Pump Track and Te Karaka/Perfume Point freedom camping sites, there was a mixed response to the proposals in the draft bylaw about the Foreshore Reserve and the Westshore Beach Reserve sites.

Looking firstly at the Foreshore Reserve site, overall, opinions were almost evenly divided, with 51% supporting its closure to freedom camping and 49% opposing (Figure 5). There was some level of variation however between the different groups of submitters. Business owners or residents living near assessed sites show the strongest support for closing the site to freedom camping, with 62% agreeing to close it and 38% opposed. A similar level of response was received from Napier residents – with just over half (56%) agreeing to close the site. Those who enjoy freedom camping around New Zealand show the least support for closing the site to freedom camping, with 39% support and 61% opposed.



Notes:

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2. Not all submitters answered all submission questions.

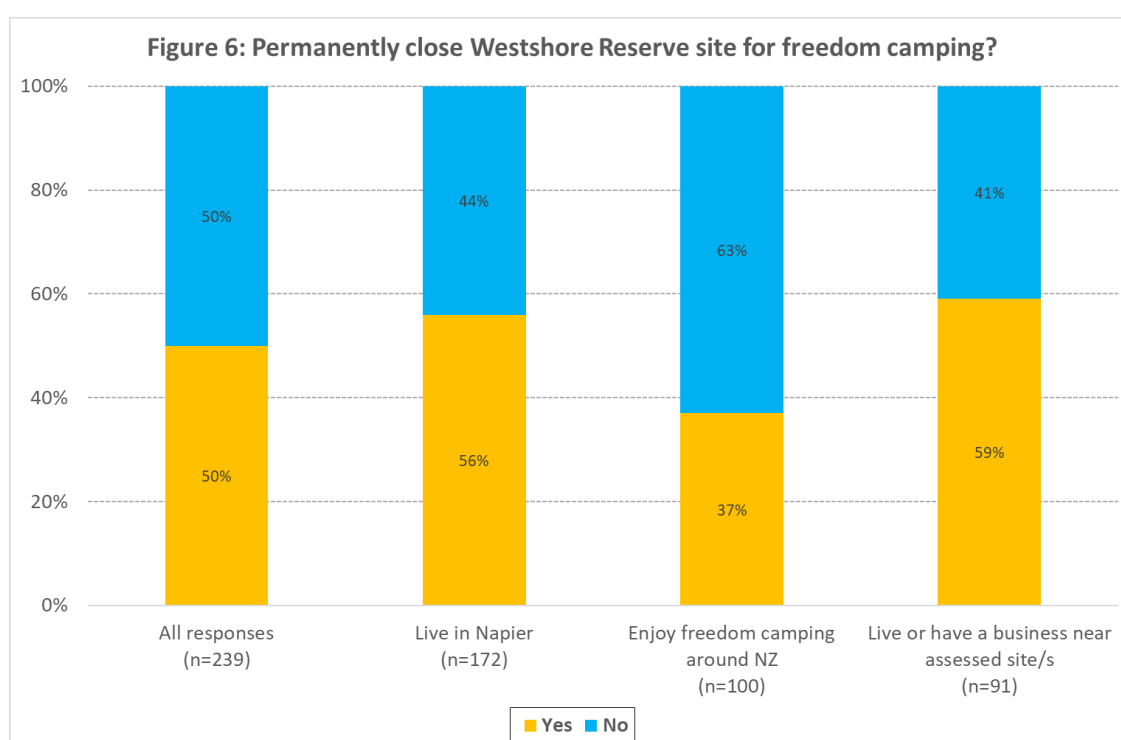
Comments in relation to the Foreshore Reserve site, show support for prioritising self-contained vehicles to mitigate environmental and community impacts, while concerns about excluding non-self-contained campers highlight equity issues. Negative sentiments focus on community disruptions, such as noise, litter, and privacy violations, with submitter residents advocating for relocation or stricter enforcement. Issues with monitoring and regulation, including anti-social behaviour and overcrowding, further exacerbate tensions.

The site's scenic appeal and role in promoting tourism are recognised, but criticisms from submitters of inadequate facilities, overuse, and environmental degradation remain prominent. Suggestions include clearer regulations, purpose-built sites, improved waste

management, and enforcement to balance visitor accessibility, community harmony, and environmental preservation.

Turning to the Westshore Reserve site, opinions were evenly split, with 50% supporting its closure to freedom camping, and 50% opposing (Figure 6).

Again, there was a similar pattern of variation between the different groups of submitters. Business owners or residents living near assessed sites show the strongest support for closing the site to freedom camping (59% agree), closely followed by Napier residents (56%). And, similar to the Foreshore Reserve site, those who enjoy freedom camping around New Zealand show the least support for closing the Westshore Reserve site to freedom camping, with 37% support and 63% opposed.



Notes:

1. Totals in the graph add to more than the total as individuals were able to select more than one category to describe themselves.
2. Not all submitters answered all submission questions.

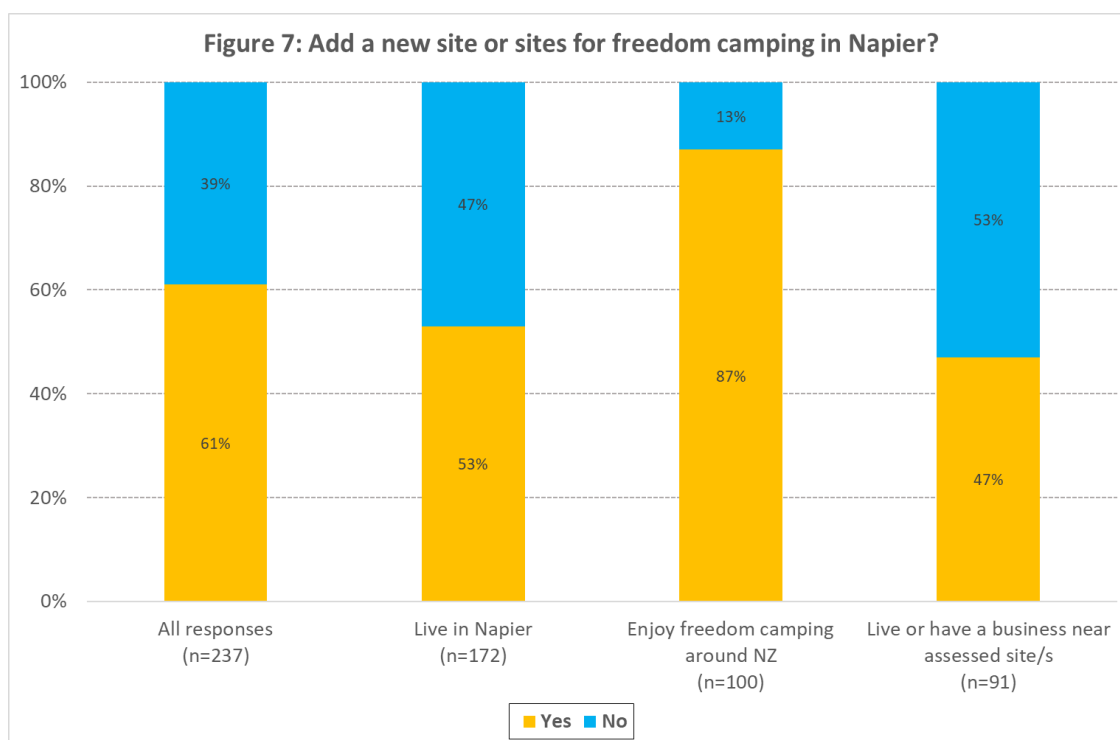
The Westshore Reserve site also elicited divided opinions between residents and freedom campers, though the concerns and priorities were slightly different compared to the Foreshore site. Submitter residents advocate for closure focusing on health and safety risks associated with the site's location near busy roads and limited lighting. One submitter noted, "The Westshore site poses traffic hazards and is poorly lit, making it unsafe for both campers and the local community." Additionally, submissions from residents raise concerns about noise and the monopolization of space, with some stating that the site's popularity with campers disrupted local use and diminished the area's appeal for families.

Freedom campers view the Westshore Reserve as a valuable site for its practicality and scenic appeal. These submitters describe it as a convenient location for accessing nearby recreational activities and highlight its suitability for short-term stays. Comments like, “The Westshore site is a great place to stop for a night before continuing on”, were common among submitters who enjoy freedom camping.

Similar to their feedback on the Foreshore site, freedom camper submitters expressed concerns about the potential overcrowding of alternative sites if Westshore was to close. They argue for retaining the site with improvements in facilities and management rather than resorting to closure. Both groups agree on the importance of mitigating issues through better management. Suggested measures include limiting the number of vehicles, ensuring compliance with self-containment rules, and improving lighting and signage to enhance safety. A shared sentiment was, “Retaining the Westshore site with proper oversight and management could meet the needs of both locals and travellers.”

The sentiment around freedom camping is mixed, with strong support for self-contained vehicles to minimise environmental impacts but concerns about excluding non-self-contained campers introducing equity issues. Monitoring and enforcement failures, particularly regarding litter, rule violations, and overcrowding, exacerbate tensions, with calls for stricter oversight. Comments point out that proximity to urban areas benefits businesses but disrupts nearby residents, who often complain about noise, privacy violations, and litter, calling for better site placement. While some sites are praised for good infrastructure, others are criticised for being too small or environmentally vulnerable, highlighting the need for improved planning.

Interest in opening a new potential site or sites (or part sites) to freedom camping in the city was most strongly supported by those submitters who enjoy freedom camping in New Zealand – with 87% supporting additional site/s (Figure 7). While there was also a majority supporting this overall, this was a considerably lower majority, at 61%. Lower levels (around half) of general Napier residents or business owners or residents living near assessed sites, are interested in seeing new sites established for freedom camping in the city.



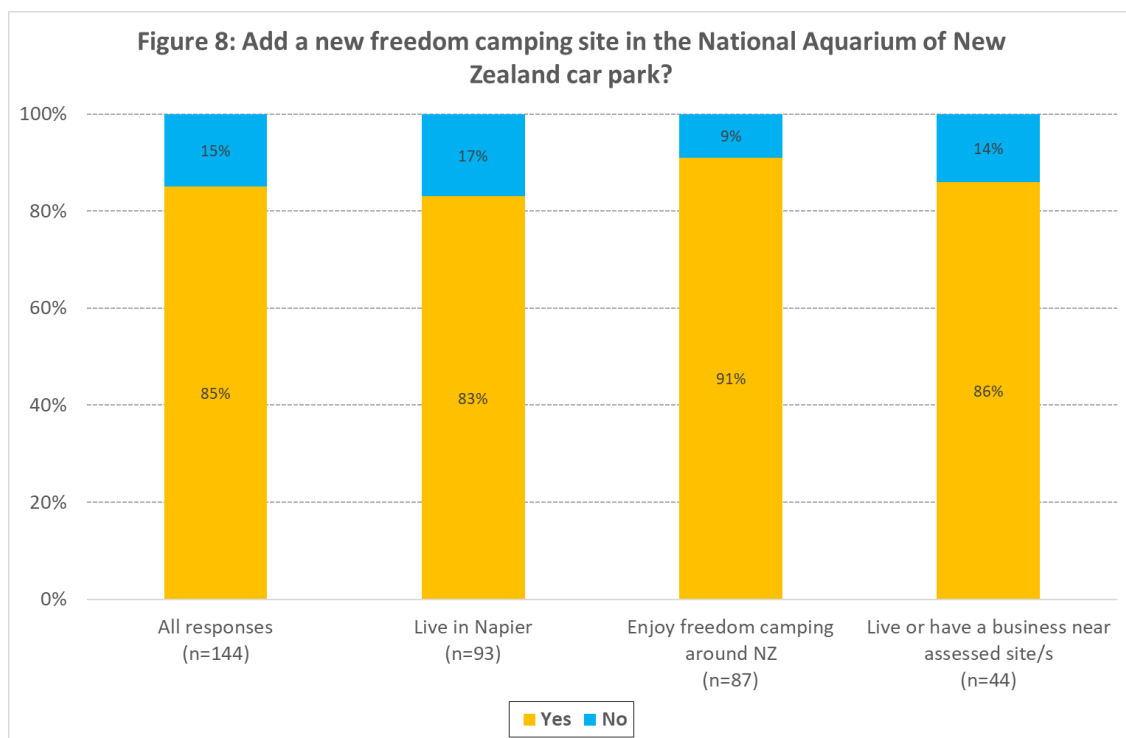
## Notes:

1. Totals in the graph add to more than the total as individuals were able to select more than one category to describe themselves.
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Of those submitters interested in seeing a new site or sites for freedom camping, the majority support a site within the National Aquarium of New Zealand car park (85%) (Figure 8). This level of support is similar across the different groups of submitters and is highest amongst those who enjoy freedom camping in New Zealand (91% support).

Sentiments about the addition of a freedom camping site at the National Aquarium are mixed, reflecting themes of tourism promotion, location suitability, community impact, and regulation. Positive feedback highlights the site's central location, accessibility, and potential to boost local businesses and tourism by offering convenient parking for campers, particularly families with young children and individuals with mobility challenges. Many submitters see the site as underutilised after hours, noting that the presence of campers could enhance security, deter anti-social behavior such as drug use, and encourage economic activity by increasing foot traffic to local attractions and businesses.

Concerns were raised about potential conflicts with existing uses, such as reduced parking availability for Aquarium visitors and the impact on its function as a public space for locals. Critics worry about the site's proximity to high-traffic areas, misuse by non-self-contained campers, and aesthetic or environmental degradation, which could detract from the Aquarium's image as a national icon. There is particular apprehension about the site becoming overcrowded or unregulated, potentially leading to waste issues or undesirable behavior.

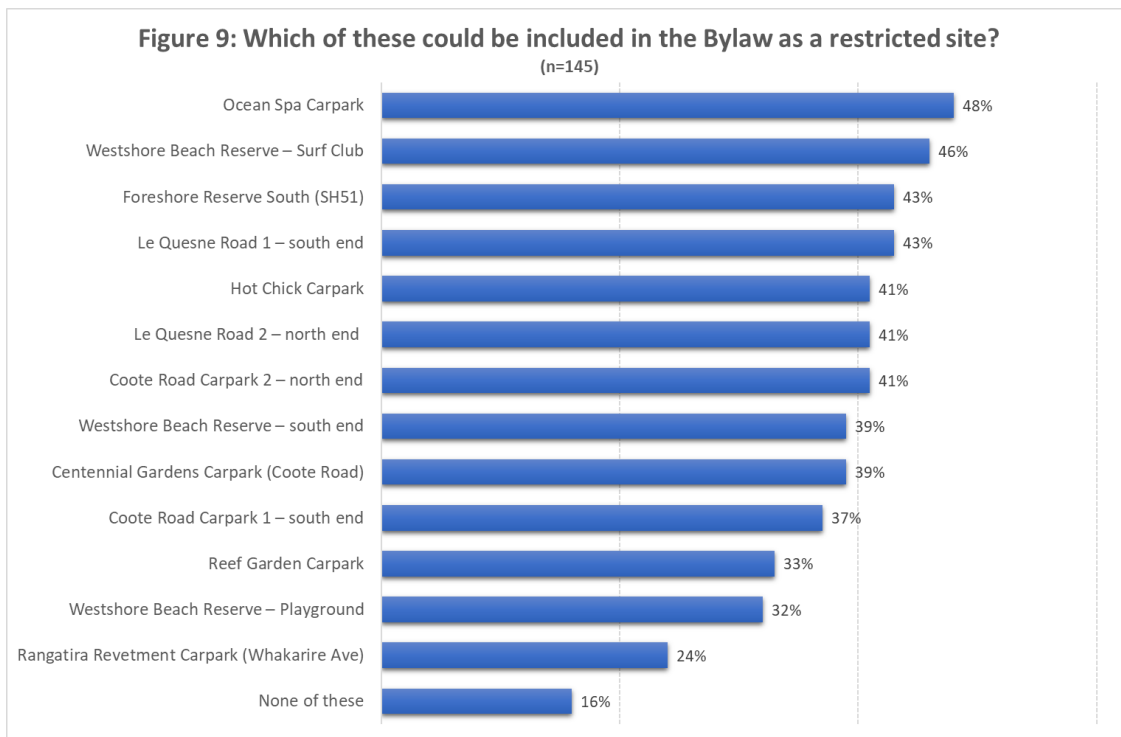


## Notes:

1. Totals in the graph add to more than the total as individuals were able to select more than one category to describe themselves.
2. Not all submitters answered all submission questions.

Submitters interested in seeing a new site or sites for freedom camping in Napier were presented with 17 additional options. Together with the Aquarium site, these represent all the locations evaluated as part of the site assessment for potential freedom camping sites in Napier.

Levels of support for these sites are considerably lower than for the Aquarium car park site, with the highest agreement reaching 48% for the Ocean Spa car park, and the lowest 24% for the Rangatira Revetment car park in Whakarire Avenue (Figure 9).







# Draft **FREEDOM** **CAMPING** Bylaw

2025



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

[www.napier.govt.nz](http://www.napier.govt.nz)

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1. Title	
1.1	This bylaw is the Napier City Freedom Camping Bylaw <del>2025-2017</del> .
2. Commencement	
2.1	This bylaw comes into force on <del>01 July 2025</del> <del>01 February 2017</del> .
3. Repeal	
3.1	This bylaw revokes the Napier City Freedom Camping Bylaw <del>2017-2014 (amended 2015)</del> .
4. Purpose	
4.1	a. The purpose of this bylaw is to control <b>freedom camping</b> in the district in order to: <ul style="list-style-type: none"> <li>a) Protect the area;</li> <li>b) Protect the health and safety of people who may visit the area; and</li> <li>c) Protect access to the area.</li> </ul>
5. Interpretation	
5.1	In this bylaw, unless the context otherwise requires: <p><b>ACT</b> means the Freedom Camping Act 2011</p> <p><b>CALENDAR MONTH</b> means a period from a specific day in one month to the day corresponding in the following month, minus one.</p> <p><b>CAMPSITE</b> a site used for freedom camping in a local authority area.</p> <p><b>CERTIFIED SELF-CONTAINED VEHICLE</b> <del>means a vehicle with a valid certificate of self-containment issued in accordance with section 87U(3)(d) of the Plumbers, Gasfitters, and Drainlayers Act 2006</del> <del>means a vehicle designed for camping, meeting the needs of occupants for three days without external services, compliant with NZ Standard 5465:2001.</del></p> <p><b>COUNCIL</b> means the Napier City Council.</p> <p><b>ENFORCEMENT OFFICER</b> as defined in Section 4 of the Act.</p> <p><b>FREEDOM CAMP</b> as defined in Section 5 of the Act.</p> <p><b>LOCAL AUTHORITY AREA</b> As defined in Section 5 of the Act.</p>

---

## 6. Areas for Freedom Camping

- 6.1** a. A person may freedom camp in the Napier local authority area, except in restricted or prohibited areas as defined in the schedules, subject to the following:
- Vehicles must be certified self-contained;
  - Stay no longer than one night at any one location; and
  - Must comply with general conditions.

---

## 7. General Conditions for Freedom Camping in Vehicles

- 7.1** Conditions for freedom camping include:
- Waste and litter must be disposed of at approved facilities;
  - No fires allowed;
  - No excessive noise;
  - Parking must be legal and not obstruct public or private access;
  - Campers must comply with enforcement officers' directions; and
  - No freedom camping for more than 10 nights in any calendar month on land controlled by the Council.

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## 8. Prohibited Areas for Freedom Camping

- 8.1** No freedom camping is allowed in prohibited areas as listed in Schedule Two.
- 8.2** Exceptions: McLean Park and parts of Westshore Beach Reserve, as specified.

---

## 9. Prior Permission from Council

- 9.1** The Chief Executive of the Council may temporarily waive or modify camping restrictions or prohibitions.
- 9.2** Applications must be submitted in writing 14 days before the planned camping date.

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## 10. Council May Close an Area to Freedom Camping

- 10.1** The Chief Executive may temporarily close or restrict camping to prevent damage, allow maintenance, ensure safety, or provide public access for events.
- 10.2** Notice will be given for any closures or

restrictions.

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## 11. Enforcement, Offences, and Penalties

- 11.1** Council may enforce the bylaw under the Freedom Camping Act 2011.
- 11.2** Breach of the bylaw may result in penalties.

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## 12. Date Bylaw Made

This bylaw as made by the Napier City Council at a meeting of the Council on: .

Sealed with the Common Seal of the Napier City Council in the presence of:

Mayor:

Chief Executive:

Date:

## Schedule 1 - Restricted Areas for Freedom Camping (Certified Self-Contained Vehicles)

### Restricted Areas

#### Ellison Street Carpark

- Vehicles must be certified self-contained;
- Maximum stay: 3 nights
- Must comply with conditions listed in clause 7.1.

#### Perfume Point Carpark

- Vehicles must be certified self-contained;
- Maximum of 4 vehicles;
- Maximum stay: 2 nights
- Must comply with conditions listed in clause 7.1.

#### National Aquarium Carpark

- Vehicles must be certified self-contained;
- Maximum of 4 vehicles;
- Maximum stay: 2 nights
- Must comply with conditions listed in clause 7.1.

#### Westshore Beach Reserve

- Vehicles must be certified self-contained;
- Maximum of 4 vehicles;
- Maximum stay: 2 nights
- No camping between 24 December and 7 February.
- Must comply with conditions listed in clause 7.1.

## ~~Schedule 2 – Restricted Areas for Freedom Camping (Non-self Contained)~~

#### ~~Foreshore Reserve Carpark~~

- ~~Maximum stay: 2 nights~~
- ~~Must comply with conditions listed in clause 7.1.~~
- ~~No person may freedom camp for more than 10 nights in any calendar month on land controlled or managed by Napier City Council~~

## Schedule ~~3~~ 2 – Prohibited Areas for Freedom Camping

### Prohibited Areas

- Napier CBD;
- Marewa Shopping District;
- Tamatea Shopping District;
- Taradale Shopping District;
- Westshore Beach Reserve;
- McLean Park;
- Areas with speed limits exceeding 50km/ hr
- Grassed reserves (listed below)

### Open Space Reserves

- Anderson Park
- Bluff Hill Domain
- Church Road Reserve
- Coote Road Corner Reserve
- Dolbel Reserve
- Halliwells Walkway Reserve
- Harold Holt Avenue Reserve
- Hyderabad Road Reserve
- Kent Terrace
- Kent Terrace Detention Dam
- Lance Leikis Reserve
- Meeanee Domain
- Missionview Walkway Reserve
- Oaklands Reserve
- Onekawa Plantation Reserve
- Orotu Drive Reserve
- Otatara Hillside Reserve
- Pirimu Stream Reserve
- Prebensen Drive Reserve
- Redclyffe Recreation Reserve
- Riverbend Reserve
- Shakespeare Road Reserve
- Sturms Gully
- Sugar Loaf Reserve
- Taipo Stream Reserve
- Taradale Reservoir Reserve
- Tiffen Park
- Tironui Reserve
- Watchman Road Reserve

- Westshore Wildlife Reserve

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#### Individual Foreshore Reserves

- Beacons Recreation Reserve
- Humber Street Reserve
- Meeanee Quay Reserve
- Spriggs Park

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#### Individual Neighbourhood Reserves

- Ahuriri Park
- Alexander Avenue Reserve
- Allen Berry Avenue Reserve
- Ascot Park Reserve
- Chaucer Road Reserve
- Churchill Drive Reserve
- Donegal Crescent Reserve
- Duckworth Crescent Reserve
- Essex Street Reserve
- Fitzgerald Place Reserve
- Forward Street Reserve
- Glamorgan Avenue Reserve
- Gleeson Park
- Petane War Memorial Reserve
- Tamatea Park
- Taradale Park
- Tareha Park
- Whitmore Park
- Harris Street Reserve
- Hetley Crescent Reserve
- King George's Reserve
- Knightsbridge Place Reserve
- Lee Road Reserve
- 1Lesser Park
- McKeefry Avenue Reserve
- Maraenui Shopping Centre Reserve
- Ngarimu Crescent Reserve
- Norfolk Street Reserve
- Oldham Avenue Reserve
- Pirimai Park
- ait Drive Reserve
- aradale Road Reserve
- Te Awa Estate Reserve
- Thackeray Street Reserve

- Upham Crescent North Reserve
- Upham Crescent South Reserve
- Warren Street Reserve (Siberia)
- York Avenue Reserve

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#### Individual Public Gardens

- Botanical Gardens
- Centennial Gardens
- Centennial Park
- Clive Square
- Kennedy Park Rose Gardens
- Marine Parade Gardens
- Memorial Square
- Taradale Clock Tower Reserve and Ornamental Gardens

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#### Individual Sports Parks

- Bledisloe Park
- Hawke's Bay Lawn Tennis and Squash Club Reserve
- Maraenui Golf Course Reserve
- Maraenui Park
- Marewa Park
- Nelson Park
- Onekawa Park
- Papakura Domain
- Park Island
- Petane War Memorial Reserve
- Tamatea Park
- Taradale Park
- Tareha Park
- Whitmore Park

~~Map 3: Westshore Beach Reserve~~

~~To be removed.~~

DRAFT

~~Map 4: Foreshore Reserve Carpark~~

~~To be removed.~~

DRAFT

Map 5: Napier CBD

[To be inserted.](#)

DRAFT



Map 6: Marewa Shopping District

[To be inserted.](#)

DRAFT

Map 7: Tamatea Shopping District

[To be inserted.](#)

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Map 8: Taradale Shopping District

[To be inserted.](#)

DRAFT

[Map 9: Westshore Beach Reserve](#)

[To be inserted.](#)

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Map 10: McLean Park

[To be inserted.](#)

DRAFT

Map 11: Roads prohibited for camping due to speed limits exceeding 50km/hr

[To be inserted.](#)

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# ORDINARY MEETING OF COUNCIL

## Open Minutes

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Meeting Date: Thursday 12 December 2024

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Time: 9.30am – 12.37pm (*Open*)  
1.14pm – 1.30pm (*Open*)  
1.30pm – 2.00pm (*Public Excluded*)  
2.45pm – 4.00pm (*Public Excluded*)  
4.05pm – 4.32pm (*Open*)

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Venue Large Exhibition Hall  
War Memorial Centre  
Marine Parade  
Napier

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*Livestreamed via Council's Facebook page*

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

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In Attendance Chief Executive (Louise Miller)  
Acting Executive Director City Services (Jessica Ellerm)  
Executive Director City Strategy (Rachael Bailey) [via zoom]  
Executive Director Infrastructure Services (Russell Bond)  
Executive Director Community Services (Thunes Cloete)  
Chief Financial Officer / Acting Executive Director Corporate Services (Caroline Thomson)  
Manager Communications and Marketing (Julia Stevens)  
Pou Whakarae (Mōrehu Te Tomo)  
Manager Strategy and Transformation (Stephanie Murphy)  
Team Leader Governance (Anna Eady)  
Manager Regulatory Solutions (Luke Johnson)  
Senior Advisor Corporate Planning (Danica Rio)  
Commercial Director (Richard Munneke)  
Corporate Finance Manager (Garry Hrustinsky)  
Conferences & Events Manager (Hayden Henderson)

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Manager Business & Tourism (Steve Gregory)  
 Team Leader Community Strategies (Margot Wilson)  
 Community Funding Advisor (Roger Morrison)  
 Manager Community Strategies (Anne Bradbury)  
 Team Leader Compliance (Stephen Bokkerink)  
 Asset & Planning Manager (Robin Malley)  
 Manager Property (Bryan Faulknor)  
 Financial Controller (Talia Foster)  
 Business Improvement Manager (Alister Edie,)

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Also in Attendance

**Public forum**

- Te Kaha Hawaikirangi (Chair, Mana Ahuriri Trust); and Matthew Mullany (Chief Executive, Te Taiwhenua o Te Whanganui ā Orotū)
- Angie Denby, Lynne Anderson and John Sheen - Ahuriri Estuary Protection Society
- Peter Grant, Positive Ageing Strategy Advisory Group

**Medal Presentation**

- Community Constable Andrew Chantrey; and
  - Constable Ted-Stuart Symes.
- 

Administration

Governance Advisors (Carolyn Hunt and Jemma McDade)

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## ORDINARY MEETING OF COUNCIL – Open Minutes

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## ORDER OF BUSINESS

### Karakia

The meeting opened with the Council karakia.

### Apologies

Nil

### Conflicts of interest

Nil

### Public forum

#### **Te Kaha Hawaikirangi (Chair, Mana Ahuriri Trust) and Matthew Mullany (Chief Executive, Te Taiwhenua o Te Whanganui ā Orotū) - Support for Napier City Council's Submission on The Principles of the Treaty of Waitangi Bill**

Te Kaha Hawaikirangi (Chair, Mana Ahuriri Trust) representing 7 hapū acknowledged Council for the thought and care taken in drafting a submission opposing The Principles of the Treaty of Waitangi Bill. He also acknowledged the way that Council had approached the Treaty as a foundation for partnership and governance. By drafting this submission Council shows respect to the commitments made in 1840 and has recognised the shared responsibility we all have to honour those commitments today.

Implementation of this Bill undermines the foundation of equity, fairness and mutual respect that are essential to our shared future. By opposing the Bill Council not only honours the founding document of this country but also the integrity of the Treaty and generations of leaders and advocates who shaped the Treaty.

Council's stance is not just supportive of Māori but it is supportive of justice, equity and values that define us as people of Napier.

This is about upholding the mana of justice, equity and mutual respect on which we base that relationship and partnership.

Mr Hawaikirangi reaffirmed Mana Ahuriri's support for Council's submission in saying leadership and advocacy are a beacon of hope and an example of what genuine partnership looks like. Standing together to protect integrity of the Treaty of Waitangi and build a future where its principles are not only presumed but fully realised.

Matthew Mullany (Chief Executive, Te Taiwhenua o Te Whanganui ā Orotū) acknowledged the great strides in regard to the Treaty of Waitangi that Napier City Council (NCC) had made in building strong relationships with mana whenua..

It is the view of the Taiwhenua that it is fulfilling its obligations to maintain and improve opportunities for Māori to contribute to local government decision making processes under section 4 of the Local Government Act 2002 and its own Significance and Engagement Policy.

Council's submission is leading by example in continuing to foster trust and promote greater accountability between Council, mana whenua and Māori. Supporting the submission represents more than a procedural decision, it was a declaration of the Council's dedication to honouring the legacy of the Treaty and its vision for a cohesive equitable Napier.

---

In conclusion Mr Mullany affirmed that Te Taiwhenua o Te Whanganui ā Orotū, together with Mana Ahuriri Trust, support the Napier City Council's submission opposing The Principles of the Treaty of Waitangi Bill.

Mayor Wise reaffirmed Council's commitment to the relationship that has been developing and seeking to ensure is a pivotal part of Council's decision-making for the people of Napier.

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### **Angie Denby, Lynne Anderson and John Sheen - Ahuriri Estuary Protection Society**

Ms Denby together with members from the Society displayed a PowerPoint presentation (Doc Id 1819219) highlighting what the Society does what it aims to protect living in the Ahuriri Estuary and the challenges.

Ms Denby outlined their main concern being the proposed two lane extension of the expressway and the impacts it would have on the wildlife and Estuary. The Society are advocating for no expressway extension between Prebensen Drive and Watchman Road.

*Mayor Wise advised that a request has been made to Waka Kotahi / NZTA to engage directly with the Ahuriri Estuary Protection Society regarding the Society's concerns.*

*The Mayor will seek further information in regard to whether the extension between Prebensen Drive and Watchman Road is required.*

### **Peter Grant, (Chair, Positive Ageing Strategy Advisory Group (PASAG)) - Update**

Mr Grant displayed a PowerPoint presentation (Doc Id 18192110) providing a summary on PASAG's progress and activities during the year.

PASAG took part in the World Health Age Friendly survey undertaken in May/June 2024, which received 350 responses. Key findings related to housing, mobility and financial stability. The lowest area of satisfaction was transportation and it was found Hawke's Bay Regional Council (HBRC) needed to become more involved in this project.

**Team Leader Community Strategies, Ms Wilson** provided a summary of activities and achievements to date.

- Grey Power is working with Age Friendly shops who will display an Age Friendly logo on their shops.
- Approval for Napier offices for seniors to incorporate the logo in their merchandise.
- Action plan – working on emergency preparedness. Great response and more sessions being held in 2025.
- MTG silver screen series were very popular. However, finding a Christmas movie proved difficult so the December movie will be moved to the New Year and will be a Kiwana or classic war movie.
- International Day of Older Persons (IDOP) feedback indicated it was a success.
- Age Concern has been running a Stay Safe Driving programme.
- PASAG members have been attending a 12 week online World Health Organisation Age Friendly session.
- PASAG members have found Napier City is a long way in front of many cities in the Age Friendly space.

### **Attachments**

- 1 Angie Denby -Ahuriri Protection Society presentation (Doc Id 1819219)
  - 2 Peter Grant - Positive Ageing presentation (Doc Id 1819211)
-

## Announcements by the Mayor

Mayor Wise advised that Wallace Property Development had withdrawn their objection to Council's proposal to place a bus shelter at the temporary stop on Dalton Street, therefore Item 8 on the agenda would be withdrawn.

There had been no other objections for Council to consider, and the report was only responding to the process for objections under the Local Government Act 2002.

## Announcements by the management

Nil

## Confirmation of minutes

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<b>COUNCIL RESOLUTION</b>	Councillors Tareha / Greig
	That the Draft Minutes of the Ordinary Council meeting held on 19 November 2024 be confirmed as a true and accurate record of the meeting.
	Carried

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# AGENDA ITEMS

## 1. FIRE CONTROL BYLAW 2021

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<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Fire and Emergency New Zealand Act 2017
<i>Document ID:</i>	1805079
<i>Reporting Officer/s &amp; Unit:</i>	Luke Johnson, Manager Regulatory Solutions

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### 1.1 Purpose of Report

To seek Council approval to revoke the Fire Control Bylaw 2021 pursuant to Section 152B of the Local Government Act 2002

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### At the meeting

The Manager Regulatory Solutions, Mr Johnson summarised the report.

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

- To provide consistent communication regarding fires on the beach, engagement had been undertaken with local community groups, HBRC, District Councils and Fire and Emergency New Zealand (FENZ).
  - Signage prohibiting fires has been organised along the beach as the district is in a total fire ban period.
-

- 
- Council’s website required to be updated to ensure consistent messaging with the other region’s Councils, the Fire and Emergency New Zealand Act 2017 and other legislation. An administrative update will also be required to the Parks and Reserves Bylaw.
  - FENZ is in control of signage during total fire ban periods.
  - Council’s Parks and Reserves Bylaw indicate that fires in parks and the foreshore are banned or would require Council consent and a permit application. FENZ can issue permits, however will not issue a permit on Council land. Consent for a fire on Council land can be withheld.
  - Matariki has been identified as a significant event and officers are working with HBRC, the organisers, community groups, and FENZ to determine a more suitable location away from the Napier Air Shed. HBRC can take enforcement action against NCC if smoke is detected in the Air Shed from an event NCC have granted a consent for.

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**COUNCIL  
RESOLUTION**

Deputy Mayor Brosnan / Councillor Browne

That Council:

- a) **Approve** the revocation of the Napier City Council Fire Control Bylaw 2021 pursuant to Section 152B of the Local Government Act 2002.
- b) **Reaffirm** Council's stance that fires are prohibited on Council Reserve including beaches, unless permission is granted by Council in accordance with Council's Parks and Reserves Bylaw.
- c) **Direct** staff to communicate this restriction to the public, including visitors.

Carried

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*Councillors Boag and Greig voted AGAINST this Motion*

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## 2. ANNUAL PLAN 2025/26 - ADOPTION OF UNDERLYING INFORMATION

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*Type of Report:* Legal and Operational

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*Legal Reference:* Local Government Act 2002

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*Document ID:* 1810822

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*Reporting Officer/s & Unit:* Danica Rio, Senior Advisor Corporate Planning  
Caroline Thomson, Chief Financial Officer / Acting Executive  
Director Corporate Services

### 2.1 Purpose of Report

To formally approve the underlying information and direction given to date on the Annual Plan 2025/26. The information in this report will be used to inform the development of the Annual Plan 2025/26 consultation document and supporting information. Please note, further information that will also inform development will be provided at the February 2025 Council meeting.

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## At the meeting

The Senior Advisor Corporate Planning, Ms Rio provided a summary of the report and advised that the Resilience Fund provided a reserve fund in the event of an emergency event.

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## COUNCIL RESOLUTION

Mayor Wise / Deputy Mayor Brosnan

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That Council:

- a) **Adopt** the content of the report titled “Annual Plan 2025/26 – Adoption of Underlying Information” as the underlying information that will inform the development of the Annual Plan 2025/26 consultation document and supporting information, noting further information that will also inform development will be provided to Council for consideration in February 2025.
- b) **Note** the proposed rates increase for 2025/26 will be a 7.9% average increase for ratepayers, noting this is 3.8% less than the increase forecast in the Three-Year Plan 2024-27 (11.7%).
- c) **Agree** the following matters will be included in the consultation document, noting work planned for the remainder of 2024 and early 2025 may result in additions to this list:
  - i. Proposed rates increase
  - ii. Proposed changes to fees & charges
  - iii. Reimagine facilities
  - iv. Commercial facilities
  - v. Council Controlled Trading Organisation (CCTO)
- d) **Note** the proposed capital programme amounts to \$159.6m, noting this is \$17.3m more than the capital programme forecast in the Three-Year Plan 2024-27 (\$142.3m).
- e) **Agree** to the inclusion of a 20% probability assumption to be applied to the 2025/26 capital programme, noting:
  - i. That once applied, the assumption brings the total capital programme to \$127.7m, and
  - ii. The assumption accounts for external factors beyond Council’s control that have the potential to impact work planned, while still providing the flexibility needed to maximise delivery.
- f) **Note** the detailed engagement plan for consultation on the Annual Plan 2025/26 and detailed consultation topic information will be reported to Council in February 2025.
- g) **Establish** a working group including elected members to prepare the detailed engagement plan.

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Carried

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### 3. AHURIRI INVESTMENT MANAGEMENT

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<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Local Government (Rating) Act 2002
<i>Document ID:</i>	1803023
<i>Reporting Officer/s &amp; Unit:</i>	Richard Munneke, Commercial Director

#### 3.1 Purpose of Report

This report is the third in a series focused on decision making for the formation and establishment of a council-controlled trading organisation (CCTO). The CCTO will be tasked with managing a commercially focused investment portfolio. Aligning and delivering on the expectations and objectives outlined in the FY24/27 Three Year Plan.

This report specifically seeks approval and endorsement for steps needed to continue with the process of establishing the Napier City Council (NCC) Investment Portfolio. Specifically these items are needed to start the CCTO Board recruitment process. These items are:

- A draft Statement of Expectations;
- The assets to be defined as the NCC Investment Portfolio; and
- An operating model whereby a CCTO board will be delegated responsibilities to manage specific Council assets for commercial return.

A separate paper will follow at the meeting for the approval of the Managed Funds Statement of Performance and Objectives (SIPO).

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#### At the meeting

The Commercial Director, Mr Munneke provided a summary of the report.

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

- Recruitment and appointment of the Board will be undertaken following the procurement process, which also includes steps whereby the Chair is appointed and then included in the appointment process for the remaining board members.
- 11 Hospital Terrace is in the final subdivision stages.
- The leasehold land portfolio does have some matters that Council wants the Board to address, and this includes selling or retaining pieces of land. Management may not allow selling parts of the leasehold land. There is a proposed management agreement between Council and the Board which can further detail expectations of the Board in regard to leasehold land.

*Deputy Mayor Brosnan foreshadowed an addition to the motion.*

- The CCTO Management Agreement, including the full leasehold land portfolio, has yet to be finalised.
- Mr Munneke advised that the land at 398 Prebensen Drive, previously offered for sale for a Kainga Ora housing development was valued at approximately \$5,850m.

*Councillor Taylor foreshadowed an addition to the motion.*

- The leasehold land portfolio does have some matters that Councillors wish to address prior to the portfolio transferring regarding the sale of the strategic pieces of land. Councillors

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may identify some sites which cannot be sold. There is a proposed management agreement between Council and the Board which can further detail expectations of Council in regard to leasehold land.

- Assets managed by the CCTO, would be difficult to take back for community use.
- In quarter one next year a draft Management Services Agreement will be brought to Council which will enable safeguards for assets to be put in place.

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**COUNCIL  
RESOLUTION**

Councillors Taylor / Simpson

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That Council:

- a) **Approve**, in principle, the draft Statement of Expectation.
- b) **Endorse** the table identifying roles and responsibilities (TABLE 1 in the agenda report) to underpin the delegations from the Council to Ahuriri Investment Management (AIM) in respect of the NCC Investment Portfolio.
- c) **Approve** Tranche 1 of assets to be the NCC Investment Portfolio, being:
  - Parklands Residential Development, including the unspent portion of the capital works development budget as set out in the 2024 – 2027 Three Year Plan of \$46,646,212m supported by a \$30m facility.
  - 398 Prebensen Drive, Tamatea (Lot 1 DP 14906) *excluding land previously designated for an aquatic development.*
  - 17 Allen Berry Avenue, Pirimai (Lot 126 DP 11689)
  - 11 Hospital Terrace, Napier Hill (Lot 100 DP 493568)
  - 5 Tangaroa Street, Ahuriri (Lot 2 DP 17736)
  - 115 Battery Road, Ahuriri (Lot 11 DP 556903)
  - 113 Battery Road, Ahuriri (Lot 158 DP 4703)
  - 111 Battery Road, Ahuriri (Lot 157 DP 4703)
  - Commercial and industrial leasehold land portfolio as set out in TABLE 2 of the report.
  - Council 26% shareholding in Hawke's Bay Airport Limited
  - Council's Managed Funds facility to be governed by the Statement of Investment Policies and Objectives (SIPO).
- d) **Endorse** in principle the NCC Investment Portfolio being a Strategic Asset of Council and included in the 2026 Draft Annual Plan for public consultation.
- e) **Note** the current policy for the sale of non-strategic leasehold land (Document ID 603440) and ensure that any strategic leasehold properties that Council wishes to retain are included in detail in the Management Services Agreement, to be developed by 1 July 2025.

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Carried

*Councillors McGrath and Greig voted AGAINST the Motion*

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*Councillor Taylor left the meeting at 11.37am*

*The meeting briefly adjourned at 11.38am and reconvened at 11.45am*

#### 4. INTRODUCTION OF A STATEMENT OF INVESTMENT POLICIES AND OBJECTIVES FOR THE PROCEEDS OF THE SALE OF LEASEHOLD LAND

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<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1813743
<i>Reporting Officer/s &amp; Unit:</i>	Garry Hrustinsky, Corporate Finance Manager

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##### 4.1 Purpose of Report

To adopt a Statement of Investment Policies and Objectives (SIPO) for managed funds. This policy forms one of the guardrails by which Ahuriri Investments Management Ltd will be expected to operate within.

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##### At the meeting

The Corporate Finance Manager, Mr Hrustinsky took the report as read advising that the Statement Investment Policies and Objectives was a living document which enables further changes to be made as necessary.

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<b>COUNCIL RESOLUTION</b>	Councillors Greig / Browne
	That Council:
	a) <b>Adopt</b> the Statement of Investment Policies and Objectives (Doc Id 1814889).
	Carried

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#### 5. OCEAN SPA PRICING STRATEGY

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<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1812459
<i>Reporting Officer/s &amp; Unit:</i>	Hayden Henderson, Conferences & Events Manager Steve Gregory, Business & Tourism Manager

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##### 5.1 Purpose of Report

To provide recommendations on pricing additions and changes for Ocean Spa.

### At the meeting

The Conferences and Events Manager, Mr Henderson spoke to the report seeking approval for reviewed entrance rates to the Ocean Spa facility.

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

- Mr Henderson confirmed that when a person signed up for a membership there were conditions in the agreement enabling a membership to be put on hold - a medical event was a valid reason to hold or cancel a membership. Hold or cancellation requests would be assessed on a case-by-case basis.
- Both council owned Mount Hot Pools and Christchurch's pool rates were looked at in regard to the local residents and rate payer rates, and a similar approach has been taken for Ocean Spa. Rates have also been looked at across the region, including Splash Planet.
- The quarterly newsletter is due to be distributed and the new Ocean Spa pricings will be included in this edition.
- The rationale for a Hawke's Bay wide resident rate, as opposed to a Napier City resident rate, is to bring in more people and make it accessible for the whole region.
- If a commercial operator took control of Ocean Spa they would have the ability to reset the pricing and would not have to continue with Council's non-commercially focused community rates.
- The local rate has a \$25 administration fee that covers the cost of the card, which lasts for two years.

The suggested amendment to the Motion - Note that the local rate is provided while Council is the operator of the facility - was not supported.

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### COUNCIL RESOLUTION

Deputy Mayor Brosnan / Councillor Chrystal

That Council:

- a) **Approve** the implementation of Stage 1 for 'Lane Swim Only Rates' and 'Gym Only Rates' effective 13 December 2024.
- b) **Approve** the implementation of Stage 1 for 'Locals Rate', effective 13 December 2024,
- c) **Note** that online bookings for the "Locals Rate", as Stage 2 will not be effective until 28 February 2025.
- d)

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Carried

*Deputy Mayor Brosnan voted AGAINST this Motion*

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## 6. FUNDING FRAMEWORK

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Type of Report:	Operational and Procedural
Legal Reference:	N/A
Document ID:	1804087
Reporting Officer/s & Unit:	Margot Wilson, Team Leader Community Strategies Roger Morrison, Community Funding Advisor Anne Bradbury, Community Strategies Manager

### 6.1 Purpose of Report

This report recommends Council adopt the draft Grants and Funding Policy Framework and the Grants and Funding Guidelines and Criteria as shown in attachment 1 and 2 of the agenda report (Doc Id 1804087).

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### At the meeting

The Team Leader Community Strategies, Ms Wilson spoke to the report highlighting the major changes in the funding framework.

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

- Currently the Council Projects Fund is set at \$30,000. This was reduced to \$20,000 to increase the Community Initiatives Fund. This enables applicants to apply for funding up to \$20,000 and thereafter they can apply to the Council Projects Fund.
- The criteria for the Community Initiatives Fund is now broader and also includes the ability to apply for funding for salaries to resource short term projects.
- The Council Projects Fund can be amended to allow for lesser amounts to be approved than \$20,000.
- It is recommended that the Funding Framework be reviewed every five years.
- Addressing an increase to the per capita amount of \$1.80 for the Community Grants annual budget could be addressed through the Annual Plan process.
- There is a Footnote in the funding guidelines to include the Public Arts Policy in the Framework, however it is currently under review so the guidelines will change following completion of the review.
- The Framework is a living document and any changes that occur later can be included and the Framework updated.

Officers noted:

Formatting issues on page 121 Community Initiative Fund which should read as below:

- *Address a community need; or*
  - *Bring the community together around an activity or event;*
  - *Be for the benefit of the people of Napier.*

Public Arts Grants Fund page 130 – include the phrase “*in accordance with the processes established for the Public Arts Policy*”.

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**COUNCIL  
RESOLUTION**

Deputy Mayor Brosnan / Councillor Mawson

That Council:

- a) **Adopt** The Napier City Council Grants and Funding Policy Framework (Doc Id 1814620).
- b) **Adopt** the Napier City Council Grants and Funding Guidelines and Criteria (Doc Id 1814619).

Carried

**7. NAPIER HASTINGS JOINT GOVERNANCE STRUCTURE - LOCAL  
ALCOHOL POLICY JOINT WORKING REFERENCE GROUP**

*Type of Report:* Procedural

*Legal Reference:* Enter Legal Reference

*Document ID:* 1810892

*Reporting Officer/s & Unit:* Stephen Bokkerink, Team Leader Compliance  
Jon Read, Environmental Health and Alcohol Licensing Officer

**7.1 Purpose of Report**

The purpose of this report is to seek Council's approval to appoint three elected members to a Local Alcohol Policy Joint Working Reference Group in order to proceed with the review of the Local Alcohol Policy.

**At the meeting**

The Team Leader Compliance, Mr Bokkerink presented the report advising that a workshop on the Local Alcohol Policy would be held in the new year.

**COUNCIL  
RESOLUTION**

Councillors Boag / Tareha

That Council:

- a) **Approve** Councillor Taylor, Councillor Greig and Councillor Chrystal, as Napier City Council's representatives on the Local Alcohol Policy Joint Working Reference Group (Working Group) with Hastings District Council.
- b) **Note** the structure and Terms of Reference for the Local Alcohol Policy Joint Working Reference Group.

Carried

## 8. HEARING OF OBJECTION TO PLACING OF TRANSPORT SHELTER AT DALTON STREET, NAPIER, UNDER S.339 LOCAL GOVERNMENT ACT 1974

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Type of Report:	Procedural
Legal Reference:	N/A
Document ID:	1815399
Reporting Officer/s & Unit:	Robin Malley, Asset & Planning Manager

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### 8.1 Purpose of Report

This report requests that Council consider the temporary relocation of a bus shelter on Dalton Street to enable demolition and construction works on Council's former library building. The proposed location is adjacent 180 Dalton Street, whose owner has raised an objection to the proposal following consultation, under provisions of the Local Government Act 1974.

This report should be considered alongside the landlord's objection as presented to this meeting.

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*This item was withdrawn at the beginning of the meeting following withdrawal of the objection to the temporary bus stop.*

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*With the agreement of the meeting Item 18 was taken out of order.*

## 18. ROYAL HUMANE SOCIETY OF NEW ZEALAND MEDAL PRESENTATION

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Type of Report:	Information
Legal Reference:	N/A
Document ID:	1811980
Reporting Officer/s & Unit:	Anna Eady, Team Leader Governance

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### 18.1 Purpose of Report

To facilitate a medal presentation on behalf of the Royal Humane Society of New Zealand in recognition of the brave actions during a water rescue in December 2021 at the Marine Parade beach by Community Constable Andrew Chantrey and Constable Ted-Stuart Symes.

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**At the meeting**

Mayor Wise welcomed medal recipients Community Constable Andrew Chantrey and Constable Ted-Stuart Symes and guests to the meeting.

Mayor Wise, on behalf of the Royal Humane Society of New Zealand, presented each recipient with a bronze medal and certificate in recognition of their heroic actions on 10 December 2021 when they were involved in the rescue and tragedy on Marine Parade.

Constable Chantrey and Symes thanked NCC for presenting the awards on behalf of the Society and spoke of what happened on the day of the rescue.

At the conclusion of the presentation ceremony the recipients, family and guests were invited to join the elected members for a light lunch and refreshments.

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**COUNCIL  
RESOLUTION**

Mayor Wise / Deputy Mayor Brosnan

That Council:

- a) **Receive** the report titled “Royal Humane Society of New Zealand Medal Presentation” dated 12 December 2024.

Carried

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*The meeting adjourned for lunch at 12.30pm and reconvened at 1.14pm*

**9. REQUEST FOR ADDITIONAL CAPITAL PROJECT FUNDING -  
TRANSPORTATION & INNER HARBOUR**

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*Type of Report:* Operational

*Legal Reference:* N/A

*Document ID:* 1815398

*Reporting Officer/s & Unit:* Robin Malley, Asset & Planning Manager

**9.1 Purpose of Report**

A number of assets within Council’s Transportation and Inner Harbour portfolios have unexpectedly failed or present significant risk of failure. Loss of these assets limits the operational capacity of Council activities and failure presents risks to ongoing security of access, public safety and property. The priority associated with each of these projects is such that they cannot be deferred to meet approved budget provision in future years. Additional funding therefore sought to facilitate the implementation of the priority projects.

Additional funding of \$8,250,000 is requested for renewal of the Inner Harbour Discharge Wharf, new or replacement retaining walls at Clyde Road, Coote Road, Kowhai Road and Denholm Road and slope protection at Shakespeare Road.

*Councillor Tareha joined the meeting at 1.18pm.*

*Councillor Browne declared a conflict of interest in this item and did not participate in discussion or decision-making.*

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### At the meeting

The Planning and Asset Manager, Mr Malley presented the report.

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

- The estimate for the Inner Harbour Discharge Wharf Renewal project was based on an assessment undertaken in 2018. The funding requested is based on a high level conservative estimate to undertake the work and ensure funding is available to complete the project.
- Some revenue is received from berthing, however loading and unloading of commercial vessels was not charged for, as it was part of the assets handed to Council in the 1989 Endowment Act when the Port and Harbour assets were divided between NCC and HBRC. There was an expectation they would be available for commercial use.
- The Finance Team had confirmed that the renewal reserves fund has an adequate balance to cover these transportation works so there is no loans rate component and no impact when commencing the repayment of loans. Therefore the (Rates funded Loans) wording included in recommendation (b) could be removed as it was not required.
- Asset management for a lot of the retaining wall assets was relatively new as they had not been included in Council records prior to 2008. Ownership and liability uncertainties are still being dealt with as nearly all the retaining walls are on boundaries, with a large amount of these walls being beyond their design live span. There is significant expense involved in undertaking inspections.

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### COUNCIL RESOLUTION

Councillors Price / Mawson

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That Council:

- a. **Approve** \$6,600,000 additional budget for the Inner Harbour Discharge Wharf Renewal project, to be funded from the HB Endowment Land Sales Fund.
- b. **Approve** \$1,650,000 (\$1,450,000 after external revenue) additional budget for Bridges & Structures Renewals for retaining wall/slope stabilisation renewals at Kowhai Road, Denholm Road, Coote Road, Clyde Road and Shakespeare Road funded from the Roding Infrastructure Asset Renewal Fund.

**ACTION:** *Direct officers to investigate user charges for commercial activity on the discharge wharf.*

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Carried

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# RESOLUTION TO EXCLUDE THE PUBLIC

Councillor Price / Deputy Mayor Brosnan

- a) That the public be excluded from the following parts of the proceedings of this meeting namely:

## Agenda Items

1. Hawke's Bay Civil Defence Emergency Management Transformation Strategy
2. Memorial Square Community Rooms
3. Trade Waste and Wastewater Bylaw 2022 Delegation
4. Council Projects Fund - Festival opera Summer Production
5. Land Purchase
6. Action Points Register (Public Excluded) as at 25 November 2024

**COUNCIL  
RESOLUTION**

## Reports from Audit and Risk Committee held 29 November 2024

1. Civic Precinct Main Contractor Procurement update
2. Audit New Zealand - Verbal Update
3. Chief Executive - Verbal Update

- b) That **Matt Boggs (HB Civil Defence Emergency Management) and Barbara Arnott, Simon Dunn and Jeremy Smith (Art Deco Trust)** be permitted to remain in the Public Excluded session to provide information and answer queries in relation to relevant Public Excluded reports Items 1 and 2.

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.	Plain English reason for passing this resolution in relation to each matter
	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely	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	



	to result in the disclosure of information where the withholding of the information is necessary to:	information for which good reason for withholding would exist:	
<b>Agenda Items</b>			
1. Hawke's Bay Civil Defence Emergency Management Transformation Strategy	7(2)(f)(ii) Maintain the effective conduct of public affairs through the protection of such members, officers, employees and persons from improper pressure or harassment	48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.	The Chair of the Joint Committee wishes to communicate this information in a more controlled manner, which will be detailed soon
2. Memorial Square Community Rooms	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.	Public Excluded so as not to prejudice contract negotiations for Stage 2 of the contract.
3. Trade Waste and Wastewater Bylaw 2022 Delegation	7(2)(g) Maintain legal professional privilege	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:	The report sets out the legal advice on, and basis for, one of the recommendations to the Council relating to decisions under the Bylaw

		(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.	
4. Council Projects Fund - Festival opera Summer Production	7(2)(c)(i) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied	48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.	Confidential discussions are required to ensure that the process is fair and equitable
5. Land Purchase	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.	Conduct negotiations of land purchase in confidence
6. Action Points Register (Public Excluded) as at 25 November 2024	7(2)(a) Protect the privacy of natural persons, including that of a deceased person	48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to	To protect privacy, conduct negotiations and protect the source of information.

	<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>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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**Reports from Audit and Risk Committee held 29 November 2024**

<p>1. Civic Precinct Main Contractor Procurement update</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:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>	<p>In the middle of a live tender process but wish to provide Audit and Risk an update</p>
<p>2. Audit New Zealand - Verbal Update</p>	<p>7(2)(h) Enable the local authority to carry out, without prejudice or</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</p>	<p>Commercial activity</p>

	disadvantage, commercial activities	result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.	
3. Chief Executive - Verbal Update	7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities	48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.	Commercial activity

**Public Excluded Text**

Council has considered the public interest in the information above and balanced those interests with the reason(s) for withholding this information. This ensures Council has met the requirements for withholding information under section 7(2) of the Local Government and Official Information and Meetings Act 1987.

*The meeting moved into the Public Excluded session at 1.30pm and reconvened at 4.05pm in Open Session to address the remaining agenda items.*

## 10. MAYORAL RELIEF FUND - DISTRIBUTIONS

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*Type of Report:* Operational

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*Legal Reference:* N/A

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*Document ID:* 1811277

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

### 10.1 Purpose of Report

To provide a final report to Council on the expenditure from the Napier City Council Mayoral Relief Fund and confirm that all available funds have now been utilised.

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### At the meeting

The Financial Controller, Ms Foster spoke to the report advising this would be the final report as there was no further funding available. Of the two listed recipients not yet paid, funding for the Brookfield's Community will be paid today and payment to the final recipient Pukemokimoki Marae would be made in the near future.

---

**COUNCIL RESOLUTION** Councillors Tareha / Mawson

That Council:

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

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Carried

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## 11. QUARTERLY PERFORMANCE REPORT

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*Type of Report:* Legal and Operational

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*Legal Reference:* Local Government Act 2002

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*Document ID:* 1803817

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*Reporting Officer/s & Unit:* Alister Edie, Business Improvement Manager  
Talia Foster, Financial Controller  
Caroline Thomson, Chief Financial Officer / Acting Executive Director Corporate Services

### 11.1 Purpose of Report

To consider the Napier City Council Quarterly Performance Report for the three months ended 30 September 2024.

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### At the meeting

The Business Improvement Manager, Mr Edie took the report as read and providing a summary on the development of a new Council reporting framework and the Quarterly Performance Report attachment.

Any feedback from elected members on additional items for future reports is to be given via the Mayor.

---

### COUNCIL RESOLUTION

Councillors Crown / Price

That Council:

- a. **Receive** the Quarterly Performance Report (Doc Id 1815313) and Quarterly Report (Doc Id 1815312) for the three months ended 30 September 2024.

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Carried

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## 12. HEARINGS COMMITTEE MEMBERSHIP

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*Type of Report:* Operational

*Legal Reference:* Resource Management Act 1991

*Document ID:* 1811429

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

### 12.1 Purpose of Report

The purpose of this report is to seek Council approval of a change in membership to the Napier City Council Hearings Committee.

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### At the meeting

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

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### COUNCIL RESOLUTION

Deputy Mayor Brosnan / Councillor Tareha

That Council:

- a. **Approve** the appointment of Councillor Chrystal as a member of the Napier City Council Hearings Committee.
- b. **Accept** the resignation of Mayor Wise from the Hearings Committee.

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Carried

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### 13. LGNZ FOUR-MONTHLY REPORT: JULY TO OCTOBER 2024

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<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1809358
<i>Reporting Officer/s &amp; Unit:</i>	Anna Eady, Team Leader Governance

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#### 13.1 Purpose of Report

The purpose of this report is to provide for information the report “LGNZ four-monthly report for member Councils” for the period July to October 2024.

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#### At the meeting

Mayor Wise advised that the four monthly report provided an update to elected members and the community on work undertaken by Local Government New Zealand. Any questions the elected members may have should be to be directed to LGNZ.

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#### COUNCIL RESOLUTION

Councillors Chrystal / Boag

That Council:

- a) **Receive** for information the report titled “LGNZ Four-Monthly Report for Member Councils” for the period July to October 2024 (Doc ID 1809357).

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Carried

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### 14. NGĀ MĀNUKANUKA O TE IWI KOMITI MINUTES - 13 NOVEMBER 2024

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<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1812605
<i>Reporting Officer/s &amp; Unit:</i>	Anna Eady, Team Leader Governance

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#### 14.1 Purpose of Report

The purpose of this report is provide the minutes from the Ngā Mānukanuka o te Iwi Komiti meeting held on 13 November 2024 for information.

To view the full agendas relating to these minutes please refer to the Napier City Council website at <https://napier.infocouncil.biz>

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**At the meeting**

The Team Leader Governance, Ms Eady advised that all of the reports included in the 13 November 2024 meeting had been for information or noting, with no decisions required from Council.

Ms Eady advised that no objections or appeals had been received on Council’s final proposal for the Representation Review. The Local Government Commission advised that a hearing was not required and they did not require to undertake determination. The Ward Maps could now be approved by Land Information New Zealand, and on receipt of approval the ward structure will be implemented.

---

**COUNCIL  
RESOLUTION**

Councillors Taylor / Greig

That Council:

- a) **Receive** for information the minutes of the Ngā Mānukanuka o te Iwi meeting held on 13 November 2024.

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Carried

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**15. AMENDMENT TO THE 2025 MEETING SCHEDULE**

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*Type of Report:* Procedural

*Legal Reference:* Local Government Act 2002

*Document ID:* 1812608

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

**15.1 Purpose of Report**

The purpose of this report is to consider an amendment to the 2025 meeting schedule, which was adopted on 31 October 2024.

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

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**At the meeting**

The Team Leader Governance, Ms Eady took the report as read adding that there were two further amendments to the 2025 meeting schedule relating to the Ahuriri Regional Park Joint Committee.

---

**COUNCIL  
RESOLUTION**

Deputy Mayor Brosnan / Councillor Browne

That Council:

- a) **Adopt** the following amendments to the 2025 meeting schedule:

Ngā Mānukanuka o te Iwi	New Date	9.15am - 31 January 2025
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Ahuriri Regional Park Joint Committee	New date & change date	9.30am - 17 February 2025 11.30am - 23 May 2025 – (previously 5 May 2025)
Council	Change Date	9.30am - 24 April 2025 (previously 1 May 2025)
Standing Committees	Change Date	9.30am - 15 May 2025 (previously 8 May 2025)
Council ( <i>Adopt Annual Report</i> )	New Date	9.30am - 25 September 2025

Carried

## 16. ACTION POINTS REGISTER AS AT 25 NOVEMBER 2024

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1811433
<i>Reporting Officer/s &amp; Unit:</i>	Anna Eady, Team Leader Governance

### 16.1 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 25 November 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 advised that Action 157 – Licences for EV chargers on reserve land would be reported to the Sustainable Napier Committee in 2025.

The following actions had now been completed since publishing the report:

- Action 139 – Policy Review Process Update
- Action 140 – Procurement and Contract Management Improvement Plan
- Action 141 – Asset Management Roadmap Progress
- Action 158 – Fast Track Consenting Projects

### COUNCIL RESOLUTION

Councillors Price / Crown

That Council:

- a) **Note** the extract from the Action Points Register as at 25 November 2024.

Carried

## 17. NAPIER CITY COUNCIL SUBMISSION - PRINCIPLES OF THE TREATY OF WAITANGI BILL

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Type of Report:	Procedural
Legal Reference:	N/A
Document ID:	1815321
Reporting Officer/s & Unit:	Anna Eady, Team Leader Governance

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### 17.1 Purpose of Report

To present to Council for approval Napier City Council's draft submission on the Principles of the Treaty of Waitangi Bill.

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### At the meeting

The Team Leader Governance, Ms Eady spoke to the report summarising the draft submission which states that NCC requests the Bill is abandoned. The submission was undertaken in collaboration with the Mayor, Councillors Boag and Crown.

### In response to questions it was clarified:

- Officers are happy to take direction on which Bills Council submits on, or may draft a submission if there is a direct impact on work council is undertaking and seek feedback from elected members prior to submission.
- The standard process for a submission included drafting and sharing with all elected members for feedback. Mayor Wise suggested putting this submission in the Council agenda so the community could see the NCC position.
- Mayor Wise has been working with Governance on a process for streamlining submissions that Council makes, with a preference that all submissions go through Council. However, timeframes are sometimes very tight, and it is not always possible to go to Council.

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### COUNCIL RESOLUTION

Mayor Wise / Councillor Crown

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- a) **Receive** and **approve** the draft Napier City Council submission on the Principles of the Treaty of Waitangi Bill to be submitted to the Justice Committee before 7 January 2025.

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Carried

*Councillors McGrath and Mawson abstained from voting on this Motion*

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# REPORTS / RECOMMENDATIONS FROM THE SPECIALIST COMMITTEES

## REPORTS FROM AUDIT AND RISK COMMITTEE HELD 29 NOVEMBER 2024

### 1. STRATEGIC RISK SR36

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<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1810797
<i>Reporting Officer/s &amp; Unit:</i>	Bruce Lake, Enterprise Project Management Office (EPMO) Manager

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#### 1.1 Purpose of Report

To update the Committee on progress of Strategic Risk 36 – Delivery of Programmes and Change. The risk category is Service Delivery, with a risk appetite level of Low. This has a Revised Risk Rating of Out of Appetite. This Strategic Risk is Line Item 11 in the Strategic Risk table, which shows the Risk Treatment Completed as Red.

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#### At the meeting

There was no discussion at the meeting.

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#### COUNCIL RESOLUTION

Councillors Crown / Browne

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

- a) **Receive** the report titled “Strategic Risk SR36” dated 29 November 2024.

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Carried

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## 2. PROCUREMENT AND CONTRACT MANAGEMENT IMPROVEMENT PLAN - UPDATE

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1808992
<i>Reporting Officer/s &amp; Unit:</i>	Sharon O'Toole, Procurement Manager

### 2.1 Purpose of Report

The purpose of this report is to provide an update on the improvements intended to address the findings and recommendations from the Internal Audit Report: Contract Management Report 2024, completed by Crowe. Specifically, the initiatives and progress related to the development of a Procurement and Contract Management Framework.

The Procurement and Contract Management Framework will allow procurement and contract management to be used as strategic tools to deliver Council's work programme and asset management.

These improvement initiatives form an important part of a Programme Business Improvement Project to improve project delivery, this is led by the Enterprise Programme Management Office (EPMO).

### At the meeting

There was no discussion at the meeting.

### COUNCIL RESOLUTION

Councillors Crown / Browne

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

- a. **Note** The Procurement and Contract Management Improvement Plan – Attachment 1.
- b. **Note** The progress related to implementation of the Procurement and Contract Management Improvement Plan.

Carried

### 3. ASSET MANAGEMENT ROADMAP PROGRESS

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1809668
<i>Reporting Officer/s &amp; Unit:</i>	Kate Ivicheva, Manager Asset Strategy

#### 3.1 Purpose of Report

This report provides an update on the progress of the Asset Management Roadmap, summarising current achievements, challenges, and recommendations for the path forward. It seeks approval for the roadmap’s timeline and confirms continuing the current strategic direction. Additionally, this report outlines core risks affecting roadmap delivery, providing the Audit and Risk Committee with insights to guide oversight and support effective implementation.

#### At the meeting

There was no discussion at the meeting.

<b>COUNCIL RESOLUTION</b>	Councillors Crown / Browne
	That Council <b>receive</b> the following recommendation from the Audit and Risk Committee: <ul style="list-style-type: none"> <li>a. <b>Approve</b> the proposed timeline for roadmap delivery (Table 2)</li> <li>b. <b>Confirm</b> the roadmap's existing strategic direction.</li> <li>a. <b>Receive</b> the update on the progress of the Asset Management Roadmap.</li> </ul>
	Carried

### 4. INTERNAL AUDIT: RISK MANAGEMENT REPORT

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1811071
<i>Reporting Officer/s &amp; Unit:</i>	Alister Edie, Business Improvement Manager Dave Jordison, Risk and Assurance Lead Caroline Thomson, Chief Financial Officer

#### 4.1 Purpose of Report

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

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**At the meeting**

There was no discussion at the meeting.

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**COUNCIL  
RESOLUTION**

Councillors Crown / Browne

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

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

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Carried

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**5. RISK MANAGEMENT REPORT**

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*Type of Report:* Information

*Legal Reference:* N/A

*Document ID:* 1810504

*Reporting Officer/s & Unit:* Dave Jordison, Risk and Assurance Lead  
Alister Edie, Business Improvement Manager

**5.1 Purpose of Report**

To provide the Committee a quarterly update on risk management workstreams and inform on the status of Council's Strategic and Operational risk profile.

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**At the meeting**

There was no discussion at the meeting.

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**COUNCIL  
RESOLUTION**

Councillors Crown / Browne

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

- a) **Receive** the report titled "Risk Management Report" dated 29 November 2024

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Carried

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## 6. POLICY REVIEW PROCESS UPDATE

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Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1808851
Reporting Officer/s & Unit:	JayJay Kettle, EA to Deputy Chief Executive & Executive Director Corporate Services Talía Foster, Financial Controller

### 6.1 Purpose of Report

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

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#### At the meeting

There was no discussion at the meeting.

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#### COUNCIL RESOLUTION

Councillors Crown / Browne

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

- a. **Receive** the report titled "Policy Review Process Update" dated 29 November 2024.

**ACTION:** *Officers to determine whether testing and tagging of electrical cords in Council be continued as was not mandatory by WorkSafe.*

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Carried

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## 7. SENSITIVE EXPENDITURE - MAYOR AND CHIEF EXECUTIVE

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Type of Report:	Information
Legal Reference:	N/A
Document ID:	1808845
Reporting Officer/s & Unit:	Talía Foster, Financial Controller

### 7.1 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.

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**At the meeting**

There was no discussion at the meeting.

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**COUNCIL  
RESOLUTION**

Councillors Crown / Browne

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

- a) **Receive** the 30 September 2024 quarterly report of Sensitive Expenditure for the Mayor and Chief Executive and review for compliance with the Sensitive Expenditure Policy.

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Carried

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**8. EXTERNAL AUDIT ACTIONS STATUS UPDATE**

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*Type of Report:* Information

*Legal Reference:* N/A

*Document ID:* 1808850

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

**8.1 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.

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**At the meeting**

There was no discussion at the meeting.

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**COUNCIL  
RESOLUTION**

Councillors Crown / Browne

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

- a) **Receive** this report titled "External Audit Actions Status Update".

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Carried

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## 9. HEALTH & SAFETY UPDATE REPORT

<i>Type of Report:</i>	Enter Significance of Report
<i>Legal Reference:</i>	Enter Legal Reference
<i>Document ID:</i>	1810294
<i>Reporting Officer/s &amp; Unit:</i>	Jill Coyle, People Operations Manager

### 9.1 Purpose of Report

To inform the Audit & Risk Committee (ARC) of Health Safety & Wellbeing (HSW) strategic progress, performance and activities covering the period June 2024 to 20 August 2024. The report enables the ARC to provide assurance to Council for the capability and functioning of Council's health, safety and wellbeing hazard and risk management system and associated programme.

### At the meeting

There was no discussion at the meeting.

### COUNCIL RESOLUTION

Councillors Crown / Browne

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

- a) **Receive** the Health and Safety Report for the quarter ended 30 October 2024.

Carried

# REPORTS UNDER DELEGATED AUTHORITY

## 1. TENDERS LET

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1815351
<i>Reporting Officer/s &amp; 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 16 September to 29 November 2024.

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#### At the meeting

There was no discussion at the meeting.

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#### COUNCIL RESOLUTION

Mayor Wise / Councillor Chrystal

That Council:

a) **Receive** the Tenders Let for the period 16 September to 29 November 2024 as below:

- **Contract 2747 - Anderson Park Stage 2 – Café Area** be awarded to Toa Civil Construction Limited in the sum of \$285,035.48 excl. GST.
- **Contract 2662 - 30 Herschell Street Retaining Wall** be awarded Lattey Group in the sum of **\$357,991.87 excl. GST.**
- **Contract 2786 Municipal Theatre Ticket & WCs** be awarded to MCL Construction Limited in the sum of **\$599,770 excl. GST.**
- **Contract 2347 - WWTP Overflow Storage Project – Award of Cell 3 as a Variation** be awarded to MAP Projects in the sum of **\$2,486,704 excl. GST.**

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Carried

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#### Minor matters

There were no minor matters.

*The meeting closed with a karakia at 4.32pm*

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

Chairperson .....

Date of approval .....