



# SUSTAINABLE NAPIER COMMITTEE

## Open Agenda

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Meeting Date: Thursday 16 May 2024

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Time: 9.30am

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Venue: Chapman Room  
Level 1, Chapman Pavilion  
Latham Street  
Napier

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*Livestreamed via Council's Facebook page*

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Committee Members **Chair:** Councillor Price  
**Members:** Mayor Wise, Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Greig, Mawson (Deputy Chair), McGrath, Simpson, Tareha and Taylor  
Ngā Mānukanuka o te Iwi representatives – Coralee Thompson and Tiwana Aranui

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Officers Responsible Executive Director Infrastructure Services

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Administration Governance Team

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**Next Sustainable Napier Committee Meeting**  
**Thursday 20 June 2024**

## 2022-2025 TERMS OF REFERENCE - SUSTAINABLE NAPIER COMMITTEE

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<i>Chairperson</i>	<i>Councillor Price</i>
<i>Deputy Chairperson</i>	<i>Councillor Mawson</i>
<i>Membership</i>	<i>Mayor and Councillors (13)</i> <i>Ngā Mānukanuka o te Iwi (Māori Committee) (2)</i>
<i>Quorum</i>	<i>8</i>
<i>Meeting frequency</i>	<i>At least 6 weekly (or as required)</i>
<i>Officer Responsible</i>	<i>Executive Director Infrastructure Services</i>

### **Purpose**

To provide governance oversight of the asset management and operation of Council's infrastructure by making decisions on strategy, policy and levels of service in respect to:

- a) Transportation assets
- b) Three Waters
- c) Waste management and minimisation
- d) Building asset management
- e) Parks, reserves and sportsgrounds
- f) Cemeteries
- g) The inner harbour

### **Delegated Powers to Act**

To exercise and perform Council's functions, powers and duties within its area of responsibility, excluding those matters reserved to Council by law or by resolution of Council, specifically including the following:

1. To review and adjust relevant work programme priorities within agreed budgets, activity management plans and levels of service as per Council's Long Term Plan.
2. To consider matters related to the management of Council's physical assets, and service related projects and facilities.
3. To oversee the management of all Council's physical assets.
4. To adopt or amend policies or strategies related to the Committee's area of responsibility, provided the new or amended policy does not conflict with an existing policy or strategy.
5. To consider any reports from infrastructure related joint committees and business units.
6. To resolve any other matters which fall outside the area of responsibility of all Standing Committees, but where the Mayor in consultation with the Chief Executive considers it desirable that the matter is considered by a Standing Committee in the first instance.

### **Power to Recommend**

The Committee may recommend to Council and/or any standing committee as it deems appropriate.

The Committee may make a recommendation to the Annual Plan or Long Term Plan relevant to the Committee's responsibilities.

The Committee must make a recommendation to Council or the Chief Executive if the decision considered appropriate is not consistent with, or is contrary to, any policy (including the Annual Plan or Long Term Plan) established by the Council.

# ORDER OF BUSINESS

## Karakia

## Apologies

Nil

## Conflicts of interest

## Public forum

Nil

## Announcements by the Mayor

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

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

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

## Announcements by the management

## Confirmation of minutes

That the Minutes of the Sustainable Napier Committee meeting held on Thursday, 11 April 2024 be taken as a true and accurate record of the meeting. ....30

## Agenda items

- 1 Fast-Track Approvals Bill - 3 Waters Projects for Schedule 2 Inclusion.....5
- 2 Local Water Done Well - Policy Announcements regarding the next tranche of Legislation 11
- 3 Capital Programme Delivery .....19

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

## Recommendation to Exclude the Public

Nil

# AGENDA ITEMS

## 1. FAST-TRACK APPROVALS BILL - 3 WATERS PROJECTS FOR SCHEDULE 2 INCLUSION

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1755810
<i>Reporting Officer/s &amp; Unit:</i>	Andrew Lebioda, 3 Waters Programme Planner

### 1.1 Purpose of Report

This report is to inform elected members of the 3 Waters Projects that have been submitted for inclusion onto Schedule 2 of the Fast-Track Approvals Bill (the Bill).

#### Officer's Recommendation

The Sustainable Napier Committee:

- a. **Note** the content of this report intended to update elected members of the 3 Waters Projects that have been submitted for inclusion onto Schedule 2 of the Bill. Those being:
  - i. IAF – Maraenui to Te Awa
  - ii. Taradale and Awatoto Borefields/Treatment Plants

### 1.2 Background Summary

On Tuesday 23 April, council officers presented a memorandum to the Executive Leadership Team (ELT) to support the recommendation of submitting the two above mentioned projects for inclusion onto Schedule 2 of the Bill. This recommendation was endorsed by ELT and the deadline for submission was 3 May, 2024.

The Bill plans to introduce a fast-track one-stop-shop consenting regime with the aim to enable faster approval of infrastructure and other projects that have significant regional and national benefits. The view is that consenting major infrastructure projects takes too long, costs too much, and places insufficient value on the economic and social benefits of these projects. The Bill is proposed to address these challenges.

This fast-track process looks to consolidate and expedite multiple consenting and permission processes under a range of legislation. The main areas in regard to the above projects include:

- Resource consents, notices of requirement, alterations to designations and certificates of compliance under the Resource Management Act 1991 (RMA)
- Streamlined Environment Court process under the Public Works Act 1981

Submitted projects will be assessed for inclusion onto Schedule 2 based on certain criteria. This includes, but is not limited to, whether the project would have significant regional or national benefits, whether access to the fast-track process will enable the project to be

processed in a more timely and cost-efficient way than under normal processes, and if the impact of referring the project will have on the efficient operation of the fast-track process.

Based on the assessment projects will be listed as part of Schedule 2 Part A, Schedule 2 Part B, or will not be considered for the Fast-track process. Schedule 2 Part A projects will be referred directly to the an Expert Panel and Schedule 2 Part B projects will be first reviewed by Joint Ministers to decide whether to refer the project to the Expert Panel.

Once a project is with the Expert Panel, they consider the application and makes the recommendation to Joint Ministers. Joint Ministers then decide whether to grant approvals. The purpose and provisions of the Bill will take primacy over other legislation in decision making. Approvals can be granted to projects that are prohibited activities or inconsistent with the RMA. Appeals can only be made on law, not on any of the substance provided to support the decision.

### **Project Benefits**

The primary benefit to each project is the certainty of schedule that this process can provide. By avoiding the appeals process the forecast completion date for each project can be much more accurate.

### **PRUID101024 – IAF Maraenui to Te Awa Stormwater Improvements**

This project is being co-funded by Kāinga Ora where agreed upon milestones must be achieved by certain deadlines. Missing a deadline puts Napier City Council's (NCC) funding at risk. The more assurance we have around project schedule the greater confidence we have in meeting the agreed upon funding milestones.

As well, a key risk to the project is the acquisition of land via Public Works Act 1981. Utilising the fast-track approval process with ensure NCC acquire the needed land in time to deliver the project.

### **PRUID100295 – Taradale and Awatoto Borefields/Treatment Plants**

As outlined in the Improvement plan of the Water Safety Plan, NCC has signalled to the water services regulator Taumata Arowai that its water supply will be compliant by the end of 2028. To achieve this NCC need to deliver new Borefields, Treatment Plants and associated pipe network. While only one Borefield and Treatment Plant are required for these compliance purposes, the capital delivery programme includes two borefields and treatment plants to ensure all of Napier City's water is compliant and resilient into the future.

## **1.3 Issues**

Napier City Council (NCC) along with Hastings District Council (HDC) have made a joint submission to the Environment Select Committee seeking key changes to the Bill. These are mainly around versatile soils, inconsistencies around planning documents, and natural hazards or generating risks to neighbouring properties.

When considering the two projects application for submission to Schedule 2 council officers do not believe these are in contradiction to the joint submission of NCC and HDC.

## **1.4 Significance and Engagement**

N/A

## **1.5 Implications**

### **Financial**

N/A

## **Social & Policy**

N/A

## **Risk**

The Bill is not supported by all community groups and utilising it could be viewed as a way to avoid consultation with the wider community and partners. As the Bill places strict timeframes on the consultation process those wanting to respond need to do so quickly.

Further, given the tight timeframes it could be viewed that council will not be able to fulfil its obligations outlined in the Significance and Engagement Policy.

The above can be mitigated by conducting ongoing engagement throughout the project to ensure any affected parties are heard at the project level. As well, consultation can be regarded as occurring through previous mechanisms as the Te Awa Structure Plan and LTP consultation.

The number of projects submitted to Schedule 2 of the Bill is unknown at this stage presenting an unknown quantum of work. This present the risk that the process may actually be no faster than following the traditional consenting process.

### **1.6 Options**

The options available to Council are as follows:

- a. Note the content of this report intended to update elected members of the 3 Waters projects that have been submitted for inclusion onto Schedule 2 of the bill.

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

N/A

### **1.8 Attachments**

- 1 IAF - P170 Funding Milestones (Doc Id 1759758) [↓](#)
- 2 WS5 - Taradale and Awatoto Borefields/Treatment Plants Schedule (Doc Id 1759757) [↓](#)

## IAF Funding Agreement – Kāinga Ora – Homes and Communities

**Appendix 2****Item 7 – Enabling Infrastructure Project(s) Milestones**

The Enabling Infrastructure Project(s) milestones for the IAF Funded Enabling Infrastructure Project(s) (the **IAF Funded Enabling Infrastructure Project(s) Milestones**) as at the date of this Agreement are summarised below and are further described in **Part A of Schedule 2**:

	IAF Funded Enabling Infrastructure Project(s) Milestone Heading	Completion Date	Summary Description of Key IAF Funded Enabling Infrastructure Project(s) Milestone
<b>Three Waters IAF Funded Enabling Infrastructure Project 1 – Maraenui Pipe Network Upgrades, Stormwater Drain Improvements and Te Awa/Serpentine Pond Improvements</b>			
1.	<b>Stage 1 (Early)</b>	30 September 2022 (Completed)	The following feasibility activities in relation to the Maraenui Pipe Network Upgrades are completed: <ul style="list-style-type: none"> <li>• Concept design for infrastructure completed, which identifies alignments and potential land requirements; and</li> <li>• Concept design approved by the Recipient.</li> </ul>
		30 May 2024	The following feasibility activities in relation to the Maraenui Stormwater Drain and Te Awa/Serpentine Pond Improvements are completed: <ul style="list-style-type: none"> <li>• Optioneering phase complete, options report reviewed and design recommendation approved by the Recipient.</li> </ul>
		31 August 2024	The following feasibility activities in relation to the Maraenui Pipe Network Upgrades, Stormwater Drain and Te Awa/Serpentine Pond Improvements are completed: <ul style="list-style-type: none"> <li>• Site investigations, including geotechnical surveys and potholing for below-ground services; and</li> <li>• Concept design completed and approved by the Recipient.</li> </ul>
2.	<b>Stage 2 (Pre-Implementation)</b>	31 January 2025	The following consenting and tendering activities in relation to the Maraenui Pipe Network Upgrades, Stormwater Drain and Te Awa/Serpentine Pond Improvements are completed: <ul style="list-style-type: none"> <li>• Detailed design complete and approved by the Recipient for the tender process;</li> <li>• Additional detailed site investigations are complete (if required) and signed off by the Recipient.</li> </ul>
		30 April 2025	The following tendering activities in relation to the Maraenui Pipe Network Upgrades, Stormwater Drain and Te Awa/Serpentine Pond Improvements are completed: <ul style="list-style-type: none"> <li>• All required consents issued by the relevant authorities;</li> <li>• Tender awarded and Construction Contract(s) entered into by the Recipient and the Head Contractor; and</li> <li>• Property acquisition fully complete and access to the land now available (if required).</li> </ul>
3.	<b>Stage 3 (Implementation)</b>	31 January 2027 (to be confirmed by way of agreed Delivery Plan)	<ul style="list-style-type: none"> <li>• To be confirmed by way of agreed Delivery Plan.</li> </ul>
4.	<b>Practical Completion</b>	31 July 2027 (to be confirmed by way of agreed Delivery Plan)	<ul style="list-style-type: none"> <li>• Practical completion of Maraenui Pipe Network Upgrades, Stormwater Drain Improvements and Te Awa/Serpentine Pond Improvements such that it is completed to the design parameters and is ready for use and/or operations.</li> </ul>



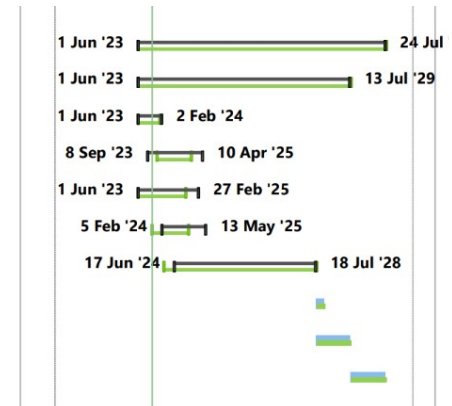
## IAF Funding Agreement – Kāinga Ora – Homes and Communities

Three Waters IAF Funded Enabling Infrastructure Project 2 – Te Awa Pump Station and Coastal Outfall			
1.	Stage 1 (Early)	30 May 2024	<ul style="list-style-type: none"> <li>Optioneering phase complete, options report reviewed and design recommendation approved by the Recipient.</li> </ul>
		31 July 2024	<ul style="list-style-type: none"> <li>Site investigations, including geotechnical surveys and potholing for below-ground services completed; and</li> <li>Functional description and concept design approved by the Recipient.</li> </ul>
2.	Stage 2 (Pre-Implementation)	30 October 2024	<ul style="list-style-type: none"> <li>Detailed site investigations are complete and signed off by the Recipient.</li> </ul>
		31 January 2025	<ul style="list-style-type: none"> <li>Detailed design complete and approved by the Recipient for the tender process.</li> <li>KiwiRail and Waka Kotahi have provided consent to the Recipient to install a Rising Main across Rail (KiwiRail) and State Highway (Waka Kotahi) corridors; and</li> <li>All other required consents issued by the relevant authorities.</li> </ul>
		20 April 2025	<ul style="list-style-type: none"> <li>Tender awarded and Construction Contract(s) entered into by the Recipient and the Head Contractor; and</li> <li>Property acquisition (if necessary) fully complete and access to the land now available.</li> </ul>
3.	Stage 3 (Implementation)	To be confirmed by way of agreed Delivery Plan	<ul style="list-style-type: none"> <li>To be confirmed by way of agreed Delivery Plan pursuant to Funding Milestone above.</li> </ul>
4.	Practical Completion	1 July 2027 (to be confirmed by way of agreed Delivery Plan)	<ul style="list-style-type: none"> <li>Practical completion of Te Awa Pump Station including Rising Main and Marine Parade Outfall such that they are ready for use and/or operation.</li> </ul>

The Enabling Infrastructure Project(s) milestones for the Enabling Infrastructure Project(s) described in Table 6.1 (excluding the IAF Funded Enabling Infrastructure Project(s)) (**Non-IAF Funded Enabling Infrastructure Project(s) Milestones**) as at the date of this Agreement are set out in **Part C of Schedule 2**.

The IAF Funded Enabling Infrastructure Project(s) Milestones and the Non-IAF Funded Enabling Infrastructure Project(s) Milestones are together known as the **Enabling Infrastructure Project(s) Milestones**

182	<b>WS5 - Awatoto + Taradale Borefields</b>	<b>1738 days</b>	<b>1632 days</b>	<b>Thu 1/06/23</b>	<b>Thu 21/12/28</b>
183	Milestone	1488 days	1382 days	Thu 1/06/23	Wed 25/07/29
197	Project Initiate	164 days	168 days	Thu 1/06/23	Mon 15/01/24
201	Consenting	385 days	339 days	Mon 8/01/24	Wed 18/12/24
205	Procurement	424 days	378 days	Thu 1/06/23	Mon 21/10/24
212	Design	310 days	310 days	Tue 24/10/23	Wed 8/01/25
225	Construction	994 days	934 days	Wed 28/02/24	Fri 28/07/28
237	Transfer & Close	60 days	60 days	Fri 15/10/27	Thu 6/01/28
238	Defects Notification Period	240 days	240 days	Fri 15/10/27	Thu 14/09/28
239	Contingency (20% project duration)	250 days	250 days	Fri 7/01/28	Thu 21/12/28



## 2. LOCAL WATER DONE WELL - POLICY ANNOUNCEMENTS REGARDING THE NEXT TRANCHE OF LEGISLATION

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1755730
<i>Reporting Officer/s &amp; Unit:</i>	Andrew Lebioda, 3 Waters Programme Planner

### 1.1. Purpose of Report

The Minister of Local Government recently announced more detail regarding the content of the second tranche of legislation that will implement the Government's Local Water Done Well policy.

This report provides elected members with a brief overview of the expected content of that Bill, signalled for introduction within the next month and for enactment by the middle of 2024.

#### Officer's Recommendation

The Sustainable Napier Committee:

- a. **Note** the content of this report, intended to update elected members on the intended content of the second government bill implementing its Local Water Done Well policy. The Bill will be subject to a Select Committee process, but this may be truncated.

### 1.2. Background Summary

The previous Government's Three Waters Reform programme was repealed via statute in February 2024. The Minister of Local Government is now pursuing a two-phased legislative implementation of the Government's Local Water Done Well Policy.

The first of two Bills (the Local Government Water Services (Transitional Provisions) Bill) will soon be introduced to Parliament. Beehive announcements tip this Bill for passage by the middle of 2024.

Council has received an introductory document from the Department of Internal Affairs (DIA) that steps through the measures and mechanisms intended for inclusion in this Bill. This guidance document is attached to this report for your information.

In summary, the Bill will:

- Start the clock ticking on the 12 month period during which Council (or Councils in collaboration) need to develop a Water Service Delivery Plan.
- Require Councils to provide baseline information about water operations, assets, revenue, expenditure, pricing and capital forecast to assist the Commerce Commission with the design of the future economic regulatory regime (this regime is to be introduced through a second legislative tranche by mid-2025)
- Streamline the process for establishing a CCO if Councils wish to do so before bespoke structural and financing tools are introduced through the second bill (mid-2025).

### 1.3. Next steps

As noted in the attached guidance document, the first of two bills will be enacted (subject to parliamentary timetables) by the end of June 2025. Officers understand there will be a Select Committee process, but the commitment to enact by the end of June suggests that any submission process will be open for a short time only.

Policy announcements about the content of the second Bill are expected in mid-2024, with the Bill introduced by December 2024 and enacted by mid-2025.

### 1.4. Significance and Engagement

The content of this report has been provided for your information only and has not been subject to any specific engagement.

Early policy announcements suggest there will be an obligation to engage with the community on the development of Water Service Delivery Plans, and officers expect the first tranche of legislation will clarify consultation expectations. In making judgements about how and when to engage on a Water Service Delivery Plan, Council will need to be mindful that water services assets defined as strategic assets in our Significance and Engagement Policy.

#### Financial

As you are aware, Council received funding via a Transition Support Package to resource the implementation of the now-repealed Three Waters reforms. Our ability to retain funding already received, and to receive the unpaid balance of the funding (\$329.5k) has now been confirmed. The application of this funding is subject to ongoing conversations with DIA, and will need to be channelled towards the establishment of a new water services delivery organisation, or other planning work to support the transition to Local Water Done Well (e.g. the development of a Water Service Delivery Plan).

As you will note in the attached guidance document, Councils are also being encouraged to consider opportunities to redirect unspent Better Off funding towards investment in water infrastructure, or the transition to new service delivery models. For Napier City Council, this conversation is just beginning at a senior leadership level at the time of writing this report, and officers may be able to provide more detail at your meeting.

#### Social & Policy

Not applicable.

#### Risk

Not applicable.

### 1.5. Options

The options available to Council are as follows:

- a. Note the content of this report, intended to update elected members on the intended content of the second government bill implementing its Local Water Done Well policy. The Bill will be subject to a Select Committee process, but this may be truncated.

### 1.6. Development of Preferred Option

Not applicable.

## 2.1 Attachments

- 1 2024-04 - Local Water Done Well - Information for councils (April 2024(Doc Id 1755729) [↓](#)



April 2024

## Local Water Done Well: Information for councils

This document provides an overview of policy decisions that will be reflected in the proposed Local Government Water Services (Transitional Provisions) Bill, which will soon be considered for introduction to Parliament. It also contains information on other transitional matters that may be of interest to councils.

It is based on Cabinet decisions announced by the Minister of Local Government in April 2024.

### Introduction

Measures to be introduced through new legislation in mid-2024 will establish the Local Water Done Well framework and the transitional arrangements for the new water services system.

The measures include requirements for councils to develop Water Services Delivery Plans, steps towards future economic regulation, and streamlined processes for setting up water services council-controlled organisations (water services CCOs).

### Water Services Delivery Plans

#### What are they?

The overarching purpose of the Plans is for councils – individually or jointly – to publicly demonstrate their intention and commitment to deliver water services in ways that are financially sustainable, meet regulatory quality standards for water network infrastructure and water quality, and unlock housing growth.

#### What do they mean for councils?

Through the development of these Plans, councils will provide an assessment of their water infrastructure, how much they need to invest, and how they plan to finance and deliver it through their preferred service delivery model.

Ringfencing of water services and revenue from other council activities is a key feature of the Plans.

The Plans will be a way for councils to provide transparency to their communities about the costs and financing of water services, and empower them to make decisions about managing and delivering high-quality water services that reflect their local needs and circumstances.

The Plans can also be prepared jointly, and so provide an opportunity for councils to have conversations with other councils about joint arrangements for water services delivery.

Local Water Done Well: Information for councils (April 2024)

## What information do they need to cover?

The Plans cover information across three key areas:

<b>1. Financial and asset information</b>	Information about each council's financial and asset information and performance measures, pricing and other related policies, methodologies, and assumptions
<b>2. Investment required</b>	Planned levels of investment, approach to operations, and whether these are sufficient to deliver proposed level of service, meet infrastructure standards and meet regulatory standards
<b>3. Service delivery arrangements</b>	Councils' proposed service delivery arrangements – including proposals for joint arrangements, across more than one council

To demonstrate financial sustainability, councils will have to show what needs to be invested to deliver water services to regulated standards and to provide for growth. They will also have to show how they will fund and finance long-term investment in water infrastructure, including renewals and operating costs.

## What is the process and timeline for producing a Plan?

Activity	Indicative timing / milestone
DIA releases Plan guidance Councils formally begin development of Plans	Mid-2024   Local Government Water Services (Transitional Provisions) Bill enacted
<b>DIA/council check-in</b> Councils identify contact point(s), whether they will be submitting an individual or joint Plan, whether they need technical support	+ 3 months (following Bill enactment)
DIA/council check-in(s) to monitor progress	+ 6-9 months (following Bill enactment)
<b>Councils submit final Plan to DIA</b>	Within 12 months (of Bill enactment)
DIA accepts the Plan meets statutory requirements or refers back to council for further work	Following submission of Plan
Council publishes Plan on council website	Once Plan is accepted by DIA

## What happens if council(s) don't submit a Plan?

There will be a series of check-ins by the Department of Internal Affairs throughout the Plan development process to ensure councils are on track in preparing and submitting an acceptable plan. There will be guidance and some 'light touch' technical support provided by DIA.

During the Plan preparation process, councils may request, and the Minister of Local Government will be able to appoint, a Crown Facilitator who could provide additional assistance (at councils' expense). For example, the Crown Facilitator could assist and advise a council on how to prepare a Plan, or work across a group of councils to facilitate or negotiate a joint Plan (including providing an arbitration role if requested and agreed by councils).

## Local Water Done Well: Information for councils (April 2024)

If a council fails to submit a plan by the statutory deadline, the Minister of Local Government will be able to appoint someone to prepare a Plan on that council's behalf, and (if necessary) to direct the council to adopt and submit this Plan (a 'regulatory backstop' power). Again, any expenses associated with this appointee and the preparation of the Plan would be covered by the council.

### Key information



Plans are one-off, transitional documents, to set a pathway forward to sustainability.



Plans can be developed by individual councils, or jointly where groups of councils are planning to jointly establish a water organisation.



Plans must include drinking water, wastewater and stormwater – but councils have flexibility about transferring stormwater in proposed new service delivery arrangements.



It will be up to councils to determine how best to engage with their communities as part of the Plan development process.



Plans have no regulatory function – LTPs continue to be councils' primary planning and accountability document.



Plans cover a 10-year timeframe, with detailed information provided on the first three years.

### Steps towards future economic regulation

Economic regulation is a key feature of Local Water Done Well. It is intended to ensure consumers pay efficient, cost-reflective prices for water services, that those services are delivered to an acceptable quality, and that water services providers are investing sufficiently in their infrastructure.

Development of an economic regulation system for water services will be led by the Ministry of Business, Innovation and Employment. Relevant provisions would be included in the third Local Water Done Well Bill (to be passed in mid-2025), and implemented by the Commerce Commission after that point.

Through the Water Service Delivery Plans, councils will be asked to provide baseline information about their water services operations, assets, revenue, expenditure, pricing, and projected capital expenditure, as well as necessary financing arrangements.

This is not a regulatory information gathering exercise, but is a useful first step to build the capability of councils and prepare the Commerce Commission ahead of the full economic regulation regime being introduced from the middle of next year.

All councils that have water service delivery responsibilities (either directly or through existing council-controlled organisations) will be subject to these requirements. As well as the Plans being published, information collected through them will be shared with the Commerce Commission, to help them with the development of the future regulatory regime.

The Bill will also provide for some councils to be subject to an early form of information disclosure by the Commerce Commission, prior to the full economic regulation regime.

## Local Water Done Well: Information for councils (April 2024)

This will build on the information collected through the Plans, and is intended to be for councils that have more advanced asset/financial management practices, or those that moved quickly to establish new organisations and are ready for a faster track toward more detailed oversight.

## Streamlined processes for establishing council-controlled organisations

Under Local Water Done Well, a range of structural and financing tools will be available to councils to use for water services including a new class of financially independent council-owned organisations.

These options will be included in the third Local Water Done Well Bill, with policy decisions expected to be announced in mid-2024. This Bill is expected to be introduced in December 2024, and passed in mid-2025.

However, it is recognised that some councils may want to move quickly to start shifting the delivery of water services into more financially sustainable models. The Local Government Water Services (Transitional Provisions) Bill will include provisions that help streamline the process for establishing water services CCOs, as currently provided for under the Local Government Act 2002.

The Bill will contain a bespoke set of consultation and decision-making arrangements that will enable councils to streamline this process, while continuing to provide the opportunity for community input. These streamlined arrangements are voluntary for councils to choose to use, as an alternative to some of the standard requirements in the Local Government Act.

The arrangements include provisions that:

- Clarify that councils can set up joint committees that can consult on a proposal across multiple districts (instead of each council carrying out separate consultation), and to make recommendations to participating councils
- Set minimum consultation and information requirements – so one round of consultation is required, and information only needs to be provided on the analysis of two options (status quo + preferred option)
- Enable councils to consider the collective benefits/impacts of a proposal (across multiple districts), in addition to the interests of their individual districts – and to factor in the view of other participating councils.

## Current Better Off and Transition Support funding arrangements will be retained

Cabinet has agreed to retain existing funding arrangements under the previous Government's water reform programme, and has asked the Department of Internal Affairs to work with councils and Iwi Collectives to align these to Local Water Done Well.

This includes:



## Local Water Done Well: Information for councils (April 2024)

- Retaining current Better Off funding for all councils, but for the Department of Internal Affairs to work with councils to identify opportunities to redirect unspent Better Off funding to increase investment in water infrastructure or to help establish new water services delivery organisations.
- Retaining current Council Transition Support funding to enable councils to use this funding for work relating to Local Water Done Well, including supporting the establishment of new water services delivery organisations, or other planning work to support the transition to Local Water Done Well.

The Department of Internal Affairs will work with councils on any changes to current contractual arrangements to reflect decisions in relation to aligning funding to LWDW.

The Department of Internal Affairs will follow up with individual councils to provide further details.

## Next steps

The Government will provide details in mid-2024 on the broader range of structural and financing tools, including through the New Zealand Local Government Funding Agency (LGFA), which will be available to councils to ensure they can access the long-term debt required for investment in water services infrastructure. These tools will be implemented through further legislation that will establish the enduring settings for the new system.

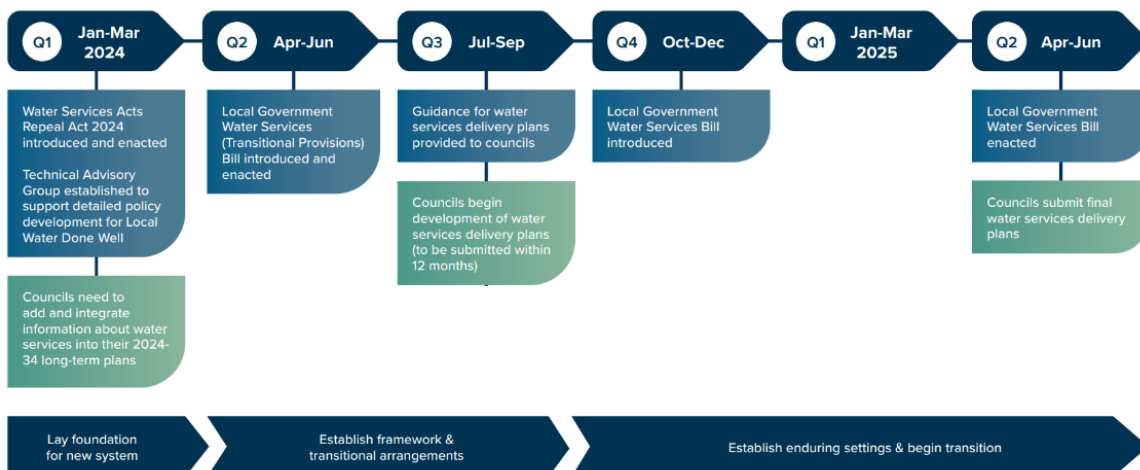
Policy areas to be included in further legislation include:

- Setting long-term requirements for financial sustainability
- Providing for a range of structural and financing tools, including a new class of financially independent council organisations
- Planning, accountability and reporting frameworks for water services
- Considering the empowering legislation for Taumata Arowai to ensure the regulatory regime is efficient, effective, and fit-for-purpose, and standards are proportionate for different types of drinking water suppliers
- Providing for a complete economic regulation regime
- Considering additional Ministerial powers of assistance and intervention in relation to water services, and regulatory powers to ensure effective delivery of financially sustainable water services.

## Indicative timeline

The below timeline provides an indicative outline of policy, legislation and related council activity. It is subject to parliamentary processes and timetables.

Local Water Done Well: Information for councils (April 2024)



## Further information

Once the proposed Local Government Water Services (Transitional Provisions) Bill has been introduced to Parliament, it will be available at [www.legislation.govt.nz](http://www.legislation.govt.nz).

For further information about Local Water Done Well, visit [www.dia.govt.nz/Water-Services-Policy-and-Legislation](http://www.dia.govt.nz/Water-Services-Policy-and-Legislation)

**Questions?** Contact [waterservices@dia.govt.nz](mailto:waterservices@dia.govt.nz)

### 3. CAPITAL PROGRAMME DELIVERY

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1753248
<i>Reporting Officer/s &amp; Unit:</i>	Jamie Goodsir, Acting Director Programme Delivery

#### 1.1 Purpose of Report

To provide Council with information on the FY23/24 Capital Programme and initiatives underway to improve Capital Programme Delivery.

#### Officer's Recommendation

The Sustainable Napier Committee

- a. **Receive** the report titled "Capital Programme Delivery" dated 16 May 2024.

#### 1.2 Background Summary

##### Situational update

Council had set the FY23/24 Capital Plan at \$75.9M, but this was subsequently revised to \$102.5M following carry-forwards.

The Three Waters Activity Group comprises over 50% of this spend, with Community Services and Transportation at 20% and 15% respectively.

##### Sustainable Napier Reports

With most parts of the business now undertaking projects in their own right, this report will focus on projects being reported by the Programme Delivery Team.

Currently, the Programme Delivery Team are reporting on 20 projects, to the value of \$46M. **(Attachment 1)**.

We have included recent photos and brief updates of several projects that are in progress, including the Memorial Square Community Rooms refurbishment, the recently completed West Quay drainage and roading project, the McLean Park renovation project and the importation of silt at Parklands for the future Area 4 development. **(Please see PowerPoint)**.

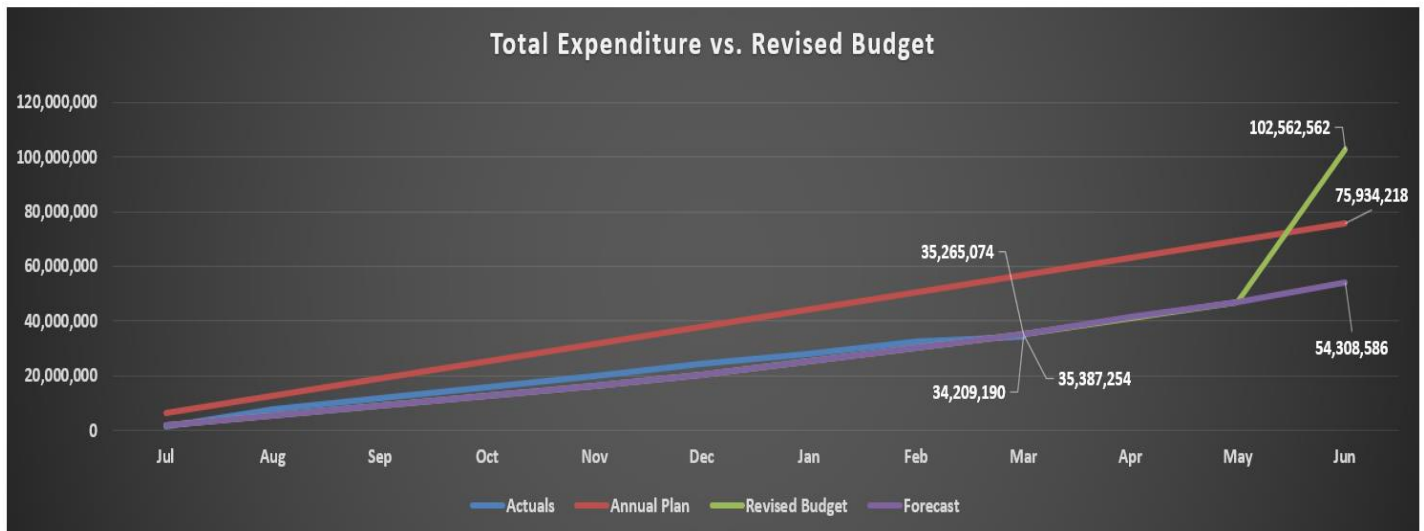
##### Capital Programme Summary

The Capital Programme spend for FY23/24 YTD March 2024, was \$34.2M.

This compares to the Revised Budget amount for the same period of \$35.3M.

The forecast FY23/24 year end spend is \$54.3M.

Please refer to the graph below.



The steep incline of the Revised Budget post May 2024 is due to asset owners scheduling some \$55M of work (54% of the total \$102.5M revised budget), from June 2024, indicating this work is unlikely to start this FY.

#### **Projects going to Tender this reporting round.**

The following projects are currently progressing through the tender phase:

- Occupational Health Nurse Services
- Inner Harbour Maintenance Dredge 2024
- Ocean Spa Pool Auto-dosing

#### **Tenders in Evaluation Stage this reporting round.**

The following projects are currently progressing through the evaluation phase:

- Learning Management System
- 24 Clyde Rd Slip Remediation

#### **Contracts awarded this reporting round.**

The following projects have successfully completed the procurement process:

- Nothing to report.

#### **Projects nearing / at completion this reporting round.**

The following projects are nearing the completion of their construction phases:

- Thompson Road Slip Remediation (April 2024)

### **1.3 Issues**

#### **Industry Capacity**

The impact of Transportation Recovery East Coast (TREC), which includes Waka Kotahi, KiwiRail, Downer, Fulton Hogan and Higgins, on the local contracting scene, is yet to be determined.

Officers continue to recruit across multiple teams and use consultants via their Project Management and Design Services Panels to increase their capacity to deliver the capital programme.

Officers are also continuing to progress initiatives aimed at improving capital programme delivery, including an upgrade to Sytle and scheduling Sytle training, and commencing the preliminary stages of establishing an Enterprise Project Management Office (EPMO).

## **1.4 Implications**

### **Financial**

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

Improving the accuracy of forecasting and the maturity of financial acumen across the business is a work in progress.

### **Risk**

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

## **1.4 Options**

This report is for information purposes only.

## **1.5 Development of Preferred Option**

This report is for information purposes only.

## **3.6 Attachments**

- 1 Capital Programme Update - March 2024 (Doc Id 1756025) [↓](#)
- 2 Project Update Photos - May 2024 (Doc Id 1757129) [↓](#)



SYCLE PROJECT NUMBER	PROJECT NAME	ASSET DISCIPLINE	PROJECT UPDATE	COMPLETION DATE	FINANCIALS	SCHEDULE	REASON FOR RED OR AMBER STATUS	CURRENT PROGRAMMED BUDGET	COST TO DATE
100460	Steps and Ramps (Onslow Steps)	Transportation	LDE geotech report received and under review by NCC engineer. The design for the retaining wall associated with the new steps is yet to be confirmed by the Engineer.	Jun-24			The requirement for an additional retaining wall to support the steps, as well as construction access constraints, have delayed this project.	\$560,000	\$368,747
100461	Parklands Area 4	Parklands	Earthworks - Stockpiling to start the week starting 15/04/2024 and continue to Dec-24. The earthwork tender to be drafted end of April. Tbig (external PM consultant to take over this project going forward)	Jun-28				\$1,000,000	\$328,471
100673	Lagoon Farm Storm Water Diversion	3 Waters	RFP for investigative and design works due to go out this month via the 3 Waters Professional Services Panel. Contract to start by end of June. Ahuriri Regional Park masterplan needs input to inform stormwater area of the park, a meeting was held with ARP PM and Annette to ensure alignment going forward.	TBC				\$24,719,000	\$125,991
100680	Pandora Industrial Main Renewal	Water Strategy	Mersey street section (Variation) cleaning has started, duration 2 weeks. This is the last section to be cleaned. Handover back to operations in due early April.	Jun-24				\$1,823,214	\$588,293
100748	Puketitiri Road Safety Improvements	Transportation	The bulk earthworks design has been approved by the Transport team. Procurement phase underway. Roading design concept with EA and continuing to progress. Chorus and Unison works have commenced.	2025				\$4,228,600	\$756,501
100856	Air Vents on Reservoirs	3 Waters	Costings and final designs provided to the Water team, some changes made to design waiting on final design, and budget.	TBC				TBC	\$36,558
100980	Thompson Road Slip Remediation	Transportation	Construction has started with undercutting old slip material with the wall construction following shortly thereafter.	Jun-24				\$160,000	\$8,477
100982	Clyde Road Retaining Wall	Transportation	The retaining wall tender was extended by 1 week due to the easter weekend. Tender close date is now 12/04/2024 at midday. Building consent approved. Aimed to start construction in May 2024	Aug-24				\$510,000	\$14,931
101039	Memorial Square Community Rooms Refurbishment		Asbestos remediation tender for subfloor remediation being evaluated. \$1.25M funding secured to date, \$0.91M additional funding required. BC submitted : 19/3/2024. Following the Napier People and Places Committee meeting on 28/3/2024, approval was obtained to split the project into two phases. Stage 1 being the Seismic works (budget in place) once the subfloor asbestos remediation is completed by Council, and Stage 2 the balance project work (including additional ceiling / soffit asbestos remediation by Council, once additional funding is obtained. Anticipated construction completion late 2024.	Nov-24				\$1,600,000	\$24,917
101079	McLean Park refurbishment 2024	Parks Reserves and Sportsgrounds	Tender awarded to Mexted Contractors. Additional project funding being confirmed. Contract to start 15/4/2024 and be completed in 4 weeks, then there will be a 12 week grow-in period ahead of NPC in August 2024.	Aug-24				\$354,400	\$38,771
101081	Petane Domain Carpark	Parks Reserves and Sportsgrounds	Procurement plan approved for price quality, 5 selected contractors. Drawings being finalised and tender in progress.	Jun-24				\$400,000	\$15,181
101118	30 Herschel St Retaining Wall and Carpark	City Strategy	Retaining Wall – budget confirmed with sponsor, tender doc to be completed. Aim to tender 29th April Carpark – stormwater design investigations in progress	Jun-24				\$1,200,000	\$9,385
100534	Parklands Area 3 - Stage 11 & 12	Parklands	Stormwater model completed, design underway, subdivision consent to be lodged April 2024	Jun-25				\$5,000,000	\$62,000
100979	Spencer Rd Retaining Wall	Transportation	Building consent on hold due to redesign of piles. estimated 4 weeks to completed redesign	Feb-25				\$500,000	\$23,512
101136	McLean Park- Centennial Hall & Graeme Lowe Gutter Remediation	Parks Reserves and Sportsgrounds	Procurement Plan approved. Tender preparation in progress.	Aug-24				\$3,000,000	\$9,173
101142	Whakariri Ave Reserve Carpark and Pathway	Parks Reserves and Sportsgrounds	Tender in May 2024, construction starting June 2024. Meeanee Quay section addressed separately due to design constraints. Procurement plan in progress. Final tender drawings by Civiltec, incorporating design review notes. Anticipated completion: April 26, 2024. Details pending confirmation on incorporating civil work from Revetment Landscape project for cost-effectiveness.r.	TBC				\$498,057	\$19,248
100994	Anderson Park - Stage 2 Playground Development	Parks Reserves and Sportsgrounds	The project involves five stages focused on improving local amenities. Currently, we're finalizing procurement plans, engineering estimates, and timelines for each stage. Transition of design responsibilities to the Engineering cadet, with support from the Project Manager, is scheduled for April 22nd to April 26th.	TBC				\$490,000	\$55,470
100927	5 Delhi Place Wastewater Main Retaining	3 Waters	Consultant to provide a cost estimate for protection for the public wastewater from UV and Surface damage by providing a retaining wall. Design options underway, survey and service location completed.	TBC				TBC	TBC
100847	Stormwater Outfalls Upgrade	3 Waters	Version 1 of the General Scope of Work was officially approved on March 13th, 2024, to guide the development of our procurement plan.	TBC				TBC	TBC
100306	Taradale Road WW Inlet Diversion	3 Waters	The works involved in this project require the installation of a diversion chamber to manage and improve control of sewerage flows into the Taradale SPS. To allow for flows from the Latham St SPS to be diverted into the Taradale site when operationally required.	TBC				TBC	TBC





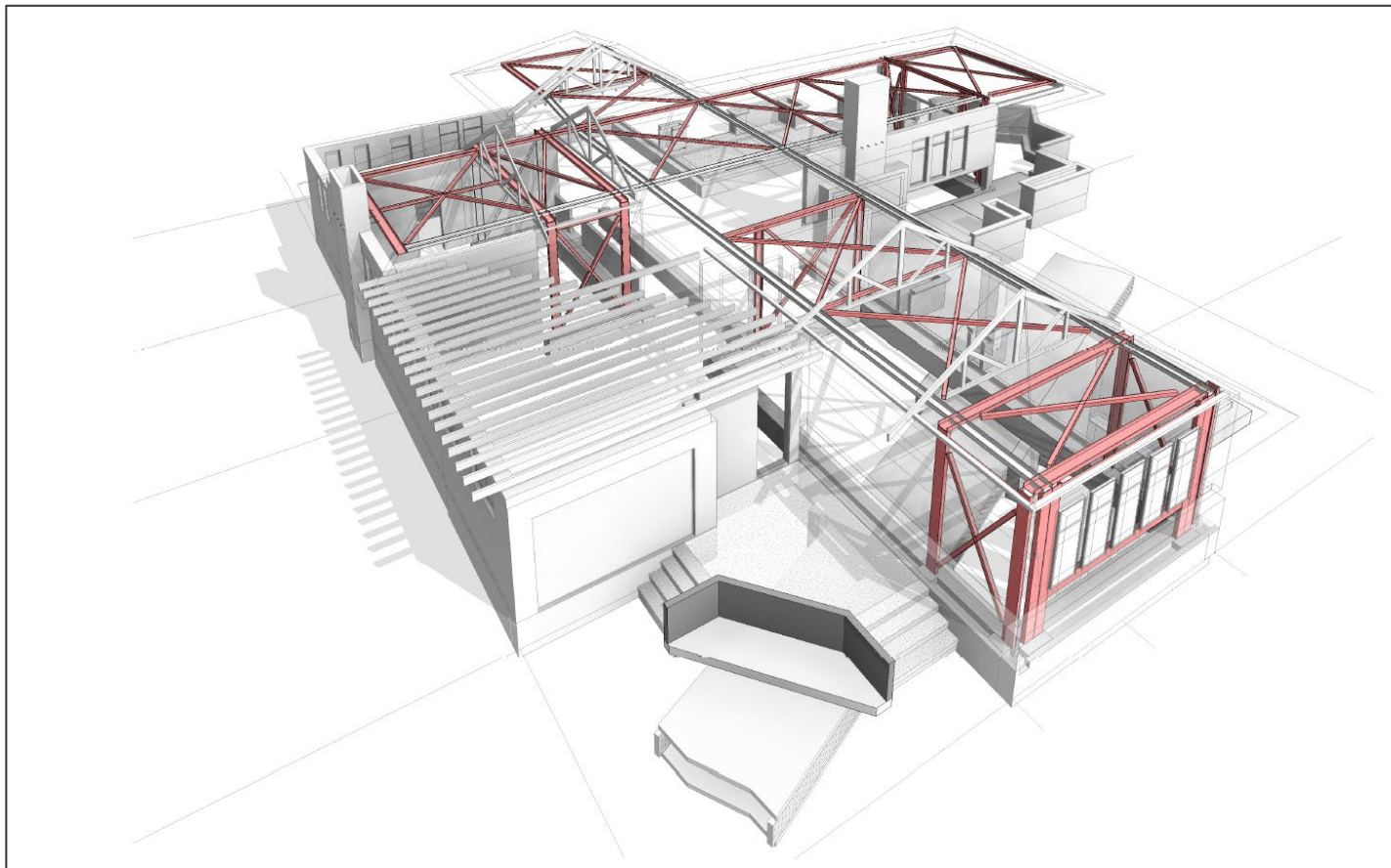
# Sustainable Napier Committee : 2024 05 16

*Project update photos*



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

## Memorial Square Community Rooms



- Seismic Strengthening Design to 100% NBS



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

## West Quay



- Drainage, road construction and footpath completed



## McLean Park Turf Renovation



- Old cricket block removed, removeable tray in place, new turf being installed around old block
- De-thatching of field in progress

## Parklands Area 4 – Silt relocation from Esk Valley



- Site clearance underway
- Silt importation next

# SUSTAINABLE NAPIER COMMITTEE

## Open Minutes

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Meeting Date: Thursday 11 April 2024

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Time: 9.30am – 11.05am (*Open*)  
12.10pm – 12.35pm (*Public Excluded*)

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Venue Large Exhibition Hall  
War Memorial Centre  
Marine Parade  
Napier

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*Livestreamed via Council's Facebook page*

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Present **Chair:** Councillor Price  
**Members:** Deputy Mayor Brosnan, Councillors Browne, Chrystal, Crown, Greig, Mawson (Deputy Chair), McGrath, Simpson [via Zoom], Tareha and Taylor

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In Attendance Chief Executive (Louise Miller) [via Zoom]  
Acting Executive Director Infrastructure Services (Jamie Goodsir)  
Acting Executive Director Corporate Services (Caroline Thomson)  
Executive Director City Strategy (Rachael Bailey)  
Manager Communications and Marketing (Julia Stevens)  
Drinking Water Quality Lead (Anze Lencek)  
Senior Project Manager (Andrew Torrens)  
Team Leader Transportation (Robin Malley)  
Manager Property (Bryan Faulknor)  
Parks Policy Planner (Amelia Longley)  
3 Waters Programme Planner (Andrew Lebioda)

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Also in attendance: Geoff Mitford-Taylor (President) and Kim Hunter (member)  
Marineland Hot Road Club (Item 3)

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Administration Governance Advisors (Carolyn Hunt and Jemma McDade)

# SUSTAINABLE NAPIER COMMITTEE – Open Minutes

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## ORDER OF BUSINESS

### Karakia

The meeting opened with the Council karakia.

### Apologies

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Councillors Greig / Crown

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That the apologies for absence from Mayor Wise and Councillor Boag be accepted.

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Carried

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Ngā Mānukanuka o te Iwi representatives – Coralee Thompson and Tiwana Aranui did not attend the meeting.

### Conflicts of interest

Nil

### Public forum

Nil

### Announcements by the Mayor

Nil

### Announcements by the Chairperson

Nil

### Announcements by the management

Nil

### Confirmation of minutes

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Councillors Greig / Crown

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That the Minutes of the Sustainable Napier Committee meeting held on 22 February 2024 were taken as a true and accurate record of the meeting.

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Carried

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# AGENDA ITEMS

## 1. NAPIER DRINKING WATER COMPLIANCE ASSESSMENT FOR 2023 CALENDAR YEAR

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<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1746067
<i>Reporting Officer/s &amp; Unit:</i>	Anze Lencek, Drinking Water Quality Lead

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### 1.1 Purpose of Report

To inform the Council on the Napier Water Supply (NAP001) Compliance Assessment for 2023 calendar year.

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#### At the meeting

The Drinking Water Quality Leader, Mr Lencek spoke to the report providing a brief summary on the main water quality management areas in relation to Napier's water supply.

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

- The independent water entity Taumata Arowai does not audit Napier City Council's(NCC) annual water compliance.
  - Audit New Zealand still request that reports are provided on Council's compliance, however their reporting is on a financial year, not a calendar year so is not in sync with Taumata Arowai and they are also auditing on the old drinking water standards.
  - Operational non-compliances were as a result of inadequate processes in place.
  - Actions are assigned to staff from the Improvement Plan of the Water =Safety Plan(WSP). It was noted some actions have been completed or officers were on track to complete.
  - In terms of Christchurch's application to eliminate some of requirements for the bacterial treatment at their bores, NCC lodged a similar application with Taumata Arowai, then retracted the application as were advised it was likely to be unsuccessful.
  - In terms of applying for the chlorine residual exemption in the network, Mr Lencek said in his view it would be very difficult for a large supplier in New Zealand to achieve the exemption granted by Taumata Arowai for various reasons.
  - By the end of 2028 there will be two new bore fields with two new treatment plants with UV treatment which will deal with bacterial and protozoa contaminants at the source, so water leaving the water treatment site will be fully compliant.
  - If Taumata Arowai apply pressure for the bores to be completed prior to 2028 there would be financial implications and costs could be escalated by 50%-100%.
  - In regard to WSPs, there are differences between the Ministry of Health regulatory body requirements and Taumata Arowai's requirements.
  - Taumata Arowai perceives the suppliers to be the experts in the field and have pushed responsibility onto them, whilst setting the rules that are to be followed and not approving any WSP.
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*The meeting agreed to change the word “Endorse” to “Receive” in the recommendation as they did not considered themselves experts in the subject matter.*

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**COMMITTEE** Deputy May Brosnan / Councillor Browne

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**RESOLUTION**

The Sustainable Napier Committee:

- a. **Receive** the report titled “Napier Drinking Water Compliance Assessment for 2023 Calendar Year” dated 11 April 2024.

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Carried

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## 2. PRESSURE SEWER SYSTEMS POLICY

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*Type of Report:* Operational and Procedural

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*Legal Reference:* N/A

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*Document ID:* 1741368

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*Reporting Officer/s & Unit:* Andrew Torrens, Senior Project Manager

### 2.1 Purpose of Report

The purpose of this report is to have Council adopt the proposed Pressure Sewer Systems Policy.

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#### At the meeting

The Senior Project Manager, Mr Torrens provided a brief summary and background on the proposed Pressure Sewer Systems Policy.

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

- There is a maximum number of persons per dwelling which are allowed for with multiple sized tanks. Through a design process you would select the tank size applicable to the proposed dwelling to be connected and approved through existing consent processes.
  - In the documents developed that accompany the proposed policy there is a “Homeowner’s Guidance” booklet which will be provided to people connected to pressure sewer systems. It outlines all the requirements for maintaining the system.
  - There is also a requirement through the consenting process for the property owner to show that they have entered into a maintenance contract.
  - In the current proposal there are two approved suppliers and local plumbing companies could install the systems. By managing the systems that can be installed it will manage the risk to Council’s network as there can be different pumping systems that generate different pressure head.
  - The Policy is not yet included in the Code of Practice, but would allow for more areas of development when it is.
  - The on-property storage has a design storage allowance of 24 hours with a control panel that sits outside the house with a generator plug. The system is designed with resilience in mind and it could be plugged into a generator and operate as normal.
  - The expected design life of the pump is approximately 25 years.
-

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- Through maintenance provisions the homeowners will sign up to a maintenance contract with the suppliers who will follow up with annual inspections.

*The meeting agreed to amend the recommendation with the option that enabled Council to resolve specific issues before the Policy was adopted.*

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**COMMITTEE** Deputy May Brosnan / Councillor Mawson

---

**RESOLUTION**

The Sustainable Napier Committee:

- a) **Receive** the report titled "Pressure Sewer Systems Policy" dated 11 April 2024.
- b) **Agree** in principle with the proposed Pressure Sewer Systems Policy (Doc Id 1746358) and request Council officers resolve specific issues below before it is adopted:
  - Review how maintenance agreement moves from one landowner to another
  - Clarity on the parameters of where the system must be used.

**ACTION:** Officers to provide information on when a house is sold how is the new property owner made aware of the maintenance provision for the Pressure Sewer System.

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Carried

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### 3. REQUEST FOR ROAD CLOSURE FOR VEHICLE TRIALS - SANDY ROAD, MEEANEE - 4 MAY 2024

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*Type of Report:* Operational

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*Legal Reference:* N/A

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*Document ID:* 1747946

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*Reporting Officer/s & Unit:* Robin Malley, Team Leader Transportation

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#### 3.1 Purpose of Report

To seek Council approval for a road closure to enable Sandy Road, Meeanee to be used for vehicle speed trials, under legislative regulations.

#### At the meeting

The Team Leader Transportation, Mr Malley advised a slight amendment to the report that the time trials would be held on  $\frac{1}{8}$  mile not  $\frac{1}{4}$  as stated in the report. Mr Malley also introduced Geoff Mitford-Taylor, Club President, and Kim Hunter, committee member of the Marineland Hot Rods Inc who had assisted in providing information for the report.

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

- There are approximately 6 private property owners and 5 tenants at the Papakura Domain affected and who have been approached. Neighbours were very supportive and as part of the conditions approval was required.
-

- The event had been run previously, with Council approval.
- The advertised road closure was being published in the paper on 12 April 2024.
- If there were any objections received they would be dealt with through the authority delegated to the Chief Executive.

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**COMMITTEE** Councillors McGrath / Mawson

**RESOLUTION**

The Sustainable Napier Committee:

- a. **Approve** the temporary closure of Sandy Road, Meeanee for the purposes of vehicle trials on 4 May 2024 between 8.00am and 1.00pm, under the *Transport (Vehicular Traffic Road Closure) Regulations 1965*, subject to conditions:
  - i. The provision of adequate insurance against potential damages to property,
  - ii. An approved Temporary Traffic Management Plan for the event.
  - iii. Written agreement of property owners with legal frontage to the section of Sandy Road to be used for trials.
  - iv. Provision of a safety plan indicating how the safety of pedestrians and spectators will be maintained during the trials.
  - v. A joint road condition inspection prior to and immediately after the event to ensure any damages are identified.
- b. **Approve** the delegation of authority to the Executive Director Infrastructure in regard to the satisfaction of conditions:
  - i. The provision of adequate insurance against potential damages to property,
  - ii. An approved Temporary Traffic Management Plan for the event.
  - iii. Written agreement of property owners with legal frontage to the section of Sandy Road to be used for trials.
  - iv. Provision of a safety plan indicating how the safety of pedestrians and spectators will be maintained during the trials.
  - v. A joint road condition inspection prior to and immediately after the event to ensure any damages are identified.

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Carried

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## 4. LICENCE TO OCCUPY RESERVE - RIDGETOP RESERVE - COMMUNICATION STATION

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Reserves Act 1977
<i>Document ID:</i>	1746746
<i>Reporting Officer/s &amp; Unit:</i>	Bryan Faulknor, Manager Property Jason Tickner, Team Leader Parks, Reserves and Sportsgrounds

### 4.1 Purpose of Report

To seek Council's approval to grant a licence pursuant to Section 48A of the Reserves Act 1977 to Communicate Limited to erect and operate a communication station on Ridgetop Reserve, Taradale.

#### At the meeting

The Manager Property, Mr Faulknor provided a brief summary of the report.

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

- Communicate Limited will assume ownership of the proposed radio tower situated at the high point location of 160 Church Drive, Ridgeway Reserves and is engaged by Hawke's Bay Civil Defence.
- It is not proposed that Council charge a license fee as the greater interest is outweighed.
- It is not a commercial undertaking and would be a service to the local councils and Civil Defence ensuring robust communication infrastructure for the community.
- Councils will be required to pay a license fee for network.
- The footprint is only 1m x 2m and will have a fenced cabinet and the 8.5m structure and activity are permitted under the operative District Plan and therefore a resource consent is not required.

**COMMITTEE** Councillors Greig / Mawson

#### RESOLUTION

The Sustainable Napier Committee:

- Approve**, as administering body, the granting of a licence to occupy, pursuant to Section 48A of the Reserves Act 1977, to Communicate Limited for the erecting and operation of a communication station at Ridgetop Reserve, Taradale.
- Approve**, in exercise of the Ministerial consent (under delegation from the Minister of Conservation) the granting of the above licence.
- Approve** that the term of the licence be for 10 years with one right of renewal of ten years.
- Note** that in granting any lease Council is merely acting in its capacity as lessor and owner of the land. Any such approval shall not imply the consent of Council as a regulatory authority and thus the proposed communication station is subject to all regulatory consents being obtained if required.

Carried

*Councillor Mawson withdrew from the meeting at 10.42am.*

## 5. CHANGE OF PURPOSE OF RESERVE - MARINE PARADE

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Reserves Act 1977
<i>Document ID:</i>	1746822
<i>Reporting Officer/s &amp; Unit:</i>	Bryan Faulknor, Manager Property

### 5.1 Purpose of Report

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

#### At the meeting

The Manager Property, Mr Faulknor spoke to the report advising that the change of purpose had been publicly notified and no objections received. Construction had been completed and title plans finalised.

#### COMMITTEE Deputy May Brosnan / Councillor Chrystal RESOLUTION

The Sustainable Napier Committee:

- a) **Approve** that in exercise of the powers conferred on it by Section 24A(1) of the Reserves Act 1977, that part of the reserve contained in Section 3 SO Plan 396199 (Record of Title 462213), as described in the Schedule below, have its purpose changed from Local Purpose (Passive Recreation) Reserve to Local Purpose (Community Buildings) Reserve.
- b) **Notes** that the reason for the change of purpose is to accommodate the restoration of the War Memorial attached to the Napier War Memorial Centre on Marine Parade.

#### SCHEDULE - Hawkes Bay Land District – Napier City

Area (ha)	Legal Description	Record of Title
0.1877	Lot 1 DP 595539	1150867

Carried

*Councillor Mawson rejoined the meeting at 10.45am.*

## 6. ROAD STOPPING - PART OF TAREHA STREET, WESTSHORE NAPIER

<i>Type of Report:</i>	Legal and Operation
<i>Legal Reference:</i>	Reserves Act 1977
<i>Document ID:</i>	1747226
<i>Reporting Officer/s &amp; Unit:</i>	Bryan Faulknor, Manager Property

### 6.1 Purpose of Report

To confirm, through declaring the section of road to be stopped, the Council resolution of 10 August 2023 to initiate the road stopping process in accordance with the 10th Schedule of the Local Government Act 1974, and the subsequent sale to the land to the owner of 5 Charles Street, Westshore.

#### At the meeting

The Manager Property, Mr Faulknor spoke to the report advising that public notification has been completed with no objections received.

**COMMITTEE** Councillors Browne / Chrystal

#### RESOLUTION

The Sustainable Napier Committee:

- a. **Approve** pursuant to Section 342(1) of the Local Government Act 1974 and in accordance with the Tenth Schedule of that Act, to declare the section of road, being part of Tareha Street and adjacent to number 5 Charles Street, Napier, as described in the Schedule hereto, be stopped; and
- b. **Approve** that the stopped road is sold to the owner of the adjoining land at 5 Charles Street as described in the Schedule hereto.

Further, the land is to be amalgamated with the purchaser's individual land and held in one record of title.

#### SCHEDULE

##### Napier City – Hawke's Bay Land District

Area (ha)	Description	Adjoining
.0060	Section 1 SO Plan 595798	Lot 23 DP6167 RT HBE3/227

Carried

## 7. LICENCE TO OCCUPY RESERVE - PARK ISLAND RESERVE - COMMUNICATION STATION

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<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Reservces Act 1977
<i>Document ID:</i>	1747243
<i>Reporting Officer/s &amp; Unit:</i>	Bryan Faulknor, Manager Property Jason Tickner, Team Leader Parks, Reserves and Sportsgrounds

### 7.1 Purpose of Report

To seek Council's approval to grant a licence pursuant to Section 48A of the Reserves Act 1977 to Aotearoa Towers Group LP (ATG) to erect and operate a Telecommunication Station including a Tower on Park Island Sportsground.

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#### At the meeting

The Manager Property, Mr Faulknor spoke to the report advising that the tower has been situated immediately behind the hockey turf for 20 years, with the license due to expire on 24 June 2024.

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

- Vodafone is a commercial operation so an annual license fee to occupy would be charged.
- The fee charge is a standard amount and consistent throughout New Zealand.

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#### COMMITTEE Councillors Tareha / Mawson RESOLUTION

The Sustainable Napier Committee:

- a. **Approve**, as administering body, the granting of a licence to occupy, pursuant to Section 48A of the Reserves Act 1977, to Aotearoa Towers Group LP (ATG) for the erecting and operation of a Telecommunication Station at Park Island Sportsground.
- b. **Approve**, in exercise of the Ministerial consent (under delegation from the Minister of Conservation) the granting of the above licence.
- c. **Approve** that the term of the licence be for 20 years.
- d. **Note** that in granting any lease Council is merely acting in its capacity as lessor and owner of the land. Any such approval shall not imply the consent of Council as a regulatory authority and thus the communication station is subject to all regulatory consents being obtained if required.

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Carried

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## 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:* 1745232

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

### 1.1 Purpose of Report

To provide Council with information on the FY23/24 Capital Programme and initiatives underway to improve Capital Programme Delivery.

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#### At the meeting

The Acting Executive Director Infrastructure Services, Mr Goodsir took the report as read. He highlighted that the Memorial Square Community Rooms project had received approval to be staged from the Napier People and Places Committee meeting on 28 March 2024.

Mr Goodsir advised that the Onslow Steps was a challenging site, with the biggest issue being access to the site. There is a neighbouring property in Brewster Street that may enable access, however there are structural issues on the driveway. It may be possible to crane equipment in to undertake the work.

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**COMMITTEE** Councillor Greig / Deputy May Brosnan

#### RESOLUTION

The Sustainable Napier Committee

- a. **Receive** the report titled "Capital Programme Delivery" dated 11 April 2024.

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Carried

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### Minor matters

There were no minor matters to discuss.

*The meeting adjourned at 10.55am and reconvened at 12.04pm*

# RESOLUTION TO EXCLUDE THE PUBLIC

Councillors Mawson / Browne

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

1. IAF - Maraenui to Te Awa, Property Acquisition
2. IAF - Maraenui to Te Awa, Preferred Option

Carried

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

<b>General subject of each matter to be considered.</b>	<b>Reason for passing this resolution in relation to each matter.</b>	<b>Ground(s) under section 48(1) to the passing of this resolution.</b>
1. IAF - Maraenui to Te Awa, Property Acquisition	<p>7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities</p> <p>7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
2. IAF - Maraenui to Te Awa, Preferred Option	7(2)(b)(ii) Protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in

	7(2)(h) Enable the local authority to carry out, without prejudice or disadvantage, commercial activities  7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
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*The meeting adjourned at 12.04 and reconvened in Public Excluded at 12.10pm*

*The meeting closed with a karakia at 12.35pm*

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

Chairperson .....

Date of approval .....