

Notice is hereby given that an ordinary meeting of the Horowhenua District Council will be held on:

**Date:** Wednesday 2 October 2019  
**Time:** 4.00 pm  
**Meeting Room:** Council Chambers  
**Venue:** 126-148 Oxford St  
Levin

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## Council OPEN AGENDA

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### MEMBERSHIP

<b>Mayor</b>	Mr Michael Feyen	
<b>Deputy Mayor</b>	Mr Wayne Bishop	
<b>Councillors</b>	Mr Ross Brannigan	
	Mr Ross Campbell	
	Mr Neville Gimblett	
	Mr Barry Judd	
	Mrs Victoria Kaye-Simmons	
	Mrs Jo Mason	
	Mrs Christine Mitchell	
	Ms Piri-Hira Tukapua	
	Mr Bernie Wanden	
<b>Reporting Officer</b>	Mr Mark Lester	(Group Manager – Corporate Services)
<b>Meeting Secretary</b>	Mrs Karen Corkill	

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Website: [www.horowhenua.govt.nz](http://www.horowhenua.govt.nz)

**Full Agendas are available on Council's website**  
[www.horowhenua.govt.nz](http://www.horowhenua.govt.nz)

**Full Agendas are also available to be collected from:**  
**Horowhenua District Council Service Centre, 126 Oxford Street, Levin**  
**Te Awahou Nieuwe Stroom, Foxton,**  
**Shannon Service Centre/Library, Plimmer Terrace, Shannon**  
**and Te Takeretanga o Kura-hau-pō, Bath Street, Levin**



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**1 Apologies**

**2 Public Participation**

Notification to speak is required by 12 noon on the day of the meeting. Further information is available on [www.horowhenua.govt.nz](http://www.horowhenua.govt.nz) or by phoning 06 366 0999.

See over the page for further information on Public Participation.

**3 Late Items**

To consider, and if thought fit, to pass a resolution to permit the Council to consider any further items which do not appear on the Agenda of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987, and the Chairperson must advise:

- (i) The reason why the item was not on the Agenda, and
- (ii) The reason why the discussion of this item cannot be delayed until a subsequent meeting.

**4 Declarations of Interest**

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.

**5 Confirmation of Minutes**

**5.1 Meeting minutes Council, 11 September 2019**

**6 Announcements**

International Representation Grant

International Representation Grant recipient, Jorja Dustin will report on her attendance at a leadership camp in Hong Kong in July 2019.

FCB Update

There will be a regular update on behalf of the Foxton Community Board.

Public Participation (further information):

The ability to speak at Council and Community Board meetings provides the opportunity for members of the public to express their opinions/views to Elected Members as they relate to the agenda item to be considered by the meeting.

Speakers may (within the time allotted and through the Chairperson) ask Elected Members questions as they relate to the agenda item to be considered by the meeting, however that right does not naturally extend to question Council Officers or to take the opportunity to address the public audience be that in the gallery itself or via the livestreaming. Council Officers are available to offer advice too and answer questions from Elected Members when the meeting is formally considering the agenda item i.e. on completion of Public Participation.

Meeting protocols

1. All speakers shall address the Chair and Elected Members, not other members of the public be that in the gallery itself or via livestreaming.
2. A meeting is not a forum for complaints about Council staff or Council contractors. Those issues should be addressed direct to the CEO and not at a Council, Community Board or Committee meeting.
3. Elected members may address the speaker with questions or for clarification on an item, but when the topic is discussed Members shall address the Chair.
4. All persons present must show respect and courtesy to those who are speaking and not interrupt nor speak out of turn.
5. Any person asked more than once to be quiet will be asked to leave the meeting

# Proceedings of the Community Funding and Recognition Committee 18 September 2019

File No.: 19/413

## 1. Purpose

To present to the Council the minutes of the Community Funding and Recognition Committee meeting held on 18 September 2019.

## 2. Recommendation

- 2.1 That Report 19/413 Proceedings of the Community Funding and Recognition Committee 18 September 2019 be received.
- 2.2 That the Council receives the minutes of the Community Funding and Recognition Committee meeting held on 18 September 2019.
- 2.3 That this matter or decision is recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.4 That the Horowhenua District Council ratifies the Round 1 2019/2020 Grant Allocations as follows:

<b>Community Development Grants</b>	
Lions Club of Foxton	\$1,000.00
Wrapped With Nature Market	\$1,462.20
Horowhenua Breathe Easy Support Group	\$300.00
Horowhenua Junior Touch	\$1,320.00
The Horowhenua Hearing Association Inc.	\$1,000.00
Levin Christian Care Trust t/a Living Well Counselling Centre	\$2,000.00
Alzheimers Society Manawatu Incorporated	Nil
The Parkinson's New Zealand Charitable Trust	\$2,500.00
Birthright Levin Inc.	\$500.00
Cancer Society of NZ Central Manawatu Centre Inc	Nil
Horowhenua SuperGrans (now known as Skills for Life)	\$3,000.00
Foxton Historical Society Inc.	\$1,000.00
Contact Incorporated	\$1,500.00
Citizens Advice Bureau Levin	\$3,200.00
Wildlife Foxton Trust	\$1,900.00
Horowhenua Kamarurung Trust	\$2,925.00
Shannon Christian FoodBank	\$2,500.00 No payment until accountability forms have been supplied and new budget required
Horowhenua District Neighbourhood Support Inc	\$1,000.00
Whenua Fatales Roller Derby League Incorporated	Nil
Horowhenua College	Nil
English Language Partners New Zealand Trust - Horowhenua Kapiti Branch	\$600.00

Waitarere Beach Progressive Association	\$3,000.00
Menzshed Foxton Inc	\$2,500.00
Levin Group Of Riding For The Disabled	\$2,000.00
Manawatu College	Nil
Manawatu Mounted Games Association	\$793.00
Horowhenua Kapiti Rugby Football Union	Nil
Foxton Tourism and Development Association	\$713.00
Encounter Levin	\$3,000.00
Age Concern Horowhenua	\$1,760.00
The Vintage Car Club of NZ (Horowhenua Branch) Incorporated	\$2,000.00
Pounamu Country Music Club	\$2,000.00
Royal New Zealand Plunket Trust	Nil
Muaūpoko Tribal Authority	\$3,000.00
Children's Day Event Committee	\$1,575.00
Sing Out Levin Community Choir	\$500.00

<b>Communication Consultation Grants</b>	
Waikawa Beach Ratepayers Association	\$600.00
Foxton Beach Progressive Association	\$600.00 No payment until accountability forms have been supplied and new budget required
Waitarere Beach Progressive Association	\$600.00
Horowhenua District Ratepayers & Residents Association	\$600.00

<b>Rural Halls Grant</b>	
Poroutawhao Christian Assembly	\$2,531.15
Moutoa Community Hall	\$695.00
Koputaroa Hall Society	\$695.40
Mangore Village Residents Association	\$10,110.00 Approve subject to a full comprehensive budget being provided
Tokomaru Hall Society	\$14,465.00 Approve subject to supplying Horowhenua based contractor comparable quotes within 1 month

<b>Vibrant Communities Grant</b>	
<i>Te Rangamaro</i>	Nil
<i>Alzheimers Manawatu</i>	Nil
<i>Leisa Williams</i>	\$3,864.00
<i>IHC Horowhenua</i>	\$4,500.00
<i>Shannon Country Christmas Carnival</i>	\$638.91



### 3. Issues for Consideration

Council's ratification is sought for the above grants.

### Attachments



There are no attachments for this report.

#### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

### Signatories

Author(s)	Neil Hirini <b>Community Development Advisor</b>	
Approved by	Cathryn Pollock <b>Community &amp; Youth Development Manager</b>	

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# Community Funding and Recognition Committee

## OPEN MINUTES

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Minutes of a meeting of Community Funding and Recognition Committee held in the Horowhenua Room, 126-148 Oxford St, Levin, on Wednesday 18 September 2019 at 4:15pm.

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### PRESENT

**Chairperson** Cr R H Campbell  
**Members** Cr J F G Mason  
Cr P Tukapua  
Cr B P Wanden

### IN ATTENDANCE

**Reporting Officer** Mrs C Pollock (Community & Youth Development Manager)  
Mr N Hirini (Community Development Advisor)

### ALSO IN ATTENDANCE

Mayor M Feyen  
Ms K Stewart (Community Development Advisor)

### 1 Apologies

An apology was recorded for Chairperson, Cr Gimblett.

### 2 Declarations of Interest

Cr Mason – Board member of Horowhenua SuperGrans and is also the Councillor appointed to Horowhenua District Neighbourhood Support.

Cr Campbell – Mangaore Village Residents Association

### 3 Confirmation of Minutes

MOVED by Cr B Wanden, seconded: Cr R Campbell

*THAT the minutes of the meeting of the Community Funding and Recognition Committee held on 28 August 2019 be confirmed as a true and correct record.*

**CARRIED**

## 4 H2040 and Partnership Development

### 4.1 Community Funding and Recognition Committee Round 1 2019/2020 Grant Allocation

#### Purpose

The purpose of this report is to present the Round 1 2019 / 2020 grant applications and Officer recommendations to the Community Funding & Recognition Committee for consideration. Grant applications are being considered from the following grant funds:

- Community Development Grant
- Community Consultation Grant
- Rural Halls Grant
- Vibrant Communities Grant

[MOVED by Cr B Wanden, seconded: Cr J Mason]

*THAT Report 19/371 on Community Funding and Recognition Committee Round 1 2019/2020 Grant Allocation be received.*

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

**CARRIED**

[MOVED by Cr P Tukapua, seconded: Cr J Mason]

*THAT the Horowhenua District Council ratifies the Round 1 2019/2020 Grant Allocations as follows:*

**CARRIED**

#### (i) Consideration of Community Development Grants

MOVED by Cr P Tukapua, seconded: Cr J Mason

*THAT the final Community Development Grant allocations be as follows:*

<i>Lions Club of Foxton</i>	\$1,000.00
<i>Wrapped With Nature Market</i>	\$1,462.20
<i>Horowhenua Breathe Easy Support Group</i>	\$300.00
<i>Horowhenua Junior Touch</i>	\$1,320.00
<i>The Horowhenua Hearing Association Inc.</i>	\$1,000.00
<i>Levin Christian Care Trust t/a Living Well Counselling Centre</i>	\$2,000.00
<i>Alzheimers Society Manawatu Incorporated</i>	Nil
<i>The Parkinson's New Zealand Charitable Trust</i>	\$2,500.00
<i>Birthright Levin Inc.</i>	\$500.00
<i>Cancer Society of NZ Central Manawatu Centre Inc</i>	Nil
<i>Horowhenua SuperGrans (now known as Skills for Life)</i>	\$3,000.00
<i>Foxton Historical Society Inc.</i>	\$1,000.00
<i>Contact Incorporated</i>	\$1,500.00
<i>Citizens Advice Bureau Levin</i>	\$3,200.00
<i>Wildlife Foxton Trust</i>	\$1,900.00
<i>Horowhenua Kamarurung Trust</i>	\$2,925.00
<i>Shannon Christian FoodBank</i>	\$2,500.00

	<i>No payment until accountability forms have been supplied and new budget required</i>
<i>Horowhenua District Neighbourhood Support Inc</i>	\$1,000.00
<i>Whenua Fatales Roller Derby League Incorporated</i>	Nil
<i>Horowhenua College</i>	Nil
<i>English Language Partners New Zealand Trust - Horowhenua Kapiti Branch</i>	\$600.00
<i>Waitarere Beach Progressive Association</i>	\$3,000.00
<i>Menzshed Foxton Inc</i>	\$2,500.00
<i>Levin Group Of Riding For The Disabled</i>	\$2,000.00
<i>Manawatu College</i>	Nil
<i>Manawatu Mounted Games Association</i>	\$793.00
<i>Horowhenua Kapiti Rugby Football Union</i>	Nil
<i>Foxton Tourism and Development Association</i>	\$713.00
<i>Encounter Levin</i>	\$3,000.00
<i>Age Concern Horowhenua</i>	\$1,760.00
<i>The Vintage Car Club of NZ (Horowhenua Branch) Incorporated</i>	\$2,000.00
<i>Pounamu Country Music Club</i>	\$2,000.00
<i>Royal New Zealand Plunket Trust</i>	Nil
<i>Muaūpoko Tribal Authority</i>	\$3,000.00
<i>Children's Day Event Committee</i>	\$1,575.00
<i>Sing Out Levin Community Choir</i>	\$500.00

**CARRIED**

**(ii) Consideration of Community Consultation Grants**

MOVED by Cr B Wanden, seconded Cr P Tukapua:

*THAT the final allocations of the Community Consultation Grants be as follows:*

<i>Waikawa Beach Ratepayers Association</i>	\$600.00
<i>Foxton Beach Progressive Association</i>	\$600.00
	<i>No payment until accountability forms have been supplied and new budget required</i>
<i>Waitarere Beach Progressive Association</i>	\$600.00
<i>Horowhenua District Ratepayers &amp; Residents Association</i>	\$600.00

**CARRIED**

**(iii) Consideration of Rural Halls Grant**

MOVED by Cr B Wanden , seconded Cr J Mason:

*THAT the final allocations of the Rural Halls Grants be as follows:*

<i>Poroutawhao Christian Assembly</i>	\$2,531.15
<i>Moutoa Community Hall</i>	\$695.00
<i>Koputaroa Hall Society</i>	\$695.40
<i>Mangore Village Residents Association</i>	\$10,110.00 <i>Approve subject to a full comprehensive budget being provided</i>
<i>Tokomaru Hall Society</i>	\$14,465.00 <i>Approve subject to supplying Horowhenua based contractor comparable quotes within 1 month</i>

**CARRIED**

**(iv) Consideration of Vibrant Communities Grant**

MOVED by Cr J Mason, seconded Cr P Tukapua :

*THAT the final allocations of the Vibrant Communities Grants be as follows:*

<i>Te Rangamaro</i>	Nil
<i>Alzheimers Manawatu</i>	Nil
<i>Leisa Williams</i>	\$3,864.00
<i>IHC Horowhenua</i>	\$4,500.00
<i>Shannon Country Christmas Carnival</i>	\$638.91

**CARRIED**

4.48 pm

There being no further business, the Chairperson declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD  
AT A MEETING OF THE COMMUNITY FUNDING  
AND RECOGNITION COMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....



# Proceedings of the Foxton Community Board 23 September 2019

File No.: 19/410

## 1. Purpose

To present to the Council the minutes of the Foxton Community Board meeting held on 23 September 2019.

## 2. Recommendation

- 2.1 That Report 19/410 Proceedings of the Foxton Community Board 23 September 2019 be received.
- 2.2 That the Council receives the minutes of the Foxton Community Board meeting held on 23 September 2019.

## 3. Issues for Consideration

There are no items considered by the Foxton Community Board that require further consideration by Council.

## Attachments

There are no attachments for this report.

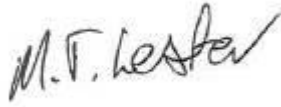
### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

## Signatories

Author(s)	Mark Lester <b>Group Manager - Corporate Services</b>	
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Approved by	Mark Lester <b>Group Manager - Corporate Services</b>	
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# Foxton Community Board

## OPEN MINUTES

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Minutes of a meeting of the Foxton Community Board held in the Blue Room, Te Awahou Nieuwe Stroom, 92 Main Street, Foxton, on Monday 23 September 2019 at 6.00 pm.

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### PRESENT

**Chairperson** Mr D J Roache  
**Deputy Chairperson** Ms P R Metcalf  
**Members** Mr D A Allan  
Cr N G Gimblett  
Mr J F Girling  
Ms J M Lundie

### IN ATTENDANCE

**Reporting Officer** Mr M J Lester (Group Manager – Corporate Services)  
**Meeting Secretary** Mrs K J Corkill

### ALSO IN ATTENDANCE

Mayor M Feyen (to 6.55 pm)  
Cr R J Brannigan

### PUBLIC IN ATTENDANCE

There were nine members of the public in attendance at the commencement of the meeting.

#### 1 Apologies

An apology was recorded for Student Appointee, Kenyon Hunia.

MOVED by Cr Allan, seconded Cr Girling:

*THAT the apology from Kenyon Hunia be accepted.*

**CARRIED**

#### 2 Public Participation

Cr Brannigan 7.1 Monitoring Report  
- *Increasing Parking capacity in Thomas Place*

Mayor Feyen 7.1 Monitoring Report  
7.2 Reporting Officer's Report



- Rosalie Huzziff 7.2 Reporting Officer's Report  
– 3.1 *Foxton Pools*
- Ted Melton 7.1 Monitoring Report  
- *Increasing Parking capacity in Thomas Place (page 9)*  
- *17/39 – Reserves Investment Plan Review*  
- *19/7 - Update on Foxton Beach Foredunes*  
- *19/150 - Proposal for New Carpark Design near Pump Track*  
- *19/162 – Holben Reserve Wetland Development*
- 7.2 Reporting Officer's Report  
- *3.2 – Foxton Growth Area Master Plan*  
- *3.3 – National Policy Statements*  
- *3.4 – Climate Change Response – MOU*  
- *3.5 – Foxton Beach Community Plan*

### 3 Late Items

There were no late items.

### 4 Declarations of Interest

There were no declarations of interest.

### 5 Confirmation of Minutes

MOVED by Ms Metcalf, seconded Mr Girling:

*THAT the minutes of the meeting of the Foxton Community Board held on Monday, 29 July 2019, be confirmed as a true and correct record.*

**CARRIED**

### 6 Announcements

#### Horowhenua District Council Update

In his HDC update, Cr Gimblett highlighted three significant issues for the district, not necessarily just for Foxton. These were:

- the issue of housing, with Council having had a few workshop and was now working with other groups and agencies to see what could be done to improve timelines, particularly with regard to affordable housing;
- National Policy Statements, including one on the use of highly productive land and what impact that could have on the Horowhenua;
- an Horizons Regional Council Plan Change which aimed to reduce the nitrogen leaching into waterways.

Other than that, the relevant issues for Foxton were in the Agenda.

Responding to a query, Cr Gimblett said he did not have a list of the groups and agencies Council was working with in relation to housing, but it did include WINZ, Government agencies and something as simple as just talking to people and providing facilitation services to ensure everyone got the benefits they were entitled to and talking to builders and developers with regard to how Council could improve its planning processes.

With regard to what could happen to the district's growth factoring in the uncertainty of the expressway, Cr Gimblett said it would only be conjecture but further advice had become available on proposed growth which had exceeded what had been anticipated a year or two ago.

Commenting further on the issue of the district's growth, Mr Lester said that Council had in 2017/18 received advice through Sense Partners on projected growth and that was currently being reviewed as information received from Statistics New Zealand had shown that growth had outstripped original predictions by about 2%.

#### Update from the FCB Chair

Mr Roache commented:

- Marketing Meeting  
A very positive marketing meeting had been held including Cathy McCartney, FTDA and Proudly Foxton, and Council's Marketing Specialist for Te Awahou Riverside Cultural Park, Arjan van der Boon. He had hoped that there would be an update on the marketing plan for this meeting, but had been advised it was a little premature and should be available for the next FCB meeting.
- Destinations Stand at Mystery Creek  
Cathy McCartney and Council Officers had attended the New Zealand Motor Home Caravan & Leisure Show at Mystery Creek promoting the Horowhenua, Foxton and Foxton Beach as a destination. The weekend had been a great success, speaking and meeting with more than 2,500 people. Mr Roache said he would circulate the email he had received from Cathy McCartney on the event.
- East Drainage Scheme  
Following the increase in his Horizons rates re the East Drainage Scheme, he had met with CE, David Clapperton, and had a meeting scheduled for tomorrow morning with Horizons CE, Michael McCartney, to query the East Drainage Scheme plans. He would keep people informed as to what was happening following his meeting at HRC.
- Memorial Hall  
A public meeting for consultation with the community on the proposed sale of the Foxton Memorial Hall was to be held on 12 October, 2.00 pm at the Hall.
- Thank you  
With this being the final meeting of the FCB for this triennium, he thanked his fellow Board Members, Council Officers and staff, and members of the public for their support over the past three years. He also wished candidates all the best in the coming elections.

#### Foxton Beach Progressive Association Inc Update

Mr Melton tabled an Activities Summary for the FBPAI for Mid-2019 to Mid-2020, giving a more in depth explanation with regard to its various components and responded to queries from Board Members. Responding to a question in relation to the membership of the FBPAI, Mr Melton said current paid up membership was approximately 70.

## **7 Reports**

### **7.1 Monitoring Report to 23 September 2019**

#### **Purpose**

To present to Foxton Community Board the updated monitoring report covering requested actions from previous meetings of the Community Board.

MOVED by Mr Allan, seconded Ms Metcalf:

*THAT Report 19/276 Monitoring Report to 23 September 2019 be received.*

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

**CARRIED**

### Public Participation

Speaking to the Thomas Place parking item, Cr Brannigan raised the length of time that this had been on the Monitoring Report and his concerns about the lack of progress because of safety issues in Thomas Place at peak times, with the school roll currently standing at 200 and increasing. The issue appeared to be funding, but the report was vague when it came to detail. It appeared there was some NZTA funding available, but there was an issue with the balance. He suggested that this could be something the Board or a working party could look to progress as soon as possible after the election, including looking at using FB Freeholding Account funds. As it was a health and safety issue, it was queried if the MoE may have some funding available.

Summarising the Officer Comment in the report, Mr Lester said that in total the project would be approximately \$50,000. \$20,000 of the work was within Council's road reserve and would attract NZTA funding. The remaining work (a \$30,000 funding gap) was within the school grounds and he was unsure if the school had approached the MoE for funding.

Responding to a query as to why the Board had not seen the plans, Mr Lester said the Board would not normally be involved in the detailed design, but Officers had been looking for direction from the Board as to what steps might be taken in terms of funding, including if there was support for using funds from the FB Freeholding Account.

Recommending to the in-coming Board that this be made a priority was suggested. Mr Melton commented that as this was not in the 2019/20 Annual Plan it could not proceed this financial year but was something the new Board could take up particularly when it came to the possible use of Freeholding Fund monies.

Mayor Feyen commented on 16/16 Kings Canal and Purcell Street Stormwater Catchment and the diversion of water option being considered and also 14/674 Target Reserve saying there were some really exciting things happening there.

Mr Ted Melton covered the following: 17/39 Foxtton Beach Reserves Investment Plan; 19/7 Update FB Carpark Foreduke Works; 19/150 New Holben Carpark Design and 19/162 Holben Wetland Development, providing a hard copy summarising his comments (a copy of which is attached to the official minutes).

Mr Lester then provided a verbal response to pre-presented questions from Ms Metcalf on Monitoring Report items: 16/16 Kings Canal and Purcell Street Stormwater; 16/162 Holben Reserve Wetland Development; 19/7 – 3.5 Signage at Foxtton and Foxtton Beach and Update on the Proposed Foxtton Beach Carpark Foreduke Works; and Reporting Officer's Report items: 3.5 Foxtton Beach Community Plan and Foxtton Beach Freeholding Account (with regard to Heat Pumps in the FB School Hall): and responded to queries from Board members undertaking to email Board Members the information provided.

## **7.2 Reporting Officer's Report to 23 September 2019**

### **Purpose**

To present to the Foxtton Community Board, for information, issues relating to the Foxtton Community Board area.

MOVED by Mr Allan, seconded Ms Metcalf:

*THAT Report 19/277 Reporting Officer's Report to 23 September 2019 be received.*

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

**CARRIED**

### Public Participation

In his comments, Mayor Feyen covered:

- 3.2 'Te Wharangi' – Foxton Growth Area Master Plan – suggesting that the reference to Ngati Raukawa needed to be more specific with regard to hapu;
- 3.4 Climate Change Response – MOU – which he said he supported conceptually, but the implementation was another matter and was something that needed to be worked on;
- 3.5 Foxton Beach Community Plan – commenting favourably on the involvement of the Foxton Beach Progressive Association and the Association's leadership and aspirations.

In relation to 3.5 Foxton Beach Community Plan, there was a query as to why the FBPAI was leading this and not the Community Board.

Speaking on 3.1 Foxton Pools, Mrs Rosalie Huzziff raised the fact that there was no signage on SH1 directing people to the Foxton Pool. The only signage was in Main Street and she suggested that there needed to be clear signage on SH1, both at the north and south town boundaries, and the signs should be in white and blue.

Mr Melton spoke to:

- 3.2 'Te Wharangi' – Foxton Growth Area Master Plan – with the FPBAI keen to make a positive input, especially with regard to variety and sustainability;
- 3.3 Proposed National Policy Statements – applauding HDC for taking this seriously and consulting widely;
- 3.4 Climate Change Response – Memorandum of Understanding – the FBPAI was keen to engage in strategic 'conversations' with the Foxton Beach community;
- 3.5 Foxton Beach Community Plan – with there having been excellent work done by Officers, the feedback now being analysed prior to the Plan's first drafting.

Requesting that the report be taken as read, Mr Lester worked through the various items responding to queries from Board Members:

- 3.3 Proposed National Policy Statements  
It was acknowledged that these were a huge issue for the Horowhenua, particularly the Policy Statement on Highly Productive Land. Council was extremely concerned and whilst there was a short time frame for response, both Elected Members and Council Officers were working hard in the advocacy space and Council would also be considering its submissions at its meeting on 2 October.
- 3.5 Foxton Beach Community Plan  
With regard to whether Foxton would be having a Community Plan and who would be expected to drive that, he noted that at this point the result of the Foxton Futures Growth Provincial Growth Fund proposal was awaited. That work already covered off what would be included in a Community Plan for Foxton and the outcome of the PGF application would determine what further was required to progress a Plan for Foxton and who would drive it.

- 3.1 Foxton Pools  
Following from the successful opening, it was suggested that Officers should meet with pool users to put forward ideas for submission to the Annual Plan. Mr Lester said he would talk to the appropriate managers; however he noted that pool staff were engaging with pool users all the time and ideas were constantly being brought back to Council for consideration.  
Also noted was the fact that the hoist was now available to assist people in and out of the pool and that should be communicated to those who could be interested such as residents in retirement villages.
- 3.6 Foxton Beach Freeholding Account  
It was confirmed that the heat pumps had been installed at the Foxton Beach School Hall and the account had been received by Council.

**7.3 Resource Consenting (Planning) Matters Considered Under Delegated Authority**

**Purpose**

To present, **for information**, details of decisions made under delegated authority in respect of Resource Consenting (Planning) Matters.

MOVED by Mr Allan, seconded Mr Girling:

*THAT Report 19/278 Resource Consenting (Planning) Matters Considered Under Delegated Authority be received.*

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

**CARRIED**

Reporting on behalf of the Horse Drawn Tram Society, Mr Girling said that a Memorandum of Understanding had been signed between the Society and Council which provided for the use of the Te Awahou Cultural Park, there was a confirmed Health and Safety Plan in place, and a lease for the use of Council land.

Mr Allan extended a vote of thanks to David Roache for his contribution as Chair of the Foxton Community Board having led by example in keeping engaged and connected with the community during his tenure.

7.20 pm

There being no further business, the Chairperson declared the meeting closed.

IN ACCORDANCE WITH STANDING ORDER 27.4,  
CONFIRMED AS A TRUE AND CORRECT RECORD

**DATE:**.....

**CHAIRPERSON:**.....

**CHIEF EXECUTIVE:**.....



# Proceedings of the Finance, Audit & Risk Subcommittee 25 September 2019

File No.: 19/411

## 1. Purpose

To present to the Council the minutes of the Finance, Audit & Risk Subcommittee meeting held on 25 September 2019.

## 2. Recommendation

- 2.1 That Report 19/411 Proceedings of the Finance, Audit & Risk Subcommittee 25 September 2019 be received.
- 2.2 That the Council receives the minutes of the Finance, Audit & Risk Subcommittee meeting held on 25 September 2019.

## 3. Issues for Consideration

There are no items considered by the Finance, Audit & Risk Subcommittee that require further consideration by Council.

## Attachments


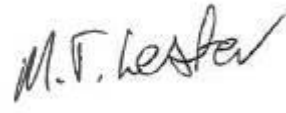
There are no attachments for this report.

### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

## Signatories

Author(s)	Doug Law Chief Financial Officer	
Approved by	Mark Lester Group Manager - Corporate Services	

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# Finance, Audit & Risk Subcommittee

## OPEN MINUTES

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Minutes of a meeting of the Finance, Audit & Risk Subcommittee held in the Council Chambers, Horowhenua District Council, Levin, on Wednesday 25 September 2019 at 4.00 pm.

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### PRESENT

**Chairperson** Cr B F Judd  
**Members** Cr R J Brannigan  
Cr R H Campbell  
Mayor M Feyen  
Cr N G Gimblett  
Cr V M Kaye-Simmons  
Cr C B Mitchell  
Cr P Tukapua  
Cr B P Wanden

### IN ATTENDANCE

**Reporting Officer** Mr D Law (Chief Financial Officer)  
Mr D M Clapperton (Chief Executive)  
Mr I McLachlan (Group Manager – Customer & Regulatory Services)  
Mr J Paulin (Finance Manager)  
Mr D O'Regan (Executive Assistant)  
Mrs A Huria (Project Coordinator – Strategy & Development)  
Ms A Parker (Executive Assistant to the Mayor)  
Mrs K J Corkill (Meeting Secretary)

### PUBLIC IN ATTENDANCE

There were four members of the public in attendance at the commencement of the meeting.

#### 1 Apologies

Apologies were recorded for Deputy Mayor Bishop and Cr Mason.

MOVED by Cr , seconded Cr :

*THAT the apologies from Deputy Mayor Bishop and Councillor Mason be accepted .*

**CARRIED**

#### 2 Public Participation

None requested.



### 3 Late Items

There were no late items.

### 4 Declarations of Interest

There were no declarations of interest.

### 5 Confirmation of Minutes

MOVED by Cr Campbell, seconded Cr Brannigan:

*THAT the minutes of the meeting of the Finance, Audit & Risk Subcommittee held on Wednesday, 28 August 2019, be confirmed as a true and correct record.*

**CARRIED**

### 6 Announcements

There were no announcements.

### 7 Reports

#### 7.1 Projects Update

##### Purpose

To provide the Finance, Audit and Risk Subcommittee with an update of the projects being undertaken by the Infrastructure Projects Team.

MOVED by Mayor Feyen, seconded Cr Kaye-Simmons:

*THAT Report 19/377 Projects Update be received.*

**CARRIED**

MOVED by Cr Mitchell, seconded Cr Campbell:

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

**CARRIED**

Mr Clapperton spoke to the report and responded to queries which included engagement with specific farmers, capacity when it came to water retention in relation to the NE Levin Stormwater update and the Tokomaru Water allocation noted in the Tokomaru Water Supply update. It was clarified that some of the queries related to matters that pertained to Horizons Regional Council and the consenting process, not HDC.

With regard to the reference to fish recovery work in the NE Levin Stormwater update, it was queried if there was an opportunity for local students to be involved with that as this had been done elsewhere.

#### 7.2 Two Month Report 1 July 2019- 31 August 2019

##### Purpose

To present to the Finance, Audit & Risk Subcommittee the financial report for the two months to 31 August 2019.

MOVED by Cr Wanden, seconded Cr Mitchell:

*THAT Report 19/362 Two Month Report 1 July 2019- 31 August 2019 be received.*

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

**CARRIED**

Speaking to the report, Mr Law noted that this early in the financial year, it was difficult to see any meaningful trends.

Raised in terms of Council's financial performance was the \$574,000 deficit showing against a budgeted deficit of \$274,000. It had been explained that the reason for this was that Council's roading capital expenditure was later in the year and the deficit related to roading subsidies. If that was the case it was queried why Council's budget was not structured to accommodate that.

Mr Law agreed that it was a phasing issue and that would be looked at before the next report.

Noting that this issue was covered in Note 1 in the Statement of Comprehensive Revenue and Expense, Mr Clapperton said that while it was possible to change the phasing it was not possible to change the overall budget.

Responding to a query in relation to Rates Rebates, Mr Law clarified that Council acted as agents for DIA for rates rebates and the rebate went against an applicant's rates account; it was not income for Council.

Mr Clapperton drew Elected Members attention to the Growth Dashboard attached to the report, commenting particularly on the growth that had occurred in the district which had been confirmed earlier in the week by Statistics New Zealand as being an increase of 2% per annum over the past five years. There was further comment on the challenges and opportunities that this brought for the district.

### **7.3 Annual Report for the year ended 30 June 2019**

#### **Purpose**

To recommend the adoption of the Annual Report for the year ended 30 June 2019 to Council.

MOVED by Cr Tukapua, seconded Cr Campbell:

*THAT Report 19/363 Annual Report for the year ended 30 June 2019 is received.*

*THAT this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.*

**CARRIED**

Commenting on the draft Annual Report, Mr Law advised that discussions were still occurring with the Auditors on roading valuation and depreciation. With regard to the Landfill Aftercare provision, the trade waste charge showing in that valuation was an internal charge so it had been removed.

Responding to queries and comments and with some information in the report noted for updating or rewording, Mr Law said as soon as there was sign off from the Auditors the Report would be made available and at this stage they had not indicated the need for any substantial changes.

It was requested that any changes from the most recent draft be highlighted to make it easier to follow. Thanks was also expressed for the explanation accompanying some of the statistics and graphs within the report which clearly articulated why some of the

targets, such as prudential benchmarks, had not been met.

A request was also made to have included in the report going forward the cost to Council, and therefore ratepayers, of such things as vandalism and theft.

With the Annual Report still awaiting sign off from the Auditors, it was agreed that recommendation 3.3 was redundant. It was noted that representatives from Audit New Zealand would be in attendance at next week's meeting to speak to the report.

4.57 pm

There being no further business, the Chairperson declared the meeting closed.

IN ACCORDANCE WITH STANDING ORDER 27.4,  
CONFIRMED AS A TRUE AND CORRECT RECORD

**DATE:**.....

**CHAIRPERSON:**.....

**CHIEF EXECUTIVE:**.....



# Monitoring Report to 2 October 2019

File No.: 19/366

## 1. Purpose

To present to Council the updated monitoring report covering requested actions from previous meetings of Council.

## 2. Recommendation

- 2.1 That Report 19/366 Monitoring Report to 2 October 2019 be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

## Attachments



No.	Title	Page
A	Horowhenua District Council Monitoring Report	30

### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

## Signatories

Author(s)	David Clapperton <b>Chief Executive</b>	
Approved by	David Clapperton <b>Chief Executive</b>	

MONITORING REPORT							
HOROWHENUA DISTRICT COUNCIL							
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Completed	Officer Comment
17/534	27 November 2017	Provisional Local Alcohol Policy – Appeals	<i>THAT Council resolves that the Hearings Committee of Council be directed to act on behalf of Council on this matter as may be required following notification by the Licensing Authority.</i>	V Miller			ARLA directed HDC to reconsider 5 elements of the PLAP. Next step is to re-confirm the negotiated changes to the PLAP with Foodstuffs / Woolworths and resubmit to ARLA for acceptance.
18/171	18 April 2018	CE's Report to 18 April 2018 – Electric Vehicle Charging Stations	<i>THAT the Chief Executive be requested to investigate a commercial rental or other revenue source from the placement of Electric Vehicle charging stations on Council-owned land.</i>	D McCorkindale			Information responding to the proposed contract was received from Charge Net on 26 March 2019. Several amendments have been made and are currently being considered by the parties. Electra will commence some of the planning work associated with the project.
18/575	10 October 2018	Options for Potential Disposal – Court House Museum	<i>THAT Council resolves not to retain the Court House Museum as per the original Officer recommendation. THAT Horowhenua District Council disposes of the Foxton Court</i>	A Nelson 26 February 2019			A draft EOI has been produced Officers are currently undertaking due diligence and researching any encumbrances upon the title. Due diligence has identified some

MONITORING REPORT							
HOROWHENUA DISTRICT COUNCIL							
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Completed	Officer Comment
	14 August 2019		<p><i>House Museum using an Expression of Interest process that requires proponents to complete seismic strengthening whilst preserving the heritage and character of the building.</i></p> <p><i>THAT the Chief Executive be delegated the authority to execute the disposal of Foxton Court House Museum.</i></p>	<p>A Nelson 28.03.2019</p> <p>27.06.2019</p>			<p>encumbrances relating to the property and these are still being assessed. Parks &amp; Property are talking to the Foxton Historic Society in respect of a potential proposal to take over the building as one option for disposal.</p> <p>The CE confirmed that engagement</p>
19/27	13 March 2019	CE's Report – Foxton Beach Freeholding Account Strategy & Policy Review	<i>THAT the Horowhenua District Council gives approval for the Foxton Beach Freeholding Account Strategy and Policy to be reviewed with feedback to be sought from the Foxton Beach Community.</i>	M Lester			<p>Project Plan to be developed.</p> <p>Due to the proximity of triennial elections this matter is to be held over to be dealt with by the new council and community board.</p>
19/199	12 June 2019	Proceedings of the Foxton Community Board 27 May 2019	<i>THAT as recommended by the Foxton Community Board, the Horowhenua District</i>	A Nelson			A Request for Proposals document is currently being drafted, with a view to seeking detailed design

MONITORING REPORT  
HOROWHENUA DISTRICT COUNCIL

Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Completed	Officer Comment
			<i>Council supports the development of a detailed design for a wetland at Holben Reserve and requests officers to progress to a detailed design through an RFP process.</i>		27.08.2019		proposals from suitably qualified companies in the next two months. Officers have received a proposal for a detailed design and are currently evaluating it.



# Documents Executed and Electronic Transactions Authorities Signed

File No.: 19/367

## 1. Purpose

To present to Council, **for information**, the documents that have been executed, Electronic Transactions Authorities and Contracts that have been signed by two elected Councillors, which now need ratification.

## 2. Recommendation

- 2.1 That Report 19/367 Documents Executed and Electronic Transactions Authorities Signed be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That the Horowhenua District Council hereby ratifies the signing of documents and Electronic Transaction Authorities as scheduled:
  - (a) Deed of Ground Lease with Levin Women's Bowling Club Incorporated (1603241) relating to Part Levin Public Gardens for a period of 3 years from 1 September 2018 with one (1) x 3 years right of renewal.
  - (b) Electronic Transaction Authority for the change of name from Horowhenua County Council to Horowhenua District Council relating to WN540/284 (Part, Lot 6 DP 24346), WN583/176 (Part, Lot 17 DP 18323), Waitarere Domain.
  - (c) Application for New Computer Registers Incorporating Accretion – Lots 1-4 DP 480531 Waitarere Beach.

## 3. Issues for Consideration

This report provides a mechanism for notifying the execution of formal documents by two elected Councillors and signing of Electronic Transactions Authorities.

## Attachments

There are no attachments for this report.

### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

## Signatories

Author(s)	David Clapperton Chief Executive	
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Approved by	David Clapperton <b>Chief Executive</b>	
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File No.: 19/414

## Adoption of Annual Report for the year ended 30 June 2019

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### 1. Purpose

To adopt the Annual Report for the year ended 30 June 2019.

### 2. Executive Summary

- 2.1 This report presents a copy of Council's Annual Report for the year ended 30 June 2019 that has been circulated under separate cover. An Audit Report will be tabled by representatives of Audit New Zealand at today's meeting.
- 2.2 At the time of writing this report the Annual report was still in the process of being audited and has yet to achieve audit clearance due to issues with the Roothing asset valuation methodology which will also affect the depreciation on the Roothing asset. We expect this issue will be concluded prior to the meeting. An update will be provided at the meeting if not before.
- 2.3 The remainder of the report is substantially complete and unlikely to change in any material way. The issues relating to financial performance have been highlighted and discussed with Councillors at the Finance Audit and Risk Subcommittee meetings throughout the latter part of the financial year.
- 2.4 Council's financial performance currently shows an operating deficit of \$5.83m against a budgeted operating surplus of \$1.655m. Overall Council shows an overall deficit of \$2.584m against a budget of \$11.008 surplus. The difference is the "Other Comprehensive Revenue and Expense" which is achieved by recognising asset revaluation increases which were \$7.8m below estimate.
- 2.3 Council spent \$22.6m on asset purchases against a budget of \$34.5m. A number of capital projects have been delayed and carried forward to 2019/20.
- 2.4 A summary Annual Report will be produced and receives its own audit which has not occurred as yet. The Summary Annual Report, along with the Annual report itself, must be made publicly available within a month of the Annual Report's adoption. Consequently, the Summary Annual Report will be on the Council agenda for adoption on the Council meeting in November.

### 3. Recommendation

- 3.1. That Report 19/414 Adoption of Annual Report for the year ended 30 June 2019 be received.
- 3.2. That this decision is recognised as significant in terms of s76 of the Local Government Act.
- 3.3. That the Mayor and Chief Executive be authorised to sign the Annual Report on behalf of Council, and that the Mayor, Chief Executive and Chief Financial Officer be authorised to sign the Letter of Representation addressed to the Council's Auditors for the year ended 30 June 2019.
- 3.4. That the Annual Report for the year ended 30 June 2019 is amended by adding the final Audit Opinion.
- 3.5. That the Annual Report for the year ended 30 June 2019 be adopted as amended.

## 4. Background / Previous Council Decisions

Council is required under s98 of the Local Government Act (reproduced below) to produce and adopt an Annual report within 4 months of the end of the financial year (i.e. by 31 October 2019):

### 98 Annual Report

- (1) *A local authority must prepare and adopt in respect of each financial year an annual report containing in respect of that year the information required by Part 3 of Schedule 10.*
- (2) *The purposes of an annual report are –*
  - (a) *to compare the actual activities and the actual performance of the local authority in the year with the intended activities and the intended level of performance as set out in respect of the year in the long-term plan and the annual plan; and*
  - (b) *to promote the local authority's accountability to the community for the decisions made throughout the year by the local authority.*
- (3) *Each annual report must be completed and adopted, by resolution, within 4 months after the end of the financial year to which it relates.*
- (4) *A local authority must, within 1 month after the adoption of its annual report, make publicly available –*
  - (a) *its annual report; and*
  - (b) *a summary of the information contained in its annual report.*
- (5) *The summary must represent, fairly and consistently, the information regarding the major matters dealt with in the annual report.*
- (6) *A local authority must, within 1 month after the adoption of its annual report, send copies of that report and of the summary prepared under subsection (4)(b) to –*
  - (a) *the Secretary; and*
  - (b) *the Auditor-General; and*
  - (c) *the Parliamentary Library.*

## 5. Discussion

### Financial Performance

- 5.1 Council's financial performance shows an operating deficit of \$5.83m (previously \$7.05m a reduction of \$1.2m) against a budgeted operating surplus of \$1.655m. The changes from the previous draft report are as follows;
- Landfill after care provision has been reduced by \$1.4m, by reducing the Trade Waste charge (as this is an internal expense) and a review of the compliance costs where they were impacted by increased size of the landfill.
  - Depreciation has increased on Roding \$152k. However this is likely to decrease once the Roding revaluation is finalised.
  - Increased loss on the forestry revaluation \$3k to correctly account for the harvesting of the trees at the Pot.
- 5.2 Standard and Poors reaffirmed Council's A+ credit rating during the year and recently reaffirmed this rating using their new methodology. This credit rating increases Council's ability to borrow at favourable interest rates. The weighted average interest rate at 30 June 2019 was 3.54% down from 5.32% at 30 June 2014.

## 6. Options

There is no option but to adopt the Annual Report.

## 6.1 Cost

The cost is the internal cost of producing the report, estimated at \$250k to \$300k including the Audit cost of approximately \$150k.

### 6.1.1 Rate Impact

There is no rating impact other than the annual cost of producing and auditing the Annual Report, both of which have been budgeted for.

## 6.2 Community Well Being

There is no impact on the Community Well Being of adopting the Annual Report.

## 6.3 Consenting Issues

There are no consenting issues related to the adoption of an Annual Report.

## 6.4 LTP Integration

The cost of the Annual Report is budgeted for in the LTP and Annual Plan.

## 7. Consultation

No consultation has been conducted in relation to the adoption of the Annual Report.

## 8. Legal Considerations

Legal considerations are that Council has to adopt the audited Annual Report within four months of the balance date of 30 June 2019.

## 9. Financial Considerations

The Annual Report was produced in-house, with no external input other than from Audit New Zealand and minimal valuation, treasury and legal costs. The cost of the Annual Report is funded from the General Rate and is costed to the Representation and Community Leadership activity.

## 10 Other Considerations

10.1 These accounts have been prepared under the Public Benefit Entity (PBE) accounting standards. These standards add to the already complex nature and length of the annual report.

10.2 Most of the complexity and size of the document are caused by compliance with and complexity of the legislation, regulations and accounting standards that must be met.

## 11. Next Steps

Official copies of the Annual Report have to be signed and forwarded to the Auditor General, the Department of Internal Affairs, and to the Parliamentary Library. A full Annual Report and audited Summary Annual Report need to be completed and made available to the public. This will include posting to our website and an article in "Community Connection".

## 12. Supporting Information

### Strategic Fit/Strategic Outcome

There are no implications on Community outcomes on adopting an Annual Report

### Decision Making

The adoption of an Annual Report does not require consultation prior to its adoption and can only be adopted by a full Council meeting; it cannot be delegated to a sub-committee.

### Consistency with Existing Policy

There is no policy on the adoption of an Annual Report.

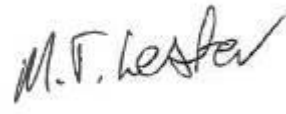
### Funding

Funding is through the General Rate.

## 6. Appendices

No.	Title	Page
A	Annual Report for the year ended 30 June 2019 <i>(Under Separate Cover)</i>	

Author(s)	Doug Law <b>Chief Financial Officer</b>	
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Approved by	Mark Lester <b>Group Manager - Corporate Services</b>	
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# Resource Consenting (Planning) Matters Considered Under Delegated Authority

File No.: 19/368

## 1. Purpose

To present, **for information**, details of decisions made under delegated authority in respect of Resource Consenting (Planning) Matters.

## 2. Recommendation

- 2.1 That Report 19/368 Resource Consenting (Planning) Matters Considered Under Delegated Authority be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.

## 3. Issues for Consideration

The following decisions were made under delegated authority:

- (i) Subdivision and Land Use Consents Approved:

### **Subdivision Resource Consents Approved – 28/08/19 – 20/09/19**

Approved Date	File Ref	Applicant	Address
28/08/2019	502/214	B Griffiths	13 Saxton Street, Levin
03/09/2019	502/165	Srinagar Limited	Roslyn Road, Levin Rural
03/09/2019	502/183	G K Bagrie	220 Waitarere Rise Avenue, Waitarere Beach
04/09/2019	502/212	C A Olsen	753-777 Poplar Road, Tokomaru Rural
04/09/2019	502/213	D F & W R Sayles	440 Tararua Road, Levin Rural
04/09/2019	502/217	Quin Construction	3 Andrews Street, Foxton Beach
06/09/2019	502/218	A H Caspers	44 Duke Street, Levin
12/09/2019	502/216	I M Davis	114 Cummerfield Road, Foxton/Himatangi
20/09/2019	502/222	K G & M Gunther	39 Coley Street, Foxton

### **Land Use Resource Consents Approved – 28/08/19 – 20/09/19**

Approved Date	File Ref	Applicant	Address
29/08/2019	501/101	A P C Noaro	381-393 Tane Road, Tokomaru Rural
03/09/2019	501/124	T B Williams	115 Kawiu Road, Levin
06/09/2019	501/109	R J & A E Nicklin	21A Ocean Beach Street, Foxton Beach
09/09/2019	501/126	P J O'Sullivan	14 Drake Street, Waikawa Beach
12/09/2019	501/125	Transpower NZ Limited	305-356 Mangahao Road, Tokomaru Rural

- (ii) Road Names Approved

None during the reporting period.

## Attachments

There are no attachments for this report.


### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

## Signatories

Author(s)	Megan Leyland <b>Consents Manager</b>	
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Approved by	Ian McLachlan <b>Group Manager - Customer &amp; Regulatory Services</b>	
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File No.: 19/390

## Appointment of Commissioners - District Licensing Committee

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### 1. Purpose

The purpose of this Report is to propose the appointment of Commissioners to the District Licensing Committee until 28 February 2020 or until such time as the Council resolves otherwise.

### 2. Executive Summary

- 2.1 Councillors Ross Brannigan and Neville Gimblett were appointed by Council as the Chairperson and Deputy Chairperson respectively when the District Licensing Committee appointments were resolved by Council on 1 February 2017 (effective 2 February 2017).
- 2.2 It is proposed that Councillors Ross Brannigan and Neville Gimblett be appointed as Commissioners to the Horowhenua District Licensing Committee to ensure that this Committee is able to operate until new Councillor appointments are confirmed by Council following the October election.

### 3. Recommendation

- 3.1 That Report 19/390 Appointment of Commissioners - District Licensing Committee be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act
- 3.3 That the Horowhenua District Council resolves to appoint current Councillors Ross Brannigan and Neville Gimblett as Commissioners to the Horowhenua District Licensing Committee until 28 February 2020 or until such time as new Councillor appointments are confirmed by Council following the 2019 local elections.

### 4. Background / Previous Council Decisions

Councillors Ross Brannigan and Neville Gimblett were appointed as Chairperson and Deputy Chairperson to the District Licensing Committee in February 2017 as allowed by section 189 of the Sale & Supply of Alcohol Act 2012.

### 5. Discussion

- 5.1 Section 186 of the Sale and Supply of Alcohol Act 2012 requires a territorial authority (TA) to appoint 1 or more licensing committees (DLC) for the district; and section 189(2) requires the DLC to appoint a Chairperson who is either an elected member of a TA or an appointed Commissioner.
- 5.2 There are currently no Commissioners appointed to the Horowhenua DLC.
- 5.3 It is the Chairperson of the District Licensing Committee who makes decisions on uncontested applications received, including applications for special licenses for events.
- 5.4 It is therefore necessary to appoint Commissioners to the DLC to ensure that transitional arrangements are in place to facilitate the continuation of the business of the Licensing Committee.

## 6. Options

6.1 **Option 1.** To not endorse the recommendation 3.3 and therefore Licensing Committee decisions, including those of a routine nature, will be held in abeyance until such time as Councillor representatives are appointed to the District Licensing Committee.

6.2 **Option 2.** Resolve the recommendation 3.3 therefore ensuring the continuing function of the District Licensing Committee.

6.3 **Preferred Option.** The preferred option is Option 1 for the reasons stated.

### 6.4 Cost

Not Applicable to this report.

#### 6.4.1 Rate Impact

Not Applicable to this report.

### 6.5 Community Wellbeing

There are no negative impacts on Community Wellbeing arising.

### 6.6 Consenting Issues

There are no consents required or consenting issues arising.

### 6.7 LTP Integration

There is no LTP programme related to the options or proposals in this Report, nor are there any Special Consultative Processes required.

## 7. Consultation

There was no consultation required to be undertaken. This matter is purely a decision for Council.

## 8. Legal Considerations

There are no legal requirements or statutory obligations affecting the proposal.

## 9. Financial Considerations

There is no financial impact.

## 10. Other Considerations

There are no other considerations. The purpose of this report is purely to put interim steps in place that allow for the continuing function of the District Licensing Committee following the local body elections until such time as the incoming Council has had the opportunity to make appointments to this committee.

## 11. Next Steps

If the recommendation 3.3 is accepted it will be “business as usual” for the District Licensing Committee; if the recommendation is not accepted the decision making process by the Committee will cease until such time as persons are appointed.

**Confirmation of statutory compliance**


In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

**12. Appendices**

There are no attachments for this report.

Author(s)	Vai Miller <b>District Licensing Committee Secretary</b>	
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Approved by	Ian McLachlan <b>Group Manager - Customer &amp; Regulatory Services</b>	
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File No.: 19/381

## Adoption of Community Driven Horowhenua Housing Action Plan

### 1. Purpose

To seek a decision from Council to adopt the final Community Driven Horowhenua Housing Action Plan.

### 2. Executive Summary

The Community Driven Horowhenua Housing Action Plan has been finalised following the conclusion of an extensive forum and working group process to seek the community and multi sector views and feedback. The purpose of the forum and working group approach, was to develop a shared understanding of the housing challenges and opportunities facing Horowhenua and discuss potential solutions to improve housing supply, its affordability and access to social and emergency housing throughout the district.

The development of the Community Driven Horowhenua Housing Action Plan focused on meeting the needs of our community partners and residents as expressed by them. Following endorsement of the action plan from the Housing Forum participants, and briefing to elected members, Officers now seek for this final plan to be adopted.

### 3. Recommendation

- 3.1 That Report 19/381 Adoption of Community Driven Horowhenua Housing Action Plan be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That the Horowhenua District Council adopts the Community Driven Horowhenua Housing Action Plan.

### 4. Background / Previous Council Decisions

- 4.1 It is an exciting and challenging time for Horowhenua.
- 4.2 Over the past few years Horowhenua's population growth has jumped to record levels. Health enrolments, a broad indicator of population growth, increased by 2.7% in the 12 months to June 2019, which suggests that the population continues to grow strongly.
- 4.3 Horowhenua's economy continues to grow faster than the national economy. Infometrics' provisional estimates show that the local economy expanded by 2.8% in the 12 months to June 2019.
- 4.4 As the economy expands, so does the attraction of Horowhenua as a place to live and work. Our District offers the advantages of rural small town living between hill and coastal settings as well as proximity to the city offerings of Palmerston North and Wellington.
- 4.5 Horowhenua's unemployment rate has dropped to 6.8% which is close to the 10-year low. Despite the strength of the job market the number of Jobseeker Support recipients in Horowhenua grew by 2.4% in the June year. The increase is largely due to softening of benefit eligibility and sanction policies rather than actual labour market conditions.

Significantly, the rate of increase in Horowhenua was much lower than growth in the national economy (9.6%).

- 4.6 Population growth is driving demand for housing and pushing up house prices in Horowhenua. Average house values increased by 15% over the year, reducing affordability to a level below the trough experienced prior to the global financial crisis.
- 4.7 In addition to house values increasing, as our supply of housing is not keeping pace with this demand we are now experiencing an upward pressure on rents.
- 4.8 There has been much commentary on New Zealand's housing challenges over the last decade. It is fair to say that these commentaries acknowledge that housing is becoming increasingly unaffordable (sometimes severely unaffordable) across New Zealand. While there is "no simple answer" to solve the housing challenges we face, Council developed a forum approach to guide action.
- 4.9 The inaugural Horowhenua Housing Forum took place on 13 March 2019. The purpose of the forum was to develop a shared understanding of the housing challenges and opportunities facing Horowhenua and discuss potential solutions to improve housing supply, its affordability and access to social and emergency housing throughout the district.
- 4.10 Two further forums, and three working group sessions took place during March–August 2019.
- 4.11 The outcome of the forums and working group conversations and collaborations led to the development of a 'Housing Action Plan On A Page' and a 'Community Driven Horowhenua Housing Action Plan'.

## 5. Discussion

- 5.1 During March to August 2019, participants at the Horowhenua Housing Forums identified community goals to have the opportunity to own homes, as well as a desire to have affordable rentals, in addition to identifying needs for vulnerable residents such as youth at risk. As such, a diverse supply of housing across the housing continuum is required as a stepping stone for individuals and families to achieve their goals of safe, warm and affordable homes. The housing continuum discussed at the forums is described as: emergency housing, social housing, assisted rental, assisted ownership, private rental and private ownership.
- 5.2 The participants identified the development of the Community Driven Horowhenua Housing Action Plan as a start. Version 1.0 of the housing action plan is a stocktake of the challenges in Horowhenua, and the opportunities as expressed by the community to set the foundations for successful and sustainable change.
- 5.3 Feedback from forum and working group participants, celebrated Council's leadership with this unique approach to hearing the community voice and establishing a baseline which will provide the platform for future versions of the action plan to enable the community to respond to their aspirations.
- 5.4 The participants also identified that Council is only one party that influences the delivery of homes in the district. Many other parties will ultimately play a significant part in the successful delivery of more homes in the district. This Housing Action Plan is an attempt to provide a comprehensive response working with other parties, to meet the multiple challenges of improving housing affordability for all residents. It looks at and beyond the development process to innovative housing solutions, and initiatives such as trade training, financial literacy, partnerships and pastoral care.

## 6. Options

This development of the Community Driven Horowhenua Housing Action Plan, is Council's initiative to shine a light on the increasing unaffordability of housing for Horowhenua residents, and the undersupply of a diversity of housing stock so that proactive initiatives can be taken to achieve the community's vision of "Homes for All".

### 6.1 Cost

In the Community Driven Horowhenua Housing Action Plan version 1.0 there are short term actions, and medium term investigations outlined.

The short term actions align with Council's community outcome areas, and can be met within existing operational Community Development and District Plan budgets.

Medium term investigations may lead to the requirement for business case development, which would identify any additional funding (and the appropriate funder) requirements for consideration.

#### 6.1.1 Rate Impact

There will be no rate impacts arising from this report.

### 6.2 Community Wellbeing

The forums and working groups were led by the community through the Community Wellbeing Committee as one of the committees key focus areas. All forums and working groups were chaired by Cr Barry Judd, Chair of the Council's Community Wellbeing Committee. There are no negative impacts on community wellbeing arising.

### 6.3 Consenting Issues

There are no Consents required or consenting issues arising.

### 6.4 LTP Integration

There is no LTP programme related to the options or proposals in this report.

## 7. Consultation

The forums and working groups have been outlined during March to August 2019. A number of the actions as outlined in the plan seek to continue to the forum and information outreach framework. High levels of community support exist in feedback from all forums and working groups for the value of this engagement and input approach.

## 8. Legal Considerations

There are no Legal Requirements or Statutory Obligations affecting options or proposals.

## 9. Financial Considerations

Medium term investigations may lead to the requirement for business case development, which would identify any additional funding (and the appropriate funder) requirements for consideration.

## 10. Other Considerations

There are no other considerations.

## 11. Next Steps

Following the adoption of the Community Driven Horowhenua Housing Action Plan, Council officers will progress the actions as identified and the document will be published and made available on Council's website.

## 12. Supporting Information

<p><b>Strategic Fit/Strategic Outcome</b></p> <p>The Community Driven Horowhenua Housing Action Plan aligns to the strategic goals in the LTP 2018-2038, Council's Community Outcomes and Community Wellbeing Strategy.</p>
<p><b>Decision Making</b></p> <p>A resolution from Council is required for adoption of the Community Driven Horowhenua Housing Action Plan.</p>
<p><b>Consistency with Existing Policy</b></p> <p>The Community Driven Horowhenua Housing Action Plan is consistent with delivering on Council's vision, Community Wellbeing Strategy and Community Outcomes.</p>
<p><b>Funding</b></p> <p>Not applicable.</p>
<p><b><u>Confirmation of statutory compliance</u></b></p> <p>In accordance with section 76 of the Local Government Act 2002, this report is approved as:</p> <ol style="list-style-type: none"> <li>containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,</li> <li>is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.</li> </ol>

## 13. Appendices

No.	Title	Page
A	Community Driven Housing Action Plan ( <i>Under Separate Cover</i> )	

Author(s)	Nicki Brady <b>General Manager - H2040 &amp; Partnership Development</b>	
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Approved by	David Clapperton <b>Chief Executive</b>	
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# Submission on Proposed National Policy Statement - Highly Productive Land

File No.: 19/387

## 1. Purpose

To seek Council to consider and ratify the submission prepared by Officers on the Proposed National Policy Statement – Highly Productive Land to be submitted to the Ministry for Primary Industries.

## 2. Recommendation

- 2.1 That Report 19/387 Submission on Proposed National Policy Statement - Highly Productive Land be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That the Horowhenua District Council ratifies the Submission on the Proposed National Policy Statement Highly Productive Land and authorises the Chief Executive to lodge the submission with Ministry of Primary Industries before 10 October 2019.

## 3. Background/Previous Council Decisions

The Proposed National Policy Statement – Highly Productive Land was released on 14 August 2019 for consultation.

A discussion document and a summary document were released and can be viewed at <https://www.mpi.govt.nz/dmsdocument/36621-valuing-highly-productive-land-a-summary>

<https://www.mpi.govt.nz/dmsdocument/36624-discussion-document-on-a-proposed-national-policy-statement-for-highly-productive-land>

Submissions close on 10 October 2019 and are to be lodged with the Ministry of Primary Industries. The Ministry of Primary Industries and the Ministry for the Environment will analyse the submissions and then prepare a report including recommendations on the submissions received. An evaluation under section 32 of the RMA will be prepared. The report on submissions and the section 32 evaluation will then be provided to the Minister of Agriculture and the Minister for the Environment for consideration. Once the Minister of the Environment has considered these reports and evaluations, the Minister may make changes to the Proposed NPS. Once drafting is finalised, the Minister for the Environment will recommend the Governor-General approve the NPS.

The NPS is anticipated to be gazetted by mid-2020. From the time of gazettal Horizons Regional Council would have three years to identify Highly Productive Land within the Manawatu-Whanganui region. The Horowhenua District Council would then have two years to make the necessary changes to the District Plan.

From the time of gazettal there will be aspects that apply with immediate effect.

This consultation process is the 'one shot' that Council has to influence the outcome.

The proposed National Policy Statement Highly Productive Land was part of a briefing to Elected Members on 16 September 2019. The submission was shared in draft form with Elected Members with the opportunity to provide feedback prior to it being included on the Council agenda.

## 4. Issues for Consideration

The overall purpose of the Proposed National Policy Statement – Highly Productive Land National Policy is to improve the way highly productive land is managed under the RMA to;

- Recognise the full range of values and benefits associated with its use for primary production;
- Maintain its availability for primary production for future generations; and
- Protect it from inappropriate subdivision a, use and development.

While the Proposed National Policy Statement – Highly Productive Land objective is not absolute protection for highly production land, the way it is currently drafted it has the potential to have significant impacts on the Horowhenua district. The attached submission acknowledges the parts of the National Policy Statement that are supported, outlines the areas of concern and suggests alternative solutions that could be considered.

In preparing the submission for this National Policy Statement, officers have also needed to be mindful of the interface and tension between the National Policy Statements on Urban Development and Freshwater Management that are also currently out for consultation.

Officers seek Council to ratify the submission so that it can be lodged.

## Attachments



No.	Title	Page
A	HDC Submission NPS-Highly Productive Land	51

### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

## Signatories

Author(s)	David McCorkindale <b>Group Manager - Strategy &amp; Development</b>	
Approved by	David Clapperton <b>Chief Executive</b>	

## 1. Introduction

Horowhenua District Council (HDC) appreciate the opportunity to provide feedback on the Proposed National Policy Statement on Highly Productive Land (NPS-HPL). As evidenced in the Horowhenua District Plan, HDC recognise both the value of highly productive land (HPL) and the need to protect it for future generations. However, HDC is concerned that the scope, level of direction, and potential restriction contained within the proposed NPS-HPL will have a significant impact on our ability to provide for and maximise the benefits population growth projected will bring for our District and that the wellbeing of our community will suffer as a result.

HDC also note that the proposed NPS-HPL conflicts with the direction of the proposed NPS-UD and the Essential Freshwater programme.

### Problem Statement

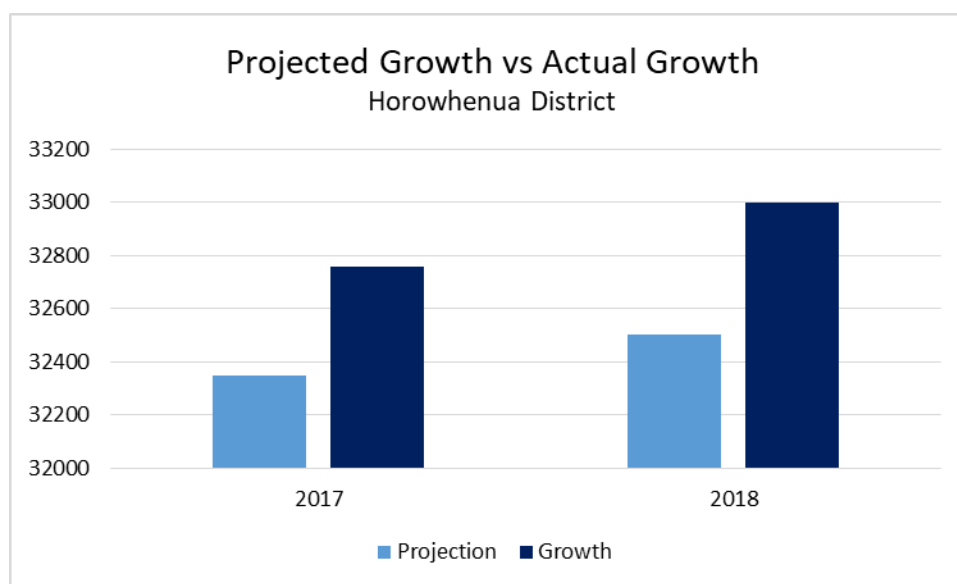
HDC believe that the problem the proposed NPS-HPL is trying to address is unclear and, as identified by the discussion document, has largely relied on anecdotal evidence. In particular, there is minimal evidence provided about the scale of productive land loss at regional or local levels.

In addition, HDC question whether the focus of the NPS-HPL should be on protecting HPL for primary production as it is currently worded or whether it would be more meaningfully targeted at protecting HPL for food production. HDC also note that the NPS-HPL has been drafted in absence of a National Food Strategy. HDC consider that a National Food Strategy is critical to ensuring the nation has a resilient, food production market and supply. A National Food Strategy would also have helped to inform the drafting and tailoring of the proposed NPS-HPL towards more meaningful outcomes.

### Potential Impact on Horowhenua Community

Horowhenua District is currently experiencing significant growth for the first time since the 1970s. In the absence of any census data since 2013, HDC commissioned Sense Partners to prepare growth projections for the District. These forecast the District's population to grow by 33% to 41,000 by year 2040 (medium growth scenario). Recently, the District's population has grown at a faster rate than the Sense Partners projections suggesting that growth pressures may be even more significant than currently anticipated.

Figure 1 – Horowhenua Projected Growth vs Actual Growth



A number of factors are driving this growth, but significantly:

- Roading improvements south of the District improving accessibility to Wellington as a result of significant investment by Government;
- Dramatically increasing house prices in urban areas forcing people to look to places such as Horowhenua, which are relatively cheaper;

Central Government have also recently identified Horowhenua as a refugee resettlement area from 2020. This may further accelerate growth in our District.

Population growth, along with increasing unaffordability in major urban areas, is having a 'spill over' effect on Horowhenua. Horowhenua has recently experienced significant increases in housing costs, resulting in housing reaching the point of 'severely unaffordable' within our local context.

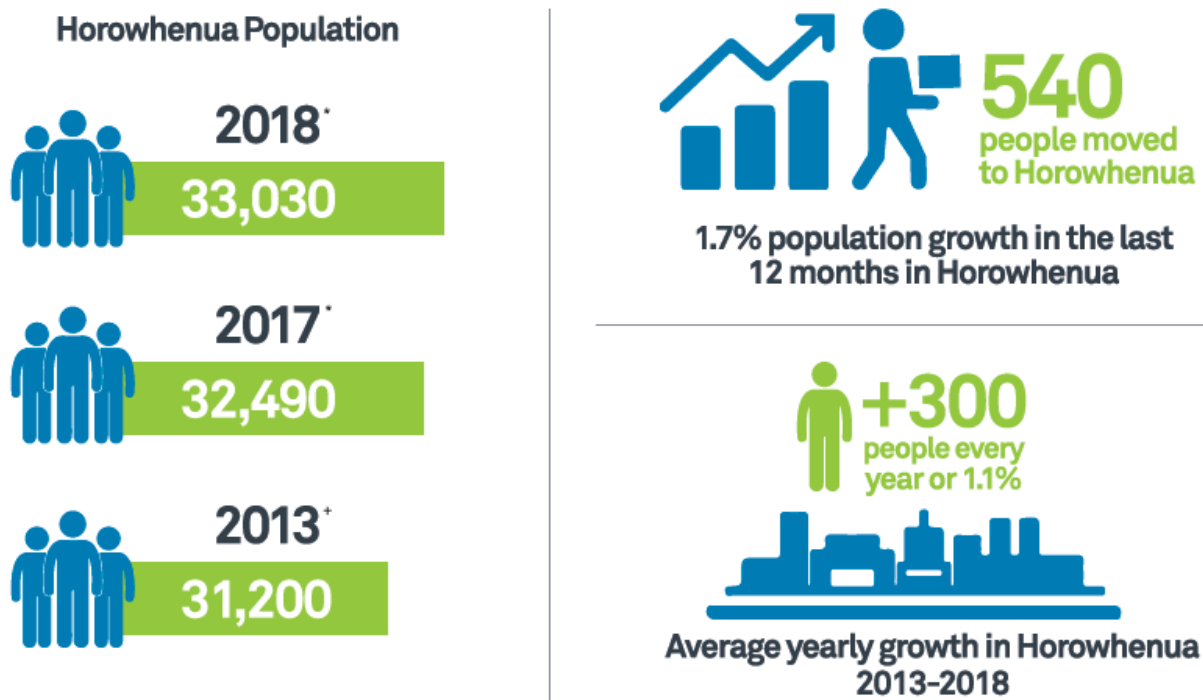
- Median house price increased from \$264k in September 2017 to \$345k in March 2019 (+31%)
- As of March 2019, the housing affordability index for Horowhenua was 7.5. This is 'severely unaffordable'

Transitional, social and emergency housing in the District are all full and the Horowhenua Housing Register has grown from six applicants in 2014 to 93 applicants in 2019. These indicators all reflect the pressure for additional housing within our District.

Horowhenua District contains significant areas of high quality soils. These soils are utilised for fruit and vegetable production and pastoral farming. Over 41% of our District's soils fall within LUC 1-3 and, with the exception of coastal settlements, surround all of the District's urban or semi-urban settlements as evidenced by Figure 3 on the adjoining page. Therefore, the proposed NPS-HPL poses a significant challenge to managing projected growth. This is particularly significant for the District's main urban area of Levin, which is expected to accommodate the majority of the District's projected growth yet already has a shortfall of residential land available.

The cost-benefit analysis prepared by Market Economics (M.E) on behalf of Ministry of Primary Industries includes a case study on Horowhenua. HDC believes that this CBA is fundamentally flawed in its analysis of the potential impact of the NPS on Horowhenua. M.E based their assessment on Statistics NZ data from the 2013 census, which estimated nil to minimal growth for Horowhenua out to 2038. However, as stated above Horowhenua District is experiencing rapid growth that is expected to continue for at least the next 20 years. Therefore, the CBA does not adequately reflect the potential impact of the proposed NPS-HPL on our District. Given NPS-HPL will have a significant impact on the Horowhenua District, Council is deeply concerned that the Ministry proceeded with a CBA based upon unreliable data, despite being made aware of Council's growth projections.

Figure 2 – Horowhenua Population Statistics



\*Subnational Population Estimates (Provisional) for the year to June 2018 – Statistics NZ  
+Census results - four year difference was due to Canterbury Earthquakes

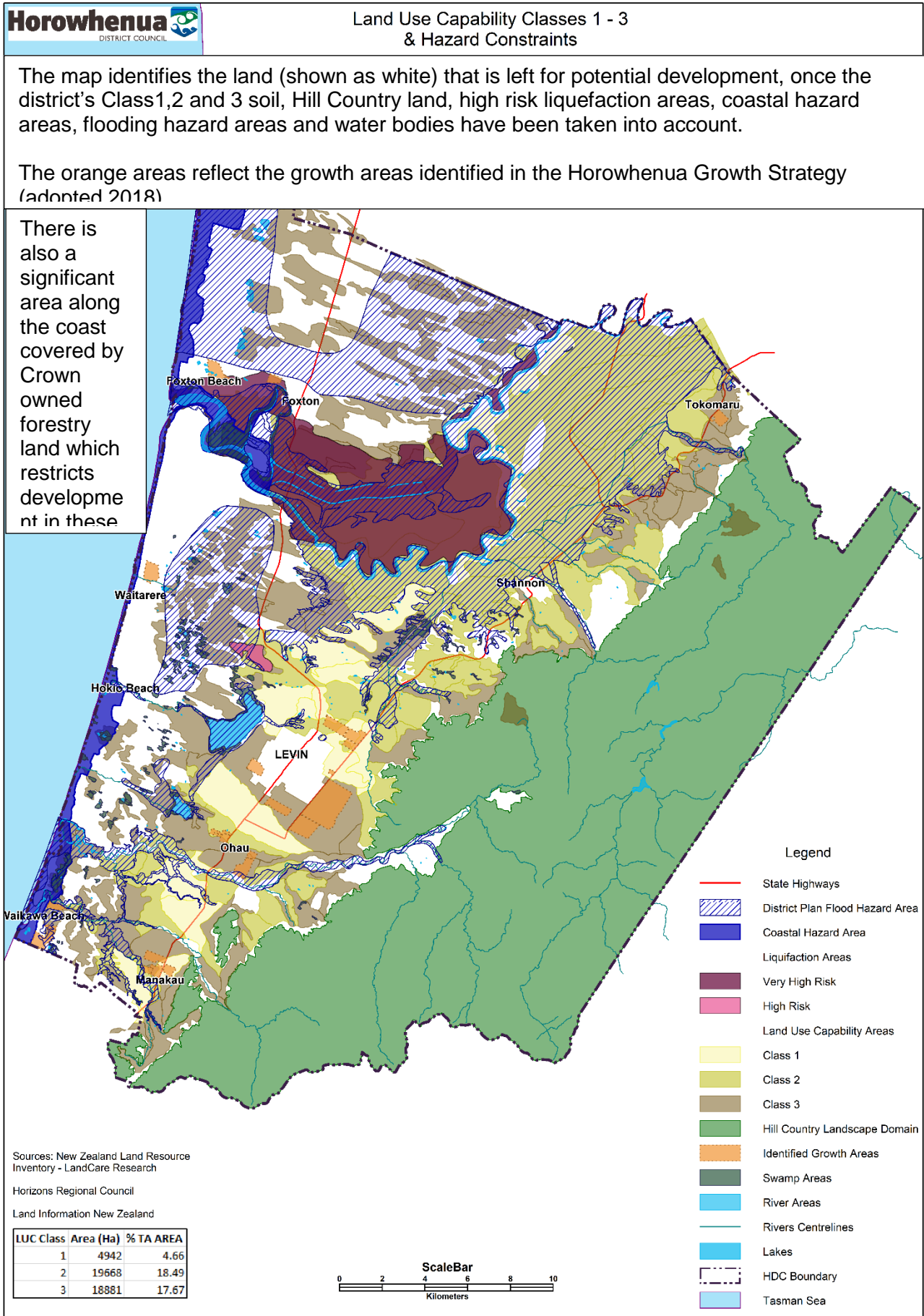
HDC have been preparing plans to rezone land to accommodate our growing population and to meet the requirements of the NPS-UDC (and now NPS-UD). However, this stands to be compromised by the NPS-HPL, which may undo much of the forward planning work we have undertaken with our community's input. This is because HDC are in the position of having adopted a Growth Strategy but identified land is yet to be rezoned through a Plan Change process.

Farmers and growers of the Horowhenua District are also experiencing increasing constraints and pressure arising from both Proposed Plan Change 2 (Existing Intensive Farming Land Uses) of the Horizons One Plan and the Government's essential freshwater programme. While HDC and the farming community alike appreciate the importance of protecting and improving freshwater quality, the level and direction of regulation arising from the NPS-HPL alongside freshwater changes is resulting in real and significant challenges for our growers and farmers who make up an important sector of both the District's economy and the community more generally. The Government is legislating protection to HPL for primary production while at the same time limiting ability to use the land for productive purposes.

As a Council we are feeling torn in meeting the different demands of Government; providing for housing and urban development, accommodating refugees, managing and protecting highly productive land, improving freshwater quality, providing food and enhancing community wellbeing.



Figure 3 Horowhenua District, Development Constraints NPS-HPL



## Alternative Approaches

HDC believe there are a number of alternatives the Ministry should consider further, including:

### *Combined NPS-UD and NPS-HPL*

A combined NPD-US and NPS-HPL would help to reconcile the clashes that exist between the two proposed documents. The NPS-HPL seems to duplicate work that many Councils are already doing through their District Plans and strategic growth planning. Incorporating objectives and policies into a combined NPS that specify how HPL must be considered when providing land for urban expansion would make explicit that this needs to occur to Councils that are not already doing this, without requiring Councils to duplicate work that is already occurring effectively at a local level.

### *Tailored/Proportionate Approach*

HDC suggest that if a proposed NPS-HPL alone remains the preferred option, the Ministry consider a proportionate approach whereby the areas whose HPL resources are under most threat from both growth and have a history of poor protection of HPL would be subject to more significant and immediate requirements. Areas such as Horowhenua who can prove they already have a planning framework that protects HPL would then be subject to a more lenient and less time constrained process.

Such an approach could also allow Councils whose primary urban settlements are surrounded by LUC 1-3, such as Levin, to identify a 'buffer area' in which urban expansion that is consistent with the proposed NPS-UD could occur.

### *Amendment to Part 2 of the RMA*

Finally, HDC question whether the Ministry considered amending Part 2 of the RMA to address the issues of protecting HPL, providing for urban expansion, and improving freshwater quality. Given the extent of national direction currently being proposed, HDC ask the Ministry whether these issues would have been more effectively been dealt with via amendment to Part 2 of the RMA. This approach may enable better balancing of the various resource management priorities the Government is currently pursuing.

## 2. National Direction or National Confusion?

The proposed NPS-HPL and the proposed NPS-UD have conflicting priorities and are weighted towards different outcome biases. HDC foresee potential implementation issues where parties involved in plan making and/or resource consent processes could use either of the NPSs to justify totally opposite outcomes. This will result in confusion of the strategic outcomes sought, NPSs being 'cherry picked' to support particular priorities, and increased risk of appeal which altogether could result in poorer management of the very issues these NPS are trying to provide direction on. The following paragraphs highlight some of the potential conflicts between these two documents.

The proposed NPS-UD proposes to remove unnecessary restrictions on development and directs Councils to enable growth to occur both upwards and outwards. The proposed policy framework places significant focus on quality urban environments, enabling choice (both housing type and location), and on providing sufficient land supply to ensure demand is met.

The NPS-UD also directs that plans limit, as much as possible, the effects of competition on land development, that Councils consider the positive impacts of urban development and that Councils

consider plan changes for urban development that are out of sequence or outside of areas already identified for urban development.

This focus appears to be in direct contrast to the NPS-HPL which states that uncoordinated expansion onto highly productive land should be avoided, that highly productive land should be prioritised for primary production, and that urban growth should be directed away from highly productive land except where:

- There is a shortage of development capacity;
- There are no other **feasible** options;
- The benefits of urban expansion outweigh the benefits of primary production.

Within the Horowhenua District, all our towns and settlements (except for small coastal settlements) are surrounded by LUC 1-3. Under the current proposal, these areas will all be defined as HPL at least until the Regional Council identify HPL for our District, which could cause three years of uncertainty for our community.

Within our context, it is simply not possible to deliver on the objectives of both of these NPS. For example, 'feasible' development opportunities not on HPL may exist (near small coastal settlements, near the Tararua Ranges, or near to Lake Horowhenua) but these would not necessarily deliver either quality urban environments (due to separation from jobs, services and amenities offered by our primary urban settlement of Levin), or choice in housing type and location. In addition, directing development to these more sensitive areas introduce the following additional resource management matters that must be considered in order to achieve the purpose of the Act:

- Potential risk from natural hazards, likely to be accelerated by climate change;
- Servicing constraints (such as drainage conditions);
- Potential cultural effects associated with developing near to significant landscapes (Tararua Ranges, coastal areas, Lake Horowhenua);
- Engineering costs associated with mitigating natural hazard risk, as well as cost of providing services to these areas;

Neither the proposed NPS-HPL nor the proposed NPS-UD provide sufficient direction on how to rationalise their competing interests, let alone how to balance these against wider resource management priorities.

To give a specific example, the town of Levin has existing land identified for urban development (zoned deferred residential) near to Lake Horowhenua. However, since this land was identified for urban expansion Council has become aware of constraints associated with developing this land (in particular, stormwater management). The land is also very close to Lake Horowhenua (culturally significant waterbody) and near to Levin's wastewater treatment plant. Due to these factors, Council has more recently directed its growth planning elsewhere to an area known as 'Gladstone Green' which is immediately east of Levin. Gladstone Green is LUC 3 and would therefore be captured under the definition of HPL (though, due to a stony surface layer, has constraints on its ability to be utilised productively).

Gladstone Green is now Council's primary growth area for Levin because:

- The size and scale enables a quality urban environment with open space, services, amenities, and choice to be provided;
- Directs development away from a sensitive environment;
- Has ideal conditions for servicing, particularly stormwater.

Under the current NPS-UD, this development area would appear to be the preferred option. However, the NPS-HPL would seem to direct HDC to prioritise the existing identified urban



expansion area near Lake Horowhenua. HDC have discussed this conflict with other Councils and have had differing feedback on which NPS 'trumps' the other and in what circumstance. This emphasises HDCs concern that the proposed NPSs do not provide sufficient clarity on the outcomes sought.

HDC also wish to acknowledge that the essential freshwater programme, coupled with Horizons Regional Council's Plan Change 2 to the One Plan, is reducing the ability for HPL to be used productively. This undermines the purpose of the NPS-HPL.

HDC therefore request that the Ministry consider combining the NPS-HPL and NPS-UD. If the Ministry does not support this recommendation, HDC recommend further assessment of the two NPS in conjunction with each other, including rewording of objectives and policies as suggested in Section 6 of this submission.

### 3. Effectiveness of Existing Local Approach to Protecting HPL

HDC acknowledges the importance of protecting HPL. HDCs planning documents reflect this. Since the 1990s, HDCs District Plan has afforded particular protection to LUC 1 and 2 being land identified as 'versatile' within the Horowhenua context and consistent with historical approach to defining versatile land at a national level (Ministry of the Environment State of the Environment Report, 2007 and 2019<sup>1</sup>).

The level of protection afforded to Horowhenua's versatile land resource has been determined in consultation with the community through RMA plan making processes, most recently by Plan Change 20 (operative 2013) which gave additional protection to the rural land resource. LUC 1 and 2 is protected both through the objectives, policies and rules of the Horowhenua District Plan (Chapter 2, specifically 'Fragmentation and Soil Resource' heading<sup>2</sup> and Chapter 19, Rural Zone<sup>3</sup>).

The graphs below shows the effectiveness/ineffectiveness of this approach. Both graphs show spikes in the threat to LUC 1-2 in 2006-2008 (period of high subdivision activity), with this dropping dramatically since that time despite entering another period of high subdivision activity. This suggest our current District Plan approach has been effective and directing growth away from LUC 1-2. These graphs have focused on sites less than 4ha, as the NPS-HPL discussion document selected 4ha as the metric to exclude from the HPL definition – presumably because this is the point at which the site is considered 'lost' from primary production.

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<sup>1</sup> <https://www.mfe.govt.nz/sites/default/files/media/Environmental%20reporting/environment-aotearoa-2019.pdf>

<sup>2</sup> <https://www.horowhenua.govt.nz/files/assets/public/districtplan2015/horowhenua-district-plan-2015-chapter-2-rural-zone.pdf>

<sup>3</sup> <https://www.horowhenua.govt.nz/files/assets/public/districtplan2015/horowhenua-district-plan-2015-chapter-19-rural-zone.pdf>

Figure 4 – Number of Lots <4ha Created on LUC 1-2

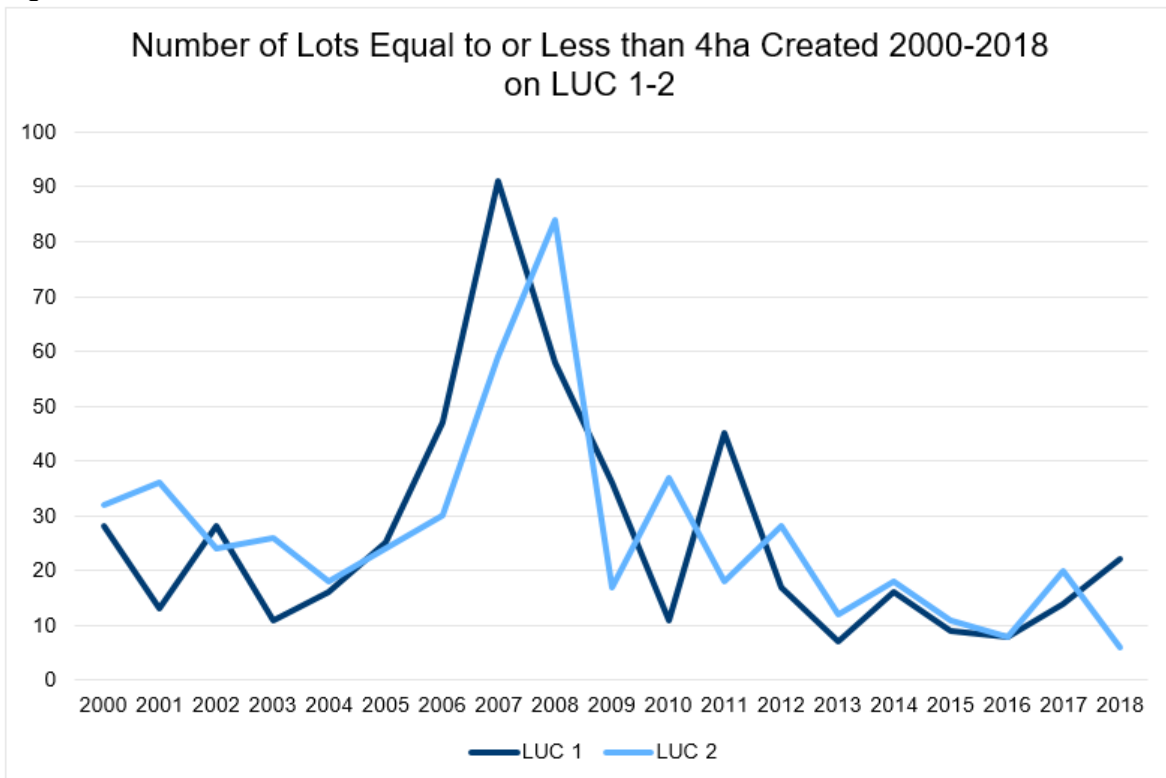
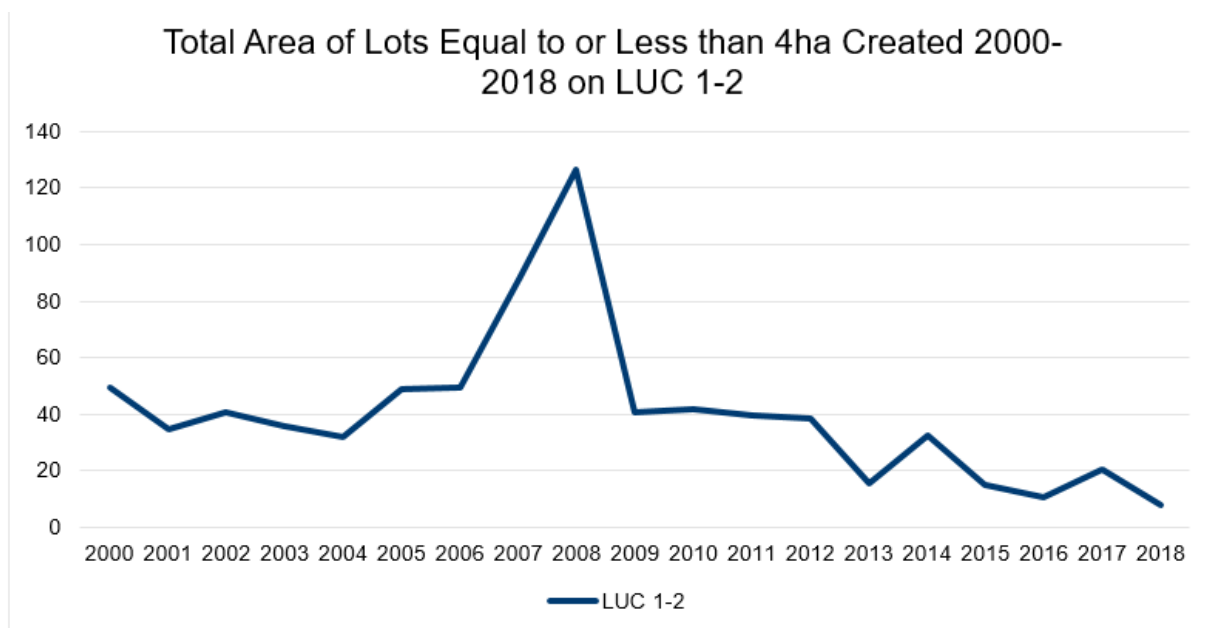


Figure 5 – Total Area of Lots <4ha Created on LUC 1-2



In November 2018, HDC adopted the Horowhenua Growth Strategy 2040<sup>4</sup> which identifies how much land is required to accommodate growth in each of the District’s towns and settlements out to year 2040. In areas where a shortfall of zoned land is projected, HDC has identified growth areas. The presence of versatile soils were considered when identifying growth areas. In almost all

<sup>4</sup> <https://www.horowhenua.govt.nz/files/assets/public/council-documents/policies/horowhenua-growth-strategy.pdf>

cases, growth areas have avoided versatile soils (being LUC 1 and 2), as indicated by Figure 2 above.

The majority of identified growth areas are located on LUC 3, particularly around Levin, as this represents a 'least worst' option from a productive land loss perspective within our context. The only growth areas located on LUC 1 and 2 are in areas where there is strong justification such as:

- Proximity to established sensitive activities (e.g. retirement home);
- Urban fringe in an area that is already highly fragmented;
- Adjacent to rural lifestyle villages on land that despite its LUC, has constraints for development (e.g. heavy presence of streams).

This highlights the importance of local context in resource management planning and emphasises why the Ministry should exercise caution in how it uses national direction tools.

The longstanding regime of protecting versatile soils indicates that both HDC and the Horowhenua community have shown a commitment to protecting the valuable soil through local plan making processes, without the need for national level direction.

HDC recommend that the NPS-HPL be amended to acknowledge the work Councils have already undertaken to protect HPL within their local contexts. A specific option for doing this is in section 4 below.

#### 4. Identification of HPL – Process and Criteria Proposed

HDC has some serious concerns regarding the proposed definition of HPL, as well as the process for identifying HPL.

##### Definition

HDC request that the Ministry amend the definition of HPL to include an exemption for rural lifestyle zones (and deferred rural lifestyle zones identified in District Plans). Rural lifestyle areas have minimal potential to be used for anything more than hobby scale primary production and already represent a loss of HPL. Therefore, it would be unreasonable and inefficient to constrain these areas from transitioning to more urban, residential areas.

HDC is concerned about the inclusion of LUC 3 as HPL. Including LUC 3 as HPL will have a significant impact on the growth planning work recently undertaken by HDC (being that LUC 1-3 cover 41% of our District) and represents a significant departure from our current approach. As referenced above, versatile land has historically been defined as LUC 1 and 2, including by the Ministry of the Environment in the 2019 State of the Environment Report, which outlined the 'issue' of loss of versatile land. The NPS-HPL discussion document (and other supporting document) does not provide any particular justification of the decision to depart from the historical definition of highly versatile soils and include LUC 3, the potential impact of doing so, the productive value of LUC 3, or the extent to which it is under threat from urban expansion and/or subdivision.

HDC note that Landcare Research<sup>5</sup> state that LUC 3 has moderate physical limitations to arable use that restrict the choice of crops and intensity of cultivation. Landcare Research also state that LUC 3 is extensively distributed. Given LUC 3 faces limitations to its use and that it is extensively distributed, HDC question whether LUC 3 warrants specific protection. In the absence of any evidence to justify including LUC 3 in the proposed NPS-HPL, HDC is concerned that the costs of this approach will outweigh the benefits, at least for areas with large LUC 1 and 2 resources. The

<sup>5</sup> [https://www.landcareresearch.co.nz/\\_data/assets/pdf\\_file/0017/50048/luc\\_handbook.pdf](https://www.landcareresearch.co.nz/_data/assets/pdf_file/0017/50048/luc_handbook.pdf)

Ministry could consider an option whereby LUC 3 was only given automatic protection in areas that had limited LUC 1 and 2 resources.

HDC opposes that the definition of HPL apply to all sites that contain at least 50% or 4ha (whichever is the lesser) LUC 1-3. HDC believe this approach will result in unreasonable constraints for landowners who own large properties but have proportionately small areas of HPL (for example, 4ha of HPL within a site of 100ha). HDC recommend that the definition apply only to the piece of land that contains LUC 1-2 (or 3, if option is pursued), where this is a contiguous piece of LUC 1-2 of 4ha or more rather than applying indiscriminately to the whole site.

HDC opposes that the default definition would take immediate effect. This approach would create a significant period of uncertainty for both our community and others across the country. Given HDCs existing commitment to protecting versatile land, this could result in unnecessary restriction. Of even more concern is that this approach will undermine public confidence in RMA processes. As already stated, the level of protection afforded to HPL has been determined through public RMA processes and landowners therefore have an expectation that this provisions would be upheld until such time as a District Plan change was announced and consultation occurs. The Ministry has provided a very short window for consultation, which has limited HDC's ability to engage with the community. It is unlikely that the average property owner (or other stakeholder) would be aware of the potential impact the proposed NPS-HPL could have on plans for their properties.

### Identification Process

While HDC understand the rationale behind Regional Councils being tasked with identifying HPL, HDC believe there are more efficient and effective ways of identifying HPL.

#### *Option 1 – Recognise Existing Approaches to Identifying HPL (or similar)*

HDC suggest the NPS-HPL be amended to include a process whereby Councils could make an application to the Minister to have their existing planning regimes (RMA plans and strategic planning documents) approved as sufficiently managing the threat to the productive land resource for the interim period (i.e. between NPS gazettal and longer term identification of HPL). Areas identified for growth through a strategic planning process and approved through such a process should be exempt from the default definition of HPL.

As previously referenced, HDC have a history of protecting LUC 1 and 2 as reflected by the Horowhenua District Plan and by the Horowhenua Growth Strategy 2040. This level of protection is bespoke to our local context and already prioritises consolidation over sprawl. HDC has made significant investment in its growth planning work (both the Horowhenua Growth Strategy 2040 and working to prepare subsequent plan changes) that balance the need to protect HPL against the need to consider a range of other matters in order to achieve the purpose of the Act.

HDC is one of many local authorities that has given careful consideration to how and where they grow in order to protect HPL while also enabling growth. HDC request that the Ministry acknowledge the work that has occurred to date. As stated above, one option is to provide an opportunity whereby growth areas identified in strategic growth planning documents that have given sufficient consideration to HPL (relevant to the local context) be exempt from the definition of HPL, at least until HPL is formally identified using the criteria set out in Policy 1 and Appendix 1.

#### *Option 2 – Identification and Mapping by Central Government*

In addition to the above, HDC request that the Ministry consider tasking identification of HPL to central government. As acknowledged by the proposed NPS-HPL discussion document, there are a number of factors in addition to soil class that dictate whether land is highly productive or not. Given the number of influencing factors, HDC see a risk that there could be significant

inconsistency across the country in identifying HPL. This could arise due to differing interpretations of the proposed NPS-HPL or due to differing capacity within Regional Councils to carry out this process. Variation in the process followed to identify HPL would result in poor management of the issue the proposed NPS-HPL is trying to achieve, as well as inequitable outcomes across the country.

### **Proposed Approach**

If the Ministry decide to proceed with the current proposal that Regional Councils are responsible for identifying HPL, HDC would like to see more clarity and direction in how this process should occur. Specifically, HDC request that the Ministry provide clear guidance to Regional Councils on how they should identify HPL as well as provide direction on the process by which Regional Council should engage with the relevant territorial authority (including taking into account recently completed strategic growth planning work).

If the overall intent of Policy 1 is retained (regardless of where responsibility for identification ultimately falls), HDC seek the following changes to Policy 1 and Appendix 1.

*In accordance with Policy 1, regional councils must use the following criteria to assess and identify areas of highly productive land:*

- a. *the capability and versatility of the land to support primary production based on the Land Use Capability classification system;*
- b. *the suitability of the climate for primary production, particularly crop production; and*
- c. *the size and cohesiveness of the area of land to support primary production.*

*When identifying areas of highly productive land, local authorities may also consider the following factors:*

- a. *[the current or potential availability of water – see question below];*
- b. *access to transport routes;*
- c. *access to appropriate labour markets;*
- d. *supporting rural processing facilities and infrastructure;*
- e. *the current land cover and use and the environmental, economic, social, and cultural benefits it provides; and*
- f. *water quality issues or constraints that may limit the use of the land for primary production.*

HDC request that Policy 1 and Appendix A are amended to state that Regional Council's must (not may) consider the matters indicated by underline above. This is because all of these factors are critical to whether land can be used productively or not. If land is unable to be used productively due to one or more of the above constraints, it would be unreasonable to place restrictions on that land that would constrain its ability to be used for some other purpose.

HDC also request the Ministry add an additional consideration to the list of criteria as follows:

- g. *Suitability of the climate to support primary production*
- h. *Land slope*
- i. *Whether there is sufficient, appropriate land available for urban development that would deliver a quality urban environment.*

## **5. Cumulative Effects of HPL Fragmentation from Rural Lifestyle Subdivision**

The current wording of the proposed NPS-HPL appears to put significant constraints on rezoning highly productive land for urban growth. However, it does not appear to provide the same level of direction on how to manage the cumulative effects of rural and rural lifestyle subdivision. Rural lifestyle sites are a relatively inefficient use of land in that they significantly reduce the productive potential of the site but deliver limited housing supply. Furthermore, the true effect of this form of development is difficult to consider and quantify through the resource consent process given subdivision consents are processed on a case-by-case basis with limited ability to consider the overall impact.

HDC believe that rural and rural lifestyle subdivision pose a more significant threat to highly productive land than urban growth focused plan changes. This is reflected by Landcare Research data which states that as of 2012, lifestyle blocks occupy 10% of the high class land resource. Since 1998, approximately 5,800 lifestyle sites are created nationwide per year and approximately 1/6 of all lifestyle blocks are located on high-class land (Landcare Research, 2012)<sup>6</sup>. Loss of production land between 1990 and 2012 due to urbanisation has resulted in just a 0.5% loss of high-class land.

As already stated, HDC recognise the value of HPL and support in principle a desire to protect this resource. We would suggest the NPS take a more balanced approach to managing urban expansion and a more stringent approach to directing Council's on how to manage the cumulative effects of rural lifestyle subdivision. HDC believe such an approach would more effectively target the types of development that pose the greatest threat to the soil resource while providing more leniency to urban expansion which is subject to a more robust assessment when compared to the resource consent process which currently has limited opportunity to consider cumulative effects.

## 6. Assessment of Proposed Objectives and Policies

Below is an assessment of the proposed objectives and policies most relevant to the Horowhenua context. In the right hand column, text proposed for deletion is shown in ~~strikethrough~~ and proposed additions in **bold underline**

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<sup>6</sup> <http://www.hortnz.co.nz/assets/Natural-Resources-Documents/expansion-of-lifestyle-blocks-and-urban-areas-onto-high-class-land.pdf>



Objective/Policy	Comment	Suggested Changes
<p><b>Objective 1: Recognising the benefits of highly productive land</b></p> <p>To recognise and provide for the value and long-term benefits of using highly productive land for primary production.</p>	<p>HDC are supportive of this objective, subject to the definition of 'highly productive land' being refined.</p> <p>HDCs concerns about the definition of HPL are covered in Section 4 and Section 7 of this proposal and should be considered to apply equally throughout the following assessment of objectives and policies.</p>	<p>Suggested changes to the 'highly productive land' Suggested alteration to the definition of HPL is included in Section 7 of this submission.</p>
<p><b>Objective 2: Maintaining the availability of highly productive land</b></p> <p>To maintain the availability of highly productive land for primary production for future generations.</p>	<p>HDC believe the current wording of this objective is too restrictive and does not reflect the intention expressed within the NPS-HPL discussion document that the intent is not 'no net loss'. This objective does not acknowledge there are times and situations where there will be loss of HPL, particularly when needing to provide for urban growth, as dictated by the proposed NPS-UD or for secondary processing facilities (or other activities) that have a functional requirement to locate on/near HPL.</p>	<p>HDC recommend altering the wording of this objective to reflect situations where loss of HPL could be appropriate.</p>
<p><b>Objective 3: Protecting from inappropriate subdivision, use and development</b></p> <p>To protect highly productive land from inappropriate subdivision, use and development, including by:</p> <ul style="list-style-type: none"> <li>avoiding subdivision and land fragmentation that compromises the use of highly productive land for primary production;</li> </ul>	<p>HDC are concerned about the prevalence of the word 'avoid' in both this objective and the proposed NPS-HPL generally. As the King Salmon case law has proven, avoid means avoid. The objectives and policies that use 'avoid' are therefore inconsistent with the intention express in the discussion document that the NPS-HPL is not seeking 'not net loss'. Therefore, the Ministry should exercise caution when using this as a directive.</p> <p>HDC also seek inclusion of a definition of 'Strategic Planning Process' so as to avoid confusion. We would recommend that this be a Council adopted Strategy</p>	<p>HDC recommend the following:</p> <p><b><u>Strategic Planning Process means a Council adopted Strategy that has been through a public engagement process and has specifically considered the impact on HPL, versatile soils, or similar as defined by the authority at the time of preparing the Strategy.</u></b></p> <p><i>To protect highly productive land from inappropriate subdivision, use and development, including by:</i></p> <ul style="list-style-type: none"> <li><i>avoiding <b>manage</b> subdivision and land fragmentation that compromises the use of highly productive land for primary production;</i></li> </ul>

Objective/Policy	Comment	Suggested Changes
<ul style="list-style-type: none"> <li>avoiding uncoordinated urban expansion on highly productive land that has not been subject to a strategic planning process; and</li> <li>avoiding and mitigating reverse sensitivity effects from sensitive and incompatible activities within and adjacent to highly productive land.</li> </ul>	<p>which has been through a public engagement process and has specifically taken into account impact on HPL (based the Council's definition of HPL of the time).</p> <p>HDC consider this policy a direct conflict with the proposed NPS-UD which directs Councils to consider proposals for urban development that are out of sequence and/or not located on pre-identified areas. HDC will explore this point further in its submission on the NPS-UD.</p>	<ul style="list-style-type: none"> <li><del>avoiding</del> <b>manage</b> uncoordinated urban expansion on highly productive land that has not been subject to a strategic planning process; and</li> <li>avoiding and mitigating reverse sensitivity effects from sensitive and incompatible activities within and adjacent to highly productive land</li> </ul>
<p><b>Proposed Policy 1: Identification of highly productive land</b></p> <p>1.1 Regional councils must identify areas of highly productive land using the criteria set out in Appendix A and:</p> <ul style="list-style-type: none"> <li>map each area of highly productive land; and</li> <li>amend their regional policy statements to identify areas of highly productive land within the region.</li> </ul> <p>1.2 Territorial authorities must amend their district plans to identify highly productive land identified by the relevant</p>	<p>HDC has proposed a number of alternative means of identifying HPL (both in interim and longer term) in Section 4 of this submission, ranked in order of preference.</p> <p>However, if the policy currently proposed is still considered the Ministry's preferred approach, the wording changes in the adjacent column are suggested.</p>	<p>1.1 Regional councils must identify areas of highly productive land using the criteria set out in Appendix A and:</p> <ul style="list-style-type: none"> <li>map each area of highly productive land; and</li> <li>amend their regional policy statements to identify areas of highly productive land within the region.</li> </ul> <p>1.2 Territorial authorities must amend their district plans to identify highly productive land identified by the relevant regional council under policy 1.1.</p> <p><i>Appendix A: Criteria to identify highly productive land</i></p> <p>In accordance with Policy 1, regional councils must use the following criteria to assess and identify areas of highly productive land:</p> <ul style="list-style-type: none"> <li>the capability and versatility of the land to support primary production based on the Land Use Capability classification system;</li> <li>the suitability of the climate for primary production,</li> </ul>



Objective/Policy	Comment	Suggested Changes
<p>regional council under policy 1.1.</p> <p><i>Appendix A: Criteria to identify highly productive land</i></p> <p>In accordance with Policy 1, regional councils must use the following criteria to assess and identify areas of highly productive land:</p> <ul style="list-style-type: none"> <li>a) the capability and versatility of the land to support primary production based on the Land Use Capability classification system;</li> <li>b) the suitability of the climate for primary production, particularly crop production; and</li> <li>c) the size and cohesiveness of the area of land to support primary production.</li> <li>d) When identifying areas of highly productive land, local authorities may also consider the following factors: <ul style="list-style-type: none"> <li>• [the current or potential availability</li> </ul> </li> </ul>		<ul style="list-style-type: none"> <li>• particularly crop production; and</li> <li>• the size and cohesiveness of the area of land to support primary production.</li> <li>• When identifying areas of highly productive land, local authorities <del>may</del> <b>must</b> also consider the following factors: <ul style="list-style-type: none"> <li>• [the current or potential availability of water – see question below];</li> <li>• access to transport routes;</li> <li>• access to appropriate labour markets;</li> <li>• supporting rural processing facilities and infrastructure;</li> <li>• the current land cover and use and the environmental, economic, social, and cultural benefits it provides; and</li> <li>• water quality issues or constraints that may limit the use of the land for primary production.</li> </ul> </li> <li>• <b><u>Suitability of the climate to support primary production</u></b></li> <li>• <b><u>Land slope</u></b></li> <li>• <b><u>Whether there is sufficient, appropriate land available for urban development that would deliver a quality urban environment.</u></b></li> </ul>

Objective/Policy	Comment	Suggested Changes
<p>of water – see question below];</p> <ul style="list-style-type: none"> <li>• access to transport routes;</li> <li>• access to appropriate labour markets;</li> <li>• supporting rural processing facilities and infrastructure;</li> <li>• the current land cover and use and the environmental, economic, social, and cultural benefits it provides; and</li> <li>• water quality issues or constraints that may limit the use of the land for primary production.</li> </ul> <p>Highly productive land excludes:</p> <ul style="list-style-type: none"> <li>a) urban areas; and</li> <li>b) areas that have been identified as future urban zones in district plans.</li> </ul>		
<p><b>Proposed Policy 2: Maintaining highly productive land for primary production</b></p> <p>Local authorities must maintain the availability and productive</p>	<p>HDC believe this policy is unclear, as follows:</p> <ul style="list-style-type: none"> <li>a) <b>Prioritise</b> the use of highly productive land for primary productive</li> <li>b) Consider giving <b>greater</b> protection to areas that make a <b>greater</b> contribution to the</li> </ul>	<p>Local authorities must maintain the availability and productive capacity* of highly productive land for primary production by making changes to their regional policy statements and district plans <b><u>as required/if necessary:</u></b></p> <ul style="list-style-type: none"> <li>a) prioritise the use of highly productive land for primary</li> </ul>

Objective/Policy	Comment	Suggested Changes
<p>capacity* of highly productive land for primary production by making changes to their regional policy statements and district plans to:</p> <ul style="list-style-type: none"> <li>a) prioritise the use of highly productive land for primary production</li> <li>b) consider giving greater protection to areas of highly productive land that make a greater contribution to the economy and community;</li> <li>c) identify inappropriate subdivision, use and development of highly productive land; and</li> <li>d) protect highly productive land from the identified inappropriate subdivision, use and development.</li> </ul>	<p>economy and community.</p> <p>HDC seek clarity on the following matters:</p> <ol style="list-style-type: none"> <li>1. What is meant by 'prioritise' HPL for primary production? What is this compared to what? Is this prioritisation intended to override the proposed NPS-UD?</li> <li>2. What is meant by provide 'greater protection' to HPL? Does this simply mean greater protection than non-HPL rural land?</li> <li>3. What is meant by 'greater contribution' to the economy and the community? How would this be determined and over what timescale?</li> </ol> <p>In addition to unduly constraining urban expansion, HDC believe the policy as worded could potentially limit opportunities for rural services/industries that have a functional need or benefit to locate near to the land they serve from establishing.</p> <p>HDC are also concerned that this policy does not acknowledge that many plans will already be consistent with this.</p> <p>Suggested wording to address these matters is in the adjoining column.</p>	<p>production <b><u>except where this land has been identified for an alternative use by a strategic planning process</u></b></p> <ul style="list-style-type: none"> <li>b) consider giving greater protection to areas of highly productive land <b><u>when compared to the rural land resource more generally where the</u></b> <del>that make a greater</del> contribution to the economy and community <b><u>justify additional protection;</u></b></li> <li>c) identify inappropriate subdivision, use and development of highly productive land; and</li> <li>d) protect highly productive land from the identified inappropriate subdivision, use and development.</li> </ul>
<p><b>Proposed Policy 3: New urban development and growth on</b></p>	<p>HDC believe this policy is too restrictive and does not allow sufficient flexibility to consider the range of</p>	<p>Urban expansion must not be located on highly productive land unless:</p>

Objective/Policy	Comment	Suggested Changes
<p><b>highly productive land</b></p> <p>Urban expansion must not be located on highly productive land unless:</p> <p>a) there is a shortage of development capacity to meet demand (in accordance with the NPS-UDC methodologies and definitions); and</p> <p>b) it is demonstrated that this is the most appropriate option based on a consideration of:</p> <ul style="list-style-type: none"> <li>• a cost-benefit analysis that explicitly considers the long-terms costs associated with the irreversible loss of highly productive land for primary production;</li> <li>• whether the benefits (environmental, economic, social and cultural) from allowing urban expansion on highly productive land</li> </ul>	<p>factors beyond HPL that are necessary to assess when considering whether to rezone land and/or when processing a resource consent application.</p> <p>As with objective 2, this policy could be interpreted as attempting to achieve a no net loss. However, based on the discussion document this is not the Ministry's intent. This policy conflicts with objective 3 which clearly expresses that urban expansion may occur on HPL where this has been subject to a strategic process.</p> <p>HDC are concerned about the focus of the policy on 'feasible' alternatives as well as the high evidence base for rezoning HPL.</p> <p>We do not believe that this gives sufficient consideration to broader sustainable management principles or other national direction (such as the proposed NPS-UD which has a key focus on quality urban environments).</p> <p>The focus on feasibility may also constrain Council's ability to satisfy the NPS-UD objective of providing land to growth both up and out. A literal interpretation of the policy as currently proposed is that while there is land available for intensification and/or less suitable greenfield land available (as highlighted by the example in Section 2 of this submission), HPL could not be rezoned.</p> <p>Suggested wording changes are in the adjacent</p>	<p>a) there is a shortage of development capacity to meet demand (in accordance with the NPS-UDC methodologies and definitions); and</p> <p>b) it is demonstrated that this is the most appropriate option based on <b><u>an assessment of:</u></b></p> <ul style="list-style-type: none"> <li>- <b><u>Consistency with a strategic planning process;</u></b></li> <li>- <b><u>Consideration of the impact of the loss of HPL on current and future generations;</u></b></li> <li>- <b><u>Whether other appropriate alternatives consistent with the objectives and policies of the NPS-UD are available.</u></b></li> </ul>

Objective/Policy	Comment	Suggested Changes
<p>outweigh the benefits of the continued use of that land for primary production; and</p> <ul style="list-style-type: none"> <li>the feasibility of alternative locations and options to provide for the required demand, including intensification of existing urban areas.</li> </ul>	<p>column.</p>	
<p><b>Proposed Policy 4: Rural subdivision and fragmentation</b></p> <p>Territorial authorities must amend their district plans to manage rural subdivision to avoid fragmentation and maintain the productive capacity of highly productive land, including by:</p> <ul style="list-style-type: none"> <li>a) setting minimum lot size standards for subdivision located on highly productive land to retain the productive capacity of that land;</li> <li>b) incentives and restrictions on</li> </ul>	<p>HDC believe that this policy as currently worded provides minimal benefit. HDC believe the majority of Councils would already be taking a similar approach.</p> <p>The use of the word ‘avoid’ is too restrictive and does not provide sufficient flexibility to enable lifestyle sites where these may be appropriate. For example, the policy appears to unduly constrain sites that have limited productive potential, but would be captured by the proposed definition of HPL (for example, sites that contain only a small portion of HPL which may seek to create lifestyle sites on the non-productive portions).</p> <p>The policy may also present unintended barriers for non-productive activities that are rightly located in rural areas that are not primary production (such as papakainga houses or areas for land-based wastewater discharge).</p>	<p>Territorial authorities must amend their district plans to manage <b>control</b> rural subdivision <b>to manage the effects of</b> <del>to avoid</del> fragmentation and maintain the productive capacity of highly productive land, including by:</p> <ul style="list-style-type: none"> <li>a) setting minimum lot size standards for subdivision located on highly productive land <del>to retain the productive capacity of that land;</del> <b>or/and</b></li> <li>b) <b><u>Considering the cumulative effects of rural subdivision and fragmentation;</u></b></li> <li>c) incentives and restrictions on subdivisions to help retain and increase the productive capacity of highly productive land; <b>or/and</b></li> <li>d) directing new rural lifestyle development away from areas of highly productive land.</li> </ul>

Objective/Policy	Comment	Suggested Changes
<p>subdivisions to help retain and increase the productive capacity of highly productive land; and</p> <p>c) directing new rural lifestyle development away from areas of highly productive land.</p>	<p>The policy is unclear as to whether a Plan needs to do one or all of the proposed criteria in order to be consistent with the policy. In particular, HDC questions whether the policy is directing all plans to offer incentives to retain and increase the productive potential of HPL. If so, HDC express concern about the difficulty of achieving this and/or whether it would provide a benefit in all contexts. As such, this should be an option for Councils to consider, but not a requirement.</p> <p>For this policy to be more helpful, it should provide more direction on how to manage cumulative effects of rural subdivision and fragmentation. It should also acknowledge that there are many mechanisms beyond site size that need to be considered in order to protect from fragmentation (e.g. shape, number of lots created by a single subdivision)</p> <p>Amending the definition of HPL would address some of these concerns. Suggested wording to address the remaining matters is in the adjoining column.</p>	

Objective/Policy	Comment	Suggested Changes
<p><b>Proposed Policy 7: Consideration of resource consent applications for subdivision and urban expansion on highly productive land</b></p> <p>When considering an application for subdivision or urban expansion on highly productive land, consent authorities must have regard to:</p> <ul style="list-style-type: none"> <li>a) The alignment of the application with relevant local authority statutory and non-statutory plans and policies relating to urban growth and highly productive land;</li> <li>b) The extent to which the subdivision or development will impact on the existing and future use of the land for primary production;</li> <li>c) The practical and functional need for the subdivision or urban expansion to occur at that location;</li> <li>d) The potential for reverse sensitivity effects and</li> </ul>	<p>HDC suggest rewording this policy to be clear that it does not apply to subdivisions that are for primary productive purposes.</p> <p>HDC also request the Ministry provide guidance on who would be a 'suitably qualified expert' and prepare guidance on what these people should consider when making such assessments.</p>	

Objective/Policy	Comment	Suggested Changes
<p>proposed methods to avoid or mitigate potential adverse effects on, and conflicts with, lawfully established activities; and</p> <p>e) The benefits (environmental, economic, social and cultural) from the proposed activity compared to the long-term benefits that would occur from the continued or potential use of the land for primary production.</p> <p>f) Resource consent applications must include a site-specific Land Use Capability Assessment prepared by a suitably qualified expert.</p>		

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## 7. Consultation Questions

HDC have grouped both the general and technical questions according to the themes set out in the discussion document. Many of the questions would have been answered by the submission points above, but brief answers to each of the question themes of key relevance to HDC are set out below:

### 2.3 Defining highly productive land

- *What are the values and benefits associated with highly productive land*
  - *What are the values and benefits associated with existing food growing hubs and how can these be maximised?*
- HPL has a number of important benefits to both local communities and the nation more generally.
  - The benefits are even more significant for 'food growing hubs' such as Horowhenua, which is evidenced by a long history of protecting production land.
  - If the Ministry are to go down the avenue of providing national direction on how to protect this resource, values could be maximised by first preparing a National Food Strategy and tailoring any resulting national direction approach according to the objectives of both a National Food Strategy and local conditions.

### 3.1 Problem statement

- *Does the RMA framework provide sufficient clarity and direction on how highly productive land should be managed? Why/why not?*
  - *Does the RMA framework provide sufficient clarity on how highly productive land should be considered alongside competing uses? Why/why not?*
  - *How are values and wider benefits of highly productive land being considered in planning and consenting processes?*
- Part 2 of the RMA requires that Plans safeguard the lifestyle supporting capacity of soil, provide for the efficient use and development of natural and physical resources and the finite characteristics of natural and physical resources.
  - This contributes to achieving the sustainable management purpose of the Act, which by its nature, requires protection of production land (i.e. life-supporting soils, finite natural and physical resources) against a range of other factors, including ability for communities to provide for their social, economic, and cultural wellbeing. As such, HDC consider the RMA already provides direction to protect production land and provides clarity on how local authorities should balance against other priorities. HDCs current planning documents reflect this.
  - As referenced in Section 3 of this submission, HDC currently affords specific protection to LUC 1 and 2, through the objectives, policies, and rules of the HDC District Plan. This specifically addresses how to control, manage and avoid fragmentation of the soil resource, including by setting minimum lot standards and through a Rural Subdivision Design Guide.
  - As referenced in Section 3, HDC consider the LUC 1 and 2 soils when undertaking strategic level growth planning work such as the Horowhenua Growth Strategy 2040. HDCs approach is to direct growth areas to lesser quality soils (being LUC 3 or below in the HDC context), unless there are no other alternatives that would achieve the purpose of the Act, or where there are known constraints on the usability of high quality soils (for example, due to historic fragmentation, presence of streams etc.).

### 3.2 Urban expansion onto highly productive land

- *How is highly productive land currently considered when providing urban expansion? Can you provide examples?*
  - *How should highly productive land be considered when planning for future urban expansion?*
- As above, soil quality is considered alongside a range of other factors (such as proximity to existing urban environments, natural hazard risk, cultural significance, environmental sensitivity) when identifying land for growth.
  - HDCs current preferred growth area for Levin, being Horowhenua primary urban settlement is 'Gladstone Green'. This is LUC 3, which from a LUC perspective represents a least-worst option given the prevalence of LUC 1 and 2 around Levin. In addition, the particular features of 'Gladstone Green' (stony soils at the surface) mean it has constraints for productive use (evidenced by current land uses).
  - HDCs current approach is considered appropriate in our context. HDC direct growth areas to less productive parts of the District, where this delivers the purpose of the Act when considering the range of other relevant factors and priorities.

### 3.3 Fragmentation of highly productive land

- *How is highly productive land currently considered when providing for rural-lifestyle development? Can you provide examples?*
  - *How should highly productive land be considered when providing for rural-lifestyle development?*
- HDC take a similar approach to the one described above when rezoning land specifically for lifestyle development. When providing for rural lifestyle development within the Rural Zone, HDC have a subdivision rule framework that is more restrictive on high quality soils and less restrictive on lower quality soils. A policy framework that specifically seeks to manage the threat of fragmentation supports these rules.
  - The relevant parts of the Horowhenua District Plan can be found via the links in the footnote. In particular, HDC direct the ministry to Chapter 2, specifically 'Fragmentation and Soil Resource' heading<sup>7</sup> and Chapter 19, tables 19.7.3 (controlled activity standards), 19.8.18 (restricted discretionary activity standards, and table 19.9.1 discretionary activity standards)<sup>8</sup>.

### 3.4 Reverse sensitivity

- *How should the tensions between primary production activities and potentially incompatible activities best be managed?*
  - *How can reverse sensitivity issues at the rural-urban interface best be managed?*
- A variety of provisions including specific rural lifestyle zones, minimum site sizes standards, and setback standards supported by objectives and policies.

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<sup>7</sup> <https://www.horowhenua.govt.nz/files/assets/public/districtplan2015/horowhenua-district-plan-2015-chapter-2-rural-zone.pdf>

<sup>8</sup> <https://www.horowhenua.govt.nz/files/assets/public/districtplan2015/horowhenua-district-plan-2015-chapter-19-rural-zone.pdf>

### **3.5 These issues are being seen throughout New Zealand**

- *Do you agree there is a problem? Has it been accurately defined in this document?*
- *Are you aware of other problems facing highly productive land?*
  
- HDC are aware the some parts of the country, specifically Pukekohe in Auckland, are facing challenges balancing the need to provide for growth against the need to protect HPL. However, HDC of the view that many other areas are effectively managing the issues through their own Plans and growth planning work.
- HDC are of the view that the Ministry has not clearly articulated the problem the NPS-HPL is trying achieve. HDC question whether the objective is to protect HPL for primary production generally, or whether it should focus more specifically on food production. In the absence of a National Food Strategy, the nation does not have a clear understanding of the challenges and opportunities associated with food production and distribution both now and in the future.
- Within the Manawatu-Whanganui Region, productive potential of HPL is being constrained by both regional and national level freshwater changes. If HPL is to be protected for primary production (or food production) it is important that the right settings are in place to enable this to occur and that these uses are not unduly constrained by conflicting policy direction.

### **4.5 Preferred option – a National Policy Statement**

- *Which option do you think would be the most effective to address the problems identified in Chapter Three? Why?*
- *Are there other pros and cons of an NPS that should be considered?*
- *Are there other options not identified in this chapter that could be more effective?*
  
- In section 1 of this submission, HDC have set out a number of alternative options. These options are listed below.
  - Combined NPS-HPL and NPS-UD
  - Tailored/Proportionate Approach
  - Amendment to Part 2 of the RMA

### **5.2 Purpose of the proposed NPS**

- *Should the focus of the NPS be on highly productive land more broadly? Why/why not?*
- *Should the focus of the NPS be on primary production generally or on certain types of food production activities? Why/why not?*
  
- As referenced previously, HDC believe the NPS should focus on food protection (noting that provision needs to be made to acknowledge the appropriateness of other non-primary/food production activities that may need to locate on HPL, such as areas for land based water discharge, rural processing industries, and potentially papakainga housing for rural marae).
- HDC reiterate our view that a National Food Strategy should be prepared. This would identify whether specific food production activities need to be targeted or not.

### 5.3 The scope of the proposal

- *Do you support the scope of the proposal to focus on land use planning issues affecting highly productive land? Why/why not?*
  - *What matters, if any, should be added to or excluded from the scope of the NPS? Why?*
  - *Should future urban zones and future urban areas be excluded from the scope of the NPS? What are the benefits and costs?*
  - *Should the NPS apply nationally or target areas where the pressures on highly productive land are the greatest?*
  - *How should the NPS best influence plan preparation and decision making on resource consents and private plan changes?*
  - *Should the NPS include policies that must be inserted into policy statements and plans without going through the Schedule 1 process? Benefits and risks?*
  - *What areas of land, if any, should be excluded from the scope of the proposed NPS? Why?*
- HDC consider some areas and activities should be exempt from this NPS. This includes;
    - LUC 3 in Districts/Regions that have significant availability of LUC 1 and 2 (Horowhenua for example has over 23% LUC 1 and 2).
    - Areas zoned (or identified) for both rural lifestyle and urban development, including those identified in a Council adopted Growth Strategy where specific consideration has been given to protecting HPL within the local context. This would both take into account local context and avoid requiring Councils who have already considered HPL in their growth planning to repeat this work, potentially ending up with the same/similar result.
    - Areas of land that are not LUC 1-3 within sites than contain more than 4ha of LUC 1-3.
    - Provision needs to be made for non-primary production activities that have a functional need to locate on HPL.
  - HDC believe a targeted approach could be an appropriate option. Refer to Section 1 of this submission for further information.
  - HDC can neither support nor oppose inclusion of policies without going through a Schedule 1 process based on the information provided to date. Our position would depend on how directive the policies were and whether there was scope for local communities to influence how they are incorporated and implemented by Plans. If there is limited choice open to the community, there are efficiencies in avoiding a Schedule 1 process. However, HDC expresses concern about perverse outcomes arising by having no community engagement process as well as concern about undermining public confidence in RMA plan making process.

### 5.4 The proposed NPS

- *What would an ideal outcome be for the management of highly productive land for current and future generations?*
- *What level of direction versus flexibility should the objectives provided to maintain the availability of HPL for primary production?*
- *Should the objectives provide more or less guidance on what is 'inappropriate subdivision'? Why/why not?*

- The ideal outcome would be a context specific, appropriate balance between protecting HPL for current and future generations, as well as protecting the ability for current and future generations to provide for their wellbeing through having sufficient land for housing, business, and new industries.
- The NPS need to be clear in intent, but provide sufficient flexibility to account for local factors as argued throughout this submission.
- The objective regarding 'inappropriate subdivision' could benefit from further clarity (i.e. cumulative effects) but need to acknowledge that local context will play a critical factor in determining what is considered 'inappropriate'.

### **Policy 1 – Identification of HPL**

- *If highly productive land is to be identified, how should this be done and by whom?*
  - *Are the proposed criteria all relevant and important considerations for identifying highly productive land? Why/why not?*
  - *What are the pros and cons of requiring HPL to be spatially identified?*
  - *Is the identification of HPL best done at the RC level? Why/why not?*
  - *What are the likely costs and efforts involved in identifying HPL in your region?*
  - *What guidance/technical assessment do you think will be beneficial to help Councils identify HPL?*
- Section 4 of the submission covers HDC's recommended approach to defining and identifying HPL. Key points are summarised below:
    - HDC recommend that Central Government identify and map HPL to avoid inconsistency arising from vary interpretation and/or capacity across different Regional Councils. This is subject to HDCs suggested alteration to the definition and policy wording detailed above. If identification is to remain to Regional Councils, HDC request detailed guidelines be prepared for Regional Councils as well as specific direction to engage with territorial authorities and take into account strategic growth planning work.
  - HDC believe that factors such as water availability, climate, transport etc. must be considered when identifying HPL (not may as currently worded). This is because these factors are critical to whether land can be used productively.
  - HDC are supportive of spatially identifying HPL as this will make implementation significantly easier.

### **Appendix 1**

- *Should there be a default definition of HPL based on LUC until Councils identify this? Why/why not?*
  - *What are the key considerations to consider when identifying highly productive land? What factors should be mandatory and optional?*
  - *What are the benefits and risks associated with allowing Councils to consider current and future availability of water when identifying HPL? How should this be aligned with the freshwater programme?*
  - *Should there be a tiered approach to identify and protect highly productive land based on the LUC class (e.g. higher to LUC 1 & 2 compared to LUC 3) Why/why not?*
- HDC have suggested an alternative to a default, immediate-effect definition to apply while Regional Councils identify HPL. This is an option whereby Councils could apply to the



Minister detailing their particular HPL context, including availability of the resource and approach to managing it, seeking that the Minister approve this approach as a sufficient interim measure until HPL has been identified by Regional Council (or central government, if this approach is taken). Such areas contain should then be excluded the definition of HPL.

- As previously referenced HDC believe the factors listed in appendix 1 as 'optional' factors should be mandatory and include consideration of whether there is appropriate land available for urban development. Refer to Section 6 for specific wording.
- HDC believe that taking into account both sensitive catchments and availability of water is a critical consideration as to whether land is HPL. HDC note that the impact of water availability and quality issues is likely to change over time, due to the effects of climate change as well as mitigations offered by new technology. However, HDC see limited value in protecting high quality land is water availability or quality concerns preclude or unduly constrain the productive potential of the land. This could be addressed by making the wording changes to Policy 1 and Appendix 1 referenced above and included in Section 6 of this submission.
- HDC question whether LUC 3 should be included in the NPS-HPL given it is moderately constrained and is extensively distributed. However, if the LUC 3 remains in the NPS-HPL, HDC would support a tiered approach whereby less protection is afforded to LUC 3 than LUC 1 and 2.

### **Policy 2 – Maintaining HPL for primary production**

- *What are the pros and cons associated with prioritising highly productive land for primary production?*
- Primary production (or more specifically, food production) is a major contributor to the economy, employment, and wellbeing of New Zealand. Therefore, HDC support in principle that HPL be prioritised for these purposes. However as already expressed, HDC are concerned that the wording of the NPS-HPL is too restrictive and does not give sufficient clarity on how to manage this priority against other, equally valid priorities (such as housing supply) to achieve the purpose of the Act.

### **Alignment with the urban growth agenda**

- *Do you think there are potential areas of tension or confusion between this proposed NPS and other national direction (proposed or existing?)*
- *How can the NPS for HPL and the proposed NPS on UD best work alongside each other to achieve housing objectives and better management of the highly productive land resource?*
- HDC believe there is significant confusion between the proposed NPS-HPL and NPS-UD. Refer to Section 2 of this submission for a detailed assessment.
- To summarise, HDC recommend a combined NPS-HPL and NPS-UD to address this conflict.
- In addition, HDC note that the NPS-HPL is not proposed to go through the same independent review panel process as the NPS-UD. This is concerning given that these two NPS have been described by the Ministry as 'companion' documents. HDC would therefore recommend both NPS be subject to the same process.

### **Policy 3 – New urban development on HPL**

- *How should HPL be considered when identifying areas for urban expansion?*
  - *How can this policy best encourage proactive and transparent consideration of HPL when identifying areas for new urban development and growth?*
  - *How can proposed NPS for HPL best align and complement the requirements of the proposed NPS on UD?*
- As stated earlier, HDC believe it is important to consider the effects of 'lost' HPL when identifying areas for urban expansion. However, it is important to consider what HPL is within a particular context and to balance this against other resource management priorities (including natural hazards, quality urban environments, potential cultural effectives, significant natural environments etc.) This is the approach HDC currently take, both through strategic planning documents such as the Horowhenua Growth Strategy 2040 and through the Horowhenua District Plan.
  - As previously stated, the NPS-HPL and NPS-UD should be combined. This would better enable the two currently conflicting priorities to align and complement each other, while also allowing for proactive and transparent consideration of HPL alongside other resource management priorities when identifying growth areas.

### **Policy 4 – Rural subdivision and fragmentation**

- *How should the NP direct the management of rural subdivision and fragmentation on HPL?*
  - *Should the NPS provide greater direction on how to manage subdivision on HPL (e.g. setting minimum lot size standards for subdivision)? If so, how can this be done?*
  - *Should the proposed NPS encourage incentives and mechanisms to increase the productive capacity of HPL (e.g. amalgamation of titles)? Why/why not?*
- Section 5 of this submission provides an overview of this matter. HDC consider that rural and rural lifestyle development pose a greater risk to HPL fragmentation than from urban expansion.
  - We consider that the NPS-HPL should provide objectives and policies focused on protecting HPL from significant unplanned fragmentation resulting from rural and rural residential subdivision, in particular guidance around cumulative effects.
  - We are aware of some councils (e.g. Hastings District) who have incentives for increasing productive capacity of land (e.g. amalgamation of titles). As outlined in Section 6 we do not consider that requiring incentives should be mandatory, however, the Ministry could provide guidance on types of incentives councils could use, alongside analysis of their potential effectiveness.

### **Policy 5 – Reverse sensitivity**

- *How should the NPS direct the management of reverse sensitivity effects on land adjacent to HPL?*
  - *How can the NPS best manage reverse sensitivity effects within and adjacent to highly productive land?*
- HDC are comfortable with the current wording contained within the proposed NPS-HPL.

**Policy 6 and Policy 7 – Consideration of private plan changes and resource consent applications on HPL**

- *How should the NPS guide decision making on private plan changes to rezone HPL for urban or rural lifestyle?*
  - *How should the NPS guide decision making on RCA for subdivision and urban expansion on HPL?*
  - *Should these policies be directly inserted into plans without going through the Schedule 1 process (i.e. as a transitional policy until each Council gives effects to the NPS)? What are the potential benefits and risks?*
  - *How can these policies best assist decision makers consider trade-offs, benefits, costs and alternatives when urban development and subdivision is proposed on highly productive land?*
  - *Should the policies extend beyond rural lifestyle subdivision and urban development to large scale rural industries operations on highly productive land? Why/why not?*
- HDC already have a planning framework that protects production land and therefore, believe these provisions are not required. The inclusion of an immediate, one-size fits all approach, could result in perverse outcomes and unduly constrain or undermine growth planning work undertaken by Councils to date. However, HDC understand the desire to implement immediate protection to avoid a 'gold rush' effect. Therefore, HDC reiterate our earlier recommendation that a process be established whereby Councils can apply to the Minister to have their planning works (District Plans, Growth Strategies etc.) approved as a sufficient interim approach to continue with while HPL is identified.

**5.5 Interpretation**

- *Do any of the draft definition in the NPS need further clarification? If so, how?*
  - *Are there other key terms in the NPS that should be defined and, if so, how?*
  - *Should there be minimum threshold for highly productive land (i.e. as a percentage of site or minimum hectares)? Why/why not?*
- HDC has provided discussion on the process and criteria proposed for HPL in Section 4.
- HDC recommend including a definition of 'strategic planning processes as included in Section 6 of this submission.
- HDC recommend the Ministry amend the definition of HPL as discussed throughout this submission and as follows below. In respect of part (a) of the definition, HDC recommend this would only apply if the Ministry does not accept HDCs request that the Minister can approve an existing planning framework that gives sufficient consideration to HPL (as defined by the local authority at the time the document was produced) as an interim approach to managing threats to HPL:

Highly productive land means:

- a. *land that has been identified as highly productive by a local authority in accordance with Policy 1 and Appendix A of this national policy statement; or*
- b. *where a local authority has not identified highly productive land in accordance with Policy 1 and Appendix A, ~~a land parcel in a rural area that contains at least 50% or 4 hectares of land (whichever is the lesser)~~land defined as Land Use Capability 1, 2 and*



- 3 as mapped by the New Zealand Land Resource Inventory or by ~~more detailed~~ site mapping **by a suitably qualified and experienced professional**; but
- c. does not include urban areas or areas that have been identified as a future urban zone in a district plan or proposed district plan,
  - d. **does not include future urban areas identified by a strategic planning process which has been through a public process, formally adopted by Council prior to gazettal of the NPS-HPL, and has considered the impact on highly productive land (as defined by the local authority).**
- Option: That point (d) be subject to Minister's approval.*

## 5.6 Implementation

- *What guidance would be useful to support the implementation of the NPS?*
  - *Do you think a planning standard is needed to support the consistent implementation of some proposals in this document?*
  - *If yes, what specific provisions do you consider are effectively delivered via a planning standard tool?*
- Guidance Documents
    - The scope of these documents should provide clear guidance on the intended implementation on each of the objectives and policies as well as clear guidance on the intended interrelationship with other national direction, particularly the NPS-UD. As outlined throughout this submission (in particular Section 2) there are currently provisions contained within the NPS-HPL that conflict with NPS-UD and vice versa. It is also important that, if some of the provisions take immediate legal effect, that the guidance documents are available prior to gazettal.
  - Officer support from the Ministry.
    - Ministry officers should be available to discuss implementation and provide guidance directly with local authorities.
  - National Planning Standards.
    - Council supports in principle the development of national planning standards to address issues are common nationally. However, we consider that breadth of local factors associated with this issue would make it too complex and difficult to prepare effective national planning standards associated with the NPS-HPL.
  - HDC encourage the Ministry to visit and understand the local context of the areas most impacted by the NPS-HPL.

## 5.7 Timeframes

- *What is the most appropriate and workable approach for HPL to be identified by Council? Should this be sequenced as proposed?*
  - *What is an appropriate and workable timeframe to allow Councils to identify highly productive land and amend their policy statements and plans to identify that land?*
- As outlined in section 4, HDC do not support blanket, immediate legal effect of the objectives and remaining policies. We have suggested an alternative that would recognise the work of Councils who are already working to managing the threat of urban expansion and/or fragmentation on HPL.
  - The NPS-HPL timeframes do not align with the National Planning Standards, which require the Council to implement the National Planning Standards by 2024, whereas, (assuming

gazettal in mid-2020) the changes related to the NPS-HPL would be required to be implemented by mid-2025.

- The process regional and territorial authorities will need to go through to complete the process of identifying HPL is not clear. This make it difficult to comment on the appropriateness of the proposed timeframe. However, HDC make the following general comments:
  - Given the potential impact on the community, HDC consider a Schedule 1 process would be the appropriate approach for Regional Councils to use identify HPL. However, if the provisions were notified by regional councils until the 3 year deadline, this would not leave sufficient time for the provisions to go through the Schedule 1 process and become operative before territorial authorities would be required to go through their own plan change processes to implement them (via Schedule 1).
  - Even if Regional Councils had the identification plan change operative within 3 years of gazettal, a two year window for territorial authorities go prepare a plan change and go through the process is unachievable, particularly considering the scale of other national direction due to take effect over similar timeframes (e.g. National Planning Standards, NPS-UD).

## 8. Summary of Changes Sought

HDC has summarise the changes sought throughout this submission, ordered by the submission heading they appear under first. The requested changes appear below only once, even if they appear multiple times through the submission above.

### ***Introduction***

1. The Ministry halt work on the proposed NPS-HPL and clearly define the problem statement. This should include preparation of a National Food Strategy prior to continuing with the NPS-HPL.
2. The Ministry consider combining the NPS-HPL and the NPS-UD.
3. If the Ministry do not combine NPS-HPL and NPS-UD, the Ministry should:
  - a. consider a proportionate approach whereby the areas whose HPL resources are under most threat from both growth and have a history of poor protection of HPL would be subject to more significant and immediate requirements. Areas who can prove they already have a planning framework that protects HPL could then be subject to a more lenient and less time constrained process.
  - b. Refine the objectives and policies of each document to provide clear direction on hierarchy of priorities.
4. If the Ministry do not take option 2 or 3 above, the Ministry should consider an amendment to Part 2 of the Act in the place of the various pieces of national direction currently proposed.

### ***Effectiveness of Existing Local Approach***

5. The NPS-HPL recognise existing approaches to balancing the need to protect HPL against the need to provide land for growth, at least for period in which HPL is being identified (refer to change 8 for detail).

### **Definition and Identification of HPL**

6. The definition of HPL be amended to exclude rural lifestyle and deferred rural lifestyle zones identified in District Plans.
7. The default definition of HPL be amended exclude LUC 3.
8. The default definition of HPL be amended so that that it only applies to a piece of land that contains LUC 1-2 (where this is a contiguous piece of LUC 1-3 of 4ha or more) rather than the whole site of a site that contains the lesser of more than 50% or more than 4ha of LUC 1-3.
9. The NPS-HPL be amended to include a process whereby Councils could make an application to the Minister to have their existing planning regimes (RMA plans and strategic planning documents) approved as sufficiently managing the threat to the productive land resource for the interim period (i.e. between NPS gazettal and longer term identification of HPL). Areas identified through for growth through such a process should be exempt from the default definition of HPL.
10. Central government be tasked with identifying HPL instead of Regional Councils.
11. If the Ministry decide to proceed with the current proposal that Regional Councils are responsible for identifying HPL, HDC request more clarity and direction in how this process should occur and what it should consider.
12. The suggested wording changes to policy 1 and appendix 1 contained within the table in Section 6 of this submission.
13. HDCs proposed definition for HPL is as follows:

Highly productive land means:

- a. *land that has been identified as highly productive by a local authority in accordance with Policy 1 and Appendix A of this national policy statement; or*
- b. *where a local authority has not identified highly productive land in accordance with Policy 1 and Appendix A, a land parcel in a rural area that contains at least 50% or 4 hectares of land (whichever is the lesser) **land** defined as Land Use Capability 1 and 2 and 3 as mapped by the New Zealand Land Resource Inventory or by ~~more detailed~~ **site mapping by a suitably qualified and experienced professional;***
- c. *does not include urban areas or areas that have been identified as a future urban zone in a district plan or proposed district plan,*
- d. ***does not include future urban areas identified by a strategic planning process which has been through a public process, formally adopted by Council prior to gazettal of the NPS-HPL, and has considered the impact on highly productive land (as defined by the local authority).***

***Option: That point (d) be subject to Minister's approval.***

### **Objectives and Policies**

14. The wording changes proposed in the table contained within Section 6 of this submission.
15. Definition of the term 'strategic planning process' as follows:

***Strategic Planning Process*** means a Council adopted Strategy that has been through a public engagement process and has specifically considered the impact on HPL, versatile soils, or similar as defined by the authority at the time of preparing the Strategy.

## Consultation Questions

16. The NPS-HPL should focus on food protection and needs to acknowledge the appropriateness of other non-primary/food production activities that may need to locate on HPL, such as areas for land based water discharge, rural processing industries, and potentially papakainga housing for rural marae.
17. HDCs submission on whether the NPS-HPL should include objectives and policies to incorporate in plans without going through a schedule 1 process depends on how directive the policies are and whether there is scope for local communities to influence how they are incorporated and implemented by Plans. If there is limited choice open to the community, there are efficiencies in avoiding a Schedule 1 process. However, HDC expresses concern about perverse outcomes arising by having no public engagement process as well as concern about undermining public confidence in RMA plan making process.
18. The factors listed in policy 1, appendix 1 as 'optional' factors to consider when identifying HPL should be mandatory and should include consideration of whether there is appropriate land available for urban development. Refer to Section 6 for specific wording.
19. HDC recommend the NPS-HPL go through the same independent review panel process as the NPS-UD.
20. HDC seek the following implementation support from the Ministry:
  1. Guidance Documents
    - a. The scope of these documents should provide clear guidance on the intended implementation on each of the objectives and policies as well as clear guidance on the intended interrelationship with other national direction, particularly the NPS-UD. As outlined throughout this submission (in particular Section 2) there are currently provisions contained within the NPS-HPL that conflict with NPS-UD and vice versa. It is also important that, if some of the provisions take immediate legal effect, that the guidance documents are available prior to gazettal.
  2. Officer support from the Ministry.
    - b. Ministry officers should be available to discuss implementation and provide guidance directly with local authorities.
21. HDC do not support blanket, immediate protection of LUC 1-3. HDC has suggested an alternative approach above.
22. HDC believe the timeframes to identify HPL and amend District Plans is too short.

## 9. Conclusion

HDC once again thank the Ministry for the opportunity to provide feedback on the proposed NPS-HPL though want to express concern about the short timeframes provided to give feedback, particularly taking into account the other pieces of national direction open for feedback at the same time.

HDC would be more than happy to discuss any of the submissions points above further. HDC also invite the Ministry to come and visit our district to better understand our local context and the potential impact of this NPS.

# Submission on Proposed National Policy Statement - Urban Development

File No.: 19/388

## 1. Purpose

To seek Council to consider and ratify the submission prepared by Officers on the Proposed National Policy Statement – Urban Development to be submitted to the Ministry of the Environment.

## 2. Recommendation

- 2.1 That Report 19/388 Submission on Proposed National Policy Statement - Urban Development be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That the Horowhenua District Council ratifies the Submission on the Proposed National Policy Statement Urban Development and authorises the Chief Executive to lodge the submission with Ministry for the Environment before 10 October 2019.

## 3. Background/Previous Council Decisions

The Proposed National Policy Statement – Urban Development (NPS-UD) was released on 14 August 2019 for consultation. It is proposed to replace the existing National Policy Statement – Urban Development Capacity.

A discussion document and a summary document were released and can be viewed at:

<https://www.mfe.govt.nz/publications/towns-and-cities/planning-successful-cities-summary>  
<https://www.mfe.govt.nz/sites/default/files/media/Towns%20and%20cities/planning-successful-cities-discussion-document-proposed-nps-on-urban-development.pdf>

Submissions close on 10<sup>th</sup> October 2019 and are to be lodged with the Ministry for the Environment. The Ministry for the Environment officials will summarise the submission and recommend changes to the proposed NPS-UD. The summary report and recommendation will be presented to an independent technical advisory panel to review. Ministry officials will then seek agreement from Ministers to make recommended changes, then approve the NPS-UD. If Ministerial and Cabinet approval is given, the NPS-UD will likely take effect during the first half of 2020.

A number of the provisions contained within the NPS-UD will take effect immediately from the date of gazettal. These provisions generally direct Council to actively plan and provide for urban development opportunities. Other provisions, such as a direction that plans enable higher density development in particular locations have specific timeframes for implementation (plan changes notified within 18 months of gazettal). Horowhenua District Council has likely already satisfied a number of these requirements through work such as the Horowhenua Growth Strategy 2040 and Plan Change 2 to the Horowhenua District Plan.

This consultation process is the one shot that Council has to influence the outcome.

The proposed NPS-UD was part of a briefing to Elected Members on 16 September 2019. The submission was shared in draft form with Elected Members with the opportunity to provide feedback prior to it being included on the Council agenda.

## 4. Issues for Consideration

The overall purpose of the proposed NPS-UD is to improve the way urban development is provided for under the RMA. Specifically, the NPS-UD directs Councils to:

- Carry out integrated land use and infrastructure planning;
- Enable growth both upwards and outwards in a way that contributes to quality urban environments;
- Develop, monitor and maintain an evidence base about supply and demand for housing and business land;
- Ensures planning is aligned and coordinated across urban areas, and that issues of concern to iwi and hapū are taken into account.

The proposed NPS-UD does not present any major challenges to the growth planning work that Horowhenua District Council have undertaken to date. However, the current wording of the NPS-UD is quite vague and does not provide sufficient clarity of how it should be implemented. The attached submission explores this issue, along with concerns about the potential costs of implementing the NPS-UD and suggests some alternative options for consideration.

In preparing the submission for the proposed NPS-UD, officers have also needed to be mindful of the interface and tension between the National Policy Statements on Highly Productive Land and Freshwater Management that are also currently out for consultation.

Officers seek Council to ratify the submission so that it can be lodged.

## Attachments



No.	Title	Page
A	HDC Submission on NPS-Urban Development	87

### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

## Signatories

Author(s)	David McCorkindale <b>Group Manager - Strategy &amp; Development</b>	
Approved by	David Clapperton <b>Chief Executive</b>	



## 1. Introduction

Horowhenua District Council (HDC) appreciate the opportunity to provide feedback on the Proposed National Policy Statement on Urban Development (NPS-UD). HDC recognise that enabling growth and providing for quality urban environments is critical to community wellbeing. HDC are therefore supportive of the proposed NPS-UD in principle. In particular, HDC support the focus on enabling growth both up and out and the focus on quality urban environments.

However, HDC seek a number of amendments to improve the clarity of the proposed NPS-UD as well as to improve the NPS-UD's alignment with other national direction, including the proposed NPS-HPL and the Essential Freshwater programme. HDC want to express concern that the NPS-HPL and NPS-UD are being described as companion documents, yet appear to be subject to different review and gazettal processes (i.e. NPS-UD is to go through an independent review panel, while the NPS-HPL will not). HDC recommend that if the Ministry continues with both NPS, they should be subject to the same process.

HDC also wish to raise concern about the short timeframes imposed by Government to provide feedback on this and other important documents. Not only have the short timeframes affected our ability to provide detailed feedback, but also the timing alongside local body elections has affected our ability to canvass community opinions.

As stated above, HDC support the focus on the proposed NPS-UD on 'quality urban environments'. However, HDC believe the NPS-UD does not clearly articulate what a quality urban environment is. The wording contained within the proposed NPS-UD is vague and has a metropolitan focus, yet applies to all urban settlements, including provincial towns. HDC believe it is important that the NPS-UD acknowledge and understand the range of urban settlements that exist within New Zealand and the important roles they play in the overall urban resource of New Zealand. For example, provincial towns stand a better chance of providing affordable housing than large urban centres and provide a different living option – with choice in living options being a priority identified in the proposed NPS-UD. HDC wish to emphasise that this diversity should be celebrated and that this should be recognised and provided for within the proposed NPS-UD.

HDC wish to express a concern about the costs of compliance associated with the proposed NPS-UD. The proposed NPS-UD focuses heavily on increasing development capacity beyond what is feasible and likely to be taken up. HDC understand the rationale of taking this approach to reduce the effects of market competition on land supply markets. However, where this relies on increased provision of infrastructure, this needs to be balanced against what is affordable for ratepayers.

### Horowhenua Context

Horowhenua District is currently experiencing significant growth. In the absence of any census data since 2013, HDC commissioned Sense Partners to prepare growth projections for the District. These forecast the District's population to grow by 33% to 41,000 by year 2040 (medium growth scenario). For the past three years, the District's population has grown at a faster rate than the Sense Partners projections suggesting that growth pressures may be even more significant than currently anticipated.

A number of factors are driving this growth, but significantly:

- Roading improvements south of the District improving accessibility to Wellington;

- Dramatically increasing house prices in urban areas forcing people to look to places such as Horowhenua, which are relatively cheaper;

Central Government have also recently identified Horowhenua as a refugee resettlement area by 2020. This may further accelerate growth in our District.

Population growth, along with increasing unaffordability in major urban areas, is having a 'spill over' effect on Horowhenua. Horowhenua has recently experienced significant increases in housing costs, resulting in housing reaching the point of 'severely unaffordable' within our local context.

- Median house price increased from \$264k in September 2017 to \$345k in March 2019 (+31%)
- As of March 2019, the housing affordability index for Horowhenua was 7.5. This is 'severely unaffordable'

Transitional, social and emergency housing in the District are all full and the Horowhenua Housing Register has grown from six applicants in 2014 to 93 applicants in 2019. These indicators all reflect the pressure for additional housing within our District.

Based on the above, HDC are well aware of the challenges associated with providing for growth and are eager to ensure we provide the right opportunities to accommodate and enable growth. HDC have already taken a number of steps to address this, including a recent plan change to increase residential intensification opportunities, prepared a Growth Strategy, established a Housing Forum and are in the process of drafting a Housing Action Strategy.

However, HDC is caught in the middle of many competing tensions, many of which are out of HDCs control. For example, many of our identified growth areas are constrained by capacity issues at State Highway intersections. In addition, the proposed NPS-HPL has the potential to undermine the growth planning work we have undertaken to date and unduly constrain opportunities for our community. The NPS-FWM may also affect Councils ability to provide for growth. The NPS-UD does not address this potential conflict.

### **Level of Directive Intervention**

HDC want to make a specific, upfront response to the Ministry's question as to whether there would be support for more directive national direction on urban development that controlled aspects such a height, density/subdivision standards, and site coverage.

While HDC is not entirely dismissive of this as an option, HDC wish to express concern about this for the following reasons:

- The discussion document does not provide any detail on the process that would be followed to identify such standards;
- The sheer complexity of developing a set of metrics and standards that would be appropriate across the variety of urban settlements present within New Zealand (for example, Levin would require a different approach than Wellington);
- The risk of perverse planning outcomes, resulting from 'one sizes fits all' approach that does not take into account local environments and contexts;
- That this approach does not acknowledge the value of local knowledge in planning and decision making processes;
- That this approach could run counter to the diversity and choice principles contained within this NPS;



- That this approach could result in homogenous urban environments that do not represent the values of local communities;
- That this approach would represent a further chipping away of the public participatory and devolved decision making elements of the RMA.

## Other Considerations

HDC also point out that the proposed NPS-UD does not address climate change and does not provide any direction on how urban environments should consider and respond to this. Given the potential impacts of climate change on urban environments, HDC are concerned that the NPS-UD has not addressed this.

Land and housing development processes are highly complex. While having a planning regime that enables and encourages quality urban environments and provision of affordable housing is an important component, many other factors influence whether or not urban development and affordable housing are delivered (for example, cost of infrastructure). Provision of affordable housing and quality urban environments are a key priority for HDC, as they are for the Government. Therefore, HDC urge the Government to consider other mechanisms to support the NPS-UD to ensure these objectives are achieved.

## Alternative Approaches

HDC believe there are a number of alternatives the Ministry should consider further, including:

### *Combined NPS-UD and NPS-HPL*

A combined NPD-US and NPS-HPL would help to reconcile the clashes that exist between the two proposed documents. The NPS-HPL seems to duplicate work that many Councils are already doing through their District Plans and strategic growth planning. Incorporating objectives and policies into a combined NPS that specify how HPL must be considered when providing land for urban expansion would make explicit that this needs to occur for Councils that are not already doing this, without requiring Councils to duplicate work that is already occurring effectively at a local level.

### *National Planning Standards*

HDC ask whether a national planning standard was considered as part of the process of preparing the proposed NPS-UD. While HDC would advise the Ministry to be cautious in issuing prescriptive direction (further addressed above), the discussion document does not indicate whether the Ministry considered this option.

## 2. National Direction or National Confusion?

The proposed NPS-HPL and the proposed NPS-UD have conflicting priorities and are weighted towards different outcome biases. HDC foresee potential implementation issues where parties involved in plan making and/or resource consent processes could use either of the NPSs to justify totally opposite outcomes. This will result in confusion of the strategic outcomes sought, NPSs being 'cherry picked' to support particular priorities, and increased risk of appeal which altogether could result in poorer management of the very issues these NPS are trying to provide direction on. The following paragraphs highlight some of the potential conflicts between these two documents.

The proposed NPS-UD proposes to remove unnecessary restrictions on development and directs Councils to enable growth to occur both upwards and outwards. The proposed policy framework places significant focus on quality urban environments, enabling choice (both housing type and location), and on providing sufficient land supply to ensure demand is met.

The NPS-UD also directs that plans limit, as much as possible, the effects of competition on land development, that Councils consider the positive impacts of urban development and that Councils consider plan changes for urban development that are out of sequence or outside of areas already identified for urban development.

This focus appears to be in direct contrast to the NPS-HPL which states that uncoordinated expansion onto highly productive land should be avoided, that highly productive land should be prioritised for primary production, and that urban growth should be directed away from highly productive land except where:

- There is a shortage of development capacity,
- There are no other **feasible** options
- The benefits of urban expansion outweigh the benefits of primary production.

Neither the proposed NPS-HPL nor the proposed NPS-UD provide sufficient direction on how to rationalise their competing interests, let alone how to balance these against wider resource management priorities.

To give a specific example, the town of Levin has existing land identified for urban development (zoned deferred residential) near to Lake Horowhenua. However, since this land was identified for urban expansion Council has become aware of constraints associated with developing this land (in particular, stormwater management). The land is also very close to Lake Horowhenua (culturally significant waterbody) and near to Levin's wastewater treatment plant. Due to these factors, Council has more recently directed its growth planning elsewhere to an area known as 'Gladstone Green' which is immediately east of Levin. Gladstone Green is LUC 3 and would therefore be captured under the definition of HPL (though, due to a stony surface layer, has constraints on its ability to be utilised productively).

Gladstone Green is now Council's primary growth area for Levin because:

- The size and scale enables a quality urban environment with open space, services, amenities, and choice to be provided;
- Directs development away from a sensitive environment;
- Has ideal conditions for servicing, particularly stormwater.

Under the current NPS-UD, this development area would appear to be the preferred option. However, the NPS-HPL would seem to direct HDC to prioritise the existing identified urban expansion area near Lake Horowhenua. HDC have discussed this conflict with other Councils and have had differing feedback on which NPS 'trumps' the other and in what circumstance. This emphasises HDC's concern that the proposed NPSs do not provide sufficient clarity on the outcomes sought.

### 3. Assessment of Proposed Objectives and Policies

Below is an assessment of the proposed objectives and policies most relevant to the Horowhenua context. In the right hand column, text proposed for deletion is shown in ~~strikethrough~~ and proposed additions in **bold underline**.

Objective/Policy	Comment	Suggested Changes
<p><b>Objective 1</b> To ensure long-term strategic planning, reflected in planning documents, provides for: a) integrated land use and infrastructure b) quality urban environments.</p>	<p>HDC do not have any high level concerns about this objective. However, HDC note the policies associated with this objective only apply to major urban centres (MUCs).</p> <p>As such, HDC seek guidance from the Ministry on how non-MUCs should implement this objective. HDC is concerned that in the absence of sufficient guidance, non-MUCs will be coaxed into preparing a Future Development Strategy (FDS) in accordance with the full list of policies contained within the NPS-UD despite the Ministry acknowledging that the level of work associated with doing so is such that it is not expected of non-MUCs. It is important this guidance is balanced with other national direction (from both a process and outcomes point of view).</p> <p>HDC also wish to acknowledge that Government have a role to play in infrastructure planning, such as providing transport infrastructure. Within the Horowhenua context, under investment in transport infrastructure (namely State Highways and public transport) is constraining our ability to enable development in growth areas. As such, it is important that this objective is met by a commitment by Government to do their part to ensure this can occur.</p>	<p>Provide direction on how non-MUC should implement this policy.</p>
<p><b>Objective 2</b> To enable quality urban environments that make it possible for all people, whānau, communities and future generations to provide for their well-being, including by: a) offering people access to a choice of homes that meet their demands, jobs, opportunities for</p>	<p>HDC support the principle of this objective, which is to put focus on delivering quality urban environments.</p> <p>However, this objective is unclear in terms of what a 'quality' urban environment is and has a metropolitan focus, despite the fact that many urban settlements across the country are of provincial scale yet still play an important role.</p> <p>As stated above, the Ministry should amend this objective so it clearly articulates both what 'quality' is and reflects variety of</p>	<p>Reword objective to clearly articulate what a quality urban environment is, for a range of urban settlements.</p>

<p>social interaction, high-quality diverse services and open space b) providing businesses with economies of scale, with access to many consumers, suppliers, skilled people and sources of innovation c) using land, energy and infrastructure efficiently d) responding to changing needs and conditions.</p>	<p>urban settlements.</p> <p>It is important this clarity is provided through objectives and policies, rather than preamble or supporting material. This is because it is the objectives and policies that have statutory weight.</p>	
<p><b>Objective 3</b> To enable development in locations and in ways that maximise its positive contribution to, and minimise its negative impact on, quality urban environments.</p>	<p>HDC support this objective in principle, subject to the NPS-UD being amended to clearly articulate what a 'quality urban environment' is.</p> <p>HDC also seek clarification on how this objective should be balanced against the objectives of the NPS-HPL, where development would make a positive contribute to quality urban environments, but involves land captured under the NPS-HPL definition of 'highly productive land'.</p>	<p>Provide direction on how this objective should be balanced against competing objectives in the NPS-HPL.</p>
<p><b>Policy 2A</b> When making planning decisions that affect urban development, and the way and rate at which development capacity is provided, local authorities must have particular regard to:</p> <p>a) enabling a range of dwelling types and locations, working environments and</p>	<p>HDC are supportive in principle of policies that direct planning documents to give specific consideration as to how to enable urban development, including providing opportunities for a variety of dwelling types and locations.</p> <p>However, as previously referenced HDC are concerned about local authorities' ability to deliver on 'limiting the possible adverse effects' of the competitive operation of land and development markets.'</p> <p>The extent of infrastructure provision to enable urban development and reduce the adverse effects of competitive operation of land and development markets needs to be</p>	<p>Provide clarification on how the NPS-UD should be balanced against competing national direction.</p>

<p>business locations</p> <p>b) limiting as much as possible adverse impacts on the competitive operation of land and development markets.</p> <p>When making decisions on consent applications that affect urban development, and the way and rate at which development capacity is taken up, decision-makers must have regard to the need, consistent with this NPS, to:</p> <p>c) provide a range of dwelling types and locations, working environments and business locations</p> <p>d) limit as much as possible the adverse impacts on the competitive operation of land and development markets.</p>	<p>balanced against what is affordable to ratepayers. HDC is concerned that this policy creates expectations that will not be able to be fulfilled.</p> <p>Further, HDC wish to point out that Government have a role to play in whether or not this policy can be implemented – within the Horowhenua context there are several examples where Government’s underinvestment in national infrastructure, such as State Highways, has constrained HDCs growth planning work.</p> <p>Land rezoning and intensification plan changes need to be balanced against competing resource management priorities, including protection of highly productive land, recognition of protection of amenity values (noting that this can change over time), and freshwater quality. This policy does not acknowledge these competing interests and does not provide direction on how to balance this policy with other national direction.</p>	
<p><b>Policy 2B</b> When making or updating policies, plans and strategies, local authorities must have particular regard to:</p> <p>a) the positive impacts of</p>	<p>HDC seek clarification on how this policy is to be implemented.</p> <p>In relation to points a) and c), HDC seek clarification on how to rationalise this policy against the policies contained within the NPS-HPL which state that highly productive land must be prioritised for primary production purposes. As referenced in HDCs submission on the NPS-HPL, HDCs urban settlements</p>	<p>Provide clarification and guidance on how to balance competing pieces of national direction.</p> <p>Remove the need to consider national level costs and benefits.</p>

<p>urban development to contribute to a quality urban environment as described in O2</p> <p>b) the benefits and costs of urban development at national, inter-regional, regional and district scale, as well as locally.</p> <p>When making decisions on consent applications, decision-makers must have regard to:</p> <p>c) the positive impacts of urban development to contribute to a quality urban environment as described in O2 and</p> <p>d) the benefits and costs of urban development at national, inter-regional, regional and district scale, as well as locally.</p>	<p>are surrounded by HPL meaning these two NPS could create significant uncertainty for our community if these conflicts are not addressed.</p> <p>In relation to points b) and d), HDC believe the requirement that regard be had to the benefits and costs of urban development at a national scale is unreasonable – particularly for smaller local authorities and urban areas such as Horowhenua.</p>	
<p><b>Objective 4</b> Urban environments provide for the diverse and changing amenity values of individuals and communities.</p>	<p>HDC support the objective in that it acknowledges that amenity values change over time. However, HDC is concerned that the objective does not provide any guidance on how to determine what aspects of amenities communities' value and how to provide for this in Plans.</p>	<p>-</p>
<p><b>Policy 3A</b> In making planning and consent decisions, decision-makers must recognise that amenity values:</p> <p>a) vary among individuals</p>	<p>HDC seeks further clarification from the Ministry on what is expected to implement this policy, specifically whether it is expecting frequent and detailed reassessment of bulk and location provisions, and the extent to which this is expected to enable intensification while ensuring quality urban environments.</p>	<p>In making planning and consent decisions, decision-makers must recognise that amenity <b>character</b> values:</p> <p>a) vary among individuals and communities</p>

<p>and communities b) change over time.</p>	<p>HDC also question whether this policy confuses amenity with character. HDC consider 'amenity' values to be closely aligned with Maslow's Hierarchy of Needs theory, with 'amenity values' sitting towards the bottom of the hierarchy (i.e. physiology and safety) as basic expectations (for example, safe living environment, privacy, access to sunlight). While character can certainly change over time (e.g. transition from quarter acre sections to medium density development) without creating adverse effects, these basic amenity expectations such as those listed above generally remain constant over time.</p> <p>Therefore, HDC recommend that this policy be reworded to focus on how 'character' changes over time, yet can still deliver high quality amenity.</p>	<p>b) change over time; c) <b><u>require basic amenity expectations (such as safety, privacy, and solar access) to be provided for.</u></b></p>
<p><b>Objective 5</b> To ensure local authority policies, plans and strategies enable enough opportunities for development to meet diverse demands for housing and business land.</p>	<p>HDC support this principle in theory, but have some concerns about implementation as explained in relation to Policy 4A below.</p>	<p>Amend associated policies to provide clarity.</p>
<p><b>Policy 4A</b> Local authorities must ensure at all times their plans enable at least enough development capacity that is feasible and likely to be taken up to meet the demand for dwellings (in terms of location, typology and price) and business land (in terms of location, floor area and extent of</p>	<p>HDC support this in principle, but seek guidance from the Ministry on how local authorities who are not required to prepare Housing Business Assessments should implement this policy.</p> <p>As previously referenced, HDC also raise concern about whether this is achievable. In some cases, the costs of providing infrastructure to enable the development capacity desired in Policy 4A will be unaffordable under existing local government funding arrangements. HDC also want to reiterate that in some cases, national level infrastructure local authorities are not</p>	<p>Provide implementation guidance for local authorities who do not need to prepare an HBA.</p> <p>Establish means of supporting local authorities with the affordability of implementing this policy.</p>

<p>land) over the short, medium and long term.</p> <p>A local authority meets these obligations by ensuring:</p> <ul style="list-style-type: none"><li>a) Short term – that the development capacity is enabled by resource management plans and serviced with development infrastructure</li><li>b) Medium term – that the development capacity is enabled by resource management plans and either:<ul style="list-style-type: none"><li>a. is serviced with development infrastructure, or</li><li>b. the funding for the development infrastructure required to service that development capacity must be identified in a Long Term Plan required under the Local Government Act</li></ul></li><li>c) Long term – that:<ul style="list-style-type: none"><li>a. the development</li></ul></li></ul>	<p>responsible will constrain local authorities' ability to implement this policy.</p>	
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<p>capacity is identified in all relevant plans and strategies (including the FDS)</p> <p>b. the development infrastructure required to service it is identified in the relevant Infrastructure Strategy required under the Local Government Act 2002.</p>		
<p><b>Policy 4B</b> As soon as a local authority determines that it cannot provide the required development capacity, it must notify the Minister</p>	<p>HDC seek clarity on what action the Minister will take in the event this occurs. Without any direction or detail on what tools are available to the Minister, this policy is superfluous.</p>	<p>Amend policy to detail what actions will be available to the Minister, or remove.</p>
<p><b>Policy 4C</b> In providing development capacity, a local authority must be satisfied that the other infrastructure required to support urban development is, or is likely to be, available.</p>	<p>HDC support this in principle, but raise concern about whether this is affordable under existing local government funding arrangements. HDC also want to reiterate that in some cases, national level infrastructure local authorities are not responsible will constrain local authorities' ability to implement this policy.</p>	<p>Establish means of supporting local authorities with the affordability of implementing this policy.</p>
<p><b>Policy 4G</b> If an HBA or any other evidence or monitoring indicates that there is inadequate</p>	<p>HDC seek clarification on whether this policy applies to non-MUCs. Page 10 the discussion document indicates that this applies to all local authorities, while page 32 indicates it only applies to MUCs.</p>	<p>Amend NPS-UD to address inconsistency and reflect whether this policy applies to all local authorities, or just MUCs.</p>

<p>development capacity, the local authority must:</p> <ul style="list-style-type: none"> <li>a) consider all options (under any legislation) to enable development, such as integrated and coordinated consenting processes</li> <li>b) increase development capacity by changing policy statements and plans, including changes to zoning, objectives, policies, rules and spatial layers that apply in existing urban environments and greenfield areas</li> <li>c) if the inadequacy relates to the long term, update its FDS</li> <li>d) consider all other options for increasing development capacity.</li> </ul>	<p>Given this policy refers to Future Development Strategies, which currently is not required for non-MUCs, HDC's assumption (and preference) is that this does not apply.</p>	
<p><b>Objective 6</b> To ensure local authorities:</p> <ul style="list-style-type: none"> <li>a) make decisions on urban development based on the best available evidence</li> <li>b) respond promptly to evidence about changing demands for housing and business land</li> <li>c) identify the evidence on which decisions about urban development are made.</li> </ul>	<p>HDC seek clarification on whether this objective applies to non-MUCs. Page 10 of the discussion document indicates that this applies only to MUCs, while page 34 states it applies to all urban environments.</p> <p>None of the policies listed under this objective apply to non-MUCs (i.e. policies relating to Future Development Strategies and Housing and Business Assessments). Therefore, HDC assume (and prefer) this objective does not apply to non-MUCs. However, if it does HDC ask the Ministry to provide guidance to non-MUCs on how to implement this objective.</p>	<p>Amend NPS-UD to address inconsistency and reflect whether this policy applies to all local authorities, or just MUCs.</p>

<p><b>Objective 7</b> To provide for the benefits of urban intensification by allowing for increased density in areas where those benefits are best realised.</p>	<p>HDC support this objective in principle and already provide for intensification in most suitable areas through its District Plan.</p>	<p>-</p>
<p><b>Policy 6A</b> Enable higher-density development, especially in areas where there are one or more of the following</p> <ul style="list-style-type: none"> <li>a) proximity to many employment opportunities</li> <li>b) urban amenities and services are easily accessible by existing or planned active transport and public transport networks</li> <li>c) high demand for housing</li> <li>d) best use can be made of existing or planned infrastructure, services and facilities.</li> </ul>	<p>HDC seeks clarification on what is meant by <u>higher</u> density development. The Horowhenua District Plan already provides for medium density housing in identified areas, as well as recently increasing opportunities under general infill subdivision opportunities.</p> <p>While HDC support the intent of the policy, we believe it may provide limited benefit as the majority of District Plans already apply this approach.</p>	<p>Provide clarity on the definition of <u>higher</u> density development. HDC recommend this is defined as 'higher' that the 'general residential zones' (or other similar term used in District Plans).</p>
<p><b>Example Policy</b></p> <p>When considering a plan change that enables urban development that is not otherwise enabled in the plan, local authorities must provide for urban development</p>	<p>HDC do not support the direction that Councils <u>must</u> consider urban development in areas not identified for growth.</p> <p>HDC consider that applying a 'business as usual' approach to unplanned, uncoordinated expansion is highly inappropriate.</p> <p>In order to achieve quality urban environments, it is important that a carefully considered, integrated approach be followed. The RMA already provides flexibility for this to occur, subject to</p>	<p>Remove this policy and rely on the remaining policies of the NPS-UD and the direction provided in the RMA.</p>

<p>when all of the following apply:</p> <ul style="list-style-type: none"> <li>a) Development enabled by the plan change would contribute to a quality urban environment, including access to transport choice.</li> <li>b) Development enabled by the plan change would not have adverse effects on protected areas or areas identified for restoration.</li> <li>c) Development under the plan change can occur in a way that is appropriate, safe, and resilient in the long term in respect of natural hazards and the effects of natural hazards.</li> <li>d) Reverse sensitivities are appropriately managed within and adjacent to the location or locations that are the subject of the plan change.</li> <li>e) Infrastructure to enable the long-term development of the land can be provided.</li> </ul>	<p>the appropriate level of planning and assessment occurring. Including policies that increase the presumption of appropriateness of uncoordinated expansion is considered inappropriate and likely to result in poor planning outcomes that could undermine the purpose of the RMA.</p> <p>Furthermore, this has the potential to undermine the investment Councils make into growth planning and infrastructure provision, as well as run counter to evidence based approach advocated for elsewhere in NPS-UD.</p> <p>It would also directly conflict with the approach detailed in the NPS-HPL.</p>	
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<p><b>Objective 8</b> To ensure every local authority with an urban environment has a robust, comprehensive and frequently updated evidence base about its urban environments.</p>	<p>HDC support this objective in principle, but as indicated in the assessment of Policies 8A, 8B, and 8D recommended clarification and refinement.</p>	<p>-</p>
<p><b>Policy 8A</b> Local authorities must use evidence and information about the land and development markets for dwellings and business land, and reflect this in their section 32 reports.</p>	<p>HDC support this policy.</p>	<p>-</p>
<p><b>Policy 8B</b> Local authorities must monitor a range of indicators, including the following, on a quarterly basis, to ensure they are well-informed about their markets for housing and business development capacity, and urban development activity and outcomes:</p> <ul style="list-style-type: none"> <li>a) prices and rents for housing, residential land, and business land by location and type, and changes in these over time</li> <li>b) the number of dwellings receiving resource or building consents</li> </ul>	<p>HDC support monitoring and report of housing indicators. HDC already monitor a number of growth indicators and report on this on a regular basis.</p> <p>However, HDC do not believe quarterly monitoring to the extent required by this policy is achievable or beneficial. This due to both the administration time cost and, from a logistical perspective, because the release of required information does not allow for this to occur.</p> <p>As such, HDC request this policy to be amended to require <u>annual monitoring</u> and reporting.</p>	<p><b>Policy 8B</b> Local authorities must monitor a range of indicators, including the following, on a <del>quarterly</del> <b>annual</b> basis, to ensure they are well-informed about their markets for housing and business development capacity, and urban development activity and outcomes:</p> <ul style="list-style-type: none"> <li>a) prices and rents for housing, residential land, and business land by location and type, and changes in these over time</li> <li>b) the number of dwellings receiving resource or building consents relative to the growth in households</li> <li>c) the type and location of dwellings receiving resource or building consents</li> </ul>

<p>relative to the growth in households</p> <ul style="list-style-type: none"> <li>c) the type and location of dwellings receiving resource or building consents</li> <li>d) the housing price to cost ratio</li> <li>e) indicators of housing affordability</li> <li>f) available data on business land.</li> </ul>		<ul style="list-style-type: none"> <li>d) the housing price to cost ratio</li> <li>e) indicators of housing affordability</li> <li>f) available data on business land.</li> </ul>
<p><b>Policy 8D</b> Local authorities must assess demand for housing and business land, and the development capacity required to meet that demand in the short, medium and long term.</p>	<p>HDC support this policy in principle, but seek guidance on how to implement it.</p>	<p>Provide implementation guidance for local authorities who do not need to prepare an HBA.</p> <p>Establish a means of supporting local authorities with the affordability of implementing this policy.</p>
<p><b>Objective 9</b> Urban development occurs in a way that takes into account resource management issues of concern to iwi and hapū.</p>	<p>HDC support in principle objectives and policies that seek to improve opportunities for iwi and hapū input in the planning process, as HDC are committed to working with our Treaty partners to understand their aspirations.</p> <p>However, due to the short consultation timeframes imposed by the Ministry, HDC have been unable to engage with iwi and hapū and therefore cannot provide specific comment on these objectives and policies.</p> <p>HDC do however, ask the Ministry what level of engagement they undertook with iwi and hapū in preparing the NPS-UD.</p>	
<p><b>Policy 9A</b> When preparing a proposed policy statement, plan or strategy that affects how development capacity is provided for in urban environments every local authority must:</p> <ul style="list-style-type: none"> <li>a) provide iwi and hapū with opportunities to</li> </ul>		

<p>identify the resource management issues of concern to them relating to urban environments; and</p> <p>b) indicate how those issues have been or will be addressed in the proposed policy statement, plan or strategy.</p>	
<p><b>Policy 9B</b> When preparing a proposed policy statement, plan or strategy that affects how development capacity is provided for in urban environments every local authority must:</p> <p>a) provide hapū and whānau with opportunities to identify their aspirations for urban development on whenua Māori within their rohe</p> <p>b) take into account their aspirations for urban development on whenua Māori within their rohe.</p>	

## 4. Consultation Questions

Many of the consultation questions relevant to HDC would have been answered by the submission points above, but brief answers to each of the questions key relevance to HDC are set out below:

1. *Do you support a National Policy Statement on Urban Development that aims to deliver quality urban environments and make room for growth? Why/Why not?*
  - a. *Are there other tools under the RMA, other legislation or non-statutory tools that would be more effective in achieving a quality urban environment and making room for growth?*
  - HDC support the NPS-UD in principle, but as indicated by the above submission points, the wording of objectives and policies creates significant uncertainty.
  - HDC believe that there is significant conflict with the NPS-UD and the NPS-HPL which could be addressed by combining the two documents.
4. *Do you support the proposed approach of the NPS-UD providing national level direction about the features of a quality urban environment? Why/why not?*
  - a. *Do you support the features of a quality urban environment stated in draft objective O2? Why/why not?*
  - b. *What impacts do you think the draft objectives O2–O3 and policies P2A–P2B will have on your decision-making?*
  - HDC are supportive of the NPS-UD providing direction on the features of a quality urban environment, so long as this direction is clear and recognises the range of urban settlements in New Zealand.
  - Refer to the assessment against O2-O3 and policies P2A-P2B provided in the table in Section 3 of this submission.
5. *Do you support the inclusion of proposals to clarify that amenity values are diverse and change over time? Why/why not?*
  - a. *Do you think these proposals will help to address the use of amenity to protect the status quo?*
  - b. *Can you identify any negative consequences that might result from the proposed objective and policies on amenity?*
  - c. *Can you suggest alternative ways to address urban amenity through a national policy statement?*
  - HDC recommend that 'character' replace the word 'amenity'.
  - HDC support the notion that character can change over time (e.g. intensify) and still deliver good 'amenity'. However, HDC believe many basic amenity values (e.g. safety and privacy) remain consistent over time.
  - It is also important any resulting approach provides sufficient flexibility to take into account local context.
6. *Do you support the addition of direction to provide development capacity that is both feasible and likely to be taken up? Will this result in development opportunities that more accurately reflect demand? Why/why not?*



- HDC support the intention, but question whether this is achievable and affordable.
8. *Do you support policies to enable intensification in the locations where its benefits can best be achieved? Why/why not?*
- a. *What impact will these policies have on achieving higher densities in urban environments?*
  - b. *What option/s do you prefer for prescribing locations for intensification in major urban centres? Why?*
  - c. *If a prescriptive requirement is used, how should the density requirements be stated? (For example, 80 dwellings per hectare or a minimum floor area per hectare).*
  - d. *What impact will directly inserting the policy to support intensification in particular locations through consenting decisions have?*
- HDC support enabling intensification in locations where benefits can be best achieved, but do not support a prescriptive approach. It is important that 'higher density' is relative and appropriate to local context, including the infrastructure capacity available.
  - HDC also question the benefit of this policy, as many District Plans already take this approach.
9. *Do you support inclusion of a policy providing for plan changes for out-of-sequence greenfield development and/or greenfield development in locations not currently identified for development?*
- a. *How could the example policy better enable quality urban development in greenfield areas?*
  - b. *Are the criteria in the example policy sufficiently robust to manage environmental effects ensure a quality urban environment, while providing for this type of development?*
  - c. *To what extent should developers be required to meet the costs of development, including the costs of infrastructure and wider impacts on network infrastructure, and environmental and social costs (recognising that these are likely to be passed onto future homeowners and beneficiaries of the development)? What impact will this have on the uptake of development opportunities?*
  - d. *What improvements could be made to this policy to make development more responsive to demand in suitable locations beyond areas already identified for urban development?*
- As referenced in the table in Section 3 of this submission, HDC do not support this approach.
  - HDC believe this approach has significant risks associated with it and conflicts with other national direction as well as other aspects of the NPS-UD.
  - HDC believe the RMA already provides sufficient direction and opportunity for this to occur, where it achieves the purpose of the Act.
11. *Do you think that central government should consider more directive intervention in local authority plans?*
- a. *Which rules (or types of rules) are unnecessarily constraining urban development?*
  - b. *Can you identify provisions that are enabling higher-density urban development in local authority plans that could be provided for either nationally or in particular zones or areas?*
  - c. *Should a minimum level of development for an individual site be provided for across urban areas (for example, up to three storeys of development is a permitted activity across all zones)?*

- d. Given the potential interactions with the range of rules that may exist within any given zone, how could the intent of more directive approaches be achieved?*

While HDC is not entirely dismissive of this as an option, HDC wish to express concern about this for the following reasons:

- The discussion document does not provide any detail on the process that would be followed to identify such standards;
- The sheer complexity of developing a set of metrics and standards that would be appropriate across the variety of urban settlements present within New Zealand (for example, Levin would require a different approach than Wellington);
- The risk of perverse planning outcomes, resulting from 'one sizes fits all' approach that does not take into account local environments and contexts;
- That this approach does not acknowledge the value of local knowledge in planning and decision making processes;
- That this approach could run counter to the diversity and choice principles contained within this NPS;
- That this approach could result in homogenous urban environments that did not represent the values of local communities;
- That this approach would represent a further chipping away of the public participatory and devolved decision making elements of the RMA.

- 12. Do you support requirements for all urban environments to assess demand and supply of development capacity, and monitor a range of market indicators? Why/why not?*

- HDC support this intention, but reiterate that this needs to be set at a level that is appropriate to local context and that clear guidance to support implementation of this is important.

- 13. Do you support inclusion of policies to improve how local government works with iwi, hapū and whānau to reflect their values and interests in urban planning?*

- a. Do you think the proposals are an appropriate way to ensure urban development occurs in a way that takes into account iwi and hapū concerns?*
- b. How do you think local authorities should be directed to engage with Māori who do not hold mana whenua over the urban environment in which they now live?*
- c. What impacts do you think the proposed NPS-UD will have on iwi, hapū and Māori?*

- As stated above, HDC are supportive of this intention, but without sufficient time to engage with our Treaty partners cannot provide specific comment on the policies proposed.

- 16. What kind of guidance or support do you think would help with the successful implementation of the proposed NPS-UD?*

- Clear policy wording that recognises and provides for the important role different types of urban settlements play in the overall urban resource of New Zealand.
- Inclusion of supportive mechanisms to implement the requirements of the NPS-UD (e.g. support to fund infrastructure, central government to commit to investing in national level infrastructure) and clear guidance material.

- 17. Do you think there are potential areas of tension or confusion between any of these proposals and other national direction? If so, please identify these areas and include any suggestions you have for addressing these issues.*

- As discussed, HDC believe many parts of the NPS-UD conflict with the NPS-HPL.

- HDC are also concerned the freshwater programme will constrain Councils' ability to provide for either greenfield growth or residential intensification.

## 5. Summary of Changes Sought

HDC has summarised the changes sought throughout this submission, ordered by the submission heading they appear under first. The requested changes appear below only once, even if they appear multiple times through the submission above.

### **Introduction**

1. HDC request that the existing conflict between national direction be addressed. This could occur through combining the NPS-HPL and the NPS-UD, or at least by putting the NPS-UD and NPS-HPL through the same review and gazettal process.
2. HDC request that the objectives and policies of the NPS-UD be amended to recognise the variety of urban settlement types that exist across New Zealand and the important role these each play.
3. HDC request that the NPS-UD be amended to provide clear direction on what a quality urban environment, including recognition of diversity in urban type as referenced above.

### **Level of Directive Intervention**

4. While HDC are not completely dismissive of the option of more directive intervention for urban development, however we do have a number of concerns about the potential impact of this, as explained in Section 1 of this submission.

### **Other Considerations**

5. HDC request that the NPS-UD be amended to provide direction on how to consider climate change when planning for urban development.
6. Enabling planning regimes are just one component of delivering urban development and affordable housing. Many of these other factors fall outside the role of local government. HDC urge the Government to consider other mechanisms needed to support implementation of NPS-UD in order to address these issues.

### **Alternative Approaches**

7. As stated above, HDC request the Ministry to consider a combined NPS-HPL and NPS-UD.

### **Assessment of Proposed Objectives and Policies**

8. The table contained within Section 4 of this submission contains a number of suggested changes to the content and wording of objectives and policies.

### **Consultation Questions**

9. HDC do not support the direction regarding urban expansion on land not areas not identified for growth. The RMA already provides sufficient scope for this to occur.
10. HDC support this intention of improved monitoring of housing indicators, but reiterate that this needs to be set at a level that is appropriate to local context (i.e. both frequency and detail) and that clear guidance to support implementation of this is important. Refer to Section 3 of this submission for further information.

## 6. Conclusion

HDC once again thank the Ministry for the opportunity to provide feedback on the proposed NPS-UD though want to express concern about the short timeframes provided to give feedback, particularly taking into account the other pieces of national direction open for feedback at the same time.

HDC would be more than happy to discuss any of the submissions points above further. HDC invite Ministry to come and visit our district to better understand our local context and the potential impact of this NPS and other pieces of national direction currently proposed.

# Submission on One Plan - Plan Change 2 Existing Intensive Farming Land Uses

File No.: 19/389

## 1. Purpose

For Council to consider and ratify the submission prepared by Officers on the One Plan - Plan Change 2 Existing Intensive Farming Land Uses so that it can be lodged with Horizons Regional Council before the submission closing deadline of 21 October 2019.

## 2. Recommendation

- 2.1 That Report 19/389 on Submission on One Plan - Plan Change 2 Existing Intensive Farming Land Uses be received.
- 2.2 That this matter or decision be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That the Horowhenua District Council ratifies the Submission on the One Plan – Plan Change 2 Existing Intensive Farming Land Uses and authorises the Chief Executive to lodge the submission with Horizons Regional Council before 21 October 2019.

## 3. Background/Previous Council Decisions

The One Plan - Plan Change 2 Existing Intensive Farming Land Uses was released on 22 July 2019 for consultation. Submissions close on 21 October 2019.

Information regarding this plan change and process can be found on the Horizons website; <http://www.horizons.govt.nz/publications-feedback/one-plan-reviews-changes/plan-change-2>

Submissions are to be lodged with Horizons Regional Council. From there Horizons officers will summarise the submissions received and notify those so that further submissions (cross-submissions) can be made. Following the closing of the further submission process a hearing would be held enabling submitters to speak to their submissions. After the hearing has been closed a decision would be issued and adopted by Horizons Regional Council. If there are no appeals to the Environment Court, or when these are resolved then the Plan Change provisions would be made operative and become part of the One Plan.

The One Plan - Plan Change 2 Existing Intensive Farming Land Uses was part of two briefings to Elected Members, one by Horizons officers on 21 August 2019 (post notification) and a further briefing by HDC officers on 16 September 2019. The submission was shared in draft form with Elected Members with the opportunity to provide feedback prior to it being included on the Council agenda.

## 4. Issues for Consideration

Proposed Plan Change 2 focuses on the One Plan's provisions that manage nutrient loss from existing intensive farming land uses (dairy farming, commercial vegetable growing, cropping, and intensive sheep and beef) in target water management sub-zones. These provisions are not working as they had been intended when the One Plan was developed. Proposed Plan Change 2 strives to:

- Update the cumulative nitrogen leaching maximums in Table 14.2 to reflect improvements in the nutrient modelling software tool Overseer;
- Reinforce good management practices as part of intensive farming land use activities; and

- Provide a workable pathway for landowners to apply for resource consent for intensive farming land use activities that cannot achieve Table 14.2 cumulative leaching maximums.

Horizons has indicated that there are an estimated 118 existing unconsented dairy farms in target catchments in the Region, and around 60 commercial vegetable growers in Horowhenua targeted catchments of Hokio and Waikawa.

Horizons has announced that it proposes to notify Plan Change 3 (New Intensive Farming Land Uses) in November 2019, which would establish the provisions to apply to new intensive farming activities in all catchments.

The Officer submission recognises that the direct impacts from the Plan Change on Council are limited (largely to municipal waste) and that the Plan Change has a much more significant impact on growers and farmers in the Horowhenua target catchments. The submission highlights some of the flaws around the lack of engagement prior to notifying the plan change. Noting the many challenges with the current draft of the Plan Change for Horowhenua, the Council submission requests that the Plan Change is withdrawn in its current form and that a collaborative process is used to develop a set of provisions for the One Plan that are more bespoke and reflective of the context of the Horowhenua district.

In preparing the submission for this Plan Change, officers have also needed to be mindful of the interface and tension between the National Policy Statements on Highly Productive Land, Urban Development and Freshwater Management that are also currently out for consultation.

Officers seek Council to ratify the submission so that it can be lodged with Horizons Regional Council.

## Attachments



No.	Title	Page
A	HDC Submission - Plan Change 2 to the One Plan	111
B	Hokio a and b management zones - HDC Submission Attachment to One Plan Plan Change 2	117
C	Waikawa Management Zone - HDC Submission Attachment to One Plan - Plan Change 2	118

### Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

### Signatories

Author(s)	David McCorkindale <b>Group Manager - Strategy &amp; Development</b>	
Approved by	David Clapperton <b>Chief Executive</b>	

26 September 2019

The Chief Executive of the Manawatū-Whanganui Regional Council  
Private Bag 11025  
Manawatū Mail Centre  
Palmerston North 4442

Dear Michael,

## **Submission of the Horowhenua District Council on Plan Change 2 to the One Plan**

### **Introduction**

The Horowhenua District Council (the Council) makes the following submission on Proposed Plan Change 2 – Existing Intensive Land Uses (PC2) to the One Plan, the combined Regional Policy Statement and Regional Plan for the Manawatū-Whanganui Region.

The Council makes this submission in recognition of the purpose of local government set out in the Local Government Act 2002, and the role, status, powers and principles under that Act relating to local authorities. In particular, the Council's comments are made in recognition of its functions and responsibilities under the Local Government Act 2002 and the Resource Management Act 1991 (RMA).

The Council would not gain a competitive advantage in trade competition in making this submission.

The primary interests of Horowhenua District Council relates to the integrated management of land and water resources in the Hokio and Waikawa Water Management Subzones (WMSZ's) as well as implications for other catchments located within the Horowhenua District. Maps of the land uses within the Hokio and Waikawa WMSZ's are attached to this submission.

The Council recognises the scope of PC2 does not include any new objectives and policies in the Regional Policy Statement (RPS) or amend any existing objectives in the Regional Plan (RP).

### **General Comments**

The Council supports the intent to manage the effects of land use to meet freshwater quality objectives and setting N limits - agreed through a specific catchment-based integrated management approach - whilst also providing for economic, social, and cultural goals of the wider community.

In regard to the target catchments within the Horowhenua District, it is imperative that proposed changes recognise and provide for a managed transition and pathways to meet updated limits (Table 14-2). Provisions for transition need to be based on a thorough understanding of catchment data (uses and values, and demands and pressures) and genuine engagement with the affected landowners, stakeholder interest groups and the wider community, if they are going to be truly effective and achieve desired environmental outcomes.

The Council seeks that in establishing transitional pathways for the Hokio and Waikawa WMSZ's that particular consideration is given to protecting efficient, existing investment in the short term,



whilst farmers and growers work through their consenting processes, transition plans (including mitigation strategies and financing) and / or exit strategies.

The Council seeks more detailed information / guidance on how over-allocation will be managed in transition, once a limit has been settled for the target catchments in Horowhenua.

The Council supports the development of a range of methods for “managing N” toward limits established for target catchments. The Council is aware of industry audited self-management programmes to guide a managed transition, and support these as methods to achieve revised limits. Funding and technical support resources could also be provided, for example, to establish self-empowering catchment groups for local land and water management initiatives.

The Council considers that a successful RMA planning regime for target catchments in the Horowhenua District must:

- Anticipate the role of ongoing collaboration and importance of adaptive management to meet the established limits for target catchments;
- Support existing farmers and growers to move towards farming practices that improve the health of waterways;
- Balance environmental, social, cultural and economic values;
- Recognise that optimal mitigation measures differ by sector, farm system and management practices, and by catchment;
- Be based on sound science that the farmers and growers and wider community can understand;
- Protect existing investments of intensive farming activities and allow responsible growth;
- Establish a practical pace of change and transition for farmers;
- Be simple, practical and easily implementable; and
- Maximise returns to the primary sector and community “within the limits”, when these are settled.

The Council wishes to express its concerns about the limited information and pre-consultation on draft PC2 given the impact of the change on existing horticulture activities (commercial vegetable growing) which operate in target catchments. The Council was not formally advised of any PC2 meetings nor were they invited to provide any pre-consultation feedback on Draft PC2. The Council would have welcomed the opportunity to provide input on PC2 particularly around the alternatives and options to address the issues identified in the Environment Court Declaration and achieve the purpose of the RMA.

The lack of pre-consultation is a concern to Council as PC2 will have a major disruptive effect on the primary sector in Horowhenua and long established horticulture activities (commercial vegetable growing) which operate in the Hokio and Waikawa WMSZ's. Under the proposed changes (re-calibrated Table 14-2 and consent regime for existing Intensive Farming Land Uses) horticulture operations may not be technically or economically feasible to consent with consequential impacts on New Zealand's supply of fresh vegetables, the District's economy and livelihoods (employment).



Council is also concerned that PC2 will drive land use change away from nationally important food production activities to lower N leaching activities like silviculture, which have low earnings and much lower employment opportunities. (Anecdotally, ~42 people are employed in the value chain of a 1000 ha dairy farm, ~28 from beef and sheep farms, ~ around 230 people are employed in larger-scale horticulture operations through to 3-4 persons for smaller family-scale operations compared to ~14 from pine plantations). The Council is particularly concerned about impacts on district's horticulture industry, which is a sizeable part of the local economy as a whole. PC2 has the potential to negatively affect local employment and have knock on employment effects outside the impacted industry. The Council submits that these economic effects have not been appropriately considered nor assessed in the section 32 report for PC2.

The Council also believes that PC2 could have significant implications on future urban development and infrastructure planning in Levin (and Hokio Beach) as well as growth plans for the Manakau and Waikawa Beach communities. The Hokio WMSZ includes the Levin Town Centre which is the heart of the District and hosts its prime commercial, business, industrial zones. Critical infrastructure, 3 waters and roading infrastructure/transport facilities, are also located within the Hokio WMSZ. An unintended consequence of PC2 could be to constrain the provision of this critical infrastructure to support the local community, which in turn could act as a development moratorium for Levin, which is extremely concerning as it is the economic centre of the district.

The Council is concerned that PC2 is premature, being notified in advance of the scheduled catchment review processes for the Hokio and Waikawa WMSZ's. As a result the proposed changes to Table 14-2 may not achieve the objectives and policies of the RPS relating to N reduction / N Mitigation and improved water quality outcomes, which are sought for the Horowhenua target catchments.

Council submits that a formal catchment review process and collaborative consultation with key stakeholders on land use plans, good management practices (GMP's) and N mitigation strategies, are an essential precursor to updating/recalibrating a sustainable land use and N regulation regime for the Hokio and Waikawa WMSZ's. A robust catchment review process is the best option for informing good policy and regulation leading to sustainable practices and improved water quality outcomes long term. On this point, Council notes that the information for PC2 records that N discharges are different than projected N discharge estimates. Hence research and engagement is critically important to increase knowledge on N discharges, N mitigation strategies/GMP's and even green technologies at the catchment level. Ideally, Table 14-2 should be customised for each catchment, stream by stream, to appropriately recognise the values, uses of resources and pressures of each catchment, and even between catchments.

In summary, the Council believes that consenting frameworks and nitrogen limits set for target catchments in Horowhenua must take account of the ability of existing production land uses to meet new limits and existing investment (including investment in natural capital). Reasonable transition times and pathways are also essential given the significance of the target catchments as a food bowl to the nation, and the continuation of secure supply of healthy, affordable food to our domestic and regional economy.

The Council believes there are other methods that should be investigated in the section 32 report and favours a Collaborative Planning Process for PC2 as provided under the RMA. A collaborative planning process will amongst other things:

- recognise and provide for existing use and investment including the production of food and fibre, urban activities and iwi aspirations and development plans
- Recognise and provide for entities, meeting industry identified standards for good management practice

- provide for limits that recognise spatial variation in values and allow the negotiation of transitions amongst land users.

The Council submits that PC2 be withdrawn, to allow for the completion of the scheduled catchment reviews, and transitioned to a Collaborative Planning Process to enable a more holistic investigation to be conducted and better inform the regulatory regime.

The Council is supportive of the Collaborative Planning Process method as this process is more democratic. It also promotes collaborative working with the catchment community, in setting targets, timeframes and methods at a catchment level. The process framework ensures that the methodology for setting catchment targets, timeframes and methods is informed by the best available information and scientific and socio-economic knowledge; and by a clear understanding of the options including their achievability, costs, benefits and consequences.

Other benefits of the Collaborative Planning Process are that it strengthens stakeholder buy-in, minimises transaction costs and recognises public and private benefits from shared investments in environmental outcomes.

## Specific Comments

### Wastewater Management Schemes

The Council is concerned at the potential implications of PC2 on management of wastewater and infrastructure and land based disposal as well as the interaction between infrastructure planning and the intensive land use policies and rules. The Council's primary concern is Table 14-2 its application to wastewater irrigation to land.

To date, HDC has been consistently implementing a strategic direction to remove wastewater discharges from water and to discharge to land. The majority of the Council's schemes in the District have now obtained consent and have been implemented, and / or the Council is in the process of implementing a transition to a land based system. Tokomaru is the last of Council's schemes to move to a land based system.

With regard to Tokomaru, Council is concerned that the One Plan and PC2 does not necessarily provide a clear consenting pathway to enable a land discharge consent to be obtained for Tokomaru, and that the proposed provisions may restrict the option to transition away from a discharge to water. Certainty is also sought on the impacts of PC2 on existing consented schemes. It is not clear how PC2 will impact on these schemes at the time of consent review or renewal.

Our expert advice is that Table 14-2 is inappropriate for managing municipal wastewater applications as Overseer is not well developed for modelling such effects and furthermore, wastewater applications generally require groundwater modelling and monitoring to determine actual and potential effects. Based on this advice, Council submits that consideration be given to an alternative assessment approach to Overseer modelling for municipal wastewater schemes, such as an effects based assessment as these are likely to be more appropriate than Overseer modelling, for municipal wastewater schemes.

The Council is concerned about the coherency of PC2 with the directives of the One Plan. In this regard, Council notes that wastewater application to land may result in higher N leaching than provided for in Table 14-2 but that this outcome is still likely to be consistent with Part 2 RMA and the objectives of the One Plan in defined circumstances ie *if it reduces N loading to surface water*. This is provided for in Policy 5-6 (Regional Policy Statement), but the intensive land use rules (Regional Plan) and Table 14-2 in particular are potentially in conflict with the RPS. For these reasons, Council submits that PC2 needs to be amended to, as a minimum, exclude areas which

receive wastewater applications to land from needing to meet Table 14-2 N leaching limits. One option is for municipal wastewater operations to be specifically provided for with a policy equivalent to Policy 5-6 in the Regional Plan intensive land use provisions.

For clarity, a clear pathway that provides for consenting of wastewater to land (municipal schemes), where N leaching will be above that specified in Table 14-2 but with overall net benefit (by removing direct water discharge), is required.

### **Decisions Requested**

On the basis of these general comments above Council seeks that PC2 be withdrawn and transitioned to a collaborative planning process as set out in Part 4, Schedule 1 of the RMA. Or in the alternative, without prejudice to the decision requested, such other relief as will achieve the reasons for the Council's submission.

On the basis of the specific comments above relating to wastewater management schemes, Council seeks that PC2 needs to be amended to, as a minimum, exclude areas which receive municipal wastewater applications to land from needing to meet Table 14-2 N leaching limits and that municipal wastewater applications be provided for by an alternative policy framework similar to Policy 5-6 in the Regional Plan intensive land use provisions.

Or in the alternative, without prejudice to the decision requested, such other relief as will achieve the reasons for the Council's submission.

### **Conclusion**

The Council looks forward to your consideration of this submission.

The Council wishes to be heard in support of the matters raised within their submission.

If others make a similar submission, the Council will consider presenting a joint case with them at the hearing.

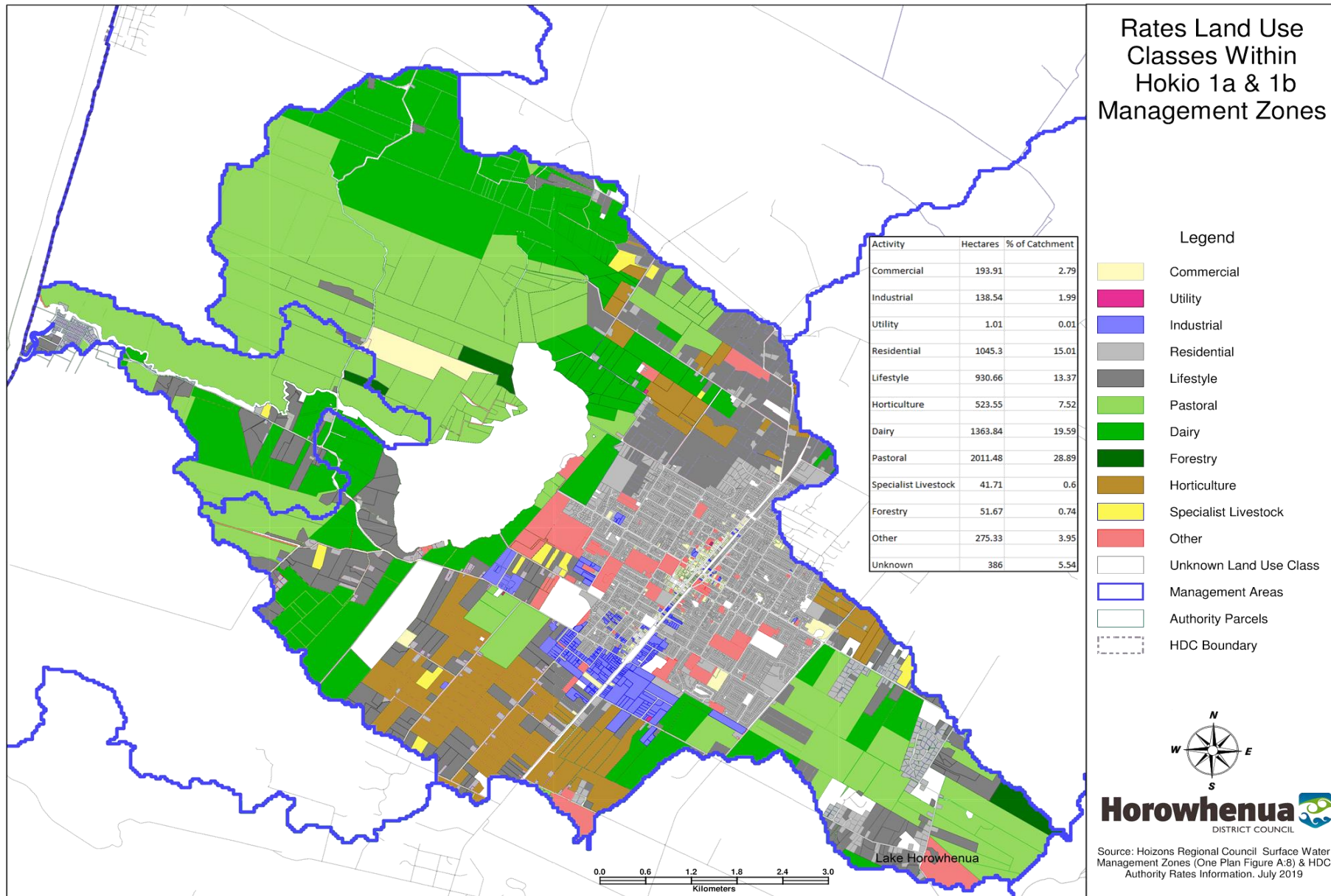
Yours faithfully

David Clapperton  
**Chief Executive**

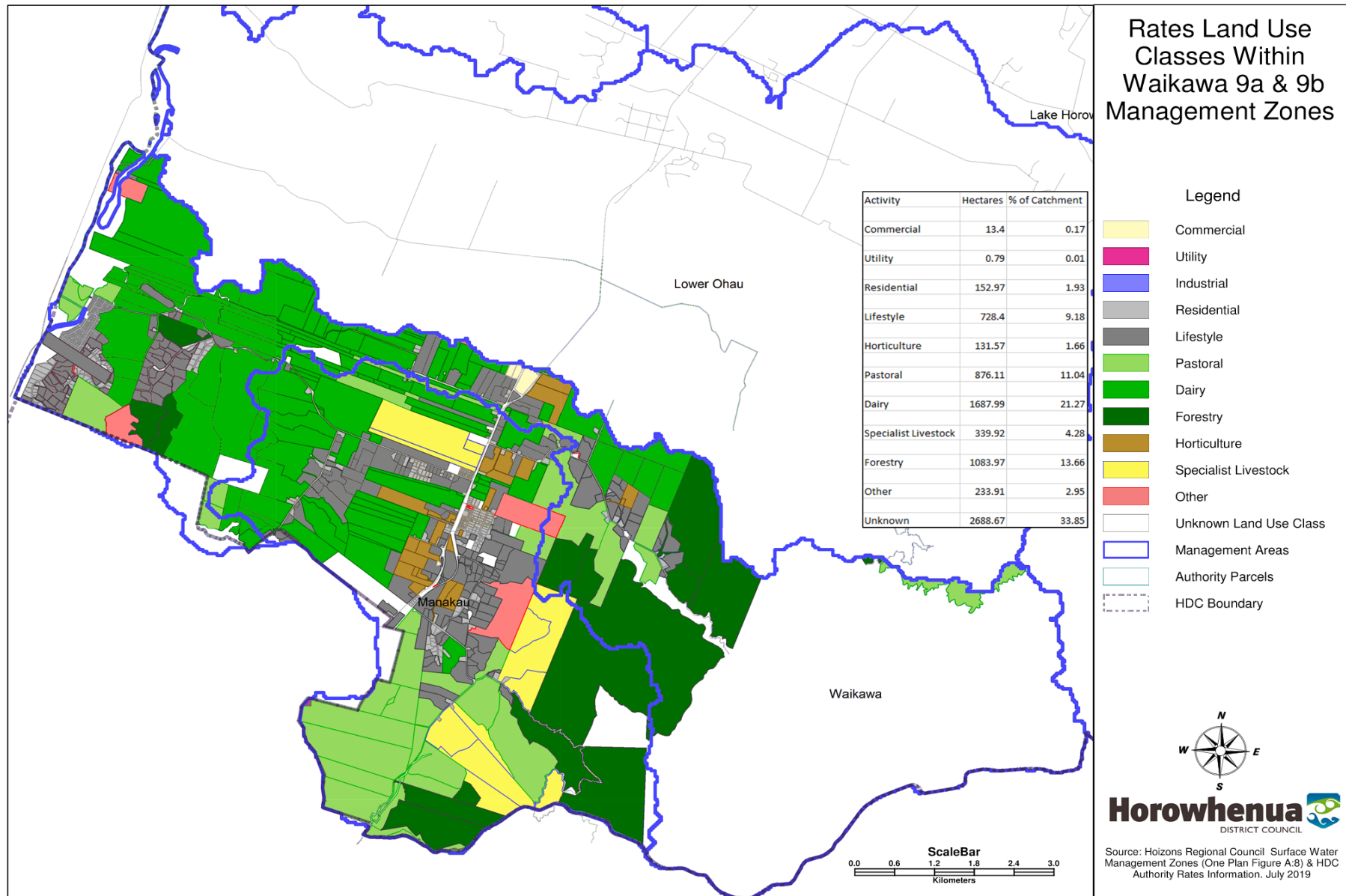
### **Address for Service:**

The Horowhenua District Council,  
Private Bag 4002,  
Levin 5540.  
Attention: The Chief Executive









12 Valedictory Speeches

## Exclusion of the Public : Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following part(s) of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason 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 follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

### C1 Proceedings of the Community Funding & Recognition Committee 18 September 2019

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.	s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.	s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.