

Thursday, 27 April 2023

A Joint Committee of the Hawke's Bay Regional Council, Napier City Council and Hastings District Council - Administered by Hastings District Council
Napier-Hastings Future Development Strategy Joint Committee Meeting

Kaupapataka

Agenda

Te Rā Hui:
Meeting date: **Thursday, 27 April 2023**

Te Wā:
Time: **2.00pm**

Te Wāhi:
Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Te Hoapā:
Contact: **Democracy and Governance Services
P: 06 871 5000 | E: democracy@hdc.govt.nz**

Te Āpiha Matua:
Responsible Officer: **Director: Future Growth Unit - Ross McLeod, on behalf of the Project Executive**

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Napier-Hastings Future Development Strategy Joint Committee

The Terms of Reference of the Napier-Hastings Future Development Strategy Joint Committee were adopted by the Hastings District Council, Napier City Council and Hawke's Bay Regional Council in the December 2022 – February 2023 period.

Hastings District Council is the administrating authority for this Joint Committee.

The Terms of Reference can be viewed on the Hastings District Council's website as part of the document titled "Committee and Rural Community Board Register of Delegations 2022-2025".

Thursday, 27 April 2023

A Joint Committee of the Hawke's Bay Regional Council, Napier City Council and Hastings District Council - Administered by Hastings District Council

Napier-Hastings Future Development Strategy Joint Committee Meeting

Kaupapataka

Agenda

Mematanga:

Membership:

Koromatua

Chair: To be elected

Deputy Chair: To be elected

Members:

Hawke's Bay Regional Council

Cr Jock Mackintosh (HBRC)

Cr Sophie Siers (HBRC)

Cr Martin Williams (HBRC Alternate)

Napier City Council

Mayor Kirsten Wise (NCC)

Cr Ronda Chrystal (NCC)

Cr Maxine Boag (NCC Alternate)

Hastings District Council

Mayor Sandra Hazlehurst (HDC)

Cr Tania Kerr (HDC)

Cr Alwyn Corban (HDC Alternate)

Heretaunga Tamatea Settlement Trust

Darryn Russell (Heretaunga Tamatea Settlement Trust)

Second representative - to be appointed (Heretaunga Tamatea Settlement Trust)

Alternate – to be appointed (Heretaunga Tamatea Settlement Trust)

Mana Ahuriri Trust

Chad Tareha (Mana Ahuriri Trust)

Second representative - to be appointed (Mana Ahuriri Trust)

Evelyn Ratima (Mana Ahuriri Trust Alternate)

Maungaharuru Tangitū Trust

Two representatives - to be appointed (Maungaharuru Tangitū Trust)

Alternate – to be appointed (Maungaharuru Tangitū Trust)

Tokamatua: 6 members (being half of the members appointed – with at least one representative from each Partner Council to be present)
Quorum:

Apiha Matua Director: Future Growth Unit - Ross McLeod, on behalf of the Project
Officer Responsible: Executive

Te Rōpū Manapori me te Caitlyn Dine (Extn 5636)
Kāwanatanga
Democracy &
Governance Services:

Te Rārangi Take

Order of Business

Apologies & Leave of Absence – *Ngā Whakapāhatanga me te Wehenga ā-Hui*

- 1.0** At the close of the agenda no apologies had been received.
At the close of the agenda no requests for leave of absence had been received.

2.0 Conflict of Interest– *Mahi Kai Huanga*

Members need to be vigilant to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have.

Confirmation of Minutes - *Te Whakamana i Ngā Minitī*

- 3.0** As this is the first meeting of the Napier-Hastings Future Development Strategy Joint Committee, there are no previous minutes.

4.0 Voting Systems for Certain Appointments 7

5.0 Election of Chair and Deputy Chair 9

6.0 Napier-Hastings Future Development Strategy Joint Committee Terms of Reference 11

7.0 Future Development Strategy Introduction and Overview 25

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Item 4

A Joint Committee of the Hawke's Bay Regional Council, Napier City Council and Hastings District Council - Administered by Hastings District Council
Napier-Hastings Future Development Strategy Joint Committee

Te Rārangi Take

Report to Napier-Hastings Future Development Strategy Joint Committee

Nā:
From: **Ross McLeod, Director: Future Growth Unit**

Te Take:
Subject: **Voting Systems for Certain Appointments**

1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to inform the Committee of the requirements of the Local Government Act 2002 in respect of voting systems to use where an election is required to appoint a Chairperson or Deputy Chairperson.
- 1.2 The Local Government Act 2002 provides that one of two systems may be used, either System A OR System B.
- 1.3 **System A** provides that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority present and voting where:
 - i. there is a first round of voting for all candidates; and
 - ii. if no candidate is successful in getting a majority in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and
 - iii. if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and
 - iv. in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.

- 1.4 **System B** provides that a person is elected or appointed if he or she receives more votes than any other candidate where:
- i. there is only 1 round of voting; and
 - ii. if 2 or more candidates tie for the most votes, the tie is resolved by lot.

2.0 Recommendations - *Ngā Tūtohunga*

- A) That the Napier-Hastings Future Development Strategy Joint Committee receive the report titled Voting Systems for Certain Appointments dated 27 April 2023.
- B) That for the election of the Chair and Deputy Chair of the Napier-Hastings Future Development Strategy Joint Committee, the Committee use; EITHER
- the system in this report called System A as provided for by the Local Government Act 2022.
- OR
- the system in this report called System B, as provided for by the Local Government Act 2022.

Attachments:

There are no attachments for this report.

Thursday, 27 April 2023

A Joint Committee of the Hawke's Bay Regional Council, Napier City Council and Hastings District Council - Administered by Hastings District Council
Napier-Hastings Future Development Strategy Joint Committee

Item 5

Te Rārangi Take

Report to Napier-Hastings Future Development Strategy Joint Committee

Nā:
From: Ross McLeod, Director: Future Growth Unit

Te Take:
Subject: Election of Chair and Deputy Chair

1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The purpose of this report is to draw members' attention to the need to elect a Chair and Deputy Chair for the Napier-Hastings Future Development Strategy Joint Committee.
- 1.2 The Chief Executive Officer of the Administering Authority or their nominee will assume the Chair at the commencement of the meeting and call for nominations for the position of Chair of the Napier-Hastings Future Development Strategy Joint Committee.
- 1.3 The newly appointed Chair will then assume Chairmanship of the meeting and call for nominations for the position of Deputy Chair.

2.0 Recommendations - *Ngā Tūtohunga*

- A) That the Napier-Hastings Future Development Strategy Joint Committee receive the report titled Election of Chair and Deputy Chair dated 27 April 2023.
- B) That _____ be appointed as Chair of the Napier-Hastings Future Development Strategy Joint Committee for the next triennium 2022-2025.
- C) That _____ be appointed as Deputy Chair of Napier-Hastings Future Development Strategy Joint Committee for the next triennium 2022-2025.

Attachments:

There are no attachments for this report.

Thursday, 27 April 2023

Item 6

A Joint Committee of the Hawke's Bay Regional Council, Napier City Council and Hastings District Council - Administered by Hastings District Council
Napier-Hastings Future Development Strategy Joint Committee

Te Rārangi Take

Report to Napier-Hastings Future Development Strategy Joint Committee

Nā:
From: **Ross McLeod, Director: Future Growth Unit**

Te Take:
Subject: **Napier-Hastings Future Development Strategy Joint Committee
Terms of Reference**

1.0 Purpose and summary - Te Kaupapa Me Te Whakarāpopototanga

- 1.1 The purpose of this report is to inform the Napier-Hastings Future Development Strategy Joint Committee of the Napier-Hastings Future Development Strategy Joint Committee Terms of Reference (**attachment 1**).
- 1.2 Hawke's Bay Regional Council, Napier City Council and Hastings District Council adopted the Terms of Reference in the December 2022 – February 2023 period.
- 1.3 The Council's noted should the Napier-Hastings Future Development Strategy Joint Committee wish to suggest any changes to the Terms of Reference, these can be taken back to the parent Councils of the Joint Committee for their consideration.

2.0 Recommendations - Ngā Tūtohunga

That the Napier-Hastings Future Development Strategy Joint Committee receive the report titled Napier-Hastings Future Development Strategy Joint Committee Terms of Reference dated 27 April 2023.

Attachments:

1 

FDS Joint Committee Terms of Reference

CG-17-27-00001

Terms of Reference for the Napier-Hastings Future Development Strategy Joint Committee

December 2022

1. Context and Partnership

The Future Development Strategy (FDS) is a requirement under the National Policy Statement on Urban Development 2020 (NPS-UD). It is a long-term strategic plan that requires local authorities to set out how they will achieve well-functioning urban environments, provide at least sufficient development capacity and integrate planning decisions with infrastructure planning and funding decisions.

The Terms of Reference will provide a framework for the development of the Future Development Strategy (FDS) to be adopted by the Hawke's Bay Regional Council, the Napier City Council and the Hastings District Council.

The NPS-UD requires that the FDS be informed by "*Māori, and in particular tangata whenua, values and aspirations for urban development.*" Appropriate Māori contribution at governance, executive and technical levels will be key in developing a strategy and set of related implementation tools and partnerships that provide for Māori aspirations and that incorporate Māori values and cultural and environmental enablers and constraints. Direction is also needed from Māori as to how they wish to engage in the development of the FDS. This approach is consistent with the broader partnership approach to working with Māori that the councils have committed to. These Terms of Reference provides for governance level input from Mana Whenua within the FDS study area via representatives appointed by Post Settlement Governance Entities with statutory acknowledgement (within the study area).

Principles underlying the application of this partnership approach to the FDS include:

- Partnership with Māori who will take a key role in decision-making from the outset;
- Resourcing of Māori technical support to enable Māori governance members to make informed decisions;
- Recognising that Te Mana O Te Wai is a key guiding direction in undertaking spatial planning;
- Acting in good faith by working collaboratively;
- Undertaking a co-operative and co-ordinated approach to contributing to the FDS development
- Partners discuss and resolve issues in an open and constructive manner without any feeling of coercion or undue pressure;
- Willingness to resolve issues and develop a collaborative approach for the benefit of the Hastings and Napier communities;
- One team approach to information sharing across all partners;

- Open sharing of information between the partners so all parties have the same information on which to base discussions and associated decision-making; and,
- Commitment to evidence-based research and mātauranga Māori being utilised in the development of the FDS along with relevant previous work and thinking.

2. Definitions

For the purpose of these Terms of Reference:

- "**Act**" means the Local Government Act 2002.
- "**Administering Authority**" means the Authority appointed to provide administrative support to the Joint Committee, initially and until it changes, the Hastings District Council.
- "**FDS**" means the Future Development Strategy for the Napier-Hastings Urban Environment as required under the National Policy Statement on Urban Development (2020), refer to Appendix 1 for project background information.
- "**Joint Committee**" means the group set up to recommend both draft and final strategies to each Partner Council.
- "**Mana Whenua representative(s)**" means a person appointed as a representative by a named Post Settlement Governance Entity (PSGE).
- "**Napier-Hastings Urban Environment**" has the meaning as set out in the National Policy Statement on Urban Development (2020)
- "**NPS-UD**" means the National Policy Statement on Urban Development (2020)
- "**Partner Council**" means a Local Authority with responsibility to prepare the FDS for the Napier-Hastings Urban Environment under the National Policy Statement on Urban Development (2020) that will be a full participant in the FDS Project with full representation rights on the Napier-Hastings Future Development Strategy Joint Committee that is the subject of this document.
- "**Project Executive**" means the group of senior staff from the Partner Councils together with any other co-opted or appointed personnel established to manage and advise the FDS development process.
- "**Representative(s)**" means the Mayor or Regional Council Chairperson or councillor or councillors of a Partner Council, that have been resolved by the Partner Council to be a representative or alternate representative on the Napier-Hastings Future Development Strategy Joint Committee.
- "**Statutory Acknowledgement**" means an acknowledgement made to a Post Settlement Governance Entity in Claims Settlement Legislation.
- "**Study Area**" means the land area being assessed as part of the development of the FDS, being land that is already part of the Napier-Hastings Urban Environment or land that may significantly influence or be considered for inclusion as part of the future form of the Napier-Hastings Urban Environment.
- "**TAG**" means the Technical Advisory Group set up to provide technical input, advice and oversight into the development of the Napier-Hastings Future Development Strategy.

3. Name and Status

- 3.1 The Committee shall be known as the Napier-Hastings Future Development Strategy Joint Committee.
- 3.2 The Napier-Hastings Future Development Strategy Joint Committee is a joint standing committee under clause 30(1)(b) of Schedule 7 of the Act.

4. Parties, Partner Councils and Representation

- 4.1 Each of the following local authorities is a Partner Council of the Napier-Hastings Future Development Strategy Joint Committee and a party to these Terms of Reference:
 - Hastings District Council
 - Napier City Council
 - Hawke's Bay Regional Council
- 4.2 Each Partner Council is to be represented on the Napier-Hastings Future Development Strategy Joint Committee by two persons, being two elected persons. In addition to these representatives, each Partner Council shall be entitled to appoint one alternative representative to act as a representative should either of the appointed representatives not be available.
- 4.3 The Partner Councils agree that out of the six representatives that they between them appoint to the Joint Committee, at least one of those representatives shall be a full member of the Hawke's Bay Regional Transport Committee.
- 4.4 Under clause 30(9) Schedule 7 of the Act, the powers to discharge any representative on the Napier-Hastings Future Development Strategy Joint Committee and appoint their replacement shall be exercisable only by the Partner Council that appointed the representative being discharged.
- 4.5 In addition to the representatives of the Partner Councils, provision is made for mana whenua representation on the Joint Committee. Each of the following Post Settlement Governance Entities (PSGE), having statutory acknowledgement for consenting matters in respect of part of the FDS study area, shall be entitled to, should they wish to so do, appoint two representatives and an alternate representative to the Joint Committee:
 - Heretaunga Tamatea Settlement Trust
 - Mana Ahuriri Trust
 - Maungaharuru-Tangitū Trust
- 4.6 By adopting these Terms of Reference the Partner Councils make provision for these Mana Whenua representatives, two to be appointed by each of the named PSGEs and, further, delegate that power of appointment to each of the respective PSGEs. Appointments under this clause become effective when notified by the appointing PSGE to the Chief Executive of the Administering Authority.

- 4.7 The power to discharge any Mana Whenua Representative and appoint his or her replacement shall lie with the PSGE that appointed the representative.
- 4.8 Mana Whenua representatives are appointed in the spirit of partnership and in order to assist the Partner Councils and the Joint Committee in giving effect to the requirements of the NPS-UD with respect to the Napier-Hastings Urban Environment, including the requirement for the FDS to be informed by the values and aspirations of Māori, and in particular tangata whenua, for urban development.

5. Purpose of Terms of Reference

- 5.1 The purpose of these Terms of Reference is to:
1. Provide for the administrative arrangements of the Napier-Hastings Future Development Strategy Joint Committee as detailed in Appendix 2.
 2. Define the responsibilities of the Napier-Hastings Future Development Strategy Joint Committee as delegated by the Partner Councils under the Act.

6. Delegated authority

- 6.1 The Napier-Hastings Future Development Strategy Joint Committee has the responsibility delegated by the Partner Councils for:
- Considering engagement and consultation feedback gained through the FDS communication and engagement process and providing direction on the development of the draft FDS,
 - Considering feedback provided through elected member workshops,
 - Considering and recommending the draft FDS to each of the partner councils for public notification,
 - Providing governance oversight and direction as required to the FDS work programme,
 - Hearing and considering submissions on the draft strategy and making appropriate recommendations to the partner councils,
 - Considering and recommending a final strategy to each of the partner councils for approval
- 6.2 The Napier-Hastings Future Development Strategy Joint Committee shall in its work and decision-making give effect to the National Policy Statement on Urban Development (2020) and such other statutory provisions relevant to the preparation of the Napier-Hastings Future Development Strategy.

7. Powers not delegated

- 7.1 Any power that cannot be delegated in accordance with clause 32 Schedule 7 of the Local Government Act 2002.
- 7.2 The determination of funding for implementing the FDS.

8. Remuneration

- 8.1 Each Partner Council of the Napier-Hastings Future Development Strategy Joint Committee shall be responsible for remunerating its representatives on the Joint Committee and for the cost of those persons' participation in the Joint Committee.
- 8.2 Each Mana Whenua representative to the Joint Committee shall be entitled to a meeting fee of \$465 per meeting to be funded in equal one third shares by the Partner Councils. This fee is based on the policy on External Appointments to Committees and Subcommittees of the initial Administering Authority for the Joint Committee (the Hastings District Council) and the extant Remuneration Authority Determination for Local Government Members. The fee will be reviewed **and adjusted** based on reviews of the Determination carried out by the Remuneration Authority and of the policy carried out by the Administering Authority.
- 8.3 Should the Joint Committee determine to hold workshops, each Mana Whenua representative to the Joint Committee shall be entitled to a payment of \$93 per hour for time spent attending workshops, to be funded in equal one third shares by the Partner Councils. This payment is based on the policy on External Appointments to Committees and Subcommittees of the initial Administering Authority for the Joint Committee (the Hastings District Council) and the extant Remuneration Authority Determination for Local Government Members. The fee will be reviewed **and adjusted** based on reviews of the Determination carried out by the Remuneration Authority and of the policy carried out by the Administering Authority.

9. Meetings

- 9.1 The standing orders adopted by the Administering Authority (based on the LGNZ model standing orders) as modified by any specific provisions of these Terms of Reference will be used to conduct Joint Committee meetings as if the Napier- Hastings Future Development Strategy Joint Committee were a local authority and the principal administrative officer of the Administering Authority or their nominated representative were its principal administrative officer.
- 9.2 The Napier Hastings Future Development Strategy Joint Committee shall hold all meetings at such frequency, times and place(s) as scheduled by the Administering Authority for the performance of the functions, duties and powers delegated under these Terms of Reference.
- 9.3 The membership of the Joint Committee shall be 12 if representatives are appointed by all PSGEs. In accordance with clause 30A of Schedule 7 of the Local Government Act 2002, the quorum shall be half the members if an even number of representatives are appointed and a majority of members if an uneven number of members is appointed, provided that at least one representative from each Partner Council shall be present.
- 9.4 Attendance via audio-visual means is permitted where necessary however in-person attendance is encouraged wherever possible. Members who attend meetings by electronic link will not be counted as present for the purposes of

a quorum (cl. 25A(4) Schedule 7 LGA); however where a meeting has a quorum, determined by the number physically present, the member/s attending by electronic link can vote on any matters raised at the meeting.

10. Voting

- 10.1 In accordance with clause 32(4) Schedule 7 of the Act, at meetings of the Napier-Hastings Future Development Strategy Joint Committee each Partner Council's representatives and the Mana Whenua representatives have full authority to vote and make decisions within the delegations of these Terms of Reference on behalf of that Partner Council or PSGE without further recourse to that Partner Council or PSGE.
- 10.2 Each representative, including the Committee Chairperson, has one vote.
- 10.3 The Chairperson has a deliberative vote but does not have a casting vote.

11. Election of Chairperson and Deputy Chairperson

- 11.1 On the formation of the Napier-Hastings Future Development Strategy Joint Committee the representatives shall elect a Joint Committee Chairperson and may elect a Deputy Chairperson. Both the Chairperson and Deputy Chairperson are to be selected from among the representatives appointed to the Joint Committee.
- 11.2 The mandate of the appointed Chairperson or Deputy Chairperson ends if that person through resignation or otherwise ceases to be a member of the Napier-Hastings Future Development Strategy Joint Committee.

12. Reporting

- 12.1 All reports to the Committee shall be presented via the Project Executive, TAG or from the Committee Chairperson.
- 12.2 The Partner Councils have also appointed lead consultants to assist with preparation of the FDS. The consultants will report, via the Project Executive, to the Committee from time to time.
- 12.3 Following each meeting of the Joint Committee, the Chair of the Project Executive shall prepare a summary report of the business considered at the meeting and submit that report, for information, to each Partner Council authority and participating PSGE. Such reports will be in addition to any formal minutes prepared by the Administering Authority.

13. Good faith

- 13.1 In the event of any circumstances arising that were unforeseen by the Partner Councils or their representatives at the time of adopting these Terms of Reference, the Partner Councils and their representatives hereby record their intention that they will negotiate in good faith to add to or vary these Terms of Reference so as to resolve the impact of those circumstances in the best interests collectively of the Partner Councils taking into account also the views of the PSGEs and the Mana Whenua representatives in relation to those circumstances.

14. Variations

- 14.1 Any Partner Council or any member of the Joint Committee may propose a variation, deletion or addition to the Terms of Reference by putting the wording of the proposed variation, deletion or addition to a meeting of the Joint Committee.
- 14.2 Once a proposed variation, deletion or addition to these Terms of Reference has been put to the Joint Committee, these Terms of Reference is amended only after each Partner Council has adopted the revised Terms of Reference giving effect to the proposed variation, deletion or addition.
- 14.3 Notwithstanding clause 13.2, the Joint Committee may amend the Terms of Reference, where the changes will not materially affect the commitment of any individual Partner Council.

15. Adopted and agreed by

Hastings District Council

Napier City Council

Hawke's Bay Regional Council

Thursday, 27 April 2023

Item 7

A Joint Committee of the Hawke's Bay Regional Council, Napier City Council and Hastings District Council - Administered by Hastings District Council
Napier-Hastings Future Development Strategy Joint Committee

Te Rārangi Take

Report to Napier-Hastings Future Development Strategy Joint Committee

Nā:
From: **Ross McLeod, Director: Future Growth Unit**

Te Take:
Subject: **Future Development Strategy Introduction and Overview**

1.0 Executive Summary – Te Kaupapa Me Te Whakarāpopototanga

- 1.1 The Future Development Strategy (FDS) is a requirement of the National Policy Statement: Urban Development 2020 (NPSUD) which requires the Hawke's Bay Regional Council, Napier City Council and Hastings District Council (the councils) to prepare a 30-year growth strategy for the Napier-Hastings Tier 2 Urban Environment
- 1.2 Attached to this report is an overview report that outlines the scope and purpose of the FDS, the work to be undertaken in preparation of the FDS, a summary of background and contextual information and the approach proposed to be taken to strategy preparation and stakeholder and community engagement. Also included in the report is comment on Cyclone Gabrielle on the FDS preparation process and related proposed adjustments to the FDS programme.
- 1.3 It is intended that a presentation and workshop style discussion will be held to enable committee member to discuss and explore these matters. At the conclusion of this discussion, the Committee will be asked give direction on a number of related issues, including
 - Feedback on draft objectives for the FDS
 - Proposed programme and timeframe and related advice to Government/Ministers

- Proposed approach to Māori, stakeholder and community engagement.

1.4 Recommendations to aid the committee in addressing these matters are set out below.

2.0 Recommendations - *Ngā Tūtohunga*

- A) That the Napier-Hastings Future Development Strategy Joint Committee receive the report titled Future Development Strategy Introduction and Overview dated 27 April 2023.
- B) That the Committee provide feedback on the draft Future Development Strategy objectives.
- C) That the Committee provide feedback on the proposed approaches to engagement.
- D) That the Committee:
 - i. Notes the impact of Cyclone Gabrielle on the communities of the Napier-Hastings area and their ability to engage with preparation of the Future Development Strategy.
 - ii. Approves a modified programme for the Future Development Strategy which will see the Final Strategy adopted by end October 2024, noting that sufficient work will have been completed by end June 2024 to influence Council Long-Term Plans as required under the National Policy Statement on Urban Development.
 - iii. Requests the Chief Executive of the Administering Authority to write to the appropriate Government Minister(s) advising of the impacts of Cyclone Gabrielle and the proposed programme and timeframes.

Attachments:

- 1 [↓](#) Napier Hastings Future Development Strategy Overview CG-17-27-00003

