

# Central Hawke's Bay District Council

# District Plan Review

Remaining District Wide Chapters and Relocated Buildings Provisions Section 32 Topic Report

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# **REFERENCES**

# 1 Introduction

This report contains a summary evaluation of the remaining District-wide chapters and relocated buildings provisions of the Proposed Central Hawke's Bay District Plan (Proposed District Plan). These provisions are found in the following chapters of the Proposed District Plan:

- SB Sustainable Subdivision and Building
- TRAN Transport
- CL Contaminated Land
- HAZS Hazardous Substances
- NH Natural Hazards
- OSR Open Space and Recreation
- PA Public Access
- ASW Activities on the Surface of Water
- EW Earthworks
- LIGHT Light
- NOISE Noise
- SIGN Signs
- TEMP Temporary Activities

It is important to read this report in conjunction with the Section 32 Overview Report which contains further information and evaluation about the overall approach and direction of the District Plan review and Proposed District Plan.

This report contains a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from implementing the proposed provisions.

The provisions of the Proposed Plan have been assessed against the relevant higher-order documents that have been prepared under the RMA including the Hawke's Bay Regional Policy Statement (RPS).

# 2 Statutory & Policy Context

# 2.1 Resource Management Act

The RMA sets out in section 31 the functions of territorial authorities. The key function for the District Council is the integrated management of the use, development, or protection of land and associated natural and physical resources of the district. 'Natural and physical resources' includes all parts of the natural environment, including air, water, soil, and ecosystems (natural resources) throughout the District.

Section 5 sets out the purpose of the RMA, which is to promote sustainable management of natural and physical resources and this is explained more in section 5(2).

In this Act, sustainable management means 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 wellbeing, 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.

Sections 6 and 7 of the Act set out principles of national importance and other matters in which the Council shall recognise and provide for, or have particular regard to, when reviewing the District Plan.

The following section 6 matters relevant:

- 6(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.
- 6(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.
- 6(h) the management of significant risks from natural hazards.

Relevant section 7 'Other Matters' seek that the Council has particular regard to the following:

- 7(b) the efficient use and development of natural and physical resources:
- 7(c) the maintenance and enhancement of amenity values:
- 7(f) maintenance and enhancement of the quality of the environment:
- 7(i) the effects of climate change:
- 7(i) the benefits to be derived from the use and development of renewable energy.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi. Tangata whenua, through iwi authorities, have been consulted as part of the review process and the obligation to make informed decisions based on that consultation is noted.

The RMA has particular provisions addressing noise – section 16 (general duty) and sections 326-328 (in respect of excessive noise) of the Act. 'Noise' is defined as including vibration in section 2 of the RMA.

Section 16 imposes a duty on everyone to avoid unreasonable noise, as follows:

16(1) Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.

Section 16 goes on to state that a Plan can prescribe noise emission standards (section 16(2)).

In addition, the functions of territorial authorities as set out in section 31 of the RMA includes:

- (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.
- (1)(d) the control of the emission of noise and the mitigation of the effects of noise.
- (1)(e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:
- (1A) For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—
- (a) the likelihood of natural hazards occurring (whether individually or in combination); and
- (b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and
- (c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).

Section 31 of the RMA further requires Councils to control any actual or potential effects of the use, development or protection of land and associated natural and physical resources of the district.

Section 75(3) of the RMA directs that district plans must give effect to any relevant National Policy Statements (NPSs) and National Environmental Standards (NESs), and to the Regional Policy Statement (RPS).

Section 75(4) of the RMA requires that district plans are not inconsistent with a water conservation order or a regional plan for any matter specified in section 30(1) of the RMA.

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

Sections 326-328 of the RMA outline the meaning of the term 'excessive noise' and the process for issuing excessive noise directions. The meaning of 'excessive noise' is contained in section 326 as follows:

- (1) In this Act, the term excessive noise means any noise that is under human control and of such a nature as to unreasonably interfere with the peace, comfort, and convenience of any person (other than a person in or at the place from which the noise is being emitted), but does not include any noise emitted by any—
- (a) aircraft being operated during, or immediately before or after, flight; or
- (b) vehicle being driven on a road (within the meaning of section 2(1) of the Land Transport Act 1998); or
- (c) train, other than when being tested (when stationary), maintained, loaded, or unloaded.
- (2) Without limiting subsection (1), excessive noise—
- (a) includes noise that exceeds a standard for noise prescribed by a national environmental standard; and
- (b) may include noise emitted by—
- (i) a musical instrument; or
- (ii) an electrical appliance; or
- (iii) a machine, however powered; or
- (iv) a person or group of persons; or
- (v) an explosion or vibration.

#### 2.2 National Direction

# 2.2.1 National Policy Statements

# New Zealand Coastal Policy Statement 2010 (NZCPS)

The purpose of the NZCPS is to state policies to achieve the purpose of the RMA in relation to the coastal environment. It is relevant with respect to the PA – Public Access chapter and the OSR – Open Space and Recreation chapters in relation to the coastal environment.

Of particular relevance, are the following NZCPS policies:

#### Policy 18 Public open space

Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:

- (a) ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;
- (b) taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;
- (c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment;
- (d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and
- (e) recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.

#### Policy 19 Walking access

- (1) Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.
- (2) Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:
  - (a) identifying how information on where the public have walking access will be made publicly available;
  - (b) avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and
  - (c) identifying opportunities to enhance or restore public walking access, for example where:
    - (i) connections between existing public areas can be provided; or
    - (ii) improving access would promote outdoor recreation; or
    - (iii) physical access for people with disabilities is desirable; or
    - (iv) the long-term availability of public access is threatened by erosion or sea level rise; or
    - (v) access to areas or sites of historic or cultural significance is important; or
    - (vi) subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.
- (3) Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:
  - (a) to protect threatened indigenous species; or
  - (b) to protect dunes, estuaries and other sensitive natural areas or habitats; or
  - (c) to protect sites and activities of cultural value to Māori; or
  - (d) to protect historic heritage; or
  - (e) to protect public health or safety; or
  - (f) to avoid or reduce conflict between public uses of the coastal marine area and its margins; or
  - (g) for temporary activities or special events; or
  - (h) for defence purposes in accordance with the Defence Act 1990; or New Zealand Coastal Policy Statement 2010 21
  - (i) to ensure a level of security consistent with the purpose of a resource consent; or
  - (j) in other exceptional circumstances sufficient to justify the restriction.

(4) Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.

#### National Policy Statement for Renewable Energy Generation 2011

The National Policy Statement for Renewable Electricity Generation (NPS REG) came into effect on 13 May 2011.

The objective of the NPS REG is to recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation.

The NPS REG works alongside other government initiatives as part of New Zealand's wider response to tackling climate change.

Decision makers on resource consent applications must have regard to the provisions of the NPS REG. The NPS REG ensures that the national benefits of renewable electricity generation are taken into account in consenting decisions. It also requires decision makers to have particular regard to the locational requirements, the logistical or technical practicalities, and infrastructure requirements associated with developing, upgrading, operating or maintaining renewable electricity generation activities. By giving this guidance, the NPS REG promotes a more consistent approach to balancing the competing values associated with the development of New Zealand's renewable energy resources when consent authorities make decisions. This is intended to give greater certainty to applicants and the wider community.

The NPS REG provides the following direction for the District Plan:

- must recognise the national significance of renewable electricity generation by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation (Objective).
- must recognise the benefits of renewable electricity generation activities (Policy A).
- must acknowledge the practical implications of achieving New Zealand's target for electricity generation from renewable resources and the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities (Policy B and Policy C1).
- consider off-setting and compensation when considering residual adverse effects (Policy C2).
- manage reverse sensitivity effects on renewable electricity generation activities (Policy D).
- incorporate provisions for small and community-scale renewable electricity generation activities into district plans (Policy F).
- enable identification of renewable electricity generation possibilities (Policy G).

# 2.2.2 National Planning Standards

The first set of National Planning Standards (NPS) were released in April 2019. Their purpose is to improve consistency in district plan and policy structure, format, and content.

The District Plan Structure Standard (Standard #4) and the District-Wide Matters Standard includes direction that:

- Provisions relating to key strategic or significant matters for the district must (under Standard #7, clauses 1-4) be located in a chapter under the 'Strategic Direction' heading. As such, the sustainable subdivision and building provisions are located in the SSB – Sustainable Subdivision and Building' chapter under Part 2 District Wide Matters – Strategic Direction heading.
- Provisions relating to energy, infrastructure and transport must (under Standard #7, clause 5) be located within a chapter under the 'Energy, Infrastructure and Transport' heading. As such, all transport provisions are located in the 'TRAN Transport' chapter under the 'Part 2 District Wide Matters Energy, Infrastructure and Transport' heading.
- Provisions relating to contaminated land, hazardous substances and natural hazards must (under Standard #7, clauses 9-13) be located within a chapter under the 'Hazards and Risks' heading. As such, all contaminated land, hazardous substances and natural hazards provisions are located within the 'CL – Contaminated Land', 'HAZS – Hazardous Substances' and 'NH – Natural Hazards' chapters under the 'Part 2 District Wide Matters – Hazards and Risks' heading.
- Provisions relating to open space and recreation, and public access, must (under Standard #7, clauses 22 and 23) be located within a chapter under the 'Natural Environmental Values' heading. As such, all open space and recreation, and public access provisions are located within the 'OSR Open Space and Recreation' and 'PA Public Access' chapters under the 'Part 2 District Wide Matters Natural Environmental Values' heading.
- Provisions relating to activities on the surface of water, earthworks, light, noise, signs and temporary activities must (under Standard #7, clauses 27, 29, 32, 33, 36 and 37) be located within a chapter under the 'General District Wide Matters' heading. As such, all activities on the surface of water, earthworks, light, noise, signs and temporary activities provisions are located within the 'ASW Activities on the Surface of Water', 'EW Earthworks', 'LIGHT Light', 'NOISE Noise', 'SIGN Signs' and 'TEMP Temporary Activities' under the 'Part 2 District Wide Matters General District-Wide Matters' heading.

#### 2.2.3 National Environmental Standards

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS)

The NES-CS provides a national environmental standard for activities on pieces of land where soil may be contaminated in such a way as to be a risk to human health. Regional councils are required to investigate land for the purposes of identifying and monitoring contaminated land. District Councils are responsible for applying and enforcing the provisions of National Environmental Standards.

The NES-CS contains a set of planning controls that direct the requirement for consent or otherwise for activities on contaminated or potentially contaminated land. The methods to establish whether land is contaminated, include determining whether an activity or industry listed in the Hazardous Activities and Industries List (HAIL) has or is likely to have been undertaken on the land. The NESCS requires that land affected by contaminants is identified and assessed before it is developed and, if necessary, the land is remediated or the contaminants are contained to make that land safe for human use.

Resource Management (National Environmental Standard for Telecommunication Facilities) Regulations 2016 (NES-TF)

The National Environmental Standards for Telecommunications Facilities (NES-TF) came into effect on 1 January 2017 and replaced the NESTF 2008. They provide national standards for telecommunication facilities and their support structures located within the road reserve. The standards do not provide nationalised methods for facilities within residential, commercial, rural, or industrial zones, other than

radio frequency limits and measures. Regional and district plans generally cannot provide alternative rules that are either more lenient or restrictive than a National Environmental Standard.

It is noted that the NES-TF sets a noise limit for residential, rural and open space/reserve areas at a distance of 3m within the receiving site of 50dB  $_{LAeq(5 \text{ minutes})}$  between 7am and 10pm and 40dB  $_{LAeq(5 \text{ minutes})}$  and 65dB  $_{LAmax}$  between 10pm and 7am.

For business and industrial areas (and any other non-noise sensitive zones) a noise limit of 60dB L<sub>Aeq(5 minutes)</sub> applies at all times.

# 2.3 Regional Policy Statement & Regional Plans

Under Section 75(3)(c) of the RMA, the District Plan must give effect to the Regional Policy Statement (RPS). The Hawke's Bay Regional Policy Statement (RPS) is contained within the Regional Resource Management Plan. The following RPS provisions are particularly relevant to this topic.

Section 75(4)(b) of the RMA requires that the District Plan must not be inconsistent with a regional plan for any matter specified in section 30(1).

# 2.3.1 Hawke's Bay Regional Resource Management Plan (containing the Regional Policy Statement) (RMMP)

The following objectives and policies of the RMMP are relevant to the Remaining District Wide Chapters.

OJB1

To achieve the integrated sustainable management of the natural and physical resources of the Hawke's Bay region, while recognising the importance of resource use activity in Hawke's Bay, and its contribution to the development and prosperity of the region.

OBJ LW 1

Integrated management of fresh water and land use and development Fresh water and the effects of land use and development are managed in an integrated and sustainable manner which includes:

[...]

- 13. recognising and providing for the recreational and conservation values of fresh water bodies; and
- 14. promoting the preservation of the natural character of the coastal environment, and rivers, lakes and wetlands, and their protection from inappropriate subdivision, use and development.

OBJ UD5

Ensure through long-term planning for land use change throughout the Region, that the rate and location of development is integrated with the provision of strategic and other infrastructure, the provision of services, and associated funding mechanisms.

OBJ UD6

Ensure that the planning and provision of transport infrastructure is integrated with development and settlement patterns and facilitates the movement of goods and people and provision of services throughout the Region, while:

- a) limiting network congestion;
- b) reducing dependency on private motor vehicles;
- c) reducing emission of contaminants to air and energy use; and
- d) promoting the use of active transport modes.
- OBJ 5 The maintenance and where practicable and in the public interest, the enhancement of public access to and along the coast.

OBJ 8	The avoidance of further permanent development in areas prone to coastal erosion or inundation, taking into account the risk associated with global sea level rise and any protection afforded by natural coastal features.
OBJ 22	The maintenance or enhancement of groundwater quality in aquifers in order that it is suitable for human consumption and irrigation without treatment, or after treatment where this is necessary because of the natural water quality.
OBJ 31	The avoidance or mitigation of the adverse effects of natural hazards on people's safety, property, and economic livelihood.
OBJ 32	The ongoing operation, maintenance and development of physical infrastructure that supports the economic, social and/or cultural wellbeing of the region's people and communities and provides for their health and safety.
OBJ 33	Recognition that some infrastructure which is regionally significant has specific locational requirements.
OBJ 33A	Adverse effects on existing physical infrastructure arising from the location and proximity of sensitive land use activities are avoided or mitigated.
OBJ 33B	Adverse effects on existing landuse activities arising from the development of physical infrastructure are avoided or mitigated in a manner consistent with Objectives 16, 17, 18, 32 and 33.

<u>Note</u>: The RRMP includes Permitted Activity performance standards to control vegetation clearance and soil disturbance activities (Rules 7 & 8). These standards revolve around controlling sediment entering any water body, controlling soil deposition across a property boundary, and revegetation requirements.

#### 2.3.2 Hawke's Bay Regional Coastal Environment Plan (RCEP)

The following objectives and policies of the RCEP are relevant to the Remaining District Wide Chapters.

- Objective 2.1 Preservation of the natural character of the coastal environment, and the protection of the coastal environment from inappropriate subdivision, use and development.
- Policy 2.7 To have particular regard to the avoidance of adverse effects of the following dynamic coastal processes on the physical environment: (a) wave action (b) tidal flow (c) currents and sediment transport (d) natural water quality and (e) natural substrate composition.
- Policy 2.8 To have particular regard to the mitigation of adverse effects of dynamic coastal processes on the physical environment and provision made for remedying those effects where complete avoidance cannot be achieved.
- Objective 5.1 Maintenance and enhancement of public access to and along the coastal marine area while recognising the need to protect certain areas for ecological, cultural, historic heritage, health, safety, or security (including biosecurity) reasons.
- Policy 5.1 To promote appropriate public access to and along the coastal marine area so that public access is restricted only where necessary.
- Obj 15.1 Risks posed by coastal hazards to people and property are avoided or mitigated.
- Obj 15.2 The avoidance of new and further inappropriate development in areas identified as being currently at risk of coastal erosion or inundation (ie: those areas within Coastal Hazard Zone 1).

- Obj 15.3 The avoidance of new and further inappropriate development in areas identified as being at risk of coastal erosion or inundation during the next 100 years (ie: those areas within Coastal Hazard Zone 2 or Coastal Hazard Zone 3), taking into account the risk associated with global sea level rise and the level of protection afforded by natural coastal features and lawfully established coastal protection structures.
- Policy 15.1 To manage coastal erosion and inundation risks in accordance with the environmental guidelines set out in Table 15-1.

Table 15-1: Environmental Guidelines - Coastal Hazards.

Iss	ue	Guideline	
1.	Management approach	Coastal hazards will be proactively managed in the following prioritised ways:  (a) avoidance of new development in areas that are, or have potential to be, subject to coastal erosion or inundation	
		<ul> <li>(b) maintaining and enhancing natural values and features that provide a buffer against coastal erosion and inundation</li> <li>(c) relocation and removal of existing uses and development from areas at risk of coastal hazards will be evaluated, and implemented if appropriate;</li> <li>(d) evaluating, then implementing if appropriate, activities which mitigate coastal hazards (for example, beach renourishment); and then</li> </ul>	
		<ul> <li>(e) evaluating, then implementing if appropriate subject to Guideline 12, permanent structures (for example, sea walls, groynes, artificial reefs) to mitigate coastal hazards.</li> </ul>	
2.	Identification of coastal hazard areas	With the availability of new or updated information, areas subject to, or likely to be subject to, short and long-term coastal erosion, sea-water inundation, and cliff shoreline instability should be reviewed, identified and managed in an integrated manner. The most recent mid-range IPCC sea level rise scenario should be taken into account in these reviews.	
3.	Precautionary approach	(a) A precautionary approach will be adopted in the assessment of:  (i) areas at risk from short, medium and long-term coastal erosion and inundation hazards and  (ii) potential adverse effects of subdivision, use and development in the coastal environment.	
		(b) Where a district plan gives effect to a more precautionary approach to the assessment and management of coastal hazard areas and controls on subdivision, use and development of land within those hazard areas than this Plan, then coastal hazard zones will not be identified in this Plan for those areas.	
4.	Information	The most up to date information on coastal processes and coastal hazards within the region will be made available to local authorities, statutory agencies and the public to inform people of the relevant risk of coastal hazards in the area, and to encourage people to avoid developing in areas at risk of coastal hazards.	

#### 5. Hazard Zone Review

HBRC will review the coastal hazard zones no less than every six years to coincide with sea level rise scenarios reviewed by the IPCC and any subsequent guidance produced by New Zealand's government on planning for climate change and sea level rise.

#### 6. Foreshore protection

- (a) Protection and enhancement of natural values and features will be promoted, particularly those that provide a natural buffer against coastal erosion and inundation. These features include significant landscape forms and features which have high amenity, cultural or historical values, along with dunes, gravel barriers, active off-shore sediment reservoirs, intertidal rock platforms and coastal vegetation. Coastal enhancement works will be provided for as a permitted activity.
- (b) Allowance shall be made for the future inland migration of natural features such as dunes and gravel barriers, as a result of coastal processes (including sea level rise).

## Existing subdivision, use and development

- (a) Where existing subdivision, use and development is subject to, or is likely to be subject to, coastal erosion or inundation, further inappropriate subdivision, use and development within those existing developed areas should be avoided.
- (b) Further subdivision, use and development may be appropriate in areas where existing subdivision, use and development is subject to, or is likely to be subject to, coastal erosion or inundation if:
  - (i) it is for a temporary activity and/or
  - it protects or enhances natural features (for example, dunes, wetlands, gravel barriers, intertidal rock platforms) between existing development and the sea and
  - (iii) It presents less than a minor risk of exacerbating coastal hazards and
  - Council is satisfied that risks from coastal hazards are not increased and
  - its location is proposed as far landward as practicable within the subject property.
- (c) When assessing options for the management and control of land use activities to avoid or mitigate the effects of coastal hazards, removal of existing uses and avoidance of further development shall be recognised as an appropriate means of managing coastal erosion and inundation hazards.
- (d) Recognise and provide for local authorities' existing structures, facilities and infrastructure activities within coastal hazard zones, in order to assist them to meet the needs of their respective communities and future generations.
- (e) land use activities in CHZ1, CHZ2 and CHZ3 that have less than a minor effect on exacerbating coastal hazards, and structures for public recreation facilities, will be provided for as permitted activities.

#### 8. New use and development

New uses and development, (in particular, buildings and infrastructure) should not be located in areas that are, or have potential to be, subject to coastal erosion or inundation, unless:

- (a) It is for a temporary activity and/or
- it protects or enhances natural features (for example, dunes, wetlands, gravel barriers, intertidal rock platforms) between existing development and the sea and
- (c) It presents less than a minor risk of exacerbating coastal hazards.
- (d) Council is satisfied that risks from coastal hazards are not increased.

#### New subdivision and district plan rezoning

- (a) New and further subdivision shall be strongly discouraged within areas subject to, or likely to be subject to, coastal erosion or inundation hazards.
- (b) District plans should restrict new and further subdivision of land and rezoning of land within coastal hazard zones so subdivision and zoning of land presents less than a minor risk of exacerbating coastal hazards.

#### Deposition and removal of sediment (and other earthworks)

Subject to Guideline 11, deposition and removal of gravel and other earthworks should not occur in, or adjacent to, areas that are, or have potential to be, subject to coastal erosion, unless:

- (a) it is for a temporary activity; and/or
- it protects or enhances natural features (for example, dunes, wetlands, gravel barriers, intertidal rock platforms) between existing development and the sea; and
- (c) It presents less than a minor risk of exacerbating coastal hazards; and
- (d) Council is satisfied that risks from coastal hazards are not increased.

#### 11. Hazard mitigation works

- (a) The ability for local authorities to carry out hazard mitigation works shall be provided for. Such works undertaken to mitigate coastal hazards shall, to the greatest extent practicable, avoid adversely affecting public access, natural character, dynamic coastal processes, historic heritage, landscape and ecological values in the coastal environment.
- (b) Recognise and provide for the ongoing renourishment of Westshore Beach as an appropriate means of mitigating the effects of coastal hazards on the shoreline.

#### 12. Coastal protection structures

- (a) Coastal protection structures should only be used to mitigate coastal hazards when:
  - (i) It is the best practicable option and
  - no other non-structural alternative is effective or feasible to reduce coastal hazard risk and
  - (iii) the structure is to be located and designed so as to avoid adverse environmental effects to the greatest extent practicable, particularly effects on coastal processes, landscape values and the existing natural character of the coastline and
  - (iv) the structure is to:
    - serve a use with a functional need to locate in the coastal marine area or
    - protect areas of existing development and network utility operations from coastal erosion or inundation risks.
- (b) Maintenance and repair of existing lawfully established coastal protection structures will be provided for in this Plan as a restricted discretionary activity. In considering whether or not to grant consent, Council will have particular regard to the duration of consent to enable the undertaking of maintenance and repair works over an extended period of time.

#### 13. Network utility operations

- (a) The continued use and protection of essential infrastructure and services in coastal hazard areas shall be provided for as a permitted activity where the infrastructure and service is located in a road reserve.
- (b) New and upgraded infrastructure and services should not be located in areas that are, or have potential to be, subject to coastal erosion or inundation risk unless:
  - (i) It is for a temporary activity and/or
  - it protects or enhances natural features (for example, dunes, wetlands, gravel barriers, intertidal rock platforms) between existing development and the sea and
  - (iii) It presents less than a minor risk of exacerbating hazards and
  - Council is satisfied that risks from coastal hazards are not increased and

	<ul> <li>(v) no other reasonable alternative location or service delivery option exists beyond a CHZ.</li> </ul>
14. Temporary activities	(a) The use of land subject to, or likely to be subject to, coastal erosion or inundation for the purposes of temporary activities (and any associated structures) shall be provided for as a permitted activity.  (b) Upon completion of any temporary activity that altered the profile of the fore dune, the fore dune should as far as practicable, be restored to no lesser state than it was in prior to the activity taking place.
15. Decision Making	When assessing resource consent applications the following matters shall be taken into account for activities in CHZ1, and in relation to CHZ2 and CHZ3, the following matters should be taken into account (where relevant):-
	<ul> <li>(a) site elevation relative to mean sea level</li> <li>(b) the presence and long-term effectiveness of any lawfully established coastal protection structures</li> <li>(c) sea level rise predictions</li> <li>(d) geological characteristics of the site and surrounding environment</li> <li>(e) the expected life of the proposed activity</li> <li>(f) the purpose and intended use of the proposed activity, essential infrastructure, or some other purpose).</li> <li>(g) the reasons for the proposed siting or location of the activity on the property relative to the location of coastal hazard zone(s)</li> <li>(h) the findings and recommendations of a site-specific coastal hazard assessment prepared by a suitably qualified person. Site-specific coastal hazard assessments shall address:</li> <li>(i) Impacts of sea level rise using the Intergovernmental Panel on Climate Change's most recent assessment, and figures recommended in the most recent version of guidance manuals published by Ministry for the Environment and/or NZ Climate Change Office.</li> <li>(ii) Shoreline response to storm erosion and flooding: Scientifically appropriate models should be used, such as those based on, but not restricted to, the Bruun Rule or Komar Rule.</li> <li>(iii) Planning horizon: A 100-year planning horizon should be used.</li> <li>(iv) Long term trend: This should be derived from cadastral, aerial photography, surveys, or other reliable historic data. The reference shore adopted should be the toe of the foredune when these land forms occur, or elsewhere should be the seaward limit of vegetation or RL 11.0m datum as appropriate.</li> <li>(v) Short term fluctuation: This should be derived from the most reliable records available at the time for particular stretches of the coast, and should err on the side of caution.</li> <li>(vi) Land stability factor: This should be based on the angle of repose (AOR) of the land geology as defined locally.</li> <li>(vii) Factor of safety: The coastal hazard area assessment should include an approp</li></ul>

<u>Note</u>: The RCEP includes Permitted Activity performance standards to control vegetation clearance and soil disturbance activities (Rules 7 & 8). These standards revolve around controlling sediment entering the coastal marine area or any water body, controlling soil deposition across a property boundary, and revegetation requirements.

# 2.4 Other Relevant legislation and Policy Documents

The following Acts are relevant to the HAZS – Hazardous Substances chapter:

- Hazardous Substances and New Organisms Act 1996 (HSNO), which regulates the management, disposal, classification, packaging and transport of hazardous substances.
- Health and Safety at Work Act 2015 (HSW Act), under which Worksafe New Zealand is responsible for establishing workplace controls for hazardous substances and is the principal enforcement and guidance agency in workplaces.

Whilst the Resource Legislation Amendments 2017 changed the RMA so Councils could no longer have this explicit function to control hazardous substances, they still have a broad function of achieving integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. This broad function may be used to place extra controls on hazardous substance use under the RMA, where HSNO or Worksafe controls are not adequate to address the environmental effects of hazardous substances in any particular case.

# 2.5 Local Policies, Plans and Strategies

# 2.5.1 Iwi Environmental Management Plan

There are currently no iwi management plans relevant to Central Hawke's Bay District.

# 2.5.2 Statutory Acknowledgements

Heretaunga Tamatea and its hapū is one of six large natural groupings represented by He Toa Takatini who negotiated settlement of the historical Treaty of Waitangi claims of Ngāti Kahungunu, signed on the 26 September 2015. Settlement assets for Tamatea sit with the trustees of the Heretaunga Tamatea Settlement Trust, the post-settlement governance entity.

As part of the deeds of settlement are statutory acknowledgements. These statutory acknowledgements are to be included as appendices in the relevant District Plan. Current State, Issues & Trends

# 2.6 Operative District Plan Approach

#### 2.6.1 Sustainable Subdivision and Building

There are no provisions relating to sustainable subdivision and building in the Operative District Plan, aside from the following assessment matters in Part 14.6(2) for subdivision:

a) The relationship and size of the lots in terms of their solar advantage including the alignment and layout of the lot, the location of building platform, relationship to adjoining lots.

[...]

c) The provision for and practicality of using natural stormwater channels and wetland areas.

#### 2.6.2 Transport

Part 8 Transport of the Operative District Plan outlines the issues, objectives, policies, methods, environmental results anticipated, rules and performance standards for vehicle parking, loading, access and sight distances applying to every zone across the District'.

A single issue is identified in this chapter as follows:

'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.'

Under Rule 8.4 any activity which does not comply with the requirements for parking, loading, access and sight distances in accordance with any one or more of the Performance Standards in Part 8.5 is a Discretionary Activity, with the exercise of the Council's discretion being restricted to the matter(s) specified in that standard.

Resource consent assessment matters relevant to Transport are included in Part 14.5 of the Operative District Plan and relate to assessing:

- Parking and loading.
- Access.
- Access onto a State Highway.
- Outdoor living and service space.
- Vehicle oriented commercial facilities.

#### 2.6.3 Contaminated Land

There are no provisions relating to contaminated land in the Operative District Plan.

#### 2.6.4 Hazardous Substances

Part 13 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:

• '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'.

Under Rule 13.5.2(c) any Permitted Activity which does not comply with any one or more of the performance standards in Part 13.6 is a Discretionary Activity, with the exercise of the Council's discretion being restricted to the matter(s) specified in the standard which is not complied with.

Resource consent assessment matters relevant to Hazardous Substances are included in Part 14.10 of the Operative District Plan and relate to assessing:

- Proposal's consistency with the objectives, policies and controls for the relevant zone.
- Risk assessment.

- Risk mitigation and management.
- Alternatives.
- Traffic safety
- Other matters that may need conditions to ensure that particular measures are undertaken so that any risk posed by the proposal is avoided or satisfactorily mitigated.

#### 2.6.5 Natural Hazards

There are no references or specific provisions relating to climate change in the Operative District Plan.

The Operative District Plan has a section outlining the issues, objectives, policies, methods and environmental results anticipated in respect of natural hazards, applying across the District (i.e. Part 3.4).

The issue identified Part 3.4.1 Threat to People and Property is:

• 'natural hazards, particularly flooding and earthquakes, are a potential threat to people and property within the District.'

Environmental results anticipated in Part 3.4.2 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.'

The Plan specifically references river flooding, faultlines and coastal hazards, and the Planning Maps currently show:

- areas potentially at risk from flooding (as identified by Hawke's Bay Regional Council); and
- known active faults (as identified by the Institute of Geological & Nuclear Sciences).

The emphasis of the natural hazard provisions is on managing the risk of natural hazards to people and property – avoiding loss of life and minimising damage to infrastructure or disruption to the community. The policies centre around provision of information, monitoring, and assessing natural hazard risk when considering buildings and subdivision consents.

The Operative District Plan primarily implements this policy approach through:

1. **the subdivision chapter (Part 9)** of the District Plan (and associated assessment matters – Part 14), as follows:

#### 9.5 ISSUE - Natural Hazards

The Potential Effects of Natural Hazards on Lots Created by Subdivision.

#### Explanation

Where the Council is aware that land, or any structure on that land is likely to be subject to damage, by erosion, subsidence, or fault movement, slippage, or inundation from any source, the Act states that the Council shall not grant a subdivision consent unless those adverse effects can be avoided, remedied or mitigated.

In the Central Hawke's Bay District flooding areas, fault lines and earthquake liquifaction areas have been identified. In some of these areas, for example, it may be an inefficient use of resources if the costs are high.

#### 9.5.1 Objective

The avoidance of subdivision where there are significant natural hazards, unless these can be mitigated without significant adverse effects on the environment.

#### 9.5.2 Policies

- 1. To ensure that subdivision is either restricted, subject to mitigation measures, or avoided in areas subject to risk from flooding, subsidence or slippage, earthquake liquefaction and faultline movement.
- To ensure that mitigation measures do not give rise to unnecessary adverse impacts on the environment.

#### 9.5.3 Explanation and Reasons

There are areas within the District, which because of risk of natural hazards including flooding, erosion, fault movement, subsidence or slippage, are unsuitable for development, or require specific measures to be undertaken to overcome these hazards. (Refer to Part 3.4 of the District Plan.)

The Council has an obligation under Section 106 of the Act to decline consent to any subdivision in areas where these hazards cannot be adequately mitigated, in addition to ensuring that any mitigation measures are in fact adequate to overcome the hazard. It is also necessary to consider the effects of the mitigation measures themselves which may also create adverse environmental effects.

- 9.7 Environmental Results Anticipated
- Avoidance or mitigation of potential risk from flooding, erosion or subsidence.

# 14.6 SUBDIVISION ASSESSMENT MATTERS

- 4. Natural Hazards
- a) Any information held on the Council's Natural Hazard registers.
- b) Information obtained by suitably qualified experts, whose investigations are supplied for subdivision applications.
- c) The applicant's or their Consultant's report, detailing the measures that have been or will be taken to avoid, remedy, or mitigate any hazard that may occur on the property.
- d) Potential adverse effects on other land that may be caused by the subdivision or anticipated land use activities.
- e) In relation to inundation from any source, the:
- i) effects of any proposed filling being undertaken to avoid inundation and the consequential effects on the natural drainage pattern and adjoining land;
- ii) erection of stopbanks and their environmental effects;
- iii) need for boundary drainage to protect surrounding properties;
- iv) adequacy of existing outfalls and any need for upgrading;
- v) need for retention basins to regulate the rate and volume of surface run-off.
- f) In relation to erosion, falling debris or slippage, the need for ongoing conditions aimed at avoiding, remedying or mitigating future potential adverse effects, and any need for registration of consent notices on the lot's Certificate of Title.
- g) In relation to subsidence, the provision of suitability certificates, such as NZS 4431, or if not appropriate, the setting of ongoing conditions, with consent notices registered on the Certificates of Title.

- In relation to contaminated site, any soil tests, establishing suitability, and methods to avoid mitigate or remedy the effects, including removal to approved disposal points.
- i) In relation to land filling and excavation operations, the following factors:
  - *i)* effects on surrounding properties;
  - ii) natural pattern of surface drainage;
  - iii) type of and placement of fill material;
  - iv) mitigation, or avoidance, of adverse effects caused by dust or siltation affecting neighbouring properties;
  - v) remedies necessary during emergencies.
- j) The likelihood of the proposed subdivision, including the establishment of potential assets such as residential units, being threatened by inundation or coastal erosion.
- k) The ability of any buildings on the land being subdivided to be relocated, the estimated cost of the relocation, and the possible destination of a relocated building.
- 2. through rules imposing setback standards from faultlines and stopbanks within the various zones (and associated assessment matters Part 14), as follows:

'No building for an activity shall be located within 20m of an earthquake fault line identified on the Planning Maps.' (ALL ZONES)

'No tree shall be planted within 6 metres of a flood protection stopbank.' (RURAL ZONE ONLY)

- 14. ASSESSMENT MATTERS
- 14.2 Zone Performances Standards in relation to:
- 16. Setback from Faultlines
- the likelihood of the proposed activity, including the addition or establishment of any building,
   being at risk from the rupture and movement of a fault.
- b) the potential safety risk to people or the potential loss of assets.
- c) the ability of the building to be relocated and the costs of relocation;

and

#### the building consent process.

# 2.6.6 Open Space and Recreation

The Operative District Plan 'designates' Council owned reserves (cemeteries, domains, reserves, and esplanades) and some of its recreation facilities (such as halls and swimming pools).

A 'designation' is a provision made in the Operative District Plan to give effect to a 'requirement' made by a 'requiring authority' pursuant to Part 8 of the RMA. Central Hawke's Bay District Council is a 'requiring authority' for the purpose of the Resource Management Act. Designations apply to a public work for a particular project or utility operation and facilitate the establishment of what are often necessary or essential services. When land is designated in the Operative District Plan, the Requiring Authority can carry out the intended works without the need to obtain any further approvals under the District Plan. All designated land has an underlying zoning which only applies when a designation is removed or for works that are not in accordance with the designation. Thus, designations can provide a lot of flexibility provided the works that take place on them are in accordance with the purpose for which they were designated.

Designation of public reserves is quite unusual. They are more commonly managed pursuant to a reserve management plan. This has resulted in many District's 'zoning' reserve land to be consistent with the provisions of their respective management plans. Central Hawke's Bay has few reserve management plans in place and in the absence of these, the designation has provided the key protection of these spaces.

Other key open space areas such as the Ruahine State Forest Park, other Crown reserve areas and the major river corridors are currently identified as 'Areas of Significant Conservation Value' and may also

be subject to other legislation or management requirements (such as Department of Conservation administered reserve management plans).

The Operative District Plan also provides a list of community facilities in Appendix H — Schedule of Identified Community Facilities — (for information purposes only). It includes for example, the District's golf clubs, tennis clubs, sports clubs, A & P Showgrounds, the Racecourse etc..

Part 3 of the Operative District Plan identifies District Wide Issues, Objectives and Policies.

Part 3.3 relates to Open Space and Recreation, and identifies two issues, of which the following is relevant:

• 'Availability, distribution and maintenance of land and facilities, to enable people to meet their recreational needs.'

Relevant Environmental Results Anticipated in Part 3.3.4 of the Operative District Plan are:

- 'Diversity in the type and size of open spaces and recreational facilities throughout the District, to produce the following outcomes:
  - provision of a wide range of recreational opportunities in recognition of the diversity of community recreational needs at local, District and regional levels;
  - provision and development of additional public open spaces and recreational areas where there is significant growth and development in the District;
  - open spaces and recreational facilities that are convenient and accessible to users.'
- 'Recreational 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.'

Rules and standards for recreational activities currently sit within the respective zones as a Permitted Activity, subject to compliance with the relevant Performance Standards of the Zone, although permitted recreational activities within the Residential Zone are also subject to a  $100m^2$  gross floor area limit. Where the recreational activity does not comply with one or more of the relevant Performance Standards, it is a Discretionary Activity, with the exercise of the Council's discretion being restricted to the matter(s) specified in the standard which is not complied with.

The relevant assessment matters in Part 14.2 of the Operative District Plan applies in relation to the Zones where the activities occur.

#### 2.6.7 Public Access

Part 3.3 Open Space and Recreation of the Operative District Plan discussed in Section 2.6.5 above, also relates to public access. However, the only specific reference to 'public access' is in Policy 3.3.2.2(2) as follows:

'(2) To enhance public access along the coast and to the margins of 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.'

A relevant Environmental Result Anticipated in Part 3.3.4 of the Operative District Plan is:

• 'Gradual enhancement of public access to the District's major rivers where there are significant recreational values.'

Maps 45-48 of the Operative District Plan identifies areas of land adjoining lakes (e.g. Lake Whatuma and Horseshoe Lake), rivers and streams or the coast in the District (e.g. parts of the Waipawa River,

Tukituki River, Tukipo River and Manganuku Stream) where esplanade reserves or esplanade strips may be required on subdivision under Rule 9.9.1(e) of the Operative District Plan, which states the following: '(e) Esplanade Provision

- i. The Council may require an esplanade strip or esplanade reserve of up to 20 metres to be created or vested when an allotment is created along the bank of any river or lake identified in Planning Maps 45-48, or created along the coast. In considering such a strip or reserve the Council shall take into account the purposes of esplanade strips and reserves in section 229 of the Act, Part II of the Act, Objective 3.3.2.1 and associated policies in the Plan.
- ii. Any esplanade reserve shall mee the requirements of section 231 of the Act. The creation of any esplanade strip shall be in accordance with section 232 of the Act.
- iii. Section 230 of the Act shall not apply to rivers or lakes not identified in Planning Maps 45-48.

Where a subdivision is for a minor adjustment to an allotment involving an alteration of no more than 10% of the allotment area then the requirements in i above shall not apply.'

Rule 9.9.1 states that Rule 9.9.1(e) 'applies, as appropriate or applicable, to all forms of subdivision or land'.

Part 14.6 of the Operative District Plan includes the following relevant assessment matters relating to access and esplanade reserves:

- '2. Subdivision Design
- b) The provision for and practicality of walkways and cycleways, and the relationship of these to reserves (existing or proposed), access to the waterways, etc.'
- '10. Easements
- a) Whether there is a need for easements:
  - [...]
  - ii) for stormwater passing through esplanade reserves where drainage will be to the river;'

# 2.6.8 Activities on the surface of water

Part 3 of the Operative District Plan identifies District Wide Issues, Objectives and Policies.

Part 3.3 relates to Open Space and Recreation, and identifies the following issue relating to 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.'

The Environmental Results Anticipated in Part 3.3.4 of the Operative District Plan do not include any matters relevant to the surface of water.

The only rules in the Operative District Plan for activities on the surface of water are contained in Part 4 Rural Zone.

Rule 4.8.1(h) provides for activities on the surface of water as Permitted Activities, <u>except</u> for the following:

- i. motorized craft on any river upstream of the confluence of the Tukituki and Waipawa Rivers.
- ii. motorized craft on the Tukituki River downstream of the confluence of the Tukituki and Waipawa when the level of the Tukituki River is below 25m3 as estimated by the Hawke's Bay Regional Council's river level recorder at Shag Rock (NZMZ 260, V22: 265-331).

Please note a flow estimate from the Shag Rock river recorder may be obtained by contacting the Hawke's Bay Regional Council. All persons intending to use the river must advise Central Hawke's Bay Regional Council staff.

iii. motorized craft on Horseshoe Lake or Lake Hatuma with engine(s) exceeding 5 horsepower.'

Rule 4.8.3 states that activities on the surface of rivers and lakes within the Rural Zone that are not listed as a Permitted Activity are a Discretionary Activity.

There are no resource consent assessment matters in Part 14 of the Operative District Plan relating specifically to activities on the surface of water.

#### 2.6.9 Earthworks

There are currently few provisions in the District Plan relating specifically to earthworks, other than:

- Rule 3.6.1 makes earthworks in any site of cultural significance a Discretionary Activity unless prior written permission from Tangata Whenua is obtained.
- Issue 4.3 in Part 4 Rural Zone relating to soil erosion which states:

  'Bad land management practices can lead to increased land instability and soil erosion.'
- Earthworks is a matter that Council has reserved control over in respect of subdivision in Part 9.

Relevant Environmental Results Anticipated in Part 4.5 of the Operative District Plan are:

- 'The development and implementation, over time, of good land management practices and a corresponding decline in accelerated soil erosion.'
- 'Maintenance of ground and surface water quality with respect to the discharge of domestic effluent and earthworks.'

In terms of mining and gravel extraction, unlimited gravel extraction from the beds of rivers, and of up to 500m³ of gravel in any 12 month period on land, are a Permitted Activity under Rule 4.8.1(I) in the Rural Zone. Larger scale gravel extraction and mining activities are Discretionary Activities in the Rural Zone under Rule 4.8.3(c). Gravel extraction and mining activities are Non-Complying Activities in all other zones within the Operative District Plan.

There are no rules in the Operative District Plan relating to prospecting and exploration activities.

#### 2.6.10 Light

There are no provisions relating specifically to light in the Operative District Plan, including no performance standards for light within the zone chapters.

Part 7.3 includes the following relevant Environmental Results Anticipated for the Business Zones:

• 'Preservation of the living environment adjacent to business areas in terms of light admnission, noise and odour.

Part 14.2.8 (a) includes resource consent assessment matters for noxious and unpleasant activities in the Residential and Township Zone, which includes assessing the hours of operation or frequency with which the activity is proposed to be undertaken and the degree to which this will affect the amenity of the area in terms of lighting.

Part 14.4.5 includes resource consent assessment matters for Discretionary mining activities and commercial gravel extraction in the Rural Zone, and which requires (under clause c)) an assessment of the ability of the operation to avoid or mitigate lighting so that amenity value is not at risk.

Part 14.6 Subdivision Assessment Matters includes an assessment matter under Part 14.6.3(p) which requires an assessment of 'The need to provide for appropriate standards of street lighting or private vehicular access lighting'.

#### 2.6.11 Noise

Provisions in the Operative District Plan currently include individual Noise Performance Standards in each of the Zone chapters, imposing varying maximum noise levels for any activity measured either within the boundary of that site, or at or within the notional boundary of any residential unit. In all

zones, an exemption from the maximum allowable noise levels is made for on-site sirens associated with emergency service activities, and in all zones except for the Business Zones, an exemption is made for residential activities. In the Rural Zone, an exemption is also made for farming and forestry activities.

In addition, the provisions in the Rural Zone include particular controls in relation to the Waipukurau Aerodrome. Specific controls are included based on the noise generated by aircraft engines. The rules also include making any Residential Activities, Visitor Accommodation, Hospitals and Educational Facilities located within the 65 dBA Ldn airnoise boundary (identified on Planning Map 30) 'prohibited activities'. Under section 87A(6) of the RMA, resource consent cannot be applied for, or granted, in the case of a Prohibited Activity.

There are currently no provisions in the District Plan relating to vibration.

Part 7.2 relates to the Business Zones and identifies the following issue with reference to noise:

• 'The establishment and operation of poorly managed businesses can cause noise, odour, dust, loss of visual amenity, and traffic congestion.'

Part 7.3 includes the following relevant Environmental Results Anticipated for the Business Zones:

- 'Minimal noise disturbance within the business environment.'
- 'Preservation of the living environment adjacent to business areas in terms of light admission, noise and odour.

Part 14.2.5 includes the following resource consent assessment matters relating to noise for all zones, and noise from aircraft engines and the Waipukurau Aerodrome:

- 'a) The degree to which excessive noise generation will affect the enjoyment of any public place or residential area in the vicinity.
- b) The degree to which the noise contrasts with the characteristics of the existing noise environment in terms of level, duration and timing, and the impact of any cumulative increase.
- c) The nature of measures to mitigate excessive noise levels and the degree to which they would be successful.'

Part 14.2.7 includes the following resource consent assessment matter relating to noise associated with heavy vehicle storage in the Residential Zone:

'b) The degree of noise that may be generated from the starting, manoeuvring and mechanical repair of vehicles on site and the degree to which this will contrast with the existing noise environment.'

Part 14.2.8 includes the following resource consent assessment matter relating to noise associated with noxious or unpleasant activities in the Residential Zone and Township Zone:

'b) The level of duration and frequency of noise to be generated and the degree to which this will contrast with the existing noise environment and impact on any cumulative increase.'

Part 14.3.2 includes the following resource consent matter relating to residential activities, rest homes, visitor accommodation, hospital and educational facilities in the Business Zone:

'a) Conditions on building design to incorporate noise attenuation measures so as not to compromise the ability of nearby businesses or Waipukurau Aerodrome to continue to operate.'

Part 14.3.3 includes the following resource consent matter relating to industrial activities in the Rural Zone:

'b) Conditions on noise, dust, glare, odour, waste and vibration may be imposed, taking into account the existing ambient environment, the proximity of neighbours (including residential

dwellings) and the frequency and/or intensity/level of the dust, glare, odour or vibration being produced.'

Part 14.4.2 includes the following resource consent matter relating to home occupations in the Residential Zone:

'e) Any adverse effects of the home occupation in terms of noise, vibration, glare, odour, dust, loss of privacy, traffic and/or parking congestion.'

Part 14.4.3 includes the following resource consent matter relating to visitor accommodation in the Residential and Township Zones:

- 'a) Any adverse effects of the likely traffic and pedestrian generation from the proposed visitor accommodation in terms of:
  - Noise, vibration and glare from vehicles entering and leaving the site or adjoining road, which is incompatible with the levels acceptable in a medium-density residential environment;'

Part 14.4.4 includes the following resource consent matter relating to factory farming in the Rural Zone:

- 'b) The degree to which the proposed factory farming operation is likely to lead to odour, dust, noise or health nuisances beyond the boundary of the site, and in particular, the technology and management systems proposed to mitigate noise or odour nuisance, including:
  - i) the size of the proposed factory farming operation and its associated site;
  - ii) the design of the buildings, facilities, and waste and noise management systems;
  - iii) the management and operation of the waste and noise management systems;
  - iv) waste treatment measures employed;
  - v) odour and noise abatement measures employed.'

Part 14.4.5 includes the following resource consent matter relating to mining activities and commercial gravel extraction in the Rural Zone:

'c) The ability of operation to avoid or mitigate dust, noise, lighting and vibration so that amenity value is not at risk.'

Part 14.4.6 includes the following resource consent matter relating to motorized craft on the lakes and rivers in the Rural Zone:

- 'd) Any adverse effects of the proposed motorised craft in terms of:
  - i) Noise and vibration that is incompatible with the levels acceptable in a particular lake or river;'

Part 14.4.9 includes the following resource consent matter relating to catteries and kennels in the Business and Rural Zones:

'b) The degree to which the proposed cattery or kennel is likely to lead to odour, noise or health nuisances beyond the boundary of the site, and in particular, the building design and management systems proposed to mitigate noise or odour nuisance.'

Part 14.4.10 includes the following resource consent matters relating to licensed premises in the Business and Rural Zones:

- 'a) Any adverse effects of the extended hours in terms of noise, vibration, glare, loss of privacy, traffic and/or parking congestion.
- b) The degree to which late night noise and traffic are incompatible with the character of the surrounding area.
- c) The nature of measures to mitigate excessive noise levels and traffic disturbance.'

#### 2.6.12 Signs

Part 11 of the Operative District Plan outlines the issues, objectives, policies, methods, environmental results anticipated, rules and performance standards for signs and outdoor advertising applying across the District.

A single issue is identified in this chapter as follows:

• '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.'

The emphasis of the provisions is on controlling signage (purpose, size, positioning and appearance etc.) and addressing the effects of signage on traffic safety and visual amenity (size, illumination and positioning etc.).

Signage rules vary depending on purpose – for example, traffic signs, signs for public purposes, temporary signs and 'For Sale' signs etc. are generally permitted with few controls, whereas advertising-oriented signs are subject to greater controls.

In addition, signage rules also vary between zones – for example, the amount of signage is more strictly controlled in the Residential Zone, and more enabled in the (operative) Township and Business Zones, etc.

Part 11.4 of the Operative District Plan contains performance standards which are referenced in the performance standards in the zones chapters.

Part 11.4.7 specifies signs that are a Discretionary Activity, with Council's discretion restricted to the matters set out under the rule.

Resource consent assessment matters relevant to Signs are included in Part 14.8 of the Operative District Plan and relate to assessing:

• Visual impacts and effects on traffic safety.

#### 2.6.13 Relocated Buildings, Temporary Buildings and Temporary Activities

Part 12 of the Operative District Plan provides for relocated buildings, temporary buildings and temporary activities as Permitted Activities subject to compliance with standards that restrict their duration, scale and size.

A single issue is identified in this chapter as follows:

• '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.'

Rule 12.3.1 specifies that the following shall be Discretionary Activities:

'(a) Relocation of building(s) for the activity (relocated buildings are also subject to the Performance Standards in the Zones generally related to buildings)

(Exception: This rule does not apply to accessory buildings under 50m2 in gross floor area, except where located in the front yard of a site in any Residential Zone).

The exercise of the Council's discretion being restricted to the appearance of the building.

(b) Relocated Building Depots

The exercise of the Council's discretion being limited to the design and appearance of the relocatable building depot and the buildings contained within the boundary of the site.'

#### Rule 12.4.2 specifies that the following shall be Discretionary Activities:

- '(a) Any Temporary Buildings and/or Temporary Activities which exceed the size, scale and time limits, or other performance standards specified in Rule 12.4.1.
- (b) Any Temporary Military Training Activity, except where listed as a permitted activity.'

Part 14.9 of the Operative District Plan includes resource consent assessment matters for relocated and temporary buildings and activities which include assessing:

- Compatibility of the appearance of the building with buildings on adjoining properties and in the vicinity.
- Whether the likely appearance of the building upon restoration or alteration, will ensure the compatibility with buildings on adjoining properties and in the vicinity.
- Whether the appearance of the exterior materials used are of an acceptable standard.
- The likelihood that restoration work will be undertaken within a specified period.
- Any requirement to impose a bond or other condition to ensure completion of restoration work, both structural and appearance, to an acceptable standard.
- The degree to which a temporary activity will adversely affect the surrounding environment, including where relevant visual impacts, noise, odour, traffic generation, parking, and loss of privacy.

# 3 Approach to Evaluation

# 3.1 Background Research

In 2017, a high-level scoping exercise was undertaken to determine what aspects of the Operative District Plan were in reasonable shape and identify areas for review and the general approach to be taken to review them<sup>1</sup>. With respect to the remaining district wide chapters, the scoping report identified the following, as 'the most appropriate, effective and efficient option..., and is therefore the preferred option':

- Transport "...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)".
- Hazardous Substances "...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)."
- Natural Hazards "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."

<sup>&</sup>lt;sup>1</sup> "Initial Section 32 Scoping Report – CHB District Plan Review 2017", prepared by Sage Planning HB Ltd, dated 24 August 2017.

- Open Space and Recreation (including Public Access and Activities on Surface of Water) "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."
- Earthworks "...drafting new chapters for inclusion in the District Plan (and aligning with corresponding provisions in the District Plans of neighbouring TLAs) in respect of: [...] earthworks ...".
- Noise "... 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)."
- Signs "... merely updating the existing text in this chapter as necessary to reflect advances in best practice."
- Relocated and Temporary Buildings and Activities "... 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."

As part of the District Plan scoping exercise the following relevant background reports and feedback were also noted.

#### 3.1.1 Sustainable Subdivision and Building

#### 'Project Thrive' Feedback (2016)

The following matter was raised in relation to Part 5: Residential Zone:

#### **Energy Saving:**

 Building houses for CHB conditions, low energy, insulation, materials, large eaves – development and promote skills to building these, support for sustainable building and living.

#### 3.1.2 Transport

#### Rural Discussion Document (February 2012)

Thirty five submissions were received on the Rural Discussion Document, including a submission from the New Zealand Transport Agency, which referred to the following issue:

• Section 8.5.2 needs to be strengthened so all accesses are safe and efficient.

#### 'Project Thrive' Feedback (2016)

The following matter was raised:

 A roading 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.

# <u>Issues Raised in Staff Interviews</u>

The following matters were raised:

• 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 is 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 need
  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 does not require reversal onto road, does not impact on the outdoor living areas, etc.

#### 3.1.3 Natural Hazards

#### Rural Discussion Document (February 2012)

The following matters were raised:

- 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;
- Natural hazards need to identify and map flooding areas.

#### Draft Plan Effectiveness Report

The following matters were raised:

- 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.

#### Issues Raised in Staff Interviews

The following matters were raised:

- 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.

# 3.1.4 Open Space and Recreation

#### Draft Plan Effectiveness Report

The following matter was raised:

• 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 with-in 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.

#### 'Project Thrive' Feedback (2016)

The following matters were raised:

- 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 e.g. 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).

#### Issues Raised in Staff Interviews

The following matters were raised:

- Community assets, parks, etc. current rules in the DP are fine no suggested changes. Do not 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.

#### 3.1.5 Earthworks

# Rural Discussion Document (February 2012)

The following matter was raised:

- Earthworks rules in the Rural Zone should not restrict productive farming activities, including digging silage pits, offal pits, forming and maintaining farm tracks, etc.
- Need for harmonisation between the CHBDC District Plan and the HDC /NCC District Plans for earthworks.

# Draft Plan Effectiveness Report

The following matter was raised:

- 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.
- Introduction of controls on earthworks in relation to the protection of waahi tapu and cultural sites.
- Need to look at current rules, so they reflect the current requirements for activities (including

#### 3.1.6 Noise

## Rural Discussion Document (February 2012)

The following matter was raised:

 Need for harmonisation between the CHBDC District Plan and the HDC /NCC District Plans for noise standards.

#### 'Peer Review of the Council's District Plan Process

A peer review of the Council's District Plan process was undertaken by Perception Planning Ltd in 2017<sup>2</sup>, which recommended the following:

- 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.

# <u>Issues Raised in Staff Interviews</u>

The following matters were raised:

• need noise limits for wind farms.

# 3.1.7 Relocated and Temporary Buildings and Activities

#### Draft Plan Effectiveness Report

The following matter was raised:

- Problems have occurred in relation to the consenting of relocatable buildings, particularly in rural townships.
- There has been recent concern expressed by residents of Ōtane that the standard of repair related to relocatable buildings and dwellings in particular, does not reflect the amenity and character of the Ōtane township.

#### 'Project Thrive' Feedback (2016)

The following matters were raised:

- Update and enforce design guidelines, especially for relocatables.
- Relocatable buildings rules need to be upheld, enforced.
- Some development in Ōtane spoils the atmosphere: removal houses, sections too small, detract from the ambience of the village

#### Issues Raised in Staff Interviews

The following matters were raised:

- 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 buildings are coming from out of town.
- Relocatable buildings are going everywhere. Often no information about the building's history, so do not know if it meets the 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 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

<sup>&</sup>lt;sup>2</sup> '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).

to appearance/visual amenity matters. Potential problems if buildings not built for different wind zone requirements, etc.

#### 3.2 Consultation

#### 3.2.1 Iwi Consultation

Meetings were held as follows with iwi and hapu to outline (among other District Plan matters) proposed network utilities and renewable energy provisions:

• Hui seeking feedback on the Draft Plan, Rongomaraeroa Marae, Porangahau (20 June 2019).

# 3.2.2 Consultation with Waipukurau Aerodrome

A meeting was held with the Waipukurau Aerodrome Committee and Council's acoustic consultant (Mr Steve Peakall of Marshall Day Acoustics Ltd) in the Council offices in Waipawa on 14 March 2020, to discuss the proposed and revised air noise boundaries for the aerodrome.

#### 3.2.3 Wider Consultation

- Public notification of the Draft District Plan, inviting members of the community to attend dropin meetings, and calling for submissions – 3 June 2019.
- Public drop-in meetings were held to present the Draft District Plan:
  - Waipukurau Club 4 June 2019
  - Ōtāne Hall 11 June 2019
  - Porangahau Hall 12 June 2019
  - Takapau Hall 18 June 2019
  - Tikokino Hall 19 June 2019
  - Waipawa Municipal Theatre 25 June 2019
- Informal hearings for submitters to present their submissions on the Draft District Plan to the District Plan Committee 3 February to 21 February 2020.

#### 3.3 Draft Plan Feedback

A Draft District Plan was publicly notified in May 2019. The Draft Plan included the following remaining District wide chapters:

- Chapter 6: Sustainable Subdivision and Building;
- Chapter 9: Open Space and Recreation;
- Chapter 10: Natural Hazards and Climate Change:
- Chapter 11: Hazardous Substances
- Chapter 14: Transport and Parking;
- Chapter 18: Noise and Vibration;
- Chapter 19: Earthworks, Mineral, Aggregate and Hydrocarbon Extraction; and
- Chapter 20: Signs

Provisions for public access and activities on the surface of water were included in Chapter 8: Natural Environment of the Draft District Plan.

Performance standards for light were included in the zone chapters.

Performance standards for temporary buildings, temporary events, temporary military training activities and relocated buildings were included in the zone chapters.

#### <u>Chapter 6 – Sustainable Subdivision and Building</u>

Three informal submissions were made on Chapter 6 relating to Chapter 6.1 Introduction, Chapter 6.4 Policies, Policies 6.4.1 - 6.4.5 and Chapter 6.5 Explanation and Reasons.

Hawke's Bay Regional Council (HBRC) requested that Chapter 6 be amended by replacing the words 'to encourage' with 'to implement' or 'to promote' in order to strengthen the intention behind the wording and bring the references more in line with the RMA. They suggested that the wording of Policy 6.4.2 be amended by replacing the word 'encourage' with 'promote' and add the words 'but not limited to' before 'rainwater harvesting devices'.

Horticulture New Zealand (HortNZ) requested that 'reverse sensitivity' be added to the list of characteristics for sustainable subdivisions and building in Chapter 6.1. They also requested that a policy allowing for consideration of reverse sensitivity be added.

One local submitter requested that a new policy be added that encouraged the use of composting toilets, particularly in non-urban situations/coastal settlements, where groundwater soakage is poor or where treated effluent from septic tanks could be impacting on the coastal environment. The submitter also requested that the Draft Plan allow the deposit of compost off-site if the site size limited deposition within the site. The submitter supported Policies 6.4.1 - 6.4.5 but requested that the Council consider groundwater recharge systems for stormwater (in relation to Policy 6.4.2) and extending Policy 6.4.3 to include the use of timber product as a priority and discourage use of steel framing.

Another local submitter considered that the Council was not pushing hard enough to implement or encourage household water tanks or solar panels. A third local submitter considered that it should be compulsory to have water storage tanks for new builds.

Key changes to this chapter as a result of this feedback to the Draft District Plan included:

- Replacing the words 'encouraged' and 'encouraged' with 'promoted' and 'promote'.
- Added a new policy 6.4.5 "To promote the installation of solar panels on buildings".
- Amending the zone performance standards to exempt domestic water storage tanks, solar panels and solar hot-water systems from having to comply with the height in relation to boundary performance standard in any zone.
- Exempting domestic water storage tanks from having to comply with the setback from neighbours performance standards in any zone.

## Chapter 9 – Open Space and Recreation

Three submitters HortNZ, Ministry of Education (MOE) and the Hawke's Bay District Health Board (DHB)) made informal submissions on Chapter 9 Open Spaces in the Draft District Plan.

These submissions sought alteration or amendments to reference that recreation activities could occur in all zones, and to clarify that this chapter only referred to publicly owned land (HortNZ); supported policies and sought additional policy providing for educational facilities on open spaces (MOE); and an additional Implementation Method for engagement with iwi / tangata whenua as well as other organisations and landowners (HBDHB).

Key changes to this chapter as a result of this feedback to the Draft District Plan included:

- Amended Policy 9.4.2 so that it also referred to "including reverse sensitivity effects on neighbouring properties".
- Added a new Implementation Method on "Engaging and supporting happy and iwi, community organisations and private landowners to enable access to a wide range of affordable recreation opportunities across the District.

#### Chapter 10 - Natural Hazards and Climate Change

Ten informal submissions were made on the natural hazard and climate change provisions in the Draft Plan, along with associated definitions and assessment matters. The submitters represented either network utilities, the rural sector or government sector, as follows:

- Network Utilities Transpower, Centralines, Powerco, New Zealand Transport Agency (NZTA), Kiwirail;
- Rural Sector Federated Farmers (Fed Farmers), HortNZ; and
- Government Sector Fire & Emergency NZ (FENZ), Department of Conservation (DOC) and HBRC.

The network utility submitters were largely in support of various provisions in Chapter 10, with just 2 submissions from Centralines and 1 from Powerco seeking minor amendments to a couple of provisions.

Of the rural sector submitters, HortNZ only made 1 submission which sought revision of the entire Chapter 10 to increase emphasis and develop appropriate provisions that recognised the impact of climate change. Fed Farmers made 10 submissions – 3 of these were supportive of certain provisions, and the remainder raised concerns about implications and potential limitations for farm-related buildings as a result of the natural hazard provisions in the Draft Plan.

Of the government sector submitters, HBRC made 2 submissions seeking amendments to relevant definitions and 5 submissions seeking alignment with the Hastings District Plan and the 'Hawke's Bay Joint Strategy for Local Authority Land Use Planning' and referencing back to the Council's role as a member of the Hawke's Bay CDEM Group, as well as greater reference to tsunami risks in the District.

FENZ made 6 submissions – 4 of these were supportive of certain provisions, and 2 sought amendments to refer to firefighting water supply and the relevant Code of Practice and an additional assessment matter addressing natural hazard risk from fire.

DOC made 5 submissions -1 in support, and the other submission points sought amendments to achieve better alignment with the NZCPS and additional provisions relating to climate change.

Key changes to this chapter as a result of this feedback to the Draft District Plan included:

- Amendments to 10.1 Introduction.
- Amendments to Objectives 10.2.2 and 10.2.3.
- Amendments to Policies 10.3.2, 10.3.3, 10.3.4 and 10.4.6.
- Addition of new Policies 10.3.3, 10.3.5, 10.3.7 and 10.3.8.
- Amendments to 10.4 Explanation and Reasons.
- Amendments to 10.7 Natural Hazard Rules.

The amendments to the Draft District Plan were intended to provide greater clarity and certainty, and to better align with the region-wide approach to natural hazards adopted in the 'Hawke's Bay Strategy for Local Authority Land Use Planning', and to address some submitter requests.

#### Chapter 11 – Hazardous Substances

Seven informal submissions were made on the hazardous substances' provisions in the Draft Plan in total – Z Energy et al; First Gas; Fed Farmers; HortNZ; Hatuma Lime Ltd; NZ Defence Force (NZDF) & Hawke's Bay District Health Board (DHB).

These submitters made 11 individual submission points -4 of these submissions were on the definition of 'major hazardous facility' in the Draft Plan.

Of the remaining 7 submissions points, 3 of these were from Fed Farmers (2) and HortNZ (1) in support. A further 2 submission points were from the DHB seeking amendments to better protect sensitive activities from the effects of hazardous substances. First Gas sought an additional rule around the use of explosives within the vicinity of the gas transmission network. Z Energy et al supported the approach in the Draft Plan to only control hazardous substances as they relate to 'major hazardous facilities' but queried the justification for full Discretionary Activity status for such facilities.

Key changes to this chapter as a result of this feedback to the Draft District Plan included:

- Amendments to definition of 'Major Hazardous Facility'.
- Amendments to the provisions of Chapter 11 to provide greater clarity and certainty, and to address some of the submitter request.
- A new policy added to the chapter to require any proposal to subdivide, use or develop contaminated land to apply a best practice approach to investigate and manage risks to protect people and the environment. Reference to the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health is also identified as an Implementation Method in the chapter.

#### Chapter 14 – Transport and Parking

Twelve informal submissions were made on Chapter 10 Transport and Parking in the Draft District Plan.

HBRC, DHB, and MOE made a number of submission points seeking greater encouragement and recognition of the benefits of alternative and active transport modes including health and environmental benefits.

There were submission points relating to network resilience New Zealand Transport Agency (NZTA) and HBRC and ongoing improvement to the network (Hort NZ), as well as network capacity (NZTA).

There were four submissions relating to definitions: KiwiRail in support of the definition 'accessway'; Fire & Emergency in support of 'heavy vehicle'; and McFlynn commenting on the definitions of 'notional garage' and 'parking space'.

There were submission points relating to the need to address environmental effects of transport, including the need to address carbon emissions (HBRC); large trucks through the towns and their effects – diesel, speed, visibility etc. (J King) and effects on noise sensitive activities within proximity of the road and / or rail corridor (DHB).

There were a number of submissions relating to definitions (McFlynn Surveying Ltd (McFlynn)); performance standards including parking requirements (McFlynn, the Oil Companies, HortNZ; parking area design and construction (NZTA; Fire & Emergency New Zealand, NZTA, KiwiRail,) vehicle loading (KiwiRail, NZTA); vehicle access (KiwiRail, NZTA, McFlynn) and assessment matters (KiwiRail, NZTA and Fire & Emergency New Zealand).

Key changes to this chapter as a result of this feedback to the Draft District Plan included:

- Amending Policy 14.3.6 and addition of new Policy 14.3.7.
- Amending Table 14.8.1A: Minimum Parking Space Requirements to:
  - clarify that the minimum number of car parking spaces for Residential Unites and Supplementary Residential Units within the Residential Zone (being 2 parks per unit) can include a vehicle standing bay required under Performance Standard 14.1.8.4.
  - o include new minimum number of car parks for Post-harvest Facilities.
- Replacing the reference to 'reservoir' under Performance Standard 14.8.1.3(C)(v) to 'queuing space'.

- Amending Performance Standard 14.8.3.4 Safe Sightline Distances for vehicle accesses and intersections fronting a state highway.
- Amending Figure 14D Level Crossing Sigh Triangles and Explanations.

#### Chapter 18 – Noise and Vibration

Twelve informal submissions were made on Chapter 18. All these submitters were organisations representing network utilities, government agencies and the rural sector.

- Network Utilities Centralines, Powerco, Spark et al, NZTA, Kiwirail
- Government Agencies NZ Defence Force (NZDF), Ministry of Education (MOE), DHB and FENZ
- Rural Sector Fed Farmers, HortNZ & Pan Pac Ltd

Of the 54 submission points, 22 related to the definitions in the Draft Plan:

- 13 of the 22 submission points were from the DHB;
- 11 related to including or replacing various noise-related definitions with the relevant definitions from the National Planning Standards (5 of these relate to the definition of 'noise');
- 9 related to the definitions for various measures of sound (8 of these were from the DHB, with the other from HortNZ);
- 4 related to the definition of 'noise sensitive activity' (NZTA, Kiwirail, Min of Education & DHB);
- remaining definitions subject to submissions were 'air noise boundary', 'annual aircraft noise contour' and 'outer control boundary' (all of these were from the DHB).

Spark et al, Centralines and Powerco only made 1 submission point each across the whole Noise chapter, and these were all to adopt the NPS definition of 'noise'.

Kiwirail and NZTA mostly sought to retain various provisions as is, some minor amendments to the policies and some additional performance standards to require Minimum External Sound Insulation Level Standards in the vicinity of the rail corridor and state highways.

The DHB made 25 individual submission points – mostly seeking amendments to reflect NPS definitions and requesting amendments to noise levels set in the Performance Standards.

MOE made 2 minor submissions in relation to the definition of 'noise sensitive activity' and exemptions for noise associated with the use of educational facilities for sport.

NZDF made 5 submissions -4 in support of provisions relating to various noise provisions, and 1 submission point seeking to amend and replace the noise standards applying to temporary military training activities with their version.

FENZ made 2 submissions and both were in support of the noise provisions applying to emergency service activities.

Pan Pac made 1 submission requesting inclusion of a reference to the National Environmental Standards for Plantation Forestry (NES-PF) — clarifying that the NES-PF noise provisions apply to plantation forestry activities.

HortNZ made 10 submission points – 2 of these related to the adoption of NPS definitions, 5 of these supported the retention of existing provisions or minor amendments to them, and 2 submission points around exempting use of helicopters and aircraft being used for intermittent primary production purposes and a submission point around clarification of noise levels for audible bird scaring devices.

Fed Farmers made 2 submission points – for amendment to Policy 18.8(3) further supporting exemption of most primary production noise (stock, vehicles and machinery) from the noise limits and appropriate controls on the operation of noisy equipment in Table 18.8B and seeking to ensure

helicopter noise limits apply to helicopter landing pads in regular use as opposed to capturing helicopters spreading fertiliser on farms.

The remaining two local submitters made submissions specifically relating to commercial/recreational airstrips or airports, seeking to ensure provisions in the Draft Plan to address the impact of these where in close proximity to residential homes, schools and lifestyle blocks.

Key changes to this chapter as a result of this feedback to the Draft District Plan included:

- Amendments to various definitions in Chapter 3: Definitions.
- Amendments to Chapter 18: Noise & Vibrations to provide greater clarity and certainty, and to address some submitter requests.
- Amendments to provisions in relation to the management of rural airstrips and landing areas.

#### Chapter 19 - Earthworks, Mineral, Aggregate and Hydrocarbon Extraction

Fifteen informal submitters were made on Chapter 19. The majority of these submissions were from organisations representing network utilities and the rural sector:

- Network Utilities Transpower, Powerco, First Gas, NZTA, Kiwirail
- Rural Sector Federated Farmers (Fed Farmers), Horticulture New Zealand (HortNZ), NZ Pork Industry Board (NZ Pork Board), Pan Pac Ltd, Aggregate &
- Quarry Association of New Zealand (AQA), Hatuma Lime Ltd (Hatuma Lime)

The remaining submitters comprised DOC, Forest & Bird Protection Society (Forest & Bird), Z Energy/BP Oil/Mobil Oil (Z Energy et al), and Simon White.

Nine of the submissions made 15 submission points relating to the definitions for 'earthworks' (7 submitted on this definition), 'land disturbance', 'cleanfill', 'exploration', 'mineral', 'mining activity', 'prospecting', 'quarry' and 'quarrying'.

NZTA & Kiwirail made 3 submission points, 2 in support of the exemption for earthworks in association with any network utilities including the upgrade or maintenance of existing public roads, and the other from Kiwirail seeking amendment of one of the performance standards to address linear networks with multiple underlying zones.

A local submission queried whether earthworks on farmland includes building dams, land levelling, cleaning sediment traps out, farm tracks when moving more than 100m3 of soil per hectare for a future benefit

Pan Pac's submission related to the applicability of the NES-PF to forestry earthworks and quarries in plantation forests.

Transpower sought amendments and additional provisions to manage earthworks within the National Grid Yard.

First Gas sought additional provisions to manage earthworks within proximity of the Gas Transmission Network.

Z Energy et al sought to ensure the provisions in the Draft Plan do not address matters that are more appropriately provided for under the National Environmental Standards for Managing Contaminants in Soil (NES-CS), and supported retention of the exemption for earthworks associated with replacement and/or removal of fuel storage systems.

Fed Farmers and HortNZ sought amendments and additional provisions to ensure earthworks associated with primary production activities are not unduly constrained.

Forest & Bird and DOC considered some provisions are too permissive and sought amendments to focus more on avoiding, remedying and mitigating the adverse effects of earthworks activities.

Two submitters made submissions relating to mining, quarrying and hydrocarbon extraction provisions:

- AQA made 10 submission points relating specifically to the provisions for mining, quarrying and mineral exploration in the Draft Plan.
- Hatuma Lime submitted that the chapter be split into two separate chapters.

Key changes to this chapter as a result of this feedback to the Draft District Plan included:

- Amendments to various definitions in Chapter 3: Definitions.
- Amendments to provisions in Chapter 19 (Earthworks, Mining, Quarrying & Hydrocarbon Extraction) to provide greater clarity and certainty, and to address some submitter requests, including:
  - o New objective and policy relating to contaminated land (*Note: This is relevant to Proposed District Plan Chapter CL Contaminated Land*).
  - o New policies relating specifically to mining, quarrying and hydrocarbon extraction.
  - o Clearly identifying which policies relate to earthworks and which relate to mining, quarrying and hydrocarbon extraction.
  - o Adding new permitted activity rule for farm quarries up to 1,500m<sup>2</sup> in area within the Rural Zones.
  - Adding new Restricted Discretionary Activity rules in relation to earthworks and vertical holes within the National Grid Yard and earthworks within 20m of the Gas Transmission Network.
  - o Adding a new Non-Complying Activity rule for mining and quarrying activities within the Residential Zone, Rural Living Zone, Rural Townships Zone or Coastal Settlements Zone, except for gravel extraction within the bed of a river.

#### Chapter 20 - Signs

Six informal submissions were made on Chapter 20 Signs in the Draft District Plan. The majority of these submissions were from industry or utilities organisations seeking flexibility for signage related to Health and Safety messaging (Powerco, PanPac, the Oil Companies and HortNZ).

HortNZ sought alignment with the National Planning Standards to include a new definition for the term 'official sign' and amendment of the term 'sign'.

One local submitter made a number of points with respect to the design, location and maintenance of signage in Waipawa's main street.

Key changes to this chapter as a result of this feedback to the Draft District Plan included:

• Addition of a new policy enabling signs required by other legislation or regulation such as Hazardous Substances and New Organisms Act (HSNO) or Workplace Safety.

#### Public Access and Activities of the Surface of Water

Provisions for public access and activities on the surface of water were included in Chapter 8: Natural Environment of the Draft District Plan.

Informal submissions relating to public access in the coastal environment are discussed in the s32 Report on the Coastal Environment. There were no other submissions made on the Draft District Plan in relation to public access.

There were no submissions on provisions in the Draft Plan relating to activities on the surface of water.

#### Light

Performance standards for light were included in the zone chapters. There were no submissions on provisions in the Draft Plan relating to light.

#### Relocated Buildings, and Temporary Buildings and Activities

Performance standards for temporary buildings, temporary events, temporary military training activities and relocated buildings were included in the zone chapters.

Informal submissions on temporary events were made by two local submitters in relation to the duration of temporary events in the Residential Zone, Coastal Settlements Zone, Commercial Zone and Mixed-Use Industrial Zone.

McFlynn Surveying Ltd submitted that it was not clear what was meant by the requirement that temporary events 'must not exceed a period of 3 consecutive days in total within any 12 month period'. The submitter also questioned whether the requirement under the performance standards for "Temporary events to comply with the applicable permitted activity rules and standards for traffic sightline distances in Section 14 Transport and Parking for the site on which the temporary event is located" meant that temporary events could not be held on sites where an existing legally established vehicle crossing was not fully compliant with the proposed new rules. The submitter considered that this seemed "a bit over the top if this is the intent of this rule".

NZDF requested that Territorial Military Training Activities (TMTA) be excluded from the definition of 'Temporary Event', to provide clarity and ensure particular controls that appropriate for social, cultural and recreational events did not apply to TMTA. NZDF considered that TMTA should be separate from other temporary activities, to be consistent with the definition used in other district plans, nationwide. NZDF requested that TMTA be provided across all zones as a Permitted Activity by inclusion of a new rule in the District Wide section of the District Plan, and for it to default to a Controlled Activity (instead of a Restricted Discretionary Activity) with noise and duration being a matter of control under Assessment Matter 29.4(19)(f)).

NZ Heavy Haulage Associated (NZHHA) submitted that the rules for relocated dwellings in the District should be subject to the same land use planning controls as apply to new and *in situ* existing dwellings and noted that many district plans provided for the removal, re-siting or demolition of dwellings (not subject to express heritage controls) as a permitted activity. The submitter wished to ensure removal was provided for as a permitted activity (subject to express heritage provision e.g. being a listed or scheduled heritage item), with a Restricted Discretionary Activity default rule. NZHHA sought that a distinction be made between 'removal', 'relocation' and 're-siting' in the definitions of the Draft District Plan. A final matter raised by NZHHA at their presentation to the District Plan Committee was a request to extend the time provided in the standards for buildings to be placed on permanent foundations from two weeks to four weeks.

Key changes to this chapter as a result of this feedback to the Draft District Plan included:

- Amending the activity of relocated buildings to Permitted Activities, subject to meeting standards (being those that were already in the Draft Plan) including a requirement to submit a Building Pre-Inspection Report.
- Amending the definition of 'relocated building' to clarify it, such that it refers to the 'removal, relocation, re-siting or demolition of an existing building ...'.
- Amending the definition of temporary event.
- Amending the definition of TMTA.
- Amending the definition of 'residential unit' and 'residential activity' to allow for removal or resiting of a building as of right.

#### 3.4 Marshall Day Acoustics Report & Memo 2018

Review of the noise provisions in the District Plan commenced with the engagement of Marshall Day Acoustics (MDA) to carry out an expert technical review of the noise rules in the Plan, and to provide detailed recommendations on appropriate amendments to bring the District Plan up to current best practice. The final report "Central Hawke's Bay District Plan - Revision of Noise Rules", dated 31 July 2018, is attached in Appendix A to this report.

#### The MDA report (pg. 4) states that:

"The review of the Central Hawkes Bay District Plan is being done with a view to ensuring consistency of approach with Local Authorities of similar scale and with similar issues to address. The adoption of industry best practice is also key in ensuring the basis of the Plan through the rules is robust and defendable to Environment Court scrutiny."

#### To that end, they noted (pg. 5):

"Historically, noise rules and New Zealand's environmental noise standards have often been based upon existing noise levels in an area. This approach is now disappearing, as it is recognised that if there is to be development in an area, noise rules must provide an appropriate level of amenity for the developed area, whilst at the same time allowing noise generating activities to generate reasonable levels of noise.

The assumption that new dwellings and/or business can be introduced into an area and somehow still maintain a noise level consistent with an undeveloped area is generally impracticable. The purpose of the recommended noise limits in this report is to allow development while controlling noise to an appropriate level."

The MDA report recommended noise and vibration standards and noise assessment matters for inclusion in the District Plan, including that:

- The day/night split be maintained and is 7am to 10pm for the day and 10pm to 7am for the night time period, which was in line with other many other Plans.
- Some Plans are adopting a "shoulder" or evening period which is between 7pm and 10pm and includes a noise limit that is between the day and night-time limits i.e. 7am-7pm 55dB L<sub>Aeq</sub>, 7pm-10pm 50dB L<sub>Aeq</sub>, 10pm-7am 45dB L<sub>Aeq</sub>.
- Noise rules to apply to all days of week equally.
- Noise rules for TMTA in line with other Plans has been included.
- Prospecting and exploration activities (quarrying) have been provided for separately because
  on occasions they may potentially emit noise and vibration of a significant magnitude. This type
  of noise and vibration event is not well catered for under the general noise rules.
- Adoption of 2008 versions of NZS6801 and 6802 as the cornerstone standards for the measurement and assessment of environmental noise.
- the use of L<sub>Aeq</sub> and LA90 acoustic descriptors rather than previous L<sub>10</sub> and L<sub>95</sub>.
- Referencing a full range of New Zealand Standards regarding acoustics. In particular, the guidance provided for wind turbine generators and helicopters will provide a better degree of certainty for operators and community alike.
- Vibration issues with regard to potential damage to structures to be addressed through reference to best practice standard.
- Inclusion of noise rules for establishment of residential use out of zone.
- Ability for a limited number of Community Events to be held each year which do not require separate resource consents. A relaxation of noise limits is recommended in recognition of the limited nature of such events and an overall benefit to community.
- Inclusion of noise limits for audible bird scaring devices and frost fans.

MDA were also separately engaged by the Council to provide expertise in terms of revising the airnoise boundary associated with the Waipukurau Aerodrome, currently adopted in the Operative District Plan. That review involved consultation with the Aeroclub around future projections. Their advice is set out

in their Memorandum to Central Hawke's Bay District Council on the Waipukurau Airfield Noise, dated 30 July 2018, attached in Appendix A of this report. MDA recommended that:

- New Activities Sensitive to Aircraft Noise (ASAN) located within the Outer Control Boundary (OCB) should be prohibited, unless there is a strong existing expectation of residential development, such as associated with a rural use.
- New ASANs located within the Air Noise Boundary (ANB) should be prohibited.
- Alterations and additions to existing ASANs located within the OCB in all zones should be fitted with appropriate sound insulation.
- Where sound insulation is required a ventilation system (or systems) should be provided, Noise from such a system should not exceed a reasonable level.

With respect to airport noise management, MDA recommended that:

- The Waipukurau Aerodrome be managed so that the noise from aircraft operations does not exceed 65 dB L<sub>dn</sub> outside the ANB or 55 dB L<sub>dn</sub> outside the OCB. The ANB and OCB be shown on the District Plan Maps.
- Compliance with the ANB and OCB be determined on the basis of the following:
  - o a log of annual aircraft movements to be provided to the Council by 1 February each year, detailing the total number of fixed wing and helicopter movements for the previous calendar year.
  - o in the first instance where the total number of annual aircraft movements are less than 6500 per year no compliance contouring is required.
  - o where the total number of annual aircraft movements is greater than 6500, the operators of Waipukurau Aerodrome to provide 55 dB, and 65 dB Annual Aircraft Noise Contours (AANC), using airport noise prediction software and records of actual aircraft movements for the busiest three consecutive months of the preceding year. These AANC are to be submitted to the Council to shown compliance or otherwise with the OCB and ANB. The preparation of the AANC to be require every two years thereafter.
  - o where the AANC show that the calculated noise level exceeds 64 dB at any point on the ANB, then noise measurements using infield monitoring is required for a minimum of one month (at one measurement location) to demonstrate compliance with the noise limit of the ANB, as shown on the District Plan Maps.
  - o exemptions to these noise rules should be provided for:
    - aircraft operating in an emergency for medical or national/civil defence reasons
    - air shows
    - military operations
    - aircraft using the airfield as a necessary alternative to an airfield elsewhere
    - aircraft taxiing
    - aircraft engine testing.
  - O All aircraft operators be made aware of the Helicopter Association International's "Fly Neighbourly" programme and should avoid, where possible, flying over or close to residential areas.

### 3.5 Decision-Making

A series of presentations and discussion documents were presented to the District Plan Committee on the remaining chapters topic during the preparation of Draft / Proposed District Plan provisions. These are described in the following table:

Meeting	Document	Overview and Direction	
30 August 2017	Initial Section 32 Scoping Report	Refer to Section 3.1 of this report.	
27 September 2017	Discussion documents - Review of issues, objectives and policies of Part 5: Residential Zone, Part 6: Township Zone and Part 7: Business Zones of the Operative District Plan PowerPoint Presentation	Reviewed the issues, objectives and policies relating Parts 5, 6 and 7 of the Operative District Plan and made recommendations on amendments to be made to the Operative District Plan provisions for the Residential Zone, Rural Townships Zone and Business Zones.  Referred to the review approach identified in the Scoping Report (as set out in Section 3.1 of this report) and the key relevant issues identified in the Scoping Report.  The discussion document on Part 5: Residential Zone included reference to issues relating to relocatable buildings in the District.	
25 October 2017	Discussion documents - Review of rules, standards and assessment criteria of Part 5: Residential Zone, Part 6: Township Zone and Part 7: Business Zones of the Operative District Plan PowerPoint Presentation	<ul> <li>Reviewed the rules, standards and assessment criteria of Parts 5, 6 and 7 of the Operative District Plan.</li> <li>Considered rules relating to Relocated Buildings, including review of activity status and methods to address compliance issues.</li> </ul>	
29 November 2017	Discussion document  PowerPoint  presentation	<ul> <li>District Plan Committee adoption of:</li> <li>new Sustainable Subdivision and Building chapter</li> <li>reviewed draft Rural Townships Zone chapter</li> <li>reviewed draft Residential Zone chapter</li> <li>reviewed draft Business Zones chapter – split into two zones: Commercial Zone and Mixed-Use Industrial Zone</li> <li>amendments to some relevant definitions.</li> </ul>	
6 March 2018	PowerPoint presentation	Review of public access provisions.	
25 July 2018	Discussion document PowerPoint presentation	District Plan Committee adoption of:  reviewed draft Noise chapter based on MDA report referred to in Section 3.4 of this report)  reviewed draft Open Space and Recreation chapter  reviewed draft Signs chapter  reviewed draft rules for Relocated Buildings and Temporary Buildings and Activities  new and relevant amended definitions.	

20 August 2010	Discussion document	District Plan Committee adoption of:		
29 August 2019	PowerPoint presentation	<ul> <li>District Plan Committee adoption of:</li> <li>new draft Earthworks, Mining, Quarrying etc. chapter</li> <li>reviewed draft Natural Hazards and Climate Change chapter</li> <li>reviewed draft Transport and Parking chapter</li> <li>new relevant and amended definitions</li> </ul>		
12 September 2018	Discussion document  PowerPoint  presentation	District Plan Committee adoption of minor revisions to:  reviewed draft Signs. Chapter reviewed draft Open Space and Recreation chapter reviewed Transport and Parking chapter reviewed draft relocated buildings provisions associated definitions.		
26 September 2018	Discussion document PowerPoint presentation	<ul> <li>District Plan Committee adoption of:</li> <li>reviewed draft Hazardous Substances chapter</li> <li>reviewed draft Introduction chapters</li> <li>new relevant and amended definitions</li> </ul>		
17 October 2018	Discussion document PowerPoint presentation	District Plan Committee adoption of minor revisions to:     new draft Waipukurau Aerodrome ANB provisions     reviewed draft temporary events provisions		
27 March 2019	Discussion document PowerPoint presentation	District Plan Committee discussed consequential additional rules and assessment criteria in the draft Earthworks chapter		
9 April 2019	PowerPoint presentation Draft District Plan	<ul> <li>District Plan Committee adoption of:</li> <li>reviewed draft Earthworks chapter</li> <li>Submitted Chapters 6, 9, 10, 11, 14, 18, 19, 20 and the zone chapters and assessment matters as part of the entire Draft District Plan for adoption by the District Plan Committee, and for the Draft District Plan to go out for public consultation.</li> </ul>		
10 April 2019		Decision made on 10 April for Draft Plan to be publicly notified.		
3 June 2019		Public notification of Draft District Plan occurred on 3 June 2019.		
3, 4, 11, 12, 18, 19, 20 & 21 February 2020	Hearing of informal submissions on the Draft District Plan	Hearing of submissions on the Draft District Plan.		
17 March 2020	Hearing of submissions on the Draft District Plan Report No. 5 Urban	Responded to submission points on Chapters 26, 27 and 28 of the Draft District Plan and provided recommendations to the District Plan Committee to address submitter requests.  A recommended tracked changes version of Chapter 26: Residential Zone, Chapter 27: Commercial Zone and Chapter 28: Mixed Use Industrial Zone was provided with the report.		

6 April 2020	Hearing of submissions on the Draft District Plan	Reported on submission and District Plan Committee deliberation meeting on:  Earthworks Noise	
1 May 2020	Hearing of submissions on the Draft District Plan	Reported on submission and District Plan Committee deliberation meeting on:  Natural Hazards Sustainable Subdivision and Building Transport and Parking Signs Open Space and Recreation Domestic water tanks	
29 May 2020	Hearing of submissions on the Draft District Plan	Reported on submission and District Plan Committee deliberation meeting on:  Rural airstrips	
25 August 2020		Reporting on matters raised by District Plan Committee during deliberation meetings, and matters raised in Council staff feedback on Draft District Plan	
10 & 11 November 2020	Hearing of submissions on the Draft District Plan	Reporting on remaining outstanding submission points and District Plan Committee deliberation meeting on:  • Domestic water tanks	
15 December 2020	National Planning Standards version of District Plan	<ul> <li>Presented draft Proposed District Plan in National Planning Standards format, including</li> <li>Part 2: District Wide Matters: Strategic Direction: SSB – Sustainable Subdivision and Building chapter</li> <li>Part 2: District Wide Matters: Energy, Infrastructure and Transport: TRAN – Transport chapter</li> <li>Part 2: District Wide Matters: Hazards and Risks: CL – Contaminated Land Chapter, HAZS – Hazardous Substances chapter, and NH – Natural Hazards chapter.</li> <li>Part 2: District Wide Matters: Natural Environmental Values: OSR – Open Space and Recreation chapter, and PA – Public Access chapter.</li> <li>Part 2: District Wide Matters: General District Wide Matters: ASW – Activities on the Surface of Water chapter, EW – Earthworks chapter, LIGHT – Light chapter, NOISE – Noise chapter, SIGN – Signs chapter, and TEMP – Temporary Activities chapter.</li> <li>Part 3: Area-Specific Matters: Zones chapters (in relation to Relocated Buildings provisions).</li> </ul>	

#### 3.5.1 Reference to Other Relevant Evaluations

This section 32 topic report should be read in conjunction with the following other section 32 reports:

- Section 32 Overview Evaluation Report
- Section 32 Coastal Environment topic report

#### 3.6 Resource Management Issues

The table below details the key issues for the remaining chapters in the Operative District Plan and the Proposed District Plan.

#### **Operative District Plan Issues**

Operative District Plan – Open Space and Recreation Issues

3.3.2 ISSUE – Open Space and Recreational Opportunities

Availability, distributions and maintenance of land and facilities, to enable people to meet their recreational needs.

3.3.3 ISSUE - 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.

Operative District Plan - Natural Hazards Issues

3.4.1 ISSUE - Threat to People and Property

Natural hazards, particularly flooding and earthquakes, area potential threat to people and property within the District.

Operative District Plan - Rural Zone Issues

14.2 ISSUE - 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.

4.3 ISSUE - Soil Erosion

Bad land management practices can lead to increased land instability and soil erosion.

Operative District Plan – Residential Zone Issues

5.2 ISSUE – 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.

5.3 ISSUE - 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.

Operative District Plan - Townships Issues

6.2 ISSUE - Amenity of Townships

The location, natural, 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.

Operative District Plan - Business Issues

7.2 ISSUE - Amenity

The establishment and operation of poorly managed businesses can cause noise, odour, dust, loss of visual amenity, and traffic congestion.

Operative District Plan - Signs Issues

11.2 ISSUE -Safety and Environmental Effects

Signs can result in adverse effects on traffic safety and visual amenity.

Operative District Plan - Relocated Buildings, Temporary Buildings and Temporary Activities Issues

12.1 ISSUE - Environmental Effects

The relocation and temporary use of buildings and the establishment of temporary activities have potentially significant adverse effects on neighbouring properties of the environment generally.

Operative District Plan - Hazardous Substances Issues

13.2 ISSUE - 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.

#### **Proposed District Plan Issues**

Proposed District Plan - SSB - Sustainable Subdivision and Building Issues

SSB-I1 Energy Efficiency and Sustainability of Buildings and Subdivisions

Urban development can have adverse effects on the environment (including cumulative effects) through, for example, increased stormwater runoff or increased water r energy consumption.

Proposed District Plan – TRAN – Transport Issues

TRAN-11 Efficient and safe 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.

Proposed District Plan – CL – Contaminated Land Issues

There are no issues in this chapter.

Proposed District Plan - HAZS O Hazardous Substances Issues

HAZS-11 If not appropriately stored and used, hazardous substances pose potential threats to the health and safety of the District's people and natural environment.

Proposed District Plan – NH – Natural Hazards Issues

There are no issues in this chapter.

Proposed District Plan – OSR – Open Space and Recreation Issues

OSR-I1 Adequate provision for accessible recreational opportunities in appropriate locations.

Proposed District Plan - PA - Public Access Issues

PA-I1 Limited Public Access to Lakes, Rivers and the Coast

Lack of practical and safe public access to and along the coast can restrict cultural practices and recreational opportunities within the coastal environment. Conversely, provision of public access in inappropriate locations can adversely affect other recognised values within the coastal environment.

Proposed District Plan - ASE - Activities on the Surface of Water Issues

ASW-I1 Activities on the surface of water can affect habitats of flora and fauna, water quality, and people's amenity values.

Proposed District Plan – EW – Earthworks Issues

There are no issues in this chapter.

Proposed District Plan – LIGHT – Light Issues

LIGHT-I1 Artificial lighting can adversely affect amenity values and the health and safety of people and communities.

Proposed District Plan – NOISE – Noise Issues

NOISE-I1 Exposure to excessive noise can adversely affect amenity values and the health and wellbeing of people and communities.

Proposed District Plan - SIGN - Signs Issues

SIGN-I1 Safety and Visual Effects

Signs can result in adverse effects on traffic safety and visual amenity.

Proposed District Plan - TEMP - Temporary Activities Issues

There are no issues in this chapter.

Proposed District Plan – LLRZ – Large Lot Residential Zone (Coastal) Issues

LLRZ-I1 Amenity and Character

Maintaining the special identify, character and heritage of the coastal settlements, including the 'remote' feel, characterised by a lack of urban kerb and channel on roadways, large sections with single dwellings, and absence of business activities.

LLRZ 12 Coastal Hazards and Climate Change

The coastal fringe, including coastal settlements, is susceptible to natural hazards including coastal erosion and coastal inundation and the effects of storm surge, sea level rise and tsunami. While the effects of coastal hazards are mainly addressed through the Hawke's Bay Regional Coastal Environment Plan, confinement of residential development to the coastal settlements seeks to minimise any increase in the risk of coastal hazards.

#### LLRZ-I3 Access to the Coast

Public access to and along the Central Hawke's Bay District Coast is highly valued for coastal recreation and camping opportunities and needs to be maintained and enhanced.

Proposed District Plan – GRZ – General Residential Zone Issues

#### **GRZ-I2** 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.

#### Proposed District Plan - GRUZ - General Rural Zone Issues

#### GRUZ-12 Protecting Rural Amenity and the Quality of the Rural Environment

Land-based primary production, and other complementary rural, residential and recreation-based activities, underpin the social, economic and cultural wellbeing of the District (particularly for the District's rural communities), but they can also adversely affect rural environment, cultural and amenity values.

The establishment of incompatible activities within the rural areas can:

- 1. result in the loss of productive land;
- 2. conflict with existing rural activities, including through reverse sensitivity; and
- 3. detract from rural character and amenity.

#### Proposed District Plan – RPROZ – Rural Production Zone Issues

Refer to Issues RLR-I1 and GRUZ-I1.

#### Proposed District Plan - RLZ - Rural Lifestyle Zone Issues

#### RLZ-I3 Managing Reverse Sensitivity

Rural residential activities establishing within, or at the interface of the rural environment can create potential conflict with and compromise the effect and efficient operation of legitimate primary production activities, where rural residential activities have higher environmental expectations about amenity values than are reasonable achievable in terms of the working needs of rural activities.

#### Proposed District Plan – SETZ – Settlement Zone Issues

#### SETZ-I1 Rural Township Amenity

The location, nature, and design of buildings, activities and their services vary considerably in the rural settlements reflecting the historical mix of activities that give these small townships their distinct character. However, this can, without suitable environmental management, lead to adverse effects on the amenity of those townships and their surrounding landscapes.

#### Proposed District Plan - COMZ - Commercial Zone Issues

#### COMZ-I1 Amenity

There is a need to provide for and enable a diverse range of commercial business activities to establish within the urban areas of Waipawa and Waipukurau, as they contribute to the economic and social wellbeing of the District. However, the establishment and operation of businesses without adequate environmental controls can cause noise, odour, dust, loss of visual amenity, and traffic congestion, leading to reduced quality of the environment and incompatibility with other land uses.

#### COMZ-I2 Reverse Sensitivity

New sensitive activities locating within the Commercial Zone can create actual or potential reverse sensitivity effects.

#### $\label{eq:continuous} \textbf{Proposed District Plan} - \textbf{GIZ} - \textbf{General Industrial Zone Issues}$

#### GIZ-I1 Amenity

There is a need to provide for and enable a diverse range of industrial and commercial business activities to establish within the urban areas of Waipawa and Waipukurau, as they contribute to the economic and social wellbeing of the District. However, the establishment and operation of businesses without adequate environmental controls can cause noise, odour, dust, loss of visual amenity, and traffic congestion resulting in reduced quality of the environment and incompatibility with other land uses.

#### GIZ-I2 Reverse Sensitivity

New sensitive activities locating close to existing industrial activities can create actual or potential reverse sensitivity effects.

Following identification of the issues for the remaining chapters and provisions, the evaluation involved a review of the existing objectives, policies and methods to determine whether they effectively addressed the issues.

# 4 Evaluation of Objectives to Achieve the Purpose of the RMA

Section 32(1)(a) requires an evaluation to examine the extent to which the objectives proposed are the most appropriate way to achieve the purpose of the RMA.

There are seventeen (39) objectives proposed for the District Plan relating to the remaining District-wide chapters and provisions.

The following evaluates the extent to which those 39 proposed objectives are the most appropriate way to achieve the purpose of the RMA with respect to the sustainable management of subdivision and building, transport, contaminated land, hazardous substances, natural hazards, open space and recreation, public access, activities on the surface of water, earthworks, light, noise, signs, temporary buildings and activities, and relocated buildings, and the issues identified in the previous section:

#### **Proposed Objectives**

#### Strategic Direction – SSB – Sustainable Subdivision and Building:

SSB-O1 Promote sustainable subdivisions and buildings in the District.

#### Energy, Infrastructure and Transport – TRAN - Transport:

TRAN-O1 The transport network is safe, resilient, efficient and effective in moving people and goods within and beyond the District.

TRAN-O2 Activities generate a type or level of traffic that is compatible with the roads they are located in.

#### Hazards and Risks - CL - Contaminated Land

CL-O1 Land containing elevated levels of contaminants is managed to protect human health and the environment and to enable land to be used in the future.

#### <u>Hazards and Risks – HAZS – Hazardous Substances</u>

HAZS-O1 Protect the community and natural environment from the adverse effects associated with the manufacture, use, storage or transportation of hazardous substances.

HAZS-O2 Avoid any necessary duplication of regulation between the Hazardous Substances and New Organisms Act 1996 and the District Plan.

#### Hazards and Risks – NH – Natural Hazards

NH-O1 The community's awareness and understanding of natural hazard risks in the District is enhanced.

NH-O2 The effects of natural hazards and the long-term effects of climate change on the community and the built environment are minimised.

NH-O3 Any increase in risk to people, property, infrastructure and the environment from the effects of natural hazards is avoided.

#### <u>Natural Environmental Values – OSR – Open Space and Recreation</u>

OSR-O1 Open space and recreational opportunities that are accessible and appropriately located to meet the needs of residents and visitors, while avoiding, remedying or mitigating ay adverse effects.

#### Natural Environmental Values – PA – Public Access

PA-O1 Practical and safe public access to and along the margins of lakes and rivers and the coast is provided in a way that respects private property and does not result in adverse effects on natural character, landscape, indigenous biodiversity, historical heritage or cultural values.

#### General District-Wide Matters – ASW – Activities on the Surface of Water

ASW-O1 To enable the use of the surface of waterbodies for a wide range of recreational, commercial, and cultural activities, while mitigating any adverse effects arising from that use.

#### General District-Wide Matters – EW – Earthworks

EW-O1 Protect the safety of people and avoid, remedy or mitigate the adverse environmental effects of earthworks.

EW-O2 Ensure that the life-supporting capacity of air, water, soil and ecosystems is safeguarded and that adverse effects of mining, quarrying and hydrocarbon extraction activities on the environment are avoided, remedied or mitigated, while meeting the needs of the District (and wider Region) for minerals.

#### General District-Wide Matters – LIGHT – Light

- LIGHT-O1 Activities are able to use artificial lighting for operational and functional purposes and to provide for the security and safety of people and property.
- LIGHT-O2 Artificial lighting is located, designed and operated to maintain the character and amenity values of the zone and the surrounding area, and in a way that does not compromise the health and safety of people, including the safe operation of the transport network.

#### General District-Wide Matters - NOISE - Noise

- NOISE-O1 Ensure residents of the District are exposed to an appropriate level of noise for the sone in which they reside/live/work.
- NOISE-O2 Activities generate noise effects that are compatible with the role, function and predominant character of each receiving zone.
- NOISE-O3 Avoid, remedy or mitigate conflict and reverse sensitivity effects arising for existing lawfully established activities as a result of new noise sensitive activities establishing in close proximity to them.
- NOISE-O4 Where the locational, functional or operational needs are such that activities of importance to the community could not otherwise meet noise and vibration standards, enable these activities by allowing a whole or partial exemption from those noise standards.

#### General District-Wide Matters – SIGN – Signs

SIGN-O1 Provide for a range of signs, to meet the needs of the District's communities, which do not cause a nuisance, distraction or hazard to other activities, vehicular traffic or pedestrians, or detract from the visual amenities or character of the environment where they are located.

#### General District-Wide Matters – TEMP – Temporary Activities

- TEMP-O1 Temporary activities enhance and contribute to community connectedness, a vibrant district and the social, environmental, economic and cultural well-being of communities.
- TEMP-O2 Temporary activities are planned, located and managed to minimise on-site and off-site adverse effects.

#### Zones – LLRZ – Large Lot Residential Zone (Coastal)

- LLRZ-O2 To enable certain small-scale community and recreation facilities, and physical infrastructure, including educational facilities and network utilities to be located in the coastal settlements in a way which maintains and enhances the character and amenity of these settlements while providing for the social, and cultural wellbeing of people in the community, as well as their health and safety.
- LLRZ-O4 To facilitate public access to, and enjoyment of, the District's coast and its margins in a manner that protects the natural character values of the coastal environment.

#### Zones – GRZ – General Residential Zone

GRZ-O2 To provide for the location of appropriate activities within residential areas which benefit local communities, but do not detract from the amenity of the area.

#### <u>Zones – GRUZ – General Rural Zone</u>

GRUZ-O2 The predominant character of the General Rural Zone is maintained, which includes:

- 1. low-density built form, with open space and few structures;
- a predominance of rural and land-based primary production activities and associated buildings, such as barns and sheds;
- 3. sounds and smells associated with legitimate primary production activities:
- existing rural communities and community activities, such as rural halls, reserves and educational facilities;
- 5. a landscape within which the natural environment (including farming and forest landscapes) predominates over the built one; and
- an environmental contrast and clear distinction between town and country (including a general lack of urban infrastructure, such as street lighting, solid fences and footpaths).

- GRUZ-O3 Adverse effects of activities are managed to maintain rural character and amenity and, where applicable, the natural character and amenity values present within the coastal environment.
- GRUZ-O4 The primary productive purpose and predominant character of the General Rural Zone are not compromised by potentially incompatible activities establishing.

#### Zones – RPROZ –Rural Production Zone

RPROZ-O4 The predominant character of the Rural Production Zone is maintained, which includes:

- 1. low-density built form, with open space and few structures:
- 2. a predominance of rural and land-based primary production activities and associated buildings such as barns and sheds, and artificial crop protection structures and crop support structures;
- 3. sounds and smells associated with legitimate primary production activities;
- 4. existing rural communities and community activities, such as rural halls, reserves and educational facilities;
- 5. a landscape within which the natural environment (including farming and forest landscapes) predominates over the built one;
- 6. an environmental contrast and clear distinction between town and country (including a general lack of urban infrastructure, such as street lighting, solid fences and footpaths).
- RPROZ-O5 Adverse effects of activities are managed to maintain rural character and amenity.
- RPROZ-O6 The primary productive purpose and predominant character of the Rural Production Zone are not compromised by potentially incompatible activities establishing.
- RPROZ-O7 The Waipukurau Aerodrome is protected from noise sensitive activities establishing within the air noise boundary.

#### Zones - RLZ - Rural Lifestyle Zone

RLZ-O2 Compatible land use activities within the Rural Lifestyle Zone which enable sufficient flexibility for rural residential living and/or small-scale primary production activities, and which avoid or mitigate adverse effects within the zone and at the interface with other zones.

#### Zones - SETZ - Settlement Zone

SETZ-O3 To provide for non-residential activities, within limits, to locate in the settlements such that their amenity is maintained and enhanced, and to provide for the social, economic and cultural well-being of the people in these rural communities, and for their health and safety.

#### Zones – COMZ –Commercial Zone

- COMZ-O1 Maintain and enhance the character and amenity values of the commercial areas in a manner that enables commercial activities to support the local economy and provide a pleasant work environment, while avoiding, remedying or mitigating adverse effects within and adjoining the Commercial Zones.
- COMZ-O3 Business activities which do not detract from the standard of amenity in adjoining residential areas.

#### Zones – GIZ –General Industrial Zone

GIZ-O1 Maintain and enhance the character and amenity values of the General Industrial Zone in a manner that enables a range of activities to support the local economy and provide a pleasant work environment, while avoiding, remedying or mitigating adverse effects within and adjoining the zone.

GIZ-O3 Mixed-use activities which do not detract from the standard of amenity in adjoining residential areas.

# Comment These objectives respond directly to the resource management issues of relevance to the Proposed District Plan set out in Section 3.6 of this report. Appropriateness (relevance, usefulness, achievability, reasonableness Appropriateness (relevance, usefulness, achievability, reasonableness Appropriateness (relevance, usefulness, achievability, reasonableness Appropriateness (Strategic Direction – Sustainable Subdivision and Building (Proposed Objective SSB-O1 responds to Strategic Issue SSB-I1, which recognises that urban development can have adverse effects on the environment (including cumulative effects) associated with increased stormwater runoff and increased water or energy consumption. Objective SSB-O1 seeks to achieve section 5 (being the purpose) of the RMA through promoting the adoption of sustainable management practices for subdivisions and

buildings, through using innovative and environmentally sensitive approaches that optimise the efficient use of existing infrastructure, energy and resources, maintains and enhances the quality of the urban environment, and provides for the health and wellbeing of the District's people and communities. The objective is also consistent with section 7(i) of the RMA with respect to contributing towards managing the effects of climate change, and section 7(j) by recognising the benefits of using renewable energy, such as solar energy at a domestic scale.

#### Energy, Infrastructure and Transport - Transport

Proposed Objectives TRAN-O1 and TRAN-O2 respond to Strategic Issue TRAN-I1, which recognises that the District's roads and other transport infrastructure can be adversely affected by inappropriate land uses that are inappropriately designed, their access, parking and servicing.

These objectives are consistent with objectives OBJ UD6, OBJ 32, OBJ 33 and OBJ 33A of the RPS. They are also considered to be the most appropriate way to achieve the purpose of the RMA and sections 7(b), 7(c) and 7(f) of the RMA.

#### Hazards and Risks - Contaminated Land

Proposed Objective CL-O1 does not respond to any Strategic Issue. However, it gives effect to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

It is consistent with Objective OBJ 22 of the RPS with respect to maintaining water quality in the Region's aquifers, to ensure that the groundwater remains suitable for human consumption and irrigation. The objective is also considered appropriate to achieve the purpose of the RMA and section 7(f) of the RMA.

#### <u>Hazards and Risks – Hazardous Substances</u>

Proposed Objective HAZS-O1 and HAZS-O2 respond to Hazards and Risks Issue HAZS-I1.

While hazardous substances are largely controlled through other legislation, the Council is required by the RMA to achieve integrated management of effects, including control of any actual or potential adverse effects associated with the storage, use, disposal or transportation of hazardous substances.

These objectives are consistent with Objective OBJ 22 of the RPS with respect to maintaining water quality in the Region's aquifers, to ensure that the groundwater remains suitable for human consumption and irrigation. The objectives are considered appropriate to achieve the purpose of the RMA and section 7(f) of the RMA.

#### Hazards and Risks – Natural Hazards

Proposed Objectives NH O1, NH-O2 and NH-O3 do not respond to any Hazards and Risks Issue but respond to Zone Issue LLRZ-I2.

However, they are appropriate to recognise and provide for the management of significant risk of natural hazards in accordance with section 6 of the RMA, to give regard to the effects of climate change in accordance with section 7(i) of the RMA, and to recognise the Council's ability to refuse to grant consent to subdivision under section 106 of the RMA if the Council considers that there is a significant risk from natural hazards.

These objectives are consistent with Objectives OBJ 8 and OBJ 31 of the RPS, and with Objectives OBJ 15.1, OBJ 15.2, OBJ 15.3 and Policies 2.8 and 15.1 of the RCEP.

#### Natural Environmental Values – Open Space and Recreation

Proposed Objective OSR-O1 responds to Natural Environmental Values Issue OSR-I1 which recognises the need for adequate provision for accessible recreational opportunities in appropriate locations in the District.

The objective is appropriate to achieve Policy 18 of the NZCPS which requires recognition of the need for public open space to be provided within the coastal environment within and adjacent to the coastal marine area, for public use and appreciation (including active and passive recreation.

The objective is appropriate to achieve the purpose of the RMA and sections 7(c) and 7(f) of the RMA.

#### Natural Environmental Values – Public Access

Proposed Objective PA-O1 responds to Natural Environmental Values Issue PA-I1 and Zone Issue LLRZ-I3.

The objective is appropriate to achieve Policy 19 of the NZCPS which is to maintain and enhance public walking access to, along and adjacent to the coastal marine area.

The objective is consistent with Objective OBJ 5 of the RPS and Objective 5.1 of the RECP.

The Objective is appropriate to recognise and provide for section 6(d) of the RMA, which requires the maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers. It is also consistent with

The objective is appropriate to achieve the purpose of the RMA and sections 7(c) and 7(f) of the RMA.

#### General District-Wide Matters – Activities on the Surface of Water

Proposed Objective ASW-O1 responds to General District-Wide Matters Issue ASW-I1, which recognises that activities on the surface of water can affect habits of flora and fauna, water quality, and people's amenity values.

The objective is consistent with Objective OBJ LW1 of the RPS.

The objective is appropriate to recognise and provide for section 6(c) of the RMA which requires the protection of significant indigenous vegetation and significant habitats of indigenous fauna, and section 6(e) regarding the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

The objective is appropriate to achieve the purpose of the RMA and sections 7(a), 7(aa), 7(c), 7(d) and 7(f) of the RMA.

#### General District-Wide Matters – Earthworks

Proposed Objectives EW O1 and EW-O2 do not respond to any General District-Wide Matters Issue.

The objective is appropriate as it is consistent with section 5(2) and sections 7(c) and 7(f) of the RMA.

#### <u>General District-Wide Matters – Light</u>

Proposed Objectives LIGHT O1 and LIGHT-O2 respond to General District-Wide Matters Issue LIGHT-I1, which recognises that artificial lighting can adversely affect amenity values and the health and safety of people and communities.

The objective is appropriate as it is consistent with section 5(2) and sections 7(c) and 7(f) of the RMA.

#### General District-Wide Matters – Noise

Proposed Objectives NOISE O1, NOISE-O2, NOISE-O3 and NOISE-O4 respond to General District-Wide Matters Issue NOISE-I1, which recognises that exposure to excessive noise can adversely affect amenity values and the health and safety of people and communities. They also respond to Zone Issues RLZ-I3, COMZ-I2 and GIZ-I2 in relation to reverse sensitivity.

The objectives are consistent with Objectives OBJ 33A and OBJ 33B of the RPS.

The objective is considered the most appropriate to achieve section 5(2) and sections 7(c) and 7(f) of the RMA.

#### General District-Wide Matters – Signs

Proposed Objective SIGN-O1 responds to General District-Wide Matters Issue SIGN-I1, which recognises that signs can result in adverse effects on traffic safety and visual amenity.

This objective is consistent with objectives OBJ 32 of the RPS. It is also considered to be the most appropriate way to achieve section 5(2) and sections 7(c) and 7(f) of the RMA.

#### <u>General District-Wide Matters – Temporary Activities</u>

Proposed Objectives TEMP-O1 and TEMP-O2 do not respond to any General District-Wide Matters issues.

These objectives are consistent with objectives OBJ 32 of the RPS. It is also considered to be the most appropriate way to achieve section 5(2) and sections 7(c) and 7(f) of the RMA

#### Zones - Relocated Buildings

Proposed Objectives LLRZ-O2 and LLR-O4 respond to Zone Issues LLRZ-I1 and LLRZ-I2.

Proposed Objective GRZ-O2 responds to Zone Issue GRZ-I2.

Proposed Objectives GRUZ-O2, GRUZ-O3 and GRUZ-O4 respond to Zone Issue GRUZ-I2.

Proposed Objectives RPROZ-O4, RPROZ-O5, RPROZ-O6 and RPROZ-O7 do not respond to any Zone Issue.

Proposed Objective RLZ-O2 responds to Zone Issue RLZ-I1.

Proposed Objective SETZ-O3 responds to Zone Issue SETZ-I1.

Proposed Objectives COMZ-O1 responds to Zone Issue COMZ-I1.

Proposed Objective GIZ-O1 responds to Zone Issue GIZ-I1.

The proposed objectives within the Zones identified above are appropriate and relevant to relocated buildings as they seek to maintain and enhance the character and amenity values of the zones.

The objectives are appropriate as they are consistent with section 5(2) and sections 7(c) and 7(f) of the RMA.

#### Summary

Given the above, the proposed suite of objectives is deemed appropriate in terms of achieving the purpose of the RMA being the sustainable management of the District's natural and physical resources.

These objectives are in line with Council's functions under section 31 of the RMA, including establishment of objectives to achieve integrated management of the effects of the use, development, and protection of land and associated natural and physical resources of the District, and give effect to relevant Part 2 matters and relevant matters in the RPS, and is not inconsistent with the RPS/RMMP and RCEP.

#### Other Alternatives Considered

Maintaining the status quo – being retention of the following existing objectives in the Operative District Plan:

#### Part 3.3 Open Space and Recreation

#### Objective 3.3.2.1

Recreation areas that are accessible, equitably distributed, appropriately located, and adequately maintained to meet the needs of residents and visitors, while avoiding, remedying or mitigating any adverse effects.

#### Objective 3.3.3.1

Activities on the District's lakes and rivers undertaken in a manner that avoids or mitigates conflict between recreational activities and general amenity values.

#### Part 3.4 Natural Hazards

#### Objective 3.4.1.1

Avoid loss of life, and minimise damage to assets of infrastructure, or disruption to the community of the District, from natural hazards.

#### Part 4 Rural Zone

#### Objective 4.2.1

A level of rural amenity which is consistent with the range of activities anticipated in the rural areas, but which does not create unpleasant conditions for the District's rural residents, or adversely affect the quality of the rural environment.

#### Part 5 Residential Zone

#### Objective 5.3.1

[...]

b. Individual and community expression in architecture, while otherwise controlling development in order to achieve a pleasant residential environment.

#### Part 6 Townships

#### Objective 6.2.1

A spacious appearance and level of amenity necessary for the enjoyment of residents in the townships, while enabling a range of businesses to establish and operate.

#### Part 7 Business

#### Objective7.2.1

Areas of business activity having a standard of amenity and provide a pleasant work environment.

#### Objective 7.2.5

Business activities which do not detract from the standard of amenity in adjoining residential areas.

#### Part 8 Transport

#### Objective 8.2.1

Efficient use of the District's existing and future transport system through the maintenance and improvement of access, ease and safety of pedestrian movement.

#### Part 11 Signs

#### Objective 11.2.1

Signs conveying necessary information, while avoiding or mitigating adverse effects on public safety, convenience, access or the visual amenities in the District.

#### Part 12 Relocated Buildings, Temporary Buildings and Temporary Activities

#### Objective 12.1.2

Relocatable or temporary buildings and temporary activities located and operated to avoid, remedy or mitigate adverse effects on the environment.

#### Part 13 Hazardous Substances

#### Objective 13.2.1

The avoidance or mitigation of adverse effects and risks caused by activities involving the use and/or storage of hazardous substances.

# Preferred Option & Reasons

The proposed suite of objectives is the preferred option.

They include new specific objectives for Sustainable Subdivision and Building, Contaminated Land, Public Access, Earthworks, Light, and Noise. These reflect the requirements of the National Planning Standards to provide for these topics under separate chapters. They are also include having particular regard to sections 7(i) and 7(j) of the RMA, and to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

The proposed objectives for Open Space and Recreation, Activities on the Surface of Water, Signs and Temporary Activities are similar to the Operative District Plan objectives, but their wording has been improved and/or expanded for clarification and/or to better reflect the rules and standards that relate to them.

Proposed Objective NH-O2 for Natural Hazards relates to section 7(i) of the RMA in relation to minimising the long-term effects of climate change on the community and the built environment.

The Operative District Plan currently includes Objective 12.1.2 relating to relocated buildings (as well as Temporary Buildings and Temporary Activities). The Proposed District Plan does not include any specific objective for Relocated Buildings, as relocated buildings are now provided for as Permitted Activities in the Proposed Plan, subject to compliance with standards (as opposed to being Discretionary Activities under the Operative Plan), therefore it is appropriate that relocated buildings are supported by the general Zone objectives.

The proposed objectives have been through a thorough review process, including scrutiny by Council's District Plan Committee, and were subject to a publicly notified Draft District Plan process involving presentation and consideration of informal submissions which resulted in amendments.

The proposed objectives address the identified resource management issues more comprehensively than the corresponding objectives in the Operative District Plan, and also respond to higher order statutory documents adopted after the current District Plan was made operative in 2003 (including the Hawke's Bay RPS/RRMP (2006)).

Therefore, this suite of objectives is deemed the most appropriate way to achieve sustainable management of the natural and physical resources (the purpose of the RMA).

## 5 Evaluation of Proposed Provisions (Policies & Methods)

Section 32(1)(b) requires an evaluation of whether the proposed provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The assessment must identify and assess the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

#### 5.1 Identification of Other Reasonably Practicable Options

Based on the scale and significance of the effects that are anticipated from the implementation of the provisions, the only reasonably practicable option considered to achieve the above objectives of the Proposed Plan in relation to the remaining District-wide chapters and relocated buildings provisions, was to retain the status quo (i.e. the existing provisions in the Operative District Plan, or in some cases, no provisions).

#### 5.1.1 Sustainable Subdivision and Building

#### Options are:

- 1. Retain approach in the Operative District Plan this option involves retaining the current provisions in the Operative District Plan, i.e. no policies relating to promoting efficient resource and energy use, sustainable building design and low-impact stormwater attenuation, and no exemptions for household water tanks, solar panels or solar hot water systems from the Recession Lines and Setback from Neighbours performance standards in the Residential, Township and Rural Zones.
- 2. Adopt approach in the Proposed District Plan this option involves new policies promoting efficient resource and energy use, sustainable building design and low-impact stormwater attenuation (Policies SSB-P1 to SSB-P6), and exemptions for household water tanks, solar panels or solar hot water systems from the Height in Relation to Boundary and Setback from Neighbours standards in all zones (e.g. General Residential Zone Standards GRZ-S3 & GRZ-S5), and providing for small scale renewable electricity generation activities (up to 20kw) as Permitted Activities throughout the District (Renewable Energy Rule RE-R1).

#### 5.1.2 Transport

#### Options are:

1. Retain approach in the Operative District Plan – this option involves retaining the current District-wide provisions in Part 8 of the Operative District Plan as currently written. There are five existing policies and performance standards relating to parking and loading and vehicle access.

2. Adopt approach in the Proposed District Plan – this option involves reworked policies and standards relating to parking, loading and vehicle access, and new policy relating to promotion of alternative means of transport (Policy TRAN-P6).

#### 5.1.3 Contaminated Land

#### Options are:

- 1. **Retain approach in the Operative District Plan** this option involves retaining the current provisions in the Operative District Plan, i.e. no policies relating to contaminated land.
- 2. Adopt approach in the Proposed District Plan this option involves two new policies around identifying sites and applying best practice to manage risks to people and the environment from contaminated land (Policies CL-P1 & CL-P2), and application of the NESCS as the method (Method CL-M1).

#### 5.1.4 Hazardous Substances

#### Options are:

- 1. Retain approach in the Operative District Plan this option involves retaining the current provisions in Part 13 of the Operative District Plan, i.e. five policies, rules and performance standards to control the storage and use of hazardous substances among other methods outside of the District Plan.
- 2. Adopt approach in the Proposed District Plan this option involves reworked policies and rules focussing on proximity to the gas transmission network (Rule HAZS-R1), and Major Hazardous Facilities (Rules HAZS-R2 & HAZS-R3) (Note: all new or major upgrading of existing major hazardous facilities are Discretionary Activities).

#### 5.1.5 Natural Hazards

#### Options are:

- 1. Retain approach in the Operative District Plan this option involves retaining the current provisions in Part 3.4 of the Operative District Plan, i.e. six policies and rules focussing on matters over which Council reserved control for subdivision in areas at risk from flooding, coastal erosion and inundation from the sea and other hazards (Policies 9.5.2(1) & (2)), and standards for the setback of buildings from fault lines in the zones (e.g. Rural Zone Performance Standard 4.9.12), among other methods outside of the District Plan (including reliance on the Building Act Implementation Methods 3.4.1.3).
- 2. Adopt approach in the Proposed District Plan this option involves 12 policies around a risk management approach to natural hazards (Policies NH-P1 to NH-P12) and, amongst other methods, rules relating to avoiding vulnerable activities or important buildings within hazard areas (fault avoidance, flood hazard and tsunami hazard areas) (Rules NH-R1 to NH-R3), including Non-Complying Activity status for new buildings and structures with special post-disaster functions (e.g. hospitals, civil defence emergency centres and major hazardous facilities) (Rule NH-R2).

#### 5.1.6 Open Space and Recreation

#### Options are:

1. **Retain approach in the Operative District Plan** – this option involves retaining the current provisions in Part 3.3 of the Operative District Plan, i.e. eight policies, methods around provision of open space and recreational areas (Implementation Methods 3.3.2.3), and matters for control for subdivision in relation to the taking of esplanade reserves and strips (in identified preferred locations shown on the District Plan Maps) (General Provisions 9.9.1(e)).

2. Adopt approach in the Proposed District Plan — this option involves 2 policies relating to provision of open space and recreational areas (Policies OSR-P1 & OSR-P2), provision for recreational activities (within the definition of 'Community Facility') as a Permitted Activity and for the provision of community facilities generally within the zones (e.g. Settlement Zone Rule SETZ-R7).

#### 5.1.7 Public Access

#### Options are:

- 1. Retain approach in the Operative District Plan this option involves retaining the current provisions in the Operative District, i.e. one policy contained within the Open Space and Recreation chapter (Policy 3.3.2.2(2)), and matters for control for subdivision in relation to the taking of esplanade reserves and strips (in identified preferred locations shown on the District Plan Maps) (General Provisions 9.9.1(e)).
- 2. Adopt approach in the Proposed District Plan this option involves 4 policies (Policies PA-P1 to PA-P4): two around relating to the taking of esplanade reserves, esplanade strips or access strips on subdivision in priority areas (as shown on the District Plan Maps) and waivers, and two policies around provision for appropriate public access to the coast. This option involves a rework of the existing Operative District Plan provisions to better reflect the NZCPS and the National Planning Standards, and assessment matters for subdivision in relation to the taking of esplanade reserves and strips (Assessment Matter SUB-AM9).

#### 5.1.8 Activities on the Surface of Water

#### Options are:

- 1. **Retain approach in the Operative District Plan** this option involves retaining the current provisions in the Operative District, i.e. one policy around enabling access to a range of recreational experience on lakes and rivers (Policy 3.3.3.2(1)), and another policy and rules around the control of motorised craft on specified water bodies to avoid conflict with other recreation users, bird life and the fishery (Policy 3.3.3.2(2)).
- 2. Adopt approach in the Proposed District Plan this option involves two policies (Policies ASW-P1 & ASW-P2) and a rule around the control of motorised craft on specific water bodies (Rule ASW-R1). This option involves a re-work of the existing Operative District Plan provisions to better reflect the National Planning Standards.

#### 5.1.9 Earthworks

#### Options are:

- 1. **Retain approach in the Operative District Plan** this option involves retaining the current provisions in the Operative District Plan, i.e. no policies or provisions relating to earthworks, but two policies for gravel extraction (Policies 4.2.2(6) & (7)) and policy for mining activities (Policy 4.2.2(10)) in the Rural Zone chapter, and controls for gravel extracted for commercial purposes greater than 500m³ (Rule 4.8.1(I) & Rule 4.8.3(c)), and a blanket rule for mining activities (both of which are Discretionary Activities in the Rural Zone (Rule 4.8.3(b)), and Non-Complying Activities in all other zones (e.g. Township Zone Rule 6.6.3(b)).
- 2. Adopt approach in the Proposed District Plan this option involves seven new policies relating to earthworks (Policies EW-P1 to EW-P7) and five new policies relating to mining, quarrying and hydrocarbon extraction (Policies EW-P8 to EW-P12). Rules and standards controlling extent of earthworks and site reinstatement and control of silt and sediment, etc., and within proximity of the National Grid Yard and Gas Transmission Network, with special provision for ancillary rural earthworks, and earthworks within High Natural Character Areas, Significant Natural

Areas and Outstanding Natural Features and Landscapes (Rules EW-R1, EW-R2, EW-R5, EW-R6 & EW-R7). Rules and standards relating to mineral prospecting and exploration, mining and quarrying (Rules EW-R3 & EW-R4) (mining and quarrying are Non-Complying Activities in all zones, other than the General Rural Zone and Rural Production Zone).

#### 5.1.10 Light

#### Options are:

- 1. **Retain approach in the Operative District Plan** this option involves retaining the current provisions in the Operative District Plan, i.e. no policies relating to light or glare.
- 2. Adopt approach in the Proposed District Plan this option involves two new policies (Policies LIGHT-P1 & LIGHT-P2) and standards relating to emission of light spill and glare from artificial lighting (Standard LIGHT-S1) in a new stand-alone chapter.

#### 5.1.11 Noise

#### Options are:

- Retain approach in the Operative District Plan this option involves retaining the current provisions in the Operative District Plan, i.e. one policy (Policy 4.2.2(12)) in the Rural Zone to provide for the effective operation and development of the Waipukurau Aerodrome while avoiding or mitigating adverse noise effects from the airfield operations, a standard (Performance Standard 4.9.14) in the Rural Zone relating to noise from the Waipukurau Aerodrome, a Prohibited Activities rule in the Rural Zone (Rule 4.8.5(a)) relating to residential activities, visitor accommodation, hospitals and educational facilities located within the 65 dBA L<sub>dn</sub> airnoise boundary identified on the District Plan Maps, one policy (Policy 5.3.2(7)) in the Residential Zone to ensure all activities meet noise standards, and one performance standard (Performance Standard 5.8.10) for noise in the Residential Zone, one noise performance standard in the Township Zone (Performance Standard 6.7.12), one policy (Policy 7.2.6(2)) in the Business Zones around the interface between business and residential areas to protect living environments from unacceptable noise and imposing the residential standard for noise on activities adjoining residential areas, a general policy in the Business Zones about avoiding, remedying or mitigating adverse effects such as noise (Policy 7.2.2(1)), and a noise performance standard in the Business Zones (Performance Standard 7.7.8).
- 2. Adopt approach in the Proposed District Plan this option involves eight new policies (Policies NOISE-P1 to NOISE-P8) and standards in a new stand-alone chapter relating to the emission of noise and vibration within the zones (Standards NOISE-S1 & NOISE-S2), including ensuring noise sensitive activities and the addition of habitable space to existing noise sensitive activities in the Commercial Zone and General Industrial Zone (e.g. Rule GIZ-R9 & Rule GIZ-R12), within 100m of state highways and the rail network (Standard NOISE-S3), and within airnoise boundaries for the Waipukurau Aerodrome are acoustically designed and constructed to mitigate noise arising from legitimately established activities (e.g. Rule RPROZ-R19 & Rule GIZ-R15), recognising noise associated with agricultural, viticultural and horticultural activities is appropriate for the working natural of the rural environment by exempting it from the noise limits, including the operation of noisy equipment (in particular, rural airstrips, audible bird scaring devices and frost fans), managing the emission of noise from the Waipukurau Aerodrome, allowing construction and demolition activities subject to ensuring protection of the community from unreasonable noise, allowing activities of limited duration and frequency of importance to the community (e.g. emergency services and temporary military training activities) subject to appropriate controls, allowing noise from temporary events subject to

controls, and allowing noise from recreational activities subject to the overarching duty to avoid unreasonable noise (Standard NOISE-S5).

#### 5.1.12 Signs

#### Options are:

- 1. Retain approach in the Operative District Plan this option involves retaining the current provisions in Part 11 of the Operative District Plan, i.e. seven policies around the visual and traffic effects of signs and contains rules controlling location, number, size and type of outdoor advertising signs, and supporting establishment of information signs.
- 2. Adopt approach in the Proposed District Plan this option involves a re-work of the Operative District Plan provisions, with eight new policies focussing on similar matters (Policies SIGN-P1 to SIGN-P8). The activity status for signs has remained the same (i.e. restricted discretionary Rules SIGN-R1 to SIGN-R7).

#### 5.1.13 Temporary Building and Temporary Activities

#### Options are:

- 1. Retain approach in the Operative District Plan this option involves retaining the current provisions in Part 12 of the Operative District Plan, i.e. one policy around settings rules for time limit, scale and size of temporary buildings and temporary activities (Policy 12.1.2(3)), and rules provide for temporary military training activities (Rule 12.4.1(c)), temporary buildings and temporary activities are permitted subject to limits as to gross floor area, duration, etc. (Rules 12.4.1(a) & (b)), and Discretionary Activities where they exceed the limits (Rule 12.4.2).
- 2. Adopt approach in the Proposed District Plan this option involves a new chapter for Temporary Activities including 5 policies around frequency, scale and duration of the activities and focussing on traffic, parking, noise, light, services, waste disposal, amenity values and health and safety (Policies TEMP-P1 to TEMP-P5). There are rules and standards relating to frequency, duration, noise, traffic and parking, restoration of the site, and advance notification to Council prior to large events (Rules TEMP-R1 to TEMP-R2) and temporary military training (Rule TEMP-R3). The provisions recognise the contribution of temporary activities to the vibrancy and wellbeing of the community and the focus is on managing inconvenience and nuisance effects only.

#### 5.1.14 Relocated Buildings

#### Options are:

- 1. Retain approach in the Operative District Plan one policy in the Operative District Plan around requiring exterior appearance of relocated buildings to be upgraded to an acceptable standard (Policy 12.1.2(2)). The rules specify that all relocated buildings ancillary to building or construction projects with a gross floor area greater than 50m² are a Discretionary Activity with the Council's discretion restricted to the appearance of the building (Rule 12.3.1(a)).
- 2. Adopt approach in the Proposed District Plan this option involves the inclusion of a Permitted Activity rule in all of the zones (e.g. General Residential Zone Rule GRZ-R10), subject to compliance with standards around a building pre-inspection report requirements, and timeframes for reinstatement works, etc (e.g. General Residential Zone Standard GRZ-S15). There are no specific policies relating to relocated buildings reliance on the more general policies in the zones relating to amenity.

#### 5.2 Evaluation of Proposed Policies and Methods

Building on the approach to evaluation in Section 3 of this report, including background research, analysis and technical assessments, and iterative process including public feedback on informal submissions to the Draft District Plan, this section of the report provides a summary evaluation of the provisions in terms of assessing their efficiency and effectiveness in achieving the objectives.

As per section 32(1)(c), the evaluation below contains a level of detail that corresponds to the scale and significance of the effects that are anticipated from the implementation of the provisions.

The evaluation below assesses the policies and methods of all the remaining chapters and relocated buildings provisions in the Proposed District Plan against the equivalent provisions (or lack thereof) in the Operative District Plan. No other options were considered for these provisions as the effects from the implementation of these provisions are not deemed to be of a scale or significance to justify the consideration of further options.

	Option 1 – Status Quo Retain approach in the Operative District Plan	Option 2: Adopt approach in the Proposed District Plan
EFFECTIVENESS The effectiveness of the	Not Effective	Highly Effective
Ine effectiveness of the provisions in achieving the objectives in the Proposed District Plan	<ul> <li>For the following reasons:</li> <li>There are no provisions currently supporting sustainable subdivision and building aspirations, and no provisions relating to contaminated land, earthworks (except for mining and quarrying), and light.</li> <li>Transport provisions are out of date, including road classification system used, inconsistent with neighbouring Hastings District Plan provisions, and not representing current best practice.</li> <li>Hazardous Substances provisions do not reflect the Council's current function in the control of hazardous substances.</li> <li>The Natural Hazards provisions do not reflect the more recent best practice approach to exposure and risk from natural hazards. The natural hazards features shown on the District Plan Maps have been superseded and the Plan provisions do not address tsunami risk and is silent on climate change.</li> <li>The Open Space and Recreation, Activities on the Surface of Water and Signs provisions are generally effective.</li> <li>Provisions for Public Access do not address the NZCPS expectations around public access to and along the coastal marine area.</li> <li>Noise provisions do not represent best practice in terms of applying limits and standards for the measurement and assessment of noise in accordance with the current New Zealand Standards NZS6801:2008, NZS6802:2008, NZS6806:2010 and NZS6806:2010, reverse sensitivity issues relating to state highways and the rail network, latest</li> </ul>	<ul> <li>The Natural Hazards provisions reflect the more recent best practice approach to exposure and risk from natural hazards. The natural hazards features shown on the District Plan Maps have been replaced with the most recent information (in line with the Hawke's Bay Hazard Portal) and the Plan provisions address tsunami risk and include a policy addressing climate change.</li> <li>Provisions for Public Access address the NZCPS expectations around public access to and along the coastal marine area.</li> <li>Noise provisions have been reviewed by Marshall Day Acoustics and hence represent best practice in terms of applying limits and standards for the measurement and assessment of noise in accordance with the current New Zealand Standards, address reverse sensitivity issues relating to state highways and the rail network, recognise latest industry best practice methods, and provide for activity-specific responses to noise.</li> <li>Temporary Buildings and Temporary Activities provisions recognise the benefits of temporary activities and include additional limits on the</li> </ul>

industry	best	practice	methods,	and	no	provision	for
activity-specific responses to noise.							

- Temporary Buildings and Temporary Activities provisions are not effective in recognising the benefits of temporary activities and includes only one standard to allow a duration of one month. No limits on the frequency and scale of temporary activities/events. No requirement to comply any zone provisions relating to noise, parking, and restoration of the site.
- Relocated buildings provisions require a Discretionary Activity resource consent application in every case (except where less than 50m<sup>2</sup> for buildings ancillary to building or construction projects)— effective in providing Council with full discretion to consider adverse effects on the environment.

• Provides for relocated buildings as Permitted Activities subject to compliance with standards, including the requirement to provide a building pre-inspection report and timeframes for reinstatement works.

#### COSTS

Costs anticipated from the implementation of the provisions, including: environmental, economic, social and cultural effects; and opportunities for economic growth and employment to be reduced.

#### Low to Moderate Cost Overall

For the following reasons:

- There is a financial and environmental cost to the current lack of recognition and flexibility to adopt innovative sustainable subdivision and building methods and emerging technologies, to reduce energy and water consumption, achieve resource efficiency and low impact design, and reduce impact on reticulated services, e.g. the domestic use of solar panels and rain water tanks may require resource consent if they exceed the zone performance standards for building height and setbacks from neighbours.
- While the NESCS regulations apply regardless of the lack of contaminated land provisions in the Operative District Plan, there is a cost to people not being informed in the District Plan about the potential need to address contaminated land in relation to subdivision, land disturbance and change of use.
- The lack of land disturbance/earthworks provisions may result in environmental costs in relation to a failure to

#### Low Cost Overall

For the following reasons:

• Some economic cost associated with additional regulation around earthwork activities and managing activities with light spill and glare effects, in terms of resource consent preparation and processing costs (time and financial).

m	anage amenity and visual effects, land instability effects,
st	ormwater and overland flow paths effects, and water
aı	uality impacts (from erosion and sediment effects).

- Environmental costs in terms of effects of light spill and glare from artificial lighting on people's health and wellbeing, safety and security.
- Potential environmental, economic and social costs associated with activities locating in areas susceptible to natural hazards based on historical and inaccurate information leading to damage to property and impacts on people's health, safety and wellbeing. Economic costs associated with unnecessary blanket restrictions on building within 20m of active fault lines.
- Potential social and economic cost associated with vulnerable activities locating within areas now identified as being at risk from tsunami inundation.
- Potential for economic and social costs associated with agricultural, viticultural and horticultural activities that are appropriate for the rural working environment having to operate in a more limited way in order to ensure that some activities (e.g. rural airstrips, audible bird scaring devices and frost fans) comply with the zone noise standards.
- Environmental and social costs associated with the lack of controls on frequency and scale of temporary activities/events, parking, and restoration of the site.
- Economic cost of a requirement to obtain a Discretionary Activity resource consent for every relocated building (except those less than 50m<sup>2</sup> ancillary to building or construction projects).

#### **BENEFITS**

Benefits anticipated from the implementation of the provisions, including: environmental, economic,

#### Low Benefit Overall

For the following reasons:

Some marginal economic benefits associated with a lack of regulation around earthwork activities, or for light spill and glare effects associated with activities.

#### Moderate to High Benefit Overall

For the following reasons:

 There are financial and environmental benefits to recognising and better enabling the adoption of innovative sustainable subdivision and building methods and emerging technologies, to reducing energy and water social and cultural effects; and opportunities for economic growth and employment to be provided.

consumption, to promoting resource efficiency and low impact design, and reducing impacts on reticulated services, e.g. exempting domestic solar panels and rain water tanks from the zone performance standards for building height and setbacks from neighbours, and providing for small scale renewable electricity generation activities (up to 20kw) as Permitted Activities throughout the District.

- There is a economic and social benefit to people being informed in the District Plan about the potential need to address contaminated land in relation to subdivision, land disturbance and change of use.
- The earthworks provisions will result in environmental and cultural benefits through better maintaining and enhancing amenity and landscape values, better managing land instability, stormwater and overland flow paths effects and water quality effects.
- There are environmental and social benefits through managing the effects of artificial lighting on people's health and wellbeing, safety and security.
- Potential environmental, economic and social benefits from utilising upto-date natural hazards information.
- Potential social and economic benefits associated with managing the establishment of new vulnerable activities where locating within areas identified as being at risk from tsunami inundation.
- Potential for economic and social benefits for agricultural, viticultural and horticultural activities in applying practicable and reasonable noise standards and exemptions for normal, routine operations and associated use of equipment that is anticipated in a rural environment (e.g. rural airstrips, audible bird scaring devices and frost fans).
- Environmental, social and cultural benefits from recognising the contribution of temporary activities/events to the vibrancy and wellbeing of the community while better managing frequency and duration of events, and associated traffic, parking, noise, and site reinstatement.
- Economic benefit of reduced regulatory costs associated with a Permitted activity status for relocated buildings subject to compliance with standards.

EFFICIENCY The efficiency of the provisions in achieving the objectives in the Proposed District Plan.	Low to Moderately Efficient Overall  The Operative District Plan provisions would have low efficiency in achieving the Proposed District Plan objectives relating to sustainable subdivision and building, contaminated land, earthworks, light, the objectives for natural hazards around management of risk, the objectives for public access to and along the coast, the objectives for noise, and the objectives for temporary activities with respect to enhancing connectedness and wellbeing. It may also lead to duplication of regulation with the Hazardous Substances and New Organisms Act 1996.  The remaining Operative District Plan provisions addressed in this report would remain only moderately efficient in achieving the Proposed District Plan objectives, as they have not been amended to reflect current national direction and recognised best practice.	<ul> <li>Highly Efficient Overall</li> <li>On the basis of the above, the Proposed District Plan provisions are highly efficient in achieving the Proposed District Plan objectives for the following reasons: <ul> <li>Responds to the current legislative environment and national statutory direction</li> <li>Aligns with neighbouring District Plan approaches</li> <li>Complies with the National Planning Standards</li> <li>Covers effects of activities not currently addressed in the Operative District Plan</li> <li>Policies provide clearer linkages between the objectives and adopted methods</li> </ul> </li> </ul>
OVERALL APPROPRIATENESS Whether the provisions are the most appropriate way to achieve the objectives in the Proposed District Plan.	Not the most appropriate	Most appropriate
RISK OF ACTING OR NOT ACTING (if uncertain or insufficient information)	N/A (information is sufficient and certain)	N/A (information is sufficient and certain).

#### **CONCLUSION AND SUMMARY OF REASONS**

The provisions of the Proposed District Plan in relation to the remaining District-wide chapters and relocated buildings provisions are the most efficient, effective, low cost and beneficial in achieving the objectives. Therefore, they represent the most appropriate way to achieve the Proposed District Plan objectives for the following reasons:

- Responds to the current legislative environment and national statutory direction
- Aligns with neighbouring District Plan approaches
- Complies with the National Planning Standards
- Covers effects of activities not currently addressed in the Operative District Plan
- Policies provide clearer linkages between the objectives and adopted methods

# 6 Summary and Conclusion

This evaluation has been undertaken in accordance with Section 32 of the Act to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as:

- The proposed objectives reflect the requirements of the National Planning Standards to provide for the relevant topics under separate chapters, they have particular regard to sections 7(i) and 7(j) of the RMA and to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, they address the identified resource management issues more comprehensively than the corresponding objectives in the Operative District Plan, and they respond to higher order statutory documents adopted after the current District Plan was made operative in 2003 (including the Hawke's Bay RPS/RRMP (2006)).
- The provisions of the Proposed District Plan in relation to the remaining District-wide chapters and relocated buildings provisions are the most efficient, effective, low cost and beneficial in achieving the objectives. Therefore, they represent the most appropriate way to achieve the Proposed District Plan objectives for the following reasons:
  - Respond to the current legislative environment and national statutory direction;
  - Align with neighbouring District Plan approaches;
  - Comply with the National Planning Standards;
  - Cover effects of activities not currently addressed in the Operative District Plan; and
  - Policies provide clearer linkages between the objectives and adopted methods.

Overall, it is considered that the proposed provisions are appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting them. The risks of acting are also clearly identifiable and limited in their extent.