



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

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ORDINARY MEETING OF COUNCIL

Open Agenda

Meeting Date: Thursday 14 July 2022

Time: 9.30am

Venue: Large Exhibition Hall
War Memorial Centre
Marine Parade
Napier

Livestreamed via Council's Facebook site

Council Members **Chair:** Mayor Wise

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

Officer Responsible Chief Executive

Administrator Governance Team

Next Council Meeting
Thursday 25 August 2022

ORDER OF BUSINESS

Karakia

Apologies

Councillor Browne

Conflicts of interest

Public forum

Announcements by the Mayor including notification of minor matters not on the agenda

Note: re minor matters only - refer LGOIMA s46A(7A) and Standing Orders s9.13

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

Announcements by the management

Confirmation of minutes

That the Draft Minutes of the Ordinary Meeting of Council held on Thursday, 2 June 2022 be confirmed as a true and accurate record of the meeting.95

That the Draft Minutes of the Extraordinary Meeting of Council held on Wednesday, 22 June 2022 be confirmed as a true and accurate record of the meeting.120

That the Draft Minutes of the Extraordinary Meeting of Council held on Thursday, 30 June 2022 be confirmed as a true and accurate record of the meeting.128

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AGENDA ITEMS

1. ADOPTION OF WATER SUPPLY BYLAW REVIEW 2022

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1475593
<i>Reporting Officer/s & Unit:</i>	Lance Groves, Water Planning Lead Caroline Thomson, Chief Financial Officer Garry Hrustinsky, Investment and Funding Manager

1.1 Purpose of Report

For Council to adopt the Napier City Council Water Supply Bylaw 2022 following the Bylaw submission hearings held on 22 June 2022.

Officer's Recommendation

That Council:

- a) **Approve** the Napier City Council Proposed Water Supply Bylaw 2022 effective from 1 August 2022 (*Doc Id 1475938*).
- b) **Direct** Officers to notify submitters and the public that the Proposed Bylaws have been adopted and will become operative from 1 August 2022.

1.2 Background Summary

The purpose of this Bylaw is to protect, promote and maintain public health and safety; protect public water supply infrastructure; protect the public from nuisance by making rules for the supply of water; and manage and regulate Council's Water Supply.

The Napier City Water Supply Bylaw 2012 had reached the end of its regulatory lifespan and required to be renewed. There were some issues within the 2012 version that were no longer appropriate for managing the water network. This triggered a review of the bylaw and the corresponding Special Consultative Procedure.

As part of the Special Consultative Procedure set out in the Local Government Act (LGA) 2002, submissions were heard at the 22 June 2022 Bylaw hearing. Council accepted that the proposed bylaw draft did not required further changes following the submitter's feedback. (*Council Report Document ID# 1469680*).

1.3 Issues

No Issues have been identified with the changes addressed in this version of the Bylaw.

1.4 Significance and Engagement

In terms of the Significance and Engagement Policy 2017 (SEP2017), the decision is significant. Council has fulfilled its obligations for a Special Consultative Procedure that is required by the Local Government Act (Part 6) under the SEP2017.

1.5 Implications

Financial

Excluding situations deemed as “excessive use” by Council officers, properties classified under differential code 16 (Residential / Other former Bay View) will no longer be charged a volumetric rate for consumption over 300m³ each rating year. Revenue from volumetric charges is therefore expected to decrease accordingly. For comparative purposes, in the 2021/22 rating year there were 275,000m³ recorded in differential code 16 for volumetric charges of \$82,000.

One of the submitters raised the equity issue between the volumetric charge between the Domestic and Non-domestic targeted rate, however this will be addressed through consultation during the 22/23 financial year with any changes to the volumetric charge included in the 23/24 Annual Plan and effective 1 July 2023.

Social & Policy

This Bylaw shall be reviewed within five (5) years from 1 August 2022, however it can be reviewed at any other time before this date at the discretion of Council.

Risk

The risk associated with the Bylaw changes have not raised any risk concerns.

1.6 Options

The options available to Council are as follows:

- a. Adopt the revised Bylaw as considered by Council, the Napier community and statutory/advisory stakeholders. This is the preferred option
- b. Abandon the bylaw review.

1.7 Development of Preferred Option

Option a. should be progressed, and to become effective on 1 August 2022

1.8 Attachments

- 1 Proposed Water Supply Bylaw 2022 (Doc Id 1475938) [↓](#)



Napier City Council Proposed Water Supply Bylaw 2022

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1. Title

This Bylaw is the “Water Supply Bylaw 2022”.

2. Commencement

This Bylaw comes into force on [date] 2022.

3. Application of Bylaw

This Bylaw applies to the district of the Napier City Council.

4. Scope

This Bylaw is made under the authority of the Local Government Act 2002 for the supply of water to its Customers by the Water Supply Authority (WSA). The supply and sale of water by the WSA is subject to:

- a. Statutory Acts and Regulations, including, but not limited to:
 - i. Building Act 2004;
 - ii. Fire and Emergency New Zealand Act 2017;
 - iii. Health Act 1956;
 - iv. Local Government Act 2002;
 - v. Local Government (Rating) Act 2002;
 - vi. Resource Management Act 1991; and
- b. Relevant Codes and Standards, including, but not limited to:
 - i. Drinking Water Standards for New Zealand 2005 (revised 2018)
 - ii. SNZ PAS 4509:2008 New Zealand Fire Service firefighting water supplies code of practice
 - iii. New Zealand Water and Wastes Association (NZWWA) Backflow Code of Practice 2006
 - iv. NZWWA Water Meter Code of Practice 2003
 - v. Napier City Council Code of Practice for Subdivision and Land Development; and
- c. So far as they are applicable, and are not contrary to the application of this Bylaw, the provisions of the Council's Introductory Bylaw are incorporated into and form part of this Bylaw.
- d. Any reference in this Bylaw to repealed legislation, bylaws, regulations or standards, is a reference to legislation that, with or without modification, replaces, or that corresponds to, the legislation, bylaw, regulation or standard, repealed.

5. Definitions

For the purpose of this Bylaw, unless inconsistent with the context, the following definitions apply (if the definitions are not covered within the following refer to the Council's Introductory Bylaw 2021):

Approved	Approved in writing by the WSA, either by resolution of the Council or by any authorised officer of the WSA
Backflow	The unplanned reversal of flow of water or mixing of water and contaminants into the water supply system from other sources
Buried Service	means all Water Supply System features, and other underground utilities under the responsibility of the Council, in public or private land
Council	The Napier City Council or any authorised officer
Code of Practice for Subdivision and Land Development	The Council's current Code of Practice for Subdivision and Land Development which details the engineering standards required for land development which is reviewed and amended from time to time.
Customer	A person who uses, or has obtained the right to use or direct the manner of use of, water supplied by the WSA
Detector check valve	A check (non-return) valve which has a positive closing pressure and a metered bypass to measure flows typically associated with leakage or unauthorised use on a dedicated fire supply
Extraordinary supply	A category of on demand supply including all purposes for which water is supplied other than ordinary supply and which may be subject to specific conditions and limitations
Fees and charges	The list of items, terms, and prices for services associated with the supply of water as adopted by the Council in accordance with the Local Government Act 2002 and the Local Government (Rating) Act 2002
Level of service	The measurable performance standards on which the WSA undertakes to supply water to its Customers
On demand supply	A supply which is available on demand directly from the Point of Supply subject to the agreed level of service
Ordinary supply	A category of on demand supply used solely for domestic purposes
Point of Supply	The point on the water pipe leading from the water main to the premises, which marks the boundary of responsibility between the Customer and the WSA, irrespective of property boundaries

Potable	Water that does not contain or exhibit any determinants to any extent that exceeds the maximum acceptable values (other than aesthetic guideline values) specified in the Drinking Water Standards for New Zealand
Premises	<p>Premises include the following:</p> <ul style="list-style-type: none"> (a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or (b) A building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or (c) Land held in public ownership (e.g. reserve) for a particular purpose
Restricted flow supply	A type of water supply connection where a small flow is supplied through a flow control device, and storage is provided by the Customer to cater for the Customer's demand fluctuations
Restrictor	A flow control device fitted to the service pipe to limit the flow rate of water to a Customer's premises
Roading authority	A territorial authority or Waka Kotahi NZ Transport Agency
Rural water supply area	An area formally designated by a WSA as an area serviced by a reticulated water supply system that is intended to supply water for specified purposes via restricted flow supplies and/or on demand supplies but not necessarily with a firefighting capability
Service pipe	The section of water pipe between a water main and the Point of Supply
Service valve (Toby)	The valve at the Customer end of the service pipe
Storage tank	Any tank having a free water surface
Supply pipe	The section of pipe between the Point of Supply and the Customer's premises through which water is conveyed to the premises
Urban water supply area	An area formally designated by a WSA as an area serviced by a reticulated water supply system with a firefighting capability, that is intended to supply water to Customers via on demand supplies
Water supply authority (WSA)	The operational unit of the Council responsible for the supply of water

Water supply system

All those components of the network between the point of abstraction from the natural environment and the Point of Supply. This includes but is not limited to: wells, bores, falling mains, treatment plants, treated water reservoirs, trunk mains, service mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices and tobies.

Water unit

The basis of measurement for a restricted flow supply and equal to a volume of 365 m³ delivered at the rate of 1 m³ per day

6. Protection of Water Supply System

6.1 Access to system

No person other than the WSA may access any part of the water supply system, except to connect to the Point of Supply, subject to 7.1, and to operate the service valve.

6.2 No person to connect to, or interfere with a water supply system

Except as set out in 6.1, 6.3 and 6.4, no person may connect to, or otherwise interfere with, any part of the water supply system.

6.3 Fire Hydrants

Only the attending Fire Service/s may access, and draw water from, fire hydrants for the purpose of fighting fires, training, and testing.

NOTE – Use of the fire hydrants by untrained personnel can result in damage to the water supply system.

6.4 Other uses

The right to access, and draw water from, the water supply system for uses other than firefighting (for example, flow testing or pipe flushing) is restricted to:

- WSA
- Or other emergency services

Without prejudice to other remedies available, the WSA may remove and hold any equipment used to gain access to, or draw water from a fire hydrant or any other part of the water supply system.

6.5 Working around buried services

The WSA will keep accurate permanent records ('as-builts') of the location of its buried services. This information will be available for inspection. Charges may be levied to cover the costs of providing copies of this information.

Any person proposing to carry out excavation work may view the as-built information to establish whether or not WSA services are located in the vicinity. Notice in writing must be given to the WSA of an intention to excavate in the vicinity of its services. Where appropriate the WSA will mark out to within ± 0.5 m on the ground the location of its services, and nominate in writing any restrictions on the work it considers necessary to protect its services. The WSA may charge for this service.

When excavating and working around buried services due care must be taken to ensure the services are not damaged, and that bedding and backfill are reinstated in accordance with the appropriate WSA specification.

Any damage which occurs to a WSA service must be reported to the WSA immediately.

The person causing the damage must reimburse the WSA with all costs associated with repairing the damaged service, and any other costs the WSA incurs as a result of the incident.

All Buried Services must be protected by easement as detailed in the Code of Practice for Subdivision and Land Development, where the owner of that Buried Service is not the property owner.

6.5.1 Every Person proposing to carry out excavation work must first:

- a. Establish whether Buried Services are located in the vicinity of the proposed excavation. Plans showing the location of Buried Services can be accessed via the Council's utilities maps, beforeUdig database; and
- b. Identify whether the area is listed as Waahi Tapu. If a site is listed as Waahi Tapu or an unknown archaeological site is discovered, the requirements of the Heritage New Zealand Pouhere Taonga Act 2014 must be adhered to.
- c. No Person may excavate, or carry out piling or similar work closer than:
- d. Five (5) metres from the centre line of Buried Services, or
- e. Two (2) metres from the centre line of Buried Services, without Council approval. Such approval may impose conditions on the carrying out of any work near the Buried Services.

6.5.2 At least five (5) Working Days' written notice must be given to the Council before any excavation or physical works close to Buried Services commence. Where appropriate the Council may mark out to within 1m on the ground the location of any Buried Services, and may impose reasonable restrictions on the work it considers necessary to protect the Buried Services.

6.5.3 No Person may cause the crushing load imposed on any Buried Services to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined in the NZ Transport Agency Bridge Manual).

6.5.4 No Person may place any additional material over or near Buried Services without Council approval. Removal of any covering material will be at the Customer's expense.

6.5.5 When excavating and working around Buried Services due care must be taken to ensure the services are not damaged, and that bedding and backfill is reinstated in accordance with the appropriate Council specification.

6.5.6 Excavation within a road reserve is also subject to the permit process of the Council and/or roading authority.

6.5.7 No building foundations or structures may be built over Buried Services,

- a. within the easement for the Buried Service or
- b. what would be the width of the easement for the Buried Service as detailed in the Code of Practice for Subdivision and Land Development.
- c. As otherwise required by easement protections in the Napier City Council Code of Practice for Subdivision and Land Development.

6.5.8 No Person may allow trees or shrubs to be planted over a Buried Service

- a. within the easement for the Buried Service or
- b. what would be the width of the easement for the Buried Service as detailed in the Code of Practice for Subdivision and Land Development
- c. As otherwise required by easement protections in the Napier City Council Code of Practice for Subdivision and Land Development.

NOTE – Excavation within roadways is also subject to the permit process of the appropriate roading authority.

7. Conditions of supply

7.1 Application for supply

7.1.1 Initial application

Every application for a supply of water must be made in writing on the standard WSA form accompanied by the prescribed charges. The applicant must provide all the details required by the WSA.

On receipt of an application the WSA will, after consideration of the matters in 7.4 and 7.5, either:

- a. Approve the application and inform the applicant of the type of supply, the level of service, the size of the connection and any particular conditions applicable; or
- b. Refuse the application and notify the applicant of the decision giving the reasons for refusal.

For the agreed level of service to the applicant, the WSA will determine the sizes of all pipes, fittings and any other equipment, up to the Point of Supply. The WSA may at applicant's cost supply and install the service pipe up to the Point of Supply or allow the supply and installation of the Service Pipe or Supply Pipe to be carried out by approved contractors.

An applicant must have the authority to act on behalf of the owner of the premises for which the supply is sought, and must produce written evidence of this if required.

An approved application for supply which is not actioned within six months of the date of application will lapse unless a time extension has been approved. Any refund of fees and charges may be at the discretion of the WSA.

7.1.2 Change of use

Where a Customer seeks a change in the level of service or end use of water supplied to Premises, and/or the supply changes from an ordinary to an extraordinary type (see 7.4) or vice versa, a new application for supply must be submitted by the Customer.

7.1.3 Prescribed charges

Charges applicable at the time of connection may include:

- a. The cost of the physical works required to provide the connection;
- b. A development contribution under the Local Government Act 2002;
- c. A financial contribution under the Resource Management Act 1991.

7.2 Point of Supply

7.2.1 Responsibility for maintenance

The WSA owns and maintains the Service Pipe or Supply Pipe and fittings up to the Point of Supply. The Customer owns and maintains the pipe beyond the Point of Supply.

7.2.2 Single ownership

For individual Customers the Point of Supply is as shown in the Code of Practice for Subdivision and Land Development, as close as possible. Other positions will require specific approval.

Each individual Customer has only one Point of Supply, unless otherwise approved by the WSA.

The typical layout at a Point of Supply is shown in **figure 2**.

The WSA does not guarantee the serviceability of the valve located on the service pipe. Where there is no Customer stopcock, or where maintenance is required between the service valve and the Customer stopcock, the Customer may use the service valve to isolate the supply. However the WSA reserves the right to charge for maintenance of this valve if damaged by the Customer.

Figure 1 – Point of Supply location – Individual Customers

Note – Point of Supply is tail piece of boundary box, meter, or service valve regardless of property boundary.

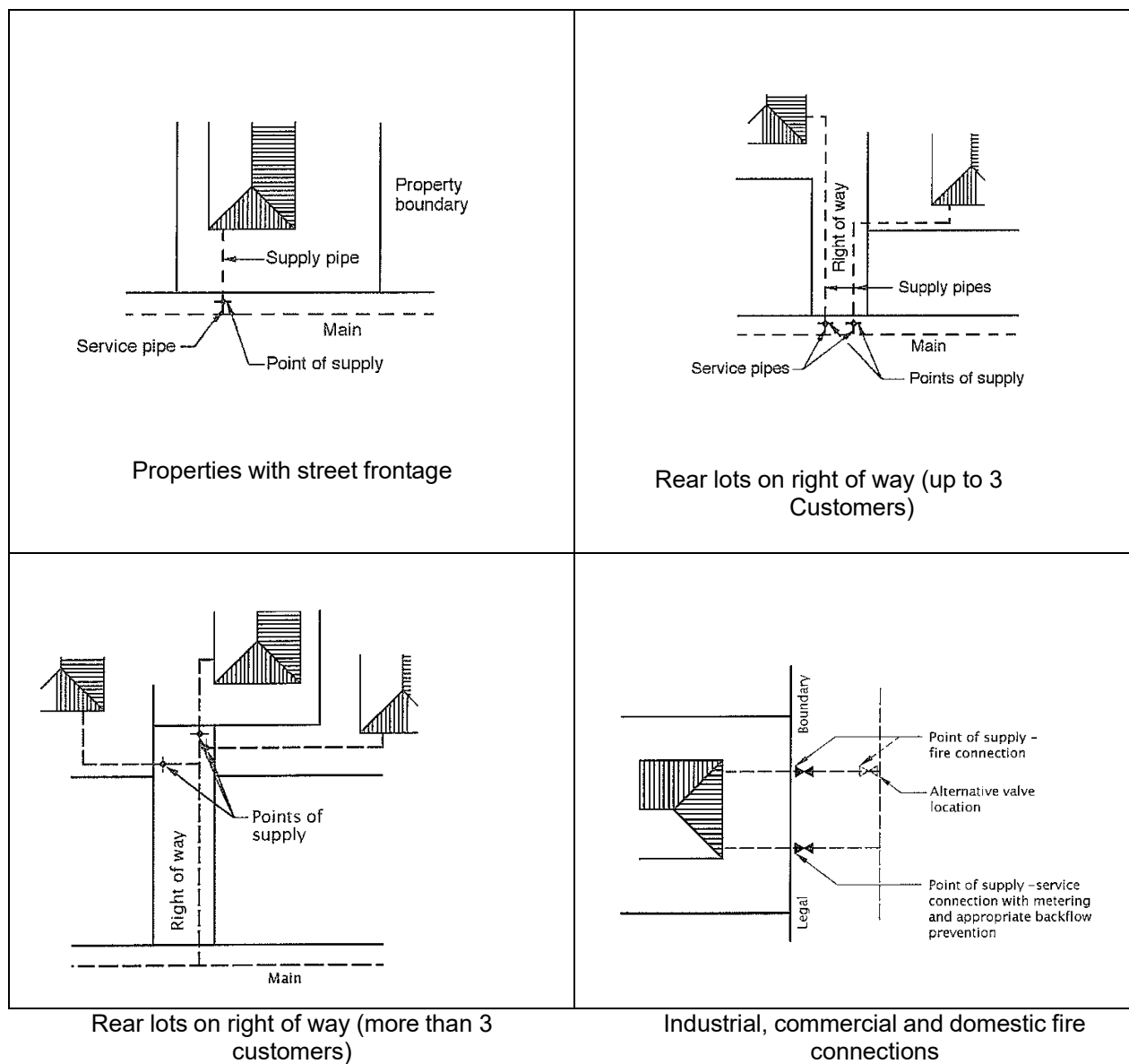
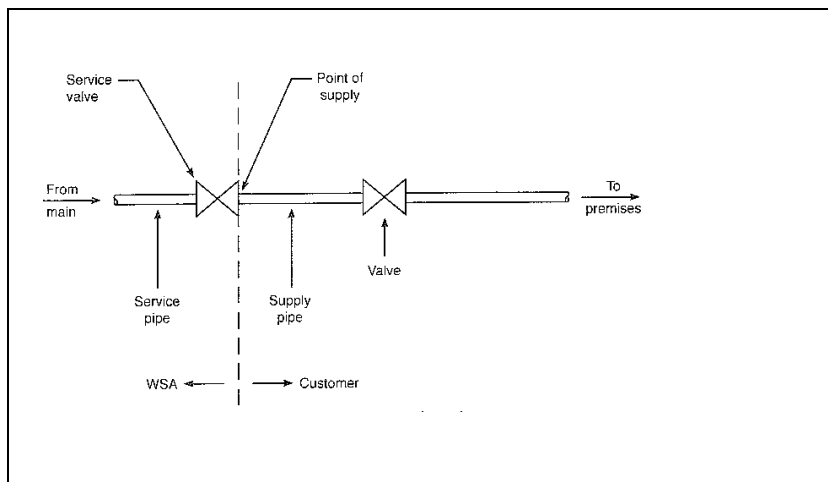
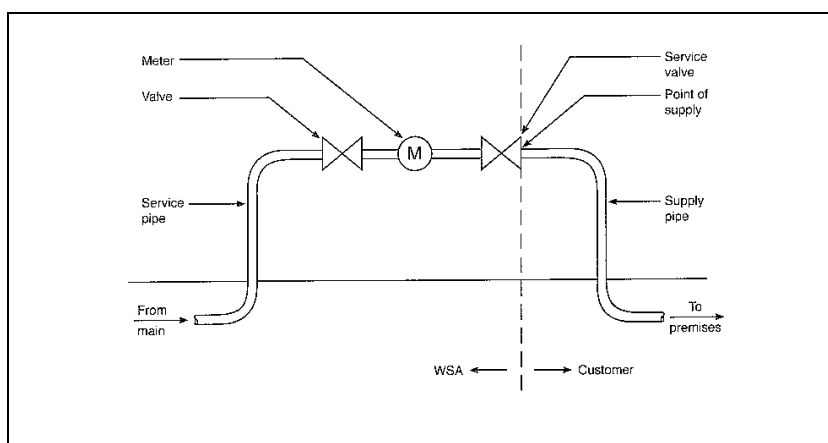
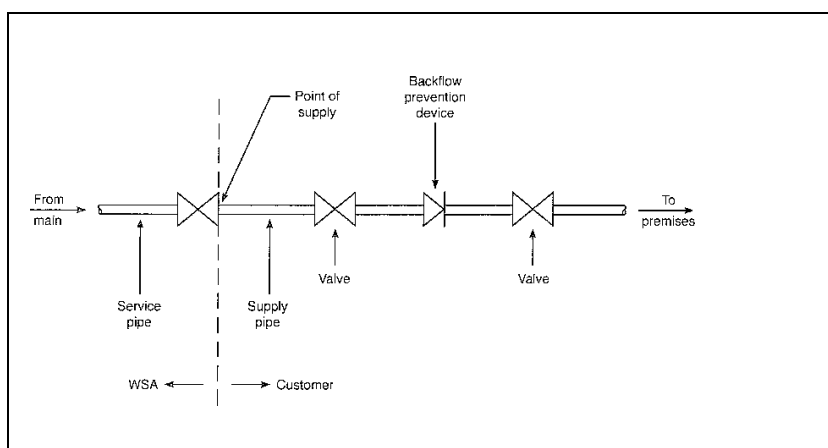


Figure 2 – Typical layout at Point of Supply

Note – Point of Supply is tail piece of boundary box, meter, or service valve regardless of property boundary.

**Domestic unmetered supply****Domestic metered supply****Unmetered supply with backflow prevention device owned by the Customer**

7.2.3 Multiple ownership

The Point of Supply for the different forms of multiple ownership of premises and/or land is:

- a. For Company Share/Block Scheme (Body Corporate) – as for single ownership;
- b. For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, Unit Title (Body Corporate) and any other form of multiple ownership – each Customer must have an individual supply with the Point of Supply determined by agreement with the WSA. Other arrangements may be acceptable, subject to WSA approval.

For a multiple ownership supply in existence prior to this Bylaw coming into effect, the Point of Supply will be the arrangement existing at that time, or as determined by agreement with the WSA.

7.3 Access to, and about Point of Supply

7.3.1 Rights of access

Where the Point of Supply is on private property the Customer must provide the WSA access to the Point of Supply between 7.30 am and 6 pm on any day for:

- a. Meter reading without notice; or
- b. Checking, testing and maintenance work, with notice being given whenever possible.

Outside these hours (such as for night time leak detection) the WSA will give notice to the Customer.

Where access is not provided during the above times and a return visit is required by the WSA, a rate may be charged for 'Meter reading by appointment'.

Under emergency conditions the Customer must provide the WSA free access to the Point of Supply at any hour.

7.3.2 Maintenance of access

The Customer must maintain the area around the Point of Supply, keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access.

7.4 Types of Supply

7.4.1 General

Water supply are classified as either 'on demand' or 'restricted flow' and the use of water from the supply will be either 'ordinary' or 'extraordinary'.

7.4.2 On demand supply

Every premises is entitled to an ordinary supply of water subject to the following conditions:

- a. The premises is within an urban water supply area;
- b. The exclusion of its use for garden watering under any restrictions made by the WSA under 7.7.3;
- c. Payment of the appropriate charges in respect of the premises;
- d. Any other charges or costs associated with subdivisional development; and
- e. Any other relevant conditions in section 9 of this Bylaw.

The WSA is under no obligation to provide an extraordinary supply of water (see also the provisions of 7.7 and 7.9.2).

7.4.3 Restricted Flow Supply

Restricted flow supply is available to premises within a designated area only or under special conditions set by the WSA.

The water supply will be restricted so as to deliver the agreed number of water units at a steady flow rate.

The WSA will charge for the restricted flow supply based on:

- a. The volume passing through a meter; or
- b. The agreed number of water units.

7.4.4 Ordinary use

Ordinary use is for domestic purposes (which may include use in a fire sprinkler system to NZS 4517:2010 Fire sprinkler systems for houses (NZS 4517)) and includes:

- a. Washing down a car, boat, or similar;
- b. Garden watering by hand; and
- c. Garden watering by a portable sprinkler (subject to the provisions of 7.7.3)

NOTE – For use from a fire protection system to NZS 4517 to be classified as an ordinary use, the Customer should comply with the conditions set under 7.9.1

7.4.5 Extraordinary use

Extraordinary use includes:

- a. Domestic – spa or swimming pool in excess of 10m³ capacity, fixed garden irrigation systems;
- b. Construction use;
- c. Commercial and business;
- d. Industrial;
- e. Agricultural;
- f. Horticultural;
- g. Viticultural;
- h. Lifestyle blocks (peri-urban or small rural residential);
- i. Fire protection systems other than sprinkler systems installed to comply with NZS 4517;
- j. Out of district (supply to, or within another local authority); and
- k. Temporary supply.

7.5 Metering

- 7.5.1 In the Napier Urban Water Supply Area, an ordinary use of water will not normally be metered (subject to the WSA reserving the right to fit a meter and charge where it considers water use is excessive, or at the Customer's Napier City Water Supply Bylaw 2022 request). The cost of such use will be as prescribed in the Local Government (Rating) Act 2002, sections 9, 15 to 19, and sections 101 to 103.

An extraordinary use will normally be metered and charged for in accordance with 7.15. Where the extraordinary use is for fire protection only, this supply will not normally be metered.

- 7.5.2 Napier Rural (including Bay View Rural) Water Supply Areas. Extraordinary uses of water will normally be metered and levied as rates, as prescribed in the Local Government (Rating) Act 2002, sections 9, 15 to 19, and sections 101 to 103.

7.6 Level of Service

The WSA will provide water in accordance with the level of service contained in the Council's Long Term Plan. For those periods where the level of service allows non-compliance with the specified value(s), the WSA will make every reasonable attempt to achieve the specified value(s).

7.7 Continuity of supply

7.7.1 Supply

Due to practical and physical limitations the WSA cannot guarantee an uninterrupted or constant supply of water in all circumstances, or the continuous maintenance of any particular pressure, but will do its best to meet the continuity of supply levels of 7.6, subject to the exemptions contained in 7.7.3 and 7.7.4.

Where works of a permanent or temporary nature are planned which will affect an existing supply, the WSA will consult with, or give notice to all known Customers likely to be substantially affected.

7.7.2 Uninterrupted service

If a Customer has a particular requirement for an uninterrupted level of service (flow, pressure, or quality), it is the responsibility of that Customer to provide any storage, back-up facilities, or equipment necessary to provide that level of service.

7.7.3 Demand management

The Customer must comply with any restrictions imposed by the WSA to manage high seasonal or other demands. Customers will be advised on such restrictions by public notice on digital, social and/or print media as appropriate.

Notwithstanding any such restrictions the WSA will take all practicable steps to ensure an adequate supply for domestic purposes.

7.7.4 Emergency restrictions

During an emergency the WSA may restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all of its Customers. Such restrictions will be advised by public notice. The WSA may enact penalties over and above those contained in these conditions to enforce these restrictions. The decision to make and lift restrictions, and to enact additional penalties, will be made by the Council, or where immediate action is required, by the manager of the WSA, subject to subsequent Council ratification.

7.7.5 Maintenance and repair

Wherever practical the WSA will make every reasonable attempt to notify the Customer of a scheduled maintenance shutdown of the supply before the work commences. Where immediate action is required and notification is not practical, the WSA may shut down the supply without notice.

7.8 Liability

The WSA will endeavour to meet the level of service requirements of 7.6, but is not liable for any loss, damage or inconvenience which the Customer or any person using the supply sustains as a result of deficiencies in, or interruptions to, the water supply.

The WSA may, under certain circumstances and at its sole discretion, make payments for damage caused to equipment, appliances, processes, and materials as a direct result of a variation in the water supply, provided that any such equipment or appliances have been designed to cater for reasonable variations in the flow, pressure, and quality of the water supply.

7.9 Fire protection connection

7.9.1 Connection application

Any proposed connection for fire protection must be the subject of a specific application (on the standard WSA form) made to the WSA for approval. Any such connection must be subject to the conditions specified by the WSA.

7.9.2 Design

It is the Customer's responsibility to ascertain in discussion with the WSA and monitor whether the supply available is adequate for the intended purpose.

7.9.3 Fire protection connection metering

Where the supply of water to any premises is metered the WSA may allow the supply of water for the purposes of firefighting to be made in a manner which bypasses the meter, provided that:

- a. The drawing of water is possible only in connection with the sounding of an automatic fire alarm or the automatic notification of the fire brigade; or
- b. A WSA approved detector check valve and meter has been fitted.

Any unmetered connection provided to supply water to a fire protection system must not be used for any purpose other than firefighting and testing the fire protection system unless the fire protection system is installed in accordance with NZS 4517.

Where a fire connection has been installed or located so that it is likely or possible that water may be drawn from it by any person for purposes other than firefighting, the WSA may require the supply to be metered.

7.9.4 Fire hose reels

Where the supply of water to any premises is metered, fire hose reels must be connected only to the metered supply, not to the fire protection system. The water supply to fire hose reels must comply with the requirements of NZS 4503:2005 Hand operated fire-fighting equipment.

7.9.5 Charges

Water used for the purpose of extinguishing fires will be supplied free of charge. Where the fire protection connection is metered and water has been used for firefighting purposes, the WSA will estimate the quantity of water so used, and credit to the Customer's account an amount based on that estimate.

7.9.6 Ongoing testing and monitoring

Customers intending to test fire protection systems in a manner that requires a draw-off of water, must obtain the prior approval of the WSA. Water used for routine flushing and flow testing does not constitute waste but the quantity of water used may be assessed and charged for by the WSA.

7.10 Backflow prevention

7.10.1 Customer responsibility

It is the Customer's responsibility (including under the Health Act 1956, and the Building Act 2004) to take all necessary measures on the Customer's side of the Point of Supply to prevent water that has been drawn from the WSA's water supply from returning to that supply.

Such measures may include:

- a. Backflow prevention either by providing an adequate air gap, or by the use of an appropriate backflow prevention device;
- b. The prevention of any cross-connection between the WSA water supply and:
 - i. Any other water supply (potable or non-potable)
 - ii. Any other water source
 - iii. Any storage tank
 - iv. Any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.

NOTE – Fire protection systems that include appropriate backflow prevention measures would generally not require additional backflow prevention, except in cases where the system is supplied by a non-potable source

or a storage tank or fire pump that operates at a pressure in excess of the WSA's normal minimum operating pressure.

7.10.2 Unmanaged risk

Notwithstanding 7.10.1 the WSA may fit a backflow prevention device on the WSA side of the Point of Supply where the Customer cannot demonstrate that the risk of backflow is adequately managed, at the Customer's cost, and charge accordingly.

7.11 WSA equipment and inspection

7.11.1 Care of Water Supply System

The Customer must take due care not to damage any part of the water supply system, including but not limited to pipework, valves, meters, restrictors, chambers, and backflow prevention devices.

7.11.2 Inspection

Subject to the provisions of the Local Government Act 2002, the Customer must allow the WSA with or without equipment, access to any area of the premises for the purposes of determining compliance with these conditions.

7.12 Meters and flow Restrictors

7.12.1 Installation

Meters for on demand supplies, and restrictors for restricted flow supplies, will be supplied, installed and maintained by the WSA, and will remain the property of the WSA. Where on demand supplies are not universally metered, the WSA where it considers water use is unusually high, reserves the right to fit a meter at the Customer's cost, and charge accordingly.

7.12.2 Location

Meters and restrictors must be located in a position where they are readily accessible for reading and maintenance, and if practicable immediately on the WSA side of the Point of Supply, Refer to the Code of Practice for Land Development and Subdivision.

7.12.3 Accuracy

Meters will be tested as and when required by the WSA or as prescribed in the International Organisation of Legal Metrology Standard OIML R49 Water meters intended for the metering of cold potable water (OIML R49). The maximum permissible error for the upper flow rate zone ($Q < Q_1 < Q_2$) is $\pm 2\%$, for temperatures from 0.3°C to 30°C and the maximum permissible error for the lower flow rate zone ($Q < Q_1 < Q_2$) is $\pm 5\%$. This accuracy will be applied to all water meters with $Q < 100\text{m}^3/\text{h}$ and may be applied to water meters with values of $>100\text{m}^3/\text{h}$.

The flow restrictors must be accurate to within $\pm 10\%$ of their rated capacity. NOTE
– Where Q is the flow rate:

Q_1 is the minimum flow rate;

Q_2 is the transitional flow rate;

Q_3 is the permanent flow rate; and

Q_4 is the overload flow rate as defined in OIML R49-1

Any Customer who disputes the accuracy of a meter or restrictor may apply to the WSA for it to be tested provided that it is not within three months of the last test. If the test shows non-compliance with the accuracy above, the Customer will not be charged for the test. If the test shows compliance, the Customer will pay a fee in accordance with the WSA current fees and charges.

Meters will be tested as prescribed in OIML R 49-2 and the test report will be made available as prescribed in OIML R 49-3.

The variation in the error curve must not exceed 3% for flow rates in the lower zone and 1.5% for flow rates in the upper zone. For the purpose of determining these requirements the mean values of the errors (of indication) at each flow rate, will apply.

The curves must not exceed a maximum error of $\pm 6\%$ for flow rates in the lower zones and $\pm 2.5\%$ for flow rates in the upper zones.

Restrictors will be tested by measuring the quantity that flows through the restrictor in a period of not less than 1 hour at the expected minimum operating pressure. A copy of independent certification of the test result will be made available to the Customer on request.

7.12.4 Adjustment

If any meter, after being tested, is found to register a greater or lesser consumption than the actual quantity of water passed through the meter, the WSA will adjust the readings in accordance with the test, backdated for a period at the discretion of the WSA but not exceeding 12 months, and the Customer will pay a greater or lesser amount according to the adjustment.

Where a meter is under-reading by more than 20% or has stopped, the WSA reserves the right to charge for the actual amount of water used over the past billing period, taking into account any seasonal variations in demand.

Where a meter is over-reading, the WSA will make appropriate adjustments to the Customer's invoice(s), based on a period of similar use and backdated to when it is agreed the over-reading is likely to have occurred.

7.12.5 Estimating consumption

If any meter is out of repair, ceases to register, or is removed, the WSA will estimate the consumption for the period since the previous reading of that meter, based on the average of the previous four billing periods charged to the Customer and the Customer will pay according to that estimate. If, by reason of a large variation of consumption due to seasonal or other causes, the average of the previous four billing periods would be an unreasonable estimate of consumption, the WSA may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the Customer will pay according to that estimate.

If metering shows a significant increase in consumption for a premises, and the increase is established as being caused by a previously unknown leak, the WSA may estimate consumption as above, providing that the Customer repairs the leak with due diligence.

Where the seal or dial of a meter is broken, the WSA may declare the reading void and estimate consumption as described above.

7.12.6 Incorrect accounts

Where a situation occurs, other than as provided for in 7.12.5, where the recorded consumption does not accurately represent the actual consumption on a premises, the account must be adjusted using the best information available to the WSA. This includes, but is not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorised supplies. Where an adjustment is required, in favour of the WSA or the Customer, this will not be backdated more than 12 months from the date the error was detected.

7.13 Plumbing system

Quick-closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of the WSA to maintain its stated levels of service must not be used on any piping beyond the Point of Supply, except where approved in special circumstances by the WSA.

In accordance with the Building Regulations 1992 the plumbing system must be compatible with the water supply. Specific features of the WSA supply which need to be taken into account are contained in **table 1**.

Table 1 – Compatibility features

Feature	Value
Maximum pressure	90 metres head
Normal operating pressure	15 to 45 metres head

7.14 Prevention of waste

The Customer must not intentionally allow water to run to waste from any pipe, tap, or other fitting, or allow the condition of the plumbing within a premises to deteriorate to the point where leakage or wastage occurs.

The WSA provides water for consumptive use not as an energy source. The Customer must not use water or water pressure directly from the supply for driving lifts, machinery, educators, generators, or any other similar device, unless specifically approved by the WSA.

The Customer must not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved by the WSA.

7.15 Payment

The Customer is liable to pay for the supply of water and related services in accordance with the WSA fees and charges prevailing at the time.

The WSA may recover all unpaid water charges as prescribed in the Local Government (Rating) Act 2002, sections 57 to 82.

7.16 Transfer of rights and responsibilities

The Customer must not transfer to any other party its rights and responsibilities under this Bylaw.

A supply pipe must serve only one Customer, and must not extend by hose or any other pipe beyond that Customer's premises.

Without limiting the above, any water which the Customer draws from the water supply system must not be provided to any other party without approval of the WSA.

7.17 Change of ownership

If a premises changes ownership the WSA will record the new owner as being the Customer at that premises. Where a premises is metered the outgoing Customer must give the WSA five working days' notice to arrange a final meter reading.

7.18 Disconnection at the Customer's request

The Customer must give 20 working days' notice in writing to the WSA of the requirement for disconnection of the supply. Disconnection will be at the Customer's cost.

8. Breaches and infringement Offences

8.1 Breaches of conditions of supply

The following are deemed breaches of the conditions to supply water and constitute an offence against this Bylaw:

- a. An incorrect application for supply which fundamentally affects the conditions of supply (section 7);
- b. Failure by the Customer to meet and comply with the conditions of supply;
- c. Failure to meet any obligation placed on the Customer under any current Acts or Regulations specified in section 4.4 (a) and elsewhere within this Bylaw;
- d. Frustration of the WSA's ability to adequately and effectively carry out its obligations;
- e. Any other act or omission in breach of this Bylaw including but not limited to any of the following:
 - i. Failure to pay the appropriate charges by the due date;
 - ii. Failure to repair a leak, or in any way wilfully allowing water to run to waste, or to be misused;
 - iii. The fitting of quick-closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations within the water supply system, or compromise the ability of the WSA to maintain its levels of service (subject to 7.13);
 - iv. Failure to prevent backflow (see 7.10);
 - v. Failure to comply with water use restrictions or prohibitions introduced by the WSA for any specified purpose;
 - vi. Using water or water pressure directly from the supply for driving lifts, machinery, educators, generators, or any other similar device, unless specifically approved by the WSA;
 - vii. Using water for a single pass cooling or heating system, or to dilute trade waste prior to disposal, unless specifically approved by the WSA;
 - viii. Extending by hose or any other pipe a private water supply beyond that Customer's premises; and/or
 - ix. Providing water drawn from the water supply system to any other party without approval of the WSA.

In the event of a breach of this Bylaw the WSA will serve notice on the Customer advising the nature of the breach and the steps to be taken to remedy it. If, after one week, the Customer persists in the breach, the WSA reserves the right to reduce the flow rate of water to the Customer without notice. In such an event the full service of the supply will be re-established only after payment of the appropriate fee and remedy of the breach to the satisfaction of the WSA.

In addition, if the breach is such that the WSA is required to disconnect the supply for health or safety considerations, such disconnection should be carried out forthwith.

8.2 Interference with equipment

Any tampering or interfering with WSA equipment, either directly or indirectly, constitutes a breach of this Bylaw. Without prejudice to its other rights and remedies, the WSA is entitled to estimate (in accordance with 7.12.5) and charge for the additional water consumption not recorded or allowed to pass where a meter or restrictor has been tampered with, and recover any costs incurred.

8.3 Offences and penalties

A person who is convicted of an offence against this Bylaw is liable under sections 239 and 242 of the Local Government Act 2002 to a fine not exceeding \$20,000.

A person who is alleged to have committed an infringement, as specified in regulations made under the Local Government Act 2002, by breaching the Bylaw, may be served with an infringement notice in accordance with section 245 of the Local Government Act 2002.

This Bylaw was made by the Napier City Council by resolution at a Council meeting on [date] 2022.

2. ADOPTION OF TRADEWASTE AND WASTEWATER BYLAW REVIEW 2022

Type of Report:	Legal and Operational
Legal Reference:	Local Government Act 2002
Document ID:	1476191
Reporting Officer/s & Unit:	Cameron Burton, Manager Environmental Solutions

2.1 Purpose of Report

For Council to adopt the Napier City Council Trade Waste and Wastewater Bylaw 2022 following the Bylaw submission hearings held on 22 June 2022.

Officer's Recommendation

That Council:

- a) **Endorse** Council officers' approach to the amendments to the Bylaw that the Associate Minister of Health has proposed which are listed below.
- b) **Approve** for adoption, the Napier City Council Proposed Trade Waste and Wastewater Bylaw Review 2022 effective from 1 August 2022 (*Doc Id 1478732*).
- c) **Direct** Officers to notify submitters and the public that the Proposed Bylaws have been adopted and will become operative from 1 August 2022.

2.2 Background Summary

The purpose of this Bylaw is to protect, promote and maintain public health and safety; protect public water supply infrastructure; protect the public from nuisance by making rules for the supply of water; and manage and regulate Council's Water Supply.

The Napier City Water Supply Bylaw 2012 had reached the end of its regulatory lifespan and required to be renewed. There were some issues within the 2012 version that were no longer appropriate for managing the water network. This triggered a review of the bylaw and the corresponding Special Consultative Procedure.

As part of the Special Consultative Procedure set out in the Local Government Act (LGA) 2002, submissions were heard at the 22 June 2022 Bylaw hearing. Council accepted that the proposed bylaw draft did not required further changes following the submitter's feedback. (*Council Report Document ID# 1469680*).

At the time of that Bylaw hearing, Council officers reported upon attempts to seek the Minister of Health's approval of the proposed Bylaw being unsuccessful. Subsequent to that, formal approval has been provided by Associate Minister of Health in the document (*Document ID 1478731*) appended under Separate Cover.

For the purposes of summary, the amendments requested are limited to the following four points:

1. Council should amend the Bylaw to include a clause stating "Council reserves the right to refuse the discharge of any given trade waste to the wastewater system";

2. the Minister is favourable to having Health Care wastes e.g., cytotoxic materials prohibited, because an update to the associated New Zealand Standard (NZS4304:2002) is imminent, to that effect;
3. “the Trade Waste Bylaw and Policy do not specifically address the discharge of pharmaceutical waste”, however Section SB.2 of the Administration Manual lists pharmaceutical wastes as prohibited;
4. Council should replace the wording “National Radiation Laboratory” to “the Office of Radiation Safety Code of Practice CSP1 for the use of Unsealed Radioactive Material”.

In response to these points, Council officers note that:

1. The Bylaw reserves Council’s right to refuse a discharge of Trade Waste, through Bylaw subsections B.2.1 clause (j) and B.3.2, therefore no amendment is made;
2. No amendment is made due to aligned restrictions of Health Care wastes specified in Administration Manual subsection S.B2 *Prohibited Characteristics*, clause (e);
3. No amendment is made as pharmaceutical wastes are specified in Administration Manual subsection S.B2 *Prohibited Characteristics*, clause (e);
4. Three amendments are made in Administration Manual subsection S.B2 *Prohibited Characteristics*, clause (d, roman numeral v.), and two in the Radioactivity section of Table 2.

Legal advice around making this amendments post-hearing has been sought by Council officers, and it is not considered that there are any legal implications with the proposed changes. The amendments recommended have been implemented into the Trade Waste and Wastewater Bylaw and supporting Administration Manual, and are attached under Separate Cover for final adoption.

2.3 Issues

There are no known issues of significance.

2.4 Significance and Engagement

In terms of the Significance and Engagement Policy 2017 (SEP2017), the decision is significant. Council has fulfilled its obligations for a Special Consultative Procedure that is required by the Local Government Act (Part 6) under the SEP2017.

2.5 Implications

Financial

No Financial implications have been identified with the changes to the Water Bylaw. One of the submitters raised the equity issue between the volumetric charge between the Domestic and Non-domestic targeted rate, however this will be address through a rating process as part of the 2023/24 Annual Plan.

Social & Policy

This Bylaw shall be reviewed within five (5) years from 1 August 2022, however it can be reviewed at any other time before this date at the discretion of Council.

Risk

The risk associated with the Bylaw changes have not raised any risk concerns. Comments received seeking minor amendments to the Bylaw subsequent to the Bylaw hearing from the Associate Minister of Health have been assessed by Council lawyers as having no legal implications for Council.

2.6 Options

The options available to Council are as follows:

- a. Adopt the revised Bylaw as considered by Council, the Napier community and statutory/advisory stakeholders, including the final amendment.
- b. Abandon the bylaw review.

2.7 Development of Preferred Option

Option a. Adopt the revised bylaw to be effective 01 August 2022

2.8 Attachments

- 1 Napier City Council - Final Integrated Trade Waste and Wastewater Bylaw 2022 (Doc Id 1478732) (Under separate cover 1)
- 2 Napier City Council - Final Integrated Trade Waste and Wastewater Bylaw Administration Manual (Doc Id 1478733) (Under separate cover 1)
- 3 2022-07-06 Letter - Trade Waste & Wastewater Bylaw Approval - Assoc Minister of Health (Doc Id 1478731) (Under separate cover 1)

3. CHIEF EXECUTIVE'S REPORT

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1478573
<i>Reporting Officer/s & Unit:</i>	Lauren Sye, Corporate Planning Analyst Steph Rotarangi, Chief Executive

3.1 Purpose of Report

The Chief Executive's Report is brought to Council, for your information, every six weeks.

Officer's Recommendation

That Council:

- a. **Receive** and note the Chief Executive's report for July 2022.

3.2 Background Summary

The Chief Executive's Report (the Report) seeks to update Council on a number of key projects and priorities for Napier City Council.

3.3 Issues

No issues.

3.4 Significance and Engagement

The Report is provided for information purposes only.

3.5 Implications

Financial

The Report does not give rise to any financial or resourcing implications.

Social & Policy

The Report does not have any particular social or policy implications.

Risk

The Report does not give rise to any particular risks for Council or the community.

3.6 Options

The options available to Council are as follows:

- a. Receive and note the Chief Executive's Report for June 2022.

3.7 Development of Preferred Option

No preferred option has been developed.

3.8 Attachments

- 1 Chief Executive Report (Doc Id 1478715) [↓](#)



CHIEF EXECUTIVE'S *Report*

14 July 2022



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

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Statement from the Chief Executive

Kia ora koutou,

We have had much to celebrate over the past few weeks.

NCC has been successful in moving to the next stage of Kāinga Ora's Infrastructure Acceleration Fund. We applied for \$12.35 million to upgrade storm water pipes and pumps in Maraenui – with the outcome of enabling more housing in this area and ensuring this community is better protected from weather events. We have progressed to the negotiations stage, with funding being finalised following final negotiations.

Revitalisation of Napier's inner harbour area will be kicked off, in part, by a \$700,000 government grant that we recently secured. This fund will contribute to the cost of visitor facilities for the proposed Iron Pot Waka Hub in Ahuriri. This new space will complement a planned new home for Te Mataua-Māui, the ocean-going training waka currently moored at the southern end of the inner harbour.

We were proud that our data dashboard, The Pulse of Napier, won the Web and Digital Project of the Year award at the annual ALGIM (Association of Local Government Information Management) awards. The Pulse provides a huge range of Napier-specific social, economic and environmental measures. It helps businesses and organisations to make well-informed decisions about future direction. We are thrilled that our team's hard work on this project has been recognised nationally.

A new initiative known as Āwhina Tāngata/Napier Assist has launched in response to the community's feedback that safety is a concern for many in Napier. Napier Assist Officers will focus on engaging with the public if they need help with things such as directions and general city knowledge. They will also be equipped to deal with negative activity by liaising closely with Police and other agencies, linking them with services that may be able to help, while maintaining clear behavioural expectations.

We are proud of our tourism facilities, which give our visitors a range of family-friendly options for holiday

activities. It was great to see Wellington's regional news include a number of Council facilities in its "Top 8 Family Attractions in Hawke's Bay" newspaper article. Facilities mentioned were The Faraday Museum of Technology, Par2 Minigolf, MTG Hawke's Bay, the National Aquarium of New Zealand and Bay Skate.

Friday 8th July marked the beginning of the local government election season. From this time until election day on 8th October, Council staff must observe certain protocols to ensure they remain politically neutral in their work. Protocols include avoiding commenting or posting about candidates on social media, or attending private campaign strategy meetings or activities. Enquiries to staff from current elected members or candidates must now be redirected to either myself or the Deputy Electoral Officer. While Council still meets during this time, it may no longer make significant decisions of Council for the rest of the triennium.

On 5th July NCC began a Duty Controller Civil Defence & Emergency Management roster. The role of Duty Controller is important. It is essential that we have leaders who are trained and ready to lead a local response on behalf of NCC. Our newly appointed Duty Controllers will undergo significant training in conjunction with our colleagues at Hawke's Bay Civil Defence & Emergency Management.

Three new NCC leadership teams have been established to focus on key delivery areas across the work of Council. These are the Delivery Leadership Team, which will deliver valued outcomes for Napier, focusing on our 90-day plan; the Staff Leadership Team, which will provide thought leadership and support myself in building culture; and the City Leadership team, which will provide stewardship and thought leadership to ensure city vibrancy, focusing on our Long Term Plan.

As we head into the depths of winter, we are again staring down the barrel of a new wave of Covid-19 infections, driven by a more infectious variant. Local health officials believe Hawke's Bay has begun its second wave of infections. As with the first wave, we will mitigate staff illnesses by encouraging mask use, providing RAT kits to all staff and encouraging people to remain home if unwell.

Finally, I was really proud of our team who pulled together Council's events for the inaugural Matariki holiday. There was a great public turnout to the events, the showpiece being a video projected onto the side of the MTG Hawke's Bay building, which told the story of Matariki.

Steph Rotarangi
CHIEF EXECUTIVE

Pulse Snapshot

For more statistics, and a huge range of Napier-specific social, economic and environmental measures, check out the Pulse of Napier at napier.govt.nz

Jobseeker Support

Work Ready access by Napier residents: Jobseeker Support is a weekly payment that helps people until they find work.

2022

May - **1452** | Apr - **1455** | Mar - **1440**

Accommodation Supplement

This is a weekly payment which helps people with their rent, board or the cost of owning a home.

2022

May - **5061** | Apr - **5070** | Mar - **5097**

Average House Prices Napier AS AT END OF MAY 2022

Average - **\$869,299**

3 Month Change - **4.2% ▼**

12 Month Change - **8.8% ▲**

Resource Consent Activity

MONTH OF APR | MAY 2022

Land use Consents issued May - **13** | Apr - **10**

Subdivision Consents issued May - **12** | Apr - **9**

Total Resource Consents issued May - **25** | Apr - **19**

Building Consent Activity

MONTH OF APR | MAY 2022

Total Building Consents issued May - **123** | Apr - **90**

Total estimated value - May - **14,906,226** |

Apr - **\$16,014,523**

Total new dwellings May - **30** | Apr - **17**

Housing Register Napier

Number of applicants on the housing register

2022 - 2021

Mar - **801** | Dec - **792** | Sep - **753**

Mean Napier Rents (as at the end of April 2022)

Suburb	Lower estimate	Median	Upper estimate	Change since last report
Ahuriri	\$503	\$580	\$650	3.5% ▲
Maraenui	\$450	\$490	\$548	3.9% ▼
Napier South	\$450	\$530	\$600	1.9% ▲
Taradale	\$500	\$583	\$650	0.5% ▲

Domestic Tourist Spend

Hawke's Bay

Domestic Spend New Zealand

Domestic Spend Hawke's Bay

April 2022

\$1,014m

\$36m

Change from prev. report

28.4% ▲

33% ▲

Police Activity

Napier

Crime Events

Non-Crime Events

April 2022

695

757

Change from prev. report

14.5% ▼

2.7% ▲

Legislative Updates

Legislative implementation

Pae Ora (Healthy Futures) Act

This Act came into force on 1 July, and established Health New Zealand and the Māori Health Authority as permanent entities to replace the District Health Board system.

Local Electoral (Advertising) Amendment Bill

This Act came into force on 1 July. The Act addresses concerns around candidate safety by loosening the requirement that candidates attach either their residential or business address to electoral advertising, allowing email addresses, PO box or phone numbers, or links to an internet page to be used instead.

Rates rebates changes

Changes to the rates rebate scheme took effect from 1 July. From 1 July, the maximum annual rebate increased from \$665 to \$700. The abatement threshold increased from \$26,510 to \$28,080 income for the year to March 2022. The changes reflect movement in the Consumer Price Index during the 2021 calendar year.

Ratepayers apply to Council for the rebate. Council then processes the applications and are reimbursed by the Department of Internal Affairs.

More information about the rates rebate scheme can be found on the Council's website, or by calling the Customer Service Centre on +64 6 835 7579.

Progress of Bills currently in the House

Sale and Supply of Alcohol (Renewal of Licences) Amendment Bill (No 2)

This Bill provides that where a local alcohol policy is in place under the provisions of the Sale and Supply of Alcohol Act 2012 any renewal of a licence under the Act must not be inconsistent with the provisions of that local alcohol policy. This Bill is currently awaiting its second reading (no change from last Chief Executive's Report).

Natural Hazards Insurance Bill

This Bill replaces the Earthquake Commission Act 1993. Its overarching objectives of the changes are to enable better community recovery from natural hazards, to clarify the role of the Earthquake Commission and the cover provided by the Bill, and to enhance the durability and flexibility of the legislation. The Bill is sitting with the Finance and Expenditure Committee; submissions on the Bill closed on 13 May 2022 and the Select Committee is due to report back to Parliament in September.

Fair Pay Agreements Bill

This Bill would create a framework for bargaining for fair pay agreements. Objectives include setting out a general duty of good faith, prescribing processes for initiating bargaining, providing dispute resolution processes, and establishing regulation making powers. The Bill is now sitting with the Education and Workforce Select Committee; submissions closed on 19 May and the Select Committee is due to report back to Parliament in October.



Employment Relations (Extended Time for Personal Grievance for Sexual Harassment) Amendment Bill

This Bill would extend the time available to raise a personal grievance that involves allegations of sexual harassment from 90 days to 12 months. The Bill is sitting with the Education and Workforce Committee, and public submissions close on 15 July.

Water Services Entities Bill

This Bill would establish four publicly owned water services entities to provide safe, reliable, and efficient water services in place of local authorities. The Bill has been referred to the Finance and Expenditure Committee, which is accepting public submissions up until 22 July 2022.

Smokefree Environments and Regulated Products (Smoked Tobacco) Amendment Bill

This Bill would significantly limit the number of retailers able to sell smoked tobacco products; aims to prevent young people from taking up smoking by prohibiting the sale of smoked tobacco products to anyone born on or after 1 January 2009; and aims to make smoked tobacco products less appealing and addictive. It is currently awaiting its first reading.

Electoral (Māori Electoral Option) Legislation Bill

This Bill would allow people to transfer between the Māori and general electoral rolls at nearly any time, and as many times as they wish. The Bill, which is a Government Bill introduced by

Hon Kiritapu Allan (Minister of Justice) passed its first reading on May 30 and has been referred to the Justice Committee, which is accepting submissions until July 30

Electoral (Right to Switch Rolls Freely) Amendment Bill

This Bill would amend the Electoral Act 1993 to enable Māori voters to switch between the Māori and non-Māori electoral rolls at any time. This Bill is also awaiting its first reading. Unlike the Bill above, this Bill is a Member's Bill sponsored by Rawiri Waititi.

Electoral (Strengthening Democracy) Amendment Bill

This Bill would amend the Electoral Act 1993 to lower the voting age to 16, repeal the prohibition on prisoner voting and change the rules about political donations, amongst other changes. The Bill is currently awaiting its first reading.

Repeal of Good Friday and Easter Sunday as Restricted Trading Days (Shop Trading and Sale of Alcohol) Amendment Bill

This Bill seeks to remove the restriction on trading and selling alcohol on Good Friday and Easter Sunday. It is currently awaiting its first reading.

Te Ture Whenua Māori Bill

This Bill sought to repeal and replace the current law relating to Māori land, to allow landowners, their whānau and hapū to improve the performance and productivity of their land. The Bill failed its first reading on 8 June 2022 and has been withdrawn.





Bills on the horizon

Better Payment Practices Bill

The Government intends to introduce a Bill enabling the setting of regulations requiring large business (including central and local government) to report against a set of performance measures on the speed of payment to small business, and to comply with provisions of a Code. Introduction is anticipated in July 2022.

Self-Contained Vehicles Bill

This Bill would give effect to a package of changes to tighten what is categorized as a self-contained vehicle, and allow local authorities to better regulate where non-self-contained vehicles may stay overnight.

The Government is seeking to introduce legislation in the first half of 2022. Some of the new rules would come into place for the 2022/23 summer season, like the new rule requiring freedom camping in a vehicle on council land to be done in a certified self-contained vehicle, except at designated sites.

Water Services Entities Bill #2

The second of a series of Government Bills is expected in September 2022. The second Bill

will include links to land-use planning, economic regulation, powers, and implications for the 2024 Long Term Plans and the wider Local Government Act framework.

Natural and Built Environment Bill

The first of two Bills giving effect to RMA reform. This Bill focuses the setting of environmental limits, environmental and land use planning, and the governance of those activities. Expected to be introduced into the House in October 2022.

Spatial Planning Bill

The second of two Bills giving effect to RMA reform. This Bill focuses on regional spatial strategies and the governance of these activities. Expected to be introduced into the House in October 2022.

Civil Defence and Emergency Management Amendment Bill

The National Emergency Management Agency (NEMA) has established a Regulatory Framework Review Programme (also known as the “Trifecta”) to improve New Zealand’s disaster resilience. This Bill, expected to be introduced in the third quarter of 2022, will give effect to any changes arising out of the Trifecta Review.



Current Central Government Consultations

The following Government initiatives (related to the local government sector) are currently open for public submissions:

Exposure draft of National Policy Statement for Indigenous Biodiversity (NPSIB)

Agency Engaging:

Manatū Mō Te Taiao: Ministry for the Environment

Due Date: 21/07/2022

Description: From November 2019 to March 2020, the Ministry for the Environment (MfE) sought public feedback on the introduction of a National Policy Statement for Indigenous Biodiversity (NPSIB) to help protect precious flora and fauna. MfE received over 7000 submissions. The majority supported the intent of the NPSIB.

MfE are now seeking feedback from practitioners, iwi/ Māori, stakeholders and those highly familiar with the NPSIB on the exposure draft to ensure its provisions are workable. The exposure draft takes into account submissions received during the public consultation period.

Water Services Entities Bill

Agency Engaging: Finance and Expenditure Select Committee

Due Date: 22/07/2022

Description: The first of a series of Government Bills that would give effect to the policy decisions taken regarding Three Waters reforms. This Bill would establish the four new entities and their coverage, their powers, and aspects of the governance framework.

Taituarā (Local Government Professionals Aotearoa) are making a submission on behalf of its membership.

Electoral (Māori Electoral Option) Legislation Bill

Agency Engaging: Justice Select Committee.

Due Date: 30/07/2022

Description: Select Committee submissions are open on this Bill, which would allow people to transfer between the Māori and general electoral rolls at nearly any time, and as many times as they wish.

Regional Strategic Updates

Regional Economic Development Agency

Since the last update, the work programme has been recalibrated to support a more graceful transition to the set up of REDA.

The Establishment Group has started the development of the constitution for the new organisation with the aim of having that completed by late July for signing by the three parties: iwi/ hapu, business and councils. This will allow the board appointments process to start, which is scheduled to take two months to complete.

Funding agreements will be drafted over the coming month. HBRC will continue to support the Business Hub until the REDA Board has been selected and the funding agreements signed. Transition of the Business hub to REDA can then take place.

Civil defence updates:

Registrations for New Zealand ShakeOut 2022 are now open.

Our national earthquake drill and tsunami hīkoi is happening on Thursday 27 October at 9:30am.

ShakeOut is an opportunity to learn and practice the correct actions to take in an earthquake or tsunami, so we can keep ourselves and the people we care about safe.

Last year, here in Hawke's Bay we had 21,200 people participating - 13% of the regional population.

With new research indicating we have a 1 in 4 chance of a major Hikurangi Subduction Zone earthquake in the next 50 years, ShakeOut is more important than ever.

Anyone can participate in ShakeOut wherever they are on 27 October. Sign up as an individual, or sign up a family, school, workplace or community group at www.shakeout.govt.nz.

Te Waka Rangapū:

As Matariki is upon us, we reflect on the new beginnings across our organisation. In the policy space, Te Waka Rangapū and NCC's Te Reo Māori Champions have presented the Te Reo Māori me ōnā Tikanga Policy to Ngā Manukanuka o Te Iwi (Māori Committee) Te Komiti has endorsed the policy and received the policy report. This policy will now undergo a Councillor workshop before the policy is adopted by Ngā Manukanuka o Te Iwi and Council in August. An action plan will be developed following adoption.

Te Kupenga ā te Huki (our Māori Partnership Managers rōpū across Te Matau a Māui) supported and facilitated a hui for Te Pae Urungi. Te Waka Rangapū and our neighbouring councils invited Minister Mahuta to discuss the Government's significant reform programme. This was a positive hui that focussed on the betterment and wellbeing of Mana whenua and Tangata whenua of each takiwā.

Te Waka Rangapū continues to facilitate opportunities for staff and other government organisations to build their cultural capabilities through Kapa Haka and Karakia. NCC's Kapa Haka group participated in Matariki Hautapu on

Mataruahou, which provided a great opportunity for staff to learn and participate.

Te Waka Rangapū is committed to being present and honouring our partnerships:

- Te Waka Rangapū attended the pōhiri to welcome newly elected Ngāti Kahungunu Iwi Incorporated Chair Bayden Barber and board members
- Te Waka Rangapū attended the opening of Taiwhenua o Whanganui a Orotū new wellness centre
- Te Waka Rangapū attended the Ngāti Kahungunu Fishhook summit
- Napier City Council attended and participated in the Matariki Hautapu on Mataruahou

Te Waka Rangapū continues to advise programmes of work to build partnerships with Mana Whenua and Tangata Whenua. Some of these activities include but are not limited to:

- Pānui ki te Marae - bi-monthly pānui to Marae
- Station Street - Library and Civic Precinct
- Napier Urban Waterways - Westshore Tidal Gates
- Positive Aging Committee
- Restoring original names in accordance with Ahuriri Hapū Settlement Act 2021
- Advising council teams and specific projects
- Mataruahou Pakiwaitara
- Preparing for the induction of the new Council following the elections, and planning for the Ngā Manukanuka o te Iwi 2022-2025 term.



Health & Safety Update

COVID-19

As at 30 June 2022, Council had 11 positive cases of COVID, with an additional three employees listed as household contacts. To date 220 employees have recovered from Covid. This equates to 37.2% of our staff having contracted Covid-19.

Employees have returned to the workplace, and back to normal with precautions in place and continual monitoring of Government guidelines around Covid-19.

Weekly RAT surveillance testing continues for employees in critical roles.

Three Waters National Transition Unit

The Three Waters Transition Unit have designed an online portal named "The Staff Room" to support employees through the transition period and to manage workforce related processes and activities. This can be accessed through Te Rapunga, the public site dedicated to information about the Three Waters workforce transition.

Wellbeing initiatives

Employees have participated in the following health, safety and wellbeing initiatives between April and June;

- World Earth Day
- World Health Day
- World Health & Safety Day
- Flu jabs
- 20th World Cultural & Diversity Day
- Pink Shirt Day
- World Environment Day
- Men's Health week

Reported Incidents

Financial year to date as at April 2022

Lost time injuries (LTIs):	1
Medically treated injuries (MTIs):	4
Near miss / hit & property damage reporting	23
Property damage	1

Strategy/Policy Updates

The following external Council Policies / Bylaws are currently undergoing review:

- Dog Control Bylaw and Policy (hearings completed, officers working to finalise Bylaw/ Policy after Council direction)
- Water Supply Bylaw (final Bylaw presented to Council 14 July for adoption)
- Trade Waste and Wastewater Bylaw (final Bylaws presented to Council 14 July for adoption)
- Transportation Strategy (preparing for consultation)
- Waste Management and Minimisation Policy (working with Hastings District Council to develop community consultation plan)
- Pressure Sewer Policy (in development)

Financial Update

Anticipated total revenue
2021/22 (all income streams) **\$154.2m**

Revenue year to date as at
end of May 2022
(all income streams) **\$118.4m**

Anticipated total operating
expenditure 2021/22 **\$148m**

Operational spend year to
date as at end of May 2022 **\$113.8m**

Anticipated total capital
expenditure 2021/22 **\$56m**

Note that the budget set out for 2021/22 in the Long Term Plan was \$89M (incl. carry forwards). This has since been revised to \$56M per projections based off actual spend.

Capital spend year to
date as at end of May 2022 **\$40.2m**

Upcoming Council Consultations

Napier City Council is currently consulting on the following initiatives.

- City Wide Reserve Management Plan (submissions close 18 July 2022)

Napier City Council is not currently preparing for consultation on any initiatives given the upcoming triennial local government election.

High priority projects

Civic/Library Precinct

Summary: Council endorsed the design brief and business case for the Station Street Community Facility (Library) in June.

The design brief expands describes the size and configuration of the 'ingredients' that go into the facility, and where space for different activities could be located to achieve a high level of flow and functionality.

The business case presents the strategic, economic, commercial, financial, and management case for the proposed development.

Next immediate milestones: Council has approved procurement of a design team to execute 'concept design' for the Library.

Demolition on the former Civic Building site is due to begin in July.

PROJECT STATUS



District Plan Review:

Summary: Engagement with mana whenua has resumed on Sites of Significance to Maori and Structure Plans. Officers have made necessary amendments to the chapters after receiving technical reports on noise, high traffic generating activities and commercial areas in Wharerangi Rd and Pirimai.

The District Plan is to be notified after elections (May 2023) due to delays in the RMA reform and delays with the Three Waters structure plan work programme.

Next immediate milestones: Council workshop postponed from July to 11 August, which will cover structure plans, changes to character areas and non-regulatory methods for achieving the Plan outcomes

PROJECT STATUS



Mataruahau development:

Summary: Council's engineers are currently carrying out analysis of the reservoir storage requirements. The storage requirements are being based on four different scenarios each providing a different level of service and resilience, each scenario assesses the current, short term and long term requirements.

Next immediate milestones: Three Waters Team to deliver a recommendation paper to council regarding water storage for Napier City.

PROJECT STATUS



Napier Aquatic Centre

Summary: On 30 June 2022, Council revoked previous resolutions which would have seen public consultation over the options for location of a future pool redevelopment.

The replacement resolutions settled by Council have now directed officers to do further work on procurement options and options for cost saving in regards to both the Onekawa Park and Prebensen Drive site options.

Given the 'pre-election' period before the triennial election on 8 October 2022, significant decisions regarding the future of the Napier Aquatic Centre will now wait until the new Council is sworn in.

Next immediate milestones: Officers will work to bring together more detail for the new Council about potential procurement pathways, and options for cost saving in relation to previously costed designs.

PROJECT STATUS



War Memorial Restoration

Summary: The design has progressed to building consent application (a step further from the detailed design phase). The building consent application was lodged on 27 June. A resource consent application has been lodged. A request for more detail on the boundary adjustment has been received, and this will be resolved through a paper recently submitted to Council.

A tender for construction has been released to the market.

Quantity surveying of the Detailed Design indicates a likely budget shortfall for this project of around \$750,000.

Next immediate milestones: Sample restoration of plaques. Continuing review of naming on plaques.

PROJECT STATUS



City Assist implementation

Summary: The Napier Assist Āwhina Tāngata team mobilised on Napier streets on 27 June. The team is made up of six dedicated Napier Assist Āwhina Tāngata officers who work varying shifts, generally between the hours of 7am-6pm.

Next immediate milestones: The programme will be focused on Napier CBD to start with, and will expand to other commercial centres as it evolves over a five-year period.

PROJECT STATUS



Te Pihinga Community Space

Summary: Project on hold awaiting confirmation of sale and purchase agreement for the land identified for the project.

Next immediate milestones: No milestones can progress until land purchase finalised.

PROJECT STATUS



Ahuriri Regional Park

Summary: The Future Napier Committee resolved to establish the Ahuriri Regional Park Joint Committee (consisting of members from Napier City Council, Hawke's Bay Regional Council, and Mana Ahuriri Trust) on the 16th June 2022. At this meeting, Deputy Mayor Annette Brosnan, and Councillor Keith Price was recommended as members of this Joint Committee, with Councillor Hayley Browne being the one alternate member. The Terms of Reference for this Joint Committee was also adopted. All Joint Committee Partners will be taking a similar paper to their equivalent committees/Board for adoption.

Next immediate milestones: This paper will be going to full Council for resolution on the 14th July. Following all Joint Committee Partners resolving to form a Joint Committee, adopt the Terms of Reference, and nominate Committee members, one of the first tasks for the Joint Committee will be to engage a Project Manager and project team.

PROJECT STATUS



Risk update

Emerging Risks

The following emerging risks have been identified by Council officers in the last six weeks:

COVID-19:

The Omicron subvariant BA.2.75 has been detected in New Zealand for the first time in early July. The Ministry of Health has stated there is no evidence that BA.2.75 requires a shift in public health settings already in place to manage other Omicron variants. There is some early evidence overseas that BA.2.75 may be slightly more transmissible than BA.2 (the dominant variant currently circulating in New Zealand).

Cost of construction: Continuing supply chain pressure and widespread inflation is leading to cost increases for building supplies. The average cost of building a standard three-bedroom home in a New Zealand city has risen 21% in the past year, according to QV. About 50,000 new dwellings are being consented each year across the country, and that does not include renovation work on existing houses, or the estimates \$8.5 billion annual spend on non-residential building.



Service requests

The following table shows a snapshot of the service requests received by Council in March and April 2022:

	April 2022	May 2022
Service requests year-to-date (financial year)	16,793	18,577
Number of new service requests received during the month	1,455	1,784
Number of service requests resolved during the month	1,385	1,644
Number of service requests pending resolution at months end	70	140
Top 3 Departments for service requests	City Services (361 requests) Infrastructure Services (248 requests) Animal Control (202 requests)	City Services (424 requests) Infrastructure Services (339 requests) Animal Control (268 requests)
Top 5 recurring matters	Building Maintenance (114 requests) Housing Messages (74 requests) Roaming dogs reported by public (57 requests) Contractor Rubbish Complaint (47 requests) Building Maintenance for buildings managed by external contractors (41 requests)	Building Maintenance (157 requests) Housing Messages (86 requests) Roaming dogs reported by public (81 requests) Building Maintenance for buildings managed by external contractors (41 requests) Barking dogs (56 requests)

Complaints / Requests Escalated to the Mayor / Chief Executive

Complaints and requests are, from time to time, directed to the Mayor and/or Chief Executive. The below captures high level data about the management of these complaints.

	May 2022	June 2022
Number of new complaints/requests raised during calendar month	34	19
Number of complaints/requests resolved during calendar month	29	8
Number of complaints/requests pending resolution as at end of calendar month	5	16
Themes (if relevant)	Parking Street trees Street signs Footpath condition	Parking + parking metre installation Street trees

Grants Funding

Community Development grant	
Total funding available (financial year)	\$84,000
Number of applications year to date (financial year)	24
Number of new applications in the last six weeks	3
Funding allocated year to date (financial year)	\$51,006

Consenting Activity

Key Statistics	2021/22 (year to date as at end of May)	2020/21 (year to date as at end of May)
Total Land Use Consents issued	147	126
Total Subdivision Consents issued	132	96
Total Resource Consents issued	279	222
Total Building Consents issued	1190	1131
Total Estimated Value	\$269,456,385	\$238,179,421
Total New Dwellings	342	288



LGOIMA Requests

	May 2022	Comment	June 2022	Comment
Requests received year to date	176		189	
Requests received in calendar month	12		13	
Responses completed in calendar month	17		6	
Responses within statutory timeframe	17/17 (100%)		6/6 (100%)	
5. Extensions requested in calendar month	3	10 days extension requested in all three cases.	0	
6. Requests where charging was proposed	0		0	
7. Number of responses where:	15		6	
- Information released in full				
- Information partially released	1	Information partially withheld to protect the privacy of natural persons	0	
- Request refused in full	1	Request refused as it was frivolous or vexatious/ the information requested was trivial	0	
8. Active Ombudsman investigations	0		0	
9. Ombudsman determinations received	0		0	
10. Themes	<ul style="list-style-type: none"> • Three Waters reforms • Building and resource consents • 'Keep it ka pai' campaign, • City flag • Council Controlled Organisations, • Junior cycle track • Solar farm • 'Ratepayers' report 		<ul style="list-style-type: none"> • Three Waters reform • Noise complaints • Coastal erosion • Staff pay • Building plans • Traffic speed data. 	

Documents Executed Under Seal

(period 16 May to 1 July 2022)

Date	Document title	Approving officer
19.5.22	Easement Instrument to drain water and sewage – 3 Balance Place	Ellen Gowan
19.5.22	Easement Instrument to drain sewage – 21 Holyrood Street	Ellen Gowen
31.5.22	Ground Lease of Reserve Land – 808A Meeanee Quay	Jenny Martin
13.6.22	Easement Instrument 8 Charles Street	Ellen Gowan
13.6.22	Lease Instrument – 703 & 705 Meeanee Quay	Bryan Faulknor
14.6.22	Easement Instrument – 4 Shackleton Street	Ellen Gowan
21.6.22	Warrant Cards	Kathryn Hunt
21.6.22	Easement Instrument – 18 Williams Street	Ellen Gowan
27.6.22	Easement Instrument, Partial Surrender of Easement	Ellen Gowan
28.6.22	Licence to Occupy – 82 McLeod Road	Bryan Faulknor
1.7.22	Deed of Surrender of Lease – Girl Guides NZ Incorporated	Bryan Faulknor
1.7.22	Temporary Carpark Licence Agreement – Regional Indoor Sports & Events Centre Trust, EIT, NCC	Glenn Lucas



Te Kaunihera o Ahuriri

Napier City Council

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NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

REPORTS / RECOMMENDATIONS FROM THE STANDING COMMITTEES

Note: The Māori Committee Recommendations in relation to the Standing Committees items are recorded with each specific item.

REPORTS FROM NAPIER PEOPLE AND PLACES COMMITTEE HELD 9 JUNE 2022

1. COUNCIL SUPPORT FOR THE SALE AND SUPPLY OF ALCOHOL (HARM MINIMISATION) AMENDMENT BILL (PRIVATE MEMBERS' BILL)

Type of Report:	Procedural
Legal Reference:	N/A
Document ID:	1465021
Reporting Officer/s & Unit:	Rebecca Peterson, Senior Advisor Policy

1.1 Purpose of Report

To seek endorsement from Council to publicly support the proposed Private Members Bill: Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill.

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

The report was taken as read. The Mayor noted Council felt it was important to support the Private Member's Bill, despite only select parts of it applying to Local Government. One of which is an appeal process which enables the applicant of a licence to sell alcohol to engage in a costly legal challenge process, which is time consuming and hard to navigate for members of the community, if the licence is denied due to community concerns. Council do have some concerns for how this Bill may negatively affect sponsorship of grassroots sport.

The Acting Executive Director of Community Services noted the Bill has been selected in the ballot and will move forward in Parliament.

Ngā Mānukanuka o te Iwi (Māori Committee) recommendation

RTK Hawaikirangi / C Tareha

That the Council resolve that the Committee's recommendation be adopted.

Kua Mana

At the meeting

Cr Boag declared a conflict and took no part in the discussion or decision for this item. Councillor Wright chaired this item.

The Officer spoke to the report with the support of Dr Nicki Jackson, Executive Director of Alcohol Healthwatch. In response to questions it was noted:

- The Private Members' Amendment Bill provides exemptions for touring teams coming to New Zealand, certain international events and authorises the Minister to grant exemptions in certain circumstances.
- The prohibited broadcasting of alcohol advertising will only apply to broadcasts originating in New Zealand.
- Alcohol advertising is referring to the name of an alcoholic beverage, an alcohol trademark, or an alcohol manufacturer's name.
- The Private Members' Amendment Bill prohibits alcohol advertising in or on a sporting venue during a broadcast sports activity, and also prohibits the sponsorship of a sports broadcast and of a sporting venue.
- Alcohol Healthwatch will be advocating for the Bill to extend to all levels of sports at the Select Committee phase.
- For the purposes of this Amendment Bill, broadcast means any transmission received by the public of programmes over the radio, internet, or other means of telecommunication.
- The special appeals process is unique to alcohol policies. Appeals to the Hastings District & Napier City Councils' Local Alcohol Policy were made about trading hours by local supermarkets, and took a long time to be resolved.
- There are two mechanisms to "buy out" alcohol sponsorship. One is the current health promotion agency levy on purchased alcohol which is used to address alcohol related harm. Alternatively 2.5% of alcohol excise revenue could be used. Alcohol excise revenue is \$1.2 billion per annum. This could be hypothecated by Treasury to address alcohol related harm.
- In the 1990s a 'buy out' of tobacco sponsorship occurred. The Smokefree Environments Act 1990 established the Health Sponsorship Council which received approximately \$6 million per year for five years to 'buy out' tobacco sponsorship. Research showed that as tobacco stopped sponsoring teams, other businesses stepped forward to take its place.
- Many countries followed New Zealand's lead in the 1990s and there has been significant reductions in people smoking. Research has found there are more young people in the United Kingdom who can't name a tobacco brand than can.
- If the Committee support the Private Members' Amendment Bill there are a number of options Council can use to address specific aspects of the Bill directly.
- Due to lack of research alcohol harm statistics are dated. In 2007 there were 802 alcohol related deaths, current annual figures can be estimated to be over 1000 per year. Approximately one in five New Zealanders report being harmed by other's alcohol consumption. It is New Zealand's most harmful drug.

It was noted that Council can make a submission at the appropriate time highlighting concerns for the sponsorship and advertising of alcohol at sporting venues.

**COMMITTEE
RESOLUTION**

Councillor Brosnan / Mayor Wise

The Napier People and Places Committee:

- a. Endorse the proposed Private Members Bill: Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill, which aims to:
 - i. Remove the special appeal process through Local Alcohol Policies.
 - ii. Wind down alcohol advertising and sponsorship of sport.
- b. Note Council's support for the bill is primarily in response to the matter of the Local Alcohol Policy special appeals process. Council notes no view on the support or otherwise of the advertising provisions in the Private Members Bill: Sale and Supply of Alcohol (Harm Minimisation) Amendment Bill.

Councillors McGrath, Mawson, Tapine, and Taylor voted against the motion.

Carried

2. HAWKE'S BAY MUSEUMS TRUST COLLECTION MANAGEMENT AGREEMENT

Type of Report:	Contractual
Legal Reference:	N/A
Document ID:	1455136
Reporting Officer/s & Unit:	Darran Gillies, Acting Director Community Services

2.1 Purpose of Report

To seek Council approval to enter into a new Management Agreement with the Hawke's Bay Museums Trust (HBMT) expiring 30 June 2023 while the Hawke's Bay Regional Collection Joint Working Group conducts its review of governance and operational arrangements of how the collection is to be maintained and governed.

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

The report was taken as read and there was no discussion on this item.

Ngā Mānukanuka o te Iwi (Māori Committee) recommendation

Dep. Mayor Brosnan / RTK Hawaikirangi

That the Council resolve that the Committee's recommendation be adopted.

Kua Mana

REPORTS FROM PROSPEROUS NAPIER COMMITTEE HELD 9 JUNE 2022

1. HEALTH AND SAFETY REPORT - Q3

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1465765
Reporting Officer/s & Unit:	Michelle Warren, Health and Safety Lead Adele Henderson, Director Corporate Services

1.1 Purpose of Report

The purpose of this paper is to provide the Audit & Risk Committee with an overview of Health & Safety activity for the period Quarter 3 FY22.

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

The report was taken as read and there was no discussion on this item.

Ngā Mānukanuka o te Iwi (Māori Committee) recommendation

RTK Hawaikirangi / Mayor Wise

That the Council resolve that the Committee's recommendation be adopted.

Kua Mana

At the meeting

The Health and Safety Lead spoke to the report and provided a brief update in relation to Covid with 24 positive cases and 3 persons isolating.

In response to questions the following was noted:

- City Services was the Depot and Infrastructure Services were employees situated in the Cape View building.
- In regard to the Leader Indicator Types there was a significant number from July to September and normally the increase in cases would be seen between December to February.
- Positive comments on competencies and recognising the skills of the trainer were received for the Aggressive Customer Training, however t in-house training would be undertaken for Hazardous Substances.

- Employees injury have halved since 2020 and this could be attributed to training and employee safety awareness with near miss reporting promoted over the last couple of years.
- That employee injuries in the attachment was reflected over a two year period split and no home injuries were recorded. Injury count by type would be included for future reports.
- Congratulations noted on the increase in near miss reporting positive safety observations.

COMMITTEE Councillors Browne / Chrystal

RESOLUTION

The Prosperous Napier Committee:

- Receive** the Quarter 3 Health and Safety report.

Carried

2. LOAN GUARANTEE

<i>Type of Report:</i>	Enter Significance of Report
<i>Legal Reference:</i>	Enter Legal Reference
<i>Document ID:</i>	1457973
<i>Reporting Officer/s & Unit:</i>	Adele Henderson, Director Corporate Services Caroline Thomson, Chief Financial Officer Garry Hrustinsky, Investment and Funding Manager Talia Foster, Accounting Manager

2.1 Purpose of Report

To seek Council approval to provide a loan guarantee to the Regional Indoor Sports and Events Centre Trust (RISEC Trust), who own and operate Pettigrew Green Arena (PGA).

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

It was noted that the Regional Indoor Sports and Events Centre Trust have secured \$2,000,000 funding from Hastings District Council, so it is unlikely they will need to draw down on the loan being discussed.

Ngā Mānukanuka o te Iwi (Māori Committee) recommendation

C Tareha / Councillor Price

That the Council resolve that the Committee's recommendation be adopted.

Kua Mana

At the meeting

The Acting Executive Director Corporate Services, Ms Thomson spoke to the report which was seeking approval for a loan guarantee up to \$2m to the Regional Indoor Sports and Events Centre Trust (RISEC Trust), who own and operate Pettigrew Green Arena (PGA). The PGA had raised significant funding for the court expansion project, plus they are now requiring to draw down a \$2m loan to complete the project.

The \$2m loan can only be drawn down once the PGA bank has security in the form of a loan guarantee. The PGA had provided financial statements for the last two years, together with financial forecasts for the years 2022 through to 2028, which shows they can comfortably meet the cost of any debt servicing.

Council currently provides financial guarantees for two other community organisations and Council's liability management policy stipulates that Council can only guarantee up to 7% of its non-targeted rate income. The \$2m guarantee would take Council up to 7%.

COMMITTEE Councillors Price / McGrath

RESOLUTION

The Prosperous Napier Committee:

- a. **Receive** the report titled 'Loan Guarantee'
- b. **Approve** providing a loan guarantee up to \$2,000,000 to the Regional Indoor Sports and Events Centre Trust (RISEC Trust) for a period of up to 10 years

Carried

3. PROJECTS IN DEVELOPMENT

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1459309
<i>Reporting Officer/s & Unit:</i>	Adele Henderson, Deputy Chief Executive / Director Corporate Services

3.1 Purpose of Report

The purpose of this report is to provide visibility of major unfunded or partially funded projects so that financial risk and implications are noted in advance of future decisions.

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

The report was taken as read. The Mayor noted that some of the projects listed have come about due to external factors, such as the Three Waters Reform. There will be a process of project prioritisation carried out and some of these projects could be prioritised through that process or through the next Annual Plan process.

Ngā Mānukanuka o te Iwi (Māori Committee) recommendation

RTK Hawaikirangi / Mayor Wise

That the Council resolve that the Committee's recommendation be adopted.

Kua Mana

At the meeting

The Acting Executive Director Corporate Services, Ms Thomson spoke to the report which provided visibility of major unfunded or partially funded projects so that the financial impact of any future decisions are not considered in isolation.

Many items listed in the report are large enough to trigger the significance and engagement policy requirements should Council require these to be funded in the future. If funded as a whole these items may result in Council breaching its debt caps.

In response to questions at the meeting it was noted:

- The Matāruahou Project has already been budgeted for and included in Council's Long Term Plan, however does not include development of the land.
- When considering the various projects and funding it is important that Council looks at the whole picture and takes into account the projects on the list and how they might impact rates, loans or reserves going forward.
- Collectively all these fully funded items would amount to tens of millions.

-
- Central Government has indicated support packages that will be to facilitate Councils being able to produce regional spatial plans etc. However, this is still in the drafting phase of legislation but will come after the Bills have been introduced.
 - A number of the projects listed are subject to decision of Council in regard to options and level of investment that may require significant budget.
-

COMMITTEE Councillor Crown / Mayor Wise

RESOLUTION

The Prosperous Napier Committee:

- a. **Note** the following projects of Council are currently not fully funded in the Long Term Plan 2021-31 with pre-work and scoping currently underway:
 - i. New Aquatic Facility
 - ii. Civic Building – it is unlikely the current funding can service both a new library (including Council Chambers) as well as Civic accommodation for Council officers
 - iii. Significant upgrade/new National Aquarium – recommendation to further discussions with Central Government on funding
 - iv. Housing - long term plan amendment proposed for consultation to include rates funding gap, based on community feedback to continue with social housing
 - v. Inner Harbour – the Ahuriri Masterplan is currently not fully funded
 - vi. Three Waters Transition – there are a number of work streams that have been set up that require Councils input and contribution. There may be some potential funding from Central Government to support this initiative, but will require Council approval to access this.
 - vii. Resource Management Act Reform – there is transitional funding required to support this both internally, regionally and nationally. No funded has currently been provided
 - viii. Regional Spatial Plan – currently no funding for this national initiative
 - ix. HB Museum Storage – budgets yet to be finalised
 - x. Climate Change funding – noting the national requirements moving forward
 - xi. i-Site building requirements – noting that this may form part of the new Library location
 - xii. City Vision Initiatives – funding was removed from the 2021-31 Long Term Plan, with requests coming from developers to support changes within the CBD for their projects
 - xiii. Inflation above Long Term Plan projections provided by BERL for the assumption development
 - xiv. Long Term Plan Amendment funding – audit and engagement (\$150,000).

Carried

4. LONG TERM PLAN AMENDMENT

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1459319
<i>Reporting Officer/s & Unit:</i>	Adele Henderson, Director Corporate Services

4.1 Purpose of Report

To provide Council with background information around the requirements for the preparation of a Long-Term Plan Amendment.

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

This report was taken as read. It was noted the next Long Term Plan (LTP) is scheduled for 2024. If an LTP amendment is carried out in 2023 nominated projects could start once the amendment process is complete.

The Mayor was asked for an update on the Aquatic Redevelopment project and The National Aquarium of New Zealand project:

- After the decision made in March 2022 on the Aquatic Redevelopment, Council became concerned with the costings of the proposed options. To achieve financial prudence Council has requested a review of design options to create cost savings. The aim is to get specialist pool construction companies to present to their alternative designs to Council for both the Onekawa and Prebensen Drive sites. The community will be consulted on the preferred design options and also the preferred location. This project could be part of an LTP amendment.
- There was a significant extension proposed for the aquarium, however Council could not secure Central Government funding for the project. Council will review the proposed extension, but do not believe the cost of this project should be borne by Napier residents alone as it is a national aquarium. In the meantime a piece of work is underway to make sure the aquarium is meeting national guidelines for the care of the creatures in the facility.

Ngā Mānukanuka o te Iwi (Māori Committee) recommendation

Dep. Mayor Brosnan / RTK Hawaikirangi

That the Council resolve that the Committee's recommendation be adopted.

Kua Mana

At the meeting

The Acting Executive Director Corporate Services, Ms Thomson spoke to the report which included a number of unfunded projects that Council are currently considering were not included in the existing Long Term Plan 2021-31.

The report outlined a number of sections of the Local Government Act and its requirements when undertaking an amendment to the Long Term Plan. It was important to note that often Long Term Plan amendments tend to be undertaken in isolation. Council needs to ensure that it provides for integrated decision making, co-ordinating its resources accordingly and provide adequate budgeting for auditing.

Ms Thomson noted that the next Long Term Plan effective from 1 July 2024 and the closer an amendment gets to the in cycle Long Term Plan the costs of an amendment start to outweigh the benefits. The general cost of undertaking an amendment to the Long Term Plan is \$150,000 regardless of the number of items and whether it was a capital or operation item.

COMMITTEE Mayor Wise / Councillor Brosnan

RESOLUTION

The Prosperous Napier Committee:

- a. **Note** the process that is required under the Local Government Act, Section 93D for the preparation for a Long-Term Plan Amendment

Carried

5. INVESTMENT AND DEBT REPORT

Type of Report:	Enter Significance of Report
Legal Reference:	Enter Legal Reference
Document ID:	1467615
Reporting Officer/s & Unit:	Caroline Thomson, Chief Financial Officer

5.1 Purpose of Report

To consider the snapshot report on Napier City Council's Investment and Debt as at 30 April 2022.

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

This report was taken as read and there was no discussion on this item.

Ngā Mānukanuka o te Iwi (Māori Committee) recommendation

RTK Hawaikirangi / Mayor Wise

That the Council resolve that the Committee's recommendation be adopted.

Kua Mana

At the meeting

The Acting Executive Corporate Services Director, Ms Thomson spoke to the operational and procedural report and advised that Council had \$51.2m on deposit at the end of April 2022 at an average interest rate of 1.8%.

It was noted that interests rates have started to trend back upwards on the back of increased housing demand, inflation, OCR increases and global events. Council's internal debt balance was \$65.6m at the end of April 2022.

Ms Thomson advised that Council had joined the Local Government Funding Agency however have not utilised any external borrowing through them at this stage. In the Long Term Plan there was provision to draw down on external debt but have not required to do so yet.

COMMITTEE Councillors Chrystal / Boag RESOLUTION

The Prosperous Napier Committee:

- a. **Receive** the snapshot report on Napier City Council's Investment and Debt as at 30 April 2022.

Carried

6. PROPOSED AMENDMENT TO 2022 MEETING SCHEDULE

Type of Report:	Procedural
Legal Reference:	Local Government Act 2002
Document ID:	1468788
Reporting Officer/s & Unit:	Helen Barbier, Team Leader Governance

6.1 Purpose of Report

The purpose of this report is to consider an amendment to the schedule of Council and Committee Meetings for the 2022 Meetings Calendar which was originally adopted by Council on 28 October 2021.

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

The report was taken as read and the Committee noted its support for the item.

At the meeting

It was noted that there were two additional changes to include on the meeting scheduled and these were

- Napier People and Places Committee followed by Prosperous Napier Committee Rescheduled From: 21 July 2022, 9.30am To: 26 July 2022, 9.30am; and
- Hearings Committee (for the consideration of Tenders) Rescheduled From: 12 July 2022, 1.00pm To: 28 June 2022, 1.00pm

COMMITTEE Councillors Wright / Crown RESOLUTION

The Prosperous Napier Committee:

- Make** a Decision of Council under delegated authority for the reason that the schedule change needs to be adopted prior to the next scheduled Council meeting.
- Receive** the report titled "Proposed Amendment to the 2022 Meeting Schedule".
- Adopt** the change to the schedule of meetings 2022 as follows:

Audit and Risk Committee	Rescheduled	From: 17 June 2022, 1pm To: Wednesday, 29 June 2022, 1pm
Napier People and Places Committee followed by Prosperous Napier Committee	Rescheduled	From: 21 July 2022, 9.30am To: 26 July 2022, 9.30am

Hearings Committee (for the consideration of Tenders)	Rescheduled	From: 12 July 2022, 1.00pm To: 28 June 2022, 1.00pm
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Carried

REPORTS FROM SUSTAINABLE NAPIER COMMITTEE HELD 16 JUNE 2022

1. KERBSIDE RECYCLING - INCREASED LEVEL OF SERVICE - TYPE 5 PLASTICS

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1467994
<i>Reporting Officer/s & Unit:</i>	Cameron Burton, Manager Environmental Solutions

1.1 Purpose of Report

The purpose of this report is to outline an increase to the level of service to Napier's kerbside recycling service through the introduction of the acceptance of type 5 plastics for collection and recycling.

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

The report was taken as read and the Committee noted its support for the item.

At the meeting

The Officer spoke to the report and in response to questions from the Committee it was noted:

- There was previously a Council approved variation to the recycling service contract due to the unexpected high participation rate of residents. This change will not increase participation or cost as residents still have the same sized three bins to put their recycling out in.
- The increase use of the recycling service enables residents to comply with the Joint Waste Management and Minimisation Plan (WMMP), due to be renewed soon, which aims for residents to take responsibility for reducing their waste. Central Government's legislation changes and Waste Reduction Strategy will help inform the WMMP renewal.
- It has been noted that there is a reduction in tonnage going to the Omarunui Landfill. This is across all forms of waste, including construction waste. It is rare for

contaminated recycling to be redirected to the landfill now as the kerbside collection service will not pick this up if it is seen in a resident's crate.

- It will be possible to monitor whether there is an increase in type 5 plastics being added to the recycling service.
- Type 5 plastics will be sent to Waiuku and be turned into fence posts.

COUNCIL Councillors Brosnan / Taylor
RESOLUTION

The Sustainable Napier Committee:

- Endorse** an increase to the level of service to Napier's kerbside recycling service through the introduction of the acceptance of type 5 plastics for collection and recycling.
- Make a **Decision of Council** under delegated authority for the reason that this service is available to Napier with a short turnaround time, and a delay in approvals will result in type 5 plastics going to landfill until an endorsement is made.

Carried

2. CAPITAL PROGRAMME DELIVERY

Type of Report: Information

Legal Reference: N/A

Document ID: 1467632

Reporting Officer/s & Unit: Jamie Goodsir, Acting Director Programme Delivery

1.1 Purpose of Report

To provide Council with information on the 2021 Long Term Plan (LTP) Capital Programme and initiatives underway to improve Capital Programme Delivery.

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

The report was taken as read and there was no discussion on this item.

Ngā Mānukanuka o te Iwi (Māori Committee) recommendation

C Tareha / Councillor Price

That the Council resolve that the Committee's recommendation be adopted.

Kua Mana

At the meeting

The Officer took the report as read and there were no questions from the Committee. It was noted that going forward this report will include capital project work from across Council, not just the capital projects being worked on within the Programme Delivery Directorate.

COMMITTEE Councillors Crown / Tapine RESOLUTION

The Sustainable Napier Committee:

- a. **Receive** the report titled “Capital Programme Delivery”.

Carried

3. THREE WATERS OPERATIONAL UPDATE

Type of Report: Operational

Legal Reference: N/A

Document ID: 1468002

Reporting Officer/s & Unit: Russell Bond, Manager Water Strategy
Philip Kelsen, Team Leader 3 Waters Operations Planning

3.1 Purpose of Report

Regular reports are provided in relation to Three Waters capital works, including Reform programme of works. Given the priority Council has placed on Three Waters it is considered appropriate to provide a brief update on Three Waters operations planning activities, key findings and status of remedial actions for information.

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

The report was taken as read and there was no discussion on this item.

Ngā Mānukanuka o te Iwi (Māori Committee) recommendation

C Tareha / Mayor Wise

That the Council resolve that the Committee's recommendation be adopted.

Kua Mana

At the meeting

The Officer spoke to the report and in response to questions from the Committee it was noted:

- To mitigate the risk of flooding Council Officers are conducting a leak detection programme across the city and are repairing leaks that are found. A lot of water from

leaks gets absorbed back into the ground water table, so goes unseen. This programme has significantly increased Council staff workloads so leaks are triaged and the top priority leaks are repaired first.

- A lot of the leaks found are in the Council network. If a leak is located on private property Council will notify the property owner of the leak and a time period for the repair. They have to organise a plumber to repair the leak, then Council follow-up to check on the repair. This process is managed through the bylaw which aims to enforce efficient water use.
- There is an annual water loss survey conducted which is part of the performance reporting for the Annual Report. Last year water loss was at about 20%. This is not just loss from pipes, but also at the reservoirs and treatment plants.
- Council staff are doing work to improve understanding on the ground water.
- Increased incidences of collapsed pipes in the oldest streets, which have pipes with a high activity, is being seen. Council is seeking to understand this infrastructure better.
- To clear debris out of pipes a number of techniques can be used. One is hydro-jetting, a lot of water through a pipe manhole where there is a hydro truck to suck out the water and debris. This is a labour-intensive process.
- The level of deterioration at the Enfield Reservoir was unexpected, but the risk of catastrophic failure in a significant seismic event has been mitigated. Council Officers are looking at whether the Mataruahou project will need to be accelerated because of this development.
- The witches hats trial has been targeted to high use industrial sites.
- There has been sampling of the affected area where the outfall leak is. There are signs on the foreshore notifying residents of the risk for collecting kaimoana and for swimming. There is also a rahui in place.

ACTIONS:

- An estimated percentage of water loss across the network, excluding the reservoirs and treatment plants, will be brought back to the Council.
- Officers to report back to the Council on whether geotechnical surveying can be done to assess the impacts of water leaks on the underground structure.
- Progress on storm water infiltration to be included in the next report.

COMMITTEE Councillors Tapine / McGrath RESOLUTION

The Sustainable Napier Committee:

- Receive** the Three Waters Operational Update report

Carried

Attachments

- 1 Three Waters Operational Update Presentation (Doc Id 1473478)

4. JOINT SOLID WASTE BYLAW REVIEW UPDATE

Type of Report: Operational

Legal Reference: Local Government Act 2002

Document ID: 1468418

Reporting Officer/s & Unit: Cameron Burton, Manager Environmental Solutions

4.1 Purpose of Report

The purpose of this report is to update the Sustainable Napier Committee on the Joint (Hastings District and Napier City Councils) Solid Waste Bylaw Review

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

The report was taken as read and there was no discussion on this item.

Ngā Mānukanuka o te Iwi (Māori Committee) recommendation

C Tareha / RTK Hawaikirangi

That the Council resolve that the Committee's recommendation be adopted.

Kua Mana

At the meeting

The Officer spoke to the report and in response to questions it was noted:

- Kaupapa Fatigue is something being experienced across the community. Many whānau are going from one hui to another. The worries about the environment are weighing heavy on iwi minds.

COMMITTEE RESOLUTION

Councillors Brosnan / Crown

The Sustainable Napier Committee:

- Receive** the report entitled Joint Solid Waste Bylaw Review Update
- Endorse** the approach outlined in Option 1; slow down the pace of the Solid Waste Bylaw review in order for alignment of that Bylaw with national policy, strategy and legislation changes which are currently underway

Carried

5. INITIATION OF PROCESS TO CHANGE RESERVE PURPOSE

Type of Report:	Legal and Operational
Legal Reference:	Reserves Act 1977
Document ID:	1468780
Reporting Officer/s & Unit:	Bryan Faulknor, Manager Property

5.1 Purpose of Report

To obtain Council's approval to initiate the process to change the purpose of part of the vested local purpose recreation reserve on Marine Parade. This process is required to provide an appropriate reserve purpose to accommodate the restoration of the War Memorial attached to the Napier War Memorial Centre on Marine Parade.

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

The report was taken as read. The Committee noted its support for this item.

At the meeting

The Officer spoke to the report and in response to questions from the Committee it was noted:

- This change of purpose is part of the War Memorial project. It is not something that was considered by the Working Group as that has been wound up; this is an operational paper based change which has been triggered by the physical works.

COUNCIL RESOLUTION

Councillors Chrystal / Taylor

The Sustainable Napier Committee:

- Approves** the initiation of the process, pursuant to Section 24A of the Reserves Act 1977, to change the purpose of part of an existing Marine Parade reserve as shown as area B and described as Pt Sec 3 SO396199 in the attached Scheme Plan.
The change of purpose is from Local Purpose Passive Recreation Reserve to Local Purpose Community Building Reserve.
- Authorises** the Chief Executive to publically notify the proposed change of purpose under Section 24A (2) of the Reserves Act 1977.
- Notes** that the reason for the change of purpose is to accommodate the restoration of the War Memorial attached to the Napier War Memorial Centre on Marine Parade.
- Make a **Decision of Council** under delegated authority for the reason that public notification of the proposed change of purpose is required urgently to enable the process to commence.

Carried

6. LEASE OF SUBSOIL OF ROAD

Type of Report: Legal and Operational

Legal Reference: Local Government Act 2002

Document ID: 1466626

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

6.1 Purpose of Report

To obtain Council approval to an initial Agreement to Grant a lease of Subsoil of the Road and the actual formal Lease of Subsoil of Road to Pernot Ricard Winemakers Pty Limited trading as Church Road Winery.

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

The report was taken as read and there was no discussion on this item.

Ngā Mānukanuka o te Iwi (Māori Committee) recommendation

Dep. Mayor Brosnan / RTK Hawaikirangi

That the Council resolve that the Committee's recommendation be adopted.

Kua Mana

At the meeting

The Officer spoke to the report and clarified that this is a process which will enable their trade waste to be dealt with appropriately and according to their trade waste consent.

COMMITTEE Councillors Taylor / Tapine

RESOLUTION

The Sustainable Napier Committee:

- a. **Approve** for the installation, operation and maintenance of two pipelines in part of the sub soil beneath Tironui Road, Taradale to Pernot Ricard Winemakers Pty Limited trading as Church Road Winery the following:
 - i. An Agreement to Grant a Lease of Subsoil of Road; and
 - ii. A Lease of Subsoil of Road pursuant to Section 341 of the Local Government Act 1974.
-

Carried

REPORTS FROM FUTURE NAPIER COMMITTEE HELD 16 JUNE 2022

1. AHURIRI REGIONAL PARK - JOINT COMMITTEE TERMS OF REFERENCE

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1469734
<i>Reporting Officer/s & Unit:</i>	Fleur Lincoln, Strategic Planning Lead

1.1 Purpose of Report

To approve the establishment of a Joint Committee with Hawke's Bay Regional Council and Mana Ahuriri Trust that will provide governance to the Ahuriri Regional Park project; to endorse the Terms of Reference for the Ahuriri Regional Park Joint Committee; and to appoint the Napier City Council Ahuriri Regional Park Joint Committee members.

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

The report was taken as read. Deputy Mayor Annette Brosnan as the Co-Chair of the Ahuriri Regional Park Working Group noted the Terms of Reference (TOR) for the Joint Committee went to the Mana Ahuriri Board last night for approval. They will go to the Hawke's Bay Regional Council meeting next week. Once they have gone through the three partners they will come back to NCC for sign off. Once that is done a plan for stakeholder involvement in the project will be created.

In response to questions from the Committee it was noted that the creation of the TOR was a collaborative process. The Working Group gave a starting point and then the Co-Chairs met a number of times to review the document. Mana Ahuriri has had a lot of input into the TOR via Tania Eden. A Joint Committee with three partners is a new dynamic to work with.

Ngā Mānukanuka o te Iwi (Māori Committee) recommendation

C Tareha / RTK Hawaikirangi

That the Council resolve that the Committee's recommendation be adopted.

Kua Mana

At the meeting

The Chair, Deputy Mayor Brosnan introduced, welcomed and acknowledged important people who were joining Council in this journey.

Members of the Ahuriri Regional Park Joint Committee were present at the meeting (Allan Hiha; Chris Dolley; Hinewai Ormsby; Maree Brown; Neil Kirton; Tania Eden; Pirei Munro and Debbie Monahan (Biodiversity Hawke's Bay) with apologies being received from Chad Tareha, James Palmer; Liz Munroe and Martin Williams.

This is a great opportunity for Council to make a step change where not only managing discharge into Te Whanga but also in partnerships and relationships with mana whenua to work together. It is transformational in the way Council will work together in the future with mana whenua.

The Strategic Planning Lead, Ms Lincoln spoke to the report which was to approve the establishment of a Joint Committee with Hawke's Bay Regional Council and Mana Ahuriri Trust in accordance with Clause 30(1)(b) of the Local Government Act 2002.

The report also sought endorsement of the Terms of Reference for the Ahuriri Regional Park Joint Committee; and to approve nomination of Deputy Mayor Brosnan and Councillor Price and one alternate Councillor Browne to the Napier City Council Ahuriri Regional Park Joint Committee members.

The Terms of Reference defines the role of each partner and the parameters within which the Joint Committee will operate. It also provides for administrative matters such as how meetings will be run, voting, administrative support, reporting etc.

It was noted that legal advice was sought last year in regard to the impacts of the three waters reform in understanding what the Reform would look like. Legal advice will continue to be sought as Council works alongside the entity. Council want to ensure that facilities and amenities developed for the community are protected.

The item concluded with the waiata "Ānei Rā" written by Kaumatua Piri Prentice.

COMMITTEE Councillors Crown / Tapine
RESOLUTION

The Future Napier Committee:

- a. **Approve** the establishment of a Joint Committee with Hawke's Bay Regional Council and Mana Ahuriri Trust under clause 30(1)(b) of the Local Government Act 2002.
- b. **Approve** in principle the Terms of Reference for the Ahuriri Regional Park Joint Committee (Doc Id 1471630), allowing for minor inconsequential changes being made by each partner as required.
- c. **Approve** the nomination of Napier City Council's two Ahuriri Regional Park Joint Committee members as Deputy Mayor Annette Brosnan and Councillor Keith Price, and the one alternate as Councillor Hayley Browne
- d. **Note** that the Hawke's Bay Regional Council will take a similar paper to their Environment and Integrated Catchment Committee on 6 July 2022, and to their Full Council on 27 July 2022. Mana Ahuriri Trust will also be taking a similar paper to adopt the Terms of Reference to their Board on 30 June 2022.

Carried

2. DESIGN BRIEF AND BUSINESS CASE FOR STATION STREET COMMUNITY FACILITY

Type of Report:	Operational and Procedural
Legal Reference:	Enter Legal Reference
Document ID:	1460735
Reporting Officer/s & Unit:	Darran Gillies, Acting Executive Director Community Services

2.1 Purpose of Report

The purpose of this report is to seek Council endorsement of the Design Brief and Business Case for the Station Street Community Facility (Library), as part of delivering stage one of the Library and Civic Area Plan, and to seek approval of the next steps in procuring a team to lead the project through to the completion of the Concept Design stage.

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

The report was taken as read and there was no discussion on this item.

Ngā Mānukanuka o te Iwi (Māori Committee) recommendation

Dep. Mayor Brosnan / RTK Hawaikirangi

That the Council resolve that the Committee's recommendation be adopted.

Kua Mana

At the meeting

The Acting Executive Director Community Services, Mr Gillies spoke to the report and outlined the differences between the Design Brief and Business Case.

Mr Gillies thanked and acknowledged the Advisory Group and mana whenua partners in the development of this project.

It was noted that a series of wananga would be held to involve the community to provide input into the design and it was also intended to retain the Advisory Group for their input to the project.

COMMITTEE Councillors Chrystal / Tapine RESOLUTION

The Future Napier Committee:

- Endorse** the Design Brief and Business Case for the Station Street Community Facility.
- Approve** the procurement of a design team to execute Concept Design for the Station Street Community Facility.

Carried

3. CLIMATE CHANGE POSITION STATEMENT

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1467299
<i>Reporting Officer/s & Unit:</i>	Heather Bosselmann, Senior Policy Analyst - Climate Resilience

3.1 Purpose of Report

To have a position statement on climate change endorsed (copy **attached**).

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

The Officer spoke to the report noting the Position Statement's objectives have been updated, and that was approved by the Future Napier Committee.

In response to questions from the Committee it was noted:

- NCC does not have a climate sustainability strategy with climate change targets and initiatives as Napier Port does, however NCC will be using the targets put forward by the Intergovernmental Panel on Climate Change as the Port does.
- NCC is part of a regional sustainability group that collectively works towards Sustainability goals.

Ngā Mānukanuka o te Iwi (Māori Committee) recommendation

RTK Hawaikirangi / Mayor Wise

That the Council resolve that the Committee's recommendation be adopted.

Kua Mana

At the meeting

The Senior Policy Analyst – Climate Resilience, Ms Bosselmann spoke to the report and advised that the intention of the Position Statement is for the Council to make a public commitment to climate action that will be followed by a Strategy and its implementation. This aligned with the obligations that Central Government would be placing on Council in the near future for mitigation and adaption spaces.

This also provides the opportunity for the Council to take leadership on climate change and signals its commitment as a Council against climate action.

Circulated at the meeting was an amended draft Position Statement “*Objective 3 Napier City Council will collaborate with the community, and work in partnership with Māori, to ensure just and equitable solutions*” by expanding them into two objectives as follows:

- Napier City Council will collaborate with the community to ensure just and equitable solutions.
- Napier City Council will work with their Māori partners to ensure Te Tiriti o Waitangi obligations are met.

COMMITTEE Councillors Brosnan / Tapine

RESOLUTION The Future Napier Committee:

a) **Endorse** the Climate Change Position Statement (*Doc Id 1473225*) with the amended Objectives 3 and 4 below:

1. *Napier City Council will lead Napier into a resilient future where we work with key stakeholders to take action and adapt to the impacts of climate change.*
2. *Napier City Council will create a climate change strategy to ensure that Napier is able to focus on the key challenges from climate change that will affect our city and enable the community to prioritise its efforts in these areas.*
3. *Napier City Council will collaborate with the community to ensure just and equitable solutions.*
4. *Napier City Council will work with their Māori partners to ensure Te Tiriti o Waitangi obligations are met.*
5. Napier City Council will commit to an emissions reduction target in its next Long Term Plan and will support the community to reduce emissions across the city.

Carried

Attachments

- 1 Amended Position Statement circulated at the Future meeting 16 June 2022
-

4. NAPIER INNER HARBOUR DEVELOPMENT PLAN

Type of Report: Procedural

Legal Reference: Local Government Act 2002

Document ID: 1467305

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

4.1 Purpose of Report

The purpose of this report is to seek a resolution of Council to adopt the Napier Inner Harbour Development Plan, and to note the priorities identified for the delivery phase of this Plan.

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

The Officer spoke to this report with the support of the Team Leader Transportation, who will be the manager for the Inner Harbour project and the solutions for the waka berth.

In response to questions from the Committee it was clarified:

- The option of installing a new floating pontoon in the waka's temporary location which could then be moved to the final location is not viable because the pontoon will be the wrong dimensions for the final location. The current pontoon could be relocated and utilised as part of the Meeanee Quay upgrade. There is no time advantage with either option, however the design and installation of a new pontoon would have a significant cost.
- Council has quotes for the waka security fencing.
- The waka hub project is scheduled for 2024/25 in the Long Term Plan. Once the budget is available work will commence very quickly.
- There have been changes made to the Inner Harbour plan to incorporate an cultural monitoring programme for each part of the project and in an overarching sense.

Ngā Mānukanuka o te Iwi (Māori Committee) recommendation

Councillor Price / Dep. Mayor Brosnan

That the Council resolve that the Committee's recommendation be adopted.

Kua Mana

At the meeting

The Strategic Planning Lead, Ms Lincoln took her report as read which highlighted that it was to adopt the Inner Harbour Development Plan, note priorities and funding opportunities and

matters relating to the security of Te Matau-a-Maui which were included in a memo to Councillors circulated on 8 June 2022 (*Doc Id 1473475*).

In response to questions it was noted:

- Typically for resource consents there is a five year limit for completion, there may be scope to request extensions and there is the opportunity to apply six months prior to expiry to have them extended.
- In relation to the waka hourua Te Matau-a-Maui it has been experiencing security and vandalism issues for some time in its current location to the south of the Inner Harbour West Quay wharf. Three options were proposed:
 - i. Continue working with the Trust in the provision of security fencing in its current location and officers believed this would deter 90% of the late night revellers jumping from the wharf on to the waka and vandalising. This would cost approximately \$20-\$30,000. Funds would be sourced from the Inner Harbour maintenance budget.
 - ii. Design and install new pile moorings alongside the West Quay Wharf which would include a new floating pontoon to which the waka would be secured. Officers have explored this option and the solution would require design and consenting and would require funding of approximately \$350-\$400,000. This work has not been budgetted for and to deliver this solution funding would need to be secured. This would not be the preferred option as funds have not been allocated.
 - iii. Delivery of the waka hub as described in the Inner Harbour Plan where sufficient funds have been allocated in the Long Term Plan to begin the design and consenting process immediately with physical construction around 2024/25.
- Focus on key projects going forward and that helps officers progress from a plan that has many things to actually focussing on one and having Councillors support. A recommendation would provide guidance.
- The work for the State Highway 50 revetment would provide structural integrity for the State Highway so officers would need to work in close collaboration with Waka Kotahi.
- The pontoon for the permanent waka berth is much bigger than what would be put in to service the waka in its current location. The size and specification would be a similar proportion to what would be used at Meeanee Quay eventually.
- Fencing would be installed for protection regardless as with Options 2 or 3 the waka would be exposed for at least another 18 months to 2-3 years.
- Councillors were reminded of unbudgeted items and the ongoing affect. Option 2 with the piles and pontoon would be an unbudgeted item.
- An option could be forming a relationship with mana whenua around sourcing external funding to help in the short term.

COMMITTEE Councillors Brosnan / Crown

RESOLUTION The Future Napier Committee:

- a. **Adopt** the Napier Inner Harbour Development Plan.
 - b. **Note** the work programme and funding priorities.
-

- c. **Note** the memo dated 8 June 2022 (*Doc Id 1473475*) which sets out the options and recommendations for both the priority projects and Te Matau-a-Maui security concerns.
- d. **Endorse Option 1 and Option 3** – That Officers work alongside the Waka Trust to provide and install secure fencing panels along the edge of the wharf where the waka abuts ensuring this fence does not prevent the reasonable access to, and maintenance and enjoyment of the vessel. Prioritise the waka hub development at Iron Pot to deliver long-term secure mooring.

Carried

Attachments

- 1 Memo circulated to Councillors on 8 June 2021 regarding the Inner Harbour (*Doc Id 1473475*)

5. RESOURCE CONSENT ACTIVITY UPDATE

<i>Type of Report:</i>	Enter Significance of Report
<i>Legal Reference:</i>	Enter Legal Reference
<i>Document ID:</i>	1467576
<i>Reporting Officer/s & Unit:</i>	Luke Johnson, Team Leader Planning and Compliance

5.1 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.

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

The report was taken as read and there was no discussion on this item.

Ngā Mānukanuka o te Iwi (Māori Committee) recommendation

C Tareha / Dep. Mayor Brosnan

That the Council resolve that the Committee's recommendation be adopted.

Kua Mana

At the meeting

The Executive Director City Strategy, Mr Munneke spoke to the report and advised that the Carlyle Street expansion of the existing car sales operation would be notified on 22 June 2022 with the submission period ending on 21 July 2022.

Councillor Browne joined the meeting at 11.08am

COMMITTEE Councillors Brosnan / Tapine

RESOLUTION

The Future Napier Committee:

- a. **Note** the resource consent activity update for period 6 May 2022 to 24 May 2022.

Carried

6. PROPOSED DISTRICT PLAN NOTIFICATION

Type of Report: Operational and Procedural

Legal Reference: Resource Management Act 1991

Document ID: 1467624

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

6.1 Purpose of Report

For Council to confirm the new notification date of the Proposed District Plan.

To endorse the proposed notification date of May 2023, noting some delays in the work programme necessary to support the notification.

To inform Council on how NCC is meeting the legal requirements of the National Policy Statement Urban Development (NPSUD) for intensification (Policy 5).

At the Ngā Mānukanuka o te Iwi (Māori Committee) meeting

The report was taken as read and there was no discussion on this item.

Ngā Mānukanuka o te Iwi (Māori Committee) recommendation

Dep. Mayor Brosnan / Mayor Wise

That the Council resolve that the Committee's recommendation be adopted.

Kua Mana

At the meeting

The Manager City Development, Ms Wilhelm spoke to the report which was to confirm the new notification date of the Proposed District Plan of 23 May 2023. Delays experienced in the Resource Management Act reform work programme by Central Government has reduced the urgency for the District Plan notification. Structure planning for intensification and greenfields will provide opportunity to identify areas of growth.

It was noted that there were now no parking requirements and this had been removed from the operative District Plan as was part of the National Policy Statement Urban Development (NPSUD), specifically to encourage other forms of transport to be used.

COMMITTEE Councillors Tapine / Wright RESOLUTION

The Future Napier Committee:

- a. **Endorse** the public notification date of May 2023 of the Proposed District Plan under Schedule 1, Part 1 section 5 of the Resource Management Act 1991.
- b. **Note** the update on how Napier is giving effect to the National Policy Statement Urban Development (NPSUD), specifically Policy 5.

Carried

REPORTS FROM AUDIT AND RISK COMMITTEE HELD 29 JUNE 2022

1. SENSITIVE EXPENDITURE - MAYOR AND CHIEF EXECUTIVE

Type of Report:	Procedural
Legal Reference:	N/A
Document ID:	1452457
Reporting Officer/s & Unit:	Caroline Thomson, Chief Financial Officer

1.1 Purpose of Report

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

At the meeting

The Chief Financial Officer, Ms Thomson took the report as read and there was no discussion.

COMMITTEE D Pearson / Councillor Simpson RESOLUTION

The Audit and Risk Committee:

- a. **Receive** the 31 March 2022 quarterly report of Sensitive Expenditure for the Mayor and Chief Executive and review for compliance with the Sensitive Expenditure Policy.

Carried

2. HEALTH AND SAFETY REPORT - Q3

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1467610
<i>Reporting Officer/s & Unit:</i>	Michelle Warren, Health and Safety Lead Adele Henderson, Deputy Chief Executive / Director Corporate Services

2.1 Purpose of Report

The purpose of this paper is to provide the Audit & Risk Committee with an overview of Health & Safety activity for the period Quarter 3 FY22.

At the meeting

The Deputy Chief Executive / Executive Director, Corporate Services, Ms Henderson provided a brief overview of the Health and Safety Report for the January – March quarter and took the report as read. It was noted that Covid numbers for staff was currently 217 and Council was in its third peak.

It was noted that the trends were positive and the Health and Safety report was very informative.

COMMITTEE D Pearson / Mayor Wise

RESOLUTION

The Audit and Risk Committee:

- a. **Receive** the Quarter 3 Health and Safety report from January to March 2022.

Carried

3. INVESTMENT PROPERTY PORTFOLIO REVIEW

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1473140
Reporting Officer/s & Unit:	Bryan Faulknor, Manager Property

3.1 Purpose of Report

To update the Committee on the performance of the Napier City Council's Investment Property Portfolio (Leasehold Land).

At the meeting

The Deputy Chief Executive / Executive Director Corporate Services, Ms Henderson provided a brief background on discussions held last year on selling Council's leasehold land and then not being able to consider suitable investment with interest rates plummeting. Council needed to ensure some form of revenue to maintain income streams.

The Manager Property, Mr Faulknor advised that the underlying principle when Council considered the change in policy was that freeholding could be considered on a case by case basis only when a suitable replacement investment was found.

Last year the economic situation together with the investment landscape had changed with an uncertain future and it had not been considered prudent at that time to sell any further land, irrespective of location, without a long term investment strategy that reflected the current economic climate.

In the current climate the Investment Property Portfolio (Commercial and Industrial Leasehold land) appeared to be a very safe and desirable investment. Informal discussions with valuers and investment people supported this.

The Manager Property, Mr Faulknor highlighted the key proposed changes to the Investment Policy, which consisted of 61 leases remaining. Council owned the land and lessees owned the improvements. The properties were mostly situated in the Onekawa/Pandora Industrial area and Ahuriri, particularly along West Quay.

The Council had commissioned PwC to review performance of the Investment Property Portfolio and the report shows that the portfolio in terms of capital gain and rent has been extremely good. The value at 30 June 2021 was \$73.68m and that is expected to rise substantially with revaluations at 30 June 2022 towards \$100m.

In summary the portfolio has been attractive and justified putting a hold on freeholdings and keeping the portfolio that performed well in terms of capital gain and passing rentals. There is often negative sentiment towards leasehold land and there was a need to be careful that leasehold tenure does not stop development in Napier.

In response to questions it was noted:

- Since the freeholding was put on pause there have been a few applications on hold and a lengthy process would be required to evaluate and assess whether they could be freeholded or not.
- Within the portfolio there is a range of properties including industrial and commercial and a range of ownership.
- With the review of the Investment Property Portfolio Policy it was agreed to allow the freeholding on non-strategic land on a case by case basis.
- A report was undertaken by Council in determining what land was strategic and non-strategic.

COMMITTEE Mayor Wise / Councillor Simpson

RESOLUTION

The Audit and Risk Committee:

- Receive** the report prepared by PwC reviewing the Napier City Council's Investment Property Portfolio (*Doc Id 1473267*)
- Recommend** to Council that it continue to allow the freeholding on non-strategic land on a case by case basis in accordance with the Investment Property Portfolio Policy.
- Noting** that the Investment Policy has now been completed and suitable alternative investment opportunities have been identified for Council's consideration.

Carried

4. INVESTMENT POLICY REVIEW

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1467612
<i>Reporting Officer/s & Unit:</i>	Garry Hrustinsky, Investment and Funding Manager

4.1 Purpose of Report

The purpose of this report is to highlight and explain key proposed changes to the Investment Policy and to introduce the draft Statement of Investment Policies and Objectives (SIPO).

At the meeting

The Investment and Funding Manager, Garry Hrustinsky spoke to the report highlighting the key proposed changes to the Investment Policy included:

- Holding strategic investments has been expanded to include cultural benefits and providing specific examples of strategic investments.

- Creating a distinction in the Policy between risk appetite for different asset classes rather than being risk averse for all asset classes.
- Logical flow has been introduced to the Policy creating a clear introduction and an explanation of what Council can invest in and a subset of rules for each of those investments
- Definitions have now been included for trader investments and replaced with an investment guide.
- A separate statement of investment policies and objectives has been established (SIPO) which includes options for managing funds from leasehold properties.

In response to questions it was noted:

- That as Councillors operate on ipads it was difficult to compare documents a supplementary paper would be prepared and provided that outlined the changes for ease of reference.

a.

COMMITTEE Mayor Wise / D Pearson
RESOLUTION

The Audit and Risk Committee:

- Endorse** the amended Investment Policy as presented.
- Receive** a draft copy of the Statement of Investment Policies and Objectives.

Carried

5. RISK MANAGEMENT REPORT

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1467692
Reporting Officer/s & Unit:	Jane Klingender, Manager Business Excellence & Transformation Adele Henderson, Deputy Chief Executive / Director Corporate Services

5.1 Purpose of Report

To provide the Audit and Risk Committee (Committee) with an update on risk management with reference to responsibilities listed in the Audit & Risk Charter.

At the meeting

The Deputy Chief Executive / Executive Director Corporate Services, Ms Henderson provided an update in regard to risk management and advised that a number of Workshops had been held to review Council's risk appetite.

In response to questions it was noted:

- Mr Jordison advised that there were a number of operational risks register that have not been updated. However, with education this is changing and staff are maintaining registers and it is anticipated in the next few months there will be a lot of housekeeping and a superior formatted report presented.
- During workshops the following strategic risks were identified and endorsed by PwC (2) insufficient resources and (9) Council do not have the right people with the right capabilities could be addressed in other sessions. It was noted that both these risks covered capacity and capability and could be combined into one.
- Project risks are tracked and monitored through Council's Sycle System for more significant projects.

COMMITTEE Mayor Wise / Councillor Simpson

RESOLUTION

The Audit and Risk Committee:

- a. **Receive** the Risk Management Report dated May 2022;
- b. **Receive** the report from PWC called "NCC Risk Workshop Output" outlining outcomes of workshops on strategic risks and risk appetite with Council and the Executive Leadership Team;
- c. **Endorse** the recommended list of strategic risks, noting that there may be some changes as a result of further analysis;
- d. **Endorse** the revised Risk Management Policy for Council approval; and
- e. **Note** the emerging risks

Carried

6. EXTERNAL ACCOUNTABILITY: AUDIT NEW ZEALAND MANAGEMENT REPORT

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1460999
<i>Reporting Officer/s & Unit:</i>	Caroline Thomson, Chief Financial Officer Talía Foster, Accounting Manager

6.1 Purpose of Report

To consider the Audit NZ management report to the Council on the audit of Napier City Council for the year ended 30 June 2021.

At the meeting

The Chief Financial Officer, Ms Thomson advised that the Annual Report for the year ended 30 June 2021 was adopted on 21 December 2021

COMMITTEE D Pearson / Mayor Wise RESOLUTION

The Audit and Risk Committee:

- a. **Receive** the Audit NZ management report to the Council on the audit of Napier City Council for the year ended 30 June 2021.

Carried

REPORTS FROM NGĀ MĀNUKANUKA O TE IWI (MĀORI COMMITTEE) HELD 1 JULY 2022

1. TE REO MĀORI POLICY

Type of Report:	Operational and Procedural
Legal Reference:	N/A
Document ID:	1472552
Reporting Officer/s & Unit:	Beverley Kemp-Harmer, Māori Partnership Manager - Te Kaiwhakahaere Hononga Māori

1.1 Purpose of Report

The purpose of this report is to present a new Te Kaunihere o Ahuriri/Napier City Council Te Reo Māori Policy for adoption to Ngā Mānuknuka o te Iwi.

At the meeting

The Council Officer spoke to the report with the support of Michele Grigg, Senior Advisor Policy; Fleur Lincoln, Strategic Planning Lead; and Bill/Wiremu Roberts, Economic Development Manager. Acknowledgement was given to Mayor Wise and Councillor Crown for being part of the initial conversations for this policy.

On 6 July a workshop is being held for the Elected Members, and this Committee's members, to discuss the policy and the plan for implementation. After this there will be the opportunity for the wider Council and community to have some input.

Work on implementing tikanga into Council has already begun, with regular staff karakia and kapa haka sessions well established.

In response to questions from the Committee it was noted:

- In the draft policy there are gaps for korero from the Mayor and Chief Executive. This is just supporting words and will be in the final draft of the policy.
- The timeline for creating and implementing a strategy is yet to be finalised.
- The implementation of this policy does not trigger Council's Significance and Engagement Policy.
- TWR will implement tikanga lessons for staff first and then Te Reo lessons. There have been Council staff who have taken Te Reo lessons, run in conjunction with local Police, already.
- Teachers of Te Reo may be contracted in for staff lessons as there are a lot of people doing this well in the community and have good resources, however there is high demand on these people's time, so it may be challenging to book in time for staff lessons.

Officer's Recommendation

The Ngā Mānukanuka o te Iwi (Māori Committee):

- a. Adopt the Te Kaunihera o Ahuriri/Napier City Council Te Reo Māori Policy.
- b. Approve that Council Officers commence the preparation of a Te Reo Māori Strategy or Action Plan that will work to deliver on the principles and objectives established by the Te Kaunihera o Ahuriri/Napier City Council Te Reo Māori Policy.

At the meeting

The Council Officer spoke to the report with the support of Michele Grigg, Senior Advisor Policy; Fleur Lincoln, Strategic Planning Lead; and Bill/Wiremu Roberts, Economic Development Manager. Acknowledgement was given to Mayor Wise and Councillor Crown for being part of the initial conversations for this policy.

On 6 July a workshop is being held for the Elected Members, and this Committee's members, to discuss the policy and the plan for implementation. After this there will be the opportunity for the wider Council and community to have some input.

Work on implementing tikanga into Council has already begun, with regular staff karakia and kapa haka sessions well established.

In response to questions from the Committee it was noted:

- In the draft policy there are gaps for korero from the Mayor and Chief Executive. This is just supporting words and will be in the final draft of the policy.
- The timeline for creating and implementing a strategy is yet to be finalised.
- The implementation of this policy does not trigger Council's Significance and Engagement Policy.
- TWR will implement tikanga lessons for staff first and then Te Reo lessons. There have been Council staff who have taken Te Reo lessons, run in conjunction with local Police, already.
- Teachers of Te Reo may be contracted in for staff lessons as there are a lot of people doing this well in the community and have good resources, however there is high demand on these people's time, so it may be challenging to book in time for staff lessons.

Officer's Recommendation

The Ngā Mānukanuka o te Iwi (Māori Committee):

- a. Adopt the Te Kaunihera o Ahuriri/Napier City Council Te Reo Māori Policy.
- b. Approve that Council Officers commence the preparation of a Te Reo Māori Strategy or Action Plan that will work to deliver on the principles and objectives established by the Te Kaunihera o Ahuriri/Napier City Council Te Reo Māori Policy.

Ngā Mānukanuka o te Iwi (Māori Committee) Amended Recommendation

C Tareha / Mayor Wise

The Ngā Mānukanuka o te Iwi (Māori Committee):

- a. Endorse the Te Kaunihera o Ahuriri/Napier City Council Te Reo Māori Policy.
 - b. Approve that Council Officers commence the preparation of a Te Reo Māori Strategy or Action Plan that will work to deliver on the
-

principles and objectives established by the Te Kaunihera o
Ahuriri/Napier City Council Te Reo Māori Policy.

Kua Mana

2. WASTE MANAGEMENT AND MINIMISATION UPDATE

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1472727
<i>Reporting Officer/s & Unit:</i>	Cameron Burton, Manager Environmental Solutions Alix Burke, Environmental Solutions Coordinator

2.1 Purpose of Report

This report is to provide an update on the implementation of the Joint Waste Management and Minimisation Plan (WMMP) and recent activities undertaken by Napier City Council's Waste Minimisation Team.

At the meeting

The report was taken as read and it was noted that Officers can organise community korero about compost bins and how to use them.

At the meeting

The report was taken as read and it was noted that Officers can organise community korero about compost bins and how to use them.

Ngā Mānukanuka o te Iwi (Māori Committee) recommendation	Councillor Price / RTK Hawaikirangi
	The Ngā Mānukanuka o te Iwi (Māori Committee):
	a. Receive the report titled Waste Management and Minimisation Update dated 1 July 2022.

Kua Mana

REPORTS UNDER DELEGATED AUTHORITY

1. TENDERS LET

Type of Report:	Information
Legal Reference:	Enter Legal Reference
Document ID:	1422922
Reporting Officer/s & Unit:	Debbie Beamish, Executive Assistant to the Chief Executive

1.1 Purpose of Report

To report the Tenders let under delegated authority for the period 16 May – 1 July 2022.

Officer's Recommendation

That Council:

- a. **Receive** the Tenders Let for the period 16 May – 1 July 2022.

Period - 16 May 2022 to 01 July 2022

CONTRACTS OVER \$100,000 LET UNDER CHIEF EXECUTIVE/DIRECTOR INFRASTRUCTURE DISCRETION

Contract 2214 Pandora Industrial Pipeline Flow Meters

It was recommended that the contract be awarded to Drainways Contracting in the sum of \$414,323.84 plus an allowance of a \$40,000 contingency.
This recommendation was approved.

Contract 2238 Western Hill Cemetery Extension – Stage 2

It was recommended that the contract be awarded to Hawke's Bay Civil Contractors in the sum of \$292,904.69.
This recommendation was approved.

Contract 2192 Onslow Steps Renewal

It was recommended that the contract be awarded to Hawke's Bay Civil Contractors in the sum of \$192,062.46.
This recommendation was approved.

Contract 1308 Taradale Library Air Conditioning Upgrade

Two suppliers were invited to tender and two tenders were received.
It was recommended that the contract be awarded to Excel Refrigeration and Air Conditioning in the sum of \$399,135.60 plus an allowance of a \$50,000 contingency.

This recommendation was approved.

1.2 Attachments

Nil

PUBLIC EXCLUDED ITEMS

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

Agenda Items

1. Napier Civic Awards 2022
2. Napier City Flag (Heraldic) Permission Request

Reports from Prosperous Napier Committee held 9 June 2022

1. Request for Rates Remission for Special Circumstances 1
2. Request for Rates Remission for Special Circumstances (2)
3. Hawke's Bay Airport Ltd Report to Shareholders to 31 March 2022
4. Appointment - Audit and Risk Committee

Reports from Sustainable Napier Committee held 16 June 2022

1. Land Acquisition

Reports from Audit and Risk Committee held 29 June 2022

1. Tender process update
2. Appointment - Audit and Risk Committee
3. HRIS & Payroll Project
2. Delegation Review

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

General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) to the passing of this resolution.
Agenda Items		
1. Napier Civic Awards 2022	7(2)(a) Protect the privacy of natural persons, including that of a deceased person	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except

		7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
2. Napier City Flag (Heraldic) Permission Request	7(2)(a) Protect the privacy of natural persons, including that of a deceased person	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.

Reports from Prosperous Napier Committee held 9 June 2022

1. Request for Rates Remission for Special Circumstances 1	7(2)(a) Protect the privacy of natural persons, including that of a deceased person	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
2. Request for Rates Remission for Special Circumstances (2)	7(2)(a) Protect the privacy of natural persons, including that of a deceased person	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except

		7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
3. Hawke's Bay Airport Ltd Report to Shareholders to 31 March 2022	7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
4. Appointment - Audit and Risk Committee	7(2)(a) Protect the privacy of natural persons, including that of a deceased person	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.

Reports from Sustainable Napier Committee held 16 June 2022

1. Land Acquisition	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except
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		7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
Reports from Audit and Risk Committee held 29 June 2022		
1. Tender process update	7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
2. Appointment - Audit and Risk Committee	7(2)(a) Protect the privacy of natural persons, including that of a deceased person	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
3. HRIS & Payroll Project	7(2)(b)(ii) Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information 7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage,	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except

	negotiations (including commercial and industrial negotiations)	7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
2. Delegation Review	7(2)(g) Maintain legal professional privilege	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.

ORDINARY MEETING OF COUNCIL

Open Minutes

Meeting Date: Thursday 2 June 2022

Time: 9.30am – 10.49am (*Open*)
11.06am – 11.20am (*Public Excluded*)

Venue The Ballroom
War Memorial Centre
Marine Parade
Napier

Livestreamed via Council's Facebook site

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

In Attendance Chief Executive (Steph Rotarangi)
Director City Services (Lance Titter)
Director City Strategy (Richard Munneke)
Acting Director Community Services (Darran Gillies)
Director Corporate Services (Adele Henderson)
Director Infrastructure Services, (Debra Stewart)
Manager Communications and Marketing (Julia Atkinson)
Pou Whakarae (Mōrehu Te Tomo)
Manager Business and Tourism (Steve Gregory)
Māori Partnership Manager - Te Kaiwhakahaere Hononga Māori (Hilary Prentice)
Senior Advisor Policy (Michele Grigg)
Manager Property (Bryan Faulknor)
i-Site/Par2 Manager (Jane Libby)

Public Forum Peter Grant (Co-Chair) Positive Ageing Strategy Advisory Group

Administration Governance Advisors (Carolyn Hunt and Anna Eady)

Karakia

Apologies

COUNCIL RESOLUTION	Councillors Mawson / Crown
	That the apology from Councillor Simpson and apology for lateness from Councillor Taylor be accepted.
	Carried

Conflicts of interest

Nil

Public forum

Mr Peter Grant, Co-Chair, Positive Ageing Strategy Advisory Group PASAG) spoke to the meeting and advised that the second Co-Chair, Kaumatua Piri Prentice due to commitments was stepping down from the Co-Chair role. When a suitable person has been identified as Co-Chair the Mayor will be asked to confirm the appointment. Councillor Mawson is the Council representative on this Group.

Mr Grant wished to update the Council on PASAG which was established on 3 November 2021 and on progress made to date. Council had approved and adopted the Positive Ageing Strategy that staff and community had developed over several years. Adopting the Strategy and the "Age Friendly" goal was predicated by Napier's population already being made up of 20% of the community being 65 plus which was well above the National average of 15%. By 2040 the percentage would rise to 26% of over 65 year olds which would outnumber children in the city.

Six PASAG meetings have been held to date. The vision adopted is that approved by Council "Living Well, Ageing Well". To achieve the vision PASAG were focussed on the seven priority areas for action, approved by the Council which are; health and wellbeing; getting around; being safe; housing; community spirit; being informed and involved.

A Positive Ageing page has been developed on the Napier City Council website which already has some base documents for perusal. An online feedback form is also available and hope that members of the public will highlight ideas, concerns etc.

PASAG have made submissions where Council is undertaking consultation. PASAG will continue make submissions as part of our advocacy role on issues where they consider there is an impact on older Napier residents and the Positive Ageing Strategy.

PASAG has agreed that they will write to all political parties and local MPs in the lead up to elections requesting a definitive response on paying Councils the IRRS to their community housing with a view to committing a partnership with Council to build more housing, particular for the elderly to get them out of emergency housing.

PASAG also submitted to the Annual Plan requesting a full time Council employee focussed on supporting and co-ordinating initiatives aligned with the Positive Ageing Strategy and funding for small projects that were yet to be identified. Mr Grant understood that these funding submissions had unsuccessful.

An Action Plan has been drafted for final PASAG review within next 2-3 months. Once the Action Plan is in place PASAG will be in a position to assess the criteria for applying to become an internationally recognised "age friendly" community.

Announcements by the Mayor

Nil

Announcements by the management

Nil

Confirmation of minutes

COUNCIL RESOLUTION

Councillors Chrystal / Browne

That the Draft Minutes of the Ordinary meeting held on 21 April 2022 be confirmed as a true and accurate record of the meeting.

Carried

AGENDA ITEMS

1. CHIEF EXECUTIVE'S REPORT

Type of Report: Information

Legal Reference: N/A

Document ID: 1459303

Reporting Officer/s & Unit: Lauren Sye, Corporate Planning Analyst
Steph Rotarangi, Chief Executive

1.1 Purpose of Report

The Chief Executive's Report is brought to Council, for your information, every six weeks.

At the meeting

The Chief Executive, Dr Rotarangi took the paper as read, however drew attention to the following points since writing the report:

- Napier City Council are the have winners of the 2022 Taituarā Virtual Management Challenge. The Team will now represent New Zealand and go on to compete in the Australasian Management Challenge Final in Adelaide in August.
- Covid positive numbers are increasing and Council facilities are experiencing the impacts of this.

The Business and Tourism Manager, Mr Gregory provided a brief update on key activities in regard to the War Memorial restoration project as follows:

- Consents on building and resource management were in process.
- Council officers were working with Willis Legal on the boundary adjustment.
- The tender candidate will work on an individual plaque which will then be assessed by Council officers and Tracy Hartley to ensure the community will be happy.

- In regard to developing a strong process for the Role of Honour recommendations an expert's advice in defining a strong process will be sought, which will be brought back to Council.
- Due to Covid and staff absences the financials for the project, as requested at the Napier People and Places Committee meeting on 5 May 2022 were not able to be provided today.
- However, it was noted that spend year to date in the Project Control budget was \$185,000 of a project budget of \$2m.

COUNCIL Dep. Mayor Brosnan / Councillor Crown

RESOLUTION

That Council:

- a. **Receive** and note the Chief Executive's report for June 2022.

Carried

2. PROPOSAL FROM ART DECO TRUST - MEMORIAL SQUARE COMMUNITY ROOMS

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Reserves Act 1977, Napier Borough Endowments Act 1876, Napier District Plan
<i>Document ID:</i>	1464909
<i>Reporting Officer/s & Unit:</i>	Bryan Faulknor, Manager Property

2.1 Purpose of Report

To seek Council's approval to a Memorandum of Understanding (MOU) between the Art Deco Trust and Council. This document sets out the terms of how Council will partner with the Trust to restore, refurbish and progress towards a lease to the Trust of the Memorial Square Community Rooms.

At the meeting

The Manager Property, Mr Faulknor spoke to the report and in response to questions from the Council it was noted:

- That representatives of the National Council of Women would be consulted as plans are developed and the operating model finalised.
- There is a need to recognise in some way the historical significance of the building as a utilitarian First World War Memorial providing for the needs of women.
- The Memorandum of Understanding is clear that both the building upgrade and lease are subject to obtaining all necessary regulatory consents and compliance with the District Plan and any relevant legislation.
- A Project Working Group will be formed with an equal number of people from each party to enable the Trust to partner with Council and for both parties to work in a collaborative way.

-
- The lease will be expedited as soon as possible. However, it will need to be publicly notified for one month for objections and at the end of that period it will come back to Council for final approval.
-

COUNCIL Mayor Wise / Dep. Mayor Brosnan
RESOLUTION

That Council:

- a. **Resolve** to agree to partner with the Art Deco Trust to restore, strengthen, refurbish and lease to the Trust the Memorial Square Community Rooms
 - a. **Resolve** to enter into a Memorandum of Understanding, which sets out the terms and requirements of how the parties will work in good faith and acting in a collaborative and constructive manner towards the above initiative and progress towards the granting of a lease to the Trust.
 - b. **Resolve** to approve the Memorandum of Understanding attached to this report.
-

Carried

REPORTS / RECOMMENDATIONS FROM THE STANDING COMMITTEES

Note: The Māori Committee Recommendations in relation to the Standing Committees items are recorded with each specific item.

REPORTS FROM NAPIER PEOPLE AND PLACES COMMITTEE HELD 28 APRIL 2022

1. VISITOR INFORMATION CENTRE S17A REVIEW

Type of Report:	Operational
Legal Reference:	Local Government Act 2002
Document ID:	1423323
Reporting Officer/s & Unit:	Steve Gregory, Manager Business & Tourism

1.1 Purpose of Report

The purpose of this report is to receive the recommendations of the S17A service delivery review of the Napier Visitor Information Centre and Par2 Mini Golf, and to approve to proceed with the development of a business case investigating development options for a Tier 1 Visitor Information Centre and Tourism Hub for consideration in the 2024/25 Long Term Plan.

At the meeting

The Manager Business and Tourism, Mr Gregory, together with i-Site/Par2 Manager, Ms Libby advised that Central Government is supporting and funding the i-Site New Zealand Future Network Strategy with \$2.9m across the National network, which supported the tiered model ie Tier 1, Tier 2 or i-Sites could operate independently.

In response to questions the following was noted:

- As Council has approved the capital expenditure from 1 July 2022-2023 transition into the framework could commence straightaway.
 - Napier being a Tier 1 Tourism i-Site New Zealand would provide funding 50/50 in the investment.
 - It has been identified that local stories need to be told and this network will provide the opportunity to be able to tell Napier/Hawke's Bay unique story.
 - The National tourism body have been in discussion with the with Iwi and Tangata Whenua entities in regard to local story telling.
 - I-site New Zealand will confirm which Tier i-Sites are in and which financial year as the funding is over a 3-4 year period. The total amount will not be available in the first financial year.
 - There will be a budget and money set aside for fit-outs with design and brandwork funded by Tourism New Zealand. Tier 2 and the satellites will not require as much funding and then they will allocate the remaining funding to the other streams of work.
 - 70% of the networks are owned by Councils throughout the country and i-Site New Zealand and Tourism New Zealand are very conscious that funding will be an issue for many and a lot will not be able to afford this until the next Long Term Plan.
 - Discussions have been undertaken with Liz Munroe, Chief Executive of Mana Ahuriri Trust in regard to the Conservation House, Marine Parade and a formal meeting with her commercial team and Council officers is to be held next week.
-

COUNCIL RESOLUTION

Councillors Boag / Mawson

That Council:

- a. **Approve** the S17A i-SITE service delivery review and recommendations
- b. **Approve** the development of a business case for a Tier 1 Visitor Information Centre for consideration in the 2024/25 Long Term Plan
- c. **Approve** investigation of building options to accommodate a Tier 1 Visitor Information Centre (remediate, redevelop or new build) for consideration in the 2024/25 Long Term Plan.

Carried

2. WELCOMING COMMUNITIES ACCREDITATION APPLICATION

Type of Report: Procedural

Legal Reference: N/A

Document ID: 1448861

Reporting Officer/s & Unit: Rebecca Peterson, Senior Advisor Policy

2.1 Purpose of Report

To seek Council agreement to proceed with the Welcoming Communities - Te Waharoa ki ngā Hapori accreditation application.

At the meeting

As this item was a Decision of Council made at the Napier People and Places Committee held on 28 April 2022 there was no discussion.

COMMITTEE RESOLUTION

Dep. Mayor Brosnan / Councillor Tapine

That Council:

- a. **Make a DECISION OF COUNCIL** under delegated authority to meet the Welcoming Communities application deadline.
- b. **Approve** that an application is made to the Welcoming Communities - Te Waharoa ki ngā Hapori accreditation programme.

Carried

3. NAPIER WAR MEMORIAL RESTORATION PROJECT UPDATE

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1453973
Reporting Officer/s & Unit:	Drew Brown, Senior Project Manager

3.1 Purpose of Report

This report is to provide an update on progress made, and next steps for the Napier War Memorial restoration project.

At the meeting

There was no discussion on this item.

COUNCIL RESOLUTION

Councillors Boag / Mawson

That Council:

- a. **Receive** the update provided on the Napier War Memorial restoration project.

Carried

4. UPDATE ON CIVIC BUILDING DEMOLITION

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1442072
Reporting Officer/s & Unit:	Darran Gillies, Community Services Programme Manager

4.1 Purpose of Report

To inform the Council of the progress on the Civic building demolition ahead of the development of the new library and community spaces in accordance with the Library and Civic Area Plan.

At the meeting

The Acting Director Community Services, Mr Gillies updated Councillors on the following points:

- The tender process was underway for the demolition of the Civic Building and eight tenders had been received which were currently being evaluated.

- A recommendation for the preferred tenderer would be made to the Hearings Committee (Tenders for consideration) in the near future.
- Preliminary work for the demolition, depending on availability will commence at the end of July 2022, but dependant on availability of the contractor.
- The main demolition will commence August/September starting with the bridge between the Civic Building and the Library Buildings. Demolition will continue through to approximately January 2023.

COUNCIL Councillors Boag / Mawson

RESOLUTION

That Council:

- Receive** the report titled "Update on Civic Building Demolition".

Carried

5. NAPIER LIBRARIES WINTER AND SUMMER READING PROGRAMMES 2022-23

Type of Report: Operational

Legal Reference: N/A

Document ID: 1444047

Reporting Officer/s & Unit: Belinda McLeod, Community Funding Advisor

5.1 Purpose of Report

To seek approval to apply for external funding from Eastern & Central Community Trust (ECCT), to support the Napier Libraries 2022/23 Winter and Summer Reading Programme.

At the meeting

As this item was a Decision of Council made at the Napier People and Places Committee held on 28 April 2022 there was no discussion.

COMMITTEE Councillors Crown / McGrath

RESOLUTION

That Council:

- Make a DECISION OF COUNCIL** under delegated authority to enable the funding application to Eastern & Central Community Trust be submitted and processed this financial year.
- Approve** the external funding application of \$19,000 to Eastern & Central Community Trust for the Napier Libraries 2022/23 Winter and Summer Reading Programmes

Carried

REPORTS FROM PROSPEROUS NAPIER COMMITTEE HELD 28 APRIL 2022

1. HEALTH AND SAFETY REPORT - QUARTER 2 YTD

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1457871
Reporting Officer/s & Unit:	Adele Henderson, Director Corporate Services Michelle Warren, Health and Safety Lead

1.1 Purpose of Report

The purpose of this paper is to provide Council with an overview of Health & Safety activity for the period Quarter 2 FY22.

At the meeting

There was no discussion on this item.

COUNCIL RESOLUTION	Councillors Taylor / Crown
	That Council:
	a. Receive the Health and Safety report for the Quarter 2 period 2022.
	Carried

2. HAWKE'S BAY MUSEUMS TRUST DRAFT STATEMENT OF INTENT AND FINANCIAL REPORTING

Type of Report:	Operational
Legal Reference:	Local Government Act 2002
Document ID:	1442352
Reporting Officer/s & Unit:	Jaimie McIvor, Finance Accountant

2.1 Purpose of Report

To receive the Hawke's Bay Museums Trust Financial Report for the six months ended 31 December 2021 and draft Statement of Intent 2022/23.

At the meeting

There was no discussion on this item.

COUNCIL RESOLUTION

Councillors Taylor / Crown

That Council:

- a. **Receive** the Hawke's Bay Museums Trust Financial Report for the six months ended 31 December 2021.
 - b. **Receive** the Hawke's Bay Museums Trust draft Statement of Intent 2022/23 and provide any feedback to the Trust prior to the Statement of Intent being brought back to Council for adoption.
-

Carried

3. FINANCIAL FORECAST TO 30 JUNE 2022

Type of Report: Legal and Operational

Legal Reference: Local Government Act 2002

Document ID: 1449843

Reporting Officer/s & Unit: Caroline Thomson, Chief Financial Officer
Talía Foster, Accounting Manager

3.1 Purpose of Report

To provide the Committee with Council's financial forecast to 30 June 2022.

At the meeting

There was no discussion on this item.

COUNCIL RESOLUTION

Councillors Taylor / Crown

That Council:

- a. **Receive** the financial forecast to 30 June 2022.
 - b. **Approve** the 2021/22 financial forecast to 30 June 2022.
 - c. **Approve** funding the year end deficit for the Parking activity from the Parking reserve.
 - d. **Note** the forecast deficit rates position will be finalised at year end.
 - e. **Note** that the full list of timing impacted projects for 2021/22 will be brought back to Council in a separate report for inclusion in the 2022/23 final Annual Plan.
-

Carried

4. HAWKE'S BAY MUSEUMS TRUST ANNUAL REPORT FOR YEAR ENDING 30 JUNE 2021

Type of Report:	Operational
Legal Reference:	Local Government Act 2002
Document ID:	1421308
Reporting Officer/s & Unit:	Caroline Thomson, Chief Financial Officer Talia Foster, Accounting Manager

4.1 Purpose of Report

To provide Napier City Council with the Hawke's Bay Museums Trust Annual Report for the year ended 30 June 2021.

At the meeting

There was no discussion on this item.

COUNCIL RESOLUTION

Councillors Taylor / Crown

That Council:

- a. **Receive** the 30 June 2021 Annual Report of the Hawke's Bay Museums Trust.

Carried

REPORTS FROM SUSTAINABLE NAPIER COMMITTEE HELD 5 MAY 2022

1. DISSOLUTION OF THE NAPIER ROTARY PATHWAYS TRUST

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1455707
Reporting Officer/s & Unit:	Jason Tickner, Team Leader Parks, Reserves and Sportsgrounds

1.1 Purpose of Report

Acknowledgement of the substantial and enduring contribution that the Napier Rotary Pathway Trusts has delivered to the City of Napier

At the meeting

There was no discussion on this item.

COUNCIL RESOLUTION

Councillors Price / Chrystal

That Council:

- a. **Acknowledge** and thank the Napier Rotary Pathways Trust for the significant and enduring work they have undertaken in establishing the Rotary Pathways walkway and cycleway network throughout Napier.
-

Carried

2. CENTRAL FOOTBALL RELOCATION OF PROPOSED ARTIFICIAL TURF AT PARK ISLAND

Type of Report: Procedural

Legal Reference: Reserves Act 1977

Document ID: 1455857

Reporting Officer/s & Unit: Jason Tickner, Team Leader Parks, Reserves and Sportsgrounds

2.1 Purpose of Report

To seek approval for *Central Football Incorporated* and Napier City Council to undertake an investigation and consultation regarding the possible relocation of the proposed artificial soccer turf in a location contrary to the endorsed location in the Park Island Masterplan Plan and Plan Change 11.

At the meeting

There was no discussion on this item.

COUNCIL RESOLUTION

Councillors Price / Chrystal

That Council:

- a) **Approve** that Central Football Incorporated and Napier City Council advance investigations and consultation regarding the possible relocation of their proposed artificial soccer turf in a location contrary to the proposed location in the Park Island Masterplan and Plan Change 11.
 - b) **Report** back to Council the outcome and recommendation of these investigations and consultation for decision prior to any Resource Management Act 1991 and Reserves Act 1977 processes being progressed.
-

Carried

3. PROPOSED MACRAE FIELD TOILET

Type of Report:	Operational and Procedural
Legal Reference:	Local Government Act 2002
Document ID:	1454528
Reporting Officer/s & Unit:	Jason Tickner, Team Leader Parks, Reserves and Sportsgrounds

3.1 Purpose of Report

Request for additional capital and operational funding for a public toilet facility at the Park Island Northern Sports Hub extension (MacRae Field).

At the meeting

There was no discussion on this item.

COUNCIL RESOLUTION

Councillors Price / Chrystal

That Council:

- Approve** the proposed installation of a toilet facility at the MacRae Field to facilitate the growth and development of Park Island (Northern Sports Hub).
- Approve \$83,640** of capital funding from the *Financial Contributions fund* for this proposed public toilet facility.
- Approve** additional annual operational budget of **\$4,950** for this increased level of service for the proposed public toilet facility.

Carried

4. REPORT ON NAPIER WATER SUPPLY STATUS END OF Q3 2021-2022

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1455019
Reporting Officer/s & Unit:	Anze Lencek, Water Quality Lead

4.1 Purpose of Report

To inform the Council on:

- the status of Napier Water Supply (NAP001) at the end of the third quarter (Q3) of 2021-2022 compliance year.

At the meeting

There was no discussion on this item.

COUNCIL Councillors Price / Chrystal RESOLUTION

That Council:

- a. **Endorse** the report on Napier Water Supply Status end of Q3 2021-2022
-

Carried

5. REPORT ON THREE WATERS REFORM PROGRAMME

Type of Report: Information

Legal Reference: N/A

Document ID: 1456775

Reporting Officer/s & Unit: Rebecca Huckle, Three Waters Reform Programme Manager

5.1 Purpose of Report

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

At the meeting

It was noted that a large number of complaints and enquiries had been received from the community about the Three Waters Reform. The next step in the process is the introduction of the Water Services Entities Bill to Parliament to decide whether the changes become law or not. This is anticipated to happen in the next or two. This will enable community members to have their first opportunity to formally provide input into the reform process by way of a submission to the Select Committee.

Napier City Council alongside other Hawke's Bay Councils want to ensure that the community have easy access to all the information they will need in order to make a submission and ensure that their views are heard.

COUNCIL Councillors Price / Chrystal RESOLUTION

That Council:

- a. **Endorse** the report on the Three Waters Reform Programme.
-

Carried

6. ADOPTION OF THE CODE OF PRACTICE FOR LAND DEVELOPMENT AND SUBDIVISION INFRASTRUCTURE

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	1456794
<i>Reporting Officer/s & Unit:</i>	Retha du Preez, Team Leader Development and Standards

6.1 Purpose of Report

For Council to:

- Note the key changes to the Code of Practice for Land Development and Subdivision Infrastructure.
- Adopt the proofread Code for Practice for Land Development and Subdivision Infrastructure, March 2022.

At the meeting

The Director City Strategy, Mr Munneke advised that at the Ngā Mānukanuka o te Iwi (Māori Committee) there was concern that the Code was light on such things as water quality, native species and biodiversity. These comments will be taken back to the Council Officers to update the Code.

COUNCIL RESOLUTION

Councillors Price / Chrystal

That Council:

- Note** the key changes to the Code of Practice for Land Development and Subdivision Infrastructure.
- Adopt** the proofread Code of Practice for Land Development and Subdivision Infrastructure, March 2022.

Carried

7. CAPITAL PROGRAMME DELIVERY

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1453428
<i>Reporting Officer/s & Unit:</i>	Jon Kingsford, Director Programme Delivery

1.1 Purpose of Report

To provide Council with information on the 2021 Long Term Plan (LTP) Capital Programme and initiatives underway to improve Capital Programme Delivery.

At the meeting

There was no discussion on this item.

COUNCIL Councillors Price / Chrystal RESOLUTION

That Council:

- a. **Receive** the report titled "Capital Programme Delivery".

Carried

8. BETTER OFF FUNDING

Type of Report: Contractual

Legal Reference: Local Government Act 2002

Document ID: 1459320

Reporting Officer/s & Unit: Adele Henderson, Director Corporate Services

8.1 Purpose of Report

The Minister of Local Government has announced that councils are now able to put forward proposals for the first \$500 million of Crown funding from the Three Waters reform 'Better off' support package. The funding is for local government to invest in local community wellbeing and can be used for capital or operating initiatives. The remaining \$1.5 billion is available from 1 July 2024. Council will need to determine whether it will apply for funding.

At the meeting

The Chief Executive, Dr Rotarangi advised that confirmation had been received from the Department of Internal Affairs that applications could be made up until 30 September 2022. Any application would be presented to the Council meeting to be held on 25 August 2022 for decision and approval.

The following points were also noted in regard to the recommendations:

- Confirmation had been received from Government through the Department of Internal Affairs that elected members will have the freedom to express their views on the Three Waters Reform and for that not to be contradictory to any arrangements that are made for this funding.
 - Council has received in writing that the Three Waters National Transition Unit understands that Council has important water programmes to deliver and any agreements for secondment of staff into the Three Waters Programme would be through co-operation and agreement.
-

- A “Better Off Application” will be brought back to the Council meeting on 25 August 2022 in regard to assessing whether Council is aiming for enhancing the Long Term Plan or including some new.
- It was noted that currently information that is required to be compiled for Central Government reforms are rate payer funded. However, advice has been received that a second funding package is about to be released to compensate Councils for preparation of information for the transition.
- In regard to Te Mana o te Wai and how it will feature in work going forward this would be best discussed at the Regional Collaboration Day to be held on 4 July 2022.

COUNCIL Councillors Price / Chrystal
RESOLUTION

That Council:

- Approve** Napier City Council to prepare an application for the Tranche 1 ‘Better off’ support package available as part of the Three Waters Reform up to \$6.46m, subject to Crown agreement that Napier City Council can continue to exercise its democratic right to oppose and/or voice concerns and/or question the legitimacy of the Three Waters Reform proposal;
- Note** that, subject to the decision above, the Funding Agreement and Funding Proposal will be brought back to Council for approval.
- Note** any application to the Better off support package would need to be subject to the Chief Executive confirming this will not affect council’s ability to deliver our existing water works programme, capital and operational.

Carried

9. ROAD STOPPING AND GRANTING OF EASEMENT OVER VESTED RESERVE - AWATOTO

Type of Report: Legal and Operational

Legal Reference: Reserves Act 1977 and Public Works Act 1981

Document ID: 1455014

Reporting Officer/s & Unit: Bryan Faulknor, Manager Property

9.1 Purpose of Report

To obtain Council’s approval to actions required to provide appropriate land legalisation actions to accommodate a new drinking water bore field and associated equipment at Awatoto.

In particular, to seek Council consent to road stopping of part of the unformed road between Eriksen Road and Awatoto Road and separately to consent to the granting of an easement over Vested Reserve land for water supply infrastructure.

At the meeting

There was no discussion on this item.

COUNCIL RESOLUTION

Councillors Price / Chrystal

That Council:

- a) **Consents** to road stopping under Section 116 of the Public Works Act 1981 of approximately 2,187m² of legal road adjoining Section 112 Block VIII Heretaunga Survey District, and the retention of the land in fee simple for water supply purposes.
 - b) **Authorises** the Chief Executive to make an application to LINZ for the above road stopping under Section 116 of the Public Works Act 1981.
 - c) **Approves**, as administering body, under section 48(1)(e) of the Reserves Act 1977, the grant of easements for the right to drain water over part of the local purpose (arboretum) reserve described as Section 112 Block VIII Heretaunga Survey District.
 - d) **Approves**, in exercise of the Ministerial consent (under delegation from the Minister of Conservation), the granting of the above easement.
-

Carried

10. LEASE OF RESERVE AT ANDERSON PARK TO THE BUZZY BEE TRUST

Type of Report: Legal and Operational

Legal Reference: Reserves Act 1977

Document ID: 1447530

Reporting Officer/s & Unit: Bryan Faulknor, Manager Property
Jenny Martin, Property and Facilities Officer
Debra Stewart, Director Infrastructure Services

10.1 Purpose of Report

To obtain approval to grant a new ground lease to the Buzzy Bee Trust for the land occupied by the Mahoe Hall on the Anderson Park Reserve for a term of 15 years with one 15 year right of renewal.

At the meeting

There was no discussion on this item.

COUNCIL RESOLUTION

Councillors Price / Chrystal

That Council:

- a. **Recommend** that Council agree to a new lease, under Section 54(1)(b) of the Reserves Act 1977, for the Buzzy Bee Trust for the land occupied by the Mahoe Hall at the southern end of Anderson
-

Park Reserve for a term of 15 years plus one 15 year right of renewal.

- b. **Note** that Council is acting under delegated authority from the Minister of Conservation in granting this lease.

Carried

11. INITIATION OF PROCESS TO CHANGE RESERVE PURPOSE

Type of Report: Legal and Operational

Legal Reference: Reserves Act 1977

Document ID: 1455595

Reporting Officer/s & Unit: Bryan Faulknor, Manager Property

11.1 Purpose of Report

To obtain Council's approval to initiate the process to change the purpose of part of the vested local purpose reserve at 274 Guppy Road, Taradale situated between the Expressway and Tareha Park. This process is required to provide an appropriate reserve purpose to accommodate a new drinking water bore field and associated equipment.

At the meeting

There was no discussion on this item.

COUNCIL RESOLUTION

Councillors Price / Chrystal

That Council:

- a) **Approves** the initiation of the process, pursuant to Section 24A of the Reserves Act 1977, to change the purpose of part of an existing reserve as shown as area A in Scheme plan titled Guppy Road Reclassification Drawing No. TK 364-02. The reserve is situated at 274 Guppy Road with the legal description being Section 2 Survey Office Plan 457705 (held in record of title 646173).
The change of purpose is from Local Purpose (sport and recreation buildings) reserve to Local Purpose (Water Supply) Reserve.
- b) **Authorises** the Chief Executive to publically notify the proposed change of purpose under Section 24A (2) of the Reserves Act 1977.
- c) **Notes** that the reasons for the change of purpose is to accommodate a new drinking water bore field, treatment plant and associated equipment and pipes. This is to ensure Council's priority for a clean, safe and sustainable drinking water supply for Napier.

Carried

REPORTS FROM FUTURE NAPIER COMMITTEE HELD 5 MAY 2022

1. RESOURCE CONSENT ACTIVITY UPDATE

<i>Type of Report:</i>	Enter Significance of Report
<i>Legal Reference:</i>	Enter Legal Reference
<i>Document ID:</i>	1454220
<i>Reporting Officer/s & Unit:</i>	Luke Johnson, Team Leader Planning and Compliance

1.1 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.

At the meeting

There was no discussion on this item.

COUNCIL RESOLUTION

Councillors Browne / Chrystal

That Council:

- a. **Note** the resource consent activity update for period 21 October 2021 to 18 January 2022

Carried

2. PROPOSAL FROM ART DECO TRUST - WOMEN'S REST ROOMS MEMORIAL SQUARE

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Reserves Act 1977, Napier Borough Endowments Act 1876, Napier District Plan.
<i>Document ID:</i>	1455858
<i>Reporting Officer/s & Unit:</i>	Bryan Faulknor, Manager Property

2.1 Purpose of Report

To consider the Art Deco Trust's proposal to partner with Council to strengthen, restore and lease the Memorial Square Community Rooms (Women's Rest).

At the meeting

There was no discussion on this item.

COUNCIL Councillors Browne / Chrystal
RESOLUTION

That Council:

- a. **Resolve** to agree in principle to partner with the Art Deco Trust to restore, strengthen, refurbish and lease to the Trust the Memorial Square Community Rooms (Women's Rest).
 - b. **Resolve** to enter into a Memorandum of Understanding, which will set out the terms and requirements of how the parties will work collaboratively and in good faith towards the above initiative and negotiate lease terms acceptable to both parties.
 - c. **Resolve** that a draft Memorandum of Understanding be brought back to Council for final approval on 2 June 2022.
-

Carried

REPORTS UNDER DELEGATED AUTHORITY

1. TENDERS LET

Type of Report:	Information
Legal Reference:	Enter Legal Reference
Document ID:	1422913
Reporting Officer/s & Unit:	Debbie Beamish, Executive Assistant to the Chief Executive

1.1 Purpose of Report

To report the Tenders let under delegated authority for the period 4 April – 13 May 2022.

At the meeting

<Enter text or delete row if not required>

COUNCIL Councillor Taylor / Dep. Mayor Brosnan
RESOLUTION

That Council:

- a. **Receive** the Tenders Let for the period 4 April – 13 May 2022.
-

Carried

PUBLIC EXCLUDED ITEMS

COUNCIL RESOLUTION	Councillors Mawson / Tapine
	That the public be excluded from the following parts of the proceedings of this meeting.
	Carried

Reports from Sustainable Napier Committee held 24 March 2022

1. Surplus land sale
2. Lease of Subsoil of Road

Reports from Napier People and Places Committee held 28 April 2022

1. Creative Communities Funding March 2022

Reports from Sustainable Napier Committee held 5 May 2022

1. Land purchase

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

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

Reports from Sustainable Napier Committee held 24 March 2022

1. Surplus land sale	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority
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		is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
2. Lease of Subsoil of Road	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.

Reports from Napier People and Places Committee held 28 April 2022

1. Creative Communities Funding March 2022	7(2)(c)(i) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
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Reports from Sustainable Napier Committee held 5 May 2022

1. Land purchase	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for
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		withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
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*The meeting adjourned at 10.49am and
reconvened in Public Excluded session at 11.06am*

The meeting closed with a karakia at 11.20am

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

Chairperson

Date of approval



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Te Kaunihera o Ahuriri

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ORDINARY MEETING OF COUNCIL

Open Minutes

Trade Waste & Wastewater Bylaw Review and Water Supply Bylaw Review

Meeting Date: Wednesday 22 June 2022

Time: 9.00am – 10.50am

Venue Ocean Suite
East Pier
50 Nelson Quay
Napier

Livestreamed via Council's Facebook site

Present **Chair:** Mayor Wise
Members: Councillors Boag, Browne, Chrystal, Crown, Mawson, McGrath, Price, Simpson and Wright

In Attendance Chief Executive (Steph Rotarangi)
Executive Director Infrastructure Services, (Debra Stewart)
Pou Whakarae (Mōrehu Te Tomo)
Manager Environmental Solutions (Cameron Burton)
Manager Water Strategy (Russell Bond)
Water Planning Lead (Lance Groves)
Team Leader Governance (Helen Barbier)

Via Zoom Link Environmental Compliance Officer (Caitlin Egan)
Manager Communications and Marketing (Julia Atkinson)

Māori Partnership Manager - Te Kaiwhakahaere Hononga
Māori (Beverley Kemp-Harmer)
Team Leader, 3 Waters Strategic Planning (Gary Schofield)
Māori Partnership Manager - Te Kaiwhakahaere Hononga
Māori (Hilary Prentice)

Submitters Presenting: Angela Denby and Sue Macdonald (Ahuriri Estuary Protection Society); Pip Thomson (Napier City Business Inc); Cameron Ellis (Silver Hills Trust) Cameron Ormsby (Health Protection Officer), and Reynold Ball (Hawke's Bay District Health Board)

Administration Governance Advisor (Carolyn Hunt)

Karakia

Elected members gave the opening karakia.

Apologies

COUNCIL RESOLUTION

Councillors Mawson / Boag

That apologies for absence from Deputy Mayor Brosnan, Councillors Tapine and Taylor be accepted.

Carried

Conflicts of interest

Nil

Public forum

Nil

Announcements by the Mayor

Matariki – Council were supporting and hosting a number events during the celebration of Matariki from 18-25 June 2022 and encouraged everyone to participate and join in. The first event Nga Whetu o Matariki (A magical Matariki light show) would be held in Herschell Street in conjunction with the MTG from 22-25 June 2022 from 6pm-8pm and was a free whanau event.

Announcements by the management

Nil

No minor matters

AGENDA ITEMS

1. TRADE WASTE AND WASTEWATER BYLAW REVIEW

Type of Report:	Legal and Operational
Legal Reference:	Local Government Act 2002
Document ID:	1471254
Reporting Officer/s & Unit:	Caitlin Egan, Environmental Compliance Officer

1.1 Purpose of Report

The purpose of this report is to present the written submissions received by the Napier City Council on the Proposed Integrated Trade Waste and Wastewater Bylaw (*Doc Id 1475523*) and to outline options and recommendations for the Proposed Napier City Trade Waste and Wastewater Bylaw Hearing Panel to consider in advance of the Council hearing scheduled on 22 June 2022 at 9am.

PRESENTATION OF ORAL SUBMISSIONS

Submission No. 33 - Pip Thomson (Napier City Business Inc) spoke to the submission in support of the expansion of Trade Waste consenting conditions into the CBD and highlighted the following:

- Would like to have a longer phasing implementation timeframe..
- Include a 5-6 months trial period for meters which would not be charged.
- The trial period would enable education to businesses on the impacts of Trade Waste in to the wastewater network and costs involved when not processing liquid waste correctly.
- Council develop an educational manual on discharging wastewater responsibly to facilitate the long term change.
- Requested that the charge not be implemented until 2024.

Submission No. 18 - Cameron Ellis (Silver Lake Trust) - spoke to the Water Supply submission and displayed a powerpoint presentation (*Doc Id 1474509*) in regard to Te Roera Hills Subdivision and unjust water charges. Mr Ellis highlighted the following:

- There were 22 properties in the subdivision serviced by a privately owned (Silver Lake Trust) water infrastructure, which was fully funded by the developer and connected to Napier City infrastructure.
- The properties in the Te Roera Hills subdivision were classified in the Bylaw as "Extraordinary Use" connections.
- Residents of Te Roera Hills were charged \$1.12/m³ of water, 38% more than most of Napier.
- The residents also paid for body corporate fees.
- Mr Ellis requested an allowance of 300m³ per property per year at the standard Napier property water rate of \$0.81/m³ be given.
- Any additional water useage over 6,600m³ is then charged at the \$1.12/m³ rate.
- As a bulk buyer from Napier city it should receive water at a lower rate.

- He requested reclassification of the subdivision from “Extraordinary Use”.

In responses to questions it was noted:

- The Annual Plan 2022 adopted the standard rate for all water meters, however this would not be implemented until 2023 and there was work still to be undertaken to finalise this. A special consultative procedure would be required in regard to the rate.
- The 38% paid by the Trust does not include the capital development cost of \$300,000 to install the water system.
- \$0.62/m³ is associated with non-domestic meter connection and the higher rate of \$1.12m³ is for domestic and other supplies.
- For metered property the first 300m³ of water is at the rate of \$1.12 and thereafter it is at the rate of \$0.62.
- The Bylaw needs to be incorporated into Council's Fees and Charges and adjusted through the Annual Plan, with the fees and charges being consulted on.
- Any changes would be advised to the residents.
- The Silver Lake Trust was not unique for this charging system and there were a number of bulk supply points ie Retirement Villages were also classified under the “Extraordinary Use” charge. There had been no queries from Retirement Villages in relation to their charges at this stage.
- Officers to investigate any mechanism to review the “Extraordinary Use” charge in relation to the Silver Lake Trust prior to the Annual Plan.

Submission No. 31 - Angela Denby and Sue Macdonald (Ahuriri Estuary Protection Society) spoke to their submission which supported the expansion of the Trade Waste consenting requirements. They highlighted the following points:

- Although the Bylaws do not directly concern the Ahuriri Estuary when there is a problem there is a great danger of spillages, sewerage and stormwater mixing going into the Estuary.
- Businesses who are trying to mitigate what they are putting into the Trade Waste should be rewarded for their efforts and lowering their fees is a good start.
- Need to ensure that the Bylaws apply to all businesses in Napier and not just big polluters.
- The phasing implementation would allow businesses to learn how to comply and avoid failures and the Society considered that three additional Trade Waste officers were needed to implement changes.
- As there is no mention of climate change in the document and increased heavy rainfalls and emergency releases of wastewater mixed with stormwater released into the Estuary the Society wished to know how that would be remedied.
- EDNA testing feedback from the Hawke's Bay Regional Council indicated that there were not many species present in the Estuary.

In response to questions it was noted:

- This Bylaw and the requirements for Environmental Management Plans will increase Council's ability to control what is discharged into both Wastewater and Stormwater networks. Requiring Trade Waste sites to manage the volume of stormwater that goes into the public wastewater system will ease pressure during heavy rainfall on the capacity of the network.
- Officers confirmed that work to remedy the blocked Pandora industrial Trade Waste pipeline had now commenced.

Submission No. 30 - Cameron Ormsby (Health Protection Officer) Hawke's Bay District Hawke's Bay spoke to the submission and displayed a PowerPoint Presentation (*Doc Id 1474507*) and highlighted the following points:

- The submission mirrors that of the Ahuriri Estuary Protection Society which was to achieve similar outcomes to improve environmental health so the downstream effects on human health are protected.
- The District Health Board supported:
 - The introduction of an integrated Trade Waste and Wastewater Bylaw.
 - The expanded Trade Waste consenting requirements to smaller premises generating fats and other contaminants..
 - Clause A.13 "Protecting the Public Wastewater System" which aimed to prevent any stormwater, groundwater or Trade Waste entering public wastewater system.
- Recommended funding be allocated to enable Council to undertake a programme of works to survey residential and commercial stormwater infrastructure to determine and address stormwater connections.
- Noted that Wairoa District Council had implemented such a programme and had had real success in the last six years.
- Wastewater contamination can result in shellfish containing pathogens which are a health risk.

In response to questions it was noted:

- Officers sought comments from the Health on two occasions (26 March and 7 June 2022) with no response to date. The Special Consultative Procedure for Trade Waste bylaw renewals requires Council to seek feedback but does not require Council to obtain it.
- This submission relates to the local District Health Board who is contracted to the Ministry of Health but does not speak on their behalf.

The Hawke's Bay District Health Board also submitted on the Water Supply Bylaw review and with the agreement of the meeting Mr Ormsby continued with the Water Bylaw presentation.

Submission No. 17 - Cameron Ormsby (Health Protection Officer) Hawke's Bay District Hawke's Bay spoke to the submission and displayed a PowerPoint Presentation (*Doc Id 1474506*) and highlighted the following points:

- Fully support the Water Supply 2022 Bylaw.
- Recommend that Council considers extending water metering for all buildings connected to the water supply.
- If water metering is not used to determine water charges it would provide invaluable data for managing the network.
- Consideration be given to all new buildings connected to the water supply be required to have water meters.
- Water metering is a good thing as it reduces water use and provides a fair and equitable charging regime
- Water metering can also assist to reduce peak demand during summer months when water resources are limited.
- Charging for water can delay high capital costs associated with consenting new water sources and building new infrastructure.

Officers confirmed that if water metering was to be introduced for new builds consultation would be required through the Council's Engineering Code of Practice.

The meeting adjourned for morning tea at 9.58am

and reconvened at 10.20am

PRESENTATION OF OFFICER'S REPORT

The Manager Environmental Solutions, Mr Burton spoke to the report advising that the Special Consultative Procedure was followed in relation to the integration of the Trade Waste and Wastewater Bylaws for Napier.

Mr Burton outlined the process undertaken for the proposed bylaw and the reasons for the integration. Written submissions were of a high quality and officers have commented on those submissions. The theme on education was highlighted through a number of submissions and very important to people on how this will affect them and how they could make a positive difference. Development of an education manual will be undertaken by officers.

In response to questions it was noted:

- The Trade Waste charge would be implemented in July 2023 and the likely charges would be communicated to consent holders during the next twelve months.
- Lot of comments and suggestions contained in submissions related to the roll out of the Bylaw rather than the Bylaw itself. A list of actions has been compiled from the submissions with the main one relating to education and officers have undertaken to develop an educational manual.
- Officers to investigate if any Council has a change management assistance programme in regard to providing low interest loans for waste reducing measures.
- Flushable wipes are coming from the domestic system and an educational approach will assist in their correct disposal. Ideally there will be advocacy through the Waste Minimisation processes nationwide to stop them being created in the beginning rather than trying to reduce waste once it is created.
- The terminology of "flushable" indicates that they can be flushed (which is not the case) and is possibly a product marketing issue.
- In regard to the small amendment to Section B.7.4 of the Bylaw a submission had been received questioning that clause and in conjunction with legal advice nowhere in the bylaw was "grit" referred to and it did not make sense to have "grit" included. However, grit separators is addressed in the clause before it.

Discharges via Grease Traps and, Oil and Grit Interceptors

B.7.4 c. All systems in place to remove Fat, Oils and Grease ~~and Grit~~ must be installed and operated as per Section B.7 of the Administration Manual and any Trade Waste Consent conditions.

ACTION: Officers to follow up with the Ministry of Health in regard to providing any feedback in regard to the Bylaws prior to adoption.

COUNCIL Mayor Wise / Councillor Price

RESOLUTION

That Council:

- Receive** the Trade Waste and Wastewater Bylaw report;
- Consider** the submissions to the Integrated Trade Waste and Wastewater Bylaw; and
- Endorse** the final form of the Integrated Trade Waste and Wastewater Bylaw, incorporating any changes following consideration of public feedback from the submissions.

Carried

Attachments

- 1 Hawke's Bay District Health Board Trade Waste presentation (Doc Id 1474507)
 - 2 Water Metering (Doc Id 1474506)
 - 3 Silver Lake Trust Water Bylaw Review presentation (Doc Id 1474509)
-

2. WATER SUPPLY BYLAW REVIEW

Type of Report: Legal and Operational

Legal Reference: Local Government Act 2002

Document ID: 1469680

Reporting Officer/s & Unit: Lance Groves, Water Planning Lead

2.1 Purpose of Report

The purpose of this report is to present the written submissions received by the Napier City Council on the Proposed Napier City Water Supply Bylaw (*Doc Id 1475524*) and to outline options and recommendations for the Proposed Napier City Water Supply Bylaw Hearing Panel to consider in advance of the Council hearing scheduled on 22 June 2022 at 9am.

At the meeting

It was noted that the following submitters had presented on the Water Supply Bylaw earlier in the meeting:

- Submission No. 18 - Cameron Ellis (Silver Lake Trust)
- Submission No. 17 - Cameron Ormsby (Health Protection Officer) Hawke's Bay District Hawke's Bay Trust)

The Manager Water Strategy, Mr Bond and Water Planning Lead, Mr Groves spoke to the report advising there was only one minor change in the Bylaw and that was not allowing permits to people to access water from fire hydrants to protect the water supply from any potential water contaminations. There is now one water take site at Thames Street to enable contractors to access water.

In response to questions it was noted:

- In regard to the Silver Lake Trust submission it was confirmed that there is no ability for a user to apply in an independent process to be changed from an "Extraordinary User" to some other classification.
- The inequity around the volumetric charging is something that needs to be addressed, however this is outside of the Bylaw process.
- It was noted that Bay View residents if they are on a domestic ordinary connection the charges are the same as Napier residents.

-
- The Te Roera Hills Subdivision was in a rural residential zone and therefore still comes under the classification of an “Extraordinary User” because they are not a fully urban/domestic connection.
 - Lifestyle blocks are classified as an “Extraordinary User” as the description is around the potential water use for that property to be used for light farming activities, growing crops/trees and watering larger lawns extraordinary use over and above what the majority of a water supply would have in terms of urban/domestic water consumption
 - Extraordinary use is a phrase that came from the General Water Bylaw developed through Standards New Zealand.
 - It was noted that Bylaws are reviewed every five years.

ACTION That Council officers will continue to investigate options in regard to water charges to the Silver Lake Trust.

COUNCIL Mayor Wise / Councillor Browne
RESOLUTION

That Council:

- a. **Receive** the Water Supply Bylaw Review report;
- b. **Consider** the submissions to the Proposed Napier City Water Supply;
and
- c. **Endorse** the final form of the Proposed Napier City Water Supply;
incorporating any changes following consideration of public feedback
from the submissions.

Carried

The meeting closed with a karakia at 10.50am

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

Chairperson

Date of approval



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ORDINARY MEETING OF COUNCIL

Open Minutes (Adopt A/P - Set Rates)

Meeting Date: Thursday 30 June 2022

Time: 9.30am – 11.08am (*Open*)
11.10am – 12.20pm (*Public Excluded*)

Venue The Ocean Suite
East Pier Hotel
50 Nelson Quay
Ahuriri
Napier

Livestreamed via Council's Facebook site

Present **Chair:** Mayor Wise
Members: Deputy Mayor Brosnan, Councillors Boag, Chrystal, Mawson, McGrath, Price, Simpson [*Zoom*], Tapine, Taylor [*Zoom*] and Wright

In Attendance Chief Executive (Steph Rotarangi)
Deputy Chief Executive/ Executive Director Corporate Services (Adele Henderson)
Executive Director City Services (Lance Titter)
Executive Director City Strategy (Richard Munneke)
Executive Director Infrastructure Services, (Debra Stewart)
Acting Executive Director Community Services (Darran Gillies)
Acting Director Programme Delivery (Jamie Goodsir)
Manager Communications and Marketing (Julia Atkinson)
Pou Whakarae (Mōrehu Te Tomo)
Chief Financial Officer (Caroline Thomson)
Investment and Funding Manager (Garry Hrustinsky)

	Accounting Manager (Talia Foster) Manager Business and Tourism (Steve Gregory) Senior Project Manager (Drew Brown) MTG Director (Laura Vodanovich)
Via Zoom Link	Team Leader Governance (Helen Barbier) Māori Partnership Manager - Te Kaiwhakahaere Hononga Māori (Beverley Kemp-Harmer) Māori Partnership Manager - Te Kaiwhakahaere Hononga Māori (Hilary Prentice)
Administration	Governance Advisors (Carolyn Hunt and Anna Eady)

Karakia

The elected members opened the meeting with a karakia.

Apologies

COUNCIL RESOLUTION

Dep. Mayor Brosnan / Councillor Mawson

That apologies for absence from Councillors Browne and Crown and an apology for lateness from Councillor Tapine be accepted.

Carried

Conflicts of interest

Nil

Public forum

Nil

Announcements by the Mayor

Matariki Celebrations – Mayor Wise acknowledged and thanked those responsible for hosting and participating in the Matariki Celebrations held from 18-25 June 2022. The free whānau events were enjoyed by the public and Matariki was a very successful and fun event.

World Cup of New Zealand Cities – Today FM are looking for the Best City in New Zealand with 16 cities competing. The competition will be run as a round robin and Napier is facing Whangarei first. The winning city will be the one with the most votes on the final day. Everyone was encouraged to go online or text 3920 and vote for Napier as the best city.

Announcements by the management

Nil

AGENDA ITEMS

1. ADOPTION OF THE 2022/23 ANNUAL PLAN

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1474873
<i>Reporting Officer/s & Unit:</i>	Adele Henderson, Deputy Chief Executive / Director Corporate Services Caroline Thomson, Chief Financial Officer

1.1 Purpose of Report

To adopt the 2022/23 Annual Plan in accordance with section 95 of the Local Government Act 2002, noting the changes to budgets since Council last considered the development of the Annual Plan on 30 May 2022.

At the meeting

The Chief Financial Officer, Ms Thomson spoke to the report advising that the Annual Plan included an average increase in rates of 9.8% for 2022/23, which is under the cap of 10.4% set out in the Long Term Plan.

As a result of the submission process and subsequent Council hearings the Council Project Fund was increased by \$100,000 and a one off grant increase of \$50,000 was made to the Mitre10 Sports Park Trust.

The Capital Plan was adjusted to bring in \$29m of unspent capital budget from 2021, \$20.3m was rephased from 2022/23 into the following two years, bringing the total capital plan for 2022/23 to \$99.4m compared to \$72.3m projected in the Long Term Plan.

The Annual Plan will not meet Section 100 of the Local Government Act 2002, which is to provide a balanced budget and this is mainly due to the impact of COVID-19 on revenue received through tourism facilities. It is also in line with the projected unbalanced budget profile set out in the Long Term Plan. All other financial benchmarks have been met.

Risks for the delivery of the Annual Plan included:

- the Capital Plan may not be delivered in full given COVID-19 and global supply chain issues.
- the inflation on costs will be higher than budgeted.
- There are a number of unbudgeted items that have been identified that may arise in the coming year; and
- a risk of unknown infrastructure issues that have not been factored into the budgets.

The Annual Plan document did not include the Statement of Cash Flows and a revised copy was tabled at the meeting.

Councillor Tapine joined the meeting at 9.38am

In response to questions it was noted:

- There are a number of reform programmes occurring in New Zealand at the moment (Three Waters Reform, Resource Management Act and Local Government reforms) and these are deemed to be reform portfolios in the Annual Plan.
- In relation to unbudgeted items and forecasting costs over the next ten years there are a number of unfunded items that are quite varied in their approach making it difficult to quantify the values at this time.
- Note that Council has ways of managing risk and officers will continue to bring items back with forecasts, however in regard to producing a report at this time multiple variables would need to be considered.
- Final documentation for the Infrastructure Acceleration Fund of \$12.35m for Maraenui is near completion and the documentation will come back to Council.
- Council has received acknowledgement that it has been successful in its \$700,000 application to the Tourism Infrastructure Fund however, the paperwork has yet to be completed.

The Chair suspended Standing Orders 21.5 and 21.6 to enable all members to speak to the motion.

At the meeting Councillors reluctantly agreed to approve the 9.8% rate increase although there was concern that rate rises of this size in the future would not be sustainable for many in the community and would likely cause significant hardship.

The Chair agreed to put Parts a, c, d and e of the recommendation and Part b separately

.

COUNCIL Mayor Wise / Dep. Mayor Brosnan
RESOLUTION

That Council:

- a. **Note** that the Annual Plan 2022/23 has been developed in accordance with the requirements of the Local Government Act 2002, but does not meet the requirements of section 100(i) (balanced budget).
- c. **Adopt** the Annual Plan 2022/23 (Doc Id 1476689)
- d. **Delegate** responsibility to the Chief Financial Officer to approve any final edits required to the Annual Plan and supporting information in order to finalise the documents for uploading online and physical distribution.
- e. **Direct** Officers to comply with section 95 (7) of the Local Government Act 2002 and make the Annual Plan publicly available.

Carried

**COUNCIL
RESOLUTION**

Mayor Wise / Dep. Mayor Brosnan

- b. **Adopt** the Schedule of Fees and Charges for 2022/23 (Doc Id 1473209) to take effect from 1 July 2022.

Carried

Councillor McGrath voted AGAINST Part b.

Attachments

- 1 Update Annual Plan with Statement of Cash Flow included (Doc Id 1476689)

2. 2022/23 RATES RESOLUTION

Type of Report: Legal

Legal Reference: Local Government (Rating) Act 2002

Document ID: 1471768

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

2.1 Purpose of Report

To set rates for 2022/23 in accordance with the Local Government (Rating) Act 2002 and with the Funding Impact Statement.

At the meeting

The Investment and Funding Manager, Mr Hrustinsky advised that this was an administrative process to set rates for the 2022/23 year required under Section 23 of the Local Government Rating Act 2002 and follows on from the adoption of the Council's Annual Plan.

**COUNCIL
RESOLUTION**

Dep. Mayor Brosnan / Councillor Mawson

That Council:

- a. **Resolve** that the Napier City Council set the following rates under the Local Government (Rating) Act 2002, on rating units in the city for the financial year commencing on 1 July 2022 and ending on 30 June 2023, and that all such rates shall be inclusive of Goods and Services Tax (GST).

(A) GENERAL RATE

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

Differentials	Group / Code	Differential Rate	General rate-cents in the dollar on Land Value
Residential / Other former Residential	11	100%	0.40332
Residential / Other former Commercial	12	100%	0.40332
Residential / Other former Miscellaneous	13	100%	0.40332
Residential / Other former Ex City Rural	14	87.82%	0.35421
Residential / Other former Other Rural	15	87.82%	0.35421
Residential / Other former Bay View	16	90.93%	0.36675
Commercial & Industrial former Residential	21	260%	1.04862
Commercial & Industrial	22	262.70%	1.05950
Commercial & Industrial former Miscellaneous	23	206.67%	0.83352
Commercial & Industrial former Other Rural	25	194.49%	0.78441
Commercial & Industrial former Bay View	26	197.60%	0.79695
Rural former Miscellaneous	33	90%	0.36299
Rural former Ex City Rural	34	77.82%	0.31387
Rural former Other Rural	35	77.82%	0.31387

Rural Residential former Residential	41	93.33%	0.37643
Rural Residential former Miscellaneous	43	93.33%	0.37643
Rural Residential former Ex City Rural	44	81.16%	0.32732
Rural Residential former Other Rural	45	81.16%	0.32732
Rural Residential former Bay View	46	84.27%	0.33986

(B) UNIFORM ANNUAL GENERAL CHARGE

A Uniform Annual General Charge of \$433.00 per separately used or inhabited part of a rating unit for all rateable land set under Section 15 of the Local Government (Rating) Act 2002.

(C) WATER RATES

1. Fire Protection Rate

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

Fire Protection Rate Differential Description (cents per dollar of Capital Value)	Connected to water Supply System	Not connected but within 100m of water Supply System
Central Business District and Fringe Area	0.01796	0.00898
Suburban Shopping Centres, Hotels and Motels and Industrial rating units outside of the CBD	0.00898	0.00449
Other rating units connected to or able to be connected to the water supply systems	0.00449	0.00225

2. Water Rate

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

Description	Amount
Rating units connected to the City Water Supply System	\$217.00
Rating units not connected but able to be connected to and within 100m of the City Water Supply System	\$108.50

3. Water by Meter Rate

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

	Water Meter Rate per cubic metre
Non-Domestic Supplies Napier City(\$/m ³)	\$0.67327
Metered Domestic and Other Supplies (\$/m ³)	\$1.20711

4. Stormwater Rate

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

Rural properties are exempted.

The differential categories for Stormwater Rates are:

Differentials	Cents per dollar of Capital Value
Residential / Other	0.02623
Commercial & Industrial	0.06819
Rural Residential	0.02623

5. Sewerage Rate

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

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

Differentials	Connected	Not connected but within 30m
Rating units connected to or able to be connected to the Sewerage System	\$333.00	\$166.50

6. Bay View Connection Rate

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

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

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

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

The rate to apply for 2022/23 is \$941.35

(D) REFUSE & RECYCLING

1. Refuse Collection and Disposal Rate

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

RATE

1	2	3
COLLECTION PER WEEK	COLLECTIONS PER WEEK	COLLECTIONS PER WEEK
\$170.00	\$340.00	\$510.00

Rating units which Council officers determine are unable to practically receive the Council service and have an approved alternative service will be charged the waste service charge that excludes the approved alternative service.

2. Kerbside Recycling Rate

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

Charge per separately used or inhabited part of a rating unit	\$94.00
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Rating Units which Council officers determine are unable to practically receive the Council service and have an approved alternative service will be charged the recycling service charge that excludes the approved alternative service.

(E) VEHICLE LEVY

1. Inner City Vehicle Levy

A targeted rate, previously known as the CBD Off Street Parking Rate, provides funding for additional off street car parking in the Central Business District set under Sections 16 & 17 of the Local Government (Rating) Act 2002 on a differential basis on the rateable land value, to apply to rating units in the Central Business District. The rate to apply to the Differential Groups is as follows:

Description	Cents in the dollar on Land Value
Properties where council provides additional parking due to the property receiving a 100% levy.	0.05241
Properties where council provides additional parking due to the property receiving a 50% levy.	0.02621

2. Taradale Vehicle Levy

A targeted rate, previously known as the Taradale Off Street Parking Rate, provides funding for additional off street car parking in the Taradale Shopping and commercial area and to maintain existing off street parking areas in Taradale, set under Section 16 of the Local

Government (Rating) Act 2002 as a rate in the dollar on Land Value on rating units in the Taradale Commercial and Shopping Area as follows:

Description	Cents in the dollar on Land Value
Taradale Vehicle Levy	0.06380

3) Suburban Vehicle Levy

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

Description	Cents in the dollar on Land Value
Suburban Vehicle Levy	0.06380

(F) PROMOTION RATES

1. CBD Promotion Rate

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

Description	Cents in the dollar on Land Value
Properties in the CBD Promotion Rate area	0.12290

2. Taradale Promotion Rate

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

Description	Cents in the dollar on Land Value
Properties in the Taradale Promotion Rate area	0.12939

(G) OTHER RATES AND CHARGES

1. Swimming Pool Safety Rate

A targeted rate to fund the cost of pool inspections and related costs, set under Section 16 of the Local Government (Rating) Act 2002, as a fixed amount on every rating unit where a swimming pool or small heated pool (within the meaning of the Building (Pools) Amendment Act 2016) is located, of \$65 per rating unit.

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

That rates other than water by meter charges are due and payable in four equal instalments. A 10% penalty will be added to any portion of rates (except for Water by Meter) assessed for the 2022/23 rating year that remains unpaid after the relevant instalment date. The respective penalty dates are shown in the following table as provided for in section 57 and 58(1)(a) of the Local Government (Rating) act 2002

Instalment	Due date	Penalty Date
1	17 August 2022	17 August 2022
2	16 November 2022	16 November 2022
3	15 February 2023	15 February 2023
4	17 May 2023	17 May 2023

Any portion of rates assessed in previous years (including previously applied penalties) which remains unpaid on 30 July 2022 will have a further 10% added, firstly on 31 July 2022, and if still unpaid, again on 31 January 2023.

3. Water Rates

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

Metered Water Supply rates are due for payment as follows:

Instalment	3 monthly invoicing Due Date	Penalty date
1	20 July 2022	26 July 2022
2	20 October 2022	26 October 2022
3	20 January 2023	26 January 2023
4	20 April 2023	26 April 2023
Period Ending	Annual invoicing Due Date	Penalty date

30 June 2022	20 July 2022	21 July 2022
30 June 2023	20 July 2023	21 July 2023

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

Any portion of water rates assessed in previous years (including previously applied penalties) which are unpaid by 30 July 2022 will have a further 10% added, firstly on 31 July 2021, and if still unpaid, again on 31 January 2023.

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

Carried

3. NOTICE OF MOTION - REVOCATION OF AQUATIC REDEVELOPMENT RESOLUTIONS

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1475037
<i>Reporting Officer/s & Unit:</i>	Adele Henderson, Deputy Chief Executive / Director Corporate Services Darran Gillies, Acting Executive Director Community Services Steph Rotarangi, Chief Executive

3.1 Purpose of Report

A Notice of Motion (NOM) has been received to revoke the Aquatic Redevelopment resolutions that were adopted at the Council meeting on 10 March 2022. The NOM includes new proposed replacement resolutions. The purpose of this report is to provide further information to assess the NOM against requirements and allow for further debate.

At the meeting

The Chief Executive, Dr Rotarangi took the report as read and advised that officers agree that new resolutions are required as there is no ability to complete the previous resolutions within the timeframe. It is also noted that the Notice of Motion was required to be assessed against the provisions of the Local Government Act 2002 Sections 77-82 and the Notice of Motion did not strictly meet all of those requirements. There are future decision points that can be covered off when further information has been provided.

Officers recommended some changes to the Notice of Motion recommendations with respect to finding cost efficiencies and requesting that design be included as this will be the key to assessing costs.

The following recommendations contained in the Notice of Motion were replaced with alternative recommendations:

-
- a) *Note Council views the current cost estimates of the new Aquatic Centre as prohibitive and wishes to explore options to reduce costs*
 - b) *Direct Council Officers to establish a procurement pathway to move quickly to avoid escalating costs and construction delays*
 - c) *Note that an LTP amendment will be required to make progress ahead of 2024*
 - d) *Direct Council Officers to present a timeline to construction including procurement pathway and consultation milestones to council*
 - e) *Note the importance of developing an appropriate and robust consultation process covering cost and location*

The alternative recommendations were displayed on the screen.

Any amendments to the recommendations must comply with Council's Standing Orders, in particular SO 27.4 which would require the mover of the motion to make any changes.

Councillor and officer comments included:

- This Council could not make a commitment for an incoming Council but note that this project is a priority but no specific timelines can be included for a future Council.
- Officers will come back with an estimate on what the cost for this replacement resolution would be.
- This resolution would not have any additional costs as it is similar to the original pathway resolved in March. The two phase process and programming are relatively similar overall.
- The Aquatic Centre was removed from the Long Term Plan and the implications for the LTP and ability to meet a balanced budget over the next ten years requires that revenue equals expenditure. If Council determines it would like to include an Aquatic Centre as part of the Long Term Plan it will need to increase rates to service the loans to meet balanced budget requirements.
- The resolution does not commit Council to including the Aquatic Centre redevelopment in the Long Term Plan, that can only be achieved through a Long Term Plan or amendment process.
- A Councillor commented that an itemised list of expenditure amounting to \$2m has been made on a project that has not started and this does not include the \$4-\$8m that has been put into maintaining the current facility due to the delays.
- A second report has been received on the Onekawa site to ensure that the issues were known. The report received clearly set out problems and issues with that site.

The Chair suspended Standing Orders 21.5 and 21.6 to enable all members to speak to the motion.

It was acknowledged that this had been a long drawn out process and everyone was frustrated, however this was an important asset and investment for the community and Council needed to get it right. The Aquatic Centre redevelopment is a priority for Council but balance must be maintained against prudent spending and ensure the project is affordable for the community.

*The meeting adjourned at 10.44am and
reconvened at 10.55am*

Due to a procedural issue regarding Standing Order 27.4 Mayor Wise as the mover of the Motion, withdrew the original Motion and substituted it with the Motion below which

included the additional words “for both locations” in Part (e)ii. This modification was to acknowledge the debate t in regard to location.

COUNCIL Mayor Wise / Dep. Mayor Brosnan

RESOLUTION That Council:

- a) **Receives** the Notice of Motion dated 14 June 2022 which seeks to revoke and replace the existing Aquatic Redevelopment resolutions of the full Council dated 10 March 2022;
- b) **Agrees** to revoke the existing Aquatic Redevelopment resolutions of the full Council dated 10 March 2022;
- c) **Rejects** the Proposed Replacement Resolutions set out in the Notice of Motion dated 14 June 2022;
- d) **Agrees** to make modified replacement resolutions for the revoked 10 March 2022 resolutions
- e) **Note** Council’s concerns in relation to the current cost estimates of the new Aquatic Centre2.
- f) **Direct** Officers to explore options to reduce costs including new design options for both locations (Onekawa and Prebensen Drive) and report back as part of developing an updated procurement pathway.
- g) **Note** that an LTP amendment will be required to make progress ahead of 2024.
- h) **Direct** Council Officers to present a timeline to construction including procurement pathway and consultation milestones to council.
Note the importance of developing an appropriate and robust consultation process covering cost and location.

Carried

Councillor Wright voted AGAINST the Motion.

4. QUARTERLY REPORT FOR THE 9 MONTHS ENDED 31 MARCH 2022

Type of Report: Enter Significance of Report

Legal Reference: Enter Legal Reference

Document ID: 1467618

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

4.1 Purpose of Report

To consider the Quarterly Report for the nine months (*Doc Id 1473297*) ended 31 March 2022.

At the meeting

The Chief Financial Officer, Ms Thomson spoke to the report advising that the year to date net operating deficit of \$1.7m for the year ended 31 March 2022 was \$5.4m favourable to the budgeted deficit of \$7m. The key points to note are that revenue from financial and development contributions is higher than budget by \$2m, subsidies and grants above budget by \$2.5m, other revenue is \$2.5m lower than budget due to the impact of COVID-

19 on the tourism and parking activities and the depreciation expense is \$1.9m lower than budget year to date.

Recent advice has been received of a delay in the Parklands Development due to some supply chain issues around asphalt and street lighting components which has resulted in the sale of all three stages that were scheduled for 2021/22 being moved now into 2022/23.

A year end forecast was presented to the Prosperous Napier Committee on 15 June 2022 which forecasted a rates deficit of approximately \$815,000 and a net operating deficit of approximately \$1.5m.

COUNCIL Councillors Wright / Tapine
RESOLUTION

That Council:

- a. **Receive** the Quarterly Report for the nine months ended 31 March 2022.

Carried

5. ELECTION HOARDING POLICY 2022

Type of Report: Operational and Procedural

Legal Reference: Local Electoral Act 2001

Document ID: 1469725

Reporting Officer/s & Unit: Helen Barbier, Team Leader Governance

5.1 Purpose of Report

The purpose of this report is to present the new Election Hoarding Policy for adoption.

At the meeting

The Team Leader Governance, Ms Barbier spoke to the report and advised that an amendment to the Local Electoral (Advertising) Amendment Bill regarding concerns around candidate safety has resulted in the Local Electoral Act 2001 being amended. The amendment enabled candidates to now include email addresses, PO Box or phone numbers, or links to an internet page to be used instead of their residential or business address to electoral advertising and

COUNCIL Councillors Mawson / Chrystal
RESOLUTION

That Council:

- a. **Adopt** the Election Hoarding Policy 2022, with modifications as required by the amended Local Electoral Act 2001.

Carried

PUBLIC EXCLUDED ITEMS

COUNCIL RESOLUTION

Councillors Mawson / Boag

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

Carried

Agenda Items

1. Hawkes Bay Museum Trust - Joint Working Group Recommendation

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

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

Agenda Items

1. Hawkes Bay Museum Trust - Joint Working Group Recommendation	7(2)(a) Protect the privacy of natural persons, including that of a deceased person	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under
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		Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
2. Investment	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.

*The meeting adjourned at 11.08am and reconvened
in Public Excluded at 11.10am*

The meeting closed with a karakia at 12.20pm

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

Chairperson

Date of approval