

Before the Hearings Panel

At Central Hawke's Bay District Council

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Central Hawke's Bay District Plan

Between **Various**

Submitters

And **Central Hawke's Bay District Council**

Respondent

**Council Reply on the 'Subdivision', 'Contaminated Land & Hazardous Facilities', 'Earthworks & Mining' and 'Natural Hazards' Topics – Hearing 5 – Rowena Macdonald and Janeen Kydd-Smith
On behalf of Central Hawke's Bay District Council**

Date: 27 October 2022

Introduction

1. Our full names are Rowena Clare Macdonald and Janeen Anne Kydd-Smith. We are Principal Planners and Directors of Sage Planning (HB) Limited.
2. Janeen prepared the Section 42A Report on Subdivision, and Rowena prepared the Section 42A Reports on Contaminated Land & Hazardous Facilities, Earthworks & Mining, and Natural Hazards, for Hearing 5. We have read the evidence and statements provided by submitters, and the legal submissions, relevant to those reports. We also both attended the hearing on Wednesday 7 September and Thursday 8 September 2022 when relevant matters were discussed.
3. We have prepared this reply statement on behalf of the Central Hawke's Bay District Council (**Council**) in respect of matters raised through Hearing 5.
4. Specifically, this reply statement addresses matters raised in the Section 42A Reports for Subdivision, for Contaminated Land & Hazardous Substances, for Earthworks & Mining, and for Natural Hazards, and in the evidence and statements by submitters for the hearing.
5. We are authorised to provide this evidence on behalf of the Council.

Qualifications, Experience and Code of Conduct

6. Our qualifications and experience are as set out in Section 1.1 of the relevant Section 42A Reports.
7. We can confirm that we are continuing to abide by the Code of Conduct of Expert Witnesses set out in the Environment Court's Practice Note 2014.

Scope of Reply

8. Section 42A report authors were asked to submit a written reply by close-of-business on Friday, 27 October 2022.
9. This Reply addresses the specific matters raised by the Panel (being paragraphs 5 to 8 of Minute 15), with our comprehensive response to matters raised in evidence and at the hearings included in tabular form in Appendix 4.
10. If we have not addressed a matter in this Reply that was raised by a submitter throughout the hearings process, we have nothing further to add to what we have set out in the Section 42A Reports or evidence given at the Hearing.
11. **Appendix 1** of this Reply contains a list of materials provided by submitters including expert evidence, legal submissions, submitter statements etc. This information is all available on the Proposed District Plan (PDP) Hearings Portal on the Council website¹.
12. **Appendix 2** contains recommended amendments to PDP chapter provisions (SUB – Subdivision chapter and EW – Earthworks chapter), with updated recommendations differentiated from those made in Appendix A of the respective Section 42A Report.
13. **Appendix 3** has an updated table of recommended responses to submissions and further submissions, with updated recommendations differentiated from those made in the table in Appendix B of the respective Section 42A Reports.
14. **Appendix 4** has comprehensive tables containing those matters raised in evidence for which we wish to provide written response by Section 42A Report topic, plus any relevant attachments (including a copy of the relevant provisions from the Auckland Unitary Plan for subdivision of land containing an approved land use consent).

¹ <https://www.chbdc.govt.nz/services/district-plan/proposed-district-plan/hearings/>

Scope/Ability to Recognise the Presence of Particular Features/Activities on the PDP Maps or by Other Methods

15. The Panel requested (paragraphs 5-7) a response on the following matter:

'To assist the reporting officers, in addition to any other matters that the officers may wish to address, the Panel is seeking advice from the reporting planner on Subdivision on whether there is scope and/or the ability for there to be a change to the PDP to recognise the presence of Major Hazardous Facilities, Quarries and Sites of Significance to Māori in a way that would ensure that the nearby presence of these features can be, first, identified on LIMs, and, second, are able to be considered in the assessment of resource consent applications where there are relevant matters of assessment. Further, the Panel is seeking advice on what options are available, as methods outside the District Plan, which could address the issue of alerting the presence of activities that could potentially raise issues of reverse sensitivity. For example, are there different levels of alert layers that could be established?

The Panel notes that this question directly arises from the submission by Hatuma Lime which seeks to show the extent of Hatuma Lime's Maharakeke Road quarry on the District Plan maps, and to add a new 'Method' in the 'Subdivision' chapter, to achieve the outcome of an 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. Hatuma Lime also raised the question more broadly during its presentation having been recently notified of a potential subdivision adjacent to its consented site at Waipawa.

This question is also relevant to submissions on Sites of Significance to Māori such as that from Kairakau Lands Trust and, more broadly, to submissions on land uses, such as that undertaken by Silver Fern Farms for example, about which reverse sensitivity policies apply. The Panel note this advice is relevant to consider whether incorporation of such a method is appropriate and effective. It is also relevant to our consideration to make broader recommendations to the Council on matters that fall outside the District Plan.'

16. There are various options for the alerting of the presence of certain sites or activities on Council records, such as:

- Free publicly-available online mapping tools e.g. GIS layers – both territorial local authorities and regional council maps – such as subdivision, land use, and discharge/take consents granted in the vicinity;
- Free 'Information-Only' Schedules and online District Plan Maps e.g. Schedule of Identified Community Facilities, Schedule of Archaeological Sites; and
- Fee-based applications to Council for Land Information Memorandums – being information held by Council on a property (the given piece of land and buildings on it), including natural hazard information known to Council
 - this includes aspects that must be disclosed under s44A(2) of the Local Government Official Information & Meetings Act (LGOIMA), and has the ability to also make available information that Council believes may be relevant under s10 of the LGOIMA, which can include current resource consents and designations on surrounding properties, unverified items on the Hazardous Activities List (HAIL register) etc.

17. In terms of identifying the presence of existing quarries, major hazardous facilities, HAIL sites, rural industries (e.g. meat/dairy factories, depots), intensive primary production activities etc, these could be added to Council's GIS as an 'information-only' layer, or similarly as 'information-only' on the District Plan Maps. However, accuracy then becomes important, and would require ongoing management and regular updating to ensure it remained relevant and timely. Most Councils include a disclaimer on their GIS systems that the data available is not guaranteed as 100% accurate (users are required to agree to those terms as conditions of their use).

18. In relation to scheduled sites of significance to Māori subject to the SASM rules in the District Plan, or any other items that are subject to rules in the District Plan, it would be inappropriate to include these on non-statutory maps sitting outside of the District Plan as any amendments or new sites should be subject to a Schedule 1 RMA plan change process. If such sites were not formally scheduled in the

District Plan or subject to the application of District Plan rules, they could be alerted to as an 'information only' layer on the Council GIS maps (e.g. similar to an archaeological alert layer). However, in that situation, the District Plan would not provide any protection. It is noted that where such sites are also deemed archaeological sites, the Heritage New Zealand Pouhere Taonga Act would apply and provide a level of protection through the Archaeological Authority process.

19. Any mapping would incur a cost to Council (both time and financial) associated with gathering, collating and confirming the relevant data, development of the GIS layer, and with keeping records and associated mapping up-to-date. As any layer would be outside the District Plan, my understanding is that any preference the Panel had for such mapping would be a suggestion only, and would need to be the subject of separate consideration, including as to costing, by the Council.

Auckland Unitary Plan Provisions

20. The Panel requested (paragraph 8) 'a copy of the relevant provisions from the Auckland Unitary Plan for subdivision of land containing an approved land use consent'.

21. A copy of these provisions is attached to the relevant table in **Appendix 4** accompanying this Reply.

Minor Corrections

22. In the course of responding to the matters in Hearing 5, the following minor matters have been identified and corrected in the tracked change 'Recommended Amendments' to the SUB – Subdivision chapter in Appendix 2, and to the 'Updated Table of Recommended Responses to Submissions and Further Submissions' relating to the Subdivision Topic in Appendix 3:

- i. Further submission point FS17.50 (Hort NZ) was incorrectly coded to submission point S129.007 instead of submission point S129.070. Submission point S129.070 (Kāinga Ora) addresses Objective SUB-O4 and was reported on in the Section 42A Subdivision Report, as part of Hearing 5.

Therefore, further submission point FS17.50 was missing from the analysis and recommendation relating to Objective SUB-O4 in sections 8.3.14-8.3.21 (p48/49) of the Section 42A Subdivision Report – refer excerpt below:

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.

The 'Summary of Recommended Responses to Submissions and Further Submissions' in Appendix B of the Section 42A Report similarly missed further submission point FS17.50 – refer excerpt below:

S129.070	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-04	Amend SUB-04 as follows: Reverse sensitivity effects of subdivision and resulting new activities on existing lawfully established activities (including network utilities) are avoided avoided or mitigated where practicable, or mitigated where avoidance is not practicable.	Accept in part	Yes
FS16.29	Waka Kotahi NZ Transport Agency		Retain provision as notified.	Accept in part	
FS8.036	Silver Fern Farms Limited			Accept in part	

Hort NZ (FS17.50) supported the submission of Kainga Ora in part, in terms of adding the words 'resulting new activities' to Objective SUB-04, but did not support the other changes sought by the submitter, giving the following reasons:

'The addition on 'resulting new activities' is supported but HortNZ considers that focus should first be on avoiding reverse sensitivity effects followed by mitigation where avoidance is not practicable. An objective of avoidance seeks to address up front potential issues before they emerge and are unable to be mitigated at a later time'

This further submission point has now been considered by the Reporting Officer on this topic (Janeen Kydd-Smith), and the outcome of the analysis and recommendations in the Section 42A Subdivision Report has not changed.

Therefore, the recommendation in relation to further submission point FS17.50 is to **'Accept in part'** in recommending the words **'and resulting future land use activities'** be added, and this has been subsequently reflected in the 'Updated Table of Recommended Responses to Submissions and Further Submissions' relating to the Subdivision Topic attached in **Appendix 3** to this Reply.

- ii. In Hearing 1, the Section 42A Report on the 'Open Space and Recreation, Public Access, and Activities on the Surface of Water' topic included a recommendation to amend Assessment Matter SUB-AM9 as a consequence of recommendations made on submissions from Federated Farmers on Policy PA-P1 and Policy PA-P2 (as per section 5.3.37, Key Issue 2 of the Section 42A Open Space and Recreation, Public Access, and Activities on the Surface of Water Report). The SUB – Subdivision chapter of the PDP was not deemed necessary to be appended to the Section 42A Report at the time.

It has now been discovered that this amendment had not been carried through into the tracked change 'Recommended Amendments to Plan Provisions' for the SUB – Subdivision chapter of the PDP provided as part of the Section 42A Subdivision Report for Hearing 5.

To ensure this consequential amendment does not get overlooked, this has now been rectified in the tracked change 'Recommended Amendments' to the SUB – Subdivision chapter attached in **Appendix 2** to this Reply.

Date: 27 October 2022

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List of Materials Provided by Submitters

Submitter Evidence

- Gavin Ide for Hawke's Bay Regional Council [S11]
- Craig Goodier for Hawke's Bay Regional Council [S11]
- Dean Raymond for Heritage New Zealand Pouhere Taonga [S55, FS7]
- Benjamin Cartwright for Transpower New Zealand Limited [S79, FS18]
- Daniel Hamilton for Transpower New Zealand Limited [S79, FS18]
- Pauline Whitney for Transpower New Zealand Limited [S79, FS18]
- Jordan Landers for Horticulture New Zealand [S81, FS17]
- Lynette Wharfe for Horticulture New Zealand [S81, FS17]
- Claire Price for Hatuma Lime [S98]
- Steven Tuck for Silver Fern Farms Limited [S116, FS8]
- Tom Anderson for Chorus [S117], Spark [S118] & Vodafone [S119]
- Rhea Dasent for Federated Farmers of New Zealand [S121, FS25]
- Michael Campbell for Kāinga Ora [S129, FS23]
- Graeme Roberts for Firstgas Limited [FS3]

Submitter Legal Submissions

- Nick Whittington for Kāinga Ora [S129, FS23]

Submitter Tabled Statements

- Danielle Rogers for the Ministry of Education [S73, FS11]
- Megan Barr for BP Oil New Zealand Limited, Mobil Oil New Zealand Limited and Z Energy Limited [S110] in relation to:
 - o s42A Report on Earthworks, Mining & Quarrying
 - o s42A Report on Contaminated Land & Hazardous Substances
- Paul McGimpsey for Fire and Emergency New Zealand [S57]
- Connie Mills for Waka Kotahi NZ Transport Agency [S78, FS16]

Submitter Presentations

- Speaking Notes – Stella August for Kairakau Lands Trust [S84]
- Speaking Notes – Nick Wakefield for The Surveying Company (HB) Limited [S50]
- Subdivision Plan for Lime Rock Vineyards Ltd (adjoining neighbour of Hatuma Lime) – Roger Wiffin for Hatuma Lime [S98]

Supplementary Statements / Information Requested by the Panel

- Supplementary Information for the Panel – Kainga Ora [S129, FS23]
 - o Memorandum of Counsel in relation to Legal Issues arising from Proposed Plan Change 27 to the Tauranga City Plan
- Supplementary Information for the Panel – The Surveying Company (HB) Limited [S50]
 - o Two recently approved boundary adjustment scheme plans

APPENDIX 2

Updated Recommended Amendments to Plan Provisions

- **SUB – Subdivision chapter**
- **EW – Earthworks chapter)**

SUBDIVISION

SUB – Subdivision

Introduction

The RMA identifies subdivision as a category of activity distinct from land use activities. It is a process of dividing a parcel of land or a building into one or more further parcels or changing an existing boundary location. The definition of the subdivision of land in section 218 of the RMA includes cross-leases, company lease and unit title developments, and long-term leases (35 years or more). It produces a framework of land ownership which assists land use development, activity and conservation.

Subdivision provides an important framework for managing land development, including the provision of roading, water supply, sewage disposal, energy, telecommunication, stormwater and trade waste services, which can be achieved through conditions of subdivision consent. Council also invokes various bylaws covering connections to its reticulated water supply, stormwater and wastewater networks etc.

While subdivision itself does not alter the way land is used, the creation of new parcels of land is almost always accompanied by expectations of associated land development (e.g. a dwelling on a new residential or rural lot). Subdivision is, therefore, one of the primary mechanisms for facilitating new development and growth in the District, and if managed appropriately, it can contribute positively to the wellbeing of the District. Subdivision facilitates the provision of housing, social and community facilities, industry, commerce and primary production by enabling ownership of and investment in land and buildings.

However, potential adverse effects of subdivision can include:

- the inefficient use of finite resources, including the loss of highly productive land through urbanisation and inappropriate rural development;
- the consequential physical effects of earthworks and vegetation clearance associated with the construction of building platforms, recontouring and provision of infrastructure, including roads, driveways and footpaths, and associated changes to stormwater runoff patterns, water quality and potential adverse effects on visual amenity, natural features and landscapes, and ecological values;
- increased demand for infrastructure and services;
- damaging or destroying sites of cultural and heritage value;
- degrading amenity values that people enjoy;
- increasing risks posed by natural hazards;
- adversely affecting people's health and safety;
- degrading the natural character of the coastal environment, wetlands, lakes and rivers and their margins;
- degrading the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;

- adversely affecting the integrated, safe, responsive, and sustainable operation of the land transport network, including the state highway network;
- reverse sensitivity, where new sensitive activities established through subdivision could potentially constrain existing uses nearby; and
- increased risk of the operation of infrastructure being unreasonably compromised.

If the adverse effects are avoided or mitigated and the subdivision is carried out in a sustainable way the overall effects are likely to be beneficial.

Issues

SUB-11 Lot Size and Dimension

The need for lots of a sufficient size and dimension to accommodate activities allowed by the area-specific and district-wide rules. Where not appropriately managed, subdivision can result in establishment of new lots which are of a size and dimension unable to accommodate land use activities anticipated within the zone.

Explanation

Subdivision of land needs to create lots that are of an appropriate size to accommodate the variety of land use activities **that are allowed by provided for within the zones and district-wide rules** in the District Plan. They also need to be of a size and shape that enable **land development to the avoidance, remediation or mitigation of potential adverse effects of development on natural, physical, cultural and heritage resources; and that is compatible with the anticipated character maintain or enhance landscape and amenity values of each zone; and avoid or mitigate any potential reverse sensitivity effects in the area where they are located.**

Commented [JKS1]: S129.064 Kainga Ora – Subdivision Topic, Key Issue 4: Introduction and Issues

SUB-12 Servicing

Subdivision usually requires. The ability to accommodate proposed or anticipated land development may be limited and could result in adverse effects on the environment where the necessary access to roading, telecommunication, electricity, water, sewage wastewater and stormwater services is not provided through subdivision to enable future owners of the land to carry out their planned activities.

Explanation

Subdivisions usually result in intensified land use, involving a full range of services. Good subdivision design includes roading and access routes that work efficiently and safely for both vehicles and pedestrians.

Water supply and sewage/stormwater disposal services may connect to existing reticulation networks or be developed as self-contained services for each subdivision by the subdivider, or alternatively be developed at a later date by owners of each individual site within a subdivision.

Commented [JKS2]: S129.065 Kainga Ora – Subdivision Topic, Key Issue 4: Introduction and Issues

The proliferation of individual water supply, effluent disposal and stormwater systems can result in water contamination, flooding, or land instability in certain terrain. Subdivisions, where possible, should connect to existing reticulation systems.

SUB-I3 Natural Hazards

Establishment of new lots in areas of natural hazards can directly or indirectly increase and/or exacerbate risk to people and The potential effects of natural hazards on lots created by subdivision.

Commented [JKS3]: S129.066 Kāinga Ora – Subdivision Topic, Key Issue 4: Introduction and Issues

Explanation

Section 106 of the RMA enables the Council to refuse subdivision applications, or to grant subdivision consent subject to conditions, where the Council considers that there is a significant risk from natural hazards (considering likelihood of the natural hazard occurring, the material damage that would result, and any likely subsequent use of the land that would accelerate, worsen, or result in material damage). The RMA states that the Council must not grant a subdivision consent unless those adverse effects can be avoided, remedied, or mitigated.

The limitations of land and the possible effects of natural hazards, including geotechnical constraints, need to be taken into account in the design and implementation of subdivisions.

Objectives

SUB-O1 Subdivision of land that is consistent with the objectives and policies of the relevant zones and district-wide matters in the District Plan, including those relating to:

Commented [JKS4]: S129.067 Kāinga Ora – Subdivision Topic, Key Issue 5: Objectives

1. safeguarding the rural land resource of Central Hawke's Bay District from inappropriate subdivision (RLR – Rural Land Resource provisions in the District Plan);
2. the protection of areas identified as Outstanding Natural Landscapes and Features, Significant Natural Areas, areas of significant indigenous vegetation and significant habitats of indigenous fauna, and High Natural Character Areas from the adverse effects of inappropriate subdivision (NFL – Natural Features and Landscapes, ECO – Ecosystems and Indigenous Biodiversity, CE – Coastal Environment provisions in the District Plan);
3. the protection of historic heritage from the adverse effects of inappropriate subdivision, including historic heritage items, and sites and areas of significance to Māori (HH – Historic Heritage and SASM – Sites and Areas of Significance to Māori provisions in the District Plan);
4. managing adverse effects of inappropriate subdivision on Significant Amenity Features that contribute to the character

- and amenity values of the areas (NFL – Natural Features and Landscapes provisions in the District Plan);
5. managing adverse effects of inappropriate subdivision on the maintenance and enhancement of public access to and along the coast and the margins of lakes and rivers (CE – Coastal Environment and PA – Public Access provisions in the District Plan); and
 6. promoting sustainable subdivision and building (SSB – Sustainable Subdivision and Building provisions in the District Plan).

SUB-O2 ~~Lots created by subdivision are physically suitable for a range of land use activities the types of development intended and anticipated~~ allowed by the relevant ~~zone provisions~~ rules of the District Plan.

Commented [JKS5]: S105.012 James Bridge, S129.068 Kāinga Ora – Subdivision Topic, Key Issue 5: Objectives

SUB-O3 ~~The provision of a~~Appropriate services and network utilities are provided to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure that are compatible with the anticipated purpose, character and amenity of each zone, and provide for the health and safety of people and communities, and the maintenance or enhancement of amenity values.

Commented [JKS6]: S117.058 Chorus, S118.058 Spark, S119.058 Vodafone, FS15.001, FS15.002, FS15.003 FENZ and S129.069 Kāinga Ora – Subdivision Topic, Key Issue 5: Objectives

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.

Commented [JKS7]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendations in response to evidence from S117.059 Chorus, S118.059 Spark, S119.059 Vodafone

SUB-O5 Avoidance of subdivision in localities where there is a significant risk of material damage from natural hazards on land or structures, including in relation to any likely subsequent use of the land, unless these can that cannot be remedied or mitigated without significant adverse effects on the environment.

Commented [JKS8]: S129.070 Kāinga Ora – Subdivision Topic, Key Issue 5: Objectives

Commented [JKS9]: Clause 16(2) of the First Schedule of the RMA.

Policies

SUB-P1 To establish standards for minimum lot sizes for each zone in the District.

SUB-P2 To provide for allow the subdivision of land to create additional in-situ Lifestyle Sites where it is in conjunction with the legal and physical protection in perpetuity of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including Significant Natural Areas identified in ECO-SCHED5), sites and areas of significance to Māori (identified in SASM-SCHED3), and historic heritage items (identified in HH-SCHED2).

Commented [JKS10]: Clause 16(2) of the First Schedule of the RMA

SUB-P3 To allow the creation of lots of various sizes and dimensions for public works, network utility operations, renewable electricity generation, reserves and access.

SUB-P4 To ensure subdivision design requiring the establishment of new roads and accesses to consider and integrate with the existing land transport network such that it supports safe and efficient access for vehicles, pedestrians and cyclists. To integrate subdivision with the existing land transport network in an efficient manner which reflects expected traffic levels and the safe and convenient management of vehicles and pedestrians.

Commented [JKS11]: S129.075 Kāinga Ora – Subdivision Topic, Key Issue 6: Objectives

SUB-P5 To encourage in the General Residential Zone, subdivision design that develops or uses subsidiary roads or accessways, in order to avoid an increase in the number of direct access crossings onto arterial roads for traffic safety purposes.

Commented [JKS12]: S129.076 Kāinga Ora – Subdivision Topic, Key Issue 6: Objectives

SUB-P6 To ensure upon subdivision or development, that all new lots or buildings are provided with a connection to a reticulated water supply, reticulated public sewerage system, and a reticulated stormwater system, telecommunications network and power supply network, where such adequate reticulated systems are available.

Commented [JKS13]: Chorus (S117.061), Spark (S118.061) and Vodafone (S119.061) – Subdivision Topic, Key Issue 6: Objectives

SUB-P7 To ensure that where sites new lots are not connected unable to connect to a reticulated public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each lot for an alternative method of water supply, or method of wastewater disposal and/or stormwater disposal is provided for each lot with sufficient capacity to support development reasonably anticipated within the zone, and which can protect the health and safety of residents and avoids or mitigates adverse effects on the environment.

Commented [JKS14]: Clause 16(2) of the First Schedule of the RMA

Commented [JKS15]: S129.078 Kāinga Ora, FS15.004 FENZ – Subdivision Topic, Key Issue 6: Objectives

SUB-P8 To encourage innovative subdivision design consistent with the maintenance of purpose, character and amenity values supported and anticipated by the zone provisions.

Commented [JKS16]: S129.079 Kāinga Ora, FS15.004 FENZ – Subdivision Topic, Key Issue 6: Objectives

SUB-P9 To encourage the incorporation of public open space and plantings (particularly natives) within subdivision design for amenity purposes.

Commented [JKS17]: S11.025 HBRC - Subdivision Topic, Key Issue 6: Objectives

SUB-P10 To provide or further develop pedestrian, cycling and amenity linkages between subdivisions and their surrounding areas where it is consistent with the objectives and policies of the zone, and where opportunities exist useful linkages can be achieved or further developed.

Commented [JKS18]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation in response to question from Panel during Hearing in relation to submission points S11.026 and S129.081

SUB-P11 To ensure that roads and any vehicle access to lots provided within a subdivision are appropriately designed and constructed to allow for safe and efficient traffic movements likely to be generated from

Commented [JKS19]: S11.026 HBRC, S129.081 Kāinga Ora - Subdivision Topic, Key Issue 6: Objectives

development of the lots sites are suitable for the activities likely to establish within the subdivision and are compatible with the design and construction standards of roads in the District which the site is required to be connected to.

Commented [JKS20]: S129.082 Kāinga Ora – Subdivision Topic, Key Issue 6: Objectives

SUB-P12 To avoid or mitigate any adverse visual and physical effects of subdivision and development on the environment, including the appropriate underground reticulation of energy and telecommunication lines in order to protect the visual amenities of the area.

Commented [JKS21]: Chorus (S117.062), Spark (S118.062) and Vodafone (S119.02), S90.034 Centralines, S129.083 Kāinga Ora – Subdivision Topic, Key Issue 6: Objectives, and clause 16(2) of the First Schedule of the RMA.

SUB-P13 To ensure that land being subdivided, including any potential structure on that land, is not subject to significant risk of material damage by the effects of natural hazards, including flooding, inundation, erosion, subsidence or slippage and earthquake faults.

SUB-P14 To ensure that any mitigation measures used to manage significant risk from natural hazards (including coastal hazards such as storm surge, tsunami and coastal inundation) do not have significant adverse effects on the environment.

Commented [JKS22]: S129.085 Kāinga Ora – Subdivision Topic, Key Issue 6: Objectives

SUB-P15 To ensure that earthworks associated with constructing vehicle access, building platforms or services on land being subdivided will not detract from the visual amenities of the area, or have significant adverse environmental effects, such as dust, or result in the modification, damage or destruction of heritage items, archaeological sites or sites and areas of significance to Māori, cause natural hazards, or increase the risk of natural hazards occurring.

Commented [JKS23]: S129.086 Kāinga Ora – Subdivision Topic, Key Issue 6: Objectives, and clause 16(2) of the First Schedule of the RMA.

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, or industrial activities and/or existing public works network utilities.

Commented [JKS24]: S116.022 Silver Fern Farms, S42.023 NZ Pork – Subdivision Topic, Key Issue 6: Policies

SUB-P17 To ensure, to the extent practicable reasonably possible, subdivisions are designed to that takes into account the location of 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 ensures that the operation, maintenance and upgrading of regionally significant infrastructure and other network utilities is not compromised that future land use activities will not result in reverse sensitivity effects.

SUB-P18 To ensure, to the extent practicable, subdivision design that ensures that resulting land use activities (including building platforms) will

not affect the operation, maintenance and upgrading of regionally significant infrastructure and other network utilities.

Commented [JKS25]: S79.074 and S79.075 Transpower – Subdivision Topic, Key Issue 1: National Grid Subdivision Corridor and Gas Transmission Network

Note: Refer to the objectives and policies in PA – Public Access relating to the establishment of esplanade reserves, esplanade strips or access strips when subdividing land along the margins of rivers, lakes and along the coast.

Rule Overview Table

Use/activity	Rule Number
Subdivision not otherwise provided for	SUB-R1
Subdivision to create freehold title from existing cross-lease title	SUB-R2
Subdivision for special purposes	SUB-R3
Boundary adjustments	SUB-R4
Subdivision to create a Lifestyle Site(s)	SUB-R5
Subdivision to create a Conservation Lot	SUB-R6
Subdivision to create a Lifestyle Site(s) in association with the creation of a Conservation Lot	SUB-R7

Rules

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for certain subdivisions, including TRAN – Transport, HH – Historic Heritage, ECO – Ecosystems & Indigenous Biodiversity, and PA – Public Access.

In particular, earthworks facilitating provision of access and building platforms have the potential to result in adverse effects and are to be managed. Provisions relating to earthworks are contained in the EW – Earthworks chapter and may generate a requirement for land use consent.

SUB-R1 Subdivision not otherwise provided for		
All Zones	1. Activity Status: CON	2. Activity status where compliance with condition SUB-R1(1)(c) and/or SUB-

Where the following conditions are met:

- a. Compliance with SUB-S1.
- b. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:
 - i. HH-SCHED2.
 - ii. SASM-SCHED3.
 - iii. ECO-SCHED5.
 - iv. ONL or ONF within NFL-SCHED6.
 - v. CE-SCHED7.
- c. Compliance with:
 - i. SUB-S4(1);
 - ii. SUB-S5;
 - iii. SUB-S6;
 - iv. SUB-S7(1) and SUB-S7(2);
 - v. SUB-S8; and
 - vi. SUB-S9.
- d. Compliance with:
 - i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and
 - ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.
- e. The land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.
- e.f. Compliance with SUB-S7(3)

Matters over which control is reserved:

R1(1)(e) is not achieved: RDIS

Matters over which discretion is restricted:

- a. SUB-AM1.
- b. SUB-AM2.
- c. SUB-AM3.
- d. SUB-AM4.
- e. SUB-AM5.
- f. SUB-AM6.
- g. SUB-AM7.
- h. SUB-AM8.
- i. SUB-AM9.
- j. SUB-AM10.
- j-k. SUB-AM19.

3. Activity status where compliance with condition SUB-R1(1)(b) is not achieved: RDIS

Matters over which discretion is restricted:

- a. SUB-AM1.
- b. SUB-AM2.
- c. SUB-AM3.
- d. SUB-AM4.
- e. SUB-AM5.
- f. SUB-AM6.
- g. SUB-AM7.
- h. SUB-AM8.
- i. SUB-AM9.
- j. SUB-AM10.
- k. SUB-AM16.
- l. SUB-AMXX.

- m. SUB-AM19.

34. Activity status where compliance with condition SUB-R1(1)(a) and/or SUB-R1(1)(f) and/or SUB-R1(1)(b) is not achieved: DIS

Commented [JKS30]: S129.090 Kainga Ora – Subdivision Topic, Key Issue 7: Rules.

Commented [JKS31]: Consequential amendment - S114.001, S114.003 CHBDC - Rezoning Topic, Key Issue 23

Commented [JKS26]: S114.001 CHBDC - Rezoning Topic, Key Issue 23

Commented [JKS32]: Consequential amendment - S129.123 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules.

Commented [JKS33]: S129.090 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules.

Commented [JKS34]: Consequential amendment - S129.123 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules.

Commented [JKS35]: Consequential amendment - S114.004, S114.005, S114.006, S114.007 CHBDC - Rezoning Topic, Key Issue 23

Commented [JKS27]: S129.090 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules.

Commented [JKS28]: S114.001 CHBDC - Rezoning Topic, Key Issue 23

Commented [JKS36]: S114.003 CHBDC - Rezoning Topic, Key Issue 23

Commented [JKS37]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendations in response to evidence from Kainga Ora in relation to submission point S129.097

Commented [JKS38]: S129.090 Kāinga Ora and S105.014 James Bridge, and S129.090 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules.

f.g. SUB-AM1.
 g.h. SUB-AM2.
 h.i. SUB-AM3.
 i.j. SUB-AM4.
 j.k. SUB-AM5.
 k.l. SUB-AM6.
 l.m. SUB-AM7.
 m.n.
 UB-AM8.
 n.o. SUB-AM9
 o.p. SUB-AM10.
 p.q. SUB-AM19.

45. Activity status where compliance with condition SUB-R1(1)(d) is not achieved: NC

Commented [JKS29]: S114.001, S114.003 CHBDC - Rezoning Topic, Key Issue 23

SUB-R2 Subdivision to create freehold title from existing cross-lease title

General Residential Zone

1. Activity Status: CON

Where the following conditions are met: N/A

Matters over which control is reserved:

- a. Whether the proposed lot boundaries align with exclusive use area boundaries on the cross-lease plan.
- b. Where no exclusive use areas are shown on the cross-lease plan, whether the proposed lot boundaries align with the exclusive and established pattern of occupation associated with the existing underlying development.
- c. Whether easements are required to protect services.

Note: The standards in SUB-S1 to SUB-S9 do not apply.

2. Activity status where compliance not achieved: N/A

All Other Zones		3. SUB-R1 applies
SUB-R3 Subdivision for special purposes		
All Zones	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. Limited to creation of lots of any size for public works, network utilities, renewable electricity generation activities, reserves, roads, and access.</p> <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. SUB-S4(1); ii. SUB-S5; iii. SUB-S6; iv. SUB-S7; v. SUB-S8; and vi. SUB-S9. <p>c. Compliance with:</p> <ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. <p>Matters over which control is reserved:</p> <p>d. Whether the lot is of sufficient area and dimensions to facilitate the intended use of the site.</p> <p>e. A Consent Notice may be registered on the Certificate of Title to any special purpose site, pursuant to section 221 of the RMA, requiring</p>	<p>2. Where compliance with condition SUB-R3(1)(a) is not achieved: SUB-R1 applies</p> <p>3. Activity status where compliance with condition SUB-R3(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM1. b. SUB-AM2. c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. k. SUB-AM14. <p>4. Activity status where compliance with condition SUB-R3(1)(c) is not achieved: NC</p>

enforcement of a condition that, in the event that the site is no longer required for a special purpose, the site be amalgamated with an adjoining site, unless it is a fully complying lot for the respective zone.

SUB-R4 Boundary adjustments

All Zones

1. Activity Status: CON

Where the following conditions are met:

- a. Limited to:
 - i. No site area is changed by more than 10% of its original area.
 - ii. No existing complying site that complies with the relevant subdivision standards is rendered non-complying with the standards, and no existing site not complying with the relevant subdivision standards is rendered more non-complying with the standards, by the boundary adjustment.
 - iii. No dwelling is severed from its existing site.

2. Where compliance with condition SUB-R4(1)(a) is not achieved: SUB-R1 applies

3. Activity status where compliance with condition SUB-R4(1)(c) is not achieved: RDIS

Matters over which discretion is restricted:

- a. SUB-AM1.
- b. SUB-AM2.
- c. SUB-AM3.
- d. SUB-AM4.
- e. SUB-AM5.
- f. SUB-AM6.
- g. SUB-AM7.
- h. SUB-AM8.
- i. SUB-AM9.
- j. SUB-AM10.

4. Activity status where compliance with condition SUB-R4(1)(b) is not achieved: RDIS

Matters over which discretion is restricted:

- a. SUB-AM16.
- b. SUB-AMXX.

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Commented [JKS41]: S129.093 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules

- b. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:
 - i. HH-SCHED2.
 - ii. SASM-SCHED3.
 - iii. ECO-SCHED5.
 - iv. ONL or ONF in NFL-SCHED6.
 - v. CE-SCHED7.
- c. Compliance with:
 - i. SUB-S4(1);
 - ii. SUB-S5;
 - iii. SUB-S6;
 - iv. SUB-S7;
 - v. SUB-S8; and
 - vi. SUB-S9.
- d. Compliance with:
 - i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and
 - ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.

Matters over which control is reserved:

- e. Legal and physical access to and from lots affected by the boundary adjustment.
- f. Whether each lot has connections to services.
- g. Whether the lots are of sufficient size, design, and layout to provide for the existing or permitted activity development potential resulting

5. Activity status where compliance with condition SUB-R4(1)(d) is not achieved: NC

from the reconfigured layout.

~~h. Protection, maintenance or enhancement of natural features and landforms, significant natural area (ECO-SCHED5), historic heritage item (HH-SCHED2), or any identified wāhi tapu, wāhi taonga or site of significance (SASM-SCHED3).~~

i.h. The relationship of the proposed lots within the site and their compatibility with the pattern of adjoining subdivision or land use activities.

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SUB-R5 Subdivision to create a Lifestyle Site(s) (not in association with the creation of a Conservation Lot)

<p>General Rural Zone (outside of the Coastal Environment Area)</p>	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. Only one lifestyle site can be created.</p> <p>ii. A site is only eligible to be subdivided to create a lifestyle site <u>3 years after the subject title was created, and then once every 3 years after that once every 3 years, and at least 3 years has elapsed from the</u></p>	<p>2. Activity status where compliance with condition <u>SUB-R5(1)(f) and/or SUB-R5(1)(d) is not achieved: RDIS</u></p> <p>Matters over which discretion is restricted:</p> <p>a. SUB-AM1. b. SUB-AM2 c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. k. SUB-AM11. l. SUB-AM12.</p>
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date the subject title was created.

m. SUB-AM13.

- iii. The minimum site area for the balance lot is 20 hectares.
- b. Compliance with SUB-S2(1) and SUB-S2(2).
- c. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:
 - i. HH-SCHED2.
 - ii. SASM-SCHED3.
 - iii. ECO-SCHED5.
 - iv. ONL or ONF in NFL-SCHED6.
 - v. CE-SCHED7.
- d. Compliance with:
 - i. SUB-S4(1);
 - ii. SUB-S5;
 - iii. SUB-S6;
 - iv. SUB-S7;
 - v. SUB-S8; and
 - vi. SUB-S9.
- e. Compliance with:
 - i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and
 - ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.
- f. The land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.

Matters over which control is reserved:

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Commented [JKS43]: S129.094 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules

	<ul style="list-style-type: none"> g. SUB-AM1. h. SUB-AM2 i. SUB-AM3. j. SUB-AM4. k. SUB-AM5. l. SUB-AM6. m. SUB-AM7. n. SUB-AM8. o. SUB-AM9. p. SUB-AM10. q. SUB-AM11. r. SUB-AM13. 	
		<p>3. Activity status where compliance with condition SUB-R5(1)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM16. b. SUB-AMXX.
		<p>34. Activity status where compliance with conditions SUB-R5(1)(a), and/or SUB-R5(1)(b) and/or SUB-R5(1)(e) is not achieved: DIS</p>
		<p>45. Activity status where compliance with condition SUB-R5(1)(e) is not achieved: NC</p>
Rural Production Zone	<p>56. Activity Status: CON</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Limited to: <ul style="list-style-type: none"> i. The lifestyle site is based around an existing residential unit on a site that has a net site area 	<p>67. Activity status where compliance with condition SUB-R5(5)(d) and/or SUB-R5(f) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM1 b. SUB-AM2 c. SUB-AM3. d. SUB-AM4. e. SUB-AM5.

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	<p>less than 12 hectares.</p> <p>ii. No additional sites are created (amalgamation of the balance lot is required).</p> <p>iii. The newly amalgamated sites are adjoining and combine to a net site area greater than 12 hectares.</p> <p>iv. The newly amalgamated lot contains no more than two residential units.</p> <p>b. Compliance with:</p> <p>i. SUB-S2(3) and SUB-S2(4).</p> <p>c. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:</p> <p>i. HH-SCHED2.</p> <p>ii. SASM-SCHED3.</p> <p>iii. ECO-SCHED5.</p> <p>iv. ONL or ONF in NFL-SCHED6.</p> <p>v. CE-SCHED7.</p> <p>d. Compliance with:</p> <p>i. SUB-S4(1);</p> <p>ii. SUB-S5;</p> <p>iii. SUB-S6;</p> <p>iv. SUB-S7;</p> <p>v. SUB-S8; and</p> <p>vi. SUB-S9.</p> <p>e. Compliance with:</p> <p>i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and</p>	<p>f. SUB-AM6.</p> <p>g. SUB-AM7.</p> <p>h. SUB-AM8.</p> <p>i. SUB-AM9.</p> <p>j. SUB-AM10.</p> <p>k. SUB-AM11.</p> <p>l. SUB-AM12.</p> <p>m. SUB-AM13.</p> <p>8. Activity status where compliance with condition SUB-R5(5)(c) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. SUB-AM16.</p> <p>b. SUB-AMXX.</p> <p>97. Activity status where compliance with conditions SUB-R5(5)(a) and/or SUB-R5(5)(c) is not achieved: DIS</p> <p>108. Activity status where compliance with conditions SUB-R5(5)(b) and/or SUB-R5(5)(e) is not achieved: NC</p>
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	<ul style="list-style-type: none"> ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. f. <u>The land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.</u> <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> g. SUB-AM1. h. SUB-AM2 i. SUB-AM3. j. SUB-AM4. k. SUB-AM5. l. SUB-AM6. m. SUB-AM7. n. SUB-AM8. o. SUB-AM9. p. SUB-AM10. q. SUB-AM11. r. SUB-AM12. s. SUB-AM13. 	
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<p>General Rural Zone (Coastal Environment Area)</p>	<p>911. Activity Status: DIS</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Compliance with: <ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. 	<p>4012. Activity status where compliance with condition SUB-R5(9)(a) is not achieved: NC</p>
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SUB-R6 Subdivision to create Conservation Lots in association with the protection of:

- an area of significant indigenous vegetation and/or significant habitats of indigenous fauna (including sites listed in ECO-SCHED5).
- historic heritage items listed in HH-SCHED2.

– wāhi tapu, wāhi taonga or site or area of significance listed in SASM-SCHED3.

<p>All Zones</p>	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <ul style="list-style-type: none"> i. SUB-S4(1); ii. SUB-S5; iii. SUB-S6; iv. SUB-S7; v. SUB-S8; and vi. SUB-S9. <p>b. Compliance with:</p> <ul style="list-style-type: none"> i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network. <p>Matters over which control is reserved:</p> <ul style="list-style-type: none"> c. SUB-AM1. d. SUB-AM2 e. SUB-AM3. f. SUB-AM4. g. SUB-AM5. h. SUB-AM6. i. SUB-AM7. j. SUB-AM8. k. SUB-AM9. l. SUB-AM10. m. SUB-AM15. 	<p>2. Activity status where compliance with condition SUB-R6(1)(a) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. SUB-AM1. b. SUB-AM2 c. SUB-AM3. d. SUB-AM4. e. SUB-AM5. f. SUB-AM6. g. SUB-AM7. h. SUB-AM8. i. SUB-AM9. j. SUB-AM10. k. SUB-AM15. <p>3. Activity status where compliance with condition SUB-R6(1)(b) is not achieved: NC</p>
<p>SUB-R7 Subdivision to create a Lifestyle Site(s) in association with the creation of a Conservation Lot</p>		
<p>General Rural Zone</p> <p>Rural Production Zone</p>	<p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. One lifestyle lot can be created, where the</p>	<p>2. Activity status where compliance with conditions SUB-R7(1)(a) and/or SUB-R7(1)(b) is not achieved: SUB-R5 applies</p>

Conservation Lot is associated with the protection of:

- i. minimum 5000m² of an area of significant indigenous vegetation and/or significant habitats of indigenous fauna (including sites listed in ECO-SCHED5), or
 - ii. historic heritage items listed in HH-SCHED2 that cannot, or is not intended to be used for, a residential activity, or
 - iii. wāhi tapu, wāhi taonga or site or area of significance listed in SASM-SCHED3, and
 - iv. the whole of the feature within the Conservation Lot will be physically and legally protected in perpetuity.
- b. A second lifestyle lot can be created where:
- i. the total area of the feature to be protected is 9 hectares or more, and
 - ii. the whole of the feature within the Conservation Lot will be physically and legally

3. Activity status where compliance with condition SUB-R7(1)(d) and/or SUB-R7(1)(f) is not achieved:
RDIS

Matters over which discretion is restricted:

- a. SUB-AM1.
- b. SUB-AM2.
- c. SUB-AM3.
- d. SUB-AM4.
- e. SUB-AM5.
- f. SUB-AM6.
- g. SUB-AM7.
- h. SUB-AM8.
- i. SUB-AM9.
- j. SUB-AM10.
- k. SUB-AM11.
- l. SUB-AM12.
- m. SUB-AM13.

4. Activity status where compliance with condition SUB-R7(1)(c) is not achieved: DIS

5. Activity status where compliance with condition SUB-R7(1)(e) is not achieved: NC

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- protected in perpetuity.
- c. Compliance with SUB-S3.
 - d. Compliance with:
 - i. SUB-S4(1);
 - ii. SUB-S5;
 - iii. SUB-S6;
 - iv. SUB-S7;
 - v. SUB-S8; and
 - vi. SUB-S9.
 - e. Compliance with:
 - i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and
 - ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.
 - f. That land being subdivided is not located within a Natural Hazard area identified on the Planning Maps.

Matters over which control is reserved:

- g. SUB-AM1.
- h. SUB-AM2
- i. SUB-AM3.
- j. SUB-AM4.
- k. SUB-AM5.
- l. SUB-AM6.
- m. SUB-AM7.
- n. SUB-AM8.
- o. SUB-AM9.
- p. SUB-AM10.
- q. SUB-AM15.

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Standards

SUB-S1 Minimum Net Site Area (excluding Lifestyle Sites and Conservation Lots)

General Residential Zone	<p>1. Where public sewerage reticulation is available: a. 350m² (except within the Waipukurau South Precinct). a.b. 500m² within the Waipukurau South Precinct.</p> <p>2. Where public sewerage reticulation is not available – 1000m².</p>
Commercial Zone	3. No minimum net site area applies.
General Industrial Zone	
Settlement Zone	<p>4. Where public sewerage reticulation is available – 600m².</p> <p>5. Where public sewerage reticulation is not available – 1000m².</p>
Large Lot Residential Zone (Coastal)	<p>6. Where public sewerage reticulation is available – 800m².</p> <p>7. Where public sewerage reticulation is not available: a. Mangakuri – 1500m². b. Other coastal settlements – 1000m².</p>
Rural Lifestyle Zone	8. 2500m ² , with a minimum 4000m ² average.
General Rural Zone	<p>9. 20 hectares</p> <p><i>Note: standards for subdivisions involving the creation of Lifestyle Sites in the General Rural Zone are in found in SUB-S2 below.</i></p>
Rural Production Zone	<p>10. 12 hectares</p> <p><i>Note: standards for subdivisions involving the creation of Lifestyle Sites in the Rural Production Zone are in found in SUB-S2 below.</i></p>
Conservation Lot (All Zones)	11. No minimum net site area applies.
Special Purpose Lot (All Zones)	12. No minimum net site area applies.
Increasing the area of existing non-complying sites	13. No minimum net site area applies, provided no existing complying site is rendered non-complying by the subdivision.
SUB-S2 Minimum Net Site Area for Lifestyles Sites (not in association with the creation of a Conservation Lot)	

Commented [JKS53]: S114.002 CHBDC - Rezoning Topic, Key Issue 23

Commented [RM54]: S127.003 Livingston Properties, S120.023 HTST - Rural Topic, Key Issue 11

Commented [JKS55]: Minor amendment pursuant to clause 16(2) of the First Schedule to the RMA

General Rural Zone	<ol style="list-style-type: none"> 1. Minimum net site area for Lifestyle Lot – 25004000m². 2. Maximum net site area for Lifestyle Lot – 2.5 hectares.
Rural Production Zone	<ol style="list-style-type: none"> 3. Minimum net site area for Lifestyle Lot – 2500m². 4. Maximum net site area for Lifestyle Lot – 1 hectare4000m².
All Other Zones	5. N/A
SUB-S3 Minimum Net Site Area for Lifestyle Sites in association with the creation of a Conservation Lot	
General Rural Zone	<ol style="list-style-type: none"> 1. Minimum net site area for Lifestyle Lot (exclusive of the area being protected) – 2500m². 2. Maximum net site area for Lifestyle Lot (exclusive of the area being protected) – 4000m². 3. Minimum balance area: <ol style="list-style-type: none"> a. None, if the balance area is the Conservation Lot. b. If there is balance area exclusive of the Conservation Lot and Lifestyle Lot, the relevant minimum net site area in SUB-S1 applies.
Rural Production Zone	
SUB-S4 Building Platform	
General Rural Zone	<ol style="list-style-type: none"> 1. For each lot capable of containing a residential dwelling, at least one stable building platform of 30 metres by 30 metres must be identified which is capable of (but is not limited to) containing a dwelling, a vehicle manoeuvring area and any accessory buildings, in compliance with the performance standards and performance criteria for the zone where it is located (including dwelling setbacks applicable to that zone).
Rural Production Zone	
Rural Lifestyle Zone	
Subdivision of land within the National Grid Subdivision Corridor	<ol style="list-style-type: none"> 2. The subdivision of land in any zone within the National Grid Subdivision Corridor must be able to demonstrate that all resulting allotments are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive activity outside of the National Grid Yard, other than where the allotments are for roads, access ways or network utilities. 3. The layout of allotments and any enabling earthworks must ensure that physical access is

Commented [RM56]: S105.022 James Bridge - Rural Topic, Key Issue 11

Commented [RM57]: S50.013 The Surveying Co - Rural Topic, Key Issue 11

Commented [JKS58]: Minor amendment pursuant to clause 16(2) of the First Schedule to the RMA

	<p>maintained to any National Grid support structures located on the allotments, including any balance area.</p>
<p>Subdivision of land containing the Gas Transmission Network</p>	<p>4. The subdivision of land in any zone containing the Gas Transmission Network must be able to demonstrate that all resulting allotments are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive activity that is at least 20m from the Gas Transmission Pipeline and 30m from above-ground equipment forming part of the Gas Transmission Network.</p> <p>5. The layout of allotments and any enabling earthworks must ensure that physical access is maintained to the Gas Transmission Network where it is located on the allotments, including any balance area.</p>
<p>SUB-S5 Water Supply</p>	
<p>All Zones</p>	<p>1. All new lots for any activity that will require a water supply must be connected to a public reticulated water supply, where one is available.</p> <p>2. Where the new lots will not be connected to a public reticulated water supply, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the subdivider must demonstrate how an alternative and satisfactory water supply can be provided to each lot.</p> <p><i>Note: The above does not replace regional rules which control the taking and use of groundwater and surface water. These rules must be complied with prior to the activity proceeding.</i></p> <p><u><i>Further advice and information about how an alternative and satisfactory firefighting water supply can be provided to each lot can be obtained from Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.</i></u></p> <p><u><i>Any lot created for a special purpose, as provided for in SUB-R3, is exempt from this standard where the lot is created for a purpose that does not require the</i></u></p>

provision of a water supply, including a firefighting water supply.

Commented [JKS59]: S57.076 FENZ – Subdivision Topic, Key Issue 2: Codes of Practice and Standards

SUB-S6 Wastewater Disposal

All Zones

1. All new lots for any activity that will create wastewater must be connected to a public reticulated wastewater disposal system, where one is available.
2. Where the new lots will not be connected to a public reticulated wastewater disposal system, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the subdivider must demonstrate how an alternative and satisfactory method of wastewater disposal can be provided for each site.

Note: The above does not replace regional rules which control the collection, treatment and disposal of wastewater to land or water. These rules must be complied with prior to the activity proceeding.

SUB-S7 Stormwater Disposal

All Zones

1. All new lots for any activity that will create stormwater must be connected to a public reticulated stormwater disposal system, where one is available.
2. Where the new lots will not be connected to a public reticulated stormwater disposal system, or where an additional level of service is required that exceeds the level of service provided by the reticulated system, the subdivider must demonstrate how an alternative and satisfactory method of stormwater disposal can be provided for each site.
3. For new lots within the Waipukurau South Precinct (WSP):
 - a. Any land within the subdivision site that is within the 'Proposed Stormwater Catchment' area identified in Figure WSP 1 of Appendix GRZ-APP1 - Waipukurau South Precinct (WSP) Plan shall be vested in the Central Hawke's Bay District Council; and

	<p><u>a.b. Stormwater attenuation within the WSP shall achieve a rate of discharge at the WSP boundary that is no greater than the predevelopment flow in the 100 year Annual Recurrence Interval (ARI) event. A 1 in 5 year ARI shall be contained within a piped network.</u></p> <p><u>Notes:</u></p> <p><u>1. Clause 2. of this standard does not replace regional rules which control the collection, treatment, and disposal of stormwater to land or water. These rules must be complied with prior to the activity proceeding.</u></p> <p><u>4.2. In relation to clause 3(b) of this standard, it is anticipated that the predevelopment flow in the 100 year ARI is 1.6m³/s Peak Flow, but stormwater modelling will be required to support any design.</u></p>
SUB-S8 Property Access	
All Zones	<ol style="list-style-type: none"> All new lots for any activity must have vehicular access to an existing, legal road that complies with the relevant provisions of the TRAN – Transport chapter.
SUB-S9 Road Widening	
All Zones	<ol style="list-style-type: none"> Where the existing road frontage is subject to a road widening designation, provision must be made to enable the Council to acquire such land by separately defining the parcels of land subject to the road widening designation. Where the Council does not, for whatever reason, intend to immediately acquire the parcel, the parcel must be held in conjunction with adjoining land. This will be achieved with a Consent Notice registered which ensures that the parcel of land intended for road widening purposes remains held with the adjoining land until such time as the Council requires that parcel of land.
SUB-SXX Telecommunications	
All Zones	<ol style="list-style-type: none"> <u>All new lots within the General Residential Zone, Commercial Zone, General Industrial Zone and</u>

Commented [JKS60]: S114.003 CHBDC - Rezoning Topic, Key Issue 23

Commented [JKS61]: Consequential amendment in relation to S114.003 CHBDC - Rezoning Topic, Key Issue 23

within other zones where a telecommunication network is available to connect to, and which may be used for any activity that will require telecommunications services, shall be connected to the telecommunications network at the legal boundary of the lots.

Commented [JKS62]: S117.064 Chorus, S118.064Spark and S119.064 Vodafone - Subdivision Topic, Key Issue 8: Standards

Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

SUB-AM1 Lot Size and Dimensions

1. Whether the area and dimensions of the lot(s) are sufficient to effectively fulfil the intended purpose or land use, having regard to the rules for the relevant zone.
2. Whether the proposed lot sizes and dimensions are sufficient for operational and maintenance requirements and in particular the disposal of effluent on the site, where necessary.
3. The relationship of the proposed lots and their compatibility with the pattern of the adjoining subdivision and land use activities, and access arrangements.
4. The effects of the proposed lot sizes and dimensions on the existing character and amenity of the area, including any cumulative effects of an increase in the density of development.

SUB-AM2 Subdivision Design

1. The size and orientation of the lots in terms of their ability to maximise the amount of sunlight dwellings will receive.
2. The layout and design of streets and the provision for and practicality of creating direct connections between roads, footpaths, walkways, cycleways, reserves (existing or proposed) and public open spaces.
3. The design, location, extent, and construction of any earthworks associated with the subdivision and development of the land.

SUB-AM3 Building Platforms

1. The local ground conditions and suitability of the site for a building, and whether development on the site should be restricted to parts of the site.
2. Where a parcel of land may be subject to inundation, whether there is a need to establish minimum floor heights for buildings in order to mitigate potential damage to them.
3. The positioning and scale of the building platform to facilitate meeting the setback standards applying in the respective zone for buildings.

Commented [JKS63]: S129.110 Kainga Ora – Subdivision Topic, Key Issue 9: Assessment Matters

SUB-AM4 Natural Hazards

1. Whether the land, or any potential structure on that land, will be subject to material damage by erosion, falling debris, subsidence, slippage or inundation or other natural hazard event from any source.
2. Whether there are any methods/measures available to overcome or reduce the risk of any hazard(s), and whether these methods/measures may have adverse effects on the environment.
3. Adequacy of access during and after natural hazard events.
4. In assessing the above matters, the Council will have regard to the following:
 - a. Any information held on the Council's Natural Hazard registers and the Hawke's Bay Hazards Information Portal;
 - b. Information obtained by suitably qualified experts, whose investigations are supplied for subdivision applications; and
 - c. The objectives, policies, and methods in the NH – Natural Hazards chapter of the District Plan.

SUB-AM5 Water Supply, Wastewater Disposal, Stormwater Disposal

1. The location and capacity of reticulation facilities to allow suitable servicing of the lot(s) and reasonable access for the maintenance of the facilities.
2. ~~The need for/Whether~~ a local purpose reserve ~~is needed~~ to be set aside and vested in the Council as a site for a public utility.
3. Where the lot(s) is/are not proposed to be connected to a public water supply, the ability to effectively and efficiently meet firefighting requirements and the ability to show how the lot(s) will be serviced by a water supply, for which consent has been obtained from the Hawke's Bay Regional Council (if required).
4. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.
5. Where the lot(s) is/are not proposed to be connected to a public wastewater system or public stormwater system, how the lot(s) will be serviced by an on-site wastewater and stormwater treatment and disposal system causing no environmental contamination on or beyond the subdivision site.
6. The objectives, policies, and methods in the SSB – Sustainable Subdivision and Building chapter of the District Plan.
7. The provisions of the [Code of Practice for Urban Land Development and Subdivision Infrastructure](#) (New Zealand Standard NZS 4404: 201004).
8. ~~The provisions of the current Hastings District Council Engineering Code of Practice for the design and construction of water supply, wastewater disposal and stormwater disposal servicing.~~
9. ~~The protection of any historic heritage items or notable trees (listed in HH-SCHED2 and TREE-SCHED4), wāhi tapu, wāhi taonga, and sites of significance (listed in SASM-SCHED3), or risk to archaeological sites.~~

Note: The Hastings District Council Engineering Code of Practice provides detailed technical standards on the design and construction of water supply, wastewater disposal and stormwater disposal servicing which may provide an acceptable means of compliance.

Commented [JKS64]: S129.112 Kāinga Ora – Subdivision Topic, Key Issue 2: Codes of Practice and Standards

Commented [JKS65]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendations in response to evidence from CHBDC and HBRC in relation to submission points S89.002 and S11.033

Commented [JKS66]: S89.002 CHBDC, S105.017 James Bridge - Subdivision Topic, Key Issue 2: Codes of Practice and Standards

Commented [RM67]: S129.113 Kāinga Ora - Subdivision Topic, Key Issue 2: Codes of Practice and Standards

Commented [JKS68]: S129.112 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules

Commented [JKS69]: S89.003 CHBDC - Subdivision Topic, Key Issue 2: Codes of Practice and Standards

SUB-AM6 Property Access

1. The provision, location, design, and construction of access for vehicles, pedestrians and cyclists.
2. Whether the road frontage is of sufficient width to cater for the expected traffic generated by the possible land uses that will be established on the lots being created, and whether there is any need to widen and/or upgrade the frontage road.
3. Where any proposed subdivision in any zone has frontage to any existing road(s) that is/are not constructed to the relevant vehicle access standards set out in the TRAN – Transport chapter of the District Plan and/or where road widening is required, whether the land uses that will be established on the proposed lots will increase the use of that road(s) to the degree that forming or upgrading the existing road(s) is required.
4. Any impact of roading and access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties, and the need for tree planting in the open space of the road to enhance the character and identity of the neighbourhood.
5. The effect of any new intersections or accesses created by the subdivision on traffic safety and efficiency, including the availability of adequate, unobstructed sight distances from intersections and adequate spacing between intersections.
6. The provisions of the [Code of Practice for Urban Land Development and Subdivision Infrastructure](#) (New Zealand Standard NZS 4404: 201004) for the design and construction of roads.
7. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008 with respect to ~~Whether whether~~ the width of the legal road, right of way, vehicle access lot or vehicle access leg ~~is sufficient is~~ **sufficient** for fire appliances to access the lot(s).
8. ~~The provisions of the current Hastings District Council Engineering Code of Practice for the design and construction of roading~~
9. The requirements of New Zealand Transport Agency and Part IV of the Government Roadway Powers Act 1989 with regard to vehicle entrances onto state highways.
10. The need to provide alternative access for car-parking and vehicle loading in the COMZ – Commercial Zone and GIZ – General Industrial Zone by way of vested service lanes at the rear of properties having regard to alternative means of access and performance standards for activities within such zones.
11. Any need to require provision to be made in a subdivision for the vesting of road reserves for the purpose of facilitating connections to future roading extensions to serve surrounding land, or planned road links that may need to pass through the subdivision and the practicality of creating such easements at the time of subdivision application in order to facilitate later development.
12. Any need to require subdividers to enter into agreements that will enable the Council to require the future owners to form and vest roads when other land becomes available.
13. The need to provide for appropriate standards of street lighting or private vehicular access lighting.

Commented [JKS70]: S89.003 Central Hawke's Bay District Council

Commented [JKS71]: S129.113 Kāinga Ora - Subdivision Topic, Key Issue 2: Codes of Practice and Standards

Commented [JKS72]: S89.005 CHBDC, S129.113 Kāinga Ora - Subdivision Topic, Key Issue 2: Codes of Practice and Standards

14. The need to provide distinctive names for private vehicular accesses – the name to be agreed to by the Council.
15. The protection of any historic heritage items or notable trees (listed in HH-SCHED2 and TREE-SCHED4), wāhi tapu, wāhi taonga and sites of significance (listed in SASM-SCHED3), or risk to archaeological sites.

Commented [JKS73]: S129.113 Kainga Ora – Subdivision Topic, Key Issue 7: Rules.

Note: The Hastings District Council Engineering Code of Practice provides detailed technical standards on the design and construction of water supply, wastewater disposal and stormwater disposal servicing which may provide an acceptable means of compliance.

Commented [JKS74]: S89.006 CHBDC - Subdivision Topic, Key Issue 2: Codes of Practice and Standards

SUB-AM7 Subdivision resulting in the creation of new sites/lots within:
- 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.

Commented [JKS75]: Clause 16(2) of the First Schedule of the RMA and consequential amendments in relation to the Reporting Officer's recommendations on Hearing Stream 2 on S129.140, FS23.177 Kainga Ora, and FS16.38 Waka Kotahi

SUB-AM8 General

1. Any potential cumulative effects that may occur as a result of the subdivision.
2. Potential constraints to the development of the site, such as the National Grid Subdivision Corridor or stormwater drains, and the ability for any resulting adverse effects to be avoided, remedied, or mitigated.
3. The potential effects from a proposed subdivision or development of land on the safe and efficient operation of network utilities.
4. The provision of electricity to the site boundary for any urban zone (GRZ – General Residential Zone, COMZ – Commercial Zone, GIZ – General Industrial Zone), to be confirmed by the electricity network utility as a condition of consent.
- 4.5. The alternative provision of telecommunications to each site.

Commented [JKS76]: Chorus (S117.065), Spark (S118.065) and Vodafone (S119.065) – Subdivision Topic, Key Issue 9: Assessment Matters

SUB-AM9 Esplanade Reserves, Esplanade Strips and Access Strips

1. The purposes for the creation of esplanade reserves and/or esplanade strips set out in section 229 of the RMA.

2. Whether an esplanade reserve or esplanade strip of up to 20 metres wide is needed to be created or vested:
 - a. when a lot is created along any priority waterbody shown on the District Planning Maps;
 - b. when a lot is created along the bank of any other waterbody/river or lake identified on the District Planning Maps, or along the coast; (including consideration of the adverse effects of not providing the full potential width and the benefits of providing the full width).

Note: This does not apply to subdivisions that are required for a boundary adjustment.
3. Whether any waiver or reduction in size or width of an esplanade reserve or esplanade strip will adversely affect:
 - a. The ecological characteristics of the land that contribute to the maintenance and enhancement of the natural functioning of the adjacent river, lake or sea;
 - b. The water quality of the adjoining river, lake or sea;
 - c. The land and water-based habitats present on or adjoining the subject land area;
 - d. The public's ability to gain access to and along the lake, river or sea;
 - e. The recreational use of the land and adjacent water;
 - f. The natural character and visual amenity of the river, lake, or coast; and
 - g. The ability of the Central Hawke's Bay District Council and/or the Hawke's Bay Regional Council to gain access to and along the margins of the river, lake, or sea for maintenance purposes.
4. Whether any waiver or reduction in size or width of the esplanade reserve or esplanade strip will:
 - a. Ensure the security of private property or the safety of people;
 - b. Maintain or enhance the protection of wāhi taonga, including wāhi tapu and mahinga kai as well as the provision of access to areas of importance to Māori;
5. Whether the land is within a natural hazard area or in an area where there is an identified risk from one or more natural hazards.
6. Whether there is another protection mechanism, such as QEII Trust Covenant, that will be more appropriate than an esplanade reserve or esplanade strip.
7. Whether an access strip will provide enhanced public access to existing esplanade reserves which are currently landlocked and which have significant natural, cultural or recreational value.

Commented [RM77]: consequential amendment in response to S121.049 & S121.050 Federated Farmers (relating to Policies PA-P1 & PA-P2) - 'Open Space and Recreation, Public Access and Activities on the Surface of Water' Topic, Key Issue 2

Note: the wording of this has been altered to reduce repetition in the wording that was recommended in the s42A Report (with no consequence for interpretation)

SUB-AM10 Easements

1. Whether there is a need for easements:
 - a. where a service or access is required by the Council;
 - b. for stormwater passing through esplanade reserves where drainage will run to the river;
 - c. to meet network operator requirements;
 - d. in respect of other parties in favour of nominated lots or adjoining Certificates of Title;

- e. for private ways;
- f. for stormwater, sanitary sewer, water supply, electric power, gas reticulation, telecommunications;
- g. party walls and floors/ceilings;
- h. for servicing with sufficient width to permit maintenance, repair, or replacement.

SUB-AM11 Sites_Lots in the Rural Lifestyle Zone, and Lifestyle Sites in the General Rural Zone and Rural Production Zone, which adjoin any site used for existing horticultural or primary production activities, including intensive primary production activities, rural industry and industrial activities

1. The design of the subdivision to ensure that, as a consequence of the development it will accommodate, reverse sensitivity effects will not be created or exacerbated. In particular, in assessing the development, the following factors will be considered:
 - a. The scale, design, and location of the development such that the number of sites and potential house sites adjoining the above activities is minimised.
 - b. The location of the house sites which will avoid where practicable, or otherwise mitigate, any potential for reverse sensitivity effects.
 - c. The ability of the development to include methods which will mitigate against reverse sensitivity effects being created or exacerbated/experienced.
 - d. The registration of restrictive covenants and/or consent notices (where they are offered by the applicant) against the certificate of title(s) for any site where reverse sensitivity effects are likely to result from activities operated in compliance with the provisions of the District Plan, which cannot otherwise be adequately avoided or mitigated by other conditions of consent, and which are necessary to achieve the relevant objectives, policies and anticipated environmental outcomes for the zone, particularly those relating to reverse sensitivity effects.

Commented [JKS78]: Consequential amendments in relation to amendments to Policy SUB-P16 in response to submission points.

Commented [JKS79]: S129.118 Kainga Ora – Subdivision Topic, Key Issue 9: Assessment Matters

Commented [RM80]: S116.024 Silver Fern Farms - Rural Topic, Key Issue 11

Commented [JKS81]: Clause 16(2) of the First Schedule of the RMA.

SUB-AM12 **Lifestyle Sites in the Rural Production Zone**

1. Maximum area exceeded
 The Council will have regard to whether one or more of the following factors apply in deciding whether the use of an area of land greater than 4000m² for a lifestyle site is appropriate:
 - a. Enabling minimum yard requirements for Rural Production Zone lifestyle sites to be met.
 - b. Position of topographical features, such as rivers, drains, hills, terraces, or roads forming physical boundaries for the lifestyle site(s).
 - c. Site configuration, where due to the shape of the site before subdivision the excess land incorporated within the lifestyle site(s) could not be effectively utilised as part of the amalgamated balance.

- d. Provision of the continued utilisation of existing accessory buildings, gardens, and other facilities such as effluent fields, water supply points or accessways relating to the house.
- e. Soil quality, where the soil of the land incorporated within the lifestyle site is not identified as Class 1 or 2 (as defined in the New Zealand Land Inventory Worksheets) and is of a lesser quality than the soil of the amalgamated balance.
- f. Provision for buffer areas (greater than the minimum yard requirements) to avoid or mitigate reverse sensitivity where specific site characteristics and the nature of adjoining land uses are likely to generate the potential for complaints about adjoining primary production or rural industry activities.

Commented [RM82]: S116.025 Silver Fern Farms - Rural Topic, Key Issue 11

2. Balance area smaller than 12 hectares

In deciding whether a Rural Production Zone lifestyle site subdivision creating an amalgamated balance area of less than 12ha is appropriate, the Council will have regard to whether any of the following factors apply:

- a. The amalgamated site has a greater potential for sustained independent production in accordance with the Rural Production Zone policies than either of the sites involved in the amalgamation had prior to the subdivision.
- b. An amalgamated site of less than 6ha will not generally be considered to have any potential under (a) above unless it contains existing capital improvements for an intensive horticultural land use.

3. Amalgamated sites not adjoining

In deciding whether a Rural Production Zone lifestyle site subdivision creating an amalgamation of titles not adjoining, the Council will have regard to whether any of the following factors apply:

- a. The titles are positioned in a manner that allows them to be effectively used together for sustained independent production in accordance with Rural Production Zone policy.
- b. The likelihood of a successful application being made to subdivide the titles in the future on the basis that they cannot effectively be used together is low.

SUB-AM13 Subdivisions within the General Rural Zone and Rural Production Zone – Lifestyle Sites

- 1. That the location and shape of the lifestyle site enables the balance site to be farmed efficiently and effectively. The Council will also take into account the ability to avoid, mitigate or manage any potential reverse sensitivity effects generated from the lifestyle site, within the subject site itself, the balance area of the property and with adjoining properties.
- 2. 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):

Commented [RM83]: S116.026 Silver Fern Farms - Rural Topic, Key Issue 11

- a. Railway lines and whether access to a lifestyle site or rural site is sought via a private level crossing (Note: this requires the formal approval of Kiwirail Holdings Ltd);
 - b. Any new access, upgraded access, or additional sites accessing a state highway (Note: this requires the formal approval of the New Zealand Transport Agency);
 - 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.
3. 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.*
4. The location and shape of any rural site enables it to be farmed efficiently and effectively, with particular regard to boundary shape.
 5. That the subdivision does not result in any more than one lifestyle site being created from the title subject to the subdivision application.
 6. Whether the proposed lifestyle site in the General Rural Zone is being created within 3 years of any prior lifestyle sites being created from the subject title, or any previous title that has become part of the subject title. If more than one lifestyle site is created within the 3-year period, the application may be declined on this basis.
 7. Where multiple sites greater than 20 hectares are being created in one subdivision or over successive applications, site configuration, shape and timing will be given particular consideration with regard to appropriateness for primary production activities. Such subdivisions should not be undertaken with the intention of 'setting up' future lifestyle site subdivisions. If this is found to be the case, the application may be declined on this basis.
 8. Whether the design of the subdivision and the development it will accommodate, is designed to avoid, remedy, or mitigate any adverse effects on any wāhi tapu, wāhi taonga, archaeological site, or any other area of historic or cultural significance.

Commented [RM84]: S81.085 Hort NZ - Rural Topic, Key Issue 11

Commented [RM85]: S42.027 Pork Industry - Rural Topic, Key Issue 11

SUB-AM14 Sites for Special Purposes

1. Whether the lot is of sufficient area and dimensions to facilitate the intended use of the site.
2. A Consent Notice may be registered on the Certificate of Title to any special purpose site, pursuant to section 221 of the RMA, requiring enforcement of a condition that, in the event that the site is no longer required for a special purpose, the site be amalgamated with an adjoining site, unless it is a fully complying lot for the respective zone.

SUB-AM15 Conservation Lots

To assess the significance of the feature being protected, and whether it can be protected successfully, the following criteria will be used as a guide:

1. Significant Natural Areas (ECO-SCHED5), Areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna
 - a. The extent to which the size of the proposed Conservation Lot(s) might adversely affect the usability of the balance area.
 - b. The design of the subdivision and the development it will accommodate, to ensure that it will not have adverse effects on the values of any Conservation Lots. Reference will be made to the proposed nature and location of building platforms, roads and accessways and earthworks.
 - c. The provision of an appropriate legal protection for the Conservation Lot, in perpetuity, on the title of the land. All applications must outline how the conservation feature will be protected, including: an agreement regarding an encumbrance, bond, consent notice or covenant that must be entered into before the issue of the section 224 Certificate under the RMA. The covenant, bond, consent notice or encumbrance will as a minimum require that the stand of native vegetation or other feature of significance be fenced with a stock-proof fence where appropriate, kept free of livestock, be subject to any specified protective or enhancement measures to maintain or enhance its value or physical security, and must include monitoring and enforcement provisions.
2. Heritage Items (HH-SCHED2) and Wāhi Tapu, Wāhi Taonga and Sites of Significance to Tangata Whenua (SASM-SCHED3)
 - a. The ability to effectively protect the item or site with an appropriate legal protection for the Conservation Lot, in perpetuity, on the title of the land.
 - b. Whether sufficient area is provided to enable the item or site to be sensitively integrated into the Conservation Lot, particularly where the land contributes significantly to the value of the item or site.
 - c. Where an additional residential dwelling is proposed to be co-located with a heritage item (where not identified on HH-SCHED2 as 'Wāhi Tapu'), the extent of setback of that dwelling from the heritage item will be considered with a view to protecting the item's heritage values.

SUB-AM16 Subdivision of land, including Lifestyle Sites within Outstanding Natural Landscapes and Features, Significant Amenity Features, and the Coastal Environment (including identified areas of High Natural Character)

1. The design of the subdivision and the development it will accommodate, to ensure that it will not have adverse visual or landscape effects on the values of the feature, landscape or area (identified in ECO-SCHED5, NFL-SCHED6, and CE-SCHED7 of the District Plan) and will not detract from the natural character of the coastal environment. Reference will be made to the proposed nature and location of building platforms, roads and accessways, earthworks, landscaping,

and planting. In particular, the development subdivision will be assessed in terms of its ability to achieve the following:

- a. Be of a scale, design and location that is sympathetic to the visual form of the coastal environment or the natural character area, landscape, or feature, and will not dominate the landscape.
- b. Avoid large scale earthworks on rural ridgelines, hill faces and spurs.
- c. Be sympathetic to the local character, to the underlying landform and to surrounding visual landscape patterns.
- d. Be designed to minimise cuttings across hill faces and through spurs, and to locate boundaries so the fencing is kept away from visually exposed faces and ridges.
- e. Where planting is proposed, its scale, pattern and location is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.
- f. Where necessary, for the avoidance or mitigation of adverse effects, any proposals to ensure the successful establishment of plantings.
- g. Be sympathetic to the natural science, perceptual and associational values (including for tangata whenua) associated with the natural character area, landscape, or feature.

Commented [JKS86]: S129.120 Kāinga Ora – Subdivision Topic, Key Issue 9: Assessment Matters

SUB-AMXX Subdivision of land partly or wholly containing an identified heritage item (identified in HH-SCHED2), notable tree (identified in TREE-SCHED4), Significant Natural Area (identified in ECO-SCHED5), archaeological site, or wāhi tapu, wāhi taonga, and site or area of significance to Māori (identified in SASM-SCHED3)

1. Whether subdivision will enable the establishment of land use activities likely to result in adverse effects on the heritage item, notable tree, significant natural area, archaeological sites, wāhi tapu, wāhi taonga or site of significance to Māori that would not otherwise be enabled without subdivision
2. Any potential adverse effects on each item, tree, area, or site, including but not limited to:
 - a. Whether sufficient land is provided around the item, tree, area or site to retain and protect its values;
 - b. Whether the subdivision will fragment the item, area, or site; and
 - c. whether the subdivision will involve land disturbance that may have adverse effects on the item, tree, area, or site, including building platforms and vehicle accessways.
3. Findings and/or recommendations of investigations from any impact assessment undertaken on the effects of the subdivision on the item, tree, area, or site that are is supplied with the application.
4. Any relevant consultation and/or engagement with tangata whenua and/or Heritage New Zealand *Pouhere Taonga*, where appropriate.
5. Measures to avoid or mitigate any adverse effects on the cultural, spiritual, indigenous biodiversity, and/or heritage values of the item, tree, area, or site associated with the land being subdivided, including the provision of any protective covenants.

Commented [JKS87]: S129.123 Kāinga Ora – Subdivision Topic, Key Issue 7: Rules.

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 separation** 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.
- 9-10. **The extent to which the subdivision design and consequential development are consistent with the objectives and policies of the NU – Network Utilities chapter.**

Commented [JKS88]: Clause 16(2) of the First Schedule of the RMA.

SUB-AM18 Subdivisions with building platforms and/or vehicle access within proximity of the Gas Transmission Network

1. Any effects on the safe, effective, and efficient operation, maintenance, and upgrade of the Gas Transmission Network.
2. Any effects on the ability for vehicles to access the Gas Transmission Network.
3. Risks relating to health or public safety and the risk of property damage.
4. Reverse sensitivity effects.
5. Technical advice provided by First Gas Ltd.

Commented [JKS89]: S79.085 Transpower – Subdivision Topic, Key Issue 1: National Grid Subdivision Corridor and Gas Transmission Network

SUB-AM19 Subdivision of Land within the Waipukurau South Precinct (WSP)

1. **The degree to which the subdivision may impact on the ability to service other existing or future sites in the WSP area that are compliant with SUB-S1.**
2. **Where the subdivision is located within or partly within the WSP area, the cumulative effects of the subdivision on the environment, taking into account:**

- a. Any subdivision consents already granted; and
- b. The extent of development that could occur as a controlled activity under Rule SUB-R1.
3. The extent to which the design and construction of the subdivision achieves the Precinct Plan Outcomes in Appendix GRZ-APP1 - Waipukurau South Precinct (WSP) Plan.

Commented [JKS90]: S114.004, S114.005, S114.006, S114.007 CHBDC - Rezoning Topic, Key Issue 23

SUB-AM20 Subdivision of Land Subject to an approved land use consent in the General Residential Zone, Commercial Zone, General Industrial Zone and/or Large Lot Residential Zone

1. The effect of the design and layout of the proposed sites created;
2. Whether the design and layout of the proposed site will result in new or increased non-compliance with District-wide and zone rules;
3. Whether there is appropriate provision made for infrastructure; and
4. 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.

Commented [JKS91]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendations in response to evidence from Kainga Ora in relation to submission point S129.097

Methods

Methods, other than the above rules, for implementing the policies:

SUB-M1 Other Provisions in the District Plan

Implementation of objectives and policies of the relevant zones and district-wide activities in the District Plan, including those set out in the following sections of the District Plan:

1. SSB – Sustainable Subdivision & Building
2. TW – Ngā Tangata Whenua o Tamatea
3. UFD – Urban Form and Development
4. TRAN – Transport
5. NH – Natural Hazards
6. HH – Historic Heritage
7. SASM – Sites and Areas of Significance to Māori
8. ECO – Ecosystems and Indigenous Biodiversity
9. NFL – Natural Landscapes and Features
10. CE – Coastal Environment
11. EW – Earthworks

SUB-M2 Codes of Practice

1. The current Hastings District Council Engineering Code of Practice (used by Central Hawke’s Bay District Council) includes standards for the design and construction of roading and service infrastructure, which may be used as a means of compliance with the objectives, policies, rules, and standards of the District Plan (subject to minor amendments).

2. [Code of Practice for Urban Land Development and Subdivision Infrastructure](#) (New Zealand Standard NZS 4404:2004/2010).
3. The New Zealand Fire Service Fire-Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 applies to all new subdivision and development in all areas, for both reticulated and non-reticulated water supplies.

Commented [JKS92]: S89.009 CHBDC – Subdivision Topic, Key Issue 2: Codes of Practice and Standards

SUB-M3 Council Bylaws

Central Hawke's Bay District Council's Water Supply (Part 07), Stormwater (Part 21) and Wastewater (Part 22) Bylaws.

SUB-M4 National Policy Statements and National Environmental Standards

1. Resource Management (National Policy Statement on Electricity Transmission) 2010.
2. Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

SUB-M5 Natural Hazard Information

Natural hazard information, such as the Council's natural hazard database on the GIS system, the natural hazards historical database and ongoing consultation and information sharing with the Hawke's Bay Regional Council, including via the Hawke's Bay Hazard Information Portal (<http://www.hbemergency.govt.nz/hazards/portal>).

SUB-M6 Covenants and Consent Notices

Covenants and Consent Notices issued under section 221 of the RMA and registered on Certificates of Title.

SUB-M7 s222 RMA Completion Certificates

Completion Certificates issued under section 222 of the RMA for the completion of works (e.g. works to provide or upgrade service facilities).

SUB-M8 Heritage New Zealand Pouhere Taonga Act

The Heritage New Zealand *Pouhere Taonga* Act makes it an offence to destroy or modify an archaeological site without first obtaining an 'archaeological authority' (applies to both recorded and unrecorded archaeological sites). Contact with Heritage New Zealand *Pouhere Taonga* is advised if the subdivision involves any activity may modify, damage or destroy any archaeological site (e.g. such as earthworks, fencing or landscaping).

Principal Reasons

The principal reasons for adopting the policies and methods:

It is important that subdivision is undertaken in a way that achieves the objectives and policies of the various zones and district-wide activity provisions of the District Plan.

The District Plan includes minimum lot size standards that provide landowners with sufficient flexibility and certainty to create sites which are of an appropriate size to achieve the scale, density and type of development provided for by the objectives, policies and methods for each zone and district-wide activity.

Consistent with the objectives and policies of the ECO – Ecosystems and Indigenous Biodiversity chapter, the HH – Historic Heritage chapter, and SASM – Sites of Significance to Māori chapter in the District Plan, includes subdivision rules that allow the creation of a separate in-situ Lifestyle Site (and an associated house site) in return for legally and physically protecting in perpetuity: nominated significant indigenous vegetation and/or significant habitats of indigenous fauna (including Significant Natural Areas identified in ECO-SCHED5 of the District Plan), Heritage Items identified in HH-SCHED2, or Wāhi Tapu, Wāhi Taonga and Sites of Significance identified in SASM-SCHED3 of the District Plan located on the land being subdivided.

Given the highly variable nature of circumstances and public needs associated with the creation of sites for special purposes (including public works, network utility operations and renewable electricity generation activities), it is impractical to specify what size or dimension these sites should be. The subdivision rules therefore provide flexibility to allow the creation of sites of various sizes and dimensions for special purposes.

Subdivision is often followed by intensification or changes in land use that increase the demand for reticulated water supply, wastewater disposal and stormwater disposal services. However, unless the provision of such services is proposed and identified as works in the Council's Long Term Plan or Annual Plan, and are necessary to protect the environment, the Council will not provide services. Subdividers will be required to ensure that independent provision can be made for an on-site water supply, and for the disposal of wastewater and stormwater on the site, sufficient to meet the likely needs of subsequent development.

Where a method, other than connection to a public reticulated system will be used to provide new lots with a water supply or means of disposing of wastewater or stormwater from lots, subdividers will be required to demonstrate how the method can achieve the protection of the health and safety of residents and avoid any significant adverse effects on the environment.

Vehicular and pedestrian access to lots created must be practicable, safe, and convenient for users, and should avoid adverse effects on the environment, including adjoining activities. Where new roads are required to connect a subdivision to the District road network, it is important that they are designed and constructed to be compatible with the roads they are connecting to.

It will be the subdividers, or subsequent lot owners', responsibility to ensure that telecommunication or electricity reticulation is available, where needed. Electricity requires the provision of power lines and associated structures. New underground reticulation is considered more visually appropriate.

The Council uses the [Code of Practice for Urban Land Development and Subdivision Infrastructure](#) (NZS 4404: 2010) and the [Hastings District Council Engineering Code of Practice](#) (and any future amendments) as methods to assess detailed engineering requirements for subdivision consent applications, along with the [Hastings District Council Engineering Code of Practice](#). These Codes of Practice are therefore referred to in the [Methods assessment matters for resource consents – although the Code of Practice itself is but are](#) not part of the District Plan.

Commented [RM93]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - minor change pursuant to clause 16(2) of the Schedule 1 of the RMA

There are areas within the District which, because of risk from natural hazards, are unsuitable for development, or require specific measures to be undertaken to overcome these hazards (refer to the NH – Natural Hazards chapter of the District Plan).

Commented [JKS94]: S89.007 CHBDC, S129.125 Kāinga Ora – Subdivision Topic, Key Issue 2: Codes of Practice and Standards

The Council has the ability under section 106 of the RMA to decline consent to any subdivision in areas where there is a significant risk from natural hazards. It is also necessary to consider the effects of the mitigation measures (as part of a risk management approach) which may also create adverse environmental effects.

Earthworks associated with construction of access, building platforms or services on land being subdivided may potentially have an adverse impact on the amenity of the area, including dust and visual amenity, and may result in the modification, damage or destruction of historic heritage and sites and places of significance to tangata whenua; or accelerate or worsen the risk and effects of natural hazards in the area. The Council may impose conditions on subdivision consents regarding the design, location, construction, and extent of earthworks associated with the subdivision or development of the land.

Inappropriately designed or located subdivision has potential to create reverse sensitivity effects, particularly when it provides for the establishment of sensitive activities (e.g. residential and lifestyle development) close to existing primary production activities, [rural industry](#), industrial activities, public works, network utility operations and renewable electricity generation sites. Such effects can significantly affect the ability of the existing activities to continue to [legally operate, upgrade or expand](#) (e.g. through complaints about noise and odour). Therefore, recognising and avoiding reverse sensitivity effects when planning for subdivision and land use development will provide for the continued efficient and effective operation of existing activities.

Commented [JKS95]: S116.027 Silver Fern Farms – Subdivision Topic, Key Issue 12.

[While the Waipukurau South Precinct \(WSP\) area has been residentially zoned for a number of years, the ability to develop the land within it has been significantly hindered by servicing constraints, particularly in relation to 3-waters infrastructure \(most notably stormwater and wastewater\) and through land parcels being held in multiple ownership. Active faultlines also exist within the area. Subdivision proposals within the WSP will be assessed with respect to their ability to achieve the Structure Plan Outcomes in Appendix GRZ-APP1 – Waipukurau South Precinct \(WSP\) Structure Plan.](#)

Commented [JKS96]: S114.008 CHBDC - Rezoning Topic, Key Issue 23

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

- SUB-AER1** Achievement of the objectives and policies of the various zones and district-wide activity provisions.
- SUB-AER2** Creation of sites which are of a sufficient size and shape to accommodate the variety of activities allowed by the zones and district-wide activity rules.
- SUB-AER3** Appropriate flexibility in the size of lots that can be created and the means of achieving the servicing of lots.
- SUB-AER4** Sites which are of a size and shape that enable the maintenance or enhancement of the character or amenity of the environment, including landscape values, and avoid any potential reverse sensitivity issues in the area where they are located.
- SUB-AER5** Sites of a size and shape suitable for current and future requirements of public works, network utilities, renewable electricity generation, and other special purposes.
- SUB-AER6** A safe and efficient roading network.
- SUB-AER7** Safe, efficient and convenient vehicular and pedestrian access to and from subdivided lots.
- SUB-AER8** Water supplies that are sufficient in volume and of potable (drinkable) quality to meet reasonable needs and expectations over time.
- SUB-AER9** Adequate treatment and disposal of stormwater and wastewater.
- SUB-AER10** Adequate provision for electricity/energy and telecommunications services.
- SUB-AER11** Maintenance and enhancement of public health and safety.
- SUB-AER12** Cost effective provision of services for redevelopment and growth without additional financial burdens on District rate payers.
- SUB-AER13** A pattern of subdivision complementary and appropriate to the character of the land uses in the area concerned.
- SUB-AER14** A pattern of subdivision consistent with planned density, roading patterns and open space requirements appropriate in residential environments.
- SUB-AER15** Avoidance or mitigation of potential significant risk from natural hazards, including flooding, erosion or subsidence.

EW – Earthworks

Introduction

Earthworks are an integral part of development, as they prepare land (including the formation of building platforms) to be used for living, business and recreation, and are often essential to the construction of foundations, buildings, and structures. Earthworks also form part of normal agricultural and horticultural practices in the rural environment.

Commented [RM1]: S42.028 NZ Pork - Earthworks Topic, Key Issue 3

This chapter also includes provisions relating to mining, quarries, and gravel extraction.

In terms of mineral, aggregate and hydrocarbon extraction, there are significant aggregate deposits in the District and there is potential for discovery of minerals and hydrocarbon deposits in the future. Buildings, roads, and many surfaces used for business, land based primary production, education and recreation depend on a continuing supply of aggregates of various kinds. Most gravel extracted in the District is from river sources. Gravel extraction from riverbeds is controlled by the Hawke's Bay Regional Council.

Whilst integral to development, earthworks can have adverse effects on the environment if not appropriately managed.

When land contours are disturbed or altered through earthworks, mineral, aggregate and hydrocarbon extraction, this can have significant environmental effects on:

- The surface drainage patterns of land;
- Visual amenity values;
- Soil erosion potential;
- The life-sustaining capacity of soils;
- The disturbance of ecosystems, watercourses, and waterbodies;
- The disturbance of areas of natural, cultural and heritage values; and
- The safety of people and the community where earthworks could cause subsidence, slippage, or inundation of land.

The earthworks provisions have been developed to ensure earthworks and minerals extraction are managed appropriately to avoid, remedy, or mitigate potential adverse effects.

Objectives

EW-01 Protect the safety of Enable people and communities to carry out earthworks, while and avoiding, remedying or mitigatinge the adverse environmental effects of earthworks, including on the health and safety of people.

Commented [RM2]: S121.072 Fed Farmers - Earthworks Topic, Key Issue 1

EW-02 Ensure that the life-supporting capacity of air, water, soil and ecosystems is safeguarded and that adverse effects of mining, quarrying and hydrocarbon extraction activities on the environment

are avoided, remedied or mitigated, while meeting the needs of the District (and wider Region) for minerals.

Commented [RM3]: S75.081 Forest & Bird - Earthworks Topic, Key Issue 6

Policies

Earthworks

EW-PX To enable earthworks to provide for people and communities' social, economic and cultural well-being, and their health and safety, where adverse effects are avoided, remedied or mitigated.

Commented [RM4]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendations in response to evidence from Hort NZ in relation to submission point S81.086, and also S42.029 NZ Pork

EW-P1 To avoid, remedy or mitigate the adverse effects of earthworks which:

1. create new or exacerbate existing natural hazards, particularly flood events, or cause adverse effects on natural coastal processes; and
2. result in adverse effects on the stability of land, structures or buildings.

EW-P2 To ensure earthworks are appropriately located, and designed and managed to avoid, remedy or mitigate adverse effects by:

1. controlling volume and vertical extent of earthworks, to maintain the role, function and predominant character of each zone and reduce effects on neighbouring properties and the environment; and
2. controlling the movement of dust and sediment beyond the area of development, particularly to avoid nuisance effects and/or adverse amenity effects on neighbouring sites or any Council reticulated stormwater system; and
3. controlling the effects of urban development on the health and well-being of water bodies, freshwater ecosystems and receiving environments.

Commented [RM5]: S11.031 HBRC - Earthworks Topic, Key Issue 1

EW-P3 To ensure that earthworks are designed to reflect natural landforms, and where appropriate, landscaped to reduce and soften their visual impact having regard to the character and visual amenity of the surrounding area.

EW-P4 Where appropriate, to require the re-pasture or re-vegetation of land where vegetation is cleared as a consequence of earthworks.

Commented [RM6]: S121.076 Fed Farmers - Earthworks Topic, Key Issue 1

EW-P5 To protect the highly productive land of Central Hawke's Bay from large-scale stripping, stockpiling, and removal to ensure the land can still support a range of primary production activities.

EW-P6 To avoid duplication in regulation by District Plan rules and standards where earthworks activities are already subject to regulatory

assessment, such as through subdivision provisions and Building Act 2004 controls.

EW-P7 To control earthworks, exploration and mining activities to ensure that any adverse effects on the natural and physical environment, and the amenity of the community, adjoining land uses, **heritage items, and wāhi tapu, wāhi taonga and sites of significance to Māori, and culturally sensitive sites** are avoided, remedied or mitigated.

Refer also the policies in the SASM chapter in relation to wāhi tapu, wāhi taonga and sites of significance to Māori.

Commented [RM7]: S55.065 Heritage NZ - Earthworks Topic, Key Issue 1

Commented [RM8]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommended wording in response to evidence from Kairakau Lands Trust in relation to submission point S84.014

Mining, Quarrying and Hydrocarbon Extraction

EW-P8 To **provide for the enable** prospecting and exploration of minerals where the adverse effects on the environment **are avoided, remedied or mitigated will be minor.**

Commented [RM9]: S75.087 Forest & Bird - Earthworks Topic, Key Issue 6

EW-P9 To **provide for farm enable** quarries **ancillary to farming** and forestry **quarrying** activities to be established in rural areas **where the adverse effects on the environment are avoided, remedied or mitigated.**

Commented [RM10]: S121.081 Fed Farmers - Earthworks Topic, Key Issue 6

Commented [RM11]: S75.088 Forest & Bird - Earthworks Topic, Key Issue 6

EW-P10 To avoid, remedy or mitigate adverse effects on the environment associated with mining, quarrying and hydrocarbon extraction activities.

EW-P11 To require proposals for new mining, quarrying or hydrocarbon extraction activities to provide adequate information on the establishment and operation of the activity and demonstrate:

1. the size and scale of extraction activities and the expected length of operation of the extraction site;
2. the design and layout of the site, the access roads and supporting facilities;
3. that adequate measures will be used to:
 - a. manage noise, vibration, dust and illumination to maintain amenity values of the surrounding land uses, particularly at night-time;
 - xx. manage the potential effects of dust on any nearby primary production activities including, for horticultural land use, the effects of dust on produce;**
 - b. manage adverse effects of traffic generation and maintain safety to all road users, particularly measures to manage heavy vehicles entering or exiting the site;
 - c. avoid, remedy or mitigate adverse effects on soil and water quality, including impacts on watercourses within the extraction site and the effects of discharges from the site into the neighbouring environment;

Commented [RM12]: S81.087 Hort NZ - Earthworks Topic, Key Issue 6

- d. maintain land stability;
 - e. protect identified Outstanding Natural Landscapes and Features, and avoid or mitigate adverse effects on visual and landscape values;
 - xx. protect identified Significant Natural Areas, and avoid or mitigate adverse effects on indigenous biodiversity;
 - xx. protect the natural character of the coastal environment;
 - f. protect historic heritage; and
 - g. protect wāhi tapu, wāhi taonga and sites of significance to tangata whenua.
4. options anticipated for the rehabilitation of the site, either by a staged process or at the end of the economic life of the quarry, having regard to the expected life of the extraction site.

Commented [RM13]: S75.089 Forest & Bird - Earthworks Topic, Key Issue 6

EW-P12 To require a quarry management plan to be prepared to address operational matters associated with the activities on the extraction site, including management of adverse effects and actions to avoid, remedy, mitigate these effects.

Rule Overview Table

Use/activity	Rule Number
Specified Earthworks	EW-R1
Ancillary rural earthworks	EW-R2
Mineral prospecting and exploration activities	EW-R3
Mining and quarrying activities	EW-R4
Earthworks and vertical holes within the National Grid Yard	EW-R5
Earthworks within 20 metres of the Gas Transmission Network	EW-R6
All other earthworks not otherwise provided for	EW-R7

Rules

Note 1: The provisions of this chapter do not apply to plantation forestry. Plantation forestry is regulated separately under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 which specifically addresses fill, spoil, sediment, stabilisation etc associated with plantation forest activities.

Note 2: The provisions of this chapter also apply to earthworks associated with subdivision e.g. earthworks to facilitate formation of vehicle access and building platforms.

It is important to note that in addition to the provisions in this chapter, zone chapters and a number of other Part 2: District-Wide Matters chapters also contain provisions that may be relevant for activities involving earthworks or land disturbance.

EW-R1 Specified Earthworks		
All Zones	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. The earthworks are associated with site preparation works for a building, the area (m²) of earthworks is no more than 150% of the area of the associated building footprint, and complies with EW-S1 Slope, and EW-S5 Control of Silt and Sediment, and EW-SX Earthworks within a scheduled Wāhi Tapu Place in HH-SCHED2; or</p> <p>b. The earthworks are associated with any network utilities, including the upgrade or maintenance of existing public roads, and complies with EW-S4 Site Reinstatement and EW-S5 Control of Silt and Sediment, and EW-SX Earthworks within a scheduled Wāhi Tapu Place in HH-SCHED2; or</p> <p>c. The earthworks are associated with replacement and/or removal of a fuel storage system defined as permitted by the Resource Management Regulations (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health), and complies with EW-S5 Control of Silt and Sediment, and EW-SX Earthworks within a scheduled Wāhi Tapu Place in HH-SCHED2; or</p> <p>d. The earthworks are associated with gravel extraction within the bed of a river.</p>	<p>2. Activity status where compliance not achieved: EW-R2 to EW-R7 apply</p>

Commented [RM14]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation to 'Accept in part' S55.067 Heritage NZ

Commented [RM15]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation to 'Accept in part' S55.067 Heritage NZ

Commented [RM16]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation to 'Accept in part' S55.067 Heritage NZ

Commented [RM17]: S11.030 HBRC - Earthworks Topic, Key Issue 2

Note: Gravel extraction within the bed of a river is subject to rules administered by the Hawke's Bay Regional Council.

EW-R2 Ancillary rural earthworks

<p>General Rural Zone</p> <p>Rural Production Zone</p> <p>Rural Lifestyle Zone</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <ul style="list-style-type: none"> i. EW-S2; ii. EW-S3; iii. EW-S4; iv. EW-S5; v. EW-S6; vi. EW-S7; and vii. EW-S8. 	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. EW-AM1. b. EW-AM2. c. EW-AM3. d. EW-AM4. e. EW-AM5. f. EW-AM6. g. EW-AM7. h. EW-AMX.
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Commented [RM18]: consequential amendment in response to S90.039 Centralines - Earthworks Topic, Key Issue 2

EW-R3 Mineral prospecting and exploration activities

<p>All Zones</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. Compliance with:</p> <ul style="list-style-type: none"> i. EW-S1; ii. EW-S2; iii. EW-S3; iv. EW-S4; v. EW-S5; vi. EW-S6; vii. EW-S7; viii. EW-S8; ix. EW-SX. <p>b. Compliance with EW-S9.</p>	<p>2. Activity status where compliance with condition EW-R3(1)(a) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. EW-AM1. b. EW-AM2. c. EW-AM3. d. EW-AM4. e. EW-AM5. f. EW-AM6. g. EW-AM7. h. EW-AM8. i. EW-AMX. <p>3. Activity status where compliance with condition EW-R3(1)(b) is not achieved: DIS</p>
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Commented [RM19]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation to 'Accept in part' S55.068 Heritage NZ

Commented [RM20]: consequential amendment in response to S90.039 Centralines - Earthworks Topic, Key Issue 2

EW-R4 Mining and quarrying

<p>General Rural Zone</p> <p>Rural Production Zone</p>	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. The activity is for a farm quarry.</p> <p>b. Compliance with:</p> <p>i. EW-S1;</p> <p>ii. EW-S2;</p> <p>iii. EW-S3;</p> <p>iv. EW-S4;</p> <p>v. EW-S5;</p> <p>vi. EW-S6;</p> <p>vii. EW-S7; and</p> <p>viii. EW-S8; and</p> <p>ix. EW-SX.</p>	<p>2. Activity status where compliance with conditions EW-R4(1)(a) and/or EW-R4(1)(b) is not achieved: DIS</p>
<p>Rural Lifestyle Zone</p> <p>Settlement Zone</p> <p>Large Lot Residential Zone (Coastal)</p> <p>General Residential Zone</p> <p>Commercial Zone</p> <p>General Industrial Zone</p>	<p>2. Activity Status: NC</p> <p>Where the following conditions are met: N/A</p>	<p>4. Activity status where compliance not achieved: N/A</p>
<p>EW-R5 Earthworks and vertical holes within the National Grid Yard</p>		
<p>All Zones</p>	<p>3. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. The earthworks must be no deeper (measured vertically) than 300mm within 6m12m of the outer visible edge of any National Grid support-structure foundation, and no deeper than 3 metres between 6 metres and 12 metres from the outer visible edge of a foundation of a National Grid</p>	<p>4. Activity status where compliance with conditions EW-R5(1)(a) and/or EW-R5(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. EW-AM1.</p> <p>b. EW-AM2.</p> <p>c. EW-AM3.</p> <p>d. EW-AM4.</p>

Commented [RM21]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation to 'Accept in part' S55.069 Heritage NZ

	<p><u>support-structure foundation, except under the following circumstances:</u></p> <ul style="list-style-type: none"> i. earthworks that are undertaken by a network utility operator (other than for the reticulation and storage of water for irrigation purposes) as defined by the Resource Management Act 1991, or ii. earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track. iii. vertical holes not exceeding 500mm in diameter, provided they: <ul style="list-style-type: none"> a. are more than 1.5m from the outer edge of the pole support structure or stay wire, or b. are a post hole for a farm fence or artificial crop protection or crop support structures and are more than 6m from the visible outer edge of a tower support structure foundation. b. Compliance with: <ul style="list-style-type: none"> i. EW-S1; ii. EW-S2; iii. EW-S3; iv. EW-S4; v. EW-S5; vi. EW-S7; vii. EW-S8; and viii. EW-S9. c. Compliance with EW-S6. 	<ul style="list-style-type: none"> e. EW-AM5. f. EW-AM6. g. EW-AM7. h. Impacts on the operation, maintenance, upgrading and development of the National Grid. i. The risk to the structural integrity of the affected National Grid support structure. j. Any impact on the ability of the National Grid owner (Transpower) to access the National Grid. k. The risk of electrical hazards affecting public or individual safety, and the risk of property damage. l. Technical advice provided by the National Grid owner (Transpower). m. Any effects on National Grid support structures including the creation of an unstable batter. <p>3. Activity status where compliance with condition EW-R5(1)(c) is not achieved: NC</p>
EW-R6 Earthworks within 20m of the Gas Transmission Network (including ancillary rural earthworks)		
All Zones	<p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Compliance with: <ul style="list-style-type: none"> i. EW-S1; 	<p>2. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p>

Commented [RM22]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation to 'Accept in part' S121.087 Federated Farmers in response to evidence from Federated Farmers and Transpower

Commented [RM23]: minor clause 16 amendment for clarification (FS3.018 First Gas) - Earthworks Topic, Key Issue 3

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| <ul style="list-style-type: none"> ii. EW-S2; iii. EW-S3; iv. EW-S4; v. EW-S5; vi. EW-S6; vii. EW-S7; and viii. EW-S8; and ix. EW-SX. | <ul style="list-style-type: none"> a. EW-AM1. b. EW-AM2. c. EW-AM3. d. EW-AM4. e. EW-AM5. f. EW-AM6. g. EW-AM7. ga. EW-AMX. h. The risk of hazards affecting public or individual safety, and the risk of property damage. i. Measures proposed to avoid or mitigate potential adverse effects on the gas transmission pipeline. j. Technical advice, including an assessment of the level of risk. k. The outcome of any consultation with the owner and operator of the gas transmission pipeline |
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Commented [RM24]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation to 'Accept in part' S55.070 Heritage NZ

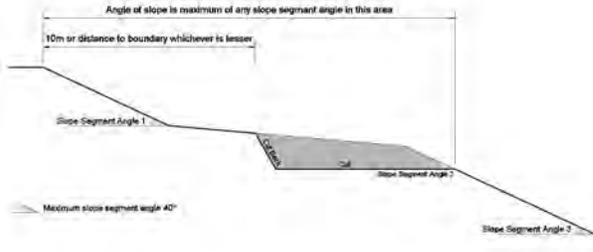
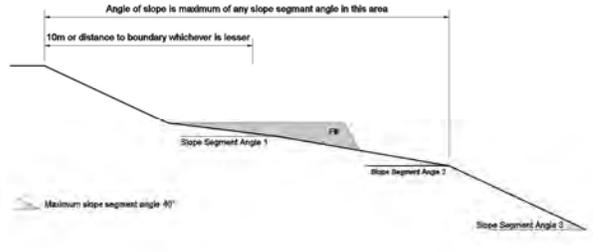
Commented [RM25]: consequential amendment in response to S90.039 Centralines - Earthworks Topic, Key Issue 2

EW-R7 All Other Earthworks not otherwise provided for

All Zones	1. Activity Status: PER	2. Activity status where compliance not achieved: RDIS
	<p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. Compliance with: <ul style="list-style-type: none"> i. EW-S1; ii. EW-S2; iii. EW-S3; iv. EW-S4; v. EW-S5; vi. EW-S6; vii. EW-S7; and viii. EW-S8. 	<p>Matters over which discretion is restricted:</p> <ul style="list-style-type: none"> a. EW-AM1. b. EW-AM2. c. EW-AM3. d. EW-AM4. e. EW-AM5. f. EW-AM6. g. EW-AM7. h. EW-AMX.

Commented [RM26]: S90.039 Centralines - Earthworks Topic, Key Issue 2

Standards

EW-S1 Slope	
General Rural Zone	1. Earthworks must be undertaken on land with a slope less than 45° above horizontal.
All Other Zones	2. Earthworks must be undertaken on land with a slope less than 22° above horizontal.
<p>Figure 7 – Maximum existing slope angle (excavation)</p>  <p>The diagram shows a cross-section of an excavation. A horizontal line at the top represents the ground surface. Below it, a slope descends to the right. This slope is divided into three segments: 'Slope Segment Angle 1', 'Slope Segment Angle 2', and 'Slope Segment Angle 3'. A vertical dimension line indicates the measurement area: '10m or distance to boundary whichever is lesser'. A note above the diagram states: 'Angle of slope is maximum of any slope segment angle in this area'. A legend at the bottom left indicates 'Maximum slope segment angle 40°'.</p> <p>Figure 8 – Maximum existing slope angle (filling)</p>  <p>The diagram shows a cross-section of a filling site. A horizontal line at the top represents the ground surface. Below it, a slope descends to the right. A shaded area labeled 'FILL' is shown between the ground surface and the slope. The slope is divided into three segments: 'Slope Segment Angle 1', 'Slope Segment Angle 2', and 'Slope Segment Angle 3'. A vertical dimension line indicates the measurement area: '10m or distance to boundary whichever is lesser'. A note above the diagram states: 'Angle of slope is maximum of any slope segment angle in this area'. A legend at the bottom left indicates 'Maximum slope segment angle 40°'.</p>	
EW-S2 Extent of Earthworks	
<p>Identified areas of:</p> <ul style="list-style-type: none"> - High Natural Character (HNCs) - Outstanding Natural Features and Landscapes (ONFs/ONL) - Significant Natural Areas (SNAs) 	<ol style="list-style-type: none"> 1. Ancillary rural earthworks – maximum of 500m³ per site <u>within the identified area/feature</u> in any 12-month period. Refer also Standard EW-S7. 2. All other earthworks – maximum of 200m³ per site <u>within the identified area/feature</u> in any 12-month period.

Commented [RM27]: S121.090 Fed Farmers - Earthworks Topic, Key Issue 3

General Rural Zone (except Coastal Environment, and any identified HNC, ONF/ONL or SNA areas)	3. Ancillary rural earthworks – unlimited. 4. All other earthworks – maximum of 2,000m ³ per hectare of site in any 12-month period.
Coastal Environment (except any identified HNC, ONF/ONL or SNA areas)	5. Ancillary rural earthworks – unlimited. 6. All other earthworks – maximum of 200m³ per hectare of site in any 12-month period.
Rural Production Zone (except any identified HNC, ONF/ONL or SNA areas)	7. Ancillary rural earthworks – unlimited. 8. All other earthworks – maximum of 1,000m ³ per hectare of site in any 12-month period. 9. Removal offsite of topsoil, sand, gravel, or earth – maximum of 25m ³ per site in any 12-month period.
Rural Lifestyle Zone (except any identified HNC, ONF/ONL or SNA areas)	10. Maintenance of existing tracks, driveways, roads and accessways, existing drains and existing fence lines within the same formation width – maximum of 500m ³ per site in any 12-month period. 11. All other earthworks – maximum of 100m ³ per hectare of site in any 12-month period.
Settlement Zone Large Lot Residential Zone (Coastal) General Residential Zone Commercial Zone General Industrial Zone	12. Maximum of 50m ³ per site in any 12-month period.
	Notes: 1. For the purpose of assessing the total volume of earthworks allowed as a Permitted Activity for sites where a per-hectare rule applies, the volume will be calculated by multiplying the volume threshold by the total area of the subject site in hectares over any 12-month period. 2. For the importation of fill or removal of cut to or from an offsite location, the volumes of earthworks specified will

Commented [RM28]: S121.092 Fed Farmers - Earthworks Topic, Key Issue 3

be reduced by 50% in determining the volume permitted in any 12-month period.

EW-S3 Vertical Extent of Excavation

<p>Identified areas of:</p> <ul style="list-style-type: none"> - High Natural Character (HNCs) - Outstanding Natural Features and Landscapes (ONFs/ONL) - Significant Natural Areas (SNAs) <p>(except for HNC2, HNC6, ONL1, ONF5, ONF6, ONF7, ONF9 and ONF10)</p>	<p>1. 2 metres</p>
<p>HNC2 (Waimoana-Kairakau)</p> <p>HNC6 (Porangahau)</p> <p>ONF5 (Northern end of Nga Kaihinaki-a-Whata & Te Whata Kokako)</p> <p>ONF6 (Silver Range)</p> <p>ONF7 (Kairakau Coastline)</p> <p>ONF9 (Parimahu)</p> <p>ONF10 (Porangahau Foredune & Estuary)</p>	<p>2. 1 metre</p>
<p>General Rural Zone</p> <p>ONL1 (Ruahine Range)</p>	<p>3. 5 metres</p>
<p>All Other Zones</p>	<p>4. 2.5 metres</p>

EW-S4 Site Reinstatement

<p>All Zones</p>	<p>1. Areas disturbed by exploration, prospecting or earthworks will be stabilised, filled and/or recontoured in a manner consistent with the surrounding land as soon as practicable,</p>
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	<p>but no later than 6 months of the disturbance activity ceasing; and</p> <p>2. Where vegetation clearance occurs as a result of land disturbance (except where it is associated with the operation, maintenance or upgrading of lawfully established roads, tracks, network utility operations and drainage channels), disturbed areas must be re-pastured or re-vegetated as soon as practicable within 18 months of the disturbance activity ceasing.</p> <p><i>Note: Vegetation clearance and soil disturbance may also be subject to rules administered by the Hawkes Bay Regional Council.</i></p>
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EW-S5 Control of Silt and Sediment

All Zones	<p>1. Erosion and sediment control measures must be put in place to avoid sediment run-off from earthworks, mining, quarrying and hydrocarbon extraction activities entering a Council reticulated network or into waterbodies.</p> <p><i>Notes:</i></p> <ol style="list-style-type: none"> <i>The Hawke's Bay Regional Council's 'Hawke's Bay Waterway Guidelines – Erosion and Sediment Control, (2009, HBRC Plan Number 4109)' outlines an acceptable means of compliance with this standard.</i> <i>All other stormwater runoff across property boundaries or sediment entering waterbodies may be subject to rules administered by the Hawkes Bay Regional Council.</i>
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EW-S6 Earthworks and Vertical Holes within the National Grid Yard

All Zones	<ol style="list-style-type: none"> The earthworks must not compromise the stability of a National Grid support structure, and The earthworks must not result in a reduction in ground-to-conductor clearance distances <u>as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001) of less than: 6.5m (measured vertically) from a 110kV National Grid transmission line, and</u> The earthworks must not result in the permanent loss of vehicular access to any National Grid support structure.
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Commented [RM29]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation to 'Accept in part' S121.097 Federated Farmers in response to evidence from Federated Farmers and Transpower

EW-S7 Ancillary Rural Earthworks

Identified areas of:	<ol style="list-style-type: none"> For the maintenance of existing tracks, driveways, roads and accessways only, ancillary rural earthworks must be
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<ul style="list-style-type: none"> - High Natural Character (HNCs) - Outstanding Natural Features and Landscapes (ONFs/ONL) - Significant Natural Areas (SNAs) 	<p>within the same formation width, and the landowner must take, and provide to Council on request, photos of the location of the earthworks before and after completion, sufficient to show the formation width.</p> <ol style="list-style-type: none"> 2. Exposed vertical cuts or batter faces must not exceed 2m in vertical height or take place on slopes of greater than 45 degrees above horizontal. 3. All remaining slopes must be remediated to marry in with the surrounding landform and be replanted with either grass or planting to match the surrounding vegetation cover (excluding weed species).
EW-S8 Electrical Safety Distances	
All Zones	<ol style="list-style-type: none"> 1. Any earthworks within the vicinity of overhead electric lines must comply with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001).
EW-S9 Mineral Prospecting and Exploration	
All Zones	<ol style="list-style-type: none"> 1. Mineral prospecting and exploration: <ol style="list-style-type: none"> a. must not involve blasting; and b. must not be undertaken outside the hours of 0700 to 2200 hours on any day.
EW-SX Earthworks within a scheduled Wāhi Tapu place in HH-SCHED2	
<u>All Zones</u>	<ol style="list-style-type: none"> 1. <u>Earthworks are not within 100m of the location on the Planning Maps of a scheduled Wāhi Tapu place in HH-SCHED2, unless the earthworks are limited to interments in existing cemeteries or urupā.</u> <p><u>Note: for activities (including earthworks) within, or within 100m of, a site or area of significance to Māori identified in SASM-SCHED3 refer SASM chapter of the PDP.</u></p>

Commented [RM30]: Hearing Stream 5 - Right of Reply dated 27 October 2022 - revised recommendation to 'Accept in part' S55.071 Heritage NZ

Assessment Matters

For Discretionary Activities, Council's assessment is not restricted to these matters, but it may consider them (among other factors).

EW-AM1 Land Disturbance and Vegetation Clearance

1. The effects of land disturbance and vegetation clearance will be assessed in terms of their effects on:
 - a. The life-supporting capacity of soils.
 - b. Soil erosion and stability.

- c. Soil runoff and sedimentation.
 - d. Natural landforms and contours.
 - e. Flora and fauna.
 - f. Significant cultural sites (wāhi tapu, wāhi taonga and sites of significance), historic heritage sites (including archaeological sites) and ecological sites.
 - g. Composition and characteristics of any fill used.
2. In making an assessment, the following factors will be considered:
- a. The extent of removal of vegetation, topsoil, and subsoils at any one time.
 - b. Methods to separate soil horizons during stripping.
 - c. Measures to safeguard the life supporting capacity of stockpiled soils.
 - d. The potential or increased risk of hazards from the activity, including potential risk to people or the community.
 - e. Sediment control measures, including measures to prevent sediment runoff into Council's reticulated network.
 - f. Rehabilitation of site (including backfilling, re-spreading of subsoil and topsoil, contouring, re-pasturing and revegetation).
 - g. Land capability and potential end uses of the site.
 - h. Information on any relocation of fill on or offsite.
 - i. Siting, construction, and maintenance of internal access roads.
 - j. Effect on flow paths and floodways.
 - k. Measures to avoid the disturbance of wāhi tapu, wāhi taonga and sites of significance and archaeological sites (noting that any disturbance of an archaeological site will require separate approval under the Heritage New Zealand *Pouhere Taonga* Act 2014).

EW-AM2 Visual Impact

- 1. The visual effects of the activity will be assessed in terms of its potential effect on:
 - a. The residential or recreational (including tourism) use of land in the vicinity of the activity.
 - b. The existing character of the locality and amenity values.
- 2. In making that assessment, the following factors will be considered:
 - a. Planting, screening, and other amenity treatment to minimise visual impact.
 - b. Site location including locality, topography, geographical features, adjoining land uses.
 - c. Height of soil stockpiles and cuttings.
 - d. Rehabilitation of the site, including contouring, landscaping, and re-vegetation.
 - e. Duration, rate, and extent of extraction.
 - f. Lighting – intensity, direction, and positioning of lighting in relation to the effects of glare on the surrounding environment and adjacent land uses.

EW-AM3 Effects on Other Land Uses and Adjoining Properties

- 1. The extent to which the activity will interfere with, or adversely affect, the current use of the land on which the activity is sited, or adjoining land uses.

Consideration will be given to any potential effects of the proposed activity on adjoining properties and land uses, such as effects on surface drainage patterns, dust nuisance, or adverse effects on adjoining buildings. Permanent effects will be given more weight than temporary effects.

Consideration will also be given to methods to avoid adverse effects on land use activities which are allowed in the zone where the activity is located, such as the distance of activities from boundaries, and methods to avoid disturbance to adjoining properties, including livestock, particularly during birthing, and dust on fruit, particularly during harvesting season.

EW-AM4 Noise

1. In assessing the impact of noise, Council will consider the noise sensitivity of the receiving environment, including land uses on sites adjacent to where the activity is proposed to be undertaken. Consideration will also be given to hours of operation of the activity.

EW-AM5 Effects on Rooding Network

1. The extent to which the transport of cut and/or fill material resulting from or required for the earthworks (including earth, soil, clay, sand, and rock) off or onto the site will interfere with, or adversely affect the safe and efficient operation of the rooding network.

EW-AM6 Effects on Watercourses, Waterbodies and on Recreation, Conservation or Significant Natural Areas

1. The extent to which the activity will interfere with, or adversely affect:
 - a. Access to and along watercourses and waterbodies.
 - b. Outstanding waterbodies.
 - c. Recreation, conservation, or significant natural areas.

EW-AM7 Effects within High Natural Character Areas, Outstanding Natural Landscapes and Features, and Significant Amenity Features

1. The extent to which earthworks have been designed and located to minimise adverse visual effects and effects on the particular landscape values and characteristics of the identified natural character areas and landscapes. In particular, the extent to which any such proposal:
 - a. Minimises the location of large-scale earthworks on prominent rural ridgelines, hill faces and spurs, where practicable.
 - b. Minimises cuttings across hill faces and spurs.
 - c. Minimises the number of finished contours that are out of character with the natural contour, where practicable.
 - d. Can adequately mitigate the adverse visual effects through restoration or reinstatement of the site following the earthworks.

2. The extent to which earthworks will compromise values relating to cultural and historic elements, geological features and matters of cultural and spiritual value to tangata whenua.
3. Any cumulative adverse effects (for example, the modification to the existing area or landscape feature and its sensitivity or vulnerability to further change).

EW-AM8 Additional Specific Assessment Matters for Mining, Quarrying and Exploration Activities Only

1. Rehabilitation
 - a. The potential to rehabilitate the site after mining operations have been completed so that:
 - i. long term stability of the site is ensured;
 - ii. landforms or vegetation on finished areas are visually integrated into the landscape;
 - iii. land is returned to its original productive capacity, where appropriate;
 - iv. water and soil values are protected.
2. Vibration
 - a. The extent of the effects of vibration from the activity, particularly in respect of the use of explosives.
3. Rooding and Transportation
 - a. The effects of transportation related to the activity will be assessed in terms of its potential effect on the sustainable management of the rooding network including:
 - i. Disruption to traffic in the area.
 - ii. Traffic safety.
 - iii. Impact on the District rooding network.
 - b. In making the assessment, to the following factors will be considered:
 - i. Design of access.
 - ii. On-site parking and turning.
 - iii. The siting and construction standards of on-site roads and tracks.
 - iv. Maintenance or upgrading of roads or intersections in the vicinity of the activity.
 - v. Use of speed limits.
 - vi. Timing of work shifts.
4. Fire Hazard Mitigation
 - a. The ability of the activity to meet fire safety requirements including the possession of public liability insurance to cover the risk of fire.
5. Oil and Gas Exploration, Extraction and Production Activities
 - a. The following criteria relates to specific assessment involved with oil and gas exploration, extraction, and production. Assessment must be provided on the following:
 - i. The cumulative effects of multiple oil and gas wells and platforms.

- ii. Lighting and flaring and the extent to which alternative methods have been considered for controlling the adverse effects of these activities.
- iii. The location of oil and gas wells and platforms and their associated accesses, in relation to:
 - Residential activities on adjoining properties.
 - Sensitive activities.
 - Areas of cultural value, including wāhi tapu, wāhi taonga and sites of significance identified in SASM-SCHED3.
- iv. The location of infrastructure associated with the transmission of oil and gas.
- v. Consideration as to the likely length of each different stage of the proposal, and details on the processes in place once the well site is abandoned.
- vi. The consideration of the different effects between the exploration and production stages for oil and gas extraction.
- vii. The ability to provide a bond or contingency plan to the Council for rehabilitating operation areas in the event of early closure.
- viii. The suitability and maintenance of access, including on public roads, to and from the oil and gas well or platform, for all stages of the exploration, production, and extraction process.

EW-AMX Electricity Safety Distances

1. Impacts on the operation, maintenance, upgrading and development of the electricity network.
2. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
3. The risk to the structural integrity of any support structures associated with the electricity network.
4. Technical advice provided by the National Grid owner (Transpower) or electricity distribution network operator (Centralines Limited).

Commented [RM31]: S90.039 Centralines - Earthworks Topic, Key Issue 2

Methods

Methods, other than the above rules, for implementing the policies:

EW-M1 Other Provisions in the District Plan

Other sections of the District Plan contain additional rules and standards applying to earthworks:

1. HH – Historical Heritage and HH-SCHED2 – Schedule of Historical Heritage Items.
2. SASM – Sites and Areas of Significance to Māori and SASM-SCHED3 – Schedule of Sites and Areas of Significance to Māori – includes provisions relating to modification and disturbance of identified sites, including digging of offal pits and wastewater disposal and storage areas etc in close proximity to identified sites.
3. TREE – Notable Trees and TREE-SCHED4 – Schedule of Notable Trees – includes provisions around disturbance in the dripline of identified notable trees.

4. ECO – Ecosystems and Indigenous Biodiversity and ECO-SCHED5 – Schedule of Significant Natural Areas – includes provisions relating to trimming and modification of significant natural areas, including provisions for fencing and track maintenance works etc in these identified areas.
5. NFL – Natural Features and Landscapes and NFL-SCHED6 – Schedule of Outstanding Natural Features and Landscapes and Significant Amenity Features – includes provisions relating to construction of buildings in these identified landscape areas.
6. CE – Coastal Environment and CE-SCHED7 – Schedule of Areas of High Natural Character – includes policy provisions relating to identified areas of high natural character in the coastal environment.
7. NU – Network Utilities – includes provisions relating to the disturbance of land and vegetation associated with network utility operations.
8. SUB – Subdivision – includes assessment matters relating to earthworks associated with subdivisions.

EW-M2 Erosion and Sediment Control Guidelines

Hawke's Bay Regional Council's *Hawke's Bay Waterway Guidelines – Erosion and Sediment Control* (2009, HBRC Plan Number 4109), provides a range of on-site erosion and sediment control practices that can be implemented for a range of vegetation clearance and soil disturbance activities.

EW-M3 Building Act 2004

The Building Act prescribes additional controls regarding the quality and structural safety of soils when development under that Act is proposed. These controls provide measures to prevent slippage and subsidence.

EW-M4 National Environmental Standards for Plantation Forestry 2017

The National Environmental Standards for Plantation Forestry contains specific earthworks and forestry quarrying controls applying to plantation forestry.

EW-M5 Heritage New Zealand Pouhere Taonga Act

The Heritage New Zealand *Pouhere Taonga* Act makes it an offence to destroy or modify an archaeological site without first obtaining an 'archaeological authority' (applies to both recorded and unrecorded archaeological sites). Contact with Heritage New Zealand *Pouhere Taonga* is advised if any activity such as earthworks, fencing or landscaping, mining, quarrying or hydrocarbon extraction may modify, damage, or destroy any archaeological site.

Principal Reasons

The principal reasons for adopting the policies and methods:

The above provisions reflect the integral part earthworks and the mineral extraction industry play in the District's development but seek to control the design and location of such activities to ensure that any potential adverse effects are avoided, remedied, or mitigated.

Large scale earthworks, exploration and mining and quarrying activities are recognised as having the potential to cause significant adverse effects on the environment, including on the safety of people and property, the creation of new or exacerbating existing natural hazards, and on the visual amenity and character of the area where it occurs.

Where land disturbance or vegetation clearance occurs, disturbed areas will be required to be stabilised and revegetated to avoid the risk of soil erosion, and to ensure that the life-supporting capacity of the soil is safeguarded. This will also help to ensure that adverse effects on the character and visual amenity of the area are avoided or remedied.

The Rural Production Zone encompasses the identified concentration of highly productive land in Central Hawke's Bay. Where possible highly productive soils within this zone, particularly topsoils, should be protected from stripping, stockpile, and removal off-site.

The Building Act 2004 has its own requirements regarding the control and safety of earthworks. Such provisions are more specific for the associated activities. Therefore, the District Plan aims to avoid duplicating regulatory control in this respect.

Anticipated Environmental Results

The environmental results anticipated from the policies and methods:

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|----------------|---|
| EW-AER1 | The risks of soil erosion, sediment runoff, subsidence or inundation on people and property, and waterbodies, are avoided. |
| EW-AER2 | The life-supporting capacity of soils is safeguarded. |
| EW-AER3 | The visual amenity and character of the District's landscape is not reduced or compromised by earthworks or mineral extraction activities. |
| EW-AER4 | The amenity of the environment, including adjoining land uses, is not compromised by earthworks or mineral extraction. |
| EW-AER5 | The District's economy is diversified and enhanced by the efficient and effective use of the District's mineral resources. |

Updated Tables of Recommended Responses to Submissions and Further Submissions

Table: Updated Summary of Recommended Responses to Submissions and Further Submissions

Submission Point	Submitter / Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer's Recommendation	Amendments to Proposed Plan?
S79.071	Transpower New Zealand Ltd	SUB - Subdivision	Relocate the relevant National Grid rules in the 'SUB - Subdivision' chapter (as sought to be amended in subsequent submission points) to the 'NU - Network Utilities' Chapter.	Reject	No
S79.074	Transpower New Zealand Ltd	SUB-P17	Retain SUB-P17, provided NU-P5 is amended as sought. Should NU-P5 not be amended as sought, Transpower seeks amendment to SUB-P17 to give effect to the NPSET (in particular specific reference to the National Grid Subdivision Corridor and removal of reference 'to the extent practicable').	Accept in part (insofar as Policy SUB-P17 is recommended to be amended)	Yes
FS23.123	Kāinga Ora – Homes and Communities			Accept	
S79.075	Transpower New Zealand Ltd	SUB-P18	Retain SUB-P17[SUB-P18?], provided NU-P5 is amended as sought. Should NU-P5 not be amended as sought, Transpower seeks amendment to SUB-P17 [SUB-P18?] to give effect to the NPSET (in particular specific reference to the National Grid Subdivision Corridor and removal of reference 'to the extent practicable').	Accept in part (insofar as it is recommended that Policy SUB-P17 and Policy SUB-P18 be combined, and Policy SUB-P17 amended).	Yes
FS25.37	Federated Farmers of New Zealand			Accept in part	
FS23.124	Kāinga Ora – Homes and Communities			Reject	
FS17.54	Horticulture New Zealand		Reject submission but replace regionally significant infrastructure with strategic infrastructure consistent with SUB-17 submissions.	Accept in part (insofar as the words "to the extent practicable" are recommended to be replaced with "to the extent reasonably possible") Refer to Section 9, Key Issue 6 – Policies in relation to the request to replace 'regionally significant infrastructure' with 'strategic infrastructure'.	
S79.077	Transpower New Zealand Ltd	SUB - Rules	Add a new subdivision rule (preference for it to be located in the 'NU - Network Utilities' chapter) as follows: 'Subdivision within the National Grid Subdivision Corridor All Zones 1. Activity Status: RDIS Where the following condition is met:	Reject	No

			<p>a. Compliance with: SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor. Matters of discretion are restricted to: The matters in SUB-AM17</p> <p>2. Activity status where compliance with SUB-S4(2) and SUB-S4(3) is not achieved: NC Notification An application under this rule is precluded from being publicly notified in accordance with section 95A of the RMA. When deciding whether any person is affected in relation to this rule for the purposes of section 95E of the RMA, the Council will give specific consideration to any adverse effects on Transpower New Zealand Limited.'</p>		
FS25.38	Federated Farmers of New Zealand			Accept	
FS23.125	Kāinga Ora – Homes and Communities			Accept	
S79.078	Transpower New Zealand Ltd	SUB-R1	Remove all reference to the 'National Grid Subdivision Corridor' from SUB-R1, on the basis of a new stand alone rule addressing this matter.	Reject	No
FS23.126	Kāinga Ora – Homes and Communities			Accept	
FS25.39	Federated Farmers of New Zealand			Accept	
S79.079	Transpower New Zealand Ltd	SUB-R3	Remove all reference to the 'National Grid Subdivision Corridor' from SUB-R3, on the basis of a new stand alone rule addressing this matter.	Reject	No
FS25.40	Federated Farmers of New Zealand				
S79.080	Transpower New Zealand Ltd	SUB-R4	Remove all reference to the 'National Grid Subdivision Corridor' from SUB-R4, on the basis of a new stand alone rule addressing this matter.	Reject	No
FS25.41	Federated Farmers of New Zealand			Accept	
FS23.127	Kāinga Ora – Homes and Communities			Accept	
S79.081	Transpower New Zealand Ltd	SUB-R5	Remove all reference to the 'National Grid Subdivision Corridor' from SUB-R5, on the basis of a new stand alone rule addressing this matter.	Reject	No
FS23.128	Kāinga Ora – Homes and Communities			Accept	
FS25.42	Federated Farmers of New Zealand			Accept	
S79.082	Transpower New Zealand Ltd	SUB-R6	Remove all reference to the 'National Grid Subdivision Corridor' from SUB-R5, on the basis of a new stand alone rule addressing this matter.	Reject	
FS25.43	Federated Farmers of New Zealand			Accept	
S79.083	Transpower New Zealand Ltd	SUB – R7	Retain SUB-AM17, but relocate it within the 'NU - Network Utilities' chapter.	Reject	No
FS25.44	Federated Farmers of New Zealand			Accept	
FS23.129	Kāinga Ora – Homes and Communities			Accept	

S79.084	Transpower New Zealand Ltd	SUB – S4	Retain SUB-S4, but relocate it within the 'NU - Network Utilities' chapter.	Reject	No
FS23.130	Kāinga Ora – Homes and Communities			Accept	
S121.070	Federated Farmers of New Zealand	SUB-S4	Amend SUB-S4(2) and (3) as follows: 'Subdivision of land within the National Grid Subdivision Corridor 2. ... 3. The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.' And rural subdivision that can meet the standard of a building site away from the National Grid Yard should have the same activity status as a normal rural subdivision.	Reject	No
FS18.20	Transpower New Zealand Ltd			Accept	
FS9.70	Royal Forest and Bird Protection Society of New Zealand Incorporated			Accept	
S121.071	Federated Farmers of New Zealand	SUB-S4	Amend SUB-S4(4) & (5) as follows: 'Subdivision of land containing the Gas Transmission Network 4. The subdivision of land in any zone containing the Gas Transmission Network must ensure that easement agreements are provided over the Gas Transmission Pipelines .must be able to demonstrate that all resulting allotments are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive activity that is at least 20m from the Gas Transmission Pipeline and 30m from above-ground equipment forming part of the Gas Transmission Network. 5. The layout of allotments and any enabling earthworks must ensure that physical access is maintained to the Gas Transmission Network where it is located on the allotments, including any balance area.'	Reject	No
FS3.015	First Gas Limited			Accept	
FS9.71	Royal Forest and Bird Protection Society of New Zealand Incorporated			Accept	
FS129.102	Kāinga Ora – Homes and Communities	SUB-S4	Delete SUB-S4(2), (3), (4) and (5).	Reject	No
FS18.21	Transpower New Zealand Ltd			Accept	
FS3.016	First Gas Limited			Accept	
S79.085	Transpower New Zealand Ltd	SUB – AM17	Retain SUB-AM17, but relocate it within the 'NU - Network Utilities' chapter.	Reject	No
S89.009	Central Hawkes Bay District Council	[General]	Replace all references in the Proposed Plan to 'NZS4404' and 'NZS4404:2004' with 'NZS4404:2010'. And make any amendments necessary in the Proposed Plan to refer to the Hastings District Council Engineering Code as guidance or methods, rather than as a mandatory matter.	Accept	Yes

FS23.1	Kāinga Ora - Homes and Communities			Accept	
S57.076	Fire and Emergency New Zealand	SUB-S5	Add explanatory text to SUB-S5 as follows: 1. ... 2. ... Further advice and information about how an alternative and satisfactory firefighting water supply can be provided to each lot can be obtained from Fire and Emergency New Zealand and the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008. Lots created for a special purpose as provided for in SUB- R3 are except [exempt?] where the lot is created for a purpose that does not require the provision of a firefighting water supply. Note: The above does not replace regional rules...'	Accept in part	Yes
S105.017	James Bridge	SUB-AM5	Delete SUB-AM5(4).	Accept	Yes
FS15.005	Fire and Emergency New Zealand			RejectAccept	Yes
S57.078	Fire and Emergency New Zealand	SUB-AM5	Retain SUB-AM5(1), (3) and (4) as notified.	Accept in-part	YesNo (insofar as SUB-AM5(1) and (3) are retained but SUB-AM5(4) is recommended to be deleted)
S89.005	Central Hawkes Bay District Council	SUB-AM5	Amend SUB-AM5 as follows (or to like effect): 'Water Supply, Wastewater Disposal, Stormwater Disposal 1. 8. The provisions of the current Hastings District Council Engineering Code of Practice for the design and construction of water supply, wastewater disposal and stormwater disposal servicing. 9 ... Note: The Hastings District Council Engineering Code of Practice provides detailed technical standards on the design and construction of water supply, wastewater disposal and stormwater disposal servicing which may provide an acceptable means of compliance.'	Accept	Yes
S89.002	Central Hawkes Bay District Council	SUB-AM5	Amend SUB-AM5(7) as follows: '7. The provisions of the Code of Practice for Urban Land Subdivision (New Zealand Standard NZS 4404:20042010)'	Accept in-part	Yes Insofar as SUB-AM5(7) is recommended to be deleted
S11.033	Hawke's Bay Regional Council	SUB-AM5	Amend SUB-AM5(7) as follows: '7. The provisions of the Land Development and Subdivision Infrastructure (New Zealand Standard NZS 4404:2010) Code of Practice for Urban Land Subdivision (New Zealand Standard NZS 4404: 2004).'	Accept in-part	Yes Insofar as SUB-AM5(7) is

					recommended to be deleted
S129.112	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM5	Amend SUB-AM5 as follows: 'Water Supply, Wastewater Disposal, Stormwater Disposal 1. ... 2. Whether The need for a local purpose reserve is needed to be set aside and vested in the Council as a site for a public utility. ... 7. The provisions of the Code of Practice for Urban Land Subdivision (New Zealand Standard NZS 4404:2004). 8. The provisions of the current Hastings District Council Engineering Code of Practice for the design and construction of water supply, wastewater disposal and stormwater disposal servicing. 9. The protection of any historic heritage items or notable trees (listed in HH-SCHED2 and TREE-SCHED4), wāhi tapu, wāhi taonga, and sites of significance (listed in SASM-SCHED3), or risk to archaeological sites.'	Accept in part	Yes
S105.018	James Bridge	SUB-AM6	Delete SUB-AM6(7).	Accept in part	Yes (insofar as SUB0AM6(7) is recommended to be amended)
FS15.006	Fire and Emergency New Zealand			Accept in part (insofar as SUB-AM6(7) is retained but amended)	
S89.006	Central Hawkes Bay District Council	SUB-AM6	Amend SUB-AM6 as follows (or to like effect): 'Property Access 1 ... 8. The provisions of the current Hastings District Council Engineering Code of Practice for the design and construction of roading. ... Note: The Hastings District Council Engineering Code of Practice provides detailed technical standards on the design and construction of roading which may provide an acceptable means of compliance.'	Accept	Yes
FS23.4	Kāinga Ora - Homes and Communities			Accept	
S57.079	Fire and Emergency New Zealand	SUB-AM6	Retain SUB-AM6(7) as notified.	Accept in part insofar as SUB-AM6(7) is retained but amended	Yes
S89.003	Central Hawkes Bay District Council	SUB-AM6	Amend SUB-AM6(6) as follows: '6. The provisions of the Code of Practice for Urban Land Subdivision (New Zealand Standard NZS 4404:20042010) for the design and construction of roads.'	Accept in part	Yes (insofar as it is recommended that SUB-AM6(6) be deleted)

S129.113	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM6	Amend SUB-AM6 as follows: 'Property Access ... 6. The provisions of the Code of Practice for Urban Land Subdivision (New Zealand Standard NZS 4404: 2004) for the design and construction of roads. 7. The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008 with respect to the Whether the width of the legal road, right of way, vehicle access lot or vehicle access leg required is sufficient for fire appliances to access the lot(s). 8. The provisions of the current Hastings District Council Engineering Code of Practice for the design and construction of roading. ... 15. The protection of any historic heritage items or notable trees (listed in HH-SCHED2 and TREE-SCHED4), wāhi tapu, wāhi taonga and sites of significance (listed in SASM-SCHED3), or risk to archaeological sites.'	Accept <u>in part</u>	Yes
FS15.007	Fire and Emergency New Zealand			<u>Reject</u> <u>Accept</u>	<u>Yes</u>
S89.004	Central Hawkes Bay District Council	SUB-M2	Amend SUB-M2(2) as follows: '2. Code of Practice for Urban Land Subdivision (New Zealand Standard NZS 4404:2004 2010)'	Accept	Yes
S89.007	Central Hawkes Bay District Council	SUB - Principal Reasons	Amend paragraph 9 of 'SUB - Principal Reasons' as follows: 'The Council uses the Code of Practice for Urban Land Subdivision (NZS 4404: 2010 and any future amendments) to assess detailed engineering requirements, along with the Hastings District Council Engineering Code of Practice. These Codes of Practice are NZS 4404: 2010 is therefore referred to in the assessment matters for resource consents, and the Engineering Code of Practice is referred to as being a possible means of compliance - although the Codes of Practice itself is themselves are not part of the District Plan.'	Accept in part	Yes
S129.125	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB - Principal Reasons	Amend paragraphs 2 and 9 of 'SUB - Principal Reasons' as follows: '... The District Plan includes minimum lot size standards for vacant lot subdivision that provide landowners with sufficient flexibility and certainty to create sites which are of an appropriate size to achieve the scale, density and type of development provided for by the objectives, policies and methods for each zone and district-wide activity. ... The Council uses the Code of Practice for Urban Land Subdivision (NZS 4404: 2010 and any future amendments) to assess detailed engineering requirements, along with the Hastings District Council Engineering Code of Practice. These Codes of Practice are therefore referred to in the assessment matters for resource consents - although the Code of Practice itself is not part of the District Plan. ...'	Accept in part (in relation to the request to delete the last sentence of paragraph 9) Also refer to Section 13.0: Key Issue 10 – Methods, Principal Reasons and Anticipated Environmental Results in relation to the request to amend paragraph 2 of the Principal Reasons.	Yes
S125.068	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	SUB - Subdivision	Amend the 'SUB - Subdivision' chapter in the Proposed Plan to incorporate the Whānau Ora Outcomes Framework as part of future spatial and urban design. The amended wording should be drafted collaboratively with mana whenua of the District and would include the following outcomes:	Reject	No

			<p>a) Whānau are self-managing and empowered leaders. b) Whānau are leading healthy lifestyles. c) Whānau are confidently participating in Te Ao Māori (the Māori world). d) Whānau are participating fully in society e) Whānau are economically secure and successfully involved in wealth creation. f) Whānau are cohesive, resilient and nurturing. g) Whānau are responsible stewards of their living and natural environment.</p>		
FS23.89	Kāinga Ora - Homes and Communities			Accept	
FS13.041	Heretaunga Tamatea Settlement Trust			Reject	
S84.015	Kairakau Lands Trust	SUB - Subdivision	<p>Require a cultural assessment during the subdivision consent process to ensure that sites of significance to Māori are identified before any parcel of land changes ownership. Require the NZAA ArchSite database to be checked. Require subdivisions within 100m of a recorded site to be checked by an archaeologist or suitably experienced person. Require subdivisions within an area of known Māori occupation or where cultural activity is suspected to be checked by an archaeologist or suitably experienced person in every instance.</p>	Reject	No
FS13.040	Heretaunga Tamatea Settlement Trust			Reject	
FS7.027	Heritage New Zealand Pouhere Taonga			Reject	
FS23.81	Kāinga Ora - Homes and Communities			Accept	
FS5.087	Ngā hapū me ngā marae o Tamatea			Reject	
S79.072	Transpower New Zealand Ltd	SUB - Introduction	Retain last two points in paragraph 3 of 'SUB - Introduction'.	Accept	No
.					
S42.021	New Zealand Pork Industry Board	SUB - Introduction	Retain introduction as proposed.	Accept	No
.					
S129.064	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-11	<p>Amend SUB-11 as follows: 'Lot Size and Dimension The need for lots of a sufficient size and dimension to accommodate activities allowed by the area-specific and district-wide rules. Where not appropriately managed, subdivision can result in establishment of new allotments which are unable to accommodate activities anticipated within the zone. Explanation Subdivision of land needs to create lots that are of an appropriate size to accommodate the variety of those land use activities that are reasonably anticipated within allowed by the zones and district-wide rules in the District Plan. They also need to be of a size and shape that enable the avoidance, remediation or mitigation of potential adverse effects of development on natural, physical, cultural and heritage resources, and; that will provide for and/or contribute to on-site and off-site amenity maintain or enhance landscape and amenity values; and avoid or mitigate any potential reverse sensitivity effects in the area where they are located.'</p>	Accept in part	Yes
.					

S129.065	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-I2	Amend SUB-I2 as follows: 'Servicing subdivision usually requires Without ensuring the necessary provision and access to roading, telecommunication, electricity, water, sewage and stormwater services through subdivision, this could limit planned activities or otherwise result in adverse effects on the environment. to enable future owners of the land to carry out their planned activities. ...'	Accept in part	Yes
.					
S129.066	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-I3	Amend SUB-I3 as follows: 'Natural Hazards Establishment of new allotments in areas of natural hazards can directly or indirectly increase and/or exacerbate risk to people and property. The potential effects of natural hazards on lots created by subdivision. ...'	Accept	Yes
.					
S116.020	Silver Fern Farms Limited	SUB-O1	Retain SUB-O1.	Accept	No (however, a minor amendment is recommended to be made to the objective)
.					
S75.024	Royal Forest and Bird Protection Society NZ (Forest & Bird)	SUB-O1	Retain SUB-O1(2) and SUB-O1(3).	Accept	No (however, a minor amendment is recommended to be made to the objective)
.					
S81.078	Horticulture New Zealand	SUB-O1	Retain SUB-O1.	Accept	No (however, a minor amendment is recommended to be made to the objective)
.					
S129.067	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-O1	Amend SUB-O1 as follows: 'Subdivision of land that is consistent with the objectives and policies of the relevant zones and district-wide matters in the District Plan, including those relating to: 1. safeguarding the rural land resource of Central Hawke's Bay District from inappropriate subdivision (RLR - Rural Land Resource provisions in the District Plan); 2. the protection of areas identified as Outstanding Natural Landscapes and Features, Significant Natural Areas, and areas of significant indigenous vegetation and significant habitats of indigenous fauna, and High Natural Character Areas from the adverse effects of inappropriate subdivision (NFL - Natural Features and Landscapes, ECO - Ecosystems and Indigenous Biodiversity, CE - Coastal Environment provisions in the District Plan); ...'	Accept in part	Yes

.					
S105.012	James Bridge	SUB-O2	Amend SUB-O2 as follows: 'Lots created by subdivision are physically suitable for a range of land their intended use activities allowed by the relevant rules of the District Plan which is not prohibited in the relevant zone. '	Accept in part	Yes
.					
S129.068	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-O2	Amend SUB-O2 as follows: 'Lots Newly established vacant allotments created by subdivision are physically suitable to appropriately accommodate those activities that may be reasonably anticipated within the zone. for a range of land use activities allowed by the relevant rules of the District Plan.'	Accept in part	Yes
.					
S118.058	Spark New Zealand Trading Limited	SUB-O3	Amend SUB-O3 as follows: 'The provision of appropriate services network utilities to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure the health and safety of people and communities, and the maintenance or enhancement of amenity values.'	Accept in part	Yes
FS15.002	Fire and Emergency New Zealand			Accept in part	
S117.058	Chorus New Zealand Limited	SUB-O3	Amend SUB-O3 as follows: 'The provision of appropriate services network utilities to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure the health and safety of people and communities, and the maintenance or enhancement of amenity values.'	Accept in part	Yes
FS15.001	Fire and Emergency New Zealand		Fire and Emergency seek that reference to 'services' is retained, and suggest the following amendment to the PDP version in response to the submission point: 'The provision of appropriate services and network utilities to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure the health and safety of people and communities, and the maintenance or enhancement of amenity values.'	Accept in part	
FS9.486	Royal Forest and Bird Protection Society of New Zealand Incorporated			Reject	
S119.058	Vodafone New Zealand Limited	SUB-O3	Amend SUB-O3 as follows: 'The provision of appropriate services network utilities to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure the health and safety of people and communities, and the maintenance or enhancement of amenity values.'	Accept in part	Yes
.					
S57.066	Fire and Emergency New Zealand	SUB-O3	Retain SUB-O3 as notified.	Reject	Yes
.					
S90.031	Centralines Limited	SUB-O3	Amend SUB-O3 as follows: 'The provision of appropriate services and infrastructure to subdivided lots, in anticipation of the likely effects of land use activities on those lots, so as to ensure the health and safety of people and communities, and the maintenance or enhancement of amenity values.'	Accept in part	Yes
.					

S129.069	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-03	Amend SUB-03 as follows: 'The provision of appropriate services to subdivided lots are provided for , in anticipation of the likely effects of land use activities on those lots, so as to ensure the health and safety of people and communities, and the maintenance or enhancement of amenity values.'	Accept in part	Yes
FS15.003	Fire and Emergency New Zealand		Fire and Emergency seek that SUB-03 be amended as follows (taking into account the above further submission points): 'The provision of appropriate services and network utilities to subdivided lots are provided for , in anticipation of the likely effects of land use activities on those lots, so as to ensure the health and safety of people and communities, and the maintenance or enhancement of amenity values.'	Accept in part	Yes
S79.073	Transpower New Zealand Ltd	SUB-04	Retain SUB-04, provided NU-P5 is amended as sought. Should NU-P5 not be amended as sought, Transpower seeks amendment to SUB-04 to give effect to the NPSET.	Reject	Yes
FS23.122	Kāinga Ora - Homes and Communities			Accept	
S118.059	Spark New Zealand Trading Limited	SUB-04	Retain SUB-04 as notified	Accept in part	Yes
.					
S119.059	Vodafone New Zealand Limited	SUB-04	Retain SUB-04 as notified	Accept in part	Yes
.					
S116.021	Silver Fern Farms Limited	SUB-04	Retain SUB-04.	Accept in part	Yes
.					
S81.079	Horticulture New Zealand	SUB-04	Retain SUB-04, but amend as follows: 'Reverse sensitivity effects of subdivision on existing lawfully established activities (including network utilities and primary production) are avoided where practicable, or mitigated where avoidance is not practicable.'	Reject	No
FS25.33	Federated Farmers of New Zealand			Reject	
S117.059	Chorus New Zealand Limited	SUB-04	Retain SUB-04 as notified.	Accept in part	Yes
FS9.487	Royal Forest and Bird Protection Society of New Zealand Incorporated			Reject	
S98.019	Hatuma Lime Co Ltd	SUB-04	Retain SUB-04 as proposed.	Accept in part	Yes
.					
S78.024	Waka Kotahi NZ Transport Agency	SUB-04	Retain SUB-04 as written.	Accept in part	Yes
.					
S90.032	Centralines Limited	SUB-04	Retain SUB-04 as notified.	Accept in part	Yes
.					

S129.070	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-O4	Amend SUB-O4 as follows: '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.'	Accept in part	Yes
FS16.29	Waka Kotahi NZ Transport Agency		Retain provision as notified.	Accept in part	
FS17.50	Horticulture New Zealand		Add 'resulting new activities' to SUB-O4 but not the other changes sought by the submitter.	Accept in part	
FS8.036	Silver Fern Farms Limited			Accept in part	
S42.022	New Zealand Pork Industry Board	SUB-O4	Amend SUB-O4 as follows: 'Reverse sensitivity effects of subdivision on existing lawfully established activities (including network utilities and primary production) are avoided where practicable, or mitigated where avoidance is not practicable.'	Reject	No
.					
S75.025	Royal Forest and Bird Protection Society NZ (Forest & Bird)	SUB-O5	Amend SUB-O5 as below: 'Avoidance of subdivision in localities where there is a significant risk from natural hazards, particularly where these risks are likely to increase as a result of climate change unless these can be mitigated without significant adverse effects on the environment.'	Reject	No
.					
S57.067	Fire and Emergency New Zealand	SUB-O5	Retain SUB-O5 as notified.	Accept in part	Yes
.					
S129.071	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-O5	Amend SUB-O5 as follows: ' Avoidance of s Subdivision in localities where there is a significant risk from natural hazards should be minimised , unless these risks can be mitigated without significant adverse effects on the environment.'	Reject	No
.					
S11.023	Hawke's Bay Regional Council	SUB - Subdivision	General support for the subdivision provisions, with some amendment to policy wording.	Accept in part	Yes
.					
S105.013	James Bridge	SUB-P1	Delete SUB-P1.	Reject	No
.					
S129.072	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P1	Amend SUB-P1 as follows: ' 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.'	Reject	No
FS17.51	Horticulture New Zealand			Accept	
S75.026	Royal Forest and Bird Protection Society NZ (Forest & Bird)	SUB-P2	Amend SUB-P2 as follows: ' To provide for subdivision of land to create in-situ Lifestyle Sites in conjunction with the where legal and physical protection is provided in perpetuity of for areas of significant indigenous vegetation and/or significant habitats of	Accept in part	Yes

			indigenous fauna (including Significant Natural Areas identified in ECO-SCHED5), sites and areas of significance to Māori (identified in SASM-SCHED3), and historic heritage items (identified in HH-SCHED2).'		
S129.073	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P2	Retain SUB-P2 as notified.	Accept in part	Yes
S117.060	Chorus New Zealand Limited	SUB-P3	Retain SUB-P3 as notified.	Accept in part	Yes
FS9.488	Royal Forest and Bird Protection Society of New Zealand Incorporated			Accept in part	Yes
S119.060	Vodafone New Zealand Limited	SUB-P3	Retain SUB-P3 as notified.	Accept in part	Yes
S118.060	Spark New Zealand Trading Limited	SUB-P3	Retain SUB-P3 as notified.	Accept in part	Yes
S90.033	Centralines Limited	SUB-P3	Retain SUB-P3 as notified.	Accept in part	Yes
S129.074	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P3	Amend SUB-P3 as follows: 'To provide flexibility in allow the creation of lots of various sizes and dimensions for intended to serve a special purpose, such as public works, network utility operations, renewable electricity generation, reserves and access.'	Accept in part	Yes
S78.025	Waka Kotahi NZ Transport Agency	SUB-P4	Retain SUB-P4 as written.	Reject	Yes
S129.075	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P4	Amend SUB-P4 as follows: 'To ensure subdivision design requiring establishment of new roads and accesses to consider and integrate with the existing land transport network such that it supports safe and efficient access for vehicles, pedestrians, and cyclists. integrate subdivision with the existing land transport network in an efficient manner which reflects expected traffic levels and the safe and convenient management of vehicles and pedestrians.'	Accept	Yes
FS16.30	Waka Kotahi NZ Transport Agency		Accept submission point and amend SUB-P4 as proposed by submitter.	Accept	Yes
S11.024	Hawke's Bay Regional Council	SUB-P4	Amend SUB-P4 as follows: 'To integrate subdivision with the existing land transport network in an efficient manner which reflects expected traffic levels and the safe and convenient management of vehicles, cyclists and pedestrians.'	Accept in part	Yes

S129.076	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P5	Amend SUB-P5 as follows: 'To encourage in the General Residential Zone, subdivision design that develops or uses subsidiary roads or accessways , in order to avoid an increase in the number of direct access crossings onto arterial roads for traffic safety purposes.'	Accept	Yes
.					
S117.061	Chorus New Zealand Limited	SUB-P6	Amend SUB-P6 as follows: 'To ensure upon subdivision or development, that all new lots or buildings are provided with a connection to a reticulated water supply, reticulated public sewerage system, and a reticulated stormwater system, where such adequate reticulated systems are available, and that all new lots or buildings are connected to a telecommunications network. '	Accept in part	Yes
FS25.34	Federated Farmers of New Zealand			Accept in part	
FS9.489	Royal Forest and Bird Protection Society of New Zealand Incorporated			Reject	
S118.061	Spark New Zealand Trading Limited	SUB-P6	Amend SUB-P6 as follows: 'To ensure upon subdivision or development, that all new lots or buildings are provided with a connection to a reticulated water supply, reticulated public sewerage system, and a reticulated stormwater system, where such adequate reticulated systems are available, and that all new lots or buildings are connected to a telecommunications network. '	Accept in part	Yes
FS25.35	Federated Farmers of New Zealand			Accept in part	
S119.061	Vodafone New Zealand Limited	SUB-P6	Amend SUB-P6 as follows: 'To ensure upon subdivision or development, that all new lots or buildings are provided with a connection to a reticulated water supply, reticulated public sewerage system, and a reticulated stormwater system, where such adequate reticulated systems are available, and that all new lots or buildings are connected to a telecommunications network. '	Accept in part	Yes
FS25.36	Federated Farmers of New Zealand			Accept in part	
S57.068	Fire and Emergency New Zealand	SUB-P6	Retain SUB-P6 as notified.	Accept in part	Yes
.					
S129.077	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P6	Retain SUB-P6 as notified.	Accept in part	Yes
.					
S129.078	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P7	Amend SUB-P7 as follows: 'To ensure that where siteslots are not connected unable to connect to the public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each lot for an alternative water supply or method of wastewater disposal or stormwater disposal, which can that they are otherwise servicing those activities reasonably anticipated within the zone in a way which protects the health and safety of residents and avoids or mitigates adverse effects on the environment.'	Accept in part	Yes
FS15.004	Fire and Emergency New Zealand		Fire and Emergency seek that parts of the submission be accepted only, as follows:	Accept in part	

			To ensure that where sites lots are not connected unable to connect to a the public water supply, wastewater disposal or stormwater disposal system, suitable provision can be made on each lot for an alternative water supply or method of wastewater disposal or stormwater disposal, which can protect the health and safety of residents and avoid or mitigate adverse effects on the environment.		
S129.079	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P8	Amend SUB-P8 as follows: '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.'	Accept in part	Yes
FS17.52	Horticulture New Zealand		Reject the submission in respect of the rural environment.	Accept in part	
S11.025	Hawke's Bay Regional Council	SUB-P9	Amend SUB-P9 as follows: 'To encourage the incorporation of public open space and native plantings within subdivision design for amenity purposes.'	Accept in part	Yes
.					
S129.080	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P9	Amend SUB-P9 as follows: ' Where appropriate, t To encourage the incorporation of public open space and plantings within subdivision design for amenity purposes.'	Reject	No
.					
S129.081	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P10	Amend SUB-P10 as follows: ' Where appropriate, to encourage subdivision design which promotes connectivity and critical linkages for public use by pedestrians and cyclists. To provide pedestrian and amenity linkages where useful linkages can be achieved or further developed.'	Accept in part	Yes
.					
S11.026	Hawke's Bay Regional Council	SUB-P10	Amend SUB-P10 as follows: 'To provide pedestrian, cycling and amenity linkages where useful linkages can be achieved or further developed.'	Accept in part	Yes
.					
S129.082	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P11	Amend SUB-P11 as follows: 'To ensure that public roads provided established within a new subdivision are designed to be able to accommodate levels of traffic likely to be generated from the development, and are in general accordance with the design and construction standards of roads in the District. sites are suitable for the activities likely to establish within the subdivision and are compatible with the design and construction standards of roads in the District which the site is required to be connected to.'	Accept in part	Yes
.					
S117.062	Chorus New Zealand Limited	SUB-P12	Amend SUB-P12 as follows: 'To avoid or mitigate any adverse visual and physical effects of subdivision and development on the environment, including the appropriate underground reticulation of energy and telecommunication lines in order to protect the visual amenities of the area Residential Zones and Commercial and Mixed Use Zones.'	Accept in part	Yes (insofar as it is recommended that Policy SUB-P12 be deleted)
FS9.490	Royal Forest and Bird Protection Society of New Zealand Incorporated			Reject	
S119.062	Vodafone New Zealand Limited	SUB-P12	Amend SUB-P12 as follows:	Accept in part	Yes

			'To avoid or mitigate any adverse visual and physical effects of subdivision and development on the environment, including the appropriate underground reticulation of energy and telecommunication lines in order to protect the visual amenities of the area- Residential Zones and Commercial and Mixed Use Zones. '		(insofar as it is recommended that Policy SUB-P12 be deleted)
.					
S118.062	Spark New Zealand Trading Limited	SUB-P12	Amend SUB-P12 as follows: 'To avoid or mitigate any adverse visual and physical effects of subdivision and development on the environment, including the appropriate underground reticulation of energy and telecommunication lines in order to protect the visual amenities of the area- Residential Zones and Commercial and Mixed Use Zones. '	Accept in part	Yes (insofar as it is recommended that Policy SUB-P12 be deleted)
.					
S90.034	Centralines Limited	SUB-P12	Amend SUB-P12 as follows: 'To avoid or mitigate any adverse visual and physical effects of subdivision and development on the environment, including the appropriate underground reticulation of energy and telecommunication lines in order to protect the visual amenities of the area, where this is technically and commercially feasible. '	Accept in part	Yes (insofar as it is recommended that Policy SUB-P12 be deleted)
.					
S129.083	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P12	Amend SUB-P12 as follows: 'To avoid or mitigate any adverse visual and physical effects of subdivision and development on the environment, including the appropriate promotion of underground reticulation of energy and telecommunication lines in order to protect the visual amenities of the area.'	Accept in part	Yes (insofar as it is recommended that Policy SUB-P12 be deleted)
.					
S57.070	Fire and Emergency New Zealand	SUB-P13	Retain SUB-P13 as notified.	Accept	No
.					
S129.084	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P13	Amend SUB-P13 as follows: 'To ensure that vacant lot subdivision land being subdivided, including any potential structure on that land, occurs in such a way so as not to unnecessarily expose individuals to significant risk of, or exacerbate risks associated with is not subject to significant risk of material damage by the effects of natural hazards, including flooding, inundation, erosion, subsidence or slippage and earthquake faults.'	Reject	No
.					
S75.027	Royal Forest and Bird Protection Society NZ (Forest & Bird)	SUB-P14	Amend SUB-P14 as follows: 'To ensure that any mitigation measures used to manage significant risk from natural hazards (including coastal hazards such as storm surge, tsunami and coastal inundation) do not have significant adverse effects on the environment.'	Accept in part	Yes
.					
S129.085	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P14	Delete SUB-P14.	Accept	Yes
.					

S129.086	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P15	Amend SUB-P15 as follows: 'To ensure that earthworks associated with constructing vehicle access, building platforms or services on land being subdivided will not result in adverse visual effects detract from the visual amenities of the area, or have significant adverse environmental effects, such as dust, or result in the modification, damage or destruction of heritage items, archaeological sites or sites and areas of significance to Māori, cause natural hazards, or increase the risk of natural hazards occurring.'	Accept in part	Yes
.					
S116.022	Silver Fern Farms Limited	SUB-P16	Amend SUB-P16 as follows: 'To avoid where practicable, or otherwise mitigate, potential reverse sensitivity effects of sensitive activities (particularly residential and lifestyle development) establishing near primary production, rural industry or industrial activities and existing public works.'	Accept	Yes
.					
S81.080	Horticulture New Zealand	SUB-P16	Retain SUB-P16.	Accept in part	Yes
.					
S42.023	New Zealand Pork Industry Board	SUB-P16	Amend SUB-P16 as follows: 'To avoid where practicable, or otherwise mitigate, potential reverse sensitivity effects of sensitive activities (particularly residential and lifestyle development) establishing near primary production including intensive primary production activities or industrial activities and existing public works.'	Accept	Yes
.					
S129.087	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P16	Delete SUB-P16.	Reject	No
FS8.037	Silver Fern Farms Limited			Accept	
S117.063	Chorus New Zealand Limited	SUB-P17	Retain SUB-P17 as notified.	Accept in part	Yes
FS9.491	Royal Forest and Bird Protection Society of New Zealand Incorporated			Accept in part	
S119.063	Vodafone New Zealand Limited	SUB-P17	Retain SUB-P17 as notified.	Accept in part	Yes
.					
S118.063	Spark New Zealand Trading Limited	SUB-P17	Retain SUB-P17 as notified.	Accept in part	Yes
.					
S90.035	Centralines Limited	SUB-P17	Retain SUB-P17, subject to inclusion of a new definition for 'Regionally Significant Infrastructure' or 'Strategic Infrastructure' which includes: 'REGIONALLY SIGNIFICANT INFRASTRUCTURE / STRATEGIC INFRASTRUCTURE.....) the electricity transmission network and electricity distribution networks....) renewable electricity generation activities.'	Accept in part	Yes
FS17.53	Horticulture New Zealand		Delete 'regionally significant infrastructure' and replace with 'strategic infrastructure' from the HBRPS.	Accept in part	

S98.020	Hatuma Lime Co Ltd	SUB-P17	Retain SUB-P17 as proposed.	Accept in part	Yes
.					
S78.026	Waka Kotahi NZ Transport Agency	SUB-P17	Retain SUB-P17 as written.	Accept in part	Yes
.					
S129.088	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P17	Amend SUB-P17 as follows: 'To ensure, to the extent practicable, subdivision design that takes into account the location of regionally significant infrastructure, network utilities, renewable electricity generation sites and other lawfully established activities, and ensures that future land use activities will not result in reverse sensitivity effects.'	Accept	Yes
.					
S78.027	Waka Kotahi NZ Transport Agency	SUB-P18	Retain SUB-P18 as written.	Accept in part	Yes
.					
S129.089	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P18	Amend SUB-P18 as follows: 'To ensure, to the extent practicable, subdivision design that ensures that resulting land use activities (including building platforms) will not affect result in significant adverse effects on the operation, maintenance and upgrading of regionally significant infrastructure and other network utilities.'	Accept in part	Yes
FS16.31	Waka Kotahi NZ Transport Agency		Retain SUB-P18 as written.	Accept in part	
S129.089	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-P18	Amend SUB-P18 as follows: 'To ensure, to the extent practicable, subdivision design that ensures that resulting land use activities (including building platforms) will not affect result in significant adverse effects on the operation, maintenance and upgrading of regionally significant infrastructure and other network utilities.'	Accept in part	Yes
FS16.31	Waka Kotahi NZ Transport Agency		The threshold test in this policy should be reconsidered.	Accept in part	
S75.028	Royal Forest and Bird Protection Society NZ (Forest & Bird)	SUB - Rules	Amend to strengthen protection for SNAs and ONFLs in particular, and to be consistent with NZCPS and RMA, as well as NPS-IB (if one is notified).	Reject	No
.					
S129.097	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-RXX (new rule)	Add a new rule in the 'SUB - Subdivision' chapter in the Proposed Plan 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 consentMatters 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-compliances with district-wide and zone rules; and c. Whether there is appropriate provision made for infrastructure. 2. Activity status where compliance with SUB-RX(1) is not achieved: N/A'	Reject	No
.					

S107.001	Thomas Collier	SUB-R1	Reject SUB-R1 and revert to the current subdivision rules in the Operative District Plan.	Reject	No
FS4.1	James Bridge			Reject	
S57.071	Fire and Emergency New Zealand	SUB-R1	Retain SUB-R1 as notified.	Accept in part	Yes
S105.014	James Bridge	SUB-R1	Amend SUB-R1(1)(b) as follows: '1. Activity Status: CON Where the following conditions are met: a. ... b. The land being subdivided does not contain any part (or all) The subdivision will not result in any new vehicle access to or future building platforms within any of the sites or areas identified in the following: i. HH-SCHED2. ii. SASM-SCHED3. iii. ECO-SCHED5. iv. ONL or ONF in NFL-SCHED6. v. CE-SCHED7. ...'	Reject	No
FS7.028	Heritage New Zealand Pouhere Taonga			Accept in part	
S98.021	Hatuma Lime Co Ltd	SUB-R1	Amend SUB-R1(1) as follows: '1. Activity Status: CON Where the following conditions are met: a. Matters over which control is reserved: e. o. SUB-AM19.' And add the new assessment matter (SUB-AM19) proposed in the submission.	Reject	No
FS17.55	Horticulture New Zealand			Reject	
S129.090	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-R1	Amend SUB-R1 as follows: 'Subdivision not otherwise provided for All Zones 1. Activity Status: CON Where the following conditions are met: a. Compliance with SUB-S1 or SUB-SX e. The land being subdivided is not located within an identified natural hazard area in the planning maps. Matters over which control is reserved: ... 2. Activity status where compliance with condition SUB-R1(1)(c) is not achieved: RDIS Matters over which discretion is restricted: ...'	Accept in part	Yes

			<p>And in relation to non-compliances to SUB-R1(1)(b), SUB-R1(1)(c), SUB-R1(1)(d), and/or SUB-R1(1)(e), those matters below relevant to the non-compliance(s):</p> <p>k. SUB-AM16 l. SUB-AMX m. SUB-AMY n. Whether alternative means of physical access to any national grid support structures and/or gas transmission network is available. 3. Activity status where compliance with condition SUB-R1(1)(a) and/or SUB-R1(1)(b) is not achieved: DIS 4. Activity status where compliance with condition SUB-R1(1)(d) is not achieved: NC'</p>		
FS18.15	Transpower New Zealand Limited		The submission point be disallowed in part in so far as it relates to SUB-R1(1)(d)	Accept	
FS17.56	Horticulture New Zealand		Accept in part the submission	Reject	
S129.091	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-R2	<p>Amend SUB-R2 as follows: 'Subdivision around existing buildings and development, and to create freehold title from existing cross-lease title General Residential Zone 1. Activity Status: CON Where the following conditions are met: N/Aany non-compliances with district-wide or zone rules were lawfully established prior to the subdivision, and the subdivision itself does not result in new or increased non-compliances with district-wide or zone rules. Matters over which control is reserved: ... Note: The standards in SUB-S1 to SUB-S9 do not apply. 2. Activity status where compliance not achieved: N/AARDIS Matters over which discretion is restricted: a. In relation to any new non-compliances with zone standards, those assessment matters relevant to the non-compliance: i. GRZ-AM1 ii. GRZ-AM2 iii. GRZ-AM3 iv. GRZ-AM4 v. GRZ-AM5 All other zones 3. SUB-R1 applies'</p>	Reject	No
.					
S57.072	Fire and Emergency New Zealand	SUB-R3	Retain SUB-R3 as notified.	Accept	No
.					
S90.036	Centralines Limited	SUB-R3	Retain SUB-R3 as notified.	Accept	No
.					
S129.092	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-R3	<p>Amend SUB-R3 as follows: 'Subdivision for special purposes All Zones 1. Activity Status: CON Where the following conditions are met:</p>	Reject	No

			<p>...</p> <p>d. The land being subdivided is not located within an identified natural hazard area in the planning maps. Matters over which control is reserved:</p> <p>...</p> <p>f. A Consent Notice may be registered on the Certificate of Title to any special purpose site, pursuant to section 221 of the RMA, requiring enforcement of a condition that, in the event that the site is no longer required for a special purpose, the site be amalgamated with an adjoining site, unless it is a fully complying lot for the respective zone.</p> <p>2. Where compliance with condition SUB-R3(1)(a) is not achieved: SUB-R1 applies</p> <p>3. Activity status where compliance with conditions SUB-R3(1)(b); SUB-R3(1)(c) and/or SUB-R3(1)(d) are not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>...</p> <p>And in relation to non-compliances to SUB-R3(1)(c) and/or SUB-R3(1)(d), those matters below relevant to the non-compliance(s):</p> <p>I. SUB-AMY</p> <p>m. Whether alternative means of physical access to any national grid support structures and/or gas transmission network is available.</p> <p>4. Activity status where compliance with condition SUB-R3(1)(c) is not achieved: NC'</p>		
FS18.16	Transpower New Zealand Limited		The submission point be disallowed in part in so far as it relates to SUB-R1(1)(d)	Accept	
S50.002	The Surveying Company (HB) Ltd	BOUNDARY ADJUSTMENT (Definition)	Amend the definition of 'Boundary Adjustment' as follows: 'means a subdivision that alters the existing boundaries between adjoining allotments, without altering the number of allotments. Records of Title. '	Reject	No
.					
S57.073	Fire and Emergency New Zealand	SUB-R4	Retain SUB-R4 as notified.	Accept in part	Yes
.					
S105.015	James Bridge	SUB-R4	Amend SUB-R4(1)(b) as follows: '1. Activity Status: CON Where the following conditions are met: a. ... b. The land being subdivided does not contain any part (or all) The subdivision will not result in any new vehicle access to or future building platforms within any of the sites or areas identified in the following: i. HH-SCHED2. ii. SASM-SCHED3. iii. ECO-SCHED5. iv. ONL or ONF in NFL-SCHED6. v. CE-SCHED7. ...'	Reject	No
.					
S55.060	Heritage New Zealand Pouhere Taonga	SUB-R4	Retain SUB-R4 as notified.	Accept in part	Yes
.					

S129.093	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-R4	<p>Amend SUB-R4 as follows: 'Boundary adjustments All Zones 1. Activity Status: CON Where the following conditions are met: a. Limited to: i. ... ii. No existing complying site is rendered non-complying, and the boundary adjustment does not result in increases in any existing non compliances. iii. Matters over which control is reserved: ... h. Protection, maintenance or enhancement of natural features and landforms, significant natural area (ECO-SCHED5), historic heritage item (HH-SCHED2), or any identified wāhi tapu, wāhi taonga or site of significance (SASM-SCHED3). ... 2. Where compliance with condition SUB-R4(1)(a) is not achieved: SUB-R1 applies 3. Activity status where compliance with conditions SUB-R4(1)(b), SUB-R4(1)(c) and/or SUB-R4(1)(d) is not achieved: RDIS Matters over which discretion is restricted: ... And in relation to non-compliances to SUB-R4(1)(b) and/or SUB-R4(1)(d), those matters below relevant to the non-compliance(s): k. SUB-AM16. l. SUB-AMX. m. Whether alternative means of physical access to any national grid support structures and/or gas transmission network is available. 4. Activity status where compliance with condition SUB-R4(1)(b) is not achieved: NC'</p>	Accept in part	Yes
FS18.17	Transpower New Zealand Limited		The submission point be disallowed in part in so far as it relates to SUB-R1(1)(d)	Accept	
FS7.029	Heritage New Zealand Pouhere Taonga			Accept in part	
S57.074	Fire and Emergency New Zealand	SUB-R5	Retain SUB-R5 as notified.	Accept in part	Yes
S98.023	Hatuma Lime Co Ltd	SUB-R5	<p>Amend SUB-R5(1) as follows: '1. Activity Status: CON Where the following conditions are met: a. Matters over which control is reserved: f. r. SUB-AM19.' Add add the new assessment matter (SUB-AM19) proposed in the submission.</p>	Reject	No

FS17.57	Horticulture New Zealand			Reject	
S105.016	James Bridge	SUB-R5	<p>Amend SUB-R5(1)(c) as follows:</p> <p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. ...</p> <p>b. ...</p> <p>c. The land being subdivided does not contain any part (or all)The subdivision will not result in any new vehicle access to or future building platforms within any of the sites or areas identified in the following:</p> <p>i. HH-SCHED2.</p> <p>ii. SASM-SCHED3.</p> <p>iii. ECO-SCHED5.</p> <p>iv. ONL or ONF in NFL-SCHED6.</p> <p>v. CE-SCHED7.</p> <p>...</p>	Reject	No
S129.094	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-R5	<p>Amend SUB-R5 as follows:</p> <p>Subdivision to create a Lifestyle Site(s) (not in association with the creation of a Conservation Lot)</p> <p>General Rural Zone (outside of the Coastal Environment Area)</p> <p>1. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <p>...</p> <p>ii. A site is only eligible to be subdivided to create a lifestyle site once every 3 years, and at least 3 years has elapsed from the date the subject title was created.</p> <p>...</p> <p>f. The land being subdivided is not located within an identified natural hazard area in the planning maps.</p> <p>Matters over which control is reserved:</p> <p>...</p> <p>2. Activity status where compliance with conditions SUB-R5(1)(c), SUB-R5(1)(d), SUB-R5(1)(e) and/or SUB-R5(1)(f) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>...</p> <p>And in relation to non-compliances to SUB-R5(1)(c), SUB-R5(1)(e) and/or SUB-R5(1)(f), those matters below relevant to the non-compliance(s):</p> <p>n. SUB-AM16.</p> <p>o. SUB-AMX.</p> <p>p. SUB-AMY.</p> <p>q. Whether alternative means of physical access to any national grid support structures and/or gas transmission network is available.</p> <p>3. Activity status where compliance with conditions SUB-R5(1)(a); and/or SUB-R5(1)(b) and/or SUB-R5(1)(e) is not achieved: DIS</p> <p>4. Activity status where compliance with condition SUB-R5(1)(e) is not achieved: NC</p> <p>Rural Production Zone</p> <p>5. Activity Status: CON</p> <p>Where the following conditions are met:</p> <p>a. Limited to:</p> <p>i. ...</p>	Accept in part	Yes

			<p>ii. No additional sites are created (amalgamation of the balance lot is required).</p> <p>iii. The newly amalgamated sites are adjoining and combine to a net site area greater than 12 hectares.</p> <p>iv. ...</p> <p>...</p> <p>f. The land being subdivided is not located within an identified natural hazard area in the planning maps. Matters over which control is reserved:</p> <p>...</p> <p>6. Activity status where compliance with conditions SUB-R5(5)(c), SUB-R5(5)(d), SUB-R5(5)(e), and/or SUB-R5(5)(f) is not achieved: RDIS Matters over which discretion is restricted:</p> <p>...</p> <p>And in relation to non-compliances to SUB-R5(5)(c), SUB-R5(5)(e) and/or SUB-R5(5)(f), those matters below relevant to the non-compliance(s):</p> <p>n. SUB-AM16. o. SUB-AMX. p. SUB-AMY.</p> <p>q. Whether alternative means of physical access to any national grid support structures and/or gas transmission network is available.</p> <p>7. Activity status where compliance with conditions SUB-R5(5)(a) and/or SUB-R5(5)(eb) is not achieved: DIS</p> <p>8. Activity status where compliance with conditions SUB-R5(5)(b) and/or SUB-R5(5)(e) is not achieved: NC General Rural Zone (Coastal Environment Area)</p> <p>9. Activity Status: DIS</p> <p>Where the following conditions are met:</p> <p>r. Compliance with:</p> <p>i. SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and ii. SUB-S4(4) and SUB-S4(5) Gas Transmission Network.</p> <p>10. Activity status where compliance with condition SUB-R5(9)(a) is not achieved: NC'</p>		
FS18.18	Transpower New Zealand Limited		The submission point be disallowed in part in so far as it relates to SUB-R1(1)(d)	Accept	
FS7.030	Heritage New Zealand Pouhere Taonga			Accept in part	
S55.062	Heritage New Zealand Pouhere Taonga	SUB-R6	Retain SUB-R6 as notified.	Accept	No
.					
S129.095	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-R6	<p>Amend SUB-R6 as follows:</p> <p>'Subdivision to create Conservation Lots in association with the protection of:</p> <ul style="list-style-type: none"> - an area of significant indigenous vegetation and/or significant habitats of indigenous fauna (including sites listed in ECO-SCHED5). - historic heritage items listed in HH-SCHED2. - wāhi tapu, wāhi taonga or site or area of significance listed in SASM-SCHED3. <p>All Zones</p> <p>1. Activity Status: CON</p> <p>...</p> <p>2. Activity status where compliance with condition SUB-R6(1)(a) is not achieved: RDIS Matters over which discretion is restricted:</p> <p>...</p>	Reject	No

			I. And in relation to non-compliances to SUB-R6(1)(b), whether alternative means of physical access to any national grid support structures and/or gas transmission network is available. 3. Activity status where compliance with condition SUB-R6(1)(b) is not achieved: NC'		
FS18.19	Transpower New Zealand Limited		The submission point be disallowed in part in so far as it relates to SUB-R1(1)(d)	Accept	
S57.075	Fire and Emergency New Zealand	SUB-R7	Retain SUB-R7 as notified.	Accept in part	Yes
.					
S55.063	Heritage New Zealand Pouhere Taonga	SUB-R7	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.'	Accept	Yes
FS23.72	Kāinga Ora - Homes and Communities			Reject	
S129.096	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-R7	Amend SUB-R7 as follows: 'Subdivision to create a Lifestyle Site(s) in association with the creation of a Conservation Lot General Rural Zone / Rural Production Zone 1. Activity Status: CON Where the following conditions are met: ... f. The land being subdivided is not located within an identified natural hazard area in the planning maps. Matters over which control is reserved: ... 2. Activity status where compliance with conditions SUB-R7(1)(a) and/or SUB-R7(1)(b) is not achieved: SUB-R5 applies 3. Activity status where compliance with conditions SUB-R7(1)(d), SUB-R7(1)(e) and/or SUB-R7(1)(f) areis not achieved: RDIS Matters over which discretion is restricted: ... And in relation to non-compliances to SUB-R7(1)(d) and/or SUB-R7(1)(e), those matters below relevant to the non-compliance(s): n. SUB-AM16. o. SUB-AMY. p. Whether alternative means of physical access to any national grid support structures and/or gas transmission network is available. 4. Activity status where compliance with condition SUB-R7(1)(c) is not achieved: DIS 5. Activity status where compliance with condition SUB-R7(1)(e) is not achieved: NC'	Accept in part	Yes
.					
S50.010	The Surveying Company (HB) Ltd	SUB-R7	Add provision in SUB-R7(1) for the creation of third and successive lifestyle lots, in conjunction with 6ha of conserved area for each additional site. Do not exclude existing QE II covenants from this rule.	Reject	No
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S119.064	Vodafone New Zealand Limited	SUB-SXX (new standard)	Add a new Standard in the 'SUB - Subdivision' chapter in the Proposed Plan as follows: 'SUB-S10 Telecommunications All Zones All new lots must be able to connect to a telecommunications network.' This standard must be referenced in Rules SUB-R1, SUB-R3, SUB-R5 and SUB-R7.	Accept in part	Yes
FS25.47	Federated Farmers of New Zealand			Accept	
FS4.9	James Bridge			Accept	
S117.064	Chorus New Zealand Limited	SUB-SXX (new standard)	Add a new Standard in the 'SUB - Subdivision' chapter in the Proposed Plan as follows: 'SUB-S10 Telecommunications All Zones All new lots must be able to connect to a telecommunications network.' This standard must be referenced in Rules SUB-R1, SUB-R3, SUB-R5 and SUB-R7.	Accept in part	Yes
FS25.45	Federated Farmers of New Zealand			Accept	
FS9.492	Royal Forest and Bird Protection Society of New Zealand Incorporated			Reject	
FS4.5	James Bridge			Accept	
S118.064	Spark New Zealand Trading Limited	SUB-SXX (new standard)	Add a new Standard in the 'SUB - Subdivision' chapter in the Proposed Plan as follows: 'SUB-S10 Telecommunications All Zones All new lots must be able to connect to a telecommunications network.' This standard must be referenced in Rules SUB-R1, SUB-R3, SUB-R5 and SUB-R7.	Accept in part	Yes
FS25.46	Federated Farmers of New Zealand			Accept	
FS4.7	James Bridge			Accept	
S129.099	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-SXX (new standard)	Add a new standard in the 'SUB - Subdivision' chapter in the Proposed Plan as follows: 'Minimum Lot Size (Rural Zones) Settlement Zone 1. Where public sewerage reticulation is available - 600m2. 2. Where public sewerage reticulation is not available - 1000m2. Rural Lifestyle Zone 3. 4000m2. General Rural Zone 4. 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 5. 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)	Reject	No

			<p>6. No minimum lot size applies. Special Purpose Lot (All Zones) 7. No minimum lot size applies. Increasing the area of existing noncomplying sites. 8. No minimum lot size applies, provided no existing complying site is rendered noncomplying by the subdivision.'</p>		
FS17.58	Horticulture New Zealand		Accept submission to include minimum lots in the Rural Zones	Accept	
S50.011	The Surveying Company (HB) Ltd	SUB-S1	<p>Amend SUB-S1(4) as follows: 'Settlement Zone 4. Where public sewerage reticulation is available – 600450m². 5. ...'</p>	Reject	No
S105.021	James Bridge	SUB-S1	<p>Amend SUB-S1(9) as follows: 'General Rural Zone 9. 20 hectares4000m². ...' And make consequential amendments to remove specific reference to lifestyle sites within the General Rural Zone in the Proposed Plan.</p>	Reject	No
FS17.59	Horticulture New Zealand			Accept	
S129.098	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-S1	<p>Amend SUB-S1 as follows: 'Minimum Vacant Lot Size Net-Site Area (excluding Lifestyle Sites and Conservation Lots)(Urban Zones) General Residential Zone 1. Where public sewerage reticulation is available - 350300m². 2. .. Commercial Zone General Industrial Zone 3. No minimum net site arealot size applies. Settlement Zone 4. Where public sewerage reticulation is available – 600m². 5. Where public sewerage reticulation is not available – 1000m². Large Lot Residential Zone (Coastal) 6. ... 7. ... Rural Lifestyle Zone 8. 4000m². General Rural Zone 9. 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 10. 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) 11. No minimum net site arealot size applies</p>	Reject	No

			Special Purpose Lot (All Zones) 12. No minimum net site area lot size applies. Increasing the area of existing non complying sites 13. No minimum net site area lot size applies, provided no existing complying site is rendered non-complying by the subdivision.'		
S50.012	The Surveying Company (HB) Ltd	SUB-S1	Amend SUB-S1(6) as follows: 'Large Lot Residential Zone (Coastal) 6. Where public sewerage reticulation is available - 800 600m2. 7. Where public sewerage reticulation is not available: a. Mangakuri - 1500m2. b. Other coastal settlements - 1000m2.'	Reject	No
S129.100	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-S2	Amend SUB-S2 as follows: Minimum Lot Size for Lifestyles Sites (not in association with the creation of a Conservation Lot) General Rural Zone 1. Minimum net site area lot size for Lifestyle Lot – 4000m2. 2. Maximum net site area lot size for Lifestyle Lot – 2.5 hectares. Rural Production Zone 3. Minimum net site area lot size for Lifestyle Lot – 2500m2. 4. Maximum net site area lot size for Lifestyle Lot – 4000m2. All Other Zones 5. N/A'	Reject	No
S129.101	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-S3	Amend SUB-S3 as follows: Minimum Lot Size for Lifestyle Sites in association with the creation of a Conservation Lot General Rural Zone / Rural Production Zone 1. Minimum net site area for Lifestyle Lot (exclusive of the area being protected) - 2500m2. 2. Maximum net site area for Lifestyle Lot (exclusive of the area being protected) - 4000m2. 3. Minimum balance area: a. None, if the balance area is the Conservation Lot. b. If there is balance area exclusive of the Conservation Lot and Lifestyle Lot, the relevant minimum net site area in SUB-S4X applies.'	Reject	No
S50.001	The Surveying Company (HB) Ltd	SUB-S4	Provide clarification of building platform requirement in SUB-S4. Provide a definition of building platform.	Reject	No
S129.103	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-S5	Retain SUB-S5 as notified.	Accept	No

S129.104	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-S6	Retain SUB-S6 as notified.	Accept	No
.					
S129.105	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-S7	Retain SUB-S7 as notified.	Accept	No
.					
S57.077	Fire and Emergency New Zealand	SUB-S8	Retain SUB-S8 as notified.	Accept	No
.					
S78.028	Waka Kotahi NZ Transport Agency	SUB-S8	Retain SUB-S8 as written.	Accept	No
.					
S129.106	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-S8	Retain SUB-S8 as notified.	Accept	No
.					
S129.107	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-S9	Amend SUB-S9 as follows: 'Road Widening All Zones 1. ... 2. Where the Council does not, for whatever reason, intend to immediately acquire the parcel, the parcel must be held in conjunction with adjoining land. This will be achieved with a Consent Notice registered which ensures that the parcel of land intended for road widening purposes remains held with the adjoining land until such time as the Council requires that parcel of land.'	Reject	No
.					
S98.022	Hatuma Lime Co Ltd	SUB-AMXX (new assessment matter)	Add a new assessment matter (SUB-AM19) in the 'Subdivision' chapter as follows (as a consequential amendment to amendments sought for SUB-R1 and SUB-R5): 'Subdivisions 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.'	Reject (Refer to Analysis and Recommendation under Key Issue 7: Rules)	No
FS17.61	Horticulture New Zealand		Accept submission but apply to all rural zones.	Reject	
S129.123	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AMXX (new assessment matter)	Add a new assessment matter in the 'SUB - Subdivision' chapter in the Proposed Plan as follows: 'SUB-AMX Subdivision of land partly or wholly containing an identified heritage item, archaeological site, or site or area of significance to Maori 1. Whether subdivision will enable the establishment of land use activities likely to result in adverse effects on the heritage item, archaeological site, or site of significance to Maori that would not otherwise be enabled without subdivision.	Accept in part (Refer to Analysis and Recommendation under Key Issue 7: Rules)	Yes

			<p>2. Any relevant findings and/or recommendations of investigations carried out by a qualified archaeologist that are supplied with the application.</p> <p>3. Any relevant consultation and/or engagement with tangata whenua.</p> <p>4. Whether the subdivision will involve land disturbance that may have adverse effects on the heritage item, archaeological site, or site of significance to Maori.</p> <p>5. The degree to which adverse effects on the heritage item, archaeological site, and/or site of significance to Maori can be mitigated through subdivision or subsequent land use consents.'</p>		
FS7.031	Heritage New Zealand Pouhere Taonga			Accept in part	
FS5.090	Ngā hapū me ngā marae o Tamatea			Accept in part	
S129.124	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AMXX (new assessment matter)	<p>Add a new assessment matter in the 'SUB - Subdivision' chapter in the Proposed Plan as follows: 'SUB-AMY Subdivision of land partly or wholly within an identified natural hazard area</p> <p>1. Whether subdivision will enable the establishment of land use activities likely to result in increased risk associated with natural hazards to people, property, infrastructure, and the environment, that would not otherwise be enabled without subdivision.</p> <p>2. Whether resulting allotments will be located partly or wholly within the natural hazard area.</p> <p>3. Whether building platforms can be established in an area of the resulting allotment not subject to natural hazards.</p> <p>4. Whether mitigations can be implemented through subdivision or subsequent land use consents to minimise risks associated with natural hazards.</p> <p>5. Relevant objectives and policies within the NH - Natural Hazards chapter.'</p>	Reject (Refer to Analysis and Recommendation under Key Issue 7: Rules)	No
.					
S129.108	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM1	Delete SUB-AM1(4).	Reject	No
.					
S129.109	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM2	Retain SUB-AM2 as notified.	Accept	No
.					
S129.110	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM3	Delete SUB-AM3(2).	Accept	Yes
.					
S129.111	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM4	Retain SUB-AM4 as notified.	Accept	No
.					
S105.019	James Bridge	SUB-AM5	Amend SUB-AM5(7) to refer to NZS4404:2010.	Reject	Yes (insofar as SUB-AM5(7) is recommended to be deleted)

.					
S105.020	James Bridge	SUB-AM6	Amend SUB-AM6(6) to refer to NZS4404:2010.	Reject	Yes (insofar as SUB-AM6(6) is recommended to be deleted)
.					
S78.029	Waka Kotahi NZ Transport Agency	SUB-AM6	Retain SUB-AM6 as written.	Accept in part	Yes (Insofar as SUB-AM6 is retained, but amended in response to other submission points)
.					
S78.030	Waka Kotahi NZ Transport Agency	SUB-AM7	Retain SUB-AM7 as written.	Accept	Yes Note: minor amendments under clause 16(2) of the First Schedule of the RMA
.					
S129.114	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM7	Delete SUB-AM7. And consequential amendments are sought to reflect Kāinga Ora's position.	Reject	No
FS16.32	Waka Kotahi NZ Transport Agency		Retain SUB-AM7 as notified.	Accept	Yes Note: minor amendments under clause 16(2) of the First Schedule of the RMA
S117.065	Chorus New Zealand Limited	SUB-AM8	Amend SUB-AM8 as follows: 'General 1. 5. The provision of telecommunications to each site.'	Accept	Yes
FS9.493	Royal Forest and Bird Protection Society of New Zealand Incorporated			Reject	
FS4.6	James Bridge			Reject	
S119.065	Vodafone New Zealand Limited	SUB-AM8	Amend SUB-AM8 as follows: 'General 1.'	Accept	Yes

			5. The provision of telecommunications to each site.'		
FS4.10	James Bridge			Reject	
S118.065	Spark New Zealand Trading Limited	SUB-AM8	Amend SUB-AM8 as follows: 'General 1. 5. The provision of telecommunications to each site.'	Accept	Yes
FS4.8	James Bridge			Reject	
S78.031	Waka Kotahi NZ Transport Agency	SUB-AM8	Retain SUB-AM8 as written.	Accept in part	Yes
.					
S90.037	Centralines Limited	SUB-AM8	Retain SUB-AM8 as notified.	Accept in part	Yes
.					
S129.115	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM8	Amend SUB-AM8 as follows: 'General 1. Any potential cumulative effects that may occur as a result of the subdivision arise from multiple non-compliances to standards. 2. Potential constraints to the development of the site, such as the National Grid Subdivision Corridor or stormwater drains, and the ability for any resulting adverse effects to be avoided, remedied, or mitigated. 3. The potential effects from a proposed subdivision or development of land on the safe and efficient operation of network utilities. ...'	Reject	Yes
FS16.33	Waka Kotahi NZ Transport Agency		Retain SUB-AM8 as notified.	Accept in part	
S129.116	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM9	Retain SUB-AM9 as notified.	Accept	No
.					
S129.117	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM10	Amend SUB-AM10 as follows: 'Easements 1. Whether there is a need for easements: a. where a service or access is required by the Council; b. ... c. to meet network operator requirements; ... h. for servicing with sufficient width to permit maintenance, repair, or replacement.'	Reject	No
.					
S129.118	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM11	Amend SUB-AM11 as follows: 'Sites in the Rural Lifestyle Zone, and Lifestyle Sites in the General Rural Zone and Rural Production Zone, which adjoin any site used for existing horticultural or intensive primary production activities	Accept in part	Yes

			<p>1. The design of the subdivision to ensure that, as a consequence of the development it will accommodate, reverse sensitivity effects will not be created or exacerbated. In particular, in assessing the development, the following factors will be considered:</p> <p>a. ...</p> <p>b. The location of the house sites which will avoid minimise any potential for reverse sensitivity effects.</p> <p>c. ...</p> <p>d. The registration of restrictive covenants and/or consent notices (where they are offered) against the certificate of title(s) for any site where reverse sensitivity effects are likely to result from activities operated in compliance with the provisions of the District Plan, which cannot otherwise be adequately avoided or mitigated by other conditions of consent, and which are necessary to achieve the relevant objectives, policies and anticipated environmental outcomes for the zone, particularly those relating to reverse sensitivity effects.'</p>		
FS8.040	Silver Fern Farms Limited			Accept in part	
FS17.62	Horticulture New Zealand			Accept in part	
S78.032	Waka Kotahi NZ Transport Agency	SUB-AM13	Retain SUB-AM13 as written.	Accept	No
.					
S57.080	Fire and Emergency New Zealand	SUB-AM14	Retain SUB-AM14(2) as notified.	Accept	No
.					
S129.119	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM14	Delete SUB-AM14(2).	Reject	No
.					
S129.120	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM16	<p>Amend SUB-AM16 as follows:</p> <p>'Subdivision of land, including Lifestyle Sites within Outstanding Natural Landscapes and Features, Significant Amenity Features, and the Coastal Environment (including identified areas of High Natural Character)</p> <p>1. The design of the subdivision and the development it will accommodate, to ensure that it will not have adverse visual or landscape effects on the values of the feature, landscape or area (identified in ECO-SCHED5, NFL-SCHED6, and CE-SCHED7 of the District Plan) and will not detract from the natural character of the coastal environment. Reference will be made to the proposed nature and location of building platforms, roads and accessways, earthworks, landscaping, and planting. In particular, the development subdivision will be assessed in terms of its ability to achieve the following:</p> <p>...'</p>	Accept in part	Yes
.					
S129.121	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM17	Delete SUB-AM17.	Reject	No
FS18.22	Transpower New Zealand Limited			Accept	
S129.122	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB-AM18	Delete SUB-AM18.	Reject	No

FS3.017	First Gas Limited			Accept	
S98.024	Hatuma Lime Co Ltd	SUB-MXX (new method)	Show the extent of Hatuma Lime's Maharaekeke Road quarry on the District Plan maps. And add a new 'Method' in the 'Subdivision' chapter, to achieve the outcome of an information layer held by Council on the GIS or District Plan maps to show the extent of the Maharaekeke Road quarry operated by Hatuma Lime.	Reject	No
S116.027	Silver Fern Farms Limited	SUB - Principal Reasons	Amend the last paragraph of 'SUB - Principal Reasons' as follows: '... Inappropriately designed or located subdivision has potential to create reverse sensitivity effects, particularly when it provides for the establishment of sensitive activities (e.g. residential and lifestyle development) close to existing primary production activities, rural industry activities , industrial activities, public works, network utility operations and renewable electricity generation sites. Such effects can significantly affect the ability of the existing activities to continue to operate, upgrade or expand (e.g. through complaints about noise and odour). Therefore, recognising and avoiding reverse sensitivity effects when planning for subdivision and land use development will provide for the continued efficient and effective operation of existing activities.'	Accept	Yes
S79.076	Transpower New Zealand Ltd	SUB - Principal Reasons	Retain final paragraph of 'SUB - Principal Reasons' as drafted.	Accept in part	Yes
S129.125	Kāinga Ora - Homes and Communities (Kāinga Ora)	SUB - Principal Reasons	Amend paragraphs 2 and 9 of 'SUB - Principal Reasons' as follows: '... The District Plan includes minimum lot size standards for vacant lot subdivision that provide landowners with sufficient flexibility and certainty to create sites which are of an appropriate size to achieve the scale, density and type of development provided for by the objectives, policies and methods for each zone and district-wide activity. ... The Council uses the Code of Practice for Urban Land Subdivision (NZS 4404: 2010 and any future amendments) to assess detailed engineering requirements, along with the Hastings District Council Engineering Code of Practice. These Codes of Practice are therefore referred to in the assessment matters for resource consents – although the Code of Practice itself is not part of the District Plan. '...'	Accept in part (Refer to Section 5.0: Key Issue 2 – Code of Practice and Standards in relation to the request to delete the last sentence of paragraph 9 that refers to codes of practice)	Yes
S78.033	Waka Kotahi NZ Transport Agency	SUB-AER6	Retain SUB-AER6 as written.	Accept	No
S15.001	Jason Woodyard	SUB - Subdivision	Transferable Titles - adopt the ability to Transfer titles within Central Hawkes Bay.	Reject	No

CL – Contaminated Land

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S11.013	Hawke's Bay Regional Council	CL - Contaminated Land	No changes.	Accept	No
S81.060	Horticulture New Zealand	CL-M1	Add a new sentence in CL-M1 as follows: 'The NES-CS contains specific controls applying to potentially contaminated soils, including rules, as well as associated matters over which control is reserved or over which discretion is restricted, where applicable. The NES-CS does not apply to primary production land where the land continues to be used for production purposes. Only when the land use changes will the NES-CS apply. '	Accept in part	Yes
S110.012	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	CL - Introduction	Retain 'CL - Introduction' as notified.	Accept	No
S110.013	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	CL-O1	Amend CL-O1 as follows: ' Land containing elevated levels of contaminants Contaminated land is managed to protect human health and the environment and to enable land to be used in the future.'	Accept	Yes
FS17.32	Horticulture New Zealand		Allow	Accept	
S110.014	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	CL-P1	Retain CL-P1 as notified.	Accept	No
S110.015	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	CL-P2	Retain CL-P2 as notified.	Accept	No

HAZS – Hazardous Substances

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S11.014	Hawke's Bay Regional Council	HAZS - Hazardous Substances	No change	Accept in part	No
S29.001	New Zealand Defence Force	MAJOR HAZARDOUS FACILITY (Definition)	Retain definition as notified.	Accept in part	No
S29.017	New Zealand Defence Force	HAZS-R1	Clarify what standards apply to the storage, handling or use of hazardous substances.	Accept	Yes
S57.004	Fire and Emergency New Zealand	HAZARDOUS SUBSTANCE (Definition)	Retain the definition of 'Hazardous Substance' as notified.	Accept	No
S57.006	Fire and Emergency New Zealand	MAJOR HAZARDOUS FACILITY (Definition)	Amend the definition of 'Major Hazardous Facility' as follows: 'a. any facility which involves one or more of the following activities: ... xvii. The storage and/or treatment of hazardous waste (including reuse and recycling facilities) or hazardous substances awaiting reuse, recycling, or treatment. xviii. Any facility deemed a Major Hazardous Facility under the Health and Safety at Work Major Hazardous Facilities Regulations 2016 ... b. The following activities are not considered to be major hazardous facilities ... x. Emergency service activities.'	Accept in part	Yes
S57.033	Fire and Emergency New Zealand	HAZS-O1	Retain HAZS-O1 as notified.	Accept	No
S57.034	Fire and Emergency New Zealand	HAZS-O2	Retain HAZS-O2 as notified.	Accept in part	No
S57.035	Fire and Emergency New Zealand	HAZS-P1	Retain HAZS-P1 as notified.	Accept	No
S57.036	Fire and Emergency New Zealand	HAZS-P2	Retain HAZS-P2 as notified.	Accept	No
S57.037	Fire and Emergency New Zealand	HAZS-P3	Retain HAZS-P3 as notified.	Accept	No
S57.038	Fire and Emergency New Zealand	HAZS-P4	Retain HAZS-P4 as notified.	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S57.039	Fire and Emergency New Zealand	HAZS-R1	Retain HAZS-R1 as notified.	Accept in part	No
S57.040	Fire and Emergency New Zealand	HAZS-R3	Retain HAZS-R3 as notified.	Accept in part	No
S57.041	Fire and Emergency New Zealand	HAZS-AM1	Retain HAZS-AM1 as notified.	Accept	No
S57.042	Fire and Emergency New Zealand	HAZS-AM2	Retain HAZS-AM2 as notified.	Accept	No
S81.020	Horticulture New Zealand	MAJOR HAZARDOUS FACILITY (Definition)	Retain the definition of 'Major Hazardous Facility'.	Accept in part	No
S81.061	Horticulture New Zealand	HAZS-O2	Retain HAZS-O2.	Accept in part	No
S81.062	Horticulture New Zealand	HAZS-P1	Retain HAZS-P1.	Accept	No
S81.063	Horticulture New Zealand	HAZS-R1	Retain HAZS-R1.	Accept in part	No
FS3.013	First Gas Limited		Allow	Accept	
S81.064	Horticulture New Zealand	HAZS-M2	Amend HAZS-M3[HAZS-M2?] as follows: '... Codes of Practice are an approved means of complying with HSNO and are designed to provide guidance on how to eliminate or minimise the risk associated with hazardous substances. A good example of this is the EPA approved code of practice "Management of Agrichemicals NZS 8409:20042021".'	Accept	Yes
S110.001	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	HAZS - Introduction	Amend the final paragraph of 'HAZS - Introduction' as follows: ' Whilst the Resource Legislation Amendments 2017 changed the RMA so Councils no longer have this the explicit function to control hazardous substances, they Councils still have a broad function of achieving integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. To avoid duplication, the Council seeks only to control matters that are not adequately covered by other more specific legislation or regulated by the Hawke's Bay Regional Council and proposes to do this by focused provisions targeting major hazardous facilities. Council proposes to use this broad function to place extra controls on hazardous substance use under the RMA, where HSNO or Worksafe controls are not adequate to address the environmental effects of hazardous substances in any particular case.'	Accept	Yes
FS17.33	Horticulture New Zealand		Allow	Accept	
S110.002	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	HAZS-I1	Amend the explanation to HAZS-I1 as follows: 'While hazardous substances are largely controlled through other legislation, some hazardous facilities may create off site risks to people, property and the environment. the Council is still required by the RMA to achieve integrated management of effects, including control of any actual or potential effects associated with	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			the storage, use, disposal, or transportation of hazardous substances. Two issues arise from the use of hazardous substances. The first concerns the safe day-to-day use of hazardous substances. The second is the possible effects on the health and safety of people and on the natural environment involving the establishment and operation of major hazardous facilities.'		
FS17.34	Horticulture New Zealand		Allow	Accept	
S110.003	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	HAZS-O1	Retain HAZS-O1 as notified.	Accept	No
S110.004	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	HAZS-O2	Amend HAZS-O2 as follows: 'Avoid any unnecessary duplication of regulation between the Hazardous Substances and New Organisms Act 1996, Health and Safety at Work Act 2015, Regional Plan , and the District Plan.'	Accept	Yes
S110.005	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	HAZS-P1	Retain HAZS-P1 as notified.	Accept	No
S110.006	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	HAZS-P2	Delete HAZS-P2.	Accept	Yes
S110.007	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	HAZS-P3	Retain HAZS-P3 as notified.	Accept	No
S110.008	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	HAZS-P4	Delete HAZS-P4.	Accept	Yes
S110.009	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	HAZS-R1	Amend HAZS-R1 as follows: '1. Activity Status: PER Where the following conditions are met: a. All relevant standards in the underlying zone are complied with. b. ...'	Accept	Yes
FS12.4	New Zealand Defence Force		Allow Accept the submitter's relief sought or include permitted activity standards specific to the storage, handling or use of hazardous substances within rule HAZS-R1.	Accept	
S110.010	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	HAZS-R2	Retain HAZS-R2 as notified	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S110.011	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	HAZS-R3	Amend HAZS-R3 such that it only applies to new 'Major Hazardous Facilities' or existing 'Major Hazardous Facilities' which are increasing potential off site risk associated with the storage, use, or manufacture of hazardous substances.	Accept	Yes
FS8.026	Silver Fern Farms Limited		Allow	Accept	
S110.018	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	MAJOR HAZARDOUS FACILITY (Definition)	Reconsider the need for hazardous substance controls based on the broad definition of 'Major Hazardous Facilities'. If a broad definition can be justified, retain clauses to the effect of a(iii) and b(v) of the definition as notified.	Accept in part	No
S116.001	Silver Fern Farms Limited	MAJOR HAZARDOUS FACILITY (Definition)	Amend the definition of 'Major Hazardous Facility' as follows: 'a. any facility which involves one or more of the following activities: ... ix. meat processing freezing works and rendering plants ... b.'	Accept	Yes
S116.002	Silver Fern Farms Limited	OFFENSIVE PROCESS (Definition)	Amend the definition of 'Offensive Process' as follows: 'means one of the following processes: a. processes requiring offensive trade licenses under the Health Act 1956; b. the manufacture and processing of chemical fertilisers; c. meat processing or any associated processing of meat and meat by-products or co-products; ...'	Reject	No
S116.019	Silver Fern Farms Limited	HAZS-P2	Amendments to the definition of 'Major Hazardous Facility' [refer submission point S116.001] and UFD-O2 [refer submission point S116.017], as sought.	Accept in part	No
S121.119	Federated Farmers of New Zealand	HAZS-O2	Retain HAZS-O2 as proposed.	Accept in part	No
FS9.119	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.120	Federated Farmers of New Zealand	HAZS-P1	Retain HAZS-P1 as proposed.	Accept	No
FS9.120	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.121	Federated Farmers of New Zealand	HAZS-R1	Delete HAZS-R1. And add a new policy [refer submission point S121.253].	Accept in part	Yes
FS3.014	First Gas Limited		Disallow	Accept in part	
FS9.121	Royal Forest and Bird Protection Society of		Disallow	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
	New Zealand Incorporated				
S121.240	Federated Farmers of New Zealand	MAJOR HAZARDOUS FACILITY (Definition)	Retain clause (b) in the definition of 'Major Hazardous Facility' as proposed.	Accept in part	No
FS9.240	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.253	Federated Farmers of New Zealand	HAZS-PXX (new policy)	And add a new policy in the 'HAZS - Hazardous Substances' chapter in the Proposed Plan as follows: 'To not regulate the use, storage or transportation of hazardous substances, in the District Plan where adequate levels of community and environmental protection is already provided by the Hazardous Substances and New Organisms Act 1996 or other legislation and regulation.'	Accept in part	Yes
FS9.253	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS17.35	Horticulture New Zealand		Allow in part Accept submission in place of HAZS-P4.	Accept	

EW – Earthworks

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S11.029	Hawke's Bay Regional Council	EW - Earthworks	General support of the Earthworks chapter, subject to amendment sought on EW-R1.	Accept	No
S11.030	Hawke's Bay Regional Council	EW-R1	Amend EW-R1 as follows: '1. Activity Status: PER Where the following conditions are met: a. The earthworks are associated with site preparation works for a building, the area (m2) of earthworks is no more than 150% of the area of the associated building footprint, and complies with EW-S1, EW-S2, EW-S3, EW-S4 and EW-S5 Slope ; or b. The earthworks are associated with any network utilities, including the upgrade or maintenance of existing public roads, and complies with EW-S4 and EW-S5 ; or c. The earthworks are associated with replacement and/or removal of a fuel storage system defined as permitted by the Resource Management Regulations (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) and complies with EW-S4 and EW-S5 ; or d. The earthworks are associated with gravel extraction within the bed of a river...'	Accept in part	Yes
FS16.34	Waka Kotahi NZ Transport Agency		Disallow Retain EW-R1 as notified	Reject	
S11.031	Hawke's Bay Regional Council	EW-P2	Amend EW-P2 as follows: 'To ensure earthworks are appropriately located, and designed and managed to avoid, remedy or mitigate adverse effects by: 1. controlling volume and vertical extent of earthworks, to maintain the role, function and predominant character of each zone and reduce effects on neighbouring properties and the environment; and 2. controlling the movement of dust and sediment beyond the area of development, particularly to avoid nuisance effects and/or adverse amenity effects on neighbouring sites or any Council reticulated stormwater system; and 3. controlling the effects of urban development on the health and well-being of water bodies, freshwater ecosystems and receiving environments.'	Accept	Yes
S42.002	New Zealand Pork Industry Board	ANCILLARY RURAL EARTHWORKS (PRIMARY PRODUCTION) (Definition)	Amend the definition of 'Ancillary Rural Earthworks' to include provisions for biosecurity related activity as a permitted activity. 'the burying of material infected by unwanted organisms as declared by the Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993'	Accept	Yes
FS8.018	Silver Fern Farms Limited		Allow	Accept	
FS5.018	Ngā hapū me ngā marae o Tamatea		Disallow	Reject	
S42.028	New Zealand Pork Industry Board	EW - Introduction	Amend introduction as follows: 'Earthworks are an integral part of development, as they prepare land (including the formation of building platforms) to be used for living, business and recreation, and are often essential to the construction of foundations, buildings, and structures. Earthworks are also part of normal agricultural and horticultural practices.'	Accept in part	Yes
FS17.63	Horticulture New Zealand		Allow	Accept in part	
S42.029	New Zealand Pork Industry Board	EW-PXX (new policy)	Add new policy as follows: 'Enable land disturbance necessary for a range of activities undertaken to provide for people and communities social, economic and cultural well-being, and their health and safety.'	Accept in part Reject	Yes No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S42.030	New Zealand Pork Industry Board	EW-R2	Retain EW-R2 as proposed.	Accept	No
S42.031	New Zealand Pork Industry Board	EW-S2	Retain EW-S2 as proposed.	Accept in part	No
S50.017	The Surveying Company (HB) Ltd	EW-S2	Amend to separate the five Zones listed together under EW-S2(12) and assign more appropriate values for each zone. For example, 50m ² is insufficient for the [General?] Industrial Zone given the likely size of buildings in this area.	Reject	No
S50.034	The Surveying Company (HB) Ltd	EW - Earthworks	Retain EW - Earthworks chapter.	Accept	No
S55.065	Heritage New Zealand Pouhere Taonga	EW-P7	Amend EW-P7 as follows: 'To control earthworks, exploration and mining activities to ensure that any adverse effects on the natural and physical environment, and the amenity of the community, adjoining land uses, Historic Heritage and Sites and Areas of Significance to Māori , and culturally sensitive sites are avoided, remedied or mitigated.'	Accept in part	Yes
FS25.80	Federated Farmers of New Zealand		Disallow	Reject	
S55.067	Heritage New Zealand Pouhere Taonga	EW-R1	Add the following to EW-R1(1): '... e. Compliance with standards EW-S10.'	Accept Reject	Yes No
FS16.35	Waka Kotahi NZ Transport Agency		Disallow Retain EW-R1 as notified.	Accept in part	
FS25.82	Federated Farmers of New Zealand		Disallow	Accept in part	
S55.068	Heritage New Zealand Pouhere Taonga	EW-R3	Add the following to EW-R3(1)(a): '... ix. EW-S10.'	Accept Reject	Yes No
S55.069	Heritage New Zealand Pouhere Taonga	EW-R4	Add the following to EW-R4(1)(b): '... ix. EW-S10.'	Accept Reject	Yes No
S55.070	Heritage New Zealand Pouhere Taonga	EW-R7	Add the following to EW-R7(1)(a): '... ix. EW-S10.'	Accept Reject	Yes No
S55.071	Heritage New Zealand Pouhere Taonga	EW-SXX (new standard)	Insert a new Standard as follows: 'EW-S10 Earthworks with sites identified as Historic Heritage in SCHED2 or Sites and Areas of Significance to Māori in SCHED3 All Zones: 1. The earthworks are not within a site identified as Historic Heritage in SCHED2 or identified as a Site or Area of Significance to Māori in SCHED3, unless the earthworks are limited to trenching necessary for the installation of service connections or effluent disposal systems, or interments in existing cemeteries or urupā.'	Accept in part Reject	Yes No
FS5.091	Ngā hapū me ngā marae o Tamatea		Allow	Accept in part Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS25.85	Federated Farmers of New Zealand		Disallow	Accept in part	
FS23.73	Kāinga Ora - Homes and Communities		Disallow	Accept in part	
S55.072	Heritage New Zealand Pouhere Taonga	EW-AM1	Retain EW-AM1 as notified.	Accept	No
S56.024	Powerco Limited	EW-R1	Retain EW-R1 as notified.	Accept in part	No
FS9.277	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S56.025	Powerco Limited	EW-S2	Retain EW-S2(3) & (4) as notified.	Accept	No
FS9.278	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S56.026	Powerco Limited	EW-S3	Retain EW-S3 as notified.	Accept	No
FS9.279	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S56.027	Powerco Limited	EW-S4	Retain EW-S4 as notified.	Accept	No
FS9.280	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S56.028	Powerco Limited	EW-S5	Retain EW-S5 as notified.	Accept	No
FS9.281	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S75.080	Royal Forest and Bird Protection Society NZ (Forest & Bird)	EW-O1	Retain EW-O1 as proposed.	Accept in part	No
FS19.12	Penny Nelson, Director-General of Conservation (DOC)		Allow in part	Accept in part	
S75.081	Royal Forest and Bird Protection Society NZ (Forest & Bird)	EW-O2	Amend EW-O2 to read: 'Ensure that the life-supporting capacity of air, water, soil and ecosystems is safeguarded and that adverse effects of mining, quarrying and hydrocarbon extraction activities on the environment are avoided, remedied or mitigated, while meeting the needs of the District (and wider Region) for minerals. '	Accept	Yes
FS19.13	Penny Nelson, Director-General of Conservation (DOC)		Allow in part	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S75.082	Royal Forest and Bird Protection Society NZ (Forest & Bird)	EW-P1	Retain EW-P1 as proposed.	Accept	No
FS19.14	Penny Nelson, Director-General of Conservation (DOC)		Allow in part	Accept	
S75.083	Royal Forest and Bird Protection Society NZ (Forest & Bird)	EW-P2	Retain EW-P2 as proposed.	Accept in part	No
FS19.15	Penny Nelson, Director-General of Conservation (DOC)		Allow in part	Accept in part	
S75.084	Royal Forest and Bird Protection Society NZ (Forest & Bird)	EW-P3	Retain EW-P3 as proposed.	Accept	No
FS19.16	Penny Nelson, Director-General of Conservation (DOC)		Allow in part	Accept	
S75.085	Royal Forest and Bird Protection Society NZ (Forest & Bird)	EW-P4	Retain EW-P4 as proposed.	Accept in part	No
FS19.17	Penny Nelson, Director-General of Conservation (DOC)		Allow in part	Accept in part	
S75.086	Royal Forest and Bird Protection Society NZ (Forest & Bird)	EW-P5	Retain EW-P5 as proposed.	Accept	No
S78.006	Waka Kotahi NZ Transport Agency	EW-R1	Retain EW-R1 as written.	Accept in part	No
S78.007	Waka Kotahi NZ Transport Agency	EW-AM5	Retain EW-AM5 as written.	Accept	No
S79.003	Transpower New Zealand Ltd	EARTHWORKS (Definition)	Retain the definition of 'Earthworks'.	Accept	No
FS3.001	First Gas Limited		Allow	Accept	
FS5.017	Ngā hapū me ngā marae o Tamatea		Allow	Accept	
S79.091	Transpower New Zealand Ltd	EW-P1	Retain EW-P1.	Accept	No
S79.092	Transpower New Zealand Ltd	EW-P7	Retain EW-P7.	Accept in part	No
S79.093	Transpower New Zealand Ltd	EW-R5	Retain EW-R5, and relocate to 'NU - Network Utilities' chapter.	Accept in part	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS25.83	Federated Farmers of New Zealand		Disallow	Accept in part Reject	
S79.094	Transpower New Zealand Ltd	EW-S6	Retain EW-S6, and relocate to 'NU - Network Utilities' chapter.	Accept in part	No
FS25.86	Federated Farmers of New Zealand		Disallow	Accept in part	
S81.007	Horticulture New Zealand	ANCILLARY RURAL EARTHWORKS (PRIMARY PRODUCTION) (Definition)	Amend the definition of 'Ancillary Rural Earthworks (Primary Production)' as follows: ' means:(a) Normal agricultural and horticultural practices, such as cultivating and harvesting crops, ploughing, planting trees, root ripping, digging post holes, maintenance of drains, troughs and installation of their associated pipe networks, and realignment of fencelines, drilling bores and offal pits, burying of dead stock and plant waste;(b) Land preparation and vegetation clearance undertaken as part of horticultural plantings; and (c) Maintenance of existing walking tracks, farm and forestry tracks, driveways, roads and accessways within the same formation width; and (d) The burying of material infected by unwanted organisms as declared by the Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.'	Accept in part	Yes
FS6.1	NZ Pork Industry Board		Allow	Accept in part	
S81.086	Horticulture New Zealand	EW-PXX (new policy)	Add a new policy in the 'EW - Earthworks' chapter as follows: 'Enable earthworks to provide for people and communities social, economic and cultural well-being, and their health and safety, including ancillary rural earthworks, where adverse effects are appropriately managed.'	Accept in part Reject	Yes No
FS6.7	NZ Pork Industry Board		Allow	Accept in part Reject	
S81.088	Horticulture New Zealand	EW-R2	Retain EW-R2 (subject to exclusion sought in definition for 'Cultivation', or other consequential amendment).	Accept	No
S81.089	Horticulture New Zealand	EW-S2	Retain EW-S2.	Accept	No
S81.090	Horticulture New Zealand	EW-S5	Amend EW-S5 to add reference in the 'Notes' to 'HortNZ Erosion and Sediment Control Guidelines for Vegetable Production'.	Reject	No
S81.091	Horticulture New Zealand	EW-S6	Amend EW-S6 to clearly state that 'ancillary rural earthworks' are a permitted activity.	Reject	No
FS18.25	Transpower New Zealand Limited		Disallow	Accept	
S82.003	Aggregate and Quarry Association	EW-R1	Retain EW-R1(d) as proposed.	Accept	No
S82.004	Aggregate and Quarry Association	EW-S4	Amend EW-S4 to include an exception for quarries.	Reject	No
S82.006	Aggregate and Quarry Association	EW - Earthworks	Retain standalone 'EW - Earthworks' chapter with differentiated provisions relating to quarrying activities within it.	Accept	No
S84.014	Kairakau Lands Trust	EW - Earthworks	Add specific objectives or policies in the 'EW - Earthworks' chapter that relate to ensuring that cultural sites are protected.	Accept in part	Yes No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			Council should employ earthworks contractors who have had sufficient training or a certain level of competency in regards to recognising sites of significance to Māori.		
FS25.78	Federated Farmers of New Zealand		Disallow	Accept in part	
FS23.82	Kāinga Ora - Homes and Communities		Allow in part	Accept in part	
S85.010	Rayonier Matarki Forests	EW-R2	Amend EW-R2 to exclude earthworks and land disturbance activities that relate to the NES-PF.	Accept in part	No
S85.011	Rayonier Matarki Forests	EW-R3	Amend EW-R3 to exclude earthworks and land disturbance activities that relate to the NES-PF.	Accept in part	No
S85.012	Rayonier Matarki Forests	EW-S2	Amend EW-S2 to exclude earthworks and land disturbance activities that relate to the NES-PF.	Accept in part	No
S85.013	Rayonier Matarki Forests	EW-S3	Amend EW-S3 to exclude earthworks and land disturbance activities that relate to the NES-PF.	Accept in part	No
S85.014	Rayonier Matarki Forests	EW-S4	Amend EW-S4 to exclude earthworks and land disturbance activities that relate to the NES-PF.	Accept in part	No
S85.015	Rayonier Matarki Forests	EW-S5	Amend EW-S5 to exclude earthworks and land disturbance activities that relate to the NES-PF.	Accept in part	No
S85.016	Rayonier Matarki Forests	EW-S6	Amend EW-S6 to exclude earthworks and land disturbance activities that relate to the NES-PF.	Accept in part	No
FS18.26	Transpower New Zealand Limited		Allow	Accept in part	
S85.017	Rayonier Matarki Forests	EW-S7	Amend EW-S7 to exclude earthworks and land disturbance activities that relate to the NES-PF.	Accept in part	No
S85.020	Rayonier Matarki Forests	CULTIVATION (Definition)	Amend the definition of 'Cultivation' as follows: 'means the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand and rock) for the purpose of sowing, growing or harvesting of pasture or crops, does not include mechanical land preparation as provided for under the NES-PF. '	Accept in part	No
S90.038	Centralines Limited	EW-R1	Retain EW-R1 as notified.	Accept in part	No
S90.039	Centralines Limited	EW-R7	Retain EW-R7(1) as notified. Amend EW-R7(2) as follows: '2. Activity status where compliance not achieved: RDIS Matters over which discretion is restricted: a. EW-AM1 ... g. EW-AM7.	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			<p>h. Impacts on the operation, maintenance, upgrading and development of the electricity network.</p> <p>i. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.</p> <p>j. The risk to the structural integrity of any support structures associated with the electricity network.</p> <p>k. Technical advice provided by the National Grid owner (Transpower) or electricity distribution network provider Centralines Limited.'</p>		
FS25.84	Federated Farmers of New Zealand		Disallow	Reject	
FS17.67	Horticulture New Zealand		<p>Allow in part</p> <p>If Matters of discretion are included for EW-S8 they should relate to the specific non-compliance with NZECP34:2001.</p>	Accept in part	
S90.040	Centralines Limited	EW-S8	Retain EW-S8 as notified.	Accept	No
S110.016	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	EW-R1	<p>Amend EW-R1 as follows:</p> <p>'1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. ...</p> <p>b. ...</p> <p>c. ...</p> <p>d. ...</p> <p>Note:</p> <p>1. Gravel extraction within the bed of a river is subject to rules administered by the Hawke's Bay Regional Council.</p> <p>2. Specified activities are exempt from complying with the standards in EW-S1 to EW-S9.'</p>	Reject	No
S110.017	Z Energy Ltd, BP Oil NZ Ltd, Mobil Oil NZ Ltd (the Oil Companies)	EW-RXX (new rule)	Add a Permitted Activity pathway for 'land disturbance activities' (as defined in the Proposed Plan).	Accept in part	No
S117.066	Chorus New Zealand Limited	EW-R1	Retain EW-R1 as notified.	Accept in part	No
FS9.494	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S118.066	Spark New Zealand Trading Limited	EW-R1	Retain EW-R1 as notified.	Accept in part	No
S119.066	Vodafone New Zealand Limited	EW-R1	Retain EW-R1 as notified.	Accept in part	No
S121.072	Federated Farmers of New Zealand	EW-O1	<p>Amend EW-O1 as follows:</p> <p>'Protect the safety of Enable people and communities to carry out earthworks, while avoiding, remedying or mitigating avoid, remedy or mitigate the adverse environmental effects of earthworks.'</p>	Accept in part	Yes
FS9.72	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S121.074	Federated Farmers of New Zealand	EW-P2	Amend EW-P2 as follows: 'To ensure earthworks are appropriately located and designed to avoid, remedy or mitigate adverse effects by: 1. controlling volume and vertical extent of earthworks, to maintain the role, function and predominant character and existing land use of each zone and reduce effects on neighbouring properties and the environment; and 2. controlling the movement of dust and sediment beyond the area of development, particularly to avoid nuisance effects and/or adverse amenity effects inconsistent with the zoning and existing land uses on neighbouring sites or any Council reticulated stormwater system.'	Reject	No
FS9.74	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS17.64	Horticulture New Zealand		Allow	Reject	
S121.075	Federated Farmers of New Zealand	EW-P3	Amend EW-P3 as follows: 'To ensure that earthworks meet functional needs, and are designed to reflect natural landforms, and where appropriate, landscaped to reduce and soften their visual impact having regard to the character, land use and visual amenity of the surrounding area.'	Reject	No
FS9.75	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.076	Federated Farmers of New Zealand	EW-P4	Amend EW-P4 as follows: 'To require the appropriate re-pasture or re-vegetation of land where vegetation is cleared as a consequence of earthworks.'	Accept in part	Yes
FS9.76	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.077	Federated Farmers of New Zealand	EW-P5	Retain EW-P5 as proposed.	Accept	No
FS9.77	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.078	Federated Farmers of New Zealand	EW-P6	Retain EW-P6 as proposed.	Accept	No
FS9.78	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.079	Federated Farmers of New Zealand	EW-PXX (new policy)	Add a new policy in the 'EW - Earthworks' chapter in the Proposed Plan as follows: 'Provide for ancillary rural earthworks as unlimited, to recognise that they normal and anticipated within the rural zones, with de minimus effects.'	Reject	No
FS9.79	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.084	Federated Farmers of New Zealand	EW-R1	Retain EW-R1 as proposed.	Accept in part	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.84	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.085	Federated Farmers of New Zealand	EW-R2	Amend EW-R2 as follows: 'Ancillary rural earthworks General Rural Zone / Rural Production Zone / Rural Lifestyle Zone 1. Activity Status: PER Where the following conditions are met: a. Compliance with: i. EW-S2; ii. EW-S3; iii. EW-S4; iv. EW-S5; v. EW-S6; vi. EW-S7; and vii. EW-S8.'	Reject	No
FS17.65	Horticulture New Zealand		Allow	Reject	
FS9.85	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS3.018	First Gas Limited		Disallow	Accept	Yes
S121.087	Federated Farmers of New Zealand	EW-R5	Amend EW-R5 as follows: 'Earthworks and vertical holes within the National Grid Yard All Zones 1. Activity Status: PER Where the following conditions are met: a. From National Grid poles, the earthworks must be no deeper (measured vertically) than 300mm within 2.2m of the pole; and 750 mm between 2.2m and 5m of the pole, or b. From National Grid towers, the earthworks must be no deeper (measured vertically) than 300mm within 6m of a tower; and 3m between 6m and 12m of a tower 300mm within 12m of the outer visible edge of any National Grid support structure foundation, except under the following circumstances: i. ... ii. ... iii. vertical holes not exceeding 500mm in diameter, provided they: a. are not exceeding 500 mm diameter and are more than 1.5m from the outer edge of the pole support structure or stay wire, or b. are a post hole for a farm fence or artificial crop protection or crop support structures and are more than 6m from the visible outer edge of a tower support structure foundation. ...'	Accept in part Reject	Yes No
FS18.23	Transpower New Zealand Limited		Disallow	Accept in part	
FS9.87	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	
FS17.66	Horticulture New Zealand		Allow	Accept in part Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S121.088	Federated Farmers of New Zealand	EW-R6	Delete EW-R6 (and all provisions for the Gas Transmission Network).	Reject	No
FS3.019	First Gas Limited		Disallow	Accept	
FS9.88	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.089	Federated Farmers of New Zealand	EW-S1	Retain EW-S1(1) as proposed.	Accept	No
FS9.89	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.090	Federated Farmers of New Zealand	EW-S2	Amend EW-S2(1) & (2) as follows: 'Extent of Earthworks Identified areas of: High Natural Character (HNCs) - Outstanding Natural Features and Landscapes (ONFs/ONL) - Significant Natural Areas (SNAs) 1. Ancillary rural earthworks – maximum of 500m ³ per site in any 12-month period. Refer also Standard EW-S7. 2. Maintenance earthworks. 3. All other earthworks - maximum of 200m³ per site in any 12-month period.'	Accept in part	Yes
FS9.90	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.091	Federated Farmers of New Zealand	EW-S2	Retain EW-S2(3) & (4).	Accept	No
FS9.91	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.092	Federated Farmers of New Zealand	EW-S2	Amend EW-S2(5) & (6) as follows: 'Coastal Environment (except any identified HNC, ONF/ONL or SNA areas) 5. Ancillary rural earthworks - unlimited. 6. All other earthworks - must comply with the underlying zone provisions. maximum of 200m³ per hectare of site in any 12-month period.'	Accept in part	Yes
FS9.92	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.093	Federated Farmers of New Zealand	EW-S2	Retain EW-S2(7), (8) & (9) as proposed.	Accept	No
FS9.93	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.094	Federated Farmers of New Zealand	EW-S3	Amend EW-S3 as follows: 'Vertical Extent of Excavation Identified areas of: High Natural Character (HNCs) Outstanding Natural Features and Landscapes (ONFs/ONL)	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			/ Significant Natural Areas (SNAs) (except for HNC2, HNC6, ONL1, ONF5, ONF6, ONF7, ONF9 and ONF10) 1. 23 metres HNC2 / HNC6 ONF5 / ONF6 / ONF7 / ONF9 / ONF10 2. 13 metres General Rural Zone / ONL1 3. 5 metres All Other Zones 4. 2.5 metres'		
FS9.94	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.097	Federated Farmers of New Zealand	EW-S6	Amend EW-S6 as follows: 'Earthworks and Vertical Holes within the National Grid Yard All Zones 1. The earthworks must not compromise the stability of a National Grid support structure, and 2. The earthworks must not result in a reduction in ground-to-conductor clearance distances specified in Table 4 of NZECP34 of less than: 6.5m (measured vertically) from a 110kV National Grid transmission line, and 3. The earthworks must not result in the permanent loss of vehicular access to any National Grid support structure.'	Accept in part Reject	Yes No
FS17.68	Horticulture New Zealand		Allow	Accept in part Reject	
FS18.27	Transpower New Zealand Limited		Disallow	Accept in part	
FS9.97	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept in part	
S121.098	Federated Farmers of New Zealand	EW-S7	Delete EW-S7.	Reject	No
FS9.98	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.099	Federated Farmers of New Zealand	EW-S8	Retain EW-S8 as proposed.	Accept	No
FS9.99	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.231	Federated Farmers of New Zealand	ANCILLARY RURAL EARTHWORKS (PRIMARY PRODUCTION) (Definition)	Amend the definition of 'Ancillary Rural Earthworks (Primary Production)' as follows: 'means a. Normal agricultural and horticultural practices, such as cultivating and harvesting crops, ploughing, planting trees, root ripping, digging post holes, maintenance of drains, troughs and installation of their associated pipe networks, and realignment of fencelines, drilling bores and ofal pits, burying of dead stock and plant waste; b. Land preparation and vegetation clearance undertaken as part of horticultural plantings; and c. Maintenance and construction of existing walking tracks, farm and forestry tracks, driveways, roads and accessways within the same formation width.'	Reject	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.231	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS6.2	NZ Pork Industry Board		Allow	Reject	
FS5.019	Ngā hapū me ngā marae o Tamatea		Disallow	Accept	
S121.233	Federated Farmers of New Zealand	EARTHWORKS (Definition)	Retain the definition of 'Earthworks' as proposed.	Accept	No
FS9.233	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS3.002	First Gas Limited		Allow	Accept	
S126.004	Hawke's Bay District Health Board	EW – Rules	That the District Plan Rules require the site manager or person in control of the site has available erosion and sediment control plans in place for whenever earthworks are being undertaken. And that erosion and sediment control plans are included as part of the resource consent documentation requirements to Council when works under the Building Act or other legislation involving construction i.e. roading etc. is being undertaken.	Accept in part	No
FS25.79	Federated Farmers of New Zealand		Disallow	Accept in part	
S129.126	Kāinga Ora - Homes and Communities (Kāinga Ora)	EW-R5	Amend EW-R5 as follows: 'Earthworks and vertical holes within the National Grid Yard All Zones 1. Activity Status: PER Where the following conditions are met: a. The earthworks must be no deeper (measured vertically) than 300mm within 642m of the outer visible edge of any National Grid support structure foundation, except under the following circumstances: ...'	Accept in part Reject	Yes No
FS18.24	Transpower New Zealand Limited		Disallow	Accept in part	
S129.127	Kāinga Ora - Homes and Communities (Kāinga Ora)	EW-RXX (new rule)	Add a new rule in the 'EW - Earthworks' chapter in the Proposed Plan, which provides for earthworks within areas of natural hazards, and considers that where carried out in accordance with relevant conditions a permitted activity status would be appropriate. Where earthworks in areas of natural hazards are likely to exacerbate the risks associated with those natural hazards, a discretionary or non-complying activity status may be appropriate.	Accept in part	No
S129.237	Kāinga Ora - Homes and Communities (Kāinga Ora)	EW - Earthworks	Amendments sought to 'EW - Earthworks' chapter.	Accept	No

EW – Mining & Quarrying

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S39.009	Kathryn Bayliss	EW - Earthworks	Make hydrocarbon, fossil fuels including coal, gas, and oil mining activities prohibited.	Reject	No
S39.010	Kathryn Bayliss	EW-P8	Make hydrocarbon, fossil fuels including coal, gas, and oil mining activities prohibited.	Reject	No
S39.011	Kathryn Bayliss	EW-P10	Make hydrocarbon, fossil fuels including coal, gas, and oil mining activities prohibited.	Reject	No
S39.012	Kathryn Bayliss	EW-P11	Make hydrocarbon, fossil fuels including coal, gas, and oil mining activities prohibited.	Reject	No
S39.014	Kathryn Bayliss	EW-R3	Make hydrocarbon, fossil fuels including coal, gas and oil mining activities prohibited.	Reject	No
S39.015	Kathryn Bayliss	EW-R4	Make hydrocarbon, fossil fuels including coal, gas and oil mining activities prohibited.	Reject	No
S55.066	Heritage New Zealand Pouhere Taonga	EW-P11	Retain EW-P11 as notified.	Accept in part	No
S75.087	Royal Forest and Bird Protection Society NZ (Forest & Bird)	EW-P8	Amend EW-P8 as follows (or a similar approach): 'To enable Avoid, remedy, or mitigate the adverse effects of prospecting and exploration of minerals where the adverse effects on the environment will be minor.'	Accept in part	Yes
FS19.18	Penny Nelson, Director-General of Conservation (DOC)		Allow in part	Accept in part	
S75.088	Royal Forest and Bird Protection Society NZ (Forest & Bird)	EW-P9	Delete EW-P9.	Reject	Yes
FS25.81	Federated Farmers of New Zealand		Disallow	Accept	
FS19.19	Penny Nelson, Director-General of Conservation (DOC)		Allow in part	Reject	
S75.089	Royal Forest and Bird Protection Society NZ (Forest & Bird)	EW-P11	Amend EW-P11 to reference SNAs (in a similar way that ONFLs are referred to in the policy), and to reference the 'coastal environment'.	Accept	Yes
FS19.20	Penny Nelson, Director-General of Conservation (DOC)		Allow in part	Accept	
S81.087	Horticulture New Zealand	EW-P11	Amend EW-P11 as follows: 'To require proposals for new mining, quarrying or hydrocarbon extraction activities to provide adequate information on the establishment and operation of the activity and demonstrate:	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			1. ... 2. ... 3. that adequate measures will be used to: a. h. manage the potential effects of dust on any nearby rural production activities, including for horticultural land use the effects of dust on produce. 4. ...!		
S82.001	Aggregate and Quarry Association	EW-O2	Amend EW-O2 as follows: 'Ensure that the life-supporting capacity of air, water, soil and ecosystems is safeguarded and that adverse effects of mining, quarrying and hydrocarbon extraction activities on the environment are avoided, remedied, or mitigated, offset or compensated , while meeting the needs of the District (and wider Region) for minerals.'	Reject	No
FS9.498	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S82.002	Aggregate and Quarry Association	EW-R4	Retain EW-R4 as proposed.	Accept	No
S82.005	Aggregate and Quarry Association	EW-SXX (new standard)	Add a new standard in the 'EW- Earthworks' chapter requiring a setback for 'Sensitive Activities' in relation to: 1) quarrying activities (either legally operating or consented for future use); and 2) Any areas identified by Council as containing significant mineral resources for future extraction.	Reject	No
S85.019	Rayonier Matarki Forests	Definitions	Add a new definition for 'Forestry Quarry' as defined in the NES-PF. [clause 3 of the NES-PF defines as follows: ' Forestry quarrying- (a) means the extraction of rock, sand, or gravel for the formation of forestry roads and construction of other plantation forestry infrastructure, including landings, river crossing approaches, abutments, and forestry tracks,- (i) within a plantation forest; or (ii) required for the operation of a plantation forest on adjacent land owned or managed by the owner of the plantation forest; and (b) includes the extraction of alluvial gravels outside the bed of a river, extraction of minerals from borrow pits, and the processing and stockpiling of material at the forest quarry site; but (c) does not include earthworks, mechanical land preparation, or gravel extraction from the bed of a river, lake, or other water body.']	Accept	Yes
S98.002	Hatuma Lime Co Ltd	QUARRY (Definition)	Retain the definition of 'Quarry' as proposed.	Accept	No
S98.003	Hatuma Lime Co Ltd	QUARRYING ACTIVITIES (Definition)	Retain the definition of 'Quarrying Activities' as proposed.	Accept	No
S98.018	Hatuma Lime Co Ltd	GRUZ-RXX (new rule)	Add a new rule in the 'General Rural Zone' as follows: 'GRUZ-R20 New Buildings ancillary to lawfully established quarries 1. Activity Status: Permitted Where the following conditions are met: a. Compliance with:	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			<p>i. GRUZ-S2 (Height of Buildings); ii. GRUZ-S3 (Height in Relation to Boundary); iii. GRUZ-S4 (Setback from Roads and Rail Network); iv. GRUZ-S5 (Setback from Neighbours); v. GRUZ-S6 (Shading of Land and Roads); vi. GRUZ-S7 (Electricity Safety Distances); vii. GRUZ-S8 (Transport); viii. GRUZ-S9 (Light); and ix. GRUZ-S10 (Noise). b. Compliance with GRUZ-S12 (setback from gas transmission network). c. Compliance with GRUZ-S13 (setbacks from National Grid).' And any consequential changes to demonstrate that this rule takes precedent over EW-R4 with respect to new buildings for lawfully established quarries.</p>		
S98.025	Hatuma Lime Co Ltd	EW-R4	Amend EW-R4 as follows (as a consequential amendment to the new rule sought in the 'General Rural Zone'): 'Mining and quarrying (except new buildings for lawfully established quarries as provided in Rule GRUZ-R20) ...' ...'	Reject	No
S102.033	Te Mata Mushrooms Land Company Limited	EW-R4	Retain EW-R4.	Accept	No
S102.034	Te Mata Mushrooms Land Company Limited	EW-RXX (new rule)	<p>Add in a new rule in the 'EW - Earthworks' chapter of the Proposed Plan (or respective zone chapters) as follows: 'EW-RXX Gravel storage and processing yards General Rural Zone Rural Production Zone 1. Activity Status: CON Where the following conditions are met: a. Compliance with i. Setback from Roads and Rail Network [ii.?] Setback from Neighbours ii. Electricity Safety Distances iii. Transport (Access, Parking, Loading) iv. Light v. Noise vi. Setback from National Grid Yard and National Grid Substation.'</p>	Reject	No
S121.073	Federated Farmers of New Zealand	EW-O2	<p>Amend EW-O2 as follows: 'Ensure that the life-supporting capacity of air, water, soil and ecosystems is safeguarded and that adverse effects of mining, quarrying and hydrocarbon extraction activities on the environment are avoided, remedied or mitigated, while meeting the needs of the District (and wider Region) for minerals.' And clearly exclude farm quarries from the definition of quarrying.</p>	Reject	No
FS9.73	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S121.080	Federated Farmers of New Zealand	EW-P8	Retain EW-P8, on the condition that farm quarries are clearly excluded from the definition of quarrying.	Accept in part	No
FS9.80	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.081	Federated Farmers of New Zealand	EW-P9	Amend EW-P9 as follows: 'To enable farm quarries and quarries ancillary to farming and forestry activities to be established in rural areas.'	Accept in part	Yes
FS9.81	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.082	Federated Farmers of New Zealand	EW-P10	Retain EW-P10, on the condition that farm quarries are clearly excluded from the definition of quarrying.	Accept in part	No
FS9.82	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.083	Federated Farmers of New Zealand	EW-P11	Retain EW-P11, on the condition that farm quarries are clearly excluded from the definition of quarrying.	Accept in part	No
FS9.83	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.086	Federated Farmers of New Zealand	EW-R4	Retain EW-R4 as proposed.	Accept	No
FS9.86	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.245	Federated Farmers of New Zealand	QUARRY (Definition)	Amend the definition of 'Quarry' as follows: 'means a location or area used for the permanent removal and extraction of aggregates (clay, silt, rock or sand). It includes the area of aggregate resource and surrounding land associated with the operation of a quarry and which is used for quarrying activities. This excludes farm quarries. '	Reject	No
FS9.245	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.246	Federated Farmers of New Zealand	QUARRYING ACTIVITIES (Definition)	Amend the definition of 'Quarrying Activities' as follows: '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 parking areas associated with the operation of the quarry. This excludes farm quarries. '	Reject	No
FS9.246	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	

NH – Natural Hazards

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S11.016	Hawke's Bay Regional Council	NH - Introduction	Amend paragraph 3 of NH-Introduction as follows: 'Risk from natural hazards can arise from: - intense rainfall events causing flooding from rivers, streams, overland flow paths and lakes; - earthquakes and liquefaction tsunami; - tsunami ; ...'	Accept	Yes
S11.017	Hawke's Bay Regional Council	MAPS	Update the Flood Risk Area to Zone 1 and Zone 2 areas as provided by flood hazard maps developed by the HBRC Asset Management team.	Accept	YesNo
S11.036	Hawke's Bay Regional Council	MAPS	Amend maps to address the following near source tsunami extent areas identified on the Hazard Portal but excluded in the planning maps: Parerahi Rd and Makaramu St in Porangahau, McHardy Place, Southern end of Pouterere Beach Rd, a section of Pouterere Road, Okura Rd, Mangakuri and an area around John Ross Place and Kapiti Place in Kairakau.	Accept	YesNo
S11.039	Hawke's Bay Regional Council	NH-R2	We support the proposal to restrict permitted activities to only BIC-1 category buildings in the high risk flood area (Zone 1). It may be appropriate for building importance category restrictions to apply in Zone 2 that would restrict sensitive activities, or buildings that have the ability to house large numbers of people. Or alternatively, Zone 2 could work as an alert layer without any additional rules other than the existing natural hazards matter of control in the Subdivision chapter, supported by a policy framework in the Natural Hazards chapter for other land use activities.	Accept	Yes
S50.033	The Surveying Company (HB) Ltd	NH - Natural Hazards	Retain NH - Natural Hazards chapter.	Accept	No
S56.029	Powerco Limited	NH-R1	Retain NH-R1 as notified.	Accept	No
FS9.282	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S57.007	Fire and Emergency New Zealand	NATURAL HAZARD (Definition)	Retain the definition of 'Natural hazard' as notified (subject to minor typo correction 'NATURAL NATURAL HAZARD').	Accept	No
FS23.37	Kāinga Ora - Homes and Communities		Disallow	Reject	
S57.012	Fire and Emergency New Zealand	VULNERABLE ACTIVITY (NATURAL HAZARDS / HAZARDOUS SUBSTANCES) (Definition)	Retain the definition of 'Vulnerable Activity (Natural Hazards/Hazardous Substances)' as notified.	Accept	No
S57.043	Fire and Emergency New Zealand	NH-O1	Retain NH-O1 as notified.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S57.044	Fire and Emergency New Zealand	NH-O2	Retain NH-O2 as notified.	Accept	No
S57.045	Fire and Emergency New Zealand	NH-O3	Retain NH-O3 as notified.	Accept in part	No
S57.046	Fire and Emergency New Zealand	NH-P1	Retain NH-P1 as notified.	Accept	No
S57.047	Fire and Emergency New Zealand	NH-P2	Retain NH-P2 as notified.	Accept	No
S57.048	Fire and Emergency New Zealand	NH-P5	Retain NH-P5 as notified.	Accept in part	No
S57.049	Fire and Emergency New Zealand	NH-P7	Retain NH-P7 as notified.	Accept in part	No
S57.050	Fire and Emergency New Zealand	NH-P8	Retain NH-P8 as notified.	Accept in part	No
S57.051	Fire and Emergency New Zealand	NH-P9	Retain NH-P9 as notified.	Accept in part	No
S57.052	Fire and Emergency New Zealand	NH-P11	Retain NH-P11 as notified.	Accept	No
S57.053	Fire and Emergency New Zealand	NH-R1	Retain NH-R1 as notified.	Accept	No
S57.054	Fire and Emergency New Zealand	NH-R2	Amend NH-R2 as follows: 'NH-R2 Any new building or alteration to an existing building within a Natural Hazard area Fault Avoidance Area 1. ... 2. Activity status where the building is a BIC 2b, er-3 or BIC 4 category structure: RDIS 3. Activity status where the building is a BIC 4 category structure: NC Flood Hazard Area 4. ... 5. Activity status where the building is a BIC 2a, 2b, er-3 or BIC 4 category structure: RDIS 6. Activity status where the building is a BIC 4 category structure: NC	Reject	No
S57.055	Fire and Emergency New Zealand	NH-R3	Retain NH-R3 as notified.	Accept in part	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S57.056	Fire and Emergency New Zealand	NH-APP1	Retain NH-APP1 as notified.	Accept in part	No
S64.038	Department of Conservation	NH-O1	Retain NH-O1.	Accept	No
FS9.321	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.039	Department of Conservation	NH-O2	Retain NH-O2.	Accept in part	No
FS9.322	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S64.040	Department of Conservation	NH-O3	Retain NH-O3.	Accept in part	No
FS9.323	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
FS23.31	Kāinga Ora - Homes and Communities		Disallow	Accept in part	
S64.041	Department of Conservation	NH-P1	Retain NH-P1.	Accept	No
FS9.324	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.042	Department of Conservation	NH-P2	Retain NH-P2.	Accept	No
FS9.325	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.043	Department of Conservation	NH-P3	Retain NH-P3.	Accept	No
FS9.326	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.044	Department of Conservation	NH-P4	Retain NH-P4.	Accept	No
FS9.327	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.045	Department of Conservation	NH-P5	Retain NH-P5.	Accept in part	No
FS9.328	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S64.046	Department of Conservation	NH-P6	Retain NH-P6.	Accept	No
FS9.329	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S64.047	Department of Conservation	NH-P7	Retain NH-P7.	Accept in part	No
FS9.330	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S64.048	Department of Conservation	NH-P8	Retain NH-P8.	Accept in part	No
FS9.331	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S64.049	Department of Conservation	NH-P9	Retain NH-P9.	Accept in part	No
FS9.332	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept in part	
S64.050	Department of Conservation	NH-P10	Retain NH-P10.	Accept	No
FS9.333	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.051	Department of Conservation	NH-P11	Retain NH-P11.	Accept	No
FS9.334	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S64.052	Department of Conservation	NH-P12	Retain NH-P12.	Accept	No
FS9.335	Royal Forest and Bird Protection Society of New Zealand Incorporated		Allow	Accept	
S66.003	Woolworths New Zealand Limited	NH-R2	Amend the matters for discretion in NH-R2(2) to provide more certainty for commercial activities, particularly those in low-rise buildings, being acceptable in the Fault Avoidance Area.	Reject	No
FS8.034	Silver Fern Farms Limited		Allow	Reject	
S66.004	Woolworths New Zealand Limited	NH-P7	Amend NH-P7 as follows: 'To adapt and promote an avoidance approach to new hazard sensitive development located within areas of significant natural hazard risk, rather than mitigation or remedial measures.'	Accept in part	Yes
FS8.031	Silver Fern Farms Limited		Allow	Accept in part	
S73.011	Ministry of Education	NH-R2	Retain NH-R2 as proposed.	Accept in part	No
S78.008	Waka Kotahi NZ Transport Agency	NH-R1	Retain NH-R1 as written.	Accept	No
S79.057	Transpower New Zealand Ltd	NH-P11	Retain NH-P11.	Accept	No
S79.058	Transpower New Zealand Ltd	NH-R1	Amend NH-R1 to remove non-complying activity status for the National Grid.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S79.059	Transpower New Zealand Ltd	NH-R2	Amend NH-R2 to remove non-complying activity status for the National Grid.	Accept in part	Yes
S79.060	Transpower New Zealand Ltd	NH-R3	Amend NH-R3 to remove non-complying activity status for the National Grid.	Accept	No
FS23.121	Kāinga Ora - Homes and Communities		Disallow	Reject	
S81.065	Horticulture New Zealand	NH - Introduction	Retain risk-based approach to natural hazards. Amend paragraph 5 of 'NH - Introduction' as follows: '... Climate change is therefore likely to have significant implications for the District in terms of water shortages and ongoing water security issues and also food security , and the flow on effects of this for the primary sector and wider community. ...'	Accept	Yes
S81.066	Horticulture New Zealand	NH-O3	Amend NH-O3 as follows: 'An increase of risk to people, property, infrastructure and the environment from the effects of natural hazards should be is-avoided, remedied or mitigated, reflecting the level of risk posed by the hazard. '	Accept	Yes
FS8.030	Silver Fern Farms Limited		Allow in part	Accept	
S81.067	Horticulture New Zealand	Definitions	Add a new definition for 'Areas of Significant Natural Hazard Risk' as follows: 'AREAS OF SIGNIFICANT NATURAL HAZARD RISK - Fault Avoidance Area - Flood Hazard Area - Tsunami Hazard Area.'	Reject	No
S81.068	Horticulture New Zealand	NH-R2	Amend all relevant references in NH-R2 to provide for structures (in addition to buildings), for example: 'The building or structure is a BIC 1 or 2a category structure.'	Accept	Yes
FS12.1	New Zealand Defence Force		Allow in part Accept the submitter's relief sought with the following addition to the rule description: 'Any new building or structure or alteration to an existing building or structure within a Natural Hazard area'.	Accept	
S81.069	Horticulture New Zealand	NH-APP1	Use Schedule A3 from the Building Code as the basis of building importance categories in the Plan.	Reject	No
FS8.035	Silver Fern Farms Limited		Allow	Reject	
FS12.3	New Zealand Defence Force		Disallow Reject the submitters relief as sought.	Accept	
S90.026	Centralines Limited	NH - Natural Hazards	Retain the 'NH - Natural Hazards' chapter as notified.	Accept in part	No
S101.010	New Zealand Motor Caravan Association	VULNERABLE ACTIVITY (NATURAL HAZARDS / HAZARDOUS SUBSTANCES) (Definition)	Amend the definition of 'Vulnerable Activity (Natural Hazards / Hazardous Substances)' as follows: 'an activity that is particularly vulnerable to exposure to significant risk from one or more identified natural hazards and/or hazardous substances. Vulnerable activities include: - Visitor Accommodation - Marae - Camping Grounds - Day Care Facilities	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			- Rest Homes - Retirement Villages - Educational Facilities - Emergency Service Activities - Hospitals.'		
S105.008	James Bridge	NH-O3	Delete NH-O3, or amend the wording to refer to 'significant risks from natural hazards' to align with s6 of the RMA.	Accept	Yes
FS8.027	Silver Fern Farms Limited		Allow in part	Accept	
S105.009	James Bridge	NH-P7	Delete NH-P7.	Reject	No
S105.010	James Bridge	NH-P9	Delete NH-P9.	Reject	No
FS8.032	Silver Fern Farms Limited		Allow	Reject	
S105.011	James Bridge	NH-AER1	Amend NH-AER1 as follows: ' New Where building development is located outside of identified within a natural hazard risk areas. Where building development is already within a hazard area, the significant risk of the hazard is reduced and/or mitigated. '	Accept in part	Yes
S117.052	Chorus New Zealand Limited	NH-APP1	Amend NH-APP1 as follows: 'Building Importance Category (BIC) 1 Structures presenting a low degree of hazard to life and other property Examples: a. Farm buildings, isolated structures and towers in the Rural Zones, not otherwise identified as BIC 2, 3 or 4. b. Fences, poles masts , walls, in-ground swimming pools. c. Network utility structures and activities that are not classified as BIC 4. d. Other structures with a gross floor area of 30m2 or less.'	Accept in part	Yes
FS9.480	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S118.052	Spark New Zealand Trading Limited	NH-APP1	Amend NH-APP1 as follows: 'Building Importance Category (BIC) 1 Structures presenting a low degree of hazard to life and other property Examples: a. Farm buildings, isolated structures and towers in the Rural Zones, not otherwise identified as BIC 2, 3 or 4. b. Fences, poles masts , walls, in-ground swimming pools. c. Network utility structures and activities that are not classified as BIC 4. d. Other structures with a gross floor area of 30m2 or less.'	Accept in part	Yes
S119.052	Vodafone New Zealand Limited	NH-APP1	Amend NH-APP1 as follows: 'Building Importance Category (BIC) 1 Structures presenting a low degree of hazard to life and other property Examples: a. Farm buildings, isolated structures and towers in the Rural Zones, not otherwise identified as BIC 2, 3 or 4.	Accept in part	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			b. Fences, poles masts , walls, in-ground swimming pools. c. Network utility structures and activities that are not classified as BIC 4. d. Other structures with a gross floor area of 30m2 or less.'		
S121.122	Federated Farmers of New Zealand	NH - Introduction	Retain 'NH - Introduction' as proposed.	Accept in part	No
FS9.122	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.123	Federated Farmers of New Zealand	NH-O1	Retain NH-O1 as proposed.	Accept	No
FS9.123	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.124	Federated Farmers of New Zealand	NH-O2	Amend NH-O2 as follows: 'The effects of natural hazards and the long-term effects of climate change on the community and vulnerable activities the built environment are minimised.'	Accept in part	No
FS9.124	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS23.34	Kāinga Ora - Homes and Communities		Disallow	Accept in part	
FS17.36	Horticulture New Zealand		Allow	Accept in part	
S121.125	Federated Farmers of New Zealand	NH-O3	Amend NH-O3 as follows: 'Any increase in risk to people, property, infrastructure and the environment from the effects of natural hazards is avoided, remedied or mitigated in areas where the risks from natural hazards are assessed as being unacceptable, and in all other areas is undertaken in a manner that ensures that the risks are appropriately managed.'	Accept in part	Yes
FS8.028	Silver Fern Farms Limited		Allow in part	Accept in part	
FS9.125	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.126	Federated Farmers of New Zealand	NH-P1	Retain NH-P1 as proposed.	Accept	No
FS9.126	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.127	Federated Farmers of New Zealand	NH-P2	Retain NH-P2 as proposed.	Accept	No
FS9.127	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.128	Federated Farmers of New Zealand	NH-P3	Retain NH-P3 as proposed.	Accept	No
FS9.128	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.129	Federated Farmers of New Zealand	NH-P4	Retain NH-P4 as proposed.	Accept	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
FS9.129	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.130	Federated Farmers of New Zealand	NH-P5	Amend NH-P5 as follows: 'To control the activities that can occur in areas of significant natural hazard risk, including: 1. the erection of new habitable buildings or structures, or alterations to existing habitable buildings or structures; 2. earthworks ; 3. subdivision of land; and 4. the establishment of new vulnerable activities. '	Reject	Yes (insofar as terminology has been amended to provide clarification)
FS9.130	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS17.37	Horticulture New Zealand		Allow	Reject	
S121.131	Federated Farmers of New Zealand	NH-P6	Retain NH-P6 as proposed.	Accept	No
FS9.131	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.132	Federated Farmers of New Zealand	NH-P7	Retain NH-P7 (subject to identification and mapping of 'areas of significant natural hazard risk').	Accept in part	No
FS9.132	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.133	Federated Farmers of New Zealand	NH-P8	Retain NH-P8 as proposed.	Accept in part	No
FS9.133	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.134	Federated Farmers of New Zealand	NH-P9	Amend NH-P9 as follows: 'To ensure that subdivision, land use activities or other new development of vulnerable activities is located and designed to avoid the need for further natural hazard mitigation activities. so that the activity: 1. incorporates mitigation measures so that the risk to life and property damage is acceptable; 2. the risk to surrounding properties is not increased; and 3. the activity does not require new or upgraded community-scale mitigation works.'	Accept in part	No
FS17.38	Horticulture New Zealand		Allow	Accept in part	
FS9.134	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.135	Federated Farmers of New Zealand	NH-P10	Retain NH-P10 as proposed.	Accept	No
FS9.135	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.136	Federated Farmers of New Zealand	NH-R1	Amend NH-R1 as follows: 'Natural hazard mitigation activities within a Natural Hazard area Fault Avoidance Area / Flood Hazard Area / Tsunami Hazard Area 1. Activity Status: PER	Reject	No

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
			Where the following conditions are met: a. The activity is carried out by or on behalf of a local authority, network utility operator or a requiring authority exercising its powers, functions and duties under the RMA, Soil Conservation and Rivers Control Act 1941, Land Drainage Act 1908, or Local Government Act 2002. Or b. the natural hazard risk cannot be reasonably avoided, and the mitigation works do not transfer or create unacceptable hazard risk to other people, property, infrastructure or the natural environment. 2. ...'		
FS8.033	Silver Fern Farms Limited		Allow	Reject	
FS9.136	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
FS17.39	Horticulture New Zealand		Allow	Reject	
S121.137	Federated Farmers of New Zealand	NH-R2	Amend NH-R2 as follows: 'Any new building or alteration to an existing buildings and structures within a Natural Hazard area ...' And retain the 'Permitted Activity' default to 'Restricted Discretionary' status.	Accept	Yes
FS9.137	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
FS12.2	New Zealand Defence Force		Allow in part Accept the submitter's relief sought with the following addition to the rule description: 'Any new building or structure or alteration to an existing building or structure within a Natural Hazard area'.	Accept	
S121.138	Federated Farmers of New Zealand	NH-R3	Retain NH-R3 as proposed.	Accept in part	No
FS9.138	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.139	Federated Farmers of New Zealand	NH-AM1	Retain NH-AM1 as proposed.	Accept	No
FS9.139	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.140	Federated Farmers of New Zealand	NH-AM2	Retain NH-AM2 as proposed.	Accept	No
FS9.140	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.141	Federated Farmers of New Zealand	NH-AM3	Retain NH-AM3 as proposed.	Accept	No
FS9.141	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.142	Federated Farmers of New Zealand	NH-AM4	Retain NH-AM4 as proposed.	Accept in part	No
FS9.142	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S121.143	Federated Farmers of New Zealand	NH-AM5	Retain NH-AM5 as proposed.	Accept	No
FS9.143	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.144	Federated Farmers of New Zealand	NH-AM6	Retain NH-AM6 as proposed.	Accept	No
FS9.144	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.145	Federated Farmers of New Zealand	NH-M1	Amend NH-M1 as follows: 'Planning Maps ... It is important to note that the hazard information provided is regional in scope and cannot be substituted for a site-specific investigation. A suitably qualified and experienced practitioner should be engaged if a site-specific investigation is required. This will be paid for by Central Hawkes Bay District Council in recognition of their responsibility to provide accurate hazard information and in recognition that site specific investigations, triggered when a potential land use change is contemplated, will be more cost effective than initiating a full district wide hazard identification process at this time.' And adjust natural hazard boundaries and information according to landowner submissions. And inform landowners as to what natural hazards are present on their property and to what extent.	Reject	No
FS9.145	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.146	Federated Farmers of New Zealand	Definitions	Add the following definitions in the Proposed Plan: ' Fault Avoidance Area: means an area identified on the planning maps.' ' Flood Hazard Area: means an area identified on the planning maps.' ' Tsunami Hazard Area: means an area identified on the planning maps.' ' Significant Natural Risk Area: means an area identified as either a fault avoidance area, flood hazard area or tsunami hazard area which is subject to elevated risk factors.'	Reject	No
FS9.146	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	
S121.147	Federated Farmers of New Zealand	NH-APP1	Retain 'Building Importance Category 1' in NH-APP1 as proposed.	Accept in part	No
FS9.147	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S121.148	Federated Farmers of New Zealand	NH-APP1	Amend 'Building Importance Category 3' in NH-APP1 as follows: 'Structures that may contain people in crowds or pose risks to people in crowds or contain contents of high value to the community a. g. Buildings, excluding farm buildings , and facilities not included in BIC 4 containing hazardous materials capable of causing hazardous conditions that do not extend beyond the property boundaries.'	Reject	No
FS9.148	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Accept	

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S121.251	Federated Farmers of New Zealand	VULNERABLE ACTIVITY (NATURAL HAZARDS / HAZARDOUS SUBSTANCES) (Definition)	Retain the definition of 'Vulnerable Activity' as proposed.	Accept	No
FS9.251	Royal Forest and Bird Protection Society of New Zealand Incorporated		Disallow	Reject	
S125.037	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	NH-P10	Retain NH-P10 as notified.	Accept	No
S125.038	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	NH - Policies	Redraft the policies in the 'NH - Natural Hazards' chapter in the Proposed Plan to more fully and accurately reflect the history, relationships and whakapapa of Māori in the rohe. This includes working with mana whenua to develop, apply, monitor, and enforce holistic river management practices. The amended wording should be drafted collaboratively with the mana whenua of the District.	Reject	No
S129.009	Kāinga Ora - Homes and Communities (Kainga Ora)	VULNERABLE ACTIVITY (NATURAL HAZARDS / HAZARDOUS SUBSTANCES) (Definition)	Retain the definition of 'Vulnerable Activity (Natural Hazards/Hazardous Substances)' as notified.	Accept	No
S129.048	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-01	Retain NH-01 as notified.	Accept	No
S129.049	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-02	Amend NH-02 as follows: The Significant adverse effects of natural hazards and the long-term effects of climate change on the community and the built environment are minimised.'	Accept in part	Yes
S129.050	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-03	Amend NH-03 as follows: Any increase in risk to people, property, infrastructure and the environment from the effects of natural hazards is avoided. The establishment of new activities, subdivision, and development do not unnecessarily increase or exacerbate risks associated with natural hazards to people, property, infrastructure, and the environment.	Accept in part	Yes
FS8.029	Silver Fern Farms Limited		Allow in part	Accept in part	
S129.051	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-P5	Amend NH-P5 as follows: To control- manage the activities that can occur in areas of significant natural hazard risk, including: 1.	Accept	Yes
S129.052	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-P9	Amend NH-P9 as follows: To ensure that subdivision, land use activities or other new development is located and designed to avoid the need for further natural hazard mitigation activities so as not to necessitate natural hazard mitigation activities to minimise risks associated with natural hazards to people, property, and infrastructure.	Accept	Yes

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S129.053	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-P10	Retain NH-P10 as notified.	Accept	No
S129.054	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-R2	<p>Amend NH-R2 as follows:</p> <p>'Fault Avoidance Area</p> <p>1. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. ...</p> <p>2. Activity status where the building is a BIC 2b or 3 category structure: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. ...</p> <p>b. The nature and extent of the hazard risks to people or property, and whether the building activity is likely to increase or exacerbate those risks; will intensify the use of the area, or the number of people that are likely to occupy the site.</p> <p>c. ...</p> <p>d. ...</p> <p>3. Activity status where the building is a BIC 4 category structure: NC</p> <p>Flood Hazard Area:</p> <p>4. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. The building is a BIC 1 category structure (refer NH APP1 – Table of Building Importance Categories (BIC))</p> <p>5. Activity status where the building is a BIC 2a, 2b or 3 category structure: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. The functional or operational need to locate the building in the hazard area.</p> <p>b. The nature and extent of the hazard risks to people or property and the effectiveness of any mitigation measures.</p> <p>c. Cumulative effects and the potential for the activity to create, transfer or intensify hazard risks on adjoining sites, and any measures proposed to mitigate the effects of the hazard.</p> <p>d. The potential to relocate or remove buildings to alternative locations.</p> <p>6. Activity status where the building is a BIC 4 category structure: NC</p> <p>Tsunami Hazard Area</p> <p>7. Activity Status: PER</p> <p>Where the following conditions are met:</p> <p>a. ...</p> <p>8. Activity status where compliance not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. ...</p> <p>b. ...</p> <p>c. Whether appropriate escape paths or evacuation routes are available and readily accessible should a tsunami occur.'</p>	Accept in part	Yes
S129.055	Kāinga Ora - Homes and Communities (Kainga Ora)	NH-R3	Delete NH-R3.	Reject	Yes (insofar as terminology has been amended to provide clarification)

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S129.056	Kāinga Ora - Homes and Communities (Kāinga Ora)	NH-AM4	Amend NH-AM4 as follows: '1. The effects of the occurrence of the identified natural hazard and the consequences of the natural hazard on the proposed activity will need to be assessed. In making this risk assessment the following factors will need to be considered: a. i. An overall assessment of whether the risk of natural hazards is significant or not.'	Accept	Yes
S129.057	Kāinga Ora - Homes and Communities (Kāinga Ora)	NH-AM5	Amend NH-AM5 as follows: 'Effects on Public Works and Network Utilities 1. ...'	Accept	Yes
S129.058	Kāinga Ora - Homes and Communities (Kāinga Ora)	NH-AER1	Amend NH-AER1 as follows: 'Where practicable, nNew building development is located outside of identified natural hazard risk areas presenting significant risk from natural hazards. Where building development and associated land use activities are already established is already within a natural hazard area, the risk of the hazard is reduced and/or mitigated.mitigations are employed to minimise risk to people and property.'	Accept	Yes
S129.059	Kāinga Ora - Homes and Communities (Kāinga Ora)	NH-APP1	Retain NH-APP1 as notified.	Accept in part	No
S129.235	Kāinga Ora - Homes and Communities (Kāinga Ora)	MAPS	Delete the 'Flood Hazard Overlay' from the Planning Maps.	Reject	No

APPENDIX 4

Reporting Officer Responses to Specific Matters Raised in Evidence

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

Subdivision (General) Topic

Issue/Plan Provision	Submitter Evidence	Response
<p>1. Objective SUB-O4</p>	<p>Chorus, Spark and Vodafone (S117.059, S118.059, S119.059) [Statement from Tom Anderson, p6]</p> <p>Chorus's, Spark's and Vodafone's original submissions supported Objective SUB-O4 and requested that it be retained as notified.</p> <p>The section 42A report (pp48-49) stated:</p> <p><u>Objective SUB-O4</u></p> <p>8.3.14 Chorus, Spark, Vodafone, Silver Fern Farms, Hatuma Lime, NZTA and Centralines all request that Objective SUB-O4 be retained as notified.</p> <p>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.</p> <p>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.</p> <p>8.3.17 Kāinga Ora requests that the objective be amended as follows:</p> <p style="padding-left: 40px;">SUB-O4 Reverse sensitivity effects of subdivision <u>and resulting new activities</u> on existing lawfully established activities (including network utilities) are avoided/mitigated <u>avoided where practicable, or mitigated where avoidance is not practicable.</u></p> <p>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.</p> <p>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:</p> <p style="padding-left: 40px;"><u>OBJECTIVES</u></p> <p style="padding-left: 40px;">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.</p> <p style="padding-left: 40px;">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.</p> <p style="padding-left: 40px;">OBJ 18 For the expansion of existing activities which are sited 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.</p> <p>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.</p> <p>8.3.21 On that basis, I consider that Objective SUB-O4 should be retained, but amended as follows:</p> <p style="padding-left: 40px;">SUB-O4 Reverse sensitivity effects of subdivision <u>and its resulting future land use activities</u> on existing lawfully established activities avoided/mitigated <u>are avoided where practicable, or mitigated where avoidance is not practicable.</u></p>	<p>I concur with Mr Anderson that there is no scope within submissions to delete '(including network utilities)' in Objective SUB-O4.</p> <p>Therefore, I have changed my position and recommend that Objective SUB-O4 be amended as follows in response to the relevant submission points:</p> <p>SUB-O4 Reverse sensitivity effects of subdivision <u>and its resulting future land use activities</u> on existing lawfully established activities (including network utilities) are avoided where practicable, or mitigated where avoidance is not practicable.</p> <p>This amendment does not otherwise change my recommendations in relation to the submission points on this policy.</p>

	<p>In his statement of evidence on behalf of Chorus, Spark and Vodafone, Mr Anderson states:</p> <p><i>“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.</i></p> <p><i>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></p> <p><i>I have raised this point as the recommendation in the s42A report to delete (including network utilities) in my view is out of scope”.</i></p>	
<p>2. Policy SUB-P1</p> <p>New Rule SUB-RX: Subdivision in accordance with an approved land use consent</p>	<p>Kāinga Ora (S129.072, S129.097)</p> <p>[Statement from Michael Campbell]</p> <p>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:</p> <p>SUB-P1 <u>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.</u></p> <p>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.</p>	<p><u>Policy SUB-P1</u></p> <p>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.</p> <p>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.</p> <p>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) “[...] <i>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”.</i></p> <p>Therefore, I have not changed my position as I do not support the wholesale amendment to Policy SUB-P1 requested by the submitter.</p> <p><u>Requested New Rule</u></p> <p>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).</p>

The new rule requested by Kāinga Ora is as follows:

SUB-RX-Subdivision in accordance with an approved land use consent ²¹		
General Residential Zone ¹	1. Activity Status: CON ¹	2. Where compliance with condition SUB-RX(1) is not achieved: N/A ²¹
Commercial Zone ¹	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. ¹	
General Industrial Zone ¹	¹	
Large Lot Residential Zone ²¹	Matters over which control is reserved: ¹ a. → The effect of the design and layout of the proposed sites created. ¹ b. → Whether the subdivision will result in new or increased non-compliance with district-wide and zone rules; and ¹ c. → Whether there is appropriate provision made for infrastructure. ²¹	

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/after 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.

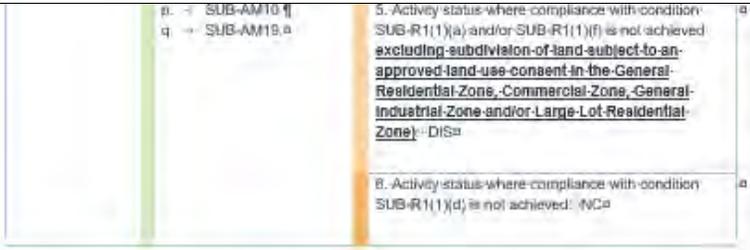
5.18 Based on my experience, it is not uncommon for the land use and subdivision consent to be lodged concurrently. In that scenario, the land use consent can be approved the moment before the subdivision consent is granted (as a separate unbundled resource consent). Given that the effects of the development 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 the 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.

SUB-R1 Subdivision not otherwise provided for:		
All Zones	1. Activity Status: COM	2. Activity status where compliance with condition SUB-R1(1)(c) and/or SUB-R1(1)(e) is not achieved: RDIS
	Where the following conditions are met:	
	a. → Compliance with SUB-S1	Matters over which discretion is restricted:
	b. → The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:	a. → SUB-AM1
	i. → HH-SCHED2	b. → SUB-AM2
	ii. → SASM-SCHED3	c. → SUB-AM3
	iii. → ECO-SCHED5	d. → SUB-AM4
	iv. → ONL or ONF within NFL-SCHED6	e. → SUB-AM5
	v. → CE-SCHED7	f. → SUB-AM6
	c. → Compliance with:	g. → SUB-AM7
	i. → SUB-S4(1)	h. → SUB-AM8
	ii. → SUB-S6	i. → SUB-AM9
	iii. → SUB-S6	j. → SUB-AM10
	iv. → SUB-S7(1) and SUB-S7(2)	k. → SUB-AM11
	v. → SUB-S8; and	l. → SUB-AM12
	vi. → SUB-S9	m. → SUB-AM13
	d. → Compliance with:	n. → SUB-AM14
	i. → SUB-S4(2) and SUB-S4(3) National Grid Subdivision Corridor; and	o. → SUB-AM15
	ii. → SUB-S4(4) and SUB-S4(5) Gas Transmission Network	
	e. → The land being subdivided is not located within a Natural Hazard area identified on the Planning Maps	
	f. → Compliance with SUB-S7(3)	
	Matters over which control is reserved:	
	g. → SUB-AM1	
	h. → SUB-AM2	
	i. → SUB-AM3	
	j. → SUB-AM4	
	k. → SUB-AM5	
	l. → SUB-AM6	
	m. → SUB-AM7	
	n. → SUB-AM8	
	o. → SUB-AM9	
		3. Activity status where compliance with condition SUB-R1(1)(b) is not achieved: RDIS
		Matters over which discretion is restricted:
		a. → SUB-AM1
		b. → SUB-AM2
		c. → SUB-AM3
		d. → SUB-AM4
		e. → SUB-AM5
		f. → SUB-AM6
		g. → SUB-AM7
		h. → SUB-AM8
		i. → SUB-AM9
		j. → SUB-AM10
		k. → SUB-AM11
		l. → SUB-AM12
		m. → SUB-AM13
		n. → SUB-AM14
		o. → SUB-AM15
		4. Activity status where compliance with condition SUB-R1(1)(a) is not achieved for subdivision of land subject to an approved land use consent in the General Residential Zone, Commercial Zone, General Industrial Zone and/or Large Lot Residential Zone: RDIS
		Matters over which discretion is restricted:
		a. → SUB-AM1
		b. → SUB-AM2
		c. → SUB-AM3
		d. → SUB-AM4
		e. → SUB-AM5
		f. → SUB-AM6
		g. → SUB-AM7
		h. → SUB-AM8
		i. → SUB-AM9
		j. → SUB-AM10
		k. → SUB-AM11
		l. → SUB-AM12
		m. → SUB-AM13
		n. → SUB-AM14
		o. → SUB-AM15

		
<p>3. Policy SUB-P8</p>	<p>Kāinga Ora (S129.072, S129.097) [Statement from Michael Campbell]</p> <p>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:</p> <p>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.</p> <p>The section 42A report (pp 66-67) stated the following: Policy SUB-P8</p> <p>9.3.25 <i>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.</i></p> <p>9.3.26 <i>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:</i></p> <p>SUB-P8 To encourage innovative subdivision design consistent with the maintenance of purpose, character and amenity values supported and envisaged by the zone provisions.</p> <p>In his statement of evidence on behalf of Kāinga Ora, Mr Campbell states: “5.11 <i>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></p>	<p>I have not changed my position, for the reasons set out in my section 42A report.</p>

	<p><i>'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'.</i></p> <p>3.12 <i>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.</i></p> <p>3.13 <i>I have proposed a slight change to the original wording proposed by Kainga Ora to maintain the reference to amenity values.</i></p> <p>SUB-P8 <i>To encourage innovative subdivision design consistent with the maintenance of purpose, character and amenity values <u>that aligns with and contributes to the planned built form outcomes of the zone.</u></i></p>			
4. Policy SUB-P10	<p>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'.</p>	<p>I have changed my position and recommend that Policy SUB-P10 should be amended to read:</p> <p>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.</p> <p>This amendment does not otherwise change my recommendations in relation to the submission points on this policy.</p>		
5. Policy SUB-P17	<p>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:</p>	<p>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.</p> <p>Therefore, I have changed my position and recommend that clause (c) of the new definition of Regionally Significant Infrastructure be amended as follows:</p> <table border="1" data-bbox="1144 1096 1858 1323"> <tr> <td data-bbox="1144 1096 1312 1323">REGIONALLY SIGNIFICANT INFRASTRUCTURE</td> <td data-bbox="1312 1096 1858 1323"> <p>means necessary services and installations which are of greater than local significance, including:</p> <p>(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;</p> <p>(b) the electricity transmission network and electricity distribution networks;</p> <p>(c) strategic telecommunications and radiocommunications facilities</p> <p>[...]</p> </td> </tr> </table>	REGIONALLY SIGNIFICANT INFRASTRUCTURE	<p>means necessary services and installations which are of greater than local significance, including:</p> <p>(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;</p> <p>(b) the electricity transmission network and electricity distribution networks;</p> <p>(c) strategic telecommunications and radiocommunications facilities</p> <p>[...]</p>
REGIONALLY SIGNIFICANT INFRASTRUCTURE	<p>means necessary services and installations which are of greater than local significance, including:</p> <p>(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;</p> <p>(b) the electricity transmission network and electricity distribution networks;</p> <p>(c) strategic telecommunications and radiocommunications facilities</p> <p>[...]</p>			

REGIONALLY SIGNIFICANT INFRASTRUCTURE²⁴

means necessary services and installations which are of greater than local significance, including:²⁵

- (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;²⁶
- (b) → the electricity transmission network and electricity distribution networks;²⁷
- (c) → strategic telecommunications and radiocommunications facilities;²⁸
- (d) → public or community renewable electricity generation activities;²⁹
- (e) → pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas;³⁰
- (f) → public or community sewage treatment plants and associated reticulation and disposal systems;³¹
- (g) → public water supply intakes, treatment plants and distribution systems;³²
- (h) → public or community rural water storage infrastructure, including distribution systems;³³
- (i) → public or community drainage systems, including stormwater systems;³⁴
- (j) → flood protection schemes;³⁵
- (k) → any railway (as defined in the Railways Act 2005).³⁶

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:

"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

	<p><i>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”.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Requested Relief:</i></p> <p><i>Amend the recommended condition of Regionally Significant infrastructure (as at Paragraph 9.3.81 of the s42A report) as follows:</i></p> <p><i>means necessary services and installations which are of greater than local significance, including:</i></p> <p><i>(c) strategie telecommunications and radiocommunications facilities</i></p>	
<p>6. Rule SUB-R1</p>	<p>Hatuma Lime (S98.021)</p> <p>[Statement from Claire Price, pp 6-7]</p> <p>Hatuma Lime’s original submission supported in part Rule SUB-R1 but requested that a new matter of control be added as follows:</p> <p><u>SUB-AM19 Subdivision with building platforms and/or vehicle access within proximity of the Hatuma Lime Maharakeke Road quarry</u></p> <ol style="list-style-type: none"> <u>1. Any actual and potential reverse sensitivity effects on the effective, and efficient operation of the Hatuma Lime quarry.</u> <u>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.</u> <p>The section 42A report (pp 102-103) states the following:</p> <p>10.3.36 <i>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</i></p>	<p>The following two objectives in the Subdivision chapter are relevant to the issue of reverse sensitivity effects:</p> <p>SUB-O1 <i>Subdivision of land is consistent with objectives and policies of the relevant zones and district-wide matters in the District Plan [...]</i></p> <p>SUB-O4 <i>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.</i></p> <p>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:</p> <p>SUB-P16 <i>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.</i></p>

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 follows¹:*

[...]

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 designed 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.

	<p>In her statement of evidence on behalf of Hatuma Lime, Ms Price states (p7):</p> <p><i>“Disagree</i></p> <p><i>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.”</i></p> <p>Ms Price also states (paras 6.1-6.5, p13):</p> <p><i>“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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.”</i></p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> a. → Limited to: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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.
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		<p>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.</p> <p>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).</p> <p>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).</p> <p>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).</p> <p>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.</p> <p>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.</p> <p>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 <i>Attachment 1</i> 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:</p> <ul style="list-style-type: none"> • The method by which limestone is to be harvested in the extension area. • The staging of the quarrying activities through to the year 2100.
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		<ul style="list-style-type: none"> • 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. <p>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 vibration²:</p> <p>Impact of mining on amenity, landscape and nature conservation values:</p> <p>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.</p> <p>The ability of operation to avoid or mitigate dust, noise, lighting and vibration</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>
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² 'Delegation Panel Meeting – Proposal: Height Waiver and Extension of Quarry Winning Activities, Applicant: Hatuma Lime Co. Ltd., RM: 100095', dated 24 November 2011.

		<p>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 4000m² (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.</p> <p>I therefore stand by my advice in the s42A report (with respect to new 20ha lots created under Rule SUB-R1(1)) that: <i>“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.”</i></p> <p>As an aside, I note that there are three existing smaller lots in the vicinity of the Maharakeke Road Quarry (comprising: Lot 1 of 7,420m², Lot 2 of 2.089ha, and Lot 4 of 5880m²) 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.</p> <p>On the basis of the above, I have not changed my position for the reasons set out in my s42A report.</p>
7. Rule SUB-R5	<p>Hatuma Lime (S98.023) [Statement from Claire Price, pp14-15]</p> <p>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’.</p> <p>The s42A report (p108) states the following:</p> <p><i>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</i></p>	<p>For the reasons outlined above in relation to Submission Point S98.21 and in the s42A report, I have not changed my position.</p>

	<p><i>platforms and/or vehicle access within proximity of the Hatuma Lime Quarry on new lots created in the General Rural Zone.</i></p> <p>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:</p> <p>c. Any lifestyle site proposed within 400 metres of an existing rural industry or primary production activity including intensive primary production;</p> <p>In her statement of evidence on behalf of Hatuma Lime, Ms Price states (pp14-15):</p> <p><i>“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.</i></p> <p><i>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.</i></p> <p><i>7.5.1 To implement SUB-O4 and SUB-P16 and 17 effectively and efficiently, the Assessment Matters for controlled activities subdivisions should either:</i></p> <p><i>7.5.1 amend AM13(2) further and reference the Hatuma Quarry (Maharaeke Road) as a new sub-section OR</i></p> <p><i>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.”</i></p>	
<p>8. Rule SUB-R7</p>	<p>Heritage NZ (S55.063) [Statement from Dean Raymond, p2]</p> <p>Heritage NZ’s original submission sought to amend Rule SUB-R7 as follows:</p> <div style="border: 1px solid black; padding: 5px;"> <p>Amend SUB-R7(1)(a)(iv) as follows:</p> <p>‘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.’</p> <p>And amend SUB-R7(1)(b)(ii) as follows:</p> <p>‘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.’</p> </div>	<p>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):</p> <p>14.3.9 <i>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.</i></p>

	<p>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:</p> <p>In his Statement on behalf of Heritage NZ, Mr Raymond states that the S42A Report recommendation is "...<i>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</i>".</p>	<p><i>14.3.10 I therefore recommended that HNZPT S55.058, S55.063 and S55.064 be rejected.</i></p> <p>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.</p> <p>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.</p>
<p>9. Standard SUB-S1</p>	<p>Kāinga Ora (S129.098) [Statement from Michael Campbell]</p> <p>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:</p>	<p>I have not changed my position for the reasons set out in my s42A report.</p>

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	No minimum net-site-area lot size applies.
General Industrial Zone	
Settlement Zone	Where public sewerage reticulation is available – 800m ² . Where public sewerage reticulation is not available – 4000m 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 <i>Note: standards for subdivisions involving the creation of Lifestyle Sites in the General Rural Zone are in found in SUB-S2 below.</i>
Rural Production Zone	42 hectares <i>Note: standards for subdivisions involving the creation of Lifestyle Sites in the Rural Production Zone are in found in SUB-S2 below.</i>
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 350m² to 300m² 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

	<p>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 350m² per dwelling and a minimum lot size of 350m² in the General Residential Zone.</p> <p>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.</p> <p>72. Given this uncertainty, I consider that Standard GRZ-S1(2)(a) should be retained as notified."</p> <p>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 350m² to 300m² be rejected. I therefore recommend that Standard SUB-S1(1) be retained as notified."</p> <p>In his statement of evidence on behalf of Kāinga Ora, Mr Campbell states:</p> <p>" 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.</p> <p>5.25 I remain of the view that a reduced net site area requirement of 300m² 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 600m² 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.</p> <p>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.</p>	
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<p>10. Assessment Matters SUB-AM5(4) and SUB-AM6(7)</p>	<p>FENZ (S57.078 and S57.079) [Statement from Paul Gimpsey]</p> <p>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.</p> <p>The section 42A report (p 27) states the following:</p> <p><i>"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'."</i></p> <p>In his statement of evidence on behalf of FENZ, Mr Gimpsey states (p4):</p> <p><i>"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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p><i>SUB-AM5 Water Supply, Wastewater Disposal, Stormwater Disposal</i></p> <p><u>(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.</u></p> <p><i>SUB-AM6 Property Access</i></p> <p><u>(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."</u></p>	<p>I concur with Mr Gimpsey that deleting Assessment Matter SUB-AM5(4), which refers to the <i>NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008</i>, would reduce Council's ability to adequately consider the fire risk in relation to subdivision consent application is greatly reduced.</p> <p>Therefore, I have changed my position and consider that SUB-AM5(4) should be retained as notified.</p> <p>For the same reasons, I consider that Assessment Matter SUB-AM6(7) should retain reference to the <i>NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008</i>, 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]</p> <p>Therefore, I have changed my position and consider that the reference to <i>NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008</i> 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:</p> <p><i>(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).</i></p>
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<p>11. Assessment Matter SUB-AM7</p>	<p>Kāinga Ora (S129.114) [Statement from Michael Campbell]</p> <p>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.</p> <p>The section 42A report (pp 143-144) states the following:</p> <p>12.3.12 <i>NZTA (S78.030) supports Assessment Matter SUB-AM7 and requests that it be retained as notified.</i></p> <p>12.3.13 <i>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.</i></p> <p>12.3.14 <i>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.</i></p> <p>12.3.15 <i>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.</i></p> <p>12.3.16 <i>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.</i></p> <p>12.3.17 <i>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.</i></p> <p>12.3.18 <i>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></p>	<p>I have not changed my position for the reasons set out in my s42A report.</p>
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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 edge carriageway); or**
- > **100m of Rail Network Boundary**

General

1. → The following Minimum External Sound Insulation Level Standards applies to all habitable room any building that contains a noise sensitive activity within 100 metres of the sealed edge of a Highway or the Rail Network Boundary, either:
 - a. → Provide a design report prepared by an acoustic specialist prior to construction of the habitable spaces/rooms, demonstrating that road-traffic/rail-network sound levels will not exceed 44 $L_{Aeq}(24hr)$ inside all habitable spaces/rooms; or
 - b. → Provide a design report prepared by an acoustic specialist prior to construction of the habitable room/s, demonstrating that road-traffic/rail-network sound levels will not exceed 57 dB L_A 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 supplement of fresh air ducted from outside is required at the time of fit-out. The supplementary source 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 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.

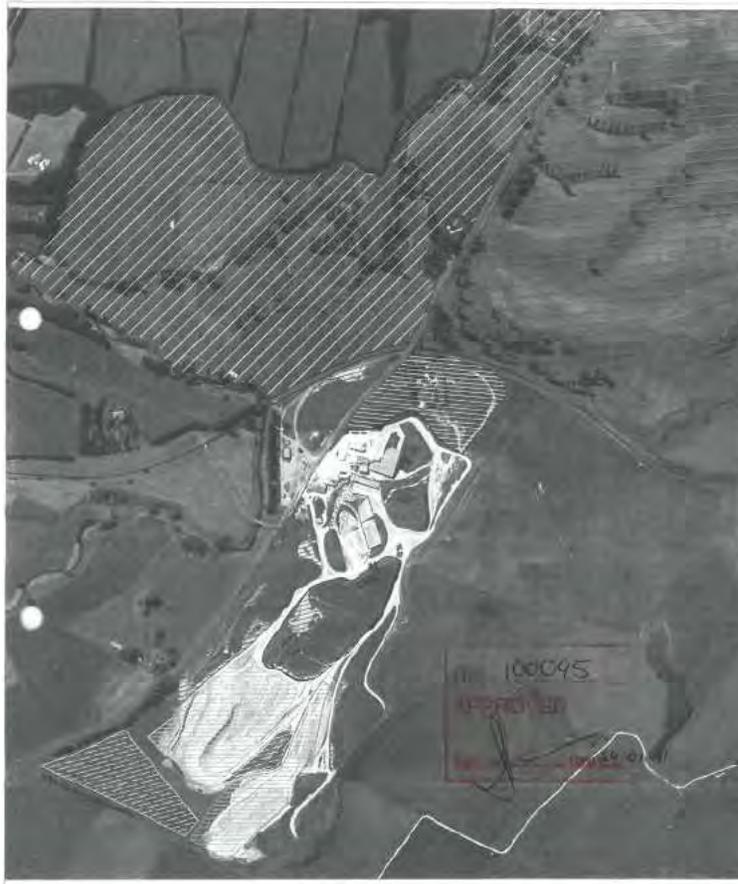
	<ol style="list-style-type: none"> 2. The potential adverse effects of sitelot development on the efficient use and operation of the State Highway network and the suitability of any mitigation measures relating to noise and vibration to enable the continued operation of the network. 3. Whether any consultation 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 sitelot(s). 6. Whether there are any special topographical features or ground conditions which may mitigate effects on the operation of the State Highway network <p>In his statement of evidence on behalf of Kāinga Ora, Mr Campbell states:</p> <p><i>“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.</i></p> <p><i>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.”</i></p>	
12. Assessment Matter SUB-AM17	<p>Transpower (S79.085) [Statement from Pauline Whitney, para 6.19]</p> <p>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.</p> <p>The section 42A report (p17) stated:</p> <p><i>“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.</i></p> <p><i>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.</i></p> <p><i>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</i></p>	<p>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 a minor change under clause 16(2) of the First Schedule to the RMA.</p> <p>The NESETA (National Environmental Standards for Electricity Transmission Activities) includes the following definitions of ‘transmission line’ and ‘transmission line support structure’:</p> <p>“transmission line-</p> <ol style="list-style-type: none"> (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. <p>transmission line support structure means a tower or pole”</p> <p>The PDP includes the following definition of ‘Line’:</p>

	<p><i>subdivisions with building platforms and/or vehicle access within the National Grid Subdivision Corridor and/or in close proximity to the Gas Transmission Network.”</i></p> <p><i>The section 42A report therefore recommended that the following amendment be made to SUB-AM17:</i></p> <p>SUB-AM17 Subdivisions with building platforms and/or vehicle access within the National Grid Subdivision Corridor</p> <ol style="list-style-type: none"> 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. <u>The extent to which the subdivision design and consequential development are consistent with the objectives and policies of the NU – Network Utilities chapter.</u> <p>In her statement of evidence on behalf of Transpower, Ms Whitney states: <i>“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:</i></p> <p>SUB-AM17 Subdivisions with building platforms and/or vehicle access within the National Grid Subdivision Corridor</p> <p>...</p> <p>2. <i>The ability for continued access to existing National Grid transmission lines and support structures for maintenance, inspections and upgrading.</i></p> <p>...</p>	<p>LINE^a</p> <p>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)¶</p> <p>(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¶</p> <p>(b) → includes—¶</p> <p>(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¶</p> <p>(ii) → any part of a line^a</p> <p>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.</p> <p>Therefore, I have not changed by position.</p>
<p>13. Methods SUB-M1 – M8</p>	<p>Hatuma Lime (S98.024)</p> <p>[Statement from Claire Price, p9]</p> <p>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.</p> <p>The section 42A report (pp 156) states the following:</p>	<p>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.</p> <p>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</p>

	<p>13.3.3 <i>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.</i></p> <p>In her statement of evidence on behalf of Hatuma Lime, Ms Price states (p9): <i>“Disagree with reasoning in s42A report.”</i></p> <p>And on pp 16-17 of her evidence:</p> <p><i>“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.</i></p> <p><i>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. [...]</i></p> <p><i>8.7 To implement SUB-O4 and SUB-P16, a plan user must understand if their site is in proximity to existing</i></p> <p><i>8.7.1 primary production activities (including intensive primary production activities),</i></p> <p><i>8.7.2 rural industries, or</i></p> <p><i>8.7.3 industrial activities and/or</i></p> <p><i>8.7.4 existing public works network utilities.</i></p> <p><i>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.</i></p> <p><i>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:</i></p> <p><i><u>SUB-M9 Information on the Maharakeke Road [Hatuma Lime] Quarry</u></i> <i><u>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.”</u></i></p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>Given the above, I have not changed my position for the reasons set out in my section 42A report.</p>
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ATTACHMENT 1
RM100095

Approved Plan for Quarry Extension under



PROJECT INFORMATION	
PROJECT NO.	100095
PROJECT NAME	QUARRY DEVELOPMENT
CLIENT	C
SCALE	WORKS BOUNDARIES AND LAYOUT

SYMBOLS	
	QUARRY BOUNDARY
	QUARRY EXTENSION
	QUARRY PIT
	QUARRY ROAD
	QUARRY DRAINAGE
	QUARRY ACCESS ROAD
	QUARRY BOUNDARY WALL
	QUARRY BOUNDARY GATE
	QUARRY BOUNDARY FENCE
	QUARRY BOUNDARY SIGN
	QUARRY BOUNDARY LIGHT
	QUARRY BOUNDARY POST
	QUARRY BOUNDARY POLE
	QUARRY BOUNDARY STAKE
	QUARRY BOUNDARY NAIL
	QUARRY BOUNDARY SCREW
	QUARRY BOUNDARY BOLT
	QUARRY BOUNDARY NUT
	QUARRY BOUNDARY WASHER
	QUARRY BOUNDARY SEAL
	QUARRY BOUNDARY GASKET
	QUARRY BOUNDARY O-RING
	QUARRY BOUNDARY SPRING
	QUARRY BOUNDARY DAMPER
	QUARRY BOUNDARY VALVE
	QUARRY BOUNDARY SWITCH
	QUARRY BOUNDARY PLUG
	QUARRY BOUNDARY PIN
	QUARRY BOUNDARY NAIL
	QUARRY BOUNDARY SCREW
	QUARRY BOUNDARY BOLT
	QUARRY BOUNDARY NUT
	QUARRY BOUNDARY WASHER
	QUARRY BOUNDARY SEAL
	QUARRY BOUNDARY GASKET
	QUARRY BOUNDARY O-RING
	QUARRY BOUNDARY SPRING
	QUARRY BOUNDARY DAMPER
	QUARRY BOUNDARY VALVE
	QUARRY BOUNDARY SWITCH
	QUARRY BOUNDARY PLUG
	QUARRY BOUNDARY PIN





CENTRAL HAWKE'S BAY DISTRICT COUNCIL

RUATANIWHA STREET, PO BOX 127, WAIPAWA 4240, NEW ZEALAND
TELEPHONE: (06) 857-8060, FAX: (06) 857-7179
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www.chbdc.govt.nz

12 January 2016

Hatuma Lime Company Limited
Maharakeke Road
RD 1
Waipukurau 4281

Attention: Clifford Topp

Dear Sir/Madam

Re: Extension of Limestone Quarry Winning Activities – Hatuma Lime Company Limited – RM100095

The Chief Executive under delegated authority from the Central Hawke's Bay District Council on **Tuesday 12 January 2016** approved the application as follows:

That pursuant to Section 125 of the Resource Management Act 1991, the Central Hawke's Bay District Council grants consent to Hatuma Lime Company Limited to an extension of the lapse date of resource consent RM100095 granted for the extension of limestone quarry winning activities and height waiver at Maharakeke Road, Waipukurau being Part Lot 1 DP 6141 and Section 58 Block 1 Motuotaraia SD, until 25 January 2021.

REASONS FOR DECISION

- (1) The effects of the proposed extension of time will be no more than minor. The existing consent provided for the quarrying activity to be undertaken over a 90 year period. The effects of allowing an additional five years for works to commence are considered minor.
- (2) The Council is satisfied that the extension of time for commencement of the activity is not contrary to the objectives and policies of the District Plan.

Should you have any queries with regard to this consent please do not hesitate to contact me.

Yours faithfully,

Angela McFlynn
Senior Consent Planner

CENTRAL HAWKE'S BAY DISTRICT COUNCIL

**Delegations Committee Meeting
12 January 2016**

RC Type: S125 (EXTENSION OF TIME) RM100095

Applicants: Hatuma Lime Company Limited

Valuation Number: 1095011100

Location: Maharakeke Road, Waipukurau

Zone: Rural

1.0 DESCRIPTION

The Council approved an application for land use consent to extend a quarry on the property at Maharakeke Road, Waipukurau on 24 January 2011. The resource consent has not yet been given effect to, therefore will lapse on 24 January 2016.

The applicants seek approval to an extension of time to allow the consent to be given effect to pursuant to S125 of the Resource Management Act 1991.

2.0 RESOURCE MANAGEMENT ACT 1991

Section 125 of the Resource Management Act 1991 prescribes those matters which must be considered when assessing an application to extend the period after which a consent lapses, as follows:

- (i) Whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and
- (ii) Whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and
- (iii) The effect of the extension on the policies and objectives of any plan or proposed plan.

3.1 Progress towards giving effect to the consent

The conditions of consent require that:

- 1. The activity proceeds in accordance with the plans and information submitted in support of the application, and the accompanying Quarry Management Plan;
- 2. Prior to the commencement of operations, the applicant obtains discharge consents from the Regional Council; and
- 3. The Lime Storage building shall not exceed 12m in height.

The Quarry Management Plan provides for the establishment and operation of the quarry through to the year 2100. The consent will be considered to have been given effect to once the necessary regional council consents have been obtained, and quarrying activities have commenced on the site.

Prior to commencement of the quarrying activity, physical works have been completed within the site, including the establishment of a level crossing over the railway line

separating the extended quarry area from the existing quarry, and the formation of access tracks within the new quarry site to the initial quarry face.

The consent includes provision for an underpass and underground conveyor system, but does not specify a time for construction of this facility. A permit for construction of the underpass has been obtained from Kiwirail, allowing construction to commence at any time.

The construction of a storage building also has not yet been completed, and is not anticipated to be required for some time after quarrying operations are fully established on the site.

A site visit on 22 December 2015 confirmed that the site works have been completed to the point where the quarrying activity can now commence, and it is anticipated that this will have occurred within the next couple of months.

3.2 Approval from adversely affected persons

The written approval of potentially affected persons was provided with the original application. At this time it was anticipated that the quarrying activity would be ongoing until the year 2100 (i.e., covering a period of 90 years). It is not considered that allowing a delay to the start / end of the activity on the site will result in any additional adverse effects on these parties.

3.3 Effects of extension on the policies and objectives of the plan

There have been no changes to the Operative District Plan since the consent was granted, therefore the proposed extension of time remains consistent with the objectives and policies of the plan.

3.0 SUMMARY

It is considered that substantial progress has been made towards giving effect to the consent, in that all works required to allow the quarrying activity to commence have been undertaken. An extension of time is required to allow the actual commencement of the quarrying activity, and the construction of the overheight lime storage building. As the storage building will not be required until quarrying has been underway for some time, and the building will be site in a location where it is not visible from the surrounding properties, it is considered that approval of the requested extension of time is appropriate.

RECOMMENDATION:

That pursuant to Section 125 of the Resource Management Act 1991, the Central Hawke's Bay District Council grants consent to Hatuma Lime Company Limited to an extension of the lapse date of resource consent RM100095 granted for the extension of limestone quarry winning activities and height waiver at Maharakeke Road, Waipukurau being Part Lot 1 DP 6141 and Section 58 Block 1 Motuotaraia SD, until 25 January 2021.

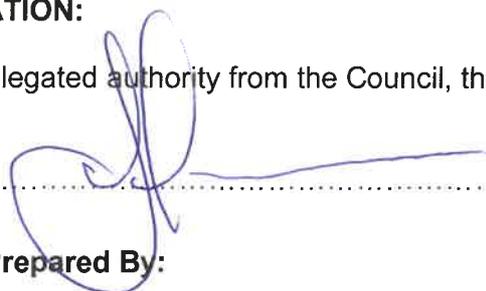
REASONS FOR DECISION

- (1) The effects of the proposed extension of time will be no more than minor. The existing consent provided for the quarrying activity to be undertaken over a 90 year period. The effects of allowing an additional five years for works to commence are considered minor.

- (2) The Council is satisfied that the extension of time for commencement of the activity is not contrary to the objectives and policies of the District Plan.

DELEGATION:

Under delegated authority from the Council, the Chief Executive approves this application.

Signed.......... Date 12/1/16..

Report Prepared By:

Angela McFlynn
PLANNER



Hatuma Lime Company Ltd
RD1 Waipukurau 4281
Freephone 0800 80 65 65
Fax 06 85 88 018

enquire@hatuma.co.nz
www.hatuma.co.nz

25th November 2015.

Ms Angela McFlynn,
Senior Consent Planner/Licensing Inspector,
CHB District Council,
P.O.Box 127,
WAIPAWA 4240.

Dear Angela,

Re: Resource Consent RM100095

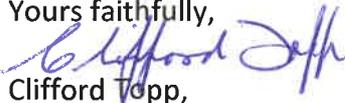
Further to your email dialogue with George Eivers, TDG, on our behalf, we hereby notify Council that we are activating the quarry activity but would like an extension to the Consent for the Lime Storage Building that is part of the above Resource Consent.

We would like to arrange a convenient time with you to visit the site to confirm that we have made considerable progress towards part a) of the Consent.

Accordingly we also attach the Application for Extension of Resource Consent Time for part b) of the Consent.

We look forward to hearing from you in due course.

Yours faithfully,



Clifford Topp,

Managing Director.

EMAILED



CENTRAL HAWKES BAY DISTRICT COUNCIL
RUATANIWHA STREET, PO BOX 127, WAIPAWA, 4170, NEW ZEALAND
TELEPHONE: (06) 857 8060, FAX: (06) 8577179
EMAIL: info@chbdc.govt.nz

RM

DEPOSIT: \$600
GST Inclusive

EXTENSION OF RESOURCE CONSENT TIME LIMIT APPLICATION

(under the Resource Management Act 1991)

Applicants Name: HATUMA LIME COMPANY LTD

SITE ADDRESS

Street/Road Name: MAHARAKEKE ROAD, WAIPUKURAU

Street/Rapid No: 520 Phone: 06 8588567 E-mail helen@hatuma.co.nz

MAILING ADDRESS (if different than above)

LEGAL DESCRIPTION

Lot No: 1 DP: 6141 Section: 58 Block: 1 Survey District: Motuotaraia

Valuation Roll No: _____

Consent to which application relates:

RM: 100095 Description: Height Waiver - Extension of Quarry
winning Activities.

Extension sought: Application Extension of Resource Consent
Time limit.

Please attach justification for extension sought.

This must demonstrate the following:

- That substantial progress or effort has been made, and is continuing to be made toward giving effect to the consent;
- That the consent holder has obtained approval from every person who may be adversely affected by the granting of the extension; and
- The effect of the extension on the policies and objectives of any plan or proposed plan

Signature of Applicant: Date: 24-11-2015

Angela McFlynn

From: Helen Topp <Helen@hatuma.co.nz>
Sent: Friday, 27 November 2015 10:04 a.m.
To: Angela McFlynn
Subject: RE: Resource Consent Extension.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Angela,

Thank you for your response and the payment of the application fee is being attended to today. I look forward to hearing from you in due course.

Kind regards,
Clifford

From: Angela McFlynn [<mailto:angelam@chbdc.govt.nz>]
Sent: Wednesday, 25 November 2015 2:05 p.m.
To: Helen Topp
Subject: RE: Resource Consent Extension.doc

Thanks Clifford.

If you haven't already done so, can you please arrange payment of the application fee – either at the Council office or Waipukurau Library, or by direct credit to bank account 01 0777 0038665 00; reference RM100095.

I anticipate being allowed back to work on 7 December, so I will be in touch then to arrange a site visit.

Kind Regards,

Angela McFlynn SENIOR CONSENT PLANNER / LICENSING INSPECTOR

Central Hawke's Bay District Council
28-32 Ruataniwha Street, Waipawa 4210 | P O Box 127, Waipawa 4240
Ph: 06 857 8060 | Mobile: 027 556 3211 | Fax: 06 857 7179
Email: angela.mcflynn@chbdc.govt.nz | Web: www.chbdc.govt.nz

From: Helen Topp [<mailto:Helen@hatuma.co.nz>]
Sent: Wednesday, 25 November 2015 1:57 p.m.
To: Angela McFlynn
Cc: george.eivers@tdg.co.nz
Subject: Resource Consent Extension.doc

Good afternoon Angela,

Please find attached the following:

- Notification of progress towards part A) of our Resource Consent
- Application for Extension of Resource Consent Time for part B)

Yours faithfully,
Clifford Topp

Clifford Topp
Managing Director
helen@hatuma.co.nz

Hatuma Lime Company Ltd
RD1 Waipukurau, Hawke's Bay 4281
ph: 0800 80 65 65
www.hatuma.co.nz www.futureminds.co.nz www.hatumastone.co.nz

Angela McFlynn

From: George Eivers <george.eivers@tdg.co.nz>
Sent: Monday, 23 November 2015 2:31 p.m.
To: Angela McFlynn
Subject: Resource Consent RM100095 - Hatuma Lime Company

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Angela

I am writing regarding Resource Consent RM100095 - Hatuma Lime Company. I called your office but understand you are out-of-office until December 7th.

Further to correspondence in May 2015 and our subsequent telephone conversation the level rail crossing has been constructed and is now in use as required. The new quarry has been developed and Hatuma will start regularly transporting lime across the railway line to the processing plant next week.

Your letter (dated 11 May 2015 – attached) identifies two separate aspects to the issued consent:

- (a) The quarrying activity
- (b) The lime storage building

When I rang and we discussed the situation you suggested it could be considered as two different consents and therefore be activated or delayed separately (please correct me if my memory / interpretation is incorrect). Accordingly Hatuma are now activating (a) but would like to apply for an extension for (b).

Therefore what do CHBDC require from Hatuma to demonstrate that quarrying activities have commenced (photos, videos, a site visit)? Similarly how do Hatuma apply for an extension to the lime storage building consent – can you please forward the appropriate form or is a letter suitable?

Happy to discuss.

Regards
George

George Eivers
Principal Design Engineer

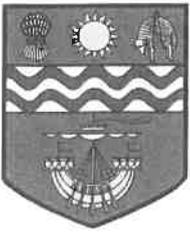


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Level 1, PWC Centre, 36 Munroe Street, Napier
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www.chbdc.govt.nz

11 May 2015

Clifford Topp
Hatuma Lime Company Ltd
RD 1
Waipukurau 4281

Dear Clifford

Re: Resource Consent RM100095 – Height Waiver and Extension of Quarry Winning Activities – Hatuma Lime Company

I refer to your letter dated 4 May 2015. Having reviewed the application and resource consent decision, I consider that there are two separate aspects to the consent issued. These comprise the (a) the quarrying activity and (b) the construction of a lime storage building with a height of 12m.

For the consent to have been given effect to, both aspects must be undertaken. If it is your intention to commence the quarrying activity prior to the consent lapse date of 25 January 2016, including the construction of a level crossing across the railway line, it is likely that Council would consider that you had made substantial progress towards giving effect to the consent, and therefore grant an extension of time to allow the storage building to be constructed at a later date. Note however that details of the works undertaken in accordance with the consent would need to be provided to satisfy the Council's Delegations Committee that substantial progress had been made at the time of application for an extension of time. You would also be required to specify a reasonable timeframe in which the construction of the storage building is intended to be constructed.

If you wish to discuss this matter further please contact me on 06 857 8060.

Yours faithfully

Angela McFlynn
Senior Consent Planner

CENTRAL HAWKE'S BAY
DISTRICT COUNCIL

- 7 MAY 2015

RECEIVED



Hatuma

Lime Company Limited

Hatuma Lime Company Ltd

RD1 Waipukurau 4281

Freephone 0800 80 65 65

Fax 06 85 88 018

enquire@hatuma.co.nz

www.hatuma.co.nz

4th May 2015.

Ms Angela McFlynn,
Senior Consent Planner
CHB District Council
P.O.Box 127,
WAIPAWA.

Dear Angela,

Re: Resource Consent RM100095 – Height Waiver & Extension of Quarry Winning Activities

Thank you for your letter of the 16th January regarding the above Resource Consent. We apologise for the delay in responding, but we now feel that we have enough specific information to provide to you.

We have finally obtained the appropriate permissions and approvals from KiwiRail which includes an Underpass Deed of Grant (number G89191) and a Level Crossing Deed of Grant (number G89891) and we would like to confirm that the Hatuma Lime Company Ltd intends to activate the Resource Consent within the next two months.

At this beginning stage of our quarry development, we plan to activate the Consent and start to recover rocks and the larger particles of limestone by using vehicles over the level crossing only.

While the conveyor and underpass are still part of our major plans, this system is more suitable at a later stage of our quarry development as it is only practical for transporting fine/smaller material, so we have deferred its construction at this time.

In accordance with the Resource Consent, activation was to occur upon Council signing off the building associated with the conveyor, therefore, without the immediate need for the conveyor system, we anticipate that a new activation activity/action is now required.

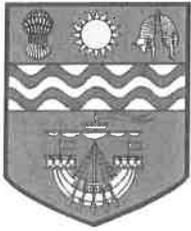
We suggest that this activation should be the construction of the level crossing, to the satisfaction of KiwiRail, and transportation of the first load of quarried lime across the railway line.

We would appreciate your confirmation that the Resource Consent may be activated in this way, and we would also like to know whether consent to install the conveyor and underpass remains valid once activation is achieved through this alternative method.

We look forward to your response, and please do not hesitate to contact the writer if you require further information.

Yours faithfully,

CLIFFORD TOPP
MANAGING DIRECTOR.



CENTRAL HAWKE'S BAY DISTRICT COUNCIL

RUATANIWHA STREET, PO BOX 127, WAIPAWA 4240, NEW ZEALAND

TELEPHONE: (06) 857-8060, FAX: (06) 857-7179

EMAIL: info@chbdc.govt.nz

www.chbdc.govt.nz

16 January 2015

Daniel Topp
Hatuma Lime Company Ltd
RD 1
Waipukurau 4281

Dear Daniel

Re: Resource Consent RM100095 – Height Waiver and Extension of Quarry Winning Activities – Hatuma Lime Company

I note that the above resource consent, granted on 25 January 2011, has not yet been given effect to. Please note that if all buildings associated with the consent have not been established, and all activities commenced, the consent will lapse on 25 January 2016.

Note that an extension to the lapse date of the consent can only be issued by Council where substantial progress has been made towards giving effect to the consent at the time of application.

If you do not intend to undertake the works associated with this consent, no action is required, and the consent will duly lapse.

If you wish to discuss this matter further please contact me on 06 857 8060.

Yours faithfully

Angela McFlynn
Senior Consent Planner



CENTRAL HAWKE'S BAY DISTRICT COUNCIL

Ruataniwha Street, PO Box 127, Waipawa 4240, New Zealand
Telephone: (06) 857-8060, Fax: (06) 857-7179
Email: info@chbdc.govt.nz
www.chbdc.govt.nz

25 January 2011

Daniel Topp
Hatuma Lime Company Ltd
RD 1
Waipukurau 4281

Dear Sir

**Re: Height Waiver and Extension of Quarry Winning Activities –
Hatuma Lime Company Ltd – RM100095**

The Chief Executive under delegated authority from the Central Hawke's Bay District Council on Monday 24 January 2011 approved the application as follows:

That pursuant to Sections 104B and 108 of the Resource Management Act 1991, a consent be granted to Hatuma Lime Company Limited for the extension of limestone quarry winning activities and height waiver at Maharakeke Road, Waipukurau, being Part Lot 1 DP 6141 and Section 58 Block 1 Motuotaraia SD in accordance with application plan RM100095, subject to the following condition:

- 1.0 That the activity proceeds in accordance with the plans and information submitted in support of the application by Roger Wiffin, received on 30th November 2010, and accompanying Quarry Management Plan dated May 2009 (CHBDC ref. RM100095).
- 2.0 That prior to commencement of operations on the extension site, the applicant shall obtain discharge consents as appropriate from the Hawke's Bay Regional Council.
- 3.0 That the proposed lime storage building shall not exceed 12m in height unless otherwise agreed in writing with Council up to a maximum height of 15m.

Unless otherwise stated the above conditions shall be met at the expense of the subdivider and prior to the release of a certificate in accordance with Section 224(c) of the Resource Management Act 1991.

Reasons for Decision:

Council is satisfied that subject to the above conditions, the subdivision is consistent with the policies and objectives of the District Plan and that the effects on the environment will be minor.

Advice Notes:

Variations - Should the subdivider wish to apply for a change or cancellation of any of the conditions of consent in accordance with section 127 of the Resource Management Act 1991 such application must be made to the Council in writing prior to issue of a certificate under Section 224(c) of the Resource Management Act 1991.

Objections - Any objection to the Council's decision on such application must be made in writing in accordance with Section 357 of the Resource Management Act 1991 within 15 working days of notification of this decision and be accompanied by the required Council fee.

Lapsing Period – The consent holder is advised that the consent will lapse after a period of 5 years unless the consent is given effect to.

Should you have any queries with regard to this consent please do not hesitate to contact me.

Yours faithfully,



Ken Kalirai
Planner

DELEGATION PANEL MEETING –

Proposal : Height Waiver and Extension of Quarry Winning Activities

Applicant: Hatuma Lime Co. Ltd.

RM: 100095

Valuation Number: 1095011100

Location: Maharakeke Road

Activity Status: Discretionary

Zone: Rural

Project Description:

This proposal is to extend the existing limestone mining activity onto a 31ha site north of the existing Hatuma Lime quarry processing and distribution site and to construct a storage shed as well as a conveyor belt (overhead elevator) for the transportation of winnings from the quarry extension underneath the railway line and onto the existing processing plant. This would allow the company to secure future mining rights to the limestone that is present within the quarry extension site. The proposed extension would not increase the amount of processing at the existing plant.

The new storage shed would exceed the 10m height restriction imposed by the performance standards of the rural zone in the District Plan, although it is unlikely to exceed 15m in height. As such a height waiver would also be required.

The proposed quarry extension area is located to the north of the existing quarry site. The western boundary has a long frontage to Maharakeke Road. The northern boundary has a frontage to Waiou Road and the southern boundary is defined by the Palmerston North – Gisborne Railway Line.

Accompanying the application is a Quarry Management Plan prepared by the applicant which 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 proposed conveyor system from the storage facilities underneath railway track to the existing processing plant.

Background:

The Hatuma Lime Company is a family owned company that was first established at the existing site in approximately 1932. Between 1977 – 1982, the company constructed large storage sheds and blending plants and installed heavy processing plant and machinery.

In 1981 conditional use approval was granted to extend the winning area over some 40 acres south of the initial quarry, which is the current extraction area. This area has been worked for some 30 years and is now coming close to being exhausted.

In 1985 consent was granted by Waipukurau District Council allowing the use of the land in the Rural B zone at the time, to be used as a limestone quarry. The consent was not exercised and was allowed to lapse. This is the same parcel of land that is the subject of this application.

Non Notification of Consent:

Section 104(3) (b) of the RMA specifies that the Council must not, when considering an application, have regard to any effect on a person who has given written approval to the application.

Under Section 95D(1)(e) and 95E(3)(a) of the Act the effects on a person who has given their written approval must be disregarded when forming an opinion as to whether adverse effects are minor or more than minor both for public and limited notification when the application is considered.

Part 2.1.4 of the District Plan states that an application for a discretionary activity is not required to be notified if:

- "i The Council is satisfied that the adverse effect on the environment of the activity for which consent is sought will be minor: and,*
- ii written approval has been obtained from every person who the Council is satisfied may be adversely affected by the granting of the resource consent;"*

The applicant has consulted with all landowners in the vicinity of the site and written approval both on the affected persons consent form and the site plan has been obtained. The affected persons are as follows:

D and M Topp – 482 Maharakeke Road
A Topp - 497 Maharakeke Road
R and J Donaldson - 472 Maharakeke Road
GI and HM Annettes Children's Trust - 572 Maharakeke Road
D Murphy and J Armstrong – c/o PO Box 54 Waipukurau
D and K Kirk – 325 Waiou Road
D and C Elderkamp - 387 Maharakeke Road

In addition, the applicant has undertaken consultations with Ontrack regarding the establishment of the conveyor system underneath the railway tracks and across the rail corridor. Ontrack have agreed to enter into a Deed of Grant allowing the occupation and proposed use. Written documentation to this effect has been provided by the applicant.

Hawke's Bay Regional Council

The applicant will be required to obtain discharge consents as appropriate from the Hawke's Bay Regional Council under the provisions of the Hawke's Bay Regional Resource Management Plan for discharges to air and discharge of stormwater to land/water.

Effects on the Environment:

The effects on the environment will be minor and are further addressed below.

Assessment Matter Issues:

The assessment matters in the District Plan require Council to assess the activity against the following issues;

“a) The degree to which the activities of vegetation clearance and the excavation and removal of material associated with mining impact on amenity values, landscapes values and nature conservation values (including the degree of significance of a species or community of indigenous plants and animals at the specific locality of the proposed mining activity).

b) The ability of the proposal to rehabilitate the site after mining so that:

i) long term stability of the site is ensured;

ii) landforms or vegetation on finished areas are visually integrated into the landscape;

iii) land is returned to its original productive capacity, where appropriate;

iv) water and soil values are protected.

c) The ability of operation to avoid or mitigate dust, noise, lighting and vibration so that amenity value is not at risk.

d) The ability of the company to provide a contingency plan for early mine closure, including an evaluation of the risk to the neighbouring community and environment and the ability of the company to provide a bond to the Council for the purpose of rehabilitating operation areas in the event of a premature closure.

e) Where a building is to be erected as part of a mining operations refer to the assessment matters in 14.2.1-14.2.5 of the District Plan.”

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 Proposal to Rehabilitate the Site After Mining

The Management Plan includes details of how the extension area will be reclaimed, and addresses the issues of long term stability, the land being returned to its original productive capacity etc. The effective rehabilitation of the sites already quarried has been proven by the company.

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.

The ability of the company to provide a contingency plan for early mine closure

As stated in the Management Plan, in the event that the facility experiences premature closure, the rehabilitation works would already be closely following the new area of quarry as they are opened. The company has taken the stance that given its long history at the site, its successful rehabilitation history and the fact that the provision of fertiliser to the rural agricultural industry is an essential service, the risk of premature closure in a manner that would require Council to undertake rehabilitation work is considered extremely low and hence the company wishes to proceed without the requirement for a bond.

Relevant Assessment Matters in 14.2.1 to 14.2.5 of the District Plan

The proposed lime storage building and overhead elevator will have only limited visibility and should not adversely affect local amenities. Both these structures would not exceed the building site coverage as stipulated in the District Plan. The elevator will not exceed the maximum height restriction (10m), however the storage building would exceed it and hence this application includes a proposal for a height waiver for this building.

Resource Management Act 1991

Subject to Part II of the RMA (The Act) Section 104(1) sets out those matters that Council must have regard to in assessing a resource consent application. Such matters include:

- (a) Any actual and potential effects on the environment of allowing the activity:
and
- (b) Any relevant provision of:
 - (iv) a plan or proposed plan: and
- (c) Any other matters the consent authority considers relevant and reasonably necessary to determine the application.

Section 104D of the Act states that a consent authority shall not grant a resource consent for a Discretionary Activity unless it is satisfied that:

- (a) The adverse effects of the activity will be minor: or
- (b) The application is for an activity which will not be contrary to the objectives and policies of the relevant district plan.

An activity need only satisfy one of the limbs under Section 104D to enable the consent to be granted.

Section 104(B) of the Act states that after considering an application for resource consent for a discretionary activity a consent authority –

- (a) May grant or refuse the application; and
- If it grants the application may impose conditions under Section 108.

Matters Relating to Part II

It is considered that sections 5 and 7 of the Act are relevant to this application.

The purpose of the Act in section 5 is to;

“promote the sustainable management of natural and physical resources.”

“Sustainable management” in the Act means managing the use, development and protection of natural and physical resources in a way, or at a rate, that enable people and communities to provide for their social, economic, and cultural well being, and for their health and safety, while sustaining the potential of natural and physical resources to meet the foreseeable needs of future generations, safeguarding the life-supporting capacity of the air, water soil and ecosystems, and avoiding, remedying or mitigating any adverse effects of activities on the environment.

Section 7 of the Act relates to “Other Matters”. Other matters of relevance to this application are:

- 7(b) The efficient use and development of natural resource;
- 7(c) The maintenance and enhancement of amenity values;
- 7(f) Maintenance and enhancement of the quality of the environment; and
- 7(g) Any finite characteristics of natural and physical resources.

Limestone quarrying is considered to contribute to the economic sustainability of agricultural production and also ensures that there is sufficient supply of fertiliser resource to primary producers. As such the proposal would make a positive contribution to people’s social well being. The activity would also contribute in the long and short term to the social and economic fabric of society in that fertiliser enhances rural productive output and directly and indirectly provides employment. The Hatuma operations site currently employs 15 people.

The proposal involves an efficient use of an existing physical resource, in that it will utilise the existing processing plant without the need to establish a new plant or distributing materials to another site. The proposal would also employ an efficient and sustainable method for the transportation of harvested material to the processing plant (using a conveyor belt) without undue reliance on fossil fuel.

It is considered that the proposal would not directly enhance amenity values. However the existing rural character of the locality would be maintained. Owing to progressive land reclamation, the rural pastoral amenity would be continuously reinstated.

It is therefore considered that the proposed activity will be consistent with the purpose and principles of the Resource Management Act 1991.

RECOMMENDATION:

That pursuant to Sections 104B and 108 of the Resource Management Act 1991, a consent be granted to Hatuma Lime Company Limited for the extension of limestone quarry winning activities and height waiver at Maharakeke Road, Waipukurau, being Part Lot 1 DP 6141 and Section 58 Block 1 Motuotaraia SD in accordance with application plan RM100095, subject to the following condition:

- 1.0 That the activity proceeds in accordance with the plans and information submitted in support of the application by Roger Wiffin, received on 30th November 2010, and accompanying Quarry Management Plan dated May 2009 (CHBDC ref.RM100095).
- 2.0 That prior to commencement of operations on the extension site, the applicant shall obtain discharge consents as appropriate from the Hawke's Bay Regional Council.
- 3.0 That the proposed lime storage building shall not exceed 12m in height unless otherwise agreed in writing with Council up to a maximum height of 15m.

Unless otherwise stated the above conditions shall be met at the expense of the subdivider and prior to the release of a certificate in accordance with Section 224(c) of the Resource Management Act 1991.

Reasons for Decision:

Council is satisfied that subject to the above conditions, the subdivision is consistent with the policies and objectives of the District Plan and that the effects on the environment will be minor.

Advice Notes:

Variations - Should the subdivider wish to apply for a change or cancellation of any of the conditions of consent in accordance with section 127 of the Resource Management Act 1991 such application must be made to the Council in writing prior to issue of a certificate under Section 224(c) of the Resource Management Act 1991.

Objections - Any objection to the Council's decision on such application must be made in writing in accordance with Section 357 of the Resource Management Act 1991 within 15 working days of notification of this decision and be accompanied by the required Council fee.

Lapsing Period – The consent holder is advised that the consent will lapse after a period of 5 years unless the consent is given effect to.

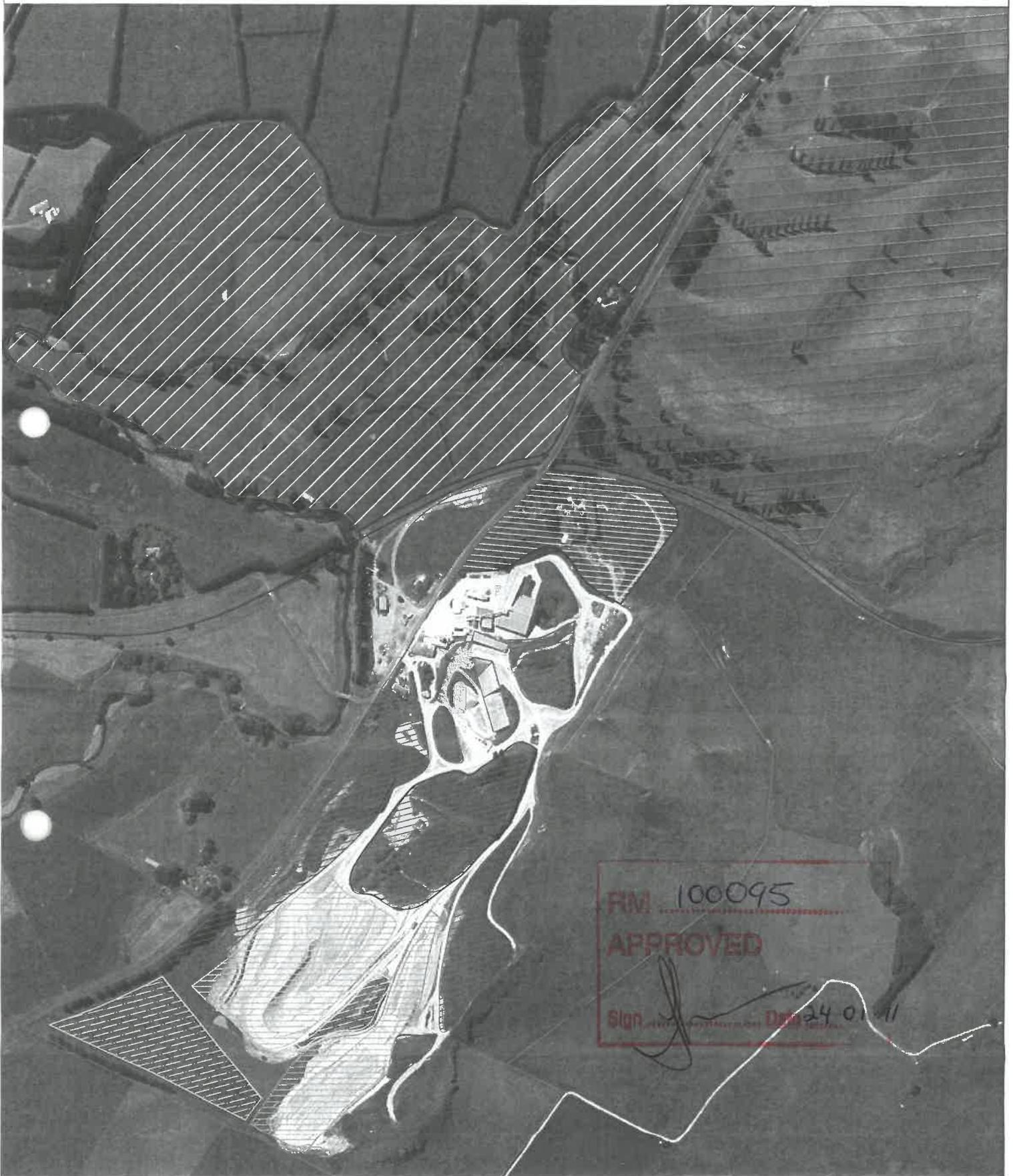
DELEGATION:

Under delegated authority from Council the Chief Executive approves this application.

Signed Date 24.01.11

Report Prepared by:

Ken Kalirai
Planner

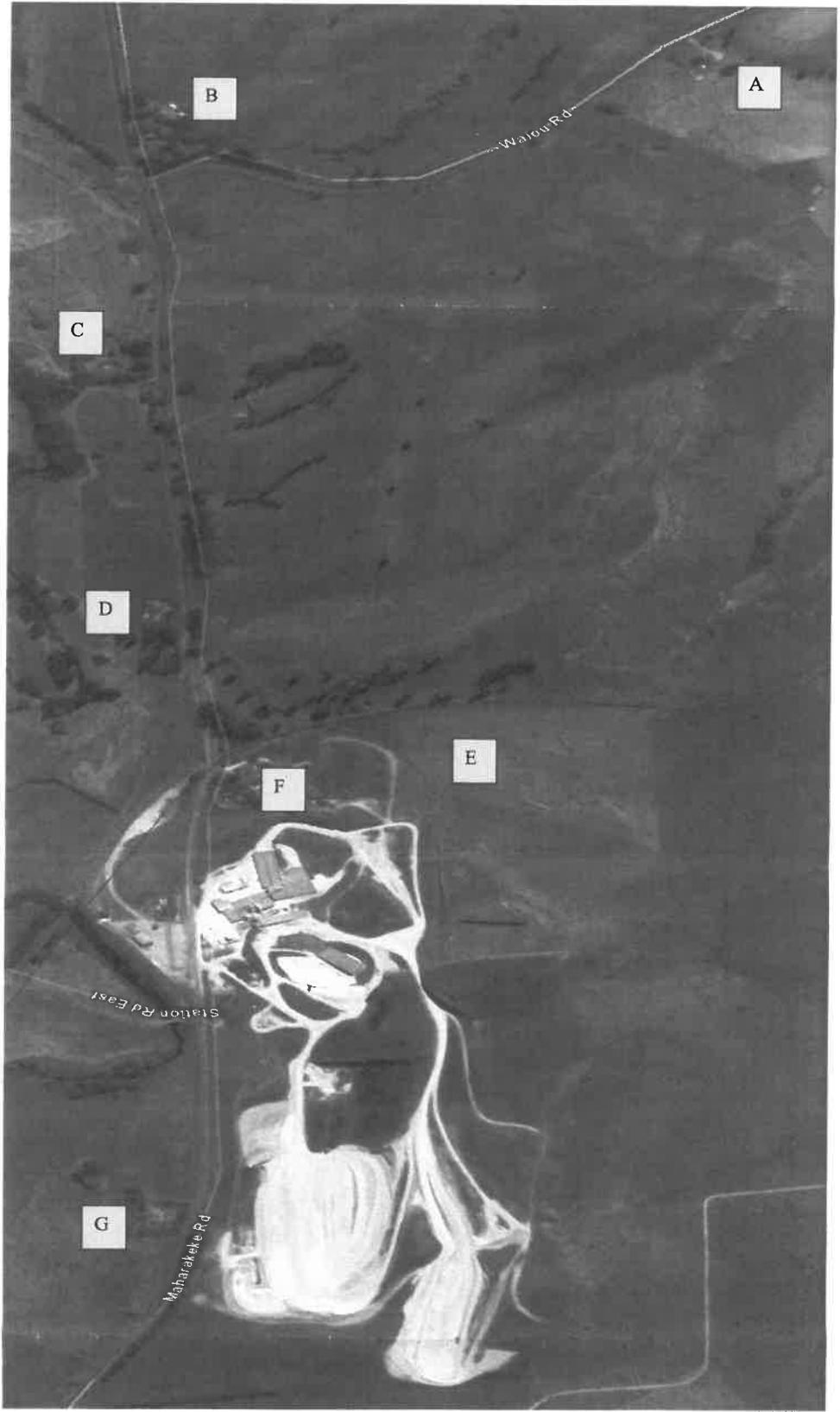


Client	Sheet	1
Date	7/05/09	
Map	N.T.S	
Project Name and Address	QUARRY DEVELOPMENT	
Project Address	C	
Drawing Name	WORKS BOUNDARIES AND LAYOUT	

KEY

RECLAIMED LAND	QUARRY EXPANSION	QUARRY CONSENT BEING APPLIED FOR
WORKING QUARRY	MAHARAKEKE STREAM	COMPANY OWNED FARMLAND
RESIDENTIAL LAND	BOUNDARY FENCE	





Affected Persons A
 David and Kiri Kirk
 325 Wairou road
 R.D.1 Waipukurau

[Signature]

Affected Persons B
 Dan and Cecelia Elderkamp
 387 Maharakeke road
 4242 Waipukurau

[Signature]

Affected Persons C
 Daniel and Maia Topp
 428 Maharakeke road
 R.D.1 Waipukuau

[Signature]

Affected Persons D
 Russell and Joan Donaldson
 472 Maharakeke road
 R.D.1 Waipukurau

[Signature]

Affected Persons E
 Diana Murphy
 P.O Box 54
 Waipukurau

[Signature]

Affected Persons F
 Aaron and Joanna Topp
 492 Maharakeke road
 R.D.1 Waipukurau

[Signature]

Affected Persons G
 G.I and H.M Annetts
 572 Maharakeke road
 R.D.1 Waipukurau

[Signature]



CENTRAL HAWKE'S BAY DISTRICT COUNCIL

Ruataniwha Street, PO Box 127, Waipawa 4240, New Zealand
Telephone: (06) 857-8060, Fax: (06) 857-7179
Email: info@chbdc.govt.nz
www.chbdc.govt.nz

21st December 2010

Daniel Topp
Hatuma Lime Company Ltd
RD 1
Waipukurau
4281

Dear Sir,

RE: RM100095 – Application – Extension of Limestone Quarry Winning
Activities

Thank you for the above application.

Mining activity is a discretionary activity in the rural zone. Affected party consent would be required in accordance with Section 95(E) of the Resource Management Act 1991. I notice that signed affected party consent forms have been provided with your application. However the affected parties signatures are also required on the site plan as per the instructions on the resource consent application form, and no such signatures have been provided. I will therefore be returning the application file to you for these signatures when I meet you for the site inspection.

The application is therefore on hold pursuant to Section 92(2) of the Resource Management Act 1991, pending the provision of the signatures as per the above request.

If you have any queries or would like any additional information, please contact me on 06 857 8060.

Yours Sincerely,

Ken Kalirai
PLANNER

Resource Consent Checklist for Applicants

Applicant(s) Name: Hatana Lime Company Limited
Address: R.O.1 Waipukurau
4281.

Have you included the following items with your Resource Consent or Certificate of compliance application

- Name and address of any occupiers/owners of the land subject to the application other than the applicant
- List of type/s of resource consents sought from this Council e.g. Land use/Subdivision.
- List of type/s of resource consents sought from another Council (eg discharge to land/air/water)
- Certificate/s of Title for the subject site
(If not council can obtain one for you at a cost of \$25.50 GST Inclusive)
- Locality plan (scale 1:500) or aerial photograph (scale 1:500) (Showing the physical location of the subject site in relation to adjoining streets and sites) Please Obtain
HBJ4/1327
HBK4/1327
- Site Plan of existing and proposed activities including:
 - North point
 - Title or Reference No.
 - Scale
 - Date the plans were drawn
 - Topographical information
 - Natural features, including protected trees, indigenous vegetation, water courses
 - Certificate of Title boundaries
 - Road frontages
 - Existing buildings
 - Existing wells and/or effluent disposal systems
 - Buildings on adjacent sites
 - Layout and location of proposed building and activity
 - Earthworks design and contours
 - Landscaping
 - Site coverage calculation
 - Details of any signage (sign design, dimensions and location on buildings)

Assessment of Environment Effects (AEE)
An AEE is an essential part of the application. If an AEE is not provided Council cannot assess the application. The AEE should discuss all the actual and potential effects of your proposed activity or structure on the environment. The amount of detail provided must reflect the scale and nature of the effects. For example, if there are major effects arising from the proposal, a detailed analysis and discussion of these effects should be included in the AEE. It may require the provision of information from specific experts (e.g. a traffic engineer). If the effects of the proposal are very minor, then a less detailed AEE can be submitted.

The Council has information available to assist you prepare the AEE – please contact us if you have any questions.

- Application fee paid All Resource Consent fees are GST inclusive unless otherwise stated
- Date and Signature of Applicant or someone authorised to sign on their behalf
- Address for Service if different to applicant's details



CENTRAL HAWKES BAY DISTRICT COUNCIL
 RUATANIWHA STREET, PO BOX 127, WAIPAWA, 4170, NEW ZEALAND
 TELEPHONE: (06) 857 8060, FAX: (06) 8577179
 EMAIL: info @chbdc.govt.nz

RM 1000.95.

FEE: \$256.00

RESOURCE CONSENT APPLICATION
 (under the Resource Management Act 1991)

Applicants Name: Hatoma Lime Company Limited.

SITE ADDRESS

Street/Road Name: Maharakeke Road.

Street/Rapid No: _____ Phone: 06 8588567. E-mail daniel@hatoma.co
 .nz

MAILING ADDRESS (if different than above)

R.D.1
Waipukurau
4281.

LEGAL DESCRIPTION

Lot No: 1 DP: 6141 Section: 58 Block: 1 Survey District: Motootaraiu.

Valuation Roll No: 1095011100 C.T Hbk4/1327.

Description of Proposal

(Please describe your proposal in detail including the reasons for requiring this resource consent)

Application for extension of Limestone Quarry winning
activities and associated activities on an area adjacent
to the existing Hatoma Lime Company quarry, processing and
distribution site

Signature of Applicant: [Signature] Date: 25-11-2010

Consent has been obtained from the following affected persons.
 An Affected Persons form is to be completed by all those listed
 & their signatures are to be shown on the site plan.

Don & Celia Eldertkamp - 387 Maharakeke Rd.
 (Name)

David & Kiri Kirk - 325 Waiau Rd.
 (Name)

Di Murphy
 (Name)

Russell & Joan Donaldson - 472 Maharakeke Road.
New Zealand Railways Corporation - Wellington.

G.I & H.M Annetts - 572 Maharakeke Road.
 please refer to application for signatures.

Terranet Document Ordering Service

Certificate of Title with diagram : K4/1327

Billing Code: 2021333
Terralink Reference: 572843/1

Processed: 30 November 2010

Sourced from www.terranet.co.nz a service provided by Terralink International Limited. For queries about this document or this service please call 0508 483 772 or email tdo@terralink.co.nz.





**COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952**



Search Copy


R. W. Muir
Registrar-General
of Land

Identifier **HBK4/1327**
Land Registration District **Hawkes Bay**
Date Issued 14 February 1985

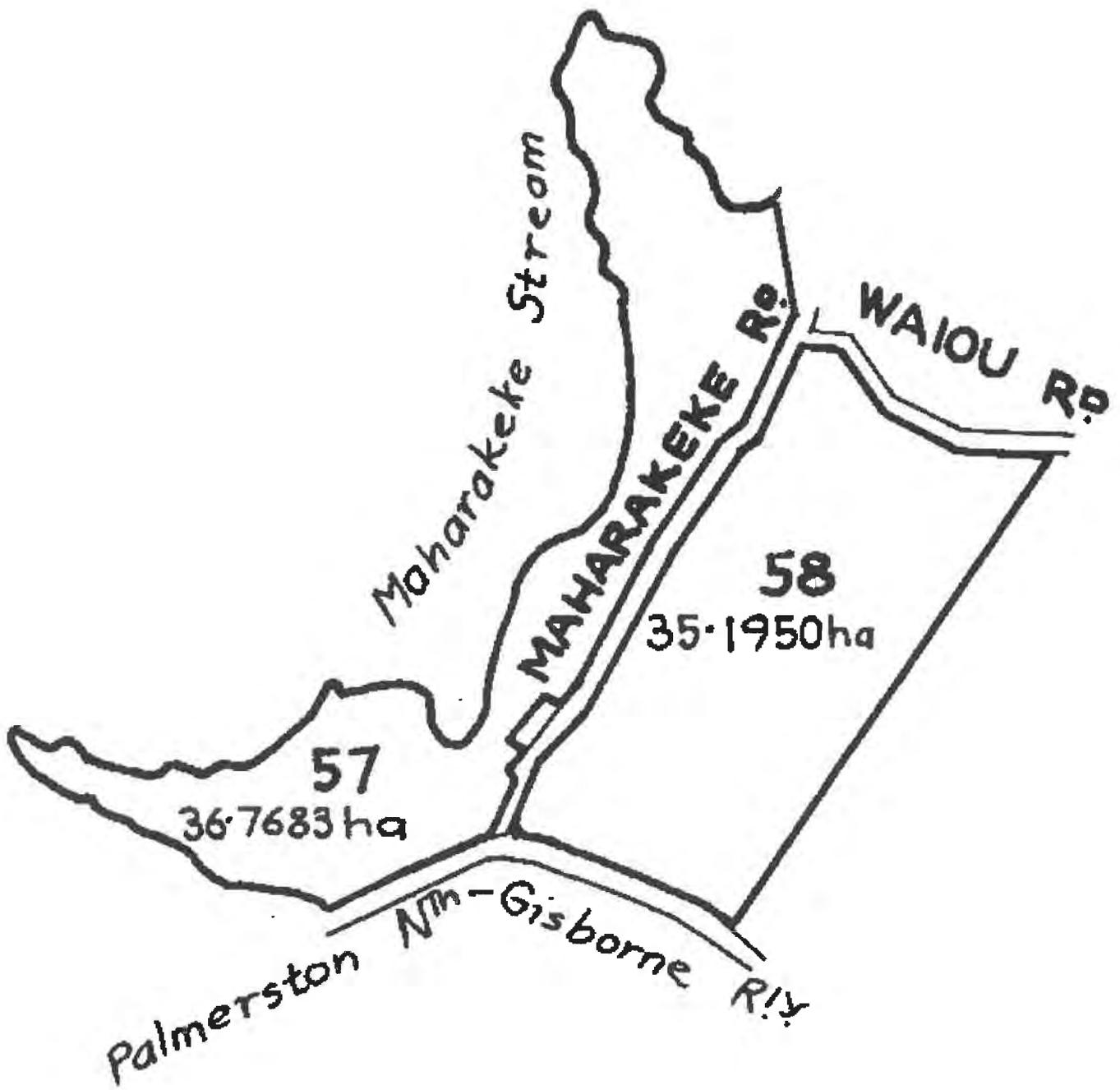
Prior References
HBPRK2/843

Estate	Fee Simple
Area	71.9633 hectares more or less
Legal Description	Section 57-58 Block I Motuotaraia Survey District

Proprietors
Hatuma Lime Company Limited

Interests

Subject to Section 8 Mining Act 1971
Subject to Section 5 Coal Mines Act 1979
Subject to water and pipeline rights (in gross) over part in favour of The Hawke's Bay Education Board created by Transfer 123880 - 15.8.1955 at 12.00 pm
Subject to a right to convey water over part created by Transfer 496106.1 - 29.7.1988 at 11.50 am
Subject to a right to convey water and electric power over part created by Transfer 610973.1 - 2.8.1994 at 11.20 am
7148521.2 Mortgage to Westpac New Zealand Limited - 6.12.2006 at 9:00 am





CENTRAL HAWKE'S BAY DISTRICT COUNCIL

Ruataniwha Street, PO Box 127, Waipawa 4240, New Zealand
Telephone: (06) 857-8060, Fax: (06) 857-7179
Email: info@chbdc.govt.nz
www.chbdc.govt.nz

30 November 2010

Hatuma Lime Company Limited
Maharakeke Road
RD 1
Waipukurau 4281

Dear Sir/Madam,

Resource Consent Application – RM100095

Receipt is acknowledged of the Resource Consent Application received on 30 November 2010 .

Applicant: Hatuma Lime Company Limited
Address: Maharakeke Road, Waipukurau

Attached is the receipt for \$256.00

Your application has been checked and has been accepted as a complete application.

We are now currently checking your application to ensure we have all the information we require to properly assess your proposal. We will contact you when we need to make a site visit.

Further information

We may require further information or may want to commission a report:

- To help us understand and/or clarify any aspect of your proposal;
- To help us understand how you propose to mitigate any adverse effects that might arise; and/or
- Where we consider you have not adequately assessed all the potential effects.

We will advise you whether or not we require further information by 10 December, 2010. If we do require further information, the processing of your application will stop until you provide the information required in the first request. If the application is notified, the processing of your application may also be stopped a second time if another further information request is made after the close of submissions. If we want to commission a report then we will write to advise you about the costs of that report and request your permission to proceed.

If a further information request or request to commission a report is ignored or refused then the application may be publically notified.

Additional/Discounted Fees

Please note that additional fees may be charged for the processing of your application.

However, if your application is not processed within statutory time frames and council is deemed to be responsible, you may be eligible for discount on your administrative fees subject to Regulations which came into force in July 2010.

Processing your application

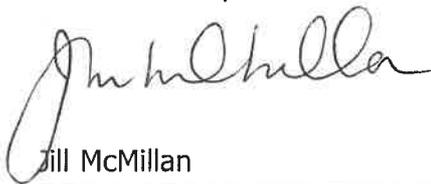
Once we are satisfied we have all the information we require, we will decide how your application will be processed. Either your application will be publicly notified (notified), notified to affected parties only (limited notification) or will be processed without public notification (non-notified).

If it is to be publicly or limited notified, we will advise you of this and notify it in the Central Hawke's Bay Mail &/or the HB Today or notify the identified affected parties in writing within 10 working days from the date you lodged your application, if we did not request further information. If further information is requested then the processing 'clock' can be stopped once before submissions close and will not start again until the initial further information requested has been supplied to the Council. Notification will still be no longer than 10 working days from the date of lodgement excluding the first time that the clock may be stopped.

If your application is to proceed on a non-notified basis, you will receive a decision on your application within 20 working days from the date you lodged your application provided no further information was requested. If further information was requested then the decision on the application will be issued within 20 working days excluding the first time the clock may be stopped to deal with the provision of any further information.

Your application has now been passed to a Council Officer/Consultant for further assessment and processing. If further information is required then a formal request will be forwarded to you in writing. If you have any questions about any part of these processes, please contact the Planning Team on 8578060.

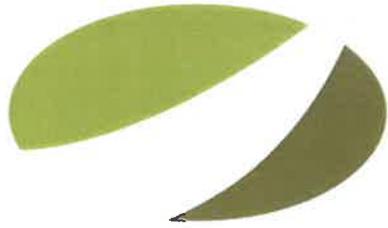
Yours faithfully



Jill McMillan

REGULATORY SERVICES OFFICER





Hatuma

Lime Company Limited

Application for Resource Consent – pursuant to Section 88 of the Resource Management Act 1991.

- **Application for extension of Limestone Quarry winning activities and associated activities on an area adjacent to the existing Hatuma Lime Company quarry, processing and distribution site.**

**Central Hawkes Bay District Council
PO Box 127
WAIPAWA 4240**

10 November 2010

**FORM 9
APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT
ACT 1991**

**To: The Chief Executive Officer
Central Hawkes Bay District Council
PO Box 127
WAIPAWA 4240**

We, the **Hatuma Lime Company Limited** apply for resource consent to extend an existing mining activity 'Limestone Quarry Winning Activity' onto a 31.1950 ha site situated adjacent to the existing Hatuma Lime quarry processing and distribution site, and to construct and operate an overhead elevator for the transportation of winnings from the quarry extension area underneath the railway and overhead on adjacent land to the existing processing plant. The names and addresses of the owner and occupier to which the application relates are as follows:

**Hatuma Lime Company Limited
Maharakeke Road
R D 1
Waipukarau 4281**

The location of the proposed activity is: **Maharakeke Road Waipukarau**

We attach in accordance with the Fourth Schedule of the Resource Management Act 1991, an assessment of environmental effects in the detail that corresponds with the scale and significance of the effects that the proposed activity may have on the environment and in the form required by the Central Hawkes Bay District Council. We attach information required to be included in this application by the Central Hawkes Bay District Plan and the Resource Management Act 1991 or any regulations made under that Act; as follows

- Appendix 1** Certificate of Title CT:HBK4/1327
Certificate of Title CT:HBJ3/430
- Appendix 2** Specified departure Consent
- Appendix 3** Quarry Management Plan
- Appendix 4** Affected Persons Consents
- Appendix 5** Ontrack consultation

As this is an application for landuse consent, I attach information that is sufficient to define:

- a) The position of existing structures and access and proposed structures and access;
- b) The location of and access to and extent of the proposed additional mining area;
- c) The effects of the proposal on the receiving environment
- d) A consideration of the proposal against the relevant rules, objectives and policies of the District Plan.

Signature:.....
Roger Wiffin (on behalf of applicant) Planner
Address for Service:

Date:.....

Action								Planning
Phone		No:		(06)		878		9142
P	O	Box	1200		Fax:	(06)	878	9129
HASTINGS								

APPLICATION PRECIS

Our Reference : 12642

Date : 12 October, 2009

**Location : Maharakeke Road
Waipukarau**

**Legal Description : Pt Lot 1 DP 6141 CT HBJ3/430 29.9202 ha
Section 58 Blk I Motuotaraia SD CT HBK4/1327
35.1950 ha**

Applicant : Hatuma Lime Company Limited

Land Owner : Hatuma Lime Company Limited

Local Authority : Central Hawkes Bay District Council

Proposal : Landuse Consent:

To extend an existing mining activity 'Limestone Quarry Winning Activity onto a 31.1950 ha site situated adjacent to the existing Hatuma Lime quarry processing and distribution site, and to construct and operate an overhead elevator for the transportation of winnings from the quarry extension area underneath the railway and overhead on adjacent land to the existing processing plant.

1.0 INTRODUCTION

1.0.1

This application for landuse consent is made pursuant to Section 88 of the Resource Management Act 1991 (the Act). This report and the attached supporting information act as an Assessment of Environmental Effects as required by the Act.

1.0.2

Resource consent is sought for the Hatuma Lime Company (the Company) to progressively establish a new limestone extraction mining and winning activity, over an abutting site of some 35 ha. The extension area is located to the north of the existing quarry processing and distribution plant site, at Maharakeke Road. The application includes construction of a large storage shed and erection of an electric conveyor for transportation of mined material underneath the Palmerston North – Gisborne Railway Line and overhead across land within the existing quarry site to the existing lime processing plant facilities.

1.0.3

The overall purpose of the application is for the Company to secure ongoing and future mining rights to the high quality mineral limestone resource that is present within the quarry extension site, the deposits of which extend into the proposed extension area. The certainty of access to a known high quality resource combined with close proximity to the existing processing plant is considered to be an efficient use of existing capital and infrastructure resources and also represents an efficient method of extracting and processing the material won.

1.0.4

The granting of consent will provide security of ongoing supply of a high quality resource essential to rural productive use across the Districts Soils resources (limestone fertiliser) at competitive rates.

1.0.5

The proposed extension will not increase the current throughput or processing capacity of the existing plant. Apart from construction of the conveyor on the existing site the production of lime and lime products from the existing processing plant will not increase as a consequence of the extension of the quarry winning area.

1.0.4

The proposed activity has a Discretionary Activity status pursuant to Rule 4.8.3 (b) of the Central Hawkes Bay District Council District Plan (the Plan).

1.0.5

It is submitted that the proposal is not contrary to the Objectives and Policies of the Plan, that the proposal need not be publicly notified and that any actual or potential effects on the environment arising from progression of the mining extraction / winning activity onto the adjacent site and from the conveyor will be no more than minor.

2.0 LEGAL DESCRIPTION

2.0.1

The property subject to the quarry extension winning activity is legally described as:

Section 58 Blk I Motuotaraia SD	CT HBK4/1327	35.1950 ha
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2.0.2

The existing lime processing plant and distribution facilities are located upon:

Pt Lot 1 DP 6141	CT HBJ3/430	29.9202 ha
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2.0.3

Copies of the abovementioned certificates of title are attached as Appendix 1. There are no encumbrances registered against the certificates of title that limit the ability of the applicant to give effect to the consent if granted.

3.0 BACKGROUND

3.0.1

The Hatuma Lime Company is a family owned company first established at the existing site circa 1932. The subject site is located 10 km south west of Waipukarau and 5km north east of Takapau. The site is accessed from State Highway 2 via Maharakeke Road and the existing quarry is located at 496 Maharakeke Road.

3.0.2

The Company also owns and operates three other quarries located at Mauriceville and Waipawa. The operations at the Hatuma Quarry are considered by the Company to be the most efficient of all these sites, and it produces the Companies highest quality lime and lime based products. Because of this the Hatuma site functions as 'Head Office' from which all Company operations are managed. The Hatuma site employs fifteen staff (xx full time – xx part time), in the processing and distribution side of the operation and ten clerical/management staff in the Office.

3.0.3

During the period 1977 – 1982 the Company constructed large storage sheds and blending plants at the current site along with the purchase and installation of heavy processing plant and machinery. In 1981 conditional use approval was granted by the Waipukarau District Council to extend the winning area over some 40 acres south of the existing quarry, this is the current extraction area. This area has been worked for some 30 years and is now nearing the end of its effective useful life.

The final areas within the existing quarry have been 'opened up' and the worked out areas have either been rehabilitated to pasture or are undergoing rehabilitation (Note; rehabilitation is a long term ongoing and incremental process that forms part of overall quarry operations and which is guided by a Quarry Management Plan).

3.0.4

In 1984 the Company purchased the now proposed extension area which is located to the north of the current site along the eastern side of Maharakeke Road and across the Palmerston North – Gisborne Railway.

3.0.5

In May 1985 a Specified Departure Consent was granted by the Waipukarau District Council pursuant to the Town and Country Planning Act 1977 allowing the use of land in the Rural B zone to be used as a quarry for the winning of limestone. That consent was not exercised and was allowed to lapse. The land has since been developed and utilised by the Company for deer farming purposes. This is the proposed extension area for which consent is now again sought.

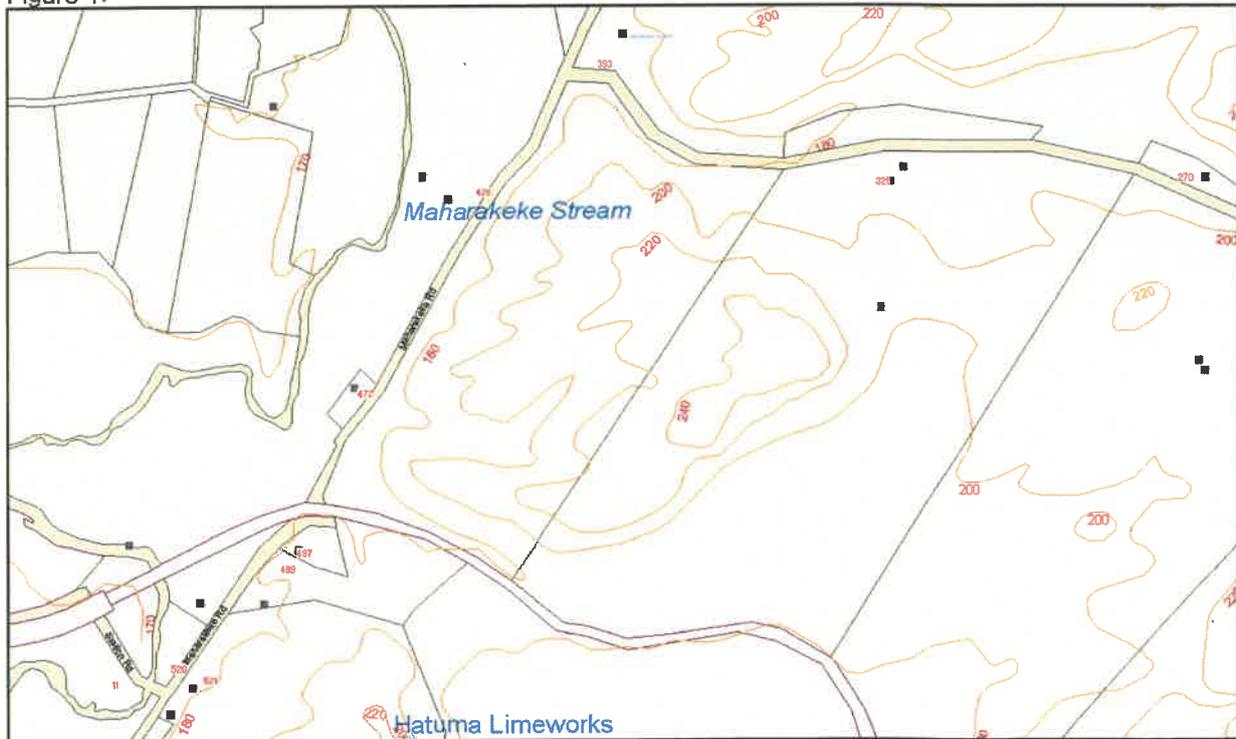
A copy of the Specified Departure approval and supporting documentation as obtained from Central Hawkes Bay District Council archive records is attached as Appendix 2.

4.0 SUBJECT SITE / EXISTING ENVIRONMENT

4.0.1

The proposed quarry extension area is located to the north of the existing quarry site. The western boundary is defined by some 260 metres of frontage to Maharakeke Road, the northern boundary is defined by xx metres of frontage to Waiou Road and the southern boundary is defined by the Palmerston North - Gisborne Railway Line. Topographically the site has a RL of approximately 170 at the Maharakeke Road, railway and road frontages. From Maharakeke Road the site rises to the east to an RL of approximately 220 to 230 at the rear (eastern) boundary (refer Figure 1). The slope increases to a ridge located in the abutting property to the east, as defined by a limestone outcrop generally running generally parallel to Maharakeke Road. This topography is representative of many of the hills defining the eastern perimeter of the Ruataniwha Plains.

Figure 1.



4.0.2

The site contains a steep slope adjacent to the southern boundary. A small watercourse flows generally along the base of the slope parallel to the southern boundary (and the railway line). This watercourse is an unnamed tributary of the Maharakeke Stream draining a small rural catchment east of the site and flowing westward into the Maharakeke Stream which itself flows northward along the opposite side of Maharakeke Road. The central part of the site forms an elevated basin. Apart from the watercourse the site has no other significant defining topographical features and is typical of the localized topography.

4.0.3

Since purchase of the site and as part of the lead in to quarry development the Company has undertaken considerable planting of trees upon the site (mainly Poplar and Redwood), these are now established and mature and provide some screening of the site from the west.

Figure 2. Subject site showing landform and existing established trees.

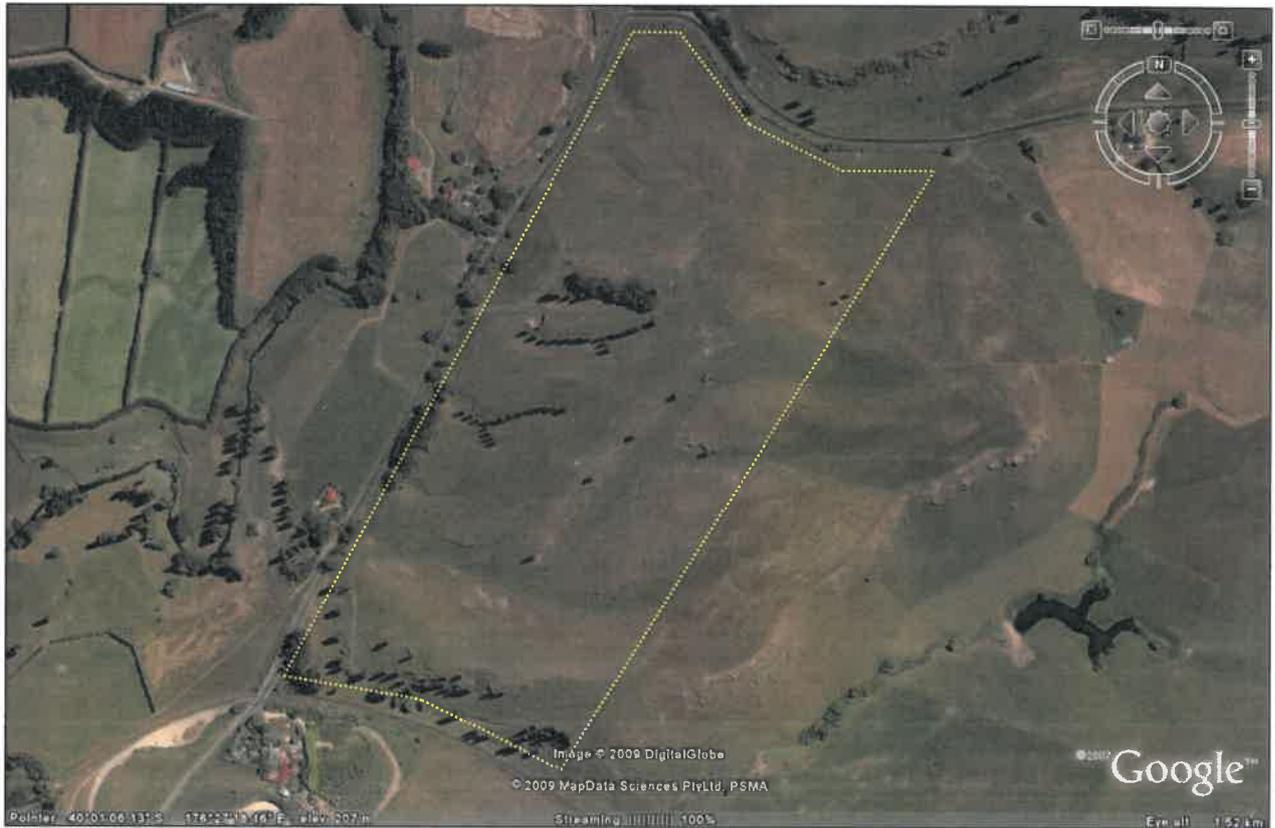


Figure 3.

Perspective view of site (looking northward) illustrating the slope of the site rising up from Maharakeke Road into a central basin, then again rising to the limestone ridge outcrop in the neighbouring property beyond the eastern boundary. Existing quarry site and plant in foreground.



Figure 4.

Further perspective view of site (looking north east) again illustrating the slope of the site rising up from Maharakeke Road into a central basin, then again rising to the limestone ridge outcrop in the neighbouring property beyond the eastern boundary.



4.0.4

The surrounding properties are predominantly rural farmland utilized for rural productive purposes primarily stock grazing on the abutting hill country and a mix of stock grazing and some cropping on the Ruataniwha Plains to the west of the Maharakeke Stream.

4.0.5

As illustrated in Figure 5 the land to the west of the extension area (along the opposite side of Maharakeke Road up to the Maharakeke Stream) is also owned by the Company, as is the land along the southern side of the railway which is utilized for the Company's existing operations.

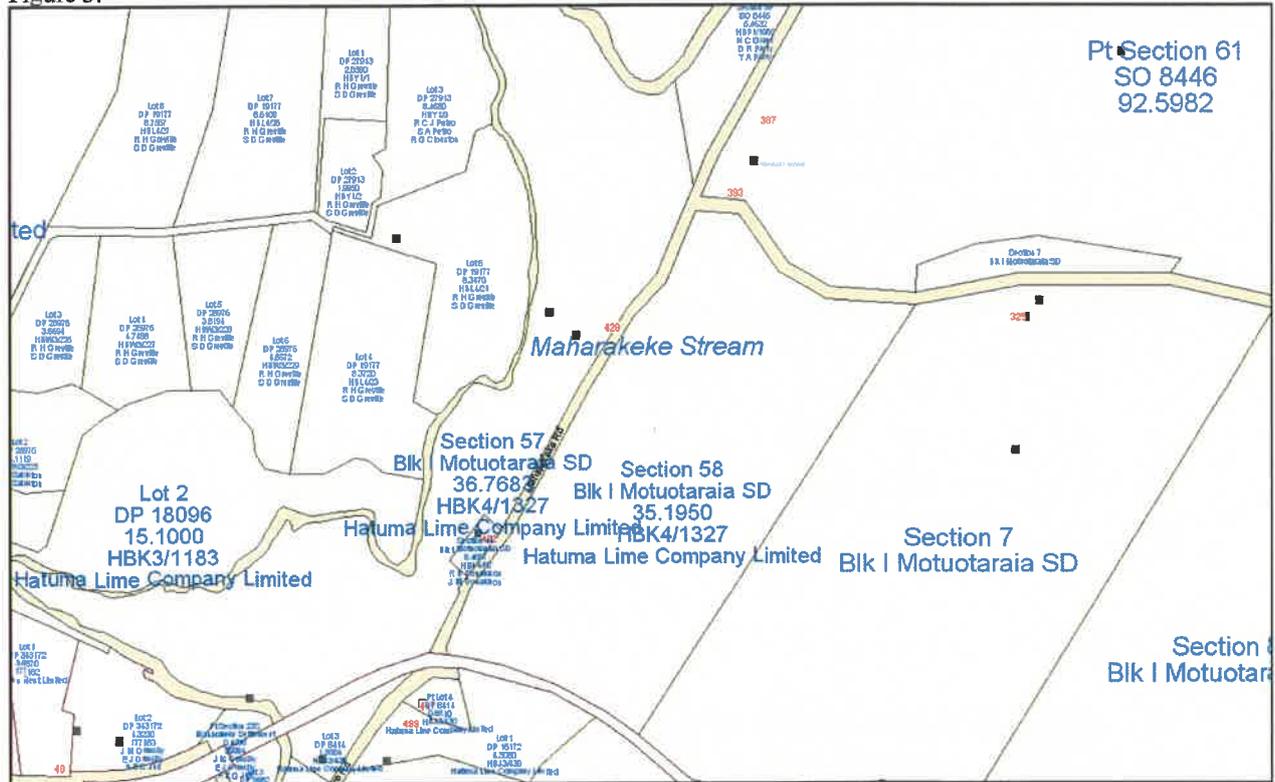
4.0.6

The three nearest dwellings to the proposed extension area are owned by the Company. One is the main dwelling located at the northern end of the existing quarry site (address) the remaining two are off the western side of Maharakeke Road opposite the extension area – refer Figure 2.

4.0.7

Due to being sited on the hills forming the eastern edge of the Ruataniwha Plain the existing quarry area is visible for some distance, the visibility of the quarry activity is enhanced (particularly during winter months) by the reflective nature of the (nearly white when exposed) limestone. The existing quarry however forms part of the existing landscape and is accepted as part thereof. Notwithstanding the high visibility of the exposed quarry areas the view of the quarry is dynamic over time, with significant yet incremental areas of quarried out slopes being reinstated with overburden and returned to farmland (pastoral grazing). This aspect of the existing quarry activity is not readily apparent, particularly to motorists passing along State Highway 2.

Figure 5.



5.0 PROPOSAL

5.0.1

The applicant has prepared a Quarry Management Plan (QMP) (dated May 2009) outlining the application and the manner in which the activity is to be established and operate. A copy of the QMP is attached as Appendix

3. The key elements of the QMP are outlined below:

- A summary of the method by which limestone is to be harvested from the extension areas;
- Proposed staging of quarrying activities in each area and an estimate of the time frames for operation within each (through to the year 2100)
- The staging and extent of earthworks to be undertaken within each area (through to the year 2100)
- The extent and location of facilities for the storage of the excavated material, and;
- Route and design of the proposed conveyor system from the storage facilities underneath the railway track to the existing processing plant.

5.0.2

Generally, the extension will occur incrementally in that upon initial establishment of the conveyor, storage facilities and the main haul road, further stripping and road construction will occur as required and will be managed to expose each stage. As necessary to supply the processing plant.

5.0.3

As the works progress, quarry procedural operations and practices associated with the excavation and processing activities will continue in accord with current management and 'normal' quarry practice and the QMP.

5.0.4

The quarry extension does not involve changes or alterations to the existing processing activities, and the overall processing capacity of the plant (and the quarry on the whole) will not be increased. The processing plant and associated activities will continue to operate from the current location.

5.1 Hawke's Bay Regional Council - Discharge Consent/s

5.1.1

The applicant will be required to obtain discharge consents from the Hawke's Bay Regional Council under the provisions of the Hawkes Bay Regional Resource Management Plan (RRMP) for discharges to air and discharge of stormwater to land/water. These applications are yet to be lodged, however based on the assessment within this report and the absence of adverse effects from the existing quarry activities it is anticipated that consents should be obtainable.

Comments received from the HBRC (in relation to air discharge are included in Appendix 2.

6.0 CENTRAL HAWKES BAY DISTRICT PLAN (the Plan)

6.1

Zoning

6.1.1

The site is located within the Rural Zone of the Plan (Map 12). It is not identified as an area of Outstanding Landscape Value, nor is it subject to any additional notations. The Palmerston North – Gisborne Railway is identified as Designation 169.

6.2

Definition of Activity:

6.2.1

Pursuant to Section 2 of the Plan – Information and Interpretation, Mining is defined as:

MINING ACTIVITY means to take, win or extract, by whatever means, a mineral existing in its natural state in land, or a chemical substances from that mineral, for the purpose of obtaining the mineral or chemical substance; but does not include prospecting or exploration; and 'to mine' has a corresponding meaning. For the purpose of this Plan mining excludes gravel extraction. The proposed activity falls within the above definition.

6.3

Landuse Activity Status:

6.3.1

Landuse activities in the Rural Zone are subject to the provisions of Section 4.0 of the Plan. Pursuant to Rule 4.8.3(b) 'Mining Activities' are a **Discretionary Activity**. The performance standards for rural zone activities are set out in Section 4.9. Those general performance standards relevant to this application are:

4.9.1 Building Coverage *The net area of any site covered by buildings and impervious surfaces shall not exceed 700m² or 7% of site area, which ever is the greater.*

4.9.2 Height of Buildings *Maximum height of any building for an activity shall be 10m.*

4.9.5 Setback from Neighbours *Subject to any other rules for Rural Zone, the minimum setback of buildings for an activity from internal boundaries shall be: i residential units 5m
ii all other buildings 10m*

District Plan Assessment:

6.3.2

The proposed bulk storage shed will have a storage capacity of some 8000 ton with a GFA of some 480 m². The shed will be an open sided roofed structure with a single pitch roof (as referred in the QMP). The shed will be designed such that the roof will be inclined generally consistent with the slope of the hill at approx 25 degrees (refer attached QMP Plans), storage capacity will be achieved by excavation underneath the structure such that the building is unlikely to exceed a height of 15 metres above existing ground levels. It will as a consequence remain visually unobtrusive despite the size of the structure. The shed will essentially be of a

similar design and configuration and appearance as the existing sheds on the adjacent processing site. The shed will be sited at the base of the hill across the stream from the railway boundary. Overall it is submitted that the storage shed will comply with Standards 4.9.1, 4.9.2 & 4.9.5.

4.9.10 Tree Planting

Setback from Neighbouring Properties

No tree planting, except for amenity tree planting, shall be located on, or within, 10metres of the boundary of any property under a separate Certificate of Title unless prior written permission has been obtained from the affected landowner. A copy of the written permission shall be forwarded to the Council and will be registered on the land information property records. (Note: Where written permission is not obtained within this zone tree planting shall be a discretionary activity with respect to this matter).

6.3.3

The additional trees to be planted generally along the alignment of the quarry haul road (as detailed in the QMP) are considered to be 'amenity planting' as they will assist to screen, to some extent, views of the haul road and quarried areas from locations on the Ruataniwha Plains. Notwithstanding that the trees are existing, and established, they generally achieve compliance with the yard setback standards of 4.9.10.

4.9.11 Noise

On any site, activities, shall be conducted such that the following noise levels are not exceeded at nor within the notional boundary of any residential unit, other than residential units on the same site as the activity:

- 55dBA L10 - 6:00am - 11.00pm Monday to Saturday
- 45dBA L10 - at all other times
- 75dBA Lmax - at all other times

6.3.4

No specific noise assessment of the proposed activity has been undertaken and compliance with standard 4.9.11 cannot be confirmed. Noise sources from the quarry activities will be from operation of heavy machinery - predominantly a motor scraper. A loader may operate at the storage shed / elevator area while bulldozer/s may be utilized periodically during removal of overburden.

Due to the generally soft nature of the limestone deposits blasting and use of explosives is not required. Based on observations during a site visit the existing quarry operations, which have the same characteristics as will be evident in the extension area, the extent of audible noise during lime excavation will be minimal from Maharakeke Road from both winning and transportation operations.

The construction of the elevated earth bund along Maharakeke Road (refer QMP) will assist to achieve some mitigation of noise effects. Noise from the elevator is expected to be minimal especially in comparison to potential effects of alternative transportation i.e. repeated vehicle movements between the sites.

In context of the rural nature of the surrounding environment, the separation distances to boundaries, the elevation of the working quarry area and haul road and the working area and the bund along Maharakeke Road and abutting properties, it is submitted that noise effects of the activity will not adversely effect abutting or adjacent landowners, notwithstanding affected persons approvals obtained.

7.0 STATUTORY CRITERIA

7.0.1

As a discretionary activity, subject to Part II of the Resource Management Act, Section 104 sets out those matters that Council must have regard to. These are:

- (a) *Any actual and potential effects on the environment of allowing the activity; and*
- (b) *Any relevant provisions of:*
- (iv) *a plan or proposed plan; and*
- (c) *Any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

Section 104B of the Act states that after considering an application for a resource consent for a discretionary activity a consent authority-

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions (under s108).

8.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

8.1

Affected Persons Consultation

8.1.1

The applicant has undertaken consultation with all landowners on general proximity of the site and written approvals have been obtained from all parties (on Council's standard Affected Persons Consent Form), as summarized in the Table and Affected Persons Location Plan below. Copies of the written consents are attached as Appendix 4.

8.1.2

Any effects on these parties from whom affected persons consent has been obtained must be excluded from consideration (*Section 104(3)(b) of the RMA 1991*).

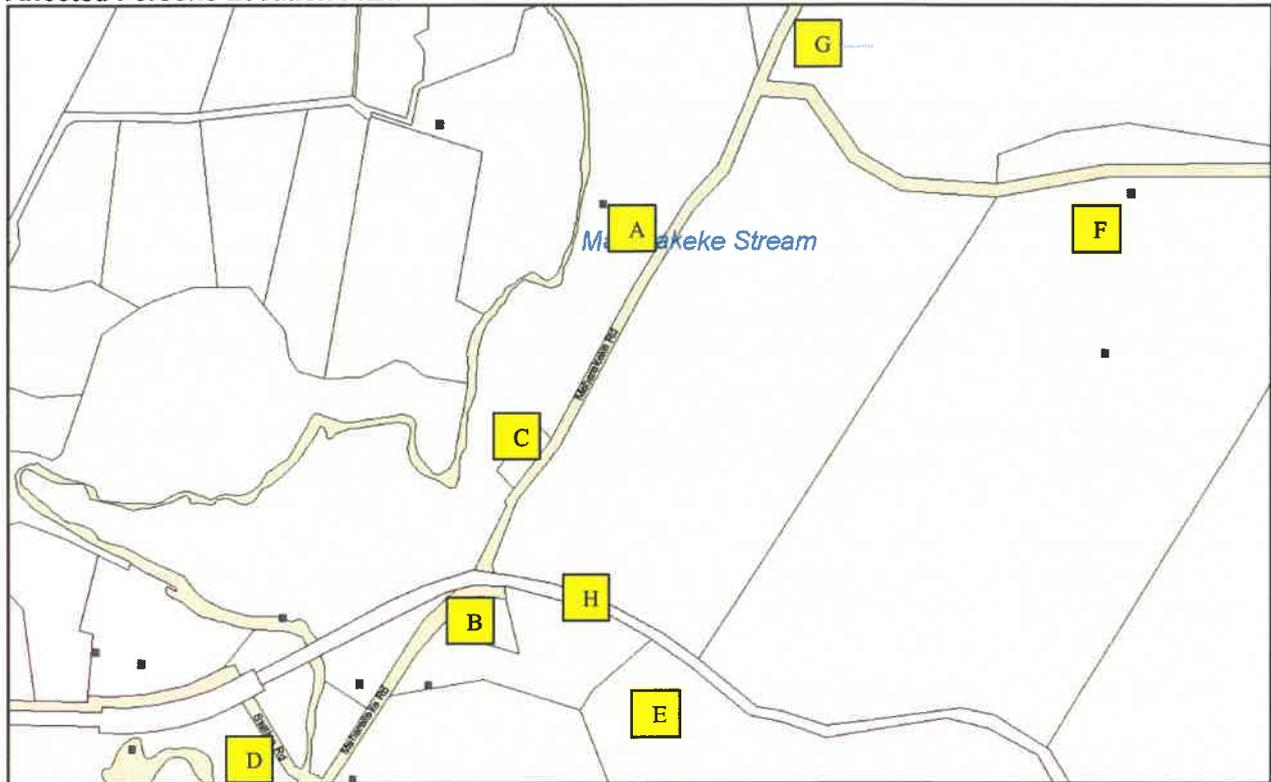
Affected Person Approvals:

Ref:	Name:	Address:
A	D & M Topp	482 Maharakeke Road
B	A Topp	497 Maharakeke Road
C	R & J Donaldson	472 Maharakeke Road
D	GI & HM Annettes Children's Trust	572 Maharakeke Road
E	Southampton Trust D Murphy & J Armstrong)	C/- P O Box 54 Waipukarau
F	D & K Kirk	325 Waiou Road
G	D & C Elderkamp	387 Maharakeke Road

Appendix 5 – Ontrack Consultation

The applicant has undertaken direct consultation with ONTRACK regarding the establishment of the proposed culvert conveyor system underneath the rail tracks and across the rail corridor. ONTRCK have agreed to enter into a Deed of Grant allowing the occupation and use for that purpose.

Affected Persons Location Plan:



8.2 Permitted Baseline

8.2.1

There is no relevant permitted baseline for mining activities within the rural zone. However the proposed storage building could be constructed as permitted for rural purposes, and earthworks could be undertaken for farm access purposes. As described below the subject site can be attributed a number of vehicle movements as would arise from permitted rural land use activities.

8.3 Natural Hazards

8.3.1 The subject site is not at risk of any known or identified natural hazard. Due to the nature of the underlying limestone deposits the land is basically stable. The site is not subject to flooding, inundation or erosion.

8.4 Storm water

8.4.1

Existing storm water runoff from pasture is to soakage with excess runoff into the existing gullies within the site, all storm water ultimately discharging into the nearby Maharakeke Stream. Once exposed the exposed limestone displays excellent soakage and infiltration characteristics and overall storm water runoff will be reduced. Any runoff from the quarry faces and winning area will be directed into specifically designed and storm water detention ponds to allow for settling of sediment prior to any further discharge.

The location of storm water detention ponds may vary as quarry stages progress, however the same principles for storm water management and treatment will be observed. It is noted that the existing storm water management practices within the existing site are effective in mitigating potential effects of sedimentation to waterways, and that compliance will be monitored by HBRC once the relevant storm water discharge consents are obtained.

8.5 Traffic

8.5.1

The proposed extension will not result in any significant additional vehicle movements along Maharakeke Road. Any vehicle movements would be associated with intermittent movement of heavy excavating machinery between the sites for periodic maintenance, these movements are anticipated not to exceed or be any more frequent than could arise from typical farming operations and will not adversely effect the functioning or safety of Maharakeke Road.

Light 4WD vehicle movements are expected to be necessary for staff and management inspections associated with mining operations and management, again these will not be of significant frequency and will be unlikely to exceed the number of vehicle movements that could otherwise be generated from typical farming activities.

8.5.2

The operation of an elevator for transportation of won material for processing is a positive, proactive and 'environmentally friendly' approach to the transportation of material between the sites.

8.6

Noise and Vibration

Matters associated with noise generation have been discussed in 6.3 above. The mining activity is not anticipated to result in any detectable vibration beyond the boundaries of the site.

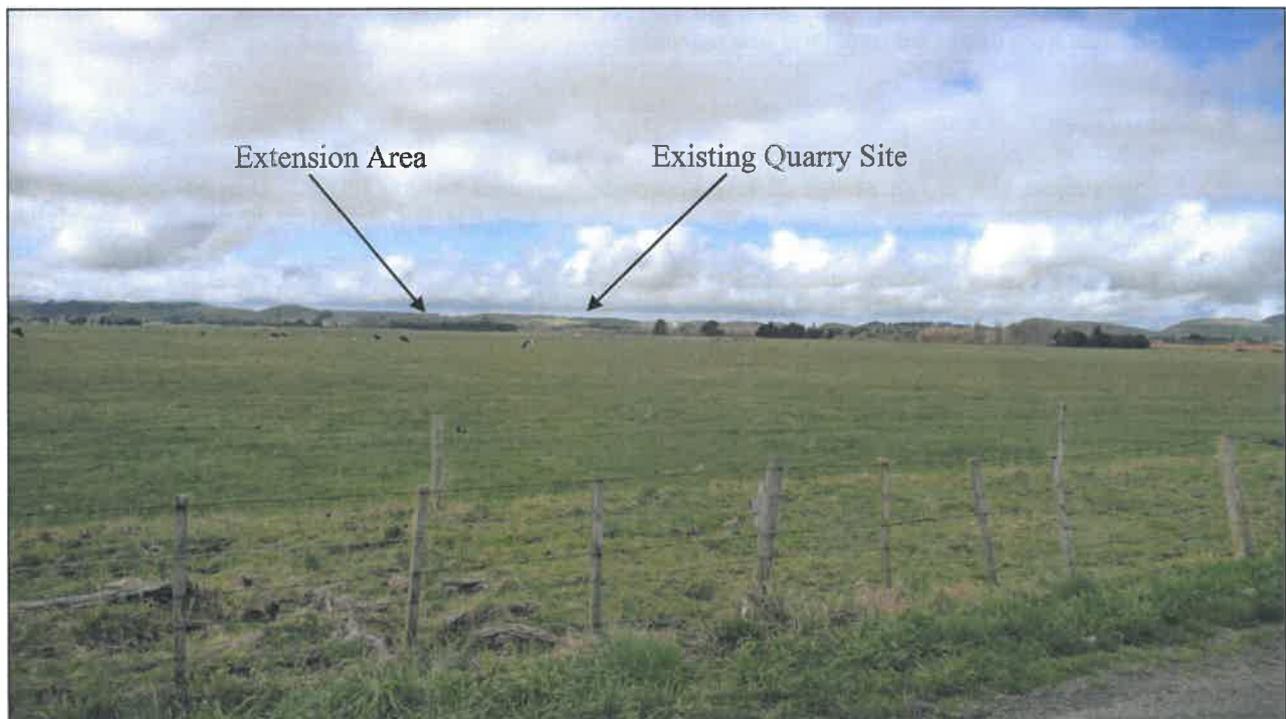
8.7

Rural Amenity, Landscape and Visual Effects

8.7.1

The subject site is of moderate slope rising eastward from Maharakeke Road, and as such apart from the more immediate viewing audience on adjacent land to the west it can be viewed from various locations along SH2 across the Takapau Plains. Examples of these views are provided below.

Fig A: View of existing quarry site and adjacent proposed site from Fraser Road / SH2 (Takapau Plains) intersection (0% Magnification).



Figs B & C below provide view of existing quarry site and adjacent proposed site from Fraser Road / SH2 (Takapau Plains) intersection, with a 10x magnification.

Fig B: Existing quarry to right of frame. Proposed Extension area toward left of frame.



Fig C: Proposed Extension area.



8.7.2

As demonstrated by the figures above the existing quarry site, although visible forms only a small part of the broader landscape when viewed from SH2. The ability to view the existing quarry and also the extension area is restricted by the presence of shelterbelt planting across the Plains. It is also evident that the remediated areas within the existing quarry area are less visually prominent as they are in pasture.

8.7.3

It is further noted, with regard to Fig C, that the extension area will not extend up to the skyline, as the uppermost part of the ridge falls within the abutting property to the east - (also refer Figure 4).

8.7.4

Summarily, although the site is visually prominent from SH2 this viewing audience is transient. As works commence within the extension area the existing quarry site will be rehabilitated to pasture, as such the net total area of exposed lime (i.e. the visual element) will not significantly increase from what is currently visible, the quarrying activity will however appear to migrate slowly northward over an extended period of time. The ability of the transient SH2 audience to note this change is limited as it will occur incrementally over an extended period of time and will be seen as a natural progression of the lime extraction process.

8.7.5

In terms of the rate of works within the extension area, it will be worked in 4 phases of extraction at an estimated rate of 15 years per phase. By the time Phase 4 is commenced to removal of overburden, the rehabilitation of Phase 1 and 2 areas to pasture will have been completed.

8.7.6

The storage shed will only be visible to Maharakeke Traffic from the railway over bridge, and then only fleetingly to vehicle passengers. These views will be screened by the existing mature vegetation along the roadside and within the site. Similarly the overhead conveyor will not be readily visible from any easily accessed public viewpoint.

8.7.7

Overall it is submitted that the effects of the proposed quarry extension works and associated structures (storage shed and elevator), will not result in adverse effects on the existing rural character and amenity of the area. The Hatuma Lime Quarry has been a feature contributing to and forming part of the existing character of the locality. The quarry is now an integral component of the hills defining the eastern edge of the Ruataniwha Plains, it performs a function that directly relates to and is essential to primary agricultural production both on the plains and the hill country of Southern Hawke's Bay. As such the current and continued existence of the quarry is overall an accepted part of that rural landscape and it is submitted that effects on rural character and amenity will be no more than minor.

8.8

Reverse Sensitivity Effects

8.8.1

There is no evidence to suggest that the existing quarry activities have given rise to reverse sensitivity effects that limit the ability of any adjacent or abutting site to be utilized for permitted rural primary productive or rural residential landuses. As such, and notwithstanding that all adjacent and abutting landowners have provided written consent, it is submitted that the quarry extension and associated activities will not give rise to adverse reverse sensitivity effects.

8.9

Positive Effects

8.9.1

As commented above the Hatuma Lime Company primarily produces lime for agricultural fertilizer application purposes. Much of the product is used with Central and Southern Hawkes Bay, a quantity of product is also used outside of the region. Due to the range of soil types in rural areas and the demand based on grass production for stock grazing the Hatuma Lime Company provides farmers within the region with a readily accessible, high quality fertilizer resource.

8.9.2

It is submitted that the continued access to this resource is essential in contributing toward maintaining rural production, and therefore supporting economic prosperity of the regions agricultural sector. The granting of this consent will enable the agricultural industry security of supply to this essential supporting resource over the next 90 years. And, the granting of consent will result in significant positive cumulative economic effects both to the farming industry directly, but also in the form of flow on effects (in the form of secondary and tertiary 'flow on' economic effects) to other sectors of the region. In this regard it is further submitted that the Hatuma Limeworks could be classified as an essential industry in support of the Districts principally rural economy.

8.10

District Plan Assessment Criteria (Section 8.12)

8.10.1

The relevant assessment criteria are:

14 RESOURCE CONSENT- ASSESSMENT MATTERS

14.4 DISCRETIONARY ACTIVITIES IN RELATION TO:

5. Mining Activities and Commercial Gravel Extraction- Rural Zone

a) The degree to which the activities of vegetation clearance and the excavation and removal of material associated with mining impact on amenity values, landscapes values and nature conservation values (including the degree of significance of a species or community of indigenous plants and animals at the specific locality of the proposed mining activity).

b) The ability of the proposal to rehabilitate the site after mining so that:

- i) long term stability of the site is ensured;**
- ii) landforms or vegetation on finished areas are visually integrated into the landscape;**
- iii) land is returned to its original productive capacity, where appropriate;**
- iv) Water and soil values are protected.**

c) The ability of operation to avoid or mitigate dust, noise, lighting and vibration so that amenity value is not at risk.

d) The ability of the company to provide a contingency plan for early mine closure, including an evaluation of the risk to the neighbouring community and environment and the ability of the company to provide a bond to the Council for the purpose of rehabilitating operation areas in the event of a premature closure.

e) Where a building is to be erected as part of a mining operations refer to the assessment matters in 14.2.1-14.2.5 above.

8.10.1

It is considered that for the reasons discussed in the assessment of effects (above) the proposed extension substantially satisfies the above criteria. In particular:

- Quarry operations will not give rise to any adverse effects in relation to noise, dust lighting, or vibration.
- The area to be mined is not of significant landscape or conservation value;
- Mining operations will not adversely effect rural visual, character and/or amenity values, particularly in context of the existing environment and also given the acceptability of mining as an essential rural industry.
- Appropriate discharge consents will be obtained from the HBRC (storm water and dust), and existing good management practices will prevail.
- As demonstrated on the existing site the rural productive capacity of the land once rehabilitated is no less than that of surrounding sites.
- The Hatuma Lime Company has a long established and proven track record with regard to the rehabilitation of worked out areas. The Company is long established and reputable. As stated in the QMP rehabilitation of worked out areas form part of the overall Quarry Life Plan, and effective rehabilitation has been demonstrated on the existing site. In the event that the facility experiences premature closure rehabilitation works will already be 'closely following' new areas of quarry as they are opened. This progressive rehabilitation (as already evidenced) will be continued. As such the Company seeks to continue quarrying activities into the extension area without a requirement to provide a bond for rehabilitation in case of premature closure. In terms of risk, the Companies long history at the site combined with the fact that the provision of fertilizer to rural agricultural industry is an essential service, the risk of premature closure in a manner that would require Council to undertake rehabilitation works is considered to be extremely low.

- The proposed lime storage building and overhead elevator will have only limited visibility and will not exceed the building site coverage or building height standard permitted in the rural zone.

9.0 DISTRICT PLAN OBJECTIVES AND POLICIES

9.1

The relevant objectives and policies of the Plan (Rural Zone) are set out below:

4.2.1

Objective - Rural Amenity and Quality of the Environment.

A level of rural amenity which is consistent with the range of activities anticipated in the rural areas, but which does not create unpleasant conditions for the District's rural residents; or adversely affect the quality of the rural environment.

4.2.2

Policies

1. *To encourage a wide range of land uses and land management practices in the Rural Zone while maintaining rural amenity.*
2. *To require some activities to be setback from property boundaries so as to reduce the probability of neighbouring dwellings being exposed to adverse effects.*
3. *To maintain clear distinctions between the urban and rural areas through zoning and the provision of performance standards specific to the rural zone, to assist in protecting the character and quality of the surrounding rural areas.*
4. *To ensure there is a buffer between factory farming and other activities so as to avoid or mitigate adverse odour effects.*
5. *To encourage factory farming away from urban areas, so as to reduce the potential for conflict between these activities and urban activities.*
6. *To encourage the use of gravel from the rivers as a means to reduce the risk of flooding, subject to policies set out in the Hawke's Bay Regional Council's Regional Gravel Extraction Plan.*
7. *To avoid, remedy or mitigate adverse effects on the environment associated with gravel extraction outside the beds of rivers described in policy 6.*
8. *To encourage the protection of waahi tapu and other taonga by facilitating consultation between landowners and the Tangata Whenua should developments be proposed where values occur.*
9. *To obtain information on forestry development to assist planning for future roading and fire protection needs.*
10. *To require an application for a resource consent for mining activities so that adverse effects on the environment are avoided, remedied or mitigated.*
11. *To control the installation of septic tanks and other waste water treatment and disposal systems in order to mitigate potential health nuisances, odour and contamination of water.*
12. *To provide for the effective operation and development of Waipukurau Aerodrome while avoiding or mitigating adverse noise effects from the airfield operation.*

9.2

It is submitted that the proposed activity is not contrary to the above objectives and policies.

4.3.1

Objective - Soil Erosion Land management practices within the District which minimise soil erosion.

4.3.2 Policies

1. To encourage liaison with other local authorities and organisations concerning research into land use and land management practices that sustain the District's soil resource.
2. To encourage further research on the degree to which poor land management practices may impact on the long-term sustainability of the soil resource, and also research into identifying the correct adjustments needed to minimise soil erosion.
3. To encourage and co-ordinate with other agencies the provision of information that promotes land management practices which do not cause accelerated erosion.

9.3

It is submitted that the proposed activity is not contrary to the above objectives and policies.

4.4.1

Objectives

1. **Protection and enhancement of defined nature conservation areas, and outstanding landscapes views within the District.**
2. **The margins of wetlands, rivers, lakes and the coast are managed in order to preserve the natural character of these environments and the margins of identified river catchments are managed to enhance water quality.**

4.4.2

Policies

1. To promote and facilitate the long-term protection of areas with significant conservation values by encouraging the Department of Conservation to pursue actively the implementation of the Protected Natural Areas programme through direct negotiations with the landholders concerned.
2. To identify through the District Plan sites, which have been recognised through any regional plans or national databases, reports, or through surveys conducted by the Council, as being areas of significant indigenous vegetation or habitat.
3. To encourage the voluntary protection of sites identified as having indigenous plants or animals of significant value. An example is the QE II National Trust covenant.
4. To discourage inappropriate development in sites identified as having rare, endangered, or vulnerable species of plants or animals of national significance, or indigenous plant or animal communities that are of significance to the nation.
5. To control activities which have the potential to adversely affect the natural character of coast which is an important contributor to the amenity of the District.
6. To control certain activities which have the potential to adversely affect area identified as having major viewing points to some outstanding landscapes in the District.
7. In conjunction with Hawke's Bay Regional Council, promote riparian management practices that enhance water quality in the district by the following means: i. facilitate improved riparian management by educational means, ii. set priorities as to which waterways in the District require riparian management programmes, and, iii. determine the best methods to encourage protection of priority waterways.

9.4

It is submitted that the proposed activity is not contrary to the above objectives and policies.

9.5

It is overall submitted that the proposed activities are generally anticipated and provided for by the Rules and the relevant Objectives and policies of the Central Hawke's Bay District Plan subject to the activity being undertaken in the manner proposed by the applicant.

10.0 PART II OF THE RESOURCE MANAGEMENT ACT

10.0.1

The purpose of the Act (Section 5) is in short to promote the sustainable management of natural and physical resources, which enable people and communities to provide for their social, economic, and cultural well-being. There is however a number of provisos linked to this concept.

In particular this Section identifies sustaining the potential for natural and physical resources to meet the reasonably foreseeable needs of future generations, safeguarding the life-supporting capacity of air, water and soil and avoiding remedying or mitigating any adverse effects of activities on the environment.

The application of Section 5 involves an overall broad judgement of whether the proposal will promote the sustainable management of natural and physical resources, taking into account conflicting considerations, the scale or degree of them and their relative significance or proportion.

10.0.4

The matters of national importance in Section 6 are subordinate to the primary purpose of the promotion of sustainable management. They are not ends or objectives in themselves, but are accessory to the principal purpose. (The same comments apply to the consideration of Sections 7 and 8).

10.0.5

Section 6 of Part II of the Act specifies the matters of national importance to be recognised and provided for. There are no matters of national importance relevant to this application.

10.0.6

Section 7 of the Act sets out matters that Council shall have particular regard to in administering the Act. Of relevance to this application are:

- a) The efficient use and development of natural and physical resources:*
- b) The maintenance and enhancement of amenity values:*
- c) Maintenance and enhancement of the quality of the environment:*

10.0.7

Sections 6(e), 7(a) and 8 state that Council should recognise the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, have regard to kaitiakitanga, and take into account the Principles of the Treaty of Waitangi. There are no particular aspects of this application that warrant specific consideration with regard to these matters.

10.0.8

Considering the points raised above, and those in the Assessment of Environmental Effects and Objectives and Policies (Central Hawke's Bay District Plan) sections of this report, it is considered that this application is generally consistent with Part II of the Resource Management Act 1991. In particular:

- The proposal will enable the provision of essential services (fertilizer) to the principle agricultural industry of the District and the wider region, facilitating rural productive output and resulting in significant long term economic benefits (direct and indirect and flow on multiplier effects) to the district and the region.
- By contributing to the economic sustainability of agricultural production and ensuring security of supply of fertilizer resource to primary producers the proposal will contribute positively to the social well-being of people, and the wider community, without giving rise to adverse effects on the receiving environment.
- The proposed activity represents an efficient use of an existing physical resource, i.e. the existing Hatuma processing plant, without the need for unnecessary establishment and duplication of processing and distribution facilities at any other site;
- The proposal employs a comparatively efficient and sustainable method for the transportation of harvested material to the adjacent proceeding plant without undue reliance on fossil fuel;
- Although the application will not directly enhance amenity values, existing rural character and amenity values will be maintained, and upon 'working out' the rural pastoral amenity will be progressively reinstated, and;

- Any adverse effects of the proposal will be avoided, remedied or mitigated therefore the quality of the existing environment will be maintained.

**11.0
SUMMARY AND CONCLUSION**

11.1

The applicants seek resource consent from Council to extend an existing mining activity 'Limestone Quarry Winning Activity' onto a 31.1950 ha site situated adjacent to the existing Hatuma Lime quarry processing and distribution site, and to construct and operate an overhead elevator for the transportation of winnings from the quarry extension area underneath the railway and overhead on adjacent land to the existing processing plant.

11.2

The written Consent of affected adjacent property owners and occupiers has been provided and it is submitted that overall the environmental effects of the proposed activity will not be more than minor and that the proposal is not contrary to the relevant objectives and policies of the District Plan.

11.3

It is submitted that the application can be considered without notification or limited notification.

11.4

Accordingly, it is requested that the Central Hawke's Bay District Council grant approval to the Hatuma Lime Company Ltd to allow the extension of the existing quarry onto the adjacent site in the manner described in this application and supporting documentation.

Action Planning

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Roger Wiffin
Senior Environmental Planner



Quarry Management Plan (Q.M.P)

May 2009

Company History

Hatuma lime has been harvesting quality limestone for agricultural use at the present quarry since 1932.

The site was chosen initially because of the location of resource to the Napier/Palmerston North rail line and was originally opened to supply limestone to market gardeners in Wellington.

Initial tonnages were around the 8000 mark, all lime was in bag form and transported via the New Zealand Rail (NZR) network.

The limestone Hatuma produces is used solely for agricultural purposes', and lime distribution relied on government subsidies of free rail haulage within 100 miles from any lime company.

By the late 1950's - early 60's the tonnages had increased to around 55,000tonne annually, this was largely due as a result of the company's reputation as a pioneer within the lime industry. Inventions like the Rotating Screen, Screw Dozer Wagon Unloader, Lime Spreaders, Dicalcic Phosphate, and supplying the lime in Bulk Form, can all be accredited to Hatuma throughout this time.

Originally the company was concerned about any further expansions and the continually increasing sales, as these would put considerable pressure on the company's limited resource of limestone within the quarry.

As a result, a new quarry in Waipawa was opened in 1957, and the established Mauriceville lime plant was purchased and heavily invested in to help 'relieve' the Waipukurau quarry during this large demand for Agricultural (Ag) lime in the lower north island.

Between the years of 1977-82, Hatuma made considerable progress in all fronts. Large storage sheds and blending plants were installed, and heavy machinery was purchased. The annual tonnages around this time were 200,000 tons from the Waipukurau quarry alone.

Around this time the company also received conditional use approval to extend the quarry operations and another 40 acres was commissioned lying to the south of the existing quarry.

This is presently where all lime is extracted from for this site.

In 1981, land was secured along the railway line in Marton for quick unloading and transferring of products to help service the western side of the North Island. At its peak the plant was handling 50,000 tons annually with all lime supplied from this quarry.

Further investment was made in 1984 when the company purchased another 35 hectares north of the present site that once consent has been granted, has potential to yield approximately 7 million m³ of high grade limestone for the agricultural use.

After nearly 70 years as an unlisted public company, Hatuma lime is now entirely privately owned by the Topp family and is very proud to be totally independent.

Location

The proposed quarry is located 10km south west of Waipukurau and 5km north east of Takapau.

Hatuma lime is accessed via state highway 2 and is situated at 496 Maharakeke Road.

The quarry being applied for is lot 58 located between the Napier/ Palmerston North rail line and Waiou road to the north.

Refer to- *Works boundaries and Layout drawing.*

The quarry comes under the Central Hawke's Bay district council's bylaws.



Location of works in relation to Waipukurau township

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Neighbouring Properties

There are five residential houses within a 200 meter radius from the area being proposed for quarrying and six houses within 400 meters.

The houses closest to the quarry are company owned (Managing directors residence, Director of Sales and Marketing, and Director of Operations and Production). The Donaldson residence located directly across from the quarry is a former retired employee, who was with the company 50 years, and with whom we still keep in regular contact with.

Expected Rate of Extraction (E.R.E)

The quarry and processing plant have been set up to comfortably dispatch 250,000 ton's of lime products per annum.

The company does not expect to increase this at any stage, as production topping this would lead to increased operation costs and further development of quarry resources.

The expected life span of this quarry will be approximately 75 years based on the above tonnages.

The added benefit of developing the new northern quarry will be extending the current working life of the present quarry site by over 52%.

Refer to Fig :1 below.

Fig :1

10 Year Expected Rate Of Extraction

<u>Year</u>	<u>Present Quarry</u>	<u>New North Quarry</u>	<u>Total Annual (tons)</u>
2009	200,000tons (100%)	0 tons (0%)	200,000
2010	160,000tons (80%)	40,000tons(20%)	200,000
2011	120,000 tons(60%)	80,000 tons (40%)	200,000
2012	80,000tons (40%)	120,000 tons (60%)	200,000
2013	80,000tons (40%)	120,000 tons (60%)	200,000
2014	80,000tons (40%)	120,000 tons (60%)	200,000
2015	80,000tons (40%)	120,000 tons (60%)	200,000
2016	80,000tons (40%)	120,000 tons (60%)	200,000
2017	60,000tons (30%)	140,000 tons (70%)	200,000
2018	60,000tons (30%)	140,000 tons (70%)	200,000
2019	40,000tons (20%)	160,000 tons (80%)	200,000

- Please note that the 200,000 ton figure is indicative only, and we are very vulnerable to unforeseen circumstances such as climatic and economic conditions and as such, our annual tonnages can vary greatly.

Geology

An independent geological survey was conducted on the proposed quarry site in 1981.

The limestone deposit is part of the Te Aute Facies and the outcropping ridge was deposited as extensive barnacle banks or shoals during the Pliocene period (1.8-5 million years)- a time when a seaway existed along the Ruataniwha Plains between the Ruahine Ranges and the present day coastal ranges. These shoals were large-scale, linear bed forms with long axes orientated parallel to the direction of the strongest tidal currents.

To the east the limestone is generally of poorer quality (average CaCO₃ content of 77%). These beds are correlated with the 'old ridge top' quarry east of the main plant.

To the west, lime is of good quality (average CaCO₃ content of 86%) but in the central and northern parts of this block the quality is poor. The representative samples were however collected over a wide area.

A small-sized disused quarry is situated to the far west, with a small volume of poor quality lime (76% CaCO₃) present, which correlates with one of the 'pebble beds' at the main quarry.

Over the remaining area, there is a large volume of good quality lime which has an average CaCO₃ content of 87%. A large southwest trending valley cuts through this area and is possibly fault controlled. Minor displacement of the limestone beds has occurred along a number of splinter faults.

Refer to *General overview and limestone resource* drawing for more details.

Site Requirements

The method of harvesting the limestone from this quarry involves a process that Hatuma has been using at this site for 30 years.

Using an elevating motor-scraper, we remove the exposed high quality raw limestone, and haul it to a designated undercover storage shed for further processing.

There are two main advantages to using a motor-scraper to harvest limestone. The first is removing the need to have two operators and associated machines to "win" the lime- therefore keeping the running, operating, and labour costs down.

The second advantage is to continue with a company tradition of using the wind and sunshine to dry large open areas of quarry rather than using the more conventional diesel fired drying plant or drying kilns.

The motor-scraper and highly trained operator are able to regulate the cutting depth of the bowl to extract the driest lime available.



Catepillar 639D Elevating Motor-Scraper harvesting raw limestone

The site will initially not require provisions for staff and amenities as the company believes that this will be catered for by the current site. All machinery will be stored in the existing area near the mill vicinity, and no fuel or oils will be kept on the proposed quarry site.

Conveyor System

The original consent granted involved using an Armco culvert overpass to cross the Palmerston-Napier rail line, and the haul road to meet the existing access track north-east of plant.

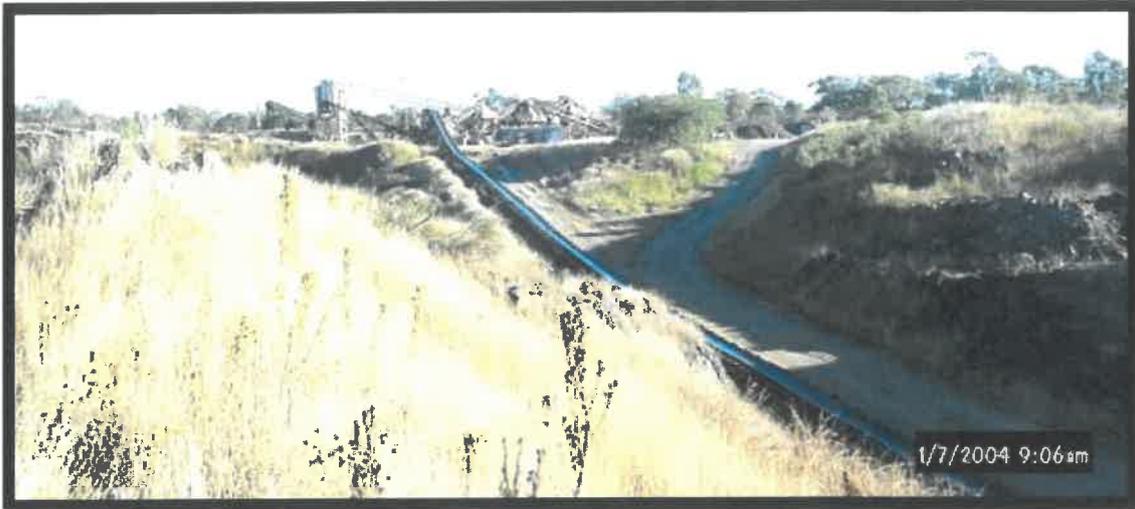
On further investigating we have found that constructing a covered conveyor system to either go underneath (using precast box culverts), or above the rail line will be a better option for transferring the unprocessed lime to the crushing plant, despite the higher initial costs to set-up.

Advantages of using a conveyor are:-

- Quicker passes from quarry to discharge area.
- Scraper will cart from quarry to storage bin approximately 400 metres as opposed to carting to the mill approximately 1200 metres, therefore involving less time carting product, and more time harvesting to bin. Initial calculations show that 1000 tons of quarry run can be harvested in 2.8 hours (5 min haul) using conveyors verses 5.5 hrs based on a 10 minute haul time.
- Less fuel required to operate machinery, for example, approximately 210 litres of diesel will be used to harvest 1000 ton of quarry run verses 416 litres, creating a saving of 206 litres of diesel for every 1000 tons of lime produced.
- Minimizing dust from haul road.
- Minimizing associated noise from haul road.
- Possibility of the company exploring alternative energy options to power conveyor.

Please refer to *General Overview/ conveyor concepts* for details.





Photo's showing similar overland conveyor system to our proposal

Storage Building

Producing agricultural lime involves keeping the product to within 5% moisture content.

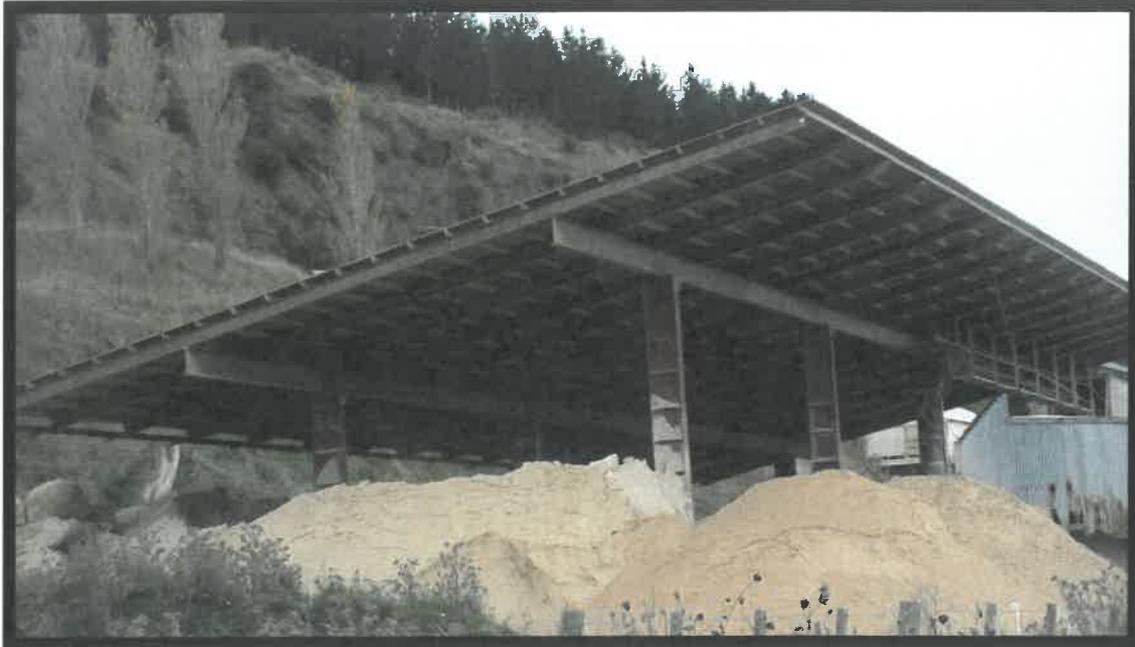
The higher the percentage of moisture equals a heavier weight of lime, which can lead to potentially dangerous hazards. This is especially evident when using an aerial topdressing method of application, as the lime loses its “flow ability” and is more likely to “stick-up” severely impacting on the pilot’s ability to jettison a load quickly.

To keep the lime as dry as possible, a storage shed capable of holding 8000 ton (3 days carting) would be built on the proposed quarry, approximately 40 metres north of the rail line.

The shed will be designed so that the scraper operator can discharge quarry run directly onto the conveyor without requiring any assistance from a front end loader.

The added advantage of having storage capability on the quarry site, will be to increase the works R.O.M storage from 12,000 tons to 20,000 tons, allowing us to harvest more lime in the dryer months (from November to April) and greater flexibility to processing during the winter.

The design of the shed will be of similar nature to our existing buildings and will be applied for separately once quarry consent has been granted.



Similar design of proposed storage building

Initially the shed will be built after constructing the conveyor system and once arranging the haul/access road to the plant are completed.

- Please note: this building will be for lime storage only, and will not require any form of electricity to be supplied.

Environmental Management

Objective: To manage the extraction of valuable limestone resource while avoiding, remedying, or mitigating adverse effects on the environment and enhancing environmental performance wherever practicable.

Hatuma Lime has over 75 year history with being proactive in terms of the environment and surrounding landscapes.

Fundamental company traditions has maintained the attitude of making land rehabilitation and sustainability just as important (if not more), than any of the quarry or works operations since initial production began in 1932.

Hatuma lime has pioneered the use of manufacturing Dicalcic Phosphate as an alternative to the more traditional Superphosphate and Nitrogen based fertilisers.

The products that the company produce have a reputation within the farming community as being environmentally friendly and sustainable, and helped many farmers in the lower North Island to reduce or eliminate the use of high water soluble fertilisers that impact negatively on the New Zealand countryside including our lakes and rivers.

Geological surveys completed on the proposed site indicate that the proposed quarry shows high quantities' of limestone, with the deposits lying in a very convenient fashion for harvesting, meaning that very little of the material will have to be discarded.

The operational methods used by the company are very straight forward and simple and we are very proud with the tidy appearance of our quarries. The company therefore, intends to quarry the new area in the same manner as present.

Our method of quarrying will be to expose approximately five hectares of raw limestone at a time.

Although the land for quarrying is over 35 hectares total, only a small proportion will be exposed at one time.

The five hectares are worked in three stages :-

1. Topsoil and overburden removal
2. Limestone extraction
3. Land reclamation

In an effort to off-set the carbon used in the harvesting process, we intend to plant native evergreen trees around the perimeter of the exposed quarry and to follow the haul road towards the processing plant.

These will also help to contain any airborne particles (e.g. dust) from the quarry and provide a more visual landscape.

The overburden will be stockpiled on the western side of the quarry and temporarily re-grassed to ensure that all quarry activities will be hidden within line of site from the roadside throughout all stages.

The areas not required for immediate quarrying will continue to be unaltered and retained for grazing.

Once all available limestone is removed from the designated section of quarry, the overburden and topsoil from the next section will be used to

return the land to a presentable and usable section, as currently practiced on existing quarry operations.

Our experience with reclaimed land shows that it takes some time for the land to return to full pastoral production. It is also important to remember that typically limestone rural land is often of mediocre quality and in Hawkes Bay particularly, the land is prone to long, severe droughts causing decreases in production.

After landscaping, we believe that the removal of the porous limestone and replacement of water-retaining clay and overburden, the land is as good as it was before mining, if not better.

Refer to- *Environmental Management* drawing for more details



Hatuma stock grazing on grass grown on reclaimed land

Air Control

Although the company has never formally received any complaints of air pollution, we have always been proactive in taking preventative steps to minimize the amount of dust being released into the atmosphere.

The only carbon pollutant that will be produced from the quarry will be from the machinery used to extract the limestone.

Minimal limestone dust from the quarry being worked and from the haul road is generally not a concern to the neighbouring farms and can be generally considered beneficial.

However we will be monitoring the dust and if deemed necessary, we will control using a water tank and sprayer to dampen the road as is the current practice at the existing site.

Noise pollution

Because the crushing and processing plant will still be maintained on the present site, the only noise emitted from the quarry will be from the harvesting machinery and these will operate in the hours required.

All machines used in the quarry will be compliant within the company's procedures for noise control and will be fitted with mufflers and baffled exhausts.

Water

Our quarrying method requires no water process for extracting the limestone. The only water that may be required will be for use in watering sprayers for dust suppression (refer to air control).

Current quarry processes require soak-pits to be made on the lowest part of the quarry floor which will contain approximately 20,000 litres of surface and storm water. These will change location to best suit the developing quarry.

Once the limestone has been exposed, any water that is left to pond will slowly drain through the porous deposit eventually filtering to the water table underneath.

Excess rain water will be contained to 10,000 litre soak-pits placed at desired locations following the haul road and all water will flow to the main soak-pit located east of the planned storage shed.

Should any contamination occur in the quarry (such as major oil leak from machinery/ diesel spill/etc), it will be contained within the quarry's four main soak-pits and any leakage into the nearby stream will be very unlikely.

Refer to- *Water Management* drawings for details

Maharakeke Stream

No contamination from the quarry will interfere with the Maharakeke stream.

At the nearest the quarry will be 180 meters away from the stream.

Current water monitoring practices will continue.

These are done by sampling water annually and during heavy rainfall when the water tops the soak-pits 200 meters to the north and 200 meters south of the quarry, and will be independently tested for any impurities.

Quarry Operations

Hours of Operation

The standard hours of operation for the quarry will be from 7:30am- 6:00pm Monday to Saturday.

However, as the quarry operations are weather dependent, it is possible that should demand outstrip supply, a later finish time may be required that will not exceed 8:00pm.

Typically very little or no quarry operations are required in the months between June to September as the limestone will be too wet to harvest.

Site Access

The quarry will be accessed only via the main plant on the south side of the rail line.

Currently the site is entered via Maharakeke road, but once a level crossing has been built over the rail line, we propose to continue the 2 meter deer fence across this gate, therefore eliminating any access to the quarry directly from the road.

Refer to *General Overview* drawing for details.

Haul road

The initial step will be constructing the haul road and access track from the Quarry face to the discharging area and plant.

Topsoil and overburden will be extracted from quarry site and used to fill in the north western hollow to form a six metre wide track that will run in a circular shape similar to the ridges contour lines.

The haul road will be constructed to follow the guidelines as set by the Department of Labour and I.O.Q.N.Z (Institute of quarrying New Zealand) and will be of a gradient no more than 1:5.

Surface water will be directed to trench's following the haul road line, and soak-pits capable of containing 10,000 litres of water every 200 meters.

Refer to– *General arrangement Detail 'A'* for details

Removal of Topsoil/ Overburden

As mentioned in the *Environment management* section, approximately two acres of topsoil will be extracted using elevating motor-scrapers and stockpiled separately east of the quarry cutting for future land reclamation. Removing the topsoil will reveal a clay and limestone mixture of overburden that will be pushed towards the western (downhill) slope using a bulldozer and regressed to create a natural looking landscape that will be high enough to restrict any visual activity from Maharakeke road.

A soak-pit will be formed on the north western side of the quarry to contain any surface and storm water present in the quarry.

Once the desired grade of limestone is exposed and reached a naturally dry state, the motor-scrapers will extract the lime and cart to bin for processing. Refer to *General Overview - stage 1* drawing

Harvesting Procedures

Before any limestone can be harvested, it must be dried to within 5% moisture content (MAF standard for Agricultural Lime)

The drying process requires a combination of sunshine and wind to evaporate and disperse the moisture present in the quarry.

The amount of drying depends on the suns intensity and duration as well as wind strength and direction. The ideal drying conditions are usually mid November to late April when the wind typically travels from the northwest direction and sunset is around nine o'clock.

In these conditions the quarry can be dry within 2-3 hours- even after a heavy thunderstorm. In winter months the wind is typically from the south and combined with fewer daylight hours, it may take up to 24hrs or longer before lime can be harvested.

The motorscraper operator works on a rotational basis only taking off the top 2-4 inches. The dryer the lime, the deeper the scraper can harvest. This allows the next layer of lime to be exposed beginning the drying process.



Photo showing two elevating motorscrapers harvesting lime for bin

The limestone deposits on the proposed site slope naturally between 30-40 degrees toward the western ranges.

This works in favour for us from a quarrying perspective, since we can follow the high grade deposits towards the water-table.

From the start of the quarry we can harvest the limestone to the bin and progress vertically downwards creating a quarry 'face'.

Once this face is approximately five metres high we will then intentionally not harvest the lime five metres out from this face creating a 'bench'.



View of Hatuma Lime's Mauriceville quarry showing quarry bench (x 3) and faces

This process will continue following the above method until we have reached the water table for this property.

As we continue to harvest the limestone vertically, topsoil and overburden from the west will be stockpiled towards the eastern side of the quarry.

Refer to- *General Overview Stages 2 and 3* for details.

Land Reclamation

Once all available limestone has been excavated from the selected area, we will begin to prepare the land for reclamation.

As we have been stockpiling the topsoil and overburden from stage 1 of the quarry process and the stripping from the next ridge to be quarried, we are able to quickly and efficiently fill in the void left from the excavation of the limestone.

Fig 1. -shows a site on the present quarry where a mixture of poor limestone and clay are carted from the expanding quarry ridge above and blended into the landscape.

The use of Motor-scrapers to cart and landscape the area being reclaimed is a great asset for the company as not only do they eliminate the need for two operators and added machinery costs (1 machine self loading verses the

more conventional excavator and quarry truck) but they also provide good compaction of the fill material as they are unloading and developing the landscape.

The fill material stockpiled at the top of the quarry face will be 'pushed over' and compacted using a tracked bulldozer. This will give a gradient of approximately 40 degrees, which will be similar to the surrounding landscape and should be easy accessed by a standard farm tractor..

Once the clay and poor limestone mix has been blended into the surroundings and landscaped to simulate a natural looking profile, topsoil will be applied using motor-scrapers for the flats, and 30 ton bulldozer for the steeper hillside. This will then be harrowed and grass seed will be sown. Estimated time for stock to be able to graze the land will be 8 months from time of sowing.

Fig 2.- Shows the same section of land as in Fig 1., but with topsoil applied. This section of land was grazed by stock 9 months after photo was taken and has been grazed every 3- 4 months since (Fig 3.).

The advantage of working to I.O.Q.N.Z guidelines for using quarry benching and facing is it helps to retain the fill material against the slope and bind the fill into the remaining limestone, therefore eliminating any chance of the new hill slipping or possible subsiding over time.

Refer to- *General Overview Stage 5* for details

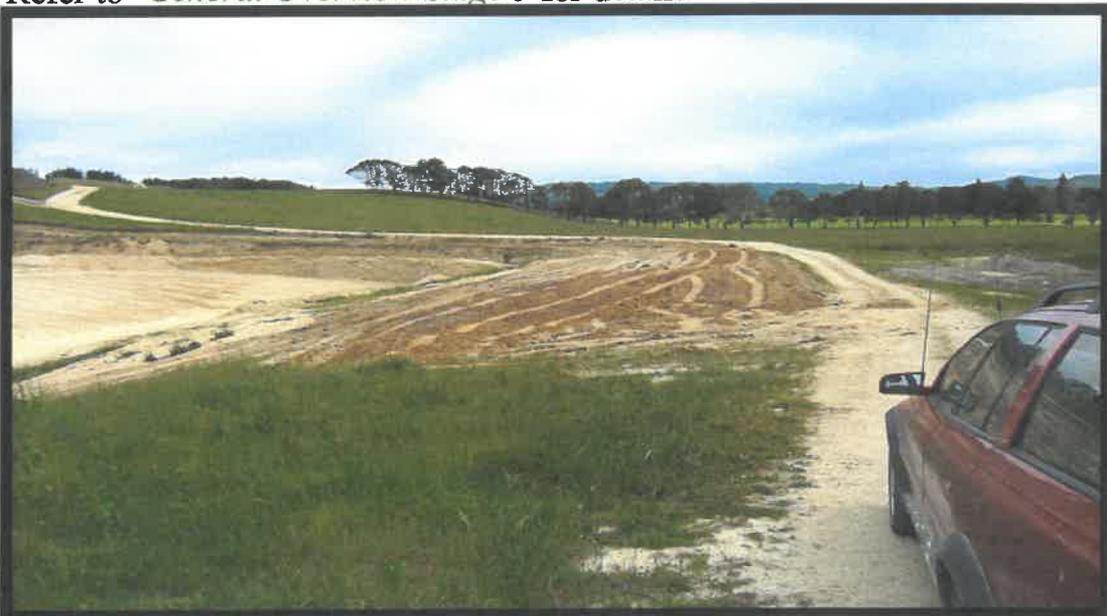


Fig: 1

Clay and Limestone mix of overburden carted from developing quarry to the east blended into hillside. Viewed looking south (2006)



Fig :2 Same section as Fig 1., being prepared for harrowing with topsoil applied and compacted using motor-scraper (tyre marks still visible). Grassed land north has been developed in previous years. Viewed looking north (2006)



Fig :3 Same section of reclaimed land looking west 12 months after photo in Fig:1 was taken

Monitoring

The company will monitor the mentioned effects by continually inspecting and reporting on the quarry conditions as they progress.

This site will be operated by two A- grade quarry managers (one of whom has 26 years experience on the present site) and one B- grade manager.

The company's biggest asset is the staff themselves, and we are fortunate enough to have diligent and energetic workers who take pride in their working environment. All have been skilfully trained in their job and are responsible for notify and reporting any instances that may be of concern. Dust (visually), noise, etc is monitored by all staff throughout the site and are trained to take applicable steps to eliminate/ or isolate.

In appreciation to them, the company provides annual E.X.I.T.O training and we currently have 6 staff members with their Certificate in Quarrying, and 4 awaiting final training.

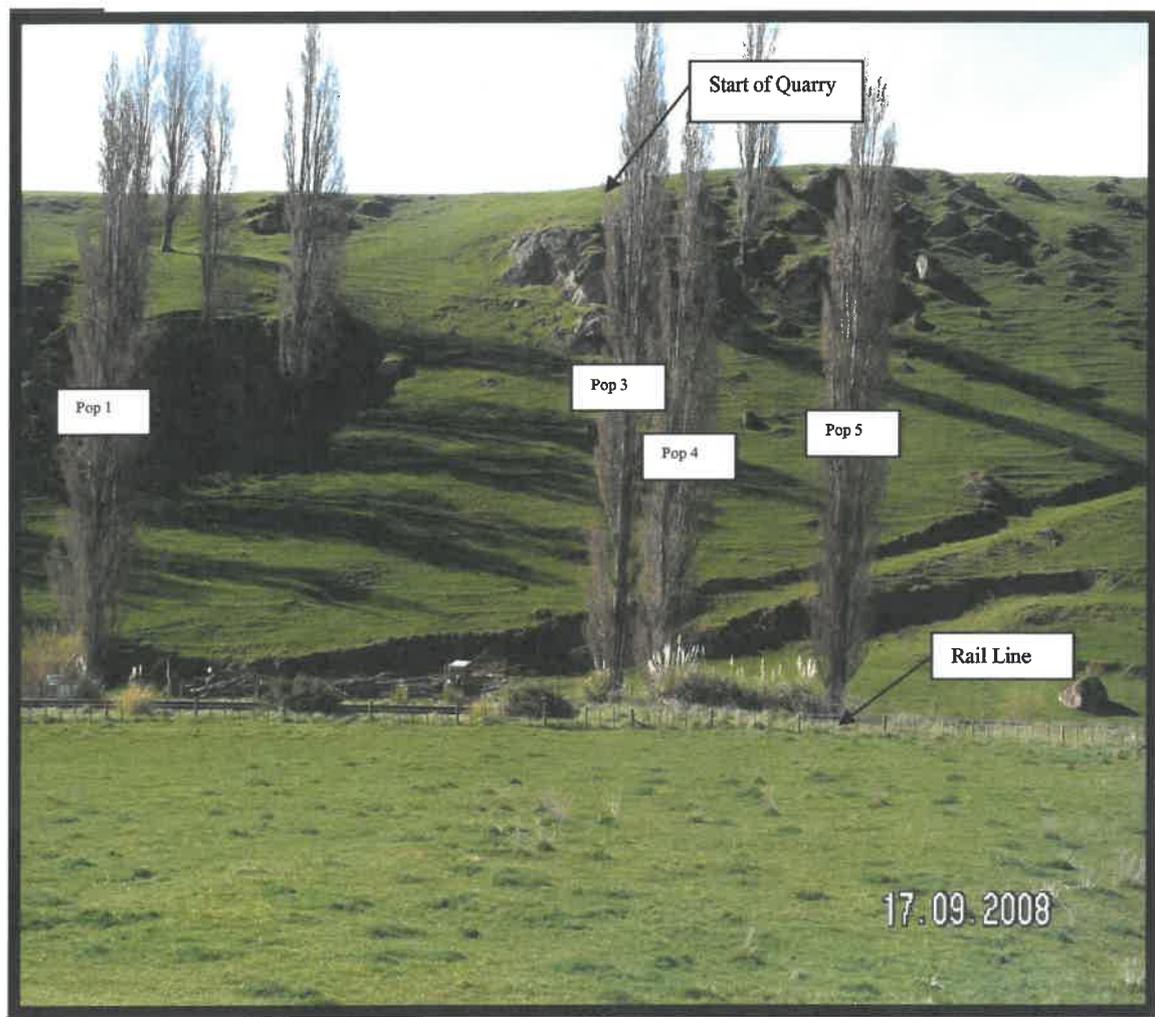
The company also has a health and safety audit done annually by an independent quarry inspector with 40 years experience.

Premature Closure to Quarry

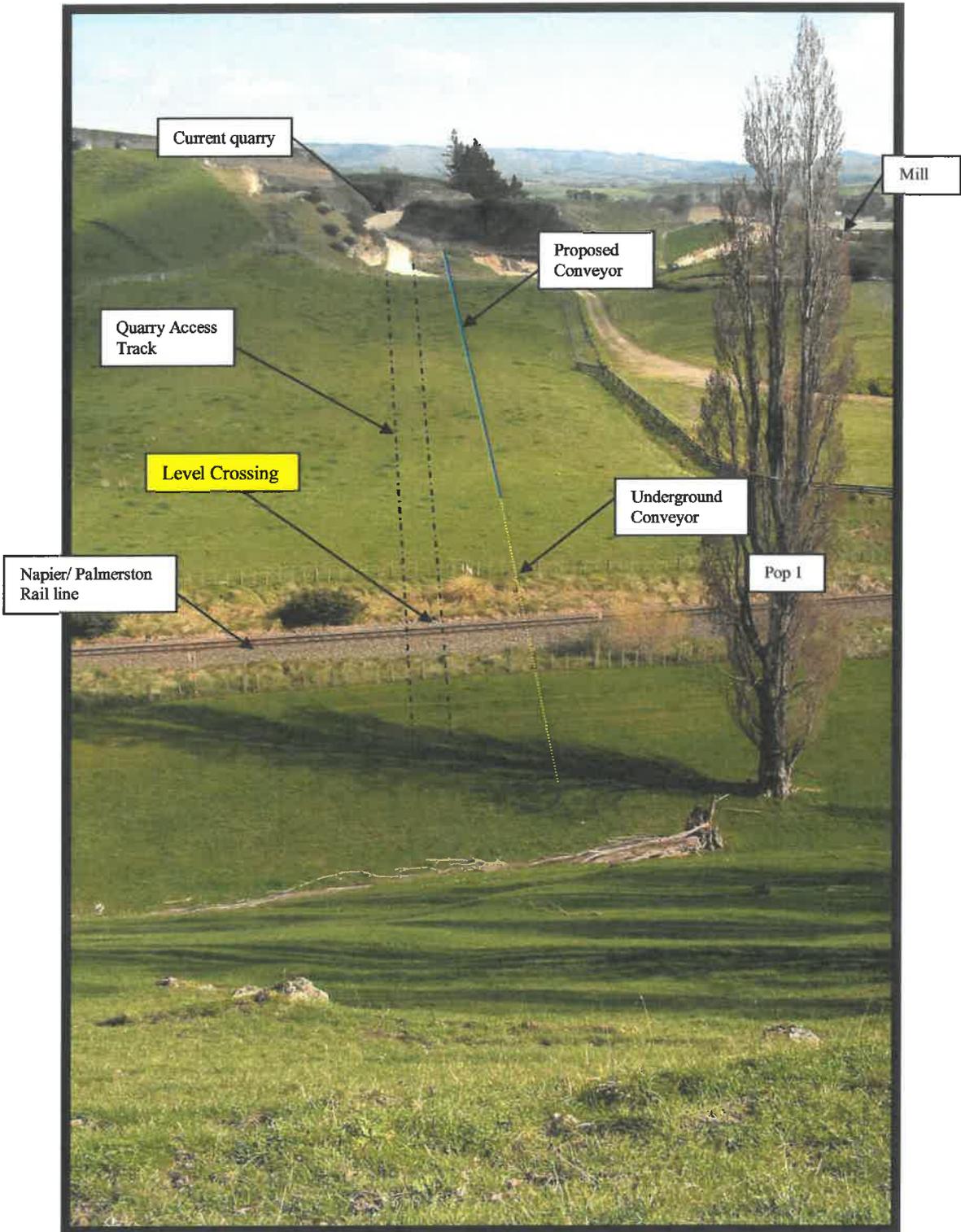
Should at any time the quarry and/or works have to close prematurely, the companies priority will always be to complete the reclamation process and return the land to the most natural state possible.

The company's unique method's of extraction and processing as outlined previously mean that land rehabilitation can begin at any stage and the company's proactive nature will ensure that should unforeseen circumstances occur the company will actively ensure that the land will be left in a similar or better condition as it was before operations began.

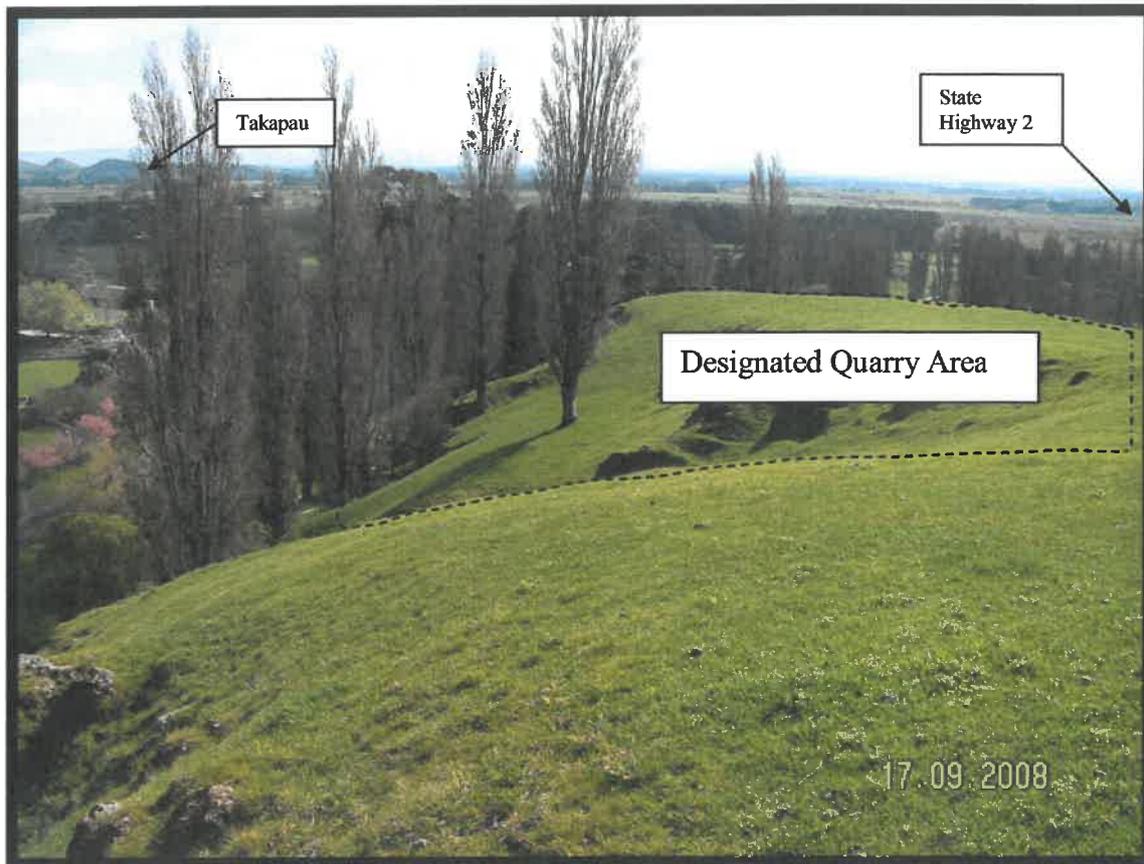
Pictures



View looking north from plant.



View looking south towards plant



View from top of quarry ridge looking south-west



View looking parallel to Maharakeke road

ATTACHMENT 2

Subdivision Consent RM130033



CENTRAL HAWKE'S BAY DISTRICT COUNCIL

Ruataniwha Street, PO Box 127, Waipawa 4240, New Zealand
Telephone: (06) 857-8060, Fax: (06) 857-7179
Email: info@chbdc.govt.nz
www.chbdc.govt.nz

14 August 2013

Hatuma Lime Company
c/- Surveying the Bay
PO Box 611
Hastings 4156

Attention: Hamish MacLean

Dear Sir

Re: Proposed Subdivision – Hatuma Lime Company – RM130033

The Chief Executive under delegated authority from the Central Hawke's Bay District Council on Tuesday 13 August 2013 approved the application as follows:

That pursuant to Sections 104, 108 and 220 of the Resource Management Act 1991, the Central Hawke's Bay District Council grants consent to Hatuma Lime Company Ltd to undertake subdivision to create four additional allotments at Maharakeke Road being Sections 57 & 58 BLK I Motuotaraia Survey District, Lot 1-3 and Part Lot 4 DP 8414, Pt Lot 1 DP 6141, Lot 1 DP 16172 and Lot 1-2 DP 16887, subject to the following conditions:

1. Subject to any modifications required to comply with the following conditions, the proposal shall proceed in accordance with the written information submitted to the Central Hawke's Bay District Council by Surveying the Bay Ltd on 16 July 2013, the further information received by the Council on 2 August 2013, and the plans provided (ref: 3404-4 Sheets 1-3).
2. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Computer Freehold Register for Lot 5 and Section 58 Blk I Motuotaraia Survey District advising the current and future owners thereof of the following requirement:

"Any future buildings which contribute to additional traffic movements will require the existing vehicle crossings to be upgraded to the Council's standards.

Prior to any work on the crossing/s an application form and a design must be lodged with the Council for approval."

3. Pursuant to Section 220(1)(b)(ii) of the Act, that Lot 3 hereon and the balance of CFR HBJ/430 be held in the same Computer Freehold Register. LINZ Ref: 1155081

REASONS FOR DECISION

- (1) The adverse effects of the subdivision on the environment can be avoided, remedied or mitigated by appropriate design and the conditions of the consent. Therefore, the Council is satisfied that the effects on the environment will be minor.
- (2) The Council is satisfied that the activity is not contrary to the objectives and policies of the District Plan.

ADVICE NOTES:

(1) Archaeological Material

If the owners of the property, or their contractor, discover any archaeological material (including human remains) during any works they are advised to cease work and contact the Historic Places Trust immediately.

(2) Subdivision Expenses

Unless otherwise stated the above conditions shall be met at the expense of the subdivider and prior to the release of a certificate in accordance with Section 224(c) of the Resource Management Act 1991.

(3) Subdivision Certification Fees

The fees payable for certification of this subdivision are as follows. These fees are correct at the time of writing and are subject to change in accordance with Council's Schedule of Fees and Charges:

223 Certificate	\$300
224 (c) Certificate	\$300
Or Joint 223/224(c)	\$300
Consent Notice	\$110

(4) Development Levies

Development levies are required to be paid as part of this project. A separate letter outlining the levies is attached.

(5) Power and Telephone

Council has not required the installation of power and telecommunications services to the lots and it is recommended that prospective purchasers investigate servicing costs.

(6) Variations

Should the applicants wish to apply for a change or cancellation of any of the conditions of consent in accordance with Section 127 of the Resource Management Act 1991 such application must be made to Council in writing prior to issue of a certificate under Section 224(c) of the Resource Management Act 1991.

(7) Objections

Any objection to Council's decision on such application must be made in writing in accordance with Section 357 of the Resource Management Act 1991 within 15 working days of notification of this decision and be accompanied by the required Council fee.

(8) Lapse of Consent

The consent holder is advised that the consent will lapse after a period of 5 years unless the consent is given effect to.

(9) Hawke's Bay Regional Council

Please note that future on-site waste water treatment and disposal will need to comply with the relevant rules of the Hawke's Bay Regional Council Plan.

Should you have any queries with regard to this consent please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'McFlynn', written in a cursive style.

Angela McFlynn
Planner

ZONING	: RURAL
TOTAL AREA	: 125.9367 ha
COMPRISED IN	: CFR H03/030 (53,9734 ha)
COMPRISED IN	: CFR H04/1327 (71,9633 ha)
REGISTERED OWNERS	: HATUMA LIME COMPANY LTD

This plan has been prepared for the purposes of obtaining a Resource Consent pursuant to the provisions of the Resource Management Act 1991. Unauthorised copying or use of this plan for any other purpose is not permitted without the prior consent of the author. The information contained in this plan is approximate only and is subject to confirmation by survey.

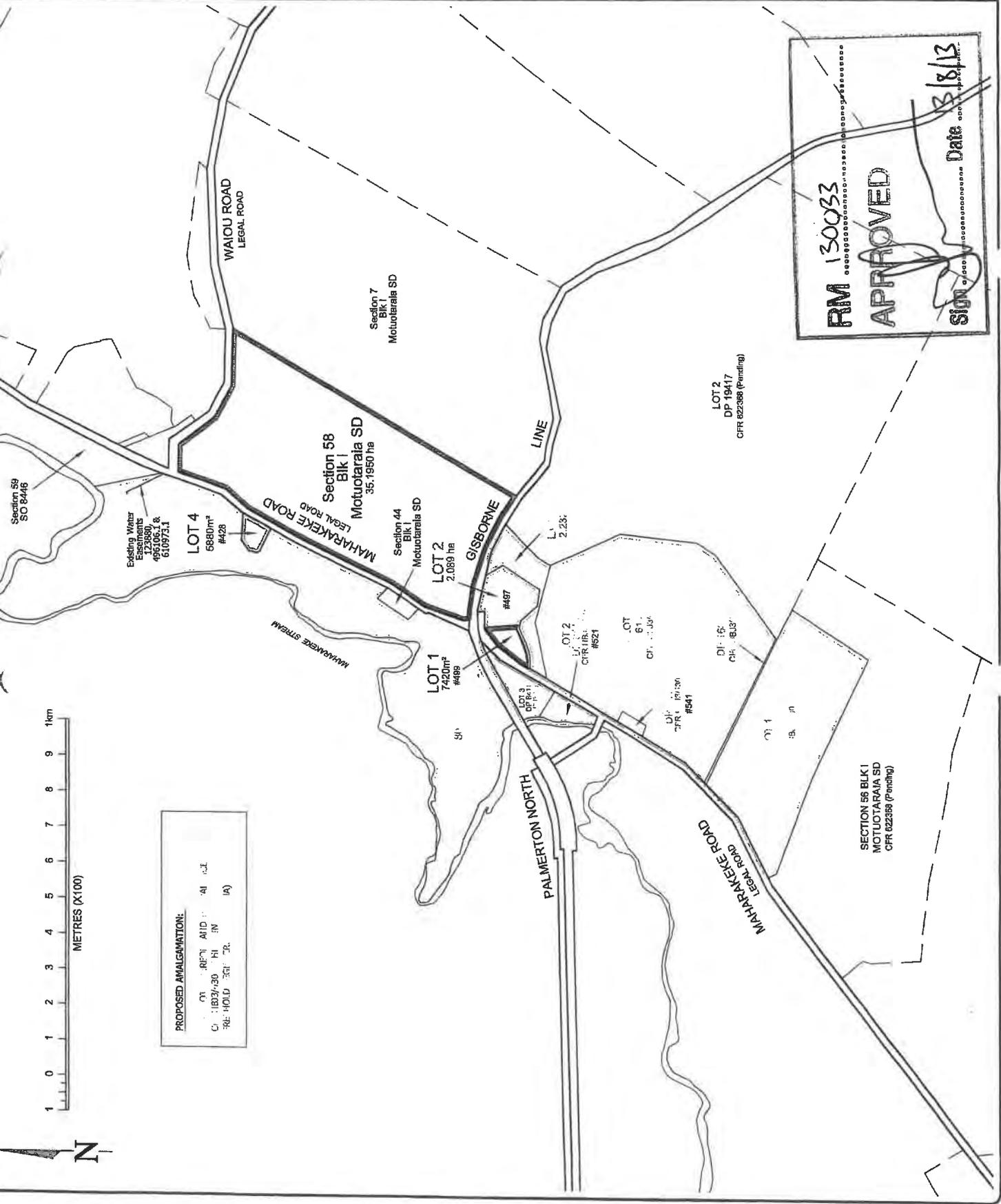
CLIENT:
HATUMA LIME COMPANY LTD.

PROJECT:
PROPOSED SUBDIVISION OF SECTIONS 56, 57 & 58 BLK I MOTUTARAIA SD, LOT 1-3 AND PART LOT 4 DP 8414, PART LOT 1 DP 6141, LOT 1 DP 16172, LOT 1-2 DP 16687 AND LOT 2 DP 19417

428, 497, 499, 520, 521 & 541 MAHARAKEKE ROAD, HATUMA



TITLE	: SUBDIVISION CONSENT PLAN
SCALE	: 1:10,000 @ A3
DATE	: JULY 2013
DRAWN BY	: NW & FT
DRAWING NO.	: 3404-4
REVISION	: -
SHEET	: 1/3



THE HATUMA LIME COMPANY LTD PROPOSED SUBDIVISION - MAHARAKEKE ROAD, HATUMA

1.0 APPLICANT DETAILS

The applicant to this proposal is the Hatuma Line Company Ltd of 521 Maharakeke Road, Hatuma.

2.0 Site Details

2.1 LOCALITY

The site has a number of physical addresses, the relative address numbers are as follows 428, 497, 499 & 521 Maharakeke Road, Hatuma.

Attached is a photocopy of the relevant planning map from Council's District Plan to assist with identification of the property.

This is a region of rural character located between the townships of Takapau and Waipukurau. The existing site follows Maharakeke Road North to South with the Palmerston North – Gisborne railway line bisecting the middle in an East to West direction.

2.2 LEGAL DESCRIPTION

The land held in Certificate of Title HBJ3/430 is owned by Hatuma Lime Company Ltd, is legally described as Lots 1 - 3, and Part Lot 4 Deposited Plan 8414, Part Lot 1 DP 6141, Lot 1 DP 16172 and Lots 1 and 2 DP 16887 of total area 53.9734 hectares.

The land held in Certificate of Title HBK4/1327 owned by Hatuma Lime Company, is legally described as Section 57 - 58 Block I Motuotaraia Survey District, of total area 71.9633 hectares.

The total area of land subject to this application is 125.9367 hectares.

2.3 TOPOGRAPHY

The topography of the subject site to the north of the railway line can be generally described as moderately rolling pasture with the site south of the railway line containing the main quarry pit and processing buildings.

The site is located on either side of the Maharakeke Road to the north of the Palmerston North to Gisborne railway line and is used mainly for grazing stock. This northern block contains a number of farm buildings and an existing dwelling which is

3404 Subdivision Application 2 / 6

to become a lifestyle site shown as Lot 4 on the attached plan. The northern block shown as Section 58 has an existing land use consent in place, issued in favour of the applicant, please refer to RM 100095.

The block of land to the south of the Palmerston North – Gisborne railway line owned by Hatuma Lime Company consists of Hatuma Lime Works Quarry and contains two existing dwellings also to become lifestyle sites, shown as Lots 1 & 2 on the attached plan.

The attached Subdivision Consent Plan 3404/4 provides further detail as to the main features on the property.

3.0 PLANNING PROVISIONS

3.1 ZONING

This property is zoned Rural in the Central Hawke's Bay District Plan (see Planning Map 12).

3.2 DISTRICT PLAN NOTATIONS

Planning map 12 shows that on the northern tip of Section 53 Block I Motuotaraia SD shown as Lot 5 on the attached plan as being floodable.

4.0 THE PROPOSAL

The proposal is to subdivide the subject land generally as shown on the attached plan numbered 3404/4.

This proposal aims to:

- Create three lifestyle sites shown as Lots 1, 2 and 4.
- Create a separate title for Lots 5, which is to remain as a farming block.
- Create a separate title for Section 58 Block I Motuotaraia SD, this land relates to the land use consent RM 100095 and is to remain in place.

This will create four new sites in this zone.

Easements B, C & D are to protect existing water pipes which service the Lime Works and adjoining property, Lot 2 DP 19417. Easement A is to protect existing electricity and telecommunications lines to Lot 2.

5.0 ASSESSMENT

The assessment below is made in terms of the Rural zoning of the Central Hawkes Bay District Plan. Assessment criteria are as set out in Section 14.6 of that plan.

5.1 LOT SIZE AND DIMENSIONS

All proposed sites comply with the minimum lot size requirements in the Rural Zone.

5.2 SUBDIVISION DESIGN

The proposed subdivision boundaries generally follow existing fence lines, which all follow practical alignments while allowing for good access to and around each site.

5.3 PROPERTY ACCESS

All lots have existing access to Maharakeke Road with good sight lines from safe and practical entranceways to Council's roading network. Lots 1 and 2 share a sealed vehicle crossing of good condition.

The balance CFR HBJ3/430 has multiple existing vehicle crossings utilised by the existing Lime Works, all of which are to be retained.

The lifestyle site shown as Lot 4 has two existing vehicle crossings which are sealed and appear to be of a good standard. Both Lot 5 and Section 58 Block I Motutaraia SD have a number of existing access points which are utilised as part of the farming operation, all of which are to be retained.

5.4 NATURAL HAZARDS

The floodable area shown on map 12 covers a small portion of our site is well away from the proposed Lifestyle site shown as Lot 4.

5.5 WATER SUPPLY

The existing dwellings on the proposed lifestyle sites are to gain their potable water supply by way of roof collection.

5.6 STORMWATER DISPOSAL

Stormwater disposal from the existing dwellings is to natural overland flow with no apparent adverse effect.

5.7 SANITARY SEWER DISPOSAL

All proposed lifestyle sites have existing septic tank and disposal field systems, as shown on the attached plan.

5.8 TRADE WASTE DISPOSAL

No trade waste is likely to be generated from this subdivision.

5.9 VEGETATION PROTECTION

The subdivision site has no vegetation has been identified as significant.

5.10 EASEMENTS

Easement A shown over Lot 1 is over existing power and telephone lines and is to protect the existing connections to Lot 2. Easements B, C & D are over an existing water pipe which services the Lime Works and adjoining property, Lot 2 DP 19417.

Existing Easements

The existing easement over title HBJ3/430 created by Document 605827.1 (water easement) is currently in the favour of Lot 2 DP 19417 and as part of this proposal are to be cancelled. Please note that this cancelled water easement is to be replaced by those set-out above as we believe the current physical position of the water pipe is not aligned with the existing easement.

We understand that the Right of Way over title HBJ3/430 (created by document 378127.1) has been cancelled and an amended CFR will be available in the near future.

5.11 BUILDING LOCATION

All lifestyle sites contain existing dwellings and no new dwellings are proposed under this application therefore no development issues will be created as part of this proposal.

6.0 OTHER MATTERS

6.1 VISUAL EFFECTS

No visual effects are likely to arise as a result of this subdivision, as all lifestyle sites are to be created around existing dwellings.

6.2 ELECTRICITY & TELEPHONE SERVICES

These are all in place for existing dwellings on Lots 1, 2 and 4.

6.3 FINANCIAL CONTRIBUTIONS

Section 9.1 of the District Plan discusses those situations in which Council would impose the payment of a financial contribution on subdivision.

We understand financial contributions will be imposed on this application.

7.0 GENERAL

7.1 AMALGAMATIONS

Lot 3 hereon and the balance of HBJ3/430 are to be held in the same certificate of title.

7.2 LAND TO VEST

There is no land proposed to vest as a result of this application.

8.0 CLASSIFICATION OF PROPOSAL

The above assessment shows that this proposal complies with all Subdivision Performance standards over which Council has reserved its control. Therefore this application is classified as a Controlled Activity under the Resource Management Act 1991.

9.0 OTHER BODIES TO BE CONSULTED

No consultation has been undertaken with Transit New Zealand, The Hawke's Bay Regional Council or Local Iwi and none is considered necessary.

10.0 AFFECTED PERSONS AND NOTIFICATION

This proposal has been classed as Controlled and the Central Hawke's Bay District Plan provides specifically for non-notification of such applications.

The above assessment has not identified any parties who are considered to be adversely affected and there is no reason for Council to consider notification.

11.0 CONCLUSIONS

This Controlled Activity application seeks to subdivide three existing houses into individual lifestyle sites and to separate the applicant's farming enterprise from the land to be utilised by the Lime Works. The above assessment shows this proposal is unlikely to generate any adverse effects and we therefore request Council's favourable consideration and consent.

Surveying The Bay Ltd

July 2013

3404 Subdivision Application 6 / 6

CENTRAL HAWKE'S BAY DISTRICT COUNCIL**Delegations Committee Meeting
13 August 2013**

RC Type: SUBDIVISION RM 130033
Applicants: Hatuma Lime Company Ltd
Valuation Number: 1095010300
Location: Maharakeke Road, Hatuma
Zone: Rural
No of Allotments: 6 (4 additional)
Activity Status: Controlled

1.0 DESCRIPTION

The applicants seek approval to subdivide the property located at Maharakeke Road, to create 6 new titles (four additional). The site is currently held in CFR: HBJ3/430 and HBK4/1327. The proposed subdivision will result in the following new lots:

Lot 1 – 7420m²
Lot 2 – 2.089 ha
Lot 3 & balance CFR: HBJ3/4630 – 51.1421 ha
Lot 4 – 5880m²
Lot 5 – 36.1803 ha
Section 58 Blk I Motuotaraia SD – 35.1950 ha

Lots 1, 3 and 4 contain existing residential development, and Lot 5 will remain a farming block.

Lot 3 & balance CFR: HBJ3/4630 is occupied by the Hatuma Lime Company and currently operates as a quarry. Land use consent has been granted to undertake limestone quarry winning activities within Section 58 Blk I Motuotaraia SD (RM100095, granted 25 January 2011).

2.0 NON NOTIFICATION OF CONSENT

Pursuant to Section 95A(1) of the Resource Management Act 1991, the application has not been notified.

The proposal meets the Subdivision Performance Standards of the Operative District Plan. As such the proposal is a Controlled Activity.

Rule 2.1.4 of the District Plan provides for applications for subdivisions which are controlled activities not to be notified.

3.0 RESOURCE MANAGEMENT ACT 1991

Section 104 of the Resource Management Act 1991 prescribes those matters which must be considered when assessing an application. The matters below are considered relevant to this application.

3.1 Effects on the Environment

The proposed new lots exceed the area and dimension requirements of the District Plan. The areas of the new lots mirror the pattern of existing development and use of the site.

Land to the east of Maharakeke Road (other than that contained within Proposed Lots 1 and 2) will be used for quarrying activities, in accordance with the existing use of the site and approved land use consent.

The Council is satisfied any future activities to the west of Maharakeke Road will be rural in nature and therefore compatible with existing activities.

The Council is satisfied the effects on the environment will be minor.

3.2 Subdivision Assessment Matters Included in the District Plan

(a) Lot Size, Dimension, Subdivision Design and Building Location

The proposal meets the performance standards of the District Plan relating to minimum area and dimension. As such the proposal continues to provide for the land uses anticipated by the District Plan in the Rural / Residential / Township Zone.

Lots 1, 2 and 4 each contain existing dwellings.

Lot 5 is intended to continue to be used for farming activities, and contains sufficient area to accommodate a dwelling and associated services within the site.

Lot 3 is occupied by the Hatuma Lime Company, and is intended to continue to be used for quarrying activities.

Section 58 Block IO Motuotaraia Survey District is intended to be used for quarrying activities in accordance with the existing land use consent granted for the site (RM100095).

(b) Property Access

All proposed lots contain existing vehicle access.

Access to Lot 5 currently consists of farm access, and is not formed to a standard considered suitable for residential use. While this site is intended to continue to be used for farming purposes, it is recommended that a consent notice be placed on the new title to advise future owners of the requirement to upgrade the existing crossing in the event that a dwelling is established on the site.

Section 58 Blk I Motuotaraia SD is to be used for quarrying activities in accordance with the approved land use consent. All access to the site is to be provided via the adjoining quarry site to the south. Accordingly a consent notice is also recommended to ensure suitable access is provided for future uses of this site directly from the road frontage.

(c) Heritage, Natural Hazards and Vegetation Protection

The relevant District Plan Map does not include any reference to heritage items or vegetation requiring protection on the site.

The District Plan indicates that a small area of land contained within CFR: HBK4/1327 is located within a floodable area. The existing dwelling, to be located within Lot 4, is located well clear of the identified floodable area. In addition, Lot 5 contains land considered to be suitable for construction of a dwelling outside the identified floodable area.

(d) Water Supply, Sanitary Sewage Disposal and Stormwater

The area is not reticulated. The owners of the lots will be responsible for their own water supply.

Each lot will be responsible for their own sewage disposal. The existing septic tanks serving the dwellings within Lots 1, 2 and 4 have been identified on the application plans and are all located within the respective lot boundaries.

Stormwater will be disposed of via a combination of roof collection (for water supply to the existing dwellings) and natural overland flow.

(e) Easements

Easement A is proposed to be created over existing power and telephone lines within Lot 1, providing service connections to the existing dwelling within Lot 2.

Easements B, C & D are proposed to be created over an existing water pipe within Lots 1, 2 and 3, providing a water supply to Lot 2 DP 19417. This easement is proposed to replace the existing water easement created by Document 605827.1 as the existing easement does not align with the actual water pipe location.

(f) Amalgamation

Lot 3 is to be amalgamated with the balance of CFR: HBJ3/430 (being Lot 3 DP 8414, Lot 2 DP 8414, Pt Lot 1 DP 6141, Lot 1 DP 8414, Lot 1 DP 16887 and Lot 2 DP 16887).

The proposed amalgamation condition has been approved by the District Land Registrar (ref 1155081).

(g) Other MattersNES

In terms of the National Environmental Standard (Assessing and Managing Contaminants in Soil to Protect Human Health), the applicant's agent has confirmed no activities have taken place that are noted on the HAIL list.

The property file does not contain any reference to contaminants on the site and the site visit did not reveal obvious signs of activities that may have contaminated the soils in this location.

The applicants intend to continue using the land for production purposes.

RECOMMENDATION:

That pursuant to Sections 104, 108 and 220 of the Resource Management Act 1991, the Central Hawke's Bay District Council grants consent to Hatuma Lime Company Ltd to undertake subdivision to create four additional allotments at Maharakeke Road being Sections 57 & 58 BLK I Motuotaraia Survey District, Lot 1-3 and Part Lot 4 DP 8414, Pt Lot 1 DP 6141, Lot 1 DP 16172 and Lot 1-2 DP 16887, subject to the following conditions:

1. Subject to any modifications required to comply with the following conditions, the proposal shall proceed in accordance with the written information submitted to the Central Hawke's Bay District Council by Surveying the Bay Ltd on 16 July 2013, the further information received by the Council on 2 August 2013, and the plans provided (ref: 3404-4 Sheets 1-3).
2. Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be registered on the Computer Freehold Register for Lot 5 and Section 58 Blk I Motuotaraia Survey District advising the current and future owners thereof of the following requirement:

"Any future buildings which contribute to additional traffic movements will require the existing vehicle crossings to be upgraded to the Council's standards.

Prior to any work on the crossing/s an application form and a design must be lodged with the Council for approval."

3. Pursuant to Section 220(1)(b)(ii) of the Act, that Lot 3 hereon and the balance of CFR HBJ/430 be held in the same Computer Freehold Register. LINZ Ref: 1155081 .

REASONS FOR DECISION

- (1) The adverse effects of the subdivision on the environment can be avoided, remedied or mitigated by appropriate design and the conditions of the consent. Therefore, the Council is satisfied that the effects on the environment will be minor.
- (2) The Council is satisfied that the activity is not contrary to the objectives and policies of the District Plan.

ADVICE NOTES:

- (1) Archaeological Material

If the owners of the property, or their contractor, discover any archaeological material (including human remains) during any works they are advised to cease work and contact the Historic Places Trust immediately.

- (2) Subdivision Expenses

Unless otherwise stated the above conditions shall be met at the expense of the subdivider and prior to the release of a certificate in accordance with Section 224(c) of the Resource Management Act 1991.

- (3) Subdivision Certification Fees

The fees payable for certification of this subdivision are as follows. These fees are correct at the time of writing and are subject to change in accordance with Council's Schedule of Fees and Charges:

223 Certificate	\$300
224 (c) Certificate	\$300
Or Joint 223/224(c)	\$300
Consent Notice	\$110

(4) Development Levies

Development levies are required to be paid as part of this project. A separate letter outlining the levies is attached.

(5) Power and Telephone

Council has not required the installation of power and telecommunications services to the lots and it is recommended that prospective purchasers investigate servicing costs.

(6) Variations

Should the applicants wish to apply for a change or cancellation of any of the conditions of consent in accordance with Section 127 of the Resource Management Act 1991 such application must be made to Council in writing prior to issue of a certificate under Section 224(c) of the Resource Management Act 1991.

(7) Objections

Any objection to Council's decision on such application must be made in writing in accordance with Section 357 of the Resource Management Act 1991 within 15 working days of notification of this decision and be accompanied by the required Council fee.

(8) Lapse of Consent

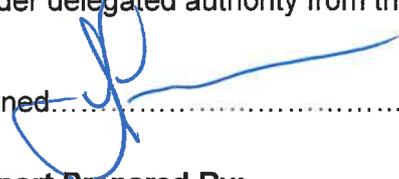
The consent holder is advised that the consent will lapse after a period of 5 years unless the consent is given effect to.

(9) Hawke's Bay Regional Council

Please note that future on-site waste water treatment and disposal will need to comply with the relevant rules of the Hawke's Bay Regional Council Plan.

DELEGATION:

Under delegated authority from the Council, the Chief Executive approves this application.

Signed..........Date 13/8/13

Report Prepared By:

Angela McFlynn
PLANNER

LOCAL AUTHORITY :	CENTRAL HAWKES BAY
ZONING :	RURAL
TOTAL AREA :	125.9367 ha
COMPRISED IN :	CFR HB29/430 (53.9734 ha)
COMPRISED IN :	CFR HBK4/1327 (71.9633 ha)
REGISTERED OWNERS :	HATUMA LIME COMPANY LTD

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CLIENT:
HATUMA LIME COMPANY LTD.

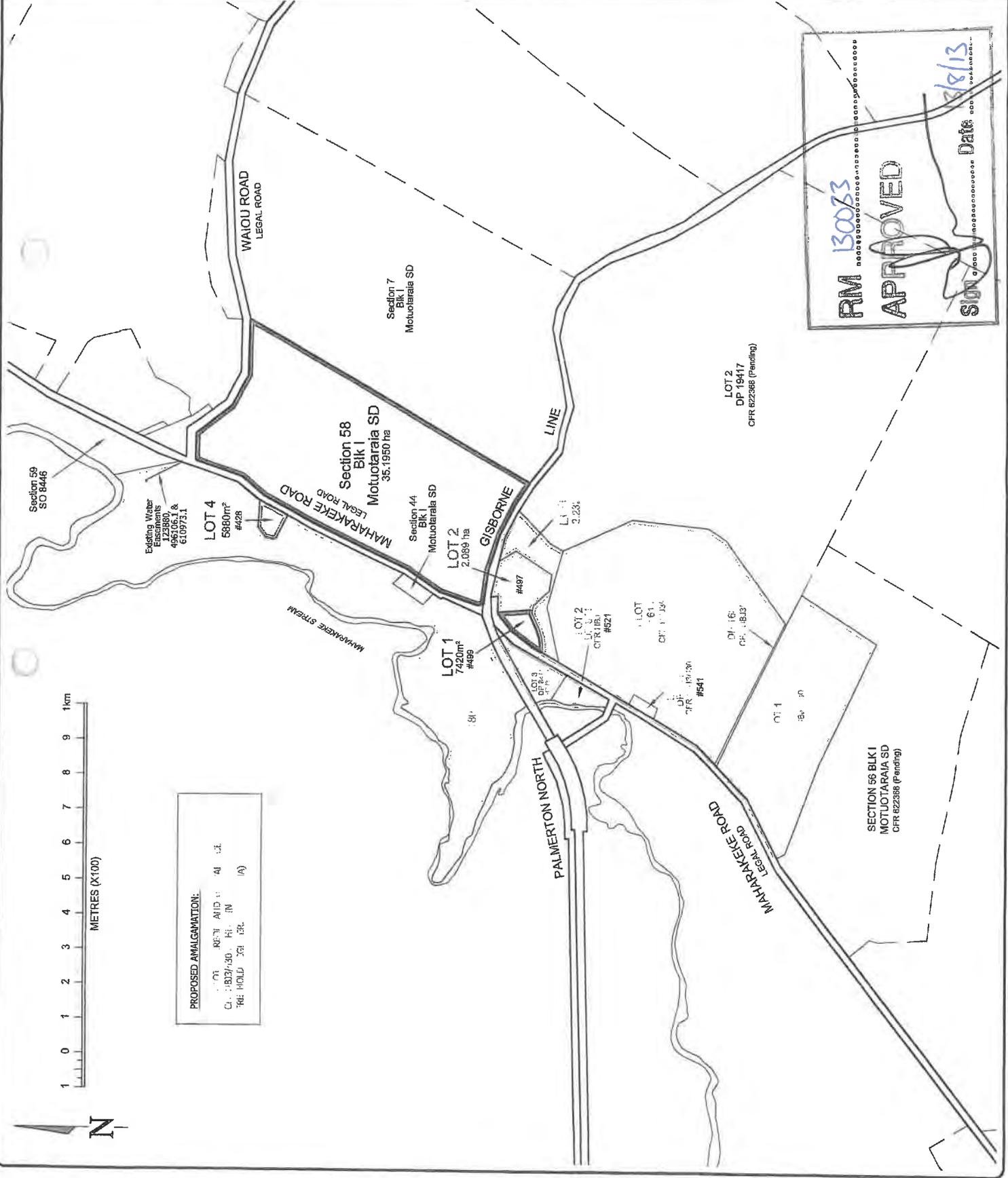
PROJECT:
PROPOSED SUBDIVISION OF SECTIONS 56, 57 & 58 BLK I MOUTARAJA SD, LOT 1-3 AND PART LOT 4 DP 8414, PART LOT 1 DP 6141, LOT 1 DP 16172, LOT 1-2 DP 16887 AND LOT 2 DP 19417

428, 497, 499, 520, 521 & 541 MAHARAKEKE ROAD, HATUJUA



IT/TE: SUBDIVISION CONSENT PLAN

SCALE: 1:10,000 @ A3
DATE: JULY 2013
DRAWN BY: EJE MW & PT
DESIGNED BY: [REDACTED]
REVISION: - | 1/3



RM 130033

APPROVED

DATE: 13/8/13

SIGNATURE: [Signature]

PROPOSED AMALGAMATION:
 C1: HB29/430, HBK4/1327
 THE HOLDING OR

ATTACHMENT 3

**Subdivision Chapter (E38. Subdivision –
Urban) – Auckland Unitary Plan**

E36. Natural hazards and flooding

PC 78 (see
Modifications)

[new text to be inserted]

E36.1. Background

Auckland is affected by natural hazards including:

- those that occur frequently such as flooding, coastal erosion (including the effects of sea level rise), freshwater erosion and land instability; and
- those that occur less frequently such as wildfires, volcanic activity, tsunamis, earthquakes and meteorological hazards such as cyclones, tornados and drought.

All of these hazards can affect people, property and the wider environment.

The risk that these natural hazards pose is made up of factors including:

- the nature, magnitude and extent of the hazard;
- the anticipated frequency or probability of the hazard event occurring; and
- the exposure and vulnerability of the environment to the hazard.

Decisions on how to avoid or mitigate natural hazards can affect not only the subject site but also neighbouring properties and the wider environment, and may unintentionally exacerbate the risk. Risk assessment is a key means to identify and understand risks, and to determine which aspects of risk can be managed through appropriate land use planning tools and development methods. Both current and future risks (including the effects of climate change such as sea level rise) need to be considered.

A flexible risk-based approach has been taken to address the risks associated with natural hazards. A risk management approach applies to existing development and infrastructure while a risk reduction (including avoidance where appropriate) approach applies to development of greenfield land.

PC 78 (see
Modifications)

The Plan has defined criteria to identify land which may be subject to natural hazards. The Plan requires the use of the best information available to identify greenfield land or land which is proposed for redevelopment which may be subject to natural hazards. This includes hazard maps, databases and reports held by the Council. The level of detail and the quality of this information is variable. This affects the Council's ability to identify and map land that may be subject to natural hazards. At this time, the provisions in the Plan are focussed on the following hazards:

- coastal erosion;
- coastal storm inundation;
- flooding;
- land instability; and
- wildfires.

The Council is working to gather, assess and refine information so that a more comprehensive range of natural hazards can be assessed and, as appropriate, subdivision, use and development can be better managed through provisions in the Plan.

Some risks from events with low probability but high potential impact (e.g. volcanic activity, tsunamis and earthquakes) cannot be addressed through land use planning and may be better addressed through measures put in place by emergency management groups such as Civil Defence. These include education, warning systems and emergency preparedness.

E36.2. Objectives

- (1) Subdivision, use and development outside urban areas does not occur unless the risk of adverse effects to people, property, infrastructure and the environment from natural hazards has been assessed and significant adverse effects are avoided, taking into account the likely long-term effects of climate change.
- (2) Subdivision, use and development, including redevelopment in urban areas, only occurs where the risks of adverse effects from natural hazards to people, buildings, infrastructure and the environment are not increased overall and where practicable are reduced, taking into account the likely long term effects of climate change.
- (3) Subdivision, use and development on rural land for rural uses is managed to ensure that the risks of adverse effects from natural hazards are not increased and where practicable are reduced.
- (4) Where infrastructure has a functional or operational need to locate in a natural hazard area, the risk of adverse effects to other people, property, and the environment shall be assessed and significant adverse effects are sought first to be avoided or, if avoidance is not able to be totally achieved, the residual effects are otherwise mitigated to the extent practicable.
- (5) Subdivision, use and development including redevelopment, is managed to safely maintain the conveyance function of floodplains and overland flow paths.
- (6) Where appropriate, natural features and buffers are used in preference to hard protection structures to manage natural hazards.

E36.3. Policies

General

- (1) Identify land that may be subject to natural hazards, taking into account the likely effects of climate change, including all of the following:
 - (a) coastal hazards (including coastal erosion and coastal storm inundation, excluding tsunami);

- (b) flood hazards;
 - (c) land instability; and
 - (d) wildfires.
- (2) Investigate other natural hazards to assess whether risks to people, property or the environment should be managed through the Plan or otherwise.
- (3) Consider all of the following, as part of a risk assessment of proposals to subdivide, use or develop land that is subject to natural hazards:
- (a) the type, frequency and scale of the natural hazard and whether adverse effects on the development will be temporary or permanent;
 - (b) the type of activity being undertaken and its vulnerability to natural hazard events;
 - (c) the consequences of a natural hazard event in relation to the proposed activity;
 - (d) the potential effects on public safety and other property;
 - (e) any exacerbation of an existing natural hazard risk or the emergence of natural hazard risks that previously were not present at the location;
 - (f) whether any building, structure or activity located on land subject to natural hazards near the coast can be relocated in the event of severe coastal erosion, inundation or shoreline retreat;
 - (g) the ability to use non-structural solutions, such as planting or the retention or enhancement of natural landform buffers to avoid, remedy or mitigate hazards, rather than hard protection structures;
 - (h) the design and construction of buildings and structures to mitigate the effects of natural hazards;
 - (i) the effect of structures used to mitigate hazards on landscape values and public access;
 - (j) site layout and management to avoid or mitigate the adverse effects of natural hazards, including access and exit during a natural hazard event; and
 - (k) the duration of consent and how this may limit the exposure for more or less vulnerable activities to the effects of natural hazards including the likely effects of climate change.
- (4) Control subdivision, use and development of land that is subject to natural hazards so that the proposed activity does not increase, and where practicable reduces, risk associated with all of the following adverse effects:

- (a) accelerating or exacerbating the natural hazard and/or its potential impacts;
- (b) exposing vulnerable activities to the adverse effects of natural hazards;
- (c) creating a risk to human life; and
- (d) increasing the natural hazard risk to neighbouring properties or infrastructure.

Coastal hazards (including coastal erosion and coastal storm inundation)

- (5) Ensure that subdivision, use and development on rural land for rural uses and in existing urban areas subject to coastal hazards avoids or mitigates adverse effects resulting from coastal storm inundation, coastal erosion and sea level rise of 1m through location, design and management.
- (6) Avoid subdivision, use and development in greenfield areas which would result in an increased risk of adverse effects from coastal hazards, taking account of a longer term rise in sea level.
- (7) Ensure that buildings in areas subject to coastal hazards are located and designed to minimise the need for hard protection structures.
- (8) Ensure that when locating any new infrastructure in areas potentially subject to coastal hazards consider, where appropriate, an adaptive management response taking account of a longer term rise in sea level.
- (9) Require habitable areas of new buildings and substantial additions, alterations, modifications or extensions to existing buildings located in coastal storm inundation areas to be above the 1 per cent annual exceedance probability (AEP) coastal storm inundation event including an additional sea level rise of 1m.

Defences against coastal hazards

- (10) Avoid the modification, alteration or removal of sand dunes and vegetation on sand dunes which would compromise their function as natural defences for an area subject to coastal hazards and ensure adverse effects on wider coastal processes are avoided or mitigated.
- (11) Consider hard protection works to protect development only where existing natural features will not provide protection from the natural hazard and enhancement of natural defences is not practicable.
- (12) Require hard protection works involving the placement of any material, objects or structures in or on any area located above mean high water springs to be designed and located to avoid, remedy or mitigate adverse environmental effects including all of the following:

- (a) location of structures as far landward as possible to retain as much natural beach buffer as possible;
- (b) any likely increase in the coastal hazard, including increased rates of erosion, accretion, subsidence or slippage;
- (c) undermining of the foundations at the base of the structure;
- (d) erosion in front of, behind or around the ends or down-drift of the structure;
- (e) settlement or loss of foundation material;
- (f) movement or dislodgement of individual structural elements;
- (g) offshore or long-shore loss of sediment from the immediate vicinity;
- (h) long-term adverse visual effects on coastal landscape and amenity values; and
- (i) effects on public access.

Floodplains in urban areas

- (13) In existing urban areas require new buildings designed to accommodate more vulnerable activities to be located:
 - (a) outside of the 1 per cent annual exceedance probability (AEP) floodplain;
or
 - (b) within or above the 1 per cent annual exceedance probability (AEP) floodplain where safe evacuation routes or refuges are provided.
- (14) Require redevelopment of sites where existing more vulnerable activities are located within the 1 per cent annual exceedance probability (AEP) floodplain to address all of the following:
 - (a) minimise risks from flood hazards within the site;
 - (b) minimise the risks from flood hazards to people and property upstream and downstream of the site;
 - (c) remedy or mitigate where practicable or contribute to remedying or mitigating flood hazards in the 1 per cent annual exceedance probability floodplain;
 - (d) location of habitable rooms above flood levels; and
 - (e) provide safe evacuation routes or refuges from buildings and sites.
- (15) Within existing urban areas, enable buildings containing less vulnerable activities to locate in the 1 per cent annual exceedance probability (AEP)

floodplains where that activity avoids, remedies or mitigates effects from flood hazards on other properties.

Floodplains in rural areas

- (16) In rural areas, avoid where practicable locating buildings accommodating more vulnerable activities in the 1 per cent annual exceedance probability (AEP) floodplain and manage other buildings and structures so that flood hazards are not exacerbated.

Floodplains in greenfield areas

- (17) On greenfield land outside of existing urban areas, avoid locating buildings in the 1 per cent annual exceedance probability (AEP) floodplain.
- (18) Enable flood tolerant activities to locate in the 1 per cent annual exceedance probability (AEP) floodplain where these activities do not involve buildings or structures that exacerbate the flood hazard to other properties upstream or downstream of the site.
- (19) Require fences, storage of materials and goods and car parking in the 1 per cent annual exceedance probability (AEP) floodplains to not exacerbate the flood hazard to other properties upstream or downstream of the site.
- (20) Require earthworks within the 1 per cent annual exceedance probability (AEP) floodplain to do all of the following:
- (a) remedy or mitigate where practicable or contribute to remedying or mitigating flood hazards in the floodplain;
 - (b) not exacerbate flooding experienced by other sites upstream or downstream of the works; and
 - (c) not permanently reduce the conveyance function of the floodplain.

Floodplains - general

- (21) Ensure all development in the 1 per cent annual exceedance probability (AEP) floodplain does not increase adverse effects from flood hazards or increased flood depths and velocities, to other properties upstream or downstream of the site.
- (22) Required the storage and containment of hazardous substances in floodplains so that the integrity of the storage method will not be compromised in a flood event.
- (23) Provide for flood mitigation measures which reduce flood-related effects and provide for the reconstruction of culverts and bridges where those measures do not create or exacerbate flooding upstream or downstream or otherwise increase flood hazards.

- (24) Enable the planting and retention of vegetation cover to enhance amenity values, green linkages and ecological values in floodplains as long as it does not create or exacerbate flooding upstream or downstream or otherwise increase flood hazards.
- (25) When considering mitigation of flood hazards where buildings are located in floodplains, promote measures such as use of water resistant materials and flood-proof utility connections to increase resilience to flood damage.
- (26) Construct accessways, including private roads, so that flood hazard risks are not increased.
- (27) Enable the construction and maintenance of flood mitigation works to reduce flood risks to people, property, infrastructure and the environment.
- (28) Take into account any authorised earthworks or drainage infrastructure which avoids, remedies or mitigates flood hazards when assessing proposed subdivision, use or development.

Overland flow paths

- (29) Maintain the function of overland flow paths to convey stormwater runoff safely from a site to the receiving environment.
- (30) Require changes to overland flow paths to retain their capacity to pass stormwater flows safely without causing damage to property or the environment.

Land instability

- (31) Identify land that may be subject to land instability taking into account all of the following features:
 - (a) proximity to cliffs;
 - (b) steepness of land;
 - (c) geological characteristics; and
 - (d) uncontrolled fill.
- (32) Require risk assessment prior to subdivision, use and development of land subject to instability.
- (33) Locate and design subdivision, use and development first to avoid potential adverse effects arising from risks due to land instability hazards, and, if avoidance is not practicably able to be totally achieved, otherwise to remedy or mitigate residual risks and effects to people, property and the environment resulting from those hazards.

Wildfire hazards

- (34) Ensure that plan provisions for subdivision and vegetation management appropriately take into account wildfire hazards.

Note 1

Areas of high wildfire risk may be determined applying the National Rural Fire Authority New Zealand Wildfire Threat Analysis.

Infrastructure in areas subject to natural hazards

- (35) Allow for the operation, maintenance, upgrading and construction of infrastructure, in areas subject to natural hazards when:
- (a) infrastructure is functionally or operationally required to locate in hazard areas or it is not reasonably practicable that it be located elsewhere;
 - (b) in coastal hazard areas the infrastructure does not significantly increase risk to people, property and the environment, and where risks cannot be avoided, adverse effects are mitigated; and
 - (c) in all flood hazard areas risks to people, property and the environment are mitigated to the extent practicable.

E36.4. Activity table

Table E36.4.1 Activity table specifies the activity status of land use and development activities pursuant to section 9(3) of the Resource Management Act 1991.

Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

If any activity listed in rules (including standards) E36.4.1 to E36.6.1 is regulated by the Resource Management (National Environmental Standard for Plantation Forestry) Regulations 2017 (“NESPF”) then the NESPF applies and prevails.

However, the NESPF allows the plan to include more restrictive rules in relation to one or more of the following:

- Significant Ecological Areas Overlay;
- Water Supply Management Areas Overlay;
- Outstanding Natural Character Overlay;
- High Natural Character Overlay;
- Outstanding Natural Landscapes Overlay;
- Outstanding Natural Features Overlay; or
- activities generating sediment that impact the coastal environment.

Where there is a rule in the plan that relates to any of the matters listed above then the plan rule will apply. In the event that there is any conflict between the rules in the plan and the NESPF in relation to any of the above, the most restrictive rule will prevail.

If the NESPF does not regulate an activity then the plan rules apply.

Note 1

Where activities are located in the coastal marine area then see Chapter F Coastal.

Table E36.4.1 Activity table

Activity		Activity status
Activities on land in the coastal erosion hazard area		
(A1)	External alterations to buildings which do not increase the gross floor area of the building, on land in the coastal erosion hazard area	P
(A2)	External alterations to buildings which increase the gross floor area of the building on land in the coastal erosion hazard area	RD
(A3)	New structures and buildings (excluding dwellings) ancillary to farming activities with a gross floor area of up to 100m ² on land in the coastal erosion hazard area Note 1 Structures ancillary to farming activities includes artificial crop protection structures and crop support structures.	P
(A4)	All other buildings and structures on land in the coastal erosion hazard area	RD
(A5)	On-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks (including rainwater tanks) or stormwater pipes or soakage fields on land in the coastal erosion hazard area	RD
Activities on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area		
(A6)	External alterations to buildings which do not increase the gross floor area on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area	P
(A7)	External alterations to buildings which increase the gross floor area of the building on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area	RD
(A8)	New structures and buildings (excluding dwellings) ancillary to farming activities with a gross floor area of up to 100m ² on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area Note 1 Structures ancillary to farming activities includes artificial crop protection structures and crop support structures.	P
(A9)	All other buildings and structures on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area	RD
(A10)	On-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks (including rainwater tanks) or stormwater pipes or soakage fields on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area	RD
Activities on land in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area		
(A11)	Additions of habitable rooms up to 25m ² to existing buildings in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area	P
(A12)	Habitable rooms in new buildings and additions of habitable rooms	P

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	(greater than 25m ²) to existing buildings in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area that comply with standard E36.6.1.1	
(A13)	Habitable rooms in new buildings and additions of habitable rooms (greater than 25m ²) to existing buildings in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area that do not comply with Standard E36.6.1.1	D
Defences against coastal hazards		
(A14)	Beach nourishment	P
(A15)	Dune stabilisation	P
(A16)	Beach nourishment which does not comply with Standard E36.6.1.2	D
(A17)	Dune stabilisation which does not comply with Standard E36.6.1.3	D
(A18)	Modification, alteration or removal of sand dunes and vegetation on sand dunes within 40m of mean high water springs not otherwise provided for	D
(A19)	Repair, maintenance or minor upgrade (which does not increase the area occupied by the structure) of lawfully established hard protection structures landward of mean high water springs that may serve as a defence against coastal erosion or inundation	P
(A20)	Extension (including upgrading that increases the area occupied by the structure) or alteration of existing lawfully established hard protection structures	RD
(A21)	New hard protection structures located landward of the coastal protection yard that may serve as a defence against coastal erosion or inundation	RD
(A22)	Hard protection structures not otherwise provided for	D
Activities in the 1 per cent annual exceedance probability (AEP) floodplain		
(A23)	Fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain	P
(A24)	Surface parking and above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain, that comply with Standard E36.6.1.7	P
(A25)	Surface parking areas and above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain, that do not comply with Standard E36.6.1.7	C
(A26)	Below ground parking or parking areas in the 1 per cent annual exceedance probability (AEP) floodplain	RD
(A27)	Maintenance, repair and construction of private roads and accessways in the 1 per cent annual exceedance probability (AEP) floodplain	P
(A28)	Storage of goods and materials in the 1 per cent annual exceedance probability (AEP) floodplain	P
(A29)	Storage of hazardous substances in the 1 per cent annual exceedance probability (AEP) floodplain	RD
(A30)	On-site septic tanks, on-site wastewater treatment and disposal systems and effluent disposal fields in the 1 per cent annual exceedance probability (AEP) floodplain	RD
(A31)	Operation, maintenance, renewal, repair and minor infrastructure upgrading of land drainage works, stormwater management devices and flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain	P

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(A32)	Construction of stormwater management devices or flood mitigation works that are to be vested in the Council or which are identified in a precinct plan incorporated into the Plan or an approved network discharge consent in the 1 per cent annual exceedance probability (AEP) floodplain	P
(A33)	Construction of other land drainage works, stormwater management devices or flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain	RD
(A34)	New structures and buildings (and external alterations to existing buildings) with a gross floor area up to 10m ² within the 1 per cent annual exceedance probability (AEP) floodplain that comply with standard E36.6.1.9	P
(A35)	New structures and buildings designed to accommodate flood tolerant activities up to 100m ² gross floor area within the 1 per cent annual exceedance probability (AEP) floodplain	P
(A36)	New structures and buildings (and external alterations to existing buildings) with a gross floor area up to 10m ² within the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with standard E36.6.1.9	RD
(A37)	All other new structures and buildings (and external alterations to existing buildings) within the 1 per cent annual exceedance probability (AEP) floodplain	RD
(A38)	Use of new buildings to accommodate more vulnerable activities, and changes of use to accommodate more vulnerable activities within existing buildings located within the 1 per cent annual exceedance probability (AEP) floodplain	RD
Activities in overland flow paths		
(A39)	Fences and walls located within or over an overland flow path that do not obstruct the overland flow path	P
(A40)	Flood mitigation works within an overland flow path required to reduce the risk to existing buildings from flooding hazards	P
(A41)	Diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path	RD
(A42)	Any buildings or other structures, including retaining walls (but excluding permitted fences and walls) located within or over an overland flow path	RD
Activities on land which may be subject to land instability		
(A43)	Buildings and structures on land which may be subject to land instability that comply with Standard E36.6.1.11	P
(A44)	On-site septic tanks, onsite wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields and access ways on land which may be subject to land instability that comply with Standard E36.6.1.12	P
(A45)	On-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields, on land which may be subject to land instability that do not comply with Standard E36.6.1.12	RD
(A46)	Storage of hazardous substances on land which may be subject to land instability	RD
(A47)	External alteration to any building, on land which may be subject to land instability which does not increase the gross floor area	P

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(A48)	New structures and buildings (excluding dwellings) ancillary to farming activities with a gross floor area up to 100m ² on land which may be subject to land instability Note 1 Structures ancillary to farming activities includes artificial crop protection structures and crop support structures	P
(A49)	Alterations to existing structures and buildings (excluding dwellings) ancillary to farming activities which do not increase the gross floor area, on land which may be subject to land instability Note 1 Structures ancillary to farming activities includes artificial crop protection structures and crop support structures	P
(A50)	External additions to buildings and to any structures excluding decks under 1.2m high and 20m ² gross floor area on land which may be subject to land instability	RD
(A51)	All other buildings and structures, on land which may be subject to land instability not otherwise provided for	RD
Infrastructure: <ul style="list-style-type: none"> • in the coastal erosion hazard area; • in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area; • in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area; • in the 1 per cent annual exceedance probability (AEP) floodplain; • in overland flow paths • on land which may be subject to land instability 		
(A52)	Operation, maintenance, renewal, repair and minor infrastructure upgrading, of infrastructure in areas listed in the heading above that complies with Standard E36.6.1.13	P
(A53)	Construction, operation, maintenance, renewal and repair of road network activities within the legal road or road formation width in areas listed in the heading above	P
(A54)	Infrastructure within roads or the Strategic Transport Corridor Zone in areas listed in the heading above	P
(A55)	Operation, maintenance, renewal, repair and minor infrastructure upgrading of infrastructure in areas listed in the heading the above that do not comply with Standard E36.6.1.13	RD
(A56)	All other infrastructure in areas listed in the heading above not otherwise provided for	RD

E36.5. Notification

(1) An application for resource consent for a controlled activity listed in Table E36.4.1 Activity table will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.

(2) Any application for resource consent for an activity listed in Table E36.4.1 Activity table and which is not listed in E36.5(1) will be subject to the normal

tests for notification under the relevant sections of the Resource Management Act 1991.

- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

E36.6. Standards

E36.6.1. Permitted activity standards

Activities listed as a permitted activity in Table E36.4.1 Activity table must comply with the specified permitted activity standards.

Activities in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area

E36.6.1.1. Habitable rooms in new buildings and additions of habitable rooms (greater than 25m²) to existing buildings in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area

- (1) Finished floor levels of habitable rooms must be above the inundation level of the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise area.

Defences against coastal hazards

E36.6.1.2. Beach nourishment

- (1) Depositing must be for the purpose of:
 - (a) erosion management;
 - (b) beach (including dune system) replenishment or re-contouring;
 - (c) habitat enhancement; or
 - (d) depositing of material excavated during stream mouth and stormwater outfall clearance operations.
- (2) Written advice must be given to the council at least 10 working days prior to the work starting.
- (3) Placement of sediment must avoid existing areas of indigenous vegetation and any bird nesting area.
- (4) The deposited material must have similar physical characteristics to the sediment at the location it will be deposited, and must generally be of slightly coarser grain size.
- (5) The deposited sediment must not permanently prevent or hinder public access or prevent or hinder the operation of any existing infrastructure.

- (6) There must be no release of contaminants from equipment being used for the activity.
- (7) All equipment and materials must be removed from the foreshore and seabed on the completion of works or activities.

E36.6.1.3. Dune stabilisation

- (1) Dune stabilisation must be for the purpose of:
 - (a) erosion management;
 - (b) beach (including dune system) replenishment or re-contouring;
 - (c) habitat enhancement; or
 - (d) depositing of material excavated during stream mouth and stormwater outfall clearance operations.
- (2) Written advice must be given to the Council at least 10 working days prior to the work starting.
- (3) Placement of sediment must avoid existing areas of indigenous vegetation and any bird nesting area.
- (4) The deposited sediment must not permanently prevent or hinder public access or prevent or hinder the operation of any existing infrastructure.
- (5) There must be no release of contaminants from equipment being used for the activity.
- (6) The reshaped dune toe must not extend seaward of the typical extent of the natural dune toe position, and the seaward slope must lie within the slope range of 1:5 (around 11 degrees) to 1:3 (around 18 degrees).
- (7) Any foreign material; including clay fill or soil material that has been placed on the dune must be removed and lawfully disposed off-site.
- (8) Works must be timed in accordance with favourable weather patterns and, where necessary, carried out in stages to enable planting work to commence immediately to minimise risk of wind erosion.
- (9) Planting of native vegetation must be sourced from the same ecological district and must use plants that are appropriate for the location considering dune form and function.

E36.6.1.4. The repair, maintenance or minor upgrade (which does not increase the area occupied by the structure) of lawfully established hard protection structures, landward of mean high water springs that may serve as a defence against coastal erosion or inundation

- (1) The work must maintain the structure or building in a good and safe working condition.
- (2) The work must not use materials which alter the form or external appearance of the structure in more than a minor way.
- (3) The work must not change the area occupied by the structure.

Activities in the 1 per cent annual exceedance probability (AEP) floodplain

E36.6.1.5. Fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain

- (1) Fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain must be designed to allow for the passage of flood waters where those flood waters exceed 300mm in depth.
- (2) Standard E36.6.1.5(1) above does not apply where the fence and wall design is controlled by a rule or standard elsewhere in the Plan.

Note 1

The following fence designs would comply with Standard E36.6.1.5(1) Fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain:

- post and wire fences and wire mesh fences;
- railing type fences where at least 70 per cent of the surface area of the fence is not solid; or
- solid fences and walls with an opening of sufficient size at flood level that can convey the 1 per cent annual exceedance probability (AEP) flood flow.

E36.6.1.6. Storage of goods and materials in the 1 per cent annual exceedance probability (AEP) floodplain

- (1) Goods and materials stored in the 1 per cent annual exceedance probability (AEP) floodplain for longer than 28 consecutive days must:
 - (a) not impede flood flows; and
 - (b) where capable of creating a safety hazard by being shifted by floodwaters, be contained and secured in order to minimise movement in times of floods; and

(c) be stored in watertight containers if they are hazardous substances.

E36.6.1.7. Surface parking areas and above ground parking areas within the 1 per cent annual exceedance probability (AEP) flood plain

(1) Surface parking areas and vehicle entry and exit points to above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain must be located where the depth of flood waters in a 1 per cent annual exceedance probability (AEP) event does not exceed 200mm above ground level.

E36.6.1.8. Maintenance, repair and construction of private roads and accessways in the 1 per cent annual exceedance probability (AEP) floodplain

(1) Where the road or accessway serves more than two lots, the road or accessway is to be located where the depth of flood waters in a 1 per cent annual exceedance probability (AEP) event does not exceed 200mm above ground level.

E36.6.1.9. New structures and buildings with a gross floor area of up to 10m² within the 1 per cent annual exceedance probability (AEP) floodplain

(1) The structure or building is to be located where the depth of flood waters in a 1 per cent annual exceedance probability (AEP) event does not exceed 300mm above ground level.

Activities in overland flow paths

E36.6.1.10. Fences and walls located within or over an overland flow path that do not obstruct the overland flow path

- (1) Any ponding of floodwater caused by any fence or wall must not extend beyond (upstream of or adjacent to) the site.
- (2) Standard E36.6.1.10(1) above does not apply where the fence and wall design is controlled by a rule or standard elsewhere in the Plan.

Note 1

The following fence designs would comply with Standard E36.6.1.10(1) above:

- (a) post and wire fences and wire mesh fences;
- (b) railing type fences where at least 70 per cent of the surface area of the fence is not solid; or
- (c) solid fences and walls with an opening at ground level sufficient to convey the overland flow.

Activities on land which may be subject to land instability

E36.6.1.11. Buildings and structures on land which may be subject to land instability

- (1) Buildings and structures located on land which may be subject to land instability must be constructed in accordance with:
- (a) a geotechnical completion report or similar professional report, approved by Council; and
 - (b) any conditions of resource consent or subdivision consent associated with the site relating to stability or geotechnical matters.

E36.6.1.12. On-site septic tanks, on-site wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields and accessways on land which may be subject to land instability

- (1) On-site septic tanks, on-site wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields and accessways on land which may be subject to land instability must be constructed in accordance with:
- (a) a geotechnical completion report or similar professional report, approved or endorsed by Council; and
 - (b) any conditions of resource consent or subdivision consent associated with the site relating to stability or geotechnical matters.

Infrastructure:

- *in the coastal erosion hazard area;*
- *in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area;*
- *in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;*
- *in the 1 per cent annual exceedance probability (AEP) floodplain;*
- *in overland flow paths and*
- *on land which may be subject to land instability*

E36.6.1.13. Operation, maintenance, renewal, repair and minor infrastructure upgrading, of infrastructure in areas listed in the heading above

- (1) Minor infrastructure upgrading of infrastructure must comply with the following (where relevant):
- (a) minor re-alignment, configuration, relocation or replacement of electricity, gas distribution, or telecommunication line, pipe, pole,

conductors, cross arms, switches, transformers, cabinets or ancillary structures:

- (i) that is within 2m of the existing alignment or location; or
 - (ii) that is within 5m of the existing alignment or location when associated with road widening reasons or road safety or electricity clearance reasons.
- (b) alterations and additions to overhead electricity and telecommunication lines on existing poles:
- (i) do not increase the number of conductors or wires/lines by more than 100 per cent; or
 - (ii) when installing a new low voltage circuit on an existing pole, the total number of new conductors or wires/lines must not exceed 8, consisting specifically of 4 lines for electricity circuit, 1 hot water pilot line, 1 street light line, and 2 for telecommunication purposes. Where the hot water pilot and street light lines are not required, the maximum number of new conductors must not exceed 6;
 - (iii) the provisions in E36.6.1.13(b)(i) and (ii) above exclude service connections and lateral network connections;
 - (iv) include additional cross arms that do not exceed the length of the existing cross arm by more than 100 per cent, up to a maximum of 4m;
 - (v) additional or replacement electricity and telecommunication lines that do not exceed 30mm in diameter;
- (c) the addition or replacement of:
- (i) earthwires, either overhead or underground, and underground earthgrids, which may contain telecommunication lines, and earthpeaks; or
 - (ii) above-ground insulators on the poles;
- (d) any pole which replaces an existing pole provided that:
- (i) it must not have a diameter or width that is more than the existing pole's diameter or width at its largest point plus 50 per cent and in the case of double pole 100 per cent, and
 - (ii) it must not have a height greater than 25m;
- (e) modification of an existing pole:

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- (i) only where the mechanical loading requirements make this necessary in order to undertake reconductoring or the reconfiguration of equipment, such as stay wires, anchor blocks, on overhead electricity and telecommunication lines; or
 - (ii) when modifications to structures are required to meet mechanical loading requirements provided that the height and profile of any modified support structures remains the same as existed prior to the improvements;
- (f) the installation of new mid-span electricity poles in existing networks to address clearances in New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP 34:2001;
- (g) an increase in the power carrying or operating capacity, efficiency or security of electricity lines, gas distribution lines and telecommunications lines, where this uses the existing network utility and meets the requirements of E36.6.1.13(c) to (f) above;
- (h) the alteration, replacement or relocation of water, wastewater or stormwater structures (excluding pipes):
- (i) there must be no more than a 10 per cent increase in the width, length and/or height of the structure;
 - (ii) the structure must be located within the 2m of existing alignment or location;
 - (iii) must not involve a new or relocated outfall structure that discharges to an area outside the influence of the current outfall structure;
- (i) the alterations or replacement of water, wastewater, stormwater, gas pipes provided that:
- (i) above ground pipes must not exceed 300mm increase in diameter of the pipe;
 - (ii) underground pipes must not exceed a 50 per cent increase in the diameter of the pipe;
- (j) the replacement of any antennae with a new antenna provided that the new antenna does not exceed the maximum dimension of the antenna, or the diameter where it is a dish antenna, by more than 20 per cent, and the overall height of the facility to which the antenna is attached either does not increase or that any height increase is as a result of the antenna size increase only.

E36.6.2. Controlled activity standards

Activities listed as a controlled activity in Table E36.4.1 Activity table must comply with the specified controlled activity standards.

E36.6.2.1. Surface parking areas and above ground parking areas in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.7

- (1) Surface parking areas and above ground parking areas (excluding parking on roads) within the 1 per cent annual exceedance probability (AEP) floodplain:
 - (a) must be located where depth of flood waters in a 1 per cent annual exceedance probability (AEP) event does not exceed 500mm above ground level; and
 - (b) vehicles can be contained within the site during the flood event.

E36.7. Assessment – controlled activities

E36.7.1. Matters of control

The Council will reserve its control to all the following matters when assessing a controlled activity resource consent application:

- (1) for surface parking areas and above ground parking areas (excluding parking on roads) in the 1 per cent annual exceedance probability (AEP) floodplain:
 - (a) the effects of the location and design of parking;
 - (b) actions necessary to protect people in flood events; and
 - (c) the design of containment structures.

E36.7.2. Assessment criteria

The Council will consider the relevant assessment criteria for controlled activities from the list below:

- (1) for surface parking areas and above ground parking areas (excluding parking on roads) in the 1 per cent annual exceedance probability (AEP) floodplain:
 - (a) the adequacy of the site design to contain vehicles displaced by flood waters within the site;
 - (b) whether actions are necessary to ensure that people will not be placed in danger during a flood event when parking or retrieving vehicles; and
 - (c) the extent to which the containment structures will not result in increased flood hazards upstream or downstream through blockage or displacement of flood waters.

E36.8. Assessment – restricted discretionary activities

E36.8.1. Matters of discretion

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application:

Activities in the coastal erosion hazard area

- (1) for external alterations to existing buildings which increase the gross floor area of the building in the coastal erosion hazard area; for all other buildings and structures in the coastal erosion hazard area; and for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater pipes or soakage fields in the coastal erosion hazard area:
 - (a) the type of activity being undertaken and its vulnerability to natural hazard events including the consequences of a natural hazard event in relation to more or less vulnerable activities;
 - (b) the likelihood of a natural hazard event occurring and the likely extent of any damage to people, property or the environment taking in to account the likely effects of climate change, including sea level rise;
 - (c) the effects on public access, landscape and other environmental values, caused by any works proposed in association with the building or structure, including any associated earthworks and land form modifications, to address the hazard by way of mitigation; and
 - (d) the ability to relocate buildings or structures including the proposed duration of occupation of the building or structure within a hazard area, taking into account the long term likely effects of climate change.

Activities in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area

- (2) for external alterations to existing buildings which increase the gross floor area of the building in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area; for all other buildings and structures in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area; for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater pipes or soakage fields in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area:
 - (a) the type of activity being undertaken and its vulnerability to natural hazard events including the consequences of a natural hazard event in relation to more or less vulnerable activities;
 - (b) the likelihood of a natural hazard event occurring and the likely extent of any damage to people, property or the environment taking in to account the likely effects of climate change, including sea level rise;

- (c) the effects on public access, landscape and other environmental values, caused by any works proposed in association with the building or structure, including any associated earthworks and land form modifications, to address the hazard by way of mitigation; and
- (d) the ability to relocate buildings or structures including the proposed duration of occupation of the building or structure within a hazard area, taking into account the long term likely effects of climate change.

Defences against coastal hazards

- (3) for the extension (including upgrading that increases the area occupied by the structure) or alteration of existing lawfully established hard protection structures; and for new hard protection structures, located landward of the coastal protection yard that may serve as a defence against coastal erosion or inundation:
 - (a) any relevant management strategy, strategic plan or hazard risk assessment relating to the area where hard protection structures are proposed, including the ability to relocate buildings, structures, infrastructure or land uses which the structure is designed to protect;
 - (b) effects on coastal processes, ecological values, landscape values and visual amenity;
 - (c) effects on public access and safety;
 - (d) effects on existing uses and activities (including other infrastructure);
 - (e) consent duration and monitoring;
 - (f) the operational or functional need for the structure;
 - (g) the design, location and construction including:
 - (i) the ability to locate the structure as far landward as practicable from mean high water springs;
 - (ii) the ability to use, retain or enhance natural defences non-structural solutions in place of hard protection structures;
 - (iii) the ongoing management, maintenance and monitoring of structures;
 - (iv) construction or works methods, timing and hours of construction, including any associated earthworks; and
 - (v) location, design and materials.

Activities in the 1 per cent annual exceedance probability (AEP) flood plain

- (4) for fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.5:
 - (a) the design of the fence or wall;

- (b) the effects on flood depth and velocity from the blocking or channelling of water; and
 - (c) the effects of the flood hazard within the site and on other properties upstream or downstream of the site.
- (5) for below ground parking or parking areas in the 1 per cent annual exceedance probability (AEP) floodplain:
- (a) the effects of the location of the structures and building platforms;
 - (b) the effects of flood hazards on the structural integrity of a building or structure;
 - (c) the effects of storage of outdoor goods and materials;
 - (d) the effects of the location and design of roads, accessways and parking areas;
 - (e) the extent of any associated earthworks;
 - (f) the effects of potential changes in flood depth, velocity and frequency on adjoining sites, including upstream and downstream from buildings and structures;
 - (g) the extent to which methods for long term maintenance of areas affected by flooding, such as easements, are provided;
 - (h) the effects of the use of spaces under buildings; and
 - (i) the effects on the operational or functional needs of network utilities, marine and port activities and electricity generation activities.
- (6) for the storage of hazardous substances in the 1 per cent annual exceedance probability (AEP) floodplain:
- (a) the location, design and management of facilities where hazardous substances are stored, used or disposed;
 - (b) the potential risk to public health; and
 - (c) the potential contamination of water.
- (7) for on-site septic tanks, on-site wastewater treatment and disposal systems and effluent disposal fields in the 1 per cent annual exceedance probability (AEP) flood plain:
- (a) the design of the device including flood proofing;
 - (b) the potential risk to public health; and
 - (c) the potential contamination of groundwater.

- (8) for the construction of other land drainage works, stormwater management devices and flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain:
- (a) the effects that the flooding may have on the function of the device including the potential mobilisation of accumulated contaminants.
- (9) for new structures and buildings (and external alterations to existing buildings) with a gross floor area up to 10m² within the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with standard E36.6.1.9; and all other new structures and buildings (and external alterations to existing buildings) within the 1 per cent annual exceedance probability (AEP) floodplain:
- (a) the effects of the location of the structures and building platforms;
 - (b) the effects of flood hazards on the structural integrity of a building or structure;
 - (c) the effects of storage of outdoor goods and materials;
 - (d) the effects of the location and design of roads, accessways and parking areas;
 - (e) the extent of any associated earthworks;
 - (f) the effects of potential changes in flood depth, velocity and frequency on adjoining sites, including upstream and downstream from buildings and structures;
 - (g) the extent to which methods for long term maintenance of areas affected by flooding, such as easements, are provided;
 - (h) the effects of the use of spaces under buildings; and
 - (i) the effects on the operational or functional needs of network utilities, marine and port activities and electricity generation activities.
- (10) for use of new buildings to accommodate more vulnerable activities, and changes of use to accommodate more vulnerable activities within existing buildings located within the 1 per cent annual exceedance probability(AEP) floodplain:
- (a) the type of activity being undertaken and its vulnerability to flood events;
 - (b) the likelihood and consequences of a flood event in relation to more vulnerable activities;
 - (c) the possible effects on public safety and other property resulting from the proposed development or activity;

- (d) the effects on landscape values, associated earthworks and land form modifications;
- (e) the effects on public access;
- (f) the methods provided to manage activities and uses within the site, including safe egress from buildings and structures or the site and the management of people and property during a flood event;
- (g) any exacerbation of an existing flood hazard or creation of a new flood hazard as a result of the proposed activity or development and possible effects on public safety and other property;
- (h) the proposed use of, necessity for and design of hard engineering solutions to mitigate the hazard;
- (i) the ability to relocate buildings or structures, including the proposed duration of occupation of the buildings or structures, taking into account the long term likely effects of climate change; and
- (j) the ability to design, construct and maintain buildings or structures so that they are resilient to the effects of the hazard.

Activities in overland flow paths

- (11) for fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.10:
 - (a) the design of the fence or wall;
 - (b) the potential impacts on the overland flow path including all of the following:
 - (i) the obstruction of flows;
 - (ii) any change to location and capacity;
 - (iii) any changes in depth and velocity of flow; and
 - (iv) any change to overland flow on the site and on other properties upstream or downstream of the site.
- (12) for diverting the entry or exit point, piping or reducing the capacity in any part of an overland flow path:
 - (a) the potential impacts on the overland flow path including:
 - (i) the obstruction of flows; and
 - (ii) any change to location and capacity; and
 - (iii) any changes in depth and velocity of flow; and
 - (iv) any change to overland flow on other properties.
 - (b) the provision of alternative overland flow paths;

- (c) the extent of any associated earthworks; and
 - (d) the extent to which methods for long term maintenance of areas affected by flooding, such as easements, are provided.
- (13) for any buildings or structures including retaining walls (but excluding permitted fences and walls) located within an overland flow path:
- (a) the effects of flooding on the activity proposed, including whether it is a more or less vulnerable activity;
 - (b) the effects on the location of habitable rooms;
 - (c) the design of the building and how it provides for safe access and the potential effects of flood hazards on chosen access routes; and
 - (d) the effects on people during a flood event and the ability to avoid, remedy or mitigate these.

Activities on land which may be subject to land instability

- (14) for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields on land which may be subject to land instability that do not comply with permitted activity Standard E36.6.1.12:
- (a) the likely effect of land instability on the design, location and functioning of the device;
 - (b) the potential risk to public health; and
 - (c) the potential for contamination of groundwater.
- (15) for the storage of hazardous substances on land which may be subject to land instability:
- (a) the likely effect of land instability on the design, location and management of facilities where hazardous substances are stored, used or disposed; and
 - (b) the potential risk to public health.
- (16) for external additions to buildings and to any structures excluding decks under 1.2m high and 20m² gross floor area on land which may be subject to instability; and for all other buildings and structures on land which may be subject to land instability not otherwise provided for:
- (a) the type of activity being undertaken and its vulnerability to the potential effects of land instability;
 - (b) the consequences of the potential effects of land instability in relation to more vulnerable activities;

- (c) the possible effects on public safety and other property resulting from the proposed development or activity;
 - (d) the likelihood of a hazard arising from unstable land event and the likely extent of any damage;
 - (e) the effects on landscape values, associated earthworks and land form modifications;
 - (f) the methods provided to manage activities and uses within the site, including safe egress from buildings and structures and the management of people and property during a hazard event;
 - (g) any exacerbation of an existing land instability hazard or creation of a new land instability hazard as a result of the proposed activity or development and possible effects on public safety and other property;
 - (h) the proposed use of, necessity for and design of hard engineering solutions for land instability hazards;
 - (i) the ability to relocate buildings or structures within a hazard area, including the proposed duration of occupation of the structures or building; and
 - (j) the ability to design, construct and maintain buildings or structures so that they are resilient to land instability hazards.
- (17) for all other infrastructure on land which may be subject to land instability not otherwise provided for:
- (a) the functional and/or operational need to locate within the hazard area;
 - (b) the risk of adverse effects to other people, property and the environment including all of the following:
 - (i) risk to public health and safety;
 - (ii) impacts on landscape values and public access associated with the proposed activity including a need for hard protection structures to be required to protect the utility from land instability hazards;
 - (iii) the management or regulation of other people and property required to mitigate land instability hazard risks resulting from the location of the network utility or infrastructure;
 - (iv) the storage or use of hazardous substances in relation to the activity;
 - (v) any exacerbation of an existing land instability hazard or creation of a new land instability hazard as a result of the structure;
 - (vi) the use of non-structural solutions instead of hard engineering solutions; and
 - (vii) the ability to relocate or remove structures.

Infrastructure:

- *in the coastal erosion hazard area;*
- *in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area;*
- *in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;*
- *in the 1 per cent annual exceedance probability (AEP) floodplain;*
- *in overland flow paths and*
- *on land which may be subject to land instability*

(18) Operation, maintenance, renewal, repair and minor infrastructure upgrading, of infrastructure in areas listed in the heading above that do not comply with Standard E36.6.1.13:

(a) the functional and/or operational need to locate within the hazard area;

(b) the risk of adverse effects to other people, property and the environment including all of the following:

(i) risk to public health and safety;

(ii) impacts on landscape values and public access associated with the proposed activity including a need for hard protection structures to be required to protect the utility from the natural hazard;

(iii) the management or regulation of other people and property required to mitigate natural hazard risks resulting from the location of the infrastructure;

(iv) the storage or use of hazardous substances in relation to the activity;

(v) any exacerbation of an existing natural hazard or creation of a new natural hazard as a result of the structure;

(vi) the use of non-structural solutions instead of hard engineering solutions; and

(vii) the ability to relocate or remove structures.

E36.8.2. Assessment criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

Activities in the coastal erosion hazard area

- (1) for external alterations to existing buildings which increase the gross floor area of the building in the coastal erosion hazard area; for all other buildings and structures in the coastal erosion hazard area; and for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields,

underground storage tanks, water tanks or stormwater pipes or soakage fields in the coastal erosion hazard area:

- (a) the likelihood of a coastal hazard event occurring, its magnitude and duration, the consequences of the event and its effects on public health, safety, property and the environment;
- (b) the extent to which site specific analysis, such as engineering, stability or flooding reports and its analysis have been undertaken and any other information the Council may have on the site and surrounding land;
- (c) the extent to which public access, landscape and other environmental values are affected by any works proposed in association with the building or structure, by way of mitigation of the hazard; and
- (d) the extent to which any building or structure can be relocated in the event of severe coastal erosion or shoreline retreat, taking into account the likely long term effects of climate change.

Activities in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area

- (2) for external alternations to existing buildings which increase the gross floor area of the building in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area; for all other buildings and structures in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area; for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater pipes or soakage fields in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area:

- (a) the likelihood of a coastal storm inundation hazard event occurring, its magnitude and duration, the consequences of the event and its effects on public health, safety, property and the environment;
- (b) the extent to which site-specific analysis, such as engineering, stability or flooding reports and its analysis have been undertaken and any other information the Council may have on the site and surrounding land;
- (c) the extent to which public access, landscape and other environmental values are affected by any works proposed in association with the building or structure, by way of mitigation of the hazard; and
- (d) the extent to which any building or structure can be relocated in the event of severe coastal erosion or shoreline retreat, taking into account the likely long term effects of climate change.

Defences against coastal hazards

- (3) for the extension (including upgrading that increases the area occupied by the structure) or alteration of existing lawfully established hard protection

structures; and for new hard protection structures, located landward of the coastal protection yard that may serve as a defence against coastal erosion or inundation:

- (a) the extent to which the structure or works for the structure are located and designed to avoid, remedy or mitigate adverse effects;
- (b) the extent to which the structure avoids, remedies or mitigates effects on public access, including pedestrian access, access to the coastline and access to areas of public open space;
- (c) the extent of consent duration sought and whether it is necessary for the functional and operational needs of the activity or whether an adaptive management approach can be achieved;
- (d) the extent of monitoring required to avoid, remedy or mitigate adverse environmental effects;
- (e) whether the construction works can be undertaken at a time that will avoid or minimise adverse effects on marine mammals, roosting, nesting and feeding areas, and recreational users of the coastal marine area;
- (f) whether the construction works or methods avoid, remedy or mitigate adverse effects, particularly on water quality and sedimentation;
- (g) whether the structure is located and designed to avoid, remedy or mitigate adverse effects on the environment; and
- (h) the extent to which material used are compatible with the surrounding coastal environment and where practicable, with the natural material at the site. This includes texture, colour, composition, grain size, level of contamination and potential for leaching.

Activities in the 1 per cent annual exceedance probability (AEP) flood plain

- (4) for fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.5:
 - (a) whether the fence or wall will result in changes to the flood hazard experienced within the site, or on other sites including upstream or downstream of the site;
 - (b) whether the fence or wall will result in changes to flood depths and velocities from the blocking or channelling of flood waters; and
 - (c) the extent to which the fence or wall is necessary to maintain privacy, security, biosecurity or safety of the site or adjoining sites.
- (5) for below ground parking or parking areas in the 1 per cent annual exceedance probability (AEP) floodplain:

- (a) whether the parking area can be located outside of the 1 per cent annual exceedance probability (AEP) floodplain so as not to block or impede the flood hazard;
 - (b) where the parking area cannot be practically located outside or above the floodplain, how the parking areas can be designed and managed to minimise any increase in flood related risks to people and property on site and to other properties upstream or downstream of the site;
 - (c) the extent of potential adverse effects resulting from vehicles being mobilised by a 1 per cent annual exceedance probability (AEP) flood event;
 - (d) whether the building or structure maintains structural integrity during a flood event; and
 - (e) whether site layout and management can avoid hazardous and floatable materials, including cars and other stored items, being carried off the site.
- (6) for the storage of hazardous substances in the 1 per cent annual exceedance probability (AEP) floodplain:
- (a) the extent to which the proposal ensures that hazardous substances stored in flood hazard areas are protected from flooding, spillage and leakage should a flood hazard event occur;
 - (b) the extent of public health hazards that may result from a flood hazard event and how these are proposed to be avoided; and
 - (c) whether groundwater contamination in a flood event can be avoided.
- (7) for on-site septic tanks, on-site wastewater treatment and disposal systems and effluent disposal fields in the 1 per cent annual exceedance probability (AEP) flood plain:
- (a) whether the design of the device impedes flood flows or otherwise increases flood risk upstream or downstream of the site and how such effects can be avoided or mitigated;
 - (b) whether the design of the device is resilient to damage from a range of flood events;
 - (c) whether access to the device for maintenance and maintenance plans are provided and the potential effects that may result from the proposed access route;
 - (d) the extent of public health hazards that may result from a flood hazard event and how these are proposed to be avoided; and
 - (e) whether groundwater contamination in a flood event can be avoided.

- (8) for the construction of other land drainage works, stormwater management devices and flood mitigation works in the 1 per cent annual exceedance probability (AEP) floodplain:
- (a) whether the design of and works or devices impede flood flows or otherwise increases flood risk upstream or downstream of the site and how such effects can be avoided or mitigated;
 - (b) whether the design of the works or any device is resilient to damage from a range of flood events; and
 - (c) whether access to the works or device for maintenance and maintenance plans are provided and the potential effects that may result from the proposed access route.
- (9) for new structures and buildings (and external alterations to existing buildings) with a gross floor area up to 10m² within the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with standard E36.6.1.9; and all other new structures and buildings and (and external alterations to existing buildings) within the 1 per cent annual exceedance probability (AEP) floodplain:
- (a) whether the building platform can be located outside of the 1 per cent AEP floodplain so as not to block or impede the flood waters;
 - (b) where the building cannot be practically located outside or above the flood plain, how the building can be designed and managed to minimise increase in flood related risks experienced by other properties, including those upstream or downstream such as, maintaining a clear undercroft, allowing for the passage of flood waters;
 - (c) whether buildings likely to be affected by flood waters should be wet proofed or dry proofed to minimise damage to the building and its contents; and
 - (d) site layout and management to avoid hazardous and floatable materials including cars and other stored items being carried off site.
- (10) for new buildings designed to accommodate more vulnerable activities, and changes of use to accommodate more vulnerable activities within existing buildings located within the 1 per cent annual exceedance probability (AEP) floodplain:
- (a) the likelihood of a flood hazard event occurring and its magnitude and duration, and the consequences of the event, its possible effects on public health, safety, property and the environment;
 - (b) the extent to which a flood hazard assessment or mitigation plan addresses methods provided to manage activities or uses within the site;

- (c) whether sufficient actions can be undertaken to ensure that people will not be placed in danger during a flood event;
- (d) the extent to which the proposal and any subsequent land use is likely to exacerbate the flood hazard or create a new flood on the subject land and/ or on any adjacent land; and
- (e) whether the building or structure maintains structural integrity during a flood event.

Activities in overland flow paths

- (11) for fences and walls in the 1 per cent annual exceedance probability (AEP) floodplain that do not comply with Standard E36.6.1.10:
 - (a) whether the fence or wall will result in changes to the flood hazard experienced within the site, or on other sites including upstream or downstream of the site;
 - (b) whether the fence or wall will result in changes to flood depths and velocities from the blocking or channelling of flood waters; and
 - (c) the extent to which the fence or wall is necessary to maintain privacy, security, biosecurity or safety of the site or adjoining sites.
- (12) for diverting the entry or exit point, piping or reducing the capacity in any part of an overland flow path:
 - (a) the extent to which the continuity of the overland flow paths both within the site and upstream and downstream of the site will be maintained;
 - (b) the extent to which and how the effects on other properties from the diversion or alteration of the overland flow path will be avoided or mitigated;
 - (c) the extent to which and how scouring and erosion will be managed;
 - (d) the extent to which and how the proposal will avoid, or mitigate adverse effects on stream ecology;
 - (e) the extent of long-term maintenance proposed, ensuring that, when appropriate, an easement in favour of Council is created to limit further changes to the overland flow path; and
 - (f) the extent to which design and management measures are proposed to manage risk to a building, its occupants or contents.
- (12A) for any buildings or structures including retaining walls (but excluding permitted fences and walls) located within an overland flow path:
 - (a) the extent to which the overland flow path is maintained to convey stormwater runoff safely from a site to the receiving environment;

- (b) the location of habitable rooms in relation to the overland flow path;
- (c) the extent to which the design of the building provides for safe access and the potential effects of flood hazards on chosen access routes; and
- (d) the extent to which people are affected during flood events and the extent to which effects are avoided, remedied or mitigated.

Activities on land which may be subject to land instability

(13) for on-site septic tanks, wastewater treatment and disposal systems, effluent disposal fields, underground storage tanks, water tanks or stormwater soakage fields on land which may be subject to land instability that do not comply with permitted activity Standard E36.6.1.12:

- (a) the extent to which the location, design and functioning of the device would be adversely affected by the land instability hazard and how such effects can be avoided or mitigated;
- (b) whether the design of the device is resilient to damage from the land instability hazard;
- (c) whether access to the device for maintenance and maintenance plans are provided and the potential effects that may result from the proposed access route;
- (d) the extent of public health hazards that may result from the land instability hazard and how these are proposed to be avoided; and
- (e) whether groundwater contamination from the land instability hazard can be avoided.

(14) for the storage of hazardous substances on land which may be subject to land instability:

- (a) the extent to which the proposal ensures that hazardous substances are protected from spillage or leakage should a natural hazard event occur; and
- (b) the extent of public health hazards that may result from the land instability hazard and how these are proposed to be avoided.

(15) for external additions to buildings and to any structures excluding decks under 1.2m high and 20m² gross floor area on land which may be subject to instability; and for all other buildings and structures on land which may be subject to land instability not otherwise provided for:

- (a) the likelihood of a land instability hazard event occurring, its magnitude and duration, the consequences of the event and its effects on public health, safety, property and the environment;

- (b) the extent to which site-specific analysis, such as engineering, or stability reports and its analysis have been undertaken and any other information the Council may have on the site and surrounding land;
 - (c) the extent to which landscape and other environmental values are affected by any works proposed in association with the building or structure or mitigation of the hazard; and
 - (d) the extent to which any building or structure can be relocated in the event of a land instability hazard occurring.
- (16) for all other infrastructure on land which may be subject to land instability not otherwise provided for:
- (a) the long-term management, maintenance and monitoring of any mechanisms associated with managing the risk of adverse effects resulting from the placement of infrastructure within a hazard area to other people, property and the environment including the management of hazardous substances;
 - (b) the extent to which residual risks to people, property and the environment resulting from any mitigation measures implemented to manage the hazard;
 - (c) the extent to which an existing hazard is exacerbated or a new hazard is created as a result of the structure;
 - (d) the extent to which the proposal includes non-structural solutions to protect infrastructure from the hazard and resulting adverse effects; and
 - (e) the extent to which landscape values and/ or public access are affected by the proposed structure or structures associated with the mitigation of the hazard.
- (17) for operation, maintenance, renewal, repair and minor infrastructure upgrading of infrastructure in the coastal erosion hazard area; or in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area; or in the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area; or in the 1 per cent annual exceedance probability (AEP) floodplain; or in overland flow paths; or on land which may be subject to land instability:
- (a) the long-term management, maintenance and monitoring of any mechanisms associated with managing the risk of adverse effects resulting from the placement of infrastructure within a hazard area to other people, property and the environment including the management of hazardous substances;

- (b) the extent to which residual risks to people, property and the environment resulting from any mitigation measures implemented to manage the hazard;
- (c) the extent to which an existing hazard is exacerbated or a new hazard is created as a result of the structure;
- (d) the extent to which the proposal includes non-structural solutions to protect infrastructure from the hazard and resulting adverse effects; and
- (e) the extent to which landscape values and/ or public access are affected by the proposed structure or structures associated with the mitigation of the hazard.

E36.9. Special information requirements

- (1) A hazard risk assessment must be undertaken when subdivision, use or development requiring resource consent is proposed to be undertaken on land which may be subject to any one or more of the following:
 - (a) coastal erosion;
 - (b) coastal storm inundation 1 per cent annual exceedance probability (AEP);
 - (c) coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise;
 - (d) the 1 per cent annual exceedance probability (AEP) floodplain;
 - (e) overland flow paths; or
 - (f) land instability.

The level of information required to be provided should be proportionate to the hazard risk, the nature of the hazard. It should also be appropriate to the scale, nature and location of the development and reflective of the scale of the activity proposed. For coastal hazards this should include a consideration of the effects of climate change over at least a 100 year timeframe.

- (2) A hazard risk assessment report must accompany a resource consent application for the subdivision, use or development referenced in E36.9(1) above and must identify whether the land is or is likely to be subject to coastal erosion; coastal storm inundation 1 per cent annual exceedance probability (AEP); coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise; the 1 per cent annual exceedance probability (AEP) floodplain; overland flow paths; or land instability, over at least the next 100 years and, if found to be subject to one or more of these hazards, should provide an assessment, which does not need to duplicate an assessment of environmental effects, which addresses all of the following:

- (a) the type, frequency and scale of the natural hazard and whether adverse effects on the development will be temporary or permanent;
- (b) the type of activity being undertaken and its vulnerability to natural hazard events;
- (c) the consequences of a natural hazard event in relation to the proposed activity and the people likely to be involved in that activity;
- (d) the potential effects on public safety and other property;
- (e) any exacerbation of an existing natural hazard risks or creation of a new natural hazard risks;
- (f) whether any building, structure or activity located on land subject to natural hazards near the coast can be relocated in the event of severe coastal erosion, coastal storm inundation or shoreline retreat;
- (g) the ability to use of non-structural solutions, such as planting or the retention or enhancement of natural landform buffers to avoid, remedy or mitigate the hazard, rather than hard engineering solutions or protection structures;
- (h) the design and construction of buildings and structures to mitigate the effects of natural hazards;
- (i) the effect of structures used to mitigate hazards on landscape values and public access;
- (j) site layout and management to avoid or mitigate the adverse effects of natural hazards, including access and exit during a natural hazard event;
- (k) the duration of consent and how this may limit the exposure for more or less vulnerable activities to the effects of natural hazards including the effects of climate change; and
- (l) any measures and/ or plans proposed to mitigate the natural hazard or the effects of the natural hazard.

E38. Subdivision – Urban

E38.1. Introduction

Subdivision is the process of dividing a site or a building into one or more additional sites or units, or changing an existing boundary location.

[new text to be inserted]

Objectives, policies and rules in this section apply to subdivision in all zones except for the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural - Waitākere Foothills Zone, Rural - Waitākere Ranges Zone, Future Urban Zone, and Special Purpose – Quarry Zone which are located in [E39 Subdivision – Rural](#).

E38.2. Objectives

- (1) Land is subdivided to achieve the objectives of the residential zones, business zones, open space zones, special purpose zones, coastal zones, relevant overlays and Auckland-wide provisions.
- (2) Land is subdivided in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment.
- (3) Land is vested to provide for esplanades reserves, roads, stormwater, infrastructure and other purposes.
- (4) Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development.
- (5) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.
- (6) Subdivision has a layout which is safe, efficient, convenient and accessible.
- (7) Subdivision manages adverse effects on historic heritage or Maori cultural heritage.
- (8) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of the areas.
- (9) Subdivision to protect indigenous vegetation or wetlands is provided for in the residential zones.
- (10) Subdivision:
 - (a) within urban and serviced areas, does not increase the risks of adverse effects to people, property, infrastructure and the environment from natural hazards;

- (b) avoids, where possible, and otherwise mitigates, adverse effects associated with subdivision for infrastructure or existing urban land uses; and
- (c) maintains the function of flood plains and overland flow paths to safely convey flood waters, while taking into account the likely long term effects of climate change.

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[new text to be inserted]

E38.3. Policies

- (1) Provide for subdivision which supports the policies of the Plan for residential zones, business zones, open space zones, special purpose zones, coastal zones, relevant overlays and Auckland-wide provisions.
- (2) Require subdivision to manage the risk of adverse effects resulting from natural hazards in accordance with the objectives and policies in [E36 Natural hazards and flooding](#), and to provide safe and stable building platforms and vehicle access.
- (3) Require subdivision design to respond to the natural landscapes by:
 - (a) avoiding building platforms and, where practicable, infrastructure, on identified or dominant ridgelines on sites zoned Residential – Large Lot Zone or Residential – Rural and Coastal Settlement Zone;
 - (b) locating and designing roads, access and infrastructure in a manner which minimises earthworks; and
 - (c) locating roads and development to follow land contours.
- (4) Require subdivision to be designed to retain, protect or enhance scheduled features including those in the Historic Heritage Overlay and Sites and Places of Significance to Mana Whenua Overlay.
- (5) Provide for subdivision of residential zoned sites containing indigenous vegetation scheduled in the [D9 Significant Ecological Areas Overlay](#) where the significant ecological area is to be protected, and enable the same or a similar number of sites to be created as would be enabled if the site did not contain a significant ecological area.
- (6) Provide for subdivision around existing development, and where it enables creation of sites for uses that are in accordance with an approved land use resource consent and where there is compliance with Auckland-wide and zone rules.
- (7) Provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with Auckland-wide and zone rules.

- (8) Avoid subdivision of minor dwellings or converted dwellings not complying with minimum lot size.
- (9) Require any staged subdivision to be undertaken in a manner that promotes efficient development.
- (10) Require subdivision to provide street and block patterns that support the concepts of a liveable, walkable and connected neighbourhood including:
 - (a) a road network that achieves all of the following:
 - (i) is easy and safe to use for pedestrians and cyclists;
 - (ii) is connected with a variety of routes within the immediate neighbourhood and between adjacent land areas; and
 - (iii) is connected to public transport, shops, schools, employment, open spaces and other amenities; and
 - (b) vehicle crossings and associated access designed and located to provide for safe and efficient movement to and from sites and minimising potential conflict between vehicles, pedestrians, and cyclists on the adjacent road network.
- (11) Require subdivision to be designed to achieve a high level of amenity and efficiency for residents by:
 - (a) aligning roads and sites for maximum sunlight access where topography and parent site shape allows; and
 - (b) aligning sites to the road to maximise opportunities for buildings fronting the road.
- (12) Limiting rear sites to places where the site topography, existing boundaries, natural features, or scheduled places will prevent the creation of front sites.
- (13) Require subdivision to deliver sites that are of an appropriate size and shape for development intended by the zone by:
 - (a) providing a range of site sizes and densities; and
 - (b) providing for higher residential densities in locations where they are supportive of pedestrians, cyclists, public transport and the viability and vibrancy of centres.
- (14) Encourage the design of subdivision to incorporate and enhance land forms, natural features, and indigenous trees and vegetation.
- (15) Encourage shared vehicle access by way of rear lanes where appropriate to avoid the proliferation of vehicle crossings that:

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- (a) creates adverse effects on the safety of the road and footpath;
 - (b) limits opportunities to plant street trees; or
 - (c) creates inefficiencies in the provision of on-street car parking or areas for bus stops.
- (16) Require shared vehicle access to be of a width, length and form that:
- (a) encourages low vehicle speed environments; and
 - (b) provides for the safety of users of the access and the adjoining road network.
- (17) Require sufficient road reserves to accommodate the needs of:
- (a) different types of transport modes;
 - (b) stormwater networks;
 - (c) network utilities; and
 - (d) lighting, street furniture, landscaping and reticulated infrastructure in a way that will not create future safety and maintenance issues.

Recreation and Amenity Spaces

- (18) Require subdivision to provide for the recreation and amenity needs of residents by:
- (a) providing open spaces which are prominent and accessible by pedestrians;
 - (b) providing for the number and size of open spaces in proportion to the future density of the neighbourhood; and
 - (c) providing for pedestrian and/or cycle linkages.

Infrastructure

- (19) Require subdivision to provide servicing:
- (a) to be coordinated, integrated and compatible with the existing infrastructure network;
 - (b) to enable the existing network to be expanded or extended to adjacent land where that land is zoned for urban development; and
 - (c) to enable electricity and telecommunications services to be reticulated underground to each site wherever practicable.
- (20) Require sites capable of containing a building, in areas where service connections are available to a public reticulated network, to connect to the following networks:

- (a) wastewater;
 - (b) stormwater; and
 - (c) potable water.
- (21) Require sites capable of containing a building, in areas with no reticulated water supply, stormwater or wastewater network, to be of a size and shape that provides for:
- (a) the treatment and disposal of stormwater in a way that does not lead to significant adverse off-site effects including degraded water quality, erosion, land instability, creation or exacerbation of flooding;
 - (b) management of wastewater via:
 - (i) an on-site wastewater treatment system, or
 - (ii) approval to connect to a private wastewater network; and
 - (c) potable water.
- (22) Require subdivision to be designed to manage stormwater:
- (a) in accordance with any approved stormwater discharge consent or network discharge consent;
 - (b) in a manner consistent with stormwater management policies in [E1 Water quality and integrated management](#);
 - (c) by applying an integrated stormwater management approach to the planning and design of development in accordance with stormwater management policies in [E1 Water quality and integrated management](#);
 - (d) to protect natural streams and maintain the conveyance function of overland flow paths;
 - (e) to maintain, or progressively improve, water quality;
 - (f) to integrate drainage reserves and infrastructure with surrounding development and open space networks; and
 - (g) in an integrated and cost-effective way.
- (23) Manage subdivision and development to avoid, remedy or mitigate adverse effects on infrastructure including reverse sensitivity effects, which may compromise the operation and capacity of existing or authorised infrastructure.

Esplanade Reserves and Strips

- (24) Require esplanade reserves or strips when subdividing land adjoining the coast and other qualifying water-bodies.

- (25) Avoid reducing the width of esplanade reserve or strip, or the waiving of the requirement to provide an esplanade reserve or strip, except where any of the following apply:
- (a) safe public access and recreational use is already possible and can be maintained for the future;
 - (b) the maintenance and enhancement of the natural functioning and water quality of the adjoining sea, river or other water body will not be adversely affected;
 - (c) the land and water-based habitats on, and adjoining, the subject land area will not be adversely affected;
 - (d) the natural values, geological features and landscape features will not be adversely affected;
 - (e) any scheduled historic heritage places and sites and places of significance to Mana Whenua will not be adversely affected;
 - (f) it can be demonstrated that the reduced width of the esplanade reserve or strip is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the likely long term effects of climate change;
 - (g) it can be demonstrated that a full width esplanade reserve or strip is not required to maintain the natural character and amenity of the coastal environment;
 - (h) a reduced width in certain locations can be offset by an increase in width in other locations or areas which would result in a positive public benefit, in terms of access and recreation;
 - (i) restrictions on public access are necessary to ensure a level of security for business activities in limited circumstances having regard to the policies in [B8.4](#) relating to public access and open space in the coastal marine area; or
 - (j) direct access to the sea or other water body is required for a business activity in limited circumstances.
- (26) Require esplanade reserves rather than esplanade strips unless any of the following apply:
- (a) land has limited conservation and recreational value;
 - (b) conservation and historic heritage values that are present can be adequately protected in private ownership;
 - (c) the opportunity to acquire an esplanade reserve is unlikely to arise but continuity of access is desirable;

- (d) creation of esplanade strips can secure public benefits and resource management objectives without alienating land from private ownership;
- (e) land is subject to natural hazards or stability issues taking into account the likely long term effects of climate change; or
- (f) a marginal strip of at least 20 metres under the Conservation Act 1987 has not been set aside on land that is Treaty Settlement Land.

Subdivision Variation Control identified in the planning maps

- (27) Manage the existing pattern and density of subdivision in locations identified in the Subdivision Variation Control shown on the planning maps to protect their low density character.
- (28) Avoid subdivision that detracts from the natural landscape qualities which are defined by the low density settlement pattern.
- (29) Manage subdivision of land where there are known infrastructure constraints.

Subdivision in Special Character Areas Overlay – Residential and Business

- (30) Maintain the distinctive pattern of subdivision as identified in the character statements for special character areas.

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[new text to be inserted]

E38.4. Activity table

Tables E38.4.1 to E38.4.5 specify the activity status of subdivision pursuant to section 11 of the Resource Management Act 1991.

For subdivision within [the D26 National Grid Corridor Overlay](#), the activity status for subdivision in the urban zones as listed in Tables E38.4.1 to E38.4.5 below will apply unless there are different provisions in [D26 National Grid Corridor Overlay](#) in which case the overlay provisions will take precedence.

For subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, Rural – Rural Conservation Zone, Rural – Countryside Living Zone, Rural - Waitākere Foothills Zone, Rural - Waitākere Ranges Zone, Future Urban Zone, and Special Purpose – Quarry Zone see [E39 Subdivision – Rural](#).

The activities listed in Table E38.4.1 Subdivision for specific purposes may only comprise a specific element of a subdivision activity. The other elements of a subdivision may also be listed in Tables E38.4.2, E38.4.3, E38.4.4, and E38.4.5. Where the proposed subdivision activity fits into activities listed in Table E38.4.1 Subdivision for specific purposes and those listed in tables E38.4.2, E38.4.3, E38.4.4, and/or E38.4.5 then the activity status listed for each activity in each table also applies.

Table E38.4.1 Activity table - Subdivision for specific purposes

	Activity	Activity status
(A1)	Lease in excess of 35 years of a building or part of a building where a cross-lease, company lease, or unit title subdivision is not involved	P
(A2)	Subdivision for a network utility	P
(A3)	Conversion of a cross lease to a fee simple title	C
(A4)	Cross lease, company lease, unit title and strata-title subdivision	C
(A5)	Amendments to a cross lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners	C
(A6)	Boundary adjustments which do not exceed 10 per cent of the net site area of each site	C
(A7)	Subdivision of a site with two or more zones or subdivision along an undefined zone boundary	RD
(A8)	Subdivision establishing an esplanade reserve	RD
(A9)	Subdivision establishing an esplanade strip	D
(A10)	Any reduction or waiver of esplanade reserves or strips	D
(A11)	Subdivision of land within any of the following natural hazard areas: <ul style="list-style-type: none"> • 1 per cent annual exceedance probability floodplain; • coastal storm inundation 1 per cent annual exceedance probability (AEP) area; • coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area; • coastal erosion hazard area; or • land which may be subject to land instability. 	RD
(A12)	Any subdivision listed in this activity table not meeting the standards in E38.6 General standards for subdivision	D
(A13)	Any subdivision listed in this activity table not meeting the permitted, controlled, or restricted discretionary activities standards in E38.7 Standards for subdivision for specific purposes	D

Table E38.4.2 Activity table - Subdivision in residential zones

	Activity	Activity status
	[new text to be inserted]	[new text to be inserted]
(A14)	Subdivision in accordance with an approved land use resource consent complying with Standard E38.8.2.1	RD
(A15)	Subdivision around existing buildings and development complying with Standard E38.8.2.2	RD
(A16)	Vacant sites subdivision involving parent sites of less than 1ha complying with Standard E38.8.2.3	RD
(A17)	Vacant sites subdivision involving parent sites of less than 1ha not complying with Standard E38.8.2.3.	D
(A18)	Vacant sites subdivision involving parent sites of 1ha or greater complying with Standard E38.8.3.1	D
(A19)	Vacant sites subdivision involving parent sites of 1ha or greater not complying with Standard E38.8.3.1	NC
(A20)	Subdivision of sites identified in the Subdivision Variation Control complying with Standard E38.8.2.4	RD
(A21)	Subdivision of sites identified in the Subdivision Variation Control not complying with Standard E38.8.2.4	NC
(A22)	Subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay complying with Standard E38.8.2.5	RD
(A23)	Subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay not complying with Standard E38.8.2.5	NC
(A24)	Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business complying with Standard E38.8.2.6	RD
(A25)	Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business not complying with Standard E38.8.2.6	NC
(A26)	Subdivision of a minor dwelling from the principal dwelling where the proposed sites comply with the minimum site size requirement for subdivision in the applicable zone	RD
(A27)	Subdivision of a minor dwelling from the principal dwelling where the proposed sites do not comply with the	Pr

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	minimum site size requirement for subdivision in the applicable zone	
(A28)	Subdivision of a converted dwelling established from the conversion of a principal dwelling existing as at 30 September 2013 where the proposed sites comply with the minimum site size requirement for subdivision in the applicable zone	RD
(A29)	Subdivision of a converted dwelling established from the conversion of a principal dwelling existing as at 30 September 2013 where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
[new text to be inserted]	[new text to be inserted]	[new text to be inserted]
(A30)	Any subdivision listed in this activity table not meeting E38.6 General standards for subdivision	D
(A31)	Any subdivision listed in this activity table not meeting the standards in E38.8 Standards for subdivision in residential zones	D
(A32)	Any subdivision not otherwise provided for in Tables E38.4.1 and E38.4.2	D

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Table E38.4.3 Activity table - Subdivision in business zones

	Activity	Activity status
(A33)	Subdivision in accordance with an approved land use resource consent complying with Standard E38.9.2.1	RD
(A34)	Subdivision around existing buildings and development complying with Standard E38.9.2.2	RD
(A35)	Vacant sites subdivision complying with Standard E38.9.2.3	RD
(A36)	Vacant sites subdivision not complying with Standard E38.9.2.3	NC
(A37)	Any subdivision listed in this activity table not meeting the standards in E38.6 General standards for subdivision	D
(A38)	Any subdivision listed in this activity table not meeting standards in E38.9 Standards for subdivision in the business zones	D

(A39)	Any subdivision not otherwise provided for in Tables E38.4.1 and E38.4.3	D
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Table E38.4.4 Activity table - Subdivision in open space zones

	Activity	Activity Status
(A40)	Subdivision in accordance with an approved land use resource consent complying with Standard E38.10.1.1	RD
(A41)	Subdivision around existing buildings and development complying with Standard E38.10.1.2	RD
(A42)	Any subdivision listed in this activity table not meeting the standards in E38.6 General standards for subdivision	D
(A43)	Any subdivision not otherwise provided for in Tables E38.4.1 and E38.4.4	D

Table E38.4.5 Activity table - Subdivision in all other zones excluding those covered by E39 Subdivision - Rural

	Activity	Activity status
(A44)	Any subdivision not meeting the standards in E38.6 General standards for subdivision	D
(A45)	Subdivision not otherwise provided for in Table E38.4.1	D

E38.5. Notification

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(1) An application for resource consent for a controlled activity listed in Table E38.4.1 Activity table - Subdivision for Specific Purposes will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.

(2) Any application for resource consent for an activity listed in Tables E38.4.1 to E38.4.5 Activity tables and which is not listed in E38.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.

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[new text to be inserted]

(3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

E38.6. General standards for subdivision

All subdivision listed in Tables E38.4.1 to E38.4.5 Activity tables must comply with the standards set out in E38.6 General standards for subdivision unless otherwise specified, as well as the standards in E38.7 Standards for subdivision for specific purposes to E38.10 Standards for subdivision in open space zones as relevant.

E38.6.1. Site size and shape

- (1) Except where the purpose of the site is for a network utility (including a site to be vested in Council), sites must meet one of the following:
 - (a) in residential zones and business zones - a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones;
 - (b) be in accordance with an approved land use resource consent; or
 - (c) be around an existing lawfully established development.

E38.6.2. Access and entrance strips

- (1) All proposed sites must be provided with legal and physical access to a road, unless they meet one of the following:
 - (a) are being created for reserves and network utilities; or
 - (b) will be amalgamated with another site that already has legal and physical access to a road.
- (2) Entrance strips must be less than 7.5 metres wide unless otherwise stated.

E38.6.3. Services

- (1) For all proposed sites capable of containing a building, or for cross lease or unit title, strata title, company lease, each lot must be designed and located so that provision is made for the following services:
 - (a) collection, treatment and disposal of stormwater;
 - (b) collection, treatment and disposal of wastewater;
 - (c) water supply;
 - (d) electricity supply; and
 - (e) telecommunications.
- (2) Where no reticulated water supply is available, sufficient water supply and access to water supplies for firefighting purposes in accordance with the NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 must be provided.

E38.6.4. Staging

- (1) Where a subdivision is to be carried out in stages, the applicant must provide adequate detail of the proposed timetable and sequencing of the staging at the time they apply for the overall subdivision consent. This must include all of the following:

- (a) the time period over which the development is likely to take place;
- (b) the areas of land subject to the proposed stages; and
- (c) the balance area of the site remaining after the completion of each stage.

E38.6.5. Overland flow paths

- (1) All subdivision must be designed to incorporate overland flow paths on the site.
- (2) Stormwater must exit the site in a location that does not increase the risk of hazards to downstream properties.

E38.6.6. Existing vegetation on the site

- (1) All subdivision plans, excluding subdivision plans for boundary adjustments, must show any of the following features that exist on, or on the boundary of, the land being subdivided:
 - (a) any areas identified as Significant Ecological Area in the Significant Ecological Areas Overlay; or
 - (b) any other areas of indigenous vegetation, wetlands, waterways, streams, rivers and lakes.

E38.7. Standards for subdivision for specific purposes

E38.7.1. Standards – specific purposes permitted activities

Subdivision listed as permitted activities in Table E38.4.1 Subdivision for specific purposes must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.7.1 Standards – specific purposes permitted activities.

E38.7.1.1. Lease in excess of 35 years of a building or part of a building where a cross lease, company lease or unit title subdivision is not involved:

- (1) The subject building must be lawfully established.
- (2) The boundaries of the proposed sites must follow existing or proposed walls, ceilings and floors.
- (3) The scheme plan must show the proposed sites in relation to the exterior of the building and provide upper and lower elevations in terms of a datum to be established.
- (4) Each lease area must have either frontage to a legal road or allow for access through common areas to a legal road.

E38.7.1.2. Subdivision for a network utility

- (1) The network utility activity must:
 - (a) be a permitted activity pursuant to [E26 Infrastructure](#); or
 - (b) have all resource consents or notices of requirements approved.
- (2) A covenant or consent notice will be required to state that land that is no longer required for the network utility after it disestablishes must be amalgamated with the adjoining land.
- (3) The balance sites must comply with the relevant overlays, Auckland-wide and zone standards, other than the minimum site size, unless resource consent has been granted for any infringements.
- (4) Sites must have access to a legal road through an appropriate legal mechanism.

E38.7.2. Standards – specific purposes controlled activities

Subdivision listed as controlled activities in Table E38.4.1 Subdivision for specific purposes must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.7.2 Standards – specific purposes controlled activities.

E38.7.2.1. Boundary adjustments which do not exceed 10 per cent of the net site area of each site

- (1) All sites prior to the boundary adjustment must be contained within the same zone.
- (2) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.

E38.7.2.2. Conversion of a cross-lease to a fee simple title

- (1) All existing development must meet one of the following:
 - (a) comply with the relevant overlays, Auckland-wide and zone rules;
 - (b) be in accordance with an approved resource consent;
 - (c) have existing use rights;
 - (d) be in accordance with an approved building consent,
 - (e) have a code of compliance certificate, or
 - (f) have a certificate of acceptance.

- (2) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.

E38.7.2.3. Cross lease, company lease, unit title and strata-title subdivision; and Amendments to a cross lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners

- (1) All buildings must meet one of the following:
 - (a) have existing use rights;
 - (b) comply with the relevant Auckland-wide and zone rules; or
 - (c) be in accordance with an approved land use resource consent.
- (2) All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose.
- (3) Subdivision consent affecting a building or any part of a building and any proposed covenant, unit or accessory unit boundary, must not result in any infringements of any relevant overlays, Auckland-wide and zone rules.
- (4) Parking spaces must not be created as principal units, unless provided for by a resource consent. Instead parking spaces must be created as accessory units or common areas when associated with an approved use or activity.
- (5) All service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism.

E38.7.3. Standards – specific purposes restricted discretionary activities

Subdivision listed as restricted discretionary activities in Table E38.4.1 Subdivision for specific purposes must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.7.3 Standards – specific purposes restricted discretionary activities.

E38.7.3.1. Subdivision of a site with two or more zones or subdivision along an undefined zone boundary

- (1) Where a site has two or more zones the lot boundaries of the subdivision must follow, as near as possible to, the zone boundaries.
- (2) Where a proposed site is located entirely within a single zone, the proposed site must comply with the relevant subdivision standards for that zone.

- (3) The lots created must comply with the overlay, Auckland-wide and zone rules applying to that particular part of the site.

E38.7.3.2. Subdivision establishing an esplanade reserve

- (1) Any subdivision involving the creation of sites less than 4 hectares and the proposed site adjoins the line of mean high water springs or the bank of a river or stream 3 metres or more in width or any lake, must provide a minimum 20 metre wide esplanade reserve in accordance with section 230 of the Resource Management Act 1991. This must be shown on the application plan and the subsequent land transfer plan.
- (2) The width of any esplanade reserve must be measured in a landward direction at 90 degrees to the line of mean high water spring, or the bank of a river or stream or margin of any lake.
- (3) Standards E38.7.3.2(1) and (2) do not apply to the subdivision of Treaty Settlement Land where a marginal strip of at least 20 metres has been set aside under the Conservation Act 1987.

E38.7.3.3. Subdivision of a site within the one per cent annual exceedance probability floodplain

- (1) Each proposed site within the one per cent floodplain that is to contain a more vulnerable activity must meet one of the following:
 - (a) in residential zones and business zones - a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones; or
 - (b) be in accordance with a land use consent that authorises development or building in the floodplain.

E38.7.3.4. Subdivision of land in the coastal erosion hazard area; or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area

- (1) Each proposed site on land in the coastal erosion hazard area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area must demonstrate that all of the relevant areas/features in E38.7.3.4(a) to (c) below are located outside of any land that may be subject to coastal erosion or coastal storm inundation:
 - (a) in residential zones and business zones - a shape factor that meets the requirements of Standard E38.8.1.1 Site shape factor in residential zones or Standard E38.9.1.1 Site shape factor in business zones;
 - (b) access to all proposed building platforms or areas; and
 - (c) on-site private infrastructure required to service the intended use of the site.

E38.8. Standards for subdivisions in residential zones

Subdivision listed in Table E38.4.2 Subdivision in residential zones must comply with the applicable standards for the proposed subdivision in E38.6 General standards for subdivision and E38.8.1 General standards in residential zones.

E38.8.1. General standards in residential zones

E38.8.1.1. Site shape factor in residential zones

- (1) Access and manoeuvring must meet the requirements of [E27 Transport](#).
- (2) All vacant sites must be able to contain a rectangle of 8 metres by 15 metres except the Residential - Terrace Housing and Apartment Buildings Zone must contain a rectangle of 15 metres by 20 metres, to accommodate a building that complies with all applicable standards of the zone and is located outside:
 - (a) the 1 per cent annual exceedance probability floodplain;
 - (b) the coastal erosion hazard area;
 - (c) the coastal storm inundation 1 per cent annual exceedance probability (AEP) area; and the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;
 - (d) land which may be subject to land instability;
 - (e) the protected root zone of trees identified in the Notable Trees Overlay;
 - (f) areas identified as significant ecological areas, outstanding natural features, outstanding natural landscapes, outstanding natural character areas or high natural character areas in the Significant Ecological Areas Overlay, the Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay, or the Outstanding Natural Character and High Natural Character Overlay.
 - (g) areas identified as scheduled historic heritage places, or sites and places of significance to Mana Whenua in the Historic Heritage Overlay or the sites and Places of Significance to Mana Whenua Overlay;
 - (h) network utilities, including private and public lines;
 - (i) right-of-way easements;
 - (j) area of esplanade reserves required by Standard E38.7.3.2 Subdivision establishing an esplanade reserve;

(k) yard setback requirements of the zone including riparian, lakeside or coastal protection yards; and

(l) the National Grid Yard.

E38.8.1.2. Access to rear sites

- (1) A single jointly owned access lot or right-of-way easement must not serve more than ten proposed rear sites.
- (2) Vehicle access to proposed sites without direct vehicular access to a formed legal road must be by way of an entrance strip, jointly owned access lot or right-of-way easement over adjoining land, or by a combination of these mechanisms, provided the total width and other dimensions of the access comply with the standards in Table E38.8.1.2.1 Access to rear sites below.

Table E38.8.1.2.1 Access to rear sites

	Total number of rear sites served		
	1	2 – 5	6 - 10
Minimum legal width	3.0m	3.5m	6.5m
Minimum formed width	2.5m	3.0m	5.5m
Minimum service strip	0.5m	0.5m	1.0m
Maximum length	50m	50m	100m Note 1
Maximum gradient	1 in 4	1 in 5	
Minimum vertical clearance from buildings or structures	3.8m		
Minimum inside turning radius for bends	6.5m		

[PC 79 \(see Modifications\)](#)

[PC 79 \(see Modifications\)](#)

Note 1

For accessways greater than 50 metres in length speed management measures should be considered.

(3) Accessways serving six or more rear sites must provide separate pedestrian access, which may be located within the formed driveway.

(4) The pedestrian access required by E38.8.1.2(3) must meet all of the following:

- (a) have a minimum width of 1 metre;
- (b) can include the service strip; and
- (c) be distinguished from the vehicle carriageway through the use of a raised curb or different surface treatment.

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[PC 79 \(see Modifications\)](#)

[PC 79 \(see Modifications\)](#)

[new text to be inserted]

E38.8.2. Standards – residential restricted discretionary activities

Subdivision listed as a restricted discretionary activity in Table E38.4.2 Subdivision in residential zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions, E38.8.1 General standards in residential zones and E38.8.2 Standards – residential restricted discretionary activities as relevant.

E38.8.2.1. Subdivision in accordance with an approved land use resource consent

- (1) Any subdivision relating to an approved land use consent must comply with that resource consent.

E38.8.2.2. Subdivision around existing buildings and development

- (1) Prior to subdivision occurring, all development must meet one of the following:
- (a) have existing use rights;
 - (b) comply with the relevant overlay, Auckland-wide and zone rules; or
 - (c) be in accordance with an approved land use resource consent.

E38.8.2.3. Vacant sites subdivisions involving parent sites of less than 1 hectare

- (1) The following standards do not apply to subdivision that is in accordance with existing or concurrently approved land use consents, or for any lots around existing buildings and development.
- (2) Site sizes for proposed sites must comply with the minimum net site areas specified in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare below.

Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare

Zone	Minimum net site area for vacant proposed sites
Residential - Terrace Housing and Apartment Buildings Zone	1,200m ²
Residential - Mixed Housing Urban Zone	300m ²
Residential - Mixed Housing Suburban Zone	400m ²
Residential - Single House Zone	600m ²

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[new text to be inserted]	[new text to be inserted]
Residential - Large Lot Zone	4,000m ²
Residential - Rural and Coastal Settlement Zone	2,500m ²

E38.8.2.4. Subdivision of sites identified in the Subdivision Variation Control

- (1) E38.8.2.3 Vacant sites subdivision involving parent sites of less than 1 hectare and E38.8.3.1 Vacant sites subdivision involving parent sites of 1 hectare or greater do not apply to sites identified in the Subdivision Variation Control in the planning maps.
- (2) Proposed sites identified in the Subdivision Variation Control in the planning maps must comply with the minimum net site area in Table E38.8.2.4.1 Subdivision of sites identified in the Subdivision Variation Control

Table E38.8.2.4.1 Subdivision of sites identified in the Subdivision Variation Control

Area	Minimum net site area
Beachlands	700m ²
Bombay	800m ² for proposed sites serviced by a private wastewater network 2,500m ² for proposed sites serviced by on-site wastewater systems
Buckland	800m ²
Clarks Beach	800m ²
Eastern Whangaparaoa Peninsula	700m ²
Glenbrook Beach	800m ²
Herald Island	800m ²
Maraetai/Omana Beach	700m ²
Patumahoe	800m ²
Point Wells	1,000m ²
Waiau Beach	800m ²
Waimauku	800m ² for proposed sites serviced by a private wastewater network 2,500m ² for proposed sites serviced by on-site wastewater systems
Parau	4,000m ²

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Huia	4,000m ²
Little Huia	4,000m ²
Karekare	4,000m ²
Piha	4,000m ²
Bethells/ Te Henga	4,000m ²
Cornwallis	4,000m ²
Snells Beach	1,000m ²

E38.8.2.5. Subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay

- (1) The subdivision scheme plan must identify the following areas:
 - (a) the indigenous vegetation scheduled in the Significant Ecological Areas Overlay and to be marked for protection; and
 - (b) the areas available for residential subdivision.
- (2) The following standards apply to the areas available for residential subdivision:
 - (a) the total number of lots created must not exceed the total number of lots which could be created over the net site area of the parent site subject to meeting Table E38.8.2.3.1 Minimum net site area for subdivision involving parent sites of less than 1 hectare or Table E38.8.3.1.1 Minimum net site area for subdivision involving parent sites of 1 hectare or greater;
 - (b) residential lots to be created must be located entirely within the areas available for residential subdivision;
 - (c) the minimum net site areas in Table E38.8.2.3.1 Minimum net site area for subdivision involving parent sites of less than 1 hectare or Table E38.8.3.1.1 Minimum net site area for subdivision involving parent sites of 1 hectare or greater do not apply to the area available for residential development of the parent site outside the Significant Ecological Areas Overlay as determined under E38.8.2.5(1)(b) above;
 - (d) a plan showing the proposed development on the areas available for residential subdivision must be provided;
 - (e) the proposed development must meet the relevant standards in the residential zones; and
- (3) The indigenous vegetation area scheduled in the Significant Ecological Areas Overlay must be legally protected and maintained in accordance

with the process outlined in [Appendix 15 Subdivision information and process](#); and

- (4) The subdivision resource consent must be made subject to a consent condition which requires that the subdivision scheme plan creating the sites is to be deposited after, and not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation, or area of restoration planting to be protected, as applicable.

E38.8.2.6. Subdivision of sites identified in the Special Character Areas Overlay – Residential and Business

- (1) Proposed sites identified in the Special Character Areas Overlay – Residential and Business must comply with the minimum net site area in Table E38.8.2.6.1 Special Character Overlay – Residential and Business subdivision controls.
- (2) Proposed sites identified in the Special Character Areas Overlay – Residential and Business that are not listed in Table E38.8.2.6.1 must comply with the relevant minimum net site area for that site’s zone in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare.

Table E38.8.2.6.1 Special Character Areas Overlay – Residential and Business subdivision controls

Special Character Areas Overlay – Residential and Business – Sub area	Minimum net site area
Isthmus A	400m ² or 500m ² where the site does not comply with the shape factor
Isthmus B1 and B3	1,000m ²
Isthmus B2	600m ²
Isthmus C1	400m ² or 500m ² where the site does not comply with the shape factor
Isthmus C2	600m ²
Isthmus C2a (refer to Figure E38.8.2.6 below)	1,000m ² on sites identified in Figure E38.8.2.6 below
North Shore Area A*	450m ²
North Shore Area B*	500m ²
North Shore Area C*	600m ²

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*The maps showing North Shore Area A, North Shore Area B, and North Shore Area C can be found in Schedule 15 Special Character Schedule, Statements and Maps.

Figure E38.8.2.6 Isthmus C2a sites

[PC 78 \(see Modifications\)](#)



[new text to be inserted]

E38.8.4. Standards – residential discretionary activities

Subdivision listed as a discretionary activity in Table E38.4.2 Subdivision in residential zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions, E38.8.1 General standards in residential zones and E38.8.3 Standards – residential discretionary activities, as relevant.

E38.8.4.1. Vacant sites subdivision involving parent sites of 1 hectare or greater

- (1) The following standards do not apply to subdivision that is in accordance with existing or concurrently approved land use consents, or for any lots around existing buildings and development.
- (2) Site sizes for proposed vacant sites subdivision in the Residential - Large Lot Zone, Residential - Rural and Coastal Settlement Zone and Residential - Terrace Housing and Apartment Buildings Zone, must meet the minimum net site area for subdivision in the relevant zone as set out in Table E38.8.2.3.1 Minimum net site area for subdivisions involving parent sites of less than 1 hectare above.
- (3) For other residential zones, each vacant site must comply with the minimum net site area in Table E38.8.3.1.1 Minimum net site areas for subdivisions involving parent sites of 1 hectare or greater.
- (4) The minimum average net site area calculated over the total of all sites created must comply with Table E38.8.3.1.1 Minimum net site areas for subdivisions involving parent site of 1 hectare or greater.

Table E38.8.3.1.1 Minimum net site areas for subdivisions involving parent sites of 1 hectare or greater

Zone	Minimum Net Site Area	Minimum Average Net Site area	Maximum Average Net Site area
Single House Zone	480m ²	600m ²	720m ²
[new text to be inserted]	[new text to be inserted]	[new text to be inserted]	[new text to be inserted]
Mixed Housing Suburban Zone	320m ²	400m ²	480m ²
Mixed Housing Urban Zone	240m ²	300m ²	360m ²

- (5) When calculating the minimum average net site area for the purpose of Standard E38.8.3.1(3), any proposed site with a net site area greater

than the maximum average net site area specified for the applicable zone in Table E38.8.3.1.1 Minimum net site areas for subdivision involving parent sites of 1 hectare or greater must be included in the averaging calculation at the figure specified as the maximum average net site area for the applicable zone.

- (6) For all subdivision on a parent site greater than 1 hectare where 30 or more vacant sites are proposed, the total number of rear sites must not exceed five per cent of the total number of proposed sites.

E38.9. Standards for subdivisions in the business zones

Subdivision listed in Table E38.4.3 Subdivision in business zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivision and E38.9.1 General standards for business zones.

E38.9.1. General standards for business zones

E38.9.1.1. Site shape factor in business zones

- (1) All vacant sites must be able to contain a rectangle with an area equal to half the area of the site where the longer sides are no greater than twice the length of the shorter sides to accommodate a building that complies with all applicable controls of the zone and is located outside all of the following:
 - (a) the 1 per cent annual exceedance probability floodplain;
 - (b) the coastal storm inundation 1 per cent annual exceedance probability (AEP) area;
 - (c) the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise area;
 - (d) the coastal erosion hazard area;
 - (e) land which may be subject to land instability;
 - (f) the protected root zone of trees identified in the Notable Trees Overlay;
 - (g) areas identified as significant ecological areas, outstanding natural features, outstanding natural landscapes, outstanding natural character areas or high natural character areas in the Significant Ecological Areas Overlay, the Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay, or the Outstanding Natural Character and High Natural Character Overlay.
 - (h) areas identified as scheduled historic heritage place, or sites and places of significance to Mana Whenua in the Historic Heritage Overlay or the Sites and Places of Significance to Mana Whenua Overlay;

- (i) private and public network utilities;
- (j) private and public stormwater and wastewater lines;
- (k) building line restrictions;
- (l) right-of-way easements;
- (m) area of esplanade reserves required by Standard E38.7.3.2 Subdivision establishing an esplanade reserve;
- (n) yard setback requirements of the zone including riparian, lakeside or coastal protection yards; and
- (o) National Grid Yard (Uncompromised) (except that if the subdivision is for an activity sensitive to the National Grid, the building platform must not be located within the National Grid Yard (Uncompromised or Compromised)).

E38.9.1.2. Parking areas

PC 71 ([see Modifications](#))

- (1) Where parking spaces are permitted in association with a development or required as part of a development, where resource consent has been obtained and any such development is subdivided under the Unit Titles Act 2010, the parking spaces must be:
 - (a) held together with the principal units; or
 - (b) form a part of the common property.
- (2) Any parking spaces identified as a principal unit must be tied to the approved land use by way of a legal instrument on the title.
- (3) Discretion may be applied where specific approval has been granted by resource consent for shared car parking with other development within close proximity to the site.
- (4) This standard does not apply to buildings or land used exclusively for car parking.

E38.9.1.3. Signs and billboards

- (1) Where signs or billboards have been approved on a building with resource consent and the development is subdivided under the Unit Titles Act 2010, the signs or billboards must not be created as principal units on the survey plan. The sign or billboard must be identified as an accessory unit or alternatively form a part of the common property.

E38.9.2. Standards – business restricted discretionary activities

Subdivision listed as a restricted discretionary activity in Table E38.4.3 Subdivision in business zones must comply with the applicable standards for the proposed

subdivision listed in E38.6 General standards for subdivisions, E38.9.1 General standards in business zones and E38.9.2 Standards – business restricted discretionary activities, as relevant.

E38.9.2.1. Subdivision in accordance with an approved land use resource consent

- (1) Any subdivision relating to an approved land use consent must comply with that consent, including all conditions and all approved plans.

E38.9.2.2. Subdivision around existing buildings and development

- (1) Prior to subdivision occurring, all development must:
 - (a) have existing use rights;
 - (b) comply with the relevant overlay, Auckland-wide and zone rules; or
 - (c) be in accordance with an approved land use resource consent.

E38.9.2.3. Vacant sites subdivision

- (1) The following standards do not apply to subdivision that is in accordance with existing or concurrently approved land use consents, or for any lots around existing buildings.
- (2) Site sizes for proposed sites must comply with the minimum net site areas specified in Table E38.9.2.3.1 Minimum net site size and frontage for vacant site subdivision below.
- (3) Rear sites must not exceed 20 per cent of the total number of proposed sites.
- (4) Entrance strips and accessways for rear sites must comply with [Table E27.6.4.3.2 Vehicle crossing and vehicle access widths](#).

Table E38.9.2.3.1 Minimum net site size and frontage for vacant site subdivision

Standard	Business - City Centre Zone	Business - Metropolitan Centre Zone	Business - Town Centre Zone	Business - Local Centre Zone	Business - Neighbourhood Centre Zone
Minimum net site size	200m ²	200m ²	200m ²	200m ²	200m ²
Minimum frontage	10m for sites over 2,000m ²	10m for sites over 2,000m ²	10m for sites over 2,000m ²	N/A	N/A

Standard	Business - Mixed Use Zone	Business - General Business Zone	Business - Business Park Zone	Business - Light Industry Zone	Business - Heavy Industry Zone
Minimum net site size	200m ²	200m ²	1,000m ²	1,000m ²	2,000m ²
Minimum average site size	N/A	N/A	N/A	2,000m ²	5,000m ²
Minimum frontage	N/A	N/A	10m	20m	20m

E38.10. Standards for subdivision in open space zones

E38.10.1. Standards – open space restricted discretionary activities

Subdivision listed in Table E38.4.4 Subdivision in open space zones must comply with the applicable standards for the proposed subdivision listed in E38.6 General standards for subdivisions and E38.10.1 Standards – open space restricted discretionary activities as relevant.

E38.10.1.1. Subdivision in accordance with an approved land use resource consent

- (1) Any subdivision relating to an approved land use consent must comply with that consent, including all conditions and all approved plans.

E38.10.1.2. Subdivision around existing buildings and development

- (1) Prior to subdivision occurring, all development must meet one of the following matters:
 - (a) have existing use rights;
 - (b) comply with the relevant overlay, Auckland-wide and zone rules; or
 - (c) be in accordance with an approved land use resource consent.

E38.11. Assessment – controlled activities

E38.11.1. Matters of control

The Council will reserve control over all of the following matters when assessing a controlled activity resource consent application:

- (1) all controlled activities:
 - (a) compliance with an approved resource consent except for boundary adjustment subdivision;
 - (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces;

PC 78 ([see Modifications](#))

- (c) the effects of infrastructure provision; and
- (d) the effects on historic heritage and cultural heritage items.

[PC 78 \(see Modifications\)](#)

[new text to be inserted]

E38.11.2. Assessment criteria

The Council will consider the relevant assessment criteria for controlled activities from the list below:

[PC 78 \(see Modifications\)](#)

(1) all controlled activities:

(a) compliance with an approved resource consent except for boundary adjustment subdivision:

(i) refer to Policy E38.3(6);

[PC 78 \(see Modifications\)](#)

(b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:

(i) the extent to which the design, size, shape, gradient and location of any site including access, existing buildings, manoeuvring areas and outdoor living space affect the safety of pedestrians and cyclists and other users of the space or access;

(ii) whether the sites created are able to accommodate development in accordance with the relevant Auckland-wide and zone rules; and

(iii) refer to Policy E38.3(1), (10) and (22);

(c) the effects of infrastructure provision:

(i) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and

(ii) refer to Policy E38.3(17); and

(d) the effects on historic heritage and cultural heritage items;

(i) whether the protection or avoidance of any Scheduled Historic Heritage Place, or Site and Places of Significance to Mana Whenua is ensured; and

(ii) refer to Policy E38.3(4).

[PC 78 \(see Modifications\)](#)

[new text to be inserted]

E38.12. Assessment – restricted discretionary activities

E38.12.1. Matters of discretion

The Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:

- (1) subdivision of a site within the 1 per cent annual exceedance probability floodplain:
 - (a) the effects of the hazard on the intended use of the site or sites created by the subdivision and the vulnerability of the uses to flood hazard events.
- (2) subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:
 - (a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events.
- (3) subdivision of a site in the coastal erosion hazard area:
 - (a) the effects of the erosion on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion.
- (4) subdivision of a site subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:
 - (a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use.
- (5) subdivision establishing an esplanade reserve:
 - (a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features.
- (6) subdivision around existing buildings and development; and subdivision in accordance with an approved land use resource consent:
 - (a) the effect of the design and layout of the proposed sites created.
- (7) all other restricted discretionary activity subdivisions:
 - (a) the effect of the design and layout of sites to achieve the purposes of the zone or zones and to provide safe legible and convenient access to a legal road;
 - (b) the effect of infrastructure provision and management of effects of stormwater

- (c) the effect on the functions of floodplains and provision for any required overland flow paths:
 - (d) the effect on historic heritage and cultural heritage items:
 - (e) the effect of the layout, design and pattern of blocks and roads in so far as they contribute to enabling a liveable, walkable and connected neighbourhood;
 - (f) the effect of layout and orientation of blocks and sites on the solar gain achieved for sites created, if relevant;
 - (g) the effects arising from any significant increase in traffic volumes on the existing road network;
 - (h) the visual effect on landscape and on topographical features and vegetation arising from subdivision of sites zoned Residential - Large Lot Zone and Residential - Rural and Coastal Settlement Zone;
 - (i) the provision made for the incorporation and enhancement of land forms, natural features and indigenous trees and vegetation;
 - (j) the effect on recreation and open space.
 - (k) the effect of the design and layout of sites on transport infrastructure and facilities within roads.
- (8) subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay:
- (a) the matters in E38.12.1(7); and
 - (b) the effects on the significant ecological area.
- (9) subdivision of sites identified in the Subdivision Variation Control:
- (a) the matters in E38.12.1(7); and
 - (b) the effects of the pattern and density of subdivisions on the low-density settlement pattern of those areas.

[PC 78 \(see Modifications\)](#)

[new text to be inserted]

E38.12.2. Assessment Criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

- (1) subdivision of a site within the one per cent annual exceedance probability floodplain:

- (a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events:
 - (i) whether measures are proposed to ensure the long term protection of flood plain conveyance functions;
 - (ii) whether the location and design of development including building platforms and access ways are located to avoid the hazard;
 - (iii) the extent to which changes to the landform and the design of mitigation structures/features are necessary for the subdivision; and
 - (iv) refer to Policy E38.3(2).
- (2) subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 metre sea level rise area:
 - (a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events:
 - (i) whether the location and design of development including proposed and existing building platforms and access ways include the ability to relocate uses within the proposed site area, taking into account in urban and serviced areas a 1 metre rise in sea levels;
 - (ii) whether the use of defences to protect the land and any buildings or structures on the land from coastal storm inundation are necessary;
 - (iii) whether there is any residual risk posed by coastal storm inundation to the site(s) associated with any existing or proposed coastal defences;
 - (iv) whether there are effects on landscape values resulting from associated built and/or land form modifications required to provide for the intended use of the site; and
 - (v) refer to Policy E38.3(2).
- (3) subdivision of a site in the coastal erosion hazard area:
 - (a) the effects of the hazard on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion:
 - (i) whether public access to the coast is affected;

- (ii) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and
 - (iii) refer to Policy E38.3(2).
- (4) subdivision of a site subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:
 - (a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use:
 - (i) the extent to which the proposed sites are stable and suitable;
 - (ii) the extent to which the site instability will affect the intended use, including the provision for onsite infrastructure (where applicable) and accessways; and
 - (iii) refer to Policy E38.3(2).
- (5) subdivision establishing an esplanade reserve:
 - (a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features:
 - (i) the extent to which the design purpose and location of the esplanade reserve enables public access and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features; and
 - (ii) refer to Policies E38.3(24), (25) and (26).
- (6) subdivision around existing buildings and development, and subdivision in accordance with an approved land use resource consent:
 - (a) the effect of the design and layout of the proposed sites created:
 - (i) whether the design and layout of the proposed sites create 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).

- (7) all other restricted discretionary activity subdivisions:
- (a) the effect of the design and layout of sites to achieve the purposes of the zone or zones and to provide safe legible and convenient access to a legal road;
 - (i) refer to Policies E38.3(1), (10), (12) and (13).
 - (b) the effect of infrastructure provision and management of effects of stormwater
 - (i) whether there is appropriate provision of and adequate access to existing and new infrastructure, and provision of appropriate management of effects of stormwater;
 - (ii) the extent to which drainage reserves are integrated into the layout of the subdivision and neighbourhood;
 - (iii) whether the design and implementation of any necessary physical works including those associated with site preparation works, infrastructure and access are carried out in accordance with recognised best engineering practice or in accordance with Section 2 - Earthworks and Geotechnical Requirements of the Auckland Council Code of Practice for Land Development and Subdivision Version 1.6 dated 24 September 2013.
 - (iv) refer to Policies E38.3(19) to (23).
 - (c) the effect on the functions of floodplains and provision for any required overland flow paths:
 - (i) refer to Policy E38.3(2).
 - (d) the effect on historic heritage and cultural heritage items:
 - (i) the extent to which any sites identified in the Historic Heritage Overlay, or Sites and Places of Significance to Mana Whenua Overlay are protected or avoided; and
 - (ii) refer to Policy E38.3(4).
 - (e) the effect of the layout, design and pattern of blocks and roads in so far as they contribute to enabling a liveable, walkable and connected neighbourhood;
 - (i) refer to Policy E38.3(10).
 - (f) the effect of layout and orientation of blocks and sites on the solar gain achieved for sites created, if relevant;
 - (i) refer to Policy E38.3(11).

- (g) the effects arising from any significant increase in traffic volumes on the existing road network;
 - (i) refer to Policies E38.3(15) to (17).
- (h) the visual effect on landscape and on topographical features and vegetation arising from subdivision of sites zoned Residential - Large Lot Zone and Residential - Rural and Coastal Settlement Zone;
 - (i) refer to Policy E38.3(3).
- (i) the provision made for the incorporation and enhancement of land forms, natural features and indigenous trees and vegetation;
 - (i) refer to Policy E38.3(14).
- (j) the effect on recreation and open space:
 - (i) the extent to which reserves and open space are provided and their integration with the surrounding open space network and suitability for the intended function and future requirements of the area;
 - (ii) refer to Policy E38.3(18).
- (k) the effect of the design and layout of sites on transport infrastructure and facilities within roads
 - (i) refer to Policy E38.3(15); and
 - (ii) the extent to which the location and design of driveways and vehicle crossings compromises access to and the operation of transport infrastructure and facilities in roads including on-street parking, bus stops, street trees, network utilities and stormwater infrastructure.
- (8) subdivision involving indigenous vegetation scheduled in the Significant Ecological Areas Overlay:
 - (a) the matters in E38.12.1(7);
 - (i) the assessment criteria listed in E38.12.2(7); and
 - (b) the effects on the significant ecological area:
 - (i) whether the legal protection proposed for the significant ecological area is appropriate;
 - (ii) whether there are positive effects associated with the protection of the significant ecological area; and
 - (iii) refer to Policy E38.3(5).

- (9) subdivision of sites identified in the Subdivision Variation Control
 - (a) the matters in E38.12.1(7): and
 - (i) the assessment criteria listed in E38.12.2(7); and
 - (b) the effects of the pattern and density of subdivisions on the low-density settlement pattern of those areas:
 - (i) refer to Policies E38.3(27), (28) and (29).

[PC 78 \(see Modifications\)](#)

[new text to be inserted]

E38.13. Special information requirements

There are no special information requirements in this section.

E39. Subdivision – Rural

E39.1. Introduction

Subdivision is the process of dividing a site or a building into one or more additional sites or units, or changing an existing boundary location.

Objectives, policies and rules in this section apply to subdivision in the following zones:

- Rural – Rural Production Zone, Rural - Mixed Rural Zone, Rural - Rural Coastal Zone, Rural – Rural Conservation Zone and Rural – Countryside Living Zone;
- Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone;
- Future Urban Zone; and
- Special Purpose – Quarry Zone.

For subdivision provisions in all other zones refer to [E38 Subdivision – Urban](#).

E39.2. Objectives

- (1) Land is subdivided to achieve the objectives of the zones, the relevant overlays and Auckland-wide provisions.
- (2) Land is subdivided in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment.
- (3) Land is vested to provide for esplanades, reserves, roads, stormwater, infrastructure and other purposes.
- (4) Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development.
- (5) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.
- (6) Subdivision has a layout which is safe, efficient, convenient and accessible.
- (7) Subdivision manages adverse effects on historic heritage or Māori cultural heritage.
- (8) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of the areas.
- (9) The productive potential of rural land is enhanced through the amalgamation of smaller existing land holdings sites, particularly for sites identified in Appendix 14 Land amalgamation incentivised area, and the transfer of titles to certain Rural – Countryside Living Zone areas.
- (10) Fragmentation of rural production land by:
 - (a) subdivision of land containing elite soil is avoided;
 - (b) subdivision of land containing prime soil is avoided where practicable; and

- (c) subdivision of land avoids inappropriate rural lifestyle lots dispersed throughout rural and coastal areas.
- (11) Subdivision avoids or minimises the opportunity for reverse sensitivity effects between agriculture, horticulture, mineral extraction activities, rural industry, infrastructure and rural lifestyle living opportunities.
- (12) Rural lifestyle subdivision is primarily limited to the Rural – Countryside Living Zone, and to sites created by protecting, restoring or creating significant areas of indigenous vegetation or wetlands.
- (13) Subdivision of any minor dwellings and workers' accommodation from the parent site is avoided.
- (14) Subdivision is provided for, by either:
 - (a) Limited in-situ subdivision through the protection and enhancement of significant indigenous vegetation or wetlands and/or indigenous revegetation planting; or
 - (b) Transfer of titles to the Rural-Countryside Living Zone, through the protection and enhancement of indigenous vegetation and wetlands and/or through indigenous revegetation planting.
- (15) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of rural areas.
- (16) Rural subdivision avoids or minimises adverse effects in areas identified in the Outstanding Natural Features Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay, Outstanding Natural Landscape Overlay and Significant Ecological Areas Overlay.
- (17) Subdivision:
 - (a) outside of urban and serviced areas avoids adverse effects to people, property, infrastructure and the environment from natural hazards;
 - (b) avoids where possible, and otherwise mitigates, adverse effects associated with subdivision for infrastructure or existing urban land uses; and
 - (c) maintains the function of flood plains and overland flow paths to safely convey flood waters while taking into account the likely long term effects of climate change;

E39.3. Policies

- (1) Provide for subdivision which supports the policies of the zones.
- (2) Require subdivision to manage the risk of adverse effects resulting from natural hazards in accordance with the objectives and policies in [E36 Natural hazards and flooding](#), and to provide safe and stable building platforms and vehicle access.

- (3) Manage rural subdivision and boundary adjustments to facilitate more efficient use of land for rural production activities by:
 - (a) restricting further subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone and Rural – Rural Coastal Zone for a range of rural production activities; and
 - (b) providing for the transfer of titles to certain Rural – Countryside Living Zones.
- (4) Require subdivisions to be designed to retain, protect or enhance features including those in the Historic Heritage Places Overlay and Sites and Places of Significance to Mana Whenua Overlay, or otherwise remedy adverse effects.
- (5) Provide for subdivision around existing development and subdivision where it enables creation of sites for uses that are in accordance with an approved land use resource consent, where there is compliance with Auckland-wide and zone rules and appropriate provision is made for areas of common use.
- (6) Provide for minor boundary adjustments which enable a more efficient and effective use of land where there is compliance with Auckland-wide and zone rules.
- (7) Require any staged subdivision to be undertaken in a manner that promotes efficient development.
- (8) Avoid the fragmentation by subdivision of land containing elite soil and avoid where practicable fragmentation by subdivision of land containing prime soil.
- (9) Encourage the amalgamation of small fragmented land parcels identified in [Appendix 14 Land amalgamation incentivised area](#) through transferable rural site subdivision.
- (10) Require any proposal for rural lifestyle subdivision to demonstrate that any development will avoid or mitigate potential reverse sensitivity effects between it and any rural production activities, mineral extraction activities, rural industries and infrastructure.
- (11) Restrict subdivision for rural lifestyle living to where:
 - (a) the site is located in the Rural – Countryside Living Zone;
 - (b) the site is created through the protection/enhancement of significant indigenous vegetation and wetlands; or
 - (c) the site is created through indigenous revegetation planting.
- (12) Enable the transfer of titles to sites in the Rural – Countryside Living Zone which are identified using the subdivision variation control on the planning maps.

- (13) Manage reverse sensitivity conflicts between rural lifestyle living and countryside living and rural production activities by the design and layout of subdivisions and locations of identified building areas and house sites.
- (14) Avoid the subdivision of minor dwellings and workers' accommodation from the parent site in the rural areas.

Protection of indigenous vegetation and wetland and revegetation planting

- (15) Enable:
 - (a) Transfer of titles; and
 - (b) Limited in-situ subdivision through the protection of indigenous vegetation or wetlands identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control or areas meeting the factors for Significant Ecological Areas in Policy B7.2.2(1) and in terms of the descriptors contained in Schedule 3 Significant Ecological Areas - Terrestrial Schedule and indigenous revegetation planting.
- (16) *[deleted]*
- (17) Require indigenous vegetation or wetland within a site being subdivided to be legally protected in perpetuity.
- (18) Provide limited opportunities for in-situ subdivision in rural areas while ensuring that:
 - (a) there will be significant environmental protection of indigenous vegetation including restoration, or wetlands;
 - (b) subdivision avoids the inappropriate proliferation and dispersal of development by limiting the number of sites created;
 - (c) subdivision avoids inappropriate development within areas of the Outstanding Natural Landscape Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay and the coastal environment;
 - (d) adverse effects on rural and coastal character are avoided, remedied or mitigated;
 - (e) sites are of sufficient size to absorb and manage adverse effects within the site; and
 - (f) reverse sensitivity effects are managed in a way that does not compromise the viability of rural sites for continued production.
- (19) Avoid the subdivision of sites in the Quarry Buffer Area Overlay and in areas of significant mineral resources that would result in development that could compromise the operation of mineral extraction activities.

Natural features and landscape

- (20) Require subdivision, including site boundaries and specified building areas and access, to:
- (a) recognise topography including steep slopes, natural features, ridgelines, aspect, water supplies, and existing vegetation;
 - (b) avoid inappropriately located buildings and associated accessways including prominent locations as viewed from public places;
 - (c) avoid adverse effects on riparian margins and protected natural features; and
 - (d) avoid fragmentation of features and landscape in the Significant Ecological Areas Overlay, Outstanding Natural Character Overlay, High Natural Character Overlay, Outstanding Natural Landscapes Overlay, Outstanding Natural Features Overlay or Sites and Places of Significance to Mana Whenua Overlay, or areas between sites.

Esplanade Reserves and Strips

- (21) Require esplanade reserves or strips when subdividing land adjoining the coast and other qualifying water-bodies.
- (22) Avoid reducing the width of esplanade reserves or strips, or the waiving of the requirement to provide an esplanade reserve or strip, except where any of the following apply:
- (a) safe public access and recreational use is already possible and can be maintained for the future;
 - (b) the maintenance and enhancement of the natural functioning and water quality of the adjoining sea, river or other water body will not be adversely affected;
 - (c) the land and water-based habitats on and adjoining the subject land area will not be adversely affected;
 - (d) the natural values, geological features and landscape features will not be adversely affected;
 - (e) any Scheduled Historic Heritage Places and Sites and Places of Significance to Mana Whenua will not be adversely affected;
 - (f) it can be demonstrated that the reduced width of the esplanade reserve or strip is sufficient to manage the risk of adverse effects resulting from natural hazards, taking into account the likely long-term effects of climate change;
 - (g) it can be demonstrated that a full width esplanade reserve or strip is not required to maintain the natural character and amenity of the coastal environment;

- (h) a reduced width in certain locations can be offset by an increase in width in other locations or areas, which would result in a positive public benefit in terms of access and recreation;
 - (i) restrictions on public access are necessary to ensure a level of security for business activities in limited circumstances having regard to Policy B8.4.2(3) relating to public access in the coastal marine area; or
 - (j) direct access to the sea or other water body is required for a business activity in limited circumstances.
- (23) Require esplanade reserves rather than esplanade strips unless any of the following apply:
- (a) land has limited conservation and recreational value;
 - (b) conservation and historic heritage values that are present can be adequately protected in private ownership;
 - (c) opportunity to acquire an esplanade reserve is unlikely to arise but continuity of access is desirable;
 - (d) creation of esplanade strips can secure public benefits and resource management objectives without alienating land from private ownership;
 - (e) land is subject to natural hazards or stability issues taking into account the likely long term effects of climate change; or
 - (f) a marginal strip of at least 20 metres under the Conservation Act 1987 has not been set aside on land that is Treaty Settlement Land.

Amenity

- (24) Require subdivision to avoid creating ribbon development along public roads or multiple access points that may adversely affect the character or amenity values or the adequate functioning of rural roads.
- (25) Require accessways, public walkways and roads to be designed so rural and coastal character and amenity values are maintained or enhanced.
- (26) Restrict the location and design of sites and specified building areas to:
- (a) integrate development with the existing landscape; and
 - (b) ensure the character and amenity values of adjacent sites and the locality are not adversely affected.
- (27) Require rural subdivision to avoid, remedy or mitigate adverse effects on the rural or coastal character and to complement the rural or coastal character of the area.

Infrastructure

- (28) Require infrastructure servicing rural subdivision to avoid, remedy or mitigate adverse effects on rural character and amenity.
- (29) Require all sites capable of containing a building, in areas where service connections are available to a public reticulated network, to be able to connect to the following networks:
- (a) wastewater;
 - (b) stormwater; and
 - (c) potable water.
- (30) Require all new sites capable of containing a building, in areas with no reticulated water supply, stormwater or wastewater network, to be of a size and shape that provides for:
- (a) the treatment and disposal of stormwater in a way that does not lead to significant adverse off-site effects including degraded water quality, erosion, land instability, creation or exacerbation of flooding;
 - (b) management of wastewater via an on-site wastewater treatment system, or approval to connect to a private wastewater network; and
 - (c) potable water.
- (31) Require subdivision to manage stormwater:
- (a) in accordance with any approved stormwater discharge consent or network discharge consent;
 - (b) in a manner consistent with stormwater management policies in [E1 Water quality and integrated management](#);
 - (c) by applying an integrated stormwater management approach to the planning and design of development in accordance with stormwater management policies in [E1 Water quality and integrated management](#);
 - (d) to protect natural streams and maintain the conveyance function of overland flow paths;
 - (e) to maintain or progressively improve water quality;
 - (f) to integrate drainage reserves and infrastructure with surrounding development and public open space networks; and
 - (g) in an integrated and cost-effective way.
- (32) Manage subdivision and development to avoid, remedy or mitigate adverse effects on infrastructure including reverse sensitivity effects, which may compromise the operation and capacity of existing or authorised infrastructure.

- (33) Enable subdivision for network utility purposes while avoiding, remedying or mitigating the adverse effects.

E39.4. Activity table

Tables E39.4.1 to E39.4.5 specify the activity status of subdividing land pursuant to section 11 of the Resource Management Act 1991 within the following zones:

- Rural – Rural Production Zone,
- Rural - Mixed Rural Zone,
- Rural – Rural Coastal Zone,
- Rural – Rural Conservation Zone
- Rural – Countryside Living Zone;
- Rural – Waitākere Foothills Zone
- Rural – Waitākere Ranges Zone;
- Future Urban Zone; and
- Special Purpose – Quarry Zone.

For subdivision within the National Grid Corridor Overlay, the activity status for subdivision in the rural zones as listed in Tables E39.4.1 to E39.4.5 below will apply unless there are different provisions in [D26 National Grid Corridor Overlay](#) in which case the overlay provisions will take precedence.

For all other subdivision refer to [E38 Subdivision – Urban](#).

An activity listed in Table E39.4.1 Subdivision for specified purposes may only comprise a specific element of a subdivision activity. The other elements of a subdivision may also be listed in Tables E39.4.2 Subdivision in rural zones, E39.4.3 Subdivision in Future Urban Zone, E39.4.4 Subdivision in Special Purpose – Quarry Zone and E39.4.5 Subdivision in Rural - Waitākere Foothills Zone and Rural – Waitākere Ranges Zone.

Where a proposed subdivision activity fits into activities listed in Table E39.4.1 and those listed in Tables E39.4.2, E39.4.3, E39.4.4, or E39.4.5, then the activity status listed for each activity in each table also applies.

Refer to [D12 Waitākere Ranges Heritage Area Overlay](#) for areas and sites subject to specific subdivisions provisions in the Waitākere Ranges Heritage Area.

Table E39.4.1 Subdivision for specified purposes

Activity		Activity status
(A1)	Lease in excess of 35 years of a building or part of a building where a cross-lease, company lease, or unit title subdivision is not involved	P
(A2)	Subdivision for a network utility	P
(A3)	Amendments to cross-lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners	C
(A4)	Boundary adjustments not exceeding 10 per cent of the original site area and meeting Standard E39.6.3.2	C
(A5)	Subdivision establishing an esplanade reserve	RD
(A6)	Subdivision establishing an esplanade strip	D

(A7)	Any reduction or waiver of esplanade reserves or strips	D
(A8)	Subdivision of land within any of the following natural hazard areas: <ul style="list-style-type: none"> • 1 per cent annual exceedance probability floodplain; • coastal storm inundation 1 per cent annual exceedance probability (AEP) area; • coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area; • coastal erosion hazard area; or • land which may be subject to land instability. 	RD
(A9)	Any subdivision listed in this table not meeting standards in E39.6.1	D
(A10)	Boundary adjustments unable to comply with controlled activity rule and standards in E39.6.3.2 and E39.6.3	D

Table E39.4.2 Subdivision in rural zones (excluding Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone)

Activity		Activity status
(A11)	Subdivision for open spaces, reserves or road realignment	D
(A12)	Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone complying with Standard E39.6.5.1	D
(A13)	Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone and Rural – Rural Conservation Zone not complying with Standard E39.6.5.1	NC
(A14)	Subdivision in the Rural – Countryside Living Zone complying with Standard E39.6.5.2	D
(A15)	Subdivision in the Rural – Countryside Living Zone not complying with Standard E39.6.5.2	NC
(A16)	In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay, and complying with Standard E39.6.4.4	RD
(A17)	In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay not complying with Standard E39.6.4.4	NC
(A17A)	In-situ subdivision creating additional sites through protection of indigenous vegetation or freshwater wetland shown on the Kawau Island Rural Subdivision SEA Control up to a maximum of 6 sites from protection of indigenous vegetation and 2 sites from protection of freshwater wetland complying with Standards E39.6.4.4(2) to (12) (except that Standard E39.6.4.4(2B) does	RD

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	not apply) on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA 106B/436) and Part Island of Kawau (CFR NA55B/931).	
(A17B)	In-situ subdivision creating additional sites through protection of indigenous vegetation or freshwater wetland shown on the Kawau Island Rural Subdivision SEA Control on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA 106B/436) and Part Island of Kawau (CFR NA55B/931) not complying with Standards E39.6.4.4(2) to (12) (except that Standard E39.6.4.4(2B) does not apply).	NC
(A17C)	In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and complying with Standard E39.6.4.4	RD
(A17D)	In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and not complying with Standard E39.6.4.4	NC
(A18)	In-situ subdivision creating additional sites through establishing revegetation planting and complying with Standard E39.6.4.5	RD
(A19)	In-situ subdivision creating additional sites through establishing revegetation planting not complying with Standard E39.6.4.5	NC
(A20)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay complying with Standard E39.6.4.6	RD
(A21)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay not complying with Standard E39.6.4.6	NC
(A21A)	Transferable rural sites subdivision through protection of indigenous vegetation or freshwater wetland shown on the Kawau Island Rural Subdivision SEA Control up to a maximum of 76 sites from protection of indigenous vegetation and 6 sites from protection of freshwater wetland complying with Standard E39.6.4.6 (except that Standards E39.6.4.4(1) and E39.6.4.4(2B) do not apply) on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA1068/436) and Part Island of Kawau (CFR NA558/931).	RD
(A21B)	Transferable rural sites subdivision through protection of indigenous vegetation or freshwater wetland shown on the Kawau Island Rural Subdivision SEA Control on land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA1068/436) and Part Island of Kawau (CFR	NC

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	NA558/931) not complying with Standard E39.6.4.6 (except that Standards E39.6.4.4(1) and E39.6.4.4(2B) do not apply).	
(A21C)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and complying with Standard E39.6.4.6	RD
(A21D)	Transferable rural sites subdivision through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) and not complying with Standard E39.6.4.6	NC
(A22)	Transferable rural sites subdivision through establishing revegetation planting complying with Standard E39.6.4.6	RD
(A23)	Transferable rural sites subdivision through establishing revegetative planting not complying with Standard E39.6.4.6	NC
(A24)	Transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land amalgamation incentivised area complying with Standard E39.6.4.7	RD
(A25)	Transferable rural sites subdivision through the amalgamation of donor sites including sites identified in Appendix 14 Land amalgamation incentivised area not complying with Standard E39.6.4.7	NC
(A26)	Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A27)	Any other subdivision not provided for in Tables E39.4.1 or E39.4.2	NC

Table E39.4.3 Subdivision in Future Urban Zone

Activity		Activity status
(A28)	Subdivision for open spaces, reserves or road realignment	D
(A29)	Any other subdivision not provided for in Table E39.4.1 or E39.4.3	NC

Table E39.4.4 Subdivision in Special Purpose – Quarry Zone

Activity		Activity status
(A30)	Any other subdivision not provided for in Table E39.4.1	D

Table E39.4.5 Subdivision in Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone

Activity		Activity status
(A31)	Subdivision in the Rural – Waitākere Foothills Zone creating site	C

	size with a minimum site size of 4ha complying with Standard E39.6.3.2	
(A32)	Subdivision in the Rural – Waitākere Foothills Zone creating site size less than 4ha in site area and not complying with Standard E39.6.3.2, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	D
(A33)	Subdivision in the Rural – Waitākere Ranges Zone creating a minimum net site area of 2ha and complying with Standard E39.6.5.3	D
(A34)	Subdivision in the Rural – Waitākere Ranges Zone not complying with Standard E39.6.5.3, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	Pr
(A35)	Subdivision of the minor dwelling from the principal dwelling where the proposed sites do not comply with the minimum site size requirement for subdivision in the applicable zone	Pr
(A36)	Subdivision in the Rural – Waitākere Foothills Zone or Rural – Waitākere Ranges Zone not otherwise provided for in Tables E39.4.1 and E39.4.5, unless otherwise provided for in D12 Waitākere Ranges Heritage Area Overlay	NC
(A37)	<i>[deleted]</i>	

E39.5. Notification

- (1) An application for resource consent for a controlled activity listed in Table E39.4.1 or Table E39.4.5 will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Tables E39.4.1 to E39.4.5 and which is not listed in E39.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

E39.6. Standards

Subdivision listed in Tables E39.4.1 to E39.4.5 must comply with the relevant standards in E39.6.1 General standards (except as otherwise provided in Standard E39.6.5.1(2)), and the relevant standards for permitted, controlled, restricted discretionary and discretionary activities in E39.6.2 to E39.6.5.

E39.6.1. General standards

E39.6.1.1. Specified building area

- (1) A specified building area must be clearly identified on every site on a subdivision scheme plan on which a building is to be constructed.
- (2) Where the site contains an existing dwelling at the time the subdivision application is made, the specified building area must include:

- (a) the location of the existing dwelling;
 - (b) indicate that the dwelling will be removed from the site; or
 - (c) the new location of the existing dwelling that will be relocated.
- (3) The specified building area must meet all of the following:
- (a) include a single area of at least 2,000m² clear of all of the following:
 - (i) all yards;
 - (ii) one per cent annual exceedance probability floodplain areas;
 - (iii) coastal storm inundation 1 per cent annual exceedance probability (AEP) area;
 - (iv) coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;
 - (v) coastal erosion hazard area;
 - (vi) land which may be subject to land instability;
 - (vii) access to all proposed building platforms or areas; and
 - (viii) on-site private infrastructure required to service the intended use of the site.
 - (b) be able to be linked by adequate and appropriate vehicle access to a formed public road;
 - (c) be identified as the only place within the site where dwellings, any accessory buildings, and related parking and manoeuvring areas can be located; and
 - (d) be located outside of the Quarry Buffer Area Overlay.

E39.6.1.2. Access and entrance strips

- (1) All proposed sites must be provided with legal and physical access to a road, unless they meet one of the following:
- (a) are being created for reserves, network utilities or road closure; or
 - (b) will be amalgamated with another site that already has legal and physical access to a road.

E39.6.1.3. Services

- (1) For all proposed sites capable of containing a building, or for cross-lease, unit title, strata title or company lease, each building must be designed and located so that provision is made for all of the following services:
- (a) collection, treatment and disposal of stormwater;

- (b) collection, treatment and disposal of wastewater;
 - (c) water supply;
 - (d) electricity supply; and
 - (e) telecommunications.
- (2) Where no reticulated water supply is available, sufficient water supply and access to water supplies for firefighting purposes in accordance with the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008 must be provided.

E39.6.1.4. Staging

- (1) Where a subdivision is to be carried out in stages, the applicant must provide adequate detail of the proposed timetable and sequencing of the staging at the time they apply for the overall subdivision consent. This detail must include all of the following:
- (a) the time period over which the development is likely to take place;
 - (b) the areas of land subject to the proposed stages; and
 - (c) the balance area of the site remaining after the completion of each stage.

E39.6.1.5. Overland flow paths

- (1) All subdivision must be designed to incorporate overland flow paths existing on the site.
- (2) Stormwater must exit the site in a location that does not increase the risks of hazards to downstream properties.

E39.6.1.6. Existing vegetation on the site

- (1) All subdivision plans, excluding boundary adjustments subdivision plans, must show any of the following features that exist on, or on the boundary of, the land being subdivided:
- (a) any areas identified as a Significant Ecological Area in the [D9 Significant Ecological Areas Overlay](#); or
 - (b) any other areas of indigenous vegetation, wetlands, waterways, streams, rivers and lakes.

E39.6.2. Standards – permitted activities

Subdivision listed as a permitted activity in Table E39.4.1 Subdivision for specified purposes must comply with the relevant standards in E39.6.1 General standards, and E39.6.2 Standards – permitted activities.

E39.6.2.1. Lease in excess of 35 years of a building or part of a building where a cross-lease, company lease or unit title subdivision is not involved

- (1) The subject building must be lawfully established.
- (2) The boundaries of the proposed sites must follow existing or proposed walls, ceilings and floors.
- (3) The scheme plan must show the proposed sites in relation to the exterior of the building and provide upper and lower elevations in terms of a datum to be established.
- (4) Each lease area must have either frontage to a legal road or allow for access through common areas to a legal road.

E39.6.2.2. Subdivision for a network utility

- (1) The network utility activity must meet one of the following:
 - (a) be a permitted activity pursuant to [E26 Infrastructure](#); or
 - (b) have all resource consents or notices of requirements approved.
- (2) A covenant or consent notice must be required to state that land that is no longer required for the network utility after it disestablishes, must be amalgamated with the adjoining land.
- (3) The balance sites must comply with the relevant overlays, Auckland-wide and zone standards, other than the minimum site size, unless resource consent has been granted for any infringements.
- (4) Sites must have access to a legal road through an appropriate legal mechanism.

E39.6.3. Standards - controlled activities

Subdivision listed as a controlled activity in Table E39.4.1 Subdivision for specified purposes and Table E39.4.5 Subdivision in Rural – Waitākere Foothills Zone and Rural – Waitākere Ranges Zone must comply with the relevant standards in E39.6.1 General standards and in E39.6.3 Standards – controlled activities.

E39.6.3.1. Amendments to cross-lease or unit title, including additions and alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners

- (1) All buildings must meet one of the following:
 - (a) have existing use rights;
 - (b) comply with the relevant overlays, Auckland-wide and zone standards;
or
 - (c) be in accordance with an approved land use resource consent.

- (2) All areas to be set aside for the exclusive use of each building or unit must be shown on the survey plan, in addition to any areas to be used for common access or parking or other such purpose.
- (3) Subdivision consent affecting a building or any part of a building, any proposed covenant, unit or accessory unit boundary, must not result in any infringements of any relevant overlays, Auckland-wide and zone rules.
- (4) Parking spaces must not be created as principal units, unless provided for by a resource consent, and only created as accessory units or common areas when associated with an approved use or activity.
- (5) All service connections and on-site infrastructure must be located within the boundary of the site they serve or have access provided by an appropriate legal mechanism.

E39.6.3.2. Boundary adjustments that do not exceed 10 per cent of the original site size

- (1) All sites prior to the boundary adjustment must be contained within the same zone.
- (2) All service connections and on-site infrastructure must be located within the boundary of the site they serve, or have legal rights provided by an appropriate legal mechanism.
- (3) All sites must remain compliant with the applicable minimum site area and minimum average site area for the relevant zones.
- (4) Boundary adjustments must not result in the creation of additional titles.
- (5) If any boundary adjustment under this control creates the potential for additional subdivision creating additional sites or additional dwellings over and above what was possible for each site prior to the boundary adjustment a legal covenant or consent notice under s. 221 of the RMA is to be registered on the titles prohibiting any further such subdivision or new dwellings under Rules in Chapters E39 and H19.

E39.6.4. Standards – restricted discretionary activities

Subdivision listed as a restricted discretionary activity in Table E39.4.1 Subdivision for specified purposes or Table E39.4.2 Subdivision in rural zones must comply with the relevant standards set out in E39.6.1 General standards and E39.6.4 Standards – restricted discretionary activities unless otherwise specified.

E39.6.4.1. Subdivision establishing an esplanade reserve

- (1) Any subdivision involving the creation of sites less than 4 hectare which adjoins the line of the mean high water springs, or the bank of a river or stream 3 metres or more in width, or any lake, must provide a minimum 20 metre wide esplanade reserve in accordance with section 230 of the

Resource Management Act 1991. This must be shown on the application plan and the subsequent land transfer plan.

- (2) The esplanade reserve must be measured in a landward direction at 90 degrees to the line of mean high water springs, or the bank of a river, stream or the margin of any lake.
- (3) Standards E39.6.4.1(1) and (2) do not apply to the subdivision of Treaty Settlement Land where a marginal strip of at least 20 metres has been set aside under the Conservation Act 1987.

E39.6.4.2. Subdivision of a site within the one per cent annual exceedance probability floodplain

- (1) Each proposed site within the one per cent floodplain that is to contain a more vulnerable activity must meet one of the following:
 - (a) contain a specified building area that meets the requirements of Standard E39.6.1 General standards; or
 - (b) be in accordance with a land use consent that authorises development or building in the floodplain.

E39.6.4.3. Subdivision of land in the coastal erosion hazard area; or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area

- (1) Each proposed site on land in the coastal erosion hazard area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) area must demonstrate that all of the relevant areas/features in (a) to (c) below are located outside of any land subject to coastal erosion or coastal storm inundation:
 - (a) a specified building area that meets the requirements of Standard E39.6.1 General standards;
 - (b) access to all proposed building platforms or areas; and
 - (c) on-site private infrastructure required to service the intended use of the site.

E39.6.4.4. In-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; and in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Areas factors identified in Policy B7.2.2(1)

Refer to Appendix 15 Subdivision information and process for further information in relation to in-situ subdivisions.

- (1) The indigenous vegetation or wetland to be protected must either be:

- (a) identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; or
 - (b) must be assessed by a suitably qualified and experienced person (e.g. for example, ecologist) who must determine that it meets one or more of the Significant Ecological Areas factors identified in Policy B7.2.2(1) and detailed in the factors and sub-factors listed in Schedule 3 Significant Ecological Areas – Terrestrial Schedule. A report by that person must be prepared and must be submitted to support the application.
- (2) The maximum number of sites created from the protection of an indigenous vegetation or wetland must comply with Table E39.6.4.4.1

Table E39.6.4.4.1 Maximum number of new rural residential sites to be created from protection of indigenous vegetation or wetland either identified in Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control or meeting the Significant Ecological Areas factors identified in Policy B7.2.2(1).

FEATURE PROTECTED	TRANSFERABLE RURAL SITE SUBDIVISION (TRSS) YIELD		IN-SITU SUBDIVISION YIELD	
	AREA OF FEATURE PROTECTED	MAXIMUM NUMBER OF NEW SITES FOR TRSS	AREA OF FEATURE PROTECTED	MAXIMUM NUMBER OF NEW IN-SITU SITES
INDIGENOUS VEGETATION	2ha – 9.9999ha	1	4ha – 9.9999ha	1
	10ha-14.9999ha	2	10ha – 20ha	2
	15ha – 19.9999ha	3	Thereafter for every additional 10ha	+1 To a total of 12 maximum
	20ha – 30ha	4		
	Thereafter for every additional 10ha	+1 No maximum		
WETLAND	0.5ha – 0.9999ha	1	0.5ha – 1.9999ha	1
	1ha – 1.9999ha	2	2ha – 3.9999ha	2
	2ha – 3.9999ha	3	4ha and over	3 maximum
	4ha – 9ha	4		
	Thereafter for every additional 5ha	+1 No maximum		

Note 1 for Table E39.6.4.4.1:

Where indigenous vegetation is proposed to be protected using Table E39.6.4.4.1. the area of indigenous vegetation protected can consist of either indigenous vegetation identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) or a combination of both. Where a wetland is proposed to be protected using Table

E39.6.4.4.1 the area of wetland can consist of either wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) or a combination of both. For example, where the indigenous vegetation comprises 1 ha of indigenous vegetation identified in the Significant Ecological Areas Overlay and 1 ha meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) the 2ha area will be sufficient to generate one site for TRSS.

Note 2 for Table E39.6.4.4.1:

If Rules (A17A) or (A17B) are used to create in-situ sites through protection of indigenous vegetation or freshwater wetland, the number of in-situ sites created must be subtracted from the maximum number of sites that may be created for Transferable Rural Site Subdivision under Rules (A21A) or (A21B).

Note 3 for Table E39.6.4.4.1:

If Rules (A21A) or (A21B) are used to create Transferable Rural Site Subdivision through protection of indigenous vegetation or freshwater wetland, any number of sites created over 70 through the protection of indigenous vegetation or any number of sites created over 4 through the protection of freshwater wetland must be subtracted from the maximum number of in-situ sites that may be created under Rules (A17A) or (A17B).

- (2A) The maximum number of in-situ sites created through any combination of the protection of indigenous vegetation, wetland and established native revegetation planting under E39.6.4.4 and E39.6.4.5 must not exceed a cumulative total of 12 sites.
- (2B) Where a combination of TRSS and in-situ sites are proposed to be created in one subdivision application through the protection of indigenous vegetation (SEA) or wetland, the number of new sites for TRSS must be calculated first using the upper threshold of the area required by Table E39.6.4.4.1 for each TRSS site. The number of new in-situ sites shall then be calculated using the area required by Table E39.6.4.4.1 for each in-situ site. The cumulative maximum number of in-situ sites must not be exceeded.
- (3) A 20 metre buffer is to be applied to the perimeter of the wetland and included as part of the protected area.
- (4) The additional in-situ sites must be created on the same site as the indigenous vegetation subject to protection.

Note: Standard E39.6.4.6 provides a separate subdivision option to enable the transfer of additional lots created via Standard E39.6.4.4.

- (5) The additional in-situ sites must have a minimum site size of 1 hectare and a maximum site size of 2 hectares.

- (6) Any indigenous vegetation or wetland proposed to be legally protected in accordance with [Appendix 15 Subdivision information and process](#) must be identified on the subdivision scheme plan.
- (7) Areas of indigenous vegetation or wetland to be legally protected as part of the proposed subdivision must not already be subject to legal protection.
- (8) Areas of indigenous vegetation or wetland to be legally protected as part of the proposed subdivision must not have been used to support another transferable rural site subdivision or subdivision under this Plan or a previous district plan.
- (9) The subdivision resource consent must be made subject to a condition requiring the subdivision plan creating the sites to be deposited after, and not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation or wetland.
- (10) All applications must include all of the following:
 - (a) a plan that specifies the protection measures proposed to ensure the indigenous vegetation or wetland and buffer area remain protected in perpetuity. Refer to legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting as set out in [Appendix 15 Subdivision information and process](#) for further information;
 - (aa) the planting plan for restorative planting must follow the specifications as set out in Appendix 15 Subdivision information and process that specifies any restoration measures proposed to be carried out within or adjacent to the indigenous vegetation or wetland proposed to be protected;
 - (b) the plans required in E39.6.4.4(10)(a) must be prepared by a suitably qualified and experienced person.
- (11) Indigenous vegetation or wetland to be protected must be made subject to a legal protection mechanism meeting all of the following:
 - (a) protection of all the indigenous vegetation or wetland and buffer existing on the site at the time the application is made, even if this means protecting vegetation or a wetland larger than the minimum qualifying area; and
 - (b) consistent with the legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting as set out in [Appendix 15 Subdivision information and process](#).
- (12) All applications must include a management plan that includes all of the following matters, which must be implemented prior to the Council issuing a section 224(c) certificate:

- (a) the establishment of secure stock exclusion;
- (b) the maintenance of the indigenous vegetation or wetland must ensure that all invasive plant pests are eradicated; and
- (c) the maintenance of the indigenous vegetation or wetland must ensure animal and plant pest control occurs.

E39.6.4.5. In-situ subdivision creating additional sites through establishing indigenous revegetation planting

- (1) Any established revegetation planting must meet all of the following:
 - (a) not be located on land containing elite soil or prime soil;
 - (b) be located outside any Outstanding Natural Character, High Natural Character or Outstanding Natural Landscape overlays;
 - (c) be contiguous with existing indigenous vegetation or wetland identified in the Significant Ecological Area Overlay or meeting the Significant Ecological Area factors identified in Policy B7.2.2(1); and
 - (d) the criteria as set out in Appendix 15 Subdivision information and process and [Appendix 16 Guideline for native revegetation plantings](#).
- (2) The maximum number of new sites created through establishing revegetation planting must comply with Table E39.6.4.5.1.

Table E39.6.4.5.1 Maximum number of new sites from establishing native revegetation planting (to be added to existing indigenous vegetation or wetland identified in the Significant Ecological Area Overlay or meeting the Significant Ecological Areas factors identified in Policy B7.2.2.(1)) subject to protection

TRANSFERABLE RURAL SITE SUBDIVISION (TRSS) YIELD		IN-SITU SUBDIVISION YIELD	
ESTABLISHED AREA OF NATIVE REVEGETATION PLANTING PROTECTED	MAXIMUM NUMBER OF NEW SITES FOR TRSS	ESTABLISHED AREA OF NATOVE REVEGETATION PLANTING PROTECTED	MAXIMUM NUMBER OF NEW IN-SITU SITES
5ha – 9.9999ha	1	5ha – 9.9999ha	1
10ha – 14.9999ha	2	10ha – 14.9999ha	2
15ha – 19.9999ha	3	15ha and over	3 maximum
20ha – 24.9999ha	4		
Thereafter for every additional 5ha	+1 to maximum of 6		

- (2A) The maximum number of in-situ sites created through any combination of the protection of established native revegetation planting, indigenous

vegetation and wetland under E39.6.4.4 and E39.6.4.5 must not exceed a cumulative total of 12 sites.

- (2B) Where a combination of TRSS and in-situ sites are proposed to be created in one subdivision application through the protection of established native revegetation planting, the number of new sites for TRSS must be calculated first using the upper threshold of the area required by Table E39.6.4.5.1 for each TRSS site. The number of new in-situ sites shall then be calculated using the area required by Table E39.6.4.5.1 for each in-situ site. The cumulative maximum number of in-situ sites must not be exceeded.
- (3) Any new in-situ site must have a minimum site size of 1 hectare and a maximum site size of 2 hectares.
- (4) Any established revegetation planting proposed must be legally protected.
- (5) Areas subject to revegetation planting must be subject to a legal protection mechanism that:
- (a) protects all the existing indigenous vegetation on the site at the time of application as well as the additional area subject to any revegetation planting; and
 - (b) meets the requirements as set out in [Appendix 15 Subdivision information and process](#).
- (6) All applications must include all of the following:
- (a) a plan that specifies the protection measures proposed to ensure the indigenous vegetation and buffer area remain protected in perpetuity. Refer to the legal protection mechanism to protect indigenous vegetation, wetland or revegetation planting as set out in [Appendix 15 Subdivision information and process](#) for further information;
 - (b) a planting plan for revegetation planting which outlines the revegetation planting proposed to be carried out within or adjacent to the indigenous vegetation proposed to be protected in accordance with [Appendix 15 Subdivision information and process](#) and [Appendix 16 Guideline for native revegetation plantings](#) ; and
 - (c) the plans required in E39.6.4.5(6)(a) and (b) must be prepared by a suitably qualified and experienced person.
- (7) All applications must include a management plan that includes all of the following matters, which must be implemented prior to the Council issuing a section 224(c) certificate:
- (a) the establishment of secure stock exclusion;
 - (b) the maintenance of plantings that must occur until the plantings have reached a sufficient maturity to be self-sustaining, and have reached

80 per cent canopy closure. The survival rate must ensure a minimum 90 per cent of the original density and species;

- (c) the maintenance of plantings must include the ongoing replacement of plants that do not survive;
 - (d) the maintenance of plantings must ensure that all invasive plant pests are eradicated from the planting site both at the time of planting and on an on-going basis to ensure adequate growth; and
 - (e) the maintenance of plantings must ensure animal and plant pest control occurs.
- (8) The subdivision resource consent must be made subject to a condition that requires the subdivision plan creating the sites to be deposited after, and not before, the protective covenant has been registered against the title of the site containing the covenanted indigenous vegetation to be protected.

E39.6.4.6. Transferable rural site subdivision through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; or transferable rural sites subdivision through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1); or transferable rural sites subdivision through establishing revegetation planting

Refer to [Appendix 15 Subdivision information and process](#) and [Appendix 16 Guideline for native revegetation plantings](#) for further information on transferable rural sites subdivisions and revegetation planting.

- (1) All transferable rural sites subdivisions applications involving protection of indigenous vegetation or wetlands must meet all of the standards that are applicable for:
 - (a) the protection of indigenous vegetation or wetlands identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control as set out in Standard E39.6.4.4; or
 - (aa) the protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors identified in Policy B7.2.2(1) as set out in Standard E39.6.4.4: or
 - (b) the creation of sites through establishing revegetation planting as set out in Standard E39.6.4.5.

(2) *[deleted]*

- (3) A donor site (being the site with the indigenous vegetation, wetland or the revegetation planting to be protected) must not be the same site as a receiver site.
- (4) The receiver site must be located within a Rural – Countryside Living Zone and be identified as an eligible receiver site by the subdivision variation control on the planning maps.
- (5) Sites being subdivided must have a minimum net site area and average net site area that complies with the transferable rural sites subdivision in the Rural – Countryside Living Zone as set out in Table E39.6.5.2.1 Minimum and average net site areas.
- (6) The subdivision resource consent must be made subject to a condition requiring the subdivision plan creating the receiver site or sites to be deposited after, and not before, the protective covenant has been legally registered against the title containing the covenanted indigenous vegetation or wetland as applicable.

E39.6.4.7. Transferable rural site subdivision through the amalgamation of donor sites, including sites identified in Appendix 14 Land amalgamation incentivised area

- (1) Prior to amalgamation of donor sites, all applications for amalgamation of donor sites must meet the following:
 - (a) donor sites must be abutting;
 - (b) one of the two donor sites must not contain a dwelling unless the resulting amalgamated site is permitted by this Plan to have more than one dwelling;
 - (c) donor sites must be zoned either Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone or Rural - Rural Conservation Zone;
 - (d) the land must contain at least 90 per cent elite soil or prime soil. The applicant must provide a detailed Land Use Capability (LUC) soil assessment confirming that donor sites contain at least 90 per cent elite land or prime land. The assessment must be prepared by a suitably qualified and experienced person;
 - (e) each site must have a net site area of between 1 and 20 hectares;
 - (f) sites must have been in existence, or be shown on an approved scheme plan of subdivision; and
 - (g) sites must not comprise part or all of a closed road, road severance, or designation.
- (2) Following amalgamation of donor sites, all donor sites must meet all of the following:

- (a) be held in a single certificate of title;
 - (b) rescinded in such a way that replacement titles cannot be reissued;
 - (c) made subject to a legal protection mechanism that states all of the following:
 - (i) the residential development rights attaching to the donor sites have been used to create a transferable rural sites subdivision under the Plan and must not accommodate any further residential development unless it is allowed as a permitted activity subject to the relevant zone rules or by the granting of a resource consent;
 - (ii) the new site cannot be further subdivided other than by amalgamation with another qualifying site or by boundary adjustment; and
 - (iii) the new site has no further potential to be used for the purpose of a transferable rural sites subdivision.
- (3) Following amalgamation of donor sites, all receiver sites must meet all of the following:
- (a) be subdivided into no more sites than those permitted by Table E39.6.4.7.1 Maximum number of new sites for transfer from the amalgamation of sites;

Table E39.6.4.7.1 Maximum number of new sites for transfer from the amalgamation of sites

Transferable rural sites subdivision by way of amalgamation	
Criteria	Maximum Number of new sites for transfer
Amalgamation of two eligible donor sites as identified in Appendix 14 Land amalgamation incentivised area and complying with Standard E39.6.4.7(1)	Two new sites for every two donor sites amalgamated
Amalgamation of two eligible donor sites outside the land amalgamation incentivised area and complying with Standard E39.6.4.7(1)	One new site for every two donor sites amalgamated

- (b) the donor site must not be the same site as a receiver site;
- (c) be located within sites zoned as Rural – Countryside Living Zone and be identified as an eligible receiver site by the Subdivision Variation Control on the planning maps;
- (d) have a minimum net site area complying with the minimum net site area and average net site area with transferable rural sites subdivision as set out in Table E39.6.5.2.1 Minimum and average net site areas;

- (e) be made subject to a condition of subdivision consent that requires the subdivision plan creating the receiver site or sites to be deposited after, and not before, the plan of subdivision for the amalgamation of donor sites has been deposited.

E39.6.5. Standards – discretionary activities

Subdivision listed as a discretionary activity in Table E39.4.2 and Table E39.4.5 must comply with the relevant standards in E39.6.1 General standards and E39.6.5 Standards – discretionary activities.

E39.6.5.1. Subdivision in the Rural – Rural Production Zone, Rural – Mixed Rural Zone, Rural – Rural Coastal Zone, and Rural – Rural Conservation Zone

- (1) Subdivision in these rural zones must meet the minimum average site size and minimum site size requirement as set out in Table E39.6.5.1.1 Minimum average site size and minimum site size for subdivision.

Table E39.6.5.1.1 Minimum average site size and minimum site size for subdivision

Zone	Minimum average site size (ha)	Minimum site size (ha)
Rural – Rural Production	100	80
Rural – Mixed Rural	50	40
Rural – Rural Coastal	50	40
Rural – Rural Conservation	20	10

- (2) Subdivision of the land described as at 14 March 2018 as Lot 1 Deposited Plan 173316, Deposited Plan 25125 and Deposited Plan 7067 (CFR NA106B/436) and Part Island of Kawau (CFR NA55B/931)
- (a) Is not required to comply with General Standards E39.6.1.1 to E39.6.1.5 where the subdivision resource consent is made subject to a legal mechanism to ensure no dwellings can be established on the new sites created (although this mechanism shall not affect the establishment of dwellings on the balance parent site):
- (b) Shall be deemed to meet the access requirements in Standards E39.6.1.1 (3)(b) and E39.6.1.2 if access by sea to the proposed sites is provided.

E39.6.5.2. Subdivision in the Rural – Countryside Living Zone

- (1) Subdivision in the Rural – Countryside Living Zone must meet all of the following:
- (a) proposed site sizes and average net site areas must comply with the minimum net site areas specified in Table E39.6.5.2.1 Minimum and average net site areas;

- (b) the average net site area of all sites following subdivision must be calculated per subdivision scheme plan, and no credits will be carried forward to future subdivision scheme plans;
- (c) the minimum frontage for all front sites must be 15 metres; and
- (d) the minimum frontage for rear sites must be 6 metres.

Transferable rural site subdivision receiver sites must be located in the Rural – Countryside Living Zone locations listed in Table E39.6.5.2.1 Minimum and average net site areas and be identified as eligible receiver sites by the Subdivision Variation Control on the planning maps.

In this table, N/A means the transferable rural site subdivision mechanism is not provided for in that particular location.

Table E39.6.5.2.1 Minimum and minimum average net site areas

Location of Rural – Countryside Living Zone	Minimum net site area and average net site area without transferable rural site subdivision	Minimum net site area and average net site area with transferable rural site subdivision
Rural – Countryside Living Zone areas not identified below	Minimum: 2ha	N/A
Wellsford Kaukapakapa Helensville	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
Warkworth	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
Matakana Kumeu - Huapai Paremoremo - Albany Heights	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
Algies Bay	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
Puhoi Parakai	Minimum: 2ha	Minimum: 8,000m ² Average: 1ha
Waimauku	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
South Rodney	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
Whitford (excluding precinct and Caldwells Road)	Minimum: 2ha Minimum average: 4ha	N/A
Whitford – Caldwells Road	Minimum: 1ha Minimum average: 2ha	N/A

Location of Rural – Countryside Living Zone	Minimum net site area and average net site area without transferable rural site subdivision	Minimum net site area and average net site area with transferable rural site subdivision
Papakura	Minimum: 1ha	N/A
Point Wells	Minimum: 5,000m ² Minimum average: 7,500m ²	N/A
Runciman	Minimum: 2ha	Minimum: 8,000m ² Minimum average: 1ha
Swanson (outside precinct)	Minimum: 4ha	N/A
Okura East	Minimum: 4ha	N/A

E39.6.5.3. Subdivision in Rural – Waitākere Ranges Zone

- (1) The average site size must be greater than 4 hectares.
- (2) The average site size must be calculated over the net site area of the site as it existed as of 14 October 1995.
- (3) The minimum net site area must be 2 hectares.
- (4) The subdivision must not create any new road.
- (5) Subdivision must not create development or establishment of buildings within land areas identified in the Significant Ecological Areas Overlay.

E39.7. Assessment – controlled activities

E39.7.1. Matters of control

The Council will reserve its control to the following matters when assessing a controlled activity resource consent application:

- (1) all controlled activities:
 - (a) compliance with an approved resource consent except for boundary adjustment subdivision;
 - (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces;
 - (c) the effects of infrastructure provision; and
 - (d) the effects on historic heritage and cultural heritage items.

E39.7.2. Assessment criteria

The Council will consider the relevant assessment criteria for controlled activities from the list below:

- (1) all controlled activities:

- (a) compliance with an approved resource consent except for boundary adjustment subdivision:
 - (i) refer to Policy E39.3(6);
 - (b) the effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces:
 - (i) the extent to which the design, size, shape, gradient and location of any site including access, existing buildings, manoeuvring areas and outdoor living space affect the safety of pedestrians and cyclists and other users of the space or access;
 - (ii) whether the sites created are able to accommodate development in accordance with the relevant Auckland-wide and zone rules; and
 - (iii) refer to Policy E39.3(25), (26) and (27);
 - (c) the effects of infrastructure provision:
 - (i) whether provision is made for infrastructure including creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and
 - (ii) refer to Policy E39.3(28) and (32).
 - (d) the effects on historic heritage and cultural heritage items:
 - (i) whether the protection or avoidance of any Scheduled Historic Heritage Place, or Site and Places of Significance to Mana Whenua is ensured; and
 - (ii) refer to Policy E39.3(4).
- (2) Subdivision in the Rural – Waitākere Foothills Zone:
- (a) Policies E39.3(1), (4), (6), (10), (11), (13), (16), (17), (20), (25) and (28) – (33).

E39.8. Assessment – restricted discretionary activities

E39.8.1. Matters of discretion

The Council will restrict its discretion to the following matters when assessing a restricted discretionary resource consent application:

- (1) subdivision of a site within the 1 per cent annual exceedance probability floodplain:
 - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events.
- (2) subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:

- (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events.
- (3) subdivision of a site in the coastal erosion hazard area:
- (a) the effects of the erosion on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion.
- (4) subdivision of sites subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:
- (a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use.
- (5) subdivision establishing an esplanade reserve:
- (a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features.
- (6) in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay areas but meeting the Significant Ecological Area factors in Policy B7.2.2(1) as set out in Standard E39.6.4.4; in-situ subdivision creating additional sites through establishing revegetation planting:
- (a) effects associated with the following matters, having regard to the need to ensure that environmental benefits including the long term protection of Significant Ecological Areas, do not unnecessarily compromise other elements of rural character and amenity:
 - (i) the number of sites created, site size, building platforms locations, access;
 - (ii) the rural character, landscapes and amenity;
 - (iii) the location of the indigenous vegetation, wetland and/or revegetation planting relative to proposed new sites and to existing vegetation;
 - (iv) the quality of the indigenous vegetation, wetland and/or revegetation planting to be protected;
 - (v) the compliance with Auckland-wide rules;
 - (vi) any management plans for the ongoing protection and management of indigenous vegetation, wetland or revegetation planting;
 - (vii) the provision of adequate access to existing and new infrastructure and provision of appropriate management of effects of stormwater;

- (viii) the legal protection for indigenous vegetation, wetland or revegetation planting;
 - (ix) any reverse sensitivity effects; and
 - (x) the location of identified building areas platforms relative to areas of significant mineral resources.
- (7) transferable rural site subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; transferable rural site subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors in Policy B7.2.2(1) as set out in Standard E39.6.4.4; or transferable rural sites subdivision through establishing revegetation planting:
- (a) effects associated with the following matters, having regard to the need to ensure that environmental benefits including the long term protection of Significant Ecological Areas or shown on the Kawau Island Rural Subdivision SEA Control, do not unnecessarily compromise other elements of rural character and amenity:
 - (i) the matters listed in E39.8.1(6)(a)(i) to (x);
 - (ii) the number and size of new sites created on the receiver sites and compliance with minimum and average net site areas in the Rural – Countryside Living Zone; and
 - (iii) the timing and co-ordination of the protection of indigenous vegetation, wetland and revegetation planting on donor site relative to the creation of new sites on the receiver site.
- (8) transferable rural site subdivision through the amalgamation of donor sites, including those sites identified in [Appendix 14 Land amalgamation incentivised area](#):
- (a) effects associated with the below matters, having regard to the need to ensure the long term protection of elite soils and their availability for rural production purposes, without compromising other elements of rural character and amenity, or rural resources:
 - (i) the matters listed in E39.8.1(6)(a)(i) to (x);
 - (ii) the location and the soil qualities of the donor sites;
 - (iii) the degree to which new sites created from receiver sites comply with the Auckland-wide rules;
 - (iv) the suitability of the transferred sites for rural residential purposes having regard to the objectives, policies and rules for the Rural – Countryside Living Zone.

E39.8.2. Assessment criteria

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

- (1) subdivision of a site within the one per cent annual exceedance probability floodplain and flood prone areas:
 - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to flood hazard events:
 - (i) whether measures are proposed to ensure the long term protection of flood plain conveyance functions;
 - (ii) whether the location and design of development including building platforms and access ways are located to avoid the hazard;
 - (iii) the extent to which changes to the landform and the design of mitigation structures/features are necessary for the subdivision; and
 - (iv) refer to Policy E39.3(2).
- (2) subdivision of a site in the coastal storm inundation 1 per cent annual exceedance probability (AEP) area or the coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1 m sea level rise area:
 - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal storm inundation events:
 - (i) whether the location and design of development including proposed and existing building platforms and access ways include the ability to relocate uses within the proposed site area;
 - (ii) whether the use of defences to protect the land and any buildings or structures on the land from coastal storm inundation are necessary;
 - (iii) whether there is any residual risk posed by coastal storm inundation to the site(s) associated with any existing or proposed coastal defences;
 - (iv) whether there are effects on landscape values resulting from associated built and/or land form modifications required to provide for the intended use of the site; and
 - (v) Policy E39.3(2).
- (3) subdivision of site in the coastal erosion hazard area:
 - (a) the effects of the hazards on the intended use of the sites created by the subdivision and the vulnerability of these uses to coastal erosion:
 - (i) whether public access to the coast is affected;
 - (ii) the extent to which the installation of hard protection structures to be utilised to protect the site or its uses from coastal erosion hazards over at least a 100 year timeframe are necessary; and
 - (iii) Policy E39.3(2).

- (4) subdivision of sites subject to land instability including those areas defined in the Plan as “land which may be subject to land instability”, or other unstable soils as identified through a specific site assessment:
 - (a) the effects of remediating the land instability hazard and the effect of the hazard on the intended use:
 - (i) the extent to which the proposed sites are stable and suitable;
 - (ii) the extent to which the site instability will affect the intended use, including the provision for onsite infrastructure (where applicable) and accessways; and
 - (iii) Policy E39.3(2).
- (5) subdivision establishing an esplanade reserve:
 - (a) the effect of the design, purpose and location of any esplanade reserve established by subdivision in terms of public access, and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features:
 - (i) the extent to which the design purpose and location of the esplanade reserve enables public access and the conservation of coastal and/or riverbank ecological values, natural values, geological features and landscape features; and
 - (ii) Policies E39.3(1), (21), (22) and (23).
- (6) in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; in-situ subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay areas but meeting the Significant Ecological Area factors in Policy B7.2.2.(1) as set out in Standard E39.6.4.4; in-situ subdivision creating additional sites through establishing revegetation planting:
 - (a) Policies E39.3(1), (15), (16), (17), (18), (24) – (27) and (29) to (31).
- (7) transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland identified in the Significant Ecological Areas Overlay or shown on the Kawau Island Rural Subdivision SEA Control; transferable rural sites subdivision creating additional sites through protection of indigenous vegetation or wetland not identified in the Significant Ecological Areas Overlay but meeting the Significant Ecological Area factors in Policy B7.2.2(1) as set out in Standard E39.6.4.4; transferable rural sites subdivision through establishing revegetation planting:
 - (a) Policies E39.3(1), (11), (12), (13), (15), (16), (17), (18), (24) – (27) and (29) to (31).

(8) transferable rural sites subdivision through the amalgamation of donor sites including sites identified in [Appendix 14 Land amalgamation incentivised area](#):

(a) Policies E39.3(1), (3), (9), (11), (12), (13), (15), (16), (17), (18) and (29) to (31).

E39.9. Special information requirements

There are no special information requirements in this section.

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

Contaminated Land & Hazardous Substances Topic

Issue/Plan Provision	Submitter Evidence	Response				
<p>1. Definition of 'Major Hazardous Facility'</p>	<p>FENZ (S57.006) [Statement from Paul McGimpsey, pp1-3] FENZ original submission sought to amend the definition as follows:</p> <table border="1" data-bbox="373 412 1098 1198"> <tr> <td data-bbox="373 412 499 1198"> <p>MAJOR HAZARDOUS FACILITY</p> </td> <td data-bbox="499 412 1098 1198"> <p>(a) any facility which involves one or more of the following activities:</p> <ul style="list-style-type: none"> (i) manufacturing and associated storage of hazardous substances (including industries manufacturing agrochemicals, fertilisers, acids/alkalis or paints) (ii) oil and gas exploration and extraction facilities (iii) purpose-built bulk storage facilities for the storage of hazardous substances (other than petrol, diesel or LPG) for wholesale supply (iv) the storage/use of more than 6 tonnes of LPG (v) galvanising plants (vi) electroplating and metal treatment facilities (vii) tanneries (viii) timber treatment (ix) freezing works and rendering plants (x) wastewater treatment plants (xi) metal smelting and refining (including battery refining or re-cycling) (xii) milk treatment plants (xiii) fibreglass manufacturing (xiv) polymer foam manufacturing (xv) asphalt/bitumen manufacture or storage (xvi) landfills <u>(xvii) The storage and/or treatment of hazardous waste (including reuse and recycling facilities) or hazardous substances awaiting reuse, recycling, or treatment</u> <u>(xviii) Any facility deemed a Major Hazardous Facility under the Health and Safety at Work Major Hazardous Facilities Regulations 2016</u> <p>(b) The following activities are not considered to be major hazardous facilities:</p> <ul style="list-style-type: none"> (i) the incidental use and storage of hazardous substances in minimal domestic-scale quantities (ii) retail outlets for hazardous substances intended for domestic usage (e.g. supermarkets, hardware stores and pharmacies) (iii) the incidental storage and use of agrichemicals, fertilisers and fuel for primary production activities. (iv) the mixing of fertilisers (v) service stations, truck stops and commercial refuelling activities (vi) pipelines used for the transfer of hazardous substances such as gas, oil, trade waste and sewage (vii) fuel in motor vehicles, boats, airplanes and small engines (viii) military training activities (ix) the transport of hazardous substances (e.g. in trucks or trains) <u>(x) Emergency service activities</u> </td> </tr> </table> <p>FENZ also suggested applying a quantity limit to (a)(i) and (b)(i) for greater clarity. Section 42A Report recommendation is to accept the submission in part, and to amend the definition in response to all the submissions on this matter, as follows:</p> <table border="1" data-bbox="373 1321 1098 1450"> <tr> <td data-bbox="373 1321 499 1450"> <p>MAJOR HAZARDOUS FACILITY</p> </td> <td data-bbox="499 1321 1098 1450"> <p>(a) any facility which involves one or more of the following activities:</p> <ul style="list-style-type: none"> (i) manufacturing and associated storage of hazardous substances (including industries manufacturing agrochemicals, fertilisers, acids/alkalis or paints) (ii) oil and gas exploration and extraction facilities (iii) purpose-built bulk storage facilities for the storage of hazardous substances (other than petrol, diesel or LPG) for wholesale supply </td> </tr> </table>	<p>MAJOR HAZARDOUS FACILITY</p>	<p>(a) any facility which involves one or more of the following activities:</p> <ul style="list-style-type: none"> (i) manufacturing and associated storage of hazardous substances (including industries manufacturing agrochemicals, fertilisers, acids/alkalis or paints) (ii) oil and gas exploration and extraction facilities (iii) purpose-built bulk storage facilities for the storage of hazardous substances (other than petrol, diesel or LPG) for wholesale supply (iv) the storage/use of more than 6 tonnes of LPG (v) galvanising plants (vi) electroplating and metal treatment facilities (vii) tanneries (viii) timber treatment (ix) freezing works and rendering plants (x) wastewater treatment plants (xi) metal smelting and refining (including battery refining or re-cycling) (xii) milk treatment plants (xiii) fibreglass manufacturing (xiv) polymer foam manufacturing (xv) asphalt/bitumen manufacture or storage (xvi) landfills <u>(xvii) The storage and/or treatment of hazardous waste (including reuse and recycling facilities) or hazardous substances awaiting reuse, recycling, or treatment</u> <u>(xviii) Any facility deemed a Major Hazardous Facility under the Health and Safety at Work Major Hazardous Facilities Regulations 2016</u> <p>(b) The following activities are not considered to be major hazardous facilities:</p> <ul style="list-style-type: none"> (i) the incidental use and storage of hazardous substances in minimal domestic-scale quantities (ii) retail outlets for hazardous substances intended for domestic usage (e.g. supermarkets, hardware stores and pharmacies) (iii) the incidental storage and use of agrichemicals, fertilisers and fuel for primary production activities. (iv) the mixing of fertilisers (v) service stations, truck stops and commercial refuelling activities (vi) pipelines used for the transfer of hazardous substances such as gas, oil, trade waste and sewage (vii) fuel in motor vehicles, boats, airplanes and small engines (viii) military training activities (ix) the transport of hazardous substances (e.g. in trucks or trains) <u>(x) Emergency service activities</u> 	<p>MAJOR HAZARDOUS FACILITY</p>	<p>(a) any facility which involves one or more of the following activities:</p> <ul style="list-style-type: none"> (i) manufacturing and associated storage of hazardous substances (including industries manufacturing agrochemicals, fertilisers, acids/alkalis or paints) (ii) oil and gas exploration and extraction facilities (iii) purpose-built bulk storage facilities for the storage of hazardous substances (other than petrol, diesel or LPG) for wholesale supply 	<p>I have considered the statement from Mr McGimpsey. In terms of applying a quantity limit to (a)(i) and (b)(i) for greater clarity, I remain of the view that as no quantity limits have been offered up by the submitter (or any submitter) in this regard, there is no evidential basis on which to apply any meaningful or appropriate quantities.</p> <p>FENZ has confirmed that their temporary storage of large quantities of fire retardant and foam product, and stocks of petrol and diesel would not fall within the definition of 'Major Hazard Facility' under the MHF Regulations. Therefore, I confirm that I am comfortable with excluding 'the incidental storage and use of hazardous substances for emergency service activities' from activities considered to be major hazardous facilities, as per my recommended amendments in my s42A report.</p> <p>In response to the suggestion to adopt a different term (such as 'Hazardous Facility' or similar), I do not consider there is scope within the submissions to do this. In any case, while similar, I note that the term adopted in the PDP is 'Major Hazardous Facility', as distinct from 'Major Hazard Facility' as contained in the MHF Regulations. I do not consider this presents a significant aspect of potential confusion.</p> <p>Overall, I have not changed my position, as set out in paras 5.3.13 – 5.3.17 of Section 42A Report:</p> <p><i>‘5.3.13 FENZ have also sought that ‘The storage and/or treatment of hazardous waste (including reuse and recycling facilities) or hazardous substances awaiting reuse, recycling or treatment’ be included within the definition of ‘Major Hazardous Facility’. They consider that where the business cannot process or dispose of materials, this can become a high fire risk and poses a risk to the health and safety of communities. In my view, storage and/or treatment of hazardous waste would clearly pose potentially significant off-site risks to people, property, and the environment. Therefore, I recommend this be added to the definition of ‘Major Hazardous Facility’.</i></p> <p><i>5.3.14 FENZ have also sought a quantity limit be applied to facilities involving the ‘manufacturing and associated storage of hazardous substances (including industries manufacturing agrochemicals, fertilisers, acids/alkalis or paints’ (definition a.(i)); and ‘the incidental use and storage of hazardous substances in minimal domestic-scale quantities’ (definition b.(i)).</i></p> <p><i>5.3.15 The first facility relates to manufacturing and the associated storage of hazardous substance rather than small amounts of storage for use by a small business and for this reason I do not support including a limit on this type of facility.</i></p> <p><i>5.3.16 The second activity excludes incidental use and storage of hazardous substances ‘in minimal domestic scale quantities’. FENZ have not recommended any particular threshold. I suggest that a common-sense</i></p>
<p>MAJOR HAZARDOUS FACILITY</p>	<p>(a) any facility which involves one or more of the following activities:</p> <ul style="list-style-type: none"> (i) manufacturing and associated storage of hazardous substances (including industries manufacturing agrochemicals, fertilisers, acids/alkalis or paints) (ii) oil and gas exploration and extraction facilities (iii) purpose-built bulk storage facilities for the storage of hazardous substances (other than petrol, diesel or LPG) for wholesale supply (iv) the storage/use of more than 6 tonnes of LPG (v) galvanising plants (vi) electroplating and metal treatment facilities (vii) tanneries (viii) timber treatment (ix) freezing works and rendering plants (x) wastewater treatment plants (xi) metal smelting and refining (including battery refining or re-cycling) (xii) milk treatment plants (xiii) fibreglass manufacturing (xiv) polymer foam manufacturing (xv) asphalt/bitumen manufacture or storage (xvi) landfills <u>(xvii) The storage and/or treatment of hazardous waste (including reuse and recycling facilities) or hazardous substances awaiting reuse, recycling, or treatment</u> <u>(xviii) Any facility deemed a Major Hazardous Facility under the Health and Safety at Work Major Hazardous Facilities Regulations 2016</u> <p>(b) The following activities are not considered to be major hazardous facilities:</p> <ul style="list-style-type: none"> (i) the incidental use and storage of hazardous substances in minimal domestic-scale quantities (ii) retail outlets for hazardous substances intended for domestic usage (e.g. supermarkets, hardware stores and pharmacies) (iii) the incidental storage and use of agrichemicals, fertilisers and fuel for primary production activities. (iv) the mixing of fertilisers (v) service stations, truck stops and commercial refuelling activities (vi) pipelines used for the transfer of hazardous substances such as gas, oil, trade waste and sewage (vii) fuel in motor vehicles, boats, airplanes and small engines (viii) military training activities (ix) the transport of hazardous substances (e.g. in trucks or trains) <u>(x) Emergency service activities</u> 					
<p>MAJOR HAZARDOUS FACILITY</p>	<p>(a) any facility which involves one or more of the following activities:</p> <ul style="list-style-type: none"> (i) manufacturing and associated storage of hazardous substances (including industries manufacturing agrochemicals, fertilisers, acids/alkalis or paints) (ii) oil and gas exploration and extraction facilities (iii) purpose-built bulk storage facilities for the storage of hazardous substances (other than petrol, diesel or LPG) for wholesale supply 					

- (iv) the storage/use of more than 6 tonnes of LPG
 - (v) galvanising plants
 - (vi) electroplating and metal treatment facilities
 - (vii) tanneries
 - (viii) timber treatment
 - (ix) meat processing, freezing works and rendering plants
 - (x) wastewater treatment plants
 - (xi) metal smelting and refining (including battery refining or re-cycling)
 - (xii) milk treatment plants
 - (xiii) fibreglass manufacturing
 - (xiv) polymer foam manufacturing
 - (xv) asphalt/bitumen manufacture or storage
 - (xvi) landfills
 - (xvii) the storage and/or treatment of hazardous waste (including reuse and recycling facilities) or hazardous substances awaiting reuse, recycling, or treatment
 - (xviii) any facility designated a Major Hazard Facility under the Health and Safety at Work (Major Hazard Facilities) Regulations 2016
- (b) The following activities are not considered to be major hazardous facilities:
- (i) the incidental use and storage of hazardous substances in minimal domestic-scale quantities
 - (ii) retail outlets for hazardous substances intended for domestic usage (e.g. supermarkets, hardware stores and pharmacies)
 - (iii) the incidental storage and use of agrichemicals, fertilisers and fuel for primary production activities
 - (iv) the mixing of fertilisers
 - (v) service stations, truck stops and commercial refuelling activities
 - (vi) pipelines used for the transfer of hazardous substances such as gas, oil, trade waste and sewage
 - (vii) fuel in motor vehicles, boats, airplanes and small engines
 - (viii) military training activities
 - (ix) the transport of hazardous substances (e.g. in trucks or trains)
 - (x) the incidental storage and use of hazardous substances for emergency service activities

In his Statement on behalf of FENZ, Mr McGimpsey states that, notwithstanding the Reporting Officer's recommendation, *'Fire and Emergency suggests that the Commissioners consider the implications of not applying a quantity limit to (a)(i) and (b)(i) for greater clarity'*.

Mr McGimpsey also responds in his statement as follows:

'The reporting officer considers that it is unclear whether such use and temporary storage of hazardous substances poses potential for significant off-site risks to the environment. The reporting officer has requested that Fire and Emergency confirm if such use and storage of hazardous substances would fall within the definition of 'Major Hazard Facility' ('lower tier' or 'upper tier') under the MHF Regulations. If 'use and storage of hazardous substances for emergency service activities' is deemed not to be a 'Major Hazard Facility' under the MHF Regulations, then the reporting officer would support excluding this from the definition.

In response to the reporting officer's question, Fire and Emergency's firefighting chemicals do not have the types of hazard classifications that are covered by the WorkSafe MHF regulations, so Fire and Emergency sites would never be an MHF because of them. The only substances that Fire and Emergency have that trigger this is oxygen for medical purposes, and Fire and Emergency facilities would never come close to 200 tonne limit for a lower tier MHF.

In liaising with Fire and Emergency on this, another potential issue was raised which Commissioners may wish to consider. Dr Trudy Geoghegan, National Hazardous Substances Advisor for Fire and Emergency has advised that the term

approach would apply. In the absence of any evidence to support a threshold for domestic scale activities, I do not support including one.

5.3.17 With regard to excluding 'Emergency Service Activities' from the definition of Major Hazard Facility, as sought by FENZ, I note from their submission that on occasions they are temporarily required to store large quantities of fire retardant and foam product, and stocks of petrol and diesel. It is unclear whether such use and temporary storage of hazardous substances poses potential for significant off-site risks to the environment. It would be helpful if FENZ could advise if such use and storage of hazardous substances would fall within the definition of 'Major Hazard Facility' ('lower tier' or 'upper tier') under the MHF Regulations. If 'use and storage of hazardous substances for emergency service activities' is deemed not to be a 'Major Hazard Facility' under the MHF Regulations, then I would be comfortable excluding this from the definition in the PDP.'

'Major Hazardous Facility' is already defined in other legislation and has its own regulations and definitions. The Proposed District Plan definition of 'Major Hazardous Facility' is significantly different to how the term is defined under the Health and Safety at Work (Major Hazardous Facility) Regulations 2016.

Noting the reporting officer's question that references upper and lower tier MHF (a concept that comes from the WorkSafe regulations), the Proposed District Plan definition is not structured as upper and lower tier. There is only one MHF in Central Hawke's Bay District (Leichesters Waipukurau). To avoid inconsistency and potential confusion, it is therefore suggested the Proposed District Plan adopt a different term such as 'Hazardous Facility' or similar.'

Hort NZ (S81.020) [Statement from Lynette Wharfe, para 6.1-6.19, pp4-7]

Hort NZ's original submission sought to retain the definition of 'Major Hazardous Facility', as notified.

Section 42A Report recommendation is to accept the submission in part, and to amend the definition in response to all the submissions on this matter (including FENZ submissions), as follows:

MAJOR HAZARDOUS FACILITY	<p>(a) any facility which involves one or more of the following activities:</p> <ul style="list-style-type: none"> (i) manufacturing and associated storage of hazardous substances (including industries manufacturing agrochemicals, fertilisers, acids/alkalis or paints) (ii) oil and gas exploration and extraction facilities (iii) purpose-built bulk storage facilities for the storage of hazardous substances (other than petrol, diesel or LPG) for wholesale supply (iv) the storage/use of more than 6 tonnes of LPG (v) galvanising plants (vi) electroplating and metal treatment facilities (vii) tanneries (viii) timber treatment (ix) meat processing, freezing works and rendering plants (x) wastewater treatment plants (xi) metal smelting and refining (including battery refining or re-cycling) (xii) milk treatment plants (xiii) fibreglass manufacturing (xiv) polymer foam manufacturing (xv) asphalt/bitumen manufacture or storage (xvi) landfills <p><u>(xvii) the storage and/or treatment of hazardous waste (including reuse and recycling facilities) or hazardous substances awaiting reuse, recycling, or treatment</u> <u>(xviii) any facility designated a Major Hazard Facility under the Health and Safety at Work (Major Hazard Facilities) Regulations 2016</u></p> <p>(b) The following activities are not considered to be major hazardous facilities:</p> <ul style="list-style-type: none"> (i) the incidental use and storage of hazardous substances in minimal domestic-scale quantities (ii) retail outlets for hazardous substances intended for domestic usage (e.g. supermarkets, hardware stores and pharmacies) (iii) the incidental storage and use of agrichemicals, fertilisers and fuel for primary production activities (iv) the mixing of fertilisers (v) service stations, truck stops and commercial refuelling activities (vi) pipelines used for the transfer of hazardous substances such gas, oil, trade waste and sewage (vii) fuel in motor vehicles, boats, airplanes and small engines (viii) military training activities (ix) the transport of hazardous substances (e.g. in trucks or trains) <p><u>(x) the incidental storage and use of hazardous substances for emergency service activities</u></p>
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This refers to the recommendation in the Section 42A Report to accept the FENZ submission to include the following in the definition of 'Major Hazardous Facility':

(xvii) the storage and/or treatment of hazardous waste (including reuse and recycling facilities) or hazardous substances awaiting reuse, recycling, or treatment

I have considered the evidence of Ms Wharfe and the statement from Ms Barr and concur that the focus of the submission from FENZ is on 'high risk' facilities but that the wording may capture waste from any hazardous substances or hazardous substances awaiting reuse, recycling or treatment, and that this could inadvertently include such 'low risk' situations as agrichemicals stored in a sprayer awaiting future use or disposal or storage of other domestic scale quantities of hazardous waste awaiting removal off site.

To address any potential tension between provisions in the definition, I consider the exclusion in (b)(i), (b)(iii) and recommended additional (b)(x) of the definition, could be addressed by clarifying that 'incidental storage' includes for disposal purposes.

On that basis, **I have changed my position** from that set out in para 5.3.13 of Section 42A Report, and wish to recommend the following overall set of amendments to the definition of 'Major Hazardous Facility' in response to all the submissions on this matter (highlighted in grey below):

MAJOR HAZARDOUS FACILITY	<p>(a) any facility which involves one or more of the following activities:</p> <ul style="list-style-type: none"> (i) manufacturing and associated storage of hazardous substances (including industries manufacturing agrochemicals, fertilisers, acids/alkalis or paints) (ii) oil and gas exploration and extraction facilities (iii) purpose-built bulk storage facilities for the storage of hazardous substances (other than petrol, diesel or LPG) for wholesale supply (iv) the storage/use of more than 6 tonnes of LPG (v) galvanising plants (vi) electroplating and metal treatment facilities (vii) tanneries (viii) timber treatment (ix) meat processing, freezing works and rendering plants (x) wastewater treatment plants (xi) metal smelting and refining (including battery refining or re-cycling) (xii) milk treatment plants (xiii) fibreglass manufacturing (xiv) polymer foam manufacturing (xv) asphalt/bitumen manufacture or storage (xvi) landfills
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Ms Wharfe responds in her evidence as follows (in summary):

'The s42A Report is recommending changes to the definition of major hazardous facility as a result of a submission by Fire and Emergency NZ (FENZ).

The recommended change seeks to add additional clauses to the definition:

xvii) The storage and/or treatment of hazardous waste (including reuse and recycling facilities) or hazardous substances awaiting reuse, recycling, or treatment.

xviii) Any facility deemed a Major Hazardous Facility under the Health and Safety at Work Major Hazardous Facilities Regulations 2016

I consider that inclusion of Health and Safety at Work regulations is appropriate as a threshold for major hazardous facilities, so support the inclusion of xviii).

But I do not support the addition of clause xvii) for the following reasons:

(a) The addition is inconsistent with the definition in the Hastings District Plan on which the provisions are modelled;

(b) The addition is inconsistent with other listed facilities as it is generic, whereas the other facilities in the list are specific and readily identified;

(c) The definition of hazardous waste in the PCHBDP is very broad – wastes of any hazardous substances – so does not provide guidance as to what may be included as a major hazardous facility;

(d) The wording would capture more hazardous substances than anticipated by the description and reasons set out in the submission;

(e) The addition presents potential confusion with the matters exempted under the definition.' (paras 6.2-6.5)

'The s42A Report (5.3.13) considers that storage and/or treatment of hazardous waste would clearly pose potentially significant off-site risks to people, property and the environment and so recommends the addition to the definition, but does not consider the scope of what would be included as 'hazardous waste' and the level of risk associated with all hazardous waste, which includes small scale or minor storage.

The s42A Report does not consider the implications of the addition of the second part of the clause: or hazardous substances awaiting reuse, recycling, or treatment.

Nor does the s42A Report consider the premise in the s32 Report that the definition and provisions align with Hastings District.

In my opinion, matters covered under the additional clause xvii) would be captured by the addition of the Health and Safety at Work thresholds, thereby making xvii) unnecessary.

Objective HAZS-O2 seeks to avoid unnecessary duplication of regulation between the Hazardous Substances and New Organisms Act (1996) and the Health and Safety at Work Act (2015). Given that major hazardous facilities are identified through the Major Hazardous Facility regulations it is not necessary to include a generic clause in the definition in the Plan as this would be duplication.

I also consider that the provisions should be clear and simple with no potential ambiguity or debate as to which clause has precedence.' (paras 6.14-6.19)

(xvii) the storage and/or treatment of hazardous waste (including reuse and recycling facilities) or hazardous substances awaiting reuse, recycling, or treatment
(xviii) any facility designated a Major Hazardous Facility under the Health and Safety at Work (Major Hazardous Facilities) Regulations 2016

(b) The following activities are not considered to be major hazardous facilities:

- (i) the incidental use and storage (including for disposal) of hazardous substances in minimal domestic-scale quantities
- (ii) retail outlets for hazardous substances intended for domestic usage (e.g. supermarkets, hardware stores and pharmacies)
- (iii) the incidental use and storage (including for disposal) and use of agrichemicals, fertilisers and fuel for primary production activities
- (iv) the mixing of fertilisers
- (v) service stations, truck stops and commercial refuelling activities
- (vi) pipelines used for the transfer of hazardous substances such as gas, oil, trade waste and sewage
- (vii) fuel in motor vehicles, boats, airplanes and small engines
- (viii) military training activities
- (ix) the transport of hazardous substances (e.g. in trucks or trains)

(x) the incidental use and storage (including for disposal) of hazardous substances for emergency service activities

The above revised amendments do not necessitate any change to the recommendations to **'Accept in part' submissions S81.020, S110.018 or S57.006** in the Section 42A Report, as it stands.

Oil Companies (S110.018) [Statement from Megan Barr, para 2.1-2.12, pp2/3]

The Oil companies original submission sought to reconsider the need for hazardous substance controls based on the broad definition of MHF, and if a broad definition can be justified, retain clauses to the effect of a(iii) and b(v) of the definition as notified.

Section 42A Report recommendation is to accept the submission in part, and to amend the definition in response to all the submissions on this matter (including FENZ submissions), as follows:

MAJOR HAZARDOUS FACILITY	<p>(a) any facility which involves one or more of the following activities:</p> <ul style="list-style-type: none">(i) manufacturing and associated storage of hazardous substances (including industries manufacturing agrochemicals, fertilisers, acids/alkalis or paints)(ii) oil and gas exploration and extraction facilities(iii) purpose-built bulk storage facilities for the storage of hazardous substances (other than petrol, diesel or LPG) for wholesale supply(iv) the storage/use of more than 6 tonnes of LPG(v) galvanising plants(vi) electroplating and metal treatment facilities(vii) tanneries(viii) timber treatment(ix) <u>meat processing, freezing works</u> and rendering plants(x) wastewater treatment plants(xi) metal smelting and refining (including battery refining or re-cycling)(xii) milk treatment plants(xiii) fibreglass manufacturing(xiv) polymer foam manufacturing(xv) asphalt/bitumen manufacture or storage(xvi) landfills(xvii) <u>the storage and/or treatment of hazardous waste (including reuse and recycling facilities) or hazardous substances awaiting reuse, recycling, or treatment</u>(xviii) <u>any facility designated a Major Hazard Facility under the Health and Safety at Work (Major Hazard Facilities) Regulations 2016</u> <p>(b) The following activities are not considered to be major hazardous facilities:</p> <ul style="list-style-type: none">(i) the incidental use and storage of hazardous substances in minimal domestic-scale quantities(ii) retail outlets for hazardous substances intended for domestic usage (e.g. supermarkets, hardware stores and pharmacies)(iii) the incidental storage and use of agrichemicals, fertilisers and fuel for primary production activities(iv) the mixing of fertilisers(v) service stations, truck stops and commercial refuelling activities(vi) pipelines used for the transfer of hazardous substances such as gas, oil, trade waste and sewage(vii) fuel in motor vehicles, boats, airplanes and small engines(viii) military training activities(ix) the transport of hazardous substances (e.g. in trucks or trains)(x) <u>the incidental storage and use of hazardous substances for emergency service activities</u>
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Ms Barr responds in the statement as follows:

'Notwithstanding disagreement with the principle of potentially broad controls, given the exemptions for (b)(v) service stations, truck stops and commercial refuelling activities' and '(b)(vi) pipelines used for the transfer of hazardous substances such as gas, oil, trade waste and sewage', the Oil Companies can accept retention of a version of the definition.

The Oil Companies support the insertion of the additional clause 'Any facility deemed a Major Hazardous Facility under the Health and Safety at Work Major

Hazardous Facilities Regulations 2016' to ensure that MHF are not inadvertently excluded from the definition.

The Oil Companies do not support the recommendation that a new clause stating 'The storage and/or treatment of hazardous waste (including reuse and recycling facilities) or hazardous substances awaiting reuse, recycling or treatment' be added to the definition of MHF, as proposed by FENZ.

The Reporting Planner states that in their view "...storage and/or treatment of hazardous waste would clearly pose potentially significant off-site risks to people, property, and the environment". However, no evidence, other than the FENZ submission, is provided to support this position.

A range of facilities store hazardous waste or hazardous substances, at least temporarily, pending removal off site at more than minimal domestic scale quantities as provided for by clause (b)(i). Adding the clause sought by FENZ to the definition has the potential to create unintended consequences in that the definition could capture a range of facilities that aren't what Council is intending to control through the definition of MHF.

Relief Sought:

The Oil Companies seek that:

- The Hearing Panel accept the recommendation of the Reporting Planner to add clause (a)(xviii) to the definition of MHF; and
- The Hearing Panel reject the recommendation of the Reporting Planner to add clause (a)(xvii) to the definition of MHF because there is not a strong evidence base to support its inclusion and it has the potential to lead to unintended consequences.' (paras 2.7-2.12)

2. Rule HAZS-R1
(Storage, Handling or use of Hazardous Substances)

Federated Farmers (S121.121) [Evidence of Rhea Dasent, paras 12-17, p3]
Fed Farmers original submission sought to delete Rule HAZS-R1.
Section 42A Report recommendation is to accept the submission in part, and to amend the rule in response to all submissions on this provision, as follows:

HAZS-R1 The storage, handling or use of hazardous substances (except Major Hazardous Facilities)		
All Zones	1. Activity Status: PER Where the following conditions are met: a. All relevant Standards in the underlying zone are complied with. b. The activity does not involve the use of explosives within 60m of any part of the Gas Transmission Network.	2. Activity status where compliance not achieved: RDIS Matters over which discretion is restricted: a. The risk of hazards affecting public or individual safety, and the risk of property damage. b. Measures proposed to avoid or mitigate potential adverse effects on the Gas Transmission Network. c. Technical advice, including an assessment of the level of risk. d. The outcome of any consultation with the owner and operator of the Gas Transmission Network. e. Whether the use of explosives could be located a greater distance from the Gas Transmission Network.

Ms Dasent responds in her evidence:
'Federated Farmers supports the recommendation to remove the condition, but we still do not think the rule is needed at all.

I have considered the evidence of Ms Dasent, and the statement from Mr Roberts, and **I have not changed my position** as set out in paras 6.3.2 – 6.3.5 of Section 42A Report:

6.3.2 *The is support for retention of Rule HAZS-R1 on the basis that it provides for the storage, handling or use of hazardous substances (except for Major Hazardous Facilities) in all zones, subject to conditions.*

6.3.3 *However, the Oil Companies, the NZ Defence Force, and Federated Farmers raise concerns with the Permitted Activity condition (Rule HAZS-R1(1)(a)) requiring that all relevant standards in the underlying zone must be complied with, and non-compliance with those underlying zone standards could inadvertently trigger requirement for a separate resource consent for a completely unrelated breach of zone standards (e.g. noise, lighting) on the same site.*

6.3.4 *I concur that the way the rule is framed is problematic and does not follow the drafting norms applying to other district-wide rules in the PDP (e.g. Rule TRAN-R1, Rule LIGHT-R1, Rule NOISE-R1 etc). Triggering a resource consent for storage, handling or use of hazardous substances based on a breach of the zone standards is not the intent of the rule, which was merely to provide a Permitted Activity pathway where not a 'Major Hazardous Facility' (which are subsequently addressed in Rule HAZS-R3) and subject to avoiding use of explosives within 60m of the Gas Transmission Network*

Policy HAZS-P4 (the Section 42a version) seeks to not regulate the use, storage, or transportation of hazardous substances in the District Plan, where adequate levels of protection are already provided by the Hazardous Substances and New Organisms Act 1996, the Health and Safety at Work Act 2015, or the Regional Plan. However HAZS-R1 does precisely that, it regulates hazardous substances that are already well managed by other means.

Although the Hastings District Plan has a similar permitted rule, this was written before Section 31(1)(b)(ii) was repealed in 2017, and territorial authorities still had a function to manage hazardous substances.’ (paras 15-17)

Firstgas Ltd (FS3.014) [Evidence of Graeme Roberts, paras 31-34, pp8/9]

Mr Roberts responds in his evidence as follows:

‘Following a review of the Section 42A report, I concur with the recommendation made in that report to accept, in part, Firstgas’ further submissions in support of submission S81.063 Horticulture New Zealand, which seeks to retain rule HAS-R1, and in opposition of submission S121.121 Federated Farmers of New Zealand, which seeks to delete rule HAZS-R1.

Rule HAZS-R1 relates to the storage, handling or use of hazardous substances (except for Major Hazardous Facilities) in all zones, subject to the following conditions:

- a) All relevant Standards in the underlying zone are complied with*
- b) The activity does not involve the use of explosives within 60m of any part of the Gas Transmission Network.*

In response to submissions by the Oil Companies, the New Zealand Defence Force and Federated Farmers New Zealand, the Reporting Officer recommends deleting condition (a) from rule HAZS-R1 because the way the rule is framed is problematic3 – triggering a resource consent for the storage, handling or use of hazardous substances based on a breach of the underlying zone standards. The Reporting Officer concludes that the intent of rule HAZS-R1 is to provide a Permitted Activity pathway where not a ‘Major Hazardous Facility’ and subject to avoiding use of explosive within 60m of the Gas Transmission Network3.

I agree with the position of the Reporting Officer in relation to the intent of rule HAZS-R1. In particular, to retain clause (b) to ensure that the storage, handling or use of hazardous substances does not result in the use of explosive within 60m of the Gas Transmission Network. I support the deletion of clause (a) from rule HAZS-R1 for the reasons provided by the Reporting Officer.’

(condition (1)(b)). In my view, the intent of the rule should be clarified, and the rule should follow the drafting norms across the PDP.

6.3.5 Therefore, I recommend Rule HAZS-R1 be retained, but that condition (1)(a) be deleted...’

I do not consider that this unduly ‘regulates’ the storage, handling or use of hazardous substances – it merely provides a consenting pathway where the activity involves the use of explosives within 60m of any part of the Gas Transmission Network (condition 1(b)), and differentiates from the storage, handling or use of hazardous substances within a ‘Major Hazardous Facility’.

Earthworks, Mining & Quarrying Topic

Issue/Plan Provision	Submitter Evidence	Response
<p>3. Protection of Cultural Sites from the Effects of Earthworks</p>	<p>Kairakau Lands Trust (S84.014) [Verbal statement and Notes of Stella August presented at the Hearing, paras 3.1-3.2, pg iv]</p> <p>Kairakau Lands Trust original submission seeks specific objectives or policies that relate to ensuring that cultural sites are protected in the Earthworks chapter of the PDP, and that Council employ earthworks contractors who have had sufficient training or a certain level of competency in regard to recognising sites of significance to Māori.</p> <p>Section 42A Report recommendation is to accept the submission in part.</p> <p>Ms August's verbal evidence and notes state the following:</p> <p><i>'3.1.1 The Section 42 report advises this issue is addressed by other parts of the PDP such as the SASM chapter. We submit that cultural and historic sites should be mentioned, and those other relevant sections of the PDP should be referred to here so that this Earthworks section is not read in isolation of those other parts of the PDP'</i></p> <p><i>3.2.1 The Section 42 report stated this was a matter of operational policy for Council, and not something that can be achieved through the provisions of the Plan. We accept this position but would like to stress this is one way Council (albeit operationally) can start to change the colonial mindset...'</i></p>	<p>I have considered the presentation from Ms August and I have changed my position as set out in paras 4.3.9-4.3.15 of Section 42A Report, and wish to recommend the following amendments to Policy EW-P7 to provide greater alignment of terminology with the objectives and policies in the SASM chapter (which refers to 'wāhi tapu, wāhi taonga, and sites of significance'), and to add a cross-reference, as follows:</p> <p>EW-P7 To control earthworks, exploration and mining activities to ensure that any adverse effects on the natural and physical environment, and the amenity of the community, adjoining land uses, heritage items, and wāhi tapu, wāhi taonga and sites of significance to Māori, and culturally sensitive sites are avoided, remedied or mitigated.</p> <p><u>Refer also the policies in the SASM chapter in relation to wāhi tapu, wāhi taonga and sites of significance to Māori</u></p> <p>I consider these amendments will provide greater linkage and alignment in terms of addressing earthworks in the vicinity of wahi tapu, wahi taonga and sites of significance.</p> <p>In response to a question from the Panel, I confirm that this wording does not restrict the application of the policy to only those SASM sites that are scheduled/mapped in the PDP. The PDP differentiates between 'wāhi tapu, wāhi taonga and sites of significance to Māori' generally, and 'wāhi tapu, wāhi taonga or sites or areas of significance identified in SASM-SCHED3' when referring to scheduled areas that are the subject of rules in the SASM section of the PDP.</p> <p>The above amendment does not necessitate any change to the recommendation to 'Accept in part' submissions S84.014 in the Section 42A Report, as it stands.</p> <p>I note this amendment also affects the recommended amendment in response to Heritage NZ's submission (S55.065) seeking amendment of Policy EW-P7, which was to 'Accept in part'. In my view (and having heard the questions and verbal presentation of Mr Raymond from Heritage NZ), the revised amendment achieves a similar outcome and does not necessitate a revised recommendation in respect of that submission point.</p>
<p>4. Policy EW-P2</p>	<p>Federated Farmers (S121.074) [Evidence of Rhea Dasent, paras 21-24, p4]</p> <p>Fed Farmers original submission sought to amend Policy EW-P2 as follows:</p> <p>EW-P2 To ensure earthworks are appropriately located and designed to avoid, remedy or mitigate adverse effects by:</p> <ol style="list-style-type: none"> controlling volume and vertical extent of earthworks, to maintain the role, function and predominant character and existing land use of each zone and reduce effects on neighbouring properties and the environment; and controlling the movement of dust and sediment beyond the area of development, particularly to avoid nuisance effects and/or adverse amenity effects inconsistent with the zoning and existing land uses on neighbouring sites or any Council reticulated stormwater system. <p>Section 42A Report recommendation is to reject the submission.</p>	<p>I have considered the evidence of Ms Dasent and I have not changed my position as set out in para 4.3.24 of Section 42A Report:</p> <p><i>'4.3.24 ...I do not concur with the amendments sought by Federated Farmers. Policy EW-P2 seeks to give effect to Objective EW-O1, which focuses on avoiding, remedying or mitigating the effects of earthworks, and provides the policy framework for differentiating permitted earthworks based on the role, function and predominant character of the zone in which they are to be carried out in. In my view, the amendments sought by Federated Farmers would have the effect of elevating existing land uses and affording a level of consideration in terms of earthworks that is not in keeping with the objective or the purpose of the RMA.'</i></p>

Ms Dasent responds in her evidence:

'21. Federated Farmers submitted S121.074 for seeking that existing land use is recognised in Policy EW-P2(1) alongside the role, function and predominant character of each zone, when it comes to ensuring earthworks are appropriately located. This was so existing farming land uses are considered when looking at what the role, function and character of the rural zone is. Likewise zoning and land uses are recognised in Policy EW-P2(2) when avoiding nuisance and adverse amenity effects of the dust and sediment from earthworks.

22. Farming earthworks like tracking for safe vehicle passage across paddocks, or earthworks during fence construction for stock management and stock exclusion from waterways, should be considered in keeping with the role, function, character and the primary production land uses of the rural zone.

23. In paragraph 4.3.24, the Section 42a Report author does not agree and says our amendments would have the undesirable effect of elevating existing land uses and affording a level of consideration in terms of earthworks that is not in keeping with the objective or the purpose of the RMA.

24. Federated Farmers does not view our amendments as not being in keeping, rather we deem that they are a continuation of the policy as it was proposed – by adding in the land use in conjunction with the role, function and character of the zone.'

5. Rule EW-R5 / Standard EW-S6 (Earthworks in the National Grid Yard)

Federated Farmers (S121.087 & S121.097) [Evidence of Rhea Dasent, paras 29-38, pp5-7]

Fed Farmers original submission sought amendments to Rule EW-R5 and Standard EW-S6, as follows:

EW-R5 Earthworks and vertical holes within the National Grid Yard		
All Zones	<p>1. Activity Status: PER Where the following conditions are met:</p> <p>a. From National Grid poles, the earthworks must be no deeper (measured vertically) than 300mm within 2.2m of the pole; and 750mm between 2.2m and 5m of the pole, or</p> <p>b. From National Grid towers, the earthworks must be no deeper (measured vertically) than 300mm within 6m of a tower; and 3m between 6m and 12m of a tower 300mm within 12m of the outer visible edge of any National Grid support-structure foundation, except under the following circumstances:</p> <p>i. earthworks that are undertaken by a network utility operator (other than for the reticulation and storage of water for irrigation purposes) as defined by the Resource Management Act 1991, or</p> <p>ii. earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.</p> <p>iii. vertical holes not exceeding 500mm in diameter, provided they:</p> <p>a. are not exceeding 500mm diameter and are more than 1.5m</p>	<p>2. Activity status where compliance with conditions EW-R5(1)(a) and/or EW-R5(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. EW-AM1. b. EW-AM2. c. EW-AM3. d. EW-AM4. e. EW-AM5. f. EW-AM6. g. EW-AM7. h. Impacts on the operation, maintenance, upgrading and development of the National Grid. i. The risk to the structural integrity of the affected National Grid support structure. j. Any impact on the ability of the National Grid owner (Transpower) to access the National Grid. k. The risk of electrical hazards affecting public or individual safety, and the risk of property damage. l. Technical advice provided by the National Grid owner (Transpower). m. Any effects on National Grid support structures including the creation of an unstable batter.</p>

I have considered the evidence of Ms Dasent (Federated Farmers), Ms Whitney & Mr Cartwright (Transpower) on this matter. I note that, on further consideration of the submissions of others, Ms Whitney & Mr Cartwright have altered their stance and now offer partial support for making amendments to Rule EW-R5 and Standard EW-S6.

I am comfortable with the amendments now proposed in Ms Whitney's evidence in relation to Rule EW-R5 and Standard EW-S6, which go somewhat towards achieving the relief sought by Federated Farmers and Kāinga Ora.

Given the above, **I have changed my position** from that set out in paras 5.3.7-5.3.9 and paras 5.3.40-5.3.42 of Section 42A Report and make the following revised recommendations to **'Accept in part' submissions S79.093 & S79.094, S121.087 & S121.097, and S129.126**, and to recommend the following amendments to Rule EW-R5 and Standard EW-S6 (which are slightly different to that suggested by Ms Whitney, in order to align with the rule format in the PDP – highlighted in grey below):

EW-R5 Earthworks and vertical holes within the National Grid Yard		
All Zones	<p>1. Activity Status: PER Where the following conditions are met:</p> <p>a. The earthworks must be no deeper (measured vertically) than 300mm within 6m12m of the outer visible edge of any National Grid support-structure foundation, and no deeper than 3 metres between 6 metres and 12 metres from the outer visible edge of a foundation of a National Grid support-structure foundation, except under the following circumstances:</p>	<p>2. Activity status where compliance with conditions EW-R5(1)(a) and/or EW-R5(1)(b) is not achieved: RDIS</p> <p>Matters over which discretion is restricted:</p> <p>a. EW-AM1. b. EW-AM2. c. EW-AM3. d. EW-AM4. e. EW-AM5.</p>

- b. from the outer edge of the pole support structure or stay wire, or are a post hole for a farm fence or artificial crop protection or crop support structures and are more than **6m5m** from the visible outer edge of a tower support structure foundation.
 - c. Compliance with:
 - i. EW-S1;
 - ii. EW-S2;
 - iii. EW-S3;
 - iv. EW-S4;
 - v. EW-S5;
 - vi. EW-S7;
 - vii. EW-S8; and
 - viii. EW-S9.
 - d. Compliance with EW-S6.
3. Activity status where compliance with condition EW-R5(1)(c) is not achieved: NC

EW-S6 Earthworks and Vertical Holes within the National Grid Yard

- | | |
|-----------|---|
| All Zones | <ol style="list-style-type: none"> 1. The earthworks must not compromise the stability of a National Grid support structure, and 2. The earthworks must not result in a reduction in ground-to-conductor clearance distances specified in Table 4 of NZECP34, of less than: 6.5m (measured vertically) from a 110kV National Grid transmission line, and 3. The earthworks must not result in the permanent loss of vehicular access to any National Grid support structure. |
|-----------|---|

Section 42A Report recommendation is to reject both submissions.

Ms Dasent responds in her evidence:

‘The Section 42a Report in paragraph 5.3.8 accepts Transpower’s position and rejects Federated Farmers, yet we disagree and consider the proposed restriction for fence post holes in EW-R5(a)(iii)(b) to be 6m away from tower foundations to be onerous compared to what NZECP34 permits...

NZECP34 has different depths for poles compared to towers, to recognise the different safety distances for stability. Below are diagrams from pages 6 and 7 of the NZECP34. The first diagram shows safe distances from poles, the second from towers.

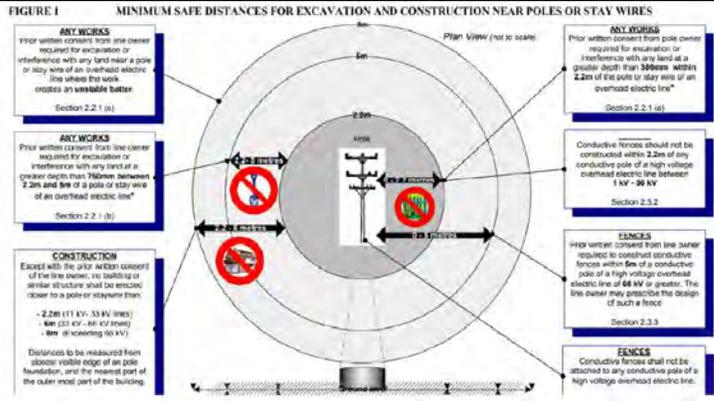
On the right side, the first box details that excavation can be up to 300mm within 2.2m of a pole without needing consent. On the left side, the second box details excavation can be up to 750mm from the 2.2m mark to the 5m mark before it needs consent. Beyond 5m from the pole, there are no restrictions on excavation depth, other than that an unstable batter must not occur.

- i. earthworks that are undertaken by a network utility operator (other than for the reticulation and storage of water for irrigation purposes) as defined by the Resource Management Act 1991, or
 - ii. earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.
 - iii. vertical holes not exceeding 500mm in diameter, provided they:
 - a. are more than 1.5m from the outer edge of the pole support structure or stay wire, or
 - b. are a post hole for a farm fence or artificial crop protection or crop support structures and are more than 6m from the visible outer edge of a tower support structure foundation.
 - c. Compliance with:
 - i. EW-S1;
 - ii. EW-S2;
 - iii. EW-S3;
 - iv. EW-S4;
 - v. EW-S5;
 - vi. EW-S7;
 - vii. EW-S8; and
 - viii. EW-S9.
 - d. Compliance with EW-S6.
- f. EW-AM6.
 - g. EW-AM7.
 - h. Impacts on the operation, maintenance, upgrading and development of the National Grid.
 - i. The risk to the structural integrity of the affected National Grid support structure.
 - j. Any impact on the ability of the National Grid owner (Transpower) to access the National Grid.
 - k. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
 - l. Technical advice provided by the National Grid owner (Transpower).
 - m. Any effects on National Grid support structures including the creation of an unstable batter.
3. Activity status where compliance with condition EW-R5(1)(c) is not achieved: NC

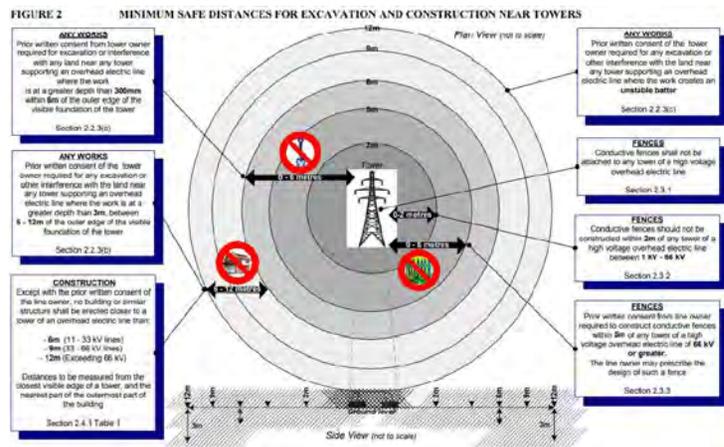
EW-S6 Earthworks and Vertical Holes within the National Grid Yard

- | | |
|-----------|---|
| All Zones | <ol style="list-style-type: none"> 1. The earthworks must not compromise the stability of a National Grid support structure, and 2. The earthworks must not result in a reduction in ground-to-conductor clearance distances as required in Table 4 of the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001) of less than: 6.5m (measured vertically) from a 110kV National Grid transmission line, and 3. The earthworks must not result in the permanent loss of vehicular access to any National Grid support structure. |
|-----------|---|

This would also result in revised recommendations in respect of the associated further submissions of **Transpower (FS18.23, FS18.24 & FS18.27), Federated Farmers (FS25.83 & FS25.86), Hort NZ (FS17.66 & FS17.68), Forest & Bird (FS9.87 & FS9.97)**, to reflect the revised recommendations on the primary submissions.



For towers, the safe distance for hole excavation is shown on the first box on the left, with no deeper than 300mm within 6m of the tower. After the 6m mark, excavation can be up to 3m deep.



The District Plan restriction for post holes to be at least 6m away from a tower foundation as proposed in EW-R5 is in excess of NZECP34, and it would be disingenuous for the National Grid operator to decline permission under the District Plan if it is permitted under NZECP34.

Many National Grid structures have been located along road corridors much closer than 6m from farm boundary fencing. It appears that National Grid structures have been located so close to farm boundaries so they are further away from the formed road, which means the poles and towers have been preferentially located so close to existing fences. The boundaries pre-date the National Grid, so the fences were likely already present when Transpower erected poles and towers as close as 1m. 36. Farmers must be able to maintain their fences as a permitted activity, especially on roadsides, to avoid livestock escaping. Farmers must also

be able to construct new fences to meet freshwater and stock exclusion obligations, as a permitted activity, where they meet NZECP34 standards. Sometimes, Transpower itself will re-build a fence closer than 6m from its structures, after finishing National Grid construction or maintenance.

This is a case of reverse sensitivity, where Transpower is complaining about the activities of the existing and legitimately established farming land uses, and seeking to stifle normal post hole excavation beyond the safe engineering distances in NZECP34. The issues that are detailed in paragraph 5.38 like dust on the wires, reduction of clearance between overhanging wires and the ground, excavation restricting Transpower's access to its structures, and network integrity, are not problems that arise from fence post holes but rather large scale development earthworks.

Rule EW-R5 and Standard EW-S6 for earthworks in the National Grid Yard must be consistent with Section 2.2 of the New Zealand Code of Practice for Electrical Safe Distances NZECP34:2001, and have the same depths and setback distances for vertical holes.' (paras 30-38)

Transpower (S79.093, S79.094, FS18.23, FS18.24, FS18.27) [Evidence of Pauline Whitney, paras 6.20-6.30]

Transpower's original submissions supported retention of Rule EW-R5 and Standard EW-S6, as notified. Transpower also further submitted, opposing the submissions of Federated Farmers (S121.087 & S121.097) to amend these provisions so that they are not more stringent than that specified in Table 4 of NZECP, and the submission of Kāinga Ora (S129.126) to amend Rule EW-R5 to reduce the application of the standard from 12m to 6m of the outer visible edge of any National Grid support structure foundation.

Section 42A Report recommendations are to accept (in part) the submissions and further submissions of Transpower, and reject the submissions of Federated Farmers and Kāinga Ora.

Ms Whitney addressed this matter in her evidence as follows:

'...Notwithstanding the recommendation to retain the provisions as notified, in response to submission points I recommend minor amendment to the rule EW-R5 and standard EW-S6 as outlined below.' (para 6.20)

'Specific to Rule EW-R5, in addition to Transpower, two original submitters lodged submission points on the National Grid specific earthworks rule EW-R5, and one submitter lodged an original submission point on the standard EW-S6. I support the officer recommendation on the submission point S129.126 (Kainga Ora) on the basis there is no justification, evidence or basis for the relief sought by the submitter. In response to the submission point S121.87 by Federated Famers on EW-S5, the submitter seeks amendment to rule EW-R5 to reflect Section 2.2.1 of NZECP:34. Based on the evidence of Mr Cartwright, I support the officer recommendation to reject the relief sought in the submission point. However, based on the evidence provided, I do consider there merit in amending clause EW-R5.1.a to reflect section 2.2.3 of NZECP:34. This would make the condition more enabling than that notified in that it allows for earthworks within 6 metres and 12 metres of a support structure go to a depth of 3 metres. While I note standard EW-S6 addresses matters such as access and stability of the support structure, in

my opinion the provision of clear and appropriate depth and setback standards within EW-R5 provide certainty and based on the evidence of Mr Cartwright, are appropriate.

The amendments I would support are as follows (noting there appears to be some numbering errors in Appendix A to the Section 42 Report and therefore I adopt the numbering within the PDP):

EW-R5 Rule Earthworks and vertical holes within the National Grid Yard

1. Activity Status: PER

Where the following conditions are met:

a. i. The earthworks must be no deeper (measured vertically) than 300mm within 426m of the outer visible edge of any National Grid support-structure foundation,

*ii. **The earthworks are no deeper than 3 metres between 6 metres and 12 metres from the outer visible edge of a foundation of a National Grid support-structure foundation,** except under the following circumstances:*

i. earthworks that are undertaken by a network utility operator (other than for the reticulation and storage of water for irrigation purposes) as defined by the Resource Management Act 1991, or

ii. earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.

iii. vertical holes not exceeding 500mm in diameter, provided they:

a. are more than 1.5m from the outer edge of the pole support structure or stay wire, or
b. are a post hole for a farm fence or artificial crop protection or crop support structures and are more than 6m from the visible outer edge of a tower support structure foundation.

b. Compliance with:

c. Compliance with EW-S6

d. ...' (paras 6.25 & 6.26)

'Specific to Standard EW-S6 and the relief sought by Federated Farmers on EW-S6 sought to:

1. Amend the reference to NZEPC34 in relation to conductor clearance distances within clause 2. from a reference to a 6.5m vertical clearance, to clearance as required by Table 4 of NZECP, and

2. Remove the access standard within clause 3.

I support in part the relief sought by the submitter to amend the reference in clause 2. to refer to table 4 of NZECP. While I agree with the reporting officer that a metric is more easily understood, I am not opposed to direct reference to Table 4 of NZECP:34. As such, below I have outlined an amendment to EW-S6(2) I would accept should the panel prefer such an approach.

In response to the submitter request to remove the clause 3. access standard, as outlined in my Primary Evidence to Hearing 3 I support the retention of the access standard (clause 3.) within EW-S6. Transpower has had instances in the past where access to a support structure is severed and there is no ability as is proposed by the submitter for "The Network Utility Operator will just have to travel to the structure using a different route". The evidence of Mr Cartwright outlines instances where Transpowers ability to access support structures has been compromised. In summary, physical access to transmission lines is required for all maintenance and project work, and when a system fault occurs, the Grid would need to be restored quickly to reduce impacts on businesses and communities throughout the district, and beyond. Restoring supply becomes challenging if

	<p>transmission lines are difficult to access due to intensive developments that may be constructed under and around them. Earthworks can restrict access and therefore the standard is supported.</p> <p>Based on the above, I support amendment to the standard EW-S6 as follows:</p> <p>EW-S6 Standard Earthworks and Vertical Holes within the National Grid Yard All Zones</p> <ol style="list-style-type: none"> 1. The earthworks must not compromise the stability of a National Grid support structure, and 2. The earthworks must not result in a reduction in ground-to-conductor clearance distances of less than: 6.5m (measured vertically) from a 110kV National Grid transmission line as required in Table 4 of the New Zealand Electrical Code of Practice for Safe Electrical Distances (NZECP 34:2001)., and 3. The earthworks must not result in the permanent loss of vehicular access to any National Grid support structure.' (paras 6.27-6.30) 	
<p>6. Rule EW-R6 (Earthworks within 20m of the Gas Transmission Network)</p>	<p>Federated Farmers (S121.088) [Evidence of Rhea Dasent, paras 39-46, pp7/8]</p> <p>Fed Farmers original submission sought deletion of Rule EW-R6. Section 42A Report recommendation is to reject this submission.</p> <p>Ms Dasent responds in her evidence as follows:</p> <p><i>'High pressure gas pipelines have 100% easement agreement coverage where they cross over private land, which already stipulate setbacks, no build zones, and manage earthworks for the purpose of protecting the line and safety. District Plan provisions must not undermine legal easement agreements. In addition, there are no National Policy Statements for gas transmission to give effect to.</i></p> <p><i>The Section 42a Report in paragraph 5.3.10 recommends to reject our submission, and refers us to their discussion on gas transmission lines in Hearing Stream 3 for GRUZ-S12 / RPROZ-S14. Paragraph 2.3.31 of the Hearing Stream 3 Section 42a Report says I do not support Federated Farmer's request to delete Standards GRUZ-S12 and RPROZ-S14, as the setbacks for new residential buildings (being sensitive activities) from the Gas Transmission Network are important to ensure there are no reverse sensitivity effects on the transmission network that could interfere with its ongoing operation as infrastructure of national, regional and local importance. The setback for residential activities is also important to ensure the health and safety of owners and occupiers of the residential buildings.</i></p> <p><i>The health and safety mater that the Section 42a Report mentions will be the relevant mater for this earthworks chapter.</i></p> <p><i>The safety of earthworks or digging near gas transmission lines is already managed by the First Gas permit system. Any earthworks, excavation, landscaping, fencing, drain construction, road and track construction, planting or removal of trees in the easement needs prior permission from First Gas. There is no need for a District Plan to have an additional permit system by requiring a resource consent. Council staff will not have any greater knowledge than First Gas on the mater, that justifies a duplicate permit regime. First Gas even provide the permit for free in order to avoid a disincentive for applications.</i></p> <p><i>The District Plan 20m setback is in excess of the easement widths of 12 metres wide for a single pipeline, with an additional 4 metres for each additional pipeline.</i></p>	<p>I have considered the evidence of Ms Dasent and Mr Roberts (and the verbal presentation from Ms Hines at the Hearing) and I have not changed my position as set out in para 5.3.10 of Section 42A Report:</p> <p><i>'5.3.10 I note the submission of Federated Farmers seeking the deletion of Rule EW-R6 (and all provisions for the Gas Transmission Network). However, I am of the view that earthworks in the vicinity of the gas transmission network is potentially dangerous – being a potential effect of low probability which has a high potential impact. Similar to the 20m setback standard from the gas transmission network for residential activities applying in the rural zones (I refer to discussion with respect to GRUZ-S12 / RPROZ-S14 Setback from Gas Transmission Network as part of Hearing 3 on the Rural Environment topic), I consider it appropriate to enable scrutiny of earthworks where they are proposed to take place within 20m of the gas transmission pipeline, from a safety perspective and from the perspective of the protection of regionally significant infrastructure.'</i></p>

	<p><i>There is no justification why the district plan requires a setback that is 66% greater than the legal easement to manage safety.</i></p> <p><i>Health and safety of owners and occupiers of property that has a gas transmission line is a commendable concern, but this is already managed through the easements, and the safety campaigns run by First Gas, and WorkSafe monitoring and enforcement under the Gas Act 1992. First Gas has a wealth of educational and guidance material for a range of audiences, a Dial-before-you-Dig helpline, and free access to their staff for advice. First Gas clearly describe the health and safety at work obligations in their pamphlets, including this one specifically for farmers. This level of health and safety service provided by First Gas and WorkSafe cannot be bettered by the District Plan.</i></p> <p><i>Therefore, all provisions (other than the mapping of the gas transmission lines) should be deleted from the District Plan.'</i></p> <p>Firstgas Ltd (FS 3.019) [Evidence of Graeme Roberts, paras 25 & 26, p7]</p> <p>Mr Roberts responds in his evidence as follows:</p> <p><i>'Following a review of the Section 42A report, I concur with the recommendation made in that report to accept Firstgas' further submission in opposition of submission S121.088 Federated Farmers of New Zealand, which seeks to delete rule EW-R6 in its entirety.</i></p> <p><i>Rule EW-R6 relates to setbacks for earthworks from the Gas Transmission Network. In the interest of health and safety, the protection of regionally significant infrastructure, and the actual or potential reverses sensitivity effects resulting from earthworks in proximity to the Gas Transmission Network, I consider that rule EW-R6 is retained, as notified. I consider that District Plan rules are an appropriate mechanism to address actual or potential reverse sensitivity effects resulting from earthworks on the Gas Transmission Network and, on that basis, seek that rule EW-R6 is retained.'</i></p>	
<p>7. New Rule for Land Disturbance Activities</p>	<p>Oil Companies (S110.017) [Statement of Megan Barr, paras 2.1-2.10]</p> <p>The Oil companies original submission sought the addition of a Permitted Activity pathway in the Earthworks chapter for 'land disturbance activities' as defined in the PDP – <i>'In terms of the balance of intrusive works undertaken by the Oil Companies, which typically involve reinstatement of existing levels, the Oil Companies seek clarity that these would be considered land disturbance (as defined) and would not default to Rule EW-R7 and the corresponding permitted conditions (relating to (inter alia) cut depths, volumes etc). This would be consistent with the permitted pathway for land disturbance activities provided for network utilities. A consistent approach is appropriate having regard to the potential effects of land disturbance activities, irrespective of their purpose.'</i></p> <p>Section 42A Report recommendation is to accept in part this aspect of their submissions, noting that it is unclear what other land disturbance situations the Oil companies are concerned about, other than earthworks associated with replacement and/or removal of fuel storage systems already provided for in Rule EW-R1 Specified Earthworks.</p> <p>Ms Barr responds in the statement as follows:</p>	<p>I have considered the statement from Ms Barr and appreciate the provision of additional examples of the range of works that might be undertaken on a retail fuel site that do not involve fuel storage systems.</p> <p>In terms of the oil-water separator example, likely occurring on a site with flat to slope of less than 22 degrees, with excavation up to 2.5m deep and affecting a maximum of 20m² in area (i.e. 50m³), this would comply with the Permitted Activity conditions for earthworks in <u>all</u> the zones required by Rule EW-R7 (as it would comply with the most stringent of requirements in Standards EW-S1 Slope, EW-S2 Extent of Earthworks & EW-S3 Vertical Extent)... provided the works also met other relevant standards such as Standards EW-S4 Site Reinstatement, EW-S5 Silt & Sediment Control, was not within the National Grid Yard (EW-S6), or did not exceed the electrical safe distances under NZECP34:2001 (EW-S8).</p> <p>I also consider it very likely that the same would be the case for the other examples given ('installation of EV charging facilities, diesel exhaust fluid tanks, and site exits'). I would also be cautious about incorporating provision for 'temporary' land disturbance activities – in terms of being able to determine what constitutes 'temporary' in this sense – 1 week? 1 month? 6 months? If left open-ended, compliance with Standard EW-S4 Site</p>

'In terms of land disturbance, there are a range of works that might be undertaken on a retail fuel site that do not involve fuel storage systems and would, therefore, not be considered Specified Earthworks under Rule EW-R1. These include the removal or replacement of an oil-water separator, which could require a 2.5m deep excavation but would be temporary. Other works that may require temporary land disturbance include installation of electric vehicle (EV) charging facilities, diesel exhaust fluid tanks, and site exits.

The Oil Companies consider that, from an effects perspective, there is no reason why temporary land disturbance activities that reinstate existing ground levels should be managed differently to the same activities associated with network utilities and other specified activities, like tank installs and replacement.

Relief Sought:

The Oil Companies seek that the Hearing Panel reject the recommendation of the Reporting Planner in relation to submission point S110.017 and add a Permitted Activity pathway (via a new Rule EW-RXX) for temporary 'land disturbance activities' (as defined in the Proposed Plan) that reinstate existing ground levels.

Alternatively, temporary 'land disturbance activities' could be provided for as specified activities under Rule EW-R1, in the same manner as earthworks associated with network utilities (EW-R1-1.b.) and earthworks associated with the replacement and/or removal of a fuel storage system (EW-R1-1.c.)' (paras 2.7-2.10)

Ms Barr offers the following proposed amendment to Rule EW-R1:

Rule EW-R1 Specified Earthworks

All Zones

1. Activity Status: PER

Where the following conditions are met:

- a. The earthworks are associated with site preparation works for a building, the area (m2) of earthworks is no more than 150% of the area of the associated building footprint, and complies with EW-S1 Slope, and EW-S5 Control of Silt and Sediment; or*
- b. The earthworks are associated with any network utilities, including the upgrade or maintenance of existing public roads, and complies with EW-S4 Site Reinstatement and EW-S5 Control of Silt and Sediment; or*
- c. The earthworks are associated with replacement and/or removal of a fuel storage system defined as permitted by the Resource Management Regulations (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health), and complies with EW-S5 Control of Silt and Sediment or*
- d. The earthworks are associated with gravel extraction within the bed of a river.*

e. The earthworks are temporary land disturbance activities and comply with EW-S4 Site Reinstatement and EW-S5 Control of Silt and Sediment.

Note:

Gravel extraction within the bed of a river is subject to rules administered by the Hawke's Bay Regional Council.

or, alternatively, a new rule, as follows:

Rule EW-RXX (new rule)

All Zones

Activity Status: PER

Temporary land disturbance activities where existing ground levels are reinstated upon completion of works.

Reinstatement may prove the default, which is a 6-month timeframe for reinstatement, and I question whether 6 months should constitute 'temporary'.

As a consequence, **I have not changed my position** as set out in paras 5.3.19-5.3.23 of Section 42A Report:

'5.3.19 The Oil Companies seek a Permitted Activity pathway for 'land disturbance activities' (defined in the PDP as 'the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand and rock) that does not permanently alter the profile, contour or height of the land') rather than defaulting to Rule EW-R7 with corresponding conditions. They propose such earthworks be treated similar to the Permitted Activity pathway for land disturbance activities provided for network utilities.

5.3.20 They are concerned that the PDP not duplicate matters which are appropriately addressed under the NESCS or which have limited potential for adverse effects, namely temporary land disturbance activities which reinstate existing ground levels.

5.3.21 I note that earthworks associated with replacement and/or removal of fuel storage systems are already provided for as a Permitted Activity in Rule EW-R1 Specified Earthworks. It is unclear what other land disturbance situations the Oil Companies are concerned about (i.e. what other 'intrusive works on sites to operate, maintain and upgrade refuelling facilities' involve)?

5.3.22 In the case of any other earthworks, Rule EW-R7 already provides a Permitted Activity pathway, subject to compliance with the various EW-Standards and, where these are not met, the activity defaults to a Restricted Discretionary Activity. I do not consider this to be an onerous consenting process.

5.3.23 Therefore, based on the information provided with the submission, I am of the opinion that a separate rule providing for land disturbance activities is not warranted and may lead to adverse effects that deserve consideration and that should be avoided, remedied, or mitigated. Having said that, perhaps the submitter can supply further details at the Hearing for the Hearings Commissioners to consider.'

<p>8. New Rule for Earthworks in Natural Hazard Areas</p>	<p>Kāinga Ora (S129.127) [Evidence of Michael Campbell, paras 4.2-4.7]</p> <p>Kāinga Ora’s original submission sought the addition of a new rule in the EW – Earthworks chapter, <i>‘which provides for earthworks within areas of natural hazards, and considers that where carried out in accordance with relevant conditions a permitted activity status would be appropriate. Where earthworks in areas of natural hazards are likely to exacerbate the risks associated with those natural hazards, a discretionary or non-complying activity status may be appropriate’.</i></p> <p>Section 42A Report recommendation is to reject this aspect of their submissions. Mr Campbell responds in his evidence as follows:</p> <p><i>‘I acknowledge that a range of earthworks are provided as a permitted activity (as set out in proposed rules EW-R1 – EWR7), however the point of the submission by Kāinga Ora, as I understand it, was to highlight the fact that while a range of earthworks are enabled in all zones, it does not appear that there are standards in place to manage the actual or potential effects of earthworks within areas of Natural Hazards. For example, proposed rule “EW-R1 Specified Earthworks” enables earthworks associated with site preparation works for a building, provided the area (m2) of earthworks is no more than 150% of the area of the associated building footprint, and complies with EW-S1 Slope, and EW-S5 Control of Silt and Sediment.</i></p> <p><i>I note that many of the permitted Earthworks rules require Compliance with conditions EW-S1 to EW-S8.</i></p> <p><i>There do not appear to be any standards that specifically control or manage the effects of earthworks on areas identified as containing Natural Hazards. It does not appear that earthworks activities are managed in section NH – Natural Hazards. I note that Policy EW-P1 seeks to:</i></p> <p><i>To avoid, remedy or mitigate the adverse effects of earthworks which:</i></p> <ol style="list-style-type: none"> <i>1. create new or exacerbate existing natural hazards, particularly flood events, or cause adverse effects on natural coastal processes; and</i> <i>2. result in adverse effects on the stability of land, structures or buildings.</i> <p><i>It is unclear to me how the effects of permitted earthworks would be managed within areas of identified natural hazards. The proposed permitted activities enable potentially significant earthworks. Such works could, for example, alter the ground level of the site to the extent that it could create upstream or downstream flooding issues. It is unclear to me at this stage how the actual or potential effects of such activities would be managed.</i></p> <p><i>In my view, it would be prudent, as a minimum, to include a standard that earthworks would not exacerbate the risks of any natural hazards.’</i></p>	<p>I have considered the evidence of Mr Campbell, and I acknowledge that permitted earthworks could potentially enable significant earthworks that could alter the ground level of a site to the extent that it could create upstream or downstream flooding issues, however, I am unsure how a rule or standard could be drafted that enables determination of whether earthworks would exacerbate the risks of any natural hazards or not. My concern is how this would be judged? What would trigger the earthworks to be treated as a discretionary or non-complying activity in this regard?</p> <p>Short of requiring a resource consent for any and all earthworks within a natural hazard area, which would then require an assessment as to whether the earthworks would exacerbate the risks of any natural hazards in each and every case, I am not clear as to how the relief sought by the submitter could be achieved. This would be a considerable imposition, and I question how big an issue this really is – I note that this issue has not been raised during the District Plan Review process to-date, or by any other submitters (including HBRC).</p> <p>In the absence of details as to what a new rule or new standard would look like, and how it would operate, I have not changed my position as set out in paras 5.3.24-5.3.27 of Section 42A Report:</p> <p><i>‘5.3.24 Kāinga Ora seeks the addition of a new rule in the EW – Earthworks chapter providing for earthworks within natural hazard areas, subject to conditions, and a Discretionary or Non-Complying activity status if there is non-compliance with those conditions.</i></p> <p><i>5.3.25 In my view, earthworks are already provided for as a Permitted Activity subject to various conditions as set out in Rule EW-R7 (irrespective of whether the earthworks are in a natural hazard area or not), and non-compliance with the standards defaults to a Restricted Discretionary Activity. Further, Assessment Matter EW-AM1 already provides for consideration of the effects of land disturbance and earthworks in respect of erosion and stability (EW-AM1(1)(c)), consideration of the potential or increased risk of hazards from the activity, including potential risk to people or the community (EW-AM1(2)(d)), sediment control measures ((2)(e)) and rehabilitation ((2)(f)), and effects on flow paths and floodways ((2)(j)), which provides adequate opportunity to consider implications of earthworks within natural hazard areas where a requirement for resource consent is triggered as a Restricted Discretionary Activity.</i></p> <p><i>5.3.26 A Discretionary or Non-Complying activity status is not considered necessary in respect of earthworks. Buildings and alterations to existing buildings within natural hazard areas are themselves subject to rules in the NH chapter based on building importance, as well as vulnerable activities in the Tsunami Hazard Area.</i></p> <p><i>5.3.27 For these reasons, I consider the addition of a new rule as sought by this submitter is unnecessary.’</i></p>
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9. Definition of 'Ancillary Rural Earthworks'

Federated Farmers (S121.231) [Evidence of Rhea Dasent, paras 47-52, pp8/9] Fed Farmers original submission supported the definition of 'Ancillary Rural Earthworks' but sought amendments as follows:

ANCILLARY RURAL EARTHWORKS (PRIMARY PRODUCTION)	means: a. Normal agricultural and horticultural practices, such as cultivating and harvesting crops, ploughing, planting trees, root ripping, digging post holes, maintenance of drains, troughs and installation of their associated pipe networks, and realignment of fencelines, drilling bores and offal pits, burying of dead stock and plant waste; b. Land preparation and vegetation clearance undertaken as part of horticultural plantings; and c. Maintenance <u>and construction</u> of existing walking tracks, farm and forestry tracks, driveways, roads and accessways <u>within the same formation width</u> .
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Section 42A Report recommendation is to reject this submission, but recommends amendments to the definition in response to other submissions on this matter, as follows:

ANCILLARY RURAL EARTHWORKS (PRIMARY PRODUCTION)	means <u>earthworks associated with normal agricultural and horticultural practices, such as:</u> a. Normal agricultural and horticultural practices, such as cultivating and harvesting crops, ploughing, planting trees, root ripping, digging post holes, maintenance of drains, troughs and installation of their associated pipe networks, and realignment of fencelines, drilling bores and offal pits, and burying of dead stock and plant waste <u>(including material infected by unwanted organisms as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993)</u> ; b. Land preparation and vegetation clearance undertaken as part of horticultural plantings; and c. Maintenance of existing walking tracks, farm and forestry tracks, driveways, roads and accessways <u>within the same formation width</u> . <u>Note: for clarification purposes, the alteration or disturbance of land associated with 'gardening, cultivation, and disturbance of land for the installation of fence posts' is excluded from the definition of 'earthworks'.</u>
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Ms Dasent responds in her evidence as follows:

'Federated Farmers supports the shift of normal agricultural and horticultural practices out of article (a) and into the top of the definition.

However, I am not sure that relying on the exemptions from the earthworks definition and a note is sufficient for the list of other ancillary activities, alteration/disturbance of land for gardening, cultivation, fence posts.

Given the discussion in paragraph 3.6.21, the Section 42a Report considers cultivation to be outside even ancillary rural earthworks and not subject to the 500m3 ancillary rural earthworks volume limit in ONLs/HNCs and SNAs of Standard EW-S1(1) by reasoning I note that 'cultivation' and fence post holes are excluded from the definition of 'earthworks' and therefore are not subject to this permitted volume limit.

This leaves me somewhat confused, is cultivation an ancillary rural earthworks activity and permitted by the rules, or is it unregulated? I seek clarification from the Reporting Officer. Federated Farmers will prefer that cultivation is unregulated by the District Plan, because it is such a necessary and ubiquitous farming activity it does not need District Council oversight.' (paras 49-52)

Ms Dasent has requested clarification as to whether cultivation is an ancillary rural earthworks activity and permitted by the rules, or whether it is unregulated. I presume Ms Dasent is referencing para 6.3.21, not para 3.6.21 of the Section 42A Report, in relation to Standard EW-S2 and the extent of ancillary rural earthworks permitted?

As stated in para 6.3.5 of the Section 42A Report (below), ancillary rural earthworks are a subset of earthworks, and 'cultivation' is specifically excluded from the definition of 'Earthworks' (as per the definition adopted from the National Planning Standards). Therefore, 'cultivation' is not captured by the earthworks rules in the PDP, including the rules and standards relating specifically to ancillary rural earthworks (such as Standard EW-S2). I consider this is suitably evident in the amendments I have recommended.

'6.3.5 I concur with Hort NZ that gardening, cultivation (where 'cultivation' is defined in the PDP as 'the alteration or disturbance of land...for the purpose of sowing, growing or harvesting of pasture or crops'), and disturbance of land for the installation of fence posts, are excluded from the definition of 'Earthworks' and therefore should similarly be removed from the definition of 'Ancillary Rural Earthworks' to avoid confusion. However, I do not accept that this is reasonably achieved by deleting clauses (a) and (b) in their entirety. I recommend deletion of clause (b) as it falls within the definition of 'cultivation', but retaining those aspects of clause (a) that do not constitute 'gardening, cultivation or disturbance of land for the installation of fence posts', and by inserting a 'Note' to clarify the application of the definition in line with those aspects excluded from the definition of 'Earthworks'.

<p>10. New Policy for 'Ancillary Rural Earthworks'</p>	<p>Federated Farmers (S121.079) [Evidence of Rhea Dasent, paras 53-56, pp9/10] Federated Farmers' original submission sought inclusion of a new policy as follows:</p> <p>EW-PX Provide for ancillary rural earthworks as unlimited, to recognise that they normal and anticipated within the rural zones, with de minimus effects.</p> <p>Section 42A Report recommendation is to reject this submission.</p> <p>Ms Dasent responds in her evidence as follows:</p> <p><i>'The Section 42a Report rejects the new policy for ancillary rural earthworks starting in paragraph 6.3.11, as well as Federated Farmers, Horticulture New Zealand and New Zealand Pork also sought similar new policies. The Section 42a Report reasons that 'ancillary rural earthworks' are a subset of 'earthworks' generally, therefore such earthworks are already appropriately covered by the existing policies in the EW – Earthworks chapter.</i></p> <p><i>Given the repeated presence of ancillary rural earthworks throughout the rules and standards, and a regime that mostly permits it with no volume or area limits compared to other earthworks, it deserves its own policy to explain why.</i></p> <p><i>A new policy recognising and providing for ancillary rural earthworks will also align with objectives RPROZ-O1 and GRUZ-O1: The General Rural Zone/Rural Production Zone is predominantly used for primary production activities and ancillary activities' (paras 54-56)</i></p>	<p>I have considered the evidence of Ms Dasent and I have not changed my position as set out in para 6.3.13 of Section 42A Report:</p> <p><i>'In terms of the additional policy sought by Federated Farmers..., for the reasons already stated above in paragraph 6.3.9, I do not support extending unlimited ancillary rural earthworks into identified HNC, ONF/ONL & SNA areas, nor any policy wording that promotes ancillary rural earthworks as having 'de minimus effects'. In my opinion, there are certain situations where ancillary rural earthworks can have adverse effects on the environment, particularly in areas of significant natural character, landscape, and ecosystem and indigenous biodiversity values. Therefore, the policy sought is not supported. Also, as stated above, 'ancillary rural earthworks' are a subset of 'earthworks' generally, therefore such earthworks are already appropriately provided for in the existing policies in the EW – Earthworks chapter. Therefore, I consider inclusion of the additional policy sought by Federated Farmers is neither accurate, appropriate, nor necessary.'</i></p>
<p>11. New Policy for 'Earthworks'</p>	<p>Hort NZ (S81.086) [Evidence of Jordyn Landers, paras 23-26, pp5/6] Hort NZ's original submission sought inclusion of a new policy as follows:</p> <p>EW-PX Enable earthworks to provide for people and communities social, economic and cultural well-being, and their health and safety, including ancillary rural earthworks, where adverse effects are appropriately managed.</p> <p>Section 42A Report recommendation is to reject this submission.</p> <p>Ms Landers responds in her evidence as follows:</p> <p><i>'I agree with the S42A that ancillary rural earthworks is a subset of earthworks (and therefore addressed by the policies applicable to earthworks). However, I consider that as the rule framework does enable earthworks to a certain extent (for example providing for specified earthworks and ancillary rural earthworks as permitted activities subject to conditions), that an 'enable' policy would be an appropriate addition to 'round-out' the earthworks policy. This would acknowledge the benefits of providing for earthworks (however I accept that this would not have to specifically refer to ancillary rural earthworks), such as:</i></p> <p><i>EW-PX Enable earthworks to provide for people and communities social, economic and cultural well-being, and their health and safety, where adverse effects are appropriately managed.</i></p> <p><i>The Earthworks policies (EW-P1 to EW-P7) refer to direction to 'avoid, remedy, mitigate', 'ensure', 'require', 'protect', 'avoid duplication' and 'control'. Whereas the policies specific to Mining, Quarrying and Hydrocarbon Extraction, include in addition to 'avoid, remedy, mitigate' and 'require' directions, 'enabling' policies (EW-P8 and EW-P9). Accordingly, an additional policy such as that above, would be in keeping with the approach in the plan for earthworks.'</i> (paras 24-26)</p>	<p>I have considered the evidence of Ms Landers and I accept that an 'enabling' policy would be an appropriate addition to 'round out' the earthworks policy, in acknowledging the benefits of providing for earthworks and reflecting that certain specified earthworks are provided for as permitted activities subject to conditions.</p> <p>In coming to this position, I note the Introduction to the EW – Earthworks chapter refers to earthworks as being <i>'an integral part of development, as they prepare land (including the formation of building platforms) to be used for living, business and recreation, and are often essential to the construction of foundations, buildings, and structures'</i>.</p> <p>I am comfortable with the revised wording of the new policy as proposed in Ms Landers evidence, but with a change to refer to adverse effects being avoided, remedied or mitigated.</p> <p>Given the above, I have changed my position from that set out in para 6.3.12 of Section 42A Report and make the following revised recommendation to 'Accept in part' submission S81.086, and to recommend the inclusion of an additional policy in the Earthworks chapter of the PDP as follows:</p> <p>EW-PX To enable earthworks to provide for people and communities' social, economic and cultural well-being, and their health and safety, where adverse effects are avoided, remedied or mitigated.</p> <p>This would also result in revised recommendations to 'Accept in part' the similar primary submission, and associated further submission, of NZ Pork (S42.029 & FS6.7) reflecting the revised recommendation on the Hort NZ primary submission.</p>

		<p>In terms of section 32AA, I consider the addition of this policy would more appropriately contribute to the overall achievement of Objective EW-O1 of the PDP, through rounding out the policies in acknowledging earthworks are an integral part of development.</p>				
<p>12. New Standard for Earthworks on the site of Heritage Items and Sites of Significance</p>	<p>Heritage New Zealand Pouhere Taonga (S55.067, S55.068, S55.069, S55.070, S55.071) [Evidence of Dean Raymond, paras 10-17, pp3-5]</p> <p>HNZPT's original submission sought to include an additional permitted activity standard in the Earthworks chapter of the PDP (and reference the new Standard in Rules EW-R1, EW-R3, EW-R4 & EW-R7), as follows:</p> <table border="1" data-bbox="367 435 1098 597"> <tr> <td colspan="2" data-bbox="367 435 1098 483">EW-SX Earthworks with sites identified as Historic Heritage in SCHED2 or Sites and Areas of Significance to Māori in SCHED3</td> </tr> <tr> <td data-bbox="367 500 485 597">All Zones</td> <td data-bbox="485 500 1098 597">1. <u>The earthworks are not within a site identified as Historic Heritage in SCHED2 or identified as a Site or Area of Significance to Māori in SCHED3, unless the earthworks are limited to trenching necessary for the installation of service connections or effluent disposal systems, or interments in existing cemeteries or urupā.</u></td> </tr> </table> <p>Section 42A Report recommendations were to reject these submissions.</p> <p>Mr Raymond responds in his evidence as follows:</p> <p><i>'The very general rules in the SASM and HH chapters, for example SASM-R1 and SASM-R5, are beneficial as far as they are written to capture any activity which might damage or destroy a site. However in practice the rule framework would allow for a land owner or developer to undertake extensive earthworks in the vicinity of a significant site without the need for any consent. Uncontrolled earthworks is one of the most common ways significant archaeological and cultural sites are damaged or destroyed. There is a high risk that such activity, whether unintentional or deliberate, would damage significant heritage or cultural resources. This is exacerbated by the fact that the sites included in the PDP Schedule are identified only by a point/marker on the map, and the extent of scheduled sites has not been identified in the Plan. The location of the HH or SASM marker on the maps may also not be accurate.</i></p> <p><i>In Paragraph 7.3.6 the author refers to the Assessment Matters which come into play when a resource consent is applied for, including reference to Wāhi Tapu, sites of significance and archaeological sites. It is appreciated that these assessment matters are included in the plan. However, there is a high bar in the PDP for an activity to trigger a consent for earthworks. For example, EW-R2 (Ancillary Rural Earthworks) provides for 500m3 of earthworks per annum. Even earthworks at a much smaller scale has the potential to damage or destroy significant sites.</i></p> <p><i>Other District Plans often include specific provisions controlling earthworks on historic heritage and SASM sites. I refer the panel to the Proposed District Plans for New Plymouth and Porirua. Both of these PDPs include policies and rules in the HH and SASM chapters for matter (whether included in the Earthworks or the SASM chapters), but it does matter that such provisions are included.</i></p> <p><i>I acknowledge that there is the potential for duplication between the processes of the District Plan and the Heritage New Zealand Pouhere Taonga Act 2014, with regard to the destruction of archaeological sites. The PDP has taken the approach that all archaeological sites are included in the planning maps for information</i></p>	EW-SX Earthworks with sites identified as Historic Heritage in SCHED2 or Sites and Areas of Significance to Māori in SCHED3		All Zones	1. <u>The earthworks are not within a site identified as Historic Heritage in SCHED2 or identified as a Site or Area of Significance to Māori in SCHED3, unless the earthworks are limited to trenching necessary for the installation of service connections or effluent disposal systems, or interments in existing cemeteries or urupā.</u>	<p>I have considered the evidence of Mr Raymond and I accept that there is an issue by the fact that the sites included in the PDP Schedule are identified only by a point/marker on the map, and the extent of scheduled sites has not been identified in the Plan. I also accept that the location of the HH or SASM marker on the maps may also not be accurate.</p> <p>This could mean that my reliance in the Section 42A Report on the provisions of the HH – Historic Heritage and SASM – Sites of Significance to Māori chapters in the PDP as the primary means to address risks associated with earthworks in the vicinity of these areas, may not always be sufficient to protect such areas from the risk of damage (whether unintentional or deliberate).</p> <p>I remain of the view that the standard as originally sought would create duplication with the HNZPT Act in relation to archaeological sites and concur with Mr Raymond that this be addressed through limiting its application to Wāhi tapu places identified in HH-SCHED2, as these may not be 'archaeological sites' and therefore may not be afforded the protection provided under the HNZPT Act. Protection of those cultural sites that are not archaeological sites, therefore, could otherwise suffer permanent damage or destruction from earthwork activities.</p> <p>However, I remain of the view that activities within, and within 100m of, a site or area of significance to Māori in SASM-SCHED3 are appropriately managed through the specific rules in the SASM – Sites & Areas of Significance to Māori chapter of the PDP. In addition to the general requirement not to destroy, damage or modify these sites/areas (Rules SASM-R1, SASM-R3, SASM-R4 & SASM-R5), these rules also regulate particular activities considered to pose risk to the cultural values of these sites/areas – being offal pits, burial of dead stock or plant waste, or effluent storage or disposal fields (Rules SASM-R5 & SASM-R6). Rule SASM-R2 specifically permits earthworks associated with burials within an existing urupā identified in SASM-SCHED3.</p> <p>In my view, the revised wording of the proposed Standard offered in Mr Raymond's evidence goes some way to addressing this matter without causing duplication with the HNZPT Act. However, to apply such a standard across an entire site on the basis that it contains a Wāhi Tapu place or a Site or Area of Significance to Māori, is too broadly applied in my opinion. The earthworks could be located some considerable distance away from the place/site and have no impact at all on it, and yet the application of the standard as proposed would trigger a resource consent.</p> <p>Recognising the potential inaccuracy of the mapping of these places/sites on the PDP Planning Maps, I recommend applying the standard to land within 100m of the location point of these places/sites as shown on the Planning Maps, rather than applying this standard potentially to the whole property.</p>
EW-SX Earthworks with sites identified as Historic Heritage in SCHED2 or Sites and Areas of Significance to Māori in SCHED3						
All Zones	1. <u>The earthworks are not within a site identified as Historic Heritage in SCHED2 or identified as a Site or Area of Significance to Māori in SCHED3, unless the earthworks are limited to trenching necessary for the installation of service connections or effluent disposal systems, or interments in existing cemeteries or urupā.</u>					

purposes only, however the scheduled SASM and Historic Heritage sites are included in the Plan with an associated regulatory framework. My understanding of the inclusion of these places in the PDP schedules is because of their significance. In relation to earthworks an additional level of protection, with clear and unambiguous provisions, is warranted for these places.

Regarding the effect of earthworks on sites containing scheduled heritage items or buildings, the greatest potential for adverse effects is on Wāhi Tapu sites. While it is possible that earthworks can cause adverse effects on the setting or surrounds of a scheduled heritage building, the larger risk is for Wāhi Tapu and other Sites of Significance to Māori. With this in mind I suggest that the additional standard requested by HNZPT be amended to refer to SASM sites and scheduled Wāhi Tapu only, and not other scheduled heritage places.

I recommend that the following standard be added to the District Plan, and included in rules EW-R1, EW R3, EW-R4 and EW-R7 as a permitted activity standard:

EW-S10 Earthworks within sites containing scheduled Wāhi Tapu places in SCHED2 or Sites and Areas of Significance to Māori in SCHED3

All Zones:

1. The earthworks are not within a site containing a scheduled Wāhi Tapu place in SCHED2 or a Site or Area of Significance to Māori in SCHED3, unless the earthworks are limited to interments in existing cemeteries or urupā.

I have considered the proposed addition of this standard in relation to the requirements of Section 32AA. The following is my brief analysis:

- This proposed provision will improve the effectiveness of the district plan by specifically controlling earthworks on sites containing Wāhi Tapu and Sites of Significance to Māori.
- The proposed amendment is efficient, as although the PDP contains general provisions addressing 'all activities', a specific provision addressing earthworks is warranted to achieve the purpose of the Act to protect Historic Heritage
- The proposed provision effectively implements EW-O1, EW-P7, SASM-O1, SASM-P2, and TW-P9
- The risk of not acting is that the District Plan provision are inadequate to prevent the damage or destruction of significant Wāhi Tapu and other Māori sites
- In my view the proposed amendment will be more appropriate in achieving the purpose of the RMA.'

13. Objective EW-O2 (Offsetting / Compensation)

Question from the Panel re: Aggregate & Quarry Association (S82.001)
Aggregate & Quarry Assoc original submission was to amend Objective EW-O2 as follows:

EW-O2 Ensure that the life-supporting capacity of air, water, soil and ecosystems is safeguarded and that adverse effects of mining, quarrying and hydrocarbon extraction activities on the environment are avoided, remedied, ~~or~~ mitigated, **offset or compensated**, while meeting the needs of the District (and wider Region) for minerals.

Section 42A Report recommendation is to reject this submission.

The adoption of 100m aligns with the generally accepted locational accuracy of archaeological sites recorded in NZAA ArchSite being only to 100m grid squares, and therefore only deemed accurate within, at best, 100m of the actual site location. It also aligns with the 100m distance already applying to sites identified in SASM-SCHED3 in Rule SASM-R6 of the PDP.

Given the above, I **have changed my position** from that set out in paras 7.3.1-7.3.6 of Section 42A Report, but only in relation to Wāhi Tapu places identified in HH-SCHED2.

To this end, I make the following revised recommendations to **'Accept in part' submission S55.071, and 'Accept' submissions S55.067, S55.068, S55.069, S55.070**, to include the following permitted activity Standard in the EW – Earthworks chapter of the PDP, as follows:

EW-SX Earthworks within a scheduled Wāhi Tapu place in HH-SCHED2	
All Zones	1. Earthworks are not within 100m of the location on the Planning Maps of a scheduled Wāhi Tapu place in HH-SCHED2, unless the earthworks are limited to interments in existing cemeteries or urupā. <i>Note: for activities (including earthworks) within, or within 100m of, a site or area of significance to Māori identified in SASM-SCHED3 refer SASM chapter of the PDP.</i>

With subsequent amendments also recommended for Rules EW-R1, EW-R3, EW-R4 & EW-R7, to include reference to the above Standard in condition 1 of these rules, accordingly.

This would also result in revised recommendations in respect of the associated further submissions of **Federated Farmers (FS25.82 & FS25.85), Waka Kotahi (FS16.35), Kāinga Ora (FS23.73), and Ngā hapū me ngā marae o Tamatea (FS5.091)**, to reflect the revised recommendations on the primary submissions.

As an aside, I note the definition of 'Earthworks' excludes 'gardening, cultivation, and disturbance of land for the installation of fence posts' – therefore, I note that the above recommended standard would not ultimately apply to such land disturbance activities.

I have considered the question from the Panel and, in my view, offsetting and compensation are methods consent authorities should only be considered where avoidance, remediation or mitigation are not achievable. While s104(1)(ab) RMA provides for consideration of off-setting, this can be considered independent of any policy support. In my view there should be a preference towards avoiding, remedying or mitigating adverse effects on the environment, and this is consistent with the direction set by the higher order objectives and policies and the Regional Policy Statement. For that reason, I do not consider that they should be considered options inherently available in every case. Therefore, I remain of the view, that they should not be listed in

	<p>Quarrying is not always able to avoid, remedy or mitigate adverse effects – are off-setting and compensation therefore reasonable to include in the objective as options, given s104(1)(ab) provides as follows <i>‘any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity?’</i></p>	<p>the policy alongside, and equal to, ‘avoidance, remediation or mitigation’ in the way sought by the submitter.</p> <p>To this end, I have not changed my position as set out in para 9.3.9 of Section 42A Report:</p> <p><i>‘9.3.9 With respect to the Aggregate & Quarry Assoc submission, when considering an application for a resource consent, section 104(1) of the RMA provides for consent authorities to have regard to ‘(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity’. It is my understanding that offsetting is a last resort... where adverse effects cannot be reasonably avoided, remedied, or mitigated... and that there are limits to offsets (e.g. situations where residual impacts cannot be fully compensated for by a biodiversity offset because of the irreplaceability or vulnerability of the biodiversity affected) and this can only be considered on a case-by-case basis. Given this, I do not consider offsetting and compensation are appropriate as standard options to apply in all instances, and therefore I do not support the amendment to incorporate these options within Objective EW-O2.’</i></p>
<p>14. Policy EW-P9 (Farm Quarries)</p>	<p>Federated Farmers (S121.081) [Evidence of Rhea Dasent, paras 63-67, pp11/12] Fed Farmers original submission sought amendments to Policy EW-P9, as follows:</p> <p>EW-P9 To enable farm quarries and ancillary to farming and forestry activities to be established in rural areas.</p> <p>Section 42A Report recommendation is to reject this submission.</p> <p>EW-P9 To provide forenable farm quarries and ancillary to farming and forestry quarrying activities to be established in rural areas where the adverse effects on the environment are avoided, remedied or mitigated.</p> <p>Ms Dasent responds in her evidence as follows:</p> <p><i>‘However it does not appear that any submitters asked for enable to be deleted, and replaced with provide for. Federated Farmers prefers enable to remain, and it will be consistent with Objective EW-O1 which the Section 42a Report recommends to use the word enable. We do not object to the addition of adverse effects are to be avoided, remedied or mitigated, as this is consistent with RMA Section 5(2)(c).’</i></p>	<p>I have considered the evidence of Ms Dasent and consider the change to the terminology to replace the words ‘To enable’ with ‘To provide for’ is within scope of the Forest & Bird submission (S75.088) in relation to this policy. Forest & Bird submitted as follows <i>‘An enable policy is not appropriate, particularly without reference to environmental limits or avoiding/remedying/mitigating effects’</i> and sought that the policy be deleted entirely.</p> <p>On this basis, I have not changed my position as set out in paras 9.3.14 & 9.3.15 of Section 42A Report:</p> <p><i>‘9.3.14 I concur with Federated Farmers to use the term ‘farm quarries’ in Policy EW-P9, as ‘farm quarry’ is the term is defined in the PDP and is used in Rule EW-R4, and it is therefore appropriate to have consistent terminology. I recommend the policy be amended to refer to ‘farm quarry’, accordingly.</i></p> <p><i>9.3.15 In terms of Forest & Bird’s submission, I concur that the policy as written is not appropriate without reference to environmental limits or avoiding/remedying/mitigating effects. However, I do not consider that Policy EW-P9 should be deleted entirely, as such minor quarry activities are anticipated in the rural environment. I recommend utilising defined terms (‘farm quarries’ and ‘forestry quarrying’) and constructing the policy around avoiding, remedying or mitigating effects, which will bring the policy more in line with giving effect to Objective EW-O2...’</i></p>

Natural Hazards & Climate Change Topic

Issue/Plan Provision	Submitter Evidence	Response												
<p>15. Rule NH-R1 (Vegetation Planting)</p>	<p>Question from the Panel re: Federated Farmers (S121.136)</p> <p>My understanding of the question was around whether this rule could be considered too restrictive... for instance, situations where landowners carry out natural hazard mitigation e.g. riparian planting to stabilise soil, and they are not a network utility, or territorial authority, or doing work on behalf of either?</p> <p>This is may be related to Federated Farmers' original submission to amend Rule NH-R1, as follows, including raising concern that <i>'the broad definition of 'natural hazard mitigation activities' includes activities like riparian planting and drainage which should be reasonable activities for farmers to undertake on their land for the purposes of mitigating potential flood damage...'</i></p> <table border="1" data-bbox="352 570 1178 854"> <thead> <tr> <th colspan="3">NH-R1 Natural hazard mitigation activities within a Natural Hazard area</th> </tr> </thead> <tbody> <tr> <td data-bbox="352 618 510 691"> Fault Avoidance Area Flood Hazard Area Tsunami Hazard Area </td> <td data-bbox="510 618 951 854"> 1. Activity Status: PER Where the following conditions are met: a. The activity is carried out by or on behalf of a local authority, network utility operator or a requiring authority exercising its powers, functions and duties under the RMA, Soil Conservation and Rivers Control Act 1941, Land Drainage Act 1908, or Local Government Act 2002; or b. <u>the natural hazard risk cannot be reasonably avoided, and the mitigation works do not transfer or create unacceptable hazard risk to other people, property, infrastructure or the natural environment.</u> </td> <td data-bbox="951 618 1178 675"> 2. Activity status where compliance not achieved: DIS </td> </tr> </tbody> </table> <p>Section 42A Report recommendation is to reject this submission.</p>	NH-R1 Natural hazard mitigation activities within a Natural Hazard area			Fault Avoidance Area Flood Hazard Area Tsunami Hazard Area	1. Activity Status: PER Where the following conditions are met: a. The activity is carried out by or on behalf of a local authority, network utility operator or a requiring authority exercising its powers, functions and duties under the RMA, Soil Conservation and Rivers Control Act 1941, Land Drainage Act 1908, or Local Government Act 2002; or b. <u>the natural hazard risk cannot be reasonably avoided, and the mitigation works do not transfer or create unacceptable hazard risk to other people, property, infrastructure or the natural environment.</u>	2. Activity status where compliance not achieved: DIS	<p>I have considered the matter, and Rule NH-R1 only applies to such activities occurring within the identified and mapped 'Hazard Areas'. Elsewhere in the District, such activities would generally be permitted by the PDP (subject to complying with the 'Earthworks' rules, the 'Ecosystems and Indigenous Biodiversity' rules, and with the 'Shading of Land and Roads' standards applying in the Rural Zones etc).</p> <p>In my view, in hazard risk areas, it is appropriate to scrutinise such activities through a resource consent process, with the ability to decline such an application if the activity is deemed to exacerbate risk to people, property, infrastructure and/or the environment.</p> <p>I also note, in terms of planting, the Hawke's Bay Regional Resource Management Plan has a rule applying to activities in the vicinity of river control and drainage schemes (including planting, buildings or structures, and deposition of material, within 6 metres of the bed of a river, lake or artificial water course), where undertaken by persons other than the local authority or persons acting on their behalf. In that situation, such planting would similarly fall to a Discretionary Activity (Rule 71 of the HBRRMP). Therefore, I do not consider that Rule NH-R1 is out of step with this.</p> <table border="1" data-bbox="1213 776 1864 1448"> <thead> <tr> <th>Rule</th> <th>Activity</th> <th>Classification</th> </tr> </thead> <tbody> <tr> <td data-bbox="1213 841 1339 1016"> 71 Activities affecting river control & drainage schemes^{156, 157} <i>Refer POL 79</i> </td> <td data-bbox="1339 841 1728 1448"> Any of the following activities, where they are undertaken by persons other than the local authority or persons acting on their behalf, within a land drainage or flood control scheme area that is managed by a local authority exercising its powers, functions and duties under the Soil Conservation and Rivers Control Act 1941, the Land Drainage Act 1908, or the Local Government Act 1974: <ul style="list-style-type: none"> The introduction or planting of any plant including any tree in, on, or under the bed of any river, lake or artificial water course, or within 6 metres of the bed. 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The erection of any structure and the undertaking of any land disturbance activity which interferes with the integrity of any defence against water.¹⁵⁸ </td> <td data-bbox="1728 841 1864 881"> Discretionary ¹⁵⁹ </td> </tr> </tbody> </table>	Rule	Activity	Classification	71 Activities affecting river control & drainage schemes ^{156, 157} <i>Refer POL 79</i>	Any of the following activities, where they are undertaken by persons other than the local authority or persons acting on their behalf, within a land drainage or flood control scheme area that is managed by a local authority exercising its powers, functions and duties under the Soil Conservation and Rivers Control Act 1941, the Land Drainage Act 1908, or the Local Government Act 1974: <ul style="list-style-type: none"> The introduction or planting of any plant including any tree in, on, or under the bed of any river, lake or artificial water course, or within 6 metres of the bed. 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Rule	Activity	Classification												
71 Activities affecting river control & drainage schemes ^{156, 157} <i>Refer POL 79</i>	Any of the following activities, where they are undertaken by persons other than the local authority or persons acting on their behalf, within a land drainage or flood control scheme area that is managed by a local authority exercising its powers, functions and duties under the Soil Conservation and Rivers Control Act 1941, the Land Drainage Act 1908, or the Local Government Act 1974: <ul style="list-style-type: none"> The introduction or planting of any plant including any tree in, on, or under the bed of any river, lake or artificial water course, or within 6 metres of the bed. The erection of any building, fence or other structure in, on, or under the bed of any river, lake or artificial water course, or within 6 metres of the bed. The deposition of any rock, shingle, earth, debris or other substance in, on, or under the bed of any river, lake or artificial water course, or within 6 metres of the bed. The reclamation or drainage of the bed of any river, lake or artificial water course. The undertaking of any other land disturbance activity which impedes access to the bed of any river, lake or artificial water course, or within 6 metres of the bed. The erection of any structure and the undertaking of any land disturbance activity which interferes with the integrity of any defence against water.¹⁵⁸ 	Discretionary ¹⁵⁹												

		<p>Therefore, I have not changed my position as set out in para 6.3.2-6.3.8 of Section 42A Report:</p> <p><i>6.3.2 Federated Farmers considers activities like riparian planting and drainage should be reasonable activities for farmers to undertake on their land for the purposes of mitigating potential flood damage, and are also concerned that maintenance work on existing stop banks is not enabled.</i></p> <p><i>6.3.3 'Natural hazard mitigation activities' are defined in the PDP as 'activities that are carried out to reduce the risks posed by natural hazards (includes stopbanks, sea walls, vegetation planting, and river control and drainage works).'</i></p> <p><i>6.3.4 In terms of 'vegetation planting', I am unsure as to the use of riparian planting as a means of mitigating flood hazard other than, perhaps, as a way to stabilise riverbanks. Riparian planting is generally used as a filtering mechanism for water quality purposes, shading for aquatic ecosystems, and for amenity and cultural reasons.</i></p> <p><i>6.3.5 In terms of maintenance work on existing stop banks, where carried out 'by or on behalf of a local authority... exercising its powers, functions and duties under the ..., Soil Conservation and Rivers Control Act 1941, Land Drainage Act 1908, ...', such maintenance would meet the Permitted Activity condition in Rule NH-R1 and is therefore already enabled.</i></p> <p><i>6.3.6 In my view, it is appropriate that privately-initiated 'natural hazard mitigation activities' should be subject to appropriate consideration through a resource consent process, given such works can transfer or create risk off-site. The rule is also consistent with a similar rule in the Hastings District Plan (Rule NH1).</i></p> <p><i>6.3.7 I also consider that the wording of the condition sought introduces a degree of judgement which is inappropriate within a rule in a District Plan – in terms of determining whether a natural hazard risk can be 'reasonably avoided' or not, and in terms of determining whether the works transfer or create 'unacceptable' hazard risk to other people, property, infrastructure or the natural environment.</i></p> <p><i>6.3.8 For these reasons, I do not support amending Rule NH-R1 as sought by Federated Farmers.'</i></p>
<p>16. Flood Hazard Mapping / Rule NH-R2</p>	<p>HBRC (S11.017 & S11.039) [Evidence of Gavin Ide, paras 4.1-4.6, pp4/5]</p> <p>HBRC's original submission sought that the mapping of flood hazard areas be amended to provide a more accurate overlay that identifies both 'at risk' of flooding, and those at 'low risk' of flooding.</p> <p>Section 42A Report recommendation is to accept these submissions, and to update the Planning Maps with differentiation between 'at risk' and 'low risk' of flooding on the maps and within Rule NH-R2, accordingly.</p> <p>Mr Ide responds in his evidence as follows:</p> <p><i>'I note Kainga Ora (Submission S129.054) sought an amendment to Rule NH-R2 to delete all clauses relating to the Flood Hazard Area. Kainga Ora's submission is that "the spatial identification of flood hazard areas should be made publicly available through a set of non-statutory flood hazard maps which sit outside of the PDP."</i></p>	<p>I have considered the legal submission of Mr Whittington and the evidence of Mr Campbell on behalf of Kainga Ora, and the evidence of both Mr Ide and Mr Goodier on behalf of HBRC on this matter, including their verbal presentations to the Panel.</p> <p>Mr Whittington and Mr Campbell refer to the Auckland Unitary Plan and Tauranga Plan Change 27 adopting an 'outside the plan' or 'non-statutory mapping' approach. I provide some commentary on these two examples below.</p> <p><u>Auckland Unitary Plan</u></p> <p>In the Auckland Unitary Plan (operative in part) situation, the Plan contains rules pertaining to 'activities in the 1 per cent annual exceedance probability (AEP) floodplain' – Rules A23 to A38 – and 'infrastructure in the 1 per cent</p>

I disagree. Even though some areas at risk of flooding have been identified and that information is made available in the Hawke's Bay Hazards Portal, it is my opinion that it is appropriate for some land use activities to be restricted by district rules more than others in flood hazard areas. Rule NH-R2 in the proposed district plan goes some way to doing just that.

As consequence of the reporting officer recommending adoption of updated flood hazard maps developed by the Regional Council, the reporting officer goes on to state (at para 6.3.12) "that it is appropriate to differentiate between 'Zone 1' and 'Zone 2' flood areas within Rule NH-R2 accordingly." I agree that differentiation is appropriate.

In my opinion, managing the risks arising from flooding of some land use activities involving the gathering of larger numbers of people ought to be subject to different restrictions than say, a typical residential dwelling. I do not consider it appropriate for a district plan to apply a 'one-size-fits-all' approach to restricting all land use activities, building and structures within an area identified as being at risk of flooding.

At paragraph 8.3.1 of the s42A Report, the reporting officer comments that there is "considerable support for Appendix NH-APP1 and the use of building importance categories (BIC) as a way of managing risk from natural hazards in the PDP." Indeed if the proposed district plan is to retain BICs, then I concur with the amendments to Rule NH-R2 as recommended and described by the reporting officer at paragraphs 6.3.15 and 6.5.1 of the s42A report.' (paras 4.2-4.6)

Refer also the evidence of Craig Goodier, HBRC's Principal Engineer, as follows (para 12 & paras 20-28, pp3-5):

'The flood hazard maps were submitted to the CHBDC proposed district plan such that the maps could be included in the district plan and be used by the district council in fulfilling its functions in planning and controlling building activity in potentially hazardous zones.'

and

'One of the principal guides to effective natural hazard management is taken from the Quality Planning website (the website is backed by Ministry for the Environment, New Zealand Planning Institute, Resource Management Law Association, New Zealand Institute of Surveyors, Local Government New Zealand and New Zealand Institute of Architects). The risk-based approach to planning for hazards has four principles – the first of which relates to hazard information:

"1. Gathering accurate natural hazard information: Identifying and accurately locating hazards on planning maps is essential for communicating and mitigating hazard risk. Collecting information often requires specialised technical knowledge and surveys. Maps showing the location of hazards in the vicinity of a property must be developed at an appropriate scale. As the existence of a particular hazard may have a major effect on a decision to purchase or build on a property, all information on hazards should be as accurate as technology and resources permit."

The key point is one that '... hazards should be as accurate as technology and resources permit.', i.e. concerning the present case of the CHB flood hazard maps, in my opinion, the method used was commensurate with the available data and resources.

annual exceedance probability (AEP) floodplain' – Rules A52 to A56 – and also permitted and controlled activity standards pertaining to the 1 per cent annual exceedance probability (AEP) floodplain – Standards E36.6.1.5 to E36.6.1.9, E36.6.1.13, and E36.6.2.1.

There are no flooding overlays on the Auckland Unitary Plan maps. The only indication of the approach to determining whether a site is within the floodplain or not is in the Background section at the beginning of the E36. Natural Hazards and flooding section of the Plan, which appears to indicate the use of non-statutory maps held by the Council outside of the Plan, as follows:

PC 78 (see [Modifications](#))

The Plan has defined criteria to identify land which may be subject to natural hazards. The Plan requires the use of the best information available to identify greenfield land or land which is proposed for redevelopment which may be subject to natural hazards. This includes hazard maps, databases and reports held by the Council. The level of detail and the quality of this information is variable. This affects the Council's ability to identify and map land that may be subject to natural hazards. At this time, the provisions in the Plan are focussed on the following hazards:

- coastal erosion;
- coastal storm inundation;
- flooding;
- land instability; and
- wildfires.

Plan Change 27 Tauranga City Plan

PC 27 was notified in November 2020. The Tauranga City Council website states: *"The plan change introduces a new rule framework to the Tauranga City Plan to manage the effects of flooding from intense rainfall on people, properties and infrastructure."*

Decisions on submissions on PC 27 were released in March 2022. The decisions version of the text adopts the following definitions for 'floodplain' and 'flood prone area', which then flow through into a rules framework adopted in Chapter 8 Natural Hazards of the Plan (and other chapters):

- **Adopt definition for floodplain as notified and include new note following:**

floodplain

Means the land near a stream or river channel, susceptible to flooding in the 1% *annual exceedance probability (AEP)* rainfall event concurrent with a 5% *annual exceedance probability (AEP)* storm-tide event, taking into account the effects of climate change on rainfall and sea level based on the RCP 8.5 median scenario as of the year 2130.

Note: The Council holds publicly available information showing the modelled extent of floodplain(s) affecting specific properties in its GIS viewer. The maps are non-statutory and indicative only. Council will update the maps, including where further relevant site-specific information becomes available and to account for catchment changes as a result of infrastructure and land development. Council will consider publicly held site-specific

It should be noted that newer region-wide ground elevation data has been collected and is likely to become available the latter part of 2022. The resources allocated to the interim flood hazard maps recognised this, as it was prudent to delay producing more accurate maps using computer modelling techniques until the new ground level data was made available.

Limitations

There are limitations to the accuracy of any flood hazard mapping due to the method used. These limitations are stated in the description of the method and are repeated here for clarity.

The specific line drawn to delineate the zones should be assumed to have a buffer ranging from approximately 5 m in steep areas, up to approximately 50 m in flat areas. There may be exceptions to this estimate.

Not all floodable areas have been mapped. There may be overland flow paths that are not able to be delineated due to limited resolution of the base contours (250 mm intervals), and there may be areas at risk from flooding that have not been examined due to lack of contour information.

The scale to use the mapping should be limited to approximately 1:20,000. There are instances where using the data at a smaller scale is possible, however, caution should be used in the interpretation of the specific location of the flood zone edge.

Summary

Flood hazard mapping for CHB was completed by using a sound method commensurate with available data and resources of delineating likely flood extents using ground level contours and aerial photos.

The method is intended to be an interim solution to provide an update from previous mapping, which had limited accuracy and was no longer providing acceptable level of functionality for planning or building control purposes.'

Kāinga Ora (S129.054 & S129.235) [Evidence of Michael Campbell, paras 3.2-3.10]

Kāinga Ora's original submission sought that the 'Flood Hazard Overlay' on the PDP Planning Maps, and clauses pertaining to it in the Natural Hazards rules (e.g. NH-R2), be deleted.

Section 42A Report recommendation is to reject this aspect of their submissions.

Mr Campbell responds in his evidence as follows:

'I concur with the reporting planner that it is appropriate to incorporate natural hazard controls into the District Plan in line with Council's functions under section 31 of the RMA.

However, I consider that providing a non-statutory natural hazards layer is the most appropriate means to address these functions. This is to ensure that the most up to date changes to natural hazard information can be readily identified to address such issues. I consider that this is particularly relevant with the risk of climate change and, in my view, it is appropriate that the PDP can respond to and address the most up to date information about natural hazards.

In my view, hazards maps are a useful tool to set out information the Council holds on different matters relevant to provisions in the PDP where there is insufficient certainty and consistency over time to provide this information in a mapped District

information as well as any relevant information and technical assessments provided by any person(s) when assessing the current applicability of the floodplain definition to a particular site.

- **Adopt definition for flood prone area as notified and include new note following:**

flood prone area

Means the land susceptible to flooding in the 1% *annual exceedence probability (AEP)* rainfall event concurrent with a 5% *annual exceedence probability (AEP) storm-tide event*, taking into account the effects of climate change on rainfall and sea level based on the RCP 8.5 median scenario as of the year 2130, but is not within the definition of *overland flowpath* or *floodplain*.

Note: The Council holds publicly available information showing the modelled extent of flood prone area(s) affecting specific properties in its GIS viewer. The maps are non-statutory and indicative only. Council will update the maps, including where further relevant site-specific information becomes available and to account for catchment changes as a result of infrastructure and land development. Council will consider publicly held site-specific information as well as any relevant information and technical assessments provided by any person(s) when assessing the current applicability of the flood prone area definition to a particular site.

In terms of mapping of floodplains and flood prone areas, the decisions version adopts the following text in 8D. Purpose of Flooding from Intense Rainfall Provisions in Chapter 8:

- **Adopt Section 8D Flooding from Intense Rainfall with the following amendments:**

8D Purpose of Flooding from Intense Rainfall Provisions

The purpose of this section is to manage *activities* related to flood hazards from intense rainfall, so that risk is not increased and is reduced over time.

The nature of risk and appropriate mitigation for *intense* rainfall related flooding can vary depending on the nature of the flood area. Council has therefore defined three types of flooding areas from intense rainfall events: *floodplains, overland flowpaths and flood prone areas*.

The purpose of these categories is to enable targeted control of *activities* which may introduce risk or *negative adverse* effects, while allowing *activities* which may be appropriate in or adjacent to the flood area. This section adopts the 1% *AEP* rainfall event taking into account climate change and sea level rise to give effect to the Bay of Plenty Regional Council Regional Policy Statement.

Floodplains are situated next to a river or stream. They carry out the important function of water storage and flood flow conveyance during a flood event. Development within a *floodplain* can cause an increase in flood risk, by either placing more people and assets within an area likely to be affected by flooding, and/or by increasing flood flows through loss of storage and conveyance function and diversions of flows such that additional adverse effects occur.

Overland flowpaths are part of the stormwater system to safely convey flood flows, which cannot get into or cannot be conveyed by the primary stormwater system and need to be *protected managed* in order to reduce nuisance or damage caused by flooding. *Overland flowpaths* have been delineated into following categories:

- Minor overland flowpath*: has a contributing catchment of less than 2ha.
- Major overland flowpath*: has a contributing catchment of 2ha or more, meaning that the flowpath function serves a larger area. There is potentially greater onsite risk in a *major overland flowpath* and the possibility that the *major overland flowpath* will affect larger upstream and downstream land area than a *minor overland flowpath*.

Flood prone areas are areas which are flooded in a 1% *AEP* event, however, unlike *floodplains* and *overland flowpaths*, the flow of the water is much slower. Therefore, it is possible to develop in *flood prone areas* in certain circumstances provided flood risk to life and property is mitigated.

Plan overlay. The use of information outside the PDP serves purely as information or guidance in the context of particular rules in a plan.

Having maps sitting outside of the Plan for information purposes is appropriate in the context of flood hazard information as this information is dynamic and subject to change over time. Changes may be due to improved understanding of the natural hazard, to interventions that change the location of natural hazard, or to changing real world conditions including climate change. Therefore, it is difficult to map flood hazards within the planning maps in a way where the information will stay accurate and relevant over time.

In my opinion, requiring changes to flood hazard information to reflect changes in the environment, such as improvement, through a Schedule 1 process is not an efficient planning process. The mismatch between the maps and true position will likely add cost to any consenting process until a Schedule 1 process is undertaken to update the maps. This would result in additional time a cost.

I note that the Auckland Unitary Plan (AUP) provides an example of a plan which adopts a set of 9 flood hazard overlay maps which sit outside the plan and operate as interactive maps on the Council's 'Geo Maps' website – a separate mapping viewer to the statutory maps. This approach is different to that of the traditional means of displaying hazard overlays on district plan maps and reflects that these maps do not have regulatory effect. I understand that the Tauranga City Council has also adopted this approach in recent decisions on Plan Change 27.

A GIS viewer outside the Plan can assist plan users in determining whether a site may be subject to a particular flooding hazard. The fact that this GIS viewer can be updated as new information becomes available outside of a formal plan change process will make it a more reliable starting point for further assessments over time, than a spatial layer within the Plan that is unable to be easily updated.

In my opinion, this alternative approach provides greater flexibility, while appropriately ensuring that natural hazard risks are adequately understood and considered.'

Council holds publicly available information showing the modelled extent of floodplains, overland flowpaths and flood prone areas, which identifies identify the locations and extent of these flood types. The maps are non-statutory and indicative only. Council will update the maps, including where further relevant site-specific information becomes available and to account for catchment changes as a result of infrastructure and land development. Council will consider publicly held site-specific information as well as information and technical assessments provided by any person(s) when assessing the current applicability of the floodplains, overland flowpath and flood prone area definitions to a particular site.

The Tauranga City Council Flooding from intense rainfall guideline is publicly available to aid in the understanding of the modelling and implementation of provisions in relation to flooding from intense rainfall. The guideline is non-statutory and will be periodically reviewed and updated by the Council as needed.

In both cases, the rules in the Auckland Unitary and Tauranga City Plans apply land use controls to a floodplain determined by applying a specified Annual Exceedance Probability rainfall event (1%), and the non-statutory maps outside of the Plan are merely available to indicate the modelled extent of the 1% AEP event. I have read the 'Memorandum of Counsel in relation to Legal Issues Arising from Proposed Plan Change 27' in relation to the Tauranga City Plan, provided by Kainga Ora following the hearing.

I have no reason to doubt counsel's analysis of the legality of the rules included in the Tauranga District and Auckland Unitary Plans, which refer to non-statutory plans. In particular, I refer to para 16 of those submissions which states "Because they sit outside the City Plan, the GIS hazard maps do not directly trigger requirements for resource consent. Rather, requirements for resource consent are triggered by activities being proposed in areas which satisfy the parameters specified in the definitions".

However, in the case of the PDP for Central Hawke's Bay, the NH – Natural Hazard rules in the PDP apply directly to the mapped extent of the 'Hazard Areas' shown on the Planning Maps, as the direct means to apply a risk-based set of rules to buildings and activities at risk from natural hazards. This is the same approach adopted in all the District Plans in the Hawke's Bay Region (Hastings, Napier, Wairoa & CHB) to-date, in relation to river flood hazard.

This differs from the Auckland and Tauranga approach, in that the requirement to obtain resource consent is triggered by being located within the 'Hazard Areas' mapped on the PDP Planning Maps, and not by reference to some other parameters as is the case in the Auckland and Tauranga approach, where the non-statutory maps are illustrative only.

Applying the rules to mapping outside the District Plan in the CHB PDP context, would mean that the application of those rules could change without recourse to a Schedule 1 RMA plan change process. This raises similar issues to the application of rules in the PDP to Codes of Practice or Standards outside of the District Plan, that can similarly change over time (unless pegged to a specific publication date).

Mr Goodier and Mr Ide confirmed that the flood risk maps provided by HBRC are the latest mapping available for CHB, based on the best data available. Whilst acknowledging its limitations, Mr Goodier confirmed that 'Flood hazard mapping for CHB was completed by using a sound method commensurate with available data and resources of delineating likely flood extents using ground level contours and aerial photos. The method is intended to be an

interim solution to provide an update from previous mapping, which had limited accuracy and was no longer providing acceptable level of functionality for planning or building control purposes’ (paras 27 & 28 of Mr Goodier’s evidence). Mr Ide confirmed that ‘In my opinion, that flood hazard mapping work by Mr Goodier is superior to the much earlier work that was the basis of flood hazard areas identified in the operative district plan and in the notified version of the PDP’ (para 3.5 of Mr Ide’s evidence).

I also note Mr Goodier advised the Panel that updated flood modelling for CHB was years away unless significant additional resources were made available to progress that quicker. On that basis, I consider the risk of the flood hazard overlay on the maps in the District Plan becoming quickly out-dated is ‘low’ for a substantial portion of the life of this Plan, and if there is updated flood modelling made available during the life of this Plan, a plan change would be the appropriate step at that time (if required).

Therefore, **I have not changed my position** as set out in paras 9.3.4-9.3.13 of Section 42A Report:

‘9.3.4 The river flood hazard overlay in the Operative District Plan was identified as being significantly out-of-date and inaccurate. The approach for the PDP has been to reflect the latest hazard information from the regional ‘Hawke’s Bay Hazard Portal’ which is the central repository of all the latest hazard information for the Region. Unlike Hastings District, significant parts of Central Hawke’s Bay had not yet been modelled for flooding, so disclaimers from the ‘Hazard Portal’ were carried over onto the Planning Maps in the PDP.

9.3.5 In the technical report supporting their submission (‘Interim Flood Hazard Mapping For Central Hawke’s Bay’, prepared by Craig Goodier Principal Engineer, HBRC, dated 6 August 2021), there is acknowledgement that there is no comprehensive computer model available to produce detailed flood hazard maps for the area, but that HBRC has carried out work to be able to provide an interim solution based on mapping of areas that are potentially floodable through use of computer models from limited areas, as well as contours and air photos where no model was available.

9.3.6 There is also an acknowledgement that there are limitations to the mapping produced, and no flood depths are provided, and the report notes that the scale to use the mapping should be limited to approximately 1:20,000 but that there are instances where using the data at a smaller scale is possible where used with caution.

9.3.7 Regardless of the limitations, the interim mapping for Central Hawke’s Bay is a considerable improvement on existing flood hazard mapping relied on to-date. I do not agree with Kāinga Ora that the whole ‘Flood Hazard Area’ should be deleted from the Planning Maps – I do not concur that such mapping is subject to constant change, or that it is more appropriate as a non-statutory map which sits outside of the PDP.

9.3.8 Flood hazard mapping has historically been provided in the District Plan and, in my view, where reliable flood hazard data is available, it is appropriate to incorporate it into the District Plan in line with Council’s functions under section 31 of the RMA – particularly section 31(1)(b)(i) ‘the

		<p>control of any actual or potential effects of the use, development, or protection of land, including for the purpose of... the avoidance or mitigation of natural hazards’.</p> <p>9.3.9 HBRC’s submission states that these two tiers of flood hazard layers will be updated on the Hawke’s Bay Hazard Portal but can also be applied to the District Plan maps, and that this will provide clear direction to landowners that consideration of flood hazards is necessary in these areas when considering land use change. I have been advised by Mr Craig Goodier, HBRC Principal Engineer, that these maps will change with new information but that the mapping is unlikely to be subject to any significant change in the short to medium term (i.e. the life of this District Plan). Mr Goodier has advised that the hazard maps indicate areas where flooding is reasonably anticipated to occur but further investigation is required, so they are limited in their accuracy. He has also advised that scaling is an issue and zooming in would need to come with a good disclaimer.</p> <p>9.3.10 In terms of applying this to the District Plan maps, any change would need to go through a Schedule 1 RMA process. While the Regional Council mapping is somewhat lacking in certainty, I am satisfied that they are sufficiently reliable as a basis for mapping within the District Plan and to act as a trigger for further investigation as to whether there are flooding effects that need to be mitigated, and conditions included on any consent granted (or consent declined in some circumstances).</p> <p>9.3.11 Therefore, I recommend applying the latest flood hazard risk mapping supplied by HBRC. I note that the Hazard Portal has already been updated to reflect this latest flood mapping since submissions on the PDP closed...</p> <p>9.3.12 This would involve updating the ‘Flood Hazard Areas’ shown on the Planning Maps and differentiating to show two zones – ‘Zone 1 (Flood Risk Areas)’ and ‘Zone 2 (Low Flood Risk Areas)’ as identified in the technical report accompanying the HBRC submission and as per the Hawke’s Bay Hazard Portal.</p> <p>9.3.13 I also note that Method NH-M1 provides a ‘disclaimer’ of sorts in that the hazard information is regional in scope and that site-specific investigation is required.’</p>
<p>17. Minor Correction to Appendix B of Section 42A Report</p>	<p>HBRC (S11.036) [Evidence of Gavin Ide, paras 3.2 & 3.3, pp3/4]</p> <p>Mr Ide notes in his evidence as follows:</p> <p><i>‘At paragraph 9.3.3 of the s42A report, the reporting officer recommends corrections to the tsunami maps as requested in the Regional Council’s submission. I agree with the reporting officer’s recommendation.</i></p> <p><i>Having said that, I note that what is recorded in Appendix B of the s42A Report is ambiguous. Appendix B records that the officer recommends accepting the Regional Council’s submission point, but “No” is recorded in the column titled ‘Amendments to Proposed Plan?’ If the Regional Council’s submission point is accepted to correct the tsunami extent areas, then there should indeed be amendments to the proposed plan.’</i></p> <p>I concur. This is a minor error in the table that should be corrected to ensure the need for amendments to the PDP as a result of accepting this submission is not missed. I note the same issue arises in respect of S11.017, which was also a recommendation to ‘Accept’ and which also results in amendments to the PDP Planning Maps. Therefore, I wish to record the following corrections to the table in ‘Appendix B Summary of Recommended Responses to Submissions and Further Submissions’ of the Section 42A Natural Hazards & Climate Change Report (shown as tracked changes):</p>	

Table: Summary of Recommended Responses to Submissions and Further Submissions

Submission Point	Submitter/Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan?
S11.016	Hawke's Bay Regional Council	NH - Introduction	Amend paragraph 3 of NH-Introduction as follows: 'Risk from natural hazards can arise from: - intense rainfall events causing flooding from rivers, streams, overland flow paths and lakes; - earthquakes and liquefaction tsunami ; - tsunami ; ...'	Accept	Yes
.					
S11.017	Hawke's Bay Regional Council	MAPS	Update the Flood Risk Area to Zone 1 and Zone 2 areas as provided by flood hazard maps developed by the HBRC Asset Management team.	Accept	YesNo
.					
S11.036	Hawke's Bay Regional Council	MAPS	Amend maps to address the following near source tsunami extent areas identified on the Hazard Portal but excluded in the planning maps: Parerahi Rd and Makaramu St in Porangahau, McHardy Place, Southern end of Pourerere Beach Rd, a section of Pourerere Road, Okura Rd, Mangakuri and an area around John Ross Place and Kapiti Place in Kairakau.	Accept	YesNo
.					
S11.039	Hawke's Bay Regional Council	NH-R2	We support the proposal to restrict permitted activities to only BIC-1 category buildings in the high risk flood area (Zone 1). It may be appropriate for building importance category restrictions to apply in Zone 2 that would restrict sensitive activities, or buildings that have the ability to house large numbers of people. Or alternatively, Zone 2 could work as an alert layer without any additional rules other than the existing natural hazards matter of control in the Subdivision chapter, supported by a policy framework in the Natural Hazards chapter for other land use activities.	Accept	Yes
.					