

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

**Date:** Wednesday 29 August 2018  
**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 David Clapperton	(Chief Executive)
<b>Meeting Secretary</b>	Mrs Karen Corkill	
	Ms Sharon Bowling	

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**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 Open & In Committee Minutes – 18 July 2018**

**6 Announcements**

Waiopahu College

Waiopahu College's Fa'atasi Group, which was placed first in culture at the Regional Competition, will present two items from their winning performance.

Youth Voice

Members from Youth Voice will speak about the Festival for the Future and Tu Whitia.

He Hokioi Rerenga Tahī (Lake Horowhenua Accord)

There will be an update on behalf of the Lake Horowhenua Accord.

Foxton Community Board

There will be the regular update on behalf of the Board.

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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.

# Notices of Motion

File No.: 18/494

## 1. Purpose

In accordance with Standing Order 26, the Chief Executive has received Notices of Motion from Mayor Feyen, seconded by Cr Campbell, with the request that they be placed on the agenda for the 29 August 2018 Council meeting.

To provide Mayor Feyen and Cr Campbell the opportunity to speak to these Notices of Motion and for Council to consider appropriate courses of action.

## 2. Recommendation

2.1 That Report 18/494 Notices of Motion be received.

## 3. Issues for Consideration

3.1 The Notices of Motion for consideration are:

1. That a Forensic investigation be conducted into contributions on hate-speech Facebook pages from Council staff, officers, councillors and their partners/spouses and their families, former elected members and their partners/spouses and their families, and all other organisations supported by the Horowhenua District Council.
2. That all Council meetings maintain uninterrupted and unedited live stream, thereby extending the policy adopted by the Horowhenua District Council after the Local Government Election in October 2016. Uninterrupted and unedited live streaming is to be linked to mainstream Facebook pages and maintained on the current Horowhenua District Council website.
3. That chief executive David Clapperton be directed by Council to accept the recent offer from MBIE to conduct further (paid for) assessment of the civic building by Opus International Ltd and Structural Concepts Ltd.
4. That the Horowhenua District Mayor has access to all draft Council Agendas before they go to print and are made available in the public domain.

The signed NOM is **attached**.

3.2 Council's direction on these Notices of Motion is sought.

## Attachments



No.	Title	Page
A	Notices of Motion - Mayor Feyen - 21 August 2018	9

### 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>	

Wednesday, 29 August 2018.

As per Standing Orders 3.10.1, I hereby declare that:

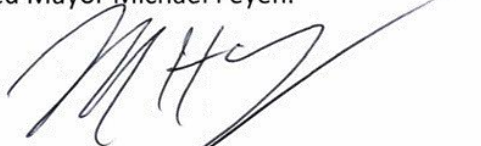
I, Mayor Michael Feyen, request that the following Notices of Motion be put on the Agenda for the Horowhenua District Council ordinary Council meeting dated 29 August 2018.

- 1: THAT a Forensic investigation be conducted into contributions on hate-speech Facebook pages from Council staff, officers, councillors and their partners spouses and their families, former elected members and their partners spouses and their families and all other organisations supported by the Horowhenua District Council.
- 2: THAT all Council meetings maintain uninterrupted and unedited live stream, thereby extending the policy adopted by the Horowhenua District Council after the Local Government Election in October 2016. Uninterrupted and unedited live streaming is to be linked to mainstream Facebook pages and maintained on the current Horowhenua District Council website.
- 3: THAT chief executive David Clapperton be directed by Council to accept the recent offer from MBIE to conduct further (paid for) assessment of the civic building by Opus International Ltd and Structural Concepts Ltd.
4. THAT the Horowhenua District Mayor has access to all draft Council Agendas before they go to print and are made available in the public domain.

Signed:

Nominated Mayor Michael Feyen.

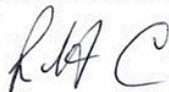
Dated: 21<sup>st</sup> August, 2018



Signed:

Seconded Councillor Ross Campbell.

Dated: 21<sup>st</sup> August, 2018





# Proceedings of the Foxton Community Board 30 July 2018

File No.: 18/475

## 1. Purpose

To present to the Council the minutes of the Foxton Community Board meeting held on 30 July 2018.

## 2. Recommendation

- 2.1 That Report 18/475 Proceedings of the Foxton Community Board 30 July 2018 be received.
- 2.2 That the Council receives the minutes of the Foxton Community Board meeting held on 30 July 2018.

## 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)	David Clapperton Chief Executive	
Approved by	David Clapperton Chief Executive	

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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, 22 Harbour Street, Foxton, on Monday 30 July 2018 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
	Miss M Davenport
	Cr R J Brannigan
	Mr J F Girling
	Ms J M Lundie

### IN ATTENDANCE

Mr D M Clapperton	(Chief Executive)
Mrs K J Corkill	(Meeting Secretary)

### MEDIA IN ATTENDANCE

Ms K Tuckey	("Manawatu Standard")
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### PUBLIC IN ATTENDANCE

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

#### 1 Apologies

An apology was recorded for Cr Gimblett (with Cr Brannigan as his alternate).

MOVED by Mr Allan, seconded Mr Girling:

*THAT the apology from Councillor Gimblett be accepted.*

**CARRIED**

#### 2 Public Participation

Christina Paton	7.1	<u>Monitoring Report</u> 14/32 – Sand Dune Management – Surf Club Car Park 14/674 – Target Reserve Strategic Plan 18/208 – Forbes Road
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#### 3 Late Items

There were no late items.



#### 4 Declaration of Interest

There were no declarations of interest.

#### 5 Confirmation of Minutes

MOVED by Mr Allan, seconded Mr Girling:

*THAT the minutes of the meeting of the Foxton Community Board held on Monday, 18 June 2018, be confirmed as a true and correct record.*

**CARRIED**

#### 6 Announcements

Prior to giving an update on behalf of Horowhenua District Council, on behalf of Cr Gimblett and himself, Cr Brannigan commented on the recent Representation Review and the retention of the Foxton Community Board. He congratulated Board Members on the Board's retention, making particular note of the strong Council majority in that decision, which was a clear change from the last review when the Board was only retained by one vote. Whilst there was still an appeal process to go through, Cr Brannigan said they had no expectation that any appeal against the Board's retention would be successful.

Cr Brannigan noted two points in relation to the majority favouring the Board's retention:

1. With the Board's retention being put out for discussion, he and Cr Gimblett had taken note of both the community viewpoint and LGNZ guidance on community boards in reaching their decision. Even when the submission process had concluded, careful thought was needed as to their decision. Once they had both concluded that retention of the Board was the correct decision, they made that known to other Councillors, together with the reasoning behind their thinking.

Cr Brannigan said they believed that this considered thought and lack of game playing was a motivating factor for other Councillors in their decisions.

2. Noting the above, Cr Brannigan expressed his and Cr Gimblett's disappointment at some elected members around this table who since the matter was first raised with the Board had accused both Kere Kere Ward Councillors in particular, and most Councillors in general, of predetermination on this issue. Good decision making was about communicating to others the position as they saw it, allowing input from others into the process, considering the input received and then making a judgement based on all the information received. Board Members must always consider that while their focus would always be the area within the FCB boundaries, the consideration of an elected Councillor was not only within their elected ward, but must also stretch across district-wide.

Cr Brannigan concluded by saying that this was the process they had undertaken with this review. He and Cr Gimblett accepted that as elected representatives unpalatable and personal comments were sometimes a by-product of their role, but they challenged all elected representatives to be at all times properly open-minded and fair in their comments in all matters that came to the Board table.

#### Horowhenua District Council Update

Firstly Cr Brannigan noted that Council had adopted the Waste Minimisation and Management Plan (which was the result of a considerable amount of hard work by Council staff and Councillors) on 18 July 2018, further saying that it was not a silver bullet and there would be huge challenges in that space in the coming years.

Then there had been the Representation Review, which had included the retention of the Board and the challenging rhetoric around that. The number of wards in the district remained unchanged.

With regard to the Foxton Beach Freeholding Account, Cr Brannigan said he would like to see the Community Board lead looking at ways to get the facts out into the community as the Representation Review had shown that there was a lot of misunderstanding around the

Account. Whilst the Board's boundaries remained unchanged it had been requested that this be looked at as there were properties on one side of a street in the Board area, whilst properties on the other side of the street were not.

There had been no surprises in the 20 year LTP adoption. The Foxton Beach Bowling Club had been granted \$165,000.00. There had been challenges with one being the future of community halls on which there were still significant discussions to be had. It had been resolved not to retain the Foxton Memorial Hall; there would be further discussion/information gathered on Coronation Hall and the Court House Museum. Another significant and sensible decision was extending the length of the Foxton Pool season to 8 months.

Cr Brannigan acknowledged Council staff for the methodology and presentation of the LTP pre-consultation and consultation documents and process. At its adoption, Audit New Zealand had said that the work done by Council in terms of pre-consultation and consultation was of the highest order and was being used as an example around the country.

A further significant event had been the mid-winter swim which had taken place at the Beach at 9.30 am on Saturday. Whilst it had been extremely cold it had, together with a quiz night at the Boat Club, helped raise \$11,500 for the Foxton Beach Surf Club. Cr Brannigan acknowledged Jason Davy of Foxton New World for his involvement in organising the fund raiser.

In terms of process, Mr Allan said he would value having these reports in writing as some of the matters were of substance and oral reports did not provide the opportunity for reflection. The other side of that would be for the Community Board to provide a written report to Council meetings as well. Written reports were helpful and would assist with better decision making.

Responding to matters raised by Cr Brannigan, Mr Allan said he agreed with Cr Brannigan's comments with regard to the Foxton Beach Freeholding Account and suggested that it could be an opportunity to work with the newly formed Foxton Beach Progressive Association to disseminate that information.

With regard to the Memorial and Coronation Halls, Mr Allan said there was a lot of misunderstanding and anxiety in the community. Whilst it was very early in the process, it was important to get information out perhaps using the "Community Connection".

#### Update from the Foxton Community Board Chair

Firstly thanking Ms Metcalf for stepping in while he was away, Mr Roache further expressed his thanks to Ms Metcalf, Mr Allan and Board Members for putting together the Board's submission to the Representation Review. The result was very pleasing, with Council taking on board the submissions received, when so often Council was criticised for not listening. Mr Roache said he did find comments relating to the performance of the Board disappointing but, like all organisations, there was always room for improvement. He noted that during this term the Board had arranged consultation meetings for:

- Parks and Reserves, held at the Holben Pavilion;
- the Foxton and Beach Bowling Club's request for funding, held at the Foxton Beach School (x2);
- the Main Street upgrade; and
- the Foxton Pools

which he believed were more public meetings on current issues arranged this term than in the past.

Mr Roache advised of an approach from Mr Melton of the Foxton Beach Progressive Association to meet with Board members, with a date, venue and time requested. Mr Melton had been advised that an evening meeting would suit better to fit in with Board Members' work commitments. He would contact Members when a response was received.

He also suggested the Board consider opening the Community Board meeting to the public for discussion prior (perhaps 5.30 pm) to the meeting proper commencing at 6.00 pm.

Now that Council had made the decision to dispense with the Memorial Hall, Mr Roache said he was giving notice he would like to call a public meeting (to be held at the Memorial Hall) to discuss that decision.

## 7 Reports

### 7.1 Monitoring Report to 30 July 2018

#### Purpose

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

MOVED by Ms Metcalf, seconded Mr Girling:

*THAT Report 18/373 Monitoring Report to 30 July 2018 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

Commenting on 14/32 – Sand Dune Management – Surf Club Car Park, Mrs Paton said this had been suggested many years ago, she thought it was a very good idea and was very supportive of it. However, as there had been a considerable change of staff at both Horizons Regional Council and at HDC and a lot of the history was not known, she suggested making sure that those involved were very conversant with the terms of the consent.

In relation to 14/674 – Target Reserve Strategic Plan – Mrs Paton said the comments here were contradictory and queried where it actually sat in terms of Council's Property Strategy.

Mr Clapperton clarified that in 2015 work had been done to develop a Council Property Strategy and to identify policies and procedures around retention, disposal and acquisition of Council-owned property categorised as core and non-core assets. Because of its Reserve status, Target Reserve was not identified as being such a property, with the intention being to develop a strategy for the future of the Reserve, which had not yet occurred. With regard to a timeframe, Mr Clapperton said it was an issue of resourcing, but he would set a goal to have the Strategic Plan completed by the end of this year. He also advised that Target Reserve was not being considered for sale to the Horowhenua New Zealand Trust.

Mrs Paton raised a further timeline query, this time in relation to 18/209 – Forbes Road Subdivision – Freeholding A/c and asked when the report on the further development of the subdivision would be brought to the Board.

Mr Clapperton explained what had occurred to date and the reason why this had not progressed. The path that had been available pre-Christmas 2017 was no longer available because the developer with whom Council proposed to work was too busy because of the current market situation. In conjunction with the Community Board, Council now needed to reconsider the way forward which should occur by the end of this calendar year. It was not considered critical at the moment as there were other subdivisions that would meet demand. What had happened in the past, with the development being facilitated by Council Officers, was not the preferred option going forward as Council did not have the capacity in house. As the Kilmister Block was part of the Foxton Beach Freeholding Account investment, he reiterated that the Board would be included in the process, which Board Members endorsed.

Page 8 14/32 – Sand Dune Management – Surf Club Car Park

Ms Lundie expressed her appreciation for the very informative email received from Zane Bull on what was happening at the car park.

14/674 – Target Reserve Strategic Plan

It was requested this remain on the Monitoring Report.

With there having been a Target Reserve User Group set up in the

previous triennium which had lapsed, Cr Brannigan requested that this be revived/reactivated as it had been very helpful.

Page 9 16/16 – Foxton East Drainage Scheme

With HDC going to use an independent consultant for this, Ms Lundie queried whether that consultant would be looking at the methodology and its suitability as being fit for purpose.

Page 10 Thomas Place Car Park

Mr Clapperton confirmed that this would happen in this financial year and he understood the Design and Build tender was out.

Page 11 18/209 – MAVTech

Jim Harper had scheduled a meeting for Thursday. The business case was in progress.

## 7.2 Chief Executive's Report to 30 July 2018

### Purpose

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

MOVED by Mr Allan, seconded Mr Girling:

*THAT Report 18/374 Chief Executive's Report to 30 July 2018 be received.*

*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 his report, providing further comment as required.

### 3.1 LGNZ Conference

Some of the topics discussed at the LGNZ Conference were particularly relevant to this area. One was in relation to drug testing in the community which involved having processes in place to allow the testing of the discharge into the effluent stream which could identify the scale and problem of illegal drugs within communities. Programmes could then be put in place to reduce harm.

With China no longer receiving plastics from global markets, reducing the waste stream was a major issue as there was now considerable stockpiling occurring. There was no short term solution but there did need to be a change in thinking. Mr Clapperton said it was his personal view that a New Zealand wide approach should be taken rather than an individual one which was why this particular resolution had been put up and adopted by LGNZ.

Another remit of interest was the copper in brake pads. When brakes were used there was a discharge on to roads which went into the stormwater which went into discharge points. A New Zealand wide approach to this was being sought.

### 3.2 Manawatu River Loop Update

This was moving along quite nicely. Messrs Girling and Roache, Mayor Feyen and he were working with GHD Consultancy to seek funding through the Provincial Growth Fund to complete a business case to open the Manawatu River Loop. It was not just about opening up the River Loop, but maximising the opportunities in terms of the social, economic, environmental, and cultural benefits to enhance the wellbeing of the community. Whilst opening the River Loop might be the catalyst, it was about the benefits that would come from

that. This was one of those community projects that was starting to get some traction.

3.6 Electric Vehicle Station, Foxton

Advice was still awaited as to whether there would be funding from EECA to support the installation of electric vehicle stations in Foxton and Shannon.

3.5 Share Pathway – Foxton Beach

Ms Lundie said it would have been helpful to have seen an email on this before it commenced so Board Members had a heads up on what was occurring before it was made public.

Responding to a query in relation to 3.1, Heritage Buildings and whether there was any more money coming from Central Government, Mr Clapperton said the remit had been passed to try and lobby Government to make some tweaks to the Earthquake-Prone Building legislation.

With the Main Street Upgrade concluding with the north end now finished, Ms Metcalf queried if there was going to be a celebration or blessing. Mr Clapperton said he would find out if anything was planned.

In relation to the original plan for Main Street and what was proposed to bring people off the State Highway into town, Mr Clapperton said discussions were still be held with NZTA. The intention had always been to try and get one roundabout on SH1 to provide a safe passage from one side of Foxton to the other. However the challenge would come because of the increased number of vehicles coming from Foxton. NZTA was doing work on what SH1 might look like north of Levin through to Waiohuru. Mr Clapperton said he had indicated to NZTA that this needed to be looked at quite quickly as Foxton might be the first town on SH1 after leaving Wellington. That was something he would come back to the Board with, particularly given the Government's intention to provide more funding for safety on rural roads. In terms of whether the Board could be involved in the planning, Mr Clapperton said NZTA was involved in the carriageway; Council's involvement was non-carriageway, i.e. stormwater and such like.

Cr Brannigan said he was pleased to see Local Alcohol Policies were part of the conference. As Chair of the District Licensing Committee he had been involved in the preparation of Council's LAP, which he thought was a very good policy. It had been appealed by the two main supermarket chains because of the 2 year cap asked for by the community and the hours of trading. It was indicative how a community could be handicapped by the power of those large organisations.

Mr Girling said it was good to see that the bus shelter was under way.

In relation to 3.7 – Foxton East Drainage Scheme, and the referenced meeting, Mr Roache said he had been led to believe by Horizons Regional Council that any meeting would include not only HDC and HRC but also the Community Board. He had been given that assurance.

Mr Clapperton said that the key purpose of the meeting had been to progress getting an independent consultant and consider design options. Responding to a query as to whether Board Members would get to see the Terms of Reference, Mr Clapperton said that was not normal practice.

Board Members expressed their wish to be involved in the process.

Mr Clapperton responded to queries from Ms Lundie in relation to the Foxton Beach Freeholding Account.

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

#### Purpose

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

MOVED by Mr Girling, seconded Ms Metcalf:

*THAT Report 18/406 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**

7.00 pm

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

CONFIRMED AS A TRUE AND CORRECT RECORD  
AT A MEETING OF THE FOXTON COMMUNITY  
BOARD HELD ON

**DATE:**.....

**CHAIRPERSON:**.....

# Proceedings of the Finance, Audit & Risk Subcommittee 1 August 2018

File No.: 18/477

## 1. Purpose

To present to the Council the minutes of the Finance, Audit & Risk Subcommittee meeting held on 1 August 2018.

## 2. Recommendation

- 2.1 That Report 18/477 Proceedings of the Finance, Audit & Risk Subcommittee 1 August 2018 be received.
- 2.2 That the Council receives the minutes of the Finance, Audit & Risk Subcommittee meeting held on 1 August 2018.

## 3. Issues for Consideration

There were 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:

- 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)	Doug Law Chief Financial Officer	
Approved by	David Clapperton Chief Executive	

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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 1 August 2018 at 4.00 pm.

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### PRESENT

<b>Chairperson</b>	Mr P Jones	
<b>Deputy Chairperson</b>	Cr B F Judd	
<b>Members</b>	Cr W E R Bishop	
	Cr R J Brannigan	(from 5.50 pm)
	Cr R H Campbell	
	Mayor M Feyen	
	Cr N G Gimblett	
	Cr V M Kaye-Simmons	
	Cr J F G Mason	
	Cr P Tukapua	

### IN ATTENDANCE

Mr D Law	(Chief Financial Officer)
Mr D M Clapperton	(Chief Executive)
Mr M J Lester	(Group Manager – Corporate Services)
Mr D McCorkindale	(Group Manager – Strategy & Development)
Mr R Green	(Acting Group Manager – Infrastructure Services)
Mr G O'Neill	(Projects Manager)
Ms J Dallinger	(Senior Health & Safety Advisor)
Ms T Magi	(People & Capability Manager)
Mr D Haigh	(Growth Response Manager)
Mr A Chamberlain	(Financial Accountant)
Mr I McLachlan	(Risk Management Lead)
Mrs K J Corkill	(Meeting Secretary)

### MEDIA IN ATTENDANCE

Mr G Heagney	("Manawatu Standard")
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### PUBLIC IN ATTENDANCE

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

### 1 Apologies

Apologies were recorded for Crs Mitchell and Wanden, and an apology for lateness was recorded for Cr Brannigan.



MOVED by Mayor Feyen, seconded Cr Tukapua:

*THAT the apologies from Crs Mitchell and Wanden, and Cr Brannigan for lateness, be accepted.*

**CARRIED**

## **2 Public Participation**

- Christina Paton      7.2      Projects Update  
   *Projects Objectives and Status (page 15)*
- 7.4      Draft Twelve Month Report  
   *Executive Summary – A, B & C (pages 37 & 38)*  
   *Operational Summary (page 40)*

Mrs Paton queried or commented on items in the above reports, which officers would respond to during the course of the meeting.

## **3 Late Items**

Mr Jones noted that normally before the end of the financial year Council would have received the Audit Plan and this would have been considered as part of the Annual Report update. The Audit Plan had only been received 10 minutes prior to today's meeting and it would be addressed as part of the Annual Report Project Plan. He said it was important to understand the direction Audit would be taking and it was disappointing it had not been received in time for circulation to Elected Members.

## **4 Declarations of Interest**

There were no declarations of interest.

## **5 Confirmation of Minutes**

MOVED by Deputy Mayor Bishop, seconded Cr Campbell:

*THAT the minutes of the meeting of the Finance, Audit & Risk Subcommittee held on Wednesday, 20 June 2018, be confirmed as a true and correct record.*

**CARRIED**

## **6 Announcements**

Referring to the report he intended to write to the Chief Executive on the performance of the Subcommittee, Mr Jones said he had had a session with staff today to flesh out some issues and the report would be forthcoming in the foreseeable future.

Cr Campbell requested that Item 7.6 on the Mayoral Discretionary Fund be moved In Committee citing the possibility of litigation from those who had received grants. Upon request he expanded that someone who had received a grant from the discretionary fund was not happy about it being addressed in a public forum and would rather it was considered with the public excluded.

Mr Jones said the options were to resolve now to move the item into Public Excluded or to resolve it when the item came up on the Agenda.

Mayor Feyen expressed a concern that some members of the public may have attended today's meeting specifically for that item.

To test the views around the table, it was:

Moved: Cr Campbell

Seconded: Mayor Feyen

That Item 7.5 Mayoral Discretionary Fund Investigation be moved into the Public Excluded portion of the meeting.

Mr Jones commented that his view was that the item was more about the application of a process than anything else and he was ambivalent whether it should be held In Committee. Mr Clapperton added that if it was to be moved In Committee a reason would have to be given and the threat of litigation was not necessarily a reason to exclude the public. The grants made and the recipients were public information and were already in the public arena. Cr Campbell withdrew the resolution.

## **7 Reports**

### **7.1 Health & Safety - Quarterly Report**

#### **Purpose**

To provide an update to Elected Members on health and safety matters at Horowhenua District Council for the previous three months.

Ms Dallinger joined the table to speak to the report and respond to any Councillor queries. Responding to a query about the significant number of events – accidents and injuries – during the reporting period and who that covered (all of Council, including sub-contractors, etc), Ms Dallinger said that 90% of the injuries were third party events arising in the aquatics area and were considered minor in nature with no longstanding consequences.

Noting the data in relation to Asbestos Awareness training, Mayor Feyen queried the process and contractor's responsibility when it came to removal and disposal of asbestos. Ms Dallinger said that contractors who dealt with asbestos had to be registered with WorkSafe and there was criteria they needed to meet. Council managed the process with contractors.

MOVED by Cr Judd, seconded Cr Mason:

*THAT Report 18/409 Health & Safety - Quarterly Report be received.*

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

**CARRIED**

### **7.2 Projects Update**

#### **Purpose**

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

Mr O'Neill responded to Mrs Paton's query about budgets being overspent explaining that it was a timing issue and referred to the financial year and Annual Plan budget rather than the contractor going over budget. Sometimes it was caused by the scope of the work being increased to take advantage of what was occurring rather than something being done as a separate contract and costing more.

Mr O'Neill then gave a PowerPoint presentation updating the various projects being undertaken and responding to queries. It was noted that it would be useful to have words to tie in to the figures to provide a clearer explanation on some projects.

MOVED by Cr Campbell, seconded Cr Judd:

*THAT Report 18/419 on Projects Update be received.*

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

**CARRIED**

### 7.3 Annual Report Project Plan

#### Purpose

To present to the Finance, Audit & Risk Subcommittee (FARS) the Annual Report 2017/18 Project Plan.

Messrs Chamberlain and Law spoke to this report, with Mr Law noting that the focus areas (which were set up by the Auditor General) over and above the ordinary audit were the revaluation of infrastructure assets and also the risk of management override of internal controls.

Responding to a query from Mr Jones as to what would be the biggest risk to Council adopting the Annual Report by 10 October, Mr Chamberlain said it would be an unexpected item in the Plan.

Mr Law also noted that Audit's timetable fitted in with the timetable in the Project Plan report with the verbal audit clearance due on 7 September to allow for a full report to the 19 September FARS meeting, so that meeting could recommend adoption, or not, to the 10 December 2018 Council meeting.

In relation to the exemption of MWLASS and Shannon Community Trust from Council Controlled Organisation (CCO) status, it was clarified that this was provided for under the LGA to exempt small CCOs from costly compliance. It was not something new but was reviewed every three years. The only risk to Council was if Council decided not to pass the resolution there would be additional costs for those CCOs as well as Council.

MOVED by Cr Mason, seconded Cr Kaye-Simmons:

*THAT Report 18/447 Annual Report Project Plan be received.*

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

**CARRIED**

### 7.4 Draft Twelve Month Report 1 July 2017 - 30 June 2018

#### Purpose

To present to the Finance, Audit & Risk Subcommittee the draft financial report for the twelve months to 30 June 2018.

It was agreed that this be renamed the 'Interim' Twelve Month Report, though Mr Jones did emphasise that it was in effect 'draft' as it was subject to audit and there would probably be a number of minor changes before it was finalised as part of the Annual Report process.

Mr Law said at this stage he had no idea of what Audit may want changed. It would not change the result but could change the formal. It was a normal process. The report that would come back to the Subcommittee would be the final one that would go to Council for adoption.

Officers and Mr Jones responded to queries raised by Mrs Paton, with Mr Law giving an explanation as to the 223 and 224 stages; Mr Clapperton advising that Council was still awaiting a decision from the Environment Court, and Mr Jones clarifying that the reason Solid Waste was excluded from the Essential Services Ratio was because a number of Councils did not deliver solid waste services, either because they were contracted out to a private provider or there might be a group of Councils delivering it via a CCO. What was also sought here was, in terms of critical infrastructure, whether there was enough funding of depreciation or spending on renewals, which also excluded solid waste.

With the Chair having requested some further information in relation to the report, Mr Law tabled (and spoke to) a breakdown of Other Operating Expenses, Rates

Revenue, and external and internal loans actuals, budget and the difference.

Commenting on the information provided, the Chair said that Council should generally get what it said it was going to get by way of rates income, except for water by meter which depended on consumption. It was also helpful to note the debt position for each activity and how Council was tracking and what the financial impact might be going forward.

Mr Law, Mr Clapperton and Mr Green then responded to queries from Elected Members.

With the word 'Draft' to be replaced by 'Interim', it was:

MOVED by Mr Jones, seconded Cr Campbell:

*THAT Report 18/407 Interim Twelve Month Report 1 July 2017 - 30 June 2018 be received.*

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

**CARRIED**

## **7.5 Treasury Report**

### **Purpose**

To present to the Finance, Audit & Risk Subcommittee the Bancorp Treasury Report for the June 2018 quarter.

MOVED by Deputy Mayor Bishop, seconded Cr Gimblett:

*THAT Report 18/408 Treasury Report be received.*

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

**CARRIED**

Mr Law spoke to the report highlighting some of the salient points.

## **7.6 Mayoral Discretionary Fund Investigation**

### **Purpose**

To report to the Finance, Audit & Risk Subcommittee on the use of the Mayoral Discretionary Fund.

Saying he thought 'investigation' was a tough word, Mayor Feyen sought to use 'review' in the Report's title rather than investigation and said he would move a resolution to that effect, which Cr Campbell indicated he would second.

With the difference between 'investigation' and 'review' queried, Mr Jones said, in his opinion, this could be called either, but the word 'investigation' did imply something very detailed and serious, possibly where experts were called in. Others may hold a different view. Mr Clapperton also said it was not for Officers of Council to undertake an investigation and he was not comfortable with the retention of the word. Also with regard to the using 'review', the report noted that it had been requested that the matter be 'researched and reported to the FAR Subcommittee', so he would rather it just be called the "Mayoral Discretionary Fund".

Commenting that he had requested to know who the complainants were, Mayor Feyen spoke to the grants made that did not meet the criteria. Mayor Feyen quoted the Fund's Criteria and Guidelines which recorded that all decisions on funding were at the discretion of the Mayor.

Cr Campbell reinforced the fact that twice in the Fund's Criteria and Guidelines it noted that all decisions on funding and the expending of funds were at "the discretion of the Mayor".

In terms of risk to Council and the consequences of the criteria for the fund not being followed, Mr McLachlan advised the risk was low.

Councillors expressed their views which included: the reputational risk to Council; other applications for grants having to follow the set criteria; the perception of bias; the need to be careful in terms of spending as while the Fund was not monetarily significant overall it was public money; transparency; the fact that both Elected Members and Council Officers had to follow due process; the Mayoral discretion still needed to be exercised within the guidelines; in terms of providing funding for the iHemp Forum, there was a resolution in place that Council would not support any investigation into hemp.

With the Mayor not able to move the resolution to receive the report, and with the word "investigation" replaced by "review", it was:

MOVED by Cr Campbell, seconded Cr Judd:

*THAT Report 18/446 Mayoral Discretionary Fund Review be received.*

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

**CARRIED**

Cr Brannigan recorded his vote AGAINST the resolution.

Mayor Feyen recorded an apology for the two grants made for Music Month as he had not realised they were both in the same financial year.

To provide another layer in the process to give some comfort to Councillors that the criteria would be met in the future, it was:

MOVED by Cr Tukapua, seconded Cr Mason:

*THAT the Community Grants and Funding Chairperson co-sign applications to the Mayoral Discretionary Fund to ensure that the Criteria and Guidelines of the Fund are met.*

**CARRIED**

A division was called for, voting on which was as follows:

**For:**

Deputy Mayor: Wayne Bishop  
Councillors: Neville Gimblett  
Barry Judd  
Victoria Kaye-Simmons  
Joanna Mason  
Piri-Hira Tukapua

**Against:**

Councillors: Ross Brannigan  
Ross Campbell

Mayor Michael Feyen and Mr Philip Jones ABSTAINED.

The division was declared CARRIED by 6 votes to 2.

## 7.7 Monitoring Report - Issues Identified during the 30 June 2017 Audit

### Purpose

To present to the Finance, Audit & Risk Subcommittee the Monitoring Report covering issues identified during the 30 June 2017 Audit.

As there would be an interim audit report coming through which would allow this report to be updated, it was suggested that it lay on the table until the next FARS meeting.

MOVED by Mayor Feyen, seconded Mr Jones:

*THAT Report 18/452 Monitoring Report - Issues Identified during the 30 June 2017 Audit lay on the table until the 19 September 2018 Finance, Audit & Risk Subcommittee meeting.*

**CARRIED**

The meeting broke for a meal at 6.30 and reconvened at 7.00 pm.

## 8 Procedural motion to exclude the public

MOVED by Mayor Feyen, seconded Cr Campbell:

*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 Risk Register Update

<i>Reason for passing this resolution in relation to each matter</i>	<i>Particular interest(s) protected (where applicable)</i>	<i>Ground(s) under section 48(1) for the passing of this resolution</i>
<i>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.</i>	<i>s7(2)(c)(ii) - The withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to damage the public interest.</i>	<i>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.</i>

The text of these resolutions is made available to the public who are present at the meeting and form part of the minutes of the meeting.

**CARRIED**

7.00 pm      The public were excluded.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available.

7.37 pm

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

CONFIRMED AS A TRUE AND CORRECT RECORD  
AT A MEETING OF THE FINANCE, AUDIT & RISK  
SUBCOMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....





# Proceedings of the Hearings Committee 15 June 2018 & 7 August 2018

File No.: 18/485

## 1. Purpose

To present to the Council the minutes of the Hearings Committee meeting held on 15 June 2018 and reconvened on 7 August 2018.

## 2. Recommendation

- 2.1 That Report 18/485 Proceedings of the Hearings Committee 15 June 2018 & 7 August 2018 be received.
- 2.2 That the Council receives the minutes of the Hearings Committee meetings held on 15 June 2018 and reconvened on 7 August 2018.
- 2.3 That this decision is recognised as not significant in terms of S76 of the Local Government Act.
- 2.4 That as recommended by the Hearings Committee, the Horowhenua District Council adopts the extended area in Levin as a priority area, thus making all buildings in the identified Levin area priority buildings, with Shannon and Foxton to have no priority areas.

## 3. Issues for Consideration

The following item considered by the Hearings Committee meeting held on 15 June 2018 and reconvened on 7 August 2018, requires further consideration by the Horowhenua District Council:

### Priority Buildings – Earthquake-prone Buildings

The Hearings Committee under delegated authority from Council heard and considered submissions on Priority Buildings – Earthquake-prone Buildings and now recommends to Council that it adopt the extended area in Levin, as indicated in the revised Statement of Proposal (Appendix F).

### NOTE

For completeness, included in this proceedings report is all of the documentation the Hearings Committee was presented with; Revised Statement of Proposal for targeted Consultation, Hearings Committee Report 18/455, Hearings Committee report 18/310, EPB Priority Buildings Guidance, Building (Earthquake-prone Buildings) Amendment Act 2016. As well as the Minutes of the Hearings held on 15 June 2018 and 7 August 2018.

For decision making purposes and ease of reference, the priority area recommendation referenced in 2.4 is included on page 134 of the agenda. This needs to be viewed in colour.

## Attachments

No.	Title	Page
A	Hearings Committee Minutes 15 June 2018	31
B	Hearings Committee Minutes 7 August 2018	43
C	Hearings Committee Report 18/310 Priority Buildings - Earthquake-prone Buildings 15 June 2018	48
D	Hearings Committee Report 18/455 Priority Buildings - Earthquake-prone Buildings 7 August 2018	55



E	Earthquake Prone Buildings - Priority Buildings Guidance - June 2018	61
F	Building Earthquake-prone Buildings Amendment Act 2016 - June 2018	95
G	Earthquake Prone Buildings - Priority Buildings - Revised Statement of Proposal for targeted consultation - Levin - PDF - July 2018	130

### **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)	Cathryn Pollock <b>Project Coordination Lead</b>	
Approved by	Nicki Brady <b>Group Manager - Customer &amp; Regulatory Services</b>	

# Hearings Committee

## OPEN MINUTES

Minutes of a meeting of the Hearings Committee held in the Council Chambers, 126-148 Oxford Street, Levin, on Friday 15 June 2018 at 10.00 am.

### PRESENT

**Chairperson** Cr Jo Mason  
**Members** Cr Ross Brannigan  
Cr Bernie Wanden

### IN ATTENDANCE

Mrs N Brady (Group Manager – Customer & Regulatory Services)  
Mrs C Pollock (Project Coordination Lead)  
Mrs K J Corkill (Meeting Secretary)

### ALSO IN ATTENDANCE

<u>Submitters</u>	<u>Submission</u>
	<u>No</u>
	11 Mr Tony Hunt, Foxton Historical Society
	12 Mr Paul Smith, Aspire Church
	13 Mrs Sophie & Mr Maurice Campbell, Te Aro Trading Co Ltd
	18 Ms Rochelle Cheesman, Shannanigans Shopping Complex
	19 Mr Paul King on behalf of Christine Moriarty, Horowhenua District Ratepayers & Residents Association
	21 Ms Linda Fletcher & Ms Debbie Kaye, Levin RSA
	22 Ms Veronica Harrod
	23 Mr Charlie Pedersen,
	26 & 27 Mr Brendan Cottle
	28 Mr Richard Crombie, Crombie Automotive

### PUBLIC IN ATTENDANCE

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

#### 1 Apologies

There were no apologies.

#### 2 Public Participation

As this meeting was to hear and consider submissions there was no opportunity for public participation.

### 3 Late Items

There were no late items.

### 4 Declarations of Interest

To dispel any perception of bias, Cr Wanden declared he was a tenant in a building in the affected area in Levin.

Prefacing her comments by saying she would act in a fair and reasonable manner, Cr Mason placed on record an issue of bias that had been raised by Anne Hunt which had arisen from past Court proceedings at which she had been a witness and Mrs Hunt had been in support of the person charged. Cr Mason said she had stepped aside from a previous hearing but legal advice obtained supported the fact that there were no overlapping interests and she therefore had no conflict.

### 5 Confirmation of Minutes

MOVED by Cr Brannigan, seconded Cr Mason:

*THAT the minutes of the meeting of the Hearings Committee held on Tuesday, 28 November 2017, be confirmed as a true and correct record.*

**CARRIED**

### 6 Announcements

The Chair noted that the attendance of some submitters had not been able to be confirmed and some had sent their apologies so there may be some changes to the speaking schedule and these would be noted as the hearing progressed. She introduced the Hearings Panel and Council staff and outlined the process for the meeting which would see a break for lunch at approximately 12.30 pm, with the Panel reconvening at 1.30 pm to deliberate.

### 7 Reports

#### 6.1 Priority Buildings - Earthquake-prone Buildings

##### Purpose

To provide the platform for the Hearings Committee (Committee) to hear and consider submissions received on the Statement of Proposal – Priority Buildings - Earthquake-prone Buildings and make a subsequent recommendation to Council in respect of the Statement of Proposal.

MOVED by Cr Wanden, seconded Cr Brannigan:

*THAT Report 18/310 Priority Buildings - Earthquake-prone Buildings be received.*

*THAT this decision is recognised as not significant in terms of S76 of the Local Government Act.*

*THAT late submissions be received and included in the consultation.*

**CARRIED**

The Chair commented that this would not be an easy decision for the Panel as New Zealand was a country of earthquakes, some severe, which were part of New Zealand's makeup. However the Panel was required to make some recommendations to full Council around a Policy for the district. Whilst there was no recommendation in the Report, there were some options for consideration.

Requesting that the report be taken as read, Mrs Pollock summarised the purpose of the report and the consultation, which was to give effect to the legislation but also to allow the community to have its say as required by legislation.

The Chair confirmed that Members had read all the submissions received.

Submission 11 – Tony Hunt, Foxton Historical Society – Saying he was representing the Foxton Historical Society and also members of the community, Mr Hunt noted that the Society had been preserving Foxton's history for 50 years and for 40 of the had had the 90 year old Court House in which to exhibit's its collection.

In 2008 the Society had presented to Council a list of buildings and sites that it felt were worth of inclusion in its heritage plans. Some work had been done on the list over the last 2-3 years but there had been no direct communication regarding progress.

The Court House had been included on that list but the only action taken had been to remove it from use which meant that the Society had been very much in limbo and was only able to operate its Archives section which was in a separate specially constructed building.

The Court House was in an area containing many features of the town's history, including the Manawatu/Horowhenua's oldest building (St Andrews Church) and the 130 year old Manawatu Herald Office. It was in an historical precinct and much had been done by citizens to present it to the public, such as upgrading Ihakara Gardens.

With the Society's submission setting out the reasons why the Court House should not be on the priority list and the challenges that faced the Society, Mr Hunt requested that the future of the Court House be reconsidered. He said it was a truly great heritage building and should be made available to the citizens for development as the Museum of Foxton History.

Mrs Pollock responded in the affirmative to a query from Cr Wanden as to whether it was possible within the legislation to withdraw single buildings from a designated area. She said that it was also possible to limit where a designated area extended to. However, they would still be looking for a consistent approach overall.

In terms of the Courthouse Building restoration and strengthening, Mr Hunt said the Society did not have plans or a timeline as they could prove to be a waste of time. However, once they had some idea of the timeframe, they could look at doing something. With regard to possible future dual use of the building, Mr Hunt said at the moment the space was full and the museum was not being used.

Submission 12 – Paul Smith, Aspire Church – Mr Smith spoke in support of retaining halls for community engagement and speaking particularly in relation to the Levin Memorial Hall, asked that consideration be given to some strategic possibilities for the building, especially as Levin was growing. He spoke against disposing of what he termed a valuable asset that could be utilised by the community, particularly as the cost of replacing it in the future would be considerably more than refurbishing it now. The building also had significant history and had stood for 60 years despite the earthquakes that had occurred. Mr Smith noted that Aspire Church currently used it for its services and the Church was growing. He sought a favourable response from Council to retain and upgrade what was a valuable meeting space.

As a point of clarification, Cr Mason noted that the Levin Memorial Hall had been consulted on as part of the LTP and the decision had been made to defer any outcome on the future ownership of the Hall for at least 12 months until the completion of the Levin Town Centre Strategy. What the Hearings

Committee was considering today was if there were some earthquake-prone building priority areas in Levin, Foxton and Shannon; it was not about disposing of buildings.

Submission 13 – Sophie and Maurice Campbell, Te Aro Trading Co Ltd – As owners of 216 Oxford Street, Levin, (where Clarks Clothing was situated), which had been established by Mr Campbell's great-grandfather in 1894, Mrs Campbell said that while they were aware of their legal obligation as building owners to comply with the Act, Council also had a role to play. It was suggested that Council should offer assistance to building owners to facilitate compliance. This could include creating guidelines on the re-build style, reducing building consent fees and helping with the building consent process. A rates holiday could be implemented during the re-build process as it would not be possible to rent out a building during that process. Mrs Campbell provided some information from the Wellington City Council website which set out what WCC did to assist affected building owners.

Mrs Campbell suggested that Council could promote a theme for re-building/strengthening which could be different for each town.

As well as the building upgrade process, there was also another part to the consultation which was in relation to access routes after an earthquake. Mrs Campbell said they were surprised that areas were excluded on the map even though they were on the state highways and access was still needed for emergency services.

In summation, it was suggested that Council think positively and encourage and assist the restructuring/strengthening of buildings by providing owners with the incentive to carry out the work. If the by-pass around Levin did not happen then Levin would be the first town out of Wellington which could be beneficial and could create demand for retail space on Oxford Street.

The huge dilemma with regard to the cost for building owners and tenants was acknowledged.

Mrs Campbell said that talking with building owners in Oxford Street was what had prompted them to look at what options there could be to assist with the financial impact.

Mr Campbell added that there was also a lot of talk about the town centre rebuild which had not helped. Also when there was finally a decision made about the road that would help as if you were a building owner and were confident of tenants that would assist with investing money to fix any problems. Some building owners had seen their buildings as a retirement investment but that had now changed with what could be significant cost.

Responding to the issue raised with regard to access routes, Mrs Pollock explained how that had been addressed in terms of the legislation. An exercise had been carried out and where there was an alternative route for emergency services where there were no unreinforced masonry buildings then strategic routes of significance were not consulted on.

Submission 17 – Anne-Marie Hunt – apology received.

Submission 18 – Rochelle Cheesman – Shannanigans Shopping Complex – Saying that whilst there was no argument that the buildings in the Shannon CBD were earthquake-prone, Mrs Cheesman gave her reasons as to why it should be not be designated as a priority area. She said that even though there was significant traffic that flowed passed the CBD, all but three of the buildings were on one level and there would be no risk of debris having an impact on traffic flows and the safety of vehicles. The roads were wide and there were definitely a lot of other routes for emergency vehicles. Pedestrians would also have alternatives without changing their route.



Mrs Cheesman said that every day people took risks and it was about assessing the risk. One took a risk getting into a car and it was not about when one had an accident, but if, and it was the same with regard to earthquakes.

Financially, Mrs Cheesman said she could not afford to rebuild in seven years. Retail was very low in Shannon at the moment and no one could afford rent increases.

Even if Shannon was not established as a priority area and with the building still needing to be strengthened, Mrs Cheesman was asked what she saw as the solution long term.

Mrs Cheesman said that if the road did go through that would help, but at present that was uncertain. Having more time would assist.

With regard to people being notified if they were entering into an affected zone or building, Mrs Pollock said that Council was looking at priority buildings as part of its wider earthquake-prone buildings project. With regard to affected buildings, Council would request engineering statements and would then issue earthquake-prone building notices which would be provided to building owners to display in their windows. The notice would be A3 size and the percentage of the new building standard would determine the colour of the poster. Earthquake-prone buildings would also appear on the Earthquake-prone Building Register.

Cr Brannigan queried, with the recent downturn in business in Shannon, if Council decided that Shannon was not a priority area, whether the extra time would assist in building the area up again.

Cr Campbell said expressed confidence that the retail sector in Shannon could build up again, but it did need time.

Submission 19 – Paul King – Horowhenua Ratepayers & Residents Association –

speaking on behalf of Christine Moriarty – Mr King suggested the grouping of all the submissions into ‘agree/disagree or no view’ was an over-simplistic way of looking at this issue with many submitters agreeing to some of the Proposal but not all, yet were pigeon-holed into a yes or no statistic.

Mr King said that this proposal would force Levin business owners into demolishing heritage buildings in the area. It was understood that the introduction of new earthquake codes was necessary but how it was implemented should be decided by the people – owners and users. There was a need to keep ‘our Heritage’ for the future residents of Horowhenua. The priority building proposal was short-sighted and heritage building owners and users should be supported to help retain the character of Levin.

Mr King queried what the rush was to prioritise old buildings, stadiums and community halls in the region. He said that HDRRA believed that the buildings should be left to the community to decide on when or if they were a priority to be fixed up or pulled down. The process should not be rushed and the community’s safety and towns’ character should be the driving force behind the process, not town planners and developers. Many of the buildings had been built by the community for the community’s needs and that should not be forgotten.

Mr King continued that what was proposed would affect the ratepayers of the Horowhenua, many of whom were on low and/or fixed incomes. The draft plan as proposed would continue to raise rates significantly over the next five years and continual rates rises were decreasing the quality of life for fixed income ratepayers. If Council felt that Levin needed to prioritise buildings, this should be led by community submissions, not town planners.

Whilst Council had to keep its eye on population growth, Mr King said that Council should always be focussing on the needs of the current population. All new development should be covered and paid for by developers, not

ratepayers.

He concluded by saying that HDRRA opposed the proposal in its current form. Each building had differing heritage values and earthquake risk factors. Now the expressway may not go ahead, the character and history of those buildings, which was helping to bring the new influx of residents to the Horowhenua, needed to be retained, not demolished.

Responding to Mr King's comments about this process being driven by Council, it was clarified that this was actually being driven by Central Government and the Building (Earthquake-prone Buildings) Amendment Act 2016. As part of that legislation Council had to consult with the community to determine areas in the CBDs of Foxton, Shannon and Levin that needed to be looked at in terms of seismic risk. The legislation determined the timeframe and it was not about demolishing heritage buildings. It was building owners who would have the responsibility to strengthen (or not) their buildings.

With this being Government legislation that would not go away and with previous submitters having talked about having a team approach with Council, Mr King was requested to think about what assistance he thought could be provided to building owners and whether HDRRA would be prepared to work together to achieve the best outcome for everyone.

Submission 20 – Charles Rudd – apology received.

Submission 21 – Linda Fletcher & Debbie Kaye – Levin RSA – The importance of the Levin Memorial Hall to the community was stressed in terms of location, size and versatility, with Ms Fletcher also saying its historical significance could not be ignored.

Responding to a query about use of the hall going forward, Ms Fletcher said she would like to see it retained as a Memorial Hall for the community. It was now slightly outdated, but it could be brought up to date.

With the main goal being for the hall to be declared a priority building, Ms Fletcher was asked whether the intention was that it stayed in Council ownership or would they be supportive of other options if they should arise in the future. Ms Fletcher said as long as it stayed as a hall they would support that.

The meeting took a recess (11.24-11.34 am).

Submission 22 – Veronica Harrod – In her verbal submission, Ms Harrod suggested that Council had a conflict of interest between its ability to administer the Building Act and the independence of decisions made about earthquake priority areas and buildings in those areas and Council could not be trusted to make decisions in the best interests of the community or building owners.

Cr Brannigan raised a point of order (Standing Order 25.2 (c)) in relation to the relevance of Ms Harrod's comments as the meeting was about earthquake-prone buildings and her comments were outside that scope.

Ms Harrod said it was her contention that the matters she raised were interrelated.

The Chair gave Ms Harrod the opportunity to continue but to direct her comments to earthquake-prone buildings.

A further point of order was raised with regard to the relevance of Ms Harrod's further discourse which was upheld by the Chair and Ms Harrod's participation concluded.

Cr Wanden placed on record his objection to some of Ms Harrod's comments which impugned the integrity of both Councillors and Officers.

Ms Harrod was also directed to page 6 of the Agenda which set out the



conduct of the meeting when it came to people speaking.

Submission 23 – Charlie Pedersen, Timped Holdings –

- (I) Noting that his grandchildren were fifth generation Foxtonians, Mr Pedersen spoke first in relation to the BNZ building and the cost that would be involved in upgrading it. He said that the BNZ building, and the Church next door, had never been considered as being in the footpath traffic area of Foxton or the shopping precinct. There had never been a requirement to have an awning or verandah, even before it became residential.

With regard to earthquake assessments, the original one done by OPUS gave it less than 5%; after a second look it was close to 20% and with a little work it could get up to 33%.

Speaking to the building's construction, Mr Pederson said it was quintuple woven brick rather than stacked brick and it also had strips of reinforcing in it. When OPUS first looked at it the assumption was it was a simple brick building. It was then scanned and more information on its construction was provided which brought it up to 20%. It was a very strong building and had gone through the 1935 earthquake unscathed, unlike other buildings in Foxton.

Responding to a comment that it highlighted the fact that there were a large number of significant buildings and whether there had been anything done to strengthen the façade, Mr Pedersen said that the front/façade was tied in to the whole building and was completely different from those buildings in Christchurch that had had issues.

Mrs Pollock advised that residential buildings were currently with officers. They were gathering information and would get advice on what that might look like going forward.

Responding a query in relation to whether or not the building was in a high traffic area, Mr Pedersen said they had lived there now for 2½ years and while there was heavy traffic on the other side of the road, particularly now with Te Awahou Nieuwe Stroom, outside the BNZ building it was not much more than normal suburban traffic.

- (II) Speaking in relation to the other buildings he owned in Main Street, Mr Pedersen said he paid the rates, insurance and electricity for his tenants so that was something they did not have to worry about and rent was received once a week. He would have to rethink that if this was brought in as a priority area. Rates paid to HDC for the year was \$30,000.

He noted the costs that would be involved in upgrading the properties which could mean a reluctant decision could be reached to demolish the buildings and wait for an economic improvement in Foxton before rebuilding. The reason for that was that some of the building they owned did not warrant strengthening as the way they were built would make it too expensive and they would not be fit for purpose. In some cases it would be substantially cheaper to build a new building. They did have plans to redevelop with one level of shops and a second level with accommodation but that would probably mean a decade of empty sections. There buildings represented just over 2/3 of the street frontage on the western side of Main Street. They would take all but one of those down if the priority designation went ahead.

Mr Pedersen said it was an economic imperative; they did not want to own buildings that could injure/kill someone. However it was an anathema that earthquake-prone strengthening was not tax deductible.

With his comments having highlighted the challenges facing building

owners, though with his being greater than most, Mr Pedersen was asked if the buildings were not included in the priority area and he had 15 years to do any strengthening would that affect his thinking. Mr Pedersen said that it probably would not. If it related to the buildings he had in Palmerston North and Wellington, yes, as the costs were the same but the returns did not stack up. If the buildings were not included in a priority area then they would probably set a programme and take the buildings down one or two at a time and rebuild straight away. However, seven years was too little time and it would be difficult to get things done as everyone was in the same boat.

In terms of what areas he thought Council should be endeavouring to influence central government on for assistance to affected parties, such as tax issues, Mr Pedersen said this legislation was first mooted 15 years ago and the Government at the time was lobbies to no effect. He was not sure what else could be done and he did not believe enough thought had been given to the timeframe.

If the priority buildings designation did not apply to Foxton, Mr Pedersen was asked if there was anything he could do to mitigate risk for the general public.

Mr Pedersen said they did not want to own buildings that would hurt anyone. They had had the buildings looked at and the recommendation had been to take down the brick facades and replace them with lightweight timber as the risk was only the facades not the actual double brick construction. It would be quite easy to fix but if they were going to have to demolish the buildings in the few years' time, why bother. The BNZ building was quite different.

Submissions 26 & 27 – Brendan Cottle – Mr Cottle provided a background to his ownership of a number of buildings in Shannon. He did note that he had tried to sell some of the buildings, but the sales had fallen over because of the earthquake ratings. Speaking about his buildings and his vision to get the town going again to restore vibrancy, Mr Cottle agreed that if Shannon was not included in the priority buildings part of the legislation it would provide time for options to be explored.

Submission 28 – Richard Crombie, Crombie Automotive – Mr Crombie said like the rest of building owners in New Zealand, he did not want anyone to be harmed and the Government did need to do something; however he felt the timeframe was not correct. His building had been built in 1937 and he had been there for 20 years. Mr Crombie suggested that Councils, Central Government and building owners should get together and have meetings with people who knew what they were talking about. He suggested this could cost livelihoods throughout New Zealand. He could not sell his building because of its 10% rating and to fix it was going to cost \$15,000, which he was not prepared to pay. He could not sell it, he could not insure it. He did have a neighbour who wanted to buy it but could not raise the money because of the earthquake rating; however if the building was not included in the priority area it would give him options.

Mr Crombie said he was aware of the MBIE guidelines which stipulated that he was his responsibility to have an engineering assessment on the building within a year. He had not done anything as yet as central government kept changing the goal posts.

The meeting broke for lunch at 12.45 pm and reconvened to deliberate at 1.54 pm.

Prior to the Panel working through the Report, the Chair queried if there were any matters heard from the submitters that needed to be brought to the attention of the Hearings Committee.

Mrs Pollock noted that while a lot had been covered in the report in terms of the legislation, the oral submissions had provided a different aspect particularly in terms of life safety and people's livelihoods. She suggested that any decision made should provide a balance between both.

Requested to provide an interpretation in relation to high pedestrian and high vehicle areas as it applied both to large metropolitan areas and to a rural district the size of Horowhenua, Mrs Pollock said MBIE had given guidelines as included in the report when it came to high vehicle and pedestrian traffic. There were no official metrics to support that nor make comparisons. It came down to local knowledge. Levin had higher vehicle and pedestrian traffic than Foxton and Shannon.

It was noted that the other thing that impacted on this was the dynamics in town centres. The number of people in stores and walking in the street had decreased compared to what there was five years ago. If that trend continued there would be fewer people on the street and that would impact on community centres and coffee shops. It did give a clear message on where the Committee needed to focus.

Now having some background and with the submissions having been summarised in the report, the Chair said that the Committee now had to consider in 6.1 whether to work with one the four options outlined or consider something different again.

Cr Brannigan touched on the message received from a number of submitters around the role that this Council, or someone, needed to play in terms of a considered, cohesive approach. Property owners were trying to swim with the tide and were not getting their buildings assessed or getting appropriate advice because of the challenges and costs around that. The message for him was that Council could play a leading role. Yes, there would be a cost to the ratepayer, but what would the cost be if a number of shops and businesses were lost and property owners and businesses walked away. Cr Brannigan said he would like to have a recommendation within the decision around the role that Council could play and the resourcing of that which could include a sufficiently qualified person to lead Council's approach and lead some facilitation with property owners across the district moving forward. Whilst people's safety was the main concern, there was also the viability of this district's property and business owners. Council had a big role to play in that.

The submissions from those who did not speak were considered. With some submitters suggesting that the Levin priority area should be extended, the options when it came to expanding the designated area to include SH1 or individual buildings with verandahs where there may not necessarily be the density of traffic was queried in terms of the Policy on Dangerous and Insanitary Buildings and the Building Act, etc.

Mrs Pollock said there were provisions that allowed Councils to review that as part of the earthquake-prone process. Council also had an obligation to ensure the public was safe and that would play a part in the actions going forward.

With regard to the submission from Historic Places Manawatu-Horowhenua, Mrs Pollock said Council was in the MWLASS Group. Whanganui was quite far along in this process and what the consequences might be for some of their buildings was awaited. From all accounts heritage building owners had an obligation to keep the look and feel of their buildings and Council did have a Heritage Fund which could

assist, but that fund was not specific to earthquake-prone buildings. It was planned to hold workshops for all earthquake-prone building owners which might assist owners to make contact with technical experts, collaborate and drawn on experiences from others.

### Deliberations

Raised and discussed:

- there were completely different arguments for each of Levin, Shannon and Foxton in terms of priority areas and buildings collapsing.
- traffic flows in Shannon and Foxton were vastly different to Levin. Whilst there was SH57 traffic going through Shannon, there were plenty of other routes for emergency services to get through the town and there were not a lot of high buildings.
- when talking about economics, businesses in Shannon were already struggling and it would be unrealistic to have only 7½ years to deal with those buildings;
- the cost to the community needed to be balanced with any risk should there be a big earthquake.
- Foxton and Shannon did not fit into the priority building designation; however Levin was a completely different argument. It had density of both foot and vehicular traffic.
- the Work & Income and New World buildings in Foxton were considered and where they would come in terms of the threshold for concentration, with it noted the Work and Income building was a small office and the New World building was new and was up to code.
- the four options provided in 6.1 of the Report were considered with option 3 perhaps the most appropriate.
- whether or not the designated blue area in Levin was appropriate with some submitters having suggested that the area should be extended.
- considering the Levin CBD blue map area, when producing the report that goes to Council Officers to be requested to cover the implications of the Dangerous and Insanitary Buildings Policy and concerns raised about mitigating the risk of verandahs.
- considering the four options in the report (6.1), Option 3 was perhaps the most appropriate, leaving out Foxton and Shannon.
- in terms of Shannon and Foxton, considering the density of vehicular and foot traffic, it was suggested the critical mass point was not reached so the buildings did not need to be prioritised; however they would need strengthening at some stage even if the time was extended from 7½ to 15 years.
- Levin was a different proposition as it had State Highway 1 running through the town and there was a need to extend the area, as proposed by some submitters, and this could be facilitated by education to increase the public's understanding of what was proposed.
- it would be helpful to have Council lead the conversation in Levin around the options available to building owners and that could be part of the Levin Town Centre Strategy with the two running concurrently.
- Council should also be having discussions with LGNZ in terms of the impact this legislation was going to have on the economy of our communities and our future viability. There were some serious questions to be asked in relation to affordability going forward.
- a recommendation should also be made in relation to buildings that did have a verandah or façade that may not fall into a priority area.
- if the Committee went wider than the boundaries currently proposed, what would be the effects on businesses in those areas?

Responding to the matters raised, Mrs Pollock said that in terms of foot and vehicular traffic numbers, that would be a matter of Members using their local knowledge and common-sense. If the Levin area was extended, she would recommend that time be provided to further consult with those parties affected.

In thinking about some of the issues raised, Cr Mason said with the growth in Levin she thought the foot traffic was extending out beyond lights and there were high traffic flows up passed Stanley Street.

After discussion on how far Members thought would be appropriate to extend the area for Levin and what option(s) should be progressed, the Committee agreed to exclude Foxton and Shannon and would like some more information from Officers on what should happen if the Levin area was extended to the end of the Adventure Park and north to Devon Street.

Mrs Pollock requested guidance as to the level of consultation that should be undertaken if the area in Levin was extended to include Devon Street and towards the end of the Adventure Park. Should it be the same method that had been taken with the entire consultation, which was a targeted approach plus public notification or could it just be a targeted approach and bring back the results to the Hearings Committee.

The Committee Members indicated they would be comfortable with a targeted approach which would give building owners the opportunity to respond.

Mrs Pollock confirmed that responses could be received by email or letter and if people wanted to come and make an oral submission they would have that opportunity.

Mrs Brady further queried if Members would you like Officers to also do some thinking more of a proactive approach in terms of the recommendation to be made back to Council.

When looking at the issues, Members agreed they would like a measured approach, despite it meaning more work for officers so that getting it right for owners and in terms of building safety was ensured.

How 30 Queen Street should be dealt with was discussed, with submissions having been received that this should not be included in the area. Comfort was expressed with this area as designated. 30 Queen Street was a two storey building and there was high vehicular traffic there.

Clarification was sought on the block between Devon and Queen Street, which included Focal Point, with there being a huge amount of traffic coming in and out of the car park.

In terms of Council resourcing/facilitation and whether that had been captured adequately, Mrs Brady said that was something she and Mrs Pollock had spoken about and it was something they were keen to pursue, which included Council applying to LGNZ and central government and identifying some of the other options where Council could have a voice. They would put further thought into bringing back more information.

Summing up and looking at the four options, Cr Mason noted that their preference was a for a combination of options 2 & 3, with Foxton and Shannon not forming part

of the priority zone. Targeted consultation would be undertaken with owners in the identified extended area in Levin. The Committee's comfort was that there would be work done around verandahs, parapets and unreinforced masonry across the district. There was also additional work to be done through LGNZ on economic issues, in particular in relation to affordability, but also with regard to lack of taxation relief available to building owners. The meeting would adjourn to allow Officers to undertake the targeted consultation, with six weeks being the time agreed.

Mrs Pollock said she would provide a map showing the new area proposed and send to Committee Members for confirmation. She said she believed six weeks would be sufficient time to undertake the further consultation and affected parties would be advised of when the hearing would reconvene and they would have the opportunity to come and speak.

Mrs Brady noted that this was only one piece in a wider project. Officers had been providing information as to what this all meant for owners and they were starting to build some good relationships. There were also a number of owners who were not located in the Horowhenua, but she was confident that six weeks would be sufficient time to undertake what was required.

In terms of the ability to speak at the reconvened hearing, it was noted that would be available only for targeted submitters.

3.08 pm

The meeting adjourned at 3.08 pm to reconvene on a date to be advised.

CONFIRMED AS A TRUE AND CORRECT RECORD  
AT A MEETING OF THE HEARINGS COMMITTEE  
HELD ON

**DATE:**.....

**CHAIRPERSON:**.....



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# Hearings Committee

## OPEN MINUTES

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Minutes of a reconvened meeting of the Hearings Committee held in the Council Chambers, 126-148 Oxford Street, Levin, on Tuesday 7 August 2018 at 1.00 pm.

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### PRESENT

<b>Chairperson</b>	Cr Jo Mason
<b>Members</b>	Cr Ross Brannigan
	Cr Bernie Wanden

### IN ATTENDANCE

Mrs N Brady	(Group Manager – Customer & Regulatory Services)
Mrs C Pollock	(Project Coordination Lead)
Mrs K J Corkill	(Meeting Secretary)

### ALSO IN ATTENDANCE

Ms M Leyland	(Consents Manager)
Mrs V Miller	(Compliance Manager)

### PUBLIC IN ATTENDANCE

There were two members of the public in attendance (Mr & Mrs Campbell).

#### 1 Apologies

There were no apologies.

#### 2 Declarations of Interest

The declarations of interest from the 15 June 2018 meeting subsisted.

#### 3 Confirmation of Minutes

MOVED by Cr Wanden, seconded Cr Brannigan:

*THAT the minutes of the meeting of the Hearings Committee held on Friday, 15 June 2018, be confirmed as a true and correct record.*

**CARRIED**

## 4 Announcements

There were no announcements.

## 5 Reports

### 5.1 Priority Buildings - Earthquake-prone Buildings

#### Purpose

To provide the platform for the Hearings Committee (Committee) to hear and consider further submissions received on the revised Statement of Proposal – Priority Buildings - Earthquake-prone Buildings and make a subsequent recommendation to Council in respect of the Statement of Proposal.

MOVED by Cr Wanden, seconded Cr Brannigan:

*THAT Report 18/455 Priority Buildings - Earthquake-prone Buildings be received.*

*THAT this decision is recognised as not significant in terms of S76 of the Local Government Act.*

*THAT late submissions be received and included in the consultation.*

**CARRIED**

Mrs Pollock spoke to the report giving a background to the reason further consultation had been undertaken, also noting under “Other Considerations” that in July 2017 Council had adopted a growth scenario developed by Sense Partners which equated to an additional 5,138 households and 10,063 additional people by 2040, and NZIRS had projected 3,000 additional jobs by 2036.

She noted that a number of building owners who had received correspondence had telephoned her as the contact person essentially checking to see if their building was affected. Those who had called had buildings that were 34% NBS and as a result their building was not affected and they did not make a submission. Communication had also been received from two owners (Maurice & Sophie Campbell) in support of Option 3, with their key points being that businesses in Levin were struggling and the possibility of the SH1 bypass.

Concentrating on the reasoning behind extending the priority area in Levin, Cr Mason said the Committee’s view had been that the original area had been too narrow. Mrs Pollock had then been requested to engage with building owners who might be now affected. There had been one submission from Mr Otto Bats who had only suggested that all buildings within high pedestrian areas should be included but not giving a preference or clearly expressing support for the extension of the priority area. However, his comment about all buildings in high pedestrian areas being included could be seen as giving tacit support.

#### Deliberations

Having extended the time for consultation in relation to expanding the possible priority area in Levin and in terms of making a decision for presentation to Council, Cr Mason queried if Members were still comfortable with the other conversations that had been had in relation to Foxton and Shannon not being included as priority areas in terms of the guidelines and legislation.

Cr Brannigan said he was still comfortable with the Foxton and Shannon decision. He had read through the legislation and guidelines again and he was comfortable



with the work Council would do with building owners in terms of verandahs and parapets, etc. With regard to Levin, there had been no feedback against extending the area so he was comfortable with what they were proposing. He had certainly taken on board the message from the Campbells in relation to business owners, but Council was bound by legislation. There was absolutely no choice but to implement the legislation and identify priority buildings in Levin which should include the extended area. He was also keen for Council to work with those building and property owners to make this work for everybody. Cr Brannigan said he did think there would be some movement in the legislation going forward to accommodate owners. There was also the question of the bypass, but looking at the percentage of traffic in the town, the majority was local. Taking into account the Levin Town Centre Strategy and work being done in that space, they were looking at a vibrant and busy community. It would be important to ensure businesses were viable despite this proposal, and the rider for him was working with community groups and property owners to keep Levin moving forward.

Cr Wanden said he too completely understood and sympathised with the Campbells and the reasons why they thought there should be no priority areas. He understood the motives behind that. However he agreed with the approach the Hearings Committee was taking and believed that it had got it right not including Foxton and Shannon and recommending that Levin be made a priority area. He had to take the business stance away from his thinking and had to think in terms of the public and what this legislation aimed to do which was to make public access areas and the district's towns safer. He said he did think there was a lot more to come in that space and that there would be strong messages sent to Central Government that the business areas of provincial and small town New Zealand would be the most impacted by the legislation. The requirement to do this, together with the financial challenges, would need some further investigation. If Council did take a hands off approach, the business community would also take a hands off approach. He did believe a plan like this was better than a hands off approach and he hoped business owners would take responsibility and formulate their own plans to mitigate issues they might have.

Cr Wanden continued that he was also keen to see Council play a leading role in working with business and property owners where it could. In terms of the expressway (if it ever did come), this legislation may encourage building owners to invest in the future of the town. It did concern him that there could be some business owners that may walk away, but for the future of their investment it was in their best interests to make sure they did some work to mitigate any dangers. He reiterated he believed the Committee had got it right and the extended area in Levin was the way to go, with Foxton and Shannon excluded.

Cr Mason said she was comfortable with the decision made around Shannon particularly in terms of the vehicle flow and low concentration of pedestrians. She had no hesitation with that. With regard to the decision about Foxton, she held a slightly different view but it was becoming a little clearer. She queried of Mrs Pollock that should there be a significant increase in pedestrian flow and residents in Foxton, did Council have the option, should there be concerns in the foreseeable future, of revising this or introducing earthquake prone building priority areas outside of this process.

Mrs Pollock advised that in terms of priority areas, Council was bound by Central Government to strict timeframes. As this district was a high risk seismic area, potentially earthquake-prone buildings in priority areas had to be identified within 2.5 years from 1 July 2017. That would in essence mean the answer was 'no' unless consultation was undertaken. However, she did not think there would a significant

change in foot traffic in the next six months, but Council would be in breach of the timeframe if it then decided changes were required. There would not be time to profile those buildings. Regardless of the timeframe, if not a priority area there would be five years to identify any other buildings so they would be picked up in the process. It did not mean if they were not in a priority area that earthquake prone buildings would not be identified.

Having been assured that buildings would be identified as part of the process albeit with a longer timeframe, Cr Mason said this was a step that needed to be taken and, as touched on by Cr Wanden, it would be sending a signal not only about the value that Council put on members of the community but it was also taking quite a brave step in terms of saying that Council wanted its towns to be as safe as they possibly could be. Should the Committee's recommendation be adopted, she looked forward to Council taking the lead in putting in place a strong education process and working collaboratively with building owners. She saw it as a partnership, working together and looking at solutions, as had been suggested by some submitters. Council should also continue to look at the national focus and models of best practice. As HDC was one of the first Councils to be working through this process, it would be watched. Council also needed to be looking at what other Councils did and other information that may be useful going forward.

Cr Mason continued that she thought the Hearings Committee had undertaken a very rigorous process. All submissions had been carefully considered; following some of the recommendations from submitters the Levin priority area had been extended and there had been no objections to that received. It gave some comfort in terms of that option. Cr Mason reiterated that she was comfortable with the decision reached with regard to Levin and was also reassured that Foxton and Shannon would not be excluded from the process; it would just take a little longer.

Cr Brannigan also noted that the Horowhenua was in the central part of New Zealand which carried a high seismic risk. The district was surrounded by a lot of active fault lines, in particular three major ones which could have a huge impact on the scenarios that could affect the Horowhenua.

Acknowledging that besides being in a high risk seismic area which was based on science, Cr Mason said quite often Oxford Street was gridlocked, with the amount of traffic having had a significant influence on her thinking.

Having considered the three options proposed in the report:

1. Adopt the proposed area, including the extended area in Levin, thus making all buildings in the Levin area priority buildings and exclude Shannon and Foxton. Therefore there would be no priority areas in Shannon or Foxton.
2. Adopt the original proposed area in Levin, this excludes the proposed extension. An exclude Shannon and Foxton; therefore, there would be no priority areas in Shannon and Foxton.
3. No priority areas are identified.

and with Officers not indicating a preferred option, Cr Mason acknowledged that there was divided opinion across the community. However the Hearings Committee had been delegated authority by full Council to receive and hear submissions and make a recommendation on its decision. That decision would then be voted on by full Council.

Following the further consultation and considering all submissions received, the Hearings Committee expressed its preference for Option 1. It was therefore:

MOVED by Cr Brannigan, seconded Cr Wanden:

*THAT the Hearings Committee, having been delegated authority to receive and hear submissions on Priority Buildings – Earthquake Prone Buildings, recommends to the Horowhenua District Council that it adopts the extended area in Levin as a priority area, thus making all buildings in the identified Levin area priority buildings, with Shannon and Foxton to have no priority areas.*

**CARRIED**

Cr Mason concluded by saying this was one of the significant recommendations that Council would make this year. She thanked everyone for their contribution.

1.35 pm

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

CONFIRMED AS A TRUE AND CORRECT RECORD  
AT A MEETING OF HEARINGS COMMITTEE HELD  
ON

**DATE:**.....

**CHAIRPERSON:**.....

File No.: 18/310

## Priority Buildings - Earthquake-prone Buildings

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### 1. Purpose

To provide the platform for the Hearings Committee (Committee) to hear and consider submissions received on the Statement of Proposal – Priority Buildings - Earthquake-prone Buildings and make a subsequent recommendation to Council in respect of the Statement of Proposal.

### 2. Executive Summary

- 2.1 Council consulted on the Statement of Proposal using the Special Consultative Procedure (SCP) under the Local Government Act 2002 (Act) with submissions closing 26 March 2018. Twenty eight (28) submissions have been received and these must now be considered by the Committee acting under delegated authority of Council. A summary of those submissions is contained in Section 5 of this Report.
- 2.2 The ability to hear and consider submissions is delegated to the Hearings Committee of Council which specifically has – “all functions except the actual adoption, pertaining to the formulation and review of Policy and Bylaws. This delegation entails calling for submissions, consideration and hearing of submissions received, and providing a subsequent recommendation to Council”. This delegation was made by Council at its meeting of 01 February 2017.

### 3. Recommendation

- 3.1 That Report 18/310 Priority Buildings - Earthquake-prone Buildings be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That late submissions be received and included in the consultation.

### 4. Background / Previous Council Decisions

- 4.1 The Horowhenua District Council is responsible for adhering to, and implementing the provisions of the Building Act 2004.
- 4.2 On 30 August 2017 Council adopted the Policy on Dangerous and Insanitary Buildings 2017 of which the Earthquake-prone Buildings section of the policy was removed as it was superseded by The Building (Earthquake-prone Buildings) Amendment Act 2016.
- 4.3 The Building Act 2004 contains the earthquake-prone building provisions, The Building (Earthquake-prone Buildings) Amendment Act 2016

Section 133AA of the Building Act 2004 sets out the scope of buildings to which the earthquake-prone building provisions apply. All priority buildings must also be within this scope.

Section 133AE of the Building Act 2004 contains the definition of priority buildings which includes two broad categories of priority building:

- those that are prescribed in the Building Act 2004 – these include certain hospital, emergency and education buildings, and

- Those that are described in the Building Act 2004 and determined with community input. This category includes parts of unreinforced masonry (URM) buildings that could fall in an earthquake onto certain thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritisation, and buildings that could collapse and impede transport routes of strategic importance.
- 4.4 Council has 2.5 years from 1 July 2017 to identify priority areas and earthquake-prone buildings within those areas.
- 4.5 Council must undertake public consultation to identify the thoroughfares with sufficient vehicular and pedestrian traffic where there are parts of URM buildings that could fall in an earthquake.
- 4.6 Council has discretion to identify certain buildings for prioritisation. If a territorial authority identifies that there are buildings that could impede transport routes of strategic importance if they were to collapse in an earthquake, the special consultative procedure needs to be undertaken to identify routes for the purpose of prioritising those buildings.
- 4.7 If only part of a building fits the definition of a priority building, then only that part would be considered as a priority building.
- 4.8 At the 24 January 2018 Council briefing, Council discussed priority buildings to determine the priority areas for consultation.

The areas identified in the Statement of Proposal – Priority Buildings – Earthquake-prone Buildings were determined by using the following guidance as set out in the *GUIDANCE - Priority Buildings - A guide to the earthquake-prone building provisions of the Building Act*, July 2017, Ministry of Business, Innovation and Employment (MBIE):

Territorial authorities must identify parts of URM buildings on thoroughfares with sufficient vehicular and pedestrian traffic to warrant prioritisation using the following key steps. Using the special consultative process to identify any part of a public road, footpath or other thoroughfare:

1. with sufficient vehicular or pedestrian traffic to warrant prioritisation; and
2. on which there are URM buildings or parts of URM buildings that could fall in an earthquake (note: territorial authorities are not required to identify the specific URM buildings in the consultation documentation).

Sufficient traffic indicates use, and where the use of an area or building is greater, the exposure to the risk posed by that particular building also increases. To prepare for the special consultative procedure, the guidance document was able to provide criteria specific to rural communities to assist with the identification of roads, footpaths or other thoroughfares with sufficient pedestrian or vehicular traffic, upon which they must then consult with their communities, see tables below:

a) High pedestrian areas

Description of use	Description of area	Example of application to city or metropolitan area	Example of application to small town or rural area
Areas relating to social or utility activities	Areas where shops or other services are located	City and suburban areas with shops, cafes, restaurants, bars, theatres and malls	Areas such as the shopping area on the main street, the local pub, community centre
Areas relating to work	Areas where concentrations of people work and move around	Areas around office buildings or other places of work where there is a concentration of workers	Areas around businesses in small towns and rural areas where there is a concentration of workers in numbers larger than small shops or cafes
Areas relating to transport	Areas where concentrations of people access transport	Areas around transport hubs, train stations, bus stops, car parks	Areas around bus stops, train stations, tourist centres
Key walking routes	Key walking routes that link areas where people are concentrated	Routes from transport hubs or other areas relating to transport to areas where shops, other services or areas people work are located	Routes from bus stops or other areas relating to transport to areas where shops, other services or areas people work are located

b) Areas with high vehicular traffic

Description of use	Description of area	Example of application to city or metropolitan area	Example of application to small town or rural area
Key traffic routes	Key traffic routes regularly used by vehicles including public transport	Central business district streets, well trafficked suburban streets, arterial routes, heavy use bus routes	Well trafficked main streets or sections of state highways, arterial routes
Areas with concentrations of vehicles	Areas where high concentrations of vehicles build up	Busy intersections, areas where traffic builds up at peak hours	Busy intersections

- 4.9 At the 31 January 2018 meeting of Council it was resolved to consult on the Statement of Proposal – Priority Buildings – Earthquake-prone buildings using the Special Consultative Procedure (SCP) with submissions closing 26 March 2018 – Report 18/48 refers.

## 5. Discussion

- 5.1 Consultation included a direct mail out to potentially interested parties, public notice being given in “The Chronicle” Newspaper, as well as notification on Council’s website and through social media. It also included a drop off to businesses within the central business areas of Levin, Shannon and Foxton.
- 5.2 A total of 28 submissions have been received, of these, 12 submitters have indicated that they wish to appear before the Committee.
- 5.3 Submissions were received from;
- G. Morgan (1), M. Gallagher (2), H. Roberti (3), A. Gardiner (4), J. Harper (5), M.F. Blood (6), C. Lilburn (7), G.P. Spicer (8), L. Winiata (9), S. Freebairn (10), A.(Tony) Hunt (11), P. Smith (12), S. Campbell (13), C. MacMillan (14), R. Kapadia (15), L. Savage (16), A.M. Hunt (17), R.A. Cheesman (18), C. Moriarty (19), C. Rudd (20), L.J. Fletcher (21), V. Harrod (22), C. Pederson (23), B. Wicker (24), L. Rohloff (25), B.P. Cottle (26), B.P. Cottle (27), R. Crombie (28).



5.4 Although the closing date for submissions was 26 March 2018, submissions were accepted until 30 April 2018. A number of submissions that were received after 26 March 2018 have been included in this report.

5.5 The questions that were asked in the Statement of Proposal were:

- Do you agree with the thoroughfares identified for prioritisation?
- If not, which thoroughfares do you disagree with and why?
- Are there any other thoroughfares that meet the criteria but are not listed?

5.6 The submissions have been grouped together by the view that they have expressed:

- Agree
- Disagree
- No view

5.7 A summary of submissions follows:

5.7.1 Agree

**Submissions 1, 2,3,4,6,7,9,10,13 & 17**, submitted in favour of the priority areas that Council identified in the Statement of Proposal. Of the ten submissions who were in support, five submitters indicated that the proposed area in Levin was the minimum selection and that it should be extended. The extended area suggestions included:

- Extending the priority area in Levin to include all buildings in Oxford Street with verandahs.
- Extending the priority area in Levin to include all of Queen Street/Salisbury Street and Stanley Street/Bristol Street blocks.
- All parts of public pedestrian walkways that are vulnerable to the collapse earthquake prone commercial/public buildings should be marked as priority areas

Furthermore, a number of submitters highlighted that the building verandahs spanning along Oxford Street, Levin, should be inspected as part of the earthquake-prone buildings process.

5.7.2. Disagree

**Submissions 8, 11, 12,18,21,22,23,26,27 & 28**, submitted in opposition to the priority areas that Council identified in the Statement of Proposal. Of the eleven submissions who were against, two made reference to not including Levin Memorial Hall, one made reference to not including Coronation Hall and one made reference to the Old Foxton Court House. A large proportion of the remaining opposition supporters made reference to personally owned buildings, submitters included a number of the following reasons for opposing the proposed priority areas:

- Low or insufficient foot traffic and declining retail environment
- Single level buildings
- set back from pedestrian walkways
- not accessible by the public
- Clearly signposted "do not approach"

5.7.3. No view

**Submissions 14,15,16,19,20,24, & 25**, submitted with no view to the priority areas that Council identified in the Statement of Proposal. Of the seven submissions with no view, one submitter indicated their support for saving Foxton Memorial Hall, a number of others wanted to be kept informed by regular communication or workshops facilitated by Council.

#### 5.7.4 Summary

Submissions have been summarised in Table 1 below. Sixty point seven (60.7%) of submissions received were in support, or held no view of the priority areas as presented in the Statement of Proposal and thirty nine point three (39.3%) were against the proposed priority areas in Levin, Foxton and Shannon as outlined in the Statement of Proposal.

**Table 1: Summary of submissions**

Submission Group	Number of submissions	Percentage
Agree	10	35.7%
Disagree	11	39.3%
No view	7	39.3%
<b>Totals</b>	<b>28</b>	<b>100%</b>

#### 5.7.5. Comment

Council has mandatory requirements to implement The Building (Earthquake-prone Buildings) Amendment Act 2016, the Act is prescriptive and sets out processes for the identification of priority buildings, identification of potentially earthquake-prone buildings, issuing earthquake-prone building notices and enforcing timeframes for building owners to strengthen or demolish. The identification of priority buildings is one part of a multi-part process, Council Officers are committed to educating about and implementing the legislation in a complimentary manner.

The intent for priority areas is to ensure that areas where there is a higher risk to human safety (due to the number of people/vehicles in an area) in the event of an earthquake are addressed sooner.

Priority areas are significant because earthquake-prone buildings in these areas must be identified and remediated in half the usual time (to reduce the risks to life safety more promptly). Horowhenua is in a high seismic risk area, timeframes for strengthening or demolition are set out in the table below:

Action	Priority areas	Other areas
Council identification of potentially earthquake-prone buildings	2.5 years	5 years
Remediation after being issued an earthquake-prone building notice.	7.5 years	15 years

## 6. Options

The Committee needs to hear those submitters who appear in support of their submissions, and then consider all submissions received by Council and this Officer report and recommendations. The Committee then needs to make its decisions and provide a relevant recommendation to Council.

### 6.1 There are four (4) options, namely:

- (1) Adopt the areas identified in Levin, Shannon and Foxton that were identified in the Priority Buildings – Earthquake-prone Buildings Statement of Proposal, thus making all buildings in those areas priority buildings.
- (2) Adopt the areas identified in Shannon and Foxton that were identified in the Priority Buildings, and amend the priority area identified in Levin to include all buildings with verandahs on Oxford Street.



- (3) Consider adopting the areas identified in specific locations independent of other locations e.g. Levin only, Foxton only, Shannon only, or combinations different to that originally proposed.
  - (4) No priority areas are identified
- 6.2 The submissions showed that the community is very much divided in their opinions on whether Council should agree to make the buildings within the identified areas priority buildings. It is likely that there will be members of the community who do not agree with the decision, which ever decision is made.
- 6.3 There are no preferred options.

## 7. Consultation

Consultation was undertaken as required during the process for this policy. No further consultation is required.

## 8. Legal Considerations

There are no legal requirements or statutory obligations affecting the options or proposals.

## 9. Financial Considerations

There is no financial impact.

## 10. Other Considerations

There are no other considerations at this point.

## 11. Next Steps

Following the resolutions of the Committee, a report will be prepared for Council reflective of the Committee's decisions on this matter.

## 12. Supporting Information

<b>Strategic Fit/Strategic Outcome</b> – Not applicable
<b>Decision Making</b> – Not applicable
<b>Consistency with Existing Policy</b> – Not applicable
<b>Funding</b> – Not applicable
<b>Confirmation of statutory compliance</b> In accordance with section 76 of the Local Government Act 2002, this report is approved as: <ul style="list-style-type: none"><li>a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,</li><li>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.</li></ul>


### **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.

### 13. Appendices

No.	Title	Page
A	Earthquake Prone Buildings - Priority Buildings - Hearing Schedule - 15 June 2018 <i>(Under Separate Cover)</i>	
B	Earthquake Prone Buildings - Priority Buildings - Consultation - Collated Submissions - May 2018 <i>(Under Separate Cover)</i>	
C	Earthquake Prone Buildings - Priority Buildings - Consultation - Statement of Proposal - PDF - 18 January 2018 <i>(Under Separate Cover)</i>	
D	Earthquake Prone Buildings - Priority Buildings Guidance - June 2018 <i>(Under Separate Cover)</i>	
E	Building Earthquake-prone Buildings Amendment Act 2016 - June 2018 <i>(Under Separate Cover)</i>	

Author(s)	Cathryn Pollock <b>Project Coordination Lead</b>	
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Approved by	Nicki Brady <b>Group Manager - Customer &amp; Regulatory Services</b>	
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## Priority Buildings - Earthquake-prone Buildings

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### 1. Purpose

To provide the platform for the Hearings Committee (Committee) to hear and consider further submissions received on the revised Statement of Proposal – Priority Buildings - Earthquake-prone Buildings and make a subsequent recommendation to Council in respect of the Statement of Proposal.

### 2. Executive Summary

- 2.1 Council consulted on the Statement of Proposal using the Special Consultative Procedure (SCP) under the Local Government Act 2002 (Act) with submissions closing 26 March 2018. Twenty eight (28) submissions were received and considered at the 15 June 2018 meeting of the Hearings Committee. During deliberations it was decided to extend the proposed priority area in Levin. As a result the hearing was adjourned for further consultation to be carried out.
- 2.2 Council consulted on the revised Statement of Proposal which focused on the extension to the proposed priority area in Levin with submissions closing 27 July 2018. One (1) submission has been received and this must now be considered by the Committee acting under delegated authority of Council. A summary of that submission is contained in Section 5 of this Report.
- 2.3 The ability to hear and consider submissions is delegated to the Hearings Committee of Council which specifically has – “all functions except the actual adoption, pertaining to the formulation and review of Policy and Bylaws. This delegation entails calling for submissions, consideration and hearing of submissions received, and providing a subsequent recommendation to Council”. This delegation was made by Council at its meeting of 1 February 2017.

### 3. Recommendation

- 3.1 That Report 18/455 Priority Buildings - Earthquake-prone Buildings be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That late submissions be received and included in the consultation.

### 4. Background / Previous Council Decisions

- 4.1 The Horowhenua District Council is responsible for adhering to, and implementing the provisions of the Building Act 2004.
- 4.2 On 30 August 2017 Council adopted the Policy on Dangerous and Insanitary Buildings 2017 of which the Earthquake-prone Buildings section of the policy was removed as it was superseded by The Building (Earthquake-prone Buildings) Amendment Act 2016.
- 4.3 The Building Act 2004 contains the earthquake-prone building provisions, The Building (Earthquake-prone Buildings) Amendment Act 2016

Section 133AA of the Building Act 2004 sets out the scope of buildings to which the earthquake-prone building provisions apply. All priority buildings must also be within this scope.

Section 133AE of the Building Act 2004 contains the definition of priority buildings which includes two broad categories of priority building:

- those that are prescribed in the Building Act 2004 – these include certain hospital, emergency and education buildings, and
- Those that are described in the Building Act 2004 and determined with community input. This category includes parts of unreinforced masonry (URM) buildings that could fall in an earthquake onto certain thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritisation, and buildings that could collapse and impede transport routes of strategic importance.

- 4.4 Council has 2.5 years from 1 July 2017 to identify priority areas and earthquake-prone buildings within those areas.
- 4.5 Council must undertake public consultation to identify the thoroughfares with sufficient vehicular and pedestrian traffic where there are parts of URM buildings that could fall in an earthquake.
- 4.6 Council has discretion to identify certain buildings for prioritisation. If a territorial authority identifies that there are buildings that could impede transport routes of strategic importance if they were to collapse in an earthquake, the special consultative procedure needs to be undertaken to identify routes for the purpose of prioritising those buildings.
- 4.7 If only part of a building fits the definition of a priority building, then only that part would be considered as a priority building.
- 4.8 At the 24 January 2018 Council briefing, Council discussed priority buildings to determine the priority areas for consultation.

The areas identified in the Statement of Proposal – Priority Buildings – Earthquake-prone Buildings were determined by using the following guidance as set out in the *GUIDANCE - Priority Buildings - A guide to the earthquake-prone building provisions of the Building Act*, July 2017, Ministry of Business, Innovation and Employment (MBIE):

Territorial authorities must identify parts of URM buildings on thoroughfares with sufficient vehicular and pedestrian traffic to warrant prioritisation using the following key steps. Using the special consultative process to identify any part of a public road, footpath or other thoroughfare:

1. with sufficient vehicular or pedestrian traffic to warrant prioritisation; and
2. on which there are URM buildings or parts of URM buildings that could fall in an earthquake (note: territorial authorities are not required to identify the specific URM buildings in the consultation documentation).

Sufficient traffic indicates use, and where the use of an area or building is greater, the exposure to the risk posed by that particular building also increases. To prepare for the special consultative procedure, the guidance document was able to provide criteria specific to rural communities to assist with the identification of roads, footpaths or other thoroughfares with sufficient pedestrian or vehicular traffic, upon which they must then consult with their communities, see tables below:

a) High pedestrian areas

Description of use	Description of area	Example of application to city or metropolitan area	Example of application to small town or rural area
Areas relating to social or utility activities	Areas where shops or other services are located	City and suburban areas with shops, cafes, restaurants, bars, theatres and malls	Areas such as the shopping area on the main street, the local pub, community centre
Areas relating to work	Areas where concentrations of people work and move around	Areas around office buildings or other places of work where there is a concentration of workers	Areas around businesses in small towns and rural areas where there is a concentration of workers in numbers larger than small shops or cafes
Areas relating to transport	Areas where concentrations of people access transport	Areas around transport hubs, train stations, bus stops, car parks	Areas around bus stops, train stations, tourist centres
Key walking routes	Key walking routes that link areas where people are concentrated	Routes from transport hubs or other areas relating to transport to areas where shops, other services or areas people work are located	Routes from bus stops or other areas relating to transport to areas where shops, other services or areas people work are located

b) Areas with high vehicular traffic

Description of use	Description of area	Example of application to city or metropolitan area	Example of application to small town or rural area
Key traffic routes	Key traffic routes regularly used by vehicles including public transport	Central business district streets, well trafficked suburban streets, arterial routes, heavy use bus routes	Well trafficked main streets or sections of state highways, arterial routes
Areas with concentrations of vehicles	Areas where high concentrations of vehicles build up	Busy intersections, areas where traffic builds up at peak hours	Busy intersections

4.9 At the 31 January 2018 meeting of Council it was resolved to consult on the Statement of Proposal – Priority Buildings – Earthquake-prone buildings using the Special Consultative Procedure (SCP) with submissions closing 26 March 2018 – Report 18/48 refers.

4.10 At the 15 June 2018 Priority Buildings Earthquake-prone Buildings Hearing Council's Hearings Committee, comprising of Councillors Jo Mason (Chairperson), Bernie Wanden and Ross Brannigan heard public submissions. During deliberations the Hearings Committee decided that they would extend the proposed area in Levin. As a result the hearing was adjourned for further consultation to be carried out.

## 5. Discussion

5.1 The consultation of the revised Statement of Proposal which included the extension to the proposed priority area in Levin included a direct mail out to newly affected building owners and a mail drop to businesses.

5.2 One (1) submission has been received, this submitter indicated they do not want to speak to their submission.

5.3 The questions that were asked in the revised Statement of Proposal were:

- Do you agree with the thoroughfares identified for prioritisation?
- If not, which thoroughfares do you disagree with and why?

- Are there any other thoroughfares that meet the criteria but are not listed?

5.4 A summary of the one (1) submission received is below:

Submission 1, Page 2 Attachment B, Mr O Bats

*All buildings with high pedestrians areas should be included: Including:*

1. Warehouse, new World, Countdown, Pak'n'Save, Mitre 10, Police, Courthouse
2. All buildings along oxford Street in particular commercial buildings open to public

Mr Bats hasn't categorically stated if he agrees or disagrees with the proposed priority area in Levin. Therefore he has indicated no view.

5.5 Summary

The one (1) submission received from Mr Bats that indicates no view would bring the total submissions received (including those summarized in the previous report) in support of, or shared no view of the proposed priority areas to over sixty one percent (>61%). The number of those who disagree with the proposed priority areas remains unchanged at thirty nine percent (39%).

5.6 Comment

Council has mandatory requirements to implement The Building (Earthquake-prone Buildings) Amendment Act 2016, the Act is prescriptive and sets out processes for the identification of priority buildings, identification of potentially earthquake-prone buildings, issuing earthquake-prone building notices and enforcing timeframes for building owners to strengthen or demolish. The identification of priority buildings is one part of a multi-part process, Council Officers are committed to educating about and implementing the legislation in a complimentary manner.

The intent for priority areas is to ensure that areas where there is a higher risk to human safety (due to the number of people/vehicles in an area) in the event of an earthquake are addressed sooner.

Priority areas are significant because earthquake-prone buildings in these areas must be identified and remediated in half the usual time (to reduce the risks to life safety more promptly). Horowhenua is in a high seismic risk area, timeframes for strengthening or demolition are set out in the table below:

Action	Priority areas	Other areas
Council identification of potentially earthquake-prone buildings	2.5 years	5 years
Remediation after being issued an earthquake-prone building notice.	7.5 years	15 years

Verandahs of buildings will be assessed as part of the building Earthquake-prone Building profiling exercise that will be undertaken to identify potentially earthquake-prone buildings.

## 6. Options

The Committee needs to consider all submissions received by Council, the original officer report, minutes of the 15 June Hearing and this current report and recommendations. The Committee then needs to make its decisions and provide a relevant recommendation to Council.

6.1 There are three (3) options, namely:

- (1) Adopt the proposed area, including the extended area in Levin, thus making all buildings in the Levin area priority buildings. And exclude Shannon and Foxton, therefore, there would be no priority areas in Shannon or Foxton.
  - (2) Adopt the original proposed area in Levin, this excludes the proposed extension. And exclude Shannon and Foxton, therefore, there would be no priority areas in Shannon or Foxton.
  - (3) No priority areas are identified
- 6.2 All submissions received showed that the community is very much divided in their opinions on whether Council should agree to make the buildings within the identified areas priority buildings. It is likely that there will be members of the community who do not agree with the decision, which ever decision is made.
- 6.3 There are no preferred options.

## 7. Consultation

Consultation was undertaken as required during the process for this policy. No further consultation is required.

## 8. Legal Considerations

There are no legal requirements or statutory obligations affecting the options or proposals.

## 9. Financial Considerations

There is no financial impact.

## 10. Other Considerations

In July 2017 Council adopted a 50th percentile growth scenario developed by Sense Partners which equates to an additional 5,138 households, and 10,063 additional people by 2040, and NZIER's projection of 3,000 additional jobs by 2036.

The Council adopted projected increase in population by some 33% over 22 years – a significant increase for the district over this period. Therefore, although pedestrian traffic is said to have had a decline, with the growth predictions it is expected that pedestrian and vehicle traffic will increase respectively.

## 11. Next Steps

Following the resolutions of the Committee, a report will be prepared for Council reflective of the Committee's decisions on this matter.

## 12. Supporting Information

<b>Strategic Fit/Strategic Outcome</b> – Not applicable
<b>Decision Making</b> – Not applicable
<b>Consistency with Existing Policy</b> – Not applicable
<b>Funding</b> – Not applicable

### **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.

### 13. Appendices

No.	Title	Page
A	Hearings Committee Minutes 15 June 2018	
B	Earthquake Prone Buildings - Priority Buildings - Consultation - Collated Submissions - May 2018	
C	Earthquake Prone Buildings - Priority Buildings - Consultation - Statement of Proposal - PDF - 18 January 2018	
D	Earthquake Prone Buildings - Priority Buildings Guidance - June 2018	
E	Building Earthquake-prone Buildings Amendment Act 2016 - June 2018	

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# GUIDANCE

## Priority Buildings

A guide to the earthquake-prone building provisions of the Building Act



MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT  
HĪKINA WHAKATUTUKI

JULY 2017

DOCUMENT STATUS



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INNOVATION & EMPLOYMENT  
HĪKINA WHAKATUTUKI

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### Priority Buildings

A guide to the earthquake-prone building provisions of the Building Act

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# GUIDANCE

## 1. Introduction

The system for identifying and managing earthquake-prone buildings changed on 1 July 2017, when the Building (Earthquake-prone Buildings) Amendment Act 2016 came into force to create Subpart 6A of Part 2 of the Building Act 2004.

The new system ensures the way our buildings are managed for future earthquakes is consistent across the country by creating a single national policy framework. It also provides more information for people using buildings.

The new system categorises New Zealand into three seismic risk areas: high, medium and low, and sets time frames for each of these areas for identifying potentially earthquake-prone buildings and strengthening earthquake-prone buildings. It also introduces a new concept – **priority buildings**, which accelerates these time frames for buildings that are considered to pose a higher risk to life safety, or that are critical to recovery in an emergency. The priority building provisions do not apply in low seismic risk areas.

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# GUIDANCE

## SECTION TWO

## 2. Scope of this guidance

This guidance:

- explains the definition of priority buildings and how to apply this, and
- sets out the key roles in identifying and remediating priority buildings.

This guidance does not cover other aspects of the system for [managing earthquake-prone buildings](#) under the earthquake-prone building provisions of the Building Act 2004, broader guidance on risk resilience, or advice on [how to manage buildings after an earthquake event](#).

The audience for this guidance includes:

- territorial authorities, who must identify potentially earthquake-prone buildings categorised as 'priority buildings' in half the time allowed for other potentially earthquake-prone buildings
- building owners, who own buildings that might be determined as earthquake-prone priority buildings, and who will have less time to carry out seismic work on their buildings
- building professionals, who may provide advice to building owners on their obligations under the [Building Act 2004](#).

This guidance should be read in conjunction with:

- Subpart 6A of Part 2 (the earthquake-prone building provisions) of the [Building Act 2004](#)
- the [EPB methodology](#), set under section 133AV of the [Building Act 2004](#)
- [the Building \(Specified Systems, Change the Use, and Earthquake-prone Buildings\) Regulations 2005 \(as amended\)](#)
- [the Building \(Infringement Offences, Fees, and Forms\) Regulations 2007 \(as amended\)](#).

Resource pages found at:

<https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/resources/>



### Priority Buildings

A guide to the earthquake-prone building provisions of the Building Act

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SECTION TWO: SCOPE OF THIS GUIDANCE

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## 3. Regulatory context

This section includes information on:

- the broad categories of priority buildings and relevant sections in the Building Act
- information on the EPB methodology, a key document for identifying priority buildings
- information on the interface of priority building provisions with the requirement in certain parts of New Zealand to secure unreinforced masonry (URM) parapets and facades.

### 3.1 Building Act

The Building Act 2004 contains the earthquake-prone building provisions.

Section 133AA of the Building Act 2004 sets out the scope of buildings to which the earthquake-prone building provisions apply. All priority buildings must also be within this scope.

Section 133AE of the Building Act 2004 contains the definition of priority buildings. This is also set out in Appendix A of this guidance and includes two broad categories of priority building:

- those that are **prescribed in the Building Act 2004** – these include certain hospital, emergency and education buildings, and
- those that are **described in the Building Act 2004 and determined with community input** – this category includes parts of URM buildings that could fall in an earthquake onto certain thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritisation, and buildings that could collapse and impede transport routes of strategic importance.
  - Territorial authorities **must** undertake public consultation to identify the thoroughfares with sufficient vehicular and pedestrian traffic where there are parts of URM buildings that could fall in an earthquake.
  - Territorial authorities **have discretion** to identify certain buildings for prioritisation. If a territorial authority identifies that there are buildings that could impede transport routes of strategic importance if they were to collapse in an earthquake, the special consultative procedure needs to be undertaken to identify routes for the purpose of prioritising those buildings.

If only part of a building fits the definition of a priority building, then only that part would be considered as a priority building.

See section 5 of this document for detailed information on how to identify these categories of priority buildings.

SECTION THREE

Table 1 below sets out other sections of the Building Act 2004 which are relevant to identifying and managing priority buildings.

**Table 1: Priority buildings – relevant sections of the Building Act 2004**

Section 133AD	Defines low, medium and high seismic risk areas
Section 133AE	Defines priority buildings (copy provided in Appendix A)
Section 133AF	Describes the territorial authority's role in identifying certain earthquake-prone buildings (copy provided in Appendix A)
Section 133AG	Sets time frames for territorial authorities to identify potentially earthquake-prone buildings (including priority buildings)
Section 133AM	Sets deadlines for owners to complete seismic work on earthquake-prone buildings (including priority buildings)

### 3.2 EPB methodology

Priority buildings should be identified by territorial authorities through application of the EPB methodology, and in the first instance through identification of potentially earthquake-prone buildings via profile categories as set out in the EPB methodology. This process is set out in more detail in section 5 of this document.

### 3.3 URM securing requirement

The Hurunui/Kaikōura Earthquakes Recovery (Unreinforced Masonry Buildings) Order 2017 (the Order in Council) was made under the Hurunui/Kaikōura Earthquakes Recovery Act 2016. It came into force on 28 February 2017 and will be revoked on 31 March 2018.

It only applies in certain council jurisdictions: Wellington City, Hutt City, Marlborough District and Hurunui District. The Order in Council requires that URM buildings on certain streets in these locations with street-facing parapets or facades that have not been secured or strengthened to an acceptable standard be secured within 12 months of the date of notice from the council.

This provision does not replace the provisions for managing earthquake-prone buildings under the Building Act 2004 including priority buildings. Buildings that are required to secure parapets and/or facades under the Order in Council may be earthquake prone, even after the securing work has been completed. These buildings may also come under the priority buildings provisions of the Building Act 2004 if they have a part of a URM building that could fall in an earthquake onto roads or thoroughfares that have sufficient vehicular or pedestrian traffic to warrant prioritisation.



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Securing work is considered the first stage of strengthening work. If an owner has undertaken strengthening work in excess of the securing requirement set by the Order in Council, and can provide evidence to the territorial authority that the URM facade and/or parapet are no longer earthquake prone, then the (URM) factor that makes it a priority building may have been addressed. If the building does not fall within another category of priority building (eg buildings used for education purposes), it may still be an earthquake-prone building but no longer a priority building. The rest of the building will still be required to be strengthened if it is determined to be earthquake prone under the Building Act 2004. The time frame for remediation in this situation would be the standard time frame for the particular seismic risk area that the building is in rather than the reduced time frame for priority buildings.

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### 4. Overview of roles and time frames

This section includes information on:

- time frames for territorial authorities in high and medium seismic risk areas to identify priority buildings
- time frames for owners to remediate, ie strengthen or demolish priority buildings in high and medium seismic risk areas
- when the time frame for remediation may differ.

#### 4.1 Territorial authorities are required to identify priority buildings in set time frames

Territorial authorities must identify priority buildings that are potentially earthquake prone in half the time than that allowed for all other buildings. These time frames are set out in section 133AG of the Building Act 2004 and begin from 1 July 2017.

Further detail on identifying priority buildings is provided in section 5 of this document.

**Table 2: Time frames for territorial authorities to identify potentially earthquake-prone buildings**

Seismic risk area	Priority buildings	All other buildings
High	2.5 years	5 years
Medium	5 years	10 years

Note: priority buildings are not required to be identified in low seismic areas, and therefore only the standard time frame of 15 years is applicable for identifying potentially earthquake-prone buildings in these areas.

There may be circumstances when a territorial authority identifies a priority building after the applicable time frame. Territorial authorities can identify a building as potentially earthquake prone under section 133AG(3) of the Building Act 2004 after the applicable time frames above, and at that time, also identify the building as a priority building if it meets the definition set out in section 133AE of the Building Act 2004 (and explained in section 5 of this document).

Territorial authorities are not required to monitor the ongoing use or tenancies of buildings already confirmed as earthquake prone in case of a change to the priority building status of the building. See section 6.1 of this guidance for more information on changing priority building status.



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## 4.2 Owners are required to remediate priority buildings in set time frames

Building owners must undertake the necessary seismic work on any priority buildings determined to be earthquake prone in half the time available for other buildings. Time frames for the necessary seismic work are set out in section 133AM of the Building Act 2004. The applicable time frame will be prescribed on the EPB notice issued to the building owner by the territorial authority, and begins from the date on the notice.

**Table 3: Time frames for owners to remediate earthquake-prone buildings**

Seismic risk area	Priority buildings	All other buildings
High	7.5 years	15 years
Medium	12.5 years	25 years

Note: priority buildings are not required to be identified in low seismic areas, and therefore only the standard time frame of 35 years is applicable for undertaking the necessary seismic work on earthquake-prone buildings in these areas.

For buildings that were issued notices under section 124 of the Building Act 2004 prior to the commencement of the new system on 1 July 2017, the time frame for remediation may differ.

Existing section 124 notices are covered by Schedule 1AA of the Building Act 2004. This requires territorial authorities to determine whether the priority building time frame or the existing deadline for remediation is applicable, based on whichever is shortest. In some cases, a building may be identified as a priority building and be assigned a shorter time frame than stated above.

More information on how to identify priority buildings that have existing section 124 notices is provided in section 5 of this document.

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## 5. Territorial authorities identify priority buildings

There are several different starting points for territorial authorities when identifying priority buildings. In some cases, territorial authorities will need to consult their community to help identify certain priority buildings.

This section includes information on:

- the key steps to identifying priority buildings using the EPB methodology (5.1.1)
- checking whether buildings with existing section 124 notices are priority buildings (5.1.2)
- how to identify priority buildings based on their function as either hospital, emergency or education buildings (5.2)
- how to identify priority buildings with community input, including detail on when a special consultative procedure is required (5.3)
- notifying owners of priority buildings (5.4).

Territorial authorities are required to identify potentially earthquake-prone buildings within set time frames. As set out in section 133AG of the Building Act 2004 and explained in section 4 of this document, these time frames are reduced for priority buildings. Territorial authorities are then required to determine whether those buildings determined as earthquake prone require a priority building time frame for remediation, as set out in section 133AM of the Building Act 2004 and explained in section 4 of this document.

### 5.1 Key steps to identifying priority buildings that are potentially earthquake-prone

Territorial authorities may have different starting points for identifying priority buildings, based on the information they hold as a result of their individual earthquake-prone building policies in place before commencement of the new system.

#### 5.1.1 Buildings not yet identified as earthquake prone

Territorial authorities should identify priority buildings using this guidance in conjunction with the EPB methodology, and specifically the requirement to identify potentially earthquake-prone buildings via profile categories.

There are three key steps to identifying priority buildings:

- identifying whether or not the building meets the characteristics of a priority building set out in section 133AE of the Building Act 2004, and explained in sections 5.2 and 5.3 of this document



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- identifying whether or not the building is potentially earthquake prone in accordance with the EPB methodology
- determining whether or not the building or part of the building is earthquake prone using the EPB methodology.

A key part of identifying priority buildings is undertaking the special consultative procedure required under section 133AF of the Building Act 2004 to identify priority thoroughfares and routes, explained in section 5.3 of this document. It is recommended that territorial authorities start with this part of the process.

### **5.1.2 Buildings identified as earthquake prone with existing section 124 notices**

Notices issued under section 124 of the Building Act 2004 prior to 1 July 2017 are subject to the transitional arrangements in Schedule 1AA of the Building Act 2004. This means that buildings or parts of buildings with existing section 124 notices are deemed to be earthquake prone unless they are no longer within scope of the earthquake-prone building provisions, which is set out in section 133AA of the Building Act 2004.

Territorial authorities are required to issue EPB notices for buildings with existing section 124 notices as soon as is reasonably practicable after 1 July 2017. Before issuing these EPB notices, territorial authorities need to check whether any of these buildings are also priority buildings meeting the definitions set out in section 133AE of the Building Act 2004 and explained in sections 5.2 and 5.3 of this document.

The recommended starting point is undertaking the special consultative procedure required to identify priority buildings on certain thoroughfares and routes, set out in section 5.3 of this document.

If a building with an existing section 124 notice is a priority building, the territorial authority needs to consider which time frame is applicable for remediation when issuing the new EPB notice (as detailed in section 4.2 of this document).

## **5.2 Identifying priority buildings with prescribed definitions**

Section 133AE(1)(a) to (d) of the Building Act 2004 details a number of circumstances when certain potentially earthquake-prone buildings and earthquake-prone buildings should be prioritised based on their function.

In this section, more detail is provided on:

- hospital buildings
- emergency buildings
- education buildings.

For buildings that meet one of the prescribed definitions of priority building in section 133AE of the Building Act and explained in sections 5.2.1, 5.2.2 and 5.2.3 of this document, territorial authorities must also:

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- identify whether the building is potentially earthquake prone using the profile categories set out in the EPB methodology, and
- determine whether the building or part of the building is earthquake prone, and if so, whether it requires a priority building time frame for remediation, and whether this time frame applies to the whole building or only part of the building.

#### Identifying whether the building is potentially earthquake prone

Where a building is identified as a priority building by way of meeting the definition for hospital building, emergency building or education building set out in section 133AE of the Building Act 2004, the territorial authority must also identify whether the building is potentially earthquake prone using the EPB methodology. The building owner must then be notified in accordance with the requirements set out in section 133AH of the Building Act 2004, explained in section 5.4 of this document.

Building owners of potentially earthquake-prone buildings, whether identified as a priority building or not, have 12 months to provide an engineering assessment.

#### Determining whether the building is an earthquake prone building and requires a priority building time frame for remediation

Upon receipt of an engineering assessment for a potentially earthquake-prone building that also meets the definition of a priority building, the territorial authority must undertake the steps set out in the EPB methodology to determine whether or not the engineering assessment meets the requirements of the EPB methodology, and if it does, whether or not the building or part of the building is earthquake prone.

If the building or part of the building is determined to be earthquake prone, the territorial authority must assign a priority building time frame for remediation in accordance with section 133AM of the Building Act 2004. This time frame may apply to either part of the building or the building as a whole depending on the extent to which the element which makes the building earthquake prone affects the structure as a whole or only one area (information provided in the engineering assessment). This also needs to be considered alongside information about which area of the building meets the definition of priority building (eg one tenancy in a building or the use of the whole building).

#### 5.2.1 Hospital buildings

Section 133AE(1)(a) of the Building Act 2004 says that a priority building means:

- (a) A **hospital building** that is **likely to be needed in an emergency** (within the meaning of the Civil Defence Emergency Management Act 2002) to provide –
- emergency medical services; or
  - ancillary services that are essential for the provision of emergency medical services.



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**What is a hospital building that is 'likely to be needed in an emergency'?**

Hospital buildings designated for use in an emergency are relative to:

- the national Civil Defence Emergency Management Plans under the Civil Defence Emergency Management Act 2002 (CDEMA) and National Health Emergency Management Plans, and
- the group plan under the CDEMA that covers the particular region in which the hospital is located.

Hospital buildings that meet the definition of priority building will therefore be public buildings on district health board (DHB) land that are necessary for the hospital to provide emergency services in an emergency. Table 4 sets out the extent to which different areas within hospital buildings are likely to be needed in an emergency.

**What does 'provide emergency services' mean?**

There may be variances in the interpretation and application of emergency services depending on the policies of the relevant DHB and the function of the hospital building. It is important for the DHB and the territorial authority to be coordinated in the application of this definition, with consideration given to the specific context.

Territorial authorities should engage with the DHB to ascertain key information about the function of the hospital building to determine if the building is to be prioritised. For example, the department or area of the hospital designated by the DHB to provide emergency medical services, ie where a person should report when in need of emergency medical care, whether at the time of an emergency event (eg an earthquake) or not.

**The building as a whole**

Where a hospital building contains a mixture of services (eg some are emergency medical services and some are patient wards and/or administrative services) the complete building facility will be considered a priority building by virtue of the emergency usage. The exception to this approach is when, from a structural point of view, the structural weakness causing the building to be earthquake prone can be isolated. Engineering assessments will inform the extent to which the structure as a whole is affected by the earthquake-prone elements, and this should be taken into account when determining whether a priority building time frame for remediation applies to the building as a whole or one section.

Table 4 provides some examples of what this means when applied to certain types of hospital buildings.

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Table 4: hospital buildings used for emergency purposes		
Type of hospital building	Likely to be included or excluded as a priority building	Reasons
Operating theatre	Included	Used for emergency medical services
Emergency room (ER)	Included	Used for emergency medical services
Integrated Family Health Centre or community services	Excluded	No linkage to emergency medical services or providing emergency services
Maternity ward	This depends on the internal practices of the DHB	Only included if it provides emergency medical services
Mental health facilities	Excluded	No linkage to emergency medical services or providing emergency medical services
Aged residential care facility	Excluded	No linkage to emergency medical services or providing emergency services
Ancillary services	Included, but only those essential for the provision of emergency medical services	For example, a building that holds the back-up power generator for the hospital is likely to be included but a building that serves as a kitchen/laundry or other ancillary service is likely to be excluded  Facilities such as the pipe connections for heat, steam or power are not in scope of the earthquake-prone building provisions





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### 5.2.2 Emergency buildings

Sections 133AE(1)(b) and (c) of the Building Act 2004 prescribe that a priority building means:

- (b) A building that is likely to be needed in an emergency for use as an **emergency shelter** or **emergency centre**,
- (c) A building that is used to **provide emergency response services** (for example, policing, fire, ambulance, or rescue services).

#### What is an 'emergency shelter'?

An emergency shelter is used by the general public and is designated as such under a territorial authority's civil defence emergency management plan.

Buildings adopted for use by communities in times of need that are not designated under a territorial authority's civil defence emergency management plan are not considered emergency shelters for the purpose of identifying priority buildings.

#### What is an 'emergency centre'?

An emergency centre is used by Civil Defence and Emergency Management for coordination purposes and is designated as such under a territorial authority's civil defence emergency management plan. This includes a local emergency operations centre (EOC) and a regional emergency coordination centre (ECC).

Buildings adopted for use by communities in times of need that are not designated under a territorial authority's civil defence emergency management plan are not considered emergency centres for the purpose of identifying priority buildings.

#### What buildings are considered to provide emergency response services?

Buildings that are used to provide emergency response services are the buildings that enable New Zealand's key emergency services to carry out their job in the event of an emergency.

The distinction needs to be made between training or meeting rooms contained in buildings for firefighters or ambulance staff, and which do not facilitate the provision of emergency response services, and a communications tower, which does.

#### What are civil defence emergency management plans?

These plans are described in the CDEMA. They provide details of territorial authority procedures in the event of an emergency (at any level) such as an earthquake. It is a requirement of the CDEMA that these plans are kept up to date and in operational effect.

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### Case study

A community hall has been designated as an emergency shelter with provisions for food, water and back-up electricity for Shaky District Council, which is in a high seismic risk area. The building has been determined as earthquake prone in accordance with the EPB methodology. The owner is required to complete seismic works to ensure the building is no longer earthquake prone within a time frame set by the Council.

This building is a priority building due to its emergency function. The time frame issued by Shaky District Council to the owner of the community hall for seismic work will be 7.5 years (the national time frame for priority earthquake-prone buildings located in a high seismic risk area).

### 5.2.3 Education buildings

Section 133AE(1)(d) of the Building Act 2004 prescribes that a priority building means:

- (d) A building that is **regularly occupied** by at least 20 people and that is used as any of the following:
- (i) an early childhood education and care centre licensed under Part 26 of the Education Act 1989
  - (ii) a registered school or an integrated school (within the meaning of the Education Act 1989)
  - (iii) a private training establishment registered under Part 18 of the Education Act 1989
  - (iv) a tertiary institution established under section 162 of the Education Act 1989.

#### What buildings are used for education purposes?

These include (refer to the Education Act 1989 for definitions):

- early childhood education and care centres
- registered or integrated schools
- private training establishments
- tertiary institutions.

#### Alert:

It is important for building owners to be aware that not all education buildings captured by the definition are owned by or have an affiliation with the Ministry of Education.

Building owners should also be aware of any tenants occupying their buildings that this definition might apply to.



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#### What does 'regularly occupied' mean?

The establishment must have capacity to enrol, or already have enrolled, at least 20 people in a certain building. The building must also be regularly occupied by at least 20 people. Teaching spaces in schools generally have capacity for over 20 people. Determining whether the building is regularly occupied may require consideration of use over an educational 'period', such a school year, a university semester or the length of a course in a particular training establishment, and planned use in the period following.

Another measure may be looking at the intended or capable capacity of a particular course. For example, if a private training establishment has over 20 available spaces on its course, irrespective of how many people attend on any particular day, there is a clear intention and capacity for at least 20 people to regularly occupy the facility.

### 5.3 Identifying priority buildings with community input

Sections 133AE(1)(e) and (f) of the Building Act 2004 describe when certain buildings should be prioritised based on community consultation. These are:

- parts of URM buildings that could fall in an earthquake onto certain thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritisation, and
- buildings that could collapse and impede transport routes of strategic importance.

Territorial authorities **must** undertake public consultation to identify the thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritisation onto which part of a URM building could fall in an earthquake.

Territorial authorities have **discretion** to identify buildings that have the potential to impede routes of strategic importance if the buildings were to collapse in an earthquake. However, if buildings do need to be identified for this type of prioritisation, the special consultative procedure needs to be undertaken.

Community input is important to decide on the thoroughfares and routes to be prioritised due to the variation in local circumstances between territorial authorities. Undertaking public consultation enables communities to decide the appropriate level of risk to accept as a community, informed by their knowledge of the local economy, portfolio of buildings and their uses.

The special consultative procedure is described under section 83 of the Local Government Act 2002 and is the statutory procedure a territorial authority must follow when making these decisions.

This section provides assistance to identify thoroughfares with sufficient vehicular or pedestrian traffic to warrant prioritisation and transport routes of strategic importance to inform the consultation process. These thoroughfares and routes can be identified simultaneously in the same consultation process.

See Appendix B for supporting information to undertake the special consultative procedure.

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**Alert:**

Consultation and identification of any priority buildings as a result must be completed within the priority building time frames provided in section 133AG of the Building Act 2004.

**5.3.1 Parts of URM buildings on thoroughfares with sufficient vehicular and pedestrian traffic to warrant prioritisation**

Section 133AE(1)(e) the Building Act 2004 says that a priority building means:

- (e) Any part of an unreinforced masonry building that could –
- (i) fall from the building in an earthquake (for example, a parapet, an external wall, or a veranda), and
  - (ii) fall onto any part of a public road, footpath, or other thoroughfare that a territorial authority has identified under section 133AF(2)(a).

Territorial authorities must identify parts of URM buildings on thoroughfares with sufficient vehicular and pedestrian traffic to warrant prioritisation using the following key steps. Using the special consultative process to identify any part of a public road, footpath or other thoroughfare:

1. with sufficient vehicular or pedestrian traffic to warrant prioritisation; and
2. on which there are URM buildings or parts of URM buildings that could fall in an earthquake (note: territorial authorities are not required to identify the specific URM buildings in the consultation documentation).

Territorial authorities are then required to:

3. identify whether the URM buildings on those thoroughfares are potentially earthquake prone (within the applicable time frame); and
4. determine if the potentially earthquake-prone building and/or relevant street-facing part is earthquake prone and therefore requires a priority time frame for remediation.

**Identifying public roads, footpaths or other thoroughfares with sufficient pedestrian or vehicular traffic to warrant prioritisation**

Sufficient traffic indicates use, and where the use of an area or building is greater, the exposure to the risk posed by that particular building also increases.

To prepare for the special consultative procedure, territorial authorities can apply the following criteria to identify roads, footpaths or other thoroughfares with sufficient pedestrian or vehicular traffic, upon which they must then consult with their communities.



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Note: thoroughfares meeting the following criteria must also have a URM building located on them whereby there is the potential for a URM part to fall onto the identified thoroughfare.

**High pedestrian areas** (people not in vehicles)

Note: high pedestrian areas are those areas where people are concentrated or routes with high foot traffic.

Description of use	Description of area	Example of application to city or metropolitan area	Example of application to small town or rural area
Areas relating to social or utility activities	Areas where shops or other services are located	City and suburban areas with shops, cafes, restaurants, bars, theatres and malls	Areas such as the shopping area on the main street, the local pub, community centre
Areas relating to work	Areas where concentrations of people work and move around	Areas around office buildings or other places of work where there is a concentration of workers	Areas around businesses in small towns and rural areas where there is a concentration of workers in numbers larger than small shops or cafes
Areas relating to transport	Areas where concentrations of people access transport	Areas around transport hubs, train stations, bus stops, car parks	Areas around bus stops, train stations, tourist centres
Key walking routes	Key walking routes that link areas where people are concentrated	Routes from transport hubs or other areas relating to transport to areas where shops, other services or areas people work are located	Routes from bus stops or other areas relating to transport to areas where shops, other services or areas people work are located

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*Areas with high vehicular traffic (people in motor vehicles/on bikes)*

Description of use	Description of area	Example of application to city or metropolitan area	Example of application to small town or rural area
Key traffic routes	Key traffic routes regularly used by vehicles including public transport	Central business district streets, well trafficked suburban streets, arterial routes, heavy use bus routes	Well trafficked main streets or sections of state highways, arterial routes
Areas with concentrations of vehicles	Areas where high concentrations of vehicles build up	Busy intersections, areas where traffic builds up at peak hours	Busy intersections

**Identifying URM buildings on these thoroughfares**

A URM building has masonry walls that do not contain steel, timber or fibre reinforcement. URM buildings are older buildings that often have parapets, as well as verandas, balconies, decorative ornaments, chimneys and signs attached to their facades (front walls that face onto a street or open space).

The EPB methodology sets out street-scape characteristics to assist with identifying URM buildings.

Note: territorial authorities are not required to identify the likelihood or nature of parts of URM buildings falling in earthquakes for the purposes of the special consultative procedure.

If the territorial authority decides that there is no reasonable prospect of any thoroughfare in its district having sufficient traffic and a URM building located on it so as to warrant prioritisation, the criteria in section 133AF(2)(a) of the Building Act 2004 are unlikely to be met. Consultation should be undertaken to finalise this conclusion. The templates introduced in Appendix 2 provide supporting information.



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**Identifying whether the URM building is potentially earthquake prone**

Note: For buildings with an existing section 124 notice, this step is not applicable.

Where a URM building is identified as being one that has a URM part that could fall in an earthquake onto a thoroughfare with sufficient vehicular or pedestrian traffic, the territorial authority must then determine whether the URM building is potentially earthquake prone using the EPB methodology. The building owner must then be notified in accordance with the requirements set out in section 133AH of the Building Act 2004, explained in section 5.4 of this document.

Building owners of potentially earthquake-prone buildings, whether identified as a priority building or not, have 12 months to provide an engineering assessment.

**Determining whether the URM building is an earthquake-prone building and requires a priority building time frame for remediation for the relevant street-facing part**

Upon receipt of an engineering assessment for a potentially earthquake-prone URM building located on one of the priority building thoroughfares, the territorial authority should undertake the steps set out in the EPB methodology to determine whether or not the engineering assessment meets the requirements of the EPB methodology, and if it does, whether or not the building is earthquake prone.

For this type of priority building, only the part of the URM building that has the potential to fall onto the identified priority thoroughfare can be assigned a priority building time frame for remediation.

If the building is **confirmed as earthquake prone**, the territorial authority should undertake the following additional steps to determine whether the relevant part of the building requires a priority building time frame for remediation:

- Consider the part(s) identified as earthquake prone in the engineering assessment report.
- Consider the location of the part(s) identified as earthquake prone in relation to the possibility of it falling onto the identified road, footpath or thoroughfare in an earthquake.
  - If the earthquake-prone part is located in an area of the building where it could fall onto the identified priority thoroughfare, a priority building time frame must be assigned for remediation of that part.
  - If the earthquake-prone part would not fall on the identified priority thoroughfare in an earthquake, standard time frames for remediation apply.

This type of priority building may also meet one of the other categories of priority building prescribed in section 133AE of the Building Act 2004, and explained in section 5.2 of this document, making both the building and the part subject to a priority building time frame for remediation.

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### 5.3.2 Buildings on a transport route of strategic importance

Section 133AE(1)(f) of the Building Act 2004 prescribes that a priority building includes:

- (f) *A building that a territorial authority has identified under section 133AF(2)(b) as having the potential to impede a transport route of strategic importance (in terms of an emergency response) if the building were to collapse in an earthquake.*

Territorial authorities can identify buildings that have the potential to impede a transport route of strategic importance using the following key steps.

Use the special consultative procedure to:

1. identify routes of strategic importance where there are buildings that could impede the route if they were to collapse in an earthquake.

Territorial authorities are then required to:

2. identify whether any buildings located on the routes of strategic importance are potentially earthquake prone in accordance with the EPB methodology
3. determine whether these buildings are earthquake prone and require a priority building time frame for remediation.

#### Alert:

It is not mandatory for a territorial authority to carry out the special consultative procedure to identify these strategic routes in its district. A small rural district for example may choose not to undertake this consultation as there are likely to be multiple options for alternative strategic routes in that area. If a territorial authority does choose to identify these buildings, this will be subject to the special consultative procedure under section 83 of the Local Government Act 2002.

#### Identifying strategic transport routes

Access to, and for, emergency services in emergencies is essential for a number of reasons, including to save lives.

Buildings impeding a strategic transport route in an earthquake could inhibit an emergency response to the detriment of the community, ie loss of life, if timely access to emergency care is not possible.

To prepare for the special consultative procedure, territorial authorities can apply the following criteria to identify transport routes of strategic importance in an emergency, upon which they can then determine whether there are buildings located on these routes that could impede them if they were to collapse in an earthquake. They then need to consult with their communities to finalise these routes to inform which buildings are priority buildings.



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In central business districts, suburban centres and provincial centres:

**Emergency routes**

- Routes likely to be used by emergency services in:
  - transiting from their bases to areas of need in a major emergency where there are no alternative routes available, or
  - transiting to central services such as hospitals, where there are no alternative routes available.

These routes may have already been identified for civil defence purposes and could be contained in the district's civil defence emergency management plans.

**Alert:**

These routes may be described with different names like 'critical routes' or 'lifeline routes' in civil defence emergency management plans or in the NZTA files.

**Identifying whether the routes have buildings on them which could impede the route if they collapsed in an earthquake**

These routes of strategic importance must also have at least one building located on them that would impede the route if it collapsed in an earthquake. Territorial authorities are not expected to determine the likelihood or nature of collapse of buildings that could impede the route.

**Identifying whether the building is potentially earthquake prone**

Note: For buildings with an existing section 124 notice, this step is not applicable.

The EPB methodology sets out the types of buildings required to be identified as potentially earthquake prone within the applicable time frames. Once the routes of strategic importance are finalised following consultation, territorial authorities will need to ensure that they apply the profile categories set out the EPB methodology to identify potentially earthquake-prone buildings located on the strategic routes within the time frames allowed for identifying potentially priority buildings in the applicable seismic risk area.

Territorial authorities must also ensure that where a building is identified as potentially earthquake prone and is located on one of the strategic routes, the building owner is notified in accordance with the requirements in section 133AH of the Building Act 2004, and outlined in section 5.4 of this guidance.

Building owners of potentially earthquake-prone buildings, whether identified as a priority building or not, have 12 months to provide an engineering assessment in accordance with the EPB methodology.

The EPB methodology requires engineers to report on the mode of failure of the building being assessed.



SECTION FIVE

**Determining whether or not the building is earthquake prone and requires a priority building time frame for remediation**

Upon receipt of an engineering assessment for a potentially earthquake-prone building that is located on a route of strategic importance, the territorial authority should undertake the steps set out in the EPB methodology to determine whether or not the engineering assessment meets the requirements of the EPB methodology, and if it does, whether or not the building or part of the building is earthquake prone.

If the building is **determined as earthquake prone**, the territorial authority should undertake the following steps to determine whether the building also requires a priority building time frame for remediation:

- Consider whether the likely mode of failure and physical consequence identified in the assessment report indicates that the building has the potential to impede the strategic route if it were to collapse in an earthquake.
  - If the building is considered to have the potential to impede the strategic route, a priority building time frame must be assigned for remediation.
  - If the building is not considered to have the potential to impede the strategic route, a standard time frame for remediation will apply.

**Case study**

Shaky District Council is located in a high seismic risk area and as a result identified several routes of strategic importance using the special consultative procedure.

Shaky District Council determines that a building located on one of the strategic routes is earthquake prone in accordance with the EPB methodology. The building does not meet one of the other definitions of priority building as it is not URM or used as a hospital, emergency or education facility.

When considering which time frame to prescribe for remediation of the building, Shaky District Council notes that the building is set back from the identified strategic route by over four metres. As a result, Shaky District Council does not consider the building has the potential to impede the strategic route if it were to collapse in an earthquake, as key emergency services would still be able to use the route.

This building is not a priority building. The time frame issued by Shaky District Council to the owner of the building for seismic work will be 15 years (the national time frame for non-priority earthquake-prone buildings located in a high seismic zone).



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SECTION FIVE

## 5.4 Territorial authorities notify affected building owners

Sections 133AH and 133AL of the Building Act 2004 set out the requirements on territorial authorities when they identify a building as potentially earthquake prone and the requirements for issuing EPB notices for earthquake-prone buildings respectively. These sections specify the need to notify the building owner whether the building is also a priority building.

- Territorial authorities are required to identify potentially earthquake-prone buildings within the applicable time frame. The territorial authority must then notify the owner of the building identified and request an engineering assessment from the owner. This request must also state whether the building is a priority building.
- If a territorial authority determines that a building is earthquake prone, the territorial authority must issue an EPB notice, stating whether the building or a part of the building is a priority building. The deadline stated on the EPB notice for completing seismic work will reflect the building's priority status.
- When the territorial authority records the details of the EPB notice and building on the national EPB register, it must also state whether the building is a priority building.

Further information on the above processes can be found in the EPB methodology.

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## SECTION SIX

## 6. Building owners remediate priority buildings

Owners of priority buildings located in high seismic risk areas have 7.5 years to strengthen or demolish their building.

Owners of priority buildings located in medium seismic risk areas have 12.5 years to strengthen or demolish their building.

This section includes information on changes in circumstances that may change the status of the priority building.

Building owners of priority buildings are required to remediate their building so that it is no longer earthquake prone in half the time that is permitted for other earthquake-prone buildings. These time frames are set out in section 133AM of the Building Act 2004, explained in section 4.2 of this guidance.

Priority buildings are unlikely to have the prescribed characteristics set out in the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 (as amended) that would enable the territorial authority to grant an exemption from the requirement to undertake the necessary seismic work.

### 6.1 Changing priority building status

There is nothing explicitly stated in the Building Act 2004 that requires territorial authorities to review the priority building status of a building, unless the building is no longer earthquake prone.

It is accepted however that there will be cases where, over time, an earthquake-prone building will no longer fall within the definition of a priority building due to a change in circumstances, such as occupancy or use changes. For education facilities, this is most likely to occur when private training establishments or in some cases early childhood centres move out of buildings.

If the reason for a building to be prioritised is no longer present, the building owner should be entitled to have this change recognised in terms of the time frames for remediation.

In this situation if the building owner provides new information to the territorial authority and the territorial authority is satisfied with this new information, the priority building status of an earthquake-prone building can be reconsidered by the territorial authority and the EPB notice reissued with standard time frames (ie removing the priority building status). Standard remediation time frames should be applied from the time the notice was issued when the building was determined to be earthquake prone. Any changes will also need to be reflected in the EPB register.



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SECTION SIX

### Case study

What if there is an international business school on the 8th floor of a commercial office building that is potentially earthquake prone?

- a) The territorial authority should check to see how many occupants the school has – is it regularly used by more than 20 people? This can be done by contacting the building owner or the tenant directly.
- b) In this situation, at the point when the territorial authority identifies whether the building is potentially earthquake prone, the presence of the business school will mean the building is also a priority building. If the business school still occupies the building when it is determined earthquake prone, a priority building time frame for remediation will apply.
- c) Once subject to an EPB notice, if the business school stops occupying the building, for example if the commercial lease of the business school ends and the owner of the building does not enter into a new lease, the building owner can inform the territorial authority of this new information.
- d) The territorial authority can then consider whether the building is still a priority building. If it is satisfied it no longer falls within the relevant definition in s133AE, the territorial authority can reissue an EPB notice noting that the building is no longer a priority building and changing the time frame for remediation. The territorial authority will also need to amend the EPB register to reflect those changes.

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## SECTION SEVEN

## 7. Additional advice for building owners

This section contains advice on first steps and planning for building owners, including Crown agency building owners.

### Is this likely to apply to you?

Consider whether your building is likely to be identified as potentially earthquake prone by your local territorial authority and, if so, whether it meets one of the definitions of a priority building.

- Location - check the seismic area for your building (if you are in a low seismic zone the priority building provisions do not apply).
- Use - check definitions and explanations in sections 5.2 and 5.3 of this document as this will give you an idea whether your building is likely to be identified as a priority building.

### Start planning

If you think your building is likely to be classified as a priority building, it is important to note that your territorial authority will be identifying your type of building earlier than others.

- Check what engineering information you already have for your building and be prepared to discuss it with council staff.
- Check the relevant time frames to strengthen or demolish your building under the new system.
- Visit the MBIE website for more information for building owners, here:

<https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/>

### 7.1 Actions for Crown agency building owners

It is recognised that many Crown agency building owners have strengthening programmes already underway and will have a lot of information about their building stock.

It is advised to inform the territorial authority of the information available and work through the information in accordance with the EPB methodology to consider which buildings are likely to be potentially earthquake-prone priority buildings.



### Priority Buildings

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## Appendix A: Relevant definitions

### 133AE Meaning of priority building

- (1) In this subpart, priority building means any of the following that are located in an area of medium or high seismic risk:
- a) a hospital building that is likely to be needed in an emergency (within the meaning of the Civil Defence Emergency Management Act 2002) to provide—
    - i) emergency medical services; or
    - ii) ancillary services that are essential for the provision of emergency medical services;
  - b) a building that is likely to be needed in an emergency for use as an emergency shelter or emergency centre;
  - c) a building that is used to provide emergency response services (for example, policing, fire, ambulance, or rescue services);
  - d) a building that is regularly occupied by at least 20 people and that is used as any of the following:
    - i) an early childhood education and care centre licensed under Part 26 of the Education Act 1989;
    - ii) a registered school or an integrated school (within the meaning of the Education Act 1989); a private training establishment registered under Part 18 of the Education Act 1989;
    - iii) a tertiary institution established under section 162 of the Education Act 1989;
  - e) any part of an unreinforced masonry building that could—
    - i) fall from the building in an earthquake (for example, a parapet, an external wall, or a veranda); and
    - ii) fall onto any part of a public road, footpath, or other thoroughfare that a territorial authority has identified under section 133AF(2)(a);
  - f) a building that a territorial authority has identified under section 133AF(2)(b) as having the potential to impede a transport route of strategic importance (in terms of an emergency response) if the building were to collapse in an earthquake.



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- (2) For the purposes of subsection (1)(a) and (b), the likelihood of a building being needed in an emergency for a particular purpose must be assessed having regard to—
  - a) any national civil defence emergency management plan made under section 39 of the Civil Defence Emergency Management Act 2002; and
  - b) the civil defence emergency management group plan approved under section 48 of the Civil Defence Emergency Management Act 2002 that covers the district in which the building is situated.
- (3) If only part of a building meets the criteria set out in subsection (1), only that part of the building is a priority building. . .

**133AF Role of territorial authority in identifying certain priority buildings**

- (1) This section applies to a territorial authority whose district includes any area of medium or high seismic risk.
- (2) The territorial authority,—
  - a) for the purpose of section 133AE(1)(e) (prioritising parts of unreinforced masonry buildings), must use the special consultative procedure in section 83 of the Local Government Act 2002 to identify any part of a public road, footpath, or other thoroughfare in an area of medium or high seismic risk—
    - i) onto which parts of an unreinforced masonry building could fall in an earthquake; and
    - ii) that has sufficient vehicle or pedestrian traffic to warrant prioritising the identification and remediation of those parts of unreinforced masonry buildings; and
  - b) for the purpose of section 133AE(1)(f) (prioritising buildings that could impede a strategic transport route),—
    - i) may, in its discretion, initiate the special consultative procedure in section 83 of the Local Government Act 2002 to identify buildings for that purpose; but
    - ii) must not identify buildings for that purpose other than in accordance with the special consultative procedure.
- (3) However, a territorial authority is not required to act under subsection (2)(a) if there is no reasonable prospect of any thoroughfare in its district satisfying the criteria set out in subsection (2)(a)(i) and (ii).
- (4) If a territorial authority is required by subsection (2)(a) or decides under subsection (2)(b) to use the special consultative procedure in section 83 of the Local Government Act 2002, it must use the procedure within a time frame that enables the territorial authority to meet the applicable time frame under section 133AG(4) for identifying potentially earthquake-prone priority buildings in its district.

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## Appendix B: Key information to inform the special consultative procedure

### About the templates

Templates have been developed by the Ministry of Business, Innovation and Employment (MBIE). They are designed to assist territorial authorities to identify certain priority buildings (in accordance with section 133AF(2) of the Building Act 2004), using the special consultative procedure set out in section 83 of the Local Government Act 2002. The templates summarise key information and draft proposals to inform consultation. They are designed to be updated by Councils to reflect Council processes and circumstances.

There are two templates, which contain text to support consultation on proposals for *either*:

- **Template one:** for consultation on routes with sufficient traffic **only** (under section 133AF(2)(a)), or
- **Template two:** for consultation on routes with sufficient traffic (under section 133AF(2)(a)) **and** routes of strategic importance (under section 133AF(2)(b)).

Territorial authorities are **not required** to use these templates, and may update and amend the templates as appropriate. Delete any sections that are not relevant to your consultation, and any *advisory text*. Note: these templates are only relevant for territorial authorities in high and medium seismic risk areas.

The templates will be distributed directly to territorial authorities. The templates may also be requested by territorial authorities via email to [EPB@mbie.govt.nz](mailto:EPB@mbie.govt.nz)



### Priority Buildings

A guide to the earthquake-prone building provisions of the Building Act

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## Building (Earthquake-prone Buildings) Amendment Act 2016

Public Act     2016 No 22  
Date of assent     13 May 2016  
Commencement     see section 2

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Building (Earthquake-prone Buildings) Amendment Act 2016.

**2 Commencement**

This Act comes into force on the earlier of—

- (a) a date appointed by the Governor-General by Order in Council; and

- (b) the day that is 2 years after the date on which this Act receives the Royal assent.

## Part 1 Amendments to principal Act

### 3 Principal Act

This Part amends the Building Act 2004 (the **principal Act**).

### 4 Section 4 amended (Principles to be applied in performing functions or duties, or exercising powers, under this Act)

In section 4(1)(c), replace “in relation to the grant of waivers or modifications of the building code and the adoption and review of policy on dangerous, earthquake-prone, and insanitary buildings or, as the case may be, dangerous dams” with “under subpart 6A of Part 2 (which relates to earthquake-prone buildings) or in relation to the grant of waivers or modifications of the building code or the adoption and review of policy on dangerous and insanitary buildings or dangerous dams”.

### 5 New section 5A and cross-heading inserted

After section 5, insert:

#### *Transitional, savings, and related provisions*

### 5A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

### 6 Section 7 amended (Interpretation)

In section 7, insert in their appropriate alphabetical order:

**earthquake-prone building** has the meaning given in section 133AB

**earthquake rating** has the meaning given in section 133AC

**engineering assessment**, in relation to a building or a part of a building, means an engineering assessment of the building or part that complies with the requirements of the EPB methodology

**EPB exemption notice** means an exemption notice issued under section 133AN

**EPB methodology** means the methodology for identifying earthquake-prone buildings that is set by the chief executive under section 133AV

**EPB notice** means an earthquake-prone building notice issued under section 133AL

**EPB register** means the register of earthquake-prone buildings established and maintained under section 273(1)(aab)

**heritage building** means a building that is included on—

- (a) the New Zealand Heritage List/Rārangi Kōrero maintained under section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; or
- (b) the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under section 81 of the Heritage New Zealand Pouhere Taonga Act 2014

**heritage dam** means a dam that is included on—

- (a) the New Zealand Heritage List/Rārangi Kōrero maintained under section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; or
- (b) the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under section 81 of the Heritage New Zealand Pouhere Taonga Act 2014

**high seismic risk** has the meaning given in section 133AD

**low seismic risk** has the meaning given in section 133AD

**medium seismic risk** has the meaning given in section 133AD

**priority building** has the meaning given in section 133AE

**seismic work**, in relation to a building or a part of a building that is subject to an EPB notice, means the building work required to ensure that the building or part is no longer earthquake prone

**7 Section 11 amended (Role of chief executive)**

- (1) After section 11(d), insert:

(da) monitors, in accordance with section 169A, the application and effectiveness of subpart 6A of Part 2 (which relates to earthquake-prone buildings); and

- (2) After section 11(i), insert:

(ia) sets a methodology under section 133AV for identifying earthquake-prone buildings; and

**8 Section 45 amended (How to apply for building consent)**

In section 45(1)(d), replace “section 240” with “section 219 or 240 (as applicable)”.

**9 Section 85 amended (Offences relating to carrying out or supervising restricted building work)**

In section 85(4), after “liable”, insert “on conviction”.



**10 Section 95 amended (Issue of code compliance certificate)**

In section 95(c), replace “section 240” with “section 219 or 240 (as applicable)”.

**11 Section 112 amended (Alterations to existing buildings)**

After section 112(2), insert:

- (3) This section is subject to section 133AT.

**12 Subpart 6 heading in Part 2 amended**

In Part 2, in the subpart 6 heading, replace “certain categories of buildings” with “dangerous, affected, and insanitary buildings”.

**13 Cross-heading above section 121 replaced**

Replace the cross-heading above section 121 with:

*Interpretation and application*

**14 Section 122 repealed (Meaning of earthquake-prone building)**

Repeal section 122.

**15 New section 123A inserted (Application of this subpart to parts of buildings)**

After section 123, insert:

**123A Application of this subpart to parts of buildings**

- (1) If a territorial authority is satisfied that only part of a building is dangerous (within the meaning of section 121) or insanitary (within the meaning of section 123),—
- (a) the territorial authority may exercise any of its powers or perform any of its functions under this subpart in respect of that part of the building rather than the whole building; and
  - (b) for the purpose of paragraph (a), this subpart applies with any necessary modifications.
- (2) To the extent that a power or function of a territorial authority under this subpart relates to affected buildings,—
- (a) the territorial authority may exercise the power or perform the function in respect of all or part of an affected building; and
  - (b) for the purpose of paragraph (a), this subpart applies with any necessary modifications.

**16 Cross-heading above section 124 amended**

In the cross-heading above section 124, delete “earthquake-prone,”.

- 17 Section 124 amended (Dangerous, affected, earthquake-prone, or insanitary buildings: powers of territorial authority)**
- (1) In the heading to section 124, delete “earthquake-prone,”.
  - (2) In section 124(1), delete “earthquake-prone,”.
  - (3) Repeal section 124(3).
- 18 Section 125 amended (Requirements for notice requiring building work or restricting entry)**
- Replace section 125(2)(e) with:
- (e) every statutory authority that has exercised a statutory power to classify or register, for any purpose, the building or the land on which the building is situated; and
- 19 Section 128 amended (Prohibition on using dangerous, affected, earthquake-prone, or insanitary building)**
- In the heading to section 128, delete “earthquake-prone,”.
- 20 Section 128A amended (Offences in relation to dangerous, affected, earthquake-prone, or insanitary buildings)**
- In the heading to section 128A, delete “earthquake-prone,”.
- 21 Section 129 amended (Measures to avoid immediate danger or to fix insanitary conditions)**
- In section 129(1)(a), replace “or section 122 or section 123” with “or 123”.
- 22 Cross-heading above section 131 amended**
- In the cross-heading above section 131, delete “, earthquake-prone,”.
- 23 Section 131 amended (Territorial authority must adopt policy on dangerous, earthquake-prone, and insanitary buildings)**
- (1) In the heading to section 131, delete “, earthquake-prone,”.
  - (2) In section 131(1), delete “, earthquake-prone,”.
- 24 New subpart 6A of Part 2 inserted**
- After section 133, insert:
- Subpart 6A—Special provisions for earthquake-prone buildings
- Application and interpretation*
- 133AA Buildings to which this subpart applies**
- (1) This subpart applies to all buildings except the following:

- (a) a building that is used wholly or mainly for residential purposes (but *see* subsection (2));
  - (b) a farm building (being a shed or other building that is located on a farm and used primarily for farming activities or an ancillary purpose);
  - (c) a stand-alone retaining wall (being a retaining wall that is not integral to the structure of a building);
  - (d) a fence;
  - (e) a monument (including a statue), unless the monument is capable of being entered by a person;
  - (f) a wharf;
  - (g) a bridge;
  - (h) a tunnel;
  - (i) a storage tank;
  - (j) a building that is a dam;
  - (k) a part of a building that is a dam.
- (2) Despite subsection (1)(a), this subpart applies to a building described in that subsection if the building—
- (a) comprises 2 or more storeys; and
  - (b) either—
    - (i) is a hostel, boardinghouse, or other specialised accommodation; or
    - (ii) contains 3 or more household units.

**133AB Meaning of earthquake-prone building**

- (1) A building or a part of a building is **earthquake prone** if, having regard to the condition of the building or part and to the ground on which the building is built, and because of the construction of the building or part,—
- (a) the building or part will have its ultimate capacity exceeded in a moderate earthquake; and
  - (b) if the building or part were to collapse, the collapse would be likely to cause—
    - (i) injury or death to persons in or near the building or on any other property; or
    - (ii) damage to any other property.
- (2) Whether a building or a part of a building is earthquake prone is determined by the territorial authority in whose district the building is situated: *see* section 133AK.

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- (3) For the purpose of subsection (1)(a), **ultimate capacity** and **moderate earthquake** have the meanings given to them by regulations.

Compare: 1991 No 150 s 66

**133AC Meaning of earthquake rating**

- (1) In this Act, **earthquake rating**, in relation to a building or a part of a building that a territorial authority has determined is earthquake prone, means the degree to which the building or part meets the requirements of the building code—
- (a) that relate to how a building is likely to perform in an earthquake; and
  - (b) that would be used to design a new building on the same site; and
  - (c) as they apply on the day on which this section comes into force.
- (2) The earthquake rating of a building or a part of a building—
- (a) is determined by a territorial authority in accordance with the EPB methodology (*see* section 133AK); and
  - (b) is specified on the EPB notice issued for the building or part and recorded in the EPB register; and
  - (c) determines the form of the EPB notice issued for the building or part (*see* section 401C(a)).
- (3) An earthquake rating may be expressed as a percentage or a percentage range.

**Examples**

If a territorial authority determines that a building meets 25% of the requirements of the building code referred to in subsection (1), the earthquake rating of the building is 25%.

If a territorial authority determines that a building meets between 0% and 10% of the requirements of the building code referred to in subsection (1), the earthquake rating of the building is the range of 0% to 10%.

**133AD Meaning of low, medium, and high seismic risk**

- (1) For the purposes of this Act, the area in which a building is located has—
- (a) a **low seismic risk** if the area has a Z factor that is less than 0.15; and
  - (b) a **medium seismic risk** if the area has a Z factor that is greater than or equal to 0.15 and less than 0.3; and
  - (c) a **high seismic risk** if the area has a Z factor that is greater than or equal to 0.3.
- (2) For the purpose of subsection (1), the **Z factor** of an area is the seismic hazard factor that would be used to design a new building on a site in that area in accordance with the following, as they relate to calculating Z factors and as they apply on the day on which this section comes into force:
- (a) the building code; and

- (b) verification methods; and
- (c) standards incorporated by reference into the building code or a verification method.
- (3) The seismic risk of an area affects—
  - (a) the time frame within which a territorial authority must—
    - (i) apply the EPB methodology to identify buildings or parts of buildings in the area that are potentially earthquake prone (*see* section 133AG); and
    - (ii) report to the chief executive on its progress towards that objective; and
  - (b) the deadline for completing seismic work on a building or a part of a building in the area, if it is subject to an EPB notice (*see* section 133AM).

**133AE Meaning of priority building**

- (1) In this subpart, **priority building** means any of the following that are located in an area of medium or high seismic risk:
  - (a) a hospital building that is likely to be needed in an emergency (within the meaning of the Civil Defence Emergency Management Act 2002) to provide—
    - (i) emergency medical services; or
    - (ii) ancillary services that are essential for the provision of emergency medical services;
  - (b) a building that is likely to be needed in an emergency for use as an emergency shelter or emergency centre;
  - (c) a building that is used to provide emergency response services (for example, policing, fire, ambulance, or rescue services);
  - (d) a building that is regularly occupied by at least 20 people and that is used as any of the following:
    - (i) an early childhood education and care centre licensed under Part 26 of the Education Act 1989;
    - (ii) a registered school or an integrated school (within the meaning of the Education Act 1989);
    - (iii) a private training establishment registered under Part 18 of the Education Act 1989;
    - (iv) a tertiary institution established under section 162 of the Education Act 1989;
  - (e) any part of an unreinforced masonry building that could—

- (i) fall from the building in an earthquake (for example, a parapet, an external wall, or a veranda); and
  - (ii) fall onto any part of a public road, footpath, or other thoroughfare that a territorial authority has identified under section 133AF(2)(a):
- (f) a building that a territorial authority has identified under section 133AF(2)(b) as having the potential to impede a transport route of strategic importance (in terms of an emergency response) if the building were to collapse in an earthquake.
- (2) For the purposes of subsection (1)(a) and (b), the likelihood of a building being needed in an emergency for a particular purpose must be assessed having regard to—
  - (a) any national civil defence emergency management plan made under section 39 of the Civil Defence Emergency Management Act 2002; and
  - (b) the civil defence emergency management group plan approved under section 48 of the Civil Defence Emergency Management Act 2002 that covers the district in which the building is situated.
- (3) If only part of a building meets the criteria set out in subsection (1), only that part of the building is a priority building.
- (4) Whether a building is a priority building affects—
  - (a) the deadline by which a territorial authority must identify whether the building or a part of the building is potentially earthquake prone (*see* section 133AG); and
  - (b) the deadline for completing seismic work on the building or a part of the building, if it is subject to an EPB notice (*see* section 133AM).

**133AF Role of territorial authority in identifying certain priority buildings**

- (1) This section applies to a territorial authority whose district includes any area of medium or high seismic risk.
- (2) The territorial authority,—
  - (a) for the purpose of section 133AE(1)(e) (prioritising parts of unreinforced masonry buildings), must use the special consultative procedure in section 83 of the Local Government Act 2002 to identify any part of a public road, footpath, or other thoroughfare in an area of medium or high seismic risk—
    - (i) onto which parts of an unreinforced masonry building could fall in an earthquake; and
    - (ii) that has sufficient vehicle or pedestrian traffic to warrant prioritising the identification and remediation of those parts of unreinforced masonry buildings; and

- (b) for the purpose of section 133AE(1)(f) (prioritising buildings that could impede a strategic transport route),—
  - (i) may, in its discretion, initiate the special consultative procedure in section 83 of the Local Government Act 2002 to identify buildings for that purpose; but
  - (ii) must not identify buildings for that purpose other than in accordance with the special consultative procedure.
- (3) However, a territorial authority is not required to act under subsection (2)(a) if there is no reasonable prospect of any thoroughfare in its district satisfying the criteria set out in subsection (2)(a)(i) and (ii).
- (4) If a territorial authority is required by subsection (2)(a) or decides under subsection (2)(b) to use the special consultative procedure in section 83 of the Local Government Act 2002, it must use the procedure within a time frame that enables the territorial authority to meet the applicable time frame under section 133AG(4) for identifying potentially earthquake-prone priority buildings in its district.

*Identifying earthquake-prone buildings*

**133AG Territorial authority must identify potentially earthquake-prone buildings**

- (1) Within the applicable time frame under subsection (4), a territorial authority—
  - (a) must apply the EPB methodology to buildings in its district to identify buildings or parts of buildings that are potentially earthquake prone; and
  - (b) may, if it has reason to suspect that a building or a part of a building in its district may be earthquake prone, identify the building or part as potentially earthquake prone, whether or not by reference to any aspect of the EPB methodology.
- (2) Until the end of the applicable time frame, a territorial authority must report to the chief executive on its progress towards identifying buildings or parts of buildings within its district that are potentially earthquake prone as follows:
  - (a) if the whole district is of low seismic risk, every 3 years; or
  - (b) if the district includes an area of medium seismic risk, but no areas of high seismic risk, every 2 years; or
  - (c) if the district includes an area of high seismic risk, every year.
- (3) After the end of the applicable time frame, a territorial authority may, if it has reason to suspect that a building or a part of a building in its district may be earthquake prone, identify the building or part as potentially earthquake prone, whether or not by reference to the EPB methodology.
- (4) The **applicable time frame** is the period commencing on the day on which this section comes into force (the **commencement date**) and ending on,—



- (a) for each area of low seismic risk, the expiry of 15 years after the commencement date; and
- (b) for each area of medium seismic risk, the expiry of the following period after the commencement date:
  - (i) 5 years for priority buildings; and
  - (ii) 10 years for other buildings; and
- (c) for each area of high seismic risk, the expiry of the following period after the commencement date:
  - (i) 2 years and 6 months for priority buildings; and
  - (ii) 5 years for other buildings.

**133AH Territorial authority must request engineering assessment of potentially earthquake-prone buildings**

- (1) If a territorial authority identifies a building or a part of a building as potentially earthquake prone, the territorial authority must ask the owner of the building or part to provide an engineering assessment of the building or part.
- (2) The request must—
  - (a) be in writing; and
  - (b) be dated; and
  - (c) identify the building or the part of a building that the territorial authority has identified as potentially earthquake prone; and
  - (d) explain the basis on which the territorial authority has identified the building or the part of the building as potentially earthquake prone; and
  - (e) explain the owner's obligations under section 133AI; and
  - (f) state whether the building is a priority building; and
  - (g) state the due date for the engineering assessment, which must be 12 months after the date of the request; and
  - (h) explain that if the owner is not reasonably able to provide an engineering assessment by the due date (for example, because of a shortage of people qualified to conduct engineering assessments), the owner may apply under section 133AJ for an extension of up to 12 months; and
  - (i) explain the consequences of the owner failing to provide the engineering assessment by the due date; and
  - (j) explain what will happen if the territorial authority determines that the building or the part of the building is earthquake prone.

**133AI Obligations of owners on receiving request for engineering assessment**

- (1) If a territorial authority asks the owner of a building or a part of a building to provide an engineering assessment of the building or part under section



- 133AH, the owner must, by the due date (which may be extended under section 133AJ),—
- (a) provide to the territorial authority an engineering assessment of the building or part that complies with the requirements of the EPB methodology; or
  - (b) provide to the territorial authority evidence of a factual error in the basis on which the territorial authority has identified the building or part as potentially earthquake prone; or
  - (c) notify the territorial authority that the owner does not intend to provide an engineering assessment.
- (2) If a territorial authority is satisfied that it has incorrectly identified a building or a part of a building as potentially earthquake prone, the territorial authority must cancel the request for an engineering assessment and give the owner of the building or part written notice of that fact.
- (3) If an owner fails to comply with subsection (1), or notifies the territorial authority under subsection (1)(c) that the owner does not intend to provide an engineering assessment of a building or a part of a building,—
- (a) the territorial authority must, under section 133AK(4), proceed as if it had determined the building or part to be earthquake prone; and
  - (b) the EPB notice issued for the building or part must, under section 133AL(4), be in the form that is prescribed for the category of earthquake ratings that includes the lowest earthquake ratings; and
  - (c) the territorial authority may obtain an engineering assessment of the building or part and recover, as a debt due from the owner of the building or part, the costs of doing so.

**133AJ Owners may apply for extension of time to provide engineering assessment**

- (1) This section applies if—
- (a) a territorial authority asks the owner of a building or a part of a building to provide an engineering assessment of the building or part under section 133AH; and
  - (b) the owner is unable to provide an engineering assessment by the due date (for example, because of a shortage of people qualified to conduct engineering assessments).
- (2) The owner may, no later than 2 months before the due date, apply to the territorial authority for an extension of up to 12 months from the due date.
- (3) The territorial authority must deal with the application promptly, by—
- (a) granting the extension and notifying the owner in writing of the revised due date for the engineering assessment; or

- (b) notifying the owner in writing that the extension has not been granted.
- (4) A territorial authority must not extend the due date for an engineering assessment more than once.

**133AK Territorial authority must determine whether building is earthquake prone**

- (1) If a territorial authority receives an engineering assessment of a building or a part of a building in response to a request made under section 133AH, the territorial authority must determine, in accordance with the EPB methodology,—
  - (a) whether the building or part is earthquake prone; and
  - (b) if the building or part is earthquake prone, its earthquake rating.
- (2) If the territorial authority determines that the building or part is not earthquake prone, the territorial authority must promptly notify the owner in writing of its decision.
- (3) If the territorial authority determines that the building or part is earthquake prone, the territorial authority must promptly—
  - (a) issue an EPB notice for the building or part under section 133AL; and
  - (b) record the details of the decision in the EPB register and update other information in the EPB register as necessary.
- (4) If a territorial authority asks the owner of a building or a part of a building to provide an engineering assessment of the building or part under section 133AH, and either does not receive it by the due date or is notified that the owner does not intend to provide it by the due date,—
  - (a) the territorial authority—
    - (i) must proceed as if it had determined the building or part to be earthquake prone; and
    - (ii) need not determine the earthquake rating of the building or part; and
  - (b) this Act applies as if the territorial authority had determined the building or part to be earthquake prone.

*Remediation of earthquake-prone buildings*

**133AL Territorial authority must issue EPB notice for earthquake-prone buildings**

- (1) This section applies if a territorial authority makes any of the following decisions:
  - (a) determining under section 133AK or 133AY or clause 2 of Schedule 1AA that a building or a part of a building is earthquake prone; or
  - (b) revoking an exemption under section 133AN; or

- (c) revoking an extension under section 133AO; or
  - (d) determining under section 133AQ or 133AY that the earthquake rating of a building or a part of a building that is subject to an EPB notice is different from the earthquake rating (if any) of the building or part that is stated in the notice or the EPB register.
- (2) The territorial authority must promptly issue an EPB notice for the building or the part of the building, which must—
  - (a) be dated; and
  - (b) be in the prescribed form; and
  - (c) identify the building or the part of a building determined to be earthquake prone; and
  - (d) specify whether the building or part is a priority building; and
  - (e) specify the earthquake rating of the building or part (unless this has not been determined: *see* section 133AK(4) and clause 2 of Schedule 1AA); and
  - (f) state that the owner of the building or part is required to carry out building work to ensure that the building or part is no longer earthquake prone (**seismic work**); and
  - (g) state the deadline for completing seismic work (*see* section 133AM); and
  - (h) state that the owner of the building or part may apply under section 133AN for an exemption from the requirement to carry out seismic work; and
  - (i) if the building is a heritage building to which section 133AO applies, state that the owner of the building or part may apply under that section for an extension of time to complete seismic work; and
  - (j) state that the owner is not required to complete seismic work if the territorial authority determines or is satisfied, in accordance with section 133AQ, that the building or part is not earthquake prone.
- (3) If the earthquake rating of a building or a part of a building is a percentage range that spans more than 1 prescribed category of earthquake ratings, the notice issued for the building or part must be in the form prescribed for the category that includes the lowest point in the percentage range.
- (4) If the territorial authority is proceeding under section 133AK(4) as if it had determined a building or a part of a building to be earthquake prone (because the owner has not provided an engineering assessment),—
  - (a) the notice must be in the form prescribed for the category of earthquake ratings that includes the lowest earthquake ratings (*see* section 401C(a)); and
  - (b) the notice must state—

- (i) that the territorial authority has not determined whether the building or part is earthquake prone, but is proceeding as if it had; and
  - (ii) that the earthquake rating of the building or part has not been determined.
- (5) The territorial authority must give a copy of the notice to—
  - (a) the owner of the building or the part of the building; and
  - (b) every person who has an interest in the land on which the building is situated under a mortgage or other encumbrance registered under the Land Transfer Act 1952; and
  - (c) every person claiming an interest in the land that is protected by a caveat lodged and in force under section 137 of the Land Transfer Act 1952; and
  - (d) every statutory authority that has exercised a statutory power to classify or register, for any purpose, the building or the land on which the building is situated; and
  - (e) Heritage New Zealand Pouhere Taonga, if the building is a heritage building.
- (6) However, the notice is not invalid because a copy of it has not been given to any or all of the persons referred to in subsection (5).

**133AM Deadline for completing seismic work**

- (1) The owner of a building or a part of a building that is subject to an EPB notice must complete seismic work on the building or part on or before the deadline specified in this section.
- (2) The deadline is the expiry of whichever of the following periods, as measured from the date of the first EPB notice issued for the building or the part of the building (rather than any replacement EPB notice), is applicable:
  - (a) in an area of low seismic risk, 35 years for any building; and
  - (b) in an area of medium seismic risk, 12 years and 6 months for a priority building and 25 years for any other building; and
  - (c) in an area of high seismic risk, 7 years and 6 months for a priority building and 15 years for any other building.
- (3) However,—
  - (a) if clause 2 of Schedule 1AA applies to the building or the part of the building, the deadline is the deadline determined in accordance with that clause; and
  - (b) if the building or the part of the building is a heritage building for which an extension is granted under section 133AO, the deadline is the expiry of the period of the extension, as measured from the deadline that would apply under paragraph (a) or subsection (2) if no extension were granted.

- (4) To avoid doubt, seismic work may include the demolition of a building or part of a building.

**133AN Owner may apply for exemption from requirement to carry out seismic work**

- (1) The owner of a building or a part of a building that is subject to an EPB notice may apply to a territorial authority for an exemption from the requirement to carry out seismic work on the building or part.
- (2) An application must be in writing and must be accompanied by any fee imposed by the territorial authority under section 219.
- (3) The territorial authority must deal with the application promptly, by doing one of the following:
- (a) if the territorial authority is satisfied that the building or the part of the building has the prescribed characteristics (*see* section 401C(b)),—
    - (i) granting the exemption and issuing an EPB exemption notice; and
    - (ii) recording the details of the exemption in the EPB register and updating other information in the EPB register as necessary; or
  - (b) notifying the owner in writing that the exemption has not been granted.
- (4) An EPB exemption notice must—
- (a) identify the building or the part of the building that is subject to an EPB notice; and
  - (b) state that the owner of the building or the part of the building is exempt from the requirement to carry out seismic work on the building or part; and
  - (c) give the territorial authority's reasons for granting the exemption.
- (5) A territorial authority may review an exemption at any time, and may revoke it if satisfied that the building no longer has the prescribed characteristics.
- (6) An exemption stays in force until the territorial authority revokes it.
- (7) As soon as practicable after revoking an exemption, a territorial authority must—
- (a) reissue an EPB notice under section 133AL for the building or the part of the building that is earthquake prone; and
  - (b) record the details of the revocation in the EPB register and update other information in the EPB register as necessary.

**133AO Owners of certain heritage buildings may apply for extension of time to complete seismic work**

- (1) This section applies to a building if—
- (a) the building or a part of the building is subject to an EPB notice; and
  - (b) the building is—

- (i) included as a Category 1 historic place on the New Zealand Heritage List/Rārangi Kōrero maintained under section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; or
  - (ii) included on the National Historic Landmarks/Ngā Manawhenua o Aotearoa me ōna Kōrero Tūturu list maintained under section 81 of the Heritage New Zealand Pouhere Taonga Act 2014.
- (2) The owner of the building or the part of the building (the **owner**) may apply to the territorial authority for an extension of time to complete seismic work on the building or part.
- (3) An application must be in writing and must be accompanied by any fee imposed by the territorial authority under section 219.
- (4) The territorial authority may, by notice in writing to the owner, extend by up to 10 years the deadline for completing seismic work that applies under section 133AM(2) or (3)(a).
- (5) If the territorial authority grants an extension, the owner must—
  - (a) take all reasonably practicable steps to manage or reduce the risks associated with the building or the part of the building being earthquake prone; and
  - (b) comply with any conditions imposed by the territorial authority for the purpose of managing or reducing the risks referred to in paragraph (a).
- (6) If the owner fails to comply with subsection (5), the territorial authority may revoke the extension.
- (7) As soon as practicable after granting or revoking an extension, a territorial authority must—
  - (a) reissue an EPB notice under section 133AL for the building or the part of the building; and
  - (b) record the details of the extension or revocation in the EPB register and update other information in the EPB register as necessary.

**133AP EPB notices and EPB exemption notices to be attached to earthquake-prone buildings**

- (1) As soon as practicable after issuing an EPB notice or an EPB exemption notice for a building or a part of a building, the territorial authority must—
  - (a) attach, or require the owner of the building or part to attach, the notice in a prominent place on or adjacent to the building; and
  - (b) remove, or authorise the owner of the building or part to remove, any superseded EPB notice or EPB exemption notice that is attached on or adjacent to the building.
- (2) If an EPB notice or an EPB exemption notice ceases to be attached in a prominent place on or adjacent to a building, or becomes illegible,—



- (a) the owner of the building or the part of the building to which the notice relates must notify the territorial authority of that fact; and
  - (b) the territorial authority must issue a replacement notice; and
  - (c) subsection (1) applies to the replacement notice.
- (3) Subsection (2) does not apply if the removal of the notice is authorised by or under this subpart.

**133AQ Territorial authority may assess information relating to earthquake-prone building status at any time**

- (1) This section applies if, at any time,—
- (a) the owner of a building or a part of a building sends to the territorial authority an engineering assessment of the building or part (whether or not the building or part is already subject to an EPB notice); or
  - (b) a territorial authority is satisfied, on the basis of evidence other than an engineering assessment, that a building or a part of a building that is subject to an EPB notice is not earthquake prone.
- (2) As soon as practicable after receiving an engineering assessment under this section for a building or a part of a building, the territorial authority must determine, in accordance with the EPB methodology,—
- (a) whether the building or part is earthquake prone; and
  - (b) if the building or part is earthquake prone, its earthquake rating.
- (3) If the territorial authority determines or is satisfied that the building or part is not earthquake prone, the territorial authority must promptly—
- (a) notify the owner in writing of its decision; and
  - (b) if the building or part is already subject to an EPB notice,—
    - (i) remove the building from the EPB register; and
    - (ii) remove, or authorise the owner of the building or part to remove, any EPB notice or EPB exemption notice attached on or adjacent to the building.
- (4) If the territorial authority determines that the building or part is earthquake prone, the territorial authority must promptly—
- (a) notify the owner in writing of its decision; and
  - (b) if the building or part is not already subject to an EPB notice, issue an EPB notice for the building or part under section 133AL; and
  - (c) if the building or part is already subject to an EPB notice,—
    - (i) if the earthquake rating has changed, reissue an EPB notice under section 133AL for the building or part; and
    - (ii) if the earthquake rating has not changed, notify the owner in writing of that fact; and

- (d) record the details of the decision in the EPB register and update other information in the EPB register as necessary.

*Powers of territorial authorities in respect of earthquake-prone buildings*

**133AR Territorial authority may impose safety requirements**

- (1) If a territorial authority determines that a building or a part of a building in its district is earthquake prone, the territorial authority may do any or all of the following:
  - (a) put up a hoarding or fence to prevent people from approaching the building or part nearer than is safe;
  - (b) attach in a prominent place, on or adjacent to the building or part, a notice that warns people not to approach the building or part;
  - (c) issue a notice that complies with subsection (2) restricting entry to the building or part for particular purposes or restricting entry to particular persons or groups of persons.
- (2) A notice issued under subsection (1)(c)—
  - (a) must be in writing; and
  - (b) must be fixed to the building in question; and
  - (c) must be given in the form of a copy to the persons listed in section 133AL(5); and
  - (d) may be issued for a period of up to 30 days; and
  - (e) may be reissued, but not more than once, for a further period of up to 30 days.
- (3) However, a notice issued under subsection (1)(c), if fixed on the building, is not invalid because a copy of it has not been given to any or all of the persons listed in section 133AL(5).
- (4) If, in relation to a building or a part of a building, a territorial authority has put up a hoarding or fence or attached a notice under subsection (1)(b) or (c), no person may, other than in accordance with the terms of a notice issued under subsection (1)(c),—
  - (a) use or occupy the building or part; or
  - (b) permit another person to use or occupy the building or part.

**133AS Territorial authority may carry out seismic work**

- (1) This section applies if seismic work on a building or a part of a building that is subject to an EPB notice is not completed by the deadline that applies under section 133AM, or is not proceeding with reasonable speed in the light of that deadline.



- (2) The territorial authority may apply to a District Court for an order authorising the territorial authority to carry out seismic work on the building or the part of the building.
  - (3) Before the territorial authority applies to a District Court under subsection (2), the territorial authority must give the owner of the building or the part of the building not less than 10 days' written notice of its intention to do so.
  - (4) If a territorial authority carries out seismic work on a building or a part of a building under the authority of an order made under subsection (2),—
    - (a) the owner of the building or part is liable for the costs of the work; and
    - (b) the territorial authority may recover those costs from the owner; and
    - (c) the amount recoverable by the territorial authority becomes a charge on the land on which the work was carried out.
  - (5) Seismic work authorised to be done under this section may include the demolition of a building or part of a building.
- Compare: 1991 No 150 s 65(4), (5)

**133AT Alterations to buildings subject to EPB notice**

- (1) This section applies instead of section 112 in relation to an application for a building consent for the alteration of a building or a part of a building that is subject to an EPB notice.
- (2) A building consent authority must not grant a building consent for the alteration of the building or part unless the building consent authority is satisfied that,—
  - (a) after the alteration, the building will comply, as nearly as is reasonably practicable, with the provisions of the building code that relate to—
    - (i) means of escape from fire; and
    - (ii) access and facilities for persons with disabilities (if this is a requirement in terms of section 118); and
  - (b) after the alteration, the building will,—
    - (i) if it complied with the other provisions of the building code immediately before the building work began, continue to comply with those provisions; or
    - (ii) if it did not comply with the other provisions of the building code immediately before the building work began, continue to comply at least to the same extent as it did then comply; and
  - (c) in the case of a substantial alteration, the alteration includes the necessary seismic work. An alteration of a building is a **substantial alteration** if the territorial authority is satisfied that the alteration meets criteria prescribed under section 401C(c).

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- (3) Despite subsection (2)(a), a territorial authority may, by written notice to the owner of the building or part, specify 1 or more of the provisions of the building code referred to in subsection (2)(a) and allow the alteration of the building or part without the building complying with the specified provisions if the territorial authority is satisfied that—
- (a) the alteration includes the necessary seismic work; and
  - (b) if the building were required to comply with the specified provisions, it would be unduly onerous for the owner in the circumstances; and
  - (c) the permitted non-compliance with the specified provisions is no more than is reasonably necessary in the light of the objective of ensuring that the building or part is no longer earthquake prone; and
  - (d) after the alteration, the building will continue to comply with the specified provisions, and other provisions of the building code, to at least the same extent as it complied with those provisions immediately before the building work began.
- (4) When making the assessments required by subsection (3)(b) and (c), the territorial authority must take into account the matters (if any) prescribed under section 401C(d).

*Offences*

**133AU Offences in relation to earthquake-prone buildings**

*Failure to complete seismic work*

- (1) The owner of a building or a part of a building that is subject to an EPB notice who fails to complete seismic work on the building or part by the deadline that applies under section 133AM—
- (a) commits an offence; and
  - (b) is liable on conviction to a fine not exceeding \$200,000.

*Failures relating to EPB notices and EPB exemption notices*

- (2) A person commits an offence if—
- (a) a territorial authority requires the person to attach an EPB notice or an EPB exemption notice on or adjacent to a building under section 133AP; and
  - (b) the person—
    - (i) fails to attach the notice in accordance with that section; or
    - (ii) attaches the notice otherwise than in accordance with that section.
- (3) A person commits an offence if—
- (a) the person is required under section 133AP(2)(a) to notify the territorial authority when an EPB notice or an EPB exemption notice ceases to be attached on or adjacent to a building or becomes illegible; and

- (b) the person fails to notify the territorial authority in accordance with that section.
- (4) A person who commits an offence under subsection (2) or (3) is liable on conviction to a fine not exceeding \$20,000.  
*Failure to comply with safety requirements*
- (5) A person who fails to comply with section 133AR(4) commits an offence and is liable on conviction—
  - (a) to a fine not exceeding \$200,000; and
  - (b) in the case of a continuing offence, to a further fine not exceeding \$20,000 for every day or part of a day during which the offence continues.

*Methodology for identifying earthquake-prone buildings (EPB methodology)*

**133AV Chief executive must set methodology for identifying earthquake-prone buildings (EPB methodology)**

- (1) The chief executive must set a methodology for identifying earthquake-prone buildings (the **EPB methodology**) that specifies how territorial authorities are to—
  - (a) identify the buildings or parts of buildings in their district that are potentially earthquake prone; and
  - (b) determine whether a potentially earthquake-prone building or part of a building is earthquake prone and, if it is, its earthquake rating.
- (2) The methodology—
  - (a) may specify buildings, parts of buildings, or classes of buildings or parts of buildings that are potentially earthquake prone; and
  - (b) may specify a method for identifying buildings, parts of buildings, or classes of buildings or parts of buildings that are potentially earthquake prone; and
  - (c) must specify the requirements for an engineering assessment of a building or a part of a building; and
  - (d) must specify how a territorial authority may use engineering or other tests completed before the commencement of this section to determine whether a building or a part of a building is earthquake prone or potentially earthquake prone.
- (3) The chief executive must set the methodology no later than 1 month after the commencement of this section.
- (4) The methodology may incorporate material by reference in accordance with sections 405 to 413.
- (5) The chief executive may amend or replace the methodology at any time.

- (6) If the chief executive amends or replaces the methodology, sections 133AW and 133AX apply in respect of the amendment or replacement with any necessary modifications.

**133AW Consultation requirements for setting EPB methodology**

- (1) Before setting the EPB methodology, the chief executive must do everything reasonably practicable on his or her part to consult territorial authorities and any other persons or organisations that appear to the chief executive to be representative of the interests of persons likely to be substantially affected by the setting of the methodology.
- (2) The process for consultation should, to the extent practicable in the circumstances, include—
- (a) giving adequate and appropriate notice of the intention to set the methodology; and
  - (b) giving a reasonable opportunity for territorial authorities and other interested persons to make submissions; and
  - (c) giving adequate and appropriate consideration to submissions.
- (3) A failure to comply with this section does not affect the validity of the methodology.

**133AX Notification and availability of EPB methodology**

- (1) As soon as practicable after the chief executive has set the EPB methodology, the chief executive must—
- (a) notify territorial authorities that the methodology has been set; and
  - (b) publicly notify that the methodology has been set; and
  - (c) make the methodology available on the Internet in a form that is publicly accessible at all reasonable times; and
  - (d) make the methodology available in printed form for purchase on request by members of the public.
- (2) The methodology is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

*Miscellaneous*

**133AY What territorial authority must do if definition of ultimate capacity or moderate earthquake amended**

- (1) This section applies if the definition of ultimate capacity or moderate earthquake, as set out in regulations made for the purpose of section 133AB (meaning of earthquake-prone building), is amended or replaced.

- (2) As soon as is reasonably practicable after the definition is amended or replaced, a territorial authority—
- (a) must consider whether any decision that it has made under this subpart should be reassessed in the light of the changes to the definition; and
  - (b) may remake the decision.
- (3) Section 133AQ(3) and (4) applies if a decision is remade under this section.
- 25 Section 154 amended (Powers of regional authorities in respect of dangerous dams)**  
Repeal section 154(2).
- 26 Section 155 amended (Requirements for notice given under section 154)**  
Replace section 155(2)(e) with:
- (e) every statutory authority that has exercised a statutory power to classify or register, for any purpose, the dam or the land on which the dam is situated; and
- 27 New section 169A inserted (Chief executive must monitor application and effectiveness of subpart 6A of Part 2 (earthquake-prone buildings))**  
After section 169, insert:
- 169A Chief executive must monitor application and effectiveness of subpart 6A of Part 2 (earthquake-prone buildings)**  
The chief executive must monitor the application of subpart 6A of Part 2 and its effectiveness in regulating earthquake-prone buildings.
- 28 Section 175 amended (Chief executive may publish guidance information)**
- (1) In section 175(1)(b)(iii), after “practitioners”, insert “; and”.
  - (2) After section 175(1)(b), insert:
    - (c) owners of buildings and members of the public in relation to the application of subpart 6A of Part 2.
- 29 Section 177 amended (Application for determination)**
- (1) In section 177(3)(f), replace “(which relate to dangerous, earthquake-prone, and insanitary buildings)” with “(which relate to dangerous, affected, and insanitary buildings)”.
  - (2) After section 177(3)(f), insert:
    - (fa) any power of decision of a territorial authority under subpart 6A of Part 2, other than a power of decision under section 133AS (territorial authority may carry out seismic work):

**30 Section 181 amended (Chief executive may make determination on own initiative)**

Replace section 181(2)(a) with:

- (a) may give a direction under subsection (1) either before or after a decision or a power that relates to the matter is made or exercised (as the case may be); and

**31 Section 216 amended (Territorial authority must keep information about buildings)**

Repeal section 216(2)(b)(ivc).

**32 Section 218 amended (Territorial authority must provide information to chief executive for purpose of facilitating performance of chief executive's function under section 169)**

- (1) In the heading to section 218, replace “section 169” with “sections 169 and 169A”.
- (2) In section 218(1), after “etc)”, insert “and section 169A (which relates to monitoring the application and effectiveness of subpart 6A of Part 2 (earthquake-prone buildings))”.

**33 Section 222 amended (Inspections by territorial authority)**

Replace section 222(1)(b)(ii) with:

- (ii) the purpose of determining whether the building is dangerous or insanitary within the meaning of subpart 6 of Part 2; or
- (iii) the purpose of determining whether the building or a part of the building is earthquake prone or potentially earthquake prone within the meaning of subpart 6A of Part 2.

**34 Section 273 amended (Chief executive must keep registers)**

- (1) After section 273(1)(aaa), insert:
  - (aab) a register of earthquake-prone buildings for the purposes of subpart 6A of Part 2 (the **EPB register**):
- (2) After section 273(3), insert:
- (3A) The EPB register must be kept in a manner that enables territorial authorities, as well as the chief executive, to record and update information in the register.

**35 Section 274 amended (Purpose of registers)**

After section 274(a)(iaa), insert:

- (iab) in the case of the EPB register, information relating to buildings or parts of buildings that territorial authorities have determined to be earthquake prone; and



**36 New sections 275A and 275B inserted**

After section 275, insert:

**275A Content of EPB register**

- (1) The EPB register must contain the following information for each building or part of a building that a territorial authority determines is earthquake prone:
  - (a) the name of the territorial authority that made the decision;
  - (b) the address of, and any other details necessary to identify, the building or the part of the building determined to be earthquake prone;
  - (c) whether the building is a priority building;
  - (d) the date of the EPB notice issued for the building or part;
  - (e) the earthquake rating of the building or part, as determined by the territorial authority;
  - (f) the deadline for completing seismic work that applies under section 133AM (unless an exemption from the requirement to carry out seismic work is in force under section 133AN);
  - (g) the details of any exemption from the requirement to carry out seismic work that is in force under section 133AN;
  - (h) the details of any extension of time for completing seismic work that is in force under section 133AO, including a summary of any conditions imposed by the territorial authority for the purpose of section 133AO(5)(b);
  - (i) any information prescribed under section 401C(e).
- (2) If the territorial authority is proceeding under section 133AK(4) as if it had determined the building or the part of the building to be earthquake prone (because the owner has not provided an engineering assessment),—
  - (a) subsection (1)(e) does not apply; and
  - (b) the register must contain statements to the following effect:
    - (i) that the territorial authority has not determined whether the building or part is earthquake prone, but is proceeding as if it had because the owner has not provided an engineering assessment; and
    - (ii) that the EPB notice issued for the building or part is in the form prescribed for the category of earthquake ratings that includes the lowest earthquake ratings (*see* section 401C(a)); and
    - (iii) that the earthquake rating of the building or part has not been determined.

**275B Modification of chief executive's obligation to make EPB register available for public inspection**

- (1) This section applies to information that is required to be kept in the EPB register by regulations made under section 401C(e) (the **prescribed information**).
- (2) Despite section 273(2), the chief executive need not make the prescribed information available for public inspection, or include the prescribed information in a copy of all or part of the register supplied to a person under that section, unless the regulations require the information to be made available for public inspection.
- (3) However, the chief executive may supply any prescribed information contained in the EPB register to an entity in the State services (within the meaning of the State Sector Act 1988) if the chief executive is satisfied that it is necessary or desirable for the entity to have the information to assist in the exercise of its powers or the performance of its functions under any enactment.
- (4) This section does not limit the Official Information Act 1982.

**37 Section 381 amended (District Court may grant injunctions for certain continuing breaches)**

- (1) In section 381(1)(b), delete “, earthquake prone,”.
- (2) After section 381(1)(b), insert:
  - (ba) a building or a part of a building is earthquake prone in terms of subpart 6A of Part 2 and the territorial authority has failed to take appropriate action; or

**38 New section 401C inserted (Regulations: earthquake-prone buildings)**

After section 401B, insert:

**401C Regulations: earthquake-prone buildings**

The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations that,—

- (a) for the purpose of section 133AL,—
  - (i) prescribe categories of earthquake ratings:
  - (ii) prescribe the form of EPB notice to be issued for buildings or parts of buildings in each earthquake ratings category:
  - (iii) prescribe the form of EPB notice to be issued for a building or a part of a building to which clause 2 of Schedule 1AA (which is a transitional provision) applies:
- (b) prescribe the age, construction type, use, level of occupancy, location in relation to other buildings or building types, and any other characteristics that a building or a part of a building must have for a territorial au-



thority to grant an exemption under section 133AN from the requirement to carry out seismic work on the building or part:

- (c) prescribe the criteria for determining whether a building alteration is a substantial alteration for the purpose of section 133AT(2)(c):
- (d) prescribe the matters that a territorial authority must take into account when making the assessments required by section 133AT(3)(b) and (c) (for the purpose of deciding whether to allow the alteration of a building or a part of a building that is subject to an EPB notice without the building complying with specified provisions of the building code):
- (e) prescribe information that must be kept in the EPB register, and specify whether the chief executive is required to make that information available for public inspection (*see* section 275B).

**39 Section 402 amended (Regulations: general)**

- (1) In section 402(1)(p), replace “122” with “133AB”.
- (2) After section 402(1)(p), insert:
  - (pa) defining ultimate capacity for the purposes of section 133AB (meaning of earthquake-prone building):

**40 Section 405 amended (Incorporation of material by reference into regulations, certain Orders in Council, acceptable solutions, and verification methods)**

- (1) In the heading to section 405, replace “regulations, certain Orders in Council, acceptable solutions, and verification methods” with “certain instruments, solutions, and methods”.
- (2) In section 405(4)(c), after “285”, insert “; and”.
- (3) After section 405(4)(c), insert:
  - (d) the EPB methodology set under section 133AV.

**41 New Schedule 1AA inserted**

Before Schedule 1, insert the Schedule 1AA set out in the Schedule of this Act.

**42 Consequential amendments to Building Amendment Act 2012**

- (1) This section amends the Building Amendment Act 2012.
- (2) In the Schedule,—
  - (a) in new Schedule 1A, clause 1(e), replace “section 240” with “section 219 or 240 (as applicable)”; and
  - (b) in new Schedule 1B, clause 1(e), replace “section 240” with “section 219 or 240 (as applicable)”; and
  - (c) in new Schedule 1C, clause 1(e), replace “section 240” with “section 219 or 240 (as applicable)”; and

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- (d) in new Schedule 1D, clause 1(f), replace “section 240” with “section 219 or 240 (as applicable)”.

**43 Consequential amendments to Fire Safety and Evacuation of Buildings Regulations 2006**

- (1) This section amends the Fire Safety and Evacuation of Buildings Regulations 2006.
- (2) In Schedule 3, clause 8(a), after “section 112”, insert “or 133AT”.
- (3) In Schedule 4, Form 1, paragraph 26, after “section 112”, insert “or 133AT”.

**Part 2**

**Amendment to Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005**

**44 Principal regulations**

This Part amends the Building (Specified Systems, Change the Use, and Earthquake-prone Buildings) Regulations 2005 (the **principal regulations**).

**45 Regulation 7 replaced (Earthquake-prone buildings: moderate earthquake defined)**

Replace regulation 7 with:

**7 Earthquake-prone buildings: moderate earthquake defined**

- (1) For the purposes of section 133AB of the Act (meaning of earthquake-prone building), **moderate earthquake** means, in relation to a building, an earthquake that would generate shaking at the site of the building that is of the same duration as, but that is one-third as strong as, the earthquake shaking (determined by normal measures of acceleration, velocity, and displacement) that would be used to design a new building at that site if it were designed on the commencement date.
- (2) In this regulation, **commencement date** means the day on which section 133AB of the Act comes into force.

**Schedule**  
**New Schedule 1AA inserted**

s 41

**Schedule 1AA**  
**Transitional, savings, and related provisions**

ss 5A, 133AL, 133AM, 401C

*Transitional provisions relating to Building (Earthquake-prone Buildings)  
Amendment Act 2016*

**1 Interpretation**

In this schedule,—

**amendment Act** means the Building (Earthquake-prone Buildings) Amendment Act 2016

**commencement date** means the day on which section 24 of the amendment Act (which inserts subpart 6A of Part 2) comes into force.

**2 Notices given under section 124 before commencement date**

- (1) This clause applies to a building or a part of a building if, before the commencement date, a territorial authority issued a written notice under section 124(2)(c)(i) (the **old notice**) requiring work to be carried out on the building or part, by a deadline stated in the old notice (the **old deadline**), to reduce or remove the danger associated with the building or part being earthquake prone (the **seismic work**).
- (2) If subpart 6A of Part 2 does not apply to the building (*see* section 133AA),—
  - (a) the old notice is revoked on the commencement date; and
  - (b) the territorial authority must notify the owner of the building of that fact.
- (3) If subpart 6A of Part 2 does apply to the building,—
  - (a) the territorial authority is deemed to have determined that the building or the part of the building is earthquake prone; and
  - (b) the territorial authority need not determine the earthquake rating of the building or part; and
  - (c) the territorial authority must, as soon as practicable after the commencement date,—
    - (i) issue an EPB notice for the building or the part of the building under section 133AL; and
    - (ii) record the details of the building or the part of the building in the EPB register and update other information in the EPB register as

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- necessary (but the territorial authority need not record the earthquake rating of the building or part); and
- (d) the deadline for completing the seismic work is determined as follows:
    - (i) if the old deadline is earlier than the deadline calculated under section 133AM(2), the deadline for completing the seismic work is the old deadline (subject to subclause (5)); and
    - (ii) if the old deadline is on or after the deadline calculated under section 133AM(2), the deadline for completing the seismic work is the deadline calculated under section 133AM(2); and
  - (e) until the territorial authority issues an EPB notice, the old notice must be treated as if it were an EPB notice issued under this Act.
- (4) To avoid doubt, for the purpose of subclause (3)(d) the deadline calculated under section 133AM(2) is the expiry of the relevant period as measured from the date of the EPB notice and not from the date of the old notice.
- (5) If an old deadline is preserved by subclause (3)(d)(i) but the period given for completing the seismic work under the old notice is shorter than the relevant period specified in section 133AM(2) (for example, an old notice issued for a building in an area of medium seismic risk required the owner to complete seismic work within 20 years after the date of that notice, but the period specified in section 133AM(2) that is relevant to the building is 25 years),—
- (a) the owner of the building or the part of the building may apply to the territorial authority to have the relevant period specified in section 133AM(2) applied retrospectively to the date of the old notice (which would have the effect of extending the deadline for completing the seismic work); and
  - (b) in deciding whether to grant the application, the territorial authority must have regard to the particular circumstances and any guidance issued by the chief executive under section 175 for that purpose; and
  - (c) if the territorial authority grants the application, the deadline is the expiry of the relevant period specified in section 133AM(2), as measured from the date of the old notice and not from the date of the EPB notice.
- (6) If a territorial authority grants an application under subclause (5), the territorial authority must—
- (a) issue or reissue (as applicable) an EPB notice for the building or part under section 133AL; and
  - (b) record the details of the decision in the EPB register and update other information in the EPB register as necessary.

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### **3 Policy adopted under section 131 before commencement date**

- (1) This clause applies to a policy under section 131 (policy on dangerous, earthquake-prone, and insanitary buildings) that is adopted by a territorial authority before the commencement date.
- (2) To the extent that the policy applies to earthquake-prone buildings, the policy ceases to apply on the commencement date.
- (3) As soon as is reasonably practicable after the commencement date, the territorial authority must amend or replace the policy to remove references to earthquake-prone buildings.
- (4) Section 132 applies to an amendment or a replacement made under subclause (3), except that the special consultative procedure in section 83 of the Local Government Act 2002 (*see* section 132(2)) does not apply unless the amendment or replacement materially affects the policy as it applies to dangerous and insanitary buildings.

### **4 Effect of certain references to parts of buildings**

The fact that provisions added to this Act by the amendment Act refer separately to buildings and parts of buildings does not limit or affect any other provision of this Act in terms of how that provision applies in respect of parts of buildings.

#### **Legislative history**

9 December 2013	Introduction (Bill 182–1)
5 March 2014	First reading and referral to Local Government and Environment Committee
2 September 2015	Reported from Local Government and Environment Committee (Bill 182–2)
1 March 2016	Second reading
30 March 2016	Committee of the whole House (Bill 182–3)
10 May 2016	Third reading
13 May 2016	Royal assent

This Act is administered by the Ministry of Business, Innovation, and Employment.



## Statement of Proposal

### Priority Buildings – Earthquake Prone Buildings

#### Introduction

The system for identifying and managing earthquake-prone buildings changed on 1 July 2017, when the Building (Earthquake-prone Buildings) Amendment Act 2016 came into force. The new system ensures the way our buildings are managed for future earthquakes is consistent across the country, and provides more information for people using buildings. There are new requirements, powers and time frames to address earthquake-prone buildings.

The new system prioritises identification and remediation of earthquake-prone buildings that either pose a high risk to life safety, or are critical to recovery in an emergency. Certain hospital, emergency, and education buildings that are earthquake prone will be 'priority buildings'. Other earthquake-prone buildings may be priority buildings due to their location, and the potential impact of their failure in an earthquake on people. These buildings must be identified with community input. Priority buildings must be identified and remediated in half the usual time, to reduce the risks to life safety more promptly.

Council seeks your feedback on proposals for roads, footpaths and other thoroughfares that should be prioritised. Council also seeks your views on whether there are any other routes that should be included.

This consultation is undertaken in accordance with section 133AF(2)(a) and (b) of the Building Act 2004, which requires Council to use the special consultative procedure in section 83 of the Local Government Act 2002 to identify certain priority buildings.

#### New system for managing earthquake-prone buildings

The Building (Earthquake-prone Buildings) Amendment Act 2016 came into force on 1 July 2017. It changes the current system for identifying and remediating earthquake-prone buildings.

The new system ensures the way our buildings are managed for future earthquakes is consistent across the country, and provides more information for people using buildings, such as notices on earthquake-prone buildings and a public register. Owners of earthquake-prone buildings will be required to take action within certain time frames depending on the seismic risk area their building is located in. Affected owners will be contacted by Council.

Horowhenua District has been categorised as a high seismic risk area. This means that Council must identify potentially earthquake-prone buildings within 5 years, and building owners must strengthen or demolish earthquake-prone buildings within 15 years<sup>1</sup>

More information about the new system can be found at: <https://www.building.govt.nz/managing-buildings/managing-earthquake-prone-buildings/>

<sup>1</sup> from the date the earthquake-prone building notice is issued.







## Priority buildings pose a high risk to life safety, or are critical to recovery in an emergency

The new system prioritises identification and remediation of earthquake-prone buildings that either pose a high risk to life safety, or are critical to recovery in an emergency. These buildings are called 'priority buildings'. Priority buildings must be identified and remediated in half the time allowed for other earthquake-prone buildings, to reduce the risks to life safety more promptly.

This means that Council must identify potentially earthquake-prone priority buildings in this district within 2.5 years, and building owners must strengthen or demolish earthquake-prone priority buildings within 7.5 years<sup>2</sup>.

Certain hospital, emergency, and education buildings that are earthquake prone are likely to be priority buildings. Some other buildings may also be priority buildings due to their location, and the potential impact of their failure in an earthquake on people.

Further guidance on priority buildings is available at: <https://www.building.govt.nz/managing-buildings/managing-earthquake-pronebuildings/resources/>

## Why we are consulting

### Your input is required to identify some priority buildings

To determine which other buildings may be priority buildings, Horowhenua District Council must identify thoroughfares have sufficient vehicular or pedestrian traffic to warrant prioritisation, if part of an Unreinforced Masonry (URM) building were to fall onto them in an earthquake.

Your views on the acceptable level of risk, our buildings, and their uses will inform Horowhenua District Council's decision on which thoroughfares and routes to prioritise.

This consultation is in accordance with section 133AF(2)(a) and 133AF(2)(b) of the Building Act 2004, which require Horowhenua District Council to use the special consultative procedure in section 83 of the Local Government Act 2002 to identify these priority buildings.

## Have your say

Anyone can make a submission on this Statement of Proposal. Submissions should clearly show the submitter's name, address, contact phone number and whether the submitter wishes to be heard by Council in support of their submission. Hearings will be held in early 2018. A submission form is attached to this document, or you can obtain one from all Council Service and Community Centres, as well as the Council's website [www.horowhenua.govt.nz](http://www.horowhenua.govt.nz)

Submissions are invited and must be received by Council no later than **5pm Friday 27 July 2018**

<sup>2</sup> From the date the earthquake-prone building notice is issued.

## Proposal

Vehicular and pedestrian thoroughfares with sufficient traffic to warrant  
prioritisation

Horowhenua District Council has applied the following criteria to identify roads,  
footpaths or other thoroughfares to be prioritised:

### 1. High pedestrian areas (people not in vehicles)

Description of use	Description of area	Example of application to Horowhenua District
Areas relating to social or	Areas where shops or other services are located	Areas such as the shopping area on the main street, the local pub, community centre
Areas relating to work	Areas where concentrations of people work and move around	Areas around businesses in small towns and rural areas where there is a concentration of workers in numbers larger than small shops or cafes
Areas relating to transport	Areas where concentrations of people access transport	Areas around bus stops, train stations, tourist centres
Key walking routes	Key walking routes that link areas where people are concentrated	Routes from bus stops or other areas relating to transport to areas where shops, other services or areas people work are located





And/or

**2. Areas with high vehicular traffic (people in motor vehicles/on bikes)**

Description of use	Description of area	Example of application to Horowhenua District
Key traffic routes	Key traffic routes regularly used by vehicles including public transport	Well trafficked main streets or sections of state highways, arterial routes
Areas with concentrations of vehicles	Areas where high concentrations of vehicles build up	Busy intersections

And

**3. Potential for part of an unreinforced masonry building to fall onto the identified thoroughfare<sup>3</sup>.**

Council seeks your views on whether the following roads, footpaths and other thoroughfares have sufficient traffic to warrant prioritisation. It also seeks your views on whether there are any other thoroughfares that should be included.

Based on there being sufficient pedestrian traffic and the potential for part of an unreinforced masonry building to fall, Horowhenua District Council proposes that the following thoroughfares be prioritised:

- The Levin CBD – the area is outlined in blue at Appendix One, any area within this boundary is a priority area. The area has now been extended to include the areas outlined in red.

## Questions

1. Do you agree with the thoroughfares identified for prioritisation?
2. If not, which thoroughfares do you disagree with and why?
3. Are there any other thoroughfares that meet the criteria but are not listed?

<sup>3</sup> An unreinforced masonry (URM) building has masonry walls that do not contain steel, timber or fibre reinforcement. URM buildings are older buildings that often have parapets, as well as verandas, balconies, decorative ornaments, chimneys and signs attached to their facades (front walls that face onto a street or open space).



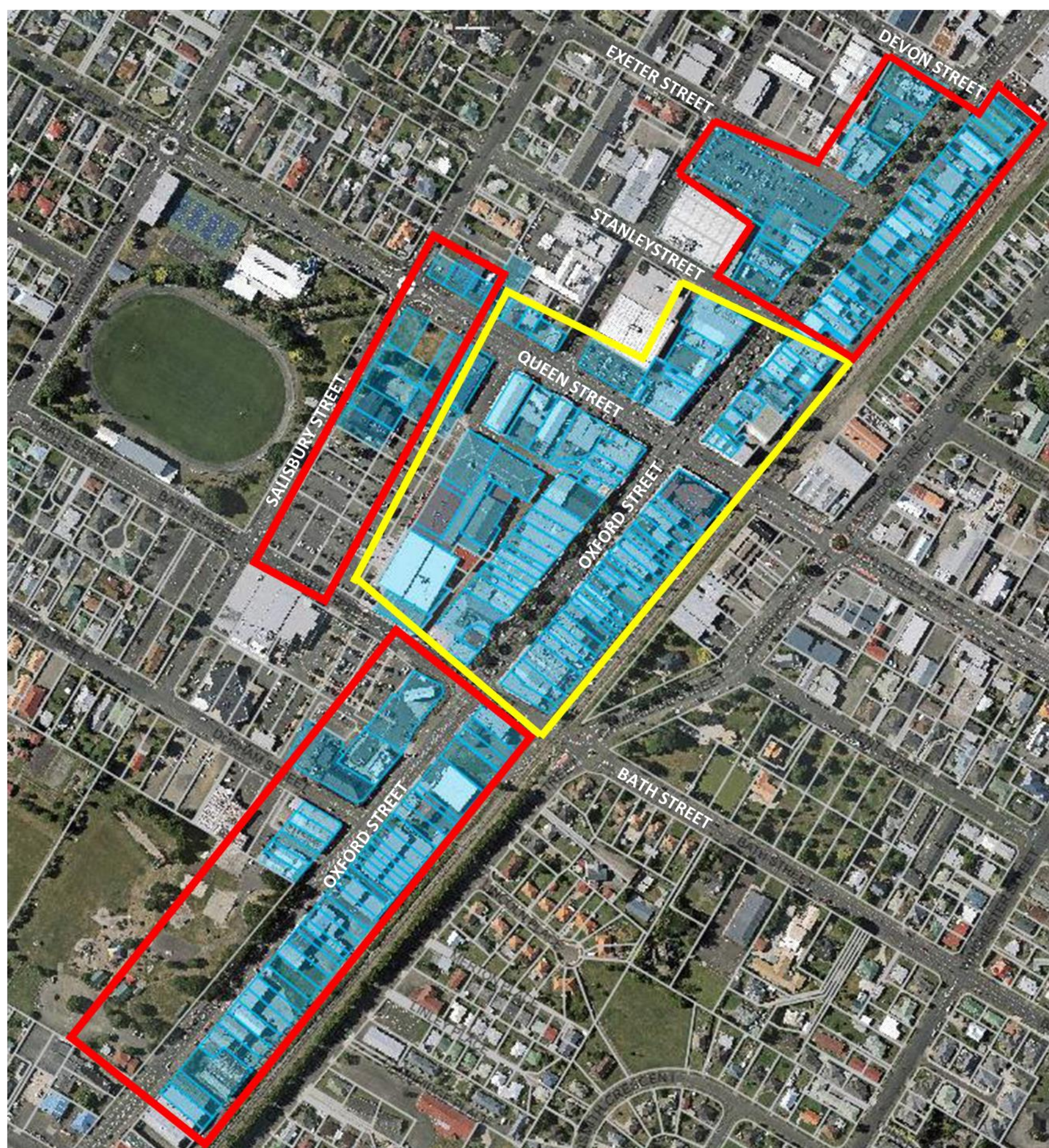
## Levin

**Highlighted Blue:** Proposed Priority Buildings

**Outlined in red:** Extension to the proposed priority area

**Outlined in Yellow:** Original proposed priority area

**Please note:** Buildings included in the priority area are not automatically deemed as earthquake-prone. Council will work through a process to determine which buildings are potentially earthquake-prone.





## Earthquake-prone Buildings – Priority Buildings

**Buildings only** located in the below list will become *Priority* buildings as they are located in the identified priority area.

**Please note:** Buildings included in the priority area are not automatically deemed as earthquake-prone. Council will work through a process to determine which buildings are potentially earthquake-prone using the Earthquake-prone Building Methodology.

Lot 1 DP 2234	Lot 14 DP 31985	Pt Sec 12 Blk IX TOWN OF
Lot 1 DP 16073	Lot 14 DP 31985	Levin
Lot 2 DP 80214	Lot 1 DP 88192	Lot 1 Blk I DP 1006
Lot 3 DP 11351	Lot 2 DP 58846	Lot 1 Blk I DP 1006
Lot 1 DP 31784	Lot 2 DP 321619	Pt Lot 2 Blk I DP 1006
Pt Sec 12 Blk IX TOWN OF	Lot 14 DP 31985	Pt Lot 2 Blk I DP 1006
Levin	Lot 1 DP 31552	Pt Sec 7 Blk XI TOWN OF
Lot 1 DP 88747	Lot 12 DP 31985	Levin
Lot 2 DP 69377	Lot 1 DP 11351	Lot 1 DP 11351
Lot 1 DP 31552	Lot 1 DP 11351	Lot 1 DP 11351
Lot 1 DP 321619	Lot 1 DP 11351	Lot 1 DP 11351
Lot 1 DP 44278	Lot 1 DP 11351	Lot 1 DP 11351
Pt Lot 2 DP 6344	Lot 1 DP 11351	Lot 1 DP 11351
Lot 1 DP 43841	Lot 1 DP 11351	Lot 1 DP 11351
Pt Lot 17 DP 1006	Lot 9 Blk I DP 1006	Lot 1 DP 11351
Lot 2 DP 10799	Pt Lot 5 DP 11351	Lot 1 DP 497156
Pt Lot 16 Blk II DP 1006	Lot 1 DP 58846	Lot 2 DP 497156
Lot 1 DP 10799	Lot 3 DP 54202	Lot 3 DP 497156
Pt Lot 15 Blk II DP 1006	Lot 1 DP 31985	Pt Sec 12 Blk IX TOWN OF
Pt Lot 15 Blk II DP 1006	Lot 2 DP 31985	Levin
Pt Lot 14 Blk II DP 1006	Lot 10 Blk I DP 1006	Pt Lot 13 DP 1734
Lot 7 DP 54202	Lot 3 DP 31985	Pt Lot 12 DP 1734
Pt Lot 14 Blk II DP 1006	Pt Lot 6 Blk II DP 1006	Pt Lot 47 DP 2175
Pt Lot 13 Blk II DP 1006	Lot 12 DP 31985	Lot 26 DP 2175
Pt Lot 12 Blk II DP 1006	Lot 3 DP 19530	Lot 2 DP 76597
Pt Lot 2 DP 13576	Lot 10 DP 31985	Lot 1 DP 76597
Lot 2 DP 88634	Lot 5 DP 31985	Lot 21 DP 2175
Pt Lot 1 DP 13576	Pt Sec 3 Blk XI TOWN OF	Lot 20 DP 2175
Pt Lot 10 Blk II DP 1006	Levin	Lot 18 DP 2175
Lot 2 DP 54202	Lot 8 DP 54202	Lot 17 DP 2175
Pt Lot 2 DP 14448	Pt Lot 11 Blk I DP 1006	Lot 1 DP 11576
Lot 1 DP 54202	Lot 3 DP 17880	Pt Sec 9 Blk VIII Town of
Pt Lot 7 Blk II DP 1006	Lot 2 DP 21464	Levin
Pt Lot 5 Blk II DP 1006	Lot 1 DP 21464	Lot 24 Blk I DP 1006
Sec 1 SO 20515	Pt Sec 2 Blk XI TOWN OF	Lot 25 Blk I DP 1006
Lot 2 DP 18107	Levin	Lot 26 Blk I DP 1006
Lot 1 DP 18107	Lot 4 DP 31985	Lot 1 DP 70205
Lot 2 DP 17880	Pt Lot 6 Blk II DP 1006	Lot 2 DP 70205
Lot 1 DP 24681	Lot 1 DP 88634	Lot 35 Blk I DP 1006
Lot 1 DP 17880	Lot 3 DP 88634	Pt Lot 11 DP 1734
Pt Lot 2 DP 34541	Pt Lot 18 DP 1006	Lot 16 Blk I DP 1006
Pt Lot 1 DP 34541	Pt Lot 1 DP 6344	Lot 1 DP 88252
Pt Lot 1 DP 45705	Pt Sec 8 Blk X TOWN OF	Lot 19 DP 2175
Lot 1 DP 69377	Levin	Lot 3 DP 348886
Lot 2 DP 88747		Lot 1 DP 436742

Pt Lot 2 DP 436742  
Pt Sec 28 Levin  
SUBURBAN  
Lot 19 Blk I DP 1006  
Pt Sec 5 Blk IX TOWN OF  
Levin  
Lot 28 Blk I DP 1006  
Pt Lot 18 Blk I DP 1006  
Lot 3 DP 2175  
Lot 22 Blk I DP 1006  
Lot 1 DP 901  
Pt Lot 17 Blk I DP 1006  
Lot 2 DP 16804  
Lot 15 Blk I DP 1006  
Lot 1 DP 16804  
Lot 1 A Plan 366  
Pt Lot 15 DP 1734  
Lot 1 DP 34078  
Pt Lot 14 DP 1734

Sec 10 Blk VI TOWN OF  
Levin  
Lot 11 DP 2175  
Lot 23 Blk I DP 1006  
Lot 33 Blk I DP 1006  
Lot 1 DP 59409  
Lot 48 DP 2175  
Lot 1 DP 5746  
Lot 1 DP 16966  
Lot 2 DP 16966  
Lot 27 Blk I DP 1006  
Pt Sec 11 Blk VI TOWN OF  
Levin  
Lot 21 Blk I DP 1006  
Pt Sec 5 Blk IX TOWN OF  
Levin  
Lot 2 DP 18410  
Lot 27 DP 2175  
Lot 10 DP 2175  
Lot 2 A Plan 366

Pt Lot 16 DP 1734  
Lot 3 DP 16804  
Pt Lot 6 DP 2175  
Lot 4 DP 2175  
Pt Lot 1 DP 2175  
Lot 9 DP 2175  
Lot 4 DP 16804  
Lot 5 DP 2175  
Lot 2 DP 2175  
Lot 32 Blk I DP 1006  
Lot 20 Blk I DP 1006  
Pt Lot 13 DP 2175  
Lot 14 DP 2175  
Lot 15 DP 2175  
Lot 16 DP 2175  
Lot 12 DP 2175  
Lot 1 DP 16913  
Lot 12 DP 2234  
Pt Lot 6 DP 2175

# Proceedings of the Community Wellbeing Committee 14 August 2018

File No.: 18/487

## 1. Purpose

To present to the Council the minutes of the Community Wellbeing Committee meeting held on 14 August 2018.

## 2. Recommendation

- 2.1 That Report 18/487 Proceedings of the Community Wellbeing Committee 14 August 2018 be received.
- 2.2 That the Council receives the minutes of the Community Wellbeing Committee meeting held on 14 August 2018.
- 2.3 That this decision is recognised as not significant in terms of s76 of the Local Government Act.
- 2.4 That, following endorsement by the Community Wellbeing Committee, the Horowhenua District Council adopts the Arts, Culture & Heritage Action Plan 2018.

## 3. Issues for Consideration

The following item considered by the Community Wellbeing Committee meeting held on the 14 August 2018 requires further consideration by the Horowhenua District Council:

### Arts, Culture & Heritage Plan 2018

Following the endorsement of the Arts, Culture & Heritage Action Plan 2018 by the Community Wellbeing Committee, it is now brought to Council for adoption.

## Attachments



No.	Title	Page
A	Arts, Culture & Heritage Action Plan	139

### 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)	Lacey Winiata <b>Communications Manager</b>	
Approved by	David Clapperton <b>Chief Executive</b>	

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# Community Wellbeing Committee

## OPEN MINUTES

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Minutes of a meeting of the Community Wellbeing Committee held in the Council Chambers, Horowhenua District Council, 126-148 Oxford Street, Levin on Tuesday 14 August 2018 at 1.00 pm.

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### PRESENT

<b>Chairperson</b>	Cr Barry Judd
<b>Deputy Chairperson</b>	Cr Jo Mason
<b>Members</b>	Ms Debra Baker
	Mr Dave Jermey (attending on behalf of Ms Barbara Bradnock)
	Mr Richard Fry (attending on behalf of Ms Katie Brosnahan)
	Mr Mike Fletcher
	Ms Eleanor Gully
	Mr Keith Hilson
	Ms Lisa Holgate
	Ms Moira Howard Campbell
	Dr Betty-Lou Iwikau
	Sgt Sarn Paroli
	Ms Brenda Rea
	Mr Patrick Rennell
	Mr Mark Robinson
	Mr Gavin Rooney
	Mrs Aroha Pakau (attending on behalf of Ms Di Rump)
	Ms Maureen Scott
	Ms Jo Smith
	Mr Liam McLeavey

### IN ATTENDANCE

Reporting Officer	Mrs Lacey Winiata	(Community Engagement Manager)
	Ms Samantha Hutcheson	(Community & Youth Development Advisor)
	Mr David Clapperton	(Chief Executive)
	Mr Daniel Haigh	(Growth Response Project Manager)
	Ms Nicki Brady	(Group Manager – Customer & Regulatory Services)
	Mr Josh Wharton	(Community Development Advisor)
	Mrs Karen Corkill	(Meeting Secretary)

### ALSO IN ATTENDANCE

Mr James Etuale	(DIA Te Tari Taiwhenua)
Ms Kelly Bevan	(General Manager, Whaioro Trust_
Ms Ree Anderson	(Ree Anderson Consulting Ltd)

## 1 Apologies

Apologies were recorded for Delphi Winter, Barbara Bradnock, Katie Brosnahan, Ella Tavernor, Margaret Williams, Eve Fone, Di Rump, and Mayor Michael Feyen.

MOVED by Cr Mason, seconded Mr Fletcher:

*That the apologies from be accepted.*

**CARRIED**

## 2 Public Participation

None requested.

## 3 Confirmation of Minutes

MOVED by Mr Rennell, seconded Sgt Paroli:

*THAT the minutes of the meeting of the Community Wellbeing Committee held on Tuesday, 12 June 2018, be confirmed as a true and correct record.*

**CARRIED**

An amendment to the minutes was noted, with the number attending the Driver Licensing Programme being 225 not 175.

## 4 Reports

### **Community Services Report to 14 August 2018**

To present to the Community Wellbeing Committee the Community Services Report 14 August 2018.

MOVED by Mr Robinson, seconded Ms Baker:

*That Report 18/326 on Community Services Report to 14 August 2018 be received.*

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

**CARRIED**

Mrs Winiata requested that the report be taken and read, highlighting some of the salient points, including:

- 20 young people had attended the recent Festival for the Future in Wellington which had been well received by all who had attended;
- the concern expressed by the Youth Network about the access to housing for youth and they would be bringing that to the October CWC meeting;
- the Age on the Go Expo which was scheduled for 5 October;
- Jim Diers, an international practitioner and expert on community-led development, who would be speaking at Te Takeretanga o Kura-hau-pō on 21 August. All welcome but an RSVP would assist when it came to anticipating numbers attending;
- Council, working with a number of partners, delivered an excellent school holiday programme and SPYFusion (South Pacific Youth Fusion) had had 115 attendees;
- a reminder that there were a number of grants open at the moment.

The Chair noted the Youth Network's focus on youth housing and how that aligned with the aims of the CWC, which was why they had been invited to address the next CWC meeting.



Mr Wharton gave a background to the Arts, Culture & Heritage Action Plan 2018, for which the CWC's endorsement was sought. The Price & Vibrancy Action Plan had been amalgamated with this Plan as there were similar objectives in both. The Plan, if adopted, would be reviewed again in 2021.

Responding to a query in relation to placemaking and what that might look like, Mr Wharton said it was about creating spaces where people naturally congregated.

Cr Judd also noted that at the LGNZ Conference two terms had been used: localism and placemaking which involved locals coming up with solutions for their own communities and bringing people together. Cr Judd said he thought that Solway Park and the play area there was a good local example of placemaking. There would be placemaking initiatives going forward that could be looked to add value for all ages in the community.

Mr Robinson raised the fact that he was advertising three or four teaching positions and finding teachers was hard at the moment. Knowing what was happening in the district and having something to assist attracting potential applicants would be helpful.

Mrs Winiata offered to assist with information that Council held, with Cr Mason also noting the great videos that were available on the Horowhenua. Ms Rea said they had recruited two permanent GPs, with one starting next week and one starting in November, and the Horowhenua video had been used in that recruitment process.

After further discussion, and with there being no concerns raised in relation to the Action Plan, it was:

MOVED by Ms Gully, seconded Ms Holgate:

*THAT the Community Wellbeing Committee endorses the Arts, Culture & Heritage Action Plan 2018.*

**CARRIED**

## **5 Reporting – by Focus Area**

- Children's Workforce

A monthly newsletter had been developed.

There was currently no waiting list for children in need.

It was explained that the 'Lead Professional' was a coordinator of services – they ensured that the children and whanau received the services that were evidenced to be needed and kept things on track.

- Community of Learners

The Change Manager's role was to help keep to the determined terms of reference so all understood their roles going forward. It was quite a change as to how people in education worked together.

There had been five cross-school teachers appointed. This would make the education space more effective for families.

- Family Harm

Sgt Paroli acknowledged Lisa Holgate who was key partner in the Inter-agency Team. One of the things Lisa would help bring on board was a case manager from the Prison to help working with prisoners who were about to be released, helping to plan their reintroduction into relationships and into families. That had come on really well in the last six months.

The Agencies were working well together and the partnership approach was starting to pay some dividends. There was also more efficient sharing of information and more efficient response times.

- Health & Wellbeing

Better use of technology was being looked at. There were practices across the district trying video consultations, trying to increase access. There was a finite resource in terms of GPs, but there was a high number of nurse practitioners and how could they be better utilised?

Now focussing on a spectrum of care in terms of community needs, from mild or moderate care compared with very complex needs of patients. A mix was currently being looked at. Mental Health had been identified as an issue and all of the mental health services currently available were on the Health Navigator site.

Noted was that there were currently some challenges in the Horowhenua in terms of digital communication, and how that was transitioned through was something that needed to be understood. The Locality Plan Digital Strategy was at varying levels.

- Growth

Daniel Haigh, Council's Growth Response Manager, explained his role and what that had involved him in to date.

Jo Smith queried what was being done in terms of housing for today and for the future, as going forward there would be a significant number of people with cognitive impairment. People in their 60s and 70s who were cognitively impaired needed double the light and there was a lot of work that Council could get involved in around environmental spaces. It could be problematic in the future if attention was not paid to that level of design now. Mr Haigh said that was something that had been talked about. Cr Mason also noted Project Lift which was occurring alongside Council's Growth Strategy 2040. It was about making Horowhenua a liveable district in the future and planning for the higher population of aged people who live here. It was happening in the background and was informing some of the other work being done.

- Housing

Messrs Fry and Hilson gave a Power Point presentation covering the housing register for Horowhenua, Housing NZ properties in Horowhenua, housing demand, emergency housing, transitional housing, Horowhenua working age clients in receipt of a Mian Benefit, and disability indicators. A copy of the Power Point presentation is **attached** to the official minutes.

There would be a Housing New Zealand Road Show in the Horowhenua in September to inform what was planned for this area. Underutilised land was currently being identified and tenants were being canvassed with regard to use of the land to build more homes.

Whether work was being done to identify older people living in 2-3 bedroom homes was raised, with it noted that there were statistics available on underutilised homes and data was available on the MSD website.

## **6 Horowhenua 2040/Provincial Growth Fund**

Mrs Brady gave a PowerPoint presentation on Horowhenua 2040 which set out Council's vision for the district. With Council's aspirations being bigger than the funding mechanisms it had available, the possibility of seeking funding from the Provincial Growth Fund (PGF) was an avenue that Council would be exploring.

Mr Clapperton outlined the targeted approach that he would like to undertake to source funding from the PGF and sought the input from those around the table to assist.

## **7 Communication Focus**

With the meeting running over time, the Communication Focus to be deferred to the next CWC meeting.

3.20 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 WELLBEING  
COMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....

# Arts, Culture & Heritage

## Action Plan 2018

### Vision Statement

*The Horowhenua District has a creative, thriving and sustainable Arts, Culture and Heritage sector and a vibrant community that residents and visitors alike are proud of.*

### Introduction

There is much to love about the Horowhenua District. A diverse area spanning over 1000km<sup>2</sup>, residents of the district have unparalleled access to beaches, forests, mountain ranges and rivers within a short drive. Our natural beauty has been a source of inspiration and activity for many in the arts, culture and heritage sector.

Horowhenua has a strong and diverse history with strong ties to Tangata Whenua, as well as cultural immigrant populations. The Horowhenua continues to progress towards a more vibrant community through events such as Art in the Park, Matariki and Maori language week, Diwali, Local History Week and many more.

The shared vision for Horowhenua is to celebrate our already rich history and community-led achievements. Arts, Culture and Heritage add value across all facets of human activity and development. These three pillars of Arts, Culture and Heritage will build the foundation of this action plan.

### History of Action Plan

The Arts, Culture and Heritage Action Plan originally began in 2004 as the Arts, Culture and Heritage Strategy. It has been reviewed multiple times since, and most recently has merged with the Pride and Vibrancy Action Plan in 2017. The decision to amalgamate both plans was made as both plans had similar objectives. A thriving Art, Culture and Heritage plan will in turn create pride and vibrancy. This plan continues to be supported as one of the five action plans that sit under the overarching Community Wellbeing Strategy.

### Timeframe

This action plan has a three year span and will next be reviewed in 2021. Over this time different initiatives and projects related to this plan will be implemented.

Progress on this plan will be reported to the Community Wellbeing Committee. Other community forums such as the Older Persons Network, Access and Inclusion Forum and Youth Network will be contributors to the success.

### How was this plan developed and our stakeholders?

When Council began this review process, a number of groups were consulted to ensure the document captured the different perspectives across the sector. Care was taken to ensure a diverse range of stakeholders were represented in the formulation of this plan.

- Muaūpoko Tribal Authority
- Raukawa Whanau Ora
- Te Taitoa o Te Awahou Trust
- Fale Pasifika
- Keep Levin Beautiful
- Levin Art Society

- Horowhenua, Waiopahu and Manawatu College
- Levin Music Society
- Horowhenua Historical Society
- Foxton Historical Society
- Levin Chinese Cultural Group
- Levin Pottery Group

## Definitions & Keywords

- Art
  - The expression or application of human creative skill and imagination, typically in a visual form such as painting or sculpture, producing works to be appreciated primarily for their beauty or emotional power
- Culture
  - The shared beliefs, values, customs, behaviours and artefacts that the members of society use to cope with their world and with one another and that are transmitted from generation to generation through learning
- Heritage
  - Valued objects and qualities such as historic buildings and cultural traditions that have been passed down from previous generations
- Pride
  - Pride encompasses the way we feel about the District, the perception that all stakeholders have about the district
- Vibrancy
  - Vibrancy is the physical manifestation of pride; shown through lively and joyous public spaces, attendance at community events and interactions with our local arts, culture, heritage activities

## Success would look like

- We are proud of the heritage and diversity of our District and our people
- Our Community's cultural diversity is celebrated
- Our Communities individually and collectively participate in community development
- Increased cross sector collaboration and sharing of information
- Our Community rich in Community-led initiatives
- A vibrant, colourful community
- Better communication
- Place-making initiatives to occur frequently
- Our Communities have a 'sense of place' that makes people proud to live here

# Outcomes

Outcome One: Horowhenua will be a place full of vibrant events and activities:

- a) Local events will be regularly communicated to the public and supported by council through a variety of communication methods e.g. social media, event pages, local events calendar
- b) Annual Horowhenua's got Talent competition held by the Horowhenua District Council
- c) Horowhenua District Council to explore the opportunity of an open busking stage in Levin and Foxton by 2020
- d) Horowhenua District Council to complete two annual place making initiatives.

Outcome Two: Horowhenua; a district rich in Arts, Culture and Heritage; will publically celebrate its depth and diversity

- a) Horowhenua will see many sectors working together to unlock creativity and resources.
- b) Civic awards to be held annually to recognise those who greatly contribute to the sector
- c) Community and Council will support our diverse cultures to maintain and enhance their traditions and taonga
- d) Horowhenua District Council will honour the Treaty of Waitangi and its principles.

Outcome three: Our communities will feel well supported by Council and community to complete community led initiatives:

- a) Community capacity building programmes relevant to arts, culture, and heritage groups will be made available, with the aim to assist in creating sustainable organisations with knowledgeable and skilled members
- b) Arts, culture, and heritage initiatives will be identified and supported as key drivers in attracting more visitors to the District, positively benefitting economic growth
- c) Facilitate and support networking opportunities for creative organisations to enable information and idea sharing between groups
- d) Te Takeretanga o Kura-hau-pō and Te Awahou Nieuwe Stroom will continue to be vehicles for the Community and Council for a thriving Arts, Culture and Heritage Sector
- e) Grants and Funding Schemes (including both Vibrant and Creative Communities) will be operated to increase community access to, and engagement in initiatives.

Outcome four: Horowhenua will reflect vibrant communities that our residents and visitors alike are proud of

- a) Council will explore the option of 'window exhibitions' for empty shop windows in Town Centres.
- b) Rubbish and anti-graffiti vandalism will be targeted by community clean-up initiatives
- c) Public displays of art, such as murals and sculptures will be encouraged and advocated for
- d) Culture, Heritage, Arts will be encouraged through Community Development initiatives
- e) Celebrate and protect a rich history that continues to inform and shape the District's future.

# Proceedings of the Community Funding & Recognition Committee 15 August 2018

File No.: 18/489

## 1. Purpose

To present to the Council the minutes of the Community Funding and Recognition Committee meeting held on 15 August 2018.

## 2. Recommendation

- 2.1 That Report 18/489 Proceedings of the Community Funding & Recognition Committee 15 August 2018.
- 2.2 That the Council receives the minutes of the Community Funding and Recognition Committee meeting held on 15 August 2018.
- 2.3 That the following matters or decisions be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.4 That the Horowhenua District Council ratifies the grants (and any associated conditions) from the Heritage Fund as follows:

	\$
Amy Spencer	2,873.00
Edward Osborne	4,125.50
Jim and Sarah Harper	5,575.00
Laurence Smaling	5,685.00
Lynda Baylis and Paul Mabey	1,000.00
Suzanne Stockwell on behalf of Foxton Little Theatre	<u>6,616.00</u>
	\$25,874.50

## 3. Issues for Consideration

Council's ratification of the above grants from the Heritage Fund is sought.

The Committee will reconvene when the requested further quotation is received to consider the deferred application from Nicola Pointon.

## 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)	Caitlin O'Shea <b>Strategic Planner</b>	
Approved by	David McCorkindale <b>Group Manager - Strategy &amp; Development</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 Ante Room, 126-148 Oxford St, Levin, on Wednesday 15 August 2018 at 1.30 pm.

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### PRESENT

**Chair** Cr N G Gimblett  
**Deputy Chair** Cr R H Campbell  
**Councillors** Cr J F G Mason  
Cr P Tukapua  
Cr B P Wanden

### IN ATTENDANCE

Ms C O'Shea (Strategic Planner)  
Ms A Cotter-Hope (Projects Coordinator – Strategy & Development)

#### 1 Apologies

There were no apologies.

#### 2 Declaration of Interest

Cr N G Gimblett – Conflict of interest through personal relationship with Jim and Sarah Harper

#### 3 Reports

##### 3.1 Heritage Fund Allocation

###### Purpose

To present to the Community Funding & Recognition Committee the applications received for grants from the Heritage Fund.

MOVED by Cr Campbell, seconded Cr Wanden:

*THAT Report and supporting information for grants from the Heritage Fund be received.*

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

**CARRIED**

The application from Alan Windle was discussed.

MOVED by Cr Campbell, seconded Cr Mason:

*THAT the allocation of funds to Alan Windle be: \$0.00*

*AND FURTHER*

*THAT Council Officers encourage the applicant to apply for the next round of funding with a complete application (i.e. including quotes).*

**CARRIED**

The application from Amy Spencer was discussed with Cr Gimblett advising that he had contacted Ms O'Shea about whether the poor workmanship the applicant raised in their application was the responsibility of Council or the contractor. He had been informed that it was not Council and the current owner did not own the property when the work was undertaken.

MOVED by Cr Wanden, seconded Cr Campbell:

*THAT the final allocation of funds to Amy Spencer be: \$2,873.00*

**CARRIED**

The application from Edward Osborne was considered.

MOVED by Cr Mason, seconded Cr Campbell:

*THAT the final allocation of funds to Edward Osborne be: \$4,125.50*

*AND FURTHER*

*THAT Council Officers include the following conditions that the applicant must meet in order for the funds to be released:*

- *The applicant must provide evidence to the satisfaction of the Group Manager - Strategy and Development that they have obtained any necessary consents or approvals required from Horowhenua District Council and Heritage New Zealand.*
- *The applicant agrees to prioritise the funds for the work most necessary to preserving the integrity of the structure of the dwelling (e.g. replacement of weatherboard, corner boxes, floor joists and piles).*

**CARRIED**

Having declared an interest in the following application from Jim and Sarah Harper, Cr Gimblett took no part in the decision.

MOVED by Cr Wanden, seconded Cr Mason:

*THAT the allocation of funds to Jim and Sarah Harper be: \$0.00*

**CARRIED**

General discussion ensued on funding retrospective applications.

MOVED by Cr Mason, seconded Cr Wanden:

*THAT the final allocation of funds to Jim and Sarah Harper be: \$5,575.00*

**CARRIED**

The application from Laurence Smaling was considered.

MOVED by Cr Campbell, seconded Cr Tukapua:

*THAT the final allocations of funds to Laurence Smaling be: \$5,685.00.*

*AND FURTHER*

*THAT Council Officers include the following conditions that the applicant must meet*

*in order for the funds to be released:*

- *The applicant must provide evidence to the satisfaction of the Group Manager Strategy and Development that they have obtained any necessary consents or approvals required from Horowhenua District Council and Heritage New Zealand.*
- *The applicant agrees to use the funds to ensure the dwelling is weathertight.*

**CARRIED**

The application from Lynda Baylis and Paul Mabey was considered.

MOVED by Cr Wanden, seconded Cr Mason:

*THAT the final allocations of funds to Lynda Baylis and Paul Mabey be: \$1,000.00.*

**CARRIED**

There was general discussion on the application from Nicola Pointon. It was raised that the quote provided with the application was not sufficient. To allow the application to be progressed it was:

MOVED by Cr Campbell, seconded Cr Wanden:

*THAT Council Officers request the applicant, Nicola Pointon, to provide a quote from a different contractor with sufficient information (i.e. costs for labour and materials).*

**CARRIED**

It was agreed that the decision on this application be deferred until the further requested quote was received. Should the quote contain sufficient information, it was further agreed that an allocation of funds of \$4,125.50 be made to Nicola Pointon, with the following condition:

THAT Council Officers include the following condition that the applicant must meet in order for the funds to be released:

- *The applicant must provide evidence to the satisfaction of the Group Manager Strategy and Development that they have obtained any necessary consents or approvals required from Horowhenua District Council and Heritage New Zealand.*

The application from Suzanne Stockwell on behalf of Foxton Little Theatre was considered.

MOVED by Cr Wanden, seconded Cr Mason:

*THAT the final allocations of funds to Suzanne Stockwell on behalf of Foxton Little Theatre be: \$6,616.00.*

**CARRIED**

### **General Discussion/Resolutions**

MOVED by Cr Wanden, seconded Cr Mason:

*THAT only one grant per financial year per property be allocated from the Heritage Fund.*

**CARRIED**

MOVED by Cr Wanden, seconded Cr Campbell:

*THAT only retrospective applications for works paid for within the previous twelve (12) months can apply to the Heritage Fund.*

**CARRIED**

MOVED by Cr Campbell, seconded Cr Wanden:

*THAT quotes received to the Heritage Fund are itemised by materials and labour and include the full contact details of the contractors (i.e. name, address and phone number). Quotes prepared by close family members need to be declared as such.*

**CARRIED**

A general discussion was had around the return of investment to the community with the possibility of having signs marking the heritage properties and/or a heritage trail.

3.10 pm

The meeting adjourned, to be reconvened at a date to be advised.

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

**DATE:**.....

**CHAIRPERSON:**.....

# Proceedings of the Strategy Committee 15 August 2018

File No.: 18/488

## 1. Purpose

To present to the Council the minutes of the Strategy Committee meeting held on 15 August 2018.

## 2. Recommendation

- 2.1 That Report 18/488 Proceedings of the Strategy Committee 15 August 2018 be received.
- 2.2 That the Council receives the minutes of the Strategy Committee meeting held on 15 August 2018.

## 3. Issues for Consideration

There are no items considered by the Strategy Committee that require, at this juncture, 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)	David Clapperton Chief Executive	
Approved by	David Clapperton Chief Executive	

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# Strategy Committee

## OPEN MINUTES

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Minutes of a meeting of the Horowhenua District Council Strategy Committee held in the Council Chambers, 126-148 Oxford St, Levin, on Wednesday 15 August 2018 at 4.00 pm.

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### PRESENT

<b>Acting Chair</b>	Mrs J F G Mason
<b>Councillors</b>	Mr W E R Bishop
	Mr R J Brannigan
	Mr R H Campbell
	Mr N G Gimblett
	Mr B F Judd
	Mrs C B Mitchell
	Ms P Tukapua
	Mr B P Wanden

### IN ATTENDANCE

Mr D M Clapperton	(Chief Executive)
Mr D Law	(Chief Financial Officer)
Mr D McCorkindale	(Group Manager – Strategy & Development)
Mrs N Brady	(Group Manager – Customer & Regulatory Services)
Mr D Haigh	(Growth Response Manager)
Mrs L Winiata	(Community Engagement Manager)
Mr I McLachlan	(Risk Management Lead)
Ms T Hayward	(Communications Advisor)
Mrs K J Corkill	(Meeting Secretary)

### MEDIA IN ATTENDANCE

Ms J Baalbergen	(“Chronicle”)
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### PUBLIC IN ATTENDANCE

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

#### 1 Apologies

Apologies were recorded for Mayor Feyen and Cr Kaye-Simmons.

MOVED by Cr Wanden, seconded Cr Campbell:

*THAT the apologies from Mayor Feyen and Cr Kaye-Simmons be accepted.*

**CARRIED**



## 2 Public Participation

- Christina Paton 7.1 Development Contributions and Financial Contributions  
7.2 Growth Response Projects Update

## 3 Late Items

Whilst not a late item, with the leave of the meeting it was agreed that Item 8.1 Horowhenua 2040 Strategy Update would be brought forward on the Agenda and would be the first item addressed.

## 4 Declaration of Interest

Deputy Mayor Bishop declared an interest in relation to 7.1 Development Contributions and Financial Contributions – Discussion Paper.

## 5 Confirmation of Minutes

MOVED by Cr Brannigan, seconded Deputy Mayor Bishop:

*THAT the Open & In Committee minutes of the meeting of the Strategy Committee held on Wednesday, 4 July 2018, be confirmed as a true and correct record.*

**CARRIED**

## 6 Announcements

There were no announcements; however in relation to Report 17/636 – Development Contributions & Financial Contributions – Discussion Paper, Mr Clapperton noted corrections in the figures in the table on page 13.

## 8 Customer and Regulatory Services

### 8.1 Horowhenua 2040 Strategy Update

#### Purpose

To present the Strategy Committee with an update on the Horowhenua 2040 Strategy.

MOVED by Deputy Mayor Bishop, seconded Cr Tukapua:

*THAT Report 18/473 Horowhenua 2040 Strategy Update be received.*

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

**CARRIED**

Prefacing her presentation with the fact that her two daughters were the fifth generation of her family to live in the Horowhenua which highlighted her connection and commitment to this district, Mrs Brady gave a PowerPoint presentation which gave a background to the refreshment and alignment of Horowhenua 2030 (which had been developed to identify projects which had a strong strategic fit within New Zealand's future direction and any subsequent Central government policy and/or investment decisions), to Horowhenua 2040 following the 20 year Long Term Plan process that Council had just undertaken. She noted the three priority areas that had been identified: People; Community and Place and the priorities that underpinned those areas

With the aspirations of the Strategy being bigger than the funding mechanisms of Council, Mrs Brady spoke about Central Government's Provincial Growth Fund through which it had committed to investing \$3 billion over three years in regional economic development to enhance economic development opportunities, create sustainable jobs, enable Māori to reach full potential, boost social inclusion and participation, build resilient communities, and help meet New Zealand's climate change targets. Mrs Brady then outlined how Council would look to access some of that funding to meet its 2040 aspirations.

At the conclusion of her presentation, pupils from Levin East School gave a moving rendition of a song "Whakapono" (written for them by Council's Customer Experience Manager, Aroha Pakau), which was followed by a further song "Matariki" in which they were joined by Council's Waiata Group.

Mrs Brady then responded to queries from Councillors which included how this sat in relation to Accelerate 25, with Mr Clapperton also noting that this was a great opportunity to synergise back to Accelerate 25 and with Mrs Brady having created a framework to work within in terms of the great things that were available in the Horowhenua, if it was done judiciously there was the potential to get a high level of funding support from Central Government.

Having declared an interest in the following item, Deputy Mayor Bishop withdrew from the table.

## **7 Executive**

### **7.1 Development Contributions and Financial Contributions - Discussion Paper**

#### **Purpose**

To provide Council with background information on Development Contributions and Financial Contributions.

#### Public Participation

Speaking to both 7.1 Development Contributions and Financial Contributions – Discussion Paper, and 9.1 Growth Response Update, Mrs Paton stressed the need to have a water sustainability included, particularly with the growth that was being predicted for the district. She suggested including Development Contributions in any development agreements and in terms of 9.1 and the Horowhenua Growth Strategy 2040, Mrs Paton said she was pleased to see the liquefaction and flood hazard risk included for potential growth areas..

MOVED by Cr Wanden, seconded Cr Gimblett:

*THAT Report 17/636 on Development Contributions and Financial Contributions - Discussion Paper be received.*

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

**CARRIED**

Mr Clapperton, speaking to the Discussion Paper, said this was a scene setter for work that would be undertaken over the next six months or so. It had been signalled prior to last Christmas that Development Contributions (DCs) would be looked as a potential source of income, but Council had had to understand what the growth-related infrastructure requirements would be over the next 10-20 years before undertaking that work as DCs could not be collected if there was no growth component. It was also not just about DCs, but other funding mechanisms that may be available to Council needed to be explored. He outlined what the work to be

undertaken would entail and what could and could not be included in terms of seeking funding from the Provincial Growth Fund.

Councillors' queries and comments covered:

- the previous DC regime that had been discontinued in 2015;
- looking at what other territorial local authorities were doing in terms of DCs;
- understanding the legislative changes in relation to DCs;
- understanding the difference between DCs and Financial Contributions;
- the need for the issue to be well researched so Elected Members could make a well informed decision; and
- any policy needed to be easy to understand and easy to administer.

Deputy Mayor Bishop re-joined the table.

## 9 Strategy and Development

### 9.1 Growth Response Projects Update

#### Purpose

To provide a status update on the Growth Response work programme with a focus on providing up to date information on current key projects and planning.

MOVED by Cr Judd, seconded Cr Wanden:

*THAT Report 18/430 Growth Response Projects Update be received.*

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

**CARRIED**

Requesting his report be taken as read, Mr Haigh acknowledged the comments made by Mrs Paton saying that these had validated the work that had been and was being done, and whilst the primary focus for the Growth Strategy was around the availability of land, looking at risk, and the ability to provide services, the issue of a sustainable water supply was not being overlooked.

Mr Haigh particularly highlighted the increased focus on Gladstone Green and the status of O2NL which were also a focus for Elected Members in their queries and comments.

5.43 pm

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

CONFIRMED AS A TRUE AND CORRECT RECORD  
AT A MEETING OF THE STRATEGY COMMITTEE  
HELD ON

**DATE:**.....

**CHAIRPERSON:**.....



# Monitoring Report to 29 August 2018

File No.: 18/426

## 1. Purpose

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

## 2. Recommendation

- 2.1 That Report 18/426 Monitoring Report to 29 August 2018 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	160

### 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	
Approved by	David Clapperton Chief Executive	

<p style="text-align: center;"><b>MONITORING REPORT</b></p> <p style="text-align: center;"><b>HOROWHENUA DISTRICT COUNCIL</b></p>							
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
14/585	2 July 2014	District Plan: Plan Change Timing	<p><i>THAT the preparation and processing by officers of the following plan changes to the District Plan be postponed from the 2014/15 financial year and be undertaken within 2015/16 financial year:</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <i>Sites of Cultural Significance</i></li> <li><input type="checkbox"/> <i>Historic Heritage</i></li> <li><input type="checkbox"/> <i>Dunefields Assessment</i></li> <li><input type="checkbox"/> <i>Coastal Hazards.</i></li> </ul>	D McCorkindale			<p>Historic Heritage Plan Change 1 has publicly notified 3 November 2017. Submissions closed 5 December 2017. The Summary of Submissions will be notified in February 2018. The hearing of submissions on this plan change took place 28 May 2018. A decision will be prepared following deliberations and is anticipated to be presented to Council for adoption in August 2018.</p> <p>Paiaka Camp will be considered in the next (second) phase of heritage assessments subject to the agreement of the land owner for its inclusion. The second phase will commence after the first plan change has been completed. The focus of this phase will be</p>

<p style="text-align: center;"><b>MONITORING REPORT</b></p> <p style="text-align: center;"><b>HOROWHENUA DISTRICT COUNCIL</b></p>							
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
							on the residential heritage features that were previously nominated.
17/574	27 November 2017	Proceedings of the Strategy Committee 8 November 2017	<i>THAT as recommended by the Strategy Committee, Horowhenua District Council sponsors the establishment of a charitable community trust with the Chief Executive mandated to provide appropriate advice and assistance as the Trust is established.</i>	D Clapperton			Currently working through establishment programme, including developing the Collaboration Deed which will outline the relationship between Council and the Trust. Council was briefed on matters relating to the Trust on 13 June 2018.
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			Awaiting instruction from the Licensing Authority following the lodgement of an appeal to the Local Alcohol Policy.
18/171	18 April 2018	CE's Report to 18 April 2018 – Electric Vehicle Charging Stations	<i>THAT Horowhenua District Council makes a joint application to the Energy Efficiency and</i>	D Clapperton			EECA has approved funding application.  Partners are currently in



<p style="text-align: center;"><b>MONITORING REPORT</b></p> <p style="text-align: center;"><b>HOROWHENUA DISTRICT COUNCIL</b></p>							
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
			<p><i>Conservation Authority (EECA) for funding to install Electric Vehicle charging stations in the Horowhenua District.</i></p> <p><i>THAT the car park of the Shannon Railway Station may be utilised for the installation of up to four Electric Vehicle charging stations (subject to a grant being approved by EECA).</i></p> <p><i>THAT Wharf Street, Foxton may be utilised for the installation of up to four Electric Vehicle charging stations (subject to a grant being approved by EECA).</i></p> <p><i>THAT the Horowhenua District Council contributes up to \$40,000 towards the installation of Electric Vehicle charging stations in Foxton and</i></p>				<p>planning process.</p> <p>This project will be largely partner driven due to their knowledge, skills and experience as well as the need to look at the project as a whole (both Kapiti Coast and Horowhenua Districts).</p> <p>Completion timeframes will be better known once planning process has been completed.</p>

<p style="text-align: center;"><b>MONITORING REPORT</b></p> <p style="text-align: center;"><b>HOROWHENUA DISTRICT COUNCIL</b></p>							
Item No.	Meeting Date	Item Description	Resolved / Action	Responsible Officer	Date to Action by	Date Completed	Officer Comment
	18 July 2018		<p><i>Shannon.</i></p> <p><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></p>				<p>A decision expected from EECA on funding approval by the end of August 2018.</p>



# Chief Executive's Report to 29 August 2018

File No.: 18/429

## 1. Purpose

For the Chief Executive to update Councillors, or seek endorsement on, a number of matters being dealt with.

## 2. Recommendation

- 2.1 That Report 18/429 Chief Executive's Report to 29 August 2018 be received.
- 2.2 That these matters or decisions be recognised as not significant in terms of s76 of the Local Government Act 2002.
- 2.3 That the exemption granted to the Manawatu-Wanganui Regional Disaster Relief Fund Trust from being a council-controlled organisation be confirmed, with Council noting that the Trust is a small organisation, that the nature and scope of its activities is limited and does, in the main, take place only after significant adverse effects, and that there would be significant additional costs if the Trust were to be required to meet all the obligations of a council-controlled organisation.
- 2.4 That Council Controlled Organisation exemption be extended to the Shannon Community Development Trust for a further three (3) years under section 7 of the Local Government Act, due to the unchanged scope and scale of the Trust and existing robust reporting process.
- 2.5 That the Horowhenua District Council writes to manufacturers and distributors of antibacterial wipes sold in New Zealand requesting that they change their products' packaging so that it clearly states that the wipes should not be flushed down toilets  
AND FURTHER  
That the Horowhenua District Council writes to supermarket operators Progressive Enterprises and Foodstuffs to request that they develop in-store signage alerting customers to the dangers of disposing of antibacterial wipes down the toilet.

## 3. Chief Executive Updates

### 3.1 The Manawatu Wanganui Regional Disaster Relief Fund Trust – Exemption from CCO Status

When the Trust was established in 2004, it was exempted from status as a council-controlled organisation because each of the local authorities appointing trustees passed a resolution to that effect. The Council has now been requested to pass another resolution to this effect.

### 3.2 Shannon Community Development Trust

#### CCO Exemption

On 7 November 2012, Council granted the Shannon Community Development Trust exempt status from being a Council Controlled Organisation (CCO) under section 7 of the Local Government Act.

As specified in section 7 (2) of the Local Government Act, the Trust is subject to comparable reporting and monitoring requirements as a CCO, with its annual report and financial statements being prepared in line with the CCO format recommended by Audit New Zealand.

Under section 7 (5), exemption can be made by resolution of its Local Authority on the grounds of:

- a) The nature and scope of the activities provided by the organisation; and
- b) The costs and benefits, if an exemption is granted, to the local authority, the organisation and the community.

The Shannon Community Development Trust is a small organisation, with a specific and limited purpose. Its operating revenue is sourced from interest on its Term Deposit, which provides the Trust less than \$15,000 each year, and much less in an environment of low interest rates.

If it were subject to the extra expenses associated with the full regulations of a CCO, such as full audit by Audit New Zealand, its ability to function would be significantly diminished.

Section 7 (6) of the Local Government Act specifies that exemption must be reviewed every three years. Given no significant change to the rationale behind the existing CCO exemption for the Trust since 2012, it is recommended that CCO exemption be continued, with next review in 2021.

### 3.3 **Reducing Wet Wipe Products in the Wastewater System**

Nelson City Council has requested HDC's support for a targeted campaign aimed at reducing the harmful effects of wet wipe products on wastewater systems and the environment. Council has been requested to write letters to the companies selling wet wipe products in New Zealand expressing concern and requesting that they make changes to their packaging to clearly inform consumers not to flush these products down toilets.

A copy of the letter from Nelson City Council is **attached**.

### 3.4 **Economic Update**

An economic update will be provided, with information to be tabled at the meeting.

### 3.5 **Horizons Passenger Transport Committee Report 21 August 2018 – Cr Gimblett**

After a prolonged period of decline, use of public passenger transport throughout the Horizons region is showing a slow increase, with the exception of the Levin to Palmerston North service, and Whanganui urban services. Increase and decrease of patronage appears to be responsive to fuel prices. Trial services of a new route in the Summerhill area are showing good results, but a similar trial of increased frequency of services is not showing good results.

Two services directly affecting the Horowhenua District were due for review and the recommendation was made to continue them for a further 3 years subject to minor changes on one route.

The Day Out In Town, a Friday service connecting Levin, Shannon, Foxton and Foxton Beach, was confirmed to continue for 3 years as is. This service is extremely well used but fails to meet financial expectations for a number of reasons. The long length of the route, the fact that 80% of users have Gold Cards, entitling them to free travel, and a low \$2 fare for others, which limits the reimbursement received for Gold Card users, contributes to a fare box recovery of only 8%. HRC has an aim of 45% fare box recovery. Despite this, the \$ cost per passenger is not out of line with some of the other niche services run. After some discussion about fare rises the committee opted to retain the current \$2 fare.

The Levin to Waikanae trial service was also recommended for contract renewal for a further 3 years, with a few minor changes allowing a slightly longer time in Wellington. The service will connect with a slightly earlier train in the morning and a slightly later train in the

afternoon, and the scheduled stop at Manakau will become a request only stop. There is a locally held view that the service would be better changed to a Monday and Friday and that hours could still be lengthened further. Horizon's survey feedback was not clear cut on this issue, and if such a change was made there would be a scheduling clash with the Day Out In Town service. It is suggested that as a Council we work with Lew Rohloff and Margaret Williams to gain a stronger understanding of the local feeling on the best days for this service.

The Levin to Palmerston North service covering the work day continues to show a decline in patronage but still meets fare box recovery targets at over 50%. This is a valuable service to the district and with rising fuel prices could perhaps be better promoted locally.

At the next committee meeting in November a further off peak Levin to Palmerston North bus service will be discussed for funding in the 2019 Annual Plan. This would be in a similar vein to the Levin to Waikanae service and I would like to see HDC give any support required for this.

From these discussions came a longer term viewpoint to create a public transport corridor from Palmerston North to Wellington, with regular services throughout the day. This corridor could consist of train or bus services but the general feeling was that initially buses would be more practicable. Creation of such a corridor would make the need for Levin to Waikanae, and Levin to Palmerston North, as stand-alone routes, redundant. This is a discussion that should be advanced, particularly with Palmerston North City, at a higher level.

There is a general feeling at the Transport Committee that public transport is a key component to creating liveable communities. As Horowhenua contemplates strong growth we need to consider that aspect of our liveability and perhaps it is also time to consider the Jim Diers approach of supporting ground up initiatives on this.

## Attachments



No.	Title	Page
A	Letter from Nelson City Council re wet wipes campaign	168

### 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 Clapperton Chief Executive	
Approved by	David Clapperton Chief Executive	

07 May 2018

Dave Clapperton  
Chief Executive Officer  
Horowhenua District Council

By email: davidc@horowhenua.govt.nz

Dear David

**REDUCING WET WIPE PRODUCTS IN WASTEWATER SYSTEM**

I am writing to you on behalf of Nelson City Council to request your support in a targeted campaign aimed at reducing the harmful effects of wet wipe products on our wastewater systems and the environment.

As you will be aware, sewer pipes and sewer pumps are being blocked by wet wipe type products and are an ongoing problem around the world.

At a recent Council meeting, Councillors expressed their concerns and resolved to ask the manufacturers and distributors of wet wipes to take greater responsibility in alerting consumers to the dangers posed by flushing their products. As a result of the Council resolution, we have written to the manufacturers and distributors of these products to express our concern and to request that they make changes to their packaging to clearly inform consumers not to flush the products.

A1950280

Our Councillors believe the messaging should be boldly presented in an unmissable manner so that consumers are in no doubt that the products should not be flushed. Councillors do not believe that warnings in the small print on the back of packaging are sufficient. We ask that your Council join us in this endeavour, and write letters of your own to the companies selling wet wipe products in New Zealand.

Please find attached the letter from Nelson City Council to the companies in question and the contacts for those companies. The more these businesses hear from local authorities and the more media attention our calls receive, the greater our chances of success. Thank you for considering this request.

Yours sincerely



**Pat Dougherty**  
Chief Executive Officer

Enclosure: Council Resolution from 20 March 2018  
List of manufacturers and addresses (A1950180)



## 16. Notice of Motion - Impact of Blockages to the Wastewater Network

### Recommendation

#### ***That the Council***

***Receives the report Notice of Motion - Impact of Blockages to the Wastewater Network (R9086) and its attachment/s (A1920088); and***

***Writes to the manufacturers and distributors of antibacterial wipes sold in New Zealand requesting that they change their products' packaging so that it clearly states that the wipes should not be flushed down toilets; and***

***Writes to other councils to encourage them to write to the manufacturers and distributors of antibacterial wipes with the same request; and***

***Writes to supermarket operators Progressive Enterprises and Foodstuffs to request that they develop in-store signage alerting customers to the dangers of disposing of antibacterial wipes down the toilet;***

<u>Full Name</u>	<u>Title</u>	<u>Company</u>	<u>Email</u>
Craig Smith	Managing Director Australia and New Zealand	Kimberley Clark	<a href="mailto:craig.smith@kcc.com">craig.smith@kcc.com</a>
Sid Takla	CEO	Asaleo Care	<a href="mailto:sid.takla@asaleocare.com">sid.takla@asaleocare.com</a>
Kim Calvert	Country Manager	Cottonsoft	<a href="mailto:kim@cottonsoft.co.nz">kim@cottonsoft.co.nz</a>
Robert Coley	Director	Global Products	<a href="mailto:robertcoley@globalproducts.co.nz">robertcoley@globalproducts.co.nz</a>
Kiri Hannifin	General Manager Corporate Affairs	Countdown	<a href="mailto:kiri.hannifin@countdown.co.nz">kiri.hannifin@countdown.co.nz</a>
Mike Sammons	Sustainability Manager	Foodstuffs	<a href="mailto:mike.sammons@foodstuffs.co.nz">mike.sammons@foodstuffs.co.nz</a>
Aurelie de Cremiers	Country Manager	L'Oreal New Zealand	<a href="mailto:tabbot@nz.loreal.com">tabbot@nz.loreal.com</a>
N/A	Chief Executive Officer	Reckitt Benckiser New Zealand	<a href="mailto:denise.mcbirney@rb.com">denise.mcbirney@rb.com</a>
Clive Stiff	Chief Executive Officer	Unilever Australia and New Zealand	<a href="mailto:consumerrelations.uanz@unilever.com">consumerrelations.uanz@unilever.com</a>



# Elected Member Remuneration

File No.: 18/486

## 1. Purpose

To advise Elected Members of the Local Government Members (Local Authorities) determination from the Remuneration Authority for 2018/19.

## 2. Recommendation

- 2.1 That Report 18/486 Elected Member Remuneration 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 table sets out the remuneration rates for elected members for 2018/19 compared with 2017/18 which applied from 1 July 2018:

Position	2017/18	2018/19
<u>Council</u>	\$	\$
Mayor	102,992	109,494
Deputy Mayor	36,516	39,105
Chairperson – Finance, Audit & Risk	31,669	33,915
Chairperson – Hearings Committee	31,669	33,915
Chairperson – Community Wellbeing Committee	28,813	30,856
Chairperson – Community Funding & Recognition Committee	28,813	30,856
Councillor	25,957	27,798
<u>Foxton Community Board</u>		
Chairperson	12,092	12,273
Member	6,046	6,137

The full determination can be viewed at:

<http://www.legislation.govt.nz/regulation/public/2018/0124/latest/whole.html>

## Attachments

There are no attachments for this report.

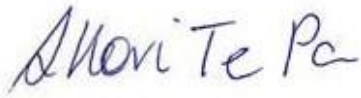

### **Confirmation of statutory compliance**

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)	Sue Hori Te Pa <b>Governance and Executive Team Leader</b>	
Approved by	David Clapperton <b>Chief Executive</b>	

# Documents Executed and Electronic Transactions Authorities Signed

File No.: 18/428

## 1. Purpose

To present to Council 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 18/428 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 Lease with Foxton Windmill Trust Incorporated for Café Space Te Awahou Nieuwe Stroom for a period of three years from 18 November 2017. Two further terms of three years, with a final expiry date of 17 November 2026.
  - (b) Deed of Lease with Property Brokers Manawatu Limited (2248668) for 5A Clyde Street, Foxton, for a period of 13 months from 1 September 2018. Final expiry date of 30 September 2019.
  - (c) Application under Section 80, Land Transfer Act 1952, for new computer register(s) incorporating accretion (Waitare Beach Accretion Claim).

## 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 Chief Executive	
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# Resource Consenting (Planning) Matters Considered Under Delegated Authority

File No.: 18/427

## 1. Purpose

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

## 2. Recommendation

- 2.1 That Report 18/427 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 – 03/07/18 – 13/08/18

Approved Date	File Ref	Applicant	Address
06/07/2018	2018/46	M K & L J Paxton	52 Mako Mako Road, Levin
19/07/2018	2018/31	C J Marer	16 Devon Street, Levin
20/07/2018	2018/48	Carnarvan Trust	67 Totara Park Road Foxton/ Himatangi
24/07/2018	2018/49	S Galea	2 Frances Street, Foxton
26/07/2018	2018/50	D Blackett & A L E Webster	22 Holben Parade, Foxton Beach
27/07/2018	2018/52	Jobless Trustees Limited	51 Shortt Street, Foxton Beach
01/08/2018	2018/53	Morland Developments Limited	203 Bath Street, Levin
01/08/2018	2018/51	Woodhaven Gardens Limited	247 Hokio Beach Road, Levin Rural
06/08/2018	2018/24	A V Cioffi	49 Gordon Place, Levin
07/08/2018	2018/58	M R Dekker	147 Carthew Terrace, Foxton Beach
08/08/2018	2018/55	J C Poulton & D T Poulton	187-416 Gladstone Road, Levin Rural
08/08/2018	2018/56	B J Welch	127 Bartholomew Road, Levin
13/08/2018	2018/63	R A Fenton	10 Norton Street, Foxton Beach

### Land Use Resource Consents Approved – 03/07/18 –

Approved Date	File Ref	Applicant	Address
03/07/2018	2018/8	Levin Track Operating Trust	Mako Mako Road, Levin
05/07/2018	2018/28	M & M Gibson	39 Waikawa Beach Road, Levin Rural
06/07/2018	2018/30	C R Jones	4 Amberleigh Place, Levin
09/07/2018	2018/29	Horowhenua Learning Centre Trust	102 Liverpool Street, Levin



10/07/2018	2018/33	Zion Family Centre Trust	31 Hannan Street, Levin
17/07/2018	2014/3512	Bow Bells Limited	Clyde Street, Foxton
26/07/2018	2018/35	A F Bolton	162B Winchester Street, Levin
11/07/2018	2018/36	M Sarich	1127 State Highway 1, Levin Rural
08/08/2018	2018/37	C J Marer	55 Kings Drive, Levin

(ii) Road Names Approved

None during the reporting period.

## Attachments


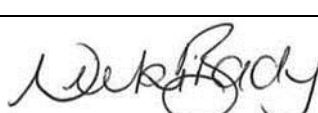
There are no attachments for this report.

### 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>	
Approved by	Nicki Brady <b>Group Manager - Customer &amp; Regulatory Services</b>	

File No.: 18/490

## Liquor Licensing Matters from 1 January 2018 until 30 June 2018

### 1. Purpose

To report, for information purposes, on matters relating to liquor licensing decisions for the period of 1 January 2018 until 30 June 2018.

### 2. Executive Summary

Decisions for applications that were uncontested were made by the Chairperson of the District Licensing Committee. Contested decisions were made by the District Licensing Committee.

### 3. Recommendation

- 3.1 That Report 18/490 Liquor Licensing Matters from 1 January 2018 until 30 June 2018 be received.
- 3.2 That this decision is recognised as not significant in terms of S76 of the Local Government Act.

### 4. Discussion

- 4.1 The following decisions are advised:

- (a) Decisions made by the Chairperson of the District Licensing Committee under delegated authority of Council dated 4 December 2013, and in accordance with Section 191(2) of the Sale and Supply of Alcohol Act 2012(Uncontested Applications).

<b>New On Licences</b>	<b>Premises</b>	<b>Location</b>
Lynnels Family Gig Limited	Ocean Beach Eatery	Foxton Beach
Dion Scott Havea	Club Hotel	Shannon
<b>Renewed On Licences</b>	<b>Premises</b>	<b>Location</b>
N & J Hesp Limited	Cobb & Co Levin	Levin
Simon Yee	Simons Restaurant	Levin
The Manny 2014 Limited	Manawatu Hotel	Foxton
<b>Renewed Off Licences</b>	<b>Premises</b>	<b>Location</b>
BLM Richardson Limited	Foxton Beach Four Square	Foxton Beach
Kiwano Limited	Shannon Liquor Centre	Shannon
Force 1 Limited	Waitarere Beach Liquor Centre	Waitarere Beach
<b>Renewed Club Licences</b>	<b>Premises</b>	<b>Location</b>
Foxton Beach Sports Fishing Club Incorporated	Foxton Beach Sports Fishing Club Inc	Foxton Beach

Foxton Golf Club	Foxton Golf Club	Foxton/Himatangi
Buckley Golf Club	Buckley Golf Club Inc	Tokomaru Rural
Levin Club Inc	Levin Club Inc	Levin
Athletic Rugby Football Club (Levin) Inc	Athletic Rugby Football Club	Levin
Shannon Rugby Football Club	Shannon Rugby Football Club	Shannon
	Foxton and Beach Bowling Club	
Raymond Bruce Perry		Foxton Beach
Levin Returned Services Assoc Inc	Levin RSA	Levin
Shannon Bowling Club	Shannon Bowling Club	Shannon
Central Bowling Club Levin Incorporated	Central Bowling Club Levin	Levin
Levin Soccer Club Incorporated	Levin Soccer Club Inc	Levin
Manakau Bowling and Sports Club	Manakau Bowling & Sports Club Inc	Manakau

**Temporary Authorities**

Bruce Robert Partridge  
Dion Scott Havea  
Jiaming Li

**Premises**

The New Oxford Hotel  
Dion Scott Havea - Club Hotel  
The Laughing Fox

**Location**

Levin  
Shannon  
Foxton

**New Manager's Certificates**

Fiona Nadine Chainey-Blanche  
Nicole Loren Purches  
Gabrielle Kinnell  
Parth Taneja  
Emmanuelle Hope Walden-McLean  
Lisa Marina Wilmshurst  
Maraea Maria Murray  
Natalie Joy Harwood  
Lauren Mere Hartley  
Jodie Woodmass  
Colleen Ann Te Tomo  
Phoebe Rosemary Oka  
Virginia Maria Wall  
Janine Marjorie Lyn Gregory  
Rickie Stephanie Holden French  
Amarsingh Narayanrao Shinde  
Desh Raj  
Anouska Sarah Josanne Paul  
Shellie Leigh Metcalfe  
Alexandra Esme Russell  
Sharron Jane Symons  
Caitlin Grace Hirini

**Renewed Manager's Certificates**

Paula Maree Bary

Vikas Singh  
Janice Elizabeth Hesp  
Alison Elizabeth Scott  
Kieran Patrick Michael Molloy  
Hayley Jane Smith  
Charmaine Maria Haeata  
Malcolm Paul Hadlum  
Elizabeth Anne Drake  
Nathan George Hesp  
Maureen Anne Tait  
Rebecca Jane Wilson  
Marama Josephine Ngatai  
Kellie Marie Cranson  
Christina Margaret Norris  
Phillipa Tatana  
Dakin Neil Bramwell  
Emily Adele Fritchley  
Jan Leonie Bevan  
Pania Leoni Parlato  
Melissa Ann Sannazzaro  
Evania Clare Wimms  
Maninder Singh Johal  
Oriel Ronald Martin

**Special Licences**

	<b>Number</b>	<b>Location</b>
Manawatu Marine Boating Club	2530	Foxton Beach
Manawatu Marine Boating Club	2529	Foxton Beach
Levin Little Theatre Soc Inc	2528	Levin
Foxton Returned Services Assn Inc	2527	Foxton
Foxton Returned Services Assn Inc	2525	Foxton
Levin Club Inc	2521	Foxton
Levin Club Inc	2522	Levin
Levin Club Inc	2523	Levin
Levin Club Inc	2524	Levin
Kathy Trevena-Brown	2520	Levin Rural
Levin Contract Bridge Club	2519	Levin
Levin Returned Services Assoc Inc	2518	Levin
Waitarere Beach Bowling Club Incorporated	2517	Waitarere Beach
Tania Jessica Jade Strawbridge	2516	Levin
Alistair Patrick Matthew Maguire	2515	Levin Rural
Levin Cosmopolitan Club	2514	Levin
Levin Cosmopolitan Club	2513	Levin
Levin Cosmopolitan Club	2512	Levin
Levin Cosmopolitan Club	2511	Levin
Horowhenua District Council Social Club	2510	Levin
Levin Returned Services Assoc Inc	2509	Levin

Levin Performing Arts Society Inc	2508	Levin
Levin Performing Arts Society Inc	2507	Levin
Levin Cosmopolitan Club	2506	Levin
Levin Little Theatre Society Inc	2505	Levin
Waitarere Beach Bowling Club Incorporated	2504	Waitarere Beach
Levin Club Inc	2503	Levin
Levin Club Inc	2502	Levin
Levin Club Inc	2501	Levin
Foxton Returned Services Assn Inc	2500	Foxton
Levin Club Inc	2499	Levin
Levin Returned Services Assoc Inc	2498	Levin
Cobb & Co Levin	2497	Levin
Levin Returned Services Assoc Inc	2496	Levin
Levin Returned Services Assoc Inc	2495	Levin
Levin Cosmopolitan Club	2494	Levin
Levin Cosmopolitan Club	2493	Levin
Manawatu Marine Boating Club	2492	Foxton Beach
Levin Cosmopolitan Club	2491	Levin
Levin Cosmopolitan Club	2490	Levin
Levin Cosmopolitan Club	2489	Levin
Levin Cosmopolitan Club	2488	Levin
Levin Performing Arts Society Inc	2487	Levin
Levin Performing Arts Society Inc	2486	Levin
Foxton Returned Services Assn Inc	2485	Foxton
Levin Little Theatre Society Inc	2484	Levin

(b) Decisions made by the District Licensing Committee under delegated authority of Council dated 4 December 2013, and in accordance with Section 191(2) of the Sale and Supply of Alcohol Act 2012 (Contested Applications).

Craig Richard Nunnerley	New Manager's Certificate	Granted
Tracey Celia White	New Manager's Certificate	Granted
Sandeep Singh	New Manager's Certificate	Declined
PKNG Limited	New Off Licence	Declined

## 5. Options

This report is purely for information purposes.

### 5.1 Cost

Not applicable to this report.

#### 5.1.1 Rate Impact

There will be no Rate impacts arising.

### 5.2 Community Wellbeing

There are no negative impacts on community wellbeing arising.

### 5.3 Consenting Issues

There are no Consents required or consenting issues arising.

### 5.4 LTP Integration

There is no LTP programme related to this report.

## 6. Consultation

There are no consultation requirements; however, decisions listed in 4.1 have been published on Council's website as required by Section 211(5) of the Sale and Supply of Alcohol Act 2012 which states *"Every Territorial Authority must take all reasonably practicable steps to ensure that copies of all decisions of its Licensing Committee are publicly available"*.

## 7. Legal Considerations

Applications have been determined in accordance with legislative requirements.

## 8. Financial Considerations

There is no financial impact.

## 9. Other Considerations

There are no other considerations.

## 10. Next Steps

Not applicable to 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.

## 11. Appendices

There are no appendices for this report

Author(s)	Vaimoana Miller <b>Compliance Manager</b>	
Approved by	Nicki Brady <b>Group Manager - Customer &amp; Regulatory Services</b>	



# Dog Control Policy and Practices Annual Report 2017/18

File No.: 18/491

## 1. Purpose

To report to Council on Dog Control Policy and Practice matters for the 2017/18 financial year as required by Section 10A of the Dog Control Act 1996.

## 2. Recommendation

- 2.1 That Report 18/491 Dog Control Policy and Practices Annual Report 2017/18 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 Council adopts the report as Attachment A, Dog Control Policy and Practices Annual Report 2017/18, and that public notice then be given to the Report and a copy be forwarded to the Secretary of Local Government as required by Legislation.

## 3. Background/Previous Council Decisions

- 3.1 Section 10A of the Dog Control Act 1996 requires territorial authorities to report on dog control matters each year.
- 3.2 Council is required to formally adopt a report; public notice must be given on the report; and a copy of the report is required to be sent to the Secretary of Local Government. The recommendations cover off these requirements.

## 4. Issues for Consideration

There are no issues or matters that warrant the attention of Council.

## Attachments


No.	Title	Page
A	Dog Control Policy and Practices Annual Report 2017/18	187

### 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)	Vaimoana Miller <b>Compliance Manager</b>	
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Approved by	Nicki Brady <b>Group Manager - Customer &amp; Regulatory Services</b>	
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# Dog Control Policy and Practices

Annual Report 2017-2018

This report is presented pursuant to section 10A of the Dog Control Act 1996 which requires territorial authorities to:

“Report on the administration of its Dog Control Policy... and its dog control practices.”

The Act further requires the report to include, in respect of each financial year, statistics relating to defined listed activities and furthermore to make public notification of the report and to provide a copy of the report to the Secretary for Local Government within one (1) month of its adoption by Council.

### Introduction and Overview

Council delivers its Animal Control services in-house, with funding of the dog control component being a mixture of user pays (dog registration fees) and rates, currently set as 70-80% Private Good and 20-30% Public Good.

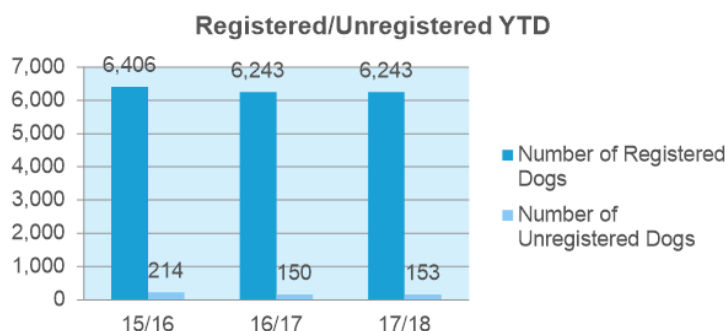
The Animal Control team is part of the Compliance team which is in the Customer and Regulatory Services Group at Council. The Animal Control team comprises of two full time officers and two part time officers. Administrative support services during the 2017 year were provided by Customer Experience staff that work within the Customer Services call centre and cashiering services of Council. In July 2018 a 6 month pilot was approved to employ a Customer Support Officer – Compliance for the purposes of assisting with the administration needs of the Animal Control function.

The Dog Pound is situated on Council land off Mako Mako Road, Levin. The facility has kennelling for up to 28 dogs at any one time, housed within a large exercise yard. During the 2017/18 year the Pound was open to the public between 12.30 pm to 1.30 pm, and 3.30pm to 4.00 pm, Mondays to Fridays, excluding public holidays. This service provision was reviewed in July 2018 and subsequently, changes were made to provide a new appointment-based system that offers a more flexible service.

A review of Council's Dog Control Policy and Bylaw was undertaken in June 2015 and following the public consultative process was subsequently adopted in August 2015.

### Dog Numbers

The year started with a known 6,396 dogs on Council's Dog Database. At 30 June 2018 there are 6,243 registered dogs and 153 that remained unregistered; a total of 6,396 dogs. Coincidentally this is the same number of dogs registered as at 30 June 2017; and 163 less than 30 June 2016.



### Dog Registration Fees

Council operates various categories for dog registration fee purposes. The fee structure used is designed to reflect the makeup of our community and to reward responsible ownership. The following fee structures apply:

#### Description

- New Zealand Kennel Club Status
- Racing Greyhound Stable
- De-sexed Pet (Urban)
- Entire Pet (Urban)
- Puppy (once only)
- Rural Pet
- Stock Dog
- Disability Assist
- Working
- Dangerous
- Superannuitant
- Selected Owner

TRIM No. D18/108005

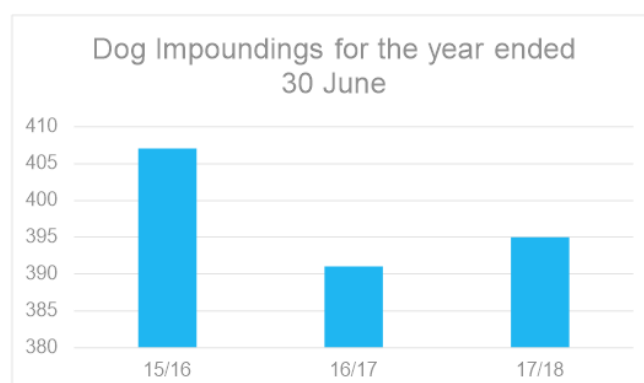
Some dog owners, of course, did not register their dogs, and in these cases, where they came to our attention, infringement notices were issued. If the infringement notice was not paid, it was lodged with the Ministry of Justice for collection.

Council also offers a time payment arrangement for owners who may not be able to pay their registration fees in full immediately. Time payment arrangements are offered by direct debit only, and are to be paid in full by 31 August 2018.

Registration Notices for 2017/18 were posted to all current dog owners in our database in the final days of June 2018.

### Impounded Dogs

395 dogs were impounded during the year; an increase of 1% from the previous year (2016/17), and a decrease of 3% from 2015/16.

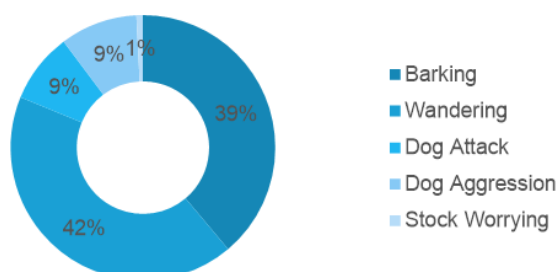


### Complaints

All complaints received by Council are recorded on our Dog Database. These complaints are then investigated with the outcome advised to the complainant. There were 1,016 complaints during the year comprising:

Barking	395
Wandering	430
Attacks	87
Aggressive Behaviour	96
Stock Worring	8

### **Dog Complaints to 30 June 2018**



TRIM No. D18/108005

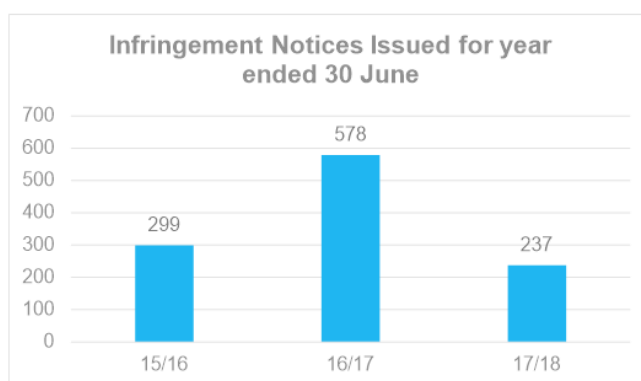
### Infringements

Whilst Council Officers issue infringement notices to errant dog owners, this is normally the last resort as all else has failed.

237 infringements were issued this year, comprising:

Wilful Obstruction of Officer	1
Failure to provide proper care, food, water or shelter	1
Failure to Implant Microchip	5
Failure to Register	220
Failure to keep dog controlled/confined	8
Bylaw offence	1
Failure to supply or giving false information about dog	1

And, 187 infringement notices were processed to the Courts for collection.



### Prosecutions

There were no prosecutions completed during the year.

### Disqualified and Probationary Owners

#### **Disqualified:**

There was one disqualified owner in the District as at 30 June 2018.

#### **Probationary:**

There were no probationary dog owners in the District as at 30 June 2018.

### Menacing and Dangerous Dogs

All owners of menacing and dangerous dogs are recorded on Council's Dog Database. Owners are written to at the time of the Dangerous or Menacing classification being applied, advising them of their legal responsibilities as the owner.

There were no appeals against the classifications.

TRIM No. D18/108005



<b>Total Number Dangerous Dogs</b>	<b>9</b>
Dangerous by Owner Conviction under s31(1)a)	0
Dangerous by Sworn Evidence s31(1)(b)	9
Dangerous by Owner Admittance s31(1)(c)	0
<b>Total Number Menacing Dogs</b>	<b>211</b>
Menacing s33A(1)(b)(i) i.e. by behaviour	54
Menacing by Breed Characteristics s33A(1)(b)(ii)	0
Menacing by Schedule 4 Breed, i.e. Pitbull s33C(1)	157

<b>Location Breakdown of Dangerous/Menacing Dogs in the District</b>		
<b>Location</b>	<b>Dangerous</b>	<b>Menacing</b>
Foxton	2	29
Foxton Beach	1	14
Levin	3	95
Levin Rural	2	21
Shannon	1	20
Waikawa Beach	0	3
Foxton/Himatangi Rural	0	4
Hokio Beach	0	6
Ohau Township	0	2
Manakau Township	0	2
Tokomaru Rural	0	3
Tokomaru Town	0	4
Waitarere Beach	0	8

#### **After Hours Service**

Animal Control Officers are rostered to provide an 'emergency' after hours service, 365 days of the year. Afterhour's services relate to Dog Control and Stock Control emergency needs.

TRIM No. D18/108005



File No.: 18/420

## Decision on Proposed Plan Change 1 - Historic Heritage

---

### 1. Purpose

To advise Elected Members of the Hearings Panel's decision on Proposed Plan Change 1 and to advise Elected Members of the public notification that must follow the decision. The notification of the Proposed Plan Change will trigger the start of the required appeal period.

### 2. Executive Summary

Proposed Plan Change 1 sought to include additional historic heritage non-residential buildings, structures and sites and consequential other amendments. The Plan Change has been through a public notification process, with seven (7) submissions and no further submissions received. A subsequent hearing was conducted by the Hearings Panel with full delegated authority to reach a decision. That decision is attached to the agenda and officers seek Council's adoption of the decision and confirmation to publicly notify the decision. This will trigger the start of the period for appeals to be lodged with the Environment Court.

### 3. Recommendation

- 3.1 That Report 18/420 Decision on Proposed Plan Change 1 - Historic Heritage 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 decision of the Hearings Panel in relation to Proposed Plan Change 1 Historic Heritage and confirms that officers proceed to publicly notify that decision as required under Clauses 10 and 11 of Schedule 1 of the Resource Management Act 1991.

### 4. Background / Previous Council Decisions

- 4.1 Proposed Plan Change 1 was adopted by Council on 19 July 2017 and publicly notified on 3 November 2017 and a total of seven (7) submissions were received. The summary of submissions was received on 2 February 2018 and no further submissions were received.
- 4.2 The hearing for Proposed Plan Change 1 was held on 28 May 2018. The hearing was heard by a panel consisting of Council's Hearings Committee member Councillor Bernie Wanden and an Independent Commissioner Dean Chrystal.
- 4.3 The Hearings Panel has full delegated authority to make a decision on the proposal and has now done so having considered the submissions received and presented along with the reporting officer's report and advice. The Council does not have the authority to change that decision, although in considering this report it may refer matters back to the Hearings Panel for clarification.
- 4.4 The Hearings Panel's decision is attached as Appendix 1. This decision consists of the Hearings Panel's report as well as the specific amendments to District Plan including to Chapter 13 (Historic Heritage), Schedule 2 – Historic Heritage and Planning Maps. Following the adoption of the decision it is required to be publicly notified.



## 5. Discussion

### 5.1 Scope of Proposed Plan Change 1

- 5.2 The scope of Proposed Plan Change 1 is largely limited to amending the list of historic heritage buildings, structures and sites in Schedule 2 of the Plan, as well as updating the District Plan – Planning Maps to reflect the changes made to Schedule 2. The buildings, structures and sites that are proposed for inclusion in Schedule 2 are only those features where the property owners are supportive of their listing.
- 5.3 Some minor amendments to Chapter 13 – Objectives/Policies: Historic Heritage are also proposed as part of the proposed plan change. These include amending the ‘Methods for Issue 13.1 & Objective 13.1.1’ to clarify what work still needs to be carried out in regards to identifying additional buildings, structures and sites to include in Schedule 2 in the future.
- 5.4 The ‘Explanation and Principal Reasons’ associated with Issue 13.2, Objective 13.2.1 and Policies 13.2.2 to 13.2.8 is also proposed to be slightly amended to insert reference to ‘structures’ (as well as buildings) and to improve the clarity around how these objectives and policies relate to the earthworks provisions associated with historic heritage features.
- 5.5 The Proposed Plan Change was publically notified in accordance with Schedule 1 of the Resource Management Act 1991.

### 5.6 Legal Effect of the Changes

- 5.7 The requirements for heritage buildings, structures and sites took legal effect from the date of notification of Proposed Plan Change 1 in accordance with Section 86B(3)(d) of the Resource Management Act 1991. As such, Proposed Plan Change took legal effect from 3 November 2017.
- 5.8 The appeals period opens when the decision is publicly notified and will close 30 working days after this date. Appeal rights are open to:

*A person who made a submission on a proposed policy statement or plan may appeal to the Environment Court in respect of—*

- (a) a provision included in the proposed policy statement or plan; or*
- (b) a provision that the decision on submissions proposes to include in the policy statement or plan; or*
- (c) a matter excluded from the proposed policy statement or plan; or*
- (d) a provision that the decision on submissions proposes to exclude from the policy statement or plan.*

- 5.9 The Resource Management Act requires that a decision is made within two years of notifying the plan change. In this situation the plan change is well inside the legislative timeframe.

## 6. Options

At this stage of the process there are two options available to Council:

Option 1: Proceed with adoption and public notification of the decision on Proposed Plan Change 1.

Option 2: Delay adoption and public notification of the decision on Proposed Plan Change 1 and refer specific questions of clarification back to the Hearings Panel.

Option 1: Proceed with adoption and public notification of the decision on Proposed Plan Change 1.

This is the Officer's preferred and recommended option. The Hearings Panel having heard and considered all the evidence, has full delegation to reach a decision on Proposed Plan Change 1 and as such the Council may not modify the decision of the Hearings Panel.

Furthermore the timing of the decision would make it possible to synchronise the notification of the decision on Proposed Plan Change 1 with other proposed plan change (Proposed Plan Change 2 – Residential Development Provisions) being considered by Council. There would be cost savings to be achieved if the notification of the decision on these Proposed Plan Changes could be undertaken together.

Option 2: Delay adoption and public notification of the decision on Proposed Plan Change 1 and refer specific questions of clarification back to the Hearings Panel.

This option would be appropriate if the Council had questions of clarification regarding the decision put forward by the Hearings Panel for Proposed Plan Change 1. While the Hearings Panel has full delegation to reach a decision on Proposed Plan Change 1, the Council does have the option to refer specific questions of clarification back to the Hearings Panel but it may not direct its considerations. This is not recommended given that the Hearings Panel has conducted a full and thorough hearing considering all evidence and its decision is subject to the normal appeal process.

The costs associated with both options are the same, although it is noted that there would be some minor additional costs if the decisions on Proposed Plan Changes 1 and 2 could not be notified at the same time. Officers are not aware of any good reason why the decision to adopt the decision on Proposed Plan Change 1 should be delayed.

For the reasons set out above, Officers recommend Option 1.

## 6.1 **Cost**

This proposed plan change is funded under existing budgets.

### 6.1.1 **Rate Impact**

The funding for the Proposed Plan Change is being funded under existing budgets so will not have an additional impact on rates.

## 6.2 **Community Wellbeing**

The Proposed Plan Changes aligns with the Community Outcomes identified in the Long Term Plan 2018-2038, principally 'Vibrant Communities - We are proud of the heritage and diversity of our District and our people'.

The overarching purpose of the District Plan and associated plan changes/variations is to achieve sustainable management of the District's natural and physical resources so that they can be enjoyed by future generations.

## 6.3 **Consenting Issues**

There are no consents required or consent issues arising from Proposed Plan Change 1.

## 6.4 **LTP Integration**

The funding for the Proposed Plan Change is being funded under existing budgets. This proposed plan change remains on track to be undertaken within the available budget.

## 7. Consultation

- 7.1 The plan change was subject to two rounds of public consultation as part of the submissions and further submissions phases of the plan change process. Consultation included public drop-in sessions in Levin and Foxton to help members of the public and landowners understand the plan change. Opportunities through this process were also provided to local iwi to contribute or provide feedback on the plan change.

## 8. Legal Considerations

- 8.1 This proposed plan change is being undertaken in accordance with statutory processes and to fulfil Council's statutory obligations set out in the Resource Management Act (RMA) 1991.
- 8.2 The resolution is a procedural step being undertaken in accordance with the requirements of Schedule 1 of the RMA. The Council is required under Clause 10 of Schedule 1 to give a decision which it has done by way of a delegation to the Hearings Panel. Council is then required to notify the decision under Clause 11 which triggers an appeal period. Officers will proceed to publicly notify the decision following adoption of the recommendations in this report.

## 9. Financial Considerations

The costs of the proposed plan variation are being met from existing budgets.

## 10. Other Considerations

There are no other considerations.

## 11. Next Steps

- 11.1 On adoption of the recommendations, Officers will arrange for the public notification of the decision along with letters to all persons who made a submission in accordance with the requirements of the RMA. The letter must include a copy of the public notice, information as to where a copy of the decision may be found, and a statement on the time within which any appeal must be lodged.
- 11.2 Simultaneously a copy of the decision must be made available at all of the Council's public offices and copies must be provided to the public on request. A copy will also be made available on the Council's website.

## 12. Supporting Information

### Strategic Fit/Strategic Outcome

The Proposed Plan Change has been informed by and is consistent with the Council's relevant strategic documents such as the Horowhenua Development Plan (2008), Proposed Horowhenua Growth Strategy 2040, and the Long Term Plan 2018-2038.

### Decision Making

The Council is required to publicly notify the decision of the Hearings Panel.

### Consistency with Existing Policy

The decision includes updates to policies already set out in the Horowhenua District Plan 2015.

### Funding

Funding is identified for this work within existing budgets.

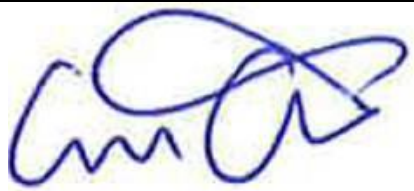
**Confirmation of statutory compliance**

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.

**13. Appendices**

No.	Title	Page
A	PC1 - Final Decision - 13 July 2018	198

Author(s)	Caitlin O'Shea <b>Strategic Planner</b>	
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Approved by	David McCorkindale <b>Group Manager - Strategy &amp; Development</b>	
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**RESOURCE MANAGEMENT ACT 1991**

**HOROWHENUA DISTRICT PLAN - PLAN CHANGE 1**

**HEARINGS OF SUBMISSIONS**

**DECISION OF HEARING PANEL**

**HEARING DATE: 28<sup>th</sup> MAY 2018**

**HEARING PANEL: DEAN CHRYSTAL (Chair)  
BERNIE WANDEN  
JO MASON**

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4. Submitters .....	4
5. Evaluation .....	4
6. Decision .....	9

**Appendix A      AMENDMENTS TO THE PLAN**

**Appendix B      SCHEDULE OF DECISIONS ON SUBMISSION POINTS**

**1.**

## **Introduction**

- 1.1 We were appointed by the Horowhenua District Council to consider submissions on Proposed Plan Change 1 (PPC 1) - Historic Heritage – Update of Schedule 2 to include additional buildings, structures and sites and consequential other amendments to the Operative Horowhenua District Plan.
- 1.2 The hearing into submissions received on PPC 1 was held on the 28<sup>th</sup> May 2018.
- 1.3 The hearing was closed on the 21<sup>st</sup> June 2018.

### Abbreviations

- 1.4 In preparing this decision we have used the following abbreviations:

Heritage NZ	Heritage New Zealand
Horizons	Horizons Regional Council
Officer's report	Report evaluating the submissions prepared by Ms Caitlin O'Shea for our assistance under s42A(1) of the RMA
District Plan	Horowhenua District Plan
RMA	Resource Management Act
The Act	Resource Management Act

## **2. Procedural Matter**

- 2.1. At the beginning of the hearing we were faced with a procedural matter raised by Ms A Hunt who was a submitter in opposition to PPC 1 representing the Potangotango Foundation.
- 2.2. Ms Hunt presented the Panel with a document which included a Court Charging Document which she said she had lodged with the District Court in Wellington in which Commissioner Mason was named as the defendant in relation to alleged false and misleading evidence she gave in the trial of Mr Phillip Taueki in January 2016. As a consequence Ms Hunt claimed that Commissioner Mason had a conflict of interest in relation to the submission she had lodged on behalf of the Potangotango Foundation. She considered Commissioner Mason should step down from the Hearing Panel.
- 2.3. At this point the Panel took a recess to discuss the matter and were accompanied by the Council's legal advisor Sam Wood. Having considered the matter, and while the Panel did not consider the issues overlapped, it was decided to err on the side of caution and Commissioner Mason stood down from the Panel rather than hold up the proceedings further.
- 2.4. Commissioners Chrystal and Wanden continued with the hearing and the Council confirming that the remaining Panel members had the authority to hear and determine the plan change.
- 2.5. It is noted that subsequent to the hearing being completed the charges brought by Ms Hunt against Commissioner Mason were not accepted for filing by the District Court in a decision dated 15 June 2018.

## **3. Officer's Report**

- 3.1 We were provided with, and had reviewed, the Officer's report prepared by Caitlin O'Shea pursuant to s42A of the Act prior to the hearing commencing.

- 3.2 In her report Ms O'Shea informed us of the background to PPC 1. She said that the changes made to Schedule 2<sup>1</sup> of the District Plan as part of the District Plan Review were considered to be an interim measure until a more comprehensive review of local historic heritage was undertaken. She went on to say that in 2015/16 the Council sought nominations from the community regarding additional buildings, structures or sites for possible inclusion in Schedule 2. The nominations received were subsequently assessed by suitably qualified heritage professionals to determine their eligibility.
- 3.3 Based on the outcome of this assessment, Proposed Plan Change 1 to the District Plan proposes to update Schedule 2 to include additional non-residential buildings, structures and sites along with other consequential amendments.
- 3.4 Ms O'Shea went on to highlight the relevant sections of the Act and the relevant planning documents in her report and in terms of background explained the approach adopted in relation to heritage in the District Plan review.

#### 4. Submitters

##### Appearances

- 4.1. The following submitters made an appearance at the hearing:
- Ms A Hunt and Mr P Taueki on behalf of the Potangotango Foundation

#### 5. Evaluation

- 5.1. Our evaluation of the plan change and the submissions received has been undertaken in the same order as appears in the Officer's Report for ease of reference.
- 5.2. Text amendments are shown as **bold/underlined** where added and ~~striketrough~~ where deleted.

##### Amendment 1

- 5.3. This sought to amend the Methods for Issue 13.1 & Objective 13.1.1 and involved deleting an existing bullet point and adding new bullet points to clarify the work that still needs to be done to identify additional historic heritage buildings, structures and sites, as well as sites of significance to Maori, wāhi tapu, wāhi tūpuna and archaeological sites, for listing in Schedule 2 – Heritage.
- 5.4. The amendments were supported by Heritage NZ and Horizons. K & S Prouse also supported the amendments, but considered that it was flawed to assume that the list in Schedule 2 of the District Plan was complete and therefore requested the inclusion of an additional bullet point outlining how Council would address future nominations/requests in a timely manner.
- 5.5. Ms O'Shea supported the inclusion of a further bullet point along the lines proposed by K & S Prouse, recommending that a third new bullet point be added to the Methods for Issue 13.1 & Objective 13.1.1 as follows:
- **Council will review and maintain Schedule 2 of the District Plan on a regular basis, making appropriate changes to the Schedule by way of future plan changes based on the advice received from a suitably qualified heritage professional.**
- 5.6. We have reviewed the requested amendment and subsequent recommendation and associated wording and consider it to be appropriate. We agree that a method as to how Council will address the future nominations of buildings, structures or sites for inclusion in the District Plan is missing. We therefore adopt the recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and **accept** the submission by K & S Prouse.

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<sup>1</sup> Schedule 2 contains the list of Historic Heritage Buildings, Structures and Sites



- 5.7. The support for the remaining changes proposed as part of Amendment 1 from Heritage NZ and Horizons is noted and **accepted** and we recommend these amendments are adopted.

Amendment 2

- 5.8. This sought minor amendments to the Explanation and Principal Reasons associated with Issue 31.2, Objective 13.2.1 and Policies 13.2.2 to 13.2.8 to provide reference to structures, earthworks and redecoration.
- 5.9. Heritage NZ and K & S Prouse supported the amendments as providing greater specificity and reference to the protection of historic places and their associated settings.
- 5.10. We therefore recommendation the amendments be adopted and that the submissions by K & S Prouse and Heritage NZ be **accepted**.

Amendment 3 to 7

- 5.11. Amendment 3 sought to add a further 11 heritage buildings, structures and sites to Schedule 2 - Heritage of the District Plan, while Amendments 4, 5, 6 & 7 sought to amend the planning maps to show the location of these heritage buildings, structures and sites which were proposed for inclusion in Schedule 2.
- 5.12. J Harper supported Amendment 3, but sought that the text be altered so as to include the front part of the Manawatu Herald Building at 6 Main Street, Foxton and that the term 'circa' be removed from Note 2. Horizons supported Amendment 3 while Heritage NZ supported Amendments 3 to 7.
- 5.13. Ms O'Shea supported the request to include the front part of the former Manawatu Herald building and had initially noted that the removal of Note 2 (which relates to the same building) would addresses the second part of the submitter's request, regarding removal of the word 'circa'. It was subsequently found however that the listing should relate to the front section of the building and that the note as a consequence needed to remain and be added to along with an accompanying aerial photo. A supplementary amendment was provided to the Panel at the hearing and Ms O'Shea indicated that the extent of building shown had been checked by a heritage expert and was considered appropriate for listing.
- 5.14. Ms O'Shea therefore recommended the following amendment:

Map	Ref	Site Name	Location	Description	Legal Description	Heritage New Zealand Category
1, 14, 15, 15A	H64	Former Manawatu Herald Building (partial refer to note 2)	6 Main Street, Foxton	Commercial Building	Part Section 100 Town of Foxton	

Note 2: This listing only applies to the original Manawatu Herald building constructed circa 1879 **and the reconstructed façade (please refer to below aerial photograph).**



Aerial photograph of Former Manawatu Herald Building showing the sections that are included in the listing (in yellow)

- 5.15. We noted that the front part of the Manawatu Herald Building was built to replicate the façade from the 1890s using the ‘shadow’ from the façade that had been retained. We accept the recommendation to now include this part of the building. Mr Harper, the owner of the building, had indicated in his submission that to be effective, protection of the wooden sections of the overall building at 6 Main St should be for both the 1879 section and the added 1892 section of street facade which is built in front of the 1879 section. He said without change to the current wording the 1892 section, which is the heritage noted facade, the street frontage could technically be changed or removed. He also noted the date of the building is precisely, not circa, 1879 as the building was a new build for the Manawatu Herald and printing started there in November 1879.
- 5.16. We accept that the revised note for the building is necessary and that the provision of a highlighted aerial photograph provides certainty and removes any ambiguity that might have previously existed. While we noted Mr Harper’s reference to the word “circa” we do not think it creates any uncertainty and without definitive documented proof of the buildings date of construction the reference remains appropriate.
- 5.17. We therefore adopt the revised recommendation of the reporting officer for the reasons set out above and **accept in part** the submission by J Harper.
- 5.18. The support for Amendment 3-7 from Heritage NZ and Horizons are noted and **accepted** and we recommend that the remaining amendments be adopted.

Miscellaneous and General Submissions

- 5.19. Two submissions raised miscellaneous or general matters as set out below
- 5.20. K & S Prouse requested that non-regulatory or voluntary mechanisms to incentivise the enhancement of heritage be explored, and that Council works with property owners to achieve this. While supporting PPC 1 the submitter noted that property owner concerns over the extent and implications of regulatory measures may be why some heritage properties were not listed. They contended that the Council needed to consider the extent of the regulatory measures imposed and the manner they go about it.

- 5.21. The Potangotango Foundation requested that Council commence the preparation of a plan change to protect sites of significance to tangata whenua in the district. The submitter noted that the plan change did not include sites of significance to tangata whenua such as Lake Horowhenua, particularly when these sites were of far more historical significance than post contact heritage. They also noted that the Council was legally required to take into account the principles of the Treaty of Waitangi, and that the Resource Management Act describes the relationship of Māori to their wāhi tapu and other taonga as a matter of national importance.
- 5.22. In response to the Prouse's submission Ms O'Shea said that the Council currently offered incentives to owners of listed buildings, structures and sites to encourage their ongoing conservation. These included a waiver or reimbursement of processing fees for any resource consents required as a result of the property's listing in the District Plan, along with a dedicated Heritage Fund. She said the Heritage Fund was for projects that conserve or restore the heritage value or character of a property that was recognised under the District Plan for its historical significance. She noted that the incentives package had only recently been introduced by the Council and all relevant property owners had been notified.
- 5.23. In relation to the Potangotango Foundation submission Ms O'Shea said that the proposed amendments include further provision under Methods for Issue 13.1 & Objective 13.1.1 to commence a process to identify sites of significance to Māori, wāhi tapu, wāhi tūpuna and archaeological sites in the district. This, in turn she said, provided a clear signal of Council's intent to undertake this further work, subject to available funding and resources.
- 5.24. At the hearing Ms Hunt discussed the issue of heritage buildings within Foxton. She expressed concern that not all heritage buildings within the town had been acknowledged and that collectively they were a unique part of New Zealand's culture. She went on to say that there were a number of buildings in the main street which should be protected. Ms Hunt acknowledged that compromises maybe acceptable and that some buildings maybe lost to save others.
- 5.25. Ms Hunt and Mr Taueki went on to discuss the lack of recognition of Māori heritage within the District Plan. They described in particular the significance of sites around Lake Horowhenua where a famous massacre had taken place that were not recognised or protected. They contended that the Council had not been proactive and had failed to deal with pre-colonial history.
- 5.26. In response the Council Officers acknowledged that few buildings were listed in the Foxton Town Centre but that the area had a character/heritage overlay in the District Plan which meant that new buildings are a restricted discretionary activity along with external additions and alterations which did not comply with the permitted activity conditions. It was also acknowledged that there was a need to recognise Māori heritage within the District Plan and that this would form part of another phase of plan changes.

#### Assessment

- 5.27. We acknowledge firstly that PPC 1 only involved buildings which were supported by their owners for listing. To that extent the plan change is limited in scope to those particular buildings and we have no ability within our jurisdiction to extend it to other buildings or sites unless these were specifically identified in submissions. Notwithstanding, we acknowledge the concerns of both submitters on this matter.
- 5.28. In terms of the Prouse submission regarding exploring non-regulatory or voluntary mechanisms to incentivise the enhancement of heritage, we note that the Council has only recently introduced an incentives package, as identified by Ms O'Shea, to owners of listed buildings, structures and sites to help them with ongoing conservation. The package includes a fee waiver and a heritage fund which can be applied for. We considered this is an important step forward, but that it would obviously take time to have effect. We also felt going forward that it would be important for the owners of other buildings and sites that might be considered for listing to be made aware of the incentive package.

- 5.29. Turning specifically to Foxton, we noted that there was presently only one listed building within the Town Centre but that PPC 1 would introduce via listing a number of other buildings and structures within the Town Centre area.
- 5.30. Further, we acknowledge that there is a Town Centre Character/Heritage Overlay currently in the District Plan within the Commercial Zone which requires consent for new buildings and external additions and alterations to existing buildings that do not comply with the permitted activity conditions. While this provides the ability to ensure a degree of character within the town centre is maintain we noted that the total or partial demolition or removal of buildings and structures that were not listed in Schedule 2 - Historic Heritage was a permitted activity.
- 5.31. In this context we noted that it remains open to the Council, building owners and/or the general public to bring forward any further buildings within the Foxton Town Centre that are considered and assessed as worthy of protection in order to avoid the demolition scenario.
- 5.32. Turning to the issue of Māori or precolonial heritage we note that the Methods associated with Issue 1.1 & Objective 1.1.1 in the District Plan state:
- *Identify areas and sites of cultural significance where Iwi have requested their inclusion in the District Plan on the Planning Maps.*
  - *Commence within 12 months of the date of the plan notification a comprehensive district wide cultural landscape survey for the purpose of identifying areas or sites of cultural significance for inclusion in the District Plan. The survey should be undertaken in consultation with Tāngata Whenua and potentially affected landowners. It will be necessary for the Council to discuss with Tāngata Whenua how sites of cultural significance are to be identified on the Planning Maps, and evaluate the appropriate methods to protect the identified sites and their associated values.*
- 5.33. In addition Policy 13.1.2 seeks to:
- Identify historic heritage that contributes to an understanding and appreciation of the culture and history of the District, the region and/or New Zealand that is significant in terms of one or more of the following values:*
- Māori cultural values.
  - *Archaeological values.*
  - *Historic values.*
  - *Social values.*
  - *Setting and group values.*
  - *Architectural values.*
  - *Scientific and technological values.* [emphasis added]
- 5.34. Further, proposed Amendment 1 (referred to above) includes the deletion of an existing method under Issue 13.1 and Objective 13.1.1 and the addition of a more focussed method aligned to commencing a process to identify sites of significance to Māori, wāhi tapu, wāhi tūpuna and archaeological sites.
- 5.35. It is clear to us that the District Plan currently recognises the need to protect 'sites' of importance to Māori. We also note that the Council has an obligation under s6(e) of the RMA to provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga. The District Plan also encourages Iwi to become involved in the process of identifying sites of cultural significance.

- 5.36. We acknowledge that there is a need to move this process forward and it seemed to us that this is likely to occur in due course. Beyond that there is little more that we are able to do within the context and scope of this plan change short of encouraging the process of identifying sites of cultural significance to occur.
- 5.37. Given the recent introduction by the Council of the heritage incentive package, the submission by K & S Prouse is **accepted in part**. The submission by the Potangotango Foundation is also **accepted in part** to the extent that the PCC 1 has introduced a new method to commence a process to identify sites of significance to Māori, wāhi tapu, wāhi tūpuna and archaeological sites

## 6. Decision

- 6.1. For all of the foregoing reasons we resolve the following:
1. That pursuant to clause 10 of the Schedule 1 to the Resource Management Act 1991 Plan Change 1 to the Horowhenua District Plan be approved including the amendments set out in **Appendix A** to this decision.
  2. That for the reasons set out in the above report submissions are accepted or accepted in part as listed in **Appendix B** to this decision.



Dean Chrystal



Bernie Wanden

13 July 2018

APPENDIX A

AMENDMENTS TO THE DISTRICT PLAN

All amendments are shown as  or ~~strikethrough~~.

Amendment 1

Methods for Issue 13.1 & Objective 13.1.1 District Plan.

Delete bullet point two of the Methods for Issue 13.1 & Objective 13.1.1 and replace it with three new bullet points as follows:

- ~~• Commence, in line with the Horowhenua Historic Heritage Strategy 2012, a comprehensive survey of historic heritage in the District, including sites of significance to Māori, wāhi tapu, wāhi tūpuna and archaeological sites, within 12 months of the date of notification of the Proposed District Plan. The survey should apply a thematic approach to the identification of prospective historic heritage buildings, sites, and interrelated areas and be undertaken in consultation with Iwi, local historical societies, the NZHPT and potentially affected landowners.~~
- **Have the remaining buildings, structures and sites, which were nominated by the public for their historical values, assessed by suitably qualified professionals to establish whether they should be included in Schedule 2 of the District Plan in the future.**
- **Commence a process, in line with the Horowhenua Heritage Strategy 2012, to identify sites of significance to Māori, wāhi tapu, wāhi tūpuna and archaeological sites.**
- **Council will review and maintain Schedule 2 of the District Plan on a regular basis, making appropriate changes to the Schedule by way of future plan changes based on the advice received from a suitably qualified heritage professional.**

Amendment 2

Amend the Explanation and Principal Reasons associated with Issues 13.2, Objective 13.2.1 and Policies 13.2.2 to 13.2.8 as follows:

The objective and policies seek to prevent the loss of heritage value associated with buildings, **structures** and sites included in the Historic Heritage Schedule due to neglect or under-use, or from changes arising from such activities as external alterations, additions, **earthworks** and subdivision.

For historic heritage buildings, **structures** and sites to be successfully and sustainably managed they need to remain functional. In response, the District Plan encourages their continued compatible use and enables regular maintenance, repair, **redecorations** and internal alterations to occur without the need for a resource consent. The District Plan also recognises that in order to provide for the ongoing safe, functional and economic use of historic heritage buildings it is necessary for them to be upgraded to meet relevant code standards, including earthquake strengthening.

Historic heritage buildings, **structures** and sites are also subject to activities which can lead to their associated heritage values being destroyed or severely diminished. Insensitive alterations and additions, for instance, can detract from the architectural qualities of a scheduled building, while demolition in response to development pressure results in permanent loss.

To address this situation the District Plan seeks to ensure that such effects are avoided or appropriately mitigated by requiring resource consent to be sought. In the case of demolition of Group 1 buildings **and structures** or the destruction of sites, the intent is that these activities are avoided unless exceptional circumstances exist. Exceptional circumstances could include total or partial demolition considered necessary due to significant and irreversible damage from fire or natural hazard events.

The context or setting associated with historic heritage buildings, **structures** and sites can also make an important contribution to its heritage value. The relationship between a building and its site, for instance, can be lost or eroded through the reduction of its original surrounds. In response, the District Plan seeks to ensure that the setting of a historic building, **structure** or site is not unduly compromised or its value diminished by inappropriate **earthworks or** on-site development, or incompatible subdivision activity and associated development.

### Amendment 3

Add the following to Group 1 and Group 2 Buildings and Structures within Schedule 2 of the District Plan as follows:

Historic Heritage Group 1: Buildings and Structures (outstanding national and/or regional significance)

Map	Ref	Site Name	Location	Description	Legal Description	Heritage New Zealand Category
<u>1, 14, 15, 15A</u>	<u>H57</u>	<u>Dolphin</u>	<u>Manawatu River (Foxton Loop) – to west of Lot 3 DP 457778</u>	<u>Former Foxton Wharf Structure</u>	<u>Manawatu River</u>	
<u>1, 14, 15, 15A</u>	<u>H58</u>	<u>Former Presbyterian Church</u> <i>(partial refer to note 1)</i>	<u>5 Main Street, Foxton</u>	<u>Community Building (Foxton Little Theatre)</u>	<u>Lot 1 DP 33751</u>	

Historic Heritage Group 2: Buildings and Structures (regional and/or local significance)

Map	Ref	Site Name	Location	Description	Legal Description	Heritage New Zealand Category
<u>7, 27, 27B, 28, 28B</u>	<u>H59</u>	<u>Levin Cenotaph</u>	<u>4-12 Kent Street, Levin</u>	<u>War Memorial</u>	<u>Section 2 Block XVIII Town of Levin</u>	
<u>7, 27</u>	<u>H60</u>	<u>Weraroa Peace Gate and the Pioneer Memorial</u>	<u>North-west Corner of Mako Mako Road and Oxford Street, Levin</u>	<u>War Memorials</u>	<u>Part Section 32 Levin Suburban</u>	
<u>3, 16</u>	<u>H61</u>	<u>Tokomaru Memorial Gates</u>	<u>5 Tokomaru East Road, Tokomaru</u>	<u>War Memorial</u>	<u>Section 166 Town of Tokomaru</u>	
<u>5</u>	<u>H62</u>	<u>Moutoa Memorial Gates</u>	<u>Foxton-Shannon Road, Moutoa (south of Moutoa Hall)</u>	<u>War Memorial</u>	<u>Section 21 Block VII Mt Robinson SD</u>	
<u>1, 14, 15, 15A</u>	<u>H63</u>	<u>Foxton War Memorial</u>	<u>Corner of Ravensworth place and Main Street, Foxton</u>	<u>War Memorial</u>	<u>Main Street, Foxton (Road Reserve)</u>	
<u>1, 14, 15, 15A</u>	<u>H64</u>	<u>Former Manawatu Herald Building</u> <i>(partial refer to note 2)</i>	<u>6 Main Street, Foxton</u>	<u>Commercial Building</u>	<u>Part Section 100 Town of Foxton</u>	
<u>1, 14, 15, 15A</u>	<u>H65</u>	<u>Foxton Racing Club Building</u> <i>(Façade only)</i>	<u>8 Main Street, Foxton</u>	<u>Dwelling</u>	<u>Part Section 100 Town of Foxton</u>	
<u>1, 14, 15, 15A</u>	<u>H66</u>	<u>De Molen</u>	<u>24 Harbour Street, Foxton</u>	<u>Wind Mill</u>	<u>Part Section 598 Town of Foxton</u>	

Note 1: This listing only applies to the original sections of the Presbyterian Church building constructed in 1867.

Note 2: This listing only applies to the original Manawatu Herald building constructed circa 1879 **and the reconstructed façade (please refer to below aerial photograph)**.



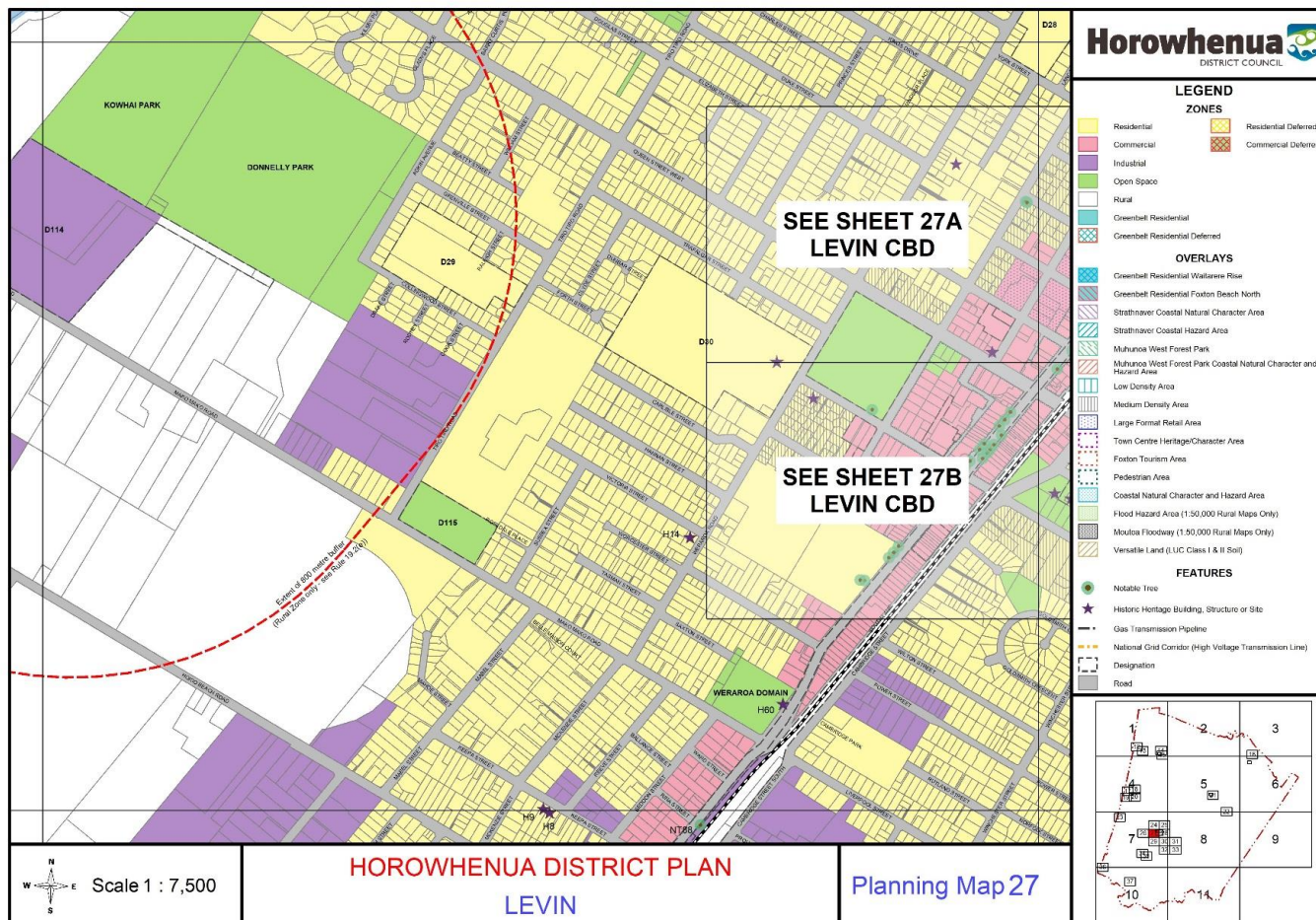


Aerial photograph of Former Manawatu Herald Building showing the sections that are included in the listing (in yellow)

Amendment 4

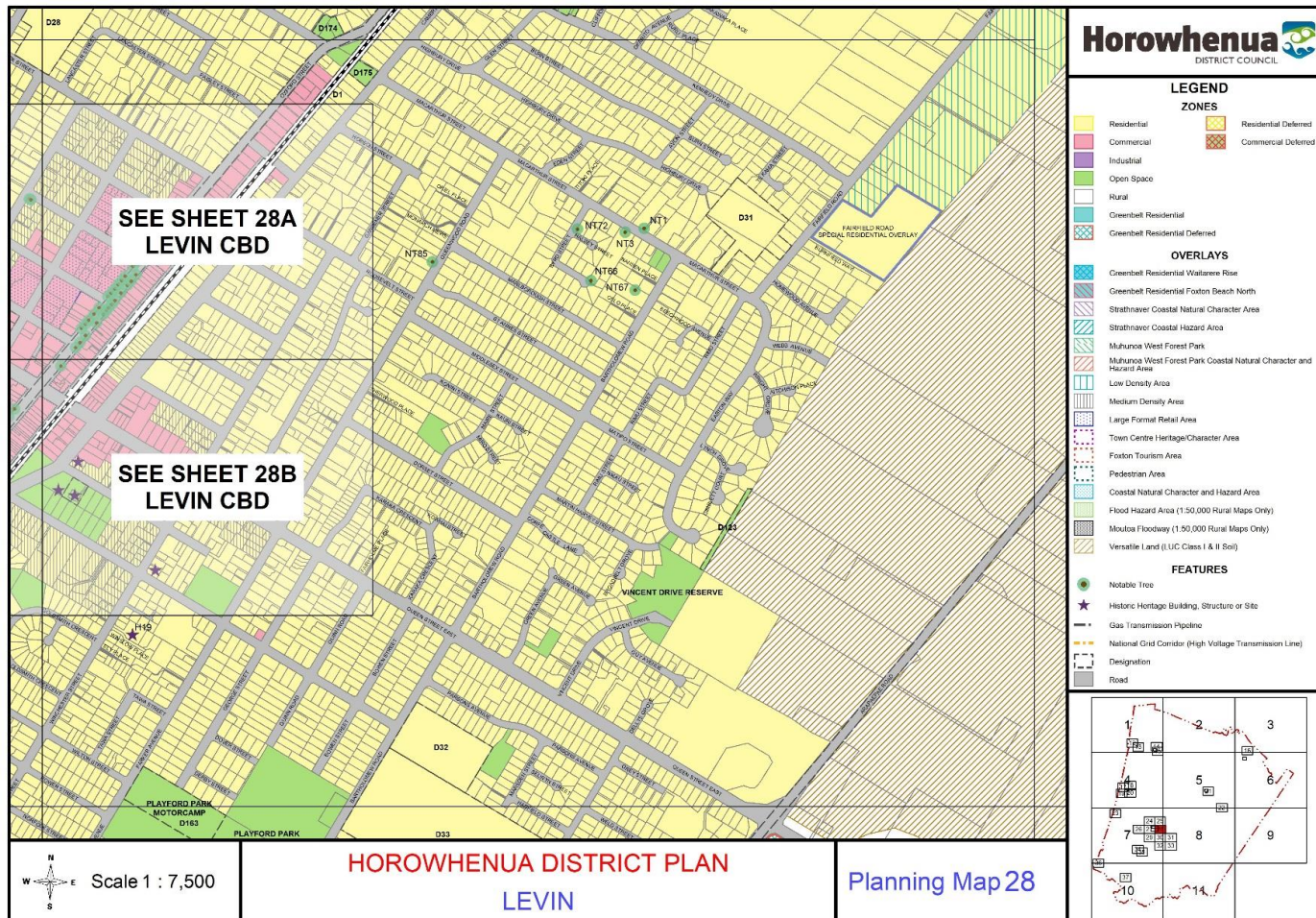
Amend the Planning Maps 27, 28 and 28B

Planning Map 27



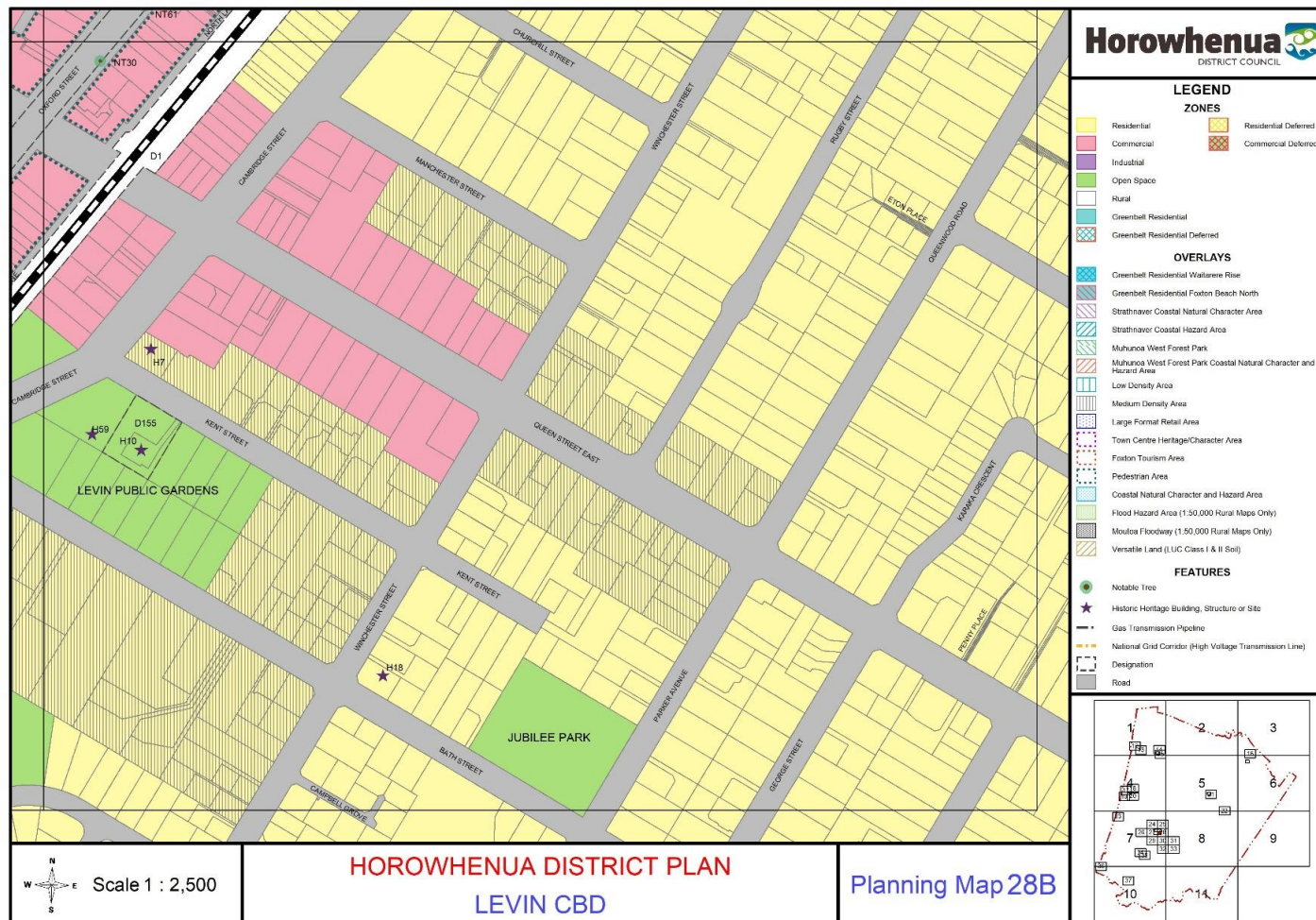


Planning Map 28





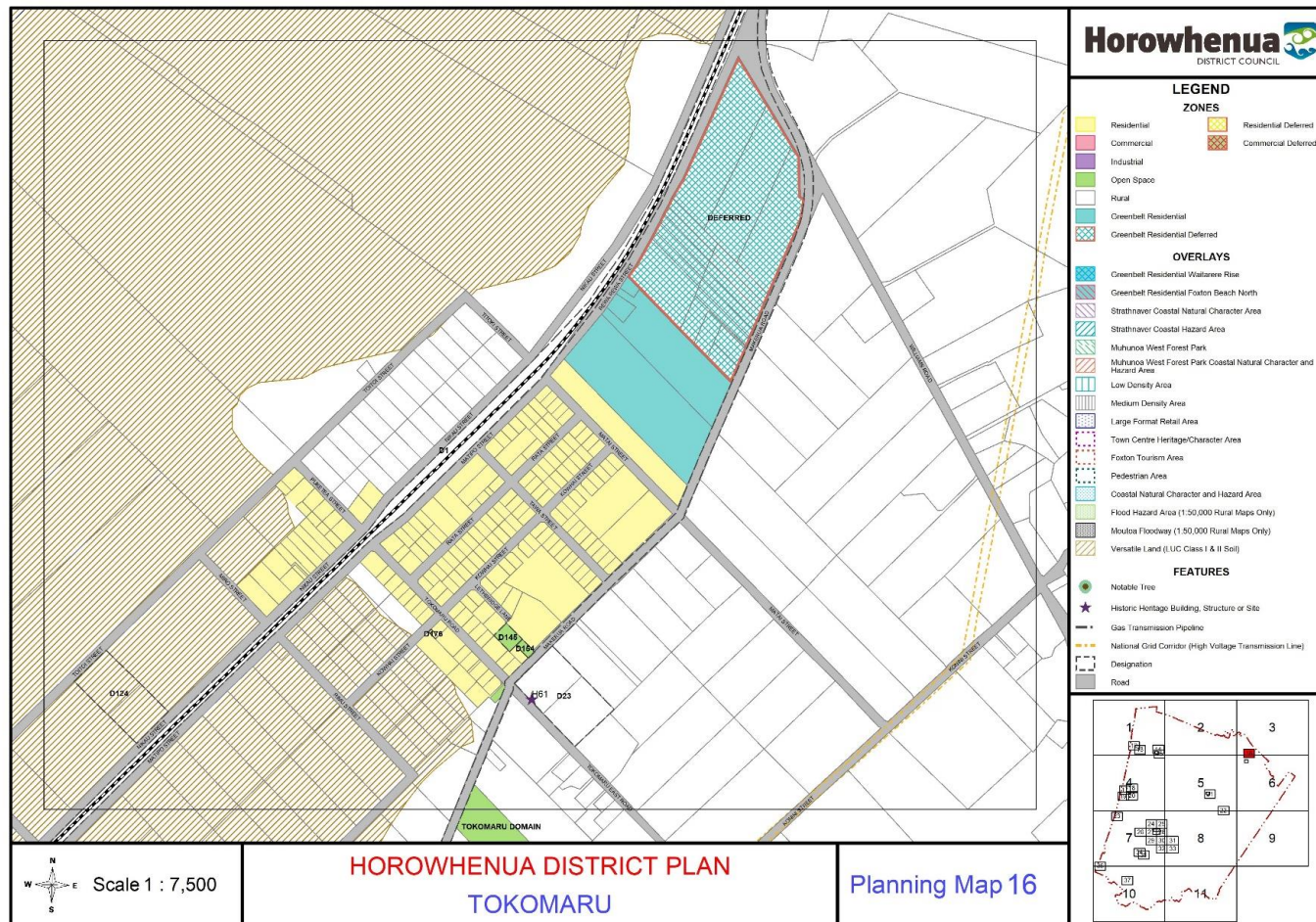
Planning Map 28B



Amendment 5

Amend the Planning Map 16

**Planning Map 16**

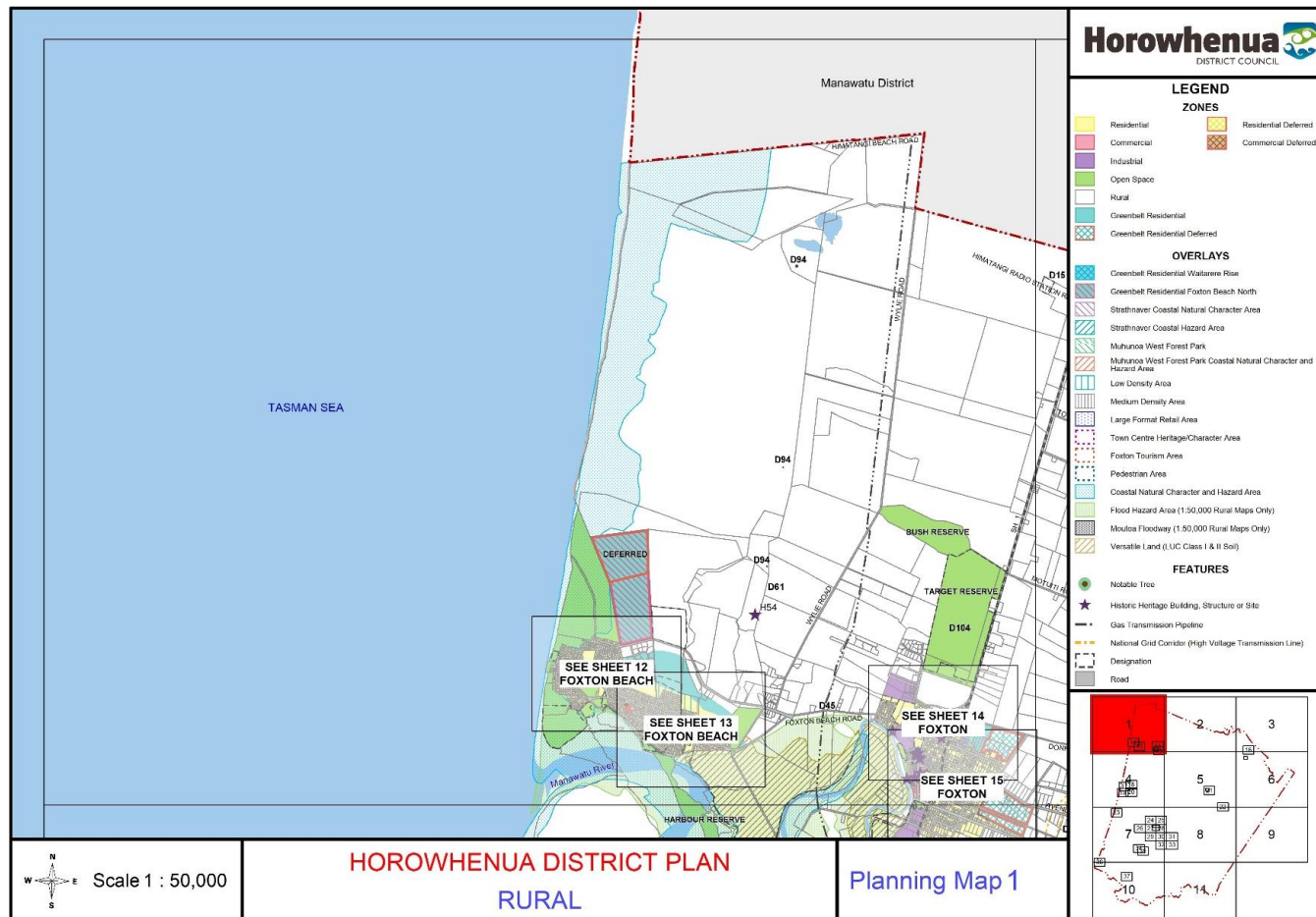




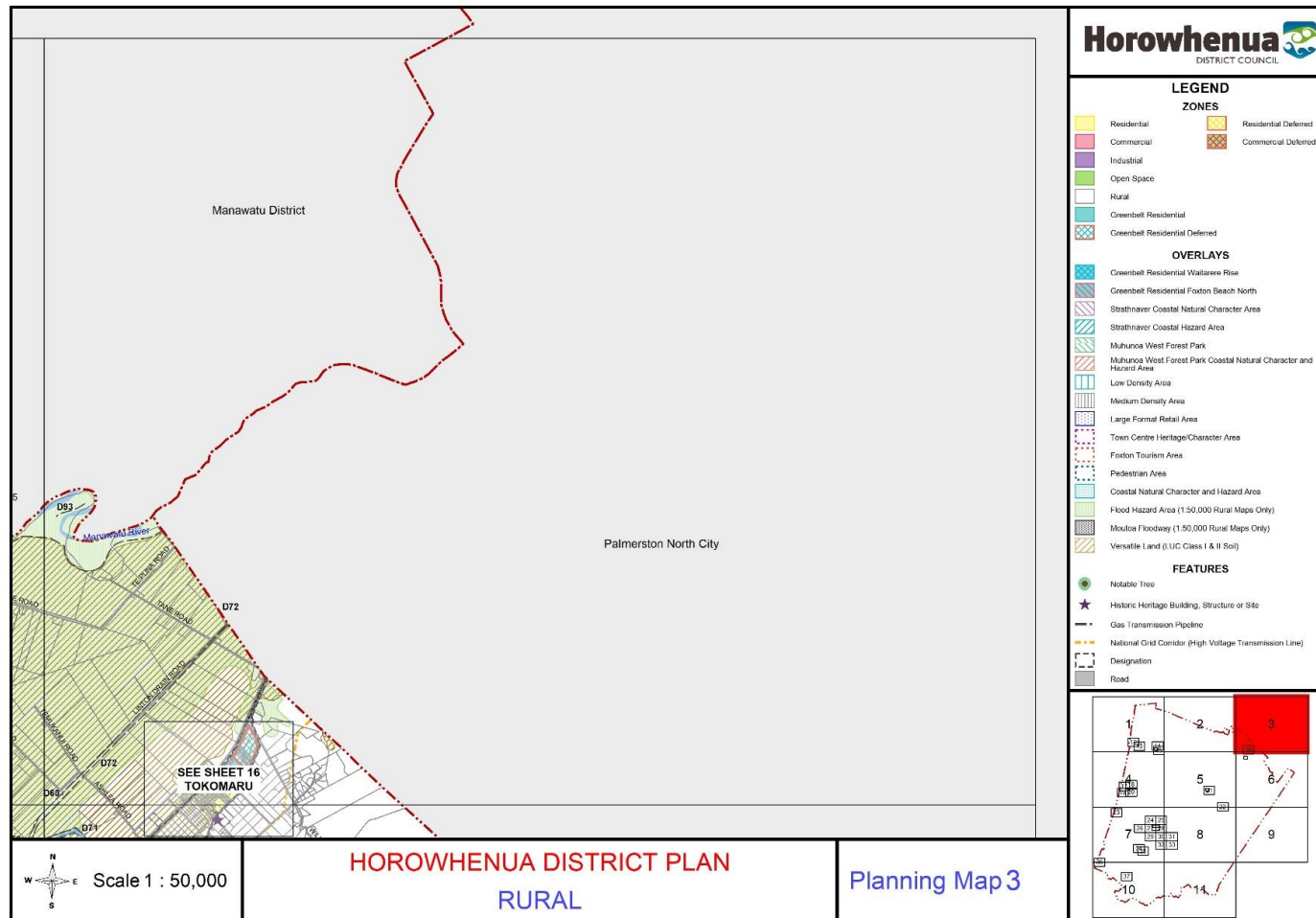
Amendment 6

Amend the Planning Maps 1, 3, 4, 5, 6 and 7

Planning Map 1



Planning Map 3



**Horowhenua**  
DISTRICT COUNCIL

**LEGEND**

**ZONES**

- Residential
- Commercial
- Industrial
- Open Space
- Rural
- Greenbelt Residential
- Greenbelt Residential Deferred
- Residential Deferred
- Commercial Deferred

**OVERLAYS**

- Greenbelt Residential Waitarere Rise
- Greenbelt Residential Foxton Beach North
- Strathnaver Coastal Natural Character Area
- Strathnaver Coastal Hazard Area
- Muhunua West Forest Park
- Muhunua West Forest Park Coastal Natural Character and Hazard Area
- Low Density Area
- Medium Density Area
- Large Format Retail Area
- Town Centre Heritage/Character Area
- Foxton Tourism Area
- Pedestrian Area
- Coastal Natural Character and Hazard Area
- Flood Hazard Area (1:50,000 Rural Maps Only)
- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

**FEATURES**

- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road

**SEE SHEET 15 FOXTON**

**SEE SHEET 18 WAITARERE BEACH**

**SEE SHEET 17 WAITARERE BEACH**

**SEE SHEET 19 WAITARERE BEACH**

**SEE SHEET 20 WAITARERE BEACH**

**TASMAN SEA**

**HOROWHENUA DISTRICT PLAN**

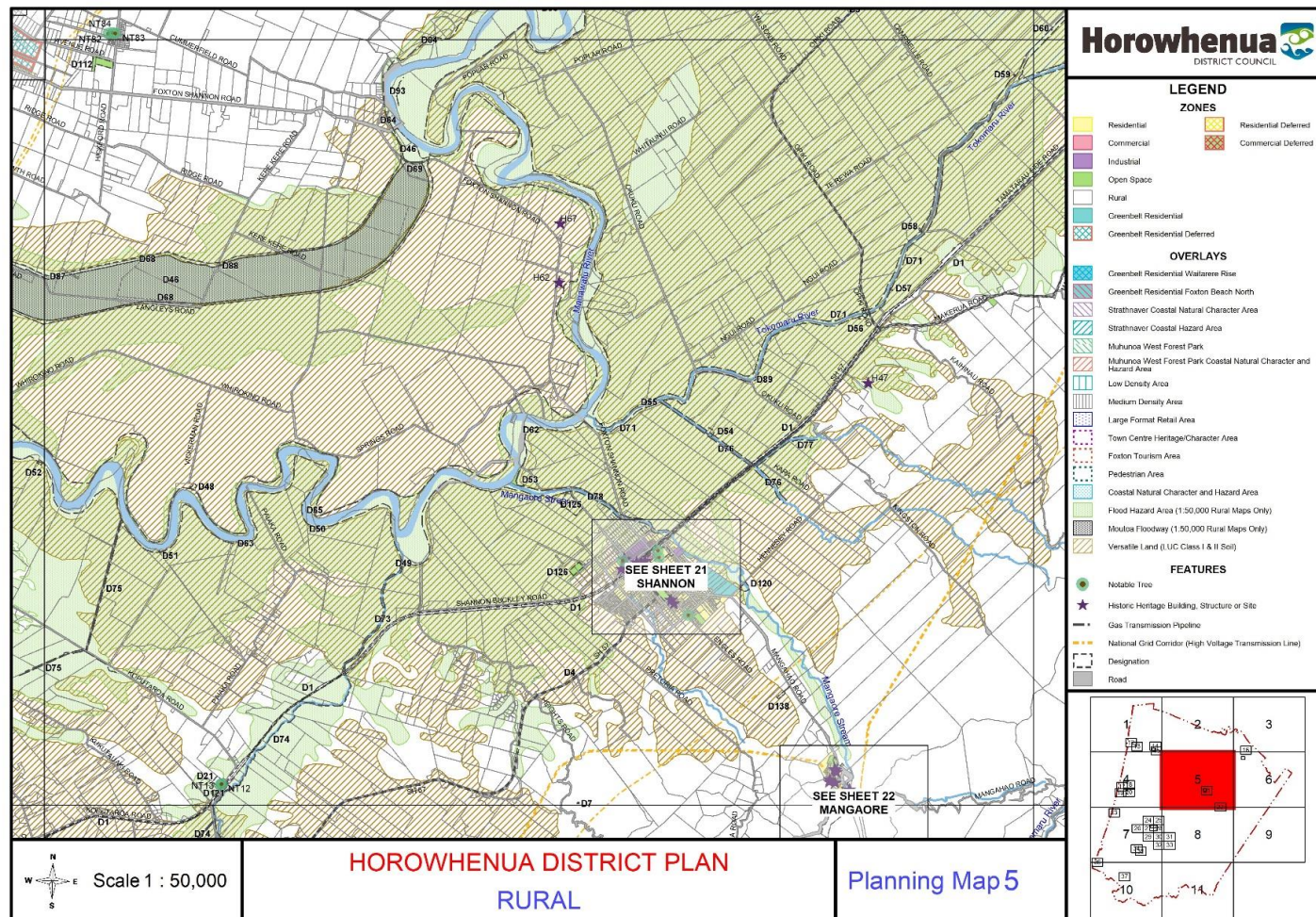
**RURAL**

**Planning Map 4**

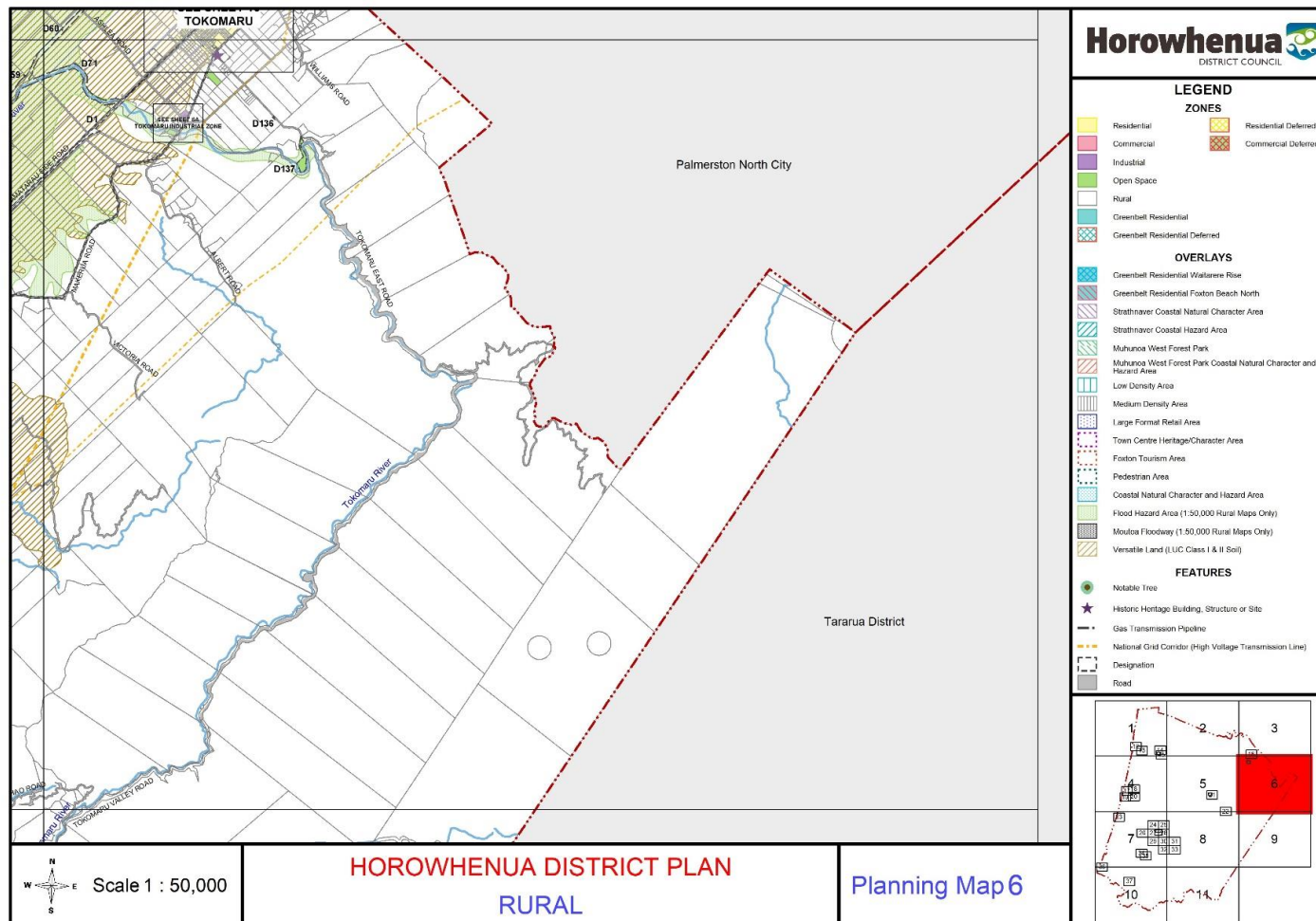
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Planning Map 5

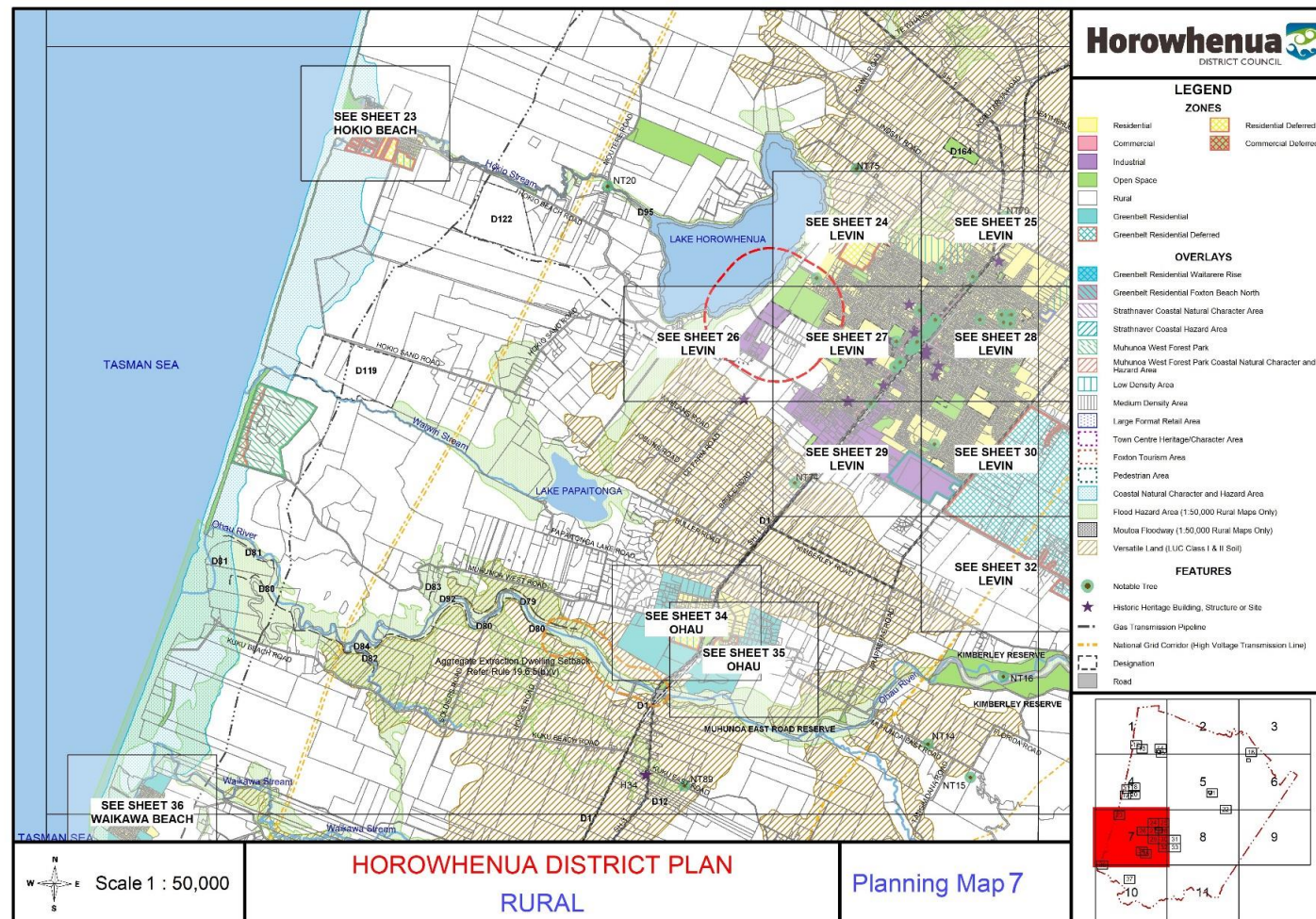


Planning Map 6





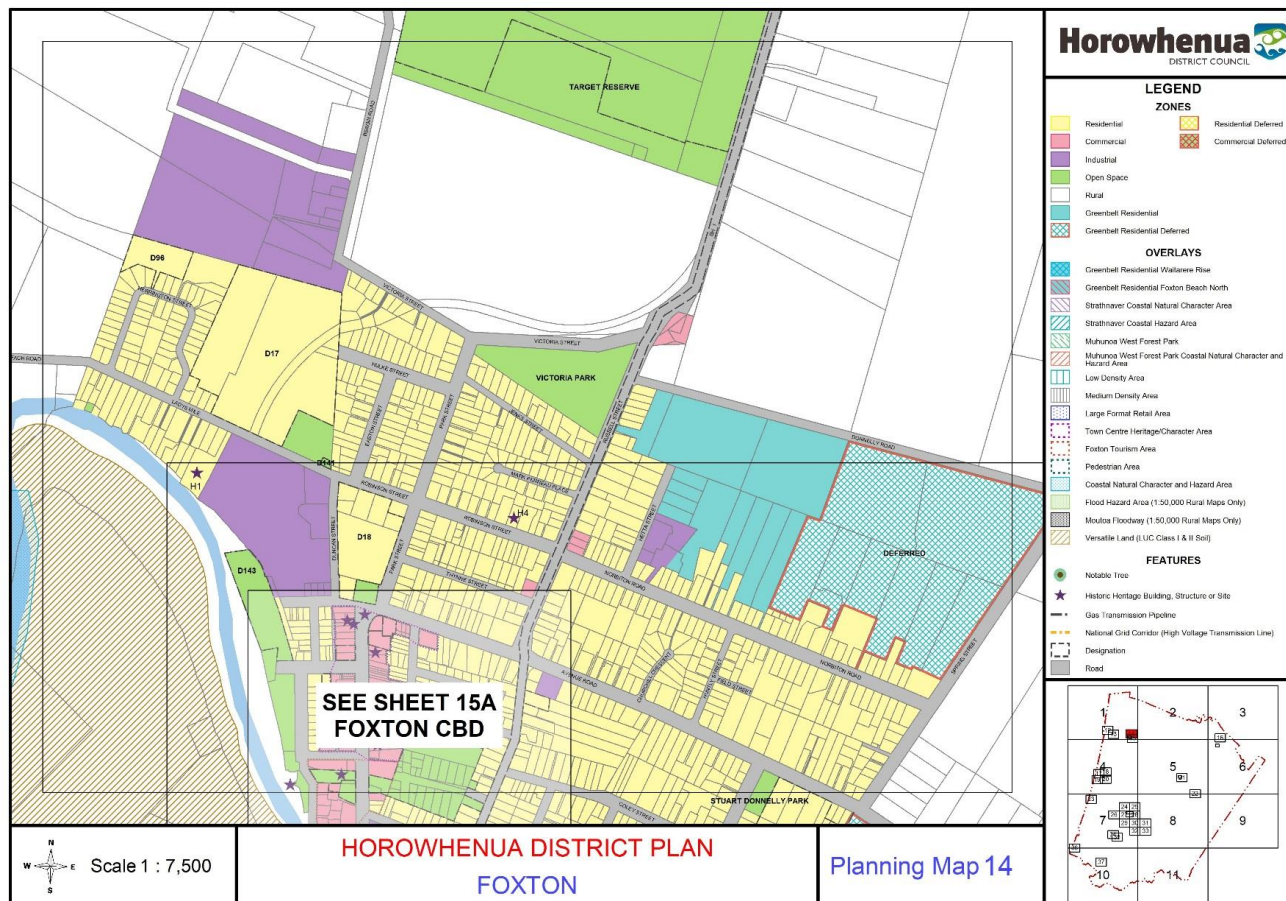
Planning Map 7



Amendment 7

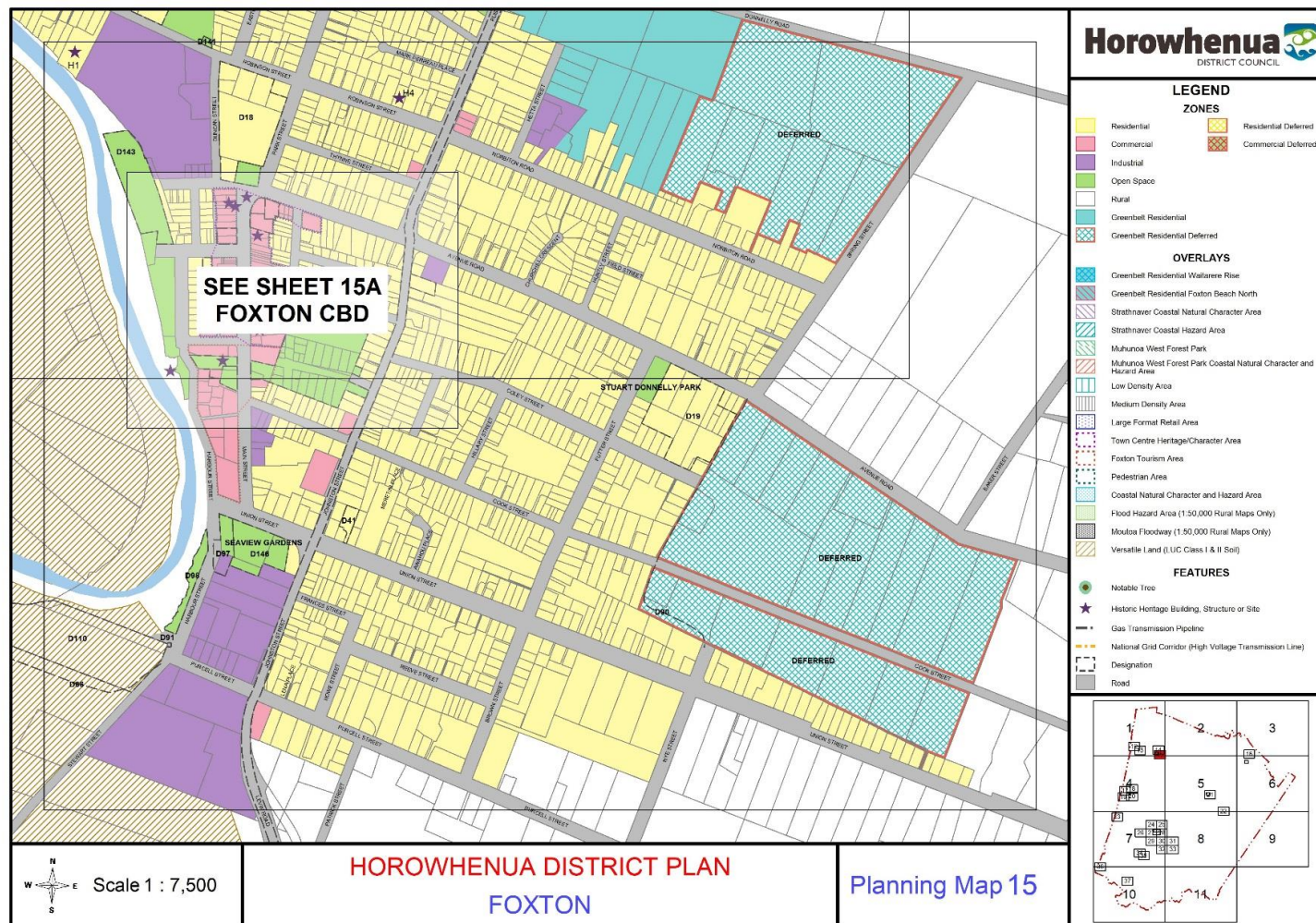
Amend the Planning Maps 14, 15, and 15A

**Planning Map 14**

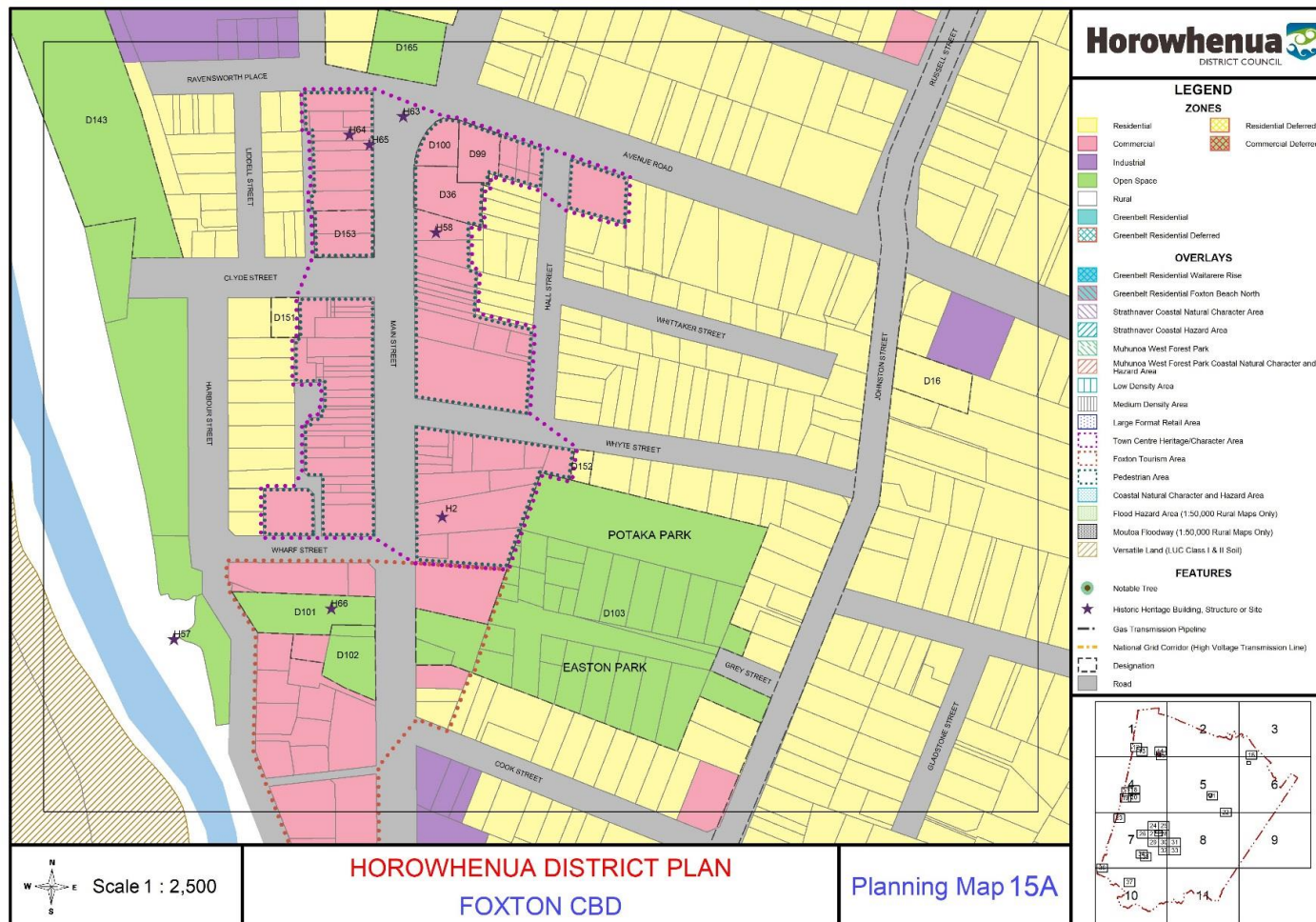




Planning Map 15



Planning Map 15A



**APPENDIX B**

**SCHEDULE OF DECISIONS ON SUBMISSION POINTS**

Sub. No	Submitter Name	Amendments	Panel Decision
01/02	Heritage New Zealand	1	Accept
01/04	Horizons Regional Council	1	Accept
01/07	K & S Prouse	1	Accept
01/02	Heritage New Zealand	2	Accept
01/05	K & S Prouse	2	Accept
01/01	J Harper	3	Accept in part
01/04	Horizons Regional Council	3	Accept
01/02	Heritage New Zealand	3	Accept
01/02	Heritage New Zealand	4, 5, 6, & 7	Accept
01/06	K & S Prouse	Miscellaneous	Accept in part
01/03	Potangotango Foundation	Miscellaneous	Accept in part



File No.: 18/360

## Decision on Proposed Plan Change 2 - Residential Development Provisions

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### 1. Purpose

To advise Councillors of the Hearings Panel's decision on Proposed Plan Change 2 Residential Development Provisions and to advise Councillors of the public notification that must follow the decision. The notification of the Proposed Plan Change will trigger the start of the required appeal period.

### 2. Executive Summary

- 2.1 Proposed Plan Change 2 sought to introduce new residential subdivision standards, including necessary consequential amendments to bulk and location standards and to increase the extent of the Medium Density Overlay, with the intention of enabling some forecasted residential growth to be accommodated within the existing urban boundaries of Levin, Foxton, Foxton Beach, and Shannon.
- 2.2 Plan Change 2 has been through a public notification process, with 19 submissions and 5 further submissions received. A subsequent hearing was conducted by the Hearings Panel with full delegated authority to reach a decision. That decision is attached to the agenda and officers seek Council's adoption of the decision and confirmation to publicly notify it. This will trigger the start of the period for appeals to be lodged with the Environment Court.

### 3. Recommendation

- 3.1 That Report 18/360 Decision on Proposed Plan Change 2 - Residential Development Provisions 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 decision of the Hearings Panel in relation to Proposed Plan Change 2 Residential Development Provisions and confirms that officers proceed to publicly notify that decision as required under Clauses 10 and 11 of Schedule 1 of the Resource Management Act 1991.

### 4. Background / Previous Council Decisions

- 4.1 Proposed Plan Change 2 was adopted by Council on 19 July 2017 and publicly notified on 3 November 2017 and a total of 19 submissions were received. The summary of submissions was received on 2 February 2018 and 5 further submissions were received.
- 4.2 The Hearing for Proposed Plan Change 2 was held on 28 May 2018. The hearing was heard by a panel consisting of Council's Hearings Committee member Councillor Bernie Wanden and an Independent Commissioner Dean Chrystal.
- 4.3 The Hearings Panel has full delegated authority to make a decision on the proposal and has now done so having considering the submissions received and presented along with the reporting officer's report and advice. The Council does not have the authority to change that decision, although in considering this report it may refer matters back to the Hearings Panel for clarification.

- 4.4 The Hearings Panel's decision is attached as Appendix 1. This decision consists of the Hearings Panel's report as well as the specific amendments to District Plan, Chapter 6 (Urban Environment), Chapter 15 (Residential Zone), Chapter 26 (Definitions), and Planning Maps. Following the adoption of the decision it is required to be publicly notified.

## 5. Discussion

### Scope of Proposed Plan Change 2

- 5.1 In order to respond to current and anticipated growth in a more agile fashion, Proposed Plan Change 2 was commenced and sought to amend a limited range of rules relating to residential development in the Operative Horowhenua District Plan to allow for increased variety of living options and to accommodate some of the forecasting growth within the existing residential area.
- 5.2 The proposed amendments will affect Chapters 6 (Urban Environment), 15 (Residential Zone) and 26 (Definitions) of the Horowhenua District Plan. Amendments will also need to be made to the Planning Maps associated with the Horowhenua District Plan.
- 5.3 Prior to notification, officers held workshops with key stakeholders including local surveyors, developers, builders and plan users such as Council's Resource Consents Team, being the more frequent users of these provisions in the Plan. Several amendments are now proposed to Residential zone provisions in the District Plan. These amendments have a targeted focus, are relatively narrow in scope and will apply only to properties within the existing urban boundaries of our local towns (i.e. no re-zoning of land is proposed).
- 5.4 The Proposed Plan Change was publically notified as outlined above, in accordance with Schedule 1 of the Resource Management Act 1991.
- 5.4 This Plan Change forms part of wider growth response projects, including the Draft Horowhenua Growth Strategy 2040.
- 5.5 The proposed amendments to the District Plan include:
- Providing for sites of 500m<sup>2</sup> to 900m<sup>2</sup> in Levin, Foxton, Foxton Beach and Shannon to be subdivided and create infill lots of 250m<sup>2</sup> as a restricted discretionary activity, and consequential changes to relevant bulk and location controls;
  - Providing for up to two residential dwelling units on a residentially zoned property as a Permitted Activity (subject to compliance with net site area, bulk and location requirements);
  - Introduction of provisions for larger-scale, 'integrated residential developments' to be assessed in a comprehensive manner as a Restricted Discretionary Activity;
  - Removal of the title date pre-requisite condition relating to residential infill subdivision;
  - Extension of the area to which the Medium Density Overlay applies in Levin township;
  - Introduction of several new definitions required to facilitate the changes to the proposed rules; and
  - Minor corrections relating to the application of accessory building provisions (i.e. clearly stating that the requirement to have accessory buildings to the rear of a dwelling is only applicable to front sites).

### Legal Effect of Changes

- 5.6 Proposed Plan Change 2 will take legal effect once the legal appeal period closes. The appeals period opens when the decision is publicly notified and will close 30 working days after this date. Appeal rights are open to:

*A person who made a submission on a proposed policy statement or plan may appeal to the Environment Court in respect of—*

- (a) a provision included in the proposed policy statement or plan; or*
- (b) a provision that the decision on submissions proposes to include in the policy statement or plan; or*
- (c) a matter excluded from the proposed policy statement or plan; or*
- (d) a provision that the decision on submissions proposes to exclude from the policy statement or plan.*

- 5.6 The Resource Management Act requires that a decision is made within two years of notifying the plan change/variation. In this situation the plan variation is well inside the legislative timeframe.

## 6. Options

At this stage of the process there are two options available to Council:

Option 1: Proceed with adoption and public notification of the decision on Proposed Plan Change 2.

Option 2: Delay adoption and public notification of the decision on Proposed Plan Change 2 and refer specific questions of clarification back to the Hearings Panel.

Option 1. Proceed with adoption and public notification of the decision on Proposed Plan Change 2.

This is the Officer's preferred and recommended option. The Hearings Panel having heard and considered all the evidence, has full delegation to reach a decision on Proposed Plan Change 2 and as such the Council may not modify the decision of the Hearings Panel.

Furthermore the timing of the decision would make it possible to synchronise the notification of the decision on Proposed Plan Change 2 with other proposed plan change (Proposed Plan Change 1 – Historic Heritage) being considered by Council. There would be cost savings to be achieved if the notification of the decision on these Proposed Plan Changes could be undertaken together.

Option 2. Delay adoption and public notification of the decision on Proposed Plan Change 2 and refer specific questions of clarification back to the Hearings Panel.

This option would be appropriate if the Council had questions of clarification regarding the decision put forward by the Hearings Panel for Proposed Plan Change 2. While the Hearings Panel has full delegation to reach a decision on Proposed Plan Change 2, the Council does have the option to refer specific questions of clarification back to the Hearings Panel but it may not direct its considerations. This is not recommended given that the Hearings Panel has conducted a full and thorough hearing considering all evidence and its decision is subject to the normal appeal process.

The costs associated with both options are the same, although it is noted that there would be some minor additional costs if the decisions on Proposed Plan Changes 1 and 2 could not be notified at the same time. Officers are not aware of any good reason why the decision to adopt the decision on Proposed Plan Change 2 should be delayed.

For the reasons set out above, Officers recommend Option 1.

### 6.1 Cost

This proposed plan change is funded under existing budgets.

### 6.1.1 Rate Impact

The funding for the Proposed Plan Change is being funded under existing budgets so will have no additional impact on rates.

### 6.2 Community Wellbeing

The Proposed Plan Changes aligns with the Community Outcomes identified in the Long Term Plan 2018-2038, principally 'An exuberant economy - we provide opportunities for people of all ages and at all phases of life to enjoy a quality of living within our District that is economically sustainable and affordable and we recognise and manage the effects of population growth and actively promote the District as a destination of choice'.

The overarching purpose of the District Plan and associated plan changes/variations is to achieve sustainable management of the District's natural and physical resources so that they can be enjoyed by future generations.

### 6.3 Consenting Issues

There are no consents required or consent issues arising from Proposed Plan Change 2.

### 6.4 LTP Integration

The funding for the Proposed Plan Change is being funded under existing budgets. This proposed plan change remains on track to be undertaken within the available budget.

## 7. Consultation

- 7.1 The plan change was subject to two rounds of public consultation as part of the submissions and further submissions phases of the plan change process. Consultation included public drop-in sessions in Levin and Foxton to help members of the public and landowners understand the plan change. Opportunities through this process were also provided to local iwi to contribute or provide feedback on the plan change.

## 8. Legal Considerations

- 8.1 This proposed plan change is being undertaken in accordance with statutory processes and to fulfil Council's statutory obligations set out in the Resource Management Act (RMA) 1991.
- 8.2 The resolution is a procedural step being undertaken in accordance with the requirements of Schedule 1 of the RMA. The Council is required under Clause 10 of Schedule 1 to give a decision which it has done by way of a delegation to the Hearings Panel. Council is then required to notify the decision under Clause 11 which triggers an appeal period. Officers will proceed to publicly notify the decision following adoption of the recommendations in this report.

## 9. Financial Considerations

The costs of the proposed plan variation are being met from existing budgets.

## 10. Other Considerations

There are no other considerations.

## 11. Next Steps

- 11.1 On adoption of the recommendations, Officers will arrange for the public notification of the decision along with letters to all persons who made a submission in accordance with the requirements of the RMA. The latter must include a copy of the public notice, information as

to where a copy of the decision may be found, and a statement on the time within which any appeal must be lodged.

- 11.2 Simultaneously a copy of the decision must be made available at all of the Council's public offices and copies must be provided to the public on request. A copy will also be made available on the Council's website.

## 12. Supporting Information

### Strategic Fit/Strategic Outcome

The proposed plan variation as part of the District Plan Review has been informed by and is consistent with the Council's relevant strategic documents such as the Horowhenua Development Plan (2008), Proposed Horowhenua Growth Strategy 2040, and the Long Term Plan 2018-2038.

### Decision Making

The Council is required to publicly notify the decision of the Hearings Panel.

### Consistency with Existing Policy

The decision includes updates to policies already set out in the Horowhenua District Plan 2015.

### Funding

Funding is identified for this work within existing budgets.

### 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.

## 13. Appendices

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Author(s)	David McCorkindale <b>Group Manager - Strategy &amp; Development</b>	
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Approved by	David Clapperton <b>Chief Executive</b>	
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**RESOURCE MANAGEMENT ACT 1991**

**HOROWHENUA DISTRICT PLAN - PLAN CHANGE 2**

**HEARINGS OF SUBMISSIONS**

**DECISION OF HEARING PANEL**

**HEARING DATE: 28<sup>th</sup> May 2018**

**HEARING PANEL: DEAN CHRYSTAL (Chair)**  
**BERNIE WANDEN**

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APPENDIX A	AMENDMENTS TO THE PLAN
APPENDIX B	SCHEDULE OF DECISIONS ON SUBMISSION POINTS
APPENDIX C	PLANNING MAPS
APPENDIX D	MEDIUM DENSITY RESIDENTIAL DEVELOPMENT DESIGN GUIDE



## 1. Introduction

- 1.1 We were appointed by the Horowhenua District Council to consider submissions on Proposed Plan Change 2 (PPC 2) - Review of Residential Development Provisions – Amendments relating to the extent of the Medium Density Overlay and infill subdivision; provision for second residential dwelling units and Integrated Residential Development; revision of the Medium Density Residential Development Design Guide; and minor corrections or amendments.
- 1.2 The hearing into submissions received on PPC 2 was held on the 28<sup>th</sup> May 2018.
- 1.3 The hearing was closed on the 21<sup>st</sup> June 2018.

### Abbreviations

- 1.4 In preparing this decision we have used the following abbreviations:

HDC	Horowhenua District Council
Heritage NZ	Heritage New Zealand
Horizons	Horizons Regional Council
Officer's report	Report evaluating the submissions prepared by Ms Caitlin O'Shea for our assistance under s42A(1) of the RMA
District Plan	Horowhenua District Plan
RMA	Resource Management Act
The Act	Resource Management Act

## 2. Officer's Report

- 2.1 We were provided with and had reviewed the Officer's report prepared by Mr Gregory Vossler pursuant to s42A of the Act prior to the hearing commencing.
- 2.2 In his report Mr Vossler said that PPC 2 had been promulgated in response to projected increases in population and housing growth in the district over the next 20 years. He said that since the District Plan Review process there has been a substantial change in the level of projected population and housing growth in the district and that this had led to Council 'testing' some of the current District Plan provisions to understand the extent to which they would be able to provide for anticipated growth in a sustainable way.
- 2.3 Subsequently, in response and order to meet the requirements of the National Policy Statement on Urban Development Capacity (NPS-UDC), the Council had undertaken a review of the effectiveness of the current residential provisions in the plan. This had resulted in proposing a limited range of targeted amendments which were intended to enable a wider diversity of residential development and associated housing choice within established urban areas in the district. These include:
- Provision for sites between 500m<sup>2</sup> and 900m<sup>2</sup> in Levin, Foxton, Foxton Beach and Shannon to be subdivided and create infill lots of a minimum size of 250m<sup>2</sup> as a Restricted Discretionary Activity, and consequential changes to relevant bulk and location controls;
  - Provision for up to two residential dwelling units on a site as a Permitted Activity (subject to compliance with conditions);

- Specific provision to enable large-scale, integrated residential developments to be assessed in a comprehensive manner as a Restricted Discretionary Activity;
  - Minor corrections relating to the application of private outdoor living area and accessory building provisions, and removal of the title date pre-requisite condition relating to residential infill subdivision;
  - Replacement of the Medium Density Residential Development Design Guide; and
  - Extension of the area to which the Medium Density Overlay applies in Levin.
- 2.4 Mr Vossler noted that the proposed changes related solely to the Residential zone and only apply to residentially zoned properties located within existing urban settlements in the district (i.e. no additional re-zoning of land is proposed). He said that input into PPC 2 was obtained via a series of workshops with representatives of the local development community and relevant Council staff. The purpose of these workshops had been to explore provisions in the operative District Plan that were seen to be inhibiting residential growth and development opportunities in the district and to test the scale and significance of the issues raised by participants, which was used to help frame and inform the matters addressed in the proposed change.
- 2.5 Mr Vossler said that submissions on PPC 2 ranged from those in support requesting adoption of specific provisions as proposed, through to others that requested changes to wording or the deletion of specific changes.

Late Submissions

- 2.6 Mr Vossler advised us that two further submissions had been received approximately one week after the closing date from Christine Moriarty on behalf of HDRRA Inc and Vivienne Bold. He considered that their late receipt as further submissions had no material bearing on any person who may have had an interest in submitting on the matters raised. Additionally, as the submissions are able to be addressed in his report, he could see no reason why they should be excluded from being considered. Consequently, Mr Vossler recommend that we grant an extension of time under Section 37(1) of the RMA to admit the two late submissions.
- 2.7 We agree with Mr Vossler's recommendation and confirm that an extension of time under Section 37(1) of the RMA is granted to the submissions of Christine Moriarty on behalf of HDRRA Inc and Vivienne Bold and they are therefore admitted as submissions for consideration.

Statutory Framework

- 2.8 Mr Vossler went on to highlight the relevant sections of the RMA, the relevant National Policy Statement, being the NPS-UDC, and the relevant planning documents.

**3. Procedural Matter**

- 3.1. We were advised by Council staff at the beginning of the hearing that a number of further submitters on PPC 2 had not been notified of the hearing date. In order to rectify this situation the submitters concerned were offered the opportunity to provide a written statement to the hearing and/or request that the hearing be reconvened.
- 3.2. Four written responses were received by the 12<sup>th</sup> June 2018 and none of those responses requested that they also be heard. We sought a response to the written submissions by Mr Vossler and upon receiving that we closed the hearing on the 21<sup>st</sup> June 2018.

**4. Submitters**

- 4.1. The following submitters made an appearance at the hearing:

- Ms A Hunt and Mr Taueki on behalf of the Potangotango Foundation
- Ms V Harrod
- Mr R Dembetembe of behalf of Horowhenua District Council Consents Team
- Ms S Freebairn on behalf of Waitare Beach Progressive Ratepayers Association (WBPA)

4.2. In addition, written submissions were received from:

- Katie de Roo
- Simon Roche – Powerco
- Christine Moriarty – Horowhenua District Residents and Ratepayers Association
- Vivienne Bold

## 5. Evaluation

- 5.1. Our evaluation of the plan change and the submissions received has, with one or two exceptions, been undertaken in the same order as appears in the Officer's Report for ease of reference.
- 5.2. Any text amendments are shown as bold/underlined where added and strikethrough where deleted.

### Amendment 1

- 5.3. This amendment sought to remove Policy 6.3.6 from Chapter 6 – Urban Environment and amend rules 15.3(k) Restricted Discretionary Activities, 15.4(l) Discretionary Activities, 15.6.6 Private Outdoor Living Area, and 15.8.15 Matters of Discretion and Conditions for Restricted Discretionary Activities and Table 15-4 Standards Applying to Subdivision and Residential Dwelling Units.
- 5.4. A number of submissions were received on these amendments, the majority of which centred on provision 15.8.15 Matters of Discretion for Infill Subdivision.

### Policy 6.3.6

- 5.5. Landlink Limited requested that Policy 6.3.6 be retained and amended to target the area adjacent to the expanded medium density housing overlay to create an urban transition.
- 5.6. Mr Vossler said the fact that the infill subdivision provisions applied across the full extent of the Residential Zone, including areas that were at some distance to the amenities offered within the townships of Levin, Foxton, Foxton Beach and Shannon, rendered the current wording of the policy redundant as it did not align with the direction reflected in other policies in the District Plan, namely Policies 6.3.7, 6.3.8 and 6.3.9, as well as the proposed rules. He recommended that the submission be rejected.
- 5.7. We have reviewed the submission and subsequent officer recommendation. We agree that Policy 6.3.6 would not align with the intent of PPC 2. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by Landlink Limited.

### Rule 15.3

- 5.8. Landlink Limited requested the consideration of amendments to Chapter 25 to assist with the assessment of infill subdivision and integrated residential development applications.

- 5.9. Mr Vossler noted that the decision requested was silent on the nature of suggested amendments. He said that as the two matters were either a Controlled or Restricted Discretionary Activity and that the matters of control and discretion were listed to inform the assessment of infill subdivision and integrated residential development applications. He said that as a number of these matters mirrored the assessment criteria in Chapter 25 the addition of further assessment criteria within this chapter was not considered to make these provisions more effective or efficient and could result in unnecessary repetition in the plan. He recommended that the submission be rejected.
- 5.10. We have reviewed the submission and subsequent officer recommendation. We agree with Mr Vossler's conclusions and therefore adopt his recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by Landlink Limited.

**Rules 15.6.6 and 15.6.7**

- 5.11. Geoffrey McGruddy requested that the plan be amended to reduce the size of outdoor living area circles and to increase site coverage requirements (40%) applicable to all new houses to ensure consistency.
- 5.12. Landlink Limited requested that Rule 15.6.6 be amended to use a ratio of bedrooms or building floor area to determine outdoor living area instead of 20m<sup>2</sup> with a 2.5m circle.
- 5.13. In relation to the McGruddy submission, Mr Vossler noted that the request relates to Rules 15.6.6 and 15.6.7 and said given that no amendments to Rule 15.6.7 were proposed as part of PPC 2 it was therefore considered to be outside the scope of what can be addressed within the context of this hearing.
- 5.14. Regarding Rule 15.6.6, Mr Vossler noted that the proposed change included provision for a private outdoor living area which was at least 20m<sup>2</sup> in area for residential dwelling units on sites smaller than 330m<sup>2</sup>. Additionally, it clarifies the circumstances where provision of a minimum private outdoor living area of 40m<sup>2</sup> applies (i.e. residential dwelling units on sites 330m<sup>2</sup> or greater) along with its orientation. He said it did not, however, suggest any material change to the minimum area of 40m<sup>2</sup> and therefore the requested reduction in minimum private outdoor living area was outside the scope of what could be considered within the context of this hearing. He recommended the submission be rejected.
- 5.15. We note that we have already considered Rule 15.6.6 in relation to a submission from Landlink. We agree that any amendment to Rules 15.6.6 and 15.6.7 regarding the size of outdoor living area circles and site coverage requirements were beyond the scope of the plan change. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by G McGruddy.
- 5.16. In terms of the Landlink submission, Mr Vossler indicated that the approach applied to the provision of a minimum outdoor living area in PPC 2 was based on an accepted, conventional approach that has been adopted in many District Plans around the country. He said the alternative approach suggested by the submitter based on a ratio to bedrooms or building floor area provided no clear indication as to what the provision itself might look like (e.g. dimensions or thresholds). He said that in the absence of these details, it was not possible to assess the benefits, costs, efficiency or effectiveness of this request and consequently, recommended that the submission be rejected.

- 5.17. We have reviewed the submission and subsequent officer recommendation. We agree that without a clear indication as to what an outdoor living area rule associated with a ratio of bedrooms or building floor area would look like the proposal was difficult to assess. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by Landlink Limited.

**Rule 15.8.15**

**Rule 15.8.15(a)(viii)**

- 5.18. Heritage NZ requested that Rule 15.8.15(a)(viii) be retained. The support is noted and we recommended the submission be accepted.

**Rule 15.8.15(a)**

- 5.19. Landlink Limited requested amending a number of matters of discretion in Rule 15.8.15(a) and that consideration be given to an alternative approach based on the built development outcomes sought. HDC also requests amendments to Rule 15.8.15(a), with Horizons opposing the suggested removal of Rule 15.8.15(a)(x). The further submission of Powerco supported retention of the proposed matters of discretion for infill subdivision, subject to amending Rule 15.8.15(vi) to include "gas" and inserting an additional matter relating to network utilities.
- 5.20. In his s42A report Mr Vossler said that the matters of discretion set out in Rule 15.8.15(a) largely mirrored the matters of control applied more generally to land subdivision throughout the operative plan (e.g. Rules 15.7.5, 17.7.1, 16.7.1) and were consistent with this approach and appropriate to the circumstances. He was not aware that the workability of the operative matters of control relating to land subdivision were an issue, and as such the assertion that the matters set out in Rule 15.8.15(a) are overly lengthy and generate too much uncertainty was questionable. He said by contrast, the deletion of matters 15.8.15(a)(ii), (iii), (vii), (ix), (x) and (xv) would unnecessarily impede the Council's discretion to effectively manage the effects of infill subdivision to maintain and enhance residential character and good quality on-site amenity as directed by Policy 6.3.7. Further, removing these matters could also undermine the integrity and consistency of the land subdivision matters applied elsewhere in the plan. Mr Vossler said there was neither a compelling reason to adopt a different approach at this juncture nor any clear indication as to what this might be comprised of and that in the absence of these details, it is difficult to assess the effectiveness and efficiency of this different approach.
- 5.21. Mr Vossler said he supported the further request by Powerco to include reference to "gas" in Rule 15.8.15(vi) as it appeared to be an unintended omission at the time of drafting; however, he did not support the inclusion of an additional matter relating to network utilities as it was unclear what additional matters would need to be addressed over and above those already covered in Rule 15.8.15(vi).
- 5.22. At the hearing Mr Dembetembe said that the HDC submission on behalf of the Consents Team was about ensuring that the proposed provisions from PPC 2 were able to be appropriately implemented and easily understood. He referred specifically to Rule 15.8.15(a) and considered that in terms of clause (ii) the character would change, that clause (iii) was covered in the subdivision section, that clause (vii) was unnecessary, that clause (ix) was addressed by the NES on contamination and that clause (x) was covered by Section 6 (of the RMA) and the national hazards overlays.

- 5.23. In response Mr Vossler said that although the matters of discretions set out in Rule 15.8.15(a) largely mirror the matters of control applied more generally to land subdivision throughout the operative plan (e.g. Rules 15.7.5, 17.7.1, 16.7.1) it was acknowledged that a number unnecessarily replicate requirements contained in the RMA (e.g. ss.108 and 220 relating to conditions of resource/subdivision consents; ss.230 and 231 relating to esplanade reserves/strips) or relevant NESs (e.g. Assessing and Managing Contaminants in Soil to Protect Human Health). He said as this was contrary to the intent of the procedural principle in s.18A(b)(i) to address only those matters relevant to the purpose of the RMA, including avoiding regulatory repetition. He consequently recommended that matters 15.8.15(a)(iii), (vii), (ix) and (xv) be deleted and that the HDC submission be accepted in part.
- 5.24. In written statements Mr Roche on behalf of Powerco and Ms Carswell on behalf of Horizons supported Mr Vossler's recommendations.
- 5.25. Landlink Limited also noted in their submission that there appeared to be a focus in some of the matters of discretion in Rule 15.8.15(a) on 'character' as opposed to 'amenity values'.
- 5.26. We questioned Mr Vossler about the relevance of the word 'character' in these provisions in the context of a plan change which is enabling intensification also noting the comments from Mr Dembetembe above. In his written response Mr Vossler said the focus on character was a reflection of the wording of Policy 6.3.7 which relates to both character and amenity values. However he said that as there is no specific reference to the 'protection' or 'maintenance and enhancement' of character in Part II of the RMA it is recommended that matter 15.8.15(a)(ii) is amended to instead focus on the potential effects of infill subdivision on the amenity values of the existing urban environment. He said that as 'amenity values' extend to include such factors as screening and landscape treatment this amendment introduces an element of duplication with matter 15.8.15(a)(i). To rectify this he further recommended that, as a consequential amendment, the reference to 'screening and landscape treatment' in 15.8.15(a)(i) be deleted.
- 5.27. As a result of the above the following amendments to proposed Rule 15.8.15(a) were now recommended by Mr Vossler:
- (i) The design and layout of the subdivision, including the size, shape and position of any lot, as well as the future land use and development of each lot. In addition, the location of building sites, separation distance **and** orientation of buildings, ~~and screening/landscape treatment.~~
  - (ii) The potential effects of ~~the subdivision~~ **and development** ~~and level of change to the character on the amenity values~~ of the existing urban environment.
  - ~~(iii) The amalgamation of any proposed allotments or balance areas to existing titles of land.~~
  - (iv) The provision of access to the site, passing bays, car parking and manoeuvring areas, and any necessary easements.
  - (v) The management of traffic generated and potential adverse effects on the safety and efficiency of the street network.
  - (vi) The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, telecommunications, **gas** and electricity.
  - ~~(vii) Provision of reserves, esplanade reserves, esplanade strips and access strips, including connections to existing and future reserves.~~
  - (viii) Effects on significant sites and features, including natural, cultural, archaeological and historical sites.
  - ~~(ix) Site contamination remediation measures and works.~~



- (x) Avoidance or mitigation of natural hazards. (Note: Refer to the "Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project" (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).
- (xi) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control.
- (xii) Staging of the subdivision.
- (xiii) In accordance with any applicable Structure Plan in Schedule 8.
- (xiv) Compliance with the Council's Subdivision and Development Principles and Requirements (Version: July 2014).
- (xv) ~~Those matters described in Sections 108 and 220 of the RMA.~~

5.28. We have reviewed the amendments now proposed and consider them to be appropriate. In particular we are of the view that they are now better focussed and reduce duplication. We therefore adopt Mr Vossler's reasons and recommended Rule 15.8.15(a) above as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. On this basis it is recommended that the submission by Landlink Ltd, the submission by HDC and the further submission by Powerco be accepted in part, and that the further submission by Horizons be accepted. We note here that a further matter raised by Powerco in relation to Rule 15.8.15(a) is addressed in the Miscellaneous and General Submissions section below.

Notification

- 5.29. Landlink Limited requested that infill subdivision be treated on a non-notified basis.
- 5.30. Mr Vossler indicated that none of the provisions relating to subdivision in the operative plan expressly state that the activity will be considered on a non-notified basis. He also noted that section 95A(5)(b) of the RMA precludes notification of an application for resource consent where it relates to:
- (i) a controlled activity;
  - (ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity.
- 5.31. He said that as these legislative provisions were applicable to the way that infill subdivision is either already or is proposed to be treated in the Plan it would therefore be exempt from notification under Section 95A(5)(b). Consequently, he recommended that the submission be accepted in part.
- 5.32. We were not entirely in agreement with Mr Vossler in terms of the exempt from notification, although we accept that such subdivision is exempt from public notification pursuant to section 95A(5)(b) of the RMA. However, there remains an ability under section 95B to notify a subdivision application, including as a controlled activity, on a limited basis.
- 5.33. Having considered the intent of the submission we believe there remains the potential for infill subdivision to have localised effects which might meet the minor or more than minor thresholds and therefore providing for such subdivision on a blanket non-notified basis would not in our view be appropriate. We therefore recommend that the submission by Landlink Ltd be rejected.

Tables 15.4 and 15.5



- 5.34. Truebridge Associates Limited requested the renaming the proposed infill rule in Table 15-5 and that the activity status of residential infill subdivision be clarified. Similarly, HDC requested that Table 15-4 be amended to better clarify the relevant rules applicable to infill subdivision (i.e. pre-requisite conditions).
- 5.35. Mr Vossler acknowledged the need for improved clarity regarding infill subdivision, particularly given that the distinction between residential infill anticipated as a controlled activity under Rule 15.7.5 (refer Table 15-4) and that envisaged under proposed Rule 15.18.5 (refer Table 15-5) is blurred by the proposed amendments. He said that on reflection, this situation was likely to be attributable to the extent of the text proposed to be deleted from the pre-requisite condition relating to Residential Infill Allotments in Table 15-4 and that the primary intent of this amendment was to remove the need for an allotment to be contained in a certificate of title issued before 1/3/91, thereby providing increased opportunity for an increased number of sites to be subdivided.
- 5.36. Mr Vossler considered that the removal of the balance of the pre-requisite condition also removed the distinguishing characteristics that differentiate infill and greenfield subdivision. To rectify this situation, he recommended that the area pre-requisites relating to residential infill in Table 15-4 be reinstated and that as a consequence, both these submissions be accepted in part. He also recommended that an advice note be added to Table 15-4 to clarify how the infill subdivision rules should be applied.
- 5.37. As a result of the above the following amendments to Table 15-4 were now recommended by Mr Vossler:

Type of Allotment, or Subdivision	Pre-Requisite Conditions	Minimum Net Site Area/ Average Site Area	Minimum Shape Factor
Levin, Foxton, Foxton Beach and Shannon			
<b>Residential Infill Allotments</b>	<p><u>The allotment being subdivided</u> shall be contained in a certificate of title issued before 1.3.91; and</p> <ul style="list-style-type: none"> <li>• <u>Shall have no more than 1200 square metres area and contain no buildings; or</u></li> <li>• <u>Shall have no more than 2025 square metres area and shall contain a residential building or buildings.</u></li> </ul> <p>Subdivisions shall not create more than 3 infill allotments.</p>	330 square metres	13 metres diameter

**Advice Note:** Infill subdivisions shall be assessed according to the least restrictive activity status that is applicable. For example, a subdivision satisfying all Controlled Activity conditions contained within Table 15-4 shall be assessed as a Controlled Activity in accordance with Rule 15.2(e), not as a Restricted Discretionary Activity in accordance with Rule 15.3(k).

If an infill subdivision does not comply with the Controlled Activity standards set out in Table 15-4, but does comply with the Restricted Discretionary Standards set out in Table 15-5, the subdivision shall be assessed in accordance with Rule 15.3(k), not rule 15.7(b).

- 5.38. We have reviewed the amendments now proposed and consider them to provide greater clarity and therefore to be appropriate. We therefore adopt Mr Vossler's reasons and recommended Table 15.4 and the associated Advice Note above as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA. On this basis it is recommended that the submissions by Truebridge Associates Limited and HDC be accepted in part.
- 5.39. Truebridge Associates Limited sought clarification on whether building plans were a requirement for subdivision applications involving lots less than 330m<sup>2</sup> in net site area, while HDC requested removal of the Note encouraging applicants to submit building plans at the time of subdivision.
- 5.40. Mr Vossler said the intended purpose of including the Note was to implement Policies 6.3.4 and 6.3.7 by ensuring that a complying building could be constructed on a proposed infill lot post-subdivision. He said that as the Note was advisory in nature and did not have the force of a rule it was not a pre-requisite to obtaining subdivision consent. However, he considered that its removal could result in the inadvertent subdivision of sites that are unable to subsequently accommodate a complying dwelling, thereby undermining the intent of Policies 6.3.4 and 6.3.7. He recommended that the Truebridge Associates Limited submission be accepted in part and the HDC submission be rejected.
- 5.41. At the hearing Mr Dembetembe said that the Note associated with Table 15.5 was problematic and he suggested instead that it be a requirement to submit building plans as a condition of Rule 15.8.15(b).
- 5.42. Mr Vossler responded saying that although this suggestion offered the potential for increased certainty regarding the ability to determine whether a complying dwelling unit could be sited on the lots proposed (i.e. a mandatory vs voluntary requirement for consideration of infill subdivision as an RDA), he was reluctant to recommend its inclusion as to do so had implications in terms of scope and natural justice given the original submissions from Truebridge and HDC were not specific on this matter.
- 5.43. We agree that translating the content of the Note into a mandatory condition is not something that would have been readily anticipated by any party reading the above submissions and that such an amendment runs a potential risk on the grounds of natural justice. We also make the point that the Note is merely providing information to users of the Plan that by providing building plans it might help them in demonstrating their ability to provide a complying development within the proposed subdivision. It is not however mandatory and applicants can choose not to provide such plans and address any matter in a written form for example.
- 5.44. We therefore agree with Mr Vossler's recommendations and reasons and adopt them as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part the submission by Truebridge Associates Limited on the basis that their point is clarified and reject the submission by HDC.

**Activity Status**

- 5.45. Geoffrey McGruddy requested that permitted activity rules be applied evenly across infill and new subdivision, and that both activities be classed as controlled (providing they meet the permitted activity rules) and evenly apply a minimum lot size of 250m<sup>2</sup>.

- 5.46. Mr Vossler indicated that the operative plan currently enables residential infill subdivision to a 330m<sup>2</sup> minimum as a controlled activity, with any subsequent development permitted subject to meeting relevant permitted activity conditions. He said that PPC 2 introduced an additional residential infill option, being a 250m<sup>2</sup> minimum for proposed infill lots accommodating detached residential dwelling units as a restricted discretionary activity. He noted that the intent behind this approach was to enable increased diversity of residential development within established urban areas in order to cater for the needs of existing and future residents (e.g. 1-2 bedroom dwellings). He considered that the proposed approach provided an appropriate balance between providing certainty for developers while managing the potential effects of infill subdivision involving one or more detached residential units and reinforced the policy intent expressed in Policies 6.3.7, 6.3.8 and 6.3.9.
- 5.47. Mr Vossler said that treatment of all infill and greenfields subdivision as a permitted or controlled activity at 250m<sup>2</sup> as suggested, with reliance on permitted activity rules such as Rules 15.6.1, 15.6.6 and 15.6.8, overlooked the distinction between subdivision and subsequent development, with the rules referenced applicable to the latter and not the former except where a parallel land use consent was also sought. As such, he considered the effectiveness of the approach in addressing matters such as the size, shape and positioning of lots, provision of infrastructure including roads, services and reserves and managing natural hazard risks was highly questionable and could result in unintended consequences. He also noted that contrary to the suggested uniform application of a 250m<sup>2</sup> lot size, the proposed approach offered a graduated range of lot sizes provide for the needs of the district in terms of enabling opportunities for increased housing choice, which was consistent with the policy intent expressed in Policies 6.3.7, 6.3.8 and 6.3.9. He recommended that the submission be rejected.
- 5.48. We have reviewed the submission and subsequent officer recommendation and we agree with Mr Vossler's conclusions. We also consider that the suggested approach by Mr McGruddy would inhibit the Council from assessing the merits of such applications on a case-by-case basis and to decline an application where this was warranted. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by G McGruddy.

**Withdrawal of PPC 2**

- 5.49. Janice Swanwick requested the withdrawal of PPC 2 and the revisiting of proposals to increase section availability.
- 5.50. Mr Vossler said that the district was predicted to experience an increased level of housing and the intent behind PPC 2 was to make provision for some of this anticipated housing through enabling increased diversity of residential development within established urban areas to cater for the needs of existing and future residents (e.g. 1-2 bedroom dwellings). He noted that the benefits of enabling infill subdivision include smaller housing units, increased housing choice and a means to help address housing affordability.
- 5.51. Mr Vossler went on to say that in addressing the concerns expressed, the proposed plan change renders such applications a restricted discretionary activity and that Rule 15.8.15 sets out a range of matters the Council can take into consideration in assessing the merits of an application along with conditions that need to be complied with. He said that these included, amongst other matters, the design and layout of the subdivision, the location of building sites, separation distances, screening/landscape treatment, the provision of servicing, provision of reserves and avoidance or mitigation of natural hazards. Consequently, he considered the withdrawal of PPC 2 was unwarranted and recommended the submission be rejected.

- 5.52. We have reviewed the submission and subsequent officer recommendation and while we acknowledge Ms Swanwick's concerns about the minimum size of infill lots we consider that sufficient mechanisms have been included in the plan change to ensure that there is a rigorous assessment of any proposals which come forward, including the fact that proposals below 330m<sup>2</sup> are assessed as a restricted discretionary activity as a minimum. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by J Swanwick.

**Amendment 2**

- 5.53. This amendment sought to make changes to rule 15.6.1 Number of Residential Dwelling Units and Family Flats, rule 15.4 Discretionary Activities and the definition of Notional Net Site Area. Three submissions were received seeking amendments to the provisions.
- 5.54. Landlink Limited requested that the reference to notional net site in Rule 16.6.1(a) be removed. They noted the concept of a notional net site area imposes a default fee simple subdivision and will fail to deliver a greater volume or diversity of housing.
- 5.55. Mr Vossler indicated that the purpose behind the introduction of a notional net site area was to ensure that infill development maintained and enhanced residential character and good quality on-site amenity as anticipated by Policy 6.3.7 of the Plan. It would also mean there was the ability for a complying infill lot to be created in the event that a landowner decided to divest themselves of one of the residential dwellings located on the property. He said that although this could be construed as a 'default fee simple subdivision', the primary intention was to provide a level of certainty to landowners and that the future option to subdivide would not be unnecessarily or unintentionally impeded. He recommended the submission be rejected.
- 5.56. We have reviewed the submission and subsequent officer recommendation and we agree with Mr Vossler's conclusions. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by Landlink Limited.
- 5.57. Truebridge Associates Limited sought clarification of the meaning of notional net site area and whether it means 250m<sup>2</sup> or 330m<sup>2</sup>.
- 5.58. Mr Vossler said that proposed Rule 15.6.1(a) was one of the conditions applicable to permitted activities and explicitly states that:
- (a) On sites greater than 330m<sup>2</sup>*
- (i) Up to two One residential dwelling units per site, subject to demonstrating that a minimum notional net site area of 330m<sup>2</sup> can be provided for each unit;*
- or*
- (ii) One residential dwelling unit and one family flat of up to 50m<sup>2</sup> in maximum gross floor area plus a covered verandah up to 10m<sup>2</sup> per site.*
- 5.59. He said that given the specific reference to 'sites greater than 330m<sup>2</sup>' he considered that sufficient clarity was already provided by the current drafting and no further amendment was required. He recommended that the submission be rejected.
- 5.60. We have reviewed the submission and subsequent officer recommendation and we agree with Mr Vossler's conclusion that there is sufficient clarity. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by Truebridge Associates Limited.

- 5.61. HDC requested that Rule 15.4(c) be deleted and replaced with a rule that more clearly aligned with the proposed amendment to Rule 15.6.1.
- 5.62. Mr Vossler considered that the intent behind the inclusion of proposed Rule 15.4(c) was to signal the status of an activity that failed to meet the permitted activity conditions contained in Rule 15.6.1. He said that while the proposed wording of Rule 15.4(c) broadly reflects this intent, it was currently clumsily worded and that the suggested rewording by HDC was supported and the submission recommended to be accepted.
- 5.63. As a result of the above the following amendments to Rule 15.4(c) were recommended by Mr Vossler:
- ~~(c) Two or On sites greater than 330m<sup>2</sup> more than two residential dwelling units, or one residential dwelling unit and one /family flats, per site.~~
- (c) Where the number of residential dwelling units and/or family flats does not comply with the permitted activity conditions in Rule 15.6.1.**
- 5.64. We have reviewed the submission and subsequent officer recommendation and we agree with both the submitter and Mr Vossler's conclusions. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept the submission by HDC.

**Amendment 3**

- 5.65. Amendment 3 proposed to amend Policy 6.1.17 and insert a new policy relating to integrated residential development in Chapter 6 Urban Environments. The amendment also involved inserting a new clause in Rule 15.3 Restricted Discretionary Activities, inserting matters of discretion and a definition for integrated residential development. Four submissions were received seeking amendments.
- 5.66. Landlink Limited requested that Policy 6.3.10A be amended so the terms used do not contradict each other and that the reference to 'scale and character' and 'environmental amenities' were removed and in the case of environmental amenities replaced with amenity values.
- 5.67. Mr Vossler acknowledged the points raised and supported the suggested rewording of the policy as it would improve clarity and better reflect the focus of the RMA. He recommended the submission be accepted and that the following amendments to Policy 6.3.10A be made:
- Provide for integrated residential development where the design ensures that the site and built form function in ~~an coherent and~~ integrated way, and that the development complements ~~the scale and character of~~ the local area and does not significantly adversely affect local ~~environmental amenities~~ amenity values
- 5.68. We have reviewed the submission and subsequent officer recommendation and we agree with both the submitter and Mr Vossler's conclusions. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept the submission by Landlink Limited.
- 5.69. Heritage NZ and Truebridge Associates Limited requested amendments to Rule 15.8.16, including adding a matter of discretion on the effects on significant sites and features and removing 15.8.16(b) which refers to non-notification.



- 5.70. Mr Vossler noted that PPC 2 did not place any locational constraints on where integrated residential development can occur in the Residential Zone. As such, he said the point raised regarding the possibility that such development could have an adverse impact on adjacent heritage resources, particularly those listed in Schedule 2 of the operative plan, was acknowledged and the inclusion of an associated matter of discretion in Rule 15.8.16 was supported. He recommended the submission by Heritage NZ be accepted and that the following matter of discretion be added to Rule 15.8.16(a):

**viii. The effects on significant sites and features, including natural, cultural, archaeological and historical sites.**

- 5.71. We have reviewed the submission and subsequent officer recommendation and we agree with the submitter and Mr Vossler's conclusions. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept the submission by Heritage NZ.
- 5.72. Mr Vossler also acknowledged and supported the points raised by Truebridge Associates Limited, although he said there was still provision under Section 77D of the RMA for Councils to exempt activities requiring a resource consent from being notified, Section 95A(5)(b) of the RMA precludes notification of an application for resource consent where it relates to:

*(ii) a restricted discretionary or discretionary activity, but only if the activity is a subdivision of land or a residential activity;*

- 5.73. Mr Vossler noted that residential development was defined in Section 95A(6) as 'an activity that requires resource consent under a regional or district plan and that is associated with the construction, alteration, or use of 1 or more dwellinghouses on land that, under a district plan, is intended to be used solely or principally for residential purposes'. He said as this definition was also applicable to integrated residential development it would therefore be exempt from notification under Section 95A(5)(b). He recommended that the submission by Truebridge Associates Limited accepted and that Rule 15.8.16(b) be deleted as follows:

**(b) Non-Notification**

~~i. Under Section 77D of the RMA, an activity requiring resource consent under Rule 15.8.15 shall not be publicly notified, except where:~~

- ~~• The Council decides special circumstances exist (pursuant to Section 95A(4)), or~~
- ~~• The applicant requests public notification (pursuant to Section 95A(2)(b)).~~

- 5.74. We have reviewed the submission and subsequent officer recommendation and we agree with the submitter and Mr Vossler's conclusions. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept the submission by Truebridge Associates Limited.
- 5.75. Landlink Limited requested that the definition of integrated residential development be amended to allow for more than one site to comprise the 2000m<sup>2</sup> required for it to be considered an integrated residential development. They also queried the need to provide for a mix of housing types and staged construction.
- 5.76. Mr Vossler accepted the point raised relating to 'any site greater than 2000m<sup>2</sup>' in the proposed definition, particularly given the potential limitations of securing a single site capable of meeting the size threshold within the existing urban areas. He recommended that the definition be amended to accommodate either a single site or an amalgamation of sites.

- 5.77. Mr Vossler also said that as the intent behind the provision for integrated residential development and its associated definition was predominantly to cater for larger scale retirement village developments he considered that the balance of the proposed definition relating to such matters as housing mix and staged construction was sufficiently fit for this purpose, bearing in mind that it may not suit every situation in which an integrated development is proposed (e.g. a private developer as opposed to a retirement village operator). He therefore said that for these reasons, and as no specific amendments were provided as suggested alternative to the proposed definition, his recommendation was that the submission be accepted in part and the definition be amended as follows:

**Integrated Residential Development** means a residential development on any site or amalgamation of sites greater than 2000m<sup>2</sup> that:

- is designed to function and be managed as a single, integrated development;
- contains a mix of dwelling unit type (e.g. detached, semi-detached, multi-unit); includes provision for shared or communal facilities such as healthcare facilities, recreational/leisure facilities, open space, access, loading spaces, parking and manoeuvring, that are accessible from, and can be used by, the residents or tenants of the development and their visitors; and is constructed in one or more stages.

- 5.78. We have reviewed the submission and subsequent officer recommendation and we agree with the submitter and Mr Vossler's conclusions with regards to the inclusion of amalgamated sites within the definition. We did not see the necessity for any further amendments and note that no further evidence was provided as to what further amendments to the definition might be. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part the submission by Landlink Limited.

#### **Amendment 4**

- 5.79. Amendment 4 proposed to amend Rule 15.6.8 Accessory Buildings. Two submissions were received seeking amendments.
- 5.80. Truebridge Associates Limited requested that Rule 15.6.8(d) be retained as proposed and that Rule 15.6.7(b) be amended to allow 40% site coverage on rear sites with a net site area under 500m<sup>2</sup> and a total area of over 500m<sup>2</sup>.
- 5.81. In terms of the requested amendment to Rule 15.6.7(b) Mr Vossler said that as the breadth of changes proposed in PPC 2 was limited in scope and excluded any suggested amendments to this particular rule and therefore the request was considered to be outside the range of matters that could be addressed within the context of this hearing. He recommended that the submission be accepted in part on the basis of the support for Rule 15.6.8(d).
- 5.82. We acknowledge the support for the retention of proposed Rule 15.6.8(d) and we agree that any amendment to Rules 15.6.7(b) in terms of site coverage is beyond the scope of the plan change. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part the submission by Truebridge Associates Limited.
- 5.83. Landlink Limited requested that Rule 15.6.8 be amended to reflect the size of accessory building that is anticipated to be constructed (i.e. a double garage).



- 5.84. Mr Vossler acknowledged the point relating to the proposed maximum gross floor area of accessory buildings on sites less than 330m<sup>2</sup>, noting that it was inconsistent with the maximum currently referred to in Rule 15.6.8(e) of 36m<sup>2</sup>. He said that as the intent behind setting this maximum was to enable a conventional accessory building like a double garage to be constructed it was recommended that the proposed maximum gross floor area be amended to 36m<sup>2</sup>. This he considered would also align with the policy direction in Policies 6.3.21 and 6.3.22 and provided a more efficient and effective response. He recommended the submission be accepted and that Rule 15.6.8(e) be amended as follows:

(e) On sites less than 330m<sup>2</sup> the total maximum gross floor area of all accessory buildings shall not exceed ~~30~~36m<sup>2</sup>.

- 5.85. We have reviewed the submission and subsequent officer recommendation and we agree with the submitter and Mr Vossler's conclusions. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept the submission by Landlink Limited.

#### Amendment 5

- 5.86. Amendment 5 proposed to amend the extent of the Medium Density Overlay on the Planning Maps and was opposed by Janice Swanwick who requested the withdrawal of PPC 2 and revisiting proposals to increase section availability.
- 5.87. Mr Vossler referred to his previous conclusions in Amendment 1 in relation to this submission. He also noted that the extension of the overlay would not, of itself, result in wholesale intensification of the area to which it applies. He considered this would largely be dependent on the level of demand for medium density housing in the district and the level of corresponding take up by existing landowners within the area subject to the overlay to on-sell their properties. He said that the contention that it will result in increased rates and force people to subdivide or sell was speculative, particularly in light of the fact that the introduction of the Medium Density Development provisions into the District Plan in 2015 had not resulted in the indiscriminate subdivision of properties located within the current overlay nor, as he understood it, a substantive increase in rates. He recommended the submission be rejected.
- 5.88. In response to the concerns expressed by Ms Swanwick we consider that taking into account the large spatial extent of the Medium Density Overlay it was unlikely that the plan change would lead to a distortion in the value of properties. We therefore agree with the conclusions of Mr Vossler's and adopt his recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by J Swanwick.

#### Amendment 6

- 5.89. Amendment 6 amends the heading of Rule 15.8.7 Medium Density Development within Levin, Foxton Beach and Waitarere Beach so it refers to the correct provision (i.e. Rule 15.3(e) rather than (d)); amends Rule 15.8.7(a) Matters of Discretion to include the word 'Development' in Medium Density Residential Development Design Guide; and deletes the Medium Density Residential Development Design Guide in Schedule 10 of the Operative Plan and replaces it with the revised design guide included in Appendix 2 of the Plan Change. Three submissions were received seeking amendments.
- 5.90. Truebridge Associates Limited requested that reference to the activity status of 250m<sup>2</sup> infill subdivision in Section 2.1 of the Medium Density Residential Development Design Guide is amended to be consistent with the status in the proposed plan change.

- 5.91. Mr Vossler acknowledged the point relating to the inconsistent reference, particularly as any proposed infill subdivision of this size was proposed to be considered as a restricted discretionary activity as opposed to controlled activity. Consequently, he recommended that the submission be accepted and the activity status relating to 250m<sup>2</sup> infill subdivision referred to in the first paragraph under the heading 'Conventional Infill Subdivision', Section 2.1 of the guide be amended to align with that of PPC 2 as follows:

The Plan allows for more intensive subdivision, to a minimum lot size of 330m<sup>2</sup> as a Controlled Activity and 250m<sup>2</sup> as a Restricted Discretionary Activity, in Levin, Foxton, Foxton Beach and Shannon. ~~Development on small lots is managed by traditional "bulk and location" rules, along with some additional requirements to make sure that the increased density of housing does not result in poor outcomes. These rules and standards ensure that adverse effects such as shading, overlooking and street appearance are managed appropriately.~~ subject to compliance with relevant conditions through the infill subdivision rules. Where an infill subdivision design does not comply with all of the relevant ~~standards~~ **conditions**, the 'activity status' of the consent changes to a Restricted Discretionary (330m<sup>2</sup>) or ~~Restricted~~ Discretionary Activity (250m<sup>2</sup>).

- 5.92. We have reviewed the submission and subsequent officer recommendation and we agree with the submitter and Mr Vossler's conclusions. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept the submission by Truebridge Associates Limited.
- 5.93. Waitarere Beach Progressive Ratepayers Association (WBPR) supported retention of guideline 4.5.27 of the Medium Density Residential Development Design Guide as proposed, and also requested consideration of a two storey height restriction on new builds and renovations at Waitarere Beach, planning for grey water usage to better conserve and utilise water for gardens, and specification of water tank size to ensure they are adequate relative to the building footprint.
- 5.94. In terms of the two storey height restriction Mr Vossler said that as no amendments to the Residential Zone height rules were proposed as part of PPC 2 it was outside the scope of what the Panel could consider. He considered that planning for greywater usage was a matter which was more appropriately addressed by Council as part of its '3 waters' management role, but noted that guideline 4.5.27 could also be applied to greywater given the reference to 'all water collection, storage and supply'. As for the specification of water tank size, Mr Vossler considered this was beyond the general intent of the design guide and would be best addressed on a site specific basis. He recommended that the submission be accepted in part.
- 5.95. Ms Freebairn presented a submission on behalf of the WBPR in which she described the Waitarere township and expressed concern about the added stress on infrastructure which might result from increased development within a concentrated area. She noted that Waitarere already experienced problems with stormwater related flooding and understood that the wastewater system was in need of upgrading to cope with growth areas. She also discussed the need to consider alternative means of dealing with and disposing of stormwater so as to minimise the impact on Lake Horowhenua.
- 5.96. We noted the support for the guideline by the WBPR. We agree with Mr Vossler that any amendments to the height provisions were beyond the scope of the plan change and that the remaining matters raised by WBPR were best dealt with through other Council mechanisms. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part the submission by WBPR.

- 5.97. Truebridge Associates Limited requests that the illustrations in the Medium Density Residential Development Design Guide be reviewed to ensure that they align with the definition of Medium Density Development.
- 5.98. Mr Vossler said that as currently defined in the operative plan, medium density development refers to *‘three (3) or more residential units, designed and planned in an integrated manner’*. He noted the point that not all of the diagrams in the Guide depict three or more units, but said that their primary purpose was to visually illustrate the associated assessment guidelines in order to assist readers to better understand their stated intent. Given this, he said illustrating three or more units in every instance was unnecessary, with the amendments incurring additional time/cost for no material benefit. He recommended that the submission be rejected.
- 5.99. We agree with Mr Vossler’s conclusion that the illustrations are designed to provide a visual context to the guidelines, much of which is associated with the locations of dwelling units. We saw little need to show three residential units as opposed to two to provide that context. We therefore agree with the conclusions of Mr Vossler’s and adopt his recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by Truebridge Associates Limited.

**Miscellaneous and General Submissions**

- 5.100. A number of miscellaneous and general matters were raised in by submitters which are discussed below.
- 5.101. Firstly, we acknowledge the submissions of Che Lahmert, Geoffrey Willmott, the Assembly of God Church of Samoa and Pirie Consultants Limited all of whom supported PPC 2 and requested that it be retained as proposed. Given the amendments to PPC 2 that we have recommended we recommend that these submissions be accepted in part.
- 5.102. Geoffrey McGruddy requests an amendment to reduce the 4m setback requirement from a front boundary to 1.5m.
- 5.103. Mr Vossler noted that the request related to Rule 15.6.4(a) and said that as the breadth of changes proposed in PPC 2 was limited in scope and excluded any amendments to this rule or subject matter, the request was considered to be outside the range of matters that could be addressed within the context of this hearing. He recommended the submission be rejected.
- 5.104. We agree that any amendment to Rule 15.6.4(a) in terms of changing the setback requirement is beyond the scope of the plan change. We therefore adopt Mr Vossler’s recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by G McGruddy.
- 5.105. HDC requested an amendment to ensure that where a party wall along two joined buildings was proposed, the recession plane and boundary setback requirements would not apply along the length and height of that wall.
- 5.106. Mr Vossler noted that the request related to Rules 15.6.3 and 15.6.4 and said that while he acknowledged the points raised, as the breadth of changes proposed in PPC 2 was limited in scope and excluded any proposed amendments to these rules or subject matter, the request was considered to be outside the range of matters that could be addressed within the context of this hearing. He initially recommended the submission be rejected.

- 5.107. However, upon further consideration Mr Vossler noted that s.87BA of the RMA now provides for boundary activities that infringe one or more boundary rules, but no other district plan rules, to be treated as a 'deemed permitted boundary activity'. Such infringements can include, for example, incursions into yard setbacks or recession planes/height in relation to boundary requirements. Once a consent authority is satisfied an activity is a boundary activity, and all the owners with infringed boundaries have provided their written approval, the consent authority is required under s.87BA(2)(a) to provide written notice to the applicant stating the activity is permitted. Mr Vossler said as this recent amendment to the RMA appears to address the matters raised within the HDC submission without necessitating the need for further changes to the Plan it is recommended that this submission be accepted in part.
- 5.108. We agree with Mr Vossler that the RMA amendments regarding boundary activities in s87BA seem to have addressed the HDC submission. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part the submission by HDC.
- 5.109. HDC also requested an amendment to include a requirement to make provision for stormwater reticulation or attenuation systems in residential greenfield subdivision.
- 5.110. Mr Vossler noted that the focus of PPC 2 was on infill and medium density residential subdivision and development as opposed to greenfield subdivision. As such, he said the requested amendment extended beyond the matters specifically dealt with as part of PPC 2 and was therefore outside the scope of what can be considered within the context of this hearing. He recommended the submission be rejected.
- 5.111. We agree that any amendments to address matters in greenfield subdivisions are beyond the scope of the plan change. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by HDC.
- 5.112. Radha Sahar supported PPC 2 but requested more thorough consideration of factors relating to stormwater and sustainable building. This was supported by Katie de Roo.
- 5.113. In terms of stormwater Mr Vossler noted that all subdivision in the district was required to comply with the requirements set out in Chapter 24 – Subdivision and Development of the operative plan, including those in NZS 4404:2010 Land Development and Subdivision Infrastructure and Council's Subdivision and Development Principles and Requirements (Version: July 2014). Furthermore, the Medium Density Design Guide includes specific reference to stormwater management (guideline point 26).
- 5.114. As for sustainable building, Mr Vossler said the intent behind PPC 2 was to enable increased diversity of residential development within established urban areas in the district at a scale and price point that offered a wider range of housing choice to meet the needs of existing and future residents. Additionally, in terms of 'aspect' both the provisions in the operative plan, and the guidelines in the Medium Density Residential Design Guide are premised on encouraging new development that is well oriented to the sun and provides good on-site amenity for residents.
- 5.115. Mr Vossler therefore recommended that the submission and further submission be accepted in part, noting that many of the matters raised with the further submission were outside the scope of those relevant to the originating submission of Radha Sahar.

- 5.116. In a written statement Ms de Roo maintained that 250m<sup>2</sup> sections, outside of the Medium Density Overlay, were too small for the Horowhenua community. She provided a list of minimum section sizes from a number of comparable communities throughout the country in support of her position. She did not consider the Officer's report put forward a compelling justification for the proposed 250m<sup>2</sup> minimum lot size and believed that the character of Levin would be diminished by large scale infill subdivision of 250m<sup>2</sup> minimum lot size.
- 5.117. Mr Vossler responded by saying that the comments provided needed to be considered within the context that the lot size standards from the other Council's referred to by Ms de Roo are permitted minima and that, by comparison, the permitted minimum for residential infill in the Horowhenua District Plan is 330m<sup>2</sup> - a similar lot area to the comparators cited. He went onto emphasis that subdivision of a lot to 250m<sup>2</sup> would not be permitted as of right under PPC 2 but instead treated as a restricted discretionary activity and subject to the conditions contained in proposed Rule 15.8.15 and that where compliance with these conditions cannot be achieved the application resorts to being a discretionary activity.
- 5.118. Based on the above Mr Vossler said his recommendation regarding the submission still stood (pg 36), although he suggested that the additional rationale outlined above form part of the associated decision on this further submission if this was considered acceptable by the hearing panel.
- 5.119. We acknowledge the support for PPC 2 by Radha Sahar and while we believe Ms de Roo's further submission and written statement goes somewhat beyond the scope of supporting the Sahar submission in particular, she does also support a submitter (Veronica Harrod) seeking deferment of PPC 2. We have therefore chosen to address the matters she raises here.
- 5.120. We note that the evidence before us is that there has been a substantial change in the level of projected population and housing growth in the district since the operative District Plan was prepared. We also note that the Council now has obligations imposed on it by the NPS-UDC in terms of providing for growth. Within that context a primary purpose of PPC 2 is to amend a limited range of rules relating to residential development in the operative District Plan to provide more flexibility in terms of infill development, allowing increased diversity and enabling larger-scale, more complex residential development proposals to be addressed in a more integrated manner. As referred to by Mr Vossler it is considered this will enable a wider range of housing choice to meet the needs of existing and future residents.
- 5.121. We note that subdivision is only permitted to 330m<sup>2</sup> (a controlled activity) and that below this down to 250m<sup>2</sup> it becomes a restricted discretionary activity and subject to the array of conditions contained in proposed Rule 15.8.15. Those conditions include the location of building sites, separation distance and orientation of buildings and the provision of servicing, including stormwater management and disposal. We consider these generally address the concerns in the Sahar submission. Where compliance with these conditions cannot be achieved the application resorts to being a discretionary activity, with full consideration applied under section 104 of the RMA and the consent authority is able to grant or refuse the application and impose any associated conditions under section 104B.
- 5.122. Overall we consider PPC 2 provides mechanisms for managing growth, enabling different housing typologies and promoting affordable housing options. We therefore agree with the conclusions of Mr Vossler and recommend that the submission of Radha Sahar and the further submission of K de Roo be accepted in part.



- 5.123. Geoffrey McGruddy noted that there was a number of inconsistent references in the Plan to lot sizes relating to medium density development and requested that references to medium density lot sizes throughout the plan are checked to ensure they are consistent.
- 5.124. Mr Vossler said that the point raised was noted and a check of references had been made and apart from those corrections addressed elsewhere in his report, no other inconsistencies had been identified. He recommended the submission be rejected.
- 5.125. We accept Ms Vossler's contention that no inconsistencies were identified other than corrections already addressed. On the basis that some corrections have been made we recommend that the submission by G McGruddy be accepted in part.
- 5.126. Truebridge Associates Limited requested an indicative timeline regarding provision of infrastructure to areas that are zoned Residential and are not currently serviced.
- 5.127. Mr Vossler considered that the request to be an infrastructure funding and delivery matter and more appropriately addressed by Council through the Long Term Plan and its functional obligations under the Local Government Act. He recommended the submission be rejected.
- 5.128. We agree with Mr Vossler that this is not a matter for PPC 2 to address and we therefore adopt his recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by Truebridge Associates Limited.
- 5.129. HDC requested an amendment to make sites that are 250m<sup>2</sup> and less, and with site coverage of more than 40%, a non-complying activity, and that additional objectives and policies are included in relation to desired developments on smaller 250m<sup>2</sup> lots.
- 5.130. Mr Vossler noted the request related to Rule 15.6.7, with any non-compliance with this rule currently treated as a Restricted Discretionary Activity under Rule 15.3(a). He considered the breadth of changes in PPC 2 was limited in scope and excluded any proposed amendment to this rule and therefore the request was outside the range of matters that could be addressed within the context of this hearing. He recommended the submission be rejected.
- 5.131. At the hearing Mr Dembetembe re-emphasised that he considered that a review of the bulk and location provisions should have been part of the plan change, that there should be specific objectives and policies for infill development and that site coverage greater than 40% should become a non-complying activity.
- 5.132. In his response Mr Vossler said that the Council had commissioned work testing whether the provisions would enable reasonable infill development and found them to be sufficient.
- 5.133. We acknowledge the points made by Mr Dembetembe however we agree that any amendments to address the status of site coverage breaches and other bulk and location provisions and provide specific objectives and policies for infill development would be beyond the scope of the plan change. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by HDC.
- 5.134. Eco Tech Homes requested that fencing of right of ways be policed so that access to a rear section is a 3m clear road.
- 5.135. Mr Vossler considered the request to be a compliance matter and more appropriately addressed by the Council through its monitoring and enforcement role and recommended the submission be rejected.

- 5.136. We have reviewed the submission and subsequent officer recommendation. We agree with Mr Vossler's conclusion that this is a monitoring and enforcement matter. We therefore adopt his recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and reject the submission by Eco Tech Homes.
- 5.137. Colleen Tyree supported PPC 2 but requested consideration be given to extending the area of proposed subdivision to include rural areas.
- 5.138. Mr Vossler said the request to extend the proposed subdivision provisions to apply to rural areas was not supported as there was no justifiable reason for extending the provisions beyond established urban areas within the district; that it would be contrary to the policy intent expressed in Policy 6.1.6; that it could result in a sporadic and ad hoc pattern of residential growth that was contrary to the policy direction in the Plan and would impose unrealistic and unaffordable demands on the Council in terms of infrastructure servicing. He recommended the submission be accepted in part.
- 5.139. We note the support of the submitter but agree with Mr Vossler that extending the proposed subdivision provisions to apply to rural areas would be contrary to the policy intent of the District Plan and could result in a sporadic and ad hoc patterns of residential growth. We also consider such an extension of the provisions was beyond the scope of the plan change. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part the submission by C Tyree.
- 5.140. Anthonie van Rijn supported PPC 2 but requests consideration be given to rezoning the block of land at Foxton Beach enclosed by Holben Parade, Barber Street and Chrystal Street to Medium Density Residential.
- 5.141. Mr Vossler said that although it was acknowledged that land adjacent to the block suggested for further extension was subject to the Medium Density Overlay that currently applies to the Foxton Beach township, it was understood that there was still considerable development capacity within the existing medium density area and therefore no pressing need to consider further extension of this area. He said however, that the take up of land within this area would continue to be monitored by the Council, and further consideration would be given to future extension where demand for medium density development was projected to exceed the capacity of available land to absorb it. He considered this approach ensures the efficient use and development of land, as well as meeting servicing and infrastructure needs. He recommended the submission be accept in part.
- 5.142. In a written statement the van Rijn's on behalf of the van Rijn Family Trust expressed support for PPC 2. The submission explained the Trust's aim to develop around 3,000m<sup>2</sup> of land in the Medium Density Residential zone in Foxton Beach and said that the plan change would contribute significantly towards making it possible to achieve that aim by lowering costs, reducing risks and providing flexibility.
- 5.143. We note the support of the submitter for the plan change. As no further evidence was provided by the submitter in support of the expansion of the Medium Density Overlay area we agree with Mr Vossler's conclusion that there is currently no pressing need at this stage to consider further extension of this area and that ongoing monitoring of the take up of land within the overlay area could result in a consideration of future extension if demand for medium density development was found to be exceeding the available land capacity. We therefore adopt his recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part the submission by A van Rijn.



Submissions by Veronica Harrod, Potangotango, Vivienne Bold, Katie de Roo, Christine Moriarty and Horizons

- 5.144. The following group of submissions and further submissions raised similar issues and have therefore been addressed together.
- 5.145. Veronica Harrod requested that PPC 2 be deferred until the 2018-2038 Long Term Plan consultation has been completed and development contributions are reintroduced. This was supported by Katie de Roo and Christine Moriarty on behalf of HDRRA Inc, while a further submission that neither supported nor opposed was received from Horizons.
- 5.146. Potangotango requested that PPC 2 was placed on hold until the infrastructure required to accommodate infill development is provided. This was supported by Vivienne Bold, while a further submission that neither supported nor opposed was received from Horizons.
- 5.147. In addressing the above submissions Mr Vossler said that many of the concerns expressed relate to the adequacy of the existing infrastructure network to manage the additional demands and associated environmental impacts that might result as a consequence of introducing the proposed plan change. He said the intent behind PPC 2 was to enable increased diversity of residential development within established urban areas in the district at a scale and price point that offers a wider range of housing choice to meet the needs of existing and future residents. He said it also represents a response to the imperative imposed on Councils under Section 31(aa) of the RMA and the NPS-UDC to ensure that there is sufficient housing land to cater for demand in the short, medium and long term and that the efficient use of land and infrastructure is promoted.
- 5.148. Mr Vossler said although the link between enabling residential development under PPC 2 and ensuring adequate provision is made for associated infrastructure funding and delivery is acknowledged, there was no legislative impediment to the Council proceeding down a parallel path of advancing PPC 2 along with the draft Long Term Plan. Equally, he said it was not the domain of the RMA or its associated processes to fetter the exercise of Council discretion under the Local Government Act concerning the allocation and prioritisation of infrastructure expenditure and delivery.
- 5.149. In terms of infrastructure provision, Ms Vossler said that this was largely reliant on processes and decisions generally unrelated to the District Plan. For example, the nature of services offered, and associated levels of service provided, are largely influenced by the Council's Infrastructure Strategy and associated Asset Management Plans, while infrastructure funding arrangements are dependent on the outcomes of its Long Term Plan/Annual Plan processes. He said that regardless, under the proposed change any subdivision of a 250m<sup>2</sup> lot would be treated as a restricted discretionary activity and would need to satisfy the conditions contained in proposed Rule 15.8.15 – Infill Subdivision, including the adequacy of intended infrastructure provision. Where compliance cannot be achieved, the application resorts to being a discretionary activity, with full consideration applied under Section 104 of the RMA and the consent authority able to grant or refuse the application and impose any associated conditions under Section 104B. He indicated that these provisions, in turn, would enable the Council to decline an application where inadequate infrastructure provision is proposed.

- 5.150. In terms of development contributions, Mr Vossler noted that the recent amendments to the RMA would remove the ability of the Council to rely on financial contributions as it did at present to meet the costs of servicing new growth. He said that as this requirement takes effect from April 2022 it would act as an incentive for the Council to actively reconsider alternative options such as the re-imposition of development contributions to finance the extension or development of bulk services or other infrastructure costs associated with development. He noted that the Council had signalled as part of the Long Term Plan 2018-2038 process the intent to explore options including development contributions to fund infrastructure growth.
- 5.151. Based on the above, Mr Vossler recommended that these submissions be rejected.
- 5.152. Ms Hunt said that stormwater had always been an issue in Levin and that Lake Horowhenua was on the receiving end of that stormwater for which there was no resource consent. She said that more infill housing would create more stormwater and that the Council could not rely upon the lake for stormwater discharge in the future. Ms Hunt also raised concerns about amenity with demolition and construction and reductions in rental stock. She said there needed to be limits on growth within the urban area and that the area for infill growth needed to be reduced.
- 5.153. Ms Harrod expressed concerns about servicing in particular the ability to supply an increasing population with access to water given the current water restriction problems in the District and in addressing stormwater run-off. She considered the residential communities in Horowhenua did not have the essential infrastructure capacity to sustain growth and that a lack of consideration of this was contrary to the intent of the RMA's sustainable management purpose.
- 5.154. Ms Harrod noted that the Council no longer collected development contributions which could help remedy the servicing issues. She was also critical of the consultation process associated with PPC 2 and opposed large-scale residential development without further public consultation.
- 5.155. Mr McCorkindale on behalf of the Council responded by saying that consideration of the stormwater situation was being committed in the Long Term Council Community Plan with funding being put forward. He also noted that the District Plan allows for the onsite storage of stormwater. Mr Vossler also referred us to Rule 24.2.4 which places requirements on surface water disposal and emphasised that the new provision for infill subdivision in Rule 15.3 was a restricted discretionary activity with the ability to consider matters of discretion including stormwater management and if these weren't satisfied then an application could be declined.
- 5.156. In response to our questions Mr Vossler said a population increase of 8,600 (just under 5,000 households) was predicted in the district for the 20 year period from 2015. He also noted that a growth strategy out to 2040 was underway.
- 5.157. Ms Bold in a written statement said that heritage sites needed to be kept and that development contributions should be required from developers.
- 5.158. Ms Moriarty on behalf of HDRRA Inc said that current infrastructure issues including clean drinking water and waste water should be sorted before any new subdivision development and that all new development should be covered and paid for by developers, not current ratepayers.
- 5.159. We noted the range of concerns expressed within these submission, including the request to defer PPC 2 until consultation on the Long Term Plan is completed and a development contributions regime introduced. We noted that the Council made a decision in 2015 not to charge development contributions and a means of triggering growth in the district however as we understand it the Council has recently considered the Long Term Plan submissions and it is anticipated that the timeframe for considering development contributions will have been resolved by Council resolution.

- 5.160. We asked the Council staff about what work had been undertaken in terms of section 32 (of the RMA) around infrastructure. It was indicated to us that no specific modelling had been done but that Council's infrastructure team were involved in the plan change and were satisfied with what the plan change proposed.
- 5.161. We note that many of the matters raised by the submitters, such as the effects on natural, cultural, archaeological and historical sites and the provision of servicing, including water supply, wastewater systems and stormwater management are required to be addressed in any application for consent for infill subdivision. We also accept that the development of land to the levels proposed is unlikely to be excessive. While we acknowledge the submitters concerns with regards to the taking of development contributions, this is not a matter we can address through this plan change process. Notwithstanding this however, it would appear that the Council is considering reintroducing development contributions. We therefore recommend that the submissions and further submissions by Veronica Harrod, Potangotango, Vivienne Bold, Katie de Roo, Christine Moriarty and Horizons be rejected.
- 5.162. Powerco supported and sought the retention of a number of relevant network utility policies in Chapter 6 – Urban Environments and associated rules in Chapter 15 – Residential Zone, but requests an amendment to Policy 6.1.15 along with amendments to Rule 15.8.15.
- 5.163. Regarding the request to amend the wording of Policy 6.1.15 to include existing utility infrastructure to avoid reverse sensitivity effects, Mr Vossler noted that as no amendments to this policy or subject matter were proposed as part of PPC 2 it was therefore outside the scope of what could be considered within the context of this hearing. In terms of the requested amendments to Rule 15.8.15, he said these were supported subject to some further refinement of the requested wording as they will enable gas services (addressed earlier) and reverse sensitivity effects to be considered when assessing and determining applications for infill subdivision under this rule. He recommended the submission be accepted in part and that the following addition to Rule 15.8.15(a) be made:
- (xvi) The potential effects of the development on the safe and efficient operation, upgrading, maintenance and replacement of existing lawfully established network utilities.**
- 5.164. In a written statement Mr Roche on behalf of Powerco supported Mr Vossler's recommendations.
- 5.165. The support from Powerco is acknowledged. We also note that we have already addressed part of this matter in Amendment 1 by including "gas" into Rule 15.8.15(a)(vi).
- 5.166. We agree with Mr Vossler that amendments to the wording of Policy 6.1.15 are beyond the scope of the plan change. However, we support the addition of a further criteria in Rule 15.8.15(a) relating to network utilities. We therefore adopt Mr Vossler's recommendation and reasons as our decision pursuant to Clause 10(2)(a) of Schedule 1 to the RMA and accept in part the submission by Powerco.
- 5.167. Horizons requests that consideration be given to excluding residentially zoned areas within Flood Hazard Overlay Areas from the proposed provisions which allow increased density.
- 5.168. Mr Vossler said that on re-examining the planning maps relevant to those areas where opportunities for more intensive subdivision is proposed (i.e. Levin, Foxton, Foxton Beach, Shannon) there did not appear to be any instances where there is an obvious incursion into an identified flood hazard area. He recommended the submission be rejected.

- 5.169. In a written statement Ms Carswell on behalf of Horizons suggested that the Council may wish to consider whether it was sensible to exclude Residential Zone areas within the Flood Hazard Overlay Area from the plan change. The submission provided maps of Levin, Foxton Beach and Shannon indicating where overlaps occurred.
- 5.170. These sites already contained a subdivision opportunity through the Operative District Plan and removing them from the plan change would not remove the underlying concern of Horizons. Upon questioning Mr Vossler considered that the assessment criteria in Rule 15.8.15(a) would best address the Horizons concerns.
- 5.171. We noted that the expanded Medium Density Overlay area in Levin did not traverse into either of the identified Flood Hazard Overlay Areas. Further, given the criteria in Rule 15.8.15(a) for the *avoidance or mitigation of natural hazards* we considered the issue of flooding was appropriately covered. Any development triggering this rule within the District Plan Map Flood Hazard Overlay Areas will be subject to a consideration of how they intend to mitigate the hazard. We do not therefore see the need to exclude these areas from the plan change. We therefore recommend the submission be Horizons be rejected.

## 6. Section 32AA

- 6.1. We are required to undertake a re-evaluation on the changes that our decision makes to the notified version of PPC 2 and to other changes that have been proposed since the Council's s 32 Report.
- 6.2. Much of the reasoning for the amendments now proposed to PPC 2 are contained within the evaluations associated with those amendments. However, we confirm that we consider the amendments now recommended are practicable options for, and are efficient and effective in, achieving the relevant objectives of the Operative District Plan and are appropriate in achieving the purpose of this Act.

## 7. Decision

- 7.1 For all of the foregoing reasons we **resolve** the following:
1. That pursuant to clause 10 of the Schedule 1 to the Resource Management Act 1991 Plan Change 2 to the Operative Horowhenua District Plan be approved including the amendments set out in **Appendix A** to this decision.
  2. That for the reasons set out in the above report submissions and further submissions are accepted, accepted in part or rejected as listed in **Appendix B** to this decision.



Dean Chrystal



Bernie Wanden

21 August 2018

APPENDIX A

AMENDMENTS TO THE PLAN

All amendments are shown as bold/underlined or strikethrough.

Amendment 1

1. Delete Policy 6.3.6 Urban Settlements – Residential Zone

~~Policy 6.3.6~~

~~Encourage infill subdivision development to locate in close proximity to central town amenities, to enable “walkability” and promote less reliance on cars.~~

2. Insert a new clause in Rule 15.3 Restricted Discretionary Activities as follows:

**(k) Infill subdivision. (Refer Rule 15.8.15)**

3. Insert a new clause in Rule 15.4 Discretionary Activities as follows:

**(l) Infill subdivision which does not comply with the restricted discretionary activity conditions in Rule 15.8.15.**

4. Amend Rule 15.6.6 Private Outdoor Living Area as follows:

(a) All residential dwelling units **on sites 330m<sup>2</sup> or greater** shall have a private outdoor living area which is at least 40m<sup>2</sup> in area and capable of containing a circle 4 metres in diameter **that is oriented to the east, west or north of the unit and directly connects to a main living area.**

**(b) All residential dwelling units on sites smaller than 330m<sup>2</sup> shall have a private outdoor living area which is at least 20m<sup>2</sup> in area, and capable of containing a circle 2.5 metres in diameter that is oriented to the east, west or north of the unit and directly connects to a main living area.**

5. Insert the following matters of discretion and conditions relating to Infill Subdivision in Rule 15.8 Matters of Discretion and Conditions for Restricted Discretionary Activities (Note this includes the addition matter added from the Miscellaneous and General Submissions section associated with the Powerco submission):

**15.8.15 Infill subdivision (Refer Rule 15.3(k))**

**(a) Matters of Discretion**

- (i) **The design and layout of the subdivision, including the size, shape and position of any lot, as well as the future land use and development of each lot. In addition, the location of building sites, separation distance and orientation of buildings.**
- (ii) **The potential effects of subdivision and development on the amenity values of the existing urban environment.**
- (iii) **The provision of access to the site, passing bays, car parking and manoeuvring areas, and any necessary easements.**
- (iv) **The management of traffic generated and potential adverse effects on the safety and efficiency of the street network.**
- (v) **The provision of servicing, including water supply, wastewater systems, stormwater management and disposal, telecommunications, gas and electricity.**

- (vi) Effects on significant sites and features, including natural, cultural, archaeological and historical sites.
- (vii) Avoidance or mitigation of natural hazards. (Note: Refer to the "Risks and Responsibilities: Report of the Manawatu-Wanganui Regional Lifelines Project" (No. 2005/EXT/622) prepared by the Manawatu-Wanganui CDEM Group for information about natural hazards that may be relevant to the subject site).
- (viii) Management of construction effects, including traffic movements, hours of operation, noise, earthworks and erosion and sediment control.
- (ix) Staging of the subdivision.
- (x) In accordance with any applicable Structure Plan in Schedule 8.
- (xi) Compliance with the Council's Subdivision and Development Principles and Requirements (Version: July 2014).
- (xii) The potential effects of the development on the safe and efficient operation, upgrading, maintenance and replacement of existing lawfully established network utilities.

**(b) Conditions**

- (i) The allotment being subdivided must be located in Levin, Foxton, Foxton Beach or Shannon.
- (ii) Pre-requisite Conditions, Minimum Allotment Area and Shape Factor

Each allotment shall comply with the following pre-requisite conditions, site area and shape factor standards set out in the table below.

**Table 15-5 Infill Subdivision Standards**

<u>Pre-requisite Conditions</u>	<u>Minimum Net Site Area</u>	<u>Minimum Shape Factor</u>
<u>The allotment being subdivided shall be greater than 500m<sup>2</sup> and no more than 900m<sup>2</sup>.</u>	<u>250m<sup>2</sup></u>	<u>10 metres diameter</u>

- (iii) Water Supply, Wastewater Disposal, Surface Water Disposal and Other Services

All subdivisions shall comply with the requirements as specified set out in Chapter 24.

- (iv) Roads, Access and Car Parking

All subdivisions shall comply with the requirements as specified in Chapter 21.

- (v) Structure Plans

Where any land is within a Structure Plan area in Schedule 8, all subdivisions shall be in accordance with the requirements as specified in the Structure Plan.

Note: Council encourages applicants to submit building plans (i.e. site plan and floor plan) at the time of subdivision where lots of less than 330m<sup>2</sup> in net site area are proposed, to demonstrate that a complying dwelling unit can be sited on each proposed lot.

Amendment 2

1. Amend Rule 15.6.1 Number of Residential Dwelling Units and Family Flats as follows:

15.6.1 Number of Residential Dwelling Units and Family Flats



- (a) Up to two ~~One~~ residential dwelling units per site, subject to demonstrating that a minimum notional net site area can be provided for each unit. The minimum notional net site area required for each dwelling unit is the same as the minimum net site area required for each lot if the site were to be subdivided as a controlled activity (Table 15-4).
  - Or
  - (b) One residential dwelling unit, and one family flat of up to 50m<sup>2</sup> in maximum gross floor area plus a covered verandah up to 10m<sup>2</sup> per site.
2. Replace clause 15.4(c) Discretionary Activities as follows:
- ~~(c) Two or more residential dwelling units, or one residential dwelling unit and one /family flats, per site.~~
  - (c) Where the number of residential dwelling units and/or family flats does not comply with the permitted activity conditions in Rule 15.6.1.
3. Insert the following definition of Notional Net Site Area in Chapter 26 General Provisions:
- Notional Net Site Area means that part of a site identified on a development plan for the exclusive use and occupation of each residential dwelling unit and associated accessory building/s, excluding any part of an access leg and/or any strip of land 6 metres or less in width.

Amendment 3

1. Amend Policy 6.1.17 Urban Settlements – Overall Form, Activities and Servicing of Urban Area as follows:
- Policy 6.1.17
- Provide for the efficient use and development of existing urban settlements through intensification and redevelopment, including medium density residential development in identified areas, integrated residential development, infill subdivision and reuse of commercial/industrial premises.
2. Insert new Policy 6.3.10A Urban Settlements – Residential Zone as follows:
- Policy 6.3.10A
- Provide for integrated residential development where the design ensures that the site and built form function in an integrated way, and that the development complements the local area and does not significantly adversely affect local amenity values.
3. Insert a new clause in Rule 15.3 Restricted Discretionary Activities as follows:
- (l) Integrated Residential Development (Refer Rule 15.8.16)
4. Insert the following matters of discretion relating to Integrated Residential Development in Rule 15.8 Matters of Discretion and Conditions for Restricted Discretionary Activities:
- 15.8.16 Integrated Residential Development (Refer Rule 15.3(l))
- (a) Matters of Discretion
- i. The site layout and configuration of buildings, and the quality of the space between and around them.
  - ii. The design, scale and appearance of buildings, fencing and hard surfacing, including the coherence between buildings and the integration of built form.



- iii. The potential visual effects of the development and level of change to the character of the existing urban environment, including streetscape and adjacent properties.
- iv. The design and ongoing maintenance of landscaping within the site.
- v. The management of stormwater, wastewater, water supply and other servicing.
- vi. The provision of adequate carparking, manoeuvring and safe access to the site.
- vii. The management of traffic generated and potential adverse effects on the safety and efficiency of the street network.
- viii. The effects on significant sites and features, including natural, cultural, archaeological and historical sites.

5. Insert the following definition in Chapter 26 General Provisions:

Integrated Residential Development means a residential development on any site or amalgamation of sites greater than 2000m<sup>2</sup> that:

- is designed to function and be managed as a single, integrated development;
- contains a mix of dwelling unit type (e.g. detached, semi-detached, multi-unit);
- includes provision for shared or communal facilities such as healthcare facilities, recreational/leisure facilities, open space, access, loading spaces, parking and manoeuvring, that are accessible from, and can be used by, the residents or tenants of the development and their visitors; and
- is constructed in one or more stages.

#### Amendment 4

1. Amend Rule 15.6.8 Accessory Buildings as follows:

- (d) Accessory buildings shall not project forward of a principal residential dwelling unit located on any front or corner site;

Except

(e) Where there is no demonstrable area to the side or rear of a principal residential dwelling unit to accommodate an accessory building, an accessory building with a maximum gross floor area of 36m<sup>2</sup> is permitted forward of the principal residential unit.

- (e) On sites less than 330m<sup>2</sup> the total maximum gross floor area of all accessory buildings shall not exceed 36m<sup>2</sup>.

2. Amend Table 15-4 in Rule 15.7.5 as follows:

Type of Allotment, or Subdivision	Pre-Requisite Conditions	Minimum Net Site Area/ Average Site Area	Minimum Shape Factor
Levin, Foxton, Foxton Beach and Shannon			
<b>Residential Infill Allotments</b>	<p>The allotment being subdivided: <del>shall be contained in a certificate of title issued before 1.3.91; and</del></p> <ul style="list-style-type: none"> <li>• Shall have no more than 1200 square metres area and contain no buildings; or</li> <li>• Shall have no more than 2025 square metres area and shall contain a residential building or buildings.</li> </ul> <p>Subdivisions shall not create more than 3 infill allotments.</p>	330 square metres	13 metres diameter

**Advice Note:** Infill subdivisions shall be assessed according to the least restrictive activity status that is applicable. For example, a subdivision satisfying all Controlled Activity conditions contained within Table 15-4 shall be assessed as a Controlled Activity in accordance with Rule 15.2(e), not as a Restricted Discretionary Activity in accordance with Rule 15.3(k).

**If an infill subdivision does not comply with the Controlled Activity standards set out in Table 15-4, but does comply with the Restricted Discretionary Standards set out in Table 15-5, the subdivision shall be assessed in accordance with Rule 15.3(k), not rule 15.7(b).**

#### Amendment 5

1. Amend the extent of the Medium Density Overlay on the following Planning Maps as shown on Planning Map 7, Planning Map 24, Planning Map 25, Planning Map 27, Planning Map 27A, Planning Map 27B, Planning Map 28, Planning Map 28A, Planning Map 28B, Planning Map 29 and Planning Map 30 as shown in **Appendix C** below:

#### Amendment 6

1. Amend the heading of Rule 15.8.7 Medium Density Development within Levin, Foxton Beach and Waitarere Beach as follows:  
  
15.8.7 Medium Density Development within Levin, Foxton Beach and Waitarere Beach (Refer to Rule 15.3(~~de~~))
2. Amend Rule 15.8.7(a) – Matters of Discretion as follows:  
  
(i) Matters in Schedule 10 – Medium Density Residential **Development** Design Guide
3. Remove the Medium Density Residential Development Design Guide in Schedule 10 and replace with the revised design guide included in **Appendix D** below. The design guide is to include the following amendment to the first paragraph under the heading Conventional Infill Subdivision on page 7:

The Plan allows for more intensive subdivision, to a minimum lot size of 330m<sup>2</sup> as a Controlled Activity and 250m<sup>2</sup> as a Restricted Discretionary Activity, in Levin, Foxton, Foxton Beach and Shannon. ~~Development on small lots is managed by traditional “bulk and location” rules, along with some additional requirements to make sure that the increased density of housing does not result in poor outcomes. These rules and standards ensure that adverse effects such as shading, overlooking and street appearance are managed appropriately.~~ subject to compliance with relevant conditions through the infill subdivision rules. Where an infill subdivision design does not comply with all of the relevant ~~standards~~ conditions, the ‘activity status’ of the consent changes to a Restricted Discretionary (330m<sup>2</sup>) or ~~Restricted~~ Discretionary Activity (250m<sup>2</sup>).

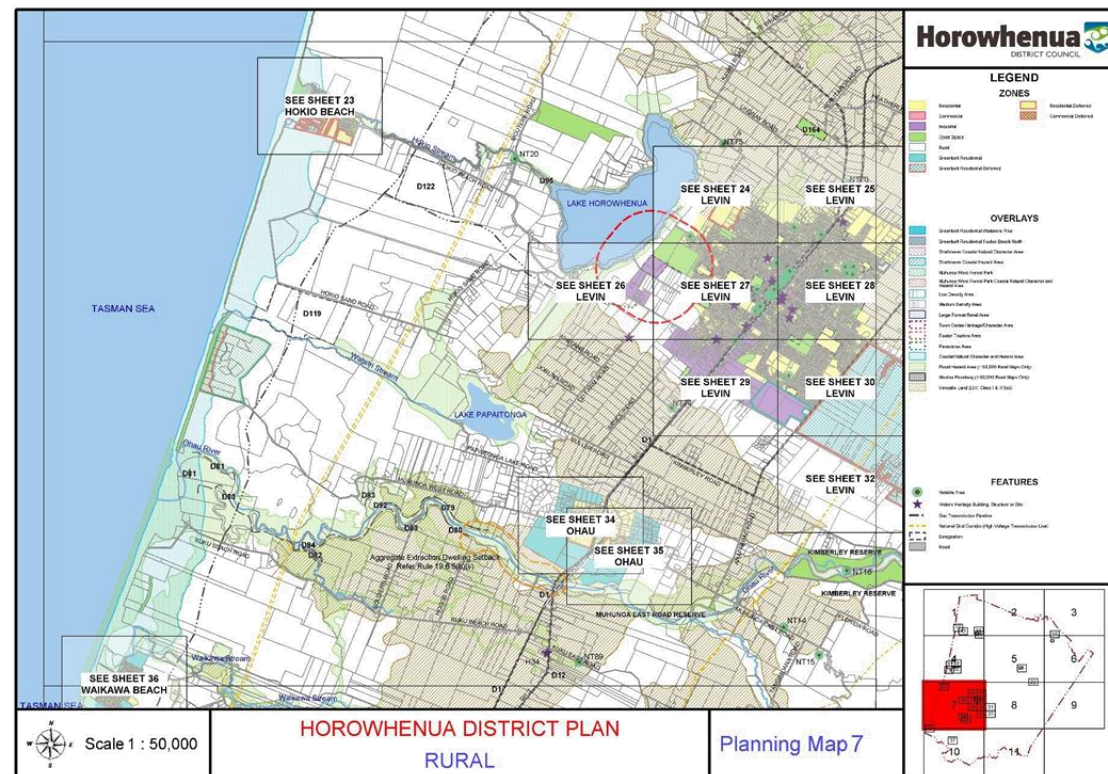
APPENDIX B

SCHEDULE OF DECISIONS ON SUBMISSION POINTS

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Panel Decision
<b>Amendment 1</b>				
02/18.2		Landlink Limited		Reject
02/18.4		Landlink Limited		Reject
02/18.6		Landlink Limited		Reject
02/09.3		Geoffrey McGruddy		Reject
02/04.1		Heritage New Zealand		Accept
02/15.7		Truebridge Associates Limited		Accept in part
02/18.8		Landlink Limited		Accept in part
	02/102	Powerco	Oppose in part	Accept in part
	02/103	Horizons Regional Council	Oppose in part	Accept
02/09.2		Geoffrey McGruddy		Reject
02/13.2		Horowhenua District Council		Accept in part
02/13.3		Horowhenua District Council		Reject
02/15.2		Truebridge Associates Limited		Accept in part
02/16.1		Janice Swanwick		Reject
<b>Amendment 2</b>				
02/18.5		Landlink Limited		Reject
02/15.3		Truebridge Associates Limited		Reject
02/13.6		Horowhenua District Council		Accept
<b>Amendment 3</b>				
02/18.3		Landlink Limited		Accept
02/04.2		Heritage New Zealand		Accept
02/15.8		Truebridge Associates Limited		Accept
02/18.1		Landlink Limited		Accept in part
<b>Amendment 4</b>				
02/15.6		Truebridge Associates Limited		Accept in part
02/18.7		Landlink Limited		Accept
<b>Amendment 5</b>				
02/16.2		Janice Swanwick		Reject

Sub. No	Further Sub. No.	Submitter Name	Further Submitter Position	Panel Decision
<b>Amendment 6</b>				
02/15.4		Truebridge Associates Limited		Accept
02/17.1		Waitare Beach Progressive Ratepayers Association		Accept in part
02/15.5		Truebridge Associates Limited		Reject
<b>Miscellaneous and General Submissions</b>				
02/09.4		Geoffrey McGruddy		Reject
02/13.1		Horowhenua District Council		Accept in part
02/13.4		Horowhenua District Council		Reject
02/07.1		Radha Sahar		Accept in part
	02/101	Katie de Roo	Support	Accept in part
02/09.1		Geoffrey McGruddy		Accept in part
02/15.1		Truebridge Associates Limited		Reject
02/13.5		Horowhenua District Council		Reject
02/11.1		Eco Tech Homes		Reject
02/01.1		Colleen Tyree		Accept in part
02/02.1		Che Elizabeth Lahmert		Accept in part
02/03.1		Anthonie van Rijn		Accept in part
02/05.1		Geoffrey Roy Willmott		Accept in part
02/06.1		Veronica Harrod		Reject
	02/100	Katie de Roo	Support	Reject
	02/103	Horizons Regional Council	Neutral	Reject
	02/104	Christine Moriarty (HDRRA Inc)	Support	Reject
02/08.1		Potangotango		Reject
02/14.1		Horizons Regional Council		Reject
	02/105	Vivienne Bold	Support	Reject
02/10.1		Powerco		Accept in part
02/12.1		Assembly of God Church of Samoa		Accept in part
02/19.1		Pirie Consultants Limited		Accept in part

### Planning Map 7





[illegible]



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## APPENDIX D

### MEDIUM DENSITY RESIDENTIAL DEVELOPMENT DESIGN GUIDE

The design guide is to include the following amendment to the first paragraph under the heading Conventional Infill Subdivision on page 7:

The Plan allows for more intensive subdivision, to a minimum lot size of 330m<sup>2</sup> as a Controlled Activity and 250m<sup>2</sup> as a Restricted Discretionary Activity, in Levin, Foxton, Foxton Beach and Shannon. ~~Development on small lots is managed by traditional “bulk and location” rules, along with some additional requirements to make sure that the increased density of housing does not result in poor outcomes. These rules and standards ensure that adverse effects such as shading, overlooking and street appearance are managed appropriately.~~ subject to compliance with relevant conditions through the infill subdivision rules. Where an infill subdivision design does not comply with all of the relevant ~~standards~~ conditions, the ‘activity status’ of the consent changes to a Restricted Discretionary (330m<sup>2</sup>) or ~~Restricted~~ Discretionary Activity (250m<sup>2</sup>).

# HOROWHENUA DISTRICT PLAN

## Medium Density Residential Development

### DESIGN GUIDE





DATE: 02 OCTOBER 2017

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## 1. Introduction

The Horowhenua district's population is growing and this creates a demand for housing. Currently, most houses (referred to throughout this document as 'dwellings') in these areas are single standalone structures on generous sections. This type of development is common throughout New Zealand and is a low-density form of residential development.

Low density suburban development generally consumes larger amounts of land. As demand for development increases, this type of suburban development typically involves expansion into surrounding rural or coastal areas, with corresponding adverse effects on natural character, fertile land and green open spaces. It can also present challenges to the provision and cost of infrastructure such as roading.

To meet increasing population demand within urban areas, a better range of housing types to accommodate a more diverse population is now required.

Provision has been made in the Horowhenua District Plan (the Plan) for more intensive types of housing to meet the needs of the district. However, increased density needs to be carefully managed and the approach of the Council is to provide this through the Plan and the Medium Density Residential Development Design Guide (the Guide).

There are several benefits associated with medium density development:

- It provides more diverse housing choice, and is especially beneficial for first home buyers or for retirees looking to down size to smaller low-maintenance homes
- It promotes better use of limited land around town centres
- It is a compact form of development that promotes energy efficiency.

There are several ways in which medium density housing can be developed, but each development should respond to the site's context. Detailed information on different types of medium density residential housing is outlined in Section 3.1 of the Guide, with the types of medium density considered most appropriate for the Horowhenua being:

- Small stand-alone dwellings - not attached to other dwellings but can still be fairly close to their neighbours
- Semi-detached dwellings - pairs of houses side by side that share a common wall. These are also known as duplex dwellings, can be 2-3 storeys in height and are often of a similar design
- Terraced or row housing - a row of identical or very similar dwellings that are typically 2-3 storeys. They are joined together on one or both sides. They can have their own private open space or can be laid out around a courtyard or a shared space in some cases.

The Guide applies to the Medium Density Overlay Areas in Levin, Foxton Beach and Waitarere Beach identified on the Planning Maps in Section 3. The Overlay Areas are located in the heart of each settlement, close to the town centre and key commercial and recreational areas and facilities.

Under the rules in the Plan, all medium density developments within these Overlay Areas require resource consent, where they will be assessed against the guidelines contained within this document. The Guide is to be applied in conjunction with the rules and standards in the Plan.

Although the Guide offers some flexibility to enable innovative design solutions, development proposals that are inconsistent with the guidelines can be a basis for the Council to decline approval.

## 1.1 Purpose

The purpose of the Guide is to:

- A** Assist property developers, designers, architects, planners and builders to plan, design and build high quality medium density residential developments; and
- B** Assist Horowhenua District Council staff to evaluate new development proposals for medium density residential development as part of the resource consent process.

The Guide explains the characteristics of medium density residential development that will be acceptable to the Council and the Horowhenua community. It is an aid to interpreting the provisions (objectives, policies, rules and assessment matters) of the Plan. Many of the principles outlined in the Guide form the basis for assessment criteria contained in the Plan and the guidance provided describes ways these criteria can be met. By setting out principles and guidance for achieving better design, the Guide defines the level of vironment expected by all and an improved decision-making process.

## 1.2 Aims of the Guide

The aims of the Design Guide are:

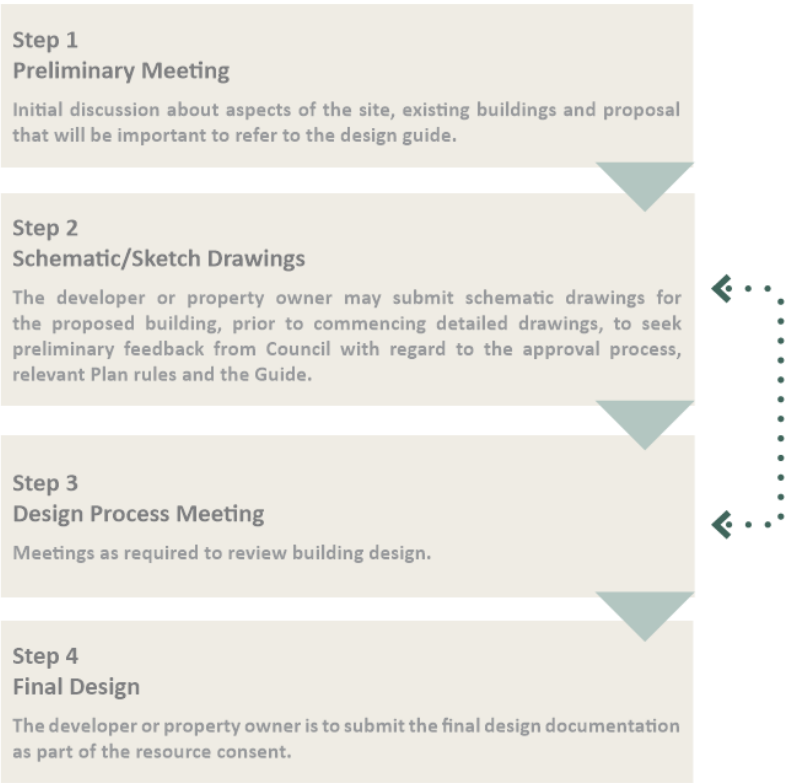
- i. To ensure dwellings and private open space are designed in an integrated way that makes the most of site conditions
- ii. To ensure that new medium density development is appropriate for local context and the existing character of the neighbourhood
- iii. To ensure new development contributes to the community's sense of comfort and safety
- iv. To ensure visual and acoustic privacy for residents and their neighbours is provided through well considered siting and design of buildings and outdoor space.
- v. To maintain reasonable standards of privacy and daylight for residents and neighbours.
- vi. To provide safe, convenient and attractive pedestrian and vehicle access to the houses.
- vii. To encourage the design of new housing to respond to known and typical user needs.
- viii. To encourage good-quality, cost-effective design.

1.3 Pre-Application Process

The Horowhenua District Council encourages landowners, developers and their architects, engineers and other advisers to work collaboratively throughout the development planning process and to seek early discussions with Council prior to undertaking detailed design for any development.

This process will enable concepts to be discussed prior to commencing detailed design to enable early feedback from Council and the most appropriate outcome for all parties to be reached.

A diagram of the desired process is outlined below. The need for all these steps will depend on the development scale. Although optional, it is intended to assist in providing for an efficient design and consenting process.



## 2. Housing Types and Local Character

### 2.1 Types of Medium Density Development and Housing

**More intensive forms of housing may be achieved in two ways – either through medium density residential development or conventional infill subdivision.**

#### Medium Density Residential Development

The Plan provides for medium density residential development in specific areas within Levin, Foxton Beach and Waitarere Beach. Medium density development is where three or more residential dwelling units (semi-detached or stand-alone) are designed to achieve a maximum density of 225m<sup>2</sup> per residential unit, in a way that results in quality on-site amenity and respects the character of the local area and streetscape.

To achieve an integrated design for medium density development, the Plan requires both land use and subdivision consent to be sought at the same time. This allows the site layout and the subdivision mechanisms to be assessed together, so there is an understanding of how each unit will operate, particularly in terms of access, rights of way and the provision and maintenance of any common areas.

To provide medium density development, the Plan uses rules and standards, as well as the Guide, to shape and assess development proposals. The Residential Zone provides for medium density development as a Restricted Discretionary Activity, subject to compliance with standards such as density, building bulk and location provisions, private outdoor space, utility space, carparking and access. While these standards define the basic form for medium density development, they are not the sole means to achieve good design. The Guidelines therefore set out the necessary elements to be considered in the design of medium density development, so that the overall site layout results in an optimal development.

An optimal development is one that achieves a high level of on-site amenity for future occupants. It is also one that ensures that adverse effects on the character of the street and locality, and on privacy and visual amenity of neighbouring properties, are minimised through good design and appropriate mitigation measures.

#### Conventional Infill Subdivision

The Plan allows for more intensive subdivision, to a minimum lot size of 250m<sup>2</sup>, in Levin, Foxton, Foxton Beach and Shannon through the residential infill subdivision rules. Development on small lots is managed by traditional “bulk and location” rules, along with some additional requirements to make sure that the increased density of housing does not result in poor outcomes. These rules and standards ensure that adverse effects such as shading, overlooking and street appearance are managed appropriately. Where an infill subdivision complies with the standards, an Applicant may apply for a Controlled Activity subdivision. Where an infill subdivision design does not comply with all of the relevant standards, the ‘activity status’ of the consent changes to a Restricted Discretionary Activity.

For a Restricted Discretionary infill subdivision, an Applicant must demonstrate that they have considered the Guide, and applied the principles and guidelines to the subdivision design.

## Housing Typologies

The following housing typologies are generally considered appropriate in the context of the District's Medium Density Overlay Area:



Detached coastal dwelling on compact site

### Detached (stand-alone)

A single detached dwelling is a stand-alone house sited on an individual lot with yards on all four sides. The building can be from 1 - 2 storeys high and can incorporate garages within the building footprint or separated from the main dwelling. In a medium density context, detached dwellings are usually smaller than in a typical suburban situation.



Semi-detached two-storey dwellings (source: Auckland Design Manual)

### Semi-detached (or duplex)

Semi-detached dwellings (or 'duplexes') are two housing units that share a common wall. The houses can be 1 - 2 storeys in height, with or without enclosed garages, and with space on three sides of the dwelling. Sometimes the single-storey garages are the only part of the dwellings attached, with the habitable parts of the dwelling and any upper floors setback from side boundaries to allow light and privacy into upper floor rooms and living areas. The dwellings are often mirror images of one another.



Row of terraced houses joined on both sides

### Terraced Housing

Terraced housing is often designed as a row, group or cluster of 2 – 3 storey residential units. As this more intensive form of housing would represent a distinctive change to the character and amenity of the coastal settlements of Foxton Beach and Waitarere Beach, it is likely to be better suited to Levin where a greater level of urban intensity already exists. Typically, a greater area of land is required (usually achieved by amalgamating existing land titles) to develop a row of terraced houses. This enables the density and form to be configured in a way that is generally more compatible with the surrounding neighbourhood.



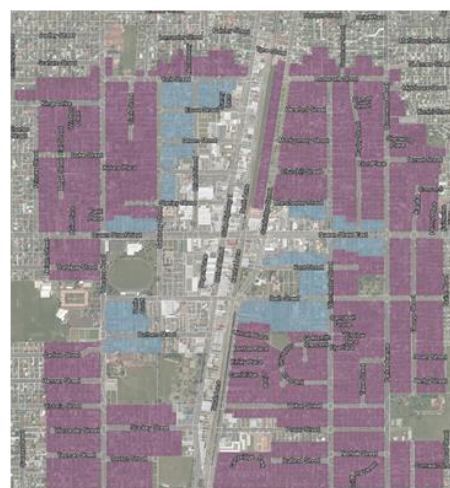
### 3. Local Character

This section identifies the important characteristics of residential development within the Medium Density Overlay Areas located in Levin, Foxton Beach and Waitarere Beach. Local character generally consists of the key things that define the quality of an area. These include visual elements such as architectural style, building materials, size and shape of lots, private and public green spaces, vegetation, elements of the street such as footpaths and verges, topography and views of the surrounding landscape. It is an important consideration within existing residential neighbourhoods.

#### 3.1 Levin

The Medium Density Overlay Area in Levin is located on the periphery of the town centre, providing easy access for residents to local services and facilities. Local reserves and open space is also readily accessible, with the Levin Domain, Village Green and Aquatic Centre on the western side, and the Levin Public Gardens on the eastern side. The topography is flat. There are views towards the Tararua Ranges along the east-west aligned streets. The overall character is suburban, with relatively wide sealed streets with kerb and channel, concrete footpaths on both sides of the road, small street trees and narrow mown grass verges. Properties are connected to reticulated water and wastewater services, with on-site stormwater disposal.

There is a mix of lot sizes/densities in the area ranging from 300m<sup>2</sup> up to 1,200m<sup>2</sup>, with an average of approximately 700m<sup>2</sup>. Lot shapes are predominantly rectangular mirroring the street pattern, with relatively uniform lot width and street frontage widths. The predominant housing typology is single detached dwellings, with a number of semi-detached (townhouses) recently establishing. There is a range of age in housing, from a few early 1900s dwellings (villas), through to more recent new typically 'brick and tile' infill houses.



Proposed extension of the Medium Density Overlay Areas, Levin  
Current Medium Density Overlay Areas, Levin



The predominant housing typology is single detached dwelling represented in a range of styles (Early 1900s through to recent brick and tile)





Uniform street frontage with a consistent setback along the street and low front fences



On-site vehicles parking, access and internal garaging attached to the dwelling



Fences and screens used to provide privacy between properties

The street frontages are relatively uniform, with a strong pattern of consistent building setbacks (4-5 metres) along all streets. Low fences along the front boundary are a common feature, with private well maintained front gardens a frequent element adding significantly to the visual quality of the streetscape. Tall trees and other large vegetation are limited and typically located on the larger and older properties.

Single storey dwellings dominate, with only a few two storey dwellings. There is fairly regular separation distance (3-4 metres) between dwellings on adjoining properties, with a few semi-detached dwellings (typically garages attached). The proportion of building coverage is mixed, with older and larger properties having a relatively low building coverage, compared to more recent infill development with higher building coverage (around 35%). The majority of properties have on-site vehicle access and parking, with more recent development incorporating garaging attached to the dwelling.

Most properties have private outdoor living and utility areas, which vary in their size, quality and appearance. Fencing and screens are commonly used to provide privacy between private outdoor living areas.

### 3.2 Foxton Beach

The Medium Density Overlay Area in Foxton Beach is located at the western end of the settlement in the vicinity of Holben Reserve and within close proximity to the beach. The location of the Medium Density Overlay Area supports the new commercial area in Signal Street. The topography is relatively flat, but there is more elevated land in parts of the Overlay Area. There are views towards Holben Reserve and the southern edge of the Manawatu River Estuary. The overall character is coastal suburban, with relatively wide road reserves with narrow sealed streets with no kerb and channel, no concrete footpaths, and wide mown grass verges. Properties are connected to reticulated water and wastewater services, with on-site stormwater disposal.



Medium Density Overlay Areas, Foxton Beach

There is a mix of lot sizes/densities in the area ranging from 400m<sup>2</sup> up to 1,200m<sup>2</sup>, with an average of approximately 700m<sup>2</sup>. Lot shapes are predominantly rectangular, with relatively uniform lot width and street frontage widths. However, some properties have angular boundary alignments creating irregular shaped lots. The predominant housing typology is single detached dwellings which range in age, from the 1930s-1960s, with a few more recent houses. The older dwellings have a 'bach' coastal character, while more recent dwellings are a mix of 'brick and tile' and more contemporary designs.



Aerial view of Holben Reserve and surrounding streets, Foxton Beach



Bond Street, Foxton Beach



Signal Street, Foxton Beach

The street frontages are mixed, with some dwellings and standalone accessory buildings (garages) located close to the front boundary (4-5 metres), while on other properties buildings are well setback from the street with large open front yards. There is also a mix of front boundary treatments, ranging from no structure or planting, low formal/informal fences, through to low and tall hedges. There is a variety of vegetation, including areas of shrubs and taller trees, all of a hardy coastal nature.



Typical bach character, Marine Parade, Foxton Beach

A mix of single storey split-level and two storey dwellings are prevalent in Foxton Beach. There is fairly regular separation distance (3-4 metres) between dwellings on adjoining properties. The proportion of building coverage is mixed, with older and larger properties having a relatively low building coverage, compared to more recent dwellings that have a higher building coverage (around 35%). The majority of properties have on-site vehicle access and parking, with more recent development incorporating garaging attached to the dwelling.

Most properties have private outdoor living and servicing areas, which vary in their size, quality and appearance. Fencing and screens are commonly used to provide privacy between private outdoor living areas.



Single and two-storey houses in Nelson Street, Foxton Beach

### 3.3 Waitarere Beach

The Medium Density Overlay Area in Waitarere Beach is located in the centre of the settlement in street blocks on either side of Waitarere Beach Road. This location is in close proximity to the beach and commercial area in Waitarere Beach Road. The Medium Density Overlay Area does not apply to the western side of Rua Avenue to avoid more intensive development immediately adjacent to the coastal edge due to natural character, natural hazard and access reasons. The topography is relatively flat, with some more elevated land and low spots in parts of the Overlay Area. The overall character is coastal suburban, with relatively wide road reserves with narrow sealed streets with some streets having no kerb and channel, no concrete footpaths, and wide mown grass verges, while other streets include some kerb and channel and concrete footpaths. Properties are connected to reticulated wastewater system, with on-site water collection/supply and on-site stormwater disposal.

There is a uniform lot size/density in the area of 800m<sup>2</sup>, with lot shapes predominantly rectangular reflecting the street pattern. Given the uniform lot size and width, street frontage widths are also uniform. The predominant housing typology is single detached dwellings which range in age, from the 1950s-1960s, with a few more recent houses. The older dwellings have a 'bach' coastal character, while more recent dwellings are a mix of 'brick and tile' and more contemporary designs.



Medium Density Overlay Areas, Waitarere Beach



Aerial view showing uniform street pattern of Waitarere Beach





Park Ave, Waiterere Beach

The street frontages are mixed, with some dwellings and stand-alone accessory buildings (garages) located close to the front boundary (4-5 metres), while on other properties buildings are well setback from the street with large open front yards. There is also a mix of front boundary treatments, ranging from no structure or planting, low formal/informal fences, through to low and tall hedges. There is a variety of vegetation, including areas of shrubs and taller trees, all of a hardy coastal nature.



Park Ave, Waiterere Beach

Single storey dwellings dominate, with only a few two storey dwellings. There is fairly regular separation distance (3-4 metres) between dwellings on adjoining properties. The proportion of building coverage is mixed, with older and larger properties having a relatively low building coverage, compared to more recent dwellings that have a higher building coverage (around 35%). The majority of properties have on-site vehicle access and parking, with more recent development incorporating garaging attached to the dwelling.

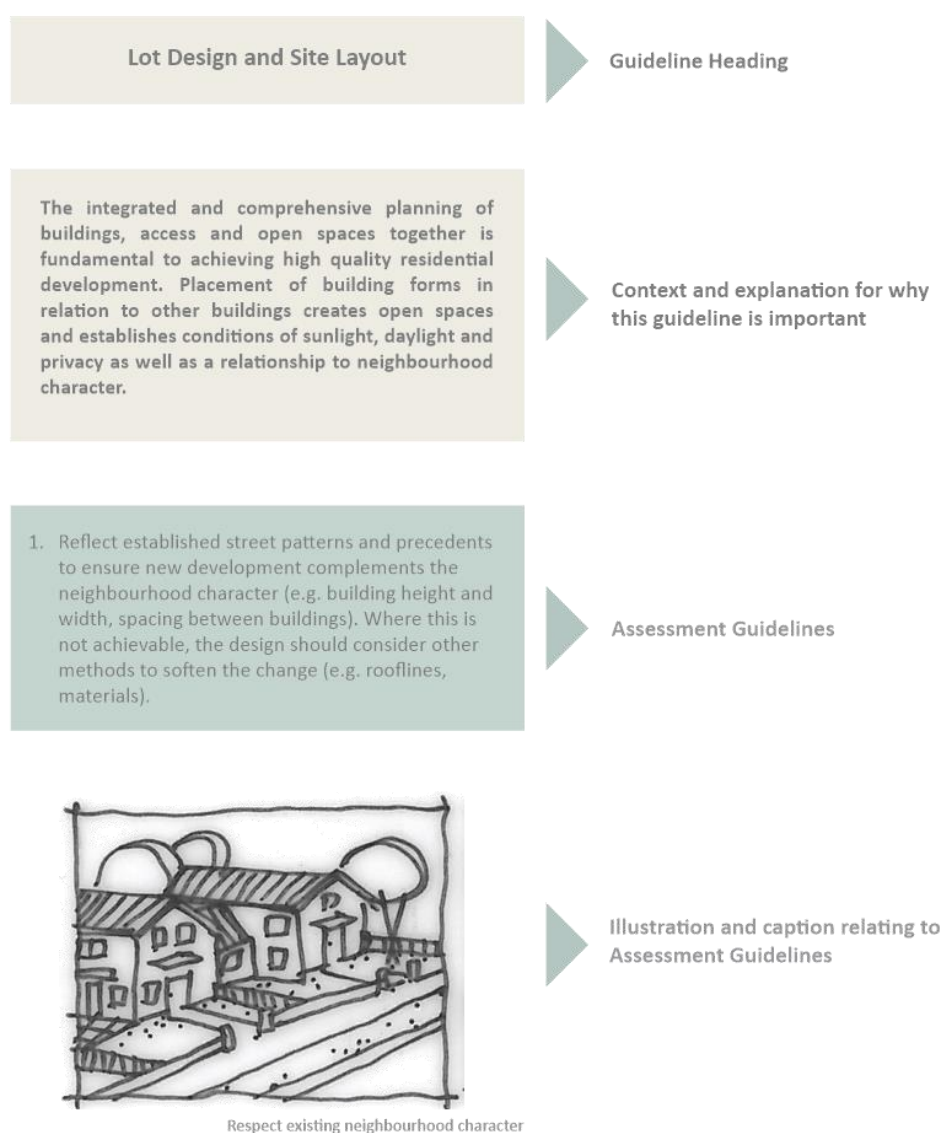
Most properties have private outdoor living and servicing areas, which vary in their size, quality and appearance. Fencing and screens are commonly used to provide privacy between private outdoor living areas.



Rua Street, Waiterere Beach

## 4. Guidelines

Each section of the design guide is structured into 4 parts as illustrated in the example below:

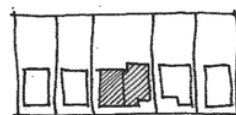
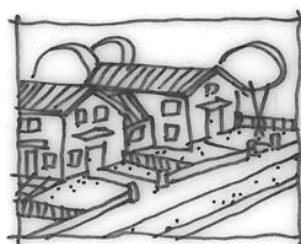




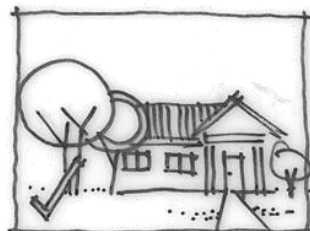
## 4.1 Site Planning

The integrated planning of buildings, access and open spaces is fundamental to achieving high quality residential outcomes. Careful placement of building forms in relation to one other creates open space, establishes conditions of sunlight, daylight and privacy and contributes to neighbourhood character. Good site planning reflects a concern for occupation, considering how a place is used by its occupants as well as its relationship to neighbouring houses, the character of street and the wider urban area.

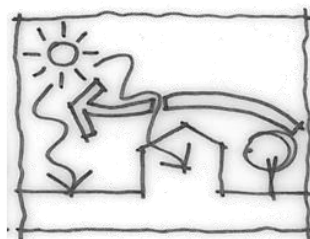
1. Reflect established street patterns and precedents to ensure new development complements the neighbourhood character (e.g. building height and width, spacing between buildings). Where this is not achievable, the design should consider other methods to soften the change (e.g. rooflines, materials). See Section 4.4 for guidance.
2. Retain significant, locally recognised existing trees, vegetation and other character features where practicable and where these can be usefully integrated into the residential development. Where this is not achievable, the planting of new trees should be considered.
3. Respond to environmental conditions such as sunlight and predominant winds to maximise sunlight to main living areas, (e.g. locate living areas on the northern side of the dwelling) and both sunlight and shelter to private open space. See Section 4.2 for further guidance.



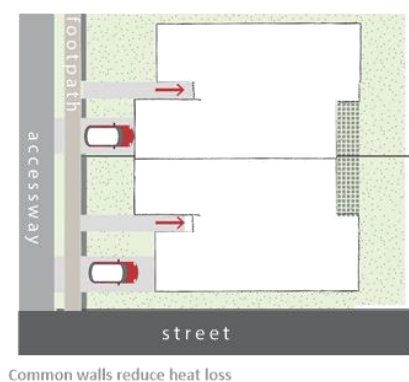
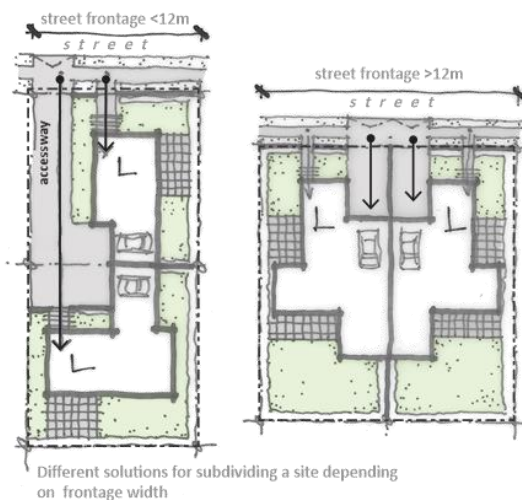
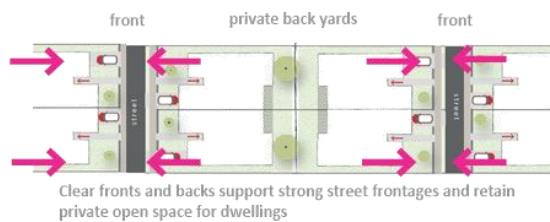
Respect existing neighbourhood character



Retain significant existing features



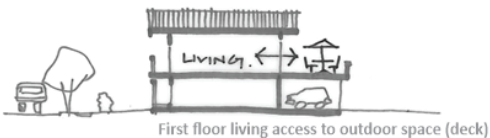
Respond to environmental conditions



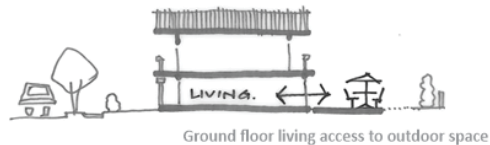
4. Align dwellings to face the street where possible; where this is not possible, ensure dwellings have good visibility over the street by positioning windows to overlook it.
5. Where possible, dwellings should have visibility over accessways or public spaces to help with passive surveillance.
6. Where a lot has a street frontage of greater than 12m in width a semi-detached dwelling could be well suited. Subdividing into narrower lots (i.e. a minimum of 6m wide) would also allow the dwellings to retain good street frontage.
7. Where a lot has a street frontage of less than 12m in width, but is fairly deep, then a common accessway may be appropriate along one side.
8. Attaching dwellings conserves heat and provides more usable private open space for each unit.

9. Dwellings should be sited to provide good quality interior space with comfortable temperatures, good solar access, and direct access to private open space. Private open space can include ground level gardens and paved courtyards as well as upper level balconies accessed from principal living areas. While not technically private open space, conservatories also provide a means to maximise solar access throughout the year.

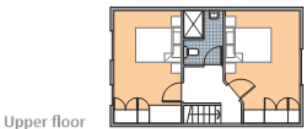
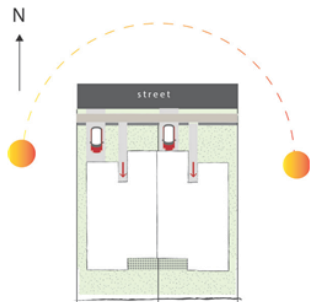
10. Design the interior of the units so that they are economical and creative with space. A reduced size suburban-style dwelling may not necessarily translate into a residential dwelling suitable for more intensive living.



First floor living access to outdoor space (deck)

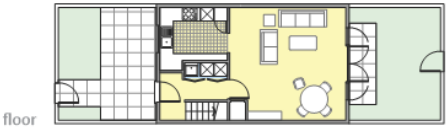


Ground floor living access to outdoor space



Upper floor

both liveable and creative with space



floor

## 4.2 On-Site Amenity

As site areas are smaller, high standards of on-site amenity are required to provide for the comfort and enjoyment of residents. This means having access to private open space and a good quality aspect (the view or outlook). It is also important that the dwelling has high visual and acoustic privacy, as unlike lower density suburban developments there is less, or no, separation between dwellings.

It is essential that on-site amenity is considered at the *site layout stage* to ensure that each dwelling and its respective outdoor space is designed with visual privacy, good access and a quality aspect in mind. The location of rooms and uses in the dwelling is a key consideration to achieving good visual and acoustic privacy and should be considered at the *building design stage*. The size and placement of windows, doors and balconies are all important factors to consider in terms of acoustic and visual privacy. Acoustic privacy is especially important for medium density dwellings as they may be connected by common walls; consequently noise insulation materials and techniques should be considered.

Further on-site amenity considerations include: dedicated areas for rubbish collection, washing lines and other utility areas. These are important, but can often be forgotten when designing smaller units on compact sites. Lockable storage areas for items such as gardening tools, camping gear and sports gear are also worth considering and do not have to be large to be of benefit to residents.



The entrance should be clearly visible



Screening devices and landscaping should provide privacy for private outdoor space

11. Each dwelling should have its own main entry, consisting of a sheltered threshold that is well lit and clearly visible as the entrance to the dwelling.

12. Use careful positioning, screening devices or landscaping to provide visual privacy for private open space. For example, where the outdoor space for two units backs onto each other, consider a well designed and maintained fenced/planted screen along the common boundary.

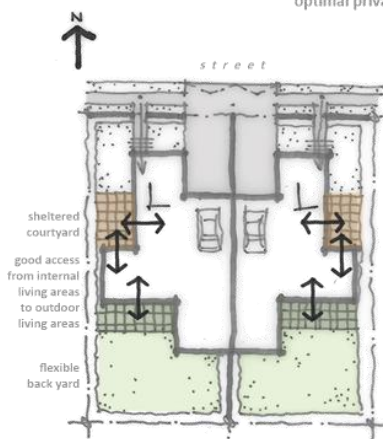
13. Position windows to achieve optimal privacy - bedroom or bathroom windows at street level should be screened for privacy. Recessions and projections can be created along building elevations and elements such as screen panels and solid or semi-solid balustrades, can be incorporated into the design and function of outdoor space

14. Provide private outdoor spaces with good internal and external access that are sheltered, and enjoy sunlight for most of the day. Avoid long narrow strips of open space between the unit and the front, side or rear boundaries as these cannot be optimally used.

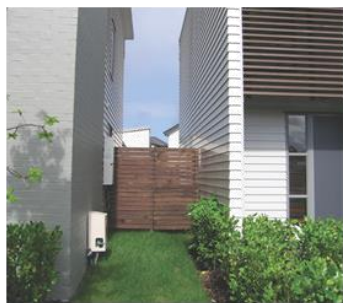
15. Provide adequate utility areas and storage facilities in discrete locations on the site to ensure easy access and to reduce their visibility from the street.



Windows should be positioned to achieve optimal privacy



Outdoor space located so it is private and not overlooked from neighbouring properties



Utility areas separate from parking & screened from street

### 4.3 External Amenity

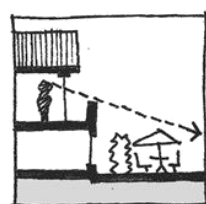
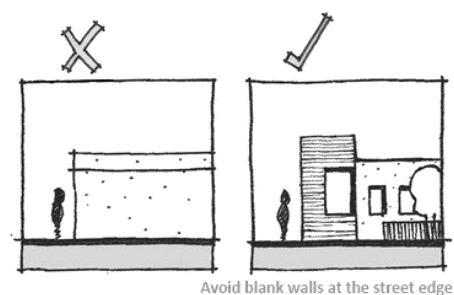
The introduction of medium density development to an existing residential street consisting of low density, stand-alone dwellings requires careful consideration to ensure that potential visual effects and privacy impacts on adjoining neighbours are appropriately managed.

The Medium Density Overlay provides for 1 - 2 storey dwellings (detached or semi-detached). Upper storeys have the potential to create overlooking and shading of adjoining properties. Factoring setbacks and daylight recession planes into the site layout and building design will help to avoid adverse privacy and shading (external amenity) effects on neighbouring properties. Additional building and landscape design may also be necessary to minimise the impact and change experienced by neighbours.

16. Solid, blank walls should be avoided on external boundaries to ensure the visual impact of a new development does not adversely affect the outlook from the street or adjoining properties. Where this is not possible, consider the introduction of architectural detailing, creative use of materials, and landscape treatment.

17. Design new development to ensure adequate building separation and setbacks in order to optimise the visual privacy of existing adjacent sites.

18. Where front yard outdoor spaces are required (especially to take advantage of a sunny aspect) use devices such as a landscaped boundary or permeable fence to create a sense of privacy without impeding sightlines onto the street.



Screen with balcony balustrade



A landscaped boundary and permeable fencing creates a sense of privacy without impeding sightlines onto the street



## 4.4 Design and Appearance

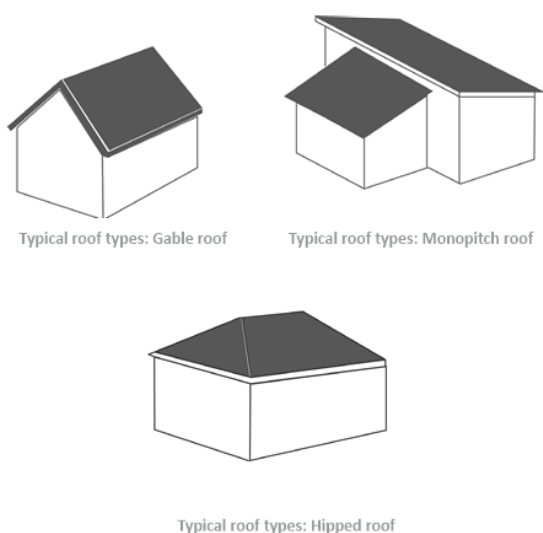
A key consideration for any new development within the Medium Density Overlay Area is how it integrates with the existing neighbourhood, particularly in the coastal suburban areas of Foxton Beach and Waitarere Beach.

In this regard the facade or external 'face' of the building, has an important role to play as part of the 'streetscape' - the visual elements that make up a street, like buildings, the road, footpaths, street furniture and trees. Good architectural design, along with quality materials, textures and colours, can make an important contribution to the character of a street as well as influence the overall value of a development.

Settlements in the district have a dominant built character typically based around detached, weatherboard or brick clad, iron-roofed dwellings. In Foxton Beach and Waitarere Beach, simple materials, a strong relationship with the water and a 'bach' character is also common.

The choice of materials used will affect the appearance of a development and how well it performs and endures over time. Robust materials that are easy to maintain will help to ensure that dwellings, as well as any communal areas prone to wear, retain their appearance without the need for extensive ongoing maintenance.

Typical roof types in the Horowhenua District



19. New development should reflect the context of the neighbourhood instead of 'copying' existing dwelling types. Simple ways to ensure a new development does this is by respecting the scale (e.g. one or two storeys), general form and roof lines of existing dwellings in the area.

20. New development should also make use of contemporary and complementary materials (e.g. weatherboard, brick cladding, iron roofing) and colours that reflect the neighbourhood context.

## 4.5 Access, Carparking, Manoeuvring and Infrastructure

Parking requirements and vehicle access are important considerations for every medium density development. Parking will affect site layout (i.e. where to position the driveway) and building design (i.e. whether it needs to accommodate a garage or not). It will also impact on the general quality of the neighbourhood. Therefore, provision of parking needs to be considered early on in the design process.

Car parking and vehicle entries should not be the dominant feature of sites, dwellings or streets. Streets dominated by driveways, cars and car parks generally become uncomfortable places for people to be as their access and movement becomes restricted. Vehicle entries should be consolidated to minimise interruption to pedestrian movement along footpaths, while garages should be recessed from the street, to minimise visual dominance, and ensure clear pedestrian movement. Public streets will typically be used for overflow visitor parking. Although good surveillance from surrounding units increases security for parking, car parks should be softened by suitable landscape and paving treatments to improve the outlook from dwellings.

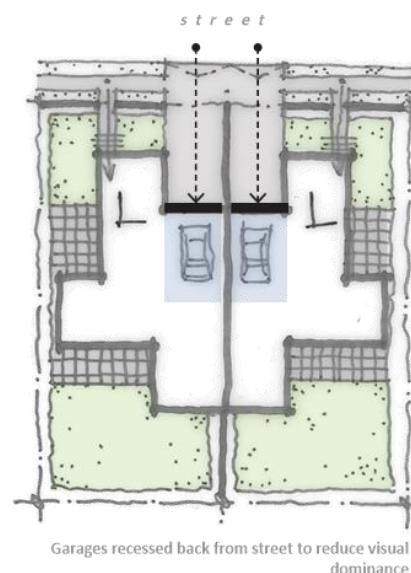
Infill and redevelopment of existing areas can place increased pressure on services that are already stretched to capacity. When designing on-site stormwater collection and disposal schemes, a high level of impervious surfaces should be included based on the type and intensity of development. Alternatively, opportunities to generate on-site stormwater management solutions and on-site water collection and storage should be explored.

21. Accessways and vehicle manoeuvring spaces should be designed to ensure cars enter and leave the site slowly and with good visibility of the street.

22. Accessways and vehicle crossings should be treated as an integral part of the site layout and should be designed to be durable in the long term (Refer to the relevant HDC engineering standards).

23. The amount of sealed vehicle access, manoeuvring space and parking should be minimised, and planting and permeable paving used where possible to soften hard surfaces and promote drainage.

24. Wherever possible carports and garages should be recessed from the main frontage of a dwelling to avoid dominance of vehicles and garage doors along the street edge or adjacent shared spaces.

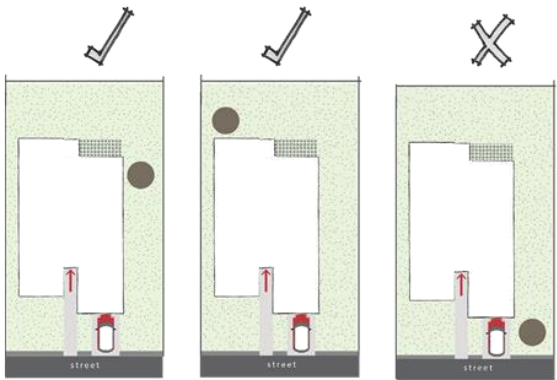




Accessways and garages designed as part of the development and consistent with the dwelling



Permeable paving used where possible and stormwater managed on site



Position water tanks discretely to reduce visibility from the street

25. The design of external carports and garages should complement the associated dwellings and be constructed of similar materials.

26. All stormwater is to be managed and disposed of on-site and the extent of impermeable surface areas minimised.

27. All water collection, storage and supply is to be managed on-site at Waitere Beach, and consideration should be given to the placement and integration of rain water tanks with the site layout to reduce visibility from the street.