

Thursday, 23 May 2024

*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*  
**Hastings District Council**  
**Council Meeting**

*Kaupapataka*

# Attachments

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*Te Rā Hui:*  
Meeting date: **Thursday, 23 May 2024**

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*Te Wā:*  
Time: **1.00pm**

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

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**HASTINGS DISTRICT COUNCIL**  
207 Lyndon Road East, Hastings 4122 | Private Bag 9002, Hastings 4156  
Phone **06 871 5000** | [www.hastingsdc.govt.nz](http://www.hastingsdc.govt.nz)  
**TE KAUNIHERA Ā-ROHE O HERETAUNGA**

ITEM	SUBJECT	PAGE
<b>11.</b>	<b>APPROVAL FOR WAIVING LAND COVENANT - WAINGĀKAU VILLAGE</b>	
	Attachment 1: Waingākau Covenant with HDC(2)	3
	Attachment 2: Rito Place(2)	5
<b>12.</b>	<b>SUBMISSION ON THE FAST TRACK APPROVALS BILL</b>	
	Attachment 1: Legislation, Bylaws & Standards - Acts & Statutes - Fast Track Approvals Bill 2024 - HDC NCC Fast Track Approvals Bill Submission Final 18 April 2024	19
<b>15.</b>	<b>RETENTION OF THE TAKITIMU MĀORI WARD</b>	
	Attachment 1: Letter from Mayor of Hastings to Local MPs - Māori Wards	25
	Attachment 2: Draft - letter from LGNZ Mayors and Chairs on Māori wards and constituencies	29



## Annexure Schedule

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Pages

*Insert instrument type*

Land Covenant

*Continue in additional Annexure Schedule, if required*

The Covenantor and the Covenantee have agreed that for the benefit of the Covenantee the following land covenants should be created over the burdened land, so as to bind the burdened land for the benefit of the Covenantee.

Accordingly the Covenantor for itself and its successors in title covenants and agrees with the Covenantee and its successors to observe and perform the covenants below, which will run with the burdened land and its use, for the benefit of the Covenantee.

**Definitions:**

In this covenant:

“Concept Plan” means the plan PRJ18-13-0018 saved in the Covenantee’s document management system (or as amended by agreement between the Covenantor and Covenantee from time to time).

“Development” means the integrated development to be undertaken by the Covenantor on the burdened land in accordance with the Concept Plan and the Memorandum of Understanding.

“Memorandum of Understanding” means the written agreement between the Covenantor and the Covenantee concerning the Development dated 22 August 2018.

“Residential Lots” means each lot comprising the burdened land.

**Covenants**

The Covenantor and its successors in title shall in respect of the burdened land:

1. in a good and tradesman like manner and subject to all relevant regulations, bylaws and requirements of any competent authority, and in accordance with the Concept Plan and the Memorandum of Understanding on each Residential Lot erect only one residential dwelling, of a minimum size of 130 m<sup>2</sup> and a minimum of 3 bedrooms, incorporating at least a single integrated garage (which must be built at the same time as the residential dwelling), and all buildings are to have colour steel roofing and aluminium joinery.
2. obtain, prior to the commencement of any building works on the burdened land, the approval of the Covenantee in its capacity as the party benefitting from these covenants to the final form of plans and specifications of the building to be built (such approval not be unreasonably withheld provided it is in accordance with the Concept Plan and the Memorandum of Understanding), and not depart from such approved plans when building on the burdened land. No approval by the Covenantee under this clause will be deemed an approval by the Covenantee in its regulatory capacity as a local authority.
3. fence each Residential Lot prior to offering it for sale or occupation, using either permeable materials such as pool style fencing, or colour steel panels or timber paling and capping. Any fences on the road front shall be of an open style. The Covenantee may, upon application by the Covenantor, by written notice defer the obligation to fence in respect of any particular lot.
4. for each Residential Lot construct a driveway in permanent materials from the road boundary of each lot to the integrated garage at the same time the garage is built.

JEL-123334-491-47-V1:JCW



## Annexure Schedule

Page

of

Pages

*Insert instrument type*

Land Covenant

5. lay paths in permanent materials within each part of the Development as it is undertaken, and prior to use or occupation of that part
6. lay or sow lawn and landscape within each part of the Development as it is undertaken, prior to use or occupation

and the Covenantor shall not in respect of each lot of the burdened land:

7. subdivide any lot, without the prior written consent of the Covenantee nor
8. permit to be erected upon any part of the burdened land any secondhand or used building, nor use any secondhand or used materials in construction of any building or fence.

The Covenantee and Covenantor also agree:

- a. No covenant to enforce the terms of the covenants recorded in the Schedule against any part of the burdened land shall be implied or enforced against the Covenantee, and any such enforcement shall be carried out entirely at the Covenantee's discretion.
- b. Should the Covenantor and its successors agents, invitees, or contractors breach any covenant in this Schedule, then the Covenantee shall be entitled to serve written notice on the Covenantor requiring the breach to be remedied within five working days of the Covenantor's receipt of that written notice, and failing remedy within that time (time being of the essence) then the Covenantee shall be entitled to impose a penalty sum of \$100.00 per day for every day or part day the breach continues, in addition to all other costs or losses incurred by the Covenantee, including full solicitor client costs, and the Covenantee may in addition exercise any or all other rights available to them at law (including injunctive relief).
- c. These covenants shall run with the burdened land and shall expire 12 years after the date the burdened land was transferred by the Covenantee to the Covenantor. However nothing in this clause shall restrict the right of the Covenantee to enforce any breach of covenant occurring before that date, even if enforcement action is taken after the expiry date.
- d. Should the Covenantee acquire any lot pursuant to the terms of the Memorandum of Understanding, then the Covenantee is not bound as owner to comply with these land covenants.



ORIGINAL SCALE A3		
00	1/03/2024	FOR REVIEW
NO.	DATE	ISSUE REVISION

PROJECT TITLE  
Proposed Development  
Lot 24-27 Rito Place  
Waingakau Village Dev't.

SHEET NAME		
Site Plan		
DRAWN:	DT	Status: Concept
CHECKED:	RA AF	SHEET NO. REV
PROJECT #	1556-00	001
DATE:	1/03/2024	

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Site Plan  
Scale 1:300 @ A3

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Site Plan  
Scale 1:200 @ A3



Property Information:  
Property ID: 106463  
Legal Description: LOT 24 DP 571793 HAVING 1/5 SH IN LOT 56 DP 571793  
Operative DP zone: Flaxmere General Residential  
Address: Lot 24 - 12 Rito Place  
Earthquake Zone: 3  
Climate Zone: 2  
Exposure Zone: C  
Wind Region: A  
Rainfall intensity: 62 mm/hr  
Wind Zone: Medium

Note: Boundary Dimensions based on LINZ Data

Site Coverage:  
Section: 505m²  
Proposed Dwelling: 121.4 m²  
Hardstand: 81.5m²  
Proposed Roof (incl eaves): 132m²  
Site Coverage: 42.3%

Notes:

General Site Notes:

- All setback dimensions to be confirmed on site.
- Do not scale off plans. Liaise with designer and owner for any extra dimensions, clarification or information required.
- Surveyor to locate and confirm all boundaries, easements, setback and restrictions on site prior to commencement of foundation works
- Surveyor to confirm floor height on site in strict accordance with E1 2.0.1 and figure 1 and 2 surveyor to issue survey certificate before foundation concrete is placed
- All Foundation work must be done in strict accordance with Geotechnical reports requirements.
- All Foundation work must be done in strict accordance with Strutral Engineers design and requirements. Refer to construction monitoring schedule in PS1 and territorial authorities form 5 for engineering inspection requirements.
- Contractor to locate and confirm all services on site prior to comencment of earthworks
- Owner to confirm fence and extents.
- Owner to confirm and install letterbox.
- Owner to confirm all landscaping.
- Owner to confirm driveway material.
- Driveway vehicle crossing to be installed as per HDC specifications and details
- Contractor must ensure that only current council stamped set is used for construction
- Fencing requirements to be 1.8m high Colourbond fencing to adjoining boundaries and 1.2m high Colourbond fencing to ROW facing boundaries
- Site Plan is to be read in conjunction with the civil engineers design for but not limited to levels, crossings, Retaining walls and services. Contractor to liase with Simply Architecture ltd for clarification.

ORIGINAL SCALE A3

NO. DATE ISSUE REVISION

PROJECT TITLE

Waingākau  
Lot 24 - 12 Rito Place

SHEET NAME

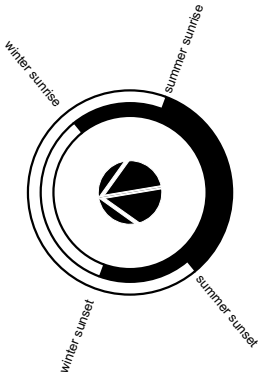
Site Plan

DRAWN: SE Status: Concept  
CHECKED: RA SHEET NO. REV  
PROJECT # #Pln 001  
DATE: 5/03/2024

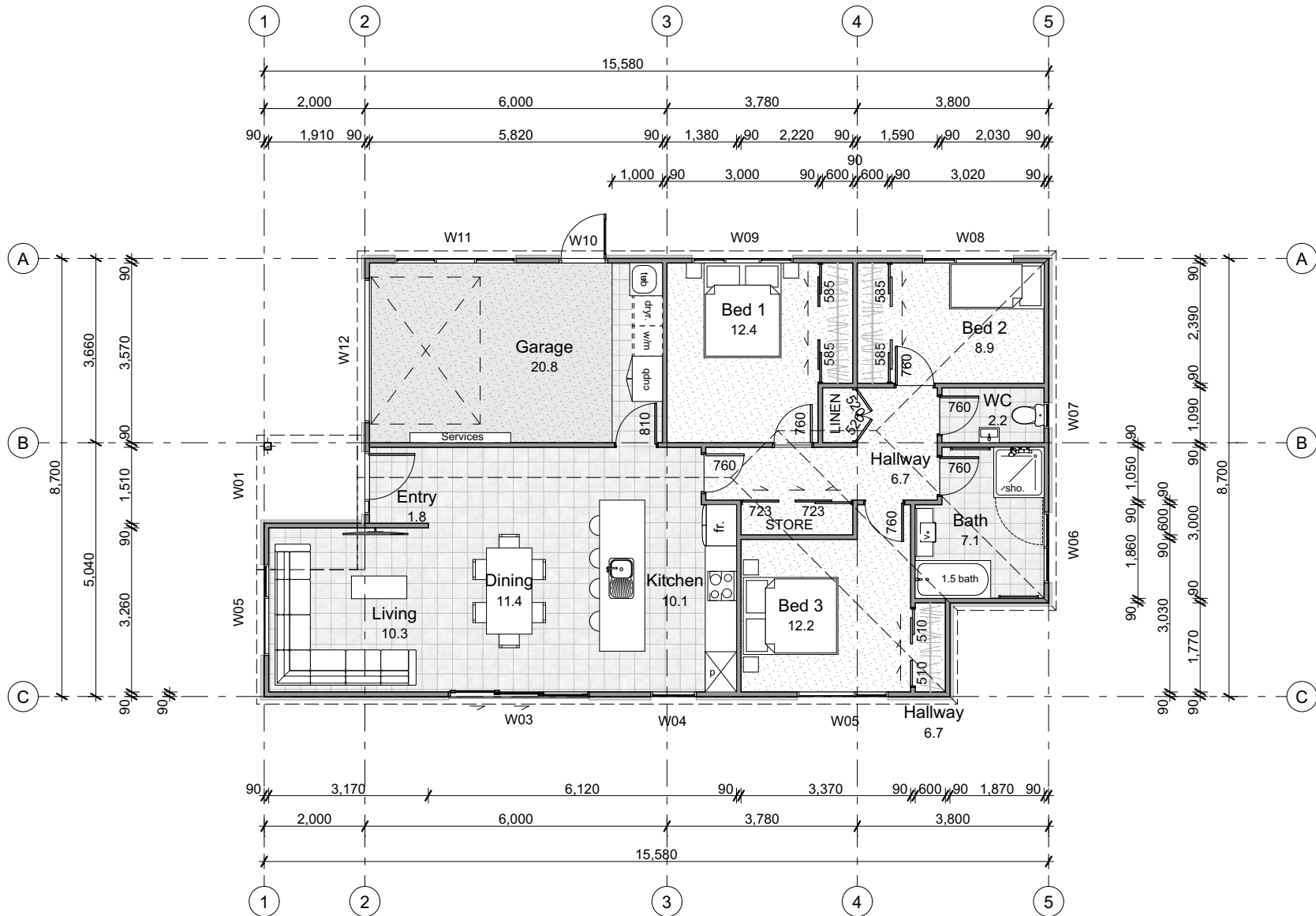
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Floor Plan  
Scale 1:100 @ A3  
Floor Area: 121.4 m<sup>2</sup>



Floor Covering Schedule

Plan Pre...	Description
	Selected Ceramic tiles with waterproof grouted joints over selected WPM
	Selected Garage Carpet tiles
	Selected Norflok Carpet - extra heavy duty with 10mm underlay

Notes:

- General Notes:**
- All setout dimensions to be confirmed on site.
  - Do not scale off plans. Liaise with designer and owner for any extra dimensions, clarification or information required.
  - Minimum building tolerances to adhere to those outlined in S.2 General & table 2.1 of NZS3604:2011.
  - All timber framing to overhang slab edge 6mm as per NZBC:E2 to avoid capillary action.
  - Electrical contractor to confirm lighting and electrical design designer and owner.
- Timber Framing:**
- All framing to be H1.2 treated radiata pine.
  - All 2460mm high Load-Bearing wall studs to be 90x45 H1.2 SG8 @ 600crs & nogs @ 800crs.
  - Bottom plates fixed @ 600crs with Ramset or M12 trubolts @ 600 crs max.
  - Fixings designed for Medium wind zone
  - All interior door leaves 1.98m high unless otherwise noted.
  - All prefabricated frames to be built by a FTMA member.
  - No items shall be exchanged or substituted without approval from designer.
  - Roof framing timbers to be H1.2 treated Radiata pine.
  - All purlins 70x45 H1.2 radiata pine on flat @ 900crs. 600 crs Endspan.
  - Trusses to be specific designed @ 900 max crs
- Linings:**
- All ceilings to be 13mm GIB plasterboard on GIB 310 35mm Rondo battens - drierct fixed
  - All wall linings to be 10mm GIB plasterboard.
  - Refer to bracing plan for bracing members.
  - Floor linings to be confirmed by owner.
  - Wall finishings to be confirmed by owner.
  - GIB Aqualine to Wet Areas
- Foundation:**
- Standard Waffle slab with Resene Duratherm Gold Perimeter insulation and Goldfoam 30mm XPS underslab insulation as per engineers specifications
- Smoke Alarms:**
- Install Interconnected system to all bedrooms, living spaces, hallways and landings. Design of system to b in accordance with NZS:4514. Smoke alarms must be within 10m of each other

ORIGINAL SCALE A3		
NO.	DATE	ISSUE REVISION

PROJECT TITLE

Waingākau  
Lot 24 - 12 Rito Place

SHEET NAME

Floor plan

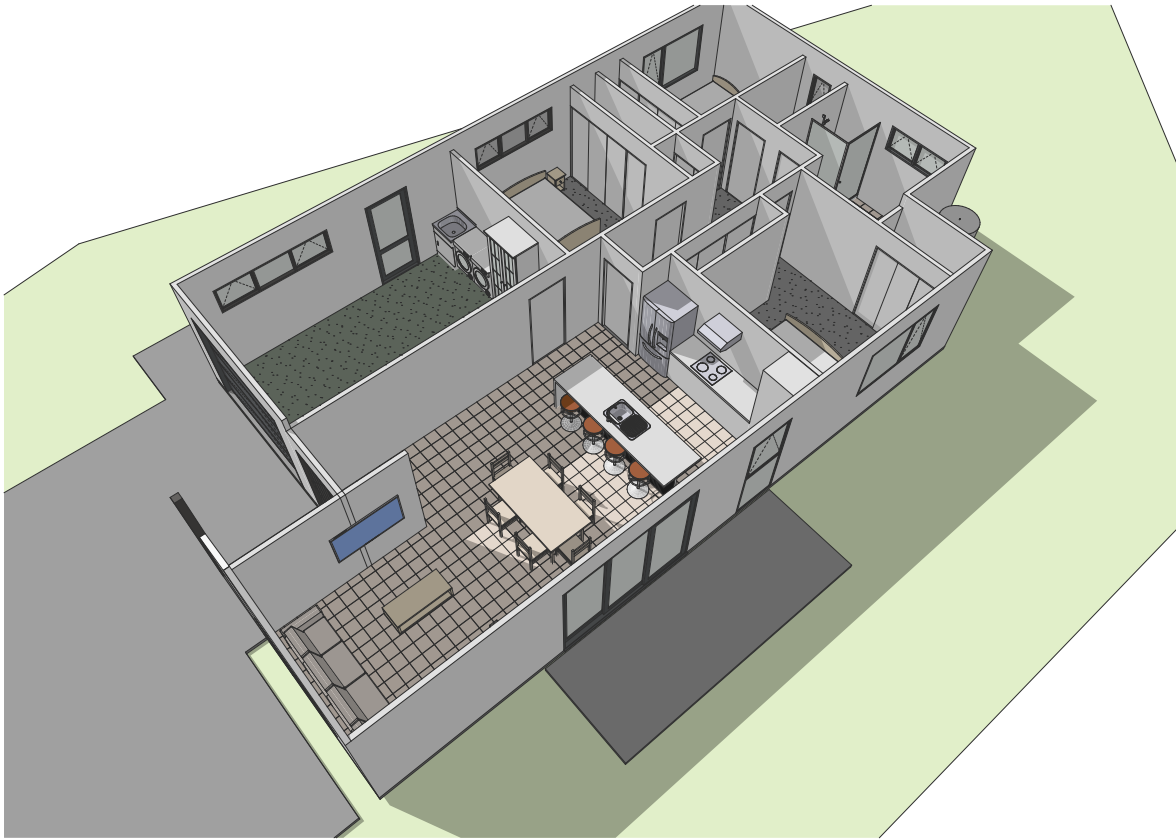
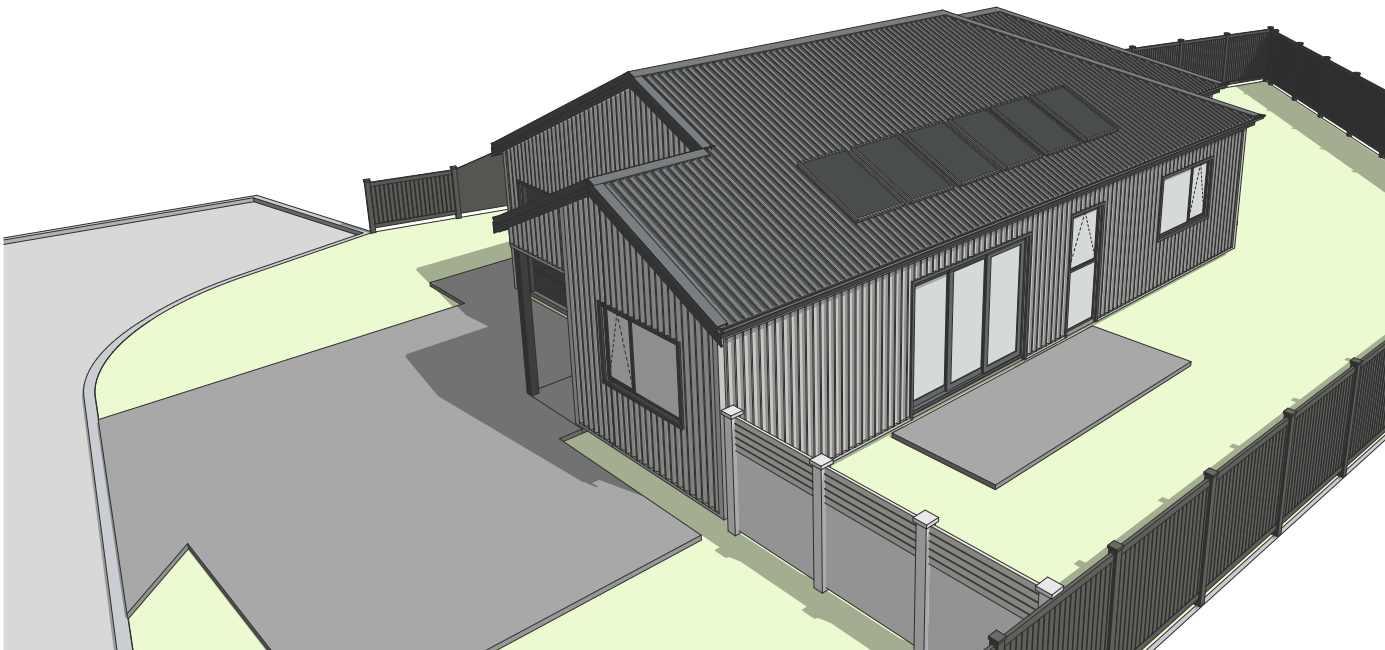
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PROJECT #	#Pln	002	
DATE:	5/03/2024		

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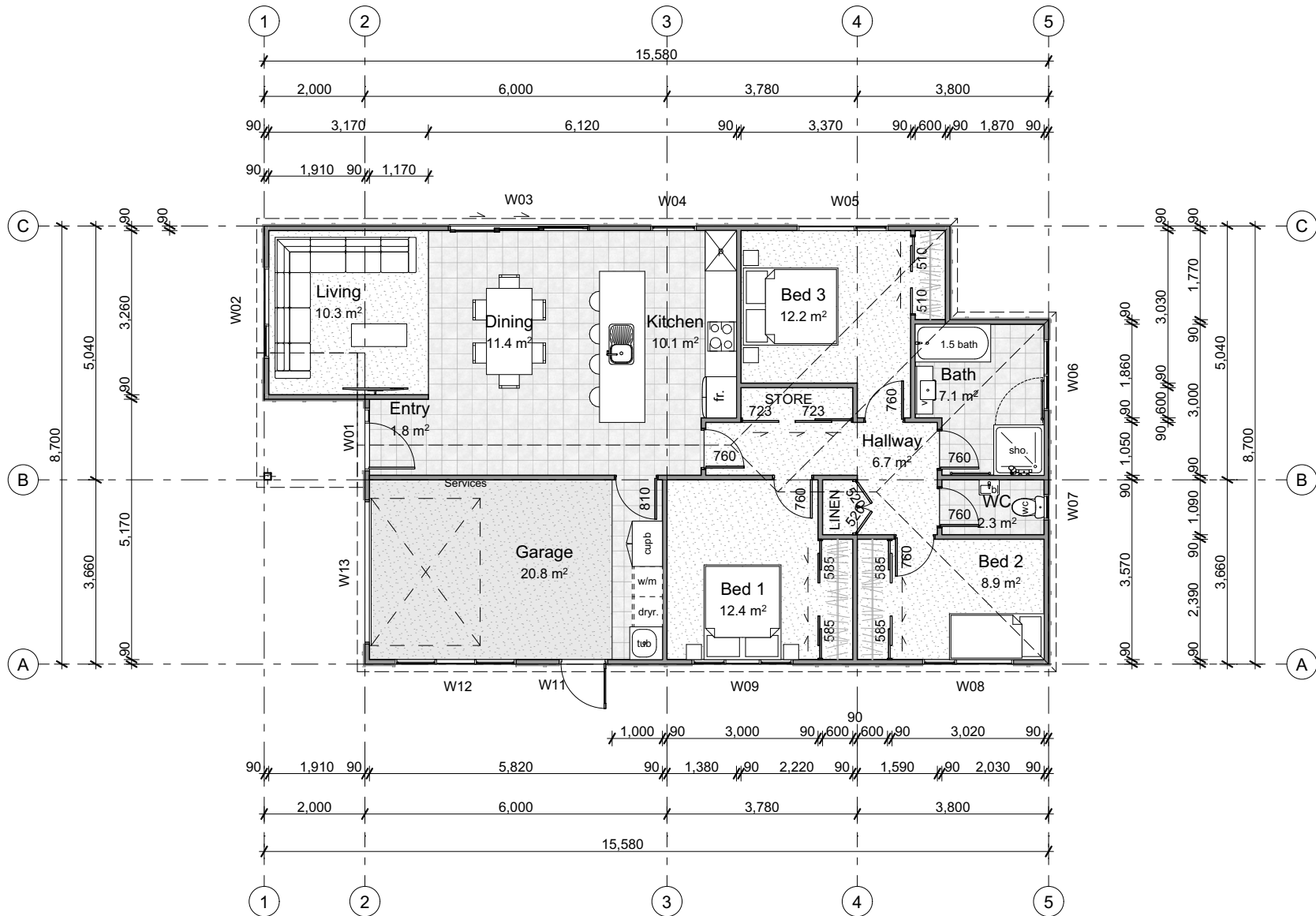


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Floor Plan  
Scale 1:100 @ A3  
Floor Area: 121.4 m²



Floor Covering Schedule	
Plan Preview	Description
	Selected Ceramic tiles with waterproof grouted joints over selected WPM
	Selected Garage Carpet tiles
	Selected Norflok Carpet - extra heavy duty with 10mm underlay

- Notes:
- General Notes:**
- All setout dimensions to be confirmed on site.
  - Do not scale off plans. Liaise with designer and owner for any extra dimensions, clarification or information required.
  - Minimum building tolerances to adhere to those outlined in S.2 General & table 2.1 of NZS3604:2011.
  - All timber framing to overhang slab edge 6mm as per NZBC:E2 to avoid capillary action.
  - Electrical contractor to confirm lighting and electrical design designer and owner.
- Timber Framing:**
- All framing to be H1.2 treated radiata pine.
  - All 2460mm high Load-Bearing wall studs to be 90x45 H1.2 SG8 @ 600crs & nogs @ 800crs.
  - Bottom plates fixed @ 600crs with Ramset or M12 trubolts @ 600 crs max.
  - Fixings designed for High wind zone
  - All interior door leaves 1.98m high unless otherwise noted.
  - All prefabricated frames to be built by a FTMA member.
  - No items shall be exchanged or substituted without approval from designer.
  - Roof framing timbers to be H1.2 treated Radiata pine.
  - All purlins 70x45 H1.2 radiata pine on flat @ 900crs. 600 crs Endspan.
  - Trusses to be specific designed @ 900 max crs
- Linings:**
- All ceilings to be 13mm GIB plasterboard on GIB 310 35mm Rondo battens - drierct fixed
  - All wall linings to be 10mm GIB plasterboard.
  - Refer to bracing plan for bracing members.
  - Floor linings to be confirmed by owner.
  - Wall finishings to be confirmed by owner.
  - GIB Aqualine to Wet Areas
- Foundation:**
- Standard Waffle slab with Resene Duratherm Gold Perimeter insulation and Goldfoam 30mm XPS underslab insulation as per engineers specifications
- Smoke Alarms:**
- Install Interconnected system to all bedrooms, living spaces, hallways and landings. Design of system to b in accordance with NZS:4514. Smoke alarms must be within 10m of each other

ORIGINAL SCALE A3		
NO.	DATE	ISSUE REVISION

PROJECT TITLE

Waingākau  
Lot 25 - 14 Rito Place

SHEET NAME

Floor plan

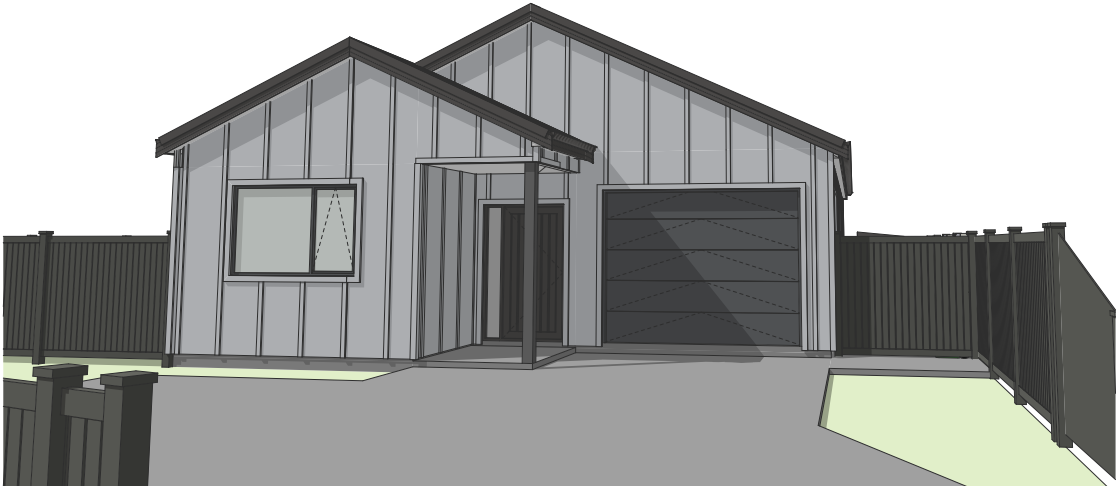
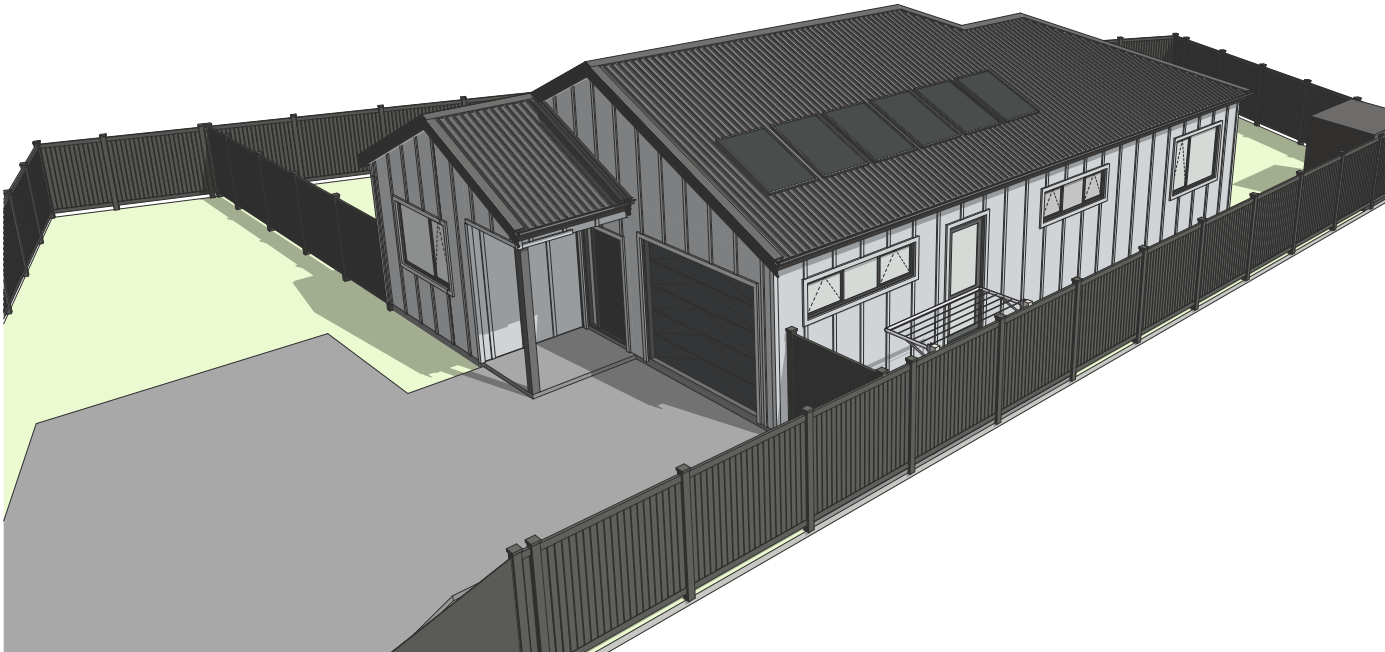
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PROJECT #	#PIn	002	
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SIMPLY ARCHITECTURE

3D Views

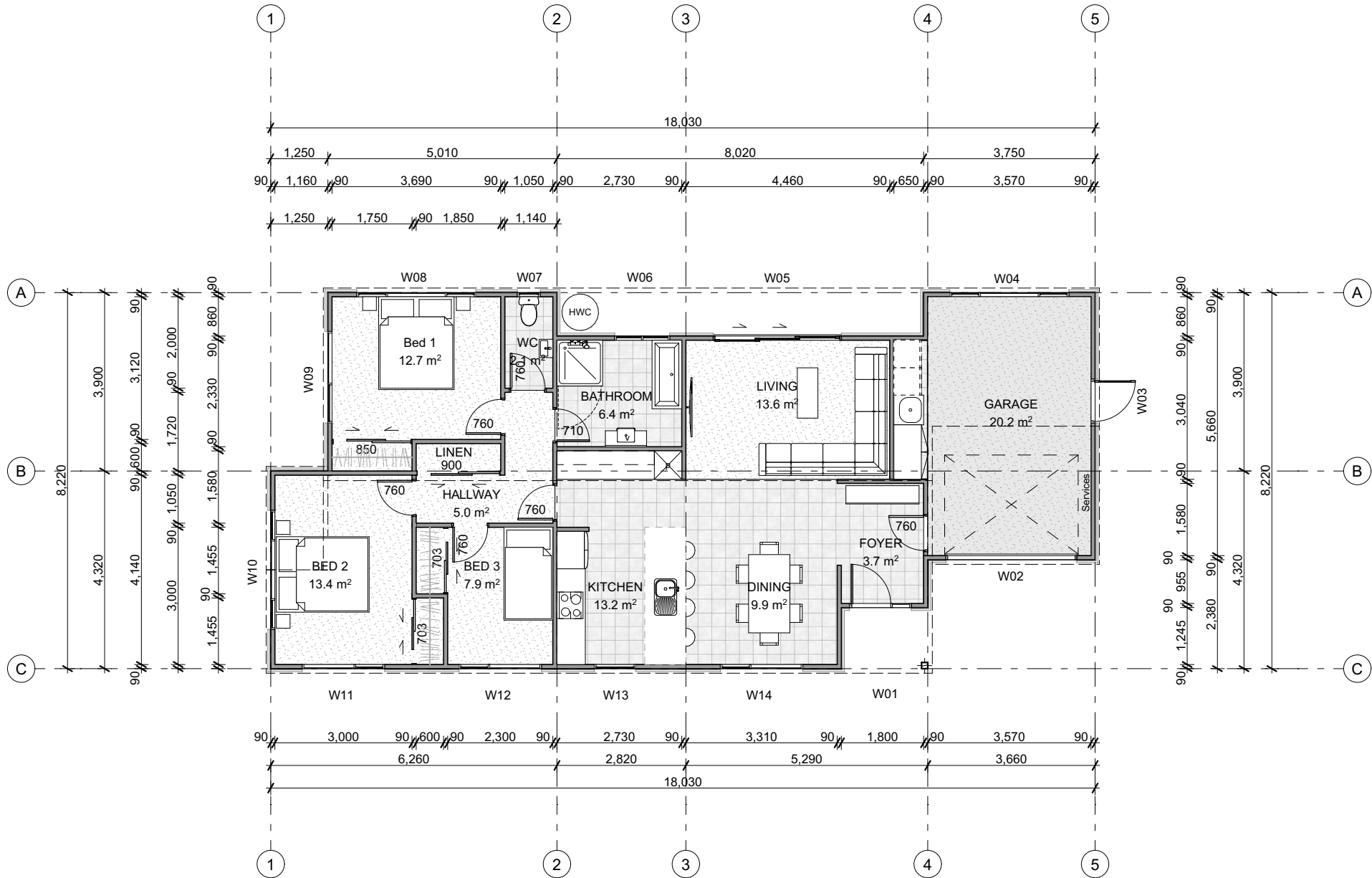
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Floor Plan  
Scale 1:100 @ A3  
Floor Area: 124.5 m²

Floor Covering Schedule	
Plan Pre...	Description
	Selected Ceramic tiles with waterproof grouted joints over selected WPM (water slash areas only)
	Selected Garage Carpet tiles
	Selected Norfolk Carpet - extra heavy duty with 10mm underlay

- Notes:
- General Notes:**
- All setout dimensions to be confirmed on site.
  - Do not scale off plans. Liaise with designer and owner for any extra dimensions, clarification or information required.
  - Minimum building tolerances to adhere to those outlined in S.2 General & table 2.1 of NZS3604:2011.
  - All timber framing to overhang slab edge 6mm as per NZBC:E2 to avoid capillary action.
  - Electrical contractor to confirm lighting and electrical design designer and owner.
- Timber Framing:**
- All framing to be H1.2 treated radiata pine.
  - All 2460mm high Load-Bearing wall studs to be 90x45 H1.2 SG8 @ 600crs & noggs @ 800crs.
  - Bottom plates fixed @ 600crs with Ramset or M12 trubolts @ 600 crs max.
  - Fixings designed for High wind zone
  - All interior door leaves 1.98m high unless otherwise noted.
  - All prefabricated frames to be built by a FTMA member.
  - No items shall be exchanged or substituted without approval from designer.
  - Roof framing timbers to be H1.2 treated Radiata pine.
  - All purlins 70x45 H1.2 radiata pine on flat @ 900crs. 600 crs Endspan.
  - Trusses to be specific designed @ 900 max crs
- Linings:**
- All ceilings to be 13mm GIB plasterboard on GIB 310 35mm Rondo battens - drierct fixed
  - All wall linings to be 10mm GIB plasterboard.
  - Refer to bracing plan for bracing members.
  - Floor linings to be confirmed by owner.
  - Wall finishings to be confirmed by owner.
  - GIB Aqualine to Wet Areas
- Foundation:**
- Standard Waffle slab with Resene Duratherm Gold Perimeter insulation and Goldfoam 30mm XPS underslab insulation as per engineers specifications
- Smoke Alarms:**
- Selected type 1 domestic smoke detector - to be installed within 3m of all bedrooms, to comply with NZS:4514

ORIGINAL SCALE A3		
NO.	DATE	ISSUE REVISION

PROJECT TITLE  
Waingākau  
Lot 26 - 16 Rito Place

SHEET NAME  
Floor plan

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PROJECT #	#Pln	002	
DATE:	5/03/2024		

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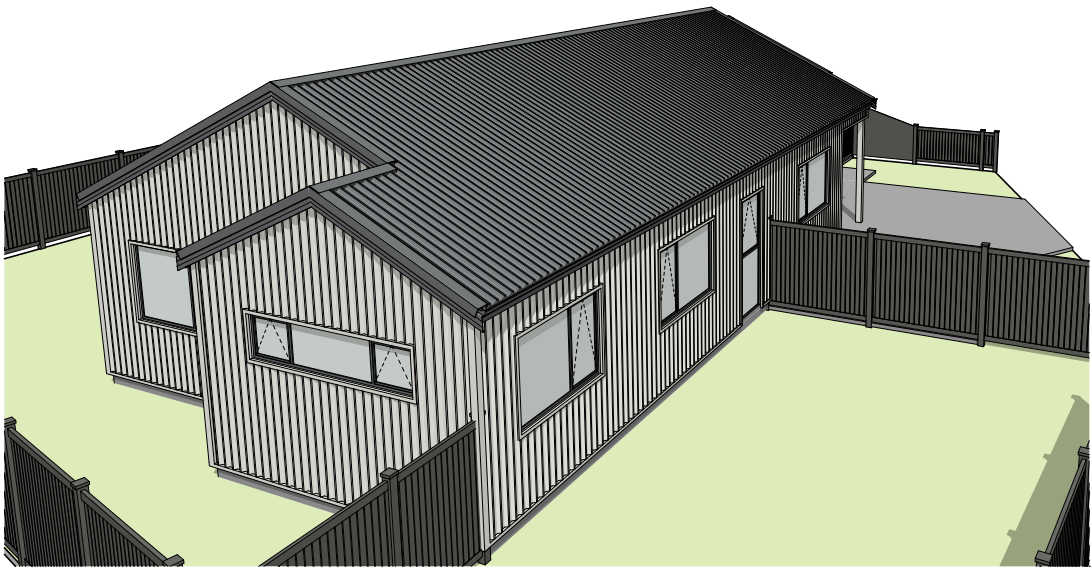
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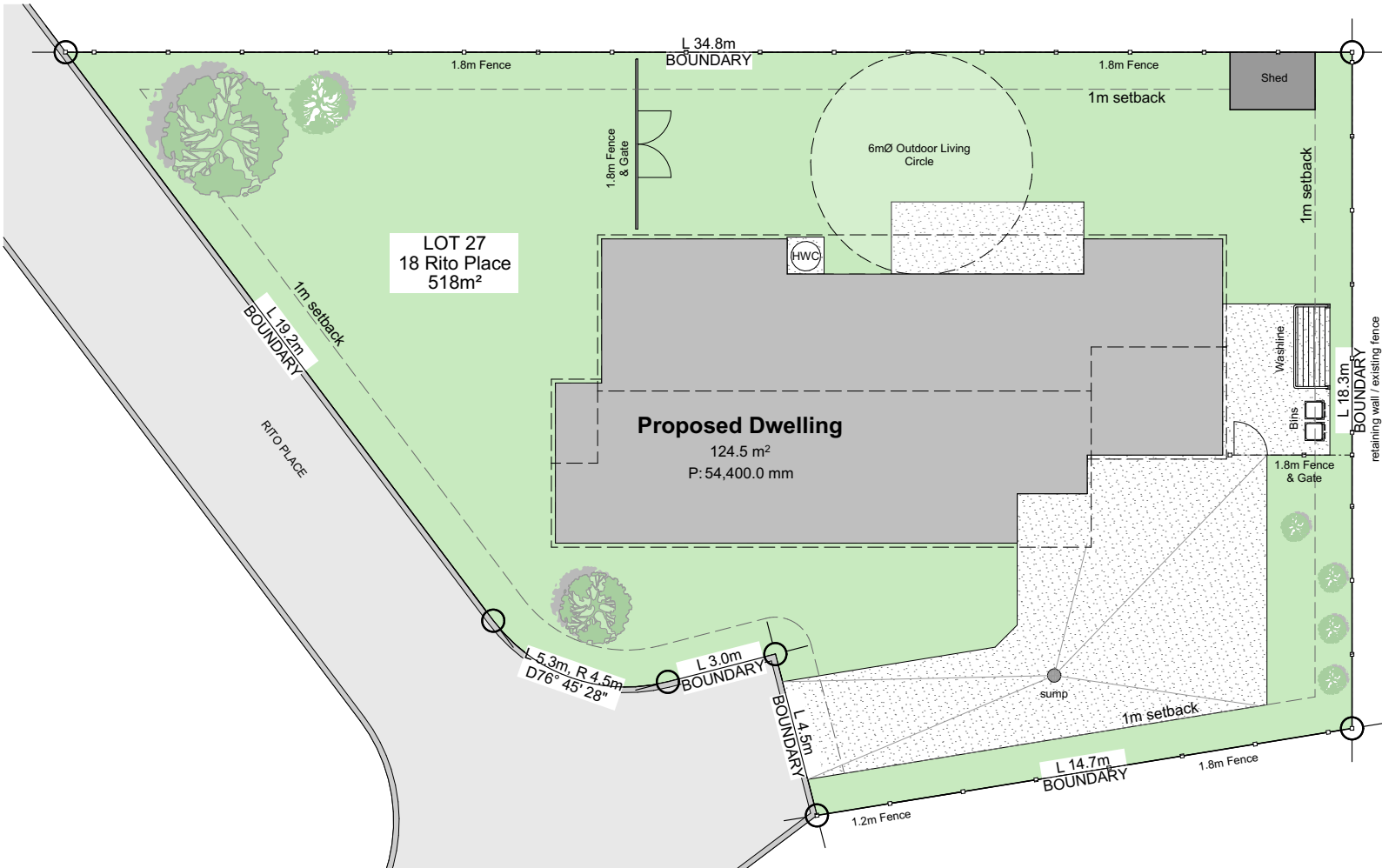
3D Views

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Site Plan  
Scale 1:150 @ A3

Property Information:  
Property ID: 106466  
Legal Description: LOT 27 DP 571793 HAVING 1/5 SH IN LOT 56 DP 571793  
Operative DP zone: Flaxmere General Residential  
Address: Lot 27 - 18 Rito Place  
Earthquake Zone: 3  
Climate Zone: 2  
Exposure Zone: B  
Wind Region: A  
Rainfall intensity: 62 mm/hr  
Wind Zone: High

Note: Boundary Dimensions based on LINZ Data

Site Coverage:  
Section: 518m²  
Floor Area: 124.5m²  
Roof Area: (incl eaves) 140.4m²  
Hardstand: 85.9 ±m²  
Site Coverage: 43.6%

- Notes:
- General Site Notes:
- All setout dimensions to be confirmed on site.
  - Do not scale off plans. Liaise with designer and owner for any extra dimensions, clarification or information required.
  - Surveyor to locate and confirm all boundaries, easements, setback and restrictions on site prior to commencement of foundation works
  - Surveyor to confirm floor height on site in strict accordance with E1 2.0.1 and figure 1 and 2 surveyor to issue survey certificate before foundation concrete is placed
  - All Foundation work must be done in strict accordance with Geotechnical reports requirements.
  - All Foundation work must be done in strict accordance with Strutural Engineers design and requirments. Refer to construction monitoring schedule in PS1 and territorial authoritys form 5 for engineering inspection requirements.
  - Contractor to locate and confirm all services on site prior to commencement of earthworks
  - Owner to confirm fence and extents.
  - Owner to confirm and install letterbox.
  - Owner to confirm all landscaping.
  - Owner to confirm driveway material.
  - Driveway vehicle crossing to be installed as per HDC specifications and details
  - Contractor must ensure that only current council stamped set is used for construction
  - Site Plan is to be read in conjunction with the civil engineers design for but not limited to levels, crossings, Retaining walls and services. Contractor to liase with Simply Architecture ltd for clarification.

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NO.	DATE	ISSUE REVISION

PROJECT TITLE

Waingākau  
Lot 27 - 18 Rito Place

SHEET NAME

Site Plan

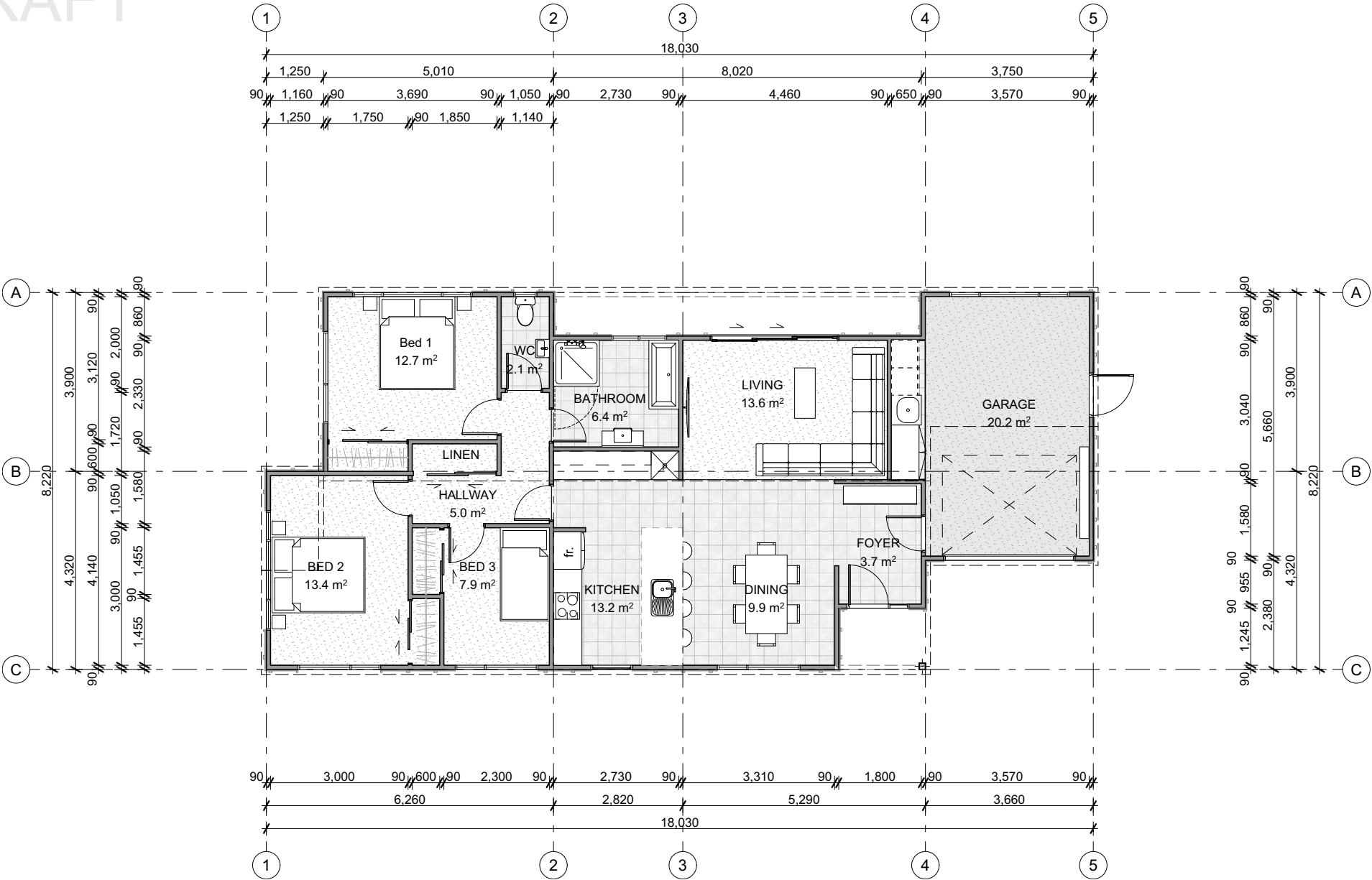
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Proposed Floor Plan

Scale 1:100 @ A3

Floor Area: 124.5m²



Floor Covering Schedule

Type	Description
	Selected Ceramic tiles with waterproof grouted joints over selected WPM
	Selected Garage Carpet tiles
	Selected Norfolk Carpet - extra heavy duty with 10mm underlay

Notes:

General Notes:

- All setout dimensions to be confirmed on site.
- Do not scale off plans. Liaise with designer and owner for any extra dimensions, clarification or information required.
- Minimum building tolerances to adhere to those outlined in S.2 General & table 2.1 of NZS3604:2011.
- All timber framing to overhang slab edge 6mm as per NZBC:E2 to avoid capillary action.
- Electrical contractor to confirm lighting and electrical design designer and owner.

Timber Framing:

- All framing to be H1.2 treated radiata pine.
- All 2460mm high Load-Bearing wall studs to be 90x45 H1.2 SG8 @ 600crs & nogs @ 480crs.
- Bottom plates fixed @ 600crs with Ramset or M12 trubolts @ 600 crs max.
- Fixings designed for High wind zone
- All interior door leaves 1.98m high unless otherwise noted.
- All prefabricated frames to be built by a FTMA member.
- No items shall be exchanged or substituted without approval from designer.
- Roof framing timbers to be H1.2 treated Radiata pine.
- All purlins 70x45 H1.2 radiata pine on flat @ 900crs. 600 crs Endspan.
- Trusses to be specific designed @ 900 max crs

Linings:

- All ceilings to be 13mm GIB plasterboard on GIB 310 35mm Rondo battens - drierct fixed
- All wall linings to be 10mm GIB plasterboard.
- Refer to bracing plan for bracing members.
- Floor linings to be confirmed by owner.
- Wall finishings to be confirmed by owner.
- GIB Aqualine to Wet Areas

Foundation:

- Standard Waffle slab with Resene Duratherm Gold Perimeter insulation and Goldfoam 30mm XPS underslab insulation as per engineers specifications

Smoke Alarms:

- Selected type 1 domestic smoke detector - to be installed within 3m of all bedrooms, to comply with NZS:4514

ORIGINAL SCALE A3

NO. DATE ISSUE REVISION

PROJECT TITLE

Waingākau  
Lot 27 - 18 Rito Place

SHEET NAME

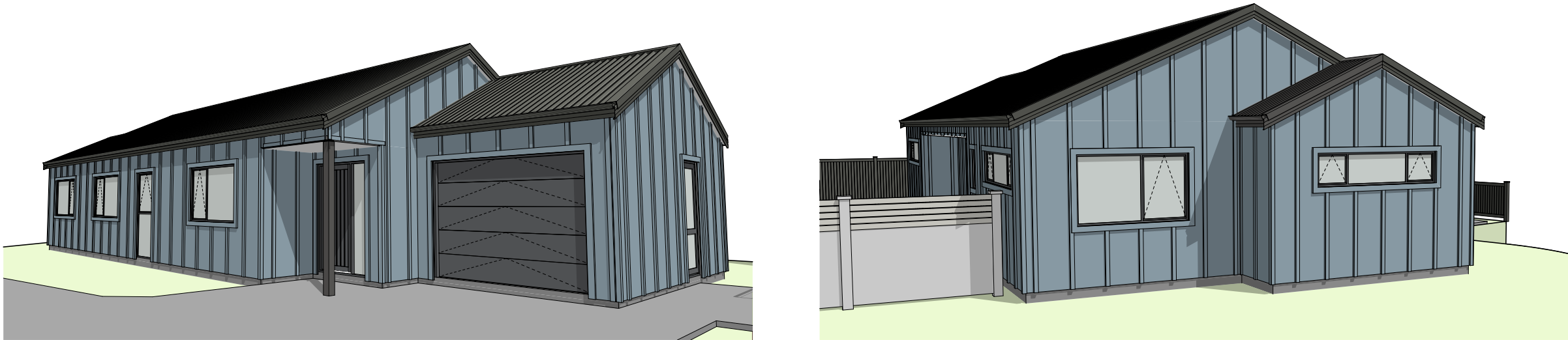
Floor Plan

DRAWN:	SE	Status:	Concept
CHECKED:	RA	SHEET NO.	REV
PROJECT #	#PIn	002	
DATE:	5/03/2024		

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Waingākau



SIMPLY ARCHITECTURE

3D Views

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18 April 2024

Committee Secretariat  
Environment Committee  
Parliament Buildings  
Wellington  
[en@parliament.govt.nz](mailto:en@parliament.govt.nz)

#### Submission to the Environment Select Committee on the Fast Track Approvals Bill

1. Thank you for this opportunity to submit on the proposed Fast Track Approvals (FTA) Bill. This submission is made on behalf of the following Councils:
  - a. Hastings District Council; and
  - b. Napier City Council.
2. The Councils support and reiterate the points raised in the joint submission by Local Government New Zealand (LGNZ) and Taituarā. Rather than duplicate much of that submission, this submission focuses on several matters of key concern to the Councils. These comments have been informed by experiences in fast-track processes as both Councils have been involved in fast-track decision making processes being Wairatahi, Maraekākaho Quarry (both Hastings) and the Riverbend Residential Development (Napier).
3. In principle, we are supportive of fast-track processes which can enhance timely execution of key strategic projects aligned with the Councils' overarching strategic direction and intent, building greater private sector confidence and certainty around Council actions and investment which is balanced with environmental considerations and outcomes. However, the fast-track process similarly risks undermining these same matters. The Councils' submission seeks to minimise that potential.
4. This combined submission seeks the following key changes to the Bill:
  - At the referral stage, require the joint Ministers to consider any significant national or regional disbenefits associated with a proposal, as well as benefits. For example, just as having listed benefits will count in favour of a proposal being referred, any 'flipside' disbenefits should count against referral, including:
    - i. Removal of a significant area of versatile soil, given the significance of those soils to the Hawke's Bay region; and



- ii. Being significantly inconsistent with a local authority planning document, such as a Future Development Strategy;
- iii. Being located in a natural hazard area or generating risk to neighbouring properties.

Suggested amendments to clause 17 are set out in **Appendix A**.

- Provide the ability for financial contribution conditions to be imposed to ensure all development is user-pays and does not impose unanticipated costs on Councils or the community.
- Clarify that all costs of councils participating in the FTC process are recoverable from the applicant.

#### Implications for Protection of Highly Productive Land:

5. The Heretaunga Plains is a nationally recognised natural resource with soil values and climate that combine to make the area a unique horticultural powerhouse. The export of fruit alone earned \$471.8 million dollars for the Hastings economy in 2023<sup>1</sup>. Versatile soils are rare in NZ accounting for only 5.5%<sup>2</sup> of the total and the Heretaunga Plains has a high proportion of these soils. For decades the local authorities of the area have recognised the value of this versatile land by avoiding widespread urban development across this finite resource and providing and encouraging flexibility for land based primary production uses.
6. The Heretaunga Plains Urban Development Strategy (HPUDS) was adopted in 2010 as a collaborative approach between Hastings District Council, Napier City Council and the Hawke's Bay Regional Council in conjunction with the community. There was a high level of support from the community for moving away from greenfield development towards higher levels of intensification within existing developed areas. HPUDS has provided the strategic growth direction since that time, including in terms of in the case of Hastings its Medium Density Strategy and Napier its Spatial Picture and associated structure plans that identify areas for medium and high-density housing growth and their investment in 3 water upgrades to facilitate that greater level of intensification within our existing boundaries.
7. In line with the National Policy Statement – Urban Development, Napier City, Hastings District, and the Hawke's Bay Regional Councils are well under way with the Future Development Strategy (FDS), a 30-year growth strategy which will replace the current HPUDS document. The FDS is due to be released as a draft document for community input in June with the final document later in 2024. The protection of our Land Use Class 1 and 2 soils which surround the urban centres remains one of the highest identified priorities for the community in the engagement process to date.
8. The Fast Track Approvals Bill has the very real potential for undermining this strategic direction and impacting on the highly productive land upon which our economy is largely based. This is because it enables applications for large scale development with significant and irreversible impacts on versatile land.
9. The councils request the following changes:

<sup>1</sup> <https://rep.infometrics.co.nz/hastings-district/economy/exports?compare=new-zealand> (Highlights for Hastings District 2023)

<sup>2</sup> Versatile Soils- Productive Land" Page Bloomer and Associates, June 2011, page 7

- Amend cl 14 to require the information included in an application specifically address the impact of the proposal on highly productive land, and where such land is affected, what alternative sites have been considered;
- Amend cl 17 to enable Ministers to consider whether the project would have any significant regional or national disbenefits as well as benefits.

#### **Strategic Growth, Out of Sequence Development and Long-Term Costs to Councils:**

10. As outlined above, strategic growth is currently driven by the Heretaunga Plains Urban Development Strategy and in time will be replaced by the FDS. Areas for development initially identified by strategies, are then prioritised by individual Councils, and timelines established which are then aligned with Councils financial planning. If multiple FTA projects or a substantial area is approved outside the area planned or sequenced for development, then this undermines the FDS and could seriously compromise the Councils' planning. Integration with other legislation and other Council strategies and plans including future development strategies, and housing and business capacity assessments is needed and should form a key part of applications and information requirements.
11. Out of sequence developments or developments which are reactionary rather than strategically driven, have the potential to undermine private sector confidence and longer-term investment predicated on the FDS and aligned Council plans and supporting infrastructure. This has the ability to weaken what is being achieved strategically and has the potential to undermine more stable economic growth. One consequence of this is that new privately funded developments have the potential to siphon off growth in DC funded developments, that expose ratepayers to higher holding costs through slower uptake because of unanticipated competition.
12. Councils should be able to appropriately recover all costs that arise from unanticipated developments. At a time when cost pressures on local councils are significant, there needs to be adequate provision for reasonable cost recovery and funding. Thought needs to be given to recovering servicing costs including upgrades to facilitate what maybe large-scale development proposals, connections and the ability to recover Development and Financial Contributions. In this regard there are substantial constraints in the Local Government Act 2002 (particularly s198(2A)) which provide that a development's liability for development contributions is determined at the time a resource consent application is complete. Where such a development is located out of a planned area of service, the Development Contribution Policy will not accurately capture costs associated with such activity.
13. The FTA could easily address this by enabling the Panel to recommend conditions requiring financial contributions notwithstanding that absence of rules in the District Plan. This would appropriately ensure a "user pays" approach to servicing out of sequence development for which it has not been possible to plan.

#### **Natural Hazards Resilience:**

14. As drafted, the FTC Bill does not require consideration of the impacts a project may have on or be affected by climate change and natural hazards. We submit that extensive assessments are needed to ensure that investment and infrastructure is assessed through a climate change lens alongside potential natural hazard effects and risks. This includes potential effects on surrounding land as a result of the development e.g. the displacement of flood water if stopbanks or land raising is proposed as mitigation.

15. Providing for new development without appropriate information risks direct conflict with the National Adaptation Plan's direction to avoid development that may be exposed to climate hazards.
16. Both Councils as a result of Cyclone Gabrielle are unfortunately all too familiar with the effects on some of our local communities and future planning decisions need to adequately consider risks associated with natural hazards, including where these are expected to be exacerbated by climate change.
17. It is also fiscally responsible to ensure new development and infrastructure are in resilient locations that will not be undermined by natural hazards and climate change in the short to medium term. The ability or inability to get insurance is also an issue that should be at the forefront of decision making.
18. Clause 17 currently enables Ministers to consider whether a proposal "will support climate change mitigation" and "will support adaptation, resilience, and recovery from natural hazards". The Councils consider that the Ministers should also be required to have regard to whether a proposal will compromise these matters.

#### **Costs on Council for participation in the FTC Process:**

19. A significant issue for the Councils under the Covid Fast Track process was the inability to recover costs of their involvement in the consenting process, in the same way they usually can under the Resource Management Act 1991, under s 36. This means that the ratepayer is funding a process for private benefit.
20. Clause 9 of the FTCB provides *"that the local authority is entitled to set, and recover from the EPA, a reasonable charge for the supply of information requested by the EPA under this clause"*.
21. The Councils consider this should be clarified to include the ability to recover all costs associated with these processes. Councils need to be able to recover officer and consultants' time as often, Councils do not have the internal expertise or resourcing to provide thorough and timely referral comments to ensure the Panels and Ministers have complete, robust and helpful information to ensure decisions are properly informed.
22. The Councils consider this critical to ensuring quality decision-making under the FTC Bill.

#### **Relationships with Mana Whenua:**

23. It is our understanding local Māori Authorities will be making their own submissions.
24. Both Councils seek to maintain high quality relationships with mana whenua Māori Authorities. These relationship with mana whenua has been developed and fostered by consecutive Council's over decades.
25. Fast track processes have the potential to have detrimental impact on local mana whenua relationships. As an example, in Hastings, the Fast-Track process for gravel extraction at Maraekākaho commenced without a Cultural Impact Assessment, and there was a perception that Hastings District Council were leading the consent decision making process for this project. This one project alone has seen mobilisation and push back from mana whenua, which has flow-on effects to Council's mana whenua relationships.

26. Both Councils are keen to ensure that fast-track processes maintain these relationships and that different roles in these processes are made clear.

**Conclusion:**

27. Thank you for the opportunity to make this submission.
28. The contact person as an address for service in relation to this submission is:

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Hastings District Council  
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Nigel Bickle  
for Hastings District Council



Louise Miller  
for Napier City Council

**Appendix A – Requested Amendment to Clause 17****17 Eligibility criteria for projects that may be referred to panel**

- (1) An application to use the fast-track approval process in this Act must be considered by the joint Ministers after being forwarded by the responsible agency.
- (2) The joint Ministers must consider the following criteria:
  - (a) whether referring the project is consistent with the purpose of this Act:
  - (b) whether access to the fast-track process will enable the project to be processed in a more timely and cost-efficient way than under normal processes:
  - (c) the impact referring this project will have on the efficient operation of the fast-track process:
  - (d) whether the project would have significant regional or national benefits or disbenefits:
  - (e) whether the application contains sufficient information to inform the referral decision.
- (3) In considering under subsection (2)(d) whether the project would have significant regional or national benefits or disbenefits, the joint Ministers may consider whether the project—
  - (a) has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy) or central government infrastructure priority list:
  - (b) will deliver or compromise delivery of regionally or nationally significant infrastructure:
  - (c) will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020):
  - (d) will deliver significant economic benefits or disbenefits:
  - (e) will support or compromise primary industries, including aquaculture:
  - (f) will support development of natural resources, including minerals and petroleum:
  - (g) will support or compromise climate change mitigation, including the reduction or removal of greenhouse gas emissions:
  - (h) will support or compromise adaptation, resilience, and recovery from natural hazards:
  - (i) will address or cause significant environmental issues:
  - (j) is consistent or inconsistent with local or regional planning documents, including spatial strategies.
- (4) A project is considered to have significant regional or national benefits for the purpose of subsection (2)(d) if it involves a resource consent application for an aquaculture activity within—
  - (a) an aquaculture settlement area declared under section 12 of the Maori Commercial Aquaculture Claims Settlement Act 2004 where the applicant holds the relevant authorisation; or
  - (b) an area identified within an individual iwi settlement as being reserved for aquaculture activities.
- (5) A project is not ineligible just because the project includes an activity that is a prohibited activity under the Resource Management Act 1991.



## MAYOR'S OFFICE

File Ref: CG-07-5-3-24-801

23 April 2024

Catherine Wedd  
MP for Tukituki  
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Katie Nimon  
MP for Napier  
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Dear Catherine and Katie,

I am contacting you in response to the recent announcement by Minister of Local Government Simeon Brown regarding legislation that will change the ability of councils to introduce and/or retain Māori wards.

This proposed change is particularly concerning for Hastings, which already has Māori wards, given the comprehensive public consultation and consideration carried out prior to their introduction in our district. I've included the timeline of that process below, to illustrate the depth and breadth of that consultation.

The introduction of Māori wards in Hastings, thereby increasing Māori representation around the Council table, has positively impacted our partnership with iwi, and added cultural and well-being considerations from different perspectives to our discussions that may otherwise not have occurred. There have been no downsides and there has been no negative feedback from residents on this matter.

To my mind, there is no difference between having Māori wards and having rural wards (which we also have) – both are minority populations that may otherwise not have a voice at the decision-making table. In both cases, having a poll would doubtlessly disadvantage the minority group which could or would be overwhelmed by voters in the majority.

I would ask that in your capacity as our local MPs you strongly represent Hastings stance that the introduction (or not) and retention of Māori wards should be a matter for local councils and their communities, not central Government.

### Background

In **2017** HDC submitted a remit to Local Government New Zealand seeking the removal of the poll provisions relating to the establishment of Māori Wards.

In **2018**, I wrote to then President of Local Government New Zealand, Mayor Dave Cull, with respect to removing the poll for Māori Wards and Constituencies. I have outlined below for you the content of this letter as my thoughts remain the same:

*HDC would like to add its full support to the removal of s197A – 192G of the Local Electoral Act 2001 that allow for a poll of electors on whether or not a local authority can establish Māori wards and constituencies.*

*The Council, along with other local authorities in New Zealand, works to provide a Māori perspective into its governance processes. Many local authorities are working with their Māori communities to develop an integrated policy framework (based on Treaty of Waitangi principles) for councils to deliver effective governance, engagement, and service delivery. For most local authorities where Māori are the minority in their communities, the poll provisions of the Local Electoral Act 2001 have the effect of undermining aspirations for any creation of Māori wards.*

*In March and April 2017, the HDC Māori Joint Committee and Council gave consideration to the establishment of Māori Wards. The matter has previously been considered prior to the amalgamation referendum in 2015, when Council voted in favour of creating Māori Wards. This was not actioned as it was held in abeyance to await the outcome of the referendum.*

*A primary concern for Council, advised by the Māori Joint Committee, was the real potential for a poll to divide the community and cause disharmony in the community on a matter of race, as it had done in New Plymouth in 2016.*

*As a result, the Council decided not to pursue Māori Wards, and to lobby local and central government to repeal the existing discriminatory poll provisions.*

*HDC strongly believes that the issue of Māori representation should be treated as part of the process for the regular representation review with full public consultation and final determination by the Local Government Commission.*

*In conclusion, HDC fully supports LGNZ in its call to remove the poll provisions for Māori Wards to enable all local communities to pursue the local representation arrangements that best suit their diversity and culture.*

#### **2021 - HDC community engagement on the establishment of Māori wards**

Given the amendments to the Local Electoral Amendment Act in March 2021 which removed the ability of electors to demand a poll on the matter, Hastings District Council began a discussion with the community on the introduction of Māori wards.

An extensive community engagement process, between 23 April and 12 May 2021, was publicised across print, social media, traditional media channels, on Council's website, through flyers to rural areas that may not have online or receive print newspapers, and hard copies and submission boxes were made available at the Council Customer Services Centre, libraries and community centres. The consultation also included hui and kāhohi ki te kāhohi (face to face) meetings.

In total 2089 responses were received with 76 per cent in support of establishing Māori Wards and 24 per cent against. Those in support said Māori Wards would honour Te Tiriti O Waitangi, acknowledge mana whenua, ensure a Māori perspective in the Council chamber, remove barriers for representation, and improve working relationships.

#### **May 2021 - HDC Decision to Establish Māori Wards**

At an Extraordinary Council meeting on the 18<sup>th</sup> of May 2021 Council considered the establishment of Māori Wards; Council resolved as follows:

- Council agreed that the communication plan, timetable, events and feedback responses provide sufficient information on the views and preferences of Māori and the wider community to enable the Council to reach a decision on whether to establish Māori Wards in time for the 2022 local authority election.
- That Council establishes Māori Wards in the Hastings District for the 2022 triennial elections.

This was an historic and joyous moment for Hastings District Council and our community, in particular for local iwi and hapū.

Making this decision was a very real opportunity to demonstrate true partnership of the Treaty of Waitangi. The decision set the scene and put in place the mechanisms for our future generations to work in harmony. Personally, I was very proud that Council grasped this opportunity.

This decision meant a representation review was required, with that process beginning in August 2021.

### 2022 Local Body Elections – Election of the first Māori Ward Councillors

The 2022 local body triennial elections included the election of Council's three inaugural Māori Ward councillors for one singular 'Takitimu' Māori Ward covering the entire Hastings District. As intended, the Māori Ward councillors have strengthened Council's understanding of Māori matters and increased our diversity of thought as a governance team. Our Māori community can see that Māori representation around the governance table, reinforcing to our rangitahi Māori that being included in local government governance is an option for them in the future supporting future Māori representation and participation.

### 2024 – New Proposals to reinstate polls to establish Māori Wards

As you can see, Council has been dedicated and consistent in its support of the establishment of Māori Wards and a fair process in which this can be enabled.

My Council and I are concerned about the recent proposals announced by the Minister of Local Government as they appear to be reverting to a process that local authorities have strongly advocated against in recent years. A fair process for the establishment of Māori Wards in Local Government was strongly supported by local authorities and we have just recently seen the fruits of this through 40 Councils around New Zealand establishing Māori Wards across the country. I reiterate that I am reaching out to you as our Local MPs to outline our concerns and I would welcome an opportunity to talk about these matters in person.

Ngā Mihi,



Sandra Hazlehurst

**Mayor**

**Koromatua**

**Te Kaunihera-ā-rohe o Heretaunga**

**TE KAUNIHERA Ā-ROHE O HERETAUNGA**  
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20 May 2024

Rt Hon Christopher Luxon

Hon Simeon Brown

Hon Tama Potaka, Minister for Māori Crown Relations: Te Arawhiti

Rt Hon Winston Peters, Leader, New Zealand First

Hon David Seymour, Leader, ACT

Kia ora Prime Minister, Ministers, and party leaders

**Changes to Māori ward and constituency poll provisions**

Local Government New Zealand and the Mayors and Chairs that have signed this letter are opposed to the changes the Coalition Government is proposing to Māori ward and constituency poll provisions.

The Government's decision to remove decision-making from councils by mandating that polls be run on Māori wards and constituencies is an overreach on local decision-making when current legislation already requires councils to seek community views. It sets a concerning precedent that the Government may overturn other decisions made by democratically elected councillors. We are disappointed this is in contrast with the commitments the Government made during the election campaign to empower local government to make decisions about its own communities.

Our position – a position that has been held by Local Government New Zealand since 2018 – is that Māori wards and constituencies should be treated like all other wards and that decisions should be made at the council level. Polls aren't required on any other wards or constituencies, and requiring them will add increased costs to councils.

We are concerned that the Government's decision is a distraction from the hard work that councils are doing to deliver infrastructure and keep costs down for their communities. It also undermines the important contributions that Māori are making to local government.

We urge the Government to reconsider its position and leave it to local councils to make decisions about appropriate representation arrangements in partnership with iwi and their communities.

Ngā mihi nui

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|  
Mayor Sam Broughton  
President  
Local Government New Zealand

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xx Council

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