



**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL

**REPORT OF HEARING
PANEL**

Independent Hearing Commissioners:

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TOPIC 5D

Subdivision (General)

REPORT DATED

4 May 2023

DATE OF HEARING

7 and 8 September 2022

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List of Submitters and Further Submitters addressed in this Report

Submitter Name	Submission Number(s)
Hawke's Bay Regional Council (HBRC)	S11
Jason Woodyard	S15
New Zealand Pork Industry Board (Pork Industry Board)	S42
The Surveying Company (HB) Ltd (The Survey Company)	S50
Heritage New Zealand Pouhere Taonga (HNZPT)	S55
Fire and Emergency New Zealand (FENZ)	S57
Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird)	S75
Waka Kotahi NZ Transport Agency (Waka Kotahi)	S78
Transpower New Zealand Limited (Transpower)	S79
Horticulture New Zealand (Hort NZ)	S81
Kairakau Lands Trust (KLT)	S84
Central Hawke's Bay District Council (CHBDC)	S89
Centralines Limited (Centralines)	S90
Hatuma Lime Co. Ltd (Hatuma Lime)	S98
James Bridge	S105
Thomas Collier	S107
Silver Fern Farms Limited (Silver Fern Farms)	S116
Chorus New Zealand Limited (Chorus)	S117
Spark New Zealand Trading Limited (Spark)	S118
Vodafone New Zealand Limited (Vodafone)	S119
Federated Farmers of New Zealand (Federated Farmers)	S121
Regeneration Holdings Ltd (Regenerations Holdings)	S124
Ngā hapū me ngā marae o Tamatea (NHMT)	S125
Kāinga Ora - Homes and Communities (Kāinga Ora)	S129

Further Submitter Name	Further Submission Number(s)
First Gas Limited (First Gas)	FS3
James Bridge	FS4
NHMT	FS5
HNZPT	FS7
Silver Fern Farms	FS8

Further Submitter Name	Further Submission Number(s)
Forest & Bird	FS9
HTST	FS13
FENZ	FS15
Waka Kotahi	FS16
Hort NZ	FS17
Transpower	FS18
Kāinga Ora	FS23
Federated Farmers	FS25

PART A – PRELIMINARY MATTERS

1 Introduction

1.1 Scope of this report

- 1.1.1 This document details the evaluation and recommended decisions of the Proposed CHBD Plan Hearings Panel on the submissions and evidence considered at the Subdivision topic hearing, held on 7 and 8 September 2022, held at the CHBDC Chambers, Waipawa.
- 1.1.2 The recommendations in this report, together with all of the other recommendations of the Hearing Panel (“The Panel”) on submissions on the PDP, will all go before the full Council following the end of the hearings, who will make the formal decisions.
- 1.1.3 Our report focuses on the key issues in contention. Where there is no contention, such as submitter support for certain provisions, or minor matters where proposed changes are recommended in response to submissions, we have adopted the s42A report’s recommendations and the underlying evaluation behind such changes.

1.2 Statutory considerations

- 1.2.1 The Panel’s Preliminary Report sets out the statutory framework and requirements for preparing a District Plan, as well as case law guidance for our consideration and recommendations. This framework will not be repeated in this report. Rather, this report should be read in conjunction with our Report on Preliminary Matters and Statutory Requirements.
- 1.2.2 This report will refer to the Section 42A Report ‘Subdivision’ prepared by Janeen Kydd-Smith.
- 1.2.3 Subdivision is covered in the ‘Subdivision Report – Section 32 Topic Report’.
- 1.2.4 As submissions on particular aspects of the PDP are considered through hearing reports, officers are required to consider any alternative provisions put forward in the context of what s 32 requires, and when changes are recommended, a further assessment under s 32AA will be provided if the change is a material departure from what was notified. That same obligation to make a further assessment under s 32AA also applies to the Panel if it decides to recommend changes as a result of submissions which materially depart from the notified version.
- 1.2.5 Through Minute #5, the Panel urged submitters to provide the hearings with a further assessment under s 32AA for any changes to the PDP they were seeking. No s32AA assessments were provided with evidence on the topic the subject of this report.
- 1.2.6 Where we have made amendments to the PDP that are consistent with the recommendations contained within Council officers' s42A and / or rights-of-reply (and where there are relevant joint witness statements) we have adopted the s32AA analysis contained within those reports (unless expressly stated otherwise). Those reports are part of the public record and are available on the CHBDC website.
- 1.2.7 Where the Panel has made amendments to the PDP that are not contained within the reporting planner’s recommendations, we have undertaken the required 32AA analysis and have incorporated it into the body of our report, with the required assessment forming part of our evaluation. We are satisfied that the required substantive assessment has been undertaken.

1.3 Submissions

- 1.3.1 There were 24 submitters and 13 further submitters across the whole Subdivision Topic.
- 1.3.2 Of the original 202 submission points, 64 submission points were in support
- 1.3.3 Submissions can be generally divided into the following main issues:
- Key Issue 1: National Grid Subdivision Corridor and Gas Transmission Network;
 - Key Issue 2: Codes of Practice and New Zealand Standards;
 - Key Issue 3: Whanau Ora Outcomes and Cultural Assessments;
 - Key Issue 4: Introduction and Issues;
 - Key Issue 5: Objectives;
 - Key Issue 6: Policies;
 - Key Issue 7: Rules;
 - Key Issue 8: Standards;
 - Key Issue 9: Assessment Matters;
 - Key Issue 10: Methods, Principal Reasons, and Anticipated Environmental Results; and
 - Key Issue 11: Remaining Matters.

1.4 Procedure matters

- 1.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with cl8AA of Schedule 1 on the submissions relating to the Subdivision provisions prior to the finalisation of this s42A report. No further consultation or meetings with any parties regarding Subdivision has been undertaken since circulation of the s42A report.
- 1.4.2 No matters of Trade Competition were raised.

1.5 Hearing

- 1.5.1 The hearings were held on 7 and 8 September 2022 at the CHBDC Chambers, Waipawa. The hearing was adjourned at 11.50am on 8 September 2022.
- 1.5.2 Submitters who appeared at the hearing, and the topics under which their evidence is discussed, are shown below in Table 1. All evidence can be found on the PDP Hearing Schedule webpage under the relevant Hearing Topic [[Hearing Stream 5 | Central Hawke's Bay District Council \(chbdc.govt.nz\)](#)].

Table 1. Submitters who appeared at Hearing Stream 5: Hazards and Risks, Earthworks and Subdivision in relation to Subdivision

Submitter (Submitter Number)	Represented by/ experts called	Nature of evidence	Topics under which evidence is discussed
Transpower	Pauline Whitney (Planning) Daniel Hamilton Benjamin Cartwright	Submitter evidence (expert evidence)	Key Issue 1, 6, 7, 9
Chorus, Spark and Vodafone	Tom Anderson	Submitter evidence (expert evidence)	Key Issue 5, 6, 9, 10,

Submitter (Submitter Number)	Represented by/ experts called	Nature of evidence	Topics under which evidence is discussed
Kāinga Ora	Michael Campbell	Submitter evidence (expert evidence)	Key Issue 6, 7, 8, 9, 10
Silver Fern Farms	Steve Tuck	Submitter evidence (expert evidence)	Key Issue 6,
Hatuma Lime	Claire Price	Submitter evidence (expert evidence)	Key Issue 7, 9, 10
HNZPT	Dean Raymond	Submitter evidence (expert evidence)	Key Issue 7,
FENZ	Paul McGimpsey	Submitter evidence (expert evidence)	Key Issue 8, 9
First Gas	Graeme Roberts	Submitter evidence (expert evidence)	Key Issue 8, 9

1.5.3 Ms Rowena MacDonald, Reporting Officer, appeared for the CHBDC.

1.5.4 Evidence provided by Ms MacDonald included:

- Officer's Report on the Subdivision (the s42A report); and
- Opening statement (verbal).

1.5.5 Following the adjournment of the hearing on 8 September 2022, a written right-of-reply from the Council's reporting planner was received and circulated on 27 October 2022.

1.6 Structure of this report

1.6.1 Given the number, nature and extent of the submissions and further submissions received, we have structured this report according to the key issues identified in the s42A report, rather than present a submission point by submission point evaluation. Many of the submissions addressed the same or related issues and thus a key issue approach avoids undue repetition.

1.6.2 We have structured our evaluation and recommendations on a hierarchical basis, firstly reviewing the overarching issues relating to the topic and those submissions that made general points about the topic, including those seeking a binary relief such as complete withdrawal of relevant plan provisions. This includes definitions.

1.6.3 We then turn our evaluation to the higher-level provisions of the PDP relating to the topic: the objectives and policies and associated matters.

1.6.4 Thereafter we consider the associated rules and standards, and, if relevant, methods and anticipated environmental results.

1.6.5 Finally, we consider whether there were any minor errors that needed correcting or consequential amendments arising from our recommended decisions.

1.6.6 The Panel's recommendations for each submission point are listed in the table in Appendix B.

PART B – EVALUATION

2 Key Issue 1 – National grid subdivision corridor and gas transmission network

2.1 Proposed plan provisions

- 2.1.1 This key issue addresses the National Grid Subdivision Corridor and Gas Transmission Network

2.2 Submissions

- 2.2.1 There were 13 original submission points with 24 further submission points. Refer to Appendix B for a table of submission points.

2.3 Reporting planner's recommendations (s42A report)

General

- 2.3.1 Transpower (S79.071) sought to have a standalone set of provisions within the NU – Network Utilities chapter to avoid duplication and provide a coherent set of policies and rules which applicants could refer to. Policy NU-P5, within the Network Utilities chapter, provided the policy framework for subdivision within the National Grid Subdivision Corridor, but the associated rules were provided within the SUB - Subdivision chapter (Rule SUB-R1, R3-R7). Transpower considered this disconnection could be confusing for plan users and requested that the relevant National Grid rules in the Subdivision chapter be relocated to the Network Utilities chapter.
- Fernhill – Woodville A 110kV transmission line (FHL-WDX A);
 - Fernhill – Woodville B 110kV transmission line (FHL-WDX B); and
 - Waipawa Substation on Onga Ong Road.
- 2.3.2 The NPS-ET confirmed the national significance of the National Grid and established national policy direction to ensure decision-makers under the RMA recognised the benefits of transmission, manage the effects of the National Grid and appropriately managed the adverse effects of activities and development close to the Grid. The one objective of NPS-ET is:
- To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*
- a. Managing the adverse environmental effects of the network; and*
 - b. Managing the adverse effects of other activities on the network.*
- 2.3.3 NPS-ET had 14 policies which provided for the recognition of the benefits of the National Grid, as well as the environmental effects of transmission and the management of adverse effects on the National Grid. The policies must be applied by Transpower and decision-makers under the RMA where relevant.
- 2.3.4 Policy 1 of NPS-ET provides that decision-makers must recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission. Policies 2 to 9 provide RMA decision-makers direction for managing the environmental effects of transmission activities. Policy 2 is:

In achieving the purpose of the Act, decision-makers must recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network.

- 2.3.5 Policies 10 and 11 of NPS-ET provide the primary direction on the management of adverse effects of subdivision, land use and development activities on the transmission network. Policy 10 is:

In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.”

- 2.3.6 Policy 11 of the NPS-ET relates to the development of buffer corridors, and is as follows:

Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).

- 2.3.7 s75(3)(a) of the RMA requires that district plans must ‘give effect’ to a National Policy Statement.

- 2.3.8 Clauses 5 to 8 of Section 7 District-wide Matters Standard, in the National Planning Standards, includes the following mandatory directions in relation to energy, infrastructure and transport:

Energy, infrastructure and transport

5. Provisions relating to energy, infrastructure and transport that are not specific to the *Special purpose zones* chapter or sections must be located in one or more chapters under the *Energy, infrastructure and transport* heading. These provisions may include:
 - a. statement about the status of transport corridors eg, the adjoining zoning applies to the centre line of mapped roads
 - b. noise-related metrics and noise measurement methods relating to energy, infrastructure and transport, which must be consistent with the 15. *Noise and vibration metrics* Standard
 - c. the management of reverse sensitivity effects between infrastructure and other activities.
6. The chapters under the *Energy, infrastructure and transport* heading must include cross-references to any energy, infrastructure and transport provisions in a *Special purpose zones* chapter or sections.
7. Zone chapters must include cross-references to relevant provisions under the *Energy, infrastructure and transport* heading.
8. All chapters must be included alphabetically.

- 2.3.9 The reporting planner noted that there were no ‘special purpose zones’ in the PDP.

- 2.3.10 Clauses 24 to 26 of Section 7 District-wide Matters Standard, in the National Planning Standards, also includes the following mandatory directions in relation to subdivision.

Subdivision

24. Subdivision provisions must be located in one or more chapters under the *Subdivision* heading. These provisions may include:
 - a. any technical subdivision requirements from Part 10 of the RMA
 - b. material incorporated by reference, such as Codes of Practice, under Part 3 of Schedule 1 of the RMA.
25. The chapters under the *Subdivision* heading must include cross-references to any relevant provisions under the *Energy, infrastructure and transport* heading.
26. All chapters must be included alphabetically.

- 2.3.11 As evident in the above clauses from Standard 7, it is mandatory that subdivision provisions be included in one or more chapters under the ‘Subdivision’ heading, but it is also mandatory that provisions relating to energy, infrastructure and transport be included in one or more chapters under the ‘Energy, Infrastructure and Transport’ heading. In the reporting planner’s opinion, as there were mandatory requirements applying either way, taking the approach suggested by

Transpower or the approach adopted in the PDP would be equally compliant with the National Planning Standards. Therefore, the reporting planner considered that it was a matter of choosing which approach was the most appropriate for the purposes of the PDP.

- 2.3.12 When preparing the PDP, the decision was made by the Council to include the subdivision provisions relating to the National Grid Subdivision Corridor in the SUB – Subdivision chapter, as that was considered the most logical place to put them, given plan users were more likely to refer to the Subdivision chapter first when looking to subdivide. Including the provisions in the Subdivision chapter was also regarded as being more efficient, by overcoming the need to repeat some subdivision standards and assessment matters in both chapters, as would be necessary if all provisions subdivisions with building platforms and/or vehicle access within the National Grid Subdivision Corridor were contained in the NU - Network Utilities chapter.
- 2.3.13 This remained the reporting planner’s view at the time of the hearing, and therefore she recommended retaining subdivision provisions relating to the National Grid Subdivision Corridor within the SUB – Subdivision chapter.
- 2.3.14 Transpower referred in its submission to Policy NU-P5 in the Network Utilities chapter as providing the policy framework for subdivision in the National Grid Subdivision Corridor. The reporting planner concurred and considered that it could be helpful to plan users and Council if Assessment Matter SUB-AM17 was amended, such that the Council was specifically directed to have regard to the relevant objectives, policies and methods in the Network Utilities chapter when assessing applications for subdivisions with building platforms and/or vehicle access within the National Grid Subdivision Corridor. Transpower (S79.085) supported Assessment Matter SUB-AM17 and requested that it be retained but relocated to the Network Utilities chapter (along with Rules SUB-R1, and R3 to R7). This submission point is discussed further below in relation to Assessment Matters.

Policies SUB-P17 and SUB-P18

- 2.3.15 Transpower (S79.074, S79.75) requested that Policies SUB-P17 and SUB-P18 be retained, but only on the basis that Policy NU-P5 in the NU – Network Utilities chapter was to be amended, as sought in their submission point S79.036. Transpower considered that Policy NU-P5 appropriately articulates the issues for the National Grid. Policy NU-P5 was addressed in the Energy, Infrastructure & Transport s42A report as part of Hearing Stream 7.
- 2.3.16 However, the reporting planner noted that Transpower requested the following amendments to the policy, which included deleting “and subdivision near the National Grid” and adding “and subdivision within the National Subdivision Grid Corridor”:

NU-P5 To protect network utilities from the adverse effects of subdivision, use and development that may constrain or compromise the safe, effective, secure and efficient operation, maintenance, upgrading and development of network utilities, and the safety and amenity values of people and the community, including by:

1. managing new activities through setbacks and design controls, where necessary, to achieve appropriate protection of a network utility;
2. managing new activities that are sensitive to noise adjoining the railway corridor, the national and regional road network, and within any defined noise contour to avoid reverse sensitivity effects;
3. managing access to the railway corridor and to the national and regional road network;
4. managing light spill and glare from activities on road users;
5. managing land disturbance and activities in the vicinity of gas transmission pipelines;
6. managing land use development (including sensitive activities), buildings, **earthworks, vertical holes and structures and subdivision near the National Grid, within the National Grid Yard, and subdivision within the National Grid Subdivision Corridor, or around a designated National Grid substation to avoid reverse sensitivity effects and ensure the electricity transmission network is not compromised;**

7. managing land disturbance, **earthworks and vertical holes**, land use development and buildings to maintain safe electrical clearance distances under electricity distributions lines and support structures; and
8. ensuring subdivision of sites containing a network activity retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the network utility.

- 2.3.17 In order to give effect to NPS-ET, Transpower sought provisions specific to the National Grid and the location of such provisions within the Network Utilities chapter. To manage subdivision that has the potential to compromise the operation, maintenance, upgrading and development of the National Grid, Transpower supported the provision of a corridor management approach which allows for the reasonable use of land inside the transmission line corridor, with several standards and rules imposed to ensure that any subdivision that might compromise the Grid was either avoided or managed.
- 2.3.18 Notwithstanding its location in the PDP, Transpower supported Policy SUB-P17. Transpower requested (\$79.074) that if Policy NU-P5 was not amended as sought, Policy SUB-P17 be amended to give effect to NPS-ET, particularly specific reference to the 'National Grid Subdivision Corridor' and removal of reference to "to the extent practicable".
- 2.3.19 With respect to Policy SUB-P18, Transpower submitted (\$79.075) that the policy was not explicitly directive to give effect to NPS-ET and, if Policy NU-P5 was not amended as sought, they sought:
- .. amendment to SUB-P17 to give effect to the NPSET. In particular specific reference to the National Grid Subdivision Corridor and more directive wording that the National Grid is not compromised.*
- 2.3.20 It appears that it is likely that Transpower made an error in referring to policy 'SUB-P17' instead of SUB-P18 in their relief sought in relation to Policy SUB-P18.
- 2.3.21 With respect to Transpower's request to remove the words 'to the extent practicable', Federated Farmers (FS25.37) and Hort NZ (FS17.54) opposed Transpower's request to remove the words from Policy SUB-P18.
- 2.3.22 As referred to above, the reporting planner noted that Policy 10 of NPS-ET stated that, in achieving the purpose of the Act, decision-makers must "to the extent reasonably possible" manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised. The NPS-ET does not require the outright avoidance of reverse sensitivity effects. The reporting planner therefore considered that it was appropriate that Policies SUB-P17 and SUB-P18 included such wording. However, it was considered that to achieve consistency with NPS-ET, the words 'to the extent practicable' should be replaced with the words 'to the extent reasonably possible'.
- 2.3.23 With regard to Transpower's request to specifically refer to the 'National Grid Subdivision Corridor' in Policies SUB-P17 and SUB-P18, the reporting planner considered that this was not necessary as it was provided for within the broader term 'regionally significant infrastructure'. Submission points relating to the use of the term 'regionally significant infrastructure' are discussed later in the report in Section 9, under Key Issue 6 – Policies.
- 2.3.24 With reference to NPS-ET Policy 10, the reporting planner considered that there was some overlap between Policies SUB-P17 and SUB-P18, and that it would be more appropriate to combine the two policies into a single policy to avoid repetition. Further she proposed to amend the wording so it was consistent with Policy 10 and read more clearly by making some relatively minor word changes, as follows:

SUB-P17 To ensure, to the extent practicable, **reasonably possible**, subdivisions **are** designed **to** ~~not~~ **takes into account the location of** **avoid reverse sensitivity effects of future land use activities on** regionally significant infrastructure, network utilities, renewable electricity generation sites and other lawfully established activities, ~~and ensures that future land use activities will not result in reverse sensitivity~~

effects and ensure that the operation, maintenance and upgrading of regionally significant infrastructure and other network utilities is not compromised.

SUB-P18 — To ensure, to the extent practicable, subdivision design that ensures that resulting land use activities (including building platforms) will not affect the operation, maintenance and upgrading of regionally significant infrastructure and other network utilities.

Rules

- 2.3.25 Transpower (S79.077) sought the following new stand-alone rule to manage subdivision within proximity of the National Grid and provide clarity for plan users. It requested that subdivision within the National Grid Subdivision Corridor be a Restricted Discretionary Activity (not a Controlled Activity, as notified), where the newly created lots comply with Standard SUB-S4(3). Where subdivision was unable to achieve the standard, Transpower requested that a Non-Complying Activity status apply to the subdivision. Transpower therefore requested that the following new rule be added to the NU - Network Utilities chapter.

SUB-R3 Subdivision within the National Grid Subdivision Corridor		
<u>All Zones</u>	<p>1. <u>Activity status: RDIS</u></p> <p><u>Where the following condition is met:</u></p> <p>a. <u>Compliance with SUB-S4(3) National Grid Subdivision Corridor.</u></p> <p><u>Matters of discretion are restricted to:</u> <u>The matters in SUB-AM17.</u></p>	<p>2. <u>Activity status where compliance with SUB-S4(2) and SUB-S4(3) is not achieved: NC</u></p> <p><u>Notification:</u> <u>An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</u></p> <p><u>When deciding whether any person is affected in relation to this rule for the purposes of section 95E of the RMA, the Council will give specific consideration to any adverse effects on Transpower New Zealand Limited.</u></p>

- 2.3.26 Subject to the new rule requested by Transpower being provided, Transpower also requested that references to the National Grid Subdivision Corridor in Rules SUB-R1, and SUB-R3 to SUB-R7 be deleted.
- 2.3.27 As concluded above, the reporting planner did not consider it appropriate or necessary to move all provisions relating to subdivision within the National Grid Subdivision Corridor to the NU – Network Utilities chapter. It was also considered that Restricted Discretionary Activity status was unnecessary, as a Controlled Activity resource consent was currently required under the notified provisions for subdivisions under Rules SUB-R1 and SUB-R3 to SUB-R7, and where subdivisions cannot comply with Standard SUB-S4(2) and SUB-S4(3), they must be assessed as a Non-Complying Activity, being the most restrictive activity status (other than Prohibited).

Standard SUB-S4 Building Platforms

- 2.3.28 Federated Farmers (S121.070) opposed in part Standard SUB-S4 Building Platforms. They considered that large scale rural and farm subdivision did not pose the same level of risk to the National Grid as urban subdivision, and therefore considered that Standard SUB-S4(3) should exclude rural subdivision. They considered that, while a large farm being subdivided into large rural lots, or going through a boundary adjustment, would likely have a boundary running through the National Grid Corridor, it would not result in dense development near the electricity lines.

- 2.3.29 Similarly, Federated Farmers (S121.071) considered that there was no need to have a building setback from the Gas Transmission Network under Standard SUB-S4(4) and (5), as First Gas could seek an easement agreement with the relevant landowner that would meet their safety needs and access would be part of that agreement.
- 2.3.30 Federated Farmers requested the following amendments to Standard SUB-S4(3), (4) and (5):

SUB-S4 Building Platform	
General Rural Zone Rural Production Zone Rural Lifestyle Zone	1. [...]
Subdivision of land within the National Grid Subdivision Corridor	2. The subdivision of land in any zone within the National Grid Subdivision Corridor must be able to demonstrate that all resulting allotments are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive activity outside of the National Grid Yard, other than where the allotments are for roads, access ways or network utilities. 3. The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.
Subdivision of land containing the Gas Transmission Network	4. The subdivision of land in any zone containing the Gas Transmission Network must <u>ensure that easement agreements are provided over the Gas Transmission Pipelines</u> . be able to demonstrate that all resulting allotments are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive activity that is at least 20m from the Gas Transmission Pipeline and 30m from above ground equipment forming part of the Gas Transmission Network. 5. The layout of allotments and any enabling earthworks must ensure that physical access is maintained to the Gas Transmission Network where it is located on the allotments, including any balance area.

- 2.3.31 Forest and Bird (FS9.70) and Transpower (FS18.20) opposed Federated Farmers' request to delete Standard SUB-S4(3).
- 2.3.32 The reporting planner concurred with Transpower, that the purpose of the subdivision provisions within the PDP was to manage subdivision in the National Grid Corridor, to ensure that the long-term maintenance, operation, and development of the National Grid was not compromised. Transpower considered that subdivision is the most effective point at which to ensure future reverse sensitivity effects, maintenance access issues, and adverse effects of transmission lines (including amenity issues) were avoided. This could be achieved by designing subdivision layouts to properly accommodate transmission corridors (including, for example, through the creation of reserves and/or open space where buffer corridors were located).
- 2.3.33 Federated Farmers considered there would be ample space for rural subdivisions to build a house away from the National Grid line, and the small number of rural lots would not compromise Transpower's ability to access their structures, compared to a 100-lot urban development for example. They therefore consider that a rural subdivision that could meet the standard of a building site away from the National Grid Yard should have the same activity status as a normal rural subdivision. That being the case, the reporting planner was uncertain what Federated Farmers' concern was as, where compliance with Standard SUB-S4(3) can be achieved by rural subdivisions, the Controlled Activity status applied to subdivisions under Rules SUB-R1 and SUB-R3 to SUB-R7 would not change.

- 2.3.34 Forest and Bird (FS9.71) and First Gas (FS3.015) opposed Federated Farmers' request to amend Standard SUB-S4(4) and delete Standard SUB-S4(5). First Gas considered that the PDP rules were the appropriate mechanism for managing actual or potential reverse sensitivity effects of subdivision and land use on the nationally significant gas transmission network. They sought that Standard SUB-S4 be retained as notified.
- 2.3.35 In the reporting planner's opinion, Standard SUB-S4(3) gave effect to Policies 10 and 11 of NPS-ET, and it and Standard SUB-S4(4) and (5) were directly related to achieving Objectives SUB-O4, NU-O1, NU-O2, NU-O3, and Policies SUB-P17, SUB-P18, NU-P1 and NU-P5 of the PDP.
- 2.3.36 While relating only to the urban environment, Objective OBJ UD1(c) of the Hawke's Bay Regional Policy Statement (RPS), contained within the Hawke's Bay Regional Resource Management Plan (RMMP) (made operative on 28 August 2006), was for the "Establishment of compact and strongly connected urban form throughout the Region, that: [...] c) avoids, remedies or mitigates reverse sensitivity effects on existing strategic and other physical infrastructure in accordance with the objectives and policies in Chapter 3.5 and 3.13 of this plan".
- 2.3.37 Objectives 32 and 33 in Chapter 3.13 apply to the wider region and seek the following:

OBJECTIVES

OBJ 32 The ongoing operation, maintenance and development of physical infrastructure that supports the economic, social and/or cultural wellbeing of the region's people and communities and provides for their health and safety.

OBJ 33 Recognition that some infrastructure which is regionally significant has specific locational requirements.

OBJ 33A Adverse effects on existing physical infrastructure arising from the location and proximity of sensitive land use activities are avoided or mitigated.

- 2.3.38 The RPS therefore recognises the importance of the specific locational requirements of some regionally significant infrastructure and of its ongoing operation, maintenance and development to support the economic, social and/or cultural wellbeing of the region's people and communities and provide for their health and safety. It also requires that adverse effects on existing physical infrastructure arising from the location and proximity of sensitive land use activities be avoided or mitigated. The reporting planner considered that Standard SUB-S4 gave effect to the objectives of the RPS.
- 2.3.39 The reporting planner therefore did not support Federated Farmers' request to delete Standard SUB-S4(3), amend Standard SUB-S4(4), and delete Standard SUB-S4(5).
- 2.3.40 Kāinga Ora (S129.102) requested that Standards SUB-S4(2), (3), (4) and (5) be deleted, as they considered they were likely to unnecessarily hinder development where potential adverse effects could otherwise be managed. Their submission was opposed by Transpower (FS18.21) and First Gas (FS3.016). Transpower opposed Kāinga Ora's proposition that the "provisions are likely to unnecessarily hinder development where potential adverse effects could otherwise be managed". They also considered that it was not clear how the submitter proposes such matters be addressed, given it also sought deletion of the assessment matters in AM17 (submission point S129.121). First Gas considered that the setbacks for buildings and building platforms under the standards were required from a reverse sensitivity effects management perspective.
- 2.3.41 The reporting planner noted evidence given by First Gas (Graeme Roberts) for Hearing Stream 3: Rural Topic, and advised the Hearing Panel that there was potential for significant or critical harm to occur to people occupying buildings located within 20m of the gas pipeline, should a giant gas flare and/or explosion occur due to damage to the pipeline. Such an event would have a potential effect of low probability but a high potential impact. The reporting planner therefore considered that it is appropriate that Standard SUB-S4(4) be retained, which requires applications for subdivision to demonstrate that all resulting allotments could accommodate a building

platform for the likely principal building(s) and any building(s) for a sensitive activity that is at least 20m from the Gas Transmission Pipeline.

- 2.3.42 For the above reasons, regarding the consistency of Standard SUB-S4 with the higher-level statutory planning documents, the reporting planner did not support Kāinga Ora's request to delete Standards SUB-S4(2), (3), (4) and (5).

Assessment Matters

- 2.3.43 Transpower (\$79.085) supported Assessment Matter SUB-AM17 and ed that it be retained but relocated to the NU – Network Utilities chapter of the PDP.
- 2.3.44 As concluded above, the reporting planner was satisfied that retaining subdivision provisions relating to the National Grid Subdivision Corridor within the SUB – Subdivision chapter complies with the National Standards and is appropriate. The reporting planner therefore considered that Assessment Matter SUB-AM17 should be retained within the SUB – Subdivision chapter of the PDP.
- 2.3.45 Transpower referred to Policy NU-P5 in the Network Utilities chapter as providing the policy framework for subdivision in the National Grid Subdivision Corridor. The reporting planner concurred and considered that it would be helpful to plan users and Council if Assessment Matter SUB-AM17 was amended, such that the Council would have regard to the relevant objectives, policies and methods in the Network Utilities chapter when assessing applications for subdivisions with building platforms and/or vehicle access within the National Grid Subdivision Corridor and/or in close proximity to the Gas Transmission Network.

2.4 Evidence to the hearing

- 2.4.1 Pauline Whitney, Daniel Hamilton and Benjamin Cartwright provided evidence on behalf of Transpower and sought the relocation of the National Grid subdivision provisions to the Network Utilities chapter.

2.5 Post hearing information

- 2.5.1 The reporting planner's right-of-reply did not address any matters relating to subdivision within the National Grid, and no additional information was provided.

2.6 Evaluation and findings

General

- 2.6.1 It is noted that Transpower changed their position on requiring a set of standalone provisions in the Network Utilities chapter.

Policies SUB-P17 and SUB-P18

- 2.6.2 Transpower requested that policies SUB-P17 and SUB-P18 be retained on the basis that Policy NU-P5 is amended. It is noted that the Panel has included a new Policy NU-PXX and the submission is therefore accepted in part.
- 2.6.3 With reference to NPS-ET Policy 10, the Panel agrees with the reporting planner that there is some overlap between Policies SUB-P17 and SUB-P18, and that it would be more appropriate to combine the two policies into a single policy to avoid repetition, and amend the wording so it is

consistent with Policy10 and reads more clearly by making some relatively minor word changes, as follows:

SUB-P17	To ensure, to the extent practicable reasonably possible , subdivisions are designed to not take into account the location of avoid reverse sensitivity effects of future land use activities on regionally significant infrastructure, network utilities, renewable electricity generation sites and other lawfully established activities, and ensures that future land use activities will not result in reverse sensitivity effects and ensure that the operation, maintenance and upgrading of regionally significant infrastructure and other network utilities is not compromised.
SUB-P18	To ensure, to the extent practicable subdivision design that ensures that resulting land use activities (including building platforms) will not affect the operation, maintenance and upgrading of regionally significant infrastructure and other network utilities.

Rules

- 2.6.4 Transpower (\$79.077) sought a new stand-alone rule to manage subdivision within proximity of the National Grid and provide clarity for plan users.
- 2.6.5 The Panel agrees with the reporting planner and does not consider it appropriate or necessary to move all provisions relating to subdivision within the National Grid Subdivision Corridor to the NU – Network Utilities chapter. It is also considered that Restricted Discretionary Activity status is unnecessary, as a Controlled Activity resource consent is currently required under the notified provisions for subdivisions under Rules SUB-R1 and SUB-R3 to SUB-R7, and where subdivisions cannot comply with Standard SUB-S4(2) and SUB-S4(3), they must be assessed as a Non-Complying Activity, being the most restrictive activity status (other than Prohibited).

Standard SUB-S4 Building Platforms

- 2.6.6 Through further submissions, Forest and Bird and Transpower opposed Federated Farmers' request to delete Standard SUB-S4(3).
- 2.6.7 The Panel agrees with the reporting planner and concurs with Transpower, that the purpose of the subdivision provisions within the PDP is to manage subdivision in the National Grid Corridor, to ensure that the long-term maintenance, operation, and development of the National Grid is not compromised. The Panel agrees that subdivision is the most effective point at which to ensure future reverse sensitivity effects, maintenance access issues, and adverse effects of transmission lines (including amenity issues) are avoided. This could be achieved by designing subdivision layouts to properly accommodate transmission corridors.
- 2.6.8 In regard to Federated Farmers' concern that there would be ample space for rural subdivisions to build a house away from the National Grid line, and thus avoid any compromise to Transpower's ability to access their structures, the Panel concurs with the reporting planner that most rural subdivisions could meet Standard SUB-S4(3) and thus remain as a Controlled Activity under Rules SUB-R1 and SUB-R3 to SUB-R7. For the small number of occurrences where a rural subdivision could not ensure such a setback, then the Panel considers it appropriate to be determined as a Non-Complying Activity.
- 2.6.9 Forest & Bird and First Gas opposed Federated Farmers' request to amend Standard SUB-S4(4) and delete Standard SUB-S4(5). First Gas considered that the PDP rules are the appropriate mechanism for managing actual or potential reverse sensitivity effects of subdivision and land use on the nationally significant gas transmission network.
- 2.6.10 The Panel agrees with First Gas and the reporting planner and recommend rejecting Federated Farmers' request to delete Standard SUB-S4(3), amend Standard SUB-S4(4), and delete Standard SUB-S4(5).

- 2.6.11 Kāinga Ora requested that Standards SUB-S4(2), (3), (4) and (5) be deleted, as it considered these standards are likely to unnecessarily hinder development where potential adverse effects could otherwise be managed. Their submission was opposed by Transpower and First Gas. Transpower considered it is not clear how Kāinga Ora proposes the matters in these standards be addressed, particularly given how Kāinga Ora also sought deletion of the assessment matters in AM17. First Gas considered that the setbacks for buildings and building platforms under the standards are required from a reverse sensitivity effects management perspective.
- 2.6.12 For the above reasons, regarding the consistency of Standard SUB-S4 with the higher-level statutory planning documents, the Panel agrees with the reporting planner and recommends rejecting Kāinga Ora's request to delete Standards SUB-S4(2), (3), (4) and (5).

Assessment Matters

- 2.6.13 The panel agrees with reporting planner that SUB-AM17 is amended to have regard to the relevant objectives, policies and methods in the Network Utilities chapter when assessing applications for subdivisions with building platforms and/or vehicle access within the National Grid Subdivision Corridor and/or in close proximity to the Gas Transmission Network. It is noted however, that the Panel does not agree with combining the National Grid and the Gas Transmission Network.

3 Key Issue 2 – codes of practice and New Zealand standards

3.1 Proposed plan provisions

- 3.1.1 This key issue addresses the Codes of Practice and New Zealand Standards referred to or used in the Subdivision provisions of the PDP.

3.2 Submissions

- 3.2.1 There were 17 original submission points with 5 further submission points (refer to Appendix B for a table of submission points).
- 3.2.2 In summary, CHBDC (S89) requested that all references in the SUB - Subdivision chapter to 'NZS4404:2004' or 'NZS 4404' be deleted and replaced with 'NZS4404:2010', and that the references to the 'Hastings District Council Engineering Code of Practice' (Engineering COP) be removed from Assessment Matters, and that the Engineering Code of Practice instead be noted as providing 'an acceptable means of compliance'.
- 3.2.3 Kāinga Ora (FS23) supported CHBDC's submission points (S89.009, S89.006) to replace all references in the PDP to 'NZS4404' and 'NZS4404:2004' with 'NZS4404:2010' and make any amendments necessary in the PDP to refer to the Engineering COP as guidance or methods, rather than as a mandatory matter
- 3.2.4 FENZ (S57) supported retaining rules that required all new lots to connect to a public reticulated water supply, or when a public water supply was not available, required subdividers to demonstrate how an alternative and satisfactory water supply could be provided to each lot. They also supported assessment matters which enabled Council to consider the provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.
- 3.2.5 James Bridge (S105) requested the deletion of Assessment Matters SUB-AM5(4), SUB-AM6(7).
- 3.2.6 FENZ (FS15) opposed James Bridge's request to delete Assessment Matters SUB-AM5(4) and SUB-AM6(7), and they opposed Kāinga Ora's request to amend Assessment Matter SUB-AM6(7), (8) and (9).
- 3.2.7 HBRC (S11) requested that Assessment Matter SUB-AM5(7) be amended to refer to NZS 4404:2010 instead of NZS 4404:2004.
- 3.2.8 Kāinga Ora (S129) requested that Assessment Matter SUB-AM5(2) be amended, and that SUB-AM5(7), (8) and (9) be deleted which referred to NZS 4404:2004, the Engineering COP, and the protection of any historic heritage items, notable trees etc. Kāinga Ora also requested that Assessment Matter SUB-AM6(7) be amended, including by deleting reference to the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008, and that SUB-AM6(8) and (9) be deleted which referred to the Engineering COP and the protection of any historic heritage items, notable trees etc.

3.3 Reporting planner's recommendations (s42A report)

- 3.3.1 The reporting planner concurred with the submitters and agreed that it was appropriate to replace the references to the 2004 version of the Code of Practice in the SUB – Subdivision chapter with the current 2010 version where it appeared.
- 3.3.2 The reporting planner concurred with CHBDC that it was appropriate that references to the Engineering COP in Assessment Matters SUB-AM5 and SUB-AM6 be deleted, and supported CHBDC's request for the addition of a note to each assessment matter, to advise plan users that

the Engineering COP provided detailed technical standards on the design and construction of water supply, wastewater disposal and stormwater disposal servicing which may provide an acceptable means of compliance. She noted that the Engineering COP was already referred to as a method in Method SUB-M2(1), which recognised that the Engineering COP was another way of implementing the policies in the SUB – Subdivision chapter. Therefore, the reporting planner concurred with CHBDC that removing the references to the Engineering COP in the assessment matters would not adversely affect nor materially change the extent to which the PDP meets the relevant statutory obligations.

- 3.3.3 Given the recommendation to only retain the reference to the Engineering COP in the SUB-Methods, for the same reasons, the reporting planner considered that it would also be appropriate to delete the references to 'NZS 4404:2004' and the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008 in Assessment Matters SUB-AM5(7) and SUB-AM6(6). However, the reporting planner considered that the references to those documents in Method SUB-M2(2) and SUB-M2(3) should be retained, but that SUB-M2(2) amended to refer to 'NZS 4404:2010'.

- 3.3.4 Consistent with the recommendations above, the reporting planner considered that paragraph 9 of the Principal Reasons should be amended as follows:

Principal Reasons

[...]

The Council uses the Code of Practice for Urban Land Subdivision (NZS 4404: 2010 and the Hastings District Council Engineering Code of Practice (and any future amendments) as methods to assess detailed engineering requirements for subdivision consent applications, along with the Hastings District Council Engineering Code of Practice. These Codes of Practice are therefore referred to in the Methods assessment matters for resource consents – although the Code of Practice itself is themselves but are not part of the District Plan.

[...]

- 3.3.5 FENZ supported in part Standard SUB-S5 Water Supply, as it required all new lots to connect to a public reticulated water supply, or when a public reticulated water supply was not available, the subdivider must demonstrate how an alternative and satisfactory water supply could be provided to each lot. The reporting planner considered that their request to add an explanatory note to this standard would be helpful to plan users, to encourage subdividers to engage with FENZ to determine how an alternative and satisfactory firefighting water supply could be provided to each lot.
- 3.3.6 FENZ also requested that an additional note be added to Standard SUB-S4 to assist plan users in interpreting Rule SUB-R3 in relation to lots for special purposes. The reporting planner concurred with the submitter that it would be helpful to clarify for plan users that, where a water supply was not required for activities on lots created for a special purpose, that they be exempt from having to provide a water supply for firefighting. However, the reporting planner considered that the note should also refer to lots for special purposes being exempt from having to provide a water supply (in general), including for firefighting.
- 3.3.7 The reporting planner supported Kāinga Ora's (S129.112, S129.113) request to make minor changes to the wording of Assessment Matter SUB-AM5(2) and Assessment Matter SUB-AM6(7), in addition to deleting the reference to the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008) to provide clarification.
- 3.3.8 Kāinga Ora (S129.112, S129.113) also requested that Assessment Matters SUB-AM5(9) and SUB-AM6(15) be deleted in favour of a separate set of assessment matters which may be considered where subdivision of land wholly or partially containing heritage items, archaeological sites, and sites of significance to Māori occurs. This matter is addressed in Section 12.0: Key Issue 9 – Assessment Matters of this report, in relation to Kāinga Ora's submission point (S129.123)

requesting the addition of a new assessment matter (relating to the subdivision of land partly or wholly containing an identified heritage item, archaeological site, or site or area of significance to Māori).

3.3.9 The reporting planner recommended the following amendment(s) be made to the SUB – Subdivision chapter provisions:

- Replace the references to the 'NZS 4404:2004' version of the New Zealand Standard on the Code of Practice for Urban Land Subdivision in the SUB – Subdivision chapter with the current 'NZS 4404:2010' version where it appears in the PDP.

SUB-S5 Water Supply	
All Zones	<ol style="list-style-type: none"> 1. All new lots for any activity that will require a water supply must be connected to a public reticulated water supply, where one is available. 2. Where the new lots will not be connected to a public reticulated water supply, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the subdivider must demonstrate how an alternative and satisfactory water supply can be provided to each lot. <p><i>Note: The above does not replace regional rules which control the taking and use of groundwater and surface water. These rules must be complied with prior to the activity proceeding.</i></p> <p><u>Further advice and information about how an alternative and satisfactory firefighting water supply can be provided to each lot can be obtained from Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.</u></p> <p><u>Any lot created for a special purpose, as provided for in SUB-R3, is exempt from this standard where the lot is created for a purpose that does not require the provision of a water supply, including a firefighting water supply.</u></p>

SUB-AM5 Water Supply, Wastewater Disposal, Stormwater Disposal

1. The location and capacity of reticulation facilities to allow suitable servicing of the lot(s) and reasonable access for the maintenance of the facilities.
 2. The need for **Whether** a local purpose reserve **is needed** to be set aside and vested in the Council as a site for a public utility.
 3. Where the lot(s) is/are not proposed to be connected to a public water supply, the ability to effectively and efficiently meet firefighting requirements and the ability to show how the lot(s) will be serviced by a water supply, for which consent has been obtained from the Hawke's Bay Regional Council (if required).
 4. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.
 5. Where the lot(s) is/are not proposed to be connected to a public wastewater system or public stormwater system, how the lot(s) will be serviced by an on-site wastewater and stormwater treatment and disposal system causing no environmental contamination on or beyond the subdivision site.
 6. The objectives, policies, and methods in the SSB – Sustainable Subdivision and Building chapter of the District Plan.
 7. The provisions of the Code of Practice for Urban Land Subdivision (New Zealand Standard NZS 4404: 2004).
 8. The provisions of the current Hastings District Council Engineering Code of Practice for the design and construction of water supply, wastewater disposal and stormwater disposal servicing.
 9. The protection of any historic heritage items or notable trees (listed in HH-SCHED2 and TREE-SCHED4), wāhi tapu, wāhi taonga, and sites of significance (listed in SASM-SCHED3), or risk to archaeological sites.
- Note: The Hastings District Council Engineering Code of Practice provides detailed technical standards on the design and construction of water supply, wastewater disposal and stormwater disposal servicing which may provide an acceptable means of compliance.**

SUB-AM6 Property Access

1. The provision, location, design, and construction of access for vehicles, pedestrians and cyclists.
2. Whether the road frontage is of sufficient width to cater for the expected traffic generated by the possible land uses that will be established on the lots being created, and whether there is any need to widen and/or upgrade the frontage road.
3. Where any proposed subdivision in any zone has frontage to any existing road(s) that is/are not constructed to the relevant vehicle access standards set out in the TRAN – Transport chapter of the District Plan and/or where road widening is required, whether the land uses that will be established on the proposed lots will increase the use of that road(s) to the degree that forming or upgrading the existing road(s) is required.
4. Any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties, and the need for tree planting in the open space of the road to enhance the character and identity of the neighbourhood.
5. The effect of any new intersections or accesses created by the subdivision on traffic safety and efficiency, including the availability of adequate, unobstructed sight distances from intersections and adequate spacing between intersections.
6. The provisions of the Code of Practice for Urban Land Subdivision (New Zealand Standard NZS 4404: 2004) for the design and construction of roads.

7. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008 with respect to **Whether** the width of the legal road, right of way, vehicle access lot or vehicle access leg required **is sufficient** for fire appliances to access the lot(s).
8. The provisions of the current Hastings District Council Engineering Code of Practice for the design and construction of roading.
9. The requirements of New Zealand Transport Agency and Part IV of the Government Rounding Powers Act 1989 with regard to vehicle entrances onto state highways.
10. The need to provide alternative access for car-parking and vehicle loading in the COMZ – Commercial Zone and GIZ – General Industrial Zone by way of vested service lanes at the rear of properties having regard to alternative means of access and performance standards for activities within such zones.
11. Any need to require provision to be made in a subdivision for the vesting of road reserves for the purpose of facilitating connections to future roading extensions to serve surrounding land, or planned road links that may need to pass through the subdivision and the practicality of creating such easements at the time of subdivision application in order to facilitate later development.
12. Any need to require subdividers to enter into agreements that will enable the Council to require the future owners to form and vest roads when other land becomes available.
13. The need to provide for appropriate standards of street lighting or private vehicular access lighting.
14. The need to provide distinctive names for private vehicular accesses – the name to be agreed to by the Council.
15. The protection of any historic heritage items or notable trees (listed in HH-SCHED2 and TREE-SCHED4), wāhi tapu, wāhi taonga and sites of significance (listed in SASM-SCHED3), or risk to archaeological sites.

Note: The Hastings District Council Engineering Code of Practice provides detailed technical standards on the design and construction of water supply, wastewater disposal and stormwater disposal servicing which may provide an acceptable means of compliance.

SUB-M2 Codes of Practice

1. The current Hastings District Council Engineering Code of Practice (used by Central Hawke's Bay District Council) includes standards for the design and construction of roading and service infrastructure, which may be used as a means of compliance with the objectives, policies, rules, and standards of the District Plan (subject to minor amendments).
2. Code of Practice for Urban Land Subdivision (New Zealand Standard NZS 4404:2004**2010**).
3. The New Zealand Fire Service Fire-Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 applies to all new subdivision and development in all areas, for both reticulated and non-reticulated water supplies.

Principal Reasons

[...]

The Council uses the Code of Practice for Urban Land Subdivision (NZS 4404: 2010 **and the Hastings District Council Engineering Code of Practice** (and any future amendments) **as methods** to assess detailed engineering requirements **for subdivision consent applications**, along with the Hastings District Council Engineering Code of Practice. These Codes of Practice are therefore referred to in the **Methods** assessment matters for resource consents – although the Code of Practice itself is themselves **but** are not part of the District Plan.

3.4 Evidence to the hearing

- 3.4.1 No specific evidence was present on this key issue during the hearing.

3.5 Post hearing information

- 3.5.1 The reporting planner's right-of-reply did not address any matters relating to subdivision and no additional information was provided.

3.6 Evaluation and findings

- 3.6.1 The Panel agrees with the reporting planner that the subdivision chapter be retained subject to the recommended amendments to the current Code of Practice, as above in paragraph 3.3.9.

4 Key Issue 3 – Whanau Ora Outcomes and Cultural Assessments

4.1 Proposed plan provisions

- 4.1.1 This key issue addresses the Whanau Ora Outcomes and Cultural Assessments.

4.2 Submissions

- 4.2.1 NHMT (S125) requested that the SUB – Subdivision chapter be amended to incorporate ‘Whanau Ora Outcomes’ as identified in their submission. They requested that the amended wording be drafted collaboratively with mana whenua of the District. The HTST (FS13) supported the submission from NHMT. Kāinga Ora (FS23) opposed in part NHMT’s submission.
- 4.2.2 The KLT (S84.015) requested that a cultural assessment be undertaken during the subdivision consent process to ensure sites of significance to Māori were identified before any parcel of land changes ownership.

4.3 Reporting planner’s recommendations (s42A report)

- 4.3.1 In regard to the request from NHMT (S125.068) to incorporate the Whānau Ora Outcomes Framework as part of the future spatial and urban design, the reporting planner appreciated that these were important outcomes for whānau that they wish to have included and recognised.
- 4.3.2 The Whānau Ora Outcomes Framework (August 2016) was agreed between Iwi and the Crown to guide their work to improve outcomes for whānau. The Whānau Ora Partnership Group provides strategic leadership to Whānau Ora and it includes six representatives of the Iwi Chairs Forum, and the Ministers for Whānau Ora (Chair), Finance, Health, Education, Social Development and Economic Development. The Partnership Group used the framework to set the direction, identify priorities and monitor progress towards the achievement of improved outcomes for whānau. The Whānau Ora Outcomes Framework helped guide government agencies in policy, planning and investment decisions aimed at improving outcomes for whānau. Government agencies could use the Outcomes Framework to identify opportunities and priorities for partnership and investment, both with other government agencies and with iwi.
- 4.3.3 The Whānau Ora Outcomes Framework therefore related specifically to an agreement between iwi and the Crown, and its implementation and the achievement of the outcomes were monitored by the Partnership Group. As such, the reporting planner considered that it would be inappropriate to apply the framework to the PDP, which had been developed and would be implemented by the CHBDC. For these reasons, the reporting planner did not support amending the Subdivision chapter to incorporate the Whānau Ora Outcomes Framework.
- 4.3.4 In regard to the KLT’s submission (S84.015), requested that a cultural assessment be undertaken during the subdivision consent process to ensure sites of significance to Māori were identified before any parcel of land changes ownership, the reporting planner noted that, if a proposed subdivision was on land containing any part of a site identified as a Site of Significance to Māori in SASM-SCHED 3, then Rule SUB-R1(3) required a Discretionary Activity resource consent application to be made to Council. She noted that the Introduction to the SASM – Sites and Areas of Significance to Māori chapter of the PDP states the following:

A small number of sites have historically been identified in the schedules of former District Plans. However, Council acknowledges that there are a great number of sites that have not been identified. Further research, evaluation and engagement between Council and tangata whenua is necessary to accurately identify, understand, document and map this resource. SASM-SCHED3 is not currently

representative of these sites, therefore effective engagement with tangata whenua is necessary to ensure the ongoing protection and security of sites of significance that are not listed in the District Plan. In some cases, there is a reluctance by tangata whenua to identify the exact location of some Wāhi Tapu sites because of the need to protect their sacredness. Accordingly, it is only those sites that have been identified which are protected by the provisions of the District Plan.

Sites include:

- Old pa sites, excavations and middens (pā tawhito)
- Old burial grounds and caves (ana tūpāpaku)
- Current cemeteries (urupā)
- Battlefields (wāhi pakanga)
- Sacred rocks, trees or springs (ngā toka, rākau tapu)
- Watercourses, swamps, lakes and their edges (waipuna, awa, roto)

The Council has recognised that the effective protection of wāhi tapu, wāhi taonga and sites of significance is dependent on the mutual goodwill of landowners and tangata whenua. Accordingly, the District Plan seeks to facilitate the opportunity for this to occur as part of the subdivision, development and land-use process.

- 4.3.5 The reporting planner outlined that Assessment Matters SUB-AM5(9) and SUB-AM6(15) included the ability for Council to consider “the protection of any historic heritage items or notable tress (listed in HH-SCHED2 and TREE-SCHED4), wāhi tapu, wāhi taonga, and sites of significance (listed in SASM-SCHED3), or risk to archaeological sites” as matters over which Council’s discretion was restricted when considering Restricted Discretionary Activity resource consent applications under the rules in the Subdivision Chapter.
- 4.3.6 In the reporting planner’s opinion, it would be unreasonable for the PDP to require all landowners to provide a cultural assessment with every application for subdivision in the District, particularly if there was nothing to indicate that such sites may be present on their land. Rather, if there were known sites of significance to Māori that the KLT wished to be subject to a Discretionary Activity resource consent application under Rule SUB-R1(3), then the reporting planner considered that greater certainty as to their protection from inappropriate subdivision and development would be achieved if those sites were included in Schedule SASM-SCHED3 of the PDP and identified on the PDP Maps.
- 4.3.7 In regard to development affecting archaeological site, the reporting planner noted that there were no rules or standards in the PDP in relation to recorded archaeological sites identified on the New Zealand Archaeological Association (NZAA) ArchSite database, but the PDP Maps identify the current recorded sites for information purposes only, so that plan users could be informed about the presence of recorded sites (and the potential for other unrecorded sites) on their land, and which may be subject to the HNZPT Act. The reporting planner outlined the requirements for all archaeological sites, recorded and unrecorded, under the HNZPT Act.
- 4.3.8 The reporting planner made no recommendations to amend the provisions of the SUB – Subdivision chapter in response to the above submission points.

4.4 Evidence to the hearing

- 4.4.1 Stella August, on behalf of the KLT, spoke to the Trusts’ submission on this topic, and provided further background to the concerns, including both positive and poor examples of subdivision and housing development affecting or adjacent to sites of cultural significance.
- 4.4.2 Ms August considered that the current provisions and processes were not adequate at protecting our cultural sites and landscapes. She submitted that the PDP should require:
- The New Zealand Archaeological Association Site Recording Scheme (ArchSite) should be checked in all instances where a subdivision, development and a change of land use was occurring. This would ensure that recorded archaeological sites were identified.

- 4.4.3 A Cultural Impact Assessment should take place when a subdivision or development or change of land use occurs within 100m of a recorded archaeological site. Ms August considered that a thorough archaeological survey of the entire district would provide some certainty about the location of archaeological sites for future planning and development. She also considered that a cultural overlay (or polygon), as part of a GIS layer (that could incorporate NZAA ArchSite information), could be used to identify sites where exact locations of SASMs did not want to be disclosed for various reasons. The cultural overlay could be used to advise who subdividers could talk to and their contact information.

4.5 Post hearing information

- 4.5.1 The reporting planner's right-of-reply did not address any matters relating to Whānau Ora Outcomes and Cultural Assessments and no additional information was provided.

4.6 Evaluation and findings

- 4.6.1 The Panel agrees with the reporting planner that it would be inappropriate to incorporate the 'Whānau Ora Outcomes' into the subdivision chapter of the PDP, as requested by NHMT. The Panel agrees with the reporting planner that the Framework is an agreement between iwi and the Crown, and it is therefore not appropriate to amend the subdivision provisions of the PDP in response. However, the Panel recognises that the Whānau Ora Outcomes framework includes goals and aspirations that have relevance to the PDP and to resource management in general: these included having whānau exercising mana whakahaere (authority and control) and mana-kaitiaki over their natural environment, as well as having whānau leading sustainable management of their natural environment. The Framework also sees whānau being able to access a range of housing options and the support required to pursue those options.
- 4.6.2 In response, to the former, the Panel considers that these matters should be subject to the wider ongoing dialogue between the CHBDC and iwi, and we anticipate the establishment of the Tamatea Partnership Committee of Council should assist in facilitating this dialogue.
- 4.6.3 In response, to the latter outcome (in relation to housing), the Panel have listened to the aspirations of iwi expressed through submissions on the PDP in regard to providing for greater housing options for iwi and whānau, and for the development of Māori land more generally. Our evaluation and findings on this issue are provided in Panel Report 4A (that addresses Tangata Whenua matters), which include recommendations to amend provisions to enable papakāinga and whānau housing.
- 4.6.4 In terms of the submission from KLT, the Panel agrees with the reporting planner that the PDP framework relating to archaeological sites in the District is appropriate. This framework has recorded NZAA sites identified on the Planning Maps, and Plan users are advised about the requirements of the HNZPT Act in relation to any disturbance or damage to such sites. We accept that these records are incomplete – and inaccurate in places – but will be updated as new information is entered into the NZAA database (our evaluation and recommendations on these provisions are contained in Panel Report 4B, Historical and Cultural Values – Historic Heritage and Notable Trees).
- 4.6.5 The Panel accepts that a full archaeological survey of the District would overcome the current deficiencies, but recognise that it would be a very substantial and time-consuming exercise, and require significant landowner, iwi and other stakeholder coordination and cooperation.
- 4.6.6 The Panel agrees with the reporting planner that it would be unreasonable for the PDP to require all landowners to provide a cultural assessment with every application for subdivision across the District, particularly if there is nothing to indicate that such sites are present on the land.

However, after discussing the concept with Ms August, the Panel did see merit in the development and use of 'cultural overlays' as a method for alerting landowners and subdividers over the possible presence of sites of cultural significance (both historic heritage values and/or of significance to Māori). As the Panel understands, this method would involve identifying those parts of the District with the highest likelihood of containing sites of cultural values, such as areas along the coast and near and around known pā, urupā, tūāhu and wāhi pakanga.

- 4.6.7 The Panel acknowledges that such an exercise would need still require substantial coordination and collaboration between iwi, landowners, communities and other stakeholders, but considers this approach would have the benefit of alerting landowners about those areas in the District of greatest risk of accidentally damaging or destroying culturally important sites. It would also have the benefit of encouraging collaboration between landowners and iwi, and increasing community knowledge.
- 4.6.8 Accordingly, while the Panel is not recommending any changes to the PDP in response to submissions on this matter, we are recommending to the Council that it considers the potential development of cultural overlays (landscapes) as part of the long-term programme to improve the effectiveness of the PDP.

5 Key Issue 4 – Introduction and Issues

5.1 Proposed plan provisions

- 5.1.1 This key issue addresses matters arising from submissions on the Introduction and Issues sections of the Subdivision chapter of the PDP.

5.2 Submissions

- 5.2.1 In summary, Transpower (S79) supported the last two points of paragraph 3 of the Introduction to the SUB – Subdivision chapter and request that they be retained.
- 5.2.2 Pork Industry Board (S42) supported the Introduction to the chapter and request that it be retained as notified.
- 5.2.3 Kāinga Ora (S129) opposed Issues SUB-I1, SUB-I2 and SUB-I3 and request that they be amended (details below).
- 5.2.4 There were no further submissions in relation to the above submission points.

5.3 Reporting planner's recommendations (s42A report)

Issue SUB-I1

- 5.3.1 Kāinga Ora (S129.064) requested the re-framing of Issue SUB-I1 to clarify the key issue and potential consequences should lot size and dimension not be adequately managed. The reporting planner advised that Issue SUB-I1 links to Objective SUB-O2, which was "Lots created by subdivision are physically suitable for a range of land use activities allowed by the relevant rules of the District Plan". It also linked to Policy SUB-P1, which was "To establish standards for minimum lot sizes for each zone in the District".
- 5.3.2 The reporting planner considered that the submitter's suggested amendments to the wording of the issue were generally more appropriate than the proposed wording, but the reporting planner did not support the changes entirely, as there was no reference to 'lot size and dimension' in the issue proper, which was the focus of the issue.
- 5.3.3 In regard to the Explanation, the reporting planner concurred that the words 'and avoid or mitigate any potential reverse sensitivity effects in the area where they were located' could be deleted, as that was already encompassed within the broader reference to 'enable the avoidance, remediation or mitigation of potential adverse effects of development on natural, physical, cultural and heritage resources. The reporting planner also considered that the reference to 'amenity' should be related to ensuring that the size of lots created enables land development that was compatible with the anticipated character and amenity values of the zone, rather than it being about lot sizes provided for and contributed to on-site and off-site amenity (as requested by the submitter). While not referred to by the submitter, the reporting planner also considered that there was no need to include the word 'dimension' in the heading of the issue, as the subdivision provisions in the SUB - Subdivision chapter only related to minimum lot sizes. The reporting planner considered that this amendment could be regarded as 'minor changes with no real substantive effect.
- 5.3.4 Given the above, the reporting planner considered that Issue SUB-I1 should be amended as follows:

SUB-I1 Lot Size and Dimension

~~The need for lots of a sufficient size and dimension to accommodate activities allowed by the area-specific and district-wide rules~~ **Where not appropriately managed, subdivision can result in establishment of new lots which are of a size and dimension unable to accommodate land use activities anticipated within the zone.**

Explanation

Subdivision of land needs to create lots that are of an appropriate size to accommodate the variety of land use activities ~~that are allowed by~~ **provided for within** each zone ~~and district-wide rules in the District Plan.~~ They also need to be of a size and shape that enable **land development to** the avoidance, remediation or mitigation of potential adverse effects of development on natural, physical, cultural and heritage resources; **and that is compatible with the anticipated character** maintain or enhance landscape and amenity values **of each zone;** and avoid or mitigate any ~~potential reverse sensitivity effects in the area where they are located.~~

Issues SUB-I2 and SUB-I3

- 5.3.5 Kāinga Ora (S120.065, S129.066) generally supported the intent of Issues SUB-I2 and SUB-I3 but requested that they be re-framed to clarify the key issues and potential consequences should servicing not be adequately managed. In the case of natural hazards (SUB-I3), Kāinga Ora acknowledged that, where new vacant allotments were created, it often enabled land use activities which had the potential to pose risks to people and property.
- 5.3.6 The reporting planner generally concurred with the submitter's requested re-framing of the wording of Issue SUB-I2, but the reporting planner considered that it could be improved further, as follows:

SUB-I2 Servicing

~~Subdivision usually requires~~ **The ability to accommodate proposed or anticipated land development may be limited, and could result in adverse effects on the environment where the necessary access to** roading, telecommunication, electricity, water, ~~sewage~~ **wastewater** and stormwater services **is not provided through subdivision to enable future owners of the land to carry out their planned activities.**

Explanation

Subdivisions usually result in intensified land use, involving a full range of services. Good subdivision design includes roading and access routes that work efficiently and safely for both vehicles and pedestrians.

Water supply and sewage/stormwater disposal services may connect to existing reticulation networks or be developed as self-contained services for each subdivision by the subdivider, or alternatively be developed at a later date by owners of each individual site within a subdivision.

The proliferation of individual water supply, effluent disposal and stormwater systems can result in water contamination, flooding, or land instability in certain terrain. Subdivisions, where possible, should connect to existing reticulation systems.

- 5.3.7 The reporting planner supported Kāinga Ora's requested amendments to the wording of Issue SUB-I3, for the reasons given by the submitter, but for consistency with the provisions in the Subdivision chapter, the reporting planner considered that the word 'allotment' should be replaced with 'lot'.

5.4 Evidence to the hearing

- 5.4.1 No evidence was presented at the hearing on this key issue.

5.5 Post hearing information

- 5.5.1 The reporting planner's right-of-reply did not address any matters relating to the subdivision introduction and issues and no additional information was provided.

5.6 Evaluation and findings

Issue SUB-I1

- 5.6.1 The Panel agrees with the reporting planner and Kāinga Ora to reword Issue SUB-I1 to clarify the key issue and potential consequences should lot size and dimension not be adequately managed.
- 5.6.2 The Panel agrees that Issue SUB-I1 should be amended as follows:

SUB-I1 Lot Size and Dimension

~~The need for lots of a sufficient size and dimension to accommodate activities allowed by the area-specific and district-wide rules~~ **Where not appropriately managed, subdivision can result in establishment of new lots which are of a size and dimension unable to accommodate land use activities anticipated within the zone.**

Explanation

Subdivision of land needs to create lots that are of an appropriate size to accommodate the variety of land use activities ~~that are allowed by~~ **provided for within** each zones ~~and district-wide rules~~ in the District Plan. They also need to be of a size and shape that enable **land development to** the avoidance, remediation or mitigation of potential adverse effects of ~~development~~ on natural, physical, cultural and heritage resources; **and that is compatible with the anticipated character** ~~maintain or enhance landscape and amenity values of each zone; and avoid or mitigate any potential reverse sensitivity effects in the area where they are located.~~

Issues SUB-I2 and SUB-I3

- 5.6.3 Kāinga Ora (S120.065, S129.066) generally supported the intent of Issues SUB-I2 and SUB-I3 but requested that they be re-framed to clarify the key issues and potential consequences should servicing not be adequately managed.
- 5.6.4 The Panel agrees with the reporting planner and generally concurs with the submitter's requested re-framing of the wording of Issue SUB-I2, but the Panel agrees with the reporting planner and considers that it could be improved further, as follows:

SUB-I2 Servicing

~~Subdivision usually requires~~ **The ability to accommodate proposed or anticipated land development may be limited, and could result in adverse effects on the environment where the necessary access to** roading, telecommunication, electricity, water, ~~sewage~~ **wastewater** and stormwater services **is not provided through subdivision to enable future owners of the land to carry out their planned activities.**

Explanation

Subdivisions usually result in intensified land use, involving a full range of services. Good subdivision design includes roading and access routes that work efficiently and safely for both vehicles and pedestrians.

Water supply and sewage/stormwater disposal services may connect to existing reticulation networks or be developed as self-contained services for each subdivision by the subdivider, or alternatively be developed at a later date by owners of each individual site within a subdivision.

The proliferation of individual water supply, effluent disposal and stormwater systems can result in water contamination, flooding, or land instability in certain terrain. Subdivisions, where possible, should connect to existing reticulation systems.

- 5.6.5 The Panel agrees with the reporting planner and supports Kāinga Ora's requested amendments to the wording of Issue SUB-I3, for the reasons given by the submitter, but for consistency with the provisions in the Subdivision chapter, the Panel agrees with the reporting planner considers that the word 'allotment' should be replaced with 'lot'.

6 Key Issue 5 – Objectives

6.1 Proposed plan provisions

- 6.1.1 This key issue addresses the Subdivision objectives.

6.2 Submissions

- 6.2.1 There were 26 submission points and 9 further submission points that sought that the objectives be retained or amended.

6.3 Reporting planner's recommendations (s42A report)

Objective SUB-O1

- 6.3.1 Kāinga Ora (S129.067) generally supported Objective SUB-O1 but sought some minor changes and requested that it be amended by deleting 'and High Natural Character Areas' from SUB-O1(2). This relief relates to Kāinga Ora's submission in relation to the ECO – Ecosystems and Indigenous Biodiversity chapter (S129.062), where they opposed reference to the term 'high natural character areas' because it was not defined in the PDP, and they consider it is unclear to what degree the plan should have regard to it within an RMA context.
- 6.3.2 The s42A Coastal Environment Report for Hearing Stream 1 (Section 8.3, pages 30-31) states the following in relation to the reasons and the process for identifying Areas of High Natural Character in Schedule CE-SCHED7 in the PDP:

8.3 Analysis

CE-SCHED7

- 8.3.1 Section 6(a) of the RMA identifies the preservation of the natural character of the coastal environment (including the coastal marine area), and its protection from inappropriate subdivision, use, and development, as a matter of national importance that must be recognised and provided for.
- 8.3.2 Further, section 75 of the RMA requires District Plans to give effect to the NZCPS (section 75(3)(b)). In preserving the natural character of the coastal environment and its protection from inappropriate subdivision, use and development, Policy 13 of the NZCPS requires:
- 'assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character' (Policy 13(1)(c)), and
 - 'ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions' (Policy 13(1)(d)).
- 8.3.3 Policy 13 also recognises that 'natural character is not the same as natural features and landscapes or amenity values'.
- 8.3.4 In reviewing the District Plan, Central Hawke's Bay District Council commissioned John Hudson of Hudson Associates – a suitably qualified landscape architect – to carry out an expert natural character assessment of the District's coastal environment. As part of that assessment, Mr Hudson adopted the following methodology²:
- Research relevant background information, aerial photography, technical research and site visits
 - Mapping of the physical extent of the Coastal Environment
 - Mapping the Coastal Environment Sectors based on their distinguishing characteristics
 - Describing the characteristics of these sectors and ranking these on a seven-point scale
 - Drafting the Assessment Report using a defined assessment matrix to evaluate the specific factors within each Coastal Sector
 - Identifying areas of High and Outstanding Natural Character
- 8.3.5 Policy 13 of the NZCPS does not specifically define natural character, however clause (2) does identify a number of matters that could be considered under 'natural character'. When determining the level of natural character, Mr Hudson's assessment adopted the following commonly used definition:
- 'The degree of natural character within an area depends on:*
- 1) The extent to which the natural elements, patterns and processes occur;*
 - 2) The nature and extent of modification to the ecosystem and landscape/seascape*
- The highest degree of natural character (greatest naturalness) occurs where there is least modification. The effect of different types of modification upon natural character varies with context and may be perceived differently by different parts of the community.'*
- 8.3.6 Mr Hudson's assessment report outlines the assessment matrix he used, as follows:
- 'The assessment matrix used for the Central Hawke's Bay Coastal Environment references a number of other assessment matrices undertaken by other practices, including work undertaken by Boffa Miskell Limited for the Natural Character Assessment of the Thames Coromandel Coastal Environment for the Waikato Regional Council and also their assessment for the Horowhenua District Council. The CHB evaluation will rank each of the seven identified natural character components against a 7-point scale (Very High, High, High-Moderate, Moderate, Moderate-Low, Low, and Very Low) to determine the*

extent of modification that has occurred. An expert interpretation and weighting will then take place based on the combined scores of each coastal sector.⁴⁸

8.3.7 Nine (9) Coastal Sectors were identified (listed below), with work sheets for each containing an identification map and aerial photograph. The natural character rankings for each feature within each Coastal Sector are indicated on the maps in Mr Hudson's report, while the 'Assessment Worksheets' contain a discussion about each and a short summary of the natural character values associated with that Coastal Sector and the threats to key characteristics.

- Sector 1 Huarau - Taupata
- Sector 2 Waimoana - Kairakau
- Sector 3 Paonui Point - Pourerere
- Sector 4 Aramoana - Te Angiangi
- Sector 5 Pohutapapa - Blackhead
- Sector 6 Porangahau
- Sector 7 Mt Pleasant
- Sector 8 Whangaehu
- Sector 9 Collection of individual Settlements along the coast
- Sector 10 Overall length of coast which is neither High nor Very High Natural Character

8.3.8 Mr Hudson concluded that there are no areas of outstanding natural character, but that much of the District's coastline has (at least) high natural character values. He assessed the coastal settlement areas and remaining balance of the coastal environment as having moderate-low natural character.

*'The coastal environment has natural character ranging from a Moderate-Low to Very High ranking due to a combination of its key characteristics which are perceptions of ruggedness, clear visibility of its exposed underlying geomorphology, expressiveness of its formative processes, dominance of natural processes, higher biodiversity values in regenerating areas and limited human modification. Where settlements occur, these are confined in extent and located in recessed bays where beaches and road ends occur along the coast. They are sufficiently small to not affect the overall perception of the key coastal characteristics. Threats to these characteristics are screening of natural landform and exposed underlying geomorphology through pine plantations, drainage and earthworks in dune areas, buildings in dune areas and buildings on or along the top of the coastal escarpments.'*⁴⁹

8.3.9 The PDP has adopted the results of Mr Hudson's natural character assessment, including the incorporation of those areas identified as having 'high' or 'very high' natural character on the planning maps, and development of an accompanying 'Schedule of Areas of High Natural Character in the Coastal Environment' (Schedule CE-SCHED7).

8.3.10 I consider the independent assessment by a suitably qualified expert, and subsequent inclusion of the areas of high natural character identified in that assessment within the PDP (maps and Schedule CE-SCHED7), as robustly responding to section 6(a) of the RMA and giving effect to the NZCPS (Policy 13) as required by section 75(3)(b) of the RMA. Given this, I do not support deletion of Schedule CE-SCHED7 and associated mapping.

6.3.3 The reporting planner concurred with the conclusion of the reporting officer in the s42A Coastal Environment Report, that the independent assessment by a suitably qualified expert and subsequent inclusion of HNCAs identified in that assessment within the PDP (maps and Schedule CESCHED7), robustly responded to s6(a) of the RMA and gave effect to the NZCPS (Policy 13), as required by s75(3)(b) of the RMA. For these reasons, the reporting planner did not support deletion of 'High Natural Character Areas' from Objective SUB-O1(2). However, the reporting planner supported deleting the word 'that' in the first line of Objective SUB-O1, as follows:

SUB-O1 Subdivision of land ~~that~~ is consistent with the objectives and policies of the relevant zones and district-wide matters in the District Plan, including those relating to:
[...]

Objective SUB-O2

6.3.4 James Bridge requested that Objective SUB-O2 be amended so that lots created by subdivision were physically suitable for 'their intended use which is not prohibited in the relevant zone'. While the reporting planner supported reference to 'intended', she did not consider that reference to the intended use not being prohibited in the zone is appropriate. In the reporting planner's opinion, it was more relevant for the lots created to be physically suitable for the types of development that was intended and anticipated by the zone provisions relevant to where the subdivision was.

6.3.5 Kāinga Ora sought changes to the wording of Objective SUB-O2 to reflect that where subdivision and land use consents were sought concurrently, the outcomes were well understood and deemed acceptable for the zone through approval of land use consent. They supported the imposition of minimum lot size requirements for vacant lot subdivision to ensure they were of sufficient size to accommodate anticipated land use activities on resulting allotments.

6.3.6 Kāinga Ora requested that the objective be amended to distinguish between 'vacant' lot subdivisions and other (non-vacant) lot subdivisions. The reporting planner considered it likely

the submitter was referring to ‘non-vacant’, as the subdivision of land with buildings and structures already on it was already addressed (e.g., subdivision under the Unit Titles Act 2010). In the reporting planner’s opinion, there was no need to distinguish between the two types of subdivision, as the purpose of the objective was for new lots created (whether vacant or not) were physically suitable for the types of development intended and anticipated by the relevant zone provisions.

- 6.3.7 Kāinga Ora also requested that the word ‘lot’ be changed to ‘allotment’. The reporting planner noted that, under the PDP, ‘Lot(s)’ has the same meaning as ‘Allotment’, so either term may be used without any implications. The term ‘lot’ has been used consistently throughout the SUB – Subdivision chapter, so her preference was to retain it in Objective SUB-O2.
- 6.3.8 The reporting planner concurred with James Bridge and Kāinga Ora, that the wording of the objective could be improved so that it was not so rigid as to only refer to lots being suitable for a range of land use activities allowed by the relevant rules of the PDP. The reporting planner therefore supported amending the objective so that it referred to ‘types of development’, which could include consented developments. The reporting planner therefore considered that Objective SUB-O2 should be amended as follows:

SUB-O3 ~~The provision of appropriate services to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure that are compatible with the anticipated purpose, character and amenity of each zone, and provide for the health and safety of people and communities, and the maintenance or enhancement of amenity values.~~ **Appropriate services and network utilities are provided** to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure **that are compatible with the anticipated purpose, character and amenity of each zone, and provide for** the health and safety of people and communities, and the maintenance or enhancement of amenity values.

Objective SUB-O3

- 6.3.9 Chorus, Spark and Vodafone (\$117.058, \$118.058, \$119.058) requested that Objective SUB-O3 be amended by deleting ‘services’ and replacing it with ‘network utilities’. FENZ requested that Objective SUB-O3 be retained (\$57.066) but that the words ‘and network utilities’ be added after ‘services’ (FS15.001). Centralines (\$90.031) requested that the words ‘and infrastructure’ be added to the objective after ‘services’.
- 6.3.10 Kāinga Ora (\$120.069) generally supported the intent of Objective SUB-O3 but considered that it should be amended to read as an objective, as follows:

SUB-O3 ~~The provision of appropriate services to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure the health and safety of people and communities, and the maintenance or enhancement of amenity values.~~ **are provided for**, in anticipation of the likely effects of land use activities on those lots, so as to ensure the health and safety of people and communities, and the maintenance or enhancement of amenity values.

- 6.3.11 ‘Services’ is defined in Part 01B – Interpretation of the PDP as:

SERVICE	means:
	(a) any water supply system
	(b) any stormwater collection and disposal system
	(c) any sewage collection, treatment and disposal system
	(d) any trade waste collection and disposal system
	(e) any works to avoid, remedy or mitigate natural hazards
	(f) any landscaping, including planting of vegetation
	(g) any provisions of access to land in the subdivision (including roads, cycleways, pedestrian accessways, service lanes, private access, street lighting and associated works)
	and in each case includes any necessary or incidental work. ‘services’ has a corresponding meaning.

- 6.3.12 With regard to the above definition of ‘service’, the reporting planner concurred with the submitters that limiting the objective to ‘services’ was too narrow, as it excluded network utilities such as electricity, telecommunications, roading and gas, which were also important to support

land use activities and ensure the health and safety of people and communities. The reporting planner did not support Centralines' request to replace 'services' with 'infrastructure', as there was no definition of that term in the PDP. The reporting planner did not support Kāinga Ora's request to delete all words after 'subdivided lots' as that removed from the objective the reasons for providing appropriate services to subdivided lots.

- 6.3.13 Given the above, the reporting planner considered that Objective SUB-O3 should be amended as follows:

SUB-O3 ~~The provision of appropriate services and network utilities are provided to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure that are compatible with the anticipated purpose, character and amenity of each zone, and provide for the health and safety of people and communities, and the maintenance or enhancement of amenity values.~~

Objective SUB-O4

- 6.3.14 Chorus, Spark, Vodafone, Silver Fern Farms, Hatuma Lime, Waka Kotahi and Centralines all requested that Objective SUB-O4 be retained as notified.
- 6.3.15 Transpower sought an amendment to SUB-O4 to give effect to the NPS-ET but did not specify how it should be amended. Kāinga Ora opposed Transpower's submission point.
- 6.3.16 Pork Industry Board requested that Objective SUB-O4 be amended so that it referred to 'primary production' as well as network utilities.
- 6.3.17 Kāinga Ora requested that the objective be amended as follows:

SUB-O4 ~~Reverse sensitivity effects of subdivision and resulting new activities on existing lawfully established activities (including network utilities) are avoided remedied where practicable, or mitigated where avoidance is not practicable.~~

- 6.3.18 The reporting planner noted that Objective SUB-O4 relates to Policies SUB-P16 and SUB-P17. As the policies provide more focus on how the objective is to be achieved, the reporting planner considered it unnecessary to add more of the same detail into Objective SUB-O4. Policy SUB-P16 also specifically referred to potential reverse sensitivity effects of sensitive activities establishing near primary production. The reporting planner concurred with Kāinga Ora that the objective should be amended to recognise that it was the land use activities that occur on the land subdivided that had the potential to cause reverse sensitivity effects. However, the reporting planner did not support the submitter's request to include reference to remediation, as that would be required when there was a reverse sensitivity effect, and the intention of the objective was to first avoid where practicable, otherwise mitigate, so remediation was not required.
- 6.3.19 The reporting planner noted that Chapter 3.5 of the Hawke's Bay RPS includes the following objectives in relation to the effects of conflicting land use activities:

OBJECTIVES

- OBJ 16** For future activities, the avoidance or mitigation of off site impacts or nuisance effects arising from the location of conflicting land use activities.
- OBJ 17** For existing activities (including their expansion), the remedy or mitigation of the extent of off site impacts or nuisance effects arising from the present location of conflicting land use activities.
- OBJ 18** For the expansion of existing activities which are tied operationally to a specific location, the mitigation of off site impacts or nuisance effects arising from the location of conflicting land activities adjacent to, or in the vicinity of, areas required for current or future operational needs.

- 6.3.20 The reporting planner noted that Objective OBJ 16 of the RPS was for future activities to avoid or mitigate off site impacts or nuisance effects arising from the location of conflicting land use activities. In her opinion, Objective SUB-O4 was consistent with this RPS objective.
- 6.3.21 On that basis, the reporting planner considered that Objective SUB-O4 should be retained, but amended as follows:

SUB-O4 Reverse sensitivity effects of subdivision ~~and its resulting future land use activities~~ on existing lawfully established activities ~~(including network utilities)~~ are avoided where practicable, or mitigated where avoidance is not practicable.

Objective SUB-O5

- 6.3.22 FENZ requested that Objective SUB-O5 be retained as notified.
- 6.3.23 Forest and Bird (S75.025) opposed Objective SUB-O5, as they considered the policy should be changed to deter subdivision on grounds wider than where ecological effects cannot be mitigated (for example, also where there was risk from climate change.), as they considered this would lead to poor decision-making and “path dependency”. They considered it would also mean any managed retreat or move out of risky areas would be more difficult in future. The submitter requested that the policy be amended as follows:

SUB-O5 Avoidance of subdivision in localities where there is a significant risk from natural hazards, particularly where these risks are likely to increase as a result of climate change, ~~unless these can be mitigated without significant adverse effects on the environment.~~

- 6.3.24 Kāinga Ora (S129.071) generally supported the intent of the objective, but sought the following amendments to reflect that subdivision in areas of natural hazards may be appropriate where mitigation was proposed:

SUB-O5 ~~Avoidance of s~~Subdivision in localities where there is a significant risk from natural hazards should be minimised, unless these risks can be mitigated without significant adverse effects on the environment.

- 6.3.25 The Introduction to the NH – Natural Hazards chapter of the PDP states the following in relation to natural hazards:

Section 106 of the RMA specifies when a consent authority may refuse to grant subdivision in certain circumstances, as follows:

106 Consent authority may refuse subdivision consent in certain circumstances

- (1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—
 - (a) there is a significant risk from natural hazards; or
 - (b) *[Repealed]*
 - (c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.
- (1A) For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of —
 - (a) the likelihood of natural hazards occurring (whether individually or in combination); and
 - (b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and
 - (c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).
- (2) Conditions under subsection (1) must be—
 - (a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and
 - (b) of a type that could be imposed under [section 108](#).

- 6.3.26 The reporting planner did not support Forest and Bird’s request to amend Objective SUB-O5 to include reference to climate, as reporting planner considered it was unnecessary, as sections 6(h) and 106 of the RMA refer only to ‘significant risks from natural hazards’, and the identification of

some natural hazards (e.g. coastal hazards) would have already included the likely effects of climate change.

- 6.3.27 The reporting planner did not support the amendments to Objective SUB-O5 sought by Kāinga Ora, as she considered that, in accordance with section 106 of the RMA, it was appropriate and lawful for the Council to not grant consent to subdivisions (i.e. in relation to ‘avoidance’) where they were in locations subject to significant risk from natural hazards, and where material damage from the hazards on land or structures, including in relation to the likely subsequent use of the land, cannot be mitigated or remedied.
- 6.3.28 However, the reporting planner considered that, pursuant to cl16(2) of the First Schedule of the RMA, that the wording of Objective SUB-O5 should be amended to better reflect section 106 of the RMA, as follows:

SUB-O5 Avoidance of subdivision in localities where there is a significant risk of material damage from natural hazards on land or structures, including in relation to any likely subsequent use of the land, ~~unless these can~~ that cannot be remedied or mitigated ~~without significant adverse effects on the environment.~~

6.4 Evidence to the hearing

- 6.4.1 Tom Anderson provided evidence on behalf of Chorus, Spark and Vodafone, generally in support of the reporting planner’s recommendations, but raised the question whether the recommendation in the s42A report to delete the reference to network utilities was out of scope.

6.5 Post hearing information

- 6.5.1 The reporting planner’s right-of-reply agreed with Mr Anderson that there was no scope within the submission to delete including network utilities in SUB-O4. The reporting planner changed her position and recommended that Objective SUB-O4 be amended as follows in response to the relevant submission points:

SUB-O4 Reverse sensitivity effects of subdivision and its resulting future land use activities on existing lawfully established activities (including network utilities) were avoided where practicable, or mitigated where avoidance was not practicable.

6.6 Evaluation and findings

Objective SUB-O1

- 6.6.1 Kāinga Ora (S129.067) generally supported Objective SUB-O1 but sought some minor changes and requested that it be amended by deleting ‘and High Natural Character Areas’ from SUB-O1(2). This relates Kāinga Ora’s submission in relation to the ECO – Ecosystems and Indigenous Biodiversity chapter (S129.062).
- 6.6.2 The Panel agrees with the reporting planner that the independent assessment by a suitably qualified landscape expert and subsequent inclusion of the areas of high natural character identified in that assessment within the PDP (maps and Schedule CESCHED7), robustly responds to s6(a) of the RMA and gave effect to the NZCPS (Policy 13), as required by s75(3)(b) of the RMA. For these reasons, the reporting planner did not support deletion of ‘High Natural Character Areas’ from Objective SUB-O1(2). However, the Panel agrees with the reporting planner and supports deleting the word ‘that’ in the first line of Objective SUB-O1, as follows:

SUB-O1 Subdivision of land ~~that~~ is consistent with the objectives and policies of the relevant zones and district-wide matters in the District Plan, including those relating to:
[...]

- 6.6.3 In relation to Objective SUB-O1, the Panel had regard to the introduction of the NPS-HPL, which came into effect on 17 October 2022. In particular, we had regard as to whether the objective is consistent with the NPS in relation to protecting highly productive land from inappropriate subdivision.
- 6.6.4 On this matter, we were grateful for the advice of the Council’s legal counsel, Asher Davidson, who provided a memorandum on the implications of the NPS-HPL for the PDP process, dated 9 November 2022. In her opinion, she considered “the Council’s approach of having regard to the draft NPS in its drafting has meant that there is a very high degree of consistency between the NPS-HPL and the PDP. Reading the officer’s recommended version of the RPROZ and Subdivision sections through the NPS-HPL ‘lens’ demonstrates the close match between what the NPS and the RPROZ seek to achieve (paragraph 31).
- 6.6.5 The Panel concurs with Ms Davidson’s opinion that there is a high degree of consistency between the direction of the NPS-HPL and that of the PDP in regard to the management of the District’s highly productive land. Specifically, in relation to the management of subdivision, Objective SUB-O1 seeks to have the subdivision of land be consistent with the objectives and policies of the relevant zones, including, inter alia, “those relating to safeguarding the rural land resource of CHB from appropriate subdivision (RLR – Rural Land Resource provisions of the PDP)”. Having regard to the provisions of the Rural Land Resource section of the PDP’s Strategic Direction, which include, for example, the objective that “the District’s highly productive land is protected from further fragmentation” (Objective RLR-O3), the Panel was satisfied that the direction of the PDP’s subdivision provisions were not inconsistent with the NPS-HPL. Objective SUB-O2.
- 6.6.6 James Bridge requested that Objective SUB-O2 be amended so that lots created by subdivision are physically suitable for ‘their intended use which is not prohibited in the relevant zone’.
- 6.6.7 Kāinga Ora sought changes to the wording of Objective SUB-O2 to reflect that where subdivision and land use consents are sought concurrently, the outcomes are well understood and deemed acceptable for the zone through approval of land use consent. They support the imposition of minimum lot size requirements for vacant lot subdivision to ensure they are of sufficient size to accommodate anticipated land use activities on resulting allotments.
- 6.6.8 The Panel agrees with the reporting planner that the wording of the objective can be improved so that it is not so rigid as to only refer to lots being suitable for a range of land use activities allowed by the relevant rules of the PDP. The Panel therefore agrees with the reporting planner and supports amending the objective so that it refers to ‘types of development’, which could include permitted and consented developments. Objective SUB-O2 should be amended as follows:

SUB-O3 ~~The provision of a~~Appropriate services **and network utilities are provided** to subdivided lots, ~~in anticipation of the likely effects of land use activities on those lots, so as to ensure~~ **that are compatible with the anticipated purpose, character and amenity of each zone, and provide for** the health and safety of people and communities, ~~and the maintenance or enhancement of amenity values.~~

Objective SUB-O3

- 6.6.9 Chorus, Spark and Vodafone (\$117.058, \$118.058, \$119.058) requested that Objective SUB-O3 be amended by deleting ‘services’ and replacing it with ‘network utilities’. FENZ requested that Objective SUB-O3 be retained (\$57.066) but that the words ‘and network utilities’ be added after ‘services’ (FS15.001). Centralines (\$90.031) requested that the words ‘and infrastructure’ be added to the objective after ‘services’.
- 6.6.10 The Panel was guided by the definition of ‘Services’ in Part 01B – Interpretation of the PDP which is:

SERVICE	means:
	(h) any water supply system
	(i) any stormwater collection and disposal system
	(j) any sewage collection, treatment and disposal system
	(k) any trade waste collection and disposal system
	(l) any works to avoid, remedy or mitigate natural hazards
	(m) any landscaping, including planting of vegetation
	(n) any provisions of access to land in the subdivision (including roads, cycleways, pedestrian accessways, service lanes, private access, street lighting and associated works)
	and in each case includes any necessary or incidental work. 'services' has a corresponding meaning.

- 6.6.11 The Panel agrees with the reporting planner that limiting the objective to 'services' is too narrow, as it excludes network utilities such as electricity, telecommunications, roading and gas, which are also important to support land use activities and ensure the health and safety of people and communities.
- 6.6.12 Given the above, the Panel agrees with the reporting planner and considers that Objective SUB-O3 should be amended as follows:

SUB-O3 The provision of appropriate services **and network utilities are provided** to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure **that are compatible with the anticipated purpose, character and amenity of each zone, and provide for** the health and safety of people and communities, ~~and the maintenance or enhancement of amenity values.~~

Objective SUB-O4

- 6.6.13 Transpower sought an amendment to SUB-O4 to give effect to the NPS-ET but did not specify how it should be amended. Kāinga Ora opposed Transpower's submission point.
- 6.6.14 The Pork Industry Board requested that Objective SUB-O4 be amended so that it referred to 'primary production' as well as network utilities.
- 6.6.15 Kāinga Ora requested that the objective be amended as follows:

SUB-O4 Reverse sensitivity effects of subdivision **and resulting new activities** on existing lawfully established activities (including network utilities) are ~~avoided~~ **remedied** where practicable, or mitigated where avoidance is not practicable.

- 6.6.16 The Panel agrees with the reporting planner and considers that Objective SUB-O4 should be retained, but amended as follows:

SUB-O4 Reverse sensitivity effects of subdivision **and its resulting future land use activities** on existing lawfully established activities ~~(including network utilities)~~ are avoided where practicable, or mitigated where avoidance is not practicable.

Objective SUB-O5

- 6.6.17 Forest and Bird (S75.025) opposed Objective SUB-O5, as they consider the policy should be changed to deter subdivision on grounds wider than where ecological effects cannot be mitigated (in particular, where there was risk from climate change), as they consider this would lead to poor decision-making. They considered it would also mean any managed retreat or move out of risky areas would be more difficult in future.
- 6.6.18 Kāinga Ora (S129.071) generally supported the intent of the objective but sought amendments to reflect that subdivision in areas of natural hazards may be appropriate where mitigation is proposed.

- 6.6.19 The Panel notes that Section 106 of the RMA specifies when a consent authority may refuse to grant subdivision in certain circumstances, as outlined in paragraph 6.3.25 above, and consider that Objective SUB-05 provides guidance on when to apply s106 RMA.
- 6.6.20 However, the Panel agrees with the reporting planner and considers that, pursuant to cl 16(2) of the First Schedule of the RMA, that the wording of Objective SUB-O5 should be amended to better reflect the wording of section 106 of the RMA, as follows:

SUB-O5 Avoidance of subdivision in localities where there is a significant risk **of material damage** from natural hazards **on land or structures, including in relation to any likely subsequent use of the land**, ~~unless these can~~ **that cannot be remedied or** mitigated ~~without significant adverse effects on the environment.~~

7 Key Issue 6 – Policies

7.1 Proposed plan provisions

7.1.1 This key issue addresses the Subdivision Policies.

7.2 Submissions

7.2.1 There were 48 submission points and 14 further submission points that sought to retain, amend or delete policies, and 1 submission point sought the inclusion of a new definition of ‘Regionally Significant Infrastructure/ Strategic Infrastructure’ in the PDP.

7.3 Reporting planner’s recommendations (s42A report)

Policy SUB-P1

7.3.1 James Bridge requested the deletion of Policy SUB-P1, as he considered that “the setting of standards for minimum lot sizes was a means by which the objectives and policies of the plan are given effect to”. Kāinga Ora requested that the policy be amended to support subdivision with minimum lot sizes for residential development that complies with the bulk and location standards or was otherwise approved in accordance with a land use consent.

7.3.2 Policy SUB-P1 relates to Objective SUB-O2, which the reporting planner recommended be amended as follows:

SUB-O2 Lots created by subdivision are physically suitable for ~~the types of a range of land use activities~~ **development intended and anticipated** allowed by the ~~relevant zone provisions~~ **relevant rules of the District Plan**.

7.3.3 The reporting planner noted that the purpose of the Policy SUB-P1 was to support the inclusion of standards for minimum and maximum lot sizes for each zone within the SUB – Subdivision chapter. It therefore provided an important link between Objective SUB-O2 and the standards. For that reason, the reporting planner did not support James Bridge’s request to delete the policy.

7.3.4 Kāinga Ora sought amendments to Policy SUB-P1 so that the policy supports subdivision of a range of lot sizes in accordance with land use consents or lawfully established activities. This could, for example, relate to seeking smaller lots associated with the subdivision of a higher density residential development that had been granted land use consent (e.g., a unit title subdivision of an existing apartment building pursuant to the Unit Titles Act 2010), or it could relate to subdividing off a parcel of land with an existing activity on it, such as a residential dwelling. In the reporting planner’s opinion, while subdividing an existing activity or building in the urban environment was unlikely to be problematic, the creation of lots around existing activities in the rural environment (such as subdividing off existing residential dwellings), may have adverse environmental effects and/or be contrary to the objectives and policies of the PDP, such as the further fragmentation of the District’s highly productive land resource.

7.3.5 The reporting planner observed that most land developers applied for a resource consent to undertake a land development that was not provided for as a permitted or Controlled Activity under the PDP provisions, would usually apply for subdivision consent at the same time. She considered this had the benefit of ensuring that all relevant matters for the development and subdivision were considered together, which could overcome unforeseen issues that could arise

later if subdivision followed the completion of the development. It also avoided the time and expense associated with lodging a separate resource consent application later.

- 7.3.6 As such, the reporting planner did not support Kāinga Ora's request to amend the policy, as it was considered unnecessary, and the general nature of the changes requested were already captured in the amendments the reporting planner had recommended be made to Objective SUB-O2.

Policy SUB-P2

- 7.3.7 Forest & Bird (\$75.026) supported the legal and physical protection SNAs and other areas. However, they considered that this policy needed to be amended to be clear that protection of those areas, when areas around them were being subdivided, was mandatory. Forest & Bird requested that Policy P2 be amended as follows:

SUB-P2 To provide for subdivision of land to create in-situ Lifestyle Sites ~~in conjunction with the~~ **where** legal and physical protection **is provided** in perpetuity ~~of for~~ areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including Significant Natural Areas identified in ECO-SCHED5), sites and areas of significance to Māori (identified in SASM-SCHED3), and historic heritage items (identified in HH-SCHED2).

- 7.3.8 The reporting planner noted that Objective SUB-O1(2) was for subdivision of land that was consistent with the objectives and policies of the relevant zones and district-wide matters in the PDP, including those relating to the protection of SNAs, areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- 7.3.9 As part of giving effect to Objective SUB-O1, the reporting planner noted that Policy SUB-P2 was to allow the creation of in-situ Lifestyle Sites in conjunction with the legal and physical protection in perpetuity of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including SNAs identified in ECO-SCHED5). She stated that the intention of Policy SUB-P2 was to give an incentive to landowners to provide for the legal and physical protection of these areas in perpetuity.
- 7.3.10 The reporting planner also noted that Rule SUB-R7 was a method relating to Policy SUB-P2. The rule allowed the creation of one lifestyle lot in association with the creation of a Conservation Lot that protects a minimum area of 5000m² of significant indigenous vegetation and/or significant habitats of indigenous fauna (including SNAs listed in ECO-SCHED 5). A second lifestyle lot could be created under the rule if the total area of the feature to be created was 9 hectares or more. The rule stated that the whole of the feature within the Conservation Lot(s) must be physically and legally protected in perpetuity. Therefore, the reporting planner noted that the incentive provided to landowners by Rule SUB-R7 to legally and physically protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna in perpetuity was to allow them to create one or two lifestyle sites in addition to what they could otherwise do under other subdivision rules (noting that subdivision for Lifestyle Sites in the rural zones was significantly limited under the rules of the PDP).
- 7.3.11 The reporting planner concurred with Forest and Bird that the protection of these areas was generally required for any subdivision that occurs around them, and that was reflected in Objective SUB-O1 (which referred to the objectives and policies of the ECO – Ecosystems and Indigenous Biodiversity chapter). However, the reporting planner did not support Forest and Bird's request to amend the wording of Policy SUB-P2, as she considered it would remove the intention of the policy, which was for the legal and physical protection of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna to be provided for in perpetuity, in conjunction with the creation of in-situ Lifestyle Sites.

- 7.3.12 The reporting planner did, however, consider that it would be appropriate to make a minor amendment to the policy (under I16(2) of the First Schedule of the RMA) to better reflect the intention of the policy and the method (Rule SUB-R7) that supports it, as follows:

SUB-P2 To ~~provide for~~ **allow the** subdivision of land to create **additional** in-situ Lifestyle Sites **where it is** in conjunction with the legal and physical protection in perpetuity of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including Significant Natural Areas identified in ECO-SCHED5), sites and areas of significance to Māori (identified in SASM-SCHED3), and historic heritage items (identified in HH-SCHED2).

Policy SUB-P3

- 7.3.13 Kāinga Ora requested that Policy SUB-P3 be amended to ensure provisions enabling the creation of lots were sufficiently flexible.
- 7.3.14 While the reporting planner concurred with amending the policy to include reference to ‘special purpose’ lots, she did not support the deletion of a reference to size, as the policy supported Rule SUB-R3 on subdivision for special purposes, which provided for the creation of ‘lots of any size’ for public works, network utilities, renewable electricity generation activities, reserves, roads, and access as a Controlled Activity, subject to compliance with standards. Rule SUB-R3 was also very specific about what the lots created were for, so the reporting planner did not support Kāinga Ora’s request to include the words ‘such as’, as that implied that the creation of lots for other types of special purposes was supported by the subdivision provisions.
- 7.3.15 The reporting planner considered that the wording of the policy should be amended so it aligns better with Rule SUB-R3, and supported including a reference to ‘for special purposes’, as follows:

SUB-P3 To ~~provide for~~ **allow** the creation of lots of ~~any various sizes and dimensions~~ **for special purposes** for public works, network utility operations, renewable electricity generation, reserves and access.

Policy SUB-P4

- 7.3.16 Kāinga Ora generally supported the intent of Policy SUB-P4 but requested that it be deleted and re-written in a way they consider would be clearer. Waka Kotahi supported this change. HBRC requested that the policy be amended to include ‘cyclists’. The reporting planner noted that the amendment sought by Kāinga Ora includes reference to cyclists. The reporting planner supported the amendment to the policy as sought by Kāinga Ora.

Policy SUB-P5

- 7.3.17 Kāinga Ora requested that Policy SUB-P5 be amended to include ‘accessways’ in addition to the current reference in the policy to ‘subsidiary roads’ to recognise that jointly owned access lots could assist in minimising vehicle accesses onto higher order roads. The reporting planner concurred that accessways may also be a way of avoiding an increase in the number of direct access crossings onto arterial roads for traffic safety purposes. The reporting planner therefore supported the requested amendment to the policy.

Policy SUB-P6

- 7.3.18 Chorus, Vodafone and Spark requested that Policy SUB-P6 be amended to refer to requiring all new lots or buildings to be connected to a telecommunications network, in addition to reticulated systems for water supply, wastewater and stormwater. Federated Farmers opposed this, as they note that it would be difficult for landowners/subdividers in the rural areas to achieve this, which could prevent farm subdivision. Kāinga Ora and FENZ requested that the policy be retained as notified.

- 7.3.19 The reporting planner recognised that telecommunications, including fibre broadband services, were part of infrastructure that provides for the health and safety, and economic and social wellbeing of future lot occupants, but that telecommunications networks may not be available for lots to connect to outside the urban environment. As such, the reporting planner concurred with Chorus, Vodafone and Spark that the policy should be amended to include connection to a telecommunications network, but only where one was available.
- 7.3.20 The reporting planner noted that Policy SUB-P6 did not include reference to new lots being connected to a power supply where available. The reporting planner considered that if the policy was to be amended to include telecommunications, it would seem appropriate and reasonable to amend the policy to also include connection to a power supply. The reporting planner noted that there were no submissions seeking this change, so there was no scope within submissions to make it. However, the reporting planner would invite comment from Transpower and the further submitters (Federated Farmers, Kāinga Ora and FENZ), on the merits of including it and the appropriate process for doing that.
- 7.3.21 Subject to receiving feedback from submitters, the reporting planner recommended that the policy be amended under cl16(2) of the First Schedule of the RMA as follows:

SUB-P6	To ensure upon subdivision or development, that all new lots or buildings are provided with a connection to a reticulated water supply, reticulated public sewerage system, reticulated stormwater system, <u>telecommunications network and power supply network</u> , where such adequate reticulated systems and networks are available.
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Policy SUB-P7

- 7.3.22 Kāinga Ora requested that Policy SUB-P7 be amended so that alternative means of servicing only be sought where public infrastructure was not available or easily accessible for lots to connect to. FENZ did not support the amendments sought by Kāinga Ora and they offered alternative wording.
- 7.3.23 To achieve consistency with the wording of other policies, including Policy SUB-P6, the reporting planner concurred with both submitters that it would be appropriate to replace the word 'sites' with the word 'lots' and that the wording of the policy should be amended for clarification. As such, the reporting planner recommended that the policy be amended as follows:

SUB-P7	To ensure that where sites <u>new lots</u> are not connected <u>unable to connect</u> to a <u>reticulated</u> public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each lot for an alternative <u>method of</u> water supply, or method of wastewater disposal <u>and/or</u> stormwater disposal <u>is provided for each lot with sufficient capacity to support development reasonably anticipated within the zone, and</u> which can and protects the health and safety of residents and avoids or mitigates adverse effects on the environment.
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Policy SUB-P8

- 7.3.24 Kāinga Ora requested that Policy SUB-P8 be amended to recognise that character and amenity values were likely to evolve over time as household demographics change and as development occurred under the PDP provisions. Hort NZ opposed Kāinga Ora's submission, as they considered that retention of rural character was important in the rural environment, to ensure effects of subdivision did not adversely affect primary production activities.
- 7.3.25 The reporting planner noted that Policy SUB-P8 applies to subdivision broadly, across the whole District, and it was not related only to subdivision associated with development of new households. The reporting planner therefore concurs with Hort NZ that the policy also needs to be appropriate for subdivision in the rural environment, as well as in the urban environment.

- 7.3.26 The reporting planner considered that it was appropriate that subdivision design, which included the shape and size of lots, and associated earthworks, services, and location of building platforms, was undertaken in a way that was consistent with the purpose, character and amenity values supported and envisaged by the zone provisions. The reporting planner did not support the wording requested by Kāinga Ora, as subdivision design may not solely relate to a ‘planned built form’, but the reporting planner recommended that the policy be amended to better reflect what was considered its intention was, as follow:

SUB-P8	To encourage innovative subdivision design consistent with the maintenance of <u>purpose, character and amenity values supported and envisaged by the zone provisions.</u>
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Policy SUB-P9

- 7.3.27 HBRC requested that Policy SUB-P9 be amended to refer specifically to ‘native’ plantings in order to improve the region’s biodiversity outcomes. Kāinga Ora requested that the wording ‘plantings’ be deleted and the words “where appropriate’ be added at the beginning of the policy.
- 7.3.28 The reporting planner noted that the purpose of the policy was ‘to encourage’ the incorporation of public open space and plantings within subdivisions generally. While it may not be so relevant or possible to provide them within small subdivisions, it may be for larger ones.
- 7.3.29 The reporting planner did not consider it was necessary to limit plantings to natives but supports including a reference to ‘particularly natives’.
- 7.3.30 The reporting planner did not support Kāinga Ora’s request to add “where appropriate’ at the beginning of the policy, as the policy simply encourages subdivisions, generally, to provide public open spaces and plantings – it was not a mandatory direction. There were no subdivision rules or standards associated with the policy, so there was no requirement for these things to be done in relation to any subdivision. Therefore, in the reporting planner’s opinion, there was no need to first consider whether it was appropriate to provide encouragement.
- 7.3.31 Given the above, the reporting planner recommended that Policy SUB-P9 be amended as follows:

SUB-P9	To encourage the incorporation of public open space and plantings <u>(particularly natives)</u> within subdivision design for amenity purposes.
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Policy SUB-P10

- 7.3.32 Kāinga Ora requested that Policy SUB-P10 be re-written, including adding the qualifier ‘where appropriate’ and to reflect that new accessways and linkages may not always be possible or practicable to provide through subdivision.
- 7.3.33 HBRC requested that the policy be amended, as follows, to include the word ‘cycling’ in addition to pedestrian and amenity linages, to reflect the CHBDC’s commitment and contribution to the Hawke’s Bay Regional Land Transport Plan (RLTP), which sought a reduction in the use of private vehicles by 20%:

SUB-P10	To provide pedestrian, <u>cycling</u> and amenity linkages where useful linkages can be achieved or further developed.
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- 7.3.34 The reporting planner observed that Chapter 3.1B Managing the Built Environment, in the Hawke’s Bay RPS, included an objective, a policy and an anticipated environmental result for the region relating to transport infrastructure within development and providing good, safe connectivity within urban development areas, and to surrounding areas, by a variety of transport modes, including motor vehicles, cycling, pedestrians and public transport, and provision for easy and safe transfer between modes of transport.

- 7.3.35 The reporting planner therefore considered that amending Policy SUB-P10 would be consistent with giving effect to the RPS. The reporting planner generally concurred with both submitters (Kāinga Ora and HBRC), that the policy should be amended to include cycling linkages, and to recognise that it may not always be possible or practicable to provide or further develop pedestrian, cycling and amenity linkages, such as within rural zones where they do not generally exist or were needed. However, given the above objective and policies of the RPS, the reporting planner considered that the policy should do more than just encourage subdivision design that promotes connectivity and linkages. For those reasons, the reporting planner considered that the policy should be amended to read as follows:

SUB-P10 To provide **or further develop** pedestrian, **cycling** and amenity linkages **between subdivisions and their surrounding areas where it is consistent with the zone, and where opportunities exist** ~~where useful linkages can be achieved or further developed.~~

Policy SUB-P11

- 7.3.36 Kāinga Ora sought to amend Policy SUB-P11 to recognise that allowing some flexibility could provide opportunity for innovation in achieving improved urban development outcomes. The reporting planner concurred that the wording could be improved, but preferred the following recommended amended wording:

SUB-P11 To ensure that roads **and any vehicle access to lots** ~~provided within a subdivision~~ **are appropriately designed and constructed to allow for safe and efficient traffic movements likely to be generated from development of the lots** ~~sites are suitable for the activities likely to establish within the subdivision and are compatible with the design and construction standards of roads in the District which the site is required to be connected to.~~

Policy SUB-P12

- 7.3.37 Chorus, Vodafone and Spark requested that Policy SUB-P12 be amended so that it only applied to Residential Zones and Commercial and Mixed-Use Zones, as they considered that undergrounding of reticulation of energy and telecommunication lines to protect visual amenities was inefficient in less visually sensitive areas.
- 7.3.38 Centralines requested that the policy be amended so that it only applied where undergrounding of electricity distribution infrastructure was technically and commercial feasible, so there was room for flexibility. They advised that there was a high cost to underground electricity distribution infrastructure in rural areas, and only 6.8% of their infrastructure was underground.
- 7.3.39 Kāinga Ora requested deletion of the words ‘physical effects’ in the policy and for the policy to ‘promote’ underground reticulation. They also requested deletion of the words ‘in order to protect the visual amenities of the area’.
- 7.3.40 The reporting planner noted that Policy NU-P4 in the NU – Network Utilities chapter encouraged the undergrounding of appropriate network utilities in new areas of development within the General Residential, Rural Lifestyle, Large Lot Residential and Settlement Zones and the systematic replacement of existing overhead services with underground reticulation where it was technically and commercially viable, as follows:

NU-P4 Manage the effects of network utilities on the environment by:
 [...]

3. encouraging the progressive undergrounding of appropriate network utilities in new areas of development within the General Residential, Rural Lifestyle, Large Lot Residential and Settlement Zones and the systematic replacement of existing overhead services with underground reticulation or the upgrading of existing overhead services within these areas, where this is technically and commercially viable;

 [...]

- 7.3.41 The reporting planner, however, considered that Policy SUB-P12 did not align well with Policy NU-P4, and as the matter of undergrounding of network utilities was already addressed in Policy NU-P4, the reporting planner considered that Policy SUB-P12 should be deleted, as it was unnecessary. She considered that Policy NU-P4 also better aligned with the amendments that the submitters had requested be made to Policy SUB-P12.

Policy SUB-P13

- 7.3.42 Kāinga Ora requested that Policy SUB-P13 be amended to reflect that subdivision in areas of natural hazards may be appropriate where mitigation was proposed. FENZ requested that the policy be retained as notified.
- 7.3.43 As already discussed above, the reporting planner considered that there was no need to differentiate between vacant and non-vacant lot subdivision. The reporting planner also had recommended earlier that Objective SUB-O5 be amended in response to submissions, as follows:

SUB-O5	Avoidance of subdivision in localities where there is a significant risk <u>of material damage</u> from natural hazards <u>on land or structures, including in relation to any likely subsequent use of the land, unless these can that cannot be remedied or</u> mitigated without significant adverse effects on the environment.
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- 7.3.44 The reporting planner considered that Policy SUB-P13 as notified, was consistent with Objective SUB-O5 (as it was recommended it be amended), and considered that Policy SUB-P13 should be retained, as notified, as follows:

SUB-P13	To ensure that land being subdivided, including any potential structure on that land, is not subject to significant risk of material damage by the effects of natural hazards, including flooding, inundation, erosion, subsidence or slippage and earthquake faults.
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Policy SUB-P14

- 7.3.45 Forest and Bird requested that Policy SUB-P14 be amended so that all adverse effects were avoided. Kāinga Ora requested that the policy be deleted, as they considered it was more appropriately suited to land use provisions than subdivision.
- 7.3.46 The reporting planner noted that the intention of Policy SUB-P14 was to recognise that effects of mitigation measures used to manage significant risk from natural hazard may themselves have significant adverse environmental effects. For example, the filling of land which may interfere with the functioning of natural flood plains and ponding areas. Under the 'Rules' heading of the Subdivision chapter, the following was stated:

Rules

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for certain subdivisions, including TRAN – Transport, HH – Historic Heritage, ECO – Ecosystems & Indigenous Biodiversity, and PA – Public Access.

In particular, earthworks facilitating provision of access and building platforms have the potential to result in adverse effects and are to be managed. Provisions relating to earthworks are contained in the EW – Earthworks chapter and may generate a requirement for land use consent.

- 7.3.47 The reporting planner stated that it was clear that provisions of other chapters of the PDP relating to land use activities, including earthworks, that may be required to mitigate natural hazard risks for subdivisions, would apply. Given this, the reporting planner was satisfied that Policy SUB-P14 was not necessary and should be deleted, as any potential adverse environmental effects associated with those activities would be addressed under the provisions of other PDP chapters.

Policy SUB-P15

- 7.3.48 Policy SUB-P15 was to ensure that earthworks associated with constructing vehicle access, building platforms or services on land being subdivided did not detract from the visual amenities of the area or have significant adverse environmental effects, such as dust, or result in the modification, damage or destruction of heritage items, archaeological sites or sites and areas of significance to Māori, cause natural hazards, or increase the risk of natural hazards occurring.
- 7.3.49 HNZPT supported Policy SUB-P15 while Kāinga Ora requested that it be amended to refer to 'result in adverse visual effects' rather than 'detract from the visual amenities of the area'.
- 7.3.50 For the same reasons the reporting planner has given above in relation to her recommendation to delete Policy SUB-P14, the reporting planner considered that Policy SUB-P15 should also be deleted, as any adverse effects associated with earthworks for subdivisions would be addressed under the rules and standards of the EW – Earthworks chapter, as well as other chapters (e.g. HH – Historic Heritage, ECO – Ecosystems & Indigenous Biodiversity, and NH – Natural Hazards) and it was therefore unnecessary.

Policy SUB-P16

- 7.3.51 Policy SUB-P16 was to avoid where practicable, or otherwise mitigate, potential reverse sensitivity effects of sensitive activities (particularly residential and lifestyle development) established near primary production or industrial activities and existing public works. Hort NZ requested that the policy be retained as notified, but Silver Fern Farms and Pork Industry Board requested that it be amended to include reference to 'rural industry' and 'intensive primary production activities', respectively. Kāinga Ora requested that the policy be deleted as they considered reverse sensitivity related to land use activity and should be managed through the relevant zone provisions.
- 7.3.52 The reporting planner concurred with Kāinga Ora that subdivision itself did not have reverse sensitivity effects, as it was the establishment of sensitive land use activities on lots created by subdivisions that could have potential reverse sensitivity effects on existing, lawfully established activities located near them.
- 7.3.53 The reporting planner observed that Policy SUB-P16 relates to Objective SUB-O4 (discussed earlier in this report), Rules SUB-R5 and SUB-R7, and Assessment Matters SUB-AM11, SUB-AM12 and SUB-AM13, which relate to reverse sensitivity effects of subdivision and the future land use activities resulting from it on existing lawfully established activities, where new lots were created in the Rural Lifestyle Zone and Lifestyle Sites in the General Rural Zone and Rural Production Zone, including where they adjoin any sites used for existing horticultural or intensive primary production activities. She also noted that Policy SUB-P16 also relates to Rules SUB-R1, R3, R4, R5, R6 and R7 and Assessment Matters SUB-AM7, SUB-AM17 and SUB-AM18, in relation to subdivision to create new lots within 100m of the State Highway Network, and subdivisions with building platforms and/or vehicle access within the National Grid Subdivision Corridor and/or in proximity of the Gas Transmission Network.
- 7.3.54 The reporting planner considered that Policy SUB-P16 (as well as Objective SUB-O4) was important to give effect to Objective OBJ 16 of the RPS, which was for future activities to avoid or mitigate off-site impacts or nuisance effects arising from the location of conflicting land use activities.
- 7.3.55 The reporting planner also supported the reasons given by Silver Fern Farms (FS8.037) for retaining Policy SUB-P16, insofar as subdivision influences land uses on new lots and it was a convenient point to address potential reverse sensitivity effects associated with intensification and land use change from sensitive activities establishing near existing lawfully established

activities. She stated that it could be difficult to impose effective controls later, after a subdivision has been consented, particularly if sensitive activities (e.g. residential activities) were allowed to establish on the new lots as a permitted activity. The reporting planner concurred with Silver Fern Farms that there were measures that could be applied at the subdivision consent stage to mitigate potential reverse sensitivity effects, such as consideration of subdivision density, lot size and configuration, the location of building platforms in relation to lot boundaries, and various other matters that may be subject to consent notices registered under s221 of the RMA.

- 7.3.56 Given these reasons, the reporting planner did not support Kāinga Ora's request to delete Policy SUB-P16.
- 7.3.57 Silver Fern Farms requested that the policy be amended to include reference to 'rural industry', in addition to primary production, industrial activities and existing public works. The reporting planner noted that there was no definition of rural industry in the PDP, but Silver Fern Farms had requested (submission point S116.004, relevant to the Rural Environment under Hearing Stream 3) that a new definition of 'rural industry' be added to the PDP.
- 7.3.58 While 'rural industry' was captured under the wider definition of 'industrial activity', the reporting planner considered that amending Policy SUB-P16 to include reference to it would provide further clarification for plan users (given its broader reference business undertaken in the rural environment, which could include contractor and service depots, as well as industry). Its inclusion she considered would also reflect amendments recommended to be made to some Assessment Matters in the Subdivision chapter by the Reporting Officer in response to submissions for Hearing Stream 3: Rural Topic.
- 7.3.59 As Kāinga Ora has requested the deletion of Policy SUB-P16 in its entirety, the reporting planner considered that there was scope to amend the policy by replacing the words 'public works' with the words 'network utilities'.
- 7.3.60 On the basis of the above, the reporting planner recommended that Policy SUB-P16 be amended as follows:

SUB-P16	To avoid where practicable, or otherwise mitigate, potential reverse sensitivity effects of sensitive activities (particularly residential and lifestyle development) establishing near <u>existing</u> primary production <u>activities (including intensive primary production activities), rural industries,</u> or industrial activities and <u>/or</u> existing public works <u>network utilities</u> .
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Policy SUB-P17

- 7.3.61 Centralines supported Policy SUB-P17 but requested that the reference to 'regionally significant infrastructure' in the policy be replaced with the following definition for 'regionally significant infrastructure' or 'strategic infrastructure':
- Regionally Significant Infrastructure / Strategic Infrastructure:**
[...] the electricity transmission network and electricity distribution networks;
[...] renewable electricity generation activities.
- 7.3.62 Hort NZ supported in part Centralines' submission point but requested that 'regionally significant infrastructure' be replaced with the definition of 'strategic infrastructure' from the RPS.
- 7.3.63 The reporting planner noted that the PDP did not include any definition of 'Regionally Significant Infrastructure', which was referred to in Policy SUB-P17, but it includes the definition of 'Nationally Significant Infrastructure' [these two terms were also the subject of consideration in our report on Hearing Stream 7, Network Utilities].
- 7.3.64 In addition to the reference to 'regionally significant infrastructure' in Policy SUB-P17, the reporting planner noted there was a reference in the PDP to 'nationally significant infrastructure'

in Policy ECO-P9 in the ECO – Ecosystems and Indigenous Biodiversity chapter. There was reference to ‘regionally significant infrastructure’ in Policy SUB-P18 (discussed below) and there were also references to ‘regionally and nationally significant infrastructure’ in Assessment Matters NFL-AM2 and CE-AM2, in the NFL – National Features and Landscapes chapter and the CE – Coastal Environment chapter respectively.

- 7.3.65 The reporting planner noted that there was no definition of ‘regionally significant infrastructure’, ‘nationally significant infrastructure’, ‘strategic infrastructure’, or ‘infrastructure’ in the National Planning Standards.
- 7.3.66 Centralines and Hort NZ did not request that the definition of ‘nationally significant infrastructure’ in the PDP be amended. Rather, they sought the inclusion of a new definition of ‘regionally significant infrastructure’ or ‘strategic infrastructure’.
- 7.3.67 The reporting planner noted the RPS definition of ‘strategic infrastructure’ was much broader than the definition of ‘nationally significant infrastructure’ in the PDP. The RPS definition includes ‘strategic transport networks’, ‘strategic telecommunications and radiocommunications facilities’ and ‘other strategic network utilities’. Only ‘strategic transport networks’ was defined in the RPS.
- 7.3.68 The reporting planner pointed out that Policy ECO-P9 referred specifically to the definition of ‘nationally significant infrastructure’. There were submissions from the Department of Conservation, NHMT, Transpower and Forest and Bird requesting that this policy be retained as notified, and there were no submissions requesting amendment or deletion of Policy ECO-P9 (as outlined in the Natural Environment - Ecosystems & Indigenous Biodiversity s42A report, dated 31 January 2022). For that reason, the reporting planner considered that it was appropriate to retain the definition of ‘nationally significant infrastructure’.
- 7.3.69 The reporting planner also noted that the RPS definition of ‘strategic infrastructure’ includes some infrastructure that was not located within the CHB District (for example, Hawke’s Bay Regional Airport, Port of Napier and the Omarunui Regional Landfill) and was therefore not relevant to regional infrastructure in the CHB District context.
- 7.3.70 If the definition of ‘nationally significant infrastructure’ was retained, the reporting planner considered it appropriate that a new definition of ‘regionally significant infrastructure’ be included in the Part 01B – Interpretation chapter of the PDP. That would, in the reporting planner’s opinion, have the benefit of overcoming the need to amend the wording in Assessment Matters NFL-AM2 and CE-AM2, it would align with the wording in Policies SUB-P17 and SUB-P18, and it would provide a definition that was more tailored to the District, while being consistent with the RPS definition. The reporting planner considered that the new definition should read as follows:

<u>REGIONALLY SIGNIFICANT INFRASTRUCTURE</u>	<p><u>means necessary services and installations which are of greater than local significance, including:</u></p> <ul style="list-style-type: none"> (a) <u>transport networks of regional significance, including State Highways and arterial roads (as defined in the District Plan, the Regional Land Transport Strategy and the State Highway Classification System), and the rail network;</u> (b) <u>the electricity transmission network and electricity distribution networks;</u> (c) <u>strategic telecommunications and radiocommunications facilities</u> (d) <u>public or community renewable electricity generation activities;</u> (e) <u>pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas;</u> (f) <u>public or community sewage treatment plants and associated reticulation and disposal systems;</u> (g) <u>public water supply intakes, treatment plants and distributions systems;</u> (h) <u>public or community rural water storage infrastructure, including distribution systems;</u> (i) <u>public or community drainage systems, including stormwater systems;</u> (j) <u>flood protection schemes;</u> (k) <u>any railway (as defined in the Railways Act 2005).</u>
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7.3.71 In response to Transpower submission points S79.074 and S79.075 under Key Issue 1: National Grid Subdivision Corridor and Gas Transmission Network, the reporting planner recommended that Policy SUB-P17 be amended.

Policy SUB-P18

7.3.72 Waka Kotahi requested that Policy SUB-P18 be retained as notified. Kāinga Ora requested that the policy be amended by deleting the word ‘that’ and replacing ‘affect’ with ‘result in significant adverse effects on’, in relation to the maintenance, operation and upgrading of regionally significant infrastructure and other network utilities. Waka Kotahi (FS16.31) supported Kāinga Ora’s submission as it considered that the threshold test in this policy should be reconsidered.

7.3.73 In response to Transpower submission points S79.074 and S79.075 under Key Issue 1: National Grid Subdivision Corridor and Gas Transmission Network, the reporting planner recommended that Policy SUB-P18 be deleted, on the basis of changes recommended to be made to Policy SUB-P17 in response to those submission points.

7.4 Evidence to the hearing

7.4.1 Pauline Whitney provided planning evidence on behalf of Transpower at the hearing and recommended amendments to the policies.

7.4.2 Tom Anderson provided planning evidence on behalf of Chorus, Spark and Vodafone at the hearing and sought amendments to some policies.

7.4.3 Michael Campbell provided planning evidence on behalf of Kāinga Ora at the hearing and sought amendment to the policies.

7.4.4 Steve Tuck provided evidence on behalf of Silver Fern Farms at the hearing, generally in support of the s42A recommendations.

7.5 Post hearing information

- 7.5.1 The reporting planner's right-of-reply addressed Policy SUB-P1 and Policy SUB-P8 which were opposed by Kāinga Ora. The reporting planner did not change their position and did not support the amendments to Policy SUB-P1 and SUB-P8.
- 7.5.2 The right-of reply addressed Policy SUB-P10, and on reflection the reporting planner changed her position and recommended amending Policy SUB-P10 to read:

SUB-P10 To provide or further develop pedestrian, cycling and amenity linkages between subdivisions and their surrounding areas where it is consistent with the objective and policies of the zone, and where opportunities exist where useful linkages can be achieved or further developed.

- 7.5.3 Policy SUB-P17 was also addressed in the right-of-reply and the reporting planner agreed with the submission from Chorus, Spark and Vodafone and changed her position and recommended that clause (c) of the definition of Regionally Significant Infrastructure be amended as follows:

REGIONALLY SIGNIFICANT INFRASTRUCTURE	means necessary services and installations which are of greater than local significance, including: (a) transport networks of regional significance, including State Highways and arterial roads (as defined in the District Plan, the Regional Land Transport Strategy and the State Highway Classification System), and the rail network; (b) the electricity transmission network and electricity distribution networks; (c) strategic telecommunications and radiocommunications facilities [...]
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7.6 Evaluation and findings

Policy SUB-P1

- 7.6.1 The purpose of the Policy SUB-P1 is to support the inclusion of standards for minimum and maximum lot sizes for each zone within the SUB – Subdivision chapter. It therefore provides an important link between Objective SUB-O2 and the standards. For that reason, the Panel agrees with the reporting planner in not supporting Mr James Bridge's request to delete the policy. Kāinga Ora sought amendments to Policy SUB-P1 so that the policy supports subdivision of a range of lot sizes in accordance with land use consents or lawfully established activities. The Panel agrees in part with Kāinga Ora and recommends the policy be amended as follows:

SUB-P1 To establish standards for minimum lot sizes for each zone in the District to deliver lots that are of an appropriate size and shape to accommodate those activities reasonably anticipated within the zone, and to provide for a range of lot sizes.

Policy SUB-P2

- 7.6.2 Forest & Bird (S75.026) supported the legal and physical protection of SNAs, sites of significance to Māori, and historic heritage items. However, they consider that this policy needs to be amended to be clear that protection of these areas when areas around them are being subdivided, is mandatory
- 7.6.3 The Panel agrees with the reporting planner that the protection of these areas is generally required for any subdivision that occurs around them, and that is reflected in Objective SUB-O1 (which refers to the objectives and policies of the ECO – Ecosystems and Indigenous Biodiversity chapter). However, the Panel does not support Forest and Bird's request to amend the wording of Policy SUB-P2, as it would remove the intention of the policy, which is for the legal and physical

protection of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna to be provided for in perpetuity, in conjunction with the creation of in-situ Lifestyle Sites.

- 7.6.4 The Panel does, however, consider that it would be appropriate to make a minor amendment to the policy (under cl16(2) of the First Schedule of the RMA) to better reflect the intention of the policy and the method (Rule SUB-R7) that supports it, as follows:

SUB-P2 To ~~provide for~~ **allow the** subdivision of land to create in-situ Lifestyle Sites **where it is** in conjunction with the legal and physical protection in perpetuity of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including Significant Natural Areas identified in ECO-SCHED5), sites and areas of significance to Māori (identified in SASM-SCHED3), and historic heritage items (identified in HH-SCHED2).

- 7.6.5 The Panel consider the effect of the introduction of the NPS-HPL (which came into force on 17 October 2022) in regard to Policy SUB-P2, noting that Policy 6 of the NPS: “The rezoning and development of highly productive land as rural lifestyle is avoided, except as provided in this National Policy Statement.” On this matter, the Panel was grateful for the advice of the Council’s legal counsel, Ms Davidson, who provides overarching legal advice on the implications of the NPS for the PDP process in her memorandum dated 9 November 2022.
- 7.6.6 Prima facie, Policy SUB-P2 does not appear consistent with Policy 6 of the NPS-HPL and its associated policies, 3.7 and 3.10. We observe, however, that, firstly, Policy SUB-P2 does not result in the rezoning of highly productive land for rural lifestyle purposes: it simply leads to the potential for a lifestyle lot subdivision within the RPROZ and GRUZ if undertaken in parallel with the protection of significant indigenous biodiversity on land. Secondly, we took into account that Policy 3.9 of the NPS provides for a limited range of exceptions to where the use or development of highly productive land is inappropriate, including where –
- (c) it is, or is for a purpose associated with, a matter of national importance under s6 of the Act: ...
 - (e) it is for the purpose of protecting, maintaining, restoring, or enhancing indigenous biodiversity.
- 7.6.7 The purpose of Policy SUB-P2 is to incentivise the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, which is in accordance with s6(c) as a matter of national importance, and consistent with the purpose of protecting, maintaining, restoring, or enhancing indigenous biodiversity.
- 7.6.8 On this aspect, Ms Davidson advised as follows:

(c) Provision for creation of lifestyle sites in conjunction with creation of a conservation lot does not appear to be consistent with the NPS-HPL. Conservation lots are essentially a trade-off between protecting significant natural areas or heritage items and allowing development of lifestyle lots not otherwise provided for. The NPS allows for ‘use or development’ where it is for the purpose of protecting, maintaining etc biodiversity or is otherwise associated with a matter of national importance under s 6 RMA, but the same does not apply for subdivision. As no submitter sought deletion or significant tightening of the conservation lot rules, there is no scope to address this apparent inconsistency now, but it does provide additional reasons to reject submissions seeking to provide for additional lots (e.g., The Surveying Company, S50.010). [paragraph 30]

- 7.6.9 Taking these points into account, we find that Policy SUB-P2 does not appear to be inconsistent with the direction of the NPS-HPL in regard to subdivision for rural lifestyle purposes in the RPROZ where it is undertaken to promote the protection of significant indigenous biodiversity. We also observe that there is no scope to delete or tighten this Policy as no submitter sought such changes.

Policy SUB-P3

- 7.6.10 Kāinga Ora requested that Policy SUB-P3 be amended to ensure provisions enabling the creation of lots are sufficiently flexible.
- 7.6.11 While the Panel concurs with amending the policy to include reference to ‘special purpose’ lots, the Panel does not support the deletion of a reference to size, as the policy supports Rule SUB-R3 on subdivision for special purposes, which provides for the creation of ‘lots of any size’ for public works, network utilities, renewable electricity generation activities, reserves, roads, and access as a Controlled Activity, subject to compliance with standards.
- 7.6.12 The Panel considers that the wording of the policy should be amended so it aligns better with Rule SUB-R3, and support including a reference to ‘for special purposes’, as follows:

SUB-P3 To ~~provide for~~ allow the creation of lots of ~~any various sizes and dimensions~~ for special purposes for public works, network utility operations, renewable electricity generation, reserves and access.

Policy SUB-P4

- 7.6.13 Kāinga Ora generally supported the intent of Policy SUB-P4 but requested that it be deleted and re-written in a way they consider will be clearer. Waka Kotahi supported this change. HBRC requested that the policy be amended to include cyclists. The Panel supports the amendment to the policy as sought by Kāinga Ora but considers the wording be amended as follows:

SUB-P4 To integrate subdivision with the existing land transport network in an efficient manner ~~which reflects expected traffic levels and the safe and convenient management of vehicles and pedestrians that provides for the safety and convenience of vehicles, cyclists and pedestrians.~~

Policy SUB-P5

- 7.6.14 Kāinga Ora requested that Policy SUB-P5 be amended to include ‘accessways’ in addition to the current reference in the policy to ‘subsidiary roads’ to recognise that jointly owned access lots can assist in minimising vehicle accesses onto higher order roads. The Panel concurs that accessways may also be a way of avoiding an increase in the number of direct access crossings onto arterial roads for traffic safety purposes. The Panel therefore supports the requested amendment to the policy.

Policy SUB-P6

- 7.6.15 Chorus, Vodafone and Spark requested that Policy SUB-P6 be amended to refer to requiring all new lots or buildings to be connected to a telecommunications network, in addition to reticulated systems for water supply, wastewater and stormwater. Federated Farmers opposed this, as they note that it will be difficult for landowners/subdividers in the rural areas to achieve this, which could prevent farm subdivision. Kāinga Ora and FENZ requested that the policy be retained as notified.
- 7.6.16 The Panel agrees with the telecommunication submitters and the reporting planner that telecommunications, including fibre broadband services, are part of infrastructure that provides for the health and safety, and economic and social wellbeing of future lot occupants, but that telecommunications networks may not be available for lots to connect to outside the urban environment. The Panel also agrees with the reporting planner that the supply of power is also an importance service. However, in terms of telecommunications, there are options where future lot owners need not physically connect with a telecommunications network, but could connect via other means. The Panel considers this should be a market driven choice, left to future lot owners to determine. In regard to power supply, the Panel does not consider there is scope to include reference to power supply in this policy, as no submitter sought this

amendment, and it could not be considered to be a minor correction under cl16 of Schedule 1 RMA.

- 7.6.17 For these reasons, the Panel recommends that the wording of policy SUB-P6 be unchanged from as notified as follows:

SUB-P6	To ensure upon subdivision or development, that all new lots or buildings are provided with a connection to a reticulated water supply, reticulated public sewerage system, reticulated stormwater system, where such adequate reticulated systems and networks are available.
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Policy SUB-P7

- 7.6.18 Kāinga Ora requested that Policy SUB-P7 be amended so that alternative means of servicing only be sought where public infrastructure was not available or easily accessible for lots to connect to. FENZ did not support the amendments sought by Kāinga Ora and they offered alternative wording.
- 7.6.19 To achieve consistency with the wording of other policies, including Policy SUB-P6, the Panel concurs with both submitters that it would be appropriate to replace the word 'sites' with the word 'lots' and that the wording of the policy should be amended for clarification. The Panel also agrees that the policy can be simplified, and recommends that the policy be amended as follows:

SUB-P7	To ensure <u>an alternative method of water supply, wastewater disposal and stormwater disposal is provided for each new lot, where they are unable to connect to reticulated supplies or disposal systems</u> that where sites new lots are not connected unable to connect to a reticulated public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each lot for an alternative method of water supply, or method of wastewater disposal and/or stormwater disposal is provided for each lot with sufficient capacity to support development reasonably anticipated within the zone, and which can and protects the health and safety of residents and avoids or mitigates adverse effects on the environment.
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Policy SUB-P8

- 7.6.20 Kāinga Ora requested that Policy SUB-P8 be amended to recognise that character and amenity values are likely to evolve over time as household demographics change and as development occurs under the PDP provisions. Hort NZ opposed Kāinga Ora's submission, as they considered that retention of rural character is important in the rural environment to ensure effects of subdivision do not adversely affect primary production activities.
- 7.6.21 The Panel considers that it is appropriate that subdivision design, which includes the shape and size of lots, and associated earthworks, services, and location of building platforms is undertaken in a way that is consistent with the purpose, character and amenity values supported and envisaged by the zone provisions. The Panel does not support the wording requested by Kāinga Ora, as subdivision design is not solely related to a 'planned built form'. The Panel also considers that the word 'innovative' should be deleted as it does not add anything and is not mentioned elsewhere in the PDP. The Panel recommends that the policy be amended to better reflect what is considered its intention is, as follow:

SUB-P8	To encourage innovative subdivision design consistent with the maintenance of <u>purpose, character and amenity values supported and envisaged by of the zone provisions.</u>
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Policy SUB-P9

- 7.6.22 HBRC requested that Policy SUB-P9 be amended to refer specifically to 'native' plantings in order to improve the region's biodiversity outcomes, while Kāinga Ora requested that the wording 'plantings' be deleted and the words "where appropriate" be added at the beginning of the policy.

- 7.6.23 The Panel agrees with the reporting planner and does not consider it is necessary to limit plantings to natives, but supports including a reference to ‘particularly natives’.
- 7.6.24 The Panel also agrees with the reporting planner in not supporting Kāinga Ora’s request to add “where appropriate” at the beginning of the policy, as the policy simply encourages subdivisions, generally, to provide public open spaces and plantings. There are no subdivision rules or standards associated with the policy, so there is no requirement for these things to be done in relation to any subdivision.
- 7.6.25 Given the above, the Panel agrees with the reporting planner and recommends that Policy SUB-P9 be amended as follows:

SUB-P9	To encourage the incorporation of public open space and plantings (particularly natives) within subdivision design for amenity purposes.
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Policy SUB-P10

- 7.6.26 Kāinga Ora requested that Policy SUB-P10 be re-written, including adding the qualifier ‘where appropriate’ and to reflect that new accessways and linkages may not always be possible or practicable to provide through subdivision.
- 7.6.27 HBRC requested that the policy only be amended, as follows, to include the word ‘cycling’ in addition to pedestrian and amenity linkages, to reflect the CHBDC’s commitment and contribution to the Hawke’s Bay Regional Land Transport Plan (RLTP), which seeks a reduction in the use of private vehicles by 20%.
- 7.6.28 The Panel agrees with the reporting planner and considers that Policy SUB-P10 is largely consistent with giving effect to the RPS. The Panel agrees with the reporting planner that the policy should be amended to include cycling linkages, and to recognise that it may not always be possible or practicable to provide or further develop pedestrian, cycling and amenity linkages, such as within rural zones where they do not generally exist or are needed. The Panel considers that the policy should be amended as follows:

SUB-P10	To provide or further develop pedestrian, cycling and amenity linkages between subdivisions and their surrounding areas where it is consistent with the zone, and where opportunities exist where useful linkages can be achieved or further developed.
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Policy SUB-P11

- 7.6.29 Kāinga Ora sought to amend Policy SUB-P11 to recognise that allowing some flexibility could provide opportunity for innovation in achieving improved urban development outcomes. The Panel concurs that the wording could be improved, but prefer the following amended wording:

SUB-P11	To ensure that roads and any vehicle access to lots provided within a subdivision are appropriately designed and constructed to allow for safe and efficient traffic movements sites are suitable for the activities likely to establish within the subdivision and are compatible with the design and construction standards of roads in the District which the site is required to be connected to.
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Policy SUB-P12

- 7.6.30 Chorus, Vodafone and Spark requested that Policy SUB-P12 be amended so that it only applies to Residential Zones and Commercial and Mixed-Use Zones (that is, urban zones), as they consider that undergrounding of reticulation of energy and telecommunication lines to protect visual amenities is inefficient in less visually sensitive areas.
- 7.6.31 Centralines requested that the policy be amended so that it only applies where undergrounding of electricity distribution infrastructure is technically and commercially feasible, so there is room

for flexibility. They advise that there is a high cost to underground electricity distribution infrastructure in rural areas, and only 6.8% of their existing infrastructure is underground.

- 7.6.32 Kāinga Ora requested deletion of the words ‘physical effects’ in the policy and for the policy to ‘promote’ underground reticulation. They also requested deletion of the words ‘in order to protect the visual amenities of the area’.
- 7.6.33 The Panel agrees with the reporting planner and considers that Policy SUB-P12 does not align well with Policy NU-P4, and, as the matter of undergrounding of network utilities is already addressed in Policy NU-P4, the Panel agrees that Policy SUB-P12 should be deleted, as it is unnecessary. Policy NU-P4 also better aligns with the amendments that the submitters have requested be made to Policy SUB-P12.

Policy SUB-P13

- 7.6.34 Kāinga Ora requested that Policy SUB-P13 be amended to reflect that subdivision in areas of natural hazards may be appropriate where mitigation is proposed. FENZ requested that the policy be retained as notified.
- 7.6.35 The Panel agrees with the reporting planner and considers that Policy SUB-P13 as notified, is consistent with Objective SUB-O5 (as recommended it be amended), and considers that Policy SUB-P13 should be retained, as notified.

Policy SUB-P14

- 7.6.36 Forest and Bird requested that Policy SUB-P14 be amended so that all adverse effects are avoided. Kāinga Ora requested that the policy be deleted, as it considered it is more appropriately suited to land use provisions than subdivision.
- 7.6.37 The intention of Policy SUB-P14 is to recognise that effects of mitigation measures used to manage significant risk from natural hazard may themselves have significant adverse environmental effects. The Panel considers that it is clear that provisions of other chapters of the PDP relating to land use activities, including earthworks, that may be required to mitigate natural hazard risks for subdivisions, will apply. Given this, the Panel agrees with the reporting planner and is satisfied that Policy SUB-P14 is not necessary and should be deleted, as any potential adverse environmental effects associated with those activities will be addressed under the provisions of other PDP chapters.

Policy SUB-P15

- 7.6.38 Policy SUB-P15 is to ensure that earthworks associated with constructing vehicle access, building platforms or services on land being subdivided does not detract from the visual amenities of the area or have significant adverse environmental effects, such as dust, or result in the modification, damage or destruction of heritage items, archaeological sites or sites and areas of significance to Māori, cause natural hazards, or increase the risk of natural hazards occurring.
- 7.6.39 For the same reasons as the Panel has given above in relation to the recommendation to delete Policy SUB-P14, the Panel agrees with the reporting planner and considers that Policy SUB-P15 should also be deleted, as any adverse effects associated with earthworks for subdivisions will be addressed under the rules and standards of the EW – Earthworks chapter, as well as other chapters (e.g. HH – Historic Heritage, ECO – Ecosystems & Indigenous Biodiversity, and NH – Natural Hazards) and it is therefore unnecessary.

Policy SUB-P16

- 7.6.40 Policy SUB-P16 is to avoid where practicable, or otherwise mitigate, potential reverse sensitivity effects of sensitive activities (particularly residential and lifestyle development) establishing near primary production or industrial activities and existing public works. Hort NZ requested that the policy be retained as notified, but Silver Fern Farms and Pork Industry Board requested that it be amended to include reference to 'rural industry' and 'intensive primary production activities', respectively. Kāinga Ora requested that the policy be deleted as they consider reverse sensitivity relates to land use activity and should be managed through the relevant zone provisions.
- 7.6.41 The Panel agrees with the reporting planner that the policy could benefit with some additional clarification, and recommends that Policy SUB-P16 be amended as follows:

SUB-P16	To avoid where practicable, or otherwise mitigate, potential reverse sensitivity effects of sensitive activities (particularly residential and lifestyle development) establishing near <u>existing</u> primary production <u>activities (including intensive primary production activities), rural industries,</u> or industrial activities and <u>/or</u> existing public works <u>network utilities</u> .
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Policy SUB-P17

- 7.6.42 Centralines supported Policy SUB-P17 but requested that the reference to 'regionally significant infrastructure' in the policy be replaced with the following definition for 'regionally significant infrastructure' or 'strategic infrastructure':
- Regionally Significant Infrastructure / Strategic Infrastructure:**
[...] the electricity transmission network and electricity distribution networks;
[...] renewable electricity generation activities.
- 7.6.43 The PDP does not include any definition of 'Regionally Significant Infrastructure', which is referred to in Policy SUB-P17, but it includes the definition of 'Nationally Significant Infrastructure'.
- 7.6.44 The reporting planner noted that there is no definition of 'regionally significant infrastructure', 'nationally significant infrastructure', 'strategic infrastructure', or 'infrastructure' in the National Planning Standards.
- 7.6.45 In our report on Hearing Stream 7, the Panel agrees that the definition of 'nationally significant infrastructure' should be retained. On that basis, the Panel agrees with the reporting planner and considers it appropriate that a new definition of 'regionally significant infrastructure' be included in the Part 01B – Interpretation chapter of the PDP. That would, have the benefit of overcoming the need to amend the wording in Assessment Matters NFL-AM2 and CE-AM2, it would align with the wording in Policies SUB-P17 and SUB-P18, and it would provide a definition that is more tailored to the District, while being consistent with the RPS definition. The Panel agrees with the reporting planner considers that the new definition should read as follows:

<u>REGIONALLY SIGNIFICANT INFRASTRUCTURE</u>	<p><u>means necessary services and installations which are of greater than local significance, including:</u></p> <ul style="list-style-type: none"> (l) <u>transport networks of regional significance, including State Highways and arterial roads (as defined in the District Plan, the Regional Land Transport Strategy and the State Highway Classification System), and the rail network;</u> (m) <u>the electricity transmission network and electricity distribution networks;</u> (n) <u>telecommunications and radiocommunications facilities</u> (o) <u>public or community renewable electricity generation activities;</u> (p) <u>pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas;</u> (q) <u>public or community sewage treatment plants and associated reticulation and disposal systems;</u> (r) <u>public water supply intakes, treatment plants and distributions systems;</u> (s) <u>public or community rural water storage infrastructure, including distribution systems;</u> (t) <u>public or community drainage systems, including stormwater systems;</u> (u) <u>flood protection schemes;</u> (v) <u>any railway (as defined in the Railways Act 2005).</u>
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- 7.6.46 In response to Transpower submission points S79.074 and S79.075 under Key Issue 1: National Grid Subdivision Corridor and Gas Transmission Network, the Panel agrees with the reporting planner and recommends that Policy SUB-P17 be amended.

Policy SUB-P18

- 7.6.47 Waka Kotahi requested that Policy SUB-P18 be retained as notified. Kāinga Ora requested that the policy be amended by deleting the word 'that' and replacing 'affect' with 'result in significant adverse effects on', in relation to the maintenance, operation and upgrading of regionally significant infrastructure and other network utilities. Waka Kotahi (FS16.31) supported Kāinga Ora's submission as they consider that the threshold test in this policy should be reconsidered.
- 7.6.48 In response to Transpower submission points S79.074 and S79.075 under Key Issue 1: National Grid Subdivision Corridor and Gas Transmission Network, the Panel agrees with the reporting planner and has recommended that Policy SUB-P18 be deleted, on the basis of changes it is recommended be made to Policy SUB-P17 in response to those submission points.

8 Key Issue 7 – Rules

8.1 Proposed plan provisions

- 8.1.1 This key issue addresses the Subdivision rules.

8.2 Submissions

- 8.2.1 There were 26 submission points and 13 further submission points which sought to retain or amend rules in the PDP.

8.3 Reporting planner's recommendations (s42A report)

General

- 8.3.1 Forest and Bird (S75.028) opposed all rules in the SUB - Subdivision chapter, as they considered them too permissive. They requested that the rules be strengthened to protect SNAs and ONFLs (in particular), and to be consistent with the NZCPS, RMA, and the NPS-IB if one was notified.
- 8.3.2 The submitter did not identify any specific changes they would like made to the subdivision rules to strengthen them.
- 8.3.3 Rules SUB-R1(1)(b), SUB-R4(1)(b) and SUB-R5(1)(c) included standards that require land being subdivided to not contain areas on any part (or all) of the sites identified in ECO-SCHED5 and ONL or ONF in NFL-SCHED6. Where this standard was not complied with, a Discretionary Activity resource consent was required under Rules SUB-R1(3), SUB-R4(4) and SUB-R5(3).
- 8.3.4 Given this, the reporting planner considered that the subdivision rules were not permissive, but were appropriate, and they should be retained as notified (unless otherwise recommended to be amended in response to other submissions).

New Subdivision Rule (RX)

- 8.3.5 Kāinga Ora requested the addition of a new Controlled Activity rule for subdivision that was in accordance with an approved land use consent in the General Residential Zone, Commercial Zone, General Industrial Zone and Large Lot Residential Zone.
- 8.3.6 The new rule would enable developers to first obtain land use consent for a development, then apply separately/later for a Controlled Activity subdivision consent. A Controlled Activity could not be refused, but Council could impose conditions on the consent in relation to the matters over which the Council had reserved its control, which must be specified under the new rule.
- 8.3.7 The new rule would only apply to subdivisions related to sites with an approved land use consent, therefore, it would not apply to subdivision applications lodged concurrently with land use consent applications.
- 8.3.8 Under subdivision Rule SUB-R1(3), as notified, if a subdivision for a development did not comply with the minimum net site area requirements under Standard SUB-S1 in the Subdivision chapter, the application must be assessed as a Discretionary Activity. Under the requested new rule, the activity status would be Controlled.
- 8.3.9 The reporting planner considered that it would be inappropriate to provide for applications for subdivisions made after the approval of land use consents on a site as a Controlled Activity, as there may be issues associated with easements for services and/or connections to services, etc. which were problematic because of the nature and configuration of buildings already established

or consented, as the development may not have been designed appropriately, and it may not be possible to resolve issues only through the imposition of conditions on the subdivision consent. As Council could not decline a Controlled Activity application, it was possible that outcomes might not be appropriate, or they might be sub-standard and result in ongoing problems for landowners and Council in the future.

- 8.3.10 The reporting planner also considered that, given the more attractive Controlled Activity status for subdivision applications lodged after land uses were approved, there was likely to be less incentive for developers to apply for subdivisions and land use consents concurrently, particularly if the overall activity status of land use and subdivision consent applications combined would change (i.e. be more restrictive). For example, a land use consent application for a residential development in the General Residential Zone that did not comply with residential density Standard GRZ-S1 would be a Restricted Discretionary Activity under Rule GRZ-R1(2). If the associated subdivision did not comply with minimum net site area requirement under Standard SUB-S1, then the subdivision would be a Discretionary Activity under Rule SUB-R1(3). The effect of considering the subdivision and land use consent applications together would, in this case, result in both applications being assessed as discretionary activities, if the most restrictive activity status was applied under the bundling principle.
- 8.3.11 For the above reasons, the reporting planner did not support including the new Controlled Activity subdivision rule requested by Kāinga Ora.

Rule SUB-R1 Subdivisions not otherwise provided for

- 8.3.12 HNZPT supported Rule SUB-R1 and requested that it be retained as notified.
- 8.3.13 Thomas Collier preferred the current subdivision rules under the ODP and rejects Rule SUB-R1 of the PDP. He requested that the ODP rules be retained in their current format. He considered that the rules have been 'cut and pasted' from the Hastings District Plan, that CHB District did not have the same quality of soils as the Hastings District, and that the proposed subdivision rules would be a step backwards for the prosperity of the District. Mr Collier's submission appeared to be focussed on the subdivision of land in the rural area of the District. James Bridge supported Mr Collier's submission.
- 8.3.14 The reporting planner noted that Mr Collier (S107.002) (supported by Mr Bridge (FS4.2)) similarly requested that Rule SUB-R5 (relating to lifestyle site subdivision) be deleted and that the PDP provisions revert back to the subdivision rules currently applying across the entire rural area of the District in the ODP. The s42A report for the Rural Topic hearing (Volume 2) addressed this submission point.
- 8.3.15 Given, the Rural Topic s42A report recommendation to reject the request to delete Rule SUB-R5, the reporting planner also did not support deleting Rule SUB-R1 and retaining the ODP rule format.
- 8.3.16 James Bridge opposed the default Discretionary Activity status under Rule SUB-R1(3) in relation to subdivision on sites containing sites or areas identified in HH-SCHED2, SASM-SCHED3, ECO-SCHED5, ONF or ONL in NFL-SCHED6, and CE-SCHED7, particularly where they occupy a small area on a large farm property and would not be affected by the subdivision. He requested that SUB-R1(b) be amended so that it related to subdivision that would not result in any new vehicle access to, or future building platforms within, any of the sites or areas in the schedules listed.
- 8.3.17 HNZPT opposed James Bridge's submission and requested that Rule SUB-R1 be retained as notified. However, they suggested, as an alternative relief, that the rule be amended to specify the extent of the scheduled places or define a buffer area around each place, such that the

subdivision rules could then apply to the extent of the scheduled place, or the identified buffer area.

- 8.3.18 Rule SUB-R1 related to subdivision not otherwise provided for: for example, it related to the creation of lots in the various zones, including the GRUZ - General Rural Zone (20ha minimum net site size) and the RPROZ – Rural Production Zone (12ha minimum net site size), but excludes the creation of lifestyle sites, conservation lots, boundary adjustments, and subdivision for special purposes which were covered under the other subdivision rules.
- 8.3.19 While not stated explicitly in Mr Bridge’s submission, the reporting planner stated that it appears he considered that it was only the physical impacts of subdivision on the scheduled items, sites, areas or features (i.e., earthworks activities associated with the construction of new vehicle access and building platforms) that should be of concern and trigger a Discretionary Activity status. However, there may be other non-physical impacts that may adversely affect the cultural, metaphysical, historic heritage, ecological, or landscape values of the sites of areas that must be protected. For example, the boundaries of new lots could potentially bisect or separate an identified site or area into two or more different titles, which could impact the protection of their values.
- 8.3.20 The reporting planner therefore considered that it was important that Council could assess applications to subdivide land on which scheduled sites or areas were located (partially or fully), to ensure they were protected from potential physical and non-physical impacts, including those associated with development on the new lots that could occur as of right under the relevant zone provisions.
- 8.3.21 With regard to HNZPT’s suggestion, that Rule SUB-R1(1)(b) be amended to specify the extent of the scheduled places or define a buffer area around each place, while she considered that there was some merit in that approach, the reporting planner had no information or advice on what an appropriate buffer would be for each scheduled item, tree, site or area. Also, for certainty, she noted that whatever buffer was selected would need to be identified in the schedules and spatially defined in the PDP. The reporting planner therefore did not support that approach.
- 8.3.22 Rather than triggering a Discretionary Activity status, the reporting planner considered that a Restricted Discretionary Activity status would be more appropriate, such that the Council’s discretion would be restricted to certain matters, and not unlimited (as proposed). Given the focused nature of the relevant matters, the reporting planner considered that full discretion was unnecessary.
- 8.3.23 The SUB – Subdivision chapter currently includes the following assessment matter, SUB-AM16, relating to subdivision of land within ONLs and ONFs, SAFs, and the Coastal Environment (including identified areas of HNC):

SUB-AM16	Subdivision of land, including Lifestyle Sites within Outstanding Natural Landscapes and Features, Significant Amenity Features, and the Coastal Environment (including identified areas of High Natural Character)
1.	<p>The design of the subdivision and the development it will accommodate, to ensure that it will not have adverse visual or landscape effects on the values of the feature, landscape or area (identified in ECO-SCHED5, NFL-SCHED6, and CE-SCHED7 of the District Plan) and will not detract from the natural character of the coastal environment. Reference will be made to the proposed nature and location of building platforms, roads and accessways, earthworks, landscaping, and planting. In particular, the development will be assessed in terms of its ability to achieve the following:</p> <ol style="list-style-type: none">Be of a scale, design and location that is sympathetic to the visual form of the coastal environment or the natural character area, landscape, or feature, and will not dominate the landscape.Avoid large scale earthworks on rural ridgelines, hill faces and spurs.Be sympathetic to the local character, to the underlying landform and to surrounding visual landscape patterns.Be designed to minimise cuttings across hill faces and through spurs, and to locate boundaries so the fencing is kept away from visually exposed faces and ridges.

- e. Where planting is proposed, its scale, pattern and location is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.
- f. Where necessary, for the avoidance or mitigation of adverse effects, any proposals to ensure the successful establishment of plantings.
- g. Be sympathetic to the natural science, perceptual and associational values (including for tangata whenua) associated with the natural character area, landscape, or feature.

8.3.24 Assessment matters relating to sites or areas identified in HH-SCHED2 and SASM-SCHED3 were included in Assessment Matters SUB-AM5(9) and SUB-AM6(15), which read as follows:

The protection of any historic heritage items or notable trees (listed in HH-SCHED2 and TREE-SCHED4), wāhi tapu, wāhi taonga, and sites of significance (listed in SASM-SCHED3), or risk to archaeological sites.

[Note: submission points relating to the Tangata Whenua / Mana Whenua chapter are addressed in our report on Hearing Stream 4]

8.3.25 There were no assessment matters in the SUB – Subdivision chapter relating generally to SNAs ECO-SCHED5.

8.3.26 Kāinga Ora (S129.112, S129.113) requested that Assessment Matters SUB-AM5(9) and SUB-AM6(15) be deleted in favour of a separate set of assessment matters which may be considered in cases where subdivision of land wholly or partially containing heritage items, archaeological sites, and sites of significance to Māori occurred. They (S129.123) also considered that, in relation to subdivision of land containing heritage items and/or sites of significance to Māori, this could be provided for under a Restricted Discretionary Activity framework with associated matters of discretion to ensure appropriate management of any potential adverse effects. Kāinga Ora requested that the following new assessment matter be added to the Subdivision chapter:

SUB-AMX Subdivision of land partly or wholly containing an identified heritage item, archaeological site, or site or area of significance to Māori

- 1. Whether subdivision will enable the establishment of land use activities likely to result in adverse effects on the heritage item, archaeological sites, or site of significance to Māori that would not otherwise be enabled without subdivision.**
- 2. Any relevant findings and/or recommendations of investigations carried out by a qualified archaeologist that are supplied with the application.**
- 3. Any relevant consultation and/or engagement with tangata whenua.**
- 4. Whether the subdivision will involve land disturbance that may have adverse effects on the heritage item, archaeological site, or site of significance to Māori.**
- 5. The degree to which adverse effects on the heritage item, archaeological site, and /or site of significance to Māori can be mitigated through subdivision or subsequent land use consents.**

8.3.27 HNZPT (FS7.031) and NHMT (FS5.090) supported Kāinga Ora's request for a new assessment matter.

8.3.28 The reporting planner concurred with Kāinga Ora that it would be appropriate to delete the assessment matters in SUB-AM5(9) and SUB-AM6(15), and that a separate, new assessment matter should be included which could be referred to as a matter of discretion for the purpose of assessing a Restricted Discretionary Activity.

8.3.29 The new assessment matter requested by Kāinga Ora related only to heritage items, archaeological sites and areas of significance to Māori. In order to cover all sites or areas referred to under Rule SUB-R1(b) and Assessment Matters SUB-AM5(9) and SUB-AM6(15), the reporting planner recommended that the assessment matter should be amended to also relate to notable trees (identified in TREE-SCHED4), Significant Natural Areas (identified in ECO-SCHED5), wāhi tapu, and wāhi taonga (identified in SASM-SCHED3), in order to cover all matters under Rule SUB-R1(1)(b), as follows:

SUB-AMX Subdivision of land partly or wholly containing an identified heritage item (identified in HH-SCHED2), notable tree (identified in TREE-SCHED4), Significant Natural Area (identified in ECO-SCHED5), archaeological site, ~~or~~ wāhi tapu, wāhi taonga, and site or area of significance to Māori (identified in SASM-SCHED3).

1. Whether subdivision will enable the establishment of land use activities likely to result in adverse effects on the heritage item, notable tree, significant natural area, archaeological sites, wāhi tapu, wāhi taonga or site of significance to Māori that would not otherwise be enabled without subdivision.
2. Any potential adverse effects (including cumulative effects) on each item, tree, area, or site, including but not limited to: relevant
 - a. Whether sufficient land is provided around the item, tree, area, or site to retain and protect its values;
 - b. Whether the subdivision will fragment the item, area, or site; and
 - c. whether the subdivision will involve land disturbance that may have adverse effects on the item, tree, area, or site, including building platforms and vehicle accessways.
3. ~~Findings and/or recommendations of investigations~~ from any impact assessment undertaken on the effects of the subdivision on the item, tree, area, or site that ~~are~~ is supplied with the application.
4. Any relevant consultation and/or engagement with tangata whenua and/or Heritage New Zealand Pouhere Taonga, where appropriate.
4. ~~Whether the subdivision will involve land disturbance that may have adverse effects on the heritage item, archaeological site, or site of significance to Māori.~~
5. The degree ~~Measures to which avoid or mitigate any~~ adverse effects on the cultural, spiritual, indigenous biodiversity and/or heritage values of the item, tree, area, or site associated with the land being subdivided, including the provision of any protective covenants' ~~heritage item, archaeological site, and /or site of significance to Māori can be mitigated through subdivision or subsequent land use consents.~~

8.3.30 On the basis of the above, including the recommended new assessment matter, the reporting planner considered that Rule SUB-R1 should be amended as follows:

SUB-R1 Subdivision not otherwise provided for		
All Zones	1. Activity Status: CON Where the following conditions are met: a. Compliance with SUB-S1. b. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following: i. HH-SCHED2. ii. SASM-SCHED3. iii. ECO-SCHED5. iv. ONL or ONF within NFL-SCHED6. v. CE-SCHED7. c. Compliance with: i. SUB-S4(1); ii. SUB-S5; iii. SUB-S6; iv. SUB-S7; v. SUB-S8; and vi. SUB-S9. d. Compliance with: i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. Matters over which control is reserved: e. SUB-AM1. f. SUB-AM2. g. SUB-AM3. h. SUB-AM4.	2. Activity status where compliance with condition SUB-R1(1)(c) is not achieved: RDIS Matters over which discretion is restricted: a. SUB-AM1. b. SUB-AM2. c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10.
		3. <u>Activity status where compliance with condition SUB-R1(1)(b) is not achieved: RDIS</u> <u>Matters over which discretion is restricted:</u> a. <u>SUB-AMXX.</u>
		4. Activity status where compliance with condition SUB-R1(1)(a) and/or SUB-

i. SUB-AM5.	R1(1)(b) is not achieved: DIS
j. SUB-AM6.	
k. SUB-AM7.	
l. SUB-AM8.	54. Activity status where compliance with condition SUB-R1(1)(d) is not achieved: NC
m. SUB-AM9	
n. SUB-AM10.	

- 8.3.31 Hatuma Lime sought amended provisions to enable consideration of reverse sensitivity effects on lawfully established activities, such as quarries, as part of Controlled Activity subdivisions in the General Rural Zone. It requested the addition of a new matter over which control was reserved under Rule SUB-R1, with reference to the following new Assessment Matter SUB-AM19 they have requested (S98.022):

SUB-AM19 Subdivision with building platforms and/or vehicle access within proximity of the Hatuma Lime Maharakeke Road quarry

- 1. Any actual and potential reverse sensitivity effects on the effective, and efficient operation of the Hatuma Lime quarry.**
- 2. Conditions offered up by the applicant to ensure future owners of the new lots are aware of the extent of the Hatuma Lime Quarry.**

- 8.3.32 Hort NZ (FS17.55) supported Hatuma Lime's submission.

- 8.3.33 The reporting planner noted that Rule SUB-R1 related to subdivision not otherwise provided for (i.e. it related to the creation of lots in the various zones, including the GRUZ - General Rural Zone), and it excluded the creation of lifestyle sites which was covered under subdivision Rule SUB-R5. She also noted that, under General Rural Zone Rule GRUZ-R1, the number of residential units that could be located on each site was related to the size of the site, as follows:

- a. Limited to:
 - i. one residential unit per site with an area less than 20 hectares, and
 - ii. one additional residential unit (i.e. a total of two) per site with an area of between 20 hectares and less than 50 hectares, and
 - iii. two additional residential units (i.e. a total of three) per site with an area of between 50 hectares and less than 100 hectares, and
 - iv. three additional residential units (i.e. a total of four) per site with an area of 100 hectares or greater, and
 - v. one minor residential unit per site:
- b. limited to a maximum gross floor area of 100m² (exclusive of garages, and verandahs less than 20m²); and
- c. must share vehicle access with the principal residential unit on the site; and
- d. must be located no further than 50m from a principal residential unit on the site.

- 8.3.34 Accordingly, any new lots created in the General Rural Zone would need to comply with the minimum net site area requirement of 20 hectares under Standard SUB-S1(9). Where new lots were created within proximity of the Hatuma Lime Quarry, the reporting planner considered that landowners would have options in terms of available space to locate any residential units away from the quarry. The potential for reverse sensitivity effects on the quarry would also be limited by the restriction on the number of residential units that may be established on the lots under the General Rural Zone provisions.

- 8.3.35 In the reporting planner's opinion, there was potential for reverse sensitivity effects to occur in relation to residential units establishing on smaller, lifestyle sites that may be subdivided under Rule SUB-R5 as a Controlled Activity. However, under that rule, a matter over which control was reserved was Assessment Matter SUB-AM13. This required the Council to take into account the ability to mitigate any actual or potential reverse sensitivity effects on existing rural industry (including Hatuma Lime Quarry).

- 8.3.36 Given the above, the reporting planner considered that there was no need to amend SUB-R1 to include a new matter of control that would require consideration of potential reverse sensitivity effects from building platforms and/or vehicle access within proximity of the Hatuma Lime Quarry on new lots created in the General Rural Zone.
- 8.3.37 Kāinga Ora (S129.090)) requested that Rule SUB-R1(1)(a) be amended to require compliance with Standard SUB-S1 'or SUB-SXX'. Essentially, the effect of this amendment would be to split Standard SUB-S1 (which currently applies to Minimum Net Site Area (excluding Lifestyle Sites and Conservation Lots) into two standards, where SUB-S1 would be amended to only apply to 'Minimum Vacant Lot Size (Urban Zones)' and new Standard SUB-SXX would apply to 'Minimum Lot Size (Rural Zone)'. These matters were addressed (S129.098 and S129.099) under Key Issue 8: Standards below.
- 8.3.38 Kāinga Ora also requested that a new standard 'e' be added to Rule SUB-R1(1) which required that 'The land being subdivided was not located within an identified natural hazard area in the planning maps'. This was because they considered that, in alignment with the relevant objectives and policies within the NH - Natural Hazards chapter, subdivision which occurred in areas of natural hazards should be assessed as a Restricted Discretionary Activity.
- 8.3.39 Currently, a matter over which control was reserved for Controlled Activity subdivision applications under Rule SUB-R1(1)(h) was Assessment Matter SUB-AM4 Natural Hazards, as follows:

SUB-AM4 Natural Hazards

1. Whether the land, or any potential structure on that land, will be subject to material damage by erosion, falling debris, subsidence, slippage or inundation or other natural hazard event from any source.
2. Whether there are any methods/measures available to overcome or reduce the risk of any hazard(s), and whether these methods/measures may have adverse effects on the environment.
3. Adequacy of access during and after natural hazard events.
4. In assessing the above matters, the Council will have regard to the following:
 - a. Any information held on the Council's Natural Hazard registers and the Hawke's Bay Hazards Information Portal;
 - b. Information obtained by suitably qualified experts, whose investigations are supplied for subdivision applications; and
 - c. The objectives, policies, and methods in the NH – Natural Hazards chapter of the District Plan.

- 8.3.40 As a Controlled Activity, the application must be granted but may be subject to the imposition of consent conditions. The reporting planner stated that it was possible that a subdivision application may be on land subject to natural hazards and there were no adequate methods or measures available to overcome or reduce the risk of the hazard(s), or the methods/measures proposed may have adverse effects on the environment. In this situation, there would be no ability for Council to decline consent, and no conditions of consent that could be imposed that would appropriately or adequately address the risk of natural hazards.
- 8.3.41 The reporting planner referred us to the management of significant risks from natural hazards being listed in s6 of the RMA as a matter of national importance. She noted that s106 of the RMA provides that the Council could refuse a subdivision consent if there is a significant risk of natural hazard. The presence of natural hazards may lead to a requirement for site-specific technical assessments e.g., geotechnical assessments or flood modelling work, in support of a subdivision or development proposal.
- 8.3.42 The reporting planner advised that NH – Natural Hazards chapter of the PDP included Objectives NH-O2 and NH-O3 that were for the effects of natural hazards and the long-term effects of climate change on the community and the built environment to be minimized, and any increased risk to people, property, infrastructure and the environment from the effects of natural hazards was avoided. Policy NH-P5 was to control the activities that could occur in areas of significant

natural hazards, including subdivision of land. The SUB – Subdivision chapter included a number of relevant objective and policies.

8.3.43 The reporting planner indicated that the following natural hazard areas were identified on the PDP Planning Maps:

- Fault Hazard with Faultlines;
- Fault Hazard with Fault Avoidance;
- Flood Hazard (Flood Risk Areas); and
- Tsunami Hazard (Near Source Inundation Extent).

8.3.44 The reporting planner concurred with Kāinga Ora, that the Council should have the ability to decline a subdivision consent application in circumstances where land being subdivided, including any potential structure on that land, was subject to significant risk of material damage by the effects of natural hazards and there were no appropriate mitigation measures available to manage that risk. The reporting planner therefore considered that subdivisions on land located within a Natural Hazard Area should be a Restricted Discretionary Activity, which could be declined (as opposed to a Controlled Activity). The reporting planner therefore considered that Rule SUB-R1(1) should be amended to include a new condition that required that 'The land being subdivided was not located within a Natural Hazard area identified on the Planning Maps'. The reporting planner also considered that Restricted Discretionary Activity (RDIS) Rule SUB-R1(2) should be amended to also apply to applications where compliance with condition SUB-R1(1)(e) was not achieved.

8.3.45 Kāinga Ora (\$129.124) requested that a new assessment matter relating to natural hazards be added to the PDP and referred to in Rule SUB-R1(2) as a matter over which discretion was restricted, as follows:

SUB-AMY Subdivision of land partly or wholly within an identified natural hazard area

1. Whether subdivision will enable the establishment of land use activities likely to result in increased risk associated with natural hazards to people, property, infrastructure, and the environment, that would not otherwise be enabled without subdivision.
2. Whether resulting allotments will be located partly or wholly within the natural hazard area.
3. Whether building platforms can be established in an area of the resulting allotment not subject to natural hazards.
4. Whether mitigations can be implemented through subdivision or subsequent land use consents to minimize risks associated with natural hazards.
5. Relevant objectives and policies within the NH – Natural Hazards chapter.

8.3.46 As referred to above, the Subdivision chapter already included Assessment Matter SUB-AM4 for natural hazards. The reporting planner considered that this assessment matter was fit for purpose and the new assessment matter requested by Kāinga Ora was unnecessary.

8.3.47 Kāinga Ora (\$129.090) also requested that the activity status of subdivisions that did not comply with conditions SUB-R1(1)(b) and SUB-R1(1)(d) be amended so that they fall to be considered as Restricted Discretionary activities. The reporting planner recommended above, that, where compliance with condition SUB-R1(1)(b) was not achieved, a Restricted Discretionary Activity would be appropriate.

8.3.48 However, the reporting planner did not support amending the rule, so non-compliance with condition SUB-R1(1)(d) (i.e., relating to the National Grid Subdivision Corridor and the Gas Transmission Network) would trigger Restricted Discretionary Activity status. Under Rule SUB-R1 (as notified), where compliance with SUB-R1(1)(d) was not achieved, a Non-Complying Activity resource consent was required under Rule SUB-R1(4).

- 8.3.49 As the reporting planner advised under Key Issue 1 of this report, Standard SUB-S4(3) gave effect to Policies 10 and 11 of NPS-ET, and it as well as Standards SUB-S4(4) and (5) were directly related to achieving Objectives SUB-O4, NU-O1, NU-O2, NU-O3, and Policies SUB-P17, SUB-P18, NU-P1 and NU-P5 of the PDP.
- 8.3.50 While relating only to the urban environment, Objective OBJ UD1(c) of the Hawke's Bay Regional Policy Statement (RPS), contained within the Hawke's Bay Regional Resource Management Plan (RMMP) (operative on 28 August 2006), was for the "Establishment of compact and strongly connected urban form throughout the Region, that: [...] c) avoids, remedies or mitigates reverse sensitivity effects on existing strategic and other physical infrastructure in accordance with the objectives and policies in Chapter 3.5 and 3.13 of this plan".
- 8.3.51 The reporting planner outlined that Objectives 32 and 33 in Chapter 3.13 of the RPS recognise the importance of the specific locational requirements of some regionally significant infrastructure and of its ongoing operation, maintenance and development to support the economic, social and/or cultural wellbeing of the region's people and communities and provide for their health and safety. It was also for adverse effects on existing physical infrastructure arising from the location and proximity of sensitive land use activities to be avoided or mitigated. The reporting planner therefore also considered that Standard SUB-S4 gave effect to the objectives of the RPS.
- 8.3.52 Kāinga Ora (S129.102) requested that Standards SUB-S4(2), (3), (4) and (5) be deleted, as they consider they were likely to unnecessarily hinder development where potential adverse effects could otherwise be managed. Their submission was opposed by Transpower (FS18.21) and First Gas (FS3.016).
- 8.3.53 The reporting planner recommended Kāinga Ora's request to delete Standards SUB-S4(2) to SUB-S4(5) be rejected. The reporting planner did not support Kāinga Ora's request to amend the status of non-compliance with these standards under Rule SUB-R1(1)(d), from Non-Complying to Restricted Discretionary.

Rule SUB-R2 Subdivision to create freehold title from existing cross-lease title

- 8.3.54 Rule SUB-R2, as notified, has the very specific purpose of providing for freehold titles to be created from existing cross-lease titles as a Controlled Activity, subject to compliance with specified conditions.
- 8.3.55 Kāinga Ora (S129.091) requested that Rule SUB-R2 be amended so that it also provided for subdivision around existing buildings and development as a Controlled Activity: this would allow this type of subdivision to be separated from vacant lot subdivision. Kāinga Ora considered that standards typically applying to vacant lot subdivision were not necessarily relevant where the anticipated land use activity has already been established, either as of right or through a resource consent process. They requested that subdivision around existing buildings and developments that results in new non-compliances be assessed as a Restricted Discretionary Activity, and that the matters over which discretion was restricted were limited to Assessment Matters GRZ-AM1, GRZ-AM2, GRZ-AM3, GRZ-AM4 and GRZ-AM5, being assessment matters relating specifically to the GRZ – General Residential Zone.
- 8.3.56 While the matters of discretion would be restricted to General Residential Zone assessment matters, the amendments Kāinga Ora sought would mean that the rule would apply to all zones in the District, including the rural zones. The reporting planner gave the example whereby, under the amendments sought, an existing, lawfully established building in the General Rural Zone or Rural Production Zone could be subdivided from the parent lot as a Controlled Activity. Under Rule SUB-R2, there would be no requirement to comply with the minimum net site area limits for the zone under Standard SUB-S1, and there would be no matters of discretion applying that were

directly relevant to the rural zones. As such, any sized lot could be created around an existing building, which could be an implement shed or other accessory building, as well as a dwelling, provided that the building was established lawfully under the PDP rules prior to the subdivision.

- 8.3.57 As a result of subdivision, a new set of development rights would be created with each new lot. Under the example the reporting planner gave, the change sought by Kāinga Ora could lead to further fragmentation of the rural land resource and/or increase the number of sensitive residential activities that could establish within the rural zones. In the reporting planner's opinion, this was not consistent with the objectives and policies of the PDP, particularly for the rural zones, and it could lead to unintended environmental effects.
- 8.3.58 The reporting planner also considered that there were potential issues associated with the condition that Kāinga Ora proposes be added to the rule, which requires "any non-compliances with district-wide or zone rules were lawfully established prior to the subdivision, and the subdivision itself did not result in new or increased non-compliances with district-wide or zone rules". Such a condition would require an applicant and Council to be able to verify that the existing building or development to be subdivided was lawfully established. The reporting planner was also uncertain what was meant by 'did not result in new or increased non-compliances with the district-wide or zone rules', and whether this would apply only to the subdivision or to potential development that could occur on the new lot(s).
- 8.3.59 For the above reasons, the reporting planner did not support Kāinga Ora's request to amend Rule SUB-R2.

Rule SUB-R3 Subdivision for special purposes

- 8.3.60 Rule SUB-R3 applies to subdivision for special purposes in all zones, being limited to the creation of lots of any size for public works, network utilities, renewable electricity generation activities, reserves, roads, and access. Such subdivisions were a Controlled Activity, subject to compliance with specified conditions.
- 8.3.61 Kāinga Ora (S129.092) requested that, where compliance cannot be achieved with Condition SUB-R3(1)(c), relating to the requirement to comply with Standards SUB-S4(2) to SUB-S4(5) relating to the National Grid Subdivision Corridor and the Gas Transmission Network, subdivisions should be assessed as a Restricted Discretionary Activity under Rule SUB-R3(3), instead of Non-Complying under Rule SUB-R3(4).
- 8.3.62 For the same reasons outlined above, in relation to Kāinga Ora's request to amend the activity status of subdivisions not complying with Standards SUB-S4(2) to SUB-S4(5) under Rule SUB-R1(1)(c) (under Rule SUB-R1), the reporting planner considered that a Non-Complying Activity status under Rule SUB-R3(4) should be retained for non-compliance with these standards under condition SUB-R3(1)(c).

Rule SUB-R4 Boundary Adjustments

- 8.3.63 Rule SUB-R4 provides for a boundary adjustment as a Controlled Activity, subject to compliance with specified conditions.
- 8.3.64 The Surveying Company (S50.002) requested that the definition of 'boundary adjustment' be amended to replace the word 'allotments' with 'Records of Title', to allow for a situation where the number of allotments was reduced to rationalise an existing record of title that comprises multiple lots. The reporting planner noted, however, that the definition of boundary adjustment in the PDP was taken from the National Planning Standards, and that, therefore, there was no ability to amend the definition as requested by the submitter.

- 8.3.65 For the same reasons given in his submission points on Rule SUB-R1, James Bridge (S105.015) opposed the default to Discretionary Activity status under Rule SUB-R4(4) where there was non-compliance with condition SUB-R4(1)(b) relating to the land being subdivided containing any part (or all) of the sites or areas identified in HH-SCHED2, SASM-SCHED3, ECO-SCHED5, ONL or ONF in NFL-SCHED6, and CE-SCHED7. He requested that condition SUB-R4(1)(b) be amended, so the subdivision must not result in any new vehicle access to or future building platforms within any of the sites or areas identified in the schedules.
- 8.3.66 As she advised in relation to Mr Bridge’s submission on Rule SUB-R1, the reporting planner noted that there may be other non-physical impacts that may adversely affect the cultural, metaphysical, historic heritage, ecological, or landscape values of the sites or areas that must be protected (in addition to physical effects associated with earthworks). For example, the boundaries of new lots could potentially bisect or separate an identified site or area into two or more different titles, which could impact the protection of their values. The reporting planner therefore did not support Mr Bridge’s request, as she considered it important that Council could assess applications to subdivide land on which scheduled sites or areas were located (partially or fully), to ensure they were protected from potential physical and non-physical impacts.
- 8.3.67 Kāinga Ora (S129.093) generally supported the rule but requested that condition SUB-R4(1)(a)(ii) be amended as follows:
- ii. No existing complying site is rendered non-complying, **and the boundary adjustment does not result in increases in any existing non compliances.**
- 8.3.68 The reporting planner concurred with Kāinga Ora that condition SUB-R4(1)(a)(ii) did not address the issue where an existing non-complying site was rendered more non-complying by a proposed boundary adjustment, but for clarity, the reporting planner considered that the wording would be more appropriately amended as set out below. The reporting planner also considered it appropriate that the rule be amended to clarify that it related to non-compliance with the relevant standards and not a Non-Complying Activity status.
- ii. No existing ~~complying~~ site **that complies with the relevant subdivision standards is rendered non-complying with the standards, and no existing site not complying with the relevant subdivision standards is rendered more non-complying with the standards, by the boundary adjustment.**
- 8.3.69 Kāinga Ora also opposed matter of control SUB-R4(1)(h), which referred to the “protection, maintenance or enhancement of natural features and landforms, significant natural area (ECO-SCHED5), historic heritage item (HH-SCHED2), or any identified wāhi tapu, wāhi taonga or site of significance (SASM-SCHED3)”. They considered that the matter was not relevant to boundary adjustments, particularly where land being subdivided complies with SUB-R4(1)(b). The reporting planner concurred with the submitter that, if compliance with condition SUB-R4(1)(b) was achieved, the matter of control was unnecessary.
- 8.3.70 Kāinga Ora also considered that matters arising from non-compliance with condition SUB-R4(1)(b) and SUB-R4(1)(d) (i.e., Standards SUB-S4(2) to SUB-S4(5) relating to the National Grid Subdivision Corridor and the Gas Transmission Network) could be appropriately managed through a Restricted Discretionary Activity framework. Transpower opposed Kāinga Ora’s request to amend the activity status under Rule SUB-R4(5), from Non-Complying to Restricted Discretionary, for the same reasons given in relation to Kāinga Ora’s request to amend Rule SUB-R1 (as set out above). HNZPT did not oppose Kāinga Ora’s request to make non-compliance with condition SUB-R4(1)(b) a Restricted Discretionary Activity.
- 8.3.71 As she recommended, in relation to Kāinga Ora’s request to amend Rule SUB-R1, rather than triggering a Discretionary Activity status for non-compliance with condition SUB-R4(1)(b), the

reporting planner considered that a Restricted Discretionary Activity status would be more appropriate, such that the Council's discretion would be restricted to certain matters, being SUB-AM16 and new SUB-AMXX, and not unlimited (as notified). Given the focused nature of the relevant matters, the reporting planner considered that full discretion was unnecessary.

- 8.3.72 However, the reporting planner did not support Kāinga Ora's request to make subdivision that did not comply with Standards SUB-S4(2) to SUB-S4(5), under condition SUB-R4(1)(d), a Restricted Discretionary Activity, for the same reasons as she had in relation to Kāinga Ora's request to make an equivalent amendment to Rule SUB-R1.

Rule SUB-R5 Subdivision to create a Lifestyle Site(s) (not associated with the creation of a Conservation Lot)

- 8.3.73 Rule SUB-R5 provides the ability to create a Lifestyle Lot(s) that was not associated with the creation of a Conservation Lot as a Controlled Activity, subject to compliance with specified conditions.
- 8.3.74 Hatuma Lime (S98.023) requested that the rule be amended to enable consideration of reverse sensitivity effects on lawfully established activities (such as quarries). They requested that a new matter of control be added to Rule SUB-R5 which referred to a new Assessment Matter 'SUB-AM19'. In the reporting planner's opinion, there was potential for reverse sensitivity effects to occur in relation to residential units establishing on smaller, lifestyle sites that may be subdivided under Rule SUB-R5 as a Controlled Activity. However, she noted that, under Restricted Discretionary Activity Rule SUB-R5(2), Assessment Matter SUB-AM13 was referred to, which requires the Council to take into account the ability to mitigate any actual or potential reverse sensitivity effects on existing rural industry (including Hatuma Lime Quarry). The reporting planner therefore considered that there was no need to amend Rule SUB-R5(2) to include a new matter of control that would require consideration of potential reverse sensitivity effects from building platforms and/or vehicle access within proximity of the Hatuma Lime Quarry on new lots created in the General Rural Zone.
- 8.3.75 For the same reasons given in his submission points on Rules SUB-R1 and SUB-R4, James Bridge (S105.016) requested that condition SUB-R5(1)(b) be amended to only apply to subdivision not resulting in any new vehicle access to or future building platforms within any sites or areas identified in HH-SCHED2, SASM-SCHED3, ECO-SCHED5, ONL or ONF in NFL-SCHED6, and CE-SCHED7. The reporting planner considered that there may be other non-physical impacts that may adversely affect the cultural, metaphysical, historic heritage, ecological, or landscape values of the sites or areas that must be protected (in addition to physical effects associated with earthworks). The reporting planner therefore did not support Mr Bridge's request, as she considered it important that the Council could assess applications to subdivide land on which scheduled sites or areas were located (partially or fully) to ensure they were protected from potential physical and non-physical impacts.
- 8.3.76 Kāinga Ora (S129.094) considered that subdivision occurring in areas of natural hazards should be assessed as a Restricted Discretionary Activity, to recognise that subdivision could enable certain land use activities and Council should have an opportunity to decline applications where risks to people, property, infrastructure, and the environment were too great and cannot be sufficiently mitigated. They therefore request that a new condition be added to Rules SUB-R5(1)(a) and SUB-R5(5)(a) to require land being subdivided to not be located within an identified natural hazard area in the planning maps, and for Rules SUB-R5(2) and SUB-R5(6) to be amended to require a Restricted Discretionary Activity where compliance with the new condition was not achieved.
- 8.3.77 The reporting planner concurred with Kāinga Ora, that the Council should have the ability to decline a subdivision consent application in circumstances where land being subdivided, including

any potential structure on that land, was subject to significant risk of material damage by the effects of natural hazards and there were no appropriate mitigation measures available to manage that risk. The reporting planner therefore considered that subdivisions on land located within a Natural Hazard Area should be a Restricted Discretionary Activity. She therefore considered that Rules SUB-R5(1)(a) and SUB-R5(5)(a) should be amended to include a new condition that requires land being subdivided to not be located within an identified natural hazard area identified on the Planning Maps. The reporting planner also considered that Restricted Discretionary Activity Rules SUB-R5(2) and SUB-R5(6) should be amended to apply to applications where compliance with condition SUB-R1(1)(e) was not achieved.

- 8.3.78 Kāinga Ora (S129.094) questioned whether there were more effective means of achieving the desired outcomes under clauses SUB-R5(1)(a)(iii), SUB-R5(5)(a)(ii) and SUB-R5(5)(a)(iii). They opposed these provisions as notified and sought alternative wording, but neither offered any alternative wording nor provide any details about their concerns with the clauses.
- 8.3.79 Clause SUB-R5(1)(a)(ii) limits the creation of lifestyle sites in the General Rural Zone (outside the Coastal Environment Area) to a site that was ‘only eligible to be subdivided to create a lifestyle site once every 3-years, and at least 3-years has elapsed from the date the subject title was created’. Clauses SUB-R5(5)(a)(ii) and SUB-R5(5)(a)(iii) relate to the creation of lifestyle sites in the Rural Production Zone, which require that ‘no additional sites were created (amalgamation of the balance lot was required)’, and ‘the newly amalgamated sites were adjoining and combine to a net site area greater than 12 hectares’.
- 8.3.80 In response to a submission point from Surveying the Bay (S94.003) on clause SUB-R5(1)(a)(ii), the s42A report on the Rural Topic (Volume 2) concurred with Surveying the Bay, that the 3-year period should only apply to titles from which lifestyle sites were previously created. The reporting officer considered that this made practical sense, as the first lifestyle site subdivided from a property should logically then trigger the 3-year standdown period. On that basis, the reporting officer recommended that Rule SUB-R5(1)(a)(iii) be amended as follows:

ii. A site is only eligible to be subdivided to create a lifestyle site **3 years after the subject title was created, and then once every 3 years after that** ~~once every 3 years, and at least 3 years has elapsed from the date the subject title was created.~~

- 8.3.81 The reporting planner supported the reporting officer’s recommended amendment to clause SUB-R5(1)(a)(ii), as it clarified what it intended.
- 8.3.82 In relation to clauses SUB-R5(5)(a)(ii) and SUB-R5(5)(a)(iii), the ability to create lifestyle sites in the Rural Production Zone was more restrictive than in the General Rural Zone. This related to the Rural Production Zone warranting greater protection from land fragmentation, given the significance of the District’s highly productive land as a valuable and finite resource. It was particularly consistent with Objective RPROZ-O2 (which was for the rural land resource to be protected from fragmentation, and from being compromised by inappropriate building and development, including ad hoc urban expansion), and Policy RPROZP8 (which was to avoid residential and rural lifestyle subdivision that results in fragmentation of land within the Rural Production Zone and/or which limited the use of land for primary productive purposes). The clauses were also supported by Objective SUB-O1(1), which was to safeguard the rural land resource of CHBD from inappropriate subdivision (RLR – Rural Land Resource provisions of the PDP).
- 8.3.83 The reporting planner did not support the deletion of clauses SUB-R5(5)(a)(ii) and SUB-R5(5)(a)(iii), as it would be contrary to the objective and policy framework of the PDP.
- 8.3.84 Kāinga Ora considered that matters and/or effects arising from non-compliance with clauses SUB-R5(1)(c) and SUB-R5(1)(d) could be appropriately managed through a Restricted Discretionary

Activity framework. Rather than triggering a full Discretionary Activity status for non-compliance with SUB-R5(1)(c) and SUB-R5(5)(c), the reporting planner considered that a Restricted Discretionary Activity status would be more appropriate, such that the Council's discretion would be restricted to certain matters, and not unlimited (as proposed). Given the focused nature of the relevant matters, the reporting planner considered that full discretion was unnecessary.

- 8.3.85 The reporting planner did not support Kāinga Ora's request to make subdivision that did not comply with Standards SUB-S4(2) to SUB-S4(5), under SUB-R5(1)(d) and SUB-R5(5)(e) (being the requirement for a subdivision to comply with Standards SUB-S4(2) to SUB-S4(5) relating to the National Grid Subdivision Corridor and the Gas Transmission Network), a Restricted Discretionary Activity, for the same reasons as set out above in relation to Kāinga Ora's request to make an equivalent amendment to Rules SUB-R1 and SUB-R4.

Rule SUB-R6 Subdivision to create Conservation Lots in association with the protection of: [...]

- 8.3.86 Rule SUB-R6 provides for subdivision to create Conservation Lots in association with the protection of an area of significant indigenous vegetation and/or significant habitats of indigenous fauna (including sites listed in ECO-SCHED6), historic heritage items listed in HH-SCHED2, wāhi tapu, wāhi taonga or site or area of significance listed in SASM-SCHED3. Such subdivision was a Controlled Activity, subject to compliance with specified conditions.
- 8.3.87 Kāinga Ora (S129.095) considered that potential effects arising from non-compliance SUB-R6(1)(b) (being the requirement for a subdivision to comply with Standards SUB-S4(2) to SUB-S4(5) relating to the National Grid Subdivision Corridor and the Gas Transmission Network) could be appropriately managed through a Restricted Discretionary Activity framework. Transpower (FS18.19) opposed Kāinga Ora's submission point.
- 8.3.88 For the same reasons as set out above, in relation to their request to make an equivalent amendment to Rules SUB-R1, SUB-R4 and SUB-R5, the reporting planner did not support Kāinga Ora's requested amendments to Rule SUB-R6.

Rule SUB-R7 Subdivision to create a Lifestyle Site(s) in association with the creation of a Conservation Lot

- 8.3.89 Rule SUB-R7 provides for subdivision to create a Lifestyle Lot(s) in association with the creation of a Conservation Lot, subject to compliance with specified conditions, including the protection of an area of significant indigenous vegetation and/or significant habitats of indigenous fauna (including sites listed in ECO-SCHED6), historic heritage items listed in HH-SCHED2, wāhi tapu, wāhi taonga or site or area of significance listed in SASM-SCHED3.
- 8.3.90 HNZPT (S55.063) supported the rule but requested that SUB-R7(1)(a)(iv) and SUB-R7((b)(ii) be amended so that the whole feature to be protected within the Conservation Lot would be physically and legally protected in perpetuity, including the setting of any historic heritage feature. Kāinga Ora (FS23.72) opposed this submission point.
- 8.3.91 The reporting planner concurred with HNZPT that it was appropriate for the setting of any historic heritage feature to be considered when providing for the physical and legal protection of the feature in perpetuity under the conditions in SUB-R7(1)(a)(iv) and SUB-R7(b)(ii). This was consistent with Assessment Matter SUB-AM15(2), being a matter over which control was reserved under SUB-R7(1)(q).
- 8.3.92 Kāinga Ora (S129.096) considered that potential effects arising from non-compliance with SUB-R7(1)(e) (being the requirement for a subdivision to comply with Standards SUB-S4(2) to SUB-S4(5) relating to the National Grid Subdivision Corridor and the Gas Transmission Network) could

be appropriately managed through a Restricted Discretionary Activity framework. For the same reasons as set out above, in relation to their request to make an equivalent amendment to Rules SUB-R1, SUB-R4, SUB-R5 and SUB-R6, the reporting planner did not support Kāinga Ora's requested amendments to Rule SUB-R7.

- 8.3.93 Kāinga Ora also considered that, in alignment with relevant objectives and policies within the NH – Natural Hazards chapter, subdivision which occurs in areas of natural hazards should be assessed as a Restricted Discretionary Activity. The reporting planner concurred with Kāinga Ora, and agreed that the Council should have the ability to decline a subdivision consent application in circumstances where land being subdivided, including any potential structure on that land, was subject to significant risk of material damage by the effects of natural hazards and there were no appropriate mitigation measures available to manage that risk. The reporting planner therefore considered that subdivisions on land located within a Natural Hazard Area should be a Restricted Discretionary Activity. The reporting planner therefore considered that a new clause SUB-R7(1)(f) should be added to the rule, that requires that 'The land being subdivided was not located within a Natural Hazard area identified on the Planning Maps'. The reporting planner also considered that Restricted Discretionary Activity (RDIS) Rule SUB-R7(3) should be amended to also apply to applications where compliance with SUB-R1(1)(f) was not achieved.
- 8.3.94 The Surveying Company (\$50.010) requested that, after the first and second lots were created (where, for the second lifestyle site a 9-ha conservation area was required), a third, and successive conservation lots, should be provided for in conjunction with conservation areas, where a minimum 6 ha of conserved area was physically and legally protected for each additional site, as follows:
- 1st Lot – 1 ha of protected conservation area;
 - 2nd Lot – 9 ha of protected conservation area; and
 - 3rd and successive Lots – additional 6 ha of conservation area.
- 8.3.95 The Surveying Company requested the ability to subdivide additional conservation lots (more than two), as they consider the cost of fencing and maintaining the conservation areas would become prohibitive if the conservation area was large. They requested that the rule be amended to provide for more than two Lifestyle Lots in conjunction with Conservation Lots, and that existing QEII covenants not be excluded from this rule.
- 8.3.96 In response, the reporting planner stated that the intention of Rule SUB-R7 was (as referred to in Policy SUB-P2) to provide for the creation of in-situ Lifestyle Sites in conjunction with the legal and physical protection in perpetuity of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including Significant Natural Areas identified in ECO-SCHED5), sites and areas of significance to Māori (identified in SASM-SCHED3), and historic and heritage items (identified in HH-SCHED2). She stated that the purpose of the rule was to provide some benefit and incentive for owners of sites with these features to protect minimum areas of them, and that it is not intended to generally provide additional subdivision rights. She also noted that it was also not intended to include areas that were already protected under existing QEII covenants, but observed that new conservation areas proposed to be protected using such covenants would be eligible for the creation of in-situ lifestyle sites under Rule SUB-R7.
- 8.3.97 For these reasons, the reporting planner therefore did not support the Surveying Company's request to amend the rule, and considered that the creation of numerous lifestyle sites would not be consistent with, and would potentially be contrary to, the objectives and policies of the General Rural Zone and Rural Production Zone.

- 8.3.98 On the basis of the assessment of the matters raised by submitters in above, the reporting planner recommended the following amendments be made to the SUB – Subdivision chapter rules:

[Note: Some other amendments have been made to the following rules as a result of recommendations in the s42A report for Hearing Stream 3, which are not shown below, but are include in the tracked changes version of the SUB – Subdivision chapter appended to this report]

SUB-R1 Subdivision not otherwise provided for		
All Zones	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <ol style="list-style-type: none"> Compliance with SUB-S1. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following: <ol style="list-style-type: none"> HH-SCHED2. SASM-SCHED3. ECO-SCHED5. ONL or ONF within NFL-SCHED6. CE-SCHED7. Compliance with: <ol style="list-style-type: none"> SUB-S4(1); SUB-S5; SUB-S6; SUB-S7; SUB-S8; and SUB-S9. Compliance with: <ol style="list-style-type: none"> SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and SUB-S4(4) and SUB-S4(5) Gas Transmission Network. <u>The land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.</u> <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> SUB-AM1. SUB-AM2. SUB-AM3. SUB-AM4. SUB-AM5. SUB-AM6. SUB-AM7. SUB-AM8. SUB-AM9 SUB-AM10. 	<p>2. Activity status where compliance with condition SUB-R1(1)(c) <u>and/or SUB-R1(1)(e)</u> is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> SUB-AM1. SUB-AM2. SUB-AM3. SUB-AM4. SUB-AM5. SUB-AM6. SUB-AM7. SUB-AM8. SUB-AM9. SUB-AM10. <p><u>3. Activity status where compliance with condition SUB-R1(1)(b) is not achieved: RDIS</u></p> <p><u>Matters over which discretion is restricted:</u></p> <ol style="list-style-type: none"> <u>SUB-AM16.</u> <u>SUB-AMXX.</u> <p><u>34.</u> Activity status where compliance with condition SUB-R1(1)(a) <u>and/or SUB-R1(1)(b)</u> is not achieved: DIS</p> <p><u>45.</u> Activity status where compliance with condition SUB-R1(1)(d) is not achieved: NC</p>
SUB-R4 Boundary adjustments		
All Zones	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <ol style="list-style-type: none"> Limited to: <ol style="list-style-type: none"> No site area is changed by more than 10% of its original area. No existing complying site <u>that complies with the relevant subdivision standards is rendered non-complying with the standards, and no existing site not complying with the relevant subdivision standards</u> 	<p>2. Where compliance with condition SUB-R4(1)(a) is not achieved: SUB-R1 applies</p> <p>3. Activity status where compliance with condition SUB-R4(1)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> SUB-AM1. SUB-AM2. SUB-AM3. SUB-AM4. SUB-AM5.

	<p>is rendered more non-complying with the standards, by the boundary adjustment.</p> <p>iii. No dwelling is severed from its existing site.</p> <p>b. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:</p> <p>i. HH-SCHED2.</p> <p>ii. SASM-SCHED3.</p> <p>iii. ECO-SCHED5.</p> <p>iv. ONL or ONF in NFL-SCHED6.</p> <p>v. CE-SCHED7.</p> <p>c. Compliance with:</p> <p>i. SUB-S4(1);</p> <p>ii. SUB-S5;</p> <p>iii. SUB-S6;</p> <p>iv. SUB-S7;</p> <p>v. SUB-S8; and</p> <p>vi. SUB-S9.</p> <p>d. Compliance with:</p> <p>i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and</p> <p>ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</p> <p>Matters over which control is reserved:</p> <p>e. Legal and physical access to and from lots affected by the boundary adjustment.</p> <p>f. Whether each lot has connections to services.</p> <p>g. Whether the lots are of sufficient size, design, and layout to provide for the existing or permitted activity development potential resulting from the reconfigured layout.</p> <p>h. Protection, maintenance or enhancement of natural features and landforms, significant natural area (ECO-SCHED5), or any identified wāhi tapu, wāhi taonga or site of significance (SASM-SCHED3).</p> <p>i. The relationship of the proposed lots within the site and their compatibility with the pattern of adjoining subdivision or land use activities.</p>	<p>f. SUB-AM6.</p> <p>g. SUB-AM7.</p> <p>h. SUB-AM8.</p> <p>i. SUB-AM9.</p> <p>j. SUB-AM10.</p> <p>4. Activity status where compliance with condition SUB-R4(1)(b) is not achieved: RDIS</p> <p><u>Matters over which discretion is restricted:</u></p> <p>a. <u>SUB-AM16.</u></p> <p>b. <u>SUB-AMXX.</u></p> <p>5. Activity status where compliance with condition SUB-R4(1)(d) is not achieved: NC</p>
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SUB-R5 Subdivision to create a Lifestyle Site(s) (not in association with the creation of a Conservation Lot)

General Rural Zone (outside of the Coastal Environment Area)	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. Only one lifestyle site can be created.</p> <p>ii. A site is only eligible to be subdivided to create a lifestyle site once every 3 years, and at least 3 years has elapsed from the date the subject title was created.</p> <p>iii. The minimum site area for the balance lot is 20 hectares.</p> <p>b. Compliance with SUB-S2(1) and SUB-S2(2).</p>	<p>2. Activity status where compliance with condition <u>SUB-R5(1)(f) and/or</u> SUB-R5(1)(d) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. SUB-AM1.</p> <p>b. SUB-AM2</p> <p>c. SUB-AM3.</p> <p>d. SUB-AM4.</p> <p>e. SUB-AM5.</p> <p>f. SUB-AM6.</p> <p>g. SUB-AM7.</p> <p>h. SUB-AM8.</p> <p>i. SUB-AM9.</p> <p>j. SUB-AM10.</p>
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	<p>c. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:</p> <ul style="list-style-type: none"> i. HH-SCHED2. ii. SASM-SCHED3. iii. ECO-SCHED5. iv. ONL or ONF in NFL-SCHED6. v. CE-SCHED7. <p>d. Compliance with:</p> <ul style="list-style-type: none"> i. SUB-S4(1); ii. SUB-S5; iii. SUB-S6; iv. SUB-S7; v. SUB-S8; and vi. SUB-S9. <p>e. Compliance with:</p> <ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. <p>f. <u>The land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.</u></p> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> g. SUB-AM1. h. SUB-AM2 i. SUB-AM3. j. SUB-AM4. k. SUB-AM5. l. SUB-AM6. m. SUB-AM7. n. SUB-AM8. o. SUB-AM9. p. SUB-AM10. q. SUB-AM11. r. SUB-AM13. 	<p>k. SUB-AM11.</p> <p>l. SUB-AM12.</p> <p>m. SUB-AM13.</p> <p><u>3. Activity status where compliance with condition SUB-R5(1)(c) is not achieved: RDIS</u></p> <p><u>Matters over which discretion is restricted:</u></p> <ul style="list-style-type: none"> a. <u>SUB-AM16.</u> b. <u>SUB-AMXX.</u> <p><u>34. Activity status where compliance with conditions SUB-R5(1)(a); and/or SUB-R5(1)(b) and/or SUB-R5(1)(c) is not achieved: DIS</u></p> <p><u>45. Activity status where compliance with condition SUB-R5(1)(e) is not achieved: NC</u></p>
Rural Production Zone	<p><u>56. Activity Status: CON</u></p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <ul style="list-style-type: none"> i. The lifestyle site is based around an existing residential unit on a site that has a net site area less than 12 hectares. ii. No additional sites are created (amalgamation of the balance lot is required). iii. The newly amalgamated sites are adjoining and combine to a net site area greater than 12 hectares. iv. The newly amalgamated lot contains no more than two residential units. <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. SUB-S2(3) and SUB-S2(4). <p>c. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:</p> <ul style="list-style-type: none"> i. HH-SCHED2. ii. SASM-SCHED3. iii. ECO-SCHED5. 	<p><u>67. Activity status where compliance with condition SUB-R5(5)(d) and/or SUB-R5(f) is not achieved: RDIS</u></p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM1 b. SUB-AM2 c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. k. SUB-AM11. l. SUB-AM12. m. SUB-AM13. <p><u>8. Activity status where compliance with condition SUB-R5(5)(c) is not achieved: RDIS</u></p> <p><u>Matters over which discretion is restricted:</u></p> <ul style="list-style-type: none"> a. <u>SUB-AM16.</u> b. <u>SUB-AMXX.</u>

	<ul style="list-style-type: none"> iv. ONL or ONF in NFL-SCHED6. v. CE-SCHED7. <p>d. Compliance with:</p> <ul style="list-style-type: none"> i. SUB-S4(1); ii. SUB-S5; iii. SUB-S6; iv. SUB-S7; v. SUB-S8; and vi. SUB-S9. <p>e. Compliance with:</p> <ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. <p>f. <u>The land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.</u></p> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> g. SUB-AM1. h. SUB-AM2 i. SUB-AM3. j. SUB-AM4. k. SUB-AM5. l. SUB-AM6. m. SUB-AM7. n. SUB-AM8. o. SUB-AM9. p. SUB-AM10. q. SUB-AM11. r. SUB-AM12. s. SUB-AM13. 	<p>79. Activity status where compliance with conditions SUB-R5(5)(a) and/or SUB-R5(5)(e) is not achieved: DIS</p> <p>810. Activity status where compliance with conditions SUB-R5(5)(b) and/or SUB-R5(5)(e) is not achieved: NC</p>
General Rural Zone (Coastal Environment Area)	<p>911. Activity Status: DIS</p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. 	<p>1012. Activity status where compliance with condition SUB-R5(9)(a) is not achieved: NC</p>

SUB-R7 Subdivision to create a Lifestyle Site(s) in association with the creation of a Conservation Lot

General Rural Zone	1. Activity Status: CON	2. Activity status where compliance with conditions SUB-R7(1)(a) and/or SUB-R7(1)(b) is not achieved: SUB-R5 applies
Rural Production Zone	<p>Where the following conditions are met:</p> <p>a. One lifestyle lot can be created, where the Conservation Lot is associated with the protection of:</p> <ul style="list-style-type: none"> i. minimum 5000m² of an area of significant indigenous vegetation and/or significant habitats of indigenous fauna (including sites listed in ECO-SCHED5), or ii. historic heritage items listed in HH-SCHED2 that cannot, or is not intended to be used for, a residential activity, or iii. wāhi tapu, wāhi taonga or site or area of significance listed in SASM-SCHED3, and iv. the whole of the feature within the Conservation Lot. 	<p>3. Activity status where compliance with condition SUB-R7(1)(d) <u>and/or SUB-R7(1)(f)</u> is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM1. b. SUB-AM2. c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10.

	<p><u>including the setting of any historic heritage feature,</u> will be physically and legally protected in perpetuity.</p> <p>b. A second lifestyle lot can be created where:</p> <p>i. the total area of the feature to be protected is 9 hectares or more, and</p> <p>ii. the whole of the feature within the Conservation Lot, <u>including the setting of any historic heritage feature</u> will be physically and legally protected in perpetuity.</p> <p>c. Compliance with SUB-S3.</p> <p>d. Compliance with:</p> <p>i. SUB-S4(1);</p> <p>ii. SUB-S5;</p> <p>iii. SUB-S6;</p> <p>iv. SUB-S7;</p> <p>v. SUB-S8; and</p> <p>vi. SUB-S9.</p> <p>e. Compliance with:</p> <p>i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and</p> <p>ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</p> <p>f. <u>That land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.</u></p> <p>Matters over which control is reserved:</p> <p>g. SUB-AM1.</p> <p>h. SUB-AM2</p> <p>i. SUB-AM3.</p> <p>j. SUB-AM4.</p> <p>k. SUB-AM5.</p> <p>l. SUB-AM6.</p> <p>m. SUB-AM7.</p> <p>n. SUB-AM8.</p> <p>o. SUB-AM9.</p> <p>p. SUB-AM10.</p> <p>q. SUB-AM15.</p>	<p>k. SUB-AM11.</p> <p>l. SUB-AM12.</p> <p>m. SUB-AM13.</p> <p>4. Activity status where compliance with condition SUB-R7(1)(c) is not achieved: DIS</p> <p>5. Activity status where compliance with condition SUB-R7(1)(e) is not achieved: NC</p>
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8.4 Evidence to the hearing

- 8.4.1 Claire Price provided planning evidence on behalf of Hatuma Lime at the hearing and sought amendments to Rules SUB-R1 and SUB-R5.
- 8.4.2 Pauline Whitney provided planning evidence on behalf of Transpower at the hearing and sought provision of a specific National Grid rule.
- 8.4.3 Dean Raymond provided planning evidence on behalf of Heritage New Zealand and agreed with the reporting planner that the setting of any historic heritage feature should not be added to SUB-R7.
- 8.4.4 Michael Campbell provided evidence on behalf of Kāinga Ora at the hearing, and recommended further changes to enable subdivision round an approved land use consent, a reduction in the minimum lot size to 300m² for the General Residential zone, and removal of noise provisions relating to the State Highway.

8.5 Post hearing information

- 8.5.1 The reporting planner's right-of-reply addresses Rule SUB-R1 and SUB-R5 and the planner has not changed their position as a result of the evidence presented by Hatuma Lime.
- 8.5.2 The right-of-reply provided commentary on Rule SUB-R7 and the submission from HNZPT, and, in order to achieve consistency in the approach adopted for heritage items, the reporting planner changed her position and recommended that the submission point be rejected and Rule SUB-R7(1)(a)(iv) and SUB-R7(1)(b)(ii) be retained as notified.

8.6 Evaluation and findings

General

- 8.6.1 Forest and Bird (S75.028) opposed all rules in the SUB - Subdivision chapter, as they considered them too permissive. They requested that the rules be strengthened to protect SNAs and ONFLs (in particular), and to be consistent with the NZCPS, RMA, and the NPS-IB if one is notified (the Panel notes that no NPS-IB has yet been notified). No specific changes were outlined in their submission.
- 8.6.2 The Panel agrees with the reporting planner and considers that the subdivision rules are not permissive, but are appropriate, and should be retained as notified other than those changes, we have recommended in response to other submissions).

New Subdivision Rule (RX)

- 8.6.3 Kāinga Ora requested the addition of a new Controlled Activity rule for subdivision that is in accordance with an approved land use consent in the General Residential Zone, Commercial Zone, General Industrial Zone and Large Lot Residential Zone.
- 8.6.4 The Panel agrees with the reporting planner and does not support including the new Controlled Activity subdivision rule requested by Kāinga Ora for the reasons she outlined in her report.

Rule SUB-R1 Subdivisions not otherwise provided for

- 8.6.5 Kāinga Ora (S129.112, S129.113) requested that Assessment Matters SUB-AM5(9) and SUB-AM6(15) be deleted in favour of a separate set of assessment matters which may be considered in cases where subdivision of land wholly or partially containing heritage items, archaeological sites, and sites of significance to Māori occurs. They (S129.123) also considered that the subdivision of land containing heritage items and/or sites of significance to Māori could be provided for under a Restricted Discretionary Activity framework with associated matters of discretion to ensure appropriate management of any potential adverse effects.
- 8.6.6 The Panel agrees with the reporting planner that it would be appropriate to delete the assessment matters in SUB-AM5(9) and SUB-AM6(15), and that a separate, new assessment matter should be included which could be referred to as a matter of discretion for the purpose of assessing a Restricted Discretionary Activity.
- 8.6.7 The Panel notes, however, that the new assessment matter requested by Kāinga Ora relates only to heritage items, archaeological sites and areas of significance to Māori. In order to cover all sites or areas referred to under Rule SUB-R1(b) and Assessment Matters SUB-AM5(9) and SUB-AM6(15), the Panel agrees with the reporting planner recommends that the assessment matter should be amended to also relate to notable trees (identified in TREE-SCHED4), Significant Natural Areas (identified in ECO-SCHED5), wāhi tapu, and wāhi taonga (identified in SASM-SCHED3), in order to cover all matters under Rule SUB-R1(1)(b), as follows:

SUB-AMX Subdivision of land partly or wholly containing an identified heritage item (identified in HH-SCHED2), notable tree (identified in TREE-SCHED4), Significant Natural Area (identified in ECO-SCHED5), archaeological site, or wāhi tapu, wāhi taonga, and site or area of significance to Māori (identified in SASM-SCHED3).

1. Whether subdivision will enable the establishment of land use activities likely to result in adverse effects on the heritage item, notable tree, significant natural area, archaeological sites, wāhi tapu, wāhi taonga or site of significance to Māori that would not otherwise be enabled without subdivision.
2. Any potential adverse effects (including cumulative effects) on each item, tree, area, or site, including but not limited to: relevant
 - a. Whether sufficient land is provided around the item, tree, area, or site to retain and protect its values;
 - b. Whether the subdivision will fragment the item, area, or site; and
 - c. whether the subdivision will involve land disturbance that may have adverse effects on the item, tree, area, or site, including building platforms and vehicle accessways.
3. Findings and/or recommendations of investigations from any impact assessment undertaken on the effects of the subdivision on the item, tree, area, or site that are is supplied with the application.
43. Any relevant consultation and/or engagement with tangata whenua and/or Heritage New Zealand Pouhere Taonga, where appropriate.
4. Whether the subdivision will involve land disturbance that may have adverse effects on the heritage item, archaeological site, or site of significance to Māori.
5. The degree Measures to which avoid or mitigate any adverse effects on the cultural, spiritual, indigenous biodiversity and/or heritage values of the item, tree, area, or site associated with the land being subdivided, including the provision of any protective covenants heritage item, archaeological site, and /or site of significance to Māori can be mitigated through subdivision or subsequent land use consents.

8.6.8 On the basis of the above, including the recommended new assessment matter, the Panel agrees with the reporting planner and considers that Rule SUB-R1 should be amended as follows:

SUB-R1 Subdivision not otherwise provided for		
All Zones	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <ol style="list-style-type: none"> o. Compliance with SUB-S1. p. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following: <ol style="list-style-type: none"> vi. HH-SCHED2. vii. SASM-SCHED3. viii. ECO-SCHED5. ix. ONL or ONF within NFL-SCHED6. x. CE-SCHED7. q. Compliance with: <ol style="list-style-type: none"> vii. SUB-S4(1); viii. SUB-S5; ix. SUB-S6; x. SUB-S7; xi. SUB-S8; and xii. SUB-S9. r. Compliance with: <ol style="list-style-type: none"> iii. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and iv. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. <p>Matters over which control is reserved:</p> <ol style="list-style-type: none"> s. SUB-AM1. t. SUB-AM2. u. SUB-AM3. v. SUB-AM4. w. SUB-AM5. x. SUB-AM6. y. SUB-AM7. 	<p>2. Activity status where compliance with condition SUB-R1(1)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ol style="list-style-type: none"> k. SUB-AM1. l. SUB-AM2. m. SUB-AM3. n. SUB-AM4. o. SUB-AM5. p. SUB-AM6. q. SUB-AM7. r. SUB-AM8. s. SUB-AM9. t. SUB-AM10. <p><u>3. Activity status where compliance with condition SUB-R1(1)(b) is not achieved: RDIS</u></p> <p><u>Matters over which discretion is restricted:</u></p> <ol style="list-style-type: none"> a. SUB-AMXX. <p>43. Activity status where compliance with condition SUB-R1(1)(a) and/or SUB-R1(1)(b) is not achieved: DIS</p>

	z. SUB-AM8. aa. SUB-AM9 bb. SUB-AM10.	54. Activity status where compliance with condition SUB-R1(1)(d) is not achieved: NC
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- 8.6.9 The Panel agrees with the reporting planner’s recommendation to reject Kāinga Ora’s request to delete Standards SUB-S4(2) to SUB-S4(5) as we do not support Kāinga Ora’s request to amend the status of non-compliance with these standards under Rule SUB-R1(1)(d), from Non-Complying to Restricted Discretionary. Non-Complying activity status is appropriate given the special values of these resources.

Rule SUB-R2 Subdivision to create freehold title from existing cross-lease title

- 8.6.10 Rule SUB-R2, as notified, has the very specific purpose of providing for freehold titles to be created from existing cross-lease titles as a Controlled Activity, subject to compliance with specified conditions.
- 8.6.11 Kāinga Ora (S129.091) requested that Rule SUB-R2 be amended so that it also provides for subdivision around existing buildings and development as a Controlled Activity to allow this type of subdivision to be separately processed from vacant lot subdivision. Kāinga Ora considers that standards typically applying to vacant lot subdivision are not necessarily relevant where the anticipated land use activity has already been established, either as of right or through a resource consent process. They requested that subdivision around existing buildings and developments that results in new non-compliances be assessed as a Restricted Discretionary Activity, and that the matters over which discretion is restricted are limited to Assessment Matters GRZ-AM1, GRZ-AM2, GRZ-AM3, GRZ-AM4 and GRZ-AM5, being assessment matters relating specifically to the GRZ – General Residential Zone.
- 8.6.12 While the matters of discretion would be restricted to General Residential Zone assessment matters, the amendments sought by Kāinga Ora would mean that the rule would apply to all zones in the District, including the rural zones. For example, as the reporting planner noted, under the amendments sought, an existing, lawfully established building in the General Rural Zone or Rural Production Zone could be subdivided from the parent lot as a Controlled Activity. Under Rule SUB-R2, there would be no requirement to comply with the minimum net site area limits for the zone under Standard SUB-S1, and there would be no matters of discretion applying that are directly relevant to the rural zones. As such, any sized lot could be created around an existing building, which could be an implement shed or other accessory building, as well as a dwelling, provided that the building was established lawfully under the PDP rules prior to the subdivision. This could lead to further fragmentation of the rural land resource and/or increase the number of sensitive residential activities that could establish within the rural zones. In the reporting planner’s opinion, this is not consistent with the objectives and policies of the PDP, particularly for the rural zones, and it could lead to unintended environmental effects. The Panel considers this would be inconsistent with the strategic direction for the District’s rural land resources.
- 8.6.13 The Panel also considers that there are potential issues associated with the condition that Kāinga Ora proposes be added to the rule, which requires that “any non-compliances with district-wide or zone rules were lawfully established prior to the subdivision, and the subdivision itself does not result in new or increased non-compliances with district-wide or zone rules”. Such a condition would require the applicant and Council to be able to verify that the existing building or

development to be subdivided was lawfully established, which could be problematic. We were also unclear what is meant by 'does not result in new or increased non-compliances with the district-wide or zone rules', and whether this would apply only to the subdivision or to potential development that could occur on the new lot(s).

- 8.6.14 For the above reasons, the Panel recommends rejecting Kāinga Ora's request to amend Rule SUB-R2.

Rule SUB-R3 Subdivision for special purposes

- 8.6.15 Rule SUB-R3 applies to subdivision for special purposes in all zones, being limited to the creation of lots of any size for public works, network utilities, renewable electricity generation activities, reserves, roads, and access. Such subdivisions are a Controlled Activity, subject to compliance with specified conditions.
- 8.6.16 Kāinga Ora (S129.092) requested that where compliance cannot be achieved with Condition SUB-R3(1)(c) (relating to the requirement to comply with Standards SUB-S4(2) to SUB-S4(5), National Grid Subdivision Corridor and the Gas Transmission Network), subdivision proposals should be assessed as a Restricted Discretionary Activity under Rule SUB-R3(3), instead of non-complying under Rule SUB-R3(4).
- 8.6.17 The Panel disagrees with this request, as we consider that a Non-Complying Activity status under Rule SUB-R3(4) is appropriate and should be retained for non-compliance with these standards under condition SUB-R3(1)(c).

Rule SUB-R4 Boundary Adjustments

- 8.6.18 Rule SUB-R4 provides for boundary adjustment as a Controlled Activity, subject to compliance with specified conditions.
- 8.6.19 The Panel agrees with the reporting planner that the definition of boundary adjustment in the PDP is taken from the National Planning Standards, and therefore there is no ability to amend the definition as requested by The Surveying Company (S50.002).
- 8.6.20 In relation to Mr Bridge's submission on Rule SUB-R1, the Panel agrees with the reporting planner that there may be other non-physical impacts that may adversely affect the cultural, metaphysical, historic heritage, ecological, or landscape values of the sites of areas that must be protected (in addition to physical effects associated with earthworks). The Panel considers it important that Council could assess applications to subdivide land on which scheduled sites or areas are located (partially or fully), to ensure they are protected from potential physical and non-physical impacts. We therefore recommend to reject Mr Bridge's submission on this matter.
- 8.6.21 Kāinga Ora (S129.093) requested to amend condition SUB-R4(1)(a)(ii) as follows:

ii. No existing complying site is rendered non-complying, **and the boundary adjustment does not result in increases in any existing non compliances.**

- 8.6.22 The Panel agrees that it is appropriate to make an amendment, they also agree with the reporting planner that the wording would be more appropriately amended as set out below:

ii. No existing ~~complying~~ site **that complies with the relevant subdivision standards is rendered non-complying with the standards, and no existing site not complying with the relevant subdivision standards is rendered more non-complying with the standards, by the boundary adjustment.**

- 8.6.23 The Panel concurs with Kāinga Ora's opposition to matter of control SUB-R4(1)(h), which refers to the "protection, maintenance or enhancement of natural features and landforms, significant

natural area (ECO-SCHED5), historic heritage item (HH-SCHED2), or any identified wāhi tapu, wāhi taonga or site of significance (SASM-SCHED3)", as this matter is not relevant to boundary adjustments, particularly where land being subdivided complies with SUB-R4(1)(b). The Panel therefore recommends deleting SUB-R4(1)(h).

- 8.6.24 The Panel disagrees with Kāinga Ora that matters arising from non-compliance with condition SUB-R4(1)(b) and SUB-R4(1)(d) (relating to the National Grid Subdivision Corridor and the Gas Transmission Network) could be appropriately managed through a Restricted Discretionary Activity framework. The Panel considers that such non-compliances warrant Non-Complying Activity status in line with the PDP policies for these critical energy supplies, as well as the policies of the NPS-ET.
- 8.6.25 In relation to Kāinga Ora's request to amend Rule SUB-R4(4), the Panel agrees that, rather than triggering a full Discretionary Activity status for non-compliance with condition SUB-R4(1)(b), any subdivision proposed in a Scheduled Site or Area, the Panel agrees that a Restricted Discretionary Activity status would be more appropriate, as the matters of discretion could and should be readily restricted to those set out in SUB-AM16 and new SUB-AMXX, and not unlimited (as notified).
- 8.6.26 The Panel does not agree with Kāinga Ora's request to make subdivision that does not comply with Standards SUB-S4(2) to SUB-S4(5), under condition SUB-R4(1)(d), a Restricted Discretionary Activity, for the same reasons as set out above in relation to their request to make an equivalent amendment to Rule SUB-R1 (refer paragraph 8.6.24).

Rule SUB-R5 Subdivision to create a Lifestyle Site(s) (not associated with the creation of a Conservation Lot)

- 8.6.27 Rule SUB-R5 provides the ability to create a Lifestyle Lot(s) (not associated with the creation of a Conservation Lot) as a Controlled Activity, subject to compliance with specified conditions.
- 8.6.28 Hatuma Lime (S98.023) requested that the rule be amended to enable consideration of reverse sensitivity effects on lawfully established activities (such as quarries). They requested that a new matter of control be added to Rule SUB-R5 which referred to a new Assessment Matter 'SUB-AM19' that they sought to be added.
- 8.6.29 The Panel agrees that reverse sensitivity effects are a potential matter that should be considered in relation to lifestyle sites that may be subdivided under Rule SUB-R5 Controlled Activity. Under Rule SUB-R5(2), there is reference to Assessment Matter SUB-AM13 that would require the Council to take into account the ability to mitigate any actual or potential reverse sensitivity effects on any nearby lawfully established activity, which a residential use of a lifestyle site is likely to be sensitive to, or incompatible with: this would include existing rural industry such as Hatuma Lime Quarry. The Panel therefore considers that there is no need to amend Rule SUB-R5(2) to include a new matter of control that would require consideration of potential reverse sensitivity effects from building platforms and/or vehicle access within proximity of the Hatuma Lime Quarry on new lots created in the General Rural Zone.
- 8.6.30 For the same reasons given in his submission on Rules SUB-R1 and SUB-R4, James Bridge (S105.016) requested that condition SUB-R5(1)(b) be amended to only apply to subdivision not resulting in any new vehicle access to or future building platforms within any sites or areas identified in HH-SCHED2, SASM-SCHED3, ECO-SCHED5, ONL or ONF in NFL-SCHED6, and CE-SCHED7. For the reasons the reporting planner set out, the Panel does not support Mr Bridge's request, as we consider it important that Council could assess applications to subdivide land on which scheduled sites or areas are located (partially or fully), to ensure they are protected from potential physical and non-physical impacts.

- 8.6.31 Kāinga Ora (S129.094) considered that subdivision occurring in areas of natural hazards should be assessed as a Restricted Discretionary Activity, to recognise that subdivision enables land use that could exacerbate the risks from those hazards and that Council should have an opportunity to decline applications where risks to people, property, infrastructure, and the environment are too great and cannot be sufficiently mitigated.
- 8.6.32 The Panel agrees with Kāinga Ora, that the Council should have the ability to decline a subdivision consent application in circumstances where land being subdivided, including any potential structure on that land, is subject to significant risk of material damage by the effects of natural hazards and there are no appropriate mitigation measures available to manage that risk. The Panel therefore recommends that subdivisions on land located within a Natural Hazard Area should be a Restricted Discretionary Activity. The Panel therefore considers that Rules SUB-R5(1)(a) and SUB-R5(5)(a) should be amended to include a new condition that requires land being subdivided to not be located within an identified natural hazard area identified on the Planning Maps. The Panel also recommends that Restricted Discretionary Activity Rules SUB-R5(2) and SUB-R5(6) should be amended to apply to applications where compliance with condition SUB-R1(1)(e) is not achieved.
- 8.6.33 Kāinga Ora (S129.094) also questioned whether there are more effective means of achieving the desired outcomes under clauses SUB-R5(1)(a)(iii), SUB-R5(5)(a)(ii) and SUB-R5(5)(a)(iii). They opposed these provisions as notified but did not offer any alternative wording. They also provided no details about their concerns are with the clauses.
- 8.6.34 Clause SUB-R5(1)(a)(ii) limits the creation of lifestyle sites in the General Rural Zone (outside the Coastal Environment Area) to a site that is 'only eligible to be subdivided to create a lifestyle site once every 3-years, and at least 3-years has elapsed from the date the subject title was created'.
- 8.6.35 In response to a submission point from Surveying the Bay (S94.003) on clause SUB-R5(1)(a)(ii), the Panel concurs with Surveying the Bay that the 3-year period should only apply to titles from which lifestyle sites were previously created (refer to Panel Report 2). The Panel considers that this makes practical sense, as the first lifestyle site subdivided from a property should logically then trigger the 3-year standdown period. On that basis, we recommend that Rule SUB-R5(1)(a)(iii) be amended as follows:
- ii. A site is only eligible to be subdivided to create a lifestyle site **3 years after the subject title was created, and then once every 3 years after that once every 3 years, and at least 3 years has elapsed from the date the subject title was created.**
- 8.6.36 In relation to clauses SUB-R5(5)(a)(ii) and SUB-R5(5)(a)(iii), the ability to create lifestyle sites in the Rural Production Zone is more restrictive than in the General Rural Zone as the Rural Production Zone warrants greater protection from land fragmentation, given the significance of the District's highly productive land as a valuable and finite resource. This approach is consistent with Objective RPROZ-O2 (which is for the rural land resource to be protected from fragmentation, and from being compromised by inappropriate building and development, including ad hoc urban expansion), and with Policy RPROZP8 (which is to avoid residential and rural lifestyle subdivision that results in fragmentation of land within the Rural Production Zone and/or which limits the use of land for primary productive purposes). The clauses are also supported by Objective SUB-O1(1), which is to safeguard the rural land resource of Central Hawkes Bay District from inappropriate subdivision (RLR – Rural Land Resource provisions of the PDP).
- 8.6.37 For these reasons, the Panel therefore does not support the deletion of clauses SUB-R5(5)(a)(ii) and SUB-R5(5)(a)(iii) as requested by Kāinga Ora, as it would be contrary to the objective and policy framework of the PDP.

- 8.6.38 For the same reasons as for its submission on Rules SUB-R1 to R4 above, Kāinga Ora considered that matters and/or effects arising from non-compliance with clauses SUB-R5(1)(c) and SUB-R5(1)(d) could be appropriately managed through a Restricted Discretionary Activity consent process. The Panel concurs, and recommends that a Restricted Discretionary Activity status would be more appropriate, such that the Council's discretion would be restricted to certain matters, and not unlimited (as proposed).
- 8.6.39 The Panel does not agree with Kāinga Ora's request to make subdivision that does not comply with Standards SUB-S4(2) to SUB-S4(5), under SUB-R5(1)(d) and SUB-R5(5)(e) (being the requirement for a subdivision to comply with Standards SUB-S4(2) to SUB-S4(5) relating to the National Grid Subdivision Corridor and the Gas Transmission Network), a Restricted Discretionary Activity, for the same reasons as set out above in relation to their request to make an equivalent amendment to Rules SUB-R1 and SUB-R4.

Rule SUB-R6 Subdivision to create Conservation Lots in association with the protection of Scheduled sites

- 8.6.40 Rule SUB-R6 provides for subdivision to create Conservation Lots in association with the protection of an area of significant indigenous vegetation and/or significant habitats of indigenous fauna (including sites listed in ECO-SCHED6), historic heritage items listed in HH-SCHED2, wāhi tapu, wāhi taonga or site or area of significance listed in SASM-SCHED3. Such subdivision is a Controlled Activity, subject to compliance with specified conditions.
- 8.6.41 Kāinga Ora (S129.095) considered that potential effects arising from non-compliance SUB-R6(1)(b) (being the requirement for a subdivision to comply with Standards SUB-S4(2) to SUB-S4(5) relating to the National Grid Subdivision Corridor and the Gas Transmission Network) could be appropriately managed through a Restricted Discretionary Activity framework. Transpower (FS18.19) opposed Kāinga Ora's submission point.
- 8.6.42 For the same reasons as set out above, in relation to Kāinga Ora's request to make an equivalent amendment to Rules SUB-R1, SUB-R4 and SUB-R5, the Panel does not support Kāinga Ora's requested amendments to Rule SUB-R6.

Rule SUB-R7 Subdivision to create a Lifestyle Site(s) in association with the creation of a Conservation Lot

- 8.6.43 Rule SUB-R7 provides for subdivision to create a Lifestyle Lot(s) in association with the creation of a Conservation Lot, subject to compliance with specified conditions, including the protection of an area of significant indigenous vegetation and/or significant habitats of indigenous fauna (including sites listed in ECO-SCHED6), historic heritage items listed in HH-SCHED2, wāhi tapu, wāhi taonga or site or area of significance listed in SASM-SCHED3.
- 8.6.44 HNZPT (S55.063) supported the rule but requested that SUB-R7(1)(a)(iv) and SUB-R7((b)(ii) be amended so that the whole feature to be protected within the Conservation Lot would be physically and legally protected in perpetuity, including the setting of any historic heritage feature. Kāinga Ora (FS23.72) opposed this submission point.
- 8.6.45 The Panel concurs with HNZPT that it is appropriate for the setting of any historic heritage feature to be considered when providing for the physical and legal protection of the feature in perpetuity under the conditions in SUB-R7(1)(a)(iv) and SUB-R7(b)(ii). This would be consistent with Assessment Matter SUB-AM15(2), being a matter over which control is reserved under SUB-R7(1)(q).

- 8.6.46 Kāinga Ora (S129.096) considered that potential effects arising from non-compliance with SUB-R7(1)(e) (being the requirement for a subdivision to comply with Standards SUB-S4(2) to SUB-S4(5) relating to the National Grid Subdivision Corridor and the Gas Transmission Network) could be appropriately managed through a Restricted Discretionary Activity framework. For the same reasons as set out above (in relation to Kāinga Ora's request to make an equivalent amendment to Rules SUB-R1, SUB-R4, SUB-R5 and SUB-R6), the Panel does not support Kāinga Ora's requested amendments to Rule SUB-R7.
- 8.6.47 Kāinga Ora also considers that, in alignment with relevant objectives and policies within the NH – Natural Hazards chapter, subdivision which occurs in areas of natural hazards should be assessed as a Restricted Discretionary Activity. The Panel concurs with Kāinga Ora, and accordingly recommends a new clause SUB-R7(1)(f) be added to the rule to require that 'the land being subdivided is not located within a Natural Hazard area identified on the Planning Maps'. We also recommend that Restricted Discretionary Activity (RDIS) Rule SUB-R7(3) should be amended to also apply to applications where compliance with SUB-R1(1)(f) is not achieved.
- 8.6.48 The Surveying Company (S50.010) requested that, after the first and second lots are created (where, for the second lifestyle site a 9-ha conservation area is required), a third, and then successive conservation lots should be provided for in conjunction with conservation areas, where a minimum 6 ha of conserved area is physically and legally protected for each additional site, as follows:
- 1st Lot – 1 ha of protected conservation area;
 - 2nd Lot – 9 ha of protected conservation area; and
 - 3rd and successive Lots – additional 6 ha of conservation area.
- 8.6.49 The Surveying Company requested the ability to subdivide additional conservation lots, as they consider the cost of fencing and maintaining the conservation areas would become prohibitive if the conservation area is large and additional lots would help support such costs. They requested that the rule be amended to provide for more than two Lifestyle Lots in conjunction with Conservation Lots, and that existing QEII covenants not be excluded from this rule.
- 8.6.50 As the reporting planner noted, the intention of Rule SUB-R7 is (as referred to in Policy SUB-P2) to provide for the creation of in-situ Lifestyle Sites in conjunction with the legal and physical protection in perpetuity of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including SNAs identified in ECO-SCHED5), sites and areas of significance to Māori (identified in SASM-SCHED3), and historic and heritage items (identified in HH-SCHED2). The purpose of the rule is to provide some benefit and incentive for owners of sites with these features to protect such areas. It is also intended conservation areas proposed to be protected using QE II covenants would be eligible for the creation of in-situ lifestyle sites under Rule SUB-R7.
- 8.6.51 As outlined above, the reporting planner did not support the Surveying Company's request to amend the rule, as she considered that the creation of numerous lifestyle sites would not be consistent with, and would potentially be contrary to, the objectives and policies of the General Rural Zone and Rural Production Zone.
- 8.6.52 The Panel does not fully agree with the reporting planner on this matter. While the NPS-HPL does not support widening the ability to further subdivide land in the Rural Production Zone for Lifestyle purposes, the same level of constraint does not apply to the General Rural Zone. Given the scarcity of significant indigenous biodiversity in the District, the Panel considers that it is appropriate to incentivise landowners to protect such areas and that the costs of such protection in terms of the relatively small loss of productive land through lifestyle subdivision is outweighed by the imperative to protect significant indigenous biodiversity, a s6(c) matter of national

importance. Such subdivision would assist in supporting landowners for the costs involved in the permanent protection of such areas. The Panel further considers that the scarcity of significant indigenous biodiversity in the District is such that the risk of large-scale lifestyle subdivision in the General Rural Zone would be very low.

- 8.6.53 Accordingly, for the reasons set out above, the Panel recommends the following amendment(s) be made to the SUB – Subdivision chapter provisions:

[Note: Some other amendments have been made to the following rules as a result of recommendations in the Panel Report for Hearing Stream 3, which are not shown below, but are include in the tracked changes version of the SUB – Subdivision chapter appended to this report]

SUB-R1 Subdivision not otherwise provided for		
All Zones	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> p. Compliance with SUB-S1. q. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following: <ul style="list-style-type: none"> vi. HH-SCHED2. vii. SASM-SCHED3. viii. ECO-SCHED5. ix. ONL or ONF within NFL-SCHED6. x. CE-SCHED7. r. Compliance with: <ul style="list-style-type: none"> vii. SUB-S4(1); viii. SUB-S5; ix. SUB-S6; x. SUB-S7; xi. SUB-S8; and xii. SUB-S9. s. Compliance with: <ul style="list-style-type: none"> iii. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and iv. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. t. <u>The land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.</u> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> u. SUB-AM1. v. SUB-AM2. w. SUB-AM3. x. SUB-AM4. y. SUB-AM5. z. SUB-AM6. aa. SUB-AM7. bb. SUB-AM8. cc. SUB-AM9. dd. SUB-AM10. 	<p>2. Activity status where compliance with condition SUB-R1(1)(c) <u>and/or SUB-R1(1)(e)</u> is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> k. SUB-AM1. l. SUB-AM2. m. SUB-AM3. n. SUB-AM4. o. SUB-AM5. p. SUB-AM6. q. SUB-AM7. r. SUB-AM8. s. SUB-AM9. t. SUB-AM10. <p><u>3. Activity status where compliance with condition SUB-R1(1)(b) is not achieved: RDIS</u></p> <p><u>Matters over which discretion is restricted:</u></p> <ul style="list-style-type: none"> a. SUB-AM16. b. SUB-AMXX. <p><u>34.</u> Activity status where compliance with condition SUB-R1(1)(a) and/or SUB-R1(1)(b) is not achieved: DIS</p> <p><u>45.</u> Activity status where compliance with condition SUB-R1(1)(d) is not achieved: NC</p>

SUB-R4 Boundary adjustments		
All Zones	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> j. Limited to: <ul style="list-style-type: none"> iv. No site area is changed by more than 10% of its original area. v. No existing complying site <u>that complies with the relevant</u> 	<p>2. Where compliance with condition SUB-R4(1)(a) is not achieved: SUB-R1 applies</p> <p>3. Activity status where compliance with condition SUB-R4(1)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p>

	<p><u>subdivision standards is rendered non-complying with the standards, and no existing site not complying with the relevant subdivision standards</u> is rendered <u>more</u> non-complying <u>with the standards, by the boundary adjustment.</u></p> <p>vi. No dwelling is severed from its existing site.</p> <p>k. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:</p> <p>vi. HH-SCHED2.</p> <p>vii. SASM-SCHED3.</p> <p>viii. ECO-SCHED5.</p> <p>ix. ONL or ONF in NFL-SCHED6.</p> <p>x. CE-SCHED7.</p> <p>l. Compliance with:</p> <p>vii. SUB-S4(1);</p> <p>viii. SUB-S5;</p> <p>ix. SUB-S6;</p> <p>x. SUB-S7;</p> <p>xi. SUB-S8; and</p> <p>xii. SUB-S9.</p> <p>m. Compliance with:</p> <p>iii. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and</p> <p>iv. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</p> <p>Matters over which control is reserved:</p> <p>n. Legal and physical access to and from lots affected by the boundary adjustment.</p> <p>o. Whether each lot has connections to services.</p> <p>p. Whether the lots are of sufficient size, design, and layout to provide for the existing or permitted activity development potential resulting from the reconfigured layout.</p> <p>q. Protection, maintenance or enhancement of natural features and landforms, significant natural area (ECO-SCHED5), or any identified wāhi tapu, wāhi taonga or site of significance (SASM-SCHED3).</p> <p>r. The relationship of the proposed lots within the site and their compatibility with the pattern of adjoining subdivision or land use activities.</p>	<p>k. SUB-AM1.</p> <p>l. SUB-AM2.</p> <p>m. SUB-AM3.</p> <p>n. SUB-AM4.</p> <p>o. SUB-AM5.</p> <p>p. SUB-AM6.</p> <p>q. SUB-AM7.</p> <p>r. SUB-AM8.</p> <p>s. SUB-AM9.</p> <p>t. SUB-AM10.</p> <p>4. Activity status where compliance with condition SUB-R4(1)(b) is not achieved: <u>RDIS</u></p> <p><u>Matters over which discretion is restricted:</u></p> <p>c. <u>SUB-AM16.</u></p> <p>d. <u>SUB-AMXX.</u></p> <p>5. Activity status where compliance with condition SUB-R4(1)(d) is not achieved: NC</p>
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SUB-R5 Subdivision to create a Lifestyle Site(s) (not in association with the creation of a Conservation Lot)

General Rural Zone (outside of the Coastal Environment Area)	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>s. Limited to:</p> <p>iv. Only one lifestyle site can be created.</p> <p>v. A site is only eligible to be subdivided to create a lifestyle site once every 3 years, and at least 3 years has elapsed from</p>	<p>2. Activity status where compliance with condition <u>SUB-R5(1)(f) and/or</u> SUB-R5(1)(d) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>n. SUB-AM1.</p> <p>o. SUB-AM2.</p> <p>p. SUB-AM3.</p> <p>q. SUB-AM4.</p> <p>r. SUB-AM5.</p>
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	<p>the date the subject title was created.</p> <p>vi. The minimum site area for the balance lot is 20 hectares.</p> <p>t. Compliance with SUB-S2(1) and SUB-S2(2).</p> <p>u. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:</p> <p>vi. HH-SCHED2.</p> <p>vii. SASM-SCHED3.</p> <p>viii. ECO-SCHED5.</p> <p>ix. ONL or ONF in NFL-SCHED6.</p> <p>x. CE-SCHED7.</p> <p>v. Compliance with:</p> <p>vii. SUB-S4(1);</p> <p>viii. SUB-S5;</p> <p>ix. SUB-S6;</p> <p>x. SUB-S7;</p> <p>xi. SUB-S8; and</p> <p>xii. SUB-S9.</p> <p>w. Compliance with:</p> <p>iii. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and</p> <p>iv. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</p> <p>x. <u>The land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.</u></p> <p>Matters over which control is reserved:</p> <p>y. SUB-AM1.</p> <p>z. SUB-AM2</p> <p>aa. SUB-AM3.</p> <p>bb. SUB-AM4.</p> <p>cc. SUB-AM5.</p> <p>dd. SUB-AM6.</p> <p>ee. SUB-AM7.</p> <p>ff. SUB-AM8.</p> <p>gg. SUB-AM9.</p> <p>hh. SUB-AM10.</p> <p>ii. SUB-AM11.</p> <p>jj. SUB-AM13.</p>	<p>s. SUB-AM6.</p> <p>t. SUB-AM7.</p> <p>u. SUB-AM8.</p> <p>v. SUB-AM9.</p> <p>w. SUB-AM10.</p> <p>x. SUB-AM11.</p> <p>y. SUB-AM12.</p> <p>z. SUB-AM13.</p> <p><u>3. Activity status where compliance with condition SUB-R5(1)(c) is not achieved: RDIS</u></p> <p><u>Matters over which discretion is restricted:</u></p> <p>c. <u>SUB-AM16.</u></p> <p>d. <u>SUB-AMXX.</u></p> <p><u>34. Activity status where compliance with conditions SUB-R5(1)(a), <u>and/or</u> SUB-R5(1)(b) and/or SUB-R5(1)(c) is not achieved: DIS</u></p> <p><u>45. Activity status where compliance with condition SUB-R5(1)(e) is not achieved: NC</u></p>
Rural Production Zone	<p><u>56. Activity Status: CON</u></p> <p>Where the following conditions are met:</p> <p>t. Limited to:</p> <p>v. The lifestyle site is based around an existing residential unit on a site that has a net site area less than 12 hectares.</p> <p>vi. No additional sites are created (amalgamation of the balance lot is required).</p> <p>vii. The newly amalgamated sites are adjoining and combine to a net site area greater than 12 hectares.</p> <p>viii. The newly amalgamated lot contains no more than two residential units.</p>	<p><u>67. Activity status where compliance with condition SUB-R5(5)(d) <u>and/or</u> SUB-R5(f) is not achieved: RDIS</u></p> <p>Matters over which discretion is restricted:</p> <p>n. SUB-AM1</p> <p>o. SUB-AM2</p> <p>p. SUB-AM3.</p> <p>q. SUB-AM4.</p> <p>r. SUB-AM5.</p> <p>s. SUB-AM6.</p> <p>t. SUB-AM7.</p> <p>u. SUB-AM8.</p> <p>v. SUB-AM9.</p> <p>w. SUB-AM10.</p> <p>x. SUB-AM11.</p> <p>y. SUB-AM12.</p> <p>z. SUB-AM13.</p>

	<ul style="list-style-type: none"> u. Compliance with: <ul style="list-style-type: none"> ii. SUB-S2(3) and SUB-S2(4). v. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following: <ul style="list-style-type: none"> vi. HH-SCHED2. vii. SASM-SCHED3. viii. ECO-SCHED5. ix. ONL or ONF in NFL-SCHED6. x. CE-SCHED7. w. Compliance with: <ul style="list-style-type: none"> vii. SUB-S4(1); viii. SUB-S5; ix. SUB-S6; x. SUB-S7; xi. SUB-S8; and xii. SUB-S9. x. Compliance with: <ul style="list-style-type: none"> iii. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and iv. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. y. <u>The land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.</u> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> z. SUB-AM1. aa. SUB-AM2 bb. SUB-AM3. cc. SUB-AM4. dd. SUB-AM5. ee. SUB-AM6. ff. SUB-AM7. gg. SUB-AM8. hh. SUB-AM9. ii. SUB-AM10. jj. SUB-AM11. kk. SUB-AM12. ll. SUB-AM13. 	<p><u>8. Activity status where compliance with condition SUB-R5(5)(c) is not achieved: RDIS</u></p> <p><u>Matters over which discretion is restricted:</u></p> <ul style="list-style-type: none"> c. <u>SUB-AM16.</u> d. <u>SUB-AMXX.</u>
		<p><u>79.</u> Activity status where compliance with conditions SUB-R5(5)(a) and/or SUB-R5(5)(e) is not achieved: DIS</p>
		<p><u>810.</u> Activity status where compliance with conditions SUB-R5(5)(b) and/or SUB-R5(5)(e) is not achieved: NC</p>
General Rural Zone (Coastal Environment Area)	<p><u>911.</u> Activity Status: DIS</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> b. Compliance with: <ul style="list-style-type: none"> iii. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and iv. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. 	<p><u>1012.</u> Activity status where compliance with condition SUB-R5(9)(a) is not achieved: NC</p>

SUB-R7 Subdivision to create a Lifestyle Site(s) in association with the creation of a Conservation Lot

General Rural Zone	1. Activity Status: CON	2. Activity status where compliance with conditions SUB-R7(1)(a) and/or SUB-R7(1)(b) is not achieved: SUB-R5 applies
Rural Production Zone	<p>Where the following conditions are met:</p> <ul style="list-style-type: none"> r. One lifestyle lot can be created, where the Conservation Lot is associated with the protection of: <ul style="list-style-type: none"> v. minimum 5000m² of an area of significant indigenous vegetation and/or significant habitats of indigenous fauna (including sites listed in ECO-SCHED5), or 	<p>3. Activity status where compliance with condition SUB-R7(1)(d) <u>and/or SUB-R7(1)(f)</u> is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> n. SUB-AM1. o. SUB-AM2.

	<ul style="list-style-type: none"> vi. historic heritage items listed in HH-SCHED2 that cannot, or is not intended to be used for, a residential activity, or vii. wāhi tapu, wāhi taonga or site or area of significance listed in SASM-SCHED3, and viii. the whole of the feature within the Conservation Lot, <u>including the setting of any historic heritage feature</u>, will be physically and legally protected in perpetuity. 	<ul style="list-style-type: none"> p. SUB-AM3. q. SUB-AM4. r. SUB-AM5. s. SUB-AM6. t. SUB-AM7. u. SUB-AM8. v. SUB-AM9. w. SUB-AM10. x. SUB-AM11. y. SUB-AM12. z. SUB-AM13.
s.	<p><u>In the Rural Production Zone, A second lifestyle lot can be created where:</u></p> <ul style="list-style-type: none"> iii. the total area of the feature to be protected is 9 hectares or more, and iv. the whole of the feature within the Conservation Lot, <u>including the setting of any historic heritage feature</u> will be physically and legally protected in perpetuity. 	<p>4. Activity status where compliance with condition SUB-R7(1)(c) is not achieved: DIS</p>
t.	<p><u>In the General Rural Zone, additional lifestyle lots may be created provided the conditions in s(iii) and (iv) are met.</u></p>	<p>5. Activity status where compliance with condition SUB-R7(1)(e) is not achieved: NC</p>
u.	Compliance with SUB-S3.	
v.	Compliance with: <ul style="list-style-type: none"> vii. SUB-S4(1); viii. SUB-S5; ix. SUB-S6; x. SUB-S7; xi. SUB-S8; and xii. SUB-S9. 	
w.	Compliance with: <ul style="list-style-type: none"> iii. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and iv. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. 	
x.	<p><u>That land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.</u></p> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> y. SUB-AM1. z. SUB-AM2 aa. SUB-AM3. bb. SUB-AM4. cc. SUB-AM5. dd. SUB-AM6. ee. SUB-AM7. ff. SUB-AM8. gg. SUB-AM9. hh. SUB-AM10. ii. SUB-AM15. 	

9 Key Issue 8 – Standards

9.1 Proposed plan provisions

9.1.1 This key issue addresses the subdivision standards.

9.2 Submissions

9.2.1 There were 18 submission points and 9 further submission points that sought to either retain, or amend the Subdivision Standards in the PDP, or sought that new standards be added.

9.3 Reporting planner's recommendations (s42A report)

Standard SUB-S1 Minimum Net Site Area (excluding Lifestyle Sites and Conservation Lots)

SETZ – Settlement Zone

9.3.1 The Surveying Company (S50.011) did not support the minimum lot size of 600m² for the SETZ – Settlement Zone under Standard SUB-S1 where public sewerage reticulation was available. They considered that 600m² was not conducive to supporting growth in the Settlement Zone (especially Ōtāne) as:

- At 600m² it would limit subdivision of many of these lots which were historically between 800-1000m²;
- A minimum lot size of 400-500m² was more appropriate for township/lower density residential development; and
- There did not seem to be any rationale behind why 600m² has been reached as the appropriate minimum lot size in the s32 reports provided as part of the PDP.

9.3.2 The Surveying Company requested that the minimum lot size in the Settlement Zone be reduced to 450m² net (to allow for driveways as part of the gross lot area).

9.3.3 The reporting planner advised the hearing that, as part of preparing the PDP, a review was undertaken of the average lot sizes for Ōtāne and the other townships in the Township Zone in the ODP (now within the SETZ – Settlement Zone in the PDP). The existing average lot size in Ōtāne was identified as being 1358.96m².

9.3.4 The average lot size of the other rural townships of Pōrangahau, Takapau, Ongaonga and Tikokino were identified as follows:

Township	Average (m ²)
Pōrangahau	1066.12
Takapau	1545.96
Ongaonga	1609.42
Tikokino	2983.65

9.3.5 Performance Standard 6.11.1(iii) of the ODP restricts the minimum net site area of the non-serviced towns (Ongaonga and Tikokino) to a minimum of 1000m². This was in line with the provisions of the HRRMP which allows minimum site size in non-reticulated areas of 1000m² where more than primary sewage treatment was provided on site.

9.3.6 For the serviced townships of Pōrangahau, Ōtāne and Takapau, the ODP has a minimum net site area of 350m² in the Township Zone, with a further option to reduce sites to 150m² for residential units with a gross floor area less than 60m². The Council considered that this density of development had potential to significantly alter the character of the townships that was

appreciated and desired by the community, evident in the feedback through the Council's 'Project Thrive'.

- 9.3.7 Given the above, for the PDP, the Council considered that a minimum lot size of 600m² for the serviced towns in the Settlement Zone, including Ōtāne, would still allow for and encourage infill development, but at a size that would retain the open and rural character of the townships. Regard was given to a subdivision granted by the Council in 2017/2018 (known as 'Tiffen Park') for 26 lots on a block of land in Ōtāne (bound by White Road, and Knorp, Bell and Dee Streets), ranging in size from 850m² to 3300m², which suggested that the market was looking for lots larger than 350m² in the township.
- 9.3.8 For the above reasons, the reporting planner did not support The Surveying Company's request to reduce the minimum net site size from 600m² to 450m² in the Settlement Zone, and particularly Ōtāne, under Standard SUB-S1(1) of the PDP.

GRUZ – General Rural Zone

- 9.3.9 James Bridge (S105.021) considered that the introduction of a minimum lot size of 20ha in the General Rural Zone (under Standard SUB-S1(9)) was not supported by the Objectives and Policies of the PDP, and suggested the rules of the PDP should give effect to those objectives and policies. He requested that the minimum lot size for the General Rural Zone be reduced to 4000m² (being the current minimum lot size for the Rural Zone in the ODP) and that consequential amendments be made to the PDP to remove specific reference to lifestyle sites within the General Rural Zone.
- 9.3.10 Hort NZ (FS17.59) opposed James Bridge's submission point, as they considered that a lot size of 4000m² in the General Rural Zone may allow for fragmentation and potential reverse sensitivity effects. They requested that the submission point be rejected.
- 9.3.11 The reporting planner noted that Standard SUB-S1(9) specifies a minimum net site area for subdivision in the General Rural Zone of 20ha (excluding subdivisions involving the creation of lifestyle sites).
- 9.3.12 The s42A report for the Rural Topic (Hearing Stream 3) considered submission points requesting a reduction in the minimum lot sizes for the General Rural Zone, as well as the Rural Production Zone, and stated the following:

Given the above, I do not consider it appropriate to reduce the minimum lot sizes for the General Rural Zone or Rural Production Zone (e.g. to 10,000m² and 4,000m² respectively), or to revert back to the 4000m² minimum lot size currently applying across the entire rural area of the District in the Operative District Plan, as variously sought by Regeneration Holdings, Riverfield Holdings, and John McLennan. Based on the advice of LandVision, and general alignment with the neighbouring Hastings District Plan, I consider that it is appropriate and prudent to retain the 20ha and 12ha minimums for the General Rural Zone and Rural Production Zone set out in Standard SUB-S1(9) & (10) respectively, as notified. These areas appropriately give effect to the objectives and policies of the relevant zones, whereas the reduced lot sizes sought would clearly not. I consider it appropriate to assess the effects of any subdivision proposal where these minimums are not met, on a case-by-case basis as a Discretionary Activity (as per Rule SUB-R1(3)).¹

- 9.3.13 The reporting planner concurred with this recommendation, for the reasons they gave, and on that basis, recommended that Standard SUB-S1(9) be retained as notified.

Net Site Area / Vacant Lot

- 9.3.14 Kāinga Ora (S129.098) requested that 'Net Site Area' be replaced with 'Vacant Lot Size' in the standard, to clarify the relationship between the creation of vacant sites through subdivision, and

¹ [1] Paragraph 9.3.13, page 92 of the section 42A report (Volume 2) on the Rural Topic.

the establishment of reduced lot sizes that were deemed acceptable through an approved land use consent for multi-unit development.

- 9.3.15 Kāinga Ora did not provide any definition of 'Vacant Lot', but it was inferred that it would apply to new lots created with no existing buildings or structures on them.
- 9.3.16 The reporting planner noted that the reason for specifying a minimum net site area under Standard SUB-S1 was to ensure that the lot size provided was exclusive of any legal access to another site, or to any part of a rear site, and to any site subject to a designation that may be taken or acquired under the Public Works Act 1981(PWA). Without these exclusions, she considered it would be possible for a lot to meet the minimum lot size requirement, but for there to be less or insufficient land remaining available to develop in the way provided for under the PDP provisions.
- 9.3.17 If Standard SUB-S1 was amended to only apply to vacant lot subdivision, as sought by Kāinga Ora, the reporting planner stated there would be no minimum lot size standard for non-vacant lots that a subdivider would need to comply with under Rule SUB-R1.
- 9.3.18 Currently, where a subdivision did not comply with Standard SUB-S1(a) (which requires compliance with Standard SUB-S1), a Discretionary Activity resource consent was required under Rule SUB-R1(3). The reporting planner stated that the amendment requested by Kāinga Ora would therefore overcome the need to apply for a Discretionary Activity resource consent to subdivide an existing multi-unit development after the development was constructed, but only if compliance with the other conditions specified under the SUB-R1 for a Controlled Activity was achieved.
- 9.3.19 As a Controlled Activity, an application could not be refused, but conditions of consent could be imposed by the Council. Consideration of the application and the imposition of any conditions of consent would be reserved only to the Assessment Matters SUB-AM1 to SUB-AM10. Under SUB-AM1, there would be the ability for the Council to consider the proposed lot sizes and dimensions.
- 9.3.20 A problem the reporting planner had with what was requested by Kāinga Ora was the potential for there to be a situation where the proposed subdivision of an existing multi-unit development cannot provide appropriate servicing or access arrangements for individual titles within the confines of the existing layout of the development, particularly for services or access that may need to be vested in Council. For example, if a proposed lot could not meet the minimum lot size requirement, there might be insufficient space to enable access to services for maintenance that was free of buildings.
- 9.3.21 The reporting planner had a concern that, as a Controlled Activity, if there were issues that could not be appropriately resolved or mitigated, the Council could not refuse consent or impose conditions that would frustrate the consent. This could result in a situation where Council must accept an unsatisfactory outcome that could create on-going problems for the Council and for future owners of the lots/unit titles.
- 9.3.22 For the above reasons, the reporting planner recommended that the references to 'net site area' in Standard SUB-S1 be retained as notified.

General Residential Zone minimum net site area

- 9.3.23 Kāinga Ora (S129.098) requested that Standard SUB-S1(1) be amended, so that the minimum net site area for lots in the General Residential Zone, where public sewerage reticulation was available, was 300m², instead of 350m².

9.3.24 The s42A Reporting Officer's right of reply for Hearing Stream 2 (Urban Environment) assessed Kāinga Ora's submission (S129.171) which requested that the minimum net site area for each residential unit in the GRZ – General Residential Zone be reduced from 350m² to 300m² under Standard GRZ-S1(2)(a) to assist in accommodating two dwellings on a site as a permitted activity, and advised/recommended the following in response to that submission point:

70. *Amending the minimum net site area as requested would provide greater opportunity for infill development to occur as a permitted activity in the GRZ – General Residential Zone. However, Waipukurau and Waipawa are not 'urban environments' under the NPS-UD (as per Hastings and Napier) and I am uncertain what implications there may be for Council's reticulated services if the increased density was permitted. The residential development capacity analysis undertaken by Veros for the ISP was based on the Proposed Plan density and subdivision provisions as notified, which provide for a minimum net site area of 350m² per dwelling and a minimum lot size of 350m² in the General Residential Zone.*
71. *Retaining the requirement for developments not complying with Standard GRZ-S1(2)(a), to be assessed as a restricted discretionary activity (under Rule GRZ-R1(2)) on a case-by-case basis, also provides the opportunity for potential adverse environmental effects (including effects on Council reticulated services and potential cumulative environmental effects) to be considered, and conditions of consent imposed as appropriate if consent is granted.*
72. *Given this uncertainty, I consider that Standard GRZ-S1(2)(a) should be retained as notified.*

9.3.25 For the same reasons outlined above, was the reporting planner recommended that Kāinga Ora's submission point (S129.098) request to reduce the minimum net site area for lots in the General Residential Zone from 350m² to 300m² be rejected and that Standard SUB-S1(1) be retained as notified.

LLRZ - Large Lot Residential Zone (Coastal)

9.3.26 The Surveying Company (S50.012) submitted that they could not understand why there was little difference between the minimum net site size for lots in the LLRZ – Large Lot Residential Zone (Coastal), where public sewerage reticulation was available (i.e. 800m²), and for lots where public sewerage reticulation was not available (i.e. 1000m²). The submitter requested that the minimum net site size for lots in the zone be changed to 600m² where public sewerage reticulation was available.

9.3.27 The ODP provides for the following coastal settlements within the Township Zone, which are now within the Large Lot Residential Zone (Coastal) in the PDP:

- Blackhead Beach;
- Kairākau Beach;
- Mangakuri Beach;
- Pourerere Beach; and
- Te Paerahi Beach.

9.3.28 The reporting planner advised that community feedback on the Council's Coastal Discussion Document (November 2013), and consultation undertaken as part of the development of the 'CHB Coastal Strategy' in 2007, indicated that the community valued the existing small scale and remote quality of the coastal settlements and there was general recognition that the existing settlements were at capacity.

9.3.29 The 'Initial Section 32 Scoping Report – CHB District Plan Review 2017' (Scoping Paper), prepared by Sage Planning (HB) Limited (56-59) identified the following issues in relation to the coastal townships:

- Larger lot sizes in the township zones, particularly in the character areas.

- The PDP did not recognise any distinction between the activities provided for in townships in the rural and coastal zones.
- The performance standards relating to the coastal townships are currently the same as the rural townships. There may be benefits in adopting different provisions in the Plan for the coastal townships that reflect the coastal setting and the sensitive coastal environment.

- 9.3.30 The reporting planner advised that the existing coastal settlements located within the Large Lot Residential Zone (Coastal), have limited vacant land available for future growth. Te Paerahi was the only settlement that has a reticulated wastewater system, although there was a community wastewater system that services part of the Kairākau Beach settlement. As such, development within the settlements, except Te Paerahi, was constrained by the need for larger sites of 1000m² (or 1500m² in Mangakuri) under Standard SUB-S1(7) of the PDP, to provide for on-site waste disposal servicing. The average site size across the coastal settlements was approximately 800m² (refer to the maps in Appendix C of the s42A report, showing the average lot sizes for each settlement), which was reflected in the minimum lot size for reticulated sites under Standard SUB-S1(6). As identified above, the reporting planner noted that there was a high level of community support for maintaining the existing small scale and remote quality of the coastal settlements.
- 9.3.31 For these reasons, the reporting planner did not support reducing the minimum net site area for lots in the Large Lot Residential Zone (Coastal) under Standard SUB-S1(6), from 800m² to 600m², and recommended that the standard be retained as notified.

Standard SUB-S2 Lifestyles Sites (not in association with the creation of a Conservation Lot)

- 9.3.32 Kāinga Ora (S129.100) generally supported Standard SUB-S2, but requested that the words ‘net site area’ be deleted and replaced with ‘lot size’ in SUB-S2(1) to SUB-S2(4). They also requested that the title of the standard be amended to refer to ‘Minimum Lot Size for Lifestyle Sites (not in association with the creation of a Conservation Lot)’.
- 9.3.33 As advised above, in relation to Kāinga Ora’s request to make the same amendment to Standard SUB-S1, the reporting planner noted that the reason for specifying a minimum net site area under Standard SUB-S2 was to ensure that the lot size provided was exclusive of any legal access to another site, or to any part of a rear site, and to any site subject to a designation that may be taken or acquired under the PWA. Without these exclusions, it would be possible for a lot to meet the minimum lot size requirement, but for there to be less or insufficient land remaining available to develop in the way provided for under the PDP provisions.
- 9.3.34 However, the reporting planner considered that it would be appropriate to amend the title of Standard SUB-S2, so that it was clear that the standard referred to ‘minimum net site area for’ Lifestyle Sites (not in association with the creation of a Conservation Lot), as was currently included in the title for Standard SUB-S1. The reporting planner considered this amendment could be made as cl16(2) of the First Schedule to the RMA provides that a local authority may make an amendment, without using the process in the First Schedule, to its proposed policy statement or plan to alter any information, where such an alteration was of minor effect, or may correct any minor errors. The reporting planner considered that these amendments could be regarded as ‘minor changes with no real substantive effect’.
- 9.3.35 The reporting planner therefore recommended that Standards SUB-S2(1) to SUB-S2(4) be retained as notified.

SUB-S3 Lifestyle Sites in association with the creation of a Conservation Lot

- 9.3.36 Kāinga Ora (S129.101) requested that the title of Standard SUB-S3 be amended to refer to 'Minimum Lot Size for Lifestyle Sites in association with the creation of a Conservation Lot' for clarification.
- 9.3.37 For the reasons outlined above, the reporting planner did not support adopting the words 'minimum lot size', but recommended that the title of Standard SUB-S3 be amended to refer to 'minimum net site area for', as was currently included in the title for Standard SUB-S1. The reporting planner considered that this change could be made pursuant to cl16(2) of the First Schedule to the RMA as a minor correction.

SUB-S4 Building Platform

- 9.3.38 The Surveying Company (S50.001) sought clarification of whether a building platform of 30m x 30m was a platform or a shape factor. They questioned whether the building platform just needs to be shown or did it need to be flat and available for building on all parts of the area. The submitter requested that a definition of 'building platform' be provided. The submitter did not offer any wording for a new definition.
- 9.3.39 Standard SUB-S4 includes specific requirements in relation to building platforms on lots created within the General Rural Zone, Rural Production Zone, Rural Lifestyle Zone, and on land within the National Grid Subdivision Corridor and on land containing the Gas Transmission Network. The Hearing was advised that the purpose of the standard was to ensure Council that there was at least one area on the site (being a minimum area of 30m²) that was stable, that could be used by future owners to accommodate a dwelling with vehicle manoeuvring area and any accessory buildings on it, in compliance with the performance standards and performance criteria for the zone where it was located. There was no definition of 'building platform' in the PDP and Standard SUB-S4 did not specify that the building platform must be flat.
- 9.3.40 In the reporting planner's opinion, there was no need to include a definition of 'building platform' in the PDP, as it was considered that it was sufficiently clear from Standard SUB-S4 what must be provided.

Standard SUB-S9 Road Widening

- 9.3.41 Standard SUB-S9 related to land in all zones, where the existing road frontage was subject to a road widening designation. Where the Council did not (for whatever reason) intend to immediately acquire the parcel of land affected, the parcel must be held in conjunction with the adjoining land (being subdivided) until such time as the Council requires that parcel of land. This was to be achieved by way of a Consent Notice to be registered on the parcel of land, which was required under Standard SUB-S9(2). Kāinga Ora (S129.107) considered that a consent notice was not necessarily the best method to achieve the outcomes, and they requested that SUB-S9(2) be amended, by deleting that requirement.
- 9.3.42 The submitter did not specify any other method(s) they considered would be an appropriate alternative to the one specified in the standard, and that would provide sufficient certainty for the Council and future landowners. The reporting planner therefore recommended that Standard SUB-S9(2) be retained as notified.

New Standards

Telecommunications

- 9.3.43 Chorus (S117.064), Spark (S118.064) and Vodafone (S119.064) requested the addition of the following new standard to ensure that, in all zones, telecommunications are provided at the time of subdivision. They also requested that the new standard was referenced in Rules SUB-1, SUB-R3, SUB-R5, SUB-R7.

<u>SUB-SX Telecommunications</u>	
<u>All Zones</u>	<u>All new lots must be able to connect to a telecommunications network.</u>

- 9.3.44 Federated Farmers (FS25.45, FS25.46, FS25.47) opposed the submission points from Chorus, Spark and Vodafone and noted that in rural areas, where infrastructure was scarce, it would be difficult for the landowner/subdivider to connect to a telecommunications network and could prevent farm subdivision. They considered that it should be up to telecom providers to construct towers or aerials for better rural coverage, not for the landowner/subdivider. James Bridge (FS4.5, FS4.7, FS4.9) also opposed the submission points from Chorus, Spark and Vodafone, as he considered that requiring provision of telecommunications services at the time of subdivision would result in unnecessary additional costs to developers, particularly where mobile services are readily available, and are increasingly relied on as a more cost-effective sole means of accessing telecommunications services in households. He requested that the submission points be rejected.
- 9.3.45 The submission points from Chorus, Vodafone and Spark related to their submission points (S117.061, S119.061, S118.061 respectively) requesting that Policy SUB-P6 be amended so that it referred to ensuring that all new lots or building are provided with a connection to a telecommunications network, as well as to a reticulated water supply, public sewerage system and stormwater system, where such adequate reticulated systems and networks are available. The reporting planner's recommendation in response to those submission points (under Key Issue 6 above) was to amend Policy SUB-P6 as requested by Chorus, Vodafone and Spark. This recommendation was based on telecommunications, including fibre broadband services, were part of infrastructure that provided for the health and safety, and economic and social wellbeing of future lot occupants, but that telecommunications networks may not be available for lots to connect to outside the urban environment.
- 9.3.46 The reporting planner therefore considered it appropriate to include a new standard in support of the amendment to Policy SUB-P6.
- 9.3.47 The reporting planner concurred with Federated Farmers and James Bridge that it would be unreasonable to require new lots created in areas to connect to a telecommunications network if there was no telecommunications network available to connect to, particularly outside the urban zones.
- 9.3.48 The reporting planner noted that the Proposed Porirua District Plan only required the provision of fibre optic cable connections to the legal boundary of allotments. The reporting planner stated that she was aware that mobile phone services are replacing traditional telephone land lines, and so the telecommunications network was likely to comprise fibre optic cable.
- 9.3.49 While the reporting planner supported the inclusion of a new standard, they do not support the wording of the standard requested by Chorus, Vodafone and Spark, as it requires that new lots in all zones 'must be able to' connect to a telecommunications network, irrespective of whether

there was a network available to connect to. Also, where a network was available, the standard did not require an actual connection to be provided to the legal boundary of each new lot.

- 9.3.50 Chorus, Vodafone and Spark requested that the new standard be added to Rules SUB-R1, SUB-R3, SUB-R5 and SUB-R7. Rule SUB-R3 applies to subdivision for special purposes, being lots of any size for public works, network utilities, renewable electricity generation activities, reserves, roads, and access. While some lots created for special purposes may be used for activities that require telecommunications services, most of them (particularly for reserves, roads and access) would not. The reporting planner therefore considered that the new standard should only require new lots to be connected to the telecommunications network that may be used for any activity which would require telecommunications services.
- 9.3.51 In addition to telecommunications, the reporting planner considered it appropriate and reasonable to include connection to a power supply under the new standard. The reporting planner noted that there were no submissions seeking this, so there was no scope within submissions to include it.
- 9.3.52 The reporting planner therefore recommended that the following new standard be included in the SUB – Subdivision chapter, and that the new standard be referenced as a condition to be met under Rules SUB-R1(1)(c), SUB-R3(1)(b), SUB-R5(1)(d), SUB-R5(6)(d), and SUB-R7(1)(d).

<u>SUB-SXX Telecommunications and Power Supply</u>	
<u>All Zones</u>	1. <u>All new lots within the General Residential Zone, Commercial Zone, General Industrial Zone and within other zones where a telecommunication network and/or power supply is available to connect to, and which may be used for any activity that will require telecommunications services and/or a power supply, shall be connected to the telecommunications network and/or power supply at the legal boundary of the lots.</u>

Minimum Lot Sizes (Rural Zones)

- 9.3.53 In conjunction with Kāinga Ora's request (S129.098) to amend Standard SUB-S1 to only refer to minimum vacant lot sizes for the urban zones, which was unlikely to be appropriate for rural zones, Kāinga Ora (S129.098 and S129.99) sought the addition of a new Standard SUB-SXX which would set out minimum lot size requirements for the rural zones. Hort NZ (FS17.58) supported in part Kāinga Ora's submission point and they sought to ensure that the minimum lots are retained for the Rural zones. They requested that the submission point be accepted to include minimum lots in the Rural Zones.
- 9.3.54 On the basis of her recommendation to reject Kāinga Ora's request to amend Standard SUB-S1 to only apply to minimum vacant lot sizes for the urban zones, the reporting planner recommended that their request for a separate new standard for minimum lot sizes for the rural zones be rejected.
- 9.3.55 On the basis of the assessment of the matters raised by submitters in Section 11.3 above, the reporting planner recommended the following amendment(s) be made to the SUB – Subdivision chapter provisions:

SUB-S2 Minimum Net Site Area for Lifestyles Sites (not in association with the creation of a Conservation Lot)

SUB-S3 Minimum Net Site Area for Lifestyles Sites in association with the creation of a Conservation Lot

SUB-SXX Telecommunications and Power Supply	
All Zones	2. <u>All new lots within the General Residential Zone, Commercial Zone, General Industrial Zone and within other zones where a telecommunication network and/or power supply is available to connect to, and which may be used for any activity that will require telecommunications services and/or a power supply, shall be connected to the telecommunications network and/or power supply at the legal boundary of the lots.</u>

9.4 Evidence to the hearing

- 9.4.1 Paul McGimpsey presented evidence on behalf of Fire and Emergency New Zealand and supported SUB-S5 Water Supply.
- 9.4.2 Graeme Roberts provided evidence on behalf of First Gas at the hearing and supported SUB-S4 Building Platforms.
- 9.4.3 Michael Campbell provided evidence on behalf of Kāinga Ora at the hearing and sought to reduce the density restrictions that apply to the residential zones.

9.5 Post hearing information

- 9.5.1 The planners right-of-reply addressed Kāinga Ora submission in response to Standard SUB-S1 and the reporting planner did not change their positions from what was set out in the s42A report.

9.6 Evaluation and findings

Standard SUB-S1 Minimum Net Site Area (excluding Lifestyle Sites and Conservation Lots)

SETZ – Settlement Zone

- 9.6.1 The Panel agrees with the reporting planner and does not support The Surveying Company's request to reduce the minimum net site size from 600m² to 450m² in the Settlement Zone, and particularly Ōtāne, for the reasons outlined in the s42A report. The Panel considers that 600m² is consistent with the CHB Integrated Spatial Plan.

GRUZ – General Rural Zone

- 9.6.2 The Panel agrees with the reporting planner's recommendation that the minimum lot size should not be reduced to 4000m² and that 20ha should be retained. The 20ha lot size gave effect to the objectives and policies of the relevant zone, whereas the reduced lot sizes sought would clearly not.

Net Site Area / Vacant Lot

- 9.6.3 The Panel agrees with the reporting planner's recommendation that references to 'net site area' are retained as the submission by Kāinga Ora has not provided any definition for 'vacant lot'.

General Residential Zone minimum net site area

- 9.6.4 The Panel agrees with the reporting planner's recommendation that the minimum net site area for lots in the General Residential Zone, where there is public sewerage reticulation, be retained at 350m² and not reduced to 300m². Amending the standard would allow for greater infill

development and there is uncertainty in the capacity of Council's reticulated services to provide for this level of development.

LLRZ – Large Lot Residential

- 9.6.5 The Panel agrees with the reporting planner and does not support reducing the minimum net site area for lots in the Large Lot Residential Zone (Coastal) under Standard SUB-S1(6), from 800m² to 600m² as community feedback has indicated a high level of support for maintaining the existing small scale and remote quality of the coastal settlements.

Standard SUB-S2 Lifestyles Sites (not in association with the creation of a Conservation Lot)

- 9.6.6 Kāinga Ora requested that the words 'net site area' be deleted and replaced with 'lot size' in SUB-S2(1) to SUB-S2(4). They also requested that the title of the standard be amended to refer to 'Minimum Lot Size for Lifestyle Sites (not in association with the creation of a Conservation Lot)'.
- 9.6.7 The Panel agrees with the reporting planner that it would be appropriate to amend the title of Standard SUB-S2, so that it is clear that the standard refers to 'minimum net site area for' Lifestyle Sites (not in association with the creation of a Conservation Lot), as is currently included in the title for Standard SUB-S1. This amendment could be made as a minor correction under cl16(2) of the First Schedule to the RMA.
- 9.6.8 The Panel agrees with the reporting planner that Standards SUB-S2(1) to SUB-S2(4) be retained as notified.

SUB-S4 Building Platform

- 9.6.9 The Panel disagrees with the reporting planner and considers that 'building platform' is a term that should be defined in the PDP. This would be consistent with the practice of defining terms that have a specific use and purpose in a District Plan.
- 9.6.10 The Panel recommends the following definition:

Building Platform

means land that is suitable and practical for accommodating a residential unit, or other intended building, and vehicle manoeuvring, having regard to soil conditions, gradient, access, natural hazards, indigenous vegetation and habitat, amenity, health and safety

New Standards

Telecommunications

- 9.6.11 Chorus (\$117.064), Spark (\$118.064) and Vodafone (\$119.064) requested the addition of a new standard to ensure that, in all zones, telecommunications are provided at the time of subdivision.
- 9.6.12 The Panel disagrees with the reporting planner's recommendation that a new standard should be included. The Panel considers that the PDP should remain as notified as it enables alternative choices and market driven decisions in terms of the provision of power and telecommunications to new sites, particularly in more distance/remote rural areas. In areas in which there is existing reticulation or network services in power and telecommunications, the Panel considers that there would be a strong market imperative to provide lots with access to such services.

Minimum Lot Sizes (Rural Zones)

- 9.6.13 In conjunction with their request (S129.098) to amend Standard SUB-S1, to only refer to minimum vacant lot sizes for the urban zones, which is unlikely to be appropriate for rural zones, Kāinga Ora (S129.098 and S129.99) sought the addition of a new Standard SUB-SXX which sets out minimum lot size requirements for the rural zones
- 9.6.14 The Panel agrees with the reporting planner's recommendation that, given the previous recommendation to reject Kāinga Ora's request to amend Standard SUB-S1 to only apply to minimum vacant lot sizes for the urban zones, the Panel recommends the request for a separate new standard for minimum lot sizes for the rural zones be rejected.

10 Key Issue 9 – Assessment matters

10.1 Proposed plan provisions

- 10.1.1 This key issue addresses the subdivision assessment matters.

10.2 Submissions

- 10.2.1 There were 27 submission points and 13 further submission points in regard to the assessment matters for subdivision in the PDP.

10.3 Reporting planner's recommendations (s42A report)

Assessment Matter SUB-AM1 Lot Size and Dimensions

- 10.3.1 Kāinga Ora (S129.108) opposed inclusion of Assessment Matter SUB-AM1(4) as they considered it did not sufficiently provide for a range of housing types and/or acknowledge the evolving natural of character and amenity values. They requested that SUB-AM1(4) be deleted.
- 10.3.2 The reporting planner considered that it was appropriate that Council be able to assess the effects of proposed lot sizes and dimensions that do not achieve the minimum net lot size requirements under the subdivision standards, to ensure that subdivisions are consistent with the purpose, character and amenity values supported and envisaged by the relevant zone provisions.
- 10.3.3 The reporting planner therefore recommended that Assessment Matter SUB-AM1 be retained as notified.

Assessment Matter SUB-AM3 Building Platforms and New Assessment Matter SUB-AMY

- 10.3.4 Kāinga Ora (S129.110) supported Assessment Matter SUB-AM3 but considered that a separate assessment matter was required to manage subdivision in natural hazard areas.
- 10.3.5 Kāinga Ora's request (S129.124) to include a new assessment matter for subdivision of land partly or wholly within an identified natural hazard area was addressed earlier in this report under Key Issue 7: Rules, in which the reporting planner recommended that the submission point be rejected, on the basis that the Subdivision chapter already includes Assessment Matter SUB-AM4 for natural hazards, and the new assessment matter requested by Kāinga Ora was unnecessary.
- 10.3.6 However, the reporting planner concurred with the submitter that clause 2 of Assessment Matter SUB-AM3 could be deleted, as any building platforms located on land subject to natural hazards, including any methods/measures to overcome or reduce the risk of any hazards, would be assessed in relation to Assessment Matter SUB-AM4.
- 10.3.7 The reporting planner therefore recommended that clause 2 of Assessment Matter SUB-AM3 be deleted.

Assessment Matter SUB-AM5 Water Supply, Wastewater Disposal, Stormwater Disposal

- 10.3.8 James Bridge (S105.019) supported in part Assessment Matter SUB-AM5(7) but requested that it be amended to refer to the current version of this standard, being NZS4404:2010.
- 10.3.9 Under Key Issue 2 of this report, both the reporting planner and the Panel recommended that SUB-AM5(7) be deleted.

Assessment Matter SUB-AM6 Property Access

- 10.3.10 James Bridge (S105.020) supported in part Assessment Matter SUB-AM6(6) but requested that it be amended to refer to the current version of this standard, being NZS4404:2010. Waka Kotahi (S78.029) supports Assessment Matter SUB-AM6 and requested that it be retained as notified.
- 10.3.11 Under Key Issue 2 of this report, both the reporting planner and the Panel already recommended that SUB-AM6(6) be deleted.

Assessment Matter SUB-AM7 Subdivision resulting in the creation of new sites within 100m of the State Highway Network

- 10.3.12 Waka Kotahi (S78.030) supported Assessment Matter SUB-AM7 and requested that it be retained as notified.
- 10.3.13 Kāinga Ora (S129.114) opposed Assessment Matter SUB-AM7 to the extent that they considered was likely to unnecessarily constrain and/or hinder urban development. They requested that this assessment matter be deleted, and consequential amendments made to the provisions in the subdivision chapter to reflect this change.
- 10.3.14 The reporting planner advised that Assessment Matter SUB-AM7 ensured that subdivision consent applications for the creation of new lots within 100m of the State Highway Network are assessed in relation to potential effects of traffic noise generated from the road network on activities that may be developed on the new lots, such as residential activities. It also required applications to be assessed with regard to reverse sensitivity effects of potential future activities on the proposed lots on the State Highway Network, which could adversely affect the Network's efficient use and operation. Applications would be assessed with regard to the suitability of any proposed measures to mitigate noise and vibration effects, including the location of building platforms on the lots.
- 10.3.15 The reporting planner noted that Objectives 32 and 33 in Chapter 3.13 of the RPS recognised the importance of the specific locational requirements of regionally significant infrastructure, and its ongoing operation, maintenance and development to support the economic, social and/or cultural wellbeing of the region's people and communities and provided for their health and safety. It also sought that the adverse effects on existing physical infrastructure arising from the location and proximity of sensitive land use activities were avoided or mitigated.
- 10.3.16 She also noted that State Highways fall within the definition of 'Nationally Significant Infrastructure' in the PDP and fall within the definition of 'Strategic Transport Network' in the RPS.
- 10.3.17 Given the national, regional and local significance of the State Highway Network to the economic, social and/or cultural wellbeing of the region's people and communities, and their health and safety, the reporting planner considered that it was appropriate, and consistent with the objectives of the RPS, for applications to subdivide land close to the network, to be assessed for their potential reverse sensitivity effects on the network, and the potential for noise and vibration generated from the network to adversely affect the health and safety of people occupying sensitive activities that may establish on the new lots.
- 10.3.18 It was noted that, as an outcome of Hearing Stream 2: Urban Environment, in relation to Noise, the Reporting Officer recommended, as an effective method for ensuring sensitive activities are not exposed to excessive noise when located adjacent to the State Highway, that Standard NOISE-S3 be amended as set out below:

NOISE-S3 Noise sensitive activities within 100m of State Highways and the Rail Network within:

- **50m of a State Highway with a speed limit of less than 70km/h; or**
- **100m of a State Highway with a speed limit of 70km/hr or more (measured from the nearest painted edge of the carriageway); or**
- **100m of Rail Network Boundary**

General	<ol style="list-style-type: none">1. The following Minimum External Sound Insulation Level Standards applies to all habitable rooms within any building that contains a noise sensitive activity within 100 metres of the sealed edge of a State Highway or the Rail Network Boundary, either:<ol style="list-style-type: none">a. Provide a design report prepared by an acoustic specialist prior to construction of the habitable spaces rooms, demonstrating that road-traffic/rail network sound levels will not exceed 40 dB $L_{Aeq(24hr)}$ inside all habitable spaces rooms; orb. Provide a design report prepared by an acoustic specialist prior to construction of the habitable room/s, demonstrating that road-traffic/rail network sound levels will not exceed 57 dB $L_{Aeq(24hr)}$ outside the most affected part of the building exterior.2. The following applies to all buildings that contains a noise sensitive activity within 100 metres of the sealed edge of a State Highway or the Rail Network Boundary:<ol style="list-style-type: none">a. Where new habitable rooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. The supplementary source of air is to achieve compliance with the Building Act to ensure adequate ventilation and fresh air.
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10.3.19 The Officer's recommended changes to Standard NOISE-S3 were in response to submission points S129.140, FS23.177 Kāinga Ora, and FS16.38 Waka Kotahi. They would introduce a new setback for noise sensitive activities within 50m of a State Highway with a speed limit of less than 70 km/h. The Panel accepts these recommended changes.

10.3.20 The Panel also recommends that that the word 'site(s)' be replaced with the word 'lot(s)', which it considers more appropriate/accurate, and could be made as a minor change under cl 16(2) of the First Schedule of the RMA.

10.3.21 In light of these recommendations, the reporting planner recommended that Assessment Matter SUB-AM7 be retained but amended to reflect the above recommendations, as follows:

SUB-AM7 Subdivision resulting in the creation of new ~~sites~~ lots within:

- ~~100~~**50m** of the State Highway Network **with a speed limit of less than 70km/h; or**
- **100m of the State Highway Network with a speed limit of 70km/h or more (measured from the nearest painted edge of the carriageway).**

1. The potential adverse effects of noise generated from the road network.
2. The potential adverse effects of ~~site~~ lot development on the efficient use and operation of the State Highway network and the suitability of any mitigation measures relating to noise and vibration to enable the continued operation of the network.
3. Whether any consultation with the NZ Transport Agency has occurred and the outcome of that consultation.
4. Whether a consent notice with regard to reverse sensitivity effects on the State Highway network is proposed.
5. Whether any proposed building platform or development should be restricted to parts of the ~~site~~ lot(s).
6. Whether there are any special topographical features or ground conditions which may mitigate effects on the operation of the State Highway network

Assessment Matter SUB-AM8 General

10.3.22 Waka Kotahi (S78.031) and Centralines (S90.037) supported Assessment Matter SUB-AM8 and requested that it be retained as notified.

10.3.23 Chorus (S117.065), Spark (S118.065) and Vodafone (S119.065) requested that a new matter was added to Assessment Matter SUB-AM8 requiring applicants and decision-makers to consider the effects resulting from the site not being connected to a telecommunications network, as follows:

SUB-AM8 General

1. Any potential cumulative effects that may occur as a result of the subdivision.
2. Potential constraints to the development of the site, such as the National Grid Subdivision Corridor or stormwater drains, and the ability for any resulting adverse effects to be avoided, remedied, or mitigated.
3. The potential effects from a proposed subdivision or development of land on the safe and efficient operation of network utilities.
4. The provision of electricity to the site boundary for any urban zone (GRZ – General Residential Zone, COMZ – Commercial Zone, GIZ – General Industrial Zone), to be confirmed by the electricity network utility as a condition of consent.
- 5. The provision of telecommunications to each site.**

10.3.24 Forest and Bird (FS9.493) opposed Chorus' submission point. James Bridge (FS4.6, FS4.10, FS4.8) opposed the requested from Chorus, Spark and Vodafone to amend the assessment matter, as he considered requiring provision of telecommunications services at the time of subdivision would result in unnecessary additional costs to developers, particularly where mobile services were readily available, and were increasingly relied on as a more cost-effective sole means of accessing telecommunications services in households.

10.3.25 In response to the submission points from Chorus, Vodafone and Spark (S117.064, S118.064, S119.064), the reporting planner recommended that a new Standard SUB-SXX Telecommunications be added to the SUB – Subdivision chapter. The reporting planner therefore concurred with those submitters that it was also appropriate to add a new clause to Assessment Matter SUB-AM8, to assess how telecommunications to each site would be provided where all new lots within subdivisions in the General Residential Zone, Commercial Zone, General Industrial Zone and other zones would not be connected (at the legal boundary of each lot) to the telecommunication network, where a network was available to connect to. However, the reporting planner considered that the new clause should be amended to refer to 'The alternative provision of telecommunications to each site'.

10.3.26 Kāinga Ora (S129.115) opposed Assessment Matter SUB-AM8, as they considered it provided Council with unlimited discretion to consider and assess Restricted Discretionary activities. They requested that SUB-AM8(2) and SUB-AM8(3) be deleted, and SUB-AM8(1) be amended as follows:

SUB-AM8 General

1. Any potential cumulative effects that may ~~occur as a result of the subdivision~~ **arise from multiple non-compliances to standards.**

10.3.27 For Discretionary Activities, the reporting planner noted that Council's assessment was not restricted to the Assessment Matters in the SUB – Subdivision chapter, but Council may consider them. Therefore, the assessment matters are not necessarily limited to the assessment of matters listed for Restricted Discretionary Activities.

10.3.28 The reporting planner did not support Kāinga Ora's request to amend SUB-AM8(1) as, for example, where a subdivision did not comply with condition SUB-R1(1)(a) in relation to the minimum net site area, and a Discretionary Activity resource consent was required under Rule SUB-R1(3), the Council could consider the cumulative effects of land fragmentation from non-compliance with the relevant minimum net site area required under Standard SUB-S1. In that case, cumulative adverse effects could occur in relation to the finite land resource where there was non-compliance with that one standard. Therefore, amending the matter to only apply to 'multiple non-compliances', would not capture this situation. Also, it was unclear to the reporting planner how many non-compliances would comprise 'multiple non-compliances'.

10.3.29 The reporting planner did not support Kāinga Ora's request to delete SUB-AM8(2), as the purpose of the assessment matter was to enable Council to assess if new lots created could be developed in a way anticipated under the relevant provisions of the PDP, without being significantly physically constrained (e.g., by the need to provide vehicle access and/or building platforms that

comply with the standards for subdivision within the National Grid Subdivision Corridor, or could achieve the minimum setback of future buildings and structures from stormwater drains or other waterbodies being part of the Regional Council's river control and drainage scheme , etc). The reporting planner noted that the assessment matter also provides an opportunity for Council to consider the imposition of conditions on the subdivision consent to avoid, remedy or mitigate adverse effects.

Assessment Matter SUB-AM10 Easements

- 10.3.30 Kāinga Ora (S129.117) opposed Assessment Matter SUB-AM10 as they considered there are other pieces of legislation and tools available to Council and utility providers to ensure access and protection of services. They requested that the assessment matter be amended.
- 10.3.31 The reporting planner considered that it was reasonable for Council to assessment the need for easements to be provided over lots within a subdivision in favour of Council and/or other network utility providers to ensure they have suitable access to enable the maintenance, repair or replacement of those services or access. If there were other tools or methods available, they may still be proposed by the Applicant and considered by Council under this assessment matter, as the purpose of the assessment matter was to consider whether there was a need for easements.
- 10.3.32 The reporting planner therefore recommended that Assessment Matter SUB-AM10 be retained as notified.

Assessment Mater SUB-AM11 Sites in the Rural Lifestyle Zone, and Lifestyle Sites in the General Rural Zone and Rural Production Zone, which adjoin any site used for existing horticultural or intensive primary production activities

- 10.3.33 Kāinga Ora (S129.118) opposed references to restrictive covenants and/or consent notices within Assessment Matter SUB-AM11 and requested the following amendments:

SUB-AM11 Sites in the Rural Lifestyle Zone, and Lifestyle Sites in the General Rural Zone and Rural Production Zone, which adjoin any site used for existing horticultural or intensive primary production activities

1. The design of the subdivision to ensure that, as a consequence of the development it will accommodate, reverse sensitivity effects will not be created or exacerbated. In particular, in assessing the development, the following factors will be considered:
 - a. The scale, design, and location of the development such that the number of sites and potential house sites adjoining the above activities is minimised.
 - b. The location of the house sites ~~which will avoid~~ **minimise** any potential for reverse sensitivity effects.
 - c. The ability of the development to include methods which will mitigate against reverse sensitivity effects being experienced.
 - d. ~~The registration of restrictive covenants and/or consent notices (where they are offered) against the certificate of title(s) for any site where reverse sensitivity effects are likely to result from activities operated in compliance with the provisions of the District Plan, which cannot otherwise be adequately avoided or mitigated by other conditions of consent, and which are necessary to achieve the relevant objectives, policies and anticipated environmental outcomes for the zone, particularly those relating to reverse sensitivity effects.~~

- 10.3.34 Silver Fern Farms (FS8.040) and Hort NZ (FS17.62) opposed Kāinga Ora's submission point, as they considered reverse sensitivity effects in the rural zones was an appropriate consideration, and the legitimate role of restrictive covenants and/or consent notices as methods to prevent reverse sensitivity effects arising.
- 10.3.35 The reporting planner advised that Objective OBJ 16 of the Hawke's Bay Regional Policy Statement (RPS) states the following:

- 10.3.36 The RPS recognises that, where different land uses are located adjacent to each other, there was always the potential for conflict. This was particularly the case where, for example, there was residential development adjacent rural activities. The proximity of these land uses to one another could cause conflict, predominantly in relation to odour, smoke, dust, noise and agrichemical spray drift.
- 10.3.37 The reporting planner therefore considered that it was appropriate and important for Council to be able to assess potential reverse sensitivity effects associated with sensitive activities establishing on new lots within the Rural Lifestyle Zone and new lifestyle sites within the General Rural Zone and Rural Production Zone, where they are on land adjoining existing primary production activities. This was consistent with Objective OBJ 16 of the RPS, as well as Objective SUB-O4 and Policy SUB-P16 of the PDP.
- 10.3.38 However, to achieve consistency with the wording of Policy SUB-P16 (as a consequence of the amendments recommended be made to the policy in response to submission points under Key Issue 7: Policies), the reporting planner recommended that the heading of SUB-AM11 be amended to read: 'Lots in the Rural Lifestyle Zone, and Lifestyle Sites in the General Rural Production Zone and Rural Production Zone, which adjoin any site used for existing primary production activities, including intensive primary production activities, rural industry and industrial activities'. The reporting planner also recommended that the wording of SUB-AM11(1)(b) be amended to read: 'The location of the house sites which would avoid where practicable, or otherwise mitigate, any potential for reverse sensitivity effects'.
- 10.3.39 Assessment Matter SUB-AM11(1)(d) only related to the registration of restrictive covenants and/or consent notices 'where they are offered' by applicants. The reporting planner therefore considered that they are a legitimate matter that the Council could consider when offered as part of a subdivision consent application. However, the reporting planner recommended that the wording be amended to clarify that it was 'where they are offered by the applicant'.
- 10.3.40 On the basis of the above, the reporting planner recommended that Assessment Matter SUB-AM11 be retained, but amended as follows:

SUB-AM11 ~~Sites~~ **Lots** in the Rural Lifestyle Zone, and Lifestyle Sites in the General Rural Zone and Rural Production Zone, which adjoin any site used for existing ~~horticultural or~~ **primary production activities, including** intensive primary production activities, **rural industry and industrial activities**

1. The design of the subdivision to ensure that, as a consequence of the development it will accommodate, reverse sensitivity effects will not be created or exacerbated. In particular, in assessing the development, the following factors will be considered:
 - a. The scale, design, and location of the development such that the number of sites and potential house sites adjoining the above activities is minimised.
 - b. The location of the house sites which will avoid **where practicable, or otherwise mitigate** any potential for reverse sensitivity effects.
 - c. The ability of the development to include methods which will mitigate against reverse sensitivity effects being experienced.
 - d. The registration of restrictive covenants and/or consent notices (where they are offered **by the applicant**) against the certificate of title(s) for any site where reverse sensitivity effects are likely to result from activities operated in compliance with the provisions of the District Plan, which cannot otherwise be adequately avoided or mitigated by other conditions of consent, and which are necessary to achieve the relevant objectives, policies and anticipated environmental outcomes for the zone, particularly those relating to reverse sensitivity effects.

Assessment Matter SUB-AM14 Sites for Special Purposes

- 10.3.41 Assessment Matter SUB-AM14 related to assessing application to create lots for Special Purposes under Rule SUB-S3, being limited to the creation of lots of any size for public works, network utilities, renewable electricity generation activities, reserves, roads and access.
- 10.3.42 Kāinga Ora (S129.119) opposed the reference to restrictive covenants and/or consent notices within Assessment Matter SUB-AM14. They requested that the assessment matter be amended as follows:

SUB-AM14 Sites for Special Purposes

1. Whether the lot is of sufficient area and dimensions to facilitate the intended use of the site.
2. ~~A Consent Notice may be registered on the Certificate of Title to any special purpose site, pursuant to section 221 of the RMA, requiring enforcement of a condition that, in the event that the site is no longer required for a special purpose, the site be amalgamated with an adjoining site, unless it is a fully complying lot for the respective zone.~~

- 10.3.43 FENZ (S57.080) requested that the assessment matter be retained as notified, as they considered the ability for Council to register a Consent Notice on the Record of Title would ensure that, where the land use was proposed to change, the lot would be required to be fully compliant with the rules of the respective zone.
- 10.3.44 We were advised by the reporting planner that Assessment Matter SUB-AM14 matches Special Assessment Criteria 30.1.8.2(1) of the Hastings District Plan, which applies to Sites for Special Purposes. This includes the ability for Council to require a consent notice to be registered on the Certificate of Title pursuant to s221 of the RMA.
- 10.3.45 Given the limited circumstances in which sites for special purposes could be created, the reporting planner considered that it was appropriate to retain SUB-AM14(2) to ensure that, when the site was no longer required for its special purpose, it was amalgamated with an adjoining site, unless it was a fully compliant sized site for the respective zone.
- 10.3.46 The reporting planner therefore recommended that Assessment Matter SUB-AM14 be retained as notified.

Assessment Matter SUB-AM16 Subdivision of land, including Lifestyle Sites within Outstanding Natural Landscapes and Features, Significant Amenity Features, and the Coastal Environment (including identified areas of High Natural Character)

- 10.3.47 Kāinga Ora (S129.120) sought amendments to SUB-AM16, consistent with its submission points requesting removal of reference to 'Significant Amenity Features', and 'High Natural Character Areas'. They also request that the word 'development' in SUB-AM16(1)(a) be replaced with 'subdivision'.
- 10.3.48 In response to Kāinga Ora's submission point (S129.067), requesting deletion of the reference to areas of High Natural Character in Objective SUB-O1(2), the reporting planner recommended the following under Key Issue 5: Objectives of this report:
- "I concur with the conclusion of the reporting officer in the s42A Coastal Environment Report, that the independent assessment by a suitably qualified expert and subsequent inclusion of the areas of high natural character identified in that assessment within the PDP (maps and Schedule CESCHED7), robustly responds to section 6(a) of the RMA and gives effect to the New Zealand Coastal Policy Statement 2010 (Policy 13), as required by section 75(3)(b) of the RMA. For these reasons, I do not support deletion of 'High Natural Character Areas' from Objective SUB-O1(2).
- 10.3.49 For the same reasons given above, the reporting planner did not support deleting the reference to 'High Natural Character Areas' in Assessment Matter SUB-AM16.

10.3.50 With respect to the request to remove the reference to Significant Amenity Features (SAFs), in response to submissions requesting the deletion of provisions relating to SAFs, the Reporting Officer for the s42A report on Natural Environment – Natural Features and Landscapes advised the following:

As part of the Landscape Assessment carried out by Council's landscape expert (John Hudson of Hudson Associates), eleven natural features were identified and assessed as having significant landscape amenity values, and have been subsequently mapped and scheduled in the PDP as 'Significant Amenity Features'. The Landscape Assessment Report summarises these as follows:

'There are a number of areas that rank highly in terms of the assessment factors, however may not qualify as Outstanding. This is typically due to the level of modification which provides clear evidence of human intervention such as ongoing grazing, or reduced values in terms of natural science or perceptual values. These areas may be identified as Significant Amenity Landscapes, being worthy of recognition but not reaching the level required to be assessed as Outstanding.'

In that sense, the SAFs identified in the Landscape Assessment Report have been assessed as such against the same set of criteria as ONFs [Outstanding Natural Features], and whilst not worthy of recognition as 'outstanding', they are clearly distinguishable from normal rural landscapes.

In considering significant amenity landscapes, landscapes which contribute to amenity and the quality of the environment are given recognition under sections 7(c) and (f) of the RMA which require particular regard to 'the maintenance and enhancement of amenity values' and 'the maintenance and enhancement of the quality of the environment'. Such landscapes contribute to people's appreciation of the pleasantness, aesthetic coherence and cultural or recreational attributes of an area, as well as those which contribute to the functioning of ecosystems. They may also relate to very specific values or associations – such as with sites of historic events or cultural meaning, or areas associated with particular recreational activities – within rural areas. They may therefore include sites or locations that are important for local communities, but which are too modified to qualify for protection under section 6(b) of the Act.

Unlike outstanding natural features and landscapes, there is no presumption that landscapes which contribute to amenity and environmental quality will be retained in their current state (i.e. 'protected'). They may continually change as land uses and settlement patterns modify and evolve over time. However, the intent is to carefully manage that change to ensure that the overall amenity and environmental quality of the area is maintained or enhanced. A number of District Councils throughout New Zealand have included provisions for 'Amenity Landscapes' (or similar) in their district plans to manage land uses in those areas.

As outlined above, in the case of the Central Hawke's Bay District, the PDP has included these as 'Significant Amenity Features'. While there are no rules specifically applying to SAFs within the PDP, the approach in the PDP is to identify, map and schedule them, and to 'have regard' to them through the provision of 'assessment matters' to be applied in the event that a development proposal or activity triggers the need for a resource consent where it happens to be located within an SAF.

In my view, if particular landscapes are sensitive to landscape change, under higher pressure, or valued higher by the local community, they should be identified in the District Plan and spatially identified on the Planning Maps to provide a high level of certainty about their location and extent. Therefore, I am satisfied that the inclusion of 'Significant Amenity Features' in the PDP is appropriate, and I remain of the view that the PDP takes a measured and reasonable approach to such features (mapped and scheduled, with policies but no rules, only assessment matters) in enabling due regard to the maintenance and enhancement of amenity values and the quality of the environment in keeping with section 7(c) and section 7(f) of the RMA.

10.3.51 As advised by the Reporting Officer above, there are no rules specifically applying to SAFs in the PDP, and the approach of the PDP was to identify, map and schedule them. Regard was only given to SAFs through the provision of assessment matters for specific types of resource consent, including SUB-AM16, to be applied in the event that a subdivision triggers the need for a resource consent where it happens to be located within a SAF. The reporting planner concurred with the Reporting Officer, that the PDP "takes a measured and reasonable approach to such features (mapped and scheduled, with policies but no rules, only assessment matters) in enabling due regard to the maintenance and enhancement of amenity values and the quality of the environment in keeping with section 7(c) and section 7(f) of the RMA".

- 10.3.52 On the basis of the above, the reporting planner recommended that the reference to SAFs in Assessment Matter SUB-AM16 be retained as notified.
- 10.3.53 The reporting planner concurred with Kāinga Ora, that the word ‘development’ in the assessment matter, should be replaced with ‘subdivision’.

Assessment Matter SUB-AM17 Subdivisions with building platforms and/or vehicle access within the National Grid Subdivision Corridor

- 10.3.54 Consistent with its submission points relating to Standard SUB-S4, Kāinga Ora (S129.121) requested that Assessment Matter SUB-AM17 be deleted. Transpower (FS18.22) opposed Kāinga Ora’s submission point.
- 10.3.55 As advised, in relation to her analysis of submission points on Standard SUB-S4, under Key Issue 8: Standards, the reporting planner advised that the Standard gave effect to Policies 10 and 11 of NPS-ET, and it was directly related to achieving Objectives SUB-O4, NU-O1, NU-O2, NU-O3, and Policies SUB-P17, SUB-P18, NU-P1 and NU-P5 of the PDP. In her opinion, these standards, including Standard SUB-S4(2), give effect to Policies 10 and 11 of NPS-ET, and are directly related to achieving Objectives SUB-O4, NU-O1, NU-O2, NU-O3, and Policies SUB-P17, SUB-P18, NU-P1 and NU-P5 of the PDP.
- 10.3.56 The reporting planner advised that Objectives 32 and 33 in Chapter 3.13 of the RPS recognise the importance of the specific locational requirements of some regionally significant infrastructure and of its ongoing operation, maintenance and development to support the economic, social and/or cultural wellbeing of the region’s people and communities and provide for their health and safety. It was also for adverse effects on existing physical infrastructure arising from the location and proximity of sensitive land use activities to be avoided or mitigated. The reporting planner therefore also considered that Standard SUB-S4 gave effect to the objectives of the RPS.
- 10.3.57 Given the relationship between Standard SUB-S4 and Assessment Matter SUB-AM17, the reporting planner recommended that the assessment matter be retained as notified.

Assessment Matter SUB-AM18 Subdivisions with building platforms and/or vehicle access within proximity of the Gas Transmission Network

- 10.3.58 Consistent with its submission points relating to Standard SUB-S4, Kāinga Ora (S129.122) requested that Assessment Matter SUB-AM18 be deleted. First Gas (FS3.017) opposed Kāinga Ora’s submission point, as they considered the setback from the Gas Transmission Network under Standard SUB-S4 was required from a reverse sensitivity effects management perspective, and the assessment matter was appropriate for Council to assess applications that do not meet the minimum setback.
- 10.3.59 For the same reasons given above, in relation to the recommendation to retain Assessment Matter SUB-AM17 as notified, the reporting planner recommended that Assessment Matter SUB-AM18 be retained as notified.

New Assessment Matters

- 10.3.60 Hatuma Lime (S98.022) sought amended provisions to enable consideration of reverse sensitivity effects on lawfully established activities (such as quarries) as part of Controlled Activity subdivisions in the General Rural Zone. They requested that a new Assessment Matter be added to the Subdivision chapter to that effect. Hort NZ (FS17.61) supported Hatuma Lime’s submission point, but requested that the new assessment matter apply to all rural zones.

- 10.3.61 Given the recommendation to reject Hatuma Lime’s submission point (S98.021) under Key Issue 7: Rules (requesting that Rule SUB-R1 be amended to include a new matter of control that would require consideration of potential reverse sensitivity effects from building platforms and/or vehicle access within proximity of the Hatuma Lime Quarry on new lots created in the General Rural Zone), the reporting planner recommended that their request to add an associated new assessment matter also be rejected.
- 10.3.62 In relation to Kāinga Ora’s request (S129.123) to provide for subdivision of land containing heritage items and/or sites of significance to Māori as a Restricted Discretionary Activity, with associated matters of discretion to ensure appropriate management of potential adverse effects, Kāinga Ora (S129.123) requested the addition of a new assessment matter to the Subdivision chapter. HNPT (FS7.031) and NHMT (FS5.090) supported Kāinga Ora’s request for a new assessment matter.
- 10.3.63 The reporting planner addressed this submission point already, under Key Issue 7: Rules. She recommended that the new assessment matter requested by Kāinga Ora be amended to also relate to notable trees (identified in TREE-SCHED4), Significant Natural Areas (identified in ECO-SCHED5), wāhi tapu, and wāhi taonga (identified in SASM-SCHED3), to cover all matters under Rule SUB-R1(1)(b).
- 10.3.64 On the basis of the assessment of the matters raised by submitters in Section 12.3 above, the reporting planner recommended the following amendment(s) are made to the SUB – Subdivision chapter provisions:

SUB-AM3 Building Platforms

1. The local ground conditions and suitability of the site for a building, and whether development on the site should be restricted to parts of the site.
2. ~~Where a parcel of land may be subject to inundation, whether there is a need to establish minimum floor heights for buildings in order to mitigate potential damage to them.~~
3. The positioning and scale of the building platform to facilitate meeting the setback standards applying in the respective zone for buildings.

SUB-AM7 Subdivision resulting in the creation of new ~~sites~~ lots within:

- ~~100~~**50m** of the State Highway Network **with a speed limit of less than 70km/h; or**
- **100m of the State Highway Network with a speed limit of 70km/h or more (measured from the nearest painted edge of the carriageway).**

1. The potential adverse effects of noise generated from the road network.
2. The potential adverse effects of ~~site~~ lot development on the efficient use and operation of the State Highway network and the suitability of any mitigation measures relating to noise and vibration to enable the continued operation of the network.
3. Whether any consultation with the NZ Transport Agency has occurred and the outcome of that consultation.
4. Whether a consent notice with regard to reverse sensitivity effects on the State Highway network is proposed.
5. Whether any proposed building platform or development should be restricted to parts of the ~~site~~ lot(s).
6. Whether there are any special topographical features or ground conditions which may mitigate effects on the operation of the State Highway network

SUB-AM8 General

1. Any potential cumulative effects that may occur as a result of the subdivision.
2. Potential constraints to the development of the site, such as the National Grid Subdivision Corridor or stormwater drains, and the ability for any resulting adverse effects to be avoided, remedied, or mitigated.
3. The potential effects from a proposed subdivision or development of land on the safe and efficient operation of network utilities.
4. The provision of electricity to the site boundary for any urban zone (GRZ – General Residential Zone, COMZ – Commercial Zone, GIZ – General Industrial Zone), to be confirmed by the electricity network utility as a condition of consent.
- 5. The alternative provision of telecommunications to each site.**

SUB-AM11 ~~Sites~~ **Lots** in the Rural Lifestyle Zone, and Lifestyle Sites in the General Rural Zone and Rural Production Zone, which adjoin any site used for existing ~~horticultural or~~ **primary production activities**, **including** intensive primary production activities, **rural industry and industrial activities**

1. The design of the subdivision to ensure that, as a consequence of the development it will accommodate, reverse sensitivity effects will not be created or exacerbated. In particular, in assessing the development, the following factors will be considered:
 - a. The scale, design, and location of the development such that the number of sites and potential house sites adjoining the above activities is minimised.
 - b. The location of the house sites which will avoid **where practicable, or otherwise mitigate** any potential for reverse sensitivity effects.
 - c. The ability of the development to include methods which will mitigate against reverse sensitivity effects being experienced.
 - d. The registration of restrictive covenants and/or consent notices (where they are offered **by the applicant**) against the certificate of title(s) for any site where reverse sensitivity effects are likely to result from activities operated in compliance with the provisions of the District Plan, which cannot otherwise be adequately avoided or mitigated by other conditions of consent, and which are necessary to achieve the relevant objectives, policies and anticipated environmental outcomes for the zone, particularly those relating to reverse sensitivity effects.

SUB-AM16 Subdivision of land, including Lifestyle Sites within Outstanding Natural Landscapes and Features, Significant Amenity Features, and the Coastal Environment (including identified areas of High Natural Character)

1. The design of the subdivision and the development it will accommodate, to ensure that it will not have adverse visual or landscape effects on the values of the feature, landscape or area (identified in ECO-SCHED5, NFL-SCHED6, and CE-SCHED7 of the District Plan) and will not detract from the natural character of the coastal environment. Reference will be made to the proposed nature and location of building platforms, roads and accessways, earthworks, landscaping, and planting. In particular, the ~~development~~ **subdivision** will be assessed in terms of its ability to achieve the following:

10.4 Evidence to the hearing

- 10.4.1 Claire Price presented expert planning evidence on behalf of Hatuma Lime at the hearing and sought additional assessment criteria.
- 10.4.2 Pauline Whitney presented expert planning evidence on behalf of Transpower and made minor amendments to SUB-AM17.
- 10.4.3 Tom Anderson presented expert planning evidence on behalf of Chorus, Spark and Vodafone and sought amendments to SUB-AM8.
- 10.4.4 Paul McGimpsey presented expert planning evidence on behalf of Fire and Emergency New Zealand and generally supported the planners' recommendations in the s42A.
- 10.4.5 Graeme Roberts provided expert planning evidence on behalf of First Gas at the hearing, seeking that SUB-AM18 be retained as notified.
- 10.4.6 Michael Campbell provided evidence on behalf of Kāinga Ora at the hearing and sought to reduce the density restrictions that apply to the residential zones.

10.5 Post hearing information

- 10.5.1 The planners right-of-reply addresses the submission from FENZ on SUB Assessment Matters SUB-AM5(4) and SUB-AM6(7). The reporting planner agrees with FENZ that deleting Assessment Matter SUB-AM5(4), which referred to the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008, would reduce Council's ability to adequately consider the fire risk in

relation to subdivision consent application was greatly reduced. The reporting planner has changed their position and SUB-AM5(4) should be retained as notified. For the same reasons, the reporting planner has changed their position that the reference to NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008 in SUB-AM6(7) should be retained.

- 10.5.2 The planners right of reply addresses the submission from Kāinga Ora on Assessment Matter SUB-AM7 and did not change their position.
- 10.5.3 The planner's right of reply addressed the submission from Transpower on Assessment Matter SUB-AM17 and did not change her position.

10.6 Evaluation and findings

Assessment Matter SUB-AM1 Lot Size and Dimensions

- 10.6.1 Kāinga Ora (S129.108) opposed inclusion of Assessment Matter SUB-AM1(4) as they considered it does not sufficiently provide for a range of housing types and/or acknowledge the evolving natural of character and amenity values. They requested that SUB-AM1(4) be deleted.
- 10.6.2 The Panel agrees with the reporting planner and considers that it is appropriate that Council be able to assess the effects of proposed lot sizes and dimensions that do not achieve the minimum net lot size requirements under the subdivision standards, to ensure that subdivisions are consistent with the purpose, character and amenity values supported and envisaged by the relevant zone provisions.
- 10.6.3 The Panel therefore recommends that Assessment Matter SUB-AM1 be retained as notified.

Assessment Matter SUB-AM3 Building Platforms and New Assessment Matter SUB-AMY

- 10.6.4 Kāinga Ora (S129.110) supported Assessment Matter SUB-AM3 but considered that a separate assessment matter is required to manage subdivision in natural hazard areas.
- 10.6.5 Kāinga Ora's request (S129.124) to include a new assessment matter for subdivision of land partly or wholly within an identified natural hazard area was addressed earlier in this report under Key Issue 7: Rules, in which the Panel has agreed with the reporting planner and recommends that the submission point be rejected, on the basis that the Subdivision chapter already includes Assessment Matter SUB-AM4 for natural hazards, and the new assessment matter requested by Kāinga Ora is unnecessary.
- 10.6.6 However, the Panel concurs with the submitter that clause 2 of Assessment Matter SUB-AM3 could be deleted, as any building platforms located on land subject to natural hazards, including any methods/measures to overcome or reduce the risk of any hazards, would be assessed in relation to Assessment Matter SUB-AM4.
- 10.6.7 The Panel recommends that clause 2 of Assessment Matter SUB-AM3 be deleted.

Assessment Matter SUB-AM5 Water Supply, Wastewater Disposal, Stormwater Disposal

- 10.6.8 James Bridge (S105.019) supported in part Assessment Matter SUB-AM5(7) but requested that it be amended to refer to the current version of this standard, being NZS4404:2010.
- 10.6.9 Under Key Issue 2 of this report, both the reporting planner and the Panel recommended that SUB-AM5(7) be deleted.

Assessment Matter SUB-AM6 Property Access

- 10.6.10 James Bridge (S105.020) supported in part Assessment Matter SUB-AM6(6) but requested that it be amended to refer to the current version of this standard, being NZS4404:2010. Waka Kotahi (S78.029) supports Assessment Matter SUB-AM6 and requested that it be retained as notified.
- 10.6.11 Under Key Issue 2 of this report, both the reporting planner and the Panel already recommended that SUB-AM6(6) be deleted.

Assessment Matter SUB-AM7 Subdivision resulting in the creation of new sites within 100m of the State Highway Network

- 10.6.12 Waka Kotahi (S78.030) supported Assessment Matter SUB-AM7 and requested that it be retained as notified.
- 10.6.13 Kāinga Ora (S129.114) opposed Assessment Matter SUB-AM7 to the extent that they considered was likely to unnecessarily constrain and/or hinder urban development. They requested that this assessment matter be deleted, and consequential amendments made to the provisions in the subdivision chapter to reflect this change.
- 10.6.14 The reporting planner advised that Assessment Matter SUB-AM7 ensures that subdivision consent applications for the creation of new lots within 100m of the State Highway Network are assessed in relation to potential effects of traffic noise generated from the road network on activities that may be developed on the new lots, such as residential activities. It also requires applications to be assessed with regard to reverse sensitivity effects of potential future activities on the proposed lots on the State Highway Network, which could adversely affect the Network's efficient use and operation. Applications would be assessed with regard to the suitability of any proposed measures to mitigate noise and vibration effects, including the location of building platforms on the lots.
- 10.6.15 It was noted that, as an outcome of Hearing Stream 2: Urban Environment, in relation to Noise, the Reporting Officer recommends, as an effective method for ensuring sensitive activities are not exposed to excessive noise when located adjacent to the State Highway, that Standard NOISE-S3 be amended as set out below:

NOISE-S3 Noise sensitive activities within 100m of State Highways and the Rail Network within:

- **50m of a State Highway with a speed limit of less than 70km/h; or**
- **100m of a State Highway with a speed limit of 70km/hr or more (measured from the nearest painted edge of the carriageway); or**
- **100m of Rail Network Boundary**

General	<p>3. The following Minimum External Sound Insulation Level Standards applies to all habitable rooms within any building that contains a noise sensitive activity within 100 metres of the sealed edge of a State Highway or the Rail Network Boundary, either:</p> <ul style="list-style-type: none"> c. Provide a design report prepared by an acoustic specialist prior to construction of the habitable spaces rooms, demonstrating that road-traffic/rail network sound levels will not exceed 40 dB $L_{Aeq(24hr)}$ inside all habitable spaces rooms; or d. Provide a design report prepared by an acoustic specialist prior to construction of the habitable room/s, demonstrating that road-traffic/rail network sound levels will not exceed 57 dB $L_{Aeq(24hr)}$ outside the most affected part of the building exterior. <p>4. The following applies to all buildings that contains a noise sensitive activity within 100 metres of the sealed edge of a State Highway or the Rail Network Boundary:</p> <ul style="list-style-type: none"> b. Where new habitable rooms with openable windows are proposed, a positive supplementary source of fresh air ducted from outside is required at the time of fit-out. The supplementary source of air is to achieve compliance with the Building Act to ensure adequate ventilation and fresh air.
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- 10.6.16 The Officer's recommended changes to Standard NOISE-S3 were in response to submission points S129.140, FS23.177 Kāinga Ora, and FS16.38 Waka Kotahi. They would introduce a new setback for noise sensitive activities within 50m of a State Highway with a speed limit of less than 70 km/h. The Panel accepted these recommended changes.
- 10.6.17 The Panel also recommended that the word 'site(s)' be replaced with the word 'lot(s)', which is considered more appropriate/accurate, and can be made as a minor change under cl16(2) of the First Schedule of the RMA.
- 10.6.18 In light of these recommendations, the Panel agrees with the reporting planner and recommends that Assessment Matter SUB-AM7 be retained but amended to reflect the above recommendations, as follows:

SUB-AM7 Subdivision resulting in the creation of new ~~sites~~ **lots** within:

- ~~10050m~~ of the State Highway Network **with a speed limit of less than 70km/h; or**
- **100m of the State Highway Network with a speed limit of 70km/h or more (measured from the nearest painted edge of the carriageway).**

1. The potential adverse effects of noise generated from the road network.
2. The potential adverse effects of ~~site~~ **lot** development on the efficient use and operation of the State Highway network and the suitability of any mitigation measures relating to noise and vibration to enable the continued operation of the network.
3. Whether any consultation with the NZ Transport Agency has occurred and the outcome of that consultation.
4. Whether a consent notice with regard to reverse sensitivity effects on the State Highway network is proposed.
5. Whether any proposed building platform or development should be restricted to parts of the ~~site~~ **lot(s)**.
6. Whether there are any special topographical features or ground conditions which may mitigate effects on the operation of the State Highway network

Assessment Matter SUB-AM8 General

- 10.6.19 Waka Kotahi (S78.031) and Centralines (S90.037) supported Assessment Matter SUB-AM8 and requested that it be retained as notified.
- 10.6.20 Chorus (S117.065), Spark (S118.065) and Vodafone (S119.065) requested that a new matter was added to Assessment Matter SUB-AM8 requiring applicants and decision-makers to consider the effects resulting from the site not being connected to a telecommunications network.
- 10.6.21 In response to the submission points from Chorus, Vodafone and Spark (S117.064, S118.064, S119.064), the reporting planner recommended that a new Standard SUB-SXX Telecommunications be added to the SUB – Subdivision chapter. The reporting planner therefore concurred with those submitters that it is also appropriate to add a new clause to Assessment Matter SUB-AM8, to assess how telecommunications to each site will be provided where all new lots within subdivisions in the General Residential Zone, Commercial Zone, General Industrial Zone and other zones will not be connected (at the legal boundary of each lot) to the telecommunication network, where a network is available to connect to. However, the Panel considers that the new clause should be amended to refer to 'The options for these provision of telecommunications to each site'.
- 10.6.22 Kāinga Ora (S129.115) opposed Assessment Matter SUB-AM8, as they considered it provides Council with unlimited discretion to consider and assess Restricted Discretionary activities. They request that SUB-AM8(2) and SUB-AM8(3) be deleted, and SUB-AM8(1) be amended as follows:

SUB-AM8 General

1. Any potential cumulative effects that may ~~occur as a result of the subdivision~~ **arise from multiple non-compliances to standards.**

- 10.6.23 For Discretionary Activities, the reporting planner noted that Council's assessment was not restricted to the Assessment Matters in the SUB – Subdivision chapter, but Council may consider

them. Therefore, the assessment matters are not necessarily limited to the assessment of matters listed for Restricted Discretionary Activities.

- 10.6.24 The Panel does not support Kāinga Ora's request to amend SUB-AM8(1) as, for example, where a subdivision does not comply with condition SUB-R1(1)(a) in relation to the minimum net site area, and a Discretionary Activity resource consent is required under Rule SUB-R1(3), the Council could consider the cumulative effects of land fragmentation from non-compliance with the relevant minimum net site area required under Standard SUB-S1. In that case, cumulative adverse effects could occur in relation to the finite land resource where there is non-compliance with that one standard. Therefore, amending the matter to only apply to 'multiple non-compliances', would not capture this situation.
- 10.6.25 The Panel does not support Kāinga Ora's request to delete SUB-AM8(2), as the purpose of the assessment matter is to enable Council to assess if new lots created could be developed in a way anticipated under the relevant provisions of the PDP, without being significantly physically constrained (e.g., by the need to provide vehicle access and/or building platforms that comply with the standards for subdivision within the National Grid Subdivision Corridor, or could achieve the minimum setback of future buildings and structures from stormwater drains or other waterbodies being part of the Regional Council's river control and drainage scheme , etc.

Assessment Matter SUB-AM10 Easements

- 10.6.26 Kāinga Ora (S129.117) opposed Assessment Matter SUB-AM10 as they considered there are other pieces of legislation and tools available to Council and utility providers to ensure access and protection of services. They requested that the assessment matter be amended.
- 10.6.27 The Panel agrees with the reporting planner and considers that it is reasonable for the Council to assessment the need for easements to be provided over lots within a subdivision in favour of Council and/or other network utility providers to ensure they have suitable access to enable the maintenance, repair or replacement of those services or access. If there are other tools or methods available, they may still be proposed by the Applicant and considered by Council under this assessment matter, as the purpose of the assessment matter is to consider whether there is a need for easements.
- 10.6.28 The Panel recommends that Assessment Matter SUB-AM10 be retained as notified.

Assessment Mater SUB-AM11 Sites in the Rural Lifestyle Zone, and Lifestyle Sites in the General Rural Zone and Rural Production Zone, which adjoin any site used for existing horticultural or intensive primary production activities

- ~~10.6.29~~ Kāinga Ora (S129.118) opposed references to restrictive covenants and/or consent notices within Assessment Matter SUB-AM1.
- 10.6.30 Silver Fern Farms (FS8.040) and Hort NZ (FS17.62) opposed Kāinga Ora's submission point, as they considered reverse sensitivity effects in the rural zones is an appropriate consideration, and the legitimate role of restrictive covenants and/or consent notices as methods to prevent reverse sensitivity effects arising.
- 10.6.31 The Panel agrees with the reporting planner and recommended that Assessment Matter SUB-AM11 be retained, but amended as follows:

SUB-AM11 ~~Sites~~ **Lots** in the Rural Lifestyle Zone, and Lifestyle Sites in the General Rural Zone and Rural Production Zone, which adjoin any site used for existing ~~horticultural or~~ **primary production activities, including** intensive primary production activities, **rural industry and industrial activities**

2. The design of the subdivision to ensure that, as a consequence of the development it will accommodate, reverse sensitivity effects will not be created or exacerbated. In particular, in assessing the development, the following factors will be considered:
 - e. The scale, design, and location of the development such that the number of sites and potential house sites adjoining the above activities is minimised.
 - f. The location of the house sites which will avoid where practicable, or otherwise mitigate any potential for reverse sensitivity effects.
 - g. The ability of the development to include methods which will mitigate against reverse sensitivity effects being experienced.
 - h. The registration of restrictive covenants and/or consent notices (where they are offered by the applicant) against the certificate of title(s) for any site where reverse sensitivity effects are likely to result from activities operated in compliance with the provisions of the District Plan, which cannot otherwise be adequately avoided or mitigated by other conditions of consent, and which are necessary to achieve the relevant objectives, policies and anticipated environmental outcomes for the zone, particularly those relating to reverse sensitivity effects.

Assessment Matter SUB-AM14 Sites for Special Purposes

- 10.6.32 Assessment Matter SUB-AM14 relates to assessing application to create lots for Special Purposes under Rule SUB-S3, being limited to the creation of lots of any size for public works, network utilities, renewable electricity generation activities, reserves, roads and access.
- ~~10.6.33~~ Kāinga Ora (S129.119) opposed the reference to restrictive covenants and/or consent notices within Assessment Matter SUB-AM14.
- 10.6.34 FENZ (S57.080) requested that the assessment matter be retained as notified, as they considered the ability for Council to register a Consent Notice on the Record of Title will ensure that, where the land use is proposed to change, the lot will be required to be fully compliant with the rules of the respective zone.
- 10.6.35 We were advised by the reporting planner that Assessment Matter SUB-AM14 matches Special Assessment Criteria 30.1.8.2(1) of the Hastings District Plan, which applies to Sites for Special Purposes. This includes the ability for Council to require a consent notice to be registered on the Certificate of Title pursuant to section 221 of the RMA.
- 10.6.36 Given the limited circumstances in which sites for special purposes can be created, the reporting planner considers that it is appropriate to retain SUB-AM14(2) to ensure that, when the site is no longer required for its special purpose, it is amalgamated with an adjoining site, unless it is a fully compliant sized site for the respective zone.
- 10.6.37 The Panel agrees with the reporting planner and recommends that Assessment Matter SUB-AM14 be retained as notified.

Assessment Matter SUB-AM16 Subdivision of land, including Lifestyle Sites, within Outstanding Natural Landscapes and Features, Significant Amenity Features, and the Coastal Environment (including identified areas of High Natural Character)

- 10.6.38 Kāinga Ora (S129.120) sought amendments to SUB-AM16, consistent with its submission points requesting removal of reference to 'Significant Amenity Features', and 'High Natural Character Areas'. They also request that the word 'development' in SUB-AM16(1)(a) be replaced with 'subdivision'.
- 10.6.39 In response to Kāinga Ora's submission point (S129.067), requesting deletion of the reference to areas of High Natural Character in Objective SUB-O1(2), the reporting planner recommended the following under Key Issue 5: Objectives of this report:

"I concur with the conclusion of the reporting officer in the s42A Coastal Environment Report, that the independent assessment by a suitably qualified expert and subsequent inclusion of the areas of high natural character identified in that assessment within the PDP (maps and Schedule CESCHED7), robustly responds to section 6(a) of the RMA and gives effect to the New Zealand Coastal Policy Statement 2010 (Policy 13), as required by section 75(3)(b) of the RMA. For these reasons, I do not support deletion of 'High Natural Character Areas' from Objective SUB-O1(2).

10.6.40 For the same reasons given above, the Panel agrees with the reporting planner and does not support deleting the reference to 'High Natural Character Areas' in Assessment Matter SUB-AM16.

10.6.41 With respect to the request to remove the reference to Significant Amenity Features (SAFs), in response to submissions requesting the deletion of provisions relating to SAFs, the Reporting Officer for the s42A report on Natural Environment – Natural Features and Landscapes advised the following:

As part of the Landscape Assessment carried out by Council's landscape expert (John Hudson of Hudson Associates), eleven natural features were identified and assessed as having significant landscape amenity values, and have been subsequently mapped and scheduled in the PDP as 'Significant Amenity Features'. The Landscape Assessment Report summarises these as follows:

'There are a number of areas that rank highly in terms of the assessment factors, however may not qualify as Outstanding. This is typically due to the level of modification which provides clear evidence of human intervention such as ongoing grazing, or reduced values in terms of natural science or perceptual values. These areas may be identified as Significant Amenity Landscapes, being worthy of recognition but not reaching the level required to be assessed as Outstanding.'

In that sense, the SAFs identified in the Landscape Assessment Report have been assessed as such against the same set of criteria as ONFs [Outstanding Natural Features], and whilst not worthy of recognition as 'outstanding', they are clearly distinguishable from normal rural landscapes.

In considering significant amenity landscapes, landscapes which contribute to amenity and the quality of the environment are given recognition under sections 7(c) and (f) of the RMA which require particular regard to 'the maintenance and enhancement of amenity values' and 'the maintenance and enhancement of the quality of the environment'. Such landscapes contribute to people's appreciation of the pleasantness, aesthetic coherence and cultural or recreational attributes of an area, as well as those which contribute to the functioning of ecosystems. They may also relate to very specific values or associations – such as with sites of historic events or cultural meaning, or areas associated with particular recreational activities – within rural areas. They may therefore include sites or locations that are important for local communities, but which are too modified to qualify for protection under section 6(b) of the Act.

Unlike outstanding natural features and landscapes, there is no presumption that landscapes which contribute to amenity and environmental quality will be retained in their current state (i.e. 'protected'). They may continually change as land uses and settlement patterns modify and evolve over time. However, the intent is to carefully manage that change to ensure that the overall amenity and environmental quality of the area is maintained or enhanced. A number of District Councils throughout New Zealand have included provisions for 'Amenity Landscapes' (or similar) in their district plans to manage land uses in those areas.

As outlined above, in the case of the Central Hawke's Bay District, the PDP has included these as 'Significant Amenity Features'. While there are no rules specifically applying to SAFs within the PDP, the approach in the PDP is to identify, map and schedule them, and to 'have regard' to them through the provision of 'assessment matters' to be applied in the event that a development proposal or activity triggers the need for a resource consent where it happens to be located within an SAF.

In my view, if particular landscapes are sensitive to landscape change, under higher pressure, or valued higher by the local community, they should be identified in the District Plan and spatially identified on the Planning Maps to provide a high level of certainty about their location and extent. Therefore, I am satisfied that the inclusion of 'Significant Amenity Features' in the PDP is appropriate, and I remain of the view that the PDP takes a measured and reasonable approach to such features (mapped and scheduled, with policies but no rules, only assessment matters) in enabling due regard to the maintenance and enhancement of amenity values and the quality of the environment in keeping with section 7(c) and section 7(f) of the RMA.

10.6.42 As advised by the Reporting Officer above, there are no rules specifically applying to SAFs in the PDP, and the approach of the PDP is to identify, map and schedule them. Regard is only given to

SAFs through the provision of assessment matters for specific types of resource consent, including SUB-AM16, to be applied in the event that a subdivision triggers the need for a resource consent where it happens to be located within a SAF. The reporting planner concurred with the Reporting Officer, that the PDP “takes a measured and reasonable approach to such features (mapped and scheduled, with policies but no rules, only assessment matters) in enabling due regard to the maintenance and enhancement of amenity values and the quality of the environment in keeping with section 7(c) and section 7(f) of the RMA”.

- 10.6.43 On the basis of the above, the Panel agrees with the reporting planner and recommends that the reference to SAFs in Assessment Matter SUB-AM16 be retained as notified.
- 10.6.44 The Panel also agrees with the reporting planner and concurs with Kāinga Ora, that the word ‘development’ in the assessment matter, should be replaced with ‘subdivision’.

Assessment Matter SUB-AM17 Subdivisions with building platforms and/or vehicle access within the National Grid Subdivision Corridor

- 10.6.45 Consistent with its submission points relating to Standard SUB-S4, Kāinga Ora (S129.121) requested that Assessment Matter SUB-AM17 be deleted. Transpower (FS18.22) opposed Kāinga Ora’s submission point.
- 10.6.46 As advised, in relation to her analysis of submission points on Standard SUB-S4, under Key Issue 8: Standards, the reporting planner advised that the Standard gives effect to Policies 10 and 11 of NPS-ET, and it is directly related to achieving Objectives SUB-O4, NU-O1, NU-O2, NU-O3, and Policies SUB-P17, SUB-P18, NU-P1 and NU-P5 of the PDP. In her opinion, these standards, including Standard SUB-S4(2), give effect to Policies 10 and 11 of NPS-ET, and are directly related to achieving Objectives SUB-O4, NU-O1, NU-O2, NU-O3, and Policies SUB-P17, SUB-P18, NU-P1 and NU-P5 of the PDP.
- 10.6.47 The reporting planner advised that Objectives 32 and 33 in Chapter 3.13 of the RPS recognise the importance of the specific locational requirements of some regionally significant infrastructure and of its ongoing operation, maintenance and development to support the economic, social and/or cultural wellbeing of the region’s people and communities and provide for their health and safety. It is also for adverse effects on existing physical infrastructure arising from the location and proximity of sensitive land use activities to be avoided or mitigated. The reporting planner therefore also considered that Standard SUB-S4 gives effect to the objectives of the RPS.
- 10.6.48 Given the relationship between Standard SUB-S4 and Assessment Matter SUB-AM17, the Panel agrees with the reporting planner and recommends that the assessment matter be retained as notified.

Assessment Matter SUB-AM18 Subdivisions with building platforms and/or vehicle access within proximity of the Gas Transmission Network

- 10.6.49 Consistent with its submission points relating to Standard SUB-S4, Kāinga Ora (S129.122) requested that Assessment Matter SUB-AM18 be deleted. First Gas (FS3.017) opposed Kāinga Ora’s submission point, as they considered the setback from the Gas Transmission Network under Standard SUB-S4 is required from a reverse sensitivity effects management perspective, and the assessment matter is appropriate for Council to assess applications that do not meet the minimum setback.
- 10.6.50 For the same reasons given above, in relation to the recommendation to retain Assessment Matter SUB-AM17 as notified, the Panel agrees with the reporting planner and recommends that Assessment Matter SUB-AM18 be retained as notified.

New Assessment Matters

- 10.6.51 Hatuma Lime (S98.022) sought amended provisions to enable consideration of reverse sensitivity effects on lawfully established activities (such as quarries) as part of Controlled Activity subdivisions in the General Rural Zone. They requested that a new Assessment Matter be added to the Subdivision chapter to that effect.
- 10.6.52 The Panel disagrees with the reporting planner and considers that a new Assessment Matter is appropriate to manage any reserve sensitivity effects. The Panel recommends the following Assessment Matter:

SUB-AMXX Subdivision with building platforms and/or vehicle access within proximity of the Hatuma Lime Maharakeke Road quarry

1. Any actual and potential reverse sensitivity effects on the effective, and efficient operation of the Hatuma Lime quarry.

- 10.6.53 In relation to Kāinga Ora's request (S129.123) to provide for subdivision of land containing heritage items and/or sites of significance to Māori as a Restricted Discretionary Activity, with associated matters of discretion to ensure appropriate management of potential adverse effects, Kāinga Ora (S129.123) requested the addition of a new assessment matter to the Subdivision chapter. HNZPT (FS7.031) and NHMT (FS5.090) supported Kāinga Ora's request for a new assessment matter.
- 10.6.54 The reporting planner addressed this submission point already, under Key Issue 7: Rules. She recommended that the new assessment matter requested by Kāinga Ora be amended to also relate to notable trees (identified in TREE-SCHED4), SNAs (identified in ECO-SCHED5), wāhi tapu, and wāhi taonga (identified in SASM-SCHED3), to cover all matters under Rule SUB-R1(1)(b).
- 10.6.55 The Panel notes that in the reporting planners right-of-reply she has included a new Assessment Matter SUB-AM20 but has not discussed why this assessment matter is included, this was an oversight and the Assessment Matter addresses the concerns raised by Kāinga Ora.

11 Key Issue 10 – Methods, Principal Reasons, and Anticipated Environmental Results

11.1 Proposed plan provisions

- 11.1.1 This key issue addresses the subdivision Methods, Principal Reasons, and Anticipated Environmental Results.

11.2 Submissions

- 11.2.1 There was 1 submission point, which requested a new Method in the Subdivision chapter, 3 submission points that requested amendments to the Principal Reasons, and 1 submission point requested that Anticipated Environmental Result SUB-AER6 be retained as notified.

11.3 Reporting planner's recommendations (s42A report)

SUB - Methods

- 11.3.1 Hatuma Lime (S98.024) sought an additional method in the SUB – Subdivision chapter to achieve the outcome of including an information layer held by Council on the GIS or PDP maps to show the extent of the Maharakeke Road quarry operated by Hatuma Lime. They did not offer any specific wording for the new method.
- 11.3.2 As the reporting planner has not recommended that any provisions in the Subdivision chapter be added or amended to refer specifically to Hatuma Lime or the Maharakeke Road Quarry, the reporting planner considered that there is no justification for adding a new method, as requested by the submitter.

Principal Reasons

- 11.3.3 Kāinga Ora (S129.125) sought an amendment to paragraph 2 of the SUB – Principal Reasons, consistent with their other submission points.
- 11.3.4 On the basis of her recommendation to reject Kāinga Ora's request (S129.098) to amend Standard SUB-S1 (to only refer to minimum vacant lot sizes for the urban zones), the reporting planner did not support their request to amend the Principal Reasons to refer to minimum lot size standards 'for vacant lot subdivision'.
- 11.3.5 Silver Fern Farms (S116.027) requested that the last paragraph of the Principal Reasons be amended to refer to 'rural industrial activities' and to the upgrade or expansion (as well as operation) of existing activities. Transpower (S79.076) requested that the last paragraph be retained as notified.
- 11.3.6 On the basis of the recommendations in this report, to amend Policy SUB-P16 and Assessment Matter SUB-AM11 to include reference to 'Rural Industry', the reporting planner concurred that it was appropriate to include reference to 'rural industry' in the Principal Reasons.
- 11.3.7 OBJ 17 of the RPS referred to 'existing activities (including their expansion)'. The reporting planner therefore considered that it would be appropriate to amend the last paragraph of the Principal Reasons to refer to existing activities being able to continue to operate, upgrade or expand. However, the reporting planner considered that the wording should be amended further to make it clear that it only related to existing activities being able to 'legally' continue to operate, upgrade or expand.

- 11.3.8 On the basis of the assessment of the matters raised by submitters in Section 13.3 above, the reporting planner recommended the following amendment(s) are made to the SUB – Subdivision chapter provisions:

Principal Reasons

The principal reasons for adopting the policies and methods:

[...]

Inappropriately designed or located subdivision has potential to create reverse sensitivity effects, particularly when it provides for the establishment of sensitive activities (e.g. residential and lifestyle development) close to existing primary production activities, **rural industry**, industrial activities, public works, network utility operations and renewable electricity generation sites. Such effects can significantly affect the ability of the existing activities to continue to **legally** operate, **upgrade or expand** (e.g. through complaints about noise and odour). Therefore, recognising and avoiding reverse sensitivity effects when planning for subdivision and land use development will provide for the continued efficient and effective operation of existing activities.

11.4 Evidence to the hearing

- 11.4.1 Claire Price presented expert planning evidence on behalf of Hatuma Lime at the hearing and sought additional methods. Supplementary evidence was also provided by Hatuma Lime on Maharakeke Road quarry.
- 11.4.2 Tom Anderson presented expert planning evidence on behalf of Chorus, Spark and Vodafone generally supported the methods and recommendation in the s42A report.
- 11.4.3 Michael Campbell provided expert planning evidence on behalf of Kāinga Ora at the hearing and sought to reduce the density restrictions that apply to the residential zones.

11.5 Post hearing information

- 11.5.1 The planner's right-of-reply considered the evidence of Hatuma Lime and the request for a new Method in the Subdivision chapter that requires the Council to map the full consented extent of the Maharakeke Road quarry on the PDP maps as an 'information layer only'. The reporting planner did consider that specific mapping was required in relation to the quarry and therefore did not change their position.

11.6 Evaluation and findings

SUB – Methods

- 11.6.1 The Panel disagrees with the reporting planner's recommendation to reject inclusion of an additional method in the SUB – Subdivision chapter to achieve the outcome of an information layer held by Council on the GIS or PDP maps to show the extent of the Maharakeke Road quarry operated by Hatuma Lime. The Panel considers that such information would support the consideration of potential reverse sensitivity effects for proposed subdivision in the vicinity of the quarry, in line with the objectives and policies of the PDP and RPS.
- 11.6.2 The Panel accordingly recommends that a GIS alert layer should be provided in relation to quarries.

Principal Reasons

- 11.6.3 Kāinga Ora (S129.125) sought an amendment to paragraph 2 of the SUB – Principal Reasons, consistent with their other submission points. The Panel agrees with the reporting planner's evaluation, and with her recommendation to reject Kāinga Ora's request (S129.098) to amend

Standard SUB-S1, to only refer to minimum vacant lot sizes for the urban zones. The Panel do not support Kāinga Ora's request to amend the Principal Reasons to refer to minimum lot size standards 'for vacant lot subdivision'.

- 11.6.4 Silver Fern Farms (S116.027) requested that the last paragraph of the Principal Reasons be amended to refer to 'rural industrial activities' and to the upgrade or expansion (as well as operation) of existing activities. Transpower (S79.076) requested that the last paragraph be retained as notified.
- 11.6.5 The Panel agrees with the reporting planner and, given the recommendations in this report, to amend Policy SUB-P16 and Assessment Matter SUB-AM11 to include reference to 'Rural Industry'. The Panel concurs that it is appropriate to include reference to 'rural industry' in the Principal Reasons, given that Objective 17 of the Hawkes Bay RPS refers to 'existing activities (including their expansion)'. The Panel agrees with the reporting planner that the wording should be amended further to make it clear that it only relates to existing activities being able to 'legally' continue to operate, upgrade or expand.

12 Key Issue 11 – Remaining Matters

12.1 Proposed plan Provisions

- 12.1.1 This key issue addresses the remaining matter relating to subdivision.

12.2 Submissions

- 12.2.1 Jason Woodyard (S15) requested the ability to transfer titles within the CHB District.

12.3 Reporting planner's recommendations (s42A report)

- 12.3.1 Jason Woodyard sought to have the ability to relocate/transfer 'titles' from 'less desirable locations to areas that have better infrastructure and location to support residential intensification'. The reporting planner stated that she understood that this would effectively allow a subdivision entitlement to be transferred to an area where there would be no equivalent right to subdivide. She considered it would be useful for the submitter to provide further clarification of this at the hearing of how he sees the transferrable title regime working, and details of what 'other regions' he was referring to.
- 12.3.2 The reporting planner assumed that it was the transfer of Records of Title for land that the submission related to. If that was the case, the transfer of records of title was regulated by the Land Transfer Act 2017, not the Resource Management Act 1991 (RMA). The RMA only provides for the transfer of coastal permits, water permits and discharge permits, and not land use consents.
- 12.3.3 Given the uncertainty of what the submitter was requesting, and the potential outcomes, the reporting planner recommended that the submission point be rejected.

12.4 Evidence to the hearing

- 12.4.1 No specific evidence was provided on this key issue at the hearing.

12.5 Post hearing information

- 12.5.1 The reporting planner's right-of-reply did not address any remaining matters and no additional information was provided.

12.6 Evaluation and findings

- 12.6.1 The Panel agrees with the reporting planner that given the uncertainty of what the submitter is requesting, and the potential outcomes, the Panel recommends that the submission point be rejected.

PART C – SUMMARY OF RECOMMENDATIONS

13 Summary of recommendations

- 13.1.1 A summary table of recommended decisions against each submission point is
- 13.1.2 included as Appendix B.
- 13.1.3 A tracked changes version of recommended amendments is included as Appendix A.

14 Consequential amendments and minor errors

- 14.1.1 Schedule 1, cl16(2), allows minor and inconsequential amendments to be made to the PDP. The Panel has made minor amendments to SUB-P2, SUB-S2 and S3 and SUB-AM7.

Appendix A – Chapter SUB as amended

SUBDIVISION

SUB – Subdivision

Introduction

The RMA identifies subdivision as a category of activity distinct from land use activities. It is a process of dividing a parcel of land or a building into one or more further parcels or changing an existing boundary location. The definition of the subdivision of land in section 218 of the RMA includes cross-leases, company lease and unit title developments, and long-term leases (35 years or more). It produces a framework of land ownership which assists land use development, activity and conservation.

Subdivision provides an important framework for managing land development, including the provision of roading, water supply, sewage disposal, energy, telecommunication, stormwater and trade waste services, which can be achieved through conditions of subdivision consent. Council also invokes various bylaws covering connections to its reticulated water supply, stormwater and wastewater networks etc.

While subdivision itself does not alter the way land is used, the creation of new parcels of land is almost always accompanied by expectations of associated land development (e.g. a dwelling on a new residential or rural lot). Subdivision is, therefore, one of the primary mechanisms for facilitating new development and growth in the District, and if managed appropriately, it can contribute positively to the wellbeing of the District. Subdivision facilitates the provision of housing, social and community facilities, industry, commerce and primary production by enabling ownership of and investment in land and buildings.

However, potential adverse effects of subdivision can include:

- the inefficient use of finite resources, including the loss of highly productive land through urbanisation and inappropriate rural development;
- the consequential physical effects of earthworks and vegetation clearance associated with the construction of building platforms, recontouring and provision of infrastructure, including roads, driveways and footpaths, and associated changes to stormwater runoff patterns, water quality and potential adverse effects on visual amenity, natural features and landscapes, and ecological values;
- increased demand for infrastructure and services;
- damaging or destroying sites of cultural and heritage value;
- degrading amenity values that people enjoy;
- increasing risks posed by natural hazards;
- adversely affecting people's health and safety;
- degrading the natural character of the coastal environment, wetlands, lakes and rivers and their margins;
- degrading the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;

- adversely affecting the integrated, safe, responsive, and sustainable operation of the land transport network, including the state highway network;
- reverse sensitivity, where new sensitive activities established through subdivision could potentially constrain existing uses nearby; and
- increased risk of the operation of infrastructure being unreasonably compromised.

If the adverse effects are avoided or mitigated and the subdivision is carried out in a sustainable way the overall effects are likely to be beneficial.

Issues

SUB-I1 Lot Size and Dimension

~~The need for lots of a sufficient size and dimension to accommodate activities allowed by the area-specific and district-wide rules~~Where not appropriately managed, subdivision can result in establishment of new lots which are of a size and dimension unable to accommodate land use activities anticipated within the zone.

Explanation

Subdivision of land needs to create lots that are of an appropriate size to accommodate the variety of land use activities ~~that are allowed by provided for within~~ the zones ~~and district-wide rules~~ in the District Plan. They also need to be of a size and shape that enable ~~land development to~~ the avoidance, remediate~~ion~~ or mitigate~~ion~~ of potential adverse effects of development on natural, physical, cultural and heritage resources; ~~, and that is compatible with the anticipated character~~ maintain or enhance landscape and amenity values of each zone; and avoid or mitigate any potential reverse sensitivity effects in the area where they are located.

Commented [A1]: S129.064 Kainga Ora – Subdivision Report 5D, Key Issue 4

SUB-I2 Servicing

~~Subdivision usually requires~~ The ability to accommodate proposed or anticipated land development may be limited and could result in adverse effects on the environment where the necessary access to roading, telecommunication, electricity, water, sewage wastewater and stormwater services ~~is not provided through subdivision to enable future owners of the land to carry out their planned activities.~~

Explanation

Subdivisions usually result in intensified land use, involving a full range of services. Good subdivision design includes roading and access routes that work efficiently and safely for both vehicles and pedestrians.

Water supply and sewage/stormwater disposal services may connect to existing reticulation networks or be developed as self-contained services for each subdivision by the subdivider, or alternatively be developed at a later date by owners of each individual site within a subdivision.

Commented [A2]: S129.065 Kāinga Ora – Subdivision Report 5D, Key Issue 4

The proliferation of individual water supply, effluent disposal and stormwater systems can result in water contamination, flooding, or land instability in certain terrain. Subdivisions, where possible, should connect to existing reticulation systems.

SUB-I3 Natural Hazards

Establishment of new lots in areas of natural hazards can directly or indirectly increase and/or exacerbate risk to people and property. The potential effects of natural hazards on lots created by subdivision.

Explanation

Section 106 of the RMA enables the Council to refuse subdivision applications, or to grant subdivision consent subject to conditions, where the Council considers that there is a significant risk from natural hazards (considering likelihood of the natural hazard occurring, the material damage that would result, and any likely subsequent use of the land that would accelerate, worsen, or result in material damage). The RMA states that the Council must not grant a subdivision consent unless those adverse effects can be avoided, remedied, or mitigated.

The limitations of land and the possible effects of natural hazards, including geotechnical constraints, need to be taken into account in the design and implementation of subdivisions.

Objectives

SUB-O1 Subdivision of land ~~that~~ is consistent with the objectives and policies of the relevant zones and district-wide matters in the District Plan, including those relating to:

1. safeguarding the rural land resource of Central Hawke's Bay District from inappropriate subdivision (RLR – Rural Land Resource provisions in the District Plan);
2. the protection of areas identified as Outstanding Natural Landscapes and Features, Significant Natural Areas, areas of significant indigenous vegetation and significant habitats of indigenous fauna, and High Natural Character Areas from the adverse effects of inappropriate subdivision (NFL – Natural Features and Landscapes, ECO – Ecosystems and Indigenous Biodiversity, CE – Coastal Environment provisions in the District Plan);
3. the protection of historic heritage from the adverse effects of inappropriate subdivision, including historic heritage items, and sites and areas of significance to Māori (HH – Historic Heritage and SASM – Sites and Areas of Significance to Māori provisions in the District Plan);
4. managing adverse effects of inappropriate subdivision on Significant Amenity Features that contribute to the character

Commented [A3]: S129.066 Kāinga Ora – Subdivision Report 5D, Key Issue 4

Commented [A4]: S129.067 Kāinga Ora – Subdivision Report 5D, Key Issue 5

- and amenity values of the areas (NFL – Natural Features and Landscapes provisions in the District Plan);
5. managing adverse effects of inappropriate subdivision on the maintenance and enhancement of public access to and along the coast and the margins of lakes and rivers (CE – Coastal Environment and PA – Public Access provisions in the District Plan); and
 6. promoting sustainable subdivision and building (SSB – Sustainable Subdivision and Building provisions in the District Plan).

SUB-O2 Lots created by subdivision are physically suitable for a range of land use activities the types of development intended and anticipated allowed by the relevant zone provisions rules of the District Plan.

Commented [A5]: S105.012 James Bridge, S129.068 Kāinga Ora – Subdivision Report 5D, Key Issue 5

SUB-O3 The provision of appropriate services and network utilities are provided to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure that are compatible with the anticipated purpose, character and amenity of each zone, and provide for the health and safety of people and communities, and the maintenance or enhancement of amenity values.

Commented [A6]: S117.058 Chorus, S118.058 Spark, S119.058 Vodafone, FS15.001, FS15.002, FS15.003 FENZ and S129.069 Kāinga Ora – Subdivision Report 5D, Key Issue 5

SUB-O4 Reverse sensitivity effects of subdivision and its resulting future land use activities on existing lawfully established activities (including network utilities) are avoided where practicable, or mitigated where avoidance is not practicable.

Commented [A7]: S117.059 Chorus, S118.059 Spark, S119.059 Vodafone Subdivision Report 5D, Key Issue 5

Commented [A8]: S129.070 Kāinga Ora – Subdivision Report 5D, Key Issue 5

SUB-O5 Avoidance of subdivision in localities where there is a significant risk of material damage from natural hazards on land or structures, including in relation to any likely subsequent use of the land, unless these can that cannot be remedied or mitigated without significant adverse effects on the environment.

Commented [A9]: Clause 16(2) of the First Schedule of the RMA. - Subdivision Key Issue 5

Policies

SUB-P1 To establish standards for minimum lot sizes for each zone in the District to deliver lots that are of an appropriate size and shape to accommodate those activities reasonably anticipated within the zone, and to provide for a range of lot sizes.

Commented [A10]: Kāinga Ora (S129.072) Subdivision Report 5D Key Issue 6

SUB-P2 To provide for allow the subdivision of land to create additional in-situ Lifestyle Sites where it is in conjunction with the legal and physical protection in perpetuity of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including Significant Natural Areas identified in ECO-SCHED5), sites and areas of significance to Māori (identified in SASM-SCHED3), and historic heritage items (identified in HH-SCHED2).

Commented [A11]: Clause 16(2) of the First Schedule of the RMA - Subdivision Report 5D Key Issue 6

SUB-P3

To ~~proviude for allow~~ the creation of lots of ~~variousany~~ sizes and ~~dimensions for special purposes~~ for public works, network utility operations, renewable electricity generation, reserves and access.

Commented [A12]: Kāinga Ora (S129.074) Subdivision Report 5D Key Issue 6

SUB-P4

To integrate subdivision with the existing land transport network in an efficient manner ~~which reflects expected traffic levels and the safe and convenient management of vehicles and pedestrians that provides for the safety and convenience of vehilces, cyclists and pedestrians.~~

Commented [A13]: S129.075 Kāinga Ora – Subdivision Report 5D, Key Issue 6

SUB-P5

To encourage in the General Residential Zone, subdivision design that develops or uses subsidiary roads ~~or accessways~~, in order to avoid an increase in the number of direct access crossings onto ~~arterial roads classified Urban Connectors, Main Streets, Civic Spaces, or Activity Streets,~~ for traffic safety purposes.

Commented [A14]: S129.076 Kāinga Ora – Subdivision Report 5D, Key Issue 6

Commented [A15]: S104.015 CHBDC, Report 7C Transport, Key Issue 2

SUB-P6

To ensure upon subdivision or development, that all new lots or buildings are provided with a connection to a reticulated water supply, reticulated public sewerage system, and a reticulated stormwater system, where such adequate reticulated systems are available.

SUB-P7

To ensure ~~an alternative method of water supply wastewater disposal and stormwater disposal is provided for each new lot, where they are unable to connect to reticulated supplies or disposal systems, that where sites are not connected to a reticulated public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each lot for an alternative method of water supply, or method of wastewater disposal and/or stormwater disposal is provided for each lot with sufficient capacity to support development reasonably anticipated within the zone, and which can protects the health and safety of residents and avoids or mitigates adverse effects on the environment.~~

Commented [A16]: S129.078 Kāinga Ora, FS15.004 FENZ – Subdivision Report 5D, Key Issue 6

SUB-P8

To encourage ~~inneovative~~ subdivision design consistent with the ~~maintenance of purpose, character and amenity values of the zone provisions.~~

Commented [A17]: S129.079 Kāinga Ora, FS15.004 FENZ – Subdivision Report 5D, Key Issue 6

SUB-P9

To encourage the incorporation of public open space and plantings ~~(particularly natives)~~ within subdivision design for amenity purposes.

Commented [A18]: S11.025 HBRC - Subdivision Report 5D, Key Issue 6

SUB-P10

To provide ~~or further develop~~ pedestrian, ~~cycling~~ and amenity linkages ~~between subdivisions and their surrounding areas where it is consistent with the objectives and policies of the zone, and where opportunities existuseful linkages can be achieved or further developed.~~

Commented [A19]: S11.026 HBRC, S129.081 Kāinga Ora - Subdivision Report 5D, Key Issue 6

SUB-P11 To ensure that roads and any vehicle access to lots provided within a subdivision are appropriately designed and constructed to allow for safe and efficient traffic movements likely to be generated from development of the lots sites are suitable for the activities likely to establish within the subdivision and are compatible with the design and construction standards of roads in the District which the site is required to be connected to.

Commented [A20]: S129.082 Kāinga Ora – Subdivision Report 5D, Key Issue 6

SUB-P12 To avoid or mitigate any adverse visual and physical effects of subdivision and development on the environment, including the appropriate underground reticulation of energy and telecommunication lines in order to protect the visual amenities of the area.

Commented [A21]: Chorus (S117.062), Spark (S118.062) and Vodafone (S119.02), S90.034 Centralines, S129.083 Kāinga Ora – Subdivision Report 5D, Key Issue 6, and clause 16(2) of the First Schedule of the RMA.

SUB-P13 To ensure that land being subdivided, including any potential structure on that land, is not subject to significant risk of material damage by the effects of natural hazards, including flooding, inundation, erosion, subsidence or slippage and earthquake faults.

SUB-P14 To ensure that any mitigation measures used to manage significant risk from natural hazards (including coastal hazards such as storm surge, tsunami and coastal inundation) do not have significant adverse effects on the environment.

Commented [A22]: S129.085 Kāinga Ora – Subdivision Report 5D, Key Issue 6

SUB-P15 To ensure that earthworks associated with constructing vehicle access, building platforms or services on land being subdivided will not detract from the visual amenities of the area, or have significant adverse environmental effects, such as dust, or result in the modification, damage or destruction of heritage items, archaeological sites or sites and areas of significance to Māori, cause natural hazards, or increase the risk of natural hazards occurring.

Commented [A23]: S129.086 Kāinga Ora – Subdivision Report 5D, Key Issue 6: Objectives, and clause 16(2) of the First Schedule of the RMA.

SUB-P16 To avoid where practicable, or otherwise mitigate, potential reverse sensitivity effects of sensitive activities (particularly residential and lifestyle development) establishing near existing primary production activities, including intensive primary production activities, rural industry, or industrial activities and/or existing public works network utilities.

Commented [A24]: S116.022 Silver Fern Farms, S42.023 NZ Pork – Subdivision Report 5D, Key Issue 6

SUB-P17 To ensure, to the extent practicable reasonably possible, subdivisions are designed to that takes into account the location of avoid reverse sensitivity effects of future land use activities on regionally significant infrastructure, network utilities, renewable electricity generation sites and other lawfully established activities, and ensures that the operation, maintenance and upgrading of regionally significant infrastructure and other network utilities is not compromised that future land use activities will not result in reverse sensitivity effects.

SUB-P18 To ensure, to the extent practicable, subdivision design that ensures that resulting land use activities (including building platforms) will not affect the operation, maintenance and upgrading of regionally significant infrastructure and other network utilities.

Commented [A25]: S79.074 and S79.075 Transpower – Subdivision Report 5D, Key Issue 1

Note: Refer to the objectives and policies in PA – Public Access relating to the establishment of esplanade reserves, esplanade strips or access strips when subdividing land along the margins of rivers, lakes and along the coast.

Rule Overview Table

Use/activity	Rule Number
Subdivision not otherwise provided for	SUB-R1
Subdivision to create freehold title from existing cross-lease title	SUB-R2
Subdivision for special purposes	SUB-R3
Boundary adjustments	SUB-R4
Subdivision to create a Lifestyle Site(s)	SUB-R5
Subdivision to create a Conservation Lot	SUB-R6
Subdivision to create a Lifestyle Site(s) in association with the creation of a Conservation Lot	SUB-R7

Rules

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for certain subdivisions, including TRAN – Transport, HH – Historic Heritage, ECO – Ecosystems & Indigenous Biodiversity, and PA – Public Access.

In particular, earthworks facilitating provision of access and building platforms have the potential to result in adverse effects and are to be managed. Provisions relating to earthworks are contained in the EW – Earthworks chapter and may generate a requirement for land use consent.

SUB-R1 Subdivision not otherwise provided for

All Zones

1. Activity Status: CON

Where the following conditions are met:

- Compliance with SUB-S1.
- The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:
 - HH-SCHED2.
 - SASM-SCHED3.
 - ECO-SCHED5.
 - ONL or ONF within NFL-SCHED6.
 - CE-SCHED7.
- Compliance with:
 - SUB-S4(1);
 - SUB-S5;
 - SUB-S6;
 - SUB-S7(1) and SUB-S7(2);
 - SUB-S8; and
 - SUB-S9.
- Compliance with:
 - SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and
 - SUB-S4(4) and SUB-S4(5) Gas Transmission Network.
- The land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.
- Compliance with SUB-S7(3)

2. Activity status where compliance with conditions SUB-R1(1)(c) and/or SUB-R1(1)(e) is not achieved: RDIS

Matters over which discretion is restricted:

- SUB-AM1.
- SUB-AM2.
- SUB-AM3.
- SUB-AM4.
- SUB-AM5.
- SUB-AM6.
- SUB-AM7.
- SUB-AM8.
- SUB-AM9.
- SUB-AM10.
- SUB-AM19.

3. Activity status where compliance with condition SUB-R1(1)(b) is not achieved: RDIS

Matters over which discretion is restricted:

- SUB-AM1.
- SUB-AM2.
- SUB-AM3.
- SUB-AM4.
- SUB-AM5.
- SUB-AM6.
- SUB-AM7.
- SUB-AM8.
- SUB-AM9.
- SUB-AM10.
- SUB-AM16.
- SUB-AM19.
- SUB-AM22XX.

34. Activity status where compliance with conditions SUB-R1(1)(a) and/or SUB-

Commented [A30]: S129.090 Kainga Ora – Subdivision Report 5D, Key Issue 7

Commented [A31]: Consequential amendment - S114.001, S114.003 CHBDC - Report 6A Mapping & Rezoning, Rezoning Request 23

Commented [A26]: S114.001 CHBDC, Report 6A Mapping & Rezoning, Rezoning Request 23

Commented [A32]: Consequential amendment - S129.123 Kainga Ora – Subdivision Report 5D, Key Issue 7

Commented [A33]: Consequential amendment - S114.004, S114.005, S114.006, S114.007 CHBDC, Report 6A Mapping & Rezoning, Rezoning Request 23

Commented [A34]: S129.090 Kainga Ora – Subdivision Report 5D, Key Issue 7

Commented [A35]: Consequential amendment - S129.123 Kainga Ora – Subdivision Report 5D, Key Issue 7

Commented [A27]: S129.090 Kainga Ora – Subdivision Report 5D, Key Issue 7

Commented [A28]: S114.001 CHBDC, Report 6A Mapping & Rezoning, Rezoning Request 23

	<p>Matters over which control is reserved:</p> <p>f.g. SUB-AM1. g.h. SUB-AM2. h.i. SUB-AM3. i.j. SUB-AM4. j.k. SUB-AM5. k.l. SUB-AM6. l.m. SUB-AM7. m.n. SUB-AM8. n.o. SUB-AM9 o.p. SUB-AM10. p.q. SUB-AM19.</p>	<p>R1(1)(f) and/or SUB-R1(1)(b) is not achieved: DIS</p> <p>45. Activity status where compliance with condition SUB-R1(1)(d) is not achieved: NC</p>
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- Commented [A36]:** S114.003 CHBDC, Report 6A Mapping & Rezoning, Rezoning Request 23

Commented [A37]: S129.090 Kāinga Ora and S105.014 James Bridge, and S129.090 Kāinga Ora – Subdivision Report 5D, Key Issue 7

Commented [A38]: Kainga Ora S129.097 - Subdivision Report 5D Key Issue 7
- Commented [A29]:** S114.001, S114.003 CHBDC, Report 6A Mapping & Rezoning, Rezoning Request 23

SUB-R2 Subdivision to create freehold title from existing cross-lease title		
General Residential Zone	<p>1. Activity Status: CON</p> <p>Where the following conditions are met: N/A</p> <p>Matters over which control is reserved:</p> <p>a. Whether the proposed lot boundaries align with exclusive use area boundaries on the cross-lease plan.</p> <p>b. Where no exclusive use areas are shown on the cross-lease plan, whether the proposed lot boundaries align with the exclusive and established pattern of occupation associated with the existing underlying development.</p> <p>c. Whether easements are required to protect services.</p>	<p>2. Activity status where compliance not achieved: N/A</p>

	<i>Note: The standards in SUB-S1 to SUB-S9 do not apply.</i>	
All Other Zones		3. SUB-R1 applies
SUB-R3 Subdivision for special purposes		
All Zones	1. Activity Status: CON	2. Where compliance with condition SUB-R3(1)(a) is not achieved: SUB-R1 applies
	Where the following conditions are met:	
	<ul style="list-style-type: none"> a. Limited to creation of lots of any size for public works, network utilities, renewable electricity generation activities, reserves, roads, and access. b. Compliance with: <ul style="list-style-type: none"> i. SUB-S4(1); ii. SUB-S5; iii. SUB-S6; iv. SUB-S7; v. SUB-S8; and vi. SUB-S9. c. Compliance with: <ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. 	3. Activity status where compliance with condition SUB-R3(1)(b) is not achieved: RDIS Matters over which discretion is restricted: <ul style="list-style-type: none"> a. SUB-AM1. b. SUB-AM2. c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. k. SUB-AM14.
	Matters over which control is reserved:	
	<ul style="list-style-type: none"> d. Whether the lot is of sufficient area and dimensions to facilitate the intended use of the site. e. A Consent Notice may be registered on the Certificate of Title to 	4. Activity status where compliance with condition SUB-R3(1)(c) is not achieved: NC

	any special purpose site, pursuant to section 221 of the RMA, requiring enforcement of a condition that, in the event that the site is no longer required for a special purpose, the site be amalgamated with an adjoining site, unless it is a fully complying lot for the respective zone.	
SUB-R4 Boundary adjustments		
All Zones	1. Activity Status: CON	2. Where compliance with condition SUB-R4(1)(a) is not achieved: SUB-R1 applies
	Where the following conditions are met:	
	a. Limited to:	
	i. No site area is changed by more than 10% of its original area. ii. <u>No existing complying site that complies with the relevant subdivision standards is rendered non-complying with the standards, and no existing site not complying with the relevant subdivision standards is rendered more non-complying with the standards, by the</u>	3. Activity status where compliance with condition SUB-R4(1)(c) is not achieved: RDIS Matters over which discretion is restricted: <ol style="list-style-type: none"> SUB-AM1. SUB-AM2. SUB-AM3. SUB-AM4. SUB-AM5. SUB-AM6. SUB-AM7. SUB-AM8. SUB-AM9. SUB-AM10.
		4. Activity status where compliance with condition SUB-R4(1)(b) is not achieved: RDIS Matters over which discretion is restricted:

	<p><u>boundary adjustment.</u></p> <p>iii. No dwelling is severed from its existing site.</p> <p>b. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:</p> <p>i. HH-SCHED2.</p> <p>ii. SASM-SCHED3.</p> <p>iii. ECO-SCHED5.</p> <p>iv. ONL or ONF in NFL-SCHED6.</p> <p>v. CE-SCHED7.</p> <p>c. Compliance with:</p> <p>i. SUB-S4(1);</p> <p>ii. SUB-S5;</p> <p>iii. SUB-S6;</p> <p>iv. SUB-S7;</p> <p>v. SUB-S8; and</p> <p>vi. SUB-S9.</p> <p>d. Compliance with:</p> <p>i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and</p> <p>ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</p> <p>Matters over which control is reserved:</p> <p>e. Legal and physical access to and from lots affected by the boundary adjustment.</p> <p>f. Whether each lot has connections to services.</p> <p>g. Whether the lots are of sufficient size, design, and layout to</p>	<p>a. SUB-AM16.</p> <p>b. SUB-AM22XX.</p> <p>5. Activity status where compliance with condition SUB-R4(1)(d) is not achieved: NC</p>
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	<p>provide for the existing or permitted activity development potential resulting from the reconfigured layout.</p> <p>h. <u>Protection, maintenance or enhancement of natural features and landforms, significant natural area (ECO-SCHED5), historic heritage item (HH-SCHED2), or any identified wāhi tapu, wāhi taonga or site of significance (SASM-SCHED3).</u></p> <p>i.h. The relationship of the proposed lots within the site and their compatibility with the pattern of adjoining subdivision or land use activities.</p>	
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SUB-R5 Subdivision to create a Lifestyle Site(s) (not in association with the creation of a Conservation Lot)

General Rural Zone (outside of the Coastal Environment Area)	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. Only one lifestyle site can be created.</p> <p>ii. <u>A site is only eligible to be subdivided to create a lifestyle site 3 years after the subject title was created, and then once every 3 years after</u></p>	<p>2. Activity status where compliance with conditions <u>SUB-R5(1)(f) and/or SUB-R5(1)(d) and/or SUB-R5(1)(f)</u> is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. SUB-AM1.</p> <p>b. SUB-AM2</p> <p>c. SUB-AM3.</p> <p>d. SUB-AM4.</p> <p>e. SUB-AM5.</p> <p>f. SUB-AM6.</p> <p>g. SUB-AM7.</p> <p>h. SUB-AM8.</p> <p>i. SUB-AM9.</p>

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that once every 3 years, and at least 3 years has elapsed from the date the subject title was created.

- j. SUB-AM10.
- k. SUB-AM11.
- l. SUB-AM12.
- m. SUB-AM13.

iii. The minimum site area for the balance lot is 20 hectares.

b. Compliance with SUB-S2(1) and SUB-S2(2).

c. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:

- i. HH-SCHED2.
- ii. SASM-SCHED3.
- iii. ECO-SCHED5.
- iv. ONL or ONF in NFL-SCHED6.
- v. CE-SCHED7.

d. Compliance with:

- i. SUB-S4(1);
- ii. SUB-S5;
- iii. SUB-S6;
- iv. SUB-S7;
- v. SUB-S8; and
- vi. SUB-S9.

e. Compliance with:

- i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and
- ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.

f. The land being subdivided is not located within a Natural Hazard area

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	<p><u>identified on the Planning Maps.</u></p> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> g. SUB-AM1. h. SUB-AM2 i. SUB-AM3. j. SUB-AM4. k. SUB-AM5. l. SUB-AM6. m. SUB-AM7. n. SUB-AM8. o. SUB-AM9. p. SUB-AM10. q. SUB-AM11. r. SUB-AM13. 	
		<p><u>3. Activity status where compliance with condition SUB-R5(1)(c) is not achieved: RDIS</u></p> <p><u>Matters over which discretion is restricted:</u></p> <ul style="list-style-type: none"> a. SUB-AM16. b. SUB-AM22XX.
		<p><u>34. Activity status where compliance with conditions SUB-R5(1)(a), and/or SUB-R5(1)(b) and/or SUB-R5(1)(e) is not achieved: DIS</u></p>
		<p><u>45. Activity status where compliance with condition SUB-R5(1)(e) is not achieved: NC</u></p>
Rural Production Zone	<p>56. Activity Status: CON</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Limited to: <ul style="list-style-type: none"> i. The lifestyle site is based around an existing 	<p>67. Activity status where compliance with conditions SUB-R5(56)(d) and/or SUB-R5(6)(f) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p>

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	residential unit on a site that has a net site area less than 12 hectares.	a. SUB-AM1 b. SUB-AM2 c. SUB-AM3. d. SUB-AM4. e. SUB-AM5.
ii.	No additional sites are created (amalgamation of the balance lot is required).	f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10.
iii.	The newly amalgamated sites are adjoining and combine to a net site area greater than 12 hectares.	k. SUB-AM11. l. SUB-AM12. m. SUB-AM13.
iv.	The newly amalgamated lot contains no more than two residential units.	8. Activity status where compliance with condition SUB-R5(56)(c) is not achieved: RDIS
b.	Compliance with:	Matters over which discretion is restricted:
i.	SUB-S2(3) and SUB-S2(4).	a. SUB-AM16. b. SUB-AM22XX.
c.	The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:	97. Activity status where compliance with conditions SUB-R5(5)(a) and/or SUB-R5(5)(c) is not achieved: DIS
i.	HH-SCHED2.	9. Activity status where compliance with conditions SUB-R5(56)(a) and/or SUB-R5(56)(b) and/or SUB-R5(56)(e) is not achieved: NC
ii.	SASM-SCHED3.	
iii.	ECO-SCHED5.	
iv.	ONL or ONF in NFL-SCHED6.	
v.	CE-SCHED7.	
d.	Compliance with:	
i.	SUB-S4(1);	
ii.	SUB-S5;	
iii.	SUB-S6;	
iv.	SUB-S7;	
v.	SUB-S8; and	
vi.	SUB-S9.	
e.	Compliance with:	
i.	SUB-S4(2) and SUB-S4(3)	

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Commented [A51]: S116.023 Silver Fern Farms, Report 3B, Rural, Key Issue 11

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Commented [A53]: S116.023 Silver Fern Farms, Report 3B, Rural, Key Issue 11

	<p>National Grid Subdivision Corridor; and</p> <p>ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</p> <p>f. <u>The land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.</u></p> <p>Matters over which control is reserved:</p> <p>g. SUB-AM1.</p> <p>h. SUB-AM2</p> <p>i. SUB-AM3.</p> <p>j. SUB-AM4.</p> <p>k. SUB-AM5.</p> <p>l. SUB-AM6.</p> <p>m. SUB-AM7.</p> <p>n. SUB-AM8.</p> <p>o. SUB-AM9.</p> <p>p. SUB-AM10.</p> <p>q. SUB-AM11.</p> <p>r. SUB-AM12.</p> <p>s. SUB-AM13.</p>	
General Rural Zone (Coastal Environment Area)	<p>10. Activity Status: DIS</p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <p>i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and</p> <p>ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</p>	<p>11. Activity status where compliance with condition SUB-R5(910)(a) is not achieved: NC</p>
SUB-R6 Subdivision to create Conservation Lots in association with the protection of:		

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- an area of significant indigenous vegetation and/or significant habitats of indigenous fauna (including sites listed in ECO-SCHED5).
- historic heritage items listed in HH-SCHED2.
- wāhi tapu, wāhi taonga or site or area of significance listed in SASM-SCHED3.

All Zones	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <ul style="list-style-type: none"> i. SUB-S4(1); ii. SUB-S5; iii. SUB-S6; iv. SUB-S7; v. SUB-S8; and vi. SUB-S9. <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> c. SUB-AM1. d. SUB-AM2 e. SUB-AM3. f. SUB-AM4. g. SUB-AM5. h. SUB-AM6. i. SUB-AM7. j. SUB-AM8. k. SUB-AM9. l. SUB-AM10. m. SUB-AM15. 	<p>2. Activity status where compliance with condition SUB-R6(1)(a) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM1. b. SUB-AM2 c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. k. SUB-AM15. <p>3. Activity status where compliance with condition SUB-R6(1)(b) is not achieved: NC</p>
SUB-R7 Subdivision to create a Lifestyle Site(s) in association with the creation of a Conservation Lot		
General Rural Zone	<p>1. Activity Status: CON</p>	<p>2. Activity status where compliance with conditions SUB-R7(1)(a) and/or SUB-</p>

Rural Production Zone	<p>Where the following conditions are met:</p> <p>a. One lifestyle lot can be created, where the Conservation Lot is associated with the protection of:</p> <ul style="list-style-type: none"> i. minimum 5000m² of an area of significant indigenous vegetation and/or significant habitats of indigenous fauna (including sites listed in ECO-SCHED5), or ii. historic heritage items listed in HH-SCHED2 that cannot, or is not intended to be used for, a residential activity, or iii. wāhi tapu, wāhi taonga or site or area of significance listed in SASM-SCHED3, and iv. the whole of the feature within the Conservation Lot will be physically and legally protected in perpetuity. <p>b. A second lifestyle lot can be created where:</p> <ul style="list-style-type: none"> i. the total area of the feature to be protected is 9 hectares or more, and 	<p>R7(1)(b) is not achieved: SUB-R5 applies</p> <p>3. Activity status where compliance with conditions SUB-R7(1)(d) and/or SUB-R7(1)(f) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM1. b. SUB-AM2. c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. k. SUB-AM11. l. SUB-AM12. m. SUB-AM13. <p>4. Activity status where compliance with condition SUB-R7(1)(c) is not achieved: DIS</p> <p>5. Activity status where compliance with condition SUB-R7(1)(e) is not achieved: NC</p>
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- ii. the whole of the feature within the Conservation Lot will be physically and legally protected in perpetuity.
- c. Compliance with SUB-S3.
- d. Compliance with:
 - i. SUB-S4(1);
 - ii. SUB-S5;
 - iii. SUB-S6;
 - iv. SUB-S7;
 - v. SUB-S8; and
 - vi. SUB-S9.
- e. Compliance with:
 - i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and
 - ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.
- f. That land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.

Matters over which control is reserved:

- g. SUB-AM1.
- h. SUB-AM2
- i. SUB-AM3.
- j. SUB-AM4.
- k. SUB-AM5.
- l. SUB-AM6.
- m. SUB-AM7.
- n. SUB-AM8.
- o. SUB-AM9.
- p. SUB-AM10.
- q. SUB-AM15.

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Standards

SUB-S1 Minimum Net Site Area (excluding Lifestyle Sites and Conservation Lots)

General Residential Zone	<p>1. Where public sewerage reticulation is available:</p> <p>a. 350m² (except within the Waipukurau South Precinct).</p> <p>a.b. 500m² within the Waipukurau South Precinct.</p> <p>2. Where public sewerage reticulation is not available – 1000m².</p>
Commercial Town Centre Zone	3. No minimum net site area applies.
General Industrial Zone	
Settlement Zone	<p>4. Where public sewerage reticulation is available – 600m².</p> <p>5. Where public sewerage reticulation is not available – 1000m².</p>
Large Lot Residential Zone (Coastal)	<p>6. Where public sewerage reticulation is available – 800m².</p> <p>7. Where public sewerage reticulation is not available:</p> <p>a. Mangakuri – 1500m².</p> <p>b. Other coastal settlements – 1000m².</p>
Rural Lifestyle Zone	8. 2500m ² , with a minimum 4000m ² average.
General Rural Zone	<p>9. 20 hectares</p> <p><i>Note: standards for subdivisions involving the creation of Lifestyle Sites in the General Rural Zone are in found in SUB-S2 below.</i></p>
Rural Production Zone	<p>10. 12 hectares</p> <p><i>Note: standards for subdivisions involving the creation of Lifestyle Sites in the Rural Production Zone are in found in SUB-S2 below.</i></p>
Conservation Lot (All Zones)	11. No minimum net site area applies.
Special Purpose Lot (All Zones)	12. No minimum net site area applies.

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Increasing the area of existing non-complying sites	13. No minimum net site area applies, provided no existing complying site is rendered non-complying by the subdivision.
SUB-S2 Minimum Net Site Area for Lifestyles Sites in General Rural Zone and Rural Production Zone (not in association with the creation of a Conservation Lot)	
General Rural Zone	1. Minimum net site area for Lifestyle Lot – 25004000m ² . 2. Maximum net site area for Lifestyle Lot – 2.5 hectares.
Rural Production Zone	3. Minimum net site area for Lifestyle Lot – 2500m ² . 4. Maximum net site area for Lifestyle Lot – 1 hectare4000m ² .
All Other Zones	5. N/A
SUB-S3 Minimum Net Site Area for Lifestyle Sites in association with the creation of a Conservation Lot	
General Rural Zone	1. Minimum net site area for Lifestyle Lot (exclusive of the area being protected) – 2500m ² .
Rural Production Zone	2. Maximum net site area for Lifestyle Lot (exclusive of the area being protected) – 4000m ² . 3. Minimum balance area: a. None, if the balance area is the Conservation Lot. b. If there is balance area exclusive of the Conservation Lot and Lifestyle Lot, the relevant minimum net site area in SUB-S1 applies.
SUB-S4 Building Platform	
General Rural Zone	1. For each lot capable of containing a residential dwelling, at least one stable building platform of 30 metres by 30 metres must be identified which is capable of (but is not limited to) containing a dwelling, a vehicle manoeuvring area and any accessory buildings, in compliance with the performance standards and performance criteria for the zone where it is located (including dwelling setbacks applicable to that zone).
Rural Production Zone	
Rural Lifestyle Zone	
Subdivision of land within the National Grid Subdivision Corridor	2. The subdivision of land in any zone within the National Grid Subdivision Corridor must be able to demonstrate that all resulting allotments are

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Commented [A62]: S50.013 The Surveying Co - Report 3B, Rural, Key Issue 11

Commented [A63]: Minor amendment pursuant to clause 16(2) of the First Schedule to the RMA

	<p>capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive activity outside of the National Grid Yard, other than where the allotments are for roads, access ways or network utilities.</p> <p>3. The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.</p>
Subdivision of land containing the Gas Transmission Network	<p>4. The subdivision of land in any zone containing the Gas Transmission Network must be able to demonstrate that all resulting allotments are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive activity that is at least 20m from the Gas Transmission Pipeline and 30m from above-ground equipment forming part of the Gas Transmission Network.</p> <p>5. The layout of allotments and any enabling earthworks must ensure that physical access is maintained to the Gas Transmission Network where it is located on the allotments, including any balance area.</p>
SUB-S5 Water Supply	
All Zones	<p>1. All new lots for any activity that will require a water supply must be connected to a public reticulated water supply, where one is available.</p> <p>2. Where the new lots will not be connected to a public reticulated water supply, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the subdivider must demonstrate how an alternative and satisfactory water supply can be provided to each lot.</p> <p><i>Note: The above does not replace regional rules which control the taking and use of groundwater and surface water. These rules must be complied with prior to the activity proceeding.</i></p> <p><u>Further advice and information about how an alternative and satisfactory firefighting water supply can be provided to each lot can be obtained from Fire</u></p>

and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.

Any lot created for a special purpose, as provided for in SUB-R3, is exempt from this standard where the lot is created for a purpose that does not require the provision of a water supply, including a firefighting water supply.

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SUB-S6 Wastewater Disposal

All Zones

1. All new lots for any activity that will create wastewater must be connected to a public reticulated wastewater disposal system, where one is available.
2. Where the new lots will not be connected to a public reticulated wastewater disposal system, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the subdivider must demonstrate how an alternative and satisfactory method of wastewater disposal can be provided for each site.

Note: The above does not replace regional rules which control the collection, treatment and disposal of wastewater to land or water. These rules must be complied with prior to the activity proceeding.

SUB-S7 Stormwater Disposal

All Zones

1. All new lots for any activity that will create stormwater must be connected to a public reticulated stormwater disposal system, where one is available.
2. Where the new lots will not be connected to a public reticulated stormwater disposal system, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the subdivider must demonstrate how an alternative and satisfactory method of stormwater disposal can be provided for each site.
3. For new lots within the Waipukurau South Precinct (WSP):

- a. Any land within the subdivision site that is within the 'Proposed Stormwater Detention Pond' area identified in Figure 10 of Appendix GRZ-APP1 - Waipukurau South Precinct (WSP) Plan, and/or any other contiguous stormwater detention pond area of a similar size and extent provided in lieu, shall be vested in the Central Hawke's Bay District Council; and
- b. All stormwater peak flows up to and including a 1 in 5 year Annual Recurrent Interval (ARI) rainfall event shall be contained within a reticulated network; and
- c. Overland flow paths for flows up to a 1 in 50 year Annual Recurrent Interval (ARI) rainfall (or greater) event shall be provided; and
- d. Stormwater discharges from the site shall achieve hydraulic neutrality at the WSP boundary for critical storm durations up to and including the 1 in 100 year Annual Recurrent Interval (ARI) peak flow; and
- a.e. All public stormwater management infrastructure and facilities, including but not limited to, pipes, wetlands, drains, streams and/or access lots/areas shall be vested in the Central Hawke's Bay District Council and/or all necessary easements created.

Notes:

- 1. ~~c~~Clause 2. of this standard does not replace regional rules which control the collection, treatment, and disposal of stormwater to land or water. These rules must be complied with prior to the activity proceeding.
- 2. In relation to clause 3(b) of this standard:
 - (i) hydraulic neutrality should be achieved through a range of measures, including a mix of individual onsite controls and community-based, larger communal attenuation devices, having regard to the principles of low impact design and supported by hydraulic modelling.

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	(ii) <u>It is anticipated that critical storm durations would be 2 and 6 hours, however, this will need to be confirmed by an appropriate engineering assessment.</u>
SUB-S8 Property Access	
All Zones	1. All new lots for any activity must have vehicular access to an existing, legal road that complies with the relevant provisions of the TRAN – Transport chapter.
SUB-S9 Road Widening	
All Zones	<ol style="list-style-type: none"> Where the existing road frontage is subject to a road widening designation, provision must be made to enable the Council to acquire such land by separately defining the parcels of land subject to the road widening designation. Where the Council does not, for whatever reason, intend to immediately acquire the parcel, the parcel must be held in conjunction with adjoining land. This will be achieved with a Consent Notice registered which ensures that the parcel of land intended for road widening purposes remains held with the adjoining land until such time as the Council requires that parcel of land.

Commented [A66]: Consequential amendment in relation to S114.003 CHBDC - Report 6A Mapping & Rezoning, Rezoning Request 23

Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

SUB-AM1 Lot Size and Dimensions

- Whether the area and dimensions of the lot(s) are sufficient to effectively fulfil the intended purpose or land use, having regard to the rules for the relevant zone.
- Whether the proposed lot sizes and dimensions are sufficient for operational and maintenance requirements and in particular the disposal of effluent on the site, where necessary.
- The relationship of the proposed lots and their compatibility with the pattern of the adjoining subdivision and land use activities, and access arrangements.

4. The effects of the proposed lot sizes and dimensions on the existing character and amenity of the area, including any cumulative effects of an increase in the density of development.

SUB-AM2 Subdivision Design

1. The size and orientation of the lots in terms of their ability to maximise the amount of sunlight dwellings will receive.
2. The layout and design of streets and the provision for and practicality of creating direct connections between roads, footpaths, walkways, cycleways, reserves (existing or proposed) and public open spaces.
3. The design, location, extent, and construction of any earthworks associated with the subdivision and development of the land.

SUB-AM3 Building Platforms

1. The local ground conditions and suitability of the site for a building, and whether development on the site should be restricted to parts of the site.
2. ~~Where a parcel of land may be subject to inundation, whether there is a need to establish minimum floor heights for buildings in order to mitigate potential damage to them.~~
- 3.2. The positioning and scale of the building platform to facilitate meeting the setback standards applying in the respective zone for buildings.

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SUB-AM4 Natural Hazards

1. Whether the land, or any potential structure on that land, will be subject to material damage by erosion, falling debris, subsidence, slippage or inundation or other natural hazard event from any source.
2. Whether there are any methods/measures available to overcome or reduce the risk of any hazard(s), and whether these methods/measures may have adverse effects on the environment.
3. Adequacy of access during and after natural hazard events.
4. In assessing the above matters, the Council will have regard to the following:
 - a. Any information held on the Council's Natural Hazard registers and the Hawke's Bay Hazards Information Portal;
 - b. Information obtained by suitably qualified experts, whose investigations are supplied for subdivision applications; and
 - c. The objectives, policies, and methods in the NH – Natural Hazards chapter of the District Plan.

SUB-AM5 Water Supply, Wastewater Disposal, Stormwater Disposal

1. The location and capacity of reticulation facilities to allow suitable servicing of the lot(s) and reasonable access for the maintenance of the facilities.
2. ~~The need for whether a local purpose reserve is needed~~ to be set aside and vested in the Council as a site for a public utility.

Commented [A68]: S129.112 Kainga Ora – Subdivision Report 5D, Key Issue 2

3. Where the lot(s) is/are not proposed to be connected to a public water supply, the ability to effectively and efficiently meet firefighting requirements and the ability to show how the lot(s) will be serviced by a water supply, for which consent has been obtained from the Hawke's Bay Regional Council (if required).
4. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.
5. Where the lot(s) is/are not proposed to be connected to a public wastewater system or public stormwater system, how the lot(s) will be serviced by an on-site wastewater and stormwater treatment and disposal system causing no environmental contamination on or beyond the subdivision site.
6. The objectives, policies, and methods in the SSB – Sustainable Subdivision and Building chapter of the District Plan.
7. The provisions of the Code of Practice for Urban Land Development and Subdivision Infrastructure (New Zealand Standard NZS 4404: 201004).
8. The provisions of the current Hastings District Council Engineering Code of Practice for the design and construction of water supply, wastewater disposal and stormwater disposal servicing.
- 9.8. The protection of any historic heritage items or notable trees (listed in HH-SCHED2 and TREE-SCHED4), wāhi tapu, wāhi taonga, and sites of significance (listed in SASM-SCHED3), or risk to archaeological sites.

Note: The Hastings District Council Engineering Code of Practice provides detailed technical standards on the design and construction of water supply, wastewater disposal and stormwater disposal servicing which may provide an acceptable means of compliance.

Commented [A69]: S89.002 CHBDC, S105.017 James Bridge - Subdivision Report 5D, Key Issue 2

Commented [A70]: S129.113 Kāinga Ora - Subdivision Report 5D, Key Issue 2

Commented [A71]: CHBDC and HBRC in relation to submission points S89.002 and S11.033 - Subdivision Report 5D- Key Issue 10

Commented [A72]: S129.112 Kainga Ora – Subdivision Report 5D, Key Issue 7

Commented [A73]: S89.003 CHBDC - Subdivision Report 5D, Key Issue 2

SUB-AM6 Property Access

1. The provision, location, design, and construction of access for vehicles, pedestrians and cyclists.
2. Whether the road frontage is of sufficient width to cater for the expected traffic generated by the possible land uses that will be established on the lots being created, and whether there is any need to widen and/or upgrade the frontage road.
3. Where any proposed subdivision in any zone has frontage to any existing road(s) that is/are not constructed to the relevant vehicle access standards set out in the TRAN – Transport chapter of the District Plan and/or where road widening is required, whether the land uses that will be established on the proposed lots will increase the use of that road(s) to the degree that forming or upgrading the existing road(s) is required.
4. Any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties, and the need for tree planting in the open space of the road to enhance the character and identity of the neighbourhood.
5. The effect of any new intersections or accesses created by the subdivision on traffic safety and efficiency, including the availability of adequate, unobstructed sight distances from intersections and adequate spacing between intersections.

6. The provisions of the Code of Practice for Urban Land Development and Subdivision Infrastructure (New Zealand Standard NZS 4404: 201004) for the design and construction of roads.
7. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 with respect to Whether-whether the width of the legal road, right of way, vehicle access lot or vehicle access leg is sufficientis sufficient for fire appliances to access the lot(s).
8. The provisions of the current Hastings District Council Engineering Code of Practice for the design and construction of roading
- 9.8. The requirements of New Zealand Transport Agency and Part IV of the Government Rooding Powers Act 1989 with regard to vehicle entrances onto state highways.
- 10.9. The need to provide alternative access for car-parking and vehicle loading in the COMZ-TCZ- CommercialTown Centre Zone and GIZ – General Industrial Zone by way of vested service lanes at the rear of properties having regard to alternative means of access and performance standards for activities within such zones.
- 11.10. Any need to require provision to be made in a subdivision for the vesting of road reserves for the purpose of facilitating connections to future roading extensions to serve surrounding land, or planned road links that may need to pass through the subdivision and the practicality of creating such easements at the time of subdivision application in order to facilitate later development.
- 12.11. Any need to require subdividers to enter into agreements that will enable the Council to require the future owners to form and vest roads when other land becomes available.
- 13.12. The need to provide for appropriate standards of street lighting or private vehicular access lighting.
- 14.13. The need to provide distinctive names for private vehicular accesses – the name to be agreed to by the Council.
- 15.14. The protection of any historic heritage items or notable trees (listed in HH-SCHED2 and TREE-SCHED4), wāhi tapu, wāhi taonga and sites of significance (listed in SASM-SCHED3), or risk to archaeological sites.

Note: The Hastings District Council Engineering Code of Practice provides detailed technical standards on the design and construction of water supply, wastewater disposal and stormwater disposal servicing which may provide an acceptable means of compliance.

SUB-AM7 Subdivision resulting in the creation of new sites-lots within:
 - 50m of the State Highway Network with a speed limit of less than 70km/h; or
 - 100m of the State Highway Network with a speed limit pf 70km/h or more (measured from the nearest painted edge of the carriageway)

1. The potential adverse effects of noise generated from the road network.
2. The potential adverse effects of site-lot development on the efficient use and operation of the State Highway network and the suitability of any mitigation

Commented [A74]: S89.003 Central Hawke's Bay District Council - Subdivision Report 5D- Key Issue 10

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Commented [A75]: S129.113 Kāinga Ora - Subdivision Report 5D, Key Issue 2

Commented [A76]: S89.005 CHBDC, S129.113 Kāinga Ora - Subdivision Report 5D, Key Issue 2

Commented [A77]: S129.113 Kainga Ora – Subdivision Report 5D, Key Issue 7

Commented [A78]: S89.006 CHBDC - Subdivision Report 5D, Key Issue 2

measures relating to noise and vibration to enable the continued operation of the network.

3. Whether any consultation with the NZ Transport Agency has occurred and the outcome of that consultation.
4. Whether a consent notice with regard to reverse sensitivity effects on the State Highway network is proposed.
5. Whether any proposed building platform or development should be restricted to parts of the site/lot(s).
6. Whether there are any special topographical features or ground conditions which may mitigate effects on the operation of the State Highway network.

Commented [A79]: Clause 16(2) of the First Schedule of the RMA and consequential amendments in relation to the Reporting Officer's recommendations on Hearing Stream 2 on S129.140, FS23.177 Kainga Ora, and FS16.38 Waka Kotahi

SUB-AM8 General

1. Any potential cumulative effects that may occur as a result of the subdivision.
2. Potential constraints to the development of the site, such as the National Grid Subdivision Corridor or stormwater drains, and the ability for any resulting adverse effects to be avoided, remedied, or mitigated.
3. The potential effects from a proposed subdivision or development of land on the safe and efficient operation of network utilities.
4. The provision of electricity to the site boundary for any urban zone (GRZ – General Residential Zone, COMZTCZ – Commercial Town Centre Zone, GIZ – General Industrial Zone), to be confirmed by the electricity network utility as a condition of consent.

4.5. The alternative options for the provision of telecommunications to each site.

Commented [A80]: Chorus (S117.065), Spark (S118.065) and Vodafone (S119.065) – Subdivision Report 5D, Key Issue 9

SUB-AM9 Esplanade Reserves, Esplanade Strips and Access Strips

1. The purposes for the creation of esplanade reserves and/or esplanade strips set out in section 229 of the RMA.
2. Whether an esplanade reserve or esplanade strip of up to 20 metres wide is needed to be created or vested:
 - a. when a lot is created along any priority waterbody shown on the District Planning Maps;
 - b. when a lot is created along the bank of any other waterbody/river or lake identified on the District Planning Maps, or along the coast;(including consideration of the adverse effects of not providing the full potential width and the benefits of providing the full width).

Note: This does not apply to subdivisions that are required for a boundary adjustment.
3. Whether any waiver or reduction in size or width of an esplanade reserve or esplanade strip will adversely affect:
 - a. The ecological characteristics of the land that contribute to the maintenance and enhancement of the natural functioning of the adjacent river, lake or sea;
 - b. The water quality of the adjoining river, lake or sea;
 - c. The land and water-based habitats present on or adjoining the subject land area;
 - d. The public's ability to gain access to and along the lake, river or sea;

Commented [A81]: S121.049 Federated Farmers - Report 1D Open Space and Recreation, Public Access, Activities on the Surface of Water, Key Issue 2

- e. The recreational use of the land and adjacent water;
 - f. The natural character and visual amenity of the river, lake, or coast; and
 - g. The ability of the Central Hawke's Bay District Council and/or the Hawke's Bay Regional Council to gain access to and along the margins of the river, lake, or sea for maintenance purposes.
4. Whether any waiver or reduction in size or width of the esplanade reserve or esplanade strip will:
- a. Ensure the security of private property or the safety of people;
 - b. Maintain or enhance the protection of wāhi taonga, including wāhi tapu and mahinga kai as well as the provision of access to areas of importance to Māori;
5. Whether the land is within a natural hazard area or in an area where there is an identified risk from one or more natural hazards.
6. Whether there is another protection mechanism, such as QEII Trust Covenant, that will be more appropriate than an esplanade reserve or esplanade strip.
7. Whether an access strip will provide enhanced public access to existing esplanade reserves which are currently landlocked and which have significant natural, cultural or recreational value.

SUB-AM10 Easements

1. Whether there is a need for easements:
- a. where a service or access is required by the Council;
 - b. for stormwater passing through esplanade reserves where drainage will run to the river;
 - c. to meet network operator requirements;
 - d. in respect of other parties in favour of nominated lots or adjoining Certificates of Title;
 - e. for private ways;
 - f. for stormwater, sanitary sewer, water supply, electric power, gas reticulation, telecommunications;
 - g. party walls and floors/ceilings;
 - h. for servicing with sufficient width to permit maintenance, repair, or replacement.

SUB-AM11 Sites-Lots in the Rural Lifestyle Zone, and Lifestyle Sites in the General Rural Zone and Rural Production Zone, which adjoin any site used for existing horticultural or primary production activities, including intensive primary production activities, rural industry and industrial activities

1. The design of the subdivision to ensure that, as a consequence of the development it will accommodate, reverse sensitivity effects will not be created or exacerbated. In particular, in assessing the development, the following factors will be considered:
- a. The scale, design, and location of the development such that the number of sites and potential house sites adjoining the above activities is minimised.

Commented [A82]: S116.024 Silver Fern Farms, Report 3B, Rural, Key Issue 11

Commented [A83]: Consequential amendments in relation to amendments to Policy SUB-P16 in response to submission points S116.022 Silver Fern Farms, S42.023 NZ Pork

- b. The location of the house sites which will avoid where practicable, or otherwise mitigate, any potential for reverse sensitivity effects.
- c. The ability of the development to include methods which will mitigate against reverse sensitivity effects being created or exacerbated/experienced.
- d. The registration of restrictive covenants and/or consent notices (where they are offered by the applicant) against the certificate of title(s) for any site where reverse sensitivity effects are likely to result from activities operated in compliance with the provisions of the District Plan, which cannot otherwise be adequately avoided or mitigated by other conditions of consent, and which are necessary to achieve the relevant objectives, policies and anticipated environmental outcomes for the zone, particularly those relating to reverse sensitivity effects.

Commented [A84]: S129.118 Kainga Ora – Subdivision Report 5D, Key Issue 9: Assessment Matters

Commented [A85]: S116.024 Silver Fern Farms - Report 3B, Rural, Key Issue 11

Commented [A86]: Clause 16(2) of the First Schedule of the RMA.

SUB-AM12 Lifestyle Sites in the Rural Production Zone

1. Maximum area exceeded
The Council will have regard to whether one or more of the following factors apply in deciding whether the use of an area of land greater than 4000m² for a lifestyle site is appropriate:
 - a. Enabling minimum yard requirements for Rural Production Zone lifestyle sites to be met.
 - b. Position of topographical features, such as rivers, drains, hills, terraces, or roads forming physical boundaries for the lifestyle site(s).
 - c. Site configuration, where due to the shape of the site before subdivision the excess land incorporated within the lifestyle site(s) could not be effectively utilised as part of the amalgamated balance.
 - d. Provision of the continued utilisation of existing accessory buildings, gardens, and other facilities such as effluent fields, water supply points or accessways relating to the house.
 - e. Soil quality, where the soil of the land incorporated within the lifestyle site is not identified as Class 1 or 2 (as defined in the New Zealand Land Inventory Worksheets) and is of a lesser quality than the soil of the amalgamated balance.
 - f. Provision for buffer areas (greater than the minimum yard requirements) to avoid or mitigate reverse sensitivity where specific site characteristics and the nature of adjoining land uses are likely to generate the potential for complaints about adjoining primary production or rural industry activities.
2. Balance area smaller than 12 hectares
In deciding whether a Rural Production Zone lifestyle site subdivision creating an amalgamated balance area of less than 12ha is appropriate, the Council will have regard to whether any of the following factors apply:
 - a. The amalgamated site has a greater potential for sustained independent production in accordance with the Rural Production Zone policies than either of the sites involved in the amalgamation had prior to the subdivision.

Commented [A87]: S116.025 Silver Fern Farms - Report 3B, Rural, Key Issue 11

- b. An amalgamated site of less than 6ha will not generally be considered to have any potential under (a) above unless it contains existing capital improvements for an intensive horticultural land use.
3. Amalgamated sites not adjoining

In deciding whether a Rural Production Zone lifestyle site subdivision creating an amalgamation of titles not adjoining, the Council will have regard to whether any of the following factors apply:

 - a. The titles are positioned in a manner that allows them to be effectively used together for sustained independent production in accordance with Rural Production Zone policy.
 - b. The likelihood of a successful application being made to subdivide the titles in the future on the basis that they cannot effectively be used together is low.

SUB-AM13 Subdivisions within the General Rural Zone and Rural Production Zone – Lifestyle Sites

1. That the location and shape of the lifestyle site enables the balance site to be farmed efficiently and effectively. The Council will also take into account the ability to avoid, mitigate or manage any potential reverse sensitivity effects generated from the lifestyle site, within the subject site itself, the balance area of the property and with adjoining properties.
2. The ability to avoid or mitigate any actual or potential reverse sensitivity effects where specific site characteristics and/or the nature of surrounding or existing land uses are likely to generate the potential for complaints about lawfully established activities. The Council will take into account the following factors (but is not restricted to these):
 - a. Railway lines and whether access to a lifestyle site or rural site is sought via a private level crossing (Note: this requires the formal approval of Kiwirail Holdings Ltd);
 - b. Any new access, upgraded access, or additional sites accessing a state highway (Note: this requires the formal approval of the New Zealand Transport Agency);
 - c. Any lifestyle site proposed within 400 metres of an existing rural industry or primary production activity including intensive primary production;
 - d. Any rural airstrip; and
 - e. Any other nearby lawfully established activity, which a residential use of a lifestyle site is likely to be sensitive to, or incompatible with.
3. Methods to mitigate any potential reverse sensitivity effects. Landowner(s) associated with a lifestyle site subdivision application may offer the use of a 'No-Complaints Covenant' as a condition of consent, to help mitigate potential reverse sensitivity effects. This method is only available if the landowner(s) offers it; such covenants cannot be required by the Council.

Note: 'No Complaints Covenants' of themselves will generally not be considered sufficient to deal with reverse sensitivity effects.
4. The location and shape of any rural site enables it to be farmed efficiently and effectively, with particular regard to boundary shape.

Commented [A88]: S116.026 Silver Fern Farms - Report 3B Rural, Key Issue 11

Commented [A89]: S116.026 Silver Fern Farms - Report 3B Rural, Key Issue 11

Commented [A90]: S81.085 Hort NZ - Report 3B, Rural, Key Issue 11

Commented [A91]: S42.027 Pork Industry - Report 3B, Rural, Key Issue 11

5. That the subdivision does not result in any more than one lifestyle site being created from the title subject to the subdivision application.
6. Whether the proposed lifestyle site in the General Rural Zone is being created within 3 years of any prior lifestyle sites being created from the subject title, or any previous title that has become part of the subject title. If more than one lifestyle site is created within the 3-year period, the application may be declined on this basis.
7. Where multiple sites greater than 20 hectares are being created in one subdivision or over successive applications, site configuration, shape and timing will be given particular consideration with regard to appropriateness for primary production activities. Such subdivisions should not be undertaken with the intention of 'setting up' future lifestyle site subdivisions. If this is found to be the case, the application may be declined on this basis.
8. Whether the design of the subdivision and the development it will accommodate, is designed to avoid, remedy, or mitigate any adverse effects on any wāhi tapu, wāhi taonga, archaeological site, or any other area of historic or cultural significance.

SUB-AM14 Sites for Special Purposes

1. Whether the lot is of sufficient area and dimensions to facilitate the intended use of the site.
2. A Consent Notice may be registered on the Certificate of Title to any special purpose site, pursuant to section 221 of the RMA, requiring enforcement of a condition that, in the event that the site is no longer required for a special purpose, the site be amalgamated with an adjoining site, unless it is a fully complying lot for the respective zone.

SUB-AM15 Conservation Lots

To assess the significance of the feature being protected, and whether it can be protected successfully, the following criteria will be used as a guide:

1. Significant Natural Areas (ECO-SCHED5), Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna
 - a. The extent to which the size of the proposed Conservation Lot(s) might adversely affect the usability of the balance area.
 - b. The design of the subdivision and the development it will accommodate, to ensure that it will not have adverse effects on the values of any Conservation Lots. Reference will be made to the proposed nature and location of building platforms, roads and accessways and earthworks.
 - c. The provision of an appropriate legal protection for the Conservation Lot, in perpetuity, on the title of the land. All applications must outline how the conservation feature will be protected, including: an agreement regarding an encumbrance, bond, consent notice or covenant that must be entered into before the issue of the section 224 Certificate under the RMA. The covenant, bond, consent notice or encumbrance will as a minimum require that the stand of native vegetation or other feature of significance be fenced with a stock-proof fence where appropriate, kept free of livestock, be

subject to any specified protective or enhancement measures to maintain or enhance its value or physical security, and must include monitoring and enforcement provisions.

2. Heritage Items (HH-SCHED2) and Wāhi Tapu, Wāhi Taonga and Sites of Significance to Tangata Whenua (SASM-SCHED3)
 - a. The ability to effectively protect the item or site with an appropriate legal protection for the Conservation Lot, in perpetuity, on the title of the land.
 - b. Whether sufficient area is provided to enable the item or site to be sensitively integrated into the Conservation Lot, particularly where the land contributes significantly to the value of the item or site.
 - c. Where an additional residential dwelling is proposed to be co-located with a heritage item (where not identified on HH-SCHED2 as 'Wāhi Tapu'), the extent of setback of that dwelling from the heritage item will be considered with a view to protecting the item's heritage values.

SUB-AM16 Subdivision of land, including Lifestyle Sites, within Outstanding Natural Landscapes and Features, Significant Amenity Features, and the Coastal Environment (including identified areas of High Natural Character)

1. The design of the subdivision and the development it will accommodate, to ensure that it will not have adverse visual or landscape effects on the values of the feature, landscape or area (identified in ECO-SCHED5, NFL-SCHED6, and CE-SCHED7 of the District Plan) and will not detract from the natural character of the coastal environment. Reference will be made to the proposed nature and location of building platforms, roads and accessways, earthworks, landscaping, and planting. In particular, the development subdivision will be assessed in terms of its ability to achieve the following:
 - a. Be of a scale, design and location that is sympathetic to the visual form of the coastal environment or the natural character area, landscape, or feature, and will not dominate the landscape.
 - b. Avoid large scale earthworks on rural ridgelines, hill faces and spurs.
 - c. Be sympathetic to the local character, to the underlying landform and to surrounding visual landscape patterns.
 - d. Be designed to minimise cuttings across hill faces and through spurs, and to locate boundaries so the fencing is kept away from visually exposed faces and ridges.
 - e. Where planting is proposed, its scale, pattern and location is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.
 - f. Where necessary, for the avoidance or mitigation of adverse effects, any proposals to ensure the successful establishment of plantings.
 - g. Be sympathetic to the natural science, perceptual and associational values (including for tangata whenua) associated with the natural character area, landscape, or feature.

Commented [A92]: Correction under Schedule 1, cl16(2) of the RMA

Commented [A93]: S129.120 Kāinga Ora – Subdivision Report 5D, Key Issue 9: Assessment Matters

SUB-AM22XX Subdivision of land partly or wholly containing an identified heritage item (identified in HH-SCHED2), notable tree (identified in TREE-SCHED4), Significant Natural Area (identified in ECO-SCHED5), archaeological site, or wāhi tapu, wāhi taonga, and site or area of significance to Māori (identified in SASM-SCHED3)

1. Whether subdivision will enable the establishment of land use activities likely to result in adverse effects on the heritage item, notable tree, significant natural area, archaeological sites, wāhi tapu, wāhi taonga or site of significance to Māori that would not otherwise be enabled without subdivision
2. Any potential adverse effects on each item, tree, area, or site, including but not limited to:
 - a. Whether sufficient land is provided around the item, tree, area or site to retain and protect its values;
 - b. Whether the subdivision will fragment the item, area, or site; and
 - c. whether the subdivision will involve land disturbance that may have adverse effects on the item, tree, area, or site, including building platforms and vehicle accessways.
3. Findings and/or recommendations of investigations from any impact assessment undertaken on the effects of the subdivision on the item, tree, area, or site that are is supplied with the application.
4. Any relevant consultation and/or engagement with tangata whenua and/or Heritage New Zealand Pouhere Taonga, where appropriate.
5. Measures to avoid or mitigate any adverse effects on the cultural, spiritual, indigenous biodiversity, and/or heritage values of the item, tree, area, or site associated with the land being subdivided, including the provision of any protective covenants.

Commented [A94]: S129.123 Kāinga Ora – Subdivision Report 5D, Key Issue 7

SUB-AM17 Subdivisions with building platforms and/or vehicle access within the National Grid Subdivision Corridor

1. The extent to which the design and construction of any subdivision allows for earthworks, buildings and structures to comply within the safe separate separation distance requirements in the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001.
2. The ability for continued access to existing National Grid transmission lines for maintenance, inspections and upgrading.
3. The ability to provide a complying building platform outside of the National Grid Yard.
4. The extent to which the design and construction of the subdivision allows for activities to be set back from National Grid transmission lines to ensure adverse effects on and from the National Grid Transmission Network and on public safety are appropriately avoided, remedied or mitigated e.g. through the location of roads and reserves under the route of the line.
5. The nature and location of any proposed vegetation to be planted in the vicinity of the National Grid transmission lines, and how such landscaping will impact on the

Commented [A95]: Clause 16(2) of the First Schedule of the RMA.

operation, maintenance, upgrade and development (including access) of the National Grid.

6. The provision for the ongoing efficient operation, maintenance, and planned upgrade of the National Grid transmission lines.
7. The extent to which the subdivision design and consequential development will minimise the potential reverse sensitivity and nuisance effects on the transmission asset.
8. The outcome of any technical advice provided by Transpower.
9. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
- 9-10. The extent to which the subdivision design and consequential development are consistent with the objectives and policies of the NU – Network Utilities chapter.

Commented [A96]: S79.085 Transpower – Subdivision Report 5D, Key Issue 1

SUB-AM18 Subdivisions with building platforms and/or vehicle access within proximity of the Gas Transmission Network

1. Any effects on the safe, effective, and efficient operation, maintenance, and upgrade of the Gas Transmission Network.
2. Any effects on the ability for vehicles to access the Gas Transmission Network.
3. Risks relating to health or public safety and the risk of property damage.
4. Reverse sensitivity effects.
5. Technical advice provided by First Gas Ltd.

SUB-AM19 Subdivision of Land within the Waipukurau South Precinct (WSP)

1. The degree to which the subdivision may impact on the ability to service other existing or future sites in the WSP area that are compliant with SUB-S1.
2. Where the subdivision is located within or partly within the WSP area, the cumulative effects of the subdivision on the environment, taking into account:
 - a. Any subdivision consents already granted; and
 - b. The extent of development that could occur as a controlled activity under Rule-SUB-R1.
3. The extent to which the design and construction of the subdivision achieves the Precinct Plan Outcomes in Appendix GRZ-APP1 - Waipukurau South Precinct (WSP) Plan.

Commented [A97]: S114.004, S114.005, S114.006, S114.007 CHBDC - Report 6A Mapping & Rezoning, Rezoning Request 23

SUB-AM20 Subdivision of Land subject to an approved land use consent in the General Residential Zone, Commercial Town Centre Zone, General Industrial Zone and/or Large Lot Residential Zone

1. The effect of the design and layout of the proposed sites created;
2. Whether the design and layout of the proposed site will result in new or increased non-compliance with District-wide and zone rules;
3. Whether there is appropriate provision made for infrastructure; and
4. Whether there is appropriate creation of common areas over parts of the parent site that require access by more than one site within the subdivision.

Commented [A98]: Kainga Ora S129.097 - Subdivision Report 5D Key Issue 7

SUB-AM21XX Subdivision within building platforms and/or vehicle access within proximity of Hatuma Lime Maharakeke Road quarry.

1. **Any actual and potential reverse sensitivity effects on the effective, and efficient operations of the Hatuma Lime quarry.**

Commented [A99]: Hatuma Lime (S98.022) - subdivision Report 5D- Key Issue 9

Methods

Methods, other than the above rules, for implementing the policies:

SUB-M1 Other Provisions in the District Plan

Implementation of objectives and policies of the relevant zones and district-wide activities in the District Plan, including those set out in the following sections of the District Plan:

1. SSB – Sustainable Subdivision & Building
2. TW – Ngā Tangata Whenua o Tamatea
3. UFD – Urban Form and Development
4. TRAN – Transport
5. NH – Natural Hazards
6. HH – Historic Heritage
7. SASM – Sites and Areas of Significance to Māori
8. ECO – Ecosystems and Indigenous Biodiversity
9. NFL – Natural Landscapes and Features
10. CE – Coastal Environment
11. EW – Earthworks

SUB-M2 Codes of Practice

1. The current Hastings District Council Engineering Code of Practice (used by Central Hawke's Bay District Council) includes standards for the design and construction of roading and service infrastructure, which may be used as a means of compliance with the objectives, policies, rules, and standards of the District Plan (subject to minor amendments).
2. [Code of Practice for Urban Land Development and Subdivision Infrastructure](#) (New Zealand Standard NZS 4404:20042010).
3. The New Zealand Fire Service Fire-Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 applies to all new subdivision and development in all areas, for both reticulated and non-reticulated water supplies.

Commented [A100]: S89.009 CHBDC – Subdivision Report 5D, Key Issue 2

SUB-M3 Council Bylaws

Central Hawke's Bay District Council's Water Supply (Part 07), Stormwater (Part 21) and Wastewater (Part 22) Bylaws.

SUB-M4 National Policy Statements and National Environmental Standards

1. Resource Management (National Policy Statement on Electricity Transmission) 2010.
2. Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

SUB-M5 Natural Hazard Information

Natural hazard information, such as the Council's natural hazard database on the GIS system, the natural hazards historical database and ongoing consultation and information sharing with the Hawke's Bay Regional Council, including via the Hawke's Bay Hazard Information Portal (<http://www.hbemergency.govt.nz/hazards/portal>).

SUB-M6 Covenants and Consent Notices

Covenants and Consent Notices issued under section 221 of the RMA and registered on Certificates of Title.

SUB-M7 s222 RMA Completion Certificates

Completion Certificates issued under section 222 of the RMA for the completion of works (e.g. works to provide or upgrade service facilities).

SUB-M8 Heritage New Zealand *Pouhere Taonga* Act

The Heritage New Zealand *Pouhere Taonga* Act makes it an offence to destroy or modify an archaeological site without first obtaining an 'archaeological authority' (applies to both recorded and unrecorded archaeological sites). Contact with Heritage New Zealand *Pouhere Taonga* is advised if the subdivision involves any activity may modify, damage or destroy any archaeological site (e.g. such as earthworks, fencing or landscaping).

Principal Reasons

The principal reasons for adopting the policies and methods:

It is important that subdivision is undertaken in a way that achieves the objectives and policies of the various zones and district-wide activity provisions of the District Plan.

The District Plan includes minimum lot size standards that provide landowners with sufficient flexibility and certainty to create sites which are of an appropriate size to achieve the scale, density and type of development provided for by the objectives, policies and methods for each zone and district-wide activity.

Consistent with the objectives and policies of the ECO – Ecosystems and Indigenous Biodiversity chapter, the HH – Historic Heritage chapter, and SASM – Sites of Significance to Māori chapter in the District Plan, includes subdivision rules that allow the creation of a separate in-situ Lifestyle Site (and an associated house site) in return for legally and physically protecting in perpetuity: nominated significant indigenous vegetation and/or significant habitats of indigenous fauna (including Significant Natural Areas identified in ECO-

SCHED5 of the District Plan), Heritage Items identified in HH-SCHED2, or Wāhi Tapu, Wāhi Taonga and Sites of Significance identified in SASM-SCHED3 of the District Plan located on the land being subdivided.

Given the highly variable nature of circumstances and public needs associated with the creation of sites for special purposes (including public works, network utility operations and renewable electricity generation activities), it is impractical to specify what size or dimension these sites should be. The subdivision rules therefore provide flexibility to allow the creation of sites of various sizes and dimensions for special purposes.

Subdivision is often followed by intensification or changes in land use that increase the demand for reticulated water supply, wastewater disposal and stormwater disposal services. However, unless the provision of such services is proposed and identified as works in the Council's Long Term Plan or Annual Plan, and are necessary to protect the environment, the Council will not provide services. Subdividers will be required to ensure that independent provision can be made for an on-site water supply, and for the disposal of wastewater and stormwater on the site, sufficient to meet the likely needs of subsequent development.

Where a method, other than connection to a public reticulated system will be used to provide new lots with a water supply or means of disposing of wastewater or stormwater from lots, subdividers will be required to demonstrate how the method can achieve the protection of the health and safety of residents and avoid any significant adverse effects on the environment.

Vehicular and pedestrian access to lots created must be practicable, safe, and convenient for users, and should avoid adverse effects on the environment, including adjoining activities. Where new roads are required to connect a subdivision to the District road network, it is important that they are designed and constructed to be compatible with the roads they are connecting to.

It will be the subdividers, or subsequent lot owners', responsibility to ensure that telecommunication or electricity reticulation is available, where needed. Electricity requires the provision of power lines and associated structures. New underground reticulation is considered more visually appropriate.

The Council uses the [Code of Practice for Urban Land Development and Subdivision Infrastructure \(NZS 4404: 2010\)](#) and the [Hastings District Council Engineering Code of Practice](#) (and any future amendments) as methods to assess detailed engineering requirements for subdivision consent applications, along with the [Hastings District Council Engineering Code of Practice](#). These Codes of Practice are therefore referred to in the [Methods assessment matters for resource consents](#)—although the [Code of Practice itself is but are](#) not part of the District Plan.

Commented [A101]: minor change pursuant to clause 16(2) of the Schedule 1 of the RMA

Commented [A102]: S89.007 CHBDC, S129.125 Kāinga Ora – Subdivision Report 5D, Key Issue 2

There are areas within the District which, because of risk from natural hazards, are unsuitable for development, or require specific measures to be undertaken to overcome these hazards (refer to the NH – Natural Hazards chapter of the District Plan).

The Council has the ability under section 106 of the RMA to decline consent to any subdivision in areas where there is a significant risk from natural hazards. It is also necessary to consider the effects of the mitigation measures (as part of a risk management approach) which may also create adverse environmental effects.

Earthworks associated with construction of access, building platforms or services on land being subdivided may potentially have an adverse impact on the amenity of the area, including dust and visual amenity, and may result in the modification, damage or destruction of historic heritage and sites and places of significance to tangata whenua; or accelerate or worsen the risk and effects of natural hazards in the area. The Council may impose conditions on subdivision consents regarding the design, location, construction, and extent of earthworks associated with the subdivision or development of the land.

Inappropriately designed or located subdivision has potential to create reverse sensitivity effects, particularly when it provides for the establishment of sensitive activities (e.g. residential and lifestyle development) close to existing primary production activities, rural industry, industrial activities, public works, network utility operations and renewable electricity generation sites. Such effects can significantly affect the ability of the existing activities to continue to legally operate, upgrade or expand (e.g. through complaints about noise and odour). Therefore, recognising and avoiding reverse sensitivity effects when planning for subdivision and land use development will provide for the continued efficient and effective operation of existing activities.

While the Waipukurau South Precinct (WSP) area has been residentially zoned for a number of years, the ability to develop the land within it has been significantly hindered by servicing constraints, particularly in relation to 3-waters infrastructure (most notably stormwater and wastewater) and through land parcels being held in multiple ownership. Active faultlines also exist within the area. Subdivision proposals within the WSP will be assessed with respect to their ability to achieve the Structure Precinct Plan Outcomes in Appendix GRZ-APP1 – Waipukurau South Precinct (WSP) Structure Plan.

Commented [A103]: S116.027 Silver Fern Farms – Subdivision Report 5D, Key Issue 10

Commented [A104]: S114.008 CHBDC, Report 6A Mapping & Rezoning, Rezoning Request 23

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

SUB-AER1	Achievement of the objectives and policies of the various zones and district-wide activity provisions.
SUB-AER2	Creation of sites which are of a sufficient size and shape to accommodate the variety of activities allowed by the zones and district-wide activity rules.
SUB-AER3	Appropriate flexibility in the size of lots that can be created and the means of achieving the servicing of lots.
SUB-AER4	Sites which are of a size and shape that enable the maintenance or enhancement of the character or amenity of the environment,

including landscape values, and avoid any potential reverse sensitivity issues in the area where they are located.

- SUB-AER5** Sites of a size and shape suitable for current and future requirements of public works, network utilities, renewable electricity generation, and other special purposes.
- SUB-AER6** A safe and efficient roading network.
- SUB-AER7** Safe, efficient and convenient vehicular and pedestrian access to and from subdivided lots.
- SUB-AER8** Water supplies that are sufficient in volume and of potable (drinkable) quality to meet reasonable needs and expectations over time.
- SUB-AER9** Adequate treatment and disposal of stormwater and wastewater.
- SUB-AER10** Adequate provision for electricity/energy and telecommunications services.
- SUB-AER11** Maintenance and enhancement of public health and safety.
- SUB-AER12** Cost effective provision of services for redevelopment and growth without additional financial burdens on District rate payers.
- SUB-AER13** A pattern of subdivision complementary and appropriate to the character of the land uses in the area concerned.
- SUB-AER14** A pattern of subdivision consistent with planned density, roading patterns and open space requirements appropriate in residential environments.
- SUB-AER15** Avoidance or mitigation of potential significant risk from natural hazards, including flooding, erosion or subsidence.

Appendix B – Summary of recommendations on submissions

Table: Summary of recommended decisions on submissions and further submissions

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S79.071	Transpower New Zealand Ltd	SUB - Subdivision	Key Issue 1	Relocate the relevant National Grid rules in the 'SUB - Subdivision' chapter (as sought to be amended in subsequent submission points) to the 'NU - Network Utilities' Chapter.	Reject	Reject	No
S57.069	Fire and Emergency New Zealand	SUB-PP7	Key Issue 1	Retain SUB-P7 as notified.	Accept in part	Accept in part	Yes
S79.074	Transpower New Zealand Ltd	SUB-P17	Key Issue 1	Retain SUB-P17, provided NU-P5 is amended as sought. Should NU-P5 not be amended as sought, Transpower seeks amendment to SUB-P17 to give effect to the NPS-ET (in particular specific reference to the National Grid Subdivision Corridor and removal of reference 'to the extent practicable').	Accept in part (Insofar as Policy SUB-P17 is recommended to be amended)	Accept in part	Yes
FS23.123	Kāinga Ora – Homes and Communities		Key Issue 1		Accept	Accept	
S79.075	Transpower New Zealand Ltd	SUB-P18	Key Issue 1	Retain SUB-P17[SUB-P18?], provided NU-P5 is amended as sought. Should NU-P5 not be amended as sought, Transpower seeks amendment to SUB-P17 [SUB-P18?] to give effect to the NPS-ET (in particular specific reference to the National Grid Subdivision Corridor and removal of reference 'to the extent practicable').	Accept in part (Insofar as it is recommended that Policy SUB-P17 and Policy SUB-P18 be combined, and Policy SUB-P17 amended).	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
FS25.37	Federated Farmers of New Zealand		Key Issue 1		Accept in part	Accept in part	
FS23.124	Kāinga Ora – Homes and Communities		Key Issue 1		Reject	Reject	
FS17.54	Horticulture New Zealand		Key Issue 1	Reject submission but replace regionally significant infrastructure with strategic infrastructure consistent with SUB-17 submissions.	Accept in part (Insofar as the words “to the extent practicable” are recommended to be replaced with “to the extent reasonably possible”) Refer to Section 9, Key Issue 6 – Policies in relation to the request to replace 'regionally significant infrastructure' with 'strategic infrastructure'.	Accept in part	
S79.077	Transpower New Zealand Ltd	SUB - Rules	Key Issue 1	Add a new subdivision rule (preference for it to be located in the 'NU - Network Utilities' chapter) as follows: 'Subdivision within the National Grid Subdivision Corridor All Zones 1. Activity Status: RDIS Where the following condition is met: a. Compliance with: SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor. Matters of discretion are restricted to: The matters in SUB-AM17 2. Activity status where compliance with SUB-S4(2) and SUB-S4(3) is not achieved: NC Notification	Reject	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				<p>An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA.</p> <p>When deciding whether any person is affected in relation to this rule for the purposes of section 95E of the RMA, the Council will give specific consideration to any adverse effects on Transpower New Zealand Limited.'</p>			
FS25.38	Federated Farmers of New Zealand		Key Issue 1		Accept	Accept	
FS23.125	Kāinga Ora – Homes and Communities		Key Issue 1		Accept	Accept	
S79.078	Transpower New Zealand Ltd	SUB-R1	Key Issue 1	Remove all reference to the 'National Grid Subdivision Corridor' from SUB-R1, on the basis of a new standalone rule addressing this matter.	Reject	Reject	No
FS23.126	Kāinga Ora – Homes and Communities		Key Issue 1		Accept	Reject	
FS25.39	Federated Farmers of New Zealand		Key Issue 1		Accept	Reject	
S79.079	Transpower New Zealand Ltd	SUB-R3	Key Issue 1	Remove all reference to the 'National Grid Subdivision Corridor' from SUB-R3, on the basis of a new standalone rule addressing this matter.	Reject	Reject	No
FS25.40	Federated Farmers of New Zealand		Key Issue 1		Accept	Accept	

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S79.080	Transpower New Zealand Ltd	SUB-R4	Key Issue 1	Remove all reference to the 'National Grid Subdivision Corridor' from SUB-R4, on the basis of a new standalone rule addressing this matter.	Reject	Reject	No
FS25.41	Federated Farmers of New Zealand		Key Issue 1		Accept	Accept	
FS23.127	Kāinga Ora – Homes and Communities		Key Issue 1		Accept	Accept	
S79.081	Transpower New Zealand Ltd	SUB-R5	Key Issue 1	Remove all reference to the 'National Grid Subdivision Corridor' from SUB-R5, on the basis of a new standalone rule addressing this matter.	Reject	Reject	No
FS23.128	Kāinga Ora – Homes and Communities		Key Issue 1		Accept	Accept	
FS25.42	Federated Farmers of New Zealand		Key Issue 1		Accept	Accept	
S79.082	Transpower New Zealand Ltd	SUB-R6	Key Issue 1	Remove all reference to the 'National Grid Subdivision Corridor' from SUB-R5, on the basis of a new standalone rule addressing this matter.	Reject	Reject	
FS25.43	Federated Farmers of New Zealand		Key Issue 1		Accept	Accept	
S79.083	Transpower New Zealand Ltd	SUB – R7	Key Issue 1	Retain SUB-AM17, but relocate it within the 'NU - Network Utilities' chapter.	Reject	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
FS25.44	Federated Farmers of New Zealand		Key Issue 1		Accept	Accept	
FS23.129	Kāinga Ora – Homes and Communities		Key Issue 1		Accept	Accept	
S79.084	Transpower New Zealand Ltd	SUB – S4	Key Issue 1	Retain SUB-S4, but relocate it within the 'NU - Network Utilities' chapter.	Reject	Reject	No
FS23.130	Kāinga Ora – Homes and Communities		Key Issue 1		Accept	Accept	
S121.070	Federated Farmers of New Zealand	SUB-S4	Key Issue 1	Amend SUB-S4(2) and (3) as follows: 'Subdivision of land within the National Grid Subdivision Corridor 2. ... 3. The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area. And rural subdivision that can meet the standard of a building site away from the National Grid Yard should have the same activity status as a normal rural subdivision.	Reject	Reject	No
FS18.20	Transpower New Zealand Ltd		Key Issue 1		Accept	Accept	
FS9.70	Royal Forest and Bird Protection Society of New Zealand Incorporated		Key Issue 1		Accept	Accept	

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S121.071	Federated Farmers of New Zealand	SUB-S4	Key Issue 1	Amend SUB-S4(4) & (5) as follows: 'Subdivision of land containing the Gas Transmission Network 4. The subdivision of land in any zone containing the Gas Transmission Network must ensure that easement agreements are provided over the Gas Transmission Pipelines. must be able to demonstrate that all resulting allotments are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive activity that is at least 20m from the Gas Transmission Pipeline and 30m from above-ground equipment forming part of the Gas Transmission Network. 5. The layout of allotments and any enabling earthworks must ensure that physical access is maintained to the Gas Transmission Network where it is located on the allotments, including any balance area. '	Reject	Reject	No
FS3.015	First Gas Limited		Key Issue 1		Accept	Accept	
FS9.71	Royal Forest and Bird Protection Society of New Zealand Incorporated		Key Issue 1		Accept	Accept	
FS129.102	Kāinga Ora – Homes and Communities	SUB-S4	Key Issue 1	Delete SUB-S4(2), (3), (4) and (5).	Reject	Reject	No
FS18.21	Transpower New Zealand Ltd		Key Issue 1		Accept	Accept	
FS3.016	First Gas Limited		Key Issue 1		Accept	Accept	

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S79.085	Transpower New Zealand Ltd	SUB – AM17	Key Issue 1	Retain SUB-AM17, but relocate it within the 'NU - Network Utilities' chapter.	Reject	Reject	No
S89.009	Central Hawkes Bay District Council	[General]	Key Issue 2	<p>Replace all references in the Proposed Plan to 'NZS4404' and 'NZS4404:2004' with 'NZS4404:2010'.</p> <p>And make any amendments necessary in the Proposed Plan to refer to the Hastings District Council Engineering Code as guidance or methods, rather than as a mandatory matter.</p>	Accept	Accept	Yes
FS23.1	Kāinga Ora - Homes and Communities		Key Issue 2		Accept		
S57.076	Fire and Emergency New Zealand	SUB-S5	Key Issue 2	<p>Add explanatory text to SUB-S5 as follows:</p> <p>1. ...</p> <p>2. ...</p> <p>Further advice and information about how an alternative and satisfactory firefighting water supply can be provided to each lot can be obtained from Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.</p> <p>Lots created for a special purpose as provided for in SUB- R3 are except [exempt?] where the lot is created for a purpose that does not require the provision of a firefighting water supply.</p> <p>Note: The above does not replace regional rules...</p>	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S105.017	James Bridge	SUB-AM5	Key Issue 2	Delete SUB-AM5(4).	Accept	Accept	Yes
FS15.005	Fire and Emergency New Zealand		Key Issue 2		Accept	Accept	
S57.078	Fire and Emergency New Zealand	SUB-AM5	Key Issue 2	Retain SUB-AM5(1), (3) and (4) as notified.	Accept	Accept	No
S89.005	Central Hawkes Bay District Council	SUB-AM5	Key Issue 2	<p>Amend SUB-AM5 as follows (or to like effect):</p> <p>'Water Supply, Wastewater Disposal, Stormwater Disposal</p> <p>1. ...</p> <p>...</p> <p>8. The provisions of the current Hastings District Council Engineering Code of Practice for the design and construction of water supply, wastewater disposal and stormwater disposal servicing.</p> <p>9 ...</p> <p>Note: The Hastings District Council Engineering Code of Practice provides detailed technical standards on the design and construction of water supply, wastewater disposal and stormwater disposal servicing which may provide an acceptable means of compliance.'</p>	Accept	Accept	Yes
S89.002	Central Hawkes Bay District Council	SUB-AM5	Key Issue 2	Amend SUB-AM5(7) as follows:	Accept	Accept	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				'7. The provisions of the Code of Practice for Urban Land Subdivision (New Zealand Standard NZS 4404:2004 2010)'			
S11.033	Hawke's Bay Regional Council	SUB-AM5	Key Issue 2	Amend SUB-AM5(7) as follows: '7. The provisions of the Land Development and Subdivision Infrastructure (New Zealand Standard NZS 4404:2010) Code of Practice for Urban Land Subdivision (New Zealand Standard NZS 4404: 2004).'	Accept	Accept	Yes
S129.112	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM5	Key Issue 2	Amend SUB-AM5 as follows: "Water Supply, Wastewater Disposal, Stormwater Disposal 1. ... 2. Whether The need for a local purpose reserve is needed to be set aside and vested in the Council as a site for a public utility. ... 7. The provisions of the Code of Practice for Urban Land Subdivision (New Zealand Standard NZS 4404: 2004). 8. The provisions of the current Hastings District Council Engineering Code of Practice for the design and construction of water supply, wastewater disposal and stormwater disposal servicing. 9. The protection of any historic heritage items or notable trees (listed in HH-SCHED2 and TREE-SCHED4), wāhi tapu, wāhi taonga, and sites of significance (listed in SASM-SCHED3), or risk to archaeological sites.'	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S105.018	James Bridge	SUB-AM6	Key Issue 2	Delete SUB-AM6(7).	Accept in part	Accept in part	Yes (Insofar as SUB0AM6(7) is recommended to be amended)
FS15.006	Fire and Emergency New Zealand		Key Issue 2		Accept in part (Insofar as SUB-AM6(7) is retained but amended)	Accept in part	
S89.006	Central Hawkes Bay District Council	SUB-AM6	Key Issue 2	Amend SUB-AM6 as follows (or to like effect): 'Property Access 1 ... 8. The provisions of the current Hastings District Council Engineering Code of Practice for the design and construction of roading. ... Note: The Hastings District Council Engineering Code of Practice provides detailed technical standards on the design and construction of roading which may provide an acceptable means of compliance.'	Accept	Accept	Yes
FS23.4	Kāinga Ora - Homes and Communities		Key Issue 2		Accept	Accept	
S57.079	Fire and Emergency New Zealand	SUB-AM6	Key Issue 2	Retain SUB-AM6(7) as notified.	Accept in part insofar as SUB-AM6(7) is retained but amended	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S89.003	Central Hawkes Bay District Council	SUB-AM6	Key Issue 2	Amend SUB-AM6(6) as follows: '6. The provisions of the Code of Practice for Urban Land Subdivision (New Zealand Standard NZS 4404:2004 2010) for the design and construction of roads.'	Accept	Accept	Yes
S129.113	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM6	Key Issue 2	Amend SUB-AM6 as follows: 'Property Access ... 6. The provisions of the Code of Practice for Urban Land Subdivision (New Zealand Standard NZS 4404: 2004) for the design and construction of roads. 7. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008 with respect to the Whether the width of the legal road, right of way, vehicle access lot or vehicle access leg required is sufficient for fire appliances to access the lot(s). 8. The provisions of the current Hastings District Council Engineering Code of Practice for the design and construction of roading. ... 15. The protection of any historic heritage items or notable trees (listed in HH-SCHED2 and TREE-SCHED4), wāhi tapu, wāhi taonga and sites of significance (listed in SASM-SCHED3), or risk to archaeological sites.'	Accept in part	Accept in part	Yes
FS15.007	Fire and Emergency New Zealand		Key Issue 2		Accept	Accept	

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S89.004	Central Hawkes Bay District Council	SUB-M2	Key Issue 2	Amend SUB-M2(2) as follows: '2. Code of Practice for Urban Land Subdivision (New Zealand Standard NZS 4404:2004 2010)'	Accept	Accept	Yes
S89.007	Central Hawkes Bay District Council	SUB - Principal Reasons	Key Issue 2	Amend paragraph 9 of 'SUB - Principal Reasons' as follows: 'The Council uses the Code of Practice for Urban Land Subdivision (NZS 4404: 2010 and any future amendments) to assess detailed engineering requirements, along with the Hastings District Council Engineering Code of Practice. These Codes of Practice are NZS 4404: 2010 is therefore referred to in the assessment matters for resource consents, and the Engineering Code of Practice is referred to as being a possible means of compliance - although the Codes of Practice itself is themselves are not part of the District Plan.'	Accept in part	Accept in part	Yes
S129.125	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB - Principal Reasons	Key Issue 2	Amend paragraphs 2 and 9 of 'SUB - Principal Reasons' as follows: '... The District Plan includes minimum lot size standards for vacant lot subdivision that provide landowners with sufficient flexibility and certainty to create sites which are of an appropriate size to achieve the scale, density and type of development provided for by the objectives, policies and methods for each zone and district-wide activity. ... The Council uses the Code of Practice for Urban Land Subdivision (NZS 4404: 2010 and any future amendments) to assess detailed engineering requirements, along with the Hastings District	Accept in part (In relation to the request to delete the last sentence of paragraph 9) Also refer to Section 13.0: Key Issue 10 – Methods, Principal Reasons and Anticipated Environmental Results in relation to the request to amend paragraph 2 of the Principal Reasons.	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				Council Engineering Code of Practice. These Codes of Practice are therefore referred to in the assessment matters for resource consents - although the Code of Practice itself is not part of the District Plan. ...'			
S125.068	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SUB - Subdivision	Key Issue 3	Amend the 'SUB - Subdivision' chapter in the Proposed Plan to incorporate the Whānau Ora Outcomes Framework as part of future spatial and urban design. The amended wording should be drafted collaboratively with mana whenua of the District and would include the following outcomes: a) Whānau are self-managing and empowered leaders. b) Whānau are leading healthy lifestyles. c) Whānau are confidently participating in Te Ao Māori (the Māori world). d) Whānau are participating fully in society e) Whānau are economically secure and successfully involved in wealth creation. f) Whānau are cohesive, resilient and nurturing. g) Whānau are responsible stewards of their living and natural environment.	Reject	Reject	No
FS23.89	Kāinga Ora - Homes and Communities		Key Issue 3		Accept	Accept	
FS13.041	Heretaunga Tamatea Settlement Trust		Key Issue 3		Reject	Reject	

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S84.015	Kairakau Lands Trust	SUB - Subdivision	Key Issue 3	<p>Require a cultural assessment during the subdivision consent process to ensure that sites of significance to Māori are identified before any parcel of land changes ownership.</p> <p>Require the NZAA ArchSite database to be checked.</p> <p>Require subdivisions within 100m of a recorded site to be checked by an archaeologist or suitably experienced person.</p> <p>Require subdivisions within an area of known Māori occupation or where cultural activity is suspected to be checked by an archaeologist or suitably experienced person in every instance.</p>	Reject	Reject	No
FS13.040	Heretaunga Tamatea Settlement Trust		Key Issue 3		Reject	Reject	
FS7.027	Heritage New Zealand Pouhere Taonga		Key Issue 3		Reject	Reject	
FS23.81	Kāinga Ora - Homes and Communities		Key Issue 3		Accept		
FS5.087	Ngā hapū me ngā marae o Tamatea		Key Issue 3		Reject	Reject	
S79.072	Transpower New Zealand Ltd	SUB - Introduction	Key Issue 4	Retain last two points in paragraph 3 of 'SUB - Introduction'.	Accept	Accept	No
S42.021	New Zealand Pork Industry Board	SUB - Introduction	Key Issue 4	Retain introduction as proposed.	Accept	Accept	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S129.064	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-I1	Key Issue 4	<p>Amend SUB-I1 as follows:</p> <p>'Lot Size and Dimension</p> <p>The need for lots of a sufficient size and dimension to accommodate activities allowed by the area-specific and district-wide rules. Where not appropriately managed, subdivision can result in establishment of new allotments which are unable to accommodate activities anticipated within the zone.</p> <p>Explanation</p> <p>Subdivision of land needs to create lots that are of an appropriate size to accommodate the variety of those land use activities that are reasonably anticipated within allowed by the zones and district-wide rules in the District Plan. They also need to be of a size and shape that enable the avoidance, remediation or mitigation of potential adverse effects of development on natural, physical, cultural and heritage resources, and; that will provide for and/or contribute to on-site and off-site amenity maintain or enhance landscape and amenity values; and avoid or mitigate any potential reverse sensitivity effects in the area where they are located.'</p>	Accept in part	Accept in part	Yes
S129.065	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-I2	Key Issue 4	<p>Amend SUB-I2 as follows:</p> <p>'Servicing Subdivision usually requires</p> <p>Without ensuring the necessary provision and access to roading, telecommunication, electricity, water, sewage and stormwater services through subdivision, this could limit planned activities or otherwise result in adverse effects on the environment to enable future owners of the land</p>	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				to carry out their planned activities. ...'			
S129.066	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-I3	Key Issue 4	Amend SUB-I3 as follows: 'Natural Hazards Establishment of new allotments in areas of natural hazards can directly or indirectly increase and/or exacerbate risk to people and property. The potential effects of natural hazards on lots created by subdivision. ...'	Accept	Accept	Yes
S116.020	Silver Fern Farms Limited	SUB-O1	Key Issue 5	Retain SUB-O1.	Accept	Accept	No (However, a minor amendment is recommended to be made to the objective)
S75.024	Royal Forest and Bird Protection Society NZ (Forest & Bird)	SUB-O1	Key Issue 5	Retain SUB-O1(2) and SUB-O1(3).	Accept	Accept	No (However, a minor amendment is recommended to be made to the objective)

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S81.078	Horticulture New Zealand	SUB-O1	Key Issue 5	Retain SUB-O1.	Accept	Accept	No (However, a minor amendment is recommended to be made to the objective)
S129.067	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-O1	Key Issue 5	Amend SUB-O1 as follows: 'Subdivision of land that is consistent with the objectives and policies of the relevant zones and district-wide matters in the District Plan, including those relating to: 1. safeguarding the rural land resource of Central Hawke's Bay District from inappropriate subdivision (RLR - Rural Land Resource provisions in the District Plan); 2. the protection of areas identified as Outstanding Natural Landscapes and Features, Significant Natural Areas, and areas of significant indigenous vegetation and significant habitats of indigenous fauna, and High Natural Character Areas from the adverse effects of inappropriate subdivision (NFL - Natural Features and Landscapes, ECO - Ecosystems and Indigenous Biodiversity, CE - Coastal Environment provisions in the District Plan); ...'	Accept in part	Accept in part	Yes
S105.012	James Bridge	SUB-O2	Key Issue 5	Amend SUB-O2 as follows: 'Lots created by subdivision are physically suitable for a range of land and their intended use activities	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				allowed by the relevant rules of the District Plan which is not prohibited in the relevant zone.'			
S129.068	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-O2	Key Issue 5	Amend SUB-O2 as follows: 'Lots Newly established vacant allotments created by subdivision are physically suitable to appropriately accommodate those activities that may be reasonably anticipated within the zone for a range of land use activities allowed by the relevant rules of the District Plan.'	Accept in part	Accept in part	Yes
S118.058	Spark New Zealand Trading Limited	SUB-O3	Key Issue 5	Amend SUB-O3 as follows: 'The provision of appropriate services network utilities to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure the health and safety of people and communities, and the maintenance or enhancement of amenity values.'	Accept in part	Accept in part	Yes
FS15.002	Fire and Emergency New Zealand		Key Issue 5		Accept in part	Accept in part	
S117.058	Chorus New Zealand Limited	SUB-O3	Key Issue 5	Amend SUB-O3 as follows: 'The provision of appropriate services network utilities to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure the health and safety of people and communities, and the maintenance or enhancement of amenity values.'	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
FS15.001	Fire and Emergency New Zealand		Key Issue 5	Fire and Emergency seek that reference to 'services' is retained, and suggest the following amendment to the PDP version in response to the submission point: 'The provision of appropriate services and network utilities to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure the health and safety of people and communities, and the maintenance or enhancement of amenity values.'	Accept in part	Accept in part	
FS9.486	Royal Forest and Bird Protection Society of New Zealand Incorporated		Key Issue 5		Reject	Reject	
S119.058	Vodafone New Zealand Limited	SUB-O3	Key Issue 5	Amend SUB-O3 as follows: 'The provision of appropriate services network utilities to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure the health and safety of people and communities, and the maintenance or enhancement of amenity values.'	Accept in part	Accept in part	Yes
S57.066	Fire and Emergency New Zealand	SUB-O3	Key Issue 5	Retain SUB-O3 as notified.	Reject	Reject	Yes
S90.031	Centralines Limited	SUB-O3	Key Issue 5	Amend SUB-O3 as follows: 'The provision of appropriate services and infrastructure to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure the health and safety of	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				people and communities, and the maintenance or enhancement of amenity values.'			
S129.069	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-O3	Key Issue 5	Amend SUB-O3 as follows: 'The provision of appropriate services to subdivided lots are provided for , in anticipation of the likely effects of land use activities on those lots, so as to ensure the health and safety of people and communities, and the maintenance or enhancement of amenity values.'	Accept in part	Accept in part	Yes
FS15.003	Fire and Emergency New Zealand		Key Issue 5	Fire and Emergency seek that SUB-O3 be amended as follows (taking into account the above further submission points): 'The provision of appropriate services and network utilities to subdivided lots are provided for , in anticipation of the likely effects of land use activities on those lots, so as to ensure the health and safety of people and communities, and the maintenance or enhancement of amenity values'.	Accept in part	Accept in part	Yes
S79.073	Transpower New Zealand Ltd	SUB-O4	Key Issue 5	Retain SUB-O4, provided NU-P5 is amended as sought. Should NU-P5 not be amended as sought, Transpower seeks amendment to SUB-O4 to give effect to the NPS-ET.	Reject	Reject	Yes
FS23.122	Kāinga Ora - Homes and Communities		Key Issue 5		Accept	Accept	
S118.059	Spark New Zealand Trading Limited	SUB-O4	Key Issue 5	Retain SUB-O4 as notified	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S119.059	Vodafone New Zealand Limited	SUB-O4	Key Issue 5	Retain SUB-O4 as notified	Accept in part	Accept in part	Yes
S116.021	Silver Fern Farms Limited	SUB-O4	Key Issue 5	Retain SUB-O4.	Accept in part	Accept in part	Yes
S81.079	Horticulture New Zealand	SUB-O4	Key Issue 5	Retain SUB-O4, but amend as follows: 'Reverse sensitivity effects of subdivision on existing lawfully established activities (including network utilities and primary production) are avoided where practicable, or mitigated where avoidance is not practicable.'	Reject	Reject	No
FS25.33	Federated Farmers of New Zealand		Key Issue 5		Reject	Reject	
S117.059	Chorus New Zealand Limited	SUB-O4	Key Issue 5	Retain SUB-O4 as notified.	Accept in part	Accept in part	Yes
FS9.487	Royal Forest and Bird Protection Society of New Zealand Incorporated		Key Issue 5		Reject	Reject	
S98.019	Hatuma Lime Co Ltd	SUB-O4	Key Issue 5	Retain SUB-O4 as proposed.	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S78.024	Waka Kotahi NZ Transport Agency	SUB-O4	Key Issue 5	Retain SUB-O4 as written.	Accept in part	Accept in part	Yes
S90.032	Centralines Limited	SUB-O4	Key Issue 5	Retain SUB-O4 as notified.	Accept in part	Accept in part	Yes
S129.070	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-O4	Key Issue 5	Amend SUB-O4 as follows: 'Reverse sensitivity effects of subdivision and resulting new activities on existing lawfully established activities (including network utilities) are avoided remedied where practicable, or mitigated where avoidance is not practicable. '	Accept in part	Accept in part	Yes
FS16.29	Waka Kotahi NZ Transport Agency		Key Issue 5	Retain provision as notified.	Accept in part	Accept in part	
FS17.50	Horticulture New Zealand		Key Issue 5	<u>Add 'resulting new activities' to SUB-O4 but not the other changes sought by the submitter.</u>	Accept in part	Accept in part	
FS8.036	Silver Fern Farms Limited		Key Issue 5		Accept in part	Accept in part	
S42.022	New Zealand Pork Industry Board	SUB-O4	Key Issue 5	Amend SUB-O4 as follows: 'Reverse sensitivity effects of subdivision on existing lawfully established activities (including network utilities and primary production) are avoided where practicable, or mitigated where avoidance is not practicable.'	Reject	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S75.025	Royal Forest and Bird Protection Society NZ (Forest & Bird)	SUB-O5	Key Issue 5	Amend SUB-O5 as below: 'Avoidance of subdivision in localities where there is a significant risk from natural hazards, particularly where these risks are likely to increase as a result of climate change unless these can be mitigated without significant adverse effects on the environment.'	Reject	Reject	No
S57.067	Fire and Emergency New Zealand	SUB-O5	Key Issue 5	Retain SUB-O5 as notified.	Accept in part	Accept in part	Yes
S129.071	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-O5	Key Issue 5	Amend SUB-O5 as follows: 'Avoidance of sSubdivision in localities where there is a significant risk from natural hazards should be minimised , unless these risks can be mitigated without significant adverse effects on the environment.'	Reject	Reject	No
S11.023	Hawke's Bay Regional Council	SUB - Subdivision	Key Issue 6	General support for the subdivision provisions, with some amendment to policy wording.	Accept in part	Accept in part	Yes
S105.013	James Bridge	SUB-P1	Key Issue 6	Delete SUB-P1.	Reject	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S129.072	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P1	Key Issue 6	Amend SUB-P1 as follows: 'To establish standards for minimum lot sizes for each zone in the District. To require subdivision to deliver lots that are of an appropriate size and shape to accommodate those activities reasonably anticipated within the zone, and to provide for a range of lot sizes where subdivision is sought in accordance with land use consent or around otherwise lawfully established activities. '	Reject	Accept in part	No
FS17.51	Horticulture New Zealand		Key Issue 6		Accept	Accept	
S75.026	Royal Forest and Bird Protection Society NZ (Forest & Bird)	SUB-P2	Key Issue 6	Amend SUB-P2 as follows: 'To provide for subdivision of land to create in-situ Lifestyle Sites in conjunction with the where legal and physical protection is provided in perpetuity of for areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including Significant Natural Areas identified in ECO-SCHED5), sites and areas of significance to Māori (identified in SASM-SCHED3), and historic heritage items (identified in HH-SCHED2).'	Accept in part	Accept in part	Yes
S129.073	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P2	Key Issue 6	Retain SUB-P2 as notified.	Accept in part	Accept in part	Yes
.							
S117.060	Chorus New Zealand Limited	SUB-P3	Key Issue 6	Retain SUB-P3 as notified.	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
FS9.488	Royal Forest and Bird Protection Society of New Zealand Incorporated		Key Issue 6		Accept in part	Accept in part	Yes
S119.060	Vodafone New Zealand Limited	SUB-P3	Key Issue 6	Retain SUB-P3 as notified.	Accept in part	Accept in part	Yes
.							
S118.060	Spark New Zealand Trading Limited	SUB-P3	Key Issue 6	Retain SUB-P3 as notified.	Accept in part	Accept in part	Yes
.							
S90.033	Centralines Limited	SUB-P3	Key Issue 6	Retain SUB-P3 as notified.	Accept in part	Accept in part	Yes
.							
S129.074	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P3	Key Issue 6	Amend SUB-P3 as follows: 'To provide flexibility in -allow the creation of lots of various sizes and dimensions for intended to serve a special purpose, such as public works, network utility operations, renewable electricity generation, reserves and access.'	Accept in part	Accept in part	Yes
S78.025	Waka Kotahi NZ Transport Agency	SUB-P4	Key Issue 6	Retain SUB-P4 as written.	Reject	Reject	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S129.075	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P4	Key Issue 6	Amend SUB-P4 as follows: 'To ensure subdivision design requiring establishment of new roads and accesses to consider and integrate with the existing land transport network such that it supports safe and efficient access for vehicles, pedestrians, and cyclists. Integrate subdivision with the existing land transport network in an efficient manner which reflects expected traffic levels and the safe and convenient management of vehicles and pedestrians.'	Accept	Accept in part	Yes
FS16.30	Waka Kotahi NZ Transport Agency		Key Issue 6	Accept submission point and amend SUB-P4 as proposed by submitter.	Accept	Accept	Yes
S11.024	Hawke's Bay Regional Council	SUB-P4	Key Issue 6	Amend SUB-P4 as follows: 'To integrate subdivision with the existing land transport network in an efficient manner which reflects expected traffic levels and the safe and convenient management of vehicles, cyclists and pedestrians.'	Accept in part	Accept in part	Yes
S129.076	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P5	Key Issue 6	Amend SUB-P5 as follows: 'To encourage in the General Residential Zone, subdivision design that develops or uses subsidiary roads or accessways , in order to avoid an increase in the number of direct access crossings onto arterial roads for traffic safety purposes.'	Accept	Accept	Yes
S117.061	Chorus New Zealand Limited	SUB-P6	Key Issue 6	Amend SUB-P6 as follows: 'To ensure upon subdivision or development, that all new lots or buildings are provided with a	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				connection to a reticulated water supply, reticulated public sewerage system, and a reticulated stormwater system, where such adequate reticulated systems are available, and that all new lots or buildings are connected to a telecommunications network.'			
FS25.34	Federated Farmers of New Zealand		Key Issue 6		Accept in part	Accept in part	
FS9.489	Royal Forest and Bird Protection Society of New Zealand Incorporated		Key Issue 6		Reject	Reject	
S118.061	Spark New Zealand Trading Limited	SUB-P6	Key Issue 6	Amend SUB-P6 as follows: 'To ensure upon subdivision or development, that all new lots or buildings are provided with a connection to a reticulated water supply, reticulated public sewerage system, and a reticulated stormwater system, where such adequate reticulated systems are available, and that all new lots or buildings are connected to a telecommunications network.'	Accept in part	Accept in part	Yes
FS25.35	Federated Farmers of New Zealand		Key Issue 6		Accept in part	Accept in part	
S119.061	Vodafone New Zealand Limited	SUB-P6	Key Issue 6	Amend SUB-P6 as follows: 'To ensure upon subdivision or development, that all new lots or buildings are provided with a connection to a reticulated water supply, reticulated public sewerage system, and a reticulated stormwater system, where such adequate reticulated systems are available, and	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				that all new lots or buildings are connected to a telecommunications network.'			
FS25.36	Federated Farmers of New Zealand		Key Issue 6		Accept in part	Accept in part	
S57.068	Fire and Emergency New Zealand	SUB-P6	Key Issue 6	Retain SUB-P6 as notified.	Accept in part	Accept in part	Yes
S129.077	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P6	Key Issue 6	Retain SUB-P6 as notified.	Accept in part	Accept in part	Yes
S129.078	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P7	Key Issue 6	Amend SUB-P7 as follows: 'To ensure that where sites lots are not connected unable to connect to the public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each lot for an alternative water supply or method of wastewater disposal or stormwater disposal, which can that they are otherwise servicing those activities reasonably anticipated within the zone in a way which protects the health and safety of residents and avoids or mitigates adverse effects on the environment.'	Accept in part	Accept in part	Yes
FS15.004	Fire and Emergency New Zealand		Key Issue 6	Fire and Emergency seek that parts of the submission be accepted only, as follows: To ensure that where sites lots are not connected unable to connect to a the public water supply, wastewater disposal or stormwater disposal	Accept in part	Accept in part	

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				system, suitable provision can be made on each lot for an alternative water supply or method of wastewater disposal or stormwater disposal, which can protect the health and safety of residents and avoid or mitigate adverse effects on the environment.			
S129.079	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P8	Key Issue 6	Amend SUB-P8 as follows: 'To encourage innovative subdivision design consistent with the maintenance of amenity values. That aligns with and contributes to the planned built form outcomes of the zone. '	Accept in part	Accept in part	Yes
FS17.52	Horticulture New Zealand		Key Issue 6	Reject the submission in respect of the rural environment.	Accept in part	Accept in part	
S11.025	Hawke's Bay Regional Council	SUB-P9	Key Issue 6	Amend SUB-P9 as follows: 'To encourage the incorporation of public open space and native plantings within subdivision design for amenity purposes.'	Accept in part	Accept in part	Yes
S129.080	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P9	Key Issue 6	Amend SUB-P9 as follows: ' Where appropriate, to encourage the incorporation of public open space and plantings within subdivision design for amenity purposes.'	Reject	Reject	No
S129.081	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P10	Key Issue 6	Amend SUB-P10 as follows: ' Where appropriate, to encourage subdivision design which promotes connectivity and critical linkages for public use by pedestrians and cyclists. To provide pedestrian and amenity linkages where useful linkages can be achieved or further developed.'	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S11.026	Hawke's Bay Regional Council	SUB-P10	Key Issue 6	Amend SUB-P10 as follows: 'To provide pedestrian, cycling and amenity linkages where useful linkages can be achieved or further developed.'	Accept in part	Accept in part	Yes
S129.082	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P11	Key Issue 6	Amend SUB-P11 as follows: 'To ensure that public roads provided established within a new subdivision are designed to be able to accommodate levels of traffic likely to be generated from the development, and are in general accordance with the design and construction standards of roads in the District. sites are suitable for the activities likely to establish within the subdivision and are compatible with the design and construction standards of roads in the District which the site is required to be connected to. '	Accept in part	Accept in part	Yes
S117.062	Chorus New Zealand Limited	SUB-P12	Key Issue 6	Amend SUB-P12 as follows: 'To avoid or mitigate any adverse visual and physical effects of subdivision and development on the environment, including the appropriate underground reticulation of energy and telecommunication lines in order to protect the visual amenities of the area Residential Zones and Commercial and Mixed-Use Zones. '	Accept in part	Accept in part	Yes (Insofar as it is recommended that Policy SUB-P12 be deleted)
FS9.490	Royal Forest and Bird Protection Society of New		Key Issue 6		Reject	Reject	

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
	Zealand Incorporated						
S119.062	Vodafone New Zealand Limited	SUB-P12	Key Issue 6	Amend SUB-P12 as follows: 'To avoid or mitigate any adverse visual and physical effects of subdivision and development on the environment, including the appropriate underground reticulation of energy and telecommunication lines in order to protect the visual amenities of the area- Residential Zones and Commercial and Mixed-Use Zones. '	Accept in part	Accept in part	Yes (Insofar as it is recommended that Policy SUB-P12 be deleted)
.							
S118.062	Spark New Zealand Trading Limited	SUB-P12	Key Issue 6	Amend SUB-P12 as follows: 'To avoid or mitigate any adverse visual and physical effects of subdivision and development on the environment, including the appropriate underground reticulation of energy and telecommunication lines in order to protect the visual amenities of the area- Residential Zones and Commercial and Mixed-Use Zones. '	Accept in part	Accept in part	Yes (Insofar as it is recommended that Policy SUB-P12 be deleted)
.							
S90.034	Centralines Limited	SUB-P12	Key Issue 6	Amend SUB-P12 as follows: 'To avoid or mitigate any adverse visual and physical effects of subdivision and development on the environment, including the appropriate underground reticulation of energy and telecommunication lines in order to protect the visual amenities of the area, where this is technically and commercially feasible. '	Accept in part	Accept in part	Yes (Insofar as it is recommended that Policy SUB-P12 be deleted)
S129.083	Kāinga Ora - Homes and	SUB-P12	Key Issue 6	Amend SUB-P12 as follows:	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
	Communities (Kāinga Ora)			'To avoid or mitigate any adverse visual and physical effects of subdivision and development on the environment, including the appropriate promotion of underground reticulation of energy and telecommunication lines in order to protect the visual amenities of the area. '			(Insofar as it is recommended that Policy SUB-P12 be deleted)
S57.070	Fire and Emergency New Zealand	SUB-P13	Key Issue 6	Retain SUB-P13 as notified.	Accept	Accept	No
S129.084	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P13	Key Issue 6	Amend SUB-P13 as follows: 'To ensure that vacant lot subdivision land being subdivided, including any potential structure on that land, occurs in such a way so as not to unnecessarily expose individuals to significant risk of, or exacerbate risks associated with is not subject to significant risk of material damage by the effects of natural hazards, including flooding, inundation, erosion, subsidence or slippage and earthquake faults.'	Reject	Reject	No
S75.027	Royal Forest and Bird Protection Society NZ (Forest & Bird)	SUB-P14	Key Issue 6	Amend SUB-P14 as follows: 'To ensure that any mitigation measures used to manage significant risk from natural hazards (including coastal hazards such as storm surge, tsunami and coastal inundation) do not have significant adverse effects on the environment.'	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S129.085	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P14	Key Issue 6	Delete SUB-P14.	Accept	Accept	Yes
S129.086	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P15	Key Issue 6	Amend SUB-P15 as follows: 'To ensure that earthworks associated with constructing vehicle access, building platforms or services on land being subdivided will not result in adverse visual effects detract from the visual amenities of the area, or have significant adverse environmental effects, such as dust, or result in the modification, damage or destruction of heritage items, archaeological sites or sites and areas of significance to Māori, cause natural hazards, or increase the risk of natural hazards occurring.'	Accept in part	Accept in part	Yes
S116.022	Silver Fern Farms Limited	SUB-P16	Key Issue 6	Amend SUB-P16 as follows: 'To avoid where practicable, or otherwise mitigate, potential reverse sensitivity effects of sensitive activities (particularly residential and lifestyle development) establishing near primary production, rural industry or industrial activities and existing public works.'	Accept	Accept	Yes
S81.080	Horticulture New Zealand	SUB-P16	Key Issue 6	Retain SUB-P16.	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S42.023	New Zealand Pork Industry Board	SUB-P16	Key Issue 6	Amend SUB-P16 as follows: 'To avoid where practicable, or otherwise mitigate, potential reverse sensitivity effects of sensitive activities (particularly residential and lifestyle development) establishing near primary production including intensive primary production activities or industrial activities and existing public works.'	Accept	Accept	Yes
S129.087	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P16	Key Issue 6	Delete SUB-P16.	Reject	Reject	No
FS8.037	Silver Fern Farms Limited		Key Issue 6		Accept	Accept	
S117.063	Chorus New Zealand Limited	SUB-P17	Key Issue 6	Retain SUB-P17 as notified.	Accept in part	Accept in part	Yes
FS9.491	Royal Forest and Bird Protection Society of New Zealand Incorporated		Key Issue 6		Accept in part	Accept in part	
S119.063	Vodafone New Zealand Limited	SUB-P17	Key Issue 6	Retain SUB-P17 as notified.	Accept in part	Accept in part	Yes
.							
S118.063	Spark New Zealand Trading Limited	SUB-P17	Key Issue 6	Retain SUB-P17 as notified.	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S90.035	Centralines Limited	SUB-P17	Key Issue 6	Retain SUB-P17, subject to inclusion of a new definition for 'Regionally Significant Infrastructure' or 'Strategic Infrastructure' which includes: 'REGIONALLY SIGNIFICANT INFRASTRUCTURE / STRATEGIC INFRASTRUCTURE.....) the electricity transmission network and electricity distribution networks....) renewable electricity generation activities.'	Accept in part	Accept in part	Yes
FS17.53	Horticulture New Zealand		Key Issue 6	Delete 'regionally significant infrastructure' and replace with 'strategic infrastructure' from the HBRPS.	Accept in part	Accept in part	
S98.020	Hatuma Lime Co Ltd	SUB-P17	Key Issue 6	Retain SUB-P17 as proposed.	Accept in part	Accept in part	Yes
.							
S78.026	Waka Kotahi NZ Transport Agency	SUB-P17	Key Issue 6	Retain SUB-P17 as written.	Accept in part	Accept in part	Yes
.							
S129.088	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P17	Key Issue 6	Amend SUB-P17 as follows: 'To ensure, to the extent practicable, subdivision design that takes into account the location of regionally significant infrastructure, network utilities, renewable electricity generation sites and other lawfully established activities, and ensures that future land use activities will not result in reverse sensitivity effects.'	Accept	Accept	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S78.027	Waka Kotahi NZ Transport Agency	SUB-P18	Key Issue 6	Retain SUB-P18 as written.	Accept in part	Accept in part	Yes
.							
S129.089	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P18	Key Issue 6	Amend SUB-P18 as follows: 'To ensure, to the extent practicable, subdivision design that ensures that resulting land use activities (including building platforms) will not result in significant adverse effects on the operation, maintenance and upgrading of regionally significant infrastructure and other network utilities.'	Accept in part	Accept in part	Yes
FS16.31	Waka Kotahi NZ Transport Agency			Retain SUB-P18 as written.	Accept in part	Accept in part	
S129.089	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P18	Key Issue 6	Amend SUB-P18 as follows: 'To ensure, to the extent practicable, subdivision design that ensures that resulting land use activities (including building platforms) will not result in significant adverse effects on the operation, maintenance and upgrading of regionally significant infrastructure and other network utilities.'	Accept in part	Accept in part	Yes
FS16.31	Waka Kotahi NZ Transport Agency		Key Issue 6	The threshold test in this policy should be reconsidered.	Accept in part	Accept in part	
S75.028	Royal Forest and Bird Protection Society NZ (Forest & Bird)	SUB - Rules	Key Issue 7	Amend to strengthen protection for SNAs and ONFLs in particular, and to be consistent with NZCPS and RMA, as well as NPS-IB (if one is notified).	Reject	Reject	No
.							

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S129.097	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-RXX (new rule)	Key Issue 7	<p>Add a new rule in the 'SUB - Subdivision' chapter in the Proposed Plan as follows:</p> <p>'[SUB-RX?] Subdivision in accordance with an approved land use consent General Residential Zone / Commercial Zone / General Industrial Zone / Large Lot Residential Zone</p> <p>1. Activity Status: CON</p> <p>Where: the subdivision of land subject to an approved land use consent creates lots generally in accordance with the site plan approved by the resource consent Matters over which control is reserved:</p> <p>a. The effect of the design and layout of the proposed sites created;</p> <p>b. Whether the subdivision will result in new or increased non-compliances with district-wide and zone rules; and</p> <p>c. Whether there is appropriate provision made for infrastructure.</p> <p>2. Activity status where compliance with SUB-RX (1) is not achieved: N/A'</p>	Reject	Reject	No
.							
S107.001	Thomas Collier	SUB-R1	Key Issue 7	Reject SUB-R1 and revert to the current subdivision rules in the Operative District Plan.	Reject	Reject	No
FS4.1	James Bridge		Key Issue 7		Reject	Reject	
S57.071	Fire and Emergency New Zealand	SUB-R1	Key Issue 7	Retain SUB-R1 as notified.	Accept in part	Accept in part	Yes
S105.014	James Bridge	SUB-R1	Key Issue 7	Amend SUB-R1(1)(b) as follows:	Reject	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				<p>'1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. ...</p> <p>b. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following: The subdivision will not result in any new vehicle access to or future building platforms within any of the sites or areas identified in the following:</p> <p>i. HH-SCHED2.</p> <p>ii. SASM-SCHED3.</p> <p>iii. ECO-SCHED5.</p> <p>iv. ONL or ONF in NFL-SCHED6.</p> <p>v. CE-SCHED7.</p> <p>...'</p>			
FS7.028	Heritage New Zealand Pouhere Taonga		Key Issue 7		Accept in part	Accept in part	
S98.021	Hatuma Lime Co Ltd	SUB-R1	Key Issue 7	<p>Amend SUB-R1(1) as follows:</p> <p>'1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. ...</p> <p>...</p> <p>Matters over which control is reserved:</p> <p>e. ...</p> <p>...</p> <p>o. SUB-AM19.'</p> <p>And add the new assessment matter (SUB-AM19) proposed in the submission.</p>	Reject	Reject	No
FS17.55	Horticulture New Zealand		Key Issue 7		Reject	Reject	

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S129.090	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-R1	Key Issue 7	<p>Amend SUB-R1 as follows:</p> <p>'Subdivision not otherwise provided for All Zones</p> <p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. Compliance with SUB-S1 or SUB-SX.</p> <p>...</p> <p>e. The land being subdivided is not located within an identified natural hazard area in the planning maps.</p> <p>Matters over which control is reserved:</p> <p>...</p> <p>2. Activity status where compliance with condition SUB-R1(1)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>...</p> <p>And in relation to non-compliances to SUB-R1(1)(b), SUB-R1(1)(c), SUB-R1(1)(d), and/or SUB-R1(1)(e), those matters below relevant to the non-compliance(s):</p> <p>k. SUB-AM16</p> <p>l. SUB-AMX</p> <p>m. SUB-AMY</p> <p>n. Whether alternative means of physical access to any national grid support structures and/or gas transmission network is available.</p> <p>3. Activity status where compliance with condition SUB-R1(1)(a) and/or SUB-R1(1)(b) is not achieved: DIS</p> <p>4. Activity status where compliance with condition SUB-R1(1)(d) is not achieved: NC'</p>	Accept in part	Accept in part	Yes
FS18.15	Transpower New Zealand Limited		Key Issue 7	The submission point be disallowed in part in so far as it relates to SUB-R1(1)(d)	Accept	Accept	

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
FS17.56	Horticulture New Zealand		Key Issue 7	Accept in part the submission	Reject	Reject	
S129.091	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-R2	Key Issue 7	<p>Amend SUB-R2 as follows:</p> <p>'Subdivision around existing buildings and development, and to create freehold title from existing cross-lease title</p> <p>General Residential Zone</p> <p>1. Activity Status: CON</p> <p>Where the following conditions are met: N/Aany non-compliances with district-wide or zone rules were lawfully established prior to the subdivision, and the subdivision itself does not result in new or increased non-compliances with district-wide or zone rules.</p> <p>Matters over which control is reserved:</p> <p>...</p> <p>Note: The standards in SUB-S1 to SUB-S9 do not apply.</p> <p>2. Activity status where compliance not achieved: N/AARDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. In relation to any new non-compliances with zone standards, those assessment matters relevant to the non-compliance:</p> <p>i. GRZ-AM1</p> <p>ii. GRZ-AM2</p> <p>iii. GRZ-AM3</p> <p>iv. GRZ-AM4</p> <p>v. GRZ-AM5</p> <p>All other zones</p> <p>3. SUB-R1 applies'</p>	Reject	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S57.072	Fire and Emergency New Zealand	SUB-R3	Key Issue 7	Retain SUB-R3 as notified.	Accept	Accept	No
.							
S90.036	Centralines Limited	SUB-R3	Key Issue 7	Retain SUB-R3 as notified.	Accept	Accept	No
.							
S129.092	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-R3	Key Issue 7	<p>Amend SUB-R3 as follows:</p> <p>'Subdivision for special purposes</p> <p>All Zones</p> <p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>...</p> <p>d. The land being subdivided is not located within an identified natural hazard area in the planning maps.</p> <p>Matters over which control is reserved:</p> <p>...</p> <p>f. A Consent Notice may be registered on the Certificate of Title to any special purpose site, pursuant to section 221 of the RMA, requiring enforcement of a condition that, in the event that the site is no longer required for a special purpose, the site be amalgamated with an adjoining site, unless it is a fully complying lot for the respective zone.</p> <p>2. Where compliance with condition SUB-R3(1)(a) is not achieved: SUB-R1 applies</p> <p>3. Activity status where compliance with conditions SUB-R3(1)(b), SUB-R3(1)(c) and/or SUB-R3(1)(d) are is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p>	Reject	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				<p>...</p> <p>And in relation to non-compliances to SUB-R3(1)(c) and/or SUB-R3(1)(d), those matters below relevant to the non-compliance(s):</p> <p>I. SUB-AMY</p> <p>m. Whether alternative means of physical access to any national grid support structures and/or gas transmission network is available.</p> <p>4. Activity status where compliance with condition SUB-R3(1)(c) is not achieved: NC'</p>			
FS18.16	Transpower New Zealand Limited		Key Issue 7	The submission point be disallowed in part in so far as it relates to SUB-R1(1)(d)	Accept	Accept	
S50.002	The Surveying Company (HB) Ltd	BOUNDARY ADJUSTMENT (Definition)	Key Issue 7	<p>Amend the definition of 'Boundary Adjustment' as follows:</p> <p>'means a subdivision that alters the existing boundaries between adjoining allotments, without altering the number of allotments. Records of Title.'</p>	Reject	Reject	No
S57.073	Fire and Emergency New Zealand	SUB-R4	Key Issue 7	Retain SUB-R4 as notified.	Accept in part	Accept in part	Yes
S105.015	James Bridge	SUB-R4	Key Issue 7	<p>Amend SUB-R4(1)(b) as follows:</p> <p>'1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. ...</p> <p>b. The land being subdivided does not contain any part (or all) The subdivision will not result in any new vehicle access to or future building platforms within any of the sites or areas identified in the following:</p>	Reject	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				i. HH-SCHED2. ii. SASM-SCHED3. iii. ECO-SCHED5. iv. ONL or ONF in NFL-SCHED6. v. CE-SCHED7. ...'			
S129.093	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-R4	Key Issue 7	Amend SUB-R4 as follows: Boundary adjustments All Zones 1. Activity Status: CON Where the following conditions are met: a. Limited to: i. ... ii. No existing complying site is rendered non-complying, and the boundary adjustment does not result in increases in any existing non compliances. iii. Matters over which control is reserved: ... h. Protection, maintenance or enhancement of natural features and landforms, significant natural area (ECO-SCHED5), historic heritage item (HH-SCHED2), or any identified wāhi tapu, wāhi taonga or site of significance (SASM-SCHED3). ...	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				<p>2. Where compliance with condition SUB-R4(1)(a) is not achieved: SUB-R1 applies</p> <p>3. Activity status where compliance with conditions SUB-R4(1)(b), SUB-R4(1)(c) and/or SUB-R4(1)(d) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>...</p> <p>And in relation to non-compliances to SUB-R4(1)(b) and/or SUB-R4(1)(d), those matters below relevant to the non-compliance(s):</p> <p>k. SUB-AM16.</p> <p>l. SUB-AMX.</p> <p>m. Whether alternative means of physical access to any national grid support structures and/or gas transmission network is available.</p> <p>4. Activity status where compliance with condition SUB-R4(1)(b) is not achieved: NC'</p>			
FS18.17	Transpower New Zealand Limited		Key Issue 7	The submission point be disallowed in part in so far as it relates to SUB-R1(1)(d)	Accept	Accept	
FS7.029	Heritage New Zealand Pouhere Taonga		Key Issue 7		Accept in part	Accept in part	
S57.074	Fire and Emergency New Zealand	SUB-R5	Key Issue 7	Retain SUB-R5 as notified.	Accept in part	Accept in part	Yes
S98.023	Hatuma Lime Co Ltd	SUB-R5	Key Issue 7	<p>Amend SUB-R5(1) as follows:</p> <p>'1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. ...</p> <p>...</p>	Reject	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				Matters over which control is reserved: f. r. SUB-AM19.' And add the new assessment matter (SUB-AM19) proposed in the submission.			
FS17.57	Horticulture New Zealand		Key Issue 7		Reject	Reject	
S105.016	James Bridge	SUB-R5	Key Issue 7	Amend SUB-R5(1)(c) as follows: '1. Activity Status: CON Where the following conditions are met: a. ... b. ... c. The land being subdivided does not contain any part (or all) The subdivision will not result in any new vehicle access to or future building platforms within any of the sites or areas identified in the following: i. HH-SCHED2. ii. SASM-SCHED3. iii. ECO-SCHED5. iv. ONL or ONF in NFL-SCHED6. v. CE-SCHED7. ...'	Reject	Reject	No
S129.094	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-R5	Key Issue 7	Amend SUB-R5 as follows: 'Subdivision to create a Lifestyle Site(s) (not in association with the creation of a Conservation Lot) General Rural Zone (outside of the Coastal Environment Area) 1. Activity Status: CON	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				<p>Where the following conditions are met:</p> <p>a. Limited to:</p> <p>...</p> <p>ii. A site is only eligible to be subdivided to create a lifestyle site once every 3 years, and at least 3 years has elapsed from the date the subject title was created.</p> <p>...</p> <p>f. The land being subdivided is not located within an identified natural hazard area in the planning maps.</p> <p>Matters over which control is reserved:</p> <p>...</p> <p>2. Activity status where compliance with conditions SUB-R5(1)(c), SUB-R5(1)(d), SUB-R5(1)(e) and/or SUB-R5(1)(f) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>...</p> <p>And in relation to non-compliances to SUB-R5(1)(c), SUB-R5(1)(e) and/or SUB-R5(1)(f), those matters below relevant to the non-compliance(s):</p> <p>n. SUB-AM16.</p> <p>o. SUB-AMX.</p> <p>p. SUB-AMY.</p> <p>q. Whether alternative means of physical access to any national grid support structures and/or gas transmission network is available.</p> <p>3. Activity status where compliance with conditions SUB-R5(1)(a), and/or SUB-R5(1)(b) and/or SUB-R5(1)(e) is not achieved: DIS</p> <p>4. Activity status where compliance with condition SUB-R5(1)(e) is not achieved: NC</p> <p>Rural Production Zone</p> <p>5. Activity Status: CON</p> <p>Where the following conditions are met:</p>			

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				<p>a. Limited to:</p> <p>i. ...</p> <p>ii. No additional sites are created (amalgamation of the balance lot is required).</p> <p>iii. The newly amalgamated sites are adjoining and combine to a net site area greater than 12 hectares.</p> <p>iv. ...</p> <p>...</p> <p>f. The land being subdivided is not located within an identified natural hazard area in the planning maps.</p> <p>Matters over which control is reserved:</p> <p>...</p> <p>6. Activity status where compliance with conditions SUB-R5(5)(c), SUB-R5(5)(d), SUB-R5(5)(e), and/or SUB-R5(5)(f) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>...</p> <p>And in relation to non-compliances to SUB-R5(5)(c), SUB-R5(5)(e) and/or SUB-R5(5)(f), those matters below relevant to the non-compliance(s):</p> <p>n. SUB-AM16.</p> <p>o. SUB-AMX.</p> <p>p. SUB-AMY.</p> <p>q. Whether alternative means of physical access to any national grid support structures and/or gas transmission network is available.</p> <p>7. Activity status where compliance with conditions SUB-R5(5)(a) and/or SUB-R5(5)(eb) is not achieved: DIS</p> <p>8. Activity status where compliance with conditions SUB-R5(5)(b) and/or SUB-R5(5)(e) is not achieved: NC</p> <p>General Rural Zone (Coastal Environment Area)</p>			

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				<p>9. Activity Status: DIS</p> <p>Where the following conditions are met:</p> <p>r. Compliance with:</p> <p>i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and</p> <p>ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</p> <p>10. Activity status where compliance with condition SUB-R5(9)(a) is not achieved: NC'</p>			
FS18.18	Transpower New Zealand Limited		Key Issue 7	The submission point be disallowed in part in so far as it relates to SUB-R1(1)(d)	Accept	Accept	
FS7.030	Heritage New Zealand Pouhere Taonga		Key Issue 7		Accept in part	Accept in part	
S129.095	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-R6	Key Issue 7	<p>Amend SUB-R6 as follows:</p> <p>'Subdivision to create Conservation Lots in association with the protection of:</p> <ul style="list-style-type: none"> - an area of significant indigenous vegetation and/or significant habitats of indigenous fauna (including sites listed in ECO-SCHED5). - historic heritage items listed in HH-SCHED2. - wāhi tapu, wāhi taonga or site or area of significance listed in SASM-SCHED3. <p>All Zones</p> <p>1. Activity Status: CON</p> <p>...</p> <p>2. Activity status where compliance with condition SUB-R6(1)(a) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p>	Reject	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				<p>...</p> <p>1. And in relation to non-compliances to SUB-R6(1)(b), whether alternative means of physical access to any national grid support structures and/or gas transmission network is available.</p> <p>3. Activity status where compliance with condition SUB-R6(1)(b) is not achieved: NC'</p>			
FS18.19	Transpower New Zealand Limited		Key Issue 7	The submission point be disallowed in part in so far as it relates to SUB-R1(1)(d)	Accept	Accept	
S57.075	Fire and Emergency New Zealand	SUB-R7	Key Issue 7	Retain SUB-R7 as notified.	Accept in part	Accept in part	Yes
S129.096	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-R7	Key Issue 7	<p>Amend SUB-R7 as follows:</p> <p>'Subdivision to create a Lifestyle Site(s) in association with the creation of a Conservation Lot General Rural Zone / Rural Production Zone</p> <p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>...</p> <p>f. The land being subdivided is not located within an identified natural hazard area in the planning maps.</p> <p>Matters over which control is reserved:</p> <p>...</p> <p>2. Activity status where compliance with conditions SUB-R7(1)(a) and/or SUB-R7(1)(b) is not achieved: SUB-R5 applies</p>	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				<p>3. Activity status where compliance with conditions SUB-R7(1)(d), SUB-R7(1)(e) and/or SUB-R7(1)(f) are is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>...</p> <p>And in relation to non-compliances to SUB-R7(1)(d) and/or SUB-R7(1)(e), those matters below relevant to the non-compliance(s):</p> <p>n. SUB-AM16.</p> <p>o. SUB-AMY.</p> <p>p. Whether alternative means of physical access to any national grid support structures and/or gas transmission network is available.</p> <p>4. Activity status where compliance with condition SUB-R7(1)(c) is not achieved: DIS</p> <p>5. Activity status where compliance with condition SUB-R7(1)(e) is not achieved: NC'</p>			
S50.010	The Surveying Company (HB) Ltd	SUB-R7	Key Issue 7	<p>Add provision in SUB-R7(1) for the creation of third and successive lifestyle lots, in conjunction with 6ha of conserved area for each additional site.</p> <p>Do not exclude existing QE II covenants from this rule.</p>	Reject	Reject	No
S119.064	Vodafone New Zealand Limited	SUB-SXX (new standard)	Key Issue 8	<p>Add a new Standard in the 'SUB - Subdivision' chapter in the Proposed Plan as follows:</p> <p>'SUB-S10 Telecommunications</p> <p>All Zones</p> <p>All new lots must be able to connect to a telecommunications network.'</p> <p>This standard must be referenced in Rules SUB-R1, SUB-R3, SUB-R5 and SUB-R7.</p>	Accept in part	Reject	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
FS25.47	Federated Farmers of New Zealand		Key Issue 8		Accept	Reject	
FS4.9	James Bridge		Key Issue 8		Accept	Reject	
S117.064	Chorus New Zealand Limited	SUB-SXX (new standard)	Key Issue 8	<p>Add a new Standard in the 'SUB - Subdivision' chapter in the Proposed Plan as follows:</p> <p>'SUB-S10 Telecommunications</p> <p>All Zones</p> <p>All new lots must be able to connect to a telecommunications network.'</p> <p>This standard must be referenced in Rules SUB-R1, SUB-R3, SUB-R5 and SUB-R7.</p>	Accept in part	Reject	Yes
FS25.45	Federated Farmers of New Zealand		Key Issue 8		Accept	Reject	
FS9.492	Royal Forest and Bird Protection Society of New Zealand Incorporated		Key Issue 8		Reject	Reject	
FS4.5	James Bridge		Key Issue 8		Accept	Reject	
S118.064	Spark New Zealand Trading Limited	SUB-SXX (new standard)	Key Issue 8	<p>Add a new Standard in the 'SUB - Subdivision' chapter in the Proposed Plan as follows:</p> <p>'SUB-S10 Telecommunications</p> <p>All Zones</p> <p>All new lots must be able to connect to a telecommunications network.'</p> <p>This standard must be referenced in Rules SUB-R1, SUB-R3, SUB-R5 and SUB-R7.</p>	Accept in part	Reject	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
FS25.46	Federated Farmers of New Zealand		Key Issue 8		Accept	Reject	
FS4.7	James Bridge		Key Issue 8		Accept	Reject	
S129.099	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-SXX (new standard)	Key Issue 8	<p>Add a new standard in the 'SUB - Subdivision' chapter in the Proposed Plan as follows:</p> <p>'Minimum Lot Size (Rural Zones)</p> <p>Settlement Zone</p> <p>1. Where public sewerage reticulation is available - 600m2.</p> <p>2. Where public sewerage reticulation is not available - 1000m2.</p> <p>Rural Lifestyle Zone</p> <p>3. 4000m2.</p> <p>General Rural Zone</p> <p>4. 20 hectares</p> <p>Note: standards for subdivisions involving the creation of Lifestyle Sites in the General Rural Zone are in found in SUB-S2 below</p> <p>Rural Production Zone</p> <p>5. 12 hectares</p> <p>Note: standards for subdivisions involving the creation of Lifestyle Sites in the Rural Production Zone are in found in SUB-S2 below.</p> <p>Conservation Lot (All Zones)</p> <p>6. No minimum lot size applies.</p> <p>Special Purpose Lot (All Zones)</p> <p>7. No minimum lot size applies. Increasing the area of existing noncomplying sites.</p> <p>8. No minimum lot size applies, provided no existing complying site is rendered noncomplying by the subdivision.'</p>	Reject	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
FS17.58	Horticulture New Zealand		Key Issue 8	Accept submission to include minimum lots in the Rural Zones	Accept	Accept	
S50.011	The Surveying Company (HB) Ltd	SUB-S1	Key Issue 8	Amend SUB-S1(4) as follows: 'Settlement Zone 4. Where public sewerage reticulation is available – 600 450 m ² . 5. ...'	Reject	Reject	No
S105.021	James Bridge	SUB-S1	Key Issue 8	Amend SUB-S1(9) as follows: 'General Rural Zone 9. 20 hectares 4000m²' And make consequential amendments to remove specific reference to lifestyle sites within the General Rural Zone in the Proposed Plan.	Reject	Reject	No
FS17.59	Horticulture New Zealand		Key Issue 8		Accept	Accept	
S129.098	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-S1	Key Issue 8	Amend SUB-S1 as follows: 'Minimum Vacant Lot Size Net Site Area (excluding Lifestyle Sites and Conservation Lots) (Urban Zones) General Residential Zone 1. Where public sewerage reticulation is available - 350 300 m ² . 2. .. Commercial Zone General Industrial Zone 3. No minimum net site area lot size applies. Settlement Zone	Reject	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				<p>4. Where public sewerage reticulation is available – 600m².</p> <p>5. Where public sewerage reticulation is not available – 1000m².</p> <p>Large Lot Residential Zone (Coastal)</p> <p>6. ...</p> <p>7. ...</p> <p>Rural Lifestyle Zone</p> <p>8. 4000m². General Rural Zone</p> <p>9. 20 hectares</p> <p>Note: standards for subdivisions involving the creation of Lifestyle Sites in the General Rural Zone are in found in SUB-S2 below</p> <p>Rural Production Zone</p> <p>10. 12 hectares</p> <p>Note: standards for subdivisions involving the creation of Lifestyle Sites in the Rural Production Zone are in found in SUB-S2 below.</p> <p>Conservation Lot (All Zones)</p> <p>11. No minimum net site area lot size applies</p> <p>Special Purpose Lot (All Zones)</p> <p>12. No minimum net site area lot size applies.</p> <p>Increasing the area of existing non complying sites</p> <p>13. No minimum net site area lot size applies, provided no existing complying site is rendered non-complying by the subdivision.'</p>			
S50.012	The Surveying Company (HB) Ltd	SUB-S1	Key Issue 8	<p>Amend SUB-S1(6) as follows:</p> <p>'Large Lot Residential Zone (Coastal)</p> <p>6. Where public sewerage reticulation is available - 800600m².</p> <p>7. Where public sewerage reticulation is not available:</p> <p>a. Mangakuri - 1500m².</p>	Reject	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				b. Other coastal settlements - 1000m2.'			
S129.100	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-S2	Key Issue 8	<p>Amend SUB-S2 as follows:</p> <p>'Minimum Lot Size for Lifestyles Sites (not in association with the creation of a Conservation Lot)</p> <p>General Rural Zone</p> <p>1. Minimum net site area lot size for Lifestyle Lot – 4000m2.</p> <p>2. Maximum net site area lot size for Lifestyle Lot – 2.5 hectares.</p> <p>Rural Production Zone</p> <p>3. Minimum net site area lot size for Lifestyle Lot – 2500m2.</p> <p>4. Maximum net site area lot size for Lifestyle Lot – 4000m2.</p> <p>All Other Zones</p> <p>5. N/A'</p>	Reject	Reject	No
S129.101	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-S3	Key Issue 8	<p>Amend SUB-S3 as follows:</p> <p>'Minimum Lot Size for Lifestyle Sites in association with the creation of a Conservation Lot</p> <p>General Rural Zone / Rural Production Zone</p> <p>1. Minimum net site area for Lifestyle Lot (exclusive of the area being protected) - 2500m2.</p> <p>2. Maximum net site area for Lifestyle Lot (exclusive of the area being protected) - 4000m2.</p> <p>3. Minimum balance area:</p> <p>a. None, if the balance area is the Conservation Lot.</p> <p>b. If there is balance area exclusive of the Conservation Lot and Lifestyle Lot, the relevant minimum net site area in SUB-S4X applies.'</p>	Reject	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S50.001	The Surveying Company (HB) Ltd	SUB-S4	Key Issue 8	Provide clarification of building platform requirement in SUB-S4. Provide a definition of building platform.	Reject	Accept	No
.							
S129.103	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-S5	Key Issue 8	Retain SUB-S5 as notified.	Accept	Accept	No
.							
S129.104	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-S6	Key Issue 8	Retain SUB-S6 as notified.	Accept	Accept	No
.							
S129.105	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-S7	Key Issue 8	Retain SUB-S7 as notified.	Accept	Accept	No
.							
S57.077	Fire and Emergency New Zealand	SUB-S8	Key Issue 8	Retain SUB-S8 as notified.	Accept	Accept	No
.							

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S78.028	Waka Kotahi NZ Transport Agency	SUB-S8	Key Issue 8	Retain SUB-S8 as written.	Accept	Accept	No
.							
S129.106	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-S8	Key Issue 8	Retain SUB-S8 as notified.	Accept	Accept	No
.							
S129.107	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-S9	Key Issue 8	Amend SUB-S9 as follows: 'Road Widening All Zones 1. ... 2. Where the Council does not, for whatever reason, intend to immediately acquire the parcel, the parcel must be held in conjunction with adjoining land. This will be achieved with a Consent Notice registered which ensures that the parcel of land intended for road widening purposes remains held with the adjoining land until such time as the Council requires that parcel of land.'	Reject	Reject	No
S98.022	Hatuma Lime Co Ltd	SUB-AMXX (new assessment matter)	Key Issue 9	Add a new assessment matter (SUB-AM19) in the 'Subdivision' chapter as follows (as a consequential amendment to amendments sought for SUB-R1 and SUB-R5): 'Subdivisions with building platforms and/or vehicle access within proximity of the Hatuma Lime Maharakeke Road quarry 1. Any actual and potential reverse sensitivity effects on the effective, and efficient operation of the Hatuma Lime quarry.	Reject <i>(Refer to Analysis and Recommendation under Key Issue 7: Rules)</i>	Accept	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				2. Conditions offered up by the applicant to ensure future owners of the new lots are aware of the extent of the Hatuma Lime Quarry.'			
FS17.61	Horticulture New Zealand		Key Issue 9	Accept submission but apply to all rural zones.	Reject	Accept	
S129.123	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AMXX (new assessment matter)	Key Issue 9	<p>Add a new assessment matter in the 'SUB - Subdivision' chapter in the Proposed Plan as follows:</p> <p>'SUB-AMX Subdivision of land partly or wholly containing an identified heritage item, archaeological site, or site or area of significance to Māori</p> <p>1. Whether subdivision will enable the establishment of land use activities likely to result in adverse effects on the heritage item, archaeological site, or site of significance to Māori that would not otherwise be enabled without subdivision.</p> <p>2. Any relevant findings and/or recommendations of investigations carried out by a qualified archaeologist that are supplied with the application.</p> <p>3. Any relevant consultation and/or engagement with tangata whenua.</p> <p>4. Whether the subdivision will involve land disturbance that may have adverse effects on the heritage item, archaeological site, or site of significance to Māori.</p> <p>5. The degree to which adverse effects on the heritage item, archaeological site, and/or site of significance to Māori can be mitigated through subdivision or subsequent land use consents.'</p>	Accept in part <i>(Refer to Analysis and Recommendation under Key Issue 7: Rules)</i>	Accept in part	Yes
FS7.031	Heritage New Zealand Pouhere Taonga		Key Issue 9		Accept in part	Accept in part	

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
FS5.090	Ngā hapū me ngā marae o Tamatea		Key Issue 9		Accept in part	Accept in part	
S129.124	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AMXX (new assessment matter)	Key Issue 9	<p>Add a new assessment matter in the 'SUB - Subdivision' chapter in the Proposed Plan as follows:</p> <p>'SUB-AMY Subdivision of land partly or wholly within an identified natural hazard area</p> <p>1. Whether subdivision will enable the establishment of land use activities likely to result in increased risk associated with natural hazards to people, property, infrastructure, and the environment, that would not otherwise be enabled without subdivision.</p> <p>2. Whether resulting allotments will be located partly or wholly within the natural hazard area.</p> <p>3. Whether building platforms can be established in an area of the resulting allotment not subject to natural hazards.</p> <p>4. Whether mitigations can be implemented through subdivision or subsequent land use consents to minimise risks associated with natural hazards.</p> <p>5. Relevant objectives and policies within the NH - Natural Hazards chapter.'</p>	<p>Reject</p> <p><i>(Refer to Analysis and Recommendation under Key Issue 7: Rules)</i></p>	Reject	No
S129.108	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM1	Key Issue 9	Delete SUB-AM1(4).	Reject	Reject	No
.							
S129.109	Kāinga Ora - Homes and	SUB-AM2	Key Issue 9	Retain SUB-AM2 as notified.	Accept	Accept	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
	Communities (Kāinga Ora)						
.							
S129.110	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM3	Key Issue 9	Delete SUB-AM3(2).	Accept	Accept	Yes
.							
S129.111	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM4	Key Issue 9	Retain SUB-AM4 as notified.	Accept	Accept	No
.							
S105.019	James Bridge	SUB-AM5	Key Issue 9	Amend SUB-AM5(7) to refer to NZS4404:2010.	Reject	Reject	Yes (Insofar as SUB-AM5(7) is recommended to be deleted)
.							
S105.020	James Bridge	SUB-AM6	Key Issue 9	Amend SUB-AM6(6) to refer to NZS4404:2010.	Reject	Reject	Yes (Insofar as SUB-AM6(6) is recommended to be deleted)

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
.							
S78.029	Waka Kotahi NZ Transport Agency	SUB-AM6	Key Issue 9	Retain SUB-AM6 as written.	Accept in part	Accept in part	Yes (Insofar as SUB-AM6 is retained, but amended in response to other submission points)
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S78.030	Waka Kotahi NZ Transport Agency	SUB-AM7	Key Issue 9	Retain SUB-AM7 as written.	Accept	Accept	Yes Note: minor amendments under clause 16(2) of the First Schedule of the RMA
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S129.114	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM7	Key Issue 9	Delete SUB-AM7. And consequential amendments are sought to reflect Kāinga Ora's position.	Reject	Reject	No
FS16.32	Waka Kotahi NZ Transport Agency		Key Issue 9	Retain SUB-AM7 as notified.	Accept	Accept	Yes Note: minor amendments under clause 16(2) of the First Schedule of the RMA

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
S117.065	Chorus New Zealand Limited	SUB-AM8	Key Issue 9	Amend SUB-AM8 as follows: 'General 1. 5. The provision of telecommunications to each site.'	Accept	Accept	Yes
FS9.493	Royal Forest and Bird Protection Society of New Zealand Incorporated		Key Issue 9		Reject	Reject	
FS4.6	James Bridge		Key Issue 9		Reject	Reject	
S119.065	Vodafone New Zealand Limited	SUB-AM8	Key Issue 9	Amend SUB-AM8 as follows: 'General 1. 5. The provision of telecommunications to each site.'	Accept	Accept	Yes
FS4.10	James Bridge		Key Issue 9		Reject	Reject	
S118.065	Spark New Zealand Trading Limited	SUB-AM8	Key Issue 9	Amend SUB-AM8 as follows: 'General 1. 5. The provision of telecommunications to each site.'	Accept	Accept	Yes
FS4.8	James Bridge		Key Issue 9		Reject	Reject	
S78.031	Waka Kotahi NZ Transport Agency	SUB-AM8	Key Issue 9	Retain SUB-AM8 as written.	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
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S90.037	Centralines Limited	SUB-AM8	Key Issue 9	Retain SUB-AM8 as notified.	Accept in part	Accept in part	Yes
.							
S129.115	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM8	Key Issue 9	Amend SUB-AM8 as follows: 'General 1. Any potential cumulative effects that may occur as a result of the subdivision. arise from multiple non-compliances to standards. 2. Potential constraints to the development of the site, such as the National Grid Subdivision Corridor or stormwater drains, and the ability for any resulting adverse effects to be avoided, remedied, or mitigated. 3. The potential effects from a proposed subdivision or development of land on the safe and efficient operation of network utilities. ...'	Reject	Reject	Yes
FS16.33	Waka Kotahi NZ Transport Agency			Retain SUB-AM8 as notified.	Accept in part	Accept in part	
S129.116	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM9	Key Issue 9	Retain SUB-AM9 as notified.	Accept	Accept	No
.							
S129.117	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM10	Key Issue 9	Amend SUB-AM10 as follows: 'Easements 1. Whether there is a need for easements:	Reject	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				<p>a. where a service or access is required by the Council;</p> <p>b. ...</p> <p>c. to meet network operator requirements;</p> <p>...</p> <p>h. for servicing with sufficient width to permit maintenance, repair, or replacement.'</p>			
.							
S129.118	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM11	Key Issue 9	<p>Amend SUB-AM11 as follows:</p> <p>'Sites in the Rural Lifestyle Zone, and Lifestyle Sites in the General Rural Zone and Rural Production Zone, which adjoin any site used for existing horticultural or intensive primary production activities</p> <p>1. The design of the subdivision to ensure that, as a consequence of the development it will accommodate, reverse sensitivity effects will not be created or exacerbated. In particular, in assessing the development, the following factors will be considered:</p> <p>a. ...</p> <p>b. The location of the house sites which will avoid minimise any potential for reverse sensitivity effects.</p> <p>c. ...</p> <p>d. The registration of restrictive covenants and/or consent notices (where they are offered) against the certificate of title(s) for any site where reverse sensitivity effects are likely to result from activities operated in compliance with the provisions of the District Plan, which cannot otherwise be adequately avoided or mitigated by other conditions of consent, and which are necessary to achieve the relevant objectives, policies and anticipated environmental outcomes for the zone, particularly those relating to reverse sensitivity effects.'</p>	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
FS8.040	Silver Fern Farms Limited		Key Issue 9		Accept in part	Accept in part	
FS17.62	Horticulture New Zealand		Key Issue 9		Accept in part	Accept in part	
S78.032	Waka Kotahi NZ Transport Agency	SUB-AM13	Key Issue 9	Retain SUB-AM13 as written.	Accept	Accept	No
.							
S57.080	Fire and Emergency New Zealand	SUB-AM14	Key Issue 9	Retain SUB-AM14(2) as notified.	Accept	Accept	No
.							
S129.119	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM14	Key Issue 9	Delete SUB-AM14(2).	Reject	Reject	No
.							
S129.120	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM16	Key Issue 9	<p>Amend SUB-AM16 as follows:</p> <p>'Subdivision of land, including Lifestyle Sites within Outstanding Natural Landscapes and Features, Significant Amenity Features, and the Coastal Environment (including identified areas of High Natural Character)</p> <p>1. The design of the subdivision and the development it will accommodate, to ensure that it will not have adverse visual or landscape effects on the values of the feature, landscape or area (identified in ECO-SCHED5, NFL-SCHED6, and CE-SCHED7 of the District Plan) and will not detract from the natural character of the coastal</p>	Accept in part	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				environment. Reference will be made to the proposed nature and location of building platforms, roads and accessways, earthworks, landscaping, and planting. In particular, the development subdivision will be assessed in terms of its ability to achieve the following: ...'			
S129.121	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM17	Key Issue 9	Delete SUB-AM17.	Reject	Reject	No
FS18.22	Transpower New Zealand Limited		Key Issue 9		Accept	Accept	
S129.122	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM18	Key Issue 9	Delete SUB-AM18.	Reject	Reject	No
FS3.017	First Gas Limited		Key Issue 9		Accept		
S98.024	Hatuma Lime Co Ltd	SUB-MXX (new method)	Key Issue 10	Show the extent of Hatuma Lime's Maharakeke Road quarry on the District Plan maps. And add a new 'Method' in the 'Subdivision' chapter, to achieve the outcome of an information layer held by Council on the GIS or District Plan maps to show the extent of the Maharakeke Road quarry operated by Hatuma Lime.	Reject	Accept	No
S116.027	Silver Fern Farms Limited	SUB - Principal Reasons	Key Issue 10	Amend the last paragraph of 'SUB - Principal Reasons' as follows: '...	Accept	Accept	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				Inappropriately designed or located subdivision has potential to create reverse sensitivity effects, particularly when it provides for the establishment of sensitive activities (e.g. residential and lifestyle development) close to existing primary production activities, rural industry activities , industrial activities, public works, network utility operations and renewable electricity generation sites. Such effects can significantly affect the ability of the existing activities to continue to operate, upgrade or expand (e.g. through complaints about noise and odour). Therefore, recognising and avoiding reverse sensitivity effects when planning for subdivision and land use development will provide for the continued efficient and effective operation of existing activities.'			
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S79.076	Transpower New Zealand Ltd	SUB - Principal Reasons	Key Issue 10	Retain final paragraph of 'SUB - Principal Reasons' as drafted.	Accept in part	Accept in part	Yes
S129.125	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB - Principal Reasons	Key Issue 10	Amend paragraphs 2 and 9 of 'SUB - Principal Reasons' as follows: '... The District Plan includes minimum lot size standards for vacant lot subdivision that provide landowners with sufficient flexibility and certainty to create sites which are of an appropriate size to achieve the scale, density and type of development provided for by the objectives, policies and methods for each zone and district-wide activity. ... The Council uses the Code of Practice for Urban Land Subdivision (NZS 4404: 2010 and any future amendments) to assess detailed engineering requirements, along with the Hastings District	Accept in part (Refer to Section 5.0: Key Issue 2 – Code of Practice and Standards in relation to the request to delete the last sentence of paragraph 9 that refers to codes of practice)	Accept in part	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Key Issue	Summary of Decision Requested	Officer's Recommendation (as per s42A report unless otherwise specified)	Panel Recommendation	Amendments to Proposed Plan?
				Council Engineering Code of Practice. These Codes of Practice are therefore referred to in the assessment matters for resource consents - although the Code of Practice itself is not part of the District Plan. ...'			
S78.033	Waka Kotahi NZ Transport Agency	SUB-AER6	Key Issue 10	Retain SUB-AER6 as written.	Accept	Accept	No
S15.001	Jason Woodyard	SUB - Subdivision	Key Issue 11	Transferable Titles - adopt the ability to Transfer titles within Central Hawkes Bay.	Reject	Reject	No

