



SUSTAINABLE NAPIER COMMITTEE Open Minutes

Meeting Date: Thursday 1 August 2024

Time: 9.45am – 10.50am

Venue Chapman Room
Level 1, Chapman Pavilion
Latham Street
Napier

Livestreamed via Council's Facebook page

Present **Acting Chair:** Councillor Mawson
Members: Mayor Wise, Deputy Mayor Brosnan,
Councillors Boag, Browne, Chrystal, Crown, Greig, McGrath,
Price, Simpson [via zoom] and Taylor

In Attendance Acting Chief Executive (Jessica Ellerm)
Executive Director Infrastructure Services (Russell Bond)
Executive Director City Strategy (Rachael Bailey)
Executive Director Community Services (Thunes Cloete)
Manager Strategy and Transformation (Stephanie Murphy)
Team Leader Governance (Anna Eady)
Manager Property (Bryan Faulknor)
Team Leader Open Spaces (Tania Diack)
Manager Water Strategy (Phil Kelsen)
3 Waters Technical Development Engineer (Anoop Mathews)

Also in attendance Steve Driver (President, Frivolity Minstrels) and Brian Hollands

Administration Governance Advisors (Carolyn Hunt and Jemma McDade)

SUSTAINABLE NAPIER COMMITTEE – Open Minutes

TABLE OF CONTENTS

Order of Business	Page No.
Apologies	3
Conflicts of interest.....	3
Public forum.....	3
Announcements by the Mayor.....	3
Announcements by the Chairperson.....	3
Announcements by the management	3
Confirmation of minutes	3
Minor Matter	4
• Capital Plan Project Update	4
 Agenda Items	
1. Insurance	4
2. Install a Temporary Structure within Latham Street Reserve	5
3. Meeanee Awatoto Watermain Project - Water Charges	7
Minor matters	8
Capital Project Plan Update – The following capital projects are to be included in the next update to the Committee:	8

Standing Order 14.2 – Other Meetings (Chairperson’s Role) - In the case of committees, subcommittees and subordinate decision-making bodies, the appointed chairperson must preside at each meeting unless they vacate the chair for all or part of a meeting. If the chairperson is absent from a meeting or vacates the chair, the deputy chairperson (if any) will act as chairperson. If the deputy chairperson is also absent, or has not been appointed, the committee members who are present must elect a member to act as chairperson. This person may exercise the meeting responsibilities, duties and powers of the chairperson.

Note: *Councillor Mawson (Deputy Chair) assumed the role as Chair for this meeting although Councillor Price (appointed Chair) was present, as he was not available for the pre-agenda meeting.*

ORDER OF BUSINESS

Apologies

It was noted that Councillor Tareha and the Ngā Mānukanuka o te Iwi representative, Tiwana Aranui, were not present at the meeting.

Conflicts of interest

Nil

Public forum

Steve Driver, President of the Frivolity Minstrels accompanied by Brian Hollands advised that Napier Frivolity Minstrels (Frivs) were formed in 1897 and their first public show was in 1898. They have performed at least one show a year, including during wartime and after the 1931 Napier Earthquake. Many successful people and performers have had their start with the Frivs. The current focus with the Frivs is encouraging children and youth into theatre with annual shows.

Mr Driver advised that the Frivs had recently entered into a lease agreement with Council for the use of the hall, which had previously been used by the Napier Pigeon Racing Club, in Latham Street. The hall was large enough for rehearsals but was not big enough for storage of costumes, props and memorabilia.

An application had been submitted to Council for approval to have a shipping container placed behind the clubhouse for storage. However, feedback from Council was they could give permission to build an extension to the rear of the existing building to accommodate storage, which was not a viable option for the Frivs due to financial constraints.

Mr Driver said the container would be a temporary measure for approximately two years for storage of memorabilia and props until a more permanent solution could be found. Currently storage of props were held in peoples' garages around Napier.

Announcements by the Mayor

Nil

Announcements by the Chairperson

Nil

Announcements by the management

Nil

Confirmation of minutes

Councillors Greig / Taylor

That the Minutes of the Sustainable Napier Committee meeting held on Thursday, 20 June 2024 were taken as a true and accurate record of the meeting.

Carried

Minor Matter

- Capital Plan Project Update

AGENDA ITEMS

1. INSURANCE

Type of Report:	Operational and Procedural
Legal Reference:	N/A
Document ID:	1777029
Reporting Officer/s & Unit:	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.

At the meeting

The Manager Property, Mr Faulknor spoke to the report providing a brief summary on Council's current insurance arrangements which were due for renewal in November 2024. He also highlighted uninsured exposure regarding underground infrastructure and Inner Harbour Assets in the event of a major earthquake.

The report formalised the Council workshop held on 11 July 2024, which the Chair and external members of the Audit and Risk Committee attended. The Material Damage Schedule is required to be submitted to Aon Insurance next week.

In response to questions the following was clarified:

- The discharge wharf is now closed and is subject to future decisions regarding demolition and rebuilding; insurers will not cover this asset in its current state.
 - In the three year plan, there is provision in Year 2 for the rebuild of the two jetties on Meeanee Quay in Westshore. As there is a rebuild planned insurers will not provide insurance for the jetties.
 - In regard to not insuring the revetment/Rock armouring down the channel and under the bridge Mr Faulknor advised that during a major earthquake the rocks may move but could be put back, but it was unlikely insurers would cover this.
-

- Reconstruction of the Discharge Wharf would be up to code and would be insurable. The Nelson Quay and West Quay having been built in the early 1920s-30s did not meet today's Code and were uninsurable.
- The Material Damage Schedule, which includes the inner harbour, Council buildings and contents, is procured through insurance brokers (Aon Insurance) as part of a Hawke's Bay Collective of the five Councils together to get the best deal.

COMMITTEE RESOLUTION

Councillors Crown / Greig

The Sustainable Napier Committee:

- Receive** the report noting the increasing cost of insurance, current deductibles, loss limits, and uninsured exposures.
- 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.
- Note** that Officers will develop an Informed Risk Governance structure, incorporating insurance considerations, as soon as is practically possible.

Carried

2. INSTALL A TEMPORARY STRUCTURE WITHIN LATHAM STREET RESERVE

Type of Report: Operational and Procedural

Legal Reference: Reserves Act 1977

Document ID: 1771649

Reporting Officer/s & Unit: 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**).

At the meeting

The Team Leader Open Spaces, Ms Diack spoke to the report regarding the request from the Frivolity Minstrels and the recommendation to decline the request based on Council's policies and objectives in the Reserve Management Plan which does not support this type of activity.

In response to questions the following was clarified:

- Included in the Draft City Wide Reserve Management Plan staff are recommending that shipping containers for storage not related to recreational activities not be permitted on

reserves. The Plan was due to be publicly notified this year for consultation with the final decision for adoption of the Plan being made approximately late next year.

- The current Reserve Management Plan does not include the word “shipping container” in the definition of “a temporary building”.
- Currently shipping containers are allowed on certain reserves for the purpose of storing recreational activity related property on a month by month basis.
- There is provision within lease agreements to allow containers on some reserves however, officers do not have the authority to go beyond the scope of the Reserve Management Plan.
- If Council approves the Frivs’ request to place a container on the reserve a variation to their existing lease would be required to mitigate key issues. Maintaining the reserve and removal of the container and associated costs could be conditions of the lease. The lease variation would be required to be publicly notified.

Deputy Mayor Brosnan gave notice of a “**Foreshadowed Motion**” which was contrary to the Officer’s Recommendation in the report.

An unsigned letter (Doc Id 1782006 and attached to these minutes) dated 24 April 2024 addressed to the Frivolity Minstrels was circulated at the meeting which set out terms under which Council would grant the option of placing a 20 foot container on the Latham Street Reserve. It was noted this letter was never sent to the Frivs.

Following discussion the meeting agreed that permission could be granted for the Frivs to have a storage container on the Reserve with a conditional variation to the lease. It was noted that although storage containers on Reserves are not desirable, the container would not impede any recreational activity for this reserve as the main activity was the cycle path which ran through it.

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.
-

**COMMITTEE
RESOLUTION**

Deputy Mayor Brosnan / Councillor Taylor

The Sustainable Napier Committee:

- a) **Grants** the Napier Frivolity Minstrels “the Frivs” request to temporarily place a shipping container within the Latham Street reserve, as the request is supported by the Reserves Management Plan and the Council’s vision for enabling such community group activities.
- b) **Grant** the option for the temporary placement of the container under the terms and conditions set in the draft agreement letter dated 24 April 2024 (Doc Id 1782006).
- c) **Direct** the Chief Executive to consider training on how to best embed council’s vision into council’s operations, specifically to address how this situation could have been managed more consistently with council’s policies, vision and community outcomes.

Carried

*Councillor Greig voted AGAINST the Motion***3. MEEANEE AWATOTO WATERMAIN PROJECT - WATER CHARGES***Type of Report:* Enter Significance of Report*Legal Reference:* Enter Legal Reference*Document ID:* 1777507*Reporting Officer/s & Unit:* 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.

At the meeting

The 3 Waters Technical Development Engineer, Mr Mathew provided an update on the Meeanee Awatoto Watermain Project water charges, advising that as per the current rates policy 50% water rates will be charged only to the properties able to connect.

The Water Manager Strategy, Mr Kelson advised that following confirmation by Council of the interpretation of the rates policy, residents in Meeanee will be notified that they will not be charged if they are unable to connect.

**COMMITTEE
RESOLUTION**

Councillors Browne / Chrystal

The Sustainable Napier Committee:

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

Carried

Minor matters

Capital Project Plan Update – The following capital projects are to be included in the next update to the Committee:

- Anderson Park Stage 2 playground development, which includes the toilet block demolition and rebuild of community leasable space.
- War Memorial Centre pathway access.
- Water Quality Strategy, which has particular implications for the Ahuriri Regional Park.

The meeting closed at 10.50am

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

Chairperson

Date of approval



24 April 2024

The President
Napier Frivolity Minstrels (Incorporated)

By e-mail to:
stevejamesdriver@gmail.com

RE: Agreement for the placement of a 20ft container on Latham Street Reserve, Napier

Dear Sir/Madam

This letter is to confirm Napier City Council's agreement to allow the Napier Frivolity Minstrels (Incorporated) to place a 20ft shipping container on the Latham Street Reserve.

The approx. position of the container behind the building at 104 C Latham Street is as shown in the plan attached.

This agreement is however contingent on consultation being carried out by Napier Frivolity Minstrels with other Lessees of the Reserve being 104 D, E and F Latham Street. The results of this consultation is to be provided back to Council who will consider the responses before deciding whether to agree to the proposal.

The following conditions will apply subject to the above:

TERM:

1. The parties recognise that this occupation is required due to the need for storage unable to be accommodated in the building currently leased by Napier Frivolity Minstrels (Incorporated) at 104C Latham Street. This agreement is temporary in nature pending a longer-term solution being arranged for storage.
2. The term of this agreement is for two years from the date of placement of the container.
3. Should the Lease of the building at 104c Latham Street terminate for any reason within the two year period then this approval shall also terminate.
4. Should Council require the land for any purpose then this approval may be terminated by Council at any time by giving the other party three-month's notice.
5. Upon termination for whatever reason the container is to be removed and the land to be returned to its state prior to the placement of the container.

USE:

6. The occupation by the container is restricted to the storage of costumes, props, and memorabilia associated with the activities of the organisation.
7. The container and site is not to be used between the hours of 9pm and 8am on any day.

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www.napier.govt.nz

t +64 6 835 7579
e info@napier.govt.nz

8. The club and members must act as a good neighbour in the conduct of their activities. They will not do anything which may become a nuisance or annoyance to the occupiers of neighbouring land, houses or premises.

PLACEMENT:

9. The exact location of the placement of the container shall first be agreed with Council's Parks Asset Planner.
10. The container is not to be placed over any underground services and is to be placed on wooden sleepers or similar to enable easy removal when required.
11. A Traffic Management and Health and Safety Plan is to be submitted for accessing the container if the doors of the container open out to a carriageway blind spot.

MAINTENANCE:

12. Container is to be painted and maintained to the satisfaction of Council's Parks Asset Planner.
13. Napier Frivolity Minstrels is to attend to graffiti remediation as per Council's graffiti removal policy: The graffiti is to be removed and/or painted over within two days of reporting of the graffiti. A best colour match is made to the existing paint and only the affected area is painted. Offensive graffiti is to be removed within 4 hours from reporting.
14. Pest control is the responsibility of Napier Frivolity Minstrels along with the weeding and mowing around the container.
15. No alterations are to be made to the container and no structures erected on the land. The container and occupied land is to be kept in a clean and tidy state and clear of rubbish or unsightly or inflammable accumulations.
16. No signage or flags are to be erected on the container.

LIABILITY AND HEALTH AND SAFETY:

17. Council shall not be held liable for any accident, injury or damage suffered or caused to any person or property arising out of the use of the container or land by the club and their members.
18. Council takes no responsibility for the security of the container or any items stored within.

BOND:

19. A bond of \$500 shall be payable to Council and retained by Council in the event the container is not removed and the land made good at the termination of this agreement.

Signed:

Signed:

Tania Diack
Team Leader Parks Reserves and Sportsgrounds

Napier Frivolity Minstrels (Incorporated)

