

9 November 2021
Central Hawke's Bay District Council
P O Box 127
Waipawa 4240

FORM 6

Further Submission in support of, or in opposition to, submission on Central Hawke's Bay Proposed District Plan 2021 - Pursuant to Clause 8 of the first Schedule of the Resource Management Act 1991

Section 1: Further Submitter Details:

To: District Plan Review Team
Central Hawke's Bay District Council
P O Box 127
Waipawa 4240
Email: districtplan@chbdc.govt.nz

Name of Further Submitter: Waka Kotahi NZ Transport Agency
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Section 2: Further Submission Details

This is a further submission on submissions on the Central Hawke's Bay Proposed District Plan 2021.

Waka Kotahi is an organisation (person) who has an interest in the proposal that is greater than the interest of the general public. Waka Kotahi made a submission on the Central Hawke's Bay Proposed District Plan 2021 (dated 5 August 2021).

The specific parts of the submissions supported or opposed, the reasons for that support or opposition, and the decisions Waka Kotahi seeks from the Council in terms of allowing or disallowing submissions are set out in Attachment 1. Waka Kotahi **does wish to be heard** in support of this submission. If others make a similar submission, Waka Kotahi would consider presenting a joint case at any hearing.

Signature of person authorised to sign on behalf of Submitter:



Natasha Reid
Principal Planner – Environmental Planning
Transport Services
Waka Kotahi NZ Transport Agency

Attachment 1: Waka Kotahi NZ Transport Agency Further Submission on the Central Hawke's Bay Proposed District Plan 2021

Plan Provision	Submission Point #	Submitter Name	Summary of Submission	Summary of Decision Requested by the submitter	Waka Kotahi - Support / Oppose	Reason	Decision Sought by Waka Kotahi
Part 1 – Definitions · Maintenance (Definition)	S121.239	Federated Farmers of New Zealand	“Federated Farmers agrees that maintenance and repair of network utilities activities are necessary, but the definition of maintenance must not stray into upgrading, which can create some significant adverse effects on land owners and surrounding land uses resulting in injurious affection under the Public Works Act”.	Amend the definition of 'Maintenance' as follows: '... Specifically in relation to network utilities, 'maintenance' means: any replacement, repair or renewal work or activity necessary to continue the operation and/or functioning of an existing network utility. Includes the replacement of an existing line, building, structure or other facilities with another of the same or similar height, voltage , size and scale, within the same or similar position and for the same or similar purpose. Also includes the addition of extra lines to existing or replacement poles or other support structures.	Oppose	Makes the scope of 'maintenance' too narrow.	Retain the 'maintenance' definition as notified in proposed plan.
Part 1 – Definitions · Noise Sensitive Activity (Definition)	S81.022	Horticulture New Zealand	“The noise sensitive activity should be the buildings used for the activity, not open area around the building - e.g. marae”.	Amend the definition of 'Noise Sensitive Activity' as follows: 'means any buildings used for the following activities: a. Residential activity b.'	Oppose	It is important that outdoor noise sensitive activities are included in the definition.	Retain the standard Noise Sensitive Activity definition as notified in proposed plan.
NU-I3	S129.016	Kāinga Ora Homes and Communities	“Kāinga Ora generally supports NU-I3 as notified however requests the inclusion of the qualifier 'where not appropriately managed,' to reflect that subdivision, land use, and development in close proximity to existing network utilities may not unnecessarily constrain or compromise the safe and efficient functioning of the utility where well planned and considered. Amendments sought”.	Amend NU-I3 as follows: 'Effects of Other Activities on Network Utilities Where not appropriately managed , Nnew subdivision, land use and development may impact on the safe and efficient functioning of network utilities. Explanation Where not appropriately managed , Nnew subdivision, land use and development in close proximity to existing network utilities can have the potential to constrain or compromise the efficient or effective operation, maintenance and development of those network utilities. In some instances, this can compromise health and safety through the location of sensitive activities close to network utilities, and through activities not adhering to safe clearances or safe distances from network utilities e.g. from electricity transmission networks (including the National Grid), high pressure gas network, overhead	Oppose	The use of the words ' where not appropriately managed' leads to ambiguity.	Retain NU-I3 as notified in proposed plan.

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				lines and cables, navigational aids, road and railway corridors etc.			
NU-01	S117.031	Chorus New Zealand Limited	"NU-01 as proposed covers the same matters as best practice provision IE-01, although IE-01 provides greater context as to why network utilities should be safe, effective, efficient and resilient".	Delete NU-01, and replace as follows: 'Effective, resilient, efficient and safe network utilities that: 1. provide essential and secure services, including in emergencies; 2. facilitate local, regional, national or international connectivity; 3. contribute to the economy and support a high standard of living; 4. integrate with urban development; 5. enable people and communities to provide for their health, safety and wellbeing.'	Support	The provision as proposed by the submitter is set out concisely. Support this submission point for reasons provided by the submitter.	Accept submission point and amend NU-01 as proposed by submitter S117.031.
NU-01	S118.031	Spark New Zealand Trading Limited	"NU-01 as proposed covers the same matters as best practice provision IE-01, although IE-01 provides greater context as to why network utilities should be safe, effective, efficient and resilient".	Delete NU-01, and replace as follows: 'Effective, resilient, efficient and safe network utilities that: 1. provide essential and secure services, including in emergencies; 2. facilitate local, regional, national or international connectivity; 3. contribute to the economy and support a high standard of living; 4. integrate with urban development; 5. enable people and communities to provide for their health, safety and wellbeing.'	Support	The provision as proposed by the submitter is set out concisely. Support this submission point for reasons provided by the submitter.	Accept submission point and amend NU-01 as proposed by submitter S118.031.
NU-01	S119.031	Vodafone New Zealand Limited	"NU-01 as proposed covers the same matters as best practice provision IE-01, although IE-01 provides greater context as to why network utilities should be safe, effective, efficient and resilient".	Delete NU-01, and replace as follows: 'Effective, resilient, efficient and safe network utilities that: 1. provide essential and secure services, including in emergencies; 2. facilitate local, regional, national or international connectivity; 3. contribute to the economy and support a high standard of living; 4. integrate with urban development; 5. enable people and communities to provide for their health, safety and wellbeing.'	Support	The provision as proposed by the submitter is set out concisely. Support this submission point for reasons provided by the submitter.	Accept submission point and amend NU-01 as proposed by submitter S119.031.

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NU-01	S56.010	Powerco Limited	Powerco seeks that the policy be amended to recognise that adverse effects of network utilities (especially new network utilities) may not be capable of being avoided, remedied or mitigated at times.	Amend NU-02 as follows: 'The adverse effects of network utilities on the environment are avoided, remedied or mitigated as far as reasonably practicable , while recognising the functional and operational needs of network utilities (including those associated with their scale, design and locational requirements).'	Oppose	By adding 'reasonably practicable' could imply a lower 'bar' be considered. The words (avoid, remedy and mitigate) that are already contained in the objective are sufficient and RMA referenced.	Retain NU-01 as notified in proposed plan.
NU-02	S117.032	Chorus New Zealand Limited	NU-02 aligns with IE-02 of the best practice provisions, although does not require consideration of the positive effects that network utilities can have. The definition of effect in the Resource Management Act includes positive effects.	Delete NU-02, and replace as follows: 'The adverse effects of network utilities on the environment are avoided, remedied or mitigated while recognising: 1. the functional need and operational need of network utilities; 2. that positive effects of network utilities may be realised locally, regionally or nationally.'	Support	The provision as proposed by the submitter is set out concisely. Support this submission point for reasons provided by the submitter.	Accept submission point and amend NU-02 as proposed by submitter S117.032.
NU-02	S118.032	Spark New Zealand Trading Limited	NU-02 aligns with IE-02 of the best practice provisions, although does not require consideration of the positive effects that network utilities can have. The definition of effect in the Resource Management Act includes positive effects.	Delete NU-02, and replace as follows: 'The adverse effects of network utilities on the environment are avoided, remedied or mitigated while recognising: 1. the functional need and operational need of network utilities; 2. that positive effects of network utilities may be realised locally, regionally or nationally.'	Support	The provision as proposed by the submitter is set out concisely. Support this submission point for reasons provided by the submitter.	Accept submission point and amend NU-02 as proposed by submitter S118.032.
NU-02	S119.032	Vodafone New Zealand Limited	NU-02 aligns with IE-02 of the best practice provisions, although does not require consideration of the positive effects that network utilities can have. The definition of effect in the Resource Management Act includes positive effects.	Delete NU-02, and replace as follows: 'The adverse effects of network utilities on the environment are avoided, remedied or mitigated while recognising: 1. the functional need and operational need of network utilities; 2. that positive effects of network utilities may be realised locally, regionally or nationally.'	Support	The provision as proposed by the submitter is set out concisely. Support this submission point for reasons provided by the submitter.	Accept submission point and amend NU-02 as proposed by submitter S119.032.
NU-03	S81.052	Horticulture New Zealand	The objective is rather absolute. The NPSET seeks that activities are managed 'to the extent reasonably possible (e.g Policy 10). This should be reflected in the objective.	Amend NU-03 as follows: 'The safety, maintenance, upgrade or development of network utilities is, to the extent reasonably possible , not compromised by incompatible subdivision, land use or development, including the potential for reverse sensitivity effects.'	Oppose	By adding 'reasonably possible' could imply a lower 'bar' be considered and adds ambiguity.	Retain NU-03 as notified in proposed plan.
NU-03	S117.033	Chorus New Zealand Limited	The intention of NU-03, in that it provides for Reverse Sensitivity is supported, but the objective	Delete NU-03, and replace as follows:	Oppose	The reference to setbacks, buffers and controls might be more suited to a policy rather than an objective.	Retain NU-03 as notified in proposed plan.

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			should be made to be more explicit, as per IE-03 in the best practice provisions.	'Network utilities are protected from adverse effects, including reverse sensitivity effects, of subdivision, use and development by, where necessary: 1. set-backs or buffer corridors within which incompatible activities will be managed; 2. controls on the activities of others' where they can compromise the operation, safety, maintenance, upgrade and development of network utilities.'			
NU-03	S118.033	Spark New Zealand Trading Limited	The intention of NU-03, in that it provides for Reverse Sensitivity is supported, but the objective should be made to be more explicit, as per IE-03 in the best practice provisions.	Delete NU-03, and replace as follows: 'Network utilities are protected from adverse effects, including reverse sensitivity effects, of subdivision, use and development by, where necessary: 1. set-backs or buffer corridors within which incompatible activities will be managed; 2. controls on the activities of others' where they can compromise the operation, safety, maintenance, upgrade and development of network utilities.'	Oppose	The reference to setbacks, buffers and controls might be more suited to a policy rather than an objective.	Retain NU-03 as notified in proposed plan.
NU-03	S119.033	Vodafone New Zealand Limited	The intention of NU-03, in that it provides for Reverse Sensitivity is supported, but the objective should be made to be more explicit, as per IE-03 in the best practice provisions.	Delete NU-03, and replace as follows: 'Network utilities are protected from adverse effects, including reverse sensitivity effects, of subdivision, use and development by, where necessary: 1. set-backs or buffer corridors within which incompatible activities will be managed; 2. controls on the activities of others' where they can compromise the operation, safety, maintenance, upgrade and development of network utilities.'	Oppose	The reference to setbacks, buffers and controls might be more suited to a policy rather than an objective.	Retain NU-03 as notified in proposed plan.
NU-03	S129.019	Kāinga Ora - Homes and Communities	Kāinga Ora generally supports the objective, however requests minor amendments to wording to reflect that there will be circumstances where subdivision, land use and development may be appropriate and is unlikely to result in reverse sensitivity effects. Amendments sought.	Amend NU-03 as follows: 'The safety, maintenance, upgrade or development of network utilities is not compromised by incompatible and/or inappropriate subdivision, land use or development, including the potential for where it is likely to result in reverse sensitivity effects.'	Support in part	The use of the term 'inappropriate' is vague and leads to ambiguity and the use of the words "where it is likely to result in" change the meaning of the objective to only protect network utilities from incompatible uses where they are likely to result in sensitivity effects as opposed to where they will or have the potential to result in reverse sensitivity effects	Retain NU-03 as notified in proposed plan.
NU-P1	S117.034	Chorus New Zealand Limited	While the intention of NU-P1 is generally well aligned with IE-P1 of the best practice provisions, the second part of IE-P1 of the best practice provisions is more prescriptive than what exists in NU-P1 of the Proposed District Plan.	Delete NU-P1, and replace as follows: '1. Recognise the benefits of network utilities by: a. enabling the operation, maintenance, repair, minor upgrade or removal of existing network utilities throughout the district;	Oppose	Submission point S117.034 is too detailed and inefficient.	Retain NU-P1 as notified in proposed plan as the notified plan wording encompasses all matters raised in this submission point.

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				<p>b. enabling investigation, monitoring and navigation activities associated with network utility operations throughout the district;</p> <p>c. providing for significant upgrades to, and the development of new, network utilities;</p> <p>d. providing for the functions and responsibilities of network utilities as lifeline utilities during an emergency.</p> <p>The national, regional and local benefits of network utilities that are recognised are those that enable the economic, social, cultural and environmental well-being of people and communities and provide for their health and safety, including through:</p> <p>a. the effective safe, secure and efficient transmission or distribution of electricity, gas, fuel or energy;</p> <p>b. an integrated, efficient and safe transport network for the movement of people and goods by land, air or water, including public transport, walking, cycling, private vehicles;</p> <p>c. effective, reliable and future-proofed communications networks and services;</p> <p>d. effective, resilient, efficient and safe water, wastewater and stormwater treatment systems, networks and services.'</p>			
NU-P1	S118.034	Spark New Zealand Trading Limited	While the intention of NU-P1 is generally well aligned with IE-P1 of the best practice provisions, the second part of IE-P1 of the best practice provisions is more prescriptive than what exists in NU-P1 of the Proposed District Plan.	<p>Delete NU-P1, and replace as follows:</p> <p>'1. Recognise the benefits of network utilities by:</p> <p>a. enabling the operation, maintenance, repair, minor upgrade or removal of existing network utilities throughout the district;</p> <p>b. enabling investigation, monitoring and navigation activities associated with network utility operations throughout the district;</p> <p>c. providing for significant upgrades to, and the development of new, network utilities;</p> <p>d. providing for the functions and responsibilities of network utilities as lifeline utilities during an emergency.</p> <p>The national, regional and local benefits of network utilities that are recognised are those that enable the economic, social, cultural and environmental well-</p>	Oppose	Submission point S118.034 is too detailed and inefficient.	Retain NU-P1 as notified in proposed plan as the proposed plan wording encompasses all matters raised in the submission.

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				<p>being of people and communities and provide for their health and safety, including through:</p> <p>a. the effective safe, secure and efficient transmission or distribution of electricity, gas, fuel or energy;</p> <p>b. an integrated, efficient and safe transport network for the movement of people and goods by land, air or water, including public transport, walking, cycling, private vehicles;</p> <p>c. effective, reliable and future-proofed communications networks and services;</p> <p>d. effective, resilient, efficient and safe water, wastewater and stormwater treatment systems, networks and services.'</p>			
NU-P1	S119.034	Vodafone New Zealand Limited	While the intention of NU-P1 is generally well aligned with IE-P1 of the best practice provisions, the second part of IE-P1 of the best practice provisions is more prescriptive than what exists in NU-P1 of the Proposed District Plan.	<p>Delete NU-P1, and replace as follows:</p> <p>'1. Recognise the benefits of network utilities by: a. enabling the operation, maintenance, repair, minor upgrade or removal of existing network utilities throughout the district;</p> <p>b. enabling investigation, monitoring and navigation activities associated with network utility operations throughout the district;</p> <p>c. providing for significant upgrades to, and the development of new, network utilities;</p> <p>d. providing for the functions and responsibilities of network utilities as lifeline utilities during an emergency.</p> <p>The national, regional and local benefits of network utilities that are recognised are those that enable the economic, social, cultural and environmental well-being of people and communities and provide for their health and safety, including through:</p> <p>a. the effective safe, secure and efficient transmission or distribution of electricity, gas, fuel or energy;</p> <p>b. an integrated, efficient and safe transport network for the movement of people and goods by land, air or water, including public transport, walking, cycling, private vehicles;</p> <p>c. effective, reliable and future-proofed communications networks and services;</p> <p>d. effective, resilient, efficient and safe water, wastewater and stormwater treatment systems, networks and services.'</p>	Oppose	Submission point S119.034 is too detailed and inefficient.	Retain NU-P1 as notified in proposed plan as the proposed plan wording encompasses all matters raised in the submission.

Plan Provision	Submission Point #	Submitter Name	Summary of Submission	Summary of Decision Requested by the submitter	Waka Kotahi - Support / Oppose	Reason	Decision Sought by Waka Kotahi
NU-P5	S81.053	Horticulture New Zealand	A change is sought to NU-P5 consistent with the change sought to NU-O3 above, to ensure that the policy reflects the objective to 'recognise and provide for' network utilities. Including 'amenity values' does not link to the objectives.	Amend NU-P5 as follows: 'To ensure that the adverse effects of subdivision, use and development, do not, to the extent reasonably possible, 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: ...'	Oppose	The submission introduces ambiguity and does not clearly articulate the need to protect network utilities.	Retain Policy NU-P5 as notified in proposed plan.
NU-P5	S117.038	Chorus New Zealand Limited	The intention of NU-P5 is generally well aligned with IE-P8 of the best practice provisions. However for consistency IE-P8 of the best practice provisions should be used in the Proposed Plan.	Delete NU-P5, and replace as follows: ' Adverse effects on network utilities' Protect network utilities from the adverse effects of subdivision, use and development that may constrain or compromise the safe and efficient operation, maintenance, repair, upgrading, removal and development of network utilities, including by: 1. locating and designing new buildings and activities sensitive to noise to avoid the potential adverse effects of the railway corridor and national and regional road network; 2. managing access to the railway corridor and national and regional road network; 3. managing new activities sensitive to noise within a defined air noise contour; 4. avoiding physical obstructions in take-off, approach, landing or departure paths and runway end protection areas; 5. requiring subdivision of sites containing significant electricity distribution lines to: a. retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the significant electricity distribution line; and b. ensure that future buildings, earthworks and construction activities maintain safe electrical clearance distances under all building and electricity distribution line operating conditions; 6. managing land disturbance and activities sensitive to gas transmission to avoid or mitigate potential adverse effects of, and on, gas transmission pipelines; 7. requiring subdivision of sites containing a gas transmission pipeline to retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the gas transmission pipeline;	Oppose	Too detailed and prescriptive. The proposed wording encompasses all matters raised in the submission.	Retain Policy NU-P5 as notified in proposed plan.

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				8. managing the activities of others' through set-backs and design controls where it is necessary to achieve appropriate protection of a network utility.'			
NU-P5	S118.038	Spark New Zealand Trading Limited	The intention of NU-P5 is generally well aligned with IE-P8 of the best practice provisions. However for consistency IE-P8 of the best practice provisions should be used in the Proposed Plan.	Delete NU-P5, and replace as follows: 'Adverse effects on network utilities' Protect network utilities from the adverse effects of subdivision, use and development that may constrain or compromise the safe and efficient operation, maintenance, repair, upgrading, removal and development of network utilities, including by: 1. locating and designing new buildings and activities sensitive to noise to avoid the potential adverse effects of the railway corridor and national and regional road network; 2. managing access to the railway corridor and national and regional road network; 3. managing new activities sensitive to noise within a defined air noise contour; 4. avoiding physical obstructions in take-off, approach, landing or departure paths and runway end protection areas; 5. requiring subdivision of sites containing significant electricity distribution lines to: a. retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the significant electricity distribution line; and b. ensure that future buildings, earthworks and construction activities maintain safe electrical clearance distances under all building and electricity distribution line operating conditions; 6. managing land disturbance and activities sensitive to gas transmission to avoid or mitigate potential adverse effects of, and on, gas transmission pipelines; 7. requiring subdivision of sites containing a gas transmission pipeline to retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the gas transmission pipeline; 8. managing the activities of others' through set-backs and design controls where it is necessary to achieve appropriate protection of a network utility.'	Oppose	Too detailed and prescriptive. The proposed wording encompasses all matters raised in the submission.	Retain Policy NU-P5 as notified in proposed plan.
NU-P5	S119.038	Vodafone New Zealand Limited	The intention of NU-P5 is generally well aligned with IE-P8 of the best practice provisions. However for consistency IE-P8 of the best practice provisions	Delete NU-P5, and replace as follows: 'Adverse effects on network utilities' Protect network utilities from the adverse effects of subdivision, use and development that may constrain	Oppose	Too detailed and prescriptive. The proposed wording encompasses all matters raised in the submission.	Retain Policy NU-P5 as notified in proposed plan.

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			should be used in the Proposed Plan.	<p>or compromise the safe and efficient operation, maintenance, repair, upgrading, removal and development of network utilities, including by:</p> <ol style="list-style-type: none"> 1. locating and designing new buildings and activities sensitive to noise to avoid the potential adverse effects of the railway corridor and national and regional road network; 2. managing access to the railway corridor and national and regional road network; 3. managing new activities sensitive to noise within a defined air noise contour; 4. avoiding physical obstructions in take-off, approach, landing or departure paths and runway end protection areas; 5. requiring subdivision of sites containing significant electricity distribution lines to: a. retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the significant electricity distribution line; and b. ensure that future buildings, earthworks and construction activities maintain safe electrical clearance distances under all building and electricity distribution line operating conditions; 6. managing land disturbance and activities sensitive to gas transmission to avoid or mitigate potential adverse effects of, and on, gas transmission pipelines; 7. requiring subdivision of sites containing a gas transmission pipeline to retain the ability for the network utility operator to access, operate, maintain, repair and upgrade the gas transmission pipeline; 8. managing the activities of others' through setbacks and design controls where it is necessary to achieve appropriate protection of a network utility.' 			
NU-P5	S129.025	Kāinga Ora – Homes and Communities	Kāinga Ora generally supports the intent of the policy, however seeks amendments to clarify when activities may require management and to reflect that where well planned, subdivision, use, and development within proximity to network utilities is likely to be appropriate such that reverse sensitivity effects can be appropriately addressed and/or managed.	<p>Amend NU-P5 as follows:</p> <p>'To protect network utilities from the adverse effects of inappropriate subdivision, use and development that where it 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:</p> <ol style="list-style-type: none"> 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 	Oppose	The word 'inappropriate' leads to ambiguity. We are also concerned with the deletion of 2. as we want to ensure that new sensitive activities are managed to avoid reverse sensitivity effects on the road network. The removal of the word "retain" and change to "does not unnecessarily compromise" is concerning for Waka Kotahi as this means that subdivision could compromise the operation and upgrade and maintenance of and access to the land transport system	Retain Policy NU-P5 as notified in proposed plan.

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				<p>regional road network, and within any defined noise contour to avoid reverse sensitivity effects;</p> <p>3. managing access to the railway corridor and to the national and regional road network land transport network;</p> <p>4. managing light spill and glare from activities on road users;</p> <p>5. managing land disturbance and activities in the vicinity of gas transmission pipelines;</p> <p>6. managing land use development (including sensitive activities), buildings, structures and subdivision near the National Grid, within the National Grid Yard, or around a designated National Grid substation;</p> <p>7. managing land disturbance, land use development and buildings to maintain safe electrical clearance distances under electricity distributions lines and support structures; and</p> <p>8. ensuring subdivision of sites containing a network utility activity retain does not unnecessarily compromise the ability for the network utility operator to access, operate, maintain, repair and upgrade the network utility.'</p>			
TRAN-P7	S129.036	Kāinga Ora - Homes and Communities	Kāinga Ora generally supports the policy, however considers that amendments are needed to clarify that it is the traffic generated by new development, rather than the new development itself, which can result in adverse effects on the capacity of the road network such that it requires management. Amendments sought.	<p>Amend TRAN-P7 as follows:</p> <p>'To ensure the roading network has capacity to accommodate traffic generated as a result of new development.'</p>	Oppose	Narrows the scope of the objective too much as traffic is not the only relevant matter.	Retain Policy TRAN-P7 as notified in proposed plan.
TRAN-S5	S129.042	Kāinga Ora - Homes and Communities	<p>Kāinga Ora seeks amendments to vehicle access standard TRAN-S5 to recognise that as road frontage increases, a greater number of vehicle crossings is likely to be appropriate per site.</p> <p>Kāinga Ora also seeks deletion of the requirement that where sites are bordered by two or more roads of the same category, that vehicle access must be via that road which carries less traffic, and considers that the level of investigation and evidence</p>	<p>Amend TRAN-S5 as follows:</p> <p>'Vehicle Access</p> <p>All Zones</p> <p>1. ...</p> <p>2. There must be a maximum of one vehicle crossing per site property or per 15m of road frontage (whichever is greater) within the General Residential Zone, Large Lot Residential Zone and Settlement Zone, except where the site is an emergency services facility.</p> <p>Where the property site is bordered by two or more roads, the vehicle access to the property must be from</p>	Oppose	Waka Kotahi would prefer that distances are not specified for access onto a State Highway as the appropriate number and spacing of vehicle crossings is dependent on the speed limit, zone and the site environment. The word "or road with the lowest traffic volumes when road hierarchy status is equal" need to remain as otherwise it will not be clear which road the vehicle access needs to be from.	<p>With respect to State Highways, Waka Kotahi's interests are covered in the note -</p> <p><i>Note: Notwithstanding the rules in this Plan, every person proposing to construct or modify an accessway onto a State Highway must obtain permission from Waka Kotahi NZ Transport Agency, and every person proposing to construct or modify an access which crosses a rail line must obtain permission from KiwiRail.</i></p>

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			required in this regard is not justified. So as to ensure consistency throughout the plan, Kāinga Ora opposes the use of the term 'property' and replacement with the defined term 'site'. Amendments sought.	the lower category road or road with the lowest traffic volumes when road hierarchy status is equal. 3. ...'			
TRAN-S6	S104.008	Central Hawke's Bay District Council	As the ONRC classifications are now essentially replaced by the ONF classifications, CHBDC sees the introduction of the new ONF classifications are more appropriate. The change is not considered to have any adverse effect nor materially change the extent to which the Proposed Plan meets relevant statutory obligations.	Amend TRAN-S6 as follows: 'General Residential Zone Commercial Zone General Industrial Zone 1. ... 2. ... 3. ... Note: Vehicle access in relation to Arterial Road or Collector Road Transit Corridors, Urban Connectors, Activity Streets, City Hubs, Main Streets, or Civic Square intersections will be subject to a Road Safety Audit as deemed necessary by the Road Controlling Authority.'	Support	This is in line with new terminology in the One Network Framework (ONF). Waka Kotahi seek to have the same terminology within district plans.	Accept submission point and amend TRAN-S6 as proposed by submitter S104.008.
TRAN-S6	S129.043	Kāinga Ora - Homes and Communities	Kāinga Ora considers that vehicle access separation of 100 and 30 metres, respectively, is excessive and disproportionate to the risk it seeks to manage. Amendments sought.	Amend TRAN-S6 as follows: 'Distance of Between Vehicle Accesses and Separation from Road Intersections General Residential Zone / Commercial Zone / General Industrial Zone 1. The distance that any new vehicle access to any property may be sited from any road intersection must be a minimum of 15m or the extent of the property boundary where this is not achievable, which ever is the least. 2. Where there will be two adjacent accesses on adjoining sites, any new vehicle crossings must be offset from the common legal property boundary (side boundary) by 1.5 metres. 3. Any vehicle access to any property must not be sited within 30 20 metres of an intersection of a State Highway. Note: Vehicle access in relation to Arterial Road or Collector Road intersections will be subject to a Road Safety Audit as deemed necessary by the Road Controlling Authority. Rural Lifestyle Zone / General Rural Zone / Rural Production Zone / Settlement Zone / Large Lot Residential Zone (Coastal):	Oppose in part	Waka Kotahi would prefer that distances are not specified for access onto or near a State Highway. The appropriate number and spacing of vehicle crossings is dependent on the speed limit, zone and the site environment, as referred to in our Planning Policy Manual (PPM) Appendix 5B. The PPM specifications cannot be reduced to one clause or one measurement and 20m cannot be supported.	With respect to State Highways, Waka Kotahi's interests are covered in the note - <i>Note: Notwithstanding the rules in this Plan, every person proposing to construct or modify an accessway onto a State Highway must obtain permission from Waka Kotahi NZ Transport Agency, and every person proposing to construct or modify an access which crosses a rail line must obtain permission from KiwiRail.</i>

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				4. Any new vehicle access to any property shall be sited at least 10 20 metres from an intersection of a State Highway. ...'			
TRAN-AM1	S129.046	Kāinga Ora - Homes and Communities	Consistent with previous submission points, Kāinga Ora seeks amendments to the assessment matters for transport non-compliances. In particular, to reflect that minimum car parking non-compliances may in some cases be appropriate where well located relative to services and amenities, and/or where smaller dwellings are proposed. Kāinga Ora also seeks changes to streamline the assessment matters. Amendments sought.	Amend TRAN-AM1 as follows: 'General Assessment Matters for Access, Parking and Loading 1. Whether it is physically practicable to provide the required parking or loading spaces on the site in terms of the existing location of buildings, access to the road, topography, and utility location. 2. Whether there is an adequate alternative supply of parking or loading spaces in the vicinity that could provide a partial or complete waiver of the parking requirements. In general, on-street parking is not considered an alternative. 3. Whether a kerb-side loading space can be provided which is of sufficient capacity to accommodate the activity, where applicable . The minimum dimensions for kerb-side loading spaces are 3.5 metres wide, 3.5 metres high and 7 metres deep, measured from the street boundary. 4. Whether there is another site in the immediate vicinity that has available parking or loading spaces that are not required at the same time as the proposed activity and that may be jointly used by the proposed activity. In such a situation the Council may require the associated parking or loading spaces to be secured by way of a written legal agreement from the parties concerned acknowledging their responsibility to provide and maintain the amount of parking proposed, and adequate signage to inform customers of its availability. 5. Whether the level of vehicular activity likely to be generated by the activity on the site will be unusually low compared to other businesses as a result of business practice. Whether the proposed activity has certain characteristics which are likely to result in a lesser degree of traffic generation and parking demand than would generally be anticipated. 6. Whether a significant adverse effect on the character and amenity of the surrounding area will occur as a result of not providing the required parking or loading space. 7. The degree to which the safety and efficiency of the local land transport network may would be adversely affected by any transport non- compliances	Support	Waka Kotahi supports the intent of submission point S129.046 and would encourage the ability to exit onto the State Highway forward facing direction on transit corridors and urban connectors.	Encourage the ability to exit onto the State Highway forward facing.

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				<p>8. Any cumulative effect of the lack of on-site parking and loading spaces in conjunction with other activities in the vicinity not providing the required number of parking or loading spaces.</p> <p>9. The degree to which any reduction in the design characteristics will result in the parking and loading area and/or access and manoeuvring areas being impractical, inconvenient, or unsafe to be used by vehicles or pedestrians.</p> <p>10. Whether the site is to be used for elderly persons' housing.</p> <p>11. Whether a residential site is inaccessible to vehicular traffic.</p> <p>12. Whether a reduced number of parking spaces would allow for better improved amenity to be created through landscaping and/or by the incorporation of low-impact urban design stormwater solutions.</p> <p>13. Whether a reduced number of on-site car parking spaces encourages and promotes use of public and active modes of transport. 14. Whether bicycle parking is provided for on site. 15. Whether vehicle accesses are designed and sited in such a way so as to 'minimise potential conflict points.'</p>			
SUB-O4	S129.070	Kāinga Ora - Homes and Communities	Kāinga Ora seeks amendments to recognise that subdivision is at times what enables the establishment of new activities to which reverse sensitivity effects directly relate. Amendments sought.	<p>Amend SUB-O4 as follows:</p> <p>'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.'</p>	Oppose	If reverse sensitivity can be avoided and it is practicable to do so, then this is the best outcome.	Retain provision as notified.
SUB-P4	S129.075	Kāinga Ora - Homes and Communities	Kāinga Ora generally supports the intent of the policy however considers that reframing may provide increased clarity to applicants and plan users. Amendments sought.	<p>Amend SUB-P4 as follows:</p> <p>'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.'</p>	Support	Improves the clarity of the policy.	Accept submission point and amend SUB-P4 as proposed by submitter.
SUB-P18	S129.89	Kāinga Ora - Homes and Communities	Kāinga Ora supports the intent of the policy, however seeks amendments to acknowledge that a balance is achieved between the need to manage	<p>Amend SUB-P18 as follows:</p> <p>'To ensure, to the extent practicable, subdivision design that ensures that resulting land use activities (including building platforms) will not affect result in significant adverse effects on the operation,</p>	Support in part	The use of the word 'significant' sets the threshold too high.	The threshold test in this policy should be reconsidered.

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			reverse sensitivity effects and the need to provide for and facilitate growth. Amendments sought.	maintenance and upgrading of regionally significant infrastructure and other network utilities.'			
SUB-AM7	S129.114	Kāinga Ora - Homes and Communities	Kāinga Ora opposes the assessment matters set out in SUB-AM7 to the extent that they are likely to unnecessarily constrain and/or hinder urban development.	Delete SUB-AM7. And consequential amendments are sought to reflect Kāinga Ora's position.	Oppose	District plan provisions are the most effective and efficient method to provide reasonable levels of amenity and health protection for sensitive activities located near the transport network.	Retain SUB-AM7 as notified.
SUB-AM8	S129.115	Kāinga Ora - Homes and Communities	Kāinga Ora opposes the assessment matters set out in SUB-AM8 to the extent that they in effect provide Council with unlimited discretion to consider and assess restricted discretionary activities. Amendments sought.	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. ...'	Oppose	The cumulative effects of subdivision are different to the cumulative effects of multiple non-compliances. The other matters in the draft rule seem reasonable and necessary.	Retain SUB-AM8 as notified.
EW-R1	S11.030	Hawke's Bay Regional Council	The way rule EW-R1 is currently drafted, such earthworks activities do not have to comply with conditions for site reinstatement, and control of silt and sediment. These earthworks activities, like all others, pose a risk to the environment and nearby waterways unless carefully managed. HBRC see no reason why these earthwork activities should be exempt from standards that have been designed to protect the environment. This amendment will ensure the rules give effect to policies EW-P2 and EW-P4. This change, and the proposed amendments to EW-P2 will also give effect to NPS-FM(2020) at clause 3.5(4). HBRC also consider that standards EW-S2 and EW-S3 should apply to site preparation	Amend EW-R1 as follows: '1. Activity Status: PER Where the following conditions are met: a. The earthworks are associated with site preparation works for a building, the area (m2) of earthworks is no more than 150% of the area of the associated building footprint, and complies with EW-S1, EW-S2, EW-S3, EW-S4 and EW-S5 Slope; or b. The earthworks are associated with any network utilities, including the upgrade or maintenance of existing public roads, and complies with EW-S4 and EW-S5 ; or c. The earthworks are associated with replacement and/or removal of a fuel storage system defined as permitted by the Resource Management Regulations (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) and complies with EW-S4 and EW-S5 ; or d. The earthworks are associated with gravel extraction within the bed of a river...'	Oppose	Adding the references to earthworks standards within the rule table is not necessary as all activities are assessed against the standards as a matter of course.	Retain EW-R1 as notified

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			works for buildings to deter landowners from inappropriately locating houses where extensive 'cut and fill' will be required and on land where extensive earthworks is required.				
EW-R1	S55.067	Heritage New Zealand Pouhere Taonga	The earthworks rules require an exemption for sites containing historic heritage, and sites and areas of significance to Māori, so that earthworks are not a Permitted Activity in these areas. This may be best achieved by introducing a Permitted Activity standard which earthworks will need to comply with for earthworks that include sites identified as Historic Heritage in HH-SCHED2 or Sites and Areas of Significance to Māori in SASM-SCHED3 (identified as new standard EW-S10).	Add the following to EW-R1(1): '... e. Compliance with standards EW-S10.'	Oppose	Adding the references to earthworks standards within the rule table is not necessary as all activities are assessed against the standards as a matter of course.	Retain EW-R1 as notified.
NOISE-03	S129.130	Kāinga Ora - Homes and Communities	Kāinga Ora generally supports the objective however requests the inclusion of the qualifier 'where practicable' to reflect that avoidance, remedying, and or mitigation may not in all cases eliminate all reverse sensitivity effects which may arise. Amendments sought.	Amend NOISE-03 as follows: 'Avoid, remedy or mitigate conflict and reverse sensitivity effects arising for existing lawfully established activities as a result of new noise sensitive activities establishing in close proximity to them, where practicable.'		The use of the term 'where practicable' is vague and leads to ambiguity.	Retain NOISE-03 as notified or reconsider the threshold test in this objective to avoid ambiguity. Repeating the RMA by using the terminology, 'avoid, remedy or mitigate' should generally not be used in an objective.
NOISE-04	S129.131	Kāinga Ora - Homes and Communities	Kāinga Ora generally supports the objective however requests the inclusion of the qualifier 'where appropriate' to reflect that noise exemptions will not be appropriate in all cases. Amendments sought.	Amend NOISE-04 as follows: 'Where the locational, functional or operational needs are such that activities of importance to the community could not otherwise meet noise and vibration standards, enable these activities by allowing a whole or partial exemption from those noise standards, where appropriate.'	Support in part	The use of the term 'where appropriate' is vague and leads to ambiguity.	Retain NOISE-04 as notified.
NOISE-S3	S129.140	Kāinga Ora - Homes and Communities	Kāinga Ora opposes the standard, and does not support the requirement to achieve maximum internal sound levels for sensitive activities (which are defined as including 'living' activities) in Residential zones and Rural Lifestyle areas. The nature of these zones under the	Delete NOISE-S3.	Oppose	The district plan is the best place to ensure the management of reverse sensitivity. The Building Act is not designed to manage reverse sensitivity.	Retain NOISE-S3 as notified.

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			Plan are such that internal noise levels can be appropriately managed through the insulation requirements of the Building Act and Building Code, in concert with the maximum zonal noise levels proposed under NOISE-S4. This is consistent with the approach taken by other Councils across New Zealand. Kāinga Ora also considers that there is a disconnect between this standard, which imposes noise insulation requirements on noise sensitive activities (i.e. the receiving site), and the activity, being the emission of noise (i.e. from the emitters).				
SIGN-S5	S104.011	Central Hawke's Bay District Council	<p>As the ONRC classifications are now essentially replaced by the ONF classifications, CHBDC sees the introduction of the new ONF classifications are more appropriate.</p> <p>The change is not considered to have any adverse effect nor materially change the extent to which the Proposed Plan meets relevant statutory obligations.</p> <p>Amend as a consequential amendment.</p>	<p>Amend SIGN-S5 as follows:</p> <p>'All Zones</p> <ol style="list-style-type: none"> 1. Signs must not be erected on or adjacent to a road which will use flashing or revolving lights unless used to identify a hazard. 2. Signs must not be illuminated by any method whatsoever, such that its illumination casts light or reflected light on to any other property. 3. Signs visible from an arterial road Transit Corridors, Interregional Connectors, Rural Connectors, Stopping Places and Peri-urban Roads in a 100kph legal road speed area, must not be illuminated unless the premises are open for business.' 	Support	This is in line with new terminology in the One Network Framework (ONF). Waka Kotahi seek to have the same terminology within district plans.	Accept submission point and amend SIGN-S5 as proposed by submitter S104.011.