

Under the Resource Management Act 1991

In the matter of the Central Hawkes Bay Proposed District Plan

Submissions on behalf of Kāinga Ora – Homes and Communities (Scope)

10 May 2022

Hearing Stream 2



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Submissions on behalf of Kāinga Ora – Homes and Communities (Scope)

- 1 In the Hearings Panel's Seventh Minute (Directions following Hearing 2) it identifies four "scope" issues relating to Mr Styles' evidence and seeks a response from Kāinga Ora. Each of the four issues is addressed in turn.
- 2 As para 12.3 of Mr Styles' evidence makes clear, the matters listed in that clause do not necessarily relate to Kāinga Ora's submission. They are matters that Mr Styles identified in the course of preparing his evidence that he considered he could usefully comment on in order to assist the panel.

Issue 1: Para 13.2(iv) – Noise S2 Vibration

- 3 Kāinga Ora agrees there may not be scope to fix the issues Mr Styles identifies. There were no submissions on NOISE-S2 and there does not appear to be any relief sought on other provisions to which this might be consequential. If the Hearings Panel does not recommend any changes to provisions to which fixing the issue identified by Mr Styles could be consequential, but it considers that Mr Styles' opinion has merit, then the Council may be persuaded to progress a variation.

Issue 2: Para 12.3(v) – Noise standards

- 4 Kāinga Ora does not see this as an issue of "scope". Mr Styles has identified that as expressed some noise limits are not consistent with the format required by the Noise and Vibration Metrics Standard. The Council's District Plan is required to comply with this National Planning Standard regardless of whether there are any submissions on them. Changes to make the expression compliant would not amount to any substantive change to the provisions, and counsel does not see any procedural fairness issues arising.

Issue 3: Para 12.3(vii) – Noise AM3 Vehicle Noise

- 5 Kāinga Ora agrees there may not be scope to fix the issues Mr Styles identifies. There were no submissions on NOISE-AM3 and there does not appear to be any relief sought on other provisions to which this might be

consequential. If the Hearings Panel does not recommend any changes to provisions to which fixing the issue identified by Mr Styles could be consequential, but it considers that Mr Styles' opinion has merit, then the Council may be persuaded to progress a variation.

Issue 4: Para 12.3(vi) – Noise S5

- 6 Kāinga Ora considers that there is scope to make any changes proposed by Mr Styles. Kāinga Ora's submission sought a fundamental reconsideration of the standard as demonstrated by the relief sought, which was to delete the standard and redraft it. Any person who wished to submit in favour of maintaining the standard was able to do so. No procedural unfairness could arise from making changes to the standard as proposed by Mr Styles.

WHO Environmental Noise Guidelines

- 7 The Panel requested the WHO Environmental Noise Guidelines referred to in para 3.8 of Mr Styles' evidence. A link was provided in footnote 10 of his evidence and they are attached to this memorandum.

Date: 10 May 2022



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Nick Whittington
Counsel for Kāinga Ora – Homes and Communities