
Central Hawke's Bay District Council
District Plan Review 2017

Initial Section 32 Scoping Report

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Executive Summary

Central Hawke’s Bay District Council has embarked on a full review of its District Plan (made operative 1 May 2003), with the aim of completing a Draft Plan for public comment by the end of October 2018. Sage Planning has been engaged to assist with the review.

Since the current District Plan was made operative, there has been significant amending legislation to the Resource Management Act 1991 (in 2009, 2013 & 2017), the release of the 2010 New Zealand Coastal Policy Statement, the release of a number of National Policy Statements and National Environmental Standards, as well as changes to the Hawke’s Bay Regional Resource Management Plan (incorporating the Regional Policy Statement). The District Plan is required to give effect to those, which will need to be picked up as part of this District Plan Review. Some of the above have more significant implications for the District Plan, than others.

In addition, planning for a nationally-significant water storage scheme for the Ruataniwha Plains of the Central Hawke’s Bay District (the ‘Ruataniwha Water Storage Scheme’ (RWSS)) has been progressing through the various consenting processes – although not yet committed to. This also, has implications for the District Plan Review.

The purpose of this report is to carry out a high-level scoping exercise to determine what aspects of the District Plan are in reasonable shape, and to identify the main areas for review and the general approach to be taken to review them. It is anticipated that this will form the initial information gathering and high-level issues and options identification, as part of Council’s section 32 Resource Management Act 1991 (RMA) obligations in reviewing its District Plan.

The following summarises the outcomes of this scoping exercise, section by section of the District Plan:

Anticipated Degree of Revision/Change	Section of the District Plan
1. Minor (or No) Change	<ul style="list-style-type: none"> <u>Part 1 (District Plan Introduction).</u> <u>Part 3, Section 3.5 (Monitoring, Review & Enforcement).</u> <u>Part 11 (Signs).</u> <u>Appendix A (Schedule of Designations)</u> – NB. this will however require a significant revision prior to notification of the Proposed Plan pursuant to Clause 4 of Schedule 1 to the RMA. <u>Appendix H (Schedule of Identified Community Facilities).</u> <u>Clause 16 Technical Amendments.</u> <p>Updating and refreshing generally to reflect amended legislation, and consequential amendments to ensure consistency across the District Plan.</p>
2. Minor to Moderate Change	<ul style="list-style-type: none"> <u>Part 2 (Information & Interpretation).</u> <u>Part 5 (Residential Zone).</u> <u>Part 7 (Business Zones).</u> <u>Part 8 (Transport).</u> <u>Part 10 (Utilities).</u> <u>Part 12 (Relocatable Buildings, Temporary Buildings & Activities).</u> <u>Part 13 (Hazardous Substances) etc.</u> <p>Update generally to reflect amended legislation, national and regional policy, best practice, and alignment with the approach of neighbouring Councils, as well as consequential amendments to ensure consistency across the District Plan.</p>

<p>3. Moderate to Significant Change</p>	<ul style="list-style-type: none"> ▪ <u>Part 3, Section 3.1 (Tangata Whenua Values) etc</u> – in partnership with iwi, review and update Appendix C (Sites of Cultural Significance to Tangata Whenua); develop more comprehensive provisions/chapter; and develop new provisions/chapter providing for papakainga and marae-based development. ▪ <u>Part 3, Section 3.2 (Heritage Values) etc</u> – with the assistance of the Cultural Heritage Team, develop new heritage provisions and update Appendix B Schedule of Heritage Items and Notable Trees. ▪ <u>Part 3, Section 3.3 (Open Space & Recreation)</u> – re-think the purpose of this section, and potentially re-draft. ▪ <u>Part 3, Section 3.4 (Natural Hazards)</u> – re-draft to better address risks from natural hazards given recent NZ experience and advances in best practice. ▪ <u>Part 4 (Rural Zone) etc</u> – significant change in approach to the coastal environment (standalone Coastal Zone, giving effect to the NZCPS); writing standalone chapters to address landscapes, sites of natural conservation value and public access to the coast, rivers and lakes; revising noise provisions in line with best practice; and revisiting the rural zone policies and provisions generally, and subdivision rules (including consideration of additional zones). ▪ <u>Part 6 (Township Zone)</u> – re-draft to reflect amended legislation, national and regional policy, and other Council initiatives, as well as re-drafting to reflect the special character of the District’s coastal settlements in giving effect to the NZCPS. ▪ <u>Part 9 (Subdivision & Financial Contributions)</u> – amendments to subdivision provisions to ensure consistency with other aspects of the District Plan Review (including engineering code of practice, and esplanade/strip provisions), alignment with the approach of neighbouring Councils, and reviewing Council’s financial contributions policy and provisions. ▪ <u>Part 14 (Resource Consent Assessment Matters)</u> – revise, update and expand on the assessment matters contained in this chapter, largely in response to other aspects of the District Plan Review (including any new chapters). ▪ <u>Matters Not Currently Covered</u> – inclusion of new chapters and new provisions in respect of renewable electricity generation activities, climate change, earthworks, and papakainga & marae-based development, to address Council functions, giving effect to relevant NPSREG and Hawke’s Bay RPS, and alignment with the approach of neighbouring Councils. ▪ <u>Planning Maps</u> – updating in response to the District Plan Review e.g. to reflect updated archaeological sites, sites of significance to tangata whenua, areas of significant nature conservation value, natural features and amenity landscapes, as well as the addition of any new zones (if developed).
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The ‘Moderate to Significant Changes’ identified above, represent those matters and issues that the District Plan Review Team (and District Plan Subcommittee Working Party) will need to devote most of their time and focus to, for the next phases of the Plan Review process.

1 Introduction

Central Hawke’s Bay District Council has embarked on a full review of its District Plan (made operative 1 May 2003), with the aim of completing a Draft Plan for public comment by the end of October 2018. Sage Planning has been engaged to assist with the review.

1.1 Purpose of this Report

The purpose of this report is to carry out a high-level scoping exercise to determine what aspects of the District Plan are in reasonable shape, and to identify the main areas for review and the general approach to be taken to review them.

It will form the initial information gathering and high-level issues and options identification, as part of Council’s section 32 Resource Management Act 1991 (RMA) obligations in reviewing its District Plan.

1.2 Overall Objectives of the Plan Review

The overarching objectives for the District Plan Review are considered to be as follows:

1. To meet Council’s statutory obligations to review the District Plan (section 79(1) of the RMA).
2. To update the District Plan in response to any RMA amendments, National Policy Statements (NPS’s)/National Environmental Standards (NES’s), changes to Regional Plans/Regional Policy Statements (RPS’s) that the District Plan needs to give effect to or be consistent with, that have arisen since the current District Plan was made operative.
3. To reflect advances in planning practice (including technical advances) since the current District Plan was made operative.
4. To identify and address any errors/flaws/perceived failings in the operative District Plan.
5. To foreshadow and anticipate any looming national or regional issues that may have implications for the development of the District in the medium to long term.
6. To ensure the District Plan continues to reflect the expectations and desires of the Central Hawke’s Bay community as contained in the Long-Term Plan and any other relevant initiatives (e.g. Project Thrive), and remains enabling.
7. To ensure the District Plan remains responsive and ‘fit-for-purpose’ in the context of Central Hawke’s Bay, and avoid any inclination to ‘fix what ain’t broke’.

These overall objectives will help to direct the approach taken to the District Plan Review, and the degree of change anticipated.

1.3 Brief Overview of What’s Changed since the Plan was Made Operative

In order to ensure that the District Plan Review captures all that it should, it is important to identify what has changed since the current District Plan was made operative on 1 May 2003 – particularly in terms of the statutory environment.

This includes changes to the overarching legislation and its interpretation, the development of new national-level policies and regulations, and changes to the regional policy environment within which the District Plan sits, in that intervening period.

It is also relevant to consider upcoming changes signaled in legislation which will likely have implications for the District Plan in the future, and determining how best to provide for/anticipate those.

Section 75(3) of the Resource Management Act directs that district plans:

- must give effect to the New Zealand Coastal Policy Statement;
- must give effect to any national policy statement;

- must give effect to the regional policy statement;
- must not be inconsistent with a water conservation order;
- must not be inconsistent with a regional plan; and
- a rule in a plan cannot be more stringent or more lenient than a national environmental standard (unless the national environmental standard expressly allows) (section 43B of the Act).

Pursuant to section 74 of the Resource Management Act, when preparing or changing a district plan, Councils must also:

- have regard to any proposed regional policy statement in respect of the region; or proposed regional plan of its region in respect of any matter of regional significance;
- have regard to any management plans and strategies prepared under other Acts;
- have regard to relevant entries on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014;
- have regard to the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities;
- take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district; and
- not have regard to trade competition or the effects of trade competition.

1.3.1 Resource Management Act Amendments

There have been three significant reviews of the RMA since the District Plan was made operative, being:

1. The Resource Management (Simplifying and Streamlining) Amendment Act 2009;
2. The Resource Management Amendment Act 2013; and
3. The Resource Legislation Amendment Act 2017.

The main changes through these reforms are broadly summarised below.

1.3.1.1 *The Resource Management (Simplifying and Streamlining) Amendment Act 2009*

The main changes made by the Resource Management (Simplifying and Streamlining) Amendment Act 2009 related to:

- Trade competition, representation at proceedings and Environment Court costs;
- Improving resource consent processes;
- Direct referral, independent commissioners and restricted coastal activities;
- Improving plan development and plan change processes;
- Changes to national instruments;
- Proposals of national significance;
- Environmental Protection Authority – role, functions and powers;
- Changes to enforcement;
- Trade Competition, Representation at Proceedings and Environment Court Costs.

Of particular interest in terms of this District Plan Review process, were the changes to:

- Resource Consent Processes – these amendments removed the presumption that a resource consent must be notified, and adjusted the threshold of environmental effects that trigger notification of resource consent applications and who is an affected party.
- Improving Plan Development and Plan Change Processes – these amendments replaced the need to conduct full plan reviews every 10 years with a requirement that provisions must have been the subject of a review or plan change in the preceding 10 years, and that rules in plans will have no legal effect until such time as decisions have been made on submissions unless specific circumstances apply (such as the rule protecting natural or historic resources, protecting or providing for an aquaculture management area, or when a Court order has been obtained to allow a rule to have effect earlier).

Implications for this District Plan Review:

- ***Review any provisions in the District Plan relating to notification, to ensure this reflects the application of section 95 of the RMA.***

1.3.1.2 The Resource Management Amendment Act 2013

The Resource Management Amendment Act 2013 represents the Government's first of a two-phase reform. This phase of reforms included:

- improving the resource consent regime;
- a streamlined process for Auckland's first unitary plan;
- a six-month time limit for processing consents for medium-sized projects;
- easier direct referral to the Environment Court for major regional projects;
- stronger requirements for councils to base their planning decisions on robust and thorough cost-benefit analysis.

Of particular interest, in terms of this District Plan Review process, were the changes to:

- Section 32 Requirements for Preparing and Publishing Evaluation Reports – these changes did not change the purpose of section 32, but introduced requirements for a more robust, clearly articulated section 32 evaluation, and set out more clearly what is required in section 32 reporting.

Section 32 requires an evaluation report that examines the extent to which the objectives of any amendments to the District Plan are the most appropriate way to achieve the purpose of the Act, and whether the provisions in the amendments to the District Plan are the most appropriate to achieve the objectives by:

- identifying other reasonably practicable options for achieving the objectives;
- assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions; and
- containing a level of detail that corresponds to the scale and significance of the effects anticipated from the implementation of the proposal.

In doing so, this assessment must:

- identify and assess the benefits and costs of the effects anticipated from the implementation of the provisions, including the opportunities for—
 - (i) economic growth that are anticipated to be provided or reduced; and
 - (ii) employment that are anticipated to be provided or reduced.
- if practicable, quantify the benefits and costs above; and
- assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

Implications for this District Plan Review:

- ***Ensure this Plan Review process documents a systematic evaluation of options to ensure any changes to the District Plan adopted as a result of the Review are efficient and effective and the most appropriate. This documentation will ultimately input into a section 32 evaluation report accompanying the Proposed Plan in due course.***

Any evaluation should be at a level of detail that corresponds to the scale and significance of the effects anticipated from implementing any proposed changes to the District Plan.

1.3.1.3 *The Resource Legislation Amendment Act 2017*

The Resource Legislation Amendment Act 2017 (RLAA) represents the Government's second phase of reform of the Resource Management Act (RMA). The amendments purportedly aim to provide stronger national direction, a more responsive planning process, a streamlined resource consent process and better alignment with other legislation.

The current reforms include:

- New options for national direction;
- Revised functions for RMA decision makers;
- Changes to Maori participation in the RMA;
- Changes to the standard planning track;
- A new optional streamlined planning process;
- A new optional collaborative planning process;
- Changes to heritage protection under the RMA;
- New consent exemption and fast-track processes;
- Changes to resource consent notification;
- New matters to consider for resource consents and designations;
- Fixed charges must be published, and regulations may set fixed charge requirements;
- Alignment of Conservation Act and Reserves Act processes with the RMA;
- Changes to public notices, electronic servicing and submission strike out;
- Changes to objections and Environment Court processes;
- Changes to the board of inquiry process; and
- Changes to land acquisition under the Public Works Act.

Of particular interest in terms of this District Plan Review process is the:

- Development of National Planning Standards (refer below).

Implications for this District Plan Review:

- ***Monitor the development of the National Planning Standards.***

1.3.2 *Ministry for the Environment 'National Planning Standards'*

The National Planning Standards (Standards) are being introduced as part of the 2017 amendments to the Resource Management Act 1991 (sections 58B – 58J of the Act), and are currently in development. They will ultimately be issued by the Minister for the Environment.

Their purpose is to improve consistency in plan and policy statement structure, format and content so they are easier to prepare, understand, compare and comply with. The Standards will also support implementation of national policy statements and help people observe the procedural principles of the Resource Management Act 1991 (RMA).

The RMA specifies that the first set of Standards must as a minimum include:

- a structure and form for plans and policy statements including references to relevant national policy statements, national environmental standards, and regulations made under the RMA;
- definitions; and
- requirements for the electronic functionality and accessibility of plans and policy statements.

The Ministry for the Environment (MfE) advises that they are focusing on plan and policy statement components that will benefit the most from standardization, which will likely include:

- plan structure and form
- spatial layers (zones and overlays)
- definitions
- incorporation of national direction
- metrics
- administrative provisions
- mapping
- accessibility of plans online.

Drafts of the first set of Standards are anticipated in April 2018, with final Standards expected to be published in April 2019. It is not yet clear which Standards will be mandatory and which will have components that are optional – decisions about this will be made as part of developing the Standards.

The default timeframe for Councils to then amend their plans to incorporate the mandatory Standards is within one year of publication of the Standards (with optional content to be incorporated within 5 years), unless the Standards themselves ultimately specify another timeframe.

Of relevance to this District Plan Review, the MfE 'Introduction to the National Planning Standards' publication states:

"For some councils, these timeframes coincide with the need to review their plan under the 10-year deadline in section 79 of the RMA. In this case, the plan change for the review can incorporate the Planning Standards, reducing the overall impact of this change.

If a council has notified its proposed plan before April 2019, the five-year timeframe to implement the National Planning Standards in this plan does not start until the plan becomes operative (if no timeframe is specified in the National Planning Standards)."

As part of the development of the National Planning Standards, MfE has established a 'pilot council' group. The main purpose of this group is stated as being:

"to have council staff trial draft standards as they are prepared, to provide feedback on workability of the standards and identify implementation issues early. Most of these councils are reviewing their plans, or about to start a plan review process. Being involved in this way helps to ensure the Planning Standards are robust, and helps to ensure their plan review processes are more closely aligned to what the final standards will be."

Central Hawke's Bay District Council is a member of this 'pilot council' group.

Discussion papers covering the first set of National Planning Standards

<p>Introduction to the National Planning Standards</p> <p>This paper covers:</p> <ul style="list-style-type: none"> key issue/opportunity: inconsistency makes plans costly and slower to prepare, and harder to use overview of the new National Planning Standards tool criteria to guide development of National Planning Standards outcomes from the National Planning Standards overview of each discussion paper for public feedback process for developing the National Planning Standards how stakeholders can get involved. 	<p>Metrics</p> <p>This paper looks at the opportunity to standardise metrics.</p> <p>Metrics are standards of measurement ranging from simple measures (like length or area) to more complicated ones such as noise and radio frequency. Metrics are linked to thresholds and standards in plan rules.</p> <p>Our research has found that plan metrics and their methods of measurement are varied. While some of the variation is justified by specific local conditions and community tolerances, much of the variation is unnecessary. Developing standards for metrics will help improve national consistency of plans, with time and cost savings for councils and plan users.</p> <p>This paper considers which metrics could be included in the National Planning Standards. Possible key metrics being considered include:</p> <ul style="list-style-type: none"> earthworks noise light spill car parking building bulk and location measurements.
<p>Structure and form</p> <p>DISTRICT PLAN STRUCTURE</p> <p>The paper discusses how the National Planning Standards could provide a more consistent structure for district plans. They focus on the chapter organisation of plans, how the plan provisions (ie, objectives, policies and rules) are structured, and how other plan provisions are referred to and used in plans. Any national planning standard needs to address these core elements of plan structure, to ensure the benefits of a standardised plan structure are achieved.</p> <p>Other plan structure elements addressed include providing a home for national direction and regional policy statements (RPS).</p> <p>STRUCTURE OF REGIONAL PLANS AND POLICY STATEMENTS</p> <p>There is variation across regional plans, in particular, inconsistencies with structure and format, terminology, and map layers used in regional plans. A fully combined plan (including the Regional Policy Statement in a standalone chapter) covering coastal, air, land and water matters is a practical option and offers the advantages of integration and convenience for users. This paper signals a preference for:</p> <ul style="list-style-type: none"> a combined structure incorporating the RPS, regional plans and coastal plan into one document a specific chapter for national direction (national policy statements, national environmental standards, regulations) provision for catchment-based planning. 	<p>Definitions</p> <p>The paper focuses on district plan definitions and terms that commonly overlap with regional plans. These definitions offer the greatest benefit from standardisation.</p> <p>The paper outlines the criteria used to narrow the list of terms to be defined and provides options on the formatting of definitions. The paper signals a preference for:</p> <ul style="list-style-type: none"> creating a set of around 80–100 definitions common to plans across the country focusing on frequently used terms such as building, landfill, height, ground level, supermarket and service station.
<p>ZONES AND OVERLAYS</p> <p>The paper discusses the inconsistent use of terminology and use of different planning tools (eg, zones, overlays, amenity-based provisions, map notations, appendix maps), and how this affects plan structure overall. Research shows that the function and display of zones and overlays varies considerably among plans. Plan users must spend time learning how each plan uses zones and overlays. National Planning Standards for zones and overlays can set the names, purpose and visual representation of zones and overlays, particularly on online maps.</p> <p>Three options for a zoning framework are proposed. We prefer the option that provides for a comprehensive suite of zones that councils can pick and choose from as needed (ie, 27 zones covering a core set of zone types: residential, commercial, industrial, rural, open space, and special purpose). Councils would select the zones that reflect local requirements and circumstances.</p> <p>The paper also discusses the need for National Planning Standards for zone provisions such as objectives and policies, to set the basic parameters for a set of key urban zones.</p> <p>FORMATTING PLANS AND POLICY STATEMENTS</p> <p>The paper addresses the approaches to the design and format of plans (eg, objectives and policies, rules, font, headings, tables and colour).</p> <p>PLAN MAPPING STANDARDS</p> <p>The paper investigates cartographic conventions/visual display to harmonise planning maps in regional and district plans.</p>	<p>Electronic functionality and accessibility of plans</p> <p>The paper describes the requirements for transitioning plans from a paper-based format to a fully searchable and interactive online plan. While some councils have ePlans, the majority of councils still rely on PDFs on websites as their main delivery mechanism.</p> <p>The paper sets out options for minimum eDelivery standards, while keeping in perspective the broader potential of ePlanning in the future.</p> <p>This is likely to include a requirement for an embedded interactive Geographic Information System (GIS) providing online delivery of visual aspects of plans.</p> <p>The proposals suggest a staged approach to manage costs associated with the transition, particularly for smaller councils.</p> <p>Māori provisions</p> <p>We will explore, during Māori engagement on this project, the opportunities that planning standards provide to standardise iwi planning provisions in plans. For example, sites of significance/wāhi tapu, policies and objectives for iwi management plans recognised under the RMA, papakainga provisions, and statutory acknowledgements.</p> <p>General provisions</p> <p>This paper considers three key issues relating to a range of general plan provisions. General plan provisions include things like explanations of Resource Management Act 1991 (RMA) plan hierarchy, Māori values, how activity status applies, and cross-boundary issues.</p> <p>The paper considers where these things should be addressed in the overall structure of plans, and which should not be provided for at all in the plan (eg, monitoring provisions). It also identifies scope for some provisions to have mandated content to reduce duplication of effort by councils.</p>

From: 'Introduction to the National Planning Standards', Ministry for the Environment, May 2017.

Implications for this District Plan Review:

- It is unclear what the National Planning Standards will ultimately look like, or what changes to the District Plan will be required in order to implement them.

One option is to hold off on the Plan Review until these have been finalized. However, this would delay the review a further 2 years, at least. It is understood that Council have already determined that further delay of the Plan Review is not palatable.

- Final National Planning Standards will not be published until April 2019, which is after the Draft District Plan is expected to have been completed (Oct 2018), but may be around the same time that Council is looking to then publicly notify its Proposed District Plan.

If the Proposed Plan is notified before April 2019, the five-year timeframe to implement the Standards will not generally start until the District Plan becomes operative – which could give Council additional time to implement the Standards (if desired).

1.3.3 National Policy Statements and National Environmental Standards

The District Plan must give effect to National Policy Statements (NPS) and National Environmental Standards (NES). The following outlines the NPS and NES developed since the current Central Hawke's Bay District Plan was made operative in 2003.

1.3.3.1 NES for Assessing and Managing Contaminants in Soil to Protect Human Health

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) is a nationally consistent set of planning controls and soil contaminant values, and came into effect on 1 January 2012.

It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary the land is remediated or the contaminants contained to make the land safe for human use.

All territorial authorities (district and city councils) are required to observe and enforce the requirements of the NESCS.

Implications for this District Plan Review:

- ***Ensure the Draft District Plan incorporates references to the NESCS, where appropriate.***

1.3.3.2 The National Environmental Standards for Telecommunication Facilities 2016 (NESTF) came into effect on 1 January 2017 and replaces the NESTF 2008.

The National Environmental Standards for Telecommunication Facilities 2016 (NESTF) came into effect on 1 January 2017 and replaces the NESTF 2008. It provides national consistency in the rules surrounding the deployment of telecommunications infrastructure across New Zealand while ensuring the effects on the environment are minimised and managed appropriately.

The NESTF 2016 provides rules for the following activities:

- cabinets in the road reserve, outside the road reserve and on buildings
- antennas on existing poles in the road reserve
- antennas on new poles in the road reserve
- replacement, upgrading and co-location of existing poles and antennas outside road reserve (with different conditions in residential and non-residential areas)
- new poles and antennas in rural areas
- antennas on buildings (above a permitted height in residential areas)
- small-cell units on existing structures
- telecommunications lines (underground, on the ground and overhead).

Implications for this District Plan Review:

- ***Ensure the Draft District Plan incorporates provisions in line with the NESTF.***

1.3.3.3 NES for Plantation Forestry

The National Environmental Standards for Plantation Forestry (NESPF) will come into effect on 1 May 2018, and have two objectives:

- to maintain or improve the environmental outcomes associated with plantation forestry activities nationally
- to increase certainty and efficiency in the management of plantation forestry activities.

The NESPF regulations cover 8 core plantation forestry activities that have potential environmental effects:

- afforestation (planting new forest)

- pruning and thinning-to-waste (selective felling of trees where the felled trees remain on site)
- earthworks
- river crossings
- forestry quarrying (extraction of rock, sand, or gravel within a plantation forest or for operation of a forest on adjacent land)
- harvesting
- mechanical land preparation
- replanting.

The regulations apply to any forest of more than 1 hectare that has been planted specifically for commercial purposes and harvesting.

Implications for this District Plan Review:

- ***Whilst the NESPF does not come into effect until May 2018, the Draft District Plan will need to ensure provisions are incorporated in line with the NESPF, where appropriate.***

1.3.3.4 NES for Air Quality

The National Environmental Standards for Air Quality (NESAQ) are regulations made under the Resource Management Act 1991 which aim to set a guaranteed minimum level of health protection for all New Zealanders, and came into effect on 8 October 2004.

Implications for this District Plan Review:

- ***Air quality management is a regional council function. Therefore, the NESAQ has no implications for the District Plan Review.***

1.3.3.5 NES for Sources of Human Drinking Water

The National Environmental Standard for Sources of Human Drinking Water (NESHWD) came into effect on 20 June 2008, and is a regulation made under the Resource Management Act (1991) that sets requirements for protecting sources of human drinking water from becoming contaminated.

The NES requires regional councils to ensure that effects of activities on drinking water sources are considered in decisions on resource consents and regional plans.

Implications for this District Plan Review:

- ***Effects of activities on drinking water is a regional council function. Therefore, the NESHWD has no implications for the District Plan Review.***

1.3.3.6 NPS for Renewable Electricity Generation

The National Policy Statement for Renewable Electricity Generation (NPSREG) came into effect on 13 May 2011, and applies to renewable electricity generation activities at any scale. It covers the construction, operation and maintenance of structures associated with renewable electricity generation.

This includes:

- small and community-scale renewable generation activities
- systems to convey electricity to the distribution network and/or the national grid
- electricity storage technologies associated with renewable electricity storage.
- It covers all renewable electricity generation types (hydro, wind, geothermal, solar, biomass, marine).

It also provides for investigation activities for renewable electricity generation such as wind masts and geothermal test bores.

Implications for this District Plan Review:

- ***Ensure the Draft District Plan incorporates provisions in line with the NPSREG.***

1.3.3.7 NPS Electricity Transmission & NES for Electricity Transmission Activities

The National Policy Statement on Electricity Transmission (NPSET) took effect on 10 April 2008, and provides guidance for local authorities on how to recognise the national significance of the national grid in RMA plans and local decision-making.

The National Environmental Standards for Electricity Transmission Activities (NESETA) are regulations which help Council implement the NPSET and set out specific detailed requirements for work on existing high voltage electricity transmission lines (they do not apply to the construction of new transmission lines, any electricity distribution lines, or to substations). They set out which transmission activities are permitted, subject to conditions to control the environmental effects, and specify:

- consent requirements for activities which fail to meet the permitted activity conditions
- that electricity transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects on the environment
- the resource consent requirements for electricity transmission activities that do not meet the terms and conditions for permitted activities.

Implications for this District Plan Review:

- ***Ensure the District Plan Review includes a review of the plan's existing provisions that apply or could apply to electricity transmission activities covered by the NESETA, including definitions, and ensure they are aligned.***

1.3.3.8 NPS Freshwater Management

The National Policy Statement for Freshwater Management (Freshwater NPS) was published in 2014, and is about recognising the national significance of fresh water and Te Mana o te Wai (the mana of the water).

On 7 August 2017, the Government agreed to amend the National Policy Statement for Freshwater Management 2014. The amendments are anticipated to come into force on 6 September 2017.

Implications for this District Plan Review:

- ***Freshwater management is a regional council function. Therefore, the Freshwater NES has minimal implications for the District Plan Review.***

1.3.3.9 NPS Urban Development Capacity

The National Policy Statement on Urban Development Capacity (NPS-UDC) came into effect on 1 December 2016, and is about recognizing the national significance of:

- urban environments and the need to enable such environments to develop and change;
- providing sufficient development capacity to meet the needs of people and communities and future generations in urban environments.

The NPS-UDC directs local authorities to provide sufficient development capacity in their resource management plans for housing and business growth to meet demand.

Development capacity refers to the amount of development allowed by zoning and regulations in plans that is supported by infrastructure. This development can be “outwards” (on greenfield sites) and/or “upwards” (by intensifying existing urban environments).

The NPS-UDC targets different policies to particular local authorities based on whether or not they have all or part of a high- or medium-growth urban area within their district or region.

These areas are defined below.

“A ‘high-growth urban area’ is any urban area (as defined by Statistics New Zealand in 2016) that: has either:

- *a resident population of over 30,000 people according to the most recent Statistics New Zealand urban area resident population estimates*

or

- *at any point in the year a combined resident population and visitor population of over 30,000 people, using Statistics New Zealand urban area resident population estimates and in which the resident population of that urban area is projected to grow by more than 10% between 2013 to 2023, according to the most recent Statistics New Zealand medium urban area population projections.*

A ‘medium-growth urban area’ is any urban area (as defined by Statistics New Zealand in 2016) that:

- *has a resident population of over 30,000 people according to Statistics New Zealand urban area resident population estimates and*
- *in which the resident population of that urban area is projected to grow by between 5% and 10% between 2013 to 2023, according to the most recent Statistics New Zealand medium urban area population projections.”¹*

Central Hawke’s Bay District does not contain a medium or high growth urban area.

For those Councils like Central Hawke’s Bay District Council, that do not contain a medium or high growth urban area, the NPS-UDC merely applies a number of high level objectives and policies around requiring Councils to ensure provision of sufficient housing and business land in the short, medium and long term, and that sufficient infrastructure to support this will be available.

Implications for this District Plan Review:

- ***Ensure the District Plan Review addresses the provision of sufficient housing and business land in the short to medium term (3 years & 10 years).***

1.3.3.10 Other National Policy Statements and Standards Pending

Currently, the government is in the process of drafting the following national policy statements and standards:

- i) NPS for Biodiversity – anticipated late 2018 – will likely have implications for the District Plan Review down the track.
- ii) NES for Marine Aquaculture – in public consultation mid 2017 – aiming for nationally consistent rules for coastal plans, therefore no implications for the District Plan Review.
- iii) NES for Outdoor Storage of Tyres – anticipated late 2017 – may have minor implications for the District Plan Review.
- iv) NES on Ecological Flows and Water Levels – no implications for District Plan Review.
- v) Guidance on managing significant risks from natural hazards – anticipated late 2018 – may have some implications for the District Plan Review down the track.

¹ An Introductory Guide to the National Policy Statement on Urban Development Capacity 2016, November 2016, Ministry for the Environment and Ministry of Business, Innovation & Employment.

1.3.4 New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement (NZCPS) is a national policy statement under the RMA. The purpose of the NZCPS is to state policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand.

Originally released in 1994, the New Zealand Coastal Policy Statement (NZCPS) has since undergone a significant revision which took effect on 3 December 2010.

Key changes to the NZCPS include:

- greater direction on protection of natural character, outstanding landscapes, biodiversity and nationally significant surf breaks;
- a stronger requirement to identify where water quality is degraded and should be enhanced;
- direction on maintenance of public access to and along the coast, identifying walking access as the basic priority and better management of vehicles on beaches; and
- updated policy on the management of coastal hazard risks.

From the date that the NZCPS 2010 came into force all regional policy statements, regional and district plans and proposed plans and variations must give effect to the objectives and policies in the NZCPS 2010 ‘as soon as practicable’.

Implications for this District Plan Review:

- *Ensure the District Plan gives effect to the provisions in the NZCPS 2010 in respect of provisions for the coastal environment (particularly around natural character of the coast, outstanding coastal landscapes, coastal biodiversity, public access to the coast, coastal hazards) within the District.*

1.3.5 Hawke’s Bay Regional Policy Statement & Regional Plans

The District Plan must give effect to the Hawke’s Bay Regional Policy Statement (RPS) and must not be inconsistent with the Hawke’s Bay Regional Resource Management Plan and Regional Coastal Environment Plan.

The following outlines the relevant changes to the RPS, RRMP and RCEP since the current Central Hawke’s Bay District Plan was made operative in 2003.

1.3.5.1 Change 4 to the Regional Policy Statement

Change 4 to the Hawke’s Bay Regional Policy Statement became operative on 1 January 2014, inserting a new chapter in the RPS titled ‘Managing the Built Environment’ (Chapter 3.1B) and was about urban development and strategic integration of infrastructure across the region (particularly focusing on the Heretaunga Plains sub-region – which was specifically defined in the RPS as a resource of significance, being the ‘versatile land of the Heretaunga Plains’).

These provisions implement the preferred settlement pattern outlined in the Heretaunga Plains Urban Development Strategy (HPUDS), and provide the regional policy backdrop for the integration of long term land-use and infrastructure provision, and the protection of strategic infrastructure.

Much of Change 4 was directed at a sub-regional level to the Heretaunga Plains and surrounding coastal and rural settlements, and many of the objectives and policies are specific to that sub-region. The Wairoa and Central Hawke’s Bay Districts, and Hastings District hinterland, were deemed to have different pressures, which warranted less regional policy direction in terms of urban growth management at that time (although it was acknowledged that this may change over time, and that change may require further regional policy intervention at a later date).

New region-wide objectives and policies (relevant to the Central Hawke’s Bay District) inserted provisions around:

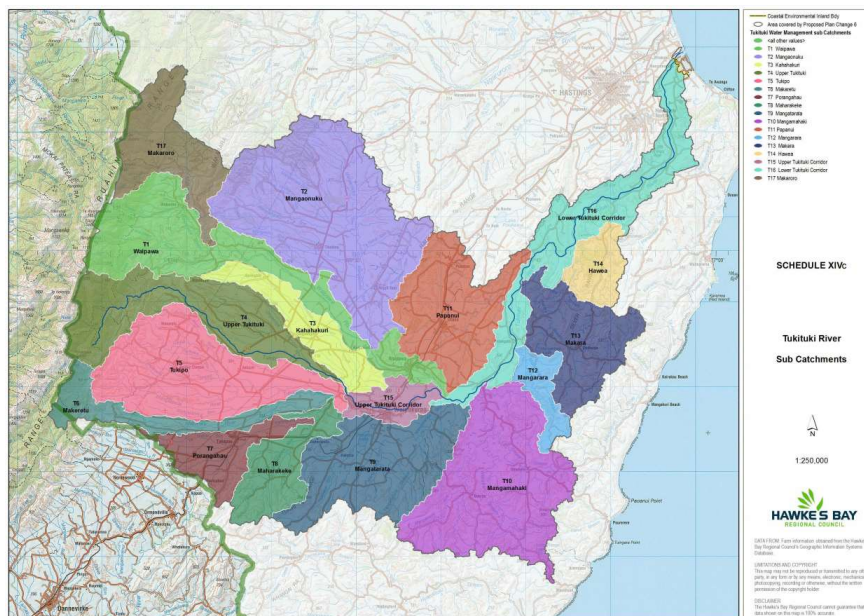
- i) establishing compact, and strongly connected urban form (OBJ UD1);
- ii) integration of land use with significant infrastructure (OBJ UD5) and the integration of transport infrastructure with development (OBJ UD6);
- iii) requiring District Plans to enable papakainga and marae-based development (POL UD6.1 & POL UD6.2);
- iv) a requirement for structure plans in support of any rezoning for the development of urban activities, and the matters to have regard to in preparing or assessing any rezoning for urban development of land, and what supporting documentation should be provided as part of developing those structure plans (POL UD10.3, POL UD104, POL UD11 & POL UD12); and
- v) requirement for territorial authorities to ensure development in their district is appropriately and efficiently serviced (POL UD13).

Implications for this District Plan Review:

- **Ensure the District Plan Review gives effect to the region-wide ‘built environment’ provisions in the RPS – particularly in terms of:**
 - **provisions enabling papakainga and marae-based development;**
 - **addressing structure plan requirements if the review looks to rezone any new urban development areas; and**
 - **ensuring that provision for significant infrastructure and transport infrastructure is integrated into the District Plan provisions, as well as ensuring there are requirements for any developments to be appropriately and efficiently serviced.**

1.3.5.2 Plan Change 6 to the Regional Resource Management Plan

Plan Change 6 to the Hawke’s Bay Regional Resource Management Plan became operative on 1 October 2015, and is aimed at modifying the rules governing water allocation to address over-allocation of surface and groundwater, and to regulate land use in order to reduce the phosphorus losses from land to water that stimulate periphyton growth in the Tukituki River catchment. The Tukituki River catchment has been mapped in the RMMP (Schedule 14c) as follows:



Plan Change 6 was part of a combined strategy to also advance water storage in the catchment to assist with meeting the flow, water security and water quality objectives of the catchment through what has come to be known as the Ruataniwha Water Storage Scheme (RWSS).

The Regional Plan now contains rules around production land use in the Tukituki River catchment (Rules TT1, TT2 & TT2A). There are a number of permitted activity standards applying to farm properties or farming enterprises within the Tukituki River catchment. For example, those exceeding 4 hectares in area require preparation of a 'Nutrient Budget' and a 'Farm Environmental Management Plan' to be submitted, and imposition of stocking rates and requirement for a 'Phosphorus Management Plan' in particular areas of land identified etc.

Implications for this District Plan Review:

- ***Ensure the District Plan is not inconsistent with the provisions of Plan Change 6 – particularly in terms of any District Plan provisions applying to the rural environment within the Tukituki River catchment.***

1.4 Ruataniwha Water Storage Scheme Implications

The Ruataniwha Water Storage Scheme (RWSS) has been proposed as a long-term, sustainable water supply solution for Central Hawke's Bay, and as part of a wider programme to better manage water resources in the Tukituki River catchment. The Scheme is for a 93 million m³ storage reservoir in the upper Makaroro River, storing water during winter, and releasing water from the scheme to improve river flows in the Tukituki Catchment through summer for river life and other river users, and to provide a certain supply for irrigators.

Hawke's Bay Regional Council's investment company (HBRIC Ltd) was issued with 17 resource consents to authorise aspects of the proposed RWSS scheme in June 2014 (subsequently amended in June 2015 after referral back to the Board of Inquiry from the High Court Appeal). Two of the consents are land use consents with HDC and CHBDC. The remaining 15 consents are HBRC consents, and relate to matters such as installation of intake structures in river beds, dam construction, damming and taking of water, discharges of water, production land use and beach renourishment.

Two further resource consents to allow for the use of water across new areas of productive land not originally included in the original applications and subsequent consents, were granted in January 2016. The decision to process these applications on a non-notified basis was the subject of a Judicial Review taken by Greenpeace to the High Court (judicial review discontinued in February 2017).

In July 2017, the Supreme Court found the Minister of Conservation acted illegally by trying to make 22 hectares of Ruahine Forest Park available for exchange to HBRIC Ltd. The land swap would have allowed an area of the Ruahine Forest Park land to be flooded to create the Ruataniwha Water Storage Scheme (the largest irrigation project in the country).

The future of the RWSS is now less certain – not only due to the Supreme Court decision above (which would appear to require legislative change and possibly a fresh application to reverse), but also given the change in the Regional Council political climate and community concerns, which has led to a major rethink by the current Regional Council.

This rethink was signaled through the commissioning of a formal Review of the RWSS led by the Regional Council's 'Group Manager Strategic Development', initiated by resolution of the Hawke's Bay Regional Council on 14 December 2016, with the purpose being to ensure that *"the costs and benefits of the scheme, as well as risks and opportunities with decisions to proceed, abandon or shelve the scheme, are clearly identified and articulated in order to*

*facilitate informed decision making*². The report outlining the outcomes of this Review was presented to the Regional Council in May 2017.

In respect of the Central Hawke's Bay's District, the RWSS is seen as having the potential to increase intensification of land use over rural parts of the District, in particular over the Ruataniwha Plains, and to have implications for the District's population growth and wider economy. However, these impacts have been assessed as being perhaps 10 years away.

Even if decisions were made to proceed with the RWSS tomorrow, there will be considerable lead-in time. A change in legislation would need to go through parliament, a fresh consent may then be required to progress the land swap under the new legislation etc, there will be construction lead-in time and the construction period itself, plus a lag in terms of any potential on-farm intensification response.

In respect of implications for growth, a report for Central Hawke's Bay District Council by Economic Solutions Limited³ concludes the following:

- *If the RWSS proceeds, the report is of the view that given the current timing of the construction period for the project and the initial years of its evolving operation, the Scheme is unlikely to have a significant impact on new housing demand in the district over the next LTP period (2015-2026). It is anticipated that housing requirements associated with the construction of the Scheme will be met largely from existing available accommodation supply in the District such as rental housing and visitor/community accommodation, as well as possibly the construction of temporary accommodation for the construction workforce. Consequently, the report considers that the Status Quo/Medium household growth projection scenario should also suffice for the next LTP period involving the construction and initial operation of the RWSS. However, the Council should closely monitor new housing growth in the District during the period, in order to assess the extent to which it is aligned with the Medium projection scenario for the period.*
- *Whilst the initial years of operation of the RWSS during the second half of the next LTP period are not expected to see any major change from the existing broad locational profile of residential development in the district, the years following could see emerging trends such as increased housing demand 'on farm' or in close proximity to farms being serviced by the RWSS, increased rural-residential or small rural town housing demand (particularly in the Tikokino CAU area) and increased housing demand within and around the main urban centres of Waipukurau and Waipawa. Over the 2026-2046 period, the leading areas of new housing growth in the District with the RWSS project are, in order, Elsthorpe-Fleming ton, Waipukurau, Waipawa and Tikokino.*
- *Over the 2013-2046 period, the Median age of the CHBD population is currently projected to increase from 43.1 to 54.3 years under the Statistics NZ Medium population growth scenario, with the 65+ population more than doubling. At this time, the impact of the RWSS on the District's population is envisaged as being a general 'softening' of the ageing trend in the area particularly with new younger residents and families living and working in the area.*

Therefore, a 'wait and see' approach in terms of the current District Plan Review is considered appropriate and low risk in the short term, on the basis that if the RWSS proceeds, it's implications can be readily worked through and appropriately addressed during the next District Plan Review cycle.

Implications for this District Plan Review:

- ***The implications of the RWSS for Central Hawke's Bay are not expected to be felt over the 10-year life of the next District Plan.***
- ***Therefore, it is considered low risk to take a 'wait and see' approach, in the knowledge that there will be a substantial lead-in time and ability to respond in a timely manner during the next District Plan Review cycle, whatever the outcome of the RWSS.***

² 'Ruataniwha Water Storage Scheme Review', HBRC, 8 May 2017.

³ 'Future Residential Development in Central HB District', Economic Solutions Ltd, April 2015.

2 General Observations

The following general observations have been made in respect of the operative Central Hawke's Bay District Plan⁴:

- *Objectives and policies in some chapters of the plan are too general and do not provide adequate focus on the resource management issues being addressed;*
- *The manner in which some resource management issues are addressed does not sufficiently meet the requirements of the Act;*
- *The Plan does not take account of all relevant resource management issues (some of which have been identified since the passing of the Resource Management Act in 1991); and*
- *Anticipated Environmental Results are sometimes vague and lack certainty.*

Implications for this District Plan Review:

- ***Any general gaps or inadequacies in the suite of provisions within each section of the District Plan, will need to be identified and addressed when reviewing each section as part of the District Plan Review, to ensure it aligns with the requirements of the RMA and best practice.***

⁴ 'Central Hawke's Bay District Plan Review – A Report on the Efficiency and Effectiveness of the Central Hawke's Bay District Plan' (Draft), nd.

3 Part 1 – District Plan Introduction

3.1 What this Section Currently Covers

This chapter of the District Plan introduces the District Plan and the RMA framework applying to it, and the resulting obligations and duties imposed on Council and every person. It summarises the following:

- an introduction to the District Plan;
- Council’s Mission Statement and the relationship between Council and Tangata Whenua;
- the relationship of the District Plan with other plans and policy documents;
- the obligation to comply with the District Plan;
- existing use rights;
- status of activities and types of resource consents;
- the role and provision for designations and heritage orders;
- section 32 requirements;
- enforcement powers and monitoring responsibilities of Council; and
- process for changes to the District Plan.

3.2 Statutory Basis for this Section

There is no specific statutory basis for addressing the various matters contained in this chapter. Its purpose is merely to inform Plan Users. However, as this chapter outlines the broader statutory obligations and duties imposed on Council and every person, it does require review in light of amendments to the Resource Management Act since the current District Plan was made operative (1 May 2003), to ensure it is up-to-date.

3.3 Feedback Relevant to this Section

3.3.1 ‘Plan Review’ Background Reports & Feedback To-Date

No matters raised.

3.3.2 Draft ‘Plan Effectiveness Report’ Feedback

- Lack of recognition in the Plan for regional direction provided through the RPS and Regional Plans;
- Lack of recognition in the Plan for national direction through NPSs and NESs introduced since the District Plan was made operative.

3.3.3 Relevant ‘Project Thrive’ Feedback

- The consultation feedback resulted in development of a clear overarching aspiration for the Central Hawke’s Bay District, being:
“A proud and prosperous district with strong communities, and connected citizens, who respect and celebrate nature.”
- Feedback (from 2 participants) referred to improving the Council’s consenting process.

3.3.4 Issues Raised in Staff Interviews

No matters raised.

3.4 Significant Issues to Address

No significant issues identified.

3.5 Preliminary Options for Plan Review

3.5.1 Status Quo

This option would involve leaving the chapter as is, with no amendment. This is not recommended, as it could lead to aspects of this chapter remaining outdated, and potentially at odds, with relevant statutory matters in the RMA.

3.5.2 Update

This option would involve merely updating the existing text in this chapter to reflect:

- a) current legislation and regulations, and relationships with other plans and policy documents;
- b) the most up-to-date information relating to the Council (e.g. Council's current Mission Statement, and/or Council's current approach to its relationship with Tangata Whenua etc); and
- c) aspects of 'Project Thrive' and other Council initiatives, where desirable and appropriate.

This option is deemed the most appropriate, effective and efficient option in reviewing Part 1 of the District Plan, and is therefore the preferred option.

3.5.3 Re-Write

This option would involve re-writing the entire chapter. This is not considered appropriate (given there have not been any significant issues identified with this chapter to-date that would suggest significant change in approach is warranted), and would also not be efficient in terms of cost-benefit.

4 Part 2 – Information & Interpretation

4.1 What this Section Currently Covers

Section 2.1 of the District Plan provides guidance on how to use the District Plan, and outlines Council's information requirements for resource consent applications (land use and subdivision) and designations. It also includes a section on notification and Council's notification procedure.

Section 2.2 sets out the Council's definitions of various terms used in the District Plan. These then apply when interpreting the rules and standards within the Plan.

4.2 Statutory Basis for this Section

There is no specific statutory basis for addressing the various matters contained in this chapter. Its purpose is merely to inform Plan Users. However, as this chapter outlines specific statutory processes and procedures, it does require review in light of amendments to the Resource Management Act since the current District Plan was made operative (1 May 2003), to ensure it is up-to-date – in particular, the RMAA 2009 amendments in relation to public notification and limited notification of applications (section 95 of the RMA).

In addition, the definitions in the District Plan effectively form part of interpreting the 'rules' in the District Plan. Some of these are terms taken directly from legislation.

4.3 Feedback Relevant to this Section

4.3.1 'Plan Review' Background Reports & Feedback To-Date

No matters raised.

4.3.2 Draft 'Plan Effectiveness Report' Feedback

No matters raised.

4.3.3 'Project Thrive' Feedback

No matters raised.

4.3.4 Issues Raised in Staff Interviews

A number of definitions were identified as requiring review, or new definitions needed, including:

- definition of 'home occupation';
- definition of 'industrial activity';
- definitions of 'residential unit'/'accessory building';
- definition of 'setback';
- need a definition of 'impervious surfaces'.

4.4 Significant Issues to Address

No significant issues identified.

4.5 Preliminary Options for Plan Review

4.5.1 Status Quo

This option would involve leaving the chapter as is, with no amendment. This is not recommended, as it could lead to aspects of this chapter remaining outdated, and potentially at odds, with relevant statutory matters in the RMA.

4.5.2 Update

This option would involve merely updating the existing text in this chapter to reflect:

- a) current legislation and regulations – in particular, section 95 of the RMA relating to public notification and limited notification of applications, as a result of the RMAA 2009; and
- b) amendments and review of definitions in response to wider District Plan Review matters.

This option is deemed the most appropriate, effective and efficient option in reviewing Part 2 of the District Plan, and is therefore the preferred option.

4.5.3 Re-Write

This option would involve re-writing the entire chapter. This is not considered appropriate (given there have not been any significant issues identified with this chapter to-date that would suggest significant change in approach is warranted), and would also not be efficient in terms of cost-benefit.

5 Part 3: Section 3.1 Tangata Whenua Values, Section 3.6 Tangata Whenua Rules & Appendix C (Sites of Cultural Significance to Tangata Whenua)

5.1 What these Sections Currently Cover

Section 3.1 of the District Plan outlines the objectives and policies in terms of Tangata Whenua values, the Treaty of Waitangi and the partnership between the Council and Tangata Whenua (also summarised in Section 1.4 of the Plan).

Section 3.6 contains rules around earthworks within a site of cultural significance to tangata whenua applying across the District.

Appendix C contains the schedule of sites of cultural significance to tangata whenua in the District. These are shown on the Planning Maps.

5.2 Statutory Basis for these Sections

The purpose in section 5(2) of the RMA refers to *‘managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety’*.

In achieving the purpose, section 6 of the RMA requires all persons exercising functions and powers under the Act to recognise and provide for matters of national importance. Matters of national importance considered to be of particular relevance to Parts 3.1 & 3.6 and Appendix C of the District Plan, are:

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

(g) the protection of protected customary rights:

Section 7 of the RMA requires particular regard to various other matters. Other matters considered to be of particular relevance to Parts 3.1 & 3.6 and Appendix C of the District Plan, are:

(a) kaitiakitanga:

(aa) the ethic of stewardship:

Section 8 of the RMA requires all persons exercising functions and powers under the Act, to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Section 74(2A) also requires that a territorial authority, when preparing or changing a district plan *‘must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district’*. There are currently no planning documents recognised by an iwi authority lodged with Central Hawke’s Bay District Council, at this time. However, it is understood that Ngati Kere are in the process of writing one.

Section 75(3) of the Resource Management Act directs that district plans must give effect to any relevant NPSs and NESs, and to the RPS. Relevant documents in respect of this section of the District Plan relating to tangata whenua values are:

- Hawke’s Bay Regional Policy Statement, Chapter 3.1 Managing the Built Environment, POL UD6.1 Provisions for Papakainga and Marae-Based Development & POL UD6.2 Encouraging

Papakainga and Marae-Based Development, and Chapter 3.14 Recognition of Matters of Significance to Iwi/Hapu.

5.3 Feedback Relevant to these Sections

5.3.1 'Plan Review' Background Reports & Feedback To-Date

- The draft 'Coastal Zone Landscape Assessment' (Terraforme, Sept 2013)⁵ and draft 'Rural Landscape Assessment' (Terraforme, Sept 2016)⁶ prepared as part of the District Plan Review, both acknowledge that in assessing natural character, natural features and landscapes and amenity landscapes, that there had been no consultation with tangata whenua, and that consultation may result in changes to the areas shown on the maps or may in fact result in additional areas.

5.3.2 Draft 'Plan Effectiveness Report' Feedback

- Issues of general concern that have been identified include the following matters:
 - Regulatory controls applying to sites of cultural significance are not adequate to provide protection of these sites;
- Examples of District Plan effectiveness achieved as a result of the review might include the following:
 - increased recognition of and provision for sites of significance to tangata whenua;
 - provision for papakainga in the district.
- The principles of partnership are very significant to tangata whenua of Central Hawkes Bay. The Plan states that Council recognises its obligations to consult with local hapu to achieve an ongoing and working relationship between local authority and Tangata Whenua.
- Pre statutory consultation for the review included focused meetings with Ngati Kahungunu Iwi Incorporated and Taiwhenua o Tamatea. This consultation has identified the following issues which are of concern to iwi within the Central Hawkes Bay District.
 - Full recognition of tikanga, including in decision making
 - Recognition of the Treaty of Waitangi purpose and principles and including partnership in writing and implementing policy on resource management issue.
 - Affective protection and maintenance of those natural and physical resources of importance including coastal and inland waterways, water quality including the Ruataniwha Aquifer and the coastal zone.
 - Recognition and protection of culturally significant sites including urupa, wahi tapu and whenua tapu
 - Recognition of traditional Tangata Whenua place names.
 - Introduction of controls on earthworks in relation to the protection of wahi tapu and cultural sites.
 - To provide for development of papakainga on Maori land within the district.
 - Identification and protection of cultural landscapes.
- It is recommended that the District Plan Review include a new chapter on Cultural Values to ensure that the District Plan is compliant with the RMA and to express the views and values of Tangata Whenua.
The new chapter should include an updated schedule of cultural sites and also incorporate robust controls on earthworks and land development in relation to waahi tapu and cultural

⁵ 'Coastal Zone Landscape Assessment', Terraforme, Final Draft September 2013.

⁶ 'Rural Landscape Assessment', Terraforme, Final Draft September 2016.

sites. There have been examples of damage occurring to waahi tapu sites in the past due in part to lack of understanding of the significance of the site and the value it has to iwi.

5.3.3 Relevant 'Project Thrive' Feedback

- Review the District Plan to increase protection of historic heritage, including sites of significance for Maori (submission from Heritage New Zealand Pouhere Taonga).
- Feedback (from 1 participant) referred to a review of the District Plan to protect historic heritage, including sites of significance for Maori.
- Feedback (from 1 participant) referred to Maori ancient history.
- Feedback (from 1 participant) referred to keeping Whanau on their lands.
- Feedback (from 1 participant) referred to engaging with iwi at every opportunity.

5.3.4 Issues Raised in Staff Interviews

- Discussion with the Cultural Heritage Team (Rangitane Tipene, Pat Parsons & Elizabeth Pishief) on 2 August 2017, identified that Appendix C and the associated rules in the District Plan at present, are likely incomplete and insufficient, and recommended a review of the approach to identifying and addressing sites of cultural significance to Tangata Whenua. There was also concern from this team that the current District Plan did not adequately provide for and protect identified sites of cultural significance. The ongoing work of the Cultural Heritage Team will likely lead to a significant review of Parts 3.1 & 3.6 and Appendix C of the District Plan.

5.4 Significant Issues to Address

- Inadequate identification, provision for, and protection of, identified sites of cultural significance to Tangata Whenua in the current District Plan.
- Need to insert provisions in the District Plan to enable papakainga and marae-based development, as required by the RPS.

5.5 Preliminary Options for Plan Review

5.5.1 Status Quo

This option would involve leaving these sections as is, with no amendment. This is not recommended, as it fails to adequately address the matters of national importance in section 6 of the RMA (and other matters in section 7), and fails to give effect to the Hawke's Bay RPS.

5.5.2 Update

This option would involve a review and update of these sections of the District Plan, and accompanying planning maps. This option is not considered appropriate, as the District Plan would still fail to adequately address the matters of national importance in section 6 of the RMA (and other matters in section 7), and would fail to give effect to the Hawke's Bay RPS.

5.5.3 Re-Write

This option would likely involve (in partnership with Tangata Whenua):

- a) a review and update of Appendix C – Schedule of Sites of Cultural Significance to Tangata Whenua, and determining how best to map these (or not);
- b) developing more comprehensive provisions/chapter addressing Tangata Whenua Values and the protection of sites of cultural significance to Tangata Whenua;
- c) developing new provisions/chapter providing for papakainga and marae-based development, to give effect to the particular policies in the Hawke's Bay RPS.

This option is deemed the most appropriate, effective and efficient option in addressing section 6, 7 & 8 of the RMA in relation to Tangata Whenua values, and the Hawke's Bay RPS in respect of provision for papakainga and marae-based development, and is therefore the preferred option.

NB. Council's Senior Planner has already done some work around re-drafting this section, which will provide a useful starting point. This will also be supplemented by the work currently underway by the Cultural Heritage Team.

6 Part 3: Section 3.2 Heritage Values, Section 3.7 Heritage Rules & Appendices B (Heritage Items & Notable Trees) & F (Archaeological Sites)

6.1 What these Sections Currently Cover

These sections of the District Plan outline the issues, objectives, policies, methods, environmental results anticipated, and rules in terms of heritage items, waahi tapu sites and areas, archaeological sites and notable trees applying across the District.

Appendix B contains a schedule of heritage items and notable trees in the District. These are shown on the Planning Maps.

Appendix F contains a schedule of recorded archaeological sites identified in the District, for information purposes only. These are also shown on the Planning Maps.

The issue identified in Section 3.2 is:

- ‘Protection of Heritage Resources – heritage values need to be maintained or enhanced for future generations’.

Environment results anticipated in this section are:

- ‘The conservation of a representative range of resources of heritage and cultural values important to present and future generations of the District’s residents and visitors’.
- ‘The productive use of heritage buildings and sites’.
- ‘Maintenance and enhancement of heritage items to enable their continued use and enjoyment, whilst not detracting from their heritage values’.

6.2 Statutory Basis for these Sections

6.2.1 Resource Management Act 1991

The purpose in section 5(2) of the RMA refers to *‘managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety’*.

In achieving the purpose, section 6 of the RMA requires all persons exercising functions and powers under the Act to recognise and provide for matters of national importance. Matters of national importance considered to be of particular relevance to Parts 3.2 & 3.7 and Appendices B & F of the District Plan, are:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

Section 7 of the RMA requires particular regard to various other matters. Other matters considered to be of particular relevance to Parts 3.1 & 3.6 and Appendix C of the District Plan, are:

(a) kaitiakitanga:

(aa) the ethic of stewardship:

6.2.2 Heritage New Zealand Pouhere Taonga Act 2014

In addition to the RMA, historic heritage is also subject to regulation through the Heritage New Zealand Pouhere Taonga Act 2014.

The *Heritage New Zealand Pouhere Taonga Act 2014* makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand.

An archaeological site is defined in the Heritage New Zealand Pouhere Taonga Act 2014 as any place in New Zealand (including buildings, structures or shipwrecks) that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods.

Before undertaking any work that may affect an archaeological you must obtain an authority from Heritage New Zealand. This work could include, amongst other things:

- Earthworks for forestry tracks, planting and harvesting
- Earthworks for residential developments, including building platforms, topsoil stripping and access ways
- Earthworks for stock races or farm tracks, fencing or landscaping
- Trenching for telephone, power, and waste disposal
- Road construction
- Quarrying
- Building demolition
- Alteration of a shipwreck

6.3 Feedback Relevant to these Sections

6.3.1 'Plan Review' Background Reports & Feedback To-Date

- 'Rural Discussion Document' (February 2012):
35 submissions were received on the Rural Discussion Document, including the following relevant issues raised by Heritage New Zealand:
 - o Earthquake strengthening of historic buildings should be no more than a Controlled Activity (refer to submission from Heritage New Zealand);
 - o Lack of safeguards for archaeological sites, gaps/lack of robustness in listings of waahi tapu and sites of significance to Maori, including landscapes.

6.3.2 Draft 'Plan Effectiveness Report' Feedback

- Examples of District Plan effectiveness achieved as a result of the review might include the following:
 - o increase recognition of and provision for heritage sites and buildings;
- Examples of current District Plan provisions considered less than effective include:
 - o a lack of additional heritage items for inclusion in the Plan suggesting a need for further review of items for inclusion in the schedules.
- In view of the fact that this particular resource management issue is a matter of national importance in the RMA it is recommended that a separate and new chapter be formulated to provide for the issue of heritage values. The existing provisions are very light and schedules need to be revised to ensure that the District Plan recognises as many historic places and sites as possible.
- The Council has received feedback from Heritage New Zealand (previously Historic Places New Zealand) in regard to the current provisions for heritage in the Operative Plan. Heritage New Zealand supports a comprehensive review of the Plans provisions and it is intended to adopt this approach in the review of the Plan.
The inclusion of notable trees in this section of the draft plan is recommended to ensure that the issue is included in an appropriate section of the final plan.
- A number of trees have been planted in the district to mark special occasions and events and therefore contribute to the heritage values of the district. A revised Register of Notable Trees should be included in the draft plan schedules.

6.3.3 Relevant 'Project Thrive' Feedback

Potential ideas to enrich the community included:

- Preserve earthquake prone buildings. Develop an Earthquake / Heritage Strategy. Consider measures to save threatened buildings. Dunedin is a good example.
- Review the District Plan to increase protection of historic heritage, including sites of significance for Maori (submission from Heritage New Zealand Pouhere Taonga).
- Celebrate Heritage: Initiatives to celebrate and protect all heritage more (submission from Heritage New Zealand Pouhere Taonga).
- Feedback (from 1 participant) referred to heritage resources being underutilised due to a lack of regulatory protection in the District Plan.
- Feedback (from 1 participant) referred to review of the District Plan to protect historic heritage, including sites of significance for Maori.
- Feedback (from 8 participants) referred to history and heritage values.
- Feedback (from 1 participant) referred to heritage resources underutilised due to lack of non-regulatory protection – rates rebates, consent fee waiver, conservation fund to incentivise conservation.
- Feedback (from 1 participant) referred to implementing non-regulatory incentives to protect heritage.

6.3.4 Issues Raised in Staff Interviews

- Discussion with the Cultural Heritage Team (Rangitane Tipene, Pat Parsons & Elizabeth Pishief and supported by Heritage New Zealand Pouhere Taonga) on 2 August 2017, identified that Appendix F in the District Plan at present, is considerably out-of-date, and recommended a different approach to identifying and providing for historic heritage and archaeological sites.

The ongoing work of the Cultural Heritage Team will likely lead to a significant review of Appendix F of the District Plan, and potentially additional methods to address historic heritage in the District.

- Council has started an informal register of notable trees – the list is not in the District Plan – we need to look at what goes into the DP (e.g. T2 - Oak tree at St Peters Cemetery). Brett has an arborist that can do some work on this. Also need to check with tangata whenua. ACTION: review current trees scheduled in the DP, and whether just retain trees of cultural/community significance? Quite a few trees on Abbotsford Domain (T1) that are identified in Appendix B (Heritage Items and Notable Trees) of the DP are no longer there. Therefore, need to review Appendix B. Need to consider questions to ask Council – whether to add any new ones that are on private land – what criteria to use to identify them, if Council wants to go down that track?

Provided the rules are not prohibitive (i.e. can undertake every day work), then happy to add more identified trees on Council reserves.

6.4 Significant Issues to Address

- Existing heritage and notable tree provisions in the District Plan are very light, and schedules need revision.

6.5 Preliminary Options for Plan Review

6.5.1 Status Quo

This option would involve leaving these sections as is, with no amendment. This is not recommended, as it fails to adequately address the matters of national importance in section 6 of the RMA (and other matters in section 7).

6.5.2 Update

This option would involve merely updating these sections of the District Plan, and accompanying schedules and planning maps. This option is not considered appropriate, as the District Plan would continue to provide inadequate provisions for the protection of historic heritage in the District, and therefore would not adequately address the matters of national importance in section 6 of the RMA (and other matters in section 7).

6.5.3 Re-Write

This option would likely involve (with the assistance of the Cultural Heritage Team):

- a) developing a new set of District Plan provisions/chapter addressing historic heritage and notable trees (this may include consideration of an option to develop a GIS 'heritage alert' overlay, that may sit outside of the District Plan);
- b) a review and update of Appendix B – Schedule of Heritage Items and Notable Trees, and their location on the respective Planning Maps.

This option is deemed the most appropriate, effective and efficient option in addressing section 6 & 7 of the RMA in relation to historic heritage, and is therefore the preferred option.

NB. Council's Senior Planner has already done some work around re-drafting this section, which will provide a useful starting point. This will also be supplemented by the work currently underway by the Cultural Heritage Team.

7 Part 3: Section 3.3 Open Space & Recreation

7.1 What this Section Currently Covers

This section of the District Plan outlines the issues, objectives, policies, methods and environmental results anticipated in terms of open space and recreation activities across the District. Recreation activities are currently provided for throughout the zone provisions of the District Plan, activities on the surface of water are currently only controlled within the Rural Zone provisions, and esplanade reserves are covered in the subdivision provisions and signaled in Planning Maps 45-48.

The issues identified in this section are:

- 'Open Space and Recreational Opportunities – availability, distribution and maintenance of land and facilities, to enable people to meet their recreational needs'.
- Surface of Waters – activities on the surface of lakes and rivers can have adverse effects on the amenity of the surrounding environment and the quality and enjoyment of recreational activities'.

Environment results anticipated in this section are:

- 'Diversity in the type and size of open spaces and recreational facilities through the District, to produce the following outcomes:
 - o provision of a wide range of recreational opportunities in recognition of the diversity of community recreational needs at local, District and regional levels;
 - o provision and development of additional public open spaces and recreation areas where there is significant growth and development in the District;
 - o open spaces and recreational facilities that are convenient and accessible to users.'
- 'Gradual enhancement of public access to the District's major rivers where there are significant recreational needs'.
- 'Recreation activities undertaken and recreation buildings and facilities constructed in a manner which does not adversely affect the ecological, landscape or cultural values or general amenity of the surrounding environment, or reduce the recreational opportunities or experience of other recreational users'.
- 'Cooperation between Central Hawke's Bay District Council and the Hawke's Bay Regional Council to ensure that this anticipated environmental result is achieved in an efficient manner without duplication of work efforts by either council'.

7.2 Statutory Basis for this Section

The purpose in section 5(2) of the RMA refers to *'managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety'*.

In achieving the purpose, section 6 of the RMA requires all persons exercising functions and powers under the Act to recognise and provide for matters of national importance. Matters of national importance considered to be of particular relevance to Part 3.3 of the District Plan, are:

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

Section 7 of the RMA requires particular regard to various other matters. Other matters considered to be of particular relevance to Parts 3.1 & 3.6 and Appendix C of the District Plan, are:

(c) the maintenance and enhancement of amenity values:

(f) maintenance and enhancement of the quality of the environment:

(h) the protection of the habitat of trout and salmon:

Section 31 outlines the functions of territorial authorities under the RMA, including:

(1)(e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:

Section 230 of the RMA outlines the requirements for the setting aside and creation of esplanade reserves and strips through subdivision.

7.3 Feedback Relevant to this Section

7.3.1 'Plan Review' Background Reports & Feedback To-Date

No matters raised.

7.3.2 Draft 'Plan Effectiveness Report' Feedback

- Generally, there seems to be some overlap and confusion as to what are the Open Space Environment and the provision of general open space and reserves and esplanade reserves within the District Plan are. Changing how the plan provides for open space and recreation in the district will assist the Council's ability to provide such facilities and locations.

It is recommended that this issue is addressed in a specific chapter as part of the review.

7.3.3 Relevant 'Project Thrive' Feedback

A key theme identified by the community during this process included 'Nature Friendly'.

Potential ideas to enrich the community, raised in feedback, included:

- Planting programme of Pohutakawas and natives in coastal areas in conjunction with the cycle/walking trails.
- Extend the bird corridor begun at Cape Kidnappers. Called "Cape Kidnappers to Castle Point" and or Porangahau to Patangata.
- Feedback (from 1 participant) suggesting adventure tourism – Pukeora Forest...put in bridle paths, mountain bike trail, fitness trail.
- Connect up with the Rotary project. Adventure Park alongside eg flying fox.
- Feedback (from 1 participant) suggesting provision for ecotourism.
- Feedback to develop Lake Whatuma, huge opportunity (from 2 participants), promote Lake Whatuma for non motorised activities (rowing, swimming, sailing) (from 1 participant), Develop scenic adventures and have landscape visual access (from 1 participant)

7.3.4 Issues Raised in Staff Interviews

- Community assets, parks, etc. - current rules in the DP are fine – no suggested changes. Don't have many commercial activities on reserves, aside from Russell Park indoor swimming pool, gymnasium etc. which are run commercially.
- When Council redoes the schedule of reserves in the DP will need to show the activities provided for, if not having reserve management plans.
- Issue of sale of liquor in clubs located on reserves – there are currently standards in relation to the underlying zone (e.g. Residential Zone for Russell Park) that have limits on the number of employees and hours of operation. Are very restrictive and don't meet/reflect the needs of current activities on Council reserves. Non-compliance with standards results

in Non-complying activities. Some constraints in the Business 2 Zone that need review. Licensed premises only specifically mentioned in the Rural Zone.

** Need to look at current rules, so they reflect the current requirements for activities (including liquor licensing) on Council reserves. Otherwise have designation to cover it.

- Parks and Reserves – need the ability to prune and remove trees. Don't want to have to get a resource consent every time a tree needs to be removed.

7.4 Significant Issues to Address

This section does not have a clear articulated basis, and it is not clear what its role is in the District Plan.

7.5 Preliminary Options for Plan Review

7.5.1 Status Quo

This option would involve leaving the chapter as is, with no amendment. This is not recommended, as it could lead to aspects of this chapter remaining outdated, and potentially at odds, with relevant statutory matters in the RMA.

7.5.2 Update

This option would involve merely updating this section of the District Plan. This option is not considered appropriate, as it would not address current lack of clarity around its purpose in the District Plan, which is not effective or efficient.

7.5.3 Re-Write

This option could involve:

- a) re-thinking the purpose of this section of the District Plan;
- b) re-writing this section with a view to potentially capturing the management of the public open space and community reserves in the District, provision for recreation activities etc in those reserves, any controls on activities on the surface of rivers and lakes, and around maintenance and enhancement of public access to rivers and lakes, in one standalone chapter.

This option is deemed the most appropriate, effective and efficient option in addressing section 6 & 7 of the RMA in relation to provision for public access to rivers and lakes, control of activities on the surface of water, and management of open space reserves throughout the District, and is therefore the preferred option.

NB. Council's Senior Planner has already done some work around re-drafting this section, which will provide a useful starting point.

8 Part 3: Section 3.4 Natural Hazards

8.1 What this Section Currently Covers

This section of the District Plan outlines the issues, objectives, policies, methods and environmental results anticipated in terms of natural hazards across the District.

The issue identified in this section is:

- 'Threat to People and Property – natural hazards, particularly flooding and earthquakes, are a potential threat to people and property within the District'.

Environment results anticipated in this section are:

- 'The collation and provision of clear information outlining the natural hazards risks to all sites with potential to be adversely affected by natural hazard occurrences in the District'.
- 'The implementation of emergency response procedures, in conjunction with the Regional Council, whenever there is a significant risk to people and property from natural hazards in the District'.
- 'The location of new subdivision and subsequent development away from areas at high risk from natural hazards, including hazards at the coast'.
- 'Adverse effects on communities are minimised and loss of life avoided for any natural hazard event'.
- 'New coastal hazard protection works are only built if they are the best practicable option providing adverse effects are avoided'.
- 'The protection or management of dunes or other natural features as a means of avoiding or mitigating the risk of coastal erosion or inundation from the sea'.

8.2 Statutory Basis for this Section

The purpose in section 5(2) of the RMA refers to '*managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety*'.

In achieving the purpose, section 6 of the RMA requires all persons exercising functions and powers under the Act to recognise and provide for matters of national importance. Matters of national importance considered to be of particular relevance to Part 3.3 of the District Plan, are:

(h) the management of significant risks from natural hazards.

Section 7 of the RMA requires particular regard to various other matters. Other matters considered to be of particular relevance to Part 3.4 of the District Plan, are:

(i) the effects of climate change:

Section 31 outlines the functions of territorial authorities under the RMA, including:

(1)(b) the control of any actual or potential effects of the use, development or protection of land, including for the purpose of:

(i) the avoidance or mitigation of natural hazards.

Section 106(1) of the RMA provides for territorial authorities to refuse to grant a subdivision consent, or to grant a subdivision consent subject to conditions, if it considers that—

- (a) the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or*
- (b) any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source*

Section 75(3) of the Resource Management Act directs that district plans must give effect to any relevant NPSs and NESs, and to the RPS. Relevant documents in respect of this section of the District Plan relating to natural hazards are:

- Hawke’s Bay Regional Policy Statement, Chapter 3.12 Natural Hazards.

8.3 Feedback Relevant to this Section

8.3.1 ‘Plan Review’ Background Reports & Feedback To-Date

- ‘Rural Discussion Document’ (Feb 2012)

This document was released for public discussion as part of the rolling District Plan review. It identified and sought feedback on a range of issues relating to Subdivision and Land Use in the Rural Zone, Reverse Sensitivity/Farming Activities, Significant Landscapes, Noise, Earthworks, Climate Change and Natural Hazards.

35 submissions were received in response to the discussion document, including submissions from New Zealand Transport Agency, Heritage New Zealand, HBRC, HDC, Te Taiwhenua O Tamatea, Department of Conservation, Fonterra, Horticulture New Zealand & Hawkes Bay Federated Farmers. The following issues were identified:

- o Rule (4.9.9(i)) limiting the planting of exotic forestry in the Coastal Margin may be detrimental to mitigating an increasing risk of erosion in this environment;
- o Natural hazards – need to identify and map flooding areas.

8.3.2 Draft ‘Plan Effectiveness Report’ Feedback

- GNS were commissioned by HBRC in 2006 to update and define the location of active faults for CHB and the resulting two studies, titled “Earthquake Fault Trace Survey: Central Hawkes Bay District, 2006” and “Active Fault Mapping and Fault Avoidance Zones for Central Hawkes Bay District: 2013 Update” make a number of recommendations pertinent to the Ministry for the Environment (MfE) Guidelines in “Planning for Development of Land on or Close to Active Faults”. The aim of the MfE Guidelines is to assist with development of land use policy and decisions about development of land on or near active faults. The recommendations of these reports should be integrated into the Plan as part of the review process.
- At present there are no specific rules for natural hazards in the District Plan. The inclusion of natural hazards is limited to a short section in the district wide activities chapter.
- The revised draft plan should incorporate a separate standalone chapter for natural hazards with an appropriate regulatory framework. This chapter should recognise and include the NZ Coastal Policy Statement 2010 and the new provisions of the Resource Management Amendment Act 1991 which includes natural hazards as a Part 2 matter.
- The work undertaken by the Hawkes Bay Regional Council should also be recognised in the revised plan.

8.3.3 Relevant ‘Project Thrive’ Feedback

No matters raised.

8.3.4 Issues Raised in Staff Interviews

- Natural Hazards (Coastal Erosion and Inundation) – need bigger coastal setbacks in low-lying coastal areas to reflect sea level rise over time and storm surges – CHZ1 and CHZ2 (RCEP) – e.g. Pourerere –pre-emptive planning around that.
- Rural Zone – there are places where they know it floods, but there is a question of how to deal with it. The flood areas are not identified on the DP Maps – they are on GIS system (as

notes) – but are not robust. HBRC Hazards Portal – the HDC Plan Maps (GIS) system is linked to the HBRC system.

- CHBDC DP Maps show flood paths – from work done in the 1970s/80s – based on what would happen if stop banks fail – i.e. where the water would go.
- As people come into Council, the Council provides them with details about flooding on a case by case basis – but refer people to the HBRC to find out more information, as it's not shared with CHBDC. There is a big information gap on flooding in the District.
- Council used to have a hazard register. Could strengthen the requirement to consult with the HBRC.

8.4 Significant Issues to Address

Natural hazards are not comprehensively addressed in the District Plan, at present.

8.5 Preliminary Options for Plan Review

8.5.1 Status Quo

This option would involve leaving this section as is, with no amendment. This is not recommended, as it would lead to the District Plan remaining outdated, and potentially at odds, with relevant statutory matters in the RMA and Council's statutory function to control the effects of the use, development or protection of land for the avoidance or mitigation of natural hazards.

8.5.2 Update

This option would involve merely updating this section of the District Plan. This option is not considered appropriate, as it would not address current lack in addressing the management of significant risks from natural hazards or the effects of climate change in the District Plan, which is not effective or efficient.

8.5.3 Re-Write

This option would likely involve:

- a) re-writing this section to better address the management of significant risks from natural hazards in the District, and the effects of climate change;
- b) consideration of specific rules controlling land use activities for the avoidance or mitigation of natural hazards.

This option is deemed the most appropriate, effective and efficient option in addressing section 6 & 7 of the RMA, and Council's functions under section 31 of the RMA, in relation to addressing the management of significant risks from natural hazards in the District, and the effects of climate change, and is therefore the preferred option.

9 Part 3: Section 3.5 Monitoring, Review & Enforcement

9.1 What this Section Currently Covers

This section of the District Plan outlines the issues, objectives, policies and procedures for the monitoring and review of the District Plan, and the monitoring and enforcement of the rules of the District Plan or any resource consents.

9.2 Statutory Basis for this Section

Section 35 of the RMA requires Councils to undertake such research or gathering of information necessary to effectively carry out its functions under the Act, and to monitor:

- the state of the whole or any part of the environment of its district;
- the efficiency and effectiveness of policies, rules or other methods in its plan;
- the exercise of the resource consents that have effect in its district

and to take appropriate action where this is shown to be necessary.

9.3 Feedback Relevant to this Section

9.3.1 'Plan Review' Background Reports & Feedback To-Date

No matters raised.

9.3.2 Draft 'Plan Effectiveness Report' Feedback

- It is recommended that a separate standalone chapter on Monitoring including objectives, policies and rules be included as part of the draft Plan. This would meet the Councils responsibility for this function under the RMA and also be consistent with the approach adopted in both the Napier City Council and Hastings District Councils Plans with regard to the harmonisation approach to preparing plan reviews between the three councils.

9.3.3 Relevant 'Project Thrive' Feedback

No matters raised.

9.3.4 Issues Raised in Staff Interviews

No matters raised.

9.4 Significant Issues to Address

No significant issues identified.

9.5 Preliminary Options for Plan Review

9.5.1 Status Quo

This option would involve leaving the chapter as is, with no amendment. This is not recommended, as it could lead to aspects of this chapter remaining outdated.

9.5.2 Update

This option would involve merely revising and updating the existing text in this chapter, with a view to aligning with other District Plans in the Hawke's Bay Region.

This option is deemed the most appropriate, effective and efficient option in reviewing this section of the District Plan, and is therefore the preferred option.

NB. Council's Senior Planner has already done some work around revising this section, which will provide a useful starting point.

9.5.3 Re-Write

This option would involve re-writing this section. This is not considered appropriate (given there have not been any significant issues identified with this section that would suggest significant change in approach is warranted), and would also not be efficient in terms of cost-benefit.

10 Part 4: Rural Zone & Appendices D (Areas of Significant Nature Conservation Value) & I (Areas of Outstanding Landscape Views)

10.1 What this Section Currently Covers

This chapter of the District Plan outlines the issues, objectives, policies, methods, environmental results anticipated, rules and performance standards for the entire rural environment of the District (from the Ruahine Ranges at the western boundary, to the Ruataniwha Plains, to the coastal ranges, and down to the coast in the east).

It also covers provisions relating to:

- i) the 'coastal margin' (as identified on the planning maps),
- ii) areas of significant nature conservation value (scheduled in Appendix D, and identified on the planning maps),
- iii) noise from the Waipukurau Aerodrome, and the 'no building zone' and 'height restriction' areas (as identified on the planning maps) around the Waipukurau Aerodrome.

The issues identified in this chapter are:

- 'Protecting the Rural Amenity and Quality of the Rural Environment – rural activities unless properly managed can cause unpleasant conditions for rural residents, and adversely affect the quality of the rural environment'.
- 'Soil Erosion – bad land management practices can lead to increased land instability and soil erosion'.
- 'Nature Conservation, Landscape Values, and Riparian Management – conservation and landscape values and riparian areas need to be maintained or enhanced for future generations'.

Environment results anticipated in this chapter are:

- 'The development and implementation, over time, of good land management practices and a corresponding decline in accelerated soil erosion'.
- 'Retention of a lower density of development in the general rural area, without undue levels of complaints or conflicts relating to rural amenity'.
- 'Retention of the amenities, quality and character of the different rural environments within the District'.
- 'Maintenance of ground and surface water quality with respect to the discharge of domestic effluent and earthworks'.
- 'Maintenance and enhancement of the District's landscape and conservation values'.

Appendix I contains a schedule of areas of outstanding landscape views in the District, for information purposes only. These are shown on the Planning Maps, and all lie within the Rural Zone or 'Coastal Margin'.

10.2 Statutory Basis for this Section

The purpose in section 5(2) of the RMA refers to:

'managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.’.*

In achieving the purpose, section 6 of the RMA requires all persons exercising functions and powers under the Act to recognise and provide for matters of national importance. Matters of national importance considered to be of particular relevance to the provisions in Part 4 of the District Plan, are:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*

Section 7 of the RMA requires particular regard to various other matters. Other matters considered to be of particular relevance to the provisions in Part 4 of the District Plan, are:

- (a) kaitiakitanga:*
- (aa) the ethic of stewardship:*
- (b) the efficient use and development of natural and physical resources:*
- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*

Section 31 outlines the functions of territorial authorities under the RMA, including:

- (1)(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
- (1)(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
- (iii) the maintenance of indigenous biological diversity:*

Section 75(3) of the Resource Management Act directs that district plans must give effect to any relevant NPSs and NESs, and to the RPS, and cannot be inconsistent with relevant regional plans. Relevant documents in respect of this chapter of the District Plan relating to rural and coastal matters are:

- National Environmental Standards for Plantation Forestry (NESPf) – coming into force 1 May 2018.
- New Zealand Coastal Policy Statement 2010.
- Hawke’s Bay Regional Policy Statement, Chapter 3.2 The Sustainable Management of Coastal Resources, Chapter 3.3 Loss and Degradation of Soil, Chapter 3.4 Scarcity of Indigenous Vegetation and Wetlands, Chapter 3.5 Effects of Conflicting Land Use Activities.
- Hawke’s Bay Regional Resource Management Plan, Chapter 5.9 Tukituki River Catchment.
- Hawke’s Bay Regional Coastal Environment Plan.

10.3 Feedback Relevant to this Section

10.3.1 'Plan Review' Background Reports & Feedback To-Date

– 'Rural Discussion Document' (Feb 2012)

This document was released for public discussion as part of the rolling District Plan review. It identified and sought feedback on a range of issues relating to Subdivision and Land Use in the Rural Zone, Reverse Sensitivity/Farming Activities, Significant Landscapes, Noise, Earthworks, Climate Change and Natural Hazards.

35 submissions were received in response to the discussion document, including submissions from New Zealand Transport Agency, Heritage New Zealand, HBRC, HDC, Te Taiwhenua O Tamatea, Department of Conservation, Fonterra, Horticulture New Zealand & Hawkes Bay Federated Farmers. The following issues were identified:

- Reverse sensitivity effects between rural productive land use activities and rural-residential development within the Rural Zone;
- Reverse sensitivity effects of subdivision and development (including earthworks) on the National Grid and the need for the District Plan to refer to the National Policy Statement on Electricity Transmission;
- Need to control planting of trees near electricity transmission lines – refer to the Electricity (Hazards from Trees) Regulations 2003;
- Need to review setback requirements in the District Plan for trees (including shelterbelts) from boundaries and residential activities (in relation to Rules 4.9.10, 14.15 and 14.4 (NB: this issue was raised by only one submitter).
- Concerns about use of rural land for heavy industrial and commercial activities in the Rural Zone;
- Proliferation of industrial uses locating in the Rural Zone along State Highway 2 corridor, especially south of Waipukurau – need to consider effects of development on the strategic importance of road network infrastructure;
- Need to protect versatile soils from sporadic rural residential development.
- Rule (4.9.9(i)) limiting the planting of exotic forestry in the Coastal Margin may be detrimental to mitigating an increasing risk of erosion in this environment;
- Need for harmonisation between the CHBDC District Plan and the HDC /NCC District Plans for noise standards and earthworks;
- Need for clear direction on the location of rural residential development;
- Subdivision rules in the Rural Zone should be flexible enough to meet rural production use needs, including housing for farmers;
- Need for the Rural Zone rules to provide for activities ancillary to rural production activities e.g. packing and processing sheds and contractors' depots;
- Natural hazards – need to identify and map flooding areas;
- Earthworks rules in the Rural Zone should not restrict productive farming activities, including digging silage pits, offal pits, forming and maintaining farm tracks, etc.; and
- Request that the Coastal Margin area align with the Coastal Environment identified in the Regional Coastal Environment Plan (raised in a submission from the Department of Conservation).

– 'Coastal Zone Discussion Document' (Nov 2013)

This document was released for public discussion as part of the rolling District Plan review. It identified and sought feedback on a range of issues relating to Coastal Townships and

Identity, Coastal Landscapes, Growth & Services in Coastal Townships, Cultural Issues, Climate Change and Natural Hazards.

27 submissions were received in response to the discussion document, including a submission from Heritage New Zealand, HBRC & Hawkes Bay Federated Farmers. The submissions indicated a general acknowledgement of the fragility of the coastal environment; some support for constraining/limiting development in coastal settlements & limiting commercial activities; providing more regulation around earthworks; and recognition / protection of heritage and culture in the coastal environment; protection of natural character and amenity of these areas.

The submissions displayed a mixed response to the provision for exotic forestry in the coastal area, with some supporting and some opposing this, and some suggesting more native planting should be encouraged in these erosion prone areas. There was some support for individual landscape assessment where natural character is impacted.

- Draft 'District Plan Review - Coastal Zone Landscape Assessment' (Terraforme, Sept 2013)
Mapped the 'Coastal Environment Area' (the area considered to have natural character), natural features and amenity landscapes.

Concludes that natural features of district significance include:

- The Kairakau Taupata limestone outcrops
- The Porongahau Parimahu dune system and longshore bar
- The Aramonana southern headland
- The Blackhead southern headland

Makes particular note of the contribution to the landscape character of the estuary environments and associated stream/river outlets at Porangahau, Pourerere, Blackhead, Kairakau and Aramoana and as requirement for careful consideration of these areas in the District Plan.

In addition to the Parimahu dune environment, sand dunes are considered to be a key contributor to the natural character of the coastal environment, and in the settlement areas it is considered important to acknowledge their contribution to amenity landscapes and ensure their long-term protection

Amenity Landscapes where there is a requirement to 'maintain and enhance the amenity values' include:

- Porangahau – Bridge and river
- Whangaehu – Settlement and associated coastal area
- Kairakau – Settlement
- Blackhead – Settlement and coastal margin
- Mangakuri – Settlement and coastal margin

- Draft 'District Plan Review – Rural Landscape Assessment' (Terraforme, Sept 2016)

A desktop exercise mapping the extent of existing esplanade and riparian areas.

This assessment provides identification of:

- the Districts 'outstanding natural features' and 'outstanding natural landscapes' provisions in the Rural Zone; and
- Areas where public access is needed to and along the coastal marine area, lakes and rivers in the Rural Zone (including whether or not esplanade reserves should be taken upon subdivision or whether the District Plan should include rules to waive this requirement).

Key recommendations included:

- That the District Plan include a requirement for esplanade reserves in accordance with s.230 of the RMA.
There is nothing to suggest through this assessment that the requirement for esplanade reserves or strips in accordance with s.230 (and s.229) should be waived. It must acknowledge that like many other areas CHB may not ever have an entire network of esplanade reserves given it is highly unlikely that all areas adjoining streams and rivers will be subdivided to allotments of 4ha or less. Not taking esplanade reserves is considered to compromise the ability of the Council to strategically acquire land in the future should this be deemed appropriate.
Each case for requiring esplanade areas should be considered on its merits.
- Identified Landscape Features, Natural Landscapes and Amenity Landscapes (none identified) within the CHBDC area. Did not identify any areas considered to be of national significance.
- Several “Landscape Features” considered to be of significance to the district. Each has been identified and mapped each requiring the same level of protection.
 - Waipawa River
 - Tukituki River
 - Porangahau River
 - Lake Hatuma
 - Pukeora Hill
- No natural landscapes have been identified that are considered to be of significance to the district.
- The Council should prioritise the taking of esplanade reserves and access strips in a manner consistent with legislation. There are number of streams that were given consideration in this report for their landscape values.
- The “landscape features” identified include several key rivers – provision of access through these areas should be given priority.
- ‘District Economic Assessment’ (Economic Solutions Ltd, Aug 2013)
 - A need to strengthen the district economic contribution of the tourism sector and thereby add to the diversity of the local economy.
- ‘Draft Urban Growth Strategy – Waipawa and Waipukurau’ (CHBDC, nd)
 - The relatively permissive standards in the Rural Zone relating to subdivision have potentially enabled a de facto rural-residential zone around the established urban areas of Waipukurau and Waipawa.

10.3.2 Draft ‘Plan Effectiveness Report’ Feedback

Land Use Provisions

- The existing rural provisions of the District Plan do not actively promote the protection of highly productive land.
The Operative District Plan currently includes only one rural zone which applies to all of the rural land in the District. The minimum lot size permitted in the Plan as a controlled activity is 4,000m².
A minimum lot size of this standard applied across the complete rural area is effectively encouraging fragmentation and as a consequence has the potential to undermine the potential productivity of high quality soils, increase fragmentation and create significant

reverse sensitivity issues. An additional effect may be an adverse impact on rural amenity values.

- The Council is aware that relaxed controls on industrial and commercial development in the rural zone have the potential to compromise the availability of land for industrial and/or commercial activity in the urban centres.
- Development of appropriate objectives and policies to address the proposed issue will be required. Amendments to related sections of the District Plan, e.g., Subdivision and Land Development, will also be necessary to incorporate and reflect amendments to subdivision standards introduced through the review.

Rural Lifestyle

- The location of dwellings and other structures in the rural zone without any relationship to the use of productive land contributes to fragmentation and also reverse sensitivity as new people moving into the rural area complain or are intolerant to the effects of rural production activities established in compliance with the District Plan rules.

Lifestyle development could be contained in identified rural residential zones to protect the productivity of the rural zone(s). Urban styles of development can erode the viability of rural productivity and can create reverse sensitivity impacts on productive uses through the visual effect of large scale buildings and ancillary structures, increased traffic generation, and loss of amenity including privacy. Areas including White Road and Homewood Road are examples of this type of development. Other areas which are already highly fragmented could be investigated as to their suitability for rural-residential zoning.

Historic subdivision patterns have resulted in more highly fragmented land tenure pattern in some areas of the district. In order to achieve the best environmental outcomes it is considered necessary to reflect the existing rural lifestyle character and amenity of the identified areas through zoning that acknowledges the existing development pattern and provides for changes in future land uses as well as some limited growth where appropriate. Enabling lifestyle development to occur on an ad hoc basis throughout the rural area will not achieve sustainable management of natural and physical resources because of effects such as reverse sensitivity, cumulative effects and scattered development compromising the efficient use of the land resource.

Introduction of this issue recognises the existing level of fragmentation and provides for performance standards with an appropriate level of development for future growth and development. This issue can in part be addressed through the introduction of a proposed rural/residential zone. The basis for this new zone would be that the Council wishes to encourage non-rural based dwellings away from productive or potentially productive land into a specific Rural Residential zone.

Development of appropriate objectives and policies to address the proposed issue will be required. Amendments to related sections of the District Plan, e.g., Subdivision and Land Development, will also be necessary to incorporate and reflect amendments to subdivision standards introduced through the review.

Nature Conservation, Landscape Values and Riparian Management

- Analysis of the Plan has identified that the provisions may not be as effective and consistent as possible. Inefficiencies occur as a result of the Plan format which provides for these matters in an isolated manner. The following inefficiency has been identified;
 - The Plan has very limited reference to water quality and ecological wellbeing of water.
 - The objectives and policies relating to water are one dimensional and the functions of water bodies for recreation and access are missing.

- There is confusion in the Plan provisions between Chapters 3 and 4 which address District Wide Activities and the Rural Zone respectively regarding management of water bodies and riparian margins.
- There is confusion relating to the terminology used in the Plan.
- In recognition of the significance of the matters of national importance encapsulated collectively as Nature Conservation, landscape values and riparian management these matters could be separated into four individual issues rather than grouped together as a single issue. The four individual issues would reflect the matters covered in section 6 (a), (b), (c) and (d) of the RMA.
This would allow each issue to be addressed in more appropriate detail as would reasonably be anticipated for matters of national importance. Treating the four separate matters individually would also enable the formulation of separate objectives and policies to be identified for each issue.

The Coast (Coastal Margin Area)

- Currently the sensitive coastal environment is managed by very light and limited provisions embedded in the Rural Zone. The extent of the regulations extends to only exotic forestry land use and the area of building footprints. Replacement of the Coastal Margin subsection with a specific chapter on the coastal zone will provide for focus on the coastal environment and on the issues and values appropriate to a matter of national importance. Expansion of the coastal environment in the draft Plan will also allow related issues such as cultural values, landscape and natural landscapes to be assessed and provided for.
- The performance standards relating to the coastal townships are currently the same as the rural townships. There may be benefits in adopting different provisions in the Plan for the coastal townships that reflect the coastal setting and the sensitive coastal environment.
- Given the status of the coastal environment in the Act as a matter of national importance and the significance to tangata whenua there are valid and compelling rationale for the coastal environment to have a specific chapter in the draft Plan with its own objectives, policies, rules and anticipated environmental results.

Areas of Significant Conservation Value

- The terminology and restrictions of this subsection require modification and review to include other types of indigenous vegetation and habitats such as wetlands. The terminology should be consistent with the wording of the Act.
- It is recommended that this issue is reviewed and placed in a dedicated chapter addressing this matter of national importance to ensure it is compliant with the RMA requirements. This approach will also allow the Hawke's Bay Biodiversity Strategy and Biodiversity Accord to be recognised and provided for in the District Plan (CHBDC is a party to both these initiatives).

10.3.3 Relevant 'Project Thrive' Feedback

- A key theme identified by the community during this process included 'Nature Friendly' and the need for Sustainability including Sustainable Practices, and Fertile Soils.
- Rural Issues
In order to maximize a prosperous District the following relevant rural issues were identified:
 - Good farming, quality of soils (raised by 4 participants);
 - family farms (raised by 1 participant);
 - sheep and beef farms (raised by 1 participant);

- ability to farm to without a stick hanging over us of Horizons Waikato, balance between beach, farming other industries (raised by 1 participant);
- natural assets (raised by 1 participant);
- Lack of protection of agricultural area in DP (raised by 2 participants);
- Profitability of farms (raised by 1 participant);
- Rural and light industry (raised by 2 participants);
- strategic planning for long-term primary industry (raised by 1 participant);
- farming needs to change (raised by 1 participant);
- fewer cows (raised by 2 participants);
- increase profitability for agri-sector (raised by 2 participants);
- Ruataniwha Dam / market control / diversification options (raised by 1 participant);
- protect farming (raised by 1 participant);
- more intensive farming coming, how can we support those, use technology, farming families staying in CHB (raised by 1 participant);
- Forestry, Ernslaw –services, accommodation, organic farming (raised by 1 participant);
- reduce intensive farming (raised by 1 participant), new ways of producing food (raised by 1 participant);
- Promote and educate sustainable clean environment practices. Council confirm its position on GE free or not;
- Outdoor environment / land / mountains (raised by 26 participants), sand dunes (raised by 2 participants), natural beauty (raised by 6 participants), GE Free, Declining environment (raised by 1 participant);
- lack of protection of natural beauty in DP (raised by 2 participants);
- Lack of awareness, lack of recognition, threatened by bad land use (raised by 1 participant);
- beach and river preservation seen as Regional Council responsibility (raised by 1 participant);
- Clean environment (raised by 8 participants), sustainable practices (raised by 2 participants);
- consciousness physical and natural resources (fertile soils (LUC class) (raised by 1 participant);
- community led on environmental issues (raised by 1 participant), edible forest (raised by 1 participant), GE Free (raised by 1 participant), GM allowed (raised by 1 participant), be an example to the rest of NZ -lead in environmental sustainability with conservation programmes in replanting native vegetation, sustainable land management practices, municipal waste services. and zero waste recycling (raised by 2 participants), farmed organically, GE free, and the earth and the environment wasn't poisoned or polluted (raised by 2 participants).
- Fertile Soils:
 - Promote the preservation of fertile soils (LUC class);
 - Clean, green (raised by 2 participants).
- Clean Rivers:
 - Promote clean river practices. River -iconic and estuary (raised by 17 participants), kaimoana (raised by 1 participant), world class fishing (raised by 1 participant), Beaches (raised by 17 participants), marine reserve (raised by 2 participants);

- Lake Whatuma (raised by 2 participants), water quality deteriorating (raised by 5 participants), environment, sustainable, beach safety (raised by 1 participant), rubbish on beach (raised by 1 participant), connection between community and beach (raised by 1 participant);
 - Clean water -healthy rivers and lakes -drink, swim, kai, recreation, irrigation, lake rejuvenated (raised by 15 participants), more marine reserve, Useable Lake Whatuma (raised by 2 participants), Lake Whatuma bird sanctuary (raised by 1 participant).
 - Biodiversity
 - Support community tree planting initiatives, Bush / Forest parks (raised by 6 participants), bird corridor (raised by 1 participant), Totara country (raised by 1 participant). Expand Ongaonga initiative and plant one kowhai tree for every person (involve everyone in growing and planting) (raised by 1 participant), habitat restoration/beautification via native planting, develop native fauna and flora (raised by 2 participants), Plant more trees (to capture water) (raised by 1 participant);
 - BIODIVERSITY STRATEGY: CHBDC becomes a signatory to the Biodiversity Accord and contributes funding towards achieving the vision of Strategy (see Submission from the HB Biodiversity Implementation Planning Group in Appendix C for more information). CHBDC becomes a signatory to the Biodiversity Accord and contributes funding towards achieving the vision of Strategy “Working together, Hawke’s Bay biodiversity is enhanced, healthy and functioning” and associated objectives (raised by 1 participant).
 - Air Quality/ Clean Air (raised by 4 participants).
 - Clean Energy (Renewable), local energy, utilization of power, solar panels, windmills (raised by 5 participants), waste disposal plant for all CHB to generate power (raised by 1 participant).
 - Noise - provisions in the Operative District Plan currently include Noise Performance Standards in Part 4, Rural Zone, Part 5, Residential, Part 6, Townships and Part 7, Business. In particular the provisions in the Rural Zone on Noise refer to the Waipukurau Aerodrome. Specific controls are included in the Plan based on the noise generated by aircraft engines. The Plan states that the Noise levels shall be measured and assessed in accordance with NZS 6805.1992.
- A Peer Review of the Council’s District Plan process by Perception Planning has recommended that the Review undertake a specific assessment of the Noise standards relating to the Waipukurau Aerodrome.
- It is also recommended that the noise standards in the existing and introduced sections of the Plan be undertaken to ensure that performance standards around noise comply with the most recent standards for noise generation.

10.3.4 Issues Raised in Staff Interviews

- Appendix D (Significant Nature Conservation Areas) – any provisions relating to these areas need to ensure can still do everyday operations on Council/DOC reserves.
- Concern about activities that ‘morph’ – semi-industrial activities in rural areas v home occupations. Industrial activities in the Rural Zone should be controlled/regulated.
- What you can do with home occupations in the Rural Zone? There needs to be more clarification around what is allowed as a Home Occupation. Definition needs tightening up for clarity.

- Setback from roads in Rural Zone – any other building less than 10m² (e.g. water tanks/sheds) not captured (Rule 4.9.4), but still need some sort of setback.
- Natural Hazards (Coastal Erosion and Inundation) – need bigger coastal setbacks in low-lying coastal areas to reflect sea level rise over time and storm surges – CHZ1 and CHZ2 (RCEP) – e.g. Pourerere – pre-emptive planning around that.
- View Shafts – setbacks and controls around that – location of buildings and planting of trees – what are they there to achieve? need to drop them from the DP.
- Protecting the Council’s assets – water catchment areas – controlling land uses within those areas. Want to prohibit intensive farming activities in those catchments (e.g. dairy, feedlots, wastewater, high chemical use, etc.). CHBDC may be taking water from new locations – between Russell Park and the Oxidation Ponds in Waipukurau (upstream of the oxidation ponds).
- Subdivisions are fairly spread out across the district. A bit of subdivision currently happening around Otane.
Majority of the rural subdivisions are boundary adjustments or carving off surplus rural dwellings.
- Generally, there are 60-70 consents per year for the entire District – probably 50% land use consents, 50% subdivision consents (will probably be bit higher this year (already at 70 consents in August) because development appears to have increased).
- Big proportion of land use consents over the last four years have been for relocated buildings (all restricted discretionary – discretion restricted to visual amenity) – mix of rural and urban based locations, and mostly residential buildings. Most of the buildings are coming from out of town.
- More building consents for new dwellings recently. At present, new dwellings are mostly in urban subdivisions, but some are in rural (Mt Herbert, Bellgrove and River Road).

10.4 Significant Issues to Address

The Rural Zone covers numerous section 6 matters of national importance, all within one chapter. This has resulted in these matters (such as the natural character of the coastal environment, rivers and lakes (s6a), landscapes and features (s6b), indigenous vegetation and habitats of indigenous fauna (s6c), and public access to the coast, rivers and lakes (s6d)) being given a limited policy framework, and low level regulatory responses.

The Rural Zone itself has also been assessed as being light on identification of rural issues, and subsequently there are potential gaps in the policy framework and subsequent rules and performance standards.

10.5 Preliminary Options for Plan Review

10.5.1 Status Quo

This option would involve leaving the Rural Zone effectively as is, with no amendment. This is not appropriate, as it would lead to the District Plan remaining outdated, and potentially at odds, with relevant statutory matters in the RMA, and the NZCPS.

10.5.2 Update

This option would involve merely updating the Rural Zone provisions in the District Plan to reflect changes in legislation, and changes to national and regional policy statements and plans (a ‘do minimum’ approach).

This option is not considered appropriate, as it would not address a current lack of provision in the District Plan in addressing:

- the coastal environment;
- landscapes and features;
- indigenous vegetation and habitats of indigenous fauna;
- public access to the coast, rivers and lakes; or
- potential inadequacies in managing the effects of land use, development and protection in the rural areas of the District;

which is neither effective nor efficient.

10.5.3 Re-Write

This option could involve some (or all) of the following:

- a) revisiting the issues, objectives and policies applying to the Rural Zone;
- b) consequential amendment of the rules and performance standards in the Rural Zone;
- c) consequential amendment of associated subdivision provisions relating to the Rural Zone;
- d) consideration of the establishment and mapping of the rural area, which may identify a requirement for additional rural zones;
- e) removing the 'Coastal Margin Area' provisions from the Rural Zone and establishing and mapping a standalone Coastal Zone, and drafting zone provisions;
- f) removing the 'Significant Conservation Areas' provisions and provisions addressing natural character, landscapes, riparian management etc from the Rural Zone, and writing standalone chapters addressing these aspects;
- g) revising and updating the noise provisions in the District Plan generally in line with best practice, and specifically in respect of noise provisions with reference to the Waipukurau Aerodrome (this may result in the drafting of a new standalone chapter addressing noise across the District).

This option is deemed the most appropriate, effective and efficient option in addressing section 5, 6 & 7 of the RMA, and Council's functions under section 31 of the RMA and giving effect to national policy direction (in particular, the NZCPS), in relation to addressing the coastal environment, landscapes and features, indigenous vegetation and habitats of indigenous fauna, public access to the coast, rivers and lakes, and managing the effects of land use, development and protection in the rural and coastal areas of the District, and is therefore the preferred option.

NB. Council's Senior Planner has already done considerable work around drafting of potential provisions, which will provide a useful starting point. This will also be supplemented by workstreams currently underway from:

- LandVision Ltd around defining the significance of the rural resource;
- Debra Stewart (Landscape Architect) around finalising her draft 2013 & 2016 landscape assessment reports for the District;
- Kessels Ecology Ltd around significant nature conservation areas and associated provisions; and
- Marshall Day Ltd around best practice for noise provisions.

11 Part 5: Residential Zone

11.1 What this Section Currently Covers

This chapter of the District Plan outlines the issues, objectives, policies, methods, environmental results anticipated, rules and performance standards for the urban residential areas within Waipawa and Waipukurau.

The issues identified in this chapter are:

- 'Extent and Diversity of Living Environments – satisfy demand for diversity in living environments and future residential growth subject to constraints caused by a lack of servicing, the threat of natural hazards and conflict with non-residential activities'.
- 'Residential Amenity – the location, nature and design of buildings and activities within residential areas can result in adverse effects on the amenity of those areas'.

Environment results anticipated in this chapter are:

- 'Retention of the predominant character and scale of development within and around the District's residential settlements'.
- 'A compact and coherent residential area which recognizes the need to achieve:
 - o residential accommodation close to employment and social services
 - o protection of property and lives from the effects of natural hazards
 - o provision of utility services
 - o diversity in housing and lifestyle types, to meet a range of community needs'.
- 'A high degree of residential amenity expressed by way of:
 - o dominance of open space and plantings over buildings
 - o limited high density housing
 - o a safe and efficient residential transport network
 - o compatibility between activities, with residential use the predominant activity.'
- 'Diversity in architecture, providing for individual and community expression, while achieving a reasonable degree of coherence in urban character'.
- 'Maintenance of water quality and availability for residential use particularly where reticulated sewage disposal is not available'.

11.2 Statutory Basis for this Section

Section 31 outlines the functions of territorial authorities under the RMA, including:

(1)(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

(1)(aa) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:

Section 75(3) of the Resource Management Act directs that district plans must give effect to any relevant NPSs and NESs, and to the RPS, and cannot be inconsistent with relevant regional plans. Relevant documents in respect of this chapter of the District Plan relating to rural and coastal matters are:

- Hawke's Bay Regional Policy Statement, Chapter 3.1 Managing the Built Environment, OBJ UD1 Compact Urban Form, POL UD11 Rezoning for Urban Development, and POL UD13 Servicing of Developments.

11.3 Feedback Relevant to this Section

11.3.1 'Plan Review' Background Reports & Feedback To-Date

- 'District Economic Assessment' (Economic Solutions Ltd, Aug 2013)
 - Both population and household growth in the district are currently tracking Statistics New Zealand 'medium' or 'middle of the road' growth projections, which indicate total population decline of close to 8% over 2013-2031 accompanied by limited total household growth of under 3%;
 - Approximately 30% of the 'Medium' projected household growth will occur in the combined Waipukurau - Waipawa urban area and the balance will occur in the rural parts of the district.
 - Across Waipawa-Waipukurau combined, 25% (approximately 150 ha) of the currently zoned residential area is potentially available for new housing development. There is also considerable 'infill' housing potential in the area.
 - The combined Ongaonga/Otane/Takapau/Tikokino zoned residential area presently has available additional housing capacity of some 58 ha or approximately 20% of the total zoned residential area.
 - The amount of zoned and serviced land currently available in the district for additional housing (208 ha) is considerably in excess of even the Statistics New Zealand most optimistic household growth projection for the area.
 - In addition to the above residential areas, future housing growth in the district could possibly be met in part by lifestyle/rural-residential/coastal land availability.
 - District growth and employment outlook – report identifies the following 3 scenarios:
 1. Based on a continuation of the district's historical long-term annual average real GDP record of approximately 1%, results in overall GSP growth of \$113 million or 32% for the period 2012-2040.
 2. Incorporating the GDP impact under Scenario 1 plus a 10% lift in pastoral farming production in the district due to non-irrigation related on-farm productivity improvements, results in a total GDP gain over the period of \$164 million or 47%.
 3. Building on Scenarios 1 and 2 and also incorporating the water storage project, results in a total GDP gain for the period of \$330 million or 94%.

Scenario 1 results in an overall small fall in total district employment for the period (2013-2031), while Scenarios 2 and 3 result in 4% and 38% (+2,400) gain respectively in district employment.
 - A need to strengthen the district economic contribution of the tourism sector and thereby add to the diversity of the local economy.
- 'Future Residential Development in Central HB District' (Economic Solutions Ltd, Apr 2015)
 - Provides additional analysis on new residential housing development over the 2013-2046 period based on 2013 Census results, and relating to the following two projection scenarios:
 1. Status Quo – reflecting a continuation of underlying historical demographic growth patterns in the district.
 2. RWSS – incorporating the potential demographic impacts over the projection period of the major Ruataniwha Water Storage Scheme.

- Assuming a continuation over the 2013-2026 projection period of the overall historical locational profile of new residential development in the District, the leading broad residential growth localities for the period are expected to be the Waipukurau, Elsthorpe-Flemington, Tikokino and Waipawa Census Area Units (CAUs), in this order.
 - In addition, the general historical profile of housing growth in the district (whereby 55% of total new dwellings have been located adjacent to, on the fringe of or within the main urban zones, 30% have been rural residential including rural townships and lifestyle housing, and the balance coastal developments) is also assumed for the period under the Status Quo projection scenario. Over the 2026-2045 period, the additional household growth in the District is also concentrated in the Waipukurau, Elsthorpe-Flemington, Tikokino and Waipawa CAU areas, in this order.
 - If the RWSS proceeds, the report is of the view that given the current timing of the construction period for the project and the initial years of its evolving operation, the Scheme is unlikely to have a significant impact on new housing demand in the district over the next LTP period (2015-2026). It is anticipated that housing requirements associated with the construction of the Scheme will be met largely from existing available accommodation supply in the District, such as rental housing and visitor/community accommodation, as well as possibly the construction of temporary accommodation for the construction workforce.
 - Consequently, the report considers that the Status Quo/Medium household growth projection scenario should also suffice for the next LTP period involving the construction and initial operation of the RWSS. However, the Council should closely monitor new housing growth in the District during the period, in order to assess the extent to which it is aligned with the Medium projection scenario for the period.
 - Whilst the initial years of operation of the RWSS during the second half of the next LTP period are not expected to see any major change from the existing broad locational profile of residential development in the district, the years following could see emerging trends, such as increased housing demand 'on farm' or in close proximity to farms being serviced by the RWSS, increased rural-residential or small rural town housing demand (particularly in the Tikokino CAU area) and increased housing demand within and around the main urban centres of Waipukurau and Waipawa. Over the 2026-2046 period, the leading areas of new housing growth in the District with the RWSS project are, in order, Elsthorpe-Flemington, Waipukurau, Waipawa and Tikokino.
 - Over the 2013-2046 period, the Median age of the CHBD population is currently projected to increase from 43.1 to 54.3 years under the Statistics NZ Medium population growth scenario, with the 65+ population more than doubling. At this time, the impact of the RWSS on the District's population is envisaged as being a general 'softening' of the ageing trend in the area particularly with new younger residents and families living and working in the area.
- 'Draft Urban Growth Strategy – Waipawa and Waipukurau' (CHBDC, nd)
- Based on projections from Economic Solutions Ltd reports.
 - It is not entirely clear why some land zoned for residential and industrial development within the existing urban boundaries remains vacant and undeveloped when rural land surrounding the urban boundaries has been subject to subdivision and development for both rural and industrial activity.
 - Approximately 150 ha of land is available within the Waipawa and Waipukurau urban areas for residential development.

- The report considers options for urban growth which are based on Scenario Two, which assumes that the RWSS proceeds, as follows:

Waipawa:

- States that statistical analysis of building consents and subdivisions on the periphery of Waipawa suggest there is a demand for rural lifestyle living within proximity to the established urban centre. It is considered that the relatively permissive standards in the Rural Zone relating to subdivision have enabled a de facto rural-residential zone to establish in this area.
- Area 1 (Rural-Residential): Based on an average lot size of 1 ha, it is predicted that approximately 40 rural-residential lots could be provided in a new Rural-Residential zone (comprising an area of 46.8 ha) near Waipawa.
- Area 2 (Large-scale Residential Infill Zone): There are 23 hectares of residentially zoned land available within the Waipawa urban area for residential infill development – land in the area between Bibby Street and Tamumu Street remains mostly vacant, possibly due to some issues relating to wastewater services. Report suggests that a large-scale residential zone be created within this area. Yield unknown because it has not identified a minimum lot size.
- Area 4 (Residential Infill): Includes 4.2 ha of land in the Residential Zone (comprised of two separate areas), on the hill in Waipawa, to the west of Great North Road. Potential yield not yet determined.
- Area 5 (Rural Residential Zone): Includes an area of 345 ha of Rural Zone land near Ireland and Homewood Roads. No yield has been determined, as no minimum lot size has been established.
- Area 6 (Rural Residential Zone): An area of approximately 44 ha within the Rural Zone in the vicinity of White Road and White Road Extension located between Otane and Waipawa. No yield has been determined, as no minimum lot size has been established.

Waipukurau:

- Area 1 (Rural Residential): An area of 92 hectares within the Rural Zone on the western boundary of Waipukurau, including land in the Mangatarata Road area. No yield has been determined, as no minimum lot size has been established.
- Area 2 (Residential): An area of approximately 43 ha within the Rural Zone located to the south of Svenson Road to the east of Tavistock Road. Potential yield of approximately 92 lots based on the existing subdivision standards in the District Plan.
- Area 3 (Residential): An area of approximately 27.4 ha within the Rural Zone near Racecourse Road on the western boundary. Potential yield of approximately 49 lots based on the existing standards in the District Plan.
- Area 4 (Large-scale Residential): An area of approximately 56.8 ha comprising land currently zoned Residential and a small portion zoned Rural, located between Racecourse Road and Tavistock Roads, and including the old Waipukurau Hospital and Hospital Farm. Potential yield of approximately 39 lots based on existing subdivision standards.
- Area 5 (Rural Residential): Comprises approximately 153.5 ha of Rural Zone land on the western boundary of Lake Hatuma and extending to the east to include land between and adjacent to the Racecourse and Porangahau Roads. No yield has been determined, as no minimum lot size has been established.

- Area 6 (Rural Residential): Comprises approximately 155.7 ha of Rural Zone land in an area defined by Kyle and Takapau Roads and includes Hatuma Heights and JG Wilson Drive. No yield has been determined, as no minimum lot size has been established.

11.3.2 Draft 'Plan Effectiveness Report' Feedback

- The Residential Chapter (Part 5) of the operative Plan provides for the growth and development of the two urban centres of Waipawa and Waipukurau. When the review of the Plan commenced it was decided to prepare an Urban Growth Strategy to enable consideration of the servicing and infrastructure needs relevant to any proposed expansion and growth of the urban centres as part of the review.
- Growth projections provided by the Council's 2014/2015 Economic Report (Economic Solutions Napier, Limited) have the potential to create a demand for appropriately zoned and serviced land to provide for the expansion of residential, industrial and commercial land uses. The expansion or intensification of land uses has the potential to create a demand for provision of services including water, storm water, sewage and land transport. This demand could occur in both existing and new zoned areas.
- Planning for growth and associated infrastructure ultimately provides council with the opportunity to direct how and where growth is provided for as well as managing the effects and costs of growth.
- The District Plan review process provides the appropriate context in which to consider investment in infrastructure as part of growth options being considered by Council to accommodate projected residential, commercial and industrial expansion within the District.

11.3.3 Relevant 'Project Thrive' Feedback

- A key theme identified by the community during this process included 'Smart Growth' and the need to address/ provide for the following issues/matters:
- Residential Lots:
 - Review lot sizes. Consider larger minimum sizes in character areas, smaller sizes for affordability and conserving arable land;
 - DP guidelines / rules not enforced;
 - Review the current minimum section size-needs to be larger (raised by 2 participants), no smaller than 2ha (now 1 acre) (raised by 3 participants).
- Quality Living Environments:
 - Update and enforce design guidelines, especially for relocatables;
 - Lack of section size options - Waipukurau (raised by 1 participant);
 - Lack of smart land-use, Housing, quality housing, suburban (raised by 13 participants); -rental, social (raised by 2 participants), illegal living in tents (raised by 1 participant), lack of control over landlords (raised by 1 participant), service accommodation (raised by 1 participant), absent landowners (raised by 1 participant);
 - More consultation for planning, keep trees and space (raised by 1 participant);
 - leave Otane 'A Living Lifestyle' (raised by 1 participant);
 - relocatable buildings -rules need to be upheld, enforced (raised by 2 participants);
 - grow sustainably (raised by 2 participants);
 - zoning: lifestyle blocks close to town used more intensively (Takapau), lifestyle blocks regulated, land utilised efficiently (raised by 2 participants), iwi build (raised by 3 participants), more and quality, maintained (raised by 6 participants), rural (raised by

- 1 participant), no permanent residents at campground / beach (raised by 1 participant), future-proofing social housing (raised by 1 participant);
- Maori home ownership (raised by 1 participant);
- smaller homes for aging (raised by 1 participant).
- Energy Saving:
 - Encourage low energy buildings for CHB conditions, good insulation, durable materials, large eaves;
 - Some development in Otane spoils the atmosphere: removal houses, sections too small, detract from ambience of village;
 - Building houses for CHB conditions, low energy, insulation, materials, large eaves – develop and promote skills to build these, Support for sustainable building and living (raised by 3 participants).
- Retirement Village:
 - Promote a retirement village, and Council pensioner flats, as well as no permanent residents at campground / beach, and more Maori home ownership;
 - Housing Retirement housing (raised by 4 participants);
 - Retirement village, self-contained units, Council housing -pensioner flats in LTP.

11.3.4 Issues Raised in Staff Interviews

- Review controls on hardstand areas/building coverage in Residential Zones to ensure compliance with Council urban stormwater discharge consents (issued by Hawke’s Bay Regional Council).
- Relocatable buildings – are going everywhere (could run a report to show how many relocates are occurring). Often no information about the building’s history, so don’t know if it meets Code. Have a look at current best practice for dealing with them in other District Plans (e.g. Hastings District). Look at including a standard under the relocatable dwelling rules, requiring applicants to provide Council with a building report, including a copy of all plans pertaining to the building (e.g. plans and specifications from previous Council, what standards it was built to, when it was built, what alterations have been made to it since, etc.) Currently there are no standards – only assessment matters restricted to appearance/visual amenity matters. Potential problems if buildings not built for different wind zone requirements, etc.
- Need more rules in place for stormwater management, as the systems are pressured in the urban areas – need some place-specific rules in relation to achieving hydraulic neutrality. Indications in Waipukurau and Waipawa are that there are issues with flooding – minimum floor level (RL) needs to be tightened up. Modelling is currently being undertaken which will help determine what rules are needed. There is very little stormwater infrastructure in places.
- Reverse sensitivity rules needed for people near the wastewater treatment ponds – in all areas. Especially Waipukurau – sensitive activities (e.g. houses, schools, etc.). Mt Herbert is located near a residential zone. The other wastewater treatment ponds are located in the Rural Zone. Need to look at what other councils are doing in relation to this.
- In urban zones – most have easements in place, therefore the Council doesn’t rely on esplanade reserves to obtain access for management purposes.
- Residential Unit, Accessory Building – need to go to multiple definitions to determine what they are.

- Minimum lot sizes around duplex housing (in various zones) – lot sizes are smaller than allowed in the plan, but the concept is good – therefore need specific provision for comprehensive residential developments reflecting demand for smaller section sizes for retirement housing. This is a growing thing – the plan needs to allow for it – issue is highlighted in the Urban Growth Strategy.
- Setbacks for buildings from boundaries in the urban zones – 1.5m setback from boundary, but question of where the 1.5m setback applies – is it the external wall at ground level, or the eaves of roofs? Review Definition of ‘Setback’ to confirm.
- Residential Zone – setback from streets only controls residential units, but needs to deal with all buildings (Rule 5.8.4).

11.4 Significant Issues to Address

A number of issues have been raised in relation to specific provisions within the chapter, but no significant issues have been identified warranting a significant change in approach for the Residential Zone chapter as a whole.

Approximately 150 ha of land is available within the Waipawa and Waipukurau urban areas for residential development, and projected household growth for these two urban areas over the next 10-years (the life of the District Plan), with or without the RWSS, is expected to be able to largely met in the existing residential zones.

11.5 Preliminary Options for Plan Review

11.5.1 Status Quo

This option would involve leaving the Residential Zone effectively as is, with no amendment. This is not appropriate, as it would lead to the District Plan remaining outdated, and potentially at odds with relevant statutory matters in the RMA.

11.5.2 Update

This option would involve revising and updating the Residential Zone provisions in the District Plan (a ‘do minimum’ approach) to reflect:

- changes in legislation, and changes to national and regional policy statements and plans;
- amendments as necessary to reflect advances in best practice and alignment with approach of neighbouring TLAs; and
- amendments as necessary to reflect community desire for long term sustainability of the established urban areas of Waipukurau and Waipawa, identified through ‘Project Thrive’.

This option is deemed the most appropriate, effective and efficient option in reviewing Residential Zone provisions in the District Plan, and is therefore the preferred option.

NB. This will be supplemented by updated economic and residential growth data currently being sought from Economic Solutions Ltd.

11.5.3 Re-Write

This option would involve essentially re-writing the Residential Zone provisions. This is not considered appropriate (given there have not been any significant issues identified for this zone that would suggest significant change in approach is warranted), and would also not be efficient in terms of cost-benefit.

12 Part 6: Township Zone

12.1 What this Section Currently Covers

This chapter of the District Plan outlines the issues, objectives, policies, methods, environmental results anticipated, rules and performance standards for the coastal and rural townships in the District, being:

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

The issue identified in this chapter is:

- 'Amenity of Townships – the location, nature, and design of buildings, activities and their services vary considerably in townships and can, without management, adversely affect the amenity of those townships and their surrounding landscapes'.

Environmental results anticipated in this chapter is:

- 'Small rural townships comprising a mixture of residential, business, rural and community activities and with a 'village' amenity'.
- 'Development of activities which permit satisfactory servicing of that development, including water supply, sewage disposal, stormwater disposal and roading provisions'.
- 'Pleasant living and working environments for the local population, within a variety of township environments which provide a good level of privacy and access to daylight and sunlight'.
- 'Improved energy conservation in providing for facilities and services close to rural populations'.
- 'Access (vehicle and pedestrian) to all properties without compromising the safe and efficient functioning of adjacent roads'.

12.2 Statutory Basis for this Section

Section 31 outlines the functions of territorial authorities under the RMA, including:

(1)(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

(1)(aa) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:

Section 75(3) of the Resource Management Act directs that district plans must give effect to any relevant NPSs and NESs, and to the RPS, and cannot be inconsistent with relevant regional plans. Relevant documents in respect of this chapter of the District Plan relating to rural and coastal matters are:

- Hawke's Bay Regional Policy Statement, Chapter 3.1 Managing the Built Environment, OBJ UD1 Compact Urban Form, POL UD11 Rezoning for Urban Development, and POL UD13 Servicing of Developments.

12.3 Feedback Relevant to this Section

12.3.1 'Plan Review' Background Reports & Feedback To-Date

- 'District Economic Assessment' (Economic Solutions Ltd, August 2013)
 - The combined Ongaonga/Otane/Takapau/Tikokino zoned residential area presently has available additional housing capacity of some 58 ha or approximately 20% of the total zoned residential area.
- 'Future Residential Development in Central HB District' (Economic Solutions Ltd, April 2015)
 - Provides additional analysis on new residential housing development over the 2013-2046 period based on 2013 Census results, and relating to the following two projection scenarios:
 - Status Quo – reflecting a continuation of underlying historical demographic growth patterns in the district.
 - RWSS – incorporating the potential demographic impacts over the projection period of the major Ruataniwha Water Storage Scheme.
 - Assuming a continuation over the 2013-2026 projection period of the overall historical locational profile of new residential development in the District, the leading broad residential growth localities for the period are expected to be the Waipukurau, Elsthorpe-Flemington, Tikokino and Waipawa Census Area Units (CAUs), in this order.
 - In addition, the general historical profile of housing growth in the district (whereby 55% of total new dwellings have been located adjacent to, on the fringe of or within the main urban zones, 30% have been rural residential including rural townships and lifestyle housing, and the balance coastal developments) is also assumed for the period under the Status Quo projection scenario. Over the 2026-2045 period, the additional household growth in the District is also concentrated in the Waipukurau, Elsthorpe-Flemington, Tikokino and Waipawa CAU areas, in this order.
 - If the RWSS proceeds, the report is of the view that given the current timing of the construction period for the project and the initial years of its evolving operation, the Scheme is unlikely to have a significant impact on new housing demand in the district over the next LTP period (2015-2026). It is anticipated that housing requirements associated with the construction of the Scheme will be met largely from existing available accommodation supply in the District such as rental housing and visitor/community accommodation, as well as possibly the construction of temporary accommodation for the construction workforce.
 - Consequently, the report considers that the Status Quo/Medium household growth projection scenario should also suffice for the next LTP period involving the construction and initial operation of the RWSS. However, the Council should closely monitor new housing growth in the District during the period, in order to assess the extent to which it is aligned with the Medium projection scenario for the period.
 - Whilst the initial years of operation of the RWSS during the second half of the next LTP period are not expected to see any major change from the existing broad locational profile of residential development in the district, the years following could see emerging trends such as increased housing demand 'on farm' or in close proximity to farms being serviced by the RWSS, increased rural-residential or small rural town housing demand (particularly in the Tikokino CAU area) and increased housing demand within and around the main urban centres of Waipukurau and Waipawa. Over the

2026-2046 period, the leading areas of new housing growth in the District with the RWSS project are, in order, Elsthorpe-Flemington, Waipukurau, Waipawa and Tikokino.

- Over the 2013-2046 period, the Median age of the CHBD population is currently projected to increase from 43.1 to 54.3 years under the Statistics NZ Medium population growth scenario, with the 65+ population more than doubling. At this time, the impact of the RWSS on the District's population is envisaged as being a general 'softening' of the ageing trend in the area particularly with new younger residents and families living and working in the area.

12.3.2 Draft 'Plan Effectiveness Report' Feedback

- Problems have occurred in relation to the consenting of relocatable buildings, particularly in rural townships.
- Permissive performance standards relating to industrial and/or commercial activities in rural townships have the potential to adversely affect rural character and amenity.
- The Plan does not recognise any distinction between the activities provided for in townships in the rural and coastal zones.
- The performance standards relating to the coastal townships are currently the same as the rural townships. There may be benefits in adopting different provisions in the Plan for the coastal townships that reflect the coastal setting and the sensitive coastal environment.

12.3.3 Relevant 'Project Thrive' Feedback

- Review lot sizes. Consider larger minimum sizes in character areas, smaller sizes for affordability and conserving arable land;
- Update and enforce design guidelines, especially for relocatables;
- More consultation for planning, keep trees and space (raised by 1 participant);
- leave Otane 'A Living Lifestyle' (raised by 1 participant);
- relocatable buildings -rules need to be upheld, enforced (raised by 2 participants);
- grow sustainably (raised by 2 participants);
- zoning: lifestyle blocks close to town used more intensively (Takapau), lifestyle blocks regulated, land utilised efficiently (raised by 2 participants), iwi build (raised by 3 participants), more and quality, maintained (raised by 6 participants), no permanent residents at campground / beach (raised by 1 participant);
- Maori home ownership (raised by 1 participant);
- smaller homes for aging (raised by 1 participant).
- Some development in Otane spoils the atmosphere: removal houses, sections too small, detract from ambience of village;
- Promote no permanent residents at campground / beach, and more Maori home ownership;
- Housing Retirement housing (raised by 4 participants);

12.3.4 Issues Raised in Staff Interviews

- Stormwater neutrality, controls on hardstand areas/building coverage.
- Reverse sensitivity rules needed for people near the wastewater treatment ponds – in all areas. Need to look at what other councils are doing in relation to this.
- Minimum lot sizes around duplex housing (in various zones) – lot sizes are smaller than allowed in the plan, but the concept is good – therefore need specific provision for comprehensive residential developments reflecting demand for smaller section sizes for

retirement housing. This is a growing thing – the plan needs to allow for it – issue is highlighted in the Urban Growth Strategy.

- Natural Hazards (Coastal Erosion and Inundation) – need bigger coastal setbacks in low-lying coastal areas to reflect sea level rise over time and storm surges – CHZ1 and CHZ2 (RCEP) – e.g. Pourerere –pre-emptive planning around that.

12.4 Significant Issues to Address

The District Plan does not currently recognise any distinction between townships in the rural area and the coastal area, and is therefore potentially not giving effect to the NZCPS in terms of preserving the natural character of the coastal environment.

12.5 Preliminary Options for Plan Review

12.5.1 Status Quo

This option would involve leaving the Township Zone effectively as is, with no amendment. This is not appropriate, as it would lead to the District Plan remaining outdated, and potentially at odds with relevant statutory matters in the RMA.

12.5.2 Update

This option would involve merely updating the Township Zone provisions in the District Plan to reflect changes in legislation, and changes to national and regional policy statements and plans (a ‘do minimum’ approach).

This option is not considered appropriate, as it would not enable the District Plan to give full effect to the NZCPS in terms of the character of the coastal settlements as part of preserving the natural character of the coastal environment, and is therefore neither effective nor efficient.

12.5.3 Re-Write

This option would involve amendment to the Township Zone provisions in the District Plan to incorporate:

- a) changes in legislation, and changes to national and regional policy statements and plans;
- b) amendments as necessary to reflect advances in best practice;
- c) a succinct description of the character of each of the townships (*Note: this may benefit from commissioning someone to carry out ‘character assessments’ for the various townships, building on ‘Project Thrive’*); and
- d) amendments that allow some distinction between the townships in the rural area and those in the coastal area in giving effect to the NZCPS.

This option is deemed the most appropriate, effective and efficient option in reviewing Township Zone provisions in the District Plan and giving full effect to the NZCPS, and is therefore the preferred option.

NB. This will be supplemented by updated economic and residential growth data currently being sought from Economic Solutions Ltd; finalising the draft Coastal Zone Landscape Assessment (Terraforme Landscape Architecture), and potential commissioning of ‘character assessments’ for the various townships.

13 Part 7: Business Zones

13.1 What this Section Currently Covers

This chapter of the District Plan outlines the issues, objectives, policies, methods, environmental results anticipated, rules and performance standards for the inner commercial areas (CBD) of Waipawa and Waipukurau (Business Zone 1), and the mixed/general commercial and industrial areas of Waipawa and Waipukurau (Business Zone 2).

It also covers provisions relating to:

- i) the 'no building zone' and 'height restriction' areas (as identified on the planning maps) around the Waipukurau Aerodrome.

The issue identified in this chapter is:

- 'Amenity – the establishment and operation of poorly managed businesses can cause noise, odour, dust, loss of visual amenity, and traffic congestion'.

Environmental results anticipated in this chapter are:

- 'Enhancement or retention of the vitality, convenience, accessibility and pleasantness of the town's commercial and retail areas'.
- 'Retention of the existing scale of commercial buildings'.
- 'Adequate car-parking in relation to a business activity, and car-park surfaces that minimise dust nuisance'.
- 'Minimal noise disturbance within the business environment'.
- 'Adequate public facilities such as street seats, public toilets, rubbish bins, directional signs'.
- 'Preservation of the living environment adjacent to business areas in terms of light admission, noise and odour'.
- 'Limited residential occupation of buildings within business areas'.
- 'Maintenance of visual amenity on residential sites adjacent to business sites'.
- 'A wide range of business activities within defined locations'.
- 'High customer use of convenient car-parking'.
- 'Efficient loading and unloading of goods and convenient access to business'.
- 'Maintaining and enhancing the historic, heritage and cultural values of buildings where such values exist'.

13.2 Statutory Basis for this Section

Section 31 outlines the functions of territorial authorities under the RMA, including:

(1)(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

(1)(aa) the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:

Section 75(3) of the Resource Management Act directs that district plans must give effect to any relevant NPSs and NESs, and to the RPS, and cannot be inconsistent with relevant regional plans. Relevant documents in respect of this chapter of the District Plan relating to rural and coastal matters are:

- Hawke’s Bay Regional Policy Statement, Chapter 3.1 Managing the Built Environment, OBJ UD1 Compact Urban Form, POL UD11 Rezoning for Urban Development, and POL UD13 Servicing of Developments.

13.3 Feedback Relevant to this Section

13.3.1 ‘Plan Review’ Background Reports & Feedback To-Date

- ‘Rural Discussion Document’ (Feb 2012)

This document was released for public discussion as part of the rolling District Plan review. It identified and sought feedback on a range of issues relating to Subdivision and Land Use in the Rural Zone, Reverse Sensitivity/Farming Activities, Significant Landscapes, Noise, Earthworks, Climate Change and Natural Hazards.

35 submissions were received in response to the discussion document, including submissions from New Zealand Transport Agency, Heritage New Zealand, HBRC, HDC, Te Taiwhenua O Tamatea, Department of Conservation, Fonterra, Horticulture New Zealand & Hawkes Bay Federated Farmers. The following issues were identified:

- o Concerns about use of rural land for heavy industrial and commercial activities in the Rural Zone;
- o Proliferation of industrial uses locating in the Rural Zone along State Highway 2 corridor, especially south of Waipukurau – need to consider effects of development on the strategic importance of road network infrastructure;
- ‘Draft Urban Growth Strategy – Waipawa and Waipukurau’ (CHBDC, nd)
 - o Operative District Plan zones of Business I & II are inclusive of commercial and industrial activities.
 - o Proposed to introduce new zones for industrial and commercial activities as part of the District Plan Review
 - o Not entirely clear why some areas of land zoned for industrial development within the existing urban boundaries remains vacant and undeveloped when rural land beyond the urban boundaries has been subject to subdivision and development for both rural and industrial activity;
 - o population growth (with RWSS) predicted to increase the District population to 14,500 and to increase District households to 7,250. As such, there will be some need, created in the future and related to the construction and operation of the RWSS, for:
 - Providing for business infill within the existing urban boundaries;
 - Rationalisation of the existing business zone into areas of industrial, commercial and retail activity; and
 - Natural progression of industrial activities from town centres to land on the periphery of towns zoned for industrial activities.
 - o Employment in the district (without RWSS) is made up of Industrial activity of 60% and commercial business activity of 40%. Consented new industrial-commercial floor space in the period 2002 -2014 totalled 24,476m² which generally represents an increase of industrial-commercial floor space of approximately 15%.
 - o Projected increases in floor space development consented for the next LTP period [2015 – 2025] is forecast at 20,000m². This will include the construction phase of the RWSS and is considered to be adequate for likely demand.
 - o Business 2 land in Waipawa for industrial development is at capacity, with little opportunity for additional business or industrial growth opportunities.

- Through the District Plan Review consider and respond to the demands of increased population growth for expanded industrial activity within the two main urban centres.
- Investigate rezoning land to industrial as part of the district plan review to enable response to the demands for industrially zoned land created by the RWSS, Scenario Two, as follows:

Waipawa:

- Area 3 (Proposed Industrial Expansion): Includes approximately 6.7 ha of land consisting of two separate areas: one currently zoned Residential (which is mostly vacant, unoccupied by residential development, and occupied by some industrial activities i.e. storage of wrecked cars); and the other currently zoned Business 2. The shape and location of the area means that potential for reverse sensitivity issues is reduced as the SH2 Main Road effectively forms a boundary on the western margin, while Victoria and McGreevy Streets form the southern and eastern boundaries. Tamumu Road and the Main Trunk Railway are located to the north of proposed Area 3. Part of the Area 3 is subject to The Office of Treaty Settlements. Anticipated yield is 5 lots, based on an average lot size of 750m².

Waipukurau:

- Area 7 (Industrial Zone): Comprises approximately 16.4 ha Rural Zone land on the northern side of Hatuma Road, adjacent to the Tukituki River. Proposed that this area would provide an opportunity for industrial growth and development associated with the RWSS.
- Area 8 (Commercial Zone): Comprises approximately 6 ha of Residential Zone land (already developed) located adjacent to existing Business 1 and Residential Zones, and bounded by Ruataniwha Street, St Joseph's Street and River Terrace.
- Through the District Plan Review consider encouraging the concentration of commercial activity in Waipawa and Waipukurau, by:
 - Introducing design guidelines to ensure form and functions of new commercial areas are considered and provide attractive and functioning areas for the wider community; and
 - Through the District Plan Review consider the demands for industrial land growth and the need for specific retail and commercial zones to be considered.
- Monitor actual and potential demand for industrial activity within the urban centres of Waipawa and Waipukurau.
- 'District Economic Assessment' (Economic Solutions Ltd, Aug 2013)
 - District growth and employment outlook – report identifies the following 3 scenarios:
 1. Based on a continuation of the district's historical long-term annual average real GDP record of approximately 1%, results in overall GDP growth of \$113 million or 32% for the period 2012-2040.
 2. Incorporating the GDP impact under Scenario 1 plus a 10% lift in pastoral farming production in the district due to non-irrigation related on-farm productivity improvements, results in a total GDP gain over the period of \$164 million or 47%.
 3. Building on Scenarios 1 and 2 and also incorporating the water storage project, results in a total GDP gain for the period of \$330 million or 94%.

Scenario 1 results in an overall small fall in total district employment for the period (2013-2031), while Scenarios 2 and 3 result in 4% and 38% (+2,400) gain respectively in district employment.

- Information provided by Council staff indicates that Business Zone 2 in the Waipawa area comprises a total of 9.02 hectares, all of which is currently used.
- In Waipukurau, the Zone covers some 92.7 hectares in total, of which approximately 41.4 hectares or about 45% is still available for use.
- Thus, there is still a significant amount of zoned and serviced land within the latter community available for further industrial development, along with the possible use of some of the existing building stock (and potentially the use of suitable land in rural centres/parts of the wider district, as with the Takapau/Silver Fern Farms example).
- A need to strengthen the district economic contribution of the tourism sector and thereby add to the diversity of the local economy.

13.3.2 Draft 'Plan Effectiveness Report' Feedback

- The issues relating to the Business I and II zones have been addressed through the Urban Growth Strategy. In many situations there is a need to address servicing and infrastructure provision as well as identify new areas required for development.
- The performance standards relating to the Business I & II zones also require amendment to reflect best practice.

13.3.3 Relevant 'Project Thrive' Feedback

Identified the following opportunities/issues:

- potential for a container drop-off point: Promote MAF approved container drop off point. area for container that is MAF, lack of freight service, approved / container drop points - transitional facility (raised by 1 participant);
- Lack of commercial infrastructure for small business (raised by 3 participants), Waipawa (raised by 1 participant);
- accommodation for truck drivers, other workers / travellers for work (raised by 1 participant);
- Parking Strategy: Parking strategy to keep free parking with time limit to avoid shop keepers using prime parking, consider new parking area for shopkeepers and business owners. Cheap /free parking (raised by 3 participants);
- No traffic lights (raised by 2 participants);
- More disabled parking.

13.3.4 Issues Raised in Staff Interviews

- Urban Stormwater consents – going back to HBRC that what they require (re. land use activities within stormwater catchments) is too prohibitive.
- Stormwater neutrality, controls on hardstand areas/building coverage in Residential Zones, industrial/commercial zoning – control of what's put into the stormwater system – Council connection issues (Bylaw).
- Hours of operation in Commercial Zones. How to deal with future businesses, such as Longridge – trying to pre-empt what is happening with land. i.e. activities that are semi-industrial are not linked to the use of the land.

13.4 Significant Issues to Address

A number of issues have been raised in relation to specific provisions within the chapter, but no significant issues have been identified warranting a significant change in approach for the Business Zones as a whole.

Approximately 45% of the existing zoned and serviced Business Zone 2 (industrial/commercial) land in Waipukurau is still available for further appropriate business and industrial development. Therefore, there is a significant amount of zoned and serviced land available for further industrial development.

13.5 Preliminary Options for Plan Review

13.5.1 Status Quo

This option would involve leaving the Business Zones effectively as is, with no amendment. This is not appropriate, as it would lead to the District Plan remaining outdated, and potentially at odds with relevant statutory matters in the RMA.

13.5.2 Update

This option would involve merely revising and updating the Business Zone provisions in the District Plan (a 'do minimum' approach) to reflect:

- a) changes in legislation, and changes to national and regional policy statements and plans; and
- b) amendments as necessary to reflect advances in best practice.

This option is deemed the most appropriate, effective and efficient option in reviewing Business Zone provisions in the District Plan, and is therefore the preferred option.

NB. This will be supplemented by updated economic data currently being sought from Economic Solutions Ltd.

13.5.3 Re-Write

This option would involve essentially re-writing the Business Zone provisions. This is not considered appropriate (given there have not been any significant issues identified for this zone that would suggest significant change in approach is warranted), and would also not be efficient in terms of cost-benefit.

14 Part 8: Transport & Appendix E (Parking, Loading & Access Diagrams)

14.1 What this Section Currently Covers

This chapter (and associated appendix) of the District Plan outlines the issues, objectives, policies, methods, environmental results anticipated, rules and performance standards for parking, access and loading applying across the District.

The issue identified in this chapter is:

- 'Transport Efficiency and Transport Safety – the efficient use of the District's roads and other transport infrastructure can be adversely affected by the inappropriate design of land use activities, their access, parking and servicing'.

Environmental results anticipated in this chapter are:

- 'Safe, efficient and accessible transport systems'.
- 'Construction of any new roads, accessways and parking areas to appropriate use and safety standards.'

14.2 Statutory Basis for this Section

Section 31 outlines the functions of territorial authorities under the RMA, including:

(1)(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

Section 75(3) of the Resource Management Act directs that district plans must give effect to any relevant NPSs and NESs, and to the RPS. Relevant documents in respect of this section of the District Plan relating to transportation are:

- Hawke's Bay Regional Policy Statement, Chapter 3.1 Managing the Built Environment, OBJ UD5 Integration of Land Use with Significant Infrastructure, and OBJ UD6 Integration of Transport Infrastructure with Development, and Chapter 3.13 Maintenance and Enhancement of Physical Infrastructure.

14.3 Feedback Relevant to this Section

14.3.1 'Plan Review' Background Reports & Feedback To-Date

- 'Rural Discussion Document' (February 2012):
35 submissions were received on the Rural Discussion Document, including a submission from the New Zealand Transport Agency, which referred to the following issue:
 - o Section 8.5.2 needs to be strengthened so all accesses are safe and efficient.

14.3.2 Draft 'Plan Effectiveness Report' Feedback

No matters raised.

14.3.3 Relevant 'Project Thrive' Feedback

Issues identified included the need for:

- A Roothing upgrade strategy which considers which roads to be sealed or improved, also steepness of road cross sections and difficulty in opening car doors for the elderly (parking), Safety of the rail line at Waipawa, consider an overbridge.

14.3.4 Issues Raised in Staff Interviews

- The DP needs to be clearer in setting out what the Council expects. Very loose ‘Transport’ section – needs significant revision. Difficult for Council to defend what it requires, at present.
There’s nothing there in relation to Council’s policies/standards for vehicle crossings, including site distances – the DP lacks teeth around roading issues. Crossing width standards in the DP are currently related to residential land use or other, but probably should be urban v rural split.
Would be helpful to achieve alignment with HDC, and happy to use the Proposed Hastings District Plan transportation section as a starting place for a review.
CHBDC uses some of NZS 4404, but mostly relies on the HDC Engineering Code of Practice.
- There are no controls over internal private access ways – Council only controls roads (to be vested) and vehicle crossings.
- Multiple access lot crossing standards are covered under the Subdivision rules. But there are no standards in the Transportation section which require crossings to be upgraded where there are more dwellings built later.
- Only have controls for vehicle crossing standards from road to property boundary – no controls at present to control private access internally. Access and manoeuvring for fire vehicles – needs to be addressed.
- There is an issue with parking, loading and access – associated with daycare centres, funeral homes, rest homes – the current rules and transport assessment criteria are not adequate – need to review against HDC Proposed Plan provisions. Ensure the standards are relevant – look at best current practice.
- Transport – Residential units – 2 car parks required, one being for the garage or carport – needs amending to be clear that 2 parks are needed and 1 ‘can be’ the garage or carport, and that if not providing a garage/carport, then need to locate that parking space where one could be provided in future. Need to relook at this – ensure that it doesn’t require reversal onto road, doesn’t impact on the outdoor living areas, etc.

14.4 Significant Issues to Address

There is considerable difficulty in administering the transportation provisions of the District Plan, as they currently stand, with substantial gaps identified in vehicle crossing standards in particular.

14.5 Preliminary Options for Plan Review

14.5.1 Status Quo

This option would involve leaving the transportation provisions as is, with no amendment. This is not recommended, as it would not address current issues around the difficulty in administering the current provisions.

14.5.2 Update

This option would involve merely updating the transportation provisions of the District Plan. This option is not considered appropriate, as it would not sufficiently address current issues around the difficulty in administering the current provisions, and is therefore not effective or efficient.

14.5.3 Re-Write

This option would likely involve:

- a) Significant re-write of the transportation provisions to reflect advances in best practice and alignment with the approach of neighbouring TLAs (e.g. Hastings District Council).

This option is deemed the most appropriate, effective and efficient option in addressing Council's functions under section 31 of the RMA, in relation to managing the effects of the use and development of land on the safety and efficiency of the District's transportation network, and is therefore the preferred option.

15 Part 9: Subdivision & Financial Contributions & Planning Maps 45-48

15.1 What this Section Currently Covers

This chapter of the District Plan outlines the issues, objectives, policies, methods, environmental results anticipated, rules and performance standards for subdivision applying across the District, including Council's approach to requiring esplanade reserves and strips (Rule 9.9.1(e)).

The District Plan references the Code of Practice for Urban Land Subdivision (NZS 4404 1981 and any future amendments) as the basis for assessing detailed engineering requirements. The Code of Practice is referred to in the assessment matters for resource consents, but is not itself part of the District Plan.

Planning Maps 45-58 identify the banks of the rivers and lakes where Council have indicated they may require an esplanade strip or esplanade reserve when an allotment is created along them (other than for minor boundary adjustments).

Section 9.11 in this section of the Plan outlines Council's policy around the charging of financial contributions.

The issues identified in this chapter are:

- 'Servicing – subdivision usually requires roading, telecommunication, electricity, water, sewage and stormwater services to enable future owners of land to carry out their planned activities'.
- 'Cost of Infrastructure to the Community – subdivision adds incrementally to demands on the infrastructure of the District'.
- 'Amenity and Conservation Values – the loss of amenity and significant nature conservation values as a result of subdivision'.
- 'Natural Hazards – the potential effects of natural hazards on lots created by subdivision'.

Environmental results anticipated in this chapter are:

- 'A safe and efficient roading network'.
- 'Safe, convenient access to and from subdivided lots'.
- 'Water supplies that are sufficient in volume and of potable quality to meet reasonable needs and expectations over time'.
- 'Adequate treatment and disposal of stormwater and sewage'.
- 'Adequate provision of energy supplies and telecommunications'.
- 'Maintenance and enhancement of amenity and significant natural conservation values particularly natural features and significant trees'.
- 'Cost effective provision of services for redevelopment and growth without additional financial burdens on District rate payers.'
- 'A pattern of subdivision complementary and appropriate to the character of the land uses in the area concerned.'
- 'A pattern of subdivision consistent with planned density, roading patterns and open space requirements appropriate in residential environments.'
- 'Avoidance or mitigation of potential risk from flooding, erosion or subsidence'.

15.2 Statutory Basis for this Section

Subdivision

Section 6 of the RMA refers to all persons exercising functions and powers under the RMA recognising and providing for:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

Section 11 of the RMA outlines certain restrictions on the subdivision of land, as follows:

No person may subdivide land, within the meaning of section 218, unless the subdivision is—

(a) both, first, expressly allowed by a national environmental standard, a rule in a district plan as well as a rule in a proposed district plan for the same district (if there is one), or a resource consent ...:

Section 31 outlines the functions of territorial authorities under the RMA, including:

(2) ...the control of subdivision.

Section 220 and 230 of the RMA which outline the ability for Council to require esplanade reserves and strips through conditions on subdivision consents.

Financial Contributions

Section 108(2) of the RMA provides for Councils to impose conditions on resource consents, including:

(a) ...a condition requiring that a financial contribution be made:

Section 108(10) clarifies that:

A consent authority must not include a condition in a resource consent requiring a financial contribution unless—

(a) the condition is imposed in accordance with the purposes specified in the plan or proposed plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect); and

(b) the level of contribution is determined in the manner described in the plan or proposed plan.

Local authorities are also able to take development contributions under the Local Government Act 2002. There are advantages and disadvantages of both. Development contributions tend to give local authorities the scope to more effectively address the funding and provision of infrastructure. Local authorities would need to remove any financial contribution provisions where they are duplicating a development contribution requirement.

Section 75(3) of the Resource Management Act directs that district plans must give effect to any relevant NPSs and NESs, and to the RPS. Relevant documents in respect of this section of the District Plan relating to subdivision are:

- Hawke's Bay Regional Policy Statement, Chapter 3.1 Managing the Built Environment, OBJ UD6 Integration of Land Use with Significant Infrastructure, and OBJ UD6 Integration of Transport Infrastructure with Development, and POL UD13 Servicing of Developments.

15.3 Feedback Relevant to this Section

15.3.1 'Plan Review' Background Reports & Feedback To-Date

- 'Rural Discussion Document' (February 2012):

35 submissions were received on the Rural Discussion Document, including one from the NZ Fire Service, which raised the following issue:

 - Amend Sections 9.10(c) and 9.10(g) of the District Plan to update subdivision rules to refer to NZS4509:2008 NZ Fire Service Fire Fighting Water Supplies Code of Practice (or any subsequent amendments) and width of access ways to meet current fire engine width requirements (refer to the Submission from the NZ Fire Service on the Rural Discussion Document 2012).
- Draft 'District Plan Review – Rural Landscape Assessment' (Terraforme, Sept 2016)
 - Part of the purpose of this report was to consider whether or not esplanade reserves should be taken upon subdivision or whether the District Plan should include rules to waive this requirement.
 - This report recommends that the District Plan include a requirement for esplanade reserves in accordance with s.230 of the RMA.
 - There is nothing to suggest through this assessment that the requirement for esplanade reserves or strips in accordance with s.230 (and s.229) should be waived. It acknowledges that, like many other areas, CHB may not ever have an entire networks of esplanade reserves given it is highly unlikely that all areas adjoining streams and rivers will be subdivided to allotments of 4ha or less. Not taking esplanade reserves is considered to compromise the ability of the Council to strategically acquire land in the future should this be deemed appropriate.
 - Each case for requiring esplanade areas should be considered on its merits.
 - The Central Hawkes Bay District Council (in conjunction with the Hawkes Bay Regional Council) must consider riparian management issues for lakes and rivers which includes establishing 'buffer areas' along these waterways. The Regional Council's riparian management and protection study prioritised catchments most needing riparian management programmes. The catchments containing the Mangakuri, Puhokio, and the Huatokitoki streams in the Central Hawke's Bay District have been given immediate priority by the study.
 - The Council have identified that there are a number of existing esplanade reserves in the District that are landlocked or have no legal access. Through its existing District Plan, the Council seek to enhance public access along the coast and to the margins rivers and lakes identified as having significant recreational values through the taking and maintaining of esplanade reserves and strips, and the creation of esplanade reserves and strips, on subdivision, and the provision of incentives, including in some circumstances the public acquisition of land.
 - Maps have been provided by the Central Hawke's Bay District Council which show the extent of existing esplanade and riparian areas. These maps also highlight the areas where esplanade reserves or esplanade strips are required.
 - The Council should prioritise the taking of esplanade reserves and access strips in a manner consistent with legislation. There are number of streams that were given consideration in this report for their landscape values. The "landscape features" identified include several key rivers – provision of access through these areas should be given priority. These are:
 - Waipawa River

- Tukituki River
- Porangahau River
- Lake Hatuma
- Pukeora Hill

15.3.2 Draft 'Plan Effectiveness Report' Feedback

- Potentially productive soils in the district, especially those located within the Ruataniwha Water Storage Scheme command area, are subject to permissive subdivision rules;
- A recent survey undertaken by the Council of the spatial distribution of subdivisions on predominantly Land Use Capability Classes 1 – 1V has confirmed that there is a high density of lifestyle lots occurring on potentially productive soils located over the Ruataniwha Plains. The fact that the entire district can, with few exceptions for overlays or rural townships, be subdivided into 4,000 m² lots is a concern.
- The Rural Discussion Document released as part of Council's pre-statutory consultation on the Plan Review has drawn attention to the recognition and protection of the character and amenity of the rural area as an issue in the Rural Zone. Assessing the minimum lot size of subdivision will ensure that rural character and amenity is protected by placing controls on subdivision in the Rural Zone
- Recommends introduction of a new rural zone to address the protection of the districts potentially productive soils with linkages to the subdivision standards to ensure protection of this valuable and finite resource.
- In addition, the introduction of a new rural residential zone with defined subdivision standards will ensure the protection of rural character and amenity.

15.3.3 Relevant 'Project Thrive' Feedback

- A key theme identified by the community during this process included 'Smart Growth'
- Review lot sizes. Consider larger minimum sizes in character areas, smaller sizes for affordability and conserving arable land;
- Review the current minimum section size-needs to be larger (raised by 2 participants), no smaller than 2ha (now 1 acre) (raised by 3 participants).
- Lack of section size options - Waipukurau (raised by 1 participant);
- grow sustainably (raised by 2 participants);
- smaller homes for aging (raised by 1 participant).
- Some development in Otane spoils the atmosphere: removal houses, sections too small, detract from ambience of village.

15.3.4 Issues Raised in Staff Interviews

- Geotechnical reports provided for subdivisions are not necessarily appropriate for building consent purposes. If you are building a new building on a vacant site, a scala penetrometer test should be undertaken first, which will indicate whether a full geotechnical report is required. Issue is that people think that the geotechnical report provided for subdivision will also be suitable for building purposes. The scala penetrometer test will indicate whether a Geotech report will be required – e.g. that the soil complies with NZS:3604 (minimum requirements for timber frame building). Perhaps encourage subdividers to provide scala penetrometer test up front, if they know where the building platform is to go?

- The current subdivision rules do not include a standard that requires people to identify at least one suitable building platform for each lot on the subdivision plan – need to show that the proposed subdivision is suitable for the intended purpose. There are some subdivision consent assessment criteria (14.6.11) that allow consideration as to suitability of the site for building.
- Council uses the HDC Engineering COP and NZS 4404, although they have a few of their own different requirements e.g. when connecting to water you must use a particular valve fitting for fire-fighting purposes, stormwater design etc.
- Multiple access lot crossing standards are covered under the Subdivision rules. But there are no standards in the Transportation section which require crossings to be upgraded where there are more dwellings built later.
- Esplanade reserve/strip rules need a tidy up – Debra Stewart and Helen have done a lot of work on this. DP Maps showing the areas need to be redone (show where the Council will take esplanade reserves). Open Space and Recreation Section of the DP deals with esplanade reserves. Debra has prepared a new set of maps and developed a set of recommendations.
- Subdivision/development situation where two primary dwellings are permitted on a serviced urban zone and rural townships on each lot, as long as they can be connected to services. Need to tidy up these rules. Comes down to minimum lot size and what is allowed on it – ambiguity in relation to the servicing. The definitions relating to it, and the wording, are ambiguous.
- Subdivisions are fairly spread out across the district. A bit of subdivision currently happening around Otane.
- Majority of the rural subdivisions are boundary adjustments or carving off surplus rural dwellings.
- Generally, there are 60-70 consents per year – probably 50% land use consents, 50% subdivision consents (will probably be bit higher this year (already at 70 consents in August) because development appears to have increased.
- There are no non-complying activities under the subdivision rules, which is unusual – need to consider whether this should be changed.

15.4 Significant Issues to Address

The subdivision provisions will likely require substantial review in light of the outcome of other aspects of the District Plan Review.

The financial contribution provisions need review alongside Council's development contributions policy under the LGA, to confirm the most appropriate means for Council to recover the costs of development to the community.

The taking of esplanade reserves/strips has been reviewed as part of the review of rural landscapes assessment, and may require updating.

15.5 Preliminary Options for Plan Review

15.5.1 Status Quo

This option would involve leaving the subdivision and financial contribution provisions as is, with no amendment. This is not recommended, as it would not address subdivision and esplanade reserve/strip matters arising from other aspects of the District Plan Review, alignment with the approach of neighbouring TLAs, or the effectiveness of the financial contributions provisions.

15.5.2 Update

This option would involve merely updating the subdivision and financial contribution provisions of the District Plan to reflect advances in best practice. This option is not considered appropriate, as it would not address subdivision and esplanade reserve/strip matters arising from other aspects of the District Plan Review, alignment with the approach of neighbouring TLAs, or the effectiveness of the financial contributions provisions, and is therefore not effective or efficient.

15.5.3 Re-Write

This option would likely involve:

- a) re-write of the subdivision provisions to reflect advances in best practice and alignment with the approach of neighbouring TLAs (e.g. Hastings District Council) – review use of NZS4404 and current use of the HDC Engineering Code of Practice as guidance;
- b) amendments in response to other aspects of the District Plan Review (e.g. arising from review of zone provisions etc);
- c) amendments to the esplanade reserve/strip provisions and to address any overlap with Open Space and Recreation provisions in the District Plan;
- d) review Council's financial contributions and development contributions policy and amend the financial contributions provisions, as necessary.

This option is deemed the most appropriate, effective and efficient option in addressing Council's functions under sections 31, 108 & 230 of the RMA, in relation to addressing subdivision and esplanade reserve/strip matters arising from other aspects of the District Plan Review, alignment with the approach of neighbouring TLAs, or the effectiveness of the financial contributions provisions, and is therefore the preferred option.

16 Part 10: Utilities

16.1 What this Section Currently Covers

This chapter of the District Plan outlines the issues, objectives, policies, methods, environmental results anticipated, rules and performance standards for utilities applying across the District.

The issues identified in this chapter are:

- 'Visual and Amenity Effects – utilities can have an adverse visual impact on the character of an area; and the construction, operation and/or maintenance of utilities can adversely affect the amenities of an area.'
- 'Value to the Community – the effective establishment, use and maintenance of the District's utility infrastructure can be adversely affected by the inappropriate location and nature of land use activities, and by a failure to recognise their importance in meeting community needs'.

Environmental results anticipated in this chapter are:

- 'Provision of utilities consistent with the nature of the local environment, operational needs, and the cost and scale of facilities'.
- 'Protection of the functioning of utilities'.
- 'New development in areas where utilities can supply resources on a sustainable basis'.
- 'Maintenance of high quality and availability of groundwater supplies'.
- Development of areas more able to be serviced with consequent economies in use and provision'.
- 'Sewer and water reticulation in areas where this is necessary to prevent degradation of groundwater resources'.
- 'Adequate disposal of solid wastes, sewerage and stormwater in a manner which protects water resources and amenities'.
- 'Maintained and enhanced public health'.
- 'Degree of risk to community from flooding minimised through the protection of flood control measures'.

16.2 Statutory Basis for this Section

Section 31 outlines the functions of territorial authorities under the RMA, including:

(1)(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

Section 75(3) of the Resource Management Act directs that district plans must give effect to any relevant NPSs and NESs, and to the RPS. Relevant NPS and NES in respect of this section of the District Plan relating to utilities are:

- National Policy Statement for Electricity Transmission (NPSET), 2008.
- National Environmental Standards for Electricity Transmission Activities (NESETA), 2010.
- National Environmental Standards for Telecommunication Facilities (NESTF), 2016.
- Hawke's Bay Regional Policy Statement, Chapter 3.1 Managing the Built Environment, OBJ UD5 Integration of Land Use with Significant Infrastructure, and OBJ UD6 Integration of Transport Infrastructure with Development, and POL UD13 Servicing of Developments, and Chapter 3.13 Maintenance and Enhancement of Physical Infrastructure.

16.3 Feedback Relevant to this Section

16.3.1 'Plan Review' Background Reports & Feedback To-Date

– 'Rural Discussion Document' (February 2012):

35 submissions were received on the Rural Discussion Document, including one submission from Transpower New Zealand Limited in relation to the following:

- Reverse sensitivity effects of subdivision and development (including earthworks) on the National Grid and the need for the District Plan to refer to the National Policy Statement on Electricity Transmission;
- Need to control planting of trees near electricity transmission lines – refer to the Electricity (Hazards from Trees) Regulations 2003.

16.3.2 Draft 'Plan Effectiveness Report' Feedback

- A number of changes have occurred at a national level in relation to network utilities since the plan was made operative. Council has statutory obligations to implement the National Policy Statements and National Environmental Standards for Electricity Generation.

It is recommended that the Utilities section be reviewed to integrate these amendments from Central Government.

16.3.3 Relevant 'Project Thrive' Feedback

No matters raised.

16.3.4 Issues Raised in Staff Interviews

- Utilities – Turbine Towers – need to increase height limit and the setback from boundary limits (Blade height in combination with the tower height). Also need noise limits for wind farms.

16.4 Significant Issues to Address

There have been a number of NPSs and NESs that have come into effect since the District Plan was made operative, along with changes to the Hawke's Bay RPS, that have implications in respect of the provision for utilities in district plans. The District Plan requires significant review and amendment to give effect to these.

16.5 Preliminary Options for Plan Review

16.5.1 Status Quo

This option would involve leaving the utilities provisions as is, with no amendment. This is not appropriate, as it would lead to the District Plan remaining outdated, and potentially at odds with relevant statutory matters in the RMA and national policy direction.

16.5.2 Update

This option would involve revising and updating the utilities provisions in the District Plan (a 'do minimum' approach) merely to give effect to the relevant NPSs and NESs and the Hawke's Bay RPS. This option is not considered appropriate, as it would not pick up changes in best practice around providing for utilities in District Plans, or enable alignment with the approach of neighbouring TLAs, and therefore may not be effective or efficient.

16.5.3 Re-Write

This option would involve significant review of the utilities provisions to:

- a) give effect to the relevant NPSs and NESs and the Hawke's Bay RPS;
- b) reflect advances in best practice; and
- c) align with the utilities provisions of neighbouring TLAs.

This option is deemed the most appropriate, effective and efficient option in addressing Council's functions under sections 31 of the RMA, in giving effect to the relevant NPSs, NESs and Hawke's Bay RPS, to reflect best practice and alignment with the approach of neighbouring TLAs, and is therefore the preferred option.

17 Part 11: Signs

17.1 What this Section Currently Covers

This chapter of the District Plan outlines the issues, objectives, policies, methods, environmental results anticipated, rules and performance standards for signs and outdoor advertising applying across the District.

The issue identified in this chapter is:

- 'Safety and Environmental Effects – signs can result in adverse effects on traffic safety and visual amenity'.

Environmental results anticipated in this chapter are:

- 'Adequate signage to convey the information necessary for the social, economic and cultural welfare of the community'.
- 'Minimal adverse effects of signs on traffic and pedestrian safety'.
- 'Maintenance and enhancement of the visual amenities of the residential and rural areas of the District'.
- 'A variety of signage within the business areas and townships of the District.'

17.2 Statutory Basis for this Section

Section 31 outlines the functions of territorial authorities under the RMA, including:

(1)(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

17.3 Feedback Relevant to this Section

17.3.1 'Plan Review' Background Reports & Feedback To-Date

No matters raised.

17.3.2 Draft 'Plan Effectiveness Report' Feedback

- Review of rules relating to signs required.

17.3.3 Relevant 'Project Thrive' Feedback

No matters raised.

17.3.4 Issues Raised in Staff Interviews

No matters raised.

17.4 Significant Issues to Address

No significant issues identified.

17.5 Preliminary Options for Plan Review

17.5.1 Status Quo

This option would involve leaving the chapter as is, with no amendment. This is not recommended, as it could lead to aspects of this chapter remaining outdated, and potentially at odds, with relevant statutory matters in the RMA.

17.5.2 Update

This option would involve merely updating the existing text in this chapter as necessary to reflect advances in best practice.

This option is deemed the most appropriate, effective and efficient option in reviewing the signs provisions in the District Plan, and is therefore the preferred option.

17.5.3 Re-Write

This option would involve re-writing the entire chapter. This is not considered appropriate (given there have not been any significant issues identified with this chapter to-date that would suggest significant change in approach is warranted), and would also not be efficient in terms of cost-benefit.

18 Part 12: Relocated Buildings, Temporary Buildings & Temporary Activities

18.1 What this Section Currently Covers

This chapter of the District Plan outlines the issues, objectives, policies, methods, environmental results anticipated, rules and performance standards for relocated buildings, temporary buildings and temporary activities applying across the District.

The issue identified in this chapter is:

- ‘Environmental Effects – the relocation and temporary use of buildings and the establishment of temporary activities have potentially significant adverse effects on neighbouring properties or the environment generally’.

Environmental results anticipated in this chapter are:

- ‘Flexibility in the provision for temporary buildings and temporary activities’.
- ‘Relocated buildings that have regard to and protect the general amenity of the zone or locality within which they are sited.’

18.2 Statutory Basis for this Section

Section 31 outlines the functions of territorial authorities under the RMA, including:

(1)(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

18.3 Feedback Relevant to this Section

18.3.1 ‘Plan Review’ Background Reports & Feedback To-Date

No matters raised.

18.3.2 Draft ‘Plan Effectiveness Report’ Feedback

- Problems have occurred in relation to the consenting of relocatable buildings, particularly in rural townships.
- There has been recent concern expressed by residents of Otane that the standard of repair related to relocatable buildings and dwellings in particular, does not reflect the amenity and character of the Otane township. This matter will be addressed as a review of this chapter is undertaken as part of the review.

18.3.3 Relevant ‘Project Thrive’ Feedback

Relocatable Buildings:

- Update and enforce design guidelines, especially for relocatables;
- relocatable buildings -rules need to be upheld, enforced (raised by 2 participants);
- Some development in Otane spoils the atmosphere: removal houses, sections too small, detract from ambience of village;

18.3.4 Issues Raised in Staff Interviews

- Big proportion of land use consents over the last four years (while Angela has been consents planner at CHB) have been for relocated buildings (all restricted discretionary – discretion restricted to visual amenity) – mix of rural and urban based locations, and mostly residential buildings. Most of the buildings are coming from out of town.
- Relocatable buildings – are going everywhere. Often no information about the building’s history, so don’t know if it meets Building Code. Have a look at current best practice for

dealing with them in other District Plans (e.g. Hastings District). Look at including a standard under the relocatable dwelling rules, requiring applicants to provide Council with a building report, including a copy of all plans pertaining to the building (e.g. plans and specifications from previous Council, what standards it was built to, when it was built, what alterations have been made to it since, etc). Currently there are no standards – only assessment matters restricted to appearance/visual amenity matters. Potential problems if buildings not built for different wind zone requirements, etc.

18.4 Significant Issues to Address

Relocatable dwellings are a common occurrence across the District, and Council is experiencing significant issues in addressing the effects associated with them, in terms of meeting appropriate building standards, and also in terms of their standard of repair which impacts on the character and amenity of the area.

18.5 Preliminary Options for Plan Review

18.5.1 Status Quo

This option would involve leaving the relocatable buildings and temporary buildings & activities provisions as is, with no amendment. This is not recommended, as it would not address current issues with addressing the effects associated with relocatable dwellings throughout the District, or alignment with the approach of neighbouring TLAs.

18.5.2 Update

This option would involve updating the relocatable buildings and temporary buildings & activities provisions of the District Plan, to reflect best practice and alignment with the provisions of neighbouring TLAs.

This option may be the most appropriate, effective and efficient option in addressing Council's functions under sections 31 of the RMA, in relation to addressing current issues with addressing the effects associated with relocatable dwellings throughout the District, and alignment with the approach of neighbouring TLAs, and is currently the preferred option.

18.5.3 Re-Write

This option would involve updating the relocatable buildings and temporary buildings & activities provisions to reflect best practice, and potentially incorporating these activities within the zone chapters of the District Plan.

This option could be similarly appropriate, and may be just as effective and efficient as the 'Update' option in terms of cost-benefit, so remains in consideration.

19 Part 13: Hazardous Substances & Appendix G (Hazardous Substances Screening Procedure)

19.1 What this Section Currently Covers

This chapter of the District Plan outlines the issues, objectives, policies, methods, environmental results anticipated, rules and performance standards for the use and storage of hazardous substances applying across the District.

Appendix G contains the Hazardous Substances Screening Procedure (HSSP) which is a process of assigning a 'Total Effects Ratio' for discretionary activities involving use and/or storage of hazardous substances. The result is then a consideration when determining whether an application will be granted or declined and in determining the conditions required for any consent granted.

The issue identified in this chapter is:

- 'Environmental Effects – to establish a flexible hazardous control regime which establishes effective standards, so that the potential adverse effects on the environment from the use or storage of hazardous substances is avoided or mitigated.'

Environmental results anticipated in this chapter are:

- 'Hazardous substances collected and disposed of safely and with minor adverse effects on the environment'.
- 'Avoidance or mitigation of adverse effects from the storage and use of hazardous substances in the District'.
- 'The implementation, in conjunction with other affected parties, of emergency response procedures, if there is ever a risk to people or property from hazardous substances in the District.'

19.2 Statutory Basis for this Section

Section 31 outlines the functions of territorial authorities under the RMA, including:

(1)(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

Section 31 of the RMA above needs to be read together with section 142 of the HSNO Act.

Section 142 of the HSNO Act provides that RMA plans can only include more stringent requirements than the HSNO Act when they are considered 'necessary' for the purposes of the RMA. Where the HSNO Act requirements are sufficient to meet the purposes of the RMA that test will not be met.

National best practice guidance⁷ suggests that in general, hazardous facilities which comply with the HSNO requirements for the management of hazardous substances should not have significant actual adverse effects on the environment, and that land use provisions should not duplicate requirements imposed by the HSNO Act or other statutes. This guidance suggests that inclusion of hazardous substance controls in District Plans should be the exception rather than the rule, and included only when a rigorous section 32 analysis shows that these controls are justified.

⁷ Ministry for the Environment and Quality Planning websites, www.mfe.govt.nz & www.qualityplanning.org.nz

Section 75(3) of the Resource Management Act directs that district plans must give effect to any relevant NPSs and NESs, and to the RPS. Relevant documents in respect of this section of the District Plan relating to hazardous substances in the District Plan, are:

- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESC), 2012 (a nationally consistent set of planning controls and soil contaminant values).

19.3 Feedback Relevant to this Section

19.3.1 'Plan Review' Background Reports & Feedback To-Date

No matters raised.

19.3.2 Draft 'Plan Effectiveness Report' Feedback

No matters raised.

19.3.3 Relevant 'Project Thrive' Feedback

No matters raised.

19.3.4 Issues Raised in Staff Interviews

No matters raised.

19.4 Significant Issues to Address

The current provisions present potential for duplication of HSNO Act requirements in the District Plan to occur. National best practice guidance suggests land use provisions in a District Plan should not duplicate requirements imposed by the HSNO Act, and that inclusion of hazardous substance controls in District Plans should be the exception rather than the rule.

Central Hawke's Bay District has a large area of unconfined aquifer, similar in size to the Heretaunga Plains Unconfined Aquifer, that may warrant additional precaution in the use and storage of hazardous substances.

19.5 Preliminary Options for Plan Review

19.5.1 Status Quo

This option would involve leaving the chapter as is, with no amendment. This is not recommended, as it retains the high potential for duplication of HSNO Act requirements in the District Plan to occur.

19.5.2 Update

This option would involve merely updating the hazardous substances provisions of the District Plan to reflect advances in best practice around the use and storage of hazardous substances. This option is not considered appropriate, as it retains the high potential for duplication of HSNO Act requirements in the District Plan to occur, and is therefore not effective or efficient.

19.5.3 Change of Approach

This option would likely involve deleting much of this chapter, and generally leaving the management of the use and storage of hazardous substances to the provisions of the HSNO Act, which also reflects alignment with the approach of neighbouring TLAs (e.g. Hastings District Council).

This option is deemed the most appropriate, effective and efficient option in addressing Council's functions in relation to managing the use and storage of hazardous substances in the District, avoids duplication with the HSNO Act requirements, and aligns with the approach of neighbouring TLAs, and is therefore the preferred option.

20 Part 14: Resource Consent Assessment Matters

20.1 What this Section Currently Covers

This chapter of the District Plan contains all the assessment matters for restricted discretionary and discretionary activities, and matters for control in relation to controlled activities.

It contains assessment matters relating to zone performance standards, as well as relating to particular controlled and discretionary land use activities, transport matters, subdivision matters, utilities, signs, relocated buildings and temporary buildings and activities, and hazardous substances.

20.2 Statutory Basis for this Section

Section 31 outlines the functions of territorial authorities under the RMA, including:

(1)(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

20.3 Feedback Relevant to this Section

20.3.1 'Plan Review' Background Reports & Feedback To-Date

No matters raised.

20.3.2 Draft 'Plan Effectiveness Report' Feedback

No matters raised.

20.3.3 Relevant 'Project Thrive' Feedback

No matters raised.

20.3.4 Issues Raised in Staff Interviews

No matters raised.

20.4 Significant Issues to Address

No significant issues identified.

20.5 Preliminary Options for Plan Review

20.5.1 Status Quo

This option would involve leaving the chapter as is, with no amendment. This is not recommended, as it could lead to aspects of this chapter remaining outdated and inconsistent with the remainder of the District Plan Review.

20.5.2 Update

This option would involve revising, updating and expanding on the assessment matters contained in this chapter, largely in response to other aspects of the District Plan Review (including any new chapters), and through consequential amendments.

This option may be the most appropriate, effective and efficient option in reviewing the resource consent assessment matters in the District Plan, and is currently the preferred option.

20.5.3 Change of Approach

This would involve the option of peppering the assessment criteria throughout the Plan at the end of each relevant chapter, rather than as a standalone chapter.

This option could be similarly appropriate, and may be similarly as effective and efficient as the 'Update' option in terms of cost-benefit, so remains in consideration.

21 Appendix A – Schedule of Designations

21.1 What this Section Currently Covers

This schedule contains details of the designations in place in the Central Hawke’s Bay District, as required by the various network utility operators and requiring authorities (including Council’s own designations). These are also shown on the Planning Maps.

21.2 Statutory Basis for this Section

Part 8 (Designations and Heritage Orders) of the RMA makes specific provision for Ministers of the Crown, local authorities, or network utility operators approved as a ‘requiring authorities’ to give notice of requirement for a designation for a public work, or project or work to be included in a District Plan.

Section 175 of the RMA imposes a requirement on the Council to provide for designations, once confirmed, as if it were a rule in the District Plan.

Prior to notifying the Proposed District Plan (following the review), Clause 4 of Schedule 1 to the RMA requires Council to invite requiring authorities with existing designations to give written notice to the territorial authority stating whether they require the designation to be included, with or without modification, in the Proposed Plan – giving at least 30 working days to respond. This is otherwise known as a designation rollover process. If no response is received, then no provision for the designation is included in the Proposed Plan.

21.3 Feedback Relevant to this Section

21.3.1 ‘Plan Review’ Background Reports & Feedback To-Date

No matters raised.

21.3.2 Draft ‘Plan Effectiveness Report’ Feedback

No matters raised.

21.3.3 Relevant ‘Project Thrive’ Feedback

No matters raised.

21.3.4 Issues Raised in Staff Interviews

- Designation of the Ruataniwha water race network needs to be shown on the Planning Maps and included in this schedule in the District Plan – should be already.
- Need to look at current rules, so they reflect the current requirements for activities (including liquor licensing) on Council reserves. Otherwise have designation to cover it.

21.4 Significant Issues to Address

No significant issues raised.

21.5 Preliminary Options for Plan Review

21.5.1 Update

There are no other alternatives. At some stage prior to public notification of the Proposed District Plan, Council will need to invoke Clause 4 of Schedule 1 to the RMA.

It is recommended that this be done in conjunction with public consultation on the Draft District Plan – then Appendix A and the Planning Maps can be updated accordingly, for inclusion in the Proposed District Plan in due course.

Ensure the designation of the Ruataniwha water race network is included in Appendix A and shown on the Planning Maps.

22 Appendix H – Schedule of Identified Community Facilities

22.1 What this Section Currently Covers

This schedule contains details of identified community facilities in the Central Hawke’s Bay District, for information purposes only, and includes:

- marae;
- churches;
- showgrounds;
- racecourse;
- community halls;
- sports and community clubrooms;
- community & art centres;
- private schools, training centres and kohanga reo; and
- fire stations.

These are also shown on the Planning Maps.

22.2 Statutory Basis for this Section

The purpose in section 5(2) of the RMA refers to:

‘managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety’.

Section 31 outlines the functions of territorial authorities under the RMA, including:

(1)(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

22.3 Feedback Relevant to this Section

22.3.1 ‘Plan Review’ Background Reports & Feedback To-Date

No matters raised.

22.3.2 Draft ‘Plan Effectiveness Report’ Feedback

No matters raised.

22.3.3 Relevant ‘Project Thrive’ Feedback

No matters raised.

22.3.4 Issues Raised in Staff Interviews

- Noted that Council is in process of selling some reserves, so if they sell they will need to be removed from the schedule in the DP.
- When Council redoes the schedule of reserves in the DP will need to show the activities provided for, if not having reserve management plans.
- Issue of sale of liquor in clubs located on reserves – there are currently standards in relation to the underlying zone (e.g. Residential Zone for Russell Park) that have limits on the number of employees and hours of operation. Are very restrictive and don’t meet/reflect the needs of current activities on Council reserves. Non-compliance with standards results in Non-complying activities. Some constraints in the Business 2 Zone that need review. Licensed premises only specifically mentioned in the Rural Zone.

- Need to look at current rules, so they reflect the current requirements for activities (including liquor licensing) on Council reserves. Otherwise have designation to cover it.

22.4 Significant Issues to Address

May need to review the status of this schedule and what it is in the District Plan to achieve, given it is included in the District Plan for information purposes only, with no apparent corresponding reference to it within the District Plan provisions.

22.5 Preliminary Options for Plan Review

22.5.1 Status Quo

This option would involve leaving Appendix H as is, with no amendment. This is not recommended, as it could lead to aspects of this schedule remaining out-of-date.

22.5.2 Update

This option would involve updating Appendix H of the District Plan, to reflect current information, or deletion.

This option may be the most appropriate, effective and efficient option in reviewing Appendix H in the District Plan, and is currently the preferred option (depending on whether it is deemed through the District Plan Review that there is value in retaining this information in the District Plan).

23 Matters Not Currently Covered in the District Plan

23.1 Matters Identified as Not Currently Covered

The following issues/activities are not currently covered in the District Plan:

- Renewable electricity generation.
- Climate Change.
- Earthworks.
- Papakainga & Marae-Based Development (refer also section on Tangata Whenua Values).

23.2 Statutory Basis for Including Them

The purpose in section 5(2) of the RMA refers to:

‘managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety’.

In achieving the purpose, section 6 of the RMA requires all persons exercising functions and powers under the Act to recognise and provide for matters of national importance. Matters of national importance considered to be of particular relevance to the above matters not currently covered in the District Plan, are:

(h) the management of significant risks from natural hazards.

Section 7 of the RMA requires particular regard to various other matters. Other matters considered to be of particular relevance to the above matters not currently covered in the District Plan, are:

(i) the effects of climate change:

Section 31 outlines the functions of territorial authorities under the RMA, including:

(1)(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:

(1)(b) the control of any actual or potential effects of the use, development or protection of land, including for the purpose of:

(i) the avoidance or mitigation of natural hazards.

Section 106(1) of the RMA provides for territorial authorities to refuse to grant a subdivision consent, or to grant a subdivision consent subject to conditions, if it considers that—

(a) the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or

(b) any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source

Section 75(3) of the Resource Management Act directs that district plans must give effect to any relevant NPSs and NESs, and to the RPS. Relevant documents in respect of this section of the District Plan relating to the above matters not currently covered in the District Plan, are:

- New Zealand Coastal Policy Statement, 2010.
- National Policy Statement for Renewable Electricity Generation (NPSREG), 2011.
- Hawke’s Bay Regional Policy Statement, Chapter 3.1 Managing the Built Environment, OBJ UD5 Integration of Land Use with Significant Infrastructure, POL UD6.1 Provisions for Papakainga and Marae-Based Development & POL UD6.2 Encouraging Papakainga and

Marae-Based Development, and Chapter 3.14 Recognition of Matters of Significance to Iwi/Hapu, Chapter 3.12 Natural Hazards.

- Hawke's Bay Regional Coastal Environment Plan.

23.3 Feedback Relevant to these Matters

23.3.1 'Plan Review' Background Reports & Feedback To-Date

- 'Rural Discussion Document' (Feb 2012)

This document was released for public discussion as part of the rolling District Plan review. It identified and sought feedback on a range of issues relating to Subdivision and Land Use in the Rural Zone, Reverse Sensitivity/Farming Activities, Significant Landscapes, Noise, Earthworks, Climate Change and Natural Hazards.

35 submissions were received in response to the discussion document, including submissions from New Zealand Transport Agency, Heritage New Zealand, HBRC, HDC, Te Taiwhenua O Tamatea, Department of Conservation, Fonterra, Horticulture New Zealand & Hawkes Bay Federated Farmers. The following issues were identified:

- o Earthworks rules in the Rural Zone should not restrict productive farming activities, including digging silage pits, offal pits, forming and maintaining farm tracks, etc.; and

23.3.2 Draft 'Plan Effectiveness Report' Feedback

- Renewable Energy

Lack of recognition of energy matters, including the need to address renewable energy generation.

The Operative District Plan is relatively silent in regard to the issues relating to energy with the exception of the provisions in the Utilities Chapter of the Plan which addresses network transmission and servicing.

Since the District Plan was made operative in 2003 there have been a number of significant changes at a national level relating to the issue of energy. This includes the following;

- o The New Zealand Energy Strategy 2011;
- o The New Zealand Energy Efficiency & Conservation Strategy 2011;
- o National Policy Statement for Renewable Electricity Generation 2011.

The reviewed District Plan will need to give effect to these policies and strategies as well as address renewable energy generation. It is anticipated that a chapter on Renewable Energy will form part of the reviewed Plan.

- Earthworks

Pre statutory consultation for the review included focused meetings with Ngati Kahungunu Iwi Incorporated and Taiwhenua o Tamatea. This consultation has identified the following issues which are of concern to iwi within the Central Hawkes Bay District.

- o Introduction of controls on earthworks in relation to the protection of waahi tapu and cultural sites.

- Papakainga

Pre statutory consultation for the review included focused meetings with Ngati Kahungunu Iwi Incorporated and Taiwhenua o Tamatea. This consultation has identified the following issues which are of concern to iwi within the Central Hawkes Bay District.

- o To provide for development of papakainga on Maori land within the district.

This is a proposed new section for the review and is considered to be an important part of the draft Plan. There is a significant amount of Maori owned land in Central Hawkes Bay

and initial discussion with Tamatea O Taiwhenua relating to the introduction of a Papakainga Chapter in the Plan has received total support.

Council has also undertaken some work on this issue with TPK and this agency is very supportive of introducing provisions in the Plan to provide for Papakainga.

It is recommended that a chapter addressing this issue is included in the revised Plan.

23.3.3 Relevant 'Project Thrive' Feedback

No matters raised.

23.3.4 Issues Raised in Staff Interviews

No matters raised.

23.4 Preliminary Options for Plan Review

23.4.1 Status Quo

This option would involve continuing not to cover these matters in the District Plan. This is not recommended, as it would mean the District Plan would remain at odds with relevant statutory matters in the RMA and national policy direction, and would not give effect to aspects of the Hawke's Bay RPS.

23.4.2 Incorporate New Provisions

This option would likely involve drafting new chapters for inclusion in the District Plan (and aligning with corresponding provisions in the District Plans of neighbouring TLAs) in respect of:

- renewable electricity generation activities;
- climate change;
- earthworks; and
- papakainga.

This option is deemed the most appropriate, effective and efficient option in addressing Council's functions under the RMA, and in terms of giving effect to relevant NPSREG and the Hawke's Bay RPS, and achieving alignment with the approach of neighbouring TLAs, and is therefore the preferred option.

NB. Council's Senior Planner has already done considerable work around drafting of potential provisions, which will provide a useful starting point.

24 Planning Maps

24.1 Feedback Relevant to this Section

24.1.1 'Plan Review' Background Reports & Feedback To-Date

No matters raised.

24.1.2 Draft 'Plan Effectiveness Report' Feedback

No matters raised.

24.1.3 Relevant 'Project Thrive' Feedback

No matters raised.

24.1.4 Issues Raised in Staff Interviews

- Closed landfills – eight in total – appear to all be identified on the DP Maps – make sure the maps are accurate. Council doesn't own the land for all of them, which is a problem. Council manages them, but they are not on Council land. All of them have been capped. Issue is around ensuring that information is updated to reflect this. ACTION: Brett will identify all of the closed landfill sites on maps for us (legal descriptions would be helpful also), and ensure that boundaries are correctly identified. All of them are marked on the DP Maps in different ways.

24.2 Significant Issues to Address

No significant issues identified.

24.3 Preliminary Options for Plan Review

24.3.1 Update

There are no other alternatives. The Planning Maps will require updating to reflect the outcomes of the District Plan Review e.g. to reflect updated archaeological sites, sites of significant cultural significance to tangata whenua, areas of significant nature conservation value, natural features and amenity landscapes, as well as the addition of any new zones (if any) developed as a result of the wider District Plan Review.

NB. It is understood that Council is moving the Planning Maps for the Central Hawke's Bay District Plan to a GIS platform. Further, the National Planning Standards will likely look to a nationally consistent approach to the presentation of planning maps – therefore it will be important to monitor where this ultimately leads, and try to pre-empt this where possible.

25 Clause 16 Technical Amendments

Clause 16 of Schedule 1 to the RMA provides for Councils to make an amendment to its District Plan *‘to alter any information, where such an alteration is of minor effect, or may correct any minor errors’*, without formality.

There are a number of minor amendments to the District Plan to correct minor errors that can be picked up through the Plan Review process.

The following are some minor errors or alterations of minor effect in the operative District Plan, that have been identified by Council officers to-date:

1. Maps 45-48 refer to rule 9.9.1(c) of the Plan...this should be amended to refer to rule 9.9.1(e);
2. ...
3. ...

NB. the above list will be added to, as minor amendments and errors are discovered.

References

- 'An Introductory Guide to the National Policy Statement on Urban Development Capacity 2016', Ministry for the Environment and Ministry of Business, Innovation & Employment, November 2016.
- 'Central Hawke's Bay Blueprint - Consultation Outcomes Report for Central Hawke's Bay District Council', Urbanism Plus Ltd, May 2017.
- 'Central Hawke's Bay Blueprint - Appendices for Central Hawke's Bay District Council', Urbanism Plus Ltd, July 2017.
- 'Central Hawke's Bay District Council – District Plan Review – Coastal Zone Landscape Assessment' (Final Draft), Terraforme Landscape Architecture, September 2013.
- 'Central Hawke's Bay District Council – District Plan Review – Rural Landscape Assessment' (Final Draft), Terraforme Landscape Architecture, September 2016.
- 'Central Hawke's Bay District Plan', Central Hawke's Bay District Council, operative 1 May 2003.
- 'Central Hawke's Bay District Plan – Progress as at end of February 2017', nd.
- 'Central Hawke's Bay District Plan Review – Project Plan' (Draft), July 2017.
- 'Central Hawkes Bay District Plan Review – A Report on the Efficiency and Effectiveness of the Central Hawkes Bay District Plan' (Draft), nd.
- 'Coastal Area Discussion Document – District Plan Review' (and submissions), Central Hawke's Bay District Council, November 2013.
- 'District Plan Review – Rural Discussion Document' (and submissions), Central Hawke's Bay District Council, February 2012.
- 'Future Residential Development in Central HB District', Economic Solutions Ltd, April 2015.
- 'Hawke's Bay Regional Resource Management Plan', Hawke's Bay Regional Council, Operative 28 August 2006 (incorporating Chapter 3 re-published as at 1 January 2014 and Chapter 5 re-published as at 1 October 2015).
- 'Introduction to the National Planning Standards', Ministry for the Environment, May 2017.
- 'Ngati Kere Rohe Trustees Strategic Plan 2013-2017' (Draft), Ngati Kere Rohe Trustees, nd.
- Resource Management Act 1991 (Reprint as at 1 July 2017), www.legislation.govt.nz.
- 'Review of Central Hawke's Bay District Plan – District Economic Assessment', Economic Solutions Ltd, August 2013.
- 'Ruataniwha Water Storage Scheme Review', HBRC, 8 May 2017.
- 'Stocktake and Review of the Central Hawke's Bay District Plan Review Process' (Draft - abridged), Perception Planning Ltd, 2017 (plus Perception Planning staff interview notes).
- 'Urban Growth Strategy – Waipawa and Waipukurau' (Draft), Central Hawke's Bay District Council, nd.
- Ministry for the Environment website, www.mfe.govt.nz.
- Quality Planning website, www.qualityplanning.org.nz.
- Sage Planning Notes from Central Hawke's Bay District Council Staff Interviews, conducted 11 & 14 August 2017, with the following staff:
- Paul Collits
 - Brett Way
 - Darron Rapson
 - Dave Inglis
 - Steve Thrush & Peter Eastwood
 - Te Aroha Cook, Angela McFlynn & Amber Leboida