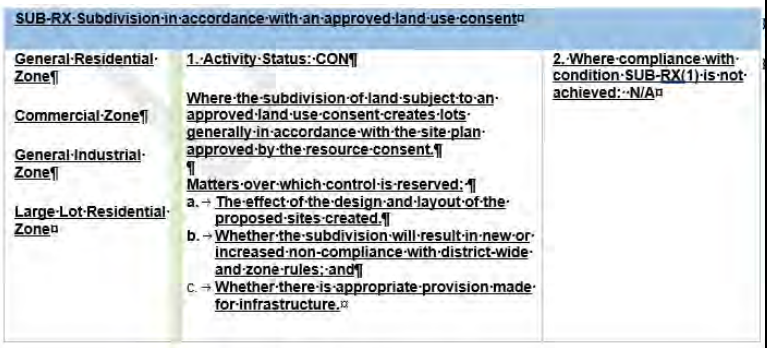
Response to Submitter Evidence/Statements where there are Outstanding Matters in Contention

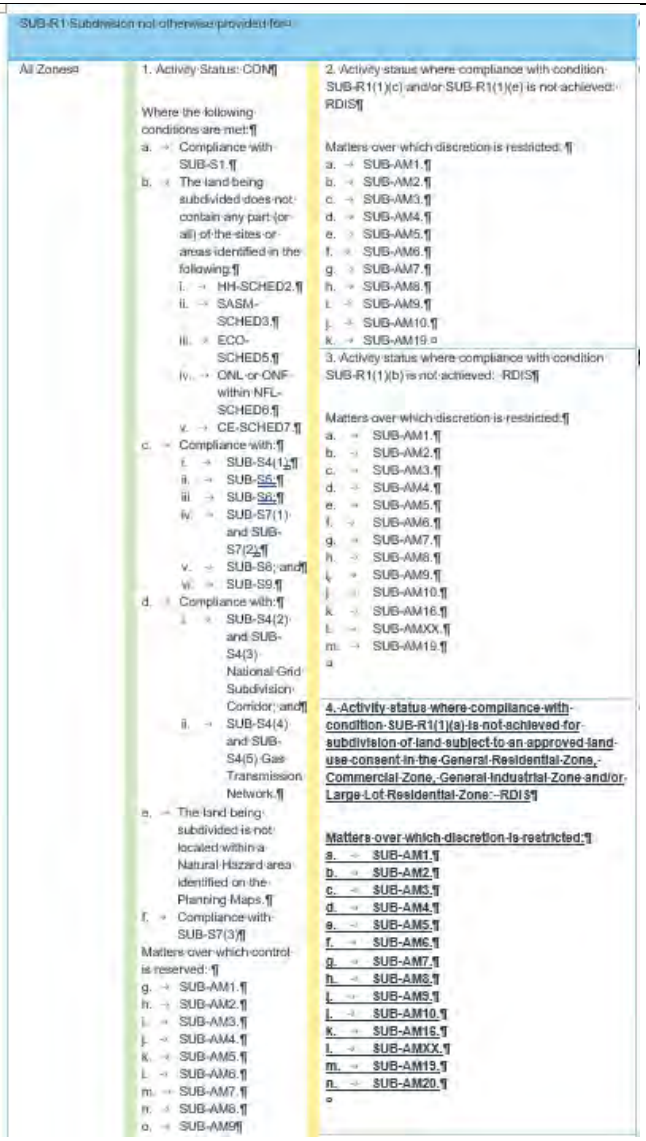
Subdivision (General) Topic

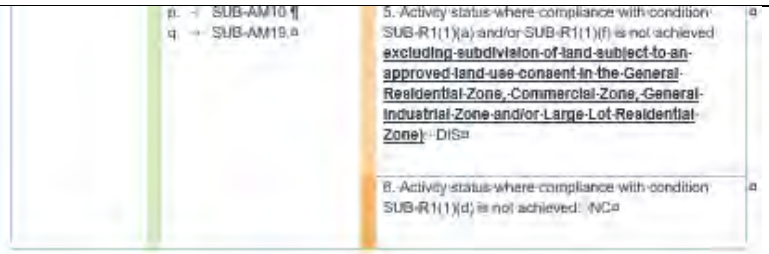
Issue/Plan Provision	Submitter Evidence	Response
1. Objective SUB-O4	***Chorus, Spark and Vodafone*** (S117.059, S118.059, S119.059) [Statement from Tom Anderson, p6] Chorus's, Spark's and Vodafone's original submissions supported Objective SUB-O4 and requested that it be retained as notified. The section 42A report (pp48-49) stated: Objective SUB-O4 8.3.14 Chorus, Spark, Vodafone, Silver Fern Farms, Hatuma Lime, NZTA and Centralines all request that Objective SUB-O4 be retained as notified. 8.3.15 Transpower seeks amendment to SUB-O4 to give effect to the NPSET but does not specify how it should be amended. Kāinga Ora opposes Transpower's submission point. 8.3.16 New Zealand Pork requests that Objective SUB-O4 be amended so that it refers to 'primary production' as well as network utilities. 8.3.17 Kāinga Ora requests 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~~. 8.3.18 Objective SUB-O4 relates to Policies SUB-P16 and SUB-P17. The policies provide more focus on how the objective is to be achieved, so I consider it unnecessary to add more of the same detail into Objective SUB-O4. Policy SUB-P16 also specifically refers to potential reverse sensitivity effects of sensitive activities establishing near primary production. I concur with Kāinga Ora that the objective should be amended to recognise that it is the land use activities that occur on the land subdivided that has the potential to cause reverse sensitivity effects. However, I do not support the submitter's request to include reference to remediation, as that would be required when there is a reverse sensitivity effect, and the intention of the objective is to first avoid where practicable, otherwise mitigate, so remediation is not required. 8.3.19 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. 8.3.20 Objective OBJ 16 of the RPS is for future activities to avoid or mitigate off site impacts or nuisance effects arising from the location of conflicting land use activities. In my opinion, Objective SUB-O4 is consistent with this RPS objective. 8.3.21 On that basis, I consider 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.	I concur with Mr Anderson that there is no scope within submissions to delete '(including network utilities)' in Objective SUB-O4. Therefore, **I have changed my position** and recommend 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) are avoided where practicable, or mitigated where avoidance is not practicable. This amendment does not otherwise change my recommendations in relation to the submission points on this policy.

	In his statement of evidence on behalf of Chorus, Spark and Vodafone, Mr Anderson states: *"In my view, I support the proposed additional text, and am neutral on the deletion of (including network utilities) given network utilities should be lawfully established activities.* *However, I note that there were a number of other submitters and further submitters who submitter on SUB-O4. I have read these submissions on SUB-O4 and none of the submission points raised seek that the text (including network utilities) be deleted. Forest & Bird (FS9.487) in their opposition to 117.059, which states that the amendments and decisions sought in the entire Chorus submission 'would result in continued loss of indigenous biodiversity in Hawkes Bay, would not give effect to the RPS, NZCPS and NPSFM or would not achieve the purpose of the RMA' is perhaps the most relevant, although I do not see how a reverse sensitivity objective has an impact on the loss of indigenous biodiversity.* *I have raised this point as the recommendation in the s42A report to delete (including network utilities) in my view is out of scope".*	
2. Policy SUB-P1 New Rule SUB-RX: Subdivision in accordance with an approved land use consent	***Kāinga Ora*** (S129.072, S129.097) [Statement from Michael Campbell] Kāinga Ora's original submission (S129.072) opposed Policy SUB-P1, as they do not support minimum lot sizes for residential subdivision compliance with bulk and location standards or otherwise in accordance with an approved land use consent. They requested that the wording be deleted and replaced with the following new wording: SUB-P1'~~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**.' Kāinga Ora's original submission (S129.097) sought the introduction of a new Controlled Activity rule for subdivision in accordance with an approved land use consent in the General Residential Zone, Commercial Zone, General Industrial Zone, and Large Lot Residential Zone) where, if land use and subdivision are applied for concurrently, the residential development and associated subdivision can be provided for at greater intensities where the effects of the land use have demonstrably been deemed acceptable through the approval of the land use consent. New matters of control are sought under the new rule to ensure that any effects resulting from the subdivision itself can be appropriately managed. Where compliance with the new rule is not achieved, the submitter requests that other subdivision activities will apply.	Policy SUB-P1 It appears that Kāinga Ora are seeking the amendment of Policy SUB-P1 on the basis of not supporting minimum lot sizes for residential subdivision compliance with bulk and location standards or otherwise in accordance with an approved land use consent. Policy SUB-P1 is to establish standards for minimum lot sizes for each zone in the District. This policy supports Objectives SUB-O1 and SUB-O2. Policy SUB-P1 is supported by Rules SUB-R1 and SUB-R5, and Standards SUB-S1, SUB-S2 and SUB-S3 of the PDP. Policy SUB-P1 applies to all zones in the District – not just the General Residential Zone, Commercial Zone, General Industrial Zone, and Large Lot Residential Zone. As I advise in the s42A report (para. 9.3.4) "[…] *while subdividing an existing activity or building in the urban environment is 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 Proposed Plan, such as the further fragmentation of the District's highly productive land resource*". Therefore, **I have not changed my position** as I do not support the wholesale amendment to Policy SUB-P1 requested by the submitter. Requested New Rule Mr Campbell supports the addition of a new Restricted Discretionary Activity rule for subdivision in accordance with an approved land use consent that follows the approach taken in the Auckland Unitary Plan (AUP).

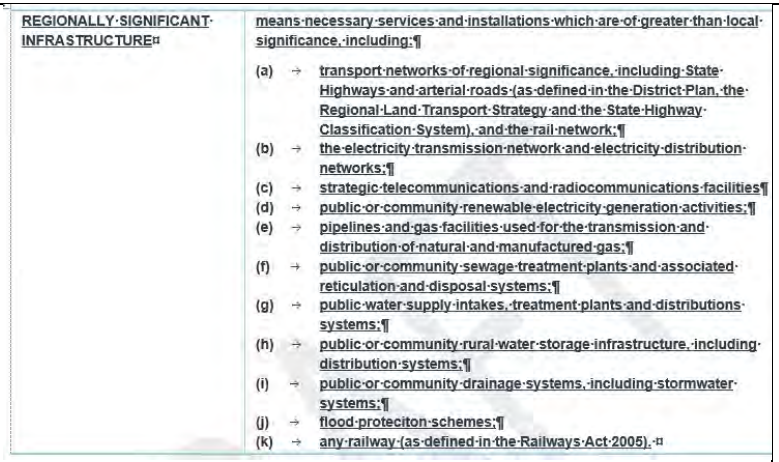
	The new rule requested by Kāinga Ora is as follows:  SUB-RX Subdivision in accordance with an approved land use consent General Residential Zone; Commercial Zone; General Industrial Zone; Large Lot Residential Zone 1. Activity Status: CON Where the subdivision of land subject to an approved land use consent creates lots generally in accordance with the site plan approved by the resource consent. Matters over which control is reserved: a. The effect of the design and layout of the proposed sites created. b. Whether the subdivision will result in new or increased non-compliance with district wide and zone rules; and c. Whether there is appropriate provision made for infrastructure. 2. Where compliance with condition SUB-RX(1) is not achieved: N/A In relation to Policy SUB-P1, the section 42A report (p 63) stated: *"9.3.4 Kāinga Ora seeks 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 has 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 my opinion, while subdividing an existing activity or building in the urban environment is 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 Proposed Plan, such as the further fragmentation of the District's highly productive land resource.* *9.3.5 Most land developers applying for a resource consent to undertake a land development that is not provided for as a permitted or controlled activity under the Proposed Plan provisions, will usually apply for subdivision consent at the same time. This has the benefit of ensuring that all relevant matters for the development and subdivision are considered together, which can overcome unforeseen issues that could arise later if subdivision follows the completion of the development. It also avoids the time and expense associated with lodging a separate resource consent application later.* *9.3.6 As such, I do not support Kāinga Ora's request to amend the policy, as I consider that it is unnecessary, and the general nature of the changes requested are already captured in the amendments I have recommended be made to Objective SUB-O2."* In relation to Policy SUB-P1, Mr Campbell's statement of evidence on behalf of Kāinga Ora states:	A copy of the subdivision chapter (E38. Subdivision – Urban) of the AUP is provided in ***Attachment 3*** of this response. In the AUP, Activity Tables (E38.4.2 and E38.4.3) for subdivision in residential zones and business zones (respectively) provide for 'Subdivision in accordance with an approved land use resource consent complying with Standard E38.8.2.1/E38.9.2.1' as a Restricted Discretionary Activity. Where standards in 'E38.8/E38.9 are not met, a Discretionary Activity resource consent is required. Such subdivisions must also comply with the General Standards (E38.6) for subdivision, General Standards in residential zones/business zones, and Standards – residential/business restricted discretionary activities as relevant. Where these standards are not met, a Discretionary Activity resource consent is required. The types of conditions that apply in the AUP to Restricted Discretionary Activity subdivisions undertaken in accordance with an approved land use consent relate to the following matters: • Site size and shape • Access and entrance strips • Services • Staging • Parking areas (business zones only) • Signs and billboards (business zones only) • Overland flow paths • Existing vegetation on the site • A requirement for any subdivision relating to an approved land use consent must comply with that resource consent The AUP also includes Assessment Criteria for restricted discretionary activities generally and for subdivision in accordance with an approved land use consent (i.e., E38.12.2(6)), as follows: *(a) the effect of the design and layout of the proposed sites created:* *(i) whether the design and layout of the proposed sites created result in new or increased non-compliance with Auckland-wide and zone rules;* *(ii) whether there is appropriate provision made for infrastructure;* *(iii) 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; and* *(iv) refer to Policies E38.3(1) and (6).* [NB: these policies relate to providing for subdivision that supports the policies of the relevant zones, and to provide for subdivision where it enables creation of site for uses that are in accordance with an approved land use resource consent and where there is compliance with Auckland-wide and zone rules] I note that the new Restricted Discretionary rule requested by Kāinga Ora only includes 'Matters of which control is reserved'. There are no standards to be applied

	"5.8 I support the proposed changes as set out in the submission by Kāinga Ora. The proposed changes will provide greater flexibility while at the same time ensuring that the outcomes of the zone are achieved and in line with the evidence provided by Kāinga Ora in relation to the Residential and Business zones. I note that I support the proposed changes to SUB-O2, and in my opinion, the changes proposed by Kāinga Ora are more in line with this revised Objective." In relation to the request by Kainga Ora for a new Controlled Activity Rule SUB-RX, the section 42A report (p 98) stated: *"10.3.7 Kāinga Ora requests 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.* *10.3.8 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 cannot be refused, but Council can impose conditions on the consent in relation to the matters over which the Council has reserved its control, which must be specified under the new rule.* *10.3.9 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.* *10.3.10 Under subdivision Rule SUB-R1(3), as notified, if a subdivision for a development does 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.* *10.3.11 I consider 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 are 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 cannot decline a Controlled Activity application, it is possible that outcomes may not be appropriate, or they may be sub-standard and result in ongoing problems for landowners and Council in the future.* *10.3.12 Given the more attractive Controlled Activity status for subdivision applications lodged after land uses are approved, there is 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 does not comply with residential density Standard GRZ-S1 would be a Restricted Discretionary*	to such subdivisions, and where compliance with standards is not achieved, there is no consequential change in activity status (e.g., Discretionary Activity), as occurs under the Auckland Unitary Plan. Also, the matters over which control is reserved does not reflect the full list of matters in the AUP (as set out above), i.e. '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'. Under the PDP, subdivision undertaken in accordance with an approved land use consent in the General Residential Zone, Commercial Zone, General Industrial Zone and Large Lot Residential Zone would be considered under Rule SUB-R1. Subdivisions in 'all zones' under this rule are a Controlled Activity under SUB-R1(1) where they comply with the specified conditions. Subdivisions that do not comply with Standard SUB-S1 (Minimum Net Site Area), specified under condition SUB-R1(1)(a)), are a Discretionary Activity under Rule SUB-R1(4). Where compliance is not achieved with the remaining conditions under SUB-R1(1) (except SUB-R1(1)(d) relating to the National Grid Subdivision Corridor and the Gas Transmission Network), a Restricted Discretionary Activity resource consent is required under SUB-R1(2)/SUB-R1(3). Where compliance with SUB-R1(1)(d) is not achieved, a Non-complying Activity resource consent status is triggered. If a Restricted Discretionary Activity status was adopted for subdivision undertaken in accordance with an approved land use consent in the General Residential Zone, Commercial Zone, General Industrial Zone and Large Lot Residential Zone, the only difference between that and the current Discretionary Activity status that applies in the PDP would be the matters over which the Council had discretion, which would be restricted to the particular matters stated under the rule. Council could still decline applications for Restricted Discretionary Activities. Therefore, I consider that there are limited benefits to be gained for applicants by amending the activity status from Discretionary to Restricted Discretionary. If a Restricted Discretionary Activity status was adopted, I consider (with reference to the approach adopted in the AUP) that it would not be appropriate if the applications were not also assessed for compliance against all of the remaining conditions under SUB-R1(1) (i.e. SUB-R1(1)(b) to SUB-R1(1)(c)). Under Rules SUB-R1(2) and SUB-R1(3), non-compliance with the other conditions (except SUB-R1(1)(d) which applies to the National Grid Subdivision Corridor and the Gas Transmission Network) would also trigger a Restricted Discretionary Activity status. I consider that this is important, as some land use consents may have been approved many years prior to the subdivision application being made. Therefore, **if the hearing panel was of a mind to amend the status to Restricted Discretionary, as requested by Kāinga Ora,** I recommend that Rule SUB-R1 be amended as follows (in addition to amendments to the rule I have already recommended be made, in the s42A report in response to other submission points):

	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. *10.3.13 For the above reasons, I do not support including the new Controlled Activity subdivision rule requested by Kāinga Ora."* In relation to new Rule SUB-RX, Mr Campbell's statement of evidence on behalf of Kāinga Ora states: *"5.17 As I have noted earlier in my evidence, I consider that it would be desirable to enable subdivision around an approved land use consent.* *5.18 Based on my experience, it is not uncommon for the land use and subdivision consent to be lodged concurrently. In that scenario, the land use consent can be approved the moment before the subdivision consent is granted (as a separate unbundled resource consent). Given that the effects of the development have been largely been considered, in my experience, the subdivision becomes a straightforward exercise and, in my opinion, it would be unnecessary for such a proposal to require a full discretionary resource consent.* *5.19 I do consider that it is unnecessary for a subdivision to form part of a bundled consent for a housing development in order to ensure the holistic assessment of a residential development. In my experience, it is not uncommon for a subdivision to be sought for a site at a later point in time and, in some cases, an applicant may have no desire to subdivide the housing development at all. An applicant could choose to retain the property on a single title if they were intended to undertake a building to rent scheme for example.* *5.20 I am of the opinion that he notified provisions of the subdivision section do not sufficiently encourage housing choice nor appropriate intensification that is necessary to support the social and economic demands of the Central Hawke's Bay District.* *5.21 I acknowledge the point raised by the reporting planner regarding be [sic] issues associated with easements for services and/or connections to services. I note that under the Auckland Unitary Plan, a subdivision around an approved land use consent is a restricted discretionary activity, and I would support that approach in this instance to address the concern raised by the reporting officer.*	

		
3. Policy SUB-P8	***Kāinga Ora*** (S129.072, S129.097) [Statement from Michael Campbell] Kāinga Ora's original submission (S129.072) opposed in part Policy SUB-P8, and requested that it be amended to provide a more pragmatic and proactive approach and recognise that character and amenity values are likely to evolve with time as household demographics and demand change, and as development occurs under the Proposed Plan provisions. The following amendments are sought by the submitter: SUB-P8 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**. The section 42A report (pp 66-67) stated the following: Policy SUB-P8 *9.3.25 Policy SUB-P8 applies to subdivision broadly, across the whole District, and it is not related only to subdivision associated with development of new households. I therefore concur with HortNZ that the policy also needs to be appropriate for subdivision in the rural environment, as well as in the urban environment.* *9.3.26 I consider that it is appropriate that subdivision design, which includes the shape and size of lots, and associated earthworks, services, and location of building platforms, etc. is undertaken in a way that is consistent with the purpose, character and amenity values supported and envisaged by the zone provisions. I do not support the wording requested by Kāinga Ora, as subdivision design is not solely related to a 'planned built form', but I recommend that the policy be amended to better reflect what I consider its intention is, as follow:* *SUB-P8 To encourage innovative subdivision design consistent with the ~~maintenance of~~ **purpose, character and** amenity values **supported and envisaged by the zone provisions**.* In his statement of evidence on behalf of Kāinga Ora, Mr Campbell states: *"5.11 While I acknowledge the proposed changes are an enhancement of the previous wording, I still remain of the view that the wording proposed by Kainga Ora would be preferable. The reference to the*	**I have not changed my position**, for the reasons set out in my section 42A report.

	'planned outcomes' relates to the strategic direction or objectives and policies of the particular zone. It does not necessarily mean that all zones will evolve, as indicated by the reporting officer and as raised by HortNZ. For example, the planned outcomes for the rural zone can still ensure that 'retention of rural character is important for the rural environment, to ensure effects of subdivision do not adversely affect primary production activities'. *3.12 In the context of the urban environment however, the proposed amendments would recognize that character and amenity values of the Residential zones are likely to evolve with time as household demographics and demand change, and as development occurs under the proposed plan provisions.* *3.13 I have proposed a slight change to the original wording proposed by Kainga Ora to maintain the reference to amenity values.* *SUB-P8 To encourage innovative subdivision design consistent with the maintenance of ~~purpose, character and~~ amenity values **that aligns with and contributes to the planned built form outcomes of the zone**.*	
4. Policy SUB-P10	***Kāinga Ora*** (S129.081) ***and Hawke's Bay Regional Council*** (S11.026) The Hearing Panel questioned whether the amendments I had recommended (at paragraph 9.3.35, page 67 of the s42A report) be made to Policy SUB-P10 should refer to 'objectives and policies of the zone', instead of 'zone'.	**I have changed my position** and recommend that Policy SUB-P10 should be amended 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~~. This amendment does not otherwise change my recommendations in relation to the submission points on this policy.
5. Policy SUB-P17	***Chorus, Spark and Vodafone*** (S117.063, S118.063, S119.063) [Statement from Tom Anderson, pp 7-8] Chorus's, Spark's and Vodafone's original submissions supported Objective Policy SUB-P17 and requested that it be retained as notified. The section 42A report (pp 73-75) did not recommend any changes to Policy SUB-P17, as a result of submission points from Centralines (S90.035) and Hort NZ (FS17.53), but recommended that the following new definition of 'Regionally Significant Infrastructure', based on the Hawke's Bay Regional Policy Statement definition of 'Strategic Infrastructure', be included in the Interpretation section of the PDP as a consequential change to provide clarity:	I concur with Mr Anderson that it is appropriate to delete the word 'strategic' from clause (c) of the new definition of 'Regionally Significant Infrastructure', I have recommended be added to the Interpretation chapter of the PDP, for the reasons outlined in Mr Anderson's evidence. Therefore, **I have changed my position** and recommend that clause (c) of the new 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 […]

	 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¶ (d) → public·or·community·renewable·electricity·generation·activities;¶ (e) → pipelines·and·gas·facilities·used·for·the·transmission·and·distribution·of·natural·and·manufactured·gas;¶ (f) → public·or·community·sewage·treatment·plants·and·associated·reticulation·and·disposal·systems;¶ (g) → public·water·supply·intakes,·treatment·plants·and·distributions·systems;¶ (h) → public·or·community·rural·water·storage·infrastructure,·including·distribution·systems;¶ (i) → public·or·community·drainage·systems,·including·stormwater·systems;¶ (j) → flood·proteciton·schemes;¶ (k) → any·railway·(as·defined·in·the·Railways·Act·2005).·¤ In his statement of evidence on behalf of Chorus, Spark and Vodafone, Mr Anderson states: *"I generally support the inclusion of a definition for Regionally Significant Infrastructure in the PDP. However in my opinion the reference to strategic telecommunications and radiocommunications facilities is problematic.* *The reasons for this is there is no definition in the PDP, RPS or any legislation or other document that I am aware of defining what a strategic telecommunication (or radiocommunication) facility is. In particular, Section 5 of the Telecommunications Act 2001 does not define strategic telecommunications facilities and likewise Section 2(1) of the Radiocommunications Act 1989 does not define strategic radiocommunication facilities. Having a definition of Regionally Significant Infrastructure which contains an undefined term could generate confusion and uncertainty.* *[…]* *To provide the reasoning as why a reference to strategic is problematic, telecommunications networks operate as a 'whole' with elements being of equal importance, Each element forms part of an integrated network. As an example, an exchange is a telecommunications facility for which the network depends but the exchange can only serve its function provided other elements of the network, such as a line or antenna, are serving theirs.* *In my experience, the best summation of this issue was the approach adopted by the Auckland Unitary Plan Independent Hearings Panel, in their report to Auckland Council on Hearing Topic 12 – Infrastructure, energy*	This amendment does not otherwise change my recommendations in relation to the submission points on this policy.

	and transport (July 2016). In the interim guidance (included in the recommendation), Judge Kirkpatrick, Chairperson, of the Independent Hearings Panel stated "There does not appear to be any reason to limit the focus of the RPS to significant infrastructure, as in the RPS as notified. An essential characteristic of most infrastructure is its construction in the form of an inter-connected network. The efficacy of a network almost always depend on every element of it. Distinguishing between, for example, parts of the roading system or the electricity system on the basis of whether they are significant or not does not serve any apparent resource management purpose". *Essentially, the telecommunications network does not have individual strategic elements to it, and the recommended definition of Regionally Significant Infrastructure should be amended so that the term strategic is removed.* *The definition refers to necessary services and installations which are of greater than local significance. As covered in Paragraphs 11 to 18 of my evidence above, I consider that telecommunications provide for a service which is of greater than local significance.* *Finally, I note that the Hawke's Bay RPS in its definition of strategic infrastructure also includes reference to strategic telecommunication and radiocommunications facilities. I am sure that the telecommunications companies will address this with Hawke's Bay Regional Council at an appropriate time.* *Requested Relief:* *Amend the recommended condition of Regionally Significant infrastructure (as at Paragraph 9.3.81 of the s42A report) as follows:* *means necessary services and installations which are of greater than local significance, including:* *(c) ~~strategic~~ telecommunications and radiocommunications facilities*	
6. Rule SUB-R1	***Hatuma Lime*** (S98.021) [Statement from Claire Price, pp 6-7] Hatuma Lime's original submission supported in part Rule SUB-R1 but requested that a new matter of control be added as follows: **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.** The section 42A report (pp 102-103) states the following: *10.3.36 Any new lots created in the General Rural Zone will need to comply with the minimum net site area requirement of 20 hectares under Standard SUB-S1(9). Where new lots are created within proximity of the Hatuma Lime*	The following two objectives in the Subdivision chapter are relevant to the issue of reverse sensitivity effects: *SUB-O1 Subdivision of land is consistent with objectives and policies of the relevant zones and district-wide matters in the District Plan* […] *SUB-O4 Reverse sensitivity effects of subdivision **and its resulting future land use activities** on existing lawfully established activities are avoided where practicable, or mitigated where avoidance is not practicable.* The following two policies in the Subdivision chapter (as recommended in the reporting officer Right of Reply for Hearing Stream 3, and the s42A report for Hearing Stream 5) are relevant: *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**, industrial activities and/**or** existing **network utilities**.*

	Quarry, the landowners will 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 will 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. *10.3.37 In my opinion, there is 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 is reserved is Assessment Matter SUB-AM13. This 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), as follows[1]:* […] 1. The ability to 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): […]; 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. 2. 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.* *10.3.38 Given the above, I consider that there is 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.*	*SUB-P17 To the extent **reasonably possible**, subdivisions **are** design**ed to 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 **ensure that the operation, maintenance and upgrading of regionally significant infrastructure and other network utilities is not compromised**.* The Hatuma Lime quarry is located within the General Rural Zone in the PDP. The following objective and policies (as recommended to be amended in the reporting officer Right of Reply for Hearing Stream 3) are relevant to the matter raised in the subject submission point: *GRUZ-O1 The General Rural Zone is predominantly used for primary production activities **(including intensive primary production)** and ancillary activities.* *GRUZ-P5 To require sufficient separation between sensitive activities and existing primary production and intensive primary production activities, and between new intensive primary production activities and property and zone boundaries, in order to avoid, remedy or mitigate potential adverse effects, including reverse sensitivity and land use conflict.* *GRUZ-P8 To limit residential and rural lifestyle subdivision that results in fragmentation of the rural land and/or which limits the use of rural land for productive purposes.* An 'ancillary activity' is defined in the PDP as: *ANCILLARY ACTIVITY means an activity that supports and is subsidiary to a primary activity.* Note: an 'Ancillary Activity' is different to 'Ancillary Buildings and Structures (Primary Production)' which are defined as follows: *ANCILLARY BUILDINGS AND STRUCTURES (PRIMARY PRODUCTION)* *means buildings and structures that support and are subsidiary to a primary production activity, including implement sheds, dairy sheds, mobile pig shelters, barns, stockyards, artificial crop protection structures, crop support structures, frost fans and audible bird scaring devices.* The minimum net site area for new lots created (as a Controlled Activity) in the General Rural Zone is 20ha under Standard SUB-S1(9). This supports Objective GRUZ-O1 and SUB-O1, and Policy GRUZ-P8. Where new lots are proposed to be created in the General Rural Zone under Rule SUB-R1(1) as a Controlled Activity, the matters over which Council's control is reserved in considering such applications are set out in Assessment Matters SUB-AM1 to SUB-AM10. Subdivisions not complying with the minimum net site area in Standard SUB-S1(9) must be assessed as a Discretionary Activity under Rule SUB-R1(4). I concur with Ms Price that the Matters Council has reserved its control under Rule SUB-R1(1) do not include/relate to reverse sensitivity effects. As I advise in the s42A report, there is potential for reverse sensitivity effects to occur in relation to residential units establishing on new smaller, Lifestyle Sites created under Rule SUB-R5 as a Controlled Activity. Under that rule, a matter over

[1] As recommended in the section 42A report for the Hearing 3 Rural Topic.

	In her statement of evidence on behalf of Hatuma Lime, Ms Price states (p7): *"Disagree* *Adding the specific matter the mapping of the Maharakeke Road quarry can be provided for as a 'Specific Control' as part of the NZ Planning Standards."* Ms Price also states (paras 6.1-6.5, p13): "*6.1 The subdivision rules in the General Rural Zone enable subdivision of lots to a minimum size of 20ha. Subject to compliance with performance standards, this type of subdivision would be a Controlled Activity and must be granted by Council, and could be subject to conditions. The Matters Council has restricted its control to consider do not include reverse sensitivity effects.* *6.2 The nature of larger 20ha lots would be to keep the land for use as primary production, not necessarily for lifestyle. Notwithstanding this, subdivision does generate additional development rights, and based on the General Rural Zone rules, two additional residential houses could be anticipated, and a minor residential unit as well.* *6.3 Therefore, Hatuma Lime seeks 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.* *6.4 The officer's recommendation is to reject S98.021 because they consider the potential for reverse sensitivity effects occurring on the Hatuma Lime Quarry is low risk due to landowners having options in terms of available space to locate any residential units away from the quarry. Further, there would be limited number of new residential units that may be established on the lots under the General Rural Zone provisions.* *6.5 The additional assessment matter presented in S98.021 would ameliorate the risk by further including the consideration of building platforms or vehicle access in proximity; proximity of the quarry for any such subdivision."*	which control is reserved is Assessment Matter SUB-AM13. This 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). In my opinion, this rule supports Policies SUB-P16 and SUB-P17. The PDP therefore only includes methods to support Policies SUB-P16 and SUB-P17 in relation to the creation of Lifestyle Sites in the General Rural Zone and the associated future residential activities establishing on them. I consider that residential activities establishing on complying new lots in the General Rural Zone are an 'ancillary activity' that support and are subsidiary to a primary activity which is recognised under Objective GRZ-O1 as 'predominantly primary production activities (including intensive primary production)'. The ability to effectively and efficiently support the use of land in the zone for those activities includes the ability for landowners/occupiers/staff (e.g. farm manager) to reside on that land. Residential Activities are a Permitted Activity under Rule GRZ-R1 in the General Rural Zone, subject to complying with the relevant conditions specified under the rule. Under Rule GRZ-R1(a), Residential Activities are a Permitted Activity in the General Rural Zone where the following relevant conditions are met in relation to the number of residential units and minor residential units that can be established on each site. **Where the following conditions are met:** 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: a. limited to a maximum gross floor area of 100m² (exclusive of garages, and verandahs less than 20m²); and b. must share vehicle access with the principal residential unit on the site; and c. must be located no further than 50m from a principal residential unit on the site.

		Under Rule GRZ-R1(a), two residential units and one minor residential unit may be established on a 20ha site in the General Rural Zone as a Permitted Activity (subject to compliance with the other standards specified under Rule GRZ-R1). As noted above, these are residential activities provided for as an 'ancillary activity' to the primary use of the land in the Zone. Residential units (including minor units) establishing on new lots in the General Rural Zone (20ha or greater in area) are required to be setback at least 15m from side and rear boundaries (under Standard GRZ-S5(2)), and at least 40m from an existing plantation forest on an adjoining site (under Standard GZ-S5(1)). I consider that this standard supports Policy GRUZ-P5 (as set out above). I note that, in the Draft District Plan (released for public consultation in May 2019), the Hatuma Lime Quarry site and adjoining sites were located within the 'Plains Production Zone' (now called the 'RPROZ - Rural Production Zone' in the PDP). Hatuma Lime made a submission on the Draft Plan requesting that the quarry site be zoned 'Rural Production' (now called the 'GRZ – General Rural Zone' in the PDP). Hatuma Lime's request was adopted in the PDP, such that the quarry site and adjoining sites are now located within the General Rural Zone. The effect of changing the zoning of the quarry site and adjoining sites is to increase the minimum net site area of any new lots from 12ha (specified under Standard SUB-S1(10) for the Rural Production Zone) to 20ha (under Standard SUB-S1(9) for the General Rural Zone). The new assessment matter being sought by Hatuma Lime would require Controlled Activity subdivision consent applications in the General Rural Zone under Rule SUB-R1(1) to be assessed by Council with regard to any actual or potential reverse sensitivity effects that proposed building platforms and/or vehicle access, within proximity of the quarry, may have on the efficient and effective operation of the quarry. I am uncertain what reverse sensitivity effects the submitter considers would be associated with vehicle access being established in association with the creation of new lots on sites adjoining the quarry. Adopting the change requested by the submitter would have the effect of creating a type of 'buffer' around the quarry site, but on land outside Hatuma Lime's ownership. The Maharakeke Road Quarry was granted resource consent in 2011 (RM100095) to extend the existing quarry. The approved plan showing the extent of the extension consented is provided in *Attachment 1* of this response. A condition of consent is that the activity must proceed in accordance with a Quarry Management Plan (QMP) submitted with the application. The QMP provides for the establishment and operation of the quarry through to the year 2100 and includes details of: • The method by which limestone is to be harvested in the extension area. • The staging of the quarrying activities through to the year 2100.

		• The staging and extent of earthworks including land reclamation. • The extent and location of facilities for storage of excavated material. • The route and design of a conveyor system from the storage facilities underneath railway track to the existing processing plant. Council's assessment of the resource consent application included the following statement on the impact of the activity on amenity, and the ability of the quarry operation to avoid or mitigate dust, noise, lighting and vibration[2]: **Impact of mining on amenity, landscape and nature conservation values:** The proposed area to be mined is not of significant landscape or conservation value. The quarry extension as an addition to the existing operation, should not result in any adverse effect on local rural landscape, conservation or amenity value. Over the years the company has undertaken considerable planting of trees on the site (mainly Poplar and Redwood). These trees are now established and mature and provide some screening to the site from the west. **The ability of operation to avoid or mitigate dust, noise, lighting and vibration** The proposed quarry operation will not give rise to any adverse effects in relation to noise, dust, lighting or vibration. The extension of the quarry would not result in any significant additional vehicle movements along Maharakeke Road. There would be intermittent movement of heavy excavating machinery between the sites for periodic maintenance. These movements are anticipated not to exceed or be more frequent than vehicle movements generated by local farming activities. The mining activity is not anticipated to result in any detectable vibration beyond the boundaries of the site. Due to the generally soft nature of the limestone deposits, blasting and the use of explosives is not required. According to the Quarry Management Plan, an elevated earth bund would be constructed along Maharakeke Road which will achieve some mitigation of noise effects. Also, noise from the conveyor belt (elevator) is expected to be significantly less than the potential effects of repeated vehicle movements between the sites. On the basis of the Council's assessment for the resource consent application, and provided the operation proceeds in accordance with the conditions of the consent (RM100095), I am uncertain why the submitter is concerned about reverse sensitivity effects. If Hatuma Lime is concerned that its operations may have unanticipated environmental effects that may result in complaints from adjoining residential activities ancillary to productive land uses, I do not consider it appropriate or reasonable that the onus should fall on adjoining landowners to provide a type of 'buffer' created by restricting what they can do on their land. I also note that the provisions of the PDP that require subdivision applications for Lifestyle Sites to be assessed in relation to potential reverse sensitivity effects (under Assessment Matter SUB-AM13), offer a significant improvement for Hatuma

[2] '*Delegation Panel Meeting – Proposal: Height Waiver and Extension of Quarry Winning Activities, Applicant: Hatuma Lime Co. Ltd., RM: 100095*', dated 24 November 2011.

		Lime from the Operative District Plan (ODP) provisions. The ODP subdivision provisions currently allow the creation of new lots in the Rural Zone with a minimum net site area of 4000m^2 (a size more akin to Lifestyle Sites) with no requirement for Council to assess potential reverse sensitivity effects on existing rural industry or primary production activities (including intensive primary production) from residential activities establishing on the new sites. I therefore stand by my advice in the s42A report (with respect to new 20ha lots created under Rule SUB-R1(1)) that: "*Where new lots are created within proximity of the Hatuma Lime Quarry, the landowners will 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 will 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.'* As an aside, I note that there are three existing smaller lots in the vicinity of the Maharakeke Road Quarry (comprising: Lot 1 of 7,420m^2, Lot 2 of 2.089ha, and Lot 4 of 5880m^2) that were created under subdivision consent (RM130033), granted to Hatuma Lime Company on 13 August 2013 after they had been granted consent to extend their quarry in 2011. A copy of this consent is provided in ***Attachment 2*** of this Response. The consent allowed the consent holder to create four additional lots from the existing quarry site, with three of the new lots (Lots 1, 3 and 4) containing existing residential dwellings. Lot 3 contains the quarry site and Lot 5 is a farming block. On the basis of the above, **I have not changed my position** for the reasons set out in my s42A report.
7. Rule SUB-R5	***Hatuma Lime*** (S98.023) [Statement from Claire Price, pp14-15] Hatuma Lime's original submission requested that Rule SUB-R5 be amended to enable consideration of reverse sensitivity effects on lawfully established activities (such as quarries). They request that a new matter of control be added to Rule SUB-R5 which refers to a new Assessment Matter 'SUB-AM19'. The s42A report (p108) states the following: *10.3.82 […]. In my opinion, there is 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 Restricted Discretionary Activity Rule SUB-R5(2), Assessment Matter SUB-AM13 is 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). I therefore consider 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*	For the reasons outlined above in relation to Submission Point S98.21 and in the s42A report, **I have not changed my position**.

	platforms and/or vehicle access within proximity of the Hatuma Lime Quarry on new lots created in the General Rural Zone. In response to other submission points on Assessment Matter SUB-AM13(2)(c) in relation to Hearing 3 Rural Topic (S81.085 Hort NZ, S42.027 Pork Industry), the s42A report for that topic recommended that the assessment matter be amended as follows: c. Any lifestyle site proposed within 400 metres of an existing rural **industry or primary** production activity **including intensive primary production**; In her statement of evidence on behalf of Hatuma Lime, Ms Price states (pp14-15): *"7.3 While the amended Assessment Matter SUB-AM13(2) does broaden activities in the General Rural Zone to be aware of and mitigate reverse sensitivity effects, Hatuma Lime seek more specificity in relation to the Maharakeke Road quarry.* *7.4 Good on-site management and reducing nuisance effects as much as possible and implementing their consent correctly is Hatuma's responsibility. However, conflict from new sensitive neighbours who were not a consideration in the original consenting process, has different consequences for a quarry operation, compared to other rural industry, primary production or intensive primary production. A quarry cannot be relocated to a different site or shift its production to avoid future land use conflict, as it is confined to where the resource is.* *7.5.1 To implement SUB-O4 and SUB-P16 and 17 effectively and efficiently, the Assessment Matters for controlled activities subdivisions should either:* *7.5.1 amend AM13(2) further and reference the Hatuma Quarry (Maharaeke Road) as a new sub-section OR* *7.5.2 accept the submission point 98.23 and include AM19 as additional assessment matter and include the mapping of the Maharakeke Road quarry and assist the implementation of the Assessment Matter."*	
8. Rule SUB-R7	***Heritage NZ*** (S55.063) [Statement from Dean Raymond, p2] Heritage NZ's original submission sought to amend Rule SUB-R7 as follows: Amend SUB-R7(1)(a)(iv) as follows: 'iv. the whole of the feature within the conservation lot, **including the setting of any historic heritage feature,** will be physically and legally protected in perpetuity.' And amend SUB-R7(1)(b)(ii) as follows: 'ii. the whole of the feature within the conservation lot, **including the setting of any historic heritage feature,** will be physically and legally protected in perpetuity.'	The s42A report for the Historic Heritage chapter of the Proposed District Plan (PDP) stated the following in relation to Heritage NZ's submission point (S55.063): *14.3.9 The amendment sought by HNZPT seeks to include as part of condition SUB-R7.1a(iv) and (b)(ii) a requirement to also protect the setting in perpetuity. Because the setting for heritage items has not been mapped, it would in my view be inappropriate to have a rule/condition that requires the setting to be incorporated into the Conservation Lot as there would not be any certainty in the application of that rule as to whether the subdivider does or does not meet that condition. I consider a more appropriate means of considering setting is as an Assessment Matters that would then enable Council to consider matters related to setting as part of the consent process. In that respect I consider the Assessment Matters in SUB-AM15 and in particular SUB-AM15(2)(b) provide this scope.*

	The section 42A Report recommendation is to accept the submission, and to amend the rule in response to all the submissions on this matter, as follows: In his Statement on behalf of Heritage NZ, Mr Raymond states that the S42A Report recommendation is "…*inconsistent with the recommendations in the 42A report for the Historic Heritage Chapter (paragraph 14.3.9 of that report) which states 'it is inappropriate to have a rule for settings'. The broader topic of 'heritage settings' has been addressed in hearing stream 4, with the recommendation that the submission points related to settings be rejected. In the absence of heritage setting being included throughout the PDP, I agree with the 42A author for hearing stream 4 that it would not be appropriate to include a reference to settings in the subdivision chapter, and that the words 'including the setting of any historic heritage feature' should not be added"*.	*14.3.10 I therefore recommended that HNZPT S55.058, S55.063 and S55.064 be rejected.* In order to achieve consistency in the approach adopted for heritage items throughout the PDP, and as a consequential amendment of the above recommendation in the 42A report for the Historic Heritage chapter and the evidence of Mr Raymond, **I have changed my position** on submission point S55.063. I recommend that the submission point be rejected and Rule SUB-R7(1)(a)(iv) and SUB-R7(1)(b)(ii) be retained as notified.
9. Standard SUB-S1	***Kāinga Ora*** (S129.098) [Statement from Michael Campbell] Kāinga Ora's original submission opposed Standard SUB-S1 and requested that it be amended to introduce the word 'vacant' to describe the standard and to clarify the relationship between the creation of vacant sites through subdivision, and the establishment of reduced lot sizes that are deemed acceptable through an approved land use consent for multi-unit development. Recognising that such an approach may not be appropriate for rural zones, the submitter sought the addition of a new standard SUB-SX which sets out minimum lot size requirements for rural zones. Kāinga Ora requested that Standard SUB-S1 be amended as follows:	**I have not changed my position** for the reasons set out in my s42A report.

SUB-S1 Minimum Vacant Lot Size Net Site Area (excluding Lifestyle Sites and Conservation Lots Urban Zones)	
General Residential Zone	Where public sewerage reticulation is available – 350m^2. Where public sewerage reticulation is not available – 1000m^2.
Commercial Zone General Industrial Zone	No minimum ~~net site area~~ lot size applies.
~~Settlement Zone~~	~~Where public sewerage reticulation is available – 600m^2.~~ ~~Where public sewerage reticulation is not available – 1000m^2.~~
Large Lot Residential Zone (Coastal)	Where public sewerage reticulation is available – 800m^2. Where public sewerage reticulation is not available: Mangakuri – 1500m^2. Other coastal settlements – 1000m^2.
~~Rural Lifestyle Zone~~	~~4000m^2.~~
~~General Rural Zone~~	~~20 hectares~~ ~~*Note: standards for subdivisions involving the creation of Lifestyle Sites in the General Rural Zone are in found in SUB-S2 below.*~~
~~Rural Production Zone~~	~~12 hectares~~ ~~*Note: standards for subdivisions involving the creation of Lifestyle Sites in the Rural Production Zone are in found in SUB-S2 below.*~~
Conservation Lot (All Zones)	No minimum ~~net site area~~ lot size applies.
Special Purpose Lot (All Zones)	No minimum ~~net site area~~ lot size applies.
Increasing the area of existing non-complying sites	No minimum ~~net site area~~ lot size applies, provided no existing complying site is rendered non-complying by the subdivision.

The section 42A report stated the following:

"11.3.28 The section 42A 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 350m^2 to 300m^2 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 350m^2 per dwelling and a minimum lot size of 350m^2 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."* *11.3.29 For the same reasons outlined above, in relation to the Reporting Officer's recommendation to reject Kāinga Ora's submission point (S129.171) requesting that the standard for residential density in the General Residential Zone be amended, I recommend that Kāinga Ora's submission point (S129.098) requesting that the minimum net site area for lots in the General Residential Zone be reduced from 350m^2 to 300m^2 be rejected. I therefore recommend that Standard SUB-S1(1) be retained as notified."* In his statement of evidence on behalf of Kāinga Ora, Mr Campbell states: *" 5.24 As an alternative relief that that sought in the original submission and as noted in the residential evidence for the Stream 2 hearing, Kainga Ora proposes that the development rules provide greater flexibility to deliver attached dwelling typologies without the need for resource consent (where they otherwise comply with the density rule), and reduce the minimum net site area from 350m2 to 300m2 to assist in accommodating two dwellings on a site as a permitted activity, particularly where efficiencies in attached dwellings (i.e. duplex buildings) can contribute to a greater housing choice.* *5.25 I remain of the view that a reduced net site area requirement of 300m^2 per dwelling can be accommodated without a significant effect on the built form outcomes that could reasonably be anticipated under the PDP as notified. The proposed amendment provides greater flexibility to enable two dwellings per site as a permitted activity under GRZ-S1, particularly on sites in the 600m^2 to 700m2 range, while not resulting in significant level of intensification. I also note that 300m2 per dwelling will enable a greater level of design flexibility for multi-unit development of three dwellings or more, which could be subject to assessment as a restricted discretionary activity under the PDP. As noted later in my evidence, a building coverage standard is proposed to ensure that the effects of building bulk/dominance and excessive site coverage (which can generate stormwater effects) are managed appropriately and to address the concerns identified by the planner.* *5.26 I acknowledge the right of reply with respect to infrastructure capacity. In my view, these issues could be addressed by way of a specific standards [sic] if such an issue was deemed to be of concern.*	

10. Assessment Matters SUB-AM5(4) and SUB-AM6(7)	***FENZ*** (S57.078 and S57.079) [Statement from Paul Gimpsey] FENZ's original submission supported Assessment Matters SUB-AM5(4) and SUB-AM6(7) which enable Council to consider the provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008. They requested that these assessment matters be retained as notified. The section 42A report (p 27) states the following: *"5.3.6 Given my recommendation to only retain the reference to the Engineering COP in the SUB-Methods, for the same reasons, I consider that it would also be appropriate to delete the references to 'NZS 4404:2004' and the 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, I consider that the references to them in Method SUB-M2(2) and SUB-M2(3) should be retained, but SUB-M2(2) amended to refer to 'NZS 4404:2010'."* In his statement of evidence on behalf of FENZ, Mr Gimpsey states (p4): *"The reporting officer supports Kāinga Ora's (S129.112, S112.113) 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.* *Fire and Emergency recognise the intent of this amendment. However, in removing the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008 the ability for Council to require adequate firefighting water supply and appropriately consider the fire risk is greatly reduced. Therefore, Fire and Emergency request that reference to the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008 be retained in SUB-AM5 and SUB-AM6.* *Alternatively, should the reference be deleted, Fire and Emergency requests that the following Assessment Matters be included in its place to retain the ability for Council to assess the impact on fire risk and emergency service response.* *SUB-AM5 Water Supply, Wastewater Disposal, Stormwater Disposal* ***(4) The extent to which the water supply network can effectively and efficiently provide an adequate water supply for firefighting purposes to the lot(s) to be serviced by a public water supply**.* *SUB-AM6 Property Access* *(7) Whether the width **and height clearance** of the legal road, right of way, vehicle access lot or vehicle leg required is sufficient for fire appliances to access the lot(s) **and associated structures**."*	I concur with Mr Gimpsey that deleting Assessment Matter SUB-AM5(4), which refers 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 is greatly reduced. Therefore, **I have changed my position** and consider that SUB-AM5(4) should be retained as notified. For the same reasons, I consider that Assessment Matter SUB-AM6(7) should retain reference to the *NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008*, while otherwise retaining the amendments requested by Kāinga Ora (S129.113) that I have recommended be accepted. Therefore, I consider that there is no need to adopt the alternative wording Mr Gimpsey has provided for SUB-AM6(7) in his evidence (in lieu of deleting the reference to the Code). [Note: I consider that the additional amendments to the assessment matter offered by Mr Gimpsey would be out of the scope of submissions] Therefore, **I have changed my position** and consider that the reference to *NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008* in SUB-AM6(7) should be retained, such that (with the amendments requested by Kāinga Ora (S129.113) I have recommended be accepted) it reads as follows: *(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 leg required **is sufficient** for fire appliances to access the lot(s).*

11. Assessment Matter SUB-AM7	***Kāinga Ora*** (S129.114) [Statement from Michael Campbell] Kāinga Ora's original submission opposed Assessment Matter SUB-AM7 to the extent that it is likely to unnecessarily constrain and/or hinder urban development. They requested that the assessment matter be deleted. The section 42A report (pp 143-144) states the following: *12.3.12 NZTA (S78.030) supports Assessment Matter SUB-AM7 and requests that it be retained as notified.* *12.3.13 Kāinga Ora (S129.114) opposes Assessment Matter SUB-AM7 to the extent that it is likely to unnecessarily constrain and/or hinder urban development. They request that the assessment matter be deleted, and consequential amendments made to the provisions in the subdivision chapter to reflect their position.* *12.3.14 NZTA (FS.16.32) opposes Kāinga Ora's request to delete Assessment Matter SUB-AM7, as they consider 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. They request that the assessment matter be retained as notified.* *12.3.15 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 can 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.* *12.3.16 Objectives 32 and 33 in Chapter 3.13 of the RPS (set out below) recognise 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 provide for their health and safety. It also seeks that the adverse effects on existing physical infrastructure arising from the location and proximity of sensitive land use activities are avoided or mitigated.* *12.3.17 State Highways fall within the definition of 'Nationally Significant Infrastructure' in the Proposed Plan, and fall within the definition of 'Strategic Transport Network' in the RPS.* *12.3.18 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, I consider that it is appropriate, and consistent with the objectives of the RPS, for applications*	**I have not changed my position** for the reasons set out in my s42A report.

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.

12.3.19 *I note 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 edg~~ carriageway); or**
- ~~→~~ **~~100m of Rail Network Boundary~~**

General	1. → The following Minimum External Sound Insulation Level Standards applies to all habitable roo any building that contains a noise sensitive activity ~~within 100 metres of the sealed edge of a S Highway or the Rail Network Boundary~~, either: ¶ a. → Provide a design report prepared by an acoustic specialist prior to construction of the hab ~~spaces~~ rooms, demonstrating that road-traffic/rail network sound levels will not exceed 4 $L_{Aeq(24hr)}$ inside all habitable ~~spaces~~ rooms; or¶ b. → Provide a design report prepared by an acoustic specialist prior to construction of the hab room/s, demonstrating that road-traffic/rail network sound levels will not exceed 57 dB L_{Aeq} 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 sealed edge of a State Highway or the Rail Network Boundary~~: ¶ a. → Where new habitable rooms with openable windows are proposed, a positive supplemen of fresh air ducted from outside is required at the time of fit-out. The supplementary sour to achieve compliance with the Building Act to ensure adequate ventilation and fresh air.

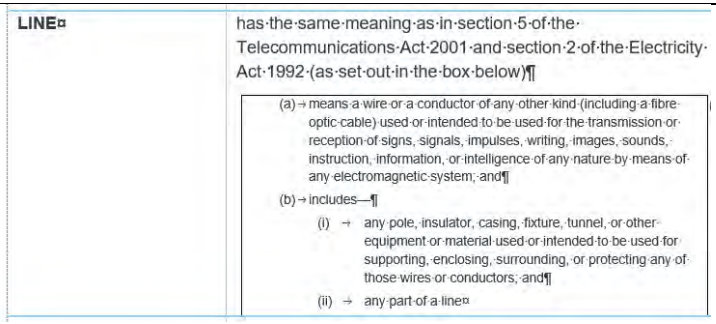
12.3.20 *The Officer's recommended changes to Standard NOISE-S3 were in response to submission points S129.140, FS23.177 Kāinga Ora, and FS16.38 Waka Kotahi. They introduce a new setback for noise sensitive activities within 50m of a State Highway with a speed limit of less than 70 km/h.*

12.3.21 *I also recommend that that the word 'site(s)' be replaced with the word 'lot(s)', which I consider is more appropriate/accurate, and can be made as a minor change under clause 16(2) of the First Schedule of the RMA*

12.3.22 *I therefore recommend that Assessment Matter SUB-AM7 be retained but amended to reflect the above recommendations, as follows:*

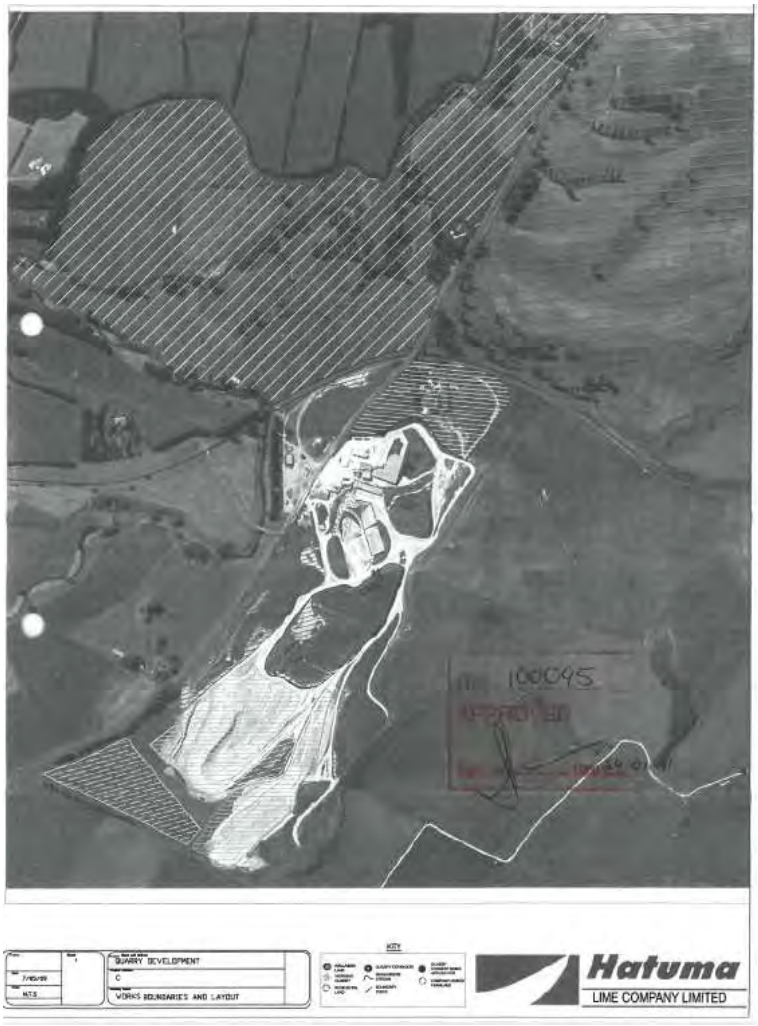
SUB-AM7	Subdivision resulting in the creation of new ~~sites~~ **lots** within**:** - ~~100~~**50m** of the State Highway Network **with a speed limit of less than 70km/h; or** **- 100m of the State Highway Network with a speed limit of 70km/h or more (measured from the nearest painted edge of the carriageway).** 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 In his statement of evidence on behalf of Kāinga Ora, Mr Campbell states: *"5.28 I note that I provided evidence in relation to the Noise topic on the PDP (Hearing Stream 2). As part of that evidence, Kāinga Ora has raised a number of concerns in relation to the proposed approach to managing internal sound levels for noise sensitive activities near the state highway and railway networks. I rely on the evidence of Mr Style's in relation to these issues. In my opinion, until a more completed section 32 analysis has been undertaken, it is premature to impose the current provisions. I note that in the alternative, Mr Styles recommends that the reference to 100m should be replaced with the words 'as mapped effects areas' or similar to allow for the outputs of a noise modelling process to be used in the rules section.* *5.29 Overall, I am of the opinion that the changes proposed by Kainga Ora will encourage housing choice and appropriate intensification that is necessary to support the social and economic demands of the Central Hawke's Bay District."*	
12. Assessment Matter SUB-AM17	***Transpower*** (S79.085) [Statement from Pauline Whitney, para 6.19] Transpower's original submission supported Assessment Matter SUB-AM17 and requested that it be retained as notified but relocated to the NU – Network Utilities chapter of the PDP. The section 42A report (p17) stated: *"4.3.44 Transpower (S79.085) supports Assessment Matter SUB-AM17 and request that it be retained but relocated to the NU – Network Utilities chapter of the Proposed Plan.* *4.3.45 As I concluded above, I am 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. I therefore consider that Assessment Matter SUB-AM17 should be retained within the SUB – Subdivision chapter of the Proposed Plan.* *4.3.46 Transpower refers to Policy NU-P5 in the Network Utilities chapter as providing the policy framework for subdivision in the National Grid Subdivision Corridor. I concur and consider 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*	While Transpower requested that Assessment Matter SUB-AM17 be retained as notified (although relocated to the NU – Network Utilities chapter), Ms Whitney has requested a 'minor' amendment to SUB-AM17(2). While not specified in her evidence, I assume Ms Whitney considers that such a change could be made as as a minor change under clause 16(2) of the First Schedule to the RMA. The NESETA (National Environmental Standards for Electricity Transmission Activities) includes the following definitions of 'transmission line' and 'transmission line support structure': "***transmission line***- *(a) means the facilities and structures used for, or associated with, the overhead or underground transmission of electricity in the national grid; and* *(b) includes transmission line support structures, telecommunication cables, and telecommunication devices to which paragraph (a) applies; but* *(c) does not include an electricity substation.* ***transmission line support structure*** *means a tower or pole*" The PDP includes the following definition of 'Line':

	subdivisions with building platforms and/or vehicle access within the National Grid Subdivision Corridor and/or in close proximity to the Gas Transmission Network." *The section 42A report therefore recommended that the following amendment be made to SUB-AM17:* 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 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 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. **10. The extent to which the subdivision design and consequential development are consistent with the objectives and policies of the NU – Network Utilities chapter.** In her statement of evidence on behalf of Transpower, Ms Whitney states: "*As a minor amendment, I would support amendment to clause 2 of SUB-AM17 to make it clear access is also required to support structures. The reasoning for the amendment is that while National Grid Transmission lines are defined in NESETA as including support structures, the PDP does not contain such a definition. For the avoidance of doubt, a references within SUB-AM17(2) is supported as follows:* *SUB-AM17 Subdivisions with building platforms and/or vehicle access within the National Grid Subdivision Corridor* … *2. The ability for continued access to existing National Grid transmission lines **and support structures** for maintenance, inspections and upgrading.* …"	 **LINE**¤ has the same meaning as in section 5 of the Telecommunications Act 2001 and section 2 of the Electricity Act 1992 (as set out in the box below)¶ (a) → means a wire or a conductor of any other kind (including a fibre optic cable) used or intended to be used for the transmission or reception of signs, signals, impulses, writing, images, sounds, instruction, information, or intelligence of any nature by means of any electromagnetic system; and¶ (b) → includes—¶ (i) → any pole, insulator, casing, fixture, tunnel, or other equipment or material used or intended to be used for supporting, enclosing, surrounding, or protecting any of those wires or conductors; and¶ (ii) → any part of a line¤ In my opinion, the definition of 'line' in the PDP is already sufficient to address the matter raised by Ms Whitney, as it includes transmission lines and support structures. For that reason, I consider that the amendment requested by Ms Whitney is unnecessary. Therefore, **I have not changed by position**.
13. Methods SUB-M1 – M8	***Hatuma Lime*** (S98.024) [Statement from Claire Price, p9] Hatuma Lime's original submission sought an additional method in the SUB – Subdivision chapter to achieve the outcome of an additional 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. They did not offer any specific wording for the new method. The section 42A report (pp 156) states the following:	In her evidence, Ms Price considers that including a new Method in the Subdivision chapter that requires the Council to map the full consented extent of the Maharakeke Road quarry on the District Plan maps as an 'information layer only' will allow plan users to understand if their site is in proximity to the area of the quarry yet to be worked (and which is not yet visible). She considers that, unless those assessing or carrying out due diligence on a site obtain a copy of the consent decision for the quarry, a landowner will continue to be unaware. In my opinion, the onus for carrying out due diligence prior to purchasing land lies with the potential purchaser. Even if the maps are amended to identify the extent of the consented quarry (including the area of undeveloped quarry), that would still not

	13.3.3 As I have not recommended that any provisions in the Subdivision chapter be added or amended to refer specifically to Hatuma Lime or the Maharakeke Road Quarry, I consider that there is no justification for adding a new method, as requested by the submitter. In her statement of evidence on behalf of Hatuma Lime, Ms Price states (p9): *"Disagree with reasoning in s42A report."* And on pp 16-17 of her evidence: *"8.5 On the basis the relief sought in S98.022 and S98.023 are rejected, and there is no specific reference to the Hatuma Quarry (Maharakeke Road) in the district plan provisions, I still consider the usefulness of mapping the Hatuma (Maharakeke Road) Quarry to enable the extent of the site to be understood and people can make better decisions on land purchase in its proximity.* *8.6 The Methods are to implement the objectives and policies of the district plan. The PDP Subdivision Provisions in SUB-O4 and SUB-P16 are relevant to the method sought in S98.024. […]* *8.7 To implement SUB-O4 and SUB-P16, a plan user must understand if their site is in proximity to existing* *8.7.1 primary production activities (including intensive primary production activities),* *8.7.2 rural industries, or* *8.7.3 industrial activities and/or* *8.7.4 existing ~~public works~~ network utilities.* *8.8 Most of the above will be visible on a site visit, or checking the District Plan maps, or utility websites. However, the area of Maharakeke Quarry that has yet to be worked, will not be visible. Unless those assessing or carrying due diligence on a site, obtain a copy of the consent decision for the quarry so its extent can be understood, a landowner would continue to be unaware.* *8.9 A Method included in the District Plan to have the quarry included in the Council's GIS system as an information layer is an appropriate alternative and within scope of the submission. The Method wording would be slightly amended from the reasoning given in the submission and would read as follows:* *SUB-M9 Information on the Maharakeke Road [Hatuma Lime] Quarry* *The Council shall map the full consented extent of the Maharakeke Road [Hatuma Lime] quarry on the District Plan Maps as an information layer only."*	provide any assurance that people will be aware of it, as people would need to look at the new Method in the Subdivision chapter and/or know to actively look for it on the maps and Council's GIS system. As I have advised above (in relation to Submission Point S98.021), where subdivision consent applications are made for small lifestyle sites, the Council will assess potential reverse sensitivity effects on existing lawfully established activities under Controlled Activity Rule SUB-R1. That would include potential adverse effects on the Hatuma Lime quarry, which Council will be aware of. For larger new complying lots in the General Rural Zone (20ha or more), landowners will have more options to locate residential units a greater distance from the quarry, if they wish. Hatuma Lime also needs to ensure that they operate the quarry in accordance with the conditions of their consent, and regardless of this, there is also a duty under section 16 of the RMA to avoid 'unreasonable noise'. Therefore, I consider the risk of reverse sensitivity effects associated with those lots is less and acceptable. I note that there are various other existing, lawfully established rural industries, industry and network utilities in the General Rural Zone that are not identified on the District Plan Maps, yet potentially face similar issues to the Hatuma Lime quarry. I therefore do not consider it necessary to give specific attention to the quarry. Given the above, **I have not changed my position** for the reasons set out in my section 42A report.

ATTACHMENT 1 Approved Plan for Quarry Extension under RM100095



ATTACHMENT 2 Subdivision Consent RM130033

ATTACHMENT 3 Subdivision Chapter (E38. Subdivision – Urban) – Auckland Unitary Plan