

Under the Resource Management Act 1991

In the matter of the Central Hawkes Bay Proposed District Plan
Hearing Stream 5

**Statement of Evidence of Michael Campbell
(Planning – Hazards and Risks, Earthworks
and Subdivision)**

31 August 2022



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Statement of Evidence of Michael Campbell (Planning – Hazards and Risks, Earthworks and Subdivision)

1 Executive Summary

- 1.1 My full name is Michael Robert Campbell. I am a director of Campbell Brown Planning Limited (Campbell Brown). I have been engaged by Kāinga Ora-Homes and Communities (“Kāinga Ora”) to provide evidence in support of its primary and further submissions to Central Hawkes Bay District Council’s (“the Council”) Proposed District Plan (“the PDP”).
- 1.2 In summary, I propose a number of amendments to the Historic Hazards and Risks, Earthworks and Subdivision sections of the PDP.
- 1.3 The key points addressed in my evidence are:
 - (a) I generally support the proposed changes to the Hazards and Risks section of the PDP that address the submissions by Kāinga Ora. However, I consider that a non-statutory natural hazards layer is the most appropriate means to address the Council’s functions and duties under the RMA.
 - (b) I generally support the proposed changes to the Earthworks section of the PDP that address a number of the submissions by Kāinga Ora. I have noted a concern with respect to whether the proposed earthworks provisions address effects on Natural Hazards arising from earthworks.
 - (c) I support a number of the proposed changes to the subdivision chapter of the PDP that address submissions by Kāinga Ora. I propose further changes to enable subdivision around an approved land use consent, and a reduction in the minimum lot size to 300m² for the General Residential zone, and removal of noise provisions relating to the State Highway.
 - (d) I have recommended minor wording changes, as set out in **Appendix A** of my evidence.
 - (e) I have prepared a section 32AA assessment as set out in **Appendix B** of my evidence.

2 Introduction

- 2.1 I am a director of Campbell Brown Planning Limited (‘Campbell Brown’), a professional services firm in Auckland specialising in planning and resource management.
- 2.2 My experience has been set out in the previous hearings for this PDP.

Code of Conduct

- 2.3 Although this is a Council hearing, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

Scope of Evidence

- 2.4 The Hazards and Risks, Earthworks and Subdivision hearing addresses submission points on the provisions of the PDP that relate to the Hazards and Risks, Earthworks and Subdivision provisions of the PDP. The Council has prepared a number of s42A reports to consider submissions and further submissions on these topics.
- 2.5 This evidence addresses Kāinga Ora's submission points, and further submission points on the Hazards and Risks, Earthworks and Subdivision matters within the PDP, as they relate to the recommendations of the s42A reports on that topic. Kāinga Ora does not seek to provide evidence in relation to its other submission points.
- 2.6 Kāinga Ora has chosen to limit its planning evidence to a number of matters that remain of concern.
- 2.7 With regard to the submission points raised by Kāinga Ora, I confirm that I have reviewed the Council's s42A report.

3 Hazards and Risks

- 3.1 Kāinga Ora supports the s42A recommendations provided by the reporting planner for a number of its submission points¹. I do not propose to provide further evidence on these submission points given I generally concur with the reporting planner.
- 3.2 Kāinga Ora lodged a submission (S129.235) seeking to delete the 'Flood Hazard Overlay' from the Planning Maps, on the basis that these hazards are dynamic and subject to constant change, and to this end Kāinga Ora considers 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 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'.

¹ S129.009, S129.048, S129.049, S129.050, S129.049, S129.051, S129.052, S129.053, S129.054, S129.055, S129.056, S129.057, S129.058, S129.059

- 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.*
- 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).*
- 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...."*
- 3.3 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.
- 3.4 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.
- 3.5 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 Plan overlay. The use of information outside the PDP serves purely as information or guidance in the context of particular rules in a plan.
- 3.6 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.
- 3.7 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.

- 3.8 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.
- 3.9 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.
- 3.10 In my opinion, this alternative approach provides greater flexibility, while appropriately ensuring that natural hazard risks are adequately understood and considered.

4 Earthworks

- 4.1 Kāinga Ora supports the s42A recommendations provided by the reporting planner for a number of its submission points². I do not propose to provide further evidence on these submission points given I generally concur with the reporting planner.
- 4.2 Kāinga Ora lodged a submission (S129.127) that sought to 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.
- 5.0.3 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.*
- 5.0.4 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*

² FS23.73, FS23.82, S129.237

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.

5.0.5 *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.*

5.0.6 *For these reasons, I consider the addition of a new rule as sought by this submitter is unnecessary*

4.3 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.

4.4 I note that many of the permitted Earthworks rules require Compliance with conditions EW-S1 to EW-S8.

4.5 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:

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.*

4.6 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.

4.7 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.

5 Subdivision

- 5.1 Kāinga Ora supports the s42A recommendations provided by the reporting planner for a number of its submission points³. I do not propose to provide further evidence on these submission points given I generally concur with the reporting planner.
- 5.2 By way of background Kāinga Ora has lodged submissions in relation to the residential and business zones of the PDP. Generally speaking, the submissions by Kāinga Ora seek to reduce the density restrictions that apply to the residential zones. In evidence, Kāinga Ora sought to reduce the minimum net site area from 350m² to 300m² to assist in accommodating two dwellings on a site as a permitted activity.
- 5.3 These submissions provide context to Kāinga Ora's approach with respect to the subdivision section of the PDP.
- 5.4 In my experience, there are traditionally two main approaches to subdivision that occur in the context of residential style development, and in particular when intensification objectives are being pursued. The first type of subdivision relates to a vacant lot subdivision whereby a lot is created for sale, for the development of housing at a later time. This is a more traditional form of subdivision and, in these cases, it is important that the proposed lot(s) have a suitable size and shape, together with access to a road and services. It is also important that the lot(s) are not subject to the matters contained within section 106 of the RMA with respect to natural hazards, such as inundation and instability etc.
- 5.5 The second form of development typically relates to either an integrated subdivision which is lodged at the same time as a proposed land use consent, or the subsequent subdivision around a development that has an approved land use consent or has been constructed. This approach tends to be common with multi-unit housing projects. In that scenario, the effects of the proposed development are primarily addressed as part of the land use consent. This would include ensuring that the buildings comply with the relevant standards and assessment criteria of the zone and, in particular, ensuring that the character and amenity of both the site and the surrounding environment accords with the planned outcomes for the particular zone. The subsequent subdivision is then simply seeking to create tenure and ensure that each of the defined lots reflect the outcomes of an approved land use consent.
- 5.6 Kāinga Ora lodged a submission (S129.072) to 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~~

³ FS23.123, FS23.125, FS23.126, FS23.127, FS23.128, FS23.129, FS23.130, FS23.1, S129.112, FS23.4, S129.113, S129.125, FS23.81, S129.064, S129.065, S129.066, S129.067, S129.068, S129.069, FS23.122, S129.070, S129.073, S129.075, S129.076, S129.077, S129.078, S129.080, S129.081, S129.082, S129.083, S129.085, S129.086, S129.093, S129.094, S129.096, S129.100, S129.101, S129.103, S129.104, S129.105, S129.106, S129.123, S129.109, S129.110, S129.111, S129.116, S129.117, S129.118, S129.119, S129.120, S129.125

is sought in accordance with land use consent or around otherwise lawfully established activities.'

5.7 The reporting planner has noted the following:

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.*

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.

5.9 Kāinga Ora lodged a submission (S129.079) to 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.'

5.10 The reporting planner has noted the following:

9.3.24 *Kāinga Ora request that Policy SUB-P8 be amended to recognise that character and amenity values are likely to evolve over time as household demographics change and as development occurs under the Proposed Plan provisions. HortNZ opposes Kāinga Ora's submission, as they consider that retention of rural character is*

important in the rural environment, to ensure effects of subdivision do not adversely affect primary production activities.

9.3.25 *Policy SUB-P8 applies to subdivision broadly, across the whole District, and it is not related only to subdivision associated with development of new households. I therefore concur with HortNZ that the policy also needs to be appropriate for subdivision in the rural environment, as well as in the urban environment.*

9.3.26 *I consider that it is appropriate that subdivision design, which includes the shape and size of lots, and associated earthworks, services, and location of building platforms, etc. is undertaken in a way that is consistent with the purpose, character and amenity values supported and envisaged by the zone provisions. I do not support the wording requested by Kāinga Ora, as subdivision design is not solely related to a 'planned built form', but I recommend that the policy be amended to better reflect what I consider its intention is, as follow:*

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

- 5.11 While I acknowledge the proposed changes are an enhancement of the previous wording, I still remain of the view that the wording proposed by Kāinga Ora would be preferable. The reference to the 'planned outcomes' relates to the strategic direction or objectives and policies of the particular zone. It does not necessary mean that all zones will evolve, as indicated by the reporting planner and as raised by HortNZ. For example the planned outcomes for the rural zone can still ensure the '*retention of rural character is important in the rural environment, to ensure effects of subdivision do not adversely affect primary production activities*'
- 5.12 In the context of the urban environment however, the proposed amendments would recognise 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.
- 5.13 I have proposed a slight change to the original wording proposed by Kāinga Ora to maintain the reference to amenity values.
- 5.14 Kāinga Ora lodged a submission (S129.097) to 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 consent

Matters over which control is reserved:

- a. The effect of the design and layout of the proposed sites created;
- b. Whether the subdivision will result in new or increased non-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'

- 5.15 Kāinga Ora has also lodged a submission (S129.091) generally supporting Rule SUB-R2 but it considers that it is necessary to include 'subdivision around existing buildings and development' to reflect that, standards typically applied to vacant lot subdivision are not necessarily relevant where the anticipated land use activity has already been established, either as of right or through the resource consent process.
- 5.16 In terms of subdivision in accordance with an approved land use consent, the reporting planner has noted the following:
- 10.3.7 *Kāinga Ora requests the addition of a new Controlled Activity rule for subdivision that is in accordance with an approved land use consent in the General Residential Zone, Commercial Zone, General Industrial Zone and Large Lot Residential Zone.*
 - 10.3.8 *The new rule would enable developers to first obtain land use consent for a development, then apply separately/later for a Controlled Activity subdivision consent. A Controlled Activity cannot be refused, but Council can impose conditions on the consent in relation to the matters over which the Council has reserved its control, which must be specified under the new rule.*
 - 10.3.9 *The new rule would only apply to subdivisions related to sites with an approved land use consent, therefore, it would not apply to subdivision applications lodged concurrently with land use consent applications.*
 - 10.3.10 *Under subdivision Rule SUB-R1(3), as notified, if a subdivision for a development does not comply with the minimum net site area requirements under Standard SUB-S1 in the Subdivision chapter, the application must be assessed as a Discretionary Activity. Under the requested new rule, the activity status would be Controlled.*
 - 10.3.11 *I consider that it would be inappropriate to provide for applications for subdivisions made after the approval of land use consents on a site as a Controlled Activity, as there may be issues associated with easements for services and/or connections to services, etc. which are problematic because of the nature and configuration of buildings already established or consented, as the development may not have been designed appropriately, and it may not be possible to resolve issues only through the imposition of conditions on the subdivision consent. As Council cannot decline a Controlled Activity application, it is possible that outcomes may not be appropriate, or they may be sub-standard and result in ongoing problems for landowners and Council in the future.*
 - 10.3.12 *Given the more attractive Controlled Activity status for subdivision applications lodged after land uses are approved, there is likely to be less incentive for developers to apply for subdivisions and land use*

consents concurrently, particularly if the overall activity status of land use and subdivision consent applications combined would change (i.e. be more restrictive). For example, a land use consent application for a residential development in the General Residential Zone that does not comply with residential density Standard GRZ-S1 would be a Restricted Discretionary Activity under Rule GRZR1(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.*

- 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 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 intending to undertake a build 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 Hawkes Bay District.
- 5.21 I acknowledge the point raised by the reporting planner regarding be 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 planner.
- 5.22 Kāinga Ora has also lodged a submission (S129.098) seeking a number of changes to SUB-S1. One of the changes sought by Kāinga Ora relates to a request to reduce the minimum net site area for lots in the General Residential Zone, where public sewerage reticulation is available, is 300m², instead of 350m².
- 5.23 The reporting planner notes the following:

11.3.27 *Kāinga Ora (S129.098) request that Standard SUB-S1(1) be amended, so that the minimum net site area for lots in the General Residential Zone, where public sewerage reticulation is available, is 300m², instead of 350m².*

11.3.28 *The section 42A Reporting Officer's Right of Reply for Hearing Stream 2 (Urban Environment)¹² 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 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.

71. Retaining the requirement for developments not complying with Standard GRZ-S1(2)(a), to be assessed as a restricted discretionary activity (under Rule GRZ-R1(2)) on a case-by-case basis, also provides the opportunity for potential adverse environmental effects (including effects on Council reticulated services and potential cumulative environmental effects) to be considered, and conditions of consent imposed as appropriate if consent is granted.

72. Given this uncertainty, I consider that Standard GRZ-S1(2)(a) should be retained as notified."

11.3.29 *For the same reasons outlined above, in relation to the Reporting Officer's recommendation to reject Kāinga Ora's submission point (S129.171) requesting that the standard for residential density in the General Residential Zone be amended, I recommend that Kāinga Ora's submission point (S129.098) requesting that the minimum net site area for lots in the General Residential Zone be reduced from 350m² to 300m² be rejected. I therefore recommend that Standard SUB-S1(1) be retained as notified.*

5.24 As an alternative relief to that sought in its original submission and as noted in the residential evidence for the Stream 2 hearing, Kāinga 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 greater housing choice.

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 developments of three dwellings or more, which would be subject to assessment as a restricted discretionary activity under the PDP. As noted later in my evidence, a building coverage standard is proposed to ensure that the effects of building bulk/dominance and excessive site coverage (which can generate stormwater effects) are managed appropriately and to address the concerns identified by the planner.

- 5.26 I acknowledge the right of reply with respect to infrastructure capacity. In my view, these issues could be addressed by way of a specific standards if such an issue was deemed to be of concern.
- 5.27 Kāinga Ora has also lodged a submission (S129.114) which opposed the assessment matters set out in SUB-AM7 to the extent that they are likely to unnecessarily constrain and/or hinder urban development.
- 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 rail networks. I rely on the evidence of Mr Styles⁴ in relation to these issues. In my opinion, until a more complete 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 words such as 'mapped effects areas' or similar to allow for the outputs of a noise modelling process to be used in the rules section.
- 5.29 Overall, I am of the opinion that the changes proposed by Kāinga Ora will encourage housing choice and appropriate intensification that is necessary to support the social and economic demands of the Central Hawkes Bay District.

6 Conclusion

- 6.1 In conclusion, I am of the opinion that minor changes to the Natural Hazards, Earthworks and Subdivision sections of the PDP are required to address the matters raised in this evidence.
- 6.2 I have recommended minor wording changes to the objectives, and assessment criteria as set out in **Appendix A** of my evidence.
- 6.3 I have prepared a section 32AA assessment for these minor changes as set out in **Appendix B** of my evidence.

⁴ Please refer to the Evidence of Mr. Jon Styles and Michael Campbell Hearing Stream 2

A handwritten signature in blue ink, appearing to read 'Michael Campbell', with a stylized flourish at the end.

Michael Robert Campbell
31 August 2022

Appendix A – Recommended Changes

Black Text – Original wording of Proposed District Plan

Black Bold and Underlined and ~~Strikethrough Text~~ – Officer's recommended changes, as set out in Section 42a report.

Red Underlined and ~~Strikethrough Text~~ - Additional changes proposed by Kāinga Ora. Consequential amendments may be required to numbering.

SUB-P1

~~'To establish standards for minimum lot sizes for each zone in the District. To require subdivision to deliver lots that are of an appropriate size and shape to accommodate those activities reasonably anticipated within the zone, and to provide for a range of lot sizes where subdivision is sought in accordance with land use consent or around otherwise lawfully established activities.'~~

SUB-P8

~~'To encourage innovative subdivision design consistent with the maintenance purpose character and of amenity values that aligns with and contributes to the planned built form outcomes of the zone.'~~

[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: RDIS

Where: the subdivision of land subject to an approved land use consent creates lots generally in accordance with the site plan approved by the resource consent Matters over which control is reserved:

- a. The effect of the design and layout of the proposed sites created;
- b. Whether the subdivision will result in new or increased non-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'

SUB-S1

...

General Residential Zone 1. Where public sewerage reticulation is available – ~~350~~0m².

...

SUB-AM7

~~Subdivision resulting in the creation of new sites within 100m of the State Highway Network~~

- ~~1. The potential adverse effects of noise generated from the road network.~~
- ~~2. The potential adverse effects of site 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 Waka Kotahi 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.~~

~~6. Whether there are any special topographical features or ground conditions which may mitigate effects on the operation of the State Highway network.~~

Appendix B - Section 32AA assessment

Having regard to section 32AA, the following is noted:

Subdivision

Effectiveness and efficiency

- The recommended amendments to the subdivision section of the PDP will more effectively deliver on the chapter's objective to achieve the efficient use of land and patterns of development which are compatible with the role, function and predominant planned character of each zone.
- Providing a restricted discretionary activity status (rather than controlled) for subdivision around an approved land use consent is necessary and appropriate, as a means to properly assess the potential adverse effects of subdivision. I consider that restricted discretionary activity assessment frameworks assist to provide both clarity and certainty to users of the District Plan as to the development outcomes that are sought, and the specific matters Council will assess development applications against as a means to achieving these outcomes

Costs/Benefits

- The recommended amendments will simplify the PDP to the extent that the rules can clearly focus on the ensuring that outcomes of the subdivision chapter are achieved.
- Most subdivision will require a resource consent regardless, so costs arising from the proposed changes are likely to be similar.
- The proposed changes will still ensure that the amenity outcomes sought by the subdivision chapter are achieved without foreclosing opportunities for appropriate intensification in line with the objectives of the actual zone. The proposed changes will reduce the number of full discretionary activities. This will have the benefit of encouraging redevelopment and intensification to support housing choice.

Risk of acting or not acting

- The risk of not acting is that intensification or redevelopment opportunities are not taken up or are unnecessarily prevented from occurring.

Decision about most appropriate option

- The recommended amendments as set out in my evidence are therefore considered to be more appropriate in achieving the purpose of the RMA than the notified version of the PDP or the proposed changes set out in the section 42A report.