

IN THE MATTER of the Resource Management Act 1991

AND

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

**Fifteenth Memorandum and Direction of the Hearings Panel
DIRECTIONS FOLLOWING HEARING 5 – HAZARDS AND RISK, EARTHWORKS & SUBDIVISION**

Introduction

1. The fifth Hearing of submissions on the Proposed Central Hawke's Bay District Plan (PDP) was held in the Council Chamber of the Central Hawke's Bay District Council on 7 and 8 September 2022. The Hearing heard submissions on contaminated land and hazardous substances, natural hazards and climate change, earthworks, quarrying and mining, and subdivision (general). The Hearing was adjourned at 11.50am on 8 September 2022.
2. The purpose of this minute is to set out the direction for the written rights-of-reply to be prepared by the reporting planners, as well as for the provision of information that was referred to by submitters during the hearing.

Reporting Officers' Right-of-Reply

3. At the end of the hearing, the s42A reporting officers were provided with an opportunity to prepare written rights-of-reply to respond to matters arising during the hearing.
4. These rights-of-reply are to be provided to the District Council by the close-of-business on Friday 27 October 2022, which will then be circulated to all relevant parties by the close-of-business on Tuesday 1 November 2022.
5. 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?
6. 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.

7. 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.
8. In addition, as part of her right-of-reply, the reporting planner for Subdivision (General) was to provide a copy of the relevant provisions from the Auckland Unitary Plan for subdivision of land containing an approved land use consent.

Additional Information

9. During Hearing 5, submitters referred the Panel to various sources of information that had informed their submissions or that they otherwise considered would be helpful to our deliberations. At the hearing, the Panel indicated which documents, cases or other source of information we would appreciate obtaining a copy or link. This information requested included the following:
 - The legal opinion by Simpson Grierson in regard to the use of maps external to the District Plan in respect of Proposed Plan Change 27, Flooding from Intense Rainfall, Tauranga City Council (cited in the legal submission for Kāinga Ora)
 - An analysis of lots sizes in Ōtane, Pōrangahau and Takapau (referred by Nick Wakefield, for the Surveying Company (Hawke's Bay) Ltd), and
 - A plan providing an example of a boundary adjustment involving a hydro-parcel (referred by Nick Wakefield, for the Surveying Company (Hawke's Bay) Ltd).
10. All information requested is to be provided to the Council by 5pm on Friday 23 September 2022.

Communications

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

Dated 14 September 2022



Robert Schofield

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