

Job Ref: 21157, Submitter number **102** (Te Mata Mushrooms Land Company Ltd)

18<sup>th</sup> July 2022

Central Hawke's Bay District Council  
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Attn: Jessie Williams

**Response to Ninth Memorandum and Direction of the Hearings Panel**

Dear Jessie,

This letter and attached table is to provide for the further information requested by the Hearing Panel and detailed in the Ninth Minute.

The submission points raised by Te Mata Mushrooms Company (TMMC), submitter Number 102, crosses several different Hearing Streams. TMMC has reconsidered the matters they seek to focus on, with the key points being addressed in the last Rural Hearing (3). The TMMC submission points identified to be heard for Hearings 4, 5 and 6 will not be actively followed up by TMMC and so we wanted to alert CHBDC officers to reduced workload for upcoming Section 42A reports and hearing administration.


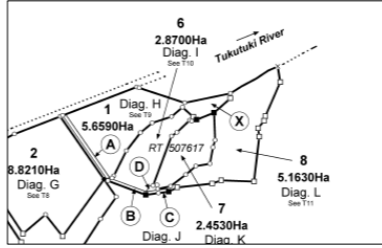
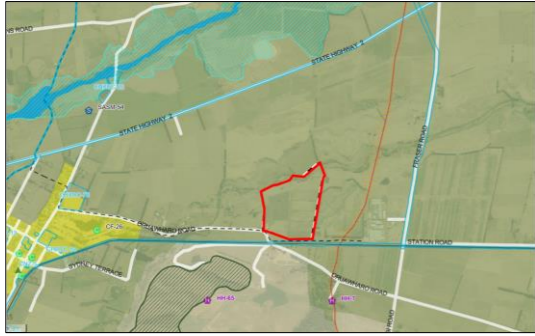
The table attached sets out the submission points (except those addressed in Hearing 3) to be 'discontinued' by TMMC, in terms of active follow up against Section 42A reports, evidence and presence at any upcoming hearings.

We trust the information provided is sufficient to satisfy the Hearing Panel's further information request. Please do not hesitate to contact us if we can be of any further assistance.

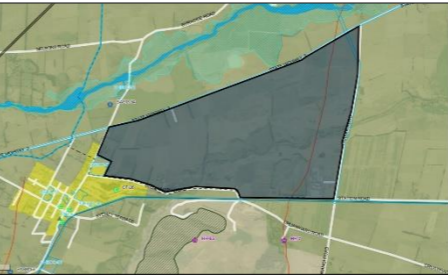
Your sincerely



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PROPOSED DISTRICT PLAN PROVISION(S)	HEARING STREAM	SUBMISSION POINT NO.	OPPOSE/SUPPORT	SUBMISSION / REASONS	RELIEF / DECISION SOUGHT	CONTINUE/DISCONTINUE
<i>Planning Maps</i>						
<i>Mt Herbert Road</i>						
<p>The Proposed District Plan zones the TMM Mt Herbert properties (shown within the red outline) as <b>General Rural Zone</b>.</p>  <p><i>Other notations:</i>  SNA – 264 – The Tukituki River, has associated vegetation removal rules.  Flood hazard – new set of rules pertains to Building Importance Category (2b or 3),  Priority waterbodies for esplanade reserves/strips.  Archaeological Site identified.</p>	Stream 6	S102.001	Support in part	<p>Support the General Rural Zone across the site, although note that the southern extent of the farm has undergone several subdivision applications that have created rural lifestyle properties.</p> <p>The Flood Hazard Overlay is noted and implications on new natural hazard rules.</p> <p>The SNA overlay is also noted, and areas that extend into the TMM property should be ground-truthed, to make sure the SNA values extend into the property.</p> <p>The position of the archaeological site is not in a precise location and needs to reflect the actual location, as shown on attached Certificate of Title of Lot 1 DP 554782.</p>	<p>Amend the Planning Maps to show the Archaeological site on Lot 1 DP 554782 (464 Mt Herbert Road) in a more precise location as per the surveyed information provided in Attachment 1 of this submission and shown as (X) in the diagram below.</p>  <p>Confirm the edges of the SNA 264 that extend into the adjoining property at 367 Mt Herbert Road are appropriate by ground truthing these and agreeing the values of the river environment are within the property. Retain the extent of the SNA 264 if there are the SNA values, Amend the extent if they are not.</p>	DISCONTINUE
<i>Oruawharo Road</i>						
<p>The Proposed District Plan zones 0 Oruawharo Road (shown within the red outline) as <b>Rural Production Zone</b>.</p>  <p><i>Other notations:</i>  Gas Transmission Network (Takapau Pipeline - low pressure) at the southern boundary.</p>	Stream 6	S102.004	Oppose	<p>0 Oruawharo Road (Lot 2 DP 24989) is a 32ha rural property, used to date as a cattle feedlot.</p> <p>The continued use of the property as rural production land is one option. Another option, which presents a potentially greater efficient and effective use of land, is as part of greater area with a Future Development Area<sup>1</sup> overlay, or alternatively rezoned as General Industrial Zone.</p> <p>A Future Development Area could reasonably overlay the extent of land south of the</p>	<p>Amend the Planning Maps to show a Future Development Area as an overlay on land identified below.</p> <p>And</p> <p>Consequential changes to introduce a new Chapter to provide for a Structure Plan and specific provisions for the Future Development Area. The Structure Planning exercise would determine the extent of the area.</p> <p>OR</p> <p>Rezone the land identified as General Industrial Zone.</p>	DISCONTINUE

<sup>1</sup> A development area spatially identifies and manages areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply to determine future land use or development. When the associated development is complete, the development areas spatial layer is generally removed from the plan either through a trigger in the development area provisions or at a later plan change. National Planning Standards, Table 18

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<p>Further south, not adjoining or over the site, but parallel to southern boundary is the KiwiRail Designation.</p>				<p>State Highway 2 and use the road and rail as geographic boundaries to provide a physical extent. Fraser Road would be the eastern extent.</p> <p>The Future Development Area would provide for intensive primary production activities, rural industrial activities, general industrial activities and commercial activities, dairy processing plant and renewable energy (solar farm). These activities would need to be spatially planned to use the area in the most effective and efficient way, as well as connecting with the existing Takapau township and valuing the Porangahau Stream.</p> <p>To activate the Future Development Area, a structure plan or Development Plan shall be prepared in order to coordinate servicing, access and the various land use activities anticipated, to provide amenity along the stream and connect with the surrounding area, including the nearby Takapau settlement. In the interim, the area would continue to operate with the Rural Production Zone rules, albeit with some greater recognition in the policy framework for IPP, rural industry and service activities.</p> <p>Alternatively, rezoning the site as General Industrial Zone would provide for the type of activities envisaged in addition to IPP and solar farms.</p> <p>The reasons for the inclusion as a Future Development Area or rezoned as General Industrial Zone are based on the geographic features of the site and immediate surrounds and include:</p> <ul style="list-style-type: none"> <li>Limited land supply of larger sites that can be used for rural</li> </ul>		

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				<p>industry and supporting commercial activities.</p> <ul style="list-style-type: none"> <li>• Cost effective access to power supply – Central Lines substation.</li> <li>• Cost effective access to gas.</li> <li>• Access to Rail.</li> <li>• Access to State Highway 2 via local roads, yet avoids main town centres.</li> <li>• Ability to support Takapau settlement – both in business and residential.</li> </ul> <p>Planning Considerations</p> <ul style="list-style-type: none"> <li>• The site is recognised in the Proposed District Plan as having productive soil. Yet, allowing a planned greenfield development to occur at the site would efficiently and effectively provide for rural industry, industry and some commercial in a compact area instead of these occurring across the district in an unplanned manner.</li> <li>• Provides future greenfield industrial land to ensure demand for new land can be met by supply;</li> <li>• The Future Development Zone could become a hub of activity that supports the primary production activities of the CHBDC with economic multiplier advantages on the local community. Consideration of the type of commercial activities would require specificity to ensure there was no adverse economic effects on existing</li> </ul>		

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				<p>town centres, and the Future Development Area supported the existing Takapau Settlement in terms of local businesses.</p> <ul style="list-style-type: none"> <li>• The locality currently has limited rural lifestyle development, so potential reverse sensitivity effects are of a low magnitude. Compared to many other similar tracts of land within CHBDC, a lot of rural lifestyle developments are in close proximity.</li> <li>• There are some sensitive receptors in a wider locality, therefore the development of the Structure Plan / Development Plan would demonstrate adverse effects beyond the area limits are avoided, remedied or mitigated.</li> <li>• The enhancement of the Porangahau Stream would become part of the structure plan.</li> <li>• The HBRC RRPS UD Policies provide for the Structure Planning mechanisms – POL UD 10.3 and 10.4.</li> <li>• The National Planning Standards provide for the use of Future Development Areas (Table 18: Spatial Layers for district plans ) and allow for inclusion as separate Chapters within a District Plan Format. Otherwise, there is the use of the existing General Industrial Zone format.</li> </ul>		
<i>Part 1 – Introduction and General Provisions</i>						
<i>Interpretation – Definitions</i>						

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'industrial activity'  <i>means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any ancillary activity to the industrial activity.</i>		S102.009	Support		Retain definition	DISCONTINUES
"small-scale renewable electricity generation activity"  Means:  <i>small scale and community scale renewable electricity generation at a capacity of no greater than 20 kW for the purpose of using or generating electricity on a particular site, or supplying an immediate community, or connecting into the distribution network, and includes generation using solar, wind, hydro and biomass energy resource.</i>	Stream 7	S102.010	Support in part	The definition of small-scale renewable electricity generation covers both "small scale" and "community-scale", whereas the scale of these types of renewable electricity generation activities are different.  NPS REG states :  <i>Small and community-scale distributed electricity generation means renewable electricity generation for the purpose of using electricity on a particular site, or supplying an immediate community, or connecting into the distribution network.</i>  Limiting a community-scale project to 20kW is ineffective and inefficient way to provide for this scale of activity.  TMM seeks an additional definition for 'community-scale' renewable electricity generation activities, with subsequent policy recognition and rule framework in Part 2 – Energy, Infrastructure, and Transport Chapter	Add new definition of community-scale renewable electricity generation activity as follows:  <u><i>means renewable electricity generation for the purpose of supplying an immediate community, cluster of farms, or businesses to secure electricity supply or to connect into the distribution network.</i></u>	DISCONTINUE
<b>Part 2 – District-Wide Matters</b>						
<b>Energy, infrastructure and Transport – Renewable Energy</b>						
<b>Objectives</b>						
RE-O1  <i>Enable and encourage the sustainable use and development of renewable energy resources within the Central Hawke's Bay District.</i>	Stream 7	S102.022	Support	TMM supports the objective.	Retain RE-O1	DISCONTINUE
RE-O2  <i>Enable renewable electricity generation activities while avoiding, mitigating or offsetting adverse effects that are more than minor.</i>	Stream 7	S102.023	Support	TMM supports the objective.	Retain RE-O1	DISCONTINUE
<b>Policies</b>						
RE-P4	Stream 7	S102.024	Support in part	TMM supports the provision of small-scale renewable	Retain RE-P4 and add in a new policy as follows:	DISCONTINUE

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To provide for small-scale renewable electricity generation activities.	Stream 7	S102.025		electricity generation activities. However, also seeks a new policy for community scale renewable electricity generation activities.	RE-P7  To provide for community-scale renewable electricity generation activities.	
<b>Rules - RE-R1 Small-scale Renewable Energy Generation Activities</b>						
1. Activity Status: PER  Where the following conditions are met:  a. Limited to one wind turbine per site. b. Compliance with: i. RE-S1; ii. RE-S2; iii. RE-S3; iv. RE-S4; and v. RE-S5.	Stream 7	S102.026	Oppose	Provide for community-scale renewable electricity generation activities separately from small-scale renewable energy generation activities as a RDA , non-notified activity status.	Retain RE R1 , but accept new definition of community-scale renewable electricity generation activities, and provide a new rule for these larger scale activities that provide benefit to communities, businesses and rural industry.  <u>RE-R5 Community-scale Renewable Energy Generation Activities</u>  <u>1. Activity Status: RDIS, Non-notified</u>  <u>Where the following conditions are met:</u>  a. <u>Compliance with:</u> i. <u>RE-S1;</u> ii. <u>RE-S2;</u> iii. <u>RE-S3;</u> iv. <u>RE-S4; and</u> v. <u>RE-S5.</u>  AND  Consequential changes to RE-S1 – S5  Add in reference to " <u>Community-Scale Renewable Electricity Generation activities</u> "	DISCONTINUE
	Stream 7	S102.027				
	Stream 7	S102.028				
	Stream 7	S102.029				
	Stream 7	S102.030				
	Stream 7	S102.031				
	Stream 7	S102.032				
<b>Part 2 – General District-Wide Matters</b>						
<b>Earthworks</b>						
<b>Rules – EW-R4 – Mining and quarrying</b>						
General Rural Zone	Stream 5	S102.033	Oppose	The definition of Quarrying includes	Retain Rule EW	DISCONTINUE
Rural Production Zone					AND	
1. Activity Status: PER	Stream 5	S102.034		means the extraction, processing (including crushing, screening, washing, and blending), transport, storage, sale and recycling of aggregates (clay, silt, rock, sand), the deposition of overburden material, rehabilitation, landscaping and cleanfilling of the quarry, and the use of land and accessory buildings for offices, workshops and car	Add in a new rule after EW R4 as follows	
Where the following conditions are met:  a. The activity is for a farm quarry. b. Compliance with: i. EW-S1; ii. EW-S2; iii. EW-S3; iv. EW-S4; v. EW-S5; vi. EW-S6; vii. EW-S7; and					OR  Add in the respective zone chapters  <u>EW-R4a – Gravel storage and processing yards</u>  <u>General Rural Zone</u>  <u>Rural Production Zone</u>	



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viii. EW-S8. 2. Activity status where compliance with conditions EW-R4(1)(a) and/or EW-R4(1)(b) is not achieved: DIS				<p>parking areas associated with the operation of the quarry.</p> <p>The storage and some processing (sorting) of gravel would be captured by the above definition, even though the activity is not a quarry.</p> <p>A new rule is sought to provide for gravel storage and processing yards to be established as Controlled Activities in the General Rural Zone and Rural Production Zone, subject to compliance with performance standards in the General Rural Zone and Rural Production Zone.</p> <p>This new rule could be in the zone or EW district wide chapters, depending on where it best fits.</p>	<p>1. <u>Activity Status: CON</u> <u>Where the following conditions are met:</u></p> <p>a. <u>Compliance with</u> i. <u>Setback from Roads and Rail Network Setback from Neighbours</u> ii. <u>Electricity Safety Distances</u> iii. <u>Transport (Access, Parking, Loading)</u> iv. <u>Light</u> v. <u>Noise</u> vi. <u>Setback from National Grid Yard and National Grid Substation</u></p>	
<i>Part 3 – Area Specific Matters</i>						
<i>Zones – RPROZ – Rural Production Zone</i>						
<i>Policies</i>						
RPROZ -P9  <i>To avoid establishment of commercial or industrial activities that are unrelated to the primary productive purpose of the Rural Production Zone, or that are of a scale that is incompatible with the predominant character and amenity of the rural area.</i>	Stream 6	S102.073	Support in part	Support the intent of this policy yet enable the consideration of these types of activities to locate within the Future Development Area at Takapau.	Amend RPROZ-P9 as follows:  <i>To avoid establishment of commercial or industrial activities that are unrelated to the primary productive purpose of the Rural Production Zone, or that are of a scale that is incompatible with the predominant character and amenity of the rural area and consider locating these activities within the Future Development Area at Takapau.</i>	DISCONTINUE
<i>Consequential Rule Change – Insert additional Rules after PRPOZ-R20</i>						
	Stream 6	S102.085		<p>To provide for a range of activities that support the rural environment within one planned and coordinated Future Development Area at Oruawhoro Road, Takapau involving:</p> <ul style="list-style-type: none"> <li>• Intensive Primary Production activities</li> <li>• Post harvest activities</li> <li>• Dairy processing industry</li> <li>• Independent equipment manufacturing and support,</li> <li>• Rural supply sales</li> </ul>	<p>ADD a new rule as follows: <u>Rules - PRPOZ -R21 Within Future Development Zone at Oruawhoro Road, Takapau the following activities:</u></p> <p>a. <u>Intensive Primary Production activities,</u> b. <u>Post harvest activities,</u> c. <u>Industrial activities,</u> d. <u>service activities,</u> e. <u>service station, and</u> f. <u>commercial activities</u> g. <u>Renewable energy activities</u></p> <p><b>1. Activity Status: Permitted</b></p>	DISCONTINUE



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				<ul style="list-style-type: none"> <li>• Service Station</li> <li>• Service activities – mechanics, rural contractors,</li> <li>• Solar farms</li> <li>• Commercial activities that support the above, yet do not detract economic vitality from the settlement of Takapau , but enhance it.</li> </ul>	<p><u>Where the following conditions are met:</u></p> <ul style="list-style-type: none"> <li>a. <u>Adherence to the Future Development Area plan.</u></li> <li>b. <u>Compliance with:</u> <ul style="list-style-type: none"> <li>i. <u>RPROZ -S3 (Height of buildings);</u></li> <li>ii. <u>RPROZ -S4 (Height in Relation to Boundary);</u></li> <li>iii. <u>RPROZ -S5 (Setback from Roads and Rail Network);</u></li> <li>iv. <u>RPROZ -S6 (Setback from Neighbours);</u></li> <li>v. <u>RPROZ -S7 (Shading of Land and Roads);</u></li> <li>vi. <u>RPROZ -S8 (Electricity Safety Distances);</u></li> <li>vii. <u>RPROZ -S9 (Transport);</u></li> <li>viii. <u>RPROZ -S10 (Light);</u> <u>and</u></li> <li>ix. <u>RPROZ -S11 (Noise).</u></li> </ul> </li> <li>c. <u>Compliance with</u> <ul style="list-style-type: none"> <li>i. <u>RPROZ -S13 (building restrictions near Waipukurau Aerodrome); and</u></li> <li>ii. <u>RPROZ -S14 (setback from gas transmission network).</u></li> </ul> </li> <li>d. <u>Compliance with RPROZ -S15 (setbacks from National Grid).</u></li> </ul> <p><b><u>2. Activity status where compliance with condition RPROZ-R21(1)(a) is not achieved: RDIS</u></b></p> <p><u>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</u></p> <ul style="list-style-type: none"> <li>e. <u>Assessment matters:</u> <u>RPROZ-AM1.</u> <u>RPROZ -AM2.</u> <u>RPROZ -AM 4.</u></li> <li>f. <u>Assessment matters in the following chapters:</u> <u>TRAN – Transport.</u> <u>LIGHT – Light.</u> <u>NOISE – Noise.</u></li> </ul> <p><b><u>3. Activity status where compliance with condition RPROZ-R21(1)(c) is not achieved: DIS</u></b></p>	