



Proposed District Plan submission form

Remember submissions close on Friday 6 August 2021 at 5pm.



Clause 6 of the First Schedule, Resource Management Act 199.

Feel free to add more pages to your submission to provide a fuller response.

To: Central Hawke's Bay District Council			
1. Submitter details			
Full Name	Last Bridge	First James	
Company/Organisation (if applicable)			
Contact Person (if different)			
Email Address			
Address			Postcode
Phone	Mobile	Home	Work
2. This is a submission on the Proposed District Plan for Central Hawke's Bay			
3. <input type="checkbox"/> I could <input checked="" type="checkbox"/> I could not – gain an advantage in trade competition through this submission (Please tick relevant box)			
If you could gain an advantage in trade competition through this submission please complete point 4 below:			
4. <input type="checkbox"/> I am <input type="checkbox"/> I am not – directly affected by an effect of the subject matter of the submission that:			
(a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition. (Please tick relevant box if applicable)			
Note: If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.			
5. <input checked="" type="checkbox"/> I wish <input type="checkbox"/> I do not wish – to be heard in support of my submission in person (Please tick relevant box)			
6. <input type="checkbox"/> I will <input checked="" type="checkbox"/> I will not – consider presenting a joint case with other submitters, who make a similar submission, at a hearing. (Please tick relevant box)			
7. Do you wish to present your submission via Zoom? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
8. Please complete section below (insert additional boxes per provision you are submitting on):			
The specific provision of the plan that my submission relates to:			
Refer to attached document			
Do you: <input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> Amend (Please tick relevant box)			
What decision are you seeking from Council?			
Reasons: Refer to attached document			
Please note: All submissions will be treated as public documents and will be made available on Council's website. However, you may request that your contact details (but not your name) be withheld. If you want your contact details withheld, please let us know by ticking this box. <input checked="" type="checkbox"/>			



Provision Number	Support / Oppose / Support in Part / Oppose in Part	Reasons	Relief Sought ¹
<p>Definitions:</p> <p>CLEARANCE</p> <p>in relation to indigenous vegetation means the felling, burning, removal, damage or destruction of the vegetation, including the following activities within the vegetation drip line:</p> <ul style="list-style-type: none"> a. application of chemicals b. application of seed of exotic pastures c. burning d. changes to soils, hydrology, or landforms e. drainage f. drilling or excavation discharge of toxic substances g. mob-stocking h. overplanting 	Oppose	The definition as drafted is very broad. Innocuous activities such as driving a quad bike resulting in crushed vegetation could be considered vegetation clearance. The Regional Plan provides a clear definition of clearance, and for consistency it is suggested that the existing definition in that plan be adopted.	<p>Amend to:</p> <p>Clearance means the cutting, burning, clearing or destruction (including destruction by spraying) of trees, shrubs or plants but excluding pasture grasses, forest thinning's, agricultural and horticultural crops and noxious weeds covered by the Regional Plant Pest Management Strategy prepared under the Biosecurity Act 1993. It excludes the normal maintenance of legally established structures, roads, tracks, railway lines and river beds.</p> <p>Clearance only occurs when 5m² or more of shrubs or plants, or 5 or more trees are affected.</p>

¹ The relief sought is as specified in this column or working and map notations that achieve the same or similar outcome.

<p>Definitions:</p> <p>INDIGENOUS VEGETATION</p> <p>vegetation or ground cover that are indigenous in or endemic to any of the ecological districts of which the Central Hawke’s Bay District is part. Includes vegetation with these characteristics that has been regenerated with human assistance following disturbance.</p>	<p>Oppose</p>	<p>The definition should be amended to exclude areas dominated by exotic species.</p>	<p>Amend to:</p> <p>Indigenous Vegetation means a plant community in which species indigenous to that part of New Zealand are important in terms of coverage, structure and/or species diversity. For these purposes, coverage by indigenous species or number of indigenous species shall exceed 30% of the total area or total number of species present, where structural dominance is not attained. Where structural dominance occurs (that is indigenous species are in the tallest stratum and are visually conspicuous) coverage by indigenous species shall exceed 20% of the total area.</p>
<p>RLR-P3</p> <p>To limit the amount of further fragmentation of the District’s rural land resource through limiting lifestyle subdivision, particularly in the Rural Production Zone</p>	<p>Oppose in Part</p>	<p>The issue and objective that this policy is intended to give effect to is the loss of highly productive land. The generalisation of the policy to rural land generally is inconsistent with the associated issues and objectives, and is not supported by other issues and objectives identified within the Proposed Plan.</p>	<p>Amend to:</p> <p>To limit the amount of further fragmentation of the District’s highly productive rural land resource through limiting lifestyle subdivision within the Rural Production Zone.</p>

<p>RLR-P4</p> <p>To provide for a wide range of activities to establish, which complement the resources of the rural area, provided that they do not compromise the primary production role and associated amenity of the rural land resource, particularly in the Rural Production Zone.</p>	<p>Oppose in Part</p>	<p>The issue and objective that this policy is intended to give effect to is the loss of highly productive land. The generalisation of the policy to rural land generally is inconsistent with the associated issues and objectives, and is not supported by other issues and objectives identified within the Proposed Plan.</p>	<p>Amend to:</p> <p>To provide for a wide range of activities to establish, which complement the resources, provided that they do not compromise the primary production role and associated amenity of the highly productive rural land resource within the Rural Production Zone.</p>
<p>RE-R1</p> <p>Small Scale Renewable Energy Generation Activities</p> <p>Permitted where the following conditions are met:</p> <ul style="list-style-type: none"> a. Limited to one wind turbine per site. 	<p>Support in Part</p>	<p>The definition of Small Scale Renewable Energy Generation Activities includes generation using solar, wind, hydro and biomass energy resource, however the rule as drafted only provides for wind generation though limiting permitted activities to one wind turbine per site. The rule should be expanded to specifically provide for other types of small scale renewable energy generation activities, to be consistent with policy RE-P4 (to provide for small-scale renewable electricity generation activities).</p>	<p>Amend permitted activity conditions to:</p> <ul style="list-style-type: none"> a. <u>In the case of wind generation</u>, limited to one wind turbine per site b. Compliance with... <p>Or other appropriate amendments to explicitly provide for all types of renewable energy generation activities as anticipated by Policy RE-P4.</p>

<p>TRAN-S1 Vehicle Parking</p> <p>Table 1 – Car Parking Spaces</p> <p>Residential Units/Minor Residential Units – 2 parks per unit</p>	<p>Oppose</p>	<p>Requiring 2 parks for each residential unit and each minor residential unit is excessive, and inconsistent with policy TRAN-P6 which promotes alternative means of transport and less reliance on vehicle-based transport systems.</p> <p>This rule is also inconsistent with the NPS-UD. While the NPS-UD legally doesn't apply to CHB, it is still sensible to have regard to it and the Council has done so in other parts of the Proposed Plan. Further, if the district has sufficient growth in the future, the NPS-UD may come to apply.</p> <p>Clause 3.38(1) of the NPS-UD states:</p> <p>If the district plan of a tier 1, 2, or 3 territorial authority contains objectives, policies, rules, or assessment criteria that have the effect of requiring a minimum number of car parks to be provided for a particular development, land use, or activity, the territorial authority must change its district plan to remove that effect, other than in respect of accessible car parks.</p>	<p>Amend to:</p> <p>1 park per unit (can include parks within garages or carports).</p>
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<p>TRAN-S5 Vehicle Access</p> <p>Table 2 – Minimum Legal Widths of Private Access – Urban and Rural Environments – Residential Units & Home Businesses</p> <p>Table 3 – Minimum Legal Widths of Private Access – Rural Environments – Commercial, Industrial & Other Activities</p>	<p>Oppose in Part</p>	<p>Requiring a 20m legal access width of 20m is excessive.</p> <p>Providing 3m pedestrian access on both sides of the road in rural areas is unnecessary.</p> <p>Providing parking and loading bays on the roadside is inconsistent with the character of rural areas, and inconsistent with Policy TRAN-P1 requiring off-street parking, access and loading facilities to be provided within sites. The large lot sizes required in rural environments will be sufficient to allow parking and loading to be accommodated within sites without the need for dedicated on-road parking.</p>	<p>Amend for private access serving 21-200 sites to require a maximum legal width of 15m, pedestrian access of either 3m on one side or 1.5m on each side, and, in all instances within Table 3, remove the requirement for parking and loading bays within the access.</p> <p>Include a note stating that pedestrian access in rural areas can be provided on the grass verge and that the formation of footpaths is not necessary or appropriate in rural areas.</p>
<p>NH-O3</p> <p>Any increase in risk to people, property, infrastructure and the environment from the effects of natural hazards is avoided.</p>	<p>Oppose</p>	<p>This objective is inconsistent with s6 of the RMA, which requires the management of significant risks from natural hazards. It is not possible to achieve this objective without prohibiting any new development in the district. An 'avoid' objective is inappropriate.</p>	<p>Delete this objective or amend the wording to refer to 'significant risks from natural hazards, to align with s. 6 of the RMA'.</p>

<p>NH-P7</p> <p>To adopt and promote an avoidance approach to new development located within areas of significant natural hazard risk, rather than mitigation or remedial measures.</p>	<p>Oppose</p>	<p>See reasons for opposing NH-O3</p>	<p>Delete this policy.</p>
<p>NH-P9</p> <p>To ensure that subdivision, land use activities or other new development is located and designed to avoid the need for further natural hazard mitigation activities.</p>	<p>Oppose</p>	<p>Mitigation is an appropriate means of managing potential significant risks from natural hazards, in accordance with s106 of the RMA.</p>	<p>Delete this policy.</p>
<p>NH-AER1</p> <p>New building development is located outside of identified natural hazard risk areas. Where building development is already within a hazard area, the risk of the hazard is reduced and/or mitigated.</p>	<p>Oppose in Part.</p>	<p>There are, appropriately, several permitted activity rules that provide for new building development within identified natural hazard risk areas. Accordingly, this is not an anticipated environmental result of the proposed plan.</p>	<p>Amend to:</p> <p>Where building development is located within a natural hazard area, the significant risk of the hazard is reduced and/or mitigated.</p>

<p>SUB-O2</p> <p>Lots created by subdivision are physically suitable for a range of land use activities allowed by the relevant rules of the District Plan.</p>	<p>Oppose</p>	<p>New lots created by subdivision need not be suitable to accommodate the range of activities able to be undertaken with the relevant zone, provided they are suitable for their intended use, and that intended use is either provided for as a permitted activity within that zone, or the required land use consent is obtained in conjunction with the subdivision consent.</p> <p>Where there is no predetermined intended use, the relevant minimum lot size requirements should be sufficient to ensure that the lot is suitable for a range of activities.</p> <p>This is consistent with proposed assessment criteria SUB-AM1(1).</p>	<p>Amend to:</p> <p>Lots created by subdivision are physically suitable for their intended use which is not prohibited in the relevant zone.</p>
<p>SUB-P1</p> <p>To establish standards for minimum lot sizes for each zone in the District.</p>	<p>Oppose</p>	<p>The setting of standards for minimum lot sizes is a means by which the objectives and policies of the plan are given effect to, and not a policy as such.</p>	<p>Delete this policy.</p>

<p>SUB-R1(1)(b) SUB-R4(1)(b) SUB-R5(1)(c)</p> <p>The land being subdivided does not contain any part (or all) of the sites or areas identified in the following:</p> <ul style="list-style-type: none"> i. HH-SCHED2. ii. SASM-SCHED3. iii. ECO-SCHED5. iv. ONL or ONF in NFL-SCHED6. v. CE-SCHED7. 	<p>Oppose in Part</p>	<p>Defaulting to a Discretionary activity for all subdivisions of sites containing the listed sites or areas is inappropriate, particularly where the proposed additional lot(s) occupy a small area within a large farm property, and that area will not be affected by the subdivision.</p>	<p>Amend to:</p> <ul style="list-style-type: none"> b. The subdivision will not result in any new vehicle access to or future building platforms within any of the sites or areas identified in the following: <ul style="list-style-type: none"> i. HH-SCHED2. ii. SASM-SCHED3 iii. ECO-SHED5 iv. ONL or ONF within NFL-SCHED6 v. CE-SCHED7
<p>SUB-AM5(4) SUB-AM6(7)</p> <p>The provisions of the NZ Fire Service Firefighting Water Supplies Code of Practice SNA PAS 4509:2008.</p>	<p>Oppose</p>	<p>It is inappropriate to reference the NZ Fire Service Firefighting Water Supplies Code of Practice as this document is not publicly available. If there are specific aspects of this code of practice that Council considers important and relevant to applications for subdivision consent, these should be included within the plan to provide clarity and certainty to potential applicants as to what will be expected by Council in regards to these criteria.</p>	<p>Delete</p>

<p>SUB-AM5(7) SUB-AM6(6)</p> <p>The provisions of the Code of Practice for Urban Land Subdivision (New Zealand Standard NZS 4404: 2004).</p>	<p>Support in Part</p>	<p>It would be more appropriate to refer to the current version of this standard, being NZS4404:2010.</p>	<p>Amend to refer to NZS4404:2010.</p>
<p>SUB-S1(9)</p>	<p>Oppose</p>	<p>The introduction of a minimum lot size of 20ha in the General Rural Zone is not supported by the Objectives and Policies of the Proposed Plan. The rules of the plan should give effect to those objectives and policies.</p>	<p>Amend the minimum lot size for the General Rural Zone to 4000m², and make consequential amendments to the Plan to remove specific reference to lifestyle sites within General Rural Zone in the Plan.</p>
<p>SUB-S2</p>	<p>Oppose</p>	<p>The minimum lot size for Rural Lifestyle sites of 4000m² is excessive. The minimum size required for lifestyles sites created under the rules for conservation lots is 2500m², confirming that a smaller lot size is sufficient to accommodate lifestyle development within rural areas. If lifestyle site provisions are to remain, the minimum site area should be reduced to 2500m² within the General Rural zone to be consistent with the conservation lot provisions.</p>	<p>Amend SUB-S2(1) as follows: Minimum net site area for Lifestyle Lot – 2500m².</p>

<p>GRUZ-S5(2)</p> <p>Minimum setback of building for an activity from internal boundaries is 15m.</p>	<p>Oppose in Part</p>	<p>Small rural lots are often clustered to reduce impacts on productive farming activities. A 15m setback from boundaries between smaller sized lots is not required to mitigate potential adverse effects associated with the development and use of small rural lots.</p>	<p>Amend to:</p> <p>Minimum setback of buildings for an activity from internal boundaries is 15m <u>except as between sites of 2.5ha or less where the minimum setback is 5m. ...</u></p>
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<p>District Plan Maps – Sheet No 29</p>	<p>Oppose in Part</p>	<p>The zoning of land as proposed on Sheet No 29 does not reflect the existing developed and consented environment in this location: in particular, the General Rural zoning of the land area identified in Figure 1 (see Appendix A) which includes a consented subdivision area is inappropriate.</p> <p>Detailed consideration of the appropriate zoning of this land is included in Appendix A.</p> <p>It is noted that the approved “21-lot, large lot residential subdivision at Pourerere” is specifically referred to in the Council’s s32 Report relating to the Coastal Environment.</p> <p>The s32 report indicates that no consideration has been given to the expansion of coastal settlement zones beyond the development areas that existed prior to submissions closing on the draft plan, including the large lot residential subdivision on the submitter’s land, which was approved by Council after that date.</p> <p>In failing to identify appropriate locations for coastal settlement expansion, the future expansion of existing coastal settlements provided for by Policy CE-P4 will, by necessity, be</p>	<p>Amend the zoning of the land area identified in Figure 1 from GRUZ – General Rural Zone to LLRZ – Large Lot Residential.</p>
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		directed to the General Rural Zoned areas of the Coastal Environment. Provision should be made for a moderate extent of extension of the zoned large lot residential area at Pourerere.	
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<p>Zone name for LLRZ – Large Lot Residential Zone (Coastal).</p>	<p>Oppose</p>	<p>The use of the zone name is inconsistent with the Zone Framework Standard of the National Planning Standards 2019.</p> <p>Direction 1 in that standard states “a district plan, ... must only contain the zones listed in table 13...”</p> <p>Direction 2 states “if an existing zone in a plan is consistent with the description of a zone in table 13, that existing zone must use that zone name ... and associated zone colour”</p> <p>Direction 3 states an additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes meet all of the following:</p> <ul style="list-style-type: none"> a. Are significant to the district, region or county; b. Are impractical to be managed through another zone; c. Are impractical to be managed through a combination of special layers. <p>The zone “Large Lot Residential Zone (Coastal)” does not meet the direction 3 exemption criteria: particular b. since</p>	<p>Delete “(Coastal)” from all instances of the term “Large Lot Residential Zone (Coastal)” in the plan.</p>
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		there is no "Large Lot Residential Zone" in the plan.	
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<p>Extent of LLRZ zoning for coastal settlement generally</p>	<p>Oppose</p>	<p>The zoning for coastal settlements is inappropriate and doesn't reflect the plan's policies or good planning practice.</p> <p>Parts of coastal settlements are currently zoned LLRZ while the rest are zoned GRUZ. Not only is this inconsistent with the existing environment at the site, it doesn't reflect in the plan future growth.</p> <p>The plan will have a life span of at least ten years and the zoning should reflect that.</p> <p>It is also inconsistent with policy CE-P3 to "avoid sprawling or sporadic subdivision and development of the coastal environment area." By confining the zoning in the plan to a subsection of the existing settlements, any future development of the settlements will necessarily have to be by ad hoc consenting in the GRUZ zone. By having no future direction in the plan zoning, this will encourage sporadic development.</p>	<p>Extend zoning for coastal settlements to LLRZ and account for future growth.</p>
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APPENDIX A

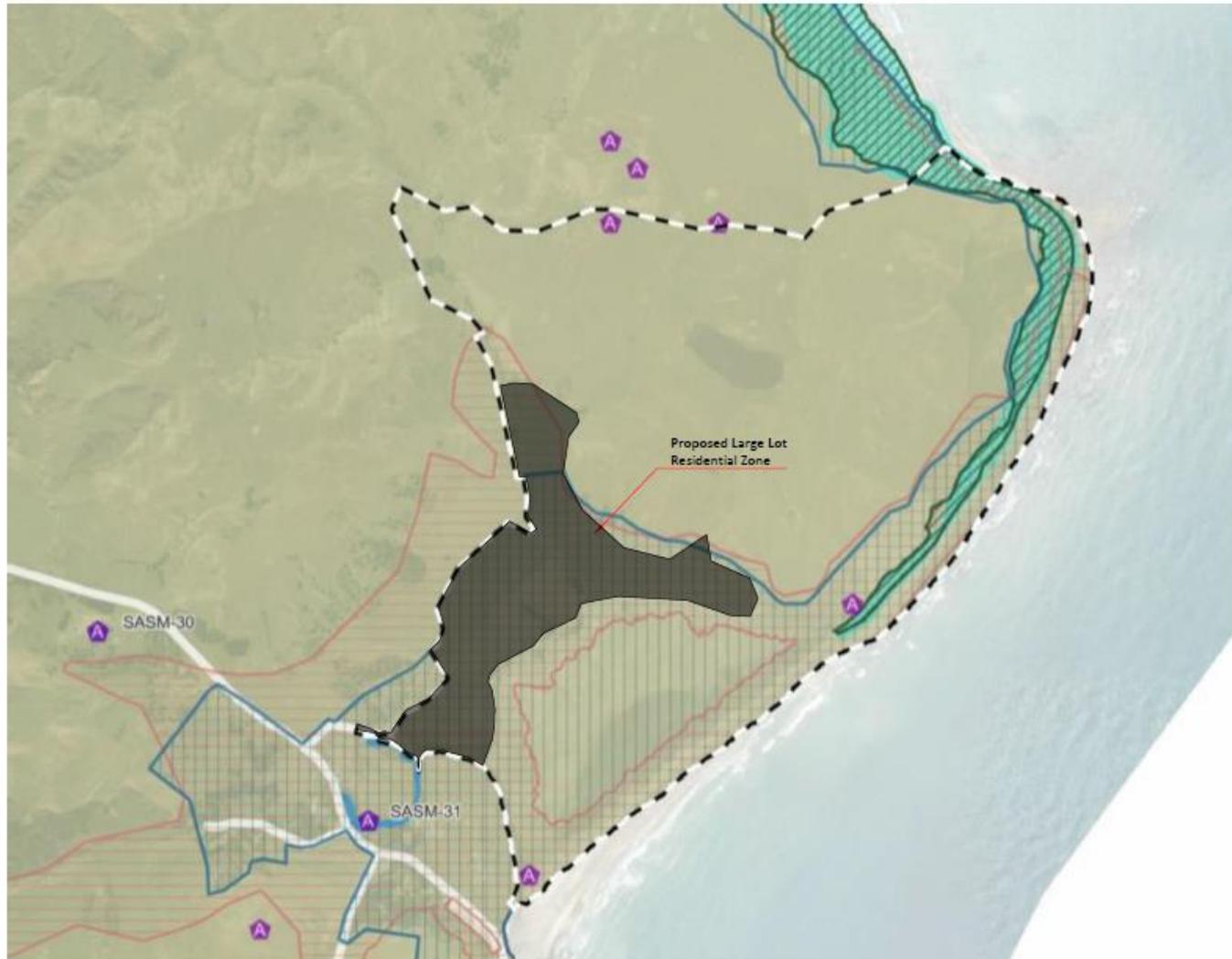


Figure 1: Indicative location of proposed Large Lot Residential Zone

As noted above, under the Zone Framework Standard of the National Planning Standards 2019, the zone matching the description in Table 13 of the standard must be used (unless the strict criteria in direction 3 are met). Accordingly, the descriptions of the various zones specified in the standard which may be relevant have been considered in the following table:

Option	Comment
<p>General rural zone</p> <p><i>Described in the National Planning Standards as:</i></p> <p><i>Areas used predominantly for primary production activities, including intensive indoor primary production. The zone may also be used for a range of activities that support primary production activities, including associated rural industry, and other activities that require a rural location.</i></p>	<p>Under the Operative District Plan there is no distinction between the general rural areas and rural lifestyle areas, with large lot residential development provided for throughout the rural zone. Under the Proposed District Plan specific zones for different land uses within the current Rural Zone are proposed. A large part of the land area identified as ‘Proposed Large Lot Residential Zone’ in Figure 1 above is intended to be developed and used primarily for residential activities. The land is not intended to be used predominantly for primary production activities, and although the land will be used for an activity that is acknowledged as being complimentary to the anticipated activities within this zone, the future use of this area of land does not meet the description of the General rural zone.</p>
<p>Rural lifestyle zone</p> <p><i>Described in the National Planning Standards as:</i></p> <p><i>Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur.</i></p>	<p>The introduction of a rural lifestyle zone in this location has been considered, and while this zoning would be more appropriate having regard to the consented and intended use of this land, the small site sizes proposed (and in part approved) do not lend themselves to primary production activities.</p>

<p>Settlement zone</p> <p><i>Described in the National Planning Standards as:</i></p> <p><i>Areas used predominantly for a cluster of residential, commercial, light industrial and/or community activities that are located in rural areas or coastal environments.</i></p>	<p>The consented and intended future development and use of this land would meet the description of the Settlement Zone under the National Planning Standards, however the Proposed District Plan has determined that the areas to which this zone should be applied contain a mixture of social, recreational and retail services. The settlement zone has accordingly not been applied to the Pourerere community, which lacks retail services. It is therefore not considered to be the appropriate zoning for the subject land area.</p>
<p>Large lot residential zone</p> <p><i>Described in the National Planning Standards as:</i></p> <p><i>Areas used predominantly for residential activities and buildings such as detached houses on lots larger than those of the Low density residential and General residential zones, and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development.</i></p>	<p>The size and intended use of the consented and proposed future development on this land is consistent with the description of the large lot residential zone within the National Planning Standards. The Proposed District Plan provides for a large lot residential zone encompassing a small portion of the established residential development within Pourerere. Providing for additional land within the Large Lot Residential Zone within the wider Pourerere settlement area will give effect to Policy CE-P4 of the Proposed District Plan, and ensure that future growth in this area is able to be directed to an appropriate location, providing for clustered large lot residential development that will minimise the effects on the surrounding rural and coastal environments.</p>