

Livingston Properties Limited – Proposed District Plan Provisions to Implement Structure Plan

This information is provided in response to the request from Commissioners at the Central Hawke’s Bay Proposed District Plan (“PDP”) Stream 6 Hearing on 17 November 2022. New PDP provisions are put forward as a consequential amendment to enable the Structure Plan, being Appendix D to the evidence of Andrew Taylor, to be implemented.

An additional matter arising from the Hearing was the advice from Council’s counsel that Clause 3.6(4) of the National Policy Statement for Highly Productive Land (“NPS-HPL”) only applies to ‘urban rezoning’ and not to rezoning for ‘rural lifestyle’ development. This creates a problem for that portion of the middle development node requested to be rezoned Rural Lifestyle as identified in Figure 1 below, unless the argument made by Counsel is accepted, that the land is not highly productive because it is identified for future growth under the ISP.¹

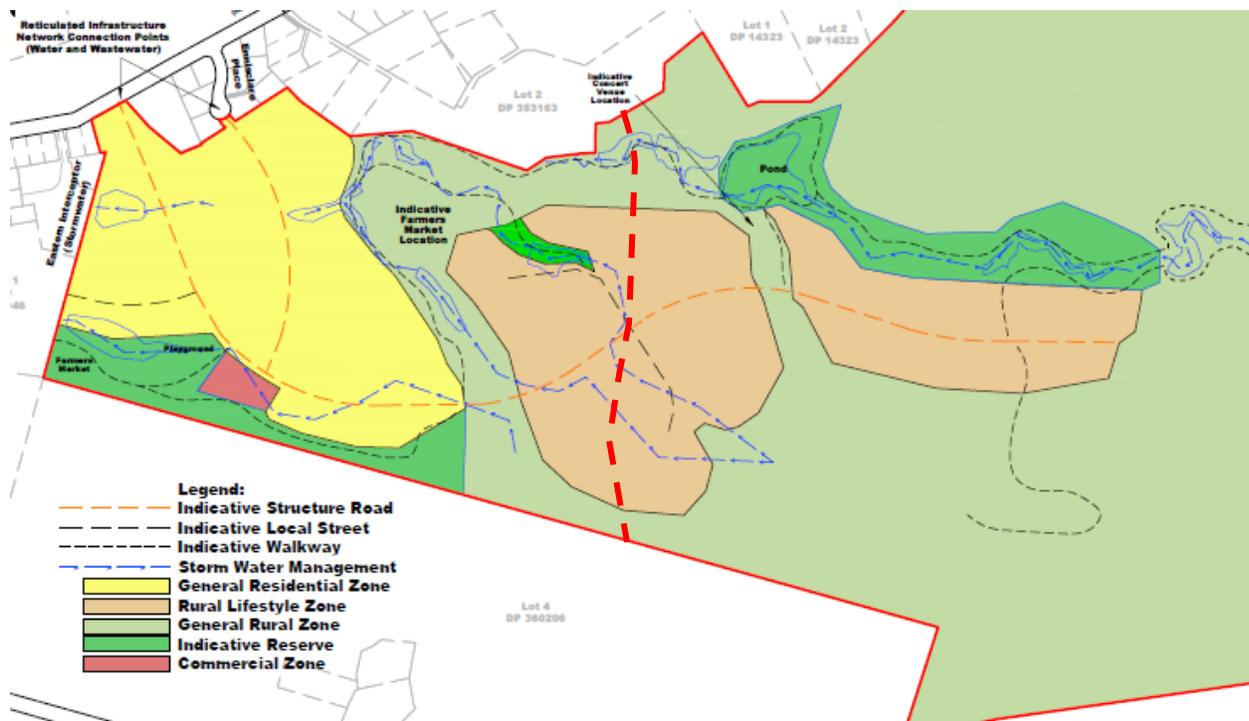


Figure 1 – Extract from Statement of A Taylor, Appendix D dated 31/10/22. Red dashed line is the LUC 3 / LUC 4 boundary.

The red dashed line in Figure 1 above indicates the eastern most extent of the LUC 3 land². The NPS-HPL issue is therefore with the land identified for Rural Lifestyle Zone to the west of the red dashed line. The intent of the Livingston PDP submission was to implement the concept plan attached to the submission as Appendix 1. The original Golden Hills concept booklet identified the middle of the three development nodes for ‘large lot residential development’. As the PDP only applied a Large Lot Residential Zone to the coastal environment, in working with the zones available a Rural Lifestyle zoning was sought for both the middle and eastern nodes, with a corresponding submission to reduce the minimum

¹ If the Commissioners are not minded to take recourse to Part 2 of the Resource Management Act 1991 (“RMA”) on the basis of the perverse outcome that would be created by rejecting the rezoning but allowing the less efficient use of the highly productive land with the consented 88 Lot subdivision.

² As derived from the LUC boundaries plotted on the plan in Appendix B of Mr Taylor’s evidence.

subdivision size for that zone to 2,500m² (with a 4,000m² average which would be obtained by the land being set aside for reserves) to effectively enable large residential lots within that middle development node. The extract from the Livingston submission to explain the reasons for the Rural Lifestyle Zone requested is set out as follows:

“The remainder of the General Residential Zone is based on a more conventional suburban residential section size with scope for there to be variation in the size of these allotments to provide for choice. See the Golden Hills Concept Booklet for further explanation and pages 15 and 16 in particular. As explained in that document a similar variation of section sizes is proposed in the area requested to be zoned Rural Lifestyle and as such part 3 of this submission seeks a greater flexibility in the minimum subdivision site size for that zone. A 2,500m² minimum lot size where a 4,000m² average is achieved is requested as part of this submission. This would provide flexibility for the Golden Hills concept with the large reserve allotments that would result. Such an approach provides for positive benefits to the community with public open space and walkways being created for the benefit of all rather than being tied up in the privately owned balance areas of lifestyle sites”

It is now clear that approach makes it difficult to accept the submission without recourse to Part 2, due to the LUC 3 land involved and a Rural Lifestyle Zone not being considered an ‘urban zoning’.

Our proposed solution is to now ask for the middle development node to be zoned ‘General Residential’ with a specific minimum site size requirement of 2,500m² applying to that land. In my view that would not change the intent and scope of the submission which was for the middle development node to support subdivision and development based on a 2,500m² minimum site size. It is also noted that the Integrated Spatial Plan identified almost all of the LUC3 land in the middle development node as ‘potential growth area for focused investigation – medium term’, except for a small triangle of land in the southern portion of the node.³ It is noted that the eastern development node, which is proposed to remain consistent with the Rural Lifestyle Zoning requested in the Livingston submission, is not located on highly productive land. Rather it is permanently located on LUC 6 land with the western extent being LUC 4.

In preparing the following PDP provisions I have reviewed the Section 42A Report for the Stream 6 Hearings, Volume 2, and specifically section 6.0 of that report on Rezoning Request 23 – Waipukurau South Precinct, Waipukurau. My objective in preparing the following PDP provisions is to minimize the additions to that necessary to implement the Livingston Structure Plan while achieving consistency with the format and approach of the Waipukurau South Precinct provisions.

To provide certainty and to assist the Council with wastewater and water infrastructure capacity planning, rules setting a maximum number of residential units and / or allotments that can be created in the General Residential Zone are proposed. This has been set at 230 residential units or allotments in the western development node and 33 in the middle ‘large lot’ General Residential development node. This is consistent with the statements of evidence on behalf of Livingston Properties which referred to a total of 280 lots over the requested rezoning areas. With provision for up to 266 lots between the two

³ This can be seen from the layers on the plan appended to Mr Taylor’s evidence as Appendix B.

General Residential Development nodes, the land area available in the requested Lifestyle Residential Zone would allow for 16 -17 lots.

The need to comply with the National Planning Standards 2019 has created some challenges in that regard as the Livingston Structure Plan presented to the hearing applies to three zonings, General Residential, Rural Lifestyle and a small area of Commercial Zone. Table 18 of the National Planning Standards requires a new multi zone precinct chapter to be added to the PDP if a precinct applied additional place-based provisions to two or more zones. To avoid this complication the proposed 'Mt Herbert Road Precinct' only applies additional place-based provisions to the General Residential Component of the Precinct, therefore allowing the same format structure as the Waipukurau South Precinct to be followed. New provisions are therefore proposed to the Subdivision and General Residential Zone Chapters, including a new Mt Herbert Road Precinct Plan and outcomes as "GRZ-APP2 – Mt Herbert Road Precinct (MHRP) Plan."

The proposed new district plan provisions are set out in the following pages, with additions shown in bold underlined font.

A handwritten signature in blue ink, appearing to read 'Philip McKay', is positioned above the printed name.

Philip McKay

25 November 2022

Proposed Amendments to the Subdivision Chapter “SUB – Subdivision”

Rules

SUB-R1 Subdivision not otherwise provided for

Add to the ‘Matters over which control is reserved’:

r. SUB-AM21

SUB-R3 Subdivision for special purposes

Add to the ‘Matters over which control is reserved’:

f. Where the land is within the MHRP, SUB-AM21.

Standards

SUB-S1 Minimum Net Site Area (excluding Lifestyle Sites and Conservation Lots)	
General Residential Zone	<p>1. Where public sewerage reticulation is available:</p> <p>a. 350m² (except within the Waipukurau South Precinct <u>and the ‘Large Lot’ area of the Mt Herbert Road Precinct</u>).</p> <p>b. 500m² within the Waipukurau South Precinct.</p> <p><u>c. 2,500m² within the ‘Large Lot’ area of the Mt Herbert Road Precinct to a total maximum of 33 new residential sites.</u></p> <p><u>d. Within the General Residential Zone of the Mt Herbert Road Precinct (not specified for Large Lot development), a total maximum of 230 new residential sites.</u></p> <p>2. Where public sewerage reticulation is not available:</p> <p>a. 1000m²<u>(except within the ‘Large Lot’ area of the Mt Herbert Road Precinct)</u>.</p> <p><u>b. 2,500m² within the ‘Large Lot’ area of the Mt Herbert Road Precinct to a total maximum of 33 new residential sites.</u></p>
...	...
SUB-S6 Wastewater Disposal	
All Zones	<p>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.</p> <p>2. Where the new lots will not be connected to a public reticulated wastewater disposal system, or</p>

	<p>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.</p> <p><u>3. The Mt Herbert Road Precinct General Residential Zone (excluding the Large Lot area) must be connected to the public reticulated wastewater disposal system, and the number of lots created in any subdivision shall not exceed the capacity available in that system and shall not exceed 230 lots in total.</u></p> <p><i>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.</i></p>
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Assessment Matters

SUB-AM21 Subdivision of Land within the Mt Herbert Road Precinct (MHRP)

- 1. The extent to which the design and construction of the subdivision achieves the Precinct Plan Outcomes in Appendix GRZ-APP2 – Mt Herbert Road Precinct (MHRP) Plan.**

Proposed Amendments to the General Residential Zone Chapter “GRZ – General Residential Zone”

Rules

GRZ-R1 Residential activities and showhomes

Add to the ‘1.a Compliance with’:

xv. GRZ-S17

Add to the ‘2.a. Matters over which discretion is restricted...’:

vii. Where the land is within the MHRP, GRZ-AM12.

Standards

GRZ-S1 Residential Density

All	<p>1. There must be no more than two residential units (including minor residential units) on any site.</p> <p>2. Minimum net site area for any site (except within the Waipukurau South Precinct <u>and the 'Large Lot' area of the Mt Herbert Road Precinct</u>) connected to a reticulated sewerage system is:</p> <p>a. 350m² for each residential unit contained within the site, except that:</p> <p>b. for each residential unit with a gross floor area less than 60m², the minimum net site area for any site is 150m².</p> <p><u>c. Within the General Residential Zone of the Mt Herbert Road Precinct (not specified for Large Lot development), a total maximum of 230 residential units.</u></p> <p>3. Minimum net site area for any site within the:</p> <p><u>a. Waipukurau South Precinct connected to a reticulated sewerage system is 500m² for each residential unit contained within the site.</u></p> <p><u>b. 'Large Lot' area of the Mt Herbert Road Precinct is 2,500m² for each residential unit contained within the site with a maximum of 33 residential units.</u></p> <p>4. Minimum net site area for any site is 1000m² for each residential unit where it is not connected to a reticulated sewerage system (<u>except for within the 'Large Lot' area of the Mt Herbert Road Precinct.</u>)</p>
...	...
GRZ-S17 Wastewater Disposal	
Mt Herbert Road Precinct	<p><u>1. Any buildings within the Mt Herbert Road Precinct General Residential Zone (western node) must be connected to the public reticulated wastewater disposal system, and the number of residential buildings created in any development shall not exceed the capacity available in that system.</u></p>

Assessment Matters

GRZ-AM12 Development within the Mt Herbert Road Precinct (MHRP)

1. The extent to which the design and construction of the development achieves the Precinct Plan Outcomes in Appendix GRZ-APP2 – Mt Herbert Road Precinct (MHRP) Plan.

Anticipated Environmental Results

GRZ-AER6 Appropriately serviced, well-integrated and efficient development within the Waipukurau South Precinct **and the Mt Herbert Road Precinct.**

Appendices

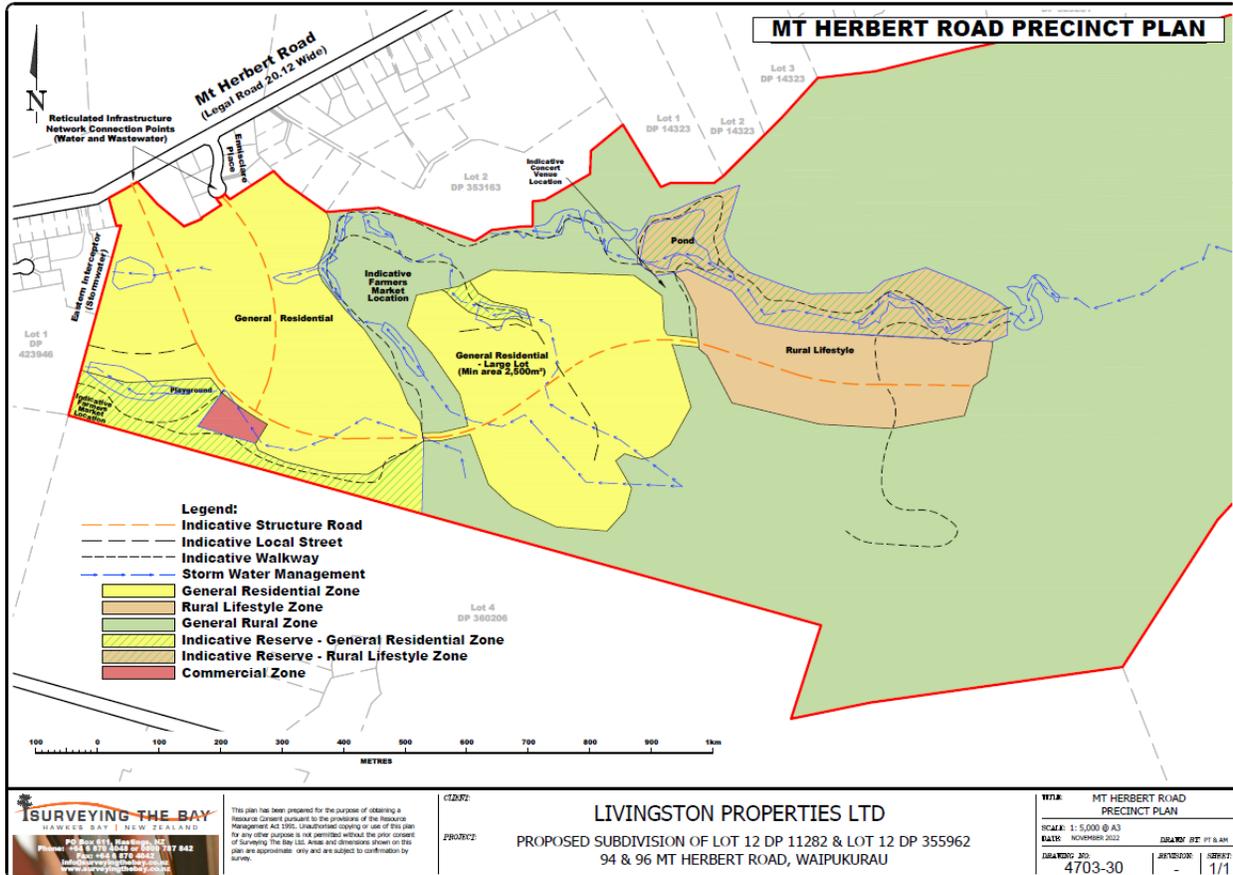
Add the following new Appendix:

GRZ-APP2 – Mt Herbert Road Precinct (MHRP) Plan

Purpose

This Precinct Plan relates to the Mt Herbert Road Precinct (MHRP) identified on the Planning Maps and in Figure 1 below. The Precinct overlies land that is within the General Residential Zone (although there are also portions of Commercial, Rural and Rural Lifestyle zoned land within the MHRP map area there are no additional zone rules applying to those portions of the precinct).

Figure 1 –Mt Herbert Road Precinct Plan



The MHRP area was incorporated into the District Plan by decisions on submissions, having been previously zoned General Rural. This precinct plan is based on an urban form and landscape design led development concept. The concept is based on a variety of residential lot sizes generally reducing in density with distance from Mt Herbert Road and elevation up the hills behind, and on the provision of public amenity through the integration of reserves, walkways, tree planting and low impact stormwater design. The General Residential Zone and Subdivision Chapter rules specify a maximum number of residential units and / or allotments for the General Residential Zone portion of the MHRP to assist with certainty in wastewater and water infrastructural capacity planning.

The purpose of the Precinct Plan is to identify outcomes to be achieved for the subdivision and development of the MHRP area in relation to infrastructure for 3-waters, roading and open spaces and to ensure the implementation of the concept described above. These are intended to provide for

appropriately serviced and well-integrated, subdivision and development within the MHRP area with a high standard of urban amenity, that is able to contribute to the household growth in Waipukurau township. It is intended that the Precinct Plan provide direction and certainty for subdivision development to address specific on-site opportunities and constraints in innovative and sustainable ways.

Precinct Plan Outcomes

The following outcomes are to be achieved for subdivision and/or development within the MHRP.

MHRP-SPO1 Stormwater Infrastructure Design

- 1. At the time of any subdivision of land within the MHRP, a 'Stormwater Management Plan' (SMP) is to be provided which identifies how stormwater will be managed within the subdivision site and in relation to the balance of the MHRP area. The SMP will specify the mix of measures to be employed to achieve the outcomes in MHRP-SPO1.**
- 2. Consideration is to be given to the nature and extent of stormwater infrastructure and take into account the stormwater infrastructure requirements of the MHRP in its entirety.**
- 3. Consideration is to be given for control of overland flow in a 1 in 50 year ARI rainfall (or greater) event.**
- 4. Any proposals that include adjustments to the location and/or extent of the stormwater management infrastructure shown in the MHRP Plan (Figure MHRP 1), or any other aspects of stormwater management are to be accompanied by a stormwater assessment and design prepared by a suitably qualified and experienced person.**
- 5. Where possible, low impact stormwater features, such as ponds/wetlands are to be integrated into the on-site stormwater management system to improve stormwater outcomes.**
- 6. The exact location and size of the ponds/streams/drains/wetlands constructed and/or utilised within the indicative stormwater management areas shown in the MHRP Plan (Figure 1) are to be confirmed during subdivision. Remaining land in these areas that is not required for stormwater management purposes (including access for maintenance and for public safety) can be utilised in accordance with the underlying zoning.**
- 7. The above-ground stormwater management features are to be, wherever possible, integrated into an accessible open space network that integrates with roads to optimise available benefits associated with amenity and local sense of 'place'.**
- 8. The stormwater system is to meet any and all relevant stormwater attenuation and treatment guidelines adopted by the Hawke's Bay Regional Council and is to achieve best practice from source through to discharge at the boundary so as to mitigate the effects of urban development on stormwater quality and quantity.**
- 9. The stormwater system (communal and/or individual onsite system) is to generally comply with any applicable Central Hawke's Bay District Council Bylaws, including the relevant provisions of the**

Stormwater Bylaw 2021 and the Water Supply Bylaw 2021, or their successors insofar as they respectively relate to stormwater or rain water.

10. All common stormwater management infrastructure (e.g. pipes) and facilities (including but not limited to all detention ponds/wetlands/drains/streams and access lots/areas) and the 'Eastern Interceptor Drain' are to be vested in Central Hawke's Bay District Council and/or all necessary easements created upon subdivision.

MHRP-SPO2 Water Supply

11. A water supply for the MHRP is to be provided via connection to the existing watermains at the existing road frontages of the MHRP area. If land is required for additional elevated reservoir storage to support the reticulated network, such land will be vested upon subdivision in a location mutually agreed by the Council and Landowner. The existing watermains will need to be extended and upgraded by Central Hawke's Bay District Council prior to connection to the MHRP (Note: the timing of this work will be dependent on the relevant programme of works in the Central Hawke's Bay District Council Long Term Plan).

12. Watermains within the MHRP may be positioned within the development area to suit road layouts and meet firefighting requirements.

13. The water supply network within the MHRP is to be constructed by the subdivider/developer in accordance with the Hastings District Council Engineering Code of Practice.

14. All necessary easements or other arrangements to provide for conveyance of water supply services within the MHRP are to be demonstrated at the time of any application for subdivision.

MHRP-SPO3 Wastewater

15. Wastewater services for the MHRP are to be provided via connection to the existing wastewater services network at the existing road frontages of the MHRP area. The capacity of the existing wastewater services network will need to be upgraded by Central Hawke's Bay District Council prior to connection to subdivision/development within the MHRP (Note: the timing of this work will be dependent on the relevant programme of works in the Central Hawke's Bay District Council Long Term Plan).

16. The wastewater services network within the MHRP is to be constructed by the subdivider/developer in accordance with the Hastings District Council Engineering Code of Practice.

17. All necessary easements or other arrangements to provide for conveyance of wastewater services within the MHRP are to be demonstrated at the time of any application for subdivision. All necessary easements to enable the Central Hawke's Bay District Council to access wastewater infrastructure (for maintenance, upgrading and replacement purposes) within the MHRP are to be created unless the infrastructure is located within road reserve vested with the Council. It is encouraged that wastewater infrastructure in the MHRP be contained within vested public road.

MHRP-SPO4 Rooding

18. The main connector roads and associated walkways within the MHRP, are to be aligned in general accordance with the 'Indicative Structure Road', 'Indicative Local Street' and 'Indicative Walkway' notations shown on the MHRP Precinct Plan in Figure 1.

19. Local streets within the MHRP connecting neighbourhood areas and green spaces to the main structure roads within the MHRP should be designed to incorporate pathways and contribute to the landscape and urban character.

MHRP-SPO5 Open Space Linkages and Neighborhood Character

20. Reserves within the MHRP, are to be located and developed in general accordance with the 'Indicative Reserve' notations shown on the MHRP Precinct Plan in Figure 1 and are to be vested at the time of the subdivision of land adjoining that Indicative Reserve.

21. Roads are to be designed to include green linkages to open green spaces associated with the stormwater infrastructure, reserves and walkways where practicable.

22. In addition to the reserves, roads, walkways and stormwater infrastructure open space and character will be provided by the Rural Zone land encircling the General Residential Zone – Large Lot development node.

MHRP-SPO6 Other Infrastructure Services

23. New residential development within the MHRP is to be serviced for power, gas and telecommunications utilities.

MHRP-SPO7 Density of Development and Minimum Lot Size

24. Development of the western General Residential Zone development node of the MHRP is to provide a mixture of lot sizes, which may include retirement housing or similarly intensive development off the road connecting Ennisclare Place and more typical suburban residential densities fronting the 'Indicative Structure Road' connecting with Mt Herbert Road. This in combination with the larger lots in the middle development node and rural lifestyle development beyond will ensure a landscape responsive character decreasing in residential density with distance from the Waipukurau CBD and with elevation into the hills.