

Tuesday, 22 July 2025

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

## *Kaupapataka* **Agenda**

*Te Rā Hui:*  
Meeting date: **Tuesday, 22 July 2025**

*Te Wā:*  
Time: **1.00pm**

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

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

*Te Āpiha Matua:*  
Responsible  
Officer: **Chief Executive - Nigel Bickle**

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**HASTINGS DISTRICT COUNCIL**  
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**TE KAUNIHERA Ā-ROHE O HERETAUNGA**



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Tuesday, 22 July 2025

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*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*

**Hastings District Council**

**Council Meeting**

*Kaupapataka*

# Agenda

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*Tiamana*

**Chair:** Mayor Sandra Hazlehurst

*Mematanga:*

**Membership:**

*Ngā KaiKaunihera*

**Councillors:** Ana Apatu, Marcus Buddo, Alwyn Corban, Malcolm Dixon, Michael Fowler, Damon Harvey, Henry Heke, Kellie Jessup, Tania Kerr (Deputy Mayor), Hana Montaperto-Hendry, Simon Nixon, Wendy Schollum, Heather Te Au-Skipworth and Kevin Watkins and one councillor vacancy

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*Tokamatua:*

**Quorum:**

8 members

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*Apiha Matua*

**Officer Responsible:**

Chief Executive – Nigel Bickle

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*Te Rōpū Manapori me te*

*Kāwanatanga*

**Democracy and**

**Governance Services:**

Louise Stettner (Extn 5543)



## *Te Rārangi Take*

# Order of Business

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### 1.0 Opening Prayer – *Karakia Whakatūwheratanga*

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

At the close of the agenda no apologies had been received.

Leave of Absence had previously been granted to Councillor Kerr

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### 3.0 Conflict of Interest – *He Ngākau Kōnatunatu*

Members need to be vigilant to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to scan the agenda and assess their own private interests and identify where they may have a pecuniary or other conflict of interest, or where there may be perceptions of conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the relevant item of business and withdraw from participating in the meeting. If a Member thinks they may have a conflict of interest, they can seek advice from the General Counsel or the Manager: Democracy and Governance (preferably before the meeting).

It is noted that while Members can seek advice and discuss these matters, the final decision as to whether a conflict exists rests with the member.

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### 4.0 Confirmation of Minutes – *Te Whakamana i Ngā Minitī*

Minutes of the Council Meeting held Tuesday 17 June 2025.

*(Previously circulated)*

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### 5.0 Uplift of Agenda Item relating to the 'Napier Hastings Future Development Strategy' resolved at the Council Meeting on 26 June 2025 to 'Lie On The Table' 7

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### 6.0 Adoption of the Napier/Hastings Future Development Strategy (as uplifted) 35

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### 7.0 Road Stopping of Part of Iona Road for the Iona Structure Plan 47

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<b>8.0</b>	<b>Authorisation for relocation of a crossing place on a Limited Access Road to serve Lots 2-5 DP 508218 at 1275 Maraekakaho Road</b>	<b>55</b>
<b>9.0</b>	<b>Proposed Amendments To Schedule Of Meetings</b>	<b>63</b>
<b>10.0</b>	<b>Submissions on Proposed National Policy Statements and National Environmental Standards Changes and on the Freshwater Discussion Document</b>	<b>65</b>
<b>11.0</b>	<b>Minor Items – <i>Ngā Take Iti</i></b>	
<b>12.0</b>	<b>Urgent Items – <i>Ngā Take Whakahihiri</i></b>	
<b>13.0</b>	<b>Recommendation to Exclude the Public from Item 14</b>	<b>101</b>
<b>14.0</b>	<b>CON2020007 - 3 Waters Maintenance Contract</b>	

Tuesday, 22 July 2025

Item 5

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

*Te Rārangi Take*

# Report to Council

**Nā:** Craig Cameron, Group Manager: Democracy and Emergency  
**From:** Management

**Te Take:** Uplift of Agenda Item relating to the 'Napier Hastings Future  
**Subject:** Development Strategy' resolved at the Council Meeting on 26  
June 2025 to 'Lie On The Table'

## 1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 Agenda Item 8, for the Council Meeting on 26 June 2025, related to 'Adoption of the Napier/Hastings Future Development Strategy'.
- 1.2 Council resolved a 'Procedural Motion' in respect of this Agenda Item (paragraph 1.1), that the 'Item of business being discussed should lie on the table and not be further discussed at the meeting'. This was in accord with Council Standing Orders 25.2 (d).
- 1.3 In the Council meeting, prior to the resolution of the Procedural Motion (paragraph 1.2), Councillors requested information/advice from the Chief Executive regards;
  - The credibility of development on sites in Napier including Ahuriri Station and Riverbend Road.
  - Will a land supply deficit in Hastings undermine the viability of the Napier Hastings Future Development Strategy (FDS) as a whole.
- 1.4 Council subsequently requested further information/advice from the Chief Executive regards legal risks to Council, if Council makes decision/s contrary to the recommendations of the Independent Panel established to hear submissions and make recommendations to the Napier Hastings Future Development Strategy Joint Committee on the draft FDS.
- 1.5 The Chief Executive has commissioned two Reports for Council to address Councils requests for information/advice on the Napier Hastings Future Development Strategy (FDS), regarding;
  - Technical FDS matters. This Report has been prepared by Barker & Associates from existing information appended to the Agenda Item. No new information is considered.
  - Legal risks for Council arising from any Council decisions that are contrary to the recommendations of the Independent Panel established to hear submissions and make recommendations to the Napier Hastings Future Development Strategy Joint Committee on the draft FDS. This Report has been prepared by Councils legal advisers Simpson Grierson.

These two Reports are attached as Attachment 1.

- 1.6 This Administrative Report confirms the situation for Council from its meeting on 26 June 2025 and prepares Council for continuation of questioning of officers & consultants & advisors (for clarification) then continuation of deliberations in this Council Meeting in respect of the FDS Agenda Item 8 (paragraph 1.1). The draft minutes from Councils meeting on 26 June 2025 are attached as Attachment 2.
- 1.7 Agenda Item 8, for the Council Meeting on 26 June 2025, related to 'Adoption of the Napier/Hastings Future Development Strategy' including attachments, has been cloned/copied onto today's meeting Agenda, for the convenience of Council.

## 2.0 Recommendations - Ngā Tūtohunga

- A) That Council receive the report titled Uplift of Agenda Item relating to the 'Napier Hastings Future Development Strategy' resolved at the Council Meeting on 26 June 2025 to 'Lie On The Table' dated 22 July 2025.
- B) That Council note the Chief Executive has commissioned two Reports for Council to address Councils requests for information/advice on the Napier Hastings Future Development Strategy (FDS), regarding;
- Technical FDS matters. This Report has been prepared by Barker & Associates from existing information appended to the Agenda Item.
  - Legal risks for Council arising from any Council decisions that are contrary to the recommendations of the Independent Panel established to hear submissions and make recommendations to the Napier Hastings Future Development Strategy Joint Committee on the draft FDS. This Report has been prepared by Councils legal advisers Simpson Grierson.
- These two Reports are attached as Attachment 1.
- C) That Council uplift Agenda Item 8 from its Council Meeting on 26 June 2025, which Council resolved to 'Item of business being discussed should lie on the table and not be further discussed at the meeting'. This was in accord with Council Standing Orders 25.2 (d).
- D) That Council receive the two Reports in Recommendation B as part of the resolution of Recommendation C.
- E) That Council notes that subject to the resolution of Recommendation C, the substantive motion on the table is;

### Councillor Buddo/Councillor Schollum

- A) That Council receive the report titled Adoption of the Napier/Hastings Future Development Strategy 26 June 2025.
- B) That Council notes the resolution of the Napier Hastings Future Development Strategy Joint Committee (FDSJC) from its Committee Meeting on 19 May 2025 as shown in the meeting minutes (**Attachment 5**). In particular resolution B which recommended the endorsement of the IHP report with the exclusion of Riverbend Road NC4b
- C) That Council notes this Agenda Report fulfils the Requirement of Resolution D (Report for Partner Councils) of the FDSJC.
- D) That Council notes the draft final FDS (**Attachment 1**) does not include the FDSJC Resolution (refer Recommendation B) to exclude NC4b Riverbend Road.
- E) Notes that ~~the Partner Councils~~ [HDC/NCC], in accordance with Section 3.12 of the National Policy Statement on Urban Development 2020 which relates to requirements local authorities to prepare and publish a Future Development Strategy (FDS), accepts in part the recommendations of the FDSJC, but with the inclusion of Riverbend Road NC4b, ~~and~~

- F) **Adopts Approves** a final FDS that includes Riverbend Road NC4b with additional wording below relating to that specific site (to be added to page 59, following the wording describing Ahuriri Station).

**Riverbend (NC4b)**

*Riverbend (NC4b) has long been identified as a potential location for future urban development, including through the Heretaunga Plains Urban Development Strategy 2010 and 2017 editions. Active planning work has been undertaken over recent years involving the landowner and Napier City Council.*

*HBRC has expressed concerns about the potential for development at Riverbend given the site's susceptibility to flooding risk and other natural hazards. There is well documented evidence of flooding affecting the site (for example, recent events in November 2020 and February 2023). The low-lying topography means the site is vulnerable to runoff and flooding, including from the existing neighbouring residential area.*

*Significant site-specific engineering works would be required to manage stormwater and flooding effects arising from development at Riverbend, including to maintain important environmental values to an acceptable level. Additional land will be required to manage these effects outside of the existing identified NC4b area if mitigation works cannot be achieved onsite. This is acknowledged in a footnote to Table 3 of the FDS.*

*The inclusion of Riverbend NC4b in the FDS does not predetermine the outcome of subsequent planning process, including structure planning, plan changes, and resource consent applications.*

*As part of any application for consent or rezoning proposal to develop the Riverbend NC4b site, further detailed work will need to be undertaken to ensure the site's suitability for development and necessary mitigation of stormwater and flooding impacts. This should include consideration of 'residual risks' (i.e. circumstances where events may exceed design and construction capacity of stormwater mitigation works) as has been recommended in the 2024 Hawke's Bay Independent Flood Review Panel's report.*

- G) That Council notes that if the adopted draft final FDS aligns with F, then consequential amendments will be required to be made to **Attachment 1** to include the additional wording.
- H) **Notes the decision made by Hawke's Bay Regional Council on 25 June 2025 to adopt a FDS which excludes the following sites identified by the Hearings Panel as New Residential Greenfield Development Areas: Riverbend Road NC4b and Middle Road Hn3a and Hn3b.**
- I) **Directs staff to work with [HDC/NCC] and Hawke's Bay Regional Council staff to prepare a joint FDS which takes into account the decisions made by all Partner Councils, and then report back with a final joint FDS that can be adopted by the Partner Councils and published in accordance with clause 3.12 of the National Policy Statement on Urban Development 2020.**
- J) **Recommendations A) to I) as they stand with the removal of Middle Road HN3A and HN3B and Wall Road H5 from the FDS.**

### 3.0 Background – Te Horopaki

- 3.1 The draft Meeting Minutes, relating to the FDS Agenda Item (paragraph 1.1) are attached to this Report (as Attachment 2). The Meeting Minutes are draft as they are yet to be considered/approved by Council.
- 3.2 Regards Agenda Item 8 / FDS Agenda Item (paragraph 1.1);
- A Motion was moved and seconded for paragraphs 'A to I' in Attachment 2 and became the substantive motion on the table.
  - An Amendment was moved and seconded for paragraph 'J' in Attachment 2.
  - The Amendment was debated, and the Chair put the Amendment.

- The Amendment was carried (7 – 6). This Amendment to the original motion was added to the substantive motion on the table.
- Mr Cameron advised the Chair that members may wish to record their reasons for making an Amendment that is contrary to the ‘Independent Panels’ advice. Mr Cameron gave this advice to the Chair to help ensure transparency in the decision-making process.
- The Chair adjourned this Agenda Item within the Meeting to progress with other Agenda Items whilst officers understood and drafted reasons for the amendment and prepared further information for clarity on development capacity issues.
- Council has not yet considered reasons for its resolved Amendment.
- The Chair reconvened the Agenda Item in the Meeting. The Substantive Motion was now paragraphs A-J in Attachment 2. The Meeting was ready to debate the new substantive motion and/or potentially receive additional amendments.
- Council debated and resolved a ‘Procedural Motion’ in respect of this Agenda Item, that the ‘Item of business being discussed should lie on the table and not be further discussed at the meeting’. This is in accord with Council Standing Orders 25.2 (d).

#### 4.0 Discussion – *Te Matapakitanga*

- 4.1 In the Council meeting, prior to the resolution of the Procedural Motion (in 1.2), Councillors requested information/advice from the Chief Executive regards;
  - The credibility of development on sites in Napier including Ahuriri Station and Riverbend Road.
  - Will a land supply deficit in Hastings undermine the viability of the Napier Hastings Future Development Strategy (FDS) as a whole.
- 4.2 Council have subsequently requested further information/advice from the Chief Executive regards legal risks to Council, if Council makes decision/s contrary to the recommendations of the Independent Panel established to hear submissions and make recommendations to the Napier Hastings Future Development Strategy Joint Committee on the draft FDS.
- 4.3 The Chief Executive has commissioned two Reports for Council to address Councils requests for information/advice on the Napier Hastings Future Development Strategy (FDS), regarding;
  - Technical FDS matters. This Report has been prepared by Barker & Associates from existing information appended to the Agenda Item. No new information is considered.
  - Legal risks for Council arising from any Council decisions that are contrary to the recommendations of the Independent Panel established to hear submissions and make recommendations to the Napier Hastings Future Development Strategy Joint Committee on the draft FDS. This Report has been prepared by Councils legal advisers Simpson Grierson.

These two Reports are attached as Attachment 1.
- 4.4 Regards procedures for Today’s Meeting, - subject to Council resolving the recommendations in this Report and uplifting the Agenda Item that was left to lie on the table, it is recommended Council;
  - Seek any clarification needed regards the two Reports discussed in 4.3 and received by Council resolving Recommendation D.
  - Resume consideration of the Substantive Motion on the Table (Clauses A-J) in the draft Meeting Minutes attached as Attachment 2.
- 4.5 Agenda Item 8, for the Council Meeting on 26 June 2025, related to ‘Adoption of the Napier/Hastings Future Development Strategy’ including attachments, has been cloned/copied onto today’s meeting Agenda, for the convenience of Council.

## 5.0 Options – *Ngā Kōwhiringa*

Option One - Recommended Option - Te Kōwhiringa Tuatahi – Te Kōwhiringa Tūtohunga

- 5.1 This Report is an administrative report, to assist the Council meeting by confirming the circumstances arising from the previous Council meeting on 26 June 2025, where Council resolved a 'Procedural Motion' in respect of the Agenda Item relating to the FDS, that the 'Item of business being discussed should lie on the table and not be further discussed at the meeting'. This was in accord with Council Standing Orders 25.2 (d).
- 5.2 No advantages are noted for Council not resolving the Recommendations in this Report and continuing with deliberations on the Agenda Item regarding the Napier Hastings Future Development Strategy.

### Attachments:

- |   |  |               |
|---|--|---------------|
| 1 | Attachment 1 - Reports from Barkers and Associates and Simpson Grierson 2025-07-16 | CG-17-1-01683 |
| 2 | Attachment 2 - DRAFT FDS Council Resolutions - 26 June 2025                        | CG-17-1-01677 |

# Memorandum



To: Nigel Bickle – Hastings District Council

From: Rachel Morgan – Barker & Associates Limited

Date: 16 July 2025

Re: Napier Hastings Future Development Strategy - Addendum to CE Supplementary Report to Council

## 1.0 Introduction

The Council has requested that the Chief Executive prepare a brief report outlining the implications removing Middle Road (HN3a and HN3b) and Wall Road (H5) from the Draft FDS.

This report provides the relevant extracts directly from the IHP Report, the Hearing Report and the supporting technical advice in relation to:

- Residential demand, including latent demand;
- Residential development capacity, including whether additional residential supply in Napier can offset a shortfall in capacity in Hastings;
- Commentary on the Middle Road sites (HN3a and HN3b); and
- Commentary on the Wall Road H5 site.

The report does not introduce any new technical information or opinion.

Section 2 sets out my summary of this information as it relates to the implications of removing Middle Road (HN3a and HN3b) and Wall Road H5. The capacity information also accounts for the potential removal of Riverbend (NC4b).

## 2.0 Summary

The table below provides a summary of the development capacity information from Tables 2, 5 and 6 of the Draft FDS (IHP version), highlighting the implications if Middle Road, Wall Road and Riverbend are excluded.

	Napier	Hastings	Total
<b>Intensification</b> Redevelopment / infill in the existing urban area	4,070	5,840	9,910
<b>Greenfield</b> Existing zoned / consented greenfield	2,085	2,125	4,210
<b>New greenfield</b> FDS areas	2,420	2,695	5,115

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	Excluding Riverbend <b>1,760<sup>1</sup></b>	Excluding Middle and Wall Road <b>1,945<sup>2</sup></b>	<b>3,705</b>
<b>Total greenfield</b>	Excluding Riverbend <b>3,845</b>	Excluding Middle and Wall Road <b>4,070</b>	<b>7,915</b>
<b>Total demand intensification</b> <i>40% short term – 60% long term</i>	3,620	5,220	8,840
<b>Intensification sufficiency</b>	<b>+450</b>	<b>+620</b>	<b>+1,070</b>
<b>Total demand greenfield</b> <i>60% short term – 40% long term</i>	3,080	4,400	7,480
<b>Greenfield sufficiency</b>	<b>+765</b>	<b>-330</b>	<b>+435</b>

Residential demand numbers for the FDS do not account for latent demand. Officers' recommended, and the IHP agreed, that additional capacity should be provided to cater for latent demand.

Residential demand is the forward projection for housing growth over the next 30 years and is based on Stats NZ data. This starts with population projections and is converted to households.

Latent demand refers to residential demand that already exists in the market. i.e. Those individuals or families who would live in their own house if they could, but are otherwise living in shared arrangements / with parents etc. This does not form part of the residential demand numbers/housing bottom lines given the challenges in providing a reasonably accurate estimate, but it does exist and should be considered.

The Housing Capacity Assessment 2021 notes that the estimated demand adds between 680 -1425 additional dwellings that will need to be accommodated. This is in addition to the growth figures listed that are to be fulfilled by the mainstream market.

Officers explained, and the IHP agreed, that there is uncertainty in the timing of when greenfield capacity will be brought to the market due to landowner preferences and complexity of developing sites in highly constrained areas.

Middle Road provides capacity for 640 dwellings, Wall Road 110 dwellings and Riverbend Road 660 dwellings.

Excluding Middle Road and Wall Road would result in a shortfall in greenfield capacity of 330 dwellings in Hastings.

This could technically be 'made up' through greater intensification and/or greenfield in Napier, noting there is a surplus of 1,780 dwellings (see Table 2 of the Draft FDS), however:

<sup>1</sup> 2,420 dwelling less 660 capacity at Riverbend.

<sup>2</sup> 2,695 dwellings less 110 capacity at Wall Road and 640 dwellings at Middle Road.

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- **Intensification:** there is a 620 dwelling surplus of intensification development capacity in Hastings (see Table 6 of the Draft FDS). Relying on this would take the intensification assumptions above 60% in the long term, which is greater than that recommended by Market Economics in terms of base assumptions.
- **Greenfield:** Napier has a 1,425 dwelling surplus in greenfield capacity if Riverbend is included (see Table 5 of the Draft FDS). Advice from Market Economics shows that while there is some substitutability of residential demand between Napier and Hastings, it is not fully substitutable<sup>3</sup>.

Caution therefore needs to be applied. Policy 1(a)(i) of the NPSUD also applies which seeks to achieve a well-functioning urban environment by (in part) enabling a variety of homes that meet the needs, in terms of type, price, and location of different households.

While there may be technical compliance with the NPSUD with Middle Road and Wall Road removed, uncertainty remains about the demand and capacity assumptions such that caution should be applied. Should demand be different, development capacity be delayed or latent demand be accounted for, the risk of ad hoc/unplanned development occurring increases and the FDS becomes open to evidential challenge in subsequent planning processes.

If the FDS does not provide adequate land supply to meet demand, developments not identified in the FDS will have greater chance of success through a plan change or resource consent process. This ad hoc/unplanned development has potential to occur on hazard prone land or on LUC 1-3 land if the landowner can demonstrate that it is needed to meet demand.

### 3.0 Independent Hearings Panel (IHP) Report

The IHP report addressed Urban Housing Demand, Capacity and Choice as part of paragraphs 22 – 27. Specifically, they stated:

*23. Overall, we find that the FDS Advisors' evidence-based approach to evaluating demand and consequential land allocation aligns with the objectives of the FDS and is consistent with national direction under the NPS-UD and National Policy Statement on Highly Productive Land (NPS-HPL).*

The IHP report discussed Highly Productive Land (HPL) through paragraphs 38 – 47. Specifically, they stated:

*47. Overall, we find that our adoption of the FDS Advisors' recommendations strikes an appropriate balance between retention of the long-term productive capacity of the land and particular constraints and limitations of the incorporated sites. We find that inclusion of a greater extent of HPL is not justified on the basis of necessary development capacity. Doing so at an FDS level is not sufficiently justified under the NPS-UD and would be inconsistent with the NPS-HPL. This does not preclude the more granular consideration of rezoning of additional areas under future individual RMA plan changes and/or resource consent decision-making.*

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<sup>3</sup> From Market Economics: "From a price-point perspective, there appears to be some potential to substitute between locations (across Napier and Hastings) due to a broad level of price comparability. However, the other factors play an overriding role in housing preferences. While there is some overlap in the housing offer, the wider factors mean that the two market are for the most part separate."

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For Hastings and Havelock North, the IHP was supportive of the inclusion of all new greenfield residential. This is discussed in paragraphs 124 – 127, specifically:

*124. The IHP supports the FDS Advisors' recommendation to include all new residential growth areas identified in the draft FDS, and we accept both the officers' initial report and their subsequent reply report. We agree with the FDS Advisors that the recommended proposed growth areas in Hastings, Havelock North, and Flaxmere represent a logical, coordinated, and well-considered response to projected population growth, housing demand, and regional urban development pressures over the medium to long term.*

*125. In terms of the relevant tests under the NPS-UD, we find that the new residential areas in Hastings and Havelock North are appropriately situated near existing urban nodes, schools, community amenities, and employment areas, supported by infrastructure planning frameworks that allow for timely servicing. Their inclusion in the FDS fulfils the NPS-UD's directive to enable strategic and forward-looking growth, especially in locations where demand is already demonstrably strong. We support and agree with the FDS Advisors' recommendations and reasons for inclusion of Middle Road (HN3a and HN3b) and Wall Road (H5) development areas. We find that their inclusion is consistent with the application of the MCA used for all other areas.*

#### 4.0 Officers' Report on Submissions

The following provides extracts from the Officer's reporting to the IHP, which the IHP accepted in full as set out above.

##### Amount of Residential Capacity

Several submitters stated that the Draft FDS does not provide enough options for greenfield development. For example, Heretaunga Connections Limited states that the FDS must make contingency for the fact that some sites may not in eventuality be developed during the life of the strategy, and if there is a level of attrition, there is a real prospect that a deficit will arise in meeting capacity obligations. They further state that the timing of development will vary immensely depending on market demand and the rate of uptake through economic cycles.

We agree with the submitters that there is uncertainty, and within the confines of the growth areas identified in the FDS, actual landowner intentions and market conditions and preferences will drive when and where land is developed. An analysis of the build out of Napier and Hastings' historical growth areas, which is helpful to demonstrate this (refer Figure 3 below), noting that the timing/staging of development for these areas was addressed variously in previous growth strategies/plans. This highlights that following:

- a) Historically, greenfield development has occurred in locations identified in previous growth strategies with limited development occurring elsewhere;
- b) Some areas identified in earlier strategies remain undeveloped e.g. Bay View, Wharerangi Road/Park Island, which may be due to landowner intentions or other technical / feasibility reasons;
- c) Some areas identified as long term/reserve areas in HPUDS have been developed, or are in the process of being consented e.g. northern part of Middle Road, and part of South Pirimai for retirement villages, also noting that Arataki extension is a listed project in the Fast Track Approvals Act 2024;

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d) All large scale development areas in HPUDS for Napier are at various stages of completion, including Te Awa, Parklands and Misson Hills. This is similar to Hastings, where development is at various stages of consenting or completion e.g. Brookvale Road, Lyndhurst and Iona, which are partly complete, and Irongate/York which has recently been consented.

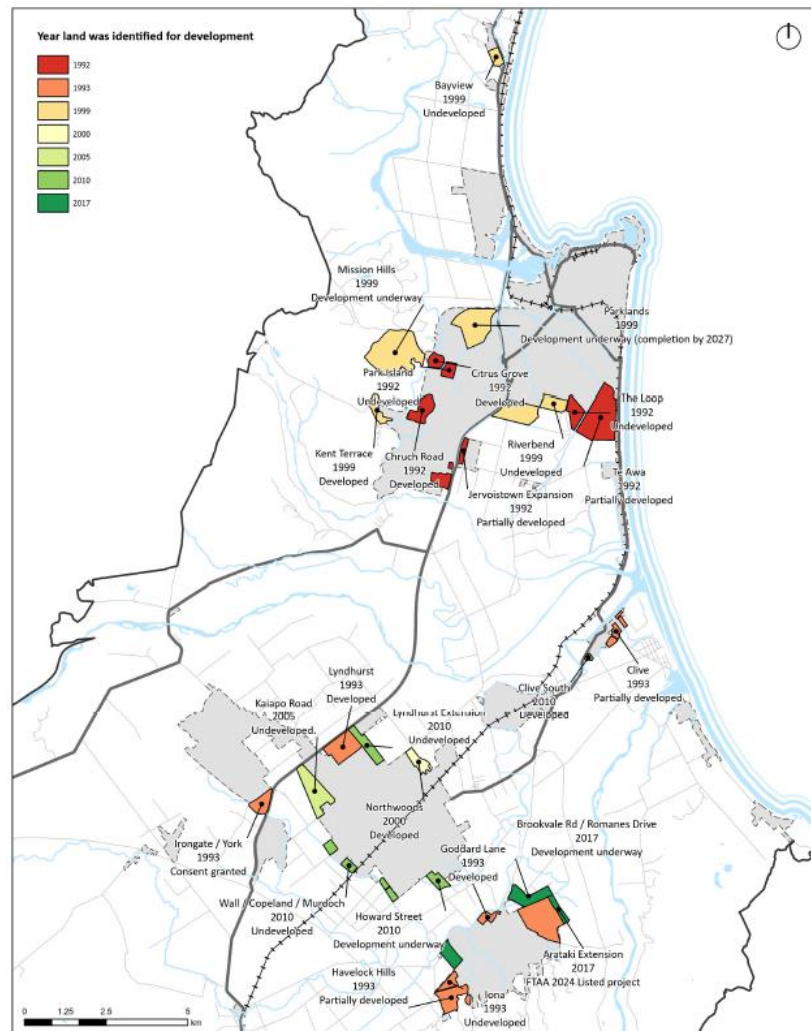


Figure 3 Showing the historic development of greenfield areas in Napier and Hastings.

This demonstrates that the timing of development is variable and driven by a range of factors and that this works in both directions. A limited number of growth areas have not been developed, and conversely some reserve areas/long term options have been partly developed. However, on balance development has unfolded broadly as intended by HPUDS and previous growth strategies, noting that as of 2025, it is only eight years into the planning period for HPUDS 2017.

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We also note the following with respect to the effect of market uncertainties on providing sufficient development capacity:

- a) As noted in Section 4.3.1 above, the NPSUD requires a competitiveness margin to be added to the future demand projections that inform the FDS. This is intended to ensure that planning documents cater for the types of market uncertainties described by the submitters.
- b) The feasible capacity analysis undertaken by Market Economics for the Draft FDS has factored in feasibility and a reasonable uptake rate for intensification. This has ensured that the intensification assumptions underpinning the draft FDS are reasonable and not over-stated.
- c) For greenfield capacity, the draft FDS assumes that all growth areas be developed within the 2024-2054 planning period (30-year time horizon). While there are under and overs, this is a reasonable long-term assumption based on observed historic trends in Napier and Hastings and the additional competitiveness margin buffer. However, it is important to provide some flexibility in greenfield capacity, particularly in Hastings, to account for the following:
  - (i) Several greenfield development areas in the draft FDS are subject to complex and overlapping natural hazards constraints e.g. Riverbend, Kaiapo Road and Ahuriri Station. While there are engineering solutions available to address these constraints, they may impact the feasibility and timing of development.
  - (ii) Within Hastings, there is a shortfall of greenfield residential capacity of 715 dwellings while there is an oversupply in Napier. As per the advice of Market Economics, while there is a degree of interchangeability of residential capacity to meet demand, it cannot be fully substituted. We observe that this will also depend on the location of growth. i.e. growth locations at the southern extent of Napier may more easily substitute growth locations at the northern parts of Hastings and this will relate to the location of key employment nodes.
  - (iii) Latent demand has not been factored into the overall demand calculation. While this is appropriate given the uncertainties set out in Section 4.3.2 above, this weighs in favour of providing greater flexibility in greenfield capacity.

In terms of greenfield capacity numbers, it would be appropriate in our opinion for the FDS to provide sufficient greenfield capacity in Hastings to meet projected demand for greenfield in Hastings (approximately an additional 715 dwellings above the Draft FDS). It would also be appropriate to provide some additional greenfield capacity to account for existing latent demand for housing, noting that this may be met through a combination of redevelopment in the existing urban area and new development in greenfield areas. This affects greenfield capacity in Hastings primarily, where the Draft FDS notes there is a shortfall of capacity to meet demand. The draft FDS provides greater capacity in Napier than what is needed to meet demand, which would broadly address latent demand.

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While there is some uncertainty about the timing of development in the more constrained greenfield areas e.g. Riverbend, Kaiapo Road and Ahuriri Station, this can be monitored over time as required by the NPSUD and addressed through subsequent three-yearly reviews of the FDS.

#### Latent Demand

A number of submitters have stated that latent demand has not been addressed in the demand projections. The submitters state:

*Part 3.3.2 of the HBCA does not clearly consider this matter, and HCP notes that the estimated demand adds between 680 -1425 additional dwellings that will need to be accommodated. This is in addition to the growth figures listed that are to be fulfilled by the mainstream market.*

Submitters have not provided evidence of accurate latent demand numbers nor evidence of methodologies that should be used to calculate numbers of latent demand housing.

Section 3.3.2 of the Napier Hastings HCA addresses latent demand. This is also addressed in the memo prepared by Market Economics at Appendix 5.

Latent demand refers to the amount of housing demand that is not currently being met by the market. In other words, it is the number of households that would like a dwelling but cannot find one that meets their needs. The reasons for this are varied and may relate to a mismatch of the price of current housing stock relative to current household incomes. This occurs at the lower end of the market. Latent demand is not captured by Stats NZ demand projections given that they are based on future growth rates.

There is no known established methodology for calculating latent demand, but the social housing waitlist provides an indicator by proxy of the number of households that do not have housing that meets their needs. As at December 2024 there were 522 applicants on the social housing register in Napier and 582 in Hastings (1,104 total). This has trended down over recent years following highs in 2022.

The Napier Hastings HCA provided broad estimates of latent demand expressed as a range:

- a) Napier 60 – 360
- b) Hastings 620 – 1,065
- c) **Total 680 – 1,425**

The current social housing waitlist sits generally at the mid-point of this range and provides a guide as to the current extent of latent demand for housing in Napier and Hastings, but again, is not pin-point accurate.

Meeting this demand will largely be delivered by social and community housing providers that have a different development model to typical residential land developers. The development model of social and community housing providers is not catered for in the development capacity analysis undertaken for the HCA and this needs to be taken into account when considering where and how this demand is met. For example, additional rural residential or other high value housing would not meet the needs of those on the social housing waitlist. The private development market can play a role in meeting affordable housing needs although this is difficult to quantify.

We agree with the submitters that latent demand should be taken into account when considering whether development capacity enabled by the FDS would meet demand. However, in our opinion,

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it should continue to be separately identified given that the development capacity provided to meet that demand has different characteristics to typical development.

#### Wall Road/Southland Road (H5/H5b)

The situation is somewhat different with the Southland Road end. The MCA site summary noted

*“the majority of the site is classed as LUC 1 and 2 land. Further soil experts advised the site is highly constrained due to the nature of the existing development and hard urban boundaries. Some variability in mapped soil conditions but is unlikely to become highly productive in the future.”*

The information on Capital/Land value ratios and average lots sizes also indicate a very different productive potential to the wider Wall Road area. While there has been some small-scale productive use in the past, the fragmented subdivision pattern has long existed and the investment in existing housing and stabling dating from the 1950s, suggests that conversion to productive use is remote. Notwithstanding it is technically LUC Class 1 and 2, it would assist in the avoidance of other land with more productive potential if the land was to be used to its fullest urban potential. The further engineering evidence outlined above also suggests relevant servicing concerns may be overstated.

On that basis we consider that area H5b could be reconsidered for inclusion and indicted for the longer term to allow servicing improvements to be implemented in line with Council’s programme. At an estimated yield of 110 dwellings, it would make a modest, yet meaningful contribution to housing supply and broaden the locational choices available.

While there may be questions about strict compliance with the specific provisions of the NPSHPL at rezoning time, a pragmatic approach to the soil productive capacity constraints in this location is considered appropriate given the thirty-year timeframe of the FDS. From a consistency perspective we note the site is very similar to Murdoch Road West, which is included in the Draft FDS. In terms size, shape both have a Southland Drain boundary forming an urban edge and are of similar size and shape and while the Murdoch Road site is mainly LUC2 rather than 1, it is less fragmented and has a producing orchard over half its area.

Accordingly, we recommend that FDS be amended to include the H5b sites as a future (long term) residential greenfield development area as it would better meet the FDS’s objectives relating to housing supply and diversity, avoidance of natural hazards, with limited impact on productive land use.

#### Middle Road (HN3a and HN3b)

There were nine submissions specifically relating to the inclusion of the Middle Road land within the Draft FDS (relating to both HN3a and b), all of these submissions supported the inclusion of the land as part of the FDS. All of the submitters own land or have land interests within the subject area. The submission are listed below:

- Sub 60 – Nicky Gardner

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- Sub 63 – T & J McKenna
- Sub 66 – Karen Dear
- Sub 67 – Nigel Rowe and Tammy Bishop
- Sub 68 – Karen & John Davidson
- Sub 70 – Cherie Davidson
- Sub 84 – CDL land (NZ) Ltd
- Sub 88 – Bupa Care Services Ltd
- Sub 96 - Village Baptist Church



Figure 32 Showing the location of land owned by submitters in relation to the Middle Road sites.

The Middle Road HN3a and HN3b sites had been previously assessed through HPUDS, although only the HN2a site had been included within HPUDS as a reserve area. There were no submissions on this land through the call for opportunities, however it was reconsidered through the MCA and refined site analysis due to its consideration within HPUDS. The following reasons were provided for the decisions in HPUDS:

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*'The land was considered unsuited for greenfield development for a number of reasons. Firstly it is Plains zoned land that has been used productively and it would set a new direction for the development to the south of Havelock North. It is also such a large area of land it would provide for greenfield land well in excess of what is needed for the area in the time period and could reduce the incentive to intensify within the Havelock North area which under the strategy assumptions, is not necessary at the present time. Finally, the Brookvale/Romanes/Arataki area is a better alternative providing a smaller area of land and creating a defined urban edge. If however there are problems with developing northwards in Havelock North, such a new direction may be justified. A smaller area has therefore been identified as a reserve site in HPUDS 2016, which largely aligns with the existing urban boundary at this time and would extend across Te Aute Road to the Karamu stream. A strong artificial urban buffer would be needed to signal the limit to further urban sprawl to the south. The area between Te Aute Road and the Karamu stream will be around half of the finger of development referred to above, and would make an attractive location for a retirement village development.'*

Following additional analysis of the urban land supply through the HBA, it has been shown that there is additional demand on top of what has been provided for at Arataki and Brookvale over the next 30 years. To ensure that the NPSUD Policy 1 requirements regarding having a range of housing locations and choices and to provide flexibility if other development areas cannot be achieved, the Middle Road sites were recommended by officers for inclusion as part of early reporting for the Draft FDS.

While it is recognised that the soil values are listed as LUC 2, additional advice was sourced by the Technical Advisory Group as to the actual productivity of the land. Advice was obtained from Agfirst through the MCA analysis, which indicated that due to the high susceptibility to flooding and high water table, the opportunity to utilise the land productively was compromised and the ability to use the land for cropping purposes was limited. There has not been information received that provides an alternative viewpoint to the AgFirst analysis, and many of the submissions support the difficulties for using the land for productive land-based purposes. As part of the MCA analysis, the productivity of the site was still ranked as a 2 for HN2a and 0 for HN2b.

As part of the soils assessment undertaken by Dr Barichiev (Appendix 9) the following comments were made:

*The mapping / information provided is very broad. The submission influences large tracts of LUC 2 land including existing high value crops and agricultural infrastructure. No soil or LUC report, no scientific analysis. Much more information is required to make a defensible decision. Including these large tracts of land in the FDS without site specific reports is not advised.*

The key point to the assessment is that no additional soils information has been provided through submissions to amend the existing knowledge we have around soil quality. As such there is a reliance on the existing LUC mapping and additional advice provided by AgFirst for the MCA analysis. More detailed analysis would be required before a rezoning could be promoted in the fullness of time if the area is accepted for inclusion in the FDS on the basis of the wider need and suitability considerations.

Following initial analysis, it was recommended by officers that both Middle Road HN2a and HN2b were included within the Draft FDS. This was based on the strong levels of accessibility, relative

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ease of extending infrastructure, and the compromised nature due to surrounding land uses, though the lack of a strong natural boundary and productivity of the soils were noted.

The sites were removed prior to the final draft by recommendation of the FDS Joint Committee, which were accepted by the partner Councils. The following reasons were provided:

*That the Joint Committee adopt the draft 'Napier / Hastings Future Development Strategy' (FDS) attached as Attachment One and 'Summary of Information' attached as Attachment Two with the following variations,*

*a) That the Ahuriri Station land is identified for inclusion as redress land as detailed in Attachment 5.*

*b) Hn3a- Middle Road (excluded).*

*c) Hn3b- Middle Road extension (excluded).*

*On the basis for II & III that:*

*These areas are not needed to provide sufficient development capacity to meet demand (including the 20% competitiveness margin),*

*Hn3a and Hn3b are areas of land are Highly Productive (including 'Land Use Capability' level 1 and 2 land),*

*These areas are not included in Heretaunga Plains Urban Development Strategy (except as a reserve area in the case of Hn3a),*

*It would be contrary to the objectives of the FDS to include these areas.*

In terms of the reason that 'These areas are not needed to provide sufficient development capacity to meet demand (including the 20% competitiveness margin),' additional clarification is necessary. The removal of the Middle Road areas means that there will now be a deficit in sufficiency of housing development capacity within Hastings. This deficit is shown in Table 6 of the Draft FDS as notified, see Figure 33 below:

Table 6– Sufficiency of housing capacity in Hastings to meet minimum development targets

	Short Term	Medium Term	Long Term
Intensification Development Demand	5,220		
Intensification Development Capacity	5,840 (+620)		
Greenfield Development Demand	2,160	2,240	
Greenfield Development Capacity	2,125 (-35)	1,560 (-680)	
Total Sufficiency of Residential Development			-715

Figure 33 Screenshot of Table 6 of the Draft FDS as notified.

As can be seen above there is a 715 dwelling shortfall for greenfield in Hastings, primarily over the long term. While this could theoretically be offset by greater levels of intensification, this has been concluded through the Market Economic assessment that intensification levels greater than 60% are aspirational and it is unlikely that even greater levels could be achieved.

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The sufficiency as referenced by the Joint Committee and the Partner Council's relates to the overall sufficiency across both Napier and Hastings. Napier is shown to provide a surplus of 1,425 dwellings, in effect offsetting the greenfield residential capacity shortfall in Hastings. There are questions here as to whether offsetting Hastings and Napier's demand meets the NPSUD Policy 1 requirements to have or enable a variety of homes that: *(i) meet the needs, in terms of type, price, and location, of different households; particularly in terms of locational requirements.* Market Economics in Appendix 5 observe *"From a price-point perspective, there appears to be some potential to substitute between locations (across Napier and Hastings) due to a broad level of price comparability. However, the other factors play an overriding role in housing preferences. While there is some overlap in the housing offer, the wider factors mean that the two market are for the most part separate."*

The removal of the Middle Road areas has also significantly reduced the additional capacity that the strategy has achieved to meet overall demand as shown on Table 4 of the Draft FDS as notified (see Figure 34 below):

Table 4 – Sufficiency of housing development capacity to meet demand

	Short Term	Medium Term	Long Term
Demand for redevelopment in the existing urban area	8,840		
Redevelopment Capacity	9,910 (+1,070)		
Greenfield Demand	3,770	3,710	
Greenfield Capacity	4,310 (+540)	3,880 (+170)	

Figure 34 Screenshot of Table 4 of the Draft FDS as notified.

While the table shows that the Draft FDS can meet demand, there is risk of other locations not being achievable over the 30 year horizon which would lead to a shortfall in capacity. There are a number of areas which have significant infrastructural requirements or market appeal issues to overcome. It is officer's preference to provide greater buffer in capacity numbers to ensure flexibility if areas within the strategy are unable to develop

As mentioned, there are nine submissions from landowners within HN3a and HN3b. All support the inclusion of the land within the FDS. The submissions largely reinforce existing issues that are known about the area, primarily that the land:

- a) Is fragmented and small blocks are difficult to use productively;
- b) Surrounding residential creates an issue with spray drift and general orcharding practices;
- c) Existing flooding susceptibility limits productivity;
- d) Multiple supporting reasons (e.g. close to urban area and infrastructure) that make it easier for development of the area.

No submitter provided additional evidence than what is already known about the land, particularly around the soil quality and versatility. The issues raised by submitters are generally supported by officers which led to the inclusion in the Draft FDS in the initial instance. However, the strong direction of the Joint Committee and Partner Councils, relating to the need to protect

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productive land needs to be considered. There is acceptance that the soils in HN3a and HN3b are productive, albeit with some significant limitations, and the Joint Committee and partner Councils have chosen to place a greater weighting on this aspect than officers leading to the land exclusion.

Ultimately the decision on whether to include the HN3a and HN3b comes down to whether there is considered suitable demand to require additional land to be included and whether this is the most appropriate location to include additional land. In our opinion, this site should be considered ahead of the Te Mata Mushrooms site HN3a. HN3a has greater soil capabilities, but a weaker defensible boundary. The Middle Road site is already surrounded by residential on three sides, and the Gilpin Road boundary could be bolstered to create an urban limit to the west. Both sites are adjoining existing infrastructure networks, however the HN3a and HN3b sites have a greater level of transport accessibility. Finally, the HN3a and HN3b sites provide a greater range of choice on the western side of Havelock North

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**To** Nigel Bickle, Chief Executive, Hastings District Council  
**From** Mike Wakefield  
**Subject** Napier-Hastings Future Development Strategy decision-making

16 July 2025

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### Introduction

1. This memorandum addresses several issues and queries that have arisen as part of decision-making, by Hastings District Council, on the Napier-Hastings Future Development Strategy (FDS).
2. This memorandum groups the issues and queries together, where relevant, and otherwise responds to specific questions raised by elected members.

### Issue 1: What is required to satisfy the requirements of the National Policy Statement on Urban Development (NPS-UD)?

#### *Relevant requirements for a FDS*

3. One of the specific purposes of a FDS is to demonstrate that there will be provision of “at least sufficient development capacity, as required by clauses 3.2 and 3.3, over the next 30 years to meet expected demand”.
  4. A FDS is, in turn, intended to assist with the integration of planning decisions under the RMA, with a view to achieving integrated infrastructure planning and funding. A FDS is not, however, a set of rules with regulatory effect. Instead, it is a policy document that serves a growth strategy function, which needs to be informed by multi-faceted, and (at times) complex, evidence and input that needs to be given an appropriate degree of weight when making decisions.
  5. While clause 3.13, and the other provisions in Subpart 4 of the NPS-UD, are specific to the development and content of a FDS, in our view they should not be read separately from other NPS-UD policies, including those that require there to be underlying analysis to determine demand, capacity and sufficiency metrics.
  6. Importantly, a FDS is required by clause 3.13(2) to identify where development capacity will be provided over the long term to “meet the requirements of clauses 3.2 and 3.3”. Put another way, the FDS is required to identify where sufficient development capacity will be provided for both housing and business land (with the NPS-UD further describing what sufficient means for both types of capacity).
  7. Once identified, these areas are intended to inform later decision-making, so that an integrated, and where relevant, sequenced approach can be taken to providing for growth.
-

8. While the FDS is intended to capture a 30 year planning horizon, and there is inherently some need for flexibility, the above requirements are important in terms of satisfying the NPS-UD and supporting later relevant Council decision-making.
9. As a FDS is required to address complex spatial planning matters, including capacity assessments and practical constraints to development, expert input on a range of inputs and matters is necessary to ensure that the final FDS is informed by robust information.<sup>1</sup>

*A joint FDS is required for the Napier-Hastings urban environment*

10. As set out in Part 4: Timing of the NPS-UD, the obligation to prepare a FDS for Tier 2 local authorities<sup>2</sup> is specified as being "In time to inform the 2024 long-term plan". The timing of the Napier-Hastings FDS process was deferred due to the events of early 2023, and the focus on recovery.<sup>3</sup>
11. Subpart 4 of the NPS-UD sets out the relevant requirements applying to the preparation of FDSs. For urban environments that are under the jurisdiction of more than 1 local authority there are two applicable clauses:
  - (a) Clause 3.12(3), which states:

If more than one tier 1 or tier 2 local authority has jurisdiction over a tier 1 or tier 2 urban environment, **those local authorities are jointly responsible for preparing an FDS** as required by this subpart.
  - (b) Clause 3.18(2), which states:

If a tier 1 or tier 2 local authority consists of more than one local authority, **the implementation plan must be prepared as a single document by all the local authorities that jointly prepared the FDS.**
12. These clauses signal that where an urban environment involves more than one local authority, the expectation is that a joint (single) FDS is prepared.
13. This is consistent with MfE Guidance<sup>4</sup> from July 2020, which notes:

Policies in the NPS-UD emphasise the need for successful relationships between different sectors and for local authorities to work together, especially where they share a common urban environment. **In these cases, local authorities are jointly responsible for preparing an FDS.**

...

**Where local authorities are jointly preparing an FDS, early consideration needs to be given to governance arrangements and joint decision-making.** [Emphasis added.]

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<sup>1</sup> See, for example, clause 3.14 of the NPS-UD which sets out a range of matters than an FDS must be "informed by".  
<sup>2</sup> NPD-UD, Appendix: Table 2.  
<sup>3</sup> Which included various modifications to the requirements for long-term plans, as per clause 6 of the Severe Weather Emergency Recovery (Local Government Act 2002—Long-term Plan) Order 2023.  
<sup>4</sup> We note that the Guidance is non-binding, but in this instance the direction given in the NPS-UD is consistent.

*Timing*

14. As set out in Part 4: Timing of the NPS-UD, the obligation to prepare a FDS for Tier 2 local authorities<sup>5</sup> is specified as being "In time to inform the 2024 long-term plan".
15. The timing of the Napier-Hastings FDS process was deferred due to the weather events of early 2023, and the focus on recovery.<sup>6</sup> It follows that there is already a technical breach of the NPS-UD, but in order to fulfil the expectations of the NPS-UD it would be expected that a FDS will be in place at least to inform the next LTP cycle, as well as any plan development processes in the meantime.

**Issue 2: The interplay between the NPS-UD and National Policy Statement on Highly Productive Land**

16. The interplay between the NPS-UD and NPS-HPL was considered in paragraphs 124 to 127 of the Independent Hearings Panel's (IHP) report. While the IHP did not expressly comment on any case law, a recent decision of the Environment Court has considered the interplay between the NPS-UD and NPSHPL in terms of a proposal to provide for residential development on areas of highly productive land. As the Council will be aware, this issue is applicable to the land at Middle and Wall Roads, which is highly productive land (as defined in the NPSHPL).
17. The decision, *Gardon v Auckland Council* [2025] NZEnvC 058, was raised with the IHP by submitters on the draft FDS, including Horticulture NZ.
18. In summary, the Court in *Gardon* held that any plan change must comply and be in accordance with both the NPSUD and the NPS-HPL, to the extent that they apply. Both forms of national policy direction will influence decisions as to the appropriate zoning of land, and the Court acknowledged that there could be conflict between the two forms of direction.
19. In *Gardon*, the land in question was located on the periphery of Waiuku (which has a population in excess of 10,000 residents, and is therefore an urban environment under the NPS-UD). The Court, having considered the evidence before it, held that the proposed rezoning to an urban zoning was warranted on the basis of the insufficient capacity currently provided in Waiuku for residential development, and therefore found that the proposal met the requirements of clause 3.6 of the NPSHPL. This included that the rezoning would provide benefits to the relevant community and lead to a very small loss of highly productive land (under 30ha).
20. The *Gardon* decision is potentially relevant to Middle and Wall Roads, both of which comprise land that is adjacent to an existing "urban environment" (Havelock North and Hastings, respectively). If the two sites are excluded, and there is an identified insufficiency of residential development capacity for either Havelock North or Hastings, then there is the possibility that similar arguments to those made in *Gardon* could be presented in favour of the extension of urban zoning (or development) to those sites, based on the fact that the

<sup>5</sup> NPD-UD, Appendix: Table 2.

<sup>6</sup> Which included various modifications to the requirements for long-term plans, as per clause 6 of the Severe Weather Emergency Recovery (Local Government Act 2002—Long-term Plan) Order 2023.

development capacity it is required to meet projected demand. We would expect the location of the two sites would be highlighted, given that they are contiguous with existing urban areas.

21. To assist on this issue, the Court's conclusion in *Gardon* was:

Overall, looking at both the NPS-HPL and NPS-UD, we do not consider that it is intended that all development around towns be precluded simply because they would involve inclusion of land with prime soils. Small areas of land, say less than 40 to 50 hectares, may be justified if they become defensible boundaries. They may also be justified where they add significantly to a well-functioning urban environment already existing.

**Issue 3: Would the exclusion of Middle Road and Wall Road expose the Council to risk, legal or otherwise?**

22. Potentially yes. If the FDS adopted by the Council excludes Middle and Wall Roads, then there could be scope to argue that the FDS does not satisfy the purpose and requirements of a FDS under the NPS-UD.<sup>7</sup>
23. The most obvious risk will arise from the fact that the Council may not be able to demonstrate that it has identified sufficient, feasible development capacity, for the longer term or any other temporally period. As a result, the FDS will be technically non-compliant with the NPS-UD.
24. This could result in legal challenges to the NPS-UD itself, but could also result in arguments by landowners that are outside of any identified growth areas that the FDS does not satisfy the NPS-UD, and should therefore be given less weight.
25. This argument could be made in support of growth in locations that are not currently identified in the FDS as greenfield growth areas, and which are less suitable for urban development. The tenor of such arguments would likely be that - based on the fact that the FDS is not currently satisfying the NPS-UD sufficiency requirements, there is a demonstrated need for additional growth outside of the areas currently identified in the FDS.
26. The consequence of this pressure could be more sporadic and unplanned growth than what is intended by the FDS, which may result in additional pressure on the Councils delivery of integrated services, or potentially failure to achieve a well-functioning urban environment (which is another requirement of the NPSUD).

*Possible legal risk*

27. If a judicial review was to be brought against the Council, the costs could be up to or beyond \$100,000 (as an approximate estimate). In addition to the initiating documents, the Council would need to prepare and file affidavit evidence, which will need to set out the record of events that led to the Council's decision being made.

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<sup>7</sup> See clause 3.14, NPS-UD.

28. It is not possible to be definitive on the grounds that any judicial review could raise, but there is the possibility that landowners or submitters could raise issue with the Council's departure from the recommendations made by the IHP.
29. The reason we say this is that the IHP was delegated responsibility for conducting hearings into submissions on the draft FDS, and was the body that submitters directly presented their evidence and legal submissions before. As a consequence, there is a reasonable argument to make that the IHP has the most robust understanding of the competing issues raised in evidence and submissions, which could lead to risk of challenge if any departure was made from the IHPs recommendations without proper evidence and analysis supporting that decision.
30. If, alternatively, the Council was to rely on new or additional evidence, rather than that before the IHP, this could result in a different line of legal challenge, due to the decision being informed by material that was not available to the IHP (or potentially to submitters), and therefore raising procedural fairness issues.

#### Issue 4: The effect of a Future Development Strategy

31. After it is adopted a FDS has effect in two respects. This is because every relevant local authority (ie. the Partner Councils):
  - (a) "must have regard to the relevant FDS when preparing or changing RMA planning documents"; and
  - (b) is "strongly encouraged" to use it to inform: long-term plans, infrastructure strategies, regional land transport plans and any other relevant strategies and plans.
32. As a consequence, after adoption the FDS will become a mandatory consideration for RMA plan changes and a relevant consideration for other policy and plan development processes, including strategic infrastructure related decision-making. This aligns with the status of a FDS as a high-level policy document that sets out the intended approach for achieving well-functioning urban environment within the relevant area.<sup>8</sup>
33. In the event that the Middle and Wall Road sites are excluded from the FDS, that will not prevent any landowner (or third party) from seeking either resource consent or a plan change to enable the development of the sites in question (or seek to gain referral to the Fast-Track Approvals Act process).
34. In pursuing any such application, the landowners will need to demonstrate how the proposal will satisfy the relevant statutory planning framework, including any relevant national policy, which (for example) will engage the same considerations as outlined above in the *Gardon* decision.

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<sup>8</sup> At a high level, a FDS generally involves the spatial identification of: broad locations in which development capacity will be provided over the long term; development infrastructure and additional infrastructure required to support or service that development capacity; and any constraints on development.

35. If the exclusion of the sites means that there is insufficient greenfield capacity for Hastings, it would be expected that this will be raised as part of any proposal as justification for providing growth in those locations, along with evidence and arguments that the proposed development will otherwise accord with the NPS-UD (eg. a well-functioning urban environment will be achieved).

**Issue 5: Procedural matters**

36. Various procedural questions have been raised which are not addressed in this memorandum (ie. questions relating to progressing the substantive motion, amending the motion, etc).
37. In terms of the decisions that have already been made on the FDS and the discrepancies between the partner Councils, in our view there is a need for a resolution that provides for Council officers to work with their counterparts to resolve how the final joint FDS will be presented.
38. As noted above, the NPS-UD requires a joint FDS for the Napier-Hastings urban environment. In our view, it would still satisfy the NPS-UD if one FDS were finally adopted that accommodated each of the partner Councils' decisions. While this may not result in a completely agreed strategy for the FDS, it would provide a single document that signals any areas of disagreement, which can then be traversed through any subsequent RMA or LTP related processes.
39. In practice, the FDS ratified by a territorial authority for their district will be expected to primarily inform RMA planning processes (including plan changes and consenting). The Regional Council version would of course be relevant, in particular for the areas in contention or where the Regional Council has a consent authority role.
40. Given that a FDS is intended to inform the development of a *regional* policy statement, *regional* plan and *regional* coastal environment plan, the Regional Council's version of the FDS will likely provide the primary influence for those processes, although those processes will also need to be evaluated against the relevant statutory planning framework at that time.

## 8. ADOPTION OF THE NAPIER/HASTINGS FUTURE DEVELOPMENT STRATEGY

(Document ref 25/224)

Councillor Montaperto-Hendry declared a conflict of interest in relation to item 8 and left the table for this item.

In accordance with Hastings District Council Standing Orders 9.5 Chairs Recommendation, Mayor Hazlehurst added two additional recommendations H) and I) to the officer's report for consideration.

Councillor Buddo/Councillor Schollum

- A) That Council receive the report titled Adoption of the Napier/Hastings Future Development Strategy 26 June 2025.
- B) That Council notes the resolution of the Napier Hastings Future Development Strategy Joint Committee (FDSJC) from its Committee Meeting on 19 May 2025 as shown in the meeting minutes (**Attachment 5**). In particular resolution B which recommended the endorsement of the IHP report with the exclusion of Riverbend Road NC4b
- C) That Council notes this Agenda Report fulfils the Requirement of Resolution D (Report for Partner Councils) of the FDSJC.
- D) That Council notes the draft final FDS (**Attachment 1**) does not include the FDSJC Resolution (refer Recommendation B) to exclude NC4b Riverbend Road.
- E) Notes that ~~the Partner Councils~~ [HDC/NCC], in accordance with Section 3.12 of the National Policy Statement on Urban Development 2020 which relates to requirements local authorities to prepare and publish a Future Development Strategy (FDS), accepts in part the recommendations of the FDSJC, but with the inclusion of Riverbend Road NC4b, ~~and~~
- F) ~~Adopts~~ Approves a final FDS that includes Riverbend Road NC4b with additional wording below relating to that specific site (to be added to page 59, following the wording describing Ahuriri Station).

### **Riverbend (NC4b)**

*Riverbend (NC4b) has long been identified as a potential location for future urban development, including through the Heretaunga Plains Urban Development Strategy 2010 and 2017 editions. Active planning work has been undertaken over recent years involving the landowner and Napier City Council.*

*HBRC has expressed concerns about the potential for development at Riverbend given the site's susceptibility to flooding risk and other natural hazards. There is well documented evidence of flooding affecting the site (for example, recent events in November 2020 and February 2023). The low-lying topography means the site is vulnerable to runoff and flooding, including from the existing neighbouring residential area.*

*Significant site-specific engineering works would be required to manage stormwater and flooding effects arising from development at Riverbend, including to maintain important*

*environmental values to an acceptable level. Additional land will be required to manage these effects outside of the existing identified NC4b area if mitigation works cannot be achieved onsite. This is acknowledged in a footnote to Table 3 of the FDS.*

*The inclusion of Riverbend NC4b in the FDS does not predetermine the outcome of subsequent planning process, including structure planning, plan changes, and resource consent applications.*

*As part of any application for consent or rezoning proposal to develop the Riverbend NC4b site, further detailed work will need to be undertaken to ensure the site's suitability for development and necessary mitigation of stormwater and flooding impacts. This should include consideration of 'residual risks' (i.e. circumstances where events may exceed design and construction capacity of stormwater mitigation works) as has been recommended in the 2024 Hawke's Bay Independent Flood Review Panel's report.*

- G) That Council notes that if the adopted draft final FDS aligns with F, then consequential amendments will be required to be made to **Attachment 1** to include the additional wording.
- H) Notes the decision made by Hawke's Bay Regional Council on 25 June 2025 to adopt a FDS which excludes the following sites identified by the Hearings Panel as New Residential Greenfield Development Areas: Riverbend Road NC4b and Middle Road Hn3a and Hn3b.
- I) Directs staff to work with [HDC/NCC] and Hawke's Bay Regional Council staff to prepare a joint FDS which takes into account the decisions made by all Partner Councils, and then report back with a final joint FDS that can be adopted by the Partner Councils and published in accordance with clause 3.12 of the National Policy Statement on Urban Development 2020.

Councillor Corban moved an amendment to the motion which was seconded by Councillor Dixon.

Team Leader Environmental Policy, Craig Scott spoke to the report and responded to questions from the meeting.

The meeting adjourned at 1.39pm

And resumed at 1.42pm

Councillor Corban/Councillor Dixon

Recommendations A) to I) as they stand with the removal of Middle Road HN3A and HN3B and Wall Road H5 from the FDS.

(7 VOTES FOR / 6 VOTES AGAINST)

AMENDMENT CARRIED

The meeting adjourned at 1.50pm

And resumed at 2.20pm

Mayor Hazlehurst advised that the meeting would take items 9, 10 and 11 out of order then come back to the substantive motion on the table for item 8.

## 8. ADOPTION OF THE NAPIER/HASTINGS FUTURE DEVELOPMENT STRATEGY

(Document ref 25/224)

Councillor Schollum/Councillor Buddo

That the report titled 'Adoption of the Napier/Hastings Future Development Strategy' be left to lie on the table and uplifted at a future Council Meeting and not further discussed at the meeting as per section 25. (d) of the Hastings District Council Standing Orders.

CARRIED



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Tuesday, 22 July 2025

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

**Item 6**

*Te Rārangi Take*

# Report to Council

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*Nā:*  
**From: Nigel Bickle, Chief Executive**

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*Te Take:*  
**Subject: Adoption of the Napier/Hastings Future Development Strategy (as uplifted)**

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## **1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga***

- 1.1 The purpose of this report is to inform the adoption of a final joint Future Development Strategy (FDS) for the Napier-Hastings urban environment, which satisfies section 3.12 of the National Policy Statement on Urban Development (NPSUD).
- 1.2 The background context to the development of the FDS is set out in this report, and other reports presented to the Future Development Strategy Joint Committee (FDSJC) established by the Partner Councils. Of note, the FDSJC approved the draft FDS for notification on 23 October 2024 and then appointed an Independent Hearings Panel (IHP) to hold hearings and consider submissions on the draft FDS. Following those hearings, the FDSJC met on 19 May 2025 to consider the recommendations made by the IHP.
- 1.3 The FDSJC adopted the IHP's recommendations for all but one site (Riverbend Road – NC4b), with the draft FDS recommended for approval by the IHP attached as **Attachment 1**. For clarity, note that an amended version of the draft FDS was not provided following the FDSJC recommendations.
- 1.4 Subject to the consideration of this recommendation report by the Partner Councils, Officers consider that the draft FDS will satisfy the statutory requirements for a Future Development Strategy under the NPSUD.
- 1.5 This Report fulfils the Requirement of Resolution D (Report for Partner Councils) of the FDSJC, which required that a recommendation report be prepared to inform decision-making by the Partner Councils. This Report sets out the background context, statutory requirements and considerations, and makes a recommendation on the final form of the FDS for the Napier-Hastings urban environment.

## 2.0 Recommendations - Ngā Tūtohunga

- A) That Council receive the report titled Adoption of the Napier/Hastings Future Development Strategy (as uplifted) dated 22 July 2025.
- B) That Council notes the resolution of the Napier Hastings Future Development Strategy Joint Committee (FDSJC) from its Committee Meeting on 19 May 2025 as shown in the meeting minutes (**Attachment 5**). In particular resolution B which recommended the endorsement of the IHP report with the exclusion of Riverbend Road NC4b
- C) That Council notes this Agenda Report fulfils the Requirement of Resolution D (Report for Partner Councils) of the FDSJC.
- D) That Council notes the draft final FDS (**Attachment 1**) does not include the FDSJC Resolution (refer Recommendation B) to exclude NC4b Riverbend Road.
- E) That the Partner Councils in accordance with Section 3.12 of the National Policy Statement on Urban Development 2020 which relates to requirements local authorities to prepare and publish a Future Development Strategy (FDS), accept in part the recommendations of the FDSJC, but with the inclusion of Riverbend Road NC4b, and
- F) That Council adopt a final FDS that includes Riverbend Road NC4b with additional wording below relating to that specific site. (to be added to page 59, following the wording describing Ahuriri Station).

### **Riverbend (NC4b)**

*Riverbend (NC4b) has long been identified as a potential location for future urban development, including through the Heretaunga Plains Urban Development Strategy 2010 and 2017 editions. Active planning work has been undertaken over recent years involving the landowner and Napier City Council.*

*HBRC has expressed concerns about the potential for development at Riverbend given the site's susceptibility to flooding risk and other natural hazards. There is well documented evidence of flooding affecting the site (for example, recent events in November 2020 and February 2023). The low-lying topography means the site is vulnerable to runoff and flooding, including from the existing neighbouring residential area.*

*Significant site-specific engineering works would be required to manage stormwater and flooding effects arising from development at Riverbend, including to maintain important environmental values to an acceptable level. Additional land will be required to manage these effects outside of the existing identified NC4b area if mitigation works cannot be achieved onsite. This is acknowledged in a footnote to Table 3 of the FDS.*

*The inclusion of Riverbend NC4b in the FDS does not predetermine the outcome of subsequent planning process, including structure planning, plan changes, and resource consent applications.*

*As part of any application for consent or rezoning proposal to develop the Riverbend NC4b site, further detailed work will need to be undertaken to ensure the site's suitability for development and necessary mitigation of stormwater and flooding impacts. This should include consideration of 'residual risks' (i.e. circumstances where events may exceed design and construction capacity of stormwater mitigation works) as has been recommended in the 2024 Hawke's Bay Independent Flood Review Panel's report.*

- G) That Council notes that if the adopted draft final FDS aligns with F, then consequential amendments will be required to be made to **Attachment 1** to include the additional wording.

### 3.0 Statutory Context for FDS

- 3.1 The NPSUD requires all tier 1 and tier 2 local authorities (Council is a tier 2 authority) to review every 3 years and to make publicly available an FDS for the urban environment every 6 years and in time to inform or at the same time as preparation of the next Long-Term Plan of each relevant local authority. Where an urban environment involves more than one local authority, the NPSUD requires that a FDS is prepared jointly.
- 3.2 The NPS-UD states that the purpose of an FDS is to promote long term strategic planning by setting out how the Partner Councils (Hastings District Council, Napier City Council, Hawke's Bay Regional Council) intend to:
  - Achieve well-functioning urban environments in existing and future urban areas,
  - Provide at least sufficient development capacity over the next 30 years to meet expected demand, and
  - Assist with the integration of planning decisions under the Resource Management Act with infrastructure planning and funding decisions.
- 3.3 A FDS is a strategic document that is intended to assist the Partner Councils with integrating planning decisions under the Resource Management Act 1991 (RMA) with Council Long Term Plans, Infrastructure Strategies, and funding decisions under the Local Government Act 2002 (LGA).
- 3.4 Development of the FDS has been ongoing for several years and has included lengthy engagement with mana whenua, elected officials, the community, interested landowners and developers, to inform detailed technical analysis and evaluation.
- 3.5 The FDS has been jointly developed in partnership with Hastings District Council, Napier City Council, Hawke's Bay Regional Council, and has directly involved Maungaharuru Tangitū Trust, Mana Ahuriri Trust and Tamatea Pōkai Whenua, all of which had members on the FDSJC.
- 3.6 In addition, significant input has been received from council officers, consultants and interested individuals, groups and stakeholders. This included:
  - Barker & Associates, which is a specialist planning consultancy
  - staff from Maungaharuru Tangitū Trust
  - staff from Mana Ahuriri Trust and
  - staff from Tamatea Pōkai Whenua.
- 3.7 The draft FDS was adopted by the FDSJC for consultation and is intended (once adopted) to satisfy the statutory requirements for Future Development Strategies under the NPSUD.
- 3.8 Once adopted, the final FDS will replace the current Heretaunga Plains Urban Development Strategy 2017 (HPUDS).

### 4.0 Consultation and Engagement

- 4.1 Section 3.15 of the NPSUD requires local authorities when preparing or updating an FDS to use the special consultative procedure in Section 83 of the Local Government Act 2002.
- 4.2 On October 23, the FDSJC recommended to the partner councils, (Hastings District Council, Napier City Council and Hawke's Bay Regional Council,) that the Draft Napier Hastings Future Development Strategy (FDS) be adopted for public notification and submission. One variation to the draft was put forward by the FDSJC

***Middle Rd***

The recommendation of the committee included one amendment to the strategy proposed by the consultants and technical advisory group. This was the exclusion of Middle Road sites Hn3a and Hn3b from the strategy. For the following reasons:

- These areas are not required to provide sufficient development capacity to meet demand (including the 20 per cent competitiveness margin)
- Hn3a and Hn3b are Highly Productive land areas (including 'Land Use Capability' level 1 and 2)
- These areas are not included in the Heretaunga Plains Urban Development Strategy (except as a reserve area in the case of Hn3a)
- It would be contrary to the objectives of the FDS to include these areas.

The draft recommendations were then considered by all Partner Councils in November. All Councils agreed to accept the Joint Committee's amendment to remove the Middle Rd sites Hn3a and Hn3b from the draft strategy. Those two sites have subsequently been removed from the draft.

- 4.3 An additional amendment to the draft was recommended by Hawke's Bay Regional Council being the removal of Riverbend Road NC4b. The Hastings District Council and Napier City Council voted to retain this area. To address this, the partner councils agreed that the strategy be notified for public input, with this divergence noted via this covering note, and that the divergence will be considered by the independent panel to be appointed to hear submissions.

#### **Riverbend Rd**

The Hawke's Bay Regional Council additionally recommended that the Riverbend Road site Nc4b also be excluded from the strategy, for the following reason:

- Area Nc4b is subject to severe flooding risk.

- 4.4 The FDSJC also resolved at its meeting held on 23 October 2024 to;

*'Appoint an Independent Panel to assist the Joint Committee by hearing all persons / parties who wish to submit on the draft FDS. The Independent Panel will prepare a summation of all submissions and provide recommendations to the Joint Committee, for consideration by the Joint Committee. The Joint Committee can then recommend a final FDS to the Partner Councils'*

- 4.5 The draft FDS was adopted by the Partner Councils for consultation on the 19<sup>th</sup> November 2024.

- 4.6 The Independent Hearings Panel (IHP) consisted of the following members:

- Gina Sweetman (Chair),  
*Field of Expertise - Resource management, local and regional planning, policy and plan development. Resource consents. Te Ao Maori, Freshwater and Chair of Hearing Panels.*
- Shadrach Rolleston,  
*Field of Expertise - Planning and Resource Management, Spatial and Growth Management Planning, Community and Māori Engagement, Te Ao Māori, Iwi Management Planning, Tikanga Māori, Treaty Settlements, Local Government Policy Planning.*
- Juliane Chetham,  
*Field of Expertise - Planning, environmental science, geography, coastal and marine ecology and management, Cultural Impact Assessment, Tikanga Māori, Mātauranga Māori.*
- Michael Parsonson,  
*Field of Expertise - District and regional consenting, plan changes, policy development. Resource use, construction, infrastructure, general land use activities, and associated effects. Council hearings, fast-track panels, boards of inquiry.*

- Steven (Tipene) Wilson

*Field of Expertise – Māori, Iwi*

- 4.7 The notification period for the draft FDS ran from 23<sup>rd</sup> November 2024 to the 23<sup>rd</sup> December 2024. This period was chosen to avoid the summer break and much of January when many workplaces are closed and staff are away for significant periods of time and therefore may not have had sufficient opportunity to prepare a submission.
- 4.8 A total of 139 submissions were received on the draft FDS. These included a combination of online survey submissions and general submissions. The submissions were evaluated by officers from partner Councils and PSGEs. A Recommendations Report was prepared for the IHP in advance of the hearings commencing. The officers' Recommendations Report is attached as **Attachment 3** ([FDS-Hearings-Report-2025-03-17-1.pdf](#)).
- 4.9 At the invitation of the IHP, all submitters were also able to provide additional evidence to help accompany presentations at subsequent Public Hearings.
- 4.10 The process adopted by the IHP provided submitters with the opportunity to critique, assess, support or otherwise any aspects of the draft FDS.
- 4.11 Submissions were heard by the IHP during 24 – 26 March 2025. 86 of the lodged submissions were spoken to at the hearings. Following the hearings the IHP requested that officers provide a Reply Report to consider additional evidence presented to the IHP during the hearings. The officers' Reply Report is attached as **Attachment 4** ([Napier-Hastings-FDS-Reply-2025-04-04.pdf](#)).
- 4.12 The IHP was not required to accept the recommendations in the reply report.
- 4.13 In executing their role, the IHP was required to consider all information received from submitters (and their representatives), all supplementary information, officers' reports and verbal hearing information. This information informed the IHP Recommendations Report.

## 5.0 IHP Findings and Recommendations

- 5.1 The IHP provided their Recommendation Report on 9<sup>th</sup> May 2025. The IHP Recommendation Report attached as **Attachment 2** was prepared by the IHP and is independent from either officer or submitter input, albeit that the IHP was informed by information provided by officers, submitters and the various experts and other persons involved in the process.
- 5.2 The Executive Summary from the IHP Recommendation Report is noted below:
  1. *Having considered the submissions received, the Independent Hearings Panel (IHP or Hearings Panel) has recommended several changes to the draft FDS. Most of those changes were recommended to us by the professional experts and advisors representing Napier City Council, Hastings District Council and the Hawke's Bay Regional Council and Tamatea Pōkai Whenua (TPW), Mana Ahuriri Trust (MAT) and Maungaharuru-Tangitū Trust (MTT) (FDS Advisors).*
  2. *Our more substantive recommended changes to the draft FDS include:*
    - a. *A new section 4.3 on cross-boundary relationships*
    - b. *References to the Hawke's Bay Independent Flood Review Report recommendations in respect to natural hazard data collection and Regional Policy Statement and district plan reviews*
    - c. *Amendments to Section 6 to address redress land and papakāinga*
    - d. *Amendment to the strategic objectives to amend objective 10 and include a new objective relating to nationally and regionally significant infrastructure*
    - e. *Reference to latent demand and that there may be a shortfall in wet industry in the long term in section 8*

- f. Amend the constraints identified in Figure 13 to include areas for the safe operation and functional needs of nationally and regionally significant infrastructure
  - g. Amend section 10 to address that growth area boundaries shown in the FDS are indicative only and why small sites have not been included
  - h. Amend table 2 in section 10 to include the additional capacity identified for the Hastings District
  - i. Inclusion of Middle Road (HN3a and HN3b), Wall Road (HN3b) and FM9 Portsmouth Road, Flaxmere as new Residential Greenfield Development Areas in Table 3, and include the additional land at the Mission Estate
  - j. Include Irongate North as a new industrial area in section 10
  - k. Include reference in section 10 about a potential shortfall in development capacity for wet industry and the approach to be taken if this eventuates
  - l. Amend 10.6 to reference a carry-over of the strategic direction for coastal and rural settlements from HPUDS in an appendix, including maps, until such time as a Rural Residential Strategy is promulgated
  - m. New paragraph in section 10.11 to reference the importance of the operational and functional needs of nationally and regionally significant infrastructure,
  - n. Amend section 10.11 to say that stormwater solutions may occur out of identified growth areas and reference specific Māori education demands
  - o. Include new sections in 10.11 on solid waste and nationally and regionally significant infrastructure
  - p. Amend table 6 to reference additional greenfield capacity and remove reference to an “overs/unders” approach.
3. Other than for the matters listed above, no substantial changes to any ‘spatial’ components of the FDS are recommended.
  4. Our recommendations are to be considered and decided on by the Future Development Strategy Joint Committee.

5.3 In terms of spatial components, the key decisions and changes recommended to the draft FDS that was formally consulted on for submissions are as follows:

#### **Residential**

- Inclusion of HN3a and HN3b (Middle Road) area. (Long Term Priority 11 – 30+ years)
- Inclusion of H5b (Wall Rd) area. (Long Term Priority 11 – 30+ years)
- Inclusion of FM9 (Portsmouth Rd) area. (Long Term Priority 11 – 30+ years)
- Inclusion of additional land at NC6 (Mission Hills). (Medium to Long Term Priority (5 – 30 years)

#### **Industrial**

- Inclusion of IR4 (Irongate North) area (Long Term Priority 11 – 30+ years).
- Recognition that wet industry capacity will be needed over the long term. Recommending short-term action to investigate policy changes aimed at protecting the remaining capacity within the existing urban area for wet industry use at Whakatu.

#### **Rural Residential**

- Recommendation for councils to prioritise the development of a Rural Residential Strategy.

## **6.0 IHP Commentary regarding Riverbend Road**

6.1 As part of their recommendation’s report, the IHP specifically addressed a number of the more contentious areas. Following the FDSJC recommendations with regard to Riverbend Road NC4b, it is relevant to include extracts of the IHP’s reasoning for their recommendations. The Riverbend Road

discussion can be found from paragraphs 54 to 66 of the IHP Recommendations Report (Attachment 2).

- 6.2 The IHP recognised that there are significant constraints on the Riverbend site, acknowledging that it currently acts as a basin for stormwater detention area for surrounding land for the surrounding area

*Riverbend is a residential growth area in the Heretaunga Plains Urban Development Strategy (HPUDS) and meets the definition of being “identified for urban development.”<sup>10</sup> The draft FDS identifies the area as a suitable specific growth area, acknowledging that the area is subject to complex and overlapping natural hazards constraints. While there are engineering solutions available to address these constraints, they may impact the feasibility and timing of development*

- 6.3 The IHP also recognised that the existing condition of the land in question, and the relevant concerns of HBRC given the flooding of the site during significant rain events in 2020 and 2023, with the site providing significant storage adjacent to existing residential areas.

*Stormwater engineering evidence was presented on behalf of the Joint Venture by Ms Landon of Development Nous Limited. Ms Landon acknowledged that the site currently functions as an “unofficial” stormwater detention area for the surrounding urban areas. She described the likely approach to flood mitigation for development of the site, which included flood storage and pumping, and conservatism in her assumptions. This is subject to ongoing analysis and design and will require detailed interrogation through a resource consent process.*

- 6.4 The IHP ultimately acknowledged that the suitability of development should be assessed through a more detailed plan change or resource consent process where the specific constraints of the site and feasibility of development can be properly understood. The IHP ultimately recommend the inclusion of the site as a long term priority:

*For the reasons outlined above, we accept and adopt the recommendation of the FDS Advisors’ Hearing Report to include Riverbend site NC4b in the FDS, at the timing recommended by the FDS Advisors. Ultimately, its suitability for development will be managed through the more granular plan change and resource consent processes. Its planning history and the consequential investment in development planning weighs in favour of its inclusion.*

- 6.5 It is noted that to address these qualifications, a footnote was added to Table 3 of the recommended FDS (pg 65) noting ‘Additional land will be required to manage stormwater and flooding effects arising from development of Riverbend Road (NC4b), with the exact location to be determined through future planning processes.’

- 6.6 The IHP recommendations report also specifically addresses submitters concerns with regards to natural hazards, with specific mention of flooding. This is addressed from paragraphs 48 to 53 of the report. Ultimately the IHP concluded (noting the exceptions discussed relate to Riverbend Road and Ahuriri Station):

*We accept there are site-specific opportunities to mitigate some risks but, consistent with the FDS Advisors’ Hearing Report, we limit inclusion of sites with identified significant (before mitigation) natural hazard risk to the sites discussed below that are subject to other relevant factors that support their inclusion. We agree with the FDS Advisors’ Hearing Report in its response to the Natural Hazards Commission and the Hawke’s Bay District Health Board submissions, that site specific risk assessments for those future growth areas are most appropriately undertaken “at the structure planning and plan change [and resource consent] stage, where a detailed stormwater and flood modelling can be undertaken in the context of a specific proposal”.*

- 6.7 The submitter information and evidence can be viewed on the FDS website <https://www.hastingsdc.govt.nz/hastingsnapierfuturedevelopment/> under the submissions documents tab, evidence and supplementary evidence tabs. The primary submissions related to

Riverbend Road were (Sub 105 – Te Orokohanga Hou Joint Venture, Sub 74 – Natural Hazards Commission, Sub 90 – HBRC, Sub 16 – John Reid, Sub 26 – Myriam Parker, Sub 34 – Gary Curtis, Sub 47 – Andrew Lessels, Sub 52 – Simon Nash, Sub 8 – Samantha McPherson, Sub 9 – Susan Gardner & Sub 12 Forest and Bird, Sub 94 MTT), however noting that there are also a number of submissions that related to natural hazards and flooding in general.

## 7.0 FDSJC Resolutions

7.1 The 'FDSJC Meeting Minutes' from their Meeting on 19 May 2025 are attached as **Attachment 5** ([Minutes of Napier-Hastings Future Development Strategy Joint Committee - Monday, 19 May 2025](#)).

7.2 Two motions were put forward for amendments by FDSJC members.

### **Exclude Middle Road (HN3a and HN3b) and Wall Road (H5b)**

7.3 With the reasons for these exclusions being the sites in i) and ii) are on highly productive land and are not required to meet demand capacity under the Future Development Strategy.

7.4 This amendment was lost (3 votes for/5 votes against/3 abstained).

7.5 The Middle Road areas (HN3a and HN3b) added 640 dwellings and the Wall Road area (H5b) added 110 dwellings to overall development capacity.

### **Exclude Riverbend Road (NC4b)**

7.6 With the reasons for this exclusion being the site presents as a significant flooding risk and is not conducive to a well-functioning urban environment and is not required to meet demand capacity under the Future Development Strategy.

7.7 This amendment was carried (8 votes for/3 votes against).

7.8 The Riverbend Road NC4b land provided an estimated 660 dwellings to the overall development capacity.

7.9 The FDSJC recommendations will be put to all Partner Councils to consider when determining the final FDS with the risks associated with each option discussed in section 8 below. Dates for the respective Partner Councils' meetings are:

- Hawke's Bay Regional Council – Wednesday 25<sup>th</sup> June 2025
- Hastings District Council - Thursday 26<sup>th</sup> June 2025
- Napier City Council – Thursday 26<sup>th</sup> June 2025.

## 8.0 Options – Ngā Kōwhiringa

### **Option One - Recommended Option - Te Kōwhiringa Tuatahi – Te Kōwhiringa Tūtohunga**

8.1 Adopt the Future Development Strategy as recommend by the FDSJC, except for in relation to the exclusion of Riverbend Road NC4b, by adopting a final FDS that includes Riverbend Road with associated additional wording included in the FDS relating to that land. The recommended additional wording is included in **Attachment 6** to this report.

#### **Advantages**

- Allows Partner Councils to consider specific viewpoints of FDSJC when making decisions on the final FDS.
- Ensures that a FDS that is consistent with IHP recommendations is adopted, with appropriate qualifying statements where development concerns remain (as expressed by the FDSJC minutes and in IHP's commentary within its own report).
- Qualifying statements can reflect many of the IHP's observations without undermining or being a substantive departure from the IHP's overall findings and recommendations.
- Satisfies NPS-UD requirements.

- Ensures that future plan change or resource consent processes are fully informed of the constraints that will need to be addressed around hazard mitigations.

#### Disadvantages

- May lead to future contention in relation to proposals for the development of the land for residential growth.
- Amendments to the recommendations that differ from the IHP's reporting could give rise to judicial review proceedings.
- Amendments to the recommendations that differ from the FDSJC's resolutions could give rise to judicial review proceedings, albeit for different grounds than a departure from the IHP's reporting above.
- If heavily qualified statements are included and/or statements that are beyond factual ones, it may mean that Riverbend Road NC4b is out of step with other sites subject to constraints, noting that the recommended FDS includes qualifying language in regard to future growth areas requirements under future RMA processes.

#### Option Two

#### 8.2 Adopt the Future Development Strategy as recommended by the IHP.

##### Advantages

- Would be consistent with the evidence-based assessment undertaken by independent qualified experts who directly heard from submitters during the hearing process.
- Meets the obligations of the Partner Councils under the National Policy Statement – Urban Development 2020 which requires that a Future Development Strategy is prepared for the Napier/Hastings urban environment.
- If adopted by the Partner Councils, the Future Development Strategy will provide increased certainty for the future planned growth of the Napier/Hastings urban environment and assist to identify other opportunities for future growth in the longer-term.

##### Disadvantages

- Does not align with FDSJC recommendations regarding Riverbend Road.

#### Option Three

#### 8.3 Adopt the Future Development Strategy as recommended by the FDSJC.

##### Advantages

- Would be consistent with the evidence-based assessment undertaken by independent qualified experts who directly heard from submitters during the hearing process, with the exception of Riverbend Road.
- Meets the obligations of the Partner Councils under the National Policy Statement – Urban Development 2020 which requires that a Future Development Strategy is prepared for the Napier/Hastings urban environment.
- If adopted by the Partner Councils, the Future Development Strategy will provide increased certainty for the future planned growth of the Napier/Hastings urban environment and assist to identify other opportunities for future growth in the longer-term.

##### Disadvantages

- May lead to risk of legal challenge, as decision would be based on recommendation from FDSJC which did not directly hear submissions.
- Potential that decision with regard to Riverbend Road is not as well informed as the recommendation of the Independent Hearings Panel.
- Removal of estimated 660 dwelling supply from FDS at Riverbend NC4b from overall capacity, meaning significant more pressure on the ability to meet demand requirements, including reliance on other development options in the Napier area.

## 9.0 Next steps – Te Anga Whakamua

- 9.1 Once the Partner Councils have made their decision, the final FDS will become the adopted final strategy and replace the HPUDS.
- 9.2 Following the adoption of the final FDS it is recommended that the FDSJC meet to consider the future implementation requirements of the FDS. Opportunities to do this will be time-limited given local body elections in October 2025.
- 9.3 The FDS is required to be reviewed at regular intervals so that it informs each long-term plan cycle (ie. every 3 years). If a review determines that changes are required, a public consultation process will be involved for the review of the FDS itself.

### Attachments:

1 ➡	Attachment 1 – Independent Hearings Panel Recommended Future Development Strategy	CG-17-27-00217	Vol 1
2 ➡	Attachment 2 – Independent Hearings Panel Recommendations Report	CG-17-27-00218	Vol 1
3 ➡	Attachment 3 – Officers Report to hearings panel on Submissions	CG-17-27-00216	Vol 2
4 ➡	Attachment 4 – Officers reply – Report for hearings panel	CG-17-27-00219	Vol 2
5 ➡	Attachment 5 - FDSJC Minutes 19 May 2025	CG-17-1-01625	Vol 2
6 ➡	Attachment 6 - Riverbend additions to be considered for FDS - June 2025	CG-17-1-01637	Vol 2

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## Summary of Considerations - He Whakarāpopoto Whakaarohanga

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### Fit with purpose of Local Government - E noho hāngai pū ai ki te Rangatōpū-ā-Rohe

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

[Link to the Council's Community Outcomes – Ngā Hononga ki Ngā Putanga ā-Hapori](#)

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This FDS seeks to control future growth in the region one of the core objectives is to provide a range of housing which meets people's needs in neighbourhoods that are safe and healthy. The FDS is considered to promote wellbeing of communities in the present and for the future.

### **Māori Impact Statement - *Te Tauāki Kaupapa Māori***

Maori communities have been consulted with as part of the FDS process. Papakainga and treaty settlement land forms a key part of the strategy. Post Treaty Settlement Group (PSGE) input has been central to the development of the FDS. PSGE members have been part of the joint committee and officers have inputted into the recommended FDS.

### **Sustainability - *Te Toitūtanga***

Intensification of existing urban areas and protection of fertile land are key objectives of the FDS

### **Financial considerations - *Ngā Whakaarohanga Ahumoni***

Financial Considerations have been previously considered for the FDS, the development of the strategy is now at the end of its process. Failure to agree to a consistent strategy however would result in additional costs.

### **Significance and Engagement - *Te Hiranga me te Tūhonotanga***

This decision/report has been assessed under the Council's Significance and Engagement Policy as being of high significance.

### **Consultation – internal and/or external - *Whakawhiti Whakaaro-ā-roto / ā-waho***

Significant informal consultation has occurred through a 'call for opportunities' and formal consultation was undertaken through the Special Consultative procedure which included submissions and hearings opportunities.

## **Risks**

Opportunity: To provide a finalised FDS that guides the next 30 years growth across the sub-region

<b>REWARD – <i>Te Utu</i></b>	<b>RISK – <i>Te Tūraru</i></b>
30 year growth strategy which informs development, long term spending and infrastructure strategies.	An inconsistent FDS, or one with significant departure from Independent Hearings Panel Recommendations may lead to higher risk of judicial proceedings.



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Tuesday, 22 July 2025

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

**Item 7**

*Te Rārangi Take*

# Report to Council

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*Nā:*  
**From: Bruce Conaghan, Transportation Policy and Planning Manager**

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*Te Take:*  
**Subject: Road Stopping of Part of Iona Road for the Iona Structure Plan**

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## **1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga***

- 1.1 This Report recommends Council proceed with the road stopping process for part of Iona Road in accordance with the process defined in the Local Government Act 1974, Section 319, Schedule 10.
- 1.2 The Iona Structure Plan, adopted and effective in September 2018, identified the requirement for the southern end of Iona Road to be realigned. To achieve this, a portion of the southern end is required to be stopped and a new link to Middle Road provided.
- 1.3 Importantly, the road stopping of that portion of Iona Road (Area E) is necessary to effect the requirements of the Iona Structure Plan at its southern end. Given the extensive consultation and Hearings process undertaken for the Iona Structure Plan, the proposed road stopping may reasonably be regarded as an inevitable outcome of that process. However, to effect it, Council does need to go through the road stopping process as required under the Local Government Act 1974 hence this Report.
- 1.4 Discussions have been undertaken with CDL, the owners of the adjacent land, and they are supportive of the southern section of Iona Road being stopped. CDL are also agreeable that the portion of land to be stopped would be swapped for that portion of land required to provide the new link road to Middle Road.

## 2.0 Recommendations - *Ngā Tūtohunga*

- A) That Council receive the report titled Road Stopping of Part of Iona Road for the Iona Structure Plan dated 22 July 2025.
- B) That Council approve the initiation of the road stopping process as defined in the Local Government Act 1974 for that portion of Iona Road identified as Area E on the Iona Middle Land Requirement Plan (Development Noun Plan H2021010-Legalisation-600 Revision 2 dated 5 February 2025) as shown in Attachment 1.

## 3.0 Background – *Te Horopaki*

- 3.1 The Iona Structure Plan was adopted by Council and became effective in September 2018. In terms of transportation, it noted that upgrades would be required to both Middle and Iona Roads to ensure levels of service are maintained as the area develops from a rural and rural-residential area to an urban residential area. These upgrades would need to be aligned with the road stopping procedures and realignment of Iona Road. It is the intention that, following development of Middle and Iona Road areas, speed reductions to 50km/hour for these roads would be considered by the Council and that the speed reduction on Middle Road should extend out to its intersection with Gilpin Road.
- 3.2 The proposed road network contained in the Structure Plan included improvements to the Middle Road / Iona Road / Gilpin Road intersection. This intersection would be replaced with two “T” intersections with some distance between them. To effect this, the southern portion of Iona Road is to be realigned and a new link constructed over the development land with the new link to be vested to Council as road.
- 3.3 Figure 1 below (and included as Attachment 1) shows the Iona Middle Land Requirement Plan (Development Noun Plan H2021010-Legalisation-600 Revision 2 dated 5 February 2025) and identifies the quantum of land required for infrastructure necessary to serve the overall Iona and Middle development. The areas shown in green (Areas A, B, D, G) are the parcels of land required by Council while the area shown in red (Area E) is the land to be divested. With Area E being legal road, it can only be divested once the road has been stopped.

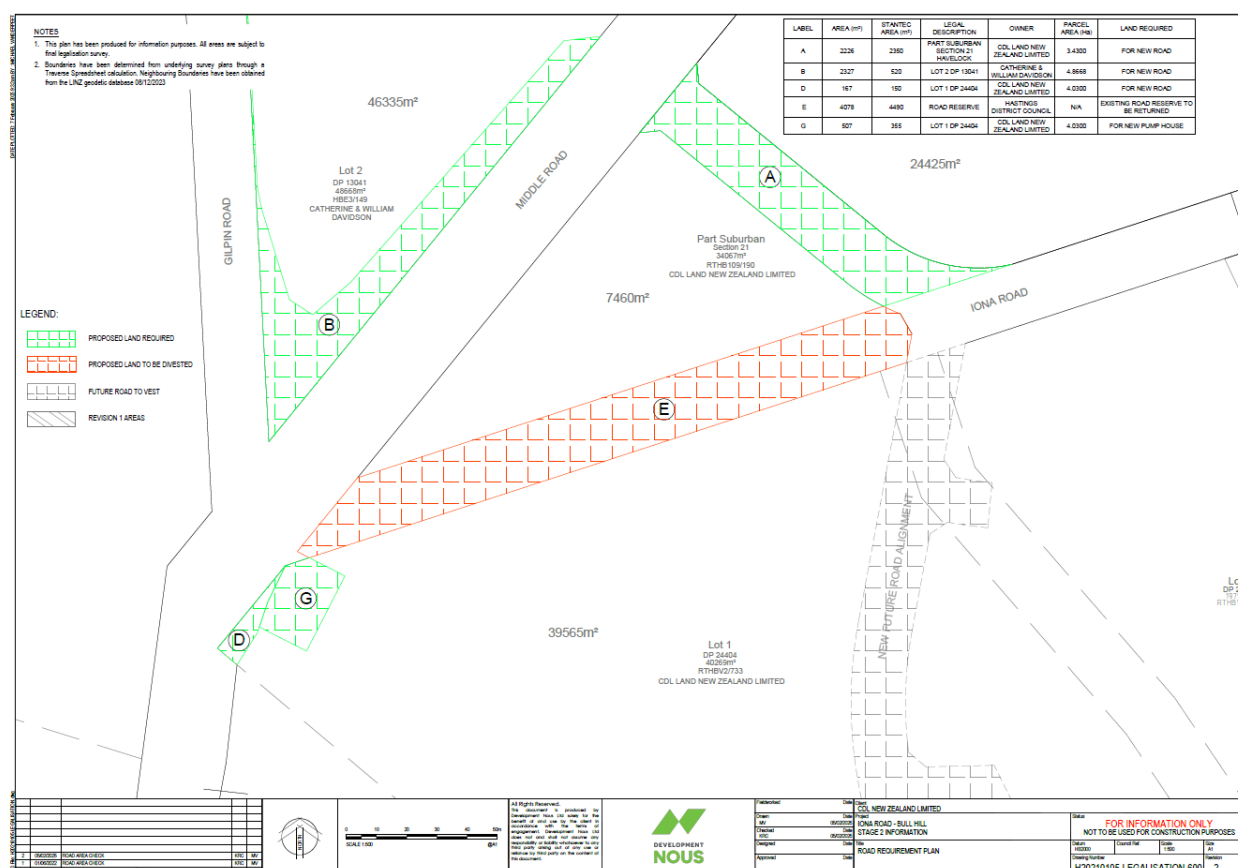


Figure 1 : Proposed Iona Structure Plan

3.4 Importantly, the road stopping of that portion of Iona Road (Area E) is necessary to effect the requirements of the Iona Structure Plan at its southern end. Given the extensive consultation and Hearings process undertaken for the Iona Structure Plan, the proposed road stopping may reasonably be regarded as an inevitable outcome of that process. However, to effect it, Council does need to go through the road stopping process as required under the Local Government Act 1974 hence this report.

3.5 Discussions have been undertaken with CDL, the owners of the adjacent land, and they are supportive of the southern section of Iona Road (Area E) being stopped. CDL are also agreeable that the portion of land to be stopped would be swapped for that portion of land required to provide the new link road to Middle Road (Area A).

#### 4.0 Discussion – Te Matapakitanga

4.1 The stopping of roads and public accessways is detailed in the Local Government Act 1974, Section 319, Schedule 10. In summary:

- A plan of the proposed stoppage shall be lodged with the office of the Chief Surveyor.
- Council shall give public notice of the proposed stoppage, calling for objections, for a period of at least 40 days.
- If no objections are received Council may declare the road stopped.
- If any objections are received Council may either allow the objections or send the case to the Environment Court.

4.2 If the road stopping is successful, Council will then work with CDL to effect the necessary land transfers to accommodate the realignment of Iona Road as required by the Iona Structure Plan.

## 5.0 Options – Ngā Kōwhiringa

Option One - Recommended Option - Te Kōwhiringa Tuatahi – Te Kōwhiringa Tūtohunga

- 5.1 Council resolve to initiate the road stopping process to amalgamate the stopped road with the CDL land.

Advantages

- Meets the requirements of the Iona Structure Plan with the Iona Road realignment.

Disadvantages

- There are no identified disadvantages with the proposal for stopping that part of Iona Road as identified in the Iona Structure Plan.

Option Two – Status Quo - Te Kōwhiringa Tuarua – Te Āhuetanga o nāiane

- 5.2 Council resolve not to initiate to road stopping process to effect the land transfer:

Advantages

- There are no identified advantages with the proposal for not stopping that part of Iona Road as identified in the Iona Structure Plan.

Disadvantages

- It would not enable the Iona Road realignment and is contrary to the Iona Structure Plan requirements.

## 6.0 Next steps – Te Anga Whakamua

- 6.1 If Council agrees to initiate the road stoppage and notifying the public, the public will be given at least 40 days to raise objections.

- 6.2 Public notices will include:

- Notice on Council's website.
- Two notices in the local newspaper.

- 6.3 Council will then need to consider any objections received and decide whether to proceed with the road stoppage or not:

- If no objections are received Council may declare the road stopped.
- If any objections are received Council may either allow the objections or send the case to the Environment Court.

- 6.4 If Council agrees to stop the road, Council will then effect the road stopping and associated land swap with CDL with both parties arranging for the legalisation.

## Attachments:

1 [↓](#) Iona Middle Land Requirement Plan

CG-17-1-01666

## Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

### Fit with purpose of Local Government - *E noho hāngai pū ai ki te Rangatōpū-ā-Rohe*

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

### Link to the Council's Community Outcomes – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal promotes the social wellbeing of communities in the present and for the future in that it retains the ability of safe public access on the roading network within the Iona Structure Plan development.

### Māori Impact Statement - *Te Tauākī Kaupapa Māori*

No specific impact on Māori.

### Sustainability - *Te Toitūtanga*

N/A

### Financial considerations - *Ngā Whakaarohanga Ahumoni*

All costs associated with the road stopping will be shared with CDL as part of the Iona and Middle Road upgrade and development.

### Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This decision/report has been assessed under the Council's Significance and Engagement Policy as being of low significance.

### Consultation – internal and/or external - *Whakawhiti Whakaaro-ā-roto / ā-waho*

Consultation to be undertaken in accordance with the process for Stopping of Roads as defined in the Local Government Act 1974.

### Risks

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
The transfer of land would enable the Iona Structure Plan to be realised with safer intersections on Middle Road at Iona Road and Gilpin Road.	Requirement to take any objections to the Environment Court but noting that the Iona Structure Plan had been consulted on and was subsequently approved through the Environment Court and adopted by Council with that including the realignment of Iona Road.

### Rural Community Board – *Te Poari Tuawhenua-ā-Hapori*

N/A







Tuesday, 22 July 2025

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

*Te Rārangi Take*

# Report to Council

**Nā:**  
**From: Bruce Conaghan, Transportation Policy and Planning Manager**

**Te Take:**  
**Subject: Authorisation for relocation of a crossing place on a Limited Access Road to serve Lots 2-5 DP 508218 at 1275 Maraekakaho Road**

## 1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 This Report recommends Council authorise the relocation of a crossing place on a Limited Access Road to serve Lots 2-5 DP 508218 at 1275 Maraekakaho Road.
- 1.2 To support a request for a new crossing place or the relocation of a crossing place, Council needs to be satisfied that these do not have an impact on the safety and operational efficiency of the Limited Access Road. Consequently, the owner at 1275 Maraekakaho Road engaged Urban Connection to provide a traffic and safety assessment to justify the proposed relocation of crossing place (CP 102) at 1275 Maraekakaho Road.
- 1.3 Based on the assessment by Urban Connection, it was found that relocating the crossing place (CP 102) would not impact on the operational and safety efficiency of Maraekakaho Road at this location and would work to improve it.
- 1.4 Council officers support the proposed relocation and therefore recommend that the crossing place (CP 102) to Lots 2-5 DP 508218 at 1275 Maraekakaho Road be moved north so that it is 114 to 126 metres south of the northern boundary of the property (as shown in Attachment 1) be authorised by Council.
- 1.5 With Maraekakaho Road from York Road to the State Highway 2 (SH2) Expressway being a Limited Access Road, the relocation of a crossing place providing access, in this case to Lots 2-5 DP 508218 at 1275 Maraekakaho Road, will need to be authorised by Council. Accordingly, pursuant to Section 346 of the Local Government Act 1974, it is recommended Council authorise the relocation of crossing place CP102 to Lots 2-5 DP 508218 at 1275 Maraekakaho Road as shown in Attachment 1.

## 2.0 Recommendations - Ngā Tūtohunga

- A) That Council receive the report titled Authorisation for relocation of a crossing place on a Limited Access Road to serve Lots 2-5 DP 508218 at 1275 Maraekakaho Road dated 22 July 2025.
- B) That pursuant to Section 346 of the Local Government Act 1974, Council authorise the relocation of a crossing place (CP 102) to Lots 2-5 DP 508218 at 1275 Maraekakaho Road to be 114 to 126 metres south of the northern boundary of the property as shown in Attachment 1.

## 3.0 Background – Te Horopaki

- 3.1 In June 2013, Council resolved to accept the control and management of relevant sections of SH50A revoked by the New Zealand Transport Agency (NZTA), with those sections being York Road from the Hawkes Bay Expressway to Maraekakaho Road and Maraekakaho Road from York Road to Longlands Road, with the completion of the southern extension of the Hawkes Bay Expressway. Both sections of road had been declared as Limited Access Roads by NZTA.
- 3.2 Under Section 96(1) of the Government Roading Powers Act 1989, any Limited Access Road which is a State Highway and ceases to be a State Highway, shall be deemed to be a Limited Access Road under the Local Government Act 1974 and the administration of that road shall pass to the territorial authority responsible for the control of roads in the district. Hence, York Road from the Hawkes Bay Expressway to Maraekakaho Road and Maraekakaho Road from York Road to Longlands Road maintain their status as Limited Access Roads.
- 3.3 Council can authorise crossing places and construct any roads to give access to land adjoining a Limited Access Roads in accordance with Section 346 of the Local Government Act 1974. Given that crossing places on Limited Access Roads are defined legally as part of the Limited Access Road Declaration, any request relating to installing, relocating or removing crossing places therefore requires the authorisation by Council.
- 3.4 The owner of 1275 Maraekakaho Road has approached Council to relocate one of the crossing places (CP 102) serving their property. The site at 1275 Maraekakaho Road has a designated crossing place (CP 102) located 211 to 215 metres south of the northern boundary of the site and the request is to relocate some 93 metres north. Figure 1 below (and included as Attachment 1) shows the location of the existing crossing places at 1275 Maraekakaho Road and the location of the relocated crossing place.

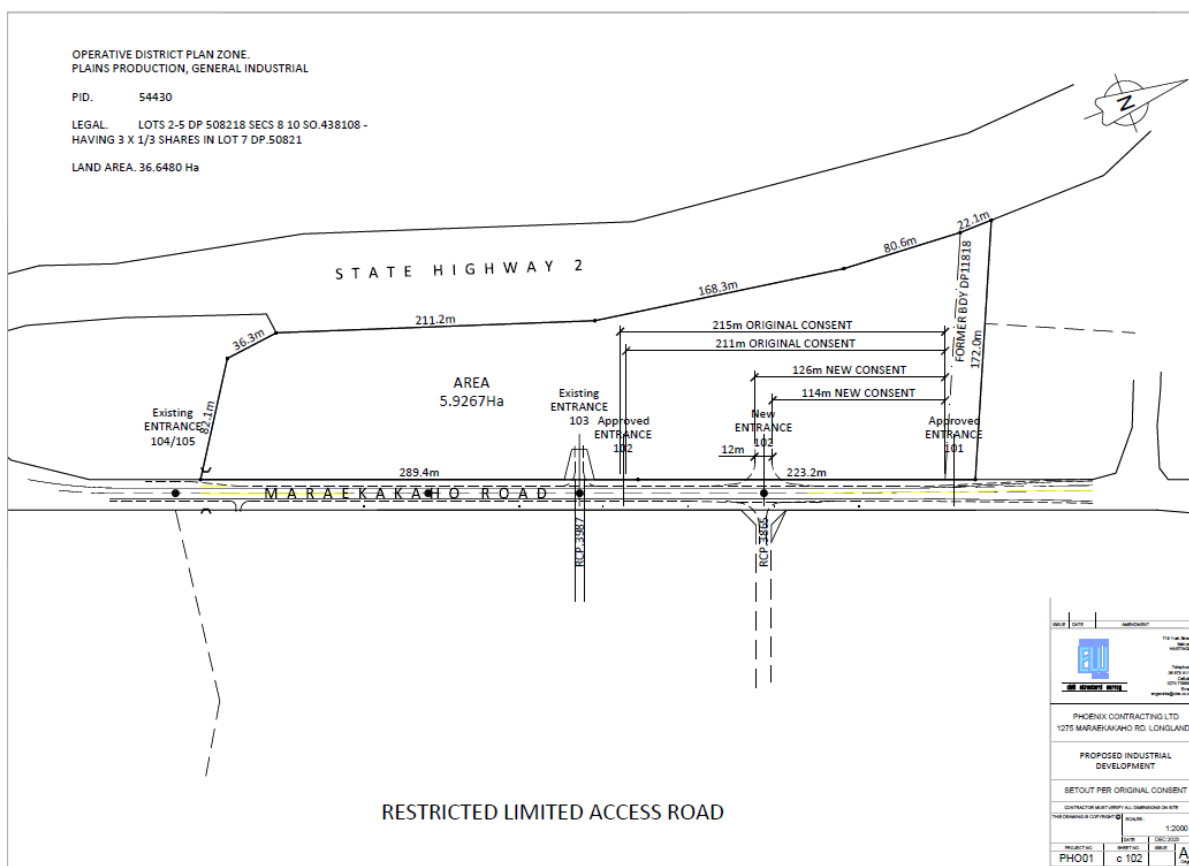


Figure 1 : Location of Crossing Places CP 102 and CP 103 at 1275 Maraekakaho Road

- 3.5 To support a request for a new crossing place or the relocation of a crossing place, Council needs to be satisfied that these do not have an impact on the safety and operational efficiency of the Limited Access Road. Consequently, the owner at 1275 Maraekakaho Road engaged Urban Connection to provide a traffic and safety assessment to provide justification for the proposed relocation of a crossing place (CP 102) at 1275 Maraekakaho Road.

#### 4.0 Discussion – Te Matapakitanga

- 4.1 From the assessment undertaken by Urban Connection, the existing crossing place (CP 102) is located in close proximity to another crossing place (CP 103) which creates potential safety issues as noted below:

- Closely spaced access points (driveways or intersections) can create uncertainty about which location a vehicle wishes to turn into. A vehicle indicating to turn into the southern crossing point (CP 103) could be mistaken as turning into the northern crossing point (CP 102) meaning a vehicle turning right from the southern crossing point could misjudge a vehicle's intent resulting in a side impact crash.
- A comparable safety risk applies to left turning vehicles where a vehicle indicating a left turn into the northern crossing point may be confused with making a turn into the southern crossing point. In such cases, a vehicle turning from CP 103 may misjudge the intent and proceed to turn right resulting in a side impact crash.
- Vehicles exiting one crossing place may have limited visibility due to a turning vehicle at another located in close proximity. The most significant visibility restriction in this case relates to a vehicle exiting the northern crossing point having its sight distance to the south masked by a vehicle waiting to turn right out of the southern crossing point. This situation has the potential to increase the risk for side impact crashes.

- From a safety perspective, increased separation between places of conflict is beneficial in maintaining safety on the network.

- 4.2 Given that the current location of northern crossing place( CP 102) being some 28 metres from the southern crossing place (CP 103) presents road safety issues as noted above, there is merit in increasing separation between crossing places. The proposed relocation of the northern crossing place (CP 102) some 93 metres to the north provides to increase that separation between the crossing places and would improve safety and efficiency especially with any future development of the site. This would then mean that the relocated crossing place would be located 114 to 126 metres south of the northern boundary of the property as shown in Attachment 1.
- 4.3 Based on the assessment by Urban Connection, it was found that relocating the crossing place (CP 102) would not impact on the operational and safety efficiency of Maraekakaho Road at this location and would work to improve it. Council officers support the proposed relocation and therefore recommend that the crossing place (CP 102) to Lots 2-5 DP 508218 at 1275 Maraekakaho Road be moved north so that it is 114 to 126 metres south of the northern boundary of the property (as shown in Attachment 1), be authorised.
- 4.4 With Maraekakaho Road from York Road to the State Highway 2 (SH2) Expressway being a Limited Access Road, the relocation of a crossing place providing access to adjacent properties, and in this case to Lots 2-5 DP 508218 at 1275 Maraekakaho Road, will need to be authorised by Council.

## 5.0 Options – Ngā Kōwhiringa

Option One - Recommended Option - Te Kōwhiringa Tuatahi – Te Kōwhiringa Tūtohunga

- 5.1 That Council authorise the relocation of a crossing place (CP 102) to Lots 2-5 DP 508218 at 1275 Maraekakaho Road.

Advantages

- It would provide for operational and safety efficiency on Maraekakaho Road in this vicinity and provide an access location which would better serve the site for future development.

Disadvantages

- There are no perceived disadvantages with this option.

Option Two – Status Quo - Te Kōwhiringa Tuarua – Te Āhuetanga o nāianeī

- 5.2 That Council does not authorise the relocation of a crossing place (CP 102) to Lots 2-5 DP 508218 at 1275 Maraekakaho Road.

Advantages

- There are no perceived advantages.

Disadvantages

- It could create operational and safety issues on Maraekakaho Road in this vicinity given another crossing place in close proximity.

## 6.0 Next steps – Te Anga Whakamua

- 6.1 If the relocation of the crossing place (CP 102) to Lots 2-5 DP508218 at 1275 Maraekakaho Road is authorised by Council, the property owner would be responsible for all costs associated with effecting legalisation of the additional crossing place on the property title.

## Attachments:

1↓ 1275 Maraekakaho Road Crossing Point 25/258

## Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

### Fit with purpose of Local Government - *E noho hāngai pū ai ki te Rangatōpū-ā-Rohe*

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

[Link to the Council's Community Outcomes](#) – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal promotes the wellbeing of communities in the present and for the future.

### Māori Impact Statement - *Te Tauākī Kaupapa Māori*

No specific implications for Māori.

### Sustainability - *Te Toitūtanga*

N/A

### Financial considerations - *Ngā Whakaarohanga Ahumoni*

If the relocation of the crossing place (CP 102) is authorised, there is no cost to Council as all costs for the legalisation of the relocation would be borne by the property owner of Lots 2-5 DP 508218 at 1275 Maraekakaho Road.

### Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This decision/report has been assessed under the Council's Significance and Engagement Policy as being of low significance.

### Consultation – internal and/or external - *Whakawhiti Whakaaro-ā-roto / ā-waho*

Given that this is an administrative matter between Council and the property owner, no consultation is required.

### Risks

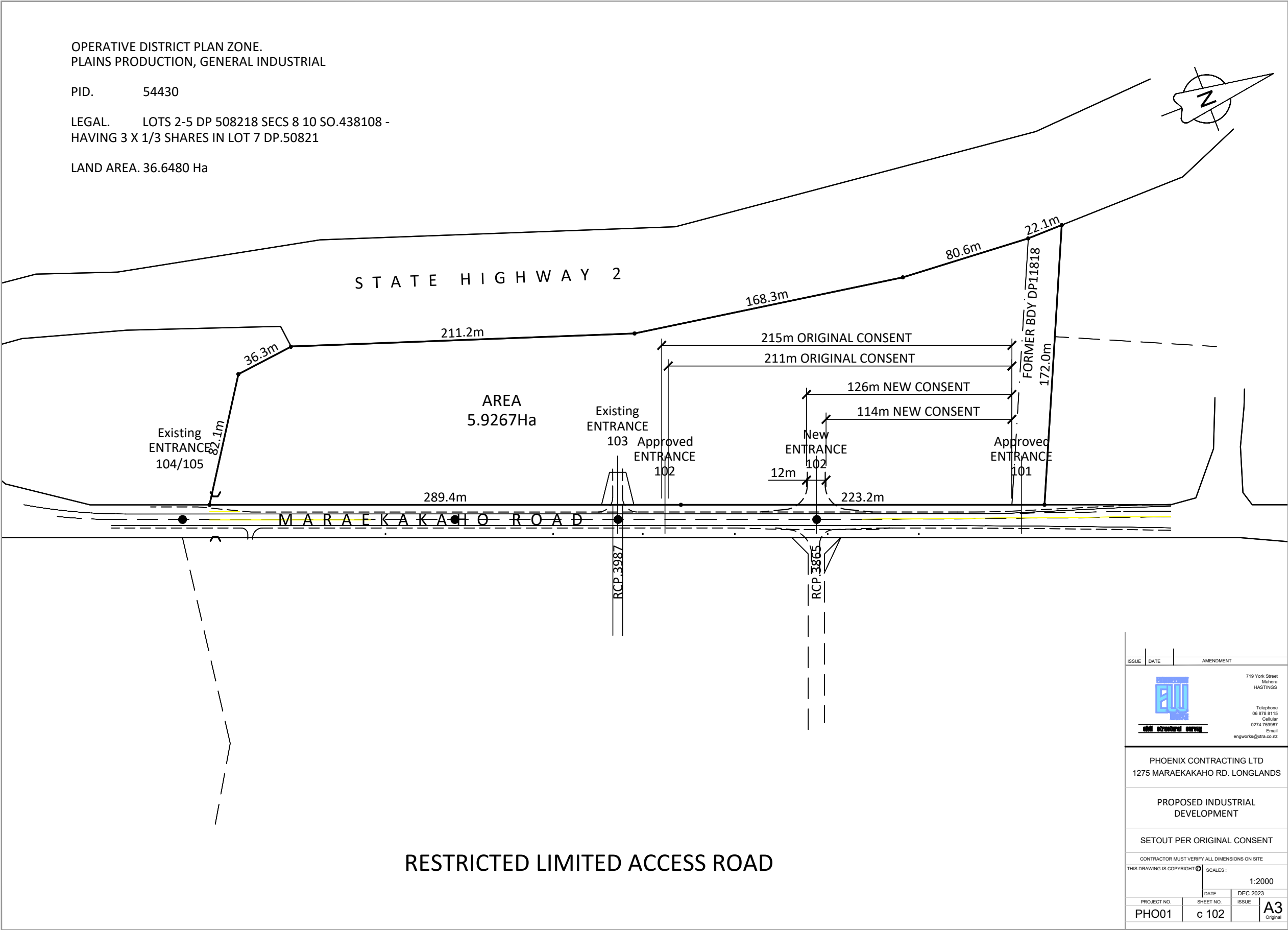
REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
The relocated crossing place (CP 102) for Lots 2-5 DP 508218 at 1275 Maraekakaho Road authorised pursuant to Section 346 of the Local Government Act 1974 would provide for safety and efficiency on Maraekakaho Road at this location.	There are no risks.

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**Rural Community Board** – *Te Poari Tuawhenua-ā-Hapori*

There are no implications for the Rural Community Board.

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Tuesday, 22 July 2025

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

*Te Rārangi Take*

# Report to Council

**Nā:**  
**From:** Louise Stettner, Manager, Democracy & Governance Services

**Te Take:**  
**Subject:** Proposed Amendments To Schedule Of Meetings

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

1.1 The purpose of this Report is to consider amendments to the schedule of Council and Committee Meetings for the 2024 Meetings Calendar which was adopted by Council on 7 November 2024.

1.2 The Local Government Act 2002, Schedule 7, Clause 19 states:

*“A local authority must hold meetings at the times and places that it appoints”.*

*If a local authority adopts a schedule of meetings-*

a) *The schedule-*

i) *may cover any future period that the local authority considers appropriate, and*

ii) *may be amended.*

*Although a local authority must hold the ordinary meetings appointed, it is competent for the authority at a meeting to amend the schedule of dates, times and number of meetings to enable the business of the Council to be managed in an effective way.*

1.3 It is proposed that the meeting schedule be amended as outlined in the Recommendations of this Report.

## 2.0 Recommendations - *Ngā Tūtohunga*

A) That Council receive the report titled Proposed Amendments To Schedule Of Meetings dated 22 July 2025.

B) That Council adopt changes to the 2025 Schedule of Meetings as follows:

<p>Wednesday, 13 August 2025 at 1.00pm</p> <p>Council Chamber</p>	<p>New meeting</p>	<p>District Planning &amp; Bylaws Subcommittee</p>
<p>Wednesday, 16 July – moved to Monday, 18 August at 10.30am</p> <p>Council Chamber</p>	<p>Postponement</p>	<p>HDC: Tangata Whenua Waste Joint Committee</p>

### Attachments:

There are no attachments for this report.

Tuesday, 22 July 2025

Item 10

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

*Te Rārangi Take*

# Report to Council

**Nā:**  
**From:** Rebecca Hill, Senior Environmental Planner - Policy

**Te Take:** Submissions on Proposed National Policy Statements and National  
**Subject:** Environmental Standards Changes and on the Freshwater  
Discussion Document

## 1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 This Report relates to submissions prepared by Officers on proposed changes to National Policy Statements, National Environmental Standards under the Resource Management Act, and on a discussion document on Freshwater that will inform resource management reform.
- 1.2 The purpose of this Report is to inform the Council of the submissions and seek the endorsement of the submissions on the proposed National Direction changes. The changes proposed are wide ranging and the issues traversed are of importance to the Hastings District.

## 2.0 Recommendations - *Ngā Tūtohunga*

- A) That Council receive the report titled Submissions on Proposed National Policy Statements and National Environmental Standards Changes and on the Freshwater Discussion Document dated 22 July 2025.
- B) That Council notes and endorses the submissions on the following National Direction instruments and discussion document.
  - i. National Policy Statement – Infrastructure (NPS-I)
  - ii. National Policy Statement – Natural Hazards (NPS-NH)
  - iii. National Environmental Standards – Granny Flats (Minor Residential Units) (NES-MRU)
  - iv. National Environmental Standards – Papakāinga (NES-P)
  - v. National Policy Statement – Renewable Electricity Generation (NPS-REG)
  - vi. National Policy Statement – Electricity Networks (NPS-EN)
  - vii. National Environmental Standards – Electricity Network Activities (NES-ENA)
  - viii. National Environmental Standards – Telecommunication Facilities (NES-TF)
  - ix. National Policy Statement – Highly Productive Land (NPS-HPL)

### 3.0 Background – *Te Horopaki*

- 3.1 The Government is seeking feedback on four consultation packages of National Direction. The consultation for the first three packages will run until Sunday 27 July and until 17 August for Package 4. This is likely the only opportunity to submit on Packages 1 and 2. Packages 3 and 4 are discussion documents inviting feedback on how Freshwater and Going for Housing Growth are managed under the new resource management legislation and therefore there will be further opportunities to submit.
- 3.2 The changes proposed in Packages 1 and 2 will not require immediate changes to District Plans as the Government is looking for “quick wins” prior to Phase 3 reform being the repeal and replacement of the Resource Management Act (RMA). These National Direction changes will however impact District Plan Changes (including private plan changes) which must give effect to National Direction and consenting decisions which must have regard to National Direction.
- 3.3 Following the consultation period, Ministry staff will make recommendations to the Minister, the Minister will make decisions and then changes to national directions will likely take effect before the end of 2025 or early 2026.
- 3.4 **Package 1: Infrastructure and development**  
The Government aims to make four new national direction instruments and amend four existing national direction instruments that relate to infrastructure and development.
- New National Policy Statement for Infrastructure
  - New National Policy Statement for Natural Hazards
  - New National Environmental Standards for Granny Flats (Minor Residential Units)
  - New National Environmental Standards for Papakāinga
  - Amendments to the National Policy Statement for Renewable Electricity Generation
  - Amendments to the National Policy Statement for Electricity Networks
  - Amendments to the National Environmental Standards for Electricity Network Activities
  - Amendments to the National Environmental Standards for Telecommunication Facilities
- 3.5 **Package 2: Primary sector**  
The Government aims to make changes to national direction instruments and change the quarrying and mining provisions in national direction for freshwater, indigenous biodiversity and highly productive land.
- Amendments to the National Environmental Standards for Marine Aquaculture
  - Amendments to the National Environmental Standards for Commercial Forestry
  - Amendments to the New Zealand Coastal Policy Statement
  - Amendments to the National Policy Statement for Highly Productive Land
  - Amendments to the Stock Exclusion Regulations
  - Amendments to the mining and quarrying provisions in:
    - National Policy Statement for Indigenous Biodiversity
    - National Policy Statement for Highly Productive Land
    - National Policy Statement for Freshwater Management
    - National Environmental Standards for Freshwater.
- 3.6 **Package 3: Freshwater**  
The Government is seeking feedback on options to amend freshwater national direction and on whether changes should be implemented under the existing RMA or under new resource

management legislation. Further consultation will be undertaken, later this year, through a more detailed exposure draft of the proposed freshwater national direction.

### 3.7 **Package 4: Going for Housing Growth**

The Government is also seeking feedback on how the proposals in the first pillar of the Going for Housing Growth programme could fit into the new resource management system. Pillar 1 aims to free up land for development and remove unnecessary planning barriers. This package will be the subject of a subsequent report to Council.

## 4.0 **Discussion – Te Matapakitanga**

### 4.1 **Package 1: Infrastructure and Development**

#### **New National Policy Statement for Infrastructure**

This proposal would see decision makers being required to recognise and provide for the benefits of infrastructure and to recognise the functional and operational need for infrastructure to be located in particular environments. NPS-I contains policies on managing the interface between infrastructure and other activities to protect infrastructure from reverse sensitivity effects. A broader definition of infrastructure has been used and includes social infrastructure e.g. schools, hospitals and parks. Infrastructure supporting activities like quarrying are also included. The proposed submission is in general support of the new NPS-I.

#### **New National Policy Statement for Natural Hazards**

The NPS-NH looks to imbed good practice around risk-based hazard assessment and proportionate management of seven natural hazards; flooding, landslips, coastal erosion, coastal inundation, active faults, liquefaction, and tsunamis. When assessing natural hazards local authorities must consider; likelihood, consequence, mitigation and residual risk. A matrix ranks likelihood and consequence with medium, high or very high risk being deemed a “significant hazard”. Development should be directed away from areas of high or very high risk and enabled in areas of low risk.

The proposed submission outlines our general support for National Direction for Natural Hazards but outlines significant concerns that the matrix settings are too low for hazards that have major and catastrophic consequences. The concern is that these settings will undermine current hazard planning and the future resilience of communities.

#### **New National Environmental Standards for Granny Flats (Minor Residential Units)**

The Government has committed to changing the Building Act 2004 to make it easier to build minor residential units requiring only an engineer’s report. This NES will allow these to be built without the need for a resource consent subject to permitted activity standards including maximum floor area of 70m<sup>2</sup>.

The proposed submission is in general support as our District Plan already provides for Minor Residential Units. The submission points relate to concerns around setbacks, vehicle access and natural hazards.

#### **New National Environmental Standards for Papakāinga**

The proposed NES-P is intended to enable papakāinga. The proposal permits papakāinga development (up to 10 homes) on Māori land subject to a set of standards. Certain non-residential activities are proposed to be permitted, including: commercial activities (of up to 100 square metres) and conservation activities, visitor accommodation for up to eight guests, educational and health facilities, sports and recreation activities and marae, urupā and māra kai. The proposal is for a resource consent process for a restricted discretionary activity to apply to other, smaller scale papakāinga that do not meet all the permitted activity standards, have between 11 and 30 residential units or that are proposed to be located on Treaty settlement land. The proposal is that a resource

consent process for a discretionary activity will apply to larger scale papakāinga developments of more than 30 residential units.

The proposed submission is in general support of the new NES-P, however a number of submission points have been made on the assessment criteria and standards e.g. setbacks.

#### **Amendments to the National Policy Statement for Renewable Electricity Generation**

The key proposed changes include; an objective that better recognises the critical role REG plays in society and the economy and the rapid increase in REG required to achieve climate emissions reductions, enabling and directive policies to better enable REG and protect existing REG assets, direction on recognising and providing for Māori interests, and policies to better enable REG while managing effects on the environment.

The proposed submission is in general support with submission points relating to the protection of Māori interests and Section 6 matters.

#### **Amendments to the National Policy Statement for Electricity Networks**

The proposal will include: an amended objective to recognise and provide for the national significance and benefits of the electricity network and electricity distribution network, amended and new policies to support route selection and manage environmental effects, a new policy to recognise and provide for tangata whenua interests, policy amendments to provide greater protection of electricity networks, updated references to the electric and magnetic fields international guidelines (from the currently referenced 1998 guidelines to the 2010 guidelines), alignment of the policy directions of the NPS-EN and the proposed National Environmental Standards for Electricity Network Activities (NES-ENA).

The proposed submission is in general support of the amended NPS-EN with submission points on protecting Māori rights and interest and hazard resilience.

#### **Amendments to the National Environmental Standards for Electricity Network Activities**

The proposed amendments are intended to: enable more routine work on the electricity transmission network in all environments, introduce new rules to protect the electricity transmission network based on the National Grid Corridor provisions, introduce new provisions for the electricity distribution network (ie, protection and routine works for the existing network, and construction of new distribution network assets), introduce new permitted activity standards for EV charging infrastructure.

The proposed submission is in general support with submission points on noise and height of structures.

#### **Amendments to the National Environmental Standards for Telecommunication Facilities**

The NES-TF enables installation of facilities without the need for resource consent whilst enabling local decision-making for environmentally significant areas e.g. outstanding landscape areas. The key factors requiring these changes are; changes in technology (e.g. bigger cabinets needed for more battery space for emergency resilience) and changes in the built environment (higher buildings means higher towers needed).

The proposed submission is in general support with submission points relating to the height of structures and temporary telecommunication facilities.

## **4.2 Package 2: Primary Sector**

### **Amendments to the National Environmental Standards for Marine Aquaculture**

This proposal makes it more enabling for replacement of structures, spat collection and reconsenting. No submission is recommended as these matters fall within the function of the regional council.

#### **Amendments to the National Environmental Standards for Commercial Forestry**

This proposal aims to create efficiencies in forestry operation and consent for example they are asking for feedback on requiring slash mobilisation risk assessments and/or requiring all slash above an identified size being removed from forest cutover. No submission is recommended as these matters primarily fall within the function of the regional council.

#### **Amendments to the New Zealand Coastal Policy Statement**

The proposed amendments are intended to: to better enable development of priority activities, recognise that priority activities may have a functional or operational need to be located in the coastal marine area, direct decision-makers to provide for aquaculture activities within aquaculture settlement areas, and give more recognition to the cultural and environmental benefits of aquaculture. No submission is recommended as these matters primarily fall within the function of the regional council.

#### **Amendments to the Stock Exclusion Regulations**

The proposal is to amend the requirement that all stock must be excluded from any natural wetlands that support a population of threatened species, so that it would not apply to non-intensively grazed beef cattle and deer. No submission is recommended as these matters fall within the function of the regional council.

#### **Amendments to the mining and quarrying provisions in:**

- National Policy Statement for Indigenous Biodiversity
- National Policy Statement for Highly Productive Land
- National Policy Statement for Freshwater Management
- National Environmental Standards for Freshwater.

These changes are designed to be more enabling for mining and quarrying and to achieve consistency across these instruments. No submission is recommended with comments included in the submission on NPS-HPL regarding quarrying and mining.

#### **Amendments to the National Policy Statement for Highly Productive Land**

The proposal is to amend the NPS-HPL to provide more opportunities for urban development while retaining the most agriculturally productive land for primary production.

The proposed amendments involve:

- removing LUC 3 land from NPS-HPL restrictions with immediate effect
- maintaining NPS-HPL restrictions on LUC 1 and 2 land
- testing alternative ways to continue to protect additional areas of agricultural land that are important for food and fibre production, and consulting on establishing special agriculture areas (SAAs) around key horticulture hubs like Pukekohe and Horowhenua
- extending timeframes for mapping of HPL to be completed within two to three years (2027 or 2028) or suspending requirements for mapping HPL until further direction is provided in the replacement resource management system.

Feedback from Councillors was sought to inform this submission which included maintaining restrictions on LUC1 and LUC2 land and maintaining restrictions over LUC3 land or introducing SAAs.

The proposed submission does not support the total removal of LUC3 land from NPS-HPL as it is ineffective in meeting the objective of enabling more opportunities for urban development whilst removing protections for a high proportion of HPL.

The proposed submission supports;

- a. Retaining LUC3 in NPS-HPL.
- b. Introducing Special Agricultural Areas with the Heretaunga Plains identified as a SAA.
- c. Retaining LUC3 in NPS-HPL but removing from urban rezoning decisions (Council led plan changes only).

The proposed submission does not support the deferment or suspension of mapping of HPL and supports retaining the requirement for HPL to be mapped by Regional Councils.

#### 4.3 Package 3: Freshwater

The Government is seeking feedback on options to amend freshwater national direction and on whether changes should be implemented under the existing RMA or under new resource management legislation.

Options to amend freshwater instruments:

- Rebalancing the NPS for Freshwater Management
  - Make it clear the freshwater management requires the balancing of multiple objectives, and that councils need to consider the cost impacts of meeting freshwater targets, and that long timeframes may be appropriate
  - Rebalance Te Mana o te Wai to reflect the importance of freshwater to all New Zealanders, and
  - Provide flexibility for how councils manage and monitor freshwater under the National Objectives Framework.
- Providing for domestic supply of commercial vegetable growing and water security.
- Amending activity-based controls in the NES for Freshwater:
  - Make changes to the requirements (including information requirements) under the synthetic nitrogen fertiliser regulations, and
  - Simplify the definition and restrictions in relation to wetlands and requirements for fish passage and culverts.
- Improving the protection of drinking water sources through mapping requirements.

Further consultation will be undertaken, later this year, through a more detailed exposure draft of the proposed freshwater national direction. The proposed submission focuses on the mapping requirements of drinking water sources.

### 5.0 Options – Ngā Kōwhiringa

Option One - Recommended Option - Te Kōwhiringa Tuatahi – Te Kōwhiringa Tūtohunga

5.1 Council notes the following submissions and endorses them.

- i) National Policy Statement – Infrastructure (NPS-I)
- ii) National Policy Statement – Natural Hazards (NPS-NH)
- iii) National Environmental Standards – Granny Flats (Minor Residential Units) (NES-MRU)
- iv) National Environmental Standards – Papakāinga (NES-P)
- v) National Policy Statement – Renewable Electricity Generation (NPS-REG)
- vi) National Policy Statement – Electricity Networks (NPS-EN)
- vii) National Environmental Standards – Electricity Network Activities (NES-ENA)
- viii) National Environmental Standards – Telecommunication Facilities (NES-TF)
- ix) National Policy Statement – Highly Productive Land (NPS-HPL)

## x) Package 3 - Freshwater

### 5.1.1 Advantages

- By submitting on these National Direction changes, Council is actively participating on issues that impact the District and can promote the interests of the District.
- The submissions are based on the expert advice of Council Officers.

### 5.1.2 Disadvantages

- There are no disadvantages identified.

Option Two – Status Quo - Te Kōwhiringa Tuarua – Te Āhuatanga o nāiane

## 5.2 Make no submission to the National Direction changes.

### 5.2.1 Advantages

- There are no advantages identified.

### 5.2.2 Disadvantages

- This option would see a lost opportunity to influence national planning instruments.

## 6.0 Next steps – *Te Anga Whakamua*

6.1 The submission will be sent to the Ministry for the Environment prior to 27 July.

6.2 A further report by the Growth and Development Team will be brought to Council with a submission on Package 4 Going for Housing Growth.

6.3 Council Officers will continue to engage with the Ministries and will bring back further opportunities to submit on resource management reform.

## Attachments:

- 1↓ Legislation, Bylaws & Standards - Acts & Statutes - CG-17-1-01678  
Resource Management Act - Amendments -  
National Direction Submission Packages 1 2 & 3-  
July 2025

# ***Submission***

**to the Ministry for the Environment**

***National Direction***

***Packages 1, 2 & 3***

*from*

***Hastings District Council***

***22 July 2025***

## **Contact Details**

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## **Address for Submission**

**National Direction Packages 1, 2 & 3**

Online Submission to:

**Ministry for the Environment**

**Submission due 27 July 2025**

## **Authority for Submission**

This submission is made on behalf of Hastings District Council under delegated authority by:

Nigel Bickle

**Chief Executive**

## **National Policy Statement - Infrastructure (NPS-I)**

Hastings District Council (HDC) generally support the intent of the Proposed National Policy Statement for Infrastructure (NPS-I) to recognise the benefits of infrastructure in resource management decisions. However, HDC have identified areas where clarification or refinement is necessary to ensure the NPS-I achieves its objectives.

### **Submission Points**

#### Definitions

1. D2 “Buffer” - Refine the definition of “buffer” to remove duplication and correct an omission, e.g. as follows:  
*an overlay, a specific control layer, or **rule** in a district plan (such as noise insulation requirements) used to manage the effects of activities that may be sensitive or incompatible with, or adversely affect, infrastructure activities, and may include restrictions on those activities or measures to manage the effects of infrastructure on those activities, ~~such as noise insulation.~~*
2. D20 a). A key component of urban growth is the management of stormwater, so its inclusion and broad definition is appropriate. It is sometimes necessary or desirable for stormwater attenuation or other stormwater management and treatment devices that support urban development to be located outside the urban boundary, whether adjacent or at some distance from (e.g. close to the discharge point). The definition of stormwater network needs to clarify that it is not necessary for urban stormwater infrastructure to located within urban areas. The definition should include “in, from or for” in D20 a), e.g. as follows:  
*a stormwater network: a) means the infrastructure and processes that— i. are used to collect, treat, drain, store, reuse, or discharge stormwater in, **from or for** an urban area; and*

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## **National Policy Statement - Natural Hazards (NPS-NH)**

### **Executive Summary**

1. The Hastings District Council (HDC) generally supports the proposed National Policy Statement for Natural Hazards (NPS-NH) insofar as it provides some support and guidance for consenting and plan changes matters relating to natural hazards but considers this could be significantly improved through more directive provisions, including implementation provisions, that provide a presumption that certain levels of risk should be avoided.
2. HDC has been a consistent and active proponent of clear national guidance on planning for natural hazards to support Council decision-making, including in its submission on the previous draft NPS, the Resource Management (Consenting and Other System Changes) Bill and in regular meetings and discussions with MfE staff. While HDC generally supports the NPS-NH it notes it is of limited assistance in terms of delivering clear direction.
3. HDC considers the settings in the matrix are contrary to expert advice and have the potential to undermine the current hazard planning work being undertaken and the future resilience of communities. The matrix in the NPS-NH should have the intersection of;
  - a. Catastrophic and Possible (2% to 1%) as Very High Risk and
  - b. Catastrophic and Unlikely (1% to 0.2%) as Very High Risk and
  - c. Major and Unlikely (1% to 0.2%) as High Risk.
4. HDC submits that:
  - a. Policy 2 Climate Change Timeframes should include clear direction on which SSP/RCP scenario(s) to use.
  - b. The definition of new development should be reviewed to explicitly refer to subdivision and cover change of use.
5. HDC requests that there be consultation on the drafting of this NPS as the precise wording used could have significant implications.

### **Clearer direction should be provided**

1. As currently drafted, the NPS-NH does not usefully add to the approach decision-makers are already required to take under the RMA, including under the new s 106A RMA.
2. Subject to the comments below about the setting in the Matrix, HDC considers the matrix useful so far as it goes, but there needs to be a direction, or at least a presumption, set as to the action required for risk levels, for instance:
  - a. Very high and high risk is avoided;
  - b. Medium risk is mitigated to a level where there is a high degree of confidence that risk levels are reduced to a low level.
3. Direction such as this would direct how the objective is given effect to. Without it, how the proposed objective should be given effect to is very unclear and will inevitably be the subject of argument, particularly what is intended by controls 'proportionate' to the level of risk.

### **Avoidance Approach / Mitigation Approach**

1. The avoidance approach should be preferred in the management of significant natural hazard risks. The NPS is the best instrument (until the replacement RMA) for "drawing a line in the sand" regarding what level of risk is considered unacceptable. This sets a clear expectation for future development and helps avoid the future cost of natural hazard remediation and recovery.

2. The avoidance approach should also be carried into the future RMA replacement legislation as well. It is noted that this proposed NPS is mainly aimed at resource consents and Plan Changes. Ideally the higher-level policy instruments should be the way in which activities are clearly avoided rather than at the resource consent stage.
3. The issue with the mitigation approach is that, while a dwelling is expected to last 50+ years, many mitigation measures may not. Drainage channels may become blocked, stopbanks may breach, and site-specific mitigation measures may require ongoing maintenance. There is no certainty that these measures will remain effective for the life of the building. It is often the Councils that are left to cover the costs of long-term natural hazard mitigation which in turn puts additional financial pressure on the ratepayers.
4. HDC requests an Implementation Section be included in the drafting of the NPS-NH.

#### **Matrix Settings**

1. The matrix settings in the proposed NPS-NH have the potential to undermine the natural hazard planning work currently underway in the Hastings District. In particular, risk of catastrophic damage should be classified as being of Very High risk up to a 0.2% event.
2. The Hastings District suffered catastrophic impacts in Cyclone Gabrielle with loss of life (eight deaths), extensive damage to buildings (151 homes settled through the voluntary buy-out scheme and two marae requiring resettlement through the Whenua Māori Pathway) and damage to land from extensive silt deposits. HDC is therefore very well placed to comment on the need for strong national direction and on the point at which intervention to avoid future risk is needed. The most affected areas are classified as Category Three which is land where *“future severe weather event risk cannot be sufficiently mitigated. In some cases, some current land uses may remain acceptable, while for others there is intolerable risk of injury or death”*.
3. These are areas that have effectively gone through a form of managed retreat with the Voluntary Buy-out Scheme and Whenua Māori Pathway seeing up to \$100 million being invested in this process by Government, HDC and Napier City Council. HDC does not want to see these efforts undermined given the financial burden they have placed on local ratepayers and on the country as a whole.
4. The Hawkes Bay Regional Council (HBRC) have commissioned updated hazard modelling for two of the worst affected areas, the Esk River (Esk Valley / Whirinaki) and Te Ngarue Stream (Tangoio), and HDC is currently considering planning controls that should apply within these areas. The NPS-NH will be applicable to this work.
5. With this work ongoing it is still undetermined what the likelihood level of a catastrophic event such as Cyclone Gabrielle would be, but it may well fall into the range of 1% to 0.2%. It is important to note that Cyclone Gabrielle is not the only catastrophic/major event to have impacted these catchments which have a frequent history of flooding. The 1938 flood was also catastrophic, with five other major floods in the intervening years including Cyclone Bola in 1988.
6. On the matrix in the proposed NPS-NH an area where a catastrophic event is 1% to 0.2%, is categorised as Medium Risk. Whilst this still falls into the proposed definition of being a “significant risk”(D1) it is not consistent with the Ministry for the Environment’s guidance documents for flooding and hazards. See Table 4 below from “Preparing for future flooding: A guide for local government in NZ” which sets an Unlikely Catastrophic event as Extreme (i.e. the highest level of risk).

Table 4: A risk assignment matrix for setting the level of risk, based on likelihood and consequence

		CONSEQUENCE RANKING				
		Insignificant	Minor	Moderate	Major	Catastrophic
LIKELIHOOD RATING	Almost certain	Moderate	High	Extreme	Extreme	Extreme
	Likely	Moderate	High	High	Extreme	Extreme
	Possible	Low	Moderate	High	Extreme	Extreme
	Unlikely	Low	Low	Moderate	High	Extreme
	Rare	Low	Low	Moderate	High	High

See Figure 3.2 below from “Natural-Hazard Risk-Assessment Process for Land-Use Planning in Aotearoa New Zealand” which sets an Unlikely Catastrophic event as Very High (i.e. the highest level of risk).

		Likelihood				
		Very Rare	Rare	Unlikely	Possible	Likely
Consequence	Catastrophic					
	Major					
	Moderate					
	Minor					
	Insignificant					

Key: Low Moderate High Very High Significant

Figure 3.2 Risk table.

- The terminology used in the proposed NPS-NH matrix to express likelihood could be misunderstood or misinterpreted. These ratings may be better labelled “Frequency/Likelihood Rating”. Particularly the word “unlikely” may be unhelpful which implies that such an event won’t happen and therefore shouldn’t be planned for. Terms such as very rare, rare, infrequent, occasional, intermittent, frequent, very frequent may better reflect the frequency/likelihood of a hazard event.
- Whilst it is acknowledged that the matrix is a minimum standard and that local authorities “may build on this definition to make it more comprehensive and risk averse...” it makes any plan change trying to direct hazard vulnerable activities away from these areas that much harder to justify.
- One of the recommendations of the HB Independent Flood Review was “...that district plans avoid unacceptable flood hazard risks, including, for example, through the use of prohibited activity rules”. Efforts to implement prohibited activity status could be undermined by a risk assignment of medium.
- NPS-NH should consider a longer planning horizon when it comes to natural hazard events that have catastrophic and major consequences. These are the areas that if developed will likely put lives at risk and require buy-out in the future.
- It is HDC’s submission that the matrix in the NPS-NH should have the intersection of;
  - Catastrophic and Possible (2% to 1%) as Very High Risk and
  - Catastrophic and Unlikely (1% to 0.2%) as Very High Risk and
  - Major and Unlikely (1% to 0.2%) as High Risk.

	Likelihood Level						
	Almost Certain	Very Likely	Likely	Possible	Unlikely	Rare	Very Rare
ARI (years)	up to 10	10-20	20-50	50-100	100-500	500-5000	> 5000
AEP	10% or more	10% to 5%	5% to 2%	2% to 1%	1% to 0.2%	0.2% to 0.02%	< 0.02%
Consequence Level	Catastrophic	Very High	Very High	Very High	High	Medium	Medium
	Major	Very High	Very High	High	High	Medium	Medium
	Moderate	High	High	High	Medium	Medium	Low
	Minor	Medium	Medium	Medium	Medium	Low	Low
	Negligible	Low	Low	Low	Low	Low	Low

### Climate Change Scenario

1. Direction on which Shared Socioeconomic Pathway / Representative Concentration Pathway scenario(s) should be used for hazard risk assessments is needed. This should be included in Policy 2 "Climate Change Timeframes" so that the policy specifies not only 100 years into the future but also which SSP/RCP scenario(s) to use.
2. Current direction is that multiple scenarios should be run which is costly and time consuming. Once these scenarios are run Councils are still left with the decision on which scenario to use in its planning decisions, and this decision can be challenged by other parties.

### Subdivision and New Development

1. HDC recommends that the NPS-NH more explicitly include subdivision in the NPS-NH. This could be achieved by either amending the definition of "new development" to include "the creation of new lots", or by adding a note that subdivision applications are subject to the same risk-based requirements (acknowledging that RMA section 106 already provides councils with powers to decline subdivisions with significant risk).
2. While we support the definition of "new development" in principle, the control on the extension or replacement of existing structures should be considered within the wider policy and RMA context. Rebuilding of existing structures, which often occurs after an event, could potentially fall within existing use rights, unless such rights are specifically extinguished through a plan change by the Regional Council. The estimated AEP is a moving and evolving figure, frequently revised as more data becomes available. This again creates scenarios where development previously considered acceptable may no longer be, resulting in administrative difficulties for those who have already invested in the dwelling.
3. Consideration should be given to including change of use. The definition of "new development" should be extended to include a new activity within an existing building e.g. conversion of a farm building to residential. This is particularly the case where land based primary production, which would include farm buildings, is excluded from the NPS-NH, so such buildings will not be captured when first constructed.
4. It is also unclear whether "significant risk" applies only to the site in question or is to be assessed in the context of the wider environment. While a single site may be significantly elevated to avoid, for example, flooding risks, such an event could still potentially cut off roads and services to that site, resulting in uninhabitable conditions that require wellbeing support.
5. It is recommended that the proposed NPS specifically state that resource consent decisions should not be based on the risks to that single site alone, but also considering the wider context as with any other policy decisions.

## **National Environmental Standards – Granny Flats (Minor Residential Units) (NES-MRU)**

Hastings District Council (HDC) supports the NES-MRU in principle; HDC itself already has a rule framework that permits 80m<sup>2</sup>-100m<sup>2</sup> 'supplementary residential buildings' in most of its residential and rural zones. However, HDC has concerns which are as follows.

### **Permitted activity standards**

#### *Setbacks*

HDC has concerns about the setback standards –

- 1) The side and rear setback standards proposed in the NES-MRU for rural zones are not sufficient to mitigate reverse sensitivity effects and may undermine the continued operation of land-based primary production, which is the primary purpose of these zones. The proposed 5-metre setback from rear and side boundaries is significantly less than the 15-metre setback generally required in the current Hastings District Plan. Larger setbacks are critical in rural environments to reduce conflict between residential and farming activities, such as noise, odour, spray drift, and the use of heavy machinery. Retaining appropriate separation distances helps protect productive land use and supports the long-term viability of the rural economy.
- 2) HDC is concerned that the proposed minimum setback standards in residential zones, particularly the uniform 2-metre setback from all boundaries, may undermine the urban design outcomes carefully developed through HDC's place-based planning framework. In particular, a 2-metre front setback is not considered appropriate in areas such as low-density character zones or coastal settlements where greater setbacks are integral to maintaining local character and amenity. To address this, HDC recommends a tiered setback approach that still supports national consistency while allowing for context-sensitive design. Specifically, HDC supports the 2-metre 'all around' setback standard in medium and high-density residential zones but proposes that a minimum front yard setback of 5 metres be applied in large lot, low-density, and general residential zones. Where a District Plan contains a more permissive setback standard, HDC recommends that this should continue to apply. This approach strikes a balance between providing national clarity and preserving important local urban design values.
- 3) The NES proposes a minimum separation distance of 2 metres between a Minor Residential Unit (MRU) and the principal residential unit. While Hastings District Council (HDC) supports this minimum, we recommend that a **maximum** separation distance also be established. In HDC's Plains Production Zone—an area characterised by highly productive soils—a maximum distance of 25 metres is currently applied. This provision helps discourage future subdivision and prevents further fragmentation of valuable soil resources. HDC recommends a similar approach be incorporated into the NES to support the protection of productive rural land.

### **Matters Council cannot apply to MRUs**

HDC object to not being able to apply access standards to granny flats / minor residential units (MRUs). The ability to manage access arrangements is essential to maintaining the safety, efficiency, and integrity of the local roading network. HDC proposes that, for consistency and simplicity, MRUs should be required to share a single vehicle accessway with the principal residential unit on the site. This approach minimises the number of individual vehicle crossings, reducing potential conflict points on local roads and supporting better traffic flow and safety outcomes—particularly in

residential areas where cumulative effects can be significant. In addition, shared access discourages the future subdivision of MRUs from the primary dwelling, which is important for protecting our soil resources in the rural zones.

#### **Scope**

HDC request that some additional provisions are included in the list where “other than as provided for in the NES, all other district and regional plan provisions are proposed to apply in relation to”. HDC requests that provisions related to relocatable buildings in particular are added to this list alongside noise and light provisions. This provides some consistency with the papakāinga provisions while also helping to manage known issues around amenity—particularly those that have arisen in the district from relocatable buildings. It ensures a consistent framework for regulating built form, appearance, and site integration.

#### **Natural Hazards**

HDC are concerned about the appropriate management of MRUs within areas prone to natural hazards especially if MRUs are also exempt from obtaining a building consent.

Additionally, HDC has a few natural hazard-related standards and rules that sit outside the Natural Hazards chapter of the District Plan—for example, minimum floor level requirements included within specific zone chapters. There is concern that these provisions may not be triggered or applied under the NES framework as currently proposed, potentially undermining the effectiveness of local hazard management and placing future residents and property at greater risk.

## **National Environmental Standards – Papakāinga (NES-P)**

Hastings District Council (HDC) generally support the intent of the Proposed National Environmental Standards for Papakāinga (NES-P) to provide an enabling and consistent framework for developing papakāinga across the country. The enabling framework is generally consistent with the Hastings District Plan.

However, HDC are concerned as to how all of the provisions will work in practice and have identified several areas where clarification, refinement, or additional safeguards are necessary to ensure the NES-P can meet its objectives.

### **General Comments**

1. HDC have always considered the primary objective of papakāinga is to allow Māori to live on their ancestral land and would encourage this objective to continue to be the primary driver to the national direction when these are drafted.
2. HDC support the expanded definition of Māori ancestral land that papakāinga can be located on. HDC just note that any expanded definition should be treated with caution and thoroughly tested. HDC continue to have concern of papakāinga provisions being utilised as more of a general development tool rather than supporting the aspirational desires of Māori to achieve greater connections with their whenua.
3. The relationship with the NPS-HPL needs to be clarified, especially where the development is on general land. The NPS-HPL currently only specifically provides for papakāinga development on specified Māori land (clause 3.9(2)(d)). HDC also request further clarification for restricted discretionary and non-residential activities.
4. HDC note that papakāinga on general title has not been referenced, HDC assumes that this is intentional, and the decision has been made that any development on general title is not considered papakāinga. Could you please confirm that this is the case? Assuming this is the case, HDC support this decision. A known issue is that when papakāinga is developed on general land, it can be difficult to ensure the land remains used as papakāinga for the life of the development. Māori land titles offer some inherent protections, but general titles can be on-sold or leased more easily—including through third-party actions such as mortgagee sales—regardless of the original applicant's intentions. HDC accept that this would be difficult to administer by TA's, particularly where they are new to papakāinga development. It will also provide opportunity to review or discuss our own provisions as part of future plan change assessments.

### **Definitions**

5. D13 Mātauranga is incorrect for its interpretation, and HDC recommends changing to **Mātauranga Māori**. Mātauranga alone is knowledge, which could refer to any knowledge. Mātauranga Māori is specifically Māori knowledge, and this definition is helpful: "The term Mātauranga Māori appeared in a letter from Sir Apirana Ngata published in the Māori newspaper 'Te Pipiwharauroa' in 1900. Sir Apirana defines Mātauranga Māori using symbolism strongly rooted within the Māori worldview of fishing and nets, and describes it as: "a modern term for a body of knowledge that was brought to these islands by Polynesian ancestors of present-day Māori. Here this body of knowledge grew according to life in Aotearoa and Te Wai Pounamu".

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**Permitted Activities**

6. HDC strongly supports PA1, particularly in regard to limited developments to only 10 dwellings as a permitted activity. HDC supports the enabling principle of PA1 but have always help concerns with the need to provide checks and balances for infrastructure and access requirements for larger developments. HDC considers PA1 adequately recognises these constraints.
7. The list in PA2 is extensive and very enabling. HDC notes that the title says ancillary, but the proposed provisions say directly associated. HDC would consider that better wording for PA2 would be 'ancillary' rather than 'directly associated'. Ancillary means that the residential activity is the primary driver for development, and the non-residential activities are there to support. HDC strongly urge careful consideration of how these non-residential activities will work in practice as allowing all on a site at one time could cause effects on rural character and any conflict with highly productive land.
8. HDC recommended putting greater limitations on the size of non-commercial activities and limited the scale to the residential activity onsite. This is the approach HDC have utilised for commercial and industrial activities within the Hastings District Plan.
9. The provisions would be strengthened with greater clarity or definitions around these ancillary activities particularly with visitor accommodation which is fundamentally a for-profit model contradiction. Paid visitor accommodation with cultural education or health facilities can create friction especially in marae based communities. Local examples of cultural commercial competition exist at Waimārama and Pōrangahau where papakāinga based accommodation, education and health facilities have taken commercial opportunities away from the hapū marae alongside enabling whānau to disassociate themselves from the main communal marae.
10. HDC have concerns with regard to PA4 in that a 50% building coverage in significantly greater density than what is permitted for any other activity in our rural productions zones, and HDC are concerned of the impact on rural character. In addition a 50% building coverage in rural zones is also an unrealistic target once servicing requirements are taken into account. This may lead to expectations for hapū that are unrealistic and unachievable. HDC's current papakāinga density requirements are 20%. HDC does support this building coverage in residential zones as this generally aligns with existing provisions and national direction.
11. The side and rear setback standards proposed in PAS2 for rural zones are not sufficient to mitigate reverse sensitivity effects and may undermine the continued operation of land-based primary production, which is the primary purpose of these zones. The proposed 3-metre setback from rear and side boundaries is less than the 5-metre setback generally required in the current Hastings District Plan which are already considered very enabling. Larger setbacks are critical in rural environments to reduce conflict between residential and farming activities, such as noise, odour, spray drift, and the use of heavy machinery. Retaining appropriate separation distances helps protect productive land use and supports the long-term viability of the rural economy.
12. The proposed boundary setbacks could raise issues especially where whānau are establishing papakāinga adjacent to horticulture or agriculture using sprays, or Sites of Significance to Māori, Urupā or Archaeology. Kāinga in pre-European times from archaeological assessment would not

put dwellings 1m from the palisade – 5-6 metres would be normal. However to have more than one whare with a 1.5m gap between them would be normal.

13. The front yard setbacks are also concerning in regard to managing traffic sightlines and mitigating noise effects on high speed rural roads. While HDC have not done an assessment on the effects this could cause, HDC generally do not see the necessity for such small setbacks where the majority of rural sites will not require such minimal setbacks. HDC are also concerned around possible effects on state highway movements and the general character of rural zones.
14. HDC are generally supportive of deferring to District Plan rules where appropriate. However, we consider that consistency with the granny flat provisions with a blanket regard to Section 6 matters may be appropriate. HDC also considers that traffic sightlines (in addition to access) and wastewater assessment should be added to this list. Finally, HDC note the concerns around specified lists, which may miss assessments specific to particular District Plans.

#### **Restricted Discretionary Activities**

15. The reasoning for RD1 does not match the provision. This is not related to the number of dwellings. HDC consider the matters of discretion are acceptable but consider the prioritisation of residential activities should be part of the matters of discretion.
16. In terms of RD2 and RDM2 HDC strongly consider that the matters of discretion should refer back to the individual plan matters for those activities. These have been through a robust public process and will address the specific concerns of those standards that have been breached. For example, if access standards of a particular plan are not complied with, there should be an assessment against the matters of discretion related to the specific standard.
17. HDC strongly support RD3. To strengthen the proposed provision, it would be good to see safeguards around the papakāinga tenancies and/or ownership being restricted to registered members of the PSGE. This is somewhat inferred in the reason 'The resource consent process will ensure that the development remains as papakāinga for the long-term'.
18. HDC have concerns with the wording around RD4, non-residential activities is not specific and could be any unspecified activity. While recognising they must be ancillary, HDC have concerns on how this could be interpreted. HDC recommends amending wording to relate this back to permitted activities and all other non-commercial activities that do not relate to the support of papakāinga should be removed from the national direction. There needs to be reinforcement that this legislation is simply enabling papakāinga development and no other activities.
19. HDC support the wording RD5 and RDM5 and consider similar wording would better suit to achieving the provisions RD4 and RDM4
20. It is difficult to determine the purpose of RD6 in that the zones that would be considered would only be Industrial, Commercial and special purpose zones. The associated matters of discretion do not align with this provision.
21. The matters of listed in RDM6 do not appear to correlate with either RD6 or RD7, these assessment criteria appear to be more in assessment of papakāinga on land other than Māori ancestral land. It is difficult to ascertain how these provisions relating to the significance of the

owners, alternative locations and historical barriers are relevant to the assessment of RD7 in particular, and the zones that may apply in RD6.

22. HDC considers that bullet points around scale of development may be detrimental to the enabling opportunities of RD7, for example, in rural zones, papakāinga of 11 to 30 are likely to be of a higher scale of development of the underlying zone. HDC are not sure if this is intentional, but HDC would not support this. One approach could be to consider whether the development is acceptable, not whether it is "significant." The current test of significance is vague and may lead to uncertainty or inconsistency in interpretation.
23. HDC support the discretion relating to building layout as well as safe and efficient access but consider there should also be discretion relating to 3 waters servicing of developments.
24. HDC consider that matters of discretion relating to Section 6 matters would be better considered under relevant District Plan provisions, as issues such as natural landscapes and natural hazards should take precedence over all papakāinga, rather than being a matter of discretion only for developments of 10+.
25. HDC consider the matter of discretion relating to 'the extent the site has special significance' to be too ambiguous. The special significance needs to be tied to Māori aspiration and ancestral rights, or similar concepts.
26. HDC suggest removing the words 'that is a taonga tuku iho to Māori'. These proposed provisions are good for discretionary decision making where the land may have wāhi tapu or archaeology and allows for working with whānau to shape their papakāinga appropriately alongside any other identified cultural effects on the property.
27. HDC has concerns in regard to RD8 in regard to the inclusion of rural industry. The rural production zone in Hastings has numerous forms of rural industry some of which may not require significant buffers, currently rural industry in Hastings requires a 15 metre setback from boundaries. HDC considers there being greater merit of controlling setbacks for both residential and rural industry provisions rather than a blanket assessment for anything that is adjacent.
28. In terms of intensive rural production, District Plans have existing provisions in terms of the reverse sensitivity effects for these activities. It is considered the IRPs should rely on District Plan provisions that have been through a robust planning process to determine their appropriateness. It is important to note that papakāinga development is still residential development, subject to the same reverse sensitivity effects as other residential developments. In terms of IRP's this will occasionally extend past the adjacent properties, particularly in terms of smell and noise.

## **National Policy Statement - Renewable Electricity Generation (NPS-REG)**

The Hastings District Council (HDC) recognises that an increase in renewable energy generation is required to support the country's emission reduction targets. HDC is generally supportive of these changes given the importance of REG to New Zealand and our past experiences of consenting large scale REG such as wind farms. Given the complexity and long consenting timeframes of REG, HDC is generally supportive of the proposed changes to make reconsenting, repowering and upgrading a simpler process.

### **Submission Points**

1. Regarding P1 – Policies related to Māori interests – HDC suggests a similar approach to the proposed wording is taken as is proposed in P3 of proposed amendments to NPS on Electricity Transmission 2008 especially the part about the applicant undertaking early and meaningful engagement with Tangata Whenua. From our experience Tangata Whenua can often be the most affected in large scale REG projects especially windfarms that are located on culturally sensitive mountains and ranges. Early engagement by the applicant is important to help avoid complex and controversial consenting processes and potential appeals.
2. HDC generally supports the principle that renewable energy generation activities that have an operational or functional need to be on a particular site are given more scope. However, it considers that there is some potential for important matters relating to Section 6 of the Act to fall through the cracks as a result of the current proposed wording of Policy P2.
3. The new policy includes wording to ensure that adverse effects on environmental values not in Section 6 of the RMA are to be taken into account. For matters that are listed in Section 6 or in National Direction these are to be continued to be managed using existing National Direction, regional policy statements and regional and district plans. The overall intent of the amendments is supported to ensure that the country can better address the climate change targets. However, the need for Section 6 values to rely on national direction or being written into the regional or district plan creates a level of uncertainty, particularly with regard to cultural sites and landscapes. This could have implications for wāhi taonga sites that are not listed in a district plan. It is uncertain whether the new Policy P1 which relates to giving direction to decision makers on how to provide for Māori interests in renewable electricity generation, would cover consideration of the adverse effects on cultural sites and landscapes. A greater degree of clarity on this matter should be provided.
4. It is submitted that the wording used in Policy P3 under the amended NPS-EN would clarify this.  
*(c) Avoiding where practicable, or otherwise mitigating, the adverse effects of EN (REG) activities on sites of significance to Māori.*

## **National Policy Statement – Electricity Networks (NPS-EN)**

The Hastings District Council (HDC) generally supports the changes to the objectives and policies of the NPS-EN to reflect the importance of the electricity network in the decarbonisation and electrification of the economy. HDC is generally supportive of these changes especially where it relates to the distribution of REG generated electricity. In the case of windfarms, the locations are often remote and hard to access so the distribution of electricity needs to be readily provided for from a policy perspective. HDC is generally supportive of the proposal to make routine EN activities on existing assets to occur in a timely and efficient way without restriction.

Council also supports the changes to the definitions to bring them into line with those in the National Planning Standards.

### **Submission Points**

1. Regarding D14 NZECP 34:2001 and new definition relating to New Zealand Code of Practice of Electrical Safe Distances (2001). The reasoning statement in the column in Attachment 1.3 seeks feedback on whether the RMA is the best place to enforce these provisions. It is considered that where an activity was not able to comply with this Code of Practice it would be unlikely that Councils would have in house expertise to consider whether this is acceptable or not. For this reason, it may be best that another entity (with appropriate in-house expertise) manages the compliance with these provisions.
2. Regarding - P3 Policies relating to Maori rights and interests – HDC is supportive of applicants undertaking early and meaningful engagement with tangata whenua. We agree that this is often the stage at which the most effective changes to route/site selection can be made especially where needed to avoid culturally sensitive areas.
3. Policy P4 1 (c) requires decision makers to have regard to the extent to which any adverse effects have been avoided, remedied or mitigated by the route, site and method selection. There should also be an extended evaluation looking at alternative sites when the location is affected by Section 6 matters.
4. Policy 5 amend c) *Recognise that changes in amenity from EN activities ~~are~~ may be unavoidable and necessary to achieve an effective, efficient, safe, secure, reliable and resilient EN.*
5. Add new matter d) below c) and renumber subsequent matters.  
*Recognise that open space area classified under the Reserves Act have environmental and cultural values that extend beyond those of amenity and incorporate those values into the design process for infrastructure.*
6. New Policy 7 addresses only a subset of Section 6 RMA values. It would be useful to ensure that the natural hazards matter (Section 6h) is included to prevent the siting of activities in areas subject to natural hazard. The location of the Redcliffe Substation in close proximity to the river, created a major issue for the community during Cyclone Gabrielle.
7. As for the point made above avoidance of sites subject to natural hazards should be included within Policy P9 (new development within the urban environment).
8. Policy P10 – requires the local authority to identify assets for the Electricity Network whether they are designated or not. There is no suggestion in the NPS that identification must be within District Plans and it is presumed that this could be within the Council's Property Information system. This would allow for changes/updates to be made without the need to go through Schedule 1 plan change procedures under the Act. It is submitted that the identification of assets for the Electricity Distribution Network should only be required for those above a certain threshold of asset so that Council does not have to identify smaller facilities such as those that are able to be located in the road reserve. Those that are of a size required to be located off the

road reserve should be identified. It is also suggested that there should be minimum requirements on the EDN assets that must be identified so that there is a level of consistency.

9. Also for consistency the buffer corridor provisions should also apply to the 110kv high voltage lines operated by the electricity distribution network.

## **National Environmental Standards – Electricity Network Activities (NES-ENA)**

### **Submission Points**

1. Regulation 4  
HDC are supportive of the NES clearly outlining the roles and responsibilities of regional and territorial authorities.
2. Regulation 6  
The inclusion of operational noise standards from transmission line operating at or above 220kv is supported.
3. Regulation 12  
It is proposed to remove the references to visual and landscape effects as one of the matters of control, as it is considered that undergrounding does not typically result in and adverse visual or landscape effects. This should be retained as there can be adverse visual effects relating to the restoration of the ground.
4. Regulation 14  
The increase in the permitted height threshold from 15% to 25% raises concerns as to the cumulative effects of this rule over time. The rule should be prefaced with “up to a maximum height of ...”
5. Regulation 23  
Removal of signage controls is not supported. There need to be conditions on the purpose of the signs, and signs can still have a visual impact (particularly in a rural environment) despite the size of the structure on which they may be located.
6. Regulation 30 and 31  
Feedback sought about proposed written notice approach. Rather than the written notice approach, the retention of all the existing permitted activity conditions is preferred. Alternatively, the second bullet point of limiting amount of clearance that can be undertaken as permitted activity (area thresholds, limiting clearance to within 2m of an existing access track etc). The management plan approach would be considered too cumbersome.
7. Regulation 33  
The adoption of a Management Plan approach to earthworks would be supported as along as it includes reference to cultural heritage/landscapes and was prepared by a suitably qualified person.
8. R10  
New lines are not to be located within a natural area or historic heritage place or area, but this should also be expanded to include outstanding natural and cultural landscapes.  
New EDN assets provide for new poles at 30m in height and towers at 15m in height. The district plan height provisions for the rule zone for an industrial activity including frost protection fans is 15m. A doubling of this height for poles is considered significant. It is also noted that Reg 27(5) of the NES-Telecommunication Facilities proposes a maximum height of 35m for poles. Whatever figure is arrived at there should be consistency between the NES-ET and the NES-TF. Sizing of cabinets within the land transport corridor is proposed at 1.8m tall and 6m<sup>2</sup> in area. Feedback is being sought on the appropriate height and area thresholds and our submission would be that 1.8m is the height of a standard residential fence so ideally it should be lower, at say 1.5m high with 6m<sup>2</sup> being an appropriate area threshold.
9. R16  
Stand-alone EV Charging facilities are permitted provided that they are not located in a residential zone, natural area, or historic heritage item or setting. This should be extended to

**Item 10 Submissions on Proposed National Policy Statements and National Environmental Standards Changes and on the Freshwater Discussion Document**

**Legislation, Bylaws & Standards - Acts & Statutes - Resource Management Act - Amendments - National Direction Submission Packages 1 2 & 3- July 2025**

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**Attachment 1**

include land identified as highly productive under the NPS-HPL to ensure that there is no argument as to which national planning document has greater weight. Caution needs to be applied in Rural Zones as to prevent the provisions EV charging being a 'backdoor' way to establish large commercial/industrial activities that would not otherwise comply with the District Plan rules.

## **National Environmental Standards – Telecommunication Facilities (NES-TF)**

The Hastings District Council is generally supportive of the current NES and having a national set of rules for these types of activities. HDC have observed a number of occasions where community concerns have been raised around the 'perceived' adverse health effects of mobile phone infrastructure (antennas and towers, introduction of 5G). HDC consider it very important that there is a national set of rules that control such things as generation of radio frequency fields. Territorial authorities generally do not have the in-house expertise to assess the health effects associated with these types of emissions. It would be cost prohibitive for Councils to set these sorts of standards for complex and technical matters.

HDC is generally supportive of the increase in permitted activity standards where they are required to achieve operational requirements of telecommunications. This will help avoid resource consents which often do not add much value given the low activity status and the perceived 'veto' power that some members of the community feel they enable.

HDC is supportive of the changes to better provide for temporary telecommunication facilities especially when they are required during or after an emergency event (such as Cyclone Gabrielle).

### **Submission Points**

1. Reg 20(3)(a) height and area of cabinets not servicing antenna.  
It is proposed to increase the height of the cabinets in a road reserve adjacent to a residential zone from 1.8 metres to 2.0 metres and the footprint from 1.4m<sup>2</sup> to 2.0m<sup>2</sup>. The reasoning behind this is that bigger equipment is required to support new technologies. The height of fences permitted by the district plan in the residential zone is 1.8m and it therefore submitted that the maximum height not be increased but that the floor area could be increased further to provide the required capacity. A key element will be to ensure that these are located such that they are placed to minimise the potential for damage or harm and where this is not possible, they should be protected accordingly, while also noting that they should not be placed that impacts on general accessibility and safety for road users e.g. pedestrians and visibility at intersections.
2. Reg 27(5) and 29(4) on pole heights for new or existing poles in the road reserve.  
It is proposed to increase the pole height from 25m to 35m in the rural zones. This is a significant increase and is justified on the basis of overcoming topography and overgrown trees and shelter belts. It is noted that maximum height proposed for poles in the NES-EN for the electricity distribution network is 30m and it submitted that a consistent approach to pole height would provide a greater level of certainty. Where co-location of facilities is proposed the height could be increased to 35m.
3. Reg 35(2).  
Support the initiative for the co-location of facilities on a pole thereby reducing effects and making it less costly on providers.
4. New Regulated Activity 1 – Temporary telecommunication activities.  
The introduction of a permitted activity status for a temporary telecommunication facility with specified timeframes is supported to ensure these can be established as quickly as possible in the event of an emergency response. A key element will be to ensure that these are located such that they are placed to minimise the potential for damage or harm and where this is not possible, they should be protected accordingly, while also noting that they should not be placed

that impacts on general accessibility and safety for road users e.g. pedestrians and visibility at intersections.

5. Regs 44-52 Temporary telecommunications facilities in an emergency.  
Provision is to be allowed in areas identified as being of special, natural heritage, significance and while this is not opposed there should be a condition that requires the local authority and mana whenua to be advised in advance.

## **National Policy Statement - Highly Productive Land (HPL)**

The Hastings District and in particular the Heretaunga Plains is an important area of highly productive land for the region and New Zealand. Hastings is renowned for its cropping, horticulture and viticulture. This bounty is supported by LUC1, 2 and 3 soils as well as soils of unique characteristics suited to wine growing such as the Gimblett Gravels.

HDC understands the amendments to the NPS-HPL, specifically the removal of LUC3 from the definition of 'highly productive land', are proposed to better enable the provision of housing. HDC agrees with the outcome sought but considers housing outcomes could be better achieved by different amendments to the NPS-HPL which would avoid unduly compromising the protection of productive land.

In summary, HDC's submission is:

- As a first preference, retain LUC3 within the interim definition of 'highly productive land'; but
- If LUC3 is to be removed from the definition then:
  - o This should apply only for the purposes of Council-initiated plan changes (excluding private plan changes);
  - o The Heretaunga Plains should be identified as a Special Agricultural Area;
  - o LUC3 should not be removed from the definition until Special Agricultural Areas have been defined, to avoid these being compromised in the interim.

### **Submission Points**

#### **Removal of LUC3**

1. The Hastings District Council (HDC) submits that the objective of the amendments, being to provide more opportunities for urban development while retaining the most agriculturally productive land for primary production, would be better achieved through one of the other options considered through the Interim Regulatory Impact Statement.
  - a. Retain LUC3 in NPS-HPL.
  - b. Introduce Special Agricultural Areas.
  - c. Retain LUC3 in NPS-HPL but remove from urban rezoning decisions (Council led plan changes only).
2. Removing LUC3 from NPS-HPL goes far beyond the objective of providing more opportunities for urban development and opens up this highly productive land to be lost to other types of development e.g. rural lifestyle.
3. One of the reasons for the removal of LUC 3 is 'to enable more urban greenfield development with immediate effect'. Hastings (the largest urban centre of the District) is surrounded by primarily LUC 1 and 2 land. There are large areas of LUC 3 to the west (approx. 3-5km) of Hastings but these are separated by extensive areas of LUC 1 and 2. For this reason removing LUC 3 from the definition is unlikely to result in more urban greenfield development in the Hastings context.

#### **Special Agricultural Areas**

1. Introducing Special Agricultural Areas (SAAs) would likely be more complicated than the simpler option of retaining LUC3 or rewording the NPS to allow Council led urban development plan changes. It would likely need the development of criteria, use of a central

government or Schedule 1 process, and transitional provisions to protect LUC3 whilst a SAA could be established.

2. Due to the administrative difficulties outlined above this is not HDC's preferred option however, if the decision is made to remove LUC3 and proceed with SAAs, HDC requests that consideration be given to the Heretaunga Plains as a SAA. Council believes the Heretaunga Plains is a prime candidate for designation as a SAA due to its exceptional natural resources and economic importance to the region and New Zealand.
3. LUC3 should remain defined as highly productive land for the purposes of the NPS-HPL until SAAs have been identified. This will avoid such areas being compromised in the period between amendment of the NPS-HPL and the establishment of SAAs.

#### Mapping

1. HDC acknowledge's that the current LUC data (developed at 1:50,000 scale) does not always correspond to a site-specific application. There are areas in Hastings where there is no LUC classification at all such as on the edges of the large rivers. This is despite the land containing land based primary production activities such as orchards or vineyards.
2. However, HDC have also experienced a large variance in the quality of site specific assessments that seek to ground truth at closer scale the actual LUC of a site. HDC consider that a large-scale mapping exercise to define the highly productive land is still very important. Without this there is the potential for ad hoc assessments to be made to try and carve out small areas of land at the time of resource consent applications. There is the potential that over time these carve outs result in a patch work of highly productive land that would undermine the collective benefit of the resource. HDC acknowledges that a large-scale mapping exercise would take time, money and resources however given the finite nature of the productive land resource it should still occur.

#### Mining and Quarrying

1. HDC is unclear as to the benefits (quality of extracted material) of the changes proposed versus the costs (loss of HPL). If LUC 3 is removed then the NPS-HPL will only comprise of LUC 1 and 2. The soil characteristics of LUC 1 and 2 would not lend themselves to the gravel being used in infrastructure and housing. In the past HDC has received proposals for companies to extract gravel aggregate from areas of LUC 7 but this is only because LUC 7 comprises high levels of gravel to make it feasible. The end uses of these types of extracted material were construction (concrete) and building foundations. Given LUC 1 and 2 is such a finite resource HDC cannot see the justification or logic in more readily providing for quarrying and mining activities in those LUC categories.
2. In addition, in HDC's experience the natural processes (e.g. alluvial flooding) that have created LUC 1 and 2 occur over hundreds and thousands of years. Once an area of LUC 1 and 2 has been disturbed by activities such as mining and quarrying it would be very hard or impossible to recreate the soil qualities of the original ground. This would result in an area of land that would no longer be highly productive and therefore would likely be prone to further non-productive activities establishing such as commercial and industrial. These types of activities are often not compatible with the surrounding rural areas from a reverse sensitivity and servicing perspective.

#### Submission Summary

1. HDC does not support the removal of LUC3 land from NPS-HPL. This option does little to meet the objective of enabling more opportunities for urban development whilst removing protections for a high proportion of HPL.

2. HDC supports;
  - a. Retaining LUC3 in NPS-HPL.
  - b. Introducing Special Agricultural Areas with the Heretaunga Plains identified as a SAA whilst retaining LUC3 within the definition until such areas are appropriately protected to avoid them being compromised in the interim.
  - c. Remove LUC3 only for certain purposes, e.g. Council-initiated plan changes. LUC3 should still be defined as HPL for private plan changes, development or subdivision (including lifestyle subdivision).
3. HDC does not support the deferment or suspension of mapping of HPL.
4. HDC supports retaining the requirement for HPL to be mapped by Regional Councils.

## **Package 3 - Freshwater**

### **National Policy Statement for Freshwater Management - Mapping Requirements for Drinking Water Sources**

#### Executive Summary

HDC supports measures to improve the management of risks to source water of drinking water supplies. HDC has been involved in regional work and national discussions as to how to improve source water management since the Havelock North drinking water contamination event and the subsequent Board of Inquiry findings regarding the shortcomings of the National Environmental Standard for Sources of Human Drinking Water (NES-DW).

HDC is a member of the Hawke's Bay Drinking Water Governance Joint Committee (the "Committee")<sup>1</sup> which was established during the Inquiry into the Havelock North Drinking Water Contamination Event. The purpose of the Committee was to strengthen relationships, collaboration and information sharing pertaining to drinking water. It provided oversight to the Joint Working Group, which was tasked with the implementation of recommendations from the Inquiry Panel and then the implementation of the ongoing work plan adopted by the Committee, to ensure safe drinking water across the region. This work has included submissions to national proposals as well as development of regional plan provisions for source water mapping and policies and rules to regulate activities within source protection areas<sup>2</sup>.

HDC supports the current proposal to map Source Water Risk Management Areas (SWRMA) but submits that the proposal will not be sufficient to improve management of source water risks and safety of drinking water without improvement as set out in this submission. In summary, the current proposal should be improved by:

- Requiring mapping of SWRMA to be undertaken collaboratively with water suppliers and health authorities, and with reference to the water supplier's Source Water Risk Management Plan (SWRMP).
- Amending the National Environmental Standards for Sources of Human Drinking Water to remove the conflict between the mapped SWRMAs and the NES-DW which refers only to activities 'upstream' of abstraction points.
- Prioritising review and replacement of the NES-DW with a national standard that addresses the shortcomings of the current NES as identified by the Board of Inquiry and for this standard to be introduced as soon as possible after mapping of SWRMAs.

#### Mapping of SWRMAs

HDC supports the proposal to map SWRMAs and for those maps to be publicly available.

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1 In August 2021 the Committee resolved to place the Hawke's Bay Drinking Water Governance Joint Committee into abeyance with governance oversight of drinking water safety being transferred to the Regional Leaders' Forum.

2 Regional Plan Change 9, known as the TANK (Tūtaekurī, Ahuriri, Ngaruroro and Karamu catchments) Plan Change. The Plan Change has been heard; decisions version issued; and has been the subject of Environment Court mediation over the last two years.

The current proposal is for regional councils to undertake the mapping and, it is assumed, for this to be based on the technical guidance previously consulted on by Ministry for the Environment<sup>3</sup>.

HDC submits that water suppliers need to have an active role in the delineation of SWRMAs. The mapping of SWRMAs should not be undertaken solely by regional councils and needs to be undertaken in a way which recognises source water areas developed by water suppliers in accordance with their obligations under the Water Services Act, and taking into account the risks identified in the water supplier's Source Water Risk Management Plans (SWRMP).

Through HDC's involvement in the Hawke's Bay Regional Plan Change 9 (TANK Plan Change) process, we have seen examples of mapping based on technical modelling result in limited source protection areas identified in the area of our largest supply borefield. For HDC, the risks associated with this borefield were significant and the SWRMA identified by Regional Council did not adequately account for the risks which we had identified in our SWRMP. HDC submits that mapping of SWRMA must be a combination of mapping based on modelling or best available data, and then adjusted as appropriate to ensure risks are able to be appropriately managed. This requires the involvement of the water supplier who is best placed to inform consideration of the nature and scale of risks to safe drinking water. Such an approach would be consistent with the Board of Inquiry's Six Fundamental Principles of Drinking Water Stafety, particularly Principle 2 '*Protection of Source Water is of Paramount Importance*' and Principle 5 '*Suppliers must own the safety of drinking water*'.

HDC consider this can be achieved by including policy provisions which require the regional council to, when developing the SWRMA maps:

- have particular regard to the risks to the water supply as identified by the water supplier in their SWRMP, and to any mapping undertaken by the water supplier in their SWRMP.
- engage with the water supplier as to the adequacy and appropriateness of the SWMRAs and take into account any feedback received from the water supplier.

HDC supports the proposal to prioritise the mapping of SWRMAs with priority first to 'the largest and most under-pressure sources first'. It is unclear what is meant by the 'most under-pressure sources' and clarity on this definition will be required. HDC also notes that often mapping is undertaken on a region or catchment wide basis. It is likely that a catchment which has a large supply requiring prioritisation of mapping may also have several small supplies within it. This is the case for the Heretaunga Plains Aquifer from which Hastings and Napier draw their drinking water. There are two large supplies (Hastings and Napier supplies both serving over 60,000 people each) but HDC also has supplies serving Waipatu (30 persons), Whakatū (353 persons), Clive (1,049 persons) and Omāhu (123 persons). It would be an efficient use of resources to require that, if a regional or catchment modelling exercise is being undertaken to map the larger supplies, the smaller supplies also be mapped at that time.

HDC supports the 5-year timeframe for completion of the mapping of SWRMAs proposed given the current reform processes across the RMA and water sectors. HDC notes that this will mean that it will be approximately 15 years since the Havelock North contamination event before SWRMA mapping is completed, and that activity regulation to manage risks within the source water areas will then still be required to be enacted. The Board of Inquiry recommended that the NES-DW

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3 [Technical Guidelines for Drinking Water Source Protection Zones](#)

review and replacement be progressed as a matter of high-priority. For this reason, HDC would not support any further extension to the timeframe beyond the proposed 5-years.

HDC supports the three SWRMA areas and considers one zone to be insufficient. The three SWRMA areas will enable activity controls to be targeted to the appropriate risk level to achieve an appropriate balance for activity controls and management of risks.

HDC assumes that the three SWRMA areas are to be defined generally as per previous Ministry for the Environment proposals and associated technical guidance. HDC therefore reiterates our previous submissions on this matter as follows:

- SWRMA1 for groundwater should not be limited to 5 m radius around boreheads. The earlier consultation material provided by MfE stated the SWMRA1 size had been chosen as it is considered to be “workable”. HDC submits that “workable” is not consistent with the fundamental principles of safe drinking water, and that delineation of SWRMA1 needs to be undertaken in accordance with technical guidance.
- HDC does not support previous proposals to restrict groundwater SWRMA2 to no more than 2.5 km and “the land area above”. This is inappropriate and will mean that some high-risk activities within the 1-year travel time and / or sub-surface activities (e.g. underground storage tanks, piling / drilling) may not able to be managed appropriately.

HDC supports the proposal to make the SWRMAs publicly available and considers that this is essential given the non-regulatory status of the mapped areas. The requirement for the SWRMAs to be public should also require that they be easily accessible to the public; be in a format that allows easy property level identification within the SWRMAs; and provide easy links to additional information (e.g. population supplied, water supplier details and SWRMPs).

NES-DW definition of 'upstream' must be amended

HDC acknowledges that there is no current proposal to amend the NES-DW. HDC submits that, without an interim amendment to the NES-DW as detailed below, there is a high risk of inconsistency between the mapped SWRMA areas and the NES-DW.

The NES-DW regulates activities which are 'upstream' of an abstraction point. The Board of Inquiry, in its Stage 2 report (paragraphs 640-641), identified problems with this definition including that '*it is not naturally applied to a groundwater source*', and that activities down-gradient of a groundwater abstraction source can impact on the source water. Further, 'upstream' can '*potentially cover a large area, some of which may be too distant, or otherwise not connected enough with the abstraction point to be relevant to managing the risks posed to a drinking water source*'. That is, it is both inadequate for appropriately managing risks, particularly with respect to groundwater, and overreaches in that it may also encompass large areas which do not present a risk to source water.

Ministry for the Environment's previous consultation on delineating SWRMAs (March 2022) proposed that the SWRMA1 (highest risk area) for surface water abstractions would include an area extending 100 downstream of an intake. This is an example of where the mapped SWRMA would conflict with the NES-DW.

HDC therefore submits that, as an interim step until a new NES-DW is introduced with appropriate activity controls and regulations for SWRMAs, the NES-DW definition of 'upstream' be amended as set out below and that this amendment be undertaken as part of the current suite of changes to RMA national direction.

*upstream, in relation to an abstraction point, means—*

- (1) all areas of the SWRMA for the water supply where this is mapped in accordance with the National Policy Statement for Freshwater Management, or:*
- (2) If a SWRMA for the water supply has not been mapped in accordance with the National Policy Statement for Freshwater Management:*
  - (a) in the case of surface water (other than a lake), upstream of the abstraction point:*
  - (b) in the case of groundwater, up-gradient of the abstraction point:*
  - (c) in the case of a lake,—*
    - (i) anywhere within the lake that could affect the water quality at the abstraction point (in the lake):*
    - (ii) upstream of any river that could affect the water quality at the abstraction point (in the lake):*
    - (iii) up-gradient of any groundwater that could affect the water quality at the abstraction point (in the lake).*

#### Population Thresholds

HDC supports lowering the population threshold for supplies which require SWRMAs to be mapped, including removing the population threshold such that SWRMAs are mapped for all registered water supplies irrespective of size. To do so is consistent with the approach adopted in the Water Services Act that all persons are entitled to rely on safe drinking water irrespective of the size of the water supply that they rely upon. Not protecting small supplies would result in the imposition of higher treatment costs on smaller communities with less ability to fund more advanced treatment.

The above notwithstanding, HDC recognises that there has been some discussion of raising the population threshold for requiring registration under the Water Services Act to 25 persons. HDC submits that the population threshold for mapping of SWRMAs should be aligned with the population threshold for registration under the Water Services Act.

#### Activity Controls

HDC acknowledges that the current proposals are limited to mapping of SWRMAs only. HDC submits that mapping alone does not address or improve the management of source water risks and therefore the benefits of the current proposal suggested in the discussion document and the Regulatory Impact Statement are significantly overstated.

In the absence of activity controls being introduced via a new NES-DW or alternative mechanism, the short-comings of the current regulation for source protection that were identified by the Board of Inquiry will not be addressed. These include, as summarised in MfE's 2022 discussion document on this subject<sup>4</sup>:

- Regulations 7 and 8 are limited to water and discharge permits, which do not allow other activities that could impact source water to be considered. In particular, land-use activities

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4 [nes-dw-consultation-document.pdf](#)

pose significant risks to groundwater and both unconsented earthworks and insecure bores were identified as factors in the Havelock North incident.

- Regulation 10 applies restrictions to rules in regional plans, but activities controlled by rules in city and district plans can also pose a high risk to source water.
- There is no express requirement under the NES-DW for water supplier involvement in consent applications, or in developing plan rules.
- Regulation 12 emergency notification provisions after an accident or event has occurred does not advocate a proactive and preventative approach to risk.

HDC considers that significant consultation has already been undertaken by MfE on the matter of activity controls and that proposals to introduce activity controls and regulation in SWRMAs should be progressed as soon as possible and ideally developed and introduced as part of the RMA replacement legislation. HDC strongly encourage MfE and the government to progress this workstream as quickly as possible.



# HASTINGS DISTRICT COUNCIL

## COUNCIL MEETING

TUESDAY, 22 JULY 2025

Item 14

### RECOMMENDATION TO EXCLUDE THE PUBLIC

#### SECTION 48, LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

THAT the public now be excluded from the following part of the meeting, namely:

#### 14 CON2020007 - 3 Waters Maintenance Contract

The general subject of the matter to be considered while the public is excluded, the reason for passing this Resolution in relation to the 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 is as follows:

<i>GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED</i>	<i>REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER, AND PARTICULAR INTERESTS PROTECTED</i>	<i>GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF EACH RESOLUTION</i>
14 CON2020007 - 3 Waters Maintenance Contract	<b>Section 7 (2) (h)</b> The withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities. This report contains commercially sensitive information that relates to the potential negotiations to the contract terms and conditions for the roll-over period.	<b>Section 48(1)(a)(i)</b> Where the Local Authority is named or specified in the First Schedule to this Act under Section 6 or 7 (except Section 7(2)(f)(i)) of this Act.