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# ORDINARY MEETING OF COUNCIL

# **Open Agenda**

Meeting Date: Thursday 31 July 2025

Time: 9.30am

Venue: Large Exhibition Hall

War Memorial Centre

Marine Parade

**Napier** 

Livestreamed via Council's Facebook page

Council Members Chair: Mayor Wise

**Members:** Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Greig, Mawson, McGrath, Price, Simpson, Tareha

and Taylor

Officer Responsible Chief Executive

Administrator Governance Team

Next Council Meeting Thursday 28 August 2025

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#### 2022-2025 TERM OF REFERENCE - COUNCIL

Chairperson Her Worship Mayor Kirsten Wise

Deputy Chairperson Deputy Mayor Annette Brosnan

Membership All elected members

Quorum 7

Meeting frequency At least 6 weekly and as required

Executive Chief Executive

#### **Purpose**

The Council is responsible for:

- 1. Providing leadership to and advocacy on behalf of the people of Napier.
- Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

#### Terms of Reference

The Council is responsible for the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body<sup>1</sup>:

- 1. The power to make a rate
- 2. The power to make a bylaw
- 3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan
- 4. The power to adopt a long-term plan, annual plan, or annual report
- 5. The power to appoint a chief executive
- 6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement, including the 30-Year Infrastructure Strategy
- 7. The power to adopt a remuneration and employment policy.
- 8. The power to establish a joint committee with another local authority or other public body<sup>2</sup>.
- 9. The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
- 10. The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
- 11. The power to make a final decision whether to adopt, amend, revoke, or replace a local Easter Sunday shop trading policy, or to continue a local Easter Sunday shop trading policy without amendment following a review.<sup>3</sup>

<sup>1</sup> Schedule 7, clause 32. Local Government Act 2002.

<sup>2</sup> Schedule 7, clause 30A

<sup>3</sup> Shop Trading Hours Act 1990, section 5D.

#### **Delegated Power to Act**

The Council retains all decision making authority, and will consider recommendations of its committees prior to resolving a position.

Specific matters that will be considered directly by Council include without limitation unless by statute:

- Direction and guidance in relation to all stages of the preparation of Long Term Plans and Annual Plans
- 2. Approval or amendment of the Council's Standing Orders<sup>4</sup>.
- 3. Approval or amendment the Code of Conduct for Elected Members<sup>5</sup>.
- 4. Appointment and discharging of committees, subcommittees, and any other subordinate decision-making bodies<sup>6</sup>.
- 5. Approval of any changes to the nature and delegations of any Committees.
- 6. Appointment and discharging of members of committees (as required and in line with legislation in relation to the role and powers of the Mayor) <sup>7</sup>.
- 7. Approval of governance level strategies, plans and policies which advance council's vision and strategic goals.
- 8. Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer.
- Reviewing of representation arrangements, at least six yearly<sup>8</sup>.
- 10. Approval of any changes to city boundaries under the Resource Management Act.
- 11. Appointment or removal of trustees, directors or office holders to Council's Council-Controlled Organisations (CCOs) and Council Organisations (COs) and to other external bodies.
- 12. Approval the Local Governance Statement as required under the Local Government Act 2002.
- 13. Approval of the Triennial Agreement as required under the Local Government Act 2002.
- 14. Allocation of the remuneration pool set by the Remuneration Authority for the remuneration of elected members.
- 15. To consider and decide tenders for the supply of goods and services, where tenders exceed the Chief Executive's delegated authority, or where projects are formally identified by Council to be of particular interest. In addition, in the case of the latter, milestone reporting to Council will commence prior to the procurement process.

<sup>4</sup> Schedule 7, clause 27,

<sup>5</sup> Schedule 7, clause 15,

<sup>6</sup> Schedule 7, clause 30,

<sup>7</sup> Schedule 7, clause 30,

<sup>8</sup> Local Electoral Act 2001, section 19H.

### **ORDER OF BUSINESS**

#### Karakia

**Apologies** 

Nil

**Conflicts of interest** 

#### **Public forum**

**Topic - Land for Film Studio - Daniel Betty** 

# Announcements by the Mayor 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 Draft Minutes of the Ordinary Meeting of Council held on Monday, 21 July 2025 be confirmed as a true and accurate record of the meeting......169

#### Information items

#### Agenda items

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

### 

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### **AGENDA ITEMS**

## 1. COUNCIL PROJECTS FUND - SUMMER FESTIVAL PRODUCTION ACCOUNTABILITY UPDATE

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1865098
Reporting Officer/s & Unit:	Margot Wilson, Team Leader Community Strategies
	Roger Morrison, Community Funding Advisor

#### 1.1 Purpose of Report

To provide an opportunity for Anna Pierard to present to Council an accountability report on the Summer Festival Production funded through the Council Projects Fund.

#### Officer's Recommendation

That Council:

a) **Receive** the report titled "Council Projects Fund – Summer Festival Production Accountability Update" dated 31 July 2025.

#### 1.2 Background Summary

In December 2024, Council approved a new Grants and Funding Policy Framework. This Framework established clear direction and guidelines for the allocation of Council's grant budgets. As part of the updated Reporting and Accountability requirements for the Council Projects Fund, successful applicants are now expected to provide both a written report and a face-to-face presentation to Council.

The Council Projects Fund allows Council to make discretionary grants in response to opportunities that are clearly beneficial for Napier. Under this Fund, in December 2024, Council approved a grant of \$41,566.20 to Festival Opera to support the delivery of their summer festival. Today Anna Pierard from Festival Opera will provide a summary of the programme delivered.

#### 1.2 Attachments

- 1 Anna Pierard update report (Doc Id 1864646) J.
- 2 Accountability Budget Anna Pierard (Doc Id 1864647) &

Festival Opera Level 1, 49 Tennyson Street Napier 4110



### Council Projects Fund Accountability Report

Festival Opera - Summer Season 2025

Strong communities invest in the things that help people grow, connect, and contribute as individuals. The investment is all the more powerful when this growth happens in concert with others. In Aotearoa, values like *manaakitanga*, *mauri*, and *kotahitanga* remind us that culture is not a luxury; it's a living force that sustains our shared wellbeing. With support from Napier City Council, Festival Opera's 2025 summer season brought these principles to life through a double bill of *Dido and Aeneas* and *Gianni Schicchi*. A consortium of community investors enabled a transformative training experience for 17 emerging artists, alongside the 30-strong Project Prima Volta (PPV) youth chorus and 30 local volunteer adult singers and instrumentalists.



The season also showcased the powerful artistic partnership between Principal Stage Director John Wilkie and Festival Opera's Artistic Director, José Aparicio, who also designed and built the set for *Gianni Schicchi*, conducting both operas. The greatest impact of this partnership is in the upholding of Project Prima Volta and Festival Opera's commitment to ensure Ahuriri Napier continues to be a place where talent is safely nurtured, where relationships are strengthened and supported and where our most important taonga, our youth, can access the kind of real-world stage experience that bridges the gap between training and professional performance — a bridge still rare in the operatic landscape of Aotearoa. The success of the season and the lasting impact on its participants have reaffirmed our long-term vision: to establish a National Youth Opera Company based in Napier.

This new initiative will offer structured, role-based training for young singers from across the motu, creating a pathway that begins in this community and leads to a national contribution, delivered out of Te Matau-a-Māui.

### **Artistic and Developmental Impact**

**Critical Role Experience:** The cast included 17 young soloists, PPV graduates and some current PPV members, who gained direct experience in the technical, musical, and theatrical demands of fully staged opera.

**Mentorship & Professionalism:** Under the guidance of our experienced creative team and production staff, young performers undertook intensive coaching, ensemble work, and full character preparation, receiving support to build strong foundations for their singing careers.

**Tangible Career Progression**: All participating young artists gained formal role experience to strengthen their CVs and auditions for national and international opportunities. This achievement resonates with prospective institutions and contracting companies far more favourably than competition wins, or other qualifications. Future employers need to see evidence that those skills have been put to the test in the pressure of performance.



(Sara Bruce, PPV Student)

### Financial Performance & Comparison

This report provides accountability for the **\$41,566.20** requested from the Napier City Council Projects Fund to support Festival Opera's 2025 Summer Season: a double bill of *Gianni Schicchi* and *Dido and Aeneas*, presented as part of the Napier Art Deco Festival at the Napier Municipal Theatre. As outlined in the application, the Council's support was requested for five specific costs:

- -Subsidised School and Pensioner Attendance (600 tickets)
- -Fees for Graduate Artists
- -Stage Manager's Fee
- -Contribution to Lighting Design and Operation
- -Printing costs for promotional material and #operaclass delivery

Each of these areas was successfully delivered. Due to the challenges of a short lead in and smaller than usual team, our focus was on galvanising schools to bring students, rather than working with Rest Homes. Due to NCC funding, we were able to welcome just over 600 students without passing on the cost of tickets.





www.festivalopera.co.nz

Four of our PPV graduate soloist artists were contracted in principal roles, supported by senior mentors. A dedicated Stage Manager and Lighting Designer were contracted locally, ensuring safe and professional delivery. Printing costs for both the public campaign and the #operaclass storybook were met, with 400 local school children participating in this regional engagement initiative.

The total expenditure for the season was \$152,918.18, exceeding the initial projection by only \$2,099.71. While ticket sales were below expectations, conservative budgeting and cost control enabled the production to conclude with a surplus of \$24,172.40. This outcome represents a marked improvement from the previous year's *Romeo & Juliet* season, which operated at a loss of \$56,947.44 on a \$434,267.90 budget. The 2025 season demonstrated the feasibility of a youth-focused, community-supported delivery model, aligning with the shift in scale and strategy proposed in the Council application. NCC support was critical. It enabled us to focus on access, training, and presenting, reinforcing Napier's visibility as a place where world-class training and performance can coexist. Importantly, it has also enabled us to build a plan for long-term sustainability, setting the foundation for the next phase of our work: the development of a National Youth Opera Company based in Napier with reach across Aotearoa. The Festival Opera model has proven its viability; NYOA will scale this model, increase national reach, and ensure that Napier remains central to the story of opera's future in New Zealand.



### Key Operational Challenges & Solutions

**Marketing & Audience Development:** We identified a need for more focused presales and grassroots visibility. In response, our future youth opera model will include a community ambassador strategy to support local engagement and sales.

**Sustainability & Structure:** This season reinforced the need to step back from constant delivery and focus instead on a long-term operational structure that supports Festival Opera's sustainability and future alignment with PPV's development model.





www.festivalopera.co.nz

### Strategic Direction & Next Steps

Festival Opera is now using the 2025 season insights to shape the establishment of a National Youth Opera Company, headquartered in Hawke's Bay. The new structure will:

- Provide structured, professional-level stage experience for young artist
- Deliver touring productions that extend access across region
- Create a more resilient, sustainable model for delivering opera in Aotearoa

Opportunities for young singers to perform full operatic roles with professional support are rare in Aotearoa, but they are essential for career development. This season proved that such opportunities can be successfully delivered here in Napier and at a cost-benefit ratio unmatched by international programmes. Thanks to the support of Napier City Council, 14 young soloists and a full chorus of PPV teens gained transformational performance experience. Many participants took on solo singing moments for the first time, and each gained valuable insight into professional rehearsal and performance practice. The 2025 season reaffirmed Festival Opera's role as a national youth training platform and highlighted a key gap in New Zealand's opera pipeline: young singers need structured role experience. While Napier City Council's support was not directed toward establishing a new company, it enabled us to deliver a focused season that gave us the space and clarity to evaluate our next steps. As a result, we are now moving toward the creation of National Youth Opera Aotearoa, based in Napier — a move that will strengthen the city's cultural leadership and align with Council aspirations to enhance visibility, participation, and creative opportunity.

Ngā mihi maioha

. Dend

Anna Pierard, Director

Alice Sip, Director



www.festivalopera.co.nz

PROJECT COSTS	Description	Quantity	@	Item Cost	Total	Cash Summary ACTUALS - last updated 1.9.24 30.4.25
Gianni Schicchi	- Dido & Aene	as D	oul	ole Bil	1	
Budget v.2 Dated 1/09						
						Cash Summary
PROJECT COSTS	Description	Quantity	@	Item Cost	Total	ACTUALS - last updated 1.9.24 30.4.25
PERSONNEL COSTS (e.g. wages, salaries, fees	s, allowances, per diems, stipends).			•		
Admin/Team: Funding and overall Budget					0.00	
Management	PVCT Staff Cost 140 hrs @ 55.00	0	@	7,700.00		Paid by PVCT
Admin/Team: #operaclass outreach					0.00	Paid by PVCT
coordinator/schools liaison	PVCT Staff Cost 120 hrs @ 35.00	0	@	4,200.00		raid by r vCi
Admin/Team: Artist Liaison	PVCT Staff Cost 120 hrs @ 35.00	0	@	4,200.00	0.00	Paid by PVCT
Admin/Team: Orchestra Manager	Pre-Season - Fee only	1	@	2,000.00	2,000.00	In Orchestra
Admin/Team: Librarian	Volunteer	0	@	500.00	0.00	
Admin/Team: Ticketing Manager	Volunteer	0	@	800.00	0.00	
Admin/Team: Project Specific Fundraising	n/a	0	@	0.00	0.00	
Creative: Musical Director	Fee only	3	@	3,000.00	9,000.00	9000.00
Creative: Musical Director - Rehearsal Fee	Fee only	1	@	0.00	0.00	
Creative: Musical Director - #operaclass	Facanty	2	@	500.00	1 000 00	500.00
orchestral concerts - Flaxmere College Creative: Musical Director - Vocal Coaching	Fee only Fee only 5 weeks @ 8 hours per week	40	@	85.00	1,000.00 3,400.00	
Creative: Assistant Musical Director	n/a	0	@	0.00	0.00	3400.00
Creative: Production Concept Designer &	11/4	$\dashv$ $\overset{\circ}{}$	٣	0.00	0.00	
Management	n/a	0	@	2,000.00	0.00	
Creative: Repetiteur & Vocal Coach - Sarah	172	<b>–</b>	C	_,,,,,,,,		
Lee	Fee only	1	@	3,845.00	3,845.00	3845.00
Creative: Assistant Repetiteur	n/a	0	@	0.00	0.00	
Creative: Stage/Artistic Director	Stagecraft PPV sessions	1	@	6,000.00	6,000.00	6000.00
Creative: Pre-Production & Team Meetings -		'				
John Wilkie	n/a	0	@	0.00	0.00	
Creative: Assistant Stage Director	n/a	0	@	500.00	0.00	
Creative: Costume Designer	Fee only	1	@	2,500.00	2,500.00	2450.00
Creative: Assistant Costume Designer	Fee only	0	@	1,500.00	0.00	
Creative: Wardrobe Mistress	Fee only	0	@	0.00	0.00	
Creative: Set Designer	Fee only	0	@	0.00	0.00	850.00
Creative: Set Artist	Fee only	0	@	0.00	0.00	
Creative: Lighting Designer	Fee only	1	@	2,000.00	2,000.00	2000.00
Creative: Lighting Operator	Fee only	0	@	2,000.00	0.00	
Creative: Props Creator and Manager	Fee only	0	@	1,000.00	0.00	
Creative: Make up Lead	Fee only	0	@	1,000.00		
Creative: Hair Lead	Fee only	0	@	500.00	0.00	
Creative: Hair and Make up Assistants	n/a - parents	0	@	0.00	0.00	
Creative: #operaclass Story-Book Writer	Includes fees only	0	@	1,500.00	0.00	
Creative: #operaclass Story-Book Illustrator	Includes fees only	1	@	750.00	750.00	750.00
Creative: Orchestra (professional)	Fee only	1	@	29,600.00		
Creative: Orchestra Leader	Fee only	0	@	0.00	0.00	
Cast - Gianni Schicchi - Schicchi	PPV Graduate Fee only	1	@	2,000.00	2,000.00	2000.00
Cast - Gianni Schicchi - Rinuccio	PPV Graduate Fee only	1	@	2,000.00	•	
Cast - Gianni Schicchi - Lauretta	PPV Graduate Fee only	1	@	2,000.00		
Cast - Gianni Schicchi - Zita	Professional Artist	1	@	2,000.00	2,000.00	2000.00
Cast - Gianni Schicchi - Gherardo	PPV Student - no fee	0	@	0.00	0.00	
Cast - Gianni Schicchi - Nella	PPV Student - no fee	0	@	0.00	0.00	
Cast - Gianni Schicchi - Gherardino	PPV Student - no fee	0	@	0.00	0.00	
Cast - Gianni Schicchi - Beto Di Signa	PPV Student - no fee	0	@	0.00	0.00	

r						
Cast - Gianni Schicchi - Simone	PPV Student - no fee	0	_ @	0.00	0.00	
Cast - Gianni Schicchi - Marco	PPV Student - no fee	0	_ @	0.00	0.00	
Cast - Gianni Schicchi - La Ciesca	PPV Graduate Fee only	1	@	2,000.00	2,000.00	2000.00
Cast - Gianni Schicchi - Maestro Spinelloccio	PPV Student - no fee	0		0.00	0.00	
Cast - Gianni Schicchi - Ser Amantio Di						
Nicolao	PPV Student - no fee	0	@	0.00	0.00	
Cast - Gianni Schicchi - Pinellino	PPV Student - no fee	0	@	0.00	0.00	
Cast - Gianni Schicchi - Guccio	PPV Student - no fee	0	@	0.00	0.00	
Cast - Dido & Aeneas - Dido	PPV Graduate Fee only	1	@	2,000.00	2,000.00	2000.00
Cast - Dido & Aeneas - Belinda	PPV Graduate Fee only	1	@	500.00	500.00	500.00
Cast - Dido & Aeneas - Second Woman	PPV Student - no fee	0	@	0.00	0.00	
Cast - Dido & Aeneas - Sorceress	PPV Student - no fee	0	_ @	0.00	0.00	
Cast - Dido & Aeneas - First Witch	PPV Student - no fee	0	_ @	0.00	0.00	
Cast - Dido & Aeneas - Second Witch	PPV Student - no fee	0	- @	0.00	0.00	
Cast - Dido & Aeneas - Spirit	PPV Student - no fee	0	- @	0.00	0.00	
Cast - Dido & Aeneas - Aeneas	PPV Graduate Fee only	1	_ @	2,000.00	2,000.00	2000.00
Cast - Dido & Aeneas - Sailor	PPV Student - no fee	0	- @ @	0.00	0.00	2000.00
		1	@	0.00	0.00	
Production: Production Manager	Commitment for 3 week project period	1	_			
Production: Stage Manager	Commitment for 3 week project period	1	@	6,000.00	6,000.00	6401.58
			_	. =		1500.00
Production: Assistant Stage Manager	Commitment for 3 week project period	1	@	1,500.00	1,500.00	
Production: Set Builder / Head Mech /						
Stagehand	Venue Techs only for this project	0	@	0.00	0.00	
Production: Head Tech (Napier Municipal						
Theatre to provide)	Venue Techs only for this project	80	@	0.00	0.00	
Production: Lighting Assistant	Venue Techs only for this project	0	@	400.00	0.00	
Production: Filming - Archival + campaign						
	archival only	1	@	1,500.00	1,500.00	1500.00
capture	Includes fees only	0	@	250.00	0.00	
capture Production: Surtitle Operator + Score Prep	includes lees only	U				
-	n/a	0	@	35.00	0.00	
Production: Surtitle Operator + Score Prep		-		35.00 0.00	0.00 0.00	
Production: Surtitle Operator + Score Prep Production: Company Manager	n/a	0	@			
Production: Surtitle Operator + Score Prep Production: Company Manager	n/a	0	@			82896.58
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager	n/a n/a	0 0	@ @ TOTAL PEI	0.00	0.00	82896.58
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breake	n/a n/a down of the project's production, exhibition,	0 0	@ @ TOTAL PEI	0.00  RSONNEL COSTS  costs.	0.00 <b>83,595.00</b>	82896.58
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Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breakt Muni hireage costs (all inclusive, not inc GST)  Rehearsal, Set- Building and Storage Space - 93 Tannery Road Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire	n/a n/a n/a down of the project's production, exhibition, Per quote to be provided  Annual Cost , To Split as required As needed, joining with existing supplies Allowance based on previous years	0 0 event and 1 0 0 1 1 1 1	TOTAL PEI	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00  300.00  500.00	0.00 83,595.00 16,898.96 0.00 1,400.00 300.00 500.00	22786.87 1574.82 1059.41
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breakt Muni hireage costs (all inclusive, not inc GST)  Rehearsal, Set- Building and Storage Space - 93 Tannery Road  Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire	n/a n/a n/a n/a down of the project's production, exhibition, Per quote to be provided  Annual Cost To Split as required As needed, joining with existing supplies Allowance based on previous years Allowance based on previous years	0 0 1 event and 1 0 1 1 1 1	O O O O O O O O O O O O O O O O O O O	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00  300.00  500.00  500.00	0.00 83,595.00 16,898.96 0.00 1,400.00 300.00 500.00	22786.87 1574.82 1059.41 467.51
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breakt Muni hireage costs (all inclusive, not inc GST)  Rehearsal, Set- Building and Storage Space - 93 Tannery Road Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus	n/a n/a n/a n/a n/a down of the project's production, exhibition, Per quote to be provided  Annual Cost To Split as required As needed, joining with existing supplies Allowance based on previous years Allowance based on previous years Allowance based on previous years	0 0 0 1 0 1 1 1 1 1	O O O O O O O O O O O O O O O O O O O	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00  300.00  500.00  500.00  550.00	0.00  83,595.00  16,898.96  0.00  1,400.00  300.00  500.00  500.00  550.00	22786.87 1574.82 1059.41 467.51 405.35
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breakt Muni hireage costs (all inclusive, not inc GST)  Rehearsal, Set- Building and Storage Space - 93 Tannery Road Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus Score Printing - Cast/Production Team	n/a n/a n/a n/a n/a  down of the project's production, exhibition, Per quote to be provided  Annual Cost  To Split as required As needed, joining with existing supplies Allowance based on previous years	0 0 0 1 2 0 1 1 1 1 1 1	O O O O O O O O O O O O O O O O O O O	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00  300.00  500.00  500.00  550.00  300.00	0.00  83,595.00  16,898.96  0.00  1,400.00  300.00  500.00  500.00  550.00  300.00	22786.87 1574.82 1059.41 467.51 405.35 199.41
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breake Muni hireage costs (all inclusive, not inc GST)  Rehearsal, Set- Building and Storage Space - 93 Tannery Road  Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus Score Printing - Cast/Production Team Score Hire - Orchestra	n/a n/a n/a n/a n/a  down of the project's production, exhibition, Per quote to be provided  Annual Cost  To Split as required As needed, joining with existing supplies Allowance based on previous years	0 0 0 event and 1 0 1 1 1 1 1 1 1	TOTAL PEI	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00  300.00  500.00  500.00  550.00  300.00  1,060.23	0.00  83,595.00  16,898.96  0.00  1,400.00  300.00  500.00  500.00  550.00  300.00  1,060.23	22786.87 1574.82 1059.41 467.51 405.35 199.41 1122.05
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breakt Muni hireage costs (all inclusive, not inc GST)  Rehearsal, Set- Building and Storage Space - 93 Tannery Road Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus Score Printing - Cast/Production Team	n/a n/a n/a n/a lown of the project's production, exhibition, Per quote to be provided  Annual Cost To Split as required As needed, joining with existing supplies Allowance based on previous years Estimate based on previous years	0 0 0 1 2 0 1 1 1 1 1 1	O O O O O O O O O O O O O O O O O O O	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00  300.00  500.00  500.00  550.00  300.00  1,060.23  500.00	0.00 83,595.00 16,898.96 0.00 1,400.00 300.00 500.00 500.00 550.00 300.00 1,060.23 500.00	22786.87 1574.82 1059.41 467.51 405.35 199.41
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breake Muni hireage costs (all inclusive, not inc GST)  Rehearsal, Set- Building and Storage Space - 93 Tannery Road  Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus Score Printing - Cast/Production Team Score Hire - Orchestra	n/a	0 0 0 event and 1 0 1 1 1 1 1 1 1	TOTAL PEI	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00 300.00 500.00 500.00 550.00 300.00 1,060.23 500.00 2,500.00	0.00  83,595.00  16,898.96  0.00  1,400.00  300.00  500.00  500.00  550.00  300.00  1,060.23	22786.87 1574.82 1059.41 467.51 405.35 199.41 1122.05
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breakt Muni hireage costs (all inclusive, not inc GST)  Rehearsal, Set- Building and Storage Space - 93 Tannery Road Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus Score Printing - Cast/Production Team Score Hire - Orchestra Welcome/Mini Whakatau	n/a n/a n/a n/a lown of the project's production, exhibition, Per quote to be provided  Annual Cost To Split as required As needed, joining with existing supplies Allowance based on previous years Estimate based on previous years	0 0 0 1 0 1 1 1 1 1 1 1 1	O O O O O O O O O O O O O O O O O O O	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00  300.00  500.00  500.00  550.00  300.00  1,060.23  500.00	0.00 83,595.00 16,898.96 0.00 1,400.00 300.00 500.00 500.00 550.00 300.00 1,060.23 500.00	22786.87 1574.82 1059.41 467.51 405.35 199.41 1122.05
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breake Muni hireage costs (all inclusive, not inc GST) Rehearsal, Set- Building and Storage Space - 93 Tannery Road Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus Score Printing - Cast/Production Team Score Hire - Orchestra Welcome/Mihi Whakatau Post Performance Event	n/a	0 0 0 1 1 1 1 1 1 1 1 1 1 0 0 0 0 0 0 0	@ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00 300.00 500.00 500.00 550.00 300.00 1,060.23 500.00 2,500.00	0.00 83,595.00 16,898.96 0.00 1,400.00 300.00 500.00 500.00 300.00 1,060.23 500.00 0.00	22786.87 1574.82 1059.41 467.51 405.35 199.41 1122.05 900.00
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breake Muni hireage costs (all inclusive, not inc GST) Rehearsal, Set- Building and Storage Space - 93 Tannery Road Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus Score Printing - Cast/Production Team Score Hire - Orchestra Welcome/Mihi Whakatau Post Performance Event Event Furniture	n/a	0 0 0 1 1 1 1 1 1 1 1 1 1 0 0 0 0 0 0 0	@ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00 300.00 500.00 500.00 550.00 300.00 1,060.23 500.00 2,500.00	0.00 83,595.00 16,898.96 0.00 1,400.00 300.00 500.00 500.00 300.00 1,060.23 500.00 0.00	22786.87 1574.82 1059.41 467.51 405.35 199.41 1122.05
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breake Muni hireage costs (all inclusive, not inc GST) Rehearsal, Set- Building and Storage Space - 93 Tannery Road Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus Score Printing - Cast/Production Team Score Hire - Orchestra Welcome/Mihi Whakatau Post Performance Event Event Furniture Standard Lighting and Tech Hireage inc fold	n/a	0 0 0 1 1 1 1 1 1 1 1 1 1 0 0 0 0 0 0 0	@ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00 300.00 500.00 500.00 550.00 300.00 1,060.23 500.00 2,500.00 0.00	0.00  83,595.00  16,898.96  0.00  1,400.00  300.00  500.00  550.00  300.00  1,060.23  500.00  0.00  0.00	22786.87 1574.82 1059.41 467.51 405.35 199.41 1122.05 900.00
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breake Muni hireage costs (all inclusive, not inc GST) Rehearsal, Set- Building and Storage Space - 93 Tannery Road Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus Score Printing - Cast/Production Team Score Hire - Orchestra Welcome/Mihi Whakatau Post Performance Event Event Furniture Standard Lighting and Tech Hireage inc fold back and surtitle projector	n/a n/a n/a n/a n/a n/a n/a n/a  down of the project's production, exhibition, Per quote to be provided  Annual Cost , To Split as required As needed, joining with existing supplies Allowance based on previous years Estimate based on previous years Allowance based on previous years Estimate based on previous years Allowance based on usable lighting gear at NMT Sight and Sound - not in Budget	0 0 0 1 1 1 1 1 1 1 1 1 0 0 0 1 1	@ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00 300.00 500.00 500.00 550.00 300.00 1,060.23 500.00 2,500.00 0.00	0.00  83,595.00  16,898.96  0.00  1,400.00  300.00  500.00  550.00  300.00  1,060.23  500.00  0.00  2,000.00	22786.87 1574.82 1059.41 467.51 405.35 199.41 1122.05 900.00
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breake Muni hireage costs (all inclusive, not inc GST) Rehearsal, Set- Building and Storage Space - 93 Tannery Road Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus Score Printing - Cast/Production Team Score Hire - Orchestra Welcome/Mihi Whakatau Post Performance Event Event Furniture Standard Lighting and Tech Hireage inc fold back and surtitle projector Set Materials inc paint etc	n/a	0 0 0 1 1 1 1 0 0 0 1 1 1 1 1 1 1 1 1 1	@ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00 300.00 500.00 500.00 550.00 300.00 1,060.23 500.00 2,500.00 2,500.00 2,000.00	0.00  83,595.00  16,898.96  0.00  1,400.00  300.00  500.00  550.00  300.00  1,060.23  500.00  0.00  2,000.00  1,000.00	22786.87 1574.82 1059.41 467.51 405.35 199.41 1122.05 900.00 1178.25 4092.50 1197.79
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breake Muni hireage costs (all inclusive, not inc GST) Rehearsal, Set- Building and Storage Space - 93 Tannery Road Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus Score Printing - Cast/Production Team Score Hire - Orchestra Welcome/Mihi Whakatau Post Performance Event Event Furniture Standard Lighting and Tech Hireage inc fold back and surtitle projector  Set Materials inc paint etc Catering	n/a	0 0 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	@ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @ @	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00 300.00 500.00 500.00 550.00 300.00 1,060.23 500.00 2,500.00 0.00	0.00  83,595.00  16,898.96  0.00  1,400.00  300.00  500.00  550.00  300.00  1,060.23  500.00  0.00  2,000.00  1,000.00  5,000.00  5,000.00	22786.87 1574.82 1059.41 467.51 405.35 199.41 1122.05 900.00
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breake Muni hireage costs (all inclusive, not inc GST) Rehearsal, Set- Building and Storage Space - 93 Tannery Road Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus Score Printing - Cast/Production Team Score Hire - Orchestra Welcome/Mihi Whakatau Post Performance Event Event Furniture Standard Lighting and Tech Hireage inc fold back and surtitle projector  Set Materials inc paint etc Catering #operaclass schools visits catering	n/a	0 0 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	O O O O O O O O O O O O O O O O O O O	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00 300.00 500.00 500.00 550.00 300.00 1,060.23 500.00 2,500.00 2,500.00 2,000.00	0.00  83,595.00  16,898.96  0.00  1,400.00  300.00  500.00  550.00  300.00  1,060.23  500.00  0.00  2,000.00  1,000.00  5,000.00  0.00  0.00	22786.87 1574.82 1059.41 467.51 405.35 199.41 1122.05 900.00 1178.25 4092.50 1197.79
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breake Muni hireage costs (all inclusive, not inc GST)  Rehearsal, Set- Building and Storage Space - 93 Tannery Road Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus Score Printing - Cast/Production Team Score Hire - Orchestra Welcome/Mihi Whakatau Post Performance Event Event Furniture Standard Lighting and Tech Hireage inc fold back and surtitle projector  Set Materials inc paint etc Catering #operaclass schools visits catering #operaclass additional planning	n/a n/a n/a n/a n/a n/a n/a n/a  down of the project's production, exhibition, Per quote to be provided  Annual Cost , To Split as required As needed, joining with existing supplies Allowance based on previous years Estimate based on previous years Allowance based on previous years Estimate based on previous years Allowance based on previous years Relowance based on previous years Rehearsal Period for Full Company n/a n/a	0 0 0 1 1 1 1 1 1 1 1 1 0 0	O O O O O O O O O O O O O O O O O O O	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00  300.00  500.00  500.00  500.00  1,060.23  500.00  2,500.00  2,000.00  1,000.00  1,000.00  5,000.00	0.00  83,595.00  16,898.96  0.00  1,400.00  300.00  500.00  550.00  300.00  1,060.23  500.00  0.00  2,000.00  1,000.00  5,000.00  0.00  0.00  0.00  0.00	22786.87 1574.82 1059.41 467.51 405.35 199.41 1122.05 900.00 1178.25 4092.50 1197.79
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breake Muni hireage costs (all inclusive, not inc GST) Rehearsal, Set- Building and Storage Space - 93 Tannery Road Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus Score Printing - Cast/Production Team Score Hire - Orchestra Welcome/Mihi Whakatau Post Performance Event Event Furniture Standard Lighting and Tech Hireage inc fold back and surtitle projector  Set Materials inc paint etc Catering #operaclass schools visits catering	n/a	0 0 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	O O O O O O O O O O O O O O O O O O O	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00 300.00 500.00 500.00 550.00 300.00 1,060.23 500.00 2,500.00 2,500.00 2,000.00	0.00  83,595.00  16,898.96  0.00  1,400.00  300.00  500.00  550.00  300.00  1,060.23  500.00  0.00  2,000.00  1,000.00  5,000.00  0.00  0.00	22786.87 1574.82 1059.41 467.51 405.35 199.41 1122.05 900.00 1178.25 4092.50 1197.79
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breake Muni hireage costs (all inclusive, not inc GST) Rehearsal, Set- Building and Storage Space - 93 Tannery Road Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus Score Printing - Cast/Production Team Score Hire - Orchestra Welcome/Mihi Whakatau Post Performance Event Event Furniture Standard Lighting and Tech Hireage inc fold back and surtitle projector  Set Materials inc paint etc Catering #operaclass schools visits catering #operaclass additional planning Cast Travel	n/a	0 0 0 1 1 1 1 1 1 1 1 1 1 1 1 1 7 7	Property of the control of the contr	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00  300.00  500.00  500.00  1,060.23  500.00  2,500.00  2,000.00  1,000.00  5,000.00  300.00  300.00	0.00  83,595.00  16,898.96  0.00  1,400.00  300.00  500.00  500.00  1,060.23  500.00  0.00  2,000.00  1,000.00  5,000.00  2,000.00  0.00  2,100.00  0.00  2,100.00	22786.87 1574.82 1059.41 467.51 405.35 199.41 1122.05 900.00 1178.25 4092.50 1197.79 6942.17
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breake Muni hireage costs (all inclusive, not inc GST) Rehearsal, Set- Building and Storage Space - 93 Tannery Road Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus Score Printing - Cast/Production Team Score Hire - Orchestra Welcome/Mihi Whakatau Post Performance Event Event Furniture Standard Lighting and Tech Hireage inc fold back and surtitle projector  Set Materials inc paint etc Catering #operaclass schools visits catering #operaclass additional planning Cast Travel  Creative Travel	n/a	0 0 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	O O O O O O O O O O O O O O O O O O O	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00 300.00 500.00 500.00 500.00 1,060.23 500.00 2,500.00 2,500.00 1,000.00 1,000.00 300.00 4,000.00	0.00  83,595.00  16,898.96  0.00  1,400.00  300.00  500.00  500.00  1,060.23  500.00  0.00  2,000.00  1,000.00  5,000.00  2,100.00  0.00  4,000.00  4,000.00	22786.87 1574.82 1059.41 467.51 405.35 199.41 1122.05 900.00 1178.25 4092.50 1197.79 6942.17
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breake Muni hireage costs (all inclusive, not inc GST) Rehearsal, Set- Building and Storage Space - 93 Tannery Road Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus Score Printing - Cast/Production Team Score Hire - Orchestra Welcome/Mihi Whakatau Post Performance Event Event Furniture Standard Lighting and Tech Hireage inc fold back and surtitle projector  Set Materials inc paint etc Catering #operaclass schools visits catering #operaclass additional planning Cast Travel	n/a	0 0 0 1 1 1 1 1 1 1 1 1 1 1 1 1 7 7	Property of the control of the contr	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00  300.00  500.00  500.00  1,060.23  500.00  2,500.00  2,000.00  1,000.00  5,000.00  300.00  300.00	0.00  83,595.00  16,898.96  0.00  1,400.00  300.00  500.00  500.00  1,060.23  500.00  0.00  2,000.00  1,000.00  5,000.00  2,000.00  0.00  2,100.00  0.00  2,100.00	22786.87 1574.82 1059.41 467.51 405.35 199.41 1122.05 900.00 1178.25 4092.50 1197.79 6942.17
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breake Muni hireage costs (all inclusive, not inc GST) Rehearsal, Set- Building and Storage Space - 93 Tannery Road Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus Score Printing - Cast/Production Team Score Hire - Orchestra Welcome/Mihi Whakatau Post Performance Event Event Furniture Standard Lighting and Tech Hireage inc fold back and surtitle projector  Set Materials inc paint etc Catering #operaclass schools visits catering #operaclass additional planning Cast Travel Creative Travel Cast Per diems - check Per Diems Tab if applicable	n/a	0 0 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Property of the control of the contr	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00 300.00 500.00 500.00 550.00 300.00 1,060.23 500.00 2,500.00 2,500.00 2,000.00  1,000.00 5,000.00 4,000.00	0.00  83,595.00  16,898.96  0.00  1,400.00  300.00  500.00  500.00  300.00  1,060.23  500.00  0.00  2,000.00  1,000.00  2,000.00  2,100.00  4,000.00  4,000.00  0.00	22786.87 1574.82 1059.41 467.51 405.35 199.41 1122.05 900.00 1178.25 4092.50 1197.79 6942.17
Production: Surtitle Operator + Score Prep Production: Company Manager Production: Catering Manager Production: Catering Manager  PRODUCTION COSTS Please provide a breake Muni hireage costs (all inclusive, not inc GST) Rehearsal, Set- Building and Storage Space - 93 Tannery Road Costume - Jewellery, cleaning, hireage, fabric trimmings Hair/Make up Supplies Set Dressing purchasing / hire Props Budget for purchasing/Hire Score Printing - Chorus Score Printing - Cast/Production Team Score Hire - Orchestra Welcome/Mihi Whakatau Post Performance Event Event Furniture Standard Lighting and Tech Hireage inc fold back and surtitle projector  Set Materials inc paint etc Catering #operaclass schools visits catering #operaclass additional planning Cast Travel  Creative Travel Cast Per diems - check Per Diems Tab if applicable Orchestra Travel - LOCAL	n/a	0 0 0 1 1 1 1 1 1 1 1 1 1 1 7 1 1 0 0 1 1 1 1	Property of the control of the contr	0.00  RSONNEL COSTS  costs.  16,898.96  0.00  1,400.00 300.00 500.00 500.00 550.00 300.00 1,060.23 500.00 2,500.00 2,500.00 2,000.00  1,000.00 5,000.00 4,000.00 200.00	0.00  83,595.00  16,898.96  0.00  1,400.00  300.00  500.00  500.00  300.00  1,060.23  500.00  0.00  2,000.00  1,000.00  2,000.00  4,000.00  4,000.00  2,100.00  2,000.00  2,000.00  2,000.00	22786.87 1574.82 1059.41 467.51 405.35 199.41 1122.05 900.00 1178.25 4092.50 1197.79 6942.17
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	T-					
Orchestra Portage & Catering	Estimate based on previous years	1	@	3,250.00	3,250.00	2037.03
Creative & Production Team Additional			0	2.22	0.00	1063.14
Travel	n/a	0	@	0.00	0.00	
Creative & Draduction Team Assemmedation	,	_		0.00	0.00	
Creative & Production Team Accommodation Creative & Production Team Per Diems -	n/a	0	@	0.00	0.00	
check Per Diems Tab	- /-	_		0.00	0.00	
	n/a n/a	0 0	@	0.00	0.00	
Cast/Production Healthcare Contingency	n/a - no accommodation costs relating to	U	@	0.00	0.00	
Cost Assammadation	T	0	@	0.00	0.00	
Cast Accommodation Flights, cast & crew replacements, Grad	cast/team	U	ш	0.00	0.00	
accommodation, costume etc	any budget overrun	0	@	10,000.00	0.00	4147.06
accommodation, costume etc	any budget overrun		œ.	10,000.00	0.00	
		TC	TAL DROD	OUCTION COSTS	49,709.19	66456.33
ADMINISTRATION COSTS (e.g. audit fees, ele	ctricity insurance legal services licence fee				•	
Operating Expenses	25% of PVCT Operating Expenses	0	@ @	13,790.18	0.00	Paid by PVCT
Financial Administration	Payroll management	0	@	1,400.00	0.00	Paid by PVCT
Legal Fees	Sainsbury Logan & Williams	1	@	0.00	0.00	raid by FVC1
Office supplies	Project Specific costs	0		250.00	0.00	
Technology / phone charges	Project Specific costs	0	@	150.00	0.00	
Technology / eftpos equipment hire for	rioject opecine costs	Ŭ		130.00	0.00	
season	Project Specific costs	0	@	120.00	0.00	
5545611	reject opcome dosts	L	-	120.00		
		TOTAL	ADMINIST	RATION COSTS	0.00	0.00
MARKETING COSTS Please provide a breakdo	own of the marketing and promotion costs for					
Campaign Photography	Sponsorship	0	@	2,500.00	0.00	
	Our 4 Walls - Estimate \$200 plus Nov Inv		-	,		
Campaign Layouts, Sizings and design	126 \$1425	1	@	1,625.00	1,625.00	1425.00
Event Campaign Plan and management	Allowance based on previous years	0	@	0.00	0.00	
National Media Liaison, (Breakfast TV,	, ,		_	•		
Sunday programme, Lotto, Kia ora Magazine,						
Listener, Herald coverage, Local Print media	Encompass Communications - National	0	@	0.00	0.00	
relationship management for advertising	Media mainly, 4 pieces		_			
campaign						
. •				•		
Print & Digital Advertising Campaign	Allowance based on previous years	15	@	90.00	1,350.00	
management and content development	, ,		_		,	
Faction Course Carial Madia Courtain						
Festival Opera Social Media Content	Allowance based on previous years	18	@	90.00	1,650.00	
development and scheduling/boosting						
Website revision & Digital Assets	Allowance based on previous years	0	@	0.00	0.00	
Programme Design & #operaclass book	Our 4 Walls	1		600.00	600.00	1000.00
layout	Our 4 waiis	1	@	600.00	600.00	1000.00
Programme Printing	Allowance based on previous years	1	@	1,500.00	1,500.00	859.95
#operaclass Storybook printing	Allowance based on previous years	1	@	2,594.28	2,594.28	
ix35 Car signwriting x 1	Allowance based on previous years	0	@	1,800.00	0.00	
Van End Signwriting x 1	Allowance based on previous years	0	@	800.00	0.00	
Billboards (Coreflutes x 10 + FLAGS)	Allowance based on previous years	1	@	3,000.00	3,000.00	1163.40
NMT Decal Door	Allowance based on previous years	1	@	500.00	500.00	
Campaign Paper Printing: Posters, Flyers,	Allewanes based on provious veers	1		500.00	F00 00	004.60
cards for distribution	Allowance based on previous years	1	@	500.00	500.00	804.68
Large Format Billboards (1x GNW 10 x 2) +	Alleria	_		1 500 00	1 500 00	1521.57
install + pull up banner	Allowance based on previous years	1	@	1,500.00	1,500.00	1521.57
Mobile Billboard - Mammoth, printing + 12	Estimata	_		2 000 00	0.00	
Week installation	Estimate	0	@	2,000.00	0.00	
Posters (500 x A3 + 200 x A2)	Allowance based on previous years	0	@	300.00	0.00	
		_		1 500 00	4 500 00	2470.00
Newspaper/Digital/Radio - NZME	Allowance based on previous years	1	@	1,500.00	1,500.00	2170.00
PR - Local high value & National	Allowance based on previous years	0	@	90.00	0.00	
Art Deco Registration	Allowance based on previous years	1	@	195.00	195.00	195.00
Filming Campaign management	Allowance based on previous years	0	@	90.00	0.00	
Social media campaign costs (local &		1				
Social media campaign costs (rocar a	Allowance based on previous years	1	@	1,000.00	1,000.00	240.04

		то	TAL MAF	RKETING COSTS	17,514.28	9379.64
		TOT	AL PROJ	ECT COSTS (A)	150,818.47	158732.5
					_	
PROJECT REVENUE	Description	Quantity	@	Item Cost	Total	
EARNED REVENUE (e.g. admission fees, box of	ffice takings, sales of publications or merch	andise, sub	scription	fees, contract or	artist fees etc)	
Ticket Sales - 2 x public performances, \$25	400 11 11					
p/ticket - option to donate to PVCT on ticket	Assumes 400 audience per public	2	@	8,695.65	17,391.30	23739.14
purchase (includes Pensioners)	performance \$25 each (incl GST)					
School Attendance - CONFIRMED	Schools \$25 + GST					
		243	@	25.00	6,075.00	5,575.00
Ticketek Sales Fee (Inside Charges)	Estimated @ 6% of Ticket Sales based on	C0/		22 202 07	1.042.07	
	2024 (2025 12.7%)	6%	@	-32,382.87	-1,942.97	-2989.65
Programme Sales	Public Performances only	100	@	10.00	1,000.00	814.26
		_				
OTHER CASH SUPPORT S. A. III.			-	RNED REVENUE	31,439.90	27138.75
OTHER CASH SUPPORT Detailing which parts						
Grants - confirmed	Kathryn Young Contribution - additional	1	@	10,000.00	10,000.00	10000.00
	to her annual grant		_			
	Catherine Carter	1	@	1,500.00	1,500.00	1500.00
	Bernard Chambers - granted August	1	@	4,000.00	4,000.00	4000.00
	HB Foundation	1	@	2,000.00	2,000.00	2000.00
	Pat Benson Legacy Fund	1	@	10,000.00	10,000.00	10000.00
	Pub Charity	1.0	@	52,200.00	52,200.00	52200.00
	Community Events Support	1.0	@	15,000.00	15,000.00	15000.00
	Trust House Foundation \$11k paid into PV	1.0	@	8,850.00	8,850.00	
						8850.00
	L		_			
	Trust House Foundation \$11k paid into PV	1.0	@	1,250.00	1,250.00	650.00
	Lion Foundation	1.0	@	5,000.00	5,000.00	5000.00
	NCC - Council Project Fund	1.0	@	41,566.20	41,566.20	41566.20
	1	1.0		41,500.20	41,300.20	
		TOTAL	LOTHER	CASH SUPPORT	154,366.20	150766.2
OTHER IN-KIND SUPPORT IN-KIND support a	ppears both in PROJECT COSTS and PROJEC	T REVENUE				
Greenmeadows New World	Store Credit Sponsorship	1	@	5,000.00	5,000.00	5000.00
		то	TAL OTHER	IN-KIND SUPPORT	5,000.00	5000.0
				REVENUE (B)	190,806.10	182904.9
	REVENUE (B) LESS COS	TS (A) = (	DEFICI	T/SURPLUS)	\$39,987.64	24172.40
				,	755,557.04	

#### 2. CCTV MONITORING

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1864258
Reporting Officer/s & Unit:	Luke Johnson, Manager Regulatory Solutions

#### 2.1 Purpose of Report

The purpose of this report is to seek Council approval for a temporary change to the level of service for Napier Assist Āwhina Tāngata, enabling the introduction of night-time CCTV monitoring within existing staffing levels.

This temporary arrangement will remain in place until a preferred long-term level of service can be determined through a funding review as part of the development of Council's financial strategy for the Long Term Plan.

The report also seeks Council's direction on a preferred ongoing level of service for Napier Assist, to inform the funding review and support the development of sustainable funding options for future consideration.

#### Officer's Recommendation

That Council:

- a) Approve a temporary adjustment to the level of service for Napier Assist Āwhina Tāngata to reduce the daytime level of service to allow for the introduction of night-time CCTV monitoring from 1 September 2025 to 30 June 2026. This change is to be accommodated within the existing staffing level of nine FTE and will continue to be funded through the Parking Reserve Account.
- b) Consider the options for a preferred ongoing level of service for Napier Assist and make a recommendation to inform a review of the CCTV service as per Section 101(3) of the Local Government Act to ensure suitability as an activity and that it is appropriately funded.

#### 2.2 Background Summary

Napier Assist Āwhina Tāngata launched in July 2022 and is in its third year of operation. The service involves street patrols combined with monitoring of a CCTV network. Due to the popularity of the service, Council is constantly managing stakeholder expectations and is balancing resourcing requirements with the adopted service design and planned maturity model in mind.

Despite the efforts of the Napier Assist team, there has been an increase in crime within our CBD and other Napier shopping precincts. According to Police data over the last two years, there has been an increase in crime in our city of approximately 12%.

Council continues to work closely with Hawkes Bay Police, Napier City Business Inc (NCBI), and other local agencies to support their operations in response to this crime. One support measure previously implemented was to temporarily extend the hours of CCTV

monitoring to cover 9:00pm – 6:00am. This initiative was to support the Hawke's Bay Police response at night. The temporary change was achieved by reducing the daytime level of service (patrolling and CCTV monitoring) to cover night-time CCTV monitoring shifts. Whilst this was done temporarily, it was unsustainable long term due to the minimum staff required to provide the usual level of service throughout the day and to ensure sufficient staff numbers for safety.

In June 2025, NCC agreed to provide Hawke's Bay Police with a digital feed of our CCTV coverage via vGRID. Police will not actively monitor this feed, but it will serve as a useful tool, offering Police access to Council's camera coverage when they deem it appropriate and necessary for the prevention and detection of crime and to maintain public safety.

Hastings District Council (HDC) currently provides CCTV Monitoring service, which is staffed by a team independent of their City Assist ambassadors. There are limitations to the HDC offering, which limit it being a full 24/7 service. The limitations are the same faced by us and include staffing constraints across day/night rostering. However, the HDC service allows for the flexibility to respond to crime trends or circumstances observed within the city and alter day and/or night monitoring accordingly. The monitoring service is partially ratepayer-funded and also subsidised by a Central Business District targeted rate.

Hawke's Bay Police have indicated that the preferred approach to CCTV monitoring is for it to remain with Napier Assist; however, they are unable to contribute to funding.

NCC has received a request from NCBI for overnight CCTV monitoring.

#### 2.3 Issues

In response to increased crime at night, it is now timely for NCC to consider establishing night-time monitoring. This could be achieved in the short-term by adjusting the daytime service temporarily to accommodate night-time monitoring. The temporary change would be accommodated within the existing staffing level and will continue to be funded through the Parking Reserve Account for now. This temporary change can be put in place by 1 September and communicated to local stakeholders (Hawkes Bay Police, retailers, and our community).

The temporary service change would continue until 31 June 2026 when Council has had the opportunity to properly review the appropriate level of service for Napier Assist on an ongoing basis. This would be done as part of the Council's financial strategy for the Long Term Plan and in accordance with section 101(3) of the Local Government Act. Through this process, officers will ascertain who benefits from the service and consequently who should bear the cost of this, and what the apportionment of cost may be.

The Parking Reserve Account exists to support a vibrant and innovative city that works for everyone. It currently funds services such as Parking and Napier Assist in their present forms. To ensure the long-term sustainability of this fund - and to continue investing in improvements to the CBD - a stable and balanced funding model must be maintained. If demand on the account outpaces its replenishment, it would undermine the viability of the funding approach originally approved when the Reserve was established.

Given this, a review of the funding model is necessary to understand the impact of any proposed service level changes and to identify the most appropriate way to fund the services going forward. Additionally, implementing any rate changes mid-year is challenging, particularly when they may negatively affect ratepayers. Therefore, any adjustments would need to be considered through a variation to the Long Term Plan as part of the Annual Plan process.

#### 2.4 Options

The options available to Council for a long-term preferred level of service are as follows:

- a. Retain existing staff numbers (nine FTE), reducing daytime levels of service to introduce permanent night-time monitoring. To achieve this option, Napier Assist staffing numbers undertaking daytime monitoring will be reduced. This would resemble between 3 to 5 staff each day, and one staff member monitoring overnight.
  - i. Key benefits to this option include utilising our team and their knowledge of the city, the camera network, and key entry and exit points in and out of the city. There is also the benefit of upskilling our staff along with continuing to build on already strong working relationships with Police and frontline staff. Monitoring is undertaken on a real-time basis whereby if observations are made, contact can be made immediately with local Police patrols in the area without having to contact 111 and go through the national call centre.
  - ii. Consideration must also be given to the disadvantages of this option, which include a reduction in the presence of the Napier Assist officers throughout the city during the daytime. There may also be unforeseen effects as a consequence of the reduced daytime visibility; however, there is an opportunity to adapt the service level offering in response to crime data from Hawkes Bay Police and feedback from retailers and other stakeholders.
- b. Maintain the existing level of (daytime) service and introduce night-time monitoring seven nights per week through the addition of three FTE (12 FTE total). It is considered that to maintain the current (daytime) service level offering and include overnight monitoring would necessitate the addition of three team members (3 FTE) to the Napier Assist team.
  - Increased team numbers to 12 FTE allows for the minimum service level (as determined at inception of the Napier Assist) to be maintained whilst introducing the night-time monitoring seven days per week.
  - ii. Benefits of this option include maintaining the popular daytime service, focusing on enhancing the visitor experience of our CBD centres, and providing better support to the Police to respond to retail crime at night.
- c. Status Quo continue CCTV monitoring with our current levels of service.

Napier Assist Officers are rostered seven days per week between 7:30am – 5:30pm. Whilst Police report an increase in crime in the patrol areas, only some of this is occurring outside the hours of Napier Assist monitoring CCTV.

- Advantages of this option would be in continuing the popular daytime service as established, focusing on the 'city ambassador' approach, enhancing CBD users and visitors' safety and experience during the day.
- Disadvantages to be considered include the risk of continued break-ins at night without real-time CCTV support to Police, however Police are now able to access coverage via vGRID.

#### Note for options 'a' and 'b' above:

- Through a review of the CCTV service as per Section 101(3) of the Local Government Act, officers will ascertain who benefits from the change in level of service and consequently who should bear the cost of this addition to the existing service and what the apportionment of cost may be.
- It would be unsustainable to fund the delivery of these options solely with the parking reserve fund on an ongoing basis.

#### 2.5 Significance and Engagement

Public safety is an issue of significance for our community, and as such, the Napier Assist initiative was consulted on as part of the Long-Term Plan (LTP) for 2021-31. NCC received a strong mandate to proceed with 75% of submitters supporting the proposal to investigate the ambassador model further. The service design adopted by Council included the aspiration of night-time CCTV monitoring as the service matured and funding became available.

The funding review as part of Council's Long Term Plan process will provide for comprehensive public consultation as per the Local Government Act 2002.

#### 2.3 Attachments

Nil

#### 3. ANIMAL CONTROL FACILITY PROJECT UPDATE

Type of Report:	Enter Significance of Report
Legal Reference:	Enter Legal Reference
Document ID:	1864954
Reporting Officer/s & Unit:	David Whyte, Team Leader Animal Control  Emma Alexander, Programme Manager - Transformation - Strategy and Transformation

#### 3.1 Purpose of Report

The current Animal Control Facility is no longer fit for purpose, compromising both safety and animal welfare

An upgrade or replacement of the facility was signaled in the 2024–2027 Three-Year Plan, with an initial budget allocation of \$1.5 million. This figure was a preliminary estimate and developed without the benefit of feasibility work or detailed design planning.

In March 2025 a project was initiated to explore viable options through feasibility analysis. This report provides a summary of the existing issues with the current facility, outlines the three options considered, and recommends a preferred direction and funding pathway to progress the project to the next stage.

#### Officer's Recommendation

That Council:

- a. **Approve** Officers to progress with designing a new build option for Council's Animal Control Facility on the following basis:
  - i. design in a manner, where practicable, delivery can be phased with phasing focused on resolving compliance issues first;
  - ii. design in a manner that if the business case proves prohibitive, design work can be repurposed for the hybrid option;
  - the business case for the facility covers on-going operating costs, and also costs of a wider operating model, a process and systems work stream and benefits from that workstream; and funding options;
- b. **Delegate** to the Deputy Chief Executive approval of the design project budget, within the remaining ~\$1.35m budget allocation under the 2024-2027 Three-Year Plan with the expectation that a portion of this funding will be available to complete at least the first delivery phase.

#### 3.2 Background Summary

The Council Animal Control Team (**Team**) and Animal Shelter (**Shelter**) play a vital role in protecting public safety and ensuring the welfare of animals in our community. They provide care and shelter for stray, surrendered, seized, abandoned, and dangerous dogs until they are reunited with their owners, adopted, or humanely euthanised where necessary.

Beyond sheltering, the Shelter and Team supports adoption programmes, promotes responsible pet ownership, and delivers community education on animal welfare.

With approximately 8,400 registered dogs in Napier, the Team and Shelter operate under the requirements of the Dog Control Act 1996, Section 67, which mandates that councils provide appropriate custody, care, and exercise for impounded or seized dogs.

The Team and Shelter currently:

- Handle between 500 and 800 dogs annually;
- Respond to between 2500-3000 dog-related service requests;
- Support education programmes that reach over 1,100 students;
- Investigate approximately 150 dog attacks annually which includes investigating the incident, preparing the relevant files for Court or Council Hearings.

#### 1.3 Summary of Issues

#### **Current state**

The current Shelter is no longer fit for purpose. The current Shelter facility and wider service face the following challenges:

#### a) Facility Limitations

- Developed incrementally over time and is no longer fit for purpose.
- Fails to meet modern health, safety, and animal welfare standards.
- Poor internal workflow design and inadequate public access.
- Insufficient water pressure and poor drainage impede kennel cleaning.
- No resilience infrastructure.

#### b) Staffing and Safety

- Animal Control Officer's offices are ~200m from the kennels, reducing operational efficiency.
- Safety concerns from aggressive or threatening behaviour by some dog owners.
- Lack of interview rooms, secure workspaces, and retreat areas.
- Staff retention issues linked to inadequate facilities and safety risks.

#### c) Animal Welfare and Capacity

- Inadequate kennel capacity, with no dedicated quarantine, isolation, or puppy areas.
- Poor hygiene controls and limited exercise spaces.
- Limited accommodation for dangerous dogs, whelping bitches, or injured animals.

#### d) Public and Owner Experience

Restricted hours and poor visitor facilities.

 Frustration among dog owners and adopters due to limited access and inadequate services.

#### e) Compliance and Risk

- A March 2017 Ministry for Primary Industries (MPI) investigation noted that on the day of inspection animals were in good health and body condition, well-ventilated pens and the facility was clean and sanitary. However, several non-compliances were identified:
  - All processes described met minimum standards but there was no auditable standard procedures or records to verify.
  - The main building deficiency, is the open nature of the pound and inability to maintain temperatures throughout the year.
  - The lack of ability to assess and triage animals in an appropriate area before entering the main pound facility has a significant impact on the biosecurity of the facility and overall documentation and record keeping of incoming animals.
  - Poor documentation
- The facility must meet statutory requirements and prepare for potential future policy changes.

#### **Feasibility Study**

A project to upgrade or replace the facility was included in the 2024–2027 Three-Year Plan, with an initial budget allocation of \$1.5 million. This figure was a preliminary estimate made without the benefit of feasibility or design planning.

In March 2025, architectural firm Etch was engaged to assess the facility and provide a feasibility analysis. A set of requirements was defined with the core outcome being a modern, fit-for-purpose facility that:

- Resolves compliance with legal obligations,
- Delivers safer working conditions for staff,
- Provides higher welfare standards for animals.

The Feasibility Study and preliminary design has cost approximately \$150k and has been funded from the \$1.5m budget allocation included in the 2024–2027 Three-Year Plan. This leaves estimated ~\$1.35m for future phases.

#### **Options**

The current facility consists of 25 kennels and lacks critical infrastructure, including fit for purpose or dedicated spaces for puppies, isolation or quarantine facilities.

Areas for public interface are also limited, with only one counter and limited customer space.

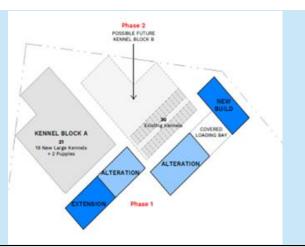
Three viable options have been identified through the feasibility work undertaken by Etch Architects.

Each option addresses the core operational and animal welfare requirements to varying degrees, and all have been designed with the potential for a future Phase 2 expansion. This would be adding an additional 20 kennels at an estimated cost of \$1.5m should demand and funding allow.

#### **Option 1: Alteration and Extension**

- 27 new design kennels
  - o 6 smaller, quarantine kennels
  - o 25 existing smaller kennels
  - o 2 puppy kennels
- 253m² building footprint

#### Estimated Construction Cost: \$2.9M

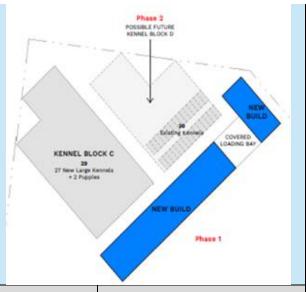


Pros	Cons
Utilizes existing structures	High-cost investments in low-value assets (i.e.
Lower capital costs	garages)
Enables continued occupation	Limited improvement in workflow efficiency
albeit more complex than	Greater ongoing maintenance costs
rebuild options	Less space for kennels now and in the future
	Greater cost risk with alterations
	Limited improvements to the customer experience

#### **Option 2: New Build**

- 35 new kennels
  - o 27 new large
  - o 2 new puppy kennels
  - o 6 smaller quarantine kennels
  - 25 existing kennels allow for redesign
- 240m² building footprint

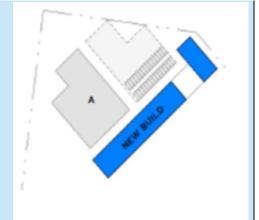
# **Estimated Construction Cost:** \$3.85M



Pros	Cons
<ul> <li>Allows for continued operation during construction, simpler than option 1</li> </ul>	Higher capital cost
Allows for construction sequencing	
Optimal workflow efficiency	
Significantly improved customer experience	
Lower ongoing maintenance costs	
<ul> <li>Enables continued occupation, less complex than option 1</li> </ul>	
<ul> <li>More space for kennels in the future (now and in the future)</li> </ul>	
<ul> <li>Less cost risk with new build projects</li> </ul>	

# Option 3: Hybrid (New Build with kennel block from Option one)

- 27 new design kennels
  - o 6 smaller quarantine kennels
  - o 25 existing smaller kennels
  - o 2 puppy kennels
- 240m² building footprint



#### Estimated Construction Cost: \$3.3M

Pro	os	Cons		
•	Significantly improved customer experience	<ul> <li>Less new kennels. 27 compared to 35 in Option 2</li> </ul>		
•	Lower ongoing maintenance costs Enables continued occupation, less complex than option 1	<ul> <li>Less space for kennels now and in the future</li> <li>Higher chance an additional 20 kenne</li> </ul>		
•	Reduced initial capital costs	block needed in next 5 to 10 years.		

#### **Operating Model, Processes and Systems**

A new facility presents not only an opportunity to address critical infrastructure but also to transform the broader operating model, systems, and service delivery of the activity. This will in turn enable the Animal Control Team to improve productivity and visibility, and through greater capacity have an increased presence in the community leading to:

- Increase revenue through improved capacity for enforcement, infringements, and registrations; and
- Improved services such as community education and animal adoption.

#### Progress to Date

While the project so far has focused primarily on the physical shelter design, it is closely aligned with a wider organisational review of the City Operations team "ways of working". Through the wider programme opportunities to improve the overall customer and internal processes and systems have already been identified and a number of practical process and technology improvements have been implemented. Examples of some quick wins implemented include:

- Email registration: Converting ~1700 owners from post to email for receiving their registration notices;
- Registration process: A review of the registration process which has increased the daily registration from ~75 per day to between 300 and 500 a day. This is also being managed with existing resourcing where previously a temporary resource for about five weeks was bought in for the task.
- Digitised Registration Forms: Enable on the-spot dog registration in the field, improving compliance and reducing administrative delays.

- GIS Mapping Access: Real-time field access to GIS maps showing property details, dog registration status, and classification (e.g. pet, menacing, or dangerous), enhancing situational awareness and officer safety.
- Proactive Service Request Logging: Ability to create service requests while on patrol, supporting targeted enforcement and identifying areas that require focused attention.
- Immediate Access to the National Dog Database: Allows officers to access the most up-to-date information on dogs and their owners, improving the customer experience by enabling registered dogs to be returned directly - avoiding unnecessary impoundment.
- Integration with the Companion Animal Register: Ability to access microchip and ownership data stored by local veterinarians, further aiding in the quick return of lost pets.
- Access to Relevant Legislation: Mobile access to key Acts and regulations governing Animal Control operations, supporting informed decision-making in the field.
- Identification of High-Risk Addresses: Quick reference to addresses flagged as safety risks to ensure appropriate precautions and officer safety.
- Portable Radios with GPS Panic Alerts: Deployment of radios equipped with GPSenabled panic buttons linked to a live mapping system, allowing immediate location alerts in the event of an emergency.

Other opportunities Officers would look to explore in a wider end to end review of the Animal Control activity would be:

- Deeper end-to-end process review and re-engineering focusing on further uplifting the quality of public experience, improved data and analytics, and improved productivity.
- Coupled with process re-engineering would be in-field technology solutions to enable more immediate recoding and signing of statements, digitally issuing infringement notices as examples.
- Base technology currently Animal Control data doesn't have a single home and Magiq (core finance and rates system) is used for registrations. A modern fit for purposes animal control / animal welfare system may unlock greater potential and enable benefits of improved processes and systems without retro fitting the service into core Council systems.
- Ensuring the facility design considers future information technology solutions such as digital devices at each dog kennel to allow live access to records and live record keeping.
- Reviewing national and international models to explore options such as "once and done" registration, annual registration with a permanent tag or microchip linked model, and alternative sources of revenue.

The hypothesis is that a work stream focused on the Operating Model, Processes and Systems will deliver an improved service offering, increased revenue, and cost savings.

#### Officer's recommendation

The Feasibility Study and preliminary design has highlighted the current capital budget of \$1.5m set aside in the 2024-2027 Three-Year Plan is insufficient to achieve the core objectives of delivering a modern, fit-for-purpose facility that resolves compliance with

legal obligations, delivers safer working conditions for staff, and provides higher welfare standards for animals.

Officer's preferred option is Option 2 (New Build), noting that Option 3 (Hybrid) is reasonable and workable.

It is recommended that Council approve Officer's progress with designing the New Build option on the following basis:

- design in a manner, where practicable, delivery can be phased prioritizing resolving compliance issues first;
- design in a manner that if the business case proves prohibitive, design work can be repurposed for the hybrid option;
- the business case for the facility covers on-going operating costs (e.g. all of life costs), and costs of the wider operating model, process and systems work stream and benefits from that workstream; and funding options; and
- delegate to the Deputy Chief Executive approval of the design project budget, within the remaining ~\$1.35m budget allocation under the 2024-2027 Three-Year Plan with the expectation that a portion of this funding will be available to complete at least the first delivery phase.

#### 3.3 Significance and Engagement

N/A

#### 3.4 Implications

#### **Financial**

The overall funding required is greater than the budget allocation in the 2024 - 2027 Three-Year Plan. The recommended approach is to progress with design and use the business case to inform how remaining budget allocation is used before the 2027 - 2030 Long Term Plan is approved.

The table below provides an indicative range of scenarios:

Scenario	Estimated capex	Annual debt servicing*	Change to Revenue & Financing Policy
Alteration &	\$2.9m	~\$200k	Yes
extension			
New build	\$3.85m	~\$280k	Yes
Hybrid	\$3.3m	~\$250k	Yes

<sup>\*</sup>based on a 25 year term.

The current Revenue and Financing Policy requires the Animal Control activity to recover between 50-60% of costs from non-rate sources (e.g. registration and impounding fees).

Servicing a \$3.85m loan (option 2) adds approximately \$280k per year in costs. To accommodate this, the cost recovery target would need to increase to 60-70%.

The Animal Control activity is currently exceeding its recovery target by approximately \$300k, making the proposed increase achievable. This is without deeper analysis of the operating model, process and system changes. The business case phase will also assess all of life operating cost of the new facility. The hypothesis is that the new build option would have a lower operating cost model than the hybrid option.

All Council activity cost recovery targets are under review as part of the Revenue and Financing policy review. Any changes will be consulted with the community as part of the Annual Plan 2026/27 and any changes would take effect from 1 July 2026.

#### **Social & Policy**

N/A

#### Risk

There are two core risks in relation to this decision point:

- 1. The cost of a new build is prohibitive once the full business case is pulled together.
  - This risk will be managed by resolution to design in a manner that if the business case proves prohibitive, design work can be repurposed for the hybrid option.
- 2. Funding to complete the project is not approved as part of the 2027 2037 Long Term Plan.

This risk is managed by the resolution to design in a manner, where practicable, delivery can be phased with phasing focused on resolving compliance issues first.

#### 3.4 Options

N/A

#### 3.5 Development of Preferred Option

N/A

#### 3.6 Attachments

Nil

#### 4. ADOPTION OF THE AHURIRI REGIONAL PARK MASTERPLAN

Type of Report:	Procedural
Legal Reference:	N/A
Document ID:	1864685
Reporting Officer/s & Unit:	Connie Whelan-Mills, Strategic Planning Lead

#### 4.1 Purpose of Report

To adopt the Ahuriri Regional Park Masterplan

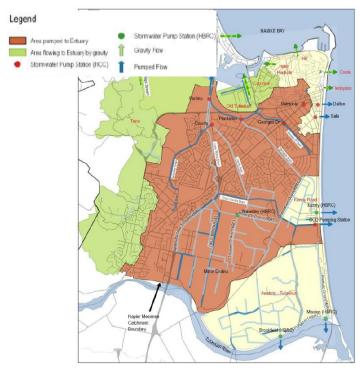
#### Officer's Recommendation

That Council:

- Receive the report titled "Adoption of the Ahuriri Regional Park Masterplan" dated 31 July 2025.
- b. **Adopt** the Ahuriri Regional Park Masterplan (Doc Id 1866366)
- c. Note that adoption of the masterplan does not commit Council to implementation funding. Placeholder funding has been signalled in the Long Term Plan from 2028, but this will be subject to future budget decisions.

#### 4.2 Background Summary

The Ahuriri Regional Park (ARP) was first identified as a priority initiative in the 2018 Ahuriri Estuary and Coastal Edge Masterplan. The project gained momentum as Napier City Council and Hawke's Bay Regional Council considered their joint responsibilities under



the combined urban stormwater discharge permit for the Pirimu Stream (AUTH-123310-01). As illustrated in Figure 1, stormwater from Napier's urban area is conveyed via a pumped network into the Pirimu Stream prior to entering the Te Whanganui o Orotu (Ahuriri Estuary), with future discharges to be directed through the ARP.

This discharge consent expires in 2040 and sets out a staged programme of investigations and implementation to improve water quality, including at-source, in-stream, and end-of-line treatment methods.

The ARP provides the key mechanism for delivering end-of-line treatment via constructed wetlands, complementing other ongoing initiatives such as the Proposed District Plan's stormwater provisions, the Stormwater Bylaw, the Environmental Solutions Team's work programmes, and Three Waters' stream restoration and diversion projects. Collectively, these efforts position Napier City Council favourably for re-consenting the urban discharge, with the ARP wetlands expected to significantly enhance stormwater quality entering Te Whanga.

Utilising the Lagoon Farm site for stormwater improvements, alongside biodiversity enhancement, cultural narratives have also been identified through the Lagoon Farm Strategy for Future Land use (2020), Napier City Stormwater Masterplan (2020), Stormwater Quality and Flooding Options (2023) and Te Muriwai o Te Whanga Plan (2024).

The Ahuriri Regional Park Joint Committee (ARP-JC) was established in 2023 to oversee the project through a co-governance arrangement involving Napier City Council, Hawke's Bay Regional Council, and Mana Ahuriri Trust. Its purpose is to lead the development of the park in a way that actively restores the health and wellbeing of the estuary, reflecting shared governance responsibilities and cultural values.

To support the Joint Committee, a Technical Advisory Group (TAG) was formed in 2024. This multidisciplinary group brings together expertise in ecology, mātauranga Māori, flood protection, avifauna, parks, and planning from across the partner organisations, along with representatives from the Department of Conservation and Hawke's Bay Airport Limited.

The ARP-JC has set a clear vision for the park; to create a resilient, ecologically rich landscape that enhances water quality, supports biodiversity, and enables sustainable cultural and recreational opportunities.

The Masterplan focuses on promoting climate resilience, restoring natural estuarine margins, and improving the health of stormwater systems discharging into Te Whanga. Key project drivers include the establishment of stormwater treatment wetlands, recognition of the park as a regionally significant infrastructure for water quality, and advancing shared aspirations to return mauri (life force) to the estuary, uphold ecological integrity, and maintain a predominantly natural environment.

#### **Development Process:**

The development of the Ahuriri Regional Park Masterplan followed a structured, four-phase process (Figure 2), established at the project's inception:

- 1. Establishment and Discovery,
- 2. Visioning,
- 3. Options and Shaping, and
- 4. Delivery.

A clear and shared vision was central to the project. It was developed early in the process by the Ahuriri Regional Park Joint Committee and Project Team, and later reconfirmed through engagement with key stakeholders and Mana Ahuriri. This vision informed the generation of early concept options, which were explored in targeted workshops involving key partners, including Mana Ahuriri.

Specialist input was sought to inform the process, including avifauna expertise and direct engagement with Hawke's Bay Airport. These inputs played a critical role in shaping the draft concept and will continue to guide the delivery of specific elements of the park.

The Technical Advisory Group (TAG) provided technical oversight and played a vital role throughout the options development phase. TAG served as a critical checkpoint to ensure that design decisions remained aligned with

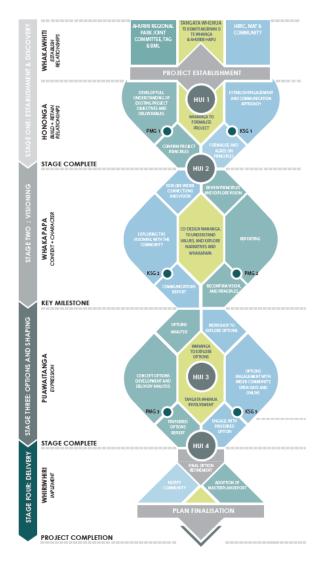


Figure 2. Masterplan development methodology

project drivers and key performance measures. A Multi-Criteria Analysis (MCA) was undertaken by the project team and reviewed in collaboration with TAG to assess and identify a preferred concept.

Following the identification of the preferred option, informed by TAG, Mana Ahuriri, and key stakeholder input, the draft masterplan was endorsed by the Joint Committee and released for public consultation in April 2025.

The masterplan now presented for adoption is a refined version of that preferred concept, shaped by feedback from the public, further technical input from TAG, and the recommendations of the Joint Committee at its meeting on 23 May 2025. It includes a suite of sub-projects, with several core initiatives identified for early implementation.

All projects within the masterplan will require further technical investigations, detailed design, and cost estimation prior to progressing through formal approvals and into delivery. Later-stage initiatives (Stages 2 and 3) are aspirational in nature and will depend on future funding, partnerships, and the preparation of robust business cases to confirm feasibility and long-term sustainability.

VISION + Approve engagement Plan

TAG Workshop

TAG Worksh

The journey the project has been on is captured by Figure 3, highlighting key dates.

Figure 3. Masterplan development journey

#### Key initiatives include:

- Constructing a 100+ hectare treatment wetland at Lagoon Farm to intercept and filter stormwater from urban catchments such as the Pūrimu before it reaches the estuary.
   The wetlands have been sized to accommodate all of Napier's urban stormwater being discharged into Te Whanga excluding Taipo and Pandora.
- Undertaking large-scale revegetation with native forest, shrubland, and wetland ecosystems to support future mahinga kai (traditional food gathering) practices.
- Embedding cultural values, histories, and stories throughout the park.
- Developing recreational pathways and park facilities that align with low-impact, naturecompatible use.
- Exploring partnerships for the development of public amenities and complementary commercial facilities.

All elements of the masterplan will be subject to further design, consenting, and business case evaluation (where appropriate) to ensure long-term ecological and financial sustainability. This process will also include assessment and mitigation of operational risks, including the potential for bird strike in proximity to airport operations.

In addition to outlining key initiatives, the masterplan provides a detailed analysis of the site's constraints and opportunities. This includes consideration of hydrology, pedestrian connectivity, habitat restoration, airport flight paths, bird strike risk, viewshafts, historic land use patterns, and floodplain dynamics.

#### **Masterplan Staging**

Following public feedback, the ARP-JC reviewed of all the proposed initiatives within the masterplan. The Committee was conscious of the need to ensure that the plan remained fiscally responsible and deliverable. The review centred on identifying only the essential

projects that align with the core objectives of the park specifically improving stormwater quality, restoring ecological and cultural values, and providing accessible public space.

The ARP-JC consolidated the masterplan to prioritise essential projects, deferred lower-priority projects for future consideration, and identified opportunities for external funding or public-private partnerships labelling these clearly as 'non-funded'. Each initiative has been critically assessed, with a particular focus on maximising delivery efficiencies for example, bundling works by reusing earth from wetland construction to naturalise existing channels and create walking paths.

The outcome of this effort has resulted in three distinct phases:

- 1) Core Regional Park Programmes (page 38)
  - To be implemented over the next 10 years
- 2) Stage 2 Regional Park Programmes (page 39)
  - Projects build upon core initiatives, staged for years 6-20
- 3) Non-funded Potential Future Partnership Opportunities (page 40)

Aspirational projects intended to come online from year 8 onward as external funding or delivery partnerships emerge

It is important to note that a masterplan is a spatial planning tool. It identifies potential colocated activities that, when implemented together, can deliver greater collective outcomes. The timing and configuration of individual projects may evolve over time, provided they remain consistent with the intent and vision established for each area of the park.

#### **Next Steps**

In accordance with the direction of the ARP-JC, the project team will prepare an information pack for partner councils and Mana Ahuriri Trust ahead of the next Long Term Plan development cycle. This pack will include a detailed phasing plan, indicative budget for each initiative, and a draft procurement plan to provide greater certainty on the timing, resourcing, and sequencing of works within each stage of the masterplan. It is anticipated that the pack will be completed by April 2026, enabling informed consideration of project implementation as part of each organisation's Long Term Plan development.

The ARP-JC has recommended that partner councils and Mana Ahuriri Trust:

- Adopt the Ahuriri Regional Park Masterplan;
- Note the inclusion of a phasing framework and cost planning work underway; and
- Maintain high-level funding placeholders in each organisation's Long Term Plan budgets.

#### 4.3 Issues

#### Bird Strike

The proximity of Hawke's Bay Airport has been recognised from the outset as the primary risk to the success of the ARP project. The project team has been proactive in managing this issue. Engagement with Hawke's Bay Airport Limited (HBAL) has included a series of meetings with both the Board, senior leadership and staff, involving ARP-JC members and officers. HBAL staff have been embedded in the TAG, and more recently, HBAL's Chief Executive has joined the ARP-JC in a non-voting capacity to support strong alignment and oversight.

To inform risk mitigation, the project has engaged an avifauna specialist to assess potential bird strike risk and provide design recommendations, which have been incorporated into the masterplan. To further strengthen this understanding, a Bird Strike Risk Assessment has been commissioned. The scope of this assessment was developed in collaboration with HBAL and is expected to be completed by the end of the 2025 calendar year.

Should the assessment confirm that the park can be managed in a way that avoids any net increase in bird strike risk and ideally reduces residual risk compared to current conditions, the next step will be to develop a Wildlife Monitoring and Maintenance Plan. This plan will be prepared prior to advancing any elements of the park to detailed design or construction, and will be developed in collaboration with HBAL, airspace users, and specialist interest groups.

#### Value Management

As with any large-scale infrastructure or environmental project, managing cost escalation presents an ongoing challenge. To address this, a dedicated funding investigation is underway to explore alternative funding mechanisms beyond traditional local government sources. This includes identifying opportunities for central government investment, public-private partnerships, and philanthropic or environmental grant funding to reduce the burden on ratepayers.

In parallel, the project's forward work programme has included the early and ongoing engagement of a Quantity Surveyor (QS). The QS will participate in design workshops and is embedded throughout each stage of design to provide real-time cost advice, track design implications, and ensure that cost considerations are fully integrated into project decisions. This approach supports value-based design and disciplined delivery.

#### Naming of the Project/ Space

The term Ahuriri Regional Park has been used throughout the development of the masterplan as a working title. From the outset, the project team acknowledged that this name is provisional, pending a more appropriate and culturally grounded identity for the space. Through public feedback and stakeholder engagement, it has become increasingly clear that the word "Park" can unintentionally signal a recreational or leisure-focused purpose where people come to "stay and play" which does not reflect the vision or function of the space.

To address this, the project team has initiated a naming process in collaboration with Te Waka Rangapū, under the guidance of co-partner Mana Ahuriri Trust. The ARP-JC has formally recognised the need to investigate a more meaningful and accurate name, and it is recommended that Council likewise note this commitment. Any proposed name will return to the ARP-JC for endorsement prior to formal consideration by partner councils.

#### Managing Perception of Masterplan Adoption

It is important to clearly communicate that adopting the Ahuriri Regional Park Masterplan does not represent a commitment to immediate construction. Rather, the masterplan provides a high-level spatial framework that outlines a long-term vision and identifies a suite of potential projects for further development.

Adoption of the masterplan is a strategic milestone that enables further investigation and refinement of individual initiatives, including concept and detailed design, business case development, procurement planning, and staged implementation. Some of these initiatives may span multiple decades or generations. The purpose of adopting the masterplan is to signal Council's support for the vision and direction of the project, not to approve or commit construction funding (aside from ongoing consulting) at this stage.

#### 4.4 Significance and Engagement

The development of the masterplan followed an engagement plan formally endorsed by the ARP-JC. The engagement plan identified high interest groups likely to have a strong connection to, or be directly affected by, the future park, including:

- Parklands and Poraiti Community
- Ahuriri Estuary Protection Society
- Ahuriri Catchment Group
- User Groups including walking and cycling, bike Hawke's Bay, water sports clubs, scouts

Engagement methods included:

- A regularly updated webpage
- Two wānanga hui with Mana Ahuriri Trustees
- Two evening workshops with key stakeholders
- A stall at the Napier City Council 'Open House' event
- Social media drive including a Facebook event and web videos
- Say It! webpage
- On site open day

Smaller, more focused workshops were also held with key stakeholders to explore their visions for the space and to share more detailed information about the project's drivers and objectives. These sessions were well attended and generated engaged, constructive feedback.

Public feedback on the draft masterplan was sought through a non-statutory process, as there is currently no legal requirement for formal consultation at this stage. However, the ARP-JC felt it was important to involve the community early to help shape the direction of the project. Formal consultation will be required in the future, particularly as funding for specific projects is sought through the Long Term Plan process.

Submissions and feedback were received from a diverse range of individuals and organisations, including:

- Individuals
- · Biodiversity Hawke's Bay
- Birds NZ
- New Zealand Air Ambulance Service/ Skyline Aviation
- Air Napier Limited
- Waka Ama Kaungunu

Hawke's Bay Airport Limited

#### 4.5 Implications

#### **Financial**

There are no additional financial implications for Napier City Council resulting from the adoption of the Ahuriri Regional Park Masterplan.

The masterplan has been developed within the existing budget allocation, jointly funded by Napier City Council and Hawke's Bay Regional Council. The current 2024–2027 Three Year Plan allocated just under \$300,000 for the preparation of the masterplan over three years. This budget will continue to support the development of Stage 1 initiatives through to initial implementation phases; however, it is not sufficient to fully fund all preparatory work for Stage 1. Rather, it will serve as a contribution toward the broader delivery of those projects.

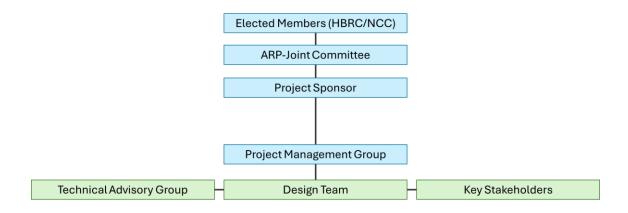
Napier City Council's LTP includes a funding allocation of \$13.2 million for the implementation of core park initiatives from 2028 onwards, with Hawke's Bay Regional Council having committed approximately \$9 million from 2032. These core initiatives (listed on page 38 of the masterplan) will be developed to project-level detail prior to the next LTP funding cycle, with an intention to seek formal adoption of project level budget in 2027.

#### **Social & Policy**

The masterplan aligns with several of Council's strategic goals and supports regional efforts to improve water quality, build climate resilience, restore ecological health, and enhance public access to open space. The vision and process underpinning the masterplan are consistent with partnership and co-governance approaches, particularly with Mana Ahuriri Trust, and reflect a commitment to sustainable, intergenerational outcomes.

#### Risk

Throughout the development of the ARP Masterplan a risk matrix was developed, monitored and reported on. The diagram below outlines the project structure for the development of the masterplan. Following adoption (if adopted), the risk framework may be subject to change to respond to the needs of the project.



Day to day decisions and risk mitigation is managed by the Project Controller within the Project Management Group, with this group providing the first point of escalation. The next

escalation point is the Project Sponsor/ Senior Responsible officer, who in this instance is the Director of City Strategy. Their primary responsibility is to provide overall strategic direction and support, aligning the project's objectives with the organisation's goals. Risk has been periodically reported to the ARP-JC via project managers updates throughout the development of the masterplan.

The primary risk between adopting the masterplan and implementation is the bird strike matter. This has been reported on above and methods of risk management are being followed. The Chair of the ARP-JC has confirmed that the masterplan will not follow through to implementation if bird strike risk increases beyond what can be mitigated.

#### 4.6 Options

The options available to Council are as follows:

- Adopt the Ahuriri Regional Park Masterplan recognising that Core Programs are currently funded through the Napier City Council Long Term Plan from 2028 onwards.
- Recommend changes to the Ahuriri Regional Park Masterplan before reconsidering the document for adoption.
- c. Not adopt the Ahuriri Regional Park Masterplan

#### 4.7 Development of Preferred Option

The preferred option has been centred around providing the maximum space feasible for stormwater wetlands, as advised by the Lagoon Farm Stormwater Diversion Project. The masterplan has been developed with the needs of our partners and the feedback from the community. The joint committee interrogated three different options: one with a recreational forward focus, another with a nature-first approach, and a third with interwoven land use. The preferred option integrates aspects of both the interwoven land use and nature-first options to create a comprehensive and balanced masterplan.

#### 4.8 Attachments

1 Draft Ahuriri Regional Park Masterplan (Doc Id 1866366) (Under separate cover 1)

# 5. INTEGRATED TRADE WASTE AND WASTEWATER BYLAW 2022 - DELEGATIONS

Type of Report:	Operational and Procedural
Legal Reference:	Local Government (Rating) Act 2002
Document ID:	1865608
Reporting Officer/s & Unit:	Laura Rolls, Environmental Compliance Officer

#### .1 Purpose of Report

The purpose of this report is to confirm that the delegation review requirement outlined in the Council's resolution of 12 December 2024 has been satisfied and to seek Council delegation to the Chief Executive. It provides a summary of the legal and procedural work undertaken in relation to the Integrated Trade Waste and Wastewater Bylaw 2022 and seeks Council's confirmation that no further action is required. This report also reaffirms the Chief Executive's (CE) delegated authority and outlines the safeguards in place for matters requiring Council oversight.

#### Officer's Recommendation

That Council:

- a) **Note** that the review of delegations under the Integrated Trade Waste and Wastewater Bylaw 2022 (Doc Id 1859654) has been completed as part of the legal review process.
- b) **Delegate** authority to the Chief Executive all duties and actions under the Integrated Trade Waste and Wastewater Bylaw 2022; and
- c) **Note** that Officers will seek sub-delegation from the Chief Executive to perform the duties and decision making required under the bylaw, outlined in the attached document *Integrated Tradewaste and Wastewater Bylaw 2022 Sub-delegations*. (Doc Id 1866221).
- d) **Confirms** that any compliance and enforcement decision relating to the Integrated Trade Waste and Wastewater bylaw (2022) is subject to the Compliance and Enforcement Policy (Document Id 1805855),
- e) **Note** that any person objecting to a decision of the Chief Executive under the Integrated Trade Waste and Wastewater Bylaw and Compliance and Enforcement Policy shall have a right of objection to the Hearings Committee, with the objector responsible for all costs associated with the objection process.
- f) **Delegate** to the Chief Executive all other aspects of the administration and enforcement of the Trade Waste Bylaw, consistent with this resolution.

#### 5.2 Background Summary

The Integrated Trade Waste and Wastewater Bylaw 2022 was formally adopted by Council, effective 1 August 2022. Duties and actions under the bylaw require delegation by Council to the CE to ensure Napier City Council can adequately manage its wastewater

services and the associated network. Officers identified that this delegation was not obtained when the bylaw was adopted by council.

This report confirms the requirements of the Council resolution from 12 December 2024 regarding the delegation of authority under the Integrated Trade Waste and Wastewater Bylaw 2022 have been met.

### Council resolved:

"Delegate authority to the Chief Executive to exercise all the Council's duties and actions under the Integrated Trade Waste and Wastewater Bylaw 2022, subject to a review of delegations being undertaken as part of the Tradewaste Bylaw review to be brought back to Council in March 2025."

This report outlines the work undertaken to review delegations and associated bylaw, and provides assurance that no further action is required to satisfy this requirement.

The independent Trade Waste Bylaw review was presented to Council on 26 June 2025. Officers understood this to satisfy the above requirement. However, clarification was sought by Council regarding whether the delegation review component had been sufficiently addressed.

#### .3 Issues

The Chief Executive does not currently have delegation under the Integrated Trade Waste and Wastewater 2022 bylaw. Decision making required by staff under the Bylaw has paused while we rectify this issue.

Multiple pieces of work have been undertaken. These include:

- A legal review of delegations specific to the bylaw Legal advice has been obtained on this matter. Refer to attachment, legal review of delegations by Simpson Grierson (Attachment 2).
- A legal review of the following, completed by Helen Atkins, Atkins Law (Attachment 3):
  - The legal framework for the Bylaw
  - An overview of the Bylaw
  - Reference to the Model Bylaw
  - An overview of the Administration Manual
  - Reference to the Gap Analysis
  - Commentary on the Consultation Notes
- An independent review of the Trade Waste Bylaw led by Richard Bax Consulting. Recommendations from this review were presented to Council and endorsed on the 26 June 2025.
- Peer Legal review completed by Willis Legal (Attachment 4) of the entirety of this
  work to ensure the recommended delegations align with regulatory requirements,
  Council Policy and best practice.

Based on these interpretations, officers are confident that the intent of the Council resolution has been met through the work already undertaken.

### **Compliance and Enforcement**

The Compliance and Enforcement Policy (CEP) (Attachment 5), adopted by Council on 5 November 2024, outlines the enforcement process for addressing non-compliance. Where a matter involves significant risk, harm, or public interest, it is escalated to the Compliance and Enforcement Panel (CEP) for assessment. Following this assessment, the final decision on whether to proceed with prosecution rests with the Chief Executive (CE), based on legal advice received. For further detail, please refer to Section 8 of the CEP.

### **Delegations Framework**

The following clause from the Delegations to Chief Executive Officers and Statutory Appointments Register is relevant to note:

"The Council encourages the Chief Executive to report to Council if any matter is considered difficult, is of particular political importance or sensitivity, where there is special community interest in it, or where the matter relates to a subject area where council policy is unclear."

This provides a safeguard for matters that may require further Council oversight even where delegation to the CE exists.

Additionally, the delegation granted by Council in the register mentioned above includes the power to sub-delegate:

"The Council specifically delegates authority to the Chief Executive the power to sub-delegate to other officers any or all of the powers or authorities delegated to him or her. All sub-delegations must be given by the Chief Executive in writing."

#### **Conclusions**

Officers consider that the delegation review requirement has been met through the legal review process already undertaken. No further work is required to satisfy the 12 December 2022 resolution. This report serves to formally document that conclusion and provide assurance to Council that appropriate processes are followed.

### .4 Significance and Engagement

N/A

### .5 Implications

### **Financial**

N/A

## Social & Policy

This Bylaw is mandated to be reviewed within five (5) years from 1 August 2022; however, following the Council meeting held on 26 July 2025, Council endorsed a review of the Integrated Napier City Council Trade Waste and Wastewater Bylaw 2022, noting that this will trigger a full bylaw review process. Without delegation being given to the CE, officers are unable to seek sub-delegation to undertake the actions set out in the current bylaw.

### Risk

The risk associated with approving the delegation to the Chief Executive is low.

### .6 Options

The options available to Council are as follows:

- a. Issue delegation to the Chief Executive to perform the duties outlined in the bylaw.
- b. Do not delegate authority to the Chief Executive the duties under the Bylaw.

### .7 Development of Preferred Option

**Option a)** Delegation issued to Chief Executive at close of meeting. Officers to seek subdelegation from the Chief Executive in due course.

### 5.8 Attachments

- 1 Integrated Tradewaste and Wastewater Bylaw 2022 Sub-Delegations (Doc Id 1866221) 4
- 2 Simpson Grierson Bylaw Delegations Review (Doc Id 1865605) J.
- 3 Helen Atkins Legal Review (Doc Id 1865606) J.
- 4 Willis Legal Peer Review (Doc Id 1865604) J.
- 5 Compliance and Enforcement Policy (Doc Id 1866222) &

Integrated T	Integrated Tradewaste and Wastewater Bylaw 2022			
Clause	Bylaw text	Sub - delegation (position)		
A.12.2	During an emergency the Council may restrict or prohibit the use of a Wastewater Service for any specified purpose, for any specified period, and for any or all Persons connected to the Wastewater Services.	Chief Executive		
A.12.3	Such restrictions will be publicly notified when deemed necessary by the Council. The Council may enact penalties over and above those contained in this Bylaw to enforce such restrictions.	Chief Executive		
A.14.3	Except under emergency conditions, the Council will give 24 hours prior notice to the Customer or Operator of the intended entry. Under emergency conditions, the Council is not required to provide notice to the Customer or Operator of its intended entry.	Warranted Trade Waste Officer		
A.14.4	Under emergency conditions, a Customer or Operator must allow the Council free and unimpeded access to and about the Point of Discharge. Emergency conditions include situations involving blockages of the Public Wastewater System, or where the Council has reasonable grounds to suspect that the Public Wastewater System is being misused or that a non-complying connection to the Public Wastewater System has been made.	Warranted Trade Waste Officer		
A.15.7	If a Person Discharging to the Public Wastewater System fails to pay any fees and charges under this bylaw the Council may cancel their consent to discharge and may Disconnect service in certain circumstances.	Chief Executive		
A.16.1	The Council may recover the following costs pursuant to the Local Government Act 2002: a. b. c. costs incurred by the Council in relation to activities Approved or consented under this Bylaw; the amount of the destruction or damage; or the cost incurred by the Council in removing the stoppage or obstruction; or any loss or expenses incurred by the Council by the stoppage or obstruction or interference caused by any Person who wilfully or negligently destroys, damages, stops, obstructs, or otherwise interferes with the Public Wastewater System; and the costs of remedying damage associated with a breach of this Bylaw by any Person, upon their conviction.	Chief Executive		
A.19.3	The Council may: a. remove or alter any work or thing that is, or has been, constructed in breach of this Bylaw; and b. recover the costs of removal or alteration from the Person who committed the breach.	Chief Executive		

B.6.21	Waste Consent until any new Trade Waste Consent is issued.	
	require the Consent Holder to cease discharging Trade Waste at the expiry of their existing Trade	Chief Executive
B.6.19	may continue to discharge Trade Waste in accordance with the conditions of the existing Trade Waste Consent until: a. b. The Council issues a renewed Trade Waste Consent; or The Council declines to issue a renewed Trade Waste Consent.  Where an application to renew a Trade Waste Consent has not been received the Council may	Executive Director Water Services
	Where an application to renew a Trade Waste Consent has been received, the Consent Holder	
B.6.14	discharge of Trade Waste from the Premises.	
	Council or any other egal requirements imposed on the Council; in which case the Council may require the Approval Notice holder to apply for an appropriate Trade Waste Consent or cease the	
	Prohibited discharge; or Cancellation of the Approval Notice is necessary, in the Council's opinion, to meet the requirement(s) of any new or amended resource consent granted to the	
	Administration Manual such that the discharge becomes a Conditional, Controlled, or	Executive Director Water Services
	Characteristics of the Trade Waste by any amendment to, or replacement of, this Bylaw or	Fyzavitiva Director Water Comit-
	discharge; or The Council changes the Trade Waste management procedures or the	
	change significantly to such an extent that it becomes a Conditional, Controlled, or Prohibited	
	indefinitely unless: a. b. c. The quantity and nature of the discharge changes or is likely to	
	A Permitted Trade Waste discharge authorised by an Approval Notice is able to be discharged	
B.6.13	timeframe, then the Trade Waste Consent will expire.	
	reasonable timeframe as agreed with the Council. If a plan is not submitted within the required	Offici Excoutive
	Administration Manual, a Trade Waste Consent Holder must submit a plan that details the changes they will make to ensure compliance with the amendments, to be implemented in a	Chief Executive
	Within 20 Working Days of the adoption of relevant amendments to Schedule A of the	
B.6.8	the Administration Manual.	
	Consent Holder review the Trade Waste Consent using the process outlined in Clause B.4.7 of	Chief Executive
	The Council may, at any time during the term of a Trade Waste Consent, by written notice to the	
A.19.5	prevents a discharge of Wastewater from the Premises.	
	The Council may prohibit the discharge of Wastewater (including Trade Waste) which contravenes this Bylaw by removing, closing or modifying the Point of Discharge in a manner that	Chief Executive

B.6.22	The Council may suspend or cancel any Trade Waste Consent at any time following not less than 20 Working Days' Notice, to the Consent Holder or Person discharging or Person allowing a discharge of any Trade Waste, where: a. iii. iv. v. vi. vii. In the opinion of an Authorised Officer, the Consent Holder has: Failed to comply with any condition of the Trade Waste Consent; Failed to maintain effective control over the Trade Waste discharge from the Premises; Failed to provide or update an Environmental Management Plan as required; Failed to adhere to an Environmental Management Plan; Failed to pay any charges under this Bylaw; viii. Discharged or allowed the discharge of any Prohibited Trade Waste; b. Following a review of the technical issues considered when setting conditions of consent; c. d. e. f. Due to new information becoming available; To meet the requirement of any new or existing resource consent imposed on the discharge from the Public Wastewater System; To meet any other legal requirements imposed on the Council; If any other circumstances arise which, in the opinion of the Council, render it necessary in the public interest to cancel the Trade Waste Consent; If any process changes require more than 20 Working Days, reasonable time may be given to make the necessary changes or cease the discharge.	Chief Executive
B.6.23	The Council may suspend or cancel any Trade Waste Consent to discharge at any time where in the opinion of an Authorised Officer: a. b. c. d. e. f. g. h. i. j. k. l. Any breach of a resource consent imposed on the discharge from the Public Wastewater Network has arisen from (whether wholly or partly) the Trade Waste discharge from a particular Premises; and/or To meet the requirement of any new resource consent imposed on the discharge from the Public Wastewater Network; and/or Any act or omission of the Consent Holder is, or is likely to: Adversely affect the safety of the Public Wastewater System; and/or Damage any part of the Public Wastewater System; and/or Adversely affect the health or safety of any Person; and/or Adversely affect the environment; and/or The Consent Holder has Discharged or allowed the Discharge of any Prohibited Trade Waste; and/or The Council is lawfully directed to withdraw or otherwise to terminate the Trade Waste Consent immediately; and/or The Consent Holder, or their contractor using a Tankered Waste disposal system, has discharged any Trade Waste unlawfully; and/or To meet any other legal requirements imposed on the Council; and/or If any other circumstances arise that render it necessary in the public interest to cancel the Trade Waste Consent.	Chief Executive

B.6.28	The Council will not unreasonably withhold Approval to renew a Trade Waste Consent on change of ownership or occupation of Premises if the Characteristics of the Trade Waste remain unchanged.	Executive Director Water Services
B.7.2	The Council may approve a Trade Waste Consent subject to the provision of appropriate Pretreatment system(s) to enable the Consent Holder to comply with this Bylaw. Such Pretreatment systems must be provided, operated and maintained by the Consent Holder at their expense.	Executive Director Water Services
B.7.5	Refuse or garbage grinders and macerators must not be used to dispose of solid waste from Food Premises to the Public Wastewater System unless approved by Council.	Warranted Trade Waste Officer
B.7.12	The Council may accept Tankered Wastes for discharge at an approved location, subject to: a. i. ii. iii. iii. iv. v. b. c. d. e. The Tankered Waste being fully documented in accordance with the Liquid and Hazardous Substances Code of Practice, including: A description of the type of waste; The name of discharger and location; The source, date and time of collection; The volume of waste collected; and The identification number and vehicle registration number. Tankered Waste will be analysed to determine its Characteristics if the contents of the waste are not known. Specialist advice on Pre-treatment or acceptance may be required. The cost of all analysis and advice will be borne by the Consent Holder; Tankered Waste is not to be picked up and transported to the disposal site until appropriate arrangements, documentation and method for disposal have been determined by the Council; To prevent cross-contamination between tanker loads, the tanker must be thoroughly washed prior to collecting a load for disposal into the Public Wastewater System; and 24 hours' notice must be given to the Council for the disposal of wastes other than those sourced rom domestic septic tanks, wherever possible. f. i. ii. g. Any Tankered Waste Operator intending to discharge to a Council facility must have: A current Conditional Trade Waste Consent; and A Certificate of Registration for Offensive Trade. All Tankered Waste must be treated in accordance with the conditions of the relevant Trade Waste Consent.	Manager Treatment and Pump Operations
В.7.12		
B.7.14	Tankers must have Safety Data Sheets (SDS) meeting Worksafe New Zealand's requirements and available to Council upon request. If an SDS is not available, alternative information acceptable to Council must be made available in written or electronic form.	Manager Treatment and Pump Operations

B.7.15	Tankered Waste may be randomly tested, from time to time and at the Council's discretion, to determine the Characteristics. The cost of any random tests must be borne by the Consent Holder.	Manager Treatment and Pump Operations
	Discharges the Public Wastewater System from Mobile Facility and Vendor Operations must be	Manager Treatment and Pump
B.7.16	at a location and in a manner approved by Council	Operations
B.8.1	Metering to measure the flow rate and volume of a Trade Waste discharge may be required by the Council in accordance with the Administration Manual.	Warranted Trade Waste Officer
B.8.4	In Premises where there is no Meter or similar apparatus, or the Meter is out of repair or ceases to register, or where in the opinion of the Council the Meter has been, or has likely been, tampered with, the Council will estimate the rate and quantity of Trade Waste discharge in accordance with the Administration Manual	Warranted Trade Waste Officer



# Our advice

Prepared for Laura Rolls, Environmental Compliance Officer, Napier City Council

**Prepared by** Judith Cheyne and Jonathan Salter

Date 14 November 2024

PRIVILEGED AND CONFIDENTIAL

## Advice on Bylaw Delegations

### **Background**

The Council realised in February this year that (non-financial) delegations may not have been given to Council officers when the Integrated Trade Waste and Wastewater Bylaw 2022 (**Bylaw**) was adopted.<sup>1</sup> Delegations are normally made to the CE, who then sub-delegates to other officers.<sup>2</sup>

Since the Bylaw came into force on 1 August 2022, officers have granted consents, imposed charges and exercised other functions under the Bylaw. No consents have been granted or charges made since the discovery of the potential delegations issue.

You are not sure if the current delegations provide for a general delegation to the CE to exercise all bylaw powers, but the register is out of date (and is not available online).<sup>3</sup>

A report to the council is being prepared to request that delegations under the Bylaw be given to the chief executive (**CE**).<sup>4</sup> The CE will then subdelegate relevant bylaw provision powers to specific officer roles, as set out in the table you provided.

### Questions and Answers

What is a 'business as usual' task that doesn't need to be delegated, and what are things that can only be done by staff if there is a delegation?

In general terms, if there is no discretion to be exercised, or decision-making required of an officer to perform the function, it is not something that needs to be delegated. It is an administrative function or operational

<sup>1</sup> The Bylaw was made under section 146 of the Local Government Act 2002 and was adopted on 14 July. None of the Council's resolution relating to the Bylaw adoption provided for or made reference to officer delegations.

<sup>2</sup> Clause A8.1 of the Bylaw states: "Any of the various powers and functions of the Council as detailed and set out in this Bylaw may be delegated by the Council to any officer or authorised agent of the Council." However, this does not make an actual delegation to any officer. While the Council's Introductory Bylaw 2021 states at clause 1.4 that the bylaw outlines 'powers of delegation', there are no delegations made in that Bylaw.

<sup>3</sup> A project has just been started to update the delegations.

<sup>4</sup> It will be clearer to make a specific delegation of the Council's powers in this Bylaw to the CE. As the CE has not made a sub-delegation to the appropriate officers anyway, there is still an issue for the Council.



power, such as the requirements on a territorial authority in section 148(5) of the LGA02 to register or deregister a trade waste premises.

The appendix to this advice sets out the first two columns of your table. We have used yellow and green highlighting to indicate clauses or parts of clauses that do not need to be delegated either because it is a function that is administrative or it sets out obligations on others, not the Council. Blue highlighting indicates where there is a discretionary decision to be made.

Can the Council retrospectively approve decisions made / functions performed under the Bylaw when delegations were not in place?

While the Council cannot provide a retrospective delegation to officers, it can ratify any decisions made by officers without delegated authority.

The report being prepared for the Council should explain the nature of the decisions made without delegated authority and recommend that the Council resolve to ratify all decisions made by officers under the Bylaw from the time the Bylaw was adopted to the date of the new delegations (and sub-delegations) being made to those officers.

## Please call or email to discuss any aspect of this advice

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### Reasoning explained

# Background to delegations

- A delegation is the assignment of a Council power, responsibility, duty or function to another party (such as the Council CE, a committee or a council officer).
- 2. Delegation of powers is done by a council "for the purposes of efficiency and effectiveness" in managing their 'business'. 5 Where a power to delegate exists, the Council should exercise the power formally by resolution to record the legality of the delegation.
- 3. Clause 32(1) of Schedule 7 of the Local Government Act 2002 (LGA02) provides for delegation of "any of its [the council's] responsibilities, duties, or powers", except the powers specified in (a) (h). The exceptions relate to the power to make a rate or bylaw or certain policies, or adopt a long term or annual plan, or borrow money, or purchase of dispose of assets, other than in accordance with the long term plan.
- 4. Sub-delegations are allowed under clause 32(3) but are subject to any limitations imposed by either the original delegate or the person making the sub-delegation.<sup>6</sup>
- 5. Where the legislation itself specifies that the CE or a particular council officer has the power set out in the provision, then there is no need (or ability) for the Council to delegate that power to the relevant officer.<sup>7</sup>
- Both legislative and non-legislative powers can be delegated, but some Council functions provided for in an Act, or other legislation (including Bylaws) are simply administrative/ operational and do not need to be delegated.
- 7. In general, if there is no discretion to be exercised, or decision-making required of an officer to perform the function, it is not something that needs to be delegated. It is an operational power. Where it is not clear whether some discretion or judgment or decision is needed it is better to take a cautious approach by delegating the power, rather than assuming it is operational.
- 8. Examples of the different types of power in the LGA02 are:

<sup>5</sup> Clause 32(1) of Schedule 7

<sup>6</sup> There are also other Acts that prohibit sub-delegation, including the Local Government (Rating) Act 2002 and the Resource Management Act 1991.

<sup>7</sup> An example is section 99A of the LGA02 which is a requirement given to the CE directly, to prepare a pre-election report.



# Power that would need to be delegated, if an officer is to make the decision

Section 181(1): "A local authority may construct works on or under private land or under a building on private land <u>that it considers necessary</u> ..." (for the matters set out in section 181, including for trade wastes disposal).

An administrative/operational power that does not need to be delegated for the officer to perform the function

Section 148(5): "A territorial authority—

- (a) must enter on a register the name and postal address of an owner or occupier of trade premises who serves on the territorial authority a written request for registration; and
- (b) must ensure that a copy of a notice required under subsection
- (2) is sent to the persons registered under paragraph (a); and
- (c) may remove from the register the name of a person who has ceased to be the owner or occupier of trade premises within its district, or who has requested the local authority in writing to remove his or her name from the register."
- Onder section 181 a decision is required that the works in question are necessary. In section 148(5) the officer does not have to make a decision or exercise any discretion. The officer must record the relevant details on the register when a request is received, send the relevant notice to any person registered, and then remove details where a person is no longer the owner or occupier or asks that they be removed from the register.

Some of the bylaw clauses in the table do not need to be delegated to officers.

- 10. We reviewed the table you provided setting out the bylaw powers you intend that the CE will sub-delegate to officers.
- 11. The appendix to this advice includes the first two columns of your table. In our view the powers highlighted in yellow do not need to be delegated because they are administrative functions that do not involve any discretionary decision-making. Highlighted in green are clauses that set out obligations on others, including authorised officers,<sup>8</sup> not the Council. These powers also do not need to be delegated to Council officers.

<sup>8</sup> We assume the Council has appointed authorised officers under the LGA02/ the Bylaw? If not, this may also need to be addressed in the report.



12. We have also included blue highlighting in the relevant clauses showing in general the part of the clause containing the Council's discretionary decision-making that would be delegated to officers. Some clauses that have yellow or green highlighting also include blue highlighting, as that part of the bylaw clause involves a power that should be delegated, even if the rest of the clause does not.

## Decisions made under the Bylaw without delegated authority can be ratified by the Council

- 13. As there is a possibility that some decisions were made by staff under the Bylaw without a proper delegation you want to know if retrospective delegations or approval could be given in relation to those decisions.
- 14. In our view a delegation cannot be made retrospectively because:
  - 14.1 Clause 32 of Schedule 7 of the Local Government Act 2002 is silent on whether a delegation could apply in respect of a power exercised in the past, but subclause (4) is consistent with it being prospective only.
  - 14.2 The assumption underlying this subclause is that the delegate will exercise the delegated power <u>after</u> the delegation has been made unlikely that clause 32 could be interpreted as authorising retrospective delegations, or that a retrospective delegation would be regarded as legally effective.
- 15. However, the Council could ratify the previous decisions made.

  Ratification is a common law concept arising out of the law of agency a delegate is the agent of the delegator (the principal).9
- 16. Hamilton City Council v Green<sup>10</sup> provides authority that ratification cannot occur where a delegation is barred in statute, but where the council has the ability to delegate authority before the act takes place, but does not, the act can be ratified afterwards.
- 17. To constitute a valid ratification, three matters must be satisfied:
  - 17.1 the agent whose act is sought to be ratified must have purported to act for the principal;
  - 17.2 at the time the act was done the agent must have had a competent principal; and
  - 17.3 at the time of the ratification the principal must be legally capable of doing the act themselves.

<sup>9</sup> Professor Kenneth Palmer in Local Authorities Law in New Zealand (page 221 in the 2012 edition) refers to the ability to validate, through ratification, actions where the necessary delegations cannot be established: "Where delegation of a responsibility cannot be specifically established or necessarily implied by conduct and legal principle, the actions taken may be invalid unless capable of ratification."

<sup>10 [2002]</sup> NZAR 327 (HC).



- 18. All of the above matters are satisfied in this situation as the officers were not aware they did not have delegated authority and were acting on behalf of the Council under the Bylaw. The powers were all capable of being exercised by the Council and will now being delegated to the CE (and the relevant officers).
- 19. To avoid any risk arising from the previous decisions being made without delegated authority the Council should make a resolution to ratify the previous exercise of any decision by staff under the Bylaw.
- 20. In case any decisions were made under the Bylaw since the issue was discovered the Council should resolve to ratify all decisions made by officers under the Bylaw from the time the Bylaw was adopted to the date of the new delegations (and sub-delegations) being made to those officers. The ratification resolution needs to be reasonably specific about the decisions that are to be ratified.
- 21. We would be happy to assist you with appropriate wording for the report and the resolution.



# Appendix

Integrated Tr	radewaste and Wastewater Bylaw 2022
Clause	Bylaw text
A.12.2	During an emergency the Council may restrict or prohibit the use of a Wastewater Service for any specified purpose, for any specified period, and for any or all Persons connected to the Wastewater Services.
A.12.3	Such restrictions will be publicly notified when deemed necessary by the Council.  The Council may enact penalties over and above those contained in this Bylaw to enforce such restrictions.
A.14.1	The Council's powers of access and inspection are as contained in all relevant legislation, including the Local Government Act 2002 and/or the Local Government Act 1974
A.14.2	Customers or Operators must allow the Council, or its agents, access to and about the Point of Discharge for the purposes of monitoring, testing, and maintenance work.
	Except under emergency conditions, the Council will give 24 hours prior notice to the Customer or Operator of the intended entry. Under emergency conditions, the Council is not required to provide notice to the Customer or Operator of its intended entry.
	SG comment: Some provisions requiring the giving of notice could be regarded as operational. But notices that empower entry, or work to be done, should be treated cautiously, and clearly authorised by someone with authority to act. We have suggested that this remain a provision to be delegated.
A.14.3	
	Under emergency conditions, a Customer or Operator must allow the Council free and unimpeded access to and about the Point of Discharge. Emergency conditions include situations involving blockages of the Public Wastewater System, or where the Council has reasonable grounds to suspect that the Public Wastewater System is being misused or that a non-complying connection to the
A.14.4	Public Wastewater System has been made.  Under sections 150 and 151 of the Local Government Act 2002 the Council may prescribe fees and authorise the recovery of reasonable costs incurred by the Council in respect of the matters for which the fees are charged. Fees are set at the annual planning process fee setting or similar transparent public process in accordance with the Local Government Act 2002.
A.15.1	SG comment: If fees are set by the Council during the Annual Plan process, then the adoption of the Annual Plan (where the fees would be set) cannot be delegated to officers, but that is not the only choice in this Bylaw clause. We recommend any delegation to officers should only be for fees not set through



Integrated To	radewaste and Wastewater Bylaw 2022
Clause	Bylaw text
	the Annual Plan process.
	If a Person Discharging to the Public Wastewater System fails to pay any fees and
	charges under this bylaw the Council may cancel their consent to discharge and
A.15.7	may Disconnect service in certain circumstances.
	The Council may recover the following costs pursuant to the Local Government Act
	2002: a. b. c. costs incurred by the Council in relation to activities Approved or
	consented under this Bylaw; the amount of the destruction or damage; or the cost
	incurred by the Council in removing the stoppage or obstruction; or any loss or
	expenses incurred by the Council by the stoppage or obstruction or interference
	caused by any Person who wilfully or negligently destroys, damages, stops,
	obstructs, or otherwise interferes with the Public Wastewater System; and the costs
	of remedying damage associated with a breach of this Bylaw by any Person, upon
	their conviction.
	SG Comment: This may not provide any discretion – if the fees are set and clear
	in relation to each matter. However, discretion may be required if the amount
	could be variable depending on certain matters, or if the fees can be reduced or
A.16.1	waived.
A.10.1	
	Authorised Officers appointed under section 177 of the Local Government Act 2002
	may: a. b. c. d.
	e. seize and impound property that is not on private land in accordance with
	section 164 of the Local Government Act 2002; enter private property involved in
	the commission of an offence, and seize and impound property in accordance with sections 165 and 166 of the Local Government Act 2002; enter land for the purpose
	of detecting a breach of this Bylaw or the commission of an offence against this
	Bylaw in accordance with section 172 of the Local Government Act 2002; require
	certain information from Persons in accordance with section 178 of the Local
	Government Act 2002; and enter any land or building other than a Dwelling to
	check utility services in accordance with section 182 of the Local Government Act
A.19.1	2002.
, <del>(, 1 ) , 1</del>	
	Subject to the provisions of the Local Government Act 2002, Customers and
	Operators must allow Authorised Officers, with or without equipment, to access
	any area of their Premises for the purposes of determining compliance with this
A.19.2	Bylaw.



<b>Integrated Trad</b>	ewaste and Wastewater Bylaw 2022
Clause	Bylaw text
	The Council may: a. remove or alter any work or thing that is, or has been,
	constructed in breach of this Bylaw; and b. recover the costs of removal or alteration
A.19.3	from the Person who committed the breach.
	The Council may prohibit the discharge of Wastewater (including Trade Waste)
	which contravenes this Bylaw by removing, closing or modifying the Point of
A.19.5	Discharge in a manner that prevents a discharge of Wastewater from the Premises.
	The Council may, at any time during the term of a Trade Waste Consent, by written
	notice to the Consent Holder review the Trade Waste Consent using the process
	outlined in Clause B.4.7 of the Administration Manual.
	SG comment: We imagine there is some discretionary decision making in
B.6.8	relation to the review process.
	The Council will give at least 20 Working Days' notice prior to any relevant proposed
	amendments to Schedule A of the Administration Manual. Wherever possible this
B.6.12	Notice will be given in writing to a Trade Waste Consent Holder.
	Within 20 Working Days of the adoption of relevant amendments to Schedule A
	of the Administration Manual, a Trade Waste Consent Holder must submit a plan
	that details the changes they will make to ensure compliance with the
	amendments, to be implemented in a reasonable timeframe as agreed with the
	Council. If a plan is not submitted within the required timeframe, then the Trade
B.6.13	Waste Consent will expire.
	A Permitted Trade Waste discharge authorised by an Approval Notice is able to
	be discharged indefinitely unless: a. b. c. The quantity and nature of the discharge
	changes or is likely to change significantly to such an extent that it becomes a
	Conditional, Controlled, or Prohibited discharge; or The Council changes the
	Trade Waste management procedures or the Characteristics of the Trade Waste
	by any amendment to, or replacement of, this Bylaw or Administration Manual such
	that the discharge becomes a Conditional, Controlled, or Prohibited discharge; or
	Cancellation of the Approval Notice is necessary, in the Council's opinion, to meet
	the requirement(s) of any new or amended resource consent granted to the
	Council or any other egal requirements imposed on the Council; in which case the
	Council may require the Approval Notice holder to apply for an appropriate Trade
	Waste Consent or cease the discharge of Trade Waste from the Premises.
	SG Comment: The part of this clause in grey cannot be delegated to an officer
	because it refers to the Council changing procedures or characteristics by an
	amendment to the Bylaw. (We have assumed the Administration Manual sits
	outside the Bylaw, and the amendment of that document could potentially be
B.6.14	delegated to officers.)



Integrated Ti	radewaste and Wastewater Bylaw 2022
Clause	Bylaw text
B.6.15	The Council will give at least 20 Working Days' written notice prior to any proposed amendments to Schedule A of the Administration Manual. Wherever possible this notice will be given in writing to Approval Notice holders.
	Where an application to renew a Trade Waste Consent has been received, the Consent Holder may continue to discharge Trade Waste in accordance with the conditions of the existing Trade Waste Consent until: a. b. The Council issues a renewed Trade Waste Consent; or The Council declines to issue a renewed Trade
B.6.19	Waste Consent.
B.6.21	Where an application to renew a Trade Waste Consent has not been received the Council may require the Consent Holder to cease discharging Trade Waste at the expiry of their existing Trade Waste Consent until any new Trade Waste Consent is issued.
	The Council may suspend or cancel any Trade Waste Consent at any time following not less than 20 Working Days' Notice, to the Consent Holder or Person discharging or Person allowing a discharge of any Trade Waste, where: a. iii. iv. v. vi. vii. In the opinion of an Authorised Officer, the Consent Holder has: Failed to comply with any condition of the Trade Waste Consent; Failed to maintain effective control over the Trade Waste discharge from the Premises; Failed to provide or update an Environmental Management Plan as required; Failed to adhere to an Environmental Management Plan; Failed to pay any charges under this Bylaw; viii. Discharged or allowed the discharge of any Prohibited Trade Waste; b. Following a review of the technical issues considered when setting conditions of consent; c. d. e. f. Due to new information becoming available; To meet the requirement of any new or existing resource consent imposed on the discharge from the Public Wastewater System; To meet any other legal requirements imposed on the Council; If any other circumstances arise which, in the opinion of the Council, render it necessary in the public interest to cancel the Trade Waste Consent; If any process changes require more than 20 Working Days, reasonable time may be given to make the necessary changes or cease the discharge.
	SG comment: This is an unusual clause because an authorised officer forms the opinion on various matters under (a) – so this power could not be delegated by
B.6.23	the Council, but the rest could be delegated.  The Council may suspend or cancel any Trade Waste Consent to discharge at any time where in the opinion of an Authorised Officer: a. b. c. d. e. f. g. h. i. j. k. l. Any breach of a resource consent imposed on the discharge from the Public Wastewater Network has arisen from (whether wholly or partly) the Trade Waste discharge from a particular Premises; and/or To meet the requirement of any new resource consent imposed on the discharge from the Public Wastewater Network; and/or Any act or omission of the Consent Holder is, or is likely to: Adversely affect



Clause	adewaste and Wastewater Bylaw 2022  Bylaw text	
Ciduse	the safety of the Public Wastewater System; and/or Damage any part of the Public	
	Wastewater System; and/or Adversely affect the health or safety of any Person;	
	and/or Adversely affect the environment; and/or The Consent Holder has	
	Discharged or allowed the Discharge of any Prohibited Trade Waste; and/or The	
	Council is lawfully directed to withdraw or otherwise to terminate the Trade	
	Waste Consent immediately; and/or The Consent Holder, or their contractor	
	using a Tankered Waste disposal system, has discharged any Trade Waste	
	unlawfully; and/or To meet any other legal requirements imposed on the Council;	
	and/or If any other circumstances arise that render it necessary in the public	
	interest to cancel the Trade Waste Consent.	
	interest to cancer the Trade waste consent.	
	SG comment: This is also an unusual clause because the authorised officer	
	forms the opinion on all the matters in the clause but then it is the Council who	
	may suspend or cancel. It appears someone else could be delegated the power	
	to suspend or cancel, and must reach a decision as to whether to do so or not,	
	after reviewing the authorised officer's opinion. So only the first part of this	
	clause is delegable, not the power given to the authorised officer.	
	The Council will not unreasonably withhold Approval to renew a Trade Waste	
2.6.20	Consent on change of ownership or occupation of Premises if the Characteristics of	
3.6.28	the Trade Waste remain unchanged.	
	If a Trade Waste Consent is terminated for any reason, a final site inspection must be	
	carried out by an Authorised Officer to confirm that the site will be left in a state	
	which poses no future risk to the environment, including by: a. b. c. leaving the	
	Premises of any risks to the Public Wastewater System or Public Stormwater	
	Network or the receiving environment; and Remediating any contaminated land	
	top revent future contamination of Stormwater, Groundwater or other waters and the stormwater of the	
	the receiving environment; and Capping or sealing any connections to the Public	
3.6.30	Wastewater Network as necessary; or Owner's liability for that Premises ceases.	
	The Council may approve a Trade Waste Consent subject to the provision of	
	appropriate Pre- treatment system(s) to enable the Consent Holder to comply with	
	this Bylaw. Such Pre-treatment systems must be provided, operated and	
B.7.2	maintained by the Consent Holder at their expense.	
	Refuse or garbage grinders and macerators must not be used to dispose of solid	
	waste from Food Premises to the Public Wastewater System unless approved by	
B.7.5	Council.	
5.7.5	No Operator may add or permit the addition of any Potable Water, non-Potable	
	Water, Condensing or Cooling Water or Stormwater to any Trade Waste discharge in	
	order to vary the Characteristics of the Trade Waste, unless the Council has granted	
	a Trade Waste Consent allowing such activities.	
B.7.6	a ridde waste consent anowing such activities.	



Integrated Tr	radewaste and Wastewater Bylaw 2022	
Clause	Bylaw text	
	SG comment: the trade waste consent is granted under another clause and that	
	is the Council decision referenced in this clause.	
	The Council may accept Tankered Wastes for discharge at an approved location, subject to: a. i. ii.iii. iv. v. b. c. d. e. The Tankered Waste being fully documented in accordance with the Liquid and Hazardous Substances Code of Practice, including: A description of the type of waste; The name of discharger and location; The source, date and time of collection; The volume of waste collected; and The identification number and vehicle registration number. Tankered Waste will be analysed to determine its Characteristics if the contents of the waste are not known. Specialist advice on Pre- treatment or acceptance may be required. The cost of all analysis and advice will be borne by the Consent Holder; Tankered Waste is not to be picked up	
B.7.12	and transported to the disposal site until appropriate arrangements, documentation and method for disposal have been determined by the Council; To prevent cross-contamination between tanker loads, the tanker must be thoroughly washed prior to collecting a load for disposal into the Public Wastewater System; and 24 hours' notice must be given to the Council for the disposal of wastes other than those sourced rom domestic septic tanks, wherever possible. f. i. ii. g. Any Tankered Waste Operator intending to discharge to a Council facility must have: A current Conditional Trade Waste Consent; and A Certificate of Registration for Offensive Trade. All Tankered Waste must be treated in accordance with the conditions of the relevant Trade Waste Consent.	
B.7.14	Tankers must have Safety Data Sheets (SDS) meeting Worksafe New Zealand's requirements and available to Council upon request. If an SDS is not available, alternative information acceptable to Council must be made available in written or electronic form.	
B.7.15	Tankered Waste may be randomly tested, from time to time and at the Council's discretion, to determine the Characteristics. The cost of any random tests must be borne by the Consent Holder.	
B.7.16	Discharges the Public Wastewater System from Mobile Facility and Vendor Operations must be at a location and in a manner approved by Council	
	Metering to measure the flow rate and volume of a Trade Waste discharge may be	
B.8.1	required by the Council in accordance with the Administration Manual.	
	In Premises where there is no Meter or similar apparatus, or the Meter is out of repair or ceases to register, or where in the opinion of the Council the Meter has been, or has likely been, tampered with, the Council will estimate the rate and	
B.8.4	quantity of Trade Waste discharge in accordance with the Administration Manual	



1 April 2025



Dear Richard

Q346789LEGAL REVIEW OF THE NAPIER CITY COUNCIL - INTEGRATED TRADE WASTE AND WASTEWATER BYLAW 2022

#### INTRODUCTION

- As per the Brief for Napier City Council (Council) on the Integrated Trade Waste and Wastewater Bylaw 2022 (Bylaw) dating from July 2024, the legal component of the review undertaken by me is to include a review of the Bylaw against the NZS9201.23:2004 Model General Bylaws - Trade Waste (Model Bylaw).
- 2. This review specifically considers the trade waste component of the Bylaw but where there are issues that also pertain to wastewater these will be addressed as well.
- 3. In addition to the Bylaw, I also have considered the following matters:
  - (a) Napier City Council Integrated Trade Waste and Wastewater Bylaw 2022 Administration Manual my review Council (version 1.0) (Administration Manual or Manual); and
  - (b) Consultation Notes prepared by Richard Bax entitled Napier City Council Trade Waste Bylaw Review dating from late 2024 to early 2025 (Consultation Notes);
  - (c) The Trade Waste Bylaw Gap Analysis Report (Gap Analysis) which was done a short time before the Bylaw was made into law;
  - (d) The draft advice dated 20 May 2024 from Simpson Grierson in relation (Draft Advice).
- 4. This legal review is broken into the following sections:



- The legal framework for the Bylaw;
- An overview of the Bylaw;
- Reference to the Model Bylaw;
- An overview of the Administration Manual;
- Reference to the Gap Analysis;
- Commentary on the Consultation Notes;
- Commentary on the Draft Advice; and
- Recommendations and conclusions.

### LEGAL FRAMEWORK FOR THE BYLAW

- 5. As stated in clause A.6.1 the Bylaw is made under section 146 of the Local Government Act 2002 (LGA02). Section 146 sets out the specific by-law making powers for a territorial authority and includes a list of wastes including trade wastes. This clause sits within "Part A. Requirements Common to All Wastewater Services" and Wastewater Services has the same meaning as defined by s124 of the LGA02 and includes Domestic Wastewater and Trade Waste Services. Section 124 defines wastewater services as meaning sewerage, treatment and disposal of sewage, and stormwater drainage. Domestic Wastewater and Trade Waste (note not Trade Waste Services) is defined in the Bylaw.
- 6. The LGA02 includes specific requirements for trade waste bylaws including:
  - (a) The matters contained in section 148 (relating to public notice and provision of the draft to the Minister of Health);
  - (b) Section 153 that a trade waste bylaw binds the Crown;
  - Section 181 the power to construct works on private land that are consider necessary for trade waste disposal;
  - (d) Section 195 that the discharge of trade wastes into sewerage drain in compliance with the bylaw is not breach of the LGA02, the RMA 1991 or regulations, or the Building Act 2004 or regulations;
  - (e) Section 196 specific provision in relation to trade wastes;
  - (f) Section 242 penalties for breaches of a trade waste bylaw.



For the purpose of this review, the matters contained within section 148 were complied with by the Council.

#### OVERVIEW OF THE TRADE WASTE COMPONENT OF THE BYLAW

- 8. The specific objectives for the trade waste component of the Bylaw are contained in Part B. Amongst other matters, Part B.2 provides for the establishment of four categories of Trade Waste (Prohibited, Controlled, Conditional and Prohibited). These categories are each defined in the Bylaw by reference to Schedules A and B of the Administration Manual, which is discussed in the next section.
- 9. The Administration Manual is also referred to in the following clauses of the Bylaw:
  - (a) B.2.1f (evaluation against specified criteria in Schedule A of the Manual and parts of the Bylaw);
  - B.2.1i (sampling and monitoring to ensure compliance with the Bylaw and Schedules A and B of the Manual);
  - (c) B.2.1n (charges as set out in Schedule C of the Manual);
  - (d) B.4.3 (registration and Trade Waste Consent application processes detailed in Clause B.4 of the Manual);
  - B.5.2 (additional requirements for Controlled or Conditional Trade Waste discharges as set out in Sections B.6 and B.7 of the Bylaw and Part B of the Manual);
  - B.6.4 (information requirements in respect of an application for a Trade Waste Consent as set out in Clause B.4 of the Manual);
  - B.6.5 (the procedure for assessing applications is detailed in Clauses B.1, B.3 and B.4 of the Manual);
  - (h) B.6.7 (conditions as referred to in Clause B.4.5 of the Manual);
  - (i) B.6.8 (the review process as set out in Clause B.4.7 of the Manual);
  - (j) B.6.10 (duration of Trade Waste Consent as outlined in Clause B.4 of the Manual);
  - (k) B.6.12, B.6.13 and B.16.15 (the process for making amendments to Schedule A of the Manual);
  - (I) B.6.14 (the effect of changes to the Bylaw or the Manual to an Approval Notice);
  - (m) B.7.3 (operation and servicing of commercially supplied equipment to be (amongst other matters) in accordance with Schedule A of the Manual);



- (n) B.7.4b (discharges via grease traps and oil interceptors to comply with discharge limits set out in Schedule A of the Manual) and c (all systems installed and operated as per Section b.7 of the Manual);
- (o) B.7.9 (the Manual lists a number of relevant documents in Section A.2 of the Manual);
- (p) B.8.1 (metering to be done in accordance with the Manual):
- (q) B.8.4 (estimating unmetered discharges in accordance with the Manual);
- (r) B.9.1 (breaches to be notified, including breaches of the Manual);
- (s) B.10.1 (offences can include offences under the Manual);
- It is noted that the Administration Manual is also referred to in the context of the Wastewater component of the Bylaw (see C.2.2, C.3.3, C.4.1, C.4.2, C.4.3, and C.8.1).

#### OVERVIEW OF MODEL BYLAW

- 11. The Model Bylaw dates from 2004 and was specifically created by Standards New Zealand to assist in the bylaw reviews that had to happen by the end of June 2008. The Model was created to provide a general model so that territorial authorities could make specific modifications to meet their individual requirements. It was noted that smaller territorial authorities should be able to use the Model with minimal modification and without undertaking substantial investigations.
- In general terms the Bylaw does follow the Model Bylaw but a number of matters are in the Administration Manual rather than in the Bylaw. This is covered below.

### **OVERVIEW OF THE ADMINISTRATION MANUAL**

- 13. The Administration Manual is referred to in Clause A.2 of the Bylaw:
  - A.2.1 This Bylaw is supported by an Administration Manual which provides technical, administrative or operational material complementary to the Bylaw. The Administration Manual is made under the Bylaw and will guide the implementation and operation of the Bylaw and simplify its administration.
  - A.2.2 The Administration Manual will be updated from time to time, as necessary, to ensure that it is up to date and reflects current practice. All matters that the Administration Manual defines, regulates, controls or prohibits related to this Bylaw, are matters that this Bylaw leaves to be addressed by resolution of Council under section 151(2) of the Local Government Act 2002.
- 14. The Administration Manual therefore contains important matters that are not specifically included or defined in the Bylaw. It is, therefore, necessary for users of the Bylaw to ensure that they comply with the Manual.



- 15. With reference to section 148 and the provision of the draft Bylaw to the Minister of Health I note that both the Bylaw and the Manual were provided to the Minister, and no adverse comment was made about the Manual by the Minister.
- 16. The Manual does not just contain administrative and operational material, it also contains technical information such as, what the various categories of trade waste are, and technical requirements for certain trade waste discharges.
- 17. While it is assumed that the Manual has not been amended since it was developed in 2022¹ it appears from the Consultation Notes that the Manual has been amended from time to time. This is discussed further below.

### TRADE WASTE BYLAW REVIEW - GAP ANALYSIS REPORT

18. The Gap Analysis was undertaken just prior to the Bylaw coming into effect. In terms of the Manual the Analysis states:

#### **Administrative Manual**

It is proposed that the Bylaw will be accompanied by an Administration Manual. The purpose of the Administration Manual is to provide material complementary to the integrated Trade Waste and Wastewater Bylaw by bringing together those aspects which are of a more administrative nature and which may need regular review and updating. For example, a schedule referenced in the bylaw outlining methods for the control of contaminants that is likely to need updating regularly or public guidance documents. In taking this approach, it will simplify the administration of the bylaw, allow for administrative and technical processes to be kept up to date, and assist in interpretation of the bylaw.

Management of the Administration Manual would be conducted under delegated authority of the Bylaw, and will govern the implementation and operation of the bylaw. The Administration Manual will be a public document and available on the council's website alongside the bylaw.

In addition to making the bylaw simpler and more streamlined, the inclusion of an Administration Manual is intended to make amendments simpler and more responsive to change. Amendments to the Administration Manual can be made by council resolution, with appropriate community engagement, and would not require the use of the Special Consultative Procedure, making decision-making more cost-effective and timely.

19. The reason for the Manual is very clearly articulated in the Gap Analysis. The main issue that arises is the fact that amendments to the Manual do not need to follow the same process as amendments to the Bylaw do. This is discussed further below.

<sup>&</sup>lt;sup>1</sup> Note the Document Control table only notes the 31<sup>st</sup> August 2022 as the date amended



#### COMMENTARY OF DRAFT ADVICE

- 20. The purpose of this section of this review is to comment on whether this review is affected by the Draft Advice. The short answer to this is no it is not affected.
- 21. The Draft Advice was in relation to the process
  The Draft Advice was provided in the context of their being no delegation beyond the Chief Executive to review the conditions of
- 22. While the Draft Advice did mention the Administration Manual and the Bylaw, it did not specifically comment on the relationship between these documents. There is, therefore, no overlap or inconsistency between the Draft Advice and this review.
- 23. It is noted that the Draft Advice sets out the process that Council must follow should it wish to amend the Bylaw. This is noted below as being the special consultative process under the LGA02 and it is not a process that can be delegated by the Council to any other entity such as a committee or a person it is a process only the full Council can undertake.

#### **COMMENTARY ON CONSULTATION NOTES**

24. You have undertaken some specific consultation about the Bylaw and the key matter relevant to this legal review is that elements of the Schedule 2 outcomes in a discharger's consent have apparently changed without notice.

### RECOMMENDATION AND CONCLUSIONS

- 25. The main issue with this Bylaw is the relationship between it and the Administration Manual. There are two points to make here:
  - (a) First, there is likely to be confusion between the Bylaw and the Manual amongst users:
  - (b) Secondly, there are elements of the Manual that can be altered in a different way that the Bylaw can be altered. While this is noted as a positive in the Gap Analysis it is also a negative when the Manual contains matters that must be specifically complied with where failure to do so is an offence.
- 26. As noted in the Gap Analysis, when amending the Bylaw, the Council must follow the special consultative procedure in the LGA02.<sup>2</sup> However, when the Council amends the Administrative Manual, this is stated (in the Manual and in the Bylaw) as by simply passing a Council resolution.

<sup>&</sup>lt;sup>2</sup> See s156 LGA02



- 27. My recommendation is that any of the matters in the Manual that describe contaminants or processes that are subject to offences under the Bylaw (see the matters listed above) should be part of the Bylaw itself and should only be changed by following the special consultative process.
- 28. It is not necessarily an issue that these compliance matters are included in the Manual because the Bylaw is clear that the Manual and the Bylaw should be read together. The issue is about the changes to the Manual not following the same process as changes to the Bylaw.
- 29. I appreciate that the Council has not taken much (or any) enforcement action under the Bylaw (and this was an issue noted in the Gap Analysis) but should it choose to take action and this depends on something in the Manual which has been changed then the Council will face considerable difficulties proving this in Court.

Yours sincerely

MAKEIIS

Helen Atkins Atkins Law



Our Ref: 9008137

14 July 2025

Napier City Council Private Bay 6010 NAPIER 4142

FOR Laura Rolls

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### PEER LEGAL REVIEW - DELEGATION REPORT

- 1. We refer to your request to provide peer legal review to ensure the recommended delegations align with the regulatory requirements, Council policy, and best practice.
- 2. The starting point for our review is the Integrated Trade Waste and Wastewater Bylaw 2022 Delegations (**Report**).
- A Council resolution from 12 December 2024 (Council Resolution) regarding the delegation of the Integrated Trade Waste and Wastewater Bylaw 2022 (Bylaw) provided:

Delegate authority to the Chief Executive to exercise all the Council's duties and actions under the Integrated Trade Waste and Wastewater Bylaw 2022, subject to a review of delegations being undertaken as part of the Tradewaste Bylaw review to be brought back to Council in March 2025.

- 4. We understand that an issue was raised when the Independent Trade Waste Bylaw Review was presented to Council on 26 June 2025, as Council sought clarification regarding whether the delegation review component of the Council Resolution had been sufficiently addressed.
- 5. The Report reaffirms the Chief Executive's (**CE**) delegated authority and outlines the review that has taken place, which you believe satisfies the review requirement in the Council Resolution.
- 6. We understand that the broader review of the delegations undertaken as part of the Trade Waste Bylaw Review has included:
  - (a) Simpson Grierson opinion dated 20 May 2024 (SG May 2024 Opinion);
  - (b) Simpson Grierson opinion dated 14 November 2024 (SG November 2024 Opinion);
  - (c) Legal review of Integrated Trade Waste And Wastewater Bylaw 2022 by Helen Atkins dated 1 April 2025 (**Atkins Opinion**); and
  - (d) Review of Trade Waste Bylaw by Richard Bax Consulting (Bax Report).

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7. In addition, we have reviewed the Delegations to Chief Executive Officer and Statutory Appointments Register dated 29 June 2022.

Simpson Grierson opinions

- 8. The SG May 2024 Opinion states that the general delegation to the CE is broad and acts as a default delegation. We understand the writers were taking for granted the general delegation to the CE including powers under the Bylaw. Conversely, the SG November 2024 Opinion notes that the CE may not have been given any delegations under the Bylaw at the time it was adopted. For the purposes of this legal peer review, we consider it unnecessary to resolve any inconsistencies between the SG May 2024 Opinion and the SG November 2024 Opinion (together, SG Opinions).
- 9. Further, we have not considered whether the "ratification" process referred to in the SG November 2024 Opinion is necessary, and, if so, whether that ratification process has been correctly followed. If our advice on that aspect is sought, we would need additional information, including resolutions and reports. We consider that, as the SG Opinions predate the Council Resolution, the SG Opinions were triggers for the review process but were not intended to form part of the review.
- 10. In summary, our view is that the Report is complete, accurate, and compliant, and that the Bax Report combined with Atkins Opinion satisfies the review requirements in the Council Resolution.

Bax Report

- 11. The Bax Report provides a general review of the Bylaw and sets out the process it followed when making its findings and recommendations.
- 12. The Bax Report reviews several comparable bylaws nationally.
- 13. Mr Bax is a suitably qualified and experienced professional who was well placed to undertake the review from a general, local authority perspective.
- 14. The process for compiling the Bax Report was robust and comprehensive. Mr Bax has set out the process he followed when preparing his report, discussions and findings, undertaken a comparison to other local authorities, and made a number of recommendations.

Atkins Opinion

- 15. For the purposes of the Council Resolution, we consider that the Atkins Opinion is the crucial document that satisfies the review component from a legal perspective. We form this view based on the following:
  - (a) The scope of the matters to be reviewed covers all material documents;
  - (b) The legal framework and process are comprehensively reviewed;
  - (c) The Bylaw and Administration Manual are reviewed, and the issues arising from the tension between the two documents clearly articulated; and
  - (d) The opinion identifies the key issues and makes clear recommendations for resolutions.

<sup>&</sup>lt;sup>1</sup> SG May 2024 opinion, at [17].

<sup>&</sup>lt;sup>2</sup> SG November 2024 Opinion, page 1.

- 16. The Atkins Opinion makes a range of recommendations. A central pillar of those recommendations is that future changes to either the Bylaw or the Administration Manual ought to be conducted under processes that consider the impact on either document. The advice provided will assist Council when reviewing the Administration Manual.
- 17. In conclusion, we consider that when read together, the Atkins Opinion and Bax Report satisfy the review component of the Council Resolution.

### Conclusion

18. For the reasons set out above, having reviewed the Report, Bylaw, Council Resolution, Bax Report and Atkins Opinion, we believe that the delegations align with the regulatory requirements, Council policy, and best practice, and that the review undertaken has satisfied the review requirement referred to in the Council Resolution.

Yours faithfully WILLIS LEGAL

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# **PUBLIC POLICY**



Compliance and Enforcement Policy			
Adopted By	Council		
Department	City Strategy		
Original Approval Date	5 November 2024	Review Approval Date	5 November 2024
Next Review Deadline	5 November 2025	Document ID	1805855
Relevant Legislation	As outlined in introduction (1.3)		
NCC Docs Referenced	Compliance and Enforcement policy Internal guidance	Published Document ID	1837996

### 1. Introduction

- 1.1 Local government in New Zealand is responsible for ensuring compliance with a variety of laws and regulations that are aimed at achieving positive community, public health and safety, and environmental outcomes.
- 1.2 Napier City Council (Council) has a key role in promoting the best outcomes for the community, and in making Napier a great city in which to live, work, raise a family, and enjoy a safe and satisfying life. In doing this, the Council also needs to ensure that the legislative obligations set out in various acts, regulations and bylaws are met. These legislative instruments set in place standards, rules, systems, and processes that must be complied with in the interests of protecting public health, safety, and the environment. Complying with these regulations and requirements is everyone's responsibility, and the Council's approach to compliance is to work with individuals, industry, and the community to achieve voluntary compliance wherever possible and to take enforcement action when voluntary compliance is not achieved.
- 1.3 The range of enforcement and regulatory functions exercised by the Council include functions under the following legislation:
  - a) Building Act 2004.
  - b) Resource Management Act 1991.
  - c) Local Government Act 2002.
  - d) Local Government Act 1974.
  - e) Biosecurity Act 1993.
  - f) Food Act 2014 and Food Regulations 2015.
  - g) Litter Act 1979.
  - h) Dog Control Act 1996.
  - i) Health Act 1956.

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- j) Sale and Supply of Alcohol Act 2012.
- k) Hazardous Substances and New Organisms Act (1996).
- I) Council's own bylaws.

# 2. Purpose

- 2.1. This Compliance and Enforcement Policy (Policy) is an operational document and is not binding on the Council. The Council has discretion as to how it exercises its enforcement functions, and this Policy provides a guide for the exercise of enforcement discretion. It also provides information regarding some of the enforcement tools that are available to the Council under the various legislation.
- 2.2. This Policy will be updated as and when required to account for changes in legislation, technology or best practice, or other changing factors in our community. In this sense, the Policy is a living document.
- 2.3. The primary purposes of this policy are to:
  - a) outline the approach to investigation and enforcement in Napier City;
  - b) promote consistent, clear and principled decision-making for the Council's enforcement decisions;
  - c) promote transparency in the Council's approach to enforcement; and
  - d) guide enforcement discretion to ensure appropriate enforcement tools are used at appropriate times, consistent with a proportionate and graduated enforcement approach.

# 3. Principles

- 3.1. The Council will exercise its enforcement functions and powers in accordance with the following principles:
  - a) Fair, reasonable, and proportionate: The Council will take a fair approach to the exercise of its enforcement powers. It will use its discretion justifiably, to ensure its decisions are appropriate to the circumstances and that any enforcement action taken is proportionate to the risks posed to people and the environment. All consent and/or license holders and every person carrying out an activity can expect to be treated fairly and impartially.
  - b) Efficient and responsive: The Council will endeavor to undertake its responsibilities and duties in a timely manner (and in accordance with legislative and organisational obligations) and with consideration to keeping costs to the ratepayer to a minimum.
  - c) Transparent and collaborative: The Council will aim to be as open and transparent as we can be. There are limits to our ability to be open and transparent. In general, investigations are not conducted in the public eye, and it may, in some cases be necessary to investigate confidentially. We take reasonable steps to ensure affected parties understand the process and what is likely to be required of them. The Council will, where possible, work with all parties including sharing information with other regulators and stakeholders to ensure the best compliance outcomes for Napier City.

d) Evidence-based: The Council will make decisions that are informed by a range of sources including best scientific practice, technology, and information received from members of the public, industry, other regulators, and interest groups.

# 4. How non-compliance is identified

- 4.1. Non-compliance with regulatory requirements can come to the Council's attention in a variety of ways, including:
  - a) compliance monitoring (reactive or proactive);
  - b) complaints from the public; or
  - c) incidents.
- 4.2. When non-compliance comes to the Council's attention, the Council has a discretion as to the appropriate action to take in response, and it will use this Policy as a guide. In some cases, the Council will not take any action.

### Entry to property

- 4.3. A warranted Council enforcement officer has the ability under the various regulatory legislation to enter private property for the purpose of assessing compliance.
- 4.4. Before entering private property, Council officers will ensure that they are aware of the legislative requirements of entry, including when entry will require a specific search warrant or Court order (e.g., to enter a household unit).
- 4.5. When entering private property, Council officers will ensure that they respect the rights of owners and lawful occupier(s).

### Investigation

- 4.6. If a breach or a potential breach comes to the Council's attention that warrants investigation, the Council will gather information to establish what has occurred. This will enable the Council to make an informed decision as to the appropriate enforcement response.
- 4.7. Investigations may include;
  - a) Checking Council files or other public databases.
  - b) Internet searches.
  - c) Undertaking a site visit.
  - d) Obtaining expert advice.
  - e) Measuring, surveying or sampling.
  - f) Photographing.
  - g) Interviewing people under caution.

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4.8. The depth and scope of an investigation will depend on the seriousness of the incident. At the end of an investigation, the information gathered will be assessed and analysed, and the Council will then decide on the appropriate response to the non-compliance.

# 5. Napier City Council's approach to enforcement

- 5.1. When non-compliance is identified, there will often be various enforcement tools available to the Council to ensure compliance and promote a positive outcome for people and / or the environment.
- 5.2. The Council has a discretion as to what enforcement approach to take and, in exercising this discretion, will weigh all competing considerations and exercise judgement.
- 5.3. The Council's enforcement approach follows the VADE model. VADE is an acronym that stands for Voluntary, Assisted, Directed, and Enforced compliance. The VADE Model as it has been adapted for use by NCC isas depicted in the diagram below:

# THE VADE MODEL

BEHAVIOUR INTERVENTIONS regulatory tools

Negligent or reckless Recidivist or serious non-compliance	ENFORCED Behaviour	Use full force of the law Prosecutions; enforcement orders; civil or criminal proceedings
Compliance is secondary Propensity for non-compliance e.g. due to competing operational priorities; poor compliance culture	DIRECTED <u>Behaviour</u>	Deter by direction then directive action Formal warnings; enforcement orders; abatement notices; licence cancellations; infringement notices; excessive noise direction
Lacking capability/awareness Unintentional non-compliance; are not aware of what is expected; do not have the capability to comply or lack the knowledge/experience	ASSISTED <u>Behaviour</u>	Assist to Comply Increased monitoring; warnings; education and support; no further action; compliance advice
Willing to do the right thing Incentivised to comply and know what is expected of them	VOLUNTARY <u>Behaviour</u>	Make it easy Inform; provide education; advice and guidance

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- 5.4. The appropriate action in the circumstances will depend on various factors, including the seriousness of the non-compliance, the culpability of the persons involved and their willingness to remedy the situation, and the public interest.
- 5.5. For minor instances of non-compliance, the issue may be resolved without the need for formal enforcement measures and an "educate and inform" approach will be sufficient to promote voluntary compliance. However, where the offending is more serious or a timely or urgent resolution is necessary, directed or enforced compliance may be more appropriate.

**Voluntary Compliance:** Voluntary compliance is the goal of any compliance regime. Ideally, operators are aware of relevant legislation and voluntarily comply. The compliance focus is on informing our community and maintaining positive relationships.

**Assisted Compliance**: Members of the community want to comply with relevant legislation, which collectively amounts to large number of regulations, but may not be sufficiently informed. The compliance approach is intended to be pragmatic, with a focus on assisting or reminding our community of their obligations. This approach is most applicable to situations where consequences of non-compliance are not serious.

**Directed Compliance:** Non-compliance may be opportunistic due to, for example, competing operational or commercial priorities. Directed compliance refers to the tools that are available to effect a desired behavioural change. Examples include the issuing of formal warnings, infringement notices, abatement notices or notices to fix.

**Enforced Compliance**: This is used in cases where entities or individuals deliberately choose to break the law. The full extent of the law will be applied, and cases will be formally investigated with a view to prosecution. Broadly, enforcement action in the form of prosecution will only be taken in cases involving serious or repetitive offending, where there are unacceptable practices, or where prosecution is in the public interest.

5.6. Generally, the Council will take the following considerations into account when considering the appropriate enforcement action to take:

**Step 1:** Assess the seriousness of the non-compliance:

- a. The Council will assess the seriousness of the non-compliance by looking at:
  - i. culpability;
  - ii. willingness to comply; and
  - iii. level of risk or harm.

**Step 2:** Determine the appropriate enforcement action or response:

- a. The Council has a range of informal and formal enforcement tools to use at its discretion, depending on the:
  - i. nature and seriousness of the non-compliance;

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- ii. Council compliance priorities;
- iii. the desired positive outcome, and
- iv. the public interest.

## 6. Step 1: Assessment of seriousness

## Culpability

- 6.1. The appropriate compliance response will depend to some extent on the culpability of the offender, in particular whether the:
  - a person(s) responsible for the non-compliance have a history of non-compliance;
  - b non-compliance was intentional; and /or
  - c non-compliance was negligent, reckless or careless.

## Willingness to comply

- 6.2. An offender's willingness to comply will also be a relevant factor. Consideration will be had to whether the person responsible for the non-compliance:1
  - a is informed, willing and able to do the right thing;
  - b is trying to comply, but not succeeding (eg unintentional non-compliance);
  - c has made a deliberate decision not to rectify the issue.

#### Level of risk or harm

- 6.3. The appropriate compliance response will also depend on the level of risk or harm to people and / or the environment.
- 6.4. In considering this, the Council will have specific regard to the magnitude of harm to human health or safety and/or the environment, including cultural, social, and economic effects. It may be that the non-compliance has not resulted in actual harm, but that it posed a risk to people and / or the environment. In such cases, the level of risk and the potential harm will also be a relevant consideration.

## 7. Step 2: Determine the appropriate enforcement tool

7.1 The Council has a range of formal and informal enforcement tools that it can use to address non-compliance. Typically, unless a particular action is required by legislation, the Council has discretion as to what enforcement action (if any) is appropriate and proportionate, having regard to all of the circumstances, and a number of enforcement tools may be required in some circumstances.

## Public interest

- 7.2 There are a number of factors that may be relevant to an assessment of the public interest, including, but not limited to, the seriousness of the non-compliance, factors specific to the person or organisation, and council compliance priorities.
- 7.3 The diagram below shows the various considerations for the Council in deciding the appropriate response to non-compliance, and it is important to remember that every non-compliance will be subject to its own fact-specific assessment. Depending on the assessment of the various factors, the Council will, at its discretion, decide where the non-compliance sits in the VADE Model and what the appropriate response is.

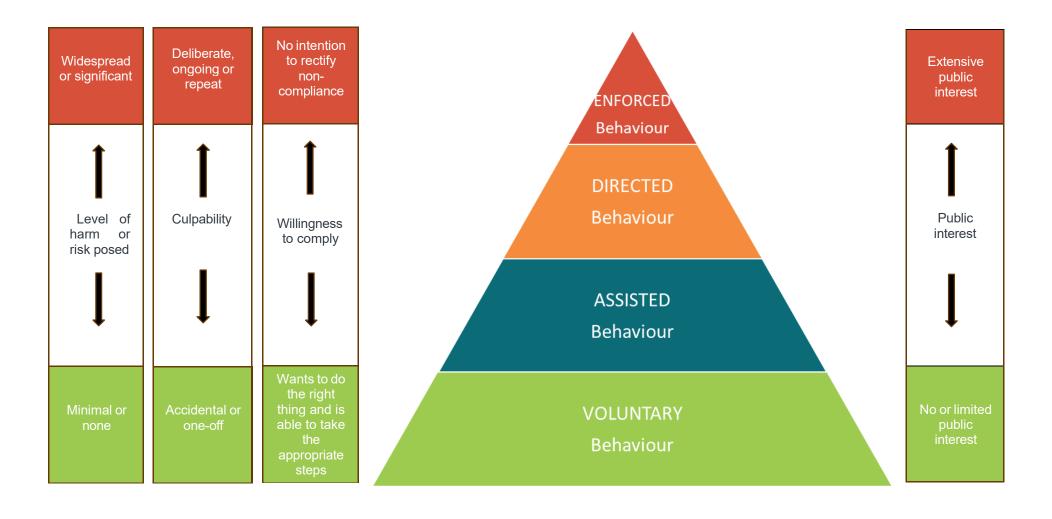
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In some instances, there may be more than one person responsible for the non-compliance.



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## Voluntary and Assisted Compliance

- 7.4 The Council uses informal tools at first instance where possible and appropriate, including:
  - a) **Education:** The Council takes a proactive, education first approach to compliance. Education informs the community about the regulations that affect them so that they have a better understanding of what is compliant and what is not.
  - b) Assistance: The Council may send a compliance advice letter where the non-compliance is minor to put a person on notice that they are or may be in breach of a regulatory requirement, and to ensure that person is aware of how it can access information to ensure the timely resolution of a non-compliance.

#### **Directed Compliance**

- 7.5 Where the level of non-compliance warrants more formal enforcement response, the Council can issue the following notices:<sup>2</sup>
  - a) Formal warnings: The Council may issue a formal warning. This will create a formal compliance record and will be included on the relevant property file. While these warnings do not carry a fine or penalty, they remain as a compliance record and can be relied on by the Council to inform future enforcement decisions.
  - b) Infringement notices: Various pieces of legislation provide the Council with the power to issue infringement notices, which carry an infringement fee that the recipient is liable to pay. The various legislation under which infringement notices can be issued include the Building Act 2004, the Resource Management Act 1991, Dog Control Act 1996, and for contraventions of Council bylaws (such as the Freedom Camping Bylaw).
  - c) **Excessive noise direction:** This is a formal direction issued under the Resource Management Act 1991, requiring a person or company to cease breaching noise standards. It is a legally enforceable direction, and a breach of such a direction is an offence under the Act.
  - d) Abatement notices: Under the Resource Management Act 1991, the Council can issue abatement notices requiring the recipient to cease an activity, prohibit them from commencing an activity, or requiring them to do something. Where a person breaches an abatement notice, that person can be issued an infringement notice, or prosecuted for that breach.
  - e) **Notice to fix:** Under the Building Act 2004, the Council must issue a notice to fix where it considers on reasonable grounds that a person is contravening or failing to comply with the Act or the Building Code. A notice to fix requires the recipient(s) to remedy the noncompliance. Where a person fails to comply with a notice to fix, the Council may issue an infringement notice or prosecute.
  - f) Dangerous, affected, or insanitary building notices: The Council may issue dangerous, affected or insanitary building notices which require a person to take steps to remedy a dangerous, affected or insanitary building and to restrict access to the building.

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<sup>&</sup>lt;sup>2</sup> The explanations offered in this section are by way of summary. Please refer to the relevant legislation for further information about each enforcement tool, and the other enforcement tools available to the Council, and note that this list does not constitute the full range of tools available to the Council.

- g) **Bylaw notice**: Where a person is found to be acting in breach of the bylaw may enable the Council to issue a bylaw notice requiring that person to do something eg remove a fence situated over a public place that does not have the required approvals.
- h) **Seizure**: The Council can take steps to seize property involved in the commission of an offence.

## **Enforced compliance**

- 7.6 Where an offence remains unresolved following the use of other enforcement mechanisms, or where the offending is serious and / or involves a repeat offender, the Council may seek to escalate the matter to the appropriate Court:<sup>3</sup>
  - a) Interim enforcement orders or enforcement orders: Under the Resource Management Act 1991, the Council may apply to the Environment Court for interim enforcement orders or enforcement orders directing a party to take a certain action. If a person breaches an enforcement order, the Council may commence a prosecution against them.
  - b) Order to carry out works: Under the Building Act 2004, where the Council has required a person to carry out building work, and they have failed to undertake this work within the required time, the Council may apply to the District Court for an order authorising it to carry out building work, and for the costs of the works to be borne by the owner of the building.
  - c) **Injunction**: The Council may apply to the District Court for an injunction restraining a person from committing a breach of a bylaw or an offence against the Local Government Act 2002.
  - d) **Prosecution**: The Council may take a formal prosecution for contravention of various legislation including the Resource Management Act 1991, the Building Act 2004, the Dog Control Act 1996 and the Local Government Act 2002. If you are found guilty of the offence, this may result in a conviction and a fine and / or other criminal sanction.

## 8. Enforcement Policies

- 8.1. The Council recognises that taking any kind of enforcement action or response can have a significant impact and should not be taken lightly.
- 8.2. The Napier City Council Delegation Register identifies who, within the Council, may make the various enforcement decisions, and these may be subject to change.
- 8.3. For low level compliance matters, warranted Council officers will have the delegated authority to take certain enforcement action. This will include issuing formal warnings, infringement notices, notices to fix and abatement notices. Before issuing any notice, the relevant officer will consult with their team leader.
- 8.4. For more complex matters that involve Court action, the warranted officer will prepare a enforcement recommendation report that for consideration and decision by the Council's Compliance and Enforcement Panel (CEP). A legal review will also be undertaken prior to the commencement of any Court application or prosecution.

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<sup>&</sup>lt;sup>3</sup> Please note that this list does not constitute the full range of tools available to the Council and is provided by way of example only.

## Decisions to prosecute

- 8.5. Every decision to take a prosecution will be made on a case-by-case basis taking into account all of the relevant circumstances.
- 8.6. The Solicitor General's Prosecution Guidelines 2013 (or any Guidelines that supersede this version) provide guidance for when enforcement agencies are deciding whether to commence a prosecution. There must be sufficient evidence to file charging documents and the charges must be in the public interest.
- 8.7. Broadly, where a warranted officer has completed an investigation and considers, in their opinion, that a matter should be considered for prosecution, the following steps will be taken:
  - a) The enforcement officer discusses the non-compliance with their team leader and where necessary, the matter is referred to the investigations team.
  - b) The compliance investigation is undertaken and completed.
  - c) The compliance officer completes an enforcement recommendation report which is presented to the CEP.
  - d) The CEP makes an in-principle decision to prosecute subject to legal review.
  - e) Legal advice is sought as to whether the Solicitor General's Prosecution Guidelines are met.
  - f) Final prosecution decision is made by the Chief Executive following receipt of legal advice.

## **Policy Review**

The review timeframe of this policy will be no longer than every 12 months.

## **Document History**

Version	Reviewer	Change Detail	Date
1	Executive Director of City Strategy	DRAFT policy created for ELT/Council review	September 2024
2	Council	Adopted	5 November 2024
3	Policy Gatekeeper	Minor formatting	March 2025

# 6. CLIMATE CHANGE RISK ASSESSMENT REPORT AND REGIONAL CLIMATE ACTION COLLABORATION

Type of Report:	Information
Legal Reference:	Enter Legal Reference
Document ID:	1864100
Reporting Officer/s & Unit:	Michele Grigg, Senior Policy Analyst

## 6.1 Purpose of Report

This report asks Council to receive the *Hawke's Bay Climate Change Risk Assessment* technical report, note the resolutions from the May 2025 Climate Action Joint Committee meeting and note. The report also indicates Napier City Council's intent for future climate action work, including continued regional collaboration.

#### Officer's Recommendation

That Council:

- a) **Receive** the independent Hawke's Bay Climate Change Risk Assessment technical report produced by Urban Intelligence for the Climate Action Joint Committee.
- b) **Note** the resolutions from the Climate Action Joint Committee meeting held on 9 May 2025.
- c) **Note** there are no property level implications arising from the report, including for Land Information Memoranda (LIMs).
- d) **Note** Napier City Council's commitment to continued regional climate action collaboration.
- e) **Note** an update on planning for a Napier City climate work programme will be provided to the Future Napier Committee.

## 6.2 Background Summary

# 1.2.1 Climate Change Risk Assessment report, CAJC resolutions, and property level implications

In August 2024, the Hawke's Bay Climate Action Joint Committee (CAJC) commissioned a regional Climate Change Risk Assessment (CCRA) report, based on existing data and information, marking this as the first climate change risk assessment for the region.

The Technical Advisory Group (TAG) subsequently engaged independent experts, Urban Intelligence, to undertake the assessment. Data was drawn from national and local sources, including from Napier City Council, other CAJC member councils, and Hawke's Bay Civil Defence and Emergency Management (HBCDEM).

Climate change risk assessments are a key tool for informing adaptation planning and building resilience. They provide climate-focused evidence and analysis to support proactive decision making. Many councils throughout Aotearoa have undertaken their first local climate change risk assessments<sup>9</sup>, including since publication of the first National Climate Change Risk Assessment in 2020.<sup>10</sup>

The Hawke's Bay CCRA is a public-facing technical report (see **Attachment 1** for the full report). The risk assessment relies on existing data sets held by the relevant councils. It presents a summary of climate risk information at both the regional and territorial authority level (see **Attachment 2** for the Napier City Snapshot summary). The report forms a shared evidence base about known climate risks and is a foundation for further climate risk and adaptation work across the region. The report is available via both our Natural Hazards web page<sup>11</sup> and the regional online platform.<sup>12</sup>

On 9 May 2025, the CAJC formally received the CCRA report and passed a series of resolutions (see below). These included acknowledging the collaborative effort to produce the report, sharing key findings with a range of partners, and recommending that the five partner councils note the report's publication, consider its findings, commit to ongoing collaboration, and allocate resources in the 2027-2037 Long Term Plan to enable a future risk assessment update. The CAJC also requested that TAG report back with options for a regional climate data investment strategy and governance models to support future collaboration by 30 September 2025.

## Resolutions from Climate Action Joint Committee, 9 May 2025 (unconfirmed)

That the Climate Action Joint Committee:

- Receives and considers the Hawke's Bay Climate Change Risk Assessment staff report.
- 1.2. Receives the independent Hawke's Bay Climate Change Risk Assessment technical report produced by Urban Intelligence.
- 1.3. Recognises and acknowledges the collaborative effort to deliver a public-facing assessment that forms the first shared evidence base of climate risk for the region.
- 1.4. Shares the key findings and opportunities for further work set out in the Hawke's Bay Climate Change Risk Assessment technical report with the five partner councils, our regional PSGEs and Taiwhenua organisations, HB CDEM Group Joint Committee, HB Lifelines organisations, the Regional Planning Committee and Central Government partners.
- 1.5. Requests that the TAG reports back to the CAJC on options to progress a region-wide climate data investment strategy/roadmap and regional climate change collaboration governance models, considering the roles and responsibilities of Emergency Management and councils by 30 September 2025.
- 1.6. Recommends to the five partner councils that they:
  - 1.6.1. Note the publication of the Hawke's Bay Climate Change Risk Assessment technical report.
  - 1.6.2. Consider the findings and opportunities for further work outlined in the Hawke's Bay Climate Change Risk Assessment technical report, including how to integrate climate risk information into decision-making at all levels.
  - 1.6.3. Commit to providing staff resource and funding for ongoing collaboration on climate action, including allocating budget in the next Long Term Plan to enable a future iteration of the Hawke's Bay Climate Change Risk Assessment to be undertaken

<sup>&</sup>lt;sup>9</sup> Including for example: Otago Regional Council (2021), Bay of Plenty Regional Council (2023), Nelson City Council & Tasman District Council (2023), Wellington City Council & partner councils (2023).

<sup>10</sup> https://environment.govt.nz/publications/national-climate-change-risk-assessment-for-new-zealand-main-report/

<sup>11</sup> https://www.napier.govt.nz/our-council/natural-hazards/ (see Climate Change page also).

<sup>12</sup> https://www.hbrc.govt.nz/climate-change-risk-assessment

during the 2027-2037 period.

- 1.6.4. Commit to regional collaboration on climate action to continue building resilience.
- 1.6.5. Commit to processes of continuous improvement to address the impacts of climate change on vulnerable communities including tangata whenua.

The resolutions under item 1.6 above are directed to the five CAJC partner Councils. Some request future commitments, such as LTP budget provision, while others seek in-principle support for continued collaboration and integration of climate risk into decision-making. In response, Napier City Council has taken, or intends to take, the following actions:

- Promotion and accessibility of the CCRA: We have actively promoted the CCRA report through our communication channels and made it available on our website (Resolution 1.6.1).
- Commitment to informed decision-making: Council remains committed to ensuring our community has access to the best available information, including through LIMS and other LGOIMA mechanisms. We will continue to integrate climate risk considerations into Council decision-making processes (Resolutions 1.6.2 and 1.6.5).
- Ongoing resourcing for climate action: Council intends to maintain its current level
  of climate action resourcing. This will be reviewed as part of developing the 2027-2037
  Long Term Plan (Resolution 1.6.3).
- Continued regional collaboration: Although Napier City Council is no longer a
  member of the CAJC, we remain committed to on-going officer-level collaboration with
  the other Hawke's Bay Councils. We anticipate this will continue into the new
  triennium, regardless of any governance arrangements that may be established in the
  new term. Our focus will be on embedding climate action within Napier's strategic
  planning framework while supporting regional alignment where appropriate
  (Resolution 1.6.4).

## **Property level implications**

As mentioned earlier, the CCRA report utilises existing data held by the relevant Councils. It is a technical report intended to guide future decision-making at a city/district/regional level. As such, it does not identify risks at a property (or even localised) level. While the report and summaries have been made publicly available, there is no requirement to reference the report on land information memoranda (LIMs) under either s44B of the Local Government Official Information and Meetings Amendment Act 2023, which came into force on 1 July 2025, or Regulations 7 and 10 of the Local Government (Natural Hazard Information in Land Information Memoranda) Regulations 2025, which come into effect from 17 October 2025.

The CCRA report is clear that it is not a property specific assessment and as it is based on existing modelling, information identifying the relevant hazard(s) are already included on the necessary LIMs. This understanding aligns with that of colleagues at Hastings District Council.

Officers provided earlier input into the Department of Internal Affairs' 'Guidance for Natural Hazard Information in LIMS', released this month. The guidance provides a summary of the requirements for territorial authorities and regional councils from the changes to the LGOIMA Act and Regulations and answers a number of frequently asked questions. We are also in discussions with HBRC about their planned review of the Hazard Portal and have expressed an interest in ongoing involvement in that review.

## 1.2.2 Napier climate action work programme

Napier City Council is committed to strengthening its approach to climate action by embedding climate considerations into a refreshed strategic planning framework, following the organisation's recent redesign. This will include identifying key climate-related outcomes and aligning these within Council's wider strategic priorities. A shift towards outcomes-focused reporting will enhance our ability to track progress and improve transparency for both Council and the community.

As part of this work, we will develop a climate work programme that builds on existing foundations and sets out priority actions. Current initiatives aiming to contribute to climate action include the collaborative Ahuriri Regional Park Masterplan, the Natural Hazards variation to the District Plan, ongoing stormwater infrastructure upgrades, implementation of the Emissions Reduction Action Plan, and participation in regional projects such as the Reimagining Flood Resilience initiative and the Coastal Hazards Strategy. Together, these support both climate mitigation and adaptation.

We also acknowledge our obligations under the Local Government Official Information and Meetings Act 1987 (LGOIMA) to provide relevant natural hazard information through Land Information Memoranda (LIMs). This includes disclosure of known natural hazard risks such as sea level rise and flooding. Making this information accessible supports informed decision-making by current and prospective property owners. We will continue to improve how we communicate risk and adaptation responses as we build our climate programme.

We continue to deliver on our statutory responsibilities under both the Local Government Act 2002 and the Resource Management Act 1991. Under the Local Government Act, climate change must be integrated into strategic planning, investment decisions, and community engagement. The Resource Management Act requires consideration of climate change in resource management policy development and consenting processes, including through natural hazard assessments, land use planning, and infrastructure investment. This work remains ongoing and will evolve as national direction develops.

The recently released Proposed Approach for New Zealand's Adaptation Framework<sup>13</sup> highlights the urgent need to change the way New Zealand adapts to climate change. It recommends a move towards a mature adaptation framework that includes planned adaptation responses to reduce risk to life, property and infrastructure, and to minimise economic loss and fiscal pressure on the Crown, local government and other agencies. We will consider the recommendations of this report as we develop our climate action work programme.

#### 6.3 Issues

This first Hawke's Bay CCRA report is an independently prepared technical report. It compiles relevant data and information available at the time of preparation and presents this alongside expert analysis, mapping, and interpretation. Commissioned by the CAJC to be prepared at pace, the report presents a snapshot of current climate change risks in the region. It serves as a foundation for further work. It also identifies limitations in available climate hazard data and highlights opportunities for improvement.

<sup>&</sup>lt;sup>13</sup> Independent Reference Group on Climate Adaptation. 2025. *A proposed approach for New Zealand's adaptation framework*. <a href="https://environment.govt.nz/assets/publications/climate-change/A-proposed-approach-for-New-Zealands-adaptation-framework-final.pdf">https://environment.govt.nz/assets/publications/climate-change/A-proposed-approach-for-New-Zealands-adaptation-framework-final.pdf</a>

As noted earlier, although Napier City Council is no longer a member of the CAJC, officers will continue to collaborate regionally on climate-related matters (eg, inputting into regional spatial planning to identify how the region can grow in resilient areas).

## 6.4 Significance and Engagement

The CCRA report was prepared by an independent consultancy, Urban Intelligence, specialists in climate risk who have completed similar assessments for several other councils across New Zealand. They also support the work of the Climate Change Commission on national adaptation.

Urban Intelligence worked collaboratively with the five Hawke's Bay councils and HBCDEM to gather data for the assessment. Council staff, HBCDEM, mana whenua, and lifelines representatives contributed to validating the findings and identifying regional and district-level risks through in-person workshops. Draft findings were also presented to a workshop with the CAJC, which includes Council and tangata whenua representatives.

HBRC received the final CCRA report at their meeting on 25 June 2025. We understand the other CAJC member councils are taking the report to their elected members in July and August 2025.

#### 6.5 Implications

#### **Financial**

There are no financial or resourcing implications arising from the recommendations of this paper. Likewise, there are no direct financial implications arising from the resolutions agreed by the CAJC, given Napier City Council's decision to withdraw from the Committee as of 1 July 2025 and the direction given to staff to continue collaborating on regional climate initiatives within existing delegations and budgets.

Future Council decisions relating to the resourcing of climate action, integration of climate considerations across the organisation, and opportunities for regional collaboration may carry financial or resourcing implications, which will need to be considered at that time.

## **Social & Policy**

The CCRA report provides an important foundation to support future conversations with communities, particularly in relation to adaptation planning.

It can also inform Council's planning and work programmes across a range of areas, including asset management, water security, land use, flood management and biodiversity. Additionally, the report highlights current knowledge gaps, informing us on how best to obtain further information to support climate decision making.

The report is also a useful resource for the community, including developers, sector groups, and the wider community, to inform their own activities, particularly in relation to future development and adaptation planning.

#### Risk

The CCRA is based on existing information about the current state and does not account for potential future changes such as land use, population growth, or investment in risk reduction measures. There are known variations in data quality and coverage across the region, which limit the ability for direct comparisons between the district-level findings. These inconsistencies highlight an opportunity for coordinated regional investment in hazard modelling to inform future decision-making.

The CCRA does not identify risks at the property (or small local-scale) level but provides a city-wide understanding of climate risk.

## 6.6 Options

The options available to Council are as follows:

- a. Receive the Hawke's Bay Climate Change Risk Assessment technical report, released by the Climate Action Joint Committee on 9 May 2025.
- b. Do not receive the Hawke's Bay Climate Change Risk Assessment technical report released by the Climate Action Joint Committee on 9 May 2025.

## 6.7 Development of Preferred Option

Option a is preferred. The CCRA report provides Napier City Council with a snapshot assessment of climate related risks for Napier, the first of its kind for the city. It highlights relevant data gaps that Council or the region's Councils can address over time and is a starting point for continued conversations about climate risk and adaptation.

#### 6.8 Attachments

- 1 Hawke's Bay Climate Change Risk Assessment report (Doc Id 1865172) (Under separate cover 1)
- Napier City Snapshot HB Climate Change Risk Assessment report (Doc Id 186517) (Under separate cover 1) ⇒

# 7. LOCAL WATER DONE WELL - DELIBERATIONS REPORT (TO BE CIRCULATED SEPARATELY)

Type of Report:	Operational and Procedural
Legal Reference:	N/A
Document ID:	1867097
Reporting Officer/s & Unit:	Andrew Lebioda, Manager Water Reforms Transition

This report will be circulated separately.

## 8. URBAN WATERWAY ASSET OWNERSHIP TRANSFER

Type of Report:	Operational and Procedural
Legal Reference:	Local Government Act 2002
Document ID:	1864990
Reporting Officer/s & Unit:	Andrew Lebioda, Manager Water Reforms Transition

## 8.1 Purpose of Report

The purpose of this Report is to have Napier City Council endorse the proposed plan for receiving responsibility for, and ultimately ownership of, the Napier Urban Waterways assets currently owned by Hawkes Bay Regional Council.

#### Officer's Recommendation

That Council:

- a. Receive the report titled "Urban Waterway Asset Ownership Transfer" dated 31 July 2025.
- b. Endorse the plan for the transfer of Napier Urban Waterways assets from Hawkes Bay Regional Council to the Napier City Council asset register, or any Water Services CCO subsequently established consistent with Council's response to Local Water Done Well.
- c. Approve the development of a combined Asset Management Plan with Hawkes Bay Regional Council to guide Officers in the investment, management and operational direction required for the Napier Urban Waterway stormwater network.
- d. **Approve** the transfer of management for the Hawkes Bay Regional Council assets within the Napier Urban Waterway stormwater network, as described by this report, on 1 July 2026 or earlier if practicable.
- e. **Note** the significance the report and the need for a joint community engagement process between Napier City and Hawkes Bay Regional Councils
- f. Note that Officers will request Council approval before any transfer of asset ownership to Napier City Council or Water Services CCO subsequently created factoring in any consultation requirement.

## 8.1 Background Summary

A widespread open drainage network provides stormwater drainage and management for most of the Napier urban environment. Some waterways were originally designed to provide land drainage to rural environments, however now form a critical part of Napier City Council's (NCC) stormwater network.

Pieces of the network assets are separately owned, operated and managed by Hawkes Bay Regional Council (HBRC) and NCC. The network assets include pump stations, detention dams, flood gates, and culverts, as well as open waterways. Maintenance and operation of the waterways is currently carried out by both HBRC and NCC. The two Councils have structured regular meetings to co-ordinate stormwater activities at both Strategic and Operational levels, and more recently to develop a single delivery plan.

The current ownership and management arrangement was determined in the last reform of local government in 1989.

A review of urban stormwater network service delivery was initiated in 2021 to primarily address:

- The need to provide a consistent level of service for stormwater services within Napier's urban areas.
- The need for a coordinated and consistent investment approach for Napier's stormwater services.
- Lack of accountability with roles and responsibilities not clearly defined.
- Lack of clarity around ownership and operational responsibilities.
- Potential to increase risk for incident response without a suitable framework in place.
- The need for effective ownership, governance and management arrangements for Napier's urban stormwater to be in place prior to the establishment of any potential three waters entity in Hawke's Bay

A detailed business case for the transfer of asset ownership based on geographic location has been developed by Morrison Low and is anticipated to be finalised before mid-August and will be made available to Council.

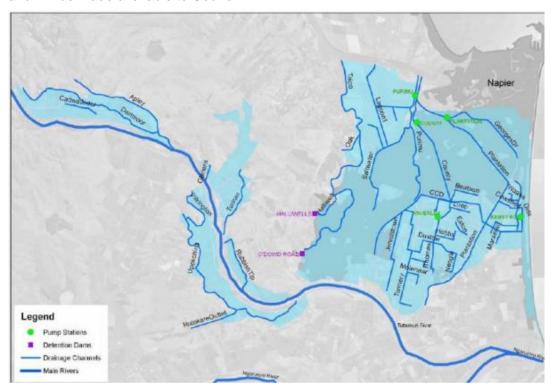


Figure 1: Napier Urban stormwater drainage area showing open waterway and pump station locations and names

## 8.2 Issues

Key issues presented by the current arrangement are summarised below;

 Levels of Service – Existing levels of service for some drainage catchments are based on land drainage levels of service and not clearly aligned to urban stormwater levels of service.

- Roles and Responsibilities There is no contract or formal arrangement in place between the two Councils regarding management of the waterways. There is no single 'source of truth' formalised documentation about roles and responsibilities.
- Accountability Accountability is not clear across the stormwater activity with regards to waterways maintenance and operation. Public and communities are not clear who is responsible for what.
- Ownership Land, assets and equipment may have different ownership e.g. pump station owned by HBRC but SCADA system installed by NCC, who operate the pump station.
- Investment and Decision Making Level of investment may not be consistent across both councils which could have downstream impacts. Each council makes investment decisions based on their own 'risk appetite' with limited coordination. A whole of network approach is required for planned future investment in drainage assets which is more challenging under joint ownership and operation. Officers currently aim to address this through regular coordination meetings.
- Compliance There is an increasing need for accurate asset data, and performance and consent monitoring.
- Uncertainty around 3-Waters reforms Future 3 Waters service delivery is still largely
  unknown through implementation of the Local Water Done Well (LWDW) policy. The
  establishment of a new water services entity may alter opportunities to transfer
  drainage schemes.

## 8.3 Significance and Engagement

NCC taking management and operational responsibility for the additional urban stormwater assets under contract to HBRC has been assessed as follows.

 Assessed under the NCC Significance and Engagement Policy as low significance not requiring consultation. While the Stormwater group of assets is considered Strategic by Council, the proposed transfer relates to a minor portion of the overall asset. No nett financial impact is expected for rate payers. The asset transfer should result in a positive impact to Level of Service.

Legal opinion from Simpson Grierson concluded any transfer of asset responsibility and ownership will ultimately require community consultation. This consultation is anticipated to occur in the future in advance of the asset transfer being executed.

## 8.4 Implications

## **Financial**

The transfer of assets is expected to have the following financial impacts (assessment based on 2023/24 operating budgets, which will be updated in finalising the Business Case).

- Implementation costs in the range of \$150,000 to \$250,000, including an estimate for internal staff costs, to be shared between NCC and HBRC.
- Approximately \$1,245,000 of additional annual operating expenditure being borne by NCC, with a commensurate reduction at HBRC. Both Councils have agreed for HBRC to continue collecting targeted stormwater rates from impacted properties which will be passed through to NCC.
- No anticipated increase in resource requirement within NCC.

- Approximately \$650,000 of unfunded overheads (including employment costs) remaining within HBRC.
- Transfer of assets with a book value of \$10,012,000 (as at 30 June 2023) from HBRC to NCC. This equates to approximately 4% of HBRC's total assets, and 0.4% of NCC's total assets. Asset values will be agreed by Councils at the time of transfer.

The Business Case will not account for any increased efficiency of delivery, however these are likely to exist following transfer. Detailed analysis of future funding requirements will take place as part of the transfer process.

It is unlikely any transfer of debt or financial reserves will take place.

## Social & Policy

NCC taking responsibility for the urban waterways is consistent with current policy settings.

No updates to the NCC Stormwater Bylaw 2020 will be required as a result of the proposed change.

#### Risk

LWDW Bill 3 requirements for a Stormwater Risk Management Plan.

NCC assuming responsibility for the urban waterways has potential to improve the overall Level of Service, mitigating community risk.

Up to 399 easements have been identified as potentially being required to complete the asset transfer. Investigation of the legal requirement and status of these easements is yet to be conducted.

NCC agreed the following risks and potential benefits during an August 2024 workshop with Councillors.

- Heightened flood risk
- Continued confusion
- Inability to fund necessary capital work
- Increased cost to community
- Resourcing

## 8.5 Options

Ten options are being considered in the Business Case, which are noted below.

- a) Status Quo maintain current arrangements.
- b) Enhanced Status Quo Current practice operationalised, documented and collated into a structured and combined format.
- c) Enhanced Status Quo with Rationalisation of Contracts option b, plus additional improvements through rationalisation of contracts.
- d) Enhanced Status Quo with Waterways Asset Management Position Established option b, plus establishment of a new role to oversee the management of the urban waterways as a combined activity.
- e) Assets Split on a Geographic Basis open drainage assets transferred based on their geographical location such as catchment boundaries or urban boundary.

- f) Assets Split by Function each council has full ownership and responsibility for a specific asset "function" or activity.
- g) All Assets Transferred to One Council one council has full responsibility for ownership and management of all open waterways within Napier City Council boundary.
- h) Full Shared Services Jointly Managed Between HBRC and NCC.
- i) CCO/CCTO owned by Council/s transfer of the urban waterways into a newly established CCO/CCTO.
- j) Council Forms an Alliance Arrangement to Manage and Deliver the Urban Waterways.

Option e. above (labelled Option 3a in the Business Case) is preferred by both NCC and HBRC.

## 8.6 Development of Preferred Option

Shortlisted options are considered in the Business Case. The options were assessed against the following consideration factors:

- Finance
- Risk
- Assessment against investment objectives and business needs

The preferred option to "transfer of assets between the two organisations with assets split on a geographic basis" will be further presented in the Business Case.

#### a. Draft Schedule for Transition

A schedule for the transfer of assets will be developed and agreed by Council Officers based around the milestone dates below.

- A single Asset Management Plan will be developed with HBRC for the Napier Urban Waterway stormwater network before NCC take responsibility for the additional assets.
- NCC will provide management and operation of HBRC assets from 1 July 2026, or earlier if practicable.
- Ownership of assets will transfer to NCC on 1 July 2027, or earlier to align with the transfer of NCC assets into any Water Services CCO created in line with NCC's response to LWDW.

A number of factors for the transition schedule remain unresolved, including:

- Establishment of a WSCCO presents a risk to the proposed schedule. Transition of ownership may be accelerated after consideration of the WSCCO schedule.
- The required consultation by both Councils at each stage of the process.

## b. Assets Beyond the Considered Napier Urban Environment

Council Officers will investigate whether HBRC owned stormwater assets exist within NCC territory outside of the currently considered area, and whether they warrant inclusion in any transfer.

## 8.7 Attachments

Nil

## 9. HERETAUNGA WATER STORAGE PROJECT SHAREHOLDER COMMITTEE PARTICIPATION

Type of Report:	Procedural
Legal Reference:	N/A
Document ID:	1864996
Reporting Officer/s & Unit:	Russell Bond, Executive Director Infrastructure Services

## 9.1 Purpose of Report

The purpose of this report is to approve the appointment of two elected members to the Heretaunga Water Storage Project Shareholder Committee, which is being established and led by an independent Chair

## Officer's Recommendation

That Council:

- a) **Receive** the report titled "Appointments Heretaunga Water Storage Project Shareholder Committee Participation" dated 31st July 2025.
- b) **Approve** that Napier City Council should be a member of the Heretaunga Water Storage Shareholder Committee
- c) **Approve** the appointment of Councillors Keith Price and Greg Mawson to the Heretaunga Water Storage Shareholder Committee for the Heretaunga Water Storage project.

## 9.2 Background Summary

In June 2025, Hawke's Bay Regional Council (HBRC) presented to Napier City Mayor and Chief Executive Officer with an overview of the Heretaunga Water Storage Project (the Project).

The Project is for a medium-sized water storage scheme that would deliver environmental, economic, and well-being benefits to Heretaunga. It would improve supply security to all current water users, enhance environmental outcomes by augmenting lowland stream and river flows during summer, and provide water for growth in our towns, cities, and industry.

It is a local water storage project to serve Heretaunga.

The beneficiaries of enhanced water security and supply would be shared across all people of the region: households, landowners and producers, industry, growing towns and cities. The environmental benefits of augmenting flow to offset groundwater abstraction are a primary driver for the project.

The project is well-sized and located to deliver social, economic, and environmental benefits to people, businesses, and growers on the Heretaunga Plains, including the towns and cities.

At the Governance lever, HBRC is proposing to form a directly owned company, 1/3 owned by each of the three key stakeholder groups:

Legal form: Limited liability company incorporated under the Companies Act 1993

Shareholders: 99 shares issued at \$1 each:

- 33 shares Napier City Council/Hastings District Council collectively
- 33 shares Mana whenua/iwi groups collectively
- 33 shares legal entity formed to represent extractive water users

#### **Governance arrangements:**

## 1) Shareholder committee

- 2 x representatives from each Water User stakeholder group (nominated and appointed by the respective groups)
- b) 1 x independent Chair (nominated and agreed to by appointed representative group)
- Shareholder Committee is established to provide representative governance on behalf of the found shareholding groups and to collectively manage these groups interests

#### 2) Professional Board of Directors

A three – five person professional, skills-based board, responsible for project delivery governance

Napier City Council has been invited to nominate two Councillors to sit on the Project's Shareholder Committee to:

- a) participate in the establishment of the Board of Directors; and
- b) provide representative governance on behalf of the founder shareholding groups and to collective mange these groups interests.

#### 9.3 Issues

No Issues

## 9.4 Significance and Engagement

Nil at this point as there is no significant change.

## 9.5 Implications

#### **Financial**

Membership on the Heretaunga Water Storage Project Shareholder Committee require time commitment only at this time. NCC anticipates that outputs from the Project will initially inform their 2027-2037 Long Term Plan decision-making.

## **Social & Policy**

The outcomes of this project are expected to extend over the long-term and Council has a role in contributing to shaping and guiding the outcomes.

## Risk

Council governance would be providing strategic oversight and confirming project recommendations to the Board of Directors in relation to an activity that is typically outside

the scope of territorial local authorities. However, the project has the potential to significantly impact on and influence the Napier community, hence the recommendation to be involved.

There may be a perceived conflict of interest with Napier City Council's regulatory role in an operational solution similar to Hawke's Bay Regional Council's, although this is likely limited to consent consultation as an affected party.

## 9.6 Options

The options available to Council are as follows:

- a. Approve that Napier City Council should be a member of the Heretaunga Water Storage Project Shareholder Committee and the appointment of Councillors Keith Price and Greg Mawson to the Committee.
- b. **Do not approve** Napier City Council's participation in the Heretaunga Water Storage Project Shareholder Committee.

## 9.7 Development of Preferred Option

The preferred option is Option A so that HBRC is able to progress with establishing the Project's governance arrangements including forming the Heretaunga Water Storage Project Shareholder Committee.

#### 9.8 Attachments

Nil

## 10. CIVIC PRECINCT PROGRESS REPORT

Type of Report:	Operational and Procedural
Legal Reference:	Enter Legal Reference
Document ID:	1853751
Reporting Officer/s & Unit:	Darran Gillies, Strategic Programmes Manager

## 10.1 Purpose of Report

To provide council with a Civic Precinct project progress update.

## Officer's Recommendation

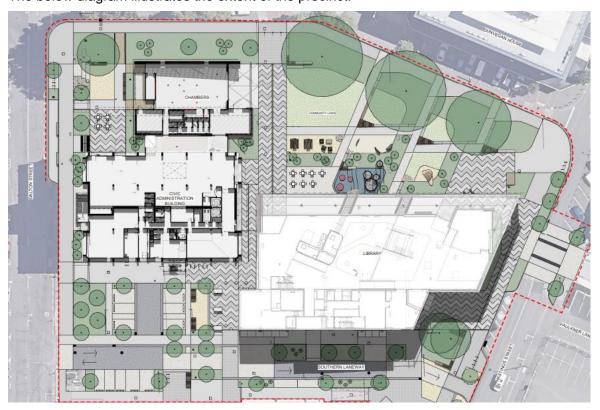
That Council:

a. Receive the report titled "Civic Precinct Progress Report" dated 31 July 2025.

## 10.2 Background Summary

The Civic Precinct is made up of a public realm that spans an area from the lane running east-west adjacent to the Court House and Dalton House on the southern edge, Hastings Street on the east, Station Street on the north and Dalton Street on the west. Sitting within that area sits three interconnected buildings – the Library, Council Chambers, and the Office accommodation building.

The below diagram illustrates the extent of the precinct.



#### 10.3 Issues

With the project receiving the relevant building consents and the signing of the contract, the timely mobilisation of the main contractor marks the beginning of the construction stage in good health. For projects of this scale and complexity, tight controls are in place to ensure that any issues that arise can be addressed with the appropriate treatments in a timely manner.

## 10.4 Significance and Engagement

The Strategic Programmes team, MCL Stead, and other council officers have been meeting with stakeholders to provide updates on the project, seek feedback, and gauge interest in involvement both now and after completion. The table below provides a brief overview of these interactions.

Stakeholder Group	Att.	Summary of Feedback	Lead by
Nga Toi Hawkes Bay	5	<ul> <li>Excited about the possibility of collaborating</li> </ul>	NCC
Hawkes Bay		<ul> <li>Hopes for a bold and inclusive vision for the operating of the creative space</li> </ul>	
		Keen to share experience and expertise	
Creative Arts Napier	1	Excited about the possibility of collaborating	NCC
Ναρισι		Didn't realise the project was three buildings	
Eastern & Central Community Trust	2	<ul> <li>They wish to be shown what community needs are being addressed and how they are being resolved.</li> </ul>	NCC
		<ul> <li>ECCT sighted the Digital Gap (very prevalent in Napier) and social isolation.</li> </ul>	
		<ul> <li>Emphasis on creating safe places for Rangitahi, spaces for homework.</li> </ul>	
		•	
Pilot City Trust	5	<ul> <li>Rauwharo was mentioned and whether he would have a presence in the building / public realm.</li> </ul>	NCC
		<ul> <li>Pilot City Trust work closely with Toi Matarua research (rangitahi) as well as with the Director of Research at EIT.</li> </ul>	
		<ul> <li>Pleased to see the focus on youth and how the space will be inclusive of Rangitahi.</li> </ul>	
Ahuriri Business Association	8	Comments around being better informed about the development	NCC
		<ul> <li>Could the building have been located on the foreshore instead. Positivity in creating more amenity and transport options in Clive Square</li> </ul>	

Stakeholder Group	Att.	Summary of Feedback	Lead by
NCC Youth Council	13	Very interested in the innovation spaces.	NCC
Courion		<ul> <li>Questioned carparking and how much would be allocated</li> </ul>	
		<ul> <li>representative been keen to be involved with Ahuriri Libraries Foundation.</li> </ul>	
		<ul> <li>General agreement that dedicated teenage- only spaces are not the preferred approach. Instead, the vision is for the entire facility to offer inclusive, flexible spaces that cater to teenagers alongside other community members.</li> </ul>	
Hawke's Bay Secondary Principal Association	10	Praised the co-design with mana whenua and the incorporation of cultural elements within the building and public realm.	NCC
		<ul> <li>Questioned if meeting spaces were going to be charged.</li> </ul>	
		<ul> <li>Requested visits to their schools to present to the students</li> </ul>	
		<ul> <li>Overall enthusiasm for the entire build and what options and opportunities presents to Rangitahi</li> </ul>	
Napier Host Lions	20	Interest in the innovation spaces and the various proposed uses.	NCC
		Interested in parking solutions	
Napier City Business Inc (NCBI)	8	Endorsement of the Broader Outcomes and acknowledgement of the benefits this approach will bring to the CBD.	NCC
Precinct Neighbours	15	Construction Noise	MCLStead
racigibouis		Carparking	
		Hours of work	
		Volume of workers per day	
		Programme	
		Air Quality Monitoring	

## **Precinct Name Gifting**

On the 19th of June, the laying of three of the four Mauri stones, accompanied by a blessing, took place on site, marking a significant milestone for the project. The ceremony also provided an opportunity to welcome the key members of the MCL Stead team into our project whānau.

During the ceremony, our Mana Whenua partners presented the gift of a name for the Civic Precinct and its associated cultural narrative – Te Kete. This gifting symbolises both the strength of our partnership and the significance of the site.

The gifting of the name and the narrative brings both mana and opportunity to the project. This process should be given time to be developed and presented back through Ngā Mānukanuka o te iwi and the council.

#### Communication

With the commencement of construction, we have enhanced our communication efforts through the council's regular channels, keeping the community informed about on-site activities with video content and press releases. In the coming months, the project will have its own dedicated website, where we will highlight the positive impact of construction on the local economy through both local and national channels.

As noted in the table above, MCL Stead has taken the lead in communicating with neighbours directly affected by the construction.

The Precinct Advisory Board will also support the project with strategic communication advice to promote the benefits of the development during construction.

#### **Library & Precinct Foundation**

Work is progressing on the Ahuriri Library Foundation with the legal framework in place. The foundation will operate as an independent fundraising and advocacy body that will support the ongoing success of the activities that will take place in the precinct.

We are currently seeking members for the foundation with interest being expressed by members of our Youth Council, business groups and the wider community.

## A Summary of decisions

The Civic Precinct has been a significant project for our community and elected members since 2017, when the council vacated the Civic and Library Building due to its identification as earthquake prone. Below is a summary table of the numerous Council and Committee meetings held throughout the duration of the project.

Date	Committee	Decision
27 November 2018	COMMUNITY SERVICES COMMITTEE	Adoption the Napier Library Strategy 2018
11 December 2018	Council	Approval of the Napier Library site evaluation method
9 April 2020	Council	Civic Precinct Steering Group
		Receive and accept in principle the recommendation from the library site project steering group to pursue the development of the library on the Station Street site.
		Endorse the formation of a Civic Precinct Steering Group.
		Endorse the Civic Precinct Steering Group Terms of Reference.

Date	Committee	Decision
		<ul> <li>Note that the Civic Precinct Steering Group will undertake comprehensive master planning for the Civic Precinct including any important linkages beyond that site, keeping Council informed ahead of specific recommendations to Council on the master planning.</li> <li>Note that the Civic Precinct Steering Group will</li> </ul>
		<ul> <li>recommend key consultation steps to Council for the project</li> <li>Note the annual plan will include the preferred site for the library, and that any feedback on this through the annual plan can be forwarded to the Civic Precinct Steering Group for consideration in the master plan development</li> </ul>
30 July 2020	Future Napier	Civic Precinct Project Update
12 August 2020	Council	Annual Plan Inform - Council received 266 submissions on the return to the original library site, of which 207 submitters provided comments in support of their submission.
22 October 2020	Future Napier	Civic Precinct Framework
June 2021	Council	LTP Consultation Item with budget update
11 Nov 2021	Future Napier	<ul> <li>Receive the feedback on the Draft Library and Civic Area Plan</li> <li>Adopt the Library and Civic Area Plan (Doc Id 1396319)</li> </ul>
16 June 2022	Future Napier	Endorse the Design Brief and Business Case for the Station Street Community Facility.
		Approve the procurement of a design team to execute     Concept Design for the Station Street Community Facility
13 Sept 2023	Ngā Mānukanuka o Te lwi	Endorse the Te Aka Cultural Narrative.
12 October 2023	Council	Endorse The Concept Design for Te Aka.
		<ul> <li>Approve to proceed into the next stages of the Architectural Design process.</li> <li>Endorse The Construction Strategy for Te Aka</li> </ul>
01 Feb 2024	Council	<ul> <li>Endorse The Preliminary Design for Te Aka.</li> <li>Approve to proceed into the next stages of the Architectural Design process.</li> </ul>

Date	Committee	Decision
08 Feb 2024	Prosperous	<ul> <li>Receive The Due Diligence Report of the Civic Accommodation Business Case.</li> <li>Approve option 5a from the Civic Accommodation Business Case (Doc Id 1690557) – The NCC lead</li> </ul>
		Redevelopment of the library to be the preferred option within the Long-Term Plan consultation; and to proceed into the next stages of the programme of work to support that option.
10 May 2024	Ngā Mānukanuka o Te Iwi	Receive the report updating the development of the Mahi Toi for the Te Aka project.  To be a set of the set of the Aka project.
		<ul> <li>Endorse the direction of the cultural narrative for Te Aka.</li> <li>Support, in principle, the procurement of Ahuriri hapu/Ngāti Kahungunu artists for the delivery of the Mahi Toi in Te Aka.</li> </ul>
24 June 2024	Council	LTP Adoption Including the delivery of LCAP2 by Council Officers
15 Aug 2024	Council	Endorse the latest architectural design stages for the Civic Precinct
		Approve to progress to the design documentation stages to enable the Building Consent application process and the release of the main contractor tender to market.
05 Sept 2024	Audit & Risk	<ul> <li>Endorse Civic Precinct Main Contractor Procurement Approach (Doc Id 1783631).</li> <li>Note The Civic Precinct Main Contractor Probity Plan (Doc Id 1783634).</li> </ul>
29 Nov 2024	Audit & Risk	Receive Civic Precinct Main Contractor Procurement Update
24 April 2024	Council	<ul> <li>Approve the tender to award the Main Contractor for Civic Precinct construction to MCL Stead at a total of \$75,094,934.90 (excluding GST).</li> <li>Note the price was within 1% of the Quantity Surveyor Estimate for construction.</li> <li>Delegate authority to enter into a 3910 2013 construction contract to deliver the construction of the Civic Precinct to the value of \$75,094,934.90, on behalf of Council, to the Chief Executive or delegate.</li> <li>Note this delegation authority only applies for this specific contract execution.</li> <li>Note All payment claims are managed through the terms of the contract and require Quantity Surveyor and Engineer to Contract verification before approval is given to process any contract payments.</li> </ul>

Date	Committee	Decision
		<ul> <li>Note Value Management opportunities will be explored with the contract awardee at the earliest opportunity. Any cost savings identified will be used to increase the levels of construction contingency. The realisation of the value management opportunities will be reported upon though project governance structure and through to council.</li> <li>Note This paper will be made publicly available once all contract negotiations have been completed with the awardee.</li> <li>Direct the Chief Executive to consider the te aka / Maranga ongoing resourcing recommendations from the Independent Advisory Board, and report back to Council's June agenda with an update on Programme resourcing.</li> </ul>

## **Programme Update and key activity**

The table below highlights the key milestones for the project. Now that building consent has been confirmed, the Main Contractor will, over the coming weeks, finalise a more detailed programme of works. The project team will identify key activities of interest to stakeholders and the wider community, which will be reported on and communicated more widely through our communication channels. These activities will include the removal of the library façade, the pouring of foundations, and the installation of mass timber.

Milestone	Date	Status
Main Contractor Works to begin	19 June 2025	On Track
Workplace Fit-Out Detailed Design drop	5 September 2025	On Track
Office Accom. Completed Works	16 April 2027	On Track
Chambers Completed Works	16 April 2027	On Track
Library Completed Works	02 November 2027	On Track

## **Design Update**

- Finalising shelving layout and design for Te Aka
- Integration of AV and IT design for the Council Chambers and ground floor the accommodation tower.
- Detailed design of the office fit-out

## **Construction Updates**

- Maranga Building Consent was approved on 10 July, and Te Aka on 15 July.
- Central Demolition has demobilised from the site, and the project team is currently reviewing the completed works against their agreed scope.

- MCLStead took possession of the site on 23 June 2025. They are currently undertaking
  works related to site establishment, including site accommodation, hoardings, and
  traffic management.
- A 51-metre, 100-tonne crane was mobilised on site for work on the library tower refurbishment on 10 July.
- The removal of London Plane Trees 4 and 5 is scheduled for the week of 14 July.
- The procurement of long lead-time items, such as glass for the façade, is underway.
- Shop drawings and detailing have commenced for reinforcement and structural steel.

## 10.5 Implications

#### **Financial**

The project remains within budget, with the council approving the tender value on the 24th of April. WT Partners (QS) are developing a new monthly financial dashboard, which will be issued once the cash flows have been agreed with MCLStead. This will be reported monthly to the Programme Advisory Board and quarterly to Audit and Risk.

To date, \$7.85 million has been spent on this project. This includes the cost of demolishing the Civic Building and the Library Tower enabling works, as well as the design fees and associated professional services up to the detailed design and consenting documentation.

Value Management opportunities identified at tender are progressing positively. Now that the various building consents have been approved, which in turn triggers the forconstruction design sets, we can begin to issue the relevant instructions to the contractor to realise the cost-saving opportunities. These will be reported alongside the financial reports that go to Audit and Risk.

## Social & Policy

## **Broader Outcomes**

Positive discussions have been held with MCL Stead regarding the achievement of the Broader Outcomes outlined in the accepted tender proposal. These outcomes will be reported on a quarterly basis. The main contractor is currently in the process of procuring subtrades to meet the Māori and Pacific employment and business targets specified in their proposal. These targets will also be reported on once the trades are confirmed. Additionally, the employment of Cultural Monitors is underway to ensure the appropriate processes are followed during site excavations.

#### Risk

## **Contract Execution**

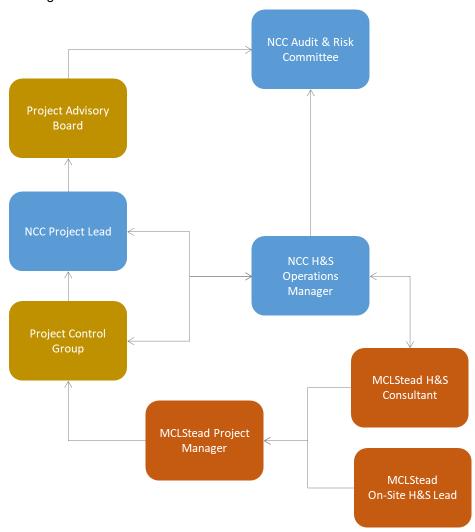
Now awarded, the contract has been executed using NZS3910:2013 - Conditions of contract for building and civil engineering construction.

- Engineer to Contract is Stuart Lyons of The Building Intelligence Group.
- Engineer 's Representative is Michael Gilbertson of The Building Intelligence Group.
- Quantity Surveyor is Richard Van Looy of WTP
- Delegated Officer is Darran Gillies NCC Strategic Programme Manager

The first of the Main Contract payment claims has been lodged and processed as per the contract and included all the site establishment works typical of a project of this scale and complexity.

## **Health and Safety**

Health and Safety is a critical undertaking for the project, with both the council and the Independent Programme Board setting high expectations for practice, reporting, and oversight. The team has been in communication with the chair to ensure a comprehensive briefing of the requirements. The levels of Health and Safety reporting and layers of oversight are detailed below:



The NCC Health and Safety team, MCL Stead's H&S Representative, the Project Engineer's Representative, the NCC Client Representative, and MCL Stead's independent Health and Safety advisor have completed the pre-start requirements. Contractor documentation has been reviewed and approved by NCC. Additionally, MCL Stead's Environmental Plan has also been approved by NCC.

## Safety and Design

One of the key discussion points during the Annual Plan with the proposed closure of the interim library in the MTG was security. A clearer understanding of the measures implemented for the precinct is essential to provide clarity and process to stakeholders and future users.

The Strategic Programmes team is leading the collation of safety design considerations undertaken by the project team, starting from the design brief in 2022 through the various design stages, and what needs to be embedded in the future precinct operating model.

The Operating Model will guide the set-up and operation of public-facing activities across the precinct. Importantly, it will continue the principle of 'health and safety by design' from the design phase into the usage and management of the buildings and spaces.

The report will be presented to the Programme Advisory Board for feedback and endorsement before being submitted to the NCC ELT and Audit and Risk.

## Strategic Risk Register

Below is the list of key strategic risks from the Strategic Risk Register updated monthly for the Programme Board

Risk	Previous RAG	Current RAG	Inherent Risk	Treatments
Workplace Health & Safety Incident				<ul> <li>Contractor Prequalification's / Minimum Requirements</li> <li>Safety Policies and Procedures</li> <li>Pre-Start Meetings &amp; Inspections and Task Analysis / JSAs</li> <li>Regular Inspections &amp; Safety Training</li> <li>Hazard Reporting &amp; supervision</li> </ul>
Variations to Workplace Brief lead to budget blowouts				<ul> <li>Early stakeholder engagement.</li> <li>Change Management process in place.</li> <li>Variation Controls in place – Prelim confirmation</li> </ul>
Disturbance to stakeholder operations through construction activities				The risk that construction activities negatively impact surrounding businesses
Slow decision- making and input from others				The PSG is clear on their role. The project team need to communicate the impact of delayed decision-making on the project.
NCC Organisational Change (NEW Strategic Risk 10/02/25)				During a change process BAU and project input can slowdown or stop. Support from ELT and CEO vital to mitigate risk

## 10.6 Options

The options available to Council are as follows:

a) Receive Civic Precinct Progress Report

## 10.7 Development of Preferred Option

The project team will continue to report to council and through the established project governance process.

## 10.8 Attachments

Nil

## 11. CITIZENS ASSEMBLY 2025: REMIT AND COUNCIL COMMITMENT

Type of Report:	Operational and Procedural	
Legal Reference:	N/A	
Document ID:	1865643	
Reporting Officer/s & Unit:	Julia Stevens, Manager Communications and Marketing	

## 11.1 Purpose of Report

The purpose of this report is to:

- 1. Update Council on the establishment and planning of Napier's first Citizens' Assembly, scheduled for September 2025.
- 2. Seek Council endorsement of the proposed remit for the Citizens' Assembly which is to develop recommendations on the future of the Napier Aquatic Centre.
- 3. Secure a formal public commitment from Council to consider and respond to the Assembly's recommendations in good faith and transparency.

## Officer's Recommendation

That Council:

a) **Endorses** the remit for the Citizens' Assembly:

What type of aquatic facility - and at which of the two locations - would best meet the needs, values, and priorities of the Napier community?

- b) **Commits** to a formal public promise to the Assembly, outlining how the Council will consider and respond to the Assembly's recommendations.
- c) **Notes** the Citizens' Assembly will inform early strategic planning for the 2027–2037 Long Term Plan (LTP).

## 11.2 Background Summary

Napier City Council will convene its first Citizens' Assembly in late 2025, as part of a broader shift toward more deliberative and community-led decision-making. The Assembly will consist of approximately 40 randomly selected residents who reflect the demographic makeup of Napier. Over four weekends, they will learn about a specific issue, deliberate with expert support, and produce considered recommendations for Council.

The Assembly will act as a pilot initiative for participatory governance in Napier, with the potential to influence future engagement practice and community trust in Council.

## 11.3 Assembly Remit: The Future of the Napier Aquatic Centre

After careful consideration and engagement with internal teams, elected members and the Citizens' Assembly Design Group the following remit has been crafted.

**Context:** Napier City needs to build a new aquatic facility. Two possible sites are being considered. There is a clear budget.

## **Proposed remit:**

What type of aquatic facility - and at which of the two locations - would best meet the needs, values, and priorities of the Napier community?

The Assembly should deliberate on what kind of new aquatic facility Napier needs, where it should be located and why. How to fund, design, deliver or operate any new aquatic facility remains with Council and subject-matter experts.

IN SCOPE	OUT OF SCOPE
A new pool (can be built on the same site)	Status quo
Decision between two possible sites (Onekawa and Prebensen)	Any location
Cost – setting a clear budget and indicating the value and effect of this	Operational considerations, including user charges, funding sources and financial sustainability
Features, purpose and financial impact of these (eg healing pool, wellness, recreation vs competitive swimming)	Features that do not directly relate to Aquatic centre eg café, transport
Partnerships (Community, wider network of pools, eg sports clubs, schools)	Design specification
Inclusion of pūrākau and local histories of the site and pool	

#### Rationale

- The Aquatic Centre is a long-standing and high-use community facility with over 400,000 visits per year.
- It is over 50 years old in parts and requires long-term strategic decisions.
- The site has been subject to extensive public debate, a halted redevelopment project, and a judicial review.
- Council has committed to keeping the current facility operational for another 8-10 years (through to ~2034-2035).
- Budgeting and planning for a replacement facility must begin through the 2027–2037 Long Term Plan.
- Key issues include location, purpose, services offered, accessibility, and alignment with regional aquatics infrastructure.
- This remit is specific, within Council's control, and well-suited to deliberative processes that engage values, trade-offs, and long-term impacts.

## 1.4 Council Commitment to the Assembly

Council's leadership and integrity in this process are vital to its legitimacy. To that end, Council is asked to make a public statement that articulates their level of commitment to actioning recommendations made by the Assembly.

This act of committing publicly to accepting, considering or including in long-term planning the Assembly's recommendations aligns with best practice in deliberative democracy and reinforces Council's intention to honour the work of the Assembly and endorse it as an effective and viable mechanism for community input.

Public commitments vary depending on the council and the remit but act as an essential guardrail to help inform the work of the Assembly. The commitment may include - but is not limited to - the actions the Council will make, the timeframe in which those actions will take place, and the mechanism through which any actions will be implemented. The intention and wording of the pledge will be confirmed by the Council through a workshop process to ensure it can be upheld once Assembly recommendations are presented to the Council.

#### **Timeline**

Month	Activity
July/August 2025	<ul> <li>Recruitment campaign launched.</li> <li>Final Assembly question released.</li> <li>Council promise issued.</li> <li>Participants selected.</li> </ul>
Sept/Oct 2025	Assembly convenes over four weekends.
Nov 2025	Assembly delivers recommendations.
Q1 2026	<ul> <li>Council issues formal response.</li> <li>Assembly insights incorporated into LTP direction setting.</li> </ul>

## 11.5 Significance and Engagement

This matter is of moderate to high significance under Council's Significance and Engagement Policy, as it relates to a major community asset and strategic planning for future infrastructure investment.

The Citizens' Assembly process is itself an intensive engagement process that complements and enhances wider community consultation planned for the Long Term Plan.

## 11.6 Financial Implications

Funding for the Citizens' Assembly is included in the 2024/25 Annual Plan.

## Social & Policy

N/A

#### Risk

N/A

# 11.4 Options

The options available to Council are as follows:

- Endorse the remit for the Citizens' Assembly and commit to a formal public promise to the Assembly, outlining how the Council will consider and respond to the Assembly's recommendations; or
- b. Do not endorse the remit for the Citizens' Assembly or commit to a formal public promise to the Assembly, outlining how the Council will consider and respond to the Assembly's recommendations.

# 11.5 Development of Preferred Option

Endorse the remit for the Citizens' Assembly and commit to a formal public promise to the Assembly, outlining how the Council will consider and respond to the Assembly's recommendations.

### 11.6 Attachments

- 1 Citizens' Assembly Communications and Engagement Plan (Doc Id 1865672) &
- 2 Citizens' Assembly: Context and Lessons (Doc Id 1865670) &



# NAPIER'S FIRST CITIZENS' ASSEMBLY 2025 COMMUNICATIONS AND ENGAGEMENT PLAN

#### **BACKGROUND**

Napier City Council is running its first Citizens' Assembly. This comes from a desire to open up community engagement beyond quantitative methods. It also aims to break down barriers to inclusion. The first Assembly will take place in September 2025 with a remit focused on the future of the Napier Aquatic Centre. The recommendations of the Assembly will help inform the preparation of the next Long-Term Plan.

#### **COMMUNICATIONS APPROACH**

Multi-channel, broad reach, intensive over a short time period. Initial awareness raising driving to a split approach with communications outputs specifically for Assembly in parallel to communications outputs for the wider public and partners.

#### **OBJECTIVES**

- 1. Raise awareness of the Citizens' Assembly concept and motives
- 2. Receive over 1000 applications to take part
- 3. Build interest in new qualitative methods of engagement
- 4. Improve trust and understanding of Council processes
- 5. Signal a change in existing consultation methods

# **KEY MESSAGES**

#### Introducing the idea:

- Everyday people bring their opinions and an open mind
- Forty people, selected randomly
- No expert knowledge needed
- Listen, learn, debate, deliberate, enquire, consider, decide, recommend together
- Complex, challenging remit
- Deeper consultation and participation
- · We're rethinking democracy
- There are lots of ways to be involved

# Calls to action:

- Put your opinions where they matter
- Sign up to be part of Napier's first Citizens' Assembly

#### Remit specific:

- The Citizens' Assembly will help shape decisions about a new Napier aquatic facility. The current Aquatic Centre is highly used for a range of functions
- The Aquatic Centre was refurbished recently to give it 8-10 more years. It must be included in the LTP planning in 2026.

- Decisions about a new facility are complex, with broad community impact
- · Past plans have been controversial and highlight the need for genuine public input
- Significant investment is planned but not yet committed

#### **AUDIENCES**

The Citizens' Assembly represents a new and participatory way of involving the community in shaping Napier's future. As such, communications and engagement must connect meaningfully with a diverse range of audiences from the general public to internal staff, from traditionally disengaged voices to civic leaders. Each audience has a specific role to play in either supporting, participating in, or amplifying the Assembly process.

# Potential participants - all of Napier

Napier residents aged 16+ who may apply.

Goal: Drive applications by clearly explaining the process, opportunity, and impact.

# Community connectors and key stakeholders

Mana whenua, schools, community groups, sports groups and Design Group members.

Goal: Build trust and tap into existing networks to spread the word.

#### Internal stakeholders

Council staff and elected members.

Goal: Build understanding and equip staff and elected members to support public enquiries.

#### General public

Residents who may not apply but are invested in the outcome and also the broader Hawke's Bay community.

Goal: Build awareness, trust, and transparency in the process.

# **External observers**

Other councils, media, academics, and democracy networks.

Goal: Share insights and promote Napier as a leader in deliberative engagement.

#### **CHANNELS**

Channel	Purpose	Strengths	Considerations	
Social media (Facebook, Instagram)	Raise awareness, drive applications, share updates, build transparency	Wide reach, shareable, allows for multimedia storytelling and interaction	Requires tailored content per platform; TikTok and Instagram better for youth; ensure consistent moderation	
Council website + campaign landing page	Central information hub, application access, FAQs, deep-dive content	Controlled space, high trust, good for detail and archiving	Needs to be actively updated; make mobile-friendly and accessible	
Email (EDMs, internal, stakeholder updates)	Direct outreach to stakeholders, partners, staff and ratepayers	Targeted, measurable, allows segmentation	Avoid email fatigue; balance frequency with relevance	

Channel	Purpose	Strengths	Considerations	
Print collateral (flier, posters, welcome packs)	rs, welcome analogue audiences, useful for interna		Space limitations, no interactivity; te reo and accessibility considerations	
Media (earned)	Build credibility, amplify reach, explain purpose and process	Public trust in traditional media; wide audience	Risk of misinterpretation; requires clear media briefings and follow-up	
Video content (explainers, reels, livestreams)	Make concepts engaging and accessible; build transparency	High engagement; good for social; adaptable for in-person events and presentations	Budget and production timeline; must include captions and/or te reo versions	
Digital advertising (local news sites, Google Display Network)	Increase visibility and free conversion across targeted demographics		Requires good creative, targeting strategy, and landing page performance tracking	
Radio advertising	Reach less digitally connected audiences; provide reminders and calls to action	Strong for older audiences and drivers; low barrier to consumption	Brief messaging only; needs high frequency to be effective	
Face-to-face (activations, pop-ups, school visits, hui, info briefings)	Build trust, deepen understanding, empower local champions	Two-way dialogue, shows Council is present and accountable	Labour-intensive; needs local faces and good facilitation	
Community networks (marae, schools, community groups, sports orgs)	marae, schools, community groups,  Reach trusted messengers and targeted groups		Need to tailor messages to each audience; respect tikanga and protocols	
Internal channels (Viva, Chat from the Chief, Chatterbox)	Chat from the Chief, the initiative and answer		Must reach front-line staff as well as ELT; mix of email, inperson and handouts	
Deliberative Democracy Networks (e.g., online forums, academic partnerships)	Build profile beyond Napier; support future funding or collaborations	Professional credibility; legacy building	Lower public vis	

# **MILESTONES**

Date	Milestone
8 July	Design Group 2
9 July	Applications drive launch
10 July	Approaches to media
14 July	Invite to printer
14 July	Design Group 3
15 July	Sortition form finalised and added to website
16 July	Announce remit
17 July	Invite delivery begins
29 July	Council workshop
30 July	Design Group 4
31 July	Council meeting – public promise to the people
1 Aug	Announce question and promise
11 Aug	Applications close
20 Aug	Assembly notified
22 Aug	Welcome pack delivered
1 Sept	Orientation evening
13 Sept	Citizens' Assembly session 1
20 Sept	Citizens' Assembly session 2
27 Sept	Citizens' Assembly session 3
4 Oct	Citizens' Assembly session 4
7 Oct	Email summary and next steps to participants

#### **CAMPAIGN**

Campaign website: napierassembly.nz











Informed, thoughtful public input.

Focused on dialogue, not just debate.

Forty everyday people, selected randomly, representing their community, coming together to learn, discuss and develop recommendations that will inform the Long Term Plan 2027-2037.



# Anei ētahi whakautu ki ā koutou pātai. Here are the questions you're probably already asking...

#### What is a Citizens' Assembly?

A group of everyday people brought together to learn about an issue, discuss it with others, learn from experts and make recommendations to council. It's a way for communities to help solve tough and complex challenges through careful, respectful and informed discussion.

#### Why do we need one?

Citizens' assemblies help when issues are complicated and there is no clear direction. They are a way for the public to be directly involved in shaping decisions, offering alternative perspectives and practical ideas.

# How is it different from a survey, public meeting or consultation?

Surveys and public meetings often gather quick opinions. A citizens' assembly takes time for people to listen to in-depth information, learn from experts, consider a wide range of perspectives and deliberate together. Its designed to reach well-informed, collective recommendations.

#### Who gets to be in a Citizens' Assembly?

Anyone 16 or over who lives in Napier can apply. Participants are selected through a process called sortition. It randomly selects people in a way that ensures the Assembly reflects the wider population in terms of age, gender, background, ethnicity and locatioity and

# Do I need to be an expert or have special qualifications to take part?

No. A citizens' assembly is made up of regular people, not experts. Participants are given all the information they need to understand the issue and make informed recommendations.

#### Can I take part?

Apply if you're age 16 or over. If you are randomly selected, you'll be invited to join. You can also stay involved by following the process, reading reports, or attending public events linked to the citizens' assembly.

#### What happens during a citizens' assembly?

Participants learn about the issue from experts and community voices, discuss what they've heard in small groups, ask questions, and work towards shared recommendations. It's thoughtful, respectful and often inspiring.

# How much time does it take and do people get paid?

Napier's first citizens' assembly will take place in September. Participants will need to attend workshops in the weekends and some evening meetings. Participants will be compensated for their time and expenses, so no one is left out due to cost. Other supports will also be in place like childcare and transport.

# What kind of information do members get and who provides it?

Members hear from a range of voices including subject-matter experts, people with lived experience advocates and critics. Information is balanced and reviewed to ensure it is accurate and fair.

#### Apply today at

napierassembly.nz Need help? Visit the Napier City Council Customer Service Centre or Napier or Taradale Library.



# Citizens' Assemblies: Context and Lessons

What we can learn from others and why we want to run one in Napier

The 2023 DIA report on 'The Future for Local Government' described why deliberation is important:

'Local democracy needs strengthening. Voter turnout has decreased over the past few decades and engagement doesn't meet the needs of increasingly diverse communities. Some improvements have been made in recent years but older, Pākehā people remain over-represented in elected members' demographics. Broad citizen participation in local government decision-making is critical, and the use of citizens' assemblies and deliberative and participatory democracy is vital as councils embrace their role as enablers of democracy' (DIA 2023, p.11).

Citizens' Assemblies have been held in Aotearoa New Zealand since 2003, though most have taken place in the past four years.

In Wellington, an assembly was held on water and setting service levels during Long Term Plan (LTP) preparation. Auckland held an assembly on identifying a new water source for the city. In Tairāwhiti, the focus was on land use. Porirua hosted an assembly on climate action, while Whanganui's recent assembly explored the future of the city's pool.

Councils are increasingly turning to Citizens' Assemblies and other forms of deliberative democracy\* because traditional consultation methods have often lacked depth and quality. Engagement is frequently reduced to a 'tick box' exercise. Deliberative approaches, such as wānanga, talanoa, study circles, think tanks, yarning circles, open houses and roadshows, prioritise meaningful dialogue and shared understanding.

At Napier City Council, we are shifting towards these dialogue-based models that emphasise quality over quantity. Our goal is to meet people where they are, bringing key issues directly to community. We are working to overcome barriers to participation, especially those created by digital-only forums, limited timeframes or formats that only allow for short responses. We aim to move well beyond simply informing the public, we want to open spaces for genuine debate, shared learning and deep discussion, where multiple perspectives shape the outcome.

Citizens' Assemblies do not replace existing governance, leadership or operational mechanisms, they complement them. Recommendations from assemblies sit alongside the work of Ngā Mānukanuka o te lwi, Kāhui Pakeke, our disability, safety, seniors and youth advisory groups, and the Council itself. We will continue to use surveys and submissions processes, but Citizens' Assemblies provide an additional platform to hear richer, more nuanced input. They also offer participants a chance to work within Council processes, deepening their understanding of how Council operates.

A Citizens' Assembly works through listening, questioning, testing ideas and deliberation. Its role is to reach consensus on a specific remit and provide a recommendation to Council.

From the outset, Council will make a public commitment - our promise to the people - about how that recommendation will be handled. For participants and their families, contributing in this way goes far beyond completing an online survey, it is a meaningful act of civic participation.

The concept of Citizens' Assemblies dates back to Ancient Greece and the use of 'dialogic space', a setting for dialogue, listening and consensus. While the idea of the Citizens' Assembly draws from ancient Athenian democracy, it is important to recognise that today's deliberative models are adapted to modern democratic values such as inclusion, diversity and power sharing. While often viewed as Eurocentric today, this practice has clear parallels in indigenous cultures, including Pacific talanoa and Aboriginal and Torres Strait Islander yarning circles, such as Nganggali Ngara Ngura (Darkinjung: "Talking Listening Place").

In this context, a 'Citizens' Assembly' refers to a group of randomly selected community members brought together to learn, deliberate and make recommendations on a public issue, one of several methods under the broader umbrella of deliberative democracy.

From assemblies already held in Aotearoa, several important lessons are emerging. Chief among them is the role of Te Tiriti o Waitangi and Council's responsibility to uphold partnership with mana whenua. Council's commitment to embedding Te Tiriti o Waitangi into deliberative processes aligns with obligations under the Local Government Act 2002, which requires councils to maintain and improve opportunities for Māori to contribute to decision making. Every assembly so far has engaged with this principle in different ways, whether through co-facilitation with mana whenua, orientation processes grounded in whanaungatanga, or ensuring that 50% of participants are mana whenua or tangata whenua.

Councils and practitioners are still learning how to embed Citizens' Assemblies meaningfully within the New Zealand context. The process remains a work in progress, with conventional models being rethought and adapted.

Case studies also raise important considerations around transparency, privacy and demographic representation. While assemblies often claim that all relevant information will be made available to participants, councils can be reluctant to share freely. Sessions may be livestreamed or recorded for public access, but this can conflict with participants' need for safe, confidential discussion.

Demographic diversity is another critical factor. To ensure representative input, we must lower barriers not only to participation but also to applying. Outreach must be broad and inclusive, using a variety of communication methods. We must ensure participation reflects Aotearoa's diversity across culture, gender, socio economic status, household type, language, education and employment.

Throughout the process, the Design Group (or Technical Advisory Group) plays a crucial role in maintaining integrity. While officers carry out the work and governors uphold the vision, it is the Design Group that ensures the process stays aligned with its goals. It must include people prepared to challenge assumptions, ask tough questions and guide the process throughout.

"Experts say there are a few key ingredients that must be considered for a successful assembly: the citizens selected must, absolutely, represent the population; the question or issue posed must be one that is so complex or so divisive it has not been able to be solved by the usual political processes; the citizens must have control over the sources of information they receive and have time to digest it; and it must be very clear from the outset what a government will do with the recommendations made by the group."

https://www.rnz.co.nz/news/in-depth/505616/how-citizens-assemblies-could-resolve-new-zealand-s-toughest-debates

#### Case Study 1: Porirua Talanoa and Citizens' Assembly Initiative on climate action

Community leaders in Porirua supported a proposal led by mana whenua Ngāti Toa to establish a citizens' assembly grounded in Te Tiriti o Waitangi and Pacific talanoa traditions. This dual model aimed to provide inclusive, culturally responsive platforms for community dialogue and collective decision-making.

The original Community Leaders Forum ("talanoa") was first held in December 2022, at Takapūwāhia Marae, with about 80 participants including Ngāti Toa leaders Following that, the initial online meeting your summary references took place mid-2023, as part of a series of discussions and planning sessions. By April 17, 2025, the first full citizens' assembly on climate featuring 100 people (50 mana whenua, 50 community members) was convened.

The idea was initiated by Helmut Modlik, CEO of Te Rūnanga o Toa Rangatira, who drew on insights from a 2020 Ministry of Health workshop focused on increasing vaccination rates. He emphasised how the pandemic showed that when systems need to shift quickly, communities and government can work together effectively but also highlighted that current institutions are not set up to deliver universal outcomes.

Participants stressed the importance of inclusive representation particularly for rangatahi (youth) and disabled communities and called for safe, facilitated spaces to discuss critical issues like climate change. One speaker suggested the initiative could serve as a national model for civic engagement across Aotearoa.

The meeting, originally scheduled for Takapūwāhia Marae, was moved online due to illness concerns, yet still demonstrated strong support for advancing the proposal.

https://www.stuff.co.nz/dominion-post/news/wellington/129295850/ngti-toa-launches-tetiritibased-citizens-assembly-to-discuss-porirua-issues

# Case Study 2: Tairawhiti Citizens' Assembly on land use

The Tairāwhiti Citizens' Assembly, convened by Gisborne District Council and Te Weu Charitable Trust in late 2024, brought together a diverse group of 30-40 locals chosen via civic lottery to deliberate on "a fair way to manage the proposed land use transitions" in the region. Over three full-day hui and two online sessions, participants learned from experts, iwi

representatives, and local council staff before co-creating a set of "Calls to Action" urging holistic, climate-resilient land-use change that honours the mauri of the whenua.

Mana whenua were deeply involved: the complex assembly design included cultural input and facilitation through Te Weu Trust, and Māori voices featured prominently in both the learning phase and final recommendations. The process was structured to align with Council's Forestry Plan Change, ensuring that community and Māori perspectives are integrated into official land-use planning.

#### https://teweu.zephyrwind.co.nz/

#### Case Study 3: Wellington Citizens' Assembly of levels of service for three waters

In 2023, Wellington City Council convened a Citizens' Assembly of 42 randomly selected residents to deliberate on the question: "What should be the levels of service for three waters (drinking water, wastewater, stormwater) in Wellington?" The process was designed to reflect Te Tiriti o Waitangi partnership principles and ensure meaningful Māori participation. Historically excluded from urban planning decisions, Māori participants were supported to contribute beyond ceremonial roles, with tikanga Māori embedded throughout the process. This included opening pūrākau, cultural protocols and facilitation practices that upheld mana and enabled equitable deliberation. Māori knowledge and lived experience were treated as essential, shaping both the learning phase and final recommendations.

https://www.boffamiskell.co.nz/news-insights/bi-cultural-facilitation-adapting-a-citizens-assembly-for-an-aotearoa-new-zealand-context

# \*Deliberative Democracy:

Deliberative democracy - a model that puts conversations, diverse perspectives and understanding at the centre of the decision making (<a href="https://inclusiveaotearoa.nz/i-tiki-mai-whakawhiti-te-ra-a-porirua-te-tiriti-based-climate-assembly/">https://inclusiveaotearoa.nz/i-tiki-mai-whakawhiti-te-ra-a-porirua-te-tiriti-based-climate-assembly/</a>)

# 12. NCC INVESTMENT PORTFOLIO AND AHURIRI INVESTMENT MANAGEMENT LIMITED ESTABLISHMENT

Type of Report:	Legal and Operational
Legal Reference:	N/A
Document ID:	1864623
Reporting Officer/s & Unit:	Emma Alexander, Programme Manager - Transformation - Strategy and Transformation

# 12.1 Purpose of Report

This report concludes a series of Council decisions to implement a new investment management approach, as signalled in the Three-Year Plan 2024-27 (**TYP**).

As part of TYP consultation, Council proposed establishing a new structure for managing its investment assets. The proposal included the creation of a ring-fenced investment portfolio, and the establishment of a Council-Controlled Trading Organisation (CCTO) to manage these assets on Council's behalf. Following consultation, Council adopted this direction in the final 2024-27 Three-Year Plan.

This paper sets out the policy and legal arrangements which provide the necessary guardrails to safeguard Council's investments while enabling an arm's length, commercially focused structure for their management.

Specifically, the report seeks a set of approvals from Council to:

- Define the portfolio of ring-fenced investment assets, to be known as the NCC Investment Portfolio:
- Establish Ahuriri Investment Management Limited (AIM) as a NZ registered company and a CCTO;
- Appoint AIM as Council's investment manager for the NCC investment Portfolio;
   and
- Enable AIM to operate in a commercial arm's length manner.

Subject to Council approvals, the arrangement between Council and AIM will be in place from 1 August 2025.

# Officer's Recommendation

That Council:

AIM Constitution

- a. Approve the draft Ahuriri Investment Management Limited Constitution (Doc Id 1866978)
- **b. Approve** delegation for the Chief Executive to sign the Ahuriri Investment Management Limited Constitution.
- **c. Approve** Officers to complete the incorporation of Ahuriri Investment Management Limited, effective 1 August 2025.

- d. Note Council's Prosperous Committee decision on 29 August 2024 and Council's decision on 24 April 2025 that the inaugural Board for Ahuriri Investment Management Limited will consist of 3 independent directors and 2 Elected Member Directors, and that appointment of the Elected Member Directors will be deferred until after the 2025 triennial elections.
  - Investment Policy
- e. Approve the debt facility of \$30m approved on 12 December 2024 for the Parklands residential development project to be available for all commercial projects within the NCC Investment Portfolio, noting the Management Services Agreement sets out expectations for management of the debt facility.
- f. Approve the draft Investment Policy including the Opening Statement (Doc Id 1865616).
- g. Approve the Deputy Chief Executive to update the Opening Statement following the approval of the 30 June 2025 Financial Statements and the completion of ring-fencing the NCC Investment Portfolio within Council's financial system.
  - Delegations to the Chief Executive Officer
- h. Approve the following delegations to the Chief Executive in respect of the ring-fenced NCC Investment Portfolio:
  - i. The power to enter contracts for the supply of goods and services with the following limitations:
    - a) the power to enter into contracts for the supply of goods and services to a value less than \$5,000,000 (plus GST) can be sub-delegated to officers.
    - contracts for the supply of goods and services to a value exceeding \$5,000,000 (plus GST) must be accompanied by an Ahuriri Investment Management Limited company resolution; and
    - c) the power to enter contracts for the supply of goods and services to a value exceeding \$5,000,000 (plus GST) can only be sub-delegated to the Deputy Chief Executive.
  - ii. The power to enter unconditional contracts for the sale or purchase of land or an interest in land with the following limitations:
    - a) the power to enter unconditional contracts for the sale and purchase of individual residential property sites within a land development project can be sub-delegated to officers:
    - b) unconditional contracts for the sale and purchase of land excluding individual residential property sites within a land development project must be accompanied by an Ahuriri Investment Management Limited company resolution; and
    - c) the power to enter unconditional contracts for the sale and purchase of land excluding individual residential property sites within a land development project can only be sub-delegated to the Deputy Chief Executive.
  - iii. The power to enter unconditional leases whether as landlord or tenant for a term of 2 years or more with the following limitations:
    - a) such leases must be accompanied by an Ahuriri Investment Management Limited company resolution; and
    - b) the power to enter such leases can only be sub-delegated to the Deputy Chief Executive.

i. Approve the Delegations to the Chief Executive Officer and Statutory Appointments Register (Doc Id1865617) noting that in addition to documenting the above delegations there have been minor amendments to update titles reflecting recent changes to the Council Executive Director structure.

Disposal of Surplus Assets Policy

- j. Approve the following principles for the disposal of surplus assets:
  - Maximizing Value: All asset disposals should aim to achieve the maximum reasonable return while considering both financial and strategic outcomes for the Council and its constituents.
  - ii. **Transparency:** The disposal process must be conducted in a transparent manner, ensuring all transactions follow due process and are open to scrutiny.
  - iii. Retention of Valuable Assets: The Council should evaluate the potential future strategic value of assets before making a decision to dispose of them. Retention should be considered if assets may contribute to long-term objectives or provide ongoing benefits.
  - iv. Conflict of Interest: Staff members are prohibited from personally benefiting from the sale of Council assets to prevent conflicts of interest and unethical behaviour. While staff may purchase surplus assets through appropriate processes, all sales must be conducted at market value, and staff must not engage in on-selling for personal profit.
  - v. **Compliance and Accountability:** All disposals must comply with relevant legislation and policies, with all actions documented for accountability.
- **k. Approve** draft Disposal of Surplus Assets Policy (Doc Id 1865615).

Management Services Agreement

- I. Approve the draft Management Services Agreement between Council and Ahuriri Investment Management Limited (Doc Id 1866963).
- **m. Approve** delegation to the Chief Executive to sign the Management Services Agreement on behalf of Council.

2025/2026 Statement of Expectation

- **n. Approve** the revised draft 2025/2026 Statement of Expectation (Doc Id 1866870);
- Approve delegation to the Mayor to sign the Statement of Expectations and issue it to Ahuriri Investment Management Limited on 1 August 2025.

# 12.2 Background Summary

Council has defined the purpose of the NCC Investment Portfolio:

"To operate an inter-generational investment portfolio that builds financial resilience and reduces future reliance on ratepayers for funding activities."

Over the past 12 months, Council and officers have progressed the detailed work required to define and create the NCC Investment Portfolio, establish AIM, and appoint AIM to manage the NCC Investment Portfolio on Council's behalf.

A key principle underpinning this work has been the separation of governance and management. Council's role is to set the strategic direction and establish appropriate guardrails and expectations while enabling AIM to operate independently in a commercial, arm's length capacity.

Several interconnected documents are required to establish the arrangement. The following section describes the context and purpose of each document along with key points within the document.

While the documentation may look complex, in essence it is achieving is:

- Council retaining ownership of the assets and appointing AIM as its Investment Manager.
- Council having clear guardrails, ensuring investments are protected, while enabling AIM to operate independently and commercially.
- AIM providing strategic direction and deeper commercial focus to enhance the performance of the portfolio.
- An annual planning and reporting process to ensure alignment between the parties including agreed performance measures in place to which Council holds AIM accountable.
- AIM overseeing the management of the assets and the delivery of its strategy supported by the Council team (e.g. the internal Commercial & Property Team). This could include the development, acquisition or divestment of assets.
- The NCC Investment Portfolio making an annual cash payment to Council.
- Delegations and financial arrangements are structured to reflect and achieve the above.

It should be noted that the documents have been drafted with the best knowledge and intentions for the arrangements now. As the arrangement settles into a working rhythm, and as AIM develops and executes an investment strategy for the NCC Investment Portfolio the documents may require updating.

#### 12.3 Issues

### **Process**

The legal documents have been drafted by Mark Goodson of Willis Legal. The Council policies and other related documents have been drafted by Emma Alexander Programme Manager – Transformation.

The documents have been reviewed by:

- Relevant subject matter expects across Council including the Deputy Chief Executive and Chief Financial Officer;
- Scott Hamilton, Rautaki Consulting. Scott has served as an advisor to Council throughout the process of establishing the NCC Investment Portfolio and AIM; and
- The inaugural Chair of AIM.

To provide assurance:

- The Independent Chair of Council Audit and Risk Committee has reviewed the following four documents: AIM Constitution, Delegation to the Chief Executive; Investment Policy; and Management Services Agreement. This review provided some valuable suggestions which have been included and supported the arrangement.
- The Mayor and Chair of Council's Prosperous Committee also have reviewed the documents and had a feedback meeting with Willis Legal, the Deputy Chief Executive and Programme Manager – Transformation. The outcome of this review was that this

paper, and the documents are in line with expectations and appropriate for presentation to Council.

#### **Document overview**

The full set of documents is extensive. To support transparency and understanding, an overview of each document is provided below which outlines the document's purpose, intent and its role within the overall arrangement. The overviews are not intended to replicate the drafting within each document unless specific to a Council resolution.

Each document overview is structured as follows:

• **Context.** A brief description of the document's role in the arrangement, the parties to the document, whether it's new of an existing document being amended. This section uses the following key:

Governing legislation	Document type
Required by Companies Act	N = New document
Required by Local Government Act	A = Amendment to an existing document
Required under Contract Law	E = An exisitng document and no amendment required.
Counicl policy	amenament required.

- Document overview. A brief description of the key points in the document that are important regarding the parameters, terms, and nature of the arrangement. Where a Council decision is required, there is relevant information to support the decision.
- Decision(s) being sought: What is being sought through the resolution.

# AIM Constitution (Attachment 1 / Doc Id 1866978)



### Context

 A constitution serves as the foundational governing document that sets out the internal rules and procedures for the company. It includes provisions for the management of the company, the rights of shareholders, the powers of directors, and procedures for meetings and decision-making.

# Document overview

Set out below is a summary of the key terms of the AIM Constitution. The references relate to the sections and clauses.

- Council is the 100% shareholder of AIM.
- The Constitution may be changed by a 75% majority of shareholders(s). [Clause 3]
- Key shareholder rights include the appointment or removal of directors, approval or alteration of the Constitution, and approval of major transactions (as defined in the Companies Act). [Clause 5.1]

The minimum and maximum number of directors along with the mix:

	Minimum	Maximum*
Total	3	7
Independent Directors**	2	4
Elected Member Directors	1	3

<sup>\*</sup> The Independent Directors are to outnumber the Elected Member Directors

[Clause 13.1, 14.1, 14.3]

- There is a temporary exception clause allowing the minimum and maximum numbers to vary from time to time, and for Council to rectify this as soon as possible. This clause has been designed to support the transition of Elected Member Director appointments at the end of the Council triennium. [Clause 14.2]
- The Mayor cannot be a Director. There is provision for an Elected Member acting as Mayor under delegation to be an Elected Member Director. [Clause 14.5]
- A Director may be appointed for a term of up to three-years and can be re-appointed for up to nine years. [Clause 14.9]
- Elected Member Directors to vacate office if they cease to be an Elected Member or if they become Mayor. [Clause 14.5 and 16.1]
- A quorum is a majority of Directors, and no less than three of which at least one must be an Elected Member Director. [Schedule 3 Clause 7]
- There is no casting vote. Decisions must be made by majority. [Clause 11]
- Requires an annual Statement of Intent to be produced in line with the Local Government Act [Clause 24]
- The Board must make decisions in accordance with the Constitution and the Statement of Intent. [Clause 2]
- The Board's powers, subject to the Companies Act and the Constitution, are:
  - the business and affairs of the company must be managed by, or under the direction or supervision of, the Board; and
  - the Board has all the powers necessary for managing, and for directing and supervising the management of, the business and affairs of the company. [Clause 18.1]
- Directors must act in good faith and in the company's best interests. [Clause 18.3]

#### Decision(s) being sought

Officers are recommending:

- Approval of the draft Ahuriri Investment Management Limited Constitution (Attachment 1 / Doc Id 1866978);
- Approval for delegation to the Chief Executive to sign the Ahuriri Investment Management Limited Constitution;
- Approval for Officers to complete the incorporation of Ahuriri Investment Management Limited, effective 1 August 2025; and

<sup>\*\*</sup>Council to appoint one of the Independent Directors to be the Chairperson.

 Council note Council's Prosperous Committee decision on 29 August 2024 and Council's decision on 24 April 2025 that the inaugural Board for Ahuriri Investment Management Limited will consist of 3 independent directors and 2 Elected Member Directors, and that appointment of the Elected Member Directors will be deferred until as soon as practicable after the 2025 triennial elections.

# Appointments and Remuneration for Directors of Council Organisations Policy (Doc ID 913652)



# **Document context**

 Section 57 of the Local Government Act (LGA) requires Council to have a policy for the objective and transparent appointment and remuneration of Directors of Council Organisations (including CCTOs), as well as a process for identifying and considering the skills, knowledge, and experience required of Directors of a Council Organisation.

#### Overview

- Council's Appointment and Remuneration Policy for Directors of Council Organisations meets the LGA requirement.
- The latest version of the Appointment and Remuneration Policy for Directors of Council Organisations was adopted at Council's Prosperous Committee meeting on 3 July 2025 and can be found on Council's website: <u>Appointments-and-Remuneration-for-Directors-of-Council-Organisations-Policy-WEB1.pdf</u>
- Appointment and Remuneration Policy for Directors of Council Organisations is referenced in the AIM Constitution as a policy that must be followed.
- Nothing in the AIM Constitution conflicts with the policy.

# Decision(s) being sought

No decisions are currently required in relation to this document.

# Investment Policy (Attachment 2 / Doc Id 1865616)



### Context

- Section 105 of the LGA requires an Investment Policy which "must state the local authority's policies in respect of investments, including:
  - o the mix of investments, and
  - o the acquisition of new investments, and
  - an outline by which investments are managed and reported on to the local authority, and
  - an outline of how risks associated with investments are assessed and managed".
- Council's Investment Policy applies to all Council Investments being the NCC Investment Portfolio and Council Investments not part of the NCC Investment Portfolio.
- This is a key document that establishes the guardrails for the manager(s) of Council investments.
- The Investment Policy has some general sections that apply to all investments and then separate sections for the NCC Investment Portfolio and one for Council

Investments not part of the NCC Investment Portfolio. No change has been made to this later section other than removing references to the assets anow solely included lin the NCC Investment Portfolio.

• The Management Services Agreement sets the expectation that AIM will comply with the Investment Policy.

#### Document overview

Set out below is a summary of the key areas covered in the draft Investment Policy. Capitalised words relate to terms defined in the Investment Policy.

- The Investment Policy defines Council's General Investment Objectives as:
  - investment assets be managed to balance:
    - growth in an annual cash return for the benefit of today's Council and ratepayers; and
    - capital growth for the benefit of future Council and ratepayers;
  - responsible investment standards are demonstrated in relation to the management of investment assets; and
  - investment assets are managed in an active and prudent way to achieve the above objectives.
- Defines the NCC Investment Portfolio as a ring-fenced portfolio of assets with the purpose of being "an inter-generational investment portfolio that builds financial resilience and reduces future reliance on ratepayers for funding activities."
- Council expects AIM to develop an investment strategy for the NCC Investment Portfolio and in doing so consider the NCC Investment Portfolio Purpose and Council's General Investment Objectives as well as considering:
  - the mix of assets to achieve growth and income objectives;
  - assets being appropriately diversified to provide resilience and buffer Council from the impact of economic cycles and localised disasters; and
  - a distribution policy that reflects the asset mix, potential volatility, and balances growth in the annual cash return for Council with capital growth of the NCC Investment Portfolio.
- Acknowledges a natural tension may arise between a commercial focus for the NCC Investment Portfolio and the ratepayer expectations regarding regional benefits and outcomes. In this context, Council reaffirms the primary objective of the NCC Investment Portfolio, is to make a commercial return for Council.
- Acknowledges that, by their nature, investment portfolios can be volatile, and the value
  will naturally go up and down over time. This may mean that at points in time the Total
  Net Value is less than the starting value or the Inflation-Adjusted Net Value. This does
  not mean something is wrong or that the fund is failing it's a normal part of investment
  cycles. The goal is to grow the value over decades not just year to year.
- A Volatility Reserve is defined to protect against short-term volatility and create future certainty for the Annual Cash Payment along with a Portfolio Reserve. It should be noted that it could take some time for both the Volatility Reserve and Portfolio Reserve to build up.
- Financial Performance Measures are defined, and these will apply for forecasting and performance reporting purposes.

- Reference to the NCC Investment Portfolio being managed in accordance with Council's Risk Management Framework and Risk Management Policy.
- Documents that AIM is responsible for investment decisions of the NCC Investment Portfolio:
  - through this the individual assets of the NCC Investment Portfolio are expected to change over time as individual assets are sold, and new assets are acquired.
  - decisions need to be made using sound commercial judgment and in accordance with applicable Council polices.
  - where a specific investment asset is a named as Strategic Asset (e.g. Hawkes Bay Airport Shares) Council's Significance and Engagement Policy, then that Policy, and the LGA, must be followed in relation to any disposal.

#### Debt

- On 12 December 2024 Council approved a \$30m debt facility to be available to support the Parklands residential development project. This is in line with the TYP and within forecast calls on Council's debt headroom.
- To allow AIM capacity to explore commercial opportunities across the wider portfolio (e.g. develop vacant land) Officers recommend the \$30m debt facility be made available for opportunities in the wider NCC Investment Portfolio, not just Parklands. Thirty million dollars is about ~15% of the NCC Investment Portfolio value.
- Beyond this facility, any further debt that may be required to achieve commercial objectives for the NCC Investment Portfolio would require further Council approval.
- The Management Services Agreement has a clause that sets the expectation of AIM
  managing the debt facility, including arranging servicing and repayments, utilising the
  debt facility in line with the Statement of Intent to achieve the Financial Performance
  Targets, and in line with Council's risk polices.
- At a more operational level, AIM is required to provide regular cashflow forecasting and budgeting information to Council. This will allow Officer's monitoring visibility of the debt facility.

# **Opening Statement**

- The Investment Policy sets out the NCC Investment Portfolio Opening Statement as of 1 July 2025.
- The Opening Statement documents the individual assets Council approved on 12 December 2024 and 24 April 2025 to be included in the NCC Investment Portfolio and creates the baseline for tracking and reporting going forward. The values set out in the draft Investment Policy are indicative. The actual values will be added when the 30 June 2025 financial statements have been finalised, and Officers have completed ring-fencing the NCC Investment Portfolio within Council's financial system.

# Decision(s) being sought

#### Officers are seeking:

- Approval for debt facility of \$30m approved on 12 December 2024 for the Parklands residential development project to be made available for all commercial projects within the NCC Investment Portfolio, noting the Management Services Agreement sets out expectations for management of the debt facility.
- Approval for the draft Investment Policy including the Opening Statement.
- Approval for the Deputy Chief Executive to update the Opening Statement following the approval of the 30 June 2025 Financial Statements and the completion of ringfencing the NCC Investment Portfolio within Council's financial system.

# Significance & Engagement Policy (Doc ID 88316)



Note: This section focuses on the relevance of the Significance & Engagement Policy for the establishment of the NCC Investment Portfolio. This section does not cover the community consultation, in line with the Significance & Engagement policy as part of the TYP consultation and the subsequent decision to create a ring-fenced portfolio if investment assets and to establish a Council-Controlled Trading Organisation (CCTO) to manage the assets.

#### Document context

- The Significance and Engagement Policy provides clarity on when and how the community is to be engaged in decision making processes.
- For strategic assets the policy sets out that any decision to transfer ownership or control of a strategic assets requires consultation. The policy includes a schedule of strategic assets.

# Document overview

- Consultation on the FY25/26 Annual Plan included consultation in relation to adding the inflation-adjusted net value of the NCC Investment Portfolio as a strategic asset in Council's Significance and Engagement Policy.
- Through consultation there was strong support for this with 52% of responses (98% when excluding non-responses) supporting the proposal.
- On 27 May 2025 Council adopted an amended Significance and Engagement Policy to add the inflation-adjusted net value of the NCC Investment Portfolio as a strategic asset. A copy can be found on Council's website: <u>Significance-Engagment-Policy-WEB.pdf</u>
- The LGA also defines Council's shareholding in the Hawke's Bay Airport as a strategic asset.
- The Investment Policy and Management Services Agreement both make clear that when making investment decisions, AIM must comply with Council's Significance and Engagement Policy.

# Decision(s) being sought

No decisions are currently required in relation to this document.

# <u>Delegations to the Chief Executive Officer and Statutory Appointments Register</u> (Attachment 3 / Doc ID 1865617)

# Α

#### Context

Schedule 7 of the LGA enables Council to delegate various matters to the Council Chief Executive (**CE**), and subject to any conditions or limitations set by Council, gives the CE the authority to subdelegate to Council Officers.

This section focuses on delegations relevant to the NCC Investment Portfolio and not the wider delegations.

#### Document overview and discussion

- Council, under the current delegation's policy, has not delegated the following:
  - the power to enter contracts for the supply of goods and services for a value exceeding \$5m (plus GST);
  - the power to enter unconditional contracts for the sale or purchase of land or an interest in land; and
  - the power to enter unconditional leases whether as landlord or tenant for a term of 2 years or more.
- When applied to the NCC Investment Portfolio the current delegations are not aligned with Council's principle of enabling AIM the freedom and delegation to operate in an arm's length and commercial manner.
- Officers recommend that alternative enabling delegations are applied to the ringfenced NCC Investment Portfolio. These alternative delegations move, for certain transaction types, governance from Council to the AIM board. The table below summarises what is represented in the drafting of the resolution.

Delegation area	General Council transactions	NCC Investment Portfolio transactions only
Goods & Services Contracts / Transactions	Max value of \$5m delegated to the CE     Sub-delegations are documented in the CE approved Financial Delegations Policy.	<ul> <li>Unlimited value delegated to CE.</li> <li>A company resolution must be approved by the AIM Board for all contracts/transactions over \$5m</li> <li>Transactions over \$5m can only be sub-delegated to the Deputy CE.</li> <li>CE can sub-delegate up to \$5m to Officers.</li> </ul>
Enter unconditional sale and purchase agreements excl. individual land development sites	No delegation. Council resolution required.	A company resolution must be approved by the AIM Board for all contracts/transactions over \$5m     Can be executed by CE, who can sub-delegated to Deputy CE only.
Sale and purchase agreements for individual land development sites	Delegation to CE	Delegation to CE     Can be sub-delegated to Officers

Delegation area	General Council transactions	NCC Investment Portfolio transactions only
Enter unconditional lease for a term of more than 2 years	No delegation. Council resolution required.	<ul> <li>A company resolution must be approved by the AIM Board for all contracts/transactions over \$5m</li> <li>Can be executed by CE, who can sub-delegated to Deputy CE only.</li> </ul>

- This recommendation is made in the context of the following controls:
  - The Management Services Agreement requires an AIM company resolution is to be approved by the Board for the following transactions:
    - contracts for the supply of goods and service of more than \$5m (plus GST);
    - sale and purchase agreements excl. individual site in land development projects (e.g. Parklands)
    - entering unconditional leases, either as a landlord or a tenant for a term of 2 years or more.
  - The sub delegation for the above transactions be limited to the Deputy Chief Executive and the execution must be done alongside receiving a copy of the AIM company resolution.
  - Regular reporting and cashflow forecasting required by AIM which will give Officers regular visibility of activity.
  - The NCC Investment Portfolio will be ring-fenced in Council's finance system and separate delegations can be applied in the purchase order system.
  - o Council must approve all new borrowing.
  - Assets listed as strategic in the Significance & Engagement Policy can't be transacted on without Council involvement.
  - o Council's annual audit.
- Officers will define an auditable workflow process for implementing the delegations and this will be documented as part of the CE's internal Financial Delegations Policy.

# Decision(s) being sought

Officers are recommending:

- Council approve the following delegations to the Chief Executive in respect of the ringfenced NCC Investment Portfolio:
  - The power to enter contracts for the supply of goods and services with the following limitations:
    - the power to enter into contracts for the supply of goods and services to a value *less* than \$5,000,000 (plus GST) may be sub-delegated to officers.
    - contracts for the supply of goods and services to a value exceeding \$5,000,000 (plus GST) must be accompanied by an Ahuriri Investment Management Limited company resolution; and

- the power to enter contracts for the supply of goods and services to a value exceeding \$5,000,000 (plus GST) may only be sub-delegated to the Deputy Chief Executive.
- The power to enter unconditional contracts for the sale or purchase of land or an interest in land with the following limitations:
  - the power to enter unconditional contracts for the sale and purchase of developed individual residential property sites within a land development project may be sub-delegated to officers; and
  - unconditional contracts for the sale and purchase of land excluding individual residential property sites within a land development project must be accompanied by an Ahuriri Investment Management Limited company resolution:
  - the power to enter unconditional contracts for the sale and purchase of land excluding individual residential property sites within a land development project man only be sub-delegated to the Deputy Chief Executive.
  - The power to enter unconditional leases whether as landlord or tenant for a term of 2 years or more with the following limitations:
    - such leases must be accompanied by an Ahuriri Investment Management Limited company resolution; and
    - the power to enter such leases may only be sub-delegated to the Deputy Chief Executive.
- Council approve the draft Delegations to the Chief Executive Officer and Statutory Appointments Register (Attachment 3 / Doc ID 1865617) noting that in addition to the above delegation amendment there have been minor amendments to update titles reflecting recent changes to the Council management structure.

# Disposal of Surplus Assets Policy (Attachment 4 / Doc Id 1865615)



#### Document context

- This is an existing Council policy that sets guardrails for the disposal of surplus assets. It was first created in 1991 and had its last review in 2019.
- The 2019 version of the policy only covers Land and Buildings and Plant and Vehicles.

### Document overview

- Officers have undertaken a review of the policy with revised drafting to include recommended principles and a section for Information Technology Equipment.
- Subsequently the policy has been reviewed and edited to exclude the NCC Investment Portfolio from its scope. This is because the Investment Policy has a section covering the disposal of assets in the NCC Investment Portfolio.

# Decision(s) being sought

Officers are seeking:

- Approval of the following principles for the disposal of surplus assets:
  - Maximising Value: All asset disposals should aim to achieve the maximum reasonable return while considering both financial and strategic outcomes for the Council and its constituents.

- o **Transparency:** The disposal process must be conducted in a transparent manner, ensuring all transactions follow due process and are open to scrutiny.
- Retention of Valuable Assets: The Council should evaluate the potential future strategic value of assets before making a decision to dispose of them. Retention should be considered if assets may contribute to long-term objectives or provide ongoing benefits.
- Conflict of Interest: Staff members are prohibited from personally benefiting from the sale of Council assets to prevent conflicts of interest and unethical behaviour. While staff may purchase surplus assets through appropriate processes, all sales must be conducted at market value, and staff must not engage in on-selling for personal profit.
- Compliance and Accountability: All disposals must comply with relevant legislation and policies, with all actions documented for accountability.
- Approval of the draft Disposal of Surplus Assets Policy (Attachment 4 / Doc Id 1865615)

# Management Services Agreement (Attachment 5 / Doc Id 1866963)



#### Context

- The Management Services Agreement (MSA) is a legal contract that:
  - o Appoints AIM as the investment manager of the NCC Investment Portfolio;
  - Sets out Council's expectations of AIM; and
  - Sets out the services AIM will provide Council, and the support Council will provide AIM.

# Document overview

Set out below is a summary of the key terms of the AIM Constitution. The references relate to the sections and clauses.

- Council and AIM acknowledge their relationship is to be conducted on a "no surprises" basis with two-way communication on both an executive and a governance basis. [Clause 15.1]
- [Schedule 1] The core service AIM is to provide is managing the assets with a commercial focus to achieve the objectives agreed between Council and AIM, which are documented in the annual Statement of Intent, which includes but is not limited to Financial Performance Targets. The performance measures are defined in the Investment Policy. This includes:
  - Developing and executing an investment strategy for the NCC Investment Portfolio;
  - Overseeing the day-to -day manage of the assets;
  - Ensuring company resolutions are in place as required by the Delegations to the CE;
  - Ensure risk management is embedded into AIMs strategy development, strategy execution, decision making, and operating culture including applying Council's Risk Management Framework and Risk Management Policy to the NCC Investment Portfolio;
  - Not changing ownership or control of a Strategic Asset without following terms of Significance & Engagement Policy

- Managing the debt facility made available for the NCC Investment Portfolio including arranging of the servicing of repayments, utilising the debt facility in line with the Statement of Intent to achieve the Financial Performance Targets, and in line with Council's risk polices.
- Follow Council policies (set out in *Schedule 2*), accounting standards and provide input into annual and long-term planning processes.
- [Schedule 3] Council will support AIM by:
  - By 30 June 2026 reviewing relevant polices to ensure they are clear in relation to NCC Investment Portfolio and don't unreasonably inhibit a commercial arm's length focus;
  - If AIM identifies a Council policy unnecessarily or unreasonably hinders AIM delivery its services Council will review the policy.
  - Providing appropriate support resource specifically dedicated to supporting the
    transition of the NCC Investment Portfolio from Council to AIM; asset support (e.g.
    Commercial & Property Team, project management); administrative support (e.g.
    technology, finance, human resources); and project management / strategic
    advice and capability to suitably induct the AIM Board and support the
    development of the AIM investment strategy and initial reporting.
  - Providing access to a Council approved \$30m debt facility to support the NCC Investment Portfolio strategy.
- Each year AIM and Council will agree an NCC Investment Portfolio operating budget which will include costs related to developing and executing an investment strategy; the day-to-day management of the assets; the operation and administration of AIM; the support provided by Council; and the servicing of related debt facilities. [Clause 9]
- The MSA covers key requirements of the reporting includes what is required under the LGA, a review of the NCC Investment Portfolio performance, a certificate from AIM confirming it has operated within the required Council policies. [Clause 13]
- Allows for regular reviews the MSA including the services expected from AIM and support from Council. In acknowledgement this is a new arrangement and the operating model will evolve, the reviews are to be at least annually for the first three years and bi-annually thereafter. [Clause 14]
- There are confidentiality provisions that in essence require both parties to keep commercial transaction information confidential but does allow disclosure if mutually agreed or if required under the Local Government Official Information and Meetings Act and/or the LGA. [Clause 16]
- The MSA will be in place until it is terminated. The Council may terminate with three-months' notice. AIM has no right to terminate. [Clause 12.1]

# Decision(s) being sought

Officers are recommending:

- Council approve the draft Management Services Agreement between Council and Ahuriri Investment Management Limited (Attachment 5 / Doc Id 1866963); and
- Approve delegation the Chief Executive to sign the Management Services Agreement on 1 August 2025 on behalf of Council.

# Statement of Expectations (Attachment 6 / Doc Id 1866870)



#### Context

- The Statement of Expectation (SOE) is a document defined in Section 64B of the LGA.
- A SOE allows shareholder(s) of a CCTO to set out how the CCTO is to conduct its relationships, along with other expectations the shareholder(s) may have.
- On 12 December 2024 Council approved a draft SOE. This draft has guided the drafting of the Constitution, Investment Policy, and Management Services Agreement.
- The original draft SOE has been refined to reflect the wider set of documents, however remains aligned to the draft approved in December in terms of messaging and expectations.
- Council should produce a SOE for AIM each year before 1 March to help inform AIM's annual Statement of Intent.

#### Document overview

- The SOE sets out a brief history of Council investments, background to the
  establishment of AIM, Council's purpose for the NCC Investment Portfolio, Council's
  general investment objectives, and Council's expectations of AIM in terms of its
  relationship with council, reporting, partnerships, relationships and co-investments.
- To ensure key expectations are embedded into enduring documents, both the Investment Policy and Management Services Agreement have both been reviewed against the draft SOE.

# Decision(s) being sought

Officers are recommending:

- Council approve the revised draft Statement of Expectations; and
- Council delegate to the Mayor approval to sign the Statement of Expectations and issue it to Ahuriri Investment Management Limited on 1 August 2025.

# **Statement of Intent**



### Context

- The Statement of Intent (**SOI**) is a document defined Section 64 of the LGA. The purpose of a statement of intent is to:
  - state publicly the activities and intentions of the CCTO for the year and the objectives to which those activities will contribute; and
  - o provide an opportunity for shareholders to influence the direction of the organisation; and
  - provide a basis for the accountability of the directors to their shareholders for the performance of the organisation.
- AIM will develop its initial draft SOI by 1 November 2025 with the objective of it being finalised by 15 December 2025. Thereafter AIM is required to provide a draft SOI by 1 March each year.

- Council expects AIM to develop an Investment Strategy for the NCC Investment Portfolio which includes a distribution policy that balances growth in the annual cash return for Council with capital growth of the NCC Investment Portfolio.
- The Investment Strategy will inform future SOE's, SOI's and AIM's contribution to the 2027-37 Long Term Plan.

# Decision(s) being sought

No decisions are currently required in relation to this document.

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#### 12.4 Significance and Engagement

The Issues section above address the Significance and Engagement Policy.

# 12.5 Implications

# **Financial**

The TYP approval include the financial impact of the NCC Investment Portfolio and AIM.

# Social & Policy

N/A

#### Risk

The Investment Policy and Management Services Agreement both embed consideration of risk management.

## 12.6 Options

N/A

# 12.7 Development of Preferred Option

N/A

#### 12.8 Attachments

- 1 AIM Constitution (Doc Id 1866978) (Under separate cover 2) ⇒
- 2 Investment Policy (Doc Id 1865616) (Under separate cover 2) ⇒
- 3 Delegation to Chief Executive and Statutory Appointment Register (Doc Id 1865617) (Under separate cover 2) ⇒
- 4 Disposal of Surplus Assets Policy (Doc Id 1865615) (Under separate cover 2) ⇒
- 5 Management Services Agreement (Doc Id 1866963) (Under separate cover 2) ⇒
- 6 2025/2026 Statement of Expectation (Doc Id 1866870) (Under separate cover 2)

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# 13. ACTION POINTS REGISTER AS OF 9 JULY 2025

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1864664
Reporting Officer/s & Unit:	Anna Eady, Team Leader Governance

# 13.1 Purpose of Report

The Action Points Register (Register) records the actions requested of Council officials in Council and Committee meetings. This report provides an extract from the Register for Council to note. It does not include action points that were requested in public excluded Council or Committee meetings.

#### Officer's Recommendation

That Council:

a. Note the extract from the Action Points Register as of 9 July 2025 (Doc Id: 1864665).

# 13.2 Background Summary

Officers have prepared the Action Points Register (Register) to keep track of action points raised at Council and Committee meetings in this triennium.

### 13.3 Issues

The Register includes action points from all Council and Committee meetings, including public excluded sessions of those meetings. The attached extract from the Register includes all action points of this triennium, other than those that were requested in a public excluded Council or Committee meeting. Action points from public excluded meetings are provided to Council for noting in the public excluded session.

The Register does not include actions that flow from Council and Committee meetings if those actions are part of Council's 'business as usual'. For example, if Council agrees to increase an application fee, it does not include the action that Council staff would need to implement that increase. However, if staff, for example, agree to arrange a further meeting or make additional information publicly available after a meeting, those actions would be included in the Register.

Once an action point has been completed, it will only be included in the Register for Council's consideration once. Once Council has noted that an action point has been completed, it will be removed from the Register. Action points that have not been completed will continue to be provided to Council until they have been completed.

# 13.4 Significance and Engagement

N/A

# 13.5 Implications

**Financial** 

N/A

Social & Policy

N/A

Risk

N/A

13.6 Options

N/A

# 13.7 Attachments

1 2025-07-31 Open Action Points Register.pdf 👃

2025-07-31 Open Action Points Register.pdf Item 13 - Attachment 1

# Open Action Points Register – 2022/2025 triennium – as at 9 July 2025

Ref.	Meeting raised		Topic	Who is responsible?		Action points	Progress/Completed
number	Name	Date	Торіс	ED	Officer	Action points	Progress/Completed
170	Prosperous Napier	26/02/2025	Quarterly Performance Report	Thunes Cloete	Blake McDavitt	Officers to provide any additional information on the timeframe for enabling the community to become more resilient and the groups involved from a community perspective.	17 June 2025: Shane Briggs from CDEM will come back to us in August with a draft implementation plan.
171	Napier People and Places	26/02/2025	Holt Planetarium	Thunes Cloete	Elizabeth Caldwell	Officers to work with the Holt Planetarium Trust to identify feasible options for the relocation and management of the Planetarium and refer the matter to the Napier People and Places Committee to be held on 21 August 2025.	17 June 2025: This project will be progressed and presented to Committee in August 2025. Lyn Trafford has been included in the Project Group.
180	Audit and Risk Committee	13/03/2025	Policy Update	Jess Ellerm	JayJay Kettle	Officer to provide a table of policies with review dates to elected members as a memo for information.	6 June 2025: In progress for 7 August Audit & Risk Committee meeting.

Ordinary Meeting of Council - 31 July 2025

2025-07-31 Open Action Points Register.pdf Item 13 - Attachment 1

Ref.	Meeting raised	eting raised		Who is responsible?		Action points	Progress/Completed
number	Name	Date	Topic	ED	Officer	Action points	Progress/Completed
188	Council	24/04/2025	CCTO Tranche 1 Assets - Leasehold Land	Jess Ellerm	Richard Munneke / Emma Alexander	Officers manage communications to leaseholders including:  Notification of the Chair appointed to the Ahuriri Investment Management  Point of contact for communication  Timeframes around the future process  Potential purchase timeline feasibility, where possible.	<ul> <li>17 June 2025:</li> <li>AIM Chair appointment complete.</li> <li>Letters will be sent to leaseholders once entity officially formed.</li> <li>AIM Management Agreement 26 June.</li> <li>The process and timelines for divestment will not be established until AIM is formed.</li> </ul>
192	Prosperous Napier	15/05/2025	2024/25 Financial Forecast	Caroline Thomson	Talia Foster	Officers to provide figures in relation to the commercial facilities (Ocean Spa, Kennedy Park and Napier Conference Centre) budgets, and how far off budget they are.	3 June 2025: Quarterly report on the commercial facilities – July.
196	Audit and Risk Committee	16/06/2025	Risk and Assurance Report	Caroline Thomson	Dave Jordison	Officers to ask all elected members whether they consider training on SR32 Health and Safety Risks should be deferred until after the October 2025 elections or undertaken prior to October 2025.	

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Ordinary Meeting of Council - 31 July 2025

2025-07-31 Open Action Points Register.pdf

Ref.	Meeting raised		Topic Who is responsible?		nsible?	Action points	Progress/Completed
number	Name	Date	Topic	ED	Officer	Action points	Progress/Completed
197	Council	26/06/2025	Adoption of Waste Management and Minimisation Bylaw 2025	Russell Bond	Stefni Wilson	Direct officers to prepare a press release and individual communication to all waste operators following adoption of the Waste Management and Minimisation Bylaw 2025 and include that mixed waste will not be picked up at kerbside from customers.	2 July 2025: Complete. Press release and email to waste operators went out 26 June.

#### 14. AMENDMENT TO THE 2025 MEETING SCHEDULE

Type of Report:	Procedural		
Legal Reference:	Local Government Act 2002		
Document ID:	1863479		
Reporting Officer/s & Unit:	Anna Eady, Team Leader Governance		

# 14.1 Purpose of Report

The purpose of this report is to consider an amendment to the 2025 meeting schedule, which was adopted on 31 October 2024.

It is proposed that the meeting schedule be amended as outlined in the recommendation of this report.

#### Officer's Recommendation

That Council:

- a) **Adopt** the following amendment to the 2025 meeting schedule:
- Hearings Committee (Menacing Dog New Meeting 9.30am 22 August 2025 Classification)

# 14.2 Background Summary

The Local Government Act 2002, Schedule 7, Clause 19 states:

- (4) A local authority must hold meetings at the times and places that it appoints.
- (5) ...
- (6) If a local authority adopts a schedule of meetings
  - a) the schedule
    - i) may cover any future period that the local authority considers appropriate, and
    - ii) may be amended; and
  - b) notification of the schedule or of any amendment to that schedule constitutes a notification of every meeting to the schedule or amendment.

Council must hold the ordinary meetings as scheduled but may amend the meetings schedule to enable business to be managed in an effective way.

Although staff attempt to meet Council's needs in planning the schedule, it is inevitable that Council will need to amend the schedule from time to time. If approved, the proposed amendment will be notified to elected members via the Councillor diary.

While the schedule serves to give elected members notice of the upcoming meetings, there is still a requirement under the Local Government Official Information and Meetings

Act 1987 for the public to be advised on a regular basis of the meetings scheduled for the next month.

The schedule includes council meetings and the meetings of all committees, not only so that members can plan ahead, but also to ensure that meeting days are in fact available. If a scheduled meeting is not required, officers will advise members of the cancellation as early as possible.

#### 14.3 Issues

No issues have been identified with this report.

# 14.4 Significance and Engagement

The amendment to the meeting schedule does not trigger the Significance and Engagement Policy or any other consultative requirements.

# 14.5 Implications

#### **Financial**

N/A

# **Social & Policy**

There are no social or policy implications in relation to this report.

#### Risk

Changes to the meeting schedule can result in difficulty finding a suitable venue and increased costs.

# 14.6 Options

The options available to Council are as follows:

- a. To amend the 2025 meeting schedule as proposed.
- b. Not to amend the 2025 meeting schedule as proposed.

# 14.7 Development of Preferred Option

It is recommended that the amendment to the 2025 meeting schedule be adopted as proposed.

# 14.8 Attachments

1 Amended 2025 Meeting Schedule

Amended 2025 Meeting Schedule

GOVE-1302670700-53

2025 Meetings Schedule - Napier City Council (Adopted by Council Resolution 31 October 2024) - Amended by Council Resolution 5 June 2025)

JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	
SAT	1	1								1		SAT
SUN	2	2			1					2		SUN
MON	3 Council (Freedom camping hrg)	3 DP Hearing			2 King's Birthday			1 DP Hearing		3	1	MON
TUE	4	4 DP Hearing	1		3	1		2 DP Hearing - Audit & Risk		4	2 Citizenship	TUE
WED 1 New Year	5	5	2		4	2		3 DP Hearing	1	5	3	WED
THU 2 NY Holiday	6 Waitangi Day	6 Sustainable Napier followed by Future	3 Zone 3 Meeting	1 Combined Sector Meeting	5 Council	3 Standing Cttes x 4		4 Workshop	2	6 Council	4 Risk and Assurance	THU
FRI 3	7	7	4 Zone 3 Meeting	2	6	4 Ngā Mānukanuka o te Iwi	1	5	3	7	5	FRI
SAT 4	8	8	5	3	7	5	2	6	4	8	6	SAT
SUN 5	9	9	6	4	8	6	3	7	5	9	7	SUN
MON 6	10	10	7	5	9 Ahuriri Regional Park Joint Committee	7	4	8	6	10	8	MON
TUE 7	11 Workshop	11	8	6	10	8	5	9 Civic Awards	7	11	9	TUE
WED 8	12	12	9	7	11	9	6	10	8	12	10	WED
THU 9	13 Workshop	13 Audit & Risk / Workshop	10 Standing Cttes x 4	8 Workshop	12 Audit & Risk	10 Workshop	7 Audit & Risk	11	9	13 Combined Sector Meeting	11	THU
FRI 10	14	14 Ngā Mānukanuka o te lwi	11	9 Hearings Committee	13	11	8 Regional Collaboration Day	12	10	14	12	FRI
SAT 11	15	15	12	10	14	12	9	13	11 Election Day	15	13	SAT
SUN 12	16	16	13	11	15	13	10	14	12	16	14	SUN
MON 13	17 Ahuriri Regional Park Joint Committee	17	14	12 DP Hearing	16 DP Hearing / Community Services Grants	14	11	15	13	17	15	MON
TUE 14	18 Workshop	18	15 Council RMP Hrg	13 DP Hearing / Citizenship	17 DP Hearing	15	12	16	14	18	16	TUE
WED 15	19	19	16	14 DP Hearing	18 DP Hearing	16 LGNZ AGM	13	17	15	19	17	WED
THU 16	20 Council / Workshop	20 Workshop - CDEM Training (EMs)	17 Council (LWDW)	15 Standing Committes x 4	19 DP Hearing	17 LGNZ AGM	14 Workshop	18	16	20 Zone 3	18 Council	THU
FRI 17	21	21	18 Good Friday	16	20 Matariki Day	18	15 Ngā Mānukanuka o te lwi	19	17 Notification of Election Results	21 Zone 3	19	FRI
SAT 18	22	22	19	17	21	19	16	20	18	22	20	SAT
SUN 19	23	23	20	18	22	20	17	21	19	23	21	SUN
MON 20	24	24	21 Easter Monday	19	23	21 Council (LWDW Hearing)	18	22	20	24	22	MON
TUE 21	25 Citizenship	25 Workshop	22	20	24	22	19 Citizenship	23	21	25	23	TUE
WED 22	26 Extraordinary Council / Prosperous followed by P&P	26	23	21	25	23	20	24	22	26	24	WED
THU 23	27 LGNZ Combined Sector	27 Council	24 Council	22 3 Year Partnership Fund	26 Council (Adopt A/P, RMP, Solid	24	21 Standing Cttes x 4	25 Council (Adopt Annual	23	27 Council	25 Xmas Day	THU
FRI 24	28	28	25 ANZAC DAY	Committee 23	Waste) / Workshop 27	25		Report) 26 Creative NZ - PX	24 HB Anniversary	28 Regional Collobaration Day		FRI
SAT 25	20	29	26	24	28	26	22 Hearings Committee (Dogs)	27	25	20 Regional Collobaration Day	27	SAT
SUN 26		30	27	25	29	27	24	28	26	30	28	SUN
MON 27		31 Creative NZ - PX	28	26 Council A/P	30	28	25	29	27 Labour Day		29	MON
TUE 28			29 Council (LAP	27 Council A/P		29 DP Hearing	26 Council (CANCELLED)	30	28 Inaugural Council		30	TUE
WED 29			30	28 Council A/P		30 DP Hearing	27		29		31	WED
THU 30 Workshop				29		31 Council	28 Council		30			THU
FRI 31 Ngā Mānukanuka o te				30			29		31			FRI
SAT				31			30					SAT
SUN							31					SUN
JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	

Public Holidays

Council 9.30am (Thurs)

Prosperous Napier followed by People & Places
Sustainable Napier followed by Future Napier Committee

Audit and Risk Committee 9.30am (Thurs)

Ngā Mānukanuka o te lwi (Māori Committee) 11.00am (Fri)

Election period

School Holidays
Finish 27 January 2025

12-27 April 2025

28 June - 13 July 2025

20 Sept - 5 October 2025

19 December 2025

Ordinary Meeting of Council - 31 July 2025

#### 15. OFFICIAL INFORMATION REQUESTS AS AT 21 JULY 2025

Type of Report:	Information
Legal Reference:	Local Government Official Information and Meetings Act 1987
Document ID:	1864734
Reporting Officer/s & Unit:	Anna Eady, Team Leader Governance

#### 15.1 Purpose of Report

To present the year-to-date Official Information Request statistics.

#### Officer's Recommendation

That Council:

a. Receive for information the report Official Information Requests as at 21 July 2025.

#### 15.2 Background Summary

The Local Government Official Information and Meetings Act 1987 (LGOIMA) aims to increase the availability of official information held by local authorities:

- to enable members of the public to participate in decision making more effectively; and
- to promote accountability of local authorities.

LGOIMA requires that, unless there is a good reason for withholding information, it must be made available on request.

Local authorities must answer official information requests within 20 working days. Extensions to the due date can be made if officers require more time to gather and assess information for the response.

Statistics on the Official Information requests received by Napier City Council are attached.

#### 15.3 Options

The options available to Council are as follows:

- a. Receive the report for information.
- b. Do not receive the report for information.

#### 15.3 Attachments

1 2025-07-31 LGOIMA Reporting for Council Meetings (Doc Id: 1864669) U

# Requests made to Napier City Council, under the Local Government Official Information and Meetings Act 1987

For the 2025 year to date:

- 96 LGOIMA requests have been received
- Two Ombudsman investigations have been undertaken, one is only preliminary inquiries and the other has been concluded

Current LGOIMA requests being worked on by officers as of 21 July 2025:

Tracking	Requester	Topic	Responsible	Working days
no.			Directorate	taken until release
24167	Individual	Information release:	Corporate Services,	20
		sections 8 and 13: Council	City Strategy,	
		data	Community	
			Services,	
			Infrastructure, City	
			Services	
24178	Academic	Red stickered properties	City Strategy	16
24180	Individual	Capital Plan	Infrastructure	20
24181	Individual	Water changes/	Infrastructure	19
		amalgamation		
24182	Individual	Vigor Brown - Vehicle	Infrastructure	20
		Crossing		
24184	Individual	External advice: Battery	City Strategy	20
		Road		
24185	Individual	i-site/Par 2 Revenue	Community	19
			Services	
24186	Individual	Annual Plan process	Corporate Services	18
24187	Individual	Civic Building	City Strategy	12
24188	Individual	Speed Limits	Infrastructure	14
24189	Individual	Homelessness	City Strategy/	20
			Community	
			Services	
24190	Organisation	Ratepayers report	Corporate Services	20
24191	Individual	Future Development	City Strategy	Transferred to Hastings
		Strategy information		District Council
24192	Individual	Water testing	Infrastructure	17
24193	Individual	Staff restructure - Part f)	P&C / Corporate	17
			Services	
24194	Individual	Time capsule and	Community	6
		stagecoach	Services	
24195	Individual	Waka hub	City Strategy	9
24196	Individual	CCTV footage	City Strategy	4
24197	Individual	Document access search	City Strategy	13
24198	Individual	Library build	City Strategy	9

	1	le : «		
24199	Individual	Staff numbers	People and	10
			Capability	
24200	Individual	Church lane configuration	Infrastructure	
24201	Individual	Matariki budget	Community	9
			Services	
24202	Organisation	Gene technology bill	Corporate Services	
24203	Organisation	NANZ: operational outlook	Community	
			Services	
24204	Individual	Construction-related projects	Infrastructure	12
24205	Individual	Civic Building 2	City	15
			Strategy/People	
			and Capability	
20206	Organisation	City Assist Information	City Strategy	7
24207	Individual	Methodology for	People and	
		disestablishing	Capability	
24208	Individual	Generative AI policies	Corporate Services	4
24209	Individual	Rates revenue	Corporate Services	7
		2025/2026 Financial	Year	
25001	Individuals	Te Awa Pump Station	Infrastructure	
25002	Individual	Stormwater Pump Station	Infrastructure	
25003	Individuals	Proposed stormwater	Infrastructure	
	marviadaro	pump station	i i i a de	
25004	Individual	Te Awa Avenue	Infrastructure	
25005	Multiple (118)	Anti Rates Cap	Corporate Services	
	(NZTPU)		(Governance)	
25006	Multiple (2+ 1)	Anti Rates Cap	Corporate Services	
	(NZŤPU) É		(Governance)	
25007	Multiple (4) (NZTPU)	Anti Rates Cap	Corporate Services (Governance)	
25008	Individual	Pinotage Drive	Infrastructure	Transferred to Hawkes Bay Regional Council
25009	Multiple	Anti Rates Cap	Corporate Services	
	(9)(NZTPU)		(Governance)	
25010	Individual	Noise Complaints	City Strategy	
25011	Individual	Tikanga and te reo	Corporate	
			Services	
25012	Business	Forestry planting consents	City Strategy	
25013	Individual	Anti Rates Cap	Corporate Services	
			(Governance)	
25014	Individual	Cathedral Lane/ Tennyson St	Infrastructure	
25015	Individual	Library Project Cost	City Strategy	
25016	Individual	Ahuriri Regional Park	City Strategy /	
			Infrastructure	
25017	Individual	Traffic calming cost	Infrastructure	
25018	Individual	Waka building	City Strategy	

25019	Individual	Speed zone change: Te	Infrastructure	
		Awa Ave		
25020	Individual	Swimming pool project	Community	
			Services	
25021	Business	Trade waste consent	Infrastructure	
25022	Individual	Construction Projects	Infrastructure	
		data		
25023	Individual	Maraenui and Te Pihinga	Community	
			Services	
25024	Individual	Reservoirs	Infrastructure	
25025	Individual	Ethnic makeup	Corporate Service	
25026	Individual	Roading projects	Infrastructure	

## 16. LOCAL GOVERNMENT NEW ZEALAND FOUR-MONTHLY REPORT: MARCH TO JUNE 2025

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1864739
Reporting Officer/s & Unit:	Anna Eady, Team Leader Governance

#### 16.1 Purpose of Report

The purpose of this report is to provide for information the report "LGNZ four-monthly report for member Councils" for the period March to June 2025.

#### Officer's Recommendation

That Council:

a. **Receive** for information the report titled "LGNZ Four-Monthly Report for Member Councils" for the period March to June 2025 (Doc Id 1864736).

#### 16.2 Background Summary

The four-monthly report summarises Local Government New Zealand's (LGNZ) work on behalf of member councils. It is designed to be put on a council agenda for discussion and feedback. LGNZ will produce three four-monthly reports each year.

The four-monthly report complements the LGNZ regular communication channels (including the fortnightly e-newsletter 'Keeping it Local'), providing a more in-depth look at what LGNZ does.

#### 16.3 Options

The options available to Council are as follows:

- To receive for information the report titled "LGNZ Four-Monthly Report for Member Councils", OR
- b. To not receive the report titled "LGNZ Four-Monthly Report for Member Councils" and notify LGNZ of any concerns raised with the report.

#### 16.4 Attachments

1 LGNZ four monthly report for members June 2025 (Doc Id 1864736) (Under separate cover 1) ⇒

## 17. SUMMARY OF NGĀ MĀNUKANUKA O TE IWI RECOMMENDATIONS FOR RATIFICATION

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1865523
Reporting Officer/s & Unit:	Anna Eady, Team Leader Governance

#### 17.1 Purpose of Report

The purpose of this report is to advise that recommendations from the Ngā Mānukanuka o te Iwi meeting held on 4 July 2025 require ratification by Council.

A copy of the 4 July 2025 minutes are attached for information.

To view the full agendas relating to these minutes please refer to the Napier City Council website at <a href="https://napier.infocouncil.biz">https://napier.infocouncil.biz</a>

#### Officer's Recommendation

That Council:

- Receive the report titled "Ngā Mānukanuka o te lwi Recommendations for Ratification" dated 31 July 2025.
- Receive for information the minutes of the Ngā Mānukanuka o te lwi meeting held on 4 July 2025.
- c) Ratify the following recommendations from the Ngā Mānukanuka o te lwi meeting of 4 July 2025:

#### 1. Waka Hub Cultural Narrative & Mahi Toi Procurement

- a) Endorse the Waka Hub Cultural Narrative
- b) **Receive** the report updating the development of the Mahi Toi for the Waka Hub project.
- c) **Recommend** that a representative from the Mana Whenua Mahi Toi design team be included in the ongoing governance or asset management arrangements for the Waka Hub, to ensure the cultural integrity, appropriate care, and long term stewardship of the mahi toi elements.

#### 2. Introduction of Napier City Council's Inaugural Citizens' Assembly

- a) Receive the report on the upcoming Citizens' Assembly for Napier.
- b) **Note** the importance of ongoing partnership with mana whenua throughout the planning, design, and delivery of the Assembly.
- c) **Endorse** mana whenua representation and involvement in the Assembly's advisory and design processes.
- d) **Nominate** Beverley Kemp-Harmer and Matiu Eru to join the Napier Citizens' Assembly Design Group.

e) Nominate Mara Andrews to participate in the Citizens' Assembly.

#### 3. 3 Waters Project Update

- a) **Receive** the information provided on the current progress of significant 3 Waters projects being delivered by Napier City Council.
- b) Note that Mana Ahuriri will be present at the 3 Waters Projects Updates.

#### 4. Te Waka Rangapū update

a) Note the update from Te Waka Rangapū dated 4 July 2025.

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#### .2 Background Summary

N/A

#### **17.3 Issues**

N/A

#### 17.4 Significance and Engagement

N/A

#### 17.5 Implications

#### **Financial**

N/A

#### Social & Policy

N/A

#### **Risk**

N/A

#### 17.6 Options

The options available to Council are as follows:

- a) To receive the Ngā Mānukanuka o te lwi minutes and ratify the recommendations of 4 July 2025.
- b) Not to receive the minutes or ratify the recommendations of the Ngā Mānukanuka o te lwi.

#### 17.7 Development of Preferred Option

N/A

#### 17.8 Attachments

1 Minutes of the 4 July 2025 Ngā Mānukanuka o te lwi 😃



Napier Civic Building

# NGĀ MĀNUKANUKA O TE IWe nfo@napier.govt.nz www.napier.govt.nz (MĀORI COMMITTEE)

# **Open Minutes**

Meeting Date:	Friday 4 July 2025
Time:	Open 10.00am – 11.51am Public Excluded – 11.51am - 12.05pm
Venue	Large Exhibition Hall War Memorial Centre Marine Parade Napier
	Livestreamed via Council's Facebook page

Present	Chair: Beverley Kemp-Harmer Mana Ahuriri Trust (Evelyn Ratima) Maungaharuru-Tangitū Trust (Mara Andrews) [online] Moteo Marae (Maureen Box) Petane Marae (Shyann Raihania) Timikara Marae (Kirk Leonard) Waiohiki Marae (Darren Tareha) Wharerangi Marae (Beverley Kemp-Harmer) Mayor Kirsten Wise Sustainable Napier Committee Chair (Councillor Price) Napier People & Places Committee Chair (Councillor McGrath) Prosperous Napier Committee Chair (Councillor Crown)
In Attendance	Council Kaumatua (Matiu Eru) Chief Executive (Louise Miller) [online] Executive Director Community Services (Thunes Cloete) Executive Director Infrastructure Services (Russell Bond) Team Leader City Design and Urban Renewal (Georgina King) Strategic Programme Lead (Alix Burke) Manager Communications and Marketing (Julia Stevens)

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	Communications Manager (Jess Soutar-Barron) Manager Water Strategy (Philip Kelsen)
	Water Strategy Planning Manager (Syed Andrabi)
	Māori Partnership Manager - Te Kaiwhakahaere Hononga Māori (Hilary Prentice)
	Executive Assistant to the Mayor (Vanessa Smith) [online]
	Te Waka Rangapū Kaiāwhina (Xanthia Ashby)
Also in Attendance	Wraight Athfield Landscape and Architecture (Nathan Foote) Ātea a Rangi Trust (Piripi Smith)
Administration	Governance Advisor (Jemma McDade)

## NGĀ MĀNUKANUKA O TE IWI (MĀORI COMMITTEE) — Open Minutes

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#### **ORDER OF BUSINESS**

#### Karakia

The meeting opened with the council karakia.

#### **Apologies**

Mayor Wise / Councillor Crown

That the apology from Deputy Mayor Brosnan be accepted.

Carried

The Pukemokimoki Marae representative, Tiwana Aranui, and the Tangoio Marae representative, Krystal Haimona, did not attend the meeting.

#### **Conflicts of interest**

Nil

#### **Public forum**

Nil

#### **Announcements by the Chairperson**

Matariki celebrations are to be held this evening at the Soundshell from 5:30pm. Nominations for Local Government Elections open today.

#### **Announcements by the management**

Nil

#### **Confirmation of minutes**

Darren Tareha / Kirk Leonard

That the Minutes of the meeting held on Friday 14 March 2025 were taken as a true and accurate record of the meeting.

Carried

### **AGENDA ITEMS**

#### 1. WAKA HUB CULTURAL NARRATIVE & MAHI TOI PROCUREMENT

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1860442
Reporting Officer/s & Unit:	Georgina King, Team Leader City Design and Urban Renewal

#### 1.1 Purpose of Report

The purpose of this report is to seek endorsement from Ngā Mānukanuka o te lwi Committee for the Waka Hub Cultural Narrative, and to update the Committee on the development of the Mahi Toi for the Waka Hub.

#### At the meeting

Nathan Foote (Wraight Athfield Landscape and Architecture) and Piripi Smith (Ātea a Rangi Trust) joined the officer to present the report with a PowerPoint presentation noting that, pending endorsement by the Ngā Mānukanuka o te lwi Committee, the developed design package will be brought to Council on 28 August 2025.

Questions were answered clarifying:

Mana Ahuriri would be present at any future korero regarding the mahi toi.

### Committee resolution

#### Kirk Leonard / Evelyn Ratima

The Ngā Mānukanuka o te Iwi (Māori Committee):

- a. Endorse the Waka Hub Cultural Narrative
- b. **Receive** the report updating the development of the Mahi Toi for the Waka Hub project.
- c. Recommend that a representative from the Mana Whenua Mahi Toi design team be included in the ongoing governance or asset management arrangements for the Waka Hub, to ensure the cultural integrity, appropriate care, and long term stewardship of the mahi toi elements.

#### Carried

#### **Attachments**

1 2025-07-04 updated Whare waka-Ahuriri Cultural Booklet DOC ID 1864667

## 2. INTRODUCTION OF NAPIER CITY COUNCIL'S INAUGURAL CITIZENS' ASSEMBLY

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1861297
Reporting Officer/s & Unit:	Julia Stevens, Manager Communications and Marketing Jess Soutar-Barron, Communications Manager

#### 2.1 Purpose of Report

To inform Ngā Mānukanuka o te Iwi of Napier City Council's first Citizens' Assembly, being held in September 2025, including its purpose, structure, and the importance of active mana whenua partnership in the process.

#### At the meeting

The officers presented the report providing the update that this work is moving at pace.

Questions were answered clarifying:

- Principles of Te Tiriti o Waitangi will be upheld by the design group. The design group consists of expert consultants, local community leaders and Council officers. The perceived legitimacy of a new concept is important.
- The Citizens Assembly will meet over four consecutive Saturdays in September with support in place for participants to break down participatory boundaries.
- This is an opportunity to have contributions from people qualified in disability, diversity
  and to address Te Tiriti through inclusivity. It is great to see the partnership with
  Council.
- The design group will be given the issue that Council needs to address and will then determine the question that the Citizens Assembly is to consider. The Council will make a commitment in a public meeting as to the way forward. The framework will come from the design group; a strong scaffold to hold the Kaupapa.
- This Citizens Assembly will consider one issue. If this is repeated then a new 40 people will consider the next issue.
- This is a new Kaupapa, the design group could consider that the 40 highly engaged individuals who form this Citizens Assembly could retain an ongoing relationship with Council for future consultations. This is the start of a new way of engaging with our people.

Committee	Darren Tareha / Evelyn Ratima
resolution	
	The Ngā Mānukanuka o te Iwi (Māori Committee):
	a. <b>Receive</b> the report on the upcoming Citizens' Assembly for Napier.

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- b. **Note** the importance of ongoing partnership with mana whenua throughout the planning, design, and delivery of the Assembly.
- c. **Endorse** mana whenua representation and involvement in the Assembly's advisory and design processes.
- d. **Nominate** Beverley Kemp-Harmer and Matiu Eru to join the Napier Citizens' Assembly Design Group.
- e. **Nominate** Mara Andrews to participate in the Citizens' Assembly.

Carried

#### 3. 3 WATERS PROJECT UPDATE

Type of Report:	Information	
Legal Reference:	N/A	
Document ID:	1860729	
Reporting Officer/s & Unit:	Pious Jolly Xavier, Drainage Planning Lead  Anoop Mathew, 3 Waters Technical Development Engineer	

#### 3.1 Purpose of Report

The purpose of this report is to provide the Ngā Mānukanuka o te lwi with an update on key projects currently underway within Napier City Council's 3 Waters programme, which includes drinking water, stormwater, and wastewater.

#### At the meeting

Manager Water Strategy (Philip Kelsen) and Water Strategy Planning Manager (Syed Andrabi) presented the report and a PowerPoint Presentation.

Questions were answered clarifying:

- Mana Ahuriri will be included in discussions.
- The reservoir size takes into account population growth projections and is sized for the predicted 2072 population.
- The drinking water reservoir is designed for a level four disaster event and could supply 20 litres per person per day for the community.

## Committee resolution

Mara Andrews / Darren Tareha

The Ngā Mānukanuka o te Iwi (Māori Committee):

- Receive the information provided on the current progress of significant 3 Waters projects being delivered by Napier City Council.
- b. **Note** that Mana Ahuriri will be present at the 3 Waters Projects Updates.

Carried			
	Carried		

#### 4. TE WAKA RANGAPŪ UPDATE

Type of Report:	Operational
Legal Reference:	N/A
Document ID:	1859388
Reporting Officer/s & Unit:	Hilary Prentice, Māori Partnership Manager - Te Kaiwhakahaere Hononga Māori

#### 4.1 Purpose of Report

This report provides an update on the progress and achievements of Te Waka Rangapū over the last quarter. The team has continued to foster a holistic and inclusive environment at Napier City Council, which you will see evident from this report.

#### At the meeting

The officer presented the report.

There were no questions.

Committee resolution	Evelyn Ratima / Maureen Box				
	The Ngā Mānukanuka o te lwi (Māori Committee):				
	a. Note the update from Te Waka Rangapū dated 4 <sup>th</sup> July 2025.				
	Carried				

#### **Updates from Committee Representatives**

#### Moteo marae

The marae is leading up to their opening blessing, recovering from the aftermath of Cyclone Gabrielle nearly two and a half years ago. The blessing is to be held on Friday 25 July with the powhiri at 10am.

#### Waiohiki marae

Matua Tamati was acknowledged. The marae is finishing their recovery phase following Cyclone Gabrielle.

#### Timikara marae

The Strategic plan is being developed, the Kaupapa is being learned and the work in progress is to build and strengthen relationships in the community, especially with rangatahi.

#### Petane marae

A busy time for the marae with dialogue with Hawkes Bay Regional Council and Napier City Council forging partnerships as part of the rebuild phase. Focus is on strengthening connections to ensure the stability remains when the marae is rebuilt.

#### Mana Ahuriri

An active time being involved in the airport, ensuring that the history is recorded. Support for all marae continues to be offered, especially after Matariki. Relationships continue to be built and maintained to work alongside Napier and Hastings Councils and the Regional Council. Their housing development is also progressing.

#### Maungaharuru-Tangitū Trust

Support continues to be provided around rebuild and relocations following the Cyclone. The hapū voted for the purchase of land on the coast; possession is to be taken after October.

#### **Prosperous Napier**

Last weekend saw the opening of the Shockwave exhibit at the MTG featuring the new revamped Shakehouse. This is a beautiful exhibition developed with guidance from the Council Kaumatua. The 3 July meeting tracked finance, including intergenerational projects. A huge milestone was the closing of the voluntary buyout policy for properties affected by the Cyclone. The investment arm of Council, Ahuriri Investment Management, is progressing. The cost of living is top of mind.

#### Sustainable Napier

The Sustainable Napier Committee considers Infrastructure; the paper today updated the current water related projects. The 3 July meeting heard that in 2019 there were 1330 water related complaints and this has reduced to 30 which is a fantastic result.

#### Napier People and Places

The 3 July meeting approved the grants funding for the next round, helping a number of community organisations. The names for the rooms at the War Memorial Conference Centre were also ratified.

#### **Updates from Pou Whakarae**

Nil

#### **General business**

Nil

# RESOLUTION TO EXCLUDE THE PUBLIC

#### Kirk Leonard / Darren Tareha

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

Plain English reason

Ngā Mānukanuka o te lwi (Māori Committee) - 04 July 2025 - Open Minutes

#### **Agenda Items**

General subject of

Hawke's Bay Museum Joint Working Group Proposal for new names for the two sites

#### 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:

Reason for passing

Ground(s) under

each matter to be considered.	this resolution in relation to each matter.	section 48(1) to the passing of this resolution.	for passing this resolution in relation to each matter.
Agenda Items			
1. Hawke's Bay Museum Joint Working Group Proposal for new names for the two sites	7(2)(g) Maintain legal professional privilege	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 names require support from a range of stakeholders and they are subject to legal registration with IPONZ.

#### **Public Excluded Text**

Council has considered the public interest in the information above and balanced those interests with the reason(s) for withholding this information. This ensures Council has met the requirements for withholding information under section 7(2) of the Local Government and Official Information and Meetings Act 1987.

#### The meeting closed with a karakia at 11.51am

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

# REPORTS UNDER DELEGATED AUTHORITY

#### 1. TENDERS LET

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1860229
Reporting Officer/s & Unit:	Debbie Beamish, Executive Assistant to the Chief Executive

#### 1.1 Purpose of Report

To report the Tenders let under delegated authority for the period 16 June 70 11 July 2025. There were no tenders let during this period.

#### Officer's Recommendation

That Council:

- a) Receive the report titled "Tenders Let" dated 31 July 2025.
- b) Note there were no tenders let for the period 16 June to 11 July 2025.

#### 1.2 Attachments

Nil

# RECOMMENDATION TO EXCLUDE THE PUBLIC

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

#### **Agenda Items**

- 1. Local Water Done Well Heads of Agreement (To be circulated separately)
- 2. Hawke's Bay Museum Joint Working Group Update
- 3. Ahuriri Investment Management Independent Director Appointment
- 4. Action Points Register (Public Excluded) as of 9 July 2025
- 5. Ngā Mānukanuka o te Iwi Summary of Recommendations for Ratification

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.	Plain English reason for passing this resolution in relation to each matter
Agenda Items			
Local Water Done     Well - Heads of     Agreement (To be     circulated     separately)	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)	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.	Sensitive information
Hawke's Bay     Museum Joint	7(2)(g) Maintain legal professional privilege	48(1)(a) That the public conduct of the whole or	Awaiting legal approval from IPONZ

Working Group Update		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	
3. Ahuriri Investment Management Independent Director Appointment	7(2)(a) Protect the privacy of natural persons, including that of a deceased person	Information and Meetings Act 1987.  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.	Paper sets out recommendation for appointment of two independent directors for for Ahuriri Investment Management Limted.
4. Action Points Register (Public Excluded) as of 9 July 2025	6(d) Likely to endanger the safety of a person 7(2)(i) Enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) 7(2)(j) Prevent the disclosure or use of	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	To protect privacy, conduct negotiations, and protect safety.

	official information for improper gain or improper advantage	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.	
5. Ngā Mānukanuka o te lwi Summary of Recommendations for Ratification	7(2)(g) Maintain legal professional privilege	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 names require support from a range of stakeholders and they are subject to legal registration with IPONZ.

#### **Public Excluded Text**

Council has considered the public interest in the information above and balanced those interests with the reason(s) for withholding this information. This ensures Council has met the requirements for withholding information under section 7(2) of the Local Government and Official Information and Meetings Act 1987.

# ORDINARY MEETING OF COUNCIL

# **Open Minutes**

	Livestreamed via Council's Facebook page
	Napier
	Marine Parade
	War Memorial Centre
Venue	Large Exhibition Hall
Time:	9.30am – 12.00pm (Local Water Done Well Hearing)
Meeting Date:	Monday 21 July 2025

Present	Chair: Mayor Wise  Members: Deputy Mayor Brosnan, Councillors Boag, Browne, Chrystal, Crown, Greig, Mawson, McGrath, Price, Simpson and Taylor
In Attendance	Acting Chief Executive (Jessica Ellerm) Executive Director Infrastructure Services (Russell Bond) Manager Water Reforms Transition (Andrew Lebioda) Sign Language Interpreters: Sarah Billing and Cathie Siebert
Administration	Submitters Speaking: Jon Nichols, Bob Howe, Mark Plested, Angie Denby and Sue McDonald (Ahuriri Estuary Protection Society), Pauline Doyle, Warwick Marshall and Dr Nicolas Jones (Health New Zealand)  Governance Advisors (Carolyn Hunt and Jemma McDade)

#### **ORDINARY MEETING OF COUNCIL – Open Minutes**

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#### **ORDER OF BUSINESS**

#### **Karakia**

The meeting opened the Council karakia.

#### **Apologies**

Councillors Crown / Price

That the apology for lateness from Deputy Mayor Brosnan be accepted.

#### Carried

Councillor Tareha did not attend at the meeting.

#### **Conflicts of interest**

Nil

#### **Public forum**

Nil

#### **Announcements by the Mayor**

Nil

#### **Announcements by the management**

Nil

#### **Confirmation of minutes**

## COUNCIL RESOLUTION

Councillors Mawson / Taylor

That the Draft Minutes of the Ordinary meeting held on 26 June 2025, including the Public Excluded minutes previously circulated, be confirmed as a true and accurate record of the meeting.

Carried

### **AGENDA ITEMS**

#### 1. LOCAL WATER DONE WELL - SUBMISSIONS

Type of Report:	Legal and Operational
Legal Reference:	Local Government (Water Services Preliminary Arrangements) Act 2024
Document ID:	1864148
Reporting Officer/s & Unit:	Andrew Lebioda, Manager Water Reforms Transition

#### 1.1 Purpose of Report

Under the Local Government (Water Services Preliminary Arrangements) Act 2024, Council is required to publicly consult on the options evaluated for the delivery of water services in response to Local Water Done Well (LWDW) policy. The purpose of this report is to:

- a) Provide the opportunity to those who chose to speak to their submissions on the consultation, and;
- b) Provide Council with a summary of the outcomes of this public consultation.

#### PRESENTATION OF ORAL SUBMISSIONS

The following submitters spoke to their submissions in relation to the Local Water Done Well options.

**Jon Nicols (#234)** spoke to his submission in support of the Region-wide council controlled organisation (CCO). Mr Nicols highlighted the following points:

- Having a larger asset and customer base enables fixed overhead costs to be spread better.
- Large scale operations can encourage contractors to set up a base in the region with a depot and training centre.
- A larger entity would allow for standardisation on replacements and new assets and doing
  it the Hawke's Bay way.
- Any Board set up to run this entity will want good people in the regulatory space, so larger scale enables this to happen and easier to afford investment and technology.
- The Asset Management Plan needs to ensure that it is reflective of the four communities, and the new entity is well governed with clear expectations from the owners.
- Establishment of foundational documents are crucial to form a truly regional company with assets in the billions.

 This entity will be the biggest limited liability company in Hawke's Bay and should deliver better and more cost-effective outcomes.

Councillor Browne withdrew from the meeting at 9.39am

**Bob Howe (#6)** spoke to his submission opposing Council's preferred option of regional delivery and preferred to have the in-house delivery model.

Councillor Browne rejoined the meeting at 9.42am

Mr Howe advocated setting up a water model with no water meters and built by Team Napier and operated out of the Napier City Council Depot by waterworks staff.

Councillor Mawson withdrew from the meeting at 9.55am

**Mark Plested (#11)** spoke to his submission in support of Council's preferred option for regional water delivery. Mr Plested highlighted the following points:

Councillor Mawson rejoined the meeting at 9.57am

- Concerns raised in his submission were substantially allayed when he viewed the 2020 Morrison Low Water Services Plan report and the Local Water Done Well report.
- The recommended future delivery option requires good, stable planning, funding and information managements and interaction between Council and the CCO to be efficient and effective.
- Maintaining institutional knowledge will be a challenge and need to ensure systems track stages of development.
- CCO must be held accountable.
- There are risks in preparing any document and uncertainties however, there needs to be a section within the document that discusses the risks and uncertainties and not presented as error bars and confuse the general message. The risks need to be disclosed.

Angie Denby (Ahuriri Estuary Protection Society) (#650) spoke to her submission in support of the Region-wide CCO. She displayed a PowerPoint presentation (Doc Id 1866291) highlighting the importance of putting adequate resources into cleaning up stormwater and acknowledged planning is established for Ahuriri Regional Park Stormwater wetlands. However, she expressed major concerns about how much of the stormwater could be diverted to these wetlands.

**Warwick Marshall (#633)** spoke to his submission and did not support Council's preferred option of a regional CCO as felt it could be subsidising what they want. Mr Marshall supported an in-house model.

Deputy Mayor Brosnan joined the meeting at 10.24am

The Estuary has a critical function to drain the water from Bay View and be maintained to be fit for purpose as a drain. It can work together with the environment but must be kept in balance. Mr Marshall expressed concern if the project gets out of hand, the cost and the benefits.

The meeting adjourned at 10.30am and reconvened at 11.00am

#### **Presentation of Officer's Report**

**The Manager Water Reforms Transition, Mr Lebioda** took the report as read which outlined a brief summary of the 666 submissions received and analysis following public consultation.

A total of 79% of submissions chose Council's preferred option of a CCO owned by the four councils of Central Hawke's Bay District Council, Hastings District Council, Napier Cit Council,

and Wairoa District Council.

Mr Lebioda advised that key themes of submissions were affordability, potential loss of local voice, water metering and investment and transparency of where money is going if there were conflicting priorities.

There is no mention of water metering in the preferred option. However, there is mention under Bill 3 when it is enacted that Water Organisations will have five years to transition from any capital value or land based charging to an alternative revenue collecting stream.

The four Councils all consulted on the Regional CCO as their preferred option. Central Hawke's Bay met on 3 July 2025 to continue with a Regional CCO, Wairoa District will meet this week and both Napier City and Hastings District Councils will meet on 31 July 2025 to make the final decision.

#### **Oral Submissions (contd.)**

**Pauline Doyle (#323)** spoke to her submission in support of Council's preferred option of a Regional CCO and supported permanent water treatment plants to replace the ten incident standard chlorinators. Ms Doyle also displayed at the meeting a response to an official information request made in 2018 (Doc Id 1865366) in regard to water chlorination.

She advised that Hastings District Council are considering universal water meters. Ms Doyle was pleased to hear that Napier City Council had allocated \$26.14m in the Long-Term Plan from 2029 to support the installation of universal water meters across the city. Metering will ensure a fairer consumption approach and more responsible approach to water use.

It was noted that water meters were included in the 3 Year Plan and the decision to adopt the Plan with 12 For and 1 Against

Councillor Taylor left the meeting at 11.20am

The meeting adjourned at 11.20am and reconvened at 11.53am

**Dr Nicholas Jones (Health New Zealand) (#601)** spoke to his submission in support of Council's preferred option of a Regional CCO. Dr Jones highlighted the following:

- The preferred option seems to be the most cost effective of the Government supported options.
- The proposed CCO structure has potential to enable a more co-ordinated and effective response to climate related challenges.
- Look at amalgamating water in some way expertise and finance.
- Noted that some detail including Government arrangements are yet to be finalised.
- Will be important to mitigate risk
- Health New Zealand is no longer a regulator but is responsible for surveillance and management of water borne illness and they work closely with Taumata Arowai. They also wish to continue to work closely with Councils.

COUNCIL RESOLUTION

Mayor Wise / Councillor Price

That Council:

- a) **Receive** the report titled Local Water Done Well Submissions dated 21 July 2025.
- b) Note that officers will prepare a report for the 31 July 2025 Council Meeting to further deliberate and resolve a substantive decision on the preferred delivery model to inform a Water Services Delivery Plan.
- c) **Note** the points made by submitters and thanks the community for their engagement.

#### **ACTION:**

**Direct** officers to respond to the following questions asked by the Ahuriri Estuary Protection Society at the meeting:

- If the 'In-House' solution is chosen, what hasn't gone well up till now?
- If a 'Consortium' is chosen, our concerns are: will the service and skill base be spread too thin?
- Will the Napier person who is focused on Ahuriri Estuary be competing with Wairoa?
- Will the knowledge base within NCC that know the history of the Ahuriri Estuary and waterways be available?
- Where has the 2018 Ahuriri Estuary and Coastal Edge Masterplan gone? The changes are not transparent to the public.
- Who will own the waterways? Who will benefit?

**Direct** officers to respond to the following questions asked by Mr Marshall

Has a cost benefit analysis been done on this proposed project?

- whatever option is adopted will have a very significant effect on many households, what consideration is given to them?
- given that you have shown varying costs for these options, please provide justification for those costs by describing exactly what actually will be done also management costs?
- please confirm that all costs relating to water, stormwater and sewage currently included in our rates will be removed for our rates i.e. they would then be paid separately to the new provider.
- The development / financial contributions collected over recent years, where has that money gone?
- for those areas in a better situation some others will they be subsidizing those where more work is required?
- What if any assistance does central government give to local government to undertake their policies?

#### Carried

#### **Attachments**

1 Angie Denby, Ahuriri Estuary Protection Society Presentation (Doc Id 1866291

There were no matters to discuss.

#### The meeting closed with a karakia at 12.00pm

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