

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Hearing of Submissions and Further
Submissions on the Proposed Central Hawke's
Bay District Plan Review

**Ninth Memorandum and Direction of the Hearings Panel
DIRECTIONS FOLLOWING HEARING 3**

Introduction

1. The third Hearing of submissions on the Proposed Central Hawke's Bay District Plan (PDP) was held in the Council Chamber of the Central Hawke's Bay District Council on 15 and 16 June 2022. The Hearing was adjourned at 4pm on 16 June 2022.
2. The Hearing heard submissions on the provisions of the Proposed District Plan that relate to the Rural Land Resource, General Rural Zone, Rural Production Zone, Rural Lifestyle Zone, and Subdivision – Rural.

Reporting Officers' Right-of-Reply

3. At the end of the hearing, the two s42A reporting officers were each provided with an opportunity to prepare a written right-of-reply to respond to matters arising during the hearing. These rights-of-reply are to be provided to the District Council by the close-of-business on Friday 29 July 2022, which will then be circulated to all relevant parties by the close-of-business on Tuesday 2 August 2022.
4. To assist the reporting officers, in addition to any other matters that the officers wish to address, the Panel is seeking a response to the following specific matters raised in submissions and evidence heard on this topic:
 - The different use of 'accessory buildings' and 'ancillary buildings' in the PDP, noting that the National Planning Standards only define 'accessory buildings' while both terms appear to be synonymous and appear to be used interchangeably

- Any reconsideration of the rules relating to airstrips and aviation activities in response to submitters' evidence
- A response to the submissions from Surveying the Bay on behalf of Livingston Properties on alternative average lot size calculations and requirements if different from that already included in the s 42A report
- A response to the request by The Surveying Company to provide for an increased number of conservation lots from what is already provided for by the PDP (as per the evidence of Nick Wakefield and Brian Foote)
- In light of evidence from submitters including Mr Bridge, clarification on the proposed rural zone setback distances for dwellings, particularly in relation to –
 - ▶ internal zone boundaries (boundaries between properties within the same zone) and external zone boundaries (boundaries with properties within other rural zones); and
 - ▶ whether the rural setback requirements should be partly based on the size of the lot (for example, 15m for larger lots, 5m for smaller lots)
- Any response to a more staggered time limit for lifestyle subdivision, rather than a single 3-year timeframe if different from the s 42A recommendation (as per the evidence for the Surveying Company by Nick Wakefield and Brian Foote)
- Clarification about the framework for managing various rural activities, particularly the various forms of intensive production activities and rural industry vs commercial activities
- A response to the idea for retaining a 5m setback for sites created before 28 May 2021 (in the second part of paragraph 17 of the planner's evidence for Livingston Properties Ltd)
- In light of the evidence from Federated Farmers and Horticulture New Zealand, any reconsideration of the rules relating to the management of effects from continuous tree planting along rural boundaries, with regard to the setback requirements of the NES for Plantation Forestry
- Further information on the rationale for a proposed 1m setback from side and rear yard for 'artificial crop protection structures': while the s42A report stated that such structures are less likely to cause issues for neighbours because of the use of permeable materials, the officers are invited to consider whether there may be effects not accounted for, such as if the permeable cloth is used both as a 'roof' and a 'side wall', and
- Whether there is scope to change the wording of the additional Rural Land Resource policy sought by the Heretaunga Tamatea Settlement Trust in regard to access to stored water resources to ensure the productive capacity of the land (evidence of Stephen Daysh).

5. This information is sought in response to matters arising during the hearing to assist the Panel in our deliberations.
6. In response to issues raised during the hearing in regard to setback requirements in the Rural Area, it would be helpful for the Panel to have a summary of the various setback requirements when we deliberate.

Additional Information

7. During Hearing 3, submitters referred the Panel to various sources of information that had informed their submissions or that they otherwise considered would be helpful to our deliberations. At the hearing, the Panel indicated which documents, cases or other source of information we would appreciate obtaining a copy or link. This information requested includes the following:

Evidence required from Submitter	Submitter
Information Received as at 27 June 2022	
Speaking notes from Bruce Peterson	Aerospread Ltd
Summary of the compliance requirements that the aviation industry already need to meet outside the RMA	Aerospread Ltd and/or New Zealand Agricultural Aviation Association
Lewis Tucker report on re-scoping water security options for the Tukituki Catchment	Heretaunga Tamatea Settlement Trust
Climate change report by James Renwick	Heretaunga Tamatea Settlement Trust
YouTube video around top dressing taking off and filling	Josh and Suzie Calder
Example rules around Conservation Lots	The Surveying company (HB) Ltd
A comparison of the activity status used for 'rural industry' in other District Plans around New Zealand	Silver Fern Farms Limited
Information Yet to be Received	
Judicial review judgement on the compliance of the Otane airstrip	Josh and Suzie Calder
A table on submission points that the submitter no longer wishes to pursue	Te Mata Mushrooms Land Company Limited
A table summarising what other District Plans require across the country with respect to setbacks from poles and the Grid Yard	Transpower New Zealand Limited
Information on the reasons for industry best practice identifying a 20m setback on either side of a high pressure gas pipeline	First Gas Limited
Examples of other plan provisions for noise limits on audible bird scaring devices referred to in the evidence	Horticulture New Zealand
Quantifying cost of 4m vs 8m difference around buffer to National Grid Poles - Opotiki Example	Horticulture New Zealand

Copy of Northland discussions around water storage and enabling the use of productive land	Horticulture New Zealand
Examples of where councils have used 'rural production activities' as a subset of primary production activities	Horticulture New Zealand

8. Where the Panel requested copies of information referred to during the Hearing, the Panel requests that this information is provided to the Council via the Hearings Administrator by close of business on Friday 15 July 2022, who will subsequently post the information to the Hearing Stream 3 webpage.

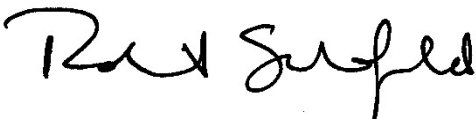
Update on Hearing Procedures and Schedule

9. In our Minute #5, we noted that “the Hearings Panel will monitor progress on the first two hearings and whether changes are required to the hearing procedures before making directions on the timetabling of subsequent hearing streams”. As a result of our review following Hearing 2, we did not make any changes to the hearing procedures at that point.
10. In terms of the Hearing schedule, we can advise that there will be no hearing held in July: the next hearing is scheduled to be convened in the week of 8 August 2022, tentatively on 10, 11 and 12 August 2022. In consultation with the Council’s management team, a confirmed schedule for the remainder of the hearings will be issued shortly. As noted in Minute #5, that schedule will not be a formal notice – formal notices for each hearing will be issued prior to each hearing.

Communications

11. As a reminder, the primary point of contact for all matters relating to the hearings is Jessie Williams, who can be contacted at districtplan@chbdc.govt.nz, or phone (06) 857 8060. The key location for up-to-date information on the hearings is the PDP Hearings Page is at <https://www.chbdc.govt.nz/services/district-plan/proposed-district-plan/hearings/>.

Dated 29 June 2022



Robert Schofield

Chair of the Central Hawke’s Bay District Council District Plan Hearings Panel