



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

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# EXTRAORDINARY COUNCIL

## Open Agenda

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Meeting Date: Thursday 9 October 2025

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Time: 9.30am (Adopt Annual Report & PDP)

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Venue: Ocean Suite  
East Pier Hotel  
50 Nelson Quay  
Ahuriri  
Napier

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*Livestreamed via Council's Facebook page*

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Council Members **Chair:** Mayor Wise

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

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Officer Responsible Chief Executive

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Administrator Governance Team

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**Next Extraordinary Council Meeting**

## 2022-2025 TERM OF REFERENCE - COUNCIL

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<i>Chairperson</i>	<i>Her Worship Mayor Kirsten Wise</i>
<i>Deputy Chairperson</i>	<i>Deputy Mayor Annette Brosnan</i>
<i>Membership</i>	<i>All elected members</i>
<i>Quorum</i>	<i>7</i>
<i>Meeting frequency</i>	<i>At least 6 weekly and as required</i>
<i>Executive</i>	<i>Chief Executive</i>

### **Purpose**

The Council is responsible for:

1. Providing leadership to and advocacy on behalf of the people of Napier.
2. 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>

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1 Schedule 7, clause 32. Local Government Act 2002.

2 Schedule 7, clause 30A

3 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:

1. 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.
9. 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.

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4 Schedule 7, clause 27,

5 Schedule 7, clause 15,

6 Schedule 7, clause 30,

7 Schedule 7, clause 30,

8 Local Electoral Act 2001, section 19H.

# ORDER OF BUSINESS

**Karakia**

**Apologies**

Councillor Taylor

**Conflicts of interest**

**Announcements by the Mayor**

**Announcements by the management**

**Confirmation of Minutes**

That the Draft Minutes of the Ordinary meeting held on 25 September 2025, including the Public Excluded Minutes be confirmed as a true and accurate record of the meeting.

**Agenda items**

1	Adoption of Annual Report 2024/25 .....	5
2	District Plan Review: Endorsement and Adoption of the Hearing Panel Reports and the Decisions Version of the Proposed District Plan.....	8
3	Proposal to initiate Expression of Interest process National Aqaurium NZ .....	41
4	Council Controlled Organisation Exemption .....	45

**Recommendation to Exclude the Public**

Nil

# AGENDA ITEMS

## 1. ADOPTION OF ANNUAL REPORT 2024/25

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1873869
<i>Reporting Officer/s &amp; Unit:</i>	Caroline Thomson, Head of Finance, Data & Digital Talia Foster, Financial Controller

### 1.1 Purpose of Report

To present the Napier City Council Annual Report 2024/25 for adoption by Council.

#### Officer's Recommendation

That Council:

- a) **Receives** the report titled Adoption of Annual Report 2024/25 dated 9 October 2025.
- b) **Note** the Draft 2024/25 Annual Report was considered by the Prosperous Committee on 21 August 2025 and the Audit and Risk Committee on 2 September 2025.
- c) **Note** any qualifications or emphasis of matter paragraphs included in the Auditor's report (which will be tabled at the meeting).
- d) **Adopt** the Annual Report for Napier City Council for 2024/25 (including the Statement of Compliance and Letter of Representation) subject to any grammatical and minor changes and any changes due to the requirements of the audit process.

### 1.2 Background Summary

Under the Local Government Act 2002, each annual report must be completed and adopted, by resolution, within four months after the end of the financial year to which it relates (by 31 October).

The Audit and Risk Committee have reviewed the Draft Annual Report, attached to this report, and all feedback from the committee has been incorporated into the final report.

Council is also required to produce an Annual Report Summary that must represent fairly and consistently, the information regarding the major matters dealt with in the Annual Report. The information for this summary will be drawn from the main Annual Report, reviewed by Audit NZ, and published within one month of the adoption of the Annual Report. There is no new information in the Annual Report Summary.

#### Financial Overview

Napier City Council continues to demonstrate strong financial stewardship and resilience, delivering outcomes that support our community's wellbeing and long-term prosperity.

Despite a challenging economic environment, our financial results reflect prudent management, strategic investment, and a commitment to delivering value for ratepayers.

This year's financial performance highlights our ability to adapt to changing conditions while maintaining a robust balance sheet and delivering essential services. The following summary outlines key variances and achievements across revenue, expenditure, assets, liabilities, and equity.

### Revenue

While total revenue was \$5.8 million below the Three Year Plan budget, several areas performed strongly:

- **Other Revenue** exceeded budget by \$13.7 million, driven by a surge in vested assets—reflecting vibrant development activity across Napier.
- **Subsidies and Grants** were higher than expected, supporting key initiatives and community programmes.
- **Interest Revenue** significantly outperformed budget, showcasing effective treasury management.
- These gains helped offset shortfalls in Parklands Residential Development sales and user charges, which were impacted by strategic shifts and conservative forecasting.
- **Expenditure**
  - Total expenditure was \$0.7 million below budget, reflecting disciplined cost control. Significant variances include:
  - **Operating Expenses** were reduced due to the reclassification of Civic Accommodation costs to capital budgets.
  - **Cost of Sales** for Parklands were lower due to a deliberate strategy to defer sales for greater long-term value.
  - **Depreciation and amortisation** costs offset these savings due to high revaluations from previous years, and an adjustment to roading useful lives based on previous valuations.

### Capital Expenditure

Council's total Capital Expenditure for the 2024/25 financial year reached \$92.5 million, exceeding the budget of \$87.3 million by \$5.2 million.

- A significant portion of this variance is due to vested assets—infrastructure constructed by external parties, such as property developers, and subsequently vested into Council ownership. Vested assets totalled \$22.5 million, compared to a budget of \$2.5 million, reflecting the inherent uncertainty in forecasting external development activity.
- Even without vested assets, this is still the largest capital programme Council has ever delivered, with a wide range of impactful projects completed across the city.

## 1.3 Issues

In recent years, Council has received a qualified audit opinion for matters relating to response time performance measures for the three waters activity groups. Audit are yet to supply their opinion for the 2024/25 Annual Report, therefore the report will be tabled at the meeting and any issues raised in the report will be discussed in the meeting. Council's Audit Director from Audit NZ will be available in the meeting to talk to the report and answer any questions.

Audit NZ identified prior period adjustments required to the accounts for the 2023/24 comparatives in the 2024/25 Annual Report. These are noted in the report on page 123 (Note 3 Other Revenue, regarding future lease receipts) and page 191 (Note 36 Prior Period Adjustment, regarding depreciation on roading assets). Although these items were previously audited, the newly appointed audit director and manager have brought a fresh perspective and identified matters that had not been raised in earlier audits.

#### **1.4 Significance and Engagement**

This decision has been assessed under the Council's Significance and Engagement Policy and while the adoption of the Annual Report is an important decision and one required under the Local Government Act, it has been assessed as being of low significance.

#### **1.5 Implications**

##### **Financial**

The Annual Report delivers the financial results for the year ended 30 June 2025.

##### **Social & Policy**

N/A

##### **Risk**

The Annual Report has been audited by Audit New Zealand and the adoption of the report is of low risk to Council.

#### **1.6 Options**

The options available to Council are as follows:

- a. Adopt the Annual Report 2024/25
- b. Not adopt the Annual Report 2024/25

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

Option A (adopt the Annual Report 2024/25) is the recommended option.

Council's Audit and Risk Committee have reviewed the Annual Report, and Audit New Zealand have signed off Council's year end accounts.

#### **1.8 Attachments**

- 1 Annual Report (To be circulated separately) (Under separate cover 1)

## 2. DISTRICT PLAN REVIEW: ENDORSEMENT AND ADOPTION OF THE HEARING PANEL REPORTS AND THE DECISIONS VERSION OF THE PROPOSED DISTRICT PLAN

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	1875248
<i>Reporting Officer/s &amp; Unit:</i>	Paulina Wilhelm, Strategy & Policy Manager

### 2.1 Purpose of Report

This report requests that Council adopts the District Plan Hearing Panel (**Hearing Panel**) Recommendations Reports on submissions on the Proposed District Plan (**PDP**) and Ecosystems & Indigenous Biodiversity Variation (**ECO Variation**) and approves the PDP.

### Officer's Recommendation

That Council:

- a. **Receives** this report titled "District Plan Review: Endorsement and Adoption of the Hearing Panel Reports and the Proposed District Plan".
- b. **Receives** the Recommendation Reports prepared by the Hearing Panel following the hearing of submissions and further submissions on the PDP and ECO Variation (<https://www.napier.govt.nz/our-council/plans-strategies-reports/napiers-district-plan/hearings-panel-recommendation-reports>)
- c. **Accepts** the recommendations of the Hearing Panel pursuant to Clauses 9 and 10 of Schedule 1 of the Resource Management Act 1991, and accepts or rejects submissions, as set out in the Recommendation Reports, for the reasons set out in those reports with respect to:
  - i. The Proposed District Plan;
  - ii. The Ecosystems and Indigenous Biodiversity Chapter Variation.
- d. **Makes** and **notifies** the requiring authority as to the recommendations of the Hearing Panel on the notices of requirements pursuant to Clause 9 of Schedule 1 of the RMA included in the PDP under clause 4(5) of Schedule 1 of the Resource Management Act 1991, and subsequently notify those recommendations in accordance with Clause 9.
- e. **Recognises** any new or existing designations that are to be included in the PDP without modification and on which no submissions are received.
- f. **Accepts** as its decisions the recommendations of the Hearing Panel on provisions included in the PDP under clause 4(6) of Schedule 1 of the Resource Management Act 1991 that the Council has responsibility for within the Napier City Council.
- g. **Approves** the public notification of the Council's decisions on the PDP in accordance with Clause 10(4)(b) and 11 of Schedule 1 of the Resource Management Act 1991 and recommendations on notices of requirements in accordance with Clause 9 of the Schedule



1 of the Resource Management Act 1991 and serve that decision on every person who made a submission.

- h. **Instructs** officers to prepare the E-plan according to the accepted recommendations (PDP-decisions version) and to release the public notice of the decisions no later than 30 November 2025.
- i. **Delegates** to the Manager of Strategy and Policy any steps necessary to give effect to resolutions above.
- j. **Notes** that officers will make any required amendments under clause 16(2) of Schedule 1 of the Resource Management Act 1991 prior to releasing the PDP-decisions version of the plan under existing delegations provided to officers.
- k. **Recognises** formally the significant time and input that submitters within the process have put into the submissions, further submissions and hearing process.
- l. **Recognises** formally the significant time and input that the members of the Hearing Panel appointed to make recommendations within the process have put into the submissions, further submission and hearing process.

## 2.2 Background Summary

The district plan review is approaching a key milestone: the Council's consideration of the of the Hearing Panel's Recommendation Reports (**Recommendation Report**) and release of the decisions version of PDP. This new plan will shape Napier's future, guide where and how the city grows, and ensure the protection of its natural and cultural resources.

The scope of this report is not to provide comments on the recommendations of the Hearing Panel. It sets out the steps relating to the Council's decision-making process and seeks that the Council make decisions on the recommendation of the Hearing Panel as set out in the Recommendation Reports.

The Napier Operative District Plan (**Operative Plan**) was made operative in November 2011. A district plan must be reviewed every 10 years under the Resource Management Act (**RMA**). Reviewing the Operative Plan gives communities the opportunity to confirm what we are doing well as Napier grows and what we could do better.

Engagement with the community regarding the review started in September 2018, when Council initiated a comprehensive programme of review, research, stakeholder and mana whenua engagement, and policy development to inform and deliver a full review of the District Plan. The objective was to ensure a thorough update of the Operative Plan, addressing current resource management challenges, giving effect to the new national direction, and modernising all standard and provisions.

Early community engagement followed between late 2028 and early 2019, including the "Say it Napier" campaign, which sought broad public feedback.

This feedback informed Council's policy positions and guided the preparation of a series of discussion papers on the key areas of proposed change. Consultation on these topics was undertaken through a mix of communication and engagement channels, as well as targeted meetings with affected landowners, stakeholders and mana whenua partners. The topics addressed included:

- Significant Natural Areas

- Port Noise
- Napier Landscape Study
- Meeanee Speedway Noise
- Greenfield Growth in the Hills
- Subdivision and Development
- Heritage Character Areas & Heritage Items
- Sites of Significance to Māori
- Commercial and Mixed Use
- Earthworks
- General District-Wide matters
- Hawkes Bay Airopport
- Hazards and Risks
- Industrial Zones
- Notable Trees
- Open Space and Stadium Zone
- Ahuriri
- Public Access
- Rural Zones
- Stormwater, Transport
- Residential Zones

Feedback from this engagement was presented to Council in September 2020. At that time, Council resolved to prepare an informal draft district plan as the next step in the engagement process.

The Draft Plan was released in 2021 for public feedback. Officers held numerous workshops with Councillors to discuss the feedback received and prepared the policy direction which was consequently included in the PDP. Once notified, the Proposed Plan followed the legislative process stipulated in Schedule 1 of the RMA and has recently concluded the final hearings where submitters had the opportunity to speak to their submission in front of the Hearing Panel.

The PDP was then notified for submissions on 21 September 2023. Council received approximately 291 submissions and 66 further submissions raising approximately 7,539 submission points.

The Council also prepared the Napier Spatial Picture to assess and identify future growth and intensification areas. This was released to the public for feedback 28 February 2022. Following the Spatial Picture, Council completed Structure Plans which informed and assessed the feasibility to include intensification areas in the PDP. The Structure Plans were released to the public in August 2023 for public feedback.

The Hearing Panel was appointed by the Council Hearing Committee on 11 September 2024. It was delegated the power to hear submissions on the PDP and recommend decisions to the Council. The Hearing Panel consists of the following members:

- Robert Schofield (Chair of the hearing panel)
- Rob van Voorthuysen (Independent commissioner)
- Liz Lambert (Independent commissioner)
- Annette Brosnan (elected member panel member)
- Hayley Browne (elected member panel member)
- Graeme Taylor (elected member panel member)
- Rauru Kirikiri (Māori commissioner)

Submissions and further submissions were split into 9 hearing streams. Hearings commenced 4 November 2024 and concluded 3 September 2025.

The ECO Variation was notified for submissions on 25 November 2024 received 53 submissions and six further submissions raising approximately 813 submission points. It was heard on 14 August 2024.

The ECO Variation and the PDP are now at the same procedural stage and will therefore merge in accordance with Clause 16B or Schedule 1 of the RMA. The ECO Variation is now part of the PDP.

The Hearing Panel also considered submissions and further submissions on designations. A total of 160 designations from 15 requiring authorities were originally notified in the Proposed District Plan. The Council was the requiring authority for 89 of these.

When considering designations of other requiring authorities, the Council, as the territorial authority, is required to make a recommendation to the relevant requiring authority on the approval of the designation and associated conditions, rather than making a decision. The Council must notify its recommendation to the requiring authority, who may accept or reject the recommendation in whole or in part. This decision may give rise to an appeal to the Environment Court.

This report seeks that Council makes recommendations on submissions in relation to designations to the relevant requiring authorities and recognise existing designations that are to be included in the PDP without modification and on which no submissions are received.

Changes to the Natural Hazards and Sites of Significance to Māori Variations have not been notified or subjected to submissions and recommendations. These will be the subject of future changes.

With the hearings now completed, the Hearing Panel has prepared Recommendation Reports on all matters for the Council's consideration. A list of these reports is attached as **Attachment 1** and are available on the Council website.

The Chair of the Hearing Panel has also prepared a report titled "District Plan Review Overview and Statutory Requirement" which includes background and summary of process followed for the PDP. This is included in **Attachment 2**.

The Council is required to consider the Hearing Panel's recommendations and:

- a) Must decide whether to accept or reject each recommendation; or
- b) May provide an alternative recommendation for any recommendation that the Council rejects (see below).

Receiving of and making decisions on the Hearing Panel's recommendations on the PDP represents a significant step in the district plan review process.

This report also includes a list of minor amendments to the PDP provisions that have resulted from plan implementation or Hearings Panel recommendations. Council officers have delegation to make minor corrections under clause 16(2) of Schedule 1 of the RMA. Officers note that the Hearing Panel has recommended that some changes to the PDP are made under clause 16, and these should also form part of the Council's considerations. This list of amendments is attached in **Attachment 3**.

Under clause 10 of Schedule 1 of the RMA, the Council must give its decision no later than 2 years after the notification of the PDP and publicly notify the decisions within the same period. This statutory timeframe was not met due to the scale and complexity of the review process, high number of rezoning requests, delays due to submitters requesting extra time to prepare further evidence and changes to national policy direction amongst others. Council has sent a letter to the Minister for the Environment requesting an extension (refer to Council paper titled 'Request for extension of time pursuant to Clause 10A of the Resource Management Act' presented to Council at the 25 September Council meeting).

### **Te Muriwai o Te Whanga Plan**

The Ahuriri Hapū Claims Settlement Act 2021 requires that all plan changes have regard to Te Muriwai o Te Whanga Plan. This plan was endorsed by the Future Napier Committee on 21 August 2025. There are several areas of the PDP that are consistent with the aspirations of the Te Muriwai o Te Whanga Plan, including:

- Strategic direction recognises environmental protection including indigenous biodiversity and water quality, Mana Whenua development aspirations, the importance of cultural values, and values imbued in Te Tiriti o Waitangi;
- The creation of a new Ahuriri Station Development Area, Ahuriri Station Residential Precinct and industrial/commercial hub within the Airport Zone; and upzoning of selected Treaty settlement sites, including Wharerangi Road Development Area, Severn Street Development Area, Napier Hill sites, and 80 Auckland Road;
- Enhanced management of water quality through a new Stormwater chapter and Airport Zone;
- A new Natural Features and Landscapes chapter that protects landscapes with cultural values;
- A new Papakāinga chapter to provide for diversified housing options; and
- A new Tangata Whenua/Mana Whenua chapter which provides information about who mana whenua are in Ahuriri Napier, and their values.

### **2.3 Significance and Engagement**

The PDP is a matter of significance in terms of the Council's Significance and Engagement Policy 2025 (**S&E Policy**). However, the required engagement process is set out in Schedule 1 of the RMA. This statutory process has been followed.

In line with the S&E Policy, and as required by the RMA, officers conducted extensive community engagement throughout the last 7 years.

The following community outcomes are relevant to the actions arising from the Hearing Panel's Recommendations Report:

- A Resilient City
- Spaces and Places for All
- A Great Visitor Destination

The community will benefit from completion of the district plan review.

## 2.4 Implications

### Financial

The decisions to the PDP are considered part of the operational work programme which has been budgeted for.

### Social & Policy

The decisions on the PDP are expected by members of the community and stakeholders who have been involved in the review process. Residents and landowners, mana whenua partners and stakeholders of Napier have been invited to participate at various stages and had the opportunity to make submissions and be heard via the Hearing Panel process.

### Risk

There are risks associated with the decisions with adopting the PDP. The primary risk that exists relates to appeals to Council's decisions. To minimise this, Council:

- undertook extensive public consultation prior to notification, ensuring the Plan reflects the community's vision for Napier.
- Appointed a Hearings Panel comprising both independent and local expertise to run a robust hearings process and provide detailed reports on the PDP's provisions and submissions.
- has been supported by an experienced team of legal advisors and planners, who have guided the process to date and will continue to provide expertise in managing any appeals.

At this point in time, it is not possible to determine whether appeals will be lodged by submitters, and if so, how many appeals will be lodged.

Not adopting the Hearing Panel's recommendations also poses a risk to Council. If Council decides not to accept the panel recommendations or to adopt the PDP as notified, there is a potential risk of judicial review.

## 2.5 Options

The options available to Council are as follows:

- a. Accepts the Hearing Panel's Recommendation in full, and adopt the PDP as amended by the recommendations.
- b. Accepts the Hearing Panel's Recommendations Reports in part and adopts those as part of the PDP.
- c. Rejects the Hearing Panel's Recommendation Reports and adopts the PDP as notified; or
- d. Rejects the Hearing Panel's Recommendation Reports in full and not adopt the PDP.

## 2.6 Development of Preferred Option

This report recommends adoption of **option a**. Officers note that the process undertaken by the Hearing Panel followed the RMA's requirements and was undertaken by appropriately qualified and experienced accredited professionals. Officers also note that submitters have had an opportunity to be heard. For these reasons officers recommendation is to accept in full the Hearing Panel's recommendations.

Alternative options include rejecting in full or in part the Hearing Panel's recommendations and either adopting the PDP or parts of it as notified or not adopting the PDP at all. This is not recommended, as it would undermine the significant contributions and efforts of submitters, mana whenua partners, and requiring authorities who engaged in the hearings process in good faith. These options may not support the achievement and completion of other policies and plans such as the Napier Spatial Picture, the Napier-Hastings Future Development Strategy or the Infrastructure Strategy, and could result in the District Plan being inconsistent with related Bylaws (such as the Stormwater Bylaw).

A decision not to adopt the PDP would also place Council in breach of its obligations to review its District Plan under the RMA.

With that said, Council must undertake its own decision making, following a proper process, which includes the period of 30 working days in which Council's decisions are open to appeal by submitters to the Environment Court. Once the appeal period has expired, rules not subject to appeals are treated as operative, with equivalent rules in the Operative Plan being treated as inoperative.

Following the decision, the Council will also need to prepare an electronic version of the District Plan (**E-Plan**) reflecting the Council's decisions. The district plan will have legal effect once the E-Plan is publicly available. A public notice will notify the public of this date and the Plan's legal status.

If the Council decides not to accept any of the Hearing Panel's recommendations or to adopt the PDP as notified, the Council will need to resolve which process it would go through to decide these parts. The Council will need to consider all the information available to the Hearings Panel and time will be required to allow that material to be read in advance of deliberations and decision-making.

If the Council decides to accept the Hearing Panel's recommendations in part, or to reject them in full, it is recommended that Council follow a decision-making process that mirrors that followed by the Hearing Panel. Officers further recommend that this may best occur within a workshop setting, where the reasons for decision making can be appropriately recorded. Council will need to allow time to receive and consider all information that was available to the Hearings Panel.

### Next Steps

Following the Council's decisions officers will:

- a) Publicly notify the decisions in accordance with s 2AB, and clause 10 of Schedule 1 of the RMA in November 2025.
- b) Notify requiring authorities of the recommendations on designations.
- c) Prepare a "Decisions Version" of the E-Plan that reflects the decisions on the PDP and ECO Variation.

The process following notification of the decisions to adopt the PDP is as follows:

- a) Submitters have 30 working days to lodge any appeal with the Environment Court.
- b) Requiring authorities have 30 working days to decide on the territorial authority recommendations. The territorial authority will then notify these decisions within 15 working days, and a 15 working day appeal period will follow.
- c) Following the appeal period officers will create the “Appeals Version” of the E-plan. This will highlight provisions that are subject to appeal, and which are deemed operative.

Once decisions on the PDP have been publicly notified, the rules will have legal effect under s86 of the RMA. Once the 30-day appeal period closes, if there have been no appeals the PDP will be treated as operative. If there are appeals on some provisions, these will not be treated as operative until these are resolved. The PDP (or parts of it) will become operative once appeals have been resolved, and the Council has made it operative under clause 20 of Schedule 1 of the RMA. It is noted that the PDP will be “operative in part” until the Natural Hazards and the Sites of Significance to Māori provisions are subject to plan changes. Until that occurs, the Operative Plan provisions on these matters will continue to be operative.

The process for notices of requirements for designations is separate and runs parallel to this process, as discussed above.

There will be information on the Council’s website to assist the public to navigate plan implementation following the decisions.

### 2.3 Attachments

- 1 List of Recommendation Reports (Doc Id 1877890) [↓](#)
- 2 Hearing Panel - Overview Report (Doc Id 1878140) [↓](#)
- 3 List of Clause 16 Amendments (Doc Id 1877891) [↓](#)

# Proposed District Plan

## Hearings Panel Recommendation Reports

[Hearings Panel Recommendation Reports | Napier City Council](#)

<https://www.napier.govt.nz/our-council/plans-strategies-reports/napiers-district-plan/hearings-panel-recommendation-reports>

- |   |  |
|---|--|
| 1. Hearings' Panel Overview Report                                    | 38. Mission Productive Rural Precinct                                  |
| 2. Introductory Chapters  | 39. Mission Rural Residential Precinct                                 |
| 3. Tangata Whenua – Mana Whenua                                       | 40. Neighbourhood Centre Zone  |
| 4. Strategic Direction  | 41. Local Centre Zone  |
| 5. Financial Contributions  | 42. Large Format Retail Zone   |
| 6. Network Utilities  | 43. Mixed Use Zone   |
| 7. Renewable Energy   | 44. Town Centre Zone   |
| 8. Stormwater   | 45. City Centre Zone   |
| 9. Transport  | 46. Foreshore Commercial Precinct                                      |
| 10. Genetically Modified Organisms                                    | 47. Light Industrial Zone  |
| 11. Hazardous Substances  | 48. General Industrial Zone  |
| 12. Papakainga  | 49. Natural Open Space Zone  |
| 13. Historic Heritage and Heritage Overlays and Precincts             | 50. Open Space Zone  |
| 14. Notable Trees   | 51. Sport and Active Recreation Zone                                   |
| 15. Ecosystems and Indigenous Biodiversity                            | 52. Te Whanganui-a-Orotū (Ahuriri Estuary) Ecology and Stormwater Zone |
| 16. Natural Features and Landscapes                                   | 53. Airport Zone   |
| 17. Public Access   | 54. Boat Harbour Zone / Marine Industrial Zone                         |
| 18. Subdivision   | 55. Māori Purpose Zone   |
| 19. Activities on the Surface of Water                                | 56. Port Zone  |
| 20. Coastal Environment   | 57. Stadium Zone   |
| 21. Earthworks  | 58. Tertiary Education Zone  |
| 22. Light   | 59. Wastewater Treatment Zone  |
| 23. Noise   | 60. Te Awa Development Area  |
| 24. Signs   | 61. Wharerangi Road Development Area                                   |
| 25. Temporary Activities  | 62. Mission Development Area   |
| 26. General Residential Zone  | 63. Designations   |
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# District Plan Review

## *Overview and Statutory Requirements*

### Overview Report

**Date:** 4 September 2025



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**Abbreviations used in this report:**

Abbreviation	Full Text
BA/Building Act	Building Act 2004
DOC	Department of Conservation Te Papa Atawhai
DPR	Napier City District Plan Review
FDS	Hastings & Napier Future Development Strategy, required by the NPS-UD
GRZ	PDP General Residential Zone
HBA	Housing and Business Development Capacity Assessment, required by the NPS-UD
HBRC/Regional Council	Hawkes Bay Regional Council
HNZPTA	Heritage New Zealand Pouhere Taonga Act 2014
HPUDS	Heretaunga Plains Urban Development Strategy
HRZ	High Density Residential Zone
HSNOA	Hazardous Substances and New Organisms Act 1996
MFE	Ministry for the Environment
MHF	Health and Safety at Work (Major Hazard Facilities) Regulations 2016
MRZ	PDP Medium Density Residential Zone
NCC/Council	Napier City Council
NES	National Environmental Standard
NES-AQ	National Environmental Standards for Air Quality 2004
NES-CS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NES-FW	National Environmental Standards for Freshwater 2020
NES-MA	National Environmental Standards for Marine Aquaculture 2020

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Abbreviation	Full Text
NES-PF	National Environmental Standards for Plantation Forestry 2017
NES-SDW	National Environmental Standards for Sources of Drinking Water 2007
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NPSIB	National Policy Statement for Indigenous Biodiversity 2023
NPS-UD	National Policy Statement on Urban Development 2020
NSP	Napier Spatial Picture
NZCPS	New Zealand Coastal Policy Statement 2010
NZTA	NZ Transport Agency Waka Kotahi
ODP/the Operative Plan	Operative Napier City District Plan
P1 Sch1	Part One Schedule 1: Preparation, change, and review of policy statements and plans
PDP/the Proposed Plan	Proposed Napier City District Plan
PREC1	PDP Harbour Reserve Amenity Precinct
PREC2	PDP Mission Residential Precinct
PREC3	PDP Napier Hill Mataruahou Amenity Precinct
RCEP	Hawke's Bay Regional Coastal Environment Plan 2014 (RCEP) Mahere Taiao Taha Moana ā-Rohe
RMA/the Act	Resource Management Act 1991 (and amendments)
RPS	Hawkes Bay Regional Policy Statement (contained in the RRMP)

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Abbreviation	Full Text
RRMP	Hawkes Bay Regional Council Regional Resource Management Plan (2006)
SASM	Sites and Areas of Significance to Māori
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991
Variation	A change to a Proposed District Plan

## Napier City Council Proposed District Plan

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## 1. Introduction

### 1.1 Background to the Proposed District Plan

1. The District Plan provides a comprehensive framework for managing subdivision, land use, and development with Napier City under the Resource Management Act 1991 (RMA). It sets out the policies and rules to achieve sustainable management of the City's natural and physical resources, protect the environment, and enable the social and economic needs and development of the City's community. The District Plan is the principal means for Napier City to give effect to its functions under s31 of the RMA.
2. The District Plan covers all of the land and the surface of water bodies in Napier City's territory. The District Plan applies to areas above the line of mean high water springs: those areas below the line of mean high water springs, including coastal waters, are managed under the Regional Coastal Plan prepared by the Hawke's Bay Regional Council.
3. The current Operative District Plan (**ODP**) has a complex history. Following the enactment of the RMA in 1991, the Council began the review of its District Plan by preparing it in three territorial sections: Bay View, Western Hills and Ahuriri. Each of these subdistrict Plans eventually became operative under the RMA. However, over time, it became apparent that this subdistrict approach was no longer appropriate as it resulted in inconsistencies across the Plans. The Council subsequently decided to discontinue the preparation of any further subdistrict Plans, and work towards a single unified District Plan.
4. The current ODP was made fully operative in 2011. To date, there have been 12 plan changes made to the Operative District Plan, as well as two relating to changes in national policy direction, and three new designations. In addition, 12 plan changes had been made to the Ahuriri Subdistrict Plan, which managed development within the majority of the City.
5. The District Plan must be reviewed every ten years under s79 RMA. It may be reviewed in a single comprehensive manner or in stages (often called a 'rolling review').
6. In September 2018, the Council commenced an extensive programme of review, research, engagement, and policy development to inform and produce a full review of the District Plan. The purpose of the District Plan Review was to comprehensively revise the District Plan to address current resource management issues and implement new national direction, and to update all standards and provisions.
7. The review of the ODP commenced with Council's approval of the Key Outcomes, Principles and Strategic Objectives that would provide the basis of the District Plan Review. Pre-engagement with the community then occurred between late 2018 and early 2019, with a *Say It Napier* campaign run to seek feedback.
8. Drawing on this feedback, the Council confirmed its policy positions, and a series of discussion papers on the key topics of change were then produced for the next phase of consultation. Using a range of communication and engagement methods, together with targeted meetings with affected landowners/key stakeholders, the following topics were addressed:
 

• Significant Natural Areas	• Port Noise
• Napier Landscape Study	• Meeanee Speedway Noise
• Greenfield Growth in the Hills	• Subdivision and development
• Heritage Character Areas & Heritage Items	• Sites of Significance to Māori
• Ahuriri	

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9. Feedback on this engagement was reported to Council in September 2020, where it was agreed to prepare an informal Draft District Plan (**DDP**) for the next stage of engagement.
10. At this time, the Council also considered recent legislative changes to the RMA, as well as the newly introduced replacement National Policy Statement for Urban Development 2020 (**NPS-UD**), which required Councils to enable a greater level of development for housing and business. The NPS-UD mandated the preparation of a Future Development Strategy (**FDS**) for the Hawke's Bay Region to determine the necessary development capacity that the Region's District Plans had to accommodate, based on a regional Housing and Business Development Capacity Assessment (**HBA**). However, given the stage of the District Plan Review, it was decided that awaiting the preparation of these documents would have significantly delayed progress on the Proposed District Plan (**PDP**). As a consequence, the Council determined to prepare the Napier Spatial Picture (**NSP**) to identify appropriate areas for housing and business growth, including areas of intensification within the urban area, as well as other potential greenfield growth options. The NSP formed the basis for the changes in zoning and development capacity necessary to enable the development of 3,500 homes forecasted to be required within the City over the next ten years.
11. In July 2021, the Council endorsed the DDP for release to the public for engagement. The DDP was not a statutory document, in that it had no legal effect, but was designed to enable people to provide informal feedback on the specifics of the new policy directions. Some early engagement on the Napier Spatial Picture, which informed the DDP, was also undertaken. The seven-week consultation period ended in late September 2021.
12. The feedback on the DDP was subsequently used to inform the preparation of the PDP, which is a legal document and an important part of the District Plan review process required under the RMA.

## 1.2 Notification of PDP and Submissions

13. The Napier City PDP was publicly notified on 21 September 2023 for submissions from any person either supporting any PDP provisions or seeking changes be made to any of the PDP provisions.
14. Council received 291 submissions (including 3 late submissions accepted by the Hearing Panel – refer Minute #1). A summary of the decisions sought by submitters was subsequently notified to allow any person to lodge a further submission on any of the original submissions, in support of or opposition to any of the points made in an original submission. The further submission period closed on 7 May 2024, with a total of 66 further submissions received (including 3 accepted late further submissions - refer Minute #1).

## 1.3 Variations

15. The notified PDP excluded three chapters: Ecosystem and Indigenous Biodiversity, Sites of Significance to Māori, and Natural Hazards:
  - a. The release of the National Policy Statement for Indigenous Biodiversity (**NPS-IB**) in July 2023 delayed the release of the Ecosystems and Indigenous Biodiversity chapter – proposed provisions to give effect to the NPS-IB were notified on 25 November 2024 as Variation 1 to the PDP, and submissions to this change were subsequently addressed as Hearing Stream 9;
  - b. A variation to introduce provisions for identifying and protecting Sites and Areas of Significance to Māori (SASM) was intended to occur in mid-2025, but this chapter was not ready to be included in the PDP due to shifting demands and resource challenges for both Council and mana whenua; and
  - c. The notification of a variation to introduce the Natural Hazards chapter has been delayed due to impending updates to hazards mapping, as well as impending changes

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proposed to higher order policies for managing the risks of natural hazards, both at the regional level (through a change to the Hawke's Bay Regional Resource Management Plan (**RRMP**)) and at national level (through a proposed new National Policy Statement on Natural Hazards).

16. As a consequence, only Variation 1, introducing the Ecosystems and Indigenous Biodiversity chapter into the PDP, was notified within the timeframe of the PDP hearings process. Variations or plan changes to introduce chapters on SASM and natural hazards will occur at a later stage.

#### 1.4 PDP Hearings

17. The next stage of the District Plan Review was the hearings process. This process gives submitters the opportunity to voice their submission to the Hearings Panel, who take the information provided by submitters into account as part of the Panel's deliberations. This may include expert evidence produced in support of submissions, submitters' statements and other information provided.
18. The hearings process occurred between November 2024 and September 2025, with the hearing of submissions organised according to groups of related topics and issues referred to as Hearing Streams. There were nine Hearing Streams, with the hearings schedule as follows:

Hearing Stream/Date	Topic	Sub-topic
<b>HEARING STREAM 1 4-6 November 2024</b>	<ul style="list-style-type: none"> <li>• PDP Introduction and General Provisions</li> <li>• Strategic Direction</li> <li>• Historic Heritage</li> <li>• Notable Trees</li> <li>• Hazardous Substances</li> <li>• Public Access</li> <li>• Activities on the Surface of Water</li> </ul>	<ul style="list-style-type: none"> <li>• PDP Introduction and General Provisions</li> <li>• National Policy Statements and New Zealand Coastal Policy Statement</li> <li>• National Environmental Standards</li> <li>• Regulations</li> <li>• TW – Tangata whenua –Mana whenua</li> <li>• Strategic Direction</li> <li>• Papakāinga</li> <li>• Historic Heritage</li> <li>• Historic Heritage Overlays</li> <li>• Napier City Heritage Precinct</li> <li>• West Quay Waterfront Precinct</li> <li>• SCHED3 – Historic Heritage Items</li> <li>• SCHED4 - Historic Heritage Overlay and Precinct Schedule</li> <li>• Notable Trees</li> <li>• Hazardous Substances</li> <li>• Public Access</li> <li>• Activities on the Surface of Water</li> </ul>



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Hearing Stream/Date	Topic	Sub-topic
<b>HEARING STREAM 2 2 – 3 December 2024</b>	<ul style="list-style-type: none"> <li>• General district-wide matters</li> <li>• Natural Environment Values</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Subdivision</li> <li>• Coastal Environment</li> <li>• Earthworks</li> <li>• Light</li> <li>• Signs</li> <li>• Temporary activities</li> <li>•</li> <li>• Natural features and landscapes</li> <li>• SCHED2- Schedule of Natural Features and Landscapes</li> </ul>
<b>HEARING STREAM 3 3 – 4 March 2025</b>	<ul style="list-style-type: none"> <li>• General District-wide Issues Part 2</li> <li>• Special Purpose Zones</li> <li>• Specific Control Areas</li> <li>• Energy Infrastructure and Transport</li> <li>• Open Space and Recreation Zones</li> </ul>	<ul style="list-style-type: none"> <li>• Network utilities</li> <li>• Renewable energy</li> <li>• Stormwater</li> <li>• Transport</li> <li>• Te Whanganui-a-Orotū Ecology &amp; Stormwater Treatment Zone</li> <li>• Airport Zone</li> <li>• Boat Harbour Zone</li> <li>• Marine Industrial Zone</li> <li>• Māori Purpose Zone</li> <li>• Port Zone</li> <li>• Stadium Zone</li> <li>• Tertiary Education Zone</li> <li>• Wastewater Treatment Specific Control Area</li> <li>• Natural Open Space Zone</li> <li>• Open Space Zone</li> <li>• Sports and Recreation Zone</li> </ul>

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Hearing Stream/Date	Topic	Sub-topic
<b>HEARING STREAM 4 12 – 13 May 2025</b>	<ul style="list-style-type: none"> <li>General District-wide Issues Part 3</li> <li>Residential Zones and Precincts</li> <li>Commercial Zones &amp; Precincts</li> </ul>	<ul style="list-style-type: none"> <li>Noise</li> <li>General Residential Zone</li> <li>Large Lot Residential Zone</li> <li>Medium Density Residential Zone</li> <li>High Density Residential Zone</li> <li>Harbour Reserve Amenity Precinct</li> <li>Mission Residential Precinct</li> <li>Napier Hill/Mataruahou Amenity Precinct</li> <li>Neighbourhood Centre Zone</li> <li>Local Centre Zone</li> <li>Large Format Retail Zone</li> <li>Mixed Use Zone</li> <li>Town Centre Zone</li> <li>City Centre Zone</li> <li>Foreshore Commercial Precinct</li> </ul>
<b>HEARING STREAM 5 16 June</b>	<ul style="list-style-type: none"> <li>Rural Zones and Precincts</li> <li>Development Areas</li> <li>Designations Part 1 (NZTA and HB Airport)</li> <li>Financial Contributions</li> </ul>	<ul style="list-style-type: none"> <li>Rural Lifestyle Zone</li> <li>Rural Production Zone</li> <li>Settlement Zone</li> <li>Jervoistown Precinct</li> <li>Mission Landscape and Visitor Precinct</li> <li>Mission Productive Rural Precinct</li> <li>Mission Rural Residential Precinct</li> <li>Te Awa Development Area</li> <li>Wharerangi Road Development Area</li> <li>Mission Development Area</li> <li>Designations (NZTA and HBAL)</li> </ul>
<b>HEARING STREAM 6 17 – 18 July 2025</b>	<ul style="list-style-type: none"> <li>Rezoning Requests Part 1</li> </ul>	<ul style="list-style-type: none"> <li>Rezoning requests other than those for Riverbend Road, Severn Street and Ahuriri Station</li> </ul>
<b>HEARING STREAM 6A 15 August 2025</b>	<ul style="list-style-type: none"> <li>Rezoning Requests Part 2</li> </ul>	<ul style="list-style-type: none"> <li>Rezoning requests in regard to Riverbend Road, Severn Street and Ahuriri Station</li> </ul>
<b>HEARING STREAM 7 29 July 2025</b>	<ul style="list-style-type: none"> <li>Industrial Zones</li> <li>District-wide Issues</li> <li>Designations</li> </ul>	<ul style="list-style-type: none"> <li>Light Industrial Zone</li> <li>General Industrial Zone</li> <li>Genetically Modified Organisms</li> <li>Designations (other than NZTA and HBAL)</li> </ul>

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Hearing Stream/Date	Topic	Sub-topic
<b>HEARING STREAM 8 14 August 2025</b>	<ul style="list-style-type: none"> <li>Variation 1</li> <li>Specific Control Areas</li> </ul>	<ul style="list-style-type: none"> <li>Ecosystems &amp; Indigenous Biodiversity</li> <li>Rural Specific Control Area</li> </ul>
<b>HEARING STREAM 9 3 September 2025</b>	<ul style="list-style-type: none"> <li>Wrap-up and Integration Hearing</li> </ul>	<ul style="list-style-type: none"> <li>Definitions and Abbreviations</li> <li>Other Integration Matters</li> <li>Deferred and Other matters</li> </ul>

19. To support the hearing process, the Council prepared reports to evaluate the points raised in all of the submissions, as prescribed in Section 42A of the RMA – these are often referred to as S42A reports. These reports were principally prepared by Council officers (the 'Reporting Officers'), although some were prepared by external advisers on contract to the Council. Technical advisers are also engaged to inform the evaluation of the Reporting Officer, where specialist knowledge may be required.

## 2. Purpose of this Report

20. This report is the first of the Recommendation Reports prepared by the Hearing Panel following the hearing of submissions on the PDP. It is a generic overarching report that is common and relevant to all decision reports. It should therefore be read in conjunction with each subsequent Recommendation Report.
21. The purpose of this report and the subsequent Panel Reports relating to each hearing stream is to satisfy the Council's various decision-making obligations in relation to Proposed District Plans and associated reporting requirements under the RMA. While our reports to the Council have been prepared as individual reports for ease of publication and use, all of our reports should be read as an integrated whole.
22. This preliminary report does not include any recommended decisions of the Hearing Panel in relation to the PDP. Rather it:
- records background and procedural matters of relevance to our decisions
  - establishes the statutory context for our decision-making
  - records the hearing and s42 reporting process, and
  - provides a guide to the approach adopted for each of the subsequent Recommendation Reports.
23. The material in this report is largely factual and provides context that each of the subsequent decision reports draw upon. Our aim in centralising these contextual matters within this introductory report is to avoid duplication of the same common material in the subsequent decision reports. To that same end, readers of the subsequent Panel Reports on each topic should have regard to this report.

## 3. Proposed District Plan Hearings Panel

### 3.1 Establishment of the Panel

24. Because of the scale and complexity of the issues addressed in a District Plan, a Hearings Panel is usually appointed, with appropriate delegation to run the hearings process, hear submissions, evaluate evidence, and provide recommendations to the Council.

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25. At its meeting on 18 July 2024, the Napier City District Plan Hearing Committee agreed to establish a District Plan Hearing Panel to hear and make determinations on all submissions made to the Proposed Napier City District Plan (PDP), noting that the final approval power rests with the full City Council. It was resolved that the Panel would comprise:
  - An independent chairperson
  - Two elected members and one alternate, all of whom are already members of the Council Hearings Committee
  - Two external hearing commissioners (a Panel member and an alternate), and
  - One Māori Commissioner and one alternate.
26. On 11 September 2024, the District Plan Hearing Committee resolved to appoint the following persons to the Hearing Panel:
  - Robert Schofield, Independent Chairperson
  - Deputy Mayor Annette Brosnan, Councillor Graeme Taylor, and Councillor Hayley Browne, Elected Member Commissioners
  - Rob van Voorthuysen and Liz Lambert, Independent External Commissioners
  - Rauru Kirikiri and Reginald Profitt, Māori Hearing Commissioners
27. A short biography of each of these appointed members are publicly available on the Council's Hearing Portal.
28. Under section 39B RMA, appointees to Hearing Panels must have accreditation to make decisions on a range of RMA proceedings, including proposed plans. All appointed members to the Napier City PDP Hearing Panel are accredited decision-makers under the *Making Good Decisions* programme, which is delivered on behalf of the Ministry for the Environment to equip decision-makers with the skills necessary to conduct fair and effective hearings and make informed decisions, ensuring consistency and adherence to the RMA.
29. The composition of the Panel enabled the allocation of the hearing of submissions according to a number of Hearing Streams in which the Panel could address a range of specific District Plan topics. The Panel for each Hearing Stream comprised at least one elected member and one external commissioner. The Chair of the Panel sat on all hearings except where recused to address any potential conflict of interest or where otherwise unavailable.

### 3.2 Role of the Panel

30. Under the RMA, the Hearing Panel acts as a commission of inquiry and have a 'quasi-judicial' capacity in considering submissions on the PDP. The RMA and the Commission of Inquiry Act 1908 both guide the hearings procedures.
31. The Chair runs the hearing and, with the Panel members, make determinations on procedural matters.
32. Each Panel member must disclose any actual or potential conflicts that could interfere with the decision-making process. This is an ongoing obligation, and each Commissioner's declarations of interest must be updated if new potential conflicts of interest are revealed. These declarations are publicly available on the Council's Hearing Portal. Information on the Hearing Panel's management of potential conflicts of interest is in section [7.1](#).
33. The Panel must deliver a robust and efficient hearing process, avoiding unnecessary formality. In any hearing, there should be considerable emphasis on ensuring a fair process and transparency in the decision-making process. Any information that is considered must be supplied by the parties, or within the hearing and knowledge of the

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parties. All reports must be shown to the other parties. All Hearing Panel members must take responsibility for upholding the integrity of the hearing system.

34. Specifically, the role and responsibilities of the PDP Hearing Panel is to:
  - Review all section 42A reports
  - Undertake site visits where it would be of assistance
  - Prepare procedural minutes
  - Hear submissions and evidence
  - Require expert conferencing
  - Seek clarification from council officers, submitters, and their experts
  - Seek legal advice where assistance is required on legal matters.
  - Refer to the Council (with recommendations) where:
    - the District Plan will be significantly altered because of submissions; and
    - the Council will need to consider making a variation.
    - Deliberate (in public or private), and
    - Make and write recommendations to the Council.
35. The Panel's delegated authority under section 34 of the RMA includes all of the Council's functions, powers and duties under the RMA necessary for the Panel to carry out its responsibilities set out above. In managing the hearings process, the Hearing Panel also has the powers contained in ss 41 to 41D of the RMA. These include the power to:
  - Direct the order of business
  - Take evidence and submissions as read
  - Limit evidence and submissions to matters in dispute
  - Direct that evidence and submissions be presented within time limits, and
  - Strike out the whole or part of a submission.
36. Directions can be given before or at hearings, for example, regarding the order of business and how evidence is presented.
37. Section 41A of the RMA sets a threshold test for the use of the powers listed in ss 41B to 41D – the Panel is required to consider “whether the scale and significance of the hearing makes the exercise of the power appropriate”. The Panel also has powers under the Commission of Inquiry Act 1908, including the ability to summons witnesses and require the production of documents.
38. Hearings must be conducted in accordance with natural justice which means:
  - the hearing must be procedurally fair; and
  - the decision made must be unbiased (i.e., the Hearings Panel must always remain open to persuasion and not bring a closed mind to the proceedings, be independent and not influenced by matters that have not been transparent during the hearing).
  - Panel members must listen to all the submissions and experts and evaluate whether to accept, accept in part or reject the decisions on submission points recommended by the reporting planner on particular topics or provisions.
39. The Panel's determinations must be made within the reasonable scope of matters raised in submissions and as well as being based on the material they have heard from submitters and experts and cannot create their own solution to an issue from scratch. When making a determination, the Panel must include reasons for accepting or rejecting any submission (which may be grouped by subject matter or individually).
40. Determinations do not need to be made on each submission or further submissions (Clause 10 of Schedule 1 to the RMA) but rather can be made by topic or by plan

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provision. Recommendations to accept or reject each submission and further submission point must be noted in each relevant recommended decision.

41. Clause 16(2) of the RMA provides the power for a local authority to, without using the process in Schedule 1 to the RMA:
  - make amendments to a proposed plan to alter any information where such an alteration is of minor effect; or
  - may correct any minor errors.
42. During plan-making processes, the need to make minor amendments may arise and these must be neutral changes that do not change the intent of the issue or impact the rights of submitters (e.g., changes to numbering, typographical errors, referencing).
43. We were able to use our various delegated authorities to ensure an efficient and effective hearing process, to obtain additional information to inform our deliberations, and to seek the resolution of issues in contention where there was an apparent potential for a common agreement to be reached among parties. Each Panel Report outlines the processes used to promote an effective hearing process.

## 4. Statutory Requirements

### 4.1 Section 32 Evaluation

44. Section 32 of the Act requires an evaluation report to be prepared which considers whether the objectives proposed are the most appropriate way to achieve the purpose of the RMA, and whether the other provisions – primarily policies and rules – are the most appropriate way to achieve those objectives. The latter requires:
  - identifying other reasonably practicable options for achieving the objectives; and
  - assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
  - summarising the reasons for deciding on the provisions.
45. The s32 report must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
46. The assessment of the efficiency and effectiveness of the provisions in achieving the objectives must:
  - identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
    - economic growth that are anticipated to be provided or reduced; and
    - employment that are anticipated to be provided or reduced; and
    - if practicable, quantify the benefits and costs referred to in paragraph (a); and
    - assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
47. When considering objectives under the s32 test, every objective needs to be examined, but they cannot be looked at in isolation, because the objectives may have overlapping ways of achieving sustainable management of natural and physical resources - the purpose of the Act.
48. A number of s32 evaluation reports were released when the PDP was notified, as listed in Appendix 1. They have been a useful resource for the Hearings process in understanding

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the general rationale behind, and planning justification for, the proposed approach of the PDP to addressing the City's resource management issues.

49. In addition to guidance provided by the Ministry for the Environment, there are a number of terms used in s 32 that the Courts have provided further guidance on, as follows:
- “Most appropriate”, this means the most “suitable” and does not require it to be the objective or method to be the most “superior” – this requires a value judgment.
  - “Effectiveness” assesses the “contribution new provisions make towards achieving the objective, and how successful they are likely to be in solving the problem they were designed to address.”
  - “Efficiency” measures whether the provisions will be likely to achieve the objectives at the lowest total cost to all members of society, or achieves the highest net benefit to all of society. The assessment of efficiency under the RMA involves the inclusion of a broad range of costs and benefits, many intangible and non-monetary. One measure of efficiency is where the purpose of the Act and the objectives of the plan can be met by a less restrictive regime, then that regime should be adopted.
  - “Benefits” or positive effect can be described as a consequence of an action (e.g., a plan provision) that enhances well-being within the context of the RMA, and includes monetary and non-monetary benefits associated with environmental, economic, social and cultural effects.
  - “Costs” or negative effect can be described as what society has to sacrifice to obtain a desired benefit and includes monetary and non-monetary costs associated with environmental, economic, social and cultural effects.
50. As submissions on particular aspects of the PDP are considered through hearing reports, officers are required to consider any alternative provisions put forward in the context of what s 32 requires, and when changes are recommended, a further assessment under s 32AA must be provided if the change is a material departure from what was notified. That same obligation to make a further assessment under s 32AA also applies to the Panel if it decides to recommend changes as a result of submissions which materially depart from the notified version. There is also an expectation that planning experts engaged by submitters to support their submissions should provide a s32AA evaluation if they are recommending substantive changes to the notified PDP provisions.
51. Our approach to undertaking s32AA evaluations is set out in section [7.5](#).

## 4.2 Relevance of National Instruments

52. The emphasis placed by case law on higher order planning documents is consistent with the RMA's requirement that a district plan must give effect to any national policy statement and New Zealand Coastal Policy Statement and a national planning standard. Key relevant documents for the PDP are the:
- New Zealand Coastal Policy Statement 2010 (NZCPS);
  - National Policy Statement on Electricity Transmission 2008 (NPS-ET), and
  - National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG);
  - National Policy Statement for Freshwater Management 2020 (NPS-FM);
  - National Policy Statement for Urban Development 2020 (NPS-UD);
  - National Policy Statement-Highly Productive Land 2022(NPS-HPL)
  - National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB);
  - National Planning Standards 2019 (Standards).
53. The Council's s42A reporting officers addressed the relevance and implication of the national policy instruments as they applied to the topics they addressed. Where there is a clear requirement to give effect to a higher order instrument, the Panel has been aware



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that this may limit the degree to which we can consider alternative forms of relief. In particular, the NPS-UD was a critical element to the consideration of rezoning requests affecting land classified as highly productive under this NPS (LUC Classes 1 – 3).

54. In the case of the National Planning Standards, the Panel was very aware that the way the PDP is structured is prescribed by the Standards, as well as much of the terminology used. For instance, where a term is defined in the Standards, the Council cannot amend the definition within the PDP, although it can provide a definition of a term that is a sub-category or have a narrower interpretation of a term defined in the Standards. The Standards also provide zone names which are mandatory to use, and no different zone names can be used.
55. There are a number of National Environmental Standards (NES) that we have had to take into account, including (most relevantly) the:
  - National Environmental Standards for Plantation Forestry 2017 (NES-PF);
  - National Environmental Standards for Telecommunications Facilities 2016 (NES-TF);
  - National Environmental Standards for Electricity Transmission Activities 2009 (NES-ET); and
  - National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011(NES-CS).
56. NES's generally provide a national set of planning rules for a particular activity. For instance, the NES-ETA provides a set of rules for transmission lines, conductors and ancillary equipment and activities within New Zealand's National Grid for transmitting electricity. Thus, each Council does not need to determine its own rules for activities covered by an NES unless an NES specifies otherwise.
57. Section 43B RMA sets out the requirements for whether rules can be more stringent or more lenient than what is provided for in the standard. This largely depends on how the NES is drafted, and its coverage.

#### 4.3 Panel's Approach to Evaluating Submissions and PDP Provisions

58. Section 32AA(1)(d)(ii) of the RMA enables our further evaluation of changes to the proposed Plan to be incorporated into our reports as part of the decision-making record. To this end, our evaluation of issues and associated amendments made to the provisions have been structured to satisfy the evaluation report requirements of section 32AA.
59. We have often referred to a set of provisions or a provision as being the 'most appropriate' - that is our shorthand for concluding the Plan changes tests are met, including the relevant section 32 assessments.
60. Where we have made amendments to the PDP that are consistent with the recommendations contained within Council officers' section 42A and / or right-of-reply reports (and where there are relevant joint witness statements), we have adopted the section 32AA analysis contained within those reports (unless expressly stated otherwise). Those reports are part of the public record and are available on the NCC website.
61. Where we have made amendments to the PDP that are not recommended by officers, we have undertaken the required section 32AA analysis and have incorporated it into the body of our reports. Given the approach we have taken, there are no separate section 32AA headings or tables within or attached to our decision reports, instead the assessment forms part of our reasoning. While the specific language of section 32AA may not be used or referred to, we are satisfied that the required substantive assessment has been undertaken.
62. The approach we adopted in reporting on the submissions received and the subsequent hearing streams has been to focus on key issues in contention. Broadly, where contested matters have been resolved through the course of proceedings, or where particular matters



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/ provisions were not in contention, we have generally adopted officers' recommendations in those instances. In doing so, our evaluation of those particular non-contentious matters / provisions is intentionally brief as it relies on the reasons for the officers' recommendations as recorded in the relevant section 42A report and / or right-of-reply. Those reports are part of the public record and are available on the NCC website.

63. There are some exceptions to this less extensive approach, primarily where the Panel's conclusions diverge from those of the Reporting Officer, in which case we have undertaken an additional evaluation in the Recommendation Report.

#### 4.4 Issues of Scope and Minor Errors

64. In considering the relief sought by submitters, the Panel has had to take into account matters of scope. We were advised that much of the case law has been on whether the relief sought by submitters on plan changes is "on" the plan change – that is, whether the relief sought is within the scope of the plan change to give effect to (for example, whether a submitter can lawfully seek to have additional land rezoned over and beyond that proposed in a plan change). We were advised that case law indicates that, for a full plan review such as the PDP, almost everything is open for challenge through the current submission process, provided the submission is sufficiently clear and the relief sought it is something that can properly be managed in a district plan under the RMA .
65. In *Countdown Properties (Northlands) Limited v Dunedin City Council*, the High Court held that an amendment made to a proposed plan as notified must be "reasonably and fairly raised in submissions" on the proposed plan. This is to be approached "in a realistic and workable fashion, rather than from the perspective of legal nicety". Where the Panel has had some doubt as to the nature of the relief sought by a submitter (and often this was highlighted by the s42A report), we have sought clarification.
66. A bigger issue for the Panel in terms of scope has been where submissions have sought relief that is clearly outside the jurisdiction of the RMA – for instance, matters such as funding of infrastructure or seeing rates relief are not possible to implement through the PDP.
67. Similarly, some matters, such as air discharges and wetland protection, are within the jurisdiction of the HBRC, and cannot be controlled under the PDP. These out-of-scope matters have been highlighted in the relevant s42A reports.
68. In terms of the correction of clear errors in the PDP, the Panel has the authority under clause 16(2) of Schedule 1 to direct either alterations that are of minor effect, or the correction of any minor errors. Under clause 16(2) of Schedule 1 of the RMA:
- A local authority may make an amendment, without using the process in this schedule, to its proposed policy statement or plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.*
69. Usually, we have had such issues identified through the s42A reports, and have simply agreed that such changes are appropriate to make. Where necessary, the Panel has recommended, where identified as necessary, additional minor amendments and corrections to amend errors, improve the clarity of language, or otherwise make the District Plan more readily clear and consistent. In all cases, however, we have been very cognisant of case law on the application of cl 16 corrections.

### 5. Background Evaluations and Information

70. A compilation of supporting documents, comprising technical assessments, reports, and background content that informed the development of the Proposed District Plan. These are listed in Appendix 1.

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71. We note that some submitters also provided additional information to support their submissions. A copy of all such documents were uploaded to the relevant Hearing webpage on the Council's Hearings Portal, and are part of the record of the Hearings.

## 6. User Guide to Panel Reports

72. The evaluation of submissions and the recommended decisions of the Napier City Proposed District Plan Hearings Panel are presented in our Recommendation Reports, organised according to the Hearing Stream topics that structured the hearing schedule. Our reports include the Panel's recommended decisions on submissions and the reasons for those decisions and incorporate the requirements under s32AA as relevant. Our Recommendation Reports focus on those matters where the Panel's evaluation and conclusions diverge from those of the Reporting Officer for a particular matter. Where we have agreed with the Reporting Officer's evaluation and recommendations, we have simply adopted their evaluation and conclusions.
73. The consequence of the Hearing Panel's approach is that our reports should be read in conjunction with the Section 42A Reports, including the Officers' Reply Reports.
74. At the end of each report, a tracked changes version of the relevant PDP provisions as they would be amended by the recommended decisions, and a table outlining the recommended decisions on specific submission points.

## 7. Other Matters

### 7.1 Conflicts of interest

75. Throughout the Hearing process, the Hearing Panel maintained a register of interests for each Panel member to provide transparency about any actual or potential interests that they may have with any of the submitters. This register was kept 'live' during the process in case new interests became apparent during the course of the hearings. The declarations of interests for each Panel member were available online in the Hearings Portal.
76. For the majority of interests identified, the interest was recorded, and no further action was required. The identified interests required the following Commissioners to recuse themselves:
- Panel Chair Robert Schofield recused himself from hearing and deliberating on all submission points made by Transpower (S99/FS8), Ara Poutama Aotearoa Department of Corrections (S105) and the further submission by Hawke's Bay Protein Limited (FS196);
  - Commissioner Rob van Voorthuysen recused himself from hearing and deliberating on the submissions from Guy Panckhurst – Surveying the Bay (S210), Maraenui Golf Club (S279) and Kay Foley (S97); and
  - Commissioner Brosnan recused herself from hearing submission points made on the Te Whanganui-a-Orotū Ecology and Stormwater Treatment Zone (Hearing Stream 3).

### 7.2 Panel Quorum

77. A quorum of at least two Panel members, one elected member commissioner and one independent commissioner, shall be at any hearing, with the casting vote to be with the Chair.

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78. This is to record that a quorum of at least two members was maintained throughout all hearings, whether for hearings or for deliberations. The Chair was not required to use his casting vote for any of the deliberations.

### 7.3 Wider Recommendations

79. During the course of the hearings, a number of matters were raised by submitters where the relief they sought could not be given within the scope of the PDP process. Such situations occurred where, for example –
- Wider engagement between parties and, in some instances, negotiations were required before matters could be included in a future plan change;
  - Further investigations, surveys or other information gathering processes would be required, needing resourcing and programming into Council's other planning processes;
  - New provisions would be needed to be developed, requiring research, consultation and careful analysis as required under the RMA;
  - The relief could not be met by introducing provisions in the PDP but through other statutory processes (for example, rates' relief, bylaws, road controlling authorities), and
  - Other methods would be required to be used that would not form part of the PDP, such as new information layers in the Council's GIS system.
80. While such matters were outside our ability to address through our recommendations on the PDP provisions, they were nevertheless identified in the relevant s42A reports. We anticipate that, at some stage following decisions on the PDP, a review of out-of-scope issues would occur to identify either matters that may require a future plan change or matters outside the District Plan that should feed into other Council workstreams. The Panel did not want these points to be lost or overlooked among the myriad of detailed decisions, particularly where such actions were likely to lead to improvements in the long-term effectiveness of the Plan in managing the District's environment.

### 7.4 Statutory Framework

81. The Hearing Panel adopts the statutory framework assessment set out in section 2 of each Section 42A Report.

### 7.5 Section 32AA Assessments

82. Where the Reporting Officer has recommended substantive changes to the notified provisions of the PDP, they have provided a further evaluation required under s32AA RMA to support such changes. In addition, some submitters' expert planners have produced s32AA evaluations to support changes sought by the submitter. The scale and significance of these recommended changes determine the level of detail required for the further evaluation, which must still follow the core principles of Section 32(1) to (4). This includes examining the appropriateness of the objectives and whether the proposed provisions are the most suitable way to achieve them.
83. Where the Hearing Panel has accepted the recommendations of a Reporting Officer for substantive changes, we have also adopted the Reporting Officer's s32AA assessments. Where we have accepted the recommended changes of a submitter who has provided a s32AA evaluation, we have adopted that evaluation. For those changes, the Hearing Panel is satisfied that the recommendations are the most appropriate option for achieving the purpose of the RMA, the relevant objectives of the District Plan and for giving effect to other relevant statutory instruments.

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84. Where the Hearing Panel differs from the Reporting Officer's recommendations, we are required to undertake our own s32AA assessment at a level of detail that corresponds to the scale and significance of any changes we recommend to the notified District Plan provisions. In that regard, we have provided a separate evaluation as part of our report on a topic. In those cases, the Hearing Panel is satisfied that any such amendments are a more efficient and effective means of giving effect to the purpose and principles of the RMA and the higher order statutory instruments, for the reasons we set out in that Report.

## 8. Acknowledgements

85. Finally, we would like to acknowledge and express the Panel's appreciation for the enormous amount of work that has been involved to support an effective and efficient hearings and reporting process, as well as the high degree of flexibility, cooperation and collaboration that was provided by all participants, including Council advisers and submitters and their advisers. We recognise that, at times, the timeframes involved were often tight, but that the subsequent outcomes have enabled the resolution of many outstanding issues, to the benefit of producing more durable and effective District Plan policies that will promote the sustainable management of Napier City.

## Appendix 1:

### Section 32 Evaluation Reports

- Strategic Direction
- Activities on the Surface of Water
- Airport Zone
- Amenity Precincts
- Centre and Commercial Zones
- Coastal Environment
- Earthworks
- Genetically Modified Substances
- Hazardous Substances
- Historic Heritage
- Industrial Marine Wastewater Treatment Zones
- Jervoistown Precinct
- Light
- Māori Purpose Zone
- Mission Development Areas and Precincts
- Natural Features and Landscapes Chapter
- Network Utilities and Renewable Energy Combined
- Noise and Temporary Activities
- Notable Trees
- Open Space and Special Purpose
- Papakāinga
- Port Zone
- Public Access
- Relocated Buildings
- Residential Zones and Wharerangi Road Development Area
- Rural Zones
- Signs Chapter
- Stormwater
- Subdivision
- Te Awa Development Area
- Te Whanganui ā Orotū
- Transport

### Supporting Documents

- STEM Assessment [Notable Trees] 2019
- Infrastructure Strategy 2021
- Ahuriri Bulk Fuel Facility Land Use Safety Planning
- Ahuriri Bulk Fuel Facility Quantitative Risk Assessment
- Ahuriri Bulk Fuel Facility Risk Criteria for Land Use Safety Planning
- Business Land Capacity Assessment Market Economics report

## Napier City Council Proposed District Plan

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- Business Location Decision Making Report
- David Low Report on Existing Notable Trees
- Greenfield Growth Capacity Review Report
- Greenfield Growth Structure Plans
- Housing Development Capacity Assessment
- Landscape Considerations – Hawke's Bay Airport
- Marine Parade Character Zone Review
- Meeanee Speedway Proposed Buffer with Noise Effects
- Napier District Plan Noise Review
- Napier High Level Structure Plan
- Napier Hill Character Zone Review
- Napier Servicing Structure Plan Three Waters Report
- Northern Residential Zone Review
- Pandora Environment Zone Review
- Port of Napier Noise Control Boundaries Report
- Salmond Reed Napier Heritage Precinct Guide

## Historic Heritage Items and Groups

- Proposal Napier Heritage 1 Hill Rd King Georges Hall
- Proposal Napier Heritage 12344a56 Seaview Tce
- Proposal Napier Heritage 13 Milton Tce Louis Hay House
- Proposal Napier Heritage 17 Clyde Rd Samuel Beggs House
- Proposal Napier Heritage 17 Sealy Rd 502 and 504 Shakespeare Tce 12 and 14 Cameron Rd Holts Lane Group
- Proposal Napier Heritage 19 Brewster St Wilkinson Cottage
- Proposal Napier Heritage 2 Brewster St Scinde House
- Proposal Napier Heritage 2 Milton Tce Rita Angus Family House
- Proposal Napier Heritage 21 Browning St Selwyns Rock
- Proposal Napier Heritage 22 Coote Rd Old Bakery Store
- Proposal Napier Heritage 22A Shakespeare Rd Dr Waterworths Surgery and Stables
- Proposal Napier Heritage 23 Sealy Rd Croyden Blythe House
- Proposal Napier Heritage 24 Hardinge Rd
- Proposal Napier Heritage 2468101214 Carnell St Art Group
- Proposal Napier Heritage 25 Clyde Rd Taumata House
- Proposal Napier Heritage 28 Browning St Cathedral of Saint John the Evangelist
- Proposal Napier Heritage 28a George St Vigor Brown House
- Proposal Napier Heritage 29 McKeefry Ave Arrowsmith House
- Proposal Napier Heritage 32 Clive Square East Trinity Methodist Church
- Proposal Napier Heritage 32 Hardinge Rd
- Proposal Napier Heritage 4 Clyde Road Napier Girls High School Main Block
- Proposal Napier Heritage 4 Hadfield Tce The Mount The Large House
- Proposal Napier Heritage 5 Lucy Rd
- Proposal Napier Heritage 7 Swan St Workers Cottage

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- Proposal Napier Heritage 9 Gladstone Rd Coach House
- Proposal Napier Heritage 9 Hukarere Rd Frederic Williams House Te Rawhiti Warrawong
- Proposal Napier Heritage Waghorne St JJ Niven Manhole Covers
- Historic Heritage Items and Groups Figure List and Intro
- Proposal Napier Heritage 198 Church Road Mission Estate Winery

## Historic Heritage Overlays or Precincts

- Marewa State Housing Historic Heritage Precinct
- Harbour Reserve Historic Heritage Precinct
- Tram Shelter Historic Heritage Precinct
- Te Awa Bungalow Historic Heritage Precinct
- Napier South Historic Heritage Precinct
- Marewa Post War Housing Historic Heritage Precinct
- West Quay Historic Heritage Precinct
- Coronation Street Historic Heritage Precinct
- Iron Pot Historic Heritage Precinct
- Complete Historic Heritage Precinct Report

Doc Id 1877891

### Examples of Clause16(2) Schedule 1 amendments that have been made throughout the District Plan include:

- Renumbering to ensure alignment with the National Planning Standards numbering approach and consistency across the Plan.
- Changes that achieve a consistent approach to considering activities that do not meet the standards of the Plan eg. as a Restricted Discretionary Activity, with the requirement to comply with the standards being a part of each rule (as opposed to a separate rule), and with a consistent matter of discretion applied.
- Correction of spelling errors, addition of macrons, and appropriate capitalisations.
- Re-ordering provisions so that they have a consistent cascading approach with permitted rules being first and non-complying (or prohibited) rules being last.
- Phrasing - to ensure consistent use of phrasing across the plan eg. the same phrase used for when an activity does not comply with the conditions.
- Removal of the consideration of objectives and policies in the assessment criteria. This is something that is provided for in S104 of the RMA, and the inclusion of this statement in the District Plan may result in a conflict with the requirements under the RMA.
- Fixing errors in cross-referencing or adding cross-references where required; and
- Re-writing provisions to provide greater clarity without changing the intent or outcome of that provision.



### 3. PROPOSAL TO INITIATE EXPRESSION OF INTEREST PROCESS NATIONAL AQUARIUM NZ

<i>Type of Report:</i>	Operational and Procedural
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1876458
<i>Reporting Officer/s &amp; Unit:</i>	Steve Gregory, Commercial Transition Manager

#### 3.1 Purpose of Report

Seek Council approval to change its resolution made on 26 May 2025 relating to the future of National Aquarium of New Zealand (NANZ) by initiating an Expressions of Interest (EOI) process for the future ownership, operation, or redevelopment of the NANZ, in place of the currently planned business case process at an indicative cost of \$250,000.

#### Officer's Recommendation

That Council:

- a. **Approve** the Initiation of an Expressions of Interest (EOI) process to explore external interest in the future ownership, operation, or redevelopment of NANZ.
- b. **Approve** deferral of the business case until the outcome of the EOI is known, with the option to proceed with a targeted business case if required.
- c. **Receive** future report on the EOI outcome and recommend next steps

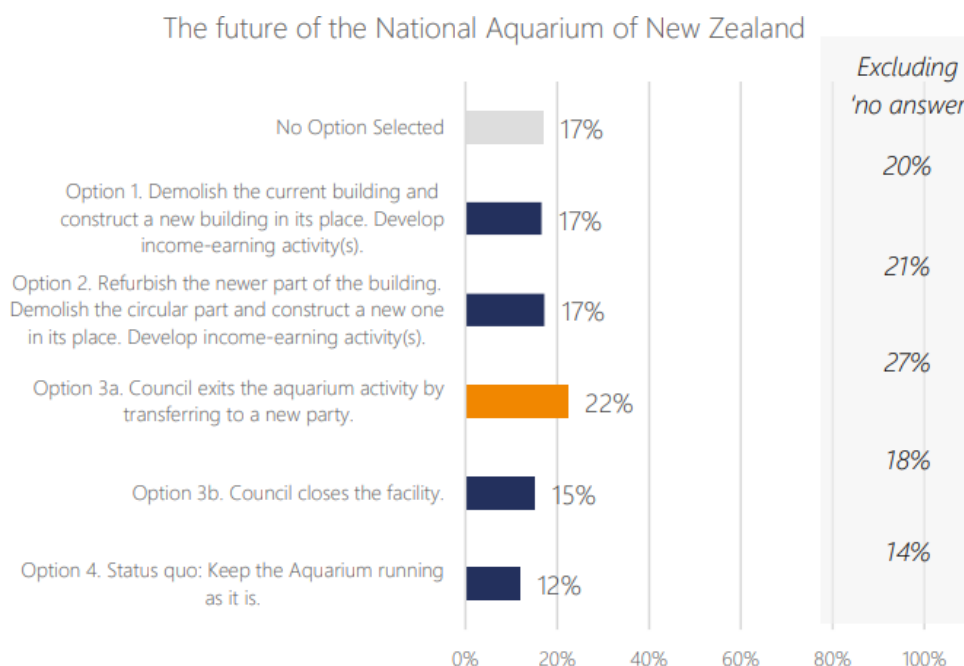
#### 3.2 Background Summary

The future of the NANZ was identified as a significant topic during the development of Napier City Council's Annual Plan 2025/26. In accordance with the Local Government Act 2002 and Council's Significance and Engagement Policy, public consultation was undertaken from 31 March to 30 April 2025.

The consultation document presented five options for the future of NANZ:

- **Option 1 (Council's preferred):** Demolish and rebuild the facility with income-generating activities.
- **Option 2:** Refurbish the newer part of the building and rebuild the circular section.
- **Option 3a:** Council exits the aquarium activity by transferring to a new party.
- **Option 3b:** Council exits the aquarium activity by closing the facility.
- **Option 4:** Status quo – continue operating as is.

A total of 1,007 submissions were received. Analysis by independent research firm SIL Research revealed that Option 3a received the most community support, indicating a strong public preference for Council to divest from direct operation of the aquarium. While Options 1 and 2 also received notable support, the community sentiment leaned toward reducing the financial burden on ratepayers by exploring alternative ownership or operational models.



In response to this feedback, Council resolved on 26 May 2025 to:

- Direct officers to commence a business case to investigate Options 1, 2, and 3a.
- Recognize Option 3a as the most supported by the community.
- Acknowledge Options 1 and 2 as equally supported and aligned with Council's strategic interests.

However, since that resolution, Council has received unsolicited interest from a reputable Aquaria operator in the sector. This presents a timely opportunity to test broader market appetite before committing to a \$250,000 business case.

Given the strong community support for divestment, the emergence of credible external interest, and the potential to reduce financial risk, officers now propose initiating an Expressions of Interest (EOI) process. This approach would:

- Align with the community's preferred direction (Option 3a).
- Be significantly more cost-effective than a full business case.
- Allow Council to assess real-world market interest and capability.

This proposal is consistent with Council's broader strategy to reduce operational costs and leverage commercial partnerships, as demonstrated by concurrent EOI processes for Kennedy Park Resort and Ocean Spa.

### 3.3 Issues

#### Premature Investment in a Business Case

Council previously resolved to allocate \$250,000 to develop a business case exploring future options for the National Aquarium of New Zealand (NANZ). However, since that decision, unsolicited interest has been received from a reputable operator in the aquarium sector. This emerging market interest presents a credible opportunity to test external appetite for ownership, operation, or redevelopment of NANZ before committing significant public funds.

Proceeding with a business case at this stage may be premature and financially inefficient. If strong market interest is confirmed through an Expressions of Interest (EOI) process, the business case may be rendered unnecessary or could be more effectively targeted to specific proposals. This approach would reduce financial risk and ensure public funds are used strategically.

#### Balancing Strategic Control with Market-Led Innovation

While divestment aligns with community feedback, Council must also ensure that any future model for NANZ supports its long-term strategic goals, including:

- Enhancing the Marine Parade precinct.
- Supporting tourism and economic development.
- Delivering community outcomes aligned with Council's vision.

There is a risk that external proposals may not fully align with these priorities. However, this can be mitigated by designing the EOI process with clear evaluation criteria, including requirements for alignment with Council's strategic objectives and community values.

The EOI process also offers the potential for market-led innovation, which may uncover creative solutions or partnership models not considered in a business case. This could include co-investment opportunities, themed redevelopment, or integration with other tourism assets.

#### Maintaining Momentum and Responsiveness

An EOI process can be completed in a shorter timeframe than a full business case, allowing Council to maintain momentum and demonstrate responsiveness to both community feedback and market signals. Delays in decision-making risk losing potential partners or diminishing public confidence in Council's ability to act on consultation outcomes.

### 3.4 Significance and Engagement

This proposal aligns with the community's preferred direction as expressed during the Annual Plan consultation. The EOI process will be framed as exploratory, with further engagement planned, as required, before any final decisions are made.

### 3.5 Implications

#### Financial

The EOI process can be conducted at a significantly lower cost than the proposed business case. For reference the ROI process costs for Kennedy park Resort & Ocean Spa are circa \$50,000 (Legal, valuations, project management costs)

Potential to avoid unnecessary expenditure if strong market interest is confirmed.

### Social & Policy

Supports Council's strategic direction to reduce operational costs and leverage commercial partnerships.

Aligns with existing EOI processes underway for Kennedy Park Resort and Ocean Spa.

### Risk

Risk	Description	Mitigation
Limited Market Response	EOI may not attract credible interest.	Targeted outreach and industry promotion.
Perception of Process Change	Stakeholders may view this as a deviation from Council's resolution.	Clear communication that EOI aligns with Option 3a.
Loss of Strategic Control	External proposals may not align with Council's vision.	Include evaluation criteria reflecting strategic priorities.
Delay in Decision-Making	Inconclusive EOI may delay progress.	Defined timeline and contingency planning.
Community Expectations	Expectation of immediate divestment.	Frame EOI as exploratory and commit to further consultation.

## 3.6 Options

The options available to Council are as follows:

- a. Proceed with the planned business case
- b. Initiate EOI process and defer business case

## 3.7 Development of Preferred Option

### Option 2: Initiate an EOI process and defer the business case (recommended)

This approach enables Council to explore external interest in the future of the National Aquarium of New Zealand in a cost-effective and timely manner, while retaining the flexibility to proceed with a targeted business case if required.

## 3.8 Attachments

Nil

## 4. COUNCIL CONTROLLED ORGANISATION EXEMPTION

<i>Type of Report:</i>	Legal
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1878158
<i>Reporting Officer/s &amp; Unit:</i>	Caroline Thomson, Head of Finance, Data & Digital Talía Foster, Financial Controller

### 4.1 Purpose of Report

To obtain a decision from Council to continue exempting Hawke's Bay Local Authority Shared Services Limited (HBLASS) and Hawke's Bay Disaster Relief Trust (HBDRT) from the requirements imposed on Council Controlled Organisations (CCOs) under the Local Government Act 2002 (LGA), pursuant to section 7(3).

### Officer's Recommendation

That Council:

- a. **Approve** the extension of the exemption of Hawke's Bay Local Authority Shared Services (HBLASS) from the Council Controlled Organisation requirements (Local Government Act Section 7(3)) for a further three years.
- b. **Approve** the extension of the exemption of Hawke's Bay Disaster Relief Trust (HBDRT) from the Council Controlled Organisation requirements (Local Government Act Section 7(3)) for a further three years.

### 4.2 Background Summary

HBLASS was established in 2012 to facilitate shared services across Hawke's Bay councils. Since 2018, it has been dormant, with collaborative functions now managed through the Chief Executive Forum. HBDRT was formed in 2020 in response to regional emergencies, including the 2020 drought and Cyclone Gabrielle in 2023. It operates as a charitable trust to distribute relief funding during emergencies.

Both entities were previously exempted from CCO reporting requirements under section 7(3) of the LGA. These exemptions are subject to review every three years.

The request to renew the exemptions for HBLASS and HBDRT is being made later than originally anticipated due to prior legal advice indicating that only one of the co-owning councils was required to pass a resolution for the exemption to remain valid. However, recent clarification from the Office of the Auditor-General's legal team has confirmed that this interpretation was incorrect. Napier City Council is now taking steps to rectify this and formally renew its exemption resolutions.

### 4.3 Issues

The LGA imposes extensive reporting obligations on CCOs, including public Statements of Intent, performance reporting, and audit requirements. These obligations are disproportionate to the scale and nature of HBLASS and HBDRT operations. Maintaining exemptions reduces administrative burden and cost for Council and the entities involved.

Legal advice confirms that each co-owning council must independently resolve to exempt shared entities, as per the interpretation of section 7(3) and section 19 of the Legislation Act 2019.

#### **4.4 Significance and Engagement**

This decision does not significantly alter service provision or affect strategic assets. It aligns with Council's Significance and Engagement Policy. Given the limited scope and impact of the exemptions, no public consultation is required.

#### **4.5 Implications**

##### **Financial**

Exempting HBLASS and HBDRT avoids costs associated with compliance, including audit fees and reporting overhead. For HBDRT, this ensures that maximum funding is directed to community relief rather than administration.

##### **Social & Policy**

HBDRT plays a vital role in emergency response and community support. Exemption supports its agility and responsiveness. HBLASS, while dormant, remains a structural option for future shared services and its exemption avoids unnecessary activation costs.

##### **Risk**

Minimal risk is associated with continued exemption. Should operational activity resume or expand, Council retains the right to revoke exemptions at any time.

#### **4.6 Options**

The options available to Council are as follows:

##### **Option A:**

Approve the continued exemption of HBLASS and HBDRT under section 7(3) of the LGA for a further three years.

##### **Option B:**

Decline the exemption and require both entities to comply with full CCO reporting obligations.

#### **4.7 Development of Preferred Option**

**Option A** is recommended. The nature and scope of both entities' activities do not warrant the compliance burden of CCO status. Exemption aligns with the intent of the LGA to reduce unnecessary costs for small, non-profit entities. Legal and operational precedent supports this approach

#### **4.8 Attachments**

Nil



# ORDINARY MEETING OF COUNCIL

## Open Minutes

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Meeting Date: Thursday 25 September 2025

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Time: 9.30am – 10.01am (*Open*)  
10.02am - 10.25am (*Public Excluded*)  
10.27am – 11.36am (*Open*)  
11.43am – 12.40pm (*Valediction*)

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Venue Large Exhibition Hall  
War Memorial Centre  
Marine Parade  
Napier

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*Livestreamed via Council's Facebook page*

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

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In Attendance Chief Executive (Louise Miller)  
Executive Director Corporate & Commercial Services / Deputy Chief Executive (Jessica Ellerm)  
Executive Director Strategy & Urban Development (Rachael Bailey)  
Executive Director Community Services (Thunes Cloete)  
Head of Finance, Data & Digital (Caroline Thomson)  
Head of Regulatory Delivery (Simon Bradshaw)  
Head of Strategy & Programme Delivery (Stephanie Murphy)  
Communications, Marketing & Engagement Manager (Julia Stevens)  
Governance Manager (Anna Eady)  
Principal Policy Planner (Fleur Lincoln)

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	<p>Strategy &amp; Policy Manager (Paulina Wilhelm)</p> <p>Community Resilience Manager (Margot Wilson)</p>
	<p>Community Resilience Advisor (Harris Rowson)</p> <p>Community Funding Advisor (Roger Morrison)</p> <p>Community Resilience Advisor (Rachael Kawana)</p> <p>Business Performance &amp; Data Manager (Emma Alexander)</p> <p>Commercial &amp; Property Manager (Richard Munneke)</p> <p>Team Leader Animal Control (David Whyte)</p> <p>Tourism &amp; Events Lead (Kevin Murphy)</p> <p>Strategic Project Lead (Alix Burke)</p> <p>Strategic Programmes Manager (Darran Gilles)</p> <p>Consultant (Tania Jain)</p>
Public Forum Attendees	<p>Leonie Wallwork - Ngā Toi Youth Hub; Amelia McDade (Youth Council Representative) and Natasha Hansen (Rainbow Youth)</p>
Also in attendance	<p>Hamishi Saxton, Chief Executive, Hawke's Bay Tourism;</p> <p>Kristine Lerner, Chair, Hawke's Bay Tourism Industry Association</p> <p>Tania Hopmans, Chair, Maungaharuru-Tangitū Trust</p>
Administration	<p>Governance Advisors (Carolyn Hunt and Jemma McDade)</p>



## ORDINARY MEETING OF COUNCIL – Open Minutes

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## ORDER OF BUSINESS

### Karakia

The meeting opened with the Council karakia.

### Apologies

Nil

### Conflicts of interest

Nil

### Public forum

*Councillor Tareha joined the meeting at 9.32am*

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**Leonie Wallwork - Ngā Toi Youth Hub** accompanied by Amelia McDade (Youth Council Representative) and Natasha Hansen (Rainbow Youth) displayed a PowerPoint presentation (Doc Id 1876525) providing an overview of creating a safe space for all youth aged 12-24 years. To meet this need, the Blank Canvas Creative Community Hub on Station Street, opposite the proposed new library and civic precinct, is proposed to be transformed into a dedicated, youth-led hub.

Ms Wallwork requested Council provide \$75,000 seed funding to establish a Youth Hub, employ a Youth Leader and undertake some minor refurbishment of the Hub. It was intended that they fundraise an additional \$80,000.

### Attachments

1 Ngā Toi Hawke's Bay PowerPoint presentation (Doc Id 1876525)

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### Announcements by the Mayor

Mayor Wise changed the agenda's order to accommodate guests and the public, the meeting would commence with a closed "Public Excluded" session for confidential matters, before moving on to the open session and valedictory speeches.

### Announcements by the management

Nil

### Confirmation of minutes

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#### COUNCIL RESOLUTION

Councillors Greig / Boag

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That the Draft Minutes of the Ordinary meeting held on 28 August 2025 be confirmed as a true and accurate record of the meeting.

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Carried

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#### COUNCIL RESOLUTION

Councillors Price / Chrystal

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That the Draft Minutes of the Extraordinary meeting held on 9 September 2025 be confirmed as a true and accurate record of the meeting.

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Carried

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# AGENDA ITEMS

## 1. HAWKE'S BAY TOURISM UPDATE

<i>Type of Report:</i>	Information
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1873643
<i>Reporting Officer/s &amp; Unit:</i>	Julia Stevens, Communications, Marketing & Engagement Manager

### 1.1 Purpose of Report

To provide Council with an update on Hawke's Bay Tourism (HBT) activities, performance, and funding arrangements for the 2025/26 year.

### At the meeting

The Tourism & Events Manager, Mr Murphy, advised he had had 20 years connection with Hawke's Bay Tourism, who were an important organisation for the region.

Mr Saxton, Chief Executive, Hawke's Bay Tourism (HBT) provided a brief summary on tourism activities to date. He advised that Hawke's Bay Tourism was grateful to the councils of Hastings, Napier, and Central Hawke's Bay who have worked to retain the regional tourism organisation. Confirmed funding at this level would take HBT through to 30 June 2026.

Ms Lerner, Chair, Hawke's Bay Tourism Industry Association advised that at the HBT AGM, Jane Libby, Manager of the i-site had been awarded the Di Snee Spirit of Hawke's Bay Award in recognition of her outreach in the overall visitor industry.

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

- Currently the industry has representation of 132 members although there is no mechanism to compel membership, some work has been undertaken on membership numbers versus the number of organisations that benefit.
- The Regional Economic Development Agency (REDA) is working with Martin Jenkins on an independent report to ascertain the value on promotion and visitors to gauge the beneficiaries of tourism. It is not only motels but significant other suppliers, retailers and outlets that benefit from the visitor dollar.
- The Martin Jenkins report will be led and paid for by REDA and will be available to support Long Term Plan conversations next year.
- Mr Murphy advised that conversations were underway with promoters for key events that happen each year and how organisers can be contracted to market their product.
- The FAWC (Food and Wine Classic) event is a great event for the region however, with a reduced budget and resource HBT are unable to host FAWC.

COUNCIL RESOLUTION	Councillors Chrystal / Mawson
	That Council:
	a. <b>Receive</b> the report titled “Hawke’s Bay Tourism Update” dated 25 September 2025.
	Carried
Attachments	
	1 Hawke's Bay Tourism PowerPoint Presentation (Doc Id 1876452)

# RESOLUTION TO EXCLUDE THE PUBLIC

COUNCIL RESOLUTION	Councillors Mawson / Taylor
	That the public be excluded from the following parts of the proceedings of this meeting.
	Carried

## Agenda Items

1. Council Projects Fund - Nga Toi Youth Hub
2. Rates Remission for Special Circumstances
3. Legal Update
4. Summary of Ngā Mānukanuka o te Iwi Recommendations for Ratification

## Reports from Audit and Risk Committee held 2 September 2025

1. Draft 2024/25 Annual Report

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	Ground(s) under section 48(1) to the	Plain English reason for passing this
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	<b>relation to each matter.</b>	<b>passing of this resolution.</b>	<b>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. Council Projects Fund - Nga Toi Youth Hub	7(2)(c)(i) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information or information from the same source and it is in the public interest that such information should continue to be supplied	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.	Private information about proposed Youth Hub with confidential costings and partnerships
2. Rates Remission for Special Circumstances	7(2)(a) Protect the privacy of natural persons, including that of a deceased person	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:	Remission applications under the Special Circumstances clause are public excluded as they include private information and potentially sensitive topics.

		(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.	
3. Legal Update	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.	Matter is subject to current legal proceedings
4. Summary of Ngā Mānukanuka o te Iwi Recommendations for Ratification	7(2)(c)(ii) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to damage the public interest	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 damage to public interest - discontinuing the Joint Alcohol Strategy.

## Reports from Audit and Risk Committee held 2 September 2025

1. Draft 2024/25 Annual Report	7(2)(c)(ii) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to damage the public interest	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 information contained within is draft and still subject to audit to confirm the accuracy and completeness of the information. Until it has been verified, it should be treated as confidential.
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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 Public Excluded session at 10.02am  
and reconvened in Open Session at 10.27am*

# AGENDA ITEMS (contd.)

## 2. INTERREGNUM PERIOD DELEGATION

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002; Local Electoral Act 2001
<i>Document ID:</i>	1821839
<i>Reporting Officer/s &amp; Unit:</i>	Anna Eady, Governance Manager

### 2.1 Purpose of Report

To seek a time-limited delegation to the Chief Executive of decision-making powers during the interregnum period and to outline that the committees of Napier City Council (Council) will be discharged at the end of this triennium.

### At the meeting

The Governance Manager, Ms Eady presented the report. It was noted the Chief Executive delegated authority would cease when the new Council is sworn in on 30 October 2025.

### COUNCIL RESOLUTION

Councillors Price / Mawson

That Council:

- a. **Approve** the Chief Executive to make decisions in respect of urgent matters, in consultation with the mayor-elect, from 12 October 2025 (that is, the day after the declaration of preliminary results by the Electoral Officer) until the new Council is sworn in.
- b. **Note** that any decisions made under this delegation will be reported to the first ordinary meeting of the new Council.
- c. **Note** that Council's committees will be discharged following the election of the new council with the exception of the following:
  - i. Te Komiti Muriwai o Te Whanga
  - ii. District Licensing Committee
  - iii. Transitional Governance Group Joint Committee
- d. **Note** that membership of committees that have not been discharged will be updated as part of the adoption of the 2022-2025 governance structure.

Carried



### 3. PLAN STOP POLICY EXEMPTION - SITES AND AREAS OF SIGNIFICANCE TO MĀORI

<i>Type of Report:</i>	Procedural
<i>Legal Reference:</i>	Resource Management Act 1991
<i>Document ID:</i>	1873351
<i>Reporting Officer/s &amp; Unit:</i>	Fleur Lincoln, Principal Policy Planner

#### 3.1 Purpose of Report

The purpose of this report is to seek Council approval to apply for an exemption to the Plan Stop Policy for the Sites and Areas of Significance to Māori Variation/Change to the Proposed District Plan, Partially Operative, or Operative District Plan.

#### At the meeting

The Principal Policy Planner, Ms Lincoln presented the report which provided a brief summary of the background information on the legislative changes that brought about the requirement for Councils to pause work on Resource Management Act 1991 plan changes.

Officers are to meet with the Ministry for the Environment and mana whenua to discuss whether this plan change meets the specified criteria to apply for an exemption. The Ministry have provided a template online which is simple and quick to prepare and therefore not a burden on resource.

#### COUNCIL RESOLUTION

Councillors Crown / Tareha

That Council:

- a) **Receive** the report titled “Plan Stop Policy Exemption – Sites and Areas of Significance to Māori” dated 25 September 2025.
- b) **Approve** applying for an exemption to the Plan Stop Policy to continue the Sites and Areas of Significance to Māori variation/change.

Carried

#### 4. REQUEST FOR EXTENSION OF TIME PURSUANT TO CLAUSE 10A OF THE RESOURCE MANAGEMENT ACT

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1873340
Reporting Officer/s & Unit:	Paulina Wilhelm, Strategy & Policy Manager

##### 4.1 Purpose of Report

This report seeks to inform Council that the statutory timeframe to release decisions on the Proposed District Plan (PDP) will not be met, to outline reasons, and to update you on progress. Officers will send a letter to the Minister for the Environment requesting an extension under **Schedule 1, clause 10A** of the Resource Management Act (RMA).

##### At the meeting

The Strategy & Policy Manager, Ms Wilhelm spoke to the report providing an overview of why the statutory timeframe of 21 September 2025 could not be achieved.

It is planned to have the District Plan adopted on 9 October 2025. Officers would create an e-plan prior to this date to enable elected members to view the plan. Following adoption, the District Plan would be released in early November 2025.

##### COUNCIL RESOLUTION

Mayor Wise / Deputy Mayor Brosnan

That Council:

- a. **Notes** that the Proposed District Plan was publicly notified on 21 September 2023, starting the statutory two-year clock for issuing decisions under Schedule 1, clause 10 of the RMA (decisions due by 21 September 2025).
- b. **Notes** that despite substantial progress (hearings completed in September 2025), the decisions cannot be prepared, quality assured and released by 21 September 2025.
- c. **Notes** officers have made an application to the Minister for the Environment under Schedule 1, clause 10A to extend the timeframe for issuing decisions, with a requested new date after Council Elections.
- d. **Notes** officers will present the Hearing Panel Decisions to the Napier Proposed District Plan for adoption at the Council extraordinary meeting 9 October 2025.
- e. **Delegates** to the Chief Executive the authority to finalise and submit the application and supporting material to the Minister for the Environment.

- 
- f. **Directs** officers to implement a communication plan to update submitters, mana whenua partners, affected stakeholders, and the community on the revised timeline and process.
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Carried

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## 5. NAPIER MULTICULTURAL STRATEGY - DRAFT FOR CONSULTATION

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*Type of Report:* Operational

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*Legal Reference:* N/A

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*Document ID:* 1872224

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*Reporting Officer/s & Unit:* Margot Wilson, Community Resilience Manager  
Rebecca Peterson, Senior Policy Analyst  
Tania Jain, Consultant

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### 5.1 Purpose of Report

This report summarises development of the draft 'Napier Multicultural Strategy - Whiria Ahuriri' and seeks approval to release it for community feedback prior to its finalisation for adoption by Council.

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### At the meeting

The Community Resilience Manager, Ms Wilson and Ms Jain co-presented and displayed a PowerPoint presentation (Doc Id 1876920), providing a summary of the process for the multicultural strategy process, stakeholder engagement, structure for development, focus areas and next steps.

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

- As many issues with migrants are controlled by Central Government it was suggested that Katie Nimon, National MP be included as a stakeholder for engagement to enable people to come and speak to her in person on 20 October 2025.
  - The Social Monitor Survey over the last four to five years has included a cultural diversity question which provided an opportunity for people to comment if cultural diversity has improved or declined.
  - Napier City Council (NCC) is the third Council in New Zealand to have a Multicultural Strategy.
- 

### COUNCIL RESOLUTION

Councillors Mawson / Crown

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That Council:

- a. **Receive** the report titled "Napier Multicultural Strategy – Draft for Consultation" dated 25 September 2025.
  - b. **Approve** the release of the draft Napier Multicultural Strategy – Whiria Ahuriri (Doc Id 1875187) for community feedback.
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Carried

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## Attachments

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|---|--|
| 1 | PowerPoint presentation on Multicultural Strategy (Doc Id 1876920) |
|---|--|
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## 6. AGE-FRIENDLY TERMS OF REFERENCE

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Type of Report:	Operational
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Legal Reference:	N/A
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Document ID:	1868468
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Reporting Officer/s & Unit:	Rachael Kawana, Community Resilience Advisor
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### 6.1 Purpose of Report

To update the Terms of Reference and name for the steering group associated with the Positive Ageing Strategy.

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### At the meeting

The Community Resilience Advisor, Ms Kawana spoke to the report to update the Positive Ageing Strategy Terms of Reference. In April 2025, the Positive Ageing Group had requested changing its name to Age-Friendly Ahuriri Napier to reflect Napier's World Health Organisation (WHO) Age-Friendly City accreditation. This aligns with the WHO framework and matches national network branding.

### COUNCIL RESOLUTION

Deputy Mayor Brosnan / Councillor Mawson
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That Council:

- a) **Receive** the report titled "Age-Friendly Terms of Reference" dated 25 September 2025.
- b) **Approve** the Terms of Reference (Doc Id 1870067) adopting the name change to Age-Friendly Ahuriri Napier Steering Group.

Carried
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## 7. RISKPOOL - PROPOSED AMENDMENTS TO THE TRUST DEED

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	N/A
<i>Document ID:</i>	1874176
<i>Reporting Officer/s &amp; Unit:</i>	Bryan Faulknor, Property Advisor Caroline Thomson, Head of Finance, Data & Digital

### 7.1 Purpose of Report

To seek Council approval to consent to proposed amendments to the Riskpool Trust Deed, as circulated by Local Government Mutual Funds Trustee Ltd (LGMFT), the trustee for the New Zealand Mutual Liability Riskpool Scheme (Riskpool).

### At the meeting

The Head of Finance, Data & Digital, Ms Thomson spoke to the report advising that a legal review of the Riskpool Trust Deed required a number of amendments to be made to the Deed. The proposed amendments did not alter NCC's financial contributions or create new obligations but would reduce governance risk, ensure compliance with best practice, and provide the Board with adequate protections and safeguards.

### COUNCIL RESOLUTION

Councillors Greig / Crown

That Council:

- a) **Receive** the titled "Riskpool – Proposed Amendments to the Trust Deed" dated 25 September 2025.
- b) **Notes** the purpose and effect of the proposed amendments as outlined in this report.
- c) **Approves** Napier City Council consenting to the amendments to the Riskpool Trust Deed, as provided in detail to the Chief Executive.
- d) **Authorises** the Chief Executive to sign and return the required consent form on behalf of Council.

Carried

## 8. LEASE OF LAND EXTENSION

<i>Type of Report:</i>	Operational
<i>Legal Reference:</i>	Order in Council – Severe Weather Emergency Recovery (Temporary Accommodation) Order 2023
<i>Document ID:</i>	1873797
<i>Reporting Officer/s &amp; Unit:</i>	Bryan Faulknor, Property Advisor

### 8.1 Purpose of Report

To obtain approval to grant an extension to a current ground lease with Maungaharuru-Tangitū Charitable Trust for Council owned land at 21 Domain Road. The purpose of the Lease is for the placement of Cabins as temporary accommodation for whānau affected by Cyclone Gabrielle.

#### At the meeting

The Commercial & Property Manager, Mr Munneke co-presented the report with Ms Hopmans from Maungaharuru-Tangitū Trust.

Ms Hopmans, Chair, Maungaharuru-Tangitū Trust advised that the Trust was requesting an extension to the ground lease to provide more time to explore options for permanent housing for the affected whānau. Earlier this year the Trust had secured agreements to purchase land in Tangoio, with final settlement of the purchase due in November 2025. This land will provide a new location for Tangoio Marae and the Trust is exploring papakāinga at the new site and elsewhere.

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

- If the Government did not extend the timeframes in the Order in Council the Trust would have to apply to Council for a temporary resource consent to allow the cabins to remain on the site after the Order in Council expires.
- NCC, as landowner would first have to approve an extension to the lease.
- The extension to August 2028 would provide time to enable legal processes to be undertaken.
- No update had been received on the progress of the Order in Council and NCC had made a submission to support the extension of time.
- There have been no complaints received from neighbours or others about the 21 whānau living in the temporary accommodation at Domain Road.

#### COUNCIL RESOLUTION

Councillors Tareha / Chrystal

That Council:

- Approve**, as landowner, a variation to the current Deed of Ground Lease with Maungaharuru-Tangitū Charitable Trust (for Council owned land at 21 Domain Road) to extend the expiry date to 9 August 2028.
- Note** that the above approval is contingent on either:

- i. The Central Government Order in Council titled ‘Severe Weather Emergency (Temporary Accommodation) Order 2023’ expiry date being extended to or past 9 August 2028.
- ii. A Temporary Resource Consent being granted by Napier City Council to allow the cabins to remain on the site after the current 2026 expiry date of the Order in Council.

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Carried

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## 9. COUNCIL INVESTMENT POLICY UPDATES

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*Type of Report:* Operational

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*Legal Reference:* N/A

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*Document ID:* 1874589

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*Reporting Officer/s & Unit:* Emma Alexander, Business Performance & Data Manager

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### 9.1 Purpose of Report

To make small amendments to two Council investment policies, and revoke a third investment policy. These changes are to support the commercial arm’s length management of the NCC Investment Portfolio by Ahuriri Investment Management Limited (AIM).

### At the meeting

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The Business Performance & Data Manager, Ms Alexander spoke to the report advising that Council will review policies AIM identifies would benefit from amendments, to enable AIM to achieve the objectives that have been set.

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### COUNCIL RESOLUTION

Mayor Wise / Councillor Crown

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That Council:

- a. **Receive** the report titled “Council Investment Policy Updates” dated 25 September 2025.
- b. **Retire** the Investment Property Portfolio Policy (Leasehold) and in doing so note the Council’s overall Investment Policy has guardrails regarding the sale and disposal of assets.
- c. **Approve** the revised Statement of Investment Policies and Objectives (SIPO) (Doc Id 1875427) which applies to Managed Fund assets within the NCC Investment Portfolio.
- d. **Approve** the revised draft Council Investment Policy (Doc Id 1875428), noting the edits enable resolution (a) and improve clarity and alignment between the overall Investment Policy and the Statement of Investment Policies and Objectives (SIPO).

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Carried

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

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1871270
Reporting Officer/s & Unit:	Anna Eady, Governance Manager

### 10.1 Purpose of Report

The purpose of this report is to advise that recommendations from the Ngā Mānukanuka o te Iwi meeting held on 15 August 2025 require ratification by Council.

A copy of the 15 August 2025 minutes are attached for information.

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

### At the meeting

The Governance Manager, Ms Eady took the report as read.

### COUNCIL RESOLUTION

Deputy Mayor Brosnan / Councillor Tareha

That Council:

- a) **Receive** the report titled “Ngā Mānukanuka o te Iwi Recommendations for Ratification” dated 25 September 2025.
- b) **Receive** for information the minutes of the Ngā Mānukanuka o te Iwi meeting held on 15 August 2025.
- c) **Ratify** the following recommendations from the Ngā Mānukanuka o te Iwi meeting of 15 August 2025:

#### 2. **Joint WMMP and Bylaw adoption**

- a. **Receive** this report and provide feedback and guidance on:
  - i. how they should be involved in the implementation of the joint WMMP.
  - ii. how they should be involved in waste management and minimisation into the future.

#### 3. **Mechanical Excavation in Waterways**

- a. **Note** that NCC will work with Mana Ahuriri and Ngāti Kahungunu to ensure appropriate environmental considerations (primarily Tuna management) are built into a formal Standard



*Operating Procedure for mechanical excavation in Napier’s waterways.*

**8. Napier Multicultural Strategy - Progress Update**

- a. **Note** the draft Napier Multicultural Strategy.
- b. **Decides** that a representative from Ngā Mānukanuka o te Iwi Committee will prepare a submission to the Local Government (Systems Improvements) Bill which will be circulated to the Council for approval.

Carried

Councillor Mawson left the meeting at 11.29am

**11. SUMMARY OF JOINT ALCOHOL STRATEGY ADVISORY GROUP RECOMMENDATIONS FOR RATIFICATION**

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1872637
Reporting Officer/s & Unit:	Anna Eady, Governance Manager

**11.1 Purpose of Report**

The purpose of this report is to advise that recommendations from the Joint Alcohol Strategy Advisory Group meeting held on 18 August 2025 require ratification by the Council.  
A copy of the 18 August 2025 minutes (Doc Id 1870559) is attached for information.

**At the meeting**

The Governance Manager, Ms Eady took the report as read, noting that the date 9 December 2025 in the Joint Alcohol Strategy Advisory Group minutes attached to the report should read 9 December 2024, and this had now been amended.

**COUNCIL RESOLUTION**

Councillors Greig / Taylor

That Council:

- a) **Receive** the report titled “Joint Alcohol Strategy Advisory Group Recommendations for Ratification” dated 25 September 2025.
- b) **Receive** for information the minutes (Doc Id 1870559) of the Joint Alcohol Strategy Advisory Group meeting held on 18 August 2025.

- c) **Ratify** the following recommendations from the Joint Alcohol Strategy Advisory Group meeting of 18 August 2025:

**1. Joint Alcohol Strategy - Future Approach**

- a. **Receive** the report (Joint Alcohol Strategy – Future Approach) including the recommendation that Health NZ, National Public Health Service (Hawke's Bay) will look to lead the new strategic approach to alcohol harm for Hawke's Bay.
- b. **Direct** officers to advise the National Public Health Service, Health New Zealand, Hawkes Bay (HNZ HB) that the Napier City and Hastings District Councils are retiring the Joint Alcohol Strategy 2017 and that Council officers will support HNZ HB to establish a new forum.
- c. **Approve** Napier City and Hastings District Council to retire the Joint Alcohol Strategy 2017.

Carried

*Councillor Mawson was not present for this Motion*

*Councillor Mawson rejoined the meeting at 11.31am*

## 12. INFORMATION - MINUTES OF JOINT COMMITTEES

Type of Report:	Information
Legal Reference:	N/A
Document ID:	1872181
Reporting Officer/s & Unit:	Anna Eady, Governance Manager

### 12.1 Purpose of Report

The purpose of this report is to receive unconfirmed minutes from Joint Committee meetings.

To view the full agendas relating to these minutes please refer to the following websites:

- Hastings District Council <https://hastings.infocouncil.biz>
- Hawke's Bay Regional Council <https://www.hbrc.govt.nz/our-council/meetings>

### At the meeting

The report was taken as read and there was no discussion.

### COUNCIL RESOLUTION

Councillors Price / Mawson

That Council:

- a) **Receive** for information the minutes of the following Joint Committee meetings:

- 6 June 2025 Hawke's Bay Regional Transport Committee (Doc Id 1872015)
- 13 June 2025 Ōmarunui Refuse Landfill Joint Committee (Doc Id 1872816)

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Carried

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### 13. ANNUAL DOG CONTROL REPORT 2024/25

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*Type of Report:* Operational and Procedural

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*Legal Reference:* Dog Control Act 1996

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*Document ID:* 1875705

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*Reporting Officer/s & Unit:* Luke Johnson, Customer & Compliance Manager

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#### 13.1 Purpose of Report

To present the territorial authority report on dog control policies and practices for the dog control registration year 1 July 2024 – 30 June 2025 for adoption by Council as required under section 10A of the Dog Control Act 1996, prior to being made publicly available.

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#### At the meeting

The Executive Director Strategy & Urban Development, Ms Bailey and Team Leader Animal Control, David Whyte co-presented the Annual Dog Control report.

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#### COUNCIL RESOLUTION

Deputy Mayor Brosnan / Councillor Crown

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That Council:

- Adopt** the Napier City Council Annual Dog Control Report 2024/25 (Doc Id 1876023).
  - Submit** Napier City Council Annual Dog Control Report 2024/2025 to be published and made publicly available in accordance with the Dog Control Act 1996.
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Carried

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*The meeting adjourned at 11.36am and reconvened at 11.43am*

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**VALEDICTION**

**At the meeting**

Mayor Wise welcomed guests to the valedictory speeches, expressing heartfelt thanks to each of the four Councillors not seeking re-election, for their dedication, passion, and the meaningful difference they had made to the city. Each Councillor was then invited to deliver their farewell speech.

- Councillor Boag - 2007-2025 (18 years).
- Councillor Browne - 2019-2025 (6 years)
- Councillor Tareha - 2022-2025 (3 years)
- Deputy Mayor Brosnan - 2013-2025, becoming Deputy Mayor in 2019 (12 years)

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**Minor matters**

There were no minor matters discussed.

*The meeting closed with a karakia at 12.40pm*

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

Chairperson .....

Date of approval .....