



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

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231 Hastings Street  
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e info@napier.govt.nz  
[www.napier.govt.nz](http://www.napier.govt.nz)

# MĀORI COMMITTEE

## Open Agenda

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Meeting Date: Friday 9 April 2021

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Time: 9.00am

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Venue: Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
Napier

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Committee Members Ngāti Pārau Hapū Trust – Chad Tareha (In the Chair)  
Mayor Kirsten Wise  
Maungaharuru-Tangitū Trust – Robbie Paul  
Maraenui & Districts Māori Committee – Adrienne Taputoro  
Rapihana Te Kaha Hawaikirangi  
Renee Brown  
Mana Ahuriri Trust – Vacant  
Te Taiwhenua o Te Whanganui-a-Orotū - Vacant  
Pukemokimoki Marae – Vacant

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Officer Responsible Director Community Services (Antoinette Campbell)  
Pou Whakarae (Mōrehu Te Tomo)

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Administration Governance Team

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**Next Māori Committee Meeting**  
**Friday 14 May 2021**

# ORDER OF BUSINESS

## Karakia

## New Committee Members Oath

Renee Brown

Rapihana Te Kaha Hawaikirangi

## Apologies

## Conflicts of interest

## Public forum

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## Announcements by the management

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## **Updates from Partner Entities**

Ngāti Pārau Hapū Trust – Chad Tareha

Maraenui and Districts Māori Committee – Adrienne Taputoro

Napier City Council – Mayor Kirsten Wise

Maungaharuru-Tangitū Trust – Robbie Paul

## **General business**

### **Public Excluded**

Nil

## **Whakamutunga Karakia**

# AGENDA ITEMS

## 1. DRAFT MEMORANDUM OF UNDERSTANDING WITH NGĀTI KOATA

<i>Type of Report:</i>	Operational and Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1285530
<i>Reporting Officer/s &amp; Unit:</i>	Rachel Haydon, General Manager, National Aquarium of New Zealand Joseph Woolcott, General Curator

### 1.1 Purpose of Report

The National Aquarium of New Zealand (NANZ) presently holds one male tuatara (*Sphenodon punctatus*).

NANZ is engaging with Ngāti Koata, the iwi who whakapapa to tuatara. This engagement is vital as both an acknowledgement of Ngāti Koata as kaitiaki of this taonga species and also as part of the Department of Conservation (DOC) Wildlife Authorisation Authority permitting process in their application to hold tuatara in captivity.

Through initial conversations with Ngāti Koata, the iwi have proposed a draft Memorandum of Understanding (MOU) with NANZ/NCC and sent through a draft version for consideration. It is acknowledged that as part of these discussions and MOU, Ngāti Koata need to engage with mana whenua, who will act as kaitiaki of this tuatara in NANZ's care.

NANZ seeks advice and support from the Maori Committee to:

- Determine if there any current MoU with Ngāti Koata preceding this one
- Endorse the appropriate Iwi Authorities who will act as kaitiaki of the tuatara held at NANZ
- Seek feedback on the conditions of a MOU with Ngāti Koata

It is expected NANZ will then engage with the appropriate nominated Iwi Authorities to determine next steps and engage with Ngāti Koata.

### Officer's Recommendation

The Māori Committee:

- Endorse the appropriate Iwi Authorities who will act as kaitiaki of tuatara at NANZ.
- Endorse the NANZ General Manager and General Curator to engage with Ngāti Koata and negotiate the terms of the MOU with NANZ (as a facility governed by Napier City Council).

## 1.2 Background Summary

The National Aquarium of New Zealand (NANZ) presently holds one tuatara (*Sphenodon punctatus*). This tuatara, Alfie, is a 35 year old male who came to the National Aquarium from Auckland Zoo in 2002.

Ngāti Koata is the iwi who whakapapa to tuatara. NANZ's engagement with Ngāti Koata is vital as both an acknowledgement of the iwi as kaitiaki of this taonga species and also as part of the Department of Conservation (DOC) Wildlife Authorisation Authority (WAA) permitting process in their application to hold tuatara in captivity. DOC presently has a Memorandum of Understanding (MOU) with Ngāti Koata where no authorisations will be issued in respect of tuatara sourced from Stephens Island until applicants have discussed the proposal with Ngāti Koata.

NANZ's recent WAA application to hold tuatara has been approved by DOC and they are permitted to hold tuatara. However, the relationship with Ngāti Koata will encompass a different kaupapa to just what the DOC WAA conditions outline to hold the species.

Ngāti Koata have proposed their own MOU with NANZ/NCC and sent through a draft version for consideration. It is acknowledged that as part of these discussions and MOU, Ngāti Koata are engaging Ngāti Parau, as mana whenua, to act as kaitiaki of this tuatara in NANZ's care.

NANZ seeks advice and support from the Maori Committee to understand if there are any current MOU with Ngāti Koata preceding this one and to gain a recommendation of who to engage with as Iwi Authorities.

It is expected NANZ will then engage with the appropriate nominated Iwi Authorities to:

- Determine the process of further engagement with Ngāti Koata,
- Seek feedback on the conditions of the draft MOU with Ngāti Koata,
- Host Ngāti Koata at the Aquarium with pohiri and to share Korero Pū Rakau (stories of Tuatara) from Ngāti Koata.

NANZ hopes to showcase Ngāti Koata's Korero Pū Rakau as essential mātauranga about the tuatara (i.e. in enclosure redevelopments, online content, school sessions etc.); build long term relationships with Ngāti Koata and mana whenua as kaitiaki of this species; and build their own understanding of best practice of appropriate engagement with iwi with support from the Māori Committee.

## 1.3 Issues

No Issues

## 1.4 Significance and Engagement

N/A

## 1.5 Implications

### Financial

- There is no 20/21 NANZ budget planned to cover travel of Ngāti Koata representatives to Napier or ongoing annual koha to hold tuatara budgeted for in current NANZ budgets. In order to meet any Ngāti Koata expectations of travel or ongoing annual koha as part of an MOU, this would need to be supported/approved from sources outside current 20/21 NANZ budgets.

## Social & Policy

N/A

## Risk

- If favourable conditions for an MOU between Ngāti Koata, Ngāti Parau as mana whenua and the National Aquarium team cannot be met, the tuatara may have to be returned to Ngāti Koata. This would mean a reduced level of service with the removal of a key native taonga species from the National Aquarium of New Zealand.
- This MOU may set a precedent of MOUs needed, with koha included as a condition, for the keeping of native, taonga species at NANZ. This would need to be accepted as a key operational budget needed by NANZ to support its Levels of Service.

## 1.6 Options

The options available to the Committee are as follows:

- a. Advise on the appropriate Iwi Authorisation who will act as kaitiaki of tuatara at NANZ and give advice and support on the proposed MOU terms and build relationship with Ngāti Koata
- b. Reject the proposed MOU with Ngāti Koata and do not accept role of kaitiaki of the NANZ tuatara.

## 1.7 Development of Preferred Option

It is preferred that the Committee advise on the appropriate Iwi Authorisation who will act as kaitiaki of tuatara at NANZ and give advice and support on the proposed MOU terms and build relationship with Ngāti Koata

This will provide NANZ guidance to determine the process of further engagement with Ngāti Koata; seek feedback on the conditions of the draft MOU with Ngāti Koata to progress this agreement acknowledging any budget implications for NCC; host Ngāti Koata at the Aquarium with pohiri and to share Korero Pū Rakau (stories of Tuatara) from Ngāti Koata.

## 1.3 Attachments

- A DOC Authorisation for NANZ tuatara 78383-CAP [↓](#)
- B Draft MOU from Ngati Koata for tuatara at NANZ [↓](#)
- C DOC Approval Letter for NANZ tuatara 78383-CAP [↓](#)



## Wildlife Act Authority for wildlife on non-public conservation land

Authorisation Number: 78383-CAP

**THIS AUTHORITY** is made this 5<sup>th</sup> day of October 2020

**PARTIES:**

**The Director-General of Conservation and where required the Minister of Conservation** (the Grantor)  
**AND**

**Napier City Council** (the Authority Holder)

**BACKGROUND:**

- A. The Director-General of Conservation is empowered to issue authorisations under the Wildlife Act 1953.
- B. The Authority Holder wishes to exercise the authorisation issued under the Wildlife Act 1953 subject to the terms and conditions of this Authority.

**OPERATIVE PARTS**

In exercise of the Grantor's powers the Grantor **AUTHORISES** the Authority Holder under Section 53 (2) of the Wildlife Act 1953, subject to the terms and conditions contained in this Authority and its Schedules.

A handwritten signature in black ink, appearing to read "J Nelson-Smith".

SIGNED on behalf of the Grantor  
By Jennifer Nelson-Smith  
Operations Manager  
Napier District Office  
acting under delegated authority  
in the presence of:

A handwritten signature in black ink, appearing to read "Denise Fastier".

Witness Signature

Witness Name: Denise Fastier

Witness Occupation: Senior Ranger Biodiversity

Authorisation Number: 78383-CAP

Witness Address: \_\_\_\_\_

A copy of the Instrument of Delegation may be inspected at the Director-General's office at 18-32 Manners Street, Wellington.

Authorisation Number: 78383-CAP

**SCHEDULE 1**

1.	<b>Authorised activity (including the species, any approved quantities and collection methods).</b> (Schedule 2, clause 2)	<p>a. Activity – to obtain alive Tuatara (<i>Sphenodon punctatus</i>) for the purpose of species preservation</p> <p>b. Quantity – up to a maximum of four individuals</p> <p>c. Method – the wildlife must be obtained by way of transfer as per Schedule 3.12</p>
2.	<b>The Land</b> (Schedule 2, clause 2)	546 Marine Parade Napier South 4110
3.	<b>Personnel authorised to undertake the Authorised Activity</b> (Schedule 2, clause 3)	<p>a. Rachel Haydon</p> <p>b. Joe Woolcott</p> <p>c. Regan McDougall</p> <p>d. Rebekah Cuthbert</p> <p>e. Michelle Stamme</p> <p>f. Herman Barspuul</p> <p>g. Matt Gowan</p> <p>h. Nicole Spiekerman</p> <p>i. Tami Evans</p> <p>j. Monica Nevill-Jackson</p>
4.	<b>Term</b> (Schedule 2, clause 4)	Commencing on and including 5 October 2020 and ending on and including 4 October 2030
5.	<b>Authority Holder's address for notices</b> (Schedule 2, clause 8)	The Authority Holders address in New Zealand is: 546 Marine Parade Napier 4110 Fax: (06) 833-7631 Email: <a href="mailto:joe.woolcott@nationalaquarium.co.nz">joe.woolcott@nationalaquarium.co.nz</a>
6.	<b>Grantor's address for notices</b>	The Grantor's address for all correspondence is: Level 4 73 Rostrevor Street Hamilton 3240 <a href="mailto:permissionshamilton@doc.govt.nz">permissionshamilton@doc.govt.nz</a>

Authorisation Number: 78383-CAP

## **SCHEDULE 2**

### **STANDARD TERMS AND CONDITIONS OF THE AUTHORITY**

#### **1. Interpretation**

- 1.1 The Authority Holder is responsible for the acts and omissions of its employees, contractors or, agents. The Authority Holder is liable under this Authority for any breach of the terms of the Authority by its employees, contractors or agents as if the breach had been committed by the Authority Holder.
- 1.2 Where obligations bind more than one person, those obligations bind those persons jointly and separately.

#### **2. What is being authorised?**

- 2.1 The Authority Holder is only allowed to carry out the Authorised Activity in the Land described in Schedule 1, Item 2.
- 2.2 The Authority Holder must advise the Department of Conservation's local Operations Manager(s) one week prior to carrying out the Authorised Activity in the District, when the Authority Holder intends to carry out the Authorised Activity.
- 2.3 Any arrangements necessary for access over private land or leased land are the responsibility of the Authority Holder. In granting this authorisation the Grantor does not warrant that such access can be obtained.
- 2.4 The Authority Holder and Authorised Personnel must carry a copy of this Authority with them at all times while carrying out the Authorised Activity.
- 2.5 The Authority Holder may publish authorised research results.
- 2.6 The Authority Holder must immediately notify the Grantor of any taxa found which are new to science. In addition, the Authority Holder must lodge holotype specimens and a voucher specimen of any new taxa with a recognised national collection.

#### **3. Who is authorised?**

- 3.1 Only the Authority Holder and the Authorised Personnel described in Schedule 1, Item 3 are authorised to carry out the Authorised Activity, unless otherwise agreed in writing by the Grantor.

#### **4. How long is the Authority for - the Term?**

- 4.1 This Authority commences and ends on the dates set out in Schedule 1, Item 4.

#### **5. What are the liabilities?**

- 5.1 The Authority Holder agrees to exercise the Authority at the Authority Holder's own risk and releases to the full extent permitted by law the Grantor and the Grantor's employees and agents from all claims and demands of any kind and from all liability which may arise in respect of any accident, damage or injury occurring to any person or property arising from the Authority Holder's exercise of the Authorised Activity.

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- 5.2 The Authority Holder must indemnify the Grantor against all claims, actions, losses and expenses of any nature which the Grantor may suffer or incur or for which the Grantor may become liable arising from the Authority Holder's exercise of the Authorised Activity.
- 5.3 This indemnity is to continue after the expiry or termination of this Authority in respect of any acts or omissions occurring or arising before its expiry or termination.
6. **What about compliance with legislation and Grantor's notices and directions?**
- 6.1 The Authority Holder must comply with all statutes, bylaws and regulations, and all notices, directions and requisitions of the Grantor and any competent Authority relating to the conduct of the Authorised Activity. Without limitation, this includes the Conservation Act 1987 and the Acts listed in the First Schedule of that Act and all applicable health and safety legislation and regulation.
7. **When can the Authority be terminated?**
- 7.1 The Grantor may terminate this Authority at any time in respect of the whole or any part of Authorised Activity if:
- (a) the Authority Holder breaches any of the conditions of this Authority; or
  - (b) in the Grantor's opinion, the carrying out of the Authorised Activity causes or is likely to cause any unforeseen or unacceptable effects.
- 7.2 If the Grantor intends to terminate this Authority in whole or in part, the Grantor must give the Authority Holder such prior notice as, in the sole opinion of the Grantor, appears reasonable and necessary in the circumstances.
8. **How are notices sent and when are they received?**
- 8.1 Any notice to be given under this Authority by the Grantor is to be in writing and made by personal delivery, by pre paid post or email to the Authority Holder at the address, fax number or email address specified in Schedule 1, Item 5. Any such notice is to be deemed to have been received:
- (a) in the case of personal delivery, on the date of delivery;
  - (b) in the case of post, on the 3rd working day after posting;
  - (c) in the case of email, on the date receipt of the email is acknowledged by the addressee by return email or otherwise in writing.
- 8.2 If the Authority Holder's details specified in Schedule 1, Item 5 change then the Authority Holder must notify the Grantor within 5 working days of such change.
9. **What about the payment of costs?**
- 9.1 The Authority Holder must pay the standard Department of Conservation charge-out rates for any staff time and mileage required to monitor compliance with this Authority and to investigate any alleged breaches of the terms and conditions of it.

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10. **Are there any Special Conditions?**

- 10.1 Special conditions are specified in Schedule 3. If there is a conflict between this Schedule 2 and the Special Conditions in Schedule 3, the Special Conditions will prevail.

11. **Can the Authority be varied?**

- 11.1 The Authority Holder may apply to the Grantor for variations to this Authority.

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## SCHEDULE 3

### SPECIAL CONDITIONS

1. This Authorisation gives the Authority Holder the right to hold absolutely protected wildlife in accordance with the terms and conditions of the Authorisation, but the wildlife remains the property of the Crown. This includes any dead wildlife, live wildlife, any parts thereof, genetic material and any replicated genetic material.
2. Unless expressly authorised by the Grantor in writing, the Authority Holder must not donate, sell or otherwise transfer to any third party any wildlife, material, including any genetic material, or any material propagated or cloned from such material, collected under this Authority.
3. The Authority Holder consents to any officer of the Grantor inspecting the protected species held under this Authority and the facilities in which it is contained at any reasonable time, including any time after the expiry or termination of this Authority. The Authority Holder must comply with any directions of the officer and provide reasonable assistance to the officer to undertake the inspection. The Grantor may recover costs of inspections from the Authority Holder.
4. If required, in writing, by the Grantor, the Authority Holder shall make such improvements to the enclosure of the protected species as are considered necessary by the Grantor to make it comply with the relevant Husbandry Manual; or, in the absence of that Manual, as the Grantor deems necessary to ensure the welfare of the protected species.
5. The protected species must not be released to the wild.
6. The Authority Holder must maintain and keep annual records detailing:
  - a. the number of individuals of the protected species in the possession of the holder;
  - b. any health issues, deaths, transfers in and out; and
  - c. any other information which the Grantor from time to time may require.
7. The Authority Holder must retain the records referred to under Schedule 3.6 for at least 5 years and is required to submit these records before the Authority can be renewed.
8. The Authority Holder must forward to the Department of Conservation appointed Captive Co-ordinator and the Grantor (if there is no Captive Co-ordinator) by 30 June in each year a copy of the annual records referred to in Schedule 3.6 in the annual report format.
9. The Authority Holder may display the wildlife to the public for species advocacy.
10. If the absolutely protected species are used for advocacy, Authority Holder must submit an annual report electronically to the Grantor at [napier@doc.govt.nz](mailto:napier@doc.govt.nz) and [permissionshamilton@doc.govt.nz](mailto:permissionshamilton@doc.govt.nz) by 30 June each year for the life of this Authorisation. Each report must include:
  - a. the number of advocacy encounters
  - b. the dates of the encounters;

Authorisation Number: 78383-CAP

- c. the nature of the encounters;
  - d. the average number of people present at the encounters;
  - e. any incidents that occurred during the encounters;
  - f. any implications for conservation management;
11. The Authority Holder must notify the Captive Co-ordinator and the Grantor within 24 hours of the death, escape or disappearance of any protected species held under this Authority, with full details of situation, origin, history in captivity, date of death/escape/disappearance.
  12. The Authority Holder must only obtain the protected species by way of transfer via the Grantor's captive management programme for the species.
  13. The Authority Holder must only transfer the protected species where:
    - a. the transfer is directed by the Department of Conservation approved Captive Co-ordinator for the protected species; or
    - b. the transfer is to or from a Department of Conservation facility
  14. For the avoidance of doubt, any method of obtaining or transferring the wildlife not expressed under Schedule 23:13-14 requires a separate authority
  15. The Authority Holder must notify the Captive Co-ordinator of the transfer of the protected species within 7 days of the date of its transfer and provide the Captive Co-ordinator with the name and address of the transferee.
  16. The Authority Holder must immediately inform the Grantor if the Authority Holder no longer wishes to hold the wildlife and will engage solely with the Grantor to arrange rehousing of the protected wildlife and may be responsible for the cost of care while the wildlife are rehomed.
  17. No breeding of the wildlife is allowed under authorised.
  18. The enclosures in which the Authority Holder holds the wildlife, must contain a substrate shallow enough to prevent the wildlife laying eggs.
  19. The Authority Holder may take blood samples from the wildlife for the purpose of health monitoring. All blood samples must be taken by a veterinarian via venipuncture of caudal vein and must not exceed 3 millilitres per sample.
  20. The Authority Holder must adhere to the current Grantor-approved captive management plan (CMP), or programme outline, husbandry manual and advocacy plan for the protected species
  21. The following clauses are deleted from Schedule 2 of this Authority:
    - a. 2.2
    - b. 2.3
    - c. 2.5
    - d. 2.6

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22. A new clause 7.1 (c) is added to Schedule 2, to read as follows:  
"Or for any other reason that the Grantor may decide".



Ngāti Koata Trust  
137 Vickerman St  
PO Box 1659, Nelson 7040  
(03) 548 1639

[INSERT LOGO AND NAME]

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2016

## **Memorandum of Understanding**

**On**

**Relocation of Ngāti Koata Tuatara**

**Between**

**Ngāti Koata Trust**

**and**

**[ENTER NAME]**

This MOU formalises the relationship between the Ngāti Koata Trust and [ENTER NAME] Ngāti Koata Tuatara and establishes a clear understanding of the ongoing relationship, through the identification of roles and responsibilities. This relationship is based on recognising Ngāti Koata as kaitiaki of its Tuatara and Kelly Tarlton's as offering a safe environment for them. The Tuatara will be on loan for an indefinite period of time.



Ngāti Koata Trust  
137 Vickerman St  
PO Box 1659, Nelson 7040  
(03) 548 1639

[INSERT LOGO AND NAME]

## **A. Background**

### **Ngāti Koata**

Ngāti Koata Trust is mandated by the people of Ngāti Koata to maintain and enhance the mana of the iwi. The rohe of Ngāti Koata includes the land and water east of Anatoto through to Kurupongi, Ngā Kioie, Takapourewa and on to Te Matau, including Rangitoto, the Croiselles, Whangamoā, Whakapuaka, Whakatū, Waimea, Motueka and beyond. Ngāti Koata have been kaitiaki for all resources and taonga within its rohe and is responsible for the use and regulation of those resources and taonga for the benefit of its people. As such, the Board of the Trust (in consultation with their Kaumatua Council) will determine how interactions between requesting parties of the tuatara will occur.

### **National Kiwi Centre**

[Please write in a paragraph about the Centre. ]

## **B. Background**

- [More information required here in terms of how we arrived at this place]
- On September the 8th the Kaumatua council recommend the following.

*'In principle Ngāti Koata support the translocation of Takapourewa Tuatara pending*

- 1. a signed MOU between Ngāti Koata and the receiving parties,*
- 2. confirmation from the Department of Conservation that all enclosures meet the required standards to house these taonga and*
- 3. confirmation from the Captive Manager that a population of Tuatara is confirmed for this request'*

- MOU completed and signed on .....
- Confirmation from the Department of Conservation was received on .....
- Tuatara successfully relocated from [name] to [Enter your name]

## **C. Ngā Matapono/Principles**

The relationship between the parties is based on the following:

- Whakarangatira -Reciprocal respect
- Ngākau pono - Honesty of purpose
- Whakawhitiwhiti kōrero - Open communication



Ngāti Koata Trust  
137 Vickerman St  
PO Box 1659, Nelson 7040  
(03) 548 1639  
Manaaki - Mutual engagement

[INSERT LOGO AND NAME]

**D. Ngāti Koata Trust;**

1. Agrees to loan [Enter name] for [add purposes such as education and advocacy]
2. Acknowledges that [Enter name] will provide the necessary care required to house its taonga
3. Will support [Enter name] by being available and willing to give input and advice on any aspects of the Tuatara.
4. Acknowledges that [Enter name] have support from the local Mana whenua, in this case [Enter name], and deems this relationship to be of the utmost importance in the cultural and spiritual aspects of its Tuatara being translocated.
5. Will support [Enter name] to meet its sustainability aspirations by meeting its supplier criteria for any Ngāti Koata developed Tuatara resources stoked and sold in its physical or online retail store.

**E. [Enter name] shall:**

- Acknowledge Ngāti Koata as 'kaitiaki' on all promotional images, posters, brochures, video clips and the like associated with the Tuatara. Copies of these are to be supplied to the Ngāti Koata Trust to use at no cost.
- Not transfer, lend or loan the Tuatara.
- Cover the actual and reasonable costs of three Ngāti Koata people and the Tuatara for their translocation.
- Provide 10 annual family passes to the Ngāti Koata Trust to allocate to their Iwi.
- Keep Ngāti Koata informed of all and any threats, disease etc. that may have ongoing concerns and ill effect to our Tuatara. If the ongoing conversations between the two parties identify that the Tuatara are at severe and long term risk, we will meet to discuss the best alternative arrangements for them.
- Provide an annual report, written in plain English, to Ngāti Koata beginning one year from the translocation.
- Not allow visitors to physically handle our Tuatara.



Ngāti Koata Trust  
137 Vickerman St  
PO Box 1659, Nelson 7040  
(03) 548 1639

[INSERT LOGO AND NAME]

- Negotiate with Ngāti Koata a suitable koha which will support the *Ngāti Koata Tuatara education and advocacy programmes*.
- The koha will be payable as long as Tuatara are on-site at the aquarium
- Assist Ngāti Koata in the commercialisation of its Tuatara resources, if in the future products are developed, by providing a mutually agreed display space and sale of these in their retail shop
- Return to Papa-tū-ā-nuku any Tuatara that may die while in their care with due respect. There will be no taxidermy or harvesting cellular body parts. We acknowledge that at all times it may be necessary to identify the cause of unexpected death, by necropsy. Ngāti Koata would like to be advised of the result.

**F. This MOU**

- Maybe amended or expanded by mutual agreement
- Will be reviewed every three years or as determined by the parties.



Ngāti Koata Trust  
137 Vickerman St  
PO Box 1659, Nelson 7040  
(03) 548 1639

[INSERT LOGO AND NAME]

**G. MOU Signatures**

We who have signed below on behalf of the parties to this MOU will support the MOU according to the agreed principles.

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2016

**On behalf of:**

\_\_\_\_\_  
**Signature**  
Ngāti Koata Trust Board

\_\_\_\_\_  
**Print name**

\_\_\_\_\_  
**Signature**  
[Enter name]

\_\_\_\_\_  
**Print name**

**And witnessed by:**

\_\_\_\_\_  
**Signature**  
Ngāti Koata Kaumatua Council

\_\_\_\_\_  
**Print name**

**And witnessed by:**

\_\_\_\_\_  
**Signature**  
[Enter name] Kaumatua

\_\_\_\_\_  
**Print name**



5 October 2020

Napier City Council  
Private Bag 6010  
Napier 4110

For the attention of: Joe Woolcott

**Re: WILDLIFE ACT AUTHORITY APPLICATION 78383-CAP APPROVAL**

The amended application for a Wildlife Act Authority to obtain alive absolutely protected izards was declined.

I am pleased to advise, the amended application for a Wildlife Act Authority to obtain alive Tuatara has been approved and I am now able to offer you an authority outlining the terms and conditions of this approval. Please find the authority enclosed.

This document contains all the terms and conditions of your authorisation to undertake the activity and represents the formal approval from the Department for Napier City Council to carry out the activity.

Please read the terms carefully so that you clearly understand your obligations.

No fee is payable for processing this application.

Yours sincerely

A handwritten signature in black ink, appearing to read "Jenny Nelson-Smith".

Jenny Nelson-Smith  
Operations Manager  
Napier District Office

## 2. REPRESENTATION REVIEW OVERVIEW

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1293595
<i>Reporting Officer/s &amp; Unit:</i>	Helen Barbier, Team Leader Governance

### 1.1 Purpose of Report

Following changes to the Local Government Act 2001 in relation to the creation of Māori wards, officers have considered Council's high-level processes and timeframes concerning the representation review planned for 2023/2024. This report provides an overview of the representation review process, a timeline of the main steps in the process and an opportunity to initiate discussion on priorities for consultation and engagement with our community.

#### Officer's Recommendation

The Māori Committee:

- a. Note the Representation Review Overview.

### 1.2 Background Summary

#### Why carry out a representation review?

The Local Electoral Act 2001 (Section 19H(2)(b)) requires councils and other local authorities to review our representation arrangements at least every six years. The aim of the review is to investigate whether the current arrangements are still providing fair and effective representation for individuals and the community as a whole

The review takes into account the definition of communities of interest and how best to represent them. There is a 'fair representation requirement' to ensure approximate equality in representation so that that all votes carry more or less equal weight.

The review considers:

- the number of councillors to be elected (the legal requirement is no less than six and no more than 30 members, including the mayor),
- how those councillors are elected (at large, by wards or a combination of both),
- the boundaries and names of the wards, if there are any,
- whether community boards are required and, if so, how we might choose members for them.

The review can also consider the electoral system to be used (first past the post or single transferable vote) and the establishment of Māori wards.

The Local Electoral Act does not tell us what the decision-making process should be, leaving it to local authorities to define our own processes.

Napier City Council's most recent review commenced in 2017, and was completed in 2018 and involved significant levels of engagement with the community.

As part of the process, Council commissioned a desktop review of key documents. This was the most in-depth analysis of current and historic data it had ever carried out. The review looked at Council reports, Local Government Commission determinations, archived election records and population data from Statistics New Zealand.

During the pre-consultation process, Council carried out two public surveys relating to:

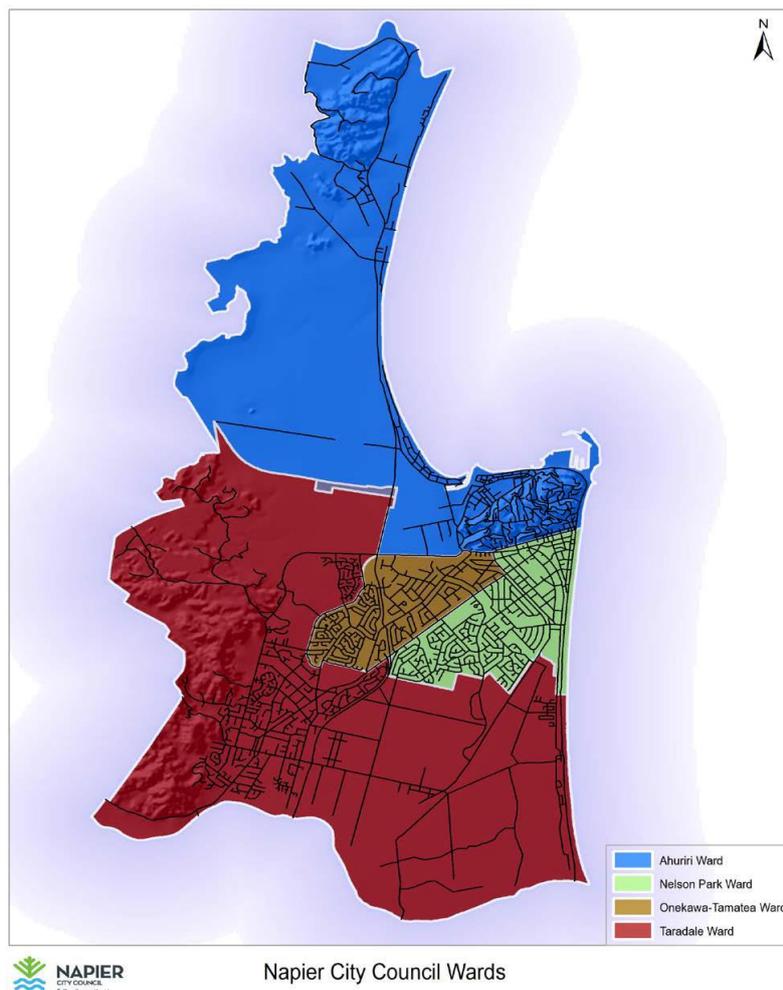
- representation arrangements and communities of interest; and
- whether there was a need to establish community board/s

The survey gathered 612 responses.

During consultation, 37 written submissions were received and seven submitters presented their views at the hearings.

The final outcome of the review process was that Council resolved to move to a ward-only structure, not to adopt community boards, not to establish Māori wards and to retain First Past the Post as the electoral system for the 2019 and 2022 elections.

Napier City was divided into four wards (see below) represented by 12 councillors: Ahuriri (two councillors), Onekawa-Tamatea (two councillors), Nelson Park (four councillors) and Taradale (four councillors) The mayor is elected by the city as a whole.



Following Council's decision, two public objections were received, meaning that Council's final proposal and all associated information was required to be considered by the Local Government Commission who adjudicates and makes a final determination in these situations.

In its determination, the Local Government Commission approved the representation arrangements and also recommended that, in any review of the current ward structure, consideration be given to the creation of one or more community boards.

The full determination report can be viewed on the Napier City Council website:

[http://napier.infocouncil.biz/Open/2019/02/STR\\_20190219\\_AGN\\_360\\_AT\\_WEB.htm](http://napier.infocouncil.biz/Open/2019/02/STR_20190219_AGN_360_AT_WEB.htm)

### Representation reviews and the creation of Māori wards

The decision on whether or not to establish Māori wards is not formally part of the 2018 representation review process. Consideration of this option however is important in developing pathways to increase mana whenua participation in decision-making and representation in local government. It is also consistent with the principles of Te Tiriti o Waitangi.

The establishment of Māori wards has been brought to the forefront of discussions among local authorities around the country recently, following the passing of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (the Act), which came into effect on 2 March 2021.

The Act amended the Local Electoral Act 2001 (LEA) in order to align the treatment of Māori wards with the treatment of general wards.

The changes included removing the provisions in the LEA that related to binding polls on the establishment of Māori wards or constituencies. Previously, when a council resolved to establish a Māori ward (or wards), a group of at least five percent of the district's electors could petition their council to demand that a local referendum be held. If the result of the referendum was that the majority was against the creation of a Māori ward, the council decision was overturned and could not be considered again for another two elections (six years).

This provision did not exist for general wards and, since the introduction of Māori wards in 2002, only three out of 24 councils have been successful in creating them.

The amendment to the LEA means councils can no longer hold binding polls on whether to establish Māori constituencies however they can still use non-binding polls to evaluate public opinion in their communities.

The LEA amendment also established a transition period ending on 21 May 2021 during which any local authority can resolve to establish Māori constituencies for the 2022 local election. Such a resolution then triggers a representation review with the public notification of the initial proposal and invitation for submissions to be made by 8 September 2021 at the latest.

Napier City Council has established a new activity of Council, Te Waka Rangapū, to enable increased engagement with Māori. Officers will continue to progress discussions with our mana whenua partners in advance of the community consultation, to be carried out in 2023/24 for the representation review, which will include consideration of Māori wards.

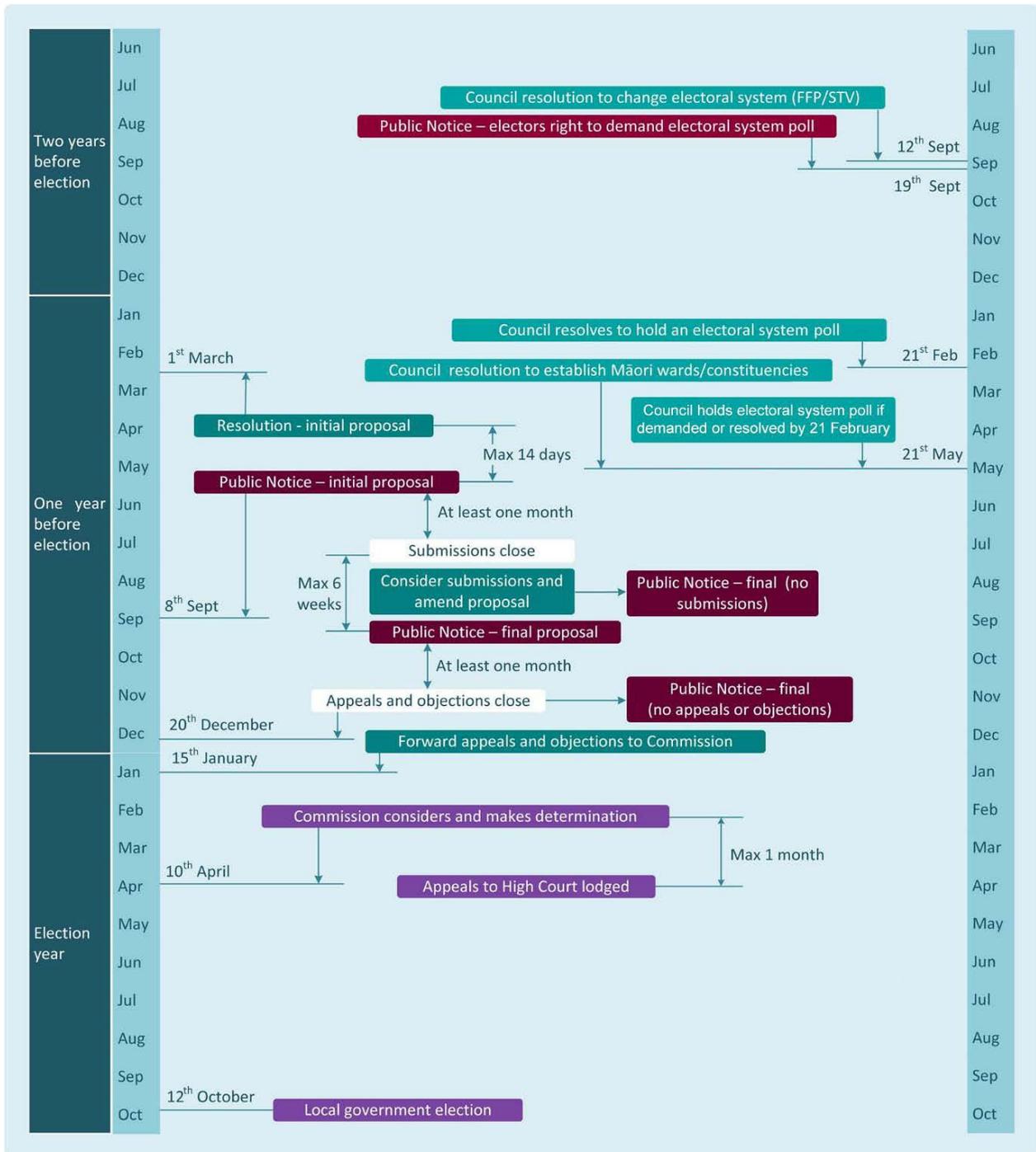
### Community consultation

As part of Napier City Council's previous representation review, we used multiple platforms to gather information on community feeling in relation to the electoral arrangements for the city. These included surveys, pop-up events, a focus group, meetings with particular groups and social media campaigns, as well as the public submissions and hearings processes.

Ensuring that all of our community can have their say will again be a priority for consultation during the city's next representation review.

Local Government Election Timeframes

The diagram below lays out the timeframes for the period leading up to local government elections.



(Mana Kāwanatanga ā Rohe: <http://www.lgc.govt.nz/representation-reviews/>)

For Napier City Council's representation review, an initial timeline is proposed below.

The dates are indicative only and will be modified closer to the time to align with consultation around the Annual Plan and Long Term Plan.

2023	
<b>April</b>	Workshop/s with Council on Māori wards and voting systems Draft the proposal and consultation document
<b>May-June</b>	Consult on Māori wards and voting systems
<b>July- November</b>	Pre-engagement on the representation review
<b>December</b>	Representation review analysis based on pre-engagement
2024	
<b>January</b>	Representation review analysis based on pre-engagement
<b>April</b>	Initial representation review proposal adopted Public notice of the initial proposal Submissions on the representation review (initial proposal) open
<b>May</b>	Submissions on representation review (initial proposal) close Report to Council
<b>June</b>	Hearings/deliberations on the representation review Public notice on the final proposal, inviting appeals/objections Appeals/objections submission period opens
<b>July</b>	Appeals/objections submission period closes
<b>August</b>	Representation review appeals/objections report to Council
<b>October</b>	Representation review documentation including any appeals/objections sent to the Local Government Commission for determination
2025	
<b>January- February</b>	Determination of representation review from Local Government Commission due for 2025 election

### 1.3 Issues

There are no issues in relation to this report.

### 1.4 Significance and Engagement

Representation arrangements affect all Napier residents and have a high degree of significance.

Council's Significance Policy 2017 states, "*On every issue requiring a decision, Council will consider the degree of significance and the most appropriate level of engagement...*"

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

*Council will engage with tāngata whenua where any matter involves a significant decision in relation to matters concerning community wellbeing.”*

Extensive consultation will be required to ensure Council's representation arrangements accurately reflect our city and the communities of interest within it.

## **1.5 Implications**

### **Financial**

A budget of \$20k has been attributed to the representation review for 2023/24 in the Long Term Plan, in addition to the \$100k budget for the Long Term Plan consultation.

### **Social & Policy**

There are no social or policy implications from this report.

### **Risk**

There is a risk that Council's decision be overturned by an appeal. Under Section 19O of the Local Electoral Act 2001, anyone who has made a submission on the representation review resolutions can lodge an appeal against Council's decision. The appeals are forwarded to the Local Government Commission which makes the final determination.

There is also a reputational risk for Council if the representation review process and final decisions are perceived as unfair or incomplete by the community.

## **1.6 Options**

No options were required for this update report.

## **1.7 Development of Preferred Option**

No preferred option was developed.

## **2.1 Attachments**

Nil

# REPORTS FROM STANDING COMMITTEES

## MĀORI COMMITTEE RECOMMENDATION

That the Māori Committee Recommendations arising from the discussion of the Committee reports be submitted to the Council meeting for consideration.

## REPORTS FROM NAPIER PEOPLE AND PLACES COMMITTEE HELD 18 MARCH 2021

### 1. AMENDMENTS TO THE 2021 COUNCIL/COMMITTEE MEETING SCHEDULE

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1291153
<i>Reporting Officer/s &amp; Unit:</i>	Helen Barbier, Team Leader Governance

#### 1.1 Purpose of Report

The purpose of this report is to seek approval for amendments to the schedule of Council and Committee meetings for 2021, as adopted on 22 October 2020 (**Attachment 1 – Doc Id 1295698**).

The proposed date changes are as follows:

Meeting	Previous Date	New Date
Council (Adopt LTP Doc)		8 April 2021 (1pm)
Māori Committee	21 May 2021	14 May 2021 (9am)
Council	3 June 2021	27 May 2021 (11am)
Council (LTP hearings)		8 June -11 June 2021 (9am)
Audit and Risk Committee	25 June 2021	16 June 2021 (1pm)
Council (adopt LTP/Rates)		29 June 2021 (9am)
Audit and Risk Committee	10 December 2021	26 November 2021 (1pm)

## Committee's recommendation

Councillors Brosnan / Chrystal

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The Napier People and Places Committee:

- a. Received the report "Amendment to the 2021 Council/Committee Meeting Schedule" dated 18 March 2021.
- b. Adopt the amendments to the 2021 Meeting Schedule as below:

Meeting	Previous Date	New Date
Council (Adopt LTP Doc)		8 April 2021 (1pm)
Māori Committee	21 May 2021	14 May 2021 (9am)
Council	3 June 2021	27 May 2021 (11am)

Meeting	Previous Date	New Date
Council (LTP hearings)		8 June -11June 2021 (9am)
Audit and Risk Committee	25 June 2021	16 June 2021 (1pm)
Hearings (for the consideration of Tenders)		22 June 2021 (12.30pm)
Council (adopt LTP/Rates)	29 June 2021	30 June 2021 (9am)
Audit and Risk Committee	10 December 2021	26 November 2021 (1pm)

- c. Note that a **DECISION OF COUNCIL** is required as the next meeting of Council scheduled for 22 April 2021, is too late to meet legislative requirements related to meeting notification.

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Carried

## 1.2 Background Summary

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

...

(4) *A local authority must hold meetings at the times and places that it appoints.*

(5) ...

(6) *If a local authority adopts a schedule of meetings -*

a) *The schedule-*

- i) *may cover any future period that the local authority considers appropriate, and*
- ii) *may be amended; and*

- b) *notification of the schedule or of any amendment to that schedule constitutes a notification of every meeting to the schedule or amendment.*

Although a local authority must hold the ordinary meetings as scheduled, Council may at a meeting, amend the schedule of dates, times and number of meetings to enable business to be managed in an effective way.

Although staff attempt to meet the needs of the Council it is inevitable that the schedule will need to be amended from time to time and these amendments will be notified to elected members via the Councillor diary as they arise.

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

The schedule includes the meetings of all committees not only so that members can plan ahead, but also to ensure that meetings days are in fact available and not later taken up by other meetings. Where scheduled meetings are not required cancellations will be advised to members as early as possible.

### **1.3 Issues**

N/A

### **1.4 Significance and Engagement**

This matter, of an amendment to the schedule of meetings, does not trigger Council's Significance and Engagement Policy or any other consultation requirements.

Refer to the individual report(s) for the relevant meeting for comments related to the Significance and Engagement Policy.

### **1.5 Implications**

#### **Financial**

There will be minor additional costs for venue hire and live streaming of the additional meetings.

#### **Social & Policy**

N/A

#### **Risk**

Further changes to the schedule could result in difficulty finding a suitable venue and increased costs.

### **1.6 Options**

The options available to Council are as follows:

- a) To adopt the amended 2021 meeting schedule as proposed
- b) To propose further amendments to the meeting schedule

### **1.7 Development of Preferred Option**

It is recommended that the amended 2021 meeting schedule be adopted as proposed.

### **At the Meeting**

The Team Leader Governance, Mrs Barbier spoke to the report and advised the meeting of two additional changes to the schedule circulated.

The proposed two additional changes were:

- An additional Hearings (for the consideration of Tenders) meeting on 22 June 2021 to accommodate two tenders that required finalisation in June; and
- At the request of Audit New Zealand the Long Term Plan adoption date was moved from 29 June 2021 to 30 June 2021.

### **1.8 Attachments**

- A 2021 Amended Council/Committee Meeting Schedule



DOC ID 1284395

NAPIER CITY COUNCIL MEETING SCHEDULE - JANUARY TO DECEMBER 2021

January		February		March		April		May		June		July		August		September		October		November		December									
1	Fr	NY Day	1	Mo	1	Mo	1	Th	Workshop	1	Sa	1	Tu	1	Th	P&P/Pro	1	We	1	Fr	1	Mo	1	We							
2	Sa	2	Tu	Workshop	2	Tu	Workshop pm	2	Fr	Good Friday	2	Su	2	We	2	Fri	2	Mo	2	Th	Workshop	2	Sa	2	Tu	Workshop pm	2	Th	Workshop		
3	Su	3	We	EQ Anni	3	We	3	Sa	3	Mo	3	Th	3	Sa	3	Tu	Workshop pm	3	Fr	Māori	3	Su	3	We	3	Fr	3	Th	3	Fr	
4	Mo	NY Hol	4	Th	P&P/Pros	4	Th	Workshop	4	Su	4	Tu	Workshop pm	4	Fr	4	We	4	Sa	4	Mo	4	Th	P&P/Pro	4	Sa	4	Sa	4	Sa	
5	Tu	5	Fr	5	Fr	5	Mo	Easter Monday	5	We	5	Sa	5	Mo	5	Th	Council	5	Su	5	Tu	Workshop pm	5	Fr	5	Su	5	Su	5	Su	
6	Wed	6	Sa	6	Sa	6	Tu	Workshop pm	6	Th	Sust/Future	6	Su	6	Tu	Workshop pm	6	Fr	6	Mo	6	We	6	Sa	6	Mo	6	Mo	6	Mo	
7	Thu	7	Su	7	Su	7	We	7	Fr	7	Fr	7	Mo	Queens birthday	7	We	7	Sa	7	Tu	Workshop pm	7	Th	Workshop	7	Su	7	Tu	Workshop pm		
8	Fri	8	Mo	Watangi	8	Mo	8	Th	Proposed Council (LTP doc) /Workshop	8	Sa	8	Tu	CI LTP Day 1	8	Th	Sust/Future	8	Su	8	We	8	Fr	8	Mo	8	We	8	Mo	8	We
9	Sa	9	Tu	CI Ex (Rev & Fin) Day 1	9	Tu	Tenders/Wkshp pm	9	Fr	Māori	9	Su	9	We	CI LTP Day 2	9	Fri	9	Mo	9	Th	Workshop	9	Sa	9	Tu	Tenders/ Wkshp pm	9	Th	Council	
10	Su	10	We	CI Ex (Rev & Fin) Day 2	10	We	10	Sa	10	Mo	10	Th	CI LTP Day 3	10	Sa	10	Tu	Tenders/Wkshp pm	10	Fri	10	Th	Workshop	10	Su	10	We	10	Fr	10	Fr
11	Mo	11	Th	Sus/ Fut Ex CI (Day 3)	11	Th	Council	11	Su	11	Tu	Tenders/Wkshp pm	11	Fr	CI LTP Day 4	11	Su	11	We	11	Sa	11	Mo	11	Th	Sust/Future	11	Sa	11	Sa	
12	Tu	12	Fr	CI Ex (Rev & Fin) Day 4	12	Fr	12	Mo	12	We	Citizen	12	Sa	12	Mo	12	Th	P&P/Pro	12	Su	12	Tu	Tenders/Wkshp pm	12	Fr	12	Su	12	Su	12	Su
13	Wed	13	Sa	13	Sa	13	Tu	Tenders/Wkshp pm	13	Th	Workshops	13	Su	13	Tu	Tenders/Wkshp pm	13	Fr	13	Mo	13	We	13	Sa	13	Mo	13	Sa	13	Mo	
14	Thu	14	Su	14	Su	14	We	14	Fr	Proposed new date Māori	14	Mo	14	We	LONZ AGM Elenheim	14	Sa	14	Tu	Tenders/Wkshp pm	14	Th	14	Su	14	Tu	Tenders/ Wkshp pm	14	Tu	Tenders/ Wkshp pm	
15	Fri	15	Mo	15	Mo	15	Th	Workshop	15	Sa	15	Tu	15	Th	15	Su	15	We	Citizen	15	Fr	Māori	15	Mo	15	Mo	15	We	15	We	
16	Sa	16	Tu	Workshop pm	16	Tu	Workshop pm	16	Fr	16	Su	16	We	Proposed new date A & R	16	Fri	16	Mo	16	Th	Council	16	Sa	16	Tu	Workshop pm	16	Th	Workshop		
17	Su	17	We	Citizen	17	We	17	Sa	17	Mo	17	Th	17	Sa	17	Tu	Workshop pm	17	Fri	17	Su	17	We	Citizen	17	Fr	17	Fr	17	Fr	
18	Mo	18	Th	Workshop	18	Th	P&P/Pro	18	Su	18	Tu	Workshop pm	18	Fr	18	Su	18	We	18	Sa	18	Mo	18	Th	Workshop	18	Sa	18	Sa	18	Sa
19	Tu	19	Fr	19	Fr	19	Mo	19	We	19	Sa	19	Mo	19	Th	Sust/Future	19	Su	19	Tu	Workshop pm	19	Fr	19	Su	19	Su	19	Su		
20	Wed	20	Sa	20	Sa	20	Tu	Workshop pm	20	Th	Workshops	20	Su	20	Tu	Workshop pm	20	Fr	20	Mo	20	We	20	Sa	20	Mo	20	Sa	20	Mo	
21	Thu	21	Su	21	Su	21	We	21	Fr	21	Mo	21	We	Citizen	21	Sa	21	Tu	Workshop pm	21	Th	Workshop	21	Su	21	Th	Workshop pm	21	Tu	Workshop pm	
22	Fri	22	Mo	22	Mo	22	Th	Council	22	Sa	22	Tu	Workshop pm	22	Th	Workshops	22	Su	22	We	22	Fr	HB Anni	22	Mo	22	Mo	22	We	22	We
23	Sa	23	Tu	Workshop pm	23	Tu	CI Day 1 (Gambling)	23	Fr	23	Su	23	We	23	Fri	Māori	23	Mo	23	Th	P&P/Pro	23	Sa	23	Tu	Workshop pm	23	Th	Workshop		
24	Su	24	We	24	We	CI Day 2 (Gambling)	24	Sa	24	Mo	24	Th	24	Sa	24	Tu	Workshop pm	24	Fri	A & R	24	Su	24	We	24	Fr	24	Fr	24	Fr	
25	Mo	25	Th	Workshop	25	Th	Sus/Fut	25	Su	25	Tu	Workshop pm	25	Fr	25	Su	25	We	25	Sa	25	Mo	Labour Day	25	Th	Workshop	25	Sa	Xmas Day		
26	Tu	Workshop pm	26	Fr	Māori	26	Fr	A & R	26	Mo	Anzac Day	26	We	26	Sa	26	Mo	26	Th	Workshops	26	Su	26	Tu	Workshop pm	26	Fr	Māori New date AAR	26	Su	Boxing Day
27	Wed	27	Sa	27	Sa	27	Tu	Workshop pm	27	Th	Proposed new date Council	27	Su	27	Tu	Workshop pm	27	Fr	27	Mo	27	We	27	Sa	27	Sa	27	Mo	27	Mo	
28	Thu	Workshop	28	Su	28	Su	28	We	28	Fr	28	Mo	28	We	28	Sa	28	Tu	Workshop pm	28	Th	Council	28	Su	28	Su	28	Tu	28	Tu	
29	Fri	29	Mo	29	Mo	29	Th	P&P/Pro	29	Sa	29	Tu	Council - Adopt LTP/Rates/ Workshop	29	Th	Workshops	29	Su	29	We	29	Fr	29	Mo	29	Mo	29	Mo	29	We	
30	Sa	30	Tu	Workshop pm	30	Fr	30	Fr	30	Su	30	We	30	Fr	30	Mo	30	Th	Sust/Future	30	Sa	30	Tu	Workshop pm	30	Th	30	Th	30	Th	
31	Su	31	We	31	We	31	Mo	31	Mo	31	Mo	31	Mo	31	Tu	31	Tu	31	Su	31	Su	31	Su	31	Fr	31	Fr	31	Fr		

CL = Council 10am    
 P&P = Napier People and Places Committee 10am  
 Pros = Prosperous Napier Committee    
 Sus = Sustainable Napier Committee 10am  
 Fut = Future Napier Committee    
 Māori = Māori 9am    
 A&R = Audit & Risk Committee 1pm

## REPORTS FROM PROSPEROUS NAPIER COMMITTEE HELD 18 MARCH 2021

### 1. QUARTERLY REPORT FOR THE SIX MONTHS ENDED 31 DECEMBER 2020

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<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1289821
<i>Reporting Officer/s &amp; Unit:</i>	Caroline Thomson, Chief Financial Officer

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#### 1.1 Purpose of Report

To consider the Quarterly Report for the six months ended 31 December 2020.

#### Committee's recommendation

Councillors Price / Crown

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The Prosperous Napier Committee:

- a. Receive the Quarterly Report for the six months ended 31 December 2020.
- 

Carried

#### 1.2 Background Summary

The Quarterly Report summarises the Council's progress in the second quarter of 2020/21 towards fulfilling the intentions outlined in the Annual Plan. Quarterly performance is assessed against income, total operating expenditure, and capital expenditure.

#### 1.3 Issues

No issues.

#### 1.4 Significance and Engagement

N/A

#### 1.5 Implications

##### Financial

The year to date operating net deficit of \$870k is \$5.2m favourable to the budgeted deficit of \$6.1m.

The Annual Plan 2020/21 forecasts a reduction in revenue from Council's tourism activities due to impacts from COVID-19. However, the recovery from COVID-19 for Council's tourism activities year to date has been better than anticipated, with revenue \$3.6m higher than budget.

Revenue from Financial and Development contributions is higher than budget by \$500k and interest earned is above budget by \$300k.

The favourable variances are offset by increased depreciation expense of \$1.6m and higher than forecast other operating expenditure.

Further detail on the financial variances for the quarter ended 31 December 2020 is contained in the report attached.

### **Social & Policy**

N/A

### **Risk**

N/A

## **1.6 Development of Preferred Option**

Receive the quarterly report for the six months ended 31 December 2020.

### **At the Meeting**

Amendments as follows were noted at the meeting in the Quarterly Report:

- Pg 21 Stormwater – Napier City Council in collaboration with Bay of Plenty should read “*with Hawke’s Bay Regional Council*”
- Pg 58 Community and Visitor Experiences – Napier Conference Centre renewals should be “*Napier War Memorial Centre*”.
- Report referred to the Māori Consultative Committee and should be the *Māori Committee*.

Ms Thomson confirmed that the Annual Plan budgets were set in June 2020 taking into account a reduction in revenue from Council’s tourism activities due to the impacts from COVID19. A conservative approach was taken when setting the budgets and tourism activities had performed better than originally anticipated.

The budgets assumed that the forecast deficits for tourism activities would be funded from reserves. If the current trend continued for the remainder of the financial year, Council would not need to fully utilise the reserves funding that had been tagged to the tourism activities.

## **1.7 Attachments**

- A Quarterly report for the six months ended 31 December 2020 (*Under Separate Cover*)

## REPORTS FROM SUSTAINABLE NAPIER COMMITTEE HELD 25 MARCH 2021

### 1. LEASE OF RESERVE - PELEGA O MATUA FANAU CHARITABLE TRUST

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*Type of Report:* Legal

*Legal Reference:* Reserves Act 1977

*Document ID:* 1288626

*Reporting Officer/s & Unit:* Bryan Faulknor, Manager Property  
Jenny Martin, Property and Facilities Officer

#### 1.1 Purpose of Report

To seek Council confirmation for a ground lease with Pelega O Matua Fanau Charitable Trust and to ratify that decision on behalf of the Minister of Conservation in accordance with the delegated authorities.

#### Committee's recommendation

Councillors Taylor / Chrystal

---

The Sustainable Napier Committee:

- a. Resolve:
  - i. To confirm the granting of a ground lease for Pelega O Matua Fanau Charitable Trust for a ten year term with a five year right of renewal for the land occupied by the Early Childhood Education Centre on the Riverbend Road Reserve between Riverbend Road and Latham Street.
  - ii. To ratify that decision on behalf of the Minister of Conservation in accordance with the delegated authorities pursuant to the Instrument of Delegation for Territorial Authorities dated 12 June 2013.

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Carried

#### 1.2 Background Summary

On 17 December 2020, Council resolved, pursuant to Section 73(3) of the Reserves Act 1977, to grant a lease to Pelega O Matua Fanau Charitable Trust, for a ten-year term with a five-year right of renewal for the land occupied by the Early Childhood Centre on the Riverbend Road Reserve between Riverbend Road and Latham Street.

In terms of Section 119 the Act, this resolution was required to be publicly notified in the local newspaper and any objections considered. The one-month objection period has passed and there were no objections.

As outlined at the previous meeting, the Childcare Centre was incorrectly constructed on the Council reserve in 1999. The granting of a lease provides a pragmatic solution to a long-standing issue.

#### 1.3 Issues

There are no issues.

#### **1.4 Significance and Engagement**

As mentioned above, the resolution was publicly notified.

#### **1.5 Implications**

##### **Financial**

Not applicable.

##### **Social & Policy**

Not applicable.

##### **Risk**

Not applicable.

#### **1.6 Options**

The options available to Council are as follows:

- a. To confirm a ground lease with Pelega O Matua Fanau Charitable Trust be entered into and to ratify that decision on behalf of the Minister of Conservation in accordance with the delegated authorities.
- b. To decline confirmation for a ground lease with Pelega O Matua Fanau Charitable Trust.

#### **1.7 Development of Preferred Option**

Option (a) is the preferred option as it gives Council a control on this activity on its Reserve where at present there is none.

##### **At the Meeting**

The officer spoke to the report noting:

- This is a matter which has been before Council before and this recommendation will close off a longstanding issue.

#### **1.8 Attachments**

- A Pelega O Matua Fanau Charitable Trust lease area
- B Adjacent Samoan Church area



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Original Sheet Size A4  
Print Date: 20/08/2020

Digital map data sourced from Land Information New Zealand. CROWN COPYRIGHT RESERVED. The information displayed in the GIS has been taken from Napier City Council's databases and maps. It is made available in good faith but its accuracy or completeness is not guaranteed. If the information is relied on in support of a resource consent it should be verified independently.



NAPIERTheArtDecoCity

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Scale: 1:800  
Original Sheet Size A4  
Print Date: 23/09/2020

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## 2. CHLORINE FREE REVIEW

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<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Enter Legal Reference
<i>Document ID:</i>	1293086
<i>Reporting Officer/s &amp; Unit:</i>	Catherine Bayly, Manager Asset Strategy

### 2.1 Purpose of Report

The purpose of this report is to introduce the report - Chlorine-Free Drinking Water Review – Options for the Provision of Safe Drinking Water to Council and to seek approval of the proposed way forward around engaging with the community.

#### Officer's recommendation

The Sustainable Napier Committee:

- a. Endorse this Chlorine free review paper and the Final Draft Chlorine Free Drinking Water Review
- b. Approve the proposed high level Communications and Engagement Plan for the Chlorine Free Review

### 2.2 Background Summary

#### *Rationale for the Review*

In 2017 Council experienced a number of E. coli readings in the water network. Given the post Havelock North environment and a national push regarding water safety, Council agreed with the Drinking Water assessor to add emergency chlorination to the Water Supply network.

Napier, like all water networks, has experienced dirty water in the past but the addition of chlorine exacerbated this situation given the water chemistry of some of our bores and the way that the network is designed. Napier has levels of manganese and iron in its source water that can cause dirty water.

The addition of chlorine and ongoing issues with dirty water has resulted in a local movement towards removing chlorine from Napier's supply. This has been evident in the strong support for the two de-chlorination stations installed in 2019 and 2020.

In December 2019, Council resolved to proceed with a review to consider the options for the future of Napier's water supply, comparing the option of an enhanced system with chlorine disinfection compared with a safe chlorine free alternative. Council decided prior to the procurement process that the consultant used for the review would be chosen by Council.

Council also confirmed around this time that Water was Council's number one priority.

#### *Required Review Outcomes*

The Chlorine Free Review project's main outcome was to outline the following two options:

1. Maintaining our current planned service delivery, with residual Chlorine disinfection as our main safety barrier, and implementing a safe supply that aligns with the 2018 Water Safety Plan framework and;
2. Develop the water network to a standard where residual disinfection can be removed with no negative impact on water quality or public safety and which meets regulatory requirements

In developing the business case the consultant was required to deliver the following requirements:

The business case will include the technical considerations of both options, the risks, benefits and likely costs to deliver each option. These options will then form the basis of consultation with our community on the way forward for our drinking water supply.

Engagement with key stakeholders will be used to inform the review and this includes the Ministry of Health (MoH) in their current role as a water regulator. This reflects the need for the water regulator to be supportive of any proposed alternative to residual disinfection.

The output of the review will be two fully costed options for the delivery of safe water supplies in Napier. The two options will be based around the requirements of the new Water Safety Plan Framework and the chlorine free option will be developed with guidance from the Ministry of Health to ensure that any future chlorine free option would be acceptable to them.

The recommended chlorine free solution will be based on an assessment of a range of inputs such as the quality of the ground water source, network design and operation, water quality issues, demand etc. and proposing a solution that represents the best fit in providing a safe chlorine free water supply that will work within the Napier water supply environment. The consultant will provide details of alternative options that have been considered but were not preferred and the reasons for this.

The business case will determine the quantum of work and the funding that will be required to develop the two options and clarity around future staffing requirements and operational costs for both options. It is anticipated that the costs will be developed at a “comparative” level between the two options. The review does not include any system or treatment design, therefore it is not possible for the costs to be exact but they will provide sufficient detail to understand the quantum of work and the comparative costs between the options.

The business case will be subject to a peer review of the financial modelling and of the technical solutions to confirm that the scope is adequate and that risks are appropriately identified and addressed with each option.

#### *Procurement Process*

Council wanted to enable a wide range of businesses to be able to submit to undertake the review. This led to a robust two Stage Procurement Process, which included a Registration of Interest (ROI) followed by a shortlisted subgroup providing a proposal to Council.

The tender documents were downloaded by around 13 different parties and 7 different groups provided information on their team and relevant experience in the first ROI stage.

To judge the submissions, a tender evaluation team was established and Councillor Nigel Simpson was brought into the process as an observer. In addition, a probity advisor, McHale Group were involved in the process and they provided guidance and commentary throughout.

Following the tender panel review of submissions, four consultants were shortlisted to proceed to the second stage to provide a cost and their methodology for the review. This

occurred at the same time as the first Covid-19 lockdown and all consultants requested a time extension. This delayed the tender process by around a month.

The tender evaluation panel agreed to put forward Prattle Delatorre Partners to complete the review due to the international team put forward, the collective experience in water quality management and the relationship with Waternet in the Netherlands. This recommendation was put forward to Council on the 20<sup>th</sup> May 2020 at an extraordinary Meeting. Council approved the recommendation.

#### *Review Process*

The review started in June 2020 and began with site visits to key assets in the network, meetings with three waters and operations staff to understand the network, the risks and how it is operated. A review of the Water Master Plan and LTP was undertaken as well, to understand the direction that Council is heading in. A detailed assessment of the source water, the source water risks and the details around the condition and operation of the network are provided in the body of the report. This was also compared with the process used by Waternet and other chlorine free systems around the world including the Netherlands, Denmark, Germany, Austria, Switzerland as well as Canada and the United States to understand the differences between Napier's supply and well-established, safe chlorine free systems.

The team have established that the following attributes are in common across chlorine-free systems;

- Low levels of non-revenue water (NRW)
- Proactive mains replacement (in older pipe networks) programme (>3% of total pipe length per annum)
- Proactive or SMART network operation and maintenance
- Active pressure management
- Active NRW management
- District Metering Areas (DMAs)
- Universal household water metering
- Universal backflow prevention
- Enhanced water hygiene procedures
- Source water protection
- Effective water treatment
- Biologically stable water
- Enhanced water quality standards - chemical and microbiological
- Enhanced water quality monitoring programme
- Trained and motivated workforce
- Clear public health policies and procedures
- Advanced asset management practices

In addition to understanding chlorine free supplies overseas, the team worked closely with a number of stakeholders to understand the industry context. The main stakeholders included the Ministry of Health, HBDHB Public Health unit, senior government officials related to the set of the new regulator, The Guardians of the Aquifer.

Following the discovery phase, the Pattle Delamore team worked with colleagues across four countries to determine the evaluation criteria under which various options and chlorine free options could be compared. Thirteen criteria were chosen which fell into four main categories:

- **Financial** – Capex and Opex
- **Technical** – construction complexity, operational complexity, water security, time to implement
- **Health and Environment** – health and safety, public health risks, environmental risks

- **Social and Political** – cultural acceptance, legal and compliance risk, public acceptability, Dirty Water Customer Complaints (DWCC)

On Thursday 9th July 2020 a workshop was held with Councillors to go through the chosen criteria and to discuss the 11 options that had been put forward. Following the workshop, Council instructed the team to consider a 12<sup>th</sup> option – Pre 2017 with new service reservoirs, acoustic sensors and enhanced water hygiene practices. They also directed the team to engage an external peer reviewer to review the final document and to further engage with previous council staff.

Once all of the options had been assessed against the assessment criteria a short list of four top scoring options was developed. These options included:

1. Dutch model (Chlorine Free)
2. Status Quo plus (Chlorine based)
3. Status Quo including Manganese removal and Ultra Violet treatment (Chlorine based)
4. Status Quo plus with optional point of use.(Chlorine Free Optional)

The last option involved filters on all houses including granular activated carbon filters and ultra violet systems treating the full flow to a property. The staffing requirements to service all of the 23,000 or so devices and monitoring is significant and the annual opex cost could equate to around \$12m. The cost of this (around \$521 per property per year) would be added onto the water bill for each property. The legal responsibility for the water quality of the point of use system is not clear under the DWSNZ and therefore this option was not deemed possible.

It was recognised that The Status Quo Plus option – which is essentially implementing Council's Water Master Plan and addressing leakage, improving asset management practices and having a resilient network with Chlorine, forms the basis of a robust chlorine free network. Therefore the review team moved forward with a phased approach, moving from the current position to Status Quo Plus then on to Chlorine Free. This way there would be a hold point prior to deciding to go Chlorine Free whilst ensuring that work undertaken in the short to medium term supports the longer term vision and is not redundant.

#### *Peer Review*

The peer review team consisted of a collaboration between GHD NZ, Royal Haskoning (Netherlands) and the Principal Water Quality Manger from Evides Water Company (Netherlands).

The findings of the peer review are summarised below:

#### **Summary of our Peer review assessment**

- Overall the team were in agreement with the direction taken by PDP and the conclusions made regarding achieving a chlorine free water supply
- PDP provided a thorough assessment of the options, risks, and a possible pathway forward to becoming chlorine free
- The report identified the risks and ability to gain approval from Taumata Arowai
- It is clear that being chlorine free is possible, but is a long term goal that requires a shift in mindset of all those involved in the water supply system

#### **Our Initial Peer review assessment**

A collaborative approach between the GHD team and the Review team allowed early input and discussions for the peer review assessment. Points raised by the GHD team that were discussed and then addressed in subsequent revisions included:

- Clarity was needed on how the options were presented and what is involved
- Some concern that the water quality data used was based on sampling from both online and offline bores
- Discussion on understanding bore security and current drawdown effects seen in NCC bores
- The Dutch decision to go chlorine free is on the basis of biologically stable water. No comment was made on biological stability of Napier water
- Dutch networks have branched networks whereas NZ networks are often looped, partly due to firefighting requirements
- The effects of earthquakes and resilience of materials
- Initially there was not enough detail in the initial report for GHD to review the cost data and the pathway to chlorine free was not communicated well enough to understand the key decision points within the strategy.

#### **Final Peer Review comments**

- more work is required to confirm the reason for the occasional poor water quality results from the bores before labelling bores as insecure
- there is a risk that the iron and manganese problem may partially continue despite treatment in the short term as problems are partially historic
- Current water losses are high, but very uncertain
- > 30% non-revenue water is likely overstated
- Improvements are needed in metering to know what real losses are and therefore the renewal investment level needed
- A leakage target of 5% or perhaps a higher target could be used if online network loss monitoring is implemented
- A pipe renewals programme of 3% per year is ambitious and may not be achievable or required
- A greater understanding of leakage and network water quality risk is required as a more targeted approach is needed
- Regarding cost of renewals and water quality measures, generally we are in agreement with PDP although we believe more understanding of leakage and usage and risk potential for a poor water quality event is needed before a renewal programme level of expenditure is possible.

### **2.3 Issues**

The main issues relating to the review include:

- The Water Services Bill directs that all supplies have disinfectant residuals (ie chlorine) and that there is an exemption pathway to provide a water supply without chlorine, however this pathway has not been defined.
- The cost estimates are +/- 50% as the reviewers were not asked to design or cost specific solutions, this is a basis on which further work could be undertaken.
- Risks have been identified regarding potential contamination pathways impacting our source water and more investigation is required to better understand these risks.
- Unaccounted for Water is up around 30% and leakage levels are expected to be higher than originally thought. Additional leakage detection work (already underway) would be required and the set-up of District Monitored Areas (DMAs) or mini

networks would be required to assist with leakage reduction and therefore reducing the risk of contaminants entering the network. This understanding will also assist with water conservation and understanding the extent of pipe renewals required to get to a low level of leakage.

- The reviewers met with many stakeholders including the Ministry of Health, public health experts, Bill Bayfield (CEO of the new water regulator Taumata Arowai), previous Council staff, the Drinking Water Assessor, local drilling experts, The Guardians of the Aquifer, Elected members and Council staff.
- The resultant outcome of the stakeholder engagement indicated that there is no quick-fix that would enable Napier to return to a chlorine free water supply in the short term. The current changing regulatory environment is only increasing the “height of the bar” for water suppliers to legally operate systems free of chlorine.
- The exemption pathway is not clear and it looks like this won't be set by Taumata Arowai, rather a supplier will need to put forward a proposal. However, senior government officials involved in the industry reform have indicated that they would expect a stringent system such as that used in the Netherlands and Denmark including universal metering and very low levels of leakage.
- The ability of the Council and the industry to implement the full Status Quo Plus and Chlorine Free network in the example timeframe of 22 years is questionable. There are also affordability issues around delivery over this short timeframe.

## 2.4 Significance and Engagement

The Chlorine Free Drinking Water Review Report will be discussed in the Consultation Document and the Long Term Plan so that they community can have their say.

The attached paper outlines the communications and engagement plan suggested for the chlorine free review. The team proposes to directly respond to those stakeholders that have already been engaged. For the community of Napier a mixture of facebook live, a community meeting, a technical session with Q&A with the review team and various print media and facebook posts are proposed.

## 2.5 Implications

### Financial

The Review team looked at the two main scenarios, following moving from the long list of options to the most practical options and plotted these over a 20 year time period to be able to compare the costs of the options against each other. This is shown in Table One. The Status Quo scenario shown is essentially the Water Master Plan projects that have been itemised in the Long Term Plan and delivered over a 20 year period. These figures are not inflated.

The Status Quo option will cost approximately **\$180 million**

The Status Quo Plus option will cost approximately **\$220million**

The chlorine Free option will cost approximately **\$300 million**

**Table One:** Outline of the 20 Year cost Scenarios

<b>Table 25: Outline of three 20-year cost scenarios</b>		
<b>STATUS QUO</b>	<b>STATUS QUO PLUS</b>	<b>ROAD TO CHLORINE-FREE</b>
Investment as per the NCC Long Term Plan (and WS Network Master Plan) which is cash constrained with slow incremental improvement in renewals.	Investment as per the NCC long-term plan (and WS Network Master Plan), plus aggressively replace cast iron pipe by 2030, then ongoing investment at 2% of network per annum.	Total investment as per the NCC long-term plan (and WS Network Master Plan) but accelerated timing, plus aggressively replace cast iron pipe by 2030, then ongoing aggressive investment at 3.5% of network per annum.
Maintain AM practices at the “core” level.	Lift AM practices to “intermediate” level by 2030.	Lift AM practices to “advanced” (ISO 55000) by 2030.
New staff (three) limited to operation of new bore fields and treatment plant.	New staff (three ops and three AM).	New staff (three ops and four AM).
Acoustic leak detection of entire network on a 3-year cycle as per current levels, establish DMAs, universal metering, backflow prevention, upgrade SCADA.	Reduce leakage to 22% by 2030 and 18% by 2040 through cast iron mains replacement, aggressive leak detection, formation of DMAs, enhanced backflow prevention.	Reduce leakage to 15% by 2030 and 10% by 2040 through SMART water network / automation, leak detection, DMAs, universal metering, and backflow prevention.
This level of investment is unlikely to ever achieve the level of network integrity required to go chlorine-free as pipeline replacement rates are initially too low to get on top of deterioration.	Unlikely to get regulatory approval to go to chlorine-free but deterioration of network under control.	Likely to be in a strong position to get approval from Taumata Arowai to operate chlorine-free.
The total cost of this scenario is estimated at <b>\$178 million over 20 years.</b>	The total cost of this scenario is <b>\$216 million over 20 years.</b>	The total cost of this scenario is <b>\$295 Million over 20 years.</b>

**Social & Policy**

N/A

**Risk**

- The ability for the Council and Industry to deliver the required work in a timely manner
- The community's ability to afford to pay for a status quo plus and/or chlorine free system and over what time frame.
- The exemption pathway is unclear and although options have been chosen that have the greatest chance of success, this is not guaranteed.

- The exposure drafts for the new Drinking Water Standards NZ may force Council to deliver temporary measures e.g. treatment, to meet compliance which may defer the long term development of the network.

## 2.6 Options

The options available to Council are as follows:

- a. **Status Quo** – Water Masterplan, basic level of leak detection, renewal rates below required, basic leak detection, core level of asset management practice
- b. **Status Quo Plus** – Water master plan, leakage reduction to reasonable level, mini networks and backflow detection, Intermediate level of asset management
- c. **Chlorine Free** – All of the above plus aggressive leak reduction targets, sophisticated monitoring of water quality and network operation, advance level of asset management, universal metering, universal backflow, smart network.

## 2.7 Development of Preferred Option

The report has not identified a preferred option, rather has outlined the costs of each and shown that the work needed in the first LTP would be a stepping stone to moving towards chlorine free and that work undertaken to achieve status quo plus would not be redundant if Napier were to continue with the next stage of the process and go chlorine free.

Council is already on this pathway and the question for Council and the community is how far and how fast to proceed on the journey.

### At the Meeting

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The officer spoke to the report, along with Tony Urquhart and Peter Hillis of PDP, who carried out the review, and Peter Free of GHD NZ, who peer-reviewed the report, noting:

- The water space is very busy now, with central government launching the Three Waters Reform Programme and the Water Services Bill, which will reform the drinking water regulatory system. This bill will require a residual disinfectant in the water network, unless a Council can gain an exemption.
- A thorough procurement process was undertaken to engage PDP, who were tasked with carrying out an extensive external review of Napier's water network and costing two identified options for the delivery of safe water to Napier; to maintain the current planned service delivery in line with the 2018 Water Safety Plan framework, with residual chlorine disinfection as the main safety barrier, and to develop the water network to a standard where residual disinfectant can be removed safely. With either option the aim will be to have a network which will deliver safe drinking water for the next fifty years.
- There have been some misconceptions circulated by media, such as fixing the water issues in Napier will cost \$300 million. This is not true. The dirty water issues will be dealt with separately. NCC has central government funding to put towards a water quality improvement project to find new bore sites which are not high in manganese. The Tamatea and Parklands controlled water area project is due to be completed at the end of April, this is where a mini water network will be created, with water from the Taradale bores and continued pigging, so that water issues should be significantly reduced, if not eliminated.
- There are also a number of water quality and flow monitoring projects happening this year under the three waters reform work, which will lead to a lot

more information about the quality and flow of the Napier water network. Pigging will also continue over winter.

- Before chlorine was added to the Napier water network there were dirty water issues and all water networks have dirty water issues at some point. Also if Napier does move to a chlorine free network, chlorine will still be needed occasionally, as it is in Holland's chlorine free network.
- The cost for options identified in the report by PDP will be plus or minus thirty percent. This is normal as the true cost of the work will not be known until the work begins and the true state of the network is discovered.
- There were some differences between PDP and GHD, but on the whole they are in agreement about what it will take to bring the network up to standard and also in what it would take to move to a chlorine free network.
- The CEO of Taumata Arowai has to sign off on an exemption that would authorise the removal of residual disinfectant from the network. They will not be providing an exemption pathway, rather a proposal will need to be submitted to them. They have indicated that it will need to be a stringent system with very low leakage levels and thorough, continuous monitoring of the system.
- The majority of the investment will be in the below ground level infrastructure.
- There are gaps in knowledge as the true nature of Napier's water network cannot be known unless the below ground level infrastructure is dug up. Once work begins this will help fill the knowledge gaps and there will be less assumptions.
- The project will take approximately thirty years.
- Holland maintained the chlorine in their system until they had a better understanding of what was happening and the quality of their water, and then they took it out gradually, monitoring constantly to make sure it was safe.
- Out of the three most practical options, status quo, status quo plus, and road to chlorine-free, there are some commonalities. Investment made now to bring the water network in line with the requirements of the Water Services Bill, will align with going chlorine free in the longer term; such as low cost strategies like finding new bore sites or installing manganese treatment plants.
- The review of PDP's report was collaborative. GHD feel it is possible to achieve a chlorine free network but it will take a lot of work. There is a lot of work needed to establish bore security and to assess why the water quality has been poor.
- There will be engagement with the Community about the project with media releases, Facebook Live sessions, community consultation, and involving stakeholders by sending them the report and peer review report. There will be Māori engagement in the form of a cultural assessment of the options in the report, as well as consultation with Mana Whenua entities and seeking the endorsement of NCC's Māori Committee.

In response to questions from Councillors the following points were clarified:

- As part of the three waters reform NCC will need to explain how the water is moving through the network, we have no control over that currently, it flows where the demand is. Eventually bores will feed into reservoirs which will gravity-feed into the network. Also there will be mini networks or controlled

water areas to help with leakage. Wet boards will be installed to help with understanding of water quality at certain points in the network.

- DMA's (district metered areas) will improve understanding of pressure, flow and leakage, but installing these across the whole network is a longer term process.
- A smart network talked about in the report would include pressure transducers and flow meters. Water flow and pressure are the two major measures of whether a system will be prone to ingress from leakage, and helping to identify when leaks occur.
- Twenty years to implement the options listed in the report will be challenging. There would be a lot of disruption to the community with areas of the network needing to be shut down to do work, and it will be high cost. An optimistic view would be that it will take ten years. Two to three years is not realistic.
- To achieve an exemption from Taumata Arowai the network will need to be down to 5% leakage global target. It is predicted for Napier to get to that target 1.5 – 3% of the network will need to be replaced a year, which will be challenging. This target may change as more evidence is collected, and the starting point of leakage for Napier's network is yet to be determined.
- To achieve an exemption NCC would need to demonstrate it is in control of the network and able to maintain water quality, and from a risk perspective showing a very good understanding of the leak level and the impacts of that will be essential.
- The new water standards need to be met by next year. The fixes put in place are planned to be long-term fixes.
- PDP's report is the first step towards an understanding of Napier's water network baseline, but there is still a lot of work to do to confirm this with a monitoring programme to be established.
- GHD's full peer review report, due within a week, is still to be presented to Council, however as the Chlorine Free Drinking Water Review report was put together in collaboration with GHD a lot of their views are expressed throughout it.
- GHD were appointed as the peer reviewer due to their skills, local experience and also the local interest in GHD's work in Christchurch.
- The status quo option is work that has to be done to meet national standards. This will cost approximately \$180 million. This will include things like UV treatment, and potentially filtration, which will become mandatory to install.
- The current three year leak detection project has found approximately sixty seven leaks around the Westshore and Bayview areas. Where leaks were able to be dealt with straight away they were, but there will also be a list of work to be done to address the other leaks. Over the next two financial years leak detection will be carried out across the rest of the city.
- Treatment plants will be needed on an ongoing basis as the new drinking water standards will mean Napier loses its bore security status. At the moment treatment plants will be designed for treatment using chlorine, but when designing the plants adding extra things like fluoride can be allowed for. The cost of the treatment component of the total programme is quite small and even if the network becomes chlorine free chlorine may still be needed as a backstop from time to time.

*Councillor Crown left the meeting at 11:21am.*

*Councillor Crown returned to the meeting at 11:23am.*

- Water meters on private water supplies would be ideal to help with measuring and detecting back flow issues into the network. There could also be leaks on the private side of the connection which water meters would help to detect. Installing water meters does not mean the council will start charging for water use.
- The current dirty water issues should be cleared up in one to two years with establishing new bore sites and being able to close down the old problem bores which are high in manganese.
- Once mini networks are established it might be possible to go chlorine free in one part of the city before the other part if necessary.
- The communications and engagement plan is currently high level currently, but work is being done on a trial plan to work through some of what will be required to give the community adequate details over the course of the project.
- There has not been a correlation established between chlorine and cancer as there is a lack of long-term research in that space. Smoking and diet are still bigger risks than chlorinated water.

**Procedural Motion:**

That under Standing Order 21.1 the Chair agreed to suspend Standing Order 21.6 to allow all Councillors to speak to the Motion.

**2.8 Attachments**

- A High Level Engagement Plan – Chlorine Free Review
- B Chlorine-Free Drinking Water Review – Options for the Provision of Safe Drinking Water to Napier City (*Under Separate Cover*)



## High Level Engagement Plan – Chlorine Free Review

### The Project

Council commissioned a 'Chlorine Free Review' to investigate the options for Council to supply water without Chlorine, while meeting government standards for drinking water supply. The review included reviewing the status quo, with Chlorine disinfection, but with upgrades, risk management and increased monitoring.

The review team experts were from four different countries, and worked through the options and complexities around providing a safe chlorine free network and their likely costs.

### Significance and Engagement Policy

This project has resulted from the community feedback made to the Mayor and Council pre and during the last election campaign and has been a constant theme (along with dirty water) of community engagement for some time. Chlorine Free water supply is a matter of high public interest. The management of water is of high interest to Māori, particularly with regards to upholding tikanga and cultural values. The Guardians of the Aquifer are a group that has maintained a high level of interest and interaction with Council requesting a Chlorine Free water supply many times. Engagement activities will inform the community and key stakeholders of the review findings and Council's work programme – particularly how it contributes to the potential to go chlorine free in the long term.

### Approach

Several engagement activities that are targeted to the wider community but also of interest to key stakeholders are planned. A presentation and discussion session with Council's Māori Committee, Mana Whenua entities and the regional Joint Drinking Water Working Group is planned. Direct communication to the Guardians of the Aquifer will be undertaken. The Chlorine free review matter is included in the Long Term Plan Consultation and feedback will be sought from the community about whether they agree with our approach. The review report will be available on the Council website along with a summary

### Communication & Engagement Tools

Target	Approx. timeframe	Tool
Māori engagement	Late March – June	Cultural Assessment – to be commissioned Presentation to Māori Committee and Mana Whenua entities Participation on FB Live Panel
Community-wide	Late March – June/July	FB Live – panel session Guest Lecture – Technical Expert Community meeting Long Term Plan Consultation Website information Print and social media
Other key stakeholders	Late March	Direct email with Review Report
Media	Late March	Media release post Council meeting

### 3. PROJECTS UPDATE

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1294960
<i>Reporting Officer/s &amp; Unit:</i>	James Mear, Manager Design and Projects

#### 3.1 Purpose of Report

To provide Council with information on Capital Programme Delivery.

#### Committee's recommendation

Councillors Mawson / Chrystal

The Sustainable Napier Committee:

- a. Receive the Project Update report dated 25 March 2021.

Carried

#### 3.2 Background Summary

The successful delivery of projects is an important part of Council Success. Council projects and programmes of work consist of multiple phases and often span multiple years, starting with the development of strategies and often concluding with construction works. A large portion of projects are not initially capital funded projects however such work may eventually lead to capital projects.

The successful delivery of projects has an important part to play to enable democratic local decision-making which intern promote social, economic, environmental, and cultural well-beings for the Napier community now and for the future.

NCC has implemented an enterprise workflow system called Cycle, used in parallel with financial reporting and document management, to report on project management requirements. Cycle connects community outcomes, strategic goals, strategies and actions with projects; and is also used to manage individual and organisational performance metrics, and strategic and operational risks. Council are seeking to integrate the functionality of Cycle with the Long Term Plan cycle to improve the way in which needs/problems are identified and considered in line with the Long Term Plan and Annual plan processes.

Council's Project Management Framework has been developed within Cycle to provide for the management and reporting of Council Projects. This initiative is still in development phase, with training of council officers on both the project management framework and its use within Cycle required to enable Council wide use of Cycle.

Further uptake and use of Cycle will improve the quality of information within Cycle and the ability to report on project delivery. This report is consistent with the first iteration of the Project Delivery Progress Report and will be improved over time.

Project Status Summary:

	Initiate	Programme	Plan & Execute	Transfer & Close	Total projects
All of Council	539	14	52	15	620

The large number of projects in the Initiate phase include projects identified as part of our long term planning. The progression these projects by phase may occur over a longer period of time and may be dependent on other factors such as funding availability.

The Infrastructure Directorate accounts for 70% of the quantity and value of the total capital programme and is summarised in the following table:

Infrastructure Directorate	Initiate	Programme	Plan & Execute	Transfer & Close	Totals by Phase
3 Waters	290	2	15	6	313
Building Assets	4	0	2	0	6
Parklands	4	1	3	0	8
Reserves	50	2	6	5	63
Transportation	24	4	17	3	48
Total Number of Projects					438

Please refer to Appendix A for a status report on pre-selected projects. Projects have been identified for either value, visibility or political awareness. Projects in this summary are monitored for performance.

### 3.3 Issues

Adopting a Council wide project based reporting approach is new to Council and will take time to develop and embed. Council have further work to do to inform and train people involved in project delivery across the organisation.

While we are developing our project based reporting the actual spend for this annual plan against baseline budget for all of council is tracking behind baseline. Council baseline budget spend for the 20/21 period is circa \$99.1M. The annual plan spend to date at February 2021 month end was circa \$28.8M.

### 3.4 Significance and Engagement

N/A

### 3.5 Implications

#### Financial

The financial performance of individual projects does not form part of this report.

#### Social & Policy

N/A

#### Risk

Significant project risks are reported to Council separately via the Audit and Risk Committee.

### 3.6 Options

N/A

### 3.7 Development of Preferred Option

N/A

#### At the Meeting

The Officer spoke to the report noting:

- This is an information paper to inform the current state of major projects being delivered by council.

- There are a lot of current projects in the three waters space. The bulk of council projects are in the infrastructure directorate.
- The Kennedy Park ablution block project is complete.
- The Marewa shops project has stalled due to cost to complete exceeding the available budget. A paper will come back to Council about this.
- Ocean Spa upgrade to install a sauna and steam room has not gone through the tender process yet due to limited local market and challenging to access materials for the project.
- Airport sewer pump station renewal project's scope has expanded due to discovering issues that were not initially known.

### **3.8 Attachments**

- A 2021 March Infrastructure Reporting Status Summary

PROJECT NAME	ASSET DISCIPLINE	PROJECT UPDATE	PROJECT PHASE	% OF PROJECT PHASE	FINANCIALS	SCHEDULE	REASON FOR RED OR AMBER STATUS
SCADA & Telemetry Upgrade	3 Waters	The progress has not been clearly visible to the wider Council as the 4 financial line items do not reflect the complexity of this project and its tasks. This programme looks to provide this transparency.	Plan & Execute	37%			Documenting changes in schedule for project
National Aquarium of NZ - Chiller Replacement	Aquarium	Walk over with Tech Mechanical 22 12 2020 Suppliers carrying out some remedial works mid 2021	Contract Maintenance Period	84%			
Conference Centre Odour Hinuera	City Services	Practical completion issued Oct 2020	Contract Maintenance Period	90%			In Contract Maintenance Period
Municipal Theatre BMS Replacement	Community Services	Physical works targeting completion March 21, however some commissions works may be completed in April	Construction	75%			March date includes AOM Manuals.
Kennedy Park Ablutions Block	Kennedy Park	Complex is open to the public. Working through domestic hot water issue with Contractor	Contract Maintenance Period	89%			Domestic hot water not to standard. Working with contractor to correct
MTG Sprinkler System	MTG	Facility closed (23-12-2020) by rec to CE, Scope now covers full rehanging of sprinkler system	Construction	50%			Closure of building required due to H&S Risks. Staged opening of services is planned as various parts of the building are made safe.
Ocean Spa Upgrades (Sauna and Steam Room)	Parade Pools	Working towards 90% procurement. Aiming to tender in the first quarter of 2021	Procurement	62%			Sauna & Steam room estimated costs Circa \$250,000
Parklands 6 & 7	Parklands	Stage 6 complete, Stage 7 works completed pending Asbuilt information, next steps are release of titles	Construction	95%			Covid variation - pending
Parklands Area 3 Stages 8, 9, 10	Parklands	Tendering April construction starting late June '21 and completion of works March 2022	Design	55%			Targetting a staged construction June '21 and Titles available in December '22
Park Island HBRU Site	Reserves	Field complete, Initial Lighting tender was non conforming, re tendering in progress.	Tender	50%			Multiple contracts under one project each delivered sequentially.
Roberts Terrace Playground Renewals	Reserves	Use of playground supplier panel for delivery targeting construction period mid year.	Design	47%			
Te Awa Playground / Urban Growth	Reserves	Construction underway, targetting completion in April '21	Construction	63%			
Westshore Playground Renewal	Reserves	On hold	initiate	0%			Shovel Ready project taking priority
Westshore Reserve & Playground Pathway (Shovel Ready Project)	Reserves	Awaiting consultation feedback. Construction targeting April 2021	Design	34%			
Whakarire Ave Coastal	Reserves	Construction rescheduled till Feb 2022 due to additional engagement and the penguin nesting period.	Consultation	42%			The project timeline has been deferred to allow appropriate timing and sequencing of re engagement with iwi, penguin breeding season ( June - Feb ) and Construction stage Tendering. Construction now planned February 2022
Bluff Hill Safety Fence	Reserves	Contract Maintenance Period	Contract Maintenance Period	73%			
HBRU Game Field	Sportsgrounds	Practical completion issued Dec 2020	Contract Maintenance Period	30%			
Ahuriri Masterplan scope projects for stormwater study and improvements	Storm Water	Completed month 12 & first year of monitoring. Awaiting meeting with Asset Manager at HBRC. Continuing with year 2, round 1 monitoring early December.	Sampling	33%			
Pandora Catchment Stormwater Quality System (Study only project)	Storm Water	Sediment core collection planned mid November 2020	Plan & Execute	44%			
Cross Country Drain Pathway	Transportation	Physical works 98% completed, aiming to issue practical completion early 2021	Construction	98%			
Elision St to Marine Parade Walking & Cycling Improvements	Transportation	After consultation with Te Awa school the layout has been revised and include in the design. 30% consultation circulated for comments. Targeting construction period June-December 2021	Design	20%			Consultation with residents and adjoining schools ongoing. Additional design required for the Te Awa school area
Eriksen / Kenny Rd Intersection Upgrade	Transportation	Contract awarded to Higgins Contractors. Construction January -September 2021	Construction	5%			
Marewa Shops Improvements	Transportation	Cost to complete exceeding available budget. Project Manager working with sponsor to confirm way forward. Budget increase required to deliver current scope. Project estimate \$1.9M, budget \$1.1	Design	56%			Cost to complete exceeding available budget. Project Manager working with sponsor to confirm way forward. Budget increase required to deliver current scope. Project estimate \$1.9M, budget \$1.1

Marine Parade - Raised Crossing	Transportation	Tender awarded contract completion due	Construction	5%			
Meeanee Quay Traffic Calming	Transportation	Design complete, reviewing	Tender	60%			Tendering in March & Targetting April Construction start
Poraiti Road Corridor Improvements	Transportation	Project deferred. With Sponsor.	Programme	29%			With Sponsor - to confirm new timeframes
Puketitiri Road Upgrade	Transportation	Improvement works, including realignment and widening to improve user safety and journey time reliability. Puketitiri Road - Poraiti Rd to Quarry Ridge Stage 2 (safety and resilience) \$2,500,000 Puketitiri Road - Poraiti Rd to Quarry Ridge Stage 3 (safety and resilience) \$2,500,000 Puketitiri Road - Poraiti Rd to Quarry Ridge Stage 1 (safety and resilience) \$2,800,000	Initiate	0%			Pending direction from Transportation Team.
Thames/Pandora Roundabout Improvements	Transportation	Construction 11 January 2021 to July 2021. Collaboration with NCC and NZTA in place for community engagement. Underground utilities have caused some challenges for the supplier	Construction	65%			
Tironui Drive Pathway	Transportation	Pathway has been reinstated for use over Christmas. Last 20% of physical works being completed in January 2021.	Construction	99%			Partly funded by Rotary Club \$230,000 - Budget \$430,000
Tom Parker Ave Traffic Calming	Transportation	Tender complete and contracts awarded. Construction commencing March	Construction	10%			Some last minute design changes and delay in tendering.
Westshore to Ahuriri Walking & Cycling Connectivity	Transportation	Rescope design approved. Working towards 90% design and engineers estimate. Tender targeting April 2021	Design	57%			Scope change and competing design resource
York Ave/Auckland Rd Intersection	Transportation	Road safety aAudit and 90 EA approval completed, additional budget needed to take account of road safety requirements. Tender January 2021. Construction March - June 2021.	Design	70%			Additional scope and Road Safety requirements need additional funding to implement. With Sponsor to confirm.
Airport Sewer Pump Station Renewal	Waste Water	Pending EA approval January. Tendering March with construction April 2021.	Design	80%			Scope has significantly increased and additional budget required to complete project with sponsor for approval. Consenting activities initiated. Design is completed pending final EA approval. Procurement plan approved. Ready to tender once decision on
Lagoon Farm Diversion	Waste Water	Raised in December's Sustainable Meeting	LTP	0%			
Latham Street Rising Main Valve Renewal	Waste Water	New project manager assigned to project in December. Project Plan being updated to reflect new PM and timing of project. Materials procurement is causing some challenges, and this may impact construction start date.	Plan & Execute	50%			This is a project that involves significant shut downs on assets that have questionable integrity. Targetting a low flow period to complete these works. Material procurement is underway and construction sequencing is
Pandora Industrial Wastewater Main - Rehabilitation	Waste Water	Investigative works are looking at rehabilitation options for this pipeline to provide a cost effective solution.	Initiate	20%			Consultant report has been received and work is being detailed to provide instruction to a contractor to install cleaning points.
Trade Waste Bylaw	Waste Water	Raised in December's Sustainable Meeting - Consultant briefing document is being drafted for pricing.	Initiate	5%			
WWTP Outfall Repair	Waste Water	Works completed, monitoring outfall	Complete	n/a			
WWTP Outfall Replacement	Waste Water	Briefing phase - Concept planning is underway with Beca Consulting	Initiate	56%			
A1 Pipping Points 300mm	Water Supply	Physical works will be undertaken when A1 is shut down to have low flow - winter 2021	Construction / Depot	65%			
A1 Pipping Points 450mm	Water Supply	Physical works will be undertaken when A1 is shut down to have low flow - winter 2021	Construction / Depot	62%			
Chlorine Free Review	Water Supply	Draft report has been delivered	Plan & Execute	90%			
Enfield Reservoir Replacement	Water Supply	Land purchase complete - work is progressing to develop a stakeholder engagement working group to assist with developing inputs into a concept design.	Initiate	31%			
FW2 Fire Flow Network Upgrades	Water Supply	Site walkovers completed. Meeting held to determine the depot priority with respect to resources. Forward ordering of material to be placed early 2021	Plan & Execute	58%			
Meeanee Bore Treatment Upgrade	Water Supply	Project put on hold - pending change in drinking water standard, reviewing the costs of alternate option of piping from Napier Supply.	Tender	73%			Pending Drinking water assessor decision and sponsors direction the project may need some redesign.
Tamatea & Parklands DMA	Water Supply	Communication strategy requires changes to reflect changes to the public announcements. Targetting completion April 2021	Construction	61%			Revised schedule of works, targeting April completion.
Trial Bore No. 1 Exploratory and Production Bore	Water Supply	Project completed	Maintenance	100%			Project completed. Bore secured and land in use.

## 4. PROJECT UPDATE: PANDORA INDUSTRIAL WATERWAYS (THAMES & TYNE WATERWAYS) SEDIMENT QUALITY ASSESSMENT

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<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	1295425
<i>Reporting Officer/s &amp; Unit:</i>	Cameron Burton, Manager Environmental Solutions Hannah Ludlow, Environmental Management Officer

### 4.1 Purpose of Report

The purpose of this paper is to summarise to the Sustainable Napier Committee the purpose of, and the results to date, of the Pandora Sediment Assessment project.

#### Committee's recommendation

Councillors Brosnan / Crown

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The Sustainable Napier Committee:

- a. Note the goal of the Pandora Sediment Assessment project, the stage of the project, and the implications of the project's current results.
  - b. Acknowledge the purpose of the Pandora Sediment Assessment project in building knowledge of the quality of the Thames and Tyne waterways, allowing Council to make informed decisions on the best practicable option for ecological enhancement of the poor-quality drainage channels.
- 

Carried

### 4.2 Background Summary

The Ahuriri Estuary and Coastal Edge Masterplan was the basis for allocating funding to a series of projects dedicated to the prevention of further degradation of Te Whanganui-a-Orotu Ahuriri Estuary. Project 1F of the masterplan lists a 'Pandora Catchment Stormwater Quality System'. This project has been allocated \$1.248m through the Ahuriri Estuary and Coastal Edge Masterplan to investigate the quality of the Thames and Tyne waterways in the Pandora Industrial area, evaluate options for the improvement of those waterways, and implement preferred improvement options.

To date, environmental quality monitoring within the Thames and Tyne waterways has involved:

- Monitoring stormwater outfall discharges into the Thames and Tyne waterways;
- Resource consent-driven monitoring of spatial water quality in the Thames and Tyne waterways on receding tides;
- Resource consent-driven monitoring of water quality in the Thames and Tyne waterways on both incoming and receding tides;
- Monthly monitoring of the water quality at the discharge point of the waterways into the estuary;

- Annual ecological sampling on the southern mudflats of central Te Whanganui-a-Orotu; and
- Surficial sediment quality monitoring (to a depth of 20mm) on the southern mudflats of central Te Whanganui-a-Orotu.

Despite extensive water quality monitoring in the Thames and Tyne waterways, and regular ecological and sediment monitoring in the southern Ahuriri Estuary, the quality of the sediment within the Thames-Tyne network is poorly understood.

Profiling the quality of sediment at different depths beneath the surface of the Thames and Tyne waterway beds will contribute vital information in assessing the true ecological state of the waterways. This will add confidence in determining the best option(s) for the improvement of the Thames and Tyne industrial waterways.

15 sediment core samples have been collected using a ‘vibracoring’ sampling technique, where a 1.25m long aluminium pipe was driven into the sediment using a generator and a pneumatic concrete vibrator.

Following advice from NIWA, thirteen sample sites were selected in the Thames-Tyne network alongside two in Ahuriri Estuary proper for referencing to background sediment quality levels.



*Figure 1: Sediment core sample retrieval sites: Thames waterway, Tyne waterway, and Ahuriri Estuary.*

Each sample barrel was split lengthways and visually analysed for changes in grain size, gravel inclusions, and fossil densities. One half was sent to Hill Laboratories for sediment grain size analysis, pesticide concentrations, and hydrocarbon testing. The other half was shrink wrapped and sent refrigerated to Otago University for scanning to quantify metal content.

Visual analysis has revealed sharp zones of grain size changes at various depths between 45 - 70cm depth from the surface. These findings are generally consistent with radioisotope analyses undertaken on the sediment of Ahuriri Estuary in a study by

Chague-Goff *et al.* (1998), inferring that this zone is likely the visual record of the 1931 Napier Earthquake (yellow line in following image).



Figure 2: Base of core sample from Ahuriri Estuary South Mudflat.

Laboratory analysis is underway. Once laboratory analysis is complete, concentrations of heavy metals, hydrocarbons and pesticides relating to different depths will provide a fuller understanding of the whole Pandora waterway system, highlighting any potential zones of concentrated contamination. An example of the data is shown in the following graph of zinc 'counts' (concentration) throughout core depth, from a similar 2021 core sampling project in the Ahuriri Estuary:

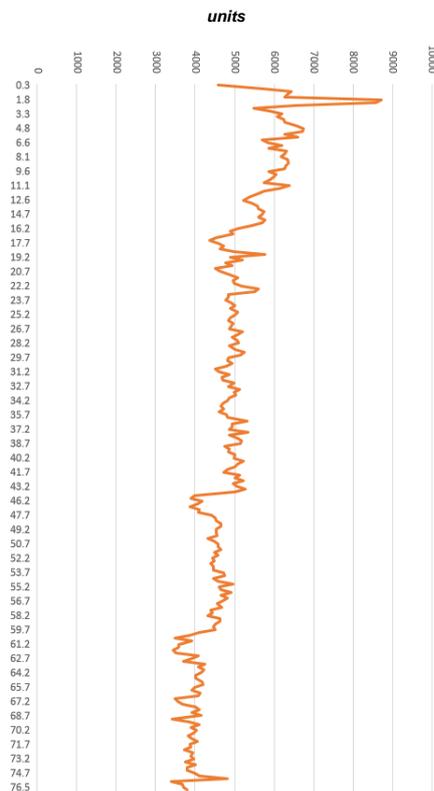


Figure 3: Zinc counts over core depth: Taipo discharge zone, Ahuriri Estuary (2021).

Sediment quality data will be collated in-house. This data will be provided to an expert on contaminated marine sediment to investigate appropriate next steps for the Thames and Tyne waterways. Depending on the overall sediment quality, improvements for the Thames and Tyne waterways may include options such as meandering the waterways, treating the receding-tide water quality, dredging, or avoiding sediment disturbance all together.

#### 4.3 Issues

Issues identified from the monitoring to date include:

- Upper sections of many of the sediment core samples have a high density of fine-grained sediment. This is a commonly-occurring urban issue in New Zealand. Heavy

metals in run-off from urban/industrial zones can bind to fine-grained sediment. This means that finer-grained sediment in areas generating heavy metal-rich run-off can restrict biodiversity in waterways, with native aquatic species among some of the more sensitive to these metal concentrations.

- Low biodiversity in the upper sections of the sediment cores versus lower sections as indicated by gastropod and bivalve fossils. This reflects the gradual decline in the quality of sediment input into the Thames and Tyne over the previous decades.

#### **4.4 Significance and Engagement**

The overall goal of the project is to investigate the best-practicable option(s) for the improvement of the Pandora waterway network quality. Doing so will generate a series of associated benefits, such as;

- Encouragement of the Thames and Tyne waterways as ecologically-valuable extensions to Te Whanganui-a-Orotu.
- Placing greater importance on, and encouraging the improvement of the waterway ecosystems themselves rather than just their discharge into Ahuriri Estuary;
- Reducing degradation of Te Whanganui-a-Orotu by association;
- Enable public communication of the true state of the Thames and Tyne waterways, and of action planned to rehabilitate these waterways;
- Reducing risk of non-compliance against Napier City Council's resource consent for discharge of the Thames and Tyne waterways;

...and more.

#### **4.5 Implications**

##### **Financial**

This project is utilising funding made available in the 2018 LTP for the delivery of the Ahuriri Estuary and Coastal Edge Masterplan projects. Improvement in the quality of the Thames and Tyne waterway system may reduce instances of catchment-based pollution and associated compliance issues with Napier City Council's resource consent for discharge of the Thames-Tyne network into Te Whanganui-a-Orotu. Each instance of non-compliance can lead to potential fines or prosecution (up to \$600,000 per event).

##### **Social & Policy**

Considering the proximity of the Thames-Tyne network to Ahuriri Estuary, and the history of the water quality within the Thames and Tyne waterways, this project is essential in ensuring the sustainable improvement of the socially and ecologically important, yet delicate Ahuriri Estuary.

Continued degradation of the Ahuriri Estuary could result in the system reaching an ecological point of no return.

This project aligns with the motives of, and pre-empt the implementation of, the regional TANK plan change, in attempting to gain a sound awareness of the behaviour of the Thames and Tyne waterways in order to make informed, targeted and biologically-beneficial improvements.

##### **Risk**

Continued degradation of the Ahuriri Estuary could result in the system reaching an ecological point of no return. There is a need to implement chemical or physical waterway treatment in the Thames-Tyne network, alongside current management changes affecting surface and storm water. To do so requires an understanding of the

quality of each aspect of the waterways themselves, in order to avoid the unnecessary risk of implementing a treatment option which may not be appropriate.

There is a risk that the expertise required for evaluating the data and providing appropriate options based on the quality of the sediment is limited. However, similar contaminated harbour dredging and remediation projects have been carried out successfully in New Zealand, such as Port Nelson's Calwell Slipway cleanup (completed in 2018).

After project completion, spills and pollution from the heavy, wet Pandora industrial zone may still occur. To mitigate this as far as possible, Napier City Council run an annual stormwater education campaign, frequently liaise with 'high risk' and 'medium risk' industries in the catchment through a stormwater working group, and utilise the 2020 Napier City Stormwater Bylaw where appropriate. In addition, it is foreseen that in-situ water quality measurement tools will be deployed in the Thames-Tyne network to allow live tracking of changes in water quality parameters such as dissolved oxygen and pH.

#### **4.6 Options**

The options available to Council are as follows:

- a. Note the goal of the Pandora Sediment Assessment project.
- b. Note that the project is in the laboratory analysis stage.
- c. Note the importance of the Pandora Sediment Assessment project in informing appropriate next steps to encourage better ecological habitat within the Thames-Tyne network, subsequently reducing degradation of the Ahuriri Estuary.

#### **4.7 Development of Preferred Option**

N/A

#### **At the Meeting**

The officer spoke to the report noting that:

- Council was not previously aware of the amount of sediment in the Thames and Tyne waterways. This project has collected sediment core samples and assessed them visually for grain size, gravel inclusions, and fossil densities.
- Some of the samples have also been sent away for analysis of grain size, pesticide concentrations and hydrocarbon testing.
- This analysis will give the picture of the current state of the sediment so when assessing how to deal with the sediment no action will be taken which will release anything harmful into the estuary.
- The analysis of the core samples will inform council of the holistic quality of the system, and will help council to move forwards appropriately. The next stage will be appointment of an independent expert.
- Previous sampling found evidence of the 1931 Napier Earthquake. The new samples were able to be matched to them.
- Sampling over time will help establish a baseline.
- Council will need to consider where it would put anything dredged out of the estuary considering it could have harmful heavy metals in it.

#### **4.8 Attachments**

Nil

## 5. KERBSIDE REFUSE WHEELIE BIN REPLACEMENT FEE AND ADDITIONAL WHEELIE BIN CHARGE FOR NON-PROFIT ORGANISATIONS/REGISTERED CHARITIES

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Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1295448
Reporting Officer/s & Unit:	Rhett van Veldhuizen, Waste Minimisation Lead

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### 5.1 Purpose of Report

- a. To seek Council's approval for establishing fees for the replacement of council owned wheelie bins which have been stolen, lost or damaged whilst in service.
- b. To seek Council's approval for the cost of a second kerbside refuse collection charge and the provision of an additional wheelie bin to be invoiced to a charity that is run out of a residential premises (i.e. from a home office).

### Item of business to lie on the table

Councillors Tapine / McGrath

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That pursuant to Standing Order 25.2(d) the item "Kerbside Refuse Wheelie Bin Replacement Fee and Additional Wheelie Bin Charge for Non-Profit Organisations/Registered Charities" lie on the table to enable staff to develop a policy relevant to the replacement of wheelie bins and recycling bins, to further inform this report when it is re-presented to Council.

### 5.2 Background Summary

*Note: In this document, the terms charity and non-profit are understood to mean the same.*

Napier has recently adopted a new kerbside refuse collection service whereby a 120L wheelie bin is collected from the kerbside. Napier City Council has purchased the wheelie bins and has provided each household in the city with a wheelie bin to be used in this service. Ownership of these bins remains with Council.

### 5.3 Issues

The new kerbside refuse collection service has been underway since 1<sup>st</sup> October 2020. Since the commencement of the service (five months), we have had to provide 35 replacement bins. Reasons for this can range from wheelie bins being run over, set alight, taken by a neighbouring property, or by residents whose bin has gone missing.

While Council has replaced the (smallish) number of bins at no cost thus far, going forward it will be detrimental to the cost and quality of the service to continue to absorb these charges. In order to encourage residents to place a value on this service and to ensure their Council owned wheelie bin is looked after in a suitable manner, a charge to cover the costs of the wheelie bin and associated administration is recommended.

In instances where wheelie bins have been damaged by our service provider during collection, they are replaced by our service provider at no cost to Council. This can be confirmed with use of cameras which are in place on all trucks used in the provision of this service.

In addition to requests for replacement wheelie bins, Council officers have received a small number of appeals from non-profit organisations requesting an additional wheelie bin to accommodate refuse they produce, as a result of their core business, in larger than household volumes already provided for. Examples of this are where a charity is run out of a portion of an entitled property, or where an entitled property, being run by a charity, is rated as a single dwelling but houses more than the average number of people (six or more).

It is envisaged that in these cases the enterprise must be:

- of a charitable nature;
- run by a non-profit/registered charity; and
- the volumes be residential in nature. (To ensure this point, only ONE additional wheelie bin would be provided to a residence for this purpose).

This opportunity will not be available in commercial areas where more than one collection is provided per week and a condition of approval for an additional wheelie bin is that if the charity ceases to operate from the residence, or the residence is sold, the wheelie bin must be returned.

We envisage that these small number of applicants would be invoiced on an annual basis if their application is approved.

#### **5.4 Significance and Engagement**

This matter is determined as low significance.

#### **5.5 Implications**

##### **Financial**

Additional bins and delivery of up to 500 per annum are part of the contract. This number is an estimate and is intended for new build properties. These owners are not charged for the supply and delivery of the first bin. The cost of a replacement bin is \$50.00 for the bin itself plus \$16.50 for registration and delivery by the contractor. In order to cover the associated administration costs to Council, the recommended replacement fee is set at \$85 incl. GST.

##### **Social & Policy**

N/A

##### **Risk**

There are no substantial risks associated with this decision.

#### **5.6 Options**

The options available to Council are as follows:

- a. Agree/not agree to an \$85 incl GST fee for a replacement wheelie bin.
- b. Agree/not agree to an additional wheelie bin service charge to be invoiced to a non-profit/registered charity run out of a residential premises.

#### **5.7 Development of Preferred Option**

N/A

### **At the Meeting**

The officer spoke to the report noting:

- Up until this point council has issued wheelie bins to new builds and people who were excluded in the initial roll out for free. Wheelie bins which have been defaced, stolen or broken have also been replaced for free.
- Council is looking at implementing a charge for replacement bins of \$85 per bin.
- Council has also been approach for additional bins by some charity or not-for-profit organisations which are run out of private homes, such as assisted living flat situations. There is a register of these organisations so it would be possible to rule out applications that did not come from one.
- 35 – 40 replacements have been done already. There is a limited supply of extra bins which will run out eventually, especially if there are big new developments. Council does not want to create a barrier to a service which is needed, but also wants to implement a deterrent to damaging bins.
- At the beginning of April council staff are going to meet with Kainga Ora to discuss a solution for their client's needs.
- It is possible for council to charge a fee for replacing recycling crates but it has not been used yet due to COVID-19. There are 1200 spare crates in stock.
- The wheelie bins do have chips, so can be returned to the property they are matched with if found in other areas.

### **5.8 Attachments**

Nil

## 6. STORMWATER COMPLIANCE MONITORING REPORTS - 1 JULY 2019 - 30 JUNE 2020

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<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	1295670
<i>Reporting Officer/s &amp; Unit:</i>	Cameron Burton, Manager Environmental Solutions

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### 6.1 Purpose of Report

This report is to inform the Sustainable Napier Committee about the four major stormwater discharge consents' Compliance Monitoring Reports and their associated grading's noting the level of compliance achieved for the period ending 30 June 2020, as received from Hawke's Bay Regional Council (HBRC).

#### Committee's recommendation

Councillors Mawson / Tapine

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The Sustainable Napier Committee:

- a. Note the compliance monitoring report for the discharge of stormwater from the Central Business District (CBD) was graded Full Compliance for the 2019-2020 monitoring period.
- b. Note the compliance monitoring report for the discharge of stormwater from the Cross Country Drain was graded Full Compliance for the 2019-2020 monitoring period.
- c. Note the compliance monitoring report for the discharge of stormwater from the Westshore Tidal Gates was graded Low Risk Non-Compliance for the 2019-2020 monitoring period.
- d. Note the compliance monitoring report for the discharge of stormwater from the Thames Tyne was graded Low Risk Non-Compliance for the 2019-2020 monitoring period.

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Carried

### 6.2 Background Summary

Napier City Council hold four major Resource Consents conditionally permitting the discharge of stormwater to the Coastal Marine Area. Two of these (Thames & Tyne Street and Westshore Tidal Gates) relate to discharges into Te Whanganui-a-Orotu (Ahuriri Estuary), the other two discharges (CBD and Cross Country Drain) being onto the Marine Parade beach gravels.

HBRC monitor these Resource Consents by way of information provided to them by Napier City Council (typically monitoring results, provision of Annual Reports and incident reporting), undertaking site inspections of the receiving environment, audits of NCC's monitoring and by responding to pollution related incidents.

Upon receipt of all relevant information, and typically at the conclusion of a monitoring year (1 July-30 June) HBRC will compile a Compliance Monitoring Report documenting the level of compliance the consent holder has achieved against their Resource Consent.

Napier City Council has received Compliance Monitoring reports for the period 1 July 2019 – 30 June 2020 for the following resource consents:

- AUTH-119686-02: “To divert and discharge stormwater collected from a part of the Napier Hill and the Napier Central Business District (CBD) from any open drain system or piped stormwater drainage system, including discharges to land in a manner that subsequently results in the stormwater entering water, via the Browning Street, Tennyson Street and Dalton Street outfalls, to the coastal marine area (CMA) at Marine Parade Beach”,
- AUTH-108618-04: “To discharge stormwater from the Cross Country Drain into the Coastal Marine Area”,
- AUTH-110512-02: “To discharge stormwater from part of the Napier City urban area and surrounding rural land into the Ahuriri Estuary via the Westshore Tidal Gates”,
- AUTH-119680-01: “To divert and discharge stormwater, excluding runoff that is not a consequence of rain, from any open drain system or piped stormwater drainage system to water, including discharges from land in a manner that subsequently results in the stormwater entering water (Thames and Tyne waterways), within the catchments as shown in Attachment A”.

*\*Note: the Westshore Tidal Gate resource consent is jointly held by HBRC.*

### **6.3 Issues**

No issues have been raised in the CBD and Cross Country Compliance Monitoring Reports for the 2019-20 period.

The Westshore Tidal Gates Compliance Monitoring Report had a Low Risk Non-Compliance grading due to a discharge of hydrocarbons from an industrial site via the NCC stormwater network to Saltwater Creek and subsequently into the Ahuriri Estuary. It is stated this discharge was non-complying with condition 5, stating the discharge shall not cause any conspicuous oil or grease films within the receiving waters.

The actual source of the hydrocarbons has not been identified. While HBRC consider the source may have originated from the Onekawa Industrial Area, NCC investigation does not confirm this. However, increasing focus is being placed on the Onekawa Industrial Area and where stormwater contamination risk is identified, measures or strategies to reduce or mitigate the risk are being put in place. These may be in the form of Environmental Management Plans, site audits in line with the Stormwater Bylaw or, if required and warranted, enforcement action.

The Compliance Monitoring Report for the Thames & Tyne Street resource consent was graded Low-Risk Non-Compliance. The grading related to Condition 7, requiring “resource consent documents/packs to include information relating to stormwater management not being met”. Conditions 25 – 27 were not assessed due to Covid19 restrictions and HBRC will report on these in the 2020/21 monitoring period.

### **6.4 Significance and Engagement**

The CBD and Cross Country Drain Compliance Reports were graded Full Compliance for the 2019-2020 monitoring period.

The Thames & Tyne Street Resource Consent Low Risk Non-Compliance grading is being addressed in the 2020/21 monitoring period. Educational material will be included with application documents for NCC Resource and Building Consents.

## 6.5 Implications

### Financial

Non-compliance with a Resource Consent can result in enforcement action being taken by HBRC resulting in potential fines or prosecution (up to \$600,000 per event).

### Social & Policy

N/A

### Risk

Continued non-compliance with a Resource Consent may result in enforcement action by HBRC. Not only would this affect NCC's reputation, but would have financial, social and cultural implications also.

Further environmental degradation of not only the receiving environments (being Te Whanganui-a-Orotu and the nearshore coastal waters along Marine Parade Beach), but the urban waterways in their own rights may prove the tipping balance for some of these ecological systems. The Ahuriri Estuary in particular is already under increasing pressure ecologically and may not sustain further adverse environmental effects.

## 6.6 Options

The options available to Council are as follows:

The options available to Council are as follows:

- a. Note the Compliance Monitoring Reports as received for the four Stormwater discharge consents as received for the 2019-2020 monitoring period.

## 6.7 Development of Preferred Option

N/A

### At the Meeting

The officer spoke to the report noting:

- This is the first time this sort of report has come to Council.
- In emergency discharge situations where wastewater is discharged to the stormwater network we did not have any non-compliance or low compliance reports within the 1 July 2019 to 30 June 2020 period as discharges were contained and re-routed and there were not any overflows.
- A condition review with Hawke's Bay District Council to accommodate occasional overflows has not been considered yet. We need to control our system the best we can.
- Council applied under the emergency provisions in the Resource Management Act to allow the overflow that occurred during the November 2020 flooding event.

## 6.8 Attachments

Nil

## 7. UPDATE ON 3 WATERS REFORM PROGRAMME

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*Type of Report:* Operational

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*Legal Reference:* N/A

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*Document ID:* 1296267

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*Reporting Officer/s & Unit:* Catherine Bayly, Manager, 3 Waters Reform

### 7.1 Purpose of Report

To inform the Council on the progress of the 3Waters Reform Programme within Napier.

#### **Committee's recommendation**

Mayor Wise / Councillor Crown

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The Sustainable Napier Committee:

- a. Receive the update report on 3 Waters Reform Programme dated 25 March 2021.
- 

Carried

### 7.2 Background Summary

In July 2020, the Government launched the Three Waters Reform Programme - a three-year programme to reform local government three waters (3W) service delivery arrangements. (Water Supply, Wastewater and Stormwater). The reform is an outcome of the Havelock North Enquiry and covers aspects of delivery and regulation of water services to communities. On 1 July 2021 a new regulator, Taumata Arowai, will come into existence. This Crown Entity will be responsible for administering and enforcing a new regulatory system for drinking water. Water supply will be the initial focus with wastewater and stormwater to follow.

The Government's starting intention is to reform local government's three waters services into a small number of multi-regional entities, which will remain in public ownership, to improve access to safe water and to manage affordability issues around meeting required standards. The exact size, shape and design of these entities is still being worked through and is due to be consulted on in early- mid 2021.

The Water Service Bill proposes the removal of the reasonableness provisions of the Health Act, which places the emphasis on service providers to meet the Drinking Water Standards, with affordability issues no longer being a valid reason for not undertaking required work. In addition, the Bill outlines powers of the regulator and mechanisms for enforcement.

Participation in the initial stage of the reform is voluntary, with local Councils given the opportunity to receive funding to deliver three waters projects. To this end, Napier signed an MOU with the government and has \$12.51 million to deliver projects that are additional to Council's current Annual Plan. A number of the projects agreed upon look to streamline the delivery of 3 Waters services and address some of the key issues identified in this Infrastructure Strategy around data management, processes and systems used for decision making.

The key principles of Napier City Council's programme are:

- Improved capacity and capability to accelerate infrastructure projects
- Preparation of the team and local industry for upcoming standards as part of reform process
- Improving safety and quality of drinking water by fast tracking delivery of low manganese water to reduce dirty water events and address fire-flow issues
- Improving community and Māori/iwi engagement
- Upgrades to our three waters asset management system and maintenance management transformation programme

A proportion of the programme covers the improvement of information capture and management for three waters, the upskilling of our in-house operations team to be better prepared for the proposed water reform implementation and the delivery of key Fire flow and water conservation and water quality projects.

Council has a large programme of work ahead (\$405m over ten years) with the recently completed Three Waters Masterplans, leading to the need for additional resource required to scope projects ready for delivery.

The goal for Council over this timeframe is to catch up on operational work that has not been prioritised in the past and to ensure that the assets, services, the data and the people are in the best state possible moving forward through the reform.

### **7.3 Issues**

N/A

### **7.4 Significance and Engagement**

This programme is engaging with mana whenua through the *Iwi engagement on Three Waters and Cultural Values Assessments* programme of work. This piece of work aims to extend the Council's capacity and capability for engaging with Māori, including development of a cultural values assessment.

Council consulted with residents during the 2020/2021 summer break around what the community saw as key issues. 3 Waters concerns were highlighted by this consultation, with some of the projects in this programme going some way to addressing these concerns in combination with BAU work.

### **7.5 Implications**

#### **Financial**

Council has been given \$12.5m by the DIA to facilitate this as a piece of work separate from business as usual programmes, and therefore has a separate budget line. Detailed financial reporting on this spend is required quarterly to the DIA as part of the MOU including hours spent by staff on each activity.

The projects and associated spend are as follows:

The attached report indicates current progress on the programme of work. Note that the finances are based to end of January and some charges have not been resolved against this cost centre yet.

COUNCIL	PROJECT	VALUE
Napier	<b>Capital Projects:</b>	\$8.45m
Total - \$12.51m	<ul style="list-style-type: none"> <li>• <b>Alternative Water Supply</b> – address dirty water issues</li> <li>• <b>Water Safety Plan</b> - delivery of improvement items</li> <li>• <b>Fire Flow Network Upgrades</b> to meet levels of service</li> <li>• <b>Scoping Three Waters Master Plan Projects</b> – additional resources to assist with the delivery of the current and reform capital plan</li> <li>• <b>Te Awa Structure Plan – Three Waters</b> - additional funding to develop water infrastructure in Te Awa</li> <li>• <b>Industrial Waste</b> – works associated with tradewaste and understanding flow and composition</li> <li>• <b>Review of private water supplies</b> – provide upgraded supply for the Meeanee School hall</li> </ul>	
	<b>Planning and Asset Management Projects:</b>	\$3.16m
	<ul style="list-style-type: none"> <li>• <b>Parks Water Bores Investigation and Implementation</b> – assessment of bores and commence consenting process for water conservation</li> <li>• <b>Essential Service Planning and Contributions Policy</b> – ensure that three waters programmes are funded appropriately to develop the networks</li> <li>• <b>Maintenance Management Practices</b> - Develop maintenance management practices and workflows and integrate these into the Asset Management System</li> <li>• <b>Delivery Improvement Review</b> – systems and process development</li> <li>• <b>Asset Management Systems &amp; Data Collection</b></li> <li>• <b>Three Water Models &amp; Masterplans</b> – peer review of models, additional calibration, and peer review of master plans</li> </ul>	
	<b>Collaborative Projects:</b>	\$900k
	<ul style="list-style-type: none"> <li>• <b>Iwi engagement on Three Waters and Cultural Values Assessments</b> – extending the capacity and capability for engaging with Māori, including development of a cultural values assessment</li> <li>• <b>Regional Water Projects</b></li> </ul>	

The progress on the programme is largely in the scoping phase and just under \$0.5M has been spent to date. The key capital projects are more advanced than the operational projects and there are no concerns currently about programme.

Council is working with other TLAs in the Region to work on the regional projects. One of these – the DIA Request for Information project is 99% complete.

### Social & Policy

N/A

### Risk

There is currently one major risk to the programme:

- a) There is a risk that the programme of work will not be completed by 31 March 2022. This is due to other competing priorities for time for key staff such as the Long-Term Plan and a slow start due to a significant flooding event in November. There is also a risk that internal or external resources are not available to deliver parts of the programme, this will be managed by ensuring that suppliers are engaged ahead of time and the programme was set up to engage a variety of resources and not just those related to capital delivery.

## 7.6 Options

The option available to Council is as follows:

- a. To endorse this report on Implementation the 3Waters Reform Project

## 7.7 Development of Preferred Option

N/A

### At the Meeting

The officer spoke to the report and in response to questions noted:

- The low manganese project has been scoped and Council is about to go out to market to get technical advisors to assist with the project, and moving with the wet boards so as to do more monitoring and understand the water quality better.
- Council has not had guidance on a work programme from Taumata Arowai, but have had from Taituarā. In line with other Council's around the country NCC is getting on with its current scheduled programme of work.
- The Department of Internal Affairs (DIA) have undertaken a big piece of work around engaging with local government entities and mana whenua on the Three Waters Reform Programme. NCC's opportunity to engage with the Napier community is through the Long Term Plan.
- The DIA have indicated there will be no new water entities coming into force until 2024.

## 7.8 Attachments

- A 3 Waters Reform Programme 2021 - March 2022





3 Waters Reform Program 2021 - March 2022

Total Budget: \$12.51m  
 Quarter One: Nov- Dec 2020  
 This Report: Nov 2020 - Feb 2021  
 Total Expenditure: \$0.46 m  
 Total Upfront Payment: \$6.13m



Project	Description	Value	Sponsor	Key Lead/ Project Manager	Progress	Financial	Stage					Progress Comments	Project Risks
							Scoping	Procurement	Project Underway	Final Review/ Commissioning	Project Complete		
Water Quality Improvement Project	Low Manganese water in the A1/A2 area (reduce water quality issues for the city through alternative supplies/treatment) + C15 C35	2.2m	C Bayly	Beca Ltd	● ● ● ● ●		●	●	●	●	●	Beca Ltd has been engaged to assist with project scoping and will project manage the delivery of the new bore and treatment plant. Options analysis complete, final scope agreed, procurement plan agreed.	Consenting Water Quality Timeliness
Water Safety Plan Delivery of Improvement Items	Water Safety Plan Delivery of improvement items (provide network monitoring to manage quality and safety of the water supply and deliver other network improvements).	\$1m	C Bayly	3W Team	● ● ● ● ●		●	●	●	●	●	Workshop held to determine the number of projects that could be delivered. Priority given to reservoir and then network water quality monitoring. Design of equipment to go to three companies. Procurement plan to be developed and consultants engaged.	Budget restriction
Fire Flow Network Upgrades to meet Levels of Service	FW-2 (Address urgent fireflow issues across the network as identified from recent model and master plan project outcomes)	\$2.5m	C Bayly	Ross?	● ● ● ● ●		●	●	●	●	●	Design is underway and all sites have been surveyed.	Railway crossing delays Asbestos removal - cost
Parks Water Bores Investigation and Implementation	Parks Water bores investigation and implementation (increase resilience and improve water conservation)	\$0.37m	R Huckle	Parks and Reserves	● ● ● ● ●		●	●	●	●	●	Initial workshop held with P&R team, project needs to be scoped	
Review of Private Water Supplies	Review of Private Water Supplies (Provide upgraded supply for the Meaane school and hall)	\$0.28m	C Bayly	3W team + Marcia	● ● ● ● ●		●	●	●	●	●	Solution designed and some equipment purchased. Recent exposure drafts from the government have put other options back on the table. Scope needs to be reviewed.	Time delays and cost implications of exposure drafts
Peer Review 3 Waters Models & Master plans	Peer review - 3 Water models & Master plans (Continue with the master planning process by undertaking peer reviews of models, additional calibration and peer review of master plans)	\$0.85m	C Bayly	3W team	● ● ● ● ●		●	●	●	●	●	Initial draft RFP's written. Project charter and project scope to be written.	
Scoping Three waters Master Plan projects	Engineering expertise to assist with the upfront work to deliver the \$449m of Three Waters capital works coming up in the 10 year plan	0.69m	C Bayly	3W team	● ● ● ● ●		●	●	●	●	●	Additional Resources engaged and underway with scoping and managing the water programme.	
Te Awa Structure Plan and 3 Waters Infrastructure	Te Awa Structure Plan - 3 Waters (Enable growth and address affordability issues)	\$1.5m	C Bayly	P&D	● ● ● ● ●		●	●	●	●	●	Physical works is underway. Contribution to the Kenny/Ericksen project will be made over a few months.	
Pandora Industrial Wastewater Pipe	Back up project replacing the WW outfall chamber as this was already repaired. Updated project will be used to install flow meters on tradewaste customers.	\$0.28m	C Bayly	Environmental Soins team	● ● ● ● ●		●	●	●	●	●	Project needs to be properly scoped. Initial discussions held to define this replacement project using the same budget amount as the original outfall project.	
Asset Management Systems & Data Collection	Data Collection - EAM (Fully implement an upgraded enterprise asset management system for 3W team, undertake asset data condition assessments and upgrade information)	\$1.0m	C Bayly	AMIT/ 3W teams	● ● ● ● ●		●	●	●	●	●	RFI process complete for Accella upgrade. Business case complete and way forward signed off by the Asset Management Steering Group. Project Plan in draft. Sub projects largely need scoping.	
Delivery Improvement Review	Delivery improvement review (integrate Project Management Framework, contract management, procurement, design, PMO etc. to improve our project management and delivery capability)	\$0.3m	C Bayly/R Huckle	Eva Mae/ Various teams	● ● ● ● ●		●	●	●	●	●	\$50k has been offered to Manager P&D and Manager transformation to assess a worktime hours tool for Council. Remainder of sub projects being scoped.	
Maintenance Management Practices	Extend MMTP (Deliver Maintenance Management Transformation Programme faster and equip our internal service provider to be more competitive in preparation for the reform whilst improving asset data and operational processes)	\$0.35m	C Bayly	AMIT/ 3W teams	● ● ● ● ●		●	●	●	●	●	Project in train but priorities for the period are to be set.	
Waters Essential Services Plan and structure plans	Essential Services Plans and FC/DC Policy review (Ensure that 3W programmes are funded appropriately and that our FC/DC policy is upto- date and robust to enable capture of funds to develop the networks)	\$0.29m	C Bayly	Development & Stds Team	● ● ● ● ●		●	●	●	●	●	FC/DC policy review underway and workshops with Council booked in, draft strategy being written. Structure plan development project to be kicked off with the city strategy and development and standards teams.	
Iwi Engagement on 3 Waters & Cultural Values Assessment	Iwi Engagement on 3 Waters (Extending the capacity and capability for engaging with Maori and mana whenua, including development of a cultural values assessment)	\$0.40m	Bayly/ R Huck	Te Waka Rangapū/ 3W team, Env soins team	● ● ● ● ●		●	●	●	●	●	Cultural development day completed with the 3W and Environmental Soins team to understand the cultural values that will likely be reflected in the review. Pre scoping meetings being held with mana whenua groups.	
Regional Projects	Regional Projects (a \$500,000 allowance has been made to work on Regional Projects. The local suppliers have worked together to develop a shared regional programme of work, valued at \$1.4m)		Toni Goodlass	C Bayly / R Huckle and external providers	● ● ● ● ●		●	●	●	●	●	Project largely completed, some remaining questions coming from DIA and WICS.	
	Three Waters Reform Programme RFI		Shannon Kelly	Various	● ● ● ● ●		●	●	●	●	●	RFP scoped and DIA involved in finalising scope.	
	Regional Private Supplier Assessment						●	●	●	●	●	scoping discussions underway	
	Regional Contestable Fund for private - scheme assistance and support.						●	●	●	●	●	scoping discussions underway	
	Regional Engineering code of practice						●	●	●	●	●	scoping discussions underway	

## REPORTS FROM FUTURE NAPIER COMMITTEE HELD 25 MARCH 2021

### 1. POLICY - DANGEROUS, AFFECTED AND INSANITARY BUILDINGS

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*Type of Report:* Legal

*Legal Reference:* Building Act 2004

*Document ID:* 1258340

*Reporting Officer/s & Unit:* Malcolm Smith, Manager Building Consents

#### 1.1 Purpose of Report

This report informs Council of legislatively driven amendments to Council's Dangerous, Earthquake-Prone and Insanitary Buildings Policy and seeks Council's approval to adopt the amended policy and to extend the review period for the policy from annually to once every 5 years.

#### Committee's recommendation

Councillors Brosnan / Chrystal

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The Future Napier Committee:

- a. Adopt the amended Dangerous, Affected and Insanitary Buildings Policy.
- b. Approve the review period extension of the Dangerous, Affected and Insanitary Buildings Policy from annually to 5 years.
- c. That a **DECISION OF COUNCIL** is required urgently to ensure that the Dangerous, Affected and Insanitary Buildings Policy remains legislatively correct. This will require the following resolution to be passed before the decision of Council is taken:

That, in terms of Section 82 (3) of the Local Government Act 2002, that the principles set out in that section have been observed in such manner that the Napier City Council considers, in its discretion, is appropriate to make decisions on the recommendation.

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Carried

#### Decision of Council

Councillors Price / Brosnan

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That Council:

- a. Adopt the amended Dangerous, Affected and Insanitary Buildings Policy.
- b. Approve the review period extension of the Dangerous, Affected and Insanitary Buildings Policy from annually to 5 years.

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Carried

## 1.2 Background Summary

The Building (Earthquake-prone Buildings) Amendment Act 2016 required Council to amend its Dangerous, Earthquake-Prone and Insanitary Buildings Policy by removing references to earthquake-prone buildings. Council's policy was amended accordingly on 5 June 2018 however; in an administrative oversight, the need for Council to formally approve and adopt the amended policy as a decision of council was overlooked.

Section 132(4) of the Building Act 2004 allows for the review of this policy to be at intervals of not more than 5 years. Given the legislative nature of this policy 5 years is a more appropriate review period rather than annually with any legislative amendments still being able to be made as and when necessary.

## 1.3 Issues

Other than the requirement for formally adopting the policy, there are no issues for Council to consider.

## 1.4 Significance and Engagement

The Building (Earthquake-prone Buildings) Amendment Act 2016 does not require the special consultative procedure to be used, as the amendments do not materially affect the policy as it applies to dangerous and insanitary buildings.

## 1.5 Implications

### Financial

N/A

### Social & Policy

N/A

### Risk

N/A

## 1.6 Options

The options available to Council are as follows:

- a. Adopt the amended Dangerous, Affected and Insanitary Buildings Policy.
- b. Approve the review period extension of the Dangerous, Affected and Insanitary Buildings Policy from annually to 5 years.
- c. To request officers to consider amendments to the Dangerous, Affected and Insanitary Buildings Policy to be brought back to a future meeting

## 1.7 Development of Preferred Option

To adopt the amended Dangerous, Affected and Insanitary Buildings Policy with the extension to the policy review period.

### At the Meeting

The Team Leader Building Processing, Mr Ward spoke to the report and responded to questions clarifying that "structures" were covered under legislation requirements. There was provision to register online to view buildings identified earthquake prone.

## 1.8 Attachments

- A Policy - Dangerous, Affected and Insanitary Buildings
- B 2013 Policy on Dangerous, Earthquake-Prone and Insanitary Buildings

## Napier City Council

### Policy Dangerous, Affected and Insanitary Buildings

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#### 1 Introduction

This policy is to meet the requirements of sections 131, 132 and 132A of the Building Act 2004 (the Act) for territorial authorities to adopt a policy on dangerous, affected and insanitary buildings. This is a review of existing policy under Schedule 1AA of the Building (Earthquake-prone Buildings) Amendment Act 2016.

These and other provisions relating to dangerous, affected and insanitary buildings are contained in the following sections of the Building Act 2004.

- Section 121 defines meaning of dangerous building.
- Section 121A defines the meaning of affected building.
- Section 123 defines meaning of insanitary building.
- Section 123A defines the application of this subpart to parts of buildings
- Section 124 describes powers of territorial authorities in respect of dangerous, affected or insanitary buildings.
- Sections 125–130 describe procedures to be applied in the exercise of those powers.
- Section 131 provides that a territorial authority must adopt policy on dangerous and insanitary buildings.
- Section 132 describes procedures in relation to the adoption and review of policies on dangerous and insanitary buildings.
- Section 132A states policy must take into account affected buildings.

These sections of the Act are reproduced in Appendix A for convenience of reference, but the full provisions of the Act should be referred to on matters of law.

Throughout this policy “Council” refers to the Napier City Council.

In this policy “Private Residential” means private dwellings classed as category SH under the Building Act 2004 but excludes those buildings classed under category SR<sup>1</sup>.

Footnotes are provided to explain Council’s reasons for certain aspects of policy and further expand on the provisions of the policy.

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<sup>1</sup> SH means Single Detached Dwelling  
SR means Multi-Unit Dwellings, Flats or Apartments

**Dangerous, Affected and Insanitary Buildings Policy**  
**Adopted by Council 8 October 2013**  
Reviewed and Amended 5 June 2018 in accordance with the  
Building (Earthquake-prone Buildings) Amendment Act 2016

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**NAPIER**  
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*Te Kaunihera o Ahuriri*

## 2 Policy Approach for Dangerous Buildings

### 2.1 Policy Statement

Once buildings that are dangerous come to the attention of Council it will act promptly to ensure they are made safe.

Dangerous Buildings may come about due to a change of use (for example a commercial building used for residential purposes, unauthorised alterations being made, from a fire, from a natural disaster or as a result of its use by an occupant). Once buildings that are dangerous come to the attention of Council, Council has a statutory responsibility to act promptly to ensure the safety of persons or property. Napier City Council will use the process set out in the Building Act 2004 in dealing with dangerous buildings.

### 2.2 Identification of Dangerous Buildings

In order to identify dangerous buildings Council will respond to and investigate all building complaints or notification from internal sources or third parties. However Council may not respond to anonymous complaints. Where those investigations reveal that the building is in a dangerous state the owner and occupier of the building will be informed and required to reduce or remove the danger. Council will seek advice from the Fire and Emergency New Zealand on making an assessment of a dangerous building where appropriate, for example on a complex building.

Council will assess dangerous buildings against the provisions of section 121(1) of the Building Act 2004 (see Appendix A).

### 2.3 Taking Action on Dangerous Buildings

Where the danger is assessed as immediate, Council may undertake any of those measures outlined in section 129 of the Act to remove the danger. Due to the urgent nature of the risk that dangerous buildings pose to users, Council will in the first instance act to ensure no person uses or occupies the building until such work is undertaken to reduce or remove the danger. Council will seek cost recovery for work carried out under this section.

Where the danger is assessed as not being immediate, in accordance with sections 124 and 125 of the Act Council may:

- Advise and liaise with the owner(s) of the building(s);
- Request a written report on the building from the Fire and Emergency New Zealand;
- If the building is found to be dangerous attach a written notice to the building requiring remedial work to be carried out within a time stated in the notice being not less than 10 days, to reduce or remove the danger. Copies of the notice will be provided to the building owner, the occupier and every person who has an interest in the land, or is claiming an interest in the land, as well as Heritage New Zealand, if the building is a heritage building;
- Consider enforcement action under the Act if the requirements of the notice are not met with a reasonable period of time as well as any other non-compliance matters.

All owners have a right to object to Council for a review of its decision or the Ministry of Business, Innovation & Employment (MBIE) for a determination under Section 177 (3) of the Act (see Appendix A).

**Dangerous, Affected and Insanitary Buildings Policy**  
**Adopted by Council 8 October 2013**  
Reviewed and Amended 5 June 2018 in accordance with the  
Building (Earthquake-prone Buildings) Amendment Act 2016

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**NAPIER**  
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*Te Kaunihera o Ahuriri*

### 3 Policy Approach for Affected Buildings

#### 3.1 Policy Statement

Once buildings that are dangerous come to the attention of Council it will act promptly to ensure they are made safe.

Any buildings adjacent to, adjoining, or nearby to a dangerous building or dam shall be assessed to determine if they are affected by the dangerous building or dam in question.

Once any buildings are deemed to be affected, Council has a statutory responsibility to act promptly to ensure the safety of persons or property. Napier City Council will use the process set out in the Building Act 2004 in dealing with affected buildings.

**Dangerous, Affected and Insanitary Buildings Policy**  
**Adopted by Council 8 October 2013**  
Reviewed and Amended 5 June 2018 in accordance with the  
Building (Earthquake-prone Buildings) Amendment Act 2016

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**NAPIER**  
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*Te Kaunihera o Ahuriri*

## 4 Policy Approach for Insanitary Buildings

### 4.1 Policy Statement

Once buildings that are insanitary come to the attention of Council it will act promptly to ensure they are made safe.

Buildings may become insanitary due to a number of reasons, such as following a natural disaster, as a result of poor maintenance, or misuse by an occupant. Once buildings that contain insanitary conditions come to the attention of Council, Council will follow the process laid down in the Building Act 2004 in dealing with insanitary conditions.

### 4.2 Identification of Insanitary Buildings

In order to identify insanitary buildings, Council will respond to and investigate all building complaints or notification from internal sources or third parties. However Council may not respond to anonymous complaints. In situations where natural disasters have occurred Council will institute an active approach to assessing the sanitary state of affected buildings.

Where any investigations reveal that a building is in an insanitary state the owner and occupier of the building will be informed and the owner required to address those conditions contributing to the insanitary state.

### 4.3 Taking action on Insanitary Buildings

Where immediate action is required to prevent the building from remaining insanitary, Council will undertake those measures in section 129 of the Act to fix the insanitary conditions. Due to the urgent nature of the risk that insanitary buildings pose to users, Council will in the first instance act to ensure no person uses or occupies the building or permits the another person to use or occupy the building until such work is undertaken to fix the insanitary conditions.

Where immediate action is not required Council may:

- Advise and liaise with the owner(s) of the building(s);
- If the building is found to be insanitary attach a written notice to the building requiring remedial work to be carried out within a time stated in the notice being not less than 10 days, to reduce or remove the conditions contributing to the insanitary state. Copies of the notice will be provided to the building owner, the occupier and every person who has an interest in the land, or is claiming an interest in the land, as well as Heritage New Zealand, if the building is a heritage building;
- Consider enforcement action under the Act if the requirements of the notice are not met with reasonable period of time as well as any other non-compliance matters.

All owners have a right to object to Council for a review of its decision or the Ministry of Business, Innovation & Employment (MBIE) for a determination under Section 177(3) of the Act (see Appendix 1).

**Dangerous, Affected and Insanitary Buildings Policy**  
**Adopted by Council 8 October 2013**  
Reviewed and Amended 5 June 2018 in accordance with the  
Building (Earthquake-prone Buildings) Amendment Act 2016

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## Appendix A

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### Extracts from the Building Act 2004 and related Regulations

#### 121 Meaning of dangerous building

- (1) A building is dangerous for the purposes of this Act if,
- (a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause—
    - (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or
    - (ii) damage to other property; or
  - (b) in the event of fire, injury or death to any persons in the building or to persons on other property is likely.
- (2) For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority—
- (a) may seek advice from employees, volunteers, and contractors of Fire and Emergency New Zealand who have been notified to the territorial authority by the board of Fire and Emergency New Zealand as being competent to give advice; and
  - (b) if the advice is sought, must have due regard to the advice

#### 121A Meaning of affected building

- A building is an affected building for the purposes of the Act if it is adjacent to, adjoining, or nearby—
- (a) a dangerous building as defined in section 121; or
  - (b) a dangerous dam within the meaning of section 153.

#### 123 Meaning of insanitary building

- A building is insanitary for the purposes of this Act if the building—
- (a) is offensive or likely to be injurious to health because —
    - (i) of how it is situated or constructed; or
    - (ii) it is in a state of disrepair; or
  - (a) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or
  - (b) does not have a supply of potable water that is adequate for its intended use; or
  - (c) does not have sanitary facilities that are adequate for its intended use.

#### 123A Application of this subpart to parts of buildings

- (1) If a territorial authority is satisfied that only part of a building is dangerous (within the meaning of section 121) or insanitary (within the meaning of section 123) —
- (a) the territorial authority may exercise any of its powers or perform any of its functions under this subpart in respect of that part of the building rather than the whole building; and
  - (b) for the purpose of paragraph (a), this subpart applies with any necessary modifications.
- (2) To the extent that a power or function of a territorial authority under this subpart relates to affected buildings, -
- (a) the territorial authority may exercise the power or perform the function in respect of all or part of an affected building; and
  - (b) for the purpose of paragraph (a), this subpart applies with any necessary modifications.

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## **Powers of territorial authorities in respect of dangerous, affected, or insanitary buildings**

### **124 Dangerous, affected, or insanitary buildings: powers of territorial authority**

- (1) This section applies if a territorial authority is satisfied that a building in its district is a dangerous, affected or insanitary building.
- (2) In a case to which this section applies, the territorial may do any or all of the following:
  - (a) put up a hoarding or fence to prevent people from approaching the building nearer than is safe;
  - (b) attach in a prominent place on, or adjacent to the building, a notice that warns people not to approach the building;
  - (c) except in the case of an affected building, issue a notice that complies with section 125(1) requiring work to be carried out on the building to:
    - (i) reduce or remove the danger; or
    - (ii) prevent the building from remaining insanitary.
  - (d) issue a notice that complies with section 125(1A) restricting entry to the building for particular purposes or restricting entry to particular persons or groups of persons.

### **125 Requirements for notice requiring building work or restricting entry**

- (1) A notice given under section 124(2)(c) must—
  - (a) be in writing; and
  - (b) be fixed to the building in question; and
  - (c) be given in the form of a copy to the persons listed in subsection (2); and
  - (d) state the time within which the building work must be carried out, which must not be less than a period of 10 days after the notice is given or a period reasonably sufficient to obtain a building consent is one is required, which period is longer; and
  - (e) state whether the owner of the building must obtain a building consent in order to carry out the work required by the notice.
- (1A) A notice issued under section 124(2)(d);
  - (a) be in writing; and
  - (b) be fixed to the building in question; and
  - (c) be given in the form of a copy to the persons listed in subsection (2); and
  - (d) may be issued for a maximum period of 30 days; and
  - (e) may be reissued once only for a further period maximum period of 30 days.
- (2) A copy of the notice must be given to—
  - (a) the owner of the building; and
  - (b) an occupier of the building; and
  - (c) every person who has an interest in the land on which the building is situated under a mortgage or other encumbrance registered under the Land Transfer Act 1952; and
  - (d) every person claiming an interest in the land that is protected by a caveat lodged and in force under section 137 of the Land Transfer Act 1952; and
  - (e) every statutory authority that has exercised a statutory power to classify or register, for any purpose, the building or the land on which the building is situated; and
  - (f) Heritage New Zealand Pouhere Taonga, if the building is a heritage building.
- (3) However, the notice, if fixed on the building, is not invalid because a copy of it has not been given to any or all of the persons referred to in subsection (2).

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**126 Territorial authority may carry out work**

- (1) A territorial authority may apply to a District Court for an order authorising the territorial authority to carry out building work if any work required under a notice issued by the territorial authority under section 124(2)(c) is not completed, or not proceeding with reasonable speed, within—
  - (a) the time stated in the notice; or
  - (b) any further time that the territorial authority may allow.
- (2) Before the territorial authority applies to the District Court under subsection (1), the territorial authority must give the owner of the building not less than 10 days' written notice of its intention to do so.
- (3) If the territorial authority carries out building work under the authority of an order made under subsection (1) —
  - (a) the owner of the building is liable for the costs of the work; and
  - (b) the territorial authority may recover those costs from the owner; and
  - (c) the amount recoverable by the territorial authority becomes a charge on the land on which the work was carried out.

**127 Building work includes demolition of building**

Any work required or authorised to be done under section 124(2)(c) or section 126 may include the demolition of all or part of a building.

**128 Prohibition on using dangerous, affected, or insanitary building**

- (1) This section applies if a territorial authority has done any of the following:
  - (a) put up a hoarding or fence in relation to a building under section 124(2)(a);
  - (b) attached a notice warning people not to approach a building under section 124(2)(b);
  - (c) issued a notice restricting entry to a building under section 124(2)(d).
- (2) In any case to which this section applies, and except as permitted by section 124(2)(d), no person may:
  - (a) use or occupy the building; or
  - (b) permit another person to use or occupy the building.

**128A Offences in relation to dangerous, affected or insanitary buildings**

- (1) A person who fails to comply with a notice issued under section 124(2)(c) that is given to that person under section 125(2) -
  - (a) commits an offence; and
  - (b) is liable to a fine not exceeding \$200,000.
- (2) A person who fails to comply with section 128(2) –
  - (a) commits an offence; and
  - (b) is liable on conviction to a fine not exceeding \$200,000 and in the case of a continuing offence, to a further fine not exceeding \$20,000 for every day or part of a day during which the offence has continued.

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**129 Measures to avoid immediate danger or to fix insanitary conditions**

- (1) This section applies if, because of the state of a building—
  - (a) immediate danger to the safety of people is likely in terms of section 121 or section 123; or
  - (b) immediate action is necessary to fix insanitary conditions.
- (2) The chief executive of a territorial authority may, by warrant issued under his or her signature, cause any action to be taken that is necessary in his or her judgement to—
  - (a) remove that danger; or
  - (b) fix those insanitary conditions.
- (3) If the territorial authority takes action under subsection (2)—
  - (a) the owner of the building is liable for the costs of the action; and
  - (b) the territorial authority may recover those costs from the owner; and
  - (c) the amount recoverable by the territorial authority becomes a charge on the land on which the building is situated.
- (4) The chief executive of the territorial authority and the territorial authority are not under any liability arising from the issue, in good faith, of a warrant under subsection (2).

**130 Territorial authority must apply to District Court for confirmation or warrant**

- (1) If the chief executive of a territorial authority issues a warrant under section 129(2), the territorial authority, on completion of the action stated in the warrant, must apply to a District Court for confirmation of the warrant.
- (2) On hearing the application, the District Court may—
  - (a) confirm the warrant without modification; or
  - (b) confirm the warrant subject to modification; or
  - (c) set the warrant aside.
- (3) Subsection (1) does not apply if—
  - (a) the owner of the building concerned notifies the territorial authority that—
    - (i) the owner does not dispute the entry into the owner's land; and
    - (ii) confirmation of the warrant by a District Court is not required; and
  - (b) the owner pays the costs referred to in section 129(3)(a).

**131 Territorial authority must adopt policy on dangerous and insanitary buildings—**

- (1) A territorial authority must, within 18 months after the commencement of this section, adopt a policy on dangerous and insanitary buildings within its district.
- (2) The policy must state—
  - (a) the approach that the territorial authority will take in performing its functions under this Part; and
  - (b) the territorial authority's priorities in performing those functions; and
  - (c) how the policy will apply to heritage buildings.

**132 Adoption and review of policy**

- (1) A policy under section 131 must be adopted in accordance with the special consultative procedure of section 83 of the Local Government Act 2002.
- (2) A policy may be amended or replaced only in accordance with the special consultative procedure, and this section applies to that amendment or replacement.
- (3) A territorial authority must, as soon as practicable after adopting or amending a policy, provide a copy of the policy to the chief executive.
- (4) A territorial authority must complete a review of a policy within 5 years after the policy is adopted and then at intervals of not more than 5 years.
- (5) A policy does not cease to have effect because it is due for review or being reviewed.

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**132A Policy must take into account affected buildings**

- (1) A policy under section 131 take into account affected buildings.
- (2) A territorial authority must amend an existing policy to take into account affected buildings at the latest within a reasonable period following the next review of its policy required under section 132(4).
- (3) In subsection (2), existing policy means a policy existing at the date of this section coming into force.

**177 Application for determination**

- (3) Subsection (1)(b) applies to any power of decision of a territorial authority in respect of, or under, all or any of the following:
  - (a) any waiver or modification of the building code under section 67:
  - (b) a certificate of acceptance under section 96:
  - (c) an exemption from building consent requirements under clause 2 of Schedule 1:
  - (d) an amendment to a compliance schedule under section 106, 107, or 109:
  - (e) a notice to fix:
  - (f) sections 112, 113, 115, and 116 (which relate to alterations to, or changes in the use of, a building) and 124 and 129 which relate to dangerous, affected, and insanitary buildings):
  - (fa) any power of decision of a territorial authority under subpart 6A of Part 2, other than a power of decision under section 133AS (territorial authority may carry out seismic work):
  - (g) a certificate for public use under section 363A:
  - (h) a certificate under section 224(f) of the Resource Management Act 1991.

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**Napier City Council  
Policy on  
Dangerous, Earthquake-  
Prone and Insanitary  
Buildings**



Adopted by Council 8 October 2013

## Napier City Council

### Policy

## Dangerous, Earthquake Prone and Insanitary Buildings

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### 1 Introduction

This policy is to meet the requirements of sections 131 and 132 of the Building Act 2004 (the Act) for territorial authorities to adopt a policy on dangerous, earthquake-prone and insanitary buildings. This is a review of existing policy under Section 132 of the Act.

These and other provisions relating to dangerous, earthquake-prone and insanitary buildings are contained in the following sections of the Building Act 2004.

- Section 121 defines meaning of dangerous building.
- Section 122 defines earthquake-prone buildings; the associated regulations define a moderate earthquake to which section 122 refers.
- Section 123 defines meaning of insanitary building.
- Section 124 describes powers of territorial authorities in respect of dangerous, earthquake-prone and insanitary buildings.
- Sections 125–130 describe procedures to be applied in the exercise of those powers.
- Section 131 provides that a territorial authority must adopt policy on dangerous, earthquake-prone and insanitary buildings.
- Section 132 describes procedures in relation to the adoption and review of policies on dangerous, earthquake-prone and insanitary buildings.

These sections of the Act are reproduced in Appendix A for convenience of reference, but the full provisions of the Act should be referred to on matters of law.

Throughout this policy “Council” refers to the Napier City Council.

In this policy “Private Residential” means private dwellings classed as category SH under the Building Act 2004 but excludes those buildings classed under category SR<sup>1</sup>.

Footnotes are provided to explain Council’s reasons for certain aspects of policy and further expand on the provisions of the policy.

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<sup>1</sup> SH means Single Detached Dwelling  
SR means Multi-Unit Dwellings, Flats or Apartments

## 2 Methods to be used in assessing earthquake-prone buildings

In assessing if a building is earthquake-prone, Council will accept the methods in the guideline document “The Assessment and Improvement of Performance of Buildings in Earthquakes”, developed for the Department of Building and Housing by the New Zealand Society of Earthquake Engineering. Other methods and procedures are not, however, excluded<sup>2</sup>. In any event Council may require that a peer review of any assessment be made.

## 3 Identification of potential earthquake-prone buildings

Council has identified that due to building standards and practices in place prior to 1976, buildings consented prior to 1976 are potentially earthquake prone as defined in Section 122 of the Building Act 2004. As a result, every owner of a building of 2 or more storeys or single storey buildings with an eave height greater than 4 metres and are classified as a Place of Assembly<sup>3</sup> as defined by the City of Napier District Plan constructed prior to 1976, with the exception of **private single detached dwellings**, is required to submit a written assessment of the earthquake proneness of their building to the Napier City Council.

The assessment must be undertaken and certified by a Chartered Professional Engineer (Structural). The certification shall be in the form of PS4.

This assessment is to be completed within 36 months of written notification by Council that an assessment is required.

The cost of the assessment of the earthquake proneness of the building will be met in full by the building owner.

If an assessment report is not submitted within this 36 month period the building will be deemed to be earthquake prone and notice will be served under section 124 of the Building Act 2004. The notice will remain in place until such time as remedial work to bring the building up to the standards required by the Building Act 2004 is undertaken or that an assessment report has been received confirming that the building is not earthquake prone. The legal responsibilities of the property owner issued with a notice are set out in section 6 of this policy.

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<sup>2</sup> The definition of earthquake proneness includes reference to collapse. The detailed procedures of the NZSEE guidelines, on the other hand, have been written in terms of Ultimate Limit State (ULS), for reasons explained in the guidelines. There can be a marked difference between the attainment of an ULS and a state of collapse. Analysts may therefore prefer to use procedures that assess collapse directly rather than approximate that condition from an ULS. Depending on the detailed nature of such an assessment, Council may require a peer review to corroborate the assessment.

<sup>3</sup> Place of Assembly means Land and/or Buildings which are used in whole or in part for the assembly of persons for such purposes as deliberation, public and private worship, religious ceremonies, services, instruction, entertainment, education, recreation or similar purposes and includes any church, hall, public library, amusement arcade, clubroom, funeral directors chapel, any gymnasium, pavilion, indoor sports facility, community centre and marae buildings.

## **4 Consultation with owners of potential earthquake-prone buildings**

If no report is received or if the assessment report deems a building to be earthquake prone, the Council will confirm the status of the building as being an earthquake prone building for the purposes of section 122 of the Building Act 2004 and discuss with the owners the implications of the findings and provide advice to the owners on organisations that can assist with information on earthquake prone buildings.

## **5 Recording of earthquake proneness**

In the event that Council confirms that the building is earthquake-prone, a record to this effect will be placed on the property file, and any Land Information Memorandum or Project Information Memorandum requested for a project involving the building will note that the building has been assessed as being earthquake-prone<sup>4</sup>.

## **6 Notices**

In the event that the owner does not submit a written assessment as provided by section 3 of this policy or, if the assessment report provided by the building owner under section 3 of this policy confirms that the building is earthquake-prone, Council will issue a notice in accordance with the Act.

The notice will state that the building is to achieve strengthening to such a level as may be required by the Building Act or Building Code.

The time within which the work required by the notice is to be carried out is 10 years from the date of the notice.

Council will in general require that the owner obtain a building consent for work specified in the notice, though concessions on fees may be available for certain buildings.

## **7 Application of this policy to heritage buildings**

Heritage buildings will be assessed in the same way as other buildings. Council is very much aware of the value of heritage buildings to the City. As a result, Council may vary requirements for improving the performance of a heritage building where improvement would otherwise involve an unacceptable intervention in heritage fabric or unacceptable loss of heritage value. Matters to be considered include:

- more detailed assessments
- extent of the loss of heritage values
- acceptability of lower protection, including lower protection of other property

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<sup>4</sup> The New Zealand Society for Earthquake Engineering recommends that a plaque, stating that the building has been assessed for earthquake proneness and graded accordingly, should be fixed to the building. Council does not intend adopting this recommendation.

In determining appropriate action, including any variations, Council will consult with the Historic Places Trust, the Department of Conservation (as appropriate), expert heritage advisors<sup>5</sup>, and owners of immediately adjacent buildings<sup>6</sup>. This consultation will take place immediately following receipt of the assessment report identifying a building as earthquake prone.

## **8 Interaction of this policy with other provisions of the Act**

### **8.1 Alterations to buildings**

Section 112 of the Building Act, which relates to alterations to existing buildings, requires that the structure continues to comply with the provisions of the building code (applying to new buildings) to at least the same extent as before the alteration. This will continue to apply, except when the proposed alterations require a building consent and are deemed to be significant alterations, when additional requirements may apply<sup>7</sup>.

Alterations will be deemed to be significant if the costs of the alterations requiring building consent exceed 10% of the value of the building, taken as the “quotable value” excluding land. Where there are several alterations over a period of time, the percentages will be aggregated for each alteration and the aggregated percentages compared to the 10% threshold<sup>8</sup>.

When an alteration that is deemed to be significant is proposed to a building that has been assessed as earthquake-prone and for which a notice has been given, Council will require that the building be upgraded as required by the notice as a condition of consent for the alteration.

When an alteration that is deemed to be significant is proposed to a building that has not been assessed as earthquake-prone, Council will require that the building be assessed for earthquake proneness as a condition of consent for the alteration. Council may require that the assessment uses a detailed procedure (rather than an initial evaluation procedure) and that a peer review of the assessment be undertaken. If the building is assessed as earthquake-prone, Council will serve notice to this effect and require such work as is required to remove the danger as a condition of building consent.

### **8.2 Extension of life of building**

Where the provisions of section 116 of the Building Act apply, Council will apply the provisions of this policy that relate to alterations as if the extension of life were an alteration.

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<sup>5</sup> Conservation architects, archaeologists, specialist structural engineers, and others

<sup>6</sup> Who have a reasonable expectation that their property will be protected

<sup>7</sup> All alterations, not just those relating to the structure, are included, because alterations may extend the use of the building or the number of occupants. However, the intention is not to preclude minor alterations that might well improve the safety of the building in everyday use or aspects of public amenity. Note that repairs and maintenance using the same or similar materials generally do not require a building consent, so are not included in the costs of the alterations as defined here.

<sup>8</sup> Aggregation of percentages are used to avoid any necessity to calculate “present-day-value” of the costs of past alterations or of previous building valuations.

### **8.3 Subdivision**

Where the provisions of section 116A of the Building Act apply, Council will apply the provisions of this policy that relate to alterations as if the subdivision were an alteration.

Council notes that section 116A requires, among other matters, that the building comply as nearly as is reasonably practicable with every provision of the building code that relates to protection of other property. This may be more onerous in some respects than meeting the provisions of this policy on alterations.

### **8.4 Change of use of a building**

Council notes that section 115 requires, among other matters, that where a change of use is intended for a building, the building must comply with every provision of the building code that relates to structural performance. This will, in general, be more onerous than meeting the requirements of this policy on earthquake-prone buildings.

## **9 Policy Approach for Insanitary Buildings**

### **9.1 Policy Statement**

Once buildings that are insanitary come to the attention of Council it will act promptly to ensure they are made safe.

Buildings may become insanitary due to a number of reasons, such as following a natural disaster, as a result of poor maintenance, or misuse by an occupant. Once buildings that contain insanitary conditions come to the attention of Council, Council will follow the process laid down in the Building Act 2004 in dealing with insanitary conditions.

### **9.2 Identification of Insanitary Buildings**

In order to identify insanitary buildings, Council will respond to and investigate all building complaints or notification from internal sources or third parties. However Council may not respond to anonymous complaints. In situations where natural disasters have occurred Council will institute an active approach to assessing the sanitary state of affected buildings.

Where any investigations reveal that a building is in an insanitary state the owner and occupier of the building will be informed and the owner required to address those conditions contributing to the insanitary state.

### **9.3 Taking action on Insanitary Buildings**

Where immediate action is required to prevent the building from remaining insanitary, Council will undertake those measures in section 129 of the Act to fix the insanitary conditions. Due to the urgent nature of the risk that insanitary buildings pose to users, Council will in the first instance act to ensure no person uses or occupies the building or permits the another person to use or occupy the building until such work is undertaken to fix the insanitary conditions.

Where immediate action is not required Council may:

- Advise and liaise with the owner(s) of the building(s);
- If the building is found to be insanitary attach a written notice to the building requiring remedial work to be carried out within a time stated in the notice being not less than 10 days, to reduce or remove the conditions contributing to the

insanitary state. Copies of the notice will be provided to the building owner, the occupier and every person who has an interest in the land, or is claiming an interest in the land, as well as the New Zealand Historic Places trust, if the building is a heritage building;

- Consider enforcement action under the Act if the requirements of the notice are not met with reasonable period of time as well as any other non compliance matters.

All owners have a right to object to Council for a review of its decision or the Department of Building and Housing for a determination under Section 177(3) of the Act (See Appendix 1).

## **10 Policy Approach for Dangerous Buildings**

### **10.1 Policy Statement**

Once buildings that are dangerous come to the attention of Council it will act promptly to ensure they are made safe.

Dangerous Buildings may come about due to a change of use (for example a commercial building used for residential purposes, unauthorized alterations being made, from a fire, from a natural disaster or as a result of its use by an occupant). Once buildings that are dangerous come to the attention of Council, Council has a statutory responsibility to act promptly to ensure the safety of persons or property. Napier City Council will use the process set out in the Building Act 2004 in dealing with dangerous buildings.

### **10.2 Identification of Dangerous Buildings**

In order to identify dangerous buildings Council will respond to and investigate all building complaints or notification from internal sources or third parties. However Council may not respond to anonymous complaints. Where those investigations reveal that the building is in a dangerous state the owner and occupier of the building will be informed and required to reduce or remove the danger. Council will seek advice from the New Zealand Fire Service on making an assessment of a dangerous building where appropriate, for example on a complex building or on a building that has suffered damage after an earthquake.

Council will assess dangerous buildings against the provisions of section 121(1) of the Building Act 2004 (see Appendix A).

### **10.3 Taking Action on Dangerous Buildings**

Where the danger is assessed as immediate, Council may undertake any of those measures outlined in section 129 of the Act to remove the danger. Due to the urgent nature of the risk that dangerous buildings pose to users, Council will in the first instance act to ensure no person uses or occupies the building until such work is undertaken to reduce or remove the danger. Council will seek cost recovery for work carried out under this section.

Where the danger is assessed as not being immediate, in accordance with sections 124 and 125 of the Act Council may:

- Advise and liaise with the owner(s) of the building(s);
- Request a written report on the building from the New Zealand Fire Service;

- If the building is found to be dangerous attach a written notice to the building requiring remedial work to be carried out within a time stated in the notice being not less than 10 days, to reduce or remove the danger. Copies of the notice will be provided to the building owner, the occupier and every person who has an interest in the land, or is claiming an interest in the land, as well as the New Zealand Historic Places trust, if the building is a heritage building;
- Consider enforcement action under the Act if the requirements of the notice are not met with a reasonable period of time as well as any other non-compliance matters.

All owners have a right to object to Council for a review of its decision or the Department of Building and Housing for a determination under Section 177 (3) of the Act (see Appendix A).

## Appendix A

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### Earthquake-Prone Buildings

#### Extracts from the Building Act 2004 and related Regulations

##### 121 Meaning of dangerous building

- (1) A building is dangerous for the purposes of this Act if,
- (a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause—
    - (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or
    - (ii) damage to other property; or
  - (b) in the event of fire, injury or death to any persons in the building or to persons on other property is likely because of fire hazard or the occupancy of the building.
- (2) For the purpose of determining whether a building is dangerous in terms of subsection (1) (b), a territorial authority—
- (a) may seek advice from members of the New Zealand Fire Service who have been notified to the territorial authority by the Fire Service National Commander as being competent to give advice; and
  - (b) if the advice is sought, must have due regard to the advice

##### 122 Meaning of an earthquake-prone building

- (1) A building is earthquake prone for the purposes of the Act if, having regard to its condition and the ground on which it is built, and because of its construction, the building—
- (a) will have its ultimate capacity exceeded in a moderate earthquake (as defined in the regulations); and
  - (b) would be likely to collapse causing—
    - (i) injury or death to persons in the building or to persons on any other property; or
    - (ii) damage to any other property.
- (1) Subsection (1) does not apply to a building that is used wholly or mainly for residential purposes unless the building—
- (a) comprises 2 or more storeys; and
  - (b) contains 3 or more household units.

The regulations referred to in s122 were promulgated in 2005/32 on 21 February 2005. Part 7 defines a moderate earthquake.

##### 7. Earthquake-prone buildings: moderate earthquake defined

For the purposes of section 122 (meaning of earthquake-prone building) of the Act, moderate earthquake means, in relation to a building, an earthquake that would generate shaking at the site of the building that is the same duration as, but is one-third as strong as, the earthquake shaking (determined by normal measures of acceleration, velocity, and displacement) that would be used for the design of a new building at that site.

##### 123 Meaning of insanitary building

- A building is insanitary for the purposes of this Act if the building—
- (a) is offensive or likely to be injurious to health because —
    - (i) of how it is situated or constructed; or
    - (ii) it is in a state of disrepair; or

- (b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or/does not have a supply of potable water that is adequate for its intended use; or
- (c) does not have sanitary facilities that are adequate for its intended use.

**Powers of territorial authorities in respect of dangerous, earthquake-prone, or insanitary buildings**

**124 Powers of territorial authorities in respect of dangerous, earthquake-prone, or insanitary buildings**

- (1) If a territorial authority is satisfied that a building is dangerous, earthquake-prone, or insanitary, the territorial authority may—
  - (a) put up a hoarding or fence to prevent people from approaching the building nearer than is safe;
  - (b) attach in a prominent place on, or adjacent to, the building a notice that warns people not to approach the building;
  - (c) give written notice requiring work to be carried out on the building, within a time stated in the notice (which must not be less than ten days) after the notice is given under section 125), to—
    - (i) reduce or remove the danger; or
    - (ii) prevent the building from remaining insanitary.
- (2) This section does not limit the powers of the territorial authority under this Part.
- (3) A person commits an offence if the person fails to comply with a notice given under subsection (1)(c).
- (4) A person who commits an offence under this section is liable to a fine not exceeding \$200,000.

**125 Requirements for notice given under section 124**

- (1) A notice given under section 124(1)(c) must—
  - (a) be fixed to the building concerned; and
  - (b) state whether the owner of the building must contain a building consent in order to carry out the work required by the notice.
- (2) A copy of the notice must be given to—
  - (a) the owner of the building; and
  - (b) an occupier of the building; and
  - (c) every person who has an interest in the land on which the building is situated under a mortgage or other encumbrance registered under the Land Transfer Act 1952; and
  - (d) every person claiming an interest in the land that is protected by a caveat lodged and in force under section 137 of the Land Transfer Act 1952; and
  - (e) any statutory authority, if the land or building has been classified; and
  - (f) the New Zealand Historic Places Trust, if the building is a heritage building.
- (3) However, the notice, if fixed on the building, is not invalid because a copy has not been given to any or all of the persons referred to in subsection (2).

**126 Territorial authority may carry out work**

- (1) A territorial authority may apply to a District Court for an order authorising the territorial authority to carry out building work if any work required under a notice given by the territorial authority under section 124(1)(c) is not completed, or not proceeding with reasonable speed, within—
  - (a) the time stated in the notice; or
  - (b) any further time that the territorial authority may allow.
- (2) Before the territorial authority applies to the District Court under subsection (1), the territorial authority must give the owner of the building not less than 10 days' written notice of its intention to do so.

- (3) If the territorial authority carries out building work under the authority of an order made under subsection (1) —
  - (a) the owner of the building is liable for the costs of the work; and
  - (b) the territorial authority may recover those costs from the owner; and
  - (c) the amount recoverable by the territorial authority becomes a charge on the land on which the work was carried out.

**127 Building work includes demolition of building**

Any work required or authorised to be done under section 124(1)(c) or section 126 may include the demolition of all or part of a building.

**128 Prohibition on using dangerous, earthquake-prone, or insanitary building**

- (1) If a territorial authority has put up a hoarding or fence in relation to a building or attached a notice warning people not to approach a building under section 124(1), no person may—
  - (a) use or occupy the building; or
  - (b) permit another person to use or occupy the building.
- (2) A person commits an offence if the person fails to comply with this section.
- (3) A person who commits an offence under this section is liable to a fine not exceeding \$200,000 and, in the case of a continuing offence, to a further fine not exceeding \$20,000 for every day or part of a day during which the offence has continued.

**129 Measures to avoid immediate danger or to fix insanitary conditions**

- (1) This Section applies if, because of the state of a building—
  - (a) immediate danger to the safety of people is likely in terms of Section 121 or Section 122 or Section 123; or
  - (b) immediate action is necessary to fix insanitary conditions.
- (2) The chief executive of a territorial authority may, by warrant issued under his or her signature, cause any action to be taken that is necessary in his or her judgement to—
  - (a) remove that danger; or
  - (b) fix those insanitary conditions.
- (3) If the territorial authority takes action under subsection (2)—
  - (a) the owner of the building is liable for the costs of the action; and
  - (b) the territorial authority may recover those costs from the owner; and
  - (c) the amount recoverable by the territorial authority becomes a charge on the land on which the building is situated.
- (4) The chief executive of the territorial authority and the territorial authority are not under any liability arising from the issue, in good faith, of a warrant under subsection (2).

**130 Territorial authority must apply to District Court for confirmation or warrant**

- (1) If the chief executive of a territorial authority issues a warrant under section 129(2), the territorial authority, on completion of the action stated in the warrant, must apply to a District Court for confirmation of the warrant.
- (2) On hearing the application, the District Court may—
  - (a) confirm the warrant without modification; or
  - (b) confirm the warrant subject to modification; or
  - (c) set the warrant aside.
- (3) Subsection (1) does not apply if—
  - (a) the owner of the building concerned notifies the territorial authority that—
    - (i) the owner does not dispute the entry into the owner's land; and
    - (ii) confirmation of the warrant by a District Court is not required; and
  - (b) the owner pays the costs referred to in section 129(3)(a).

**131 Territorial authority must adopt policy on dangerous, earthquake-prone, and insanitary buildings—**

- (1) A territorial authority must, within 18 months after the commencement of this Section, adopt a policy on dangerous, earthquake-prone, and insanitary buildings within its district.
- (2) The policy must state—
  - (a) the approach that the territorial authority will take in performing its functions under this Part; and
  - (b) the territorial authority's priorities in performing those functions; and
  - (c) how the policy will apply to heritage buildings.

**132 Adoption and review of policy**

- (1) A policy under section 131 must be adopted in accordance with the special consultative procedure of section 83 of the Local Government Act 2002.
- (2) A policy may be amended or replaced only in accordance with the special consultative procedure, and this section applies to that amendment or replacement.
- (3) A territorial authority must, as soon as practicable after adopting or amending a policy, provide a copy of the policy to the chief executive.
- (4) A territorial authority must complete a review of a policy within 5 years after the policy is adopted and then at interval of 5 years.
- (5) A policy does not cease to have effect because it is due for review or being reviewed.

## 2. LIABILITY MANAGEMENT POLICY REVIEW

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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:* 1297419

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*Reporting Officer/s & Unit:* Garry Hrustinsky, Investment and Funding Manager

### 2.1 Purpose of Report

The purpose of this report is to present proposed amendments to the Liabilities Management Policy to ensure that it is consistent with the Financial Statement from the Long Term Plan 2021-2031.

#### Committee's recommendation

Councillors Crown / Taylor

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The Future Napier Committee:

- a. Adopt an increase in borrowing limits in net external debt as a percentage of total income from 100% to 230%.
- b. Adopt a change in the external debt maturity profile from a rule to a guideline.
- c. Adopt a change in the fixed rate maturity profile from a rule to a guideline.
- d. Note that a **DECISION OF COUNCIL** is required as this is a supporting document for the Long Term Plan and is required to be adopted prior to the Long Term Plan consultation document being adopted (it is anticipated this may occur on 8 April 2021).

That, in terms of Section 82 (3) of the Local Government Act 2002, that the principles set out in that section have been observed in such manner that the Napier City Council considers, in its discretion, is appropriate to make decisions on the recommendation.

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Carried

#### Decision of Council

Councillors Taylor / Crown

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That Council:

- a. Adopt an increase in borrowing limits in net external debt as a percentage of total income from 100% to 230%.
- b. Adopt a change in the external debt maturity profile from a rule to a guideline.
- c. Adopt a change in the fixed rate maturity profile from a rule to a guideline.

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Carried

## 2.2 Background Summary

The Liability Management Policy must be reviewed at least once every three years. The last review was conducted in May 2020 to ensure that provision was made for the Local Government Funding Agency.

The current review has been prompted by changes identified in the Financial Statement for the Long Term Plan 2021-2031.

## 2.3 Issues

The Liability Management Policy currently has a borrowing limit for debt as a percentage of total income of 100%. Budgeting for the Long Term Plan has identified that Council may need to borrow in excess of that limit (174% for 2027/28). As such, it is proposed to increase the limit to 230% to provide a sufficient ceiling to borrow.

Given the historically low interest rate environment in New Zealand at present and to match borrowing with Council's funding requirements and capacity to repay, there is prudence in allowing some flexibility in the maturity and fixed rate debt profiles that are employed. It is proposed that these profiles are used as guides rather than rules.

Proposed changes have been highlighted in yellow within the attached proposed Liability Management Policy.

## 2.4 Significance and Engagement

Due to the specialised nature of the policy Council is not required to consult prior to adoption as per s.102(5)(a) of the Local Government Act 2002. Indirect community engagement will occur in the Long Term Plan 2021-2031 where public feedback will be sought on whether to commence certain projects – this will impact on the actual level of borrowing required (versus the allowable level).

All ratepayers are impacted by the proposed changes as potential borrowing limit would be increased, with greater flexibility built into the maturity and fixed rate profiles.

## 2.5 Implications

### Financial

Amending the policy will increase the amount that Council can borrow to meet budget projections in the Long Term Plan 2021-2031.

### Social & Policy

This report refers to the Liability Management Policy only. Social implications of the recommendations are indirect as the impact would be experienced through subsequent Long Term Plans and not the policy itself.

### Risk

If left unaddressed, Council will have insufficient capacity to borrow for planned projects, and may need to do so at less favourable terms. Further, the current structure puts priority on the maturity and fixed rate profiles rather than matching the lending structure against the purpose of the loan.

## 2.6 Options

The options available to Council are as follows:

- a. Accept the recommendations.
- b. Reject the recommendations.
- c. Adopt amended recommendations.

## **2.7 Development of Preferred Option**

The preferred option was developed in line with financial projections from the Long Term Plan 2021-2031.

### **At the Meeting**

The Investment and Funding Manager, Mr Hrustinsky advised that paragraph 2.3 Issues of the Agenda Report should read as follows:

*“The Liability Management Policy currently has a borrowing limit for debt as a percentage of total income of 100%”.*

This amendment would reflect a change in the Officer’s Recommendation.

## **2.8 Attachments**

A Proposed Liability Management Policy



<b>Liability Management Policy</b>			
<b>Approved by</b>	Council		
<b>Department</b>	Finance		
<b>Original Approval Date</b>	30 June 2015	<b>Review Approval Date</b>	TBA
<b>Next Review Deadline</b>	30 June 2021	<b>Document ID</b>	TBA
<b>Relevant Legislation</b>	Section 104 of the Local Government Act 2002 (LGA).		
<b>NCC Documents Referenced</b>	Published in the Long Term Plan 2021-2031		

### Purpose

This policy is provided in accordance with Section 102 (1) of the Local Government Act 2002 (LGA), and must state the local authority is policies in respect of the management of both borrowing and other liabilities.

### Policy

Napier City Council (the Council) needs to source funds for capital development to ensure that the city continues to progress, and borrowing is an important part of that equation. It is critical to the prudent management of Council's finances that the level of debt is planned and carefully monitored. Council approves borrowing by resolution during the Annual Plan or the Long Term Plan (LTP) process. A resolution of Council is not required for hire purchase, leased, credit or deferred purchase of goods if the period of indebtedness is less than 91 days or the goods or services are obtained in the ordinary course of operations on normal terms for amounts not exceeding \$250,000.

Council raises borrowing for the following primary purposes:

- General debt to fund Council's balance sheet.
- Specific debt associated with 'one-off' projects and capital expenditure.
- To fund assets with inter-generational qualities.
- To assist Council in its day-to-day financing, through leases and hire purchases, of equipment purchases and replacement.

Council considers that borrowing is the more prudent way of funding major projects which will benefit several generations of residents.

### New Borrowings

Council is able to fund through a variety of mechanisms including internal borrowing, the issue of fixed and floating rate wholesale and retail loan stock, commercial paper, New Zealand Local Government Funding Agency and direct bank borrowing. Stock/paper may be issued to the wholesale market via banks and brokers, but issues into the retail market require additional Council

approval. Council has a general preference to firstly use available special funds for its borrowing requirements and thereafter utilise external funding sources.

Council does not borrow or enter into incidental arrangements within or outside New Zealand in currency other than New Zealand currency.

The authority to arrange new borrowings, or to refinance existing debt on more acceptable terms, is delegated to the Director Corporate Services, who has overall responsibility for all activities relating to implementation of approved policy, and for establishing appropriate structures, procedures and controls to support borrowing and risk management activity.

### **Borrowing Limits**

In managing borrowing, Council will adhere to the following limits in relation to external debt:

- Liquidity (term debt plus committed bank facilities and liquid available financial investments) to external debt must be at least **230%**
- Net external debt as a percentage of total income will not exceed 100%
- Net interest expense as a percentage of total income will not exceed 10%
- Net Interest as a percentage of rates income will not exceed 15%

Council adheres to the borrowing limit that is reached first and provides the lowest level of debt capacity.

### **Borrowing Limit Definitions:**

- Annual rates income is defined as the amount equal to the total revenue from any funding mechanism authorised by the Local Government (Rating) Act 2002 together with any revenue received from other local authorities for services provided (and for which the other local authorities rate).
- Annual rates income excludes regional levies.
- Net external debt is defined as total external debt less cash investments.
- Liquidity is defined as external term debt plus committed bank facilities plus liquid financial investments divided by current external debt.
- Total income is defined as earnings from rates, government grants and subsidies, user charges, interest, dividends, financial and other revenue and excludes non-government capital contributions (e.g. developer contributions and vested assets).
- Net interest is defined as external interest expense less interest income.

### **Liquidity and Credit Risk Management**

Council's ability to readily attract cost-effective borrowing is largely driven by its ability to maintain a strong balance sheet as well as its ability to rate, and manage its image in the market, and its relationships with investors, the Local Government Funding Agency (LGFA), bankers and brokers.

Where practical, Council seeks a diversified pool of external borrowing and ensures that bank borrowings and incidental arrangements are sought from strongly rated New Zealand registered banks (minimum Standard & Poor's (S&P) long-term credit rating A+).

Council minimises its liquidity risk by:

- Matching expenditure closely to its revenue streams and managing cashflow timing differences through its liquid investment portfolio and/or committed bank facilities
- Maintaining its cash management and financial investments in liquid and negotiable instruments
- Avoiding concentration of debt maturity dates

To ensure funds are available when needed, Council maintains sufficient available operating cashflow, committed bank facilities, and/or liquid financial investments to meet its projected cashflow commitments through the liquidity ratio, and maintains a \$3 million liquidity buffer through cash deposits.

To minimise the risk of large concentrations of external debt maturing or being reissued in periods of illiquidity or where credit margins are high, Council ensures external debt maturities are spread over a band of periods.

When total external debt is \$30 million or greater, Council will use the following maturity profile where prudent:

Period	Minimum	Maximum
0-3 years	20%	60%
3-5 years	20%	60%
Over 5 years	0%	60%

This will also be subject to Council funding needs.

#### Internal Borrowing / Loans

Council has the option to use its day-to-day cashflow, financial investments and available special fund balances to internally fund capital expenditure as approved by Council resolution. Due to the interest rate margin between external investing and external borrowing, separating Council's investing and borrowing activities is not the most efficient use of its funds. Borrowing internally, utilising its own cash reserves, Council creates fiscal efficiencies by eliminating that margin.

Council manages debt on a net portfolio basis, and borrows externally only when it is commercially prudent to do so.

Interest on internally-funded loans is charged annually in arrears, on year end loan balances at the agreed three-year fixed interest rate. Except where a specific rate has been approved for particular circumstances, the three-year rate is set annually at the start of the financial year, based on the three-year swap rate plus the credit margin on three-year loan stock.

The credit margin is determined by either Council's actual three-year margin or with reference to the LGFA credit curve for a non-credit rated guaranteeing Council borrower.

#### Gross Debt and Gross Debt Limits

Gross debt includes all external and internal borrowing and gross interest includes interest calculated on external and internal borrowings.

As an additional measure Council has set borrowing limits relating to Gross Debt and the cost of servicing Gross Debt.

- Gross Debt as a percentage of total income will not exceed 150%
- Gross interest expense as a percentage of total income will not exceed 12%
- Gross Interest as a percentage of rates income will not exceed 20%

The use of the Gross measures is an additional discipline that will be monitored and reported on internally. To avoid confusion, only the measures relating to external debt will be reported on when Council prepares its audited financial statements.

#### **New Zealand Local Government Funding Agency (LGFA) Limited**

The Council may borrow from the LGFA and, in connection with that borrowing, may enter into the following related transactions to the extent it considers necessary or desirable:

- Contribute a portion of its borrowing back to the LGFA as an equity contribution to the LGFA, for example borrower notes.
- Provide guarantees of the indebtedness of other local authorities to the LGFA and of the indebtedness of the LGFA itself.
- Commit to contributing additional equity (or subordinated debt) to the LGFA if required.
- Secure its borrowing from the LGFA and the performance of other obligations to the LGFA or its creditors with a charge over the Council's rates and rates revenue.
- Subscribe for shares and uncalled capital in the LGFA.

#### **Interest Rate Risk Management**

Council's borrowing gives rise to a direct exposure to wholesale interest rate movements. Given the long term nature of Council's assets, projects, inter-generational factors, and Council's intention to avoid an adverse impact on rates, Council prefers a percentage of fixed rate or hedged debt. Where possible, interest rate re-pricing risk is spread over a range of maturities.

Council reduces uncertainty due to interest rate movements by the active management of underlying interest rate exposures. Council's fixed rate debt, as a percentage of debt, should be between a minimum of 55% and a maximum of 100%. The percentages are calculated on the rolling 12-month projected external core debt level.

'External Debt' is the amount of total external core debt.

'Fixed Rate' is defined as an interest rate repricing date beyond 12 months on a continuous rolling basis.

'Floating Rate' is defined as an interest rate repricing date within 12 months.

Interest rate risk management objectives are reflected in the table below and outline the target fixed rate into time bands.

Period of actual and planned forecast external debt	Fixed Rate Maturity Profile Target	
	Minimum	Maximum
1 to 3 years	20%	60%
3 to 5 years	20%	60%
5 to 10 years	0%	60%

These targets do not apply when external core debt is less than \$15 million.

Maintaining a maturity profile outside the above targets for greater than 90 days requires reporting to Council.

### Interest Rate Strategy

Management implements interest rate risk management strategy through the use of the following approved instruments:

- Forward rate agreements
- Interest rate swaps
- Purchased interest rate swaptions
- Purchase of interest rate option products e.g. borrowers' caps, borrowers' swaptions
- Interest rate collar type option strategies (1:1 collars)

Selling interest rate options for the primary purpose of generating premium income is not permitted because of its speculative nature.

Credit exposure arising on interest rate instruments is restricted to \$20 million with any one approved counterparty.

### Security

Council generally does not offer assets other than a charge over rates or rates revenue as security for any loan or performance of any obligation under an incidental arrangement. In exceptional circumstances, with prior Council approval, security may be offered as a charge over one or more specific assets. Where relevant a register of charges is established and maintained at Council's principal office.

In all borrowing and related activities, Council complies with the relevant provisions of the Securities Act.

### Repayment

Council repays external borrowings from the loan redemption reserve allocated to that borrowing, from general funds, rates revenue, asset sale proceeds, or through raising redemption loans. Subject to the appropriate approval and debt limits, a loan may be rolled over or re-negotiated as and when appropriate.

Repayment amounts on internal loans are set based on a table loan calculation over the life of the loan. Repayments are made annually at financial year end.

### Contingent Liabilities

Council provides financial guarantees to community organisations. Management ensures that the business plan of the guaranteed party furthers the strategic objectives of Council and that financial statements are received on an annual basis. The Council needs to be satisfied that any community organisation to which it provides a financial guarantee is capable of servicing the proposed borrowing from its income sources. The annual contingent loan liability must not exceed 7.5% of Council's non-targeted rate take for the year.

### Policy Review

The review timeframe of this policy will be no longer than every three years.

### Document History

Version	Reviewer	Change Detail	Date
2.0.0	Caroline Thompson	Updated and approved by Council with LTP	29 June 2018
3.0.0	Garry Hrustinsky		

### 3. RESOURCE CONSENT ACTIVITY UPDATE

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	1278529
<i>Reporting Officer/s &amp; Unit:</i>	Luke Johnson, Team Leader Planning and Compliance

#### 3.1 Purpose of Report

This report provides an update on recent resource consenting activity. The report is provided for information purposes only, so that there is visibility of major projects and an opportunity for elected members to understand the process.

Applications are assessed by delegation through the Resource Management Act (RMA); it is not intended to have application outcome discussions as part of this paper.

This report only contains information which is lodged with Council and is publicly available

#### Committee's recommendation

Councillors McGrath / Mawson

The Future Napier Committee:

- a. Noted the resource consent activity update

Carried

#### 3.2 Background Summary

The following is an outline of recent activity regarding applications received by Council for consenting pursuant to the RMA.

Following on from the February update, an increase in resource consent applications submitted to Council has been experienced. 41 resource consent applications have been submitted in comparison to 27 received at the same time last year. The increase in resource consenting is very encouraging for Napier.

The table below outlines the current resource consenting activities in Napier and the status of these for information purposes. Whilst this is not an entire list of all applications currently being assessed or having been determined, they are significant or noteworthy applications of which details are being provided in this report.

#### Summary Table

Address	Proposal	Current Status	Update
480 Gloucester Street, Taradale	Establish Temporary Carpark and Ancillary Earthworks for Proposed Building Platform	Further information requested.	Further information provided below

107 Ford Road, Onekawa	Multi Use Commercial Development Stage 1 Courier Depot with Ancillary Office and EuroCity Marine, and Stage 2 Vehicle Showroom	Under assessment	Further information provided below
94 Munroe Street, Napier	Proposed Commercial Building (Office and Retailing) and Ancillary Signage	Under assessment	Further information provided below
195-197 Tennyson Street, Napier South	Proposed Car Dealership and Workshop	Under assessment	Further information provided below
9 Turner Place, Onekawa	Multi Unit Development and One Lot into Seventeen Lot Subdivision	Under assessment	Further information provided below
62 Raffles Street, Napier	S127 Proposed variation to reduce imposed Financial Contributions	Awaiting Applicant response	Previously reported to Future Napier Committee. No further update
16 and 38 Willowbank Avenue, Meeanee	Proposed lifestyle village	Application suspended	Previously reported to Future Napier Committee. No further update

#### **480 Gloucester Street, Taradale – Establish Temporary Carpark and Ancillary Earthworks for Proposed Building Platform**

This proposal forms the first stage of a larger development concept to expand the Pettigrew Green Arena (PGA). The initial enabling works (1,830m<sup>3</sup>) will provide a suitable building platform for the expansion of the arena and provision for temporary 242 car parking spaces. Access will be provided via 470 Gloucester Street across the boundary of the PGA site and neighbouring EIT site. The temporary car parking area will require the installation of 48 luminaires on 40 poles at 7.6m high. The applicant anticipates the car parking area being utilised for a period of between 18-24 months until the permanent car parking facility is constructed.

The proposed building platform will utilise the majority of the existing Dog Park Facility. Consequently, the applicant proposes the relocation of the dog park facility to an area further east in closer proximity to Murphy Road.

Additional information has been requested from the applicant in relation to;

- the detail within submitted proposal plans,
- earthworks requirements of the District Plan,
- the effects of the proposed temporary car park lighting,
- effects on the wider recreation reserve, and
- effects associated to the relocation of the dog park facility.

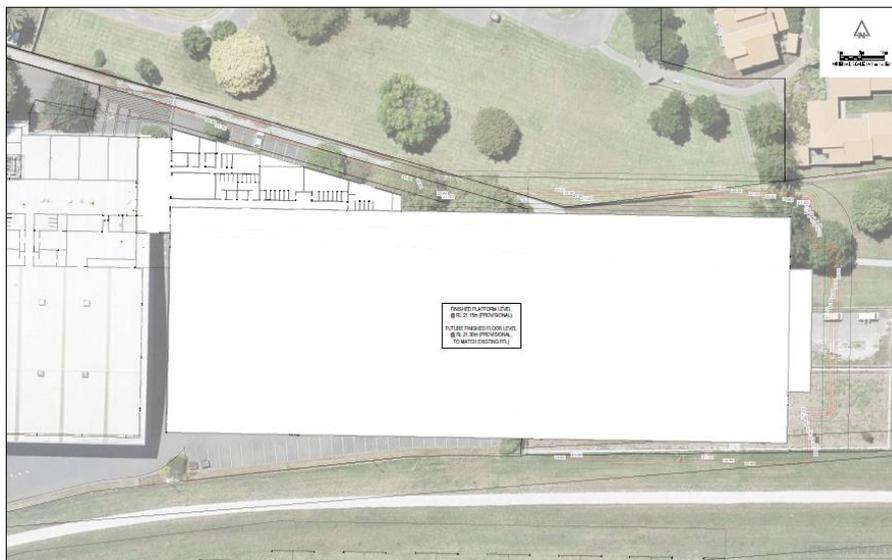


Figure 1. Proposed building platform location



Figure 2. Temporary car park

### **107 Ford Road, Onekawa – Multi Use Commercial Development - Stage 1 Courier Depot with Ancillary Office and Euro City Marine, and Stage 2 - Vehicle Showroom**

This application proposes a staged development within the Large Format Retail Zone. Stage 1 proposes the construction and operation of a new 1,000m<sup>2</sup> courier depot with ancillary office space. There are also two office spaces within the rear portion of the structure which will accommodate existing commercial businesses displaced by this development. Stage 2 will see the construction and operation of a new motor vehicle showroom (MG Motors) adjacent to the existing EuroCity dealership.

Council has issued a request for further information under s92 of the Resource Management Act in relation to stormwater treatment, right of way easements and pedestrian and vehicle access.

Assessment of the proposal will continue upon receipt of the additional information.



Figure 3. Conceptual perspective of aramex depot

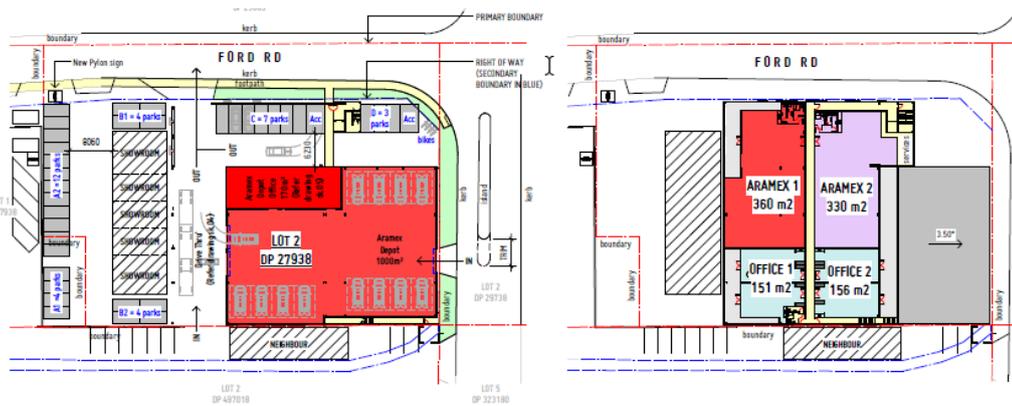


Figure 4. Floor plans (ground and first floors)

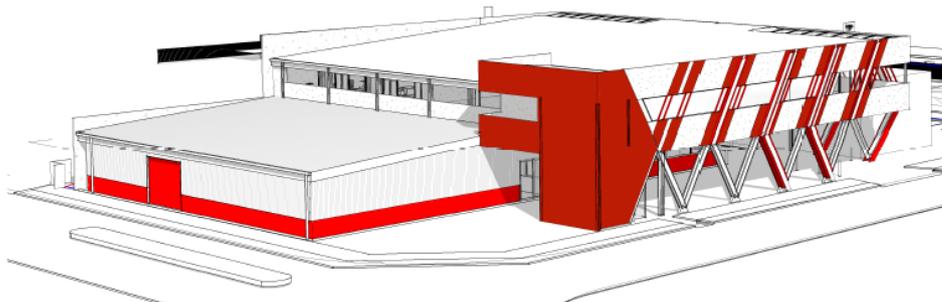


Figure 5. Perspective of Ford Road frontage

### 94 Munroe Street, Napier – Proposed Commercial Building (Office and Retailing) and Ancillary Signage

In summary, the development proposes the construction of a two level commercial building for retail and office activities, and ancillary car parking. The site is within the Fringe Commercial Zone and the proposed structure will occupy the site in its entirety. Ground floor will comprise two (2) tenancies and as will the first floor.

Parking is provided on site, albeit with a departure from the requirements of the District Plan. The applicant has provided a thorough traffic report in support of the application. This matter is currently being considered as part of the overall assessment.

A determination of the proposal is expected to be made in due course.



Figure 6. Perspective of Munroe Street Frontage

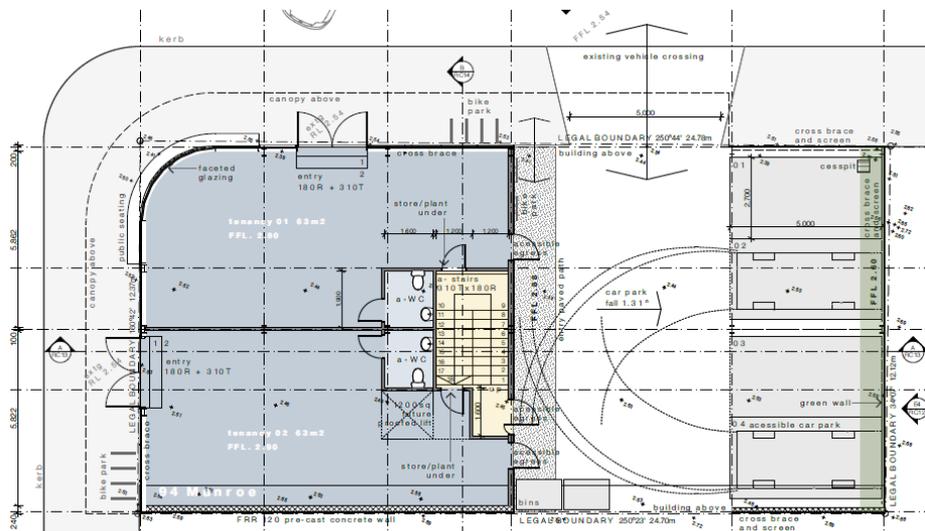


Figure 7. Ground floor plan

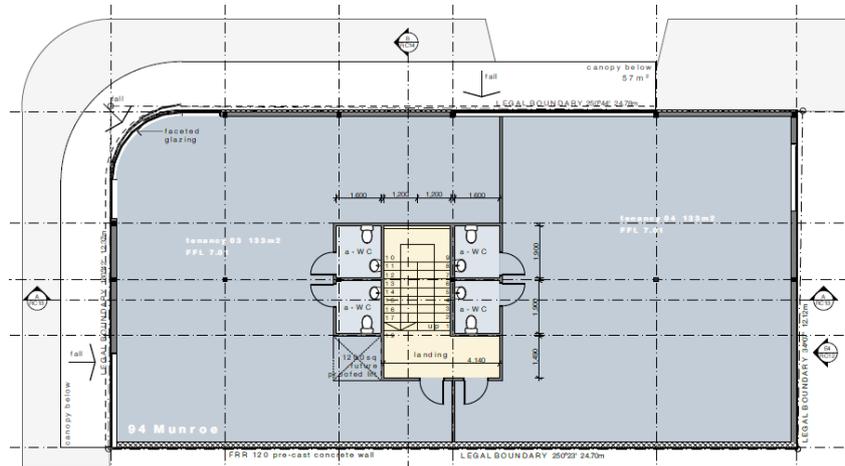


Figure 8. First floor plan

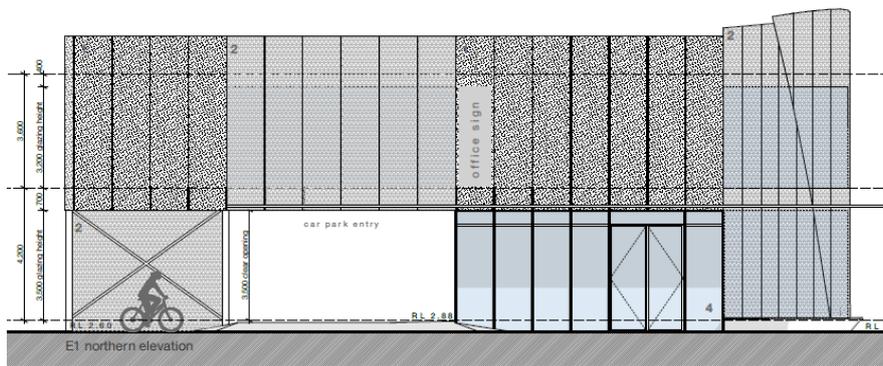


Figure 9. Northern Elevation

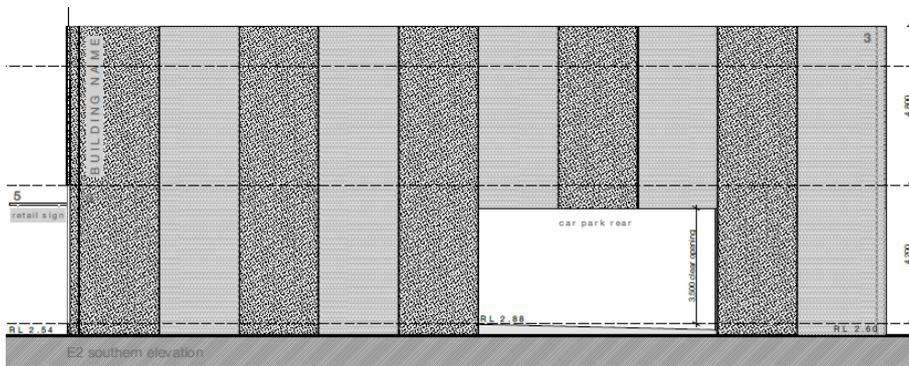


Figure 10. Southern Elevation

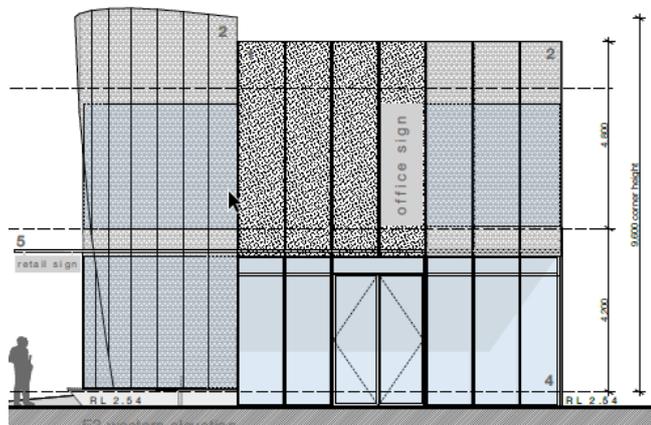


Figure 11. Western elevation

**195-197 Tennyson Street, Napier South – Proposed Car Dealership and Workshop**

This application proposes a car dealership and associated workshop in the Fringe Commercial Zone. Plans submitted with the application detail the re-use of the existing structure and upgrading of the yard area for displaying new vehicles. Five off street car parking spaces will be provide for exclusive use of customers.

Signage is proposed to be erected on the façade of the existing building in addition to a new pylon sign which is to be situated on the western side of the existing vehicle crossing.

The proposed operating hours are to be Monday to Friday 8:00am to 5:30m and Saturday 9:00am to 4:00pm.

The application is currently under assessment and expected to be determined in due course.



Figure 12. Conceptual perspective of Tennyson Road frontage

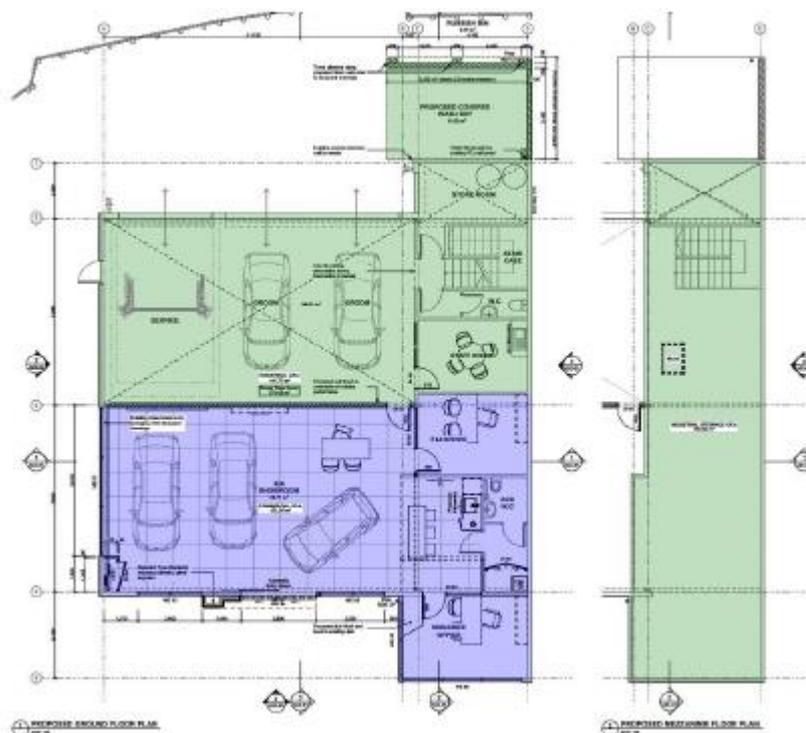


Figure 13. Proposed showroom floor plan

### 9 Turner Place, Onekawa – Multi Unit Development and One Lot into Seventeen Lot Subdivision

The proposed multi unit development (industrial units) involves the construction of two buildings containing a total of 16 units, which are then to be subdivided into 17 lots (inclusive of a common property lot for access/circulation/parking of vehicles). The subject site is within the Main Industrial Zone and has an area of 3,980m<sup>2</sup>.

The surrounding area is a well established and locates a range of industrial land uses. The orientation of the two proposed structures will allow for ample off street parking and vehicle manoeuvring. Access to the proposed development is via Turner Place and egress is onto Hamilton Place.

This application is currently under assessment.

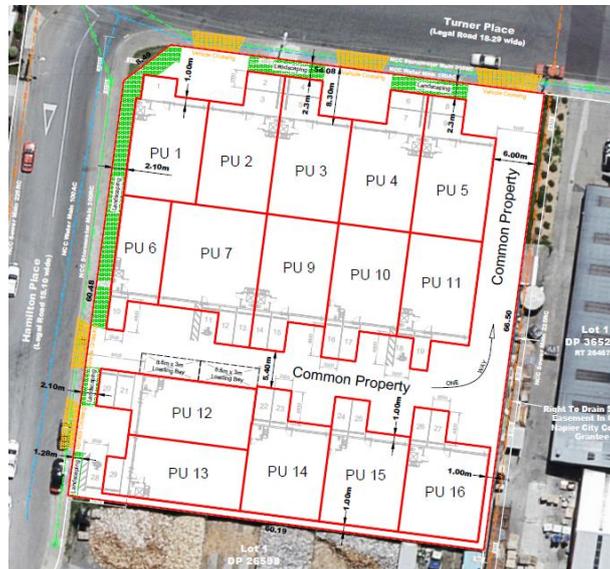


Figure 14. Proposed subdivision layout

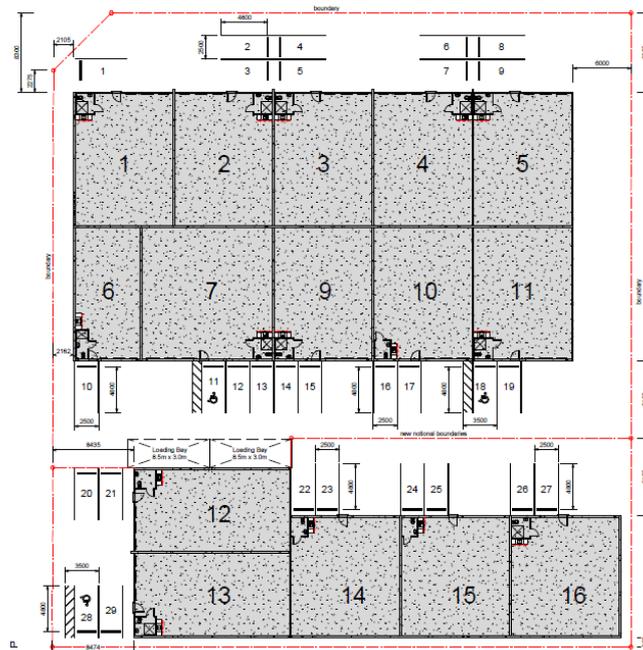


Figure 15. Proposed multi unit industrial development floor plan

### At the Meeting

The Team Leader Planning and Compliance, Mr Johnson provided a brief summary of the report updating on the recent resource consenting activity in the district.

### 3.3 Attachments

Nil

## 4. P120 PARKING REVIEW

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*Type of Report:* Operational

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*Legal Reference:* N/A

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*Document ID:* 1283694

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*Reporting Officer/s & Unit:* Debbie Heal, Team Leader Parking  
Rachael Horton, Manager Regulatory Solutions

### 4.1 Purpose of Report

To seek Council approval to change paid parking P120 (2 hour) time limit restrictions to all day paid parking in areas where utilisation is low in order to provide more flexible parking options for workers and visitors.

### Committee's recommendation

Councillors Brosnan / Crown

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The Future Napier Committee:

- a. Approve the paid parking P120 (2 hour) time limit restrictions be extended to paid all day parking in the following locations:
  - i. Browning Street (between Marine Parade and Hastings Street) – 21 car spaces
  - ii. Clive Square West (between Tennyson Street and Dickens Street) – 33 car spaces
  - iii. Station Street (lower Station Street from Munroe Street to first courtesy crossing) – 20 car spaces
  - iv. Dickens Street (north side of street between Clive Square East and West) – 22 car spaces
  - v. Hastings Street (between Station Street and Vautier Street) – 36 car spaces

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Carried

*Councillors Boag and McGrath voted AGAINST the Motion*

### 4.2 Background Summary

In June 2019, Council adopted the Napier Parking Strategy, attached, which provides a framework for the city to address vehicle circulation primarily in the CBD and Taradale. The Strategy looks to find ways to manage the needs of regular commuters who work in the CBD in balance with the casual parkers who are in town for the day or short periods of time. The balancing of objectives will always involve an element of tension and a need to constantly trial and adapt as conditions change and the city grows.

To achieve these objectives we must continue to manage the parking in the CBD by applying a spatial structure that follows a radial pattern of:

- Predominantly 10-min parking centred on Emerson Street; moving outward to
- 120 minutes limited-time parking (suitable for shopping and business errands); to
- All-day paid but non-discounted parking; to

- All-day discounted and leased parking; to
- All day un-metered parking

These principles recognise that there must be a coherent overall pattern to the arrangement of parking centred on CBD, with a focus on short-stay parking in the retail area, transitioning outward to longer-stay commuter parking, and ultimately to free un-metered parking on the CBD periphery.

The initial placement of P120 time limit restrictions in 2019 supported the spatial structure set out in the strategy. Council officers regularly monitor usage of these areas and consider that there will be better utilisation if some of the underutilised P120 sections to all day paid parking are extended.

While CBD parking occupancy levels have decreased by 7% from 78% in December 2019 to 71% in December 2020, the waitlist for leased parking remains high at 116. Council officers believe that there is still a high number of regular commuters taking up inner city parking.

This view was supported by Napier City Business Inc (NCBI) during a meeting between Council and NCBI General Manager Pip Thompson in October last year. Both NCBI and council officers had identified that regular commuters, including business owners and retail staff, are shuffling between P120 parks located closest to the retail precinct, forcing casual visitors (shoppers and short-term visitors) to park further out. Providing more all day parking on the outer retail perimeter is likely to encourage commuters to park there and free up inner city parking for casual visitors.

All day paid parking provides for flexible mixed use parking; users can park for any length of time depending on their need. Less infringements are likely to be incurred by commuters who find themselves in breach of the P120 time restriction.

NCBI fully support the changes proposed in this report.

NCBI also consider that closer all day paid parking for commuters will assist with a sense of safety in the city, especially in the winter months when commuters are walking to cars parked in the outer city perimeter in the dark. Having parking closer in will mean shorter, safer transitions.

If Council approve the recommendations, council officers and NCBI will work together on a campaign to encourage commuters parking in the inner CBD to utilise the paid all day parking (or other parking options) provided as a result this council decision.

#### **4.3 Proposed amendments to existing paid parking**

It is proposed that the following P120 locations be extended to all day paid parking (see map below). The fee remain the same at \$1.00 per hour.

- Browning Street (between Marine Parade and Hastings Street) – 21 Car spaces**  
The rationale behind this section of Browning Street is that parking is under-utilised and there is limited retailer businesses operating in the area.
- Clive Square West (between Tennyson Street and Dickens Street) – 33 Car spaces**

Clive Square West have limited businesses operating from one side of the street and the other side of the road is green space with Memorial Square and Clive Square gardens.

**iii. Station Street (lower Station Street from Munroe Street to the first courtesy road crossing) – 20 Car spaces**

The section of Station Street between Munroe Street to the first courtesy crossing outside the NCC Station Street Leased carpark has been identified as under-utilised and has limited retailer businesses.

**iv. Dickens Street (north side of street between Clive Square East and West – 22 carspaces**

A section of Dickens Street between Clive Square East and Clive Square West (edge of Clive Square gardens) where there are no retailer businesses operating and parking is under-utilised.

**v. Hastings Street (between Station Street and Vautier Street) – 36 car spaces**

This area under-utilised for parking and would benefit people attending Jury Service.



#### 4.4 Issues

The current issues we have within the Napier CBD are:

- Some areas of the P120 paid parking time restriction are underutilised;
- All day commuters are using the inner CBD P120 time limits for all day parking but are shuffling every two hours to avoid being infringed;
- Shoppers and other short-term visitors are finding it difficult to park close to the shopping precinct.
- People are wanting to park as close as practical to their destination or where they work

Extending the under-utilised areas of P120 paid parking to all day paid parking will provide closer parking options for commuters and more flexible parking options for a range of uses.

#### 4.5 Significance and Engagement

This decision does not trigger the Significance and Engagement Policy or other consultation requirements.

NCBI have provided input into this paper and support the recommendations to Council.

#### 4.6 Implications

##### Financial

There will be costs associated with installing new signage on the meters, i.e. ParkMate labels and new time limit signage. All costs are minor and can be met from existing operational budgets.

##### Social & Policy

This proposal aligns with Napier Parking Strategy.

##### Risk

The risk is that the changes may not work as desired. The aim with parking going forward is to be agile - to experiment and activate the city as much as possible utilising the objectives of the parking strategy. To mitigate this risk council officers will continue to monitor and understand the response to the changes and amend if necessary to optimise the parking resource.

#### 4.7 Options

The options available to Council are as follows:

1. Do nothing
2. Approve the changes being proposed
3. Amend and approve some of changes

#### 4.8 Development of Preferred Option

The preferred option is to approve the changes being proposed.

The overall aim of these changes is to allow more flexible paid parking options for visitors, shoppers and commuters within the CBD.

Officers will monitor the response to the changes and amend them as required through Council to meet the demands from our customers/commuters.

The feedback from the Napier City Business Inc is that they agree and fully support our proposal into allowing more flexible time limit and to reduce vehicle shuffling of the P120 time limits.

### **At the Meeting**

The Team Leader Parking, Ms Heal summarised the content of her report and responded to questions highlighting the following points:

- Council was promoting safety in the CBD and the benefit of this proposal would bring in all day parking closer for retailers that have to walk to their cars at night with decent lighted trails to carparks being investigated.
- Concern that consultation was only undertaken with the Napier Business Association and did not include businesses outside the CBD area and the changes only benefited members of the Association.
- Appeared that the changes would be moving the problem of parking from one area to another.
- Data obtained was used to drive these changes and based on what was currently happening and the occupancy levels.
- There was provision to make further changes if required by coming back to Council.
- Parking had to change all the time to meet the needs of the community.
- It was noted that introducing all day parking outside businesses was to provide the opportunity for all day parking if commuters wished.
- Council have an issue with parking and trying to be agile in accommodating the community as there was not enough parking in the CBD.
- More study and information to be provided on Clive Square for final debate.

### **4.9 Attachments**

- A Napier Parking Strategy (*Under Separate Cover*)



# MĀORI COMMITTEE

## Open Minutes

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Meeting Date: Wednesday 9 December 2020

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Time: 9.00am – 11.20am

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Venue Ikatere Boardroom  
Level 2, Capeview  
265 Marine Parade  
Napier

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Present Ngāti Pārau Hapū Trust – Chad Tareha (In the Chair)  
Maraenui & Districts Māori Committee – Adrienne Taputoro  
Maungaharuru-Tangitū Trust – Robbie Paul

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In Attendance Director Community Services, Māori Partnership Manager –  
Community Services, Interim Chief Executive, James Lyver,  
Councillor Boag, Councillor Tapine, Councillor Mawson,  
Councillor McGrath, Director Infrastructure  
Services, Communications and Marketing Manager, Māori  
Partnership Manager – City Strategy, Manager Business  
Excellence & Transformation, Corporate Planning Lead,  
Corporate Planning Analyst, Manager Asset Strategy, Parks  
Policy Planner

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Administration Governance Team

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Absent Napier City Council - Mayor Kirsten Wise  
Pukemokimoki Marae  
Mana Ahuriri Trust  
Te Taiwhenua o Te Whanganui-a-Orotū

## **Mihi Whakatau**

The Mihi Whakatau was led by Mōrehu Te Tomo.

## **Karakia**

Mōrehu Te Tomo

## **Apologies**

The Committee accepted an apology from Mayor Kirsten Wise

## **Conflicts of interest**

Nil

## **Public forum**

Nil

## **Announcements by the Chairperson**

Nil

## **Announcements by the management**

Nil

## **Confirmation of minutes**

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C Tareha / A Taputoro

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That the Minutes of the meeting held on 9 October 2020 were taken as a true and accurate record of the meeting.

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Kua Mana

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# AGENDA ITEMS

## 1. RESERVE MANAGEMENT PLAN APPROVAL TO PROCEED WITH PREPARATION

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<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Reserves Act 1977
<i>Document ID:</i>	1259154
<i>Reporting Officer/s &amp; Unit:</i>	Sara Field, Parks Policy Planner Debra Stewart, Team Leader Parks, Reserves, Sportsgrounds

### 1.1 Purpose of Report

To advise and update the Māori Committee on the impending Reserve Management Plan (RMP) review that is scheduled to commence in 2021.

The intention of this report is to advise the Māori Committee of the legislative procedure stipulated by the Reserves Act (1977) for the preparation of each Reserve Management Plan. The process includes details on mandated and optional consultation and engagement.

This report also seeks endorsement of the Māori Committee for the following:

- The proposed Draft Reserve Management Plan Priority List – refer Attachment A;
- The proposed internal process set out in Section 1.3 of this report and;
- The intention to prepare Draft Reserve Management Plans (calling for suggestions) for a City Wide Plan, Taradale Park and Maraenui Park.

We bring this report to the Māori Committee to ensure that our proposed plan preparation approach and reporting process is clear, and appropriate, and continues to support effective engagement with Hapū and Iwi Authorities.

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### At the Meeting

The Council Officer spoke to the report noting:

- Council's Reserve Management Plan was prepared in 2000, it incorporates all Napier reserves and is due for renewal. Much has changed since this plan was written so the team are going to look at the plans for each reserve individually as many sights have unique elements which need to be considered on a case by case basis.

In response to questions from the Committee it was clarified that:

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- Council officers will be doing research into what co-governance models have worked around the country. As each existing plan is reviewed, or new plans are created, opportunities for co-governance with Mana Whenua can be explored. There are exemplars of co-governance models around the country which Council could draw on.
  - There will be bi-lingual signage put in place for the reserves, and the Committee can help with this by consulting with Mana Whenua to get advice on naming for reserves.

### **Officer's Recommendation**

The Māori Committee:

- a. Endorse the recommendation to proceed with the Reserve Management Plan review undertaking both the optional and mandated consultation and engagement for each Plan in accordance with Section 41 (5) and Section 41 (5) (c) of the Reserves Act (1977), and subsequently the internal process set out in Section 1.3 of this report.
- b. Endorse the draft priority list included in Attachment A, noting that subsequent to implementation of c. below, the Māori Committee will be asked to endorse Councils intention to prepare the next tranche of Management Plans (in accordance with the prioritised list)
- c. Endorse Councils intention to notify the preparation of the following Reserve Management Plans – City Wide, Taradale Reserve/Centennial Park, and Maraenui Park, calling for suggestions prior to drafting in accordance with Section 41 of the Reserves Act (1977)

### **Māori Committee's Amended recommendation**

A Taputoro / R Paul

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The Māori Committee:

- a. Endorse the recommendation to proceed with the Reserve Management Plan review undertaking both the optional and mandated consultation and engagement for each Plan in accordance with Section 41 (5) and Section 41 (5) (c) of the Reserves Act (1977), and subsequently the internal process set out in Section 1.3 of this report.
- b. Endorse the draft priority list included in Attachment A, noting that subsequent to implementation of c. below, the Māori Committee will be asked to endorse Councils intention to prepare the next tranche of Management Plans (in accordance with the prioritised list)
- c. Endorse Councils intention to notify the preparation of the following Reserve Management Plans – City Wide, Taradale Reserve/Centennial Park, and Maraenui Park, calling for suggestions prior to drafting in accordance with Section 41 of the Reserves Act (1977)
- d. Endorse Council Officers to investigate co-governance models around parks and reserves and look to where these could be applied.
- e. Recommend Council engage with Mana Whenua around the naming of parks and their history.

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Kua Mana

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## 2. WASTEWATER OUTFALL REPAIR UPDATE

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<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1270124
<i>Reporting Officer/s &amp; Unit:</i>	Drew Brown, Senior Project Manager Adele Henderson, Director Corporate Services Jon Kingsford, Director Infrastructure Services Dave Jordison, Risk and Assurance Lead

### 2.1 Purpose of Report

To provide the Māori Committee with an update on the Wastewater Outfall repair project.

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#### At the Meeting

The Director Infrastructure Services spoke to the report and further noted:

- The repair on the 700m leak is due to be completed by the end of this calendar year.
- The Outfall will need replacement as soon as possible. As a result the piece of work will need to be brought forward into the 2021-31 Long Term Plan to access funding required.
- A number of years work is required in the lead up to the Outfall being replaced.
- It is anticipated with new regional and national regulations coming into force a higher quality of discharge will be required so consequently a higher standard of treatment will be required.
- Divers have swept the full length of the pipe to look for any other leaks, in difficult ocean conditions. Visibility is poor and this was mostly done by touch.

In response to questions from the Committee it was clarified:

- A trial shutdown of the Outfall has been conducted and it can only be shut down for up to 90 minutes without there being adverse effects.
  - Testing to assess the environmental impact of the leak has found the discharge is diluted significantly enough to become reasonably undetectable beyond a five meter radius from the leak site.
  - Notification about the 2018 leak was not done sooner as, in compliance with the resource consent, there was a Kaitiaki Liaison group formed to discuss any issues with the Outfall. Attempts to contact this group since the first leak was discovered have been mostly unsuccessful. There is a lot of consultation required around the central Government water reforms currently, so prioritising Council's program of work against that backdrop has been a challenge.
  - The Committee can help rally partners together for this consultation when appropriate.
  - Caution signs may be erected on the beach at main leak sites.
  - A submission has been made to Hawke's Bay Regional Council to legitimise the discharge of the leak in case the repair of the 700m leak is not successful in
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stopping the leak. This has been made on the basis that the environmental impacts are very low.

**Māori Committee's recommendation**

C Tareha / A Taputoro

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The Māori Committee:

- a. Receive the update on the Wastewater Outfall repair project.

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Kua Mana

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## Updates from Partner Entities

### Ngāti Pārau Hapū Trust – Chad Tareha

- Marae hui this weekend to discuss the construction of the forecourt in front of the wharenui and also a tikanga and kawa meeting. GEMCO have restarted the Marae rebuild. Construction is due to be complete by March or April 2021.
- The following weekend is the Trust AGM hui. Also a Huia Hapu
- Ngāti Pārau have partnered with the Ōtātara and Matariki kahui ako. Ōtātara kahui ako covers seven schools from Puketapu and Patoka to the Taradale schools, and the Matariki kahui ako covers Colenso High School to Te Aute College.

### Maraenui and Districts Māori Committee – Adrienne Taputoro

- The Committee has not had a chance to get together lately so there is no update to give.

### Maungaharuru-Tangitū Trust – James Lyver / Robbie Paul

- With the recent flood in Napier MTT was able to utilise the Whanau Champions model again to contact whanau and make sure everyone was safe and had the help they needed.
- A mihi was given to Mayor Kirsten Wise for her 'Jacinda Adern' style of leadership through the flood response, and also to Hori Reti for his 'Ashley Bloomfield' style of response to the emergency, and the Civil Defence staff.
- James Lyver's last day is Friday 18 December 2020. There will be an Interim General Manager at MTT until a permanent replacement can be found.
- MTT is continuing to build the team and prioritise work.
- A collective program has been formed, Whakatipu Ranga Kaitiaki program, where the seven hapū in Napier have come together to raise tomorrow's guardians. This is a holistic whananga program based around the Northern and Southern Maraes with four themes. Funding is required. An application will be made to Council's Te Puawaitanga fund.

### Napier City Council – Keith Marshall on behalf of Mayor Kirsten Wise

- Council is very busy right across the business and has resourcing challenges. The Long Term Plan creates pressure due to the amount of work required and also the auditing which is required as part of this process. This process has also been impacted by the recent Napier flooding and the new 3 waters reforms.
- The Government will be doing a roadshow around the country in March or April 2021 to educate about the 3 waters reforms.
- The Chief Executive recruitment is underway and Chad has been involved as part of that process.

## Update from Council Māori Advisor

### Mōrehu Te Tomo – Māori Partnership Manager – Community Services

- Been at Council a year now, and it has been a busy year.
- The Councillors are learning a karakia for opening and closing meetings. This has had good support from Council's Senior Leadership Team.
- The last Council induction of new staff for the year has just occurred. Moving into next year the desire is to include a pōwhiri as part of the induction process.
- Mōrehu continues to work closely with the other four Councils in the region. They have received the beta version of the Council Cultural App to test over the Christmas break before it gets rolled out to all Council staff.
- Mōrehu and Charles have had a change of role titles which gives them a more significant status in the business.
- Council is currently in the process of recruiting a Pou Whakarae – Director Maori Partnerships role which will sit at the Senior Leadership Team level in the organisation.
- Work continues on developing the Cultural Capability staff survey.
- Applications have started coming in from individuals in the community for the three new Māori Committee seats. The process to choose who is suitable for one of these places needs to be clarified.

## General business

### Flood Update

- The Napier flood occurred a month ago. Malcolm Smith lead the response initially until Antoinette Campbell, Civic Defence Emergency Controller, returned from leave. There are approximately 130 uninhabitable dwellings in Napier. Some families have been able to find their own temporary accommodation. There are about 159 people in temporary accommodation at Kennedy Park Resort.
- Responsibility for the temporary accommodation lies with the Ministry of Business, Innovation and Employment, but Council staff continue to support people, especially those without insurance, in conjunction with other agencies such as the Red Cross, Ministry of Social Development and the Hawke's Bay Civil Defence and Emergency Management Group. There is a contractor employed to provide navigation needs to the displaced until the end of 2020.
- It has not been a coordinated approach from Government agencies, and as a result there are hard hit areas which have been neglected and unhappy residents.
- Conversations and plans need to be in place before these big events occur.
- A Mayoral Relief fund has been created by Council, and it is a simple application process for residents, either via the Council website or through the Customer Services Centre.
- The Committee would like to be involved in the Council debrief.
- The Committee thank the Mayor for her work through the response.

### Māori Seats

- James would like the Committee to be updated as to what has been discussed previously by the Council in regards to Māori seats in Napier City. This is a current topic in the media and central Government are looking at making some changes in regards to this in the Local Government Act 2002.

- The last representation review was about three years ago and the Māori Consultative Committee of the time didn't think Napier was ready for Māori seats.

### Meeting Cycle

- From 2021 the Māori Committee is going to be fully integrated into the Council six week meeting cycle.

### Long Term Plan Update

- A presentation was delivered by the Long Term Plan team (attached to the minutes).
- The draft of Te Waka Rangapū still requires work. This is the first time Council has created an activity plan where work on Māori partnerships and embedding Kaupapa Māori are planned and budgeted for, and there are not many exemplars in Local Government to draw on. This plan will sweep across Council and the staff Cultural Capability survey results will feed into this plan. Once the draft is complete it will be shared with the Committee.

## Whakamutunga Karakia

Mōrehu Te Tomo

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

Chairperson .....

Date of approval .....