

### Relevant Proposed Central Hawke’s Bay District Council General Rural Zone Subdivision Rules

Rule Ref & Title	Rule Content	Comment
<p><b><i>SUB-R1 Subdivision not otherwise provided for – All Zones</i></b></p>	<p>Controlled Activity where the following conditions are met:</p> <ul style="list-style-type: none"> <li>a. Compliance with SUB-S1 (Minimum Net Site Area (excluding Lifestyles Sites) – General Rural Zone 20ha).</li> <li>b. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following: i Historic Heritage -SCHED2, ii Sites of Significance to Māori-SCHED3, iii Schedule of Significant Natural Areas-SCHED5, iv Outstanding Natural Landscapes or Outstanding Natural Features within SHED6, Schedule of Areas of High Natural Character in Coastal Environment SHED7.</li> <li>c. Compliance with the other relevant standards S4 – S9 (building platforms, water supply, wastewater disposal, stormwater disposal, property access, and road widening).</li> <li>d. Compliance with National Grid Subdivision Corridor and Gas Transmission Network standards.</li> <li>e. The land being subdivided is not located within a Natural hazard area identified on the Planning Maps.</li> <li>f. (only relevant to Waipukurau South Precinct – residential).</li> </ul>	<p>The subject site and other coastal titles owned by Mangakuri Station would be expected to comply with the rule standards except for e. due to the presence of the Tsunami Hazard (Near Source Inundation Extent) on the lower lying coastal margin of these titles. It is also possible that c. may not be able to be met if vehicle sightline distances at accessways cannot be achieved for example.</p> <p>Rule SUB-R1(2) requires Restricted Discretionary Activity resource consent where (c) and (e) cannot be complied with as follows:</p> <p><b><i>2. Activity status where compliance with conditions SUB-R1(1)(c) and/or SUB-R1(1)(e) is not achieved: RDIS</i></b></p> <p><b><i>3. Activity status where compliance with condition SUB-R1(1)(b) is not achieved: RDIS</i></b></p> <p><b><i>4. Activity status where compliance with conditions SUB-R1(1)(a) and/or SUB-R1(1)(f) is not achieved: DIS</i></b></p>
<p><b><i>SUB-R5 Subdivision to create a Lifestyle Site(s) (not in association with</i></b></p>	<p>Controlled Activity where the following conditions are met:</p> <ul style="list-style-type: none"> <li>a. Limited to: i only one lifestyle site can be created, ii can only be subdivided a minimum of 3 years after the subject title was</li> </ul>	<p>Rule SUB-R5(2) requires Restricted Discretionary Activity resource consent</p>

<p><b><i>the creation of a Conservation Lot</i></b></p> <p>- (1) General Rural Zone (outside of the Coastal Environment Area)</p>	<p>created, and then once every 3 years after that, iii the minimum site area for the balance lot is 20ha.</p> <p>b. Compliance with SUB-S2 (Minimum net site area for lifestyle lot of 2,500m<sup>2</sup>, maximum net site area for lifestyle lot of 2.5ha).</p> <p>c. The land being subdivided does not contain any part (or all) of the sites or areas identified in the following: i Historic Heritage -SCHED2, ii Sites of Significance to Māori-SCHED3, iii Schedule of Significant Natural Areas-SCHED5, iv Outstanding Natural Landscapes or Outstanding Natural Features within SHED6, Schedule of Areas of High Natural Character in Coastal Environment SHED7.</p> <p>d. Compliance with the other relevant standards S4 – S9 (building platforms, water supply, wastewater disposal, stormwater disposal, property access, and road widening.</p> <p>e. Compliance with National Grid Subdivision Corridor and Gas Transmission Network standards.</p> <p>f. The land being subdivided is not located within a Natural hazard area identified on the Planning Maps.</p>	<p>where (c), (d) and (f) cannot be complied with as follows:</p> <p><b><i>2. Activity status where compliance with conditions SUB-R5(1)(d) and/or SUB-R5(1)(f) is not achieved: RDIS</i></b></p> <p><b><i>3. Activity status where compliance with condition SUB-R5(1)(c) is not achieved: RDIS</i></b></p> <p>Discretionary Activity status applies where (a) or (b) are not met:</p> <p><b><i>4. Activity status where compliance with conditions SUB-R5(1)(a) and/or SUB-R5(1)(b) is not achieved: DIS</i></b></p>
<p>- (10) General Rural Zone (Coastal Environment Area)</p>	<p>Discretionary Activity where the following conditions are met:</p> <p>a. Compliance with National Grid Subdivision Corridor and Gas Transmission Network standards.</p>	<p><b><i>11. Activity status where compliance with condition SUB-R5(10)(a) is not achieved: NC</i></b></p> <p>This rule means that any lifestyle site created in the General Rural Zone and within the Coastal Environment is a Discretionary Activity regardless of whether it complies with SUB-R5(1).</p>

Given the above rule structure a complying 20ha subdivision within the General Rural Zone would be a Controlled Activity under Rule SUB-R1 regardless of whether the site being subdivided was located in the Coastal Environment. Any such subdivision in the General Rural Zone near Mangakuri would however fall to be considered as a Restricted Discretionary Activity due to the mapped extent of the

Tsunami Hazard (Near Source Inundation Extent) extending along the coastal strip, meaning that condition e would not be met, therefore triggering rule SUB-R1(2) as a Restricted Discretionary Activity.

A complying subdivision to create a lifestyle site would be a controlled activity under SUB-R5(1) provided that the lifestyle site was not located within the Coastal Environment Area or any of the overlays listed in the rule conditions. It would fall to be a discretionary activity under SUB-R5(10) if the lifestyle site was in the Coastal Environment Area.

It is less clear whether the balance area being in the Coastal Environment from which a lifestyle lot is created, would trigger Discretionary Activity resource consent under SUB-R5(10), if the lifestyle site itself was outside the Coastal Environment. As per Mr Lawson’s explanation with his legal submissions, Rule SUB-R5(1) relates to the creation of lifestyle sites in the General Rural Zone, so if the lifestyle site itself is clear of the Coastal Environment it should not be subject to Rule SUB-R5(10), as it is the effect of lifestyle subdivision in the Coastal Environment that the PDP is seeking to manage.

It is clear under the Hasting District Plan that the equivalent Discretionary Activity Coastal Environment Rural Lifestyle Site Subdivision rule only applies where all or part of the lifestyle site being created is within the coastal environment resulting in an increase in potential development rights within that environment. The following snip is from the on-line version of that plan:

<p style="text-align: center;"><b>SLD20</b></p>	<p><b>Rural Lifestyle sites in ONFL5, ONFL6, SAL6, SAL7, SAL8 and/or the Coastal Environment Subdivisions of lifestyle sites</b> (that is, subdivisions in accordance with standard 30.1.6B) in the Rural SMA/Zone, where located on land comprising ONFL5, ONFL6, SAL6, SAL7 or SAL8 (refer Appendices 43 and 44) and subdivision in the Rural or Nature Preservation Zone where: all or part of a site is located within the coastal environment (as shown on the Hastings District Planning Maps) and where that subdivision creates any additional development rights on that part of the site located within the coastal environment (as shown indicatively in Appendix 67), and which comply with all the relevant Subdivision Site and General Site Performance Standards and Terms specified in 30.1.6 and 30.1.7.</p>	<p style="text-align: center;">D</p>
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The alternative interpretation of the CHB PDP is that a balance lot is part of the subdivision and therefore if part of the balance lot is in the Coastal Environment then Rule SUB-R5(10) is triggered, even if the lifestyle site is located outside of the Coastal Environment.