

**OFFICER'S REPORT FOR:**

**Independent Hearing Commissioners:**

**Robert Schofield (Chair)**

**Loretta Lovell**

**Roger Maaka**

**Tim Aitken**

**Kate Taylor**

**Pip Burne**

**TOPIC:**

**Miscellaneous**

**PREPARED BY:**

**Stella Morgan**

**REPORT DATED:**

**13 October 2022**

**DATE OF HEARING:**

**14 to 17 November 2022**

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## Contents

<b>1.0</b>	<b>Introduction .....</b>	<b>1</b>
1.1	Qualifications and Experience.....	1
1.2	Code of Conduct .....	1
1.3	Conflict of Interest .....	1
1.4	Involvement with the Proposed Plan.....	1
1.5	Preparation of this Report .....	1
<b>2.0</b>	<b>Scope of Report .....</b>	<b>1</b>
2.1	Matters addressed by this Report .....	1
2.2	Overview of the Topic .....	2
2.3	Statutory Considerations.....	2
2.4	Procedural Matters .....	2
<b>3.0</b>	<b>Consideration of Submissions Received .....</b>	<b>2</b>
3.1	Overview of Submissions.....	2
3.2	Structure of this Report .....	3
<b>4.0</b>	<b>Key Issue 1 – Minor Matters (not addressed by other S42A reports).....</b>	<b>5</b>
4.2	Matters Raised by Submitters .....	6
4.3	Analysis .....	8
4.4	Recommendations .....	15
4.5	Recommended Amendments.....	16
4.7	Section 32AA Evaluation.....	18
<b>5.0</b>	<b>Key Issue 2 – Part A Introduction (not addressed by other S42A reports).....</b>	<b>19</b>
5.1	Submissions / Further Submissions Addressed .....	19
5.2	Matters Raised by Submitters .....	20
5.3	Analysis .....	21
5.4	Recommendations .....	22
5.5	Recommended Amendments.....	22
5.6	Section 32AA Evaluation.....	22
<b>6.0</b>	<b>Key Issue 3 – Definitions (not addressed by other s42A reports) .....</b>	<b>23</b>
6.1	Submissions / Further Submissions Addressed .....	23
6.2	Matters Raised by Submitters .....	25
6.3	Analysis .....	27
6.4	Recommendations .....	33
6.5	Recommended Amendments.....	33
6.6	Section 32AA Evaluation.....	34
<b>7.0</b>	<b>Key Issue 4 – Relocated Buildings.....</b>	<b>35</b>
7.1	Submissions / Further Submissions Addressed .....	35
7.2	Matters Raised by Submitters .....	42
7.3	Analysis .....	43
7.4	Recommendations .....	44

7.5 Recommended Amendments.....45

7.6 Section 32AA Evaluation.....45

**8.0 Conclusion.....46**

8.1 Topic Conclusions .....46

8.2 Topic Recommendations .....46

**Appendix A – Recommended Amendments to Plan Provisions**

**Appendix B – Summary of Recommended Responses to Submissions and Further Submissions**

## List of Submitters and Further Submitters addressed in this Report

<b>Submitter Name</b>	<b>Submitter Number</b>
Central Hawke's Bay Aeroclub	<b>S80</b>
Centralines Limited (Centralines)	<b>S90</b>
Chorus New Zealand Limited (Chorus)	<b>S117</b>
Department of Conservation	<b>S64</b>
Heretaunga Tamatea Settlement Trust (HTST)	<b>S120</b>
Horticulture New Zealand (Hort NZ)	<b>S81</b>
House Movers Section of the New Zealand Heavy Haulage Association Inc (NZHHA)	<b>S106</b>
James Bridge	<b>S105</b>
Kāinga Ora - Homes and Communities (Kāinga Ora)	<b>S129</b>
Ministry of Education	<b>S73</b>
Mountain View Farms	<b>S19</b>
New Zealand Motor Caravan Association	<b>S101</b>
Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	<b>S125</b>
Robbie & Dave Christiansen (R & D Christiansen)	<b>S87</b>
Shane Bayley (S Bayley)	<b>S8</b>
Spark New Zealand Trading Limited (Spark)	<b>S118</b>
Transpower New Zealand Ltd (Transpower)	<b>S79</b>
Vodafone New Zealand Limited (Vodafone)	<b>S119</b>
Woolworths New Zealand Limited	<b>S66</b>

<b>Further Submitter Name</b>	<b>Further Submitter Number</b>
Horticulture New Zealand (Hort NZ)	<b>FS17</b>
Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird)	<b>FS9</b>
Transpower New Zealand Limited (Transpower)	<b>FS18</b>

## **1.0 Introduction**

### **1.1 Qualifications and Experience**

- 1.1.1 My full name is Stella Ann Luoni Morgan. I am a Principal Planner and Director of Sage Planning (HB) Limited, a planning consultancy comprising three Principal Planners/Directors established in 2015.
- 1.1.2 I hold a Bachelors degree in Geography, and a Master of Regional and Resource Planning, and am a full member of the New Zealand Planning Institute.
- 1.1.3 I have been a practicing planner for the past 30+ years. Prior to establishing Sage Planning, I was a planning consultant with Opus International Consultants (now WSP) for 10 years, and prior to that I worked in various roles including recreation planner and community development team leader (7 years) at Hastings District Council, and as a planner at Christchurch City Council, Queenstown Lake District Council, and Johnston Anderson Whitney Consultants.
- 1.1.4 Sage Planning has been engaged by Central Hawke's Bay District Council as the lead planning consultants to assist with the full District Plan Review since August 2017.

### **1.2 Code of Conduct**

- 1.2.1 I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014, and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this 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 that I express.
- 1.2.2 I am authorised to give this evidence on the Council's behalf to the Proposed District Plan Hearings Commissioners.

### **1.3 Conflict of Interest**

- 1.3.1 I confirm that I have no real or perceived conflict of interest.

### **1.4 Involvement with the Proposed Plan**

- 1.4.1 I was involved in scoping issues and preparing discussion documents for Council's District Plan Review Committee, engagement with the community, preparation of the Draft District Plan (notified in April 2019), reporting on informal submissions to the Committee and recommending amendments to the Draft District Plan, and subsequent completion of the Proposed District Plan including preparation of the accompanying Section 32 Evaluation Reports.
- 1.4.2 I contributed to the various discussion documents and draft plan provisions across the Draft District Plan including the range of miscellaneous matters addressed in this Topic Report and contributed to the associated Section 32 Remaining District Wide Chapters and Relocated Buildings Provisions Topic Report accompanying notification of the Proposed District Plan (PDP).

### **1.5 Preparation of this Report**

- 1.5.1 My role in the preparation of this report has been to review, provide analysis of, and make recommendations on the submissions and further submissions received in relation to the range of miscellaneous matters.
- 1.5.2 The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **2.0 Scope of Report**

### **2.1 Matters addressed by this Report**

- 2.1.1 This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA). This report considers submissions that were received on the PDP that have not been addressed through other Section 42A Topic Reports.

## 2.2 Overview of the Topic

2.2.1 The matters addressed in this report are grouped under the following 'Key Issue' headings:

- Submissions on Minor Matters (not addressed by other S42A reports)
- Submissions on 'Part A- Introduction' (not addressed by other S42A reports)
- Submissions on 'Definitions' (not addressed by other S42A reports)
- Submissions on 'Relocated Buildings' provisions

## 2.3 Statutory Considerations

2.3.1 The PDP has been prepared in accordance with the RMA and in particular the requirements of section 74 (Matters to be considered by territorial authority) and section 75 (Contents of district plans).

2.3.2 As set out in the Section 32 Remaining District Wide Chapters and Relocated Building Provisions Topic Report, there are a number of higher order planning documents that provide direction and guidance for the preparation and content of the PDP, including the New Zealand Coastal Policy Statement (2010), the Hawke's Bay Regional Resource Management Plan including the Regional Policy Statement (2006), and the Hawke's Bay Regional Coastal Environment Plan (2014). These documents are discussed in detail within the Section 32 Topic Report.

## 2.4 Procedural Matters

2.4.1 There were no pre-hearing meetings or meetings undertaken in accordance with clause 8AA of Schedule 1, on the miscellaneous matters raised in submissions prior to the finalisation of this section 42A report.

2.4.2 No further consultation with any parties regarding the miscellaneous matters raised in submissions has been undertaken since notification of the provisions.

## 3.0 Consideration of Submissions Received

### 3.1 Overview of Submissions

3.1.1 As stated, this topic report addresses submissions received that are not otherwise addressed by other Section 42A Topic reports.

#### Key Issue 1 - Submissions on Minor Matters (not addressed by other S42A reports)

3.1.2 There are nine (9) submitters and one (1) further submitter raising a range of minor matters not addressed in other S42A reports.

3.1.3 Matters raised are summarised as including:

- Support for:
  1. Protecting our land resources.
  2. Providing sustainable growth.
  3. Coastal settlements and rural townships (Blackhead).
  5. Protecting our unique landscape.
- Request for a new Permitted Activity rule throughout the 'Zones' in the Proposed Plan, which explicitly provides for the construction of buildings and structures, subject to compliance with relevant standards.
- Clarify the status of construction of buildings and structures and ensure that an appropriate activity status is applied.
- Bylaws need to be reviewed to clarify how the rules apply for the new zone names. Rural, Urban and Township references will no longer apply given the new zone names.
- Sealing of Pagets Road.
- Request for provisions across the Proposed Plan, to note that where reference is made to regulations, such as the Electricity (Hazards from Trees) Regulations 2003, that the applicable rule applies also to any updated version of that regulation.

- Request to add the 'Waipukurau Aerodrome' to District Amenities Schedule ['SCHED8 - Schedule of Identified Community Facilities?'].
- Request for a new rule in the 'RLZ - Rural Lifestyle Zone' chapter providing for 'camping grounds' as a Permitted Activity, subject to conditions.
- Request to delete '(Coastal)' from all instances of the term 'Large Lot Residential Zone (Coastal)' in the Proposed Plan.

#### Submissions on 'Part A- Introduction' (not addressed by other S42A reports)

- 3.1.4 There are twelve (12) submission points and five (5) further submissions that relate to the PDP 'Part A- Introduction' that are not addressed by other S42A reports.
- 3.1.5 Ten (10) of these submissions are in support of this section of the PDP. One submission seeks amendment to the PDP to ensure National Policy Statements are given effect to in the PDP.

#### Submissions on 'Definitions' (not addressed by other S42A reports)

- 3.1.6 There are twenty-one (21) submission points and five (5) further submissions that relate to 'Definitions' that are not addressed by other s42A reports.
- 3.1.7 Eleven (11) of these submissions are in support of definitions. Ten (10) submissions oppose or seek amendments definitions.
- 3.1.8 These submissions relate to the following definitions:
- Building
  - Community Facility
  - Day Care Facility
  - Educational Facility
  - Habitable Room
  - Health Care Facility
  - Height
  - Internal Boundary
  - Landscaping
  - Service
  - Structure

#### Submissions relating to PDP provisions on 'Relocated Buildings'

- 3.1.9 There are forty-six (46) submission points and 10 further submissions to the provisions relating to 'Relocated Buildings'.
- 3.1.10 Seventeen (17) submissions are in support – 24 of the 29 remaining points address aspects of the same standard across the various zones.
- 3.1.11 Key issues raised in these submissions are summarised as including requests to:
- Provide for 'licensed building practitioners' to undertake a Building Pre-Inspection Report
  - Delete the standards requiring notification to Council prior to relocation of building.
  - Amend the timeframe requiring relocated building to be on permanent foundations from two weeks to two months.
  - Delete the Permitted Activity Rule and associated standard for Relocated Buildings in the PKH Papakāinga and Kaumātua Housing, and associated Marae-Based Development chapter, the GRZ- General Residential Zone and the CMZ-Commercial Zone.

## **3.2 Structure of this Report**

- 3.2.1 As outlined above I have structured the section 42A report by grouping submissions on miscellaneous matters under the following Key Issue headings as follows:
- Key Issue 1: Minor Matters (not addressed by other S42A reports)
  - Key Issue 2: 'Part A- Introduction' (not addressed by other S42A reports)
  - Key Issue 3: 'Definitions' (not addressed by other S42A reports)
  - Key issue 4: 'Relocated Buildings'

## 4.0 Key Issue 1 – Minor Matters (not addressed by other S42A reports)

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S87.006	R & D Christiansen	[General]	Support	Support: 1. Protecting our land resources. 2. Providing sustainable growth. 3. Coastal settlements and rural townships (Blackhead). 5. Protecting our unique landscape.	Accept
.					
S66.001	Woolworths New Zealand Limited	[General]	Support	None.	Accept
.					
S90.052	Centralines	[General]	Amend	Add a new Permitted Activity rule throughout the 'Zones' in the Proposed Plan, which explicitly provides for the construction of buildings and structures, subject to compliance with relevant standards.	Reject
FS17.76	Hort NZ		Support in part	Clarify the status of construction of buildings and structures and ensure that an appropriate activity status is applied.	Accept
S8.001	Shane Bayley	[General]	Amend	Bylaws need to be reviewed to clarify how the rules apply for the new zone names. Rural, Urban and Township references will no longer apply given the new zone names.	Reject
.					
S19.001	Mountain View Farms	[General]	Amend	I would like to see the section of unsealed road on Pagets Road sealed.	Reject
.					
S90.053	Centralines	[General]	Amend	Add provisions across the Proposed Plan, to note that where reference is made to regulations, such as the Electricity (Hazards from Trees) Regulations 2003, that the applicable rule applies also to any updated version of that regulation.	Accept in part
.					
S80.001	Central Hawke's Bay Aeroclub	SCHED8	Amend	Add the 'Waipukurau Aerodrome' to District Amenities Schedule ['SCHED8 - Schedule of Identified Community Facilities?'].	Accept
.					
S101.004	New Zealand Motor Caravan Association	RLZ-RXX (new rule)	Oppose	Add a new rule in the 'RLZ - Rural Lifestyle Zone' chapter providing for 'camping grounds' as a Permitted Activity, subject to conditions.	Accept in part
.					
S105.025	James Bridge	LLRZ - Large Lot Residential Zone (Coastal)	Oppose	Delete '(Coastal)' from all instances of the term 'Large Lot Residential Zone (Coastal)' in the Proposed Plan.	Reject
.					

4.1.1 In summary, there are 9 submission points and 1 further submission on 'General Matters' (not addressed by other S42A reports). These submissions cover a range of minor matters as addressed below.

## 4.2 Matters Raised by Submitters

4.2.1 S87.006 R & D Christiansen have submitted in support of the following provisions of the PDP:

1. *Protecting our land resources.*
2. *Providing sustainable growth.*
3. *Coastal settlements and rural townships (Blackhead).*
5. *Protecting our unique landscape.*

4.2.2 Whilst they have not sought any specific amendments or decision from Council, they have submitted the following reasons:

1. *Dumping of all rubbish on rural land with trucking to and from landfills littering.*
2. *Pressure on our water resources and lack of infrastructure for expansion.*
3. *No control existent on coastal settlements foreshore vehicle movement and speeds, currently very little if any management seen.*
- 3 & 5. *Protection of our coastal areas, it's not a 'do as I say, not as I do' ideology!*
5. *Farm plan regulations needs an assessment as to its achieving results / fit for purpose'.*

4.2.3 S66.001 Woolworths New Zealand Limited have submitted in support of the general direction of the PDP on the basis that it *'supports the general direction of the Proposed Plan to provide for sustainable growth in the Central Hawke's Bay District, provided the objectives, policies and rules are also developed to enable existing operations to continue and encourage growth in appropriate locations.'*

4.2.4 S90.052 Centralines have submitted seeking a new 'Permitted Activity' rule throughout the 'Zones' in the PDP, which explicitly provides for the construction of buildings and structures, subject to compliance with relevant standards.

4.2.5 Their reasons include:

*'In regard to general development zone provisions across the Proposed Plan, Centralines notes that the Proposed Plan does not provide a permitted activity rule for the construction of buildings and structures, subject to compliance with standards. In this regard, the Proposed Plan ties compliance with the standards to 'activities', but not the actual physical construction of buildings and structures. Centralines seeks that a permitted activity rule be introduced throughout the Proposed Plan zones, which explicitly provides for the construction of buildings and structures. Otherwise, there is a risk that this would inadvertently default to a Discretionary Activity, being a matter that is not otherwise provided for.'*

4.2.6 This is supported in part by further submitter Hort NZ (FS17.76) who seeks clarification of the status of construction of buildings and structures, and to ensure that an appropriate activity status is provided.

4.2.7 In Hort NZ's view *'the plan should be clear regarding the status of construction of buildings and structures but PA for all structures may not be appropriate'*.

4.2.8 S8.001 S Bayley has submitted seeking a review of Bylaws to clarify how the rules apply for the new zone names. He submits that 'Rural', 'Urban' and 'Township' references will no longer apply given the new zone names.

4.2.9 Mr Bayley's reasons include that:

*'There is reference to bylaws throughout the draft Plan. In our case for example, reference to keeping animals in a Rural Lifestyle Zone. As none of the zones referenced in the bylaw will be operable in the Plan, there needs to be clarification about what can/can't be undertaken in each of the new zones.'*

4.2.10 S19.001 Mountain View Farms have submitted that they *'would like to see the section of unsealed road on Pagets Road sealed.'*

4.2.11 Their reasons include:

*'this unsealed section has caused numerous accidents; some reported and others unreported. For example; there was one tragedy three years ago when a car hit a power pole and brought down a live wire.'*

4.2.12 S90.053 Centralines seeks additional provisions across the Proposed Plan, to note that where reference is made to regulations, such as the Electricity (Hazards from Trees) Regulations 2003, that the applicable rule applies also to any updated version of that regulation.

4.2.13 S80.001 Central Hawke's Bay Aeroclub seeks an amendment to Schedule SCHED8 – 'Schedule of Identified Community Facilities' to include the 'Waipukurau Aerodrome' to District Amenities.

4.2.14 Their reasons include:

*'The Central Hawke's Bay Aeroclub has been part of the local community since 1935 and has a proud history of being a core part of what this district is about. We pride ourselves on supporting local organisations and charities, including Hawke's Bay Child Cancer Foundation, a place for local emergency services to practice on, the Rescue helicopter frequently uses the aerodrome as a pick up point for fast transfer to Hawke's Bay hospital. Provide quality flight training.*

*Would like to see acknowledgement by the Council for what we do for the community. More education needs to be put in place for people moving into the vicinity of the aerodrome to accept an aerodrome is going to involve some degree of noise.'*

4.2.15 S101.004 New Zealand Motor Caravan Association opposes the Rules in the Rural Lifestyle Zone and SETZ Settlements Zone seeking that new Rules, RLZ-RXX and SETZ-RXX be added in these chapters to provide for 'camping grounds' as a Permitted Activity, with Permitted Activity conditions in line with the Operative District Plan, rather than as a 'Discretionary Activity'. They submit that:

*'All zones in the Proposed Central Hawkes Bay District Plan (proposed district plan) require discretionary resource consent for camping ground activities either through specific provisions or by the 'catch all' rule. ... The operative district plan provides for visitors accommodation (which includes camping ground) in the rural zone as a permitted activity and controlled activity within the business zone with conditions in place. The rationale behind deviating from these operative plan rules have not been stipulated in the s32 evaluation reports. Instead, the only mention of campgrounds in the reports include promoting no permanent residents at the beach and campgrounds.*

[...]

*We **DO NOT SUPPORT** the rules for providing camping ground as a discretionary activity within the Hawkes Bay District. Instead, camping grounds should be provided for as a permitted activity (similar to the operative district plan) with a permitted activity criteria in place. This will also be in line with the currently operative district plan.'*

4.2.16 S105.025 James Bridge opposes the reference to 'Coastal' in the 'LLRZ - Large Lot Residential Zone (Coastal)' and seeks it be deleted.

4.2.17 Mr Bridge submits that *'the use of the zone name is inconsistent with the Zone Framework Standard of the National Planning Standards 2019.'*

*Direction 1 in that standard states "a district plan, ... must only contain the zones listed in table 13..."*

*Direction 2 states "if an existing zone in a plan is consistent with the description of a zone in table 13, that existing zone must use that zone name ... and associated zone colour"*

*Direction 3 states an additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes meet all of the following:*

- a. Are significant to the district, region or county;*
- b. Are impractical to be managed through another zone;*
- c. Are impractical to be managed through a combination of special layers.*

*The zone "Large Lot Residential Zone (Coastal)" does not meet the direction 3 exemption criteria: particular b. since there is no "Large Lot Residential Zone" in the plan.*

### 4.3 Analysis

#### Submissions in Support of PDP

- 4.3.1 R & D Christiansen have supported a broad range of PDP provisions including provisions relating to coastal settlements and rural townships, providing sustainable growth, protecting our unique landscape and land resources. They have also identified a range of concerns (e.g., speeding vehicles in coastal settlements, infrastructure capacity issues, rubbish management issues and the need for assessment of Farm Plans to ensure if they are fit for purpose). These concerns are not matters directly addressed by the District Plan.
- 4.3.2 As this submission generally supports a range of PDP provisions, and no amendments have been sought, I recommend that this submission S87.006 R & D Christiansen is accepted.
- 4.3.3 Woolworths New Zealand Limited supports the general direction of the PDP and have not sought any changes. I therefore recommend that S66.001 Woolworths New Zealand Limited be accepted.

#### Provision of a new 'Permitted Activity' rule throughout the Zones to provide for 'construction of buildings and structures'

- 4.3.4 Centralines submit that as there is no specific rule providing for the '*physical construction of structures and buildings*' there is a risk such activities could default to the Discretionary Activity rule and therefore the PDP should provide for such activities as a Permitted Activity rule across the zones.
- 4.3.5 Each zone has rules that provide for a range of different land use activities, often subject to conditions /standards that must be complied with. As an example, a copy of the Rule Overview Table for the General Residential Zone is provided below.

#### Rule Overview Table

Use/activity	Rule Number
<b>Residential activities and showhomes</b>	GRZ-R1
<b>Home businesses</b>	GRZ-R2
<b>Visitor accommodation</b>	GRZ-R3
<b>Day care facilities</b>	GRZ-R4
<b>Educational facilities</b>	GRZ-R5
<b>Community facilities</b>	GRZ-R6
<b>Emergency service activities and emergency aviation movements</b>	GRZ-R7
<b>Community corrections activities</b>	GRZ-R8
<b>Relocated buildings</b>	GRZ-R9
<b>Commercial activities not otherwise provided for</b>	GRZ-R10
<b>Retirement villages and rest homes</b>	GRZ-R11
<b>Relocatable building depots</b>	GRZ-R12
<b>Any other activity not otherwise provided for</b>	GRZ-R13
<b>Intensive primary production activities</b>	GRZ-R14
<b>Industrial activities</b>	GRZ-R15
<b>Service activities</b>	GRZ-R16

- 4.3.6 Each zone provides for a range of activities consistent with the respective 'Anticipated Environment Results' for that Zone and includes a 'default' rule for activities '*not otherwise provided for*' (in the above case this is Rule GRZ13).
- 4.3.7 A similar default rule is provided in each of the PDP zones as follows:
- Lot Residential Zone (Coastal) Rule LLRAZ-R12
  - General Residential Zone Rule GRZ-R13

- General Rural Zone Rule GRUZ-R18
- Rural Lifestyle Zone Rule RLZ-R12
- Rural productions Zone Rule RPROZ-R18
- Settlement Zone Rule SETZ-R18
- Commercial Zone Rule COMZ-R11, and
- General Industrial Zone Rule GIZ-R14.

4.3.8 The default rule in each zone applies a Discretionary Activity status consistent with the requirements of S87B(1) RMA.

*87B Certain activities to be treated as discretionary activities or prohibited activities*

(1) An application for a resource consent for an activity must, with the necessary modifications, be treated as an application for a resource consent for a discretionary activity if—

- (a) *Part 3 requires a resource consent to be obtained for the activity and there is no plan or proposed plan, or no relevant rule in a plan or proposed plan; or*
- (b) *a plan or proposed plan requires a resource consent to be obtained for the activity, but does not classify the activity as controlled, restricted discretionary, discretionary, or non-complying under section 77A; or*
- (c) *a rule in a proposed plan describes the activity as a prohibited activity and the rule has not become operative.*

4.3.9 Construction activities are not specifically provided for as they are part and parcel of the broader activity that is provided for. The PDP anticipates that construction is part of respective activities though zone conditions/standards that control matters such as building density, height, setback for example, as well as District-Wide provisions that apply regardless of the zone. For example, Transport Standard TRAN-S2 provides for the design and construction of parking areas associated with land use activities, Noise Standard NOISE-S5 exempts noise associated with construction activities from zone noise limits, and Earthworks Rule EW-R1(a)) provides for a certain area of permitted earthworks associated with the construction of buildings. Where transport design standards or earthworks provisions cannot be met, a resource consent for those specific matters may be required.

4.3.10 The establishment of a use or activity, whether it is 'permitted' or in association with a resource consent, therefore is part of the respective land use activity and not a separate activity requiring its own permitted activity rule.

4.3.11 The 'default' rules that provide for '*any other activity not otherwise provided for*', would apply to those situations where there is no specific rule providing for an activity, for example activities that have not been anticipated in that Zone (and are not -non-complying activities).

4.3.12 The submitter's concern regarding the risk of the default rule applying is not entirely clear to me, and it would be helpful if they could expand on this at the hearing by providing scenarios or examples of when this risk might occur.

4.3.13 However, in my opinion and as demonstrated by the General Residential Zone example outlined above, the rule framework clearly anticipates construction activities as part of exercising the right to undertake the land-use activity, and it would be incorrect to apply the default rule to such activities.

4.3.14 For these reasons I recommend S90.052 Centralines be rejected.

Review Bylaws to amend references to zone names

4.3.15 Mr S Bayley has raised the issue of PDP references to CHB Bylaws, noting that Zone names in the PDP have been changed and the bylaws therefore need to be reviewed to clarify how the PDP rules will apply. Mr Bayley cites as an example the CHB Bylaw relating to 'the Keeping of Animals, Poultry and Bees'<sup>1</sup> that references 'Residential', 'Township' and 'Rural' zones querying how this Bylaw would apply to the PDP 'Rural Lifestyle' Zone.

4.3.16 PDP Zone boundaries generally reflect zone boundaries in the Operative District Plan, and zone names adopted as directed by the National Planning Standards 2019. In addition, two new spatial zones have been created, the RPROZ - Rural Production Zone' and RLZ - Rural Lifestyle Zone.

4.3.17 The PDP references the following CHB Bylaws:

<sup>1</sup> <https://www.chbdc.govt.nz/assets/Document-Library/Bylaws/Part-13-The-Keeping-of-Animals-Poultry-and-Bees-Bylaw-2018.pdf>

- TRAN – Transport Chapter, 'Traffic (Part 25)' Bylaw
- SUB – Subdivision Chapter, 'Water Supply (Part 07)', 'Stormwater (Part 21)' and 'Wastewater (Part 22)' Bylaws
- SIGN – Signs Chapter, 'Control of Advertising Signs (Part 08)' Bylaw
- TEMP – Temporary Activities Chapter, 'Public Places (Part 2)', 'Trading in Public Places (Part 4)', 'Livestock Movement and Animals in Public Places (Part 5)', 'Solid Waste (Part 6)', 'Control of Advertising Signs (Part 8)', 'Trade Waste (Part 23)', 'Traffic (Part 25)', and 'Liquor Control in Public Places (Part 29)' Bylaws
- GRUZ – General Rural Zone, 'The Keeping of Animals, Poultry and Bees (Part 13)' Bylaw
- RPZ – Rural Production Zone, 'The Keeping of Animals, Poultry and Bees (Part 13)' Bylaw.

4.3.18 A review of these bylaws identifies that the 'Keeping of Animals, Poultry and Bees' (Part 13) Bylaw and the 'Livestock Management in Public Places' (Part 5) Bylaws make specific reference to following zones:

Keeping of Animals, Poultry and Bees' (Part 13) Bylaw

- Residential Zone
- Township Zone
- Rural

Livestock Management in Public Places' (Part 5)

- Residential
- Township
- Business 1
- Business 2

4.3.19 All other Bylaws do not include specific zone references.

4.3.20 Council is required by the Local Government Act (Section 158 Local Government Act 1974) to review its bylaws every 5 years and it is not a matter that can be addressed by the PDP process. I note that both the above Bylaws are due for a review in 2023 and amended references to Zone names can be made then.

4.3.21 In addition, during the current transition phase of district plan development, the provisions of both the Operative District Plan and Proposed District Plan provisions apply (although noting the majority of rules do not yet have legal effect), therefore until the PDP becomes operative, the bylaw references to the Operative District Plan are still appropriate.

4.3.22 As reviewing bylaws is a Local Government Act matter, responding to this submission is outside the scope of decisions on the PDP, I recommend that s8.001 S Bayley be rejected.

Request to seal Pagets Road

4.3.23 The PDP sets out the environmental regulatory framework for land use activities and does not consider the funding of capital works. Council officers have advised that this particular request has been forwarded to Council's roading team for consideration.

4.3.24 On the basis that this submission point cannot be considered as part of the PDP process I recommend S19.001 Mountain View Farms be rejected.

Reference to Updated Version of Regulations

4.3.25 Centralines seeks additional provisions across the Proposed Plan, to note that where reference is made to regulations, such as the Electricity (Hazards from Trees) Regulations 2003, that the applicable rule applies also to any updated version of that regulation.

4.3.26 The PDP references regulations in the PDP as follows:

Regulation	Rules or Standard	Assessment Matter or Other Method
Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009	X	NU-M2
Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016	X	NU-M3
Electricity (Hazards from Trees) Regulations 2003	X	NU-M7
Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2012	EW-R1 Specified Earthworks	HAZS-M4 GRUZ-M4 RPROZ-M4
Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.	X	GRUZ-M4 RPROZ-M4

4.3.27 Rules, including conditions and standards must be able to provide certainty for Plan users and therefore where regulations are referenced within a rule/condition/ standard it is important that they are defined or unlikely to change. Providing reference to new versions within a rule or standard may result in unintended consequences. For this reason, the PDP generally avoids referencing regulations in the Rules and Standards and where it does it references a specific version, e.g Rule EW-R1. In other provisions such as Assessment Matters or Other Methods, reference to updated provisions may be appropriate.

4.3.28 The Hearings Panel may wish to make a decision on this once they have considered all plan provisions. However, I consider that reference to other versions may be acceptable in those instances where regulations are not included in a rule or standard.

4.3.29 I therefore recommend that S90.053 Centralines be accepted in part.

Amend Schedule of Community Facilities

4.3.30 SCHED8 'Schedule of Identified Community Facilities (Information Only)' records and maps the location of a wide range of community activities in the CHB District.

4.3.31 SCHED8 updates the Operative District Plan Appendix H 'Schedule of identified Community Facilities (for Information Purposes Only)'. It includes facilities such as churches, community halls, sports facilities, the Porangahau Country Club (golf tennis bowls and arts centre), Takapau Golf Club, Waipukurau Racecourse, and CHB & AP Association Showgrounds etc. The District Plan Review Committee were keen to see it remain in the PDP as it provides an easily accessible place to inform the community of what facilities are available.

4.3.32 The Central Hawke's Bay Aeroclub is a volunteer organisation that has owned and operated the aerodrome for 88 years. It includes a local clubroom, airfield and small area of surrounding farmland and its premises are often used to support local community emergency services (fire, ambulance and rescue helicopter practice and emergency response), local flight training, and numerous community events and fundraisers.

4.3.33 No further submissions have been received opposing this facility being included on SCHED8.

4.3.34 Based on the information provided with this submission the entry of the schedule would read as follows:

Unique Identifier	Site Identifier	Location	Map Reference
<b>CF-66</b>	Waipukurau Aerodrome	2327 State highway 2 (Takapau Road)	<b>xx</b>

4.3.35 I do not have any opposition to the Aeroclub being included on the Schedule and recommend that S80.001 Central Hawke's Bay Aeroclub be accepted.

Provide new Permitted Activity Rule for 'Camping Grounds' in the RLZ- Rural Lifestyle Zone and SETZ - Settlement Zone

4.3.36 The New Zealand Motor Caravan Association has submitted seeking a 'Permitted Activity' status for camping grounds throughout the District (instead of a Discretionary Activity status). This request has been addressed in other Hearings Streams as follows:

Hearing Stream (HS)	S42A Topic	Submission Point #	Request	PDP 'Camping ground' activity status	Officer Recommendation
HS1	Coastal Environment	S101.001	a new permitted activity rule in the LLRZ - Large Lot Residential (Coastal) Zone'	Rule LLRZ-R11 Discretionary (specific rule)	Accept in part (recommendation to provide for camping grounds as a Restricted Discretionary activity in this zone)
HS2	Urban	S101.002, S101.006, S101.007	A new permitted activity rule in the: GRZ - General Residential Zone, GIZ - General Industrial Zone COMZ - Commercial Zone'	All zones 'Discretionary' (any other activity not otherwise provided for) Rule GRZ- R13 Rule GIZ-R15 Rule COMZ-R11	Reject (recommendation to retain camping grounds as a Discretionary Activity in these zones)
HS3	Rural	S101.003	A new permitted activity rule in the: GRUZ - General Rural Zone, RPROZ – Rural Production Zone	All zones 'Discretionary' (specific rule) Rule GRUZ-R16 Rule RPROZ-R16	Accept in part (recommendation to provide for camping grounds as a Restricted Discretionary activity in these zones)

- 4.3.37 This report addresses this submission point in relation to the RLZ – Rural Lifestyle Zone and the SETZ – Settlement Zone<sup>2</sup>.
- 4.3.38 Campgrounds provide a holiday option to travellers in a range of locations across New Zealand and appropriately established camping opportunities in suitable locations is therefore something that is largely anticipated and desired. However, camping grounds do have the potential to generate various adverse effects that warrant an appropriate level of scrutiny and assessment depending on the zone in which they are locating.
- 4.3.39 The Rural Lifestyle Zone does not contain a 'camping ground' specific rule and therefore an application to establish such an activity in this zone would be considered as a Discretionary Activity under the default rule that provides for 'any other activity not otherwise provided for' (Rule RLZ-R13).
- 4.3.40 The PDP describes the Rural Lifestyle Zone as providing '*a valuable residential choice for people wanting a lifestyle on larger sites, with the opportunity to carry out small scale productive activities in a semi-rural setting, in close commuting distance to Waipawa and Waipukurau for employment, education, shopping, entertainment and recreation activities, but without the responsibility of owning and maintaining a larger rural property.*'
- 4.3.41 Objectives RLZ-O1 and RLZ-O2 seek to ensure low density residential needs are met in close proximity to the urban areas of Waipawa and Waipukurau and to enable sufficient flexibility for rural residential living and/or small-scale primary production activities, which avoid or mitigate adverse effects within the zone, and at the interface with other zones. Policy RLZ-P1 is to maintain and enhance the attractive open space character of this zone, and Policy RLZ-P4 is to provide for a range of non -residential activities that are complementary to the rural residential use of the land and are compatible in scale with rural residential living (RLZ-P4).
- 4.3.42 Given the potential for adverse effects, and the objective and policy framework of the Rural Lifestyle Zone that seek to maintain and enhance open space character and amenity, provide for small scale and compatible non-residential activities, and avoid or mitigate adverse effects within the zone and at the interface with other zones, I consider that a Permitted Activity status (albeit with conditions) is not appropriate within this zone.
- 4.3.43 However, I recognise that providing for suitable camping opportunities within the Rural Lifestyle Zone, being locations close to CHB's urban areas, is something that is desirable as an attractive, inexpensive holiday option for New Zealanders and tourists.
- 4.3.44 While I do not support a Permitted Activity status for camping grounds in the Rural Lifestyle Zone, and noting officers' recommendations for other zones (as set out above), I would support a new Rule to provide for camping grounds as a Restricted Discretionary Activity with specific Assessment Matters as follows:

<sup>2</sup> I note no specific submission point in relation to the SETZ Settlement Zone was created for this submission and for completeness have addressed it in this S42A report.

**RLZ-RXX Camping grounds****1. Activity Status: RDIS****Where the following conditions are met:**a. Compliance with:

- i. RLZ-S2;
- ii. RLZ-S3;
- iii. RLZ-S4;
- iv. RLZ-S5;
- v. RLZ -S6;
- vi. RLZ-S7;
- vii. RLZ-S8
- viii. RLZ-S9
- ix. RLZ-S10
- x. RLZ-S11;
- xi. RLZ-S12;
- xii. RLZ-S13; and
- xiii. RLZ-S14

Matters over which discretion is restricted:b. Assessment matters (where relevant to the infringed standard(s):

- i. RLZ-AM1.
- ii. RLZ-AM2.
- iii. RLZ-AM3.
- iv. RLA-AM4.
- v. RLZ-AM5.
- vi. ELZ-AM10.
- vii. RLZ-AMXX.

c. Assessment matters in the following chapters:

- i. TRAN – Transport.
- ii. LIGHT – Light.
- iii. NOISE – Noise.

**2. Activity status where compliance not achieved: DIS****Assessment Matters****RLZ-AMX Camping Grounds**

1. The size of the camping ground, number of camp sites/accommodation units, carparks, and scale of buildings to ensure that they are consistent with the surrounding character and amenity and, where located within the identified coastal environment area, the natural character of the coastal environment.
2. Whether the design and appearance of the development of the site harmonises with the surrounding natural features and landscape, in particular the character of the coastal environment.
3. Whether the location of the camping ground will give rise to reverse sensitivity effects, particularly in terms of primary production and associated activities.
4. Whether the proposed land use will have an adverse effect on any cultural values or heritage values of the area.
5. The design of infrastructure to ensure it is of a standard capable of servicing the camping ground, assuming 100% capacity.
6. Whether the activity is or will be located in an identified natural hazard area, considering the health and safety of camp users and the long- term viability of safe access and egress to the site.
7. The proximity of the camping ground to the coastal margin and the susceptibility of the site to coastal erosion and coastal inundation both in the short and long-term, considering the health and safety of camp users and the long- term viability of safe access and egress to the site.
8. Whether the activity will make a positive contribution to the social and economic well-being of the local community.
9. The proximity to any wahi tapu, wahi taonga and sites of significance identified in SASM-SCHED3 and on the Planning Maps.
10. Effects on areas of high natural character identified in CE-SCHED7, or on any outstanding natural landscape or feature, or significant amenity feature identified in NFL-SCHED6.

4.3.45 I consider that the above conditions and assessment matters cover all of the relevant considerations around character and amenity effects, effects on natural features and landscapes, reverse sensitivity effects, effects on cultural values, heritage values, wāhi tapu, wāhi taonga and sites of significance to Māori, provision of servicing infrastructure, natural hazards and safe access and egress to the site, and contribution to the social and economic wellbeing of the local community.

4.3.46 The Settlement Zone has a Discretionary Activity 'Camping grounds' specific rule (Rule SETZ-R18) with associated Assessment Matters:

4.3.47 The PDP describes this Zone as follows:

*'Each settlement has its own special character that reflects its history and development over the years.*

*...*

*Despite their small scale and low density, the rural settlements are important places providing residents with pleasant and affordable places to live. They enable those people who wish to work in the country but who do not own farm land or a rural enterprise to live close to their place of employment. The settlements also act as 'satellite towns' for commuters to other urban centres within and outside the District, particularly the settlements in the northern part of the District which are closer to Hastings and Napier.*

*The settlements also contain convenient social, recreational and retail services for their residents and for the population of the wider rural area.'*

4.3.48 Objectives SETZ-O1 and SETZ-O2 seek to maintain and enhance the attractive open space character of the settlements, as well as the historic character of Ongaonga and Ōtāne, and Objective SETZ-O3 provides for limited non-residential activities that provide for the social economic and cultural wellbeing, and health and safety of these rural communities. Policies SETZ-P2 and SETZ-P3 provide for a mix of compatible land-use activities compatible with settlement amenity, and the scale, intensity and character of existing development.

4.3.49 For similar reasons as outlined above, I consider that a Permitted Activity status (albeit with conditions) is not appropriate within this zone. However, I would support amending Rule SETZ- R16 to provide for camping grounds as a Restricted Discretionary Activity, subject to compliance with the applicable zone standards, where the matters for discretion are restricted to applicable general assessment matters relevant to infringed standards. This approach would ensure that should a camping ground seek to establish in this Zone any adverse effects can be addressed and development will be consistent with the objective and policy framework of the Settlement Zone, including maintaining and enhancing the historic character of the rural settlements of Ongaonga and Ōtāne.

4.3.50 The Settlement Zone includes specific Assessment Matters for Camping Grounds and I consider that these matters cover all of the relevant considerations ensure effects can be appropriately addressed.

4.3.51 Overall, I consider that providing for camping grounds as set out above, will achieve the objectives for the Rural Lifestyle and Settlement zones, whilst ensuring the primary purpose and predominant character of these zones is not compromised by potentially incompatible camping grounds establishing.

4.3.52 For these reasons I recommend that S101.004 New Zealand Motor Caravan Association be accepted in part.

Delete reference to 'Coastal' in 'LLRZ- Large Lot Residential Zone (Coastal)'

4.3.53 The Operative District Plan provides for the following townships and settlements within a 'Townships Zone':

Blackhead Beach	Pourerere Beach
Kairakau Beach	Porangahau
Mangakuri Beach	Takapau
Ongaonga	Te Paerahi Beach
Ōtāne	Tikokino

4.3.54 Through the Draft District Plan process it was identified that the coastal settlements and the rural settlements were quite different in nature and identity. The community had identified through early District Plan consultation<sup>3</sup> that they valued the existing small scale and remote quality of these places and the recreation opportunities associated with them. There was also general recognition that existing settlements are at capacity due to servicing or coastal hazard constraints.

<sup>3</sup> Central Hawke's Bay Coastal Strategy (2007), prepared by Opus International Consultants Limited, Coastal Discussion Document (CHB November 2013)

- 4.3.55 On this basis, a new 'Coastal Settlement' zone was introduced to the Draft District Plan that sought to retain low scale development and the sense of remoteness while enabling activities that supported the zone on a limited scale. In addition, the new zone sought to recognise the issues of coastal hazards and climate change, access to the coast and servicing constraints.
- 4.3.56 In notifying the PDP, Council has amended the PDP to give effect to the National Planning Standards. This included amending Zone names as required.
- 4.3.57 The National Planning Standards provide the following mandatory direction with respect to district plan zone frameworks:

1. A district plan, and a combined plan with a district plan component (for areas landward of mean high water springs), must only contain the zones listed in table 13 consistent with the description of those zones, except for:
  - a. a special purpose zone when direction 3 is followed, or
  - b. in the case of a combined plan that includes a regional plan and district plan, a zone that is both seaward and landward of mean high water springs.
2. If an existing zone in a plan is consistent with the description of a zone in table 13, that existing zone must use that zone name in table 13, and the associated zone colour in 13. Mapping Standard table 19.
3. An additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria:
  - a. are significant to the district, region or country
  - b. are impractical to be managed through another zone
  - c. are impractical to be managed through a combination of spatial layers.
4. Provisions developed for each zone must manage the use, development, and protection of natural and physical resources in it, in accordance with Part 2 of the RMA

**Table 13: Zone names and descriptions**

Zone name	Description
Large lot residential zone	Areas used predominantly for residential activities and buildings such as detached houses on lots larger than those of the Low density residential and General residential zones, and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development.

- 4.3.58 The PDP 'Large Lot Residential (Coastal)' zone meets all these requirements in that it:
- Is a zone listed in Table 13 consistent with the description for the zone, and is not an exception in terms of Clause 1(a) or (b);
  - Clause 2 does not apply
  - It is not an additional special purpose zone as provided for in Clause 3
  - The provisions for this zone seek to manage the particular use development and protection of natural and physical resources in these coastal settlements.
- 4.3.59 The inclusion of the term 'Coastal' in brackets at the end of this name is to provide clarity to plan users and particularly those living in the CHB community, who identify these areas as coastal settlements.
- 4.3.60 In my opinion it remains consistent with the zone framework whilst reflecting the character of this specific zone.
- 4.3.61 For these reasons I recommend that S105.025 James Bridge be rejected.

## 4.4 Recommendations

- 4.4.1 For the reasons outlined above, I recommend that the PDP section on Noise be amended (as outlined in Recommended Amendments below).
- 4.4.2 I recommend that the following submission(s) be **accepted**:
- R & D Christiansen, S87.006
  - Woolworths New Zealand Limited, S66.001
  - Central Hawke's Bay Aeroclub, S80.001

4.4.3 I recommend that the following submission(s) be **accepted in part**:

- New Zealand Motor Caravan Association, S101.004
- Centralines, S90.053

4.4.4 I recommend that the following submission(s) be **rejected**:

- Centralines, S90.052
- Shane Bayley, S8.001
- Mountain View Farms, S19.001
- James Bridge, S105.025

4.4.5 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

## 4.5 Recommended Amendments

4.5.1 I recommend the following amendments are made:

<b>RLZ-RXX Camping grounds</b>	
<p><u>1. Activity Status: RDIS</u></p> <p>Where the following conditions are met: <u>N/A</u></p> <p>a. <u>Compliance with:</u></p> <ul style="list-style-type: none"> <li>i. <u>RLZ-S2;</u></li> <li>ii. <u>RLZ-S3;</u></li> <li>iii. <u>RLZ-S4;</u></li> <li>iv. <u>RLZ-S5;</u></li> <li>v. <u>RLZ-S6;</u></li> <li>vi. <u>RLZ-S7;</u></li> <li>vii. <u>RLZ-S8</u></li> <li>viii. <u>RLZ-S9</u></li> <li>ix. <u>RLZ-S10</u></li> <li>x. <u>RLZ-S11;</u></li> <li>xi. <u>RLZ-S12;</u></li> <li>xii. <u>RLZ-S13; and</u></li> <li>xiii. <u>RLZ-S14</u></li> </ul> <p>Matters over which discretion is restricted:</p> <p>b. <u>Assessment matters (where relevant to the infringed standard(s)):</u></p> <ul style="list-style-type: none"> <li>i. <u>RLZ-AM1.</u></li> <li>ii. <u>RLZ-AM2.</u></li> <li>iii. <u>RLZ-AM3.</u></li> <li>iv. <u>RLA-AM4.</u></li> <li>v. <u>RLZ-AM5.</u></li> <li>vi. <u>RLZ-AM10.</u></li> <li>vii. <u>RLZ-AMXX.</u></li> </ul> <p>c. <u>Assessment matters in the following chapters:</u></p> <ul style="list-style-type: none"> <li>i. <u>TRAN – Transport.</u></li> <li>ii. <u>LIGHT – Light.</u></li> <li>iii. <u>NOISE – Noise.</u></li> </ul>	<p><u>2. Activity status where compliance not achieved: DIS</u></p>

### Assessment Matters

#### RLZ-AMX Camping Grounds

1. The size of the camping ground, number of camp sites/accommodation units, carparks, and scale of buildings to ensure that they are consistent with the surrounding character and amenity and, where located within the identified coastal environment area, the natural character of the coastal environment.
2. Whether the design and appearance of the development of the site harmonises with the surrounding natural features and landscape, in particular the character of the coastal environment.
3. Whether the location of the camping ground will give rise to reverse sensitivity effects, particularly in terms of primary production and associated activities.

4. Whether the proposed land use will have an adverse effect on any cultural values or heritage values of the area.
5. The design of infrastructure to ensure it is of a standard capable of servicing the camping ground, assuming 100% capacity.
6. Whether the activity is or will be located in an identified natural hazard area, considering the health and safety of camp users and the long- term viability of safe access and egress to the site.
7. The proximity of the camping ground to the coastal margin and the susceptibility of the site to coastal erosion and coastal inundation both in the short and long-term, considering the health and safety of camp users and the long- term viability of safe access and egress to the site.
8. Whether the activity will make a positive contribution to the social and economic well-being of the local community.
9. The proximity to any wahi tapu, wahi taonga and sites of significance identified in SASM-SCHED3 and on the Planning Maps.
10. Effects on areas of high natural character identified in CE-SCHED7, or on any outstanding natural landscape or feature, or significant amenity feature identified in NFL-SCHED6.

**SETZ-R16 Camping grounds**

<p>1. Activity Status: <del>DIS</del><u>DIS</u></p> <p>Where the following conditions are met: <u>N/A</u></p> <p>a. <u>Compliance with:</u></p> <ol style="list-style-type: none"> <li>i. <u>SETZ-S2;</u></li> <li>ii. <u>SETZ-S3;</u></li> <li>iii. <u>SETZ-S4;</u></li> <li>iv. <u>SETZ-S5;</u></li> <li>v. <u>SETZ-S6;</u></li> <li>vi. <u>SETZ-S8;</u></li> <li>vii. <u>SETZ-S9;</u></li> <li>viii. <u>SETZ-S10;</u></li> <li>ix. <u>SETZ-S11;</u></li> <li>x. <u>SETZ-12;</u></li> <li>xi. <u>SETZ-13; and</u></li> <li>xii. <u>SETZ-14</u></li> </ol> <p><u>Matters over which discretion is restricted:</u></p> <p>b. <u>Assessment matters (where relevant to the infringed standard(s):</u></p> <ol style="list-style-type: none"> <li>i. <u>SETZ-AM1.</u></li> <li>ii. <u>SETZ -AM2.</u></li> <li>iii. <u>SETZ-AM3.</u></li> <li>iv. <u>SETZ-AM4.</u></li> <li>v. <u>SETZ-AM9</u></li> </ol> <p>c. <u>Assessment matters in the following chapters:</u></p> <ol style="list-style-type: none"> <li>i. <u>TRAN – Transport.</u></li> <li>ii. <u>LIGHT – Light.</u></li> <li>iii. <u>NOISE – Noise.</u></li> </ol>	<p>2. Activity status where compliance not achieved: <u>N/A-DIS</u></p>
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**Amendment to Schedule SCHED8 – Schedule of Identified Community Facilities**

Unique Identifier	Site Identifier	Location	Map Reference
<u>CF-66</u>	<u>Waipukurau Aerodrome</u>	<u>2327 State Highway 2 (Takapau Road)</u>	

#### **4.7 Section 32AA Evaluation**

- 4.7.1 In my opinion, the recommended amendment to provide for a new specific camping ground Restricted Discretionary Rule in the Rural Life Style Zone (Rule RLZ-RXX) and amend the activity status for camping grounds in the Settlement Zone from Discretionary to Restricted Discretionary (Rule SETZ-R11), do not represent a significant departure from the PDP as notified, but better align with provisions for camping grounds across the PDP, the objectives for each of these zones and Part 2 of the RMA in terms of avoiding, remedying, or mitigating any adverse effects of activities on the environment.
- 4.7.2 The recommended amendments will not have any greater environmental, economic, social, or cultural costs than the notified provisions, but may have greater economic and social benefits in terms of more appropriate provision for camping grounds looking to locate in the Rural Lifestyle and Settlement Zones of Central Hawke's Bay.
- 4.7.3 The above recommendations are considered to improve the effectiveness of provisions without changing the policy approach, therefore s32AA re-evaluation is not warranted.

## 5.0 Key Issue 2 – Part A Introduction (not addressed by other S42A reports)

### 5.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S117.001	Chorus	Statutory Context	Support	Retain the 'Statutory Context' section as proposed.	Accept
FS9.429	Forest and Bird		Oppose		Reject
S118.001	Spark	Statutory Context	Support	Retain the 'Statutory Context' section as proposed.	Accept
.					
S119.001	Vodafone	Statutory Context	Support	Retain the 'Statutory Context' section as proposed.	Accept
.					
S117.002	Chorus	General Approach	Support	Retain the 'General Approach' section as proposed.	Accept
FS9.430	Forest and Bird		Oppose		Reject
S118.002	Spark	General Approach	Support	Retain the 'General Approach' section as proposed.	Accept
FS18.1	Transpower		Support		Accept
S119.002	Vodafone	General Approach	Support	Retain the 'General Approach' section as proposed.	Accept
.					
S117.024	Chorus	National Environmental Standards	Support	Retain the 'National Direction Instruments' section as notified.	Accept
FS9.452	Forest and Bird		Oppose		Reject
S118.024	Spark	National Environmental Standards	Support	Retain the 'National Direction Instruments' section as notified.	Accept
.					
S119.024	Vodafone	National Environmental Standards	Support	Retain the 'National Direction Instruments' section as notified.	Accept
.					
S79.015	Transpower	[General]	Support	Retain the 'National Policy Statements and New Zealand Coastal Policy Statement' and 'National Environmental Standards' reference tables in the 'National Direction Instruments' section.	Accept
.					
S64.001	Department of Conservation	National Policy Statements and New Zealand Coastal Policy Statement	Amend	National Policy Statements be given effect to within the Proposed Plan.	Accept in part
FS9.284	Forest and Bird		Support		Accept in part
S125.074	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	[General]	Amend	We support provisions of the Plan that give effect to the National Policy Statement for Freshwater Management 2020 (NPSFM 2020), and request that	Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
				any provisions that are inconsistent with the NPSFM 2020 are amended.	
.					

- 5.1.1 In summary, there are twelve (12 submission points and five (5) further submissions that relate to 'Part A- Introduction' (not addressed by other S42A reports).
- 5.1.2 Ten (10) of these submissions are in support of this section of the PDP. One submission seeks amendment to the PDP to ensure National Policy Statements are given effect to.

## 5.2 Matters Raised by Submitters

### Support for 'Part A – Introduction' provisions

- 5.2.1 S117.001 Chorus, S118.001 and Spark S119.001 Vodafone support retaining the 'Statutory Context' section.
- 5.2.2 Reasons include that *'having a statement detailing how National Environmental Standards and National Planning Standards relate to the District Plan is essential for user clarity'*.
- 5.2.3 S117.002 Chorus, S118.002 Spark and S119.002 Vodafone support retaining the 'General Approach' section.
- 5.2.4 Reasons include that *'Stating the purpose of the Strategic Direction is crucial to understanding how the Strategic Objectives are to be implemented. Further, detailing Network Utilities as an overriding district-wide chapter where the provisions take precedence over the zone provisions (unless specified) provides clarity.'*
- 5.2.5 Transpower (FS18.1) further supports S118.002 Spark, on the basis that it supports the General Approach statement, and reference to Network Utilities *'as they assist in plan interpretation and clarification'*.
- 5.2.6 S117.024 Chorus, S118.024 Spark and S119.024 Vodafone support retaining the 'National Direction Instruments' section.
- 5.2.7 Reasons include that *'the National Environmental Standards subsection of the National Direction Instruments section reinforces to plan users the discussion of National Environmental Standards under the Statutory Context subsection in the How the Plan Works'*.
- 5.2.8 Forest & Bird (FS9.430, FS9.429, FS9.452 ) opposes Chorus' submission points S117.001, S117.002, S117.024, on the basis that any amendments and decisions sought by Chorus would result in continued loss of indigenous biodiversity in Hawke's Bay, would not give effect to the RPS, NZCPS and NPSFM or would not achieve the purpose of the RMA. S118.001 Spark supports retaining the 'Statutory Context' section.
- 5.2.9 S79.015 Transpower supports retaining the 'National Policy Statements and New Zealand Coastal Policy Statement' and 'National Environmental Standards' reference tables in the 'National Direction Instruments' section.
- 5.2.10 Transpower's reasons include that *'The references and accompanying tables reflect the mandatory direction provided in the National Planning Standards.'*
- 5.2.11 S64.001 Department of Conservation seeks that National Policy Statements be given effect to within the Proposed Plan. Their view is it *'is appropriate that all national policy statements be reviewed and given effect to within the Proposed District Plan (s73(3))'*
- 5.2.12 This is supported by Forest and Bird (FS9.284) on the basis that it would improve protection and maintenance of indigenous biodiversity.
- 5.2.13 S125.074 Ngā hapū me ngā marae o Tamatea support provisions of the Plan that give effect to the National Policy Statement for Freshwater Management 2020 (NPSFM 2020), and request that any provisions that are inconsistent with the NPSFM 2020 are amended.
- 5.2.14 Their reasons include: *'District Plans must also give effect to National Policy Statements and Regional Policy Statements and cannot be inconsistent with Regional Plans.'*

### 5.3 Analysis

5.3.1 These submissions are generally supportive of the PDP provisions in 'Part A – Introduction'.

5.3.2 Matters raised include:

- General support for provisions as notified /with opposition to Chorus submission points from Forest and Bird; and
- a request for amendments to the PDP to review all national policy statements and ensure they are given effect to in the PDP as required by section 73(3) of the RMA).

#### General Support for Part A / Opposing matters raised by Forest and Bird

5.3.3 Forest & Bird have made a general further submission opposing all relief sought by Chorus on the basis that any amendments and decisions sought by this submitter would result in continued loss of indigenous biodiversity in Hawke's Bay. As no relief is sought by Chorus in these particular submission points, I do not consider these further submissions to be relevant in this context.

5.3.4 As these submissions are in support of various provisions in 'Part A – Introduction', and do not seek any amendments, I recommend that S117.001 Chorus, S118.001, Spark S119.001 Vodafone; S117.002 Chorus, S118.002 Spark and S119.002 Vodafone; and S117.024 Chorus, S118.024 Spark and S119.024 Vodafone; and S79.015 Transpower be accepted.

#### Amend Plan to Give Effect to National Policy Statements

5.3.5 District Plans are required by Section 73(3) RMA to give effect to National Policy Statements. The PDP has been prepared on this basis, including provision of a series of Section 32 Topic Reports supporting the notification of the PDP, that specifically addresses (among other things) relevant National Policy Statements for each individual Topic Report, and responding to individual submission points raising this matter in section 42A reports.

5.3.6 The Department of Conservation has also submitted specifically on a number of areas across the PDP on this matter including as follows:

- Support for / Clarifications to Ecosystems and Indigenous Biodiversity Objectives ECO-O1 and ECO-O2, Policies ECO-P1 to ECO-P9 and Rule ECO-R3 as giving effect to NZCPS and National Policy Statement for Freshwater Management (addressed in Hearing Stream 1)
- Support for Natural Features and Landscapes Objectives NFL-O1 and NFL-O2, and Policies NFL- P1 to NFL-P8 as giving effect to NZCPS (addressed in Hearing Stream 1)
- Support for Public Access Objective PA-O1 and Policies PA-P1, PA-P3 and PA-P4 as giving effect to NZCPS (addressed in Hearing Stream 1)
- Support for Coastal Environment Objectives CE-O1, CE-O2 and CE-O3 and Policies CE-P1 -CE-P8 as giving effect to NZCPS (addressed in Hearing Stream 1)
- Amendments to Renewable Energy Objective RE-O2 to reflect the NPS-REG (scheduled to be heard in Hearing Stream 7)
- Support for Natural Hazard Objectives NH-O1, NH-O2, NH-O3 and Policies NH-P1 and NH-P2 as giving effect to NZCPS (scheduled to be heard in Hearing Stream 5)

5.3.7 Given the scrutiny of National Policy Statements as set out in the Section 32 Topic Reports accompanying the notification of the PDP and section 42A Topic reports responding to submissions, (including specific submission points for the Department of Conservation as referred to above), I am satisfied that the PDP has given appropriate consideration to National Policy Statements to ensure that they are being given effect to in the PDP.

5.3.8 For these reasons I recommend that S64.001 Department of Conservation be accepted in part.

#### Amend Provisions that are inconsistent with the National Policy Statement for Freshwater Management 2020 (NPSFM 2020)

5.3.9 Ngā hapū me ngā marae o Tamatea have requested that any PDP provisions that are inconsistent with the NPSFM 2020 are amended.

5.3.10 This submission has not provided any detail highlighting where the PDP is inconsistent with this NPSFM 2020, and I am not aware of any specific provisions that would be inconsistent with this Statement. I also

note that this submitter has made submissions and further submissions pertaining to the inclusion of provisions relating to Te Mana o te Wai, (being considered as part of Hearing Stream 4 and Hearing Stream 6) and the outcomes of consideration on those submission points may indirectly address this point.

5.3.11 I am satisfied that if there are any inconsistencies in the PDP with the NPSFM they will be appropriately addressed through the wider PDP hearings process.

5.3.12 For these reasons I recommend that S125.074 Ngā hapū me ngā marae o Tamatea be accepted.

## 5.4 Recommendations

5.4.1 For the reasons outlined above I recommend that 'Part A – Introduction' to the PDP be retained.

5.4.2 I recommend that the following submission(s) be **accepted**:

- Chorus, S117.001, S117.002, S117.001, S117.024
- Vodafone, S119.001, S119.002, S119.024,
- Transpower, S79.015
- Spark, S118.001, S118.002, S118.024, S118.001,
- Ngā hapū me ngā marae o Tamatea, S125.074

5.4.3 I recommend that the following submission(s) be **accepted in part**:

- Department of Conservation, S64.001

5.4.4 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

## 5.5 Recommended Amendments

5.5.1 I recommend the following amendments are made:

NA

## 5.6 Section 32AA Evaluation

NA

## 6.0 Key Issue 3 – Definitions (not addressed by other s42A reports)

### 6.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S79.002	Transpower	BUILDING (Definition)	Support	Retain the definition of 'Building'.	Accept
.					
S90.001	Centralines	BUILDING (Definition)	Amend	Amend the definition of 'Building' to exclude power poles, support structures and mast poles from the definition as per section 9(a), (ab), (ac) of the Building Act 2004.	Reject
.					
S101.009	New Zealand Motor Caravan Association	BUILDING (Definition)	Amend	Amend the definition of 'Building' as follows: Either: 'means a temporary or permanent movable or immovable physical construction that is: (a) partially or fully roofed; and (b) fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power, <b>and non-motorised caravans (and tents).</b> ' Or: 'means a temporary or permanent movable or immovable physical construction that is: (a) partially or fully roofed; and (b) fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power, <b>and non-motorised caravans... other than those used for a [residential accommodation / business purpose] for a continuous period of more than XX months.'</b>	Reject
.					
S73.001	Ministry of Education	COMMUNITY FACILITY (Definition)	Support	Retain definition of 'Community Facility' as proposed.	Accept
.					
S120.007	HTST	COMMUNITY FACILITY (Definition)	Amend	Amend the definition of 'Community Facility' as follows: 'means land and buildings <b>and other facilities</b> used by members of the community for <b>educational, environmental and training</b> , recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.'	Reject
FS17.4	Hort NZ		Oppose	Reject submission to amend the definition of community facility.	Accept
S73.002	Ministry of Education	DAY CARE FACILITY (Definition)	Support	Retain definition of 'Day Care Facility' as proposed.	Accept
.					

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S81.012	Hort NZ	DAY CARE FACILITY (Definition)	Amend	Clarify the relationship of 'Day Care Facility' to 'Community Facility'.	Accept
.					
S73.003	Ministry of Education	EDUCATIONAL FACILITY (Definition)	Support	Retain definition of 'Educational Facility' as proposed.	Accept
.					
S73.004	Ministry of Education	HABITABLE ROOM (Definition)	Support	Retain definition of 'Habitable Room' as proposed.	Accept
.					
S81.016	Hort NZ	HEALTH CARE FACILITY (Definition)	Amend	Clarify the relationship of 'Health Care Facility' to 'Community Facility'.	Accept in part
.					
S117.007	Chorus	HEIGHT (Definition)	Support	Retain the definition of 'Height' as proposed.	Accept
FS9.435	Forest and Bird		Oppose		Reject
S119.007	Vodafone	HEIGHT (Definition)	Support	Retain the definition of 'Height' as proposed.	Accept
.					
S118.007	Spark	HEIGHT (Definition)	Support	Retain the definition of 'Height' as proposed.	Accept
.					
S129.003	Kāinga Ora	INTERNAL BOUNDARY (Definition)	Oppose	Delete the definition of 'Internal Boundary'.	Reject
.					
S129.004	Kāinga Ora	LANDSCAPING (Definition)	Oppose	Delete the definition of 'Landscaping'.	Accept
.					
S119.018	Vodafone	SERVICE (Definition)	Amend	Delete the definition of 'Service' in its entirety.	Accept
.					
S118.018	Spark	SERVICE (Definition)	Amend	Delete the definition of 'Service' in its entirety.	Accept
.					
S117.018	Chorus	SERVICE (Definition)	Amend	Delete the definition of 'Service' in its entirety.	Accept
FS9.446	Forest and Bird		Oppose		Reject
S117.020	Chorus	STRUCTURE (Definition)	Support	Retain the definition of 'Structure' as proposed.	Accept
FS9.448	Forest and Bird		Oppose		Reject
S119.020	Vodafone	STRUCTURE (Definition)	Support	Retain the definition of 'Structure' as proposed.	Accept
.					
S118.020	Spark	STRUCTURE (Definition)	Support	Retain the definition of 'Structure' as proposed.	Accept
.					

- 6.1.1 In summary, twenty-one (21) submission points and five (5) further submissions have been received to 'Definitions' not considered in any other section 42A report.
- 6.1.2 Eleven (11) of these are in support. Ten (10) submissions oppose or seek amendments to the following definitions:
- Building
  - Community Facility
  - Day Care Facility
  - Health Care Facility
  - Internal Boundary
  - Landscaping
  - Service

## 6.2 Matters Raised by Submitters

### Building

- 6.2.1 S79.002 Transpower supports retaining the definition of 'Building'.
- 6.2.2 S90.001 Centralines seeks an amendment 'to exclude power poles, support structures and mast poles from the definition as per section 9(a), (ab), (ac) of the Building Act 2004'.

- In their view 'Power poles, support structures and mast poles are not buildings – yet based on the definition there is the potential for such structures to be inappropriately captured by the definition.

*It is acknowledged that the Building definition has been taken from the National Planning Standards; however, Centralines consider that a distinction or reference to the Building Act should be provided for clarity and efficiency.'*

- 6.2.3 S101.009 New Zealand Motor Caravan Association seeks an amendment to the definition of Building as follows:

'Either:

*means a temporary or permanent movable or immovable physical construction that is:*

*(a) partially or fully roofed; and*

*(b) fixed or located on or in land;*

*but excludes any motorised vehicle or other mode of transport that could be moved under its own power, **and non-motorised caravans (and tents).***

Or:

*'means a temporary or permanent movable or immovable physical construction that is:*

*(a) partially or fully roofed; and*

*(b) fixed or located on or in land;*

*but excludes any motorised vehicle or other mode of transport that could be moved under its own power, **and non-motorised caravans... other than those used for a [residential accommodation / business purpose] for a continuous period of more than XX months.***

- 6.2.4 Their reasons include:

*'We note the proposed district plan has adopted the definition of building from the National Planning Standards (NPS). The NPS definition of 'building' captures non-motorised caravans which are not capable of moving under their own power. NZMCA members use non-motorised caravans for the same purpose as motorised motorhomes, campervans and house buses (which are not captured by the NPS definition). The NPS definition creates a number of potential implications which stem from the fact that members with non-motorised caravans will, by definition, be using and parking a 'building'.*

*Our recommendation is to add an exclusion or qualified 'use' exclusion to the definition of 'Building' to avoid any confusion or potential for debate as to whether the district plan captures non-motorised caravans in the definition'.*

Community Facility

- 6.2.5 S73.001 Ministry of Education supports retaining the definition of 'Community Facility' and their reason includes that it is consistent with the National Planning Standards.
- 6.2.6 S120.007 HTST seeks an amendment to the definition of 'Community Facility' as follows:  
 'means land and buildings and other facilities used by members of the community for educational, environmental and training, recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.'
- 6.2.7 Their reason is to provide for the proposed facilities at Lake Whatumā and Te Aute College.
- 6.2.8 This is opposed by Hort NZ (FS17.4) for the following reasons:  
*'The definition in the Plan for community facility is the definition in the National Planning Standards and should not be amended in the manner sought by the submitter. The matters sought to be included are provided for as educational facilities.'*

Day Care Facility

- 6.2.9 S73.002 Ministry of Education supports retaining the definition of 'Day Care Facility'. Their reasons for support include:  
*'The Ministry submitted on this point for the Draft Central Hawke's Bay District Plan. The Ministry requested the removal of reference to child care activities and child care related facilities from the 'Day Care Facility' definition and replace with the proposed 'Education Facility' definition.'*
- 6.2.10 S81.012 Hort NZ seeks an amendment to clarify the relationship of 'Day Care Facility' to 'Community Facility'. In their view *'It is not clear how this activity would be, in the context of the Rural Production Zone chapter example, a Community Facility or captured by the 'Any other activity not otherwise provide for rule'*

Educational Facility and Habitable Room

- 6.2.11 Ministry of Education supports retaining the definitions of 'Educational Facility' (S73.003) and 'Habitable Room' (S73.004).

Health Care Facility

- 6.2.12 S81.016 Hort NZ seeks an amendment to clarify the relationship of 'Health Care Facility' to 'Community Facility'. In their view *'It is not clear how this activity would be, in the context of the Rural Production Zone chapter example, a Community Facility or captured by the 'Any other activity not otherwise provide for rule'*

Height

- 6.2.13 S119.007 Vodafone and S118.007 Spark support retaining the definition of 'Height' as proposed.

Internal Boundary

- 6.2.14 S129.003 Kāinga Ora opposes the definition of 'Internal Boundary' and seeks it be deleted.
- 6.2.15 Kāinga Ora considers that use of the term in the proposed district plan is likely to result in unnecessary confusion and suggests that the term 'side and/or rear boundary' be used in its place.

Landscaping

- 6.2.16 S129.004 Kāinga Ora opposes the definition 'Landscaping' and seeks it be deleted.
- 6.2.17 Kāinga Ora considers that *'a definition is unnecessary and has a plain [meaning] and that the term 'landscaping' has an ordinary meaning that does not need to be specifically defined'*.

Service

- 6.2.18 S119.018 Vodafone, S118.018 Spark and S117.018 Chorus oppose the definition of 'Service' in its entirety and seek that it be deleted.
- 6.2.19 These submitters consider that the definition of 'Service' contains a list of services which are already defined as network utilities in the Proposed District Plan. As such, the additional definition of 'Service' is unnecessary.

## 6.3 Analysis

### 'Building'

- 6.3.1 Centralines concern is that the PDP definition of 'building' could inappropriately capture power poles, support structures and mast poles as currently defined, and seek an exclusion as per s(9)(a),(ab) and (ac) of the Building Act 2004.
- 6.3.2 Sections 8 and 9 of the Building Act determine when a building consent is or is not required. The specific exclusions in s9 referred to by this submitter include:
- '9 Building: what it does not include**
- In this Act, building does not include—*
- (a) *a NUO system, or part of a NUO system, that—*
    - (i) *is external to the building; and*
    - (ii) *is connected to, or is intended to be connected to, the building to provide for the successful functioning of the NUO system in accordance with the system's intended design and purpose; and*
    - (iii) *is not a mast pole or a telecommunication aerial that is on, or forms part of, a building; or*
  - (ab) *a pylon, free-standing communication tower, power pole, or telephone pole that is a NUO system or part of a NUO system; or*
  - (ac) *security fences, oil interception and containment systems, wind turbines, gantries, and similar machinery and other structures (excluding dams) not intended to be occupied that are part of, or related to, a NUO system...*
- 6.3.3 These provisions are specific to NUO systems<sup>4</sup> and the Building Act 2004.
- 6.3.4 The PDP term 'building' would not apply to activities undertaken by a Network Utility Operator. Such activities are addressed by the 'NU – Network Utility' provisions of the PDP with a range of standards and assessment matters to address potential environmental effects.
- 6.3.5 I therefore do not agree that an amendment as sought is necessary and recommend that S90.001 Centralines be rejected.
- 6.3.6 The New Zealand Motor Caravan Association seeks an amendment to the definition of 'building' to exclude non-motorised caravans.
- 6.3.7 The term 'building' is most often referenced in the PDP in other definitions (e.g. '[minor] residential unit', 'visitor accommodation', 'accessory building' etc) which links the definition to the use or activity to which the 'building' is being put. Standards also apply that largely relate to the activity, which sometimes include the building but only if it is being used for the controlled purpose.
- 6.3.8 For example, if a caravan was being used as a 'residential unit' then the zone standards for setbacks would apply. The purpose of this is to avoid /remedy /mitigate nuisance from neighbouring activities adversely affecting the humans using the caravan, not the caravan itself. Therefore, whether the definition warrants changing depends on how the term 'building' is used in the PDP and whether inclusion of non-motorised caravans causes any unintended outcomes.
- 6.3.9 It would be helpful if NZMCA could identify any "potential implications" of using the NPS definition under the CHB PDP, i.e. where would the plan require them to obtain consent in situations where that could not easily be avoided (e.g. by parking further away from the boundary) or where a consent is appropriate to control effects. I also note that just because the same effects might arise from a motorised caravan doesn't necessarily mean it is also appropriate to excuse those from non-motorised ones.
- 6.3.10 For these reasons I do not agree that non- motorised caravans could potentially be disadvantaged by the PDP definition of building in the manner envisaged by this submitter and recommend that S101.009 New Zealand Motor Caravan Association be rejected.

<sup>4</sup> *NUO system* means a system owned or controlled by a network utility operator (refer s7 Interpretation Building Act 2004)

'Community Facility'

6.3.11 HTST are seeking to include 'educational, environmental and training' activities within the definition of 'community facility' to provide for such facilities for example on their land at Lake Whatumā and Te Aute College. I also note their aspirations to provide for community facilities forms part of their submissions to rezone Treaty Settlement land.

6.3.12 The PDP term 'Community Facility' is defined by the National Planning Standards as follows:

*'means land and buildings used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.'*

6.3.13 NPS clause 14(1) provides the following mandatory direction with respect to NPS definitions:

*'Where terms defined in the Definitions List are used in a policy statement or plan, and the term is used in the same context as the definition, local authorities must use the definition as defined in the Definitions List. However if required, they may define:*

*(a) terms that are a subcategory of, or have a narrower application than, a defined term in the Definitions List. Any such definitions must be consistent with the higher level definition in the Definitions List.*

*(b) additional terms that do not have the same or equivalent meaning as a term defined in the Definitions List.'*

6.3.14 This somewhat constrains Council in terms of amending the definition as sought.

6.3.15 Under the current PDP provisions, a proposal for 'educational, environmental and training facilities', depending on its scope and nature, could be assessed to be a 'community facility' (i.e. a cultural facility with an environmental focus and/or associated training), and /or an 'educational facility' (if child care service, school, or tertiary education activities are proposed); and / or a 'commercial activity' (if trading activities are proposed).

6.3.16 These activities are generally permitted in most zones subject to limits. For example, in the General Rural Zone:

- Community Facilities - Rule GRUZ-R10 provides for community facilities up to 100m<sup>2</sup> as a Permitted Activity. Where this threshold is exceeded consent for a Discretionary Activity is required.
- Educational Facilities - Rule GRUZ-R11 provides for educational facilities up to 100m<sup>2</sup> as a Permitted Activity. Where this threshold is exceeded consent for a Discretionary Activity is required.
- Commercial Activities (not otherwise provided for) - Rule GRUZ-R9 provides for commercial activities facilities up to 100m<sup>2</sup> as a Permitted Activity. Where this threshold is exceeded consent for a Discretionary Activity is required.

6.3.17 These thresholds are not cumulative (i.e. a 300m<sup>2</sup> facility comprising 100m<sup>2</sup> of each component activity could establish as a 'Permitted Activity'). Where any of these thresholds are exceeded, resource consent for a Discretionary Activity is required. I note the submitter has not opposed the associated activity thresholds, so I have assumed that their concern is not about the potential need for consent, but more about whether educational, environmental, and training facilities are provided for under current PDP provisions. I have concluded that such an activity would be assessed under existing provisions as outlined above and therefore do not agree an amendment to the definition of 'Community Facilities' as sought is necessary.

6.3.18 For these reasons, I recommend that S120.007 HTST be rejected.

'Day Care Facility'

6.3.19 Hort NZ seeks clarification of the relationship of 'day-care facility' to 'community facility'.

6.3.20 A 'Day care facility' is defined in the PDP as follows:

**DAY CARE FACILITY** land and/or buildings used for the care or welfare of people, including the aged and disabled during the day or part of a day. Such facilities do not provide for overnight stays, and do not include educational facilities, home businesses, or home-based education or care ancillary to a residential activity.

- 6.3.21 It is a definition that has been transferred from the Operative District Plan and amended to align with National Planning Standard definitions. Originally the definition also included reference to ‘child care activities and child care related facilities’, however these activities are now covered by the NPS defined term for ‘Education facility’.
- 6.3.22 Of note the definition of ‘Community facility’ also provides for land and buildings **‘used by members of the community for** recreational, sporting, cultural, safety, **health, welfare,** or worship purposes ...’ (emphasis added). Arguably a Day care facility could be considered within this definition. Therefore, in all zones, other than the General Residential and Settlement Zones, a Day care facility could be provided for as a ‘Community facility’ with the respective conditions applying to determine when such a facility would be permitted, or a consent would be required.
- 6.3.23 Table 1 below summarises how these activities are currently provided for across the zones.

Table 1- Provision of Day care facilities and Community facilities per Zone

Zone	Day Care Facility	Community Facility
<b>General Residential Zone</b>	Rule GRZ-R4 Day care facilities - not exceeding 10 persons, Permitted - Exceeding 10 persons, Discretionary	Rule GRZ-R6 Community Facilities - Less than 100m <sup>2</sup> gfa, permitted activity - Greater than 100m <sup>2</sup> gfa, Discretionary Activity
<b>Large Lot Residential Zone (Coastal)</b>	-	Rule LLRZ-R4 Community Facilities - same as above
<b>General Rural Zone</b>	-	Rule GRUZ-R10 Community Facilities - same as above
<b>Rural Lifestyle Zone</b>	-	Rule RLZ-R6 Community Facilities - same as above
<b>Rural Production Zone</b>	-	Rule RPROZ-R10 Community Facilities - same as above
<b>Settlement Zone</b>	Rule SETZ-R4 Day care facilities - Not exceeding 10 persons, Permitted - Exceeding 10 persons, Discretionary	Rule SETZ-R7 Community Facilities - No gfa threshold condition
<b>Commercial Zone</b>	-	Rule COMZ-R3 Community Facilities - No gfa threshold condition
<b>General industrial Zone</b>	-	Rule GRZ-R8 Community Facilities - No - gfa threshold condition

6.3.24 Regardless of which activity definition applies, the PDP clearly seeks to enable small scale community facilities including day care facilities in the majority of the zones, but I agree that the notified PDP provision for such facilities is confusing.

6.3.25 To address this the Panel has a number of options:

1. Delete Rules GRZ-R4 and SETZ-R4 providing for ‘Day care facilities’ as a separate activity and delete the corresponding definition in the ‘Interpretation’ section on the basis that such facilities can be provided for as a community facility and that 100m<sup>2</sup> gfa is an appropriate threshold trigger in the respective zones where that applies; OR
2. Delete Rules GRZ-R4 and SETZ-R4 providing for ‘Day care facilities’ as a separate activity and amend the Community facilities rule in the General Residential, Large Lot Residential Zone (Coastal), General Rural Zone, Rural Lifestyle and Rural Production zones to include an additional condition:  
*‘The maximum number of persons catered for at a Day care facility at any one time must not exceed 10 persons’*
3. Retain Rules GRZ-R4 and SET-R4 and amend the zone rule for community activities to read:

**XXZ-RX Community facilities (excluding Day care facilities)**

...

6.3.26 If option 2 were adopted, as an example Rule RPROZ-R10 providing for Community Facilities would read as follows:

GRZ-R6 Community facilities	
<p><b>1. Activity Status: PER</b></p> <p>Where the following conditions are met:</p> <ul style="list-style-type: none"> <li>a. Limited to 100m<sup>2</sup> gross floor area.</li> <li>b. <u>For day care facilities, the maximum number of persons catered for at any one time must not exceed 10 persons</u></li> <li>c. Compliance with:                             <ul style="list-style-type: none"> <li>i. <a href="#">GRZ-S2</a>;</li> <li>ii. <a href="#">GRZ-S3</a>;</li> <li>iii. <a href="#">GRZ-S4</a>;</li> <li>iv. <a href="#">GRZ-S5</a>;</li> <li>v. <a href="#">GRZ-S6</a>;</li> <li>vi. <a href="#">GRZ-S7</a>;</li> <li>vii. <a href="#">GRZ-S8</a>;</li> <li>viii. <a href="#">GRZ-S9</a>;</li> <li>ix. <a href="#">GRZ-S10</a>;</li> <li>x. <a href="#">GRZ-S11</a>;</li> <li>xi. <a href="#">GRZ-S12</a>;</li> <li>xii. <a href="#">GRZ-S13</a>; and</li> <li>xiii. <a href="#">GRZ-S14</a>.</li> </ul> </li> </ul>	<p><b>2. Activity status where compliance with condition GRZ-R6(1)(b) is not achieved: RDIS</b></p> <p>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</p> <ul style="list-style-type: none"> <li>a. Assessment matters:                             <ul style="list-style-type: none"> <li>i. <a href="#">GRZ-AM1</a>.</li> <li>ii. <a href="#">GRZ-AM2</a>.</li> <li>iii. <a href="#">GRZ-AM3</a>.</li> <li>iv. <a href="#">GRZ-AM4</a>.</li> <li>v. <a href="#">GRZ-AM5</a>.</li> </ul> </li> <li>b. Assessment matters in the following chapters:                             <ul style="list-style-type: none"> <li>i. <a href="#">TRAN – Transport</a>.</li> <li>ii. <a href="#">LIGHT – Light</a>.</li> <li>iii. <a href="#">NOISE – Noise</a>.</li> </ul> </li> </ul>
	<p><b>3. Activity status where compliance with condition GRZ-R6(1)(a) is not achieved: DIS</b></p>

6.3.27 My preference would be option 1 to delete the definition of Day care facility, and associated rules GRZ-R4 and SETZ-R4, on the basis that the PDP provides for such activities as a Community facility.

6.3.28 For these reasons I recommend that S81.012 Hort NZ be accepted.

6.3.29 I note that there have been other submissions to the Day care facility rule (Hearing Stream, Urban Topic, Key Issues 1 and 5) and decisions on these submissions may need to be amended as a result.

‘Education Facility’

6.3.30 The Ministry of Education supports the definition of ‘Educational Facility’.

6.3.31 I therefore recommend that S73.002 Ministry of Education be accepted.

‘Health Care Facility’

6.3.32 Hort NZ seeks clarification of the relationship of ‘Health care facility’ to ‘Community facility’ in the context of the Rural Production Zone (for example).

6.3.33 A ‘Health care facility’ is defined in the PDP as follows:

<b>‘HEALTH CARE FACILITY’</b>	means land and buildings used in whole or in part for health care purposes, including surgeries and clinics (medical or veterinary). Excludes ‘hospitals’.
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6.3.34 Hort NZ submitted on the Draft District Plan seeking that this definition be deleted on the basis that ‘Health Care Facilities’ are included within the Draft Plan definition of ‘Community Activity’. The reporting officer on Draft District Plan submissions agreed that the definition of Health Care Facility (Medical) could be deleted, as the activities it referred to were covered under the new NPS definition of ‘Community Facility’ and the existing definition of ‘Commercial Activity’.

6.3.35 It is an oversight that this definition was retained in the PDP.

6.3.36 For completeness I note that none of the zones provide for ‘health care facility’ activities in their rule table.

6.3.37 For the reasons outlined I recommend that the definition of ‘Health care facility’ be deleted and S81.016 Hort NZ be accepted.

'Habitable Room'

6.3.38 The Ministry of Education supports the definition of 'Habitable Room'.

6.3.39 I therefore recommend that S73.004 Ministry of Education be accepted.

'Internal Boundary'

6.3.40 The term 'Internal Boundary' is defined in the PDP as follows:

'INTERNAL BOUNDARY means any legal boundary of a site other than a road boundary.'

6.3.41 It is a term that is used in the 'height in relation to boundary' standard contained within each of the zone chapters and the PKH - Papakāinga and Kaumatua Housing, and associated Marae-based Development chapter, for example as follows:

Chapter	Standard	Provision
PKH	PKH-S5 Height in Relation to Boundary	2. Where an <u>internal boundary</u> of a site immediately adjoins an access or part of an access which is owned or partly owned with that site, or has a registered right-of-way over it in favour of that site, the height in relation to boundary is measured from the far side of the access.
LLRZ	LLRZ-S3 Height in Relation to Boundary	2. Where an <u>internal boundary</u> of a site immediately adjoins an access or part of an access which is owned or partly owned with that site, or has a registered right-of-way over it in favour of that site, the height in relation to boundary is measured from the far side of the access.

6.3.42 It is also used in 'setback from neighbours' standards, for example as follows;

Chapter	Standard	Provision						
PKH	PKH-S7 Setback from Neighbours	Minimum setback of buildings from <u>internal boundaries</u> is 5m. Domestic water storage tanks up to 2m in height are exempt from this standard.						
LLRZ	LRZ-S5 Setback from Neighbours	<table border="0"> <tr> <td>Residential activities</td> <td>All other activities</td> </tr> <tr> <td>1. Minimum setback of buildings for an activity from <u>internal boundaries</u> is 1m. Domestic water storage tanks up to 2m in height are exempt from this standard.</td> <td>2. Minimum setback of buildings for an activity from <u>internal boundaries</u> is 3m. Domestic water storage tanks up to 2m in height are exempt from this standard.</td> </tr> <tr> <td></td> <td>3. Buildings designed and/or used for the housing of livestock must be setback a minimum of 8.5m from any <u>internal boundary</u>.</td> </tr> </table>	Residential activities	All other activities	1. Minimum setback of buildings for an activity from <u>internal boundaries</u> is 1m. Domestic water storage tanks up to 2m in height are exempt from this standard.	2. Minimum setback of buildings for an activity from <u>internal boundaries</u> is 3m. Domestic water storage tanks up to 2m in height are exempt from this standard.		3. Buildings designed and/or used for the housing of livestock must be setback a minimum of 8.5m from any <u>internal boundary</u> .
Residential activities	All other activities							
1. Minimum setback of buildings for an activity from <u>internal boundaries</u> is 1m. Domestic water storage tanks up to 2m in height are exempt from this standard.	2. Minimum setback of buildings for an activity from <u>internal boundaries</u> is 3m. Domestic water storage tanks up to 2m in height are exempt from this standard.							
	3. Buildings designed and/or used for the housing of livestock must be setback a minimum of 8.5m from any <u>internal boundary</u> .							

6.3.43 Kāinga Ora have requested that "*side and /or rear boundary' be used in its place*'.

6.3.44 Use of the term 'Internal boundary' is carried over from the Operative District Plan and therefore is a familiar term in the Central Hawke's Bay context and I am not aware of any situations where it has caused confusion. In addition, I note that with the e-plan format, terms that are defined are hyperlinked to their definition which provides for ease of interpretation. I therefore do not consider the term 'Internal Boundary' as defined and used in the PDP is confusing.

6.3.45 For these reasons I recommend that S129.003 Kāinga Ora be rejected.

'Landscaping'

6.3.46 The term 'Landscaping' is defined in the PDP as follows:

'Landscaping the provision of tree and/or shrub plantings and may include any ancillary lawn, water, rocks, paved areas or amenity features, the whole of such provision being so arranged as to improve visual amenity, and/or to partially or wholly screen activities or buildings, and/or to provide protection from climate'.

6.3.47 'Landscaping' is a term used in various provisions across the plan including standards, matters for control, methods, and assessment matters. For example:

Chapter	Standard	Provision
LLRZ	<b>LLRZ-S10 Screening of Outdoor Storage and Service Areas</b>	Any outdoor storage (including waste) or service area associated with non-residential activities must be fully screened from adjoining sites and from the street by fencing to a maximum height of 2 metres, and/or by <u>landscaping</u> .  If using <u>landscaping</u> to achieve the above rule, trees must have a minimum height of 2 metres at the time of planting (PB95) and shrubs must have a minimum height of 1 metre at the time of planting and be able to grow to 2 metres in height.
GRZ	<b>GRZ-R10 Commercial activities</b>	Matters over which control is reserved:  Building setback from boundaries, <u>landscaping</u> , and screening to ensure that:  the activity is compatible with the character and amenity values of the surrounding area.  the privacy of neighbours is maintained.  the openness and attractiveness of the street scene is maintained.

6.3.48 I note when used within a standard, it is often in response to screening requirements alongside terms such as ‘walls’ and/ or ‘fencing’ (neither of which are defined), or as a ‘matter for control’. In these cases, the standards specify what the expectations of the landscaping are. I therefore agree that the definition is not necessary, and a plain use of the term is appropriate.

6.3.49 For the reasons outlined I recommend that S129.004 Kāinga Ora be accepted.

#### ‘Service’

6.3.50 The term ‘Service’ is defined in the PDP as follows:

SERVICE	means:
	<ul style="list-style-type: none"> <li>a) any water supply system</li> <li>b) any stormwater collection and disposal system</li> <li>c) any sewage collection, treatment and disposal system</li> <li>d) any trade waste collection and disposal system</li> <li>e) any works to avoid, remedy or mitigate natural hazards</li> <li>f) any landscaping, including planting of vegetation</li> <li>g) any provisions of access to land in the subdivision (including roads, cycleways, pedestrian accessways, service lanes, private access, street lighting and associated works)</li> </ul> and in each case includes any necessary or incidental work. ‘services’ has a corresponding meaning.

6.3.51 ‘Service’ is a term that has been carried over from the Operative District Plan. I agree that the types of service activities defined in clauses a),b), c), d) and g) are more appropriately captured within the definitions of ‘*network utilities or network utility*’ and ‘*network utility operator or network utility operation*’. There are no PDP rules or standards that stipulate services to avoid remedy or mitigate natural hazards (clause e) and as discussed above ‘landscaping’ (paragraphs 6.3.37– 6.3.41) is a term that for the purposes of the PDP does not require a specific definition.

6.3.52 For these reasons I recommend that S119.018 Vodafone, S118.018 Spark and S117.018 Chorus be accepted.

## 6.4 Recommendations

- 6.4.1 For the reasons outlined above, I recommend that the definitions for 'Landscaping' and 'Service' be deleted, (as outlined in Recommended Amendments below).
- 6.4.2 I recommend that the following submission(s) be **accepted**:
- Transpower NZ, S79.002
  - Hort NZ, S81.016
  - Ministry of Education, S73.001, S73.002, S73.003, S73.004
  - Hort NZ, S81.012
  - Kāinga Ora, S129.004
  - Vodafone, S119.007, S119.018, S119.020
  - Spark, S118.007, S118.018, S118.020
  - Chorus, S117.007, S117.018, S117.020
- 6.4.3 I recommend that the following submission(s) be **rejected**:
- Centralines, S90.001
  - New Zealand Motor Caravan Association, S101.009
  - Kāinga Ora, S129.003
  - Heretaunga Tamatea Settlement Trust, S120.007
- 6.4.4 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

## 6.5 Recommended Amendments

- 6.5.1 I recommend the following amendment(s) is made:

<b>LANDSCAPING</b>	<del>the provision of tree and/or shrub plantings and may include any ancillary lawn, water, rocks, paved areas or amenity features, the whole of such provision being so arranged as to improve visual amenity, and/or to partially or wholly screen activities or buildings, and/or to provide protection from climate.</del>
<b>SERVICE</b>	<p>means:</p> <ul style="list-style-type: none"> <li>a) <del>any water supply system</del></li> <li>b) <del>any stormwater collection and disposal system</del></li> <li>c) <del>any sewage collection, treatment and disposal system</del></li> <li>d) <del>any trade waste collection and disposal system</del></li> <li>e) <del>any works to avoid, remedy or mitigate natural hazards</del></li> <li>f) <del>any landscaping, including planting of vegetation</del></li> <li>g) <del>any provisions of access to land in the subdivision (including roads, cycleways, pedestrian accessways, service lanes, private access, street lighting and associated works)</del></li> </ul> <p><del>and in each case includes any necessary or incidental work. 'services' has a corresponding meaning.</del></p>
<b>DAY CARE FACILITY</b>	<del>land and/or buildings used for the care or welfare of people, including the aged and disabled during the day or part of a day. Such facilities do not provide for overnight stays, and do not include educational facilities, home businesses, or home based education or care ancillary to a residential activity.</del>

**General Residential Zone**

<b>GRZ-R4 Day care facilities</b>	
<p><b>1. Activity Status: PER</b></p> <p><del>Where the following conditions are met:</del></p> <p>a. <del>The maximum number of persons catered for at the facility at any one time must not exceed 10 persons.</del></p> <p>b. <del>Compliance with:</del></p> <ul style="list-style-type: none"> <li><del>i. <a href="#">GRZ-S2</a>;</del></li> <li><del>ii. <a href="#">GRZ-S3</a>;</del></li> <li><del>iii. <a href="#">GRZ-S4</a>;</del></li> <li><del>iv. <a href="#">GRZ-S5</a>;</del></li> <li><del>v. <a href="#">GRZ-S6</a>;</del></li> <li><del>vi. <a href="#">GRZ-S7</a>;</del></li> <li><del>vii. <a href="#">GRZ-S8</a>;</del></li> <li><del>viii. <a href="#">GRZ-S9</a>;</del></li> <li><del>ix. <a href="#">GRZ-S10</a>;</del></li> <li><del>x. <a href="#">GRZ-S11</a>;</del></li> <li><del>xi. <a href="#">GRZ-S12</a>;</del></li> <li><del>xii. <a href="#">GRZ-S13</a>; and</del></li> <li><del>xiii. <a href="#">GRZ-S14</a>.</del></li> </ul>	<p><b>2. Activity status where compliance with condition GRZ-R4(1)(b) is not achieved: RDIS</b></p> <p><del>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</del></p> <p>a. <del>Assessment matters:</del></p> <ul style="list-style-type: none"> <li><del>i. <a href="#">GRZ-AM1</a>.</del></li> <li><del>ii. <a href="#">GRZ-AM2</a>.</del></li> <li><del>iii. <a href="#">GRZ-AM3</a>.</del></li> <li><del>iv. <a href="#">GRZ-AM4</a>.</del></li> <li><del>v. GRZ-AM5.</del></li> </ul> <p>b. <del>Assessment matters in the following chapters:</del></p> <ul style="list-style-type: none"> <li><del>i. <a href="#">TRAN – Transport</a>.</del></li> <li><del>ii. <a href="#">LIGHT – Light</a>.</del></li> <li><del>iii. <a href="#">NOISE – Noise</a>.</del></li> </ul> <p><b>3. Activity status where compliance with condition GRZ-R4(1)(a) is not achieved: DIS</b></p>

**Settlement Zone**

<b>SETZ-R4 Day care facilities</b>	
<p><b>1. Activity Status: PER</b></p> <p><del>Where the following conditions are met:</del></p> <p>a. <del>Compliance with:</del></p> <ul style="list-style-type: none"> <li><del>i. <a href="#">SETZ-S2</a>;</del></li> <li><del>ii. <a href="#">SETZ-S3</a>;</del></li> <li><del>iii. <a href="#">SETZ-S4</a>;</del></li> <li><del>iv. <a href="#">SETZ-S5</a>;</del></li> <li><del>v. <a href="#">SETZ-S6</a>;</del></li> <li><del>vi. <a href="#">SETZ-S7</a>;</del></li> <li><del>vii. <a href="#">SETZ-S8</a>;</del></li> <li><del>viii. <a href="#">SETZ-S9</a>;</del></li> <li><del>ix. <a href="#">SETZ-S10</a>;</del></li> <li><del>x. <a href="#">SETZ-S11</a>;</del></li> <li><del>xi. <a href="#">SETZ-S12</a>;</del></li> <li><del>xii. <a href="#">SETZ-S13</a>; and</del></li> <li><del>xiii. <a href="#">SETZ-S14</a>.</del></li> </ul>	<p><b>2. Activity status where compliance not achieved: RDIS</b></p> <p><del>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</del></p> <p>a. <del>Assessment matters:</del></p> <ul style="list-style-type: none"> <li><del>i. <a href="#">SETZ-AM1</a>.</del></li> <li><del>ii. <a href="#">SETZ-AM2</a>.</del></li> <li><del>iii. <a href="#">SETZ-AM3</a>.</del></li> <li><del>iv. <a href="#">SETZ-AM4</a>.</del></li> </ul> <p>b. <del>Assessment matters in the following chapters:</del></p> <ul style="list-style-type: none"> <li><del>i. <a href="#">TRAN – Transport</a>.</del></li> <li><del>ii. <a href="#">LIGHT – Light</a>.</del></li> <li><del>iii. <a href="#">NOISE – Noise</a>.</del></li> </ul>

**6.6 Section 32AA Evaluation**

- 6.6.1 In my opinion the minor changes proposed, in isolation, are not considered to be a significant departure from the Proposed District Plan as notified.
- 6.6.2 The above recommendations are considered to clarify and improve the interpretation of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

## 7.0 Key Issue 4 – Relocated Buildings

### 7.1 Submissions / Further Submissions Addressed

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S106.041	NZHHA Section of the New Zealand Heavy Haulage Association Inc (NZHHA)	RELOCATED BUILDING (Definition)	Support	Retain the definition of 'Relocated Building' in the Proposed Plan.	Accept
.					
S129.143	Kāinga Ora - Homes and Communities (Kāinga Ora)	PKH-S13	Oppose	Delete PKH-S13.	Reject
.					
S106.001	NZHHA	LLRZ-R8	Support	Retain LLRZ-R8.	Accept
.					
S106.002	NZHHA	LLRZ-S15	Support	Retain LLRZ-S15(1), (2), (3), (7), and (8).	Accept
.					
S106.003	NZHHA	LLRZ-S15	Amend	Amend LLRZ-S15(4) as follows: '4. The Building Pre-Inspection Report must be prepared by: a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.; <b>or</b> <b>e. A Licensed Building Practitioner.</b> ' And any further consequential amendments to give effect to this submission.	Accept
.					
S106.004	NZHHA	LLRZ-S15	Oppose	Delete LLRZ-S15(5) as follows: '5. <del>The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.</del> ' And make any consequential amendments to give effect to this submission.	Reject
.					
S106.005	NZHHA	LLRZ-S15	Oppose	Amend LLRZ-S15(6) as follows: '6. The building must be placed on permanent foundations no later than two <del>weeks</del> <b>months</b> from the date the building is moved to the site.' And make any consequential amendments to give effect to this submission.	Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
.					
S106.006	NZHHA	GRZ-R9	Support	Retain GRZ-R9.	Accept
.					
S129.167	Kāinga Ora	GRZ-R9	Oppose	Delete GRZ-R9.	Reject
.					
S129.185	Kāinga Ora	GRZ-S15	Oppose	Delete GRZ-S15.	Reject
.					
S106.007	NZHHA	GRZ-S15	Support	Retain GRZ-S15(1), (2), (3), (7), and (8).	Accept
.					
S106.008	NZHHA	GRZ-S15	Amend	Amend GRZ-S15(4) as follows: '4. The Building Pre-Inspection Report must be prepared by: a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.; or <b>e. A Licensed Building Practitioner.'</b> And any further consequential amendments to give effect to this submission.	Accept
.					
S106.009	NZHHA	GRZ-S15	Oppose	Delete GRZ-S15(5) as follows: ' <del>5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.</del> ' And make any consequential amendments to give effect to this submission.	Reject
.					
S106.010	NZHHA	GRZ-S15	Oppose	Amend GRZ-S15(6) as follows: '6. The building must be placed on permanent foundations no later than two weeks months from the date the building is moved to the site.' And make any consequential amendments to give effect to this submission.	Reject
.					
S106.011	NZHHA	GRUZ-R13	Support	Retain GRUZ-R13.	Accept
.					
S106.012	NZHHA	GRUZ-S14	Support	Retain GRUZ-S14(1), (2), (3), (7), and (8)	Accept
.					

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S106.013	NZHHA	GRUZ-S14	Amend	Amend GRUZ-S14(4) as follows: '4. The Building Pre-Inspection Report must be prepared by: a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.; <b>or</b> <b>e. A Licensed Building Practitioner.'</b> And any further consequential amendments to give effect to this submission.	Accept
.					
S106.014	NZHHA	GRUZ-S14	Oppose	Delete GRUZ-S14(5) as follows: ' <del>5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.'</del> And make any consequential amendments to give effect to this submission.	Reject
.					
S106.015	NZHHA	GRUZ-S14	Oppose	Amend GRUZ-S14(6) as follows: '6. The building must be placed on permanent foundations no later than two weeks months from the date the building is moved to the site.' And make any consequential amendments to give effect to this submission.	Reject
.					
S106.016	NZHHA	RLZ-R9	Support	Retain RLZ-R9.	Accept
.					
S106.017	NZHHA	RLZ-S15	Support	Retain RLZ-S15(1), (2), (3), (7), and (8)	Accept
.					
S106.018	NZHHA	RLZ-S15	Amend	Amend RLZ-S15(4) as follows: '4. The Building Pre-Inspection Report must be prepared by: a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being	Accept

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
				relocated from outside of the District.; <b>or e. A Licensed Building Practitioner.'</b> And any further consequential amendments to give effect to this submission.	
<b>S106.019</b>	NZHHA	RLZ-S15	Oppose	Delete RLZ-S15(5) as follows: '5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.' And make any consequential amendments to give effect to this submission.	Reject
<b>S106.020</b>	NZHHA	RLZ-S15	Oppose	Amend RLZ-S15(6) as follows: '6. The building must be placed on permanent foundations no later than two weeks months from the date the building is moved to the site.' And make any consequential amendments to give effect to this submission.	Reject
<b>S106.021</b>	NZHHA	RPROZ-R13	Support	Retain RPROZ-R13.	Accept
<b>S106.022</b>	NZHHA	RPROZ-S16	Support	Retain RPROZ-S16(1), (2), (3), (7), and (8)	Accept
<b>S106.023</b>	NZHHA	RPROZ-S16	Amend	Amend RPROZ-S16(4) as follows: '4. The Building Pre-Inspection Report must be prepared by: a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.; <b>or e. A Licensed Building Practitioner.'</b> And any further consequential amendments to give effect to this submission.	Accept
<b>S106.024</b>	NZHHA	RPROZ-S16	Oppose	Delete RPROZ-S16(5) as follows: '5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath,	Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
.				vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.'	
				And make any consequential amendments to give effect to this submission.	
S106.025	NZHHA	RPROZ-S16	Oppose	Amend RPROZ-S16(6) as follows: '6. The building must be placed on permanent foundations no later than two weeks months from the date the building is moved to the site.' And make any consequential amendments to give effect to this submission.	Reject
.					
S106.026	NZHHA	SETZ-R14	Support	Retain SETZ-R14.	Accept
.					
S106.027	NZHHA	SETZ-S15	Support	Retain SETZ-S15(1), (2), (3), (7), and (8)	Accept
.					
S106.028	NZHHA	SETZ-S15	Amend	Amend SETZ-S15(4) as follows: '4. The Building Pre-Inspection Report must be prepared by: a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.; or <b>e. A Licensed Building Practitioner.'</b> And any further consequential amendments to give effect to this submission.	Accept
.					
S106.029	NZHHA	SETZ-S15	Oppose	Delete SETZ-S15(5) as follows: '5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.' And make any consequential amendments to give effect to this submission.	Reject
.					
S106.030	NZHHA	SETZ-S15	Oppose	Amend SETZ-S15(6) as follows: '6. The building must be placed on permanent foundations no later than two weeks months from the date the building is moved to the site.'	Reject

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
.				And make any consequential amendments to give effect to this submission.	
S106.032	NZHHA	COMZ-S11	Support	Retain COMZ-S11(1), (2), (3), (7), and (8)	Accept
.					
S106.031	NZHHA	COMZ-R7	Support	Retain COMZ-R7.	Accept
.					
S106.033	NZHHA	COMZ-S11	Amend	Amend COMZ-S11(4) as follows: '4. The Building Pre-Inspection Report must be prepared by: a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.; <b>or</b> <b>e. A Licensed Building Practitioner.'</b> And any further consequential amendments to give effect to this submission.	Accept
.					
S129.229	Kāinga Ora	COMZ-S11	Oppose	Delete COMZ-S11.	Reject
.					
S129.211	Kāinga Ora	COMZ-R7	Oppose	Delete COMZ-R7.	Reject
.					
S106.034	NZHHA	COMZ-S11	Oppose	Delete COMZ-S11(5) as follows: '5. <del>The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.'</del> And make any consequential amendments to give effect to this submission.	Reject
.					
S106.035	NZHHA	COMZ-S11	Oppose	Amend COMZ-S11(6) as follows: '6. The building must be placed on permanent foundations no later than two <del>weeks</del> months from the date the building is moved to the site.' And make any consequential amendments to give effect to this submission.	Reject
.					
S106.037	NZHHA	GIZ-S10	Support	Retain GIZ-S10(1), (2), (3), (7), and (8)	Accept
.					

Submission Point	Submitter (S) / Further Submitter (FS)	Provision	Position	Summary of Decision Requested	Summary Recommendation
S106.036	NZHHA	GIZ-R9	Support	Retain GIZ-R9.	Accept
.					
S106.038	NZHHA	GIZ-S10	Amend	Amend GIZ-S10(4) as follows: '4. The Building Pre-Inspection Report must be prepared by: a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.; or <b>e. A Licensed Building Practitioner.'</b> And any further consequential amendments to give effect to this submission.	Accept
.					
S106.040	NZHHA	GIZ-S10	Oppose	Amend GIZ-S10(6) as follows: '6. The building must be placed on permanent foundations no later than two weeks months from the date the building is moved to the site.' And make any consequential amendments to give effect to this submission.	Reject
.					
S106.039	NZHHA	GIZ-S10	Oppose	Delete GIZ-S10(5) as follows: ' <del>5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.'</del> And make any consequential amendments to give effect to this submission.	Reject
.					

7.1.1 In summary, forty-six (46) submission points have been received on provisions across the PDP relating to 'Relocated Buildings' – seventeen (17) of these are in support. Twenty-four (24) of the 29 remaining points address aspects of the same standard across the various zones.

7.1.2 Key issues raised in these submissions are summarized include requests to:

- Delete rules for Relocated Buildings in the GRZ - General Residential or COMZ -Commercial Zones as these matters are best addressed through a building consent.
- Request to provide for 'licensed building practitioners' to undertake a Building Pre-Inspection Report
- Delete the standards requiring notification to Council prior to relocation of building.
- Amend the timeframe requiring relocated building to be on permanent foundations from two weeks to two months.

- Delete the Permitted Activity Rule and associated standard for Relocated Buildings in the PKH Papakāinga and Kaumātua Housing, and associated Marae-Based Development chapter, the GRZ- General Residential Zone and the CMZ-Commercial Zone.

## 7.2 Matters Raised by Submitters

### Definition of 'Relocated Building'

- 7.2.1 S106.041 NZHHA Section of the New Zealand Heavy Haulage Association Inc supports retaining the definition of 'Relocated Building'.

### Provision for 'Relocated Buildings' as a Permitted Activity and Associated Standards

- 7.2.2 S106.001, S106.006, S106.011, S106.016, S106.021, S106.026, S106.031, S106.036 (NZHHA) support Rules LLRZ-R8, GRZ-R9, GRUZ-R13, RLZ-R9, RPROZ-R13, SETZ-R14, COMZ-R7, GIZ-R9 providing for 'Relocated Buildings' as a Permitted Activity.
- 7.2.3 S106.002, S106.007, S106.0012, S106.017, S106.022, S106.027, S106.032, S106.037 (NZHHA) support retaining clauses (1), (2), (3), (7), and (8) of Standard LLRZ-S15, GRZ-S15, GRUZ-S14, RLZ-S15, RPROZ-S16, SETZ-S15, COMZ-S11 and GIZ-S10.
- 7.2.4 NZHHA supports:  
*'in general, the move in the proposed plan to permitted activity status for those applications involving relocated buildings that meet performance standards and criteria, as set out in the schedule (excluding some specific clauses opposed)*  
*The classification of "Relocated Buildings" as a permitted activity in all zones*  
*In general, Council retaining a degree of control over relocated buildings through the use of performance/permitted activity standards.'*
- 7.2.5 S129.143 Kāinga Ora opposes Standard PKH-S13 in the Papakāinga and Kaumātua Housing, and Associated Marae-Based Development chapter and seeks it be deleted.
- 7.2.6 S129.167 and S129.211 (Kāinga Ora) opposes Rules GRZ-R9 and COMZ-R7 seeking they be deleted.
- 7.2.7 S129.185 and S129.229 (Kāinga Ora) opposes Standards GRZ-S15 and COMZ-S11 seeking they be deleted.
- 7.2.8 In their view matters associated with relocated buildings can be addressed through the building consent process.

### Provide for 'Licensed Building Practitioners' to undertake a Building Pre-Inspection Report

- 7.2.9 S106.003, S106.008, S106.13, S106.018, S106.23, S106.028, S106.033, S106.38 (NZHHA) seek that Standards LLRZ-S15(4), GRZ-S15(4), GRUZ-S14(4), RLZ-S15(4), RPROZ-S16(4), SETZ-S15(4), COMZ-S11(4) and GIZ-S10(4) be amended as follows to provide for a 'licensed building practitioner' in the list of approved professionals who can undertake a Building Pre-Inspection Report.

4. The Building Pre-Inspection Report must be prepared by:

- A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or
- A member of the New Zealand Institute of Building Surveyors; or
- An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or
- A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District; **or**
- A Licensed Building Practitioner.**

- 7.2.10 They also request any further consequential amendments to give effect to these submission points.
- 7.2.11 NZHHA submits that including 'licensed building practitioner' in the list is in accordance with the practice of many other District Plans around the country.

### Delete Notification Standards

- 7.2.12 S106.004, S106.009, S106.14, S106.019, S106.24, S106.029, S106.034, S106.39 (NZHHA) seek that Standards LLRZ-S15(5), GRZ-S15(5), GRUZ-S14(5), RLZ-S15(5), RPROZ-S16(5), SETZ-S15(5), COMZ-S11(5) and GIZ-S10(5) requiring Council to be notified of the delivery date of a relocated building be deleted as follows.

~~'5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.'~~

7.2.13 They also request any consequential amendments to give effect to these submission points.

7.2.14 NZHHA have not provided any specific reason why this clause should be deleted

#### Amend Timeframe for Permanent Foundations

7.2.15 S106.005, S106.010, S106.15, S106.020, S106.25, S106.030, S106.035, S106.40 (NZHHA) seek that Standards LLRZ-S15(6), GRZ-S15(6), GRUZ-S14(6), RLZ-S15(6), RPROZ-S16(6), SETZ-S15(6), COMZ-S11(6) and GIZ-S10(6) be amended as follows:

'6. The building must be placed on permanent foundations no later than two ~~weeks~~ months from the date the building is moved to the site.'

7.2.16 They also request any consequential amendments to give effect to these submission points.

7.2.17 NZHHA have not provided any specific reasons for this.

### **7.3 Analysis**

#### Definition of 'Relocated Building'

7.3.1 NZHHA have supported the definition of 'Relocated Building'.

7.3.2 As there are no submissions opposing this definition, I recommend that S106.041 NZHHA be accepted.

#### Provision for 'Relocated Buildings' as a Permitted Activity and Associated Standards

7.3.3 The ODP provides for relocated buildings as a Discretionary Activity. Despite this requirement, CHB has experienced issues with poor condition of relocated buildings being bought onto site and in particular not being fit for residential purposes, extended periods of buildings being located on temporary or inappropriate foundations, and lack of completion of development.

7.3.4 Council have found the building consent process does not address all the potential environmental effects associated with such buildings. The purpose of these provisions therefore is to protect the broader general zone amenity values and neighbourhoods within which relocated buildings are sited, by ensuring that buildings are fit for residential purposes, and their external appearance is upgraded and completed to an acceptable standard within appropriate timeframes. In addition, it ensures issues are addressed at the start of the relocation process rather than at the end of the process as an enforcement matter.

7.3.5 Through the Draft Plan process and in response to submissions from NZHH, a number of amendments were made to provisions, including providing for Relocated Buildings as a Permitted Activity subject to standards, and defaulting to a Restricted Discretionary Activity where standards could not be met. This aligns with the approach advocated by NZHHA who presented at the informal hearings, with their submission relying heavily on their successful appeal to the Central Otago District Plan in 2004<sup>5</sup>.

7.3.6 It should also be noted that the definition in the PDP of Relocated Buildings expressly excludes 'new buildings built off-site that have not been used and are for the express purpose of being located to the subject site'. This may in part address concerns that Kāinga Ora have with these provisions.

7.3.7 For the reasons outlined, I recommend that S106.001, S106.006, S106.011, S106.016, S106.021, S106.026, S106.031, S106.036 (NZHHA); and S106.002, S106.007, S106.0012, S106.017, S106.022, S106.027, S106.032, S106.037 (NZHHA) be accepted, and I recommend that S129.185, S129.167, S129.229 and S129.211 (Kāinga Ora) be rejected.

#### Provide for 'Licensed Building Practitioners' to undertake a Building Pre-Inspection Report

7.3.8 The omission of 'Licensed Building Practitioners' in the list of approved persons to complete a Building Pre-Inspection Report is an oversight and I agree that they should be included in this list.

7.3.9 For this reason, I recommend that S106.003, S106.008, S106.013, S106.018, S106.023, S106.028, S106.033, and S106.038 NZHHA be accepted.

<sup>5</sup> New Zealand Heavy Haulage Association Inc v The Central Otago District Council (CV/2004)

### Delete Notification Standards

- 7.3.10 The notification clause in the standards for relocated buildings enables timeframes set in the standard to be achieved, e.g. Standard GRZ-S15(3)(c) requires an applicant, as part of the Pre- Inspection Building Report, to *'state the proposed timetable to complete the external reinstatement works (including connections to all infrastructure services and closing in and ventilation to the foundations) within 12 months from the date the building is moved to the site'*. Standard GRZ-S15(6) requires that *'the building must be placed on permanent foundations no later than two weeks from the date the building is moved to the site'*. The notification standard also allows sufficient time for the Council officers to inspect the standard of the site, footpath, vehicle entrance and road.
- 7.3.11 Without such a notification clause, the standards have no certainty and therefore permitted activity status becomes unclear.
- 7.3.12 For the reasons outlined I recommend that S106.004, S106.009, S106.014, S106.019, S106.029, S106.034, S106.039 be rejected.

### Amend Timeframe for Permanent Foundations

- 7.3.13 NZHHA submitted on this matter in the Draft Plan phase, requesting that the timeframes be extended from two weeks to four weeks to allow for delays such as bad weather etc.
- 7.3.14 Council's consents staff at the time of preparing these provisions advised that they did not support this as it may suggest that a longer time is acceptable. They also indicated that in practice, they are flexible if weather becomes an obstacle and supported retaining the two weeks as currently proposed.
- 7.3.15 CHB has experienced issues in the past with relocated buildings remaining on temporary support for long periods of time. This poses issues of safety and was a matter Council was keen to address in the District Plan.
- 7.3.16 The question of what constitutes permanent foundations arose in the Hearing Stream 4 in relation to discussions about the PKH-Papakāinga and Kaumatua Housing and associated Marae-Based Development chapter. For the Commissioners information, permanent foundations include both concrete and pile foundations. Thus, a house that may need to be relocated off the site in future, can meet this requirement by being located on wooden piles.
- 7.3.17 For the reasons outlined above, I recommend that S106.005, S106.010, S106.015, S106.020, S106.025, S106.030, S106.035, S106.040 NZHHA be rejected.

## **7.4 Recommendations**

- 7.4.1 For the reasons outlined above, I recommend that Rule HAZS-R2 and Assessment Matters HAZS-AM1 & HAZS-AM2 be retained, and that Rules HAZS-R1 & HAZS-R3 and Method HAZS-M2 be amended (as outlined in Recommended Amendments below).
- 7.4.2 I recommend that the following submission(s) be **accepted**:
- NZHHA, S106.041, S106.001, S106.006, S106.011, S106.016, S106.021, S106.026, S106.031, S106.036, S106.002, S106.007, S106.0012, S106.017, S106.022, S106.027, S106.032, S106.037, S106.003, S106.008, S106.013, S106.018, S106.023, S106.028, S106.033, and S106.038
- 7.4.3 I recommend that the following submission(s) be **rejected**:
- NZHHA, S106.004, S106.009, S106.014, S106.019, S106.029, S106.034, S106.039, S106.005, S106.010, S106.015, S106.020, S106.025, S106.030, S106.035, S106.040,
  - Kāinga Ora, S129.143, S129.185, S129.167, S129.229 and S129.211
- 7.4.4 My recommendation in relation to further submissions reflect the recommendation on the relevant primary submission.

## 7.5 Recommended Amendments

7.5.1 I recommend the following amendment(s) are made to standards LLRZ-S15(4), GRZ-S15(4), GRUZ-S14(4), RLZ-S15(4), RPROZ-S16(4), SETZ-S15(4), COMZ-S11(4), and GIZ S10(4):

'4. The Building Pre-Inspection Report must be prepared by:

- a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or
- b. A member of the New Zealand Institute of Building Surveyors; or
- c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or
- d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District; **or**
- e. **A Licensed Building Practitioner.**

## 7.6 Section 32AA Evaluation

7.6.1 In my opinion the minor change proposed, in isolation, is not considered to be a significant departure from the Proposed District Plan as notified.

7.6.2 The above recommendations are considered to improve the effectiveness of provisions without changing the policy approach, therefore S32AA re-evaluation is not warranted.

## **8.0 Conclusion**

### **8.1 Topic Conclusions**

- 8.1.1 Submissions have been received in support of, and in opposition to the Proposed District Plan.
- 8.1.2 Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the Proposed District Plan should be amended as set out in Appendix A of this report.
- 8.1.3 I consider that the proposed provisions will be the most appropriate means to achieve the purpose of the Resource Management Act 1991 and achieve the relevant objectives of the Proposed District Plan in respect to the proposed provisions.

### **8.2 Topic Recommendations**

- 8.2.1 I recommend that:
  - 1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report; and
  - 2. The Proposed Central Hawke's Bay District Plan is amended in accordance with the changes recommended in Appendix A of this report.

## **APPENDIX A**

### **Recommended Amendments to Plan Provisions**

Definitions

**LANDSCAPING** the provision of tree and/or shrub plantings and may include any ancillary lawn, water, rocks, paved areas or amenity features, the whole of such provision being so arranged as to improve visual amenity, and/or to partially or wholly screen activities or buildings, and/or to provide protection from climate.

**SERVICE** means:

- a) any water supply system
- b) any stormwater collection and disposal system
- c) any sewage collection, treatment and disposal system
- d) any trade waste collection and disposal system
- e) any works to avoid, remedy or mitigate natural hazards
- f) any landscaping, including planting of vegetation
- g) any provisions of access to land in the subdivision (including roads, cycleways, pedestrian accessways, service lanes, private access, street lighting and associated works)

and in each case includes any necessary or incidental work. ‘services’ has a corresponding meaning.

**DAY CARE FACILITY** land and/or buildings used for the care or welfare of people, including the aged and disabled during the day or part of a day. Such facilities do not provide for overnight stays, and do not include educational facilities, home businesses, or home based education or care ancillary to a residential activity.

General Residential Zone

GRZ-R4 Day care facilities	
<p><del>1. Activity Status: PER</del></p> <p><del>Where the following conditions are met:</del></p> <p><del>c. The maximum number of persons catered for at the facility at any one time must not exceed 10 persons.</del></p> <p><del>d. Compliance with:</del></p> <ul style="list-style-type: none"> <li><del>i. GRZ S2;</del></li> <li><del>ii. GRZ S3;</del></li> <li><del>iii. GRZ S4;</del></li> <li><del>iv. GRZ S5;</del></li> <li><del>v. GRZ S6;</del></li> <li><del>vi. GRZ S7;</del></li> <li><del>vii. GRZ S8;</del></li> <li><del>viii. GRZ S9;</del></li> <li><del>ix. GRZ S10;</del></li> <li><del>x. GRZ S11;</del></li> <li><del>xi. GRZ S12;</del></li> <li><del>xii. GRZ S13; and</del></li> <li><del>xiii. GRZ S14.</del></li> </ul>	<p><del>2. Activity status where compliance with condition GRZ-R4(1)(b) is not achieved: RDIS</del></p> <p><del>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</del></p> <p><del>c. Assessment matters:</del></p> <ul style="list-style-type: none"> <li><del>i. GRZ-AM1;</del></li> <li><del>ii. GRZ-AM2;</del></li> <li><del>iii. GRZ-AM3;</del></li> <li><del>iv. GRZ-AM4;</del></li> <li><del>v. GRZ-AM5.</del></li> </ul> <p><del>d. Assessment matters in the following chapters:</del></p> <ul style="list-style-type: none"> <li><del>i. TRAN – Transport;</del></li> <li><del>ii. LIGHT – Light;</del></li> <li><del>iii. NOISE – Noise.</del></li> </ul>
	<p><del>3. Activity status where compliance with condition GRZ-R4(1)(a) is not achieved: DIS</del></p>

Settlement Zone

SETZ-R4 Day care facilities	
<p><del>1. Activity Status: PER</del></p> <p><del>Where the following conditions are met:</del></p> <p><del>b. Compliance with:</del></p>	<p><del>2. Activity status where compliance not achieved: RDIS</del></p>

<ul style="list-style-type: none"> <li>i. <del>SETZ S2;</del></li> <li>ii. <del>SETZ S3;</del></li> <li>iii. <del>SETZ S4;</del></li> <li>iv. <del>SETZ S5;</del></li> <li>v. <del>SETZ S6;</del></li> <li>vi. <del>SETZ S7;</del></li> <li>vii. <del>SETZ S8;</del></li> <li>viii. <del>SETZ S9;</del></li> <li>ix. <del>SETZ S10;</del></li> <li>x. <del>SETZ S11;</del></li> <li>xi. <del>SETZ S12;</del></li> <li>xii. <del>SETZ S13; and</del></li> <li>xiii. <del>SETZ S14.</del></li> </ul>	<p><del>Matters over which discretion is restricted (where relevant to the infringed standard(s)):</del></p> <ul style="list-style-type: none"> <li>e. <del>Assessment matters:</del> <ul style="list-style-type: none"> <li>i. <del>SETZ-AM1.</del></li> <li>ii. <del>SETZ-AM2.</del></li> <li>iii. <del>SETZ-AM3.</del></li> <li>iv. <del>SETZ-AM4.</del></li> </ul> </li> <li>d. <del>Assessment matters in the following chapters:</del> <ul style="list-style-type: none"> <li>i. <del>TRAN – Transport.</del></li> <li>ii. <del>LIGHT – Light.</del></li> <li>iii. <del>NOISE – Noise</del></li> </ul> </li> </ul>
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**Rural Lifestyle Zone**

<u>RLZ-RXX Camping grounds</u>	
<p><b>1. Activity Status: RDIS</b></p> <p><b>Where the following conditions are met: <u>N/A</u></b></p> <p>d. <u>Compliance with:</u></p> <ul style="list-style-type: none"> <li>i. <u>RLZ-S2;</u></li> <li>ii. <u>RLZ-S3;</u></li> <li>iii. <u>RLZ-S4;</u></li> <li>iv. <u>RLZ-S5;</u></li> <li>v. <u>RLZ-S6;</u></li> <li>vi. <u>RLZ-S7;</u></li> <li>vii. <u>RLZ-S8</u></li> <li>viii. <u>RLZ-S9</u></li> <li>ix. <u>RLZ-S10</u></li> <li>x. <u>RLZ-S11;</u></li> <li>xi. <u>RLZ-S12;</u></li> <li>xii. <u>RLZ-S13; and</u></li> <li>xiii. <u>RLZ-S14</u></li> </ul> <p><b><u>Matters over which discretion is restricted:</u></b>  <b><u>Assessment matters (where relevant to the infringed standard(s)):</u></b></p> <ul style="list-style-type: none"> <li>i. <u>RLZ-AM1.</u></li> <li>i. <u>RLZ-AM2.</u></li> <li>ii. <u>RLZ-AM3.</u></li> <li>iii. <u>RLA-AM4.</u></li> <li>iv. <u>RLZ-AM5.</u></li> <li>v. <u>RLZ-AM10.</u></li> <li>vi. <u>RLZ-AMXX.</u></li> </ul> <p>e. <u>Assessment matters in the following chapters:</u></p> <ul style="list-style-type: none"> <li>iv. <u>TRAN – Transport.</u> <ul style="list-style-type: none"> <li>i. <u>LIGHT – Light.</u></li> <li>ii. <u>NOISE – Noise.</u></li> </ul> </li> </ul>	<p><b>2. Activity status where compliance not achieved: <u>DIS</u></b></p>

**Assessment Matters**

**RLZ-AMX Camping Grounds**

1. The size of the camping ground, number of camp sites/accommodation units, car parks, and scale of buildings to ensure that they are consistent with the surrounding character and amenity and, where located within the identified coastal environment area, the natural character of the coastal environment.
2. Whether the design and appearance of the development of the site harmonises with the surrounding natural features and landscape, in particular the character of the coastal environment.
3. Whether the location of the camping ground will give rise to reverse sensitivity effects, particularly in terms of primary production and associated activities.
4. Whether the proposed land use will have an adverse effect on any cultural values or heritage values of the area.

5. The design of infrastructure to ensure it is of a standard capable of servicing the camping ground, assuming 100% capacity.
6. Whether the activity is or will be located in an identified natural hazard area, considering the health and safety of camp users and the long- term viability of safe access and egress to the site.
7. The proximity of the camping ground to the coastal margin and the susceptibility of the site to coastal erosion and coastal inundation both in the short and long-term, considering the health and safety of camp users and the long- term viability of safe access and egress to the site.
8. Whether the activity will make a positive contribution to the social and economic well-being of the local community.
9. The proximity to any wahi tapu, wahi taonga and sites of significance identified in SASM-SCHED3 and on the Planning Maps.
10. Effects on areas of high natural character identified in CE-SCHED7, or on any outstanding natural landscape or feature, or significant amenity feature identified in NFL-SCHED6.

### Settlement Zone

SETZ-R16 Camping grounds	
<p><b>1. Activity Status: <del>DISRDIS</del></b></p> <p>Where the following conditions are met: <u>N/A</u></p> <p>d. <u>Compliance with:</u></p> <ol style="list-style-type: none"> <li>i. <u>SETZ-S2;</u></li> <li>ii. <u>SETZ-S3;</u></li> <li>iii. <u>SETZ-S4;</u></li> <li>iv. <u>SETZ-S5;</u></li> <li>v. <u>SETZ-S6;</u></li> <li>vi. <u>SETZ-S8;</u></li> <li>vii. <u>SETZ-S9;</u></li> <li>viii. <u>SETZ-S10;</u></li> <li>ix. <u>SETZ-S11;</u></li> <li>x. <u>SETZ-12;</u></li> <li>xi. <u>SETZ-13; and</u></li> <li>xii. <u>SETZ-14</u></li> </ol> <p><b><u>Matters over which discretion is restricted:</u></b>  <b><u>Assessment matters (where relevant to the infringed standard(s)):</u></b></p> <ol style="list-style-type: none"> <li>i. <u>SETZ-AM1.</u></li> <li>ii. <u>SETZ -AM2.</u></li> <li>iii. <u>SETZ-AM3.</u></li> <li>iv. <u>SETZ-AM4.</u></li> <li>v. <u>SETZ-AM9</u></li> </ol> <p>e. <u>Assessment matters in the following chapters:</u></p> <ol style="list-style-type: none"> <li>iv. <u>TRAN – Transport.</u></li> <li>i. <u>LIGHT – Light.</u></li> <li>ii. <u>NOISE – Noise.</u></li> </ol>	<p><b>2. Activity status where compliance not achieved:</b>  <b><u>N/A-DIS</u></b></p>

Amendment to Schedule SCHED8 – Schedule of Identified Community Facilities

**Definitions**

~~LANDSCAPING~~ the provision of tree and/or shrub plantings and may include any ancillary lawn, water, rocks, paved areas or amenity features, the whole of such provision being so arranged as to improve visual amenity, and/or to partially or wholly screen activities or buildings, and/or to provide protection from climate.

~~SERVICE~~ means:

- ~~a) any water supply system~~
- ~~b) any stormwater collection and disposal system~~
- ~~c) any sewage collection, treatment and disposal system~~
- ~~d) any trade waste collection and disposal system~~

Unique Identifier	Site Identifier	Location	Map Reference
<b>CF-66</b>	Waipukurau Aerodrome	2327 State Highway 2 (Takapau Road)	

~~e) any works to avoid, remedy~~

- ~~or mitigate natural hazards~~
- ~~f) any landscaping, including planting of vegetation~~
- ~~g) any provisions of access to land in the subdivision (including roads, cycleways, pedestrian accessways, service lanes, private access, street lighting and associated works)~~
- ~~and in each case includes any necessary or incidental work. ‘services’ has a corresponding meaning.~~

**Standard LLRZ-S15(4), GRZ-S15(4), GRUZ-S14(4), RLZ-S15(4), RPROZ-S16(4), SETZ-S15(4), COMZ-S11(4), GIZ S10(4), and PKH-S13(3):**

- 4. The Building Pre-Inspection Report must be prepared by:
  - a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or
  - b. A member of the New Zealand Institute of Building Surveyors; or
  - c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or
  - d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.; **or**
  - e. A Licensed Building Practitioner.**

## **APPENDIX B**

### **Summary of Recommended Responses to Submissions and Further Submissions**

**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
S73.002	Ministry of Education	DAY CARE FACILITY (Definition)	Retain definition of 'Day Care Facility' as proposed.	Accept	No
.					
S73.003	Ministry of Education	EDUCATIONAL FACILITY (Definition)	Retain definition of 'Educational Facility' as proposed.	Accept	No
.					
S119.018	Vodafone New Zealand Limited	SERVICE (Definition)	Delete the definition of 'Service' in its entirety.	Yes	Yes
.					
S117.007	Chorus New Zealand Limited	HEIGHT (Definition)	Retain the definition of 'Height' as proposed.	Accept	No
FS9.435	Royal Forest and Bird Protection Society of New Zealand Incorporated			Reject	
S118.018	Spark New Zealand Trading Limited	SERVICE (Definition)	Delete the definition of 'Service' in its entirety.	Accept	Yes
.					
S117.020	Chorus New Zealand Limited	STRUCTURE (Definition)	Retain the definition of 'Structure' as proposed.	Accept	Yes
FS9.448	Royal Forest and Bird Protection Society of New Zealand Incorporated			Reject	
S73.004	Ministry of Education	HABITABLE ROOM (Definition)	Retain definition of 'Habitable Room' as proposed.	Accept	No
.					
S120.007	Heretaunga Tamatea Settlement Trust	COMMUNITY FACILITY (Definition)	Amend the definition of 'Community Facility' as follows: 'means land and buildings <b>and other facilities</b> used by members of the community for <b>educational, environmental and training</b> , recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any ancillary activity that assists with the operation of the community facility.'	Reject	No
FS17.4	Horticulture New Zealand		Reject submission to amend the definition of community facility.	Accept	
S129.003	Kāinga Ora - Homes and Communities (Kainga Ora)	INTERNAL BOUNDARY (Definition)	Delete the definition of 'Internal Boundary'.	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
.					
S129.004	Kāinga Ora - Homes and Communities (Kainga Ora)	LANDSCAPING (Definition)	Delete the definition of 'Landscaping'.	Accept	Yes
.					
S117.018	Chorus New Zealand Limited	SERVICE (Definition)	Delete the definition of 'Service' in its entirety.	Accept	Yes
FS9.446	Royal Forest and Bird Protection Society of New Zealand Incorporated			Reject	
S73.001	Ministry of Education	COMMUNITY FACILITY (Definition)	Retain definition of 'Community Facility' as proposed.	Accept	No
.					
S119.007	Vodafone New Zealand Limited	HEIGHT (Definition)	Retain the definition of 'Height' as proposed.	Accept	No
.					
S118.020	Spark New Zealand Trading Limited	STRUCTURE (Definition)	Retain the definition of 'Structure' as proposed.	Accept	No
.					
S118.007	Spark New Zealand Trading Limited	HEIGHT (Definition)	Retain the definition of 'Height' as proposed.	Accept	No
.					
S90.001	Centralines Limited	BUILDING (Definition)	Amend the definition of 'Building' to exclude power poles, support structures and mast poles from the definition as per section 9(a), (ab), (ac) of the Building Act 2004.	Reject	No
FS7.003	Heritage New Zealand Pouhere Taonga				
S79.002	Transpower New Zealand Ltd	BUILDING (Definition)	Retain the definition of 'Building'.	Accept	No
.					
S101.009	New Zealand Motor Caravan Association	BUILDING (Definition)	Amend the definition of 'Building' as follows: Either: 'means a temporary or permanent movable or immovable physical construction that is: (a) partially or fully roofed; and (b) fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power, <b>and non-motorised caravans (and tents).</b> ' Or: 'means a temporary or permanent movable or immovable physical construction that is: (a) partially or fully roofed; and	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
.			(b) fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power, and non-motorised caravans... other than those used for a [residential accommodation / business purpose] for a continuous period of more than XX months.'		
S119.020	Vodafone New Zealand Limited	STRUCTURE (Definition)	Retain the definition of 'Structure' as proposed.	Accept	No
.					
S81.016	Horticulture New Zealand	HEALTH CARE FACILITY (Definition)	Clarify the relationship of 'Health Care Facility' to 'Community Facility'.	Accept	No
.					
S81.012	Horticulture New Zealand	DAY CARE FACILITY (Definition)	Clarify the relationship of 'Day Care Facility' to 'Community Facility'.	Accept	Yes
.					
S101.004	New Zealand Motor Caravan Association	RLZ-RXX (new rule)	Add a new rule in the 'RLZ - Rural Lifestyle Zone' chapter providing for 'camping grounds' as a Permitted Activity, subject to conditions.	Accept in part	Yes
.					
S8.001	Shane Bayley	[General]	Bylaws need to be reviewed to clarify how the rules apply for the new zone names. Rural, Urban and Township references will no longer apply given the new zone names.	Reject	No
.					
S19.001	Mountain View Farms	[General]	I would like to see the section of unsealed road on Pagets Road sealed.	Reject	No
.					
S125.074	Ngā hapū me ngā marae o Tamatea (Nga hapu me nga marae o Tamatea)	[General]	We support provisions of the Plan that give effect to the National Policy Statement for Freshwater Management 2020 (NPSFM 2020), and request that any provisions that are inconsistent with the NPSFM 2020 are amended.	Accept	No
.					
S87.006	Robbie & Dave Christiansen	[General]	Support: 1. Protecting our land resources. 2. Providing sustainable growth. 3. Coastal settlements and rural townships (Blackhead). 5. Protecting our unique landscape.	Accept	No
.					

Submission Point	Submitter / Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
S105.025	James Bridge	LLRZ - Large Lot Residential Zone (Coastal)	Delete '(Coastal)' from all instances of the term 'Large Lot Residential Zone (Coastal)' in the Proposed Plan.	Reject	No
.					
S90.053	Centralines Limited	[General]	Add provisions across the Proposed Plan, to note that where reference is made to regulations, such as the Electricity (Hazards from Trees) Regulations 2003, that the applicable rule applies also to any updated version of that regulation.	Accept in part	Yes
.					
S80.001	Central Hawke's Bay Aeroclub	SCHED8	Add the 'Waipukurau Aerodrome' to District Amenities Schedule ['SCHED8 - Schedule of Identified Community Facilities?'].	Accept	Yes
.					
S66.001	Woolworths New Zealand Limited	[General]	None.	Accept	No
.					
S90.052	Centralines Limited	[General]	Add a new Permitted Activity rule throughout the 'Zones' in the Proposed Plan, which explicitly provides for the construction of buildings and structures, subject to compliance with relevant standards.	Reject	No
FS17.76	Horticulture New Zealand		Clarify the status of construction of buildings and structures and ensure that an appropriate activity status is applied.	Accept	No
S117.002	Chorus New Zealand Limited	General Approach	Retain the 'General Approach' section as proposed.	Accept	No
FS9.430	Royal Forest and Bird Protection Society of New Zealand Incorporated			Reject	
S119.001	Vodafone New Zealand Limited	Statutory Context	Retain the 'Statutory Context' section as proposed.	Accept	No
.					
S79.015	Transpower New Zealand Ltd	[General]	Retain the 'National Policy Statements and New Zealand Coastal Policy Statement' and 'National Environmental Standards' reference tables in the 'National Direction Instruments' section.	Accept	No
.					
S119.024	Vodafone New Zealand Limited	National Environmental Standards	Retain the 'National Direction Instruments' section as notified.	Accept	No
.					
S117.001	Chorus New Zealand Limited	Statutory Context	Retain the 'Statutory Context' section as proposed.	Accept	No
FS9.429	Royal Forest and Bird Protection Society of New Zealand Incorporated			Reject	

Submission Point	Submitter / Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
S118.024	Spark New Zealand Trading Limited	National Environmental Standards	Retain the 'National Direction Instruments' section as notified.	Accept	No
.					
S119.002	Vodafone New Zealand Limited	General Approach	Retain the 'General Approach' section as proposed.	Accept	No
.					
S117.024	Chorus New Zealand Limited	National Environmental Standards	Retain the 'National Direction Instruments' section as notified.	Accept	No
FS9.452	Royal Forest and Bird Protection Society of New Zealand Incorporated			Reject	
S64.001	Department of Conservation	National Policy Statements and New Zealand Coastal Policy Statement	National Policy Statements be given effect to within the Proposed Plan.	Accept in part	No
FS9.284	Royal Forest and Bird Protection Society of New Zealand Incorporated			Accept in part	
S118.001	Spark New Zealand Trading Limited	Statutory Context	Retain the 'Statutory Context' section as proposed.	Accept	No
.					
S118.002	Spark New Zealand Trading Limited	General Approach	Retain the 'General Approach' section as proposed.	Accept	No
FS18.1	Transpower New Zealand Limited			Accept	
S106.021	House Movers Section of the New Zealand Heavy Haulage Association Inc	RPROZ-R13	Retain RPROZ-R13.	Accept	No
.					
S106.022	House Movers Section of the New Zealand Heavy Haulage Association Inc	RPROZ-S16	Retain RPROZ-S16(1), (2), (3), (7), and (8)	Accept	No
.					
S106.041	House Movers Section of the New Zealand Heavy Haulage Association Inc	RELOCATED BUILDING (Definition)	Retain the definition of 'Relocated Building' in the Proposed Plan.	Accept	No
.					

Submission Point	Submitter / Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
S106.011	House Movers Section of the New Zealand Heavy Haulage Association Inc	GRUZ-R13	Retain GRUZ-R13.	Accept	No
.					
S106.012	House Movers Section of the New Zealand Heavy Haulage Association Inc	GRUZ-S14	Retain GRUZ-S14(1), (2), (3), (7), and (8)	Accept	No
.					
S129.185	Kāinga Ora - Homes and Communities (Kainga Ora)	GRZ-S15	Delete GRZ-S15.	Reject	No
.					
S129.167	Kāinga Ora - Homes and Communities (Kainga Ora)	GRZ-R9	Delete GRZ-R9.	Reject	No
.					
S129.143	Kāinga Ora - Homes and Communities (Kainga Ora)	PKH-S13	Delete PKH-S13.	Reject	No
.					
S106.017	House Movers Section of the New Zealand Heavy Haulage Association Inc	RLZ-S15	Retain RLZ-S15(1), (2), (3), (7), and (8)	Accept	No
.					
S106.016	House Movers Section of the New Zealand Heavy Haulage Association Inc	RLZ-R9	Retain RLZ-R9.	Accept	No
.					
S106.032	House Movers Section of the New Zealand Heavy Haulage Association Inc	COMZ-S11	Retain COMZ-S11(1), (2), (3), (7), and (8)	Accept	No
.					
S106.037	House Movers Section of the New Zealand Heavy Haulage Association Inc	GIZ-S10	Retain GIZ-S10(1), (2), (3), (7), and (8)	Accept	No
.					

Submission Point	Submitter / Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
S106.036	House Movers Section of the New Zealand Heavy Haulage Association Inc	GIZ-R9	Retain GIZ-R9.	Accept	No
.					
S106.001	House Movers Section of the New Zealand Heavy Haulage Association Inc	LLRZ-R8	Retain LLRZ-R8.	Accept	No
.					
S106.007	House Movers Section of the New Zealand Heavy Haulage Association Inc	GRZ-S15	Retain GRZ-S15(1), (2), (3), (7), and (8).	Accept	No
.					
S106.002	House Movers Section of the New Zealand Heavy Haulage Association Inc	LLRZ-S15	Retain LLRZ-S15(1), (2), (3), (7), and (8).	Accept	No
.					
S106.006	House Movers Section of the New Zealand Heavy Haulage Association Inc	GRZ-R9	Retain GRZ-R9.	Accept	No
.					
S129.229	Kāinga Ora - Homes and Communities (Kainga Ora)	COMZ-S11	Delete COMZ-S11.	Reject	No
.					
S129.211	Kāinga Ora - Homes and Communities (Kainga Ora)	COMZ-R7	Delete COMZ-R7.	Reject	No
.					
S106.027	House Movers Section of the New Zealand Heavy Haulage Association Inc	SETZ-S15	Retain SETZ-S15(1), (2), (3), (7), and (8)	Accept	No
.					
S106.026	House Movers Section of the New Zealand Heavy Haulage Association Inc	SETZ-R14	Retain SETZ-R14.	Accept	No
.					

Submission Point	Submitter / Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
S106.031	House Movers Section of the New Zealand Heavy Haulage Association Inc	COMZ-R7	Retain COMZ-R7.	Accept	No
.					
S106.023	House Movers Section of the New Zealand Heavy Haulage Association Inc	RPROZ-S16	Amend RPROZ-S16(4) as follows: '4. The Building Pre-Inspection Report must be prepared by: a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.; or <b>e. A Licensed Building Practitioner.'</b> And any further consequential amendments to give effect to this submission.	Accept	No
.					
S106.024	House Movers Section of the New Zealand Heavy Haulage Association Inc	RPROZ-S16	Delete RPROZ-S16(5) as follows: '5. <del>The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.'</del> And make any consequential amendments to give effect to this submission.	Reject	No
.					
S106.020	House Movers Section of the New Zealand Heavy Haulage Association Inc	RLZ-S15	Amend RLZ-S15(6) as follows: '6. The building must be placed on permanent foundations no later than two-weeks months from the date the building is moved to the site.' And make any consequential amendments to give effect to this submission.	Reject	No
.					
S106.019	House Movers Section of the New Zealand Heavy Haulage Association Inc	RLZ-S15	Delete RLZ-S15(5) as follows: '5. <del>The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.'</del> And make any consequential amendments to give effect to this submission.	Reject	No
.					
S106.018	House Movers Section of the New Zealand Heavy Haulage Association Inc	RLZ-S15	Amend RLZ-S15(4) as follows: '4. The Building Pre-Inspection Report must be prepared by: a. A Member of Engineering New Zealand (the Institute of Engineering Professionals)	Accept	Yes

Submission Point	Submitter / Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
			(Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.; or <b>e. A Licensed Building Practitioner.'</b> And any further consequential amendments to give effect to this submission.		
S106.008	House Movers Section of the New Zealand Heavy Haulage Association Inc	GRZ-S15	Amend GRZ-S15(4) as follows: '4. The Building Pre-Inspection Report must be prepared by: a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.; or <b>e. A Licensed Building Practitioner.'</b> And any further consequential amendments to give effect to this submission.	Accept	Yes
S106.013	House Movers Section of the New Zealand Heavy Haulage Association Inc	GRUZ-S14	Amend GRUZ-S14(4) as follows: '4. The Building Pre-Inspection Report must be prepared by: a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.; or <b>e. A Licensed Building Practitioner.'</b> And any further consequential amendments to give effect to this submission.	Accept	Yes
S106.009	House Movers Section of the New Zealand Heavy Haulage Association Inc	GRZ-S15	Delete GRZ-S15(5) as follows: '5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.' And make any consequential amendments to give effect to this submission.	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
S106.010	House Movers Section of the New Zealand Heavy Haulage Association Inc	GRZ-S15	Amend GRZ-S15(6) as follows: '6. The building must be placed on permanent foundations no later than two-weeks months from the date the building is moved to the site.' And make any consequential amendments to give effect to this submission.	Reject	No
.					
S106.040	House Movers Section of the New Zealand Heavy Haulage Association Inc	GIZ-S10	Amend GIZ-S10(6) as follows: '6. The building must be placed on permanent foundations no later than two-weeks months from the date the building is moved to the site.' And make any consequential amendments to give effect to this submission.	Reject	No
.					
S106.039	House Movers Section of the New Zealand Heavy Haulage Association Inc	GIZ-S10	Delete GIZ-S10(5) as follows: '5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.' And make any consequential amendments to give effect to this submission.	Reject	No
.					
S106.015	House Movers Section of the New Zealand Heavy Haulage Association Inc	GRUZ-S14	Amend GRUZ-S14(6) as follows: '6. The building must be placed on permanent foundations no later than two-weeks months from the date the building is moved to the site.' And make any consequential amendments to give effect to this submission.	Reject	No
.					
S106.014	House Movers Section of the New Zealand Heavy Haulage Association Inc	GRUZ-S14	Delete GRUZ-S14(5) as follows: '5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.' And make any consequential amendments to give effect to this submission.	Reject	No
.					
S106.034	House Movers Section of the New Zealand Heavy Haulage Association Inc	COMZ-S11	Delete COMZ-S11(5) as follows: '5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.' And make any consequential amendments to give effect to this submission.	Reject	No
.					

Submission Point	Submitter / Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
S106.035	House Movers Section of the New Zealand Heavy Haulage Association Inc	COMZ-S11	Amend COMZ-S11(6) as follows: '6. The building must be placed on permanent foundations no later than two-weeks months from the date the building is moved to the site.' And make any consequential amendments to give effect to this submission.	Reject	No
.					
S106.033	House Movers Section of the New Zealand Heavy Haulage Association Inc	COMZ-S11	Amend COMZ-S11(4) as follows: '4. The Building Pre-Inspection Report must be prepared by: a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.; or <b>e. A Licensed Building Practitioner.'</b> And any further consequential amendments to give effect to this submission.	Accept	Yes
.					
S106.038	House Movers Section of the New Zealand Heavy Haulage Association Inc	GIZ-S10	Amend GIZ-S10(4) as follows: '4. The Building Pre-Inspection Report must be prepared by: a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons, or company as approved by Central Hawke's Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.; or <b>e. A Licensed Building Practitioner.'</b> And any further consequential amendments to give effect to this submission.	Accept	Yes
.					
S106.004	House Movers Section of the New Zealand Heavy Haulage Association Inc	LLRZ-S15	Delete LLRZ-S15(5) as follows: '5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.' And make any consequential amendments to give effect to this submission.	Reject	No
.					
S106.005	House Movers Section of the New Zealand Heavy Haulage Association Inc	LLRZ-S15	Amend LLRZ-S15(6) as follows: '6. The building must be placed on permanent foundations no later than two-weeks months from the date the building is moved to the site.'	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
			And make any consequential amendments to give effect to this submission.		
S106.003	House Movers Section of the New Zealand Heavy Haulage Association Inc	LLRZ-S15	Amend LLRZ-S15(4) as follows: '4. The Building Pre-Inspection Report must be prepared by: a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons, or company as approved by Central Hawke’s Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.; or <b>e. A Licensed Building Practitioner.'</b> And any further consequential amendments to give effect to this submission.	Accept	Yes
S106.028	House Movers Section of the New Zealand Heavy Haulage Association Inc	SETZ-S15	Amend SETZ-S15(4) as follows: '4. The Building Pre-Inspection Report must be prepared by: a. A Member of Engineering New Zealand (the Institute of Engineering Professionals) (Structural and Civil); or b. A member of the New Zealand Institute of Building Surveyors; or c. An independent person, persons, or company as approved by Central Hawke’s Bay District Council Building Control Authority; or d. A Building Control Officer (or equivalent) from the Territorial Local Authority where the building is being relocated from outside of the District.; or <b>e. A Licensed Building Practitioner.'</b> And any further consequential amendments to give effect to this submission.	Accept	Yes
S106.025	House Movers Section of the New Zealand Heavy Haulage Association Inc	RPROZ-S16	Amend RPROZ-S16(6) as follows: '6. The building must be placed on permanent foundations no later than two- <del>weeks</del> months from the date the building is moved to the site.' And make any consequential amendments to give effect to this submission.	Reject	No
S106.029	House Movers Section of the New Zealand Heavy Haulage Association Inc	SETZ-S15	Delete SETZ-S15(5) as follows: ' <del>5. The Council must be notified of the intended delivery date at least 48 hours before the building is relocated. Relocation must not be undertaken until the site is visited by Council officers to inspect the standard of the site, footpath, vehicle entrance and road. This standard will be met provided that the building is relocated within 5 days of the notified date.'</del> And make any consequential amendments to give effect to this submission.	Reject	No

Submission Point	Submitter / Further Submitter Name	Plan Provision	Summary of Decision Requested	Officer Recommendation	Amendments to Proposed Plan
S106.030	House Movers Section of the New Zealand Heavy Haulage Association Inc	SETZ-S15	Amend SETZ-S15(6) as follows: '6. The building must be placed on permanent foundations no later than two-weeks months from the date the building is moved to the site.' And make any consequential amendments to give effect to this submission.	Reject	No
.					