



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

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# SUSTAINABLE NAPIER COMMITTEE

## Open Agenda

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Meeting Date:	Thursday 22 October 2020
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Time:	10am
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Venue:	Large Exhibition Hall Napier War Memorial Centre Marine Parade Napier
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Committee Members	Mayor Wise, Councillor Price (In the Chair), Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Mawson, McGrath, Simpson, Tapine, Taylor and Wright
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Officers Responsible	Director Infrastructure Services, Director City Strategy
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Administration	Governance Team
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**Next Sustainable Napier Committee Meeting**  
**Thursday 3 December 2020**

# ORDER OF BUSINESS

## Apologies

Councillor Taylor

## Conflicts of interest

## Public forum

Nil

## Announcements by the Mayor

## Announcements by the Chairperson 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

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

That the Minutes of the Sustainable Napier Committee meeting held on Thursday, 10 September 2020 be taken as a true and accurate record of the meeting. ....12

## Agenda items

- 1 Lease of Reserve - Pacific Surf Lifesaving Club Incorporated .....3
- 2 Lease of Reserve - Central Football Federation .....7

**Public excluded** .....11

# AGENDA ITEMS

## 1. LEASE OF RESERVE - PACIFIC SURF LIFESAVING CLUB INCORPORATED

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Reserves Act 1977
<i>Document ID:</i>	965852
<i>Reporting Officer/s &amp; Unit:</i>	Bryan Faulknor, Manager Property Jenny Martin, Property and Facilities Officer

### 1.1 Purpose of Report

To obtain Council approval for a ground lease renewal and lease variation for the Pacific Surf Lifesaving Club Incorporated relating to their Clubrooms on Marine Parade. The lease variation relates to a request to carry out a cafe type operation.

#### Officer's Recommendation

The Sustainable Napier Committee:

Recommend Council approve:

- i. A lease renewal, pursuant to Section 54(1)(d) of the Reserves Act, for a further ten years from 1 November 2020 for the Pacific Surf Lifesaving Club Incorporated for their Clubrooms on Marine Parade.
- ii. A variation to the lease, pursuant to Section 114 of the Reserves Act, to allow the Pacific Surf Lifesaving Club to sell coffee and other non-alcoholic beverages, ice creams and similar products, and finger food and snacks from its clubrooms.
- iii. That the variation is subject to the club obtaining all necessary consents, approvals or permits which may be required.

### 1.2 Background Summary

The Pacific Surf Lifesaving Club provides an essential community service and has over a number of decades been a responsible lessee of the land on which its clubrooms are located on the Marine Parade.

The current ten- year ground lease is due for renewal on 1 November 2020 and allows for a right of renewal for a further ten years.

As part of the renewal, the Club has requested a variation to the lease to enable it to sell coffee and other non-alcoholic beverages, ice creams and similar products, and finger food and snacks from its Clubrooms as a means of raising funds. The existing lease specifies that the use of the land is for a "surf lifesaving training and patrol facility". The additional proposed activity is therefore a variation to the existing lease.

The Club propose to upgrade the kitchen to a commercial standard, although there will be no commercial cooking done on the premises, and to provide access to the deck so the public can “enjoy the view with their coffee”. Coffee is to be sold from an automatic coffee machine. Ice cream, ice blocks, drinks, snacks and food will be purchased and on-sold. The existing toilets, including a disabled person’s toilet, will be upgraded to enable public use. The Club will apply for all necessary building permits/consents.

The benefits to the Club from this variation are:

- Raising funds
- Work experience and employment for young members
- Utilising the building better as a community hub

The club anticipates that they will only be open for a few days a week and possibly closed for much of the winter.

The lease area is shown on the attached aerial plan outlined in orange.

Section 114 of the Reserves Act allows the terms of a lease to be varied by a memorandum of variation signed by both parties. Should approval be granted then it is proposed to incorporate the renewal and variation into a ‘deed of renewal and variation’ for signing by both parties.

The current lease also allows the club to sub-let part of the site with Council’s consent.

In 2010 Council authorised the operation of a cycle hire business from part of the clubhouse. This sublease has been formalised through the operator of the cycle hire business entering into a direct agreement (Deed of Covenant) with Council. Under this agreement the operator agrees to abide by the provisions of the head lease and also agrees to comply with any additional requirements specific to that operator. The club is also a party to the agreement.

### **1.3 Issues**

There are two commercial business in close proximity to the Clubrooms. These are Magnet Café and the Ocean Spa Café. There is the possibility that the proposed activity may affect their businesses. Magnet Café however, also operates on the Marine Parade Reserve under a lease.

### **1.4 Significance and Engagement**

Not applicable

### **1.5 Implications**

#### **Financial**

There are no costs to Council for this proposal. Legal costs to vary to the lease are paid by the Club.

#### **Social & Policy**

The Club provides an essential community service and this is a way to improve safety with lifeguards being at the beach on call by operating the café and not having to seek alternative employment.

#### **Risk**

Not applicable.

## 1.6 Options

The options available to Council are as follows:

- a. To approve both a lease renewal and a variation to the lease to enable the Pacific Surf Lifesaving Club to sell coffee and other products to the public from its Clubrooms on Marine Parade.
- b. To approve a lease renewal only on the same terms as the current lease and not approve the variation to enable the additional use of the land.

## 1.7 Development of Preferred Option

Option (a) is the preferred option as it both renews the lease and gives the Club another avenue to raise funds.

The proposed additional activity is allowable under the Act provided a variation to the lease is approved.

## 1.8 Attachments

- A Pacific Surf Lifesaving Club Inc [↓](#)



## 2. LEASE OF RESERVE - CENTRAL FOOTBALL FEDERATION

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Reserves Act 1977
<i>Document ID:</i>	1247410
<i>Reporting Officer/s &amp; Unit:</i>	Bryan Faulknor, Manager Property Jenny Martin, Property and Facilities Officer

### 2.1 Purpose of Report

To obtain Council approval to enter into a new lease with the Central Football Federation for the land and building occupied at Park Island under Section 54(1)(b) of the Reserves Act 1977 for a term of five years with two, two year rights of renewal.

#### Officer's Recommendation

The Sustainable Napier Committee:

- a. Recommend Council agree to enter into a new lease with the Central Football Federation for the land and building occupied at Park Island under Section 54(1)(b) of the Reserves Act 1977 for a term of five years with two, two year rights of renewal.

### 2.2 Background Summary

The Central Football Federation is the governing body under NZ Football to service Taranaki, Wanganui, Manawatu, Hawke's Bay and Gisborne.

In 2013 Council entered into a Memorandum of Understanding with the Central Football Federation to provide a suitable building for their use as a base of operations. A lease was subsequently approved and signed for a five year term.

The initial lease has expired and it is now prudent to enter into a new lease to provide some certainty for both the Federation and Council.

Following discussions with the Federation it is proposed that a new lease be entered into for five years with two, two year rights of renewal. It is also proposed that the rent be set by valuation with a 30% discount which takes into account both the commercial activities of the Federation but still acknowledges the economic and social benefits to the City of Napier that football provides and is in line previous agreements. The rent level also reflects that Council constructed and owns the building.

The proposed lease area is shown on the attached aerial plan outlined in orange.

### 2.3 Issues

There are no issues.

### 2.4 Significance and Engagement

Not applicable.

## 2.5 Implications

### Financial

As mentioned it is proposed that a discounted market rent will be charged.

### Social & Policy

Council support of sports contributes to community wellbeing and recognises the social good that arises from having our community active.

### Risk

There is no risk to Council.

## 2.6 Options

The options available to Council are as follows:

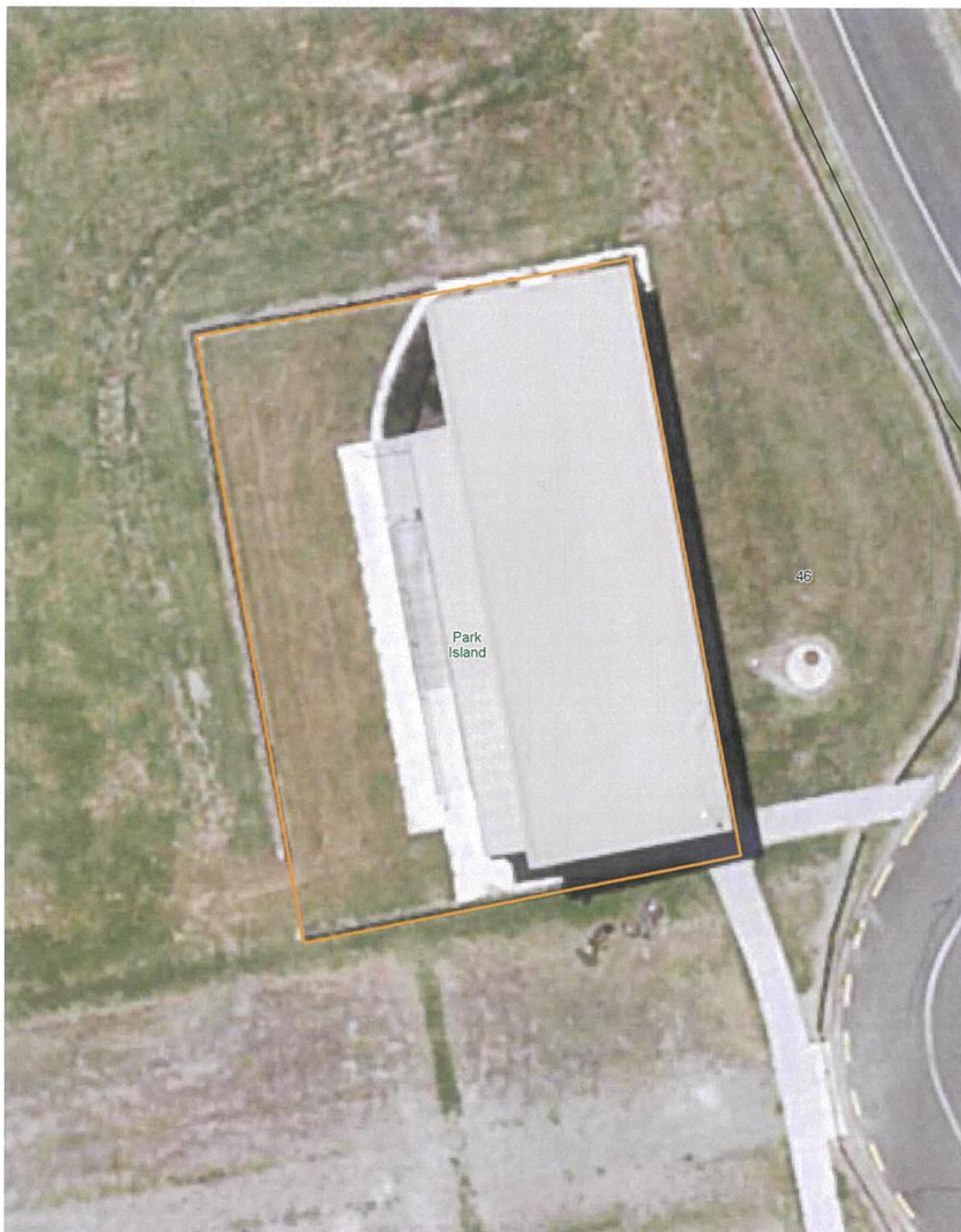
- a. To enter into a new ground lease with the Central Football Federation for the land and building occupied at Park Island under Section 54(1)(b) of the Reserves Act 1977 for a term of five years with two, two year rights of renewal.
- b. To not enter a new ground lease with the Central Football Federation for the land and building occupied at Park Island.

## 2.7 Development of Preferred Option

Option (a) is the preferred option to allow certainty to both the Federation and Council.

## 2.8 Attachments

- A Central Football Federation lease area [↓](#)
- B Aerial map of Park Island showing lease area [↓](#)



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Original Sheet Size A4  
Print Date: 24/09/2020

### Central Football Federation lease area

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



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Print Date: 6/10/2020

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# PUBLIC EXCLUDED ITEMS

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

## AGENDA ITEMS

1. Museum Collection Storage Facility

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.
1. Museum Collection Storage Facility	<p>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</p> <p>7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities</p> <p>7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist:</p> <p>(i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.</p>

# SUSTAINABLE NAPIER COMMITTEE

## Open Minutes

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Meeting Date:	Thursday 10 September 2020
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Time:	10am-10.21am
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Venue	Large Exhibition Hall War Memorial Centre Marine Parade Napier
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Livestreamed via Zoom to Council's Facebook page

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Present	Mayor Wise, Councillor Price (In the Chair), Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Mawson, McGrath, Simpson, Tapine, Taylor and Wright
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In Attendance	Interim Chief Executive, Director Corporate Services, Director Community Services, Director City Strategy, Manager Asset Strategy, Manager Communications and Marketing, Manager Community Strategies, Marketing Manager
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Administration	Governance Team
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## Apologies

Nil

## Conflicts of interest

Nil

## Public forum

Nil

## Announcements by the Mayor

Nil

## Announcements by the Chairperson including notification of minor matters not on the agenda

Nil

## Announcements by the management

Nil

## Confirmation of minutes

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Councillor Mawson / Deputy Mayor Brosnan

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That the Minutes of the meeting held on 30 July 2020 were taken as a true and accurate record of the meeting.

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Carried

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Councillors Chrystal / Taylor

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That the Minutes of the meeting held on 6 August 2020 were taken as a true and accurate record of the meeting.

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Carried

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# AGENDA ITEMS

## 1. COMMUNICATION AND ENGAGEMENT STRATEGY - ALL WATERS

Type of Report:	Operational
Legal Reference:	Local Government Act 2002
Document ID:	960322
Reporting Officer/s & Unit:	Natasha Mackie, Manager Community Strategies

### 1.1 Purpose of Report

This report provides the Communication and Engagement Strategy which provides a framework for all communication and engagement approaches and activities associated with Council's water programme, both capital and operational for the next two years.

#### At the Meeting

The Manager Community Strategies spoke to the report, providing a brief overview of the steps taken to date and highlighting the keys areas of the strategy. The Marketing Manager provided a short presentation on the brand visuals and how this will look for the community (refer **Appendix A**). Councillors were also shown the information now available on Council's website at <https://www.napier.govt.nz/services/water-2/water-projects/>.

It was noted that the strategy focuses on everything that Council is doing in the water space, not just major projects.

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

- The strategy includes projects that are currently underway. Other projects will be coming in and out of the framework and these will be included in the strategy once initiated.
- Council officers intend to develop a Māori Stakeholder Engagement Plan to work alongside the strategy.
- It was noted that 'Water we're on it.' is a relatable statement which simply says to the community that Council is taking action in this space, and is in response to the key feedback from elected members that Council needs to demonstrate to the community that they are actually doing something.

#### Committee's recommendation

Councillors Simpson / Crown

The Sustainable Napier Committee:

- Approve the All Waters Communication and Engagement Strategy for implementation.

Carried

The meeting closed at 10.21am.

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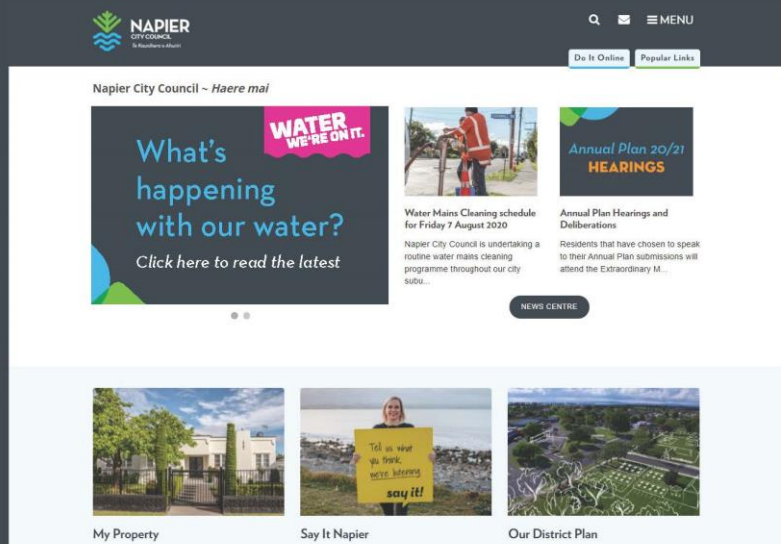
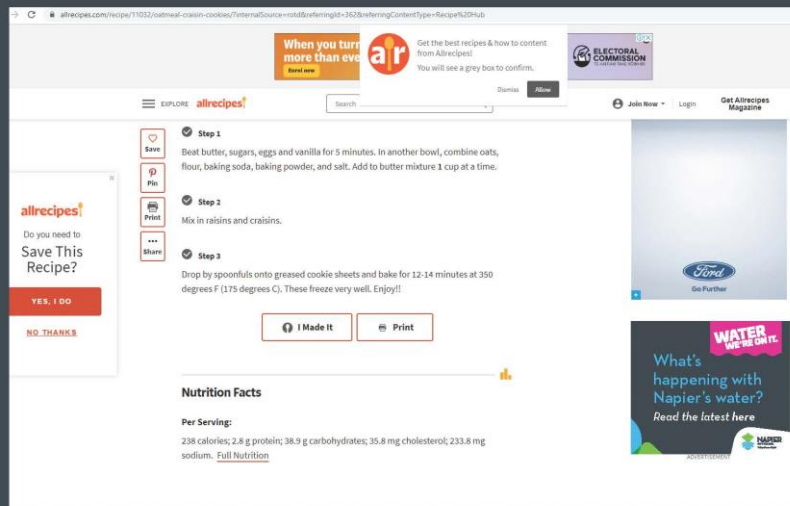
Approved and adopted as a true and accurate record of the meeting.

Chairperson .....

Date of approval .....

Appendix A





**WATER**  
WE'RE ON IT.

# Tamatea/Parklands Controlled Water Area Project

## INSTALLING WATER VALVES

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

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