



**NAPIER**  
CITY COUNCIL

Te Kaunihera o Ahuriri

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# ORDINARY MEETING OF COUNCIL

## Open Minutes

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Meeting Date: Tuesday 19 November 2024

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Time: 12:30pm – 1:37pm

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Venue Small Exhibition Hall  
War Memorial Centre  
Marine Parade  
Napier

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*Livestreamed via Council's Facebook page*

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

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In Attendance Chief Executive (Louise Miller)  
Acting Executive Director Corporate Services (Caroline Thomson)  
Acting Executive Director City Services (Jessica Ellerm)  
Executive Director City Strategy (Rachael Bailey)  
Executive Director Infrastructure Services (Russell Bond)  
Executive Director Community Services (Thunes Cloete)  
Manager Communications and Marketing (Julia Stevens)  
Team Leader Governance (Anna Eady)  
Manager City Development (Paulina Wilhelm)  
Principal Policy Planner (Fleur Lincoln)  
Policy Analyst (Jeriel Sajan)

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Administration Governance Advisors (Jemma McDade)

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## ORDINARY MEETING OF COUNCIL – Open Minutes

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# ORDER OF BUSINESS

## Karakia

The meeting opened with the Council karakia.

## Apologies

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**COUNCIL  
RESOLUTION**

Councillors Crown / Browne

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That the apology from Councillor Boag be accepted.

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Carried

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## Conflicts of interest

Nil

## Public forum

Nil

## Announcements by the Mayor

Nil

## Announcements by the management

Nil

## Confirmation of minutes

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**COUNCIL  
RESOLUTION**

Councillors Greig / Price

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That the Draft Minutes of the Ordinary Council meetings held on 31 October 2024 and 7 November 2024 be confirmed as a true and accurate record of the meeting.

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Carried

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# AGENDA ITEMS

## 1. ADOPTION OF DRAFT FUTURE DEVELOPMENT STRATEGY

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<i>Type of Report:</i>	Operational and Procedural
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1808867
<i>Reporting Officer/s &amp; Unit:</i>	Fleur Lincoln, Principal Policy Planner

### 1.1 Purpose of Report

This Report recommends Council adopt the draft Napier Hastings Future Development Strategy (FDS) for public notification and public consultation under the Special Consultative Procedure (SCP) in Section 83 of the Local Government Act 2002.

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### At the meeting

Executive Director City Strategy (Rachael Bailey) and Manager City Development (Paulina Wilhelm) joined the Officer to present the report.

Questions were answered clarifying:

- Adopting the draft FDS for consultation does not give it any regulatory weighting in terms of the Resource Management Act 1991 (RMA).
  - The Technical Advisory Group (TAG) contains officers from the three partner Councils, planners, and the Mana Ahuriri Trust. The TAG provides technical expertise.
  - The TAG was unanimous in their recommendation of the sites in the draft FDS, taking into account natural hazards, highly productive soil, stormwater, infrastructure works and obligations under redress land classification.
  - The draft proposal will be amended, for public transparency, to reflect the decision of each partner Council. The sites disputed by the Hawke's Bay Regional Council (HRBC) will remain in the draft proposal noting that HBRC recommends their removal.
  - The purpose of adopting the draft FDS is to move in to the consultation phase where community members can engage with Council to share concerns.
  - The sites at Riverbend Road and Ahuriri Station require technical work prior to being suitable for development. This detail is not part of a high level strategy. Including a site in the FDS is not a guarantee that it will be developed. The final FDS is still at least 8-10 months away. There will be further opportunity for public consultation. There are regulatory pathways that have to be satisfied before consent would be granted for any development.
  - The centre of the Riverbend Road site may have to be raised up to approximately 1.5 metres to mitigate flood risk. The technical information will be communicated through Council's Communications and Marketing team and will be available on Council's website.
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- Ahuriri Station is redress land. The process for redress land is the same as for other land. The Ahuriri Station site also has the option of the fast-track consenting process through Central Government. Council would be an interested party, but not the final decision maker in that instance. This won't impact other sites as this is the only redress land within the Napier boundary that forms part of the FDS. All sites were revisited following the addition of the new objective to ensure consistency.
  - The FDS is in development at the same time as the District Plan and HBRC's Regional Policy Statement. The National Policy Statement by Central Government on Natural Hazards will provide clearer direction on how to treat land subject to natural hazards. There are many complex legislative and regulatory changes coming into effect at the same time. The TAG and Regulatory team are assessing the sites against current requirement recognising that further legislation may converge on the FDS when it comes back after consultation.
  - No Napier land considered in the FDS is classed a highly productive (Class 1 or 2).
  - The proposed sites for development in the FDS are the most efficient and where exposure to natural hazards can best be mitigated. There is a requirement to provide more land for future development.
  - The FDS is a high level strategy for growth which looks at the best places for future development. The District Plan process and planning will follow on; any development may not eventuate for 30-40 years.

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**COUNCIL  
RESOLUTION**

Deputy Mayor Brosnan / Councillor Crown

That Council:

- a. **Receive** the report titled Adoption of the Draft Napier/Hastings Future Development Strategy for Public Notification and Consultation dated 19 November 2024.
- b. **Receive the Napier Hastings Future Development Strategy Joint Committee (Committee) Resolutions** from its Committee Meeting on 23 October 2024.
  - That the Napier-Hastings Future Development Strategy Joint Committee receive the report titled Adoption of Draft Future Development Strategy for Notification dated 22 July 2024.
  - That the Joint Committee adopt the following Objective, to be added to its 'Strategic Objectives' for the FDS, which the Joint Committee adopted at its meeting on 11 July 2023,
    - *"The values and aspirations of mana whenua for development are a priority and are recognised and supported"*.
  - That the Joint Committee adopt the draft 'Napier / Hastings Future Development Strategy' (FDS) attached as Attachment One and 'Summary of Information' attached as Attachment Two with the following variations,
    - i. That the Ahuriri Station land is identified for inclusion as redress land as detailed in Attachment 5.
    - ii. Hn3a- Middle Road (excluded).
    - iii. Hn3b- Middle Road extension (excluded).

On the basis for ii and iii that:

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- These areas are not needed to provide sufficient development capacity to meet demand (including the 20% competitiveness margin),
  - Hn3a and Hn3b are areas of land which are Highly Productive (including 'Land Use Capability' level 1 and 2 land),
  - These areas are not included in Heretaunga Plains Urban Development Strategy (except as a reserve area in the case of Hn3a),
  - It would be contrary to the objectives of the FDS to include these areas.

'That the Joint Committee recommend to the Partner Councils (Hastings District Council, Napier City Council and Hawke's Bay Regional Council) that they adopt the FDS and 'Summary of Information' (including the Variations in Recommendation B) for consultation under the Special Consultative Procedure as specified in Section 83 of the Local Government Act 2002 (LGA), and call for submissions in accordance with the Principles of Consultation under Section 82 of the LGA, and provide an opportunity for the hearing of submissions, under section 83 of the LGA'.

- c. **Adopt** (after consideration of Recommendation B) the draft 'Napier / Hastings Future Development Strategy' (FDS) attached as Attachment One (which includes the Joint Committee's recommendations with the exception of ii and iii to exclude Middle Road, HN3a and HN3b) and the 'Summary of Information' attached as Attachment Two.
- d. **Confirm**, or otherwise, the Joint Committee's Recommendations ii and iii to exclude Middle Road, HN3a and HN3b from the consultation draft.
- e. **Notify** the FDS and 'Summary of Information' for consultation under the Special Consultative Procedure as specified in Section 83 of the Local Government Act 2002 (LGA), and call for submissions in accordance with the Principles of Consultation under Section 82 of the LGA, and provide an opportunity for the hearing of submissions, under section 83 of the LGA.
- f. **Approve** an amendment to Section 6 (relates to Delegated Authority) of the Terms of Reference for the Napier Hastings Future Strategy Joint Committee (Committee) to allow the Committee to appoint an independent panel of up to five members that is representative of Mātauranga Māori, gender balance, equity, and technical knowledge of the legislation that encompasses the Future Development Strategy.

The amendment to Section 6 of the Terms of Reference will read as follows:

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6.1 The Napier-Hastings Future Development Strategy Joint Committee has the responsibility delegated by the Partner Councils for:

*Appointing an Independent Panel of up to five members that is representative of Mātauranga Māori, gender balance, equity, and technical knowledge of the legislation that encompasses the Future Development Strategy which will undertake* Hearing and considering submissions on the draft strategy and making appropriate recommendations to the *Joint Committee ~~partner—councils~~, which will subsequently make appropriate recommendations to the Partner Councils.*

- g. **Note** the Independent Panel will act in accordance with the ‘Principles of Consultation’ under Section 82 of the Local Government Act 2002 (LGA), in the hearing of submissions, under the Special Consultative Procedure under section 83 of the LGA to assist the Committee by hearing all persons / parties who wish to submit on the FDS. The Independent Panel will prepare a summation of all submissions and provide recommendations to the Joint Committee, for consideration by the Committee. The Committee can then recommend a final FDS to the Partner Councils.

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Carried

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## RESOLUTION TO EXCLUDE THE PUBLIC

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Councillors Mawson / Chrystal

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**COUNCIL  
RESOLUTION**

That the public be excluded from the following parts of the proceedings of this meeting.

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Carried

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### Agenda Items

1. Notification of the PDP Ecosystems and Indigenous Biodiversity Variation

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

<b>General subject of each matter to be considered.</b>	<b>Reason for passing this resolution in relation to each matter.</b>	<b>Ground(s) under section 48(1) to the passing of this resolution.</b>	<b>Plain English reason for passing this resolution in relation to each matter</b>
	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 where the withholding of the information is necessary to:	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:	

### Agenda Items

1. Notification of the PDP Ecosystems and Indigenous Biodiversity Variation	7(2)(j) Prevent the disclosure or use of official information for improper gain or improper advantage	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.	Prevent the disclosure or use of official information for improper gain or improper advantage
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### 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 moved into the Public Excluded Agenda at 1:14pm.*

The meeting resolved that the following Public Excluded Agenda item be released to the public following this meeting as the reason for exclusion no longer applies.



# AGENDA ITEMS

## 1. NOTIFICATION OF THE PDP ECOSYSTEMS AND INDIGENOUS BIODIVERSITY VARIATION

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<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	1810402
<i>Reporting Officer/s &amp; Unit:</i>	Jeriel Sajan, Policy Analyst
<b>Reason for Exclusion</b>	<i>Section 7(2)(j) Prevent the disclosure or use of official information for improper gain or improper advantage.</i>

### 1.1 Purpose of Report

The purpose of this report is to seek Council's endorsement for the notification of the ECO chapter, which addresses the management and protection of indigenous biodiversity within the district.

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### At the meeting

Manager City Development (Paulina Wilhelm) joined the Officer to present the report. The minutes and report can be released to the public once the resolution has been carried.

Questions were answered clarifying:

- Engagement with affected landowners has been ongoing since 2019. There will be further opportunities for affected landowners to engage in the submission process. All affected landowners have been contacted. Further contact will occur at the public consultation stage.
  - The approach taken in the Officer's report is in line with advice given by the Principal Ecologist taking into consideration the recent RMA amendments.
  - This chapter will not affect public access to the privately owned reserves included in the plan.
  - Council is committed to mapping sites and continuing to contribute to the biodiversity of Napier.
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**COUNCIL  
RESOLUTION**

Councillor Greig / Deputy Mayor Brosnan

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That Council:

- a. **Endorse** the Ecosystems and Indigenous Biodiversity Chapter as a Plan Variation
- b. **Approve** the public notification of the Ecosystems and Indigenous Biodiversity Chapter on 25 November 2024 until 31 January 2025 to receive public submissions
- c. **Approve** the public release of this report following this meeting.

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Carried

**Attachments**

- 1 Notification of the PDP Ecosystems and Indigenous Biodiversity Variation DOC ID 1810402
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*The meeting closed with a karakia at 1:37pm*

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

Chairperson .....

Date of approval .....