

# MĀORI COMMITTEE

## Open Agenda

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Meeting Date: Friday 3 September 2021

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Time: 9.00am

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

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Livestreamed via Council's Facebook site

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Committee Members Ngāti Pārau Hapū Trust – Chad Tareha (In the Chair)  
Mayor Kirsten Wise  
Maungaharuru-Tangitū Trust – Robbie Paul  
Maraenui & Districts Māori Committee – Adrienne Taputoro  
Māngai ā-Hapori - Renee Brown  
Māngai ā-Hapori – Rapihana Te Kaha Hawaikirangi

Mana Ahuriri Trust – Vacant  
Te Taiwhenua o Te Whanganui-a-Orotū - Vacant  
Pukemokimoki Marae – Vacant

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

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Administration Governance Team

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**Next Māori Committee Meeting**  
**Friday 15 October 2021**

# ORDER OF BUSINESS

## Karakia

## Apologies

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## Public forum

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### **Updates from Partner Entities**

Ngāti Pārau Hapū Trust – Chad Tareha

Maraenui and Districts Māori Committee – Adrienne Taputoro

Napier City Council – Mayor Kirsten Wise

Maungaharuru-Tangitū Trust – Robbie Paul

### **Updates from Māngai ā-Hapori**

Renee Brown

Rapihana Te Kaha Hawaikirangi

### **Update from Council Pou Whakarae**

### **General business**

### **Whakamutunga Karakia**

# AGENDA ITEMS

## 1. STREET NAMING - GREENSTONE DEVELOPMENT TE AWA

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1326190
<i>Reporting Officer/s &amp; Unit:</i>	Paul O'Shaughnessy, Principal Resource Consents Planner

### 1.1 Purpose of Report

To obtain Council approval for two new street names for the recently approved 'Greenstone' subdivision within the Te Awa Development Area.

#### Officer's Recommendation

The Māori Committee:

- a. Consider the use of Rangataiki and Whangaehu or Wai Whatu and Wai Orotū as the proposed street names for Stage 1 and 2 of the Greenstone subdivision within the Te Awa Development Area and provide Council with a recommendation as to the most appropriate choice.

### 1.2 Background Summary

On 16 December 2019 Council granted subdivision consent to Greenstone Land Developments Limited (Greenstone) which authorised the creation of 48-residential sites. The subject site comprised a total land area of 3.2ha and is located within Stage 2 of the Te Awa Structure Plan area. The attached aerial photograph indicates the overall location of the subdivision within the wider Te Awa Development Area.

The approval was based on a two-stage development, with stage 1 (the northern block) comprising 24-lots (Lots 25-48) accessed from Waimakariri Road via a new road/cul-de-sac which has been vested in Council. Stage 2 (southern block) also includes 24-lots (Lots 1-24) and is accessed via a new road/cul-de-sac also to be vested in Council and accessed from Kenny Road. Stage 1 is now complete and Section 224 certification was issued by Council on 2 July 2021. The issue of separate records of title for Stage 1 is now imminent.

The developer has requested that Council allocate street names for the two new roads which service stages 1 and 2 and has requested (in order of preference) the following:

- Motu
- Whangaehu
- Rangataiki

A copy of the approved subdivision scheme plan, which includes the two preferred street names is attached.

### 1.3 Issues

In April 2011, Council considered a strategy for street naming within the Te Awa Development Area and subsequently approved the attached list of street names for the Te Awa Structure Plan Area, an area located within the Main Residential zone. The street naming theme for the area was based on New Zealand rivers and to date 10 out of the 12 streets within the Te Awa Development Area have been named after New Zealand rivers, these being Aparima, Waimakariri, Clutha, Ruakituri, Manganui, Drake, Onyx, Kaituna, Hurunui and Arrow). The two remaining streets (Squire and Hunter) were named after a former Council Director of Engineering (Clive Squire) and two deceased family members of the developer of the first stage of the Te Awa Development Area.

The three names requested by Greenstone are New Zealand rivers. The Rangataiki River originates in northern Hawkes Bay, passing through Murapara and the western edge of Te Urewera National Park before discharging into the Bay of Plenty.

The Whangaehu River is a large river in the central north island with its headwaters being the Mount Ruapehu crater lake. The Whangaehu River was the scene of a railway accident when on 24 December 1953 a lahar destroyed a railway bridge at Tangiwai. An overnight express train subsequently entered the Whangaehu River and 151 people lost their lives.

The Motu River rises on the slopes of Maungahaumi on the southern side of the Raukumara Range south of Opotiki and discharges into the Bay of Plenty. Motu has been discounted as an option and it is not on the approved list of street names and has less significance to Hawke's Bay.

Rangataiki and Whangaehu are both on Council's approved list of street names for the Te Awa Development Area and are therefore considered suitable street names as follows:

- Stage 1-Rangataiki Place.
- Stage 2-Whangaehu Place.

### 1.4 Significance and Engagement

As part of consultation with mana whenua, Council's Te Waka Rangapū provided two alternative street names to that proposed by Mr Wilkins which have been endorsed by Council's Kaumatua Piri Prentice. These two alternative names are as follows:

- Stage 1-Wai Whatu.
- Stage 2-Wai Orotū.

'Whatu' is the abbreviation of Whatumamoa, who is the Principle Ancestor for Ahuriri and means the 'waters of Whatumamoa'.

'Orotū' is the abbreviation of Te Whanganui a Orotū *and is the son of Whatumamoa, the Principle Ancestor for Ahuriri and means the 'waters of Orotū'.*

The matter requires resolution as it has been a protracted exercise getting to this point through no fault from the developer. Therefore following a recommendation from the Māori Committee, the item is scheduled to be resolved at Council by passing the Future Napier Committee in an effort to be timely.

The formal request by the developer for street naming was made in February 2021, records of title have been issued for Stage 1 and building consent applications have been made to Council to develop sites within Stage 1 of the subdivision. In light of the above the developer is very eager for a decision to be made on this street naming proposal.

## 1.5 Implications

### Financial

The financial implications of street naming include minor administrative costs incurred by Council's GIS team and are covered in the fee paid to Council by the developer. The cost of erecting street signs, road markings, and street lights are costs incurred solely by the developer.

### Social & Policy

There are not considered to be any inherent social or policy implications in relation to the use of these two proposed street names and those two additional names provided by Council's Kaumatua.

### Risk

It is not considered that Council would be liable to any legal risk by the use of these proposed street names.

A search of 'google maps' shows that there is a Whangaehu Road in Porangahau (Central Hawkes Bay), but no replication of Whangaehu Place in New Zealand. A search also reveals no replication of the use of Rangataiki Place within New Zealand. To this end the use of these two street names is not considered to pose any risk of confusion for emergency services or network providers.

Research also indicates that there is no replication within Hawkes Bay or New Zealand in the use of Wai Whatu or Wai Orotū *as proposed street names*.

## 1.6 Options

The options available to Committee are as follows:

- a. Recommend the two proposed street names, Whangaehu and Rangataiki; or
- b. Recommend the two street names proposed by Council's Kaumatua, Wai Whatu and Wai Orotū.

## 1.7 Development of Preferred Option

The Rangataiki and Whangaehu Rivers are both on the list of rivers approved by Council in 2011. The developer has requested these two proposed street names and they both fit within the identified theme for the Te Awa Development Area.

The two alternative names provided by Council's Kaumatua are also considered appropriate given the support provided by Council's Kaumatua for their use and their direct relationship and importance to mana whenua and the wider City. These names are not included on Council's approved list of street names for the Te Awa Development Area approved in 2011, however Council do have the authority to override this decision and select alternative street names.

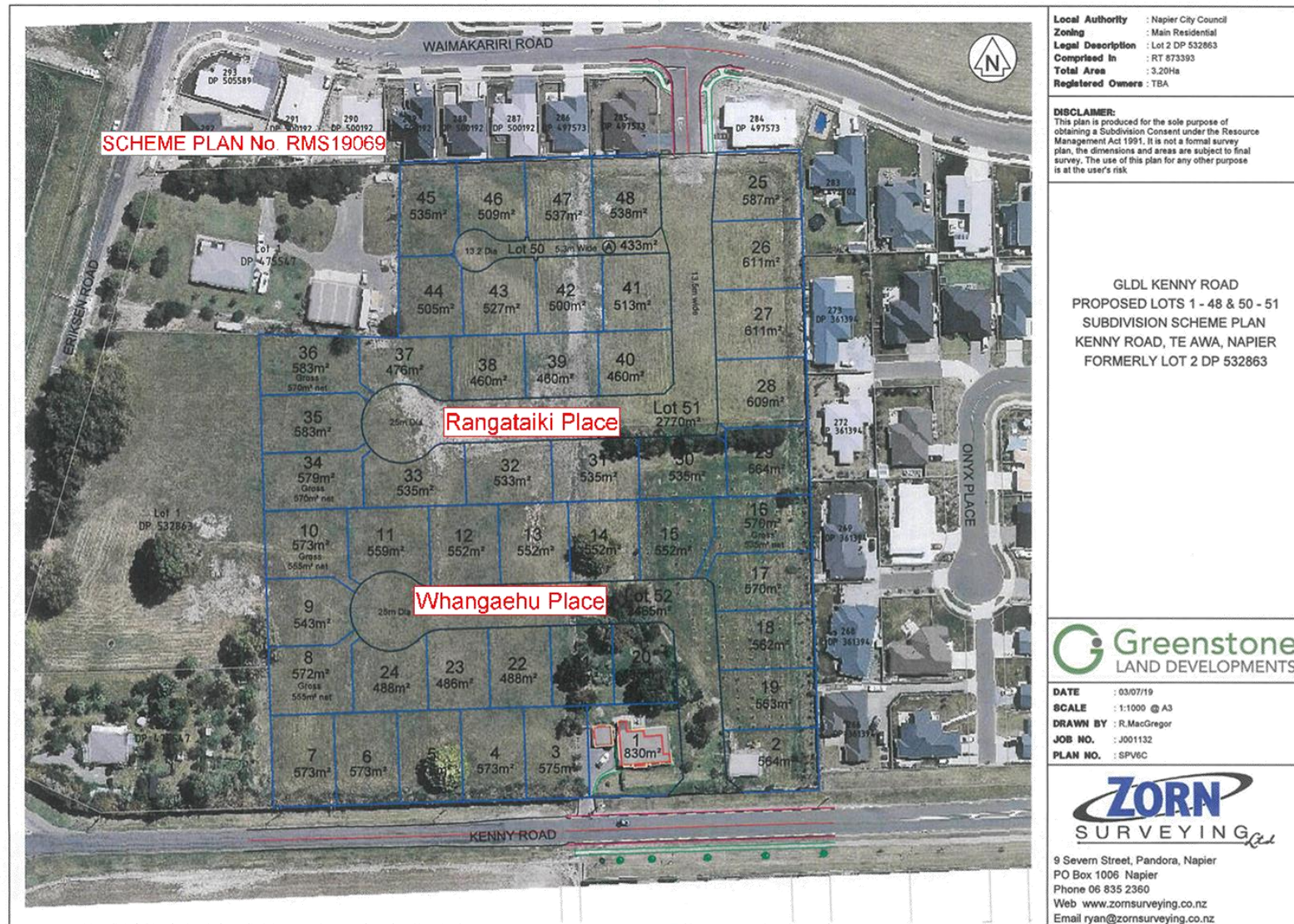
## 1.8 Attachments

- A Location Plan-Greenstone Subdivision [↓](#)
- B Approved Subdivision Scheme Plan and Proposed Street Names [↓](#)
- C Te Awa Development Area Street Names [↓](#)











## New Zealand Rivers

- 1 Clutha
- 2 Mataura
- 3 Waiau
- 4 Oreti
- 5 Rangataiki
- 6 Manawatu
- 7 Buller
- 8 Wairau
- 9 Whangaeahu
- 10 Waimakariri
- 11 Mokau
- 12 Patea
- 13 Hurunui
- 14 Turakina
- 15 Wairoa
- 16 Awatere
- 17 Mawhera
- 18 Rangitata
- 19 Aparima
- 20 Whakatane
- 21 Pomahaka
- 22 Orari
- 23 Karamea
- 24 Shotover
- 25 Hutt
- 26 Ruakituri
- 27 Manganui
- 28 Eglinton
- 29 Kaituna
- 30 Pike
- 31 Arrow
- 32 Awanui
- 33 Balfour
- 34 Bealey
- 35 Dobson
- 36 Drake
- 37 Eyre
- 38 Fox
- 39 Arahura
- 40 Moawhango
- 41 Waingawa
- 42 Waipa
- 43 Tarawera
- 44 Tairua
- 45 Piako
- 46 Onyx
- 47 Nuhaka
- 48 Mackenzie

## 2. THREE WATERS REFORM UPDATE

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Local Government Act 2002s
<i>Document ID:</i>	1370457
<i>Reporting Officer/s &amp; Unit:</i>	Adele Henderson, Director Corporate Services Russell Bond, Manager Water Strategy Mōrehu Te Tomo, Pou Whakarae

### 2.1 Purpose of Report

The purpose of this report is to update the Māori Committee on the Government Three Waters Reform programme. This report does not seek a decision, and is provided for information only, **and for the Committee to consider any questions and feedback it would like to provide as part of the Reform submission.** Government has provided for an 8-week consultation period on the proposal, with Councils being requested to respond by the end of September 2021.

#### Officer's Recommendation

The Māori Committee:

- A) Receive the report titled Three Waters Reform Update.
- B) Seek feedback and the questions that the Māori Committee may like responded to as part of the Central Government 3 Waters reform proposal.
- C) Note that Iwi engagement is being undertaken directly with Iwi as part of their Partnership obligations and will be considered separately by Central Government as part of their 8-week consultation period.
- D) That Napier City Council Māori Committee considers requesting to Central Government to attend a Hui-a-Iwi (Locally and Regionally) to discuss the work undertaken by Hawkes Bay to date. This allows the opportunity to discuss the options available to them as part of the reform consultation period.
- E) Note that under Governance Section 7, that Mana Whenua will be able to appoint 6 representatives from Entity C to be part the Regional Representation Group alongside 6 representatives from Local Authority representatives. (Entity C is made up of 21 Councils as noted under point 6.4 in the report)

### 2.2 Background Summary

- 1.1 The purpose of this report is to update the Committee on the Government Three Waters Reform programme. This report does not seek a decision, and is provided for information only. A formal Council decision on opting in or out of the Government Three Waters Reform Programme is not required at this stage.
- 1.2 In the coming months the Council will be required to decide on whether to support the Government's Three Waters Reform Programme. This decision will have a significant

impact on both the role that Councils plays in the community, Council staff and on Council's financial position.

- 1.3 The Government has provided an 8-week period for Councils to engage with and provide feedback on local impacts to the proposed reform package.
- 1.4 This report provides a summary of information available at this stage and next steps. Given the nature of this reform, absolute certainties of outcomes are not known at this time. Instead, the report highlights local and national features of the drivers for change, and some of the potential impacts of reform.

### **The proposed Three Waters Reform**

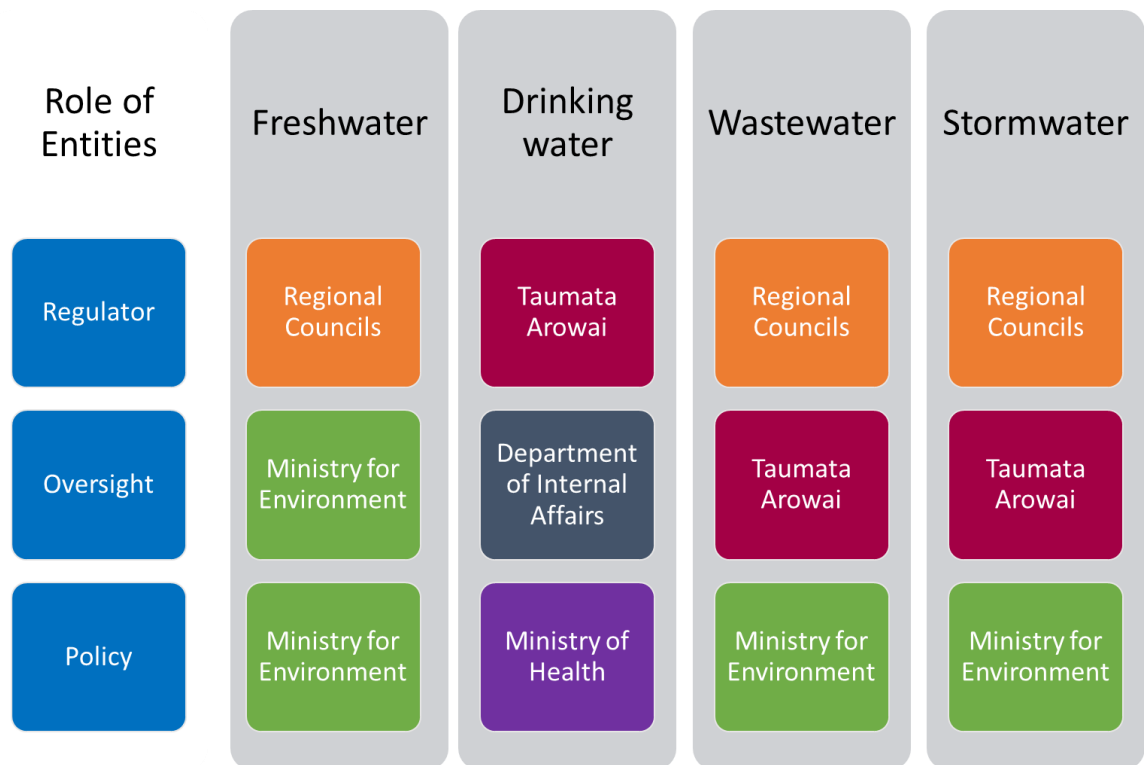
The Government is undertaking a reform to improve the regulation and supply arrangements of drinking water, wastewater and stormwater (Three Waters) supporting New Zealand's prosperity, health, safety and environment. The Government Three Waters Reform is a cross-government initiative led by the Minister of Local Government.

A Joint Three Waters Steering Committee has provided collaborative oversight of the reform programme that brings together central and local government expertise and experience.

The Governments Proposed Reform Programme as it was at December 2020. *It should be noted that Government has signalled that this the programme and timeframes is now under review due to the addition of a period of review and clarification between local and central government.*

## **2.0 Drinking Water Regulatory System**

- 2.1 The Water Services Bill gives Taumata Arowai the authority to prepare standards and rules with which water suppliers must comply. The Water Services Bill is currently with the select committee who are working through the submissions received.
- 2.2 When the Water Services Bill is passed, expected to be in the second half of 2021, Taumata Arowai will take over as the regulator of drinking water. Until then, the Ministry of Health remains the regulator of drinking water.
- 2.3 When Taumata Arowai is fully functionally, its role will be to:
  - Regulate an expanded and strengthened drinking-water regulatory system.
  - Oversee from a national perspective the environmental performance of waste water and storm water networks (Regional councils will remain the primary regulators of waste water and storm water).
  - The diagram below illustrates the different roles of entities across this area.



### 3.0 Hawke's Bay Three Waters Review

3.1 Hawkes Bay Councils completed their own review of three waters service delivery options for the region in August 2020. This work highlighted that:

- Making no changes to the way our three waters services are delivered is not affordable or sustainable
- Meeting the new regulations under current service delivery arrangements poses significant affordability challenges for our region and particular our smaller councils
- An asset owning council controlled organisation was the preferred service delivery model as it best met Councils' investment objectives and the cultural principles developed collaboratively with Councils' Māori Standing Committees. In particular, the model:
  - Addresses regional affordability challenge associated with new standards and regulations
  - Is able to concentrate its investment on three waters priorities
  - Delivers the scale required to create strategic capacity and capability
  - Enables a meaningful role for Māori including co-design and governance
  - Enables improved operations, risk management, asset management, ability to meet compliance requirements
  - Produces the greatest savings.
- There are also challenges in adopting a regionalised service delivery model, in particular:
  - Perceived inequity that arises when councils transfer different levels of three waters-related debt and assets of varying condition to an asset owning CCO.



Where this happens, some ratepayers may feel that they are inheriting someone else's problem.

- Regionalising three waters rates to reduce the costs of three waters services to an affordable level across the Hawke's Bay means some district ratepayers may pay more for three waters than they otherwise would (under the enhanced status quo).
- Moving to a regional service delivery model means that costs for most ratepayers will be lower than the expected future costs, while for some, theirs will be higher. This will be a challenge for every region in New Zealand.
- Hawke's Bay Councils received the report in September 2020, however any further regional work was placed on hold when central government launched its national service delivery reform programme.

#### 4.0 Government Service Delivery Reform Programme

- 4.1 In July 2020, the Government announced a \$761 million funding package to provide post COVID-19 stimulus to maintain, improve three waters infrastructure, support a three-year programme of reform of local government water service delivery arrangements (reform programme), and support the establishment of Taumata Arowai, the new Waters Services Regulator.
- 4.2 In August 2020, Napier City Council agreed to sign a Memorandum of Understanding (MOU) with the Crown, where it was agreed that we would work in good faith to contribute to the design and conversation on the future shape of 3 Waters Service Delivery. At the same time Council received a \$12.5million stimulus grant, which was allocated to Three Waters projects.
- 4.3 The Memorandum of Understanding (MOU) with Government committing to openly share information and analysis on the state of the system for delivering three waters services and the quality of the asset base.
- 4.4 Council, along with all other Councils across New Zealand who entered into the MOU, was required to provide information to central government to assist with the modelling and system planning for three waters delivery across New Zealand. The Request for Information (RFI) collated a substantial amount of information, of which has never been collated before in New Zealand. The RFI also required Councils to characterise the reliability and completeness of each of the pieces of the information provided. This was a significant exercise across for staff across our Council, and all our peers.
- 4.5 This information along with information from past and or draft Long Term Plans has been used by government to inform their view of the national investment need, and to inform their proposal for changes to the current 3 waters service delivery model.
- 4.6 A report by the Water Industry Commission for Scotland (WICS) estimates that New Zealand will need to invest between **\$120 billion to \$185 billion** in our three waters infrastructure over the next 30 years to meet drinking water and environmental standards and provide for future population growth.
- 4.7 For rural communities, this equates to an increase of up to 13 times present costs, eight times higher for provincial areas and up to seven times higher for many metropolitan households. With reform, the cost of providing these critical services to our communities according to Government analysis is likely to reduce substantially by between 45% to 49%.

## 5.0 Maori Engagement in Governments Reform Process

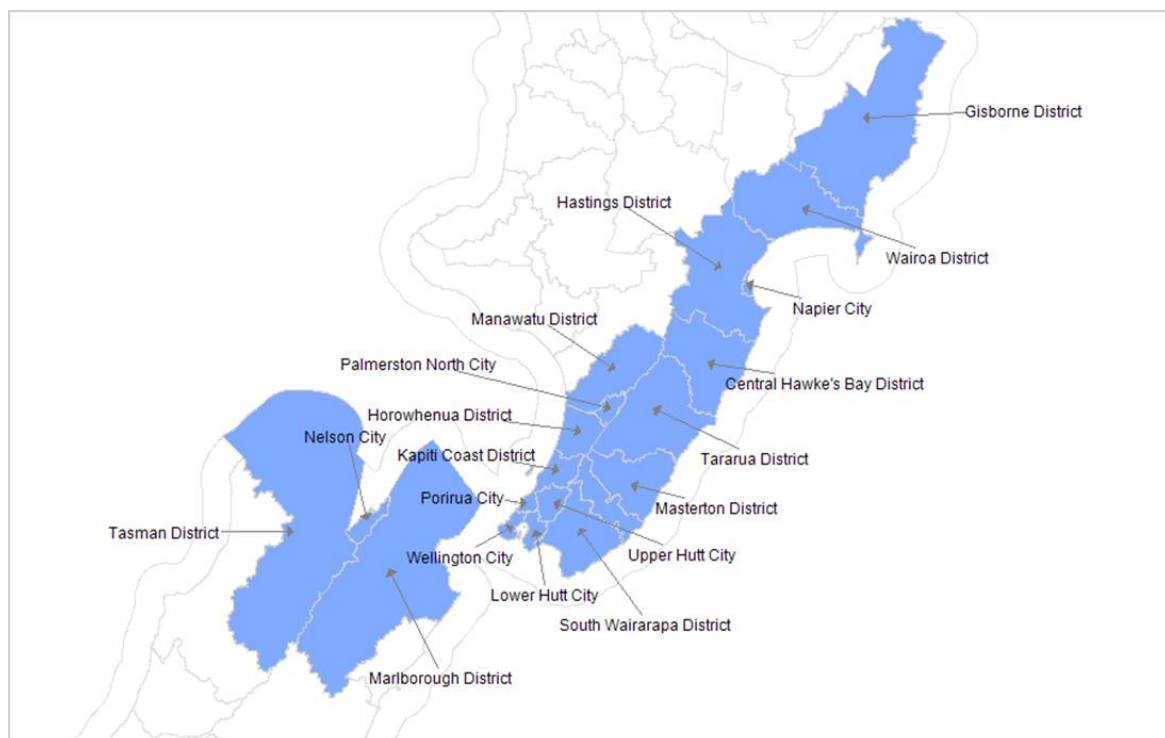
- 5.1 Tangata whenua has watched in despair the attitude and flagrant treatment of water. Across all of Hawke's Bay (HB), water as a respected taonga that is crucial to all life forms, has been treated like an inexhaustable commodity. Regardless of legislative and regulatory controls in place, whānau, hapū, iwi, tangata whenua and mana whenua of Te Matau a Māui continue to assert their rangatiratanga and kaitiakitanga over Te Wai *water*. To be clear, this is not an assertion of ownership but rather the innate responsibility of care and respect in which te ira tangata, *human lifeform*, is indivisible.
- 5.2 The early signs of Government's intention for Three Waters reform became visible to HB tangata whenua in October 2018. It was not until early to mid 2019 that formal engagement commenced in regard the HB Three Waters Review. The enabling factor to engagement with tangata whenua was through a cross-council initiative - Te Kupenga. This composed the Māori specialist units of each council agreeing to work collaboratively for the benefit of all five councils<sup>1</sup>.
- 5.3 Te Kupenga was instrumental in two respects. Firstly, connecting Chairs of our respective council Māori Committees and Regional Planning Committee together with the HB Three Waters Review to ensure tangata whenua values, aspirations and expectations were included in the review report. Secondly, ensuring their direct audience with the Minister of Local Government, Hon Nanaia Mahuta and the DIA Three Waters Project Team. It is worth noting that tangata whenua capacity and capability has been stretched beyond breaking point to accommodate this within their overarching responsibility to their iwi, hapū and marae.
- 5.4 The Hawkes Bay Three Waters Review report and in particular the Chapter 'Cultural Case' captured the true essence of tangata whenua inseparability with Te Wai. Their views went further to describe composition and operability of a new water entity in regard cultural capacity, capability and performance indicators. Within that view they imbued Te Tiriti, co-governance and the importance of existent whaitua or traditional iwi and hapū pouwhenua, within which mana whenua and rangatiratanga abides. The most recent engagement with Director Alan Prangnell and his DIA Three Waters team was 17 June 2021.
- 5.5 Key issues communicated to Government by iwi leaders and respective committee chairs can be expressed within four broad themes,
  - i. Te Mauri o Te Wai – The sanctity, integrity of Te Wai as seen through a Te Ao Māori lens and how that is prioritised and managed across the domains of three waters. Supported by Te Mana o Te Wai [NPSFM 2020], Water first, people next, other uses last.
  - ii. Te Tiriti o Waitangi, rangatiratanga and kaitiakitanga actualised in a meaningful way at governance and management levels within the strategy, structure, systems, processes and procedures of a future water entity. This must include cultural performance indicators (CPI) with monitoring and audit oversight.
  - iii. Rights and Interests in Freshwater, the parallel progression thereof not diminished in this or other reforms of government e.g., RMA and Local Govt.
  - iv. Ongoing meaningful engagement and participation of whānau, hapū, iwi as a Tiriti partner leading to co-governance, shared decision-making, relationship reciprocity and equity, bottom-up, top-down

<sup>1</sup> Central Hawkes Bay District Council, Hastings District Council, Napier City Council, Wairoa District Council, Hawkes Bay Regional Council

- 5.6 Government's reform agenda for Three Waters, RMA, Local Government requires tangata whenua engagement as critical to success, but the investment of resource by government in tāngata whenua to that end is tragically bereft. Iwi leaders, PSGE, NKII, Taiwhenua and marae resources are at breaking point. Their continued engagement, particularly in terms of time commitment, is not sustainable in the absence of a serious and meaningful investment of resource from central government, in-line with the expectation of success over the longer term of these reforms.

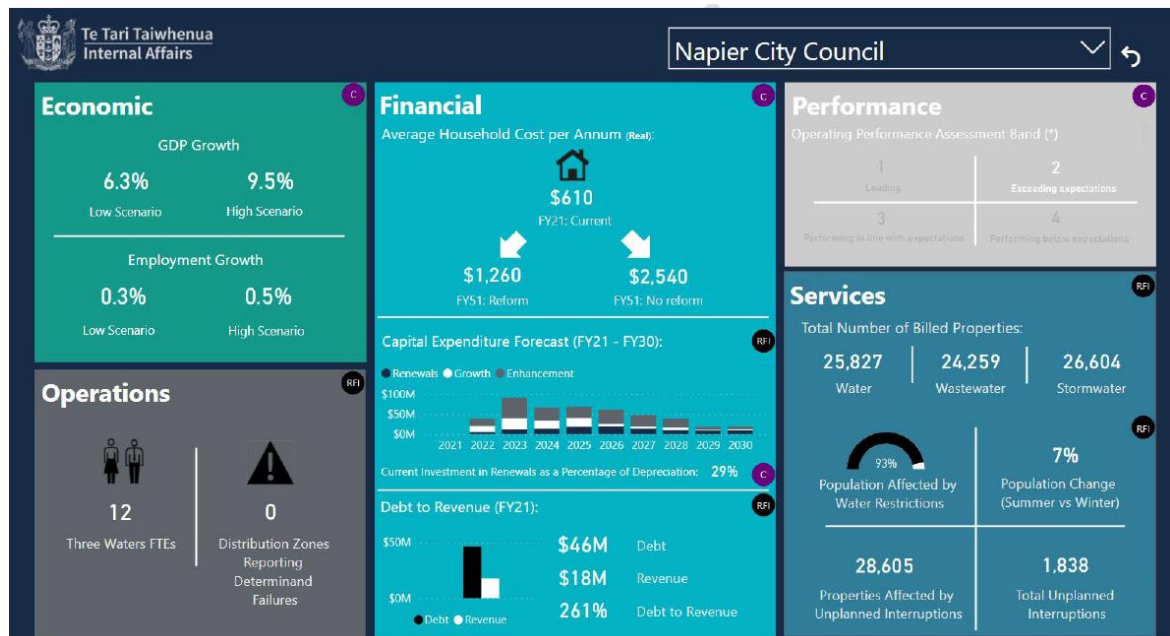
## 6.0 Cabinet Reform Proposals

- 6.1 In June 2021, Government released its proposed service delivery model for four (4) regional entities who will be responsible for the delivery of the three water services. If the proposal progressed the entities would be expected to be in full control of the service delivery on the 1 July 2024.
- 6.2 More detail on the proposed number of agencies and inter-agency structure for three waters service delivery is presented in the attached System for Three Waters Delivery which was released in June 2021 (**Available of the DIA 3 Waters reform website**).
- 6.3 The proposal would see employees who work substantively work in Three Waters are transferred across to the entities on similar terms and conditions. Similarly contracts that are active are expected to be similar transferred to the new entities.
- 6.4 The proposal has Napier City Council included in Entity C. The diagram below shows the other Councils included in Entity C (excluding the Chatham Islands).



- 6.5 The Government announcement was complemented by the release of analysis undertaken by WICS. This analysis is based on information submitted by Councils through a Request for Information process. The analysis is indicative and does not constitute due diligence.
- 6.6 WICS estimates that in order to meet future pressures the average household cost per annum of three waters and adopting reforms, average household costs could be reduced to \$1,260.

- 6.7 Government has also provided a dashboard system to enable Councils to view the summary information that has been calculated for each Council. They have also provided a brief summary report for each Council which includes some of the sensitivity analysis that has been completed. A screen shot of this dashboard is shown below.



- 6.8 Broadly, the Government modelling and dashboards compares two scenarios:

- Aggregation of three waters services into four water services entities and the associated reforms to the regulatory, governance, management, resourcing, and policy direction that support improvements ('the whole reform package');
- No aggregation of three waters services and although in this scenario some reform takes place, for example, decisions already made to introduce a drinking water regulatory system and environmental standards, the wider reforms are not as extensive as in the former scenario.

#### Assumptions

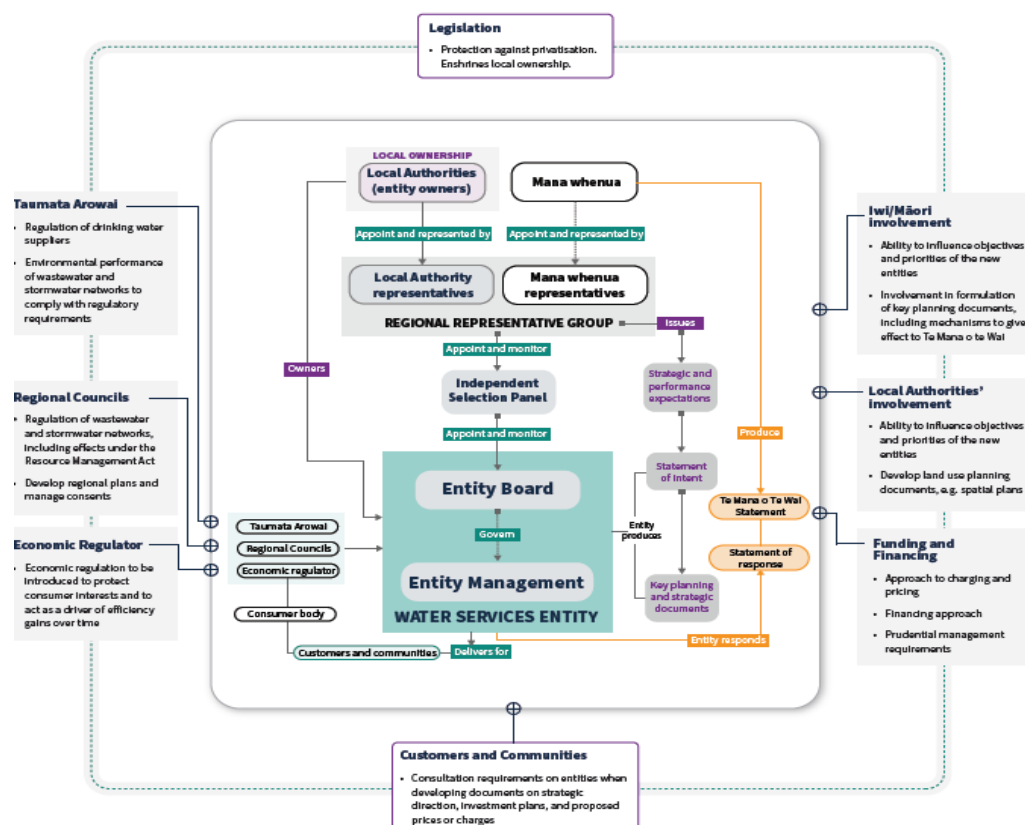
- The assumptions Government have used to quantify the inputs are determined through benchmarking against the UK experience. There has been some adjustment based on council RFI feedback the potential investment requirements and ability to deliver the same efficiency gains.
- The key assumptions that drive household costs are:
  - Investment – this is the single biggest driver of household cost in the WICS model.
  - Debt/Revenue – the difference between the treatment of debt in the councils and the entities means that it is likely to overstate the size of the difference in charges between council and the water service entity.
  - The impact of these are so significant that all other assumptions have minimal impact on household costs.
- Government have undertaken the analysis over the 30 year time horizon.



- 6.9 WICS has estimated efficiencies of 45% over a 30-year period, roughly 2% per annum achieved through improved and aggregated capability, procurement, governance, scale and economic regulation, ultimately delivering lower costs for communities.
- 6.10 The WICS analysis has been peer reviewed by FarrierSwier Consulting. FarrierSwier found that the WICS analysis gave reasonable estimates in terms of direction and order of magnitude. It is likely that efficiencies will not be delivered for several years – this is unsurprising given the scale of change.
- 6.11 The Government analysis has been completed using a different approach to the Hawke's Bay Three Waters Review and uses different assumptions. Despite the differences in the Hawke's Bay and Government analysis, they are directionally consistent and reached a similar conclusion.
- Future costs of three waters services will rise significantly in response to meeting changes in standards, regulation and an increasingly rigorous compliance regime.
  - Costs will not fall equally across the region.
  - There are financial benefits from aggregation of three waters services.
  - There are strategic benefits, an improvement in capability and capacity and potentially a more meaningful role for Māori with a change in service delivery model.
  - There are significant three water investment requirements to meet the new standards and this will lead to substantial increases in the cost of services.
- 6.12 Officers are working through the substantive information provided by Government and are seeking clarification on various parts to ensure Council can be well informed when decision making is required at a later date.

## 7.0 Governance

- 7.1 The Government also released proposed governance arrangements as shown below:



- 7.2 Under this model, Councils will own the water entities on behalf of communities, and mana whenua will have a joint oversight role. The structure of entities and their establishing legislation proposes to protect against future privatisation with assets remaining in the ownership of their local communities.
- 7.3 While Councils maintain ownership of the water entities, the type of entity, and the responsibilities associated with ownership are likely to be substantially different to traditional ownership models.
- 7.4 The Government considers that Councils will be able to influence objectives and priorities of the new entities through this structure, and through land use planning mechanisms such as spatial plans. It is not yet clear how communities might directly influence strategy and resource and investment prioritisation.

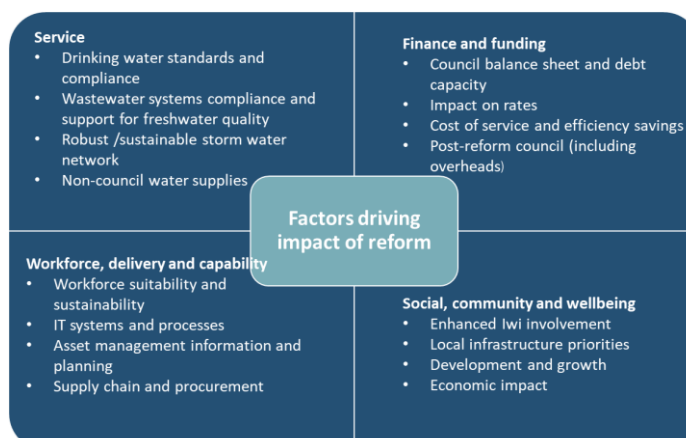
## 8.0 Reform Proposal Package

- 8.1 On July 15, 2021, the Government announced a package developed in close partnership with Local Government New Zealand, \$2.5 billion to support the sector through the transition to the proposed new water services delivery system. There are two broad components to this support package:
  - \$2 billion of funding to invest in the future of local government and community wellbeing, while also meeting priorities for government investment (the “**better off**” component)
  - \$500 million to ensure that no local authority is financially worse off as a direct result of the reform (the “**no worse off**” component).
- 8.2 \$1.0 billion of this package will be a direct contribution from the Crown. The remaining \$1.5 billion will be funded by the Water Services Entities. Governments view is that the \$1.5 billion from Water Services Entities is at effectively no net cost to customers, due to the proposed Crown support arrangements (such as a liquidity support) which reduce the borrowing costs of the water service entities.
- 8.3 Napier City Council allocation for the ‘better off’ package is [\$25.8m]
- 8.4 The “**better off**” component of the support package will be allocated to territorial authorities using a nationally consistent formula based on:
  - a 75% allocation based on population size
  - a 20% allocation based on the New Zealand deprivation index
  - a 5% allocation based on land area (excluding national parks)
  - Territorial authorities will be required to demonstrate that the use of this funding supports the three waters service delivery reform objectives and other local wellbeing outcomes and aligns with the priorities of central and local government, through meeting some or all of the following criteria:
    - supporting communities to transition to a sustainable and low-emissions economy, including by building resilience to climate change and natural hazards;
    - delivery of infrastructure and/or services that: o enable housing development and growth, with a focus on brownfield and infill development opportunities where those are available,
    - support local place-making and improvements in community well-being.

- 8.5 The “**no worse off**” component includes an up to \$250 million allocation to support councils to meet unavoidable costs of stranded overheads, based on:
- \$150 million allocated to councils (excluding Auckland, Christchurch and councils involved in Wellington Water) based on a per capita rate that is adjusted recognising that smaller councils face disproportionately greater potential stranded costs than larger councils;
  - Up to \$50 million able to be allocated to councils that have demonstrable, unavoidable and materially greater stranded costs than provided for by the per capita rate (the process for determining this will be developed by the Department of Internal Affairs working closely with Local Government New Zealand).
  - The remainder of the no worse off component will be used to address adverse impacts on the financial sustainability of territorial authorities. The Department of Internal Affairs will work with Local Government New Zealand and Taituarā to develop agreed principles for how the assessment of financial sustainability support will be undertaken, the methodology for quantifying this support requirement, and the process for undertaking the associated due diligence process with councils.
- 8.6 The Government’s support package presupposes that should the reforms proceed, Councils will be supported through the transition process and the financial impacts of reform will be managed.
- 8.7 The timing for when funding will be made available as follows:
- Up to \$500 million of funding from the “Better Off” component of the support package will be made available for use by councils from **1 July 2022**, with the remainder available from **1 July 2024** when the new water services entities are anticipated to be established. The process for release of this amount is being worked through and further details will be provided in the coming months.
  - “No Worse Off” Funding to meet stranded costs and address adverse impacts on financial sustainability will be met at the time of or shortly after transfer of assets, liabilities and revenue to the new water services entities, estimated **July 2024**.
  - The process for release of this amount is being worked through and further details will be provided in the coming months.

## 9.0 Next Steps for Council

- 9.1 The Government has amended its reform timeframe proposal to incorporate an **eight (8) week engagement process from 2 August 2021** to undertake further discussions with the sector (including through the Joint Steering Committee) on how the proposed model and design can best accommodate areas of priority at a local level.



9.2 The purpose of this engagement period in the reform process is to provide time for all local authorities to:

- engage with and understand the large amount of information that has been released by Government on the nature of the challenges facing the sector, the case for change, and the proposed package of reforms, including the recently announced support package;
- take advantage of the range of engagement opportunities to fully understand the proposal and how it affects your local authority and your community; and
- identify issues of local concern and provide feedback on what these are and suggestions for how the proposal could be strengthened.

9.3 This includes providing feedback on outstanding issues including but not limited to:

- Ensuring all communities have both a voice in the system and influence over local decisions. At any time, ask LGNZ for help, including if you want to test whether your approach is focusing on the things that will create the most value for you from this stage of the process.
- Effective representation on the new water service entities' oversight boards so that there is strong strategic guidance from, and accountability to, the communities they serve, including iwi/mana whenua participation. This includes effective assurance that entities, which will remain in public ownership, cannot be privatised in future.
- Making sure councils' plans economic development and growth for growth, as reflected in spatial plans, district plans or LTPs, are appropriately integrated with water services planning.
- How local authorities can continue to have influence on service outcomes and other issues of importance to their communities (e.g. aspiration for chlorine-free water);
- Ensuring there is appropriate integration between the needs, planning and priorities of local authorities (representing their local communities) and the planning and priorities of the Water Service Entities; and
- How to strengthen the accountability of the Water Services Entities to the communities that they serve.

9.4 Following the engagement period the Government will consider:

- Feedback and proposals
- Transition and implementation pathway
- Revised timing for decision making and the time required for any community or public consultation

9.5 It is expected that Government will announce in October 2021 its decisions on any revisions to the reform programme, timeframes including:

- If the Government's reform is still retained as a voluntary ("**opt out**") option, where Councils will decide on whether they continue to participate in the reform programme.
- Confirmation from Government on the incorporation of Community Consultation period into the revised reform timeline for Council decisions.

9.6 The Water Services Entities Bill to be introduced to Parliament.

9.7 Taumata Arowai is expected to take over from Ministry of Health as regulator for drinking water.



## 2.3 Issues

Council will discuss potential issues as part of the papers consideration.

## 2.4 Significance and Engagement

The current Three Waters feedback process does not trigger any LGA consultation requirements, and is unlikely to trigger consultation obligations under Significance and Engagement Policy.

Local authorities must act in ways that are prudent and in the current and future interests of their communities. In performing its role, a local authority must act in accordance with the various principles in section 14, which include:

- (a) a local authority should make itself aware of, and should have regard to, the views of
  - all of its communities; and
- (b) when making a decision, a local authority should take account of—
  - (i) the diversity of the community, and the community's interests, within its district or region; and
  - (ii) the interests of future as well as current communities; and
  - (iii) the likely impact of any decision on each aspect of well-being referred to in section 10.

Part 6 of the LGA sets out highly-prescriptive decision-making process obligations. The fundamental obligations are to:

- identify and assess all reasonably practicable options to achieve the objective of a decision; and
- consider "*the views and preferences of persons likely to be affected by, or to have an interest in, the matter.*"
- these obligations apply to all local authority decisions,<sup>6</sup> and vary in relation to the significance of decisions, and other contextual matters listed in section 79(1)(b).

Significance and Engagement Policies list strategic assets, which include the Three Waters assets that are subject to the proposed reforms. A local authority cannot decide to transfer ownership or control of a strategic asset without providing for such a decision in its long-term plan (**LTP**), and following specific consultation requirements.

When a local authority does undertake consultation, the consultation principles in section 82 must be followed. Where the LGA expressly requires consultation that gives effect to the requirements of section 82, there are additional consultation requirements under section 82A relating to providing the public with a statement of proposal, reasons for the proposal, and analysis of options.

However it is noted that Parliament is sovereign, and this sovereignty allows it to change the law that constitutes and empowers local authorities. In turn, local authorities are obliged to comply with relevant legislation while it is in force.

The Government is subject to the laws passed by Parliament, and cannot lawfully compel local authorities to comply with legislation that is not yet in force, or to act in breach of legislation that is still in force.

Council may wish to consider the level of engagement on this matter given that no decision is required at this point in time.

## 2.5 Implications

### Financial

The proposed reform would have a significant financial impact on Napier City Council. Under the proposed option, debt and any related reserves would be transferred to the new entity. This would impact on Councils financial benchmarks as a result.

There is an acknowledgement that the proposed new entities have economies of scale, and there is financial benefit to this over the longer term.

### Social & Policy

N/a

### Risk

#### Council Risk Assessment

A Napier City Council risk assessment is being prepared and will be tabled at the meeting.

#### High Level Risk Assessment

Description	Likelihood	Comments
Government mandates its reform entity proposals	High	The Governments reform proposal and package assumes all of councils participate.  Councils have an 8 week period commencing 2 August providing questions and feedback to Government on their proposals.  Any decisions is likely early October.
Government Economic Analysis of the benefits are over estimated	Med	Hawke's Bays own Three Waters Review demonstrates that the financial case is directionally consistent.
Governance and representation:	High	The governance model may result in limited opportunity for councils to influence entity direction. Community/Maori needs assurance on effective local representation given the scale of the entities.
Government Process	High	Information is being provided on a piecemeal basis. There are gaps in the information provided and there is significant complexity & issues involved for communities and councils to consider.
Prioritisation of investment	High	Investment prioritisation by the water entities will need to occur at multiple scales (national, regional, catchment and local). Concerns that entities will not be sufficiently responsive to local priorities, in particular alignment with councils plans for growth. A process that ensures there are clear & influential roles for Iwi/Maori, land-use planning entities, councils, customers, and local communities will be important

Financial Impacts of asset transfer	High	The approach used to determine the level of three waters related assets/debt transferred from councils to the new water entities is among the most important transition issues for our councils.
Functions of Local Government and Wider Sector Reforms	High	The cumulative impacts of three waters reform, resource management reform and future of local government must be considered
Workforce and Capability	High	Any reform process must support & retain staff through the uncertainty.
Assurance of Service Delivery	High	Communities require assurance that a water services entity will be responsive to the needs and service requirements of local communities
Communication with Community	High	Community engagement on the issues needs to be addressed now by Councils.  A communication strategy – presentations and collateral is being developed.
Formal Consultation with Community as part of 'Opt in', 'Opt out' Decision	High	Government is coming back to Councils with their revised reform process timeline
Engagement with Iwi/Māori	High	Key issues communicated to Govt by iwi leaders are within four broad themes: 1) Te Mauri o Te Wai, 2) Te Tiriti o Waitangi, rangatiratanga and kaitiakitanga actualisation, 3) Rights and Interests in Freshwater; 4) Ongoing meaningful engagement and participation of whānau, hapū, iwi.  Tāngata whenua capacity and resources to participate in reform are at breaking point.

Council is undertaking risk assessments to review the scenarios and note that these will be updated as Councils are provided with further information from Government and its reform proposals.

## 2.6 Options

n/a

## 2.7 Development of Preferred Option

The options available to Council are as follows:

- a) That the Māori Committee receive the report titled Three Waters Reform Update
- b) Note that Officers have work well underway to understand the changes taking place regards the future provision of Three Waters services, and to best position Napier City Council for any future decisions in regulatory, and/or structural changes for Three Waters Service Delivery.

## 2.8 Attachments

Nil

### 3. MĀORI COMMITTEE - TERMS OF REFERENCE PROPOSAL

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1370498
<i>Reporting Officer/s &amp; Unit:</i>	Helen Barbier, Team Leader Governance Mōrehu Te Tomo, Pou Whakarae

#### 3.1 Purpose of Report

The purpose of this report is seek approval for the latest updates in the Māori Committee Terms of Reference.

##### Officer's Recommendation

The Māori Committee:

- a. Select the new name for the Māori Committee from the three options:
  - i. Ngā Manukanuka o te Iwi
  - ii. Te Roopu Toi Tu te Mana
  - iii. Te Kahui Mātārae
- b. Approve as members of the Māori Committee:
  - i. The Chair of the Napier People and Places Committee
  - ii. The Chair of the Sustainable Napier Committee
  - iii. The Chair of the Future Napier Committee
- c. Approve the content of the terms of reference.

#### 3.2 Background Summary

During the meeting of the Māori Committee on 23 July 2021, recommendations were made for:

- Te Waka Rangapū (Council's Māori partnership directorate) to provide three options for a Committee name to the Māori Committee members for discussion and a decision at the September 2021 Māori Committee

- Three portfolio holders to be selected from Council's elected members and endorsed as part of the extended Māori Committee membership.

This report will also present a proposal for a final version of the Māori Committee Terms of Reference (appendix to be circulated in advance of the meeting).

##### Name selection

##### Ngā Mānukanuka o te iwi

The anxiousness of people. The Committee deals with people and projects that strive towards their aspirations, and deal with all types of anxieties of deadlines, spreadsheets, correct data, research, all these elements they bring to the table as well as the knowledge or mātāuranga gained through the process.

## **Te Roopu Toi Tu te Mana**

A group of sustainable influence.

## **Te Kāhui Mātārae**

A cluster of importance

## **Elected member selection**

In order to gather input from the current Māori Committee on the preferred process for selecting the elected members to be included in the Māori Committee membership, a workshop was held on 12 August 2021. The workshop was attended by three committee members, including the Māori Committee Chair and the Mayor.

Following discussion, the preference was for the new members to be selected from among the current standing committee chairs.

This would add to the mana of the Māori Committee. It would also allow the Committee to leverage governance experience, supporting its members' continued development in governance roles, and also provide the standing committee chairs with an opportunity to provide context on recommendations made at the committee stage of the decision process.

The roles of for the four standing committees, as defined in their terms of reference, are as follows:

### Napier People and Places Committee (Chair – Cr Maxine Boag)

*To provide governance for all community strategies, housing and community facilities, visitor experiences, matters relating to diversity and accessibility, and sport and recreation. The Committee also adopts a wide focus by considering policy implications that impact on the health, safety and well-being of the community.*

### Sustainable Napier Committee (Chair – Cr Keith Price)

*To provide governance to city infrastructure including three waters, parks, and waste management, taking into consideration environmental, social, cultural and economic factors.*

### Future Napier Committee (Chair – Deputy Mayor Annette Brosnan)

*To provide governance to the town planning and regulatory functions of Council, including future planning and strategy.*

### Prosperous Napier Committee (Chair – Cr Graeme Taylor)

*To provide governance to the corporate business of the Council, monitor the Council's financial position and financial performance against the LTP and Annual Plan, and to guide and monitor Council's interests in any Council Controlled Organisations (CCOs), Council Organisations (COs) and subsidiaries.*

The responsibilities of the People and Places, Sustainable Napier and Future Napier Committees were identified as aligning most closely to the values and aspirations of te ao Māori in their relationship to cultural, social and environmental well-being so it is recommended that the Chairs of these three Committees be added to the Māori Committee membership.

### **Terms of Reference Final Version**

A proposed final version of the terms of reference, for discussion and approval by the Māori Committee, will be circulated before the meeting as an appendix to this report.

### **3.3 Issues**

There are no issues identified with this report.

### **3.4 Significance and Engagement**

This report does not trigger the significance and engagement policy.

### **3.5 Implications**

#### **Financial**

Membership on the Māori Committee would be included within the elected members' duties and so would not have financial implications.

Extensions to the delegations of the Māori Committee, such as the power to nominate independent advisors to the Committee would have an impact on the available budget.

#### **Social & Policy**

The social and policy implications in this report are considered to be minor.

#### **Risk**

There is no significant risk in relation to these recommendations.

### **3.6 Options**

The options available to Council are as follows:

- a.
  - i. Approve the name for the Māori Committee endorsed by the Māori Committee members
  - ii. Confirm the Committee Chairs to be included in the membership
  - iii. Approve the proposed final version of the terms of reference.
- b. Propose and endorse alternative options.

### **3.7 Development of Preferred Option**

The preferred option is 1a.

### **3.8 Attachments**

To be circulated prior to the meeting under separate cover.



# REPORTS FROM STANDING COMMITTEES

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## MĀORI COMMITTEE RECOMMENDATION

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

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## REPORTS FROM NAPIER PEOPLE AND PLACES COMMITTEE HELD 12 AUGUST 2021

### 1. 2021 STAKEHOLDER SATISFACTION SURVEY

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Type of Report:	Information
Legal Reference:	N/A
Document ID:	1331110
Reporting Officer/s & Unit:	Antoinette Campbell, Director Community Services

#### 1.1 Purpose of Report

To receive the 2021 Napier City Council Stakeholder Satisfaction Survey results (attached).

#### Committee's recommendation

Mayor Wise / Councillor Crown

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The Napier People and Places Committee:

- a. Note the results of the 2021 Napier City Council Stakeholder Satisfaction Survey.

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Carried

#### 1.2 Background Summary

The Napier City Council manages a wide variety of stakeholder relationships to carry out its business. These relationships vary in degree and level of interactions, and may be of a funding, business, partnership, membership or advocacy nature. It is important that Council maintains a positive relationship with its stakeholders and has therefore sought to measure how satisfied our stakeholders perceive how the Council engages with them.

A baseline stakeholder satisfaction survey was carried out in April 2021 (attached) which asked stakeholders a number of questions to establish the nature of the relationship, the

method or engagement and type of communications used, and how stakeholders rate levels of Council leadership, performance and decision-making, and the levels of trust and confidence stakeholders have in Council.

Approximately 300 stakeholders that had a connection or relationship with the Council were identified and surveyed using online methods (via email invitation) and by further telephone follow-ups. A total of 199 stakeholder organisations participated in the survey however excluding those that were deemed 'not applicable', a total of 145 surveys were used in the final analysis.

The results of the 2021 Stakeholder Satisfaction Survey provide a benchmark for future surveys.

### 1.3 Issues

The overall satisfaction score with the Council's current relationship was 66.2%. Stakeholders who reported greater involvement with the Council (e.g. had a cooperation and collaboration or partnership relationship) were more likely to be satisfied. Over the past 12 months, 70.3% of stakeholders reported having direct contact with Council with the most cited method of communication by email (88.2%).

Two-thirds of stakeholders (66.8%) provided positive ratings in relation to Council's communication and the highest communication attribute was that Council "*listens to your organisation about issues of common interest and concern*". Fewer stakeholders (64.3%) agree that the Council '*shares information*' to ensure they '*are well informed*'.

Council's engagement and acknowledgement of stakeholders received 64.9% of positive ratings and Council's acknowledgement of '*organisation's roles and responsibilities*' achieved the highest ratings (71.1%). Fewer stakeholders agreed that the Council '*has a good understanding*' of their organisation (59.5%).

On average, two-thirds of stakeholders (67.2%) provided positive ratings in relation to Council's leadership, performance and decision making however fewer stakeholders (60.0%) agreed that the Council '*makes decision in a timely manner*'.

With regard to trust and confidence, 80.1% of stakeholders reported having some to full trust and confidence in the Council. This compares to 79% for all of New Zealanders having trust in public services based on their personal experiences.

Better communication, coordinated engagement and the provision of clear explanations to the decisions made, were areas identified for improvement through the comments provided by stakeholder organisations.

### 1.4 Significance and Engagement

N/A

### 1.5 Implications

#### Financial

N/A

#### Social & Policy

N/A

#### Risk

N/A

## 1.6 Options

The option available to Council is as follows:

- a. Note the results of the 2021 Napier City Council Stakeholder Satisfaction Survey.

## 1.7 Development of Preferred Option

N/A

### At the Meeting

The Officer spoke to the report with the help of Dr Virgil Troy and Nataliya Rik from SIL research.

In response to questions it was noted:

- Some stakeholders chose not to take part in this research. SIL is not able to give the reason why, but reasons can be that there is low interest, that people do not feel they have anything of value to say, do not have time to fill in a survey or do not wish to take part.
- The database of stakeholders was a collection of contacts from across Council directorates which SIL then refined, ie: made sure contact details were correct and all current stakeholders were included.
- Leadership in the survey included being a role model for other stakeholders in terms of general consultation, the ability to make decisions, and then making those decision public.
- In terms of presenting the scores as averages, if a data set includes 150 or more responses any outliers will not skew an average score. This piece of research used two measures, a mean score which includes all the ratings provided and is a more balanced score, and an aggregated satisfaction score. The satisfaction score combined all the ratings which were 6 or higher, and represented those respondents who agreed with a set of statements.
- Ineligible responses are those where a respondent has not filled in the whole survey, or where there are two or more responses from a particular respondent. There were also some respondents who did not recognise that they have a relationship with Council and the majority of their answers were 'Not Applicable'.
- There were no comparisons in this set of results to other Territorial Authorities. That is because SIL do not have any recent findings to compare this set with.
- A learning from this research is that it would be good to expand the pool of respondents and to include more small organisations.
- SIL do follow up on incomplete surveys, providing an email reminder and then a phone reminder, but they are careful to not harass people for a response.
- The responses received around Council contact with stakeholders will be used to inform communication practices moving forward.

## 1.8 Attachments

- A 2021 Stakeholder Satisfaction Survey Report (*Under Separate Cover*)
- B 2021 Stakeholder Survey Questions (*Under Separate Cover*)

## 2. NEW YEAR'S EVE FUNDING 2021-2022

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1318340
Reporting Officer/s & Unit:	Belinda McLeod, Community Funding Advisor

### 2.1 Purpose of Report

To seek approval to apply for external funding to support the 2021-2022 New Year's Event.

#### Committee's recommendation

Councillors Mawson / McGrath

The Napier People and Places Committee:

- a. Approve the applications to external funders (Lion Foundation, Grassroots Central, Grassroots, Pub Charity and Eastern & Central Community Trust (non gaming trust) for the 2021-2022 New Year's Eve Event.
- b. That a **DECISION OF COUNCIL** is required urgently due to the tight deadlines to apply for funding. This will require the resolution be passed before the decision of Council is taken.

Carried

Councillor Taylor voted AGAINST THE Motion

#### Council resolution

Councillors Mawson / Chrystal

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

Carried

Councillor Taylor voted AGAINST THE Motion

#### Committee's recommendation

Councillors Boag / Brosnan

The Napier People and Places Committee:

- c. Note the discussion on Council's future applications for gaming trust funding in the minor matters section of the Future Napier Committee meeting, 6 May 2021 (Attachment A).
- d. Direct that a workshop be held covering:

- i. The amount Council has received from gaming trust grants in the last ten years.
- ii. Alternative sources of funding which Council could utilize.
- iii. Whether or not Council wishes to continue applying for gaming trust grants.

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Carried

*Councillor Mawson voted AGAINST the Motion*

## **2.2 Background Summary**

The New Year's Eve Event was initiated in its current form in 2000, by the Millennium Committee. The event is held at the Sound Shell each New Year's Eve. Beth Elstone, of 'Little Stone', has been contracted to manage this event. This alcohol and smokefree family event is well attended by a range of people in the community, drawing a crowd of 18,000 to 20,000 people each year. The event draws a multi-generational crowd and behavioural issues are minimal.

## **2.3 Issues**

Council recently reviewed and changed its Gambling Policy to include a 'sinking lid' approach to Class 4 gaming machine licencing. This change in policy was in response to gambling related harm highlighted as part of the review and hearing processes. It was also noted that many community organisations and projects are supported by funding from gaming trusts.

## **2.4 Significance and Engagement**

Funding applications do not require consultation as they are an operational procedure.

## **2.5 Implications**

### **Financial**

Council allocates \$40,000 per annum for the event, and seeks external funding for the remainder. Last year's event cost \$98,000, with \$43,000 provided through external funding and the deficit (\$15,000) funded through Council's event budget.

### **Social & Policy**

This event is a celebratory event for Napier and brings together whānau across the community, also attracting visitors who are in the area at this time of the year.

### **Risk**

The main risk is that sufficient external funding may not be secured for the event. If this situation was to occur the event would need to be scaled back or cancelled.

Council may be seen to be inconsistent with regards to setting policy direction that supports the reduction of gambling related harm, while at the same time seeking funding support from the proceeds of Class 4 gambling.

## **2.6 Options**

- a) Approve for applications to be made to external funders to support this event (preferred)
- b) Decline for applications to be made to external funders to support this event.

## 2.7 Development of Preferred Option

Seeking funding as outlined in **Table A** will enable the New Year's Event to go ahead as planned.

**Table A**

Lion Foundation	20,000
Grassroots Central	5,000
Grassroots	10,000
Pub Charity	30,000
Eastern & Central Community Trust (non gaming trust)	12,000
<b>Total Funding</b>	<b>\$77,000</b>

### At the Meeting

The Officer spoke to this report. It was noted in response to questions that:

- A Decision of Council has been requested due to the tight deadline to apply for external funding to pay for the event.
- This event struggles to attract external funding, and although funding from the proceeds of Class 4 gaming is not something Council would like to continue using in the future, this event will funnel some proceeds into an event that benefits the whole community.
- This is the only event Council regularly seeks Class 4 gambling funding for.
- Attempts to attract sponsorship for this event have not been successful in the past.

## 2.8 Attachments

A 2021-05-06 Future Napier Committee - Minor Matters



Future Napier Committee - 06 May 2021 - Open Minutes

### Minor Matter

**Gaming Grant application by Council** – Councillor Boag commented that a discussion point raised during the hearings of the Gambling Venue Policy was whether Council should reconsider the practise of applying for Grants derived from the takings of ~~pokie~~ machines in light of the social harm these machines cause, and in reflection of the sinking lid policy that was adopted.

The meeting agreed that staff be requested to prepare a paper and workshop, including how much Council has received from gaming grants in the last ten years, to provide an opportunity to explore whether or not Council wish to continue applying for this funding. The paper is also to include where alternative sources of funding could be applied from.

*The meeting closed at 12.55pm*

### 3. NAPIER HASTINGS SMOKEFREE POLICY REVIEW - JOINT WORKING GROUP ESTABLISHMENT

Type of Report:	Procedural
Legal Reference:	N/A
Document ID:	1355120
Reporting Officer/s & Unit:	Michele Grigg, Senior Advisor Policy

#### 3.1 Purpose of Report

The purpose of this report is to seek Council's approval to appoint two elected members to a Joint Smokefree Policy Review Working Group in order to proceed with the review of the joint Napier City and Hastings District Councils' Smokefree Policy.

#### Committee's recommendation

Councillors Mawson / Simpson

The Napier People and Places Committee:

- Approve Deputy Mayor Brosnan and Chair of the Napier People and Places Committee, Councillor Boag, as Napier City Council's representatives on the Joint Smokefree Policy Review Working Group with Hastings District Council.
- Endorse the draft Terms of Reference for the Joint Smokefree Policy Review Working Group.

Carried

#### 3.2 Background Summary

The Napier City and Hastings District Councils' Smokefree Policy ('the Policy') was adopted in 2015 and implemented progressively during the first six months of 2016. The Policy supports the aims of the Smokefree Hawke's Bay 2025 Strategy and the Government goal of a Smokefree New Zealand Aotearoa 2025. 'Smokefree' in the current policy is defined as tobacco products and other products including "e-cigarettes and similar devices."

The objectives of the Policy are to:

- Give effect to Napier City and Hastings District Councils' commitments to the Smokefree Hawke's Bay 2025 Strategy, which supports Government's policy goals for a Smokefree New Zealand/Aotearoa 2025.
- Improve the health and wellbeing of our communities by decreasing the prevalence of smoking and decreasing public exposure to second-hand smoke.
- Increase the likelihood that people, particularly the young, will remain smokefree by reducing the number of places where they see others smoking.

The Policy has a particular focus on public places and takes a non-punitive approach.

*Review of the Joint Smokefree Policy*

Napier City and Hastings District Councils undertook to review the Policy every three years, or at an appropriate alternative time. A joint review of the Policy was planned for 2019/20 but was delayed due to Covid-19 and the November 2020 Napier Rainfall Event. The review is now planned for 2021/22.

The aim of the review is to determine how the Policy aligns with national and local-level direction towards the national goal of Smokefree Aotearoa New Zealand 2025, and with community and stakeholder views.

The context for achieving a Smokefree New Zealand has changed since the Policy was first adopted. This includes the introduction of new legislation and regulations aimed to reduce smoking prevalence, the emergence of vaping products and introduction of vaping product regulations, and the anticipated release of a new national Smokefree Aotearoa 2025 Action Plan that will list activities and policy changes required to achieve the 2025 goal.

#### *Purpose of the Joint Smokefree Policy Review Working Group*

As the 2015 Policy was jointly developed by both Napier City and Hastings District Councils, establishment of a joint working group for the Policy's review is planned.

The purpose of the Working Group is to:

- Provide advice to Council officers on direction for drafting the revised Joint Smokefree Policy
- Hear and consider feedback arising from consultation on the draft revised Joint Smokefree Policy
- Provide recommendations to both councils on the content of the revised Joint Smokefree Policy.

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

#### *Working Group Membership*

It is proposed that two elected member representatives from each council will form the Working Group. Mayor Wise has nominated Deputy Mayor Brosnan and Chair of the Napier People and Places Committee, Councillor Boag, to represent Napier City Council.

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

### **3.3 Issues**

The Ministry of Health has signalled their intention to accelerate progress towards Smokefree 2025. It is anticipated their Smokefree Aotearoa 2025 Action Plan will include new and innovative ways of tackling the issue. A number of options were outlined in their Action Plan proposal, which Napier City and Hastings District Councils provided commented on.

Review of the Napier Hastings Joint Smokefree Policy at this time will ensure close alignment with the renewed national direction.

### **3.4 Significance and Engagement**

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

### **3.5 Implications**

#### **Financial**

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

#### **Social & Policy**

In the six years since the initial joint Policy was released there have been changes in both the use and uptake of smoking and vaping. Over this time, smoking rates have declined, however as acknowledged by the Ministry of Health, more needs to be done to achieve the national Smokefree 2025 goal.

Review of our Policy locally provides an opportunity to support achieving the national goal, and to further improve the health and wellbeing of our communities by decreasing smoking and vaping, reducing public exposure to second-hand smoke, and ensuring positive role modelling to children.

#### **Risk**

N/A

### **3.6 Options**

The options available to Council are as follows:

- a. Approve proposed membership of the Joint Smokefree Policy Review Working Group and note the draft Terms of Reference.
- b. Do not approve the proposed members for the Working Group.

### **3.7 Development of Preferred Option**

Option A is preferred. This will enable both councils to work together on reviewing the joint Policy to ensure coordination of future Policy direction and consideration of consultation feedback.

#### **At the Meeting**

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

- The policy has a monitoring component built into it. As part of a policy review changes over time in the smoking and vaping population will be noted and will inform any revisions to the policy.

It was suggested that smart objectives be included as part of monitoring the policy's effectiveness, and reporting their outcomes back to Council be an expectation.

### **3.8 Attachments**

- A Draft TOR Joint Working Group Smokefree Policy Review.pdf

**Joint Working Group - Smokefree Policy Review**  
**DRAFT Terms of Reference**  
July 2021

**Purpose**

The purpose of the **Joint Working Group - Smokefree Policy Review** is to:

- Provide advice to officers on the direction of the revised Joint Smokefree Policy
- Hear and consider feedback from stakeholders and the wider community on the revised Joint Smokefree Policy (including receiving advice from officers)
- Make recommendations to the Councils on the revised Joint Smokefree Policy.

**Membership**

Each Council will appoint two elected members from their Council as members of the Working Group. The Working Group will be supported by one officer from each Council.

**Appointment of Chairperson and Deputy Chairperson**

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

**Quorum**

The quorum for the Working Group will be no less than three of the appointed members.

**Meetings and Decisions**

The Working Group will meet as and when required as agreed for the achievement of the purpose of the Working Group.

The members will strive for consensus, however if this is not possible the majority opinion will prevail.

**Role**

The Working Group will have responsibility and authority to:

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

**Variations**

Any member may propose an amendment (including additions or deletions) to the Terms of Reference which may be agreed to by the Working Group. Variations to the Terms of Reference must be referred to the constituent Councils for ratification.

**Term of Office**

This Working Group will be disestablished once a revised Joint Smokefree Policy is adopted by both Councils.

## REPORTS FROM PROSPEROUS NAPIER COMMITTEE HELD 12 AUGUST 2021

### 1. CHANGES TO FEES AND CHARGES FOR 2021/22

Type of Report:	Enter Significance of Report
Legal Reference:	Enter Legal Reference
Document ID:	1356273
Reporting Officer/s & Unit:	Caroline Thomson, Chief Financial Officer

#### 1.1 Purpose of Report

To seek approval for changes to be made to the schedule of fees and charges for 2021/22.

#### Committee's recommendation

Councillors Mawson / Simpson

The Prosperous Napier Committee:

- Approved the minor amendments to fees and charges for 2021/22 as set out in the tables below:

Building Consents	21/22 Fee	Amended 21/22 Fee
Project Information Memorandum (stand-alone only)	\$285.00	\$280.00
Compliance Schedule	\$311.00	\$305.00
Online Lodgment Fee	\$149.00	\$144.00
Building Accreditation Fee	\$20.70	\$20.00
Administration and Audit Fee	\$155.00	\$150.00
Building Consents Officer	\$176.00	\$174.00
Building Administrator	\$88.10	\$87.00
Inspection Fee	\$176.00	\$174.00
Certificate of Compliance Fee	\$104.00	\$100.00
Building Research Levy per \$1,000 value above \$20,000*	\$1.00	\$1.00
Building Levy per \$1,000 value \$20,444 and above	\$1.80	\$1.75
Application Processing Fee	\$28.00	\$27.00
Inspection for Road Damage	\$71.50	\$69.00
Inspection for Vehicle Crossing	\$162.00	\$156.00
Per Hour (minimum fee one hour)	\$176.00	\$174.00
Full Report	\$25.90	\$25.00
Single Report	\$15.50	\$15.00
Additional Sections	\$6.20	\$6.00



Property File Management Fee (charged per consent)	\$82.90	\$82.00
Certificate of Title	\$25.90	\$25.00
<b>Refuse Transfer Station Charges</b>	<b>21/22 Fee</b>	<b>Amended 21/22 Fee</b>
Discount for separating Green waste	\$6.20	\$6.00
Green waste (applies to loads under 50kg)	\$10.40	\$10.00
Green waste (applies to loads up to 100kg)	\$14.50	\$14.00
Polystyrene & Bulk packaging (per cubic metre)	\$72.50	\$70.00
Car tyres (each); Motorcycle or quad bike tyres (single or pair) <i>Truck or Tractor tyres not accepted</i>	\$8.30	\$8.00
Charge to re-issue lost inwards docket	\$12.50	\$10.00
<b>Marine Parade Toilet (Soundshell)</b>	<b>21/22 Fee</b>	<b>Amended 21/22 Fee</b>
Adults & Children 5 years and over	\$0.21	\$0.00

b. Note the changes are effective from 1 July 2021.

Carried

## 1.2 Background Summary

Council reviewed and adopted its Schedule of Fees and Charges (the Schedule) as part of the Long Term Plan process for 2021-31.

## 1.3 Issues

The following changes to fees and charges have been identified by officers since the adoption of the Long Term Plan, and are now presented to Council for approval:

### Amending building consent fees to match legislative fees

The building consent fees and charges are set by regulation under the Building Act 2004. Officers are recommending the fees and charges for building consents for 2021/22 are amended to reflect the fees set under legislation.

<b>Building Consents</b>	<b>21/22 Fee</b>	<b>Amended 21/22 Fee</b>
Project Information Memorandum (stand-alone only)	\$285.00	\$280.00
Compliance Schedule	\$311.00	\$305.00
Online Lodgment Fee	\$149.00	\$144.00
Building Accreditation Fee	\$20.70	\$20.00
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Inspection Fee	\$176.00	\$174.00
Certificate of Compliance Fee	\$104.00	\$100.00
Building Research Levy per \$1,000 value above \$20,000*	\$1.00	\$1.00
Building Levy per \$1,000 value \$20,444 and above	\$1.80	\$1.75
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Single Report	\$15.50	\$15.00
Additional Sections	\$6.20	\$6.00
Property File Management Fee (charged per consent)	\$82.90	\$82.00
Certificate of Title	\$25.90	\$25.00

Amendments to transfer Station fees and charges

It has been identified that there was an error in the calculation of some of the fees at Transfer Station. The software at the Transfer Station also requires fees to be in whole dollars (i.e. no decimal places). Officers are requesting changes as outlined in the table below.

<b>Refuse Transfer Station Charges</b>	<b>21/22 Fee</b>	<b>Amended 21/22 Fee</b>
Discount for separating Green waste	\$6.20	\$6.00
Green waste (applies to loads under 50kg)	\$10.40	\$10.00
Green waste (applies to loads up to 100kg)	\$14.50	\$14.00
Polystyrene & Bulk packaging (per cubic metre)	\$72.50	\$70.00
Car tyres (each); Motorcycle or quad bike tyres (single or pair) <i>Truck or Tractor tyres not accepted</i>	\$8.30	\$8.00
Charge to re-issue lost inwards docket	\$12.50	\$10.00

Removal of the Marine Parade public toilet charge

The fee for 21/22 was set at 0.21c in error. Officers are requesting the charge for the Marine Parade public toilet is removed for 21/22.

<b>Marine Parade Toilet (Soundshell)</b>	<b>21/22 Fee</b>	<b>Amended 21/22 Fee</b>
Adults & Children 5 years and over	\$0.21	\$0.00

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

The schedule of fees and charges for 2021/22 were considered and adopted at the Council meeting to adopt the Long Term Plan 2021-31 on 30 June 2021.

#### **1.5 Implications**

##### **Financial**

The proposed amendments to the fees and charges are effective 1 July and will have minimal impact on the revenue forecast in the LTP.

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

N/A

##### **Risk**

N/A

#### **1.6 Options**

The options available to Council are as follows:

- a. Approve the minor amendments to fees and charges for 2021/22 as set out in the table in the report.
- b. Do not approve the minor amendments to fees and charges for 2021/22 as set out in the table in the report.

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

Option A - Approve the minor amendments to fees and charges for 2021/22 as set out in the table in the report. The proposed changes are to correct administrative errors and have minimal impact on revenue forecast in the LTP.

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

The Chief Financial Officer, Ms Thomson spoke to the report seeking approval to make changes to the schedule of fees and charges. The changes are to correct some administrative errors and would have minimal impact on Council's revenue in the Long Term Plan. The changes relate to charges in Building Consents, Transfer Station, and the public toilet on the Marine Parade.

#### **1.8 Attachments**

Nil

## 2. 2020/21 RESIDENT SURVEY RESULTS

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1363630
Reporting Officer/s & Unit:	Adele Henderson, Director Corporate Services

### 2.1 Purpose of Report

This report provides the Prosperous Napier Committee with the results of Napier City Council's Annual Resident Survey.

#### Committee's recommendation

Councillors Crown / Price

The Prosperous Napier Committee:

- a. Receive the Napier City Annual Resident satisfaction survey to 30 June 2021
- b. Note that satisfaction ratings and targets are part of Council's planning and performing framework as outlined in Council's Long Term Plan and reported on as part of its performance reporting in the Annual Report.
- c. Note that Council may wish to consider the results of the Resident Survey in the development of the Annual Plan 2021/22.

Carried

### 2.2 Background Summary

*What is the Resident Survey and why do we conduct it?*

Since 1992, Council has commissioned an annual survey of Napier residents to seek their views on Council's services over the previous year. By asking Napier residents for their views on, and satisfaction with, Council services, Council officers, Elected Members, and the wider Napier community can identify what Council is doing well, and take action to improve areas with lower satisfaction ratings.

Surveying Napier residents is one of many ways that residents provide their feedback to Council on its services. For example, some residents routinely voice their praise and concerns on social media and 710 groups and individuals recently made submissions on Council's Long Term Plan. Surveying Napier residents using robust research methodology and a sample of 450 people allows for a 95% confidence level in the information provided. The results therefore provide Council officers, Council and the Napier community with an accurate picture of what most Napier residents are thinking at a point in time.

The majority of the satisfaction ratings determined by the survey have been incorporated into Council's long-term planning and performance framework. The satisfaction topics and

accompanying targets sit inside *Long Term Plan 2018-28* and *Long Term Plan 2021-31* as service performance measures under the relevant Activity Group. Council then reports on the progress against these targets, and a range of other indicators, in its Annual Report (currently being prepared for the 2020/21 financial year).

#### *Survey methodology*

Surveying is undertaken quarterly by an external provider, SIL Research, which is based in Napier. Results from each quarter are brought together at the end of each financial year to form the end-of-year report, which is included in Appendix A.

452 responses were collected for the 2021 reporting year, through a mixture of methods including:

- Telephone surveys
- Social media advertisements directing residents to an online survey
- Online surveys advertised through Council's own channels, and
- Postal forms.

SIL Research ensures a diverse sample group ranging in age, gender, ethnicity, the length of time they have lived in Napier, and home ownership/rental status. The final dataset in the report has been statistically weighted to increase accuracy of the reported results (i.e. calculations have been applied to the results order to bring them more in line with Napier's population).

#### *Overall results*

The main findings as outlined in the report include:

- Overall, perceptions of Council's service provision **remained very positive**, with two-thirds (68%) of residents satisfied with Napier City Council's performance; this was a significant decrease from 2020 (75%), but consistent with, or higher than, scores over the last few years.
- Supporting these overall perceptions, 19 out of 29 (66%) Council services received satisfaction scores of 60% or above; 6 services rated 80% or higher.
- However, **just two services showed improved performance** on 2020 results: Council leadership (*Mayor and Councillors*) and communication (*'Keeps people informed'*).
- **Community and recreational facilities remained the most satisfactory** aspects of life in Napier for local residents, collectively representing the top four highest rated services/facilities in 2021: sports fields (88%), parks and reserves (87%), public gardens (86%), and playgrounds (84%).
- 4 out of 29 services (14%) were **rated below 50%**, with the lowest satisfaction for **drinking water** (26%), **urban stormwater** (42%), **CBD car parking** (43%), and **public swimming pools** (49%).
- The greatest falls in satisfaction were measured for urban stormwater, MTG Hawke's Bay, town planning, and roads.
- Two-fifths (43%) of residents stated they had contact with the Council in 2020/21. 65% of them were satisfied with this contact.
- Telephone (54%) was the most prevalent method of communication, followed by email (34%). Social media (57%) remained the most preferred mode.

#### *Decreased satisfaction*

The survey report notes the following areas have had a decrease in satisfaction rating (compared with the previous year) of **more than 5%**. It has been noted that generally Councils across New Zealand have recorded a reduction in satisfaction across the board in their 2021 results compared to the 2020 results, with Napier being no exception.

Service	Satisfaction in 2020	Satisfaction in 2021	Variance
Stormwater	60%	42%	-18%
MTG Hawke's Bay	65%	51%	-14%
Cemeteries	91%	79%	-12%
Noise control	76%	64%	-12%
Attracting visitors	86%	75%	-11%
Activities and events	80%	69%	-11%
Town planning	78%	67%	-11%
Roads	71%	60%	-11%
Rubbish collection	91%	81%	-10%
Animal control	75%	65%	-10%
Libraries	69%	59%	-10%
Footpaths	76%	67%	-9%
Litter/graffiti management	78%	70%	-8%
Cycleways	88%	81%	-7%
Sportsfields	94%	88%	-6%
Freedom camping	61%	55%	-6%
Carparking	53%	47%	-6%
Overall satisfaction	75%	68%	-7%

Contextual factors including ongoing impacts of the COVID-19 pandemic, the 2020 General Election, the November 2020 flooding event, Council-led initiatives and other local events may have influenced resident perceptions in 2021, particularly compared to historical survey results.

The survey report benchmarks Napier City Council's ratings against other Councils in New Zealand. Of note, areas where Napier City Council has rated *lower* than the NZ benchmark include:

- Drinking water: 26% instead of NZ Benchmark of 64% (-38% variance)
- Libraries: 59% instead of NZ Benchmark of 80% (-21% variance)
- Swimming pools: 49% instead of NZ Benchmark of 64% (-15% variance)
- Stormwater: 42% instead of NZ Benchmark of 52% (-10% variance)
- Sewerage: 61% instead of NZ Benchmark of 67% (-6% variance)

*Increased satisfaction*

The survey notes the following areas have had an increase in satisfaction rating compared with the previous year:

Service	Satisfaction in 2020	Satisfaction in 2021	Variance
Leadership	53%	59%	+6%
Keeping people informed	63%	65%	+2%

Areas where the results for Napier City Council are **higher** than the NZ benchmark include:

- Rubbish collection: 81% instead of NZ Benchmark of 50% (+31% variance)
- Leadership: 59% instead of NZ Benchmark of 33% (+26% variance)
- Overall satisfaction: 68% instead of NZ Benchmark of 44% (+24% variance)
- Cycleways: 81% instead of NZ Benchmark of 60% (+21% variance)
- Keeping people informed: 65% instead of NZ Benchmark of 46% (+19% variance)
- Roads: 60% instead of NZ Benchmark of 41% (+19% variance)
- Footpaths: 67% instead of NZ Benchmark of 52% (+15% variance)
- Sportsfields: 88% instead of NZ Benchmark of 76% (+12% variance)
- Parks and reserves: 87% instead of NZ Benchmark of 76% (+11% variance)
- Public toilets: 67% instead of NZ Benchmark of 56% (+11% variance)
- Managers and staff: 56% instead of NZ Benchmark of 46% (+10% variance)
- Cemeteries: 79% instead of NZ Benchmark of 74% (+5% variance)
- Carparking: 47% instead of NZ Benchmark of 41% (+6% variance)
- Animal control: 65% instead of NZ Benchmark of 61% (+4% variance)

Note that some services do not have an associated benchmark.

## 2.3 Issues

Officers recognise that any ratings which are lower than the benchmark or significantly lower than previous years' ratings points to an issue that needs to be looked at. It is important to take time to understand the rating by looking at the context of the rating, what work Council already has underway, and any further planned work that may need to occur.

Council received the lowest scores compared to NZ benchmarks, or the most significant negative variances compared with the 2020 rating, in the following areas:

- Drinking water
- Libraries
- Swimming pools
- Stormwater
- MTG Hawke's Bay, and
- Carparking

*Overall satisfaction with Services*



Out of the result for overall satisfaction with Council services, of which 68% of residents are satisfied, 12 of the services showed a statistically significant contribution towards overall satisfaction. Assessing relative importance of these services against measured performance, *Council communication*, *stormwater and drinking water* represented the greatest improvement potential in 2021.



#### *Overall satisfaction with Communication*

About two-fifths (43%) of surveyed residents stated they had contact with Council in 2021. This has continued to decrease from 2020 (50%) and 2019 (58%).

Satisfaction with Council contact and communication remained moderately high: overall, 65% of residents who had contacted Council were satisfied with this to some degree (similar to 66% in 2020).

## **2.4 Significance and Engagement**

This report is for information only; there are no direct decisions required as a result of these satisfaction ratings at this time.

However, one of many criteria that can be taken into account to determine significance of decisions of Council is the '*level of community interest*'. These results are useful to determine community interest in a particular Council service or decision going forward.

## **2.5 Implications**

### **Financial**

There are no financial implications arising as a result of this report, unless Council directs a review of the current investment levels in areas which have received a low satisfaction rating. If Council directs (as part of the next Annual Plan) Officers to look into whether any further investment could be expedited in the areas that received low satisfaction, then there could be financial implications in terms of reprioritisation and trade-offs with the planned work programme.

### **Social & Policy**

Council has strategic documents in place for some of the areas which have received low satisfaction ratings. The following documents are informing the work Council is doing:

- Drinking Water Safety Plan
- Napier Library Strategy and Civic Precinct Framework
- Napier Aquatics Centre Business Case
- Parking Strategy, and
- Stormwater Masterplan (currently being peer reviewed).

### **Risk**

Some of the satisfaction ratings which have emerged from the surveys have fallen below Council's targets as set out in Long Term Plan 2018-28 (which was still relevant up to 30 June 2021). For example, Council set a target of 89% satisfaction with drinking water for 2020/21, and has achieved an actual rating of 26%. These results will be scrutinised by Audit New Zealand during audit of Council's Annual Report for 2020/21.

More generally, there is a risk that public satisfaction will decrease further if no action is seen to be taken with respect to areas for improvement.

## **2.6 Options**

The options available to Council are as follows:

- a. Note the key findings of the annual Resident Survey 2021
- b. Note the key findings of the annual Resident Survey 2021, and request changes to the report or further information before the report is uploaded to Council's website.

## **2.7 Development of Preferred Option**

Not applicable.

### **At the Meeting**

The Director Corporate Services, Ms Henderson spoke to the report advising that part of the Key Performance Indicator requirements for the annual report was around customer satisfaction. The methodology for the survey has changed from having one survey a year and is now undertaken quarterly providing a cumulative view of 450 people over the year.

In response to questions Dr Troy from SIL Research, in relation to the pool lower satisfaction than National Benchmark, advised that feedback from the community in regard to swimming pools was that the facilities were tired, run down and in need of investment to upgrade to something modern. Noting this was across both Ocean Spa and Onekawa pools. One of issues was of cleanliness was not necessarily about cleanliness it was more about chipped and stained tiles that looked old. Dissatisfaction was consistent over the years noting availability of lane space, freedom for recreation and play, with these issues being synonymous with swimming pools across the country causing dissatisfaction.

It was noted that Council contact and communication with residents remained relatively satisfactory.

The drop in cemetery burials was clarified by the City Services Director as possibly due to COVID and no burials, but rather cremations. The cemeteries were well maintained.

In the last 12-18 months there has been a dip in overall satisfaction across a lot of Councils. A number of factors had contributed to this noting that in the early part of the

year most Councils were consulting and engaging on the Long Term Plan. There were a number of contentious issues at the time and was in the forefront of peoples' minds when undertaking research. Covid has impacted on responses and general sentiments from people on life.

It was noted that the younger aged group were tending to respond more critically across all Council services throughout the country, not just Napier.

## **2.8 Attachments**

- A 2021 - Napier City Council Resident Survey (Final Report).pdf (*Under Separate Cover*)

## REPORTS FROM SUSTAINABLE NAPIER COMMITTEE HELD 19 AUGUST 2021

### 1. NAPIER ROTARY PATHWAY TRUST - ŌTĀTARA PĀ TO DOLBEL RESERVE WALKWAY

Type of Report:	Procedural
Legal Reference:	N/A
Document ID:	1354928
Reporting Officer/s & Unit:	Jason Tickner, Team Leader Parks Reserves and Sportsgrounds

#### 1.1 Purpose of Report

To seek a decision on the location of the proposed public walkway linking Ōtātara Pā to Dolbel Reserve.

#### Committee's recommendation

Councillors Taylor / Simpson

The Sustainable Napier Committee:

- a. Agree to proceed with the detailed design and construction of the proposed walkway between Ōtātara Pā and Dolbel Reserve which includes the off-road portion behind Webb Place – *Figure 2, Option A (Doc ID: 1370665)*.

Carried

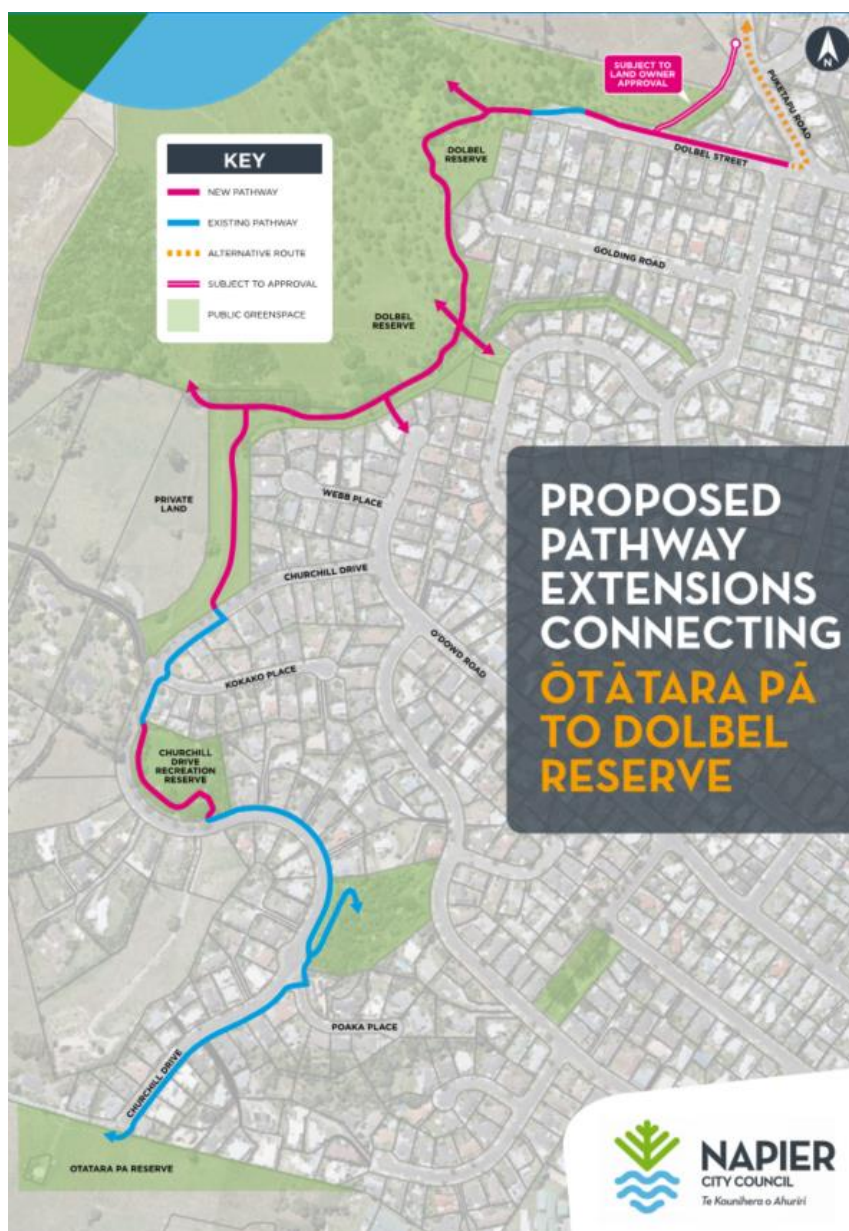
#### 1.2 Background Summary

##### Napier Rotary Pathway Trust

The *Napier Rotary Pathways Trust* was formed in 2002 with a vision to build an off-road pathway network which would circumnavigate the city. The final linkages are across the Western Hills of Taradale, including the link between Ōtātara Pā and Dolbel Reserve.

##### Ōtātara Pā to Dolbel Walkway – Maggie's Way Extension Proposal

The proposal which is the subject of this report, is to provide a public walkway linking Ōtātara Pā to Dolbel Reserve. The proposed route shown in *Figure 1* below, is considered to provide the highest proportion of walkway 'off road' by locating the walkway in Council owned and managed reserve and road corridors. A detailed concept plan is provided in **Attachment A – Concept Plans**.



**Figure 1 – Proposed Route between Dolbel Reserve and Ōtātara Pā**

The Napier Rotary Pathway Trust have made it clear that this is a walkway, not a cycleway, and that the walkway is to be named Maggie's Way in memory of Margaret McCoward, consistent with the bequest from Basil McCoward.

### 1.3 Issues

The Community Engagement identified the following main issues/concerns:

- Safety and security concerns
- Privacy concerns
- Property valuation concerns
- Concerns the pathway will not be shared (i.e. no ability for cyclist to use)

### 1.4 Significance and Engagement

The concept design - Figure1 above showing the proposed alignment was made available to local residents and the public for comment. A review of the 113 responses

received indicated a high level of support for the proposal amongst the general public. 83% of all responses received were supportive of the concept plan.

There were 13 submissions opposing the proposed walkway, the majority of these came from Webb Place residents. The most common reasons for opposing the plan have been highlighted in the *Issues Section* of this report. Refer to **Attachment B – Engagement Summary**.

A number of mitigation measures were suggested by submitters who opposed the walkway. The most common suggestion was the re-alignment of the walkway either on the inside the HBRC stop bank, or on the inside of the dam wall face to avoid it passing in view of the residents of Webb Place.

The Designating Authority (Hawkes Bay Regional Council) is not supportive of either of these proposed alternatives and under Section 176(1)(b) RMA 1991 they have provided their approval in principle to the alignment of the path as shown in Figure 2, Option A below, subject to detailed design.

Some residents also suggested the route bypasses the reserve at the rear of their property and follow a further on road route via O'Dowd Road and Churchill Drive as shown below Figure 2, Option B. However given there is an off-road alternative, this is not supported by Council Officers.



**Figure 2 – Alternative ‘on-road’ route**

*Ngāti Paarau* Hapū have also been contacted for comment on several occasions but no formal response has been received at this stage. NCC will continue to look to engage as the project progresses.

## 1.5 Implications

### Financial

The Napier Rotary Pathway Trust will provide a donation adequate to cover the full construction cost via the McCoward's Bequest. The Trustees have confirmed a tentative donation of \$525,000 (GST excl) based on initial engineer's estimates prepared by Council.

All design and project management costs to be funded through existing budget for Western Hill Walkway development.

## Social & Policy

### Reserve Management Plan

The most relevant policy in relation to this proposal is the *Walkways* objective and policy (Section 5.22) under the Napier City Councils Reserves Management Plan (RMP). This objective and policy encourages off-road walkway developments in reserves.

### Napier Operative District Plan

The most relevant policy in relation to this proposal under the Operative Napier City Plan is *Policy 41.3.2*. This policy is to *encourage the maintenance, enhancement and expansion of the existing walkway system and encourage public access linkages between the different open space zones and in particular between highly significant landscape features*. This proposal is consistent with the policy.

## Risk

### Resident's objections

There is risk that some residents in the immediate vicinity of the proposed pathway are likely to continue to oppose the project. Their views have been identified in **Attachment B – Engagement Summary**.

## 1.6 Options

The options available to Council are as follows:

- a) Agree to proceed with the detailed design and construction of the proposed walkway between Ōtātara Pā and Dolbel Reserve which includes the off-road portion behind Webb Place – *Figure 2, Option A*
- b) Agree to proceed with the detailed design and construction of the proposed walkway but bypassing the reserve link behind Webb Place and opting to utilise the on-road pathway – identified as Figure 2, Option B
- c) Abandon the project and focus on other opportunities or routes in the Western Hills (noting that alternative routes have been investigated but access rights have not been able to be secured).

## 1.7 Development of Preferred Option

The Officers preferred option is option a);

*Agree to proceed with the detailed design and construction of the proposed walkway between Ōtātara Pā and Dolbel Reserve which includes the off-road portion behind Webb Place – Figure 2, Option A*

Suggestions and concerns raised through the submission process can be partly mitigated by fencing and planting, and these mitigation measures can be included in the detailed design.

## At the Meeting

The Officer spoke to this report. There were no questions from the Committee.

## 1.8 Attachments

- A Attachment A - Concept Plans (*Under Separate Cover*)
- B Attachment B - Engagement Summary (*Under Separate Cover*)



## 2. BOTANICAL GARDENS PICNIC CINEMAS

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Reserves Act 1977
<i>Document ID:</i>	1355825
<i>Reporting Officer/s &amp; Unit:</i>	Jason Tickner, Team Leader Parks Reserves and Sportsgrounds

### 2.1 Purpose of Report

The purpose of this report is to seek approval from Council to allow Picnic Cinemas to hold a series of family/community-orientated movie nights at the Botanical Gardens over the next five (5) calendar years (four event seasons).

#### Committee's recommendation

Councillors McGrath / Crown

The Sustainable Napier Committee:

- a. Resolve that the report be received.
- b. Resolve
- i. Pursuant to the delegated authority provided to Council under the Instrument of Delegation for Territorial Authorities, dated June 2013, to grant a licence under Section 54(1)(d) of the Reserves Act 1977 for Picnic Cinemas over part of the land described in the Schedule below (being Recreation Reserve) for the purposes of operating the business of a cinema for a term of no more than two (2) events per summer season, consisting of a maximum of (4) days per event, over the next four (4) summer seasons (2021-2025) and otherwise in accordance with the Reserves Act 1977, subject to any other consents being granted.

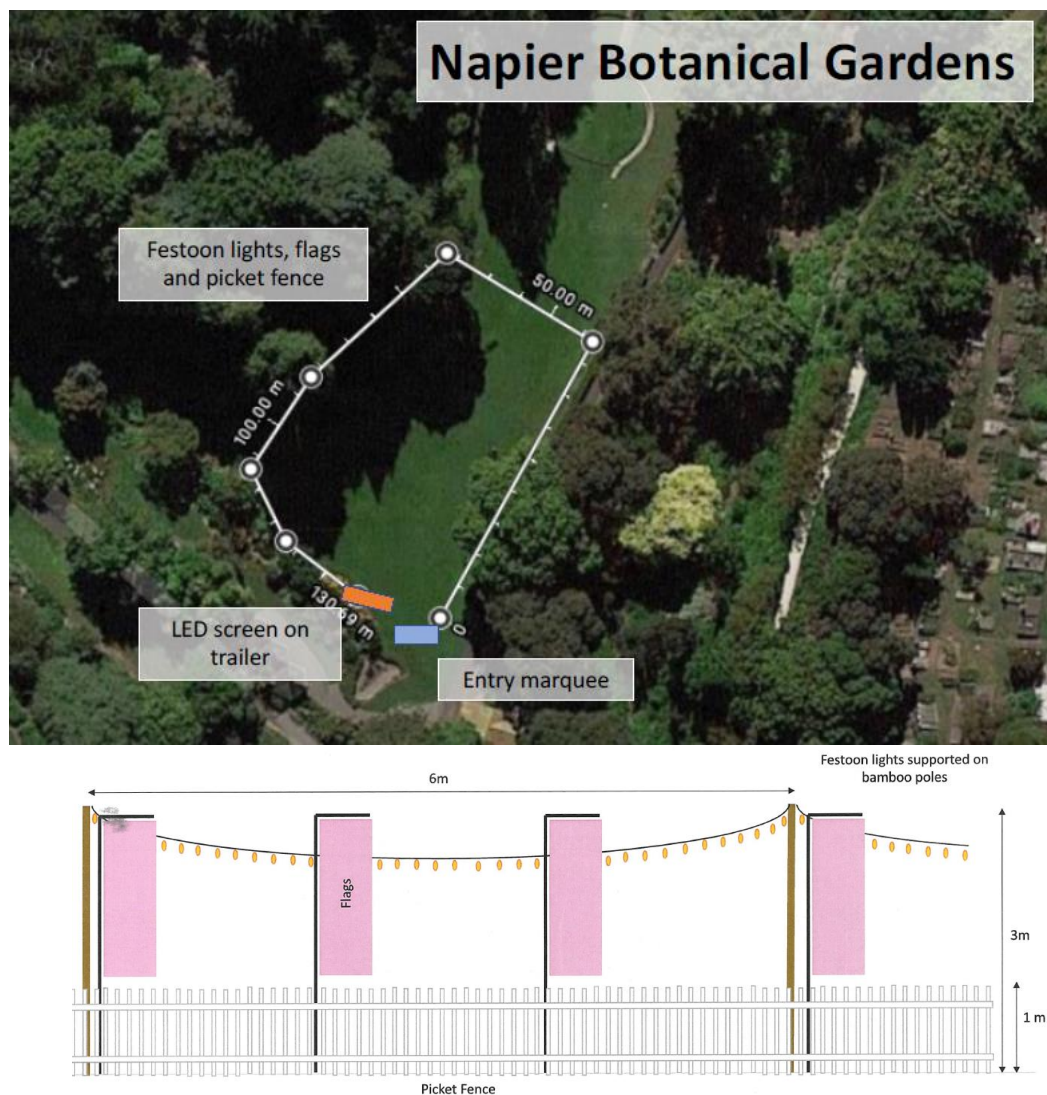
*Schedule*

**Legal Description** Botanical Gardens Survey Office Plan 5010  
Identifier HBW2/600

Carried

### 2.2 Background Summary

Picnic Cinemas have requested to locate their movie nights in the Botanical Gardens (refer **Figure 1 – Indicative Site Layout**), for a total of two (2) events per summer season, consisting of a maximum of (4) days per event, over the next four (4) summer seasons (2021-2025). Specific dates have been set for this season (2021/2022) but have not been determined at this stage for future seasons. The applicant will be required to book the venue and confirm the dates with our Venues Booking Officer ahead of each season.



Picnic Cinema: View from Outside the Perimeter

**Figure 1 – Indicative Site layout**

The 'Picnic Cinema' event is a family/community-orientated, temporary outdoor cinematic experience that comprises:

- A 28m<sup>2</sup>, trailer-mounted, LED movie screen (7 metres by 4 metres);
- Four amplified sound speakers, located to the left and right of the screen;
  - An open plan 'seating/viewing' area delineated by a self-supporting, 1-metre-high picket fencing treatment with flags spaced along its extent;
  - Festoon string lighting within the defined area; and
  - An entrance marquee (similar to a pop-up gazebo).

Attendees to the cinema are encouraged to bring their own low-height seating (cushions/bean-bags/beach chairs) and dinner/picnic food. The overall cinema

experience is to be complemented with the inclusion of mobile food truck offerings that are to be situated near the entry marquee of the cinema set up (refer **Figure 2 – Pilot Event**) .



**Figure 2 – Pilot Event (Havelock North Primary)**

The Picnic Cinema is to operate across two viewing sessions per date:

- 5.00pm – 6.45pm; and
- 7.45pm – 9.30pm

With the 5pm session to act as a fund-raiser for local schools, with a portion of funds from each ticket sold by a school's Home and School Association being donated back to the relevant school.

The Picnic Cinema events are family-friendly:

- they are to be alcohol-free events, and not to be licenced for the sale and supply of liquor; and
- The cinematic offerings at the Botanical Gardens during the 5pm session will not exceed a New Zealand classification label of 'PG' (Parental Guidance Suggested);
- The cinematic offerings at the Botanical Gardens during the 7.45pm session will not exceed a New Zealand classification label of 'M' (Suitable for mature audiences 16 years of age and over);

The clean-up after the final evening session involves rubbish pick up, toilet check and clean, and removal of part of the picket fencing so as to facilitate public access within the defined area during each 'morning' of the event. This work required to 'shut-down' the event is to be completed by 10.30pm each evening.

Re-instatement of the fencing/ event set up prior to the late afternoon session will begin at 2pm each day.

The maximum ticketing/occupancy for each session will not exceed a total of 500 persons, to ensure that comfort and safety of all attendees is maintained for the duration of the event.

For the purposes of the definition of the “event” in the context of this application, this comprises the following at each venue:

- Two outdoor cinema sessions per day; and
- Daily set up and shutdown activities (excluding initial event set up and pack down); and
- The duration of these activities to be over a maximum of 4 consecutive days.

This current application seeks to be able to provide for the Picnic Cinema to operate up to a maximum of two ‘events’ at the Napier Botanical Gardens, within the next four summer seasons/ 5-year basis. The two events, of up to four days each, will be booked between the dates set below:

Season	Start	End
1	November 2021	February 2022
2	November 2022	February 2023
3	November 2023	February 2024
4	November 2024	February 2025

This does not preclude other users from booking the reserve over this summer period, subject to availability.

Season 1 will be ‘test the market’ year and the timetable described below reflects a shorter event duration for the December 2021 session compared to what the current application is seeking across the remainder of Season 1 (February) and Seasons 2 – 4. However, as the event becomes more familiar within the locale, it is anticipated that demand will increase. Consequently, the scope of the consent application enables consecutive seasons to increase the duration of the two ‘events’ to the maximum four-day duration/ 8 cinema screenings.

The proposed dates for Season 1 have been set as follows and have been tentatively confirmed with the NCC Venues Booking Officer, however noting that on the 12<sup>th</sup> of February 2021 the site is pre-booked so these dates may need to change;

December 2021	
Friday 10 <sup>th</sup> Saturday 11 <sup>th</sup>	Event 1
<i>Includes set up commencing in the (AM) of Friday 10<sup>th</sup> and pack down/removal of event completed on Sunday 12<sup>th</sup></i>	
February 2022	
Friday 11 <sup>th</sup> Saturday 12 <sup>th</sup>	Event 2
Sunday 13 <sup>th</sup> Monday 14 <sup>th</sup>	
<i>Includes set up commencing in the (AM) of Friday 11<sup>th</sup> and pack down/removal of event completed on Tuesday 15<sup>th</sup></i>	



There are no 'postponement or reserve' dates proposed in the event of inclement weather, instead the decision to cancel the event will be made no later than 3 hours before the commencement of a session and a full refund (minus bank fees) will be provided.

With regard to the dates for Seasons 2 – 4, it is proposed that these be set down/confirmed annually, following the completion of the precedent season and also in conjunction with the Napier City Council Parks and Reserves Management Team and Venues Booking Officer with regard to venue availability.

### **Other matters**

A resource consent application under the Resource Management Act (1991) has been applied for concurrently to this Council report to seek consent for these events and ensure that the environmental effects are no more than minor (i.e. traffic, noise, light spill etc.). Consent is required due to the number of temporary event days exceeding limits in the District Plan.

## **2.3 Issues**

Should the Council approve the issuing of a Licence (subject to the Reserves Act), this in no way confers approval with other regulatory requirements, including but not limited to, compliance with the Resource Management Act and Building Act.

Resource Consent will need to be granted for the number of proposed consecutive event days.

The only similar type of event to be held at the Botanical Gardens in recent years is Christmas in the Park and Botanic Beats.

Comprehensive Health and Safety Plans will need to be provided and approved as part of the application from Picnic Cinemas.

In addition, Traffic Management Plans will be required and will be conditioned as part of the Resource Consent (if granted).

Noise will need to be monitored to ensure no adverse effect on neighbouring residents.

## **2.4 Significance and Engagement**

N/A

## **2.5 Implications**

### **Financial**

Fees and Charges would be in accordance with Council's Fees and Charges Policy. This event would be charged at \$417 per day and the event would also be bonded.

Reserves	19/20 Fee	20/21 Fee	Incl. GST
Occupation and use of any public Park or Reserve by either a commercial operation, circus, Mardi Gras, Gypsy Fair or entertainment group, which intend to charge a public admission or sell products for financial gain			
Rental (per day)	\$410.00	\$417.00	Yes
Bond (refundable only if grounds and amenities are left in good order)*	\$590.00	\$1,200.00	No

*Figure 3 – Extract from Councils Fees and Charges Policy*

## **Social & Policy**

Whilst the Reserve Management Plan anticipates this type of activity, Council is still required to issue a Licence for the use of the area because it is vested as Recreation Reserve subject to the provisions of the Reserves Act 1977.

The Reserve Management Plan includes the following in relation to the Public use and access to Public Gardens.

### **Policy 8.3**

(a) Public use and access: These gardens shall be freely accessible for quiet use by the public during daylight hours.

#### **Comment**

Access to parts of the gardens may be restricted when it is necessary for grounds maintenance or development, for safety reasons or for special events.

Special Events: Activities that increase the use of the gardens by the public shall be encouraged. Organised events shall be subject to Council's consent and conditions. Public access may be restricted for the purpose of making a charge and crowd control.

#### **Risk**

There has been no consultation with the community regarding locating this activity at the Botanical Gardens. There are no specific requirements under the Reserves Act to undertake consultation for a temporary licence of this nature.

There have been no other recent approaches to undertake temporary commercial events of this nature. There is a minor risk that by allowing one activity to locate here, there will be precedent for other similar activities. Approval is however site specific and any application would be assessed (just like this one) on its own merits and based on the underlying Reserves Act classification. The risk of precedence therefore remains low.

It is also noted that the Resource Consent process is the mechanism to control any adverse risks from the proposal and there is a public notification test under this legislation which the proposal will be assessed against.

## **2.6 Options**

The options available to Council are as follows:

- a. Option A - Grant a Licence to Occupy for the area identified in **Figure 1** above
- b. Option B - Grant a Licence to Occupy for an alternative site
- c. Option C – Grant a Licence to Occupy on a reduced time period and/or frequency
- d. Option D - Do not grant a Licence to Occupy

## **2.7 Development of Preferred Option**

The Botanical Gardens is the preferred location for Picnic Cinema because of the park like setting the gardens provide and the natural amphitheatre. There are a number of other sites that may be suitable for this activity including Anderson Park, Marine Parade and Memorial Square, however the applicant has specifically requested the Botanical Gardens because of the specific visitor experience and

ambience *‘that is not achievable at other Reserve locations within the Napier City local’*.

Botanical Gardens is suitable for this activity on the basis that all other regulatory matters which sit outside of this approval and Reserves Act process can be addressed.

Section 54 (1)(d) of the Reserves Act gives the Council the delegation to grant a licence on the basis that this ‘would be a business or occupation that will allow the public to obtain the benefit and enjoyment of the reserve’. Officers are of the opinion that the proposal meets the requirements of the Reserves Act and the activity will contribute to the public obtaining benefit and enjoyment of the reserve. Accordingly a licence for this site can be issued under the Reserves Act should Council believe this to be appropriate.

### **At the Meeting**

The Officer spoke to the report and noted that since this meeting’s agenda had been published the resource consent had been granted for the event. This consent addresses the environmental impacts of the event.

In response to questions from the Committee clarified:

- The licence period is four years as Picnic Cinemas are making a significant investment in the equipment they require to hold the movie nights so require some certainty this investment is worthwhile. They have asked the same of the other Hawke’s Bay Councils and will screen movies at different locations across the summer period. If there were issues with the licensee these could be addressed through the Council booking system, as Picnic Cinemas will still be required to book the site for each of their screening sessions.
- The licence will give Picnic Cinemas exclusive use of a designated area of lawn for the timeframe stipulated in the booking.
- Picnic Cinemas will have to comply with the existing Parks and Reserves bylaws, which stipulate the Botanical Gardens are a smoke-free and alcohol-free zone. Signage and security will be present during the film screenings to notify and enforce the bylaws.
- Picnic Cinemas will have signage outside the Botanical Gardens to advertise their events and to notify residents of its occurrence. Also as part of the resource consent conditions, Picnic Cinemas are required to notify nearby residents of the event with a letter drop.
- Traffic management will be required just prior and just after the screening takes place.
- These events are intended to be zero waste, and the resource consent has conditions in it the event organisers have to comply with to ensure zero waste.

## **2.8 Attachments**

Nil



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

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Reserves Act 1977
<i>Document ID:</i>	1355966
<i>Reporting Officer/s &amp; Unit:</i>	Jason Tickner, Team Leader Parks Reserves and Sportsgrounds

#### 3.1 Purpose of Report

To advise and update on the impending Reserve Management Plan (RMP) Review scheduled to commence in 2021.

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

This report also seeks endorsement of the following:

- The proposed Draft Reserve Management Plan Priority List – **refer Attachment A;**
- The proposed internal process set out in Section 3.3 of this report; and
- The intention to prepare Draft Reserve Management Plans (calling for suggestions) for a City Wide plan, Taradale Park and Maraenui Park.
- Inform of the additional recommendations from the Māori Committee - as part of the RMP review investigate co-governance models around parks and reserves and the continued engagement with mana whenua on the naming of parks.

This report follows on from the 9 December 2020 Māori Committee meeting. The Māori Committee have endorsed preparation approach and reporting. Note the amended recommendation regarding investigating co-governance models around parks and reserves and also the continual engagement of mana whenua around the naming of parks and reserves.

The process is clear, and appropriate, and continues to support effective engagement with Hapū and Iwi Authorities.

#### Committee's recommendation

Councillors Taylor / Simpson

The Sustainable Napier Committee:

- Endorse the recommendation to proceed with Reserve Management Plan Review undertaking both the optional and mandated consultation and engagement for each plan in accordance with Section 41(5) and Section 41(5)(c) of the Reserves Act (1977) and subsequently the internal process set out in Section 1.3 of this report.

- b. Endorse the draft priority list included in **Attachment A**, noting that subsequent to the implementation of c. below, the Sustainable Napier Committee will be asked to endorse the Council's intention to prepare the next tranche of Management Plans (in accordance with the prioritised list).
- c. Endorse Council's intention to notify the preparation of the following Reserve Management Plans – City Wide, Taradale Reserve/Centennial Park, and Maraenui Park, calling for suggestions prior to drafting in accordance with Section 41 of the Reserves Act (1977).
- d. That the recommendation of the Māori Committee requesting Officers investigate co-governance models around parks and reserves be endorsed and that this be considered as part of Council's co-governance framework which is currently under development.
- e. Endorse the recommendation of the Māori Committee requesting Officers engage with mana whenua around the naming of parks and their history.
- f. Note that Reserve Management Plans require endorsement by Council prior to adoption.

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Carried

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## DECISION OF COUNCIL

Councillors Chrystal / Simpson

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

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Carried

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## 3.2 Background Summary

### Legal Procedure and Proposed Process

As an administering body, Napier City Council (the Council) has the responsibility under the Reserves Act 1977 to prepare Management Plans for reserves that are under Council's control, management or administration. Management Plans set out general intentions for Reserves use, development, maintenance, protection and preservation.

Council's current Reserve Management Plan was adopted by Council in 2000 and is now well overdue for review (10-year lifespan).

A Reserve Management Plan is a document that is typically prepared under the requirements of the Reserves Act, and follows two phases of public consultation (one optional and one mandatory).

The process aims to ensure that Management Plans are based on sound principles and that, through consultation, the needs of the public are clearly identified. The process for the preparation of Reserve Management Plans is set out in the Reserves Act 1977 and is summarised in the following table:

**Legislative Procedure- Reserve Management Plan Preparation (Reserves Act 1977)**

RELEVANT SECTIONS OF THE RESERVES ACT	PUBLIC CONSULTATION	DESCRIPTION OF ACTIVITY
Section 41 (5)	<b>Optional</b>	The Council notifies the public that it is preparing a management plan and calls for suggestions
Section 41 (5) (c)	<b>Optional</b>	Public suggestions are received and incorporated into a draft management plan
Section 41 (6) a-c	<b>Mandatory</b>	A draft management plan is made available to the public for comment (no less than 2 months)
Section 41 (6) (d)		The draft management plan is edited to incorporate decisions resulting from the <b>consideration of public submissions and hearings</b>
Section 41 (6) (d)		The final document is presented to the Council for adoption

**Māori Committee Recommendations**

On 9 December 2020, the Māori Committee endorsed the proposed approach with the following additional recommendations:

- Endorse Council Officers to investigate co-governance models around parks and reserves and look to where these could be applied.
- Recommend Council engage with mana whenua around the naming of parks and their history.

As a result of the additional recommendations Council Officers will be doing research into what co-governance models have worked around the country. As each existing plan is reviewed, or new plans are created, opportunities for co-governance with mana whenua can be explored. There are exemplars of co-governance models around the country which Council could draw on (if locally appropriate).

In addition, there will continue to be bi-lingual signage put in place for reserves, and the Committee can continue to help with this by consulting with mana whenua to get advice on naming for reserves.

### 3.3 Issues

#### Plan Preparation and Consultation

As detailed in the above table, the preparation of Management Plans is required and the procedure is specifically mandated under Section 41 of the Reserves Act with the one exception of an optional round of public consultation and engagement though the calling for suggestions prior to drafting the Plans.

An administering body can resolve not to call for suggestions prior to drafting the plan should it determine that written suggestions on the proposed plan would not materially assist in its preparation.

It is our recommendation that the optional public consultation set down in Sections 41 (5) and 41 (5) (c), is important and crucial to ensure robust, accurate and well-informed Management Plans are prepared. Community and stakeholder input prior to drafting will ensure the draft plans accurately reflect community and stakeholder aspirations.

On this basis, we are looking for Sustainable Napier Committee endorsement of our recommendation to undertake both steps of consultation and engagement.

#### Recommended Process

The RMP review programme is likely to span a number of years given the sheer number of Reserves that Council administer and also the time taken to undertake effective engagement and reporting in accordance with the Reserve Act requirements.

To ensure we follow a consistent and transparent approach that meets our legal Reserve Act requirements as well as our proposed additional engagement approach - a step-by-step process has been developed which can be applied and followed for each Reserve Management Plan. The actions/tasks highlighted in blue are those which we are seeking endorsement as part of this report.

Step	Action	Tasks	Involvement
1	<b>Advise and inform of Reserve Management Plan review</b> <b>(outline legal process required to follow as well as recommendations on optional engagement)</b>	<ul style="list-style-type: none"> <li>• Endorsement by Māori Committee (endorsed on the 9 December 2020)</li> <li>• <b>Endorsement by Standing Committee and Council</b></li> </ul>	Māori Committee  Standing Committee  Council
2	<b>Proceed to determine which Reserve Management Plan to progress</b>	<ul style="list-style-type: none"> <li>• Review and consideration of draft priority list.</li> </ul>	Officer recommendation  Advise Māori Committee

			<b>Endorsement required at this step from Standing Committee / Council</b>
<b>3</b>	<b>Notify Intent to Prepare Reserve Management Plan/s and call for suggestions Section 41 (5)</b>	<ul style="list-style-type: none"> <li>• In accordance with Reserves Act requirements and in accordance with recommendations of the approved Engagement and Consultation Plan</li> </ul>	Council endorsement required at this step
<b>4</b>	<b>Development of an Engagement and Consultation Plan specific to chosen Management Plan</b>	<ul style="list-style-type: none"> <li>• Identify any special interest groups, community, key stakeholders and mana whenua.</li> <li>• Identify and confirm the process for mana whenua engagement in conjunction with Councils Māori Partnerships Manager</li> </ul>	Officer involvement (Parks and Reserves, Community Development and Māori Partnerships Manager) required at this step
<b>5</b>	<b>Prepare Draft Plan</b>	<ul style="list-style-type: none"> <li>• Public suggestions are received and incorporated into a draft management plan</li> </ul>	Officer preparation
<b>6</b>	<b>Notify Draft Reserve Management Plan and call for submissions</b>	<ul style="list-style-type: none"> <li>• In accordance with Reserves Act Requirements (no less than 2 months)</li> <li>• In accordance with approved Engagement and Consultation Plan</li> </ul>	<b>Council endorsement required at this step</b>
<b>6</b>	<b>Hearing of Submissions</b>		<b>Council involvement and approval</b>
<b>7</b>	<b>Amended Plan (as a result of submissions) adopted by Council</b>	Take into account any submissions	<b>Council involvement and approval by way of adoption</b>

### 3.4 Significance and Engagement

The review and development of Reserve Management Plans typically only occurs once every 10 years and provides a unique opportunity for the community, stakeholders and interest groups to input their views into the plan development.

The notification of intent to prepare and the call for submissions will provide an opportunity for any interested party to lodge comments in an informal way prior to preparing the Draft Plan and this would greatly assist in Reserve Management Plan preparation. This ensures that there is opportunity for mana whenua to have meaningful input into the plan preparation process.

Given the magnitude of the Reserve Management Plan review separate and targeted engagement and consultation plans will be developed for each Reserve Management Plan.

### 3.5 Implications

#### Financial

There is currently budget set aside for the Reserve Management Plan review and progress and expected expenditure aligns with the budgetary expectations.

Additional funding is not expected however should additional funding be required separate application would be made to Council through the normal budgeting processes.

#### Social & Policy

The Reserve Management Plan (2000) provides the current policy framework for the management of reserves however as noted above this plan is now well overdue for review. The purpose of this report is to initiate the review of the existing management plan so that the policies can be updated in line with current community aspirations.

#### Risk

Preparing Reserve Management Plans is mandatory for Recreation Reserves classified and subject to the provisions of the Reserves Act (1977). Our existing Management Plan is well overdue for review. Not reviewing the Management Plans is not an option.

Calling for suggestions prior to the preparation of management plan is not mandatory but there is a risk that not doing this would compromise the outcome.

### 3.6 Options

The options available to Council in regard to the Public Consultation process are as follows:

- a. Endorse the recommendation to proceed with the Reserve Management Plan review undertaking both the optional and mandated consultation and engagement for each Plan in accordance with Section 41 (5) and Section 41 (5) (c) of the Reserves Act
- b. Resolve to not undertake the optional, s41 (5), submission process and proceed with the mandatory submission process only s41 (5)c.

### 3.7 Development of Preferred Option

#### Plan Preparation and Consultation

Whilst there is no mandate to call for suggestions, it is Officer's recommendation that Council follow the procedures as stipulated in Section 41 (5) of the Reserves Act (including the optional consultation) and notify Councils intention to prepare the Management plans,

inviting interested persons, organisations and mana whenua to send to the administering body at its office written suggestions prior to every Reserve Management Plan prepared.

The notification of intent to prepare and the call for submissions will provide an opportunity for any key stakeholders including Hapū or Iwi Authorities, and other interested parties to lodge comments in an informal way prior to preparing the Draft Plan and this would greatly assist in the plans preparation. The Maori Committee have endorsed this approach (9 December 2020).

The development of co-governance models will be looked at on a case by case basis.

It is also recommended that the Proposed Draft Management Plan Priority List be endorsed with scope to modify if needed.

### **At the Meeting**

The Officer spoke to this report and in response to questions from the Committee clarified:

- The proposed Draft Reserve Management Plans priority list can be reviewed with The Council. Council Officers did not intend to consult with the community over the list. The current rankings are based on where Council Officers felt the need was greatest, but it can be reordered if priorities change.
- The City Wide Reserve Management Plan is to look at the overarching policies on the whole of Napier city. It needs to be looked at first to give an overall direction.
- There has been a lot of input and enquiries about Taradale Park. The park is used for many things by many stakeholders and residents, so to prioritise this park would give a response to the community pressure.
- Maraenui Park has not been focused on in the last few years. There is an opportunity for Council to find out what the community would like to happen here.
- A Reserve Management Plan process takes about two years, depending on scale and public involvement, and there is no way to shortcut that. Occasionally individuals or groups offer donations towards rejuvenating public spaces, and have suggestions of how the rejuvenation could be carried out. There can be some balancing required between what is wished for and what Council is able to achieve.
- The Coastal group of reserves could be moved up the priority list to give a clear picture for concerned residents and to address some of the developing coastal issues.
- Council Officers have been working on a Draft Open Space Strategy for the last two years. It has formed a good basis for how Council it sees all its open spaces being managed and for progress of reserve management planning. The Reserve Management Plans will then give structure to any larger reserve plans developed in the future.
- The Harakeke Walkway was developed in conjunction with Hawke's Bay Regional Council (HBRC) and has been relatively successful regards to native planting. There are no plans currently to extend that planting. The Cross

Country Drain and the Harakeke Walkway's main purpose are as drainage reserves, and that classification will not be changed. Council is looking at where more native planting can occur, in conjunction with community groups and the Three Waters Team.

- Planning with interested community groups can be initiated to give some surety that specific Reserve Management Plans are in the work schedule and Council is willing to take community feedback on board. To reprioritise one plan on the Reserve Management Plans priority list will deprioritise others.
- The Parks and Reserves Team is under resourced and there is a lot of work to get through. There is recruitment underway for a Policy Planner, but it is a very competitive job market for someone with these skills. Council has a Consultant engaged to help get the Taradale and Maraenui Park Plans progressed.
- There is consultation occurring currently on Spriggs Park through Rotary.

### **3.8 Attachments**

- A Proposed Draft Management Plan Priority List (*Under Separate Cover*)



## 4. AHURIRI MASTERPLAN PROJECT UPDATE: THAMES-TYNE SEDIMENT INVESTIGATION

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1360308
<i>Reporting Officer/s &amp; Unit:</i>	Hannah Ludlow, Environmental Management Officer

### 4.1 Purpose of Report

The purpose of this report is to inform the Sustainable Napier Committee of the results to date of the Pandora Sediment Assessment project.

#### Committee's recommendation

Councillors Browne / Chrystal

The Sustainable Napier Committee:

- a. Note the results of the sediment core sampling.

Carried

### 4.2 Background Summary

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

Twelve sediment core samples from the Thames, Tyne and Combined Thames-Tyne waterways have been analysed across three laboratories for the following contaminants:

- Heavy metal counts (arsenic, copper, chromium, lead, mercury, zinc);
- Polybrominated-Diphenol Esthers (flame retardants);
- Polycyclic aromatic hydrocarbons;
- Polychlorinated biphenyls (PCBs);
- Plasticisers;
- Pesticides; and
- Grain size.

To cross-compare to estuarine sites, two additional cores were retrieved, being in the Upper Ahuriri Estuary, and in the southern central mudflat (Figure 1). Results have been compiled in-house.



**Figure 1:**  
Aerial view of Te Whanganui-a-Orotū (Ahuriri Estuary) showing estuarine 'control' sites for sediment cores.

### 4.3 Issues

In its current form, the sediment in the Thames-Tyne network presents a risk to Te Whanganui-a-Orotū (Ahuriri Estuary) through the slow leaching of hydrocarbons when raining, and through the risk of erosion of the contaminated sediment during significant rainfall. As such, there is a need to investigate the rehabilitation of the sediment within the wider context of improving the whole-of-network (i.e. water, ecological health and sediment).

#### 4.3.1 Heavy metals

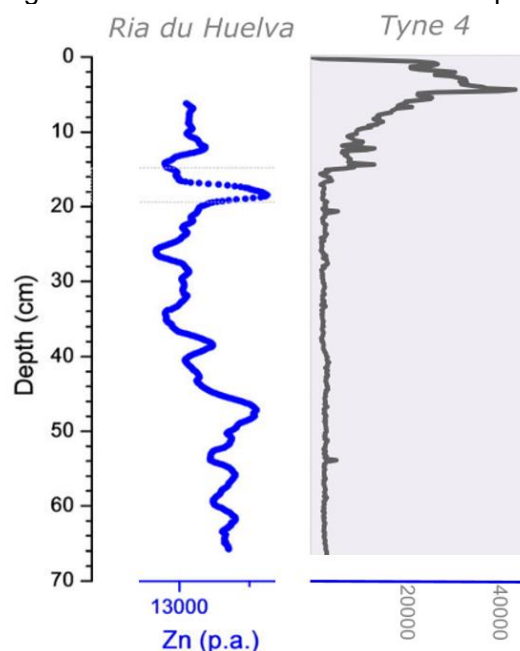
From in-house analysis of the sediment core sampling results, there appears to be a concentration of contaminants within the 40cm of sediment throughout the Tyne Waterway. A peak metal contamination zone exists about 14cm depth.

In the Thames, the concentrated contamination zone also occurs in the top 40cm, with a peak contamination zone about 10cm depth.

The highest reported concentration of heavy metals, particularly lead and zinc, is found in the 'TT2' sample at 15-19cm depth. This pattern is replicated throughout the waterway for other heavy metals. We have used zinc as an example to highlight this issue. This is likely due to the channelization of the Thames and Tyne acting as a funnel for sediment-bound contaminants, which settle out when the channel widens and the hydrodynamic energy subsequently drops. This has created a contaminant sink of heavy metals about the Thames-Tyne footbridge.

To place overall zinc results from the project in context, a study in the Spanish Ria de Huelva Estuary utilised the same sediment scanning methodology to understand the concentration of heavy metals in sediment. The Ria de Huelva Estuary has highly acidic

fluvial tributary (the Tinto River) with an average pH of less than 3 from an industrial catchment supporting metal mining. The highest Zn concentrations were approximately 13,000 in the Ria du Huelva samples. Comparatively, every Thames-Tyne sample recorded a higher peak concentration of Zn (example as per Figure 2). In the 'TT2' spike at 17.8cm depth, Zn levels were analysed as 53 times the highest readings obtained in the Ria du Huelva. Figure 3 and Figure 4 show the zinc concentration profiles of the 12

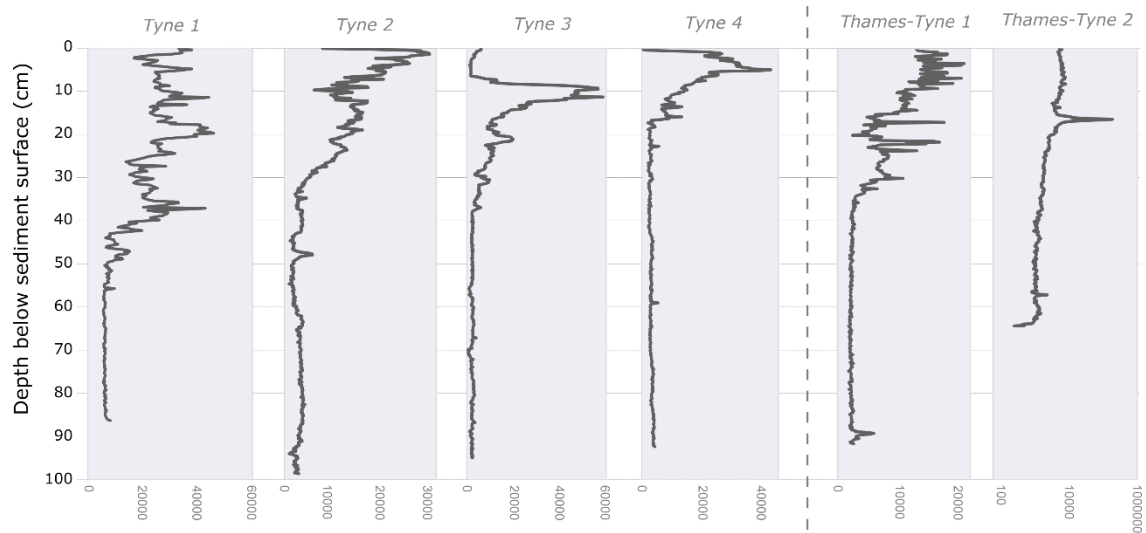


Thames-Tyne sediment cores.

**Figure 2:** *Left:* Zinc 'peak area' (counts per second) versus depth in the Ria du Huelva Estuary, Spain.  
*Right:* Zinc counts per second versus depth in TY4 sample.



**Zinc** counts per second (CPS) - Tyne & Combined Waterways



**Figure 3:** Tyne waterway through Combined waterway map of sediment core sampling sites, and zinc counts per second (CPS) results versus depth.





**Zinc** counts per second (CPS) - Thames Waterway

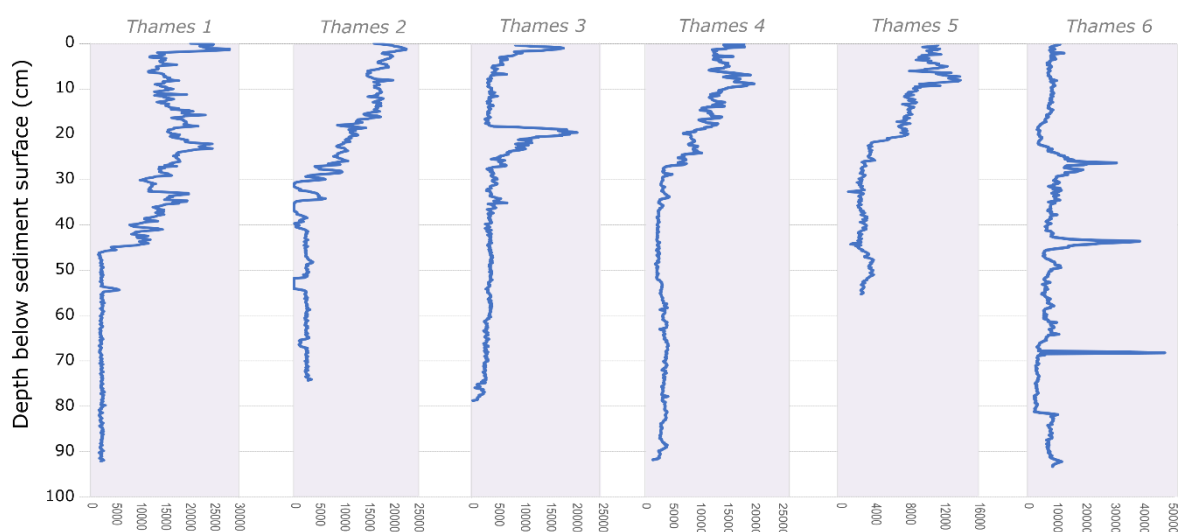


Figure 4: Thames waterway map of sediment core sampling sites, and zinc counts per second (CPS) results versus depth.

#### 4.3.2 Grain size

Across all samples, grain size in the top ~50cm depth was dominated by fine silts and sands. Around this same depth, many core samples showed the drastic change of grain size to medium-coarse sand. Informed by similar core sampling work undertaken in Ahuriri Estuary, this zone is reflective of the uplift from the 1931 Napier Earthquake.

#### 4.3.3 PBDEs

Concentrations of PBDEs were below laboratory detection levels in all samples. Concentrations of plasticisers were below detection levels in many samples, though were detectable in minor amounts in the top 0-20cm of the four Tyne waterway sediment cores.

#### 4.3.4 Hydrocarbons

Hydrocarbon concentrations were generally very low in the Thames waterway. In the Tyne waterway, levels were significantly higher though remain generally below the guideline value (from the Australia New Zealand guidelines for fresh and marine water quality 2018). In sample 'TY1', hydrocarbon levels exceed the lower guideline value (GV) in the top 20cm.

Trace amounts of sediment-bound hydrocarbons were found in the combined waterway and Te Whanganui-a-Orotū (Ahuriri Estuary).

#### **4.3.5 PCBs**

In the Thames waterway, PCBs exceeded the lower GV in the top 20cm of TH3, and were present in minor amounts throughout the remainder of the samples.

In the Tyne, PCBs in TY1 and TY2 exceed the lower GVs. PCBs in TY3 significantly exceeded the upper GV by 34 times.

Trace amounts were found in the combined waterway.

#### **4.3.6 Plasticisers**

Minor concentrations of plasticisers registered across all Thames-Tyne samples. TH1, TY1, TY3 and TY4 showed trace concentrations in the top 20cm depth.

No plasticisers registered in the combined waterway or Te Whanganui-a-Orotū (Ahuriri Estuary).

#### **4.3.7 Pesticides**

Trace amounts were found in the combined waterway and the Te Whanganui-a-Orotū (Ahuriri Estuary), with dieldrin just below GV in the Upper Ahuriri Estuary.

### **4.4 Significance and Engagement**

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

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

With an apparent zone of peak contaminant concentration in the top 40cm of sediment in the Thames and Tyne waterways, there is an opportunity to investigate removal (dredging). With the Tyne waterway showing significantly higher hydrocarbon and metal contamination than the Thames, there is a particular focus on the need to remediate the Tyne.

### **4.5 Implications**

#### **Financial**

Rehabilitation options will be investigated and costs analysed during the next stage of the project.

#### **Social & Policy**

Considering the proximity of the Thames-Tyne network to Te Whanganui-a-Orotū (Ahuriri Estuary), and the history of the water quality within the Thames and Tyne, this project is essential in ensuring the sustainable improvement of the socially and ecologically

important, yet delicate estuary. Once options for rehabilitation have been developed by appropriate expertise, transparent communications with stakeholders will guide the selection and implementation of the preferred option for improving the Thames-Tyne waterway system.

### **Risk**

When remediation options are considered, priority must be placed on the prevention of historic contaminant mobilisation to the sensitive Te Whanganui-a-Orotū (Ahuriri Estuary). This may mean 'shutting off' the network to the estuary's tides.

## **4.6 Options**

N/A

## **4.7 Development of Preferred Option**

N/A

### **At the Meeting**

The Officer spoke to the report and in response to questions from the Committee clarified:

- The timelines for funding the improvement of the Thames-Tyne waterway network are set out in the Ahuriri Master Plan and the Long Term Plan (LTP). Within the next two financial years the core funding will come online and beyond that residual funding will become available for continued work and maintenance.
- Contamination of the waterway by the heavy metals detected at 17.8cm depth in the core sampling would only occur if the sediment above was disturbed. This depth is below where benthic communities would reside (species dwelling on the waterway floor).
- There is still adequate budget available for the work to be completed in the next two years.
- There have been other projects in New Zealand which have remediated marine sediment successfully.
- HBRC have issued resources consents to third parties which allow higher contaminants than they allow Council. The current Thames-Tyne waterway consent comes to an end in two years' time, and Council will be talking with HBRC in the lead up to this about what should be happening in these waterways going forward.

## **4.8 Attachments**

Nil



## 5. NAPIER CITY WASTE MANAGEMENT AND MINIMISATION PLAN (WMMP) IMPLEMENTATION UPDATE

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1360310
Reporting Officer/s & Unit:	Alix Burke, Environmental Solutions Coordinator Rhett van Veldhuizen, Waste Minimisation Lead

### 5.1 Purpose of Report

- This report provides information on new legislation that comes into effect from 01 January 2022; Waste Minimisation (Information Requirements) Regulations 2021 which requires the reporting of all materials received into and transported out of transfer stations including diverted materials.
- This report is to provide an update on the implementation of the Joint Waste Management and Minimisation Plan (WMMP) and recent activities undertaken by the NCC Waste Minimisation Team. A copy of the WMMP can be viewed on the [NCC website](#)
- In addition, there is an update on an initiative provided by The Packaging Forum which provides a sustainable destination for soft plastics.

### Committee's recommendation

Councillors Brosnan / Simpson

That Sustainable Napier Committee

- Receive the information regarding new Waste Minimisation (Information Requirements) Regulations 2021
- Receive the Waste Minimisation Team's WMMP implementation update.

Carried

## 5.2 Waste Minimisation (Information Requirements) Regulations 2021

In one of many changes soon to be imposed upon the waste landscape by Central Government, from 01 January 2022, operators of cleanfill, monofill and transfer station facilities must provide Ministry for the Environment (MfE) with detailed records of both the tonnage of waste and the tonnage of diverted material that enters and leaves their facility. This information includes:

- Tonnage amounts
- Date and time the waste or diverted material was measured
- How the tonnage was measured
- Where the tonnage was measured (if not at the facility)

This information is to be provided quarterly unless an annual submission has been approved and records are to be kept for 7 years.

This new legislation will impact resourcing within the Waste Minimisation Team, and will require new recording systems, acquiring data and presenting it in the required format to the Ministry.

A concept has been proposed to Hastings District Council to enable at least two team members to work cross-boundary to further collaboration with the Hastings team and enable efficiencies of recruitment and alignment of policies to assist this legislation changes and others being imposed upon us. We support this strongly as we seek to enable efficiencies and maintain our joint philosophies and delivery of the WMMP outcomes.

New weighbridge software to replace the current system which is currently a noted high risk, is scheduled to be installed and operating prior to 01 December 2021 and will assist in the capture of the required data. This timeframe will enable Information Services, Finance and Waste Minimisation Teams to ensure that trials and systems linkages can occur.

## 5.3 Waste Management and Minimisation Plan Implementation

### Kerbside Refuse/General Waste Services

#### *Background:*

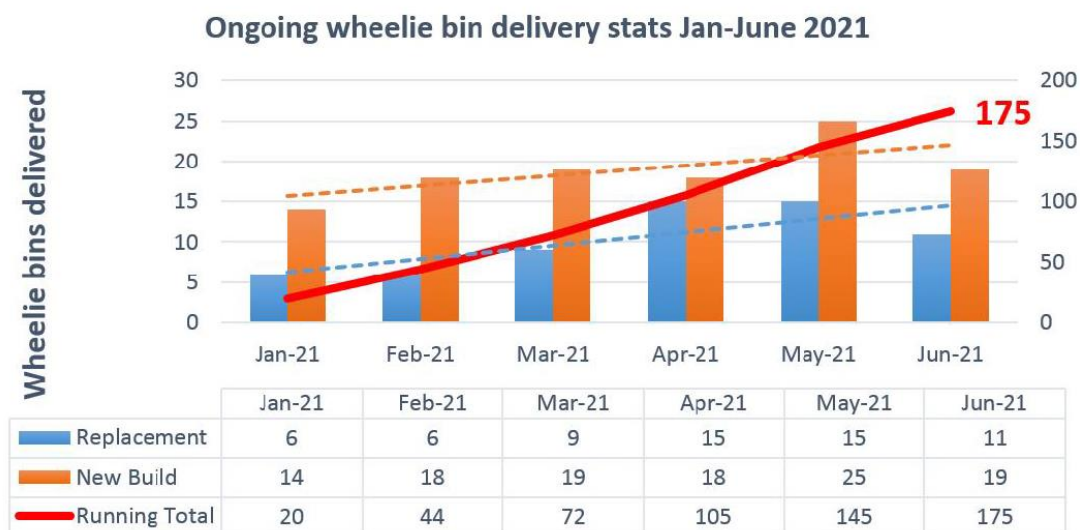
In October 2020, Council replaced the two 60L bags with a 120L wheelie bin as the receptacle for the City's kerbside refuse collection. After reviewing service options, it was decided to extend this service to Napier's shopping zones. Initially there were some concerns around storage of the bins on premises, but the business community has adapted well and the streetscape has improved with the changes implemented. Bags were very susceptible to being ripped open by seagulls and other animals, especially around restaurants, cafes and motels and the provision of wheelie bins has prevented this.

#### *Participation rates:*

The average participation in the service is 76% meaning across Napier the bins are presented 76% of the time. An average of around 84,500 wheelie bins are lifted per month. More detail can be found in the attached document 2020-21 waste data.

#### *Additional bins issued:*

Since the initial roll-out around 29 bins have been issued per month. About 19 issued for new subscribers and 10 issued as replacements. See the graph below.



#### *Tonnage of waste disposed:*

Waste disposal tonnages across our services have increased. The high uptake of the wheelie bin service and possibly changes in customers' disposal practices have resulted in higher collected tonnages for this service. There has been commentary about the change in the type of receptacle provided creating additional waste, but if a customer has 8kg of waste for their previous bag collection, a wheelie bin does not make this heavier, and we have not seen customers creating more waste just because they now have a bin.

Increased waste tonnages are most likely to be due to issues such as:

- reduced subscriptions to commercial services
- changes in purchasing habits due to the ongoing global pandemic
- economic factors
- non-recyclable packaging of replacement products post-flood.

The average weight of wheelie bin contents 9.13kg, which compares to the 8.85kg during the bag collection contract. While the subscribers using the service has increased by almost 20%, the tonnage disposed of has only increased by just over 3%.

More detail can be found in the attached document 2020-21 waste data.

#### Less Waste Incentive (LWI)

This is a system that the Waste Minimisation Team introduce for the people of Napier to recognise good practice and to incentivise or reward customers who put out less waste was introduced as part of the roll-out. Participation in this scheme continues to grow. Around 3,000 customers have correctly signed up and put their wheelie bin out fortnightly (or at an equivalent frequency) per annum. In return, they have received a 30% discount on the waste collection cost on their rates bill for this financial year. This incentive discount reduced the 2021-2022 kerbside refuse rate from \$133.00 to \$93.10 per property.

### Assisted and Alternative Services

Assisted and Alternative Services have been introduced to assist our customers who have genuine difficulties presenting their receptacles at the kerbside.

The *Alternative Service* is for use by residents of properties where Council agrees that a wheelie bin service is unsuitable. Reasons for this are geographical, such as very steep access, only step access, or to reduce health & safety risk to our customers or contractors. The Alternative Service is operated by the customer using two 60L bags with official stickers identifying them as part of the service to distinguish their bags from illegal dumping. Around 30 properties have been approved for this of collection.

The *Assisted Service* caters to our customers' needs due to disability or health reasons. A site visit is undertaken with contractors and an agreed position on the property is identified. The wheelie bin is left in that position on collection day, emptied by the contractor and returned to that position after being serviced. At present there are 8 customers who use this service.

### Kerbside Recycling

#### *Background*

This service was introduced in November 2019 has bedded in very well. The three 45L crates are collected weekly and participation levels are high for a service of this kind. The collected tonnages have steadily increased for Glass, Plastics & Cans, but Cardboard & Paper have not. The reason for this is likely to be the limited capacity of the crates.

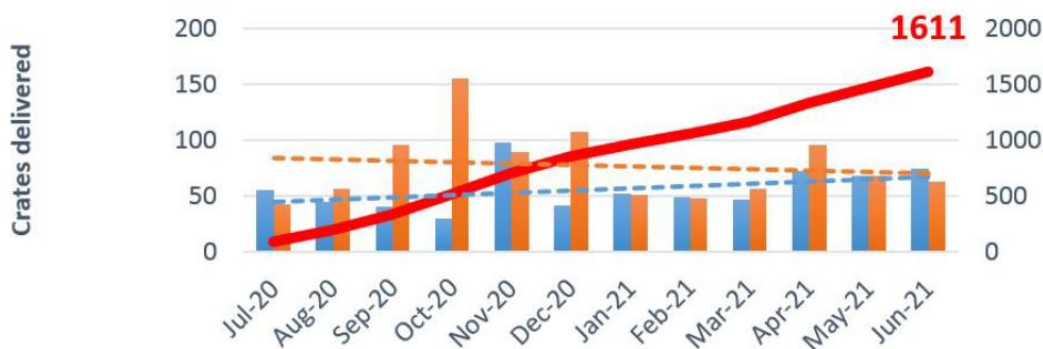
#### *Participation rates*

The average participation in the service is 47% meaning across Napier the 3 types of crates are presented 47% of the time. This is a very high community uptake for this type of service and an average of 150,000 crates are lifted per month. More detail can be found in the attached document.

#### *Additional creates issued*

Since the commencement of the service, approximately 134 crates are issued per month. About 78 of those are for new subscribers and 56 are replacements. See the graph below:

### Ongoing recycling crate delivery stats 2020 - 2021



	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21
Replacement	56	45	41	30	98	42	53	49	47	73	68	75
New Build	43	57	96	156	90	108	51	48	57	96	69	63
Running Total	99	201	338	524	712	862	966	1063	1167	1336	1473	1611

#### Recycling tonnages

Kerbside recycling tonnages are increasing and are the highest they have been in a decade. Since the start of the WMMP in 2018 they have increased by 26%. In the past the amount of paper and cardboard was higher due to the fact that it could be presented loose. Much of that material now is received at the transfer station.

The average weight of the contents for the glass crate is 4.3kg, paper and cardboard crate 1.65kg and plastics and cans crate 1.04kg.

#### Redclyffe Transfer Station:

Increased building activity in the Napier area has resulted in large amounts of building waste, both from contractors and skip bin operators being tipped off at Redclyffe Refuse Transfer Station. Over 10,000 tonnes of waste was received in the 2020-2021 financial year. This represents a 20% increase from the year before.

COVID-19 alert levels increased to 2 a few times, but this did not result in loss of service. Signage, QR-scanning posters, electronic and paper visitors' books were used to comply with the regulations in this regard.

The *Napier flood* in November 2020 put the kerbside and transfer station services under an unprecedented amount of pressure. A storm flooded multiple areas in Napier, resulting in a very challenging situation. The kerbside collection services continued as best as they could and managed well. The amount of waste due to water damage in the aftermath of this event was enormous. Over 1,000 tonnes in addition to a normal November month at the transfer station was quickly realised, and a dynamic response was required. Affected residents were given an opportunity to dispose of their flood waste free of charge and multiple special kerbside collections of flood-damaged waste were organised in the affected suburbs. This was a mammoth task for all involved.

Since the closure of the Council-supported and privately run *Austin Street Recycling Drop-off centre* during Covid-19 lockdown, the Redclyffe Refuse Transfer Station has become the only 'free' drop-off facility for recycling in the Napier area and demand for this service has grown. Closure of the drop-off centre, the fixed volumes for kerbside

recycling and the lack of a Council cardboard collection in the shopping zones are likely drivers for this.

*Tonnages* have increased across all material streams. In comparison to the previous year the annual recycling tonnages increased by 91% for paper to 569 tonnes, 37% for glass to 588 tonnes and 181% for plastics and cans to 73 tonnes. The scrap metal tonnage increased by 16% to 543 tonnes.

*Greenwaste*, which is also diverted to either BioRich for composting or PanPac as boiler fuel stayed stable at 1,153 tonnes.

More detailed tonnage data for the transfer station can be found in the **attached** document 2020-21 Waste Data.

Recycling markets have changed and there is a focus on keeping material in New Zealand. Limited capacity however means it is still challenging and costly to collect and market recyclables, and inevitably off-shore markets still remain a destination of some marketed and well-controlled recyclables.

A major review of the Waste Levy by the Government and ongoing developments related to the Emissions Trading Scheme will mean the cost of waste disposal is going to steeply increase. This translates into higher fees to dispose of each tonne of waste at the Omarunui Landfill and Transfer Stations in the region. It does also mean that alternative ways of treating certain waste streams will become more feasible. The cost of dealing with waste will rise regardless of the final destination and is something Council will have to plan and budget for carefully.

An unwanted side effect that is a result of cost increases is illegal dumping. Better cost-allocation and reporting of illegal dumping incidents will help scope and tackle this issue.

Now that the two major milestones related to the kerbside services in the Joint Waste Management and Minimisation plan have been completed a re-focus is needed to keep working on the action points specified in this document. A summarised progress update on these action points is provided in a table in the attachment WMMP Action Updates

#### Again Again Reusable Coffee Cups

This is a new initiative to Hawke's Bay. New Zealanders use around 295M single use cups every year. While these might look like they are recyclable most have a PLA lining which makes it impossible for them to be readily recycled. Inevitably, these end up in landfill.

Again Again cups are reusable cups, which are available by deposit and return at participating cafés for a deposit of \$3.

The NCC Waste Minimisation Team is developing a grant scheme to support interested cafés to become part of the initiative.

#### Initiatives from external organisations

##### *Soft Plastics Recycling*

It is now possible to recycle soft plastics in Hawke's Bay. This new initiative to the region was launched on 12 July with both Mayor Kirsten Wise and Mayor Sandra Hazlehurst attending the launch at The Warehouse in Hastings. The Packaging Forum

has brought soft plastics recycling to the Bay with stations at the following stores available to residents in Napier.

- The Warehouse
- Countdown Munroe St
- Countdown Carlyle
- Pak n Save Tamatea

The launch of soft plastics recycling allows Napier City Council to extend our partnership with our already established recycling networks and the Packaging Forum to provide the opportunity for our communities to have another sustainable outcome for the soft plastics that our citizens consume.

The soft plastics collected in Hawke's Bay will be recycled at Future Post's plant in Waiuku, South Auckland. Each future post contains 1500 bags and wrappers and are a durable alternative to treated timber posts.

### **At the Meeting**

The Officer spoke to the report and in response to questions clarified:

- A new recording system is going to be installed at the transfer station to monitor and capture records of all waste received into and going out of the Transfer Station, and waste being diverted to other locations rather than to the landfill. Training of staff on the new system will be required.
- The waste disposal tonnage across Council's services has increased, this may be because the Council service is being used in favour of other local independent operators.
- Councils all around the country have noted an increase in fly tipping since the first Covid lockdown. This may be because of increase costs at landfills and transfer stations, and the costs are set to increase further over the next few years. Dump fees are not incentivising people to dispose of rubbish appropriately.
- The Government Waste Levy funding is not allowed to be used for prosecuting illegal dumping, but the Council will keep asking for this.
- Council can use some Waste Levy funding for two new cross-boundary roles proposed to Hastings District Council (HDC) which could align policies, enable efficiencies, and maintain the joint philosophies and delivery of the WMMP.
- With the increase in waste tonnage and city population there should be an increase in the Waste Levy funding.
- A key part of the WMMP is to stop compostables going to landfill. The cost of a door-to-door services is very expensive and could be an additional \$60-\$80 per year for some rate payers. An opt in service would be more expensive as the cost would be spread over fewer households. Council's main focus in this space is on industries which produce organic waste.
- Curb-side recycling uptake has been good. This leads to high tonnage and additional freight and sorting costs.
- During level four lockdown plastics, glass and cans cannot be sorted. Currently Council is storing recyclables which cannot be processed during level four lockdown. A sorting plant which can operate during level four lockdown has



been found and if a contract with them can be secured Council will be able to continue sorting all recyclables during lockdowns.

- Polystyrene cannot be recycled. To put the onus back on the manufacturer, consumers should take it back to where they bought their products and make them return it to the manufacturer.
- Hawk packaging where all Napier's recycled paper and cardboard goes is not solely dependent on the Council's supply. They have other suppliers from around the country. Cardboard and paper is worth a significant amount at the moment, our contact with them currently is a zero cost, zero payment scenario but this could change in the future so there is no desire to alter the contract and incur a cost to the ratepayer.

## 5.2 Attachments

- A 2020.21 Waste Data *(Under Separate Cover)*
- B 2020-2021 WMMP Action Updates *(Under Separate Cover)*

## 6. KERBSIDE WASTE SERVICES - REPLACEMENT RECEPTACLES & TERMS OF SERVICE

Type of Report:	Operational
Legal Reference:	Enter Legal Reference
Document ID:	1360311
Reporting Officer/s & Unit:	Alix Burke, Environmental Solutions Coordinator Rhett van Veldhuizen, Waste Minimisation Lead

### Purpose of Report

- To receive the attached Terms of Service for Napier's kerbside rubbish and recycling services.
- To seek Council's approval for establishing fees for the replacement of Council owned wheelie bins which have been stolen, lost or damaged whilst using the service.
- To seek a decision regarding provision of an additional wheelie bin for charitable organisations working from within a residential home in the collections area, to be invoiced for the service.

### Committee's recommendation

Councillors Simpson / Mawson

The Sustainable Napier Committee:

- Receive the attached Terms of Service for kerbside collections.
- Agree to the establishment of an \$85 incl. GST fee for replacement wheelie bins that have been stolen, lost or damaged whilst using the service, for the 2021-2022 financial year.
- Agree an additional wheelie bin will be provided, on application, to charitable organisations working from within a residential home in the collections area. They will be invoiced for the service.

Carried

### 6.2 Charging for Replacement Receptacles

#### Kerbside recycling service:

In November 2019, Napier adopted a new kerbside recycling collection service. This service provided Napier residents with three 45L recycling crates to enable customers to pre-sort their recycling before presenting it at the kerb. In December 2019, Council approved a replacement charge for these recycling receptacles of \$15 incl GST per crate.

To date, no charges for replacements have been made; due in part to delays in administrative systems set up and additionally, after the effects of Covid-19 and the Napier Flood, it was considered to be an unwelcome additional stressor for the City's

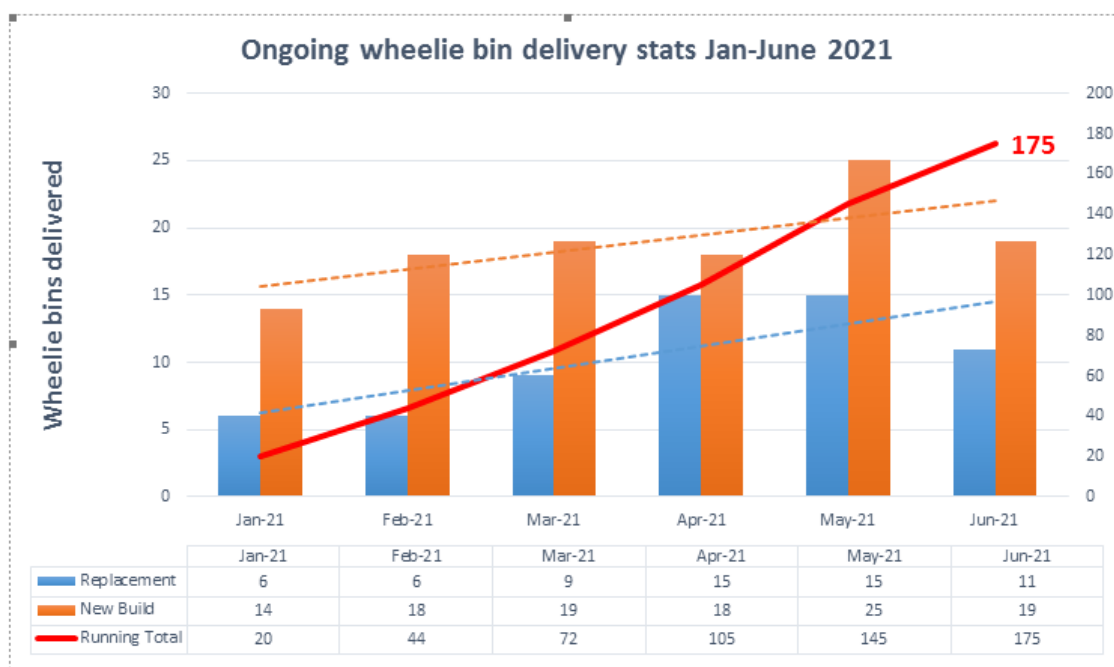
residents. While this situation has been the case, the General Rate has been the funding source for these replacements. Charges for replacement crates are only to be made in the event of crates being lost or damaged as the result of negligence on the part of residents. If a crate goes missing or is damaged as a result of using the service on collection day there will be no charge for replacements, as per the attached Terms of Service.

#### Kerbside refuse services:

On 01 October 2020, Council's new wheelie bin refuse collection service commenced. Napier residents were provided with a 120L wheelie bin for their weekly refuse allowance.

For the six months since January 2021, we have provided 175 receptacle replacements, made up of 62 replacements and 113 for new subscribers to the service.

The number of replacements, per month are shown in the graph below:



Reasons for replacement requests can range from wheelie bins being run over, set alight, taken by a neighbouring property to increase their allowance, or by neighbours whose bin has gone missing.

Officers have replaced these requests without charges to residents thus far. A decision is required to ensure costs are manageable and equitable going forward. In order to encourage residents to place a value on this service and to ensure their Council-owned wheelie bin assets are looked after in a suitable manner, a charge to cover the costs of the wheelie bin and associated administration is recommended.

#### Damage by service provider:

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

Receptacle replacement policy:

After presenting a report to Sustainable Napier earlier this year to discuss this issue, Officers were requested '*to develop a policy relevant to the replacement of wheelie bins and recycling bins, to further inform this report when it is represented to Council*'. During research undertaken in order to accommodate Council's request, it was discovered that only two Councils in the country have a policy with reference to kerbside services. In both cases, these policies outlined different types of kerbside collection for different areas in the city. i.e., CBD, suburban, semi-rural and rural which by their nature have different service levels provided to them. Council Officers could find no Territorial Authorities which have a published policy regarding charging for replacement receptacles for kerbside services.

However, during this research into the administrative practices of other Councils who provide Council-owned receptacles to their customers, it was discovered that most charged for replacement receptacles where the user was at fault for the damage or loss of the receptacle.

The table below outlines the charges made by six Territorial Authorities for replacement receptacles and proposed NCC charges.

Council	Wheelie Bin	Recycling Crates
Horowhenua District Council	\$75	\$17
Whakatane District Council	\$80 – 90 depending on size	\$20
Waikato District Council	Bag Service	\$18.50
New Plymouth District Council	\$69	\$16.50
Wellington City Council	\$80	\$15
Christchurch	\$109-132	All receptacles are wheelie bins
<b>Proposed NCC charges</b>	<b>\$85</b>	<b>\$15</b>

These charges are clearly advertised on the TAs' websites with additional information as to when these charges will be implemented. In all cases, charges are made when the resident has been negligent in the care of their receptacles. In lieu of writing a Policy, Council Officers' guidelines with regard to charging for replacement receptacles can be found in the attached Conditions of Service document in Section 5.

Additional wheelie bins and delivery of up to 500 per annum are part of the kerbside refuse collection contract. This number is an estimate and has a focus on new subscribers. These owners are not charged for the supply and delivery of the first bin. The actual current cost to Council of a replacement bin, as at the time of writing, is \$50.00 for the bin itself plus \$16.50 for registration and delivery by the contractor. In order to cover the associated administration costs to Council, the recommended replacement fee is set at \$85 incl. GST for the current financial year.

### 6.3 Provision of additional wheelie bin for charities and non-profits

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

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

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

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

We envisage that these small number of applicants would be invoiced for the service (not the receptacle) on an annual basis if their application is approved at the discretion of Council Officers.

### 6.4 Significance and Engagement

This matter is determined as low significance.

### 6.5 Implications

#### Financial

As outlined above.

#### Social & Policy

N/A

#### Risk

There are no substantial risks associated with this decision.

### 6.6 Options

The options available to Council are as follows:

- a) Agree to the establishment of a \$85 incl. GST fee for replacement wheelie bins that have been stolen, lost or damaged whilst using the service, for the 2021-2022 financial year.
- b) Approve or decline Council Officers' recommendations that a second kerbside refuse collection charge can be invoiced to a residential premises that is run by a charity or that a charity is run out of that premise, upon meeting the aforementioned criteria.

### 6.7 Development of Preferred Option

N/A

### **At the Meeting**

The Officer spoke to this report and in response to questions from the Committee clarified:

- Other Territorial Authorities charge between \$69 and \$132 for replacement of 120L wheelie bins.
- The policy states it will take up to two weeks to replace a lost or stolen bin. This is because bins can be recovered, negating the need for a new bin to be provided.
- Damaged bins can be repaired by Council with its stock of spare parts.
- If a damaged or stolen bin has been reported within 24 hours of a collection time then the customer has taken the initiative to report it promptly. In this case Council will repair or replace at no extra charge to the customer.
- There will not be a separate policy for Kerbside Refuse and Recycling Collections, it will just be the Terms of Service.

### **6.1 Attachments**

A Conditions of Service

## Terms of Service for Kerbside Refuse and Recycling Collections

1. Napier City Council (NCC) offers different types of collection for different areas in the city. These are outlined below:
  - a. Residential service – residents are entitled to a single 120L wheelie bin refuse collection and three 45L pre-sorted recycling crate collection per week.
  - b. CBD – rubbish collection only. There are no recycling services in the CBD areas of the city. The CBD areas receive more than one rubbish collection service per week. From three in Taradale and Ahuriri to four in Napier CBD.
  - c. Business in Residential areas – (e.g. doctor/dentist, surgery, dairy, etc.) customers receive a single 120L wheelie bin refuse collection and three 45L pre-sorted recycling crate collection per week.
  - d. Industrial areas in Onekawa and Pandora do not pay a targetted rate for waste and recycling services, therefore no service is provided.
  - e. Exemptions for residential or business users with more than 10 charges on the rates bill – In order to prevent a proliferation of receptacles at the kerb being an inconvenience for the general public and service providers, customers can opt out of services on the proviso that they provide an approved alternative for their tenants.
2. Only the rate payer or their authorised property manager are permitted to order and/or purchase crates for a property.
3. Only one set of receptacles per rateable unit will be provided (*to be approved by Council at Sustainable Napier Committee*).
4. Receptacles will be replaced as outlined below: (*to be approved by Council at Sustainable Napier Committee*). Please note in some cases charges for replacements will be incurred as referred to below.
  - a. Damaged receptacles
    - We will repair or replace a faulty or damaged receptacle at no cost providing there has been no purposeful vandalism of the bin by the property owner.
    - Graffiti is not considered damage and is the responsibility of the householder to remove.
  - b. Lost, stolen or missing bins and replacements
    - Contact us within 24 hours (and before 11pm on the day after your collection) via email at [info@napier.govt.nz](mailto:info@napier.govt.nz) or by calling 06 835 7579 to report a lost, stolen or missing bin.
    - Once you have contacted us, check that a neighbour hasn't taken your bin by mistake. The sticker on the side of the bin will show the right property address. NCC applies a stand down period of 5 working days before arranging replacements as receptacles are often found within this period.
    - If you find your bin please let us know.
    - Your bin will be replaced within two weeks of receiving your request. If there are any replacements costs, your bins will be replaced on the next collection day after payment has been received. Under most circumstances, Council will not collect bagged waste from the kerbside.

Alternatives are to take bags to the Redclyffe Transfer Station (minimum fees apply), or stockpile until the replacement arrives.

- c. Replacement costs
  - No charge where a missing bin is reported to Council within 24 hours of your collection day.
  - Charges will be incurred if:
    - You report the missing bin more than 24 hours later
    - If you leave your bin outside of your property after 11pm on your collection day and it is stolen
    - If your bin is stolen from within a private property.
5. In the event of tenants or owners removing receptacles when they exit a property charges will be made for replacements. It is recommended to property owners, managers and real estate agents that receptacles are added to the chattels list.
6. Tampering with receptacles will result in loss of service. Tampering includes, but is not limited to:
  - a. tampering, damaging or removing any part of the receptacle including markings and branding;
  - b. installing additions to the receptacles, such as nets, bin clips, or other devices, or defacing or changing the colour of the receptacle;
  - c. using the receptacle for purposes other than those recommended by the manufacturer.
7. Abuse of service, such as removing neighbours' wheelie bins, or filling a neighbour's wheelie bin without their consent in order to increase capacity at your property, will result in loss of service.
8. A three strikes policy for customers who persist in overfilling their bin or disposing of garden waste or hazardous material will be implemented as follows:
  - a. Customers in breach will be advised by use of a label attached to their wheelie bin in the first instance.
  - b. The second breach will be responded to by a second label and a letter will be written to the resident advising them of the issue. NCC will contact the customer in order to educate and offer support to promote good behaviour.
  - c. The third breach will be responded to as above and the customer will also be advised that a probation period and/or suspension or loss of the service is a real possibility.
  - d. If education and support still proves to be unsuccessful and there is a fourth breach, the customer will be invited to meet with Council officers to discuss appropriate next steps. If they fail to make an appointment, or fail to attend the appointment, loss of service will result.



## 7. REPORT ON NAPIER WATER SUPPLY STATUS END OF Q4 2020-2021

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1362757
Reporting Officer/s & Unit:	Anze Lencek, Water Quality Lead

### 7.1 Purpose of Report

To inform the Council on the status of Napier Water Supply (NAP001) at the end of fourth quarter (Q4) of 2020-2021 compliance year.

#### Committee's recommendation

Councillors Simpson / Mawson

The Sustainable Napier Committee:

- a. Recommend Council to endorse the:
  - i. Report on Napier Water Supply Status end of Q4 2020-2021

Carried

### 7.2 Background Summary

The Havelock North Drinking Water Inquiry Stage 2 report identified six fundamental principles of drinking water safety for New Zealand. Water suppliers need to take the six principles into consideration as part of supplying safe drinking water to their customers. This Report relates mainly to **Principle 5: Suppliers must own the safety of drinking water: Drinking water suppliers must maintain a personal sense of responsibility and dedication to providing consumers with safe water. Knowledgeable, experienced, committed and responsive personnel provide the best assurance of safe drinking water. The personnel, and drinking water supply system, must be able to respond quickly and effectively to adverse monitoring signals. This requires commitment from the highest level of the organisation and accountability by all those with responsibility for drinking water.**

Drinking-water compliance period covers period from July 1 through June 30 next year and consist of four quarters (Q1: Jul-Sep, Q2: Oct-Dec, Q3: Jan-Mar, Q4: Apr-Jun). Reports such as this will be submitted and presented on Sustainable Napier Committee meetings as soon as possible after each compliance quarter to provide insights on recent changes to Napier water supply and quarterly compliance against the Drinking Water Standards for New Zealand (DWSNZ) and the Health Act 1956.

#### Napier drinking-water supply facts and compliance requirements:

- Napier drinking-water supply (Napier NAP001) comprises only one zone (Napier NAP001NA) and serves a population of 59,055 (Drinking Water Online register, December 2020; estimate).
- As a drinking-water supplier, NCC must comply with Drinking Water Standards for New Zealand 2005 (Revised 2018) (DWSNZ) and part 2A of the Health Act 1956.
- More details on Napier water supply can be found in Napier Water Safety Plan v4.4.

**DWSNZ compliance consists of:**

- Treatment Plant / Bores Compliance; includes: Bacterial, Protozoa, Cyanotoxin, Chemical, Radiological and Overall Compliance
  - Distribution Zone(s) Compliance; includes: Bacterial, Chemical and Overall Compliance
- Health Act 1956 part 2A compliance with Duties in the Act consists of below sections of the Act:
- 69S: Duty of suppliers in relation to the provision of drinking water
  - 69U: Duty to take reasonable steps to contribute to protection of source of drinking water
  - 69Z: Duty to prepare and implement a Water Safety Plan (WSP)
  - 69ZD: Duty to keep records and make them available
  - 69ZE: Duty to investigate complaints

All requirements (DWSNZ and Health Act) are being annually assessed by NCC's local Drinking Water Assessor for period July 1 - June 30 and 'Report on Compliance with the Drinking-water Standards for New Zealand 2005 (Revised 2018) and duties under Health Act 1956' is issued.

The main focus of this Report is to present the 3 Waters Team's current understanding of compliance with the DWSNZ only, as this exercise is much more straightforward to undertake compared to assessing Health Act requirements, which might be subject to different DWA interpretation and additional requirements. However, any major non-compliances detected with the Health Act will be included in reports to come. An overview on 69ZE requirement (Duty to investigate complaints) from the Health Act is however included in this Report.

**Note** – Information presented in this Report is NCC 3 Waters Team's best understanding and interpretation of DWSNZ and Health Act requirements and our adherence to those requirements – the DWA might have a different view when undertaking an annual compliance assessment at the end of the compliance year.

### 7.3 Issues

The following points highlight the main issues and events relating to the supply that occurred in Q4.

**A) Summary of any significant events that have occurred and changes to any of the supply elements, WSP and regulatory framework**

- **Tamatea and Parklands Controlled Water Area (CWA).** On 17 May 2021 two separated DMAs (Tamatea and Parklands) have been created.
- **A1 Bore.** Due to low demand A1 bore has been put offline on 19 May 2021.
- **Water Safety Plan (WSP).** Contract to assist developing Napier's WSP to align with new WSP Framework and to develop Source Water Risk Management Plan has been awarded on 31 May 2021 to Tonkin & Taylor consultants. Both finalised documents are expected to be delivered before end of November 2021, works in progress.
- **C1 Bore.** Due to low demand C1 bore has been put offline on 23 June 2021.

**B) Summary of progress against the WSP Improvement Plan**

At the end of Q4 (as on 30 June 2021) there were seventeen actions to be completed in the WSP v4.4 Improvement Plan, out of those two were overdue. One action has been completed in Q4 (Action #63 – 'Create District Metered Area (DMA) to encompass Tamatea and Poraiti in order to improve stability of flow direction and consequently reduce the number of discoloured water occurrences.').

- Action 24 - 'Develop dedicated location for taking water from hydrants (Thames St Water Take Site)' was scheduled for completion end of June 2021. Project is close to completion and was delayed due to unforeseen road works arising from changed operations at one of the adjacent industrial sites.
- Action 39 – 'Update Napier City Water Supply Bylaw 2021 to include Health Act 69ZZR(4) and 69ZZV sections' requirements on offences for persons taking water from a hydrant' was due end of June 2021. The timeline as well as the scope will be reviewed during the Water Safety Plan update which is currently underway.

### C) Update on drinking-water related capital projects

The table below shows a summary of all drinking-water related capital projects entered and managed in Sycle and their progress (see 'Current phase' column, legend below the table), as on 26 July 2021. Where projects differ from the project summary submitted for the Sustainable Napier Committee this can be due to some projects having not started yet. As projects start they are loaded into Sycle and will be reported on in the six weekly committee process. Timeframes will need to be adjusted following review of the LTP.

Water Supply Projects Update for Week 4 of 2021/2022

Project Name	Cycle Phase	% Effort Complete	Comments
A1 Pigging Points - 300mm Main	Transfer and Close	65%	Work is planned for the low demand period for the installation. This is due to start after Easter.
A1 Pigging Points - 450mm Main	Transfer and Close	62%	Work is planned for the low demand period for the installation. This is due to start after Easter.
Borefield No.1 Rising Main (Papakura-Awatoto)	Initiate	12%	Detailed Design required for construction of pipeline extension. Construction to wait until the borefield location is confirmed by water flow and quality test. Project is on hold until C1251 is completed
Borefield No.1 Rising Main Extensions - Carlyle Street to New Reservoir on Hospital Hill	Initiate	0%	Preliminary design and alignment of stage one.
Borefield No.1 Rising Main Extensions - Latham Street to Carlyle Street	Initiate	0%	10% concept design completed. New project manager appointed
Borefield No.2 Taradale	Initiate	10%	Multi Criteria Analysis currently being finalised for site selection. Project is moving into property purchase and detailed investigation phase. Geotechnical information has ruled out a number of sites for consideration.
Carlyle Street Trunk Main Improvements	Initiate	0%	Preliminary design and alignment of stage one.
Chaucer Road Pump Station Relocation	Initiate	0%	This project is required as part of the Enfield Reservoir replacement work
Connect Taradale Reservoir to New Enfield Reservoir	Initiate	0%	This project is subject to the output of the Water Master Plan and the final location of the Enfield reservoir site.
Connect Treatment Plant 1 supply to Taradale	Initiate	0%	
De-Chlorination Water Station 1 - York Ave	Monitor and Control	98%	Operations and Maintenance manual commissioned internally and to be completed by August 2021.

De-Chlorination Water Station 2 - Marine Parade	Transfer and Close	87%	Operations and Maintenance manual commissioned internally and to be completed by August 2021.
Dedicated Hydrant Water Take - Thames Street	Plan and Execute	63%	Water take infrastructure and road safety improvements complete. Electrical/controls/fibre/CCTV design being reviewed by water team and work on the electrical panel to start end of July
Delineate Taradale / Enfield Systems	Initiate	#N/A	#N/A
Development of Borefield No.1	Initiate	30%	Papakura Domain has been identified as the most suitable water source area for a new borefield. work is being planned for the test bore to monitor water quality and to identify a depth for the production bores to be installed. Schedule needs to be redone to reflect the separation of trial bore works to full borefield development.
Development of District Water Supply Monitoring Areas (DMA & Quality)	Initiate	6%	'12 sites have been identified as part of the modelling process for the installation of flow meters. Water quality monitoring is in the design phase for instrumentation and sites will be identified once the Master Plan is complete.
Emergency Water Tanks in case of contamination.	Initiate	#N/A	#N/A
FW2 Fire Flow Network Upgrades	Plan and Execute	83%	Bayview site drawing at 30% stage. Tender only drawing to be applied June 2021. Construction to begin early August 2021.
Hospital Hill falling main	Initiate	0%	Preliminary design and alignment of stage one.
Low Manganese Water	Initiate	0%	Investigations alternative bore location, install manganese treatment
Mataruahou (Napier Hill) - Rising and Falling Trunk Mains	Initiate	0%	<p>Several projects relating to the Mataruahou (Napier Hill) - Rising and Falling Trunk Mains have been previously raised in Cycle. These projects are listed below for reference only.</p> <ol style="list-style-type: none"> <li>1. PRUID100299 - Borefield No.1 Rising Main Extensions - Latham Street to Carlyle Street</li> <li>2. PRUID100424 - Borefield No.1 Rising Main Extensions - Carlyle Street to New Reservoir on Hospital Hill</li> <li>3. PRUID100427 - Chaucer Road Pump Station Relocation</li> <li>4. PRUID100428 - Hospital Hill falling main</li> <li>5. PRUID100429 - Carlyle Street Trunk Main Improvements</li> </ol> <p>The scope has been moved to the Mataruahou (Napier Hill) – Rising and Falling Trunk Mains (PRUID100877)</p>
Meeanee Bore Treatment Upgrade	Transfer and Close	72%	Project owner and sponsor have approved the memo recommending scope change - to investigate the pipeline extension from Te Awa. Stantec to carry out water modelling to determine pipe sizes - in progress
NCC New Water Take Consent	Initiate	0%	
New Reticulation Rider Mains	Initiate	0%	
New Taradale - Rising & Falling Trunk Mains	Initiate	11%	Preliminary design work being scoped and implemented.
New water treatment plants design for Borefields No.1 & 2	Initiate	#N/A	#N/A
Online Monitoring at Water Sources/WTPs	Initiate	3%	Project initiation has started to ensure an early start in the 21/22 FYR

Puketapu Road Trunk Main Upgrade	Initiate	12%	Detailed Design required for construction of pipeline extension. Construction to wait until the borefield location is confirmed by water flow and quality tests.
Rationalise Thompson Reservoir pipework	Initiate	0%	Investigate and upgrade the existing pipework at the Thompson reservoirs
Replacement of Chaucer Booster Pump Station	Initiate	0%	
Reservoir Inlets and Outlets Improvements	Plan and Execute	55%	Additional individual site investigation required and new drawings per each site following Safety in Design workshop. 19/7/2021. Project design progressing on Mechanical Mixers. Project Schedule Updated. Procurement strategy/decision required to engage an Electrical Contractor (ProElectrical nominated) and for the purchase of the PAX Water Technology Active Mixing System (Australian company) that the design is based on.
Reservoir Roof Lining	Initiate	#N/A	#N/A
Reservoir Seismic Valves	Programme	0%	Refer to PRUID100266 - Franklin x2 Tironiu, Otatara and Taradale x2 are subject to inlet/outlet improvements. And the PRUID100856 - Air Vent Project
Standby Generators for Pumpstations/Reservoirs	Programme	0%	Procure new generators of specification matching requirements at various pumpstations across the city, and facilitate connections to use the new generators in emergency to major pumpstations across networks that also include Purimu, Dalton and Sales St.
Survey & Install Backflow Preventers on Industrial & High Risk Sites	Programme	0%	
T2 Bore - Installation of 300mm Pressure Sustaining Valve	Monitor and Control	#N/A	#N/A
Tamatea & Parklands DMA	Plan and Execute	67%	<p>Completion date targeted for 22 April 2021.</p> <p>22/03 - Completion date still on target</p> <p>26 March - Letter to residents to be sent out  29 March - information pop-ups to be held  8 April - Community meeting  12 April - App. reporting period to start  6 May - App. reporting period ends</p> <p>28/04 - Due to issues getting correct pressure in the system due to leaks and an unexpected delay in gaining permission to carry out works in the Taradale Rd roadway the completion date has not been met. A team meeting will be held on Friday 30 April to ascertain a revised completion date. This will inform a revision to the comms plan.</p> <p>28/05 - The works have now been completed. the cutting over of the valves to effect the DMA took place on Monday 17th May. Over the next couple of days a cluster of dirty water complaints were received from residents in the Pirimai area. Following flushing in the area of the complaints the issue was resolved. A further issue has arisen where the pressure at the Western Hills cemetery was not sufficient to supply the taps at the top of the hill. A temporary pump was installed whilst the valves at Clyde Jeffreys Dr were reversed. This in effect took the Clyde Jeffery area out of the DMA.</p> <p>The area is being still being monitored and the 'Water Reporter' is still in effect.</p>

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Taradale Borefield Rising Main Extension	Initiate	12%	Detailed Design required for construction of pipeline extension. Construction to wait until the borefield location is confirmed by water flow and quality tests.
Taradale Borefield Rising Main Extension - Church Road (Puketapu Rd to Tironui Dr)	Initiate	6%	Detailed Design required for construction of pipeline extension. Construction to wait until the borefield location is confirmed by water flow and quality tests.
Taradale Borefield Rising Main Extension - Guppy intersection to New Borefield No.2	Initiate	6%	Detailed Design required for construction of pipeline extension. Construction to wait until the borefield location is confirmed by water flow and quality tests.
Taradale Reservoir	Plan and Execute	85%	Asset in operation. Finalising Asset Manager acceptance criteria. Practical and final completion certificate to be issue in January 2021
Taradale Reservoir 2 - Internal Lining	Initiate	0%	Lining of Taradale Reservoir 2 due to wall and base visible leaking.
Taradale Reservoir Falling Main Upgrade	Initiate	12%	Detailed Design required for construction of pipeline extension. Construction to wait until the borefield location is confirmed by water flow and quality tests.
Taradale Reservoirs Commissioning Stage 1	Initiate	19%	PO for electrical and supply of valve actuator raised.
Te Awa Watermain Extension - Philips-Awatoto Rd	Initiate	0%	Water Supply main is required to be extended from Te Awa Road to accommodate the new Industrial subdivision. This project is requiring a budget from development contributions. Feasibility studies have been done and water has been modeled, waiting for funding to design and build.  Project waiting on PRUID100235
Thompson Booster controls upgrades	Initiate	0%	
Thompson Reservoir 3 Roof Replace and Upgrade	Initiate	0%	
Thompson Reservoir Control Upgrade	Initiate	#N/A	#N/A
Thompson Reservoir Main Upgrade	Initiate	#N/A	#N/A
Thompson Reservoir Telemetry Base Station	Initiate	0%	
Tironui Reservoir Membrane Roof	Transfer and Close	#N/A	#N/A
Trial Bore No. 2 Taradale Area	Initiate	18%	Multi Criteria Analysis currently being finalised for site selection. Waiting for Property Purchase/access agreements to enable this trial project to proceed.
Trial Bore: Awatoto #3	Initiate	15%	
Trial Bore: No.1 (Papakura Domain)	Initiate	82%	Project completed. In defects period from 7/12/2020. Some minor works outside the contract to be completed in April 2021.
Water Air Valve Survey & Renewals	Initiate	0%	
Water Booster & Bore Pump Renewals	Initiate	0%	
Water Building Renewals	Initiate	0%	
Water Meter Installation	Initiate	0%	

Water Meters Survey & Replace	Initiate	0%	
Water network 450mm valve bypasses – Tamatea Drive	Initiate	#N/A	#N/A
Water network 450mm valve bypasses – Westminster Ave	Initiate	0%	Gateway 1 to be reviewed and GL and PM to be assigned for sign off.
Water Pipe Renewals	Initiate	0%	
Water Ridermain Access Points - Pigging	Initiate	#N/A	#N/A
Water Supply Network – Master Plan Peer Review	Execute	50%	This project is a sublet of the Water Supply Network Hydraulic Model PRUID100403 Project start is subjective to completion of Water Supply Network Hydraulic Model - Model peer review (PRUID100943) as part single peer review contract to review both model and master plan. Reform Consultant assigned as PM as project funded by reform - to manage project execution.
Water Supply Network Hydraulic Model	Initiate	0%	Water Model is in the final stages of calibration. and has been used to provide input into the master planning projects.
Water Supply Network Hydraulic Model – Model Peer Review	Execute	48%	This project involves review of the Water Supply Network Hydraulic Model produced under PRUID100403 Model peer review templates underway for completion on 19 July and single Procurement Plan for all reviews and RfQ to follow. Reform Consultant to PM project in execution phase.
Water Take Point Site - Contractor Water Take	Initiate	0%	
Water Treatment Plant 1	Initiate	0%	This will be all DWS and WSP risk identified requirements for treatment and includes potential Manganese treatment - Borefield 1.
Water Treatment Plant 1 - Additional Treatment	Initiate	#N/A	#N/A
Water Treatment Plant 2	Initiate	0%	This will be all DWS and WSP risk identified requirements for treatment and includes potential Manganese treatment - Borefield 2.
Water Treatment Plant 2 - Additional Treatment	Initiate	#N/A	#N/A
Water Treatment Plant Renewals	Initiate	0%	
Western Hill Reservoir (Mission Estate)	Initiate	0%	Working with Mission Hills development to secure site for future reservoir.
Westshore booster pump station switch/controls upgrades	Programme	0%	Westshore
WS_Air vents on Reservoirs	Programme	0%	11 reservoirs, 20 vents @ \$10k each. Installation of filters to industrial standards (at the moment NCC has insect mesh).
WS_Mataruahou (Napier Hill) Reservoir	Initiate	31%	Business Case on site selection completed. Project procurement strategy and scoping to take place.

#### Cycle Phase Legend

##### Define

The Project Sponsor is responsible for completing and reviewing details prior to Gateway 1. This is the project scoping phase detailing the objectives and justification work required for the project.

Initiate	Gateway 1: approval phase
Programme	Gateway 2: This step is the recommendation that the project in its current form be executed as planned in the LTP
Plan & Execute	Gateway 3: Approval indicates that the Project Manager accepts responsibility for project execution.
Transfer & Close	Gateway 4: Plan & Execute tasks have been completed (inc. Defects period) and project ready for final closeout.
Monitor & Control	Gateway 5: Transfer & Close tasks have been completed and the project can be closed.

#### D) Summary of reactive maintenance and major operations events

##### Q1:

- Otatara reservoir overflow event, from 17 September 2020 4:30pm to 18 September 2020 1.15pm. No damage to the structures or adjacent properties as the overflow discharging directly to storm water network. Faulty float switches identified as root cause when Otatara booster set to 'float control'.

##### Q2:

- Apart from the additional monitoring operations triggered by the flooding event in November, no other events recorded.

##### Q3:

- Chlorine dosing malfunction at T3 bore on 2 January 2021, resulting in approximately 23 hours of unchlorinated water supplied to the reticulation. Commissioning of the online chlorine monitoring equipment before the end of this year (as identified in the WSP) will eliminate this hazard.

##### Q4:

- Nil.

#### E) DWSNZ Treatment Plant / Bores Compliance overview

To date, **no** transgressions have been recorded at Treatment plants / Bores in 2020/2021 compliance year. Compliance per category per quarter and Overall Compliance is presented in the table below.

Bore / Plant name	Bacterial Compliance				Protozoa Compliance				Chemical Compliance				Radiological Compliance				Overall Compliance
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	2020-2021
A1 Bore	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Achieved*
C1 Bore	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Achieved*
T2 Bore	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Achieved*
T3 Bore	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Achieved*
T5 Bore	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Achieved*
T6 Bore	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Achieved*
T7 Bore	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	Achieved*

\* Note – Official letter stating achieving full compliance for year 2020-2021 is expected to be shared by Drinking-water Assessor latest September 2021.



**F) DWSNZ Distribution Zone Compliance overview**

To date, **no** transgressions have been recorded within Distribution Zone in the 2020/2021 compliance year. Compliance per category per quarter and Overall Compliance is presented in the table below.

Distribution zone name	Bacterial Compliance				Chemical Compliance				Overall Compliance
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	2020-2021
Napier NAP001NA	✓	✓	✓	✓	✓	✓	✓	✓	Achieved*

\* Note – Official letter stating achieving full compliance for year 2020-2021 is expected to be shared by Drinking-water Assessor latest September 2021.

**G) Health Act 69ZE – ‘Duty to investigate complaints’ summary figures**

Customers’ Service Requests (SR) are captured in MagiQ software. Each SR is categorised from the list below:

From a water quality and risks perspective, the main focus is given to clarity, odour, taste and pressure/flow issues. Numbers of SRs received for each of these categories are presented in the table below.

Service Request category	Q1			Q2			Q3			Q4		
	Jul20	Aug20	Sep20	Oct20	Nov20	Dec20	Jan21	Feb21	Mar21	Apr21	May21	Jun21
Q – Clarity	18	13	38	59	42	56	64	73	52	90	104	16
Q – Odour	0	0	0	0	0	0	0	0	1	0	0	0
Q – Taste	3	1	1	0	0	0	0	0	0	0	1	0
Q – Pressure / Flow	1	5	1	2	2	1	3	2	5	0	6	1

**H) Production summary figures and water take Resource consent compliance**

Summary of the drinking-water production (abstraction):

Water Production – All Bores	Q1			Q2			Q3			Q4		
	Jul20	Aug20	Sep20	Oct20	Nov20	Dec20	Jan21	Feb21	Mar21	Apr21	May21	Jun21
Production [m3 x1000]	736	724	754	885	796	973	1,063	863	870	787	735	635

Summary on the current Resource Consent compliance and conditions:

- NCC has been fully compliant with Resource Consent conditions for 2020/2021. ✓
- NCC is sharing raw production figures database with HBRC at the end of each month to demonstrate compliance.
- Main Resource Consent conditions:
  - The consent is granted for a period expiring on 31 May 2027.
  - The cumulative rate of take of water (from all wells) shall not exceed 784 L/s.
  - The cumulative maximum 7-day volume take (from all 11 wells) shall not exceed 387,744 m3.

**7.4 Significance and Engagement**

N/A

## 7.5 Implications

### Financial

N/A

### Social & Policy

N/A

### Risk

No risks have been identified.

## 7.6 Options

The options available to Council are as follows:

- The purpose of this report is to present information to Council. Options have not been presented.

## 7.7 Development of Preferred Option

N/A

### At the Meeting

The Council Officer took the report as read and in response to questions from the Committee it was noted:

- The Tamatea and Parklands Controlled Water Area (CWA) has been in place for three months. In comparing dirty water complaints over the last three months with the same time last year, it was found in the Parklands area there have been no dirty water complaints this year, and in the Tamatea area last year there were 75 complaints compared to 6 this year. More data over time will be needed to draw a confident conclusion that the changes made have helped, but this is a good start.
- The Water Supply Projects table in the agenda is there to give an update on Council's compliance with its resource consent and the Water Safety Plan. It gives visibility of the water projects underway and the improvement program tied into the Water Safety Plan. The Capital Programme has a traffic light system and this incorporates the water projects into it.
- Results of the A2 bore water sampling were received after the agenda for this meeting was published. The results show this bore has low manganese water. Once the A2 bore is brought online one of the other bores that has high manganese and iron can be taken offline.
- To bring the A2 bore online Council has invited tenders from contractors able to develop the well-head. It will depend on the contractors work program as to how long it will take before the bore is ready to be brought online. Council is working towards a deadline of February or March 2022.
- There are changes in legislation coming. Taumata Arowai are reviewing the water standards and will be putting operational rules in place. The Water Services Bill will also be made live soon. The draft water standards indicate secure bore status will be abolished, that means Council will not comply with the protozoa requirements. Council may also struggle to meet the bacteria requirements due to low chlorine contact time at the bores.

## 7.8 Attachments

Nil

## 8. CAPITAL PROGRAMME DELIVERY

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*Type of Report:* Information

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*Legal Reference:* N/A

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*Document ID:* 1363765

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*Reporting Officer/s & Unit:* Jon Kingsford, Director Infrastructure Services

### 8.1 Purpose of Report

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

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

Councillor Crown / Mayor Wise

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The Sustainable Napier Committee:

- a. Receive the Capital Programme Delivery report.
- 

Carried

		2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31
LTP Year	Concurrent projects	29	28	27	21	21	17	15	14	16	16
	Commencing in Year										
Year 1	3	\$2,900,000									
	4	\$6,108,000									
	7	\$ 13,833,000									
	1	\$ 5,812,000									
	3	\$ 33,515,000									
	1	\$ 10,134,000									
Year 2	1		\$ 154,000								
	1		\$ 486,000								
Year 3	1			\$ 1,179,000							
	2			\$13,019,000							
Year 4	1			\$ 930,000							
Year 5	1				\$ 2,198,000						
Year 5	1				1,679,000						
Year 6	1					13,350,000					
Year 7	1						\$ 117,500				
	1						\$ 963,000				
Year 8	1							2,683,000			
Year 9	3									\$ 2,910,000	
Year 10	0										
all years	10	\$ 17,897,000									

### Water Supply – New Project Funding Commencement

		2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31
LTP Year	Concurrent projects	27	29	25	18	15	13	13	13	14	12
	Commencing in Year										
Year 1	7	\$1,248,000									
	3	\$2,200,000									
	3	\$ 6,650,000									
	3	\$ 2,796,000									
	1	\$ 3,164,000									
	1	\$ 9,895,000									
Year 2	4	\$ 433,000									
	3	\$ 1,760,000									
	1	\$ 43,560,000									
	1	\$ 990,000									
Year 3	1		\$317,000								
	1		\$ 481,000								
	1		\$ 1,012,000								
Year 4	0										
Year 5	1					\$ 7,139,000					
Year 6	1						\$17,068,000				
Year 7	1							\$2,916,000			
	1							\$ 15,595,000			
Year 8	1								\$ 2,212,000		
Year 9	1									\$ 1,272,000	
Year 10	1										\$255,000
all years	9	\$ 20,571,000									

## Wastewater – New Project Funding Commencement

		2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31
LTP Year	Concurrent projects	27	20	26	26	23	22	16	14	15	16
	Commencing in Year										
Year 1	10	\$2,200,000									
	4	\$8,951,000									
	3	\$ 1,806,000									
	1	\$ 15,775,000									
	1	\$ 16,700,000									
	1	\$ 22,200,000									
Year 2	5		\$ 257,000								
	3		\$ 293,000								
	2		\$ 1,050,000								
Year 3	3			\$370,000							
	3			\$ 992,000							
	2			\$ 3,115,000							
Year 4	1				\$596,000						
	3				\$ 3,785,000						
	3				\$ 2,082,000						
	1				\$ 12,115,000						
	1				\$ 697,000						
Year 5	1					\$ 2,050,000					
	2					\$ 3,500,000					
Year 6	2						\$400,000				
Year 7	1							\$59,000			
Year 8	1								\$ 2,500,000		
Year 9	1									\$249,000	
	2									\$ 3,800,000	
Year 10	2										\$766,000
all years	7	\$ 9,493,000									

## Stormwater – New Project Funding Commencement

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

Napier City Council has invested in an enterprise workflow system called Sycle, used in parallel with financial reporting and document management, to report on project delivery.

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

Improving Council's ability to better deliver this capital programme is receiving significant additional focus across the organisation, with the following additional initiatives underway.

### **Review of Procurement Practices**

The method by which Council is procuring physical works and professional services contracts is being reviewed both regionally and within Napier City Council. This includes better aligning current practise with Council's new Procurement Policy, progress procurement philosophy and better enabling delivery of higher volumes/value of physical work.

### **Bundling of Projects**

Opportunities to combine multiple similar projects (for example water main renewals, or roof replacements) into a single contract to be tendered for construction will be explored. Opportunities to tender similar projects such as these over multiple years will also be considered.

### **Resourcing of City Services teams**

The opportunity to bring on additional physical works crews into the City Services team as been identified as a way of saving time and money on procurement. Efforts are being made to recruit the appropriate resources into these teams, however it is noted that once again this is a competitive labour market and it may take some time to build the desired capacity.

### **Review of Systems, Processes and Tools**

As previously reported on, Council have invested in an enterprise software system for programme/project reporting called Sycle. All LTP projects are identified in Sycle, however it is mainly Infrastructure and IT lead projects that are being actively managed in and reported on from Sycle.

A notable challenge with the use of Sycle currently, is the manual way in which project related costs are tracked against projects. Consideration of automation/integration or modification, either within Sycle or Council's related systems will be essential to improving programme reporting and delivery.

The way in which Council's Project Management Framework approach is represented in Sycle will be reviewed over the coming months to identify and develop opportunities to improve the utilisation of Sycle for project reporting and optimise the Project Management processes to ensure that they remain fit for purpose for their intended use.

Further opportunities for investment in the software to provide improved dash boarding and reporting of projects may also be possible.

Further uptake and use of Sycle will improve the quality of information within Sycle and the ability to report on project delivery.

This attached report (**appendix A**) demonstrates progress of projects underway prior to the adoption of the 2021 LTP. While some projects have been completed a number are still ongoing. This being the case, and with internal resourcing vacancies ongoing, Council's ability to commence new projects is limited. Future reports will include a summary of new LTP projects and there status.

### **8.3 Issues**

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

In order to improve programme delivery, existing vacant positions need to be filled and additional resources need to be found. This will take time to resolve.

### **8.4 Significance and Engagement**

This report is for information purposes only.

### **8.5 Implications**

#### **Financial**

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

#### **Social & Policy**

There are no Social and/or policy implications associated with this report.

#### **Risk**

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

### **8.6 Options**

This report is for information purposes only.

### **8.7 Development of Preferred Option**

This report is for information purposes only.

### **At the Meeting**

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

- Risk is considered on a project by project basis in the delivery of the Capital Programme.
- Recruitment attempts are continuing for staff and physical works crew members. HBRC is also experiencing difficulty in this space. Work is being done to explore how to make Council an attractive option in the current job market. There has also been work done on a regional level with the other Councils on the combined programme of work to identify where the pressure points are, especially for three waters, transportation and vertical build projects.
- The combined regional vertical build programme of work is less than half of the total industry programme of work, as there is a significant investment privately in the market.
- Consideration is being given to how visibility of this programme of work might be provided to the contractor market of impending work.



- It has been discussed regionally how contracts could combine work to create economies of scale. There would need to be more work done on this before it could be enacted.
- Council applied for co-funding for the Puketitiri road upgrade from Waka Kotahi but that has been unsuccessful to date. Council is looking to break this project down into stages to access available funds. Work continues on this project.
- Council has interns who are currently going through tertiary study on design and projects and the People and Capability team are looking at how to implement a Cadet Scheme and what the costs would be to Council.

**ACTION:** A report on the risks of delivering the Capital Programme to be prepared for the Audit and Risk Committee to consider.

**ACTION:** Infrastructure team to follow up with Committee on the Poraiti Road Corridor improvements project.

## 8.8 Attachments

A July 2021 Project Reporting (*Under Separate Cover*)

## 9. THREE WATERS REFORM UPDATE

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Local Government Act 2002s
<i>Document ID:</i>	1366132
<i>Reporting Officer/s &amp; Unit:</i>	Adele Henderson, Director Corporate Services Russell Bond, Manager Water Strategy Pip Connolly, Personal Assistant to Director Corporate Services

### 9.1 Purpose of Report

The purpose of this report is to update the Committee on the Government Three Waters Reform programme. This report does not seek a decision, and is provided for information only. Government has provided for an 8 week consultation period on the proposal, with Councils being requested to respond by the end of September 2021.

Officer's recommendation

The Sustainable Napier Committee:

- a) Receive the report titled Three Waters Reform Update
- b) Note that Officers have work well underway to understand the changes taking place regards the future provision of Three Waters services, and to best position Napier City Council for any future decisions in regulatory, and/or structural changes for Three Waters Service Delivery.

### Amended Committee Recommendation

Mayor Wise / Councillor Brosnan

The Sustainable Napier Committee:

- a) Receive the report titled Three Waters Reform Update
- b) Note that Officers have work well underway to understand the changes taking place regards the future provision of Three Waters services, and to best position Napier City Council for any future decisions in regulatory, and/or structural changes for Three Waters Service Delivery.
- c) That Council direct officers to undertake engagement with the community so that this feedback can be included in the Council report back to DIA on the proposed reform by 30 September 2021.
- d) That a Community meeting is organised by 10<sup>th</sup> September to provide the opportunity to inform the community in more detail of the proposed reform.

Carried

### 9.2 Background Summary

- 1.1 The purpose of this report is to update the Committee on the Government Three Waters Reform programme. This report does not seek a decision, and is provided for information

only. A formal Council decision on opting in or out of the Government Three Waters Reform Programme is not required at this stage.

- 1.2 In the coming months the Council will be required to decide on whether to support the Government's Three Waters Reform Programme. This decision will have a significant impact on both the role that Councils play in the community, Council staff and on Council's financial position.
- 1.3 The Government has provided an 8-week period for Councils to engage with and provide feedback on local impacts to the proposed reform package.
- 1.4 This report provides a summary of information available at this stage and next steps. Given the nature of this reform, absolute certainties of outcomes are not known at this time. Instead, the report highlights local and national features of the drivers for change, and some of the potential impacts of reform.

### **The proposed Three Waters Reform**

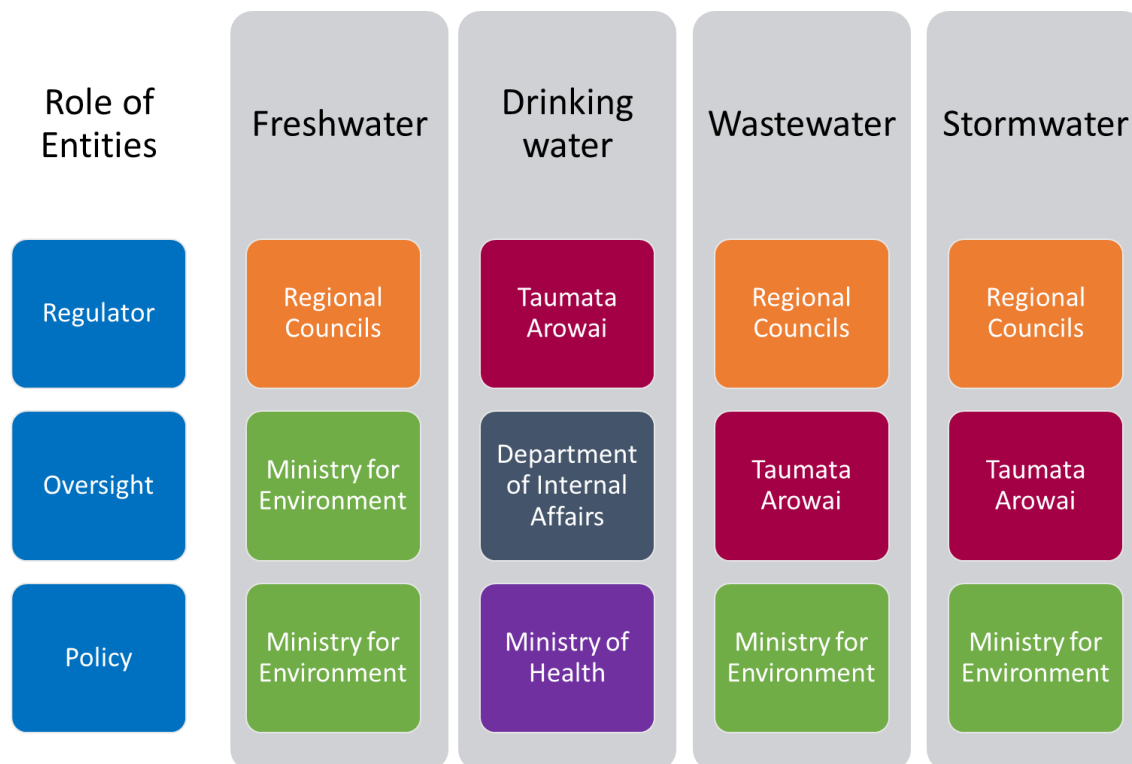
The Government is undertaking a reform to improve the regulation and supply arrangements of drinking water, wastewater and stormwater (Three Waters) supporting New Zealand's prosperity, health, safety and environment. The Government Three Waters Reform is a cross-government initiative led by the Minister of Local Government.

A Joint Three Waters Steering Committee has provided collaborative oversight of the reform programme that brings together central and local government expertise and experience.

The Government's Proposed Reform Programme as it was at December 2020 is attached for reference (**Attachment A**). *It should be noted that Government has signalled that this the programme and timeframes is now under review due to the addition of a period of review and clarification between local and central government.*

## **2.0 Drinking Water Regulatory System**

- 2.1 The Water Services Bill gives Taumata Arowai the authority to prepare standards and rules with which water suppliers must comply. The Water Services Bill is currently with the select committee who are working through the submissions received.
- 2.2 When the Water Services Bill is passed, expected to be in the second half of 2021, Taumata Arowai will take over as the regulator of drinking water. Until then, the Ministry of Health remains the regulator of drinking water.
- 2.3 When Taumata Arowai is fully functionally, its role will be to:
  - Regulate an expanded and strengthened drinking-water regulatory system.
  - Oversee from a national perspective the environmental performance of waste water and storm water networks (Regional councils will remain the primary regulators of waste water and storm water).
  - The diagram below illustrates the different roles of entities across this area.



### 3.0 Hawke's Bay Three Waters Review

3.1 Hawkes Bay Councils completed their own review of three waters service delivery options for the region in August 2020. This work highlighted that:

- Making no changes to the way our three waters services are delivered is not affordable or sustainable
- Meeting the new regulations under current service delivery arrangements poses significant affordability challenges for our region and particular our smaller councils
- An asset owning council controlled organisation was the preferred service delivery model as it best met Councils' investment objectives and the cultural principles developed collaboratively with Councils' Māori Standing Committees. In particular, the model:
  - Addresses regional affordability challenge associated with new standards and regulations
  - Is able to concentrate its investment on three waters priorities
  - Delivers the scale required to create strategic capacity and capability
  - Enables a meaningful role for Māori including co-design and governance
  - Enables improved operations, risk management, asset management, ability to meet compliance requirements
  - Produces the greatest savings.
- There are also challenges in adopting a regionalised service delivery model, in particular:
  - Perceived inequity that arises when councils transfer different levels of three waters-related debt and assets of varying condition to an asset owning CCO. Where this happens, some ratepayers may feel that they are inheriting someone else's problem.

- Regionalising three waters rates to reduce the costs of three waters services to an affordable level across the Hawke's Bay means some district ratepayers may pay more for three waters than they otherwise would (under the enhanced status quo).
- Moving to a regional service delivery model means that costs for most ratepayers will be lower than the expected future costs, while for some, theirs will be higher. This will be a challenge for every region in New Zealand.
- Hawke's Bay Councils received the report in September 2020, however any further regional work was placed on hold when central government launched its national service delivery reform programme.

#### 4.0 Government Service Delivery Reform Programme

- 4.1 In July 2020, the Government announced a \$761 million funding package to provide post COVID-19 stimulus to maintain, improve three waters infrastructure, support a three-year programme of reform of local government water service delivery arrangements (reform programme), and support the establishment of Taumata Arowai, the new Waters Services Regulator.
- 4.2 In August 2020, Napier City Council Council agreed to sign a Memorandum of Understanding (MOU) [Attachment A] with the Crown, where it was agreed that we would work in good faith to contribute to the design and conversation on the future shape of 3 Waters Service Delivery. At the same time Council received a \$12.5million stimulus grant, which was allocated to Three Waters projects.
- 4.3 The Memorandum of Understanding (MOU) with Government committing to openly share information and analysis on the state of the system for delivering three waters services and the quality of the asset base.
- 4.4 Council, along with all other Councils across New Zealand who entered into the MOU, was required to provide information to central government to assist with the modelling and system planning for three waters delivery across New Zealand. The Request for Information (RFI) collated a substantial amount of information, of which has never been collated before in New Zealand. The RFI also required Councils to characterise the reliability and completeness of each of the pieces of the information provided. This was a significant exercise across for staff across our Council, and all our peers.
- 4.5 This information along with information from past and or draft Long Term Plans has been used by government to inform their view of the national investment need, and to inform their proposal for changes to the current 3 waters service delivery model.
- 4.6 A report by the Water Industry Commission for Scotland (WICS) estimates that New Zealand will need to invest between **\$120 billion to \$185 billion** in our three waters infrastructure over the next 30 years to meet drinking water and environmental standards and provide for future population growth.
- 4.7 For rural communities, this equates to an increase of up to 13 times present costs, eight times higher for provincial areas and up to seven times higher for many metropolitan households. With reform, the cost of providing these critical services to our communities according to Government analysis is likely to reduce substantially by between 45% to 49%.

#### 5.0 Maori Engagement in Governments Reform Process

- 5.1 Tangata whenua has watched in despair the attitude and flagrant treatment of water. Across all of Hawke's Bay (HB), water as a respected taonga that is crucial to all life forms, has been treated like an inexhaustable commodity. Regardless of legislative and regulatory controls in place, whānau, hapū, iwi, tangata whenua and mana whenua of Te Matau a Māui continue to assert their rangatiratanga and kaitiakitanga over Te Wai *water*. To be clear, this is not an assertion of ownership but rather the innate responsibility of care and respect in which te ira tangata, *human lifeform*, is indivisible.

- 5.2 The early signs of Government's intention for Three Waters reform became visible to HB tangata whenua in October 2018. It was not until early to mid 2019 that formal engagement commenced in regard the HB Three Waters Review. The enabling factor to engagement with tangata whenua was through a cross-council initiative - Te Kupenga. This composed the Māori specialist units of each council agreeing to work collaboratively for the benefit of all five councils<sup>2</sup>.
- 5.3 Te Kupenga was instrumental in two respects. Firstly, connecting Chairs of our respective council Māori Committees and Regional Planning Committee together with the HB Three Waters Review to ensure tangata whenua values, aspirations and expectations were included in the review report. Secondly, ensuring their direct audience with the Minister of Local Government, Hon Nanaia Mahuta and the DIA Three Waters Project Team. It is worth noting that tangata whenua capacity and capability has been stretched beyond breaking point to accommodate this within their overarching responsibility to their iwi, hapū and marae.
- 5.4 The Hawkes Bay Three Waters Review report and in particular the Chapter '*Cultural Case*' captured the true essence of tangata whenua inseparability with Te Wai. Their views went further to describe composition and operability of a new water entity in regard cultural capacity, capability and performance indicators. Within that view they imbued Te Tiriti, co-governance and the importance of existent whaitua or traditional iwi and hapū pouwhenua, within which mana whenua and rangatiratanga abides. The most recent engagement with Director Alan Prangnell and his DIA Three Waters team was 17 June 2021.
- 5.5 Key issues communicated to Government by iwi leaders and respective committee chairs can be expressed within four broad themes,
- i. Te Mauri o Te Wai – The sanctity, integrity of Te Wai as seen through a Te Ao Māori lens and how that is prioritised and managed across the domains of three waters. Supported by Te Mana o Te Wai [NPSFM 2020], Water first, people next, other uses last.
  - ii. Te Tiriti o Waitangi, rangatiratanga and kaitiakitanga actualised in a meaningful way at governance and management levels within the strategy, structure, systems, processes and procedures of a future water entity. This must include cultural performance indicators (CPI) with monitoring and audit oversight.
  - iii. Rights and Interests in Freshwater, the parallel progression thereof not diminished in this or other reforms of government e.g., RMA and Local Govt.
  - iv. Ongoing meaningful engagement and participation of whānau, hapū, iwi as a Tiriti partner leading to co-governance, shared decision-making, relationship reciprocity and equity, bottom-up, top-down
- 5.6 Government's reform agenda for Three Waters, RMA, Local Government requires tangata whenua engagement as critical to success, but the investment of resource by government in tāngata whenua to that end is tragically bereft. Iwi leaders, PSGE, NKII, Taiwhenua and marae resources are at breaking point. Their continued engagement, particularly in terms of time commitment, is not sustainable in the absence of a serious and meaningful investment of resource from central government, in-line with the expectation of success over the longer term of these reforms.

## 6.0 Cabinet Reform Proposals

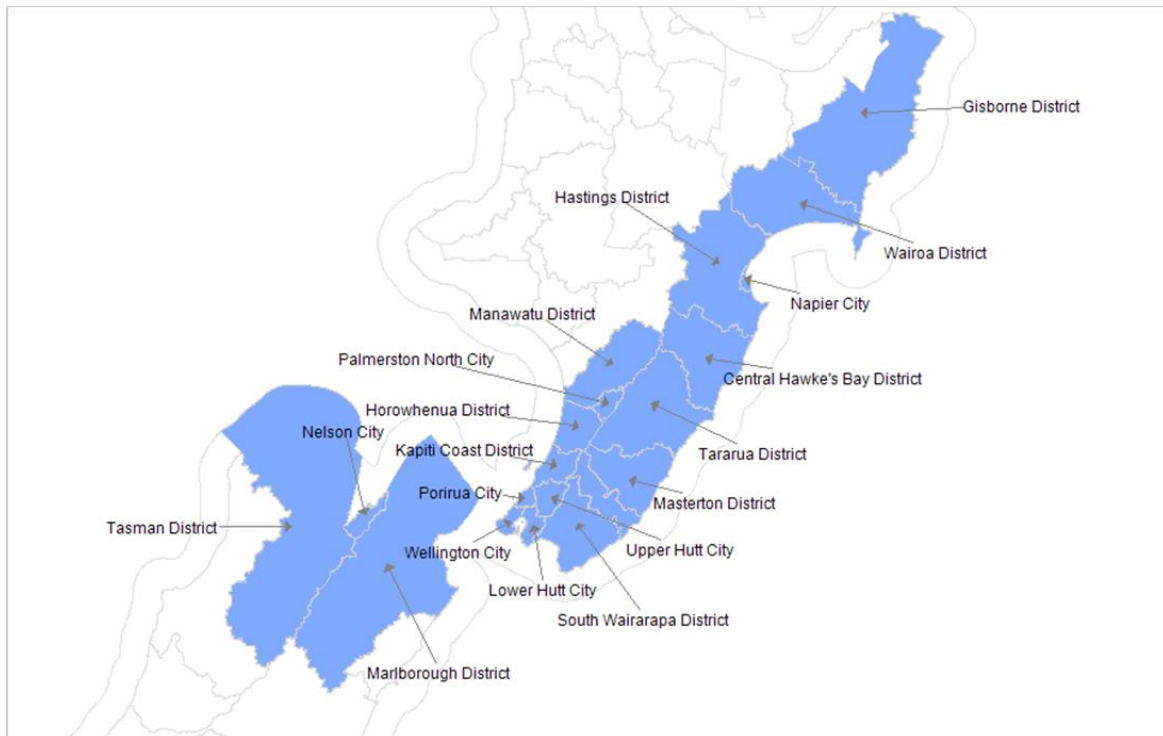
- 6.1 In June 2021, Government released its proposed service delivery model for four (4) regional entities who will be responsible for the delivery of the three water services. If the

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<sup>2</sup> Central Hawkes Bay District Council, Hastings District Council, Napier City Council, Wairoa District Council, Hawkes Bay Regional Council

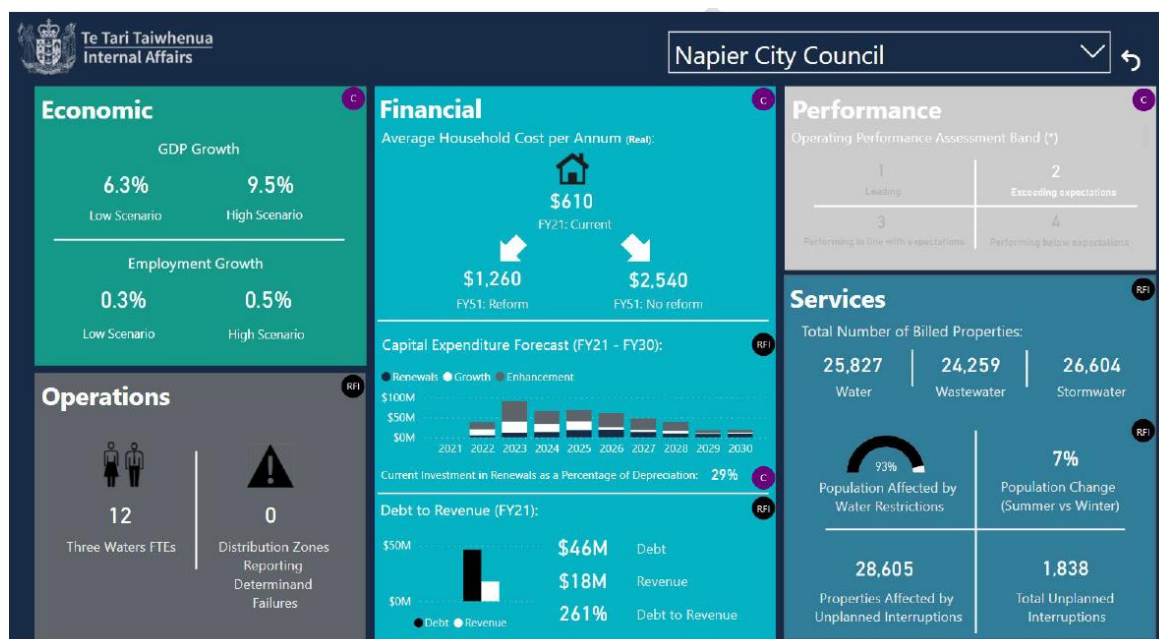
proposal progressed the entities would be expected to be in full control of the service delivery on the 1 July 2024.

- 6.2 More detail on the proposed number of agencies and inter-agency structure for three waters service delivery is presented in the attached System for Three Waters Delivery which was released in June 2021 (**Attachment B & C**).
- 6.3 The proposal would see employees who work substantively work in Three Waters are transferred across to the entities on similar terms and conditions. Similarly contracts that are active are expected to be similar transferred to the new entities.
- 6.4 The proposal has Napier City Council included in Entity C. The diagram below shows the other Councils included in Entity C (excluding the Chatham Islands).



- 6.5 The Government announcement was complemented by the release of analysis undertaken by WICS. This analysis is based on information submitted by Councils through a Request for Information process. The analysis is indicative and does not constitute due diligence.
- 6.6 WICS estimates that in order to meet future pressures the average household cost per annum of three waters and adopting reforms, average household costs could be reduced to \$1,260.
- 6.7 Government has also provided a dashboard system to enable Councils to view the summary information that has been calculated for each Council. They have also provided a brief summary report for each Council which includes some of the sensitivity analysis that has been completed. A screen shot of this dashboard is shown below.





6.8 Broadly, the Government modelling and dashboards compares two scenarios:

- Aggregation of three waters services into four water services entities and the associated reforms to the regulatory, governance, management, resourcing, and policy direction that support improvements ('the whole reform package');
- No aggregation of three waters services and although in this scenario some reform takes place, for example, decisions already made to introduce a drinking water regulatory system and environmental standards, the wider reforms are not as extensive as in the former scenario.

#### Assumptions

- The assumptions Government have used to quantify the inputs are determined through benchmarking against the UK experience. There has been some adjustment based on council RFI feedback the potential investment requirements and ability to deliver the same efficiency gains.
  - The key assumptions that drive household costs are:
    - Investment – this is the single biggest driver of household cost in the WICS model.
    - Debt/Revenue – the difference between the treatment of debt in the councils and the entities means that it is likely to overstate the size of the difference in charges between council and the water service entity.
    - The impact of these are so significant that all other assumptions have minimal impact on household costs.
  - Government have undertaken the analysis over the 30 year time horizon.
- 6.9 WICS has estimated efficiencies of 45% over a 30-year period, roughly 2% per annum achieved through improved and aggregated capability, procurement, governance, scale and economic regulation, ultimately delivering lower costs for communities.
- 6.10 The WICS analysis has been peer reviewed by FarrierSwier Consulting. FarrierSwier found that the WICS analysis gave reasonable estimates in terms of direction and order of magnitude. It is likely that efficiencies will not be delivered for several years – this is unsurprising given the scale of change.



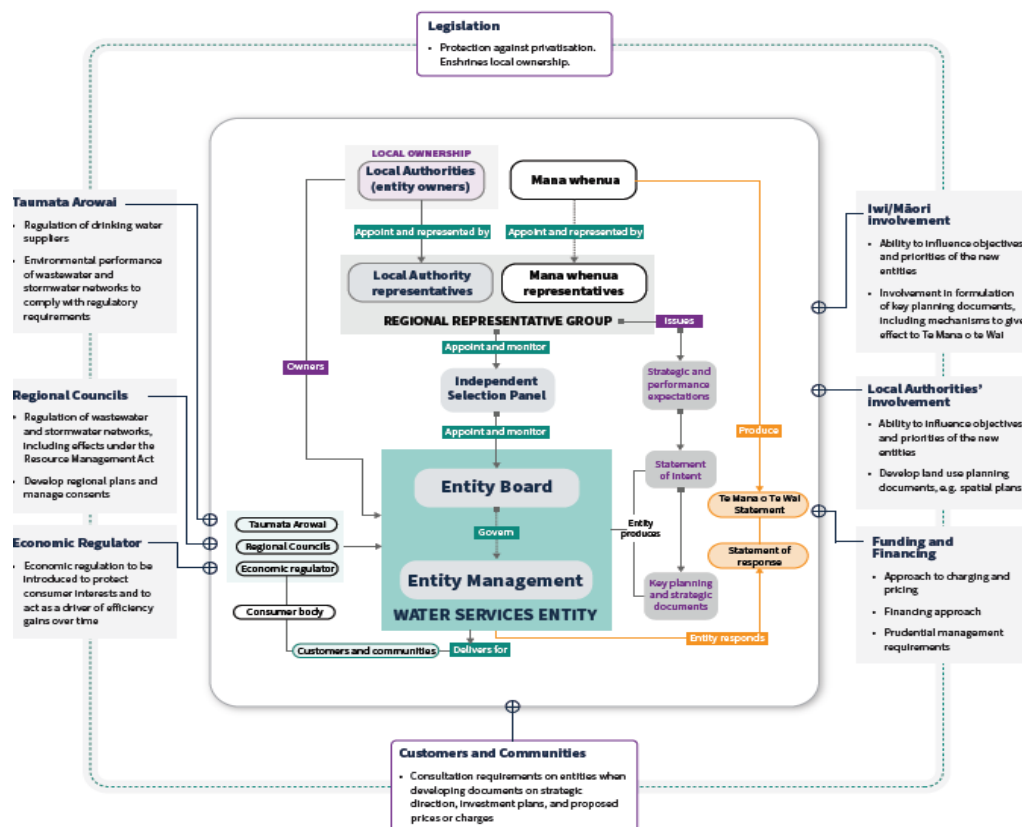
6.11 The Government analysis has been completed using a different approach to the Hawke's Bay Three Waters Review and uses different assumptions. Despite the differences in the Hawke's Bay and Government analysis, they are directionally consistent and reached a similar conclusion.

- Future costs of three waters services will rise significantly in response to meeting changes in standards, regulation and an increasingly rigorous compliance regime.
- Costs will not fall equally across the region.
- There are financial benefits from aggregation of three waters services.
- There are strategic benefits, an improvement in capability and capacity and potentially a more meaningful role for Māori with a change in service delivery model.
- There are significant three water investment requirements to meet the new standards and this will lead to substantial increases in the cost of services.

6.12 Officers are working through the substantive information provided by Government and are seeking clarification on various parts to ensure Council can be well informed when decision making is required at a later date.

## 7.0 Governance

7.1 The Government also released proposed governance arrangements as shown below:



7.2 Under this model, Councils will own the water entities on behalf of communities, and mana whenua will have a joint oversight role. The structure of entities and their establishing legislation proposes to protect against future privatisation with assets remaining in the ownership of their local communities.

7.3 While Councils maintain ownership of the water entities, the type of entity, and the responsibilities associated with ownership are likely to be substantially different to traditional ownership models.

- 7.4 The Government considers that Councils will be able to influence objectives and priorities of the new entities through this structure, and through land use planning mechanisms such as spatial plans. It is not yet clear how communities might directly influence strategy and resource and investment prioritisation.

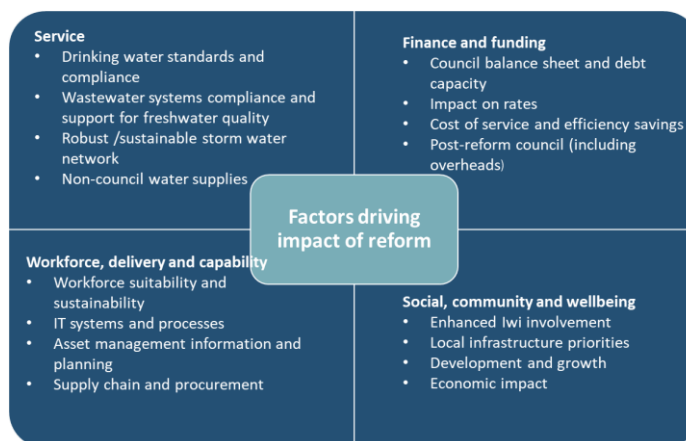
## 8.0 Reform Proposal Package

- 8.1 On July 15, 2021, the Government announced a package developed in close partnership with Local Government New Zealand, \$2.5 billion to support the sector through the transition to the proposed new water services delivery system. There are two broad components to this support package:
- \$2 billion of funding to invest in the future of local government and community wellbeing, while also meeting priorities for government investment (the **“better off”** component)
  - \$500 million to ensure that no local authority is financially worse off as a direct result of the reform (the **“no worse off”** component).
- 8.2 \$1.0 billion of this package will be a direct contribution from the Crown. The remaining \$1.5 billion will be funded by the Water Services Entities. Governments view is that the \$1.5 billion from Water Services Entities is at effectively no net cost to customers, due to the proposed Crown support arrangements (such as a liquidity support) which reduce the borrowing costs of the water service entities.
- 8.3 Napier City Council allocation for the ‘better off’ package is [\$25.8m]
- 8.4 The **“better off”** component of the support package will be allocated to territorial authorities using a nationally consistent formula based on:
- a 75% allocation based on population size
  - a 20% allocation based on the New Zealand deprivation index
  - a 5% allocation based on land area (excluding national parks)
  - Territorial authorities will be required to demonstrate that the use of this funding supports the three waters service delivery reform objectives and other local wellbeing outcomes and aligns with the priorities of central and local government, through meeting some or all of the following criteria:
    - supporting communities to transition to a sustainable and low-emissions economy, including by building resilience to climate change and natural hazards;
    - delivery of infrastructure and/or services that: o enable housing development and growth, with a focus on brownfield and infill development opportunities where those are available,
    - support local place-making and improvements in community well-being.
- 8.5 The **“no worse off”** component includes an up to \$250 million allocation to support councils to meet unavoidable costs of stranded overheads, based on:
- \$150 million allocated to councils (excluding Auckland, Christchurch and councils involved in Wellington Water) based on a per capita rate that is adjusted recognising that smaller councils face disproportionately greater potential stranded costs than larger councils;
  - Up to \$50 million able to be allocated to councils that have demonstrable, unavoidable and materially greater stranded costs than provided for by the per capita rate (the process for determining this will be developed by the Department of Internal Affairs working closely with Local Government New Zealand).

- The remainder of the no worse off component will be used to address adverse impacts on the financial sustainability of territorial authorities. The Department of Internal Affairs will work with Local Government New Zealand and Taituarā to develop agreed principles for how the assessment of financial sustainability support will be undertaken, the methodology for quantifying this support requirement, and the process for undertaking the associated due diligence process with councils.
- 8.6 The Government's support package presupposes that should the reforms proceed, Councils will be supported through the transition process and the financial impacts of reform will be managed.
- 8.7 The timing for when funding will be made available as follows:
- Up to \$500 million of funding from the "Better Off" component of the support package will be made available for use by councils from **1 July 2022**, with the remainder available from **1 July 2024** when the new water services entities are anticipated to be established. The process for release of this amount is being worked through and further details will be provided in the coming months.
  - "No Worse Off" Funding to meet stranded costs and address adverse impacts on financial sustainability will be met at the time of or shortly after transfer of assets, liabilities and revenue to the new water services entities, estimated **July 2024**.
  - The process for release of this amount is being worked through and further details will be provided in the coming months.

## 9.0 Next Steps for Council

- 9.1 The Government has amended its reform timeframe proposal to incorporate an **eight (8) week engagement process from 2 August 2021** to undertake further discussions with the sector (including through the Joint Steering Committee) on how the proposed model and design can best accommodate areas of priority at a local level.



- 9.2 The purpose of this engagement period in the reform process is to provide time for all local authorities to:
- engage with and understand the large amount of information that has been released by Government on the nature of the challenges facing the sector, the case for change, and the proposed package of reforms, including the recently announced support package;
  - take advantage of the range of engagement opportunities to fully understand the proposal and how it affects your local authority and your community; and
  - identify issues of local concern and provide feedback on what these are and suggestions for how the proposal could be strengthened.
- 9.3 This includes providing feedback on outstanding issues including but not limited to:

- Ensuring all communities have both a voice in the system and influence over local decisions. At any time, ask LGNZ for help, including if you want to test whether your approach is focusing on the things that will create the most value for you from this stage of the process.
- Effective representation on the new water service entities' oversight boards so that there is strong strategic guidance from, and accountability to, the communities they serve, including iwi/manua whenua participation. This includes effective assurance that entities, which will remain in public ownership, cannot be privatised in future.
- Making sure councils' plans economic development and growth for growth, as reflected in spatial plans, district plans or LTPs, are appropriately integrated with water services planning.
- How local authorities can continue to have influence on service outcomes and other issues of importance to their communities (e.g. aspiration for chlorine-free water);
- Ensuring there is appropriate integration between the needs, planning and priorities of local authorities (representing their local communities) and the planning and priorities of the Water Service Entities; and
- How to strengthen the accountability of the Water Services Entities to the communities that they serve.

9.4 Following the engagement period the Government will consider:

- Feedback and proposals
- Transition and implementation pathway
- Revised timing for decision making and the time required for any community or public consultation

9.5 It is expected that Government will announce in October 2021 its decisions on any revisions to the reform programme, timeframes including:

- If the Government's reform is still retained as a voluntary ("**opt out**") option, where Councils will decide on whether they continue to participate in the reform programme.
- Confirmation from Government on the incorporation of Community Consultation period into the revised reform timeline for Council decisions.

9.6 The Water Services Entities Bill to be introduced to Parliament.

9.7 Taumata Arowai is expected to take over from Ministry of Health as regulator for drinking water.

### 9.3 Issues

Council will discuss potential issues as part of the papers consideration.

### 9.4 Significance and Engagement

The current Three Waters feedback process does not trigger any LGA consultation requirements, and is unlikely to trigger consultation obligations under Significance and Engagement Policy.

Local authorities must act in ways that are prudent and in the current and future interests of their communities. In performing its role, a local authority must act in accordance with the various principles in section 14, which include:

- (a) a local authority should make itself aware of, and should have regard to, the views of
  - all of its communities; and
- (b) when making a decision, a local authority should take account of—

- (i) the diversity of the community, and the community's interests, within its district or region; and
- (ii) the interests of future as well as current communities; and
- (iii) the likely impact of any decision on each aspect of well-being referred to in section 10.

Part 6 of the LGA sets out highly-prescriptive decision-making process obligations. The fundamental obligations are to:

- identify and assess all reasonably practicable options to achieve the objective of a decision; and
- consider "*the views and preferences of persons likely to be affected by, or to have an interest in, the matter.*"
- these obligations apply to all local authority decisions,<sup>6</sup> and vary in relation to the significance of decisions, and other contextual matters listed in section 79(1)(b).

Significance and Engagement Policies list strategic assets, which include the Three Waters assets that are subject to the proposed reforms. A local authority cannot decide to transfer ownership or control of a strategic asset without providing for such a decision in its long-term plan (**LTP**), and following specific consultation requirements.

When a local authority does undertake consultation, the consultation principles in section 82 must be followed. Where the LGA expressly requires consultation that gives effect to the requirements of section 82, there are additional consultation requirements under section 82A relating to providing the public with a statement of proposal, reasons for the proposal, and analysis of options.

However it is noted that Parliament is sovereign, and this sovereignty allows it to change the law that constitutes and empowers local authorities. In turn, local authorities are obliged to comply with relevant legislation while it is in force.

The Government is subject to the laws passed by Parliament, and cannot lawfully compel local authorities to comply with legislation that is not yet in force, or to act in breach of legislation that is still in force.

Council may wish to consider the level of engagement on this matter given that no decision is required at this point in time.

## 9.5 Implications

### Financial

The proposed reform would have a significant financial impact on Napier City Council. Under the proposed option, debt and any related reserves would be transferred to the new entity. This would impact on Councils financial benchmarks as a result.

There is an acknowledgement that the proposed new entities have economies of scale, and there is financial benefit to this over the longer term.

### Social & Policy

N/a

### Risk

#### Council Risk Assessment

A Napier City Council risk assessment is being prepared and will be tabled at the meeting.

**High Level Risk Assessment**

<b>Description</b>	<b>Likelihood</b>	<b>Comments</b>
Government mandates its reform entity proposals	High	<p>The Governments reform proposal and package assumes all of councils participate.</p> <p>Councils have an 8 week period commencing 2 August providing questions and feedback to Government on their proposals.</p> <p>Any decisions is likely early October.</p>
Government Economic Analysis of the benefits are over estimated	Med	Hawke's Bays own Three Waters Review demonstrates that the financial case is directionally consistent.
Governance and representation:	High	The governance model may result in limited opportunity for councils to influence entity direction. Community/Maori needs assurance on effective local representation given the scale of the entities.
Government Process	High	Information is being provided on a piecemeal basis. There are gaps in the information provided and there is significant complexity & issues involved for communities and councils to consider.
Prioritisation of investment	High	Investment prioritisation by the water entities will need to occur at multiple scales (national, regional, catchment and local). Concerns that entities will not be sufficiently responsive to local priorities, in particular alignment with councils plans for growth. A process that ensures there are clear & influential roles for Iwi/Maori, land-use planning entities, councils, customers, and local communities will be important
Financial Impacts of asset transfer	High	The approach used to determine the level of three waters related assets/debt transferred from councils to the new water entities is among the most important transition issues for our councils.
Functions of Local Government and Wider Sector Reforms	High	The cumulative impacts of three waters reform, resource management reform and future of local government must be considered
Workforce and Capability	High	Any reform process must support & retain staff through the uncertainty.
Assurance of Service Delivery	High	Communities require assurance that a water services entity will be responsive to the needs and service requirements of local communities
Communication with Community	High	<p>Community engagement on the issues needs to be addressed now by Councils.</p> <p>A communication strategy – presentations and collateral is being developed.</p>

Formal Consultation with Community as part of 'Opt in', 'Opt out' Decision	High	Government is coming back to Councils with their revised reform process timeline
Engagement with Iwi/Māori	High	Key issues communicated to Govt by iwi leaders are within four broad themes: 1) Te Mauri o Te Wai, 2) Te Tiriti o Waitangi, rangatiratanga and kaitiakitanga actualisation, 3) Rights and Interests in Freshwater; 4) Ongoing meaningful engagement and participation of whānau, hapū, iwi.  Tāngata whenua capacity and resources to participate in reform are at breaking point.

Council is undertaking risk assessments to review the scenarios and note that these will be updated as Councils are provided with further information from Government and its reform proposals.

## 9.6 Options

n/a

## 9.7 Development of Preferred Option

The options available to Council are as follows:

- a) That the Sustainable Napier Committee receive the report titled Three Waters Reform Update
- b) Note that Officers have work well underway to understand the changes taking place regards the future provision of Three Waters services, and to best position Napier City Council for any future decisions in regulatory, and/or structural changes for Three Waters Service Delivery.

### At the Meeting

The Council Officer spoke to the report. Four attachment documents were tabled, and in response to questions noted:

- SIL research is going to be contractor to deliver a survey for the community to provide feedback on the reform programme. Survey questions will be shared with The Council prior to it being released, and these will cover a range of aspects in order to inform Council of what residents are comfortable with.

It was noted by the Mayor that there have been high level discussions held with neighbouring Councils about this reform. The Napier community will be welcome to present any ideas they in relation to the proposed reform or an alternative option for Napier.

## 9.8 Attachments

- Attachment A Risk Summary (*Under Separate Cover*)
- Attachment B Napier City Council and DIA signed MoU (*Under Separate Cover*)
- Attachment C A New System for Three Waters Service Delivery (*Under Separate Cover*)
- Attachment D Three Waters Reform Programme Overview 3 30 June 2021 (*Under Separate Cover*)

## REPORTS FROM FUTURE NAPIER COMMITTEE HELD 19 AUGUST 2021

### 1. RESOURCE CONSENT ACTIVITY UPDATE

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	1278532
<i>Reporting Officer/s &amp; 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.

#### Committee's recommendation

Councillors Boag / Crown

The Future Napier Committee:

- a. Note the resource consent activity update for the period 15 June to 27 July 2021.

Carried

#### 1.2 Background Summary

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

Following on from the July update, an increase in resource consent applications submitted to Council has continued. 50 resource consent applications have been submitted in comparison to 34 received at the same time last year. A broad range of resource consent applications has been submitted with the majority (40 applications) being residential in nature. The balance of the developments proposed in this period relate to commercial and industrial land use activities.

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



### 1.3 Summary Table

Address	Proposal	Current Status	Update
115 Carlyle Street, Napier	Expansion of the Existing Car Sales Operation	Further information requested	Further detail provided below.
33 Rogers Road, Napier	Establish a Camping Ground and Caravan Park	Further information requested	Previously reported to Future Napier Committee. No further update
35 Kenny Road, Te Awa	68 Lot Residential Subdivision and ancillary Earthworks	Resource Consent Issued	
Kainga Ora-Homes and Communities			
1-23 Seddon Crescent, Napier	Multi Unit Development (24 Units), 12 Lots into 24 Lots Subdivision, Ancillary Earthworks and NESCS in the Main Residential Zone	Resource Consent issued	

#### 115 Carlyle Street – Expansion of the Existing Car Sales Operation

The proposed staged expansion of the car dealership comprises the construction of two new showrooms (including administration area), a new workshop, customer car parking and ancillary earthworks. Further, new signage is proposed across the entire site.

Stage 1 will encompass the proposed earthworks and Stage 2 the construction of the workshop. Stages 3 and 4 will see the demolition of existing showrooms on the corner of Carlyle and Faraday Streets and on 93 Carlyle Street respectively, which will then allow each site to have a new showroom constructed upon it.

The resource consent planner issued a request for further information under Section 92 of the Resource Management Act in relation to landscape and visual assessment, traffic impact assessment, earthworks and cultural impact assessment. Matters in relation to the earthworks and the landscape and visual assessment are continuing to be addressed by the applicant's geotechnical consultant and landscape architect. Assessment of the application by the resource consent planner is ongoing.

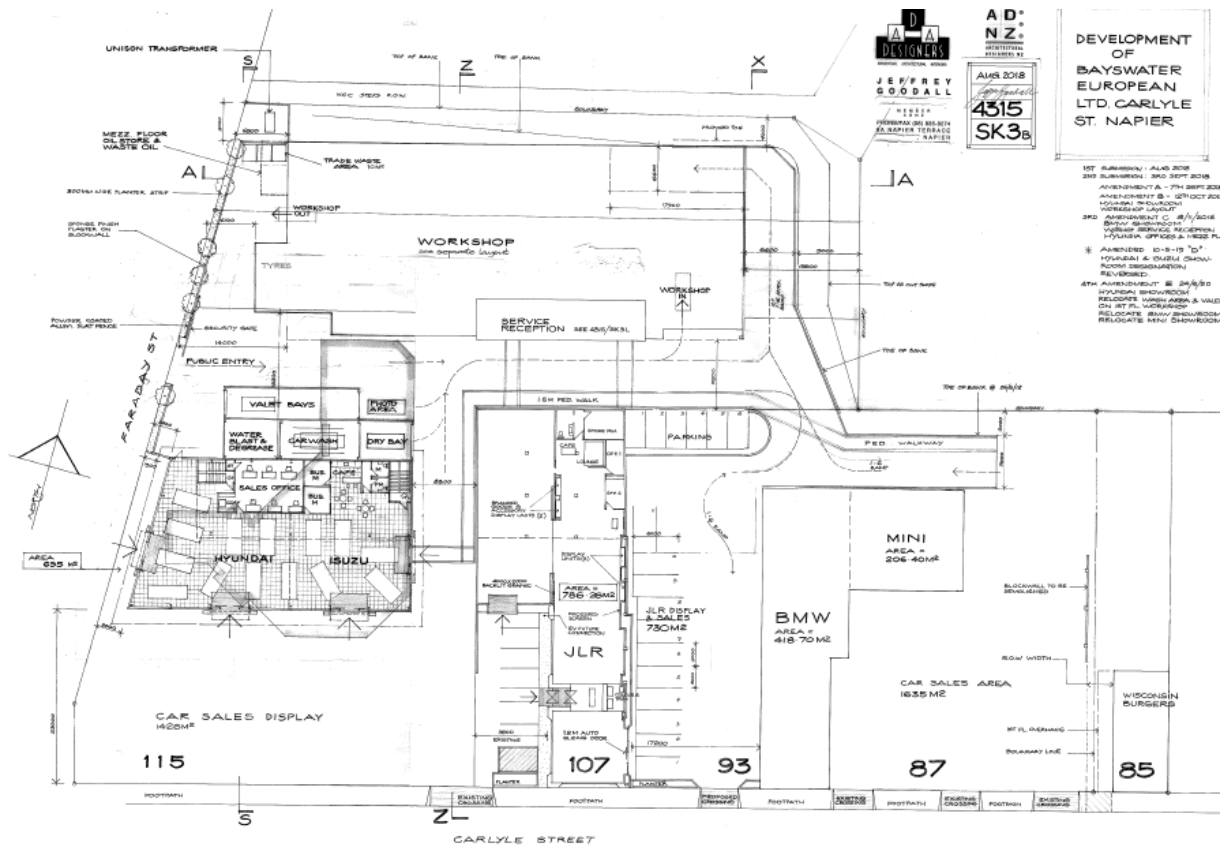


Figure 1. Proposed Development (Ground Level)

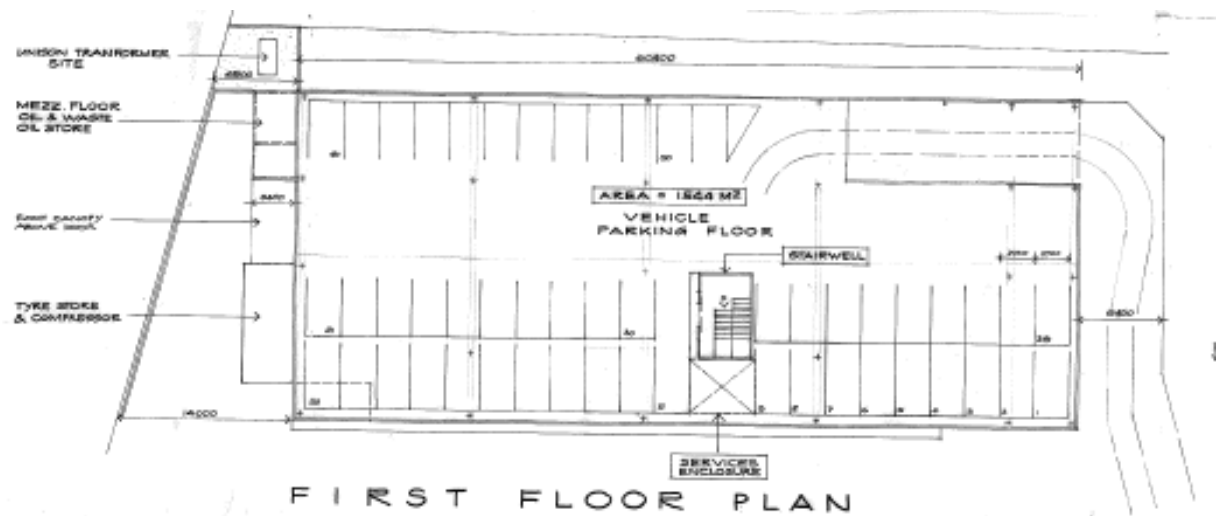


Figure 2. Workshop (First Level)

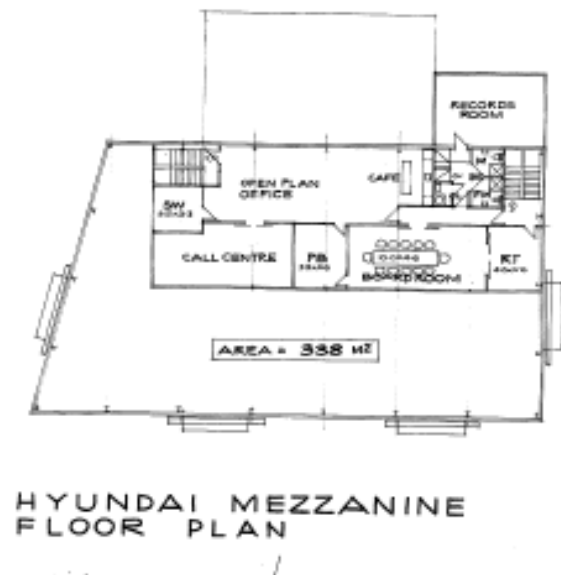


Figure 3. Hyundai (First Level)

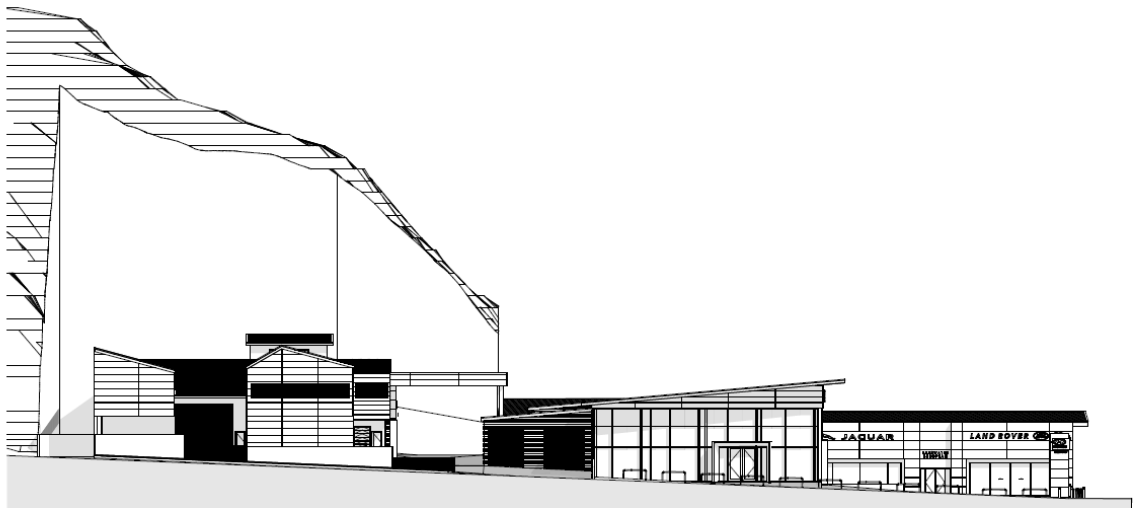


Figure 2. Faraday Street Elevation

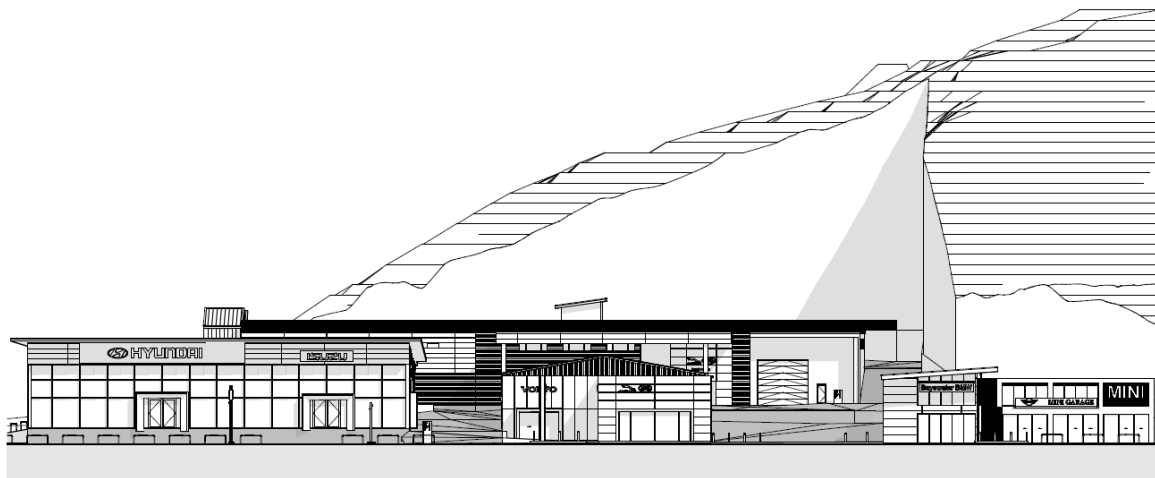


Figure 3. Carlyle Street Elevation

### **At the Meeting**

The Team Leader Planning and Compliance, Mr Johnson spoke to the report, providing a brief overview and noted that there had been an increase in applications received in comparison to the same time last year.

### **1.2 Attachments**

Nil

## 2. DRAFT LIBRARY AND CIVIC AREA PLAN

<i>Type of Report:</i>	Operational and Procedural
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1323545
<i>Reporting Officer/s &amp; Unit:</i>	Fleur Lincoln, Strategic Planning Lead

### 2.1 Purpose of Report

The purpose of this report is to seek Council endorsement for the release of the Draft Library and Civic Area Plan prior to the notification of the Draft for public consultation.

#### Committee's recommendation

Councillor Brosnan / Mayor Wise

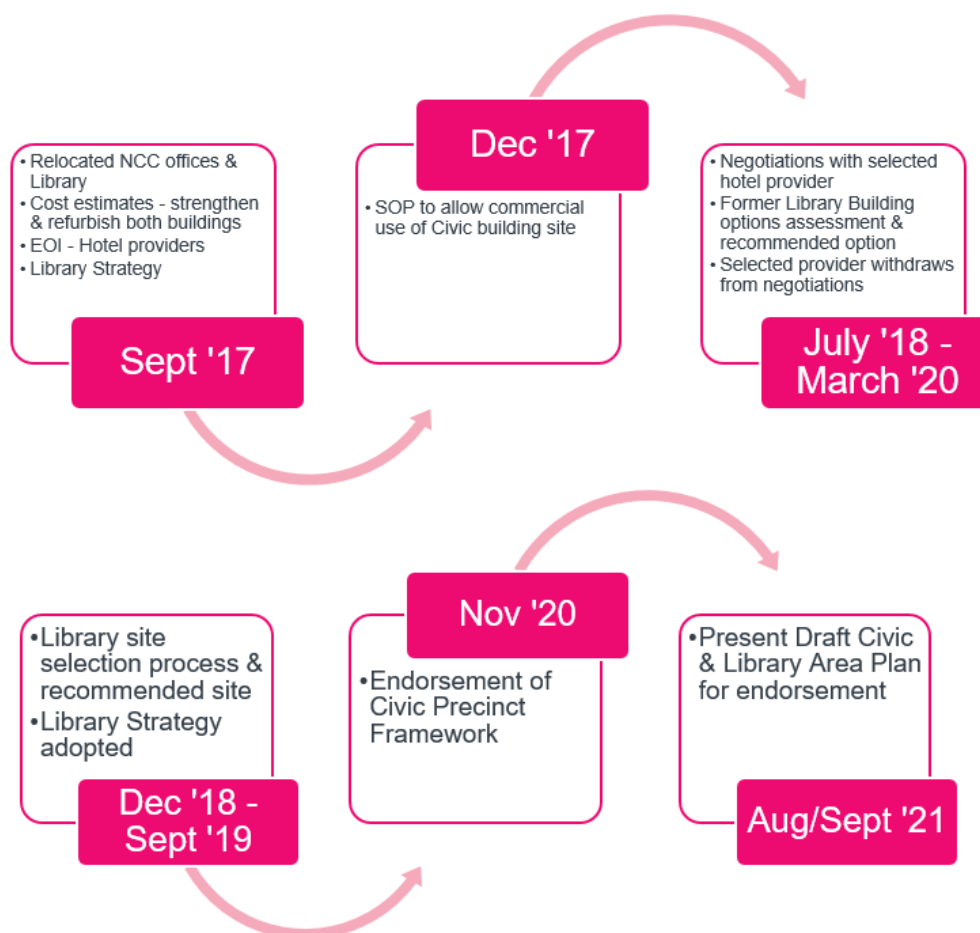
The Future Napier Committee:

- a) That the Future Napier Committee resolve to discuss the “Draft Library and Civic Area Plan” that was left to lie on the table at the 8 July 2021 meeting.
- b) Approve release of the draft Library and Civic Area Plan (*Doc ID 1367503*) for community feedback, noting that there is a placeholder page relating to mana whenua partnership that will be updated for the Full Council Meeting.
- c) Note the Consultation Plan for this project is under development and will be presented to Council at the Full Council Meeting.

Carried

### 2.2 Background Summary

The Draft Library and Civic Area Plan (LCAP) continues a process that began in 2017, with the assessment of the Civic and Library Buildings as earthquake prone and subsequent relocation of administrative offices and the Napier Library to alternative temporary accommodation elsewhere in the City. The figure overleaf shows the process to date:



The purpose of a masterplan is high level, and describes how activities, spaces and buildings work together to deliver quality places and spaces. It allows all parts to be considered in an integrated way, and shows the process taken to reach a preferred plan. The Draft LCAP provides guidance to Council in terms of how the Civic site at 231 Hastings Street and 22 Station Street will be developed to serve the needs of the Napier community. The Plan also takes into consideration the surrounding streets and privately-owned sites, to ensure these spaces compliment and support the civic and community function of the Civic site, and connects harmoniously with the rest of the City and wider Napier.

The Draft LCAP builds on the work completed in the Civic Precinct Framework (November 2020), which established the values and principles for this space. Guidance provided includes matters such as:

- the types of activities to be accommodated within the Civic site and precinct;
- where each activity should be located on the site;
- the use and design of public spaces (conceptual at this stage);
- prioritisation for development (staging proposal);
- accommodation of operational requirements, such as parking/loading;
- connection to other influences such as the bus stops/shelters, access to the City and coast;
- the commitment to partnership with mana whenua, which will influence how we work alongside them through future phases of this project; and
- any changes to planning regulation (District Plan) that may be considered to enable the realisation of the vision.

Staging Approach

The Draft LCAP recommends that the project be delivered in two stages, as follows:

Stage 1	Stage 2
<ul style="list-style-type: none"> <li>• <b>Napier Library and Customer Services Interfaces</b></li> <li>• <b>Governance spaces e.g. Council Chambers, Mayoral and Councillor suite</b></li> <li>• <b>Community spaces, which can include dedicated space for mana whenua</b></li> <li>• <b>Civic open space, street and public realm</b></li> <li>• <b>Parking for short-term public use and some Council fleet parking</b></li> <li>• <b>Improved bus customer services and active mode end of journey facilities</b></li> </ul>	<ul style="list-style-type: none"> <li>• Council administrative offices</li> <li>• Customer Services potentially relocated to the ground floor of the Council administrative offices</li> <li>• Complementary uses as appropriate</li> </ul>

There are a number of benefits to this staged approach. The main one is that the delivery of public-facing and democratic facilities in Stage 1 prioritises such facilities.

Stage 1 can also be delivered without the need to make a final decision on the retention or replacement of the former Library Tower building. This also allows for flexibility in spatial configuration for the delivery of local government services, noting central government reforms. Delaying a decision on the office accommodation needs of Council will to some extent allow time to solidify Council's medium term needs. Importantly, although Council administrative offices can be provided at a later stage, the facilities built in Stage 1 will provide additional bookable spaces for staff and already includes the Customer Service and elected member components of Council.

The Area Plan presents a number of scenarios for Stage 2. They include:

- a. Retention of the existing Library Tower Building (minus the Library Annex), its strengthening and refurbishment. This allows sufficient floor space to accommodate current/projected staff numbers, with additional office space available for lease (or some other arrangement) for organisations;
- b. Demolition of the existing Library Tower Building, and replacement with a new building to accommodate the needs of current/projected staff numbers;
- c. The use of this site for another complementary/catalytic activity (e.g. visitor accommodation/residential), alongside Council's office accommodation. This could be either through the retention, strengthening and refurbishment of the existing Library Tower Building, or through demolition and building a new building. This scenario would require additional Council administrative offices off-site in another building(s).

Commitment to working in partnership

The Framework document established the principle of Expression of Māori Heritage and Presence. Council has been working alongside mana whenua to identify how we will work together in future phases of this project. A set of design principles have been suggested as a useful way to guide the form and function of the space.

The Plan explicitly seeks partnership and active participation in both the design process of buildings and spaces (the next phase of the project) and the functional operation of the space. Strong partnerships with mana whenua at all stages of the process are imperative to the success of this project. Final endorsement of the content of page 7 has yet to be obtained. The completed Draft LCAP document will be presented to Council at the Full Council Meeting on the 16th September 2021.

#### Regulatory Framework

The Draft LCAP recommended changes to the District Plan that would ensure the Civic site and the surrounding properties are developed in a coherent way. These include regulations relating to building heights, active frontages, activity mix, and securing connections to the waterfront.

#### Library Brief

The Library Brief has helped inform the floor space and configuration requirements, as well as the area and orientation of open space. The Library Brief, will alongside the LCAP, provide guidance for the detailed design phase. A summary of this work is provided in the appendices of the Draft LCAP.

### **2.3 Issues**

#### Future Uncertainties

The influences outside of Council control, such as local government, three waters and resource management reform, may present a different spatial configuration for the delivery of local government services, and will take some time to reveal the size and shape required for Council work space. Accordingly, the Draft LCAP recognises the uncertainties and recommends an approach which stages the precinct re-development. The Draft LCAP focuses on the delivery of the public facing elements of Councils functions first, in a way that does not jeopardise future options for the former Library Tower site and decisions as to its refurbishment or demolition.

#### Mana Whenua Engagement

At this early phase of the project, engagement with mana whenua has revealed a desire to work in partnership, expressed by both Council and mana whenua. This could be guided through a set of design principles, and through a number of frameworks that have already been established to guide projects such as this. Korero will continue throughout the life of this project to further reveal the form and function of this space in line with the design principles and the principles of partnership.

The team has drafted content that addresses this for the Draft LCAP, however there has not been sufficient time for mana whenua endorsement of this within the reporting timeframes required for this Committee Meeting. Therefore, a placeholder page has been inserted, and the completed Draft LCAP document will be presented at the Full Council Meeting on the 16<sup>th</sup> September.

### **2.4 Significance and Engagement**

The Draft LCAP presents a recommended option, assessed against a set of criteria that reflect Councils overarching principles and needs for this project. It also identifies the other options that were considered, and demonstrates the reasons why these alternatives were discounted.



Consultation to date

The Draft LCAP has involved a number of stakeholders from a broad section of community who have an interest in this project and the functions it will provide. Consultation has included a number of Wānanga – interactive sessions with partners and stakeholders that sought to share information and gain insight from each group in a way that would influence the shape of the Plan.

Wānanga 1	Mana whenua authorities and tangata whenua entities/representatives Civic Advisory Group
Wānanga 2	Mana whenua authorities and tangata whenua entities/representatives Civic Advisory Group Rangatahi and Seniors Arts, Culture and Entertainment sector Property Developers, Real Estate and Valuers
Wānanga 3	Mana whenua authorities and tangata whenua entities/representatives Civic Advisory Group Rangatahi and Seniors Arts, Culture and Entertainment sector

The Civic Advisory Group initially established to develop the Civic Precinct framework is chaired by Deputy Mayor Annette Brosnan and its membership has been fairly fluid including two further Council representatives, representatives from Hawke's Bay Regional Council, the NCC Māori Committee, Friends of the Library, Ministry of Justice and internal facilities management staff.

At Wānanga 3, mana whenua representatives joined the Civic Advisory Group. A number of one-on-one technical meetings have also been held throughout the duration of the project to further tease out the needs of users. Internal consultation and guidance has also been received through the project Steering Group, and now the Mega Projects Group.

Consultation proposed going forward

Full public consultation is proposed to take place between 20 September and 15 October 2021 (4 weeks), and will involve:

- Presentations to established interest groups and professional organisations such as Historic Places Hawke's Bay, Friends of the Library, National Council of Women, Age Concern, Residents Associations, Rotary etc.
- Website information – access to the Draft Area Plan, summary of process and Plan on project landing page, fly-through video, link to Say-It Napier for feedback.
- Social Media – regular posts to increase traffic to website and inform public of project.
- Drop-in sessions – range of days, times and places for the public to drop in, meet the team, gather information and ask questions.
- Advertising – advertising the project on bus shelters, radio, newspapers, signs in public spaces, static displays.

Feedback received will be considered and reported to Council, at the time the Final Library and Civic Area Plan is presented for adoption. The high level consultation plan will be socialised and endorsed the Advisory Group.

As noted below, funding and any further consultation for the delivery of Stage 2 of this project can be addressed through future Long Term Plan iterations.

## **2.5 Implications**

### **Financial**

The Draft LCAP is a high level plan which indicates where the Library and Civic functions along with complementary activities will locate. It is a precursor to the next stage which is anticipated to be the detailed design of Stage 1. The detailed design will reveal the financial implications of Stage 1 and provide context for Stage 2 budgeting.

### **Social & Policy**

The principles of the Draft LCAP, and what it seeks to achieve align with a number of existing Council strategies and plans, including City Vision, the Library Strategy, our Community Outcomes, Disability Strategy, Positive Ageing Strategy, and the Youth Strategy. The 2019 Statement of Proposal gave Council an option to divest the Civic site for a commercial opportunity. This option (an international hotel accommodation company) has been explored, but is no longer being pursued.

Going forward, this project seeks a partnership approach in the spirit of Te Tiriti o Waitangi, whereby mana whenua are invited to be full participants of the buildings and spaces of the precinct, and have the opportunity for a physical presence on-site.

### **Risk**

The risks associated with this plan have been detailed elsewhere in this report. They include:

- Understanding the needs for space for the future face of government which will affect provision within precinct and the funding required to provide for it.
- Funding required for a two stage approach, including the timing of the second stage will be impacted by construction escalation, size and upgrade/build new options.
- No detailed design has been undertaken to date, so full cost of both stages has not been quantified. At this stage this consultation is to get community endorsement of the masterplan only and what will sit within that space.

### Staging to Reduce Risk

The staging of this development enables the necessary time for future uncertainties to become more certain before committing to a multi-million dollar development, while recommending commitment to those public facing functions within the precinct.

## **2.6 Options**

The options available to Council are as follows:

- a. Endorse the public release of the Draft Library and Civic Area Plan (noting page 7 as a placeholder page until this has been endorsed by mana whenua).
- b. Do not endorse the public release of the Draft Library and Civic Area Plan.
- c. Recommend changes to the Draft Library and Civic Area Plan for inclusion before public release.

## **2.7 Development of Preferred Option**

The project team, alongside our partners, key stakeholders, and steering group have explored the many influences of both the site and the project, and have presented a Draft LCAP that most effectively addresses these and the needs of the community. The public

are seeking momentum on this matter – it has been a long time since the community has had a fully-functional city centre Library, and our democratic services do not have a home with the necessary services that it needs to function. The opportunity to extend a welcome to our mana whenua partners, and meet our communities' needs in this space will re-set the way Council works alongside and for its community.

This Draft LCAP addresses the uncertainties around Napier City Council's future form by proposing a staged approach, focusing on community and public-facing facilities first, while ensuring Stage 2 can be achieved through a variety of scenarios.

The spatial arrangement of buildings and open public spaces, along with recommended establishment of connections and design controls will ensure the development is people-focused, accessible to all, accommodates the needs of tikanga, and provides the necessary floor space required for all scenarios.

The area around Civic Court has suffered since the relocation of Council's administrative offices and the Library, with many tenancies vacant and retail struggling in the area. Feedback from developers is that this Plan provides the confidence to invest in this precinct as it clearly indicates what Council are wanting to achieve, how and when. The additional foot traffic expected to be generated once this project is complete will likely see a resurgence in the vibrancy of the southern edge of the City.

Finally the Draft LCAP provides the guidance for the next stage of the project – the detailed design stage. The design team will have clear direction in terms of where buildings are located, their size and scale, the needs of each activity, how buildings and spaces interact with their surrounds, and how important it is that the buildings and spaces need to reflect us as community and people.

### **At the Meeting**

The Strategic Planning Lead, Ms Lincoln spoke to the report, which had been left to lie on the table at the 8 July 2021 Future Napier Committee meeting. She provided a brief overview of the Draft Library and Civic Area Plan and how the Station Street site could be developed over time, the activities, spaces and buildings that could serve the Napier community.

Although the Plan had been drafted with mana whenua indicating comfort with the draft area plan, its reference to the Mana Ahuriri Settlement meant the wording could not be endorsed by Mana Ahuriri until after the Settlement Bill had passed its third reading, which was scheduled for 26 August 2021. For this reason a placeholder page had been inserted, and the completed Draft Library and Civic Area Plan document would be presented at the full Council Meeting on 16 September 2021.

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

- The proposed Positive Ageing Strategy Advisory Group was in the process of being implemented, however may not be in place for consultation on this matter. Key leaders in the community would be contacted in regard to the positive ageing strategy.
- It was noted that reference to the Positive Ageing Strategy was referenced in the report and would be included in the consultation and engagement plan.
- No productivity loss assessment in terms of the Council vehicle fleet parking had been undertaken. Council's large vehicle fleet was comparatively high compared to other Councils and given Council's commitment to reducing carbon emissions

consideration may mean that in the future Council may look at shared vehicles or new ways to utilise the vehicle fleet.

- Information will be provided on groups identified and those who were consulted together with their feedback.

## **2.8 Attachments**

A Draft Library & Civic Area Plan - August 2021 (*Under Separate Cover*)

### 3. PARKING TECHNOLOGY UPGRADE - PAY BY PLATE

Type of Report:	Contractual
Legal Reference:	Enter Legal Reference
Document ID:	1312927
Reporting Officer/s & Unit:	Rachael Horton, Manager Regulatory Solutions

#### 3.1 Purpose of Report

To seek Committee approval to adopt 'pay-by-plate' parking technology for Napier, and to commence implementation of this upgrade.

#### Committee's recommendation

Councillors Chrystal / Mawson

The Future Napier Committee:

- a. Approve the existing parking meters to be upgraded to pay-by-plate meters.
- b. Approve \$515,000 Parking Technology funding for 2022/23 to be bought forward to 2021/22 to fund the purchase of the replacement meters and related equipment.
- c. Note that, following this report, a proposal will be bought to Council to amend the Napier City Parking Bylaw 2014 to update the bylaw to pay-by-plate meter systems.

Carried

#### 3.2 Background Summary

A procurement process for parking related services was completed in 2020 when the existing supplier to both Napier City Council (NCC) and Hastings District Council (HDC) ceased to operate.

The Councils were keen to retain a common service provider and to work together on a collaborative tender process. The core objective of retaining a common provider was to provide a consistent and standardised delivery of services across the region and to allow the Councils to achieve value for money through a joint approach to contracting.

Through the Request for Proposal process (RFP) the objective was to engage a supplier to replace and maintain HDC's meters, and engage the same supplier to maintain the existing NCC meters, with a view to upgrading the meters at a later time.

The tender evaluation team recommended awarding the contract to Global Integrated Solutions Limited (ITS). HDC proceeded with the upgrade to pay-by-plate meters last year. NCC still run a mixture of cash pay and display machines and single bay lollipop meters.

Our existing parking meters are dated and have reached end of life. For the single bay lollipop meters the internal mechanisms are no longer being produced. Parts for the cash pay and display cash machines can only be obtained from suppliers in Europe and are difficult to source. Both meter types are limited in their payment options and require manual auditing.

It is recommended that Council act now to replace our meters before they fail, taking the opportunity to upgrade to improved technology with pay-by-plate meters. Pay-by-plate meters provide improved customer service through a greater range of payment options, streamlined enforcement, improved data and reporting, and regional consistency with having one parking payment system between the two cities.

### **3.3 Pay-by-Plate Meters**

A pay-by-plate meter is one where the user inputs their registration plate number into the meter machine.

Key features and benefits are:

- A range of payment options. The four main payment methods are coins, ParkMate, Paywave (credit and debit cards) and Parkeasy (users scan a QR code). Currently we only have two options – coins and ParkMate.
- Ticketless - users do not need to return to their vehicle to display a ticket, eReceipts can be downloaded or be automatically emailed.
- Ability for users to go to any machine in the same zone/time restriction and key in their plate number to find how much time is left and top up if required.
- Once paid, vehicles can move to another area - the credit will still apply if it is within the same zone/time restriction.
- Enforcement efforts are streamlined, allowing our enforcement team greater capacity to focus on hot spots and problem areas and to provide wider city support.
- No consumable costs and lower maintenance costs.
- Cloud-based central management software, EziCom, allows real-time data 24/7 which allows remote programming & tariff updates as well as analytics such as revenue status, terminal stats and cash removal details.

*The Pay-by-Plate Solution for Napier:*

- Ease of use with one machine type across all paid parking areas (on-street parking as well as carparks).
- Common solution with Hastings providing greater consistency for the region as well as other councils across NZ. Other pay-by-plate council include Auckland City Council, Tauranga City Council, Christchurch City Council, Hutt City Council, Marlborough District Council, Nelson City Council, Wellington City Council – Waterfront, Gisborne City Council, Thames Coromandel District Council, and Kaikoura District Council.
- Reduction in on-street meters reducing footpath clutter by approximately 70% (replace 446 existing meters with 123 Pay-by-plate meters).
- The machines are solar powered to internal batteries, reducing cabling costs and maintenance disruption.

Basic specifications including payment and enforcement system are attached.

### **1.4 Amendment of the Napier City Parking Bylaw 2014**

A proposal to alter the current Napier City Parking Bylaw will be brought to Council separately. The wording within the current bylaw is specific to our current parking meters, such as the requirement to display a parking ticket. The proposed changes to the bylaw are expected to be administrative and of low significance.

In current state the Bylaw still allows enforcement of parking time restrictions; using the new parking infrastructure.

### 1.5 Licence Plate Recognition (LPR) patroller managed service (separate proposal)

Licence plate recognition cameras are mounted to a vehicle to carry out enforcement of metered areas. It is an efficient method to identify users who have exceeded parking time limits or parked incorrectly. The viability of this technology is yet to be fully assessed in collaboration with Hastings District Council and will be considered separately to this proposal.

### 1.6 Implementation

#### *Timeline*

We can expect the upgrade to take approximately 3-4 months, this allows for delivery and removal and installation/commissioning of the new machines.

The upgrade is anticipated to be fully complete by the end of the financial year (30 June 2022) however the start date for the project is yet to be confirmed due to some uncertainty with stock and contractor availability.

Timing of the works will take into account:

- Traffic management planning
- Use of weekends and after-hours in some areas to minimise disruption
- Busy periods, i.e. Christmas and other events
- Amendment of the parking bylaw

The following is an indicative timeline for the project - dependent on confirmation of stock and contractor availability.

Final approval by Council to proceed with the meter upgrade	16 September 2021
Contract acceptance and order placed with factory	September/October 2021
Amendment to parking bylaw	September/October 2021
Public communications campaign	Throughout the installation
Removal/installation/commissioning	October - November 2021
Removal/installation/commissioning (extended timeframe if required)	February - March 2022

#### *Communications*

A comprehensive communication plan will be developed in advance of the roll-out of the new parking meters. Broadly, an educational approach will be undertaken with the public to ensure awareness of the upgrade, the benefits, and how to use the meters.

The objectives of the communications plan being:

- To advise public that parking meters are being upgraded and the timeframes for the upgrade
- To promote “pay-by-plate” as a user-friendly way to pay for parking with significant benefits to the user
- To provide support to users to transition from the old meters to the new meters

Insights from other councils' who have adopted pay-by-plate meters have assisted us to identify 3 key initiatives for assisting our community with the transition which will be included in our communications plan. These are:

1. In advance of the installation, meters will be made available in public spaces, such as the library and our customer services centre, to allow members of the community to try out the new meters. Staff will be trained on the meters and available to assist.
2. As areas go live with new meters, Parking Officers or other staff will be present on the street to assist people with the new meters and help promote the benefits they offer.
3. Information flyers will distributed in advance of the installation and as areas go live with the new meters. Attached to the flyer will be a small business card that users can write down their registration number and keep the card in their wallet or purse if they find remembering the registration number difficult.

### 3.7 Disposal of Assets

In accordance with Council's 'Disposal of Surplus Assets' policy, it has been proposed that:

- Valuable components of the existing meters be sold to other users if there is demand (for example EIT is being approached to see if they would like any parts from the cable meters),
- Lollipop meters to be put to auction at Turners so that they are available to the public. If any remain unsold, the next options are to gift to charity or sell as scrap metal,
- All other remaining metal materials will be sold for scrap metal.

### 1.8 Significance and Engagement

Council signalled its intention to replace the existing meters in our 2021 – 2031 Long Term Plan, which went out for consultation and was adopted on 30 June 2021. Capital expenditure for the Parking Technology Upgrade was detailed in the Long Term Plan and the Parking Technology Upgrade and CBD Parking projects were highlighted as significant capital projects under City Strategy.

The objectives of the proposed parking technology upgrade project were also detailed in the Long Term Plan 2021-2031. These are:

- To replace old metering hardware
- To transition to pay by plate metering technology
- To streamline enforcement efforts through the use of technology, and
- To enable real-time data to support analysis and reporting functions.

Council held a workshop on 27 April 2021 where pay-by-plate parking solution was showcased with a presentation from ITS. Representatives from our local business associations were also invited to attend this workshop.

### 3.9 Implications

#### Financial

##### *Project Costs*

Indicative costs for this project are set out in the table below. It is expected these costs will vary slightly once final machine numbers and contractor rates are confirmed during the contract process.

	Indicative cost
<b>MetroLITE Touch with eView and Parkeasy options (based on 123 meters)</b>	\$1,163,331.95 (incl gst)



	<i>(ParkEasy component is setup cost of \$575. Eview component is setup cost of \$862.50)</i>
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### Project Funding

In the LTP, capital funding for this project was spread over 2 years. \$500,000 for 2021/22 and \$515,000 for 2022/23, with additional funding from the CBD Parking Projects Capital Fund 21/22: \$400,000.

It is recommended that the funding of \$515,000 for 2022/23 is brought forward to this year to fully fund the project. This gives a total of \$1,015,000.

The shortfall to fund the recommended option 2 of \$148,331.95 and any other minor project costs can be met from the CBD Parking Projects Capital Fund for 2021/22 which has a balance of \$400,000.

	Project Cost	Project Funding
Estimated project cost	\$1,163,331.95	
Capital funding 2021/22		\$500,000.00
Capital funding 2022/23 (brought forward to this year)		\$515,000.00
Shortfall funding from CBD Parking Projects Capital Fund 2021/22		\$148,331.95
<b>Totals</b>	<b>\$1,163,331.95</b>	<b>\$1,163,331.95</b>

Cash collection and maintenance contracts are met from operational budgets.

### 3.10 Options

Due to our existing meters being end of life and replacement parts being difficult to source, remaining with the current system with a mixture of single bay lollipop meters and pay and display machines is not an option and has not been considered further.

The options available to Council are as follows:

- Replace our single bay meters and pay and display machines with 'Metrolite Plus' pay by plate meters with use of e-view plus handheld LPR and Parkeasy.
- Replace our single bay meters and pay and display machines with 'Metrolite Touch' pay by plate meters with use of e-view plus handheld LPR and Parkeasy.

### 3.11 Development of Preferred Option

Option 'b' - Replace our single bay meters and pay and display machines with 'Metrolite Touch' pay by plate meters with use of e-view plus handheld LPR and Parkeasy is the preferred option for the following reasons:

- Greater functionality and usability for our parking public
  - 5% larger screen, which is higher resolution and colour

- Easier to clean
  - Easier to read in direct sunlight
  - Number plate save feature
  - User help instructions
- The latest in pay by plate technology providing some future-proofing
  - The cost difference is not viewed as significant given the benefits and cost of the overall project.

### **At the Meeting**

The Manager Regulatory Solutions, Mrs Horton spoke to the report advising Council had a mixture of existing parking meters which were dated and had reached end of life, the single bay lollipop meters internal mechanisms were no longer being produced and parts for the pay and display were European and difficult to source.

A procurement process for parking related services was completed in 2020 when the existing supplier to both Napier City Council (NCC) and Hastings District Council (HDC) ceased to operate.



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

- The implementation upgrade would take 3-4 months and was anticipated being complete by 30 June 2022.
- Council staff would take an educational approach and timeframes for the upgrade, promoting the pay-by-plate to pay for parking.
- On approval, implementation to inform the public will commence, advising community agencies such as Grey Power to attend meetings to talk through the change.
- Meters would continue to be coin operated, if the preference was to pay by coin.
- Placement of machines would be undertaken on a street-by-street basis to identify best placement. Park mate was already available and elderly or disabled persons could still utilise this without leaving their vehicle.
- Consideration will be given to the best time to upgrade to minimise disruption to businesses in the CBD. Some areas were more conducive to upgrade during the week and would be undertaken on a sector by sector basis, with the contractors being available after hours to minimise disruption.
- December/January months would be avoided as large event weekends ie Art Deco.
- The machines were solar powered so there would be minimal disruption in terms of pavements.
- License plate recognition cameras are available to parking wardens and will display where the vehicle is parked and how much credit is available. Parking within the zone would mean vehicles could be parked in different places if still in credit.

## **3.4 Attachments**

- A Basic Specifications - Pay By Plate

## Basic Specifications – Pay By Plate

Option 1: Metro LITE Plus	Option 2: Metro LITE Touch (recommended option)
	
<ul style="list-style-type: none"> <li>• Aluminum/Alloy construction</li> <li>• Solar/battery</li> <li>• Coin + Card (Tap N Go contactless, magnetic strip and chip card payments)</li> <li>• Ticketless</li> </ul>	
<p>The Metro LITE is the low-cost addition to the Global Parking Solutions range of pay-by-plate and has been specially designed to bridge the gap between the traditional cash/ticket meters and emerging meter-less/ticket-less technologies such as smartphone payment apps. Hastings use this model for their on-street meters.</p>	<p>This model is the latest in pay-by-plate meter options. Nelson City Council have recently installed this model as the first in New Zealand.</p>
<ul style="list-style-type: none"> <li>• 4.8" Mono LCD screen</li> <li>• Lower cost</li> <li>• Lower battery use (Note: GIS covers battery replacements changes as part of maintenance contract)</li> </ul>	<ul style="list-style-type: none"> <li>• 8.4" Colour Touch Screen</li> <li>• Higher cost of +\$750 (plus gst) per meter</li> <li>• Customised "splash/wake up" screen with Council graphics/image</li> <li>• Easier to read in direct sunlight</li> <li>• Easier to keep clean</li> <li>• User plate save feature</li> <li>• User help instructions</li> <li>• Larger fonts and tariff details on screen</li> </ul>

### Further Considerations

#### Complimentary payment and enforcement systems:

In addition to pay-by-plate meters the following payment and enforcement systems will be introduced:

##### eView

eView is a licence plate checking tool for parking officers. It is loaded on an android smartphone camera and can automatically read and check licence plates. This method is 8 – 10x faster than checking plates by typing manually. It is a compatible solution meaning that is there is no need to upgrade or replace existing enforcement solutions.

##### Parkeasy

Parkeasy is one of the payment options. It is a touch-free, app-free method where users can access web-based payment via QR code. A key benefit of this option is that it is contactless, so users can organise their parking without needing to touch the parking meter. Users can check their remaining time and top up parking time remotely. Parkeasy works alongside all mobile apps and other pay-by-plate payment methods.

## 4. CITY AMBASSADOR & CCTV PROGRAMME PROPOSAL

Type of Report:	Operational
Legal Reference:	Enter Legal Reference
Document ID:	1327039
Reporting Officer/s & Unit:	Rachael Horton, Manager Regulatory Solutions

### 4.1 Purpose of Report

To seek Committee approval to adopt the service design for the City Ambassador & CCTV programme for Napier, and to commence implementation of the programme.

#### Committee's recommendation

Councillor Brosnan / Mayor Wise

#### Item of business to lie on the table

- a) That pursuant to Standing Order 25.2(d) that *Item 4 – City Ambassador and CCTV Programme Proposal* lie on the table to enable Council officers to obtain further information on the private supply and monitoring component prior to the Council meeting scheduled to be held on 16 September 2021.
- b) Note that feedback sought from the Māori Committee in regard to the *City Ambassador and CCTV Programme Proposal*

Carried

### 4.2 Background Summary

Over the last five years, Napier has seen an increase in anti-social behaviour, rough sleeping, begging, and people engaging with illicit drug use in the central business district (CBD) and other commercial centres. These issues have left a number of Napier citizens feeling unsafe in the commercial centres of the city.

Council responded by introducing street patrols as a temporary measure and also introduced a campaign to reduce donations to beggars. This campaign is currently being refreshed for another round of promotion. However, the ambassador approach that is operating in other cities, such as Hastings, Rotorua, and Hamilton, is considered a better way to address the issues as ambassadors can work with individuals to link them with services that may be able to help. At the same time, ambassadors maintain clear behavioural expectations and are equipped to deal with negative activity by liaising closely with Police and other agencies.

A successful ambassador service in Napier needs to be supported by an upgraded CCTV network. The existing CCTV network run by the Napier Safety Trust is ageing and near end-of-life. After consulting with the community, Council resolved to allocate \$500,000 for an upgraded network and to bring the network in-house.

In 2021 NCC undertook a Community Safety Survey to seek perceptions of safety. This showed that in the last 3-years there has been a clear and substantial increase in the

proportion of residents who feel unsafe. This research confirmed that safety is currently a primary consideration and matter of concern to Napier residents. Greater security measures (more CCTV, more community patrols, dealing with beggars) were found to be considered necessary improvements.

In addition the Long-Term Plan (LTP) for 2021-31 committed funding for a City Ambassador and upgraded CCTV service. This report sets out the design for this service and proposes to commence implementation in July 2022.

#### **4.3 Current Situation**

A City Ambassador and CCTV service has been designed to enhance public safety in Napier's commercial centres through a respectful, culturally appropriate, engagement-first approach.

The service has been developed using a co-design principle, starting with research and consultation, and partnering with a number of stakeholders and organisations to design the service, including:

- NZ Police
- Whatever it Takes Trust
- Hawke's Bay District Health Board
- Napier City and Taradale Business Associations
- Ahuriri Māori Wardens
- Napier City Councillors and the Mayor
- Hastings District Council
- Hamilton City Council

Feedback has also been sought from local iwi representatives and the Napier Youth Council.

The resulting service is designed to include a number of components working together as a package. These components are proposed to be implemented from 1 July 2022 and matured across three horizon points: 6 months, 2 years, and 5 years to coincide with annual and long term planning timeframes.

The service design is set out in the attached document titled Napier City Council City Ambassador Programme Service Design.

#### **4.4 Performance Indicators**

The deliverables of this project aim to achieve the following outcomes. Where possible, baseline information will be collected prior to the service commencing and progress measured as the service matures.

1. Increased public and business owner perception of safety in our commercial centres
2. Reduced crime rates
3. Reduced intimidation/frightening behaviour around commercial centres
4. Reduced perceptions of "hot spots" for dangerous or frightening activity
5. Public has a friendly, visible city "ambassador" who can inform and advise
6. Increased proportion of accurate and appropriate reporting of crime and disruption around commercial centres
7. All Napier safety related partners coordinate and execute better as a whole
8. Interaction with beggars, rough sleepers, homeless, those who may need mental health support, unruly individuals, and affiliates is positive, not punitive.

## 4.5 Implementation

If Council approve the proposed 'City Ambassador and CCTV' service design, the proceeding steps would involve:

- **Re-engagement with co-design partners** who were invited to participate in service development who have not yet been presented with the final service blueprint.
- **Development of a demand profile** to validate/inform how resources (cameras and patrols) will be deployed including, but not limited to, camera locations patrol times and locations. This process involves police data overlaid with council complaints data and council priorities.

a. Our community will have subjective opinions, often derived from their own experience or the experience of another person passed on, about where resources should be placed. It is important that an objective view is formed to direct these resources to the areas where there is evidence of the greatest need or highest risk.

- **Development and confirmation of CCTV requirements** including procurement planning for hardware and servicing contracts.
- **Implementation** - Implementation would include the following key steps:
  - Transition plan for existing services – transition arrangements for current CCTV and security patrols to be agreed and documented.
  - Brand development for 'Ambassador Service' – for the purpose of this project we have referred to 'City Ambassadors' to describe our frontline staff. A brand would be established during implementation stage and reflected in all delivery, documentation, recruitment, and job descriptions related to this service.
  - Plan for delivery of new service – including standard operating procedures and process documentation, accommodation, equipment, training, stakeholder engagement (scheduling of regular inter-agency meetings), recruitment.
  - Communication plan for the public – service to be promoted to the public across a range of channels, Council staff and partner organisations made aware of the service and enabled to promote key benefits and definitive areas of responsibility.
- **'Go Live' of foundational service for Napier** - services are operationalised as per the approved service design:
  - Stage 1: CCTV upgrade to be established as a priority. As the current CCTV network is end-of-life a replacement network needs to be established under urgency to maintain the current service levels.
  - Stage 2: Ambassador patrols (on foot) to be established as soon as possible following the CCTV network. Ensuring CCTV is established first ensures patrols can be targeted to problem areas and ambassador safety is enhanced through CCTV monitoring.

These steps would be completed in consultation with the project group, which includes Mayor Wise, Councillor Price and Councillor Crown, who will continue to update Council of progress.

It is important to note that Ahuriri Māori Wardens have reiterated that they have no capacity or inclination to participate as the City Ambassadors themselves.

#### 4.6 Significance and Engagement

Community safety is an issue of significance for our community and as such this initiative was consulted on as part of the Long-Term Plan (LTP) for 2021-31. The LTP proposed that NCC continue to assess how an ambassador programme could work in Napier and allocate a further \$415,000 per year for its operation to start in 2022. NCC received a strong mandate to proceed with this approach, with over 75% of submitters supporting the proposal to look into the ambassador model further.

##### *Response Snapshot*

554 submitters responded to this question.

Option	Number of submitters	Percentage of submitters
Look into the ambassador model further (proposed)	418	75.5%
Stay as we are	136	24.5%
Not answered	154	N/A

Support for looking further into an ambassador model was higher amongst residents from Marewa (86.1%), Hospital Hill (85.2%), Ahuriri (84.6%), Napier South (83.9%), Onekawa (81.8%) and Bay View (81.0%).

A detailed communications plan will be developed as part of the implementation phase of this project. Broadly, staff will undertake an educational approach with the public to ensure:

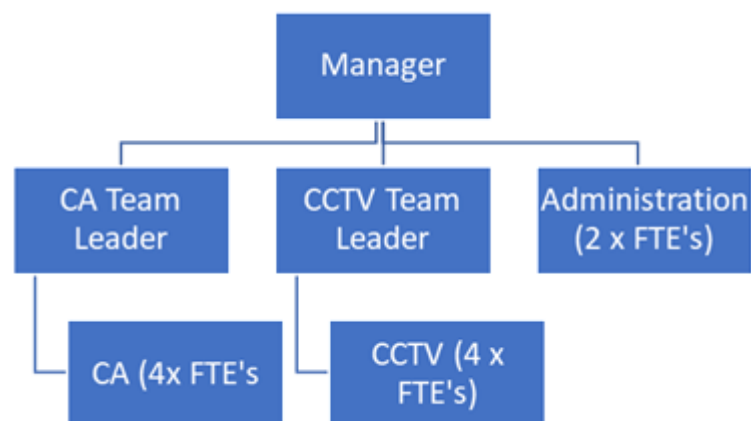
- Awareness of the service
- Understanding of the role and scope of the ambassador and CCTV services

A workshop with councillors was held on 24 June 2021 where the service design was presented.

#### 4.7 Implications

##### **Financial**

An indicative costing of \$1,396,999 for the full service is based on the following resourcing structure.





Indicative Costs		
	Capital	Operating
CCTV	459,000	398,000
Ambassadors		316,000
Shared costs		222,000
Total	459,000	936,000
Total Project Cost		<b>1,395,000</b>

There is a shortfall of \$515,000 operating funds for the 2021/22 year and an ongoing shortfall of \$319,800 operating funds for every year thereafter. This is shown in the tables below:

2021 – 2022 financial year		
	Capital	Operating
CCTV (Team Leader +2)	459,000	277,000
Ambassadors (2)		118,000
Shared costs (manager)		120,000
Total Costs	<b>459,000</b>	<b>515,000</b>
Funding	500,000	--
(Deficit)/Surplus	41,000	(515,000)

2022 – 2023 financial year		
	Capital	Operating
CCTV (Team Leader +4)	41,000	398,800
Ambassadors (Team Leader +4)		316,000
Shared costs (manager)		120,000
Total Costs	<b>41,000</b>	<b>834,800</b>
Funding	41,000	515,000
(Deficit)/Surplus	--	(319,800)

**The funding options available to Council are:**

- 1) Continue implementation and commence the service from 1 July 2022 and fund the 2021/22 operating shortfall of \$515,000 (as one-off) from either:
  - a) the parking reserve account; or
  - b) the urban/suburban growth fund, and
- b. fund the ongoing shortfall from 2022/23 from rates as part of the next annual plan process.
- 2) Delay commencement of the service to 1 July 2023 and fund the ongoing operating shortfall from 2022/23 of \$319,800 from rates as part of the next annual plan process.
- c. The ongoing shortfall from 2022/23 of \$319,800 equates to a 0.47% impact on rates.

#### **4.8 Options**

The overall options available to Council are as follows:

- a. *(Recommended Option)* To adopt the service design for the City Ambassador & CCTV programme for Napier and to commence the service from 1 July 2022, and
  - i. fund the 2021/22 operating shortfall of \$515,000 (as one-off) from the parking reserve account, and
  - ii. fund the ongoing shortfall from 2022/23 from rates as part of the next annual plan process.
- b. To adopt the service design for the City Ambassador & CCTV programme for Napier and to commence the service from 1 July 2022, and
  - i. fund the 2021/22 operating shortfall of \$515,000 (as one-off) from the urban/suburban growth fund, and
  - ii. fund the ongoing shortfall from 2022/23 from rates as part of the next annual plan process.
- c. To adopt the service design for the City Ambassador & CCTV programme for Napier, and to delay commencement of the service to 1 July 2023, and
  - i. fund the ongoing operating shortfall from 2022/23 of \$319,800 from rates as part of the next annual plan process.
- d. To not adopt the City Ambassador and CCTV service and to continue with the street patrols and CCTV operations as they are currently.

#### **4.9 Development of Preferred Option**

Option 'a' is the preferred option for the following reasons:

- Council have received a strong mandate from the LTP submissions for a programme of this nature,
- The proposed service design has been developed in collaboration with various stakeholders providing a broad lens of service priorities and requirements,
- There has been a substantial increase in the proportion of Napier residents who feel unsafe. This option demonstrates a clear response to the feedback received by Council through the 2021 Napier Community Safety Survey that safety is currently a primary consideration and immediate matter of concern to Napier residents.
- There is a nexus between the functions of city ambassadors/CCTV operators and parking officers, and benefits to parking enforcement as a result of the services. Utilising funding from the parking reserve account reflect these benefits.

### **At the Meeting**

The Manager Regulatory Solutions, Mrs Horton spoke to the report advising that due to the increase in anti-social behaviour, rough sleeping, begging, and people engaging with illicit drug use in the central business district Council had introduced temporary street patrols.

Following consultation with the community Council resolved to allocate \$500,000 to upgrade the CCTV network and introduce an ambassador service.

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

- The operating shortfall was unknown during the Long Term Plan as an understanding of the service needed and costings were not available at that time. However, following the service design being undertaken costings and service are now able to be assessed.
- Outsourcing to Hastings was considered, for at least the first couple of years, however it was decided in-house service was best. This was based on the experience of Hastings where a close relationship with Ambassadors, Police, agencies had been built and if Napier had an in-house service they could develop these relationships for Napier.
- Outsourcing the service was approximately \$250-\$300,000 difference, to an in-house service.
- No commercial providers were considered and Hastings was the only out sourcing that was considered.
- It was noted that the Māori Wardens, who were represented on the co-design advised it was not a duplication of their role and while supportive did not see this as their core role.
- Many of the Māori Wardens were volunteers and not on regular service and would be unable to give assurance to provide the level of service required.
- Recurring advice received was that the success of the service is connected to close relationship with Police and other agencies.

The meeting agreed that additional information/investigation was required in regard to outsourcing options prior to a decision being made.

#### **4.4 Attachments**

- A Napier City Council City Ambassador Programme Service Design (*Under Separate Cover*)

## 5. NAPIER WAR MEMORIAL CENTRE POLICY

Type of Report:	Operational
Legal Reference:	Local Government Act 2002
Document ID:	1356597
Reporting Officer/s & Unit:	Fleur Lincoln, Strategic Planning Lead

### 5.1 Purpose of Report

The purpose of this report is to adopt the Napier War Memorial Centre Policy.

#### Committee's recommendation

Councillors Brosnan / Tapine

#### Item of business to lie on the table

That pursuant to Standing Order 25.2(d) that *Item 5 – Napier War Memorial Centre Policy* lie on the table and that authority be delegated to the Mayor to select a small group of Councillors to work on the wording of the draft Policy (*Doc ID 1367511*) and report back to the 16 September 2021 Council meeting.

Carried

### 5.2 Background Summary

One of the recommendations of the Napier War Memorial Reference Group (WMRG) was the preparation of a War Memorial Centre Policy. The Policy provides an historical background of the War Memorial and its purpose. Being a memorial with a utilitarian function, the former community centre function of the building now operates as a function centre, while the commemorative elements of the War Memorial will be restored or recreated, and protected in perpetuity.

The Napier War Memorial Centre Policy is largely an internal operational Policy that outlines how the Napier War Memorial Centre; its memorial elements, and its immediate curtilage will be used and managed in order for its heritage and memorial values will be retained and respected now and for future generations. The policy seeks to facilitate the maximum use of the Napier War Memorial Centre in its entirety for the benefit of the Napier community including community events, functions, weddings, conferences, meetings and commemorative ceremonies.

### 5.3 Issues

No issues

### 5.4 Significance and Engagement

The Napier War Memorial Centre Policy was developed in collaboration with members of the WMRG. As the Policy is largely an internal operational Policy, notification to the wider public is not needed.

## 5.5 Implications

### Financial

The Policy itself has no financial implications. The wider War Memorial project, which includes the creation of new commemorative elements, and the restoration of existing commemorative features, has been allocated funding of \$1.5 million.

### Social & Policy

The Napier War Memorial Centre Policy was prepared in collaboration with members of the WMRG, which included the presidents of the RSA's.

Objective 3 of the Policy directs Council to retain, through regulatory means including the District Plan and Reserve Management Plan, the Napier War Memorial Centre and its immediate curtilage and associated commemorative elements. The Draft District Plan includes the Napier War Memorial Centre building in the heritage schedule as a Category 2 building. This status affords protection of the building whilst enabling its ongoing use as a function centre.

Following completion of the proposed commemorative elements of the War Memorial, a plan change could include these elements in the District Plan for protection.

The Reserve Management Plan is currently being reviewed, with a Draft being presented to Council in the coming months. This will be a high-level document, however the Parks and Reserves team are also planning to prepare Plans for the larger parks in Napier, including Marine Parade, which would have more targeted policies in relation to protection, use and management.

### Risk

NA

## 5.6 Options

The options available to Council are as follows:

- a. Adopt the Napier War Memorial Centre Policy
- b. Do not adopt the Napier War Memorial Centre Policy

## 5.7 Development of Preferred Option

The Napier War Memorial Centre Policy has been developed in collaboration with members of the WMRG and establishes policy direction for Council in managing and appropriately protecting the commemorative elements of the site whilst allowing for the continued use of the building as a function centre.

### At the Meeting

The Strategic Planning Lead, Ms Lincoln spoke to the report and advised that the Napier War Memorial Centre Policy was to ensure the Centre would be used and managed in order for its heritage and memorial values to be retained and respected now and for future generations.

The policy also sought to facilitate the maximum use of the Napier War Memorial Centre in its entirety for the benefit of the Napier community including community events, functions, weddings, conferences, meetings and commemorative ceremonies.

The main area of discussion related to point 6 of the Policy as below:

*“To retain the forecourt as an open space to be used in conjunction with activities being delivered from the Napier War Memorial Centre. As a living memorial, the forecourt is a suitable area for stalls, displays, social and community events.*

*Any permanent or semi-permanent use of the forecourt will be in consultation with Council and the Napier and Taradale RSA.*

*Vehicle parking and movements on the forecourt need to be restricted and controlled to ensure public safety and minimise damage to the building and its curtilage.*

*No vehicle is to be parked upon the forecourt other than for loading and unloading purposes, or as associated with a booking at the War Memorial Centre”.*

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

- It was intended the Māori Committee would provide feedback, where required at their next meeting on 3 September 2021.
- The purpose of policy is to protect the War Memorial site and curtilage as a number of concerns had been raised by people in regard to the access to the forecourt and what was an appropriate use for that.
- If pick up and drop off on the forecourt is not allowed, then a reassessment of parking for disabled and elderly may be required.
- Currently there is no pedestrian crossing for accessing from one side of the street to another.

The meeting agreed that this item lay on the table to enable some wordsmithing to be undertaken and brought back to Council.

## **5.8 Attachments**

- A Draft Napier War Memorial Centre Policy *(Under Separate Cover)*

## 6. LOCAL ALCOHOL POLICY REVIEW

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Sale and Supply of Alcohol Act 2012
<i>Document ID:</i>	1357811
<i>Reporting Officer/s &amp; Unit:</i>	Luke Johnson, Team Leader Planning and Compliance

### 6.1 Purpose of Report

The purpose of this report is to provide an update to Council on the Hastings District Council and Napier City Council Joint Local Alcohol Policy (LAP) and to gain a resolution on when a formal review of the Policy must commence.

#### Committee's recommendation

Councillors Taylor / Boag

The Future Napier Committee:

- a. Note the contents of the "Local Alcohol Policy Review" of 19 August 2021; and
- b. Approve a review of the Hastings District Council and Napier City Council Local Alcohol Policy (*Doc ID 1367514*) in six years (commencing October 2024), or sooner if required, as per Section 97 of the Sale and Supply of Alcohol Act 2012.

Carried

### 6.2 Background Summary

New Zealand's alcohol laws were reformed in 2012. As a result, the Sale of Liquor Act 1989 was repealed and replaced with the Sale and Supply of Alcohol Act 2012 (SSAA).

The SSAA put in place a new system of control over the sale and supply of alcohol with an emphasis on local decision making and harm minimisation. The object of the SSAA is that:

- a) The sale, supply and consumption of alcohol should be undertaken safely and responsibly; and
- b) The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.
  - i. The SSAA enabled Councils to develop a Local Alcohol Policy (LAP) in order to control where and when alcohol can be sold.
  - ii. A Council decision was made under Section 76 of the SSAA that Hastings and Napier would develop a joint policy for the region to provide consistency and ease of enforcement.
  - iii. The joint LAP was developed over several years between 2012 and 2017. The special consultative procedure (SCP) was completed in 2013 as part of that process.
  - iv. The LAP was then approved by both Councils and became provisional, and was appealed by three parties. After long negotiations, a settlement was reached and the LAP came into force in August 2019, with the hours provisions coming into force three months later in November 2019, as required by law.

- v. The Hastings District Council and Napier City Council LAP includes the following provisions:

- **Hours for On licences**

- Taverns / Bars / pubs – 8.00 am to 3.00 am Monday to Sunday.
- Cafes / restaurants / wineries – 8.00 am to 2.00 am Monday to Sunday.
- Entertainment venues - 8.00 am to 2.00 am Monday to Sunday.

- **Hours for Off licences**

- Grocery Stores / Supermarkets - 7.00 am to 10.00 pm Monday to Sunday.
- All other off licences – 9.00 am to 10.00 pm Monday to Sunday.

- **Hours for Club Licence** – 8.00 am to 1.00 am Monday to Sunday.

- **Hours for Special licences** – as per appropriate to the event.

- **Location of licensed premises** – protection for vulnerable communities o

- No further off-licences are to be issued for any premises being a **bottle store** on land located within: Flaxmere Commercial Service or Suburban Commercial zone or Flaxmere Village Centre Zone/Camberley/Maraenui.

- **Discretionary conditions** - which are guided by the principles of

- CONNECTION – whether there is a connection between the problem to be addressed and the proposed activity.
- IMPACT – whether in the opinion of the District Licensing Committee the proposed condition will contribute to making the drinking environment safer and minimise harm.
- REASONABLENESS – whether it is within the capabilities of the applicant or licensee to satisfy this condition.
- Examples of discretionary conditions include – CCTV, Lighting, No glass serves, limit on drink sizes and type at events.

- vi. Under the SSAA 2012 Section 97 - “A territorial Authority that has a LAP must review it, using the SCP no later than 6 years after it came into force.”

### 6.3 Discussion

It is almost two years since the adoption of the LAP (**Attachment 1**) by the Hastings District and Napier City Councils.

When the LAP was adopted, both councils resolved that a “review be considered in three years after the policy becomes operative with a full review required within 6 years of the enforcement date”.

In order to provide a recommendation on whether a review be carried out in three or six years, a number of matters have been considered including; research and data required under section 78 of the SSAA, legal advice and other council LAP reviews to ascertain likelihood of appeal, and risks versus benefits.

These are discussed and summarised below.

#### **Current impact of the LAP**

Anecdotal evidence from the key stakeholder group (comprising NZ Police and the Medical Officer of Health) is that the most beneficial provisions of the LAP are the location provisions for high risk areas and implementing a one way door at 1am on those licences that are open late (after 2.00am).



From a regulatory and licensing perspective, the location provisions have been effective, namely no further off-licences (bottle stores) in identified at-risk areas. This has allowed a blanket approach to those trying to apply for off-licences in those areas. It is to be noted no enquiries for an off license has been made for the high risk area in Napier (Maraenui).

The LAP has allowed the District Licensing Committee to impose restrictions through the conditions on licences, protected high risk area of Napier from the establishment of new licences and reduced the licensed hours for many licensees in the district which collectively are all positive provisions supporting the intentions of the Act.

### **Research and data adequacy**

From a regulatory perspective, the LAP has the standard provisions that are required to assist the District Licensing Commissioner with their process. In comparison to other LAP's within New Zealand, it is the key stakeholder groups' opinion that the provisions of the Hastings and Napier City Councils LAP;

- are very good, i.e. the policy balances minimising harm with people's right to consume alcohol,
- do not appear to be having unintended consequences such as displacement (people travelling under the influence, from one place to another to purchase alcohol because they have no stores in their area), and
- are practical and therefore it is reasonable to suggest that provisions within the policy seem to be fit for purpose.

The Medical Officer of Health stated that generally the absence of evidence for reduced alcohol related harm in a community post LAP implementation does not mean it doesn't exist. That there is no evidence of an effect or difference is quite different to saying that there is no effect or difference. It is more likely that there is not the evidence of the benefits from reduced harm and disease due to it being more diffusely distributed through the community, and /or that it is not being measured in a sufficiently nuanced way and /or the change hasn't been in place long enough to fully document any changes.

The Medical Officer of Health believes that over the past few years she has seen the positive effects of the LAP including; no new bottle stores in Flaxmere, Maraenui and Camberley; reduced trading hours - less than the default hours in the Act and a one way door policy in place.

Responsible officers from Hastings District and Napier City Councils concluded that as part of a full review of the LAP, (amongst other matters) additional research will be undertaken and data collected which would specifically focus on;

- Temporal shifts of harm – to inform hours provisions,
- Changes in census deprivation and harm statistics by census unit area – to inform location provisions,
- Discussion with DLC Chair and members to ascertain any additional discretionary conditions or provisions that may be required or suggested, and
- NZ Police data.

Further research and data is required as well as a literature review to investigate the effectiveness and merits of the different policy mechanisms which will be completed as a part of the final policy review process.

The key stakeholder group agree that there are good policy provisions in the LAP and the LAP should be maintained, however as the LAP is only 13 months in effect, more time needs to pass for there to be sufficient data and evidence to examine to support the LAP.

## Other councils' LAP reviews

Other council LAP reviews were analysed to ascertain likelihood of appeal through the review process. When initially developed 33 of 41 LAPs around the country were appealed which created a long and costly legal battle and generally resulted in lesser restrictions (longer trading hours) for premises.

The majority of councils have not reviewed their LAPs. The Health Promotion Agency has provided an update on current LAP reviews to date and it has showed that 5 councils have reviewed their policies and made minimal or no changes.

## Legal advice

The legal advice below has been provided in relation to; a three year versus six year review, the evidential requirements if a review was to take place and comments on the process of review, as there has been debate on whether a Special Consultative Procedure (SCP) is required for a review.

Three versus six year review;

*"It seems more in line with what is intended by Section 97 to have the review at 6 years. While it is phrased as "no later than 6 years" and that could mean reviewing at 3 years, it seems relatively clear that the SSAA 2012 requires reviews conducted every 6 years just because of the wording of the section."*

Evidential requirements;

*"When developing or reviewing a LAP the evidential requirements developed in case law are more stringent than the Act might suggest at first blush. The evidential requirements are high".*

Community support for a particular provision will hold little weight on appeal. The case law developed under the Act requires a high level of policy specific local evidence.

LAP review process;

Section 97 states– *"the territorial authority which has a LAP must review it using the SCP no later than 6 years after it came into force and no later than 6 years from the most recent review."*

Therefore a SCP is required to do a review, irrespective if any changes are made or not. It is the simple fact of having a requirement to review that triggers needing the SCP.

## Risks versus Benefits

The tables below summarise the risks and benefits of a three year review versus six year review.

Three Year Review	
<b>Risks</b>	33 of 41 LAPs around NZ were appealed when initially developed. An appeal is more than possible.
	Risk of appeal is increased if changes are sought and evidence is not sufficient.
	If appealed, there is a risk of losing the protected areas under the location provisions in the current LAP.
	If appealed, there is risk of losing the basic provisions that are in the current LAP.
	The standard of evidence required to make any changes if a review is completed at three years may not be able to be provided.
	A review at three years may be confusing to both the public and the licensed premises operators if significant changes are made so soon after the LAP was put in force. Changes at a three year period don't allow for a good bedding-in period.

	Associated costs with a SCP process, research and evaluation to review a new policy and potential large legal costs associated with an appeal.
	The current LAP provisions are strong and more than some other councils were able to get. We may be able to retain the current policy for another six years if reviewed now at three years.
<b>Benefits</b>	If stricter provisions were sought and the policy adopted successfully, those new provisions would be able to be adopted and we may see benefits quicker.
<b>Six Year Review</b>	
<b>Risks</b>	Any changes requested now would have to wait three more years to be put in place.
	Data could be collected over six years and still not provide the level of evidence required to change the policy.
<b>Benefits</b>	A six year review would mean less risk of appeal as there would be more time to collect data and evidence to support Council's position.
	Keeping of the current provisions (e.g. hours and location provisions) for another three years. The current provisions are strong and more than some other councils were able to get.
	Less cost associated with LAP review if the full six year review period is utilised. The cost can be to some degree spread over six years
	Ability to look at other councils reviews to see if appeals are likely and if so what the appeals are based on.
	A six year review would enable Council to have a better idea of risk associated with a review and make appropriate changes to the LAP considering that risk.
	A consistent approach for six years is beneficial for licence holders/licensees to embed current policy provisions.

### Process and timeline

The following table details the process of review and provides an indicative timeline for both a three and six year review. Note: Bold underlined type indicates required process.

Milestone	Timeframe	
	Three Years	Six Years
<b><u>Stakeholder engagement</u></b> ongoing quarterly	June 2020-November 2022	June 2020-November 2025
Scan of other councils' appeal decisions and data	June 2020-June 2021/June 2022	June 2020-November 2025
Assign research to respective stakeholder	June 2020	June 2020
Research Data gathering Police, Health and Council	June 2020-February 2022	June 2020-February 2025
Literature review	December 2020-February 2022	December 2020-February 2025
<b><u>Research review paper (Issues and option Paper)</u></b> Summarize data. Risks/potential gains.	August 2020-February 2022	August 2020-February 2025
Legal opinion of three vs six year review	May 2021	
Full council (HDC / NCC) meeting update	August 2021	

Final draft of research review paper (Issues and Options Paper)	October 2021	October 2024
Full council meetings regarding joint or individual policy	October 2021	October 2024
<b><u>First draft of LAP and Statement of Proposal</u></b>	November 2021	January 2025
Development of LAP review report to NCC and / or HDC full council including a recommendation on draft to go to SCP.	January 2022	January 2025
<b><u>Joint Committee set up OR Hearings Committee assigned (individual)</u></b>	January 2022	January 2025
Draft Policy confirmed / signed off by councils and SCP date set (one month SCP)	February 2022	February 2025
<b><u>Hearings (SCP)</u></b>	March / April 2022	March / April 2025
<b><u>Hearings analysis Preferred position paper</u></b>	May / June 2022	May / June 2025
<b><u>Final LAP draft</u></b> approved by Councils – it becomes <b><u>provisional / OR appealed</u></b>	July 2022	July 2025
<b><u>Notify provisional policy</u></b> (if no appeals)	July 2022	July 2025
<b><u>Adoption and effect</u></b>	August 2022 November 2022 (hours)	August 2025 November 2025 (hours)

#### 6.4 Options

There are two options to consider:

##### **Option One - Review the Policy in three years**

###### *Advantages*

- As noted in section **LAP review process** above there are minimal advantages to reviewing the policy in three years.

###### *Disadvantages*

- Risk of appeal.
- Risk of losing the basic provisions in the current LAP.
- Current LAP has not had sufficient “bedding in” time and it may be confusing to both the public and the licensed premises operators if significant changes are made so soon after the LAP was put in force.

##### **Option Two (Recommended) Review the Policy in six years**

###### *Advantages*

- As noted in section **LAP review process** above it allows officers time to gather additional evidence and data to support the LAP review.

- Less risk of appeal if officers have sufficient evidence and data.
- Ability to look at other councils reviews to see if appeals are likely and if so what the appeals are based on.
- A consistent approach for six years is beneficial for licence holders / licensees to embed current policy provisions.
- Cost spread over six years.

#### *Disadvantages*

- Any changes requested now would have to wait three more years to be put in place.
- Data collected over six years may still not provide level of evidence required to make any changes to the policy.

Based on the matters outlined in the **Discussion** section of this report, in particular the legal advice and the risks vs benefits, the preferred option is to review the LAP in six years. This will provide more time to gather data to support the LAP review, reducing the risk of appeal. It will also allow a longer time to see potential benefits, or for licensees to truly be able to reflect on the changes made. Additionally, a six year review will allow the Council to see what happens around the country in relation to other Council LAP reviews and more accurately look at risk versus benefit of any proposed changes.

There is also the opportunity to review at any point in time between three and six years if the Council wished to do so. Consequently, there is an opportunity to come back to council again at any point in time if the situation were to change or additional evidence came to light.

At a council meeting on 13 July 2021, Hastings District Council voted to extend the LAP review period to six years.

### **6.5 Next Steps**

Based on the outcome of Council's decision, staff will take the following steps in relation to the review process.

- Continue to gather evidence and data.
- Continue to have stakeholder meetings quarterly to inform this process.
- Return to Council at a later date to provide another update on data and the LAP review.
- Return to full Council to decide on a joint or individual policy.
- Return to full Council with the statement of proposal for the LAP.

#### **At the Meeting**

The Team Leader Planning and Compliance, Mr Johnson advised that it was almost two years since the adoption of the Local Alcohol Policy by the Hastings District and Napier City Councils.

When the Local Alcohol Policy was adopted, both councils resolved that a "review be considered in three years after the policy becomes operative with a full review required within 6 years of the enforcement date". Legal opinion supports undertaking a review in six years.

The current Local Alcohol Policy is "fit for purpose" and when compared to other Territorial Authorities has some strong provision to minimise alcohol harm within the Napier City Council area.

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

- It was noted that the Hastings District Council considered and resolved on 13 July 2021 to support the six year review.

- The current Local Alcohol Policy was finally implemented in October 2019, following 4.5 years of appeals by the liquor industry and supermarkets.

## **6.6 Attachments**

A NCC and HDC Joint Local Alcohol Policy (*Under Separate Cover*)

## 7. EXEMPTION TO TRADING IN PUBLIC PLACES BYLAW

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1360190
<i>Reporting Officer/s &amp; Unit:</i>	Stephanie Kennard, Planning Projects Facilitator

### 7.1 Purpose of Report

The purpose of this report is to obtain a resolution of Council to allow trading within a road reserve for events run by Napier City Council, Art Deco Trust and Napier City Business Inc (NCBI) within the Napier CBD boundary until the end of October 2026.

#### Committee's recommendation

Councillors Tapine / Chrystal

The Future Napier Committee:

- a. Approve the sale of food and beverages to the public on public land within the city centre as part of the events hosted by Napier City Council, Art Deco Trust, Napier City Business Incorporated or Taradale Marketing Association until 31 October 2026, subject to the following conditions:
  1. Trading must occur as part of a short term event or pop-up event
  2. Trading must only occur within the street reserve (not on reserve land)
  3. Trading of food and beverages only.
  4. Permission must be obtained from the Transportation Team Leader.
  5. Consultation with nearby retailers must be completed at least one week prior to the event and all issues resolved
  6. Trading is limited to the following streets: Hastings Street; Market Street; Tennyson Street; Emerson Street; Dalton Street; Clive Square East; Herschell Street; Marine Parade
  7. The usual road closure procedures will be followed if road closures are deemed necessary.

Carried

### 7.2 Background Summary

The Trading in Public Places Bylaw 2014 prohibits trading in public places within the city centre, unless a resource consent or a resolution of Council has been obtained. To date, a resolution of Council has been proposed and granted for an initial one-year exemption, followed by a three-year exemption. The current three-year exemption is due to expire on the 31 October 2021.

The exemption has enabled events to be held within the city centre without the requirement to also seek approval for each individual event.

Events that have taken place within this time include (but are not limited to):

- Nuit Blanche (White Night) - October - NCBI

- Art Deco Festival – February – Art Deco Trust
- Friday Night Fiestas – summer - Napier City Council

Not all events held within the city centre by the three parties include food or trading.

The following conditions are proposed to continue for future events:

1. Trading must occur as part of a short term event or pop-up event
2. Trading must only occur within the street reserve (not on reserve land)
3. Trading of food and beverages only.
4. Permission must be obtained from the Transportation Team Leader. Each party must provide a written application to request approval. Within this application will be a requirement for contractors to ensure they consider their waste management and use sustainable product where it is available.
5. Consultation with nearby retailers must be completed at least one week prior to the event and all issues resolved
6. Trading is limited to the following streets: Hastings Street; Market Street; Tennyson Street; Emerson Street; Dalton Street; Clive Square East; Herschell Street; Marine Parade
7. The usual road closure procedures will be followed if road closures are deemed necessary.

### **7.3 Issues**

The continuation (and extension from three to five years) will provide for trading in public places related to events held by the above three parties until 31 October 2026 (or until the Bylaw is reviewed, whichever comes first). This avoids the need to request Council permission throughout the year for each event, and will enable the city to act quickly on good ideas for city activation that involve trading in public places.

Over the past three years, there have been no significant issues arising from allowing the exemption and subsequent trading. The conditions provide Council with some certainty of the types of activities, where they will be located and the duration of the event.

The current Bylaw is due for review (December 2019). This review will be able to address how Council manages events in public places where trading occurs.

### **7.4 Significance and Engagement**

Council has ongoing communication with the Festival Director from the Art Deco Trust, General Manager of NCBI and Event Manager of Napier City Council to ensure there has been no significant issues resulting from these activities and events.

### **7.5 Implications**

#### **Financial**

N/A

#### **Social & Policy**

Over the past few years, events run by these parties have proven to be popular and do increase the number of people in the city. The sale of food and drink supplements entertainment activities at these events, and helps to create a full and vibrant street scene. They also help to supplement existing hospitality providers where demand for goods could outstrip supply i.e. Art Deco Festival. The existing Bylaw doesn't provide for trading relating to events well. Council Officers will be amending this Bylaw avoid the need to seek a Council resolution. A Council resolution that provides the ability to quickly respond to ideas



and opportunities, whilst ensuring fairness to existing retailers in the city, is consistent with the City Vision framework.

Since the previous exemption was granted, the Parks and Reserve Commercial Activities Policy was adopted in September 2019 which outlines the use of Parks and Reserves for trading. This exemption does not replace the policy.

### **Risk**

As noted above, there is a risk to Council in approving trading in public places where this occurs as part of an event, where Council does not yet know the full details of each event. However, the conditions proposed should provide Council with some certainty of the types of activities that could be approved, and that Manager approval is still required. If Council does not approve this recommendation there is a risk of lost opportunity to support events which promote a vibrant city centre.

## **7.6 Options**

The options available to Council are as follows:

- a. Resolve to allow the sale of food and beverages on road reserve as part of events held by Napier City Council, Art Deco Trust Napier City Business and Taradale Marketing Association until 31 October 2026 (or until the Bylaw is reviewed and includes the changes to negate this requirement) subject to conditions.
- b. Require Council resolutions to be obtained for each event that involves the sale of food and beverages in public spaces on a case-by-case basis.

## **7.7 Development of Preferred Option**

This report seeks to obtain a resolution of Council that will allow trading of food and beverages to the public on road reserve within the city centre as part of an event. An exemption has been in place for nearly three years, expiring on 31 October 2021.

Continuing and extending the exemption will enable a smooth flow of both planned and un-planned events. A set of conditions that must be met in order to fall within this resolution will provide some certainty to Council that future events involving trading in public places are appropriate.

The Bylaw is due for review allowing Officers to recommend best options on how to manage these events in the future.

### **At the Meeting**

The Planning Projects Facilitator, Ms Kennard spoke to the report requesting the continuation of the current exemption for trading in public places which was due to expire on 31 October 2021.

The exemption enabled events to be held within the city centre without the requirement to also seek approval for each individual event.

## **7.8 Attachments**

Nil

# MĀORI COMMITTEE

## Open Minutes

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Meeting Date: Friday 23 July 2021

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Time: 9.00am – 11.06am

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

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*Livestreamed via Council's Facebook site*

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Present Ngāti Pārau Hapū Trust – Chad Tareha (In the Chair)  
Maraenui & Districts Māori Committee – Adrienne Taputoro  
Māngai ā-Hapori – Rapihana Te Kaha Hawaikirangi

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In Attendance Acting Chief Executive (Adele Henderson)  
Director Community Services (Antoinette Campbell)  
Pou Whakarae (Mōrehu Te Tomo)  
Acting Director Corporate Services (Toni Goodlass)  
Director City Strategy (Richard Munneke)  
Manager Community Strategies (Natasha Mackie)  
Manager Sport and Recreation (Glenn Lucas)  
Māori Partnership Manager - Te Kaiwhakahaere Hononga  
Māori (Beverley Kemp-Harmer)  
Māori Partnership Manager - Te Kaiwhakahaere Hononga  
Māori (Hilary Prentice)  
Senior Advisor Policy (Michele Grigg)

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Also Present Councillor Sally Crown

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Administration Governance Advisor (Anna Eady)

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## Karakia

Chad Tareha

## Apologies

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C Tareha / RTK Hawaikirangi

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That the apologies from Mayor Wise, Renee Brown, and Robbie Paul be accepted.

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Kua Mana

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## Conflicts of interest

Nil

## Public forum

### **Graham Duncan, Stephen Dayish, and Paul Bailey - Ahuriri Rock Pool Development Trust** (*PowerPoint presentation Doc ID: 1360764*)

- A Charitable Trust has been established for this project. Peter Twigg, Solicitor, is the special trust advisor. There is provision on the trust for two Māori Trustee representatives.
- The aim of the Trust is to deliver a polished end product which can be viewed as a 'big ticket' item, that will attract families and tourists to make Napier a destination location.
- A rock pool project was begun by Ivan Wilson in 1995. It halted two weeks into the build when Mr Wilson passed away.
- The health benefits of swimming and the salt water was noted.
- Napier does not have many safe places to swim, and a new aquatic centre is not budgeted for in the latest Napier City Council (NCC) Long Term Plan (LTP). This would provide options for safe swimming for all ages, with a 50 metre salt water pool and a heated 25 metre salt water pool.
- The wider project concept is a mini theme park with a playground, an Art Deco sea water fountain, an information centre, and eateries, amongst other things.
- It is hoped the project can progress in partnership with NCC, mana whenua, and the community. The Trust would also like to collaborate on a name for the pools.
- The Trust is proposing a funding model which is split in thirds, with a third coming from the Trust, a third coming from NCC, and a third from central government. As part of the LTP process Council recommended the Trust apply for funding for a feasibility study from the Council Projects Fund.
- There is also the opportunity for business partnerships with mana whenua and hāpu.
- If this project goes ahead it is expected it will help mitigate some of the impacts from predicted erosion and tidal lifts in the area. Funding could be available from the Hawke's Bay District Council because of the project's erosion protection capability.
- The aim is to preserve the existing ecology and reefs as they are, and this would be a key part of the feasibility study.
- It was suggested hui with local mana whenua would be ideal to gain their feedback.

## Announcements by the Chairperson

Nil

## Announcements by the management

Toni Goodlass gave a 3 waters reform update to the Committee. She noted:

- At the Local Government New Zealand (LGNZ) conference a \$2.5B package was announced by Government to support the sector through the transition of a change in service delivery. This is broken into \$2B to invest in the future of Local Government and community wellbeing, and \$500M to ensure no local authority would be worse off as part of this reform programme.
- Napier has been allocated \$25.8M.
- Through partnership between LGNZ and Government there is an eight week period for the Local Government sector to assess the proposed change and to provide feedback to the Department of Internal Affairs (DIA).
- The DIA have advised they will not make any more decisions around the reform until this assessment and feedback period has occurred.
- LGNZ have advised they will not support mandatory participation by Territorial Authorities (TA's), but that is the Government's right to impose if they choose.
- The proposed reform packages are contingent on all Council's participating.
- Local Council's will be seeking mana whenua feedback on the proposed reform.
- A regional collaboration day has been scheduled for the local Councils Elected Members and Māori Committee Chairs with key speakers from the DIA and LGNZ.
- A key concern for Local Government leaders is that their communities are consulted about any proposed change. The time allowed for this is very tight.

**ACTION:** Toni will distribute information to the Māori Committee about the water entity configuration.

## Confirmation of minutes

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C Tareha / A Taputoro

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That the Minutes of the meeting held on 14 May 2021 were taken as a true and accurate record of the meeting.

Kua Mana

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# AGENDA ITEMS

## 1. MĀORI COMMITTEE TERMS OF REFERENCE DEVELOPMENT

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1329439
<i>Reporting Officer/s &amp; Unit:</i>	Mōrehu Te Tomo, Pou Whakarae Helen Barbier, Team Leader Governance

### 1.1 Purpose of Report

To continue the development of the Māori Committee Terms of Reference following the Committee's decisions around membership, quorum and scope of activities.

#### At the Meeting

The Council Officer spoke to the report and it was noted to have Māori Committee members sitting on Council Standing Committees the NCC governance structure would need to be revised. A revision can occur at any time deemed appropriate. Within the next week the Elected Members are participating in a mid-term review and the governance structure will be discussed as part of this.

The Committee agreed it was best to hold a workshop prior to the next Māori Committee hui to discuss in more detail which Councillor portfolio holders would be best to become members of the Māori Committee.

#### Officer's Recommendation

The Māori Committee:

- Endorse the recommended process for selecting a new name for the Māori Committee. That is, Te Waka Rangapū to provide three names before the September 2021 Māori Committee meeting and the Committee will choose a name at that meeting.
- Endorse three portfolio holders as part of the extended Māori Committee membership.
- Note that quorum for the Māori Committee cannot be extended until additional members i.e. Councillors (refer to b. above) have been approved.
- Note that no further action is required to nominate independent advisors (no voting rights) to the Māori Committee, as required, as delegation has been approved by Council.
- Note the progress on review of the activities and scope of the Māori Committee to ensure that it reflects a spirit of partnership between the Council and the community that will ensure that Māori can contribute effectively to the Council activities.

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## Māori Committee's Amended Recommendation

### A Taputoro / C Tareha

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The Māori Committee:

- a. Endorse the recommended process for selecting a new name for the Māori Committee. That is, Te Waka Rangapū to provide three names before the September 2021 Māori Committee meeting and the Committee will choose a name at that meeting.
- b. Note that quorum for the Māori Committee cannot be extended until additional members i.e. Councillors have been approved.
- c. Note that no further action is required to nominate independent advisors (no voting rights) to the Māori Committee, as required, as delegation has been approved by Council.
- d. Note the progress on review of the activities and scope of the Māori Committee to ensure that it reflects a spirit of partnership between the Council and the community that will ensure that Māori can contribute effectively to the Council activities.
- e. That as part of a Governance Structure review, the option of having Māori Committee representatives on Council's Standing Committees is explored.

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Kua Mana

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## 2. MĀORI WARDS - FINAL CONSULTATION PLAN

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Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1355574
Reporting Officer/s & Unit:	Natasha Mackie, Manager Community Strategies

### 2.1 Purpose of Report

This report provides the Māori Wards Consultation Plan, which was finalised after further development through the co-design process undertaken in May/June 2021.

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#### At the Meeting

The Council Officer spoke to the report and noted:

- The final consultation plan aims to be clear of the Hawke's Bay Regional Council and Hastings District Council's representation review consultation processes so as to not confuse the community.
  - Mana whenua have been invited to a hui at Pukemokimoki marae next week so Council can share information and answer questions about Māori wards. Two mana whenua entities have advised they cannot attend, but would still like to meet with the Council at another time.
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- It is midway through the engagement period. There has been good exposure digitally, with the NCC website having 3000 visits and a social media reach of over 50,000. 95 people have signed up to receive more information. There have been two community drop in sessions held, and there are two more scheduled in the next two weeks. Two 'Book a hui' sessions have been booked by community organisations, one of whom is the Pilot City Trust.
  - Only two comments out of about 3000 needed to be deleted on social media due to the nature of their content.
  - Community questions have mostly been about how Māori wards would work in Ahuriri.
  - In the formal consultation period Council is proposing having two public hui to enable people to come and have their say.
  - Council are trying to arrange a Treaty of Waitangi workshop for community members and the Pilot City Trust are happy to host this in the lead up to the consultation period. Elected Members and senior Council staff have some Treaty education sessions coming up in the next few weeks.

**Māori Committee's recommendation**

RTK Hawaikirangi / A Taputoro

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The Māori Committee:

- a. **Endorse** the Māori Wards High Level Consultation Plan, acknowledging the co-design approach to its development.

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Kua Mana

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# REPORTS FROM STANDING COMMITTEES

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## MĀORI COMMITTEE RECOMMENDATION

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

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## REPORTS FROM NAPIER PEOPLE AND PLACES COMMITTEE HELD 1 JULY 2021

### 1. NAPIER COMMUNITY SAFETY SURVEY 2021

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*Type of Report:* Information

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*Legal Reference:* N/A

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*Document ID:* 1308267

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*Reporting Officer/s & Unit:* Michele Grigg, Senior Advisor Policy

#### 1.1 Purpose of Report

To provide a summary of findings from the Napier Community Safety Survey 2021.

#### At the Māori Committee meeting

The Council Officer spoke to the report. In response to questions it was noted:

- Council supports opportunities and activities, such as Māori Movement, that support people in challenging situations. It aims to support successful programs longer term to help address entrenched issues.
- Council is responding to the results of the survey and refocusing, with their partners, on the areas where people are feeling most unsafe.

#### Māori Committee's recommendation

C Tareha / A Taputoro

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

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Kua Mana

#### Committee's recommendation

Councillors Browne / Wright

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The Napier People and Places Committee:

- a. Receives the Napier Community Safety Survey 2021 report.
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Carried



## 2. AQUATICS SURVEY 2021 REPORT: SIL RESEARCH

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1325377
<i>Reporting Officer/s &amp; Unit:</i>	Glenn Lucas, Manager Sport & Recreation

### 2.1 Purpose of Report

The purpose of this report is to inform council of the results of the SIL Aquatics Survey 2021 and the implications that these customer insights have on future asset and operational improvements.

#### At the Māori Committee meeting

The Council Officer spoke to this report and in response to questions noted:

- An upgrade of the Napier Aquatic Centre was not budgeted for in the latest LTP. If it is brought back into the LTP when it is reviewed in three years, the time to work through a design and implementation process will be approximately a further seven years from that point.

#### Māori Committee's recommendation

A Taputoro / RTK Hawaikirangi

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

Kua Mana

#### Committee's recommendation

Councillors Wright / Crown

The Napier People and Places Committee:

- Note the results of the SIL Aquatics Survey.
- Note the influence of these insights to future investment and improvements for Napier's aquatic network.
- Endorse continued work to plan and implement capital and operational improvements to both aquatic facilities.

Carried

### 3. NAPIER LIBRARIES SUMMER READING PROGRAMME FUNDING 2021-2022

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1323548
<i>Reporting Officer/s &amp; Unit:</i>	Belinda McLeod, Community Funding Advisor

#### 3.1 Purpose of Report

To seek approval to apply for external funding from Eastern Central Community Trust, to support the Napier Libraries 2021-2022 Summer Reading Programme, that will take place between 13 December 2021 and 23 January 2022, at both the Napier and Taradale Libraries.

#### At the Māori Committee meeting

There was no discussion on this item as it was a decision of Council.

#### DECISION OF COUNCIL

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

#### Council Resolution

Councillors Simpson / Chrystal

The Napier People and Places Committee:

- a. Approve the application to the external funder, Eastern Central Community Trust for the Napier Libraries 2021/22 Summer Reading Programme to be held from 13 December 2021 and 23 January 2022, at both the Napier and Taradale Libraries.

Carried

## REPORTS FROM PROSPEROUS NAPIER COMMITTEE HELD 1 JULY 2021

### 1. COUNCIL PROCUREMENT POLICY

<i>Type of Report:</i>	Operational and Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1322316
<i>Reporting Officer/s &amp; Unit:</i>	Adele Henderson, Director Corporate Services Jon Kingsford, Director Infrastructure Services

#### 1.1 Purpose of Report

To approve and adopt the Napier City Council Procurement Policy which will supersede the current Contracts Policy.

#### At the Māori Committee meeting

The Council Officer spoke to this report and in response to questions clarified:

- Central Government have a 5% target for Māori in their procurement policy as part of the diversity requirement. For each contract that goes through the Council procurement process, diversity will be considered amongst other factors.
- Council aims to engage with companies that have a Sustainability Strategy and an Environmental Management Strategy, depending on the size, scale, and nature of the project.
- Further work in the procurement strategy will be done on which factors should be given higher weightings when deciding who to award a contract to. Environmental and Sustainability factors will be considered as part of this work and also the four legislated aspects of community well-being – cultural, social, environmental and economic.

#### Māori Committee's recommendation

C Tareha / RTK Hawaikirangi

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

Kua Mana

#### Committee's recommendation

Councillors Browne / Crown

The Prosperous Napier Committee:

- Approve the recommendation to supersede the Council contract policy with the Procurement Policy.
- Approve and adopt the Procurement Policy.
- Note a Procurement Strategy to support the Policy is under development.

Carried

## REPORTS FROM SUSTAINABLE NAPIER COMMITTEE HELD 8 JULY 2021

### 1. REVISED CCTV POLICY

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	934816
<i>Reporting Officer/s &amp; Unit:</i>	Duncan Barr, Manager Information Services

#### 1.1 Purpose of Report

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

##### **At the Māori Committee meeting**

The Council Officer spoke to this report. There were no questions from the Committee.

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

A Taputoro / RTK Hawaikirangi

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

Kua Mana

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

Councillors Taylor / Crown

The Sustainable Napier Committee:

- a. Approve the updates made to the Closed Circuit Television (CCTV) Policy for finalisation and publication.

Carried

## 2. WASTE LEVY EXPENDITURE REPORT

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1326568
<i>Reporting Officer/s &amp; Unit:</i>	Alix Burke, Environmental Solutions Coordinator

### 2.1 Purpose of Report

To present the attached Waste Levy Expenditure Audit Report

#### At the Māori Committee meeting

There was no discussion on this item.

#### Māori Committee's recommendation

RTK Hawaikirangi / A Taputoro

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

Kua Mana

#### Committee's recommendation

Councillor Brosnan / Mayor Wise

The Sustainable Napier Committee:

- a. Receive the Waste Levy Expenditure Audit Report

Carried

## 3. LE QUESNE TOILET BLOCK RENEWAL

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1329218
<i>Reporting Officer/s &amp; Unit:</i>	Jason Tickner, Team Leader Parks Reserves and Sportsgrounds

### 3.1 Purpose of Report

To seek a decision on relocating and rebuilding the public toilet block on Le Quesne Road, either to the end of Franklin Road, or leaving the facility in its current location.

### At the Māori Committee meeting

There was no discussion on this item.

### Māori Committee's recommendation

C Tareha / RTK Hawaikirangi

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

Kua Mana

### Committee's recommendation

Councillors Taylor / McGrath

The Sustainable Napier Committee:

- a. The Sustainable Napier Committee agree to replace the public toilet block on Le Quesne Road within close proximity to its existing location.

Carried

## 4. COASTAL EROSION FUNDING RECOMMENDATION

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1329526
<i>Reporting Officer/s &amp; Unit:</i>	Adele Henderson, Director Corporate Services Jon Kingsford, Director Infrastructure Services

### 4.1 Purpose of Report

This report presents the completed Funding Review for the Clifton to Tangoio Coastal Hazards Strategy.

This item presents recommendations from the Clifton to Tangoio Coastal Hazards Strategy Joint Committee (Joint Committee) and seeks a recommendation from Council on how to progress next steps to implement the Clifton to Tangoio Coastal Hazards Strategy (the Strategy).

Following the completion of a review (Funding Review) to consider which Council should lead and fund the implementation of coastal hazard mitigation projects under the Strategy, the Joint Committee met to consider the report's recommendations and recommend the way forward to the Partner Councils. It is now necessary for each of the Partner Councils to agree (or not) the findings of the Funding review to enable implementing the Clifton to Tangoio Coastal Hazards Strategy and its coastal hazard mitigation projects.

The key recommendations of the Funding Review are that the Hawke's Bay Regional Council takes charge of all aspects of the prevention and mitigation of coastal hazards

on the Clifton to Tangoio coast and that the Napier City Council, Hastings District Council and Hawke's Bay Regional Council enter into a memorandum of understanding setting out agreed positions on this arrangement.

#### **At the Māori Committee meeting**

The Council Officer spoke to this report. There were no questions from the Committee.

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

A Taputoro / RTK Hawaikirangi

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

Kua Mana

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

Councillors Brosnan / Chrystal

The Sustainable Napier Committee:

- a) Receive the report titled Coastal Erosion Funding Recommendation dated 8 July 2021.
- b) Agree in principle to the outcome of the Funding Review and recommendations of the Clifton to Tangoio Coastal Hazards Strategy Joint Committee; being:
  - i. Endorses the findings of the review undertaken by Mr Raynor Asher QC titled "Review and Recommendations for the Clifton to Tangoio Coastal Hazards Strategy Joint Committee" (*Doc Id 1330559*), including the following key recommendations, for the purposes of commencing consultation under s.16 of the Local Government Act 2002:
  - ii. That the Hawke's Bay Regional Council takes charge of all aspects of the prevention and mitigation of coastal hazards on the Clifton to Tangoio coast.
  - iii. Note the discussion at HBRC that the proposed memorandum of understanding has been repurposed to a memorandum of transition. The document will set out the agreed arrangements for new and transferred functions for mitigating coastal hazards risks between the three Councils. This details the proposed operational regime for implementing coastal hazards mitigation projects under the Clifton to Tangoio Coastal Hazards Strategy
  - iv. That an advisory committee is formed by elected representatives from Napier City Council, Maungaharuru-Tangitu Trust, Hastings District Council, Mana Ahuriri, Hawke's Bay Regional Council and Heretaunga Tamatea Settlement Trust to support forward work.
  - v. That a Memorandum of Transition is prepared to set out the timing and orderly process of transitioning functions to the Hawke's Bay Regional Council in accordance with the terms set.

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Carried

## REPORTS FROM FUTURE NAPIER COMMITTEE HELD 8 JULY 2021

### 1. RESOURCE CONSENT ACTIVITY UPDATE

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1278531
<i>Reporting Officer/s &amp; 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 Māori Committee meeting

The Director City Strategy spoke to this report. In response to questions it was noted:

- While Council is getting better at identifying potential risks to developments, such as liquefaction, it is not possible to avoid developing in areas which have these risks. All steps possible are taken to mitigate these issues, such as special site preparation for high risk liquefaction zones.

#### Māori Committee's recommendation

C Tareha / RTK Hawaikirangi

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

Kua Mana

#### Committee's recommendation

Councillors Wright / Boag

The Future Napier Committee:

- Note the resource consent activity update.

Carried



## 2. DRAFT LIBRARY AND CIVIC AREA PLAN

<i>Type of Report:</i>	Operational and Procedural
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1323545
<i>Reporting Officer/s &amp; Unit:</i>	Fleur Lincoln, Strategic Planning Lead

### 2.1 Purpose of Report

The purpose of this report is to seek Council endorsement for the release of the Draft Library and Civic Area Plan (LCAP) prior to the notification of the Draft for public consultation. The high level Consultation Plan will be presented for endorsement.

#### At the Māori Committee meeting

There was no discussion on this item as it was left to lie on the table at Committee level. It will come back before the Māori Committee once it is endorsed by the Future Napier Committee.

#### Substitute recommendation

Mayor Wise / Councillor Brosnan

The Future Napier Committee:

- a. Note that significant progress has been made on the Draft Library and Civic Area Plan.
- b. Note co-design discussions with mana whenua are ongoing and require some additional time.
- c. That the "Draft Library and Civic Area Plan" report lay on the table and be presented for endorsement at the Future Napier Committee meeting on 19 August 2021.

Carried

## 3. NAPIER SPATIAL PICTURE

<i>Type of Report:</i>	Operational and Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1326068
<i>Reporting Officer/s &amp; Unit:</i>	Catherine Reaburn, Senior Policy Planner

### 3.1 Purpose of Report

For Council to endorse the public release of the draft Napier spatial picture for the purpose of informing the community on Council's progress for future urban growth planning, and to seek feedback on its content.

*Committee Member Adrienne Taputoro left the meeting at 10.48am returning at 10.51am.*

### **At the Māori Committee meeting**

The Team Leader Policy Planning spoke to the report. In response to questions from the Committee it was clarified:

- There are a lot of factors that feed into the housing shortage. The indication is Ahuriri is roughly 500 houses short.
- Hastings District Council is looking at building RSE worker housing to accommodate the hundreds that come to the region every year.
- There is land available to build houses to cover the shortfall, but it is very expensive to put in the infrastructure required to support them. Also some of this land needs to be rezoned before it can be developed.
- If Council cannot provide all housing required the policy statement says it should enable private developers to get projects moving.
- The policy statement requires Council to keep updated on what are the particular sectors of growth, such as Māori or retirement housing for example.
- Awatoto Industrial Area is an area identified by the Heretaunga Plains Urban Development Strategy as a potential growth area but it does not have the infrastructure to support this at present. It will be costly to develop. Developing industrial areas next to the estuary is not Council's preference due to environmental considerations. Ahuriri is better suited to bespoke industry and Hastings for larger developments.

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

C Tareha / A Taputoro

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

Kua Mana

### **Committee's recommendation**

Councillors Brosnan / Chrystal

The Future Napier Committee:

- a. Endorse the public release of the draft Napier spatial picture for the purpose of informing the community on Council's progress for future urban growth planning, and to seek feedback on its content.
- b. Note and endorse that Council will seek written comments on the draft Napier spatial picture concurrently with the draft District Plan.

Carried

### **Attachments**

- 1 Spatial Picture presentation (*Doc Id 1355053*)

## 4. DRAFT DISTRICT PLAN

<i>Type of Report:</i>	Operational and Procedural
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	1295468
<i>Reporting Officer/s &amp; Unit:</i>	Dean Moriarity, Team Leader Policy Planning

### 4.1 Purpose of Report

For Council:

1. To endorse the release of the (non-statutory) draft District Plan for consultation with the community;
2. To inform of legislative changes; and
3. To inform how a number of current work streams relate to the District Plan.

### At the Māori Committee meeting

The Council Officer spoke to the report and in response to questions clarified:

- Council has been engaging with mana whenua throughout the review process. Council has not had the opportunity to engage with Mana Ahuriri and Maungaharuru-Tangitū Trust as yet, but will continue to be fluid in this space if a situation arises where engagement can take place.
- Council has been working to get the plan to a level where it could be shared with the community for feedback.
- The sites of significance to Māori chapter has not been included in the draft plan as Council does not have sign off yet from Mana Ahuriri and Maungaharuru-Tangitū Trust. Te Taiwhenua o Te Whanganui-a-Orotū and Ngāti Pārau Hapū Trust have been consulted on this.

### Māori Committee's recommendation

C Tareha / A Taputoro

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

Kua Mana

### Committee's recommendation

Councillor Brosnan / Mayor Wise

The Future Napier Committee:

- a. Endorse:
  - i. the release of the (non statutory) draft District Plan for the purpose of engaging with the community on its content; and
  - ii. the policy framework for inclusion in the draft District Plan to provide the opportunity for the wider public to have their say.

- b. Note and endorse that Council will seek written comments on the draft District Plan with a generous period of time for submitting of no less than 6 weeks.
- c. Note and endorse that the written comments will be considered by Council prior to confirmation of the final policy framework adopted in the Proposed District Plan in 2022.
- d. Note that the sites of significance to Māori chapter has not been included in the draft plan. This chapter is progressing in parallel to consultation on the Draft Plan.
- e. Note/Inform:
  - i. Council of legislative changes impacting on the Resource Management Act and by virtue the District Plan
  - ii. Council of how a number of current growth-related work streams will interact with the District Plan

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Carried

#### **Attachments**

- 1 2021-07-21 District Plan Presentation \_ RMA reform seminar.pdf

#### **Updates from Partner Entities**

Nil

#### **General business**

Nil

#### **Whakamutunga Karakia**

Chad Tareha

*The meeting closed with a karakia at 11.06am*

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

Chairperson .....

Date of approval .....