



**NAPIER**  
CITY COUNCIL

*Te Kaunihera o Ahuriri*

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# SUSTAINABLE NAPIER COMMITTEE

## Open Agenda

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Meeting Date: Thursday 1 August 2024

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Time: Following Council meeting

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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 – Tiwana Aranui and Vacancy

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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 12 September 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

**Steve Driver, President of the Frivolity Minstrels**

## 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, 20 June 2024 be taken as a true and accurate record of the meeting. ....28

### Agenda items

- |   |  |    |
|---|--|----|
| 1 | Insurance .....  | 5  |
| 2 | Install a Temporary Structure within Latham Street Reserve ..... | 15 |
| 3 | Meeanee Awatoto Watermain Project - Water Charges .....          | 25 |

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

### Recommendation to Exclude the Public

Nil

# AGENDA ITEMS

## 1. INSURANCE

<i>Type of Report:</i>	Operational and Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1777029
<i>Reporting Officer/s &amp; Unit:</i>	Bryan Faulknor, Manager Property

### 1.1 Purpose of Report

To outline Council's current insurance program, highlight uninsured exposures, and to provide the opportunity for decisions relating to insurance arrangements for the upcoming insurance policy year commencing 1 November 2024.

### Officer's Recommendation

The Sustainable Napier Committee:

- a) **Receive** the report noting the increasing cost of insurance, current deductibles, loss limits, and uninsured exposures.
- b) **Approve** changing the Insurance on Inner Harbour Assets to cover for demolition only. Noting the age and poor condition of the major assets and difficulties with insurance cover.
- c) **Note** that Officers will develop an Informed Risk Governance structure, incorporating insurance considerations, as soon as is practically possible.

### 1.2 Background Summary

Napier City Council is part of the Hawke's Bay Councils Collective Insurance Group. A number of policies have shared limits. Major policies outside of the Collective are Public Liability and Professional Indemnity, and Underground Infrastructure.

Officers need to place insurance arrangements by early August each year. Terms are arranged in conjunction with the group's insurance broker Aon.

Summary of current Insurance expiring 1 November 2024:

#### Material Damage

Covering Buildings, Contents, Plant and Machinery and other property as listed in the Insurance Property Schedule.

Sum Insured \$886.4m.

#### Business Interruption

Policy linked to Material Damage.

Loss of Revenue - \$12.9m covering - Halls, Pools, Aquarium, Par2, Conference Centre, Municipal Theatre, I-site, Kennedy Park, MTG.

Additional expenses - \$20m (shared limit with other Councils).

Indemnity period – Additional expenses 36 months, Loss of revenue 24 months.

#### **Motor Vehicle & Third Party**

All vehicles, other mobile plant and equipment. Excess \$1,000 per claim. No shared limit with other Councils.

#### **Crime Insurance**

Insures loss of money and property resulting from fraud or dishonesty of Employees.  
Limit of Indemnity \$3m.  
Excess \$50,000.

#### **Employers Liability**

Indemnity in respect of claims made by employees against employer for personal injury falling outside any Workers Compensation legislation.  
Limit of indemnity \$1m.  
Excess \$1,000.

#### **Statutory Liability Insurance**

Indemnity for Defence costs and fines as a result of an alleged breach of any Act of Parliament other than “Excluded Acts”.  
Limit of Indemnity \$4m.  
Excess \$10,000.

#### **Overseas Travel**

Covering employees and elected members for overseas business travel.

#### **Fine Arts Collection Insurance**

HB Museums Trust Collection \$30.4m.  
Excess \$2,500.

#### **Public Liability and Professional Indemnity**

Current Cover:  
\$15m any one claim and in the aggregate during the policy period, plus a shared excess layer of \$145m. (Excludes claims against Council in relation to weather tightness issues).

#### **Underground Infrastructure**

Cover of 40% of \$120m with \$10m excess.  
Discussed further under Issues.

### **1.3 Issues**

Council’s total insurance premiums have more than doubled over the last 5 years from \$2.2m to \$5.3m per annum. This is because of insurance market conditions and construction inflation.

The above necessitates a review of assets currently insured along with any other options to reduce costs taking into account Council’s Risk Appetite.

**Current Premiums**

<b>Policy</b>	<b>Current Declared Values</b>	<b>Limit of Indemnity</b>	<b>Current Premium</b>	<b>Est. increase</b>	<b>Estimated 2024/25</b>
Material Damage & BI	\$869,000,000	\$600,000,000	\$3,261,850	7.5%	\$3,500,000
Motor Vehicle	\$10,027,257	\$10,027,257	\$171,617	Flat	\$171,000
Employers Liability	N/A	\$1,000,000	\$5,527	15%	\$6,000
Statutory Liability	N/A	\$4,000,000	\$24,325	15%	\$28,000
Crime	N/A	\$3,000,000	\$27,468	15%	\$31,000
Travel	N/A	Various	\$93	5%	\$98
Fine Arts – MTG/HBMT	\$30,452,534	\$30,452,534	\$22,820	7.5%	\$24,000
U/G Infrastructure	\$1.3b	40% of \$110m	\$746,640	5%	\$784,000
Public Liability	N/A	\$15,000,000	\$34,203	15%	\$39,000
Professional Indemnity	N/A	\$15,000,000	\$597,000	15%	\$686,000
Liability Excess Layer (Shared)	N/A	\$145,000,000	\$23,472	15%	\$27,000
<b>TOTAL</b>			<b>\$4,914,745</b>		<b>\$5,296,098</b>
<b>BUDGET</b>					<b>\$4,860,000</b>

**Deductibles (Excess) and Loss Limits**Non Natural Disaster Deductibles:

\$10,000 Material Damage

\$1m Flood Losses

\$50,000 Inner Harbour Assets

Natural Disaster Deductibles:

2.5% of site sum insured for earthquake

10% of site sum insured for earthquake pre 1935 Buildings

Loss Limits :

\$600m Group Loss Limit (5 HB Councils)

\$100m NCC Fire Loss Limit

\$100m NCC Flood Loss Limit





### Other Uninsured Items

- Cyber attacks
- Roads and associated assets
- Bridges
- Land
- Playground equipment
- Sports Fields and Reserves, turf, plants, trees, paved surfaces, associated roads, irrigation and other improvements.
- Paved surfaces and roading infrastructure relating to the depot, Housing Villages, and Transfer Station.
- Lagoon Farm Livestock, hay, water supply and other land improvements.

### Review of Insurance Schedule for renewal of insurance 1 November 2024

Due to the increasing cost of Insurance coupled with budget constraints and affordability it is important to review items currently insured and where appropriate make decisions to remove.

Factors to take into account are the criticality of assets, geographical spread, likelihood of whether Council would replace assets upon destruction, along with insurance policy terms relating to obligations for Insurers to pay out on claims.

**Attachment 1** provides a summary of Council's current Material Damage Schedule.

### Inner Harbour

**Attachment 2** shows a map of the Inner Harbour

- The wharves, pontoons, piles etc. could only be damaged by earthquake or tsunami.
- Currently the Discharge Wharf and West Quay structures are insured for replacement.
- Other structures are covered for Indemnity value only.
- Most Inner Harbour structures are old and in poor condition.
- For older assets in poor condition and not up to current codes, advice is that Insurers would only cover for demolition.
- The Inner Harbour sum insured is \$155m of the total MD sum insured of \$869m
- Premiums are approximately \$525k of the total of \$3.2m

Following a review with Aon of Insurance policies and the age and condition of the Inner Harbour assets it is suggested:

- The **Discharge Wharf** currently insured for reinstatement \$27.7 m is now closed and up for possible demolition/major repair.

*Suggest remove from Insurance*

- **Jull Wharf Floating Catwalks** - This is adjoining the Discharge Wharf and once again its whole future would be revisited upon a major event as it only caters for 10 vessels.

*Suggest Demolition only.*

- **West Quay Extension** is insured for reinstatement \$18.2m. Whilst more modern and in good condition, this wharf is now rarely used and only occasionally by visiting pleasure craft.

*Suggest demolition only.*

- **West Quay Maintenance Wharf** is also insured for reinstatement \$5.1m. This is assessed as in 'fair condition'. This structure would be over 50 years old and would be replaced as part of an overall review of a replacement West Quay Wharf. Suggest demolition only.
- **West Quay Waka Wharf** is insured for indemnity \$282k. This will be replaced by a new greenfield facility at the Napier Sailing club in the next few years.

*Suggest demolition only.*

- **West Quay Fishing Pontoon.** Insured for indemnity \$215k. Good condition but is only a structure for public to fish off. Non essential.

*Suggest Insure for demolition only.*

- **Whakarire Wharf Platform** . Insured for Indemnity \$410k. Good condition but is only a structure for the public to fish off.

*Suggest insure for demolition only.*

- **Meeanee Quay Pier 1 and 2.** Insured for indemnity. These are in poor condition and planned for replacement in the next 3 years.

*Suggest remove completely from schedule.*

- **Nelson Quay Wharf/Wall.** Insured for indemnity value \$12.4m. This wharf/wall structure is in extremely poor condition and was constructed in 1923. There is no evidence of major repairs since but could have had repairs after the 1931 earthquake.

*Suggest Demolition only.*

- **Nelson Quay Floating Catwalk.** Insured for indemnity \$973k . This is immediately below the Nelson Quay Wharf/wall structure so is at the same risk as that old structure. It could not be replaced outside of decisions relating to that structure. Suggest demolition only.

- **Nelson Quay Boat Ramp and Assoc. Structures** currently insured for indemnity - \$3.3m. The future of these would be decided as part of any decisions as to the future of the Nelson Quay Structures, as if this was destroyed access to the boat ramp would be compromised.

*Suggest insure for demolition only.*

- **Revetments/Rock armouring** – We have numerous areas of revetment insured for indemnity \$12m. This consists of shoreline limestone rocks installed to protect the shoreline and also under some structures. They are not a solid construction but placed individually. The issue here is that in an earthquake they may move around and have to be put back into place but perhaps not totally destroyed.

*Suggestion is to remove entirely from Insurance.*

- **West Quay Wharf**

It is only really the West Quay Wharf that is an essential asset in the Harbour. A wharf has been there since the sailing ship days in the 1800's. This wharf is essential for the fishing industry.

The West Quay Wharf, sealed road and refuelling wharf is insured for reinstatement value \$74.1 m. This structure is however pre 1935 and there is no evidence of any major upgrade work since rebuild after the 1931 earthquake. The 2018 Condition Assessment of Inner Harbour Assets by Advisian rated the West Quay Wharf condition as 'Poor'.

The current NZ Design Codes will be more demanding than the Design codes valid at the time of construction in the 1930's.

Ideally it should be insured for replacement, however given its age and condition, advice received is that Insurers would only pay out for demolition only.

*Suggest insure for demolition only*

**Review of Insurances in the future**

Before any further decisions, in addition to the above, are made regarding Insurance it is suggested that a pathway be developed to deal with Informed Risk Governance as set out in the wheel below.

It is important to formalise Council's risk appetite regarding insurance and in particular in relation to the potential situation Council could find itself in, after a one in 500-year earthquake.

Criteria for deciding what assets to insure and what not to needs to be formalised, along with further considerations to increasing deductibles.



#### 1.4 Significance and Engagement

N/A

#### 1.5 Implications

##### Financial

As indicated budget constraints mean that there is no additional approved budget to increase insurance cover.

As covered in the report the risk to Council is that in a major seismic event an uninsured loss with regards Underground Infrastructure and Inner Harbour Assets would have to be met by Council through increased borrowing, coupled with a complete revisit of Council's forward budgets.

Indicative savings in premiums, to help offset future increases due market conditions and increases in values, by changing Inner Harbour cover is estimated \$450,000.

##### Social & Policy

N/A

##### Risk

As mentioned, the risk to Council with the current Insurance is the potential uninsured exposure regarding Underground Infrastructure and Inner Harbour Assets.

#### 1.6 Options

The options available to Council are as follows:

- a. To receive the report, accept the recommendations for changes to the Inner Harbour assets insured, and agree to an Informed Risk Governance Review to be carried out as soon as is practical.
- b. To decline to accept the recommendations for changes to the assets insured.

#### 1.7 Development of Preferred Option

The total cost of Insurance has approximately doubled in the past 5 years, and due to budget constraints has necessitated a review of coverage.

There are some assets that can easily be deemed as not essential or due to age and condition unable to be fully insured. It is recommended that changes to Inner Harbour Insurance, as highlighted in the report, be implemented in the current renewal 1 November 2024. Further reviews would be subject to an Informed Risk Governance Review.

#### 1.8 Attachments

- 1 Insurance Schedule - Material Damage Policy (Doc Id 1777304) [↓](#)
- 2 Inner Harbour Map (Doc Id 1777305) [↓](#)

**MATERIAL DAMAGE INSURANCE SCHEDULE (Current)  
SUMMARY**

	Sum Insured	Premium
	\$	\$
Inner Harbour	155,173,313	524,341
Housing Villages	111,765,000	563,371
McLean Park Grandstands/Hall	88,996,000	300,723
Three Waters above ground assets	69,590,965	265,346
MTG & Century Theatre	58,374,000	197,930
Municipal Theatre	43,980,000	148,518
Wastewater Treatment/Milliscreen	40,855,830	183,055
Kennedy Park	39,164,600	131,549
Aquarium	36,701,000	123,621
Conference Centre/War Memorial	29,325,000	98,925
Napier Aquatic Centre	23,257,100	78,437
Buildings on Reserves/cemetries	22,399,000	75,687
Ocean Spa	17,320,000	58,525
Onekawa Depot and Pound	15,757,000	53,244
Anderson Park Playground	11,958,000	40,407
Halls	10,784,400	36,434
Public Toilets	9,624,300	32,521
Statues, memorials, clocks, fountains, ex	8,429,000	28,482
Taradale Public Library	7,649,000	25,846
Napier Skate Park	6,710,000	22,674
Cape View/Dunvegan/PO Fitout/Content:	6,558,000	22,160
Reef Garden Marine Parade	4,984,000	16,841
Traffic Lights	4,935,100	16,676
i-Site	4,864,000	16,331
Pukemokimoki Marae	4,307,000	14,554
Sundry Houses	4,052,700	20,273
Taradale Town Hall	3,854,000	13,023
Refuse Transfer Station	3,831,000	12,945
Library Books	3,814,000	12,888
Library Blg Tower (Demolition only)	3,689,000	12,465
Nelson Park Buildings	3,569,700	12,062
Tennyson St Carpark Blg	2,889,000	9,762
Memorial Square Community Rooms	2,883,000	9,742
Omarunui Bowling Club	2,785,000	9,411
Lagoon Farm Buildings	2,370,000	8,008
Community Arts Centre	2,230,000	7,535
Anderson Park Blgs	2,089,000	7,059
Parking Control	2,066,000	6,981
Buildings & Improvements, 49-51 Pandor	1,863,000	6,295
Building, 73 Raffles (leased)	1,740,000	5,880
Viewing Platform Marine Parade	1,737,000	5,869
Par Two Building & Mini Golf Course	1,526,000	5,079
Soundshell, Marine Parade	1,437,000	4,856
Taradale Community Hub	1,295,000	4,376
13 Husheer Place (Storage Facility)	658,000	2,223
Taradale Plunket Rooms	590,000	1,994
Collection only - Faraday Centre	541,200	1,829
Civil Defence All Locations - Plant & Equi	482,600	1,631
Bus Shelters	439,500	1,485
Maraenui Community Centre	318,000	1,075
Bike Stand Dalton St	221,000	747
Ocean Boulevard Parents Room Content	47,000	159
	<b>886,479,308</b>	<b>3,261,850</b>



- A Whakarire Wharf Platform
- 1 Meeanee Quay Pier 1
- 2 Meeanee Quay Pier 2
- 3 Nelson Quay Boat Ramp and Assoc. Structures
- 4 Nelson Quay Floating Catwalk
- 5 Jull Wharf Floating Catwalk
- 6 Discharge Wharf
- 7 West Quay Extension & Fishing Pontoon
- 8 West Quay Refuelling Wharf
- 9 West Quay
- 10 Maintenance Wharf
- 11 Waka Wharf
- 12 Napier Sailing Club



Scale: 1:3124  
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**NAPIER**  
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## 2. INSTALL A TEMPORARY STRUCTURE WITHIN LATHAM STREET RESERVE

<i>Type of Report:</i>	Operational and Procedural
<i>Legal Reference:</i>	Reserves Act 1977
<i>Document ID:</i>	1771649
<i>Reporting Officer/s &amp; Unit:</i>	Tania Diack, Team Leader Open Spaces

### 2.1 Purpose of Report

The purpose of this report is to seek direction on a request to install a shipping container within Latham Street Reserve for the Napier Frivolity Minstrels (**Attachment 1**).

### Officer's Recommendation

The Sustainable Napier Committee:

- a. **Decline** the Napier Frivolity Minstrels request to install a shipping container within Latham Street Reserve as the request is not supported by the policies and objectives of the Reserve Management Plan.

### 2.2 Background Summary

The Napier Frivolity Minstrels 'The Frivs' entered into a 15 year lease agreement with Council in 2022 into a building which formally housed the Napier Pigeon Racing Club at 104C Latham Street Reserve, for the purpose of a clubhouse for meetings, rehearsals and storage.

Council's Property Team initially received the request from The Frivs to allow placement of a 20-foot shipping container behind their new clubhouse in December 2023 (refer to **Figure 1**). The intended use of the container is to provide storage for theatre props, advertising signs and scenery.

At the time this request was received the Team Leader Parks, Reserves and Sportsgrounds Jason Tickner declined the request verbally, however he proposed an alternative solution of building an extension to the rear of the existing building to accommodate storage. This proposal would need to be fully funded by The Frivs and would be subject to them obtaining the necessary consents. Alternatively off-site storage facilities could be used.

Further meetings and discussions have occurred since with Parks and Reserves staff supporting the decision to decline the request with the Executive Leadership Team directing staff to present this paper to Council to seek a definitive decision on this request.



**Figure 1 - The red arrow indicates the proposed location of the shipping container at the rear of 104C Latham Street.**

### 2.3 Issues

The key issues for this request are –

- Maintenance – landscape maintenance including mowing and weed control around the container would remain Council’s responsibility and would be more difficult due to the proposed location of the structure being close to the rear of the building.
- ‘End of life’ removal – When the container is no longer required the mechanisms for requiring the lessee to remove the container at no cost to the Council can be challenging.
- Amenity values – There are a number of existing buildings on the reserve, which is currently well maintained and a shipping container would not be in keeping with the appearance. The proposed container location would also be adjacent to neighbouring residential properties.
- Precedence – shipping containers on reserves are considered undesirable and we do not want this request to set a precedent for other reserve leaseholders. We do note that there are containers on others reserves however these are captured in a lease agreement and are suitable for those reserves for example Meeanee Quay Reserve.



## 2.4 Significance and Engagement

City Services have been engaged to provide feedback on maintenance including weeding, mowing and pest control and graffiti control. Given the potential difficulties the shipping container poses they are supportive of the Officers recommendation to decline this request.

It should be noted if approval is given for this shipping container then written approval will need to be obtained from the adjacent occupants and owners of 7 Kettle Crescent, as part of the public notification required for the variation to the Napier Frivolity Minstrels lease agreement.

## 2.5 Implications

### Financial

If approval is given then the variation to the lease agreement would need to address the cost of maintenance including weeding, mowing and pest control and graffiti control. The end of life removal of the shipping container and site remediation could be addressed through a bond which will need to reflect the actual costs associated with the removal and remediation.

### Social & Policy

Latham Street Reserve is vested as a Recreation Reserve as per the Reserves Act 1977. It is identified as a Greenbelt and Public Open Space reserve in the current Management Plan for Recreation Reserves 2000 (RMP).

Parks and Reserves consider that the proposed container is not supported by the policies and objectives Reserves Management Plan, in particular 5.15 Objective and 5.15.1 Policies as per the following -

### 5.15 Objective

*To ensure the provision and maintenance of buildings and other structures of a design and scale suited to the environment and appropriate to facilitate public recreational use and enjoyment of the outdoor spaces of parks, reserves and sportsgrounds.*

### 5.15.1 Policies

- (i) *In general any encroachment on public reserves and/or sportsgrounds by buildings and other structures or permanent facilities should be discouraged.*
- (ii) *Buildings on reserves shall be provided for the specific proven needs of the users where this provision does not detrimentally affect the appearance or utility of the reserve.*
- (iii) *Size and Design*

*All new buildings and structures shall be of a size and design that:*

- (a) *Is such that they provide no more than a service ancillary to the use of the areas for outdoor recreation.*
- (b) *Is to acceptable architectural standards.*
- (c) *Is in scale with and suited to the character of the reserve.*
- (d) *If possible they shall be sited so that they can be extended to provide such further facilities as may be required at a later date.*

(e) *Meet the provisions of the District Plan.*

(iv) *Multi-purpose use*

*Buildings shall be designed or modified for multi-purpose use where practicable and desirable.*

(vi) *Location*

*New buildings on reserves shall be located only where:*

- (a) *Neither they nor associated car-parking unduly restrict the area useable for outdoor recreation.*
- (b) *They do not obstruct the entrances to the reserves, either physically or visually.*
- (c) *They do not detract from the open nature of the reserves, especially as seen from surrounding roads.*

(viii) *Substandard Buildings*

*Substandard buildings and structures shall be removed when the opportunity arises and organisations shall be encouraged to combine their resources and share their buildings.*

This particular policy seeks to ensure that parks, reserves and sportsgrounds are not dominated by public buildings and structures and that they remain predominantly areas for **outdoor recreation**. This request therefore contravenes the current City Wide Reserve Management Plan.

Furthermore, Council staff intend to explicitly state in the upcoming draft City Wide Reserve Management Plan that shipping containers are not supported for storage not related to outdoor recreation and/or an alternative solution for on-going storage.

### **Risk**

If the request is approved there would be on-going maintenance requirements and associated costs and end of life costs that will need to be managed by Council staff. This would also likely set a precedence for other lessees to request shipping containers rather than looking at extending their buildings or finding alternative storage solutions, resulting in a proliferation of shipping containers within all of our reserves.

## **2.6 Options**

The options available to Council are as follows:

- a. Support Council staff recommendation to **decline** the request to install a shipping container within Latham Street Reserve for the Napier Frivolity Minstrels (preferred).
- b. Make an alternative decision to **approve** the request to install a shipping container within Latham Street Reserve for the Napier Frivolity Minstrels. This decision would result in a variation of the existing lease agreement to include the shipping container which will need to be publicly notified and require written approval from the occupants and owners of 7 Kettle Crescent.

## **2.7 Development of Preferred Option**

This request was assessed and reviewed against the following factors:

- The existing lease agreements for Latham Street Reserve
- The Policies and Objectives within the Reserve Management Plan

It is recommended that this request to install a shipping container within Latham Street Reserve for the Napier Frivolity Minstrels is **declined**.

## 2.8 Attachments

- 1 Request from The Frivolity Minstrels (Doc Id 1775930) [↓](#)

## Tania Diack

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**From:** Claire O'Connor-Bryant  
**Sent:** Tuesday, 19 December 2023 10:57  
**To:** Jason Tickner  
**Cc:** Bryan Faulknor  
**Subject:** Lessee application to expand lease terms on reserve land at 104C Latham Street

Good morning Jason,

We currently lease a building located at 104C Latham Street to 'Frivs', a local theatre group (previously the Napier Pigeon Racing Club premises). They use the building to rehearse in and store costumes etc. There are a number of props and scenery used and made as necessary and they claim they don't have the capacity to store them in the building.

They are requesting permission to place a 20 foot container to the rear of the building with them advising there is sufficient grass space to put it there without impeding any access. This container would be used to store equipment associated with the theatre such as props, advertising signs and scenery.

I would appreciate your feedback on whether this intended container fits within the lease parameters you have for a lease on reserve land and if it does, what if any conditions may apply ie colour, size, condition, security, fixings, duration of placement etc.



**Claire O'Connor-Bryant**

PROPERTY OFFICER

Napier City Council, Private Bag 6010, 4142

m +64 27 293 7876 [www.napier.govt.nz](http://www.napier.govt.nz)



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**From:** steve driver <stevejamesdriver@gmail.com>  
**Sent:** Tuesday, 19 December 2023 7:15 AM  
**To:** Claire O'Connor-Bryant <claireo@napier.govt.nz>  
**Subject:** Re: Use of a container

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H  
Sent from my iPhone

On 15/12/2023, at 3:24 PM, steve driver <[stevejamesdriver@gmail.com](mailto:stevejamesdriver@gmail.com)> wrote:  
Hi Claire

Just wondering what the next step is about the container.  
Regards  
Steve Driver  
"The Frivs"

Hi Claire  
Neither. It would be placed directly behind the building . Would not be seen from the road at all.  
Cheers  
Steve

On Fri, Dec 15, 2023 at 1:29 PM Claire O'Connor-Bryant <[claireo@napier.govt.nz](mailto:claireo@napier.govt.nz)> wrote:

Hi Steve,

Footprint refers to the perimeter of the building. Regarding the grassed area is it at the boundary fence or the driveway side access?

**Claire O'Connor-Bryant**  
PROPERTY OFFICER

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**From:** steve driver <[stevejamesdriver@gmail.com](mailto:stevejamesdriver@gmail.com)>  
**Sent:** Friday, 15 December 2023 1:09 PM  
**To:** Claire O'Connor-Bryant <[claireo@napier.govt.nz](mailto:claireo@napier.govt.nz)>  
**Subject:** Re: Use of a container

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Hi Claire. It would be at the rear of the building on the grassed area. It would not be on any tar sealed area. Not sure what footprints of the building means

Cheers

Steve Driver

Sent from my iPhone

On 15/12/2023, at 12:43 PM, Claire O'Connor-Bryant <[claireo@napier.govt.nz](mailto:claireo@napier.govt.nz)> wrote:

Hi Steve,

With regard to the container request, does it fit within the footprint of the building? And is it to be placed on the grassed area that runs alongside the driveway parallel to the building you lease?

**Claire O'Connor-Bryant**  
PROPERTY OFFICER

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**From:** steve driver <[stevejamesdriver@gmail.com](mailto:stevejamesdriver@gmail.com)>  
**Sent:** Friday, 15 December 2023 9:52 AM

**To:** Claire O'Connor-Bryant <[claireo@napier.govt.nz](mailto:claireo@napier.govt.nz)>

**Subject:** Use of a container

Caution: This email originated from outside Napier City Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Claire

I have been given your email to contact you re the use of a container. My name is Steve Driver and I am currently the President of the 'Frivs', a local theatre group here in Napier since 1897. We are currently leasing a building from the NCC located at 104C Latham Street, Napier (previously the Napier Pigeon Racing Club premises). We use the building to rehearse in and store costumes etc. However with each show there are a number of props and scenery used and made as necessary. We don't have the capacity to store them in the building.

We are requesting permission to place a 20 foot container to the rear of the building. There is sufficient grass space to put it there without impeding any access whatsoever. This container would be used to store stuff associated with the theatre such as props, advertising signs and scenery.

For your consideration

Regards

Steve Driver

President

'The Frivs" (Napier Frivolity Minstrels Inc"

Cell: 027 7566303



### 3. MEEANEE AWATOTO WATERMAIN PROJECT - WATER CHARGES

<i>Type of Report:</i>	Enter Significance of Report
<i>Legal Reference:</i>	Enter Legal Reference
<i>Document ID:</i>	1777507
<i>Reporting Officer/s &amp; Unit:</i>	Anoop Mathew, 3 Waters Technical Development Engineer

#### 3.1 Purpose of Report

To provide a brief on below action items from report “: Meeanee Awatoto Watermain Project” submitted on 20 June 2024.

- i) Direct officers to prepare a report for a future meeting in regard to water charges in relation to possible variation to Council’s Rating Policy.

#### Officer’s Recommendation

The Sustainable Napier Committee:

- a. **Approve** under the current Rates Policy that water rates are not applicable.

#### 3.2 Background Summary

The Meeanee and Awatoto Watermain project is a combination of the following two projects:

##### Meeanee Extension

The Napier City Council (NCC) facilities in Meeanee - the Meeanee Community Hall, Meeanee Indoor Sports Facility and Meeanee School and Kindergarten.

##### Awatoto Loop

The key purpose of this part of this project is to improve Level of Service at Te Awa Avenue.

##### Sandy Road Extension

The Sandy Road extension aims to provide a water supply to the Meeanee Speedway.

#### 3.3 Issues

**Rates:** As per the current rates policy 50% water rates will be charged to the properties that are able to connect. There were queries about the rates being charged to the properties that are not connected to the network and within 100m of the Meeanee Awatoto Watermain.

#### 3.4 Significance and Engagement

N/A

#### 3.5 Implications

##### Financial

N/A

**Social & Policy**

N/A

**Risk**

N/A

**3.6 Options**

**Rates**

The watermain is designed to provide water supply to identified facilities and not intended for the public connections. Therefore, the properties around are not considered as “able to connect”.

**Water**

*Fire Protection Rate*

This rate recovers a portion of the net costs of the water supply systems before the deduction of water by meter income.

The Fire protection targeted rate is based on the Capital Value of properties connected to, or able to be connected to, the Napier City Council water supply systems.

This rate is differentially applied, in recognition that the carrying capacity of water required in the reticulation system to protect commercial and industrial properties is greater than that required for residential properties. The rate is further differentiated where a property is not connected but is within 100 metres of a water supply system. 50% of the base rate for each differentiated category applies for each property not connected but located within 100 metres of the systems.

Differentials	Connected (%)	Not Connected but within 100m (%)
Central Business District and Fringe Area	400%	200%
Suburban Shopping Centres, Hotels and Motels and Industrial rating units outside of the CBD	200%	100%
Other Rating Units connected to or able to be connected to the Council water supply systems	100%	50%

*Water Rate*

These rates recover the balance of the total net cost of the water supply systems after allowing for revenue collected from the Fire Protection Targeted Rate and the Water by Meter targeted rate.

The targeted rates are differentially applied and are a fixed amount set on a uniform basis, applied to each Separately Used or Inhabited Part of a Rating Unit connected to or able to be connected to, the Council’s water supply system.

The differential categories for the water rates are:

- Connected – any Rating Unit that is connected to a Council system
- Service available – any Rating Unit that is not connected to a Council system but is within 100 metres of such system (charged 50% of the targeted rate for connected properties)

Differentials	Connected (%)	Not Connected but within 100m (%)
Rating Units connected to or able to be connected to the Council water supply systems	100%	50%

Figure 1 : Relevant part of rates policy

Considering that these properties are not able to connect to the water supply, no rates shall be applied.

Connected properties.

This water main supply water only to below listed properties.

47 Sandy Road - Meeanee Speedway

6 Gavin Black Street - Meeanee School

2 Gavin Black Street - Meeanee Indoor Sports Centre

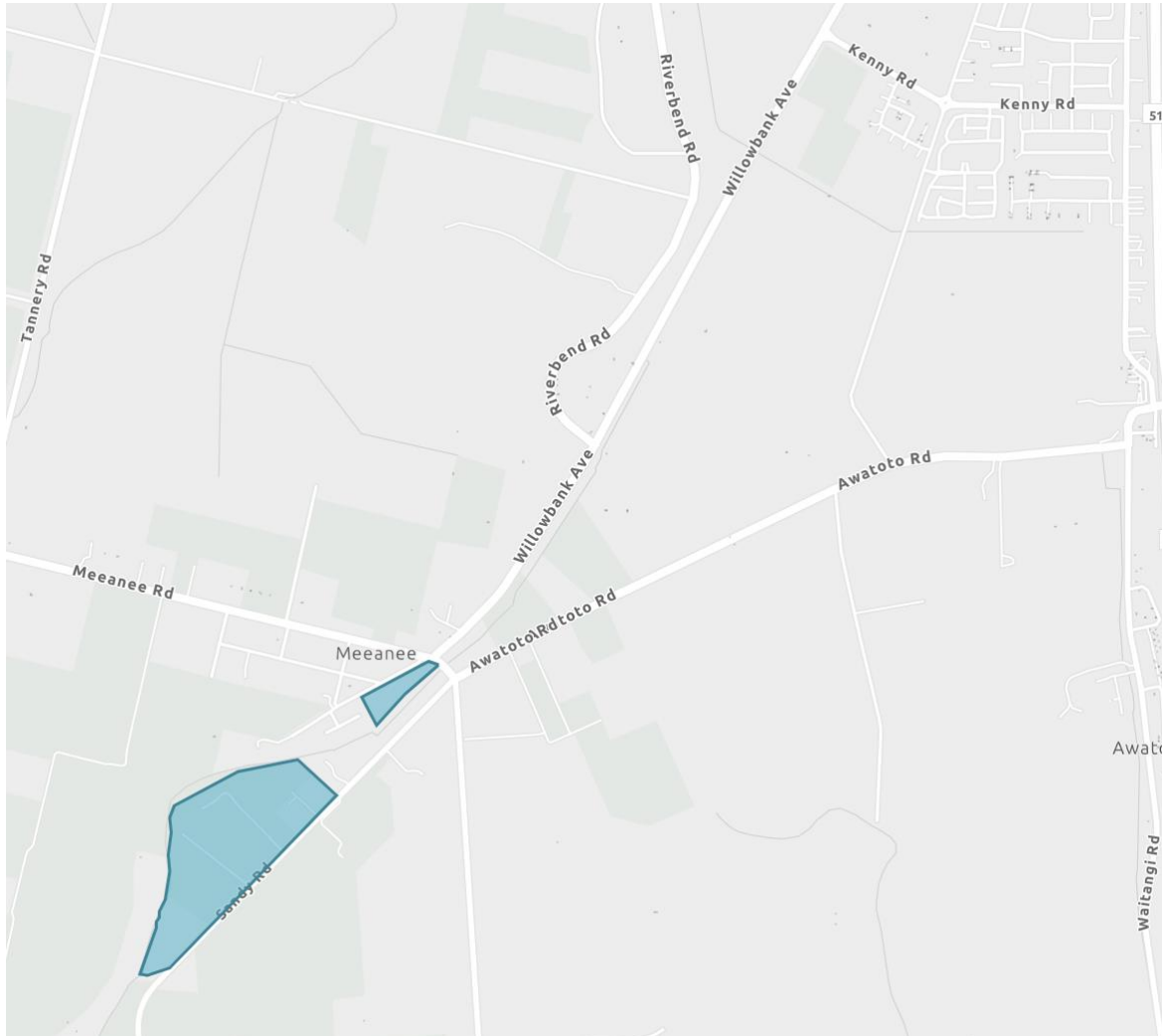


Figure 2: Properties Connected from Meeanee Awatoto Watermain

### 3.7 Development of Preferred Option

N/A

### 3.8 Attachments

Nil

# SUSTAINABLE NAPIER COMMITTEE

## Open Minutes

---

Meeting Date: Thursday 20 June 2024

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Time: 9.30am – 10.25am (*Open*)  
11.09am – 11.21am (*Public Excluded*)

---

Venue Large Exhibition Hall  
War Memorial Centre  
Marine Parade  
Napier

---

*Livestreamed via Council's Facebook page*

---

Present **Chair:** Councillor Mawson  
**Members:** Mayor Wise, Deputy Mayor Brosnan, Councillors Browne, Chrystal, Crown, Greig, McGrath, Simpson, Tareha and Taylor

---

In Attendance Chief Executive (Louise Miller)  
Executive Director Infrastructure Services (Russell Bond)  
Deputy Chief Executive / Executive Director Corporate Services (Jessica Ellerm)  
Executive Director City Strategy (Rachael Bailey)  
Executive Director Community Services (Thunes Cloete)  
Manager Communications and Marketing (Julia Stevens)  
Manager Property (Bryan Faulknor)  
Team Leader Open Spaces (Tania Diack)  
Manager Water Reforms Transition (Andrew Lebioda)  
Manager Water Strategy (Philip Kelsen)  
3 Waters Technical Development Engineer (Anoop Mathew)  
Team Leader Governance (Anna Eady)

---

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

---

Councillors Taylor / Chrystal

---

That the apologies from Councillor Price and Councillor Boag be accepted.

---

Carried

---

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

### Conflicts of interest

Nil

### Public forum

Nil

### Announcements by the Mayor

**Matariki Festival** – Mayor Wise announced that the festivities for Matariki will take place on Friday, 21 June 2024 from 5.30-8.30pm at the corner of Hastings and Tennyson Streets, Napier.

The festivities will include nine hanging stars lighting up Tennyson Street to symbolize the Matariki constellation, Kahurangi Dance Group and Flames of Plenty Glow Show. There will also be kapa haka from Te Kura Kaupapa Māori o Te Ara Hou, Te Tini o Orotu and Te Urunga Waka (Māori Studies, EIT). A variety of food trucks would also be available and the community were encouraged to join the festivities.

### Announcements by the Chairperson

Nil

### Announcements by the management

Nil

### Confirmation of minutes

---

Councillors Greig / Browne

---

That the Minutes of the meeting held on 16 May 2024 were taken as a true and accurate record of the meeting.

---

Carried

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# AGENDA ITEMS

## 1. UNISON EASEMENT - TARADALE CLOCK TOWER RESERVE

---

*Type of Report:* Legal and Operational

---

*Legal Reference:* Reserves Act 1977

---

*Document ID:* 1766612

---

*Reporting Officer/s & Unit:* Bryan Faulknor, Manager Property  
Tania Diack, Team Leader Open Spaces

### 1.1 Purpose of Report

To seek Council's approval to the granting of an easement in favour of Unison Networks Limited for electrical installations in the Taradale Clock Tower Reserve.

---

### At the meeting

The Manager Property, Mr Faulknor spoke to the report, which was a procedural matter under the Reserves Act 1977, to approve the installation of a new 11kv electrical cable under the Taradale Clock Reserve along the northern boundary by Unison Networks Limited.

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

- Unison would be commencing the work in the near future as part of wider works around the clock tower, subject to Council's Transportation Team approving the traffic management plan.
  - It will be communicated to Unison that the public need to be made aware of what the work is and when the work is being undertaken.
- 

**COMMITTEE** Councillors Simpson / McGrath

### RESOLUTION

The Sustainable Napier Committee:

- a. **Approve**, as administering body, the granting of an easement, pursuant to Section 48 of The Reserves Act 1977, in favour of Unison Networks Limited for electrical installations and work in the Taradale Clock Tower Reserve.
  - b. **Approve**, in exercise of the Ministerial consent (under delegation from the Minister of Conservation) the granting of the above easement.
- 

Carried

---

## 2. MEEANEE AWATOTO WATERMAIN

---

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1766442
<i>Reporting Officer/s &amp; Unit:</i>	Anoop Mathew, 3 Waters Technical Development Engineer

### 2.1 Purpose of Report

To provide a brief update on Meeanee Awatoto Watermain Project.

---

#### At the meeting

The 3 Waters Technical Development Engineer, Mr Mathew spoke to the report and displayed a PowerPoint presentation (Doc Id 1769573) providing an overview of the Meeanee and Awatoto watermain combined project, which includes the Meeanee Extension and Awatoto and Sandy Road Extension projects.

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

- The key purpose of this project is to provide a water supply to the Meeanee School, Hall and Domain. However in the long term water could be provided to properties along Awatoto and Sandy Roads.
- The intent of the project was to supply water to Napier's assets that have non-compliant water, not to the wider community.
- Residential properties are allowed to have their own bores and are exempt from the Drinking Water Standards provided they do not supply water to other properties.
- Currently there is no work programme to provide an extension into Jervoistown. There are a number of properties in that area that supply other properties.
- Central Government have indicated that the rules will be changing later this year in regard to providing water safety plans to alleviate the pressure on small suppliers.
- It was not the intention to extend the network to increase the rating base, however there may be some properties that consider it advantageous to connect due to bore issues or cost of repairs.
- The impact of water rating or half charges has yet to be discussed and finalised.
- If the growth in the Awatoto/Meeanee area warranted more water the option would be to have a secondary main feed through from another network. The District Plan has not indicated that Council is looking to grow urban development in that area.
- Although the pipe was designed for the three connections there is the potential to provide alternative methods for connection via a trickle system for household drinking water only, not for crop production water or rural use.

---

**COMMITTEE**      Councillors Simpson / Chrystal

**RESOLUTION**

The Sustainable Napier Committee:

- a. **Receive** the report titled "Meeanee Awatoto Watermain" dated 20 June 2024
-



- ACTION**
- i) *Direct officers to prepare a report for a future meeting in regard to water charges in relation to possible variation to Council’s Rating Policy.*
  - ii) *Officers to include in the project reporting any additional non-compliant water supplies.*

Carried

**Attachments**

- 1 Meeanee Awatoto Watermain presentation (Doc Id 1670481)

**3. BAY VIEW WATER MAIN PIPELINE LEAK AND REPAIR UPDATE**

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1766479
Reporting Officer/s & Unit:	Philip Kelsen, Manager Water Strategy

**3.1 Purpose of Report**

To provide an update on the repair of the Bay View water main leak.

**At the meeting**

The Manager Water Strategy, Mr Kelsen took the report as read advising that the pipeline break and repair was completed this week. He displayed a PowerPoint presentation (Doc Id 1770643) providing photos and a background summary of the break in the Bay View water main pipeline.

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

- Although the break occurred in April and water restrictions were put in place, the response from the residents was positive. The Communications Team kept the public informed, with good reasoning as to why restrictions were necessary.
- Unfortunately the piece of pipe that failed cannot be accessed and analysed as to its failure, however it is not uncommon with that material even though the pipe was not old.

**COMMITTEE RESOLUTION** Councillors McGrath / Simpson

The Sustainable Napier Committee:

- a) **Receive** the report titled “Bay View Water Main Pipeline Leak and Repair Update” dated 20 June 2024.

Carried

**Attachments**

- 1 Bay View Pipeline Break and Repair presentation (Doc Id 1770643)

#### 4. AMENDMENT TO 2024 MEETING SCHEDULE OF STANDING COMMITTEE AND COUNCIL MEETINGS

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1768056
<i>Reporting Officer/s &amp; Unit:</i>	Anna Eady, Team Leader Governance

##### 4.1 Purpose of Report

The purpose of this report is to consider an amendment to the 2024 schedule of Standing Committees and Council meetings, which was adopted on 12 October 2023.

##### At the meeting

The Team Leader Governance, Ms Eady took the procedural report as read.

##### COMMITTEE RESOLUTION

Councillors Browne / Taylor

The Sustainable Napier Committee:

a) **Adopt** the following amendment to the 2024 meeting schedule:

<b>Community Services Grants Subcommittee</b>	Date change	Previously: 1 July 2024 Proposed: 9.30am, 9 July 2024
---	----------------	---

Carried

#### 5. LOCAL WATER DONE WELL - REGIONAL RECOVERY AGENCY TERMS OF REFERENCE

<i>Type of Report:</i>	Contractual
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1766079
<i>Reporting Officer/s &amp; Unit:</i>	Andrew Lebioda, Manager Water Reforms Transition

##### 5.1 Purpose of Report

The purpose of this report is to recommend that Council adopts the “Terms of Reference for Hawke’s Bay Water” (the Terms of Reference). The Terms of Reference are set out in Attachment 1.

---

## At the meeting

The Manager Water Reforms Transition, Mr Lebioda took the report as read advising that the report was in response to the recent announcement of introducing the second Bill of the Central Government's Local Water Done Well legislation.

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

- Noting \$500,000 of Council funds is going towards this programme and \$329,500 is unused transitional funding, the \$170,500 balance will be funded within the existing 3 Waters budget without impacting on other requirements in the 3 Waters Team.
- Notification has been issued that Council does not intend to redirect the Better Off Funding and it will remain where it is at the moment.
- Officers are conducting an investigation that will be resourced internally, as this is a risk to Council. When the Bill is passed in August 2024 Central Government will release more information as to what is required to formulate the Water Services Delivery Plans.
- Council will be creating its own business case, financial modelling, scrutinising the asset management plans to see if it is feasible for Council to "go it alone", and also looking at what a regional approach would look like.
- Mr Lebioda confirmed that Council did not have any projects at risk through this funding.
- Ms Miller, the lead Chief Executive for Local Water Done Well advised that she has oversight of the project and had asked the Regional Recovery Agency to take on the role of co-ordinating the regional approach, as they had been exceptionally proactive and had some great results around the recovery. The decision sits with Council but the RRA are running the project.

---

## COMMITTEE RESOLUTION

Councillors Crown / Browne

The Sustainable Napier Committee:

- a) **Adopt** the Terms of Reference (Doc Id 1767972) set out in Attachment 1 of the agenda report (Doc Id 1766079). With its adoption council will:
  - i. **Endorse** the hiring of a Project Manager within the Regional Recovery Agency (RRA).
  - ii. **Endorse** the use \$500,000 of Council Funds toward the deliverables outlined in the Terms of Reference. Of this, \$329,500 (plus GST) of Local Water Done Well Support Package Funding Agreement (previously Council Transition Support) will be used.
  - iii. **Support** the process through engagement with mana whenua and providing expertise from council officers to the process.
  - iv. **Note** that as legislation progresses, and further Government policy is released, the Terms of Reference may need to be altered to suit.

---

Carried

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## Minor matters

There were no minor matters to discuss.

*The meeting adjourned at 10.24am and reconvened at 11.05am*

# RESOLUTION TO EXCLUDE THE PUBLIC

Prior to the recommendation being addressed there was discussion on the reason for this item to be in Public Excluded. The Executive Director Infrastructure Services, Mr Bond advised that the reason for excluding the public was that Council were still yet to complete property negotiations, and did not want to prejudice or disadvantage any party, with the work that was occurring.

Although the agreement has already been signed it is presented for information and confirmation of the variation to the original agreement.

Mayor Wise / Councillor Tareha

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

1. IAF P170 Agreement Variation Update

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:

General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48(1) to the passing of this resolution.
1. IAF P170 Agreement Variation Update	7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	48(1)(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.

*The meeting moved into Public Excluded at 11.09am*

*The meeting closed at 11.21am*

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

Chairperson .....

Date of approval .....